CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER

VOLUME: 40

ISSUES: 127-136
pages 27637-29794

DATE: July 1-15, 1975
Reel 12 of 23

NOTICE: This periodical may be copyrighted, in which case the contents remain the property of the copyright owner. The microfilm edition is reproduced by agreement with the publisher. Duplication or resale without permission is prohibited.

University Microfilms International, Ann Arbor, Mich.

MICROFILMED – 1976

VOL 40

INDEX

federal register

index

July 1975

Volume 40—Numbers 127-148

Pages 27637-32303

XUM

This INDEX is a consolidation of contents entries appearing in this month's issues of the FEDERAL REGISTER. It is published monthly, quarterly, and annually.

A GENERAL INDEX to the entire Code of Federal Regulations is available as of July 1 each year.

Numerical Finding Aids. CUMULATIVE LIST OF CFR SECTIONS AFFECTED is published monthly and is cumulated each month, keyed to the revision dates of the various CFR volumes. A List of CFR Parts Affected by entries in this INDEX appears at the end of this INDEX, together with a table of FEDERAL REGISTER pages and dates.

All FEDERAL REGISTER publications are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Wash. D.C. 20402.

Users and subscribers are invited to send their comments and suggestions to the Director, Office of the Federal Register, National Archives and Records Service, Wash. D.C. 20408. Inquiries may be made to area code 202–523–5227.

TABLE OF CONTENTS

Subjects	iii
Agency entries	1
List of CFR Parts Affected	25
Federal Register Pages and Dates	29

INDEX

The following is a general subject guide designed to lead users to agencies which published material during the period covered by this INDEX.

SUBJECTS	AGENCIES IN THIS INDEX
Accidents	Federal Railroad Administration. Mining Enforcement and Safety Administration. National Transportation Safety Board.
Additives	Food and Drug Administration.
Advertising	Alcohol, Tobacco and Firearms Bureau. Federal Trade Commission.
Aged	Aging, Federal Council on the. Social Security Administration.
Air Pollution. *See* Pollution.	
Aircraft, Air Carriers, Airports	Census Bureau. Civil Aeronautics Board. Customs Service. Federal Aviation Administration. National Transportation Safety Board.
Alcohol	Alcohol, Drug Abuse, and Mental Health Administration. Alcohol, Tobacco, and Firearms Bureau. Public Health Service. Special Action Office for Drug Abuse Prevention. Transportation Department.
Aliens	Immigration and Naturalization Service.
Animals	Agricultural Marketing Service. Animal and Plant Health Inspection Service. Commerce Department. Fish and Wildlife Service. Food and Drug Administration. National Oceanic and Atmospheric Administration. Presidential Executive Order. Small Business Administration.
Armed Forces	Air Force Department. Arms Control and Disarmament Agency. Army Department. Civil Aeronautics Board. Defense Civil Preparedness Agency. Defense Department. Defense Manpower Commission. Federal Maritime Commission. Navy Department.
Banks, Banking	Administrative Conference of the United States. Comptroller of the Currency. Export-Import Bank. Farmers Home Administration. Federal Deposit Insurance Corporation. Federal Home Loan Bank Board. Federal Reserve System. National Credit Union Administration.
Biological Products	Animal and Plant Health Inspection Service. Food and Drug Administration.
Birds	Agriculture Department. Animal and Plant Health Inspection Service. Fish and Wildlife Service.
Blind	Committee for Purchase from the Blind and Other Severely Handicapped. Social Security Administration.

XUM

SUBJECTS	AGENCIES IN THIS INDEX
Boats, Boating. *See* Vessels.	
Bridges	Coast Guard. Federal Highway Administration.
Broadcasting. *See* Communications.	
Children, Child Protection	Child Support Enforcement Office. Consumer Product Safety Commission. Education Office. Federal Trade Commission. Food and Nutrition Service. Forest Service. National Advisory Council on the Education of Disadvantaged Children. Social and Rehabilitation Service. Social Security Administration. Wage and Hour Division.
Civil Rights	Administrative Conference of the United States. American Revolution Bicentennial Administration. Civil Rights Commission. Farmers Home Administration. Federal Communications Commission. Federal Contract Compliance Office. Federal Highway Administration. Health, Education, and Welfare Department. Treasury Department.
Coal	Federal Energy Administration. Interim Compliance Panel (Coal Mine Health and Safety).
Communications	Federal Communications Commission. Federal Trade Commission. Rural Electrification Administration.
Construction Industry	Employment Standards Administration. Federal Contract Compliance Office.
Consumers	Consumer Product Safety Commission. Federal Trade Commission. National Highway Traffic Safety Administration.
Continental Shelf	Geological Survey. Land Management Bureau.
Cosmetics	Food and Drug Administration.
Crime	Commission on the Review of the National Policy Toward Gambling. Law Enforcement Assistance Administration.
Dairy Products	Agricultural Marketing Service. Agriculture Department. Food and Nutrition Service.
Disaster Assistance	Farmers Home Administration. Federal Disaster Assistance Administration. Federal Insurance Administration. Small Business Administration.
Diseases	Animal and Plant Health Inspection Service.
Drugs	Animal and Plant Health Inspection Service. Drug Enforcement Administration. Food and Drug Administration. Health, Education, and Welfare Department. Health Services Administration. Public Health Service. Special Action Office for Drug Abuse Prevention.
Education	Education Office. Food and Nutrition Service. General Services Administration. Health Resources Administration. Manpower Administration. National Advisory Council on the Education of Disadvantaged Children. Public Health Service. State Department. Veterans Administration. Wage and Hour Division.

SUBJECTS	AGENCIES IN THIS INDEX
Elections	Federal Communications Commission. Federal Election Commission.
Endangered Species	Fish and Wildlife Service.
Energy	*See also* Coal; Gas; Nuclear Materials; Oil. Energy Research and Development Administration. Federal Energy Administration. Federal Power Commission. Nuclear Regulatory Commission. Rural Electrification Administration.
Energy Conservation	Commerce Department. Community Services Administration. Education Office. General Services Administration. Interstate Commerce Commission.
Explosives. *See* Hazardous Substances.	
Exports. *See* Imports and Exports.	
Federal Employees. *See* Government Employees.	
Fire Protection	Consumer Product Safety Commission.
Firearms and Ammunition	Alcohol, Tobacco, and Firearms Bureau.
Fish, Fishing	Fish and Wildlife Service. Food and Drug Administration. National Oceanic and Atmospheric Administration.
Flood Assistance	Federal Deposit Insurance Corporation. Federal Insurance Administration.
Foreign Aid	Agency for International Development.
Foreign Trade. *See* Imports and Exports.	
Forests	Forest Service.
Fruits and Juices	Agricultural Marketing Service. Food and Drug Administration.
Fuel. *See* Coal; Gas; Oil.	
Gas	Federal Energy Administration. Federal Power Commission. Fish and Wildlife Service. Geological Survey. Land Management Bureau.
Geothermal Resources	Geological Survey.
Gold	Treasury Department.
Government Employees	Civil Service Commission. General Services Administration.
Grains	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation. Interstate Commerce Commission.
Grazing Regulations	Forest Service. Indian Affairs Bureau. Land Management Bureau.
Guns. *See* Firearms and Ammunition.	
Handicapped	Committee for Purchase from the Blind and Other Severely Handicapped. Education Office. Social Security Administration.
Hazardous Substances	Federal Highway Administration. Federal Railroad Administration. Materials Transportation Bureau. Occupational Safety and Health Administration. Transportation Department.
Health	Animal and Plant Health Inspection Service. Disease Control Center. Economic Development Administration. Federal Aviation Administration. Federal Highway Administration. Health, Education, and Welfare Department. Health Resources Administration. Health Services Administration.

INDEX

SUBJECTS	AGENCIES IN THIS INDEX
Health—Continued	
Highways	Federal Highway Administration. National Highway Traffic Safety Administration.
Historic Preservation	Advisory Council on Historic Preservation. General Services Administration. National Park Service.
Hospitals. *See* Health.	
Housing	Agency for International Development. Engineers Corps. Farmers Home Administration. Federal Home Loan Bank Board. Housing and Urban Development Department.
Hunting	Fish and Wildlife Service.
Imports and Exports	Agricultural Marketing Service. Agriculture Department. Animal and Plant Health Inspection Service. Census Bureau. Commerce Department. Customs Service. Domestic and International Business Administration. Drug Enforcement Administration. East-West Foreign Trade Board. Export-Import Bank. Federal Aviation Administration. Federal Energy Administration. Federal Maritime Commission. Interior Department. International Trade Commission. Treasury Department.
Indians	Education Office. Health, Education, and Welfare Department. Indian Affairs Bureau. Revenue Sharing Office.
Insurance	Federal Highway Administration. Federal Home Loan Bank Board. Federal Insurance Administration. Fiscal Service. Internal Revenue Service. Maritime Administration. National Credit Union Administration. Securities and Exchange Commission. Social Security Administration.
Meat and Products	Agriculture Department. Animal and Plant Health Inspection Service.
Medical Care. *See* Health.	
Minerals, Mining	Interim Compliance Panel (Coal Mine Health and Safety). Mines Bureau. Mining Enforcement and Safety Administration.
Motor Vehicles	Community Services Administration. Environmental Protection Agency. Federal Highway Administration. General Services Administration. Interior Department. Interstate Commerce Commission. National Highway Traffic Safety Administration. Urban Mass Transportation Administration.
Noise Pollution. *See* Pollution.	
Nondiscrimination. *See* Civil Rights.	
Nuclear Materials	Energy Research and Development Administration. Food and Drug Administration. Nuclear Regulatory Commission.

SUBJECTS	AGENCIES IN THIS INDEX
Nuts	Agricultural Marketing Service. Commodity Credit Corporation.
Oil	Domestic and International Business Administration. Environmental Protection Agency. Federal Energy Administration. Fish and Wildlife Service. Geological Survey. Land Management Bureau. Small Business Administration.
Parks	National Park Service.
Pension Plans	Employee Benefits Security Office. Internal Revenue Service. Parole Board. Pension Benefit Guaranty Corporation. Veterans Administration.
Pesticides	Environmental Protection Agency.
Plants	Agricultural Stabilization and Conservation Service. Commodity Credit Corporation.
Pollution	Administrative Conference of the United States. Environmental Protection Agency. Environmental Quality Council. Federal Aviation Administration. Federal Maritime Commission. Federal Power Commission. Fish and Wildlife Service.
Privacy	Federal Maritime Commission. Management and Budget Office. National Science Foundation. National Transportation Safety Board. Postal Rate Commission. Postal Service. Public Health Service. Special Action Office for Drug Abuse Prevention.
Procurement, Federal	General Services Administration.
Railroads	Federal Highway Administration. Federal Railroad Administration. Interstate Commerce Commission.
Recreation	Community Services Administration. Economic Development Administration. Federal Communications Commission. Fish and Wildlife Service. National Park Service. Reclamation Bureau.
Safety	Coast Guard. Consumer Product Safety Commission. Disease Control Center. Federal Aviation Administration. Federal Highway Administration. Federal Railroad Administration. Federal Trade Commission. Food and Drug Administration. Interim Compliance Panel (Coal Mine Health and Safety). Mining Enforcement and Safety Administration. National Highway Traffic Safety Administration. National Transportation Safety Board. Occupational Safety and Health Administration. Public Health Service.
Social Programs	ACTION. Community Services Administration. Economic Opportunity Office. Food and Nutrition Service. Health, Education, and Welfare Department. Labor Department. Social and Rehabilitation Service. Social Security Administration.

INDEX

SUBJECTS	AGENCIES IN THIS INDEX
Surplus Property and Commodities	Commodity Credit Corporation. Commodity Futures Trading Commission. International Trade Commission.
Telecommunications. *See* Communications.	
Textiles	Committee for the Implementation of Textile Agreements.
Tobacco and Products	Agricultural Marketing Service. Commodity Credit Corporation.
Unemployment	Economic Development Administration. Labor Department. Manpower Administration.
Vegetables and Juices	Agricultural Marketing Service. Commodity Credit Corporation. Food and Drug Administration.
Vessels	Coast Guard. Engineers Corps. Federal Maritime Commission. Interstate Commerce Commission. Maritime Administration. National Oceanic and Atmospheric Administration. Panama Canal.
Veterans	Civil Service Commission. Veterans Administration.
Viruses, Vaccines. *See* Biological Products.	
Vocational Rehabilitation and Education	Economic Development Administration. Education Office. Veterans Administration.
Water Pollution. *See* Pollution.	
Water Quality	Environmental Protection Agency.
Water Resources	Engineers Corps. Interior Department. Water Resources Council.
Waterways	Coast Guard. Engineers Corps. International Boundary and Water Commission, United States and Mexico. Panama Canal.
Welfare. *See* Social Programs.	

THE PRESIDENT

See also Executive Office of the President.

EXECUTIVE ORDERS Page

Animals, predatory; restriction of use of poison on Federal lands (EO 11870) 30611
Executive Schedule, amending E.O.11861, placing certain positions in Levels IV and V (EO 11872) 30619
Legal Services Corporation; agency support functions; authority delegation to Office of Management and Budget; coordination (EO 11874) 31737
Olympic Sports, President's Commission on; membership increase (EO 11873) 30617
SCORE and ACE programs; transfer to Small Business Administration (EO 11871) 30615, 30915

MEMORANDUMS

Ecuador; Foreign Military Sales Act waiver; ineligibility provisions (June 30, 1975) 31201
Ethiopia; foreign military sales credits (June 26, 1975) 31199
Kenya and Ethiopia; F-5 aircraft, furnishing (June 30, 1975) 31205
Korea and Jordan; sophisticated weapons systems, furnishing (June 30, 1975) 31203

PROCLAMATIONS

Captive Nations Week (Proc. 4381) 27637

SPECIAL MESSAGE TO CONGRESS

Budget recisions and deferrals 29000

EXECUTIVE AGENCIES

ACTION

Rules

Legal expenses, volunteer; payment 28799

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

See Federal Register Office.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Rules

Recommendations and statements; banking, nondiscrimination, etc 27925

Notices

Meetings:
Judicial Review Committee 31977
Rulemaking and Public Information Committee 30862

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notices

Meetings 30529, 30862

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules Page

Training program participants, nonmilitary; per diem payments 31754

Notices

Housing guaranty program; Chile, information for investors 31249
Meeting; Engineering, Architectural and Construction Industry Advisory Committee 28103

AGING, FEDERAL COUNCIL ON THE

Notices

Meeting; Economics of Aging Committee 28137

AGRICULTURAL MARKETING SERVICE

Rules

Expenses and rate of assessment:
Celery grown in Fla 29534
Cherries grown in Mich 31739
Nectarines grown in Calif 31592
Grade, size and maturity standards:
Avocados grown in Fla 28048, 29068, 29812, 30793, 30794
Peaches grown in Colo 31592
Peaches grown in Wash 30621
Pears, plums and peaches (fresh) grown in Calif 27930, 28601
Nectarines grown in Calif 28462
Walnuts, imported 29262
Grain standards; retention of file samples 28785
Limitations of handling and shipments:
Apricots grown in Wash 30270
Cherries grown in Mich. et al 27931, 28602
Lemons grown in Ariz. and Calif 28461, 29261, 30269, 31228
Limes grown in Fla 28462, 29262, 30270, 31228
Oranges (Valencia) grown in Ariz. and Calif 28460, 29068, 30091, 30928, 32109
Pears, plums and peaces (fresh) grown in Calif 32110
Potatoes (Irish) grown in Idaho 30271
Potatoes (Irish) grown in Wash 32111
Prunes (fresh) grown in Wash. and Oreg 30929
Raisins grown in Calif.; container and pack requirements 31740
Raisins produced from grapes grown in Calif 31739
Milk marketing orders:
Central Arizona 27642, 30087, 31233
Chicago area 31229, 32113
Georgia region, et al 31041
Greater Kansas City 27648
Ohio Valley 30087, 30794
Tobacco (flue-cured); inspection and price support services; allocation of 30917, 31591

Proposed Rules Page

Expenses and rate of assessment:
Cherries grown in certain States 29553
Cherries (sweet), grown in Wash 29881
Nectarines grown in Calif 28090
Onions grown in Idaho and Oreg 30277
Onions, imported 28091
Orange juice 31607
Pears grown in Oreg., Wash., and Calif 31244
Pears, plums, and peaches, fresh, grown in Calif 29881
Potatoes (Irish), grown in Calif. and Oreg 32129
Potatoes (Irish) grown in Colo 30840, 30977
Prunes (fresh) grown in Wash. and Oreg 30662
Raisins (seedless) produced from grapes grown in Calif 27691
Limitations of handling and shipping:
Avocados grown in So. Fla 28090
Filberts grown in Oreg. and Wash 30277
Limes and advocados grown in Fla 28614
Olives grown in Calif 30275
Onions grown in Idaho and Oreg 28091
Pears, plums and peaches, (fresh) grown in Calif 29087
Potatoes (Irish) grown in Colo 30276
Potatoes (Irish) grown in Calif. and Oreg 29726
Potatoes (Irish) grown in Wash 29725, 29726
Raisins produced from grapes grown in Calif 27691
Tobacco, cigar-leaf 62, Fla. and Ga 28092, 28093
Milk marketing orders:
Chicago region 29296
Georgia and other areas 30119
Louisville-Lexington-Evansville area 28465, 30662
Nashville, Tenn 32130
Paducah area 28807
Southern Illinois and St. Louis-Ozarks areas 28618
Tobacco inspection; fees and charges 29880

Notices

Grade standards; rice; interpretive line sample 31249
Grain standards; inspection points; Oklahoma 29739
Meetings:
Raisin Advisory Board 30730
Organization, functions, and delegations of authority; deputy administrator, program operations 29559
Peanut Administrative Committee, 1975 crop year, expenses and rate of assessment 29102
Peanuts; 1975 crop; quality regulations 29739

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules Page

Appeals, reconsideration and special handling requests 27641
Beekeepers; indemnity payment program 29067
Marketing quotas and acreage allotments; cotton (upland) 28601

Proposed Rules

Feed grain; allotment and set-aside programs, 1976; inquiry 28093
Marketing quotas and acreage allotments:
Cotton; 1976 crop, joint with Commodity Credit Corporation 30283
Cotton, extra long staple; 1976 crop 30275
Cotton, upland; 1976 crop 30274
Farms and allotments; reconstitution 31609
Wheat Set-Aside Program, 1976; inquiry 28093

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Cooperative State Research Service.
Farmers Home Administration.
Food and Nutrition Service.
Forest Service.
Packers and Stockyards Administration.
Rural Electrification Administration.
Soil Conservation Service.

Rules

Authority delegations by Secretary and General Officers:
Assistant Secretary for Administration, and Director, Office of Personnel; violations of merit system 31941
Contract Appeals; board of organization and functions 32109
Import quotas and fees; Canadian cheese; licensing 29261
Meat import restrictions, Australia and New Zealand products 31227

Notices

Committees; establishment, etc.:
Condor Advisory Committee 30730
Poultry Health Advisory Committee 30856
Labeling with combinations of standardized names prohibited 30994
Meat import limitations; third quarterly estimate 29554

AIR FORCE DEPARTMENT

Notices

Meetings; Scientific Advisory Board 29558, 31249, 31641

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

Notices Page

Advisory committees:
Annual reports, filing 29113
Renewals 31651

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules

Liquor dealers; interest on unpaid tax, rate increase 30113

Proposed Rules

Distilled spirits; metric fill standards 29866, 30971
Liquor dealers; special tax return procedures 31957
Wine labeling and advertising; bottles per shipping case 32129
Wines, domestic and imported; definitions, appellation of origin and viticultural area 30117

Notices

Firearms; granting of relief 28646, 31640
Meeting; Distilled Spirits Plant Supervision, Advisory Committee on 27956

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Rules

Nondiscrimination in employment 29536
Symbol for American Revolution Bicentennial, logo 29539

Notices

Committee establishment; Bicentennial Ethnic and Racial Advisory Committee 28115
Meetings:
American Revolution Bicentennial Advisory Council 28115, 30521
Racial, Ethnic and Native American Participation in Bicentennial, advisory committee on 30862

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal breeds, Charolais cattle; recognition of breeds and books of record 32114
Animal imports, discontinuance of inspection and quarantine at certain Canadian border ports in Me. and Vt 31740
Livestock and poultry disease control:
Swine destroyed because of Hog Cholera; payment of expenses 30098
Livestock and poultry quarantine:
Exotic Newcastle disease and psittacosis or ornithosis in poultry 31925
Hog cholera and other communicable swine diseases 29701, 32113
Screwworms 27642
Texas (splenetic) fever in cattle 31593
Overtime services relating to imports and exports; commuted traveltime allowances 27643, 30621
Poultry products inspection, mandatory, designated States:
New York 29549
Viruses, serums, toxins, and analogous products:
Feline panleukopenia; label requirements 30802, 31593
Salmonella Typhimurium and Pasteurellu Multoida bacterin; potency tests 30802
Wart vaccine; prophylactic recommendation limits 30802

Proposed Rules

Livestock and poultry quarantine:
Importation; quarantine facilities for poultry, birds, egg hatching 28807, 29728
Poultry products inspection:
Undenatured poultry, transportation 31616
Viruses, serums, toxins, and analogous products:
Packaging and labeling, production requirements, etc 28621
Tetanus toxoid 30126

Notices

Environmental statements:
Fleming Animal Import Center, Fla 28111
Soil samples; list of approved laboratories 31967

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and consent judgments, U.S. versus listed companies:
American Technical Industries, Inc 29900
Chicago-New York News Syndicate, Inc., et al 31882
Copper Development Association Inc 28818
Manufacturers Aircraft Association et al 30848
Orange County Travel Agents Association 32144

ARMS CONTROL AND DISARMAMENT AGENCY

Notices

Meeting: General Advisory Committee on Arms Control and Disarmament 29115

ARMY DEPARTMENT

See Engineers Corps.

Rules

Relocation assistance, uniform, and real property acquisition policies 27936

Notices

Committee establishment, etc.; Command and General Staff College Advisory Committee 32144
Meeting; Scientific Advisory Group 31965

BONNEVILLE POWER ADMINISTRATION

Notices

Environmental statements; Pacific Northwest Power Supply System 31641

CENSUS BUREAU

Rules Page

Foreign trade statistics; exemptions, aircraft parts and supplies; shipment for use of aircraft of U.S. registry 32116

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CHILD SUPPORT ENFORCEMENT OFFICE

See Social and Rehabilitation Service.

Rules

Child support enforcement program:
Effective date postponement 31767
State plan requirements; correction 29723

CIVIL AERONAUTICS BOARD

Rules

Air freight forwarders, international air freight forwarders, and cooperative shippers associations; consolidation of regulations 28079, 30634
Air freight forwarders, international; classification and exemption; repeal of part 28087
Foreign air carriers:
Applications for permits; Canadian charter services operators 28077
Civil charters reporting data; small aircraft from Canada 28078
Military transportation; exemption of air carriers; reasonable level of compensation, etc 28078, 28450
Policy statements; Canadian transborder operations in small aircraft; foreign air carrier permits issuance 28087
Suitability for employment; disqualification and dismissal 28047

Proposed Rules

Accounts and reports for certificated air carriers; schedule of seating configuration standards, available seat-miles 30497
Air fares and restrictions by carriers; dissemination of statements on availability; inquiry, etc 28489, 30128
Privacy Act; implementation 30283

Notices

Committee establishment, etc.; Procedural Reforms Advisory Committee 31252
Hearings, etc.:
Aeroamerica, Inc., et al 28846
Aeroperu 28846, 30150
Allegheny Airlines, Inc. 28511, 28847, 30307
American Airlines, Inc., et al 27712, 28660
American-Pan American route exchange agreement 28659, 28660
Aviacion Y Comercio, S. A 27713, 29562
Baltimore-Norfolk service case 30150
Behring International, Inc 28116
Boston-Atlanta nonstop service case, et al 28512, 30150
Chicago-New Orleans nonstop route 27713
Continental Air Lines, Inc., et al 27713, 29116
Fare investigations; domestic common 30521
Frontier Airlines, Inc 29117, 29327, 30151
Hawaiian Airlines, Inc 30307
Hilo, Hawaii, Service case 28660
International Air Transport Association 29117, 29331, 29332, 30151, 30734, 30735, 31023, 31829, 32154
Kodiak-Western Alaska renewal proceeding 28661
Korean Air Lines Co., Ltd 30307
Local service class subsidy rate 30306, 31926
Mail rates; priority and nonpriority domestic service 28117, 28848, 31254
Maryland Department of Transportation 30307
Midwest-Atlanta competitive service case 32155
National Airlines, Inc 29332
Nigeria Airways, Ltd 28117, 29562, 32155
Overseas National Airways, Inc., et al 31830
Pakistan International Airlines Corp 28848, 29752
Pan American World Airways, Inc., et al 29118, 30152, 31252, 31253
Reservations overbooking practices; investigation 30150
Saturn Airways, Inc 28116
Servicio Aero De Honduras, S.A 31977
Societa Aerea Mediterranea Sam S. p. A 27714, 29119, 31977
South Pacific service case 28848
Spantax, S. A 27714, 29562
Sullivan County, N.Y. service 28118
Texas International Airlines, Inc 29319, 30154, 31026, 31977
Tourist Enterprises Corp. et al 29332, 31254
Transportes Aereos Nacionales, S.A 31977
Western Air Lines, Inc 29331
World Airlines, Inc 28661

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Colorado 30309
Delaware 28848
Maryland 30309
Michigan 30309
New Jersey 29919, 29920
New Mexico 30309
Pennsylvania 28848
West Virginia 28848

CIVIL SERVICE COMMISSION

Rules Page

Excepted service:
ACTION 27639
Arms Control and Disarmament Agency 28445
Commerce Department 28047, 29811, 31591
Commodity Futures Trading Commission 28047, 29067, 30086, 30269
Consumer Product Safety Commission 29812
Defense Department 28445, 29067
Equal Employment Opportunity Commission 29067, 30086
Export-Import Bank of United States 31925
Federal Energy Administration 27640
Federal Maritime Commission 30086
General Services Administration 28806, 31591
Health, Education and Welfare Department 27929
Housing and Urban Development Department 29812
Justice Department 27929
Labor Department 28445
Regional commissions (public works and economic development) 29067
Renegotiation Board 29067
State Department 28445, 32109
Temporary boards and commissions 28047, 30086
Pay administration:
City income or employment taxes, voluntary withholding 31207
Fair Labor Standards Act; exemptions 27640
Veterans, Vietnam era, readjustment appointments; eligibility 28445

Notices

Meetings; Federal Employees Pay Council 29920, 31254
Noncareer executive assignments:
Agriculture Department 27714, 29119
Commerce Department 27962
Community Services Administration 27962
Defense Department 27714
Export-Import Bank of United States 31977
Federal Energy Administration 27715
General Services Administration 29120
Health, Education, and Welfare Department 27714
Housing and Urban Development Department 31254
Interior Department 29119, 29120
Justice Department 27714, 27715, 29120
Management and Budget Office 27715, 29120
Transportation Department 27715
Voluntary Health and Welfare Agencies; manual on fund-raising within Federal Service 28119

COAST GUARD

Rules Page

Anchorage grounds; Los Angeles and Long Beach Harbors, Calif. 30640
Drawbridge operation; Connecticut 31938
Investigations and hearings, proceedings; testimony of Coast Guard witnesses in litigation between private parties; deletion of section 31604
Marine inspection zones and captain of port areas; Seventeenth Coast Guard District 28451
Merchant marine officers and seamen, licensing; operator of uninspected towing vessels 30965
Security zones:
Chester, Pa. 27939
Governors Island, N.Y. 30641, 31652
New London Harbor, Conn. 30961

Notices

Environmental statement; Seneca County, N.Y.; LORAN-C transmitting station 30733
Equipment, construction, and materials; approval and termination 30730, 30731
Marine sanitation devices; certification 31130
Navigation area, Mississippi River in area of Port of New Orleans; mooring barges 29114
Security zone termination; Governors Island, N.Y. 31652

COMMERCE DEPARTMENT

See Census Bureau.
Domestic and International Business Administration.
Economic Development Administration.
Maritime Administration.
National Bureau of Standards.
National Oceanic and Atmospheric Administration.
National Technical Information Service.
Social and Economic Statistics Administration.
Travel Service.

Notices

Appliance efficiency; voluntary program:
Air conditioners, room; extension of time 31649
Clothes dryers, electric 28832, 29749, 31649
Clothes dryers, gas 28839, 31649
Clothes washers 29103, 31649
Dishwashers 29106, 31649
Freezers; extension of time 31649
Ranges, electric 28835, 31649
Ranges, gas 29109, 29749, 31649
Refrigerators and combination refrigerator-freezers; extension of time 31649
Television receivers, color 28650, 31649
Television receivers, monochrome 28653, 31649
Water heaters, electric; extension of time 31649
Water heaters, gas; correction and extension of time 29112, 31649
Committees; establishment, renewals, etc.:
Coastal Zone Management Committee 31973
Fire Prevention and Control Site Selection Board, National Academy for 27711
Marine mammal species and population stocks, status; report implementing Marine Mammal Protection Act 30678
Organization and functions:
Administrative Services and Procurement Office 31649
Domestic and International Business Administration 31651
Maritime Administration 31824
Social and Economic Statistics Administration 31651
Watches and watch movements; allocation of quotas; Virgin Islands 30519

COMMISSION ON FINE ARTS

Proposed Rules

Freedom of information 30841

Notices

Meetings 28125

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARDS GAMBLING

Notices

Hearings 31026

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Cotton textiles:
Colombia 28122
India 29121
Korea, Republic of 28123
Macau 29120
Malaysia 30521
Man-made textiles:
Colombia 28122
Korea, Republic of 28123, 28124
Macau 29120
Malaysia 30521
Wool textiles:
Colombia 28122
Korea, Republic of 28123
Macau 29120
Malaysia 30521

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list, 1975; additions, deletions 28513, 29332, 31254, 31255

COMMODITY CREDIT CORPORATION

Rules

Freight bills; setoff; withholding, and stop payments, conditions under which action will not be taken 29069
Loan and purchase programs:
Corn 31946
Cotton 30092, 30795
Honey 30798
Naval stores; 1975 gum loan program 29813
Peanuts 28787
Rice 30466
Sorghum 31949
Tobacco 28603, 28788, 30794
Wheat 31952

Proposed Rules Page

Loan and purchase programs:
Cotton, 1976 crop 30283
Grains, etc.; feed grain and wheat 28094
Tobacco (flue cured); correction 27691

Notices

Cotton; 1974 crop loan; acquisition 29102
Monthly sales list for FY ending June 30, 1976 30510

COMMODITY FUTURES TRADING COMMISSION

Rules

Commodity Exchange Act regulations:
Contract market rules; enforcement 30107
Contract market rules; filing of copies, emergency circumstances; interim rules 29085
Registration of foreign associated persons; adoption of short form 30106
Reports by Futures Commission merchants, foreign brokers and foreign traders; large-trader reporting requirements 29795

Proposed Rules

Commodity Exchange Act regulations; definitions:
Commodity pool operator; persons not within definition 29091
Commodity trading advisor; persons not within definition 29090

Notices

Commodity Exchange Act interpretations:
Arbitration procedures for settlement of customers' claims and grievances; inquiry 29121
Disciplinary action information; confidentiality 30155
Registration of futures commission merchants, associated persons, etc.; standards for denial 28125
Unregistered associated persons; no-action position 30155

COMMUNITY SERVICES ADMINISTRATION

Rules

Community Action Program:
Energy conservation program, emergency 31602, 32124
Financial management, grantee; non-Federal share criteria 27665, 27667
Funding; standards for evaluating effectiveness of administered programs 28794
Personnel management, grantee; travel allowance:
Automobile, privately owned, mileage 29292
Per diem rates 30461
Poverty, income guidelines 28793
Summer Youth Recreation Programs; interim regulations 27661

COMPTROLLER OF THE CURRENCY

Rules Page

Office description, procedures, and public information forms and instructions, current list 30930
Security Exchange Act disclosure rules 30038

Proposed Rules

Capital structures, National banks; evaluation of debt issues; inquiry 29724

Notices

Authority delegation; First Deputy Comptroller of the Currency, et al; order of succession 30725
Insured banks, joint call for report on condition 28851

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Conduct standards; employee membership and participation in voluntary standards organization; corrections 27934, 29815
Flammable fabrics, children's sleepwear; sizes 0–6x and 7–14; labeling requirements 27932
Substantial product hazard; policy and procedures 30936

Proposed Rules

Information disclosure; Commission employee testimony in private litigation, policies and procedure 29092

Notices

Aerosol spray products; petitions 31026
Architectural glass; extension of time 30862
Bookmatches, standards publication; extension of time 28127
Glass containers for malt beverages; petition denial 32157
Meeting; Poison Prevention Packaging, Technical Advisory Committee 29920
Power lawn equipment; extension of standard development period 30863

COOPERATIVE STATE RESEARCH SERVICE

Notices

Organization, functions and availability of information 30854

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

CUSTOMS SERVICE

Rules

Administrative rulings; issuance to importers, et al 31928
Articles conditionally free:
Aircraft supplies for Iran 31752
Aircraft supplies for Morocco 31753
Gifts from Virgin Islands, Guam, American Samoa 31753
Customhouse brokers; application fee for license in additional districts 31753
Merchandise; general order, unclaimed and abandoned; disposition after expiration of bond 28790
Organization and functions; Investigations Office, foreign and field office realignment 27934
Ports of entry; Lubbock, Tex.; establishment, correction 27934
Trademarks, trade names, and copyrights; increase in customs fees 28790

Proposed Rules

Antidumping and petitions by American manufacturers, producers, and wholesalers 30825
Financial and accounting procedure; payment of bills and accounts; receipts 28807

Notices

Countervailing duty petitions:
Asparagus (processed) from Mexico 28106
Cast iron soil and pipe fittings from India 28103
Cheese from Switzerland 28104
Float glass from Belgium 28104
Float glass from Italy 28105
Footwear from Korea 28105
Footwear from Taiwan 28105
Steel plate, carbon and high strength, from Mexico 28103
Textile products from India 28104
Country of origin marking:
Goods produced in German Democratic Republic and East Berlin 30509
Semiconductor devices 31816
Toy tool sets, imported, within cases 31816
Customshouse cartman's license, Port of New York; Tempo Trucking & Transfer Corp.; revocation 30293
Foreign currencies; certification of rates 29557, 30846
Trade name recordation; application, Wembley Industries, Inc 29557

DEFENSE CIVIL PREPAREDNESS AGENCY

Rules

Financial contributions for civil defense purposes; procurement by States and subdivisions thereof; editorial changes 30114

DEFENSE DEPARTMENT

See *Air Force Department.*
Army Department.
Defense Civil Preparedness Agency.
Engineers Corps.
Navy Department.

Notices

Meetings:
Electron Devices Advisory Group 30848, 31965
High Energy Laser Review Group 28647, 28818
Science Board, task forces, etc. 27693, 29094, 30293, 31821
Wage Committee 29307

DEFENSE MANPOWER COMMISSION

Notices Page

Meetings 28513, 29336, 31257, 32157

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive Plan, sewage treatment plant projects; hearings 29122

DISEASE CONTROL CENTER

Notices

Committee renewals; Tuberculosis Control, and Venereal Disease Control Advisory Committees 31973
Meeting; Tuberculosis Control Advisory Committee 31973

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Export licensing; nuclear nonproliferation treaty provisions 31209

Notices

Adjustment assistance; certification of eligibility to apply for; petitions:
Federal Spinning Corp. 30675
Green Ball Bearing Co. 28501
Kirstein Leather Co. 29102
Export monitoring reports, nitrogenous fertilizer:
March 27709
April 29904
Export privileges, actions affecting:
Information Magnetics, Inc., et al 30297
Lorenz, Peter and Hans Jorgen Filter 29311
Pese, Gustav Dieter 29311
Robinson, Lincoln E. 29312
Meetings:
Exporters' Textile Advisory Committee 28650
Numerically Controlled Machine Tool Technical Advisory Committee 27711
Semiconductor Technical Advisory Committee 30518
Scientific articles; duty-free entry:
Agriculture Department 30514, 31020
College of Medicine and Dentistry of NNJ 28828
Desert Research Institute 28824
Duke University Medical Center 28829
Energy Research and Development Administration 28829
Geological Survey 28826, 30514
Grossmont District Hospital 31020
Health, Education, and Welfare Department 31021
IIT Research Institute 28824
Indiana University 30514
Louisiana State University Medical School 28829
Methodist Hospitals, et al 32149
Mississippi State University, et al 28824
National Radio Astronomy Observatory 28826
North Carolina State University 29102

INDEX

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION—Continued

Notices—Continued Page

Scientific articles; duty-free entry—Continued
- Ohio State University 30515
- State University College at Brockport 30515
- State University College at Potsdam 30516
- State University of New York, et al 30511, 31018
- Texas A & M University, et al 31021
- University of Alaska, et al 28830
- University of California, et al 28826, 30517, 32150
- University of Chicago—Argonne 30517
- University of New Mexico 28827
- University of Oregon Health Sciences Center 28831
- University of Oregon Medical School 28832
- University of Pennsylvania 32151
- University of Rochester 30517
- University of Southern California 30518
- University of Wisconsin, Madison 28828

DRUG ENFORCEMENT ADMINISTRATION

Rules

Schedule of controlled substances; mecloqualone and thiophene analog of phencyclidine; placement in Schedule I 28611

Proposed Rules

Schedule of controlled substances; poppy straw, importation, reports from manufacturers 30117

Notices

Applications, etc.; importation and manufacture of controlled substances:
- Coastal Pharmaceuticals, Inc 28498
- Mallinkrodt, Inc 30725
- Penick, S.B. & Co 30725
- Regis Chemical Co 30726
- Vitarine Co., Inc 27694

EAST-WEST FOREIGN TRADE BOARD

Rules

Chapter added 29534

Technology exports; reporting requirements 29534

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Adjustment assistance for firms and communities; interim regulations 29265

Grant and loan program; public works and development 29070

Job opportunities program; grant and loan guidelines; eligible projects 29704

Notices

Meetings; Regional Economic Development, National Public Advisory Committee 29315

ECONOMIC OPPORTUNITY OFFICE

See Community Services Administration.

EDUCATION OFFICE

Rules Page

Low-interest loans; special allowances 30820

Proposed Rules

Foreign language, modern; training and area studies 31617

Gifted and talented children and youth program 30662

Migratory children, educationally deprived; grants to States 28622

Notices

Applications and proposals closing date:
- Cooperative education program 30297
- Handicapped, research and demonstration 31974
- Teacher Corps projects 30298

Low income families, schools determined to have high concentration, list; Calif. and Tenn. supplement 29222

Meetings:
- Accreditation and Institutional Eligibility, Advisory Committee 30149
- Bilingual Children, Advisory Committee on Education of 29319
- Career Education, National Advisory Council 28113
- Indian Education National Advisory Council 28842, 29560
- Vocational Education, National Advisory Council 31651, 32152

Vocational education grants; exemplary program priorities, FY 1976 30297

EMPLOYEE BENEFITS SECURITY OFFICE

Rules

Fiduciary responsibility; interpretative bulletins, implementation under Employee Retirement Income Security Act 31598, 31638

Proposed Rules

Employee Retirement Income Security Act; definitions, coverage, etc.; correction 31638

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Index to general wage determination decisions and modifications 28368

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions 28304, 29436, 30382, 31430

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules Page

Advisory committee; organization and functions 30803

Contract cost principles; interim regulation 31766

Procurement; submission, evaluation and selection of proposals 28068

Trespassing on Administration property; redesignation 28789

Notices

Environmental statements:
- Liquid metal fast breeder reactor program 29127
- Uranium enrichment capacity program, expansion 27715

Meeting; General Technical Advisory Committee 28513

Trespassing on Administration property; revocation of Security Communications System site notice; Burlington plant 30311

ENGINEERS CORPS

Rules

Navigable or ocean waters; permits for activities 31320

Navigation regulations; Ohio and Mississippi rivers above Cairo, Ill. and their tributaries 32121

Relocation assistance, uniform, and real property acquisition policies 27936

Water resources programs; framework and river basin study 31718

Proposed Rules

Navigation regulations; Cooper River and tributaries, Charleston, S.C 30118

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution control, new motor vehicles and engines; recall regulations; decal requirements 28066

Air pollution programs; fuels and fuel additives; distributors, carriers transporting unleaded gasoline, controls; correction 29292

Air quality implementation plans:
- California 29712
- Kansas 30961
- Kentucky; approval of compliance schedules 29540
- New Jersey 30962
- Parking supply and related facilities; suspension 28064, 29713

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
- 4-Aminopyridine 31602
- Carbofuran 29714
- Chlorothalonil 29714
- 2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate 29715
- Ethoprop; correction 29547
- *N*-(1-Ethylpropyl)-3,4-dimethyl 1-2,6-Dinitrobenzenamine 29850
- Inert ingredients, certain 28065
- Paraquat 31237

Page
- Pine Oil 31236
- Profluralin 31236
- Trifluralin 28065
- Zinc phosphide 31237

Pesticide registration; enforcement of Federal Insecticide, Fungicide, and Rodenticide Act 28242

Water pollution; effluent guidelines for certain point source categories; manufacturing, processing, etc.:
- Electroplating; extension of time 29075
- Ink 31726
- Inorganic chemicals, extension of time 29850
- Paint 31724
- Paving and roofing materials (tars and asphalt) 31190

Water pollution control:
- Ocean dumping, transportation of material; permits 30114
- Pollutant discharge elimination system, National 29848

Proposed Rules

Air quality State implementation plans:
- Alabama 30982
- California 30982
- Georgia 28815
- Iowa 30287
- Kansas 30288
- Michigan 28098
- Montana 28097

Air quality State plans, preparation, adoption, and submission 28629

Information; trade secrets and confidential business information; supplement and corrections 28814

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.; inert ingredients 30289

Waste management, solid; storage and collection 29404

Water pollution; effluent guidelines for certain point source categories, manufacturing and processing, etc.:
- Electroplating; extension of time 29076
- Ink 31730
- Inorganic chemicals; extension of time 29892
- Paint 31729
- Paving and roofing materials 31196
- Poultry; extension of time 28633

Water pollution control; analysis of pollutants; test procedures; extension of time 32136

Water quality standards; State plans:
- Continuing planning process 29882, 32133
- Management basin plans 29887, 32133
- New Jersey, New York and Puerto Rico; proposed rule withdrawn 30983

Notices

Air pollution control, new motor vehicles and engines:
- California; waiver of Federal preemption 30311
- Light duty vehicles; suspension of 1977 hydrocarbon and carbon monoxide emission standards 27964

Air quality standards; ambient monitor applications:
- Lear Siegler 28662
- Meloy Laboratories, Inc 32157

Authority delegation; judicial officers 31655

Committees; establishments, renewals, etc.:
- Environmental Health Advisory Committee 29562
- Water Programs Advisory Committees, State-Federal 28131

Environmental statements; reviewed and commented; availability 31977

Meetings:
- Air Pollution Manpower Development Advisory Committee, National 27717
- Drinking Water Advisory Council, National 28849
- Effluent Standards and Water Quality Information Advisory Committee 31654
- Science Advisory Board 27964, 31034
- State-Federal FIFRA Implementation Advisory Committee 31656

Pesticide applicator certification; Iowa State plan 28131

Pesticide registration:
- Applications 27716, 27963, 28129, 28513, 29124, 29563, 29752, 29753, 29922, 30315, 31031, 31258, 31259, 31652, 32157, 32159, 32160
- Heptachlor or chlordane; intent to cancel 27963, 28850, 29755, 30522, 31655
- Sodium cyanide use in M-44 devices for predator control, hearing 29755, 31261, 31657

Pesticide tolerance in or on certain raw agricultural commodities and food additive tolerances; petitions:
- Amchen Products, Inc., et al 31259
- Chevron Chemical Co 29920
- FMC Corp 29563
- Rutgers University 30863
- Sandoz-Wander, Inc 29755
- Uniroyal Chemical 30314

Pesticides, specific exemptions and experimental use permits:
- Agriculture Department, cis-7, 8-epoxy-2-methyl-octadecane for gypsy moths 29920
- Army Corps of Engineers; silvex for alligator-weed, 2,4-D for water hyacinth 29123
- Hercules, Inc., dialifor for pecans 29124
- Interior Department; sodium cyanide on coyotes 31261, 31656
- North Dakota State University, carbaryl on sunflowers 31655
- North Dakota State University, toxaphene for Army cutworms and sunflower beetles 29921
- South Dakota State University; toxaphene for cutworms 30316
- Tennessee Valley Authority, 2,4-D for Eurasian watermilfoil 29124
- Texas A&M University; sodium cyanide for predator control 30156
- University of California; microbial insecticide bacillus thuringiensis on almonds 31031
- University of Minnesota, toxaphene for Army cutworms and sunflower beetles 29921

Water pollution; discharge of pollutants:
- Florida 29562
- Nevada 28514
- North Dakota 28663
- South Carolina 28130

Water pollution; non-petroleum oils, discharge; prevention 28849

Water quality; underground injection control, States requiring programs under Safe Drinking Water Act; future determinations 31034

ENVIRONMENTAL QUALITY COUNCIL

Notices

Energy research, Federal, and developing technologies; conservation and environment aspects; hearings 30735

Environmental statements:
- Availability 28127, 29333, 30309, 31255

EXECUTIVE OFFICE OF THE PRESIDENT

See Central Intelligence Agency.
Environmental Quality Council.
Management and Budget Office.
Special Action Office for Drug Abuse Prevention.
Special Representative for Trade Negotiations Office.
Telecommunications Policy Office.
Wage and Price Stability Council.

EXPORT-IMPORT BANK

Rules

Conduct standards; employee report of securities transactions 28449

FARMERS HOME ADMINISTRATION

Rules

Association, community facility loans:
- Procurement, bidding, and contract awards 29263
- Security design determination 30930

Emergency livestock line of credit guarantees; implementing Emergency Livestock Credit Act of 1974 30622

Farmer programs; loan subsidy rates, claims and payments 27931

Rural housing loans:
- Moderate-income families; maximum adjusted income 28463
- Nondiscrimination 29263

INDEX

FARMERS HOME ADMINISTRATION—Continued

Proposed Rules Page

Rural housing loans:
Definitions 28094
Policies, procedure and authorizations 29300

Notices

Disaster areas:
Colorado 28823
Georgia 28824
Mississippi 28823
Nebraska 29311
New Mexico 28823
Texas 28823
Rural rental housing loan program and HUD housing assistance payments program, joint information bulletin 30512

FEDERAL AVIATION ADMINISTRATION

Rules

Airports with operating control towers, taxi clearance 29704
Airworthiness directives:
AiResearch 28605
Beech 29272, 30463, 30807
Bellanca 29704
British Aircraft Corp 30932, 31594, 31595, 31748, 31749
Cessna 30932
Dowty Rotol 29815, 31750
Fairchild Hiller 28075
Flug-und Fahreugweke 31750
Gates Learjet 30464
General Dynamics 27643
Grumman Aircraft 28075, 29814
Hughes 29270
Israel Aircraft Industries, Ltd 31750
Lockheed 27644, 28604
Lycoming 29549
McDonnell Douglas 29269, 29270, 31595
Messerschmitt 31208
Mitsubishi 30464, 31751
Pilatus Aircraft Ltd 31596, 31752
Piper 31208, 31596
Rockwell International 29272, 30933
Rolls Royce 30808, 31596
Societe National Industrielle Aerospatiale (Sud Aviation) 31597
Szybowcowy Zaklad Doswiadczalny 31752
Certification procedures for products and parts; approval of import aircraft engines, propellers, materials, etc 28603
Control areas 31245
Control zones 28076, 28790, 29272, 29273, 29550, 29551, 29728, 30099, 30465, 30633, 30808, 30099, 30464, 31597
Foreign air carriers; security program requirements 29273
IFR altitudes 30099
Jet routes 27644, 28077, 31597
Restricted area 29552, 30633, 31209
Standard instrument approach procedures 28606, 29070, 30106, 30934
Terminal control area 31927
Transition areas 28076, 28077, 29272, 29273, 29550, 29551, 29728, 30099, 30465, 30633, 30808, 30933, 31597, 31927

Proposed Rules Page

Airworthiness directives:
Bell 28096
Boeing 29301
Britten Norman 31624
Pilatus Aircraft Ltd 30980
Pratt & Whitney 30126
Rolls-Royce 31624
Societe Nationale Industrielle Aerospatiale 31806
Airworthiness review program; aircraft, engine, propeller 29410
Control zone 28629, 30493, 31959
Ground proximity warning equipment; glide slope deviation alerting system 30839
Jet routes 28096, 28097, 28628, 31245
Overwater operations; radio equipment 29089
Reporting points 31245
Restricted area 29554, 30494
Transition area 28628, 29302, 30127, 30494, 30670, 30840, 30981, 31247, 31806, 31958, 31959
VOR federal airway 29554, 30495, 31245

Notices

Airport noise policy; inquiry 28844
Meeting; Terminal Instrument Procedures Working Group for Navigation System Accuracy 31652
Occupational safety or health standards for aircraft crewmembers, guidance information 29114
Organization and functions; flight service station relocation, Portland, Ore 28115

FEDERAL COMMUNICATIONS COMMISSION

Rules

Antenna structures; high intensity lighting 30263
Cable television:
Channel capacity, minimum; access channels 30656
Network program exclusivity nonduplication protection 30650
Program origination; development of cable-casting services; inquiry 28804
Record maintenance and public inspection of files; correction 28457
Sports broadcasts; program carriage 30641
Experimental broadcast services; FM broadcast translator stations; polarization of transmitting antennas 29862
FM and UHF translator stations; slide and voice announcement 31604
Records of TV and FM translators and FM booster stations 28610
FM broadcast stations; table of assignments:
Missouri, correction 28457
Texas 28098, 29547
Frequency allocations and radio treaty matters, editorial changes 31226
Maritime services, land and shipboard; coast station, Class II, Public; availability of assignment at Guam 30820

Proposed Rules Page

Organization and functions:
Field office locations; address changes 28454
Practice and procedure:
Processing of FM and noncommercial educational FM broadcast applications 28803
Processing of FM, TV, and standard broadcast applications 28454
Radio broadcast services;
AM station assignment standards 29850, 31227
Field strength, curves and measurements 27671
Frequency regulation, remote control operation, etc.; correction 27939

Proposed Rules

Cable television:
Leapfrogging provision; selection of television signals for carriage; extension of time 28634
Multiple and cross-ownership; correction 30291
Relay service application, authorization form (CARS); extension of time 30986
Specialty stations and specialty format programming; definitions 31807
Syndicated program exclusivity protection obligation; exemption of small systems and conglomerates 28816
Domestic public radio services:
Application processing, procedures, etc., extension of time 28816
Offshore Radio Telecommunications Service; establishment; extension of time 31248
FM broadcast stations; table of assignments:
Arkansas and Missouri 30985
Florida 28634, 29303
Georgia 30985
Montana 30290
Industrial radio service; radiolocation service transmitters; type acceptance requirement 31809
Radio broadcast services:
Multiple and cross-ownership 30291, 31632, 31807
Nondiscrimination; broadcast licensees; inquiry 31625
Television translator relay stations; use of FM microwave; inquiry 30985
Telephone network; registration of equipment connected interstate and foreign message toll telephones services (MTS) and wide area telephone service (WATS); extension of time 29302

Notices

Broadcast stations:
Annual license fees; stations sold since previous payment 31036
Automatic transmission system; extension of time 29923
Cable television:
Certificates of compliance; applications and petitions; service on broadcast stations 29336

Page

Certificates of compliance and franchising; reminder to applicants 30742
License fee filing date; memorandum to owners and operators 31657
Sports events broadcasts, importation of distant signal; draft inquiry 27965
Canadian standard broadcast stations; list 30735, 31261
Canadian television channel allocations within 250 miles of U.S. border; table 31034
Common carriers; tariffs, competitive filings 28135
Common carrier services information; domestic public radio services applications accepted for filing 28516, 29566, 30737, 31262
Doppler radar; special frequency band requirements 28137
Election Campaign Act, Federal; interpretations to broadcast licensees 28664
Land mobile radio services, operation in certain frequencies, termination of proceedings 31266
Meetings:
Aeronautics Radio Technical Commission 29758, 29759
Domestic Land Mobile Radio Advisory Committee 28135
Marine Services, Radio Technical Commission for 27967, 31830
Ship Radar Special Committee 27718
Program log analysis; 1976 composite week dates for AM and FM and commercial television licensees 28136
Standard broadcast applications; ready and available for processing 29924
World Administrative Radio Conference 30317
Hearings, etc.:
American Telephone & Telegraph Co. et al 29336
Bouldin Corp. et al 31034
Braverman Broadcasting Co. Inc 28663
Coffey County Community TV Co 28850
Country-Politan Broadcasting, Inc., et al 29337
Henderson Broadcasting Co., Inc., et al 30317
International Record Carriers 28132, 28665, 30743
Koka Broadcasting Co. et al 29923
Mesabi Communications, Inc. et al 30743
Mid-Florida Television Corp., et al 27965
New Mexico Broadcasting Co., Inc. et al 30318
Perdido Broadcasting Co. et al 28136
Post-Newsweek Stations, Fla. et al 31264
Rollins Cable Vue, Inc. d/b/a Rollins Cablevision 31657
Sharp, Harold James et al 27717
Smith, Ray et al 31035
Superior Communications Co., Inc 28515
Thompson Flying Service et al 28851
Totten, John Harold, Sr. et al 30744
White Mountain Broadcasting Co., Inc 30744

FEDERAL CONTRACT COMPLIANCE OFFICE

Rules

State and local requirements for federally assisted construction contracts:
Atlanta Plan; extension 28609
Washington plan; extension 30963

Proposed Rules

State and local requirements for federally assisted construction contracts:
New York City 28472, 28530
Philadelphia area 28477

Notices

Nonconstruction contracts; Federal; institutions of higher education, nondiscrimination and affirmative action; hearing 30166
State and local requirements for federally assisted construction:
Los Angeles, extension 28529
New York, extension 28530
Philadelphia plan, extension 28530

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Flood hazard areas, special; loans, correction 27931
Practice and procedure; examination of insured banks and affiliates 28048

Proposed Rules

Interest on deposits:
Individual retirements accounts; inquiry 28099
Subordinated debt obligations 28100

Notices

Insured banks, joint call for report on condition 28851

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Rules

Disaster Relief Act; standards and procedures; correction 28609

Notices

Disaster areas:
Minnesota 29751, 31022, 31652
Montana 28504, 29752
New Jersey 31975
North Dakota 30305, 31652
Oklahoma 29916
Tennessee 27962

FEDERAL ELECTION COMMISSION

Rules

Complaint procedure, interim guidelines 28578

Proposed Rules

Federal Election Campaign Act:
Implementation, extension of time 28579
Reporting requirements, forms; inquiry 30581

Notices Page

Advisory opinions:
Campaign debts, pre-1975 31316
Democratic Party telethon 29792
National political party conventions 29792
Requests 28044, 28944, 30258, 31878, 31984
Records, public availability and inspection; fee schedules 28580

FEDERAL ENERGY ADMINISTRATION

Rules

Allocation and price rules, general; stripper well lease exemption, extension 31925
Coal, allocation procedures under Energy Supply and Environmental Coordination Act 28420
Mandatory petroleum allocation regulations:
Old oil allocation program; adjustments to crude oil costs under; entitlements 28446
Mandatory petroleum price regulations:
Domestic crude petroleum; retroactive invoicing 28447
Old oil; price ceilings, phaseout 30030, 31741
Rulings:
Oil refiners' increased product cost, allocation; export sales transactions 30037
Petroleum wholesale purchasers-resellers qualifications of certain consignees 30037

Proposed Rules

Administrative procedures:
Oil Import Appeals Board, abolishment; conforming amendments to Presidential Proclamation No. 4377 28481
Mandatory petroleum allocation regulations:
Air passenger transportation services; access to refined petroleum products 28446
Crude oil, buy/sell list allocation and pricing rules 32136
Propane and butane imports; industrial use 30671
State set-aside program, termination 30500
Mandatory petroleum price regulations:
California heavy crude oil, gravity price differential adjustments; hearing 28637
Crude oil, allocated, pricing 28448
Refiners' profit margin limitations; hearing 28634, 30674
Oil imports:
Presidential Proclamation No. 4377; conforming amendments 28487

Notices

Form availability, intrastate suppliers of natural gas to direct end-use customers; delivery curtailment and alternate fuel requirements 29339
Hearing; application, New England Petroleum Corp., exemption under old oil entitlement 30744

INDEX

FEDERAL ENERGY ADMINISTRATION—Continued

Notices—Continued Page

Meetings:
- Consumer Affairs/Special Impact Advisory Committee 31985
- Electric Utilities Advisory Committee 29127
- Environmental Advisory Committee 29338
- Retail Dealers Advisory Committee 30523

Motor vehicle goal beyond 1980, Interagency task force; Energy Research Council, hearing 28666, 30522

National utility residual fuel oil allocation; supplier percentage, various months; August 30788

Oil imports administrative procedures; hearing 31036

Old oil allocation program; entitlement notice, May 30745

Power plant productivity conference, meeting 31984

Powerplants; prohibition orders to certain, under Environmental Supply and Coordination Act 28430

FEDERAL HIGHWAY ADMINISTRATION

Rules

Engineering and traffic operations; railroad companies, reimbursements for construction work; billings 29712, 31211

Equal employment opportunity on Federal and Federal aid highway construction contracts 28053

Motor carrier safety regulations:
- Sleeper berths, dual occupancy 31769
- Sleeper berth exits; dimensional requirements; interpretations 29723
- Tires; overloading and underinflation 29292

Payment procedures:
- Fiscal procedures and reports, State; highway safety funds, transfer 29817
- Railroad companies, reimbursements for construction work; billings 29712, 31211

Right-of-way and environment:
- Relocation assistance; contract procedures; effective date 30818
- Right-of-way general; real property acquisition report; editorial changes 29073

Proposed Rules

Bridge tolls and escrow revenue increase, notice; inquiry 30981

Motor carrier safety regulations:
- Hazardous materials; drivers transporting in intrastate commerce; exemptions 31806
- Hazardous materials; occupational safety and health statutory enforcement and applicability 29729
- Semitrailer and full trailer rear sidemarker lamps, location 31959

Notices Page

Bridge tolls:
- Delaware River Port Authority 29918
- New York and New Jersey Port Authority; informal conference 32152

Safety sanctions procedings, motorcycle helmets, initiation against various States; agreement with NHwTSA:
- California 32153
- Illinois 32153
- Utah 32154

FEDERAL HOME LOAN BANK BOARD

Rules

Federal Home Loan Bank System; policy statements liquidating dividends in mergers 29702

Federal Savings and Loan Insurance Corporation:
- Definitions, scheduled items 29069
- Mortgage-backed bonds, issuance; collateralized borrowings; operations 29703
- Recordkeeping, examinations and audits; appraisals; operations 29703

Savings and Loan Holding Companies; transactions with affiliates 29703

Proposed Rules

Federal Savings and Loan Insurance Corporation:
- Exclusive leases; policy statement 29093
- Merger, consolidation, or purchase of bulk assets; operations 27954, 28643

Federal Savings and Loan System:
- Communications among members 28638
- Insurance agencies, usurpation of corporate opportunity 28641
- Merger, dissolution, reorganization, and conversion; procedure, effective date 27953, 28640

Privacy Act, conforming regulations 29729

Notices

Meetings, Federal Savings and Loan Advisory Council 27718

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program:
- Areas eligible for sale of insurance 20861, 29818, 29820, 29821, 29822, 30110, 30111, 30941, 30943, 30944, 31211, 31213, 31214, 31215
- Flood elevation determinations: Texas 29824; Virginia 29825
- Special hazard areas 27651, 29823, 29824, 31217, 31220

Notices

National flood insurance program:
- Communities with special hazard area, subject to prohibition of Federal assistance, list 30540
- Flood elevation determination; Nashville, Ind 31022

FEDERAL MARITIME COMMISSION

Rules Page

Contract system, dual rate, in foreign commerce; currency adjustment surcharges 28452

Foreign trade of United States, unfavorable conditions to shipping 28801

Practice and procedure; small claims ceiling limit; informal adjudication 27671

Proposed Rules

Environmental effect of Commission action; extensions of time 28489, 30674

Privacy Act, implementation 30128

Notices

Authority delegations; Managing Director, et al 31986

Complaints filed:
- Abbott Laboratories v. Venezuelan Line 31267
- Interconex, Inc. v. Sea-Land Service, Inc., et al 28852
- Robinson Lumber Company, Inc., v. Delta Steamship Lines, Inc 27719
- United States Lines, Inc., v. Matson Navigation Co 29760

Environmental statements:
- Consolidited Express, Inc., et al 29339
- International Paper Co 29339
- New York, Port of 32162

Freight forwarder licenses:
- Dorsey Express, Inc 28519
- International Kam, et al 31831
- Shaffer, Kenneth, et al 30748

Military cargo, minimum rate floor; establishment criteria; investigation 31267

Oil pollution; certificates of financial responsibility 31270

Agreements filed, etc.:
- Associated North Atlantic Freight Conferences 30156
- Atlantic Container Line et al 31655
- Atlantic & Gulf-Indonesia Conference et al 27718, 30864, 31985
- Atlantic Gulf Service AB Combi Line et al 27968
- Boston Shipping Association, Inc 31830
- Canadian American working agreement 32161
- Castle & Cooke Terminals, Ltd., et al 27718
- Companhia de Navegacao Lloyd Brasileiro et al 28518
- Compania Trasatlantica Espanola S.A. et al 27719
- Continental North Atlantic Westbound Freight Conference 28667
- Continental South Atlantic Freight Conference 27968
- Far Eastern Shipping Co., Inc., et al 29339
- Flota Mercante Grancolombiana, S.A. et al 31830
- Harrison, Thos. & Jas., Ltd. et al 31831
- Hellenic Lines, Ltd., et al 30864
- Hong Kong & Taiwan to certain ports of U.S. 28852

Page

Iberian/U.S. North Atlantic Westbound Freight Conference 27969

Maher Terminals, Inc., et al 29924

Mediterranean-U.S. Great Lakes Westbound Freight Conference 29759

New York City et al 29759

North Atlantic Continental Freight Conference 28667

North Atlantic French Atlantic Freight Conference et al 27969

Pacific Coast Europe rate agreement 28519

Pacific Straits Conference 30326

Portland, Me., Port of 32162

Puerto Rico Maritime Shipping Authority 31985

Puget Sound Tug & Barge Co 29759

Refrigerated Express Lines (A/ASIA) Pty. Inc. et al 28667

Seattle, Port of, et al 30864

Sidarma-Costa joint service agreement 32161

South Atlantic-North Europe 27719, 27720, 27969

Stockard Shipping et al 28852

Trans-Pacific Freight Conference (Hong Kong), et al 27720, 28668

U.S. West Coast/Japan Trade et al 27719

FEDERAL PAY ADVISORY COMMITTEE

Notices

Meeting 28505

FEDERAL POWER COMMISSION

Rules

Conduct standards 29275

Natural gas companies, statements and reports; form No. 69, alternate fuel demands 27645

Proposed Rules

Electric utilities:
- Air pollution standards, questionnaire on, and energy monthly power statement; general hearing 29305
- Hydroelectric project licenses; specified reasonable rate of return 29304, 32173

Natural gas companies:
- Forms, annual report filings by pipeline companies; supply reserves 31634
- National rates for jurisdictional sales, extension of time 32140

Notices

Electric utilities, hydroelectric project licenses 29304, 32173

Environmental statements:
- Eascogas LNG, Inc. et al 29341, 29359
- El Paso Eastern Co., et al 32166
- Exxon Pipeline Co. of Calif 31283
- Panhandle Eastern Pipeline Co 32170
- Trunkline LNG Co. et al 31995

Meeting; Impact of Inadequate Electric Power Supply, Technical Advisory Committee 29131

Page

Natural gas companies:
- Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend 27732, 27970, 28859, 28865, 30865, 30866, 30867
- Form, report of alternate fuel demand of direct end use customers of interstate pipeline companies due to natural gas curtailment; making consistent with FEA form 29934
- Jurisdictional sales of; rates 29340, 30537, 31991
- Rate change filings, various companies 29931, 31835
- "Small producer" certificates; applications 27723, 29923

Hearings, etc.:
- Alabama Power Co. et al 28852, 29763, 30748, 31037
- Alabama - Tennessee Natural Gas Co 29761
- Algonquin Gas Transmission Co. et al 27721, 28853, 29925
- Amerada Hess Corp 28669, 31987
- American Electric Power Service Corp 30748
- Amoco Production Co 28669, 31987
- Anadarko Production Co 28669
- Apexco, Inc., et al 31831
- Appalachian Power Co 30156, 30157, 31271
- Arizona Public Service Co 29342
- Arkansas Louisiana Gas Co 29342, 31037
- Arkansas-Missouri Power Co 29925, 31037, 31988
- Atlantic Richfield Co. et al 31272, 31832
- Bangor Hydro-Electric Co 28669, 31038
- Blandin Paper Co. et al 29763, 31272
- Carolina Power & Light Co 31038
- Cascade Natural Gas Corp 30157
- Central Illinois Public Service Co 29761
- Central Telephone & Utilities Corp 31832
- Champlin Petroleum Co 31988
- Cities Service Oil Co. et al 27721 31276, 31659, 31832, 31833
- Cities Service Oil Co. et al 27721
- Clajon Gas Co 31038
- Cleveland Electric Illuminating Co. et al 31833
- Colorado Interstate Gas Co. et al 27721, 27970, 28669, 29926, 31039
- Colorado-Ute Electric Association et al 30526
- Columbia Gas Transmission Corp 27722, 29342, 29354, 29926, 30523, 30749, 30750, 31659, 31833
- Columbia Gulf Transmission Co 29763
- Columbia Gulf Transmission Corp. et al 30524
- Columbia & Willamette River Basins 31989
- Columbus & Southern Ohio Electric Co 30750, 32162
- Commercial Pipeline Co., Inc 29763
- Commonwealth Edison Co 30526, 30527
- Connecticut Light & Power Co 29926, 29927, 31659
- Connecticut River Basin 31273
- Consolidated Edison Co. of New York, Inc., et al 29343
- Consolidated Gas Supply Corp 29761, 29763, 30157, 31274, 31659
- Consumers Power Co 29761, 29927
- Continental Oil Co 31274, 32173, 32174
- Cotton Petroleum Corp 31660
- Delmarva Power & Light Co 29927
- Detroit Edison Co., et al 27722, 29128, 32163
- Distrigas Corp 31834
- Dorchester Gas Producing Co 28853
- Duke Power Co 27722, 28853, 31660, 31989
- East Tennessee Natural Gas Co 29927, 31039
- El Paso Natural Gas Co 27973, 28523, 29130, 29344, 29928, 29929, 30751
- Federal Trade Commission, access to data 29354, 29355
- Flathead Reservation, Mont., Confederated Salish and Kootenai Tribes 31834
- Florida Gas Transmission Co 27722, 28853, 29355, 30527, 30752
- Florida Power & Light Co 29355
- Frost, Demova K., et al 27722
- Georgia Power Co 29762, 30527
- Getty Oil Co. et al 28854, 29345, 30752
- Great Lakes Gas Transmission Co 30752, 31275
- Green Mountain Power Co 29130
- Gulf Power Co 30527
- Gulf States Utilities Co 28670
- Hewit & Dougherty 30527
- Highland Resources, Inc 28525
- Holyoke Water Power Co 31989
- Honeoye Storage Corp 28854
- Howell Drilling, Inc 31990
- Hoyt, Leon L., Jr., et al 27723
- Huffington, Roy M., Inc 31660
- Hurley Petroleum Corp 31276
- Illinois Power Co 29762
- Indiana & Michigan Electric Co 27731, 29929, 31276
- Indiana & Michigan Power Co 30752
- Inter-City Minnesota Pipelines Ltd., Inc 29762
- Interior Department, acting for Southeastern Power Administration 28672, 29127, 30158, 31041
- Jersey Central Power & Light 29930
- Johnsey, Walter F 31661
- Kadiak Fisheries Co 30752
- Kaiser, Herman Geo 31989
- Kansas City Power & Light Co 31662
- Kansas Gas & Electric Co 30753
- Kansas-Nebraska Natural Gas Co., Inc 31662
- Kansas Power & Light Co. et al 27723
- Kentucky Utilities Co 30753
- Kerr-McGee Corp. et al 29346
- Lawrenceburg Gas Transmission Corp 28670, 29930, 30753

INDEX

FEDERAL POWER COMMISSION—Con.

Notices—Continued Page

Hearings, etc.—Continued
Lone Star Gas Co 31990
Marathon Oil Co. et al 27724, 27975, 30757, 32166, 32172
Michigan Wisconsin Pipe Line Co. et al 27724, 28525, 29346, 29762, 30528, 31278
Mid Louisiana Gas Co 27980
Miller, James H., Jr 31039
Minnesota Power & Light Co 27724, 27980, 31278
Mississippi Power & Light Co 28526
Mississippi River Transmission Corp 28854, 29764, 31039
Missouri Power & Light Co 28526, 29930, 30529
Mobil Oil Corp. et al 30758, 31990
Monogahela Power Co. et al 31662
Montana Power Co 32169
Nantahala Power & Light Co 30754
National Fuel Gas Supply Corp 27725, 29765, 32169
Natural Gas Pipeline Co. of America 27725, 27980, 28519, 28860, 29346, 29347, 30529, 30530, 31663, 31992.
Nevada Power Co 30157
New England Power Co 29348
New Orleans Public Service Inc 30531
Niagara Mohawk Power Corp 31834, 32169
North Penn Gas Co 29766, 31663
Northern American Royalties, Inc., et al 31039
Northern Illinois Gas Co 29765
Northern Natural Gas Co. et al 27725, 27726, 27980, 27981, 28520, 29130, 29349, 29765, 30531, 31040, 31281, 31665
Northern States Power Co 31284, 31665
Northwest Pipeline Corp 28526, 28672, 30532, 30754, 32170
Norwood, Mass., town of 29131
Ohio Edison Co 28854, 29930
Ohio Electric Co 31665
Ohio Power Co 32170
Oklahoma Natural Gas Gathering Corp 30754
Orange & Rockland Utilities Inc. et al 30532, 31040
Otter Tail Power Co 29130, 31282
Pacific Gas & Electric Co 27726, 28526, 29131, 30532, 30533
Pacific Power & Light Co 29356, 30533
Panhandle Eastern Pipe Line Co. et al 28671, 28862, 29349, 29350, 31665
Pennsylvania Power & Light Co 31666
Philadelphia Electric Co. et al 29131, 32171
Phoenix, Ariz., city of, et al 30749
Pioneer Production Corp 31040
Public Service Co. of Colorado 27726, 32171
Public Service Co. of New Hampshire 29930
Public Service Co. of New Mexico 28854, 28855
Public Service Co. of Oklahoma 29930
Public Utility District No. 1 of Chelan County, Wash 30157
Raton Natural Gas Co 29766
Sacramento Municipal Utility District 29357
San Salvador Development Co., Inc., et al 31992
Shell Oil Co. et al 31992, 32171
Sierra Pacific Power Co 31835
Sohio Petroleum Co. et al 30534
South Carolina Electric & Gas Co 29766, 30158, 31993
South Texas Natural Gas Gathering Co 31282
Southern California Edison Co 31993
Southern Natural Gas Co. et al 27726, 27727, 28527, 29931, 30534, 30754
Southwest Gas Corp 28528
Stalder, Ted R 28855
Sun Oil Co. et al 29358, 30866
Tampa Electric Co 27981
Tenneco Oil Co. et al 27981, 31994
Tennessee Gas Pipeline Co. et al 28856, 29351, 29358, 30759, 31282, 31666, 31667
Texas Eastern Transmission Co 28856
Texas Eastern Transmission Corp. et al 27727, 28671, 29351, 29766, 30756, 30757, 31283
Texas Gas Pipeline Corp 30757, 31667
Texas Gas Transmission Corp 27727, 27982, 28672, 30757, 32171
Transco Gas Supply Co 31835
Transcontinental Gas Pipe Line Corp 27982, 28856, 28863, 31041, 31668, 31995, 32172
Transwestern Pipeline Co 27982
Trunkline Gas Co 27983, 29351, 29931, 31995
Union Electric Co 27727, 28521, 30535, 31041
United Gas Pipeline Co. et al 27728, 28521, 28857, 29131, 29352, 30534, 31283
Upper Peninsula Power Co 30535
Valley Gas Transmission Corp 28858
Valley Gas Transmission, Inc., et al 27730
Vermont Electric Power Co., Inc 30158, 31041, 31668
Virginia Electric & Power Co 27731, 28521, 29933, 30535, 31669
Washington Water Power Co 29767
Williams, J. M., et al 29931
Wisconsin Gas Co., et al 28521, 31669
Wisconsin Michigan Power Co. 28672, 29359
Wisconsin Power & Light Co 30757
Wisconsin Public Service Corp 31669
Yadkin, Inc 28858
Yankee Atomic Electric Power Co. et al 27731

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notices
Meetings 30158

FEDERAL RAILROAD ADMINISTRATION

Rules Page
Accidents/incidents; reports, classification and investigations; definitions 29548

Proposed Rules
Employee protection, safety during inspection, repair, or servicing 30495

Notices
Hazardous materials, transportation standards; emergency order for class A explosives; revocation 28659
Petitions for exemptions, etc.:
Boston & Maine Corp 30733
Chehalis Western Railroad Co 30734
East Erie Commercial Railroad Co 27962
Texas, Oklahoma & Eastern Railroad Co 30734
Wyandotte Southern Railroad Co 27962
Track safety standards, State participation, FY 1976 30861, 30862

FEDERAL REGISTER OFFICE

Rules
CFR checklist; 1975 issuances 27639

Notices
Freedom of Information index requirements; guide to agency material January-June 1975 28867

FEDERAL RESERVE SYSTEM

Rules
Authority delegations:
Committee on Federal Reserve Bank Activities 31207
Credit extensions by Federal Reserve banks; rate changes 30807
Truth-in-lending; credit practices 30085

Proposed Rules
Deposits; subordinated notes; definition 29732
Interest on deposits; individual retirement accounts 28644
Truth in lending:
Fair credit billing 30986

Notices
Accounts and deposits of member banks; order requiring preparation of report 30162
Federal Open Market Committee:
Domestic policy directives 27983, 29934
Insured banks; joint call for report of condition 28851
Applications, etc.:
Alabama Bancorp 28872
Allied Bancshares, Inc 30326
American Bancshares, Inc 28672
American Security Corp 31284
Ames National Corp 28875
Banks of Iowa, Inc 31284
Barnett Banks of Florida, Inc. and Chase Manhattan Corp 30869
Barnett Winston Co 30872
Butte State Co 30158

Page
Central Bancshares of the South, Inc 30159
Chase County Corp 30868
Chemical New York Corp 28673
Citizens Bancorp 31284
Citizens Bancorporation 30160
Citizens Bancshares, Inc 30868
Citizens State Bancorp, Inc 28872
Commercial State Agency, Inc 30868
Community State Agency, Inc 31284
Cross Timbers Bancshares, Inc 28675
Downs Bancshares, Inc 30326
First Banc Group, Inc 31284
First Community Bancorp 28872
First Glenview Bancorp, Inc 30537
First Manistique Corp 28675
First Michigan Bank Corp 30160
First National Charter Corp 31285
First National Cincinnati Corp 31285
First of McAlester Corp 27983
First Security Corp 30160, 30161
First Tennessee National Corp 32174
First-Wichita Bancshares, Inc 28675
FOB, Corp 31285
Forest Park National Corp 28873
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers 28675
Kansas State Bancshares, Inc 31286
Klein Bancorp., Inc 28873
Landmands Corp 28874
Manufacturers National Corp 31286
Menahga Bancshares, Inc 30869
Mercantile Bancorporation Inc 28676
National City Corp 31287
National Detroit Corp 29659
North Florida Bancshares, Inc 31287
One Corp 29935
Padgett Agency, Inc 27983
Pan American Bancshares, Inc 30876
Patagonia Corp 30537
Peoples Bancshares, Inc 28676
Sooner Bancshares, Inc 28676
Southeastern Bancshares, Inc 31287
Southern Bancorp., Inc 28875
Southern Bancorporation of Alabama 29935
State Street Boston Financial Corp 32175
Texas Commerce Bancshares, Inc 30162, 30327
Union Trust Co. of Wildwood, N.J 27984
Utah Bancorp 27984
Winters National Corp 31288

FEDERAL SERVICE IMPASSES PANEL

Proposed Rules
Labor-management relations; Federal service; procedures 31636

FEDERAL TRADE COMMISSION

Rules
Prohibited trade practices:
Associated Dry Goods Corp., et al 30471, 32116
Atlantic Industries, Inc., et al.; correction 27932
Carter Hawley Hale Stores, Inc., et al 30472, 31211
Central Carpet Corp., Inc., et al 30473
Gimbel Brothers, Inc., et al 30474
Interstate Investors Corp., et al 30475
Library Marketing Services, Inc., et al 30475, 31211
Mark Enterprises, Inc., et al 30809
McCrory Corp., et al 30477
Milton Bradley Co 30478
National Dynamics Corp., et al 30810
New You, Inc., et al 28050
Paige C.D., Co., Inc., et al 30479
Sanford Industries, Inc., et al 30811
Sew Rite 30808

Proposed Rules
Cellular plastic products; combustion characteristics disclosure 30842
Credit practices 29892
Endorsements and testimonials; guides concerning use; extension of comment period 30988
Food advertising 29892
Television advertising; children's premiums 28489
Warranties:
Disclosure of terms and conditions 29892
Dispute settlement procedures 29895
Pre-sale availability of terms 29894, 30674

FISCAL SERVICE

Rules
Bonds, issuance:
Depositary, 2-percent 29847
REA series, 2-percent 29846, 30640
Certificates of indebtedness, 5-percent, REA series; payment of interest 29846

Proposed Rules
U.S. securities; general regulations 30485, 31238

Notices
Public Debt Commissioner; succession of officials 28817
Surety companies, annual list 29246
Surety companies acceptable on Federal bonds:
Argonaut Insurance Co 27693
Parliament Insurance Co 27957

FISH AND WILDLIFE SERVICE

Rules
Endangered and threatened species; fish, wildlife, and plants:
Grizzly bear 31734
Trout species 29863
Fishing:
Browns Park National Wildlife Refuge, Colo 30823
Charles M. Russell National Wildlife Range, Mont 30463
Crescent Lake National Wildlife Refuge, Nebr 31773
Lacreek National Wildlife Refuge, S. Dak 29084
Monte Vista National Wildlife Refuge, Colo 29084
Ouray National Wildlife Refuge, Utah 30823
Upper Mississippi River Wildlife and Fish Refuge, Ill., et al 30967
Hunting:
Bitter Lake National Wildlife Reguge, N. Mex 29084
Browns Park National Wildlife Refuge, Colo 30822
Charles M. Russell National Wildlife, Range, Mont 30463
Clear Lake Wildlife Refuge, Calif 30115
Conboy National Wildlife Refuge, Wash., et al 32126
Crab Orchard National Wildlife Refuge, Ill 32124
Deer Flat National Wildlife Refuge, Idaho, et al 30116, 32125
De Soto National Wildlife Refuge, Iowa and Nebr 31939
Fallon National Wildlife Refuge, et al, Nev 30115
Kirwin National Wildlife Refuge, Kans 30970
Kootenai National Wildlife Refuge, et al, Idaho 30115
Medicine Lake National Wildlife Refuge, Mont 30823
Necedah National Wildlife Refuge, Wisc 32127
Nunivak National Wildlife Refuge, Alaska 32128
Ouray National Wildlife Refuge, Utah 30823
Quivira National Wildlife Refuge, Kans 29548, 29549
Salton Sea National Wildlife Refuge, Calif., et al 32124
Seedskadee National Wildlife Refuge, Wyo 32128
UL Bend-Bowdoin National Wildlife Refuge, Mont 29864
Upper Mississippi River Wildlife and Fish Refuge, Ill., et al 30966
Valentine National Wildlife Refuge, Nebr 31940
Wheeler National Wildlife Refuge, Ala., et al 30967
Migratory bird hunting:
Puerto Rico and Virgin Islands 30268
Migratory bird permits; waterfowl, captive-reared; marking regulations 28459
Public access, use, and recreation:
Charles M. Russell National Wildlife Range, Mont 30462
Upper Mississippi River Wild Life and Fish Refuge, Ill., et al 30966

Proposed Rules
Endangered and threatened species; fish, wildlife, and plants:
Alligator, American 28712
Hunting:
Sevilleta National Wildlife Refuge, N. Mex 31795
Migratory bird hunting:
Continental U.S.; seasons and limits 27943
Importation limits 29880
Species identification requirement 27943, 29725

Notices
Coyote damage control; cattle, sheep, and goats; report on emergency use of M-44 devices 30139
Endangered species; status review for proposed listing:
Plants, U.S 27624
Endangered species permits; applications 28108, 28109. 28647, 29096, 29097, 30140, 30141, 30143, 30144, 30145, 30726, 30727, 31641, 31642, 31643, 31644, 31646,

INDEX

FISH AND WILDLIFE SERVICE—Continued
Notices—Continued Page
Environmental statements; availability, etc.:
National Fish and Wildlife Health Laboratory 31621
Marine mammal applications:
Jackson Zoological Park 28110
Loughlin, Thomas R. 28110
Ray, Dr. G. Carleton 29903
Marine mammals; waiver of moratorium; walrus 30140
Meetings:
Waterfowl Advisory Committee 29096
Oil and gas exploration and development; territorial and inland navigable waters and wetlands; proposed guidelines 30020
Pipeline applications:
Mid Louisiana Gas Co., La 31821
Texico, La 30854

FOOD AND DRUG ADMINISTRATION
Rules
Administrative practices and procedures, enforcement, authority delegations, etc. 29817, 31234, 31605, 31754
Animal drugs, feeds, and related products:
Clopidol-zinc bacitracin 31934
Cloxacillin 28792
Oxytocin injection 28792
Paraquat 31236
Potassium hetacillin for intramammary infusion 30941
Reorganization and recodification; correction 29535
Roxarsone 31933
Sponsors of approved applications; correction 28791
Sterile benzathine penicillin G and procaine penicillin G 30639
Thiabendazole 29706
Tylosin 27651, 31235, 31934
Biological products:
Hepatitis B surface antigen; test for safety 29706
Radioactive drugs 31298, 31311
Color additives:
Powdered silk 29817
Cosmetic products; warning statements, packaging labels 28451, 31606
Food additives:
Menadione Dimethylpyrimidinol bisulfite 30108
Methyl esters of fatty acids 30639
Nylon resins 29073
Styrene block polymers 29534
Food identity standards, etc.:
Corn, canned; confirmation of effective date 30940
Fruits, canned 28791
Human drugs:
Antibiotic drugs, certification and fees 28052
Good manufacturing practice, reorganization and recodification 28610
Radioactive drugs and biologics; termination of exemptions 31298
Radioactive drugs and biological products; reassignment of responsibility 31311
Packaging and labeling; food, drugs, cosmetics, and devices 28582
Radiological health; laser products; performance standards 32252
Sanitation, interstate conveyance; railroad waste discharge control 30108
Proposed Rules
Diagnostic X-ray systems; performance standards; correction 28095
Food identity standards, etc.:
Dietary food, special; extension 29089
Dressings for food 30978
Frozen desserts and dairy products; exemption from label requirements 30978
Human drugs:
Bioavailability and bioequivalence requirements; correction 30493
Intrauterine contraceptive devices; labeling 27796
Oral hypoglycemic drugs; labeling 28587
Shellfish safety program; correction 29554
Notices
Animal drugs:
Franklin Phenothiazine Drench Compound Powder 29113
Phenothiazine drench powder 30859
Triverm capsules 30859
Biological products and radioactive drugs, interim enforcement policy 31314
Committees, panels; establishment, renewals, etc.:
Antiperspirant Drug Product Review Panel 28503
Contraceptive and Other Vaginal Drug Products Panel 29915
Dermatology Advisory Committee 29913
External Drug Product, Miscellaneous, Review Panel 28503
Internal Drug Product, Miscellaneous, Review Panel 28503
Oral Cavity Drug Product Review Panel 28503
Vitamin, Mineral and Hematinic Drug Products Review Panel 28656
Dental X-ray film, performance standard; meeting 27959
Food additives; petitions filed or withdrawn:
Ashland Chemical Co. 28656
Buckman Laboratories, Inc. 27960
General Mills Chemicals, Inc. 28502
Hall, C. P., Co. 28502
Kemira Oy 30520
Pfizer, Inc.; correction 31014
Rohm & Haas Co. 29560
SCM Corp. 27960
Food additives; Polychlorinated biphenyls in paper food-packaging material; prehearing conference 28842
Food processing and storage facilities inspection; memorandum of understanding with Maryland Environmental Health Administration 28503
GRAS status:
Rhynchosia pyramidalis 29913
Human drugs:
Oral Proteolytic Enzymes; withdrawal of approval; hearing 30995
Radioactive drugs and biological products; interim enforcement policy 31314
Meetings:
Advisory committees 28502, 30300, 30860
Cough, Cold, Allergy, Bronchodilator and Antiasthmatic Drug Product Review Panel; change of location 28503
Dental X-ray film, performance standard 27959
General and Plastic Surgery Devices Review Panel 29560
Propellants; fluorocarbons; food, drugs and cosmetics containing; request for information 29914
Quality assurance for drugs, biologics, chemicals and reagents; memorandum of understanding with Health Services Administration 28656
Radiation hazards; suggested State regulations for control; availability 29749

FOOD AND NUTRITION SERVICE
Rules
Food distribution; donation of foods for U.S., its territories and possessions, and areas under its jurisdiction; eligibility of household members with supplemental security income payments 31941
Food stamp program:
Coupon acceptance; extension of time period 28786
State agency and eligible household participation 29531, 29701
School breakfast and nonfood assistance programs and State administrative expenses 30922
School lunch program, National:
Standardization and decentralization 30917, 31941
Women, infants, and children; program extension and deletion of partial medical evaluation 27930
Notices
Nutrition programs for elderly; donated foods; level of assistance 30147
School breakfast and lunch programs:
National average minimum value for donated foods for FY 1976 29903
National average payments for period July 1 to December 31, 1975 29903
Special milk program for children; rate of reimbursement for FY 1976 29904

FOREST SERVICE
Rules Page
Grazing advisory boards; organization and functions 31222
Notices
Environmental statements; availability, etc.:
Appalachicola National Forest, Fla 30147, 31973
Arapaho National Forest, timber management plan 28648
Bitterroot National Forest 28112
Boise National Forest, Landmark Planning Unit 32148
Boise National Forest, Middle Fork Boise River Planning Unit 28111
Colville, Okanogan, and We-Natchee National Forests, Wash 30855
Daniel Boone National Forest, Beaver Creek Unit 32148
Deerlodge National Forest, Basin Planning Unit 30148
Deschutes, Fremont, Ochoco and Winema National Forests, Oreg 29559
DeSoto National Forest, Tchoutacabouffa Unit Plan 27709
Emerald Creek Planning Unit, land use plan 30855
George Washington National Forest, Piney River Unit Plan 30148
Humboldt National Forest, Ruby Mountains-East Humboldt Planning Unit 30994
Lassen National Forest, timber management 28112
Lolo National Forest, Petty Mountain Planning Unit 32148
Lone Peak Wilderness Study report 31250
Modoc National Forest 27957
Mt. Hood National Forest, Oreg 29559
Mt. Hood, Rogue River and Willamette National Forests, Oreg 30994
Nezperce National Forest, Kelly-Bullion Unit Plan 29904
Osceola National Forest, Fla 30148, 31973
Ozark National Forest, Ozone Unit Plan 27708
Ozone Unit Plan 30856
Shoshone National Forest; timber management plan revised 29746
Smith Creek Planning Unit, Idaho 30995
Talladega National Forest; timber management plan 29747
Upper Hiwassee Unit Plan 29747
West Chichagof-Yakobi Island land use study 29904
Williamette National Forest 29747
Forest and rangeland renewable resource planning act draft assessment and program; hearing 31648
Meetings:
Cascade Head Scenic-Research Area Advisory Council 30148
Challis National Forest Livestock Advisory Board 29746
Deschutes National Forest Advisory Committee 28500
Gunnison Valley Forest Grazing Advisory Board 27708
Lincoln National Forest Grazing Advisory Board 30994
Miguel District Grazing Advisory Board 27708
Norwood District Advisory Board 29746
Oregon Dunes National Recreation Area Advisory Council 30856
Paonia Area Advisory Board 30148
Rock Creek Advisory Committee 28501

GENERAL ACCOUNTING OFFICE
Rules
Transportation; claims against U.S. 27929
Notices
Regulatory reports review; proposals, approvals, etc. 27970, 28528, 28677, 29132, 30162, 30327, 31670

GENERAL SERVICES ADMINISTRATION
Rules
Archives records; availability and loan requirements 28610
Procurement 27655, 28067, 30440
Property management 27655, 29722, 29818, 30263, 31223, 31224
Proposed Rules
Financial management; indirect costs applicable to Federal grants and contracts 28495
Notices
Authority delegations:
Administrator, EPA 28677
Attorney General of U.S. 30760
Federal Management Policy Office 29935
Secretary of Defense 28677, 28678, 31288, 32175
Energy conservation performance report; availability 29935
Environmental impact statements; preparation procedures 27733
Government Procurement Commission recommendations:
Executive branch position 28677
Meetings:
Architectural and Engineering Services Regional Public Advisory Panel 29340, 30760, 31670, 32175
Cash Management Advisory Committee 29132
Procurement:
Portable space heaters and portable electric fans; ordering criteria 30162
Property management, temporary: ADP schedule contracts 28528
Travel; increased mileage allowances for use of privately owned automobiles; corrections 28529, 29340

GEOLOGICAL SURVEY
Proposed Rules
Outer Continental Shelf; oil, gas, and sulfur operations; geological and geophysical exploration 30119
Notices
Geothermal resources areas, operations, etc.:
California 29100
Idaho 29738
Montana 30729
Nevada 30729
Oregon 32147
Washington 28111, 30729
Outer Continental Shelf:
California 28498
Power sites; modifications, cancellations, etc.:
San Juan River Basin, Utah 30146

HAZARDOUS MATERIALS REGULATIONS BOARD
Rules
Flammable, combustible, and pyrophoric liquids; definitions; correction 27939
Notices
Special permits issued 28115

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Alcohol, Drug Abuse and Mental Health Administration.
Child Support Enforcement Office.
Disease Control Center.
Education Office.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.
Public Health Service.
Social and Rehabilitation Service.
Social Security Administration.
Rules
Drugs; maximum allowable cost 32284
Nondiscrimination on basis of sex in health-related training programs 28572
Procurement 29715, 29719
Notices
Contract awards:
Georgetown University 29319
Krause, Ellen Elizabeth; administrative and legislative uses of term "poverty" 31015
Mathematics Incorporated; technical and editorial support for study on relative measure of poverty 31015
Health care rates; notice to State Governors 28113
License, exclusive patent:
Leininger, Robert I. et al. 29751
Meetings:
New Drug Regulation, Review Panel; cancellation 28113
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission 28657

INDEX

HEALTH, EDUCATION, AND WELFARE DEPARTMENT—Continued

Notices—Continued Page

Native American programs; interim evaluation standards 27961
Organization, functions, and authority delegations:
Education Office 30300
Human and Child Development Offices 28657
Professional Standards Review Organizations:
Arkansas 29317
California 29317
Idaho 29318
Maryland 29318
Pennsylvania 29319

HEALTH RESOURCES ADMINISTRATION

Notices

Nursing student loans; list of hospitals with substantial shortage of nurses 29632

HEALTH SERVICES ADMINISTRATION

Notices

Health maintenance organizations; application for Federal financial assistance 29916
Meetings:
Emergency Medical Services Interagency Committee 29916
Professional Standards Review Organizations: poll of physicians:
California, Region IV 28113
Florida, Area XII 32152
Iowa 30520
Quality assurance for drugs, biologics, chemicals and reagents; memorandum of understanding with FDA 28657

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

Notices

Applications, etc.:
Alabama By-Products Corp 27695
CF&I Steel Corp 27696
D & R Coal Co., Inc 27696
Halfway Coal Co., Inc. et al 27697
Mountaineer Coal Co 28498
P & H Equipment Co., Inc 28499
Pocahontas Fuel Co 27697
Southern Ohio Coal Co 28499, 29100

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration.
Federal Insurance Administration.
Interstate Land Sales Registration Office.

Rules

Claims:
Collection by Government 28599
Settlement; revocation of obsolete CFR Part 28599
Community development block grants:
Application submission deadline extension 30640
Environmental review procedures; correction 29992

Page

Low income housing:
Fair market rents and contract rent automatic annual adjustment factors 28451, 31935
Mortgage and loan insurance programs:
Rental assistance payments 31872
Multifamily housing projects:
Rent increases; notice to tenants and consideration of comments 29073
Real estate settlement procedures:
Disclosures by seller; RESPA legal opinion #1 30480, 31211
Rental assistance payments 31873

Proposed Rules

Fair market rents; housing assistance payments programs 30000

Notices

Authority delegations:
Acting Area Director, Baltimore Area office 28843
Acting Area Director, Kansas City Area Office, et al 31975
Acting Area Director, New York Area office 30150
Acting Area Director, Philadelphia Area office 28843
Acting Area Director, Pittsburgh Area office 28843
Acting Area Director, Richmond Area office 28843
Acting Area Director, St. Louis Area office 31976
Acting Area Director, Washington Area office 28844
Acting Deputy Regional Administrator, Region III 29918
Acting Director, Kansas City Area office 29918
Acting Insuring Director, Topeka Insuring office, et al 31975
Administrator of Disaster Assistance Administration 27711
Assistant Regional Administrator for Equal Opportunity, Region III 30150
Assistant Secretary for Housing Management 27712
Assistant Secretary, Policy Development and Research and Community Planning and Development 30306
Associate General Counsel for Equal Opportunity and Administration 28115
Director, Emergency Preparedness Staff 27712
Regional Administrators, et al 28659
Regional Counsels 28115
Meetings:
Mobile Home National Advisory Council 29651

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Organization, functions, admission and deportation of aliens, etc 30467
Naturalization regulations:
Residence and nationality forms 30470

Proposed Rules Page

Parole of aliens into United States; termination 28614

INDIAN AFFAIRS BUREAU

Rules

Hopi-Navajo joint use area:
Grazing 28039
Law and order 28026

Notices

Environmental statements: availability, etc.:
Madera Water Pollution Abatement Project, Calif 28106
Judgment funds; plan for use and distribution:
Ottawa Tribe, Oklahoma 32145
Record office designation; restricted and trust lands of Menominee Tribe, Wis 32146

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
B & S Co., Inc 32175
Buchanan & Sons Coal Co., Inc 32175
Buchanan County Coal Corp 32175
Eddie Coal Co., Inc 32176
Hobbs Bros. Coal Co., Inc 32176
Little Rock Coal Co 32176
Mary E Coal Co., Inc 32176

INTERIOR DEPARTMENT

See Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
Mining Enforcement and Safety Administration.
National Park Service.
Reclamation Bureau.

Rules

Employee responsibilities and conduct 28288
Procurement 29722
Property management 30483

Notices

Environmental statements; availability, etc.:
Alaska Natural Gas Transportation System 31647
Bonneville Power Administration 30510
Dinosaur National Monument, Utah and Colo 32148
Havasu Wilderness Area 28500
Hawaii Volcanoes National Park 28499
Imperial National Wildlife Refuge 27957
Kiaprowits Power Project, Utah 31965
Missisquoi National Wildlife Refuge, Vt 31017
Meetings:
Energy Conservation Committee 30296
National Petroleum Council 30296

Page

Off-road vehicle use area designations:
Twin Buttes Reservoir, San Angelo, Tex 29903
Operational criteria and procedures:
Colorado River reservoirs 28499
Watches and watch movements; allocation of quotas; Virgin Islands 30510

INTERNAL REVENUE SERVICE

Rules

Employment taxes:
Procedure and administration 30946
Wages and employment 30956
Excise taxes:
Private foundations; administration 29842
Income taxes:
Bonds and other evidence of indebtedness 27936
Domestic International Sales Corporations; intercompany pricing 29826
Fines, penalties; deductions 29290
Letters, memorandums, etc., and gains and losses from involuntary conversion; treatment 29839
Retirement plans, certain; qualification determination 29535
Self-employment income; fees received by certain officers of State and political subdivisions 30945
Procedure and administration; information disclosure to Labor Department and Pension Benefit Guaranty Corporation 30959

Proposed Rules

Income taxes:
Domestic International Sales Corporation requirements; correction 29296
Domestic International Sales Corporations; intercompany pricing policies 29871
Election; income from certain aircraft and vessels as income from sources within U.S 30971
Exempt cemetery companies and crematoria 28613
Imputed interest rates; increase 31238
Low-income housing, disposition; correction 27943
Lump sum distributions; public hearing 28101
Residence, new personal; credit for purchase 29874
Retirement plans, certain; qualification determination 29553

Notices

Authority delegations:
Director, personnel division 28817
District Directors of Internal Revenue 29307
District Directors of key districts; Cincinnati et al 28817
Service Center Directors 30993
Meetings:
Professional Conduct Rules, Chief Counsel's Advisory Committee 30725

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Rules Page

Employee responsibilities and conduct 32116

INTERNATIONAL TRADE COMMISSION

Rules

Freedom of information; fee schedule 31211

Notices

Import and export investigations:
Amplifiers, lock-in, and parts from United Kingdom 28876
Asparagus 31836
Automotive agreement, U.S./Canadian 32176
Lead metal, primary, from Australia and Canada 31042
Monolithic catalytic converters 30879
Record players, straight line tracking systems 31042
Tobacco, wrapper 27737, 31043
International commodity agreements; investigation 27737, 31995

INTERSTATE COMMERCE COMMISSION

Rules

Boxcars:
Substitution of stockcars 30267
Car service orders:
Atchison, Topeka & Santa Fe Railway Co 27939
Atchison, Topeka & Santa Fe Railway Co. and Denver & Rio Grande Western Railroad Co 29294
Baltimore & Ohio Railroad Co 31938
Chicago, Milwaukee, St. Paul & Pacific Railroad Co 27940
Chicago, Rock Island & Pacific Railroad Co 27940, 29863, 30267, 31939
Colorado & Southern Railway Co 27940
Missouri Pacific Railroad Co 30268
Northwestern Oklahoma Railroad Co 27940
Penn Central Transportation Co 31939
Union Pacific Railroad Co 27941
Hopper cars, return of 31773
Tariffs and schedules, passenger and freight:
Public notification of proposed rate increases; correction 27941

Proposed Rules

Motor carriers:
Household goods; shipments lost or destroyed; collection of freight charges; extension of comment period 30889
Passengers; adequacy of facilities, service and equipment 30134, 30844

Notices

Abandonment of services:
Arkansas Western Railway Co 31845
Atchison, Topeka & Santa Fe Railway Co 29942
Burlington Northern, Inc 28690, 28881, 32196
Cadillac & Lake City Railway 29942
Chesapeake & Ohio Railway Co 27990

Page

Chicago & North Western Transportation Co 30339, 30771, 31845, 32196
Claremont & Concord Railway Company, Inc 31846
East Tennessee & Western North Carolina Railroad Co 32197
Georgia Northern Railway Co 28885
Louisville & Nashville Railroad Co 32197
Minneapolis, Anoka, & Cuyuna Range Railroad Co 32211
Missouri Pacific Railroad Co 32211
St. Louis-San Francisco Railway Co 29951, 30771
Southern Railway Co 30340, 32211
Bankrupt Northeast railroads, Final System Plan for restructuring; submission by U.S. Railroad Association, inquiry 30169
Car service exemptions, mandatory 27746, 28014, 29578, 30167, 30169, 30340, 31674
Claims, freight loss and damage; location codes for quarterly report 27747
Claims, loss and damage; settlement policies; grain and grain products 28886
Energy crisis; emergency transportation legislation 27747
Environmental statements:
Oregon-Washington Railroad & Navigation Co.; construction and operation near Hedges, Benton County, Wash 28891
Financial interests; statement of changes; Raymond R. Manion 32212
Fourth section applications for relief 28531, 28885, 29578, 29772, 29944, 30353, 32197
Hearing assignments 27746, 27990, 28172, 28531, 28690, 28880, 29139, 29366, 29578, 29772, 29942, 30167, 30361, 30554, 30768, 30889, 31055, 31291, 31674, 31863, 32001, 32196
Motor carrier, broker, water carrier, and freight forwarder applications 28143, 29175, 31059, 32183, 32212
Motor carriers:
Alternate route deviation notices 27990, 27991, 28887, 29944, 30897, 32010
Applications and certain other proceedings 27992, 28888, 29945, 30183, 30891, 32001
Intrastate applications 27998, 28881, 29943, 30889, 32008
Irregular route property carriers; gateway elimination 27750, 27999, 28160, 28690, 28892, 29142, 29579, 29772, 30170, 30341, 30554, 30771, 30898, 30900, 31071, 31674, 31847, 32011, 32197
Lease and interchange of vehicles 31055, 32008, 32212

INDEX

INTERSTATE COMMERCE COMMISSION—Continued

Notices—Continued Page

Motor carriers—Continued
Temporary authority applications 27748, 28009, 28012, 28013, 28014, 28702, 28707, 28891, 29140, 29366, 29593, 29786, 30354, 30357, 30568, 30768, 31055, 31058, 31292, 31689, 31846, 31860, 32195
Transfer proceedings 27747, 28014, 28172, 28531, 28532, 28702, 28890, 29366, 29367, 29788, 29951, 30168, 30566, 30768, 30896, 30897, 31055, 31291, 31292, 31693, 31860, 32008
Petitions filing:
Builders Transport, Inc 28143
Wisconsin-Michigan Coaches, Inc 29139
Pipelines; tentative valuations 29139
Rates and charges; freight: railroads:
Idaho 28886
Rerouting of traffic:
Baltimore & Ohio Railroad Co 30168
Burlington Northern Inc 30168
Penn Central 30340
Rock Island & Fort Worth & Denver Railroad Co 30340

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Land developers; investigatory hearings, orders of suspension, etc.:
Berryessa Highlands 31825
Bryce Mountain 29916
Canaveral Properties 31825
Cascade Mountain Resort 31023
Cedar Estates 28843
Goose Creek Addition 29917
Groveland Highlands 31826
Lake Timberline 31826
Mount Mitchell Lands 29917
Northmoor Acres 31826
Olympic Heights 30305
Paradise Hills 30730
Port Mardi Gras 30305
Prosser Lakeview Estates 29917
Quail Mountain Trails 31827
River Road City 31250
Terre du Lac 29752
Trinity Lake Forest 31251

JUSTICE DEPARTMENT

See Antitrust Division.
Drug Enforcement Administration.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.
Parole Board.

Proposed Rules

District of Columbia correctional institutions; furlough programs 30977

LABOR DEPARTMENT

See Employee Benefits Security Office.
Employment Standards Administration.
Federal Contract and Health Administration.
Federal Contract Compliance Office.
Labor-Management Services Administration.
Manpower Administration.
Occupational Safety and Health Administration.
Wage and Hour Division.

Rules Page

Labor standards; trainees and apprentices 30480
Migrant and seasonal farmworkers; comprehensive training programs 28980

Proposed Rules

Job Corps program; establishment, funding, operation, and management of centers 30584

Notices

Adjustment assistance:
Airco Electronics 28689
American Girl Fashions, Inc 29573
Anaconda Co 29573
Armor Elevator Co 28142
Bendix Corp 31053
Borg-Warner Corp 30333
Brown Shoe Co 29574
Clayton Shoe Co 31053
Control Data Corp 28530
Davidson Rubber Co 30765
Dunbar Shoe Pattern Co 30765
Electro-Motive Corp 30334
Florsheim Shoe Co 28142, 29574, 30765
GTE Sylvania 30766
Garland Corp 29575
General Electric Co 29575, 29576
General Motors Corp 29577
Globe Union Inc 30765
Hamilton Shoe Co 30766
Harley-Davidson, Inc 30334
International Shoe Co 29577
Ion Capacitor Corp 30334
Jackson International Shoe Factory 30767
Manhattan Shirt Co 31053
Martin Marietta Aerospace 30334
Mavest, Inc 29577
Mid-American Dairymen, Inc 28531
Northland Shoe Corp 31054
Pennsylvania Shoe Co 31842
Progressive Service Co 30767
Rockmore Co., Inc 30767
Rohr Industries, Inc 31844
Rosia Shoe Corp 30335
SKF Industries, Inc 29578, 30336, 31843
Sheller Globe Corp 28690
Singer Co 30335
V-M Corp 30336
Warwick Electronic, Inc 30336
Westminster Co 28143
Wilson Sporting Goods Co 28531
Wurlitzer Co 31673

LAND MANAGEMENT BUREAU

Rules Page

Public Land Orders:
Alaska 27659, 27939
Arkansas 27659
Colorado 27658
Idaho 27659, 29292, 30115
Nevada 27659

Notices

Applications, etc.:
Alaska 28820, 28821, 28822
Colorado 29902, 30853
New Mexico 27694, 28107, 28108, 28823, 29095, 30509, 30510, 30853, 31015, 31016, 31966, 32146
Wyoming 29095, 30853, 30854, 31016, 31017, 31249, 32147
Authority delegations:
Area Managers 27695
Classification of lands:
Idaho; reclassification for disposal 31967
Environmental statements; availability, etc.:
Outer Continental Shelf; oil and gas leasing 29308
Grazing district boundaries:
Utah 32147
Meetings:
Santa Fe National Forest Grazing Livestock Advisory Board 29902
Oil and gas leasing; Outer Continental Shelf, Alaska 29558
Opening of public lands:
California 29094, 30139
Montana 29902
Survey plat filings:
Nevada 28107
Withdrawal and reservation of lands, proposed, etc.:
Arizona 31015
Arkansas 30726
California 29737, 30139
Colorado 29738, 31016
Idaho 29738
Minnesota 29095
New Mexico 27694
Washington 29902

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Criminal Justice Standards and Goals National Advisory Committee 29308, 31641
Law Enforcement/Private Security Relationship Study Committee 29094

LEGAL SERVICES CORPORATION

Notices

Meetings:
Administration Committee 31043
Board of Directors 29132, 31996
By-laws and Regulations Committee 32182
Presidential Search Committee 32182

MANAGEMENT AND BUDGET OFFICE

Notices Page

Budget recission and deferrals for FY 1975 30026
Budget rescission and deferrals for FY 1976 29000, 32042
Clearance of reports; list of requests 27739, 27988, 28529, 29134, 29359, 29571, 29768, 29769, 29939, 30165, 30540, 30761, 30887, 31290, 31671, 31841, 31998
Meetings:
Apprenticeship, Federal Committee 29138
GNP Data Improvement Advisory Committee 32182
Paperwork Commission, Federal 30761
Privacy Act 28948, 28949, 29360

MANPOWER ADMINISTRATION

Notices

Comprehensive Employment and Training Act:
Funding of high school equivalency and college assistant migrant programs 29572
Employment transfer and business competition determinations; financial assistance applications 28142, 29138, 30333, 31290
Migrant and other seasonal farmworkers program; FY 1976 estimates and areas open for competition 31291

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Avondale Shipyards, Inc. et al 29316
Cove Tankers Corp 31021, 31823
Lykes Bros. Steamship Co., Inc 28502
Pacific Far East Line Inc 28832
Waterman Steamship Corp 29315
Approval of certain charters 28832
Tanker construction program; standard specifications 31250
War risk insurance values; interim binders as of January 1, 1975 30675

MATERIALS TRANSPORTATION BUREAU

Rules

Establishment and rulemaking procedures 31767

Notices

Hazardous materials regulations exemptions; interim procedures 31976

MINES BUREAU

Notices

Environmental statements; availability, etc.:
Surface subsidence control in mining regions 30294
Mineralogical services; policy statement 29308

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Notices Page

Accident investigation, Caryville, Tenn. death of CMC Coal Co. employee; hearing 29101

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notices

Meeting 28877

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notices

Meetings:
Early Childhood Education Committee 27984
National Advisory Council 27737, 28137

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Rules

Inventions and Contributions Board; organization and functions 30465

Notices

Closed meeting activities; public availability of reports 30163
Committees; establishment, renewals, etc.:
Atmospheric Sciences Advisory Committee 28137
Research and Technology Advisory Council Ad Hoc Panel 27738
Space Science Steering Committee 27984
Environmental statements; availability, etc:
Infrared telescope; Mauna Kea, Hawaii 30163
Meetings:
Atmospheric Sciences Advisory Committee 30327, 31671, 31836
Space Program Advisory Council 28137
Stratospheric Research Advisory Committee 31836

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee 32152
Federal Information Processing Standards Task Group 29749, 29907

NATIONAL CREDIT UNION ADMINISTRATION

Rules

Federal credit unions; organization and operation 30261, 32114

Proposed Rules

Checks and money orders; fee charge 30291

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices Page

Committees; establishment, renewals, etc.:
Science, Technology and Human Values Advisory Committee 27985
Meetings:
Architecture and Environmental Arts Panel 27985
Arts National Council 29116
Dance Advisory Panel 27985
Federal Graphics Evaluation Advisory Panel 30538
Fellowships Panel Advisory Committee 29570, 29937, 32177
Humanities Advisory Committee National Council 31043
Public Media Advisory Panel; correction 27738

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Consumer information regulations; tire quality grading standards, uniform 28071, 28074
Highway safety, State uniform standards; driver licensing; Virginia; temporary waiver 30639
Motor vehicle safety standards:
Brake systems, air 31771
Control location, identification, illumination 31770
Seat belt assemblies, light trucks and mpv's 28805
Tires, new pneumatic, and rims for passenger cars 28457
Window systems, power-operated 31772

Proposed Rules

Motor vehicle safety standards:
Brake systems, air 28097

Notices

Defects, initial determinations; hearings, etc.:
Firestone Tire & Rubber Co.; steel belt tires; meeting 27712
GMC 2500 Series truck; vacuum brake hose failure 31829
Meetings:
Firestone Tire & Rubber Co.; steel belt tires 27712
National Highway Safety Advisory Committee 28846
National Motor Vehicle Safety Advisory Council 31976
Motor vehicle safety standards; exemption petitions, temporary:
Benlee Industrial Salvage Co. Inc 31828
Fruehauf Corp 28846
Harnischfeger Corp 31829
Motor Coach Industries, Inc 28504
Orcon Industries Inc 29115
Sebring-Vanguard Inc 29115
Safety sanctions proceedings, motorcycle helmets, initiation against various States; joint agreement with FHwA:
California 32153
Illinois 32153
Utah 32154

INDEX

NATIONAL INSTITUTES OF HEALTH

Notices Page

Committees; establishment and renewals, etc.:
- Arteriosclerosis and Hypertension Advisory Committee, et al ... 30304

Meetings:
- Allergy and Immunology Study Group et al ... 30304
- Biomedical Mass Spectrometry workshop ... 31974
- Cancer Control Intervention Programs Review Committee; cancellation ... 27960
- Cancer Control and Rehabilitation Interagency Coordinating Committee ... 29316
- Coordinate Toxicology and Related Programs Committee ... 31014
- Diabetes National Commission ... 29751
- Endocrinology Study Section ... 29316
- Extracorporeal Treatment of Blood Workshop Group ... 30305
- Medicinal Chemistry B Study Section ... 31974
- National Cancer Institute Advisory Committee ... 29316
- Neurological Disorders Program Project Review Committee ... 31974, 31975
- President's Cancer Panel ... 29317
- Recombinant DNA Molecule Program Advisory Committee ... 27961
- Transplantation and Immunology Committee ... 29750
- Tropical Medicine and Parasitology Study Section ... 29317

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Financial aid to fisheries:
- Fees ... 31940

Proposed Rules

Marine mammals:
- Waiver of moratorium on importations ... 28469

Notices

Bareboat charter of vessels to foreign-controlled company; withdrawal of application:
- Citicorp Leasing, Inc ... 28650

Fisheries, groundfish; season closure ... 27959

Marine mammal permit applications:
- Brownell, Robert L ... 30519
- Kooyman, Gerald L ... 30519
- Lincoln Park Zoological Gardens ... 27958
- Northwest Fisheries Center ... 27958, 31649
- Ocean World, Inc ... 30519
- Ray, G. Carlton et al ... 31824
- Whittow, G. Causey ... 27959
- Winn, Dr. Howard E ... 31648

Marine Mammal Protection Act; report on administration ... 28502

Meetings:
- Marine Petroleum and Minerals Advisory Committee ... 31022

NATIONAL PARK SERVICE

Rules Page

Camping requirements; Mount Rainier National Park, Wash ... 31938

Proposed Rules

Signs; pictured symbol ... 28088

Notices

Authority delegations:
- Administrative Assistant, Great Sand Dunes National Monument ... 30294
- Administrative Assistant, Western Pennsylvania Group ... 30295
- Administrative Officer, et al., Acadia National Park, Me ... 29308
- Administrative Officer, et al., Coulee Dam National Recreation Area ... 29309
- Administrative Officer et al., Cumberland Island National Seashore ... 30294
- Administrative Officer, et al., Curecanti National Recreation Area ... 30294
- Administrative Officer, et al., Everglades National Park, Fla. ... 29309
- Administrative Officer, et al., Independence National Historical Park ... 29309
- Administrative Officer, Lake Meredith Recreation Area ... 30294
- Administrative Officer, et al., Zion National Park ... 30295
- Administrative Services Assistant, Guilford Courthouse National Military Park ... 30294
- Administrative Services Assistant, Kennesaw Mountain National Battlefield Park ... 29309
- Assistant Superintendent, et al., Great Smoky Mountains National Park ... 30295
- Assistant Superintendent, et al., Natchez Trace Parkway, Miss ... 29309
- Chief, Division of Contracting and Property Management, et al ... 32147
- Chief, Interagency Archeological Services, Denver, San Francisco and Atlanta ... 28111
- Procurement Clerk et al., Hawaii Volcanoes National Park ... 29310
- Regional Directors ... 28111
- Superintendents, et al.; Mid-Atlantic Region ... 30295
- Superintendents, et al.; Midwest Region ... 30295
- Superintendents, et al.; Southwest Region ... 30296

Camping fee increase; Great Smoky Mountains National Park ... 30854

Concession permits, etc.:
- Swan Tavern Antiques; Colonial National Historical Park ... 29310
- Watch Hill Concessions, Inc.; Fire Island National Seashore ... 29310

Environmental statements; availability, etc.:
- Knife River Indian Villages National Historic Site, N. Dak ... 31822
- Historic Places National Register ... 27698

Master plan workshops:
- Fire Island National Seashore ... 30294
- Mount McKinley development concept plan ... 31647
- Sequoia and Kings Canyon National Parks, Calif ... 27698

Meetings:
- Golden Gate National Recreation Area Advisory Commission ... 30296
- Independence National Historical Park Advisory Commission ... 30147
- Shadow Mountain National Recreation Area ... 29739
- Southwest Regional Advisory Committee ... 29101
- Western Regional Advisory Committee ... 30147
- Whiskeytown Unit, Whiskeytown/Shasta/Trinity National Recreation Area Master Plan ... 29310

NATIONAL SCIENCE FOUNDATION

Proposed Rules

Privacy Act procedures ... 31811

Notices

Meetings:
- Earth Sciences Advisory Panel ... 27988
- International Decade of Ocean Exploration Proposal Review Panel ... 30538
- Science Education Projects Advisory Panel ... 31996
- Science Programs Ad Hoc Advisory Group ... 28877

Membership nominations:
- National Science Board ... 30327

NATIONAL TECHNICAL INFORMATION SERVICE

Notices

Inventions, government owned; availability for licensing ... 29907, 29908, 29909, 29910, 29911, 29912, 30858

NATIONAL TRANSPORTATION SAFETY BOARD

Rules

Organization, functions and delegations of authority ... 30232, 30661

Transfer and redesignation of regulations ... 30106

Proposed Rules

Privacy Act implementation ... 30130, 30988

Notices

Safety recommendations and accident reports; availability, responses, etc ... 28139, 29132, 30163, 31043, 31671, 32177

NAVY DEPARTMENT

Rules

Navigational light waivers; ship nomenclature revisions ... 31601

Notices Page

Meetings:
- CNO Executive Panel Advisory Committee ... 28646, 29558
- Marine Corps History, Commandant's Advisory Committee ... 30293

NUCLEAR REGULATORY COMMISSION

Rules

Licensing and regulatory policy and procedures for environmental protection ... 31593

Proposed Rules

Nuclear material, special; limits on unaccounted volume ... 30133

Notices

Applications, etc.:
- Alabama Power Co ... 30880
- Allied-General Nuclear Services, et al ... 28506
- Arkansas Power & Light Co ... 31996
- Boston Edison Co. et al ... 28678, 30880
- Carolina Power & Light Co ... 28509, 29937, 31671, 32178
- Commonwealth Edison Co., et al ... 27985, 27986, 29768, 30539, 30760, 30880, 30881
- Connecticut Yankee Atomic Power Co ... 27739
- Consolidated Edison Co. of New York ... 29133, 30882, 31044
- Dairyland Power Cooperative ... 28678
- Duke Power Co ... 30883
- Florida Power and Light Co ... 29570, 30328
- General Atomic Co ... 29133
- General Electric Co ... 28138
- Georgia Power Co et al ... 30760, 31045, 31289
- Hendrie, Joseph M ... 28138
- Indiana & Michigan Electric Co. Inc., et al ... 31997
- Industrial Reactor Laboratories, et al ... 31997
- Ion Track Instruments, Inc ... 27986
- Iowa Electric Light & Power Co. et al ... 28679, 31045
- Kansas Gas & Electric Co., et al ... 28509, 30883
- Long Island Light Co ... 30761
- Los Angeles Water & Power Department, et al ... 31811
- Maine Yankee Atomic Power Co ... 28138
- Maine Yankee Atomic Power Station ... 28139
- Metropolitan Edison Co., et al ... 29768
- Natural Resources Defense Council, Inc ... 29939
- Nebraska Public Power District ... 30883, 31837
- New England Power Co ... 28510, 29571, 30538
- Northeast Nuclear Energy Co., et al ... 32178
- Northern States Power Co., et al ... 29938, 30884, 31044
- Offshore Power Systems ... 30539, 32178
- Omaha Public Power District ... 28877
- Philadelphia Electric Co ... 32179
- Philadelphia Electric Co. et al ... 28139, 28681, 30328, 31046
- Project Management Corp., et al ... 30885
- Public Service Co. of Oklahoma, Inc ... 28507
- Public Service Electric & Gas Co ... 32181
- Public Service Electric & Gas Co., et al ... 28681, 29133, 30539
- Rochester Gas and Electric Corp ... 30885
- Rockwell International Corp ... 30539
- Southern California Edison Co., et al ... 30885
- Tennessee Valley Authority ... 30164, 30165, 30887, 31045, 31671
- University of California, Santa Barbara ... 28510
- Vermont Yankee Nuclear Power Corp ... 28682, 30885, 32180
- Virginia Electric & Power Co ... 31837
- Wisconsin Electric Power Co, et al ... 29133, 30886
- Yankee Atomic Electric Co ... 31289, 31837

International Atomic Energy Agency Draft Codes of Practice; availability ... 31289

Meetings:
- Reactor Safeguards' Advisory Committee ... 27738, 27986, 29570, 29767, 29937, 29938, 30164, 30329, 31047, 31289, 31839, 31840

Regulatory guides; issuance and availability ... 27987, 28510, 28681, 30540, 30886, 31997

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Health and safety standards:
- Industrial slings; correction ... 31598

State plans for enforcement of standards:
- Hawaii ... 28792
- New York; withdrawal ... 27655

Proposed Rules

Health and safety standards:
- Coke oven emissions exposure ... 32268
- Work in confined spaces ... 30980

State plans for development and enforcement of standards; procedures ... 27946

State plans for enforcement of standards:
- Arizona ... 28472

Testing laboratories accreditation; extension of comment period ... 27691

Notices

Applications, etc.:
- Hormel, George A., & Co ... 27745
- Interpace Corp ... 29771

Meetings:
- Agriculture Standards Advisory Committee ... 31673
- Construction Safety and Health Advisory Committee ... 31053
- Occupational Safety and Health Federal Advisory Council ... 28687, 31291

Standards Advisory Committees recommendations; availability:
- Coke oven emissions ... 29572
- Hazardous materials labeling ... 29572

State plans for enforcement of standards:
- Guam ... 28880
- Iowa ... 27746
- Maryland ... 31052

Toxic materials; standards completion project; technical standards draft ... 28688

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Rates and charges schedules, hearings:
- Mills Auction Market, Ocala, Fla ... 29747
- Robertsdale Livestock Auction, Inc., Robertsdale, Ala ... 30856

PANAMA CANAL

Rules

Postal Service:
- Mail box keys; fees ... 30818

Proposed Rules

Vessels, measurement ... 32140

PAROLE BOARD

Proposed Rules

Application procedures; certificates of exemptions under certain Acts:
- Employee Retirement Income Security Act of 1974 ... 30491
- Labor-Management Reporting and Disclosure Act of 1959 ... 30489

PENSION BENEFIT GUARANTY CORPORATION

Proposed Rules

Pension plan; intent to terminate ... 29555

POSTAL RATE COMMISSION

Rules

Vice Chairman; election ... 28792

Proposed Rules

Privacy Act implementation ... 31813

Notices

Box rental rate complaint, filing of ... 30761

POSTAL SERVICE

Rules

Postal Service Manual:
- Addresses, second class mail, indemnity claims ... 31766
- Domestic mail service, nonmailable matter, etc ... 31602

Proposed Rules

Privacy Act implementation ... 30988

PRESIDENTIAL CLEMENCY BOARD

Rules

Administrative procedures; substantive standards ... 30793

Notices

Meetings ... 28683, 30540

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

Notices

Meeting ... 29769

INDEX

PUBLIC HEALTH SERVICE

See Alcohol, Drug Abuse, and Mental Health Administration.
Disease Control Center.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

Rules Page

Confidentiality of alcohol and drug abuse patient records ... 27802
Grants:
Educational programs, occupational safety ... 29076

Proposed Rules

Occupational safety and health:
Investigations; places of employment; extension of time ... 31248

Notices

Authority delegations:
Assistant Secretary for Health and Administrator, Health Services Administration ... 29319, 29751

PUERTO RICO AD HOC ADVISORY GROUP

Notices

Meeting ... 29919

RECLAMATION BUREAU

Rules

Recreation management procedures; Lake Berryessa, Napa County, Calif ... 27658

Notices

Environmental statements; availability, etc.:
Four Corners Powerplant and Navajo Mine, N. Mex ... 31017, 31822
Sugar Pine Dam, Calif.; proposed reservoir and conduit ... 31017

REVENUE SHARING OFFICE

Notices

Entitlement data; allocation date ... 29094
Entitlement data; estimates ... 28106, 29736

Illinois townships; expenditure, revenue sharing funds ... 29736

RURAL ELECTRIFICATION ADMINISTRATION

Rules

Freedom of information ... 31956

Proposed Rules

Loans for electric distribution ... 30125
Rural telephone program:
Equity policy; loans ... 29088
Radio paging service; preloan procedures and requirements ... 29087
Telephone facilities:
Station installations; standards ... 31244

Notices

Environmental statements; availability, etc.:
Cajun Electric Power Cooperative, Inc., La ... 28501
Southern Maryland Electric Cooperative, Inc ... 30657
Tri-State Generation and Transmission Association, Inc ... 29559
Loan guarantees proposed:
Gulf Telephone Co., Foley, Ala ... 31973
Tri-State Generation & Transmission Association, Inc ... 30149

SECURITIES AND EXCHANGE COMMISSION

Rules

Investment advisers, etc.:
Life insurance, variable; recision of exemptive rules ... 27644
Registration ... 30634, 30636
Net capital; uniform rule and alternative requirement ... 29795

Proposed Rules

Money market fund yield quotation standardization; correction ... 29306
Offering sheet filing; notification of State securities administrators ... 30844
Oil and gas reserve disclosure; extension of comment period ... 30992
Projections of future economic performance; extension of comment period ... 29899

Notices

Delinquent registrants; correspondence placed in public files ... 30761
Filings, Securities Act of 1933, exemptions; Los Angeles region ... 27988
National securities exchanges; rules limiting ability to effect transactions; inquiry ... 30332
New York Stock Exchange, Inc.; proposed amendments; to certain company rules, inquiries:
Depository Trust Co ... 30762
Stock Clearing Corp ... 30762
Option plans:
Chicago Board Options Exchange, Inc ... 29572
Report coordinating group; first annual report ... 27989
Hearings, etc.:
A. P. Montgomery & Co., Inc., et al ... 30330
American Stock Exchange, Inc ... 29769
BBI, Inc ... 29135, 30330, 31998
Ben Franklin Income Securities, Inc ... 31998
Boston Stock Exchange ... 27740
Canadian Javelin, Ltd ... 28141, 29360, 30888
Cardinal Tax-Exempt Bond Fund, First Series, et al ... 31048
CENCO Hospital & Convalescent Homes Corp ... 28140
CENCO Inc ... 28140
Channing Income Fund Inc. et al ... 28683
Chemex Corp ... 29136
Cincinnati Stock Exchange ... 29939
Connecticut General Life Insurance Co. et al ... 31050
Consolidated Natural Gas Co. and CNG Research Co ... 28141
Continental Vending Machine Corp ... 28141, 29770, 31048
Equity Funding Corp. of America ... 27739, 29136, 30761
Everest Fund, Inc., et al ... 27742
Gateway Fund, Inc ... 29940
General Crude Oil Co ... 31999
Industries International, Inc ... 27740, 29136, 30762
Kikiktagruk Inupiat Corp ... 30763
Massachusetts Electric Co ... 28879
Mattel, Inc ... 31672
Merrill Lynch, Pierce, Fenner & Smith, Inc ... 29136
Middle South Utilities, Inc., et al ... 31842
Mississippi Power & Light Co ... 31999
Multiple Maturity Tax-exempt Bond Trust, First Series, et al ... 29360
National Association of Securities Dealers, Inc ... 32000
National Fuel Gas Co. et al ... 27743
National Telephone Co., Inc ... 28685
New England Power Co ... 27740
Northeast Utilities et al ... 29362
Ohio Electric Co ... 27741, 29940
Ohio Power Co ... 28878
Owens-Illinois, Inc ... 30330
Pacific Air Transport International, Inc ... 29940
Pennsylvania Electric Co ... 29940
Puerto Rican Investors Fund, Inc ... 30763
Richards Aircraft Supply Co., Inc ... 28685
Royal Properties Inc ... 28686, 30330, 31048
Schick Investment Co ... 31672
Southwestern Electric Power Co ... 29363
Strong, Richard S ... 28686
Talley Industries, Inc ... 29770
Upperster Corp ... 29941
Vantage Ten-Ninety Fund, Inc ... 31049
Wellington Fund, Inc., et al ... 29364
Westgate California Corp ... 27742, 29136, 30762

SMALL BUSINESS ADMINISTRATION

Rules

Business loans:
Fee policies ... 30261
Disaster loans:
Livestock ... 30807
Small business size standards:
Construction contractors; special trades; correction ... 28603

Proposed Rules

Small business size standards:
Government timber sales ... 32142
Petroleum refiners; hearing rescheduled ... 29899
Small business definition; government procurements for fluid milk ... 30292

Notices

Applications, etc.:
Affiliated Investment Fund, Ltd ... 29941
American Indian Investment Opportunities, Inc ... 28686
Arizona First Small Business Co ... 28687
Business Capital Corp ... 27989

Capital Investors Corp ... 31842
Constructa Investment Inc ... 30332
Finest Capital Corp ... 30888
H & T Capital Corp ... 32182
Hamilton Capital Fund, Inc ... 29137
First of Orange County Corp ... 32182
Forum Equity Corp ... 32182
Pacific Venture Capital, Ltd ... 29941
Paulucci Venture Capital Corp ... 30888
Telacu Investment Co., Inc ... 30889
Van Rietschoten Capital Corp ... 29365
Disaster areas:
Kansas ... 28687
Maryland ... 31842
Minnesota ... 29941, 32182
Missouri ... 28687
Montana ... 29365, 31052
Nevada ... 31842
North Dakota ... 31052
Oklahoma ... 30888
Texas ... 29138
Wisconsin ... 27989
Guaranteed loans; maximum interest rates ... 27744
Meetings:
Anchorage District Advisory Council ... 29941
Atlanta District Advisory Council ... 29137, 30333
National SBIC Advisory Council ... 30888

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

See Census Bureau.

Notices

Standard statistical establishment list; multi-establishment companies ... 31018

SOCIAL AND REHABILITATION SERVICE

See Child Support Enforcement Office.

Rules

Child support enforcement program; postponement of effective date ... 31766
Financial assistance programs:
Need and amount of assistance ... 30963
Medical assistance programs:
Renal disease treatment, end-stage; payments to certified facilities ... 28793
Utilization review; effective date deferral ... 28070
Utilization review; remote facility variances ... 30818
Public assistance programs:
Families and children; paternity and support; revoked; postponement of effective date ... 31767
Social security numbers for applicants and recipients ... 27659

SOCIAL SECURITY ADMINISTRATION

Rules

Freedom of information; disclosure of official records and information; policies ... 27648
Health insurance for aged and disabled:
Health maintenance organizations; qualifying conditions ... 28016, 29706
Listing of impairments ... 30262
Medicare; periodic interim payments ... 29815
Utilization review; effective date deferral ... 28052
Utilization review; remote facility variances ... 30817
Old age, survivors, and disability insurance:
Child's insurance benefits ... 29072
Deductions; reductions; nonpayments of benefits ... 30812
Farm rental income received by landowner or tenant; exclusion ... 29071
Widow's and widower's benefit increase ... 31774
Supplemental security income for aged, blind, and disabled:
Determinations of disability or blindness ... 31778

Proposed Rules

Health insurance for aged and disabled:
Health maintenance organizations; cost basis; reimbursement ... 31795
Health maintenance organizations; risk basis; reimbursement ... 31802
Information disclosure of post-hospital services and erroneous certifications by physicians ... 28810, 30493
Renal diseases, end-stage services, coverage of supplies of ... 27782
Old-age, survivors, and disability insurance:
Benefits payment ... 28095
Retirement test monthly exempt amount and contribution and benefit base; correction ... 29301
Supplemental security income for aged, blind, and disabled:
Benefits payment ... 28095

Notices

Meetings:
Supplemental Security Income Study Group ... 29916
Supplemental security income; proposed language changes, availability ... 29561

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Bear Swamp, N.C ... 30858
Bogota, Tenn ... 31249
Cedar Run, Va ... 30149
Choccolocco Creek, Ala ... 31822
Comal River, Tex ... 27957
East Franklin, La ... 29311
Lakes Okabena and Ocheda, Minn ... 27957
Line Creek, Ala., et al ... 28649
Little Luckiamute River, Oreg ... 30857
Mill Creek, Ill ... 31823
Northwest Laterals, Tex ... 31823
Red Deer Creek, Tex ... 28112
Turkey Creek, Kans ... 29560
Upper Bushy Creek, Ala ... 31823
Upper Lake Fork Creek, Tex ... 27958
West Fork Mayfield Creek, Ky ... 27958
Equipment grant eligibility determination:
Fredonia Natural Resource Conservation District, Ariz ... 29311
Meetings:
Public Advisory Committee on Soil and Water Conservation ... 30514
Watershed planning authorization:
Seneca Creek Watershed, Md ... 28501

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Rules

Confidentiality of alcohol and drug abuse patient records:
CFR Part revocation ... 27821

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

Rules

Freedom of information ... 30934

Notices

Guatemala, petition alleging unfair trade practices ... 29134

STATE DEPARTMENT

See Agency for International Development.

Rules

Advisory Committee management ... 28606

Proposed Rules

Foreign Service Board; procedures ... 30824

Notices

Advisory committees; status, reports on closed sessions, etc ... 27956, 29307
Authority delegations:
Coordinator for Humanitarian Affairs, et al ... 27956
Deputy Director General, Foreign Service ... 28646, 30293,
Committees; establishment, etc.:
U.S. Participation in U.N. Conference on Human Settlements (Habitat) Advisory Committee ... 29307
Foreign assistance:
Ecuador and Peru ... 30846
Jordan ... 27956
Meetings:
International Educational and Cultural Affairs U.S. Advisory Commission ... 28498
International Radio Consultative Committee, U.S. National Committee ... 30993
International Telegraph and Telephone Consultative Committee ... 30293, 30846
Northwest Atlantic Fisheries Advisory Committee ... 30846
Ocean Affairs Advisory Committee ... 27693
Shipping Coordinating Committee ... 30993
U.S. Participation in U.N. Conference on Human Settlements (Habitat) Advisory Committee ... 29900

INDEX

TENNESSEE VALLEY AUTHORITY

Notices Page

Public records index 30165

TRANSPORTATION DEPARTMENT

See Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hazardous Materials Regulation Board.
Materials Transportation Board.
National Highway Traffic Safety Administration.
Urban Mass Transportation Board.

Rules

Authority delegations:
Chief Counsel, Coast Guard 31605
Organization and functions:
Materials Transportation Bureau; establishment 30821

TRAVEL SERVICE

Notices

Meetings:
Regional Travel Executives Council 31022

TREASURY DEPARTMENT

See Alcohol, Tobacco, and Firearms Bureau.
Comptroller of the Currency.
Customs Service.
Fiscal Service.
Internal Revenue Service.
Revenue Sharing Office.

Rules

Domestic Gold and Silver Operations Office; disestablishment 32121
Freedom of information 29290

Proposed Rules Page

Fiscal assistance to State and local governments; nondiscrimination in programs funded with entitlement funds 30974

Notices

Antidumping:
Acrylic sheet from Japan 30509
Batteries, rechargeable sealed nickel-cadmium, from Japan 30993
Birch 3 ply doorskins from Japan 29557
Ceramic brick and tile from Canada 30847
Ski bindings and parts from Austria, Switzerland, and West Germany 30847
Vinyl clad fence fabric from Canada 31820, 31821
Authority delegations:
Assistant General Counsels 29557
Bonds, Treasury:
1995—2000 31819
Estate tax convention; United States and West Germany; hearing 31640
Notes, Treasury:
Series B–1982 31818
Series E–1979 27693
Series F–1978 31817
Series K–1977 ..... 29736, 30847

UNITED STATES INFORMATION AGENCY

Notices

Meetings:
Information Advisory Commission 28687, 31052

URBAN MASS TRANSPORTATION ADMINISTRATION

Proposed Rules

Charter bus operations; extension of comments period 29729
School bus operations; extension of comments period 29729

VETERANS ADMINISTRATION

Rules Page

Authority delegations:
Chief Benefits Director 31755
Vocational rehabilitation and education; liberalization of benefits and rate increases 31755

Proposed Rules

Disabilities rating schedule 30502
Fiduciary activities 31960

Notices

Benefits; female veterans, payment of dependency allowance for spouse 27744
Meetings:
Station Committee on Education Allowances 28141, 29770

WAGE AND HOUR DIVISION

Rules

Wage orders:
Puerto Rico; correction 30064

Proposed Rules

Child labor; minors between 14 and 16 years; extension of comments period 28814

Notices

Learners, certificates authorizing employment at special minimum wages 30337
Students, full-time; certificates authorizing employment at subminimum wages 30337

WAGE AND PRICE STABILITY COUNCIL

Notices

Aluminum price increase; hearing 29335
Seattle area plumbers, wage increase; hearing 30336

WATER RESOURCES COUNCIL

Notices

Planning water and related land resources:
Base line projections, change 28879
Discount rate, change 32099

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR Page

305 27925
310 27925

2 CFR

102 30793

3 CFR

PROCLAMATIONS:
4381 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) 27939
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659
11643 (Amended by EO 11870) 30611
11861 (Amended by EO 11872) 30619
11868 (Amended by EO 11873) 30617
11870 30611
11871 ..... 30615, 30915
11872 30619
11873 30617
11874 31737
MEMORANDUMS:
Memorandum of June 26, 1975 31199
Memorandums of June 30, 1975 (3 documents) 31201, 31203, 31205

4 CFR

54 27929

5 CFR

213 ..... 27639, 27640, 27929, 28047, 28445, 29067, 29811, 29812, 30086, 30269, 31591, 31925, 32109
307 28445
550 31207
551 27640
731 28047
PROPOSED RULES:
2470 31636
2471 31636

7 CFR

2 31941
6 29261
16 31227
24 32109
26 28785
29 ..... 30917, 31591
210 ..... 30917, 31941
220 30922
246 27930
250 31941
271 ..... 28786, 29531, 29701
272 28786
275 29531
354 30621
722 28601
760 29067
780 27641
908 ..... 28460, 29068, 30091, 30928, 32109
910 ..... 28461, 29261, 30269, 31228
911 ..... 28462, 29262, 30270, 31228

7 CFR—Continued Page

915 ..... 28048, 29068, 29812, 30793
916 ..... 28462, 31592
917 ..... 27930, 28601, 32110
919 31592
921 30621
922 30270
924 30929
930 ..... 27931, 28602, 31739
944 ..... 29812, 30794
945 30271
946 32111
967 29534
980 32111
989 31739
999 29262
1007 31942
1030 ..... 31229, 31942, 32113
1032 31942
1033 ..... 30087, 30794
1040 31943
1046 31943
1049 31943
1050 31943
1060 31943
1061 31943
1062 31943
1063 31943
1064 ..... 27641, 31943
1065 31943
1068 31943
1069 31943
1070 31944
1071 31944
1073 31944
1076 31944
1078 31944
1079 31944
1090 31944
1094 31944
1096 31944
1097 31944
1098 31944
1099 31945
1102 31945
1104 31945
1106 31945
1108 31945
1120 31945
1126 31945
1131 ..... 27642, 30087, 31233, 31945
1132 31945
1138 31945
1139 31945
1408 29069
1421 ..... 30466, 30794, 31946, 31949, 31952
1427 ..... 30092, 30795
1434 30798
1438 29813
1446 28787
1464 ..... 28603, 28788
1701 31956
1822 ..... 28463, 29263
1823 ..... 29263, 30930
1843 27931
1845 30622

7 CFR—Continued Page

PROPOSED RULES:
29 29880
52 31607
719 31609
722 ..... 30274, 30275
728 28093
775 28093
911 28614
915 ..... 28090, 28614
916 28090
917 ..... 29087, 29881
923 29881
924 30662
927 31244
930 29553
932 30275
946 29725
947 ..... 29726, 32129
948 ..... 30276, 30840, 30977
958 ..... 28091, 30277
980 ..... 28091, 29725
982 30277
989 27691
1007 30119
1030 ..... 29296, 30119
1032 ..... 28618, 30119
1040 30119
1046 ..... 28465, 30119
1049 30119
1050 30119
1060 30119
1061 30119
1062 ..... 28618, 30119
1063 30119
1064 30119
1065 30119
1068 30119
1069 30119
1070 30119
1071 30119
1073 30119
1076 30119
1078 30119
1079 30119
1090 30119
1094 30119
1096 30119
1097 30119
1098 ..... 30119, 32130
1099 ..... 28807, 30119
1102 30119
1104 30119
1106 30119
1108 30119
1120 30119
1126 30119
1131 30119
1132 30119
1138 30119
1139 30119
1201 ..... 28092, 28093
1421 28094
1427 30283
1464 27691
1701 ..... 29087–29088, 30125, 31244
1822 ..... 28094, 29300

INDEX

8 CFR — Page

100 — 30467
103 — 30468
212 — 30470
242 — 30470
243 — 30470
299 — 30470
316a — 30470
499 — 30470

PROPOSED RULES:

212 — 28614

9 CFR

56 — 30098
72 — 31593
76 — 29701, 32113
82 — 31925
83 — 27642
92 — 31740
97 — 27643
112 — 30802, 31593
113 — 30802
151 — 32114
381 — 29549

PROPOSED RULES:

92 — 28807, 29728
101 — 28621
112 — 28621
113 — 28621, 30126
114 — 28621
381 — 31616

10 CFR

51 — 31593
205 — 28446
210 — 31925
211 — 28446, 30030, 31741
212 — 28447, 28448, 30030, 31741
303 — 28420
309 — 28420
707 — 30803
860 — 28789

RULINGS:

1975–7 — 30037
1975–8 — 30037

PROPOSED RULES:

70 — 30133
205 — 28481
206 — 28481
211 — 30500, 30671, 32136
212 — 28634–28637, 30671, 30674, 32136
213 — 28481, 28487

11 CFR

Ch. II — 28578

PROPOSED RULES:

Ch. II — 28579, 30582

12 CFR

4 — 30930
11 — 30038
201 — 30807
226 — 30085
265 — 31207
308 — 28048
339 — 27931
400 — 28449
531 — 29702
561 — 29069
563 — 29703
584 — 29703
701 — 30261, 32114
760 — 29264

12 CFR—Continued — Page

PROPOSED RULES:

14 — 29724, 31958
204 — 29732
217 — 28644, 29732
225 — 30986
265 — 30986
329 — 28099, 28100
505a — 29729
544 — 28638
545 — 28638
546 — 27953, 28640
555 — 28641
563 — 27954, 28643
571 — 29093
701 — 30291

13 CFR

120 — 30261
121 — 28603
123 — 30807
305 — 29070
313 — 29704
315 — 29265

PROPOSED RULES:

121 — 29899, 30202, 32142

14 CFR

21 — 28603
39 — 27643, 27644, 28075, 28604–28605, 29269–29272, 29549, 29704, 29814, 29815, 30463, 30464, 30807, 30808, 30932, 30933, 31208, 31594–31597, 31748–31752
71 — 28076, 28077, 28790, 29272, 29273, 29550–29551, 30099, 30464, 30465, 30633, 30808, 30933, 31597, 31927
73 — 29552, 30633, 31209
75 — 27644, 28077, 31597
91 — 29704
95 — 30099
97 — 28606, 29070, 30106, 30934
129 — 29273
211 — 28077
217 — 28078
288 — 28078, 28450
296 — 28079, 30634
297 — 28087
Ch. III — 30106
399 — 28087
1209 — 30465

PROPOSED RULES:

1 — 29410
21 — 29410
23 — 29410
25 — 29410
27 — 29410
29 — 29410
31 — 29410
33 — 29410
35 — 29410
37 — 30839
39 — 28096, 29301, 30126, 30930, 31624, 31806
43 — 29410
45 — 29410
71 — 28628, 29302, 29554, 29728, 30127, 30128, 30493–30495, 30670, 30840, 30981, 31245, 31247, 31806, 31958, 31959

14 CFR—Continued — Page

PROPOSED RULES—Continued

73 — 29554, 30494
75 — 28096, 28097, 28628, 31245
91 — 28628, 29089, 29410
93 — 28629
121 — 29410, 30839
221 — 28489, 30128
241 — 30497
310a — 30283
385 — 30283

15 CFR

30 — 32116
373 — 31209
377 — 29705
378 — 31209
1300 — 29534
2004 — 30934

16 CFR

13 — 27932, 28050, 30471–30479, 30808–30811, 31211, 32116
302 — 27932
1031 — 27934, 29815
1116 — 30936

PROPOSED RULES:

255 — 30988
257 — 28489
437 — 29892
439 — 30842
444 — 29892
701 — 29892
702 — 29894, 30674
703 — 29896
1016 — 29092

17 CFR

1 — 29085, 30106, 30107
17 — 29795
18 — 29795
240 — 29795, 30634–30636
241 — 30992
249 — 30636
270 — 27644
275 — 27644

PROPOSED RULES:

1 — 29090–29091
230 — 29306, 29899, 30844
231 — 30992
239 — 29899, 30992
240 — 29306, 29899
249 — 29899, 30992

18 CFR

3 — 27645, 29275
260 — 27645

PROPOSED RULES:

2 — 29304, 32140
141 — 29305
154 — 32140
157 — 32140
260 — 31634

19 CFR

1 — 27934
4 — 31928
10 — 31752
111 — 31753

19 CFR—Continued — Page

127 — 28790
133 — 28790
152 — 31928
159 — 31928
174 — 31928
177 — 31929
201 — 31211

PROPOSED RULES:

24 — 28807
153 — 30825
175 — 30825

20 CFR

401 — 27648
404 — 29071–29072, 30262, 30812, 31774, 31778
405 — 28016, 28052, 29706, 29815, 30817
416 — 31778
422 — 27648

PROPOSED RULES:

401 — 28810, 30493
404 — 28095, 29301
405 — 27782, 28810, 30493, 31795
416 — 28095

21 CFR

Ch. I — 31298, 31605
1 — 28582
2 — 29817, 31234, 31754
5 — 31754
8 — 29817
27 — 28791
51 — 30940
121 — 29073, 29534, 30108, 30639, 31933
201 — 31307
229 — 28610
310 — 31307, 31312
312 — 31308, 31312
314 — 31312, 31313
361 — 31308
431 — 28052
510 — 27651, 28791, 29535, 31235, 31934
522 — 28792
540 — 30639, 30941
556 — 28792
558 — 27651, 31236, 31933, 31934
561 — 29706, 31236
600 — 31313
601 — 31313
610 — 29706, 31313
640 — 29711
660 — 29711
701 — 28451, 31606
1010 — 32252
1040 — 32252
1250 — 30108
1308 — 28611
1401 — 27821

PROPOSED RULES:

1 — 30978
25 — 30978
80 — 29089
125 — 29089
310 — 27796, 28587
314 — 30493
320 — 30493
950 — 29554
951 — 29554
952 — 29554
1020 — 28095
1304 — 30117

22 CFR

8 — 28606
205 — 31754
1100 — 32116

22 CFR—Continued — Page

PROPOSED RULES:

15 — 30824

23 CFR

140 — 29712, 31211
160 — 29817
230 — 28053
646 — 29712, 31211
710 — 29073
740 — 30818
1204 — 30639

24 CFR

17 — 28597
58 — 29991
82 — 30480, 31211
236 — 31872
401 — 29073
426 — 31873
570 — 30640
888 — 28451, 31935
1914 — 28061, 29818, 29820–29822, 30110, 30111, 30941, 30943, 30944, 31211–31215
1915 — 27651, 29823, 29824, 31217, 31220
1916 — 29824, 29825
2205 — 28609

PROPOSED RULES:

888 — 30000

25 CFR

12 — 28026
153 — 28039

26 CFR

1 — 27936, 29290, 29826, 29839, 30945
11 — 29535
31 — 30946, 30956
53 — 29842
301 — 30946
420 — 30959

PROPOSED RULES:

1 — 27943, 28101, 28613, 29296, 29553, 29871, 29874, 30971, 31238
11 — 28101
12 — 30971
301 — 29874

27 CFR

194 — 30113

PROPOSED RULES:

4 — 30117, 32129
5 — 29866, 30971
194 — 31957

28 CFR

PROPOSED RULES

0 — 30977
4 — 30489
4a — 30491

29 CFR

5 — 30480
5a — 30480
94 — 28980
97 — 28980
727 — 28064
1910 — 31598
1952 — 27655, 28792
2555 — 31598, 31755

PROPOSED RULES:

94 — 30584
97a — 30584
570 — 28814
1902 — 27946

29 CFR—Continued — Page

1907 — 27691
1910 — 30980, 32268
1915 — 30980
1916 — 30980
1917 — 30980
1918 — 30980
1926 — 30980
1952 — 28472
2510 — 31638
2520 — 31638
2604 — 29555

30 CFR

PROPOSED RULES:

250 — 30119
251 — 30119

31 CFR

1 — 29290
81 — 32121
93 — 32121
345 — 29846
347 — 29846, 30640
348 — 29847

PROPOSED RULES

51 — 30974
306 — 30485, 31238

32 CFR

641 — 27936
706 — 31601
1712 — 28597
1801 — 30114
1807 — 30114
1812 — 30114

33 CFR

3 — 28451
110 — 30640
117 — 31938
127 — 27939, 30641, 30961
207 — 32121
209 — 31320
252 — 31718

PROPOSED RULES:

207 — 30118

34 CFR

233 — 30263

PROPOSED RULES:

Ch. II — 28495

35 CFR

67 — 30818

PROPOSED RULES:

135 — 32140

36 CFR

7 — 31938
231 — 31222
601 — 29536
605 — 29539

PROPOSED RULES:

2 — 28088
1000 — 30841

38 CFR

2 — 31755
21 — 31755

PROPOSED RULES

4 — 30502
13 — 31960

INDEX

39 CFR — Page

111 ... 31602, 31766
3002 ... 28792

PROPOSED RULES:

262 ... 30988
266 ... 30988
267 ... 30988
3003 ... 31813

40 CFR

52 ... 28064, 29540, 29712, 29713, 30961, 30962
80 ... 29292
85 ... 28066
125 ... 29848
162 ... 28242
180 ... 28065, 29547, 29714, 29715, 29850, 31236, 31237, 31602
229 ... 30114
413 ... 29075–29076
415 ... 29850
443 ... 31190
446 ... 31724
447 ... 31726

PROPOSED RULES:

2 ... 28814
51 ... 28629
52 ... 28097, 28098, 28815, 30287, 30288, 30982
60 ... 28814
61 ... 28814
79 ... 28814
120 ... 30983
125 ... 28814
130 ... 29882, 32130
131 ... 29887, 32130
136 ... 32136
167 ... 28814
180 ... 28814, 30289
243 ... 29404
415 ... 29892
432 ... 28633
443 ... 31196
446 ... 31729
447 ... 31730

41 CFR

1–1 ... 30440
1–3 ... 27655
1–4 ... 30440
1–9 ... 28067
1–16 ... 30440
3–1 ... 29715
3–3 ... 29719
3–16 ... 28068
9–4 ... 31766
9–7 ... 31766
9–15 ... 29722
14–7 ... 30963
60–5 ... 28609
60–8 ... 27655, 29722
101–11 ... 29818
101–25 ... 31223
101–26 ... 31224
101–35 ... 31224
101–42 ... 28610
105–61 ... 30483
114–38 ... 30483
114–52

PROPOSED RULES:

60–12 ... 28477
60–14 ... 28472

42 CFR — Page

2 ... 27802
86 ... 29076

PROPOSED RULES:

85a ... 31248

43 CFR

20 ... 28288
430 ... 27658

PUBLIC LAND ORDERS:

1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5499 ... 29292, 30115
5504 ... 27659
5506 ... 27659
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR

19 ... 32284
83 ... 28572
177 ... 30820
205 ... 31766
206 ... 27659
220 ... 31767
232 ... 31767
233 ... 30963, 31767
234 ... 31767
235 ... 31767
249 ... 28793
250 ... 28070, 30818
301 ... 29723, 31767
302 ... 31767
303 ... 31767
304 ... 31767
1060 ... 28793
1061 ... 27761, 31602, 32124
1067 ... 28794
1068 ... 27665, 27667
1069 ... 29292, 30461
1220 ... 28799

PROPOSED RULES:

116d ... 28622
148 ... 31617
160b ... 30662
613 ... 31611

46 CFR

4 ... 31604
5 ... 31604
10 ... 30965
502 ... 27671
506 ... 28801
538 ... 28452

PROPOSED RULES:

503 ... 30128
547 ... 28489, 30674

47 CFR

0 ... 28454
1 ... 28454, 28803
2 ... 31226
17 ... 30263
73 ... 27671, 27939, 28457, 28803, 29547, 29850, 31227

47 CFR—Continued — Page

74 ... 28610, 29862, 31604
76 ... 28457, 28804, 30641, 30649, 30656
81 ... 30820
83 ... 30820

PROPOSED RULES:

2 ... 31248
21 ... 28816, 31248
43 ... 28816
68 ... 29302
73 ... 28098, 28634, 29303, 30290, 30291, 30985, 31625, 31632, 31807
74 ... 30985
76 ... 28634, 28816, 30291, 30986, 31807
78 ... 30985
89 ... 31809
91 ... 31810
93 ... 31811

49 CFR

Ch. I ... 31767
1 ... 30821, 31605
102 ... 31768
170 ... 31768
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
225 ... 29548
256 ... 29080
392 ... 31769
393 ... 29292, 29723
395 ... 31769
571 ... 28457, 28805, 31770–31772
575 ... 28071, 28074
Ch. VIII ... 30232, 30661
1033 ... 27939–27941, 29294, 29863, 30267, 30268, 31773, 31938, 31939
1102 ... 27941

PROPOSED RULES:

221 ... 30495
310 ... 30981
390 ... 29729
391 ... 31806
393 ... 31959
571 ... 28097
604 ... 29729
605 ... 29729
802 ... 30130, 30988
1063 ... 30134, 30844

50 CFR

17 ... 29863, 31734
20 ... 30268
21 ... 28459
28 ... 30462, 30966, 30967, 30970
32 ... 29084, 29548, 29549, 29864, 30115, 30116, 30463, 30822, 30823, 30966, 31939, 31940, 32124–32128
33 ... 29084, 30463, 30823, 30967, 31773
258 ... 31940

PROPOSED RULES:

17 ... 28712
20 ... 27943, 29725, 29880
32 ... 31795

FEDERAL REGISTER PAGES AND DATES

Pages	Date	Pages	Date
27637–27924	July 1	30037–30259	July 17
27925–28045	2	30261–30459	18
28046–28443	3	30461–30609	21
28445–28599	7	30611–30792	22
28601–28783	8	30793–30914	23
28785–29065	9	30915–31197	24
29067–29259	10	31199–31590	25
29261–29530	11	31591–31736	28
29531–29700	14	31737–31924	29
29701–29794	15	31925–32107	30
29795–30036	16	32109–32303	31

INDEX

INDEX

code of federal regulations

Cumulative List of CFR Sections Affected

JULY 1975

CONTAINING:

TITLES 1–16
Changes January 2, 1975
through July 31, 1975

TITLES 17–27
Changes April 1, 1975
through July 31, 1975

TITLES 28–41
Changes July 1, 1975
through July 31, 1975

TITLES 42–50
Changes October 1, 1974
through July 31, 1975

PARALLEL TABLE OF U.S.C.–C.F.R.

CODE

XLM

CUMULATIVE LIST OF CFR SECTIONS AFFECTED

WHAT IT IS

The Cumulative List of CFR Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles, except for Title 41, where proposed rules follow each chapter.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this Cumulative List of CFR Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the front of the latest issue of the Federal Register for changes published after the last date covered by this issue of the Cumulative List of CFR Sections Affected.
3. If you do not have the *latest edition* of the Code of Federal Regulations, use the previous edition, and bring it up to date as follows:

Volumes Having Revision Date:	Refer to List of Sections Affected:
January 1, 1975 (Titles 1—16)	December 1974
April 1, 1975 (Titles 17–27)	March 1975
July 1, 1975 (Titles 28–41)	June 1975
October 1, 1974 (Titles 42–50)	September 1974

After checking Cumulative List of CFR Sections Affected as indicated, follow steps 1 and 2 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
Suspended in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included after Title 50. It contains references to the U.S. Code sections cited as authority for regulations added during the calendar year.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A finding aid is included at the end of this issue which identifies the inclusive page numbers and dates for each Federal Register cited in this Cumulative List of CFR Sections Affected.

INDEXES

An index to the daily Federal Register is published monthly, quarterly, and annually for the calendar year.

A General Index to the entire Code of Federal Regulations is revised as of July 1 of each year.

INQUIRIES AND SUGGESTIONS

Inquiries concerning this and other publications of the office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

(CHANGES JANUARY 2 THROUGH JULY 31, 1975)

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

	Page
301 Added	10441
302 Added	10442
304 Added	10442
305.75–1 Added	27925
305.75–2 Added	27926
305.75–3 Added	27926
305.75–4 Added	27928
310.4 Added	27928
Title 1—*Proposed Rules:*	
5	26046
302	2709

TITLE 2—CLEMENCY

Chapter I—Presidential Clemency Board

101 Revised	12764
101.2 Revised	25199
101.8 (b) and (d) revised	25199
101.9 (a) revised	25199
102 Revised	12766
102.3 Revised	30793
102.4 Revised	30793

Chapter II—Selective Service System

200.9 Added	7233
Title 2—*Proposed Rules:*	
200	2592

TITLE 3—THE PRESIDENT

Proclamations

758 (May 27, 1907) See PLO 5493	14315
2290 See PLO 5475	6341
2799 Revoked by Proc. 4360	14567
2937 Revoked by Proc. 4360	14567
2938 Revoked by Proc. 4360	14567
2942 Revoked by Proc. 4360	14567
2972 Revoked by Proc. 4360	14567
3279 Amended by Proc. 4341	3965
Amended by Proc. 4355	10437
Amended by Proc. 4370	19421
Amended by Proc. 4377	23429
3314 Revoked by Proc. 4360	14567
3443 Amended by Proc. 4346	5127
4101 Revoked by Proc. 4360	14567
4210 See Proc. 4341	3965
4262 See EO 11832	2415
4276 Superseded by Proc. 4357	13293
4313 Amended by Proc. 4345	4893
Amended by Proc. 4353	8931, 10433
4319 Amended by PLO 5495	16667
4339	749
4340	3553
4341	3965
See Proc. 4377	23429
4342	4115
4343	4245
4344	4891
4345	4893
Amended by Proc. 4353	8931, 10433
4346	5127
Amended by Proc. 4359	14565
4347	5129
4348	5131
4349	5739
4350	5741
4351	7617
4352	8163
4353	8931, 10433
4354	10435
4355	10437
4356	12985
4357	13293
4358	14051
4359	14565
4360	14567
4361	15063
4362	15861
4363	15863
4364	16293
4365	16641
4366	16643
4367	16829
4368	17977
4369	18389
4370	19421
See Proc. 4377	23429
4371	19419
4372	20255
4373	20257
4374	20791
4375	22529
4376	23427
4377	23429
4378	23431
4379	25429
4380	26667
4381	27637

Executive Orders

August 31, 1869 Revoked in part by PLO 5483	6342
October 19, 1875 Revoked in part by PLO 5483	6342
July 2, 1910 Revoked in part by PLO 5475	6341
June 6, 1914 Revoked in part by PLO 5478	6341

CODE

XUM

Title 3, Executive Orders—Con.

	Page
July 22, 1915 Amended by PLO 5470	5754
December 27, 1919 Revoked in part by PLO 5475	6341
December 9, 1920 Revoked in part by PLO 5491	11727
May 26, 1931 Amended by PLO 5470	5754
1623 Revoked in part by PLO 5479	6341
2909 Revoked by PLO 5510	27939
5277 Revoked by PLO 5507	27659
5481 Revoked by PLO 5507	27659
5843 Amended by PLO 5470	5754
6073 Revoked in part by EO 11825	1003
6260 Revoked by EO 11825	1003
6359 Revoked in part by EO 11825	1003
6556 Revoked by EO 11825	1003
6560 Revoked by EO 11825	1003
6844 Revoked in part by PLO 5480	6342
7522 See PLO 5497	18997
8038 Amended by PLO 5493	14315, 25593
Amended by PLO 5502	25593
8039 Amended by PLO 5492	14054
8892 See PLO 5493	14315
10289 Revoked in part by EO 11825	1003
10896 Revoked by EO 11825	1003
10905 Revoked by EO 11825	1003
10973 Amended by EO 11841	8933
11037 Revoked by EO 11825	1003
11075 Revoked by EO 11846	14291
11106 Revoked by EO 11846	14291
11113 Revoked by EO 11846	14291
11126 (Council continued by EO 11827)	1217
11145 (Committee continued by EO 11827)	1217
11183 (Commission continued by EO 11827)	1217
11287 (Committee continued by EO 11827)	1217
11342 (Committee continued by EO 11827)	1217
11415 (Committee continued by EO 11827)	1217
11466 Superseded by EO 11867	26253
11472 (Committee continued by EO 11827)	1217
11476 Amended by EO 11835	4247
11491 Amended by EO 11838	5743, 7391
11562 (Council continued by EO 11827)	1217
11583 (Council continued by EO 11827)	1217
11616 See EO 11838	5743, 7391
11625 (Council continued by EO 11827)	1217
11636 See EO 11838	5743, 7391
11643 Amended by EO 11870	30611
11652 Amended by EO 11862	25197
11667 (Committee continued by EO 11827)	1217
11753 (Council continued by EO 11827)	1217
11756 See EO 11824	751
11758 Amended by EO 11867	26253
11768 Amended by EO 11831	2413
Amended by EO 11843	12639
Superseded by EO 11861	22532
11776 (Committee continued by EO 11827)	1217
11784 Superseded by EO 11867	26253
11789 Revoked by EO 11846	14291
11803 Amended by EO 11837	4895
Amended by EO 11842	8935
Amended by EO 11857	20261
11807 (Council continued by EO 11827)	1217
11808 Revoked in part by EO 11846	14291
Amended by EO 11865	25663
11809 See EO 11849	14887
11814 Amended by EO 11855	19423
11824	751
11825	1003
11826	1004
11827	1217
11828	1219
Amended by EO 11848	14885
11829	1497
Amended by EO 11853	17537
11830	2411
11831	2413
11832	2415
11833	2673
Revoked by EO 11863	25431
11834	2971
11835	4247
11836	4255
11837	4895
Amended by EO 11842	8935
See EO 11857	20261
11838	5743, 7391
11839	7351
11840	7353
11841	8933
11842	8935
See EO 11857	20261
11843	12639
11844	13295
11845	13299
11846	14291
11847	14568
11848	14885
11849	14887
11850	16187
11851	16645
11852	17239
11853	17537
11854	18391
11855	19423
11856	20259
11857	20261
11858	20263
11859	20265
11860	22121
11861	22531
Amended by EO 11864	25579
Amended by EO 11872	30619
11862	25197
11863	25431
11864	25579
11865	25663
11866	26015
11867	26253
11868	26255
Amended by EO 11873	30617
11869	26979
11870	30611
11871	30615
Corrected	30915
11872	30619
11873	30617
11874	31737

Memorandums

January 2, 1973 Amended by Memorandum of May 20, 1975	24889
April 26, 1973 Amended by Memorandum of May 20, 1975	24889
December 13, 1973 Amended by Memorandum of May 20, 1975	24889
October 29, 1974 Superseded by Memorandum of December 31, 1974	4257
Amended by Memorandum of May 20, 1975	24889
December 30, 1974	1221
December 31, 1974	4257
January 10, 1975	4258
January 29, 1975	4631
March 24, 1975	15377
March 31, 1975	18393

	Page
April 24, 1975 (Pres. Determination No. 75–15)	20605
April 24, 1975 (Pres. Determination No. 75–16)	20607
April 25, 1975	20609
May 9, 1975	21927
May 9, 1975 (Pres. Determination No. 75–18)	23433
May 20, 1975 (Pres. Determination No. 75–20)	24887
May 20, 1975 (Pres. Determination No. 75–21)	24889
May 22, 1975	24891
June 26, 1975 (Pres. Determination No. 75–24)	31199
June 30, 1975 (Pres. Determination No. 75–25)	31201
June 30, 1975 (Pres. Determination No. 75–26)	31203
June 30, 1975 (Pres. Determination No. 75–27)	31205

Other Presidential Documents

International trade negotiations, notice of	2659

Chapter I—Executive Office of the President

Chapter redesignated from Chapter V	24993
101 Added	8061

Chapter V—Executive Office of the President

Chapter redesignated as Chapter I	24993

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

20 Revised	17979
54.6a Revised	27929

Chapter III—Cost Acounting Standards Board

303.5 Revised	4445, 18541
Corrected	5135
303.6 Corrected	5135
303.9 Revised	4445, 18541
400.1 (a) amended	4259, 19429
408.80 (a) revised (effective date added)	14737, 15865
409 Added	4264
409.50 (i) and (j) (1) corrected	8321
409.60 (f) corrected	8321
409.80 (a) revised (effective date added)	15865
411 Added	19428

CODE

Title 4—*Proposed Rules:*

	Page
10	16686
351	14942
412	19486

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

	Page
6.8 Added by EO 11839	7351
9.11 Added by EO 11839	7351
Amended by EO 11856	20259
151.101—151.122 Revised	4267
151.123 Removed	4267
180.107 (a)(1) revised	12251
213.3102 (r) revised	23835
(gg) added	26991
213.3110 (c)(2) added	3405
213.3113 (d)(1) revised	7081
213.3114 (b)(4) added	7434
(h)(10) and (11) revised	28047
213.3130 (c) revised	2173, 2452
213.3137 (b) removed	21929
(c) added	28806
213.3172 Removed	7433
213.3182 (a)(1) removed; (a)(29) added	8061
213.3194 (d)(4) added	12251
213.3199 (r) added	2436
(s) added	28047
(n)(1) revised	30086
213.3203 Removed	18751
213.3209 (a) removed	17243
213.3214 (c)(1) revised	3405
213.3272 Added	7433
(b) added	24353
(a) revised	24893
213.3273 Added	18751
213.3303 (k) removed	18751
(b)(1) revised	23988
(d)(2) added	24893
(a)(8) revised; (a)(15), (c), (d), (e), (f)(2), and (j) removed	26669
213.3304 (a)(18) removed	18752
(w) removed	19429
(a)(15), (c)(1), (1), and (x) removed	26669
(h)(3) added	32109
(d) added	28445
213.3305 (a)(57) and (58) added	1499
(a)(59) added	3285
(a)(39) revised	5747
(a)(60) added	7433
(a)(61) added	8061
(a)(16) and (38) revised	8937
(a)(7) added	12767
(a)(5), (23), (29), and (44) removed	17243
(a)(21) added	24993
(a)(51) amended; (a)(62) added	26017
(a)(9) and (13) revised; (a)(11), (15), (24), (33), (43), (56), (c)(4), and (f)(3) removed	26669
213.3306 (a)(14) added	1681
(a)(17) added	5747
(a)(18) added	5747
(a)(19) added	8937
(a)(20) added	13195
(a)(21) added	14053
(a)(22) added; (a)(42) removed	15379
(a)(15) removed	17539
(a)(2) revised	23988, 26669
(a)(6) and (b)(1) revised; (a)(4), (13), (33), (39), (41), (46), (55), and (e)(3) removed	26669
(a)(67) added	28445
(a)(34) added	29067
213.3308 (a)(9) revised	1681
213.3310 (s)(1) revised	7434
(x) added	11859
(s)(3) revised	13195
(a)(4) revised	18751
(x)(1) revised	21929
(l)(1) revised	23718
(a)(1) and (5) and (r)(5) revised; (a)(6) and (9), (b)(7), (e)(1), (f), (k), (p), (s)(2), (8) and (10), (u)(2) and (v) removed	26669
(a)(1) revised; (a)(10) added	27930
213.3312 (a)(5) revised	1681
(a)(16) added; (a)(18) revised	4415
(a)(2) revised	5747
(a)(43) added	6475
(a)(23), (31), and (42), (h)(5), (k)(4) and (m)(4) removed	26670
213.3313 (h)(4) revised	2575
(a)(9) revised; (e)(3) added	15379
(a)(28) added	18751
(b)(4) revised	22533
(k)(1) removed	23271
(c)(6) revised	23987
(a)(25), (26) and (36) removed; (c)(7), (m)(3) and (q) revised	26670
213.3314 (a)(26) revised; (m)(15) removed	4633
(a)(11) revised	8061
(a)(10) revised	11859

	Page
213.3314—Continued	
(q)(1) amended; (q)(12) added	12767
(q)(9) revised	17243
(m)(20) added	18541
(h)(10) and (11) and (m)(18) revised	22533
(a)(9) revised	23987
(a)(32) and (33) added	26669
(a)(3), (17), (22) and (m)(10) revised; (a)(12), (16), (27), (30), (h), (I)(1), and (q)(11) removed	26670
(u) added	29811
(u)(2) added	31591
213.3315 (a)(1) revised	23988, 24517
(a)(21) amended; (a)(38) and (39) added	26017
(a)(1) revised; (a)(23), (25) and (32) removed	26670
(a)(40) and (41) added	26672
(f)(2) revised	28445
213.3316 (r)(7) added	11859
(m)(1) revised	23718
(c)(2) added	24893
(i) heading and (i)(2) revised	25433
(a)(6) and (11), and (o)(3) revised; (a)(3), (5), (14), (22), (33), (c)(1) and (8), (f)(3), (h)(7) and (8), (k)(1) and (5), (l)(3), (m)(3), (n)(9) and (13), and (o)(6) removed	26670
(n)(15) and (16) added; (o)(5) removed	27929
213.3317 (b) removed	26670
213.3318 (a)(1) revised	11859
(d) revised	24893
(a)(4) and (b)(3) revised; (a)(10), (d)(2) and (f) removed	26670
213.3326 Removed	26670
213.3327 (a)(10) amended	2173, 2452
(b)(2) removed	2173, 2452
(a)(6), (8), and (10) revised	17243
213.3328 (i), (j) and (k) removed	26670
213.3329 (f) revised	23988
(e) revised; (i) removed	26670
213.3330 (d) revised; (h) added	14053
213.3332 (p) revised	17539
(l) added	19429
(c) revised	23718
(o) revised	23988
(e) revised; (k) and (v) removed	26671
213.3334 (b) and (c) revised	23988
213.3337 (a)(6) and (b)(2) revised; (f)(3) and (g) removed	26671
(h)(3) revised	28806
(a)(18) added	31591
213.3339 (f) added	10655
(f) revised	11859, 15379
(g) added	17539
(a) revised	23718
(d) removed; (h) added	23719
(i) added	26017
213.3340 (d) and (e) removed	26671
213.3341 (f) added	21929
(a) and (b) revised	23718
(h) removed	26671
213.3342 (h) revised	4415
(d) revised	5493, 17243
(n) added	15379
(l) revised	24893
(e) removed	26671
(o) added	31925
213.3343 (a) removed; (b), (c), (d), and (e) revised	19799
213.3344 (d) removed	26671
213.3345 (a) revised	17539
213.3346 (b) removed	26671
213.3348 (k) and (l) removed	26671
213.3354 (d) revised	11859
213.3355 (c) revised	26671, 29067
213.3357 (c) added	18571
213.3359 (o) revised	7434
(r) added	11859
(s) added	12767
(m) removed; (o) added	17243
(a) revised; (e), (f), (h), (i), and (n) removed	26671
(r) revised	27639
213.3360 (a) revised	7434, 26671
(d) added	29812
213.3364 (g) and (h) removed	28445
213.3367 (b) revised	22533
(a) and (b) revised	26671, 30086
213.3373 Added	18751
(c)(3) revised	24517
(a)(1) removed; (f)(1) revised	25433
213.3376 (a) revised	26671
213.3377 (h) added	7434
(a) revised; (e) removed	26671
(e) revised	29067
(a) revised	30086
213.3379 Added	18751
(d) added	23717
(e) and (f) added	23989
(g) added	26017
(g) revised	28047
(h) added	29067
(i) correctly designated	30086
(j) added	30269

CODE

Title 5, Chapter I—Continued

	Page
213.3382 (c), (d), and (f) removed	26671
213.3384 (a)(58) added	3405
(b)(10) revoked; (b)(15) added	3405
(b)(11) removed; (b)(16) added	11705
(b) (3) and (12) revised	13301
(a)(31) revised	17539
(a)(19) and (26) revised; (a)(42), (48), (50), (52), (b)(3), (13), (f)(1), (2), (5), (g)(2), and (i)(3) removed	26671
(j)(3) added	29812
213.3386 Revised	26671
(c) revised	29067
213.3388 (e)(2) added	1681
(d)(3) added	6475
(a)(1) removed; (a)(3) added	8937
(j)(2) added	11705
(e)(2) revised	16189
(d)(2) amended; (d)(4) added	21929
(e) removed	26671
(c)(2) added (reinstated)	27640
213.3394 (a)(17) revised	11860
(d)(2) added; (b)(1) revised	13195
(a)(2) revised	15379
(a)(22) and (30) revised; (a)(46) added	23718
(a)(7), (11), (13), (41), and (43) revised	23988
(a)(15), (19), (39), (40), and (e)(8) removed	26671
213.3399 (b)(6) added	4415
(a) removed	26671
294.101—294.110 (Subpart A) Revised	8061
294.105 (a) amended	2436
300.102 Revised	15379
300.103 Revised	15380
300.104 Revised	15380
302 Authority citation revised	23835
302.101—302.104 (Subpart A) Heading revised	23835
302.103 Revised	23835
302.104 Revised	23835
302.105 Added	23835
302.202 Revised	15380
302.301—302.304 (Subpart C) Heading revised	23835
302.303 (b)(3) added; (c) revised	23835
307 Heading and authority citation revised	28445
307.101 (c) revised	28445
307.102 (b) revised	28445
307.105 Revised	28445
315.806 (a) and (b)(1) revised	15380
330.201 (e) revised	23836
330.301 (c) revised	23836
330.701 Revised	23836
351.701 (c) added	23836
352.310 (a)(1) revised	1223
353 Revised	23836
511.201 (b) amended	27223
531.404 (c) revised	23838
531.509 Revised	23839
534.202 (b) amended	27223
550.361 Revised	31207
550.704 (d) revised	23838
550 Appendix A amended	7434
551 Added	27640
731.201 Revised	28047
731.202 Added	28047
731.301 Amended	28048
731.302 Amended	28048
731.303 Amended	28048
731.304 Amended	28048
731.401 Amended	28048
735.207 Revised	7435
752.202 (f) corrected	12251
772.301 (a) amended	23839
831.1204 Heading and (b) revised; (c) added	27439
831.1205 Revised	27439
870.401 (a) and (b) revised	5747
890.103 (d) removed	25433
890.105 Revised	25433
890.204 Added	14570
1001.735–205a Added	5347
1001.735–401 Revised	14571

Chapter III—Office of Management and Budget

1303 Added	7346

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

2401 Revised	8165
2401.2 (a) corrected	10951

Title 5—*Proposed Rules:*

293	22842
294	3313
297	22842
302	7465
330	7465
353	7465
531	7465
550	7465
890	4444
1302	3477
2401	2214
2411	21488
2413	21488
2470	31636
2471	31636

TITLE 6—ECONOMIC STABILIZATION

602 Adoption, and continuation in effect, of Chapters I, V, and VI	3572

Chapter VII—Council on Wage and Price Stability

Chapter established	7233
701 Added	7233
702 Added	7234

TITLE 7—AGRICULTURE

1.1—1.16 (Subpart A) Revised	7341
2.15—2.28 (Subpart C) Heading revised	12798
2.19 (a)(24) and (25) added	2991
2.21 (a)(32) added	3285
(d)(23) added	2420
(d) (11), (12), (19), and (21) revised	12798
2.21 (a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed	18752
2.22 (a)(5) removed	18752
2.25 (f)(1)(xi) removed	2419
(f)(1)(xiv) added	3285
(h)(1) revised	5135
(e)(9)(xxv) revised	31941
2.33 (h) added	2419
2.37 Added	12798
2.49 Added	3572
2.57 (a)(23) revised; (a)(24), (25) and (26) added	2991
2.65 (a)(32) added	3285
(a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed	18752
2.68 (a)(23) added	2420
(a) (11), (12), (19), and (21) revised	12798
2.70 (a)(1) and (b)(2) revised	17829
2.72 (a) revised	17829
2.74 Added	6313
2.76 (a)(2) removed	4415
2.78 (a)(9)(xxv) revised	31941
2.79 (a)(1)(i) and (5) revised	4415
(a)(1)(ii) revised	2419
(a)(1)(xi) removed	2419
(a)(1)(xiv) added	3285
2.80 (a)(8) revised	2419
(a)(9) added	5135
6.16 Revised	2791, 16069
6.32 Revised	29261
6 Appendix 1 amended	2791, 16069
16 Added	31227
20 Revised	23839
20.6 (e) revised	11345
24.2 Amended	32109
24.6 Revised	32109
24.10 (d) revised	32109
26.55 (b)(2) implemented; eff. 8–8–75	28785
26.57 Implemented; eff. 8–8–75; (f) revised	28785
29.9401 (c), (d), and (e) added	31592
29.9404 (a) revised	24174
(a)(3) revised	30917
29.9406 (b) and (d) revised	24174
29.9407 Added	31592

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

51.1860 (d) added	2791
51.2150—51.2161 (Subpart) Added	15381
52.631—52.642 (Subpart) Revised	15891
52.634 (c)(1) corrected	25799
52.636 (a)(2) and table corrected	19429
52.637 (a)(9) corrected	18753
Table IV corrected	25799
52.638 (a) corrected	25799
52.639 (a)(1)(ii) corrected	25799
52.1251—52.1264 (Subpart) Revised	15897
52.2321—52.2332 (Subpart) Revised	15900
52.6321—52.6332 Added	13195
53.29 (c) amended	25581
53.102 Revised	11538
53.104 Revised	11541
53.105 Revised	11543
53.203 Revised	11543
53.204 Revised	11544
53.205 Revised	11545
53.206 Revised	11545
55.11 Added	20055
55.140 Revised	20055
55.300 Revised	20055
55.310 (a) and Fig. 1 revised	20055
55.330 (a) and (c) revised	20055
56.1 Amended	20055
56.6 Revised	20055
56.35 Revised	20055
56.36 (a) (1) and (2), (b) (1) and (2), and Fig. 1 revised	20055

58-120 O - 75 - 2

CODE

XUM

(CHANGES JANUARY 2 THROUGH JULY 31, 1975)

Title 7, Chapter I—Continued

		Page
56.38	Revised	20056
56.43	(e) removed	20056
56.64	(c) revised	20056
56.76	(e) revised	20056
56.230	Revised	20056
56.231	Table I revised	20056
59.5	Amended	20057
59.16	Removed	20057
59.17	Added	20057
59.28	(a)(1) revised	20057
59.45	(b) revised	20057
59.100	Introductory text and (c) and (f) revised; (i) removed	20057
59.105	(a) revised	20057
59.124	Revised	20058
59.160	(d) and (e) revised	20058
59.410	Revised	20058
59.411	(a), (b), and (c)(1) revised; (e) redesignated as (f); new (e) added	20058
59.412	(a) and Fig. 1 revised	20058
59.417	(a) and (c) revised	20059
59.430	(b) revised	20059
59.500	(h) revised	20059
59.504	(c) revised	20059
59.510	(d)(2) revised	20059
59.515	(a) revised	20059
59.522	(o) and (aa)(3) revised	20059
59.522	(o) corrected	20941
59.690	Revised	20059
59.720	(a)(4) revised	20059
59.800	Revised	20060
59.801	Added	20060
59.930	(c) amended	20060
59.940	Revised	20060
68.201—68.213	(Subpart C) Revised	10472
68.202	Revised	10472
	(c)(2) and (3) corrected	21467
68.210	Table corrected	12987
68.406	Footnote 4 corrected	21467
70.90	Revised	20060
70.91	(b)(1) and Fig. 1 revised	20060
70.356	Introductory text and (d) revised; (j) added	20060
102.19	Revised	19011
102.27	Revised	19011
102.44	Revised	19011
102.57	Revised	5347
102.61	(c) revised	5347
102.67	(g) revised	19011
106.55	Revised	6475, 11860
106.59	(e) added	6475
180.18	(a) revised	1027
180.19	Revised	1027

Chapter II—Food and Nutrition Service, Department of Agriculture

		Page
210.2	(n–2) added	30918
210.4a	(b)(4) and (5) amended; (b)(6) and (7), and (f) added	30918
210.5	Revised	30918
210.7	(a) revised	30918
210.8	(b), (d)(1) and (3) and (e)(13) and (14) revised; (e) introductory text and (10) amended; (e)(16) and (17) added	30919
210.10	(a)(2) revised	30919
210.13	(a)(b–1), and (e) amended; (b) revised; (d) removed	30919
210.14	(a), (e), (g)(1) and (2), and (i) revised; (a–1), (a–3), and (g)(3) and (4) amended; (b) and (f) removed	30919
	(a)(4) corrected	31941
210.15	Revised	30920
210.15a	(b) and (c–1) amended; (c) revised; (d) removed	30920
210.16	(a) and (d) revised; (b) removed	30920
210.17	Heading and text revised	30920
210.19	(a) amended	30920
210.19a	Added	30920
215	Appendix revised	3573
220.1	Amended	30923
220.2	(c) revised; (o–1) redesignated (o–2); (b), (c–1), (k–1), (o), (o–1) and (o–3) added	30923
220.4	(d) amended	30923
220.5	Revised	30923
220.6	Revised	30923
220.7	(b), (d)(3), and (e)(6), (12) and (13) revised; (e) introductory text amended; (e)(14) and (15) added	30923
220.8	(a)(3) and (b)(1) revised; (e) amended	30923
220.9	Revised	30923
220.11	(b) and (c) revised; (e) amended; (d) removed	30924
220.16	(a) revised; (c) amended; (c)(4) added	30924
220.18	Revised	30924
220.19	Revised	1499
220.21	(d) added	30924
220.22	Removed	1499
220.24	(a) removed; (e) and (i) amended; (b–1) and (j) added; (b), (f), and (g) revised	30924

(CHANGES JANUARY 2 THROUGH JULY 31, 1975)

		Page
220.25	(a) revised; (b) removed	30925
220.26	Heading and text revised	30925
220.26a	Added; eff. 7–1–77	30925
220.26b	Added	30926
220.28	(a) amended	30928
220	Appendix revised	3405
	Appendix C revised	17148
225	Appendix revised	3406
225.10	(f) added	20612
246.2	(p)(1)(iii) and (v) corrected	3573
246.3	(b) corrected	3573
246.4	(b) corrected	3573
246.12	(b) corrected	3573
246.13	(a)(1)(i) and (2)(i) corrected	3573
246.14	(g) corrected	3573
246.15	(c) removed	27930
246.16	(a) corrected	3573
250	Authority citation revised	3757
250.1	(b)(6) revised, (15) amended, and (16) and (17) added	3757
250.4	(b) revised	3758
250.6	(e)(5) amended	31941
250.8	(b)(3) revised	3758
Subchapter C	(Parts 270—274) Republished	1882
270	Republished	1882
270.2	(nn) removed	16069
271	Republished	1884
	Amended	5747, 5748, 5749, 5750, 5751
271.1	(k) revised	16069
	(h) revised	29532
271.3	(e) added	2205
271.4	(a)(5) removed; (a)(6) through (a)(8) redesignated as (a)(5) through (a)(7)	29532
271.6	(d) introductory text and (3) revised	16321
	(d)(2) revised	29701
271.7	(b), (c), (d), and (e) redesignated as (c), (d), (e), and (f); (b) added	16321
271.9	(a) and (d) revised	[illegible]
	(a) revised	28786
272	Republished	1894
272.2	(d) revised; (e) amended	8938
	(d) and (e) revised	28786
272.4	(d) added	28787
272.5	(a) revised	28787
272.7	(d) redesignated as (e); new (d) added	28787
273	Republished	1897
274	Republished	1899
275.10	Revised	29532
295	Revised	23719

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

		Page
301.45–2c	Revised	16070
301.48–2a	Revised	1223
301.52–2a	Amended	11705
301.72—301.72–10	Removed	21693
301.72–2a	Revised	8764
	Corrected	12469
	Removed	21693
301.80–2a	Revised	19430
	Corrected	21023
331.3	(Subpart) Removed	16072
331.4	(Subpart) Removed	17539
354.2	Revised	4898
	Table amended	12646, 19633, 19828, 30621

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

		Page
401	Appendix amended	7893
401.101	Appendix amended	1701, 1703, 15905
401.103	(a) table amended	23435
401.125	Amended	8771, 23435
401.126	Amended	8770
401.130	Amended	8771
401.135	Revised	25434
401.149	Revised	22823
406.6	Amended	23435, 23436
410.1	Appendix amended	15905
412	Revised	24993
412.2	Corrected	26257
412.4	Corrected	26257

Chapter V—Agricultural Research Service, Department of Agriculture

		Page
510	Revised	24893

Chapter VI—Soil Conservation Service, Department of Agriculture

		Page
612	Added	12067
613.4	Added	17149
Subchapter C	(Parts 620—624) Established	12469
620	Added	12472
621	Added	12473
621.44	Corrected	20941
622	Added	12475
622.15	(f)(1)(i) corrected	20941
622.31	Corrected	20941
623	Added	12480
624	Added	12480
650	Appendix I revised	10952

CODE

Title 7—Continued

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

Page

Subchapter B (Parts 711–731) Heading corrected 7619
722.404 (f)(1)(i), (3), (8), and (9) revised 28601
722.406 (h)(3) and (4) amended 28601
722.408 (a)(2) removed; (a)(3), (4) and (5) redesignated as (2), (3), and (4) 28601
722.416 (a) amended 28601
722.418 Amended 28601
722.421 (h) removed; (i) redesignated as (h) 28601
722.467 Revised 2992
(b)(2) corrected 6761
722.564 Heading and text revised 1704
724.6—724.17 (Subpart) Revised 5137
724.12 Revised 5137
(c), (f), and (g) corrected 7619
(d) and (e) amended; (f) and (g) revised 25200
724.15 Revised 5137
(d) and (e) amended; (f) and (g) revised 25200
724.17 Revised 5137
(d) and (e) amended; (f) and (g) revised 25200
724.26 Revised 14737
724.27 Revised 14737
724.36 Undesignated center heading and section revised 25200
726.11 Revised 4633
(a) corrected 6475
726.68 (b)(1) revised; (y) added 24994
728.4b Added 16831
729.105 Revised 4276
729.106 Revised 14053
730.62 (b)(3) revised 20061
730.69 (b)(1) and (g) revised; (b)(5) added 20061
730.72 (a) amended 20061
730.80 (b)(1) and (g) revised; (b)(4) added 20061
730.1501—730.1503 Revised 1027
730.1504 Revised 1028
731.2 Amended 14602, 22534
760.105 (d) revised 29067
780.11 (a) revised 27641

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

Page

873.32 (d) revised; (r) added 16072
873.36 Added 16072
874.35 (a) revised 1028
877 Revised 6761

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900.500—900.504 (Subpart) Revised 20267
905.555 (b)(7) and (8), and (c) revised 2792
(b) (5), (7), and (8) and (c) amended 12647
(b)(9) revised 25799
905.556 (b)(3) amended 11345
(b)(1) and (3) revised 20062, 21467
905.557 (b)(1) revised 12647
905.558 (b)(1) revised 12647
905.559 (b)(7) and (8), and (c) revised 2792
(b)(13) revised 11346
(b) (5), (7), (8), (15), and (17) amended; (c) revised 12647
(b)(11) revised 20062, 21467
(b)(13) revised 21467
(b)(9) revised 24174, 25799
906.120 (b) corrected 3286
907.212 Added 3285
908.214 Added 16321
908.787 Added 8772
908.788 (a) revised 21024
908.791 (a) revised 21930
909.340 Removed 20611
911.214 Added 25665
911.336 (a)(3) revised 2793
911.337 Revised 24995
915.214 Added 25801
915.316 (a)(2) amended 2677
915.317 Added 24007
(a)(2) Table amended 26502, 28048, 29069, 29812, 30794
916.213 (a) revised 1500
916.214 Added 31592
916.341 (a) and (b) revised 20064
916.348 Added 21694
(a)(1) and introductory texts of (a)(2), (3), (4), (5), and (6) revised 28463
916.349 Added 26502

Page

917.121 Added 4012
917.212 Revised 4117
917.419 (a) (4) and (5) revised 20065
917.436 Added 19634
(b) introductory text amended 25436
917.437 Added 21695
(a) introductory text and (b) revised; (c) added 27930
917.438 Added 22535
(a) and introductory texts of (b) and (c) revised 28602
917.439 Added 32111
918.213 Added 25436
918.317 Added 19828
919.316 Added 31593
921.312 Added 30622
922.315 Added 30271
923.314 Added 27463
924.313 Added 30929
926.214 (a) amended 8064
928.204 Added 4276
930.104 (c) and (d) revised 27931
930.158 Revised 27931
930.205 Added 31739
930.502 Added 28602
944.15 Added 24008
(a)(2) revised 29812, 30794
944.111 (a) (1), (2), and (3) revised 11346, 14891, 20065
(a) (1) and (2) revised 21468
944.204 (a)(3) revised 2793
945.334 Added 30272
946.103 Added 12988
946.104 Revised 12988
946.330 Added 32111
951 Removed 26672
953.212 Added 24354
953.315 Added 23720
959.110 Added 16212
959.111 Added 16212
959.215 Added 3406
966.312 (a)(3)(iii) added 10953
967.211 Added 29534
971.214 Added 1028
980.113 Revised 8064
981.71 Suspended 4416
981.72 Suspended in part 4416
981.441 (d) (5) and (7) suspended 6475
(b), (c), (f)(3) and (g) revised; (d) (5), (6) and (7) removed 25437
981.450 Revised 25438
981.467 (b) revised 25438
981.471 Removed 4416
981.472 (b) revised 25438
981.473 (a), (b), (c), (e) and (f) amended 25438

Page

981.482 Removed 3006
982.224 Revised 8167
982.319 (b) revised 8773
984.437 Revised 12482
984.445 Added 22267
984.450 Revised 22267
984.451 Revised 22267
984.454 Removed 22267
984.456 Revised 22267
984.458 Added 22267
984.460 Removed 22267
984.461 Removed 22267
984.462 Revised 22267
984.464 (b) amended 22267
984.471 Revised 22267
984.472 Revised 22267
984.473 Revised 22267
984.474 Revised 22267
984.476 Revised 22268
984.480 Revised 22268
989.110 Revised 31739
989.201—989.230 (Subpart) Heading revised 31740
989.211 Added 31740
989.212 Added 31740
989.230 Revised 4417
989.401 (a)(1) and (b) revised 4277
(c) revised 31740
991.213 Added 14738
993.210 Amended 4013
993.325 Revised 22824
999.100 (a)(6), (c)(4) and (d) revised; (b)(1) amended 29263

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1001—1099 Certain sections suspended in part Feb.–March 1975 4013
1001 Amended 4636, 6314
CFR correction 19829
1002 Amended 4637, 6314
CFR correction 19829
1004 Amended 4636, 6314, 18753
CFR correction 19829
1006 Amended 4637, 6314
1007 Amended 4637, 6314
1007.15 (a) revised 31942
1007.52 CFR correction 21469
1011 Amended 4637, 6314
1011.44 (c) removed; (d) amended 19634
1011.51 CFR correction 21469
1012 Amended 4637, 6315
1013 Amended 4637, 6315

CODE

Title 7, Chapter X—Continued

Page
1015 Amended 4637, 4638, 6315
CFR correction 19829
1030 Amended 4638, 6315
1030.7 (b)(4) introductory text and (b)(7)(iii) revised 31233, 32113
1030.13 (e)(1) revised 31233, 32113
1030.15 (a) revised 31942
1032 Amended 4638, 6315
1032.15 (a) revised 31942
1033 Amended 4638, 6315
Revised 27464
Technical correction 30086
1033.7 Corrected 30087
1033.15 (a)(3) corrected 30087
(b) revised 30794
1033.16 (b) corrected 30087
1033.27 (k) corrected 30087
1033.41 (a)(1) and (2), (b)(1) and (c)(1) and (3) corrected 30087
1033.46 (a)(6)(i) and (9) corrected 30087
1033.51 Introductory text corrected 30087
1033.52 Removed (corrected) 30087
1033.57 (a)(2)(i) corrected 30087
1033.71 (b) corrected 30087
1033.73 Heading and text corrected 30087
1036 Amended 4638, 6315
CFR correction 19829
1040 Amended 4638, 6316
CFR corrections 19829
1040.15 (a) revised 31943
1044 Amended 4638, 6316
1046 Amended 4638, 4639, 6316
1046.15 (a) revised 31943
1049 Amended 4639, 6316
1049.15 (a) revised 31943
1050 Amended 4639, 6316
1050.15 (a) revised 31943
1060 Amended 4639, 6316
1060.13 (c)(3) suspended, and (c)(1) and (2) suspended in part for July and August 1975 27474
1060.15 (a) revised 31943
1061 Amended 4639, 6316
1061.15 (a) revised 31943
1062 Amended 4639, 6317
1062.15 (a) revised 31943
1063 Amended 4639, 6317
1063.15 (a) revised 31943
1064 Amended 4639, 6317, 27641
1064.15 (a) revised 31943
1065 Amended 4640, 6317
1065.15 (a) revised 31943
1068 Amended 4640, 6317
1068.15 (a) revised 31943
1069 Amended 4640, 6317
1069.15 (a) revised 31943
1070 Amended 4640, 6317
1070.15 (a) revised 31944
1071 Amended 4640, 6318
1071.15 (a) revised 31944
1073 Amended 4640, 6318
1073.15 (a) revised 31944
1075 Amended 4640, 4641, 6318
1076 Amended 4641, 6318
1076.15 (a) revised 31944
1078 Amended 4641, 6318
1078.15 (a) revised 31944
1079 Amended 4641, 6318
1079.15 (a) revised 31944
1090 Amended 4641, 6319
1090.15 (a) revised 31944
1094 Amended 4641, 6319
1094.15 (a) revised 31944
1096 Amended 4641, 6319
1096.15 (a) revised 31944
1097 Amended 4641, 4642, 6319
1097.15 (a) revised 31944
1098 Amended 4642, 6319
1098.15 (a) revised 31944
1099 Amended 4642, 6319
1099.15 (a) revised 31945
1101—1139 Certain sections suspended in part Feb.–March 1975 ..... 4013, 6319
1101 Amended 4642, 6320
CFR correction, reinstating text 17540
1102 Amended 4642, 6320
1102.15 (a) revised 31945
1104 Amended 4642, 6320
1104.15 (a) revised 31945
1106 Amended 4642, 6320
1106.15 (a) revised 31945
1108 Amended 4642, 6320
1108.15 (a) revised 31945
1120 Amended 4643, 6320
1120.15 (a) revised 31945
1121 Amended 4643, 6320
Removed; superseded by Part 1126 23438
1124 Amended 4643, 6320
1125 Amended 4643, 6320
1126 Amended 4643, 6321
Revised; supersedes Parts 1121, 1127, 1128, 1129, and 1130 23438
1126.15 (a) revised 31945
1127 Amended 4643, 6321
Removed; superseded by Part 1126 23438

Page
1128 Amended 4643, 6321
Removed; superseded by Part 1126 23438
1129 Amended 4644, 6321
Removed; superseded by Part 1126 23438
1130 Amended 4644, 6321
Removed; superseded by Part 1126 23438
1131 Amended 4644, 6321
1131.7 (a), (b) and (c) revised 30091, 31234
1131.9 (c) revised 30091, 31234
1131.12 (a) revised 30091, 31234
1131.13 Suspended in part July 1975 27642
1131.15 (a) revised 31945
1132 Amended 4644, 6322
1132.15 (a) revised 31945
1133 Amended 4644, 6322
1134 Amended 4644, 6322
1136 Amended 4644, 6322
1137 Amended 4645, 6322
1137.10 (a) suspended in part for June through August 1975 27474
1138 Amended 4645, 6322
1138.15 (a) revised 31945
1139 Amended 4645, 6322
1139.5 (a) revised 31945
1139.50 (a) revised 3215

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1207.403 (a) revised 11861, 17743
1207.404 Added 26503
1207.512 (b) and (c) amended 7893
1250 Added 13198
1250.8 (d)(2) corrected 15065

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1408.11 (c) removed; (d) through (g) redesignated as (c) through (f) 29069
1421.72—1421.75 Revised 12799
1421.111—1421.113 (Subpart) Revised 31946
1421.235—1421.237 (Subpart) Revised 31949
1421.270—1421.273 Revised 12802
1421.303 Revised 22536
1421.308 Revised 1029
1421.325—1421.328 (Subpart) Revised 30466
1421.350—1421.353 (Subpart) Revised 23284
1421.353 (a) table corrected 24717
1421.420—1421.425 (Subpart) Revised 30794
1421.485—1421.488 (Subpart) Revised 31952
1423.1 (b), (c), and (d) introductory text revised 26503
1423.6 (c)(1) revised 26503
1427 Revised 30092
1427.100—1427.105 (Subpart) Revised 30795
1427.163 (a) and (b) revised 21469
1427.165 (b) and (e) revised 21470
1427.172 Revised 21470
1427.174 Heading and text revised 21470
1427.178 (c) revised 21470
1427.1901—1427.1904 (Subpart) Revised 16647
1430.282 Revised 3286
(b)(1) and (b)(2) revised 16649
1434.1—1434.24 (Subpart) Revised 30798
1438 Revised 29813
1446.8—1446.13 Revised 28787
1464.2 (e)(2)(iii) through (vi) revised 24175
(c) revised 28789
1464.7 (a)(1) and (3) revised 28789
1464.8 (c) revised 28789
1464.16 Revised 28603
1472.1405 (c) added 16213
1472.1421 (c) added 16213
1472.1446 Text redesignated as (a); (b) added 16213
1474.4 Revised 1705
1488 Revised 16322
Supplement I revised 16327
Supplement II revised 16329
Supplement III revised 16332
1488 Supplement III corrected 19439

Chapter XV—Foreign Agricultural Service, Department of Agriculture

1520 Revised 27008

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1701 Revised 16074
Appendix A amended 13302, 31956

CODE

XUM

Title 7—Continued

Chapter XVIII—Farmers Home Administration, Department of Agriculture

Page

1801.2 (i) added 26257
1801.3 (h) added 26257
1801.5 Revised 10953
1803.3 (d) and (f) introductory text revised 16333
1803.4 (a), (b)(2), (e) and (f) revised 16334
1806.2 (b)(6) added; (g)(4) revised 2420
(b)(2)(iv) added 10953
1806.4 (a)(5) revised 10953
1807.1 (j) added 26257
1808 Revised 26258
1813 Revised 21696
1813.4 (c) added 11707
1813.7 (c)(2)(iv)(C) corrected 27475
1813.9 (d) corrected 27475
1813.10 (b)(6) and (7) removed; new (b)(6) through (10) redesignated from (b)(8) through (12) 27475
1815 Revised 14296
1822.1—1822.18 (Subpart A) Exhibit D revised 28463
1822.21—1822.32 (Subpart B) Revised 1229
1822.23 Added 29263
1822.81—1822.98 (Subpart D) Revised 4278
Exhibit J amended 21024
1822.266 (c) revised 6951
1822.401—1822.408 (Subpart M) Removed 5531
1823.2 (a)(2) revised 24517
1823.3 (b) revised 24517
1823.6 (b)(4) revised; (c)(3) added 6951
(a)(3), (4), (5), and (6) redesignated as (a)(4), (5), (6), and (7); new (a)(7) amended; new (a)(3) added 30930
(b)(1)(iii) and (iv) redesignated as (b)(1)(iv) and (v); new (b)(1)(iii) added 30930
1823.29 (c)(8) revised 29264
1823.472 (d)(3) and (e)(1) revised 27475
(e)(2)(ii) and (iii) redesignated as (e)(2)(iii) and (iv); new (e)(2)(ii) added 27475
1832.87 (g) revised; (i) removed 4118
1842.14 (b) revised 22824
(e) revised 27476
1842.23 (e) added 22536
1842.61 Revised 21700
1842.62 Added 21700
1843.3 (h) revised 6952, 27931
1845 Revised 30623
1861.82 (f)(4) revised 13202
1861.85 (c)(1) through (5) redesignated as (c)(3)(i) through (v); new (c)(1), (2), and (3) added 13202
(c)(3) revised 23286
1861.86 (a)(1) revised 13203
1861.87 (b) redesignated as (c); (a) redesignated as (b) and revised; new (a) added 13203
1861.93 (a)(2) and (3) revised 13203
1867 Revised 13203
1872.1—1872.27 (Subpart A) Revised 15066
1890b Removed 5752
1890d Removed 5753
1890e Removed 5753, 6639
1890j Removed 6197
1890k Removed 6197
1890l Removed 5753
1890n Removed 5532

Chapter XXVI—Office of Investigation, Department of Agriculture

2620 Revised 17831

Chapter XXVII—Office of Audit, Department of Agriculture

2710 Revised 14891

Title 7—*Proposed Rules:*

1 3604
20 1711
25 8824
25A 8824
26 2208, 3217
29 10190, 15390, 22551, 26528, 29880
51 24013
52 3217, 8207, 12092, 19830, 31607
55 1706, 2694
56 1706, 2694
58 6606
59 1706, 2694, 8356
63 4315
68 3007, 18001
70 1706, 2694
102 11728
180 18790
210 3452, 10192
220 2697, 11729
270 7455, 26042
271 7455, 10481, 12806, 20284
275 12806

Page

401 14777, 22270
719 31609
722 30274, 30275
724 16671
726 20095
728 7099, 28093
729 6211
760 18450
775 28093
908 11587, 13512, 16335, 17848
911 11876, 13311, 19479, 21033, 28614
915 11876, 13311, 21033, 21980, 28090, 28614
916 1515, 11729, 22269, 24018, 28090
917 1516, 11729, 13512, 21483, 24908, 25478, 29087, 29881
918 22141
921 26529, 26682
922 25679, 27242
923 23763, 29881
924 27485, 30662
926 4315
927 31244
928 787
929 24527
930 21483, 29553
932 30275
944 21735
945 27242
946 6505, 29725
947 29727, 32129
948 30276, 30840, 30977
951 17151
953 19479
958 28091, 30277
959 10996
967 25828, 26276
980 2819, 27242, 28091, 29725
981 2589, 22141
982 4151, 5163, 16852, 30277
984 8357, 18449
989 787, 788, 26276, 27485, 27691
991 8566
993 18562
999 24363
1001 2589, 5373
1002 2589, 5373, 14702, 15390
1004 2589, 5373, 14702, 15390
1006 2589, 5373
1007 2589, 5373, 25828, 30119
1011 2589, 5373, 18946, 20095
1012 2589, 5373
1013 2589, 5373
1015 2589, 5373
1030 2589, 5373, 20133, 25828, 29296, 30119
1032 2589, 5163, 5373, 25828, 28618, 30119
1033 2589, 5373, 14769, 17029, 20095, 24193
1036 2589, 5373
1040 2589, 5373, 25828, 30119
1044 2589, 5373
1046 2589, 5373, 25828, 28465, 30119, 30662
1049 2589, 5373, 25828, 30119
1050 2589, 5373, 25828, 30119
1060 2589, 5373, 24738, 25828, 30119
1061 2589, 5373, 25828, 30119
1062 2589, 5163, 5373, 25828, 28618, 30119
1063 2589, 5373, 25828, 30119
1064 2589, 5373, 24019, 25828, 30119
1065 2589, 5373, 25828, 30119
1068 2589, 5373, 25828, 30119
1069 2589, 5373, 25828, 30119
1070 2589, 5373, 25828, 30119
1071 2589, 5373, 25828, 30119
1073 2589, 5373, 25828, 30119
1075 2589, 5373, 30119
1076 2589, 5373, 25828, 30119
1078 2589, 5373, 25828, 30119
1079 2589, 5373, 25828, 30119
1090 2589, 5373, 19846, 20095, 25828, 30119
1094 2589, 5373, 11878, 12660, 25828, 30119
1096 2589, 5373, 11879, 25828, 30119
1097 2589, 5373, 25828, 30119
1098 2589, 5373, 22548, 25828, 30119, 32130
1099 2589, 5373, 13220, 25680, 25828, 28807, 30119
1101 2589, 5373, 20095
1102 2589, 5373, 25828, 30119
1104 2589, 5373, 25828, 30119
1106 2589, 5373, 25828, 30119
1108 2589, 5373, 25828, 30119
1120 2589, 5373, 25828, 30119
1121 7, 2589, 5373, 5784, 20004
1124 2589, 5373
1125 2589, 5373
1126 7, 2589, 5373, 5784, 20004, 25828, 30119
1127 7, 2589, 5373, 5784, 20004
1128 7, 2589, 5373, 5784, 20004
1129 7, 2567, 5373, 5784, 20004
1130 7, 2589, 5373, 5784, 20004
1131 2589, 5373, 7943, 25682, 25828, 30119
1132 2589, 5373, 25828, 30119
1133 2589, 5373
1134 2589, 5373
1136 2589, 5373
1137 2589, 5373, 24908
1138 2589, 5373, 25828, 30119
1139 2589, 2695, 3218, 5373, 21034, 28474, 25828, 30119
1201 28092, 28093
1207 2697, 7099, 14326, 23084
1251 13513, 15906
1408 19830
1421 4019, 15390, 28094
1427 3601
1434 2726, 3310
1446 4019
1464 10192, 12670, 25217, 27691
1472 30283
1701 10192, 11357, 13220, 13221, 17264, 17591, 23763, 23874, 24738, 25218, 29087, 29088, 30125, 31244
1817 8213
1822 28094, 29300
1823 7454, 14776, 20284
1831 24204

CODE

XUM

Title 7—Proposed Rules—Continued

Page
1842 ---------- 13201, 15405
1844 ---------- 4919
1867 ---------- 5538
1871 ---------- 5539
1872 ---------- 1253

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1.1 (j) and (k) revised; (m) added ---------- 23271
100.2 Revised ---------- 30467
100.4 (d) amended ---------- 3407
(d) corrected ---------- 4904
(c)(2) amended ---------- 17743
103.1 Revised ---------- 30468
103.4 Revised ---------- 30469
103.7 (b)(1) amended; (c)(2) added ---------- 7236
(b)(1) amended; (b)(2) revised ---------- 7238
(d) redesignated from § 103.10 (b)(4) ---------- 7238
103.8 Heading and introductory text revised ---------- 7236
103.9 Heading revised ---------- 7237
103.10 Revised ---------- 7237
(b)(4) redesignated as 103.7(d) ---------- 7238
(b)(2) revised ---------- 17743
108.2 Amended ---------- 3408
204.2 (e)(1) revised ---------- 6765
211.1 (b)(3) amended ---------- 21700
212.1 (f) and (i) amended ---------- 30470
212.4 (d) and (h) amended ---------- 30470
214.1 (a) amended ---------- 2794
214.2 (b) revised ---------- 2794
235 Technical correction ---------- 5347
235.10 Revised ---------- 3210A
238.4 Amended ---------- 3408, 17744
242.2 (e) revised ---------- 3408, 30470
242.14 (e) revised ---------- 20816
243.8 Amended ---------- 30470
292.1 Revised ---------- 23271
292.2 Revised ---------- 23272
299.1 Amended ---------- 3210B, 3408, 30470
316a.2 Amended ---------- 17744, 30470
499.1 Amended ---------- 30470

Title 8—*Proposed Rules:*

103 ---------- 2817, 16215
211 ---------- 14090
212 ---------- 28614
214 ---------- 6211, 15092
242 ---------- 12514

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

Page
50 Added ---------- 27009
51 Revised ---------- 27013
56.1 (f) revised ---------- 30099
56.4 Amended ---------- 30099
56.7 (a) revised; (c) removed; (d) redesignated as (c) ---------- 30099
72.5 (i) and (k) revised ---------- 16650
(i), (j), and (k) removed ---------- 31593
72.13 (b)(1), (c), and footnote 2 amended ---------- 12768
73.1a (a) revised ---------- 757, 3574
(c) and (d) removed ---------- 757
(b) removed ---------- 6766
Authority citation corrected ---------- 8322
(a) revised ---------- 8938
(a) removed ---------- 20612
73.10 (c) amended ---------- 12768
74.24 (c) amended ---------- 12768
76.2 (e) revised ---------- 29701
(g) amended ---------- 32113
78 Revised ---------- 17816
78.13 Revised ---------- 2173, 2452, 6640, 8773, 8774
78.20 (b) corrected ---------- 23721
79.2 Removed ---------- 18405
82.3 (a) revised ---------- 11861
(a)(1)(ii) revised ---------- 12768
(a)(1)(i) removed ---------- 17244
(a)(1) removed ---------- 18541, 31925
(a) introductory text amended; (a)(1) added ---------- 27014
83.1 (l) revised ---------- 27643
83.2 Introductory text revised; (e) removed ---------- 27643
83.6 Introductory text revised ---------- 27643
91.3 (a)(1)(i) and (ii) and (2)(ii) revised ---------- 2691
(a)(1)(i) revised ---------- 10444, 20941
(a)(2)(i) revised ---------- 20941
92.3 (b) revised ---------- 31741
92.21 (c) added ---------- 7081
92.23 Revised ---------- 7081
94.1 (a)(2) amended ---------- 4904
94.6 (a)(2) amended ---------- 14571
94.11 Amended ---------- 4904
97.2 Amended ---------- 757, 7620, 11346, 20066, 27643
112.7 (i) added ---------- 14084
(d)(1) and (5), and (f)(2) and (4) revised ---------- 20066

112.7—Continued Page
(i) revised; (j) added ---------- 30803
(d)(4) revised ---------- 31593
112.9 Introductory text revised ---------- 14085
113 Technical corrections ---------- 2691, 2692
113.2 Introductory text and (a) revised ---------- 758
113.3 (a) introductory text and (3), and (b)(8) revised ---------- 758
(b)(9) revised ---------- 20066
113.9 Added ---------- 14084
113.26 Introductory text revised ---------- 7587
(b)(1) and (2) revised ---------- 14084
113.51 (d) introductory text and (e) revised ---------- 758
113.52 (e) revised ---------- 20066
113.65 (b)(1) revised ---------- 758
113.67 Heading and introductory text revised ---------- 20066
113.86 Heading revised ---------- 20067
113.89 Added ---------- 17003
Heading revised ---------- 20067
Heading corrected; (c)(4) introductory text revised ---------- 23989
113.90 Added ---------- 17003
Heading revised ---------- 20067
113.92 (c)(2) revised ---------- 758
Heading, introductory text, and (c)(2) revised ---------- 20067
113.95 (c) introductory text and (1) revised ---------- 759
113.96 Introductory text and (c)(3)(iii) revised ---------- 759
113.97 Introductory text, (c)(1)(vi), (2), (3)(iii), (4)(iv), and (5)(iii) revised ---------- 759
113.101 Heading and introductory text revised ---------- 759
Heading corrected; introductory text revised ---------- 23989
113.102 Heading, introductory text and (c)(3) revised ---------- 759
Heading corrected; (c)(4) revised ---------- 23989
113.103 Heading and introductory text revised ---------- 759
113.104 (d)(3) and (5) revised ---------- 759
Heading, introductory text, (d)(3), and (d)(4) introductory text revised; (e) amended ---------- 20067
(d)(4) corrected ---------- 20941
Heading and (d)(4)(i), (ii), (iii), (iv), (v), and (5) corrected ---------- 23989
113.105 Added ---------- 17003
113.106 Added ---------- 17004
113.120 (d) revised ---------- 23989

Page
113.121 Introductory text revised ---------- 759
113.123 Heading, introductory text, and (b) introductory text, (2), and (3) revised ---------- 759
113.126 Revised ---------- 14084
Heading corrected; introductory text revised ---------- 23989
(d)(2) revised ---------- 30803
113.127 (b) revised ---------- 14084
113.129 (b)(1) revised ---------- 20067
113.140 Heading corrected; introductory text revised ---------- 23989
113.143 (c)(1)(i) revised ---------- 20067
Heading corrected; (b)(5) revised ---------- 23989
113.145 (d) corrected ---------- 6476
(c)(6) revised; (d) amended ---------- 20067
Heading corrected; (c)(6) revised ---------- 23989
113.146 (d) corrected ---------- 8774
(d) introductory text revised ---------- 20067
113.147 (d)(3) and (4) amended ---------- 20067
113.160 (b), (c)(1) and (2)(i) and (ii), (d), and (e) introductory text and (e)(1)(i) revised; (e)(3) added ---------- 18405
113.161 (a), (c)(2), (d)(1) and (2), and (e) introductory text revised; (d)(1)(i) and (ii), and (e)(3) added ---------- 18406
113.162 Introductory text, (b), (c), (d) introductory text, (d)(1), (d)(3) introductory text, and (d)(3)(iii) revised ---------- 18406
113.163 (b) introductory text, (d), (e) introductory text, and (e)(3) revised ---------- 18407
113.164 (b), (c)(3), (d), and (e) introductory text, (2)(iii), and (3)(i) and (ii) revised; (e)(3)(iii) and (iv) removed ---------- 18407
(d)(2)(iv) corrected ---------- 23721
113.165 (d) revised ---------- 18408
113.201 (e) revised ---------- 760
113.202 (a) and (d) revised ---------- 760
113.251 (a) introductory text and (d)(2) revised ---------- 760
113.252 (c)(2) revised ---------- 760
Heading, introductory text, and (c)(1) revised ---------- 20067
Heading corrected ---------- 20941
Heading corrected; (c)(2) revised ---------- 23989
113.255 (c)(3)(iii) revised ---------- 760
114.13 (b) and (c) revised; (d), (e), and (f) added ---------- 14085

CODE

Title 9, Chapter I—Continued

		Page
140.11	(a)(4) amended	7082
151.9	(b)(1) amended	6766, 24176
	(b)(5) added	32114

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

		Page
304	Effective date corrected	11346
304.1	Revised	2575
305	Effective date corrected	11346
305.1	(c) revised	2576
308.5	Revised	25439
309.5	Heading and text revised	27225
309.16	(a), (b)(1), (2), and (5), and (c)(1) amended	6323
310.16	Removed	27225
311.3	(c) amended	27225
311.4	Removed	27225
317	Effective date corrected	11346
317.2	(g)(1) revised	2576
	(b) amended	11347
317.8	(b)(33) added	18542
319.280	(Subpart L) Heading revised	18542
319.281	Added	18542
331.2	Table amended	23453, 25202
331.6	Table amended	4645, 4646, 23454, 23455, 25203
381.53	Revised	25439
381.84	Added	14297
381.116	(a) amended	11347
381.221	Table amended	23453, 25202, 29549
381.224	Table amended	4645, 4646, 23454, 23455, 25203

Chapter IV—Agricultural Research Service, Department of Agriculture

		Page
445.3	(c) revised	1500
445.10	Heading and introductory text revised; (d) amended; (e), (f), (g), and (h) added	1500
445.12	(b) revised	1501
445.14	(a)(4) and (8) and (b) revised	1501
445.22	(d) revised	1501
445.23	Heading, introductory text of (b)(2) and (3), (b)(3)(vii), (4), (c)(1)(i) and (ii), and (d)(1)(ii) revised; (a) removed	1501
445.24	Added	1502
445.32	(c) revised	1502
445.33	Heading (b)(3)(vii) and (4), and (c)(1)(i) and (ii) revised; d) and (e) added	1502
445.34	Added	1503
445.42	(c) added	1503
445.43	Heading, (b)(3)(vii), and (c)(2) revised; (b)(3)(vii) and d) removed; (f) added	1503
445.44	Added	1503
445.53	Heading, (a), (b)(3)(vii), and (c) revised	1503
445.54	Added	1504
447.6	Added	1504
447.26	Heading, (a) introductory text, and (b)(1) revised	1504
447.43	(a) and (d)(2)(iii) revised	1505

Title 9—*Proposed Rules:*

11	6978, 7944, 12514
50	5784
51	5787
54	25829
92	19480, 28807, 29728
101	28621
112	788, 11880, 22841, 24203, 28621
113	788, 4017, 11587, 11880, 24203, 24203, 25598, 25599, 28621, 30126
114	788, 28621
303	4438, 15906, 21982, 25230
317	10191
331	22269
381	4438, 10191, 15906, 21982, 22269, 25230, 31616

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

NRC and Energy Research and Development Administration (Chapter III, below) are the successor agencies to Atomic Energy Commission.

		Page
	Chapter heading revised; Parts 0–170 retained as amended	8774
0	Nomenclature changes	8774
0.735–3	(c) through (h) revised	8775
	(d)(2) and (g) corrected	20268
0.735–4	(a) through (d) revised; (i) removed	8775
0.735–5	(a) revised	8775
0.735–21	(b)(1) through (5) amended	8775
0.735–22	(b) revised	8775
0.735–23	(d) and (e)(1) revised	8775
0.735–26	(c) and (d) amended	8775

		Page
0.735–27	Amended	8775
0.735–28	(a) footnote, (e)(9) and (f) amended; (b)(2), (e)(10) and (h) revised	8775
0.735–29	Heading and (a) introductory text revised; (a)(1) removed; (a)(2) redesignated (a)(1) and new (a)(2) added	8776
0.735–40	(b) revised; (d) amended	8776
0.735–49	(a) amended	8776
0	Annex B amended	8776
1	Removed	8776
1.127	Added	1230
2	Authority citation revised	8776
	Nomenclature changes	8776, 8777
2.1	Revised	8776
2.4	Introductory text, (d), (i) and (j) revised; (e) amended; (f) and (l) removed; (o) and (r) added	8777
2.104	(c) revised	2973
2.110	Added	2976
2.111	Added	8777
2.300—2.310	(Subpart C) Removed	8777
2.400—2.407	(Subpart D) added	2976
2.600—2.607	(Subpart F) Removed	8777
2.720	(h)(2)(i), (ii) and (iii) revised	2973
2.744	(d) and (g) revised; (e) removed	2973
2.752	(a) footnote amended	8777
2.760a	Revised	2974
2.780	Amended	2974
	(e) amended	8776
2.785	(b) redesignated as (b)(1); (b)(2) added	2974
	(a), (c) and (d) revised	8777
2.790	Nomenclature changes	7894
	(a)(1) and (8) revised; (d) amended	7894
2	Appendix A amended	2974, 8777
3	Removed	8777
4	Authority citation revised	8777
	Nomenclature changes	8778
4.1	Revised	8778
4.3	(i) revised	8778
4.4	Revised	8778
4.23	Removed	8778
4.25	Removed	8778
4.45	Amended	8778
4.51	(e) and (f) amended	8778
4.64	Amended	8778
4.75	(a) amended	8778
4.81	Revised	8778
4.93	Revised	8778
	Appendix A amended	8778
6	Removed	8778
7	Revised	8778
9	Nomenclature changes	7894
9.1	Nomenclature changes	7894
9.2	(a) and (c) amended; (d) revised; (e) redesignated as (f); new (e) and (g) added	7894
9.3	Removed	7894
9.5	(a)(1) and (7) revised; (b) and (c) redesignated as (c) and (d); new (b) added	7894
9.7	Revised	7894
9.8—9.10	Revised	7895
9.11—9.16	Added	7895
	Appendix A amended	7897
	Appendix A nomenclature changes	7894
10	Authority citation revised	8781
	Nomenclature changes	8781, 8782
10.5	(b) through (e) revised	8781
10.10	(c) amended	8782
10.11	(a)(3) and (b)(3) and (4) revised	8782
10.28	(a) amended	8782
10.34	(b) and (c) amended	8782
10.38	Removed	8782
11	Removed	8782
12	Removed	8782
14	Nomenclature changes	8782
14.1	(b) revised	8782
14.2	(b) revised	8782
14.6	Revised	8782
14.8	Revised	8782
14.9	Amended	8782
19	Authority citation revised	8782
19.1	Revised	8783
19.2	Revised	8783
19.3	(b) amended	8783
19.5	Revised	8783
19.11	(c) revised	8783
19.13	Amended	8783
19.16	Amended	8783
19.17	Amended	8783
19.30	Amended	8783
19.32	Added	8783
20	Authority citation amended	8783
	Nomenclature changes	8783
20.1	(a) revised, (c) amended	8783
20.2	Revised	8783
20.3	(a)(11) revised; (a)(18) added	8783
20.7	Revised	8783
20.207	Revised	26679
20.407	(a), (b) and (b) footnote amended	8783
20.408	Amended	8783

CODE

Title 10, Chapter I—Continued

	Page
20.601 Revised	8784
20 Appendix D nomenclature changes	8785
30 Authority citation revised	8784
Nomenclature changes	8784, 8785
30.1 Revised	8784
30.4 (a–1) added; (c) and (k) revised	8784
30.6 Amended	8784
30.11 (a) footnote 2 removed; (b) revised	8784
30.12 Revised	8784
30.32 (a) revised	8785
30.35 Removed	8785
30.41 (b) (1) and (5) amended; (b) (2) revised	8785
30.55 (b) amended; footnote removed	8785
30.62 Heading revised; text amended	8785
30.63 Revised	8785
31 Nomenclature changes	8785
31.5 (b) and (c) (3), (5), (7), and (8) amended	8785, 14085
31.8 (a), (b), and (c) amended; footnote added	8785
31.10 (a) and (b) amended	8785
31.11 (b) and (c) amended; (d) (2) footnote added	8785
32 Nomenclature changes	8785, 8786
32.51 (a) (3) (iii) footnote added	8785
32.54 (a) footnote revised	8785
32.58 Footnote added	8786
32.70 (c) footnote added	8786
32.71 (d) footnote added	8786
33.12 Amended	8786
34.3 Amended	8786
34.25 (d) amended	8786
34.31 (a) (2) amended	8786
35 Nomenclature changes	8786
35.14 (b) (1), (2), (3), and (5), (d) (4), and (f) (1) amended; (b) (2) (iii) and (3) (iii) revised	8786
35.31 Amended	8786
35.100 (a) (3), (4), and (13), (b) (21) and (c) (3) (viii) revised; (c) (3) (ix) added	3210B
(b) (23) redesignated as (b) (24) and new (b) (23) added	3210B
(d) (1) and (f) (7) amended; (f) (8) added	26680
36 Nomenclature changes	8786
36.2 Revised	8786
36.11 Amended	8786
40 Authority citation revised	8786
Nomenclature changes	8786, 8787
40.1 (b) revised	8786
40.4 (a–1) added; (e) and (m) revised	8787
40.5 Amended	8787
40.11 Revised	8787
40.14 (a) footnote removed; (b) revised	8787
40.31 (a) amended	8787
40.47 Removed	8787
40.64 (a), (b), and (c) amended; footnote removed	8787
40.81 Revised	8787
50 Authority citation revised	8788
Nomenclature changes	8788, 8789, 8790
50.1 Revised	8788
50.2 (l) revised; (w) added	8788
50.4 Revised	8788
50.11 Revised	8788
50.12 (a) footnote removed; (b) revised	8789
50.34a (a) amended	19442
50.36a (a) (2) amended	8789
(b) amended	19442
50.42 Footnote amended	8789
50.46 (a) (2) (ii) through (vi) and (3) revised	8789
50.54 (i–1) and (q) amended	8789
50.57 (d) removed	8790
50.60 Removed	8790
50.101 Amended	8790
50.102 Revised	8790
50.103 (a) (2) revised	8790
50.110 Revised	8790
50 Appendix B amended	3210D
Appendices N and O added	2977
Appendix I added	19442
51 Nomenclature changes	8790
51.20 (g) added	1008
(g) (3) and (g) table corrected	2978
(e) Table S–3 amended	31594
(g) Table S–4 amended	31594
51.23 (a) revised	1009
55 Authority citation amended	8790
Nomenclature changes	8790
55.1 Amended	8790
55.2 Revised	8790
55.4 (e) amended	8790
55.5 Revised	8790
55.10 (a) introductory text, (5) and (6) amended	8790
55.12 (a) amended	8790
55.20 Amended	8790
55.22 (a) amended	8790
55.25 Amended	8790
55.31 (e) amended	8790
55.50 Revised	8790
55.60 (b) and note amended	8791
55.61 Removed	8791
60 Removed	8791
70 Authority citation revised	8791
Nomenclature changes	8791, 8792
70.1 (b) revised	8791
70.4 (a–1) added; (h) revised; (p) removed	8791
70.5 Amended	8791
70.11 Revised	8791, 14085
Corrected	16047
70.14 (a) footnote removed; (b) revised	8791, 14086
70.19 (a), (b) and (c) (3) amended; (c) (2) footnote added	8792
70.21 (a) amended	8791
70.32 (a) (7) revised	8792
70.38 Removed	8792
70.39 (b) footnote added	8792
70.42 (b) (1) and (2) amended	8792
70.52 Amended	8792
70.53 (b) amended	8792
70.71 Revised	8792
71 Authority citation amended	8792
71.1 (a) amended	8792
71.5 (b) amended	8792
71.12 Amended	8792
71.13 Revised	8792
71.16 Amended	8792
71.42 (c) amended	8792
71.61 Amended	8792
71.64 Revised	8792
73 Authority citation amended	8792
Nomenclature changes	8792
73.2 (q) added	8792
73.4 Revised	8792
73.36 (c) (2) and (e) amended	8793
73.80 Revised	8793
73 Appendix A amended	8793
80 Removed	8793
81 Authority citation amended	8793
Nomenclature changes	8793
81.1 Revised	8793
81.3 Revised	8793
81.13 (b) amended	8793
81.52 Revised	8793
81.61—81.83 Sections and undesignated center headings removed	8793
83 Removed	8793
100 Authority citation amended	8793
100.2 (a) amended	8793
100.11 (b) (2) and note amended (a) (3) revised	8793, 26527
110 Removed	8793
115 Removed	8793
130 Removed	8793
140 Authority citation amended	8793
Nomenclature changes	8793
140.3 Revised	8793
140.5 Revised	8794
140.82 (b) revised; (b) footnote removed	8794
140.84 (b) (1) amended	8794
140.91 Appendix A amended	7082
140.92 Appendix B amended	7082
140.93 Appendix C amended	7082
140.94 Appendix D amended	7082
140.95 Appendix E amended	7082
150 Authority citation amended	8794
Nomenclature changes	8794
150.4 Revised	8794
160 Authority citation amended	8794
160.1 Amended	8794
160.2 Revised	8794
161 Removed	8794
170 Heading revised; authority citation amended	8794
170.1 Amended	8794
170.3 (g) (3) revised	8794
170.5 Revised	8794
170.12 Amended	8794

Chapter II—Federal Energy Administration

	Page
202.1—202.10 (Subpart A) Revised	11707
205.13 (a) (5) revised	28446
205.29 Added	4771, 6767
205.39 (a) revised	4771, 6767
205.190—205.195 (Subpart O) Heading revised	26680
205.190 (a) revised	26680
205.194 Revised	26680
205.195 Revised	26681
206.33 (c) revised	4773
206.46 Heading revised	4773
207 Added	18409
209.196 Added	26681
210.21 Amended	2795
210.32 Revised	22124, 31927
Effective date amended	24517
211.10 (g) (2), (3), (5) and (8) revised	10166
(g) (8) revised	18544
211.26 (e) added	2693, 5139
211.51 Amended	18544, 28446
211.61—211.71 (Subpart C) Appendix amended	6199, 10445, 20942, 23895
211.62 Amended	4015, 10445, 14738, 30036, 31747

Title 10, Chapter II—Continued

	Page
211.66 (j)(2) redesignated as (j)(3); new (j)(2) added	4015
(i) revised; (j) and (k) removed	10455
211.67 (b) and (i) interpretation	2560
(i)(5) and (6) added	6768
(a)(3) removed; (i)(4) and (l) revised	10445
(l)(1)(ii) revised	13303
(d)(3) added	14738
(l)(1)(i) revised	28447
211.83 (c)(3) revised	10167
211.87 (f) added	10167
211.97 (e) added	10167
211.105 (b)(3)(ii) revised	10167
211.223 Amended	24176
212.1 (a) revised	2795
212.31 Amended	2796, 10445
212.72 Amended	28448, 30036, 31747
212.74 Revised	28448, 30036, 31748
212.83 (c)(1)(iii)(C) revised	6200
(b) amended; (c) and (e) revised	10445
212.87 (b)(1) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added	10449
212.91 Revised	10449
212.93 (b)(1)(i), (c), and (g) revised; (e) amended	10449
212.94 (c) revised	10449
(b) revised	28449
212.120 Heading and (b) revised	6324
212.131 (a)(2) amended; (d) added	28448
(a) and (b) revised	30036, 31748
212.141 Redesignated as 212.161	6200
212.142—212.145 Redesignated as 212.162—212.165	6200
212.146 Redesignated as 212.166	6200
212.147—212.150 Redesignated as 212.167—212.170	6200
212.161 Redesignated from 212.141; new 212.161(b)(2)(ii) revised	6209
212.162—212.165 Redesignated from 212.142—212.145	6200
212.166 Redesignated from 212.146; new 212.166(a) revised	6200
212.167—212.170 Redesignated from 212.147—212.150	6200
213.5 (a) amended	4773
(a) revised	18766
213.7 (c) and (d) added	4773
213.9 (a) and (b) amended	4776
(a), (b), and (f) revised	18766
213.10 (b) amended	4776
213.11 (f)(1) and (2) amended	4776
(l)(4) and (5) added	4773
213.12 (a) and (b) amended	4776
(f)(1) amended	4774
(a), (b), and (e) revised	18767
213.13 (b) amended	4776
(a), (b), and (e) revised	18767
213.14 Removed	4774
213.15 (a) and (b) amended	4776
(d) revised	18767, 21930
213.16 (a) amended	4776
(a) revised	18767
213.20 (a)(1) and (2) amended	4776
(a)(2) revised	18767
213.21 (a)(1) and (2) and (b)(1) and (2) amended	4776
(a)(2) and (b)(2) revised	18767
213.22 (b)(1) and (c) revised	4774
213.23 (a) and (b) amended; (e) added	4774
213.25 Revised	4774
213.26 (b)(3), (4), (5), (7), and (8) amended; (c) revised	4774
213.27 (h)(1) amended; (s), (t), and (u) added	4774
(j) revised	24719
(j) comment time extended	26681
213.28 (k) removed; (m)(3) amended; (l), (m), and (n) redesignated as (k), (l) and (m)	4774
Revised	18768
213.29 (a)(1) amended	4776
(e)(3) amended	4774
213.30 (a)(1) amended	4776
(g)(2) amended	4774
213.32 (a), (b), (c), and (d) amended	4776
(d) revised	18769
213.33 (d)(1) amended	4776
(j)(3) revised; (k) added	4774
213.34 (e) amended	4776
(b) and (e) revised	18769
213.35 Revised	4774
(e)(2) amended; (d)(1) and (4) revised; (a)(9) and (f) added	16048
(a)(9)(i) revised	18770
(d)(1) and (4) revised	19800
(a)(9)(i), (d)(1), (3) and (4), and (e)(4) revised	24719
(a)(9)(i), (d)(1), (3) and (4), and (e)(4) comment time extended	26881
213.36 (c)(1) amended	4776
(a), (c), and (d) revised	18769
213.37 (c) amended	4776
(a) and (c) revised	18769
213.38 (c) amended	4776
(c) revised	18769
215 Revised	16295
226.1 (b)(1) and (c) revised	30085
226.3 (e) added	30085
226.7 (a)(1) and (b)(9) revised	30086
226.9 (g)(5) and (h) added	30086
226.10 (f) added	30085
226.13 (f) added	30086
303 Added	20465
303.1 (a) revised	28422
303.2 Amended	28422
303.4 (a) amended	28422
303.5 Corrected	28422
303.9 (d)(1) and (e) amended	28422
303.10 (a) amended	28422
303.11 Revised	28422
303.12 (a)(1) revised	28422
303.50—303.61 (Subpart D) Added	28422
303.80 Amended	28426
303.88 (b)(1) revised	28426
303.100 Revised	28426
303.101 Revised	28426
303.180 Revised	28426
303.190 Revised	28426
303.202 (a), (b), and (c)(1) revised	28426
305 Added	20486
307 Added	20489
309 Added	28426
661 Added	10954
FEA RULINGS:	
1975–1	6768
1975–2	10655
1975–3	17980
1975–4	19635
1975–5	19800
1975–6	23272
1975–7	30037
1975–8	30037

Chapter III—Energy Research and Development Administration

	Page
For regulations of the Nuclear Regulatory Commission, see Chapter I, above	
Chapter established	7320, 8795
700—870 Reissued (and redesignated) by ERDA from Parts 0—8 and 10—170 of Chapter I	8795
707 Revised	30803
709 Added	7320
860 Redesignated from Part 160	8795
Recodified and revised	28789

Title 10—*Proposed Rules:*

2	4158, 8832, 20110
9	27?4
19	799
20	799, 23478
21	8832, 20110
31	8832, 20110
35	8832, 20110
40	2210, 8832, 20110
70	27260, 30133
71	23768
73	15098, 23768
170	3010
202	6684
205	6371, 14605, 17600, 17859, 20956, 24541, 24919, 28481
206	28481
207	2212
208	26279
210	10195, 11363, 18004
211	3467, 6371, 6372, 8228, 14605, 16089, 17600, 18182, 19660, 22146, 24365, 24919, 27259, 30500, 30671, 32136
212	3467, 8109, 12287, 13522, 13524, 15401, 18004, 18467, 19219, 19659, 20654, 23320, 24742, 27058, 27059, 28634, 28637, 30671, 30674, 32136
213	12287, 13524, 14086, 14948, 28481, 28487
215	6787
303	5452, 25220, 26702
305	5452
307	5452
309	25220, 26702

TITLE 11—FEDERAL ELECTIONS

Chapter I—Comptroller General

Subchapter A (Parts 1–6) Removed	23832
Subchapter B (Parts 11–21 Removed	23832
Supplement B Removed	23832

Chapter II—Federal Election Commission

Chapter II Interim guidelines added	23832, 25440, 26991, 28578

Title 11—*Proposed Rules:*

Ch. II	23833, 28579, 30581

58-120 O - 75 - 4

CODE

XUM

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

Page

4.13 (a) revised ... 30930
4.16 Revised ... 7337
4.17 Revised ... 7337
4.17a Added ... 7338
7.7491 Revised ... 21703
9.18 (c)(2) revised and redesignated as (c)(2)(i); (c)(2)(ii) added ... 18771
(c)(2)(ii) corrected ... 20612
11 Revised ... 30039
22.3 Revised ... 12068
23 Effective date ... 7897
23.1 (a) revised ... 7897, 17135
23.2 (b), (e)(2), and (h)(2) revised ... 6201
(a), (b), and (h)(2) revised ... 17135
(e) and (f) redesignated as (f) and (e) and revised ... 17135
(k) redesignated as (l); new (k) added ... 17135
23.3 Revised ... 6201, 17136
Amended ... 7897
23.4 Removed; new § 23.4 redesignated from 23.5 ... 17136
23.5 Redesignated as 23.4; new § 23.5 redesignated from 23.6 ... 17136
23.6 Redesignated as 23.5 ... 17136

Chapter II—Federal Reserve System

201.51 Revised ... 4904, 6769, 12988, 23842
201.52 Revised ... 4904, 6769, 12988, 23842
(b) revised ... 27476, 30807
201.53 Revised ... 4904, 6769, 12988, 23843
204.5 (a)(1)(iii) and (2)(iii) revised ... 3973
(c) revised ... 17136
207.5 (f) revised ... 19636
208.8 (e)(5) added ... 21931
213.7 Revised ... 17136
213.105 Added ... 18412
217.1 (e)(3) revised ... 17832
217.3 (f) amended ... 24895
217.4 (d) suspended until 4-18-75 ... 12251
(d) amended ... 24894
217.152 Added ... 16831
220.8 (g)(3) revised ... 19636
221.4 (f) revised ... 19636
225.4 (a) technical correction ... 13304
225.123 (g) revised ... 11710
(a) through (g) redesignated as (a), (b), (c), (d), and (e) ... 13477

Page

226.102 Added ... 21471
226.703 Revised ... 1681
250.143 Added ... 12252
261.3 (b) and (d) revised; (f) added ... 7620
261.4 (d) revised; (e), (f) and (g) added ... 7621
261.6 (a) (1) and (4) revised; (d) removed ... 7621
265.1 (b) added ... 13477
265.1a Revised ... 1506
(a)(1) through (5) amended; (a)(6) through (11) added ... 31207
265.2 (a) redesignated as (a)(1); (a)(2)—(12) added ... 1506
(a)(13) added ... 25581
(d)(5) and (6) and (f)(33) added ... 31208
270.4 (d) revised ... 10661
271.4 (c) revised; (d), (e), and (f) added ... 7897
271.5 (a) revised ... 13204
271.6 Amended ... 7898
(a) revised ... 7898
272.3 (d) and (e) revised ... 10661

Chapter III—Federal Deposit Insurance Corporation

308.42—308.49 (Subpart E) Added ... 28049
309.1 (a) (3) and (4), (b), and (c)(1) introductory text and (i) revised; (e) amended ... 11548
Corrected ... 13204
(c)(1)(iv) and (vi) revised ... 17004
329.1 (e)(2) revised ... 17137
329.4 (e) (1) and (2) suspended until 4-18-75 ... 11711
(d) amended ... 23274
329.7 (b)(1) revised ... 17137
339.2 Revised ... 25440
Corrected; footnote 3 added ... 27932

Chapter IV—Export-Import Bank of the United States

400.735-60—400.735-67 (Subpart F) Added ... 28449
404 Revised ... 7238

Chapter V—Federal Home Loan Bank Board

500.3 Revised ... 12989
500.19 Revised ... 12989
500.31 (a) (1) and (3) amended ... 12989
500.32 (b)(9) revised ... 12989
505 Revised ... 8066
522.20 (a) revised ... 5532

Page

522.26 Removed ... 5532
523.10 (g) and (h) amended; (i) added ... 8324
(a) and (g)(6) revised ... 17245
(g)(4) revised ... 23069, 26672
523.11 (a) revised ... 8323, 19193
523.29 (a) and (c) revised ... 21025
524.1 Removed ... 3973
524.7 Revised ... 27476
524.13 Revised ... 27476
524.14 Added ... 17245
525.7 Added ... 17245
525.19 Revised ... 27476
525.36 Revised ... 27477
526.6 (i) added ... 17246
526.7 Revised ... 18771
526.9 Added ... 17246
527.3 (b)(1) revised ... 27477
528.6 Heading, (b)(3), (c)(3), and (d)(3) revised ... 27477
531.10 Added ... 29702
532 Added ... 17246
541.2 Revised ... 20944
541.3 Revised ... 20944
541.4 Revised ... 20944
541.8-1 Revised ... 20944
541.12 (c) added ... 15865
543.1 Revised ... 4118
544.6 Introductory text amended ... 20944
544.8 (e) added ... 17984
(f) added ... 25667
545.1 (a) and (d) revised ... 20944
545.1-1 (h) added ... 3974
545.1-4 (f)(4) revised ... 18772
545.1-5 (j) revised ... 27225
545.2 (b) revised ... 20944
545.3-1 (c)(3) and (6) revised ... 18772
545.4-1 (a)(2) revised ... 17004
545.4-2 (g)(1) and (k) revised ... 27478
545.6-1 (a)(5)(i) revised ... 4417
(a)(2) and (c) revised ... 15866
(a)(5)(ii) revised ... 25581
545.6-7 (b) revised ... 25667
545.6-11 Revised ... 20942
545.6-26 Added ... 25667
545.8 (c) added ... 25668
545.8-4 (a) and (c) revised ... 21025
545.9-1 (a)(4)(iii) revised ... 8795
(a)(4) (xi), (xii), and (xiii) revised ... 11711
(b)(3)(i)(a), (b) and (c), and (c)(2) revised; (b)(3)(i)(e) and (c)(4) added ... 15383
(a)(4)(i)(c) and (d), and (b)(3)(i)(d) revised; (a)(4)(i)(e) and (k)(7) added ... 17005
(k)(5) revised ... 25668

Page

545.11-1 Added ... 17246
545.14 (1) added ... 25670
545.14-4 (c)(2) revised ... 11548
545.16 (g) revised ... 25669
545.18 Revised ... 25668
545.23 Revised ... 20944
545.24 Revised ... 17984
545.24a Added ... 25668
545.25-1 (a) revised ... 20945
552 Added ... 20945
555.8 (e) removed ... 3974
556.5 (a)(7)(ii)(a)(1) and (2), and (iii) revised ... 12483
556.7 Added ... 17247
561.2 Revised ... 17984
561.3 Revised ... 17984
561.15 (i) redesignated as (l); new (i), (j), and (k) added ... 29070
561.24a Added ... 17984
563.3-1 (d)(4) revised ... 18773
563.3-2 (d)(3) revised ... 18773
563.3-3 (h) revised ... 27226
563.8 Revised ... 17984
563.8-1 (d) introductory text added ... 12483
563.8-2 Added ... 17984
(b) introductory text revised ... 29703
563.9 (f) revised ... 14738
(a) and (c) revised ... 21025
563.9-1 (b)(2)(iii) added ... 14739
563.9-3 (c) revised ... 18411
563.11 (b) revised ... 14739
563.13 (b)(1) revised; (b)(4) added ... 17985
(b)(2) revised ... 25669
563.17-1 (c)(3) revised ... 29703
563.18-1 (a)(1), (b)(1) and (d)(1) revised ... 25670
563.31 (a) revised ... 17985
563.38 (a) revised ... 22825
563b.1 (a) and (c)(1) revised ... 19802
563b.2 (a)(14), (16), and (30) revised; (32), (33), and (34) redesignated as (31), (32), and (33); (34) removed ... 19802
563b.3 (b) and (e) amended; (c), and (d), and (i)(3) revised ... 19802
563b.4 (a)(3) amended; (a)(1) and (2), and (b)(1) revised ... 19804
563b.5 (a) introductory text and (2), and (e)(1) revised; (g) amended ... 19804
563b.6 Heading and (a) revised; (e) removed ... 19804
563b.7 Amended ... 19804
563b.8 Amended ... 19805

CODE

Title 12, Chapter V—Continued

Page

563b Form PA amended; retitled Form AC ... 19807
Form PS amended ... 19808
Form OC amended ... 19808
Form FA removed ... 19808
564 Appendix corrected ... 4646
Appendix amended ... 10449
571.10 Added ... 17247
584.2-1 (b)(10) added ... 11712
(b)(1)(iii) and (iv) revised; (b)(1)(v) added ... 17005
584.3 (a)(6) redesignated as (a)(7); new (a)(6) added ... 29704
588 Added ... 17247

Chapter VI—Farm Credit Administration

602.250—602.265 (Subpart B) Revised ... 7339
602.250 Revised ... 7339
(a)(8) added ... 14572
602.265 (d)(1) and (d)(2) corrected ... 10450
611.1020 Revised ... 17744
611.1055 Added ... 17744
611.1150 Added ... 17744
613.3040 Revised ... 17744
614.4180 (a) and (b) revised ... 17745
614.4230 (a) revised ... 17745
614.4250 Revised ... 17745
614.4370—614.4430 (Subpart L) Removed ... 17745
614.4510 (d)(1) revised ... 17745
615.5120 (a) revised ... 17745
615.5500 Revised ... 17746
615.5510 Removed ... 17746
616.6030 Revised ... 17746

Chapter VII—National Credit Union Administration

701.12 Revised ... 8938
701.19 Revised ... 25582
701.21 (g) revised ... 30261
701.27-1 Revised ... 32115
701.27-2 Revised ... 32115
701.31 (b) amended ... 26017
701.32 Added ... 23455
701.33 Added ... 30261
702.3 Revised ... 8069
706 Revised ... 25583
707 Revised ... 25584
708 Revised ... 10168
720 Added ... 8538
Technical correction ... 10450
721.4 Added ... 25582
745.2—745.9 Amended ... 3287

Page

745.2 (d)(1) amended ... 25582
745.9 Redesignated as 745.9-1 ... 25582
745.9-1 Redesignated from 745.9 ... 25582
745.9-2 Added ... 25582
745.10 Redesignated as 745.11; new 745.10 added ... 23456
745.11 Redesignated as 745.12; new 745.11 redesignated from 745.10 ... 23456
745.12 Redesignated as 745.13; new 745.12 redesignated from 745.11 ... 23456
745.13 Redesignated from 745.12 ... 23456
760.0 Amended ... 29264
760.1 (c) added ... 29264
760.2 (a), (b) and (c) redesignated as (b), (c), and (a); new (a) and (b) revised; new (c) and (d) amended ... 29264

Chapter VIII—Federal Financing Bank

811 Added ... 5532

Title 12—*Proposed Rules:*

7 ... 2836, 14767, 23874
9 ... 4151
11 ... 10602
14 ... 29724, 31958
202 ... 18183, 20827
204 ... 25031, 29732
206 ... 10322, 11739, 15909, 25031
213 ... 13524
217 ... 16684, 16685, 25031, 28644, 29732
220 ... 23768
225 ... 5794
226 ... 1717, 19489, 23896, 26571, 30986
228 ... 19495, 25603
261 ... 3474
271 ... 4022
309 ... 2715
329 ... 2212, 16219, 24918, 28099, 28100
335 ... 10376, 14947
404 ... 2449
505 ... 2715
505a ... 29729
523 ... 1277
524 ... 1277
525 ... 1277
526 ... 1277, 17860
531 ... 11363
532 ... 1277
541 ... 6870, 7681, 12113, 15096
544 ... 3011, 12113, 12121, 23895, 28638
545 ... 1076, 1278, 3011, 4661, 6870, 7681, 12113, 12121, 15096, 23321, 23896, 25030, 28638
546 ... 27953, 28640
552 ... 12113
555 ... 25030, 28641
556 ... 1278, 17272, 18005
561 ... 1076, 3011
563 ... 1076, 3011, 18005, 27954, 28643

Page

563b ... 4398
564 ... 24755
571 ... 1279, 29093
584 ... 16090, 17044
588 ... 1279
602 ... 2590
611 ... 6980
612 ... 25474
613 ... 6980
614 ... 6980
615 ... 6980
616 ... 6980
701 ... 4321, 8967, 15404, 24205, 24755, 30291
703 ... 27260
706 ... 12124
707 ... 12125
720 ... 2591
721 ... 15404
745 ... 8967, 15404

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3-1 (e)(2) amended ... 2419
102 Technical correction ... 8541
102.3 (k) and (l) added ... 7898
102.4 (f) added ... 7898
102.5 (a) and (e) revised ... 7899
102.6 Revised ... 7899
104.1 Removed; new 104.1 added ... 5139
107.3 Revised ... 1231
107.301 (e)(2) revised ... 1231
107.504 (b)(3) revised ... 1231
107.601 (a) and (b) revised ... 1231
107.1001 (a) revised ... 24354
114 Technical correction ... 10661
114.100 (b) revised ... 6640
116.3 Revised ... 26259
120.1 (c) revised; (d) added ... 7622
120.2 (b)(3) revised ... 1682
120.3 (b)(3) revised; (b)(5) and (6) added; (c) removed ... 7622
(b)(2) revised ... 30262
120.4 Added ... 7623
120.5 Added ... 7624
120.6 Added ... 7625
120.7 Added ... 7625
121.3-8 (a)(1) revised ... 17138, 23843, 28603
121.3-10 (k) added ... 8325
(l) revised ... 20951
121.3-11 Revised ... 4119
121.3-14 Revised ... 4119
122.2 (f)(2) amended ... 7626

Page

123 Revised ... 3210D
123.1 (c)(3) and (4) added ... 30807
123.2 (a)(5)(i) and (ii) revised ... 30807
123.9 (b)(7) added ... 30807

Chapter III—Economic Development Administration, Department of Commerce

301.34 (b) revised ... 1029
301.35 Removed ... 1029
301.42 (b)(4) revised ... 1029
(a) and (b)(1) revised ... 1029, 8325
301.50—301.60 (Subpart D) Revised ... 12769
302.9 Revised ... 18544
303.10 (h) removed ... 6640
304.9 (e) added ... 2796
305.42 Introductory text revised ... 29070
305.44 (b) introductory text revised ... 29070
305.45 (b) introductory text revised ... 29070
305.59 Redesignated as 305.60; new 305.59 added ... 12483
Revised ... 25801
305.60 Redesignated from 305.59 ... 12483
306.18 (h) corrected ... 19443
307.54 (b)(2) removed; (b)(3) redesignated as (b)(2) ... 25441
308.23 (b) removed; (c) redesignated as (b) ... 8325
309.7 (a) revised ... 6476
309.9 (a) revised ... 13204
311.47 (b) amended ... 13205
311.60 Revised ... 22536
313 Added ... 22537
313.20—313.28 (Subpart B) Added ... 25671
313.24 (a) revised ... 29704
314 Added ... 6770
(a) corrected ... 12484
315 Added ... 29265

Chapter IV—Emergency Loan Guarantee Board

Page

402.2 Amended ... 6201
402.4 (c) revised ... 6201
402.6 (b) revised ... 6201

Chapter V—Regional Action Planning Commissions

570.8 (b) revised; (c) redesignated as (d); new (c) added ... 8326

Title 13—*Proposed Rules:*

Page
102 3014
107 ..... 11740, 14606
117 25032
120 15098
121 ..... 10486, 12125, 20110, 24210, 35831, 29899, 30292, 32142
122 19021
123 19022
402 6212

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

1.1 Introductory text revised 11714
21 Special FAA Reg. 26 amended 2576, 28604
Special FAA Reg. 29 added 2420
21.17 (a) amended 1033
21.25 (a) amended 1033
21.93 (b) revised 1033
21.101 (a) amended 1033
21.115 Heading and (a) revised 1033
21.183 (e) revised 1033
21.185 (d) added 1034
21.251 (b)(4)(iii) and (iv) amended 2576
21.257 Revised 1034
21.271 (a) amended 2577
21.325 (a)(1) and (2) amended 2577
21.339 (a) and (b) amended 2577
21.451 (d) added 1034
23.335 (c)(1) amended 2577
23 Appendix A amended 2577
25.1459 (a)(1) revised 2577
29 Special FAA Reg. 29 added 2420
36 Technical correction 2174, 2452
36.1 Revised 1034
36.7 Added 1034
(b)(3) corrected 2797
(a)(2)(ii) amended 6347
36.101—36.103 (Subpart B) Heading revised 1034
36.501 (Subpart F) Added 1034
36.1501—36.1581 (Subpart G) Revised 1035
36 Appendix F added 1035
Appendix F amended 6347
37.201 Added 19637
39 Technical correction 2797

Page
39.13 ..... 1, 2, 1036, 1037, 1232, 1682, 2978, 2979, 3287, 3288, 3408, 3574, 3575, 3759, 4119, 4647, 5348, 5755, 5756, 6202, 6347, 6640, 6641, 6770, 6771, 6772, 7626, 7627, 7899, 7900, 8070, 8168, 8326, 8541–8544, 8795, 8796, 8939, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862, 12068, 12252, 12484, 12771–12773, 12996, 13203, 13477, 14055, 14056, 14297, 14298, 14739, 14740, 14892, 14893, 15085, 15086, 15384, 15385, 15866, 16189, 16190, 16191, 16297, 16298, 16299, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835, 18163, 18413, 18545, 19193, 19194, 19444, 19808, 20068, 20268, 20816, 20817, 20951, 21026, 21471, 21704, 22125, 22126, 22249, 22538, 22539, 22825, 22826, 23070, 23456, 23722, 23723, 23843, 23990, 24176, 24177, 24178, 24179, 24355, 24996, 25203, 25584, 25672, 25673, 26018, 26503, 27227, 27439, 27644, 28075, 28604, 28605, 29270, 29271, 29272, 29549, 29704, 29814, 29815, 30463, 30464, 30808, 30932, 30933, 31208, 31209, 31594—31597, 31748—31752
71 Republished 299
71.9 (b) revised 27015
71.103 17007
71.105 ..... 17007, 17549, 25411
71.107 17007
71.109 ..... 17007, 25441
71.121 ..... 16651, 18414, 20269, 25673
71.123 ..... 1038, 3760, 4121, 4298, 4300, 4409, 4906, 6203, 7082, 8327, 8796, 14299, 16651, 17549, 17550, 17837, 18549, 19809, 19444, 23457, 24181, 25204, 25441, 26020, 26504
71.125 ..... 17007, 23724, 25441
71.151 ..... 1038, 4299, 6203, 8070, 17550, 18978, 23457, 23458, 25204
71.163 ..... 16651, 26020
71.171 ..... 1038, 1508, 2421, 3210K, 3575, 3760, 4297, 4298, 4905, 5348, 5493, 6772, 7435, 8327, 10170, 12252, 13478, 14740, 14741, 17140, 17248, 17836, 17986, 18164, 18978, 20068, 20069, 20269, 20952, 21472, 22126, 22127, 22249, 22250, 23274, 23724, 23990, 24179, 24721, 24996, 25204, 28076, 28790, 29272, 29273, 29550, 29551, 30099, 30465, 31597

Page
71.181 ..... 1038, 1508, 1682, 1683, 2422, 2577, 3210K, 3289, 3409, 3575, 3761, 4120, 4121, 4298, 4905, 5140, 5348, 5349, 5493, 5494, 5756, 6203, 6347, 6641, 7436, 7627, 7900, 7901, 8327, 8545, 8797, 10171, 10172, 10173, 10662, 10663, 10951, 11550, 11551, 11712, 11861, 11862, 12253, 12485, 12649, 12774, 12997, 13478, 14298, 14299, 14741, 15086, 15385, 15867, 16300, 16651, 16832, 17006, 17007, 17140, 17248, 17249, 17836, 17837, 17986, 18164, 18549, 18978, 19809, 20069, 20612, 21931, 22127, 22250, 22539, 23724, 23990, 24179, 24180, 24181, 24355, 24356, 24518, 24720, 24721, 24895, 24997, 25585, 25673, 26019, 26020, 26021, 26022, 26504, 26673, 27440, 28076, 28077, 29272, 29273, 29551, 30099, 30465, 30633, 30808, 30933, 31927
71.207 26020
71.211 ..... 8327, 17008, 17549
71.213 17008
71.401 ..... 4120, 10170, 12253, 16050, 18414, 20269, 24180, 31927
73 Republished 652
73.15 (a)(2) removed 27015
73.19 (c) removed 27015
73.24 23458
73.25 ..... 25442, 29552
73.26 25204
73.30 ..... 1038, 7082, 26260, 27227
73.32 18978
73.51 ..... 4299, 30634
73.53 ..... 6203, 8070, 10663, 17550
73.55 8940
73.60 7082
73.61 25204
73.63 ..... 23457, 23458, 30633
73.64 ..... 26260, 31209
73.69 17550
73.71 27440
75 Republished 704
75.100 ..... 17008, 23724, 25204, 25441, 25442, 26020, 26023, 27015, 27644, 28077, 31598
75.400 ..... 25204, 28077
91 Special FAA Reg. 29 added 2420
Technical correction 12253
91.24 (b)(2) revised 16652
(c) revised 27016
91.75 (a) amended 10451
91.87 (h) revised 29705
91.90 (b)(1)(i) revised; (b)(2)(iii) amended 16652

Page
91.116 (f) amended 10451
93.113 Amended 26261
95 ..... 2577, 2578, 3576, 8072, 12485, 22239, 30100
97.21—97.35 ..... 1232, 3577, 3578, 3761, 4647, 5494, 6642, 7628, 8545, 8546, 10452, 11713, 12649, 13479, 14893, 16300, 17141, 18164, 18165, 18978, 18979, 20069 20070, 21027, 22827, 23844, 24182, 24997, 26022, 26023, 27016, 28606, 29071, 30106, 30934
103.1 (c)(4) revised; (c)(7) and (d) added 17142
103.3 (a) revised, (d) added 5141
(e) added 17142
(d)(3) effective date extended; 1–1–76 26673
103.4 Added 5141
103.7 (b)(6) revised 17142
103.23 (c) and (d) added 5141
(c) effective date extended: 1–1–76 26673
103.25 Revised 5141
121.288 Time extended 7436
121.360 Revised 19638
121.538 (c)(2) and (3) amended; (c)(4) added 17552
(c)(2), (3), and (4) effective date postponed 25802
121.538a Added 10173
121.575 (b) revised 17552
(b) effective date postponed 25802
121.584 Added 17552
Effective date postponed 25802
121.585 Revised 17552
Effective date postponed 25802
121 Appendix A amended 1039
129.25 Added 29274
129.27 Added 29274
135.2 (a) amended; (d) revised 21705
139.1 (b) (4) and (5) added 11714

Chapter II—Civil Aeronautics Board

211.1 Revised 28077
211.2 Revised 28078
211.4 Revised 28078
216.4 (a) revised 23844
217.1 Amended 28078
217.2 Revised 28078
217.6 (a) revised 28078
222.2 Revised 25585
223 Recodified to include the provisions of Parts 223, 224, and 233 as Subparts A, B, and C, respectively, and revised 18415
Corrected 18979

CODE

Title 14, Chapter II—Continued

		Page
223.9	Redesignated from § 399.34 and revised	18419
224	Removed; provisions recodified as Subpart B of Part 223	18415
227	Removed	24998
228.4	(h) revised	2797
228	Appendix note amended	26023
233	Removed; provisions recodified as Subpart C of Part 223	18419
239.1	Amended	1040
239.6	(j) revised	1040
239.7	(c), (d), (e), and (f) revised	1040
240.1	(a) and (c) revised	27017
240.2	Revised	27017
241	Sec. 22(a) tables amended	16652
	Sec. 23 amended	16654
	Sec. 24 amended	16654
250	Technical correction	6347
250.2	Revised	4410
287.3a	Revised; time extended	19639
288.7	(a) and (d) amended	1040, 5757, 10174, 14894
(a)	and (d) revised	3583
(a)	corrected	8073, 10663, 24518
	Special temporary regulation	5758
	Technical correction	6642
(b)	table revised	18774, 28078
(a)	and (d) amended	19639, 23845
	Technical correction	20612
(a)	(2) and (d)(2) amended	28450
288.8	Revised	3584
288.10	(b) revised	3584
(b)	table corrected	5141
296	Revised	28080
296.83	(a)(4) corrected	30634
297	Removed	28087
302.1101	Revised	10968
302.1109	(a) and (b) revised; (c) added	10968
310.5	Revised	7241
310.7	Revised	10663
310.9	Revised	10663
310.10	Added	10664
311.43	(b) through (h) revised	10664
372a.5	Removed	13205
372a.25	(a) revised	1233
375.40	(a) revised	23070
377	Revised	24998
385.12	(d) added	7241
385.13	(ff) corrected	4300
385.22	(e) revised	27018
389.11	(a) revised	7242
389.14	Revised	7242
389.22	(b) revised	19810, 20613
(c)	revised	20613
389.23	(b) revised	20613
399.2	Introductory text amended	6643
399.14	Revised	28087
399.16	(b) revised	3409
399.31	Revised	6643
399.32	Revised	6643
399.33	Revised	6643
399.34	Removed; provisions revised and redesignated as § 223.9	18419
399.84	Added	4907

Chapter III—National Transportation Safety Board

	Chapter removed; redesignated as 49 CFR Chapter VIII and revised	30106
400	Revised	14572
	Removed; redesignated as 49 Part 800 and revised	30232
401	Appendix A added	7250
	Revised	14574
	Removed; redesignated as 49 Part 801 and revised	30232
405	Removed; redesignated as 49 Part 805 and revised	30239
421	Removed; redesignated as 49 Part 821 and revised	30243
425	Revised	14578
	Removed; redesignated as 49 Part 825 and revised	30248
430	Removed; redesignated as 49 Part 830 and revised	30249
431	Removed; redesignated as 49 Part 831 and revised	30250
435	Removed; redesignated as 49 Part 835 and revised	30253
440	Removed; redesignated as 49 Part 845 and revised	30254

Chapter V—National Aeronautics and Space Administration

1206	Revised	7240
1209.400—1209.405	(Subpart 4) Revised	30465

Title 14—*Proposed Rules:*

Ch. I		20289
1		21866, 22110, 24664, 26043, 29410
11		23897
21		1061, 2823, 4152, 10802, 22271, 24664, 29410
23		10802, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410
25		6506, 10802, 15093, 21485, 21866, 22110, 22554, 23048, 23474, 23764, 24664, 24802, 29410

	Page
27	10802, 12518, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410
29	10802, 12518, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410
31	10802, 29410
33	10802, 21866, 29410
35	10802, 21866, 29410
36	1061, 2823, 4152, 14093
37	11002, 30839
39	1711, 3312, 3784, 6509, 6675, 7677, 8217, 8568, 11003, 11596, 12809, 16854, 17852, 18562, 20289, 22271, 22554, 23764, 24363, 24364, 24914, 25027, 25479, 26541, 26542, 28096, 29301, 30126, 30980, 31624, 31806
43	8685, 22110, 29410
45	5542, 29410
49	2245
61	8685
63	8685
65	8685
71	1059, 1060, 1061, 1518, 2445, 2824, 2825, 3220, 3312, 3313, 3611, 3784, 3785, 4152, 4153, 4319, 4444, 4937, 5167, 5373, 5542, 5543, 5793, 6369, 6509, 6510, 7464, 7677, 7678, 7944, 8108, 8217, 8359, 8360, 8831, 8958, 10193, 10194, 10692, 11003, 11597, 11893, 12110, 12518, 12677, 12678, 12810, 12811, 13001, 13519, 14334, 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854, 17264, 17265, 17596, 17853, 18001, 17176, 19019, 19020, 19484, 19485, 19834, 20107, 20290, 20291, 20292, 20293, 20640, 20825, 20955, 20956, 21484, 21485, 21740, 22272, 22556, 22557, 23084, 23310, 23474, 23475, 23765, 23766, 24019, 24204, 24364, 24365, 24914, 25027, 25028, 25218, 25480, 25601, 25687, 26043, 26044, 26045, 26277, 26542, 26543, 26684, 26685, 26686, 27042, 27244, 28628, 29302, 29554, 29728, 30127, 30128, 30493, 30494, 30495, 30670, 30840, 30981, 31245, 31247, 31806, 31958, 31959
73	1518, 3220, 6979, 11597, 12110, 15907, 20825, 25688, 26277, 29554, 30494
75	14781, 19834, 21986, 22553, 23475, 24914, 28096, 28097, 28628, 31245
91	1072, 8218, 8685, 10802, 14093, 14334, 22110, 22554, 23048, 23474, 24664, 26043, 28628, 29089, 29410
93	20826, 21740, 25028, 25219, 28629
101	8685
103	5168
105	8685
121	6506, 8222, 8685, 8830, 10802, 11004, 11736, 11737, 17156, 21485, 23048, 24664, 24802, 29410, 30839
123	8685
127	8685, 10802, 23048
129	8222, 8685
133	8685, 10802
135	6370, 8685, 10802, 16347, 22110
137	8685, 8831
141	8685
143	8685
145	8685
147	8685
148	8685
Ch. II	11601
207	5371, 17039, 18003
208	5371, 17039, 18003
212	5371, 17039, 18003
214	5371, 17039, 18003
217	17039, 18003
221	11602, 13002, 17596, 24740, 28489, 30128
234	18450
241	17039, 18003, 30497
249	17039, 18003
310	2826
310a	30283
369	18003
372	6512
372a	17039
373	6512
378	6512, 17039
378a	17039, 18003
385	2826, 30283
389	2826, 17039, 18003
401	2446
1206	2716

TITLE 15—COMMERCE AND FOREIGN TRADE

4	Revised	11553
4.4	(d) revised; Appendix B amended	24721
4	Appendix A amended	14056

Chapter I—Bureau of the Census, Department of Commerce

30.55	(1) added	32116
50.10	Revised	6324
60	Revised	19810

Chapter III—Domestic and International Business Administration, Department of Commerce

301	Redesignated from Part 701	12253
	Authority citation revised	12254
	Numbering changes	12254
301.1	(a) revised	12254
301.2	(a) revised	12254
301.3	Revised	12254

58-120 O - 75 - 5

CODE

XUM

Title 15, Chapter III—Continued

Page

302.2 (f) revised ... 17837
302 Appendix B added ... 17837
350 Added (Recodified from subparts A and B of Part 500) ... 14921
355 Added ... 14926
370 Supplement No. 1 amended ... 21931
370.10 (f)(2) and (3)(i) revised ... 23990
370.12 Added ... 23991
371.9 Amended ... 21931
371.10 Amended ... 21931
371.22 (e) revised ... 23991
372 Revised ... 27227
372.12 (c) revised ... 23991
373.3 (d)(3)(ii)(e) removed; (d)(3)(ii)(g), (h)(1) and (k) revised ... 8199
(a)(2) amended ... 21931
373.4 (b) amended ... 31209
373 Supplement No. 1 amended ... 31209
374 Revised ... 23991
374.3 (d)(1)(i)(b) amended ... 21931
376.3 Removed ... 4907
376.5 (b) and (c) revised ... 27237
376.9 Amended ... 21931
376.11 Added ... 8199
376.12 Note revised ... 8199
376 Supplement No. 3 amended ... 27238
377.4 Removed ... 1041
377.6 (c), (d)(2), and (e)(2) amended ... 2174, 2452
(d)(3) and (e)(4) added ... 2174, 2452
377 Supplement No. 1 removed ... 1041
Supplement No. 2 revised ... 2175, 15867, 29705
378.5 Added ... 31210
378 Supplement No. 2 added ... 31210
378 Supplement No. 3 added ... 31210
379.3 (c)(3) footnote revised ... 23994
379.5 (f) added ... 23994
379.8 (c)(1) revised ... 23994
385.1 (a) amended ... 21932
385.4 (d) removed ... 21932
(a) revised ... 23994
386.6 (d)(2)(i)(b) and (3) amended ... 21932
386.8 (b)(1)(iii)(b) revised ... 23994
390.5 Added ... 21932
399.1 Amended ... 1041

Chapter V—Office of Trade Adjustment Assistance, Department of Commerce

Chapter removed ... 14931
500 Removed (provisions recodified under Part 350) ... 14930

Chapter VII—Office of Import Programs, Department of Commerce

Page

Chapter removed ... 12254
701 Redesignated as Part 301 ... 12254

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

803.1 (b) revised ... 21705
803.2 (a)(2) amended ... 21705
803.4 (a)(1) and (b)(1) revised ... 21705
803.5 (g) revised ... 21706
804 Added ... 5004

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

920.40 Revised ... 16833
920.45 Revised ... 16833
920.46 Revised ... 16834
920.47 Revised ... 16834
920.48 Revised ... 16834
920.49 Revised ... 16834
923 Redesignated as 926 ... 4648
923 Added ... 1684
Prior 923 redesignated as 926 ... 4648
924 Interim regulations added ... 5349
Revised ... 21706
925 Interim regulations added ... 8546
Time extended ... 19194
926 Redesignated from prior Part 923 ... 4648
Revised ... 11863
927 Added ... 23275
928 Added ... 23275

Chapter XI—Social and Economic Statistics Administration, Department of Commerce

1160 Added ... 20070

Chapter XIII—East-West Foreign Trade Board

Chapter established ... 29534
1300 Added ... 29534

Chapter XX—Office of the Special Representative for Trade Negotiations

2001 Revised ... 18419
2002 Revised ... 18420
2003 Revised ... 18421
2004 Added ... 30934

Title 15—*Proposed Rules:*

Page

4 ... 2821
7 ... 20092
9 ... 7099
500 ... 12276
510 ... 12276
803 ... 14603
1202 ... 23875

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

1.4 (b) revised ... 15233
1.7—1.10 Added (together with new 1.11—1.16, to form new Subpart B) ... 15232
1.11—1.16 (Subpart B) Redesignated as 1.21—1.26 (Subpart C); new 1.11—1.16 added (together with new 1.7—1.10 forming new Subpart B) ... 15232
1.21 (Subpart C) Redesignated as 1.91 (Subpart J); new 1.21—1.26 (Subpart C) redesignated from 1.11—1.16 (Subpart B) ... 15232
1.21 Redesignated from 1.11 and revised ... 15232
1.22 Redesignated from 1.12 and revised ... 15232
1.24 Redesignated from 1.14 and revised ... 15233
1.61 Revised ... 15233
1.81—1.85 (Subpart I) Technical correction ... 17008
1.81 (a) and (b) revised ... 15233
1.82 Revised ... 15233
1.83 (a) and (b) revised; (c) and (d) added ... 15233
1.84 (a) and (b) revised; (c) added ... 15234
1.85 Revised ... 15234
1.86 Added ... 15234
1.91 (Subpart J) Redesignated from 1.21 (Subpart C) ... 15233
2.1 Revised ... 760
2.7 Revised ... 760
(c) added ... 21708
2.11 Revised ... 761
(c) added ... 21708
2.12 Revised ... 761
(c) added ... 21708
2.14 (c) revised ... 761
(a) revised ... 15235
2.31—2.35 Revised ... 15235
3.21 (c) revised ... 15234
3.25 Added ... 15236
3.61 (c) revised ... 761
(f) revised ... 15234
4.1 (b)(4) revised ... 15235
4.2 (a) revised ... 761, 15235
(c) and (d)(1) revised ... 15235
4.4 (a)(1) and (b) revised; (a)(2) removed; (a)(3) redesignated as (a)(2) ... 21708
(c)(3) revised ... 22827
4.8 (b) and (c) revised ... 7251
4.9 (a) and (b) (1) and (4) revised; (c) (1) through (7) redesignated as (b) (17) through (23); (c) removed; (d) and (e) redesignated as (c) and (d) ... 7628
(b)(10), (12), and (14) revised ... 15236
4.10 (a) introductory text, (1), (4), and (5) revised ... 7629
(a)(1) revised ... 23278
4.11 Revised ... 7629
(b) revised ... 23278
13 Heading revised ... 761
14.11 Added ... 23845
113.533—13.533–70 (Subpart) Added ... 761
142.6–1—142.6–3 Revised ... 11714
255 Added ... 22128
302.19 Heading revised; (d) redesignated as (g); new (b)(8), (d), (e), and (f) added ... 16660
(b)(8) introductory text revised; (b)(8)(i) and (ii) redesignated as (b)(8)(iii) and (iv); new (b)(8)(i) and (ii) added ... 27933
302.21 Added ... 14589
(b)(4) revised; (b)(7) amended ... 27933
304 Added ... 5496

Chapter II—Consumer Product Safety Commission

1031 Added ... 26025
Technical correction ... 29815
1031.5 (i) corrected ... 27934
1116 Added ... 30937
1500.50—1500.53 Added ... 1483
Authority citation corrected ... 6210
1500.50 Added ... 1483
(b) corrected ... 16191
1500.51 Added ... 1483
(g)(1) corrected ... 6210
(b), (c), (d), (e), (f), and (g) corrected ... 16192
(f)(1)(ii) corrected ... 17746

CODE

XUM

Title 16, Chapter II—Continued

	Page
1500.52 Added	1483
(a) and (f)(3) corrected	6210
(b), (d), (e), and (f) corrected	16192
1500.53 Added	1483
(b), (c), (d), (e), and (f) corrected	16192
1700.5 Added	4650

Title 16—*Proposed Rules:*

1	15237, 20109
3	15239, 20110, 21047, 22146, 25032
4	2450, 15245, 20110, 21047, 22146, 25032
19, 20, 28, 31, 33, 37	21047
49, 53, 65, 72, 76, 84	21047
85, 87, 97, 99, 108–110	21047
119–122, 124–127	21047
129, 133, 134, 137, 139	21047
140, 143, 147–149	21047
155, 163, 164, 166–168	21047
171–173, 179, 180, 183	21047
188–190, 193, 211–213	21047
218–220, 225	21047
255	22146, 30988
257	28489
302	3279
437	6375, 6688, 23086, 23897, 29892
438	2450, 21048, 23091
439	2451, 30842
440	26646
441	23334
444	16347, 25607, 29892
447	24031, 24755
502	26283
701	29892
702	29894, 30674
703	29895
Ch. II	3276
1016	29092
1500	1488, 1491, 1493, 2211, 2212, 4320, 12678, 17157, 20293, 25480
1509	20293
1512	1493, 2211, 2212, 25480
1607	12111
1700	2827

TITLE 17—COMMODITY AND SECURITY EXCHANGES

Chapter 1—Commodity Futures Trading Commission

	Page
Chapter heading revised	17406
1 Technical correction	18776, 23278
1.3 (aa) added	20616
1.10a Added	17407
1.10b Added	20616
Revised	30107
1.10c Added	20616
1.10d Added	20616
1.11 Amended	20616
Revised	30107
1.14 Heading revised; (a) amended; (b) redesignated as (c); (a)(3), (4), and (5) and new (b) added	20616
1.41 Revised	29085
1.52 Added	17408
1.53 Added	30108
15.02 Revised	23995
15.03 Revised	23995
17.04 Added	29795
17.05 Added	29795
18.03 Revised	23995
18.07 Added	29795
30 Added	26505
150.1 (c) revised	15087
150.2 (c) revised	15087
150.3 (c) revised	15087
150.4 (c) revised	15087
150.5 (c) revised	15087
150.10 (c) revised	15087
150.11 (c) revised	15087

Chapter II—Securities and Exchange Commission

	Page
200 Authority citation corrected	17008
200.30–1 (d)(4) revised	22129
200.30–3 (a)(12) added	26506
(a)(3)(i) revised; (a)(3)(ii) removed; new (a)(3)(ii) redesignated from (a)(3)(iii)	27441
200.30–4 (a)(2) revised; (a)(3) and (4) added	14748
200.30–5 (b)(1) revised; (b)(2) amended	27441
200.30–11 (a)(1)(i) revised; (a)(1)(ii) removed; new (a)(1)(ii) and (iii) redesignated from (a)(1)(iii) and (iv)	27441
(b)(1) revised; (b)(2) amended	27441
200.30–12 Added	16052
211 Interpretative releases	27441
230.134 (a)(3)(iii) revised	27443
230.146 (c) introductory text, (c)(3), (e)(1)(ii)(b), (e)(3) note, (f)(1), (3), and (4), (g)(1) and (g)(2) note revised	21710
231 Interpretative releases	21712, 27441
Technical correction	24896
240.3b–3 Added	25444
240.10a–1 Added	25444
240.10a–2 Added	25445
240.15b3–1 (a) revised	30636, 30638
(a) effective date postponed	30637
240.15b8–1 (a)(2) introductory text, (2)(iii), and (4) revised	30638
(a)(3) revised	30636, 30638
(a)(3) effective date postponed	30637
240.15b9–1 (c) revised	30639
240.15b10–11 Added	21718
240.15c3–1 Revised	29799
240.15c3–1a Revised	29806
240.15c3–1b Revised	29807
240.15c3–1c Revised	29808
240.15c3–1d Revised	29808
240.17a–20 Added	20074
241 Interpretative releases	27441
249.501 Form BD amended	30637
Effective date postponed	30637
249.502 Amended	22828
Heading revised	30636
Effective date postponed	30637
249.504i Added	22828
249.636 Added	20075
250.26 Revised	22129
Technical correction	26026
250.50 Amended (suspension ended)	17251
251 Interpretative releases	27441
257 Text (except Appendix) removed; correction	26026
Appendix heading amended	26026
270.3c–4 Removed	27645
271 Interpretative releases	17986, 21717, 27441
Technical correction	24896
275.202–1 Removed	27645
275.206(3)–1 Added	19468
275.206A–1(T) Added (temporary rule)	18425

Title 17—*Proposed Rules:*

1	18187, 19020, 29090, 29091
150	15907
210	20308, 25605
211	25605

CODE

XUM

Title 17—*Proposed Rules*—Continued

Page
230 ..... 20316, 27492, 29306, 29899, 30844
231 ..... 25230, 30992
239 ..... 20308, 20316, 23770, 25230, 29899, 30992
240 ..... 16090, 20316, 21498, 25494, 27492, 29899, 29306
241 ..... 25230, 30992
249 ..... 20308, 20316, 25230, 29899, 30992
270 ..... 18007, 20315, 27493
271 ..... 18467, 20110, 24756
275 ..... 14782, 18007, 18797, 24756

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

1.13 (d) effective date confirmed 25003
1.36 (f) (1) revised 17553
3.108 Revised 16301
3.170 (a) (27) added; correction 20270
(a) (28) added 27647
3.201—3.211 (Subpart C) Redesignated from 3.735–1—3.735–11 (Subpart C) and revised 29275
3.221—3.232 (Subpart D) Redesignated from 3.735–21—3.735–32 (Subpart D) and revised 29280
3.241—3.246 (Subpart E) Added 29286
3.735–1—3.735–11 (Subpart C) Redesignated as 3.201—3.211 (Subpart C) and revised 29275
3.735–21—3.735–32 (Subpart D) Redesignated as 3.221—3.232 (Subpart D) and revised 29280
101 Balance sheet Account No. 281 amended 26983
Balance sheet Account No. 282 amended 26983
General Instruction 18 added 26983
Acct. 190 amended 26984
Accts. 281—283 Introductory text revised 26984
Acct. 281 amended 26984
Acct. 282 amended 26984
Acct. 283 revised 26984
104 Balance sheet Account No. 281 amended 26985
Balance sheet Account No. 282 amended 26985
General Instruction 16 added 26985
Acct. 190 amended 26985
Accts. 281—283 Introductory text revised 26986
Acct. 281 amended 26986
Acct. 282 amended 26986
Acct. 283 revised 26986
201 Balance sheet Account No. 281 amended 26987
Balance sheet Account No. 282 amended 26987
General Instruction 18 added 26987
Acct. 166 amended 26508
Acct. 190 amended 26987
Accts. 281—283 Introductory text revised 26984
Acct. 281 amended 26988
Acct. 282 amended 26988
Acct. 283 revised 26988
204 Balance sheet Account No. 281 amended 26989
Balance sheet Account No. 282 amended 26989
General Instruction 16 added 26989
Acct. 190 amended 26989
Accts. 281—283 Introductory text revised 26984
Acct. 281 amended 26989
Act. 282 amended 26990
Act. 283 revised 26990
260.13 Effective date postponed 17554
260.15 Added 27647

Chapter II—Tennessee Valley Authority

301.2 Added 14749

Chapter III—Delaware River Basin Commission

401.71—401.89 (Subpart F) Correctly designated as 401.91—401.109 (Subpart G) 17987
401.81—401.87 (Subpart F) Effective status confirmed 17987
401.91—401.109 (Subpart G) Correctly designated from 401.71—401.89 (Subpart F) and amended 17987
401.91—401.94 (Subpart G) Correctly redesignated as 401.111—401.114 (Subpart H) 17987
401.111—401.114 (Subpart H) Correctly redesignated from 401.91—401.94 (Subpart G) 17987

Title 18—*Proposed Rules:*

Ch. I 15402
1 20827
2 ..... 16220, 22006, 22557, 24542, 25691, 26568, 29304, 32140
3 ..... 18796, 20108, 21492, 26569

Page
35 ..... 14606, 23768, 26702
101 ..... 14606, 23322, 27492
104 ..... 14606, 23322, 27492
141 ..... 15402, 16684, 20108, 23322, 27492, 29305
154 ..... 14606, 18467, 19661, 22006, 24031, 24542, 25691, 26568, 32140
157 ..... 22006, 24542, 25691, 26568, 32140
161 20827
201 ..... 14606, 23322, 27492
204 ..... 14606, 23322, 27492
260 ..... 16684, 18796, 21492, 23322, 26569, 27492, 31634

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

1.2 (c) table amended 19194, 24356, 26026, 26027
Technical correction 27934
1.5 Revised 27934
4.20 (c) table amended 21027
4.21 (b) (14) removed 21027
4.61 (b) (11) revised; footnote removed 24518
4.65a Added 24518
4.80a (d) revised 31928
4.93 (b) (1) and (2) amended 21028
(b) (1) amended 23846
6.1 (a) revised 15387
6.2 (d) (1) and (3) (ii) amended 15387
6.25 Added 15387
10.59 (f) amended 31752, 31753
10.151—10.153 Undesignated center heading revised 31753
10.152 Heading revised; text amended 31753
10.153 (b), (d) (2) and (3), and (f) revised 31753
22.20a Amended 14749
24.14 (a) and (b) amended 24519
111.19 (b) revised 31754
113.26 (a) amended 14750
123.4 (b) revised 19813
127.4 Added 28790
127.14 (a) revised 28790
133.3 (b) revised 28790
133.5 (d) revised 28791
133.6 (b) revised 28791
133.7 (a) (3) revised 28791
133.13 (b) revised 28791
133.33 (b) revised 28791
133.35 (b) (2) revised 28791
133.36 (b) revised 28791
133.37 (a) (3) revised 28791
143.23 Introductory text revised 19813
145.32 Revised 31753
151.11 Amended 27444
151.46 Revised 27022
151.64 Revised 23458
151.71 (b) revised 23458
151.72 (b) revised 23458
152.14 Removed 31928
152.15 Removed 31928
152.16 Amended 31928
153.43 Amended 14591, 20617
159.47 (f) table amended 21719, 21720
159.56 Removed 31928
162.2 Amended 21932
174.24 (b) and (c) amended; (d) added 31928
177 Added 31929

Chapter II—International Trade Commission

201.20 (a) revised 31211

Title 19—*Proposed Rules:*

4 ..... 19830, 24527
12 25595
24 28807
112 15389
113 15389
133 17151
141 ..... 17151, 23874
153 30825
175 30825
201 23478

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.100 (b) corrected 14750
10.123 Corrected 14750

Chapter II—Railroad Retirement Board

395.4 Revised 26673
395.5 (b) (2) and (3) revised 26673
395.6 (b) (2), (3), and (c) (4) revised 26674
395.7 (a) (2) and (b) (2) revised 26674

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

401.1 Revised 27649
401.3 Introductory text, (u), and (v) revised; (o) and (t) removed 27649
401.4 (f) revised 27650
404.305 Revised 31774

CODE

Title 20, Chapter III—Continued

	Page
404.305a Added	31774
404.313 (a)(3) revised	31775
404.328 (a) revised	31775
404.329 (a)(4) and (6), and (c)(4) revised	31775
404.330 (a) and (b) revised	31775
404.331 (a)(3) through (7), and (c)(1) revised	31776
404.332 (a)(3) and (5), and (b)(2) revised	31776
404.333 Revised	31776
404.335 (a)(6) revised	31777
404.336 (a)(9) and (d)(9) revised	31777
404.350 (a) revised	31777
404.351 (a) and (c) revised	31777
404.352 Revised	31778
404.353 (d) revised	31778
404.366—404.373 Revised	24357
404.401—404.467 (Subpart E) Heading revised	30813
404.401 Revised	30813
404.402 Revised	30813
404.403 (a) revised	30814
404.405 (j) through (p) added	30814
404.409 Revised	30815
404.410—404.413 Added	30815
404.1015 (a) revised	23286
404.1015a Added	23286
404.1016 (a) revised	23288
404.1026 (e) added	23288
404.1053 (c)(5) revised; (c)(6) amended	29071
404.1101 (e) added	29072
404.1501—404.1539 (Subpart P) Appendix amended	30263
404.1506 (d) added	30263
404.1534 (b), (c), and (d) revised	31781
405.102 Revised	24357
405.103 Revised	24358
405.104 Revised	24358
405.105 Added	24359
405.106 Added	24359
405.116 (g) revised	17747
405.120 (a)(1) amended; (d) revised	23289
405.201—405.252 (Subpart B) Appendix added	17747
405.205 Revised	18165
405.210 Revised	18166
405.213 Text designated as (a); (b) added	18166
405.214 (d) added	18166
405.221 (e) added	18166
405.223 (e) added	18166
405.231 (g) and (h) revised	17747
405.310 (m) and (n) added	24360
405.430 (a), (c)(1), (d) (1) and (2), and heading of (e)(1) revised	22540
405.454 (j) added	29816
405.502 (a) revised	25447
405.504 (a) revised	25447
405.902 (b) introductory text and (b) (1) and (2) revised; example 4 added	18166
405.1021 (i)(3) removed; (j) added	24324
405.1022 (b) revised	26656
405.1035 Effective date postponed	14591
(e)(6)(ii) amended	14592
(e) and (f) effective date postponed	28052
405.1121 Introductory text and (f) revised	24325
405.1137 Effective date postponed	14591
(d)(2) amended	14592
405.1221 (i) added	24325
405.1901 (b) revised	24326
405.1913 Added	30818
405.2001—405.2012 (Subpart T) Added	28018
405.2001 Added	28018
(b)(4) and (5)(i) and (ii) corrected	29706
405.2005 (a)(3)(i) corrected	29706
416.901—416.939 (Subpart I) Added	31781
Appendix added	31786
416.1475—416.1487 Added	23846
422.401 Revised	27650
442.402 Revised	27650
442.426 (a) revised	27650
422.430 (b)(19) revised	27650
422.433 Added	27650
422.434 Added	27651
422.435 Added	27651

Chapter V—Manpower Administration, Department of Labor

614.19 Interpretation	20270
616.6 (e) interpretation	20270

Chapter VIII—Joint Board for the Enrollment of Actuaries

Chapter established	18776
900 Added	18776

Title 20—*Proposed Rules:*

	Page
401	17849, 28810, 30493
404	26532, 28095, 29301
405	14934, 16673, 17151, 23878, 23974, 24529, 24530, 25938, 26535, 26540, 27782, 28810, 30493, 31795, 31802
416	19831, 21986, 28095
422	17849
602	27050
650	19481
901	20326
902	20326

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

	Page
Subchapter A (Certain Sections in Parts 1, 2, 5, 6, 8) Effective date stayed	31606
1 Technical correction	16192
Comment time extended	26027
1.1a Revised	22984
1.3 Revised	28585
1.8d (f) revised	22984
(c)(4) added	26265
1.9 (c) (2) and (3) revised	23996
2 Revised	22984
Comment time extended	26027
2.23 (b) effective date stayed	31235
2.116 Corrected	31754
2.159 (e) corrected	31754
2.160 (g) corrected	31754
2.312 (a) corrected	31754
2.330 (b)(2)(ii) effective date stayed	31235
2.335 (c)(1) corrected	31754
2.340 (c)(20) revised	29817
3.82 Removed	26266
5 Added	23028
Comment time extended	26027
Contents list corrected	31754
5.115 Corrected	31754
6.1 (a)(3) added	16662
6.4 (a)(2) amended	23035
Comment time extended	26027
8 Comment time extended	26027
8.12 Revised	23035
8.13 Removed	23035
8.14 Removed	23035
8.18 Revised	23035
8.19 Revised	23035
8.20 Removed	23035
8.21 Removed	23035
8.27 (b) amended	23035
8.28 (b) revised	23035
8.33 (a) amended	23035
8.501 Time extended	15088
(b) table amended	18167
(g) amended	15088, 29817
8.4070 (c) revised	18167
8.7201 Effective date confirmed	15087
9.104 Revised	18167
Subchapter B (Certain Sections in Parts 10, 11, 80, 90, 100, 102, 121) Effective date stayed	31606
10 Comment time extended	26027
10.2 Revised	23035
10.5 Revised	21722
(l) added	23035
11 Technical correction	23725
11.1 (e) revised	23035
Comment time extended	26027
11.2 Amended	21934
11.7 Effective date amended	21934
18.550 Effective date amended	18549
18.555 Effective date amended	18549
18.560 Effective date amended	18549
18.565 Effective date amended	18549
18.570 Effective date stayed	18549
18.575 Effective date amended	18549
19.525 Effective date confirmed	22250
19.530 Effective date confirmed	22250
25.2 (e) effective date 6-30-75	18426
27.1 Effective date confirmed	28791
27.2 Effective date confirmed	28791
27.10 Effective date confirmed	28791
27.15 Effective date confirmed	28791
27.20 Effective date confirmed	28791
27.25 Effective date confirmed	28791
27.30 Effective date confirmed	28791
27.35 Effective date confirmed	28791
27.40 Effective date confirmed	28791
27.45 Effective date confirmed	28791
27.46 Effective date confirmed	28791
27.47 Effective date confirmed	28791
27.70 Effective date confirmed	28791
30 Effective date confirmed	21724
30.3 (c) amended	21724
31.1 Revised	26267
37.10 (c)(3), (4), and (5) added; (e)(2) and (3) revised	22541
37.12 Revised	22541
(b)(2) corrected	26267
51.20 (c)(11) and (d)(1), (2) and (3) revised	30940
51.21 (a)(2), (b)(3), and (c)(3) revised; (a)(1), (b), and (c) amended	30940
51.32 Revised	30941
80.1 (b)(4) revised	23035
Comment time extended	26027
90.2 (a) revised	23036
Comment time extended	26027

CODE

XUM

Title 21, Chapter I—Continued

	Page
100.2 Revised	23036
Comment time extended	26027
102.2 Revised	23036
Comment time extended	26027
102.5 Effective date stayed	26267
102.11 Effective date stayed	26267
121 Comment time extended	26027
121.40 (c)(1) introductory text revised	23036
121.41 (b)(1) revised	23036
121.55 Revised	23036
121.56—121.71 Removed	23036
121.72 (b) revised	23036
121.73 Removed	23036
121.74 Revised	23036
121.210 (c) table amended	22131
121.262 (c) table amended	22131
Effective date stayed	26674
(e) removed	31934
121.286 Introductory text and (b) revised	30108
121.1266 Added	30639
121.2502 (a)(8) added; (b) table amended	29073
121.2505 (c) amended	14905
121.2511 (b) amended	14905, 23996
121.2514 (b)(3)(viii)(b) amended	23997, 26269
(b)(3)(xxxi) amended	25205
121.2520 (c)(5) amended	21934, 23997, 26268
121.2526 (b)(2) table amended	22251
(b)(2) amended	23997
(a)(5) amended	25205
121.2550 (b)(5) amended	23997
121.2553 (a)(3) amended	26268
121.2622 (a)(3) added; (b) amended	29535
121.2630 Added	14906
121.2631 Added	25811
121.2632 Added	26269
121.4000 (c) introductory text revised	23036
123.25 Added; redesignated from 121.1266 (correction)	26027
123.35 Added; redesignated from 121.1267 (correction)	26027
123.100 Amended	26675
123.151 Added	18168
123.284 Added	22132
123.301 Added	20793
123.370 Amended	17142
123.400 Amended	14592
128c Added	24170
201.129 Added	31307
202.1 (j)(5) added	23036
Comment time extended	26027
(j)(5) effective date stayed	31606
210.3 Corrected	26508
229.25 (a) corrected; (b) added	28610
310 Comment time extended	26027
310.3 (n) added	31307
310.4 Revised	31312
310.200 (b) revised	23036
310.303 (b) revised	23037
310.503 (d) revised; (f), (g) and (h) added	31307
312 Technical correction	18993
312.1 Amended	31308
(g) revised	31312
312.9 (c)(2) revised	23038
Comment time extended	26027
312.20 (Subpart C) Added	16056
313.1 (c)(1) and (4), (d), and (g) revised	23037
Comment time extended	26027
314 Comment time extended	26027
314.110 (a)(7) revised	31313
314.200 Revised	23038
(e)(3) corrected	31754
314.201 Added	23040
314.202—314.206 Removed	23040
314.220—314.222 Removed	23040
314.230—314.232 Removed	23040
314.235 Revised	23040
328.30 (a) revised	23040
Comment time extended	26027
330.10 (a)(11) revised	23040
Comment time extended	26027
331 Effective date amended	22543
332 Effective date amended	22543
361 Added	31308
369 Technical correction	16192
429.50 Revised	23041
Comment time extended	26027
430.5 (a)(55) and (b)(55) added	26270
430.6 (b)(58) added	26270
430.20 Revised	23041
Comment time extended	26027
(b)(4) corrected	31754
431.50 Amended	28052
431.52 Revised	23042
Comment time extended	26027
431.53 (b)(1) amended	15088, 26270
(h) revised	28052
433 Comment time extended	26027
433.2 (c) and (d) revised	23042
433.12 (b)(4) revised; (b)(5) added	23043
433.13 (b) revised	23043
433.14 (b) revised	23043
433.15 (b) revised	23043
433.16 (b) revised	23044
436.33 (b) amended	26270
436.105 (a) and (b) amended	26270

	Page
436.213 (c) table revised	22251
(c) table amended	23725
436.309 (b)(6)(i) and (ii) amended	22251
436.312 Added	15088
440.36a (b)(3) revised	15089
440.236 (b)(3) revised	15089
442.29a (b)(7) revised	23725
442.40 Added	26270
442.140a Added	26272
442.140b Added	26272
444.442 Added	22252
444.442g Added	22252
444.642a Effective date of removal confirmed	14906
448.13 (b)(5) revised	15088
448.13a (b)(6) revised	15088
(b)(6) corrected	19194
448.30 Added	22253
449.610a (b)(1) revised	15089
449.610c (b)(1) revised	15089
510.600 (c)(1) and (2) amended	18993, 20270, 20271, 23070
(c)(2) corrected	22543
(c)(1) and (2) amended	25448, 27651, 29535, 31235, 31934
Corrected	28791
511.1 (b) amended; (c)(1) and (4), and (d)(2) revised	23044
Comment time extended	26027
(b), (c), and (d) effective date stayed	31606
514 Comment time extended	26027
(Certain Sections) Effective date stayed	31606
514.201 Revised	23044
514.202—514.206 Removed	23044
514.210 Revised	23044
514.220—514.222 Removed	23044
514.230—514.232 Removed	23044
514.235 Revised	23044
520.540b Revised	26273
520.1720a (f) removed; (g)(1) and (2) revised	18994
(a)(1) revised	25812
520.2380e Added	23071
522.775 Added	17838
522.1680 (b) revised	18994, 28792
522.1720 (b)(4) added	18994
(b)(1) revised	23847
522.1883 Added	18549
522.2424 Revised	25812
540.207a (c)(4) revised	24360
540.255c Heading and (c)(2) revised	30639
540.829 (a)(1) and (3)(i)(b) amended; (b)(3) removed	30941
555.110a (a)(1) and (c) revised	26273
556.165 Added	28792
558.95 (e) revised	22132
558.175 (e)(1)(iv) added	31935
558.525 (f)(5)(ii) amended	24722
558.530 Added	31934
558.625 (b)(16) revised	18168
(b)(36) added	20270
(b)(33) and (35) added	20271
(b)(10) revised	20617
(b)(31) added	23071
(b)(5) revised	25812
(b)(34) added	27651
(b)(39) added	31236
(b)(37) and (38) added	31934
561.91 Added	21028
561.235 Added; redesignated from 121.351 (correction)	26027
561.280 Revised	22132
561.281 Added	20793
561.282 Added	23071
Revised	26028
561.289 Added	31236
561.380 Amended	29706
600.3 (ee) added	31313
601 Comment time extended	26027
(Certain Sections) Effective date stayed	31606
601.2 Text designated as (a); (b) added	31313
601.4 Revised	23044
601.5 Revised	23045
601.6 (c) removed; remaining text redesignated as 601.12; new 601.6 added	23044
601.7—601.9 Added	23045
601.12 Added; redesignated from 601.6	23044
601.40—601.44 Removed	23045
610.2 Text designated as (a); (b) added	31313
610.13 (a)(2) revised	29710
610.40 Revised	29710
610.41 Revised	29710
610.53 Amended	29711
610.61 (s) revised	29711
630.65 (a)(6) revised	25813
640.2 (f) revised	29711
640.7 (b) revised	29711
640.26 (h) revised	29711
640.51 (c)(7) revised	29711
640.67 Revised	29711
640.69 (e)(9) and (f)(1) revised	29711
660.1—660.5 (Subpart A) Heading revised	29711
660.1 Revised	29711
660.2 (e) and (f) revised	29711
660.3 Revised	29711

CODE

Title 21, Chapter I—Continued

Page
660.4 Revised 29711
660.5 Revised 29712
701 Technical correction 16192, 23998, 28451
701.3 (o)(3) corrected 18426
(b) and (e) revised 23045
Effective date amended 23460
Technical correction 25585
Comment time extended 26027
(b) and (e) effective date stayed 31606
701.100 (Subpart D) Added 24450
(e)(6) corrected 26675
(a) through (j) effective date stayed 31606
740 Technical corrections 16192
Effective date amended 23460
1002.10 Effective date extended 26053
1002.61 Effective date extended 26053
1003 Comment time extended 26027
1003.11 (a) amended 23045
(a) effective date stayed 31606
1003.31 (d) added 23045
(d) effective date stayed 31606
1004.6 Amended 23045
Comment time extended 26027
Effective date stayed 31606
1010.1 Revised 32257
1010.2 (a), (c), and (d) revised 32257
1010.3 Revised 32257
1010.13 Revised 32257
1010.20 Revised 32257
1030.10 (c)(4) revised; (c) (5) and (6) added 14752
Effective date corrected 16663
1040 Added 32257
1210 Comment time extended (Certain Sections) Effective date stayed 26027 31606
1210.30—1210.33 (Subpart D) Heading revised 23046
1210.30 Revised 23046
1210.31 Revised; new provisions redesignated from 1210.63 23046
1210.32—1210.33 Removed 23046
1210.40—1210.44 (Subpart E) Removed 23046
1210.50—1210.62 (Subparts F and G) Removed 23046
1210.63 Redesignated as 1210.31 23046
1220.40 (a) revised 26508
1240.62 Revised 22545
1250.51 (b) and (d) revised; (e) and (f) added 30110

Chapter II—Drug Enforcement Administration, Department of Justice

Page
1301.90 Added 17143
1301.91 Added 17143
1301.92 Added 17143
1301.93 Added 17143
1308.11 (d)(12) revised 18426
(b) amended 19813
(d) revised 28611
1308.14 (b) revised 24001
Technical amendment 26676
1308.24 (i) table amended 20076, 20077, 27023
(a) and (j)(1) revised 22072

Chapter III—Special Action Office for Drug Abuse Prevention

1401 Removed; provisions incorporated into new 42 CFR Part 2 27821
1402 Added 23064
1403 Added 23066

Title 21—*Proposed Rules:*

1 ..... 15392, 24909, 26682, 30978
3 ..... 15392, 24909
25 30978
26 21736
27 ..... 16085, 26276
80 ..... 23244, 29089
121 26683
125 ..... 23244, 29089
130 ..... 22841, 26142
310 ..... 24328, 26142, 27796, 28587
314 ..... 26156, 26157, 26164, 30493
320 ..... 26157, 26164, 30493
331 22553
334 18001
335 18001
336 18001
337 18001
610 18176
630 17151
700 ..... 24328, 25218
950 ..... 25916, 29554
951 ..... 25916, 29554
952 ..... 25916, 29554
1020 ..... 24528, 24909, 25830, 26277, 28095
1030 ..... 23877, 27038
1040 25830
1301 16082
1304 30117
1308 ..... 16082, 23306, 24216, 28676
1401 20542

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Page
8 Added 28606

Chapter II—Agency for International Development, Department of State

205 Heading and text revised 31754

Chapter XI—International Boundary and Water Commission United States and Mexico, United States Section

Chapter established 32116
1100 Added 32116

Title 22—*Proposed Rules:*

8 15060
15 36824

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

1.25 Removed (provisions recodified in Part 646) 16057
1.29 Removed 24519
140.900—140.922 (Subpart I) Added 16057
Appendix A amended 29712
140.922 Technical correction 31211
140.992 (a), (b) and (c) redesignated as (b), (c) and (d); new (a) added 29712
160.201—160.204 (Subpart B) Added 29817
230 Added 28053
420.203 (a)(4) revised 17554
420.205 (a) and (b) amended 17554
420.206 (a) revised 17554
630.702 Corrected 17554
635.103 Amended 14906
635.104 (a) amended 14906
635.107 (e) amended 14906
635.110 (c) amended 14906
635.115 (e)(2) amended 14906
635.124 (a)(1) amended 14906
635.202 Amended 14906
635.205 (a)(1) amended 14906
(b) amended 14906, 14907
635.301—635.309 (Subpart C) Revised 17251

Page
635.307 (b)(3) revised 25585
646.200—646.220 (Subpart B) Added 16059
646.216 (e)(2)(ii) revised 29712
646.220 (b)(2) corrected 29712, 31211
655.701—655.707 (Subpart G) Added 20078
658 Revised 24520
662 Added 14907
710.206 (b) amended 29073
740.9 (d) redesignated as (e); new (d) added 25585
(d) and (e) effective date revised 30818
750.151—750.155 (Subpart B) Heading revised 21934
750.151 (a)(2) amended 21934
750.152 Revised 21934
750.153 (m) amended 21934
(t) added 21935
750.155 Amended 21934
820 Added 16301

Chapter II—Highway Safety Program Standards, Department of Transportation

1204.4 Partial temporary waiver of Std. No. 5 30639

Title 23—*Proposed Rules:*

658 24532

TITLE 24—HOUSING AND URBAN DEVELOPMENT

17.20 (b) revised 28599
17.23 Revised 28599
17.24 Heading and text amended 28599
17.26 Revised 28599
17.27 Amended 28599
17.28 Amended 28599
17.30 Amended 28599
17.31 Amended 28599
17.33 Amended 28599
58 Revised 29992
58.5 (a) amended 22253
58.30 (a)(6) and (b) amended 22253
58.31 (b)(1) amended 22253
82 Added 22449
82.4 (b) amended 26509
Appendix A Form corrected 23977
Appendix A added 30480
Appendix A corrected 31211

CODE

Title 24—Continued

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

		Page
100	Revised	20079
105.1	(a) revised	20079
105.2	(h) revised	20079
105	Appendix amended	20079
106.1	Revised	20079
106.2	(c) revised	20079
110.1	Revised	20079
110.5	(g) and (h) revised	20079
110.25	(a) amended	20079
115.1	(a) revised	20079
115.3	(e) revised	20079

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

200	Effective date corrected	22828
200.210	Revised	17750
200.600—200.640	(Subpart M) Appendix amended	20080
200.605	Revised	20080
200.610	Revised	20080
200.620	(a) and (b) revised	20080
200.640	Revised	20080
203.20	(a) revised	21472
203.74	(a) revised	21472
203.340	(a) introductory text, (1) and (3) and (b) introductory text (1)(i) and (ii) revised	24182
205.50	Revised	21472
207.1	(a) and (b)(1) amended	22828
207.7	(a) revised	21472
207.32a	(g) revised	23864
213.2	(a) and (b)(1) amended	22829
213.10	(a) revised	21472
213.511	(a) revised	21473
215.20	(a)(1), (2), and (3) revised	21935
220.576	(a) revised	21473
221.502	(c) amended	22829
221.509	(a)(1) amended	22829
221.510	(b) revised	20080
221.518	(a) revised	21473
232.5	Amended	22829
232.29	(a) revised	21473
232.50	(a)(1) amended	22829
232.560	(a) revised	21473
234.29	(a) revised	21473
235.540	Revised	21473
236.5	(c) amended	22829
236.15	Revised	21473
236.701—236.760	(Subpart D) Added	31872
241.75	Revised	21473
242.33	Revised	21473
244.10	(a) and (b)(1) amended	22829
244.45	(a) revised	21473
275	Appendix tables revised	24818

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

300.11	(c) amended	14753

Chapter IV—Office of Assistant Secretary for Housing Management, Department of Housing and Urban Development

401.1—401.6	(Subpart A) Revised	29074
403.5—403.6	(Subpart B) Revised	20081
426	Added	31874

Chapter V—Office of Assistant Secretary for Community Development, Department of Housing and Urban Development

570	Revised	24693
570.300	(a) revised	15090, 16663
	(a) corrected	17987
570.400	(c)(3)(ii) amended	23864
	(c)(3)(i) revised	30640

Chapter VIII—Low-Income Housing, Department of Housing and Urban Development

800—804	Recodified from Parts 1270, 1272, 1274, 1276, and 1279	15580
811	Added	22829
880	Added; provisions redesignated from Part 1273 and revised	15580, 18684
	Appendix II page nos. corrected	19469
881	Added; redesignated from Part 1277	15580
	Revised	18904
882	Added; redesignated from Part 1275 and revised	15580, 19613
883	Added; redesignated from Part 1278	15580, 16936

		Page
888	Recodified from Part 1280	15580
	Schedule A amended	27479, 31936
	Schedule B amended	26509
	Schedule A corrected	28451
888.102	Revised	15580
888	Schedule B added	15581
889	Added	15542
890	Added	17009
1270—1279	Recodified as Parts 800—804 and 880–883 (see conversion table)	15580
1280	Recodified as Part 888	15580
1273	Removed; provisions revised and redesignated as Part 880	18682

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

1700.30	(e) and (f) added	14753

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

1909.1	Amended	23865
1914.4	Table amended	14600, 14601, 16835–16841, 17751, 17752, 17753, 17838, 17839, 17988, 18776, 18777, 18994, 20617–20624, 20794, 20795, 23726–23731, 23866–23873, 23977, 23978, 25003, 25465, 25586, 25589, 25590, 26992, 26995, 27000, 27215, 27481, 28062, 29819, 29820, 29821, 29822, 30111, 30112, 30942, 30943, 30944, 31212—31216
1915.3	Table amended	14754, 16192, 16193, 16303, 16304, 16842, 17017, 17989, 18550, 19641, 19642, 20271, 20272, 20273, 20799, 20803, 20808, 23460–23465, 23980, 23982, 24183, 24722, 25206, 25207, 25468, 25471, 27001, 27004, 27005, 27006, 27007, 27216, 27217, 27652, 29823, 29824, 31217, 31220
1915.6	Added	17016
	Table amended	20798
1916	Interpretation	23278, 23279, 24521, 29824, 29825
1920	Added	23865

Chapter XIII—Federal Disaster Assistance Administration, Department of Housing and Urban Development

2205	Added	23253
2205.7	(g) corrected	28609
2205.48	(c)(1)(C)(1) and (2) redesignated (ii) and (iii); (d) amended; (h)(A) redesignated (2)	28609
2205.51	Corrected	28609
2205.54	(h)(A), (A)(1), (B), (C), and (D) redesignated (h)(2), (2)(i), (ii), (iii), and (iv); (a)(3)(ii) and (v) and (h) corrected	28609
2205.73	Corrected	28609
2205.78	(a) corrected	28609
2205.79	(c)(2) corrected	28609

Title 24—*Proposed Rules:*

35		26974
867		24738
888		30000
895		21040
1400		26930
1909		25478
1910		25478
1911		25478
1914		25478
1915		25478
1917		16345, 16674, 16675, 16676, 18562, 19832, 19833, 20106, 25478
1925		23878

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

1.3	Amended	20625
2.1	(c) amended	20625
2.3	Revised	20626
2.10—2.14	(Subpart B) Removed; new §§ 2.10—2.20 (Subpart B) added, incorporating provisions from former Subparts B, C, and D	20626
2.10—2.20	(Subpart B) Added; incorporates provisions of former Subparts B, C, and D	20626
2.21—2.37	(Subparts C and D) Removed; provisions incorporated into §§ 2.10—2.20 (revised Subpart B)	20626
12	Added	28026
41.3	(t) added	17022
	(u) added	27444
43k	Added	14592
43k.5	(a) revised	19012
43k.15	Amended	19012
88.3	(c) and (e) revised	24184
93.7	Corrected	20952
153	Added	28039
221.63	Revised	26676
256.3	(b) revised	24184
Subchapter X	established	19195
300	Added	19195

CODE

Title 25—*Proposed Rules:*

	Page
41	22141
221	17029, 27035
252	18798
253	18798
431	26039

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

	Page
1.72–4 (b)(2) revised	16663
1.72–15 (a) and (d) revised; (f) amended; (i) added	16664
1.101–2 (a)(2) revised	16666
1.103–8 (f)(2)(ii)(*a*) amended; (*d*) revised; (*e*) and (*f*) removed	26028
1.105–4 (a)(2)(i) and (3)(i) revised	16666
1.105–6 Added	16666
1.162–21 (b)(1)(ii) and (2) revised	29290
1.250 Added	26029
1.250–1 Added	26029
1.281—1.281–4 Undesignated heading and sections added	23732
1.341 Amended	29839
1.341–6 (b)(2)(iv) revised	29840
1.642(c)–0 Added	23739
1.642(c)–1—1.642(c)–4 Revised	23739
1.642(c)–1 (a)(1) and (3) corrected	24361
1.642(c)–2 (b)(3)(ii) and (4)(iii), and (c)(1) corrected	24361
1.642(c)–3 (b)(1) and (c) corrected	24361
1.642(c)–4 Corrected	24362
1.642(c)–5 (a)(5)(vi) revised; (d) removed	23742
1.643(a)–3 (c) revised	23742
1.643(a)–7 Revised	23742
1.673(a)–1 (a)(2) revised	23742
1.673(b) Amended	23743
1.673(b)–1 Heading revised; (d) added	23743
1.817–2 (b)(1)(i)(c) revised	29840
1.994 Added	29827
1.994–1 Added	29827
1.994–2 Added	29836
1.1221 Amended	29840
1.1221–1 (c) revised	29840
1.1231 Amended	29841
1.1231–1 Amended	29841
1.1232–1 (c)(3) revised	27936
1.1232–3A (f)(1) revised	27936
1.1402(c)–2 (a)(2) and (b) revised	30945
9.1 Added	25472
10.2 Added	17554
(c)(1) (ii)(A)(2) corrected	25590
11.410–1 Added	27217
11.411(a)(10)(B)–1 Added	17556
11.7476–1 Added	24002
(b)(1) amended	24521
11.7476–2 Added	24003
11.7476–3 Added	29535
17.1 Added	26028
31.3101 Revised	30947
31.3101–2 Revised	30947
31.3111 Revised	30947
31.3111–2 (a) and (b) revised	30948
31.3121(a)–1 (a), (b), and (j) introductory text revised	30948
31.3121(a)(1) Revised	30948
31.3121(a)(1)–1 (a)(1), (a)(3) introductory text, and (b)(1) revised	30948
31.3121(a)(9) Amended	30957
31.3121(a)(9)–1 (a) revised	30957
31.3121(a)(12) Revised	30949
31.3121(a)(13) Added	30949
31.3121(a)(13)–1 Added	30949
31.3121(a)(14) Added	30950
31.3121(a)(14) Heading added	30950
Text added	30957
31.3121(a)(15) Added	30950
31.3121(a)(15)–1 Heading added	30950
31.3121(a)(15)–1 Text added	30957
31.3121(b)(3) Amended	30950
31.3121(b)(3)–1 (a) and (b) revised	30950
31.3121(b)(6) Amended	30957
31.3121(b)(6)–1 (c)(4)(ii) revised	30957
31.3121(b)(7) Amended	30957
31.3121(b)(7)–1 (e) added	30958
31.3121(b)(10) Heading revised; text amended	30958
31.3121(b)(10)–1 (b) revised	30958
31.3121(b)(10)–2 Heading, (a), (b), and (c) revised	30958
31.3122 Revised	30951
31.3125 Revised	30951
31.3306(b)(10) Added	30951
31.3306(b)(10)–1 Added	30951
31.3402(a)–2 (a) revised	17840
31.6011(a)–1 (a)(3)(ii) amended	17144
31.6011(a)–4 (b) revised	17144
31.6011(a)–5 (b) heading and (b)(2) revised	17144

	Page
31.6011(a)–9 Added	17145
31.6051 (a) and note revised; (e) added	30952
31.6051–1 (a)(3), (b)(1) introductory text, (c) (2) and (3), and (d)(1) and (2)(i) revised	17145
(a)(1)(i)(f) amended; (b)(3) removed	17145
(f) redesignated as (g); new (f) added	17145
31.6051–2 Added	17145
31.6053–2 (b) and (c) revised	17145
31.6071(a)–1 (a)(3)(i) heading and (a)(3)(ii) revised	17146
31.6081(a)–1 (a)(3) revised	17146
31.6413(c) Amended	30953
31.6413(c)–1 (a)(1)(i), (2), (5), (6) revised; (c) added	30954
53.6001—53.7101–1 (Subpart J) Added	29843
Subchapter E (Parts 170–299) Recodified as Subchapter M of Title 27	16835
170—299 Removed; provisions recodified as 27 CFR Parts 170–299	16835
301.6051 Amended	30955
(g) redesignated as (h); new (g) added	30952
301.6104–1 (d), (e) (1) and (3), and (f) amended	15090
301.6104–2 (b) revised; (c) (1) and (4) amended	15090
301.6413 Amended	30955
301.7622–1 Revised	23743
420.6103(g)–3 Added	30959

Title 26—*Proposed Rules:*

	Page
1.0—1.169	14767, 17576, 18798, 22548, 25679, 28101, 29874
1.170—1.300	20633
1.401—1.500	17576, 18798, 22548, 28101, 31238
1.501—1.600	25476, 28613
1.641—1.850	18798, 28101
1.851—1.1200	14767, 17576, 26040, 27483, 27484, 29296, 29871, 30971
1.1201—end	17576, 17588, 18798, 24011, 24527, 26040, 27943, 28101, 29553, 29874
11	18798, 28101
12	30971
31	17028, 21965, 27240
49	25478
301	21965, 24011, 24527, 25478, 29874
601	25478

TITLE 27—ALCOHOL, TOBACCO PRODUCTS, AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

	Page
Subchapter M (Parts 170—299) established; recodified from Subchapter E of Title 26	16835
170—299 Added; recodified from 26 CFR Parts 170–299	16835
178 Added; recodified from 26 CFR Part 178	16835
178.11 Amended	19201
178.126a Added	19202
194.110 Revised	30113
240.17 Removed	20627
240.19 Revised	20627
240.41 Removed	20627
240.542 Revised	20627
240.543 Revised	20627

Title 27—*Proposed Rules:*

	Page
4	30117, 32129
5	29866, 30971
178	21961, 25026
181	21961, 25026
194	31957
245	27240

CODE

TITLE 28—JUDICIAL ADMINISTRATION

Title 28—*Proposed Rules:* Page
0 ---- 30977
4 ---- 30489
4a ---- 30491

TITLE 29—LABOR

5.1 (b) amended ---- 30481
5.2 (c) revised; (d) amended ---- 30481
5.5 (a)(3)(ii) amended; (a)(4) revised ---- 30481
5.6 (a) (2) and (3), (b) (1) and (2), (c) (1), (2), and (3), and (d) revised ---- 30481
5.11 (b) revised ---- 30482
5.15 Added ---- 30483
5.16 Added ---- 30483
5.17 Added ---- 30483
5a Removed ---- 30483
94.3 Amended ---- 28981
97.201—97.292 (Subpart C) Revised ---- 28982

Chapter V—Wage and Hour Division, Department of Labor

727.2a Removed ---- 28064
727.3 Corrected ---- 28064

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1910.184 (e)(9)(i) corrected ---- 31598
1952.180—1952.183 (Subpart L) Removed ---- 27655
1952.313 (c) and (d) revised ---- 28792

Chapter XXV—Office of Employee Benefits Security, Department of Labor

2555 Added ---- 31598
Interpretative release ---- 31755

Title 29—*Proposed Rules:*
94 ---- 30584
97a ---- 30584
570 ---- 28814
1902 ---- 27946
1907 ---- 27691
1910 ---- 30980, 32268
1915 ---- 30980
1918 ---- 30980
1917 ---- 30980
1918 ---- 30980
1928 ---- 30980
1952 ---- 28472

Page
2510 ---- 31638
2520 ---- 31638
2604 ---- 29555

TITLE 30—MINERAL RESOURCES

Title 30—*Proposed Rules:*
250 ---- 30119
251 ---- 30119

TITLE 31—MONEY AND FINANCE: TREASURY

1 Appendices C, D, and K revised; Appendix G amended ---- 29290

Chapter I—Monetary Offices, Department of the Treasury

81 Nomenclature change ---- 32121
93 Nomenclature change ---- 32121

Chapter II—Fiscal Service, Department of the Treasury

345.1 (b) revised ---- 29846
345.2 Revised ---- 29846
345.5 Redesignated as 345.6; new 345.5 added ---- 29846
345.6 Redesignated from 345.5 ---- 29846
347 Added ---- 29846
Technical correction ---- 30640
348 Added ---- 29847

Title 31—*Proposed Rules:*
51 ---- 30974
306 ---- 30485, 31238

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

641.33 Revised ---- 27937
641.82 Revised ---- 27937
641.83 Revised ---- 27937
641.104 Introductory text revised ---- 27937
641.105 Revised ---- 27937
641.109 Revised ---- 27938
641.132 Introductory text of (a), (a)(5), and (b) revised ---- 27938

Chapter VI—Department of the Navy

706.2 Table one revised ---- 31601

Chapter XVII—Office of Emergency Preparedness

1712 Removed ---- 28599

Chapter XVIII—Defense Civil Preparedness Agency

1801.9 (a) amended ---- 30114
1807.9 (b) amended ---- 30114
1812.13 Amended ---- 30114

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

Page
3.85-10 Revised ---- 28451
3.85-15 Revised ---- 28451
3.85-55 Removed ---- 28451
3.85-60 Removed ---- 28451
3.85-65 Removed ---- 28451
110.214 (a)(2) removed; (a)(1)(ii) and (3)(i) revised ---- 30641
117.115 (c)(1) revised ---- 31938
127.305 (a)(3) added ---- 30961
127.321 Added ---- 27939
127.322 Added ---- 30641, 31652
127.322 Removed ---- 31652

Chapter II Corps of Engineers, Department of the Army

207.300 Revised ---- 32121
209.120 Revised ---- 31322
252 Added ---- 31718

Title 33—*Proposed Rules:*
207 ---- 30118

TITLE 34—GOVERNMENT MANAGEMENT

Chapter II—Office of Federal Management Policy, General Services Administration

233 Appendix A amended ---- 30263

Title 34—*Proposed Rules:*
Ch. II ---- 28495

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

67.358 (b), (c) and (g) revised ---- 30818

Title 35—*Proposed Rules:*
135 ---- 32140

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

7.5 (d) added ---- 31938

Chapter II—Forest Service, Department of Agriculture

231.10 Revised ---- 31222

Chapter VI—American Revolution Bicentennial Administration

Page
601 Heading revised ---- 29536
Text redesignated as 601.1—601.12 (Subpart A) ---- 29536
601.1—601.12 (Subpart A) Redesignated from Part 601 ---- 29536
601.13—601.19 (Subpart B) Added ---- 29536
605 Added ---- 29539

Title 36—*Proposed Rules:*
2 ---- 28088
1000 ---- 30841

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

2.97 Added ---- 31755
21.132 (j)(1) revised ---- 31756
21.133 Revised ---- 31756
21.134 Introductory text revised ---- 31756
21.135 Revised ---- 31756
21.136 Revised ---- 31756
21.137 (c) revised ---- 31756
21.138 (b) and (c)(2) and (3) revised ---- 31756
21.145 (a), (b)(1) and (2), and (d) revised ---- 31756
21.274 (b) revised ---- 31757
21.278 Revised ---- 31757
21.700 Revised ---- 31757
21.701 Revised ---- 31757
21.705 Revised ---- 31757
21.711 (a) revised ---- 31757
21.715 (a) revised ---- 31757
21.1021 (b), (d), and (e) revised ---- 31758
21.1022 Revised ---- 31758
21.1040 (a), (e)(2), and introductory texts of (b) and (e) revised ---- 31758
21.1041 (a)(1) and (2), and (d) revised ---- 31758
21.1045 (a)(2) and (b)(2) revised ---- 31758
21.3046 (c) revised ---- 31759
21.3300 (c) revised ---- 31759
21.3301 (a)(2) revised ---- 31759
21.3330 (b)(1) revised ---- 31759
21.3333 (a) and (b) revised ---- 31759
21.4001 (a), (d), and (e) revised; (f) added ---- 31759
21.4005 (a)(1) and (2) revised ---- 31759
21.4136 (a), (b), and (c) revised ---- 31760

CODE

Title 38, Chapter I—Continued

		Page
21.4137	(a), (b), and (g) (2) and (3) (iii) revised	31760
21.4138	(b) and (c) revised	31761
21.4139	(a) and (b) (1) revised	31761
21.4145	(a), (b) (1) and (2), and (d) revised	31761
21.4153	(c) (3) revised	31761
21.4200	(e) and (f) added	31762
21.4202	(c) (1) revised	31762
21.4203	(b) (3) revised	31762
21.4205	(c) (1) and (4) revised	31762
21.4206	Introductory text, (a) and (b) revised	31762
21.4208	(a) revised	31762
21.4230	(c) revised	31762
21.4233	Introductory text and (d) revised	31762
21.4236	(c) and (d) revised	31763
21.4251	(g) revised	31763
21.4252	(b) introductory text, (b) (4), (e), (f) (1) and (2), (g), and (h) revised	31763
21.4264	Heading, (a) (2), (b) introductory text and (b) (3) revised	31763
21.4270	(a) footnote 8 added	31763
21.4500—21.4506	(Subpart F) Added	31764

Title 38—*Proposed Rules:*

4	30502
13	31960

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

111.3	Amended	31602, 31766

Chapter III—Postal Rate Commission

3002.2	(b) amended	28793

Title 39—*Proposed Rules:*

262	30988
266	30988
267	30988
3003	31813

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

		Page
52.22	(b) (16) revised	28065
52.111	Suspended indefinitely	29714
52.139	Suspended indefinitely	29714
52.220	(c) (8) revised	29713
52.240	(f) (1) table amended	29713
52.251	Suspended indefinitely	29714
52.493	Suspended indefinitely	29714
52.590	(c) (2) amended	29541
52.876	(c) (1) and (2) tables amended	30962
52.927	(c) added	29541
52.1103	Suspended indefinitely	29714
52.1577	(e) added	30962
52.1588	Suspended indefinitely	29714
52.2040	Suspended indefinitely	29714
52.2443	Suspended indefinitely	29714
80.21	Existing text designated as (a); (b) added	29292
85.1803	(c) revised	28067
125.12	(h) (1) revised	29849
125.24	Revised	29849
125.28	Added	29850
162.1—162.23	(Subpart A) Revised	28268
162.100—162.125	Removed	28267
180.205	Amended	31237
180.207	Amended	28065
180.254	Amended	29714
180.262	Corrected	29547
180.275	Amended	29715
180.284	Revised	31237
180.312	Revised	31602
180.341	Revised	29715
180.348	Amended	31237
180.361	Added	29850
180.1001	(c), (d), and (e) tables amended	28066
180.1035	Added	31236
229	Added	30114
413	Comment time extended	29075, 29076
415.230—415.242	(Subparts W and X) Comment time extended	29850
415.270—415.312	(Subparts AA, AB, AC, AD, and AE) Comment time extended	29850
415.330—415.362	(Subparts AG, AH, AI, and AJ) Comment time extended	29850
415.380—415.382	(Subpart AL) Comment time extended	29850
415.400—415.452	(Subparts AN, AO, AP, AQ, AR, and AS) Comment time extended	29850
415.470—415.472	(Subpart AU) Comment time extended	29850
415.490—415.512	(Subparts AW, AX, and AY) Comment time extended	29850
415.530—415.532	(Subpart BA) Comment time extended	29850

		Page
415.550—415.552	(Subpart BC) Comment time extended	29850
415.580—415.582	(Subpart BF) Comment time extended	29850
415.600—415.602	(Subpart BH) Comment time extended	29850
415.630—415.632	(Subpart BK) Comment time extended	29850
443	Added	31191
446	Added	31725
447	Added	31727

Title 40—*Proposed Rules:*

2	28814
51	28629
52	28097, 28098, 28815, 30287, 30288, 30982
60	28814
61	28814
79	28814
120	30983
125	28814
130	29882, 32133
131	29887, 32133
136	32136
167	28814
180	28814, 30289
243	29404
415	29892
432	28633
443	31196
446	31729
447	31730

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

1-1.1003-3	(c) revised	30440
1-1.1003-7	(b) (9) revised	30440
1-3.410-2	Redesignated as 1-3.410-3; new 1-3.410-2 added	27655
1-3.410-3	Added; redesignated from 1-3.410-2	27655
1-4.1004-1	(b) revised	30440
1-4.1004-2	Revised	30440
1-4.1004-4	(a) revised	30440
1-9.107-5	(g) and (h) (1) (iii) corrected	28068
1-9.109-3	Corrected	28068
1-16.803	Heading and text revised	30440
1-16.901-251	Removed	30441
1-16.901-254	Added	30442
1-16.901-255	Added	30449

Chapter 3—Department of Health, Education, and Welfare

		Page
3-1.404-2	(b) and (c) revised	29715
3-3.103-50	(b) (2) revised	29721
3-3.600	Added	29715
3-3.601	Added	29716
3-3.602	Revised	29716
3-3.603-2	Added	29716
3-3.603-50	Added	29716
3-3.604	Heading added	29718
3-3.604-3	Added	29718
3-3.605-1	(d) and (e) added	29718
3-3.605-2	Revised	29718
3-3.606-4	Revised	29719
3-3.606-5	(a) revised; (e) and (g) added	29719
3-3.802-1	Added	29720
3-3.802-2	Added	29721
3-3.802-50	(b) (1) and (2) revised; (d) (1) and (2) amended	29719
3-3.5106—3-3.5110	Redesignated as 3-3.5107—3-3.5111	29722
3-3.5106	Redesignated as 3-3.5107; new 3-3.5106 added	29722
3-16.5000	(b) (1) amended	29719
3-16.5001	(i) (4) revised	29722

Chapter 9—Energy Research and Development Administration

9-4.5700—9-4.5707	(Subpart 9-4.57) Added	28068
9-7.5006-10	(d) (17) revised; (d) (18) added; (e) (20) removed	31766
9-15.205-3	Added	31766
9-15.205-35	(d) and (e) revised; (h) added	31766

Chapter 14—Department of the Interior

14-7.602-50 (1)	Removed	29722

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

60-5	Time extended	30963
60-8	Time extended	28609

CODE

Title 41—Continued

Chapter 60—*Proposed Rules:*

60–12 28477
60–14 28472

Chapter 101—Federal Property Management Regulations

Page

101–11.800—101–11.808 (Subpart 101–11.8) Revised 27656
101–11.806–8 Added; correction 29722
101–11.4920 (Subpart 101–11.49) Revised 27658
101–25.100 Added 29818
101–26.401 (c) added 31223
101–26.403–2 (a)(1) and (b)(1) revised; (b)(3) added 31223
101–26.4902–457 Form amended 31224
101–26.4904–416 Heading and form amended 31224
101–35.202 (a)(11) added 31224
101–35.203 (a)(3) added 31224
101–42.300—101–42.303–2 (Subpart 101–42.3) Revised 31225
101–42.4901 Revised 31226
101–42.4902 Revised 31226

Chapter 105—General Services Administration

Page

105–61.101–1 (f) added 28610

Chapter 114—Department of the Interior

114–38.607 Revised 30483
114–52.103 Revised 30483
114–52.206 (a)(2) revised 30483
114–52.207 Redesignated as 114–52.208; new 114–52.207 added 30484
114–52.208 Redesignated as 114–52.209; new 114–52.208 redesignated from 114–52.207 30484
114–52.209 Redesignated as 114–52.210 and revised; new 114–52.209 redesignated from 114–52.208 30484
114–52.210 Redesignated from 114–52.209 and revised 30484
114–52.402 Revised 30484

Title 41—*Proposed Rules:*

In this title only see under specific chapters.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Page

2 Added; includes provisions of former 21 CFR Part 1401 ..... † 27802
32 Revised ..... † 25816
37.3 (a) amended ..... † 3294
(a) effective date corrected ..... † 8076
51a.401—51a.417 (Subpart D) Added ..... † 12760
51a.501—51a.516 (Subpart E) Added ..... † 24436
52c Added ..... † 27457
57.1901—57.1912 (Subpart T) Added ..... † 12791
Effective date corrected ..... † 17252
57.1908 Added ..... † 12791
(d) corrected ..... † 14762
57.1909 Added ..... † 12791
(c)(2) corrected ..... † 14762
59.203 (b) revised ..... † 17991
59a.1—59a.9 (Subpart A) Removed ..... † 12507
66 Added ..... † 19314
66.113 (b) corrected ..... † 20953
66.116 (b)(2) corrected ..... † 20953
72 Redesignated in part as Title 21 Parts 1240, 1250; see redesignation table ..... † 5620
86 Added ..... † 29077
110 Added 37311

Title 42—*Proposed Rules:*

2 ..... † 20522
23 ..... † 1204
32 ..... † 7460
50 ..... † 3218
51 ..... † 21628
51a ..... † 10318, 13288
51c ..... † 21628
52b ..... † 12092
52c 45042
..... † 4152
52d ..... † 12999
52e ..... † 19014
53 ..... † 10686
57 ..... † 11733, 14932, 18790, 19017, 19482
59 ..... † 2823
66 ..... † 3074
71 ..... † 11887
72 35438
..... † 8
82 ..... † 17029
85a ..... † 26530, 31248
101 ..... † 19762
110 43044
..... † 6602
203 ..... † 13288

TITLE 43—PUBLIC LANDS: INTERIOR

Page

2 Revised ..... † 7305
Existing Appendix redesignated as Appendix B and revised ..... † 7305
Appendix A added ..... † 7450
2.11 (b) corrected ..... † 10670
(b) amended ..... † 11727
2.13 (c)(7)(i) technical correction ..... † 14315
4.1 (2) revised ..... † 20819
4.113 Revised ..... † 5528
4.115 Revised ..... † 5528
4.116 Revised ..... † 5528
4.200—4.317 (Subpart D) Heading and authority citation revised ..... † 20819
4.200 Revised ..... † 20819
4.202 Amended ..... † 20820
4.203—4.207 Undesignated center heading added ..... † 20820
4.350—4.369 Undesignated center heading, section headings, and texts added ..... † 20820
10 Removed ..... † 20822
18.13 (d) corrected 36114
20 Appendix revised 42682
Revised ..... † 28288
20.735–3 (a) (1) and (3) revised 42681
20.735–11 (e) revised 42681
20.735–15 (b) revised 42682
20.735–17 (b) revised 42682
20.735–41 (c) (1) and (2) revised 42682
20.735–49 (b) revised 42682
26 Revised ..... † 22260
430 Added ..... † 27658

Chapter II—Bureau of Land Management, Department of the Interior

1780 Heading added ..... † 3295
1784.0–1—1784.4 (Subpart 1784) Added ..... † 3295
1784.5—1784.7 Added to Subpart 1784 ..... † 25453
2802.1–2 Revised ..... † 17842
2802.2—2802.2–2 Revised ..... † 17843
2802.2–4 Added ..... † 17844
2802.4—2802.4–2 Revised ..... † 17844
2821.6 Revised 39440
2822.1–2 (b) revised 39440
2822.2 Revised 39440
2822.2–1 39440
2822.2–2 Revised 39440

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 43, Chapter II—Continued

		Page
2920.2	Revised	† 23473
2920.3	(a)(1) revised	† 23473
2920.4	(a) revised	† 23473
2920.7	Added	† 23473
3107.2–1	(b) revised	† 12507
4114	Heading revised	† 25454
4114.3–1—4114.3–4	Removed	† 25454
4114.4–3	(c) removed	† 25454
4115.2–1	(k)(1)(ii) revised; (k)(1)(iv) amended	† 2812
	(a), (b) and (c) revised; (e)(1), (8)(ii) and (11) amended	† 25454
4115.2–2	(a)(2) and (b)(3) amended	† 25454
4115.2–5	(a)(3) amended	† 25454

Public Land Orders

		Page
290	Revoked by PLO 5461	44757
386	Revoked in part by PLO 5451	42688
	Revoked in part by PLO 5461	44757
715	Revoked in part by PLO 5448	41364
765	Revoked in part by PLO 5458	43550
916	Revoked in part by PLO 5461	44757
975	Revoked in part by PLO 5461	44757
1063	Revoked by PLO 5507	† 27659
1074	Revoked in part by PLO 5503	† 25593
1087	Revoked in part by PLO 5456	43549
1114	Revoked by PLO 5461	44757
1139	Revoked in part by PLO 5458	43550
1444	Revoked in part by 5458	43550
1571	Revoked in part by PLO 5455	43549
1744	Revoked in part by PLO 5468	† 5753
1771	Revoked in part by PLO 5457	43549
1851	Revoked in part by PLO 5455	43549
2257	Revoked by PLO 5461	44757
2425	Revoked in part by PLO 5461	44757
2843	Revoked by PLO 5449	41530
2951	See PLO 5498	† 18996, 23472
3221	Amended by PLO 5441	39440
3835	Amended by PLO 5506	† 27659
4854	See PLO 5440	39556
5150	Revoked in part by PLO 5460	44661
	Revoked in part by PLO 5509	† 27659
5169	Amended by PLO 5439	38646
5170	Amended by PLO 5450	42364
5172	See PLO 5442	39722
5174	Amended by PLO 5501	† 25013
5175	Amended by 5438	38646
	Amended by PLO 5452	43222
5176	Amended by PLO 5454	43548
5177	Amended by PLO 5459	44758
5179	Amended by PLO 5459	44758
5180	Amended by PLO 5450	42354
	Amended by PLO 5459	44758
	Revoked in part by PLO 5509	† 27659
5181	Amended by PLO 5452	43222
5191	See PLO 5442	39722
5392	See PLO 5442	39722
5418	See PLO 5461	44757
5428	See PLO 5442	39722
5434		36346
5435		35797
5436		35797
5437		36346
5438		38646
5439		38646
5440		39556
5441		39440
5442		39722
5443		39722
5444		39879
5445		40952
5446		40952
5447		40952
5448		41364
5449		41530
5450		42364
5451		42688
5452		43222
5453		43391
5454		43548
5455		43549
5456		43549
5457		43549
5458		43550
5459		44758
5460		44661
5461		44757
5462		† 1017
5463		† 5365
5464		† 5753
5465		† 6208
5466		† 5753
5467		† 5753
5468		† 5753
5469		† 5754
5470		† 5754
5471		† 5754

Note: Symbol (†) refers to 1975 page numbers

	Page
5472	† 6208
5473	† 6207
5474	† 6340
5475	† 6341
5476	† 6208
5477	† 6207
5478	† 6341
5479	† 6341
5480	† 6342
5481	† 6342
5482	† 6342
5483	† 6342
5484	† 6342
5485	† 6343
5486	† 6343
5487	† 6503
5488	† 6503
5489	† 7450
5490	† 7450
5491	† 11727
5492	† 14054
5493	† 14315
Amended by PLO 5502	† 25593
5494	† 16066
5495	† 16667
5496	† 16208
5497	† 18997
Corrected by PLO 5508	† 27659
5498	† 18996
Amended by PLO 5500	† 23472
5499	† 20084
Corrected	† 22833, 29292, 30115
5500	† 23472
5501	† 25013
5502	† 25593
5503	† 25593
5504	† 27658
5505	† 27458
5506	† 27659
5507	† 27659
5508	† 27659
5509	† 27659
5510	† 27939

Title 43—*Proposed Rules:*

2	† 5783
4	40781
	† 13308, 14603
1780	35800, 45016
2650	† 13308, 14603
2800	35801
2920	† 2818
3100	36348
3300	† 7673, 20090
3500	43229
	† 2590
3520	43229
	† 2590
4110	45016
	† 7453
4120	† 7453
4130	† 7453
5400	† 24362
5420	† 24362
5450	† 24362

TITLE 45—PUBLIC WELFARE

5.2	Revised	† 26512
5.3	Revised	† 26512
5.4	Revised	† 26512
5.11	Revised	† 26512
5.31	(a), (b), and (c) amended	† 26512
5.32	(b) and (c) introductory text revised	† 26512
5.34	Revised	† 26512
5.51	Revised	† 26512
5.53	Revised	† 26513
5.60	Revised	† 18998
5.61	Revised	† 18998
5.70	Revised	† 26513
5.71	(c) revised	† 18998
	(a) revised	† 26513
5.72	(b) and (e) revised	† 18998
	(a) revised	† 26513
5.73	Revised	† 26513
5.74	Revised	† 26513
5.81	Revised	† 26513
5.82	Revised	† 26513
5.85	Revised	† 26513
5	Appendix amended	† 18998
19	Added	† 32302
46	Revised	† 11854
60	Removed; republished and redesignated as Part 153	† 11243
63	Added	† 23295
	Effective date corrected; effective 5–29–75	† 24003
75	Added	† 1243
80	Appendix A corrected	† 18173
83	Revised	† 28573
86	Added	† 24137

Chapter I—Office of Education, Department of Health, Education, and Welfare

100a.10	(a)(33) added	† 21955
102	Revised	† 8076
103	Appendix C added	† 4309
	Appendix B revised	† 8556
	Appendix A revised	† 14315
103.1	Revised	† 18787
103.3	Amended	† 18787
103.41–103.46	(Subpart E) Added	† 18787
103	Appendix D added	† 18788
112	Revised	† 16013
113	Revised	† 16015

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 45, Chapter I—Continued

		Page
114	Revised	† 16019
115	Revised	† 16032
121	Revised	† 7411
121.100—121.135 (Subpart B)	Redesignated as Part 121a	† 7411
	Removed	† 19000
121a	Added (redesignated)	† 7411, 19000
121a.81	Added	† 27459
121b	Added	† 7413
121c	Added	† 7414
121d	Added	† 7416
121e	Added	† 7419
121f	Added	† 7419
121g	Added	† 7422
121h	Added	† 7422
121i	Added	† 7424
121j	Added	† 7428
123.01	(b) revised	† 26516
123.02	Revised	† 26516
123.12	(a)(1) and (d) revised; (h) added	† 26517
123.12–1	Added	† 26518
123.13	(b)(11) and (c) added	† 26518
123.14	(a) and (b) revised; (c), (d), and (e) added	† 26519
123.15	(a) revised	† 26520
123.16	(a) and (c) revised	† 26521
126	Added	† 8177
	Appendix added	† 23299
127	Added	41851
130	Revised	41711
130.4	(b)(1)(ii) and (iii) amended; (b)(1)(iv) added	† 25013
130.16	(a)(2) amended	† 25013
130.17	(c) and (d) amended; (e) added	† 25013
130.18a	Added	† 25013
130	Appendix A amended	† 25013
131	Revised	40495
141	Revised	† 1018
142	Revised	† 6343
144.4a	Added	37384
144.14	Added	† 22135
144.15	Added	† 22136
151.30–151.34	(Subpart C) Added	† 14762
151.40—151.43	(Subpart D) Added	† 20085
151.50—151.55	(Subpart E) Added	† 18552
153	Added; republished and redesignated from Part 60	† 11243
154.6	Revised	† 14918
155.7	Revised	† 14918
158	Revised	† 17713
166	Revised	† 17950
	Appendix C added	† 22230
169	Revised	† 23858
173	Revised	† 12081
175.14a	Added	37385
175.17	Added	† 22137
175.18	Added	† 22137
176	Revised	37385
176.1	Amended	37987
176.4	(b) amended	37987
176.13	Revised	† 22138
176.14	Revised	† 22139
176.16	(c) amended	37987
176.20	(e)(3) amended	37987
176.21	(a) amended	37987
177.1	(e) and (g) revised; (i) and (r) added	† 7593
177.4	(c)(3)(xxi) revised	36967
	(c)(3)(xxii) added	† 2813
	(c)(3)(xxiii) added	† 18556
	(c)(3)(xxiv) revised	† 30820
177.46	(c) and (d) revised; (c–1) added	† 7594
177.50	Removed	† 7595
177.61—177.66	(Subpart F) Added	† 7595
177.71—177.78	(Subpart G) Added	† 7597
180	Revised	† 25208
182	Added	† 20274
183	Appendix (Guidelines) amended	† 21957
183.1	(a) and (b) amended	† 12990
183.2	Amended	† 12990
184	Added	† 21955
185.02	(c) added; (k) and (n) revised	† 25173
185.11	(b)(3), (c)(1) and (2), and (d)(1) and (2)(ii) revised; (b)(6) and (c)(4) added	† 25173
185.13	(k) introductory text and authority and (l)(2) and (n) revised	† 25173
185.14	(a) revised	† 25174
185.21	Revised	† 25174
185.24	(a) revised	† 25174
185.31	(a) authority and (a)(1) and (b) authority and (b)(1) revised; (c) removed	† 25175
185.32	(c) removed	† 25175
185.33	Revised	† 25175
185.34	(c) revised	† 25175
185.36	Removed	† 25175
185.37	(b)(1) revised	† 25175
185.41—185.45	(Subpart E) Heading revised	† 25175
185.41	(c)(3) and (d) revised	† 25175
185.44	(d)(3) and (g) revised	† 25176
185.45	(a)(6), (b), (c)(1), and (a) and (c) authority citations revised	† 25176
185.46	Added	† 25176
185.51	Revised	† 25176
185.53	(c)(2) revised	† 25177
185.54	(a) and (c) revised	† 25177
185.55	(a)(2)(iv) and (b)(2)(iii) revised	† 25177
185.56	Revised	† 25177
185.61	(a) and (d)(1) revised	† 25177
185.62	Introductory text and (a), (d), (e), (g), (h), (l), (j) and (k) revised	† 25178
185.63	(b)(4), (6), and (7) revised	† 25178
185.64	(a), (b)(1)(i), and (b)(3)(iv) revised; (c)(3) removed	† 25178
185.65	(b)(3) revised	† 25178
185.71—185.77	(Subpart H) Revised	† 25178
185.78	Removed	† 25181
185.79	Removed	† 25181
185.80	Removed	† 25181
185.83	Heading, (a) heading and introductory text revised	† 25181
185.84	(b) revised	† 25181
185.91—185.94–4	(Subpart J) Revised	† 25181
185.95	(a) removed; (b) authority and (b)(1) revised	† 25186
189	Revised	† 23301
190.1—190.5	(Subpart A) Added	39413
190.11—190.16	(Subpart B) Added	39415
190.16	Added	39415
	Revised	† 15249
190.31—190.39	(Subpart C) Revised	† 15249
190.41—190.48	(Subpart D) Revised	† 15251
190.51	(Subpart E) Added	39416
190.61—190.66	(Subpart F) Added	39416
190.71—190.86	(Subpart G) Added	41800
192.2	Amended	† 17844
192.3	(e) and (f) added	† 17844
	(e) revised	† 27459
192.4	(a) amended; (b) added	† 17845
192.5	(b)(3) and (4) amended; (b)(5) through (9) added	† 17845
192.9	Revised	† 17845

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

		Page
201.1	(h) corrected	36114
205.40	Revised	37195
205.41	Revised	37195
205.50	(a) revised; (b) redesignated as (d); (b) and (c) added	† 27154
	Effective date postponed	† 31766
205.102	CFR correction	† 4000
206.10	(a)(1)(iv) and (a)(9) revised; (a)(1)(v) added	† 27660
213.21	Revised	40850
220	Effective date	45238
220.48	Removed	† 27030
	Effected date postponed	† 31767
220.61	(f)(1) amended	38380
	(f)(1)(i) revised	40157
221	Effective date	45238
222	Effective date	45238
226	Effective date	45238
228	Added	† 27354
232	Added	† 27154
	Effective date postponed	† 31766
233.20	(a)(3) revised	† 12507, 30965
	(a)(3)(v) and (vi) revised; (b)(4) removed	† 27156
	Effective date postponed	† 31766
233.70	(a)(2) and (3), and (b)(1) revised	† 25819
233.90	(b)(4) revised	† 27156
	Effective date postponed	† 31766
233.140	Removed	38902
	Added (reinstated)	† 2435
234.60	(a)(1) revised; (a)(13) added	† 27156
	Effective date postponed	† 31766
235.70	Revised	† 27156
	Effective date postponed	† 31766
237.60	Removed	† 16667
248.3	(b)(5) and (c)(2)(i) and (ii) amended	36590
248.21	(a)(3)(ii) (A) and (B) amended	36590
248.70	(a)(2) and (3) and (c)(1) revised	† 25819
249.10	(b)(6) revised	37637
	(b)(4)(i)(B) revised; (b)(15)(vi) added	40019
	(b)(1) and (14)(i)(A) revised	41611
	(b)(1) and (14) effective date stayed	† 14597
	(c)(3) removed; (c)(4) added	† 28793

CODE

XUM

Title 45, Chapter II—Continued

	Page
249.33 (a)(1) amended	41611
(a)(1)(i) effective date stayed	† 14597
(a)(7) removed	† 28793
249.40 (a)(2) and (b) revised	36590
(a)(2)(ii) table corrected	39267
249.82 Revised	† 20517
250.13 Added	41611
Effective date stayed	† 14597
(a)(1)(iii) revised	† 30819
250.19 Added	41612
Effective date stayed	† 14597
(a) amended	† 14597
(a)(1)(viii) effective date postponed	† 28071
(c) added	† 30819
250.20 Amended; (a)(3) added	35778
Revised	41617
Effective date stayed	† 14597
250.23 Amended	41618
(a)(1)(ii) revised; (b)(2) removed; (b)(1) redesignated as (b); (c) added	41618
Effective date stayed	† 14597
250.24 (a)(1)(ii) revised	41618
(a)(1)(ii) effective date stayed	† 14597
250.25 Added	† 27221
250.30 (b) and (d) revised	43632
(b)(3)(iii) revised	† 14598
(b)(3)(iii) corrected	† 15388
250.120 (d) amended	36590

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

Chapter added	† 27156
301 Added	† 27157
Effective date postponed	† 31767
301.1 (h) corrected	† 29723
302 Added	† 27159
Effective date postponed	† 31767
303 Added	† 27164
Effective date postponed	† 31767
304 Added	† 27166
Effective date postponed	† 31767

Chapter IV—Social and Rehabilitation Service (Rehabilitation, Programs), Department of Health, Education, and Welfare

401 Revised	42473
402 Added	42492
403—408 Removed	42504
409 Revised	42504

Chapter V—Foreign Claims Settlement Commission of the United States

503 Revised	† 10178
531.1 (h) added	40249
531.2 (h) revised	40249

Chapter VI—National Science Foundation

612 Added	† 12793
650 Added	41982

Chapter VII—Commission on Civil Rights

704.1 Revised	† 22833

Chapter VIII—Civil Service Commission

801 Appendix A amended	37056, 40157

Chapter X—Office of Economic Opportunity

Chapter heading, technical correction	32124
1005 Removed; new (interim) Part 1005 added	† 7929
1060.2–1—1060.2–3 (Subpart) Heading and text revised	† 14317
(Subpart) Revised	† 28793
1060.2–4 Added	† 28793
1060.5–1—1060.5–3 (Subpart) Added	† 3213
1061.20–1—1061.20–11 (Subpart) Added	† 27661
1061.20–1—1061.20–10 (Subpart) Added	† 31603
1067.4–1—1067.4–3 (Subpart) Added	† 27031
1067.4–1—1067.4–7 (Subpart) Revised	† 28794
1068.10–1—1068.10–9 (Subpart) Added	† 27665
1068.20–1—1068.20–7 (Subpart) Added	† 27667
1069.3–4 (a)(2) revised	† 29292
1069.4–1—1069.4–5 (Subpart) Revised	† 30461
1069.4–6 Removed (in Subpart revision)	† 30461
1069.4–7 Removed (in Subpart revision)	† 30461
1069.7–1—1069.7–3 (Subpart) Added	39722

Chapter XI—National Foundation on the Arts and the Humanities

1100.3 Text removed	† 8821
1100.3–1 Added	† 8822
1100.3–2 Added	† 8822
1100.3–3 Added	† 8822
1100.3–4 Added	† 8822
1100.3–5 Added	† 8822
1100.4 Heading added	† 8823
1100.4–2 Added	† 8823

Chapter XII—ACTION

1201.735–501 (b) revised	† 17023
1213 Added	† 10670
1215 Added	† 18558
1216 Added	† 16209
1217 Added	44203
1218 Added	43725
1219 Added	42915
1220 Added	† 28800

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

1303 Added	† 25015
1304 Added	† 27562
1340 Added	43937

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

Subchapter A established	38999
1400 Added	38999
1403 Added	39000
1405 Added	39001
1407 Added	39004
1409 Added	39005
1410 Added	39005
1412 Added	39006
1414 Added	39007
1415 Added	39008
1417 Added	39010
1419 Added	39011
1420 Added	39012
1422 Added	39013
1424 Added	39014
1460 Added	† 25454

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501 Revised	† 12266

Chapter XVII—National Commission On Libraries and Information Science

Chapter established	39879
1700 Added	39879
1701 Added	39879
1701.2 (b)(1) and (7) revised; (c) added	† 7652
1701.3 Heading, (a) and (b) revised; (d) and (e) removed	† 7652
1701.4 Revised	† 7653
1701.5 Revised	† 7653
1701.6 Added	† 7653
1701.7 Added	† 7653

Title 45—*Proposed Rules:*

5	† 4439
11	† 3712
19	40302
	† 2707
46	37993
63	† 1516
75	36861
81	† 24148
99	† 1208, 2208
100a	45297
	† 3607
100b	† 19204
100c	† 11686
100d	† 20285
102	† 19204
103	36592, 38666
	† 8, 8955
115	† 19114
116	† 11472
116a	† 11472
116d	† 28622
117	† 19204
118	45019
121	† 19204
121a	† 17849, 23084
123	† 11591
126	† 11885
130	† 12671, 19204
134	† 11686
134a	† 11686
134b	† 11686
141	† 19204
144	† 7100, 8108
148	† 31617
151	44774
154	41536
155	41536
156	† 16086
160	† 27035
160b	† 30662
160c	† 17394
160g	† 27486
166	† 3382, 19204
169	40506
173	† 19204
175	† 7100, 8108

CODE

XUM

Title 45—*Proposed Rules*—Continued

Page

176 ---------- † 7100, 8108, 10686
177 ---------- 37154
---------- † 13282, 20824
180 ---------- † 12244
182 ---------- † 3007
183 ---------- 41260
184 ---------- 45297
185 ---------- † 14166
189 ---------- † 1053
190 ---------- † 23970
192 ---------- 43729
201 ---------- † 25599
204 ---------- † 16672
205 ---------- † 5541, 11735, 12674, 19207, 21737
206 ---------- 37505
206 ---------- † 21737
213 ---------- † 26684
220 ---------- † 6505
224 ---------- 38104
228 ---------- † 16802
232 ---------- † 19207
233 ---------- † 21737
234 ---------- † 19207
235 ---------- † 19207
249 ---------- 40959, 42919
---------- † 6368, 8956, 13142, 20954
250 ---------- 41480
---------- † 2707, 11735, 13142, 15093
301 ---------- † 20096
302 ---------- † 20096, 20101
303 ---------- † 20101
304 ---------- † 20286
401 ---------- † 12107
402 ---------- † 12107
503 ---------- † 3786
612 ---------- † 3313
613 ---------- † 31811
650 ---------- † 12819
702 ---------- † 19656
704 ---------- † 4154, 17267
1100 ---------- † 3014
1208 ---------- 37205
1212 ---------- † 23311
1213 ---------- 44457
1215 ---------- † 3462
1220 ---------- 37779
1221 ---------- † 18002
1222 ---------- † 16676
1304 ---------- † 4758
1351 ---------- † 17824
1460 ---------- † 12671
1501 ---------- 41748

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

4.13–1—4.13–40 (Subpart 4.13) Heading revised ---------- † 13501
4.13–1 Revised ---------- † 13501
4.15–1 (Subpart 4.15) Removed † 31604
5.02–1 Revised ---------- 39723
5.20–1 Revised ---------- 39723
Correctly designated ---------- 41365
5.20–165 (b) table corrected ---- 39723
5.30–1 (g) revised ---------- 39723
5.50–1 (Subpart 5.50) Revised † 13501
5.60–1 (Subpart 5.60) Removed † 31604
10.16–21 (d) revised; (e) and (f) amended; (g) removed ---- † 30965
10.16–71 Removed ---------- † 30965
10.30–5 (f)(10) revised ---------- † 23758
14.15–1 (Subpart 14.15) Revised ---------- † 13501
30.25–5 Table amended ---------- † 21958
32.45–1 (i) removed; (f)(4–a) added ---------- † 17754
33.50–1 Amended ---------- † 24901
34.15–10 (h) revised ---------- † 6208
35.20–40 Added ---------- † 2689
40.15–1 (Subpart 40.15) Added † 17025
50.10–30 Table amended ---------- 40158
57 Authority citation revised ---- † 27461
57.01–1 Amended ---------- † 27460
57.02–1 (a) amended; (b) revised ---------- † 27460
57.02–3 (a) revised ---------- † 27460
57.02–4 Revised ---------- † 27460
57.03–1 Revised ---------- † 27461
57.04–1 Revised ---------- † 27461
57.05–3 Figure amended ---------- † 27461
57.06–1 (c) amended ---------- † 27461
57.06–4 (h) amended ---------- † 27461
73.35–20 (c)(2) amended ---------- 35798
75.20–15 (b) and (gg) amended 35798
75.30–15 (a) amended ---------- 35798
76.15–10 (h) revised ---------- † 6209
77.05–1 (b) amended ---------- 35798
78.21–1 (Subpart 78.21) Added † 2689
78.47–40 (b) amended ---------- 35798
95.15–10 (h) revised ---------- † 6209
97.19–1 (Subpart 97.19) Added † 2689
111.85–10 (c)(5)(i) removed; (c)(6) added ---------- † 17754
146.04–5 Table amended ---------- 40294
146.23–100 Table F amended ---- 40294
146.24–100 Table G amended ---- † 25676
146.29–100 Amended ---------- † 25676
147A.11 (a)(5) corrected ---------- 37771
151.01–10 (b) table amended ---- † 21958
151.01–25 (c) amended ---------- † 17026
151.05 (Subpart) Table amended ---------- † 17026, 21958
151.05–1 (p) amended ---------- † 21958
151.50–34 Heading revised; (g) through (k) added ---------- † 17026
151.50–60 Removed ---------- † 21958
160.062–2 (c) amended ---------- † 4422

Note: Symbol (†) refers to 1975 page numbers

Page

160.062–4 (c), (d)(2), (3), and (4), and (e) amended; (f) revised ---------- † 4422
160.062–6 (b) revised ---------- † 4422
160.062–7 Added ---------- † 4422
160.062–8 Added ---------- † 4422
160.064–1—160.064–9 (Subpart 160.064) Heading revised --- 36967
160.064–2 (a), (b), (c) amended; (d) added ---------- 36967
160.064–3 (a), (b), and (e) amended; (d) revised ---------- 36967
160.064–4 (a) amended ---------- 36967
160.064–6 (a) amended ---------- 36967
160.064–7 (a) amended ---------- 36967
160.064–8 (a) amended ---------- 36967
181.20–15 (d) revised ---------- † 6209
193.15–10 (h) ---------- † 6209
196.19–1 (Subpart 196.19) Added † 2689

Chapter II—Maritime Administration, Department of Commerce

221.4 (c) and (d) revised ---------- † 2435
281 Heading revised ---------- † 7431
281.1 Introductory text and (f) revised ---------- † 7431
283.3 (b)(1)(v) and (vi) and (b)(2)(ii) amended; (b)(2)(iii) redesignated as (b)(2)(iv); new (b)(2)(iii) added; (c)(1) and (2)(i) revised † 25214
283.6 (b)(i), (ii), (iii), and (iv) redesignated as (b)(1), (2), (3), and (4); (b)(1) revised † 25214
294.7 (b)(3)(i), (4)(i) and (iii), and (5)(i) revised ---------- † 20087
294.9 (c) added ---------- † 22547
294.10 (b)(1) revised; (b)(2)(i) and (ii) amended; (b)(7)(iii) added ---------- † 20087
294.13 (e) amended ---------- † 20087
294.14 (b)(1) amended; (b)(2)(v) added; (d) revised ---------- † 20088
308.6 Time extended ---------- † 7097
308.106 Time extended ---------- † 7097
308.206 Time extended ---------- † 7097
308.305 Time extended ---------- † 7097
310.3 (c)(1) amended ---------- † 19643
310.6 (a)(4) removed; (a)(5) and (6) redesignated as (a)(4) and (5) ---------- † 6655
310.10 (a) removed; (b) and (c) redesignated as (a) and (b) -- † 6655
310.58 (c) amended ---------- 44204
380.30—380.35 (Subpart D) Removed ---------- † 14599

Chapter IV—Federal Maritime Commission

Page

500.735–32 (b) amended; (d) revised ---------- 37392
500.735–37 Amended ---------- 41365
502.301 Revised ---------- † 27671
503.1 Removed; new § 503.1 added ---------- † 2983, 7311
Revised ---------- † 8098
503.22 Amended ---- † 2984, 7311, 8098
503.31 Removed; new § 503.31 added ---------- † 2984, 7311
Revised ---------- † 8098
503.32 Amended ---- † 2984, 7311, 8098
503.33 Amended ---- † 2984, 7311, 8098
503.34 Removed; new § 503.34 added ---------- † 2984, 7311
Revised ---------- † 8098
503.35 (a) and (g) revised ----- † 2984, 7311, 8099
503.36 Added ---------- † 2985, 7311, 8099
503.41—503.43 (Subpart E) Revised ---------- † 2985, 7311, 8099
506 Revised ---------- 38648
Effective date corrected ---------- 41365
Revised ---------- † 28802
512 Heading revised; existing text redesignated as Subpart A ---------- † 25821
512.2 Amended ---------- † 25821
512.20—512.25 (Subpart B) Added ---------- † 25821
528.1 Amended ---------- † 14599
531.5 (j) added ---------- † 24727
531.25 Removed ---------- † 5529
533.1 Amended ---------- † 14599
536.4 (b)(9) interpretation ---- † 24728
538.4 Added ---------- † 28453
538.10 Amended ---------- † 28454
550 Added ---------- † 18446

Title 46—*Proposed Rules:*

10 ---------- † 3610, 10692
12 ---------- † 3610, 10692, 16676
20 ---------- † 23764
30 ---------- † 2707, 17592
31 ---------- † 17145
32 ---------- † 14935, 16676, 17592, 19651
34 ---------- † 17592
42 ---------- 35820
50 ---------- † 14935, 16676, 19651
52 ---------- † 14935, 16676, 19651
53 ---------- † 14935, 16676, 19651
54 ---------- † 14935, 16676, 19651
56 ---------- † 14935, 16676, 19651
57 ---------- 38667
58 ---------- † 14935, 16676, 19651
61 ---------- † 23764

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 46—*Proposed Rules*—Continued

	Page
63	† 14935, 16676, 19651
74	17154
93	17154
Subch. M	† 17154
146	† 4318, 4319, 24532, 25686
151	39046
	† 2707
167	† 3311
193	† 25026
281	40031
283	43634
	† 2445
298	† 22552
401	39047
502	† 12294, 15097
503	† 30128
538	† 1280
547	† 13005, 20957, 24367, 28489, 30674
550	† 15401
1046	43559

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

		Page
0.5	(b)(4)(ii) revised	† 17253
0.21	(h) revised	† 7914
0.41	(o) removed	† 17253
0.42	Revised	† 6656
0.44	Revised	† 6656
0.46	Revised	† 6656
0.47	Heading, introductory text and (a) revised; (h) added	† 6656
(f)	removed	† 17253
0.91	Introductory text revised; (e) and (g) revised; (h) added	† 7451
0.93	Revised	† 12641, 14764
0.111	Revised	† 17253
0.121	(a) amended	36346
(a)	table corrected	37487
(a)	and (c) amended; (b) removed	† 17253
	Heading revised; (a) table amended	† 28454
0.186	(b) (1) and (8) revised	† 17253
0.211	(d) revised	† 6473
0.214	Removed	† 7451
0.215	Revised	† 7451
0.231	(e) removed	† 17254
0.282	(a)(4) revised	† 17254
0.288	Added	† 7914
(d)	corrected	† 10180
(d)	amended	† 12796
(q)	amended	† 17738
(u)	added	† 26521
0.289	Removed	† 7915
0.291	Revised	† 7451
0.292	Removed; new 0.292 redesignated from 0.293	† 7452
0.293	Redesignated as 0.292	† 7452
0.294–0.298	Removed	† 7452
0.302	(c) and (d) added	† 7452
0.303	(g) revised	† 7452
0.307	Revised	† 7452
0.311	Revised	† 17254
0.314	(s) and (t) added	41257
	Heading, introductory text, (c), (h), (i), (k), (q), and (r) revised; (u) added	† 17254
0.315	Removed	† 17254
0.316	Removed	† 17254
0.317	Revised	† 17254
0.331	Revised	† 4423
0.332	Revised	† 4423
0.337	Amended	† 4423
0.347	Revised	37061
0.357	Added	37061
0.367	Added	37061
0.377	Added	37061
	Amended	† 4423
0.385	Removed	† 17254
0.386	Removed	† 17254
0.387	(b) revised	† 17254
0.401	(c) revised	† 17254
0.421	Revised	† 17254
0.431	Revised	† 17254
0.432	Revised	† 17254
0.433	Revised	† 17255
0.445	(g) revised	† 17255
0.451	Revised	† 7313
0.455	(e)(1) revised	† 17255
0.456	Removed	† 7313
0.457	(a) introductory text amended; (g) revised	† 7313
	(b)(3) added	† 17255
0.459	Revised	† 7313
0.460	Added	† 7314
0.461	Revised	† 7314
0.465	(b) amended	† 6656
(a)	revised	† 18395
0.466	Revised	† 7316
0.483	(b) revised	39556
0.485	(c) and (d) amended	† 2986
(c)	revised	† 17255
0.487	Revised	† 17255
0.491	Revised	† 17255
0.504	Revised	† 17255
1	Amended	† 8558
1.46	Revised	43301
1.49	Revised	† 19198
1.61	(a) revised	† 17255
1.80	(f) amended	41257
1.83	(a)(1)(ii) revised	† 5365
1.89	(a) amended	41257
1.227	(b) note removed	† 28456
1.401	(d) added	44022

Note: Symbol (†) refers to 1975 page numbers

		Page
1.405	(d) added	44022
1.415	(e) added	43301
1.420	Added	44022
1.522	(a) revised	† 28456
1.526	Heading revised	38651
1.533	(a)(7) removed; (a)(8), (9) and (10) redesignated as (a) (7), (8) and (9)	† 15884
1.536	(b)(6) removed; (b)(7), (8) and (9) redesignated as (b) (6), (7) and (8)	† 15884
1.547	(a) revised	† 17255
1.549	Revised	† 17255, 25676
1.571	(j)(2) and (3) revised	† 28456
1.572	(b) and (c) revised	† 28456
1.573	Note 1 amended	45263
	Note 1 amended	† 28803
	(b) revised; (d) and (e) added	† 28457
1.580	(i) revised	† 28457
1.591	(b) note 1 removed; new note 1 redesignated from note 2	† 28457
1.613	(c)(2) and (d) revised	† 15884
1.911	(f) removed	† 5365
1.922	Table amended	† 5366
1.927	Revised	† 17255
1.928	Introductory text revised	† 17256
1.932	Revised	† 20924
1.958	(b)(1) revised	† 5366
1.1101—1.1120	(Subpart G) Revised	† 3851, 16396, 17146
1.1102	(e)(2) through (5), note 1, and (f)(2) added	† 8187
1.1111	Note I revised	† 8188
1.1113	(i) and footnote 14 revised	† 8188
	(c) footnote added	† 24005
1.1115	(c)(9) revised	† 8188
1.1120	(a)(2) revised	† 8188
1.1205	Revised	† 21958
1.1209	Revised	† 21958
1.1301 — 1.1319	(Subpart I) Added	43843
2	Technical correction	† 17130
2.1	Amended	35664
	Corrected	40158
2.103	(a)(1) revised	† 17256
2.106	Footnote amended	38904, 40586
		† 14469
	Amended	40953, 40954, 42691
	Amended	† 2813, 2814, 6777, 12991, 14469, 20924, 24729
	Footnote added	44984
	Time extended	† 6209
	Footnote US–216 revised	† 20822
	Footnote US–216 corrected	† 26677
	Footnotes NG–112 and US–220 added	† 24736
	Footnote 2 corrected	† 26991
	Footnote NG–65 removed	† 31226
2.201	(e)(6) added	35664
2.202	(e) and (g) amended	35664
2.302	Table revised	† 12991
2.815	Added	† 1246
	Effective date	† 3596
	(b) corrected	† 6474
2.983	(d)(12) added	35664
2.989	(h) redesignated as (i); new (h) added	35664
5.4	Revised	† 5366
5.108	Added	† 2814
	(a) corrected	† 6474
5.109	Added	† 2814
	Corrected	† 6474
5.203	Footnote added	† 2815
13.3	(a) revised; (c) added	† 5366
13.4	(c) revised	† 5366
13.5	(a) revised	† 5366
13.11	(b) revised	† 5366
13.71	(b) revised	† 3857, 8188
15.1	Revised	† 10674
15.2	Revised	† 10674
15.4	(e) added	† 10675
15.25	Added	† 10675
15.31—15.49	(Subpart B) Heading and text revised	† 10675
15.66	Removed	† 10676
15.68	(d)(3) waived	† 15882
15.69	Revised	† 10676
15.70	Revised	† 10676
15.71	Revised	† 10676
15.76	Added	† 10676
15.77—15.79	Added	† 10677
15.101—15.143	(Subpart D) Added; heading revised	† 10677
15.111	Table corrected	† 13219, 15091
	Revised	† 10677, 21030
15.131	Corrected	† 13219
	Amended	† 14054
	Amended (time extended)	† 24525
15.132	Amended	† 14054
	(d) revised	† 24525
15.135	Amended	† 14054
	Amended (time extended)	† 24525
15.136	Amended	† 14054
	Amended (time extended)	† 24525
15.143	Amended	† 14054
	Amended (time extended)	† 24525
15.151—15.194	(Subpart E) Added; old Subpart E (15.201—15.276) removed	† 10679
15.163	Amended	† 14054
	Amended (time extended)	† 24525
15.178	(b) corrected	† 13219

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 47, Chapter I—Continued

	Page
15.184 Added	† 10679
(c) table corrected	† 13219, 15091
15.193 Amended	† 14054
Amended (time extended)	† 24525
15.201—15.276 (Subpart E) Removed; new 15.151—15.194 (Subpart E) added	† 10679
15.302 Added	† 10682
15.305 Note removed	† 10682
15.309 Amended	† 10682
15.312 Added	† 10682
15.313 Removed	† 10682
15.314 Added	† 10682
15.315 Removed	† 10682
15.318 Added	† 10682
15.342 Added	† 10682
15.343 Removed	† 10682
15.345 Revised	† 10682
15.347 Revised	† 10682
Amended	† 14054
Amended (time extended)	† 24525
15.371 Removed	† 10682
15.373 Removed	† 10682
15.402 Added	† 10682
15.411 (a) revised	† 10682
15.413 Revised	† 10682
15.419 Amended	† 10682
17.23 Revised	† 30265
17.39—17.42 Added	† 30265
Undesignated center heading and note added	† 30265
17.48 (a) revised	† 30267
17.51 Heading and text revised	† 30267
17.53 Table revised	† 30267
17.56 Revised	† 30267
18.13 Table amended	† 14469
18.141 (a) footnote 2 removed	† 14469
18.144 (b)(1) introductory text revised	† 14469
21.1 Amended	35665
21.14 (a) amended	† 26677
(a) corrected	† 24005
21.100 (c) amended, (d) revised	35665
(d) corrected	40158
21.101 Amended	† 4915
21.106 (a) revised	35665
(a)(2) revised	† 4915
21.122 Added	35666
31.2-20 (d) revised	42916
33.31 (d) revised	42916
34.1-1 (c) revised	42916
35.1-1 (d) revised	42917
38.547 Corrected to read 83.547	† 21474
73.14 (c) revised	† 29861
73.35 Revised	† 6468
(c) revised	† 24733
73.37 (e) and notes 5 through 8 revised; note 9 added	† 29861
(e) introductory text, (e)(1)(iii) and (2)(iii) revised; (e)(1)(ii) and (2)(ii) amended; Note 10 added	† 31227
73.39 (c) and (d)(1)(vii) revised	38651
73.41 Revised	† 29862
73.45 (f) removed	† 25459
73.51 (f)(2)(ii) revised	† 29862
(f)(2)(ii) amended	† 31227
73.56 (a) revised	38654
73.63 Revised	† 15884
73.64 Revised	† 15884
73.65 Revised	† 25459
73.66–73.69 Undesignated center heading removed	38654
73.67 (a) (5), (6), and (7) added	† 11353
(a)(3) revised	† 25459
73.69 (c)(1), (2), (3), (4), and (5) redesignated as (d)(1), (2), (3), (4), and (5); new (c) added	† 15884
(d) added; Notes 2 and 3 revised	† 25459
(d) corrected; (e) added	† 27939
73.70 Added	38654
73.92 (b) revised	38655
73.93 (a) revised	38655
(c), (d) and introductory text of (e) and (f) revised	38651
(d), (e)(3) and Note 1 revised	† 25459
73.99 (a)(1) and (b)(1) revised; (c)(2) note added	41718
73.112 (a)(4)(i) revised	† 15884
73.113 (a)(1)(v) added; (c) revised	† 25459
73.114 (a)(1)(vii) added	38655
Technical amendment	40020
(a)(1)(vi) revised	† 11353
(a)(1)(iii), b) and (c) revised	† 25459
73.119 Revised	† 18400
73.122 Revised	† 6210, 6977
73.202 (b) table amended	36013, 36014, 37988, 40295, 40958, 44027, 44028, 44662, 44663, 45264
(b) table amended	† 4147, 4148, 4427, 4916, 4917, 6474, 10181, 10470, 11354, 12087, 15882, 15883, 15886, 15887, 15888, 15889, 15890, 16668, 17027, 17260, 17261, 18402, 18403, 19199, 19644, 21030, 21732, 21741, 21742, 24735, 26523, 27462, 29548
(b) effective date added	† 28457
73.207 (a) note amended	45263

Note: Symbol (†) refers to 1975 page numbers

	Page
73.240 Revised	† 6469
(c) revised	† 24733
73.253 (a) revised	38655
73.255 Revised	† 15885
73.256 Revised	† 15885
73.264 (b) revised	38655
73.265 (a) revised	38655
(c) and introductory text of (d) and (e) revised	38651
(d) introductory text revised	† 25460
(d) introductory text corrected	† 27939
73.266 Removed	† 11583
73.270 Revised	† 25460
73.275 (a) (5), (6), and (7) added	† 11353
(a)(3) revised	† 25460
73.276 Redesignated as 73.277; new 73.276 added	38655
73.277 Redesignated from 73.276	38655
73.283 (a)(2) added; (c) revised	† 25460
73.284 (a) (4) through (7) redesignated as (a) (5) through (8); new (a)(4) added	38656
(a)(6) through (8) redesignated as (a)(7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6)(i) through (iv); new (a)(5) added	† 11353
(b) and (c) revised	† 25460
73.289 Revised	† 18400
73.292 Revised	† 6210, 6977
73.293 (b) revised	† 11583
73.295 (d) revised	38652
73.310 (c) revised	† 11583
73.313 (f), (g), (h), (i), and (j) added	† 27678
73.314 Redesignated from 73.414	† 28803
73.316 (k) removed; (l) and (m) redesignated as (k) and (l)	† 25460
73.318 Removed	† 11583
73.333 Amended	† 27679
73.414 Added	† 27682
Redesignated as 73.314; corrected	† 28803
73.504 (g) note amended	45263
73.507 (b), (c), and (d) added	45263
Amended	† 29548
73.553 (a) revised	38656
73.555 Revised	† 15885
73.556 Revised	† 15885
73.564 (b) revised	38656
73.565 (a) revised	38656
(c) and introductory text of (d) and (e) revised	38652
(e) corrected	40020
(d), (e) and (f) revised	† 25460
(d) and (e) introductory text corrected	† 27939
73.566 Removed	† 11583
73.570 Revised	† 25460
73.573 (a) (5), (6), and (7) added	† 11354
(a)(3) revised	† 25460
73.574 Added	38656
73.583 (a)(2) added; (c) revised	† 25460
73.584 (a)(4) through (7) redesignated as (a)(5) through (8); new (a)(4) added	38657
(a)(6) through (8) redesignated as (a) (7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6) (i) through (iv); new (a)(5) added	† 11354
(b) and (c) revised	† 25460
73.593 (b) revised	† 11583
73.595 (c), (d), and (g) revised	38652
73.596 (b) revised	38652
73.603 (c) revised	† 24729
73.606 (b) table amended	37488, 42365
(b) table amended	† 23863
(b) table corrected	† 24525
73.633 Redesignated from 73.678	38657
73.636 Revised	† 6470
(c) revised	† 24733
73.637 Revised	† 15885
73.638 Revised	† 15886
73.643 Revised	† 15571
73.654 Revised	† 18400
73.656 Revised	† 6210, 6977
73.658 (k) revised	† 4010, 22839
(k) interpretation	† 12088
73.660 (b) revised	38657
73.661 Revised	38657
73.662 Revised	† 25461
73.671 (a)(2) added; (c) revised	† 25461
73.672 (a)(3) through (8) redesignated as (a)(4) through (9); new (a)(3) added	38657
(a)(6) through (9) redesignated as (a)(7) through (10); (a)(5)(i) through (iv) redesignated as (a)(6)(i) through (iv); (a)(4) redesignated as (a)(5); new (a)(4) added	† 11354
(b) revised	† 25461

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 47, Chapter I—Continued

	Page
73.676 (f) (1), (5) and note amended; (g) note removed	40957
(g) revised	42366
(a) (3) through (8) redesignated as (a) (5) through (10); (a) (2) revised; new (a) (3) and (4) added	† 11354
(h) revised	† 25461
73.678 Redesignated as 73.633; new 73.678 added	38657
73.682 (a) (21) revised	40956
73.684 (h), (i), (j), (k) and (l) added	† 27683
73.685 (j) removed	† 25461
73.686 Heading and text revised	† 27683
73.691 (a) revised	38658
73.699 Amended	40957
Amended	† 27684
Corrected	45261
73.789 Revised	† 18400
73.906 Revised	43302
(a) corrected	44454
(a) correctly revised	† 1700
73.1210 Added	† 17259
73.1211 Added	† 6210
73.1212 Added	† 18400
73.1213 Added	† 25461
74.22 Revised	† 25461
74.167 Revised	† 25461
74.267 Revised	† 25461
74.367 Revised	† 25461
74.436 (a) (3) revised; (a) (6) added	40586
74.466 Revised	† 25461
74.566 Revised	† 25461
74.666 Revised	† 25461
74.731 (f) revised	† 31605
74.733 (j) note added	† 25022
74.751 (b) (4) through (7) and (c) revised; (b) (8) removed	38652
74.763 (c) revised	38653
74.765 (b) revised	† 24901
74.767 Revised	† 25461
74.781 (c) revised	† 24901, 28610
74.967 Revised	† 25461
74.1231 (f) revised	† 31605
74.1235 (a) (1), (2), and (4) revised	† 29862
74.1250 (i) revised	† 29863
74.1263 (c) revised	38653
74.1265 (b) revised	† 24901
74.1267 Revised	† 25461
74.1281 (c) revised	† 24901, 28610
76.5 (dd) removed	† 2690
76.8 Added	† 12797
76.13 (a) (4), (b) (4), and (c) (3) revised	44204
76.27 Amended	† 17738
76.31 (a) (5) revised	44665
(a) (2) revised	44989
76.51 (b) (64) amended	37988
76.55 (a) (3) amended	† 17738
76.67 Added	† 30649
76.91—76.159 (Subpart F) Heading revised	† 17738
76.91 Removed	† 17738
76.92 Added	† 17738
76.93 Removed	† 17739
76.94 Added	† 17739
(b) revised	† 30656
76.95 Revised	† 17739
(d) revised	† 30656
76.97 Revised	† 17739
76.99 Amended	† 17740
76.201 Removed	43310
76.213 (a) revised; (c) and (d) added	† 6210
76.217 Removed	43310
76.221 Heading and text revised	† 18401
76.225 Revised	† 15572
76.251 (a) (7) revised	43310
(a) (4) and (7) amended	† 28805
(c) revised	† 30661
76.253 Added	43310
(a), (b) and (d) revised	† 28805
76.305 (a) (7) and (c) revised	43310
(c) corrected	44454
(c) corrected	† 28457
(a) (2) and (3), and (b) and (c) revised; (a) (8) added	† 25024
(a) (7) and (c) revised	† 30656
76.501 (a) (2) divestiture date suspended	† 27462
76.605 (a) (3) and (8) revised	† 2690
(a) (4) amended	† 2690
(a) (4) corrected	† 3296
78.18 (a) revised	36014, 36487
(c) revised	36487
78.101 (c) added	36014
Amended	36590
78.105 (c) added	36014
(c) footnote corrected	36590
81.20 Added	† 5366
81.23 Revised	† 5366
81.24 (h) added	† 2988
81.35 (b) removed	† 20924
81.42 (a) (1) and (b) (2) revised	† 20924
81.104 (b) and (c) revised; (d) and (e) added	37488
81.132 (a) (3) amended	37061
81.133 (d) revised	† 20924
81.137 (c) revised	† 20924
81.141 Removed	† 20924
81.303 (a) revised	† 2435
81.304 (a) table amended; (b) (9) added	44984
(a) amended; (b) (27) revised	† 2987
81.306 (c) amended	† 2987
(b) table amended	† 30820
81.368 (a) (2) revised	37488
81.605 Removed	† 20924
81.607 Revised	† 20924
81.708 (b) (20) revised	40588
(b) (20) (iv) corrected	41173
83.20 Added	† 5366
83.23 Revised	† 5366
83.157 Heading and (a) revised	† 19647
(a) temporary waiver until 9-3-75	† 25456
83.206 Revised	† 19647
83.351 (a) amended; (b) (6) and (34) added	42692
(a) table amended; (b) (6) added	44985
(a) amended; (b) (15) revised	† 2987
Time extended	† 6209
83.354 (c) amended	† 2987
(b) table amended	† 30821
83.359 Revised	42692
83.368 (a) and (c) revised	† 19647
83.484 (d) (2) revised	38658
83.536—83.548 (Subpart U) Revised	† 19647, 21031
83.538 Removed	† 21031
83.547 Revised	† 19647
Corrected	† 21474
83.549 Removed	† 21031
83.550 Heading added	† 21031
83.554 (a) introductory text, (1) (i) and (ii), (2) (i) (a) and (5) (i) revised	† 19645
(a) technical amendment (Annex)	† 21877, 23281
83.713 (e) revised	† 4427
87.3 Revised	† 5367
87.5 Amended	† 8951
87.20 Added	† 5367
87.31 (g) added	† 2988
(d) removed	† 20924
87.65 (a) (3) through (8) amended	† 8951
87.67 (b) (2) revised	† 20924
87.77 (d) (6) revised	† 20924
87.79 (a), (b), and (c) amended	† 8951
87.81 Removed	† 20924
87.115 (a) revised; (j) added	† 25462
87.183 (m) removed	† 8951
87.201 (b) amended; (e) and (f) redesignated as (f) and (g); new (e) added	40954
87.235 Amended	† 8951
87.271 (c) added	40954
87.293 (b), (c) and (d) revised	† 25215
87.297 (a) amended; footnote added	44985
87.303 Introductory text revised	† 25215
87.403 (b) revised	† 21733
87.463 Amended	† 8951
(b), (c), and (d) removed	† 20924
87.465 Revised	† 20924
87.503 Revised	† 25462
87.513 Revised	† 19649
89 Technical correction	† 17130
89.9 Revised	† 5367
89.55 (b) amended	† 8951
89.56 Added	† 5367
89.59 (a) introductory text revised; (h) removed	† 20924
89.60 (a) revised	† 8951
89.63 (k) added	† 2988
89.75 (a) revised	† 20924
89.101 (b) redesignated as (b) (1); (b) (2) added	44985
(h) table and (i) (5) revised; (i) (7), (8), and (19), and (j) and (k) removed	† 20925
89.103 (a) table amended	† 8951, 14469
(a) table revised	† 20925
89.105 (e) revised	† 14469
89.107 (b) (2) amended	† 8951
(e) added	† 20925
89.111 (a) amended	† 8951
(b) table amended	† 14469
(b) table revised	† 20925
89.117 (c) added	† 20925
89.120 (c) (3) (i) revised	44029
89.121 Amended	† 8951
Removed	† 20925
89.123 (b) and (e) amended; (i) and (j) added	44206
(b) amended	† 5159
89.126 Added	† 21734
(b), (c), and (l) revised	† 27462
89.161 Text redesignated as (a); (b) added	44985
89.257 (c) removed	† 21734
89.307 (e) removed	† 21734
89.357 (d) removed	† 21734
89.459 (d) amended; (e) (18) added	† 26521
89.519 (d) revised	38904
89.523 (d) revised	38904
Corrected	40851

Note: Symbol (†) refers to 1975 page numbers

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 47, Chapter I—Continued

		Page
89.525	(e) table amended; (f) (2), (5), (14), and (19) revised; (f) (4) removed; (f) (22) added	38904
	(e) table amended; (f) (15) removed; (f) (16) revised	45265
	(e) corrected	† 10470
	(e) table amended	† 20822
89.602	Amended	† 14470
89.604	(b) and (c) revised; (d) removed	† 14470
89.651	Revised	† 14470
89.653	Revised	† 14470
89.654	Removed	† 14470
89.655	Revised	† 14470
89.656	Revised	† 14470
89.657	Revised	† 14471
89.701	Revised	† 14471
89.702	(a) and (c) revised	† 14471
89.703	(h) revised	† 14471
89.704	(a) (5) revised	† 14471
89.751	(b) revised; (e), (f), and (g) redesignated as (f), (g), and (h); (e) added	† 14471
89.801	(b) table amended; (e) revised	† 14471
89.802	(b) table revised	† 14472
89.803	(b) revised; (d) removed; (e) redesignated as (d); (f) redesignated as (e) and revised	† 14472
89.805—89.808	Added	† 14472
91.4	Revised	† 5367
91.8	(k) amended	† 8951
91.50	Added	† 5367
91.54	(b) amended	† 8951
91.56	(a) introductory text revised; (h) removed	† 20925
91.57	(a) revised	† 8951
91.58	(d) added	44206
	(l) added	† 2988
91.64	(a) revised	† 20925
91.101	Text redesignated as (a); (b) added	44985
91.102	(a) table amended	† 14472
	(a) table revised	† 20925
91.103	(c) revised	† 14473
91.104	(b) (2) amended	† 8952
	(e) added	† 20925
91.106	(a) amended	† 8952
	(b) table and footnote amended	† 14473
	(b) table revised	† 20926
91.111	(a) amended	† 8952
	Removed	† 20926
91.114	(b), (f), and (h) amended; (j) added	44206
	(j) corrected	† 1021
	(b), (j), and (l) amended	† 5159
91.120	(c) (3) (i) revised	44030
91.151	(a) (1) footnote added	44985
91.252	(c) amended	† 8952
91.254	(a) table amended; (b) (13) through (16) removed	† 20926
91.255	(c) removed	† 20926
91.301	(d) added	† 24736
91.302	(e) added	40764
91.304	(a) table amended; (b) (38), (39), and (40) added	40764
	(a) table amended; (b) (17) through (20) removed	† 20926
	(a) table amended; (b) (41), (42), (43), and (44) added	† 24736
91.305	(c) removed	† 20926
91.354	(a) table amended; (b) (17) through (20) removed	† 20926
91.355	(c) removed	† 20926
91.404	(a) table amended; (b) (8) through (11) removed	† 20926
91.405	(c) removed	† 20926
91.454	(a) table amended; (b) (6) through (9) removed	† 20926
91.455	(c) removed	† 20926
91.504	(a) table revised; (b) (15) through (18) removed	† 20926
91.552	(e) removed	20926
91.554	(a) table amended; (b) (18), (19), (22) and (23) removed	† 20926
91.556	(b) removed	† 20927
91.730	(a) table amended; (b) (9) through (12) removed	† 20927
91.731	Removed	† 20927
91.751	(a) revised	45267
91.754	(a) table amended; (b) (11) revised; (b) (19) added	45267
	(a) table amended; (b) (6) through (9) removed	† 20927
91.755	Removed	† 20927
93.5	Revised	† 5367
93.50	Added	† 5367
93.54	(b) amended	† 8952
93.56	(a) introductory text revised; (h) removed	† 20927
93.57	(a) revised	† 8952
93.58	(l) added	† 2988
93.64	(a) revised	† 20927
93.101	(a) redesignated as (a) (1); (a) (2) added	44985
93.102	(a) table amended	† 14473
	(a) table revised	† 20927
93.103	(c) revised	† 14473
93.104	(e) added	† 20927
93.106	(a) amended	† 8952
	(b) table and footnote amended	† 14473
	(b) table revised	† 20927
93.111	Amended	† 8952
	Removed	† 20927
93.112	(a) table and (b) (5) revised; (b) (15), (16), and (20), and (c) and (d) removed	† 20927
93.114	(a) (8) and (j) added; (b), (c), and (f) amended	44207
	(a) (8) redesignated (a) (9); (b) amended	† 5159
93.120	(c) (3) (i) revised	44030
93.151	(a) (1) footnote added	44985
94	Added	† 20928
94.25	(g) and (h) corrected	† 26677
94.31	(e) corrected	† 26677
94.61	(b) table corrected	† 26677
94.65	(h) heading revised	† 26677
94.71	(b) footnote 2 corrected	† 26677
94.75	(b) table corrected	† 26677
94.161	(b) amended	† 26677
95.3	(c) amended	† 1246
	(c) effective date	† 3596
95.7	Revised	† 5367
95.13	(a) revised; (b) removed	40295
95.14	Added	† 5367
95.19	(b) (6) added	† 2988
95.37	(f) added	† 2988
95.44	Added	† 1246
	Effective date amended	† 3596
97.3	(i) amended	† 17756
	(n) revised	† 26525
97.9	Revised	† 5367
97.37	Revised	† 5367
97.40	(c) revised	† 17756
97.41	(i) added	† 2988
	(a) and (g) revised; (f) added	† 17756
97.42	Added	† 5368
97.51	(b) introductory text revised	† 12991
	(a) (4) revised	† 17756
97.61	(a) amended; (b) (13) added	44985
97.79	(b) revised	† 26525
97.88	(c) revised	† 26526
97.89	(c) removed	† 24737
97.95	Heading and (a) (1) revised	† 17756
97.107	(a) footnote added	44985
97.110	(a) revised; (c) added	† 26526
97.111	(a) and (b) revised; (g) added	† 26526
97.301—97.313	(Subpart G) Heading revised	† 5368
97.301	(a) revised	† 5368
97.401—97.409	(Subpart H) Removed	† 5368
97	Appendix 1 amended	† 2986
	Appendix 1 revised	† 17256
99.11	(h) added	† 2989

Title 47—*Proposed Rules:*

0	† 4155
1	37507, 38394, 39585; † 12678, 16968, 22092, 25689, 26543, 26557
2	42380; † 7678, 8230, 11612, 12678, 24754, 25601, 26702, 31248
15	36493, 45299; † 24742
21	40590; † 800, 12678, 12816, 24021, 28816, 31248
31	43230; † 8230, 24743
33	† 24743
42	† 6676, 13004
43	† 12816, 24021, 28816
61	† 12816
63	39049
68	† 23879, 27491, 29302
73	35687, 36032, 36116, 36494, 37071, 37510, 37998, 38395, 38668, 39049, 40170, 40171, 40863, 40865, 41752, 41995, 42920, 42922, 44254, 44462, 45048; † 801, 1714, 1716, 2449, 2710, 2712, 2713, 2828, 4447, 4448, 4939–4942, 5794, 6513, 7945, 7946, 8230–8232, 8571, 8963—8965, 10486, 10999, 11603, 11610, 11611, 13004, 13319, 14943, 14944, 14945, 14946, 14947, 15907, 15908, 16680, 16682, 17042, 17269, 17270, 17598, 18452, 18461, 18462, 18463, 18464, 18466, 19218, 20107, 20651, 21741, 21742, 22002, 22003, 22005, 22273, 22847, 23475, 23477, 23767, 23768, 24031, 24540, 24748, 24751, 24752, 24753, 26046, 26047, 26551, 26560, 26561, 26692, 26695, 26698, 28098, 28634, 29303, 30290, 30291, 30985, 31625, 31632, 31807
74	42922; † 10999, 30985
76	36117, 39050, 42922, 43850, 45300; † 3223, 4451, 5371, 8967, 11000, 11612, 12113, 14101, 15574, 16683, 16684, 17270, 20108, 20653, 23316, 23318, 27051, 27250, 27257, 28634, 28816, 30291, 30986, 31807
78	† 30985
81	† 4942, 7678, 8233, 18465, 19838, 22848

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 47—*Proposed Rules*—Continued

Page
83 ---------- 39054, 42380
----------† 7468, 7678, 8233, 18465, 19838, 22848, 26702
87 ---------- 37399
--† 4453, 7678, 11001, 17271, 22848, 26561
89 ---------- 43230
------† 7678, 23319, 25601, 27491, 31809
91 --† 7678, 8230, 11612, 22848, 24754, 31809
93 --------† 7678, 8230, 11612, 22848, 31809
95 ----------† 7678, 8230, 11612, 22848
97 ---------- 39055
----------† 11612, 26048
200 ----------† 12817

TITLE 49—TRANSPORTATION

1 Appendix A amended---------- 39043
1.3 (b) and (c) revised---------† 30821
1.4 (g) revised---------- 39723
(i) revised---------† 30821
1.23 (f) revised---------† 30821
1.24 (e) revised---------† 30821
1.27 Revised ---------- 43404
1.44 (o) added---------† 20088
(a)(5) removed; (a)(6) redesignated as (a)(5)---------† 30821
1.46 (p) revised---------- 39441
(s) added---------† 3597
(t) added---------† 20089
(b) and (t) revised; (n) removed; (u) and (v) added-† 30821
1.47 (c) CFR correction--------- 35366
(a) revised; (k), (l), and (m) added ----------† 30821
1.48 (b)(14) revised; (r) and (s) added ----------† 6659
(b)(25)—(30) redesignated as (b)(26)—(31); new (b)(25) added----------† 14764
(b)(32)—(37) redesignated as (b)(35)—(40); new (b)(32) and (33) added-----† 14764
(c) (1) and (15), and (n) revised; (t) added---------† 14764
(b) (25) and (32) revised-----† 17992
(d) revised; (u) and (v) added-† 30822
1.49 (b) and (l) revised; (r) added ----------† 3412
(f) revised; (t) and (u) added-† 30822
1.50 (h) added---------- 35666
(a), (f)(2) and (3) revised; (i) and (j) added----------† 6659
(g) revised---------† 14765
1.51 (f) revised; (h) added-----† 3412
(b) revised---------† 14765
(l) added---------† 17992
1.52 (b)(3) revised----------† 30822
1.53 (k) removed---------- 39724
1.56 Removed ---------- 39724
1.57 (l) revised---------- 39724
1.58 Introductory sentence revised; (d)(3) added--------- 38103
(h) added---------- 39724
(d)(4) added----------† 20089
(d), (e) and (g) removed-----† 30822
1.60 (b)(1), and (c) (2) and (4) revised; (b)(8) added------- 39724
(l) revised----------† 3412
1.61 Revised ---------- 39724
1.64 Removed ---------- 39725
Added ----------† 30822
1 Appendix A amended--† 30822, 31605
7 Revised ----------† 7915
7.5 (f) added----------† 13307
7.63 (b) and (c) amended-----† 10471
7.81 (a) corrected----------† 10471
7 Appendices A–E revised; F amended ----------† 20276
21 Appendix C amended-------† 14318

Chapter I—Materials Transportation Bureau, Department of Transportation

Chapter heading revised---------† 31767
Subchapter A redesignated as Subchapter C; new Subchapter A heading added-------- † 31767
102 Added ----------† 31768
Subchapter B redesignated as Subchapter D and heading revised; new Subchapter B heading added----------† 31767
Subchapter C established; redesignated from Subchapter A-† 31767
Note added----------† 31768
170.1—170.11 Removed --------† 31768
170.21—170.35 Removed ------† 31768
171.1 Revised ---------- 42366
171.7 (c) (20), (21), and (22), (d)(5)(iii), (14), (15), and (16) added; (d)(4) revised--- 45240
(d)(1) revised----------† 18788
171.11 Heading revised; (b) and (c) added---------- 43311
172.4 Effective date---------- 37488
Effective date postponed-----† 22263, 25024
(a) CFR correction; effective date 1–1–76----------† 27939
172.5 (a) table amended--------- 37062
Effective date---------- 37488
Effective date postponed------† 22263, 25024
(a) CFR correction; effective date 1–1–76----------† 27939
173.1 (a) amended---------- 42366

Page
173.5 Heading revised; (b) and (c) added---------- 43311
173.6 Removed ---------- 43311
173.23 (c) removed---------- 45240
173.33 (l) added---------- 41742
(l)(4) revised; (l)(5) added--- 41744
(e)(1) revised; (e)(10) through (15) added----------† 24902
173.69 (a) note revised---------- 45240
173.115—173.149 (Subpart C) Heading revised----------† 22264
173.115 Effective date postponed- 37488
Revised ----------† 22264
Effective date confirmed------† 25024
(a) and (c) CFR correction; effective date 1–1–76-------† 27939
173.118 Effective date postponed- 37488
(a) and (b) revised; (c) and (d) redesignated as (d) and (e); new (c) added-------† 22264
Effective date confirmed------† 25024
Heading, (a)(3), (b), (c), and (d) CFR correction; effective date 1–1–76---------† 27939
173.119 Effective date postponed- 37488
Effective date postponed------† 22263, 25024
(b) and (l) CFR correction; effective date 1–1–76-------† 27939
173.202 (b) added---------- 45240
173.206 (a)(10) revised; (a)(12) added ---------- 45240
173.226 Introductory note added- 45240
173.264 Heading and introductory text revised---------- 37062
173.283 Added ---------- 37062
173.306 (c)(4) and (6) revised; (c)(6) note added---------- 44989
173.315 (l)(13) revised; (l)(14) removed ---------- 41744
(a)(1) Note revised----------† 24903
173.389 (o), (p), and (q) added- 45240
173.391 (b)(3) and (c) introductory text, (2) and (4) revised- 45241
173.392 (a) and (b) revised; (c)(9) and (d)(7) added-------- 45241
173.393 Technical correction---- 45240
Heading and introductory texts of (d), (e), and (j) and entire texts of (g), (j)(3), and (l) revised; (o) added---------- 45241
173.394 (a) and (b)(1) and (2) revised; (c)(4) and (b)(5) and (6) added---------- 45241
(a)(1) corrected----------† 2435
173.395 (a) introductory text and (1) through (4) revised; (a)(5) through (8) removed; (b)(4) added---------- 45242
(a)(1) corrected----------† 2435
173.396 (b)(1) and (c)(1) and (2)(ii) revised; (b)(6), (7), and (8), (c)(5), and (f)(1) and (2) added---------- 45242
(f)(2) corrected----------† 2435
173.397 Revised ---------- 45243
173.398 (a)(4) notes 1 and 2 added ---------- 45244
(a)(4) corrected----------† 2435
173.399 (a)(3)(ii) revised; (a)(3)(iii) removed---------- 45244
173.401 Effective date amended- 37488
(f) added---------- 45244
Effective date postponed------† 22263, 25024
(a)(2) CFR correction; effective date 1–1–76----------† 27939
173.404 (a) revised---------- 45244
173.416 (d) added---------- 45244
173.427 (a)(3) revised---------† 24903
174.525 (b) (1), (3), (4), (6), (11) through (14), and (c)(1) and (3) revised---------- 41366
174.541 Effective date amended- 37488
Effective date postponed------† 22263, 25024
(a)(2) and (3) CFR correction; effective date 1–1–76-----† 27939
174.584 Effective date amended- 37489
(i) added---------- 45244
Effective date postponed------† 22263, 25024
(a) CFR correction; effective date 1–1–76----------† 27939
174.586 (h)(1) revised; (h)(2) amended ---------- 45244
174.589 Emergency order-------- 38230
175.652a (c) revised---------- 45244
175.655 (j)(1) revised; (j)(2) amended ---------- 45244
177.814 Added ---------- 41742
177.815 (g) removed---------- 41742
177.817 (a) introductory text revised ---------- 45245
(a)(1) revised; (a)(2) redesignated as (a)(3); new (a)(2) added ----------† 24903
177.823 Effective date amended- 37488
Effective date postponed------† 22263, 25024
(a)(1) CFR correction; effective date 1–1–75----------† 27939

CODE

Title 49, Chapter I—Continued

	Page
177.824 (d) revised	41742
(f) introductory text, (f)(1)(ii) and (iii), and (f)(2) revised	† 24904
177.834 (i) and (l) revised	41743
(a) revised	45245
(l) (39 FR 41743) effective date delayed until Oct. 1, 1975	† 12269
177.835 (e)(1) removed	41743
177.837 (e) added	41743
177.839 (d) added	41743
177.841 (d) added	41743
177.842 (a) and (b) revised	45245
177.854 (a) amended; (f) (1) and (2) and (g) revised	41743
(g) (39 FR 41743) effective date delayed until Oct. 1, 1975	† 12269
177.856 (d) amended	41743
177.859 (b) amended	41743
178.34—178.34-4 Revised	45245
178.34-4 Revised	45245
Corrected	† 2435
178.103 Revised	45246
178.103-1 Revised	45246
178.103-2 (b) added	45246
178.103-3 (a), (b), (c)(1) and (2)(i), (ii), (iii) and (3), and (d) revised	45246
(c)(1) corrected	† 2435
178.103-4 Revised	45246
178.103-5 (a) revised	45246
178.104-3 (a), (b), and (c) revised; (e) added	45246
178.107-6 Table amended	44990
178.108-6 Table amended	44990
178.109-6 Table amended	44990
178.120—178.120-5 Added	45247
178.121—178.121-4 Added	45250
178.121-1 Added	45250
(c) corrected	† 2435
178.194—178.194-7 Added	45252
178.194-7 Added	45252
Corrected	† 2435
178.195—178.195-5 Added	45253
178.195-6 Correctly added	† 2435
178.250 Removed	45253
178.337 Heading revised	† 24904
178.337-1 (c)(2) revised	41744
(f) amended	† 24904
178.337-2 (b) revised	41744
178.337-8 (b) revised	41744
178.337-10 (c) revised	41744
178.337-18 (a)(1) added	† 24904
Subchapter D added; redesignated from Subchapter B, with heading revised	† 31767
192.59 (a)(1) and (b)(1) revised; (c) added	† 10472
192.65 Introductory text and (a) amended	† 6346
(a) corrected	† 24361
192.225 (a) revised	† 10182
192.227 (a)(2) revised	† 10182
(a)(2)(i) revised	† 27222
192.229 (c) revised	† 10182
(c)(1) revised	† 27223
192.241 (c) revised	† 10182, 27223
192.625 (g)(1) amended	45254
(a) and (b) revised	† 20282
192.705 (a) and (b) revised; (c) removed	† 20283
192.706 Added	† 20283
192.707 Revised	† 13505
192 Appendix A amended	† 6346, 10182
Appendix A corrected	† 8188
Appendices A and B amended	† 10472
195.222 Revised	† 10182
(a) revised	† 27223
195.228 Revised	† 10182, 27223

Chapter II—Federal Railroad Administration, Department of Transportation

211 Revised	41745
213.233 (b) revised	† 8558
215.3 (c) revised	42367
215.5 (f) added	42367
215.7 Revised	† 17574
215.9 (a) revised	† 17574
215.99 (a) chart and (c) revised	† 17574
215 Appendix D added	† 8952
217 Added	41176
217.3 Revised	† 2690
225 Revised	43224
Interpretation	5368
225.5 (a) revised	† 29548
235.13 (c) revised	41747
235.20 (b) revised	41747
236.0 (c) (6) and (7) revised	41747
255 Added	† 4234
256 Added	† 29080

Chapter III—Federal Highway Administration, Department of Transportation

310 Authority citation revised	† 14919
310.1 Revised	† 14919
310.2 Revised	† 14919
310.3 Revised	† 14919
310.4 Revised	† 14920

	Page
Subchapter B Appendix A amended	† 29723
390.17 Added	† 10684
391.62 Revised	† 10684
392.22 (b)(2)(vii) added	† 10685
392.69 Added	† 31770
393.75 (f) added	† 29294
393.95 Introductory text revised	† 10685
394.3 (b) revised	† 10685
395.6 Removed	† 31770
395.8 (t)(2) revised	† 10685
396.7 Amended	† 10685

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

553 Authority citation revised	† 21031
555.7 (d) revised; (f) added	37988
555.8 (a) and (b) amended; (e) added	37989
555.10 (b) revised	† 18789
570.55 (c) and (c)(1) amended	† 5160
570.57 (a)(1) and Table 1 revised; Table 2 added	† 5160
571.3 Amended	† 8953
571.101 Std. No. 101 amended; eff. immediately (published 7-29-75)	† 31770
571.103 Std. No. 103 amended; eff. 9-1-75	† 12992
571.105 Std. No. 105 amended; eff. 6-9-75	† 24526, 25215
571.105-75 Std. No. 105-75 amended; eff. 9-1-75	† 11585, 18411
Std. No. 105-75 amended; eff. 1-1-76	† 24526
571.106 Std. No. 106-74 amended; eff. 3-1-75	39725
Std. No. 106-74 amended; eff. 3-17-75	† 12089
571.108 Std. No. 108 amended; eff. 4-21-75	† 17574
Amended; eff. 6-18-75	† 25677
571.109 Std. No. 109 Appendix A amended; eff. 11-21-74	37489
Authority citation corrected	42367
Appendix A amended; eff. 2-24-75	† 3597
Appendix A corrected	† 3296
Amended	† 5529
Heading corrected	† 14765
Appendix A amended; eff. 8-6-75	† 28458
571.109a Amended	† 11356
571.110 Std. No. 110 Appendix A amended; eff. 11-21-74	37489
Appendix A amended; eff. 2-24-75	† 3597
Technical correction	† 5159
Amended	† 5530
Effective date corrected	† 13219
571.110 Appendix A amended; eff. 8-6-75	† 28458
571.116 Std. No. 116 amended; eff. 3-25-75	† 13219
Amended; eff. 5-16-75	† 21474
571.117 Std. No. 117 corrected	36016, 42367
Corrected	† 4
Amended; eff. 5-12-75	39884
571.118 Std. No. 118 amended; eff. immediately (published 7-29-75)	† 31773
571.119 Std. No. 119 amended	† 5530
Effective date amended	† 8189
571.121 Std. No. 121 amended; eff. 3-1-75	39882
Amended; eff. 1-1-75	† 1247
Amended; eff. 9-1-76	† 2989
Amended; eff. 3-1-75	† 8953
Amended; eff. 3-21-75	† 12798
Corrected	† 18789
Amended; eff. 9-1-76	† 31772
571.122 Std. No. 122 amended; eff. 12-10-74	43075
571.125 Std. No. 125 corrected	† 4
571.203 Std. No. 203 amended; eff. 5-27-75	† 17992
571.208 Std. No. 208 amended; eff. 10-29-74	38380
Amended; eff. 2-25-75	42693
Technical correction	† 14319
Amended; eff. 7-9-75	† 28806
571.215 Std. No. 215 amended; eff. 5-13-75	† 20823
571.219 Std. No. 219 added	† 25462
571.301 Std. No. 301 amended; eff. 9-1-75	40860
571.301-75 Authority citation revised	† 21031
571.302 Std. No. 302 amended; eff. 10-1-75	† 14319
573 Authority citation revised	† 21031
573.5 (b) removed	43076
574 Authority citation revised	† 21031
574.7 (a) amended	38658
575.7 Revised	† 11727
575.104 Added	† 23077
(e)(1)(v), (f)(2)(i)(B), figure 2, and Appendices A, B, and C revised	† 28071
Effective date confirmed	† 28075
576 Interpretation	† 3296
Authority citation revised	† 21031

CODE

Title 49, Chapter V—Continued

		Page
577	Authority citation revised	† 21031
577.4	Introductory text amended; (b)(1) revised	† 25464
582	Added	† 4918
590	Added	† 24905

Chapter VIII—National Transportation Safety Board

Chapter established; redesignated and revised from 14 CFR Chapter III		† 30233
Chapter heading, technical correction		† 30661
800	Added; redesignated from 14 Part 400 and revised	† 30232
801	Added; redesignated from 14 Part 401 and revised	† 30232
803	Added	† 30238
805	Added; redesignated from 14 Part 405 and revised	† 30239
821	Added; redesignated from 14 Part 421 and revised	† 30243
825	Added; redesignated from 14 Part 425 and revised	† 30248
830	Added; redesignated from 14 Part 430 and revised	† 30249
831	Added; redesignated from 14 Part 431 and revised	† 30250
835	Added; redesignated from 14 Part 435 and revised	† 30253
845	Added; redesignated from 14 Part 440 and revised	† 30254

Chapter IX—United States Railway Association

901	Added	† 8100
921.1	(a)(1) revised	† 23759
921.101—921.113 (Subpart B)	Added	† 23759
921.301	(a) amended; (c) revised	† 23762
931	Added	† 8559

Chapter X—Interstate Commerce Commission

1001.4	Revised	† 3215
1003.1	Amended	35366, 35367
1003.4	Amended	35366, 35367
1032.1171	(g) revised	† 19477
1033.994	(d) revised	44011
1033.995	(f) revised	44011
1033.1022	(d) revised	44011
1033.1043	(g) revised	† 4658, 4918, 31773
1033.1083	(e) revised	35574
	(e) revised	† 5162, 23873
1033.1084	(e) revised	† 5162, 31939
1033.1102	(e) revised	41853
	(e) revised	† 24005
1033.1106	(e) revised	† 5162, 31939
1033.1108	(e) revised	40499
	Removed	44208
1033.1112	(d) revised	43632
	Removed	† 7922
1033.1119	Revised	35666
	(e) revised	41985
1033.1123	(e) revised	† 8561, 27941
1033.1124	Revised	36557, 40500
	Suspended	44392
1033.1125	(e) revised	44208
	(e) revised	† 24006
1033.1126	(e) revised	† 8561
1033.1129	(e) revised	43633
		† 8823, 27940
1033.1131	(e) revised	41853
		† 8823
1033.1134	Removed	† 10685
1033.1138	(f) revised	† 14766, 27940
1033.1139	(e) revised	44010
	(d) revised	43633
	(e) revised	† 27939
1033.1148	(d) revised	44010
	(d) revised	† 27034
1033.1149	Removed	† 2691
1033.1151	(e) revised	† 2691
1033.1154	(e) revised	44208
	(e) revised	† 24006
1033.1156	(f) revised	35574
	(f) revised	† 2990, 29863
1033.1158	(e) revised	† 5161, 24005
1033.1159	(e) revised	38381
		† 18403
1033.1163	(e) revised	41854
	(e) revised	† 24005
1033.1170	Removed	† 7922
1033.1171	(g) revised	38382
1033.1173	Removed	42917
1033.1176	(e) revised	† 8823
1033.1179	Removed	† 12089
1033.1180	(e) revised	† 8562
1033.1182	(e) revised	37393
	(e) revised	† 2991, 30267
1033.1184	(e) revised	38381
	(e) revised	† 19200
1033.1186	Added	38659
	(g) revised	† 24526
1033.1188	(e) revised	† 2990, 30267
1033.1189	(e) revised	† 5161
1033.1190	(e) revised	† 2991
	Removed	† 4313
1033.1193	Added	37393
	Revised	37638
	Revised	† 5369
1033.1196	(d) revised	38381

Note: Symbol (†) refers to 1975 page numbers

1033.1197	Added	35798
	Technical correction	37062
	(d) revised	† 2991, 29295
1033.1198	(e) revised	† 14765
1033.1199	Added	36114
1033.1200	Added	38103
	(d) revised	† 2990, 30268
1033.1201	Added	40501
	Suspended	44392
1033.1202	Added	40765
	(d) revised	† 14318
1033.1203	Added	42367
	Revised	† 3767
	(e) revised	† 14766, 31939
1033.1204	Added	44010
	(e) revised	† 27940
1033.1205	Added	† 1700
1033.1206	Added	† 2587
1033.1207	Added	† 3598
	Corrected	† 4310
	Revised	† 12992, 13506
	(a) revised	† 25215
1033.1208	Added	† 4312
	Revised	† 12994, 13508
	(h) revised	† 19478
	(a) revised	† 25216
1033.1209	Added	† 4011
1033.1210	Added	† 5161
	Revised	† 7452
	(h) revised	† 19478
1033.1211	Added	† 14765
1033.1212	Added	† 19827
	(d) revised	† 27941
1033.1213	Added	† 21959
1033.1214	Added	† 24526
	Revised	† 25024
1033.1215	Added	† 24906
1033.1584	(e) revised	38381
1034.994	(g) revised	† 12090
1036.3	Revised	† 16846
1036.4	Revised	† 16846
1042.3	(a) amended	† 24906
1042.4	(c)(9)(i) and (11) amended	† 24906
1047.10	Amended	35367
1048.8	Revised	40020
1056.7	(b) interpretation	43076
1064	Revised	† 1249
	Effective date amended	† 7097
1100.15	Revised	† 3769
1100.16	Revised	† 3769
1100.55–1100.67	Undesignated center heading revised	40296
1100.57—1100.67	Revised	40296
1100.102	Amended	40296
1100.247	(a)(2) and (c)(2) amended; (b)(1) revised	43726
1102	Revised	† 26032
	Corrected	† 27941
1104	Revised	† 26033
1105	Added	† 26035
1115.4	Amended	35367
1115.5	Amended	35367
1115.6	Amended	35367
1115.25	Amended	35367
1121.4	(b) added	39441
1121.21	(d) revised	† 21959
1124.2	(d) revised	† 17148
1124.23	Revised	41985
1124.26	Revised	41985
1124.27	Removed	† 27463
1125	Revised	† 1631
1125.1	(c) amended	† 14189
1125.3	(c)(4) corrected	† 3216
	(c)(4) revised	† 14189
	(c)(6) amended	† 14190
1125.4	(b) corrected	† 3216
	(c) amended	† 14190
1125.5	(j)(1) corrected	† 3216
	(j)(2) amended; (j)(3) and (4) revised; (l) and (m) added	† 14190
1125.8	(d) corrected	† 3216
1126	Added	† 16066
1201	Amended	† 4150, 15388
1207	Republished	38502
1208	Revised	† 2500
1241.12	Revised	† 6660
1241.13	Revised	† 6660
1241.21	Revised	† 6660
1241.71	Revised	† 6660
1249	Form QFR revised	† 18561, 21960
1249.1	Revised	37489
1249.2	Revised	37490
1249.3	Revised	† 6660
1249.4	Revised	37490
1249.5	Revised	† 6660
1249.6	Revised	† 6660
1250.10	Revised	† 6660
1250.20	Revised	† 6661
1250.30	Revised	† 6661
1251.1	Revised	† 6661
1251.2	Revised	† 6661
1300.30	Amended	† 6504
	Revised	† 7654
	(a), (b) and (f) amended; (g) removed; (h) redesignated as (g)	† 25678
1303.34	(j)(1) and (2) revised; (j)(5) and (6) and (k) added	† 26035

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 49, Chapter X—Continued

Page

1303.36 Amended † 6504
Revised † 7655
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1304.42 Amended † 6504
Revised † 7655
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25478
(a) amended † 25678
1306.6 (e) (1) and (2) revised; (e) (5) and (6) and (f) added † 26036
1306.17 Amended † 6504
Revised † 7656
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1307.14 Amended † 6504
Revised † 7657
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1307.48 Amended † 6504
Revised † 7657
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1307.90 (f) revised † 13219
1308.12 Amended † 6504
Revised † 7658
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1308.109 Amended † 6504
Revised † 7659
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1309.5 Amended † 6504
Revised † 7659
(d) corrected † 11356
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678

Title 49—*Proposed Rules:*

7 † 3456
170 † 26688
171 43638
† 22842, 26688
172 36596, 37204, 37506, 43091
† 26687, 26688
173 36596, 37204, 37506
† 17853, 26688
174 36596, 37204, 37506
† 26688
175 † 26688
176 † 26688
177 36596, 37204, 37506
† 21485, 26688
178 36596, 37204, 37506
† 13316, 26688
179 † 11362, 17853, 17855, 18563, 22273, 26688
180 † 26688
181 † 26688
182 † 26688
183 † 26688
184 † 26688
185 † 26688
186 † 26688
187 † 26688
188 † 26688
189 † 26688
192 39048, 39049, 39475
† 13317, 27244, 27245
195 † 27245
Ch. II † 17265, 19209, 23085, 23310, 24365
212 † 27042
213 † 1076
215 37067
216 † 14336, 25688
217 † 14338
221 † 30495
231 † 14339, 17853
256 † 8958
310 30981
325 † 8658
390 † 29729
391 †6510, 31806
393 36863
† 23084, 31959
395 41540
† 2208, 4319
552 † 21486, 23311
553 † 25480, 26045
566 † 12519
567 † 12519
568 † 12519
571 35676, 36973, 38391, 40168, 40305, 41751, 42377, 43639
† 10, 4153, 4938, 8569, 8570, 8962, 10483, 11004, 11598, 11738, 12519, 13002, 13316, 14340, 16217, 16854, 17036, 17266, 17855, 18469, 18795, 19210, 19485, 20641, 23086, 23897, 24204, 24915, 28097
573 36866
575 † 1273, 17039
577 41182
† 19651
581 † 10, 4938, 11598, 12287
582 38912
Ch. VI † 2534
604 † 25304, 29729
605 † 25309, 29729
609 † 8314, 10697
613 39660, 39665, 44457
802 † 30130, 30988
931 41185

Note: Symbol (†) refers to 1975 page numbers

Page

Ch. X † 18797
1001 † 1718
1054 41862
1056 † 17044, 26704, 27060
1057 † 6981
1062 41863, 43410
1063 † 30134, 30844
1090 † 3787
1100 † 4943
1102 † 5374
1104 † 5374
1106 † 25603
1124 † 801
1201 41867, 45048
† 17272, 22557, 23130, 27494
1202 45048
† 17272, 22557, 23130, 27494
1203 45048
† 17272, 23130, 27494
1204 43854, 45048
† 17272, 23130, 27494
1205 45048
† 17272, 23130, 27494
1206 45048
† 17272, 22557, 23130, 27494
1207 45048
† 17272, 22557, 23130, 27494
1208 45048
† 17272, 27494
1209 45048
† 17272, 22557, 23130, 27494
1210 45048
† 17272, 22557, 23130, 27494
1240 † 22557
1241 † 15402, 22466, 23480, 23130
1249 † 15402, 22466, 22557, 23480, 25493, 25763
1250 † 15402, 22466, 23480, 25763
1251 † 15402, 22466, 23480, 25763
1260 43854
1261 43854
1307 † 18797, 19020

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

2.2 Revised † 11874
10.21 Revised † 17575
10.22 Revised † 17575
15.23 (d) revised 37056
17 Heading revised 44991
17.31—17.32 (Subpart D) Added 44991
17.32 Added 44991
Amended † 29864, 31736
18.60–18.75 (Subpart G) Added † 6661
20 Amended † 30268
20.104 (e) amended 40958
21.13 Revised † 28459
21.14 Revised † 28459
21.25 Revised † 28460
21.26 Removed † 28460
28.7 38659
28.25 Amended † 30462
28.28 Amended 36482, 41531, 41532, 43293, 43726, 44209
Amended † 762, 763, 1701, 3297, 4011, 4917, 5530, 11356, 11585, 12090, 12508, 18173, 18174, 18175, 20283, 21032, 24907, 25025, 26036, 30966
Technical correction † 17261
32.11 35574, 35799
32.12 Amended 36015, 36016, 36483, 36485, 36386, 39441, 40850
Amended † 29548, 29865, 30115, 30463, 30966, 32125, 32126, 32127
32.22 Amended 36115, 37771, 37772, 39441
Amended † 14920, 29549, 29865, 30115, 30116, 30463, 30822, 30823, 30966, 30967, 32125, 32126, 32127
32.31 † 32128
32.32 Amended 35365, 36115, 36486, 36487, 37196, 39441, 40765, 40766
Amended † 19827, 25464, 29084, 29865, 30115, 30116, 30463, 30822, 30823, 30967, 30970, 31939, 31940, 32124, 32127, 32128
33.5 Amended 37196, 39442, 39884, 40158, 40588, 40850, 41257–41259, 41367, 41531, 41532, 41533, 43078, 43293, 43846, 43847, 44210
Amended † 764, 1701, 2815, 3297, 3599, 4011, 4405, 5531, 6663, 7660, 8350, 8954, 11586, 11727, 11875, 12091, 12659, 14053, 14766, 14920, 16210, 16320, 17992, 18175, 19009, 20822, 29084, 30463, 30823, 30967, 31773
82 Added † 23281
91 Added † 25826

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216 Interpretation † 17845
216.24 (d) (2) (iv) (E) (*1*) (vi), and (vii) amended † 765
(d) (1) (v), (2) (iii), (3) (v), (4) (v), and (5) (v) amended † 11586

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES OCTOBER 1, 1974 THROUGH JULY 31, 1975)

Title 50, Chapter II—Continued

		Page
216.70—216.90	(Subpart G) Added	† 10183
217	Revised	41370
218	Revised	41371
219	Revised	41373
220	Revised	41373
221	Revised	41375
222	Revised	41375
240	Revised	† 21475
245.10	(d) and (e) added	40503
258.5	Revised	† 31940
260.70	(b) (1), (2), and (3), and (d) (2) revised	39442
260.71	Revised	39443
280	Revised	† 8101
280.1	(e) and (g) corrected	† 16210
280.6	(b) corrected	† 16210
280.7	(a) (1) corrected	† 16210
280.9	(b) corrected	† 16210

Chapter IV—Anadromous Fisheries (Department of the Interior—Department of Commerce)

Heading	revised	37197
401	Revised	† 26678

Title 50—*Proposed Rules:*

	Page
16	† 7935
17	† 5, 4320, 14767, 17590, 17757, 17847, 21974, 21977, 25217, 25597, 28712
18	† 6664, 23307
20	† 17263, 20090, 21980, 24527, 27943, 29725, 29880
21	37199, 37773; † 2444
25	† 12270
26	† 12270
27	† 12270
28	43728, 44763; † 4428, 12270
32	37064; † 19651, 23474, 25217, 27242, 31795
33	43313
81	† 18447
82	37394
91	† 19013
216	† 2820, 4660, 10193, 28469
219	† 2820, 4930
225	† 8566
227	† 14777, 21982, 26043
245	36489
246	† 22143
251	37396; † 14778, 14779, 16216
278	† 11729
280	44235
401	† 6786

Note: Symbol (†) refers to 1975 page numbers

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to CFR Finding Aids Volume, Table I; January—July 1975)

This table lists the sections of the U.S. Code which were added to the CFR Finding Aids Volume, Table I as a result of new citations of authority carried in the *Federal Register* from January through July 1975. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the Cumulative List of CFR Sections Affected, above.

5 U.S.C.:	CFR
500	29 Part 580
503	29 Part 580
551–559	28 Part 4a; 29 Part 580
552	1 Parts 301, 302, 304; 5 Part 1303; 6 Parts 701–702; 7 Parts 2620, 2710; 10 Parts 2, 709; 15 Parts 1160, 2004; 16 Parts 1, 2, 3, 4, 14; 18 Part 401; 22 Part 706; 29 Parts 2300, 2603; 32 Parts 297–299, 404–405, 2200; 36 Part 603; 39 Part 265; 45 Parts 612, 1215; 49 Part 801
553	15 Parts 924, 1160; 39 Part 3002; 46 Part 506; 49 Parts 1042, 1102, 1105
559	49 Part 1042
571—576	1 Parts 301, 302, 304
5520	31 Part 215
8145	20 Part 10
8149	20 Part 10
8151	5 Parts 302, 353, 531
App	29 Parts 579, 580
App. I	10 Part 707
App. II	7 Part 612

7 U.S.C.:	
2	17 Part 30
6c	17 Part 30
6k	17 Part 1
15a	17 Part 30
61	17 Parts 15, 18
135	40 Part 30
135b note	7 Part 760
601—674	7 Parts 953, 1139
612c	7 Part 250
612c note	7 Part 250
714b	7 Part 1421
714c	7 Part 1421
1031–1056	7 Parts 55, 56, 70
1362	7 Part 726
1428	7 Part 1421
1431	7 Part 250
1431 note	7 Part 250
1431b	7 Part 250
1446a–1	7 Part 250
1621 et seq	7 Parts 56, 59, 70
1854	7 Part 16
1859	7 Part 250
1932	29 Part 75

7 U.S.C.—Continued	CFR
1989	7 Parts 2, 1813
2026	7 Part 271

10 U.S.C.:	
125	32 Part 296
2202	32 Part 737
2301—2314	32 Part 737

12 U.S.C.:	CFR
171b	24 Part 232
171w	24 Part 232
1425a	12 Part 532
1430	12 Part 532
1431	12 Part 532
1432	12 Part 532
1437	12 Part 532
1464	12 Part 563
1715b	24 Parts 403, 426
1715z–1	24 Part 426
1725	12 Parts 552, 563, 588
1726	12 Parts 552, 563, 584
1730	12 Part 552
1766	12 Parts 720, 745
1789	12 Parts 701, 706, 707, 720, 721, 745
2288	12 Part 811
2289	12 Part 811
2290	12 Part 811
2601	24 Part 82

14 U.S.C.:	
84	33 Part 118
85	33 Part 118
91	33 Part 127
92	33 Part 118
633	33 Part 118; 46 Parts 4, 5

15 U.S.C.:	
41 et seq	16 Part 4
41–58	16 Part 255
49	16 Part 2
401–411 notes	21 Part 2
713c	7 Part 250
714b	7 Part 24
714g	7 Part 24
714h	7 Part 24
1191–1204	16 Part 1031
1211–14	16 Part 1031
1261–74	16 Part 1031

CODE

15 U.S.C.—Continued CFR

1392 ..... 49 Parts 571.301–75, 573, 575
1392 note ..... 49 Part 571.301–75
1397 ..... 49 Parts 574, 577
1401 ..... 49 Part 577
1402 ..... 49 Part 577
1407 ..... 49 Part 577
1408 ..... 49 Part 577
1410a ..... 49 Part 553
1411 ..... 49 Parts 576, 577
1412 ..... 49 Part 577
1413 ..... 49 Part 577
1415 ..... 49 Part 577
1418 ..... 49 Parts 573, 574
1421 ..... 49 Part 575
1423 ..... 49 Part 575
1451 et seq ..... 21 Parts 2, 6
1471–76 ..... 16 Part 1031
1901 ..... 49 Part 590
1941 ..... 49 Part 582
2051–81 ..... 16 Part 1031
2064 ..... 16 Part 1116
2101 et seq ..... 16 Part 304

16 U.S.C.:

195 ..... 36 Part 7
403h–3 ..... 36 Part 7
551 ..... 7 Part 24
757a—757f ..... 50 Part 401
797 ..... 33 Part 209
1001 et seq ..... 7 Parts 620, 622
1006 ..... 7 Part 621
1006a ..... 7 Part 623
1009 ..... 7 Parts 620, 621
1361–1407 ..... 50 Part 82

18 U.S.C.:

201—209 ..... 29 Part 2100
641 ..... 14 Part 401; 49 Part 801
834 ..... 49 Part 102
923 ..... 27 Part 178
2071 ..... 14 Part 401; 49 Part 801

19 U.S.C.:

66 ..... 19 Parts 151, 159, 177
1202 ..... 15 Part 301; 19 Parts 151, 174, 177
1303 ..... 19 Part 159
1321 ..... 19 Parts 10, 145
1322 ..... 19 Part 4
1484 ..... 19 Parts 123, 143
1498 ..... 19 Parts 143, 145
1624 ..... 19 Parts 151, 159
1872 ..... 15 Parts 2001, 2002, 2003
2101 et seq ..... 15 CFR Parts 350, 355
2171 ..... 15 Part 2004
2320 ..... 29 Parts 90, 91
2341—2374 ..... 13 Part 315
2441 ..... 15 Part 1300

20 U.S.C.:

331a ..... 45 Part 151
636 ..... 45 Part 112
646 ..... 45 Part 114

20 U.S.C.—Continued CFR

801 ..... 45 Part 166
841—847a ..... 45 Part 126
880b–1 ..... 45 Part 166
880b–9 ..... 45 Part 123
900 ..... 45 Parts 100a, 184
900a—900a–5 ..... 45 Part 184
1051—1056 ..... 45 Part 169
1070b–1 ..... 45 Part 176
1070b–2 ..... 45 Part 176
1070d–1 ..... 45 Parts 154, 155
1070e–1 ..... 45 Part 189
1087a–1087c ..... 45 Part 182
1087dd ..... 45 Part 144
1201–1211a ..... 45 Part 166
1212 ..... 45 Part 166
1221c ..... 45 Part 151
1221e ..... 45 Part 1460
1224 ..... 45 Part 112
1231 ..... 45 Part 166
1231a ..... 45 Part 166
1231b–2 ..... 45 Part 166
1231d ..... 45 Parts 115, 121a
1232 ..... 45 Parts 103, 151, 166
1232c ..... 45 Parts 114, 166
1232f ..... 45 Part 166
1248 ..... 45 Part 103
1393 ..... 45 Part 103
1411—1414 ..... 45 Part 121a
1421 ..... 21 Part 121b
1422 ..... 21 Part 121c
1423 ..... 21 Part 121d
1424 ..... 21 Part 121e
1431 ..... 21 Part 121f
1432 ..... 21 Part 121f
1433 ..... 21 Part 121g
1434 ..... 21 Part 121f
1441—1444 ..... 21 Part 121h
1451 ..... 21 Part 121i
1452 ..... 21 Part 121i
1453 ..... 21 Part 121i
1461 ..... 21 Part 121j
1532 ..... 45 Part 183
1681—1683 ..... 45 Part 166
1681 ..... 45 Part 86
1682 ..... 45 Part 86

21 U.S.C.:

41 et seq ..... 21 Part 2
43 ..... 21 Part 1220
50 ..... 21 Part 1220
111—114a–1 ..... 9 Parts 50, 51
112 ..... 9 Part 83
120 ..... 9 Part 50
121 ..... 9 Part 50
125 ..... 9 Part 50
134b ..... 9 Part 50
141 et seq ..... 21 Part 2
321 ..... 21 Part 701
321 et seq ..... 21 Parts 2, 6, 312, 740
342 ..... 21 Parts 128c, 128d
348 ..... 21 Parts 123, 128c, 128d, 561
355 ..... 21 Parts 361, 600, 601, 610

21 U.S.C.—Continued CFR

357 ..... 21 Parts 312, 436, 444, 448
360b ..... 21 Parts 1, 149j, 510, 520, 522, 540, 555, 558
361 ..... 21 Part 740
362 ..... 21 Parts 701, 740
371 ..... 21 Parts 128c, 128d, 300, 310, 312, 314, 361, 600, 601, 610, 701, 740
454 ..... 9 Part 381
463 ..... 9 Part 381
467f ..... 21 Part 2
612 ..... 9 Part 91
613 ..... 9 Part 91
614 ..... 9 Part 91
618 ..... 9 Part 91
621 ..... 9 Parts 308, 319
679 ..... 21 Part 2
821 et seq ..... 21 Part 2
871 ..... 21 Part 1301
1031 et seq ..... 21 Part 2
1120 ..... 21 Parts 1402, 1403
1131 ..... 21 Parts 1402, 1403
1132 ..... 21 Parts 1402, 1403

22 U.S.C.:

1922 ..... 7 Part 250
2396 ..... 22 Part 205
2658 ..... 22 Part 8

23 U.S.C.:

104 ..... 23 Part 655
105 ..... 23 Part 655
127 ..... 23 Part 658
136 ..... 23 Part 751
140 ..... 23 Part 230
141 ..... 23 Part 658
154 ..... 23 Part 658
219 ..... 23 Part 662
307 ..... 23 Part 655
315 ..... 23 Parts 230, 751
402 ..... 23 Part 1214

25 U.S.C.:

2 ..... 25 Parts 12, 153; 43 Part 4
9 ..... 25 Parts 12, 153; 43 Part 4
13 ..... 25 Part 300; 41 Parts 14H–3, 14H–30
1498 ..... 25 Part 93

26 U.S.C.:

46 ..... 26 Part 9
410 ..... 26 Part 11
463 ..... 26 Part 10
3402 ..... 26 Part 31
5042 ..... 27 Part 240
6621 ..... 27 Part 194
7476 ..... 26 Part 11
7805 ..... 26 Parts 53, 420

28 U.S.C.:

534 ..... 28 Part 20

29 U.S.C.: CFR

203 ..... 29 Parts 579, 580
207 ..... 29 Part 694
211 ..... 29 Parts 579, 580
212 ..... 29 Parts 579, 580
213 ..... 29 Part 552
214 ..... 29 Part 529
216 ..... 29 Parts 579, 580
653 ..... 41 Part 50–204
655 ..... 29 Part 1928; 41 Part 50–204
656 ..... 29 Part 1908
657 ..... 29 Parts 1952, 1955; 41 Part 50–204; 42 Part 86
661 ..... 29 Parts 2100, 2300
667 ..... 29 Parts 1952, 1955; 41 Part 50–204
670 ..... 29 Part 1908; 42 Part 86
1024 ..... 29 Part 2520
1030 ..... 29 Part 2520
1112 ..... 29 Part 2555
1135 ..... 29 Parts 2520, 2555
1241–2 ..... 20 Part 900

30 U.S.C.:

957 ..... 30 Part 506

31 U.S.C.:

483 ..... 19 Part 111; 46 Part 506
483a ..... 14 Part 401; 49 Part 801
738a ..... 31 Part 346
752 ..... 31 Parts 346, 347, 348
754b ..... 31 Parts 346, 347, 348

33 U.S.C.:

535 ..... 49 Part 310
701a–1 ..... 7 Part 623
701b–1 ..... 7 Parts 620, 624
701c ..... 33 Part 220
1224 ..... 33 Part 160
1251 ..... 40 Part 443
1251 et seq ..... 40 Parts 15, 30, 125
1311 ..... 40 Part 443
1313 ..... 40 Part 120
1314 ..... 40 Part 443
1316 ..... 40 Part 443
1317 ..... 40 Part 443
1322 ..... 33 Part 159
1411–21 ..... 40 Part 229
1520 ..... 49 Part 102

38 U.S.C.:

2014 ..... 5 Part 307
2021 et seq ..... 5 Part 353
3010 ..... 38 Part 3

39 U.S.C.:

401 ..... 39 Parts 265, 777, 912
5007 ..... 14 Part 223

40 U.S.C.:

442 ..... 7 Part 1813
484 ..... 7 Part 24
486 ..... 41 Parts 1–15, 5A–1, 5A–2, 15–7, 15–12, 114–28; 45 Part 19

CODE

42 U.S.C.:	CFR
2	42 Part 32
201 et seq	21 Part 2
216	21 Parts 1240, 1250; 42 Parts 51a, 52c, 66
241	42 Part 52c
257a	21 Part 2
262	21 Parts 6, 310, 312, 314, 361, 600, 601, 610
263	21 Part 6
263b–263n	21 Part 6
263f	21 Part 1040
264	21 Parts 1240, 1250
289*l*–1	42 Part 66
300c–11	42 Part 51a
300j–1	40 Part 30
300j–2	40 Part 30
300j–3	40 Part 30
405	20 Part 405
426	20 Part 405
553	10 Part 2
1302	20 Part 416; 45 Parts 301—304
1310	45 Part 63
1383	20 Part 416
1395f	20 Part 405; 45 Part 19
1395g	20 Part 405
1395i	20 Part 405
1395i–2	20 Parts 404, 405
1395u	20 Part 405
1395x	20 Part 405; 45 Part 19
1395hh	20 Parts 404, 405
1395mm	20 Part 405
1396	45 Part 19
1396a	45 Part 19
1437	24 Part 889, 890
1437a	24 Part 811
1437c	24 Parts 880, 882, 883, 889, 1275
1437f	24 Parts 800, 801, 802, 803, 804, 880, 881, 882, 883, 888, 1275
1437g	24 Part 890
1437i	24 Part 811
1480	7 Part 1813
1755	7 Part 250
1758	7 Part 250
1761	7 Part 250
1763	7 Part 250
1777	7 Part 250
1857 et seq	40 Part 55
1857c	40 Parts 52, 60
1857c–5	40 Part 52
1857f–1	40 Part 86
1857f–5	40 Part 86
1857f–5a	40 Parts 85, 86
1857f–6	40 Parts 85, 86
1857f–6c	40 Part 80
1857g	40 Parts 53, 80, 86
1962	33 Part 252
2000d	45 Part 166
2000d–1 et seq	10 Part 4
2000e	29 Part 1601
2011	10 Part 4
2071	10 Part 70

42 U.S.C.—Continued	CFR
2073	10 Parts 19, 70
2092	10 Part 40
2093	10 Parts 19, 40
2094	10 Part 40
2095	10 Part 40
2111	10 Parts 19, 30
2112	10 Part 30
2133	10 Parts 19, 50
2134	10 Parts 19, 50
2201	10 Parts 2, 19, 30, 40, 50, 70, 707, 860
2232	10 Parts 30, 40, 50, 70
2233	10 Parts 30, 40, 50, 70
2234	10 Parts 30, 40, 50
2236	10 Parts 2, 50
2273	10 Parts 30, 40, 50, 70
2278a	10 Part 860
2458	14 Part 1209
2754	45 Part 175
2928h	45 Parts 1303, 1304
2929 et seq	45 Part 158
2942	7 Part 1813; 45 Parts 63, 1005
3045f	7 Part 250
3211	13 Parts 313, 315
3535	24 Parts 20, 58, 100, 200, 207, 403, 580, 800, 801, 803, 804, 880, 881, 882, 883, 888, 890, 1275
3701 et seq	28 Part 20
4001—4128	24 Parts 1914, 1915
4011	24 Part 1920
4105	12 Parts 523, 545, 563
4106	12 Parts 523, 545, 563
4321 et seq	40 Part 6
4321—4347	23 Part 751
4332	10 Part 50; 41 Part 51–6
4402	45 Part 112
4601—4655	23 Part 751
5814	10 Part 860
5815	10 Part 860
5841	10 Parts 10, 20, 50, 80, 100, 150, 160, 170
5842	10 Parts 20, 30, 40, 50, 51, 55, 70, 71, 73, 100, 140
5846	10 Parts 2, 20, 30, 40, 50, 55, 70, 71, 73
5891	10 Parts 4, 19
45 U.S.C.:	
431	49 Parts 215, 225
438	49 Part 215
701 et seq	49 Part 255
46 U.S.C.:	
86—86i	19 Part 4
88—88i	19 Part 4
170	49 Part 102
390	46 Part 57
406	46 Part 57
409	46 Part 57
520p	46 Part 57

46 U.S.C.—Continued	CFR
817	46 Part 550
820	46 Part 506
841	46 Parts 506, 550
1160	46 Part 550
47 U.S.C.:	
152	47 Parts 0, 73
153	47 Part 0
155	47 Parts 73, 74
301	47 Part 0
307	47 Part 0
308	47 Part 0
309	47 Part 0
48 U.S.C.:	
1406*l*	19 Part 6
49 U.S.C.:	
1	49 Part 1126
6	49 Part 1105
13	49 Part 1105
15	49 Parts 1033, 1102, 1105
305	49 Part 1105
306	49 Part 1042
316	49 Parts 1104, 1105
317	49 Part 1105
1354	14 Parts 39, 71
1356	14 Part 129
1375	14 Part 223
1386	14 Part 287
1421 et seq	49 Part 821
1421—1431	49 Parts 171, 173
1423	14 Part 121
1424	14 Part 121
1438	14 Part 97
1441	49 Part 835
1441 et seq	49 Parts 830, 831
1472	14 Parts 121, 171; 49 Part 102
1509	9 Part 91
1651 et seq	49 Part 255
1653	49 Part 256
1655	14 Parts 39, 71, 73, 75, 129, 171; 46 Parts 4, 5; 49 Parts 173, 178
1657	49 Part 553
1672	49 Part 102
1804	49 Part 102
1901	14 Parts 400, 401
1901 et seq	49 Parts 800, 801, 821, 830, 831, 835
1902	49 Part 803
1903	14 Part 425; 49 Parts 825, 845

50 U.S.C.:	CFR
App. 2168	4 Parts 409, 411
App. 2251—2297	32 Part 1807
Public Laws:	
78–534	7 Part 623
89–750	45 Part 166
91–604	40 Part 53
92–210	6 Part 602
92–340	33 Part 401
92–583	15 Parts 927, 928
93–28	6 Part 602
93–86	7 Part 20
93–87	23 Part 820
93–113	45 Parts 1213, 1216, 1220
93–159	10 Parts 211, 661
93–179	36 Parts 601, 604, 605
93–197	25 Part 43k
93–203	29 Parts 94, 95, 96, 97, 98, 99
93–236	49 Parts 901, 921, 931, 1126
93–259	5 Part 551
93–275	10 Parts 207, 210, 211, 213, 303, 305, 307, 309, 661
93–319	10 Parts 207, 303, 305, 307, 309
93–357	7 Part 1845
93–380	45 Parts 86, 184
93–383	24 Part 570
93–406	28 Part 4a; 29 Parts 2601, 2603
93–438	7 Part 1250; 10 Parts 71, 73; 41 Parts 9–7, 9–15, 9–54, 109–1
93–463	17 Part 1
93–479	15 Part 804
93–495	12 Parts 541, 544, 545, 552
93–502	18 Part 401; 22 Part 706; 32 Parts 287, 297—299, 2101; 49 Part 901
93–511	10 Parts 210, 211
93–526	41 Part 105–63
93–567	13 Part 313; 20 Part 619; 29 Parts 94, 95, 96, 97, 98, 99
93–568	45 Part 86
93–572	20 Part 618
93–594	15 Part 302
93–633	14 Part 103
93–637	16 Part 1
93–643	23 Part 820
93–644	45 Part 158
94–16	17 Part 1
94–20	7 Part 225

CODE

1974

issue pages	issue date
35315–35558	Oct. 1
35559–35646	2
35647–35778	3
35779–35998	4
35999–36105	7
36107–36312	8
36313–36463	9
36465–36560	10
36561–36846	11
36847–36950	15
36951–37049	16
37051–37179	17
37181–37354	18
37355–37472	21
37473–37628	22
37629–37759	23
37761–37961	24
37963–38083	25
38085–38216	29
38217–38362	30
38363–38623	31
38625–38885	Nov. 1
38887–39015	4
39017–39256	5
39257–39424	6
39425–39541	7
39543–39714	8
39715–39862	11
39863–40001	12
40003–40154	13
40155–40246	14
40247–40489	15
40491–40566	18
40567–40737	19
40739–40846	20
40847–40934	21
40935–41164	22
41165–41238	25
41239–41348	26
41349–41495	27
41497–41703	29
41705–41821	Dec. 2
41823–41962	3
41963–42334	4
42335–42669	5
42671–42898	6
42899–43054	9
43055–43194	10
43195–43274	11
43275–43387	12
43389–43528	13
43529–43609	16
43611–43706	17
43707–43809	18
43811–43992	19
43993–44191	20
44193–44387	23
44389–44657	24
44659–44708	26

1974

issue pages	issue date
44709–44934	Dec. 27
44935–45205	30
45207–45422	31

1975

issue pages	issue date
1–747	Jan. 2
749–1002	3
1003–1216	6
1217–1495	7
1497–1679	8
1681–2172	9
2173–2409	10
2411–2573	13
2575–2671	14
2673–2790	15
2791–2969	16
2971–3210	17
3210A–3283	20
3285–3404	21
3405–3552	22
3553–3755	23
3756–3964	24
3965–4113	27
4115–4243	28
4245–4404	29
4405–4630	30
4631–4889	31
4891–5125	Feb. 3
5127–5345	4
5347–5492	5
5493–5737	6
5739–6196	7
6197–6312	10
6313–6447	11
6449–6637	12
6639–6759	13
6761–6949	14
6951–7080	18
7081–7390	19
7391–7615	20
7617–7891	21
7893–8060	24
8061–8161	25
8163–8319	26
8321–8535	27
8537–8762	28
8764–8929	Mar. 3
8931–10163	4
10165–10432	5
10433–10654	6
10655–10950	7
10951–11344	10
11345–11534	11
11535–11704	12
11705–11858	13
11859–12066	14
12067–12250	17
12251–12468	18
12469–12638	19
12639–12762	20

1975

issue pages	issue date
12763–12984	Mar. 21
12985–13194	24
13195–13292	25
13293–13476	26
13477–14049	27
14051–14290	28
14291–14564	31
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15377–15858	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	18
17537–17742	21
17743–17827	22
17829–17976	23
17977–18161	24
18163–18388	25
18389–18539	28
18541–18750	29
18751–18975	30
18977–19192	May 1
19193–19417	2
19419–19631	5
19633–19798	6
19799–20052	7
20053–20253	8
20255–20604	9
20605–20790	12
20791–20940	13
20941–21021	14
21023–21464	15
21465–21692	16
21693–21926	19
21927–22119	20
22121–22248	21
22249–22528	22
22529–22821	23
22823–23068	27

1975

issues pages	issue date
23069–23270	May 28
23271–23425	29
23427–23716	30
23717–23834	June 2
23835–23976	3
23977–24172	4
24173–24351	5
24353–24516	6
24517–24716	9
24717–24886	10
24887–24992	11
24993–25196	12
25197–25427	13
25429–25578	16
25579–25661	17
25663–25798	18
25799–26014	19
26015–26251	20
26253–26500	23
26501–26666	24
26667–26978	25
26979–27213	26
27215–27438	27
27439–27635	30
27637–27924	July 1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11
29531–29700	14
29701–29794	15
29795–30036	16
30037–30259	17
30261–30459	18
30461–30609	21
30611–30792	22
30793–30914	23
30915–31197	24
31199–31590	25
31591–31736	28
31737–31924	29
31925–32107	30
32109–32303	31

CODE

XUM

CODE

XLIM

127

federal register

July 1, 1975—Pages 27637–27924

TUESDAY, JULY 1, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 127

Pages 27637–27924

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

CAPTIVE NATIONS WEEK—Presidential proclamation..... 27637

SUMMER YOUTH RECREATION PROGRAMS—OEO interim regulation establishing grant application procedures; effective 7–1–75; comments by 7–15–75..... 27661

VETERANS EDUCATIONAL BENEFITS—VA statement of policy regarding payment of dependency allowance for spouse to certain female veterans..... 27744

ENVIRONMENTAL IMPACT STATEMENTS—GSA notice of procedures applicable to public buildings..... 27733

VARIABLE LIFE INSURANCE—SEC rescinds rules exempting issuers from provisions of the Investment Advisers Act; effective 7–30–75..... 27644

COMMODITIES—International Trade Commission Institutes an investigation of agreements..... 27737

MEDICAID—HEW/SRA adopts regulation on securing social security numbers for applicants and recipients; effective 9–29–75..... 27659

(Continued Inside)

PART II:

MEDICAID—HEW/SSA proposes conditions for coverage of suppliers of End-Stage Renal Disease Services; comments by 9–2–75..... 27781

PART III:

INTRAUTERINE CONTRACEPTIVE DEVICES—HEW/FDA proposes professional and labeling requirements; comments by 9–2–75..... 27795

PART IV:

DRUG AND ALCOHOL ABUSE—HEW and Special Action Office for Drug Abuse Prevention joint regulations on confidentiality of patient records (2 documents); effective 8–1–75..... 27802, 27821

PART V:

FAUNA AND FLORA—Interior/FWS reviews status of endangered and threatened plants; comments by 9–1–75..... 27823

V 40 I 127 J UL 1 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

Cost Accounting Standards Board—Accounting for costs of compensated personal absence..... 15865; 4–8–75
Depreciation of tangible capital assets. 14737; 4–2–75
Standards of depreciation of tangible capital assets; effective date. 15865; 4–8–75
EEOC—Higher education institutions; recordkeeping and reporting requirements. 25188; 6–12–75
ERDA—Contract reporting; miscellaneous amendments..... 19197; 5–2–75
FCC—Uniform system of accounts; monetary limit where capitalization is appropriate..... 42915; 12–9–74
HEW/Office of Child Development—Child Abuse and Neglect Prevention and Treatment Program..... 43936; 12–19–74
SRS—Administration of Medical Assistance Programs; Differential Costs of Skilled Nursing and Intermediate Care Services..... 14598; 4–1–75
SRS—Eligibility of Supplemental Income Beneficiaries for Food Stamps or Surplus Commodities..... 31322; 8–28–74
SSA—Health insurance for aged and disabled: Economic index..... 25446; 6–16–75
HUD/FIA—Procedures for map correction; general provisions..... 23864; 6–3–75
ICC—Motor carriers; amendment to superhighway and deviation regulations. 24906; 6–11–75
Interior/BLM—Special land use permits; revised procedures for issuing permits for certain uses..... 23472; 5–30–75
JUSTICE/DEA—Schedules of controlled substances; exemption of chloral. 23071; 5–28–75
Treasury/BATF—Pistols and revolvers; reporting requirement on multiple sales. 19201; 5–2–75
Comptroller of the Currency—Trust funds; short term investments. 18770; 4–30–75
CS—General provisions; Knoxville, Tenn.; port of entry....24356; 6–6–75
General provisions; Puget Sound, Wash.; port of entry..... 24356; 6–6–75
USDA/AMS—American Upland Cotton; revision of grade standards. 22939; 6–25–74
Milk in the Texas marketing area; order amending and merging orders. 23427; 5–30–75
Poultry products inspection regulations; New Jersey and Colorado (3 documents)..... 23453; 5–30–75
Processed fruits and vegetables, processed products thereof, and certain other processed food products; standards for broccoli..... 18753; 4–30–75
Special provisions for designated States and territories; and for designation of establishments which endanger public health and for such designated establishments; New Jersey and Colorado (4 documents)..... 23452; 5–30–75
U.S. standards for grades of frozen broccoli..... 15890; 4–8–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

CONFIDENTIAL RECORDS—HEW/SSA limits scope of prohibition against disclosure of information pertaining to individuals; effective 7–31–75..... 27648

SMALL BUSINESS LOANS—SBA establishes maximum interest rates; effective 7–1–75..... 27744

MEETINGS—
DOD: Defense Science Board Task Force on "Specifications and Standards Improvement", 7–29–75..... 27693
Defense Science Board Task Force on "Surface Naval Warfare", 8–7 and 8–8–75..... 27693
FHLBB: Federal Savings and Loan Advisory Council, 7–21, 7–22, and 7–23–75..... 27718
National Advisory Council on the Education of Disadvantaged Children, 7–19–75..... 27737
NRC: Advisory Committee on Reactor Safeguards' Subcommittee on Clinch River Breeder Reactor, 7–17–75..... 27738
State: Ocean Affairs Advisory Committee, 7–23 and 7–24–75..... 27693
USDA/FS: Miguel District Grazing Advisory Board, 7–22–75..... 27708
FCC: Special Committee No. 65, Ship Radar, 7–6–75..... 27718
EPA: National Air Pollution Manpower Development Advisory Committee, 7–18 and 7–19–75..... 27717

CHANGED MEETINGS—
Commerce/DIBA: Numerically Controlled Machine Tool Technical Advisory Committee, 7–15–75..... 27711
National Foundation on the Arts and the Humanities: Public Media Advisory Panel, 6–18–75..... 27738

RESCHEDULED MEETINGS—
DOT/NHTSA: Firestone Steel Belt 500, 7–10–75..... 27712

contents

THE PRESIDENT

Proclamations
Captive Nations Week..... 27637

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Milk marketing orders:
Central Arizona..... 27642
Greater Kansas City..... 27641
Proposed Rules
Grade, size and maturity standards:
Raisins (seedless)..... 27691

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Appeals regulations:
Requests for reconsideration and appeals requiring special handling..... 27641

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Forest Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Overtime services relating to imports and exports; computed traveltime allowances..... 27643
Quarantine areas:
Screwworms..... 27642

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc:
American Airlines, Inc..... 27712
Aviacion Y Comercio, S. A..... 27713
Chicago-New Orleans nonstop route..... 27713
Continental Air Lines, Inc., et al..... 27713
Societe Aerea Mediterranea-Sam S. p. A..... 27714
Spantax, S. A..... 27714

CIVIL SERVICE COMMISSION
Rules
Excepted services:
ACTION..... 27639
Federal Energy Administration..... 72640
Fair Labor Standards Act:
Pay administration; exemptions..... 72640
Notices
Noncareer executive assignments:
Agriculture Department..... 27714
Defense Department..... 27714
Federal Energy Administration..... 27715
Health, Education, and Welfare Department..... 27714
Justice Department (3 documents)..... 27714, 27715
Management and Budget Office (2 documents)..... 27715
Transportation Department..... 27715

COMMERCE DEPARTMENT
See also Domestic and International Business Administration.
Notices
Committees; establishment, renewals, etc:
National Academy for Fire Prevention and Control Site Selection Board..... 27711

COMMODITY CREDIT CORPORATION
Proposed Rules
Tobacco (flue-cured); grade loan rates for price support on 1975 crop; correction..... 27691

DEFENSE DEPARTMENT
Notices
Meetings:
Defense Science Board (2 documnts)..... 27693

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Export monitoring report:
Fertilizers..... 27709
Meetings:
Numerically Controlled Machine Tool Technical Advisory Committee..... 27711

DRUG ENFORCEMENT ADMINISTRATION
Notices
Applications, etc.; importation and manufacture of controlled substances:
Vitarine Co., Inc..... 27694

ECONOMIC OPPORTUNITY OFFICE
Rules
Community Action Programs:
Non-Federal share criteria and requirements (2 documents)..... 27665, 27667
Summer Youth Recreation Programs; interim regulation..... 27661

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notice
Expansion of the U.S. Uranium Enrichment Capacity Program; Draft environmental statement, availability..... 27715

ENVIRONMENTAL PROTECTION AGENCY
Notices
Meetings:
National Air Pollution Manpower Development Advisory Committee..... 27717
Pesticide registration:
Applications..... 27716

V40-127 JUL 1 75 XUM

CONTENTS

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
General Dynamics ... 27643
Lockheed ... 27644
Jet route ... 27644

FEDERAL COMMUNICATIONS COMMISSION
Rules
FM and TV broadcast stations:
Field strength curves and field strength measurements ... 27671
Notices
Hearings, etc.:
Sharp, Harold James ... 27717
Meetings:
Special Committee No. 65, Ship Radar ... 27718

FEDERAL HOME LOAN BANK BOARD
Notices
Meetings:
Federal Savings and Loan Advisory Council ... 27718

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Special hazard areas ... 27651

FEDERAL MARITIME COMMISSION
Rules
Small claims ceiling limit; informal procedure for adjudication ... 27671
Notices
Agreements filed, etc.:
Atlantic & Gulf—Indonesia Conference et al ... 27718
Castle & Cooke Terminals, Ltd., et al ... 27718
Compania Trasatlantica Espanola S. A. et al ... 27719
South Atlantic-North Europe Freight Conference ... 27719
South Atlantic-North Europe Rate Agreement ... 27720
Trans-Pacific Freight Conference (Hong Kong) ... 27720
Publication of Discriminatory Rates in the U.S. West Coast/Japan Trade ... 27719
Complaints filed:
Robinson Lumber Company, Inc., et al ... 27719

FEDERAL POWER COMMISSION
Rules
Natural gas:
Fuel demands, alternate, of interstate pipeline companies end use customers due to curtailments ... 27645
Notices
Hearings, etc.:
Algonquin Gas Transmission Co ... 27721
California Co., et al ... 27732
Cities Service Oil Co., et al ... 27721
Colorado Interstate Gas Co., et al. (3 documents) ... 27721
Columbia Gas Transmission Corp ... 27722
Detroit Edison Co ... 27722
Duke Power Co ... 27722
Florida Gas Transmission Co. (2 documents) ... 27722
Frost, Demova D. et al ... 27722
Hoyt, Leon L., Jr. et al ... 27723
Indiana & Michigan Electric Co ... 27731
Kansas Power & Light Co., et al ... 27723
Marathon Oil Co., et al ... 27724
Michigan Wisconsin Pipe Line Co ... 27724
Minnesota Power & Light Co ... 27724
National Fuel Gas Supply Corp ... 27725
Natural Gas Pipeline Company of America ... 27725
Northern Natural Gas Co., et al. (2 documents) ... 27725, 27726
Pacific Gas & Electric Co. (2 documents) ... 27726
Public Service Company of Colorado ... 27726
Southern Natural Gas Co. (2 documents) ... 27726, 27727
Texas Eastern Transmission Corp ... 27727
Texas Gas Transmission Corp ... 27727
Union Electric Co ... 27728
United Gas Pipe Line Co. (2 documents) ... 27728
Valley Gas Transmission, Inc ... 27730
Virginia Electric & Power Co ... 27731
Yankee Atomic Electric Power Co., et al ... 27731

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE
Rules
CFR checklist; 1975 issuances ... 27639

FISCAL SERVICE
Notices
Surety companies on Federal bonds:
Argonaut Insurance Co ... 27693

FISH AND WILDLIFE SERVICE
Notices
Vascular plants status review; determination of "Critical Habitat" ... 27823

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Tylosin ... 27651
Proposed Rules
Human drugs:
Intrauterine contraceptive devices; patient labeling ... 27795

FOREST SERVICE
Notices
Environmental statements:
Ozone Unit Plan ... 27708
Tchoutacabouffa Unit Plan ... 27709
Meetings:
Gunnison Valley Forest Grazing Advisory Board ... 27706
Miguel District Grazing Advisory Board ... 27708

GENERAL SERVICES ADMINISTRATION
Rules
Archives and records:
Records management standard and optional forms program ... 27655
Procurement:
Basic agreements with educational institutions and nonprofit organizations ... 27655
Notices
Environmental impact statements; preparation procedures ... 27733

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; Public Health Service; Social and Rehabilitation Service; Social Security Administration.

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Alabama By-Products Corp ... 27695
CF&I Steel Corp (2 documents) ... 27696
D & R Coal Co., Inc ... 27696
Halfway Coal Co., Inc ... 27697
Pocahontas Fuel Co ... 27697

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration.
Notices
Authority delegations:
Administrator of the Federal Disaster Assistance Administration ... 27711
Assistant Secretary for Housing Management ... 27712
Director, Emergency Preparedness Staff ... 27712

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau; National Park Service; Reclamation Bureau.

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Wrapper tobacco ... 27737
International commodity agreements; investigation ... 27737

INTERSTATE COMMERCE COMMISSION
Notices
Car service exemption, mandatory (2 documents) ... 27746
Energy crisis; emergency transportation legislation ... 27747
Freight loss and damage claims; location codes for quarterly report ... 27747
Hearing assignments ... 27746
Motor carriers:
Irregular route property carriers; gateway elimination ... 27750
Temporary authority applications ... 27748
Transfer proceedings (2 documents) ... 27747

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

CONTENTS

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Alaska ... 27659
Arkansas ... 27659
Colorado ... 27658
Idaho ... 27659
Nevada ... 27659
Notices
Applications, etc.:
New Mexico (3 documents) ... 27694
Authority delegation:
Area managers ... 27695
Withdrawal and reservation of lands, proposed, etc.:
New Mexico ... 27694

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ... 27739

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN
Notices
Meeting ... 27737

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Committees; establishment, renewals, etc.:
Research and Technology Advisory Council Ad Hoc Panel ... 27738

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES
Notices
Meeting:
Public Media Advisory Panel; correction ... 27738

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Tires, Firestone 500 steel belt; rescheduling of public proceeding ... 27712

NATIONAL PARK SERVICE
Notices
National Register of Historic Places; additions, deletions, and corrections ... 27698
Sequoia and Kings Canyon National Parks, Calif.; public workshops on planning ... 27698

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Connecticut Yankee Atomic Power Co ... 27739
Meetings:
Reactor Safeguards' Advisory Committee ... 27738

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
New York; withdrawal of Plan ... 27655
Proposed Rules
Testing laboratories; accreditation; extension of post-hearing comment period ... 27691
Notices
Applications, etc.:
George A. Hormel & Co ... 27745
Approval of State Standards:
Iowa plan ... 27746

PUBLIC HEALTH SERVICE
Rules
Confidentiality of alcohol and drug abuse patient records ... 27802

RECLAMATION BUREAU
Rules
Recreation management procedures; Lake Berryessa, Napa County, Calif ... 27658

SECURITIES AND EXCHANGE COMMISSION
Rules
Investment advisers, etc.:
Variable life insurance; recision of exemptive rules ... 27644
Notices
Hearings, etc.:
Boston Stock Exchange (2 documents) ... 27740
Equity Funding Corp. of America ... 27739
Everest Fund, Inc ... 27742
Industries International, Inc ... 27740
National Fuel Gas Co. et al ... 27743
New England Power Co ... 27740
Ohio Electric Co ... 27741
Westgate California Co ... 27742

SMALL BUSINESS ADMINISTRATION
Notice
Maximum interest rates; guaranteed loans ... 27744

SOCIAL AND REHABILITATION SERVICE
Rules
Public assistance programs:
Securing social security numbers for applicants and recipients ... 27659

SOCIAL SECURITY ADMINISTRATION
Rules
Freedom of information; disclosure of official records and information; policies ... 27648
Proposed Rules
Health insurance for the aged and disabled:
Conditions of coverage of suppliers of End-Stage Renal Diseases ... 27781

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION
Rules
Confidentiality of alcohol and drug abuse patient records:
Revocation of part ... 27821

STATE DEPARTMENT
Notices
Meetings:
Ocean Affairs Advisory Committee ... 27693

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Fiscal Service.
Notices
Notes, Treasury:
Series E-1979 ... 27693

VETERANS ADMINISTRATION
Notices
Benefits; payment of dependency allowance for spouse to certain female veterans ... 27744

V40-127 JUL 1 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659

PROCLAMATIONS:
4381 27637

5 CFR

213 (2 documents) 27639, 27640
551 27640

7 CFR

780 27641
1064 27641
1131 27642

PROPOSED RULES:
989 27691
1464 27691

9 CFR

83 27642
97 27643

14 CFR

39 (2 documents) 27643, 27644
75 27644

17 CFR

270 27644
275 27644

18 CFR

3 27645
260 27645

20 CFR

401 27648
422 27648

PROPOSED RULES:
405 27782

21 CFR

510 27651
558 27651
1401 27821

PROPOSED RULES:
310 27796

24 CFR

1915 27651

29 CFR

1952 27655

PROPOSED RULES:
1907 27691

41 CFR

1–3 27655
101–11 27655

42 CFR

2 27802

43 CFR

430 27658

PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 27659
3836, Amended by PLO 5506 27659
5150, Revoked in part by PLO 5506 27659
5180, Revoked in part by PLO 5509 27659
5497, Corrected by PLO 5508 27659
5504 27658
5506 27659
5507 27659
5508 27659
5509 27659

45 CFR

206 27659
1061 27661
1068 (2 documents) 27665, 27667

46 CFR

502 27671

47 CFR

73 27671

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
27637–27924	1

presidential documents

Title 3—The President

PROCLAMATION 4381

Captive Nations Week, 1975

By the President of the United States of America

A Proclamation

The history of our Nation reminds us that the traditions of liberty must be protected and preserved by each generation. Let us, therefore, rededicate ourselves to the ideals of our own democratic heritage. In so doing, we manifest our belief that all men everywhere have the same inherent right to freedom that we enjoy today. In support of this sentiment, the Eighty-sixth Congress, by a joint resolution approved July 17, 1959 (73 Stat. 212), authorized and requested the President to proclaim the third week in July of each year as Captive Nations Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning July 13, 1975, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge rededication to the aspirations of all peoples for self-determination and liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of June, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–17288 Filed 6–27–75;4:48 pm]

V40-127 JUL 1 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1975 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	$1.45
2	.70
4	2.70
5	4.35
6 [Reserved]	
7 Parts:	
0–45	6.15
46–51	4.10
52	6.15
53–209	6.10
210–699	5.65
700–749	4.25
750–899	2.95
900–944	4.50
945–980	2.30
981–999	2.55
1000–1059	4.35
1060–1119	4.80
1120–1199	3.75
1200–1499	4.05
1500–end	6.30
8	2.45
9	6.25
10 Parts:	
0–199	4.90
200–end	3.00
11	1.35
12 Parts:	
1–299	6.35
300–end	6.40
13	3.60
14 Parts:	
1–59	5.85
60–199	6.10
200–end	7.15
15	4.50
16 Parts:	
0–149	$6.05
150–end	5.50
20 Parts:	
1–399	$2.45
21 Parts:	
200–299	1.60
600–1299	2.95
1300–end	1.90
22	4.75
24 Parts:	
0–499	5.80
25	4.40
26 Parts:	
1 (§§ 1.0–1—1.169)	5.90
1 (§§ 1.170–1.300)	3.65
1 (§§ 1.301–1.400)	2.90
1 (§§ 1.401–1.500)	3.45
1 (§§ 1.501–1.640)	4.00
1 (§§ 1.641–1.850)	4.40
1 (§ 1.1201–end)	6.90
2–29	3.40
30–39	3.40
40–299	5.25
300–499	3.55
500–599 (Retain CFR Vol. Rev. 4–1–74)	3.15
600–end	1.70

1974 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of July 1, 1974):

28	$2.20
29 Parts:	
0–499	4.50
500–1899	5.50
1900–end	9.90
30	5.65
31	4.35
32 Parts:	
1–8	5.95
9–39	4.05
40–399	4.85
400–589	4.10
590–699	1.95
700–799	5.65
800–999	4.40
1000–1399	1.70
1400–1599	3.05
1600–end	1.65
32A	3.35
33 Parts:	
1–199	4.85
200–end	3.65
34	1.10
35	3.25
36	2.70
37	1.75
38	5.90
39 (Rev. Aug. 1, 1974)	4.45
40 Parts:	
0–49	2.20
50–99	7.80
100–end	5.25
41 Chapters:	
1–2	$5.20
3–5C	5.50
6–9	5.15
10–17	3.10
18	7.60
19–100	2.60
101–end	5.00
General Index	3.05
CFR Unit (Rev. as of Oct. 1, 1974):	
42	$4.45
43 Parts:	
1–999	3.95
1000–end	5.65
44 [Reserved]	
45 Parts:	
1–99	3.00
100–199	5.30
200–499	3.15
500–end	3.65
46 Parts:	
1–29	2.05
30–40	2.05
41–69	3.85
70–89	2.05
90–109	1.90
110–139	1.90
140–149	7.60
150–165	3.70
166–199	2.55
200–end	6.20
47 Parts:	
0–19	4.10
20–69	5.20
70–79	4.45
80–end	6.05
48 [Reserved]	
49 Parts:	
1–99	1.90
100–199	7.20
200–999	5.85
1000–1199	3.40
1200–1299 (Rev. Nov. 1, 1974)	7.55
1300–end	2.75
50	3.80

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

ACTION

Section 213.3359 is amended to show that one position of Special Assistant to the Director is excepted under Schedule C.

Effective on July 1, 1975, § 213.3359(r) is amended as set out below:

§ 213.3359 ACTION.

• • • • • •

(r) Two Special Assistants to the Director.

• • • • • •

V40-127 JUL 1 75 XUM

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17201 Filed 6–30–75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show the change of organizational title from the Office of Public Affairs to the Office of Communications and Public Affairs and to show that one position of Special Assistant to the Director, Office of Communications and Public Affairs is excepted under Schedule C.

Effective on July 1, 1975 § 213.3388(c) is amended and § 213.3388(c) (2) is reestablished to read as follows:

§ 213.3388 Federal Energy Administration.

• • • • • •

(c) *Office of Communications and Public Affairs.* • • •

(2) One Special Assistant to the Director.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17202 Filed 6–30–75;8:45 am]

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Exemptions

A new Part 551 is being added to Chapter I of 5 CFR, under the provision in section 4(f) of the Fair Labor Standards Act, as amended by Pub. L. 93–259 enacted April 8, 1974, which states:

Notwithstanding any other provision of this Act, or any other law, the Civil Service Commission is authorized to administer the provisions of this Act with respect to any individual employed by the United States (other than any individual employed in the Library of Congress, United States Postal Service, Postal Rate Commission, or the Tennessee Valley Authority).

Partial regulations governing exemptions are issued at this time, with regulations on other aspects to follow.

These regulations are issued without prior publication in proposed form. Because this is a matter relating to agency management and personnel practices, the provisions of the Administrative Procedure Act (now codified in 5 U.S.C. 553) concerning notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

The Civil Service Commission has, however, provided opportunity for all interested parties, including Federal agencies and employee organizations, and the public to comment on the issues covered by the exemption regulations. This opportunity was provided through circulation, in July 1974, to Federal agencies and unions representing Federal employees, of a draft proposing expansion of the interim instruction on exemption criteria with a request for comment, and through a formal public hearing notice of which was published on September 16, 1974 in the FEDERAL REGISTER (39 FR 33255).

The comments received reflected widely divergent views concerning the exemption criteria. The Commission has resolved the issues raised in terms of the policy of integrating exemption criteria with Federal classification systems to the extent possible, while maintaining results consistent with the exemption criteria applied by the Department of Labor.

In accordance with the foregoing, Chapter I of Title 5 of the Code of Federal Regulations is amended by adding a new Part 551, reading as follows:

Subpart A—[Reserved]

Subpart B—Exemptions

Sec.
551.201 Agency authority.
551.202 General principles governing exemptions.
551.203 Exemptions of executive, administrative and professional employees.
551.204 Exemption of employees serving in foreign areas.

AUTHORITY: Sec. 4(f) of the Fair Labor Standards Act as amended by Pub. L. 93–259, enacted April 8, 1974.

Subpart A—[Reserved]

Subpart B—Exemptions

§ 551.201 Agency authority.

The employing agency shall exempt from the overtime provisions of the Fair Labor Standards Act of 1938, as amended, any employee who meets the exemption criteria of this subpart and such supplemental interpretations or instructions as shall be issued by the Civil Service Commission.

§ 551.202 General principles governing exemptions.

In all exemption determinations, the agency shall observe the principles that:

(a) Exemption criteria shall be narrowly construed to apply only to those employees who are clearly within the terms and spirit of the exemption.

(b) The burden of proof rests with the agency that asserts the exemption.

(c) All employees who clearly meet the criteria for exemption must be so exempted.

§ 551.203 Exemption of executive, administrative, and professional employees.

The employing agency shall exempt any employee who is an executive, administrative, or professional employee as defined herein.

(a) An executive employee is a supervisor, foreman, or manager who supervises at least three subordinate employees and who meets all of the following criteria:

(1) The employee's primary duty consists of management or supervision.

(2) The workers supervised constitute a recognized organizational unit.

(3) The employee regularly exercises discretion and independent judgment, under only general supervision, in planning, directing and controlling the work of the unit supervised.

(4) The employee performs significant personnel management duties.

(5) The employee's position is classified no lower than General Schedule grade 5 (GS–5) or the equivalent level in other white collar pay systems, or the employee fully meets or exceeds the "Foreman range of responsibility" defined in the job grading standard for Wage Supervisors, if under the Federal Wage System or equivalent prevailing rate systems.

(6) In addition to the primary duty criterion that applies to all employees, Foreman level supervisors in the Federarl Wage System or the equivalent in other wage systems, and employees classified below GS–10 or the equivalent in other white collar pay systems, must spend 80 percent or more of the worktime in a representative workweek on supervisory and closely related work.

(b) An administrative employee is an advisor, assistant or representative of management, or a specialist in a management or general business function or supporting service who meets all of the following criteria:

(1) The employee's primary duty consists of work that:

(i) Significantly affects the formulation or execution of management policies or programs; or

(ii) Involves general management or business functions or supporting services of substantial importance to the organization serviced; or

(iii) Involves substantial participation in the executive or administrative functions of a management official.

(2) The employee performs office or other predominantly nonmanual work which is:

(i) Intellectual and varied in nature, or

(ii) Of a specialized or technical nature that requires considerable special training, experience and knowledge.

(3) The employee must frequently exercise discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.

(4) The employee's position is classified no lower than GS–7 or the equivalent level in other white collar pay systems.

(5) In addition to the primary duty criterion that applies to all employees, General Schedule employees below GS–10, or the equivalent in other salary systems, must spend 80 percent or more of the worktime in a representative workweek on administrative functions and work that is an essential part of those functions.

(c) A professional employee is an employee who is practicing a learned or artistic profession and who meets all of the following criteria, or any teacher who is engaged in the imparting of knowledge or in the administration of an academic program in a school system or educational establishment.

(1) The employee's primary duty consists of:

(i) Work that requires knowledge in a field of science or learning customarily and characteristically acquired through education or training that meets the requirements for a bachelor's or higher degree, with major study in or pertinent to the specialized field as distinguished from general education; or is performing work, comparable to that performed by professional employees, on the basis of specialized education or training and experience which has provided both theoretical and practical knowledge of the specialty, including knowledge of related disciplines and of new developments in the field; or

(ii) Work in a recognized field of artistic endeavor that is original or creative in nature (as distinguished from work which can be produced by a person endowed with general manual or intellectual ability and training) and the result of which depends on the invention, imagination, or talent of the employee.

(2) The employee's work is predominantly intellectual and varied in nature, requiring creative, analytical, evaluative, or interpretative thought process for satisfactory performance.

(3) The employee frequently exercises discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.

(4) The employee's position is classified no lower than GS–7 or the equivalent level in other white collar pay systems.

(5) In addition to the primary duty criterion that applies to all employees, General Schedule employees below GS–10, or the equivalent in other salary systems, must spend 80 percent or more of the worktime in a representative workweek on professional functions and work that is an essential part of those functions.

§ 551.204 Exemption of employees serving in foreign areas.

The employing agency shall exempt from the overtime provisions of the Fair Labor Standards Act any employee whose services during the workweek are performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than in the following locations: a State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act (67 Stat. 462); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island and the Canal Zone.

Effective date: July 1, 1975.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17203 Filed 6–30–75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 10]

PART 780—APPEAL REGULATIONS

Requests for Reconsideration and Appeals Requiring Special Handling

Section 780.11 is being revised to provide that, in addition to the items listed in paragraphs (a) (1) through (8) of this section, administrative determinations made by a State ASC committee with respect to the establishment of rice allotments, are not appealable to the Deputy Administrator.

Section 780.11 of the appeal regulations, 7 CFR Part 780, is amended by revising paragraph (a) to read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of wheat allotments, (3) the establishment of farm feed grain allotments, (4) the establishment of upland cotton base acreage allotments, (5) the establishment of conserving bases, (6) matters rising under the tobacco discount variety program, (7) eligibility provisions of the livestock feed program, (8) the disaster provisions of the wheat, feed grain and upland cotton programs that a loss on a farm was due in whole or in part to causes other than the natural disaster or conditions beyond the control of the producer, and (9) the establishment of rice allotments, are not appealable to the Deputy Administrator.

• • • • • •

Effective date. The changes in the foregoing amendment of Part 780 relate to its applicability to the 1975 Rice Program and subsequent rice programs for which rice marketing quotas are not in effect. Farmers are completing their plans for the 1975 crop year, and it is essential that the foregoing amendment of Part 780 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on July 1, 1975.

Signed at Washington, D.C. on June 24, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75–17083 Filed 6–30–75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 64]

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

Order Terminating Certain Provisions

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Greater Kansas City marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 24019) concerning a proposed termination of the Base-Excess Plan provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act and are hereby terminated:

§ 1064.32 [Amended]

1. In § 1064.32, *Other reports*, paragraphs (a) and (b) in their entirety.

§ 1064.60 [Amended]

2. Immediately preceding § 1064.60, in the centerhead "UNIFORM PRICES", the letter "S".

§ 1064.61 [Amended]

3. In 1064.61, *Computation of uniform price (including weighted average price and base and excess prices)*, the words "and base and excess prices" as they appear in the definitive heading of the section; and in paragraph (a) (6), the words "for the months of August through January shall be"; and paragraph (b) in its entirety.

§ 1064.62 [Amended]

4. In § 1064.62, *Announcement of uniform prices and butterfat differential*, the letter "s" as it appears in the word *prices* where such word appears both in the definitive section heading and in paragraph (b).

§ 1064.71 [Amended]

5. In § 1064.71, *Payments to the producer-settlement fund*, paragraph (b) in its entirety.

§ 1064.72 [Amended]

6. In § 1064.72, *Payments from the producer-settlement fund*, the references "or (b) (2)" and "or (b) (1)".

§ 1064.73 [Amended]

7. In § 1064.73, *Payments to producers and to cooperative associations*, the letter "s" in the word *prices* where such word appears in the text of paragraph (a) preceding the proviso; and in para-

V40-127 JUL 1 75 XUM

graph (d)(2), the words "applicable weighted average or".

§ 1064.74 [Amended]

8. In § 1064.74, *Butterfat differential*, the letter "s" in the words *uniform prices*.

§ 1064.75 [Amended]

9. In § 1064.75(a), *Plant location adjustments for producers and on nonpool milk*, the phrase "and the uniform price for base milk pursuant to § 1064.61(b)".

§§ 1064.90, 1064.91, 1064.92, 1064.93 [Removed]

10. Sections 1064.90, 1064.91, 1064.92, and 1064.93 in their entirety, and the centerheading "BASE-EXCESS PLAN" immediately preceding § 1064.90.

Statement of consideration. This action terminates the base and excess plan provisions of the order, effective September 1, 1975.

The base and excess plan is a method of apportioning the total value of milk in the market among producers on the basis of their marketings of milk during a representative period. In the Greater Kansas City market each producer is assigned a base computed from his milk deliveries in the months of September through December each year, and is paid on such base in the following months of February through July.

The termination of the base and excess plan effective September 1 was requested by Mid-America Dairymen, Inc., and is supported by Land O'Lakes, Inc., two cooperatives which together represent a large majority of producers on the Greater Kansas City market.

A large percentage of producers are finding that adjustment of production in relation to the base and excess plan presents difficult herd management problems and generally oppose the continuation of the plan under the order. Under the circumstances, adjustment of herds to a fall freshening program could result in a loss of milk production and income for producers on this market. The operation of the base and excess plan was suspended during the months of February through July 1974 for similar reasons.

A further consideration for a group of producers who are located in southern Minnesota is that other dairy farmers in that area are not generally paid under a base and excess plan. This group of producers does not support the base plan because of the disparity in payments compared to dairy farmers in the same area.

This termination action is taken to coincide with the beginning of the September-December period on which new daily bases would be otherwise computed.

This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that a substantial majority of producers on the Greater Kansas City order are finding it difficult to adapt their present production patterns to the base-excess plan and thus oppose its continuance.

Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this termination. No views were received in opposition to the proposed termination.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries on and after September 1, 1975.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated, effective September 1, 1975.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1975.

Signed at Washington, D.C., on: June 26, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–17080 Filed 6–30–75;8:45 am]

[Milk Order No. 131]

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

Order Suspending a Certain Provision

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Central Arizona marketing area.

It is hereby found and determined that for the month of July 1975, subparagraph (1) of § 1131.13(c) in its entirety does not tend to effectuate the declared policy of the Act:

STATEMENT OF CONSIDERATION

The suspension will remove during July 1975 the limitation that not more than eight days' production of any producer may be diverted to a nonpool plant from a pool plant during the month.

The suspension was requested by a cooperative association as an interim measure pending completion of amendatory action on its proposal to modify pooling standards for a plant operated by a cooperative. A hearing on that proposal was held at Phoenix, Arizona, on March 12, 1975 and a recommended decision in this matter was issued on June 13 (40 FR 25682).

The cooperative requesting the suspension supplies the market with a substantial part of its fluid milk needs and processes at its manufacturing plant much of the reserve milk supply for the market. In its request proponent indicated that the cooperative's plant would be unable to meet the pooling requirements of the order for the month of July and that in similar circumstances during the preceding year an identical suspension action was made effective for the months of June through August.

While the plant is in nonpool status for the month of July, the cooperative will not be able to maintain producer milk status for all of its member milk under the diversion limitations. Thus, without the suspension, substantial quantities of milk regularly associated with the pool during the preceding months would be excluded from the pool.

It is concluded that the suspension provided herein for the month of July 1975 is necessary to assure the continued orderly disposition of milk for the market.

It is hereby found and determined that notice of proposed rulemaking, public procedures thereon, and thirty day's notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers requested this suspension as an interim action pending the completion of amendatory action.

Therefore, good cause exists for making this order effective on July 1, 1975.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1975.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1975.

Signed at Washington, D.C., on: June 26, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–17081 Filed 6–30–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 83—SCREWWORMS

Commonwealth of Puerto Rico and U.S. Virgin Islands Declared Free of Screwworms

The purpose of these amendments is to declare the Commonwealth of Puerto Rico and the U.S. Virgin Islands free of screwworms and to remove the Commonwealth of Puerto Rico from the list of areas designated as areas of recurring infestation.

Statement of considerations. Since June 1971, Veterinary Services, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands, with logistic contribution from the U.S. Air Force and the Air Force Reserve have engaged in a cooperative effort to eradicate screwworms from the Commonwealth of Puerto Rico and the U.S. Virgin Islands. Sterile screwworm flies were released over Puerto Rico and the adjacent infested islands and the U.S. Virgin Islands in conjunction with ground support activities, including inspection of livestock and treatment of infestations found. The last sterile flies were released over these areas

May 3, 1975. Animal health officials, in cooperation with the livestock industry, have conducted continuous intensive animal inspection surveillance activities since that date without finding evidence of screwworm infestation. The last confirmed screwworm case was found in the U.S. Virgin Islands February 22, 1972, and in the Commonwealth of Puerto Rico November 5, 1974, with no evidence of continuing infestation. Since more than six months have elapsed since a case of screwworms has occurred in Puerto Rico, and the U.S. Virgin Islands have been without evidence of screwworm infestation for a much longer period, it is therefore determined that screwworms have been eradicated from both the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

Accordingly, Part 83, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 83.1 paragraph (l) is amended to read:

§ 83.1 Definitions.

* * * * *

(l) *Controlled Zone.* The States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

* * * * *

2. In § 83.2, the introductory paragraph is amended and paragraph (e) is deleted:

§ 83.2 Notice relating to existence of screwworms.

Notice is hereby given that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas designated in paragraphs (a), (b), (c), and (d) of this section. Therefore, the following areas are hereby designated as areas of recurring infestation.

* * * * *

3. In § 83.6, the introductory paragraph is amended to read:

§ 83.6 Interstate movement of livestock from areas of recurring infestation.

The interstate movement of livestock from any area of recurring infestation in the States of Arizona, California, New Mexico, and Texas is prohibited from April 15 through November 30 of each year, unless the conditions specified in paragraph (a) or (b) of this section are met. This restriction also applies to livestock transiting any area (or areas) of recurring infestation to an area free of screwworm infestation.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended (21 U.S.C. 111, 112, 115, 120, 121); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective July 1, 1975.

The amendments relieve restrictions no longer deemed necessary to prevent the spread of screwworms and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of June 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–17153 Filed 6–30–75;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended November 27, 1974 (39 FR 41356–41358), December 11, 1974 (39 FR 43294), January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), March 11, 1975 (40 FR 11346) and May 8, 1975 (40 FR 20065), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: Plentywood, Montana.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Delete: Raymond, Montana (served from Plentywood, Montana).

TWO HOURS

Delete: Portal, North Dakota (served from Kenmare, North Dakota).

THREE HOURS

Add: Beloit, Wisconsin (served from Madison, Wisconsin).

Delete: Antler, North Dakota (served from Minot, North Dakota).

Delete: Port of Morgan (served from Malta, Montana).

Delete: Scobey, Montana (served from Plentywood, Montana).

FIVE HOURS

Delete: Antler, North Dakota (when served from Portal, North Dakota).

Delete: Opheim, Montana (when served from Plentywood, Montana).

Delete: Port of Opheim (served from Plentywood, Montana).

SIX HOURS

Delete: Antler, North Dakota (when served from Bismarck, North Dakota).

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendments shall become effective July 1, 1975.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75–17082 Filed 6–30–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 68–WE–8–AD; Amdt. 39–2247]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340, 440 and C–131E Airplanes Including Those Incorporating Turbopropeller Power

Amendment 39–597 (33 FR 7110), AD 68–10–4, as amended by Amendment 39–1305 (36 FR 19493), requires inspection of the front spar lower rail for cracks between wing stations 240 and 270 and between wing stations 360 and 490 on General Dynamics Models 340, 440 and C–131E airplanes including those using turbo-propeller power. After issuing Amendment 39–1305, the agency determined that at least one operator has reported finding cracks near a leading edge joint at 275. Therefore, the AD is being amended to require inspection for cracks between wing stations 240 and 490 until modified in accordance with the manufacturer's Service Engineering Report.

V40-127 JUL 1 75 XUM

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–597 (33 FR 7110), AD 68–10–4, as amended by Amendment 39–1305 (36 FR 19493), is further amended as follows:

Amend paragraph (c) in pertinent part, to read: Remove the wing leading edge and visually inspect the wing front spar lower rail between wing stations 240 and 490 for cracks.

This amendment becomes effective July 30, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 18, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–17067 Filed 6–30–75;8:45 am]

[Docket No. 75–SO–69, Amdt. 39–2249]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on June 13, 1975, and made effective immediately as to all known operators of Lockheed Model 382 Series airplanes. The directive requires an inspection of the outer wing lower aft beam cap, beam web, and aft lower panel.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lockheed Model 382 series airplanes by individual telegrams dated June 13, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Lockheed Model 382 Series Airplanes certificated in all categories is effective immediately upon receipt of this telegram because of cracks in the outer wing lower aft beam cap and web. Lockheed Applies to all Model 382 series Airplanes, serial numbers 3946 and 4101 through 4541, except those airplanes which have been modified in accordance with ECP 954, or equivalent, or repaired in accordance with FAA approved instructions. For airplanes with 15,000 hours or more total time in service, within the next 50 hours' time in service, and thereafter at intervals not to exceed 500 hours in service from the last inspection fluorescent dye penetrant inspect (1) Outer wing lower aft beam cap aft horizontal flange from OWS 105 to 108, paying particular attention to the filet radius, (2) Lower three inches of aft face of outer wing aft beam web from OWS 105 to 108, and (3) Aft two inches of outer surface of the outer wing lower aft skin panel from OWS 105 to 108.

This amendment is effective July 3, 1975, and was effective June 13, 1975, for all recipients of the telegram dated June 13, 1975, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 19, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75–17068 Filed 6–30–75;8:45 am]

[Airspace Docket No. 75–WA–11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to renumber the U.S. portion of J–509 between Long Lake, N.Y., intersection and Montreal, Quebec, Canada, to J–570. Canada is taking similar action to renumber the portion of J/HL509 that lies within their airspace. Additionally, this amendment corrects the regulatory description of the jet route to use the name Montreal, Quebec, rather than St. Eustache, Quebec. There is no change in route alignment.

This redesignation is part of an overall plan to simplify routes and air traffic clearances for air traffic on high level airways serving the North Atlantic routes.

Since a change in route identification is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

In § 75.100 (40 FR 705) Jet Route No. 509 is deleted and the following is added:

1. JET ROUTE NO. 570

From the INT of Albany, N.Y., 343° and Montreal, Quebec, 188° radials to the INT of the Montreal 188° radial with the United States/Canadian border.

(Secs. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Washington, D.C., June 25, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–17069 Filed 6–30–75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. IA–463, IC–8626, File No. 4–149]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Variable Life Insurance; Rescission of Exemptive Rules

Notice is hereby given that the Securities and Exchange Commission ("Commission") has determined to rescind Rule 3c–4 (17 CFR 270.3c–4) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) ("Investment Company Act") and Rule 202–1 (17 CFR 275.202–1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) ("Advisers Act") (hereinafter collectively referred to as "Rules"). These Rules exempted issuers of variable life insurance contracts which met certain specific requirements and certain investment advisers thereto from the provisions of the Investment Company and Advisers Acts.[1]

On February 27, 1975 the Commission announced withdrawal of proposed amendments to the Rules and proposed to rescind the Rules.[2] While rescission of the Rules would result in the application of the Investment Company and Advisers Acts to variable life insurance contracts, their issuers and related persons, the Commission also announced its intention to propose a rule under section 6(e) (15 U.S.C. 80a–6(e)) of the Investment Company Act which would conditionally exempt certain variable life insurance separate accounts from certain sections of this Act and the rules thereunder while requiring full compliance with all other provisions of this Act and rules.[3]

Rule 3c–4 defined the term "insurance company" as used in section 3(c)(3) (15 U.S.C. 80a–3(c)(3)) of the Investment Company Act to include a separate account which was employed as the funding medium for variable life insurance contracts. For this purpose, the Rule defined a variable life insurance contract as any contract of insurance issued by an insurance company which, so long as premiums were paid when due, provided a death benefit which varied to reflect the investment experience of a separate account established and maintained by such insurance company and which met the four additional criteria specified in paragraph (b) of the Rule.

Rule 202–1 excluded from the definition of the term "investment adviser" set forth in section 202(a)(11) (15 U.S.C. 80b–2(a)(11)) of the Advisers Act, an insurance company, or any affiliated company thereof to the extent that any advisory services performed were incidental to the conduct of the business of issuing any variable life insurance contract as defined in Rule 3c–4 under the Investment Company Act or any interest or participation in a separate account issued in connection with such contract.

In adopting the rules, and later in considering amendments thereto, the Commission expressed concern that regulations be developed by state insurance authorities which would provide investor protection substantially equivalent to relevant protections afforded by the Investment Company and Advisers Acts, and that such regulations be adopted prior to the sale to the public of variable life insurance contracts. Specifically, the Commission indicated that if substantial regulatory deficiencies existed and were not likely to be remedied, the Commission would consider whether it was necessary or appropriate to modify or rescind the Rules.[4] These concerns prompted the Commission on September 20, 1973 to request comments,[5] and on January 31, 1974, to order a public hearing on proposed amendments to the Rules and on the Model Variable Life Insurance Regulation adopted by the National Association of Insurance Commissioners in December 1973.[6]

Based on the comments and testimony received in response to these releases, as well as the extensive prior submissions made throughout the Commission's consideration of the status of variable life insurance under the federal securities laws, and the comments submitted in response to the proposal to rescind the Rules, and in light of the difficulties which have been and would be encountered in developing and enforcing a regulatory pattern administered by diverse authorities which would afford protections to investors substantially equivalent to protections available under the Investment Company Act, the Commission has concluded that the exemptions provided by Rules 3c–4 and 202–1 would not assure necessary investor protections, including, but not limited to, prohibitions against excessive management fees, administrative fees and sales charges, controls to prevent unfair contract provisions with respect to redemption of contractholder interests, management accountability to investors and independent review of the operations of the separate account, prohibitions against breaches of fiduciary duty, and private rights of action with respect to investor protection provisions.

Accordingly, the Commission has determined that rescission of the Rules is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Investment Company and Advisers Acts. Therefore, pursuant to authority granted the Commission in section 6(c) and 38(a) (15 U.S.C. 80a–6(c) and 80a–37(a)) of the Investment Company Act and sections 202(a)(11), 206A and 211(a) (15 U.S.C. 80b–2(a)(11), 80b–6a and 80b–11(a)) of the Advisers Act, the Commission hereby rescinds §§ 270.3c–4 and 275.–202–1 of 17 CFR Chapter II, effective July 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 18, 1975.

[FR Doc.75–17096 Filed 6–30–75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R–472; Order No. 531]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Curtailments

JUNE 25, 1975.

By Notice issued May 12, 1975, and published in the FEDERAL REGISTER on May 16, 1975, (40 FR 21492) in Docket No. R–472 pursuant to section 553 of Title 5 of the United States Code and the Natural Gas Act, sections 4, 5, 7, 8, 10, 14, 15 and 16, (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717i, 717m, 717n, 717o) the Federal Power Commission (FPC) proposed to add a new form which is to be filed by all interstate pipeline companies subject to its jurisdiction that supply natural gas, including LNG and SNG, directly to end-use customers. This new form is required in order to determine the extent to which alternate fuels may be utilized to meet the requirements of those end-use customers who will not be able to continue to satisfy their energy needs with natural gas due to the imposition of increasing levels of curtailment upon such customers by interstate pipeline companies or foreign suppliers of natural gas. In order to obtain this information, the Commission will add a new § 260.15 to Part 260 (Statements and Reports (Schedules)) of Subchapter G (Approved Forms, Natural Gas Act) of Chapter I of Title 18 of the Code of Federal Regulations.

The Commission in its Order No. 523 issued in Docket No. R–472 on February 6, 1975, withheld passing upon the inclusion of Schedule 1B and Schedule 1C in FPC Form No. 16 in deference to numerous comments that had been submitted by interested parties.[1] It was noted in the Order that the comments urged our postponement of any action on those schedules in this proceeding until agreement was reached among the Commission, the Federal Energy Administration (FEA) and the National Association of Regulatory Utility Commissioners (NARUC) on expanded information desired by the FEA. FPC Form No. 69 was developed by the Federal Power Commission in coordination with the FEA, NARUC, and other governmental agencies after a series of informal conferences as provided for in Order No. 523 were conducted on these matters. Form No. 69 seeks the type of data that was initially sought under the aforementioned proposed schedules 1B and 1C of FPC Form No. 16. The acquisition of the data sought in FPC Form No. 69 and the similar complementary form to be promulgated by the FEA is an essential prerequisite to any subsequent measures that may be taken to offset the disruptive impact envisaged under the increased curtailments of natural gas.

Form No. 69 will be filed with this Commission only by judisdictional suppliers. Suppliers of natural gas who are not subject to the jurisdiction of the Federal Power Commission will not be affected by the promulgation of Form No. 69, but will be required to file a similar and complementary form with the FEA. Those suppliers of natural gas subject to FPC jurisdiction would file only with the FPC. In this manner, a single

[1] Securities Act Rel. No. 5360, Securities Exchange Act Rel. No. 9972, Investment Company Act Rel. No. 7644, Investment Advisers Act Rel. No. 359 (January 31, 1973), published in the FEDERAL REGISTER on February 13, 1973 (38 FR 4315).

[2] Investment Company Act Rel. No. 8690, Investment Advisers Act Rel. No. 439 (February 27, 1975), published in the FEDERAL REGISTER on March 12, 1975 (40 FR 11613). The comment period for the proposal was to expire on March 31, 1975 but was extended to April 18, 1975 (Investment Company Act Rel. No. 8706, Investment Advisers Act Rel. No. 443 (March 5, 1975)), and further extended to June 2, 1975 (Investment Company Act Rel. No. 8761, Investment Advisers Act Rel. No. 453 (April 16, 1975), published in the FEDERAL REGISTER on April 24, 1975 (40 FR 18007)).

[3] Investment Company Act Rel. No. 8691, Investment Advisers Act Rel. No. 440 (February 27, 1975), published in the FEDERAL REGISTER on March 12, 1975 (40 FR 11614). The comment period for this matter was to expire on April 18, 1975 but was extended to June 2, 1975 (Investment Company Act Rel. No. 8760, Investment Advisers Act Rel. No. 452 (April 16, 1975), published in the FEDERAL REGISTER on April 24, 1975 (40 FR 18007)).

[4] Securities Act Rel. No. 5360, Securities Exchange Act Rel. No. 9972, Investment Company Act Rel. No. 7644, Investment Advisers Act Rel. No. 359 (January 31, 1973) at page 5, published in the FEDERAL REGISTER on February 13, 1973 (38 FR 4315, 4317).

[5] Investment Company Act Rel. No. 8000, Investment Advisers Act Rel. No. 391 (September 20, 1973), published in the FEDERAL REGISTER on September 26, 1973 (38 FR 26816).

[6] Investment Company Act Rel. No. 8216, Investment Advisers Act Rel. No. 399 (January 31, 1974), published in the FEDERAL REGISTER on February 11, 1974 (39 FR 5209).

[1] Schedule 1A that was incorporated into FPC Form No. 16 by Order No. 523 only shows system-wide summary information concerning pipeline company supply, requirements and curtailments.

Proposed Schedule 1B to the latter form, upon which action was deferred in Order No. 523, would have required each curtailed distributor receiving 100,000 Mcf per year or more to provide the names of the customers curtailed by such distributor, the volumes involved, certain end-use data, alternate fuel information, location, and SIC code.

The proposed Schedule 1C, also deferred, would have required pipelines to provide end-use, location, SIC code and alternate fuel information for each large direct customer curtailed by the pipeline. (SIC Code relates to the Standard Industrial Classification issued by the Office of Management and Budget.)

V40 I127 JUL 1 75 XUM

coordinated form may be filed by those required to report with the Federal Power Commission, and thereby satisfy the mutual requirements of both the FPC and the FEA for this data. This will reduce the burden on those persons required to report and will further enable better coordination of information between the FPC and the FEA as well as with the members of NARUC.

The FEA under its statutory obligations is primarily concerned with information relating to the alternate fuels and the quantities of the specific alternates fuels that can serve to satisfy the needs of those portions of this nation's industrial and commercial complex that previously utilized natural gas as a fuel but will not be able to satisfy their energy needs with natural gas as a result of the increasing severity of curtailment anticipated by interstate pipeline companies.

Similarly, this Commission has a need for this information in order to meet its responsibilities under the Natural Gas Act where it has a mandate to require that those pipeline companies subject to its jurisdiction adopt curtailment plans that are in the national and public interest.[3] The Commission requires this information in support of its continuing endeavor to develop curtailment plans for interstate pipelines and their customers that are required and in the public interest and to determine both in specific cases and on a general basis how to minimize the harmful impact that the gas supply deficiency may have on the various sectors of the nation's industrial complex.

Hence, both this Commission and the FEA require this information in order to fulfill the important statutory obligations with which they are charged. The information as required by Form No. 69 must be provided on a continuing and routine basis due to the fact that the natural gas supply situation requires continual revision of curtailment forecasts by interstate pipeline companies to their customers. The information concerning what alternate fuels, if any, can be substituted for the natural gas supplies that will be or are being curtailed by interstate pipelines relative to service to their direct end-use customers is a matter required to assist the Commission in formulating its over-all curtailment policy as well as specific curtailment plans for individual interstate pipeline companies.

Nine responses to the notice of proposed rulemaking have been received. Four of the responses oppose the adoption of Form No. 69 and request that the Commission terminate the instant proceeding.[2] The National Association of Regulatory Utility Commissioners (NARUC) indicated in its response that it strongly favors the promulgation of this form and El Paso Natural Gas Company stated that it does not oppose the adoption of Form No. 69. Mountain Fuel Supply Company filed late comments favorable to the coordinated efforts envisaged by the promulgation of Form No. 69.[4]

The Commission does not concur in the statements of Texas Gas, INGAA, and Iowa-Illinois that the FEA should proceed alone under its statutory prerogatives and obtain the data directly from the end-use customers of natural gas pipeline companies. Form No. 69 represents only part of a coordinated effort undertaken by this Commission and the FEA to acquire essential data on a national basis which is required by both agencies in fulfilling their statutory obligations.

The collection of data by the Commission, through Form 69, is directed only to those areas within this Commission's sphere of jurisdiction and relates to the acquisition of information needed by it in these critical times of natural gas shortage. The FEA will collect complementary information from suppliers of gas not subject to this Commission's jurisdiction regarding the gas uses and requirements of their end-use customers. The coordinated effort by the FPC and FEA is intended to avert duplication of effort and lighten the reporting burden of the companies involved, and yet assure each agency of obtaining information necessary to its respective functions.

Iowa-Illinois and INGAA contend that pipeline suppliers of natural gas do not have access to certain information concerning end-use customers called for by Form No. 69 with respect to alternate fuels, SIC designations, and workdays lost as a result of natural gas curtailments. The Commission is cognizant of the fact that jurisdictional pipelines might not be intimately acquainted with every aspect of the operations of their direct sales customers. However, those pipelines have a close working relationship with this type of customer. Since the imposition of curtailments by this Commission, natural gas pipelines have been required on numerous occasions to provide many different types of data necessary for Commission decisions relative to the problems associated with the natural gas shortage, including the imposition of curtailment plans. Unfortunately, the critical natural gas shortage makes it necessary for the collection of this data as expeditiously as possible. The Commission must therefore require that those natural gas pipeline companies subject to its jurisdiction undertake to collect from their end-use customers the information called for in Form No. 69. It seems obvious that in the event a pipeline supplier does not have available in its own files information required by Form No. 69, that such information would be readily accessible upon communication with its direct end-use customer.

Iowa-Illinois and INGAA contend that they might have difficulty in certifying to the truth and accuracy of some of the information obtained from their direct end-use customers. However, the certification goes only to the best knowledge of the certifier. The instructions now include the statement that respondents are expected to use reasonable care in assuring the completeness and accuracy of the data supplied by the end-use customers, but respondents are not required to conduct an independent investigation of the data so supplied. We do not believe the certification places an unfair burden upon the jurisdictional companies.

In the Notice we requested comments "on the question of whether the information obtained on Form No. 69 could be provided to the FEA and other Federal or state agencies, or placed in the Commission's public files in aggregate or disaggregate form without breaching any right to confidentiality which respondents might claim with respect to the information set out in their report."

The only comments tendered registering opposition to any distribution of the information obtained from Form No. 69 where in the responses submitted by Texas Gas and Phelps Dodge. Phelps Dodge contends that it considers its fuel usages to be confidential. Texas Gas is of the opinion that some of the data solicited might be competitive information which should not be made public. It urges that such information should be filed with the Commission or FEA on a confidential basis. It contends that the direct customers may see fit to release this information to other agencies but stresses that this is not within this Commission's purview.

El Paso notes that it has no objection to the release of the data to be collected on Form No. 69. El Paso further notes that it has contacted its major direct customers and that such customers have advised it that they do not regard this data as being confidential. It does caution however that one or more of its other direct customers may desire that this information be kept confidential.[5]

The comments received on this issue do not demonstrate that the dissemination of data from Form No. 69 by this

[2] "FPC v. Louisiana Power and Light Company," 406 U.S. 621 (1972).

[2] Texas Gas Transmission Corporation (Texas Gas), Interstate Natural Gas Association of America (INGAA) and Iowa-Illinois Gas and Electric Company oppose the adoption of Form No. 69. Phelps Dodge Corporation (Phelps Dodge) also indicated opposition to this form.

[4] Late comments were also received from Arkansas Louisiana Gas Co. asking that only semi-annual reports be filed 45–60 days after the end of the quarter, aggregated reporting by state, and elimination of the worker-days lost information requirement and Public Service Electric and Gas Co. in New Jersey stating the information sought is too voluminous. Our instructions however make clear that the data is to be furnished on all Schedules only for those customers that were or are to be curtailed. This should reduce the volume of data to be reported.

[5] Mountain Fuel in its untimely comments states that industrial customers often have confidential processes and strongly urges the Commission to limit access to specific company reports to Federal and State agencies exhibiting specific need for the information and that such information be made public only after the adoption of measures that would protect the identity of the specific company involved.

Commission to the FEA, or other Federal and state agencies, or the public would be necessarily detrimental to private interests. No response has been received directly from any person, except Phelps Dodge, claiming a need to maintain the information confidential.

The FEA is authorized by law to obtain this information in its own right. And, as the Commission has previously found with respect to other information gathering programs necessary to alleviate or mitigate the effects of the gas shortage, such data should be available not only to all other governmental agencies but the public as well since the value to the public of this information far outweighs any demonstrated pecuniary interest in confidentiality.[6] Just as with energy supplies, there is a great public interest in the potential alternative energy requirements of this nation's industries. Our comments in Opinion No. 687–A are similarly applicable here:

> • • • In Opinion No. 687 we explained that we could not guarantee the confidentiality of the data as against Congressional demands and stated our opinion that the data should be placed in the public file where it would be available to the natural gas industry and to Federal and State agencies, as well as the general public. We now take notice that at the present time because of the gas shortage and energy crises there is great public interest in the potential energy supplies of the United States, who owns them and what use is being made of them. Without this knowledge the public would be unable to appraise and react intelligently towards the actions of government agencies having a responsibility in the field of energy, including this Commission. In our opinion the public, which is asked to curtail the use of energy and to pay at a higher rate for smaller supplies, has the right and need to know who is or is not responsible for the present situation so that it may understand and judge the measures which this Commission and other government agencies are taking to alleviate the situation. Such knowledge, in our opinion, will be directly contributory to the effectiveness of regulatory steps taken by this Commission within its statutory responsibilities.[7]

The information collected on Form No. 69 can in any event be made public by staff where relevant in any litigated proceeding or when relevant may be made available upon request to any party to a proceeding.[8] Consequently, the information gathered on Form No. 69 will be routinely provided the FEA for use in its activities and placed in the public file for use by other governmental agencies and the public.

In its comments, Texas Gas also contends that the base period chosen may not be representative in that many of the pipelines were actually in curtailment at that time. The Commission recognizes this fact and did not intend that it serve as a limit upon the requirements of direct end-use customers, as is normally the case under the curtailment plans being implemented by jurisdictional pipeline companies. The base period prescribed is intended for purposes of general analysis and to provide some insight into the impact the increased incremental curtailment may have on alternate fuel requirements.

Although Form No. 69 as promulgated herein is not similar in appearance to the proposed Form No. 69 attached to our Notice of rulemaking issued on May 12, 1975, the change in appearance does not substantively change the form as it was initially noticed. The data and information requested remains the same. The change in the lay-out of the form and the expanded instructions were coordinated with FEA and will make it compatible with automatic data processing and is intended to ease the task of providing the information requested.

In our notice of proposed rulemaking we called for a return of the form to the Commission by August 15, 1975. However, in the light of the national natural gas curtailments anticipated this winter, we feel compelled to shorten the return date of the initial submission of this form to August 1, 1975, in order to ensure analysis of the data in a timely manner and to enable early reports on the alternative fuels required due to gas curtailments this winter. The subsequent quarterly reports will be due thirty days after the end of the quarter.

The Commission has reviewed all of the other comments submitted by the respondents who opposed our adoption of Form No. 69 and finds that they are without merit and should be denied.

The Commission finds. (1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above and by participation in the public meeting heretofore described are consistent and in accordance with the procedural requirements in 5 U.S.C. 553.

(2) FPC Report Form No. 69 relating to the alternate fuel demand of direct end-use customers of interstate pipeline companies due to natural gas curtailments as set forth in Appendix A hereto is necessary and appropriate in carrying out the provisions of the Natural Gas Act.

(3) FPC Report Form No. 69 herein promulgated will provide the Commission periodically with information showing what alternate fuel, if any, can be substituted for the natural gas supplies that are presently being curtailed or will be curtailed by interstate pipeline companies relative to the service rendered to their direct end-use customers.

The Commission acting pursuant to the provisions of the Natural Gas Act as amended, particularly sections 4, 5, 7, 8, 10, 14, 15 and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459, 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717j, 717m, 717n, 7170), orders:

(A) Section 3.170 of Part 3, Organization; operation; information and requests; miscellaneous charges; ethical standards, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations, is revised, effective as of the date of the issuance of this order, to read as follows:

§ 3.170 **Approved Forms, etc.:**

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

• • • • • •

(28) Form No. 69 report of alternate fuel demand due to natural gas curtailments § 260.15 of this chapter.

• • • • • •

(B) The Commission's regulations, Part 260, Statements and Reports (Schedules), in Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is revised, effective as of the date of the issuance of this order, by adding a new § 260.15, prescribing a new FPC Form No. 69, Report of Alternate Fuel Demand Due to Natural Gas Curtailments, in the form set out in Appendix A hereto. New § 260.15 will read:

§ 260.15 **Form No. 69 Report of Alternate Fuel Demand Due to Natural Gas Curtailments.**

(a) The form Alternate Fuel Demand Due to Natural Gas Curtailments designated as FPC Form No. 69 is prescribed.

(b) Each natural gas company making direct sales in interstate commerce of natural gas (including SNG and LNG) to customers consuming such gas shall prepare and file with the Commission an original and four copies of Report of Alternate Fuel Demand Due to Natural Gas Curtailments, FPC Form No. 69 on or before August 1, 1975, for the actual annual period from April 1, 1974, to March 31, 1975, and for the quarterly period ending June 30th and thereafter on a quarterly basis on or before April 30th, July 30th, October 30th, and January 30th of each year.

(C) FPC Report Form No. 69, Relating to the alternate fuel demand of direct end-use customers of interstate pipeline companies due to natural gas curtailments, is adopted in the form set forth in Appendix A hereto.[9]

(D) The proceeding in the instant docket, noticed on May 12, 1975, is concluded.

[6] Investigation Of Rates Charged For Nonjurisdictional Sales Of Natural Gas By Natural Gas Companies Subject To The Jurisdiction Of The Federal Power Commission, Order No. 521, Order Establishing Data Collection System To Investigate Rates Charged For Nonjurisdictional Sales of Natural Gas By Natural Gas Companies Subject To The Jurisdiction Of The Federal Power Commission, issued January 9, 1975, p. 6, citing "F.P.C v. Schreiber." 381 U.S. 279, 298 (1965) and Opinion And Order Requiring Production Of Gas Reserve Data, Opinion No. 687, Docket No. R–405–A,—F.P.C.—(issued February 4, 1974), as amended, Opinion And Order Denying Rehearing, Opinion No. 687–A, Docket No. R–405–A,—F.P.C.—(issued April 3, 1974).

[7] See note 6, above, mimeo, pp. 1–2.

[8] See 18 CFR 2.72, Availability of Information Acquired by Staff Investigation, Docket No. RM74–24, Order No. 509–B, Issued August 23, 1974.

[9] Appendices A, B, and C filed as part of the original document.

V40 I127 JUL 1 75 XUM

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17064 Filed 6-30-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 1, 22]

PART 401—DISCLOSURE OF RECORDS AND OFFICIAL INFORMATION

PART 422—ORGANIZATION AND PROCEDURES

Subpart E—Availability of Information and Records to the Public

POLICIES ON PROTECTING CONFIDENTIALITY OF RECORDS AND AVAILABILITY OF INFORMATION TO THE PUBLIC

On April 23, 1975, there was published in the FEDERAL REGISTER (40 FR 17849) a Notice of proposed rule making and proposed amendments to Regulations No. 1 and 22 of the Social Security Administration.

The proposed amendments provided that the only information in the records of the Social Security Administration that will be protected from disclosure by Regulation No. 1 is information relating to individuals. At present, the language of Regulation No. 1 protects from disclosure all information, including information which does not relate to individuals, obtained by the Department which relates to or is used in the Social Security Administration programs, except as otherwise provided in the regulation.

The proposed amendments also provided that the question of whether other information not protected by Regulation No. 1 can be made available to the public will be governed by the regulations of the Department of Health, Education, and Welfare on availability of information to the public, pursuant to the Freedom of Information Act (45 CFR Part 5) and Subpart E of 20 CFR Part 422 of this Chapter (Social Security Administration Regulations No. 22). This information would thus be available to the public unless exempted from disclosure by that law and these implementing regulations.

There are now 22 exceptions to the prohibition against disclosure in Regulation No. 1. The proposed amendments would have deleted three of these exceptions since they cover information that does not relate to individuals. Since two of the three exceptions do not cover any individual information, there is no need to list them as exceptions. These exceptions proposed for deletion are found in paragraphs (o) and (t) of § 401.3 of Regulation No. 1. These paragraphs cover the disclosure of information relating to agreements and modifications of agreements for the coverage of State and local employees entered into pursuant to section 218 of the Social Security Act and disclosure of information relating to payments to providers furnishing services under title XVIII of the Social Security Act. This information will remain available to the public even though regulations may no longer specifically so state. For the reason given below, the third exception, paragraph (k) of § 401.3 of Regulation No. 1, is being retained.

Subpart E of Regulations No. 22 governs the availability of information to the public. The proposed amendments to Subpart E provide for disclosure to the public of Medicare survey reports and cost reports submitted by title XVIII providers and for disclosure of information about charges made by providers to State agencies for administration of titles V and XIX grants-in-aid programs and to the Department of the Army for the administration of its Civilian Health and Medical Program of the Uniformed Services.

Interested persons were given the opportunity to submit within 30 days, comments, views, or arguments with regard to the proposed amendments. Comments were received from a variety of sources including representatives of national, state, and local organizations. The comments received are discussed below. Some writers approved the changes. Most objections concerned records dealing with the Medicare program.

Several writers objected generally to the proposal to limit the scope of protection of privacy afforded by Regulation No. 1. It was suggested that protection continue to be extended to persons, both natural and legal, rather than simply natural persons. To adopt this suggestion would effectively rescind the proposed rule making. A major purpose of the proposal was to remove the blanket of protection now extended to other than natural persons. This broad protection is in basic conflict with the Freedom of Information Act. It should be emphasized that all records pertaining to corporations and other artificial persons will not automatically become available for public inspection; however, whether a specific record will be made available will depend upon whether the Freedom of Information Act will permit the Social Security Administration to refuse to make the document available.

Another comment supported the proposed revisions but suggested they did not go far enough in that official reports and other formal evaluations dealing with physicians and other practitioners should be subject to disclosure. It is not certain what reports and evaluations the writer had in mind beyond those made available by § 401.3(v), as the Social Security Administration has no regular procedure for reporting upon and evaluating physicians. Even if such reports existed, it is questionable whether the Privacy Act (5 U.S.C. 552a) would permit their disclosure without the consent of the individual concerned when the pertinent provisions of that act go into effect on September 27, 1975.

Several protested the release of Joint Commission on Accreditation of Hospitals (JCAH) survey reports. Such reports have not been released and release of such reports is not a matter of administrative discretion. A specific statute (section 1865(a)(2) of the Social Security Act) requires that JCAH survey reports in the possession of the Social Security Administration be kept confidential. However, other JCAH documents are not within the scope of section 1865(a)(2) and would be released under this regulation.

Concern was also expressed about the release of data and information obtained by professional standards review organizations (PSRO). The confidentiality of PSRO data is outside the scope of the proposal. It will be the subject of a separate regulation which will deal specifically with that subject.

Objections were lodged to provisions of §§ 401.3(v)(2) and 422.435(b)(2) which permit the disclosure of names of physicians and providers of services who have been found by a Medicare carrier or intermediary to have been furnishing services substantially in excess of medical needs. The writer recognized this as simply a restatement of existing regulation, but suggested there was a lack of assurance of due process. Due process is observed because both existing and proposed regulations provide that the carrier or intermediary may act only after consultation with the appropriate peer group and only after the physician or provider has been given an opportunity to offer evidence in his behalf.

It was noted that §§ 401.3(u) and 422.434 seemed duplicative as both dealt with disclosure of essentially the same information and further that § 422.434 seemed misplaced as Part 422 deals with disclosure to the public but § 422.434 permitted release only to certain Federal and State agencies. Concededly, there is an appearance of duplication; however, § 401.3(u) was intended to deal with individuals (e.g., physicians) while § 422.434 is intended to deal with legal entities (e.g., hospitals; "physicians" is included in this section to deal with those who have formed professional associations and whose precise status as a natural or legal person is open to question).

One writer noted that §§ 422.430(b)(19) and 422.433 (a), (b), and (c) provide for disclosure of certain reports regarding institutions and facilities together with any "pertinent" written statements furnished by the institution or facility on the report, but that no criteria defining "pertinent" were set out. It was suggested that the institution or facility should be given an opportunity to select what it considers pertinent statements. As a matter of practice, all statements furnished by the institution or facility are released. Thus, it follows that "pertinent" is whatever the institution chooses to so consider.

In the same vein, two writers suggested that deficiency reports were often poorly drafted or contained errors, and that such reports be edited before release to include only those deficiencies ultimately found to be valid. It is extremely doubtful that the Freedom of Information Act will permit such editing; the complete report must be released. However, the writer may have overlooked the fact that written comments made by the institution on the report are included in the material released to the public. It is assumed that the institution would comment upon any errors it considers serious.

The remainder of the comments concerned release of Medicare cost reports. Most writers either objected to the proposal or sought to place restrictions upon the conditions under which the reports would be released. Arguments made against release of reports were: "the reports were complex and beyond the full understanding of the general public * * * their release will lead to much confusion, misunderstanding, and will not serve any meaningful or productive purpose." "A violation of the Freedom of Information Act." "Cause irreparable harm to the health care industry from such situations as disclosure to labor unions, consumer groups, and others who can use the information to virtually destroy these facilities." "It does not concern the public. It can be used only by a competitor." "Many are privately owned and their owners have a right to privacy." "Discriminatory in that it does not apply to all providers of services among whom are physicians and others."

The argument that the Freedom of Information Act prohibits disclosure is incorrect as the gist of that Act is to direct disclosure. The Freedom of Information Act would seem to require that these records be made available, except that they may be withheld to the extent that they contain commercial or financial information which is privileged or confidential. However, the Social Security Administration has concluded that it is not in the public interest to withhold the reports from the public. The reimbursement of provider costs, the amount of which is determined through analysis of cost report data, is a public business, and, as such, the records involved in the process of implementing this part of the program should be public records. Providers participating in Medicare and submitting such reports received a total of $6,821,463,000 for fiscal year 1973. An expenditure of public funds of this magnitude carries with it a corollary that the public assure itself the funds are properly paid.

Disclosure of cost reports of institutional providers of services but not about individual providers of services is not discriminatory as these two classes of providers do not participate in the program under the same circumstances. Participating providers of services under Part A (Hospital Insurance Benefits) of Medicare sign a formal agreement and agree to reimbursement under the terms of the agreement. It is the reports they submit to justify reimbursement which are the subject of disclosure. Physicians and suppliers of services under Part B (Supplementary Medical Insurance Benefits) have no such agreement and submit no comparable cost reports.

The writer who alleged that disclosure would cause irreparable harm to the health care industry offered no evidence in support of this assertion. The Social Security Administration knows of no evidence and does not accept the assertion that labor unions and consumer groups are seeking to destroy the hospitals of the United States.

Several types of limitations suggested by commenters were: release only to those who have a legitimate and beneficial use, and do not release to competitors. These limitations are inconsistent with the Freedom of Information Act. An agency generally has no authority to inquire why a member of the public wishes a particular record.

Inquiries were made as to whether the Secretary will continue to give 10 days advance notice prior to release, as was stipulated in the case of American Hospital Association v. Caspar W. Weinberger, Civil Action No. 74-727 in the U.S. District Court for the District of Columbia. The 10 day notice will be given as long as the stipulation remains in effect. However, this is a separate issue, and the final regulations do not reflect this agreement.

It was suggested that reports prepared prior to May 1, 1974, not be released until 90 days after this regulation goes into effect. (On that date the Secretary made generally known his proposal to release the reports.) It is not perceived that any useful purpose would be served by such proposal. Providers who wish to comment upon their reports will be notified under the 10-day stipulation that their report has been sought, and they can address their comments directly to the requester.

Finally, it was suggested that the provider be given the option of preparing an abstract of the complete cost report and that this abstract be released to the public. The Social Security Administration considers this contradictory to the basic purpose underlying the provision. It would enable the provider to conceal from the public any information it chose.

It was proposed to revoke section (k), which deals with disclosure of statistical data. However, this section also authorizes disclosure of certain individually identifiable information to other Federal agencies for use in statistical and planning work only. Since revocation would rescind this authority, the section will not be revoked at this time. It will be rewritten at a later date to distinguish between personal and nonpersonal information.

Accordingly, the amendments are adopted with minor editorial changes.

(Secs. 205, 1102, and 1106 of the Social Security Act, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended; 42 U.S.C. 405, 1302, and 1306.)

Effective date. These amendments shall be effective July 31, 1975.

(Catalog of Federal Domestic Assistance Program Nos. 13.800-13.807, Social Security Programs.)

Dated: June 11, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 20, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Parts 401 and 422 of Chapter III of Title 20 of the Code of Federal Regulations are amended as set forth below.

1. Section 401.1 is revised to read as follows:

§ 401.1 Prohibition against disclosure.

Except as hereinafter authorized by this part or as otherwise expressly authorized by the Commissioner of Social Security, disclosure shall not be made, directly or indirectly, of (a) any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under the provisions of the Federal Insurance Contributions Act or the Self-Employment Contributions Act (and their predecessors), or under regulations made under authority thereof, which has been transmitted to the Department of Health, Education, and Welfare by the Commissioner of Internal Revenue, or (b) information relating to individuals obtained at any time by or from the Department or any officer or employee of the Department, or any person, agency, or organization with whom the Social Security Administration (or the pertinent agency of a State) has entered into an agreement or contract to perform certain functions, including the performance of medical examinations, in the administration of titles II, XVI, and XVIII of the Social Security Act. The release of other information is governed by the regulations of the Department of Health, Education, and Welfare on availability of information to the public, pursuant to the Freedom of Information Act (45 CFR Part 5), and by Subpart E of Part 422 of this chapter. Any file or record which would be available pursuant to such regulations but for the inclusion of information not disclosable under this part, will be made available with the nondisclosable information omitted.

2. Section 401.3 is amended by revising the introductory material preceding paragraph (a) and by revoking and reserving paragraphs (o) and (t), and by revising paragraphs (u) and (v).

§ 401.3 Disclosure of information relating to individuals.

Disclosure of information relating to individuals is hereby authorized in the following cases and for the following purposes:

* * * * * *

(o) [Reserved]

* * * * * *

(t) [Reserved]

* * * * * *

(u) To any officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under titles V and XIX of the Social Security Act for the purpose of administration of such titles, or to any officer or employee of the Department of the Army, Department of Defense, solely for the administration of its Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the following information, except that the re-

V40I127 JUL 1 75 XUM

lease of such information shall not be authorized by a fiscal intermediary or carrier:

(1) Information, including the identification number, concerning charges made by physicians and other individuals, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians and other individuals to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such programs; or

(2) Information as to physicians or other individuals that has been disclosed under paragraph (i)(1) or (q) of this section.

(v) To the public: The name of any provider of services, physician, or other person furnishing services to beneficiaries under title XVIII of the Act who—

(1) Has been found by a Federal court to have been guilty of submitting false claims in connection with title XVIII; or

(2) Has been found by a carrier or intermediary, after consultation with a professional medical association functioning external to program administration or, if appropriate, the State medical authority, to have been engaged in a pattern of furnishing services to such beneficiaries which are substantially in excess of their medical needs; except that the name of any such provider of services, physician, or other person shall not be disclosed pursuant to a finding under this subparagraph (2), unless such provider, physician, or other person, as the case may be, has first been afforded a reasonable opportunity to offer evidence on his behalf.

* * * * *

3. Section 401.4 is amended by revising paragraph (f) to read as follows:

§ 401.4 Definitions.

As used in this part, the term:

* * * * *

(f) "Individual" means only a natural person.

4. Section 422.401 is revised to read as follows:

§ 422.401 Scope and purpose.

The regulations in this subpart relate to the availability to the public, pursuant to 5 U.S.C. 552, of records of the Social Security Administration and its components. They set out what records are available and how they may be obtained. These regulations do not revoke, modify, or supersede the regulations of the Social Security Administration relating to disclosure of information published in Part 401 of this chapter. Further, the regulations in this subpart supplement the regulations of the Department of Health, Education, and Welfare relating to availability of information pursuant to 5 U.S.C. 552, codified in 45 CFR 5.1 et seq., and do not replace or restrict them.

5. Section 422.402 is revised to read as follows:

§ 422.402 Record defined.

As used in this subpart, the term "record" has the same meaning as that provided in 45 CFR 5.5.

6. Section 422.426 is amended by revising paragraph (a) to read as follows:

§ 422.426 Information or records that are not available.

(a) *Specific exemptions from disclosure.* Pursuant to paragraph (b) of 5 U.S.C. 552, certain classes of records are exempt from disclosure. For some examples of the kinds of materials which are exempt, see Subpart F of the public information regulation of the Department of Health, Education, and Welfare (45 CFR Part 5) and the appendix to such regulation.

* * * * *

7. Section 422.430 is amended by revising paragraph (b) (19) to read as follows:

§ 422.430 Materials available at district offices and branch offices.

(b) *Materials available for inspection and copying.* The following materials are available or will be made available for inspection and copying at the district offices and branch offices:

* * * * *

(19) Statements of deficiencies based upon survey reports of health care institutions or facilities prepared after January 31, 1973, by a State agency, and such reports (including pertinent written statements furnished by such institution or facility on such statements of deficiencies), as set forth in § 422.433(a). Such statements of deficiencies, reports, and pertinent written statements shall be available or made available only at the district office and the regional office servicing the area in which the institution or facility is located, except that such statements of deficiencies and pertinent written statements shall also be available at the local public assistance offices servicing such area.

* * * * *

8. A new section § 422.433 is added to read as follows:

§ 422.433 Availability of official reports on providers of services, State agencies, intermediaries, and carriers under title XVIII of the Social Security Act.

The following shall be made available to the public under the conditions specified:

(a) *Statements of deficiencies and survey reports on providers of services prepared by State agencies.* (1) Statements of deficiencies based upon official survey reports prepared after January 31, 1973, by a State agency pursuant to its agreement entered into under section 1864 of the Social Security Act and furnished to the Social Security Administration, which relate to such State agency's findings on the compliance of a health care institution or facility with the applicable provisions in section 1861 of such Act and with the regulations, promulgated pursuant to such provisions, dealing with health and safety of patients in such institutions and facilities; and (2) such State agency survey reports. Such statement of deficiencies or report and any pertinent written statements furnished by such institution or facility on such statement of deficiencies shall be disclosed within 90 days following the completion of the survey by such State agency, but not to exceed 30 days following the receipt of such report by the Administration. (See § 422.430(b)(19) for places where statements of deficiencies, reports, and pertinent written statements shall be available.)

(b) *Social Security Administration reports on providers of services.* Upon request in writing, official reports and other formal evaluations (including followup reviews), excluding references to internal tolerance rules and practices contained therein, internal working papers or other informal memoranda, prepared by the Social Security Administration and completed after January 31, 1973, which relate to the performance of providers of services under title XVIII of the Social Security Act: *Provided*, That no information identifying individual patients, physicians, or other practitioners, or other individuals shall be disclosed under this paragraph. Such reports and other evaluations shall be disclosed within 30 days following the final preparation thereof by the Social Security Administration during which time such providers of services shall be afforded a reasonable opportunity to offer comments, and there shall be disclosed with such reports and evaluations any pertinent written statements furnished the Social Security Administration by such providers on such reports and evaluations.

(c) *Contractor performance review reports.* Upon request in writing, official contractor performance review reports and other formal evaluations (including followup reviews), excluding references to internal tolerance rules and practices contained therein, internal working papers or other informal memoranda, prepared by the Social Security Administration and completed after January 31, 1973, which relate to the evaluation of the performance of (1) intermediaries and carriers under their agreements entered into pursuant to sections 1816 and 1842 of the Social Security Act and (2) State agencies under their agreements entered into pursuant to section 1864 of such Act (including comparative evaluations of the performance of such intermediaries, carriers, and State agencies). The latest Contract Performance Review Report pertaining to a particular intermediary or carrier, prepared prior to February 1, 1973, may also be disclosed to any person upon request in writing. Such reports and evaluations shall be disclosed within 30 days following the final preparation thereof by the Social Security Administration (or 30 days following the request therefor, in the case of the contract performance review report prepared prior to February 1, 1973), during which time such intermediaries, carriers, and State agencies, as the case may be, shall be afforded a reasonable opportunity to offer comments, and there shall be disclosed with such reports and evaluations any pertinent written statements furnished the Social Security Administration by such intermediaries, carriers, or State agencies on such reports and evaluations.

9. A new § 422.434 is added to read as follows:

§ 422.434 Release of title XVIII information to State and Federal agencies.

(a) Except as provided in paragraph (b) of this section, the following information may be released to an officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under title V and XIX of the Social Security Act for the purpose of administration of such titles, or to any officer or employee of the Department of Army, Department of Defense, solely for the administration of its Civilian Health and Medical Program of the Uniformed Services (CHAMPUS):

(1) Information, including the identification number, concerning charges made by physicians, other practitioners, or suppliers, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians, other practitioners, or suppliers, to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such programs; or

(2) Information as to physicians or other practitioners that has been disclosed under § 401.3(i)(1) or § 401.3(q) of Part 401 of this chapter.

(3) Information relating to the qualifications and certification status of hospitals and other health care facilities obtained in the process of determining whether, and certifying as to whether, institutions or agencies meet or continue to meet the conditions of participation of providers of services or whether other entities meet or continue to meet the conditions for coverage of services they furnish.

(b) The release of such information shall not be authorized by a fiscal intermediary or carrier.

10. A new § 422.435 is added to read as follows:

§ 422.435 Release of title XVIII information to the public.

The following shall be made available to the public under the conditions specified:

(a) Information as to amounts paid to providers and other organizations and facilities for services to beneficiaries under title XVIII of the Act: *Provided*, that no information identifying any particular beneficiaries shall be disclosed under this paragraph.

(b) The name of any provider of services or other person furnishing services to beneficiaries under title XVIII of the Act who—

(1) Has been found by a Federal court to have been guilty of submitting false claims in connection with title XVIII; or

(2) Has been found by a carrier or intermediary, after consultation with a professional medical association functioning external to program administration or, if appropriate, the State medical authority, to have been engaged in a pattern of furnishing services to such beneficiaries which are substantially in excess of their medical needs; except that the name of any provider or other person shall not be disclosed pursuant to a finding under this subparagraph (2), unless such provider or other person has first been afforded a reasonable opportunity to offer evidence on his behalf.

(c) Upon request in writing, cost reports submitted by providers of services pursuant to section 1815 of the Act to enable the Secretary to determine amounts due such providers.

[FR Doc.75-16866 Filed 6-30-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0128]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (98-970V) filed by the Rath Packing Co., PO Box 330, Waterloo, IA 50704, proposing safe and effective use of tylosin premix for the manufacture of swine feed. The application is approved, effective July 1, 1975.

The Commissioner is amending Parts 510 and 558 (formerly Parts 135 and 135e prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval as set forth below.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 (formerly § 135.501) is amended by alphabetically inserting a sponsor listing in paragraph (c)(1) and numerically inserting a sponsor listing in paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
The Rath Packing Co., P.O. Box 330, Waterloo, IA 50704	028260
* * * * *	

(2) * * *

Drug listing No.:	*Firm name and address*
* * * * *	
028260	The Rath Packing Co., P.O. Box 330, Waterloo, IA 50704.
* * * * *	

2. In Part 558, § 558.625 (formerly § 135e.10) is amended by adding paragraph (b)(34) to read as follows:

§ 558.625 Tylosin.

* * * * * *

(b) * * *

(34) To 028260: 0.8 gram per pound, paragraph (f)(1)(vi)(*a*) of this section.

* * * * * *

Effective date. This order shall become effective July 1, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 25, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-17070 Filed 6-30-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 621]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood/or mudslide/or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazard areas have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after

V40-127 JUL 1 75 XUM

that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program and flood insurance has been purchased.

Prior to July 1, 1975, where a community is not participating in the National Flood Insurance Program as of the date of identification, the Federal Insurance Administrator finds that comment and public procedure are impracticable and unnecessary under the meaning of 5 U.S.C. 533(b) and the use of delayed effective dates in identifying communities with areas of special hazard would be contrary to the public interest, since this identification is merely for the purpose of informing the public of the location of areas with special flood hazards and has no binding effect on the sale of insurance or the commencement of construction. Therefore, notice to the public is unnecessary, and contrary to the public interest.

After July 1, 1975, or where a community has been participating in the National Flood Insurance Program, even though no areas with special flood hazards in the community had previously been identified, the identification makes mandatory the purchase of insurance. Therefore, the effective date of identification will be on or before July 31, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that the community either is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin on the effective date of publication in the FEDERAL REGISTER where the community is not participating prior to July 1, 1975. After July 1, 1975, or where the community is participating in the program, the six months period shall be considered to begin on or before July 31, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin on or before July 31, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Pope	London, city of	H 060340 01 through H 060340 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City of London, London, Ark. 72847.	Aug. 29, 1975
California	San Mateo	Burlingame, city of.	H 065009A 01 through H 065009A 04	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	City Manager, City Hall, 801 Primrose Rd., Burlingame, Calif. 94010.	Do.
Colorado	Chaffee	Poncha Springs, town of	H 080220 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Town Manager, Town of Poncha Springs, Poncha Springs, Colo. No ZIP Code.	Do.
Do	Garfield	Carbondale, town of.	H 080124 01	do	Board of Trustees, 15 8th St., Carbondale, Colo. 81623.	Do.
Idaho	Bonneville	Irwin, city of.	H 160183 01 through H 160183 02	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City of Irwin, Irwin, Idaho 51446.	Do.
Do	do	Swan Valley, city of.	H 160154 01 through H 160154 04	do	Mayor, City of Swan Valley, Swan Valley, Idaho 50252.	Do.
Do	Franklin	Preston, city of.	H 160186 01 through H 160186 02	do	Mayor, City of Preston, Preston, Idaho 52069.	Do.
Illinois	Du Page	Lombard, village of.	H 170212A 01 through H 170212A 04	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, Municipal Building, 48 North Park Ave., Lombard, Ill. 60148.	July 19, 1974. Aug. 29, 1975.
Do	Vermilion	Henning, village of.	H 170086 01	do	Mayor, City Hall, Henning, Ill. 61848.	Do.
Indiana	Miami	Converse, town of.	H 180067A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Chairman, Town Board, Converse, Ind. 46919.	May 17, 1974. Aug. 29, 1975.
Do	Perry	Troy, town of	H 180068A 01	do	Chairman, Town Board, Troy, Ind. 47588.	May 31, 1974. Aug. 29, 1975.
Iowa	Polk	Des Moines, city of.	H 190227A 01 through H 190227A 19	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Manager, City Hall, East 1st and Locust, Des Moines, Iowa 50307.	Sept. 6, 1974. Aug. 29, 1975.
Do	Greene	Churdan, town of.	H 190336 01 through H 190336 05	do	Mayor, Town of Churdan, Churdan, Iowa 50050.	Do.
Do	do	Jefferson, city of.	H 190396 01 through H 190396 03	do	Mayor, City of Jefferson, Jefferson, Iowa 50129.	Do.
Do	Monona	Castana, city of.	H 190462 01	do	City Manager, City of Castana, Castana, Iowa 51010.	Do.
Do	Ringgold	Diagonal, town of.	H 190501 01	do	Town Manager, Town of Diagonal, Diagonal, Iowa 50845.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Kossuth	Bancroft, city of	H 190550 01	do	Mayor, City of Bancroft, Bancroft, Iowa 50517.	Do.
Do	Sioux	Boyden, town of	H 190556 01	do	Town Manager, Town of Boyden, Boyden, Iowa 51231.	Do.
Do	Clayton and Delaware.	Edgewood, town of.	H 190573 01	do	Town Manager, Town of Edgewood, Edgewood, Iowa 52042.	Do.
Do	Dubuque	Farley, town of	H 190578 01	do	Town Manager, Town of Farley, Farley, Iowa 52046.	Do.
Do	Marion	Knoxville, city of.	H 190603 01 through H 190603 03	do	City Manager, City of Knoxville, Knoxville, Iowa 50138.	Do.
Do	Lyon	Larchwood, city of.	H 190605 01	do	Mayor, City of Larchwood, Larchwood, Iowa 51241.	Do.
Do	Sac	Odebolt, city of.	H 190633 01	do	Mayor, City of Odebolt, Odebolt, Iowa 51458.	Do.
Do	Boone	Ogden, town of	H 190634 01	do	Town Manager, Town of Ogden, Ogden, Iowa 50212.	Do.
Do	Jasper	Prairie City, city of.	H 190642 01	do	Mayor, City of Prairie, Prairie, Iowa 50278.	Do.
Do	Fremont	Sidney, town of	H 190657 01	do	Town Manager, Town of Sidney, Sidney, Iowa 51652.	Do.
Do	Wapello	Blakesburg, town of.	H 190704 01	do	Town Manager, Town of Blakesburg, Blakesburg, Iowa 52536.	Do.
Kansas	Wilson	Neodesha, city of	H 200350A 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st floor Statehouse, Topeka, Kans. 66612.	Building Inspector, 114 South 4th St., Neodesha, Kans. 66757.	Jan. 9, 1974. Aug. 29, 1975.
Do	Marshall	Beattie, city of	H 200380 01	do	Mayor, City of Beattie, Beattie, Kans. 66406.	Do.
Do	Rush	Bison, city of	H 200391 01	do	City Manager, City of Bison, Bison, Kans. 67520.	Do.
Do	Jewell	Esbon, city of	H 200410 01	do	Mayor, City of Esbon, Esbon, Kans. 66941.	Do.
Do	Kiowa	Mullinville, city of.	H 200440 01	do	Mayor, City of Mullinville, Mullinville, Kans. 67109.	Do.
Do	Marshall	Waterville, city of.	H 200556 01	do	Mayor, City of Waterville, Waterville, Kans. 66548.	Do.
Louisiana	Winn Parish	Calvin, village of	H 220266 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Village Manager, Village of Calvin, Calvin, La. 71410.	Do.
Do	Sabine Parish	Converse, village of.	H 220268 01 through H 220268 02	do	Village Manager, Village of Converse, Converse, La. 71419.	Do.
Michigan	Gratiot	Perrington, village of.	H 260407 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 N. Mosmer St., Lansing, Mich. 48913.	Village President, Village of Perrington, Perrington, Mich. No ZIP Code.	Do.
Minnesota	Goodhue	Wanamingo, city of.	H 270417A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, 490 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Wanamingo, Wanamingo, Minn. 55983.	May 10, 1974. Aug. 29, 1975.
Do	Pine	Askov, city of	H 270345A 01	do	Mayor, City of Askov, Askov, Minn. 55704.	Oct. 25, 1974. Aug. 29, 1975.
Do	Wadena	Menahga, city of	H 270493A 01 through H 270493A 02	do	Mayor, City of Menahga, Menahga, Minn. 54464.	Apr. 12, 1974. Aug. 29, 1975.
Mississippi	Quitman	Falcon, town of	H 280138 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg, P.O. Box 79, Jackson, Miss. 39206.	Falcon Water Association Office, Town of Falcon, Falcon, Miss. 38628.	Do.
Missouri	Webster and Greene.	Rogersville, city of.	H 290668 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Rogersville, Rogersville, Mo. 65742.	Do.
Montana	McCone	Circle, town of	H 300108 01	Montana Department of Natural Resources, and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Building, Helena, Mont. 59601.	Town Manager, Town of Circle, Circle, Mont. 59215.	Do.
Nebraska	Cuming	West Point, city of.	H 310048A 01 through H 310048A 02	Nebraska Natural Resources, Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City of West Point, West Point, Nebr. 68788.	Jan. 9, 1974. Aug. 29, 1975.
Do	Jefferson	Diller, village of	H 310369 01	do	Village Manager, Village of Diller, Diller, Nebr. 68342.	Do.
Do	Platte	Monroe, village of	H 310304 01	do	Village Manager, Village of Monroe, Monroe, Nebr. 68647.	Do.
Do	Cass	Elmwood, village of.	H 310264 01	do	Village Manager, Village of Elmwood, Elmwood, Nebr. 68349.	Do.
Do	Dixon and Wayne.	Wakefield, city of	H 310404 01	do	Mayor, City of Wakefield, Wakefield, Nebr. 68784.	Do.
New Mexico	Curry	Texico, town of	H 350117 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Town Manager, Town of Texico, Texico, N. Mex. 88135.	Do.

V40-127 JUL 1 75 XUM

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Suffolk	East Hampton, town of.	H 360794 01 through H 360794 16	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mayor, Town of East Hampton, East Hampton, N.Y. No ZIP Code.	Do.
Ohio	Belmont	Holloway, village of.	H 390088A 01	Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director of Insurance, State of Ohio Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Municipal Bldg., Holloway, Ohio 43985.	Aug. 23, 1974
Do	do	Powhattan Point, village of.	H 390080A 01 through H 390080A 02	do	Mayor, Municipal Building, Powhattan Point, Ohio 43942.	Feb. 15, 1974
Oklahoma	Delaware	Oaks, town of	H 400314 01	Oklahoma Water Resources Board, 2241 NW. 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Town Manager, Town of Oaks, Oaks, Okla. 74359.	Aug. 29, 1975
Do	Caddo	Cement, town of	H 400036 01	do	Town Manager, Town of Cement, Cement, Okla. 73017.	Do.
South Dakota	Pennington	Box Elder, city of.	H 460080A 01 through H 460080A 03	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	City Hall, City of Box Elder, Box Elder, S. Dak. No ZIP Code.	Oct. 25, 1974
Texas	Cherokee	Alto, town of	H 480776 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Town Manager, Town of Alto, Alto, Tex. 75925.	Aug. 29, 1975
Do	Denton	Argyle, city of	H 480775 01 through H 480775 02	do	Mayor, City of Argyle, Argyle, Tex. 76226.	Do.
Do	Ellis	Milford, town of	H 480802 01	do	Town Manager, Town of Milford, Milford, Tex. 76670.	Do.
Do	Mills	Goldthwaite, city of.	H 480696 01	do	Mayor, City of Goldthwaite, Goldthwaite, Tex. 76844.	Do.
Do	Navarro	Kerens, town of	H 480295 01 through H 480295 02	do	Town Manager, Town of Kerens, Kerens, Tex. 75144.	Do.
Do	Panola	Beckville, town of.	H 480967 01	do	Town Manager, Town of Beckville, Beckville, Tex. 75631.	Do.
Do	Taylor	Tuscola, town of	H 481017 01	do	Town Manager, Town of Tuscola, Tuscola, Tex. 79562.	Do.
Do	Gregg	Lakeport, town of.	H 481069 01	do	Town Manager, Town of Lakeport, Lakeport, Tex. No ZIP Code.	Do.
Virginia	Culpeper	Culpeper, town of.	H 510042A 01 through H 510042A 04	Bureau of Water Control Management, State Water Control Board, 2nd Floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town and Co. Zoning Administrator, Davis St., Culpeper, Va. 22701.	June 28, 1974. Aug. 29, 1975.
Washington	Pierce	Wilkeson, town of.	H 530088 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department Insurance Bldg., Olympia, Wash. 98501.	Town Manager, Town of Wilkeson, Wilkeson, Wash. 98396.	Do.
Wisconsin	Dodge	Reeseville, village of.	H 550365A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Village of Reeseville, Reeseville, Wis. 53579.	Nov. 15, 1974.
Do	Grant	Lancaster, city of.	H 550150A 01	do	Mayor, City Hall, Lancaster, Wis. 53813.	May 31, 1974.
Do	Outagamie	Little Chute, village of.	H 550307A 01	do	Village President, Village of Little Chute, Little Chute, Wis. 54140.	June 14, 1974.
Do	Portage	Nelsonville, village of.	H 550439A 01	do	Village President, Nelsonville, Wis. 54458.	Jan. 28, 1974. Aug. 29, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–16914 Filed 6–30–75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Withdrawal of the New York Plan

Notice is hereby given that the State of New York has withdrawn its approved State plan, effective June 30, 1975. Consequently, subpart L of Part 1952 of Title 29, Code of Federal Regulations, is revoked, as of that date.

The State, in a letter from Governor Hugh L. Carey dated March 14, 1975, has given notice of its intention to withdraw its approved plan effective June 30, 1975. In accordance with 29 CFR 1951.25(d), the State will also terminate its grant approved under section 23(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 672) (hereinafter called the Act) effective June 30, 1975.

In accordance with section 18(f) of the Act, the State may retain jurisdiction in any case commenced before June 30, 1975, the effective date of the withdrawal.

This decision does not preclude the submission of another occupational safety and health plan by New York under section 18 of the Act at some future time.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 24th day of June 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–17087 Filed 6–30–75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 140]

PART 1–3—PROCUREMENT BY NEGOTIATION

Basic Agreements With Educational Institutions and Nonprofit Organizations

This amendment of the Federal Procurement Regulations prescribes procedures designed to encourage the interagency use of basic agreements for the procurement of research and development from educational institutions and nonprofit organizations. Subpart 1–3.4 heretofore has described the use of basic agreements. However, it has not specifically referred to research and development or to interagency use of such agreements. Recommendation B–11 of the Commission on Government Procurement provided as follows: "Encourage the use of master agreements of the grant and contract types, which when executed should be used on a work order basis by all agencies and for all types of performers." The Commission based this recommendation on the observation that time and effort could be saved by both the Government and the performers of research and development through the use of prenegotiated terms and conditions allowing for new or additional work to be contracted for on a work order basis. After extensive study of this recommendation by the General Services Administration and the Department of Defense, it was determined that the purposes of the recommendation would be served to the maximum extent practicable by encouraging the use of basic agreements with educational institutions and nonprofit organizations. The amendment is designed to implement the Commission's recommendation.

The table of contents for Part 1–3 is amended to add new and revised entries, as follows:

Sec.
1–3.410–2 Basic agreements with educational institutions and nonprofit organizations.
1–3.410–3 Basic ordering agreement.

Subpart 1–3.4—Types of Contracts

Section 1–3.410 is amended by redesignating § 1–3.410–2 as § 1–3.410–3 and adding a new § 1–3.410–2. As amended, the section reads as follows:

§ 1–3.410 Other types of agreements.

* * * * *

§ 1–3.410–2 Basic agreements with educational institutions and nonprofit organizations.

(a) This section sets forth information and procedures regarding basic agreements for the procurement of research and development from educational institutions and nonprofit organizations.

(b) An appropriate basic agreement may be negotiated with each educational institution and nonprofit organization (except Federally Funded Research and Development Centers (FFRDC), including the Federal Contract Research Centers (FCRC) as they are designated in the Department of Defense (DOD)), in accordance with the conditions set forth in § 1–3.410–1. Agencies are encouraged to obtain and utilize the basic agreements entered into by both other civilian agencies and DOD to the maximum practicable extent.

(c) The responsibility for negotiating basic agreements with educational institutions and nonprofit organizations for the DOD has been assigned to the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia 22217. At the beginning of each fiscal year the Office of Naval Research will issue a listing of DOD current basic agreements. Copies of the agreements are maintained by the Office of Naval Research and are available to procurement activities of civilian agencies upon request.

(d) The responsibility for negotiating basic agreements for the civilian agencies rests with each individual agency. Each agency shall report its agreements to the FPR Staff, Office of Procurement Management, AMC, 15 days after September 30, each year.

(e) A list of civilian agency basic agreements will be compiled by the General Services Administration. The list will be combined with the DOD list, and will be published at the beginning of each fiscal year in FPR Bulletins.

§ 1–3.410–3 Basic ordering agreement.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This amendment is effective August 11, 1975, but may be observed earlier.

Dated: June 23, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–17112 Filed 6–30–75;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amdt. B–27]

PART 101–11—RECORDS MANAGEMENT

Standard and Optional Forms Program

This regulation revises Subpart 101–11.8, Standard and Optional Forms Program, to more clearly define the scope, objectives, and applicability of the program. The major changes are as follows:

(a) The responsibilities of the Federal agencies and GSA/NARS are clearly defined in separate paragraphs of the regulation;

(b) Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms, has been revised to provide for clearance by GAO when required, to indicate conformance with applicable Federal Information Processing Standards, and to allow use of other printing specification forms that pertain to specialized printing requirements;

(c) New procedures have been developed for clearing Standard and Optional forms that relate to public and interagency reporting requirements, specifically:

(1) Forms relating to public reporting requirements imposed by regulatory agencies must be cleared with the General Accounting Office;

(2) Forms relating to public reports requested by non-regulatory agencies must be cleared with the Office of Management and Budget; and

(3) Forms relating to reports levied on an executive branch department or agency by another department or agency must be cleared by GSA/NARS.

(d) Agencies are required to consider the applicability of the Federal Information Processing Standards (FIPS) and the provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (Pub. L. 93–579) when developing new or revised Standard and Optional forms.

The table of contents for Part 101–11 is amended by revising Subpart 101–11.8 and § 101–11.4920 as follows:

Subpart 101–11.8—Standard and Optional Forms Program

Sec.
101–11.800 Scope of subpart.
101–11.800–1 Benefits and objectives.

V40-127 JUL 1 75 XUM

Sec.

101–11.801 Authority.
101–11.802 Definitions.
101–11.802–1 Form.
101–11.802–2 Standard form.
101–11.802–3 Optional form.
101–11.802–4 Promulgating agency.
101–11.802–5 Sponsoring agency.
101–11.803 Agency program responsibilities.
101–11.804 GSA/NARS responsibilities.
101–11.805 Approval procedures.
101–11.805–1 Standard forms.
101–11.805–2 Optional forms.
101–11.806 Special provisions.
101–11.806–1 Exceptions to Standard forms.
101–11.806–2 Application of Federal Information Processing Standards (FIPS) to Standard and Optional forms.
101–11.806–3 Employee suggestions.
101–11.806–4 Standard and Stock (Optional) forms subject to GAO approval.
101–11.806–5 Standard and Optional forms interface with public reports approved by GAO.
101–11.806–6 Standard and Optional forms interface with public reports approved by OMB.
101–11.806–7 Standard and Optional forms interface with interagency reports approved by GSA.
101–11.807 Procurement of stocks of Standard and Optional forms.
101–11.808 Agency compliance.

Subpart 101–11.49—Forms and Reports

101–11.4920 Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms.

AUTHORITY: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101–11.8 is revised as follows:

Subpart 101–11.8—Standard and Optional Forms Program

§ 101–11.800 Scope of subpart.

(a) This subpart sets forth the scope, objectives, guidelines, and procedures required to manage and operate the Standard and Optional Forms Program. This program is a centralized and specialized implementation of the Government-wide forms management policies and guidelines prescribed in § 101–11.208–1, Forms—Agency program responsibilities.

(b) The scope of the Standard and Optional Forms Program is Government-wide and focuses on those forms which are the information or data carriers for standardized systems that are developed and installed throughout the Federal establishment. The benefits which can be accrued from standardization are well known and the Standard and Optional Forms Program has the potential to make a substantial contribution in this area; for example:

(1) Similar forms and systems frequently are used for essentially the same purpose in different agencies of the Government. In such instances the development of a Standard or Optional form can result in substantial benefits to the Government.

(2) New programs, new legislation, and the establishment of new agencies provide numerous opportunities for beneficial standardization.

(3) The expanded use of computers and communication systems makes the standardization of data elements as well as formats for the interchange of information increasingly more essential.

§ 101–11.800–1 Benefits and objectives.

The benefits of a standardized forms program include uniform and improved procedures for processing forms, reduced printing and stocking costs, reduced training time of employees, and simplified direction and application. The objectives of the Standard and Optional Forms Program are to:

(a) Conduct continuing analysis of Government-wide practices to determine potential for economy and simplification of paperwork by standardizing data elements and systems, with particular attention to systems employing computers and electronic communications;

(b) Assist agencies in studies and projects to consolidate similar forms and systems;

(c) Coordinate these studies and projects with all interested agencies;

(d) Serve as approval authority for the clearance of new and revised Standard and Optional forms; and

(e) Ensure that all applicable laws, statutes, and regulations (e.g., Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (Pub. L. 93–579), and Federal Information Processing Standards (FIPS) issued under the provisions of Pub. L. 89–306 (79 Stat. 1127) are considered in the development and review of all Standard and Optional forms.

§ 101–11.801 Authority.

(a) The Standard and Optional Forms Program was developed and operated by the Office of Management and Budget (OMB) consistent with the authorities prescribed by the Budget and Accounting Act of 1921. Responsibility for the program was assumed on May 29, 1967, by GSA/NARS through agreement with OMB.

(b) The Standard and Stock forms promulgated by the Comptroller General or those subject to his approval pursuant to the provisions of section 309 of the Budget and Accounting Act of 1921 (31 U.S.C. 49) and section 114 of the Accounting and Auditing Act of 1950 (31 U.S.C. 66(b)) are excluded from the clearance authorities of this program. (However, such forms will be included in the GSA/NARS clearance procedures contained herein.)

§ 101–11.802 Definitions.

§ 101–11.802–1 Form.

A form is any document, including letters, post cards, and memorandums, printed or otherwise reproduced with space for filling in information, descriptive material, or addresses. Certain printed items without fill-in space, such as contract provisions, instruction sheets, notices, tags, labels, and posters, may be considered as forms when it is advantageous to identify and control them as forms for purposes of reference, printing, stocking, distribution, and use with other forms.

§ 101–11.802–2 Standard form.

A Standard form is a form prescribed by a Federal agency, pursuant to its authority, and approved by GSA for mandatory use. Such mandatory use is set forth in regulations of the promulgating agency (§ 101–11.802–4).

§ 101–11.802–3 Optional form.

An Optional form is a form developed for use in two or more agencies and approved by GSA for nonmandatory use. The availability of the form is usually announced by the sponsoring agency (§ 101–11.802–5).

§ 101–11.802–4 Promulgating agency.

A promulgating agency is any Federal agency that develops and prescribes a Standard form as defined in § 101–11.802–2.

§ 101–11.802–5 Sponsoring agency.

A sponsoring agency is any Federal agency that develops an Optional form as defined in § 101–11.802–3.

§ 101–11.803 Agency program responsibilities.

Each agency shall:

(a) Develop each new and revised Standard and Optional form in accordance with the:

(1) Forms design guidelines specified in the applicable forms management handbook in the GSA/NARS Records Management series; e.g., Forms Analysis, Forms Design, Specialty Forms;

(2) Agency's chartered mission, responsibilities, and regulatory authority;

(3) Applicable Federal Information Processing Standards (FIPS) established by the National Bureau of Standards, Department of Commerce, under the provisions of Pub. L. 89–306 (79 Stat. 1127); Executive Order 11717 dated May 9, 1973; and 15 CFR Part 6;

(4) Provisions of the Freedom of Information Act (5 U.S.C. 552); and

(5) Provisions of the Privacy Act of 1974 (Pub. L. 93–579).

(b) Designate an official and an alternate to serve as liaison with NARS on the Standard and Optional Forms Program. Submit in writing the name, title, location, and telephone number of each designee to the General Services Administration (NRI), Washington, D.C. 20408. Submit similar information for each replacement representative to the above address within 30 calendar days after the new appointment is made.

(c) Avoid duplication of existing Standard and Optional forms and encourage originators of forms to consider using an existing form instead of developing a new one.

(d) Periodically review all Standard and Optional forms it originates to (1) cancel those not in use, (2) identify those that need revision, and (3) determine those that could be consolidated with similar Standard and Optional forms originated by other agencies.

(e) Distribute the GSA/NARS approved list of current Standard and Optional forms to appropriate agency forms officials.

(f) Obtain Standard and Optional forms in the manner prescribed in § 101–26.302.

(g) Return all printing proofs to General Services Administration (NRI), Washington, DC 20408, within 5 workdays after receipt.

§ 101–11.804 GSA/NARS responsibilities.

GSA/NARS will:

(a) Review and/or approve all new or revised Standard and Optional forms

(b) Maintain and distribute to all agencies a current list of all approved Standard and Optional forms

(c) Provide technical assistance and consulting services on the management of Standard and Optional forms

(d) Coordinate with GAO and OMB all Standard and Optional forms within their clearance jurisdiction

(e) Develop, initiate, and coordinate special studies on Government-wide forms practices to determine potential areas for economy and simplification of paperwork by standardizing data elements and systems

(f) Ensure that all proposed Standard and Optional forms are in conformance with the provisions of applicable laws, statutes, and regulations (e.g., Freedom of Information Act, the Privacy Act of 1974, Federal Information Processing Standards), and

(g) Return all printing proofs to GSA/Region 3 Federal Supply Service within 10 workdays after receipt.

§ 101–11.805 Approval procedures.

This section prescribes the procedures applicable to Federal agencies and GSA/NARS when establishing, revising, or discontinuing Standard or Optional forms.

§ 101–11.805–1 Standard forms.

(a) *New and revised Standard forms.* (1) Standard forms shall be submitted to NARS by the promulgating agency, using Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms, after necessary coordination with those organizations outside the promulgating agency. List the names, titles, and organizations of persons with whom this material was discussed. Indicate concurrences. Summarize any major problems on which agreement could not be reached. (See form illustrated in § 101–11.4920.)

(2) NARS will notify the promulgating agency of its approval or disapproval by an appropriate entry in Section III of Standard Form 152. If the form is approved, one signed copy will be returned to the promulgating agency for its records; the second copy will be furnished to GSA/Region 3 Federal Supply Service to provide printing and stocking specifications for procuring stock of the approved Standard form. (See § 101–26.302.)

(3) When such a Standard form is printed, the Standard form number assigned by NARS, the month and year of promulgation (or the month and year of revision), the name of the promulgating agency, and a reference citation of the agency regulation which requires its mandatory use as a Standard form will appear on the lower right corner of the form.

(b) *Discontinuance of Standard forms.* Before a promulgating agency notifies the using agency that the mandatory use of a Standard form is no longer required, it shall notify NARS of its intention. In such instances, NARS may (1) authorize continued use of the form on an optional basis, (2) make arrangements for the form to be promulgated as a Standard form by another agency, or (3) concur with the promulgating agency that there is no need for the continued use of the form. NARS will inform the promulgating agency of its decision.

§ 101–11.805–2 Optional forms.

(a) Proposed Optional forms or revisions to existing Optional forms shall be submitted to NARS by the sponsoring agency using Standard Form 152. NARS will evaluate such proposals in consultation with interested agencies and will indicate its decision by an appropriate entry in Section III of Standard Form 152. If the form is approved, one copy will be returned to the sponsoring agency for its records; the second copy will be sent to GSA/Region 3 Federal Supply Service to provide printing and stocking specifications for procuring stock of the approved Optional form. (See § 101–26.302–6.)

(b) When such an approved Optional form is printed, the Optional form number assigned by NARS, the month and year of approval (or the month and year of the revision), and the name of the sponsoring agency will appear on the lower right corner of the form. When a form is approved for optional use, announcement thereof will usually be made to potential users by the sponsoring agency.

§ 101–11.806 Special provisions.

§ 101–11.806–1 Exceptions to Standard forms.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, every effort should be exerted to keep exceptions of Standard forms to a minimum. Exceptions affected by paragraphs (a) and (b) of this section will carry the notation "exception to SF–XXX approved by (*final clearing agency*) (*month*) (*year*)" below the form number element. If this is not possible, the exception approval should be printed in an area close to the form number element.

(a) When an agency believes it is not feasible to use a Standard form for its purpose and in the prescribed manner or when it desires to make substantive changes in the content of an approved Standard form which do not affect format or printing specifications, that affected agency shall submit to the promulgating agency identified on the Standard form its request for exception or deviation with an appropriate explanation and justification. The promulgating agency shall, after review, forward its reply to the requesting agency and send a copy of the reply to General Services Administration (NRI), Washington, DC 20408. Such exceptions become void when a Standard form is revised.

(b) When an agency desires to alter the format or change printing specifications of an approved Standard form, that agency shall submit, on Standard Form 152 to the agency identified on the Standard form as the promulgating agency, its request for exception or deviation with an appropriate explanation and justification. The promulgating agency shall, after review, forward the request with its own recommendations to NARS for final clearance.

(c) If overprinting of Standard forms is desired, it is permissible without clearance from the promulgating agency, provided such overprinting is fully consistent with the purposes and intent of the Standard form and procurement is in accordance with § 101–26.302. Overprinting may include names, addresses, or uniform entries.

§ 101–11.806–2 Application of Federal Information Processing Standards (FIPS) to Standard and Optional forms.

Each proposed Standards and Optional form shall be reviewed for applicability and shall be used in conformance with FIPS to the extent they are applicable. FIPS that are applicable to Standard and Optional forms are part of a Government-wide program for standardizing data elements and representations which are used and interchanged in Government data systems. The objective of this standardization program is to make maximum use of the data resources of the Federal Government and to avoid unnecessary duplications and incompatibilities in collecting, processing, and disseminating data. The current FIPS publications will be used in reviewing each proposed Standard and Optional form. (Information concerning these standards and their availability can be obtained from the office of ADP Standards Management, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.)

(a) *Applicability.* The following types of standards as defined in FIPS publications apply to Standard and Optional forms:

(1) Federal General and Federal Program Data Standards, and

(2) Other ADP standards for media, interchange codes, data transmission, and optical character recognition are applicable when data is to be collected and interchanged in a machine readable form.

(b) *Certification.* After the proposed Standard or Optional form has been reviewed and compared with applicable FIPS, one or more of the following certifications will be indicated in block 12 of SF 152.

(1) "Format and contents are in conformance with FIPS PUB Nos. (enter applicable numbers)."

(2) "Format and contents are not applicable to FIPS."

(3) "Approval has been obtained to deviate from FIPS (attach copy of approval)."

V40–127 JUL 1 75 XUM

§ 101–11.806–3 Employee suggestions.

Employee suggestions that propose changes in the design, printing specifications, or use of a Standard or Optional form should be sent to the promulgating/sponsoring agency for evaluation.

§ 101–11.806–4 Standard and Stock (Optional) forms subject to GAO approval.

Standard and Stock forms promulgated by or subject to the approval of the Comptroller General are also included in the GSA/NARS clearance procedures contained herein. By agreement between GSA and GAO, Standard and Stock form requests shall be submitted to General Services Administration (NRI), Washington DC 20408, using SF 152.

§ 101–11.806–5 Standard and Optional forms interface with public reports approved by GAO.

(a) Pursuant to the Federal Reports Act of 1942, as amended (67 Stat. 593), GAO is responsible for the clearance of reports requested from the public by regulatory agencies of the executive branch. Proposed new, revised, and exceptions to forms must be cleared by GAO as well as GSA/NARS.

(b) By agreement between GSA and GAO, such Standard and Optional forms public report documents shall be submitted to General Services Administration (NRI), Washington, DC 20408, using Standard Form 83, Clearance Request and Notice of Action. NARS will forward the request documents to GAO for review and approval. Only items 6, 14, 15, and 16 need to be filled in on the SF 83 when it is forwarded with the SF 152.

§ 101–11.806–6 Standard and Optional forms interface with public reports approved by OMB.

(a) Pursuant to the Federal Reports Act of 1942 (44 U.S.C. 3501–3512), OMB is responsible for the clearance of reports requested from the public by nonregulatory agencies of the executive branch and for reports from Federal agencies or employees which are to be used for statistical compilations of general public interest. Proposed new, revised, and exceptions to forms must be cleared by OMB (OMB Circular A–40, Revised), and by GSA/NARS.

(b) By agreement between GSA and OMB, such Standard and Optional forms public report documents shall be submitted to General Services Administration (NRI), Washington, DC 20408, using SF 83. NARS will forward the documents to OMB for review and approval. Only items 6, 14, 15, and 16 need to be filled in on the SF 83 forwarded with the SF 152.

§ 101–11.806–7 Standard and Optional forms interface with interagency reports approved by GSA.

Pursuant to the Federal Records Act (44 U.S.C. 3102) and OMB Circular A–40, Revised, subject: Management of Federal reporting requirements, GSA is responsible for the clearance of reports levied on an executive branch agency by another agency (interagency reports). Standard and Optional forms used for interagency reporting purposes shall be submitted to General Services Administration (NRI), Washington, DC 20408, using Standard Forms 152 and 360, Request for Clearance of an Interagency Reporting Requirement, for review and approval.

§ 101–11.807 Procurement of stocks of Standard and Optional forms.

General procedures for procuring stocks of Standard and Optional forms or modifications thereof are in § 101–26.302, Standard and Optional forms.

§ 101–11.808 Agency compliance.

NARS conducts periodic reviews of each agency to assess its records management programs and achievements as outlined in § 101–11.103, Agency program evaluation. The Standard and Optional Forms Program is one item in the review of agency records management programs.

Subpart 101–11.49—Forms and Reports

Section 101–11.4920 is revised to illustrate the January 1975 edition of Standard Form 152, as follows:

§ 101–11.4920 Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms.

NOTE: The form in § 101–11.4920 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

Effective date. This regulation is effective July 1, 1975.

Dated: June 23, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75–17113 Filed 6–30–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER I—BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

PART 430—RULES FOR MANAGEMENT OF LAKE BERRYESSA

Policy and Criteria

Effective July 1, 1975, the Bureau of Reclamation will assume recreation management responsibilities of Lake Berryessa, Napa County, California, and will succeed Napa County in administering contracts with the seven (7) separate concessioners.

Under each of the concession contracts, procedures are included which afford the concessioners the right of review if their contracts are terminated for default or unsatisfactory performance. This procedure provides for hearings and actions by the Napa County Board of Supervisors.

Because the Bureau of Reclamation will be replacing Napa County in the concession contracts, the contractual provisions regarding termination for breach needs modifying. The purpose of this notice is to designate an alternative mechanism to assure each concessioner his right of review.

Title VI of Pub. L. 93–493, 88 Stat. 1494, provides for the Secretary of the Interior to make such rules and regulations as are necessary to carry out the provisions of Title VI. Accordingly, title 43 of the Code of Federal Regulations will be amended by adding a new Part 430 as follows:

§ 430.1 Concessioners' appeal procedures.

The procedures detailed in Title 43, Part 4, Subpart G of the Code of Federal Regulations are made applicable to the concessioners at Lake Berryessa, Napa County, California, as the procedure to follow in appealing decisions of the contracting officer of the Bureau of Reclamation, Department of the Interior, or his authorized representatives on disputed questions concerning termination for default or unsatisfactory performance under the concession contracts.

Because Part 430 consists of rules of agency organization, procedure, and practice, adoption of the new Part 430, through the rulemaking procedure prescribed in 5 U.S.C. 553, is not required, and the new Part 430 is, accordingly, adopted without resort to that procedure. In accordance with the public policy expressed in 5 U.S.C. 553 and Part 013, Department of the Interior Manual, Chapter 2, interested persons may, however, submit written comments, suggestions, data, or arguments concerning the new Part 430 to the Commissioner, Bureau of Reclamation, 18th and C Streets, NW., Washington, D.C. 20240, on or before July 31, 1975. All such comments received will be given full consideration. So that the Department of the Interior's new procedures will be in effect when the Bureau of Reclamation assumes management responsibilities at Lake Berryessa, good cause for waiver of the 30-day waiting period for effectiveness exists, and the new Part 430 will take effect on July 1, 1975.

Dated: June 27, 1975.

ROLAND G. ROBISON, JR.,
Deputy Assistant Secretary, Land and Water Resources.

[FR Doc.75–17200 Filed 6–30–75;8:45 am]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5504]

[Colorado 13276]

COLORADO

Withdrawal of Public Lands for the Protection of Wildlife Habitat, and Archaeological and Recreational Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of disposition under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the management, protection, and production of waterfowl and wildlife, and for the protection of public recreation and archaeological values:

NEW MEXICO PRINCIPAL MERIDIAN

T. 38 N., R. 11 E.,
Sec. 1;
Sec. 2, lots 1 thru 4, S½N½, SE¼;
Sec. 12;
Sec. 13, N½, N½S½, S½SE¼;
Sec. 24, NE¼.
T. 38 N., R. 12 E.,
Secs. 5 and 6;
Sec. 7, lots 1 thru 4, NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 8;
Sec. 9, W½.

The areas described aggregate approximately 5,350.87 acres in Alamosa County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of the Interior finds that the proposed use of the lands will not interfere with the purpose of this withdrawal.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 23, 1975.

[FR Doc.75–17116 Filed 6–30–75;8:45 am]

[Public Land Order 5506]

[BLM 048089]

ARKANSAS

Amendment of Public Land Order No. 3836 (Fort Chaffee Military Reservation)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 3836 of September 27, 1965, as amended, which transferred from the Department of the Army to the Department of the Interior, jurisdiction over oil and gas deposits underlying certain acquired lands at Fort Chaffee Military Reservation, is hereby further amended to transfer jurisdiction over the oil and gas deposits within the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 7 N., R. 30 W.,
Sec. 11, SW¼NW¼, SW¼, and that portion of the SE¼ lying southwesterly of the south right-of-way line of Arkansas State Highway No. 22.
T. 7 N., R. 31 W.,
Sec. 1, that part of Lot 2 of the fractional NW¼ lying northerly of the northerly right-of-way line of the Missouri Pacific Railroad.

The areas described aggregate 434.50 acres.

2. Upon approval of this order the oil and gas deposits underlying the acquired lands described in paragraph 1 above immediately become subject to all of the terms, conditions, and limitations of Public Land Order No. 3836, as amended.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 23, 1975.

[FR Doc.75–17115 Filed 6–30–75;8:45 am]

[Public Land Order 5507]

[I–4733]

IDAHO

Revocation of Executive Orders Nos. 5277, 5481, and Public Land Order No. 1063; Withdrawal of Lands for Research, Historical, and Cultural Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Orders Nos. 5277 of February 7, 1930, and 5481 of November 14, 1930, and Public Land Order No. 1063 of February 3, 1955, withdrawing the following described lands for experimental and research purposes for the Department of Agriculture, are hereby revoked in their entireties:

BOISE MERIDIAN

T. 11 S., R. 15 E., sec. 23, NW¼.
T. 12 S., R. 15 E., sec. 4, SE¼NW¼, NE¼SW¼.
T. 10 S., R. 22 E., sec. 32, SE¼SE¼.

The area described contains 280 acres in Twin Falls and Cassia Counties.

2. Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, and from grazing under the Taylor Grazing Act, but not from leasing under the mineral leasing laws, for research and historic and cultural purposes. The lands will remain under the jurisdiction of the Bureau of Land Management for administration under the provisions of the Public Land Administration Act, 43 U.S.C. 1361, 1363.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 23, 1975.

[FR Doc.75–17117 Filed 6–30–75;8:45 am]

[Public Land Order 5508]

[Nevada 051742]

NEVADA

Correction of Public Land Order 5497

In FR Doc. 75—11444 appearing at page 18997 of the FEDERAL REGISTER of May 1, 1975, Public Land Order 5497, transferring jurisdiction of the Charles Sheldon Antelope Range, the land description reading Tps. 43, 44, 45, 46, 37 N., R. 23 E., is corrected to read Tps. 43, 44, 45, 46, 47 N., R. 23 E.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 23, 1975.

[FR Doc.75–17122 Filed 6–30–75;8:45 am]

[Public Land Order 5509]

ALASKA

Partial Revocation of Public Land Orders Nos. 5150 and 5180, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 5150 of December 28, 1971, as amended, which withdrew lands for a utility and transportation corridor, and Public Land Order No. 5180 of March 9, 1972, as amended, which withdrew lands to protect the public interest, are hereby revoked so far as they affect the following described lands:

FAIRBANKS MERIDIAN

T. 12 N., R. 9 W.,
Secs. 1 thru 18, 21 thru 26, and 36.

The areas described aggregate approximately 16,000 acres.

2. The lands described in paragraph 1 of this order are subject to section 11 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, and will not be made available for other types of disposition at this time.

3. While the lands in this order remain withdrawn, they shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts, to grant leases, permits, rights-of-way or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 25, 1975.

[FR Doc.75–17114 Filed 6–30–75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY, AND FURNISHING OF ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

Securing Social Security Numbers for Applicants and Recipients

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 22, 1974 (39 FR 37505).

V40–127 JUL 1 75 XUM

A total of 53 comments was received from 18 State welfare agencies, one county welfare agency and one State vocational rehabilitation agency; 1 university health science center; the Governor of Massachusetts, and 31 private citizens from that State. Three of the public agencies fully supported the proposal. All other respondents objected to certain aspects or provisions of the regulation.

The public agencies were concerned primarily because of increased work-load and costs; additional rules to be followed; and the need for clarification of what happens when an applicant or recipient refuses to give or apply for a social security number (SSN).

Under section 137 of Pub. L. 92-603, the Social Security Amendments of 1972, the Secretary is required to assure that SSNs are assigned to appropriate groups of individuals, including applicants for and recipients of Federally financed benefits. The final regulations require that the State agency request each applicant or recipient to furnish his SSN or to apply for one if he does not have one. In accordance with section 7 of the Privacy Act of 1974, such a request may become a requirement only if the State had in existence and operating prior to January 1, 1975, a system of welfare or Medicaid records for which disclosure of SSN was required, by statute or regulation, in order to verify the identity of the individual. The agency is also required to verify any SSN furnished to it and to assist an applicant or recipient to apply for one if he wishes to do so. Granting or continuing assistance to otherwise eligible individuals may not be delayed pending verification of their SSNs by the agency or issuance of their SSNs by the Social Security Administration.

All other respondents objected on the grounds that the requirement constitutes an invasion of privacy and violation of confidentiality, or is philosophically unacceptable.

These objections reflect mutual concern about the potentiality of misuse of automated personal data systems. There is no doubt that safeguards are needed for all systems. SSA records are subject to strong rules for safeguarding of information. Furthermore, SSA does not maintain data on AFDC, or Medicaid or on social services provided to recipients of those programs.

The securing of SSNs is a cooperative effort between SSA, SRS and State welfare agencies. SSA will provide training and guidelines for the verification of age, citizenship or alien status, and true identity, and will plan and schedule mass enumeration in consultation with States.

It should be noted that section 101(c)(5)(C) of Pub. L. 93-647 adds a new section 402(a)(25) of the Social Security Act, effective July 1, 1975, which requires applicants and recipients, as a condition of eligibility for assistance, to furnish social security account numbers to the State agency. The Department has published a regulation to implement the statutory change.

After consideration of all comments, the proposed regulations, with minor technical changes and new content to clarify when a separate application is required for Medicaid, are hereby adopted.

Section 206.10, Part 206, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising paragraph (a)(1)(iv), adding a new subdivision (a)(1)(v), and revising paragraph (a)(9), to read as set forth below:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) *State plan requirements.* A State plan under title I, IV-A, X, XIV, XVI, or XIX of the Social Security Act shall provide that:

(1) Each individual wishing to do so shall have the opportunity to apply for assistance under the plan without delay. Under this requirement:

(i) Each individual may apply under whichever of the State plans he chooses;

(ii) The agency shall require a written application, signed under a penalty of perjury, on a form prescribed by the State agency, from the applicant himself, or his authorized representative, or, where the applicant is incompetent or incapacitated, someone acting responsibly for him;

(iii) An applicant may be assisted, if he so desires, by an individual(s) of his choice (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility and may be accompanied by such individual(s) in contacts with the agency and when so accompanied may also be represented by them; and

(iv) (A) Individuals found eligible for financial assistance under a State plan for title I, IV-A, X, XIV, or XVI (AABD) are eligible for medical assistance without a separate application.

(B) Aged, blind, or disabled individuals found eligible for Supplementary Security Income benefits under title XVI of the Act or for State supplemental payments are eligible for medical assistance without a separate application to the extent provided for in agreements between the individual's State of residence and the Social Security Administration; and

(C) Individuals not found eligible as specified in paragraph (a)(1)(iv)(A) or (B) of this section must file a separate application for medical assistance.

(v) (A) For assistance under title XIX, the agency shall request on the application the social security number (SSN) of each individual (including children) for whom assistance is requested. Under this requirement, the agency shall advise the applicant whether disclosure of such number is mandatory or voluntary, by what statute or other authority such number is requested, and what uses will be made of it. Disclosure of the SSN may be made mandatory only if the State had in existence and operating prior to January 1, 1975, a system of welfare or Medicaid records for which disclosure of the SSN was required, by statute or regulation, in order to verify the identity of the individual. If any individual cannot provide a SSN either because he has not been issued one or he does not know his SSN, and wishes to secure one, the agency shall assist him in filling out an application for such number on such forms and under such procedures as may be required by the Social Security Administration (SSA) and shall transmit it to the SSA. Under this requirement, the agency shall also obtain such evidence as may be required under SSA regulations to establish the age, citizenship or alien status, and true identity of such applicant, and, where the case record attests that a previous social security number has been issued, request verification of the number by SSA. Where disclosure of the SSN is voluntary, no individual who is otherwise eligible shall be denied assistance because of failure or refusal to disclose or apply for a SSN, and the individual shall be so informed.

(B) The provisions of paragraph (a)(1)(v)(A) of this section shall apply to title IV-A for the period prior to July 1, 1975.

(C) The agency shall not deny or delay assistance to an eligible individual pending issuance by SSA or verification by the agency of his SSN.

* * * * *

(9) Where an individual has been determined to be eligible, eligibility will be reconsidered or redetermined:

(i) When required on the basis of information the agency has obtained previously about anticipated changes in the individual's situation;

(ii) Promptly, within 30 days, after a report is obtained which indicates changes in the individual's circumstances that may affect the amount of assistance to which he is entitled or may make him ineligible; and

(iii) Periodically, within agency-established time standards, but not less frequently than every 6 months in AFDC, and every 12 months in the other categories, including medical assistance, on eligibility factors subject to change. Under this requirement:

(A) For recipients of assistance under title IV-A or XIX, the agency shall verify that the case record contains a social security number (SSN) for each recipient, including children; if the case record does not contain a SSN, the agency shall follow the procedures set forth in paragraph (a)(1)(v) of this section for the purpose of obtaining a SSN; and

(B) For any recipient whose social security number was established as part of the case record without corroborative evidence of age, citizenship or alien status, and true identity, the agency shall obtain verification thereof under the procedures set forth in paragraph (a)(1)(v) of this section.

* * * * *

Effective date: The regulations in this section shall be effective September 29, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program, 13.761, Public Assistance-Maintenance (State Aid))

Dated: June 13, 1975.

JOHN A. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 20, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-16868 Filed 6-30-75;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Summer Youth Recreation Programs

The Director of the Community Services Administration proposes to establish the rules, regulations and grant application procedures set forth below relative to the Summer Youth Recreation Program authorized under section 222(a)(13) of the Community Services Act of 1974.

This subpart is published hereby as an interim regulation which will serve as the basis for initiating the grant application process on a contingency basis. Interested persons are invited to submit comments, data, etc. by July 15, 1975 to: James R. King, Chief, Manpower Team, Office of Operations, Community Services Administration, 1200 19th St., NW., Washington, D.C. 20506.

Effective date: July 1, 1975.

Sec.
1061.20-1 Applicability.
1061.20-2 Definitions.
1061.20-3 Purpose.
1061.20-4 Summer youth recreation program—description and components.
1061.20-5 Eligible sponsors/alternates.
1061.20-6 Eligible participants.
1061.20-7 Funding.
1061.20-8 Application process.
1061.20-9 Expenditure of funds.
1061.20-10 Coordination with other programs.
1061.20-11 General requirements.
Appendices A—E.

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

REFERENCES:
(a) OEO Instruction 6801-1, Grantee Fiscal Responsibility and Auditing. (b) CSA Manual 2410-1, Accounting System Survey and Audit Guide for CSA Grants. (c) OEO Instruction 6807-2, Grantee Quarterly Financial Reports. (d) OEO Instruction 6807-2 ch-1, Grantee Quarterly Financial Reports. (e) OEO Instruction 7001-01a, Grantee Property Administration. (f) OEO Instruction 6809-01, Bond Coverage of Officials.

BERT A. GALLEGOS,
Director.

§ 1061.20-1 Applicability.

This subpart applies to grantees funded under section 222(a)(13) of the Community Services Act of 1974 if the assistance is administered by the Community Services Administration.

§ 1061.20-2 Definitions.

(a) "Act" shall mean the "Headstart, Economic Opportunity, and Community Partnership Act of 1974" (Pub. L. 93-644).

(b) "Allocation" shall mean the distribution of funds among prime sponsors designated by the Secretary of Labor under section 102 of the CETA Act according to the formulas contained in the Act.

(c) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(d) "CETA Act" shall mean the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, as amended).

(e) "Chief elected official" and "chief executive officer" shall include their designees.

(f) "Community Action Agency" shall mean a political jurisdiction, public agency, or private nonprofit agency which has the power and authority and will perform the functions set forth in section 212 of the Act and is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action program by the Director.

(g) "CSA Regional Director" shall mean the ten Regional Directors of the Community Services Administration who are responsible for directing CSA programs in specified geographical areas of the country.

(h) "Director" shall mean the Director of the Community Services Administration.

(i) "Economically disadvantaged" shall mean a person who is a member of a family as defined under CETA income poverty guidelines.

(j) "Summer Youth Program" shall mean the Summer Program for Economically Disadvantaged Youth funded under Title III, section 30b(a)(3) of the Comprehensive Employment and Training Act of 1973 and administered by the U.S. Department of Labor.

§ 1061.20-3 Purpose.

This subpart sets forth the policies, rules and regulations of the Community Services Administration (CSA) in implementing and administering Summer Youth Recreation programs authorized under section 222(a)(13) of the Community Services Act of 1974.

§ 1061.20-4 Summer youth recreation program—description and components.

(a) *Description.* (1) The Summer Youth Recreation program is designed to provide recreational opportunities for economically disadvantaged children during the summer months. The programs will be conducted in conjunction with the Summer Youth Program administered by the U.S. Department of Labor. Summer Youth enrollees should be utilized to the maximum extent possible in the conduct of this program.

(2) The programs shall begin as soon as possible after the Spring closing of school and shall not extend beyond the beginning of the Fall school term. In no case shall the programs continue beyond September 30, 1975.

(3) To the maximum extent possible, Summer Youth Recreation program sites shall be located directly in low-income communities or areas to ensure that disadvantaged youth are the beneficiaries of the programs. Activities shall be conducted in as many low-income areas of the sponsor's jurisdiction as possible within the constraints of effective program management and support.

(b) *Components.* Summer Youth Recreation programs will consist of the following components: (1) Recreation support programs will provide recreation opportunities such as playground activities; organized sports and games, arts and crafts, informational tours, cultural field trips, instruction in the creative arts and special events.

(2) Transportation support programs will provide transportation services to such cultural, recreational, educational or employment activities.

(NOTE: Ten percent of each grant should be allocated for transportation support activities.)

§ 1061.20-5 Eligible sponsors/alternates.

(a) *Eligible agencies.* Agencies eligible to receive summer recreation funds shall be prime sponsors under Title I of the CETA Act.

(b) *Alternate sponsors.* The CSA Regional Director may make provision for the use of an alternative sponsor under Title I of CETA if a sponsor for any reason is unable or fails to establish or maintain an acceptable Summer Youth Recreation Program.

(c) *Delegate Agencies/subgrants.* A Summer Youth Recreation sponsor may enter into contracts or subgrants under the provision set forth in OEO Form 280, Agreement for Delegation of Activities.

§ 1061.20-6 Eligible participants.

Participants in a Summer Youth Recreation program shall be youth too young to obtain employment and be economically disadvantaged. The main target group for the Summer Youth Recreation program shall be disadvantaged youth between the ages of 8 and 13.

§ 1061.20-7 Funding.

(a) *Allocation of funds.* Section 222(a)(13) of the Community Services Act of 1974 states that the allocation of Summer Youth Recreation program funds shall be made by the Director after consultation with the Secretary of Labor on the basis of: (1) The relative number of public assistance recipients in the areas served by such prime sponsor or other agency as compared to the Nation; (2) the relative number of unemployed persons in such area as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area as compared to the Nation. That part of any allotment which the Director determines will not be needed may be re-

V40-127 JUL 1 75 XUM

alloted at such dates during the fiscal year as the Director may fix, to the extent feasible in proportion to the original allotments. In making Summer Youth Recreation allocations under the Act, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no sponsor shall receive an amount less than the amount received for such programs during the fiscal year ending June 30, 1973 or the fiscal year ending June 30, 1974, whichever is higher.

(b) *Non-Federal share; waiver of.* Non-Federal share required by section 225(c) is hereby waived for all programs funded under section 222(a)(13), Summer Youth Recreation Programs. The waiver is automatic and does not require a request for waiver from applicant for grants due to the lateness of the program implementation.

§ 1061.20–8 Application process.

(a) Role of the CAA. The Community Action Agency or Agencies operating within the jurisdiction of the Summer Youth Recreation program sponsor shall be given an opportunity to formally comment on the Summer Youth Recreation program grant application and to recommend approval or disapproval to the CSA Regional Director. Community Action Agencies shall be provided with a copy of the Summer Youth Recreation program grant application at the same time that the proposal is submitted to the CSA Regional Director. The CAAs will have five (5) days within which to recommend approval or disapproval to the CSA Regional Director. The Community Services Administration retains final approval authority.

(b) *Forms/documentation required.* The forms and other documents to be used in applying for Summer Youth Recreation Programs will be made available to eligible sponsors by the CSA Regional Directors. The forms to be used in applying for a Summer Youth Recreation Program are as follows:

(1) OEO Form 301, *Summary of Grant Application*
(2) OEO Form 325, *Budget Summary*
(3) OEO Form 325a, *Budget Support*
(4) OEO Form 394, *Checkpoint Procedure for Coordination*
(5) CAP Form 84, *Participant Characteristics Plan*
(6) Statement of Accounting System Certification, Appendix A to this subpart (for use by public agencies)
(7) OEO Form 280, *Agreement for Delegation of Activities*
(8) Program Narrative Description (See Appendix B)

(Note: Detailed instructions for the preparation of the above documents can be found in Appendix C)

(c) *Deadline for submission of applications.* Summer Youth Recreation grant applications shall be submitted to CSA Regional Directors by June 30, 1975.

§ 1061.20–9 Expenditure of Funds.

(a) *Allowable Costs.* (1) Administration, including salaries, wages and fringe benefits of program administrators (but not program staff); consumable office supplies; rent and utilities; telephone and postage; travel of program administrators and audit costs. No more than 20 percent of the funds may be expended of this category.

(2) Recreation services including but not limited to: purchase of recreation equipment[1] and supplies up to $200 per unit cost to be used in support of the program; rental of recreation equipment and supplies to be used in support of the program; admission to special events; field trip expenses; salaries; wages, fringe benefits and orientation of program staff, such as art instructors and playground supervisors; transportation for participants and program staff; lunches or food provided as an integral part of a recreation activity; recreation clothing and insurance. The standards to be used for the procurement of supplies, equipment and other material and services with Federal grant funds are those described in reference (e).

• • • • •

(3) Transportation services, including but not limited to: bus tokens, and rental of charter buses, taxis, cars and vans.

(b) *Non-Allowable Costs.* (1) Summer Youth Recreation program funds shall not be expended on office equipment, in-place installations, capital improvements, to compensate participants in the program or to purchase transportation vehicles or equipment such as cars, vans, or buses.

(2) Summer Youth Recreation funds shall not be used to finance any other program activities and services not authorized under the Summer Youth Recreational Program such as, but not limited to, work experience, on-the-job training of public service employment activities.

(3) Summer Youth Recreation program funds shall not be used to finance trips outside a 100 mile radius of the sponsor's jurisdiction unless the trip has received the specific written approval of the CSA Regional Director or his designee.

§ 1061.20–10 Coordination with other programs.

(a) The Summer Youth Recreation program will be closely coordinated with the anti-poverty programs of the Community Action Agency serving the jurisdictions covered by the Summer Youth Recreation program with a view to minimizing possible duplication of effort and providing efficiencies in the use of common facilities and services.

(b) Sponsors should coordinate Summer Youth Recreation programs with manpower and social service programs, including the Summer Youth Employment Program and other CETA manpower activities.

(c) The extensive outreach and intake capability of the Community Action Agencies should be utilized to the maximum extent possible. The CAA network of Neighborhood Service Centers in disadvantaged communities provide a ready means of assuring that the disadvantaged are effectively served by the program. In addition, transportation services may be provided as services for participants in the Summer Youth Program and thus supplement transportation support activities carried out under the Summer Youth Recreation Program.

(d) Sponsors may utilize the Summer Feeding Program for low-income chilitional activities as well in most instances) in schools, community centers, parks, playgrounds, storefronts and other settings. (See Appendix E for listing of State School Lunch Directors who can assist you in applying for the program.)

(e) Participants in the Summer Youth Program and other manpower programs, incuding public service jobs incumbents under the CETA Act, should be utilized as program and administrative staff in the Summer Youth Recreation Program to the maximum extent feasible by using the Summer Youth Recreation Program sites as work stations.

§ 1061.20–11 General requirements.

(a) *Maintenance of effort.* No sponsor shall, because of funds granted under section 222(a)(13) of the Act, reduce or decrease funds already planned for Summer Youth Recreation activities of a nature similar to those provided under the aforementioned Section.

(b) *Liability issuance.* An eligible applicant will assure that: (1) General liability insurance (bodily injury type) protects the sponsor against claims arising from bodily injury or death to third parties, including youths participating in the recreation support programs, occurring on its business premises or through its operations, except those arising from motor vehicles away from the premises, those covered by any Workmen's Compensation Law, and other exclusions stated in the policy. The required coverage for bodily injury shall be $50,000 per person and $100,000 per accident. In the case of those organizations which could raise the defense of sovereign immunity, the insurance policy shall provide that this defense will not be raised by the organization of the insurer; and

(2) automobile liability insurance coverage of $100,000 per persons and $300,000 per accident for bodily injury and $5,000 per accident for property damage is provided and that automobile comprehensive and collision of at least $100 deductible is provided.

(c) *Bonding.* Prior to the release of funds to any grantee, public or private, CSA must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. (See Appendix D for CSA's policy statement on Bond Coverage of Officials.)

(d) *Program progress report.* Sponsors shall submit a program progress report on the results of the Summer Youth Recreation Program to the appropriate CSA Regional Office no later than October 20, 1975. Reporting form will be provided by CSA in advance of the reporting deadline.

[1] Disposition of property will be in accordance with the policy stated in CSA Instruction 7001–01a.

(e) *Financial reporting.* A financial report is to be submitted by October 20, 1975 to the appropriate CSA Regional Office in accordance with the requirements and procedures set forth in reference (c).

(f) *Auditing.* Audit requirements for this program are to be met by complying with § 1061.20–8(b)(6) of this subpart and the special conditions that will be incorporated into the grant package.

(g) *Monitoring and evaluation.* Monitoring and evaluation of Summer Youth Recreation Programs will be performed by Community Action Agency(ies) serving the jurisdiction of the Summer Youth Recreation Program sponsor. CAA's will make advance arrangements with program sponsors for monitoring activity. In those cases where there is no CAA serving the jurisdiction of the Summer Youth Recreation Program sponsor, the CSA Regional Office will make alternate monitoring and evaluation arrangements.

(h) *Safety and health conditions.* Participants shall not be exposed to conditions which are unsanitary or hazardous or dangerous to their safety or health.

(i) *Licensing.* All transportation services under this program will be from sources properly licensed and insured to provide carriage of the public, and which are operated in compliance with all applicable local, State and/or Federal statutes covering public transportation.

APPENDIX A

Statement to be submitted by appropriate public financial officer when the applicant is a public agency or when the accounting system of a private-nonprofit agency will be maintained by a public agency.

(Address of Regional or Program Office of OEO, as appropriate)

Dear Sirs:

I am the chief financial officer of (name of public body) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the (name of applicant) which is a public (or non-profit) agency charged with carrying out an OEO program in (name of community). The accounting system will have internal controls adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

Signature of financial officer

Name of financial officer

Title

Name of public body

Statement to be submitted when applicant is a private-nonprofit agency (or a public agency) whose accounting system will not be maintained by a public agency.

(Address of Regional or Program Office of OEO, as appropriate)

Dear Sirs:

I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the (name of applicant), which is a private-nonprofit organization (or public agency) carrying out an OEO program in (name of community).

I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

Signature of accountant

Name of accountant

Name of firm

APPENDIX B

Narrative Description of Program

The above narrative description will be prepared as shown below. Applicants should present a clear and concise description of each item addressed in the narrative using charts, graphs, maps, etc.

Narrative Description of Program:

A. Prepare a statement regarding the purpose of the Summer Youth Recreation program. This statement should focus on the recreational needs of the economically-disadvantaged youth residing in the area covered by this project.

B. Describe the types of recreational activities and services that will be provided the youth served by the program. Include an estimate of the costs for each activity or service in the program. Specify any field trips, sports events, cultural, recreational or educational trips outside the jurisdiction(s) covered by the applicant agency.

C. Provide a list of the recreational equipment and supplies that will be purchased for the program, particularly any equipment costing over $200.00.

D. Describe the community or geographic area(s) that will be served by the recreational opportunities of the program.

E. Prepare an estimate of the number of recreational opportunities to be offered in the program. Include an estimate of the number of opportunities that each type of activity or service described in B above will provide.

F. Prepare a statement describing the results and benefits to be derived from the recreation program in terms of both the community and participants served, in relation to the recreational needs of the community.

G. Describe how the program will be coordinated and linked with other manpower and social service programs. For example, utilizing administrative staff of Summer Youth Program to administer the recreation program. Using the local CAAs assistance in outreach, intake capability and other support services. In addition, transportation services may be provided through the Summer Youth Program and thus supplement transportation support activities carried out under this program.

H. Describe the method in which participants will be recruited, selected and eligibility is determined (to ensure that those most in need are served by the program).

Applicants are encouraged to discuss the narrative requirements as well as any other application requirements with CSA Regional Office representatives to ensure that the application is as complete and accurate as possible before it is submitted for approval.

APPENDIX C

Instructions for Preparation of Summer Youth Recreation Documents

Eligible applicants should submit the original and two copies of all required forms and documents to the appropriate CSA Regional Director by June 11, 1975. One copy of the grant application shall be submitted to the CAA/s serving the jurisdictions covered by the Summer Youth Recreation program at the same time as the application is submitted to the Regional Office. The following instructions are provided to assist applicants in completing grant application forms:

Summary of Grant Application, OEO Form 301

Item 1. Type of Application—check "new."

Item 2. Name of OEO Project Manager—to be provided by CSA Regional Office.

Item 3. Name of Applicant Agency—enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity.

Item 4. Address—enter the complete address of the applicant.

Item 5. Applicant Agency Program Manager—enter the name of person(s) directly assigned to this project.

Item 6. Telephone Number of Program Manager—enter the telephone number of person(s) directly assigned to this project.

Item 7. Political Jurisdictions in Which OEO Funded Activities Will Take Place:

a. Counties—enter the counties to be served by this project. If the applicant is the state or "balance of the state," the area served may be indicated as the "balance of the state."

b. Cities—enter the cities or city to be served by the project (e.g., City of Chicago, City of Boston, etc.). If the project is serving balance of state, indicate balance of state.

c. Congressional District—enter the congressional district(s) in which the applicant is located.

Item 8. Type of Area Served by Project—check the appropriate block(s) defined in Item 8 to be served by this project.

Item 9. Total Population In Area Served—enter the total population residing in the area to be served by this project.

Item 10. Type of Agency—"not applicable for this project."

Item 11. Internal Revenue Services Employer Identification Number—enter the employer identification number assigned by the U.S. Internal Revenue Service.

Item 12. Applicant Type—check the appropriate block in which the applicant is located (e.g., city government, county government, etc.); check other if applicant type is not shown in Item 12 and specify type of applicant.

Item 13. Applicant Function—check the most applicable block(s). Check "other" if applicant function is not defined in Item 13 and specify function of applicant.

Item 14. Will the Administration of Any Part of the Work Program be Delegated to Another Agency?—check the appropriate block. If "yes," applicant must submit the required form shown in Item 14.

Item 15. Funding Period For Which Funds Are Requested:

a. Beginning Date—enter the approximate date the project is expected to begin.

V40-127 JUL 1 75 XUM

b. Ending Date—enter the approximate date the project is expected to end. (All projects will terminate by October 1, 1975.)

Item 16. Total Requested Budget Per OEO Form 325:

a. OEO Federal—enter the amount allocated by the Director. CSA Regional Director will provide eligible applicants the amount allocated by the Director.

b. Non-Federal—not applicable.

Section III. Former Office of Economic Opportunity Employees—not applicable.

Sections IV–VII. These Sections are applicable and binding by the applicant on the signature of the chief elected official or the authorized representative of the applicant agency.

The following special instructions for completing the remaining forms are set forth only in those cases where data required is not considered to be self explanatory.

Budget Summary, OEO Form 325

Item 3A. Grant No.—this number to be entered by the CSA Regional Office.

Item 3C. Program Account Title and No.—to be provided by CSA Regional Office.

Section I. Budget Summary—eligible applicants will complete Column C only. Column C corresponds with Columns A (Cost Category No.) and B (Cost Category). Enter the estimated expenditures in Columns C.1 (OEO Federal) and C.2 (Non-Federal), based upon the amount of funds allocated by the Director in each applicable cost category. Total for Column C.1 should agree with the amount allocated the applicant. Column C.2—not applicable.

Section II. Estimated Future Costs—not applicable.

Budget Support Sheet, Part I (Salaries and Wages) and Part II (Budget Support Data), OEO Form 325a.

Part I. Salaries and Wages (Itemization of Cost Category No. 1.1)—enter the appropriate data as specified based upon the amount allocated (e.g., estimate expenditures in support of this project).

Part II. Budget Support Date (Itemization of Cost Categories Other Than Salaries and Wages. Show Subtotal for Each Cost Category)—enter the estimated expenditures for each item as specified.

Checkpoint Procedure for Coordination, OEO Form 394

This form is to be used to solicit comments from the Community Action Agency in the jurisdiction in which the applicant agency is located.

In order to facilitate implementation of the program, we suggest that eligible applicants file a "notice of intent" immediately with their local Clearinghouse using the documents normally required. Applicants should also forward to the Clearinghouse a copy of the grant application as soon as possible with a statement requesting that comments be sent directly to the appropriate CSA Regional Director, due to time constraints on implementation of the program.

Participant Characteristics Plan, CAP Form 84

This form is not to be submitted as part of the grant application; however, prime sponsors must have this document on file.

Agreement for Delegation of Activities Under Grant No. —, OEO Form 280

This form will be used by all eligible applicants when certain activities of the approved grant application (work program) is delegated to another agency or organization.

APPENDIX D

G.5 e. Bond coverage of officials. Prior to the release of funds to any grantee, public or private, for the first initial grant, OEO must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may either take the form of a statement that no bond is needed (in line with the conditions below) or it may consist of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond that has been obtained.

A bond does not need to be provided by a grantee, public or private, if funds are to be deposited in a public treasury and disbursed and audited by local or State public officials who normally perform these duties. In this case, the financial role of the officials of the grantee agency must be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. Nor does a grantee which is a public agency need to provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded, in an amount consistent with local requirements and practices.

In all other situations, grantees—whether public or private agencies—must take steps to secure fidelity bond coverage in line with the following guides:

(1) Coverage should be secured in the aggregate amount of $25,000 for persons authorized to sign or countersign checks or to disburse sizeable amounts of cash (such as for payrolls). Persons who handle only petty cash need not be bonded. Nor is it necessary to bond officials who are authorized to sign Payment Vouchers, but who are not authorized to sign or countersign checks or to disburse cash.

(2) Grantees normally should obtain a 3 year bond, payable annually, with an option to cancel in the event the program terminates before three years. Such terms are available from most surety companies.

(3) Grantees are responsible for assuring that appropriate officials of delegate agencies are bonded. Existing bond coverage on officials of delegate agencies which are public agencies shall be considered acceptable. Coverage for officials of delegate agencies which are private organizations shall be equal to the average of funds to be expended each month (up to an aggregate amount of $25,000.) If a delegate agency will expend less than $1,000 per month in program funds, on the average, bond coverage is not required.

(4) Copies of bonds secured by the grantee and by delegate agencies should be filed by the grantee and need not be submitted to OEO.

APPENDIX E

STATE SCHOOL LUNCH DIRECTORS

T. G. Smith, 205–269–6011, Food Service & Local Accounting, Administrative & Finance, State Department of Education, 460 State Office Building, Montgomery, Alabama 36104.

Mr. Marge Dawes, Coordinator, School Lunch Services, State Department of Education, Alaska Office Building, Pouch F, Juneau, Alaska 99801.

Mrs. Frances Sullivan, Supervisor, School Lunch Programs, Department of Education, Pago Pago, Tutuila, American Samoa 96920.

Joanne Hurley, Director, 602–271–5198, School Lunch Program, State Department of Public Instruction, Suite 165, State Capitol, Phoenix, Arizona 85007.

J. A. Niven, State Director, School Lunch Division, West Central, USDA Regional Office, State Department of Education, Education Building, Little Rock, Arkansas 72201.

Mr. Webber, Supervisor,
School Lunch Program,
State Department of Education,
721 Capitol Mall,
Sacramento, California 95814.

Mr. Pohle H. Wolfe, Consultant,
School Food Services,
State Department of Education,
520 State Office Building,
Denver, Colorado 80203.

Ms. Ann R. Tolman,
203–566–2544,
School Lunch Program,
State Department of Education,
State Capitol Building,
Hartford, Connecticut 06115.

Mr. R. L. John,
302–678–4718,
State Supervisor of School Lunch,
Department of Public Instruction,
Box 191,
Dover, Delaware 19901.

Mr. Joseph M. Stuart, Director,
Department of Food Services,
Public Schools of District of Columbia,
Presidential Building, Room 806,
415 12th Street, N.W.,
Washington, D.C. 20004.

Mr. George Hockenbery, Acting Director,
904–488–4186,
School Food Service,
State Department of Education,
Tallahassee, Florida 32304.

Miss Josephine Martin, Chief Consultant,
404–656–2457,
Southeast Regional Office,
School Food Service Program,
State Department of Education,
Room 211, State Annex Building,
156 Trinity Avenue, S.W.,
Atlanta, Georgia 30303.

Mrs. Audrey M. Hansen, School Lunch Consultant, SPC, School Lunch Program,
Department of Education,
Government of Guam,
P.O. Box DE,
Agana, Guam 96910.

Mr. Stanley Doucette, Director,
808–548–6583,
School Lunch Service,
State Department of Education,
P.O. Box 2360,
Honolulu, Hawaii 96804.

Mr. Cecil F. Olsen, Director,
208–384–2411,
School Lunch Program,
State Department of Education,
Room 205, Statehouse,
Boise, Idaho 83701.

Mr. Robert Ohlzen, 217–782–6500, School Lunch Division, Office of the Superintendent of Public Instruction, 316 South Second Street, Springfield, Illinois 62701.

Mr. John Harter, School Lunch Division, State Department of Public Instruction, Room 803, State Office Building, Indianapolis, Indiana 46204.

Mr. Lavern E. Carpenter, Director, School Lunch Program, State Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319.

Miss Ione George, 913–296–2276, School Lunch Program, State Department of Public Instruction, Kansas State Education Building, 120 East 10th Street, Topeka, Kansas 66612.

Mr. C. E. Bevins, Director, 502–564–4210, Division of School Lunch, State Department of Education, Bureau of Pupil Personnel Services, State Office Building, 2nd Floor, Frankfort, Kentucky 40601.

Ronald Carriere, 504–389–6998, School Food Services, State Department of Education, P.O. Box 44064, State Capitol, 20th Floor, Baton Rouge, Louisiana 70804.

Miss Gertrude Griney, Director, 207–289–2371, School Lunch Program, State Department of Education, State House, Augusta, Maine 04330.

Ms. Ruthetta L. Gilgash, School Lunch Program, 301–796–8300, State Department of Education, State Office Building, 301 West Preston Street, Baltimore, Maryland 21201.

Mr. John C. Stalker, Director, Office of School Lunch Programs, 617–727–5764, State Department of Education, 182 Tremont Street, Boston, Massachusetts 02111.

Mr. James L. Borough, Supervisor, School Lunch Section, 517–373–3347, School Management Services, State Department of Education, 1020 South Washington Avenue, Lansing, Michigan 48902.

Mr. C. E. Holt, Director, 612–296–6104, School Lunch Section, State Department of Education, State Centennial Building, 4th Floor, St. Paul, Minnesota 55101.

Mr. John H. Walker, State Supervisor, 601–354–6916, School Lunch Program, State Department of Education, P.O. Box 771, Woolfolk State Building, Room 306, Jackson, Mississippi 39205.

Mr. Wilbert Grannemann, 314–751–3526, School Lunch Section, State Department of Education, Jefferson Building, P.O. Box 480, Jefferson City, Missouri 65102.

Mr. Brisbin Stiles, 406–449–2501, School Lunch Program, State Department of Public Instruction, 805 North Main Street, Helena, Montana 59061.

Mr. Allen A. Elliott, Director, 402–471–2254, Midwest Regional Office USDA, School Food Services, State Department of Education, 411 South 13th Street, 2nd Floor, Lincoln, Nebraska 68508.

Miss Eleanor Bateman, Supervisor, 702–885–5700, West USDA Region, School Lunch Program, State Department of Education, Heroes Memorial Building, Room 208, Carson City, Nevada 89701.

Mr. George Bussell, 603–271–2140, School Lunch Program, State Department of Education, State House, Concord, New Hampshire 03301.

Mrs. Miriam E. Hughes, 609–292–8527, Coordinator of Food Services, Federal Assistance Program, Office of Educational Field Services, State Department of Education, 225 West State Street, Trenton, New Jersey 08625.

Mrs. Gretchen Plagge, Director, 505–827–2591, School Lunch Division, State Department of Education, Capitol Building, Santa Fe, New Mexico 87501.

Mr. Richard O. Reid, 518–474–2121, Mr. Thomas Calvin, 518–474–1566, Assistant for Federally Aided Programs, Division of Educational Finance, State Department of Education, 194 Washington Avenue, Albany, New York 12224.

Mr. Ralph W. Eaton, Director, 919–829–7162, School Food Services, State Department of Public Instruction, P.O. Box 12197, Cameron Village, Raleigh, North Carolina 27605.

Mrs. Roberta Bosch, 701–224–2294, School Lunch Program, West Region USDA, State Department of Public Instruction, State Capitol Building, Bismark, North Dakota 58501.

Mr. Wade D. Bash, Chief, 614–466–2945, School Lunch Program, State Department of Education, 751 Northwest Boulevard, Columbus, Ohio 43212.

Mr. Chester Coulter, Director, School Lunch Division, 405–521–3327, Oliver Hodge, Memorial Education Building Room 340, 2600 Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

Mr. Lyle N. Riggs, Supervisor, 503–378–3579, School Lunch Program, West Region USDA, Oregon Board of Education, Room 324, Public Service Building, Salem, Oregon 97310.

Mr. Kenneth Reinhardt, Jr., Chief, 717–787–1425, School Lunch and Nutrition, Department of Public Instruction, Box 911, Blackstone Building, Room 800, 112 Market Street, Harrisburg, Pennsylvania 17126.

Ms. Mary Blanco, Director, School Lunchrooms Division, Department of Education, 809–764–1100, P.O. Box 1229, Hato Rey, Puerto Rico 00919.

Mrs. Maureen O'Connell, Acting Chief, School Lunch Services, State Department of Education, Roger Williams Building, Hayes Street, Providence, Rhode Island 02908.

Miss Kathleen Gaston, State Supervisor, 803–758–2346, Southeast Regional Office, School Lunch Program, State Department of Education, 916 Rutledge Building, Columbia, South Carolina 29201.

Mr. Paul M. Marschalk, Director, 605–224–3413, Division of Educational Food Services, State Department of Public Instruction, State Capitol Building, Pierre, South Dakota 57501.

Mr. Lawrence Bartlett, Director, Southeast Regional Office, 615–741–2927, School Lunch Program, State Department of Education, C3–303–Cordell Hull Building, Nashville, Tennessee 37219.

Mr. Cole, Chief Consultant, 512–475–4363, West Central Office, School Lunch Program, Texas Education Agency, Capitol Station, Austin, Texas 78711.

Miss Hattie Baker, School Lunch Director, c/o Office of the High Commissioner, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Mr. Cluff Snow, 801–328–5471, Division of School Food Services, 1400 University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Mr. Edward Ryan, Chief, Educational Field Services, 802–828–3146, State Department of Education, State Office Building, Montpelier, Vermont 05602.

Mr. John F. Miller, Supervisor, 804–776–2604, School Lunch Program, State Department of Education, 9th Street Office Building, Richmond, Virginia 23216.

Mr. Lionel Hilaire, Supervisor, School Lunch Office, Department of Education, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

Mr. John L. Stevens, Supervisor, School Lunch Office, Department of Education, P.O. Box 1, Christiansted, St. Croix, Virgin Islands 00820.

Mrs. Ena Simpson, Supervisor, 206–753–6706, Food Services, West USDA, State Department of Public Instruction, Room 220, Old Capitol Building, Olympia, Washington 98501.

Mrs. Faith Gravenmier, 304–348–6800, State Director of School Lunch, State Department of Education, 310–45 Street, S.E., Charleston, West Virginia 25305.

Mr. Edward J. Post, Administrator, Mid-West Regional Office, 608–266–3509, School Food Service Program, State Department of Public Instruction, 126 Langdon Street, 5th Floor, Madison, Wisconsin 53703.

Mr. Sidney Werner, Acting Director, 307–777–7293, School Lunch Program, State Department of Education, State Capitol Building, Cheyenne, Wyoming 82001.

Miss Eleanor Bateman, Supervisor, 702–885–5700, West USDA Region, School Lunch Program, State Department of Education, Heroes Memorial Building, Room 208, Carson City, Nevada 89701.

Mr. George Bussell, 603–271–2140, School Lunch Program, State Department of Education, State House, Concord, New Hampshire 03301.

Mrs. Miriam E. Hughes, 609–292–8527, Coordinator of Food Services, Federal Assistance Program, Office of Educational Field Services, State Department of Education, 225 West State Street, Trenton, New Jersey 08625.

Mrs. Gretchen Plagge, Director, 505–827–2591, School Lunch Division, State Department of Education, Capitol Building, Santa Fe, New Mexico 87501.

Mr. Richard O. Reid, 518–474–2121, Mr. Thomas Calvin, 518–474–1566, Assistant for Federally Aided Programs, Division of Educational Finance, State Department of Education, 194 Washington Avenue, Albany, New York 12224.

Mr. Ralph W. Eaton, Director, 919–829–7162, School Food Services, State Department of Public Instruction, P.O. Box 12197, Cameron Village, Raleigh, North Carolina 27605.

Mrs. Roberta Bosch, 701–224–2294, School Lunch Program, West Region USDA, State Department of Public Instruction, State Capitol Building, Bismark, North Dakota 58501.

Mr. Wade D. Bash, Chief, 614–466–2945, School Lunch Program, State Department of Education, 751 Northwest Boulevard, Columbus, Ohio 43212.

Mr. Chester Coulter, Director, School Lunch Division, 405–521–3327, Oliver Hodge, Memorial Education Building Room 340, 2600 Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

Mr. Lyle N. Riggs, Supervisor, 503–378–3579, School Lunch Program, West Region USDA, Oregon Board of Education, Room 324, Public Service Building, Salem, Oregon 97310.

[FR Doc.75–17071 Filed 6–30–75;8:45 am]

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Non-Federal Share Criteria

The purpose of this subpart is to update the Community Services Administration's policy on the general subject of non-Federal share. Non-Federal share requirements for specific programs will be found in separate subparts under this Part. These regulations are filed as interim regulations effective July 1, 1975 in order to effectuate the provisions of the Community Services Act of 1974. CSA welcomes comments and suggested changes and will revise its regulations in light of the comments received if warranted. CSA will consider all comments received prior to August 1, 1975. Please address all comments to: Mr. Angel Rivera, Acting Deputy Assistant Director for Operations, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506.

Sec.

1068.10–1 Applicability.
1068.10–2 Definitions.
1068.10–3 Background.
1068.10–4 What is Non-Federal share?
1068.10–5 What form may Non-Federal share take?
1068.10–6 Items which may/may not be included as Non-Federal share.
1068.10–7 Who may provide Non-Federal share?
1068.10–8 Valuation of in-kind contributions.
1068.10–9 Accounting for the Non-Federal share.

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

BERT A. GALLEGOS,
Director.

Effective: July 1, 1975.

§ 1068.10–1 Applicability.

This subpart is applicable to grants funded under Titles II, III–B and VII of the Economic Opportunity Act of 1964 as

V40-127 JUL 1 75 XUM

amended if the assistance is administered by the Community Services Administration.

§ 1068.10–2 Definitions.

(a) Non-Federal Share. That portion of project or program costs not borne by the Federal Government.

(b) Federal Share. That portion of the total costs provided by the Federal Govt.

§ 1068.10–3 Background.

(a) Sections 225(c), 235(b), and 714 of the Community Services Act of 1974 require the contribution of non-Federal share by grantees funded under sections 221, 222(a), 235, and 712 of that Act. In addition the Director of the Community Services Administration may administratively require a non-Federal share contribution from grantees funded under other sections of the Act if the grants are administered by Community Services Administration.

(b) This subpart attempts to incorporate into one policy statement all general information on the subject of non-Federal share, e.g., definitions of Federal and non-Federal share; the form non-Federal share may take, etc. (EXCEPTION: OEO Instruction 6802–1a, Valuation of Volunteered Personal Services for Purpose of Computing the Non-Federal Share, remains in force.) It incorporates some of the policy previously found in OEO Instruction 6802–08; in addition it includes new material, e.g., valuation of in-kind contributions.

§ 1068.10–4 What is Non-Federal share?

In general non-Federal share is that portion of the Community Services Administration-approved project or program costs not borne by Community Services Administration. In all but exceptional cases (see § 1068.10–7) the non-Federal share is from a source other than another Federal agency.

§ 1068.10–5 What form may Non-Federal share take?

(a) The non-Federal share of program costs may be contributed in cash or in-kind. A contribution is treated as a "cash" contribution in any case in which money is disbursed by the grantee or a delegate agency to pay expenses of the program. A contribution may be treated as "in-kind" if it is in the form of real property owned by, donated or loaned to the grantee or a delegate agency; non-expendable personal property; and the value of goods and services directly benefiting the program. Example: A contribution which consists of the imputed rental value of a building shall be considered as an in-kind contribution, but where rent is actually paid by the grantee or a delegate agency from donated funds it shall be treated as a cash contribution.

(b) In-kind contributions may include the cost of staff assigned to the grantee, supporting services which can be identified and priced, and the donation or use of office space, automobiles, office equipment, and other facilities and equipment necessary to the effective operation of and directly benefiting the program.

§ 1068.10–6 Items which may/may not be included as Non-Federal share.

(a) Non-Federal share MAY consist of the following:

(1) Program costs financed with cash contributed or donated to the grantee by public agencies and institutions, private organizations, and individuals.

(2) Charges incurred by the grantee as project costs. (Not all charges require cash outlays by the grantee during the grant period; examples are depreciation and use charges for buildings and equipment.)

(3) Program costs for volunteered personal services and for the use of real and personal property donated by other private organizations, individuals, or public agencies and institutions.

(b) Non-Federal share items MAY NOT include the following:

(1) Time spent on the development, conduct, and administration of a program by members of the governing body or advisory committees of the grantee or a delegate agency, to the extent that such time is spent in their capacity as members of such bodies.

(2) Items such as legal advice which are normally provided to local public or private agencies by other governmental agencies without charge. (To the extent that these services are NOT normally provided without charge they may be included.)

(3) Any cost incurred or contribution of services made prior to the effective date of a grant by the Community Services Administration.

§ 1068.10–7 Who may provide Non-Federal share?

(a) The non-Federal share may be provided by any public or private agency or individual. However, Federal funds provided by other Federal programs may not be used as non-Federal share except where expressly provided for in specific authorizing legislation, e.g. Title I of the Housing and Community Development Act of 1974, Pub. L. 93–383. (See FEDERAL REGISTER, Vol. 39, No. 220, November 13, 1974 for implementing regulations). In such circumstances the grantee must have the appropriate certification from the granting agency and written concurrence of the appropriate Community Services Administration official.

(b) A contribution also may consist of the use of space in a public building or other facility even though Federal public works assistance may have been involved in its original construction.

§ 1068.10–8 Valuation of in-kind contributions.

(a) *Personal Services.* (See § 1068.10–9.)

(b) *Donated expendable personal property.* Donated expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies or workshops and class room supplies. The value assessed to expendable personal property should be reasonable and should not exceed the market value of the property at the time of the donation.

(c) *Donated nonexpendable personal property, buildings and land or use thereof.* (1) The method used for determining what portion of the value of donated nonexpendable personal property, buildings, and land may be charged as non-Federal share depends on the purpose of the grant as follows:

(i) If the purpose of the grant is to assist the grantee in the acquisition of equipment, buildings, or land, the total value of the donated property may be claimed as non-Federal share.

(ii) If the purpose of the grant is to support activities that require the use of equipment, buildings, or land on a temporary or part-time basis, depreciation or use charges for equipment and buildings may be made. The full value of equipment or other capital assets and fair rental charges for land may be allowed provided that the Community Services Administration has approved the charges.

(2) The value of donated property will be determined in accordance with the usual accounting policies of the grantee with the following qualifications:

(i) *Land/buildings.* The value of donated land and buildings may not exceed its fair market value, at the time of donation, as established by an independent appraiser (e.g., certified real property appraiser) and certified by a responsible official of the grantee.

(ii) *Nonexpendable personal property.* The value of donated nonexpendable personal property shall not exceed the fair market value of equipment and property of the same age and condition at the time of donation.

(iii) *Use of space.* The value of donated space shall not exceed the fair rental value of comparable space and facilities in a privately-owned building in the same locality.

(iv) *Loaned equipment.* The value of loaned equipment shall not exceed its fair rental value. The basis for determining the valuation of material, equipment, buildings and land must be documented.

§ 1068.10–9 Accounting for the Non-Federal share.

(a) The Statement of OEO Grant, Form 314, shows the minimum percentage of total program expenditures which non-Federal funds must constitute in the grant period. The grantee is expected to maintain the rate of contribution of the non-Federal share so that throughout the grant period Federal funds will not be used to pay for a substantially larger percentage of project costs than the Federal funds shown on the Statement of OEO Grant constitute.

(b) It is important to note that the Federal share may never exceed either the dollar amount shown on the Statement of OEO Grant or the maximum percentage of the total program expenditures that this constitutes. The grantee must provide only sufficient non-Federal contributions so that the Federal share remains at or below the maximum percentage; however, the grantee may choose to provide additional non-Federal share, to insure a margin of safety, in the event that final audits disallow some contributions.

(c) The non-Federal share may be provided in one program account for the entire grant or it may be spread among several program accounts.

(d) Non-Federal share contributions of cash shall be recorded as they occur. It is not necessary to maintain separate ledger accounts for the expenditures of grantee cash.

(e) All in-kind contributions, including those applicable to delegate agencies, must be recorded in the ledger accounts, either in separate accounts or in separate columns, as grant costs when the in-kind services or goods are performed or received. Records, including required supporting documentation, on in-kind services or goods performed or received must be established and maintained on a current basis.

(f) The non-Federal share is subject to audit, as is the Federal share.

[FR Doc.75–17072 Filed 6–30–75;8:45 am]

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Non-Federal Share Requirements for Title II, sections 221, 222(a) and 231 Programs

The recently enacted Community Services Act of 1974 amending the Economic Opportunity Act revised the non-Federal share contributions required of grantees funded under sections 221 and 222(a) of Title II necessitating the revision of CSA's implementing regulations to reflect this change. These regulations are filed as interim regulations effective July 1, 1975 in order to effectuate the provisions of the Community Services Act of 1974. CSA welcomes comments and suggested changes and will revise its regulations in light of the comments if warranted. CSA will consider all comments received prior to August 1, 1975. Please address all comments to: Mr. Angel Rivera, Acting Deputy Assistant Director for Operations, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506.

Sec.

1068.20–1 Applicability.
1068.20–2 Definitions of terms as used in this subpart.
1068.20–3 Program authorities for which Non-Federal share contribution is required.
1068.20–4 Non-Federal share requirements.
1068.20–5 Communities eligible for waivers of non-Federal share.
1068.20–6 Pooling of non-Federal share.
1068.20–7 Maintenance of effort.
Appendix A.
Appendix B.

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Effective date: July 1, 1975.

BERT A. GALLEGOS,
Director.

45 CFR Chapter 10, § 1068.1 and 1068.2 is revoked and a new Subpart is added to read as follows:

§ 1068.20–1 Applicability.

This subpart is applicable to grants funded under Title II, sections 221, 222(a), and 231 of the Economic Opportunity Act as amended if the assistance is administered by the Community Services Administration.

§ 1068.20–2 Definitions of terms as used in this subpart.

(a) *Approved Cost of Assisted Programs.* Combined Federal and Non-Federal Share for all programs authorities under sections 221 and 222(a) which legislatively require non-Federal Share excluding those funds granted under sections for which non-Federal share has been administratively waived and Legal Services.

(b) *Financial Assistance.* Federal funds granted for all program authorities funded under sections 221 and 222(a) which require non-Federal share except Legal Services.

§ 1068.20–3 Program authorities for which Non-Federal share contribution is required.

(a) *Legislatively required.* Section 225(c) of the Act states that Non-Federal share will be required for assistance provided under sections 221 and 222(a). This would include the following programs:

TITLE II

Local Initiative—Section 221
Legal Services—Section 222(a)(3)
Emergency Food and Medical Services—Section 222(a)(5)
Senior Opportunities and Services—Section 222(a)(7)
Environmental Action—Section 222(a)(10)
Rural Housing Development and Rehabilitation—Section 222(a)(11)
Emergency Energy Conservation Services—Section 222(a)(12)
Summer Youth Recreation—Section 222(a)(13)

(1) *Exceptions to Non-Federal Share Requirements.* (i) *Emergency food and medical services program.* Because the requirement of non-Federal share could pose serious obstacles to meeting program objectives on an emergency basis the non-Federal share requirements have been waived for this program since its inception and will continue to be waived. The waiver is automatic and does not require a request for waiver.

(ii) *Emergency energy conservation program—short term assistance grants.* Non-Federal share requirements are hereby waived for short term assistance grants under section 222(a)(12). This includes loans and grants to grantees for assistance to eligible individuals to help them avoid utility cutoffs and to provide other direct financial assistance of an emergency nature. The waiver is automatic and does not require a request for waiver from applicants.

(b) *Administratively required.* State Economic Opportunity Offices—Section 231 (SEOOs).

§ 1068.20–4 Non-Federal share requirements.

(a) *Legislative requirements.* Section 225(c) of the Community Services Act of 1974 mandates the following changes in Federal assistance to Community Action Agencies or other agencies funded under sections 221 and 222(a):

"Unless otherwise provided in this part, financial assistance extended to a community action agency or other agency pursuant to sections 221 and 222(a), . . . shall not exceed 80 percentum of the approved cost of the assisted programs or activities with respect to fiscal year 1975, and 70 percentum of such costs with respect to fiscal year 1976, and shall not exceed 60 percentum of such cost with respect to fiscal year 1977, except that in the case of community action agencies receiving such financial assistance annually of $300,000 or less, such financial assistance shall not exceed 75 percentum of such costs with respect to fiscal year 1976 and shall not exceed 70 percentum of such costs with respect to fiscal year 1977 . . ."

(1) As a result of this decrease in percentage of Federal financial assistance the percentage of non-Federal share required will automatically increase in direct proportion, e.g., a CAA whose Federal financial assistance for FY 1976 and 1977 is more than $300,000 will be required to provide 30 percent of approved costs of the assisted programs in FY 1976 and 40 percent in FY 1977 while a CAA whose financial assistance is $300,000 or less will provide 25 percent in non-Federal share for FY 1976 and 30 percent in FY 1977. For grantees other than CAAs the non-Federal share will be 30 percent for FY 1976 and 40 percent for FY 1977.

(2) NOTE: In the event that an additional grant action is made subsequent to a program year refunding which increases a grantee's financial assistance to a level in excess of $300,000, the increase in percentage of required non-Federal share shall be applied only to that grant action.

(b) *Administrative requirement.* The Director has the authority to administratively require non-Federal share when providing financial assistance under legislative authorities not covered by section 225(c). Therefore, as in the past, grantees receiving financial assistance under section 231 (SEOOs) will be required to provide non-Federal share in the amount of 20% for FY 1976 and FY 1977.

(c) *How to determine percentage of required Non-Federal share (CAAs only).* (1) The legislation bases the determination of the percentage of Federal share to be contributed to a program on the CAA's annual "financial assistance", i.e. above $300,000 or $300,000 or less. Section 102(3) of the Act defines the term "financial assistance" as used in Title II to include ". . . assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment or goods or services". In essence "financial assistance" is limited to Federal funds only.

(2) Therefore, in computing a Community Action Agency's financial assistance for purposes of determining the percentage of non-Federal share include only those Federal funds provided under the program authorities in Title II which legislatively require non-Federal share. (See § 1068.20–3.) Legal Services funds

V40-1127 JUL 1 75 XUM

need not be included.[1] Since the non-Federal share waiver for the Emergency Food and Medical Services and some Emergency Energy Conservation Programs are administratively and not statutorily directed, funds provided under these authorities WILL be included in determining financial assistance.

(d) *How to Compute the Non-Federal Share.*—(1) *Grants to Community Action Agencies.* (i) Compute the "financial assistance." (See § 1068.20–4(c).) (ii) Use level of financial assistance to determine percentage of Federal share as outlined in the legislation. (See § 1068.20–4(a)).

(iii) Determine "approved cost of assisted program" by: (A) Entering Federal funds granted for each program account which legislatively requires non-Federal share contribution except those funds granted under sections of the Act for which non-Federal share has been waived and Legal Services (see § 1068.20–3(a)); and (B) dividing the Federal funds by the percentage of Federal contribution as determined in paragraph (d)(1)(ii) of this section.

(iv) Subtract the Federal dollars from the approved cost of assisted program for each program account to determine amount of non-Federal share required.

(2) *Grants to Other than CAAs Which Require Non-Federal Share.* (i) Determine "approved cost of assisted program" by: (A) Entering Federal funds granted; and (B) dividing the Federal funds by the percentage of Federal share, i.e. 80 percent for SEOOs funded under section 231; and 70 percent for FY 1976 and 60 percent for FY 1977 for all others.

(ii) Subtract the Federal dollars from the approved cost of assisted program to determine non-Federal share.

§ 1068.20–5 Communities eligible for waivers of Non-Federal share.

(a) *Waiver Criteria.* (1) Section 225 (c) of the EOA as amended also provides that "The Director may approve assistance in excess of such percentages if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purpose of (Title II)". The objective of CSA's exemption policy has been to assure that the poorest counties in the nation are able to participate in community action programs despite their lack of local economic resources to match Federal grant funds. These exemptions will be continued. Previously the exemption policy was based on per capita income, i.e. communities whose annual per capita income fell below $750 were exempted to the extent that they were unable to raise non-Federal share; a partial exemption was also extended to about 500 low-income rural counties whose annual per capita income was above $750 but below $1,000. Both groups, however, were expected to provide NFS whenever possible. CSA has revised its waiver criteria by eliminating the per capita provisions and substituting criteria which reflect a percentage of the population below the poverty threshold. The 193 counties with 35 percent or more of families poor[2] will be eligible for waivers of a portion of all of the required NFS. In addition those counties (442) with at least 24.5 percent of families poor[2] may request a waiver of a portion of the non-Federal share but must provide at least 50 percent of the required NFS. Appendices A and B provide complete listings of the eligible counties.

(2) The above does not preclude the Director from developing additional waiver criteria for other circumstances; however, in the event that such criteria are developed they will be published in the FEDERAL REGISTER.

(b) *Procedures for requesting waiver.* A request for a waiver should be in the form of a letter accompanying the application for a grant and shall state (1) the amount of the non-Federal share which the community can provide and (2) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful. CSA may require that additional evidence be submitted in support of these representations.

(c) *Rule for computing NFS for multi-county CAA where one or more counties qualify for waivers.* (1) In a multi-county program determine each county's NFS on the basis of the relative proportion of total target population in the counties. EXAMPLE: A three county CAA with a target population of 100,000 whose "approved costs of assisted programs" is $500,000:

County	Population	Proportion of NFS (percent)	Amount of NFS at 30 percent
A	30,000	20	30,000
B	30,000	30	45,000
C	50,000	50	75,000
Total	100,000	100	150,000

(2) If one or more counties are eligible for waiver the NFS is first computed as noted above. If County A qualifies for and receives a waiver of all NFS the NFS contribution required of that CAA would be reduced by $30,000.

(3) If County C qualifies for a partial waiver, reduce the $75,000 by the approved percentage of NFS waived and reduce the total NFS requirement of that CAA by the resulting dollar figure.

§ 1068.20–6 Pooling of Non-Federal Share.

(4) CSA will permit pooling of non-Federal share between exempt and non-exempt counties served by the same CAA.

(5) Pooling among those program accounts funded by the Community Services Administration during a single program year is acceptable.

(NOTE: This does not allow pooling with other programs authorized under the Community Services Act which are administered by other Federal agencies, e.g. Title V, Headstart and Follow Through, administered by HEW.)

§ 1068.20–7 Maintenance of effort.

(a) Section 225(d) states that no program shall be approved for assistance under sections 221 and 222(a) unless the Director satisfies himself (1) that the services to be provided under such program will be in addition to, and not in substitution for, services previously provided without Federal assistance and (2) that funds or other resources devoted to programs designed to meet the needs of the poor within the community will not be diminished in order to provide any contributions required under section 225(c).

(b) The principal intent of this requirement is to ensure that the on-going level of anti-poverty effort in the community is increased. Federal assistance is intended to supplement and reduce existing levels of local support for action against poverty, not to replace it.

(c) To ensure that the requirements of section 225(d) are satisfied, both of the following conditions must be met:

(1) The applicant must demonstrate that the proposed expenditures, including any amounts claimed as non-Federal share, will represent a net increase in the expenditures from non-Federal sources for similar activities for this purpose, the base period to be used for comparison is FY 75.

(2) In addition, the applicant shall assure CSA that the prior level of expenditures or contributions within the community which are concerned with poverty will be maintained in the sense that funds have not been and will not be diverted from other activities focusing on the needs of the poor so as to finance the community action program.

(d) The requirements of section 225 (d) apply only with respect to program accounts funded in whole or in part under sections 221 and 222(a) of the Act, and not to activities which are financed under other sections.

[1] Pub. L. 93–355 makes provision for the transfer of the Legal Services Program for the Community Services Administration to a public corporation to be effective 90 days after the first meeting of the Board of Directors. Until such time the Legal Services Program continues to be funded under section 222(a)(3) and as such would, under normal circumstances, be considered in determining annual financial assistance for purposes of the Non-Federal share. However, as a transfer is imminent pending completion of administrative actions and as it is clearly Congressional intent that the Legal Services Program be a separate entity, funds granted under section 222(a)(3) need NOT be considered in calculating annual financial assistance on which to base percentage of NFS.

[2] 1970 Census of Housing and Population, PC–1(C) series.

Appendix A.—Community Services Administration, Counties with 24.5 percent to 35 percent low-income families [1970]

State and county	Percent of families below low income level
PHILADELPHIA REGION	
Maryland:	
Somerset	24.6
Virginia:	
Accomack	25.2
Amelia	26.2
Bath	24.9
Brunswick	25.4
Buchanan	27.2
Buckingham	29.1
Charles City	28.8
Cumberland	33.3
Dickenson	34.0
Fluvanna	27.6
Greensville	29.8
Halifax	26.1
King and Queen	27.1
Louisa	24.5
Mecklenburg	24.7
Middlesex	26.0
Nelson	28.6
Northampton	32.2
Rappahannock	30.5
Richmond	24.6
Russell	25.6
Scott	27.0
Southampton	27.6
Sussex	26.3
Westmoreland	28.9
Wise	27.4
West Virginia:	
Barbour	25.9
Boone	26.5
Grant	28.0
Hardy	26.9
McDowell	29.8
Monroe	29.2
Nicholas	25.2
Pendleton	28.7
Pocahontas	27.7
Preston	26.9
Ritchie	25.0
Roane	27.1
Summers	33.7
Tucker	24.9
Wirt	29.3
ATLANTA REGION	
Alabama:	
Bibb	30.0
Butler	31.5
Chilton	24.8
Clarke	29.8
Clay	28.8
Covington	24.7
Dallas	31.6
De Kalb	29.5
Escambia	25.5
Fayette	25.8
Geneva	25.7
Henry	31.9
Lawrence	27.3
Monroe	34.6
Pickens	32.5
Pike	29.9
Randolph	27.5
Russell	28.2
Washington	31.8
Florida:	
Calhoun	34.0
Dixie	25.9
Franklin	31.3
Gadsden	31.2
Hamilton	31.8
Hardee	24.6
Holmes	32.7
Jackson	30.7
Liberty	28.5
Madison	33.5
Sumter	25.9
Suwannee	28.1
Wakulla	28.9
Walton	26.8
Georgia:	
Taylor	31.1
Telfair	30.9
Thomas	25.5
Toombs	26.5
Towns	31.2
Turner	26.6
Twiggs	33.6
Washington	33.0
Wheeler	32.7
Wilcox	34.1
Wilkes	28.5
Wilkinson	25.3
Worth	32.5
Kentucky:	
Adair	24.6
Allen	30.1
Bath	31.3
Bracken	24.0
Butler	30.5
Carter	28.8
Casey	30.9
Edmonson	28.2
Estill	33.4
Fleming	26.5
Floyd	34.9
Fulton	25.9
Gallatin	24.6
Grayson	28.6
Hart	27.5
Laurel	34.6
Lewis	28.1
Lincoln	29.9
Marion	26.2
Menifee	32.0
Ohio	24.7
Owen	24.9
Pike	32.2
Powell	28.1
Pulaski	29.3
Robertson	28.9
Rowan	28.9
Todd	25.7
Trigg	24.6
Mississippi:	
Adams	28.7
Calhoun	32.8
Chickasaw	32.1
Clarke	29.4
Clay	33.0
Covington	25.9
Grenada	27.9
Itawamba	25.4
Layfayette	28.6
Lamar	27.8
Lincoln	29.0
Neshoba	30.0
Newton	29.6
Oktibbeha	28.8
Pearl River	26.1
Perry	30.8
Pike	30.8
Pontotoc	32.4
Prentiss	24.7
Scott	32.6
Simpson	30.4
Smith	32.9
Tate	33.2
Tippah	31.8
Union	27.6
Washington	34.3
Webster	34.1
Winston	32.9
North Carolina:	
Alleghany	26.6
Anson	27.3
Ashe	28.0
Avery	29.2
Beaufort	25.0
Bladen	30.7
Cherokee	25.2
Chowan	25.0
Clay	34.7
Columbus	28.0
Duplin	29.0
Edgecombe	26.5
Franklin	28.3
Gates	25.7
Graham	24.8
Greene	32.8
Halifax	30.3
Hertford	27.6
Hoke	26.9
Hyde	34.1
Jackson	25.4
Johnston	24.9
Jones	29.8
Macon	24.9
Madison	32.1
Martin	28.9
Mitchell	28.1
Pamlico	29.0
Pender	28.8
Pitt	27.1
Robeson	31.8
Sampson	29.0
Swain	26.9
Warren	34.5
Yancy	30.5
South Carolina:	
Allendale	31.7
Bamberg	28.6
Barnwell	24.7
Berkeley	26.1
Calhoun	34.6
Colleton	31.7
Dillon	34.3
Edgefield	30.3
Fairfield	31.5
Georgetown	29.6
Hampton	31.3
Horry	25.4
McCormick	34.4
Marion	32.1
Marlboro	27.6
Orangeburg	31.4
Sumter	25.9
Tennessee:	
Bledsoe	33.1
Cannon	26.8
Chester	27.1
Cocke	29.3
Crockett	25.1
Cumberland	29.0
Grainger	30.6
Hardeman	31.2
Hardin	30.4
Henderson	25.9
Houston	25.7
Johnson	30.4
Lake	33.2
Lawrence	24.9
Lincoln	25.2
McNairy	30.7
Macon	29.1
Marion	25.1
Meigs	30.0
Monroe	26.1
Morgan	27.6
Perry	27.4
Pickett	33.9
Rhea	25.3
Sequatchie	24.9
Stewart	31.2
Tipton	29.4
Trousdale	30.6
Union	34.6
Wayne	31.8
CHICAGO REGION	
Illinois:	
Alexander	31.8
Pope	29.3
Minnesota:	
Mahnomen	26.4
Todd	24.5
Ohio:	
Adams	27.4
Wisconsin:	
Menominee	34.0
DALLAS-FORT WORTH REGION	
Arkansas:	
Ashley	25.2
Bradley	29.6
Calhoun	29.6
Clay	31.3
Cleburne	33.8
Cleveland	32.1
Crittenden	32.8
Cross	28.7
Dallas	24.7
Desha	34.2
Drew	27.1
Hempstead	28.3
Izard	29.7
Jackson	25.0
Johnson	25.6
Lafayette	33.0
Lawrence	29.5
Logan	27.7
Lonoke	26.2
Madison	33.3
Marion	30.5
Mississippi	29.6
Montgomery	29.7
Nevada	31.9
Ouachita	25.2
Perry	31.2
Pike	24.8
Poinsett	28.6
Prairie	29.4
Randolph	29.7
St. Francis	34.8
Scott	28.5
Sharp	32.9
Van Buren	32.5
White	24.5
Woodruff	34.3
Louisiana:	
Acadia	29.6
Allen	30.1
Assumption	30.4
Bienville	34.1
Caldwell	33.7
Claiborne	33.2
Concordia	32.2
De Soto	34.7
East Feliciana	33.8
Grant	29.2
Iberville	31.6
Jefferson Davis	28.1
Morehouse	32.9
Sabine	34.9
Tangipahoa	33.5
Union	27.1
Vermilion	28.2
Washington	30.3

V40-127 JUL 1 75 XUM

State and county	Percent of families below low income level
West Baton Rouge	27.3
Winn	31.2
New Mexico:	
De Baca	24.5
Harding	28.3
McKinley	33.7
Rio Arriba	34.7
Socorro	28.5
Torrance	32.6
Union	26.2
Oklahoma:	
Atoka	29.9
Cherokee	28.0
Choctaw	33.4
Coal	34.0
Delaware	31.0
Haskell	26.7
Hughes	29.3
Johnston	31.1
Latimer	29.8
Le Flore	29.4
Love	26.7
McCurtain	32.1
McIntosh	26.8
Okfuskee	34.7
Sequoyah	28.1
Texas:	
Atascosa	28.7
Austin	25.7
Bastrop	27.5
Brewster	27.1
Burleson	26.4
Caldwell	27.7
Camp	32.0
Collingsworth	25.9
Delta	25.9
Falls	34.6
Fayette	28.1
Foard	28.9
Franklin	27.2
Goliad	28.2
Gonzales	28.0
Grimes	34.5
Houston	33.0
Hudspeth	28.2
Jeff Davis	26.5
Jim Wells	26.6
Karnes	32.8
Kenedy	30.1
Kent	25.1
Lamb	25.3
Lavaca	32.2
Lee	26.8
Leon	30.4
Limestone	24.7
Live Oak	30.6
Madison	27.7
Marion	30.9
Martin	25.0
Mason	27.6
Medina	24.8
Menard	27.7
Motley	24.8
Newton	26.0
Panola	24.6
Polk	28.5
Oklahoma:	
McIntosh	26.8
Okfuskee	34.7
Sequoyah	28.1
Texas:	
Atascosa	28.7
Austin	25.7
Bastrop	27.5
Brewster	27.1
Burleson	26.4
Caldwell	27.7
Camp	32.0
Collingsworth	25.9
Delta	25.9
Falls	34.6
Fayette	28.1
Foard	28.9
Franklin	27.2
Goliad	28.2
Gonzales	28.0
Grimes	34.5
Houston	33.0
Hudspeth	28.2
Jeff Davis	26.5
Jim Wells	26.6
Karnes	32.8
Kenedy	30.1
Kent	25.1
Lamb	25.3
Lavaca	32.2
Lee	26.8
Leon	30.4
Limestone	24.7
Live Oak	30.6
Madison	27.7
Marion	30.9
Martin	25.0
Mason	27.6
Medina	24.8
Menard	27.7
Motley	24.8
Newton	26.0
Panola	24.6
Polk	28.5
Red River	31.8
Sabine	30.9
San Augustine	33.2
San Patricio	25.2
San Saba	30.8
Shelby	26.8
Sutton	26.3
Trinity	28.5
Uvalde	29.0
Val Verde	24.5
Washington	26.4
Wharton	24.7
Wilson	25.7
KANSAS CITY REGION	
Missouri:	
Ballinger	27.3
Butler	27.5
Carter	25.3
Dade	24.8
Dallas	29.6
Douglas	32.5
Dunklin	29.8
Hickory	26.7
Mercer	24.5
Mississippi	33.5
New Madrid	33.4
Ozark	32.9
Pemiscot	34.7
Putnam	28.0
Reynolds	32.6
St. Clair	25.6
Shannon	31.2
Texas	25.6
Washington	25.4
Wayne	30.9
Wright	26.4
Nebraska:	
Boyd	32.4
Cedar	27.7
Keya Paha	31.7
Knox	27.7
DENVER REGION	
Colorado:	
Costilla	34.7
Saguache	32.6
Montana:	
Blaine	25.2
North Dakota:	
Billings	28.0
Rolette	28.9
South Dakota:	
Bennett	26.9
Charles Mix	27.8
Corson	32.4
Dewey	31.5
Hutchinson	24.7
Hyde	25.4
Mellette	26.9
Todd	40.8
Washabaugh	40.6
Ziebach	41.0
SAN FRANCISCO REGION	
Arizona:	
Navajo	32.0
SEATTLE REGION	
Alaska:	
Barrow	27.7
Bristol Bay Division	32.8
Kobuk	33.0
Nome	31.2

APPENDIX B.—*Community Services Administration, Counties with 35 percent or more low-income families [1970]*

State and County	Percent of families below low-income level
PHILADELPHIA REGION	
Virginia:	
Lee	39.7
West Virginia:	
Braxton	37.4
Calhoun	37.1
Clay	39.6
Gilmer	37.0
Lincoln	38.9
Mingo	36.5
Webster	39.1
ATLANTA REGION	
Alabama:	
Barbour	36.0
Bullock	46.6
Choctaw	35.5
Conecuh	37.5
Crenshaw	38.5
Greene	53.7
Hale	44.7
Lamar	35.0
Lowndes	50.2
Macon	37.1
Marengo	40.3
Perry	41.5
Sumter	45.1
Wilcox	46.6
Florida:	
Jefferson	35.1
Washington	35.9
Georgia:	
Atkinson	41.0
Baker	45.7
Brooks	35.2
Burke	43.1
Calhoun	43.0
Clay	51.7
Crawford	35.9
Dooly	39.2
Early	36.5
Hancock	42.0
Jenkins	35.9
Miller	40.2
Quitman	47.1
Randolph	41.8
Stewart	43.9
Taliaferro	41.0
Terrell	35.5
Treutlen	35.0
Union	35.4
Warren	37.8
Webster	41.2
Kentucky:	
Bell	39.3
Breathitt	54.9
Clay	57.6
Clinton	40.9
Cumberland	39.4
Elliott	43.7
Harlan	36.2
Jackson	50.2
Johnson	38.5
Knott	56.6
Knox	48.4
Lawrence	40.0
Lee	48.4
Leslie	55.5
Letcher	40.1
McCreary	53.7
Magoffin	48.9
Martin	53.4
Metcalfe	39.7
Monroe	40.5
Morgan	43.5
Owsley	61.6
Perry	39.6
Rockcastle	36.1
Russell	35.7
Wayne	50.1
Whitley	39.7
Wolfe	50.9
Mississippi:	
Amite	42.1
Attala	37.3
Benton	38.2
Bolivar	44.7
Carroll	42.9
Choctaw	35.5
Claiborne	42.5
Coahoma	42.8
Copiah	35.9
Franklin	37.8
Greene	38.8
Holmes	53.0
Humphreys	53.8
Issaquena	42.7
Jasper	40.5
Jefferson	59.0
Jefferson Davis	39.8
Kemper	48.6
Lawrence	36.9
Leake	38.5
Leflore	36.4
Madison	30.8
Marion	36.8
Marshall	44.1
Montgomery	37.8
Noxubee	47.5
Panola	38.5
Quitman	49.8
Sharkey	46.8
Sunflower	46.2
Tallahatchie	50.0
Tunica	48.4
Walthall	35.9
Wayne	37.3
Wilkinson	47.9
Yalobusha	37.4
Yazoo	42.7
North Carolina:	
Bertie	37.5
Northampton	38.1
Perquimans	35.2
Tyrrell	37.9
South Carolina:	
Clarendon	42.5
Jasper	37.0
Lee	40.1
Williamsburg	40.5
Tennessee:	
Campbell	36.2
Claiborne	36.8
Clay	39.3
Fayette	44.5
Fentress	42.9
Grundy	40.2
Hancock	55.5
Haywood	40.8
Jackson	38.0
Lauderdale	39.6
Overton	39.8
Scott	42.1
CHICAGO REGION	
Illinois:	
Pulaski	35.7
DALLAS-FORT WORTH REGION	
Arkansas:	
Chicot	43.9
Fulton	41.5
Lee	43.6
Lincoln	36.8
Monroe	38.5
Newton	41.9
Phillips	38.1
Searcy	35.4
Stone	41.3
Louisiana:	
Avoyelles	38.3
Catahoula	36.6
East Carroll	51.1
Evangeline	39.4
Franklin	43.7
Madison	42.1
Natchitoches	45.1
Pointe Coupee	37.9
Red River	36.8
Richland	40.4
St. Helena	37.4
St. Landry	44.3
St. Martin	38.4
Tensas	38.2
West Carroll	39.1
West Feliciana	37.5
New Mexico:	30.4
Guadalupe	38.5
Mora	46.2
Randoval	36.3
San Miguel	30.9
Taos	35.9
Oklahoma:	
Adair	41.9
Pushmataha	37.0
Texas:	
Brooks	42.0
Cameron	38.6
Dimmit	51.0
Duval	43.6
Edwards	35.9
Frio	35.5
Hidalgo	42.2
Jim Hogg	46.3
Kinney	45.7
La Salle	43.8
Loving	46.2
Maverick	44.1
Presidio	40.9
Robertson	36.1
San Jacinto	38.3
Starr	52.3
Webb	38.5
Willacy	46.2
Zapata	50.6
Zavala	48.6
KANSAS CITY REGION	
Missouri:	
Oregon	36.2
Ripley	36.5
DENVER REGION	
Colorado:	
Conejos	36.7
North Dakota:	
Sioux	35.2
South Dakota:	
Buffalo	38.6
Shannon	44.6
SAN FRANCISCO REGION	
Arizona:	
Apache	46.5
SEATTLE REGION	
Alaska:	
Angoon	37.2
Bethel	25.9
Kuskokwim	55.2
Wade Hampton	67.8

[FR Doc.75-17073 Filed 6-30-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[Docket No. 75-7; General Order 16, Amdt. 13]

PART 502—RULES OF PRACTICE AND PROCEDURE

Informal Procedures for Adjudication of Small Claims

By notice of proposed rulemaking published in the FEDERAL REGISTER on April 4, 1975, the Commission served notice that it intended to promulgate a rule to amend Subpart S of 46 CFR Part 502 of the Commission's rules of practice and procedure by increasing the jurisdictional limit for the informal adjudication of small claims from $1,000 to $5,000.

The proposed amendment was based on a staff review and analysis of the claims settled during the period from June 1972 to January 1975. That review revealed that the $1,000 limitation set in 1967 has been eroded by general economic pressures, requiring a new limit to meet the increased costs of doing business and to afford a greater opportunity for claimants to elect the informal procedure for adjudication of small claims.

In response to the Notice of Proposed Rulemaking three comments were filed.[1] Eight conferences and their member lines joined by two additional conferences submitted comments in support of the adoption of the proposed amendment. Comments were also submitted by Ocean Freight Consultants Inc. (OFC) who argues that existing negative aspects of Subpart S 46 CFR Part 502 of the Commission's rules will be multiplied if the limitation is increased as proposed. OFC asserts that an increase in the jurisdictional limit from $1,000 to $5,000 will not necessarily expedite claims, and would not safeguard the interests of claimants who OFC states are now unable to petition for review of the decisions of a Settlement Officer. We find no merit in the arguments of OFC.

Small claims determined by informal procedure under Subpart S are so determined with the consent of all the parties who agree to be bound by the decision of the Settlement Officer. If a claimant wishes the opportunity to be able to request a review of a decision, he may do so by initiating a complaint proceeding under § 502.62, Complaints, or Subpart K, 46 CFR Part 502, Shortened Procedure, of the Commission's rules of practice and procedure.

We believe that the proposed amendment which offers a larger number of claimants the opportunity to select the informal procedure will result in the expeditious adjudication of a greater number of claims and a savings in expense to the parties involved.

Therefore, pursuant to section 3 and 4 of the Administrative Procedure Act, 5 U.S.C. 552, 553 and section 43 of the Shipping Act 1916, 46 U.S.C. 841a, the first sentence of § 502.301 of Title 46 of the Code of Federal Regulations be amended to read as follows:

§ 502.3010 Policy.

Claims against common carriers subject to the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, in the amount of $5,000 or less, for the recovery of damages (not including claims for loss of or damage to property), or for the recovery of overcharges, will with the written consent of all parties, be determined, pursuant to this subpart, by Settlement Officers, to be delegated by the Commission, without the necessity for formal proceedings under the rules of this part.* * *

Effective date. Since the amended rule will relieve a restriction on claimants, pursuant to section 4(c)(1) of the Administrative Procedure Act (5 U.S.C. 553), this amendment shall become effective immediately on July 1, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-17143 Filed 6-30-75;8:45 am]

Title 47—Telecommunication

[Docket Nos. 16004, 18052; FCC 75-636]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

Field Strength Curves and Field Strength Measurements

Report and Order—proceeding terminated. In the matter of amendment of §§ 73.333 and 73.699, field strength curves for FM and TV Broadcast Stations, Docket No. 16004; amendment of Part 73 of the rules regarding filed strength measurements for FM and TV Broadcast Stations, Docket No. 18052.

[1] Comments were submitted by: (a) North Atlantic Continental Freight Conference, North Atlantic Baltic Freight Conference, North Atlantic French Atlantic Freight Conference, Continental North Atlantic Westbound Freight Conference, North Atlantic United Kingdom Freight Conference, Scandanavia/U.S. North Atlantic Freight Conference, North Atlantic Westbound Freight Association, South Atlantic North Europe Rate Agreement, (b) Continental/U.S. Gulf Freight Association, and United Kingdom/U.S. Gulf Westbound Rate Agreement, and (c) Ocean Freight Consultants Inc.

V40-1127 JUL 1 75 XUM

1. In the above entitled proceeding[1] the Commission proposed to amend Part 73 of its rules and regulations to effect the following changes:

(1) Adoption of revised F(50,50) field strength curves for the television broadcast service (§ 73.699) and the FM broadcast service (§ 73.333), the adoption of new F(50,10) field strength curves for both services (however, with the exclusion of a "roughness factor" originally proposed in Docket 16004 for modification of the values predicted by the curves where the terrain traversed by the signal is of other than average roughness),[1a]

(2) Revision of the procedure specified in § 73.686 for making field strength measurements in the television broadcast service, and a broader definition of the situations in which the results of such measurements will be considered as of probative value. Also contemplated is the incorporation of similar provisions for field strength measurements in the rules governing the FM broadcast service.

(3) Modification of the F(50,50) field strength values specified in § 73.683 for Grade B service.

(4) Possible changes in the rules to provide for the depiction of areas within the television station's Grade B contour subject to interstation interference.

2. Prior to the consolidation of Dockets 16004 and 18052 by a Further notice of proposed rulemaking, adopted April 14, 1971 (FCC 71-422), 36 F.R. 8699 (1971), comments were received in the separate proceedings concerning the adoption of field strength curves (Docket 16004) and the revision of the rules governing the performance of field-strength measurements and their usage (Docket 18052). The Further Notice invited comments on the proposed adoption of amended field strength values defining Grade B service, as a part of a "package" which would include rule amendments to implement the proposals advanced in the aforementioned Dockets, excluding, however, the "roughness factor" offered for adoption in Docket 16004. While disclaiming any requirement of the FCC for such information, the Further Notice sought comments on the usefulness of interference predictions for other purposes, and the technical standards which should be employed if depictions of interference areas within Grade B contours were required.

3. As extended, the deadline for filing comments was set as July 28, 1971, and for filing reply comments as December 29, 1971. In arriving at a decision in this proceeding, we have had before us and have given full consideration to the comments filed in each of the separate Dockets, and those filed in response to the Further Notice, as listed in Appendix A below.

[1] 36 FR 25332, December 8, 1971.

[1a] The revised field strength curves are those contained in Report No. R-6602 of the Research Division of the Office of Chief Engineer of the FCC, issued on September 11, 1966. This Report, which fully describes the development of the curves, and the development and use of the "roughness factor" is a part of the record of this proceeding.

4. As many of the parties have emphasized, there are two major and interrelated questions to be considered in this proceeding:

(1) The validity of these proposals purely from an engineering viewpoint.

(2) The effect of the adoption of the proposals, separately or in combination, on competitive relationships between television broadcast stations and on their relationship to other media (CATV) and other services (e.g., land mobile).

5. An additional consideration is the allegation that an undue burden, economic and otherwise, would be imposed on television stations required to comply with the new standards, regardless of other effects which may be involved.

6. Thus, largely in behalf of broadcast interests, it is argued that the revised F(50,50) field strength curves for VHF are no more accurate, and may be less accurate than the curves presently contained in the rules. A. Earl Cullum and AMST have provided detailed analyses of what they consider to be the faulty or incomplete use of available measurements in the preparation of the revised curves. Opposition to the adoption of the revised F(50,50) curves for UHF is less pronounced. That these curves will permit a better approximation of UHF field strengths than the low band VHF curves presently employed for this purpose is recognized, but it is strongly urged that if the UHF curves are adopted, they should be employed in individual cases with corrections for terrain roughness. However, the method for making these corrections which we had proposed to adopt in Docket 16004 (but later rejected in the Further Notice) is held to be defective in several respects. Cullum suggests that the extreme variability of the UHF signal defies any attempt to depict service provided with such signals by an area concept, and we should give consideration to devising some other means for predicting UHF service.

7. In the above connection, the Department of Commerce urges that, in lieu of revising its field strength curves or amending its rules regarding field strength measurements, the Commission give consideration to computer methods developed by the Department by which realistic estimates of the quality and extent of service provided by each station to various areas can be developed with suitable inputs to the computer of station frequency, effective radiated power, antenna height, and data on pertinent terrain irregularities and meteorological conditions. A technical report of ESSA, fully describing the method, is appended to the Department's comment.

8. As to the engineering merits of the proposed revision of Grade B values, it is held that the Commission has provided insufficient technical support to justify the modification of certain of the parameters used in the Grade B computations; that certain computations (i.e., the method of combining the effects of external and receiver noise) are faulty, and that such information as is available to the parties from other sources indicates the Commission has assumed unrealistically low receiver noise figures and unrealistically high values of antenna gain. The inclusion of the effects of external noise in the computation of the Grade B contour value for low band VHF stations creates a situation where such stations produce Grade B signals at lesser distances than do high band VHF stations of comparable power and antenna height. It is contended that this result is contrary to the findings of TASO, and to common experience.

9. Out to distances which include the normal service range of television broadcast stations, the revised F(50,50) curves for VHF frequencies generally show higher fields from shorter antennas, and lower fields from higher antennas than do the present curves, the crossover point occuring at antenna heights between 500 and 1,000 feet. The differences are not major, however, except for extremely low or extremely high antennas. It is, of course, with the practical effect of adopting these curves on stations using taller than average antennas that most of the concern is expressed. However, it is not argued that the adoption of the VHF curves would seriously affect the viability of television stations operating in this band. Rather, it is offered that the differences between the present and the proposed VHF curves are not sufficiently great as to justify adoption of the new curves, absent convincing engineering evidence that the new curves represent a substantial improvement over the old, but the fact that differences do exist is sufficient to result in substantial expense and hardship to VHF station licensees should the new curves be adopted. Although the Commission has stated that if the proposed rules were adopted, it would require the filing of revised Grade A and B contours only in instances where individual stations are engaged in proceedings in which the location of these contours is a pertinent consideration, the many Commission procedures whose resolution requires such consideration (particularly in CATV matters) will, in a relatively brief period, involve many, if not all stations.

10. The situation with respect to UHF stations is considerably different. Grade A and B contours for these stations, as predicted with the proposed curves, in all cases will fall at distances from their transmitters which are very substantially less than those determined by the present curves. While most of the parties who have commented on this question recognize that the new curves produce a result which is closer to reality than do the present low band VHF curves (some UHF licensees do not concede this to be case), the adverse effects of employing these curves is held by UHF stations and their organizations to be little short of disastrous. The salability of UHF stations to advertisers will be hampered—it is claimed that advertisers look first at the size of the areas included within its Grade A and B contours of a station in assessing its suitability for reaching the audience desired by the advertiser. More importantly, the UHF station's position vis-a-vis CATV systems in its area with respect to carriage and non-duplication, which may have been established

only after prolonged and expensive litigation, will be disrupted seriously. These effects will ensue, regardless of whether or not revised Grade B values are adopted in connection with the revised curves, since the new Grade B contour for each station will still fall short of its old location. Moreover, the Commission has offered nothing which would compensate, even partially, for the foreshortening of the Grade A contour which would occur. It is urged that those UHF licensees who, heeding the prompting of the Commission, have invested large sums in the improvement of their transmitting plants, deserve something better than an untoward result dictated solely by a blind adherence to engineering considerations.[2] Several UHF licensees and ACTS suggest that if the adoption of the new curves is decided upon, we "grandfather" existing CATV carriage and non-duplication rights on the basis of the present predicted Grade A and B contours. While some licensees would be satisfied with such "grandfathering" with respect to existing CATV systems, others hold it is necessary to provide such protection also against systems established in the future.

11. In addition to the deficiencies which Cullum finds in the new curves, even when employed for average terrain and meteorological conditions, he maintains we are remiss in not making provision, at this time, for the special propagation conditions existing in southern California coastal areas and in Puerto Rico, which, he urges, are even more abnormal than those in the Gulf area, whose existence the Commission has recognized in its rules by the specification of larger co-channel station separations in this area than are required in other sections of the country.

12. In contrast to the rather general opposition to the adoption of the new curves expressed by broadcasting interests are the positions of Motorola, Inc., GE, and EIA, which parties, in the interest of "improved spectrum management," which in the context presented appears a euphemism for increased opportunities for land mobile sharing of TV channels, favor adoption of the curves. Motorola would employ these curves with roughness factor corrections when it will "improve spectrum usage." GE and EIA take exception to certain of the parameters which were utilized in the derivation of the new Grade B values. The figures for receiver noise, antenna gain, and transmission line loss are claimed to be too optimistic and the external noise factor included in the low VHF band computation is subject to adverse criticism, EIA, in particular, suggesting it should be substantially increased. However, NCTA and Jerrold Corp., which adopts NCTA's comments, fully support all of the proposals made by the Commission in this proceeding.

13. A number of the comments suggest that we adopt the proposed measurement procedure, but defer adoption of the new curves for a period of a year or more with the thought that such action will result in the making of measurements whose results can be used to settle the controversy as to the accuracy of the new curves.[3]

14. In general, those comments which critically examine the measurement proposal recognize it as offering a marked improvement over the procedure specified in the rules, and would accept it as a substitute for that procedure for the purposes which the rules now permit measurements to be made. However, considerable opposition is offered to our proposal to permit determinations of the extent of service to be made by measurements, with the results of such measurements taking precedence over determinations based on the propagation curves. Several parties hold that, for this purpose, measurements will yield results no more accurate than predictions made with the use of the curves. Pertinent to the suggestion, previously mentioned, that the adoption of rules permitting the expanded use of measurements will result in the accumulation of data by which the accuracy of the new curves may be verified, or their accuracy improved, Cullum holds that any rule which permits, but does not require the use of measurements in lieu of curves will not result in the accumulation of reliable and unbiased data for this purpose, since any measurements made in individual cases will be submitted to the Commission only when the results support the position being advanced by the party undertaking the measurements.

15. While the proposal that we provide in our rules the tools for predicting the extent of interstation interference was originally advanced to the Commission in promotion of UHF television (apparently with the thought that VHF stations, in general, can be shown to be subject to more such interference than UHF stations, and, in consequence of this fact, on a basis of effective service, the disparity between UHF and VHF coverage would be less pronounced), no UHF station or organization supports the adoption of such rules in the instant proceeding. Rather, the only supporters of the proposal are Motorola and EIA, who view it as one more instrument which could be used to further the sharing of TV channels by the land mobile services, and NCTA, which, as previously noted, espouses all of the proposals advanced in this proceeding.

16. Neil Smith, who, in behalf of Kear and Kennedy, participated in the FCC/industry committee whose efforts resulted in the production of the curves, urges their adoption, as well as the measurement proposal, which was originally instituted as a result of a petition filed by Kear and Kennedy. However, Mr. Smith submits a report of a test which he conducted in an attempt to correlate TV picture quality with the strength of received signals, which, he asserts, offers no support for a reduction in field strength values necessary for Grade B service. If, however, the Commission considers that the adoption of such lower values is a necessary part of a package which includes the revised curves and measurement rules, he believes that the virtues of these latter proposals far outweigh the deficiencies of the former.

DECISION

17. Despite the considerable controversy which has swept around the technical merits of the proposals put forward in this proceeding, the task of arriving at a decision in this matter would be immeasurably simplified if such a decision could be made to hinge entirely on an evaluation of the engineering virtues of these proposals. However, in a regulatory system engineering rules are administrative tools, and a decision, at any time, to substitute new tools for old, even though they may be demonstrated to be keener and more precise than the ones presently available, inevitably must take into consideration the practical consequences of such action, both with respect to the efficiency, expeditiousness and finality of regulatory processes, and the impact of the rule changes on those whose activities are under the jurisdiction of the regulatory body.

18. That this is true is recognized either explicitly or implicitly by most of the parties who have commented in this proceeding. Generally, those who favor adoption of the field strength curves and the Grade B contour proposals, separately or together, or the proposal to permit more extensive use of measurements, either ignore or minimize the engineering deficiencies which others profess to see in these proposals, and urge their adoption because such action would facilitate the achievement of ends which the individual parties consider desirable.

19. Parties who concern themselves primarily with the engineering aspects of these matters are not insensitive to the practical problems which might eventuate should the Commission adopt the particular "engineering" proposal which a party recommends, but urge that "non-engineering" solutions be found, as necessary, for such problems.

20. The "package" approach which we advanced in the consolidated docket has gained little support—the majority of the parties have reduced the proposal to its separate elements and picked and chosen among them. Consequently, we have abandoned this approach, and will consider each of the major proposals—propagation curves, Grade B redefini-

[2] Certain of the entities which, in general, favor adoption of the UHF curves believe they should be utilized only with appropriate corrections for terrain roughness. If such corrections were employed UHF stations located in rugged terrain (e.g., the Scranton/Wilkes Barre area or the Pacific Northwest) would sustain a shrinkage of their Grade A and B contours even more drastic than that resulting from the use of the new curves without such corrections. On the other hand, an engineering showing submitted in behalf of UHF station WTOE, Pensacola, Florida, demonstrates that, in smooth terrain, the application of these corrections will appreciably increase the radius of the Grade B contour.

[3] These comments, in most instances, submitted in behalf of VHF stations operating in the high band, also urge that the revised Grade B contour values be adopted at this time.

V40 I127 JUL 1 75 XUM

tion, and measurements—on its individual merits.

21. We shall first discuss the technical virtues and deficiencies of our proposals in these dockets. If we decide that the engineering merits of these proposals have been sufficiently established to justify their adoption solely on this basis, we will then examine the effects of such action on the Commission's regulatory functions, and on the relationships among stations and between television and other services, to ascertain whether dislocations or disruptions of existing procedures and relationships will be of such magnitude that a more advanced engineering approach should be rejected in the name of administrative efficiency, or because the adverse effects on the regulated industry are determined to be unduly great.

THE PROPOSED PROPAGATION CURVES

22. The new propagation curves were developed by the Working Group appointed by an engineering conference called by the Commission. All the methods and procedures employed in the preparation of the curves were approved by the Working Group, which was comprised of engineering representatives from industry, other government agencies, and of Commission engineers.

23. As a data base, the Group had available the results of many recordings of the signals of FM and TV stations made at fixed sites, principally by the FCC, Central Radio Propagation Laboratories,[4] and the National Bureau of Standards, gathered during a period between 1943 and 1954, and of mobile surveys made between 1955 and 1962, the great majority of which were conducted by A. D. Ring and Associates, A. Earl Cullum, Jr. and Associates, and by the FCC.

24. The two last mentioned firms, of course, are the parties who have mounted the principal attack on the adequacy of the proposed curves, with the claim that, insofar as the VHF curves are concerned, the measurement data is more accurately reflected in the curves now contained in our rules than in the proposed curves.[5] Generally, others who oppose the adoption of the curves primarily because of the practical effects of their employment, rely on the showings of these two parties to support a claim that the curves are, in any case, technically deficient.

25. Much of the controversy, it appears, revolves around the weight to be given certain measurement data, and the nature and magnitude of corrections to be applied to this data. Ring believes that a major source of error lies in the application of a linear height-gain factor by the Commission in lieu of a spherical earth factor in the development of the new curves; Cullum agrees that this may be the case.

[4] Now the Institute for Telecommunications Sciences, Office of Telecommunications, U.S. Department of Commerce.

[5] The Ring engineering presentations were submitted in support of AMST pleadings.

26. The Commission has thoroughly reviewed the procedures and data employed by the Committee in the preparation of the curves. It has also studied the extensive technical filings made by Cullum and Ring in the current and earlier phases of this proceeding, in an attempt to ascertain the reasons their conclusions in this matter are at variance with the Commission's.

27. Insofar as the Commission can determine, neither party in his analysis, made adequate use of long term measurement data at fixed locations. There are a number of such data points at pertinent distances, which the Commission feels must be considered in any critique of the proposed curves. Cullum apparently ignored this data; Ring used it, but failed to reduce the measured fields in accordance with the "preferred location bias" which the Ad Hoc Committee agreed was reasonably applicable.

28. Cullum places particular weight on mobile measurements on WFAA, which were made in June, at which time propagated fields may be expected to be considerably higher than average, while rejecting measurements made on Channels 2 and 7 in New York City in the FCC UHF experiment. We consider the New York City data as among the most reliable and accurate of the available mobile measurements.

29. Ring recognized that atypically high fields exist in mid-California at ultra high frequencies because of unusual terrain conditions, but apparently failed to take into account that the conditions responsible for the abnormal signal levels at UHF are operative in the high VHF band. Thus, measured unweighted data obtained in this area cannot be accepted for verification of propagation curves prepared for typical terrain.

30. In any derivation of propagation curves, it is necessary to provide smooth trends with distance, transmitting antenna height, time fading and frequency. If a technique is employed which fails to take into account all of these parameters there will be no satisfactory trends for the parameters not taken into consideration. For instance, 10 percent measurement data would have lead to propagation curves with lower values of field strength than the 50 percent best fit curves of Cullum—a result which is manifestly insupportable.

31. In any undertaking such as this, which inevitably involves, in many areas, the exercise of a considerable degree of expert judgment, it is possible for experts to disagree with particular aspects of the procedure employed. It was to develop a consensus on the important points at issue that the Ad Hoc Committee was formed. It performed its task in a careful and competent manner. That the results, considered purely from a technical viewpoint, have not received universal acceptance, is unfortunate, but not fatal. As indicated above, we believe that the criticisms leveled at the curves are subject to logical rebuttal, and that the determinations of the Ad Hoc Committee must prevail over the opinions of individual engineers, even highly competent engineers such as Ring and Cullum, to whom the Committee is greatly in debt for much of the raw mobile measurement data which were used in the preparation of the curves.

32. The Commission is firmly of the opinion that the proposed curves represent a substantial improvement in prediction accuracy, and their adoption, as an improved allocations tool, is fully justified.

33. We have given full attention to the comments of those parties who maintain that regardless of the technical merits or deficiencies of the proposed curves, they should not be adopted because their employment will result in a redetermination of the locations of principal city, Grade A and Grade B contours, and may lead to a review of determinations and decisions arrived at in reliance on previously established locations of these contours. We stated in the Further Notice, and we now reiterate that we have no intention of allowing this to happen, and such actions will be "grandfathered".

34. Contours of UHF stations, when predicted with the use of the new propagation curves of course will be reduced substantially in average radii. However, it appears that this circumstance would have an adverse impact on a UHF station's ability to operate viably only insofar as contour locations remain a major factor in determining its rights for carriage and network program nonduplication on CATV systems. The Commission is presently in the process of eliminating the use of contours for this purpose. Thus, in a "First Report and Order" in Docket 19996, adopted April 3, 1975 (FCC 75-413) the cable rules were amended to prescribe zones of fixed radii, in lieu of contours, for determining the areas over which television stations are entitled to protection from network program duplication. In a "Notice of Proposed rulemaking" in Docket 20496, adopted May 29, 1975 (FCC 75-635), we look toward the substitution of a zone of fixed radius for the Grade B contour in the cable rules governing signal carriage. Pending the conclusion of this proceeding, carriage requirements will continue to be determined by the procedures heretofore applying, including the determination of contours by use of the old curves. In the light of the above, we believe that the adverse effects on UHF stations in their cable relationships foreseen, should the new curves be adopted, would not occur.

35. In other situations where the locations of the service contours of TV stations are a pertinent consideration we do not believe that the setting of UHF stations' contours on a more realistic basis will result in substantially adverse effects on their economic health or general status. Time buyers of the present day possess sufficient sophistication that, in decisions regarding their television advertising efforts, only secondary importance is placed on data showing the extent of each station's contours; they

rely primarily on audience survey data made available by ARB and other similar services. Determinations of contour locations by means of the new curves obviously, in many cases, will make easier the task of the station licensee in meeting the requirements of the rules in multiple ownership cases, whether TV/TV or TV/CATV cross ownership is contemplated. In summary, we are of the view that the adoption of the new curves will not result in significant economic harm to existing television broadcast stations. Accordingly, we will amend our rules to incorporate the new curves therein.

36. We have decided also to adopt the terrain roughness factor, originally proposed in Docket 16004 for use in the adjustment of results obtained by application of the propagation curves. While, as pointed out in the comments, the proposed factor does not take into account all terrain characteristics which may affect signal propagation over a particular path, such as terrain tilt or sequence, or the attenuation caused by foliage, it does offer a practical means for making, in particular cases, gross first order corrections of predictions based on the use of propagation curves which assume terrain of average roughness, thus improving the accuracy of predicted values—especially at the higher television frequencies. In the immediate absence of a more sophisticated, and not unduly burdensome method of assessing the effects of a variety of terrain anomalies, we believe that the procedure proposed is a worthwhile addition to our allocation tools.

37. Some parties appeared to believe that an undue burden and expense would be imposed on television station licensees by a requirement that they prepare revised contour maps based on the new curves. We fail to see why this should be the case. While the effort required is more than nominal, it is certainly not one of major proportions. Nevertheless, to mitigate the impact, such as it is, of this requirement, we had previously suggested that the submission of revised contour maps would be expected only of licensees involved in cases in which the location of their station's contours is a matter of probative importance. We have given further thought to this matter, however, and now are of the opinion that the indefinite existence of a situation where the contours of some stations are based on the old curves, and of others on the new, is undesirable. We believe that the present usefulness of contour information can best be preserved, and confusion minimized, only if all television broadcast stations are required to file updated contour maps with the Commission within a reasonable period of time. We have decided, therefore, to require each station to submit to the Commission revised maps at the time it applies for its first renewal of license subsequent to the effective date of these rule amendments.

38. We will not impose a similar requirement on the licensees of FM broadcast stations. There appears to be no pressing need that revised contours for all of these stations be made available in the immediate future. However, in any Commission proceeding in which a pertinent consideration is the location of the contours of specific FM stations, the parties concerned are expected, of course, to submit showings involving the contours and coverage of these stations, as determined in accordance with the amended rules.

39. In his original comments in Docket 16004, and as reiterated in his filings in this consolidated proceeding Cullum maintains that the Commission should be faulted in not making some provision for the now demonstrated fact that meteorological conditions in Southern California and Puerto Rico favor long distance propagation of interfering signals to an extent even greater than has long been known to exist along the Gulf Coast. This condition in the latter area was recognized in the present television allocation by the specification of greater than standard co-channel separations between stations. He suggests that a similar procedure be adopted for Southern California and for Puerto Rico.

40. Had the abnormal propagation conditions existing in Puerto Rico and Southern California been evident prior to the promulgation of the Sixth Report and Order of April, 1952, which adopted the existing allocation rules, consideration might more feasibly have been given to the adoption of special separation standards for these areas. Now, however, except for stations in the UHF spectrum, the matter seems largely academic. VHF assignments are fully occupied, service areas in the face of the greater-than-normal interference have been established, and it cannot be considered within the realm of practicability that existing stations could be uprooted and moved to locations affording more favorable separations.

41. Moreover, even if this practical impediment to the implementation of greater separations did not exist, we are not at all sure that, taking all pertinent factors into account, we would opt for greater geographical separations in Southern California and Puerto Rico. We note that our present rules provide for two departures from the separation requirements applicable to the major portion of the country (Zone II); the greater separations prescribed for the Gulf Coast area (Zone III) for the reasons which have been discussed, and the lesser separations set for the northeastern portion of the United States (Zone I) to accommodate the greater number of stations deemed necessary to serve this populous area.

42. When the Commission last had occasion to determine the kind of co-channel separations which should obtain in various areas of the United States based on considerations of population distribution (the FM allocation of 1962) it decided to treat Southern California and Puerto Rico in the same manner as the northeastern states—it provided for lesser-separated Class B assignments in these areas while the remainder of the country enjoyed more widely separated Class C assignments.

43. Thus, in any new look at TV separations in Southern California and Puerto Rico, two conflicting influences would be at work—one looking toward greater separations because of abnormal propagation conditions, and another, toward lesser separations to accommodate the number of stations deemed necessary to serve these densely populated areas. In such a situation, a compromise solution might well have been arrived at—which could have produced a result not greatly different than the separation formula which now obtains.

44. Any method of service analysis which takes into detailed consideration as many as possible of the factors which affect signal propagation, and assigns to these factors values unique to the area or each segment of the area over which television or FM service is to be estimated has the potential for producing more accurate results in the individual case than can be achieved with the use of propagation curves based on average propagation conditions over long paths. Thus, the computer method proposed by the Department of Commerce may prove useful in any undertaking where the degree of precision which may be attainable justifies the inevitable complications of the method. However, for the day-to-day regulatory purposes in which propagation curves are presently employed, we believe that they yield results of an acceptable degree of accuracy, and that the adoption of Commerce's method for estimating coverage for such purposes would impose unnecessary burdens on both licensees and the Commission.[6]

REDEFINITION OF THE GRADE B CONTOURS

45. Our proposal to define Grade B contours at field strength values somewhat lower than are presently specified in our rules was made primarily in an attempt to mitigate such practical impact as might be experienced by television station licensees, who, in utilizing the new propagation curves for the prediction of station coverage, find that coverage within the Grade B contour had been reduced.

46. The lower field strength values proposed resulted largely from a revision in the magnitude of certain parameters included in the computation of Grade B signal strength, a reduction in estimated receiver noise figures, an upward revision in values for receiving antenna gain, and a reduction in the assessed effect of transmission line losses. The assignment of new values to these parameters was held to be justified as a result of equipment refinements occurring since the original Grade B determinations were made. The reduction in the proposed Grade B contour value for low band VHF was quite moderate, for,

[6] While we are rejecting this proposal primarily for practical reasons, we have taken note of an engineering study submitted as an attachment to the reply comments of AMST. The results of this study suggest that the Commerce method in its present form, may be less than satisfactory in yielding realistic estimates of UHF fields occurring at distances of less than 50 to 60 miles from the transmitter.

V40 I127 JUL 1 75 XUM

in the computation of this value, we included, for the first time, a factor intended to account for the effects of external noise, which we found to be of significant strength only in this band of television frequencies.

47. Except in those cases where individual stations find that the employment of the new curves in combination with redefined Grade B contours confer practical benefits on them, either on an absolute or competitive basis, there is general unwillingness to accept the proposed Grade B values for coverage determinations. Rather, the technical soundness for Grade B contour redefinition is attacked, with the allegation there is insufficient evidence that the values which the Commission assigned to the receiver noise figure or to antenna gain are realized at present in any but exceptional cases, or are likely to be realized more generally in the foreseeable future. The external noise figure included in the low band VHF Grade B determination is held not to be justified by available data, and it is urged its inclusion produces a result contrary to common experience.

48. Admittedly, the receiver noise figures and antenna gain values utilized by the Commission are optimistic, representing the performance of a receiving installation much better than average. The best justification for employing these values is a comparative one—the corresponding parameters in the original Grade B determinations also were optimistic at the time they were adopted and there is no doubt that receivers and antennas have improved in these respects over the intervening years. On the other hand, it is argued that a similarly optimistic approach—assuming performance levels of receiving installations hoped to be reached generally in the future with improved equipment—is not justified at this time. For instance, current trends in receiver design, it is alleged, portend higher, rather than lower, receiver noise figures.

49. It would appear that the practical benefits accruing from a redefinition of the Grade B contours are deemed by many parties to be minimal. Since questions have been raised as to the reasonableness of certain of the assumptions made by the Commission in its computation of the proposed new Grade B values, we have decided not to press this proposal further. While we might attempt to support further the figures we have employed, we consider such an effort unnecessary. There is no urgent need, from an engineering standpoint, to redefine the Grade B contour, and since other considerations do not make such a course of action expedient, we will not pursue it. Accordingly, the rules will not be amended in this respect.

MEASUREMENTS

50. In its notice of proposed rulemaking in Docket 18052 it is stated "The Commission is seeking a method (of field strength measurement) that will yield substantially the same results when measurements are made under similar conditions, by independent observers and at different times. Otherwise, measurements can have no probative value."

51. All parties agree that this ideal cannot be achieved fully as between two sets of measurements made at different times, since the time fading factor, predominantly seasonal in character, would forbid such a result.

52. There is an equal degree of agreement, however, that the measurement procedure set forth in § 73.686 is obsolete, and where television field strength measurements are now made for any purpose, is more honored in the breach than in its observance. Therefore, this section should be amended to specify a more acceptable procedure, which the majority of those commenting believe should be generally patterned on the technique developed and employed by the Television Allocations Study Organization (TASO). While this procedure does not meet the criteria which the Commission cited as desirable—it admittedly does not take into account temporal variations in field strength, and even carefully made measurements by different observers over the same path may yield results sufficiently different to be controversial—this procedure is now generally employed by engineers making television field strength measurements, and clearly represents an improvement of the one set forth in our rules. Accordingly, we are amending our rules to adopt this procedure with certain modifications proposed in this proceeding, and with other changes which we believe will serve to clarify its application. In taking this step, however, we are not abandoning our quest for a method of measurement which more fully meets the criteria we have established. The Commission intends to study this matter further, and would welcome assistance from the industry in pursuit of this end. At such time as developments warrant such a course of action, we will propose such further amendment of § 73.686 and the rule for FM measurements which we are adopting, as may be appropriate.

53. There are strong differences of opinion on the question of whether field intensity measurements should be accepted by the Commission only in "rule making proceedings to amend * * * technical standards" and when submitted in response to a request by the Commission (the present rule limitation), or whether individuals should be permitted also "to submit measurement data for the purpose of showing more precisely the propagation over a particular path, or the field intensity received at a particular location" (the petitioner's proposal).

54. The preponderance of engineering opinion submitted in this proceeding is to the effect that while field strength measurements, if properly executed, are a valid means for determining the general level of a VHF or UHF signal prevailing over a particular area, e.g., a city, they cannot or should not be employed in an attempt to establish the location of a particular contour, by a procedure wherein measurements are made along a particular radial, and a best fit curve is drawn through the measured points. Thus, A. Earl Cullum states "The frequently used procedure of drawing connecting lines or curves between plotted measured clusters does not give a median value. No point may be at the median for the area or all may be. To say that a line drawn between measured points defines, by crossing a particular field intensity ordinate, the distance to a contour representing the median (with respect to locations) field intensity is to 'pin the tail on the donkey' while blindfolded."

55. Another objection raised to the procedure is that it fails to take into account that the strength of a VHF or UHF signal varies with time, and, even assuming that the location of a contour could be pinpointed by a particular measurement procedure, its location would be determined only for the time at which the measurements were made. It could well be somewhere else at some other time.

56. The contrary argument in Docket 18052 is that, in the standard broadcast service, contours determined by field strength measurements take precedence over predicted contours, even though such measured contours are subject to temporal variations and to limitations similar to those found at higher frequencies. Thus, the argument goes, there is no reason why the same approach should not be used at UHF and VHF frequencies.

57. However, groundwave fields at standard broadcast frequencies are not usually subject to as sharp and substantial variations in amplitude between closely adjacent locations as are typical of the effects found at higher frequencies. Consequently, measurements made at medium frequencies over the same path by different observers are likely to produce results which are in closer correspondence than similar measurements at VHF and UHF frequencies. There is, of course, a temporal variation in measured field strength, generally seasonal in nature, whose magnitude probably was not fully realized until after the custom of utilizing field strength measurements in individual cases had been firmly embeded in standard broadcast regulatory structure. It should be noted, furthermore, that for standard broadcast propagation conditions where the variation in signal strength with time is very great, i.e., skywave transmission, the rules permit only empirical curves to be used for determining service contours and the levels of undesired signals.[1]

58. We are not basing our decision on whether or not to permit the expanded employment of field strength measurements of television signals primarily on technical considerations. It should be pointed out that permissive employment of measurements for groundwave service and interference showings in the standard broadcast service has greatly complicated and lengthened many Commission proceedings. It can plausibly be argued that had the performance of measurements in this service long ago been permitted only for certain specific purposes (e.g., to gain conductivity data in general allocations matters and in adjusting directional antenna radiation patterns), the extent and quality of standard broadcast service would not have suffered appreciably, but the causes of administrative speed, efficiency, simplicity, and finality would have been very substantially advanced.

[1] It is fairly obvious that measurements, carefully made at some particular time over some particular area yield results, which for that time and over that area, can have a higher degree of accuracy than those obtained by the use of propagation curves based on average conditions. However, the great virtue of the curves, from a regulatory standpoint, is that they produce a unique result, reproducible at different times by different individuals, which is of sufficient accuracy, in the great majority of cases, to permit the attainment of basic regulatory objectives.

59. The framers of the TV rules took due note of the tortuous standard broadcast experience, and designed an allocations structure and assignment procedure intended to be as free from tampering as possible. To this end, engineering tools which might be used for the individual tailoring of assignments were largely omitted from the rules. While Grade A and Grade B "service" contours were provided for, they were intended to have only nominal significance. However, the need for some convenient measure of TV station service for a variety of purposes appeared over the years, and, in the absence of any more realistic or usable standard, the Grade A and Grade B contours came generally into use. Inevitably, then, when a determination requiring the use of these contours produced a result adverse to the interests of a particular party, he sought ways acceptable to the Commission of changing this result, e.g., changing the position of a Grade B contour, predicted by use of the curves, with measurements. In a number of instances, the Commission has accorded probative value to such measurements. However, we do not believe the fact we have done so, on occasion, requires that we formalize this case-to-case approach by rule amendment.

60. Obviously, the right to utilize measurements in an attempt to alter an otherwise ordained result may offer a substantial advantage to one individual, but the result, as altered by measurements, may impose a substantial detriment on another. It seems clear that the decision as to whether to change the rules to permit the results of measurements to be accepted in a wider range of cases should not hinge on such considerations, but should be made on a basis which will best conduce to the furtherance of Commission objectives in the most equitable and efficient manner, and redound to the public interest.

61. If the Grade B contour were a wall within which all service provided by a television station were confined, the determination of its location by the most precise means available could well be worth whatever complication might be involved. However, since this and other contours are primarily administrative tools, it seems clear they should be located by means which promote the most efficient administration—by a relatively simple procedure which produces a speedy and unequivocal result.

62. Whether a duopoly question involving the extent of Grade B service is presented, or a CATV problem of carriage or non-duplication, it seems evident that its resolution can be reached much more simply, expeditiously and finally if the pertinent contours are determined only by prediction. The nature of the determination involved does not, in the consistent and successful application of the pertinent rules, require such greater degree of exactitude which field strength measurements may provide.

63. Therefore, we are not amending § 73.686(a) in any way which would allow, as a matter of right, the determination of contour locations by means of field strength measurements. As we have discussed, the procedure, in the minds of many parties is of questionable validity, and, even if it were not, we do not believe that proceedings involving the television broadcasting service should be burdened with the mass of often conflicting showings which, in many cases, have so complicated standard broadcast proceedings. Occasionally, there may be instances when the location of TV contours, as determined by prediction, are obviously in gross error, and measurements will produce a result which, by any standard, is more realistic. We believe that when such cases are brought to our attention, measurements may be accepted when made on an individual basis "upon the request of the Commission" in accordance with the present wording of § 73.686(a).

64. Nearly all parties agree that the TASO measurement procedure can be applied to determine with an acceptable degree of accuracy the median level of a television signal prevailing over a particular area, such as that included within the boundaries of a community. Where the results of such measurements are properly made, and are pertinent to the resolution of the issues in a particular proceeding, they will be accepted and considered by the Commission. However, all contour determinations shall be made using the propagation curves included in the rules, as modified by application of corrections for terrain roughness. Section 73.686 is being amended in accordance with this determination. A new § 73.314 is being added to the FM broadcast rules, establishing similar policies and procedures for field strength measurements in this service.

65. With the adoption of § 73.314(c), a procedure is established for determining, by field strength measurements, the level of an FM broadcast signal prevailing over a particular community. In appropriate cases, we contemplate the acceptance of the results of measurements made for this purpose. In particular, an applicant for a standard broadcast station, desiring to show, pursuant to § 73.37(e)(1)(ii) or § 73.37(e)(2)(iii), that the community proposed to be served receives fewer than two aural services may seek to demonstrate that an existing FM broadcast station does not, in fact, provide a signal with 70 dbu (3.16 mV/m) or greater strength to as much as 80 percent of the population or area of the community. In such an instance, properly made measurements showing that at 20 percent or more of the measuring locations within the boundaries of the community, as established pursuant to § 73.314(c)(1), the measured field is of lower strength than 70 dbu (3.16 mV/m), will be accepted in support of a contention that less than 80 percent of the area of the community receives an aural service from the FM station.

66. The TASO procedures and methods are being adopted with the following modifications, in accordance with the suggestions made by the parties in an attempt to lend greater specificity to certain of these procedures and methods.

(a) The two mile measurement interval is being specified as a maximum, to permit measurements at shorter distances at high frequencies and in rough terrain. A cluster of five measurements is permitted in lieu of one hundred foot mobile run, and general limitations are placed on the areas including the clusters.

(b) Measurements are to be made only of the visual carrier.[2]

(c) In making measurements to determine the signal level in a community, the number of locations for such measurements is set as approximately 3 times the square root of the population in thousands (reduced, for convenience, in the rules, to the expression $0.1(P)^{1/2}$), with a minimum number of 15. All of these locations are required to be within the boundaries of the community.

67. We are adopting this measurement procedure, after fully considering Jansky & Bailey's proposal that our rules permit measurements with the receiving antenna at a 10 foot height, the 30/10 height/gain factor being determined for various parts of a radial at intervals which might be widely spaced in smooth terrain and at short intervals where the terrain is rough. If this procedure were followed, Jansky & Bailey state that information would become available for both 10 and 30 foot receiving antenna heights giving representative results for both rooftop and indoor antennas, and results which may be logically referenced to the many earlier measurements made with 8 and 10 foot antennas. While this procedure might have some virtues, we found no support for the proposal by others, and we think its adoption would needlessly complicate a methodology which appears to have general industry support.

DEPICTION OF INTERFERENCE AREAS WITHIN GRADE B CONTOURS

68. The Commission offered this proposal for comment without supporting it, stating that even if information as the effects of interstation interference were made available, it would not affect our

[2] This restriction is contained only in § 73.686—the field strength measurement rules for television. It, of course, has no pertinence to measurements made of the signals of FM broadcast stations.

V40-127 JUL 1 75 XUM

present regulatory procedures. We requested views on the desirability of requiring interference showings by individual stations for other useful purposes, and listed a number of technical problems which would require solution before a uniform procedure for making such showings could be adopted. As we have indicated hereinbefore, the broadcasting industry evidently wants no part of this proposal. Others who favor it see it as providing one more factor which could be considered in determining the basis for TV/land mobile and TV/CATV relationships—obviously an extension of the regulatory function which the Commission has disclaimed its intention of undertaking. In any event, as stated in paragraph 19 of the Further Notice in this proceeding, the technical criteria for TV/land mobile sharing were established pursuant to Docket 18261, and any amendment of these criteria is beyond the purview of the instant proceeding. Certain physical and technical factors involved in TV/CATV relationships are being reviewed in the current proceeding in Docket 19995 and will be further examined in Docket 20496, which is being initiated contemporaneously with the adoption of the instant Report and Order. There is little to be gained in pursuing this proposal further, and, accordingly, we will take no further steps toward the incorporation in our rules of a requirement for the submission by individual stations of showings of the effect of interstation interference on the extent of service rendered.

SUMMARY

69. As hereinbefore discussed, and for the reasons we have outlined, we are amending Part 73 of our rules in the following general respects:

(a) To adopt new F(50,50) and F(50,10) propagation curves for the prediction of field strengths in the television and FM broadcast services.

(b) To adopt a terrain roughness correction procedure to be applied, when appropriate, to determinations made with these curves.

(c) To amend the television broadcast rules to specify a modified procedure for making field strength measurements in the VHF and UHF bands, and to amend the FM broadcast rules to adopt such a measurement procedure.

(d) To relax the present restrictions in the television rules on the use and acceptance of measurements in individual cases, to the extent that so-called TASO grid measurements to determine the median level of a signal in a community will be accepted in appropriate cases.

The specific text of the amendments is set forth below.

70. *Accordingly, it is ordered*, effective August 1, 1975, that Part 73 of the rules and regulations is amended in accordance below.

71. Authority for adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

72. *It is further ordered*, That this proceeding is terminated.

Adopted: May 29, 1975.

Released: June 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

PARTIES FILING COMMENTS IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING IN DOCKET NO. 16004

American Broadcasting-Paramount Theaters, Inc. (ABC)
Kear and Kennedy
Selma Television Incorporated (WSLA–TV)
WOOV–TV
Birmingham Television Corporation (WBMG–TV)
A. Earl Cullum Jr. & Associates (Cullum)
Association of Federal Communications Consulting Engineers (AFCCE)
National Association of Broadcasters (NAB)
King Broadcasting Company
Trigg-Vaugh Stations, Inc.
Meredith Broadcasting Company
KUTV, Inc.
Southern Nevada Radio and Television Company
Association of Maximum Service Telecasters, Inc. (AMST)
WBEN, Inc.
Storer Broadcasting Company
WLAC–TV, Inc.
Arkansas Television Company
The Hearst Corporation
KING–TV, et al.
Coldwater Cablevision, Incorporated
South Bend Tribune
WKBN Broadcasting Corporation
Royal Street Corporation
Evening News Association, et al.
Time-Life Broadcast, Inc.
KOGO–TV and KOGO–FM
A. H. Belo Corporation
WEDH, Inc.
Channel 13 of Rochester, Inc.

PARTIES FILING COMMENTS IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING IN DOCKET NO. 18052

North Dakota Broadcasting Company, Inc.
Doubleday Broadcasting Company
A. Earl Cullum, Jr. & Associates
Association of Federal Communications Consulting Engineers
Association of Maximum Service Telecasters, Inc.
National Association of Broadcasters
WBRE–TV, Inc.
National Cable Television Association, Inc. (NCTA)
Jansky & Bailey
Kear & Kennedy

PARTIES FILING COMMENTS IN RESPONSE TO THE FURTHER NOTICE OF PROPOSED RULEMAKING IN DOCKETS 16004 AND 18052

Fisher's Blend Stations, Inc.
Electronics Industries Association (EIA)
National Cable Television Associations, Inc.
All-Channel Television Society (ACTS)
WBRE–TV, Inc.
Home Entertainment Business Division; Communications Systems Business Division; Government Agency Liaison of the General Electric Company (GE) Motorola, Inc.
A. Earl Cullum, Jr. and Associates
Midwest Radio-Television, Inc.
The Jerrold Corporation
The Association of Federal Communications Consulting Engineers (AFCCE)
FM Station Atlas
National Broadcasting Company (NBC)
National Association of Broadcasters
Neil M. Smith
KSL, Incorporated
Leake TV, Inc.
Gill Industries
WTOG
WKRG–TV
WGAL Television, Inc.
Jefferson Standard Broadcasting Company
Eastern Oklahoma Television Company, Inc.
Scranton Broadcasters, Inc.
Griffin Television, Inc.
Rock River Television Corporation
Connecticut TV, Inc. et al.
Taft Broadcasting Company
Cowles Broadcasting Service, Inc.
Department of Commerce
WHNB, Inc.
WRAU–TV, et al.

1. Section 73.313 is amended by the addition of paragraphs (f), (g), (h), (i), and (j) to read as follows:

§ 73.313 Prediction of coverage.

* * * * *

(f) The effect of terrain roughness on the predicted field strength of a signal at points distant from an FM broadcast station is assumed to depend on the magnitude of a terrain roughness factor (Δh) which, for a specific propagation path, is determined by the characteristics of a segment of the terrain profile for that path 25 miles in length, located between 6 and 31 miles from the transmitter. The terrain roughness factor has a value equal to the difference, in meters, between elevations exceeded by all points on the profile for 10 percent and 90 percent, respectively, of the length of the profile segment (see § 73.333, Fig. 4).

(g) If the lowest field strength value of interest is initially predicted to occur over a particular propagation path at a distance which is less than 31 miles from the transmitter, the terrain profile segment used in the determination of the terrain roughness factor over that path shall be that included between points 6 miles from the transmitter and such lesser distance. No terrain roughness correction need be applied when all field strength values of interest are predicted to occur 6 miles or less from the transmitter.

(h) Profile segments prepared for terrain roughness factor determinations should be plotted in rectangular coordinates, with no less than 50 points evenly spaced within the segment, using data obtained from topographic maps with contour intervals of 50 feet, or less, if available.

(i) The field strength charts (§ 73.333, Figs. 1–1a) were developed assuming a terrain roughness factor of 50 meters, which is considered to be representative of average terrain in the United States. Where the roughness factor for a particular propagation path is found to depart appreciably from this value, a terrain roughness correction (ΔF) should be applied to field strength values along this path, as predicted with the use of these charts. The magnitude and sign of this correction, for any value of Δh, may be determined from a chart included in Section 73.333 as Figure 5.

(j) Alternatively, the terrain roughness correction may be computed using the following formula:

$$\Delta F = 1.9 - 0.03(\Delta h)(1 + f/300)$$

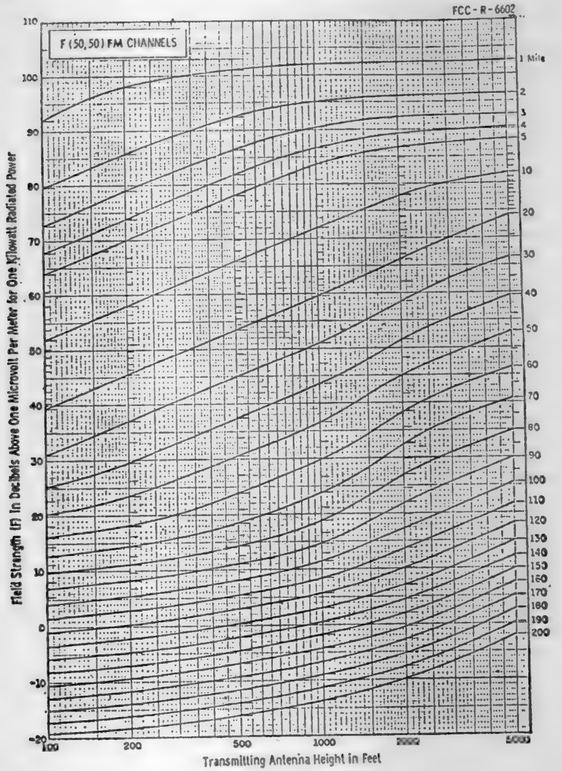
Where:

ΔF = terrain roughness correction in dB
Δh = terrain roughness factor in meters
f = frequency of signal in megahertz (MHz)

2. Section 73.333 is amended by replacing existing Figure 1 with amended Figure 1 and the addition of new Figures 1a, 4 and 5. Section 73.333 reads as follows:

§ 73.333 Engineering charts.

This section consists of the following Figures 1, 1a, 2, 3, 4, and 5.



FM CHANNELS
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

FCC §73.333 FIGURE 1
(replacement)

* Commissioners Hooks and Washburn absent.

V40-127 JUL 1 75 XUM

FM CHANNELS
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

FCC §73.333 FIGURE 1a
(new)

TERRAIN ROUGHNESS CORRECTION
for use with estimated FM F(50,50) and F(50,10) field strength curves

FCC §73.333 FIGURE 3
(new)

FCC §73.333 FIGURE 4
(new)

V40-127 JUL 1 75 XUM

3. Part 73 is amended by the addition of new § 73.414, which reads as follows:

§ 73.414 Field strength measurements.

(a) Except as provided for in § 73.209, FM broadcast stations shall not be protected from any type of interference or propagation effect. Persons desiring to submit testimony, evidence or data to the Commission for the purpose of showing that the technical standards contained in this subpart do not properly reflect the levels of any given type of interference or propagation effect may do so only in appropriate rule making proceedings concerning the amendment of such technical standards. Persons making field strength measurements for formal submission to the Commission in rule making proceedings, or making such measurements upon the request of the Commission, shall follow the procedure for making and reporting such measurements outlined in paragraph (b) of this section. In instances where a showing of the measured level of a signal prevailing over a specific community is appropriate, the procedure for making and reporting field strength measurements for this purpose is set forth in paragraph (c) of this section.

(b) Collection of field strength data for propagation analysis.

(1) *Preparation for measurements.* (i) On large scale topographic maps, eight or more radials are drawn from the transmitter location to the maximum distance at which measurements are to be made, with the angles included between adjacent radials of approximately equal size. Radials should be oriented so as to traverse representative types of terrain. The specific number of radials and their orientation should be such as to accomplish this objective.

(ii) At a point exactly 10 miles from the transmitter, each radial is marked, and at greater distances at successive two mile intervals. Where measurements are to be conducted or over extremely rugged terrain, shorter intervals may be employed, but all such intervals shall be of equal length. Accessible roads intersecting each radial as nearly as possible at each two mile marker are selected. These intersections are the points on the radial at which measurements are to be made, and are referred to subsequently as measuring locations. The elevation of each measuring location should approach the elevation at the corresponding two mile marker as nearly as possible.

(2) *Measurement procedure.* All measurements shall be made utilizing a receiving antenna designed for reception of the horizontally polarized signal component, elevated 30 feet above the roadbed. At each measuring location, the following procedure shall be employed:

(i) The instrument calibration is checked.

(ii) The antenna is elevated to a height of 30 feet.

(iii) The receiving antenna is rotated to determine if the strongest signal is arriving from the direction of the transmitter.

(iv) The antenna is oriented so that the sector of its response pattern over which maximum gain is realized is in the direction of the transmitter.

(v) A mobile run of at least 100 feet is made, which is centered on the intersection of the radial and the road, and the measured field strength is continuously recorded on a chart recorder over the length of the run.

(vi) The actual measuring location is marked exactly on the topographic map, and a written record, keyed to the specific location, is made of all factors which may affect the recorded field, such as topography, height and types of vegetation, buildings, obstacles, weather, and other local features.

(vii) If, during the test conducted as described in paragraph (b)(2)(iii) of this section, the strongest signal is found to come from a direction other than from the transmitter, after the mobile run prescribed in paragraph (b)(2)(v) of this section is concluded, additional measurements shall be made in a "cluster" of at least five fixed points. At each such point, the field strengths with the antenna oriented toward the transmitter, and with the antenna oriented so as to receive the strongest field, are measured and recorded. Generally, all points should be within 200 feet of the center point of the mobile run.

(viii) If overhead obstacles preclude a mobile run of at least 100 feet, a "cluster" of five spot measurements may be made in lieu of this run. The first measurement in the cluster is identified. Generally, the locations for other measurements shall be within 200 feet of the location of the first.

(3) *Method of reporting measurements.* A report of measurements to the Commission shall be submitted in affidavit form, in triplicate, and should contain the following information:

(i) Tables of field strength measurements, which, for each measuring location, set forth the following data:

(A) Distance from the transmitting antenna.

(B) Ground elevation at measuring location.

(C) Date, time of day, and weather.

(D) Median field in dBu for 0 dBk, for mobile run or for cluster, as well as maximum and minimum measured field strengths.

(E) Notes describing each measuring location.

(ii) U.S. Geological Survey topographic maps, on which is shown the exact location at which each measurement was made. The original plots shall be made on maps of the largest available scale. Copies may be reduced in size for convenient submission to the Commission, but not to the extent that important detail is lost. The original maps shall be made available, if requested. If a large number of maps is involved, an index map should be submitted.

(iii) All information necessary to determine the pertinent characteristics of the transmitting installation, including frequency, geographical coordinates of antenna site, rated and actual power output of transmitter, measured transmission line loss, antenna power gain, height of antenna above ground, above mean sea level, and above average terrain. The effective radiated power should be computed, and horizontal and vertical plane patterns of the transmitting antenna should be submitted.

(iv) A list of calibrated equipment used in the field strength survey, which, for each instrument, specifies its manufacturer, type, serial number and rated accuracy, and the date of its most recent calibration by the manufacturer, or by a laboratory. Complete details of any instrument not of standard manufacture shall be submitted.

(v) A detailed description of the calibration of the measuring equipment, including field strength meters, measuring antenna, and connecting cable.

(vi) Terrain profiles in each direction in which measurements were made, drawn on curved earth paper for equivalent 4/3 earth radius, of the largest available scale.

(c) Collection of field strength data to determine FM broadcast service in specific communities.

(1) *Preparation for measurement.* (i) The population (P) of the community, and its suburbs, if any, is determined by reference to an appropriate source, e.g., the 1970 U.S. Census tables of population of cities and urbanized areas.

(ii) The number of locations at which measurements are to be made shall be at least 15, and shall be approximately equal to $0.1(P)^{1/2}$, if this product is a number greater than 15.

(iii) A rectangular grid, of such size and shape as to encompass the boundaries of the community is drawn on an accurate map of the community. The number of line intersections on the grid included within the boundaries of the community shall be at least equal to the required number of measuring locations. The position of each intersection on the community map determines the location at which a measurement shall be made.

(2) *Measurement procedure.* All measurements shall be made utilizing a receiving antenna designed for reception of the horizontally polarized signal component, elevated 30 feet above street level.

(i) Each measuring location shall be chosen as close as feasible to a point indicated on the map, as previously prepared, and at as nearly the same elevation as that point as possible.

(ii) At each measuring location, after equipment calibration and elevation of the antenna, a check is made to determine whether the strongest signal arrives from a direction other than from the transmitter.

(iii) At 20 percent or more of the measuring locations, mobile runs, as described in paragraph (b)(2) of this section shall be made, with no less than three such mobile runs in any case. The points at which mobile measurements are made shall be well separated. Spot measurements may be made at other measuring points.

(iv) Each actual measuring location is marked exactly on the map of the community, and suitably keyed. A written record shall be maintained, describing, for each location, factors which may affect the recorded field, such as the approximate time of measurement, weather, topography, overhead wiring, heights and types of vegetation, buildings and other structures. The orientation, with respect to the measuring location shall be indicated of objects of such shape and size as to be capable of causing shadows or reflections. If the strongest signal received was found to arrive from a direction other than that of the transmitter, this fact shall be recorded.

(3) *Method of reporting measurements.* A report of measurements to the Commission shall be submitted in affidavit form, in triplicate, and should contain the following information:

(i) A map of the community showing each actual measuring location, specifically identifying the points at which mobile runs were made.

(ii) A table keyed to the above map, showing the field strength at each measuring point, reduced to dBu for the actual effective radiated power of the station. Weather, date, and time of each measurement shall be indicated.

(iii) Notes describing each measuring location.

(iv) A topographic map of the largest available scale on which are marked the community and the transmitter site of the station whose signals have been measured, which includes all areas on or near the direct path of signal propagation.

(v) Computations of the mean and standard deviation of all measured field strengths, or a graph on which the distribution of measured field strength values is plotted.

(vi) A list of calibrated equipment used for the measurements, which for each instrument, specifies its manufacturer, type, serial number and rated accuracy, and the date of its most recent calibration by the manufacturer, or by a laboratory. Complete details of any instrument not of standard manufacture shall be submitted.

(vii) A detailed description of the procedure employed in the calibration of the measuring equipment, including field strength meters, measuring antenna, and connecting cable.

4. Section 73.684 is amended by the addition of paragraphs (h), (i), (j), (k), and (l) which read as follows:

§ 73.684 Prediction of coverage.

* * * * *

(h) The effect of terrain roughness on the predicted field strength of a signal at points distant from a television broadcast station is assumed to depend on the magnitude of a terrain roughness factor (Δh) which, for a specific propagation path, is determined by the characteristics of a segment of the terrain profile for that path 25 miles in length, located between 8 and 31 miles from the transmitter. The terrain roughness factor has a value equal to the difference, in meters, between elevations exceeded by all points on the profile for 10 percent and 90 percent, respectively, of the length of the profile segment (see § 73.699, Fig. 10d).

(i) If the lowest field strength value of interest is initially predicted to occur over a particular propagation path at a distance which is less than 31 miles from the transmitter, the terrain profile segment used in the determination of the terrain roughness factor over that path shall be that included between points 6 miles from the transmitter and such lesser distance. No terrain roughness correction need be applied when all field strength values of interest are predicted to occur 6 miles or less from the transmitter.

(j) Profile segments prepared for terrain roughness factor determinations should be plotted in rectangular coordinates, with no less than 50 points evenly spaced within the segment, using data obtained from topographic maps, if available, with contour intervals of 50 feet, or less.

(k) The field strength charts (§ 73.699, Figs. 9–10c) were developed assuming a terrain roughness factor of 50 meters, which is considered to be representative of average terrain in the United States. Where the roughness factor for a particular propagation path is found to depart appreciably from this value, a terrain roughness correction (ΔF) should be applied to field strength values along this path as predicted with the use of these charts. The magnitude and sign of this correction, for any value of Δh, may be determined from a chart included in § 73.699 as Figure 10e, with linear interpolation as necessary, for the frequency of the UHF signal under consideration.

(l) Alternatively, the terrain roughness correction may be computed using the following formula:

$$\Delta F = C - 0.03(\Delta h)(1 + f/300)$$

Where:

ΔF = terrain roughness correction in dB
C = a constant having a specific value for use with each set of field strength charts:
  1.9 for TV Channels 2–6
  2.5 for TV Channels 7–13
  4.8 for TV Channels 14–69
Δh = terrain roughness factor in meters
f = frequency of signal in megahertz (MHz)

5. In § 73.686 the headnote and text are amended to read as follows:

§ 73.686 Field strength measurements.

(a) Except as provided for in § 73.612, television broadcast stations shall not be protected from any type of interference or propagation effect. Persons desiring to submit testimony, evidence or data to the Commission for the purpose of showing that the technical standards contained in this subpart do not properly reflect the levels of any given type of interference or propagation effect may do so only in appropriate rulemaking proceedings concerning the amendment of such technical standards. Persons making field strength measurements for formal submission to the Commission in rulemaking proceedings, or making such measurements upon the request of the Commission, shall follow the procedure for making and reporting such measurements outlined in paragraph (b) of this section. In instances where a showing of the measured level of a signal prevailing over a specific community is appropriate, the procedure for making and reporting field strength measurements for this purpose is set forth in paragraph (c) of this section.

(b) Collection of field strength data for propagation analysis.

(1) *Preparation for measurements.* (i) On large scale topographic maps, eight or more radials are drawn from the transmitter location to the maximum distance at which measurements are to be made, with the angles included between adjacent radials of approximately equal size. Radials should be oriented so as to traverse representative types of terrain. The specific number of radials and their orientation should be such as to accomplish this objective.

(ii) At a point exactly 10 miles from the transmitter, each radial is marked, and at greater distances at successive two mile intervals. Where measurements are to be conducted at UHF, or over extremely rugged terrain, shorter intervals may be employed, but all such intervals shall be of equal length. Accessible roads intersecting each radial as nearly as possible at each two mile marker are selected. These intersections are the points on the radial at which measurements are to be made, and are referred to subsequently as measuring locations. The elevation of each measuring location should approach the elevation at the corresponding two mile marker as nearly as possible.

(2) *Measurement procedure.* The field strength of the visual carrier shall be measured with a voltmeter capable of indicating accurately the peak amplitude of the synchronizing signal. All measurements shall be made utilizing a receiving antenna designed for reception of the horizontally polarized signal component, elevated 30 feet above the roadbed. At each measuring location, the following procedure shall be employed.

(i) The instrument calibration is checked.

(ii) The antenna is elevated to a height of 30 feet.

(iii) The receiving antenna is rotated to determine if the strongest signal is arriving from the direction of the transmitter.

(iv) The antenna is oriented so that the section of its response pattern over which maximum gain is realized is in the direction of the transmitter.

(v) A mobile run of at least 100 feet is made, which is centered on the intersection of the radial and the road, and the measured field strength is continuously recorded on a chart recorder over the length of the run.

(vi) The actual measuring location is marked exactly on the topographic map, and a written record, keyed to the specific location, is made of all factors which may affect the recorded field, such as topography, height and types of vegetation, buildings, obstacles, weather, and other local features.

(vii) If, during the test conducted as described in paragraph (b)(2)(iii) of

V40-127 JUL 1 75 XUM

this section, the strongest signal is found to come from a direction other than from the transmitter, after the mobile run prescribed in paragraph (b)(2)(v) of this section is concluded, additional measurements shall be made in a "cluster" of at least five fixed points. At each such point, the field strengths with the antenna oriented toward the transmitter, and with the antenna oriented so as to receive the strongest field, are measured and recorded. Generally, all points should be within 200 feet of the center point of the mobile run.

(viii) If overhead obstacles preclude a mobile run of at least 100 feet, a "cluster" of five spot measurements may be made in lieu of this run. The first measurement in the cluster is identified. Generally, the locations for other measurements shall be within 200 feet of the location of the first.

(3) *Method of reporting measurements.* A report of measurements to the Commission shall be submitted in affidavit form, in triplicate, and should contain the following information:

(i) Tables of field strength measurements, which, for each measuring location, set forth the following data:

(A) Distance from the transmitting antenna.

(B) Ground elevation at measuring location.

(C) Date, time of day, and weather.

(D) Median field in dBu for 0 dBk, for mobile run or for cluster, as well as maximum and minimum measured field strengths.

(E) Notes describing each measuring location.

(ii) U.S. Geological Survey topographic maps, on which is shown the exact location at which each measurement was made. The original plots shall be made on maps of the largest available scale. Copies may be reduced in size for convenient submission to the Commission, but not to the extent that important detail is lost. The original maps shall be made available, if requested. If a large number of maps is involved, an index map should be submitted.

(iii) All information necessary to determine the pertinent characteristics of the transmitting installation, including frequency, geographical coordinates of antenna site, rated and actual power output of transmitter, measured transmission line loss, antenna power gain, height of antenna above ground, above mean sea level, and above average terrain. The effective radiated power should be computed, and horizontal and vertical plane patterns of the transmitting antenna should be submitted.

(iv) A list of calibrated equipment used in the field strength survey, which, for each instrument, specifies its manufacturer, type, serial number and rated accuracy, and the date of its most recent calibration by the manufacturer, or by a laboratory. Complete details of any instrument not of standard manufacture shall be submitted.

(v) A detailed description of the calibration of the measuring equipment, including field strength meters, measuring antenna, and connecting cable.

(vi) Terrain profiles in each direction in which measurements were made, drawn on curved earth paper for equivalent 4/3 earth radius, of the largest available scale.

(c) Collection of field strength data to determine television service in specific communities.

(1) *Preparation for measurement.* (i) The population (P) of the community, and its suburbs, if any, is determined by reference to an appropriate source, e.g., the 1970 U.S. Census tables of population of cities and urbanized areas.

(ii) The number of locations at which measurements are to be made shall be at least 15, and shall be approximately equal to $0.1(P)^{1/2}$, if this product is a number greater than 15.

(iii) A rectangular grid, of such size and shape as to encompass the boundaries of the community is drawn on an accurate map of the community. The number of line intersections on the grid included within the boundaries of the community shall be at least equal to the required number of measuring locations. The position of each intersection on the community map determines the location at which a measurement shall be made.

(2) *Measurement procedure.* The field strength of the visual carrier shall be measured, with a voltmeter capable of indicating accurately the peak amplitude of the synchronizing signal. All measurements shall be made utilizing a receiving antenna designed for reception of the horizontally polarized signal component, elevated 30 feet above street level.

(i) Each measuring location shall be chosen as close as feasible to a point indicated on the map, as previously prepared, and at as nearly the same elevation as that point as possible.

(ii) At each measuring location, after equipment calibration and elevation of the antenna, a check is made to determine whether the strongest signal arrives from a direction other than from the transmitter.

(iii) At 20 percent or more of the measuring locations, mobile runs, as described in paragraph (b)(2) of this section shall be made, with no less than three such mobile runs in any case. The points at which mobile measurements are made shall be well separated. Spot measurements may be made at other measuring points.

(iv) Each actual measuring location is marked exactly on the map of the community, and suitably keyed. A written record shall be maintained, describing, for each location, factors which may affect the recorded field, such as the approximate time of measurement, weather, topography, overhead wiring, heights and types of vegetation, buildings and other structures. The orientation, with respect to the measuring location shall be indicated of objects of such shape and size as to be capable of causing shadows or reflections. If the strongest signal received was found to arrive from a direction other than that of the transmitter, this fact shall be recorded.

(3) *Method of reporting measurements.* A report of measurements to the Commission shall be submitted in affidavit form, in triplicate, and should contain the following information:

(i) A map of the community showing each actual measuring location, specifically identifying the points at which mobile runs were made.

(ii) A table keyed to the above map, showing the field strength at each measuring point, reduced to dBu for the actual effective radiated power of the station. Weather, date, and time of each measurement shall be indicated.

(iii) Notes describing each measuring location.

(iv) A topographic map of the largest available scale on which are marked the community and the transmitter site of the station whose signals have been measured, which includes all areas on or near the direct path of signal propagation.

(v) Computations of the mean and standard deviation of all measured field strengths, or a graph on which the distribution of measured field strength values is plotted.

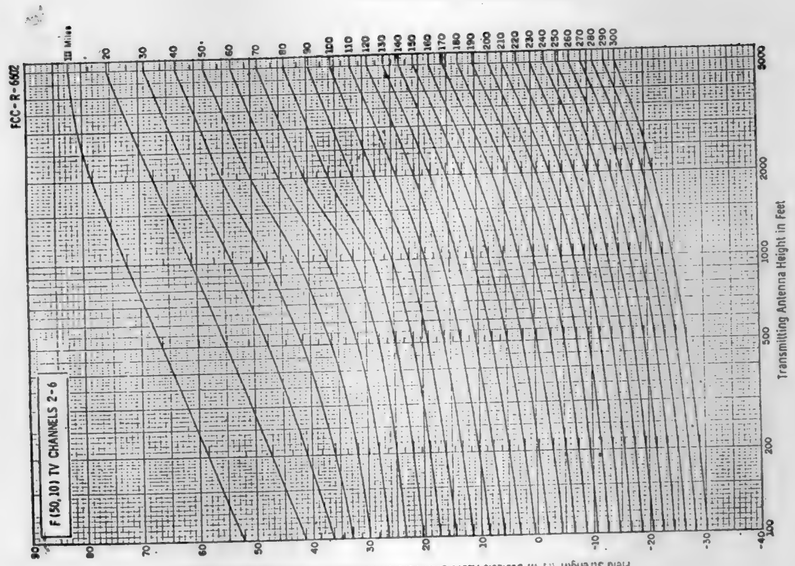
(vi) A list of calibrated equipment used for the measurements, which for each instrument, specifies its manufacturer, type, serial number and rated accuracy, and the date of its most recent calibration by the manufacturer, or by a laboratory. Complete details of any instrument not of standard manufacture shall be submitted.

(vii) A detailed description of the procedure employed in the calibration of the measuring equipment, including field strength meters measuring antenna, and connecting cable.

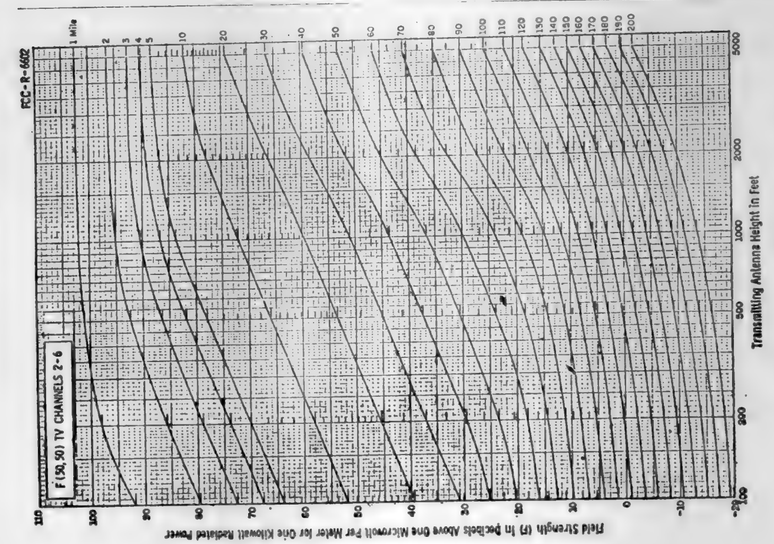
6. Section 73.699 is amended by the substitution of new Figure 9 for present Figure 9, the addition of new Figure 9a, the substitution of new Figure 10 for present Figure 10, and the addition of new Figures 10a, 10b, 10c, 10d and 10e. § 73.699, as amended, reads as follows:

§ 73.699 Engineering charts.

This section consists of the following Figures 1–5, 5a, 6–10, 10a–10e, 11–12, 13–15.

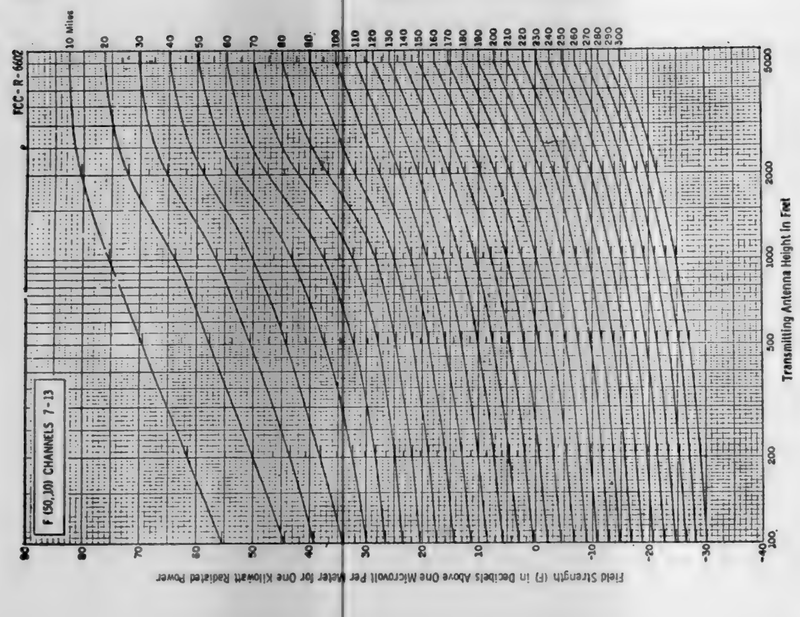


FCC §73.699 FIGURE 9a
(new)



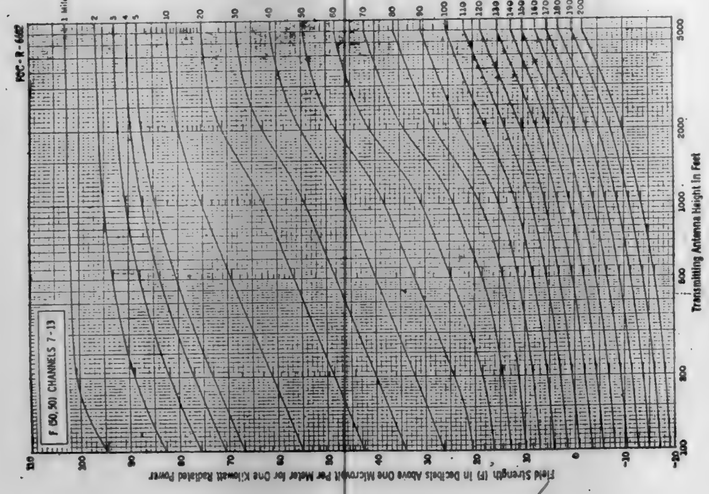
FCC §73.699 FIGURE 9
(replacement)

V40-1127 JUL 1 75 XUM



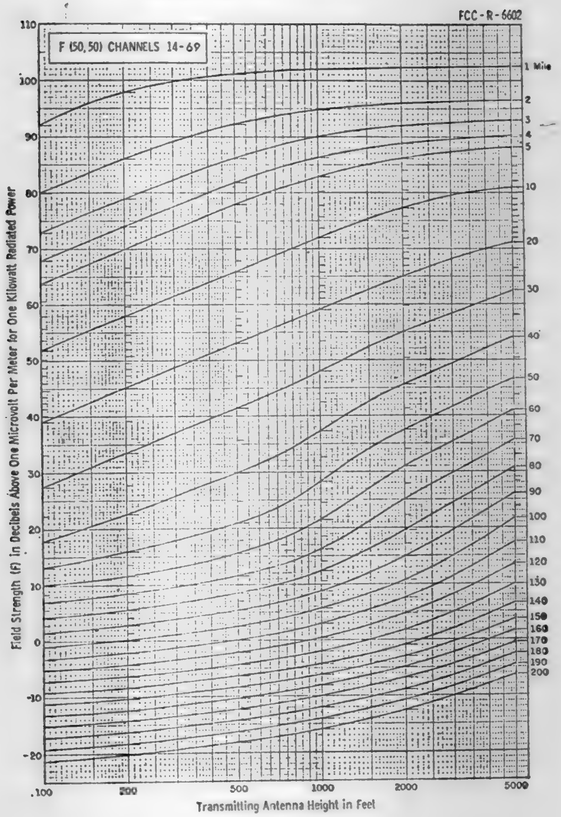
TELEVISION CHANNELS 7 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

FCC §73.699 FIGURE 10a
(new)



TELEVISION CHANNELS 7 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

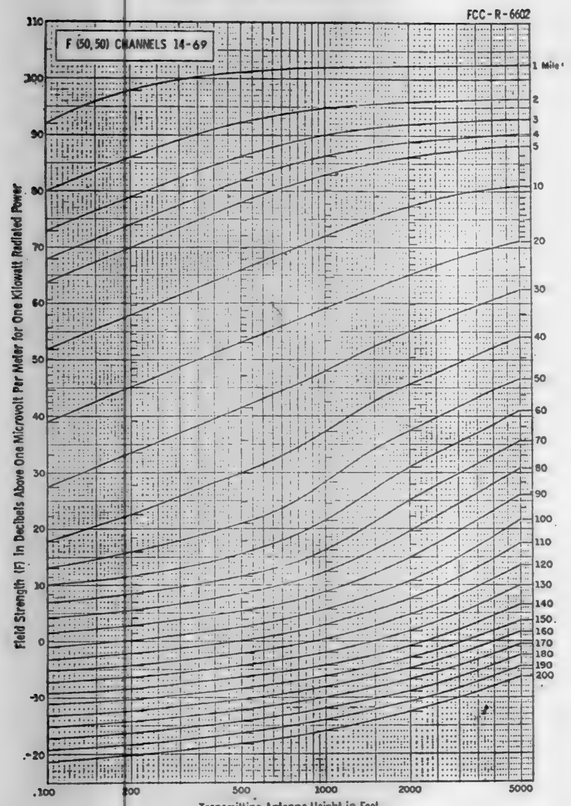
FCC §73.699 FIGURE 10
(replacement)



TELEVISION CHANNELS 14 - 69
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

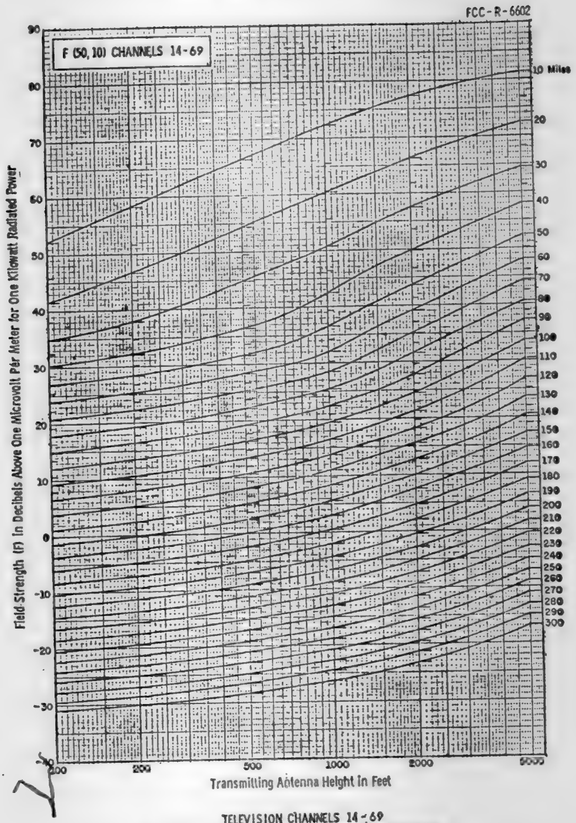
FCC §73.699 FIGURE 10b
(new)

V40-127 JUL 1 75 XUM



TELEVISION CHANNELS 14 - 69.
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

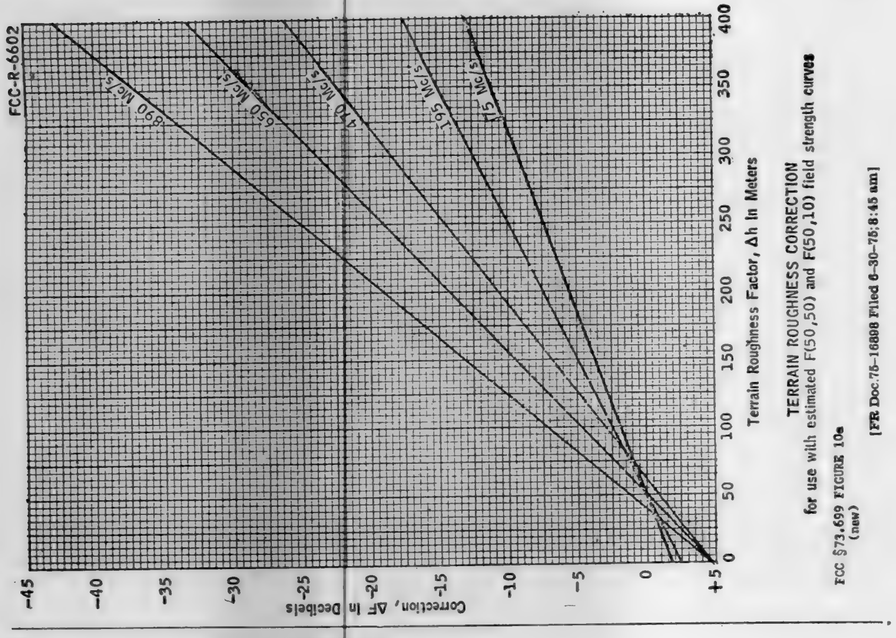
FCC §73.699 FIGURE 10b
(new)



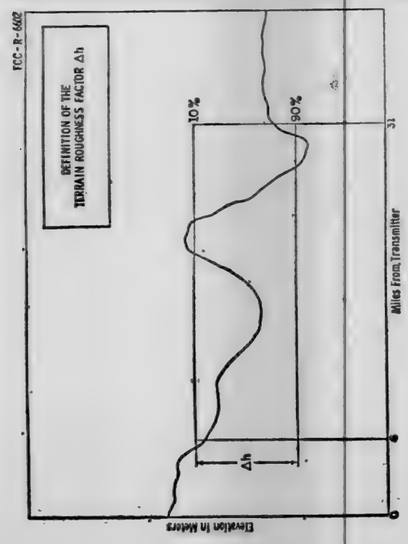
TELEVISION CHANNELS 14 - 69
ESTIMATED FIELD-STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

FCC §73.699 FIGURE 10c
(new)

V40-127 JUL 1 75 XUM



[FR Doc.75-16898 Filed 6-30-75;8:45 am]



FCC §73.699 FIGURE 10d
(new)

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Change in List of Varietal Types to Include Dipped Seedless Raisins and Proposed Applicable Grade Standards

Notice is given of a proposal recommended by the Raisin Administrative Committee to: (1) Change the list of varietal types of raisins in § 989.110 of Subpart—Administrative Rules and Regulations (7 CFR Part 989.101–989.176) by adding "Dipped Seedless" raisins to that list and deleting "Soda Dipped" raisins from the list; and (2) amend Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201–989.230; 40 FR 4417) by adding two new sections, §§ 989.211 and 989.212, containing minimum grade and condition standards for natural condition "Dipped Seedless" raisins and minimum grade standards for packed "Dipped Seedless" raisins, respectively.

This action would be taken under §§ 989.10, 989.58(b) and 989.59(b) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal would add a new varietal type of raisin, Dipped Seedless, to the list of varietal types of raisins contained in § 989.110. This new varietal type would include all raisins produced from grapes which are sprayed with, or dipped in, water, with or without a chemical additive, after such grapes have been removed from the vines and which are sun-dried or artificially dehydrated. This proposed varietal type would include those raisins currently identified as "Soda Dipped" raisins. The Committee concluded that raisins produced by the various dipping methods possess characteristics so similar to each other that it is desirable to have them all identified and classified as one varietal type of raisin.

The Committee also recommended that the minimum grade and condition standards and minimum grade standards which are currently applicable to Soda Dipped raisins would be appropriate for Dipped Seedless raisins.

In addition to the changes proposed by the Raisin Administrative Committee, the Department proposes to change the descriptive heading "Subpart—Supplementary Orders Regulating Handling" to "Subpart—Supplementary Regulations". It can be inferred from the current heading that the sections contained in this Subpart are actually sections of the marketing order. The proposed change would more accurately identify the content of this Subpart.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during officials hours of business (7 CFR 1.27(b)).

The proposal is as follows:

1. Amend § 989.110 of Subpart—Administrative Rules and Regulations (7 CFR Part 989.101–989.176) to read as follows:

§ 989.110 Changed list of varietal types.

Pursuant to § 989.10, the list of varietal types of raisins contained in that section is changed to read: Natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Dipped Seedless, Valencia and Monukka.

2. Change the center heading reading "Subpart—Supplementary Orders Regulating Handling" to "Subpart—Supplementary Regulations", and add two new sections to this Subpart to read as follows:

§ 989.211 Minimum grade and condition standards for Dipped Seedless raisins.

Under § 989.58(b) the minimum grade and condition standards for Dipped Seedless raisins shall be those set forth for Soda Dipped raisins in § 989.97 Exhibit B of this part.

§ 989.212 Minimum grade standards for packed Dipped Seedless raisins.

Under § 989.59(b), the minimum grade standards for packed Dipped Seedless raisins shall be those set forth for Soda Dipped raisins in § 989.59(a)(2)(i) of this part.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

Dated: June 25, 1975.

[FR Doc.75-17079 Filed 6-30-75;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO

Grade Loan Rates for Price Support on 1975-Crop Tobacco; Correction

In F.R. Doc. 75-15442 appearing on pages 25217 and 25218, in the issue of June 13, 1975, the following corrections are made:

(1) On page 25218 in the first column of the first double column under the loan schedule, the next to the last grade B5R between B6KV and B4GL, should be B5RR.

(2) On page 25218 in the center column in the last column of the double column the eighth grade from the end N4L should be N1L.

(3) On the same page and directly below the above (2) N1L, grade N5XL should be N1XL.

Effective date: July 1, 1975.

Signed at Washington, D.C. on June 27, 1975.

KENNETH E. FRICK,
Administrator, Agriculture Stabilization and Conservation Service.

[FR Doc.75-17186 Filed 6-30,75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1907]

[Docket No. S-100]

ACCREDITATION OF TESTING LABORATORIES

Proposed Revocation; Extension of Post-Hearing Comment Period

On November 13, 1974, pursuant to authority in section 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1600; 29 U.S.C. 657), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), 5 U.S.C. 553, Secretary of Labor's Order No. 12-71 (36 FR 8754) and notice of hearing published in the FEDERAL REGISTER on October 1, 1974 (39 FR 35381), an informal public hearing concerning the proposed revocation of Part 1907. Accreditation of Testing Laboratories, of Title 29 of the Code of Federal Regulations was held in the Departmental Auditorium, Constitution Avenue, NW., between 12th and 14th Streets, Washington, D.C.

The Administrative Law Judge kept the record of the hearing open until December 13, 1974, to receive written in-

V40-127 JUL 1 75 XUM

formation from any person who had participated in the oral proceeding. On the basis of a request for additional time to submit written comments and to allow a period of time for public comments on certain documents which were not previously available, a notice was published in the FEDERAL REGISTER on January 30, 1975 (40 FR 4439), extending the post-hearing comment period until March 31, 1975.

The documents were not made available in the record prior to the extended closing date of March 31, 1975, but are currently being placed in the public record. Therefore, in order to allow an appropriate amount of time for all interested persons to review the documents and if desired submit written comments, I am hereby providing an additional period of time, until July 31, 1975, for public comments from any interested persons. The documents will be available for inspection and copying at the following address:

Technical Data Center
Docket Office
Room N-3620
New Department of Labor Bldg.
200 Constitution Avenue, NW.
Washington, D.C. 20210

Accordingly, any interested person may submit comments concerning the proposed revocation of 29 CFR Part 1907, postmarked no later than July 31, 1975. Written comments may be submitted to the Docket Officer, OSHA Technical Data Center, Docket No. S-100, Room N-3620, 200 Constitution Avenue, NW., U.S. Department of Labor, Washington, D.C. 20210.

(Sec. 8, P.L. 91-596, 84 Stat. 1600 (29 U.S.C. 657); Sec. 107, Pub. L. 91-54, 83 Stat. 96 (40 U.S.C. 333); 5 U.S.C. 553; Secretary of Labor's Order No. 12-71, 36 FR 8754.

Signed at Washington, D.C. this 24th day of June, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17068 Filed 6-30-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notices CM-5/64]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

Notice is hereby given pursuant to the provisions of Pub. L. 92-463 that a meeting of the Ocean Affairs Advisory Committee will be convened on July 23 and 24, 1975, at the Fort Brown Motor Hotel, 1900 E. Elizabeth Street, Brownsville, Texas, at 9:30 a.m.

The Committee meeting on July 23 and the morning session of the meeting on July 24 will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 USC 522(b)(1) and the public interest requires that such discussions be withheld from disclosure. These discussions will be confined to classified briefings on the recent Law of the Sea Conference in Geneva and fisheries negotiations, and will include examination and discussion of classified documents.

The afternoon session of the meeting on July 24 will be open to the public and will commence at 2:30 p.m. This discussion will be a public briefing on the Law of the Sea Conference in Geneva, the U.S. single negotiating text, and status of fisheries discussions held over the last year. There will be a general question and answer period at the end of the meeting.

Dated: June 24, 1975.

THOMAS A. CLINGAN, JR.,
Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc.75-17132 Filed 6-30-75;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 21]

ARGONAUT INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to the Argonaut Insurance Company, Menlo Park, California, under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective June 30, 1975.

The company was last listed as an acceptable surety on Federal bonds at 39 FR 26364, July 18, 1974.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Argonaut Insurance Company.

Dated: June 26, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-17151 Filed 6-30-75;8:45 am]

Office of the Secretary

SUPPLEMENT TO DEPARTMENT CIRCULAR

Public Debt Series—No. 19-75

JUNE 26, 1975.

The Secretary of the Treasury announced on June 26, 1975, that the interest rate on the notes described in Department Circular — Public Debt Series—No. 19-75, dated June 19, 1975, will be 7¾ percent per annum. Accordingly, the notes are hereby redesignated 7¾ percent Treasury Notes of Series E-1979. Interest on the notes will be payable at the rate of 7¾ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-17099 Filed 6-30-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON SPECIFICATIONS AND STANDARDS IMPROVEMENT

Meeting

Pursuant to the provisions of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that the Defense Science Board Task Force on Specifications and Standards Improvement will meet in open session at 0900 hours on Tuesday, July 29, 1975, in Room 1E801 #2, the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to provide an evaluation of current DoD Specifications and Standards and the related DoD organization, system and procedures to serve as a basis for DoD policy decisions to reduce costs in systems/equipment design and application.

At this meeting, the Task Force will discuss its findings to date, summarize actions taken and projected, relate specifications and standards impact on F-16 design and production, consider cost impact on weapon systems and equipment of specifications and standards governing reliability, maintainability, quality, configuration control and the like, and consider related subjects that may come before the group.

Attendees outside of Task Force membership will be admitted as observers to the proceedings. With time permitting and at the discretion of the Chairman, a specified but limited time will be allotted so as to permit observers to comment, make recommendations, take issue, or otherwise speak with respect to the subjects.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by July 23, 1975. Notice should include information with respect to interest and degree of participation.

Mr. Lester Fox, Director, Defense Materiel Specifications and Standards Office, Cameron Station, Alexandria, Virginia 22314.

Telephone inquiries may also be made to Mr. Fox at (202) 274-7061.

Dated: June 26, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-17075 Filed 6-30-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "SURFACE NAVAL WARFARE"

Meeting

The Defense Science Board Task Force on Surface Naval Warfare will meet in closed session on 7-8 August 1975 at the Naval War College, Newport, Rhode Island. The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and directions of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surface surveillance, targeting, command and control, and weaponry for

V 40 - 127 JUL 1 75 XUM

surface engagement to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: June 26, 1975.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

[FR Doc.75-17076 Filed 6-30-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

JUNE 23, 1975.

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on May 23, 1975, THE VITARINE CO., INC., 227-15 N. Conduit Avenue, Springfield Gardens, N.Y. 11413, made application to the Drug Enforcement Administration to be registered as an importer of codeine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture codeine in bulk may, on or before August 5, 1975 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: June 23, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-17086 Filed 6-30-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 25920, 25921, 25922, 25923, 25924, 25925, 25926, 25927, 25933, 25934]

NEW MEXICO

Applications

JUNE 23, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for nine 4½ inch and one 2⅜ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W.,
Sec. 29, N½SE¼;
Sec. 30, Lot 3 and NE¼SW¼.
T. 27 N., R. 8 W.,
Sec. 23, S½NW¼;
Sec. 25, NW¼SW¼;
Sec. 26, NE¼SW¼;
T. 30 N., R. 9 W.,
Sec. 24, Lot 3 and SE¼NW¼.
T. 31 N., R. 9 W.,
Sec 33, Lots 10, 11 and 12.
T. 31 N., R. 10 W.,
Sec. 10, Lots 8 and 12;
Sec. 11, Lot 12;
Sec. 17, Lots 8 and 11;
Sec. 20, Lot 4.
T. 32 N., R. 10 W.,
Sec. 19, Lot 15.

These pipelines will convey natural gas across 2.033 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-17118 Filed 6-30-75;8:45 am]

[NM 25928, 25929]

NEW MEXICO

Applications

JUNE 23, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 25 E.,
Sec. 27, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, W½NW¼ and SE¼NW¼.
T. 17 S., R. 29 E.,
Sec. 29, S½N½, NW¼SW¼ and NE¼SE¼.

These pipelines will convey natural gas across 1.149 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-17119 Filed 6-30-75;8:45 am]

[NM 25930]

NEW MEXICO

Application

JUNE 23, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,
Sec. 26, Lot 16.

This pipeline will convey natural gas across .099 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-17120 Filed 6-30-75;8:45 am]

[NM 25765]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

JUNE 13, 1975.

The Corps of Engineers, U.S. Department of the Army, has filed application

NM 25765, for the withdrawal of the lands described below from all forms of appropriation, including the general mining and the mineral leasing laws, except that grazing leases or permits may be issued for lands in the safety area. The land will be operated as a bombing range for the purpose of training Air Force personnel of the Tactical Air Command stationed at Cannon Air Force Base, New Mexico.

On or before July 31, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, PO. Box 1449, Santa Fe, New Mexico 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 30 E.,
Sec. 2, S½;
Sec. 11;
Sec. 20, S½SE¼;
Sec. 28.
T. 2 N., R. 30 E.,
Sec. 20, E½SE¼;
Sec. 21, SW¼ and W½SE¼;
Sec. 28, W½E½ and W½;
Sec. 29, E½E½;
Sec. 32, E½E½;
Sec. 33, W½E½, NW¼ and S½SW¼.
T. 1 S., R. 30 E.,
Secs. 2, 3 and 4;
Sec. 6, lots 1 and 2;
Sec. 9, N½ and N½S½;
Sec. 10, N½ and N½S½;
Sec. 11, N½ and N½S½.

The areas described aggregate 6713.90 acres in Roosevelt County.

MICHAEL T. SOLAN,
Chief,
Division of Technical Services.

[FR Doc.75-17121 Filed 6-30-75;8:45 am]

REDELEGATION OF AUTHORITY TO AREA MANAGERS

Pursuant to the authority contained in Bureau Order No. 701 dated July 23, 1964, as amended, the Area Managers of the Garnet and Helena Resource Areas of the Missoula District, Montana, are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below:

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 Fiscal Affairs. The Area Manager may take all action on:

(d) Trespass. Determine liability for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof, when actual damages do not exceed $1,000.00. Accept payment in full where actual damages do not exceed $1,000.00.

SEC. 3.7 Range Management. The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation.

(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

SEC. 3.8. Forest Management. The Area Manager may take all actions on:

(a) Dispose of or permit the use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sales of forest products exceeding 250,000 board feet in volume.

SEC. 3.9 Land Use. The Area Manager may take all actions:

(g) Material other than forest products not exceeding $1,000.00 in value.

(m) Grant rights-of-way (Tram Road Permits) over public and acquired land pursuant to 43 CFR 2811.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective on July 11, 1975.

The previous redelegation dated May 15, 1975, (40 FR 21065) is hereby revoked.

JOHN F. FIELDS,
District Manager.

Approved:

HAROLD C. LYND,
Acting State Director

[FR Doc.75-17123 Filed 6-30-75; 8:45 am]

Office of Hearings and Appeals

[Docket No. M75-118]

ALABAMA BY-PRODUCTS CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Alabama By-Products Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Gorgas America No. 7 Mine, Walker County, Alabama.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

1. Mining is accomplished by conventional equipment, that is, cutting machines, drills, loaders, shuttle cars, etc., and by continuous mining machines. The mined coal is transported from each section by belt conveyor to a raw coal storage pile on the surface adjacent to the preparation plant.

2. At the subject mine there are approximately ten rail cars of various types used to transport supplies. Normal procedure calls for empty cars to be hoisted up the slope, loaded with required material, and then lowered back down into the mine. From the slope bottom the cars are pulled by trolley locomotive to various operating areas.

3. Practice at this mine dictates that only one supply car, loaded or empty, is hoisted or lowered at a time. On those occasions when a heavier than normal load is to be handled, the dummy or chain car is set aside and the load connected directly to the hoist rope.

4. The need for an alternate coupling arrangement is necessitated by the slope which was designed to accommodate supply cars fitted with link and pin type couplings. The vertical curves at the slope top and bottom have short radii. The use of automatic couplings over these curves would result in added stress to the coupling and possible derailment of cars due to the vertical inflexibility of the coupling relative to the car.

5. *Alternate Method.* Approval of this alternate system as a satisfactory replacement of the standard mandating automatic coupling of mine cars after March 30, 1974, is subject to the following understanding and conditions which are incorporated as parts of the alternate system.

A. All supply cars and the slope dummy car will be fitted with modification shown on drawings G 12-1-002.[1]

[1] Drawings G 12-1-002 are available for inspection at the address contained in the last paragraph of the notice.

V40-127 JUL 1 75 XUM

B. All slope haulage employees at the mine will be trained and instructed in the proper use of the "Chain Setter Rod" and its use will be mandatory. More specifically in this regard:

1. All employees who connect or disconnect supply cars at the slope will be instructed in the use of the chain setter rod.

2. Thereafter, any new employees hired as a haulage or slope man or transferred to such a position shall be instructed in the use of the chain setter.

3. This instruction shall be repeated at six month intervals.

4. The company shall maintain a record of names and dates that each employee receives this instruction and reinstruction.

5. The requirement that the use of the chain setter shall be a mandatory safety rule at this mine shall be posted on the regular company and union bulletin boards at the mine.

6. *Safety Consideration.* The alternate method set forth above will provide no less than the same measure of protection to miners at the Gorgas No. 7 Mine that to be afforded by 30 CFR 75.-1405 and 75.1405–1 of the Departmental regulations. The alternate method will actually provide greater protection and thus avoid diminution of safety that has resulted by conversion to automatic couplings. This is because:

1. Automatic couplings inherently lack the flexibility required to permit mine cars to freely negotiate the vertical curves of the slope at this mine.

2. The proposed system meets the primary desired effect of automatic couplings in that employees will not be required to place themselves or any part of their body between cars at any potential pinch point.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75–17124 Filed 6–30–75;8:45 am]

[Docket No. M75–119]

CF&I STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), CF&I Steel Corporation has filed a petition to modify the application of 30 CFR 75.1403–10(b) to its Allen Mine, Weston, Colorado.

30 CFR 75.1403–10(b) provides:

Cars on main haulage roads should not be pushed, except where necessary to push cars from side tracks located near the working section to the producing entries and rooms, where necessary to clear switches and sidetracks, and on the approach to cages, slopes, and surface inclines.

In support of its petition, Petitioner states:

1. MESA's interpretation of § 75.1403–10(b) of the Regulations precludes CF&I from pushing mine cars from the last switch or parting inby the loader head at the Allen Mine.

2. The only way to move mine cars from the last switch or parting inby the loader head and back out again, without pushing them, in compliance with MESA's Notice to Provide Safeguards, issued on October 24, 1973, is to place a locomotive at each end of the line of cars and to require the locomotive operator to walk from one locomotive to the other while cars are being loaded.

3. The procedure described in the preceding paragraph is a safety hazard to the locomotive operator who must change cars, is unnecessary because it is not required by the Act or the Departmental regulations. It would be no less safe to allow CF&I to push cars the short distance from the last parting in by the loader head.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Departmental Hearings Branch, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

Dated: June 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75–17125 Filed 6–30–75;8:45 am]

[Docket No. M 75–106]

C F & I STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), C F & I Steel Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Allen Mine, Weston, Colorado.

30. CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

In support of its petition, Petitioner states:

1. Petitioner provides substantially constructed canopies for all operators of all electric face equipment including roof bolting machines as required by § 75.1710. Petitioner does not provide canopies for miners who are installing roof bolts. Such canopies are unnecessary. These miners are protected by permanent supports consisting of steel beams with wooden legs at each end installed in accordance with the roof control plan. Where steel beams are not required, these miners are protected by steel straps supported by timber jacks. A cab or canopy would afford these miners no greater protection than they now have.

2. MESA has interpreted § 75.1710 through the use of the procedure of § 75.1403, to require Petitioner to provide canopies or cabs for miners installing roof bolts at the subject mine.

3. The use of a canopy as required by MESA would interfere with the installation of roof supports in that these supports could not be installed against the roof with the canopy in place. Once these supports are in place the canopy is redundant, and, there is no period of time when the miners installing supports in accordance with the procedures of C F & I's roof control plan are not protected by supports already installed.

4. The use of the canopy, as required by MESA, during the installation of supports would create a safety hazard by disturbing and impairing the effectiveness of the existing support with which the canopy must come in contact.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Departmental Hearings Branch, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

Dated: June 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75–17126 Filed 6–30–75;8:45 am]

[Docket No. M 75–107]

D & R COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), D & R Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine, St. Charles, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

1. Petitioner's alternate method will at all times guarantee the miners no less than the same measure of protection as that provided by the mandatory standard.

2. At the switch backs where trucks cannot make a turn without backing up, berms or guard rails will be provided on the outer bank.

3. At all other locations where berms or guard rails are not provided:

(a) A daily inspection of all coal hauling vehicles shall be made and any defects detected shall be corrected before the defective vehicle is put into service. A record of inspection will be kept.

(b) As far as practicable, roadways shall be kept free of debris, excessive water, snow or ice and maintained as practicable.

(c) A traffic system shall be put into use for these roadways requiring that loaded vehicles have the right-of-way on the high wall side of road regardless of their direction of travel.

(d) Warning signs shall be posted designating steep grades where trucks should shift to lower gear. Signs shall be posted designating one lane traffic and passing points.

(e) All operators shall be trained in the use of haulage equipment and safety on the haulage road.

(f) Haulage vehicles shall have:

(1) Original manufactures brakes. (2) Engine or Jacob brakes. (3) Emergency parking brakes.

(g) One lane roads will be posted and a minimum width of 16 ft. shall be maintained with passing points at 500 feet to 1000 feet intervals.

(h) All haulage vehicles are equipped with two-way radios so all operators have radio contact with each other as to their location at all times.

(i) All rules of the road shall be posted on all bulletin boards throughout each mine area, and the rules shall be made part of the training program.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75–17127 Filed 6–30–75;8:45 am]

[Docket No. M 75–128]

HALFWAY COAL CO. ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Halfway Coal Company *et al.* have filed a petition to modify the application of 30 CFR 75.301 to the following mines located in Pennsylvania:

Company	Mine	Location
Halfway Coal Co.	West Drift	Ashland.
Herb & Tobin Coal Co.	Buck Mt. No. 2 Slope.	Zerbe.
K. & S. Coal Co.	No. 1 South Slope.	Ashland.
Shomper Coal Co.	Little Vein Slope Mountain.	Williamstown.
Leroy Snyder Coal Co.	No. 3 Slope	Donaldson.
Wolfgang Bros. Coal Co.	Buck Slope	Centralia.
Shade Coal Co	Buck Mountain Slope.	Valley View.
M. G. S. Coal Co.	No. 4 Slope	Mount Carmel.
S. H. & L. Coal Co.	Tracy Slope	Pine Grove.
C. F. & D. Coal Co.	No. 1 Slope Mine	Do.
D. & R. Mining Corp.	F. & F. Mine	Forrestville.
Big L Coal Co	No. 1 Slope	Shamokin.
Collier Coal Co	No. 3 Vein Slope	Do.
Sky View Coal Co.	do	Do.
Centennial Coal Co.	Centennial Slope	Kulpmont.
Burn-Rite Coal Co.	No. 2 Slope	Ashland.
Morata Coal Co	No. 4 Vein Slope	Kulpmont.
C. S. C. Coal Co.	Little Comstock	Shamokin.
M. & R. Coal Co.	M. & R. Slope	Do.
Fed Coal Co	No. 1 Slope	Do.
F. & H. Coal Co.	White Ash Slope	Locustdale.
Silverbrook Anthracite, Inc.	Twin Slope	Dupont.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

Petitioners request that § 75.301 be modified for anthracite mines to require that: the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of their petition, Petitioners state:

1. Air sample analysis history reveals no harmful quantities of methane in the mines.

2. There have been no ignitions, explosions, or mine fires in the subject mines.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases in the mines.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities required in friable anthracite veins for control purposes, in small cross sectional areas of airways and manways, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioners aver that the proposed alternate method will in no way provide less than the same measure of protection afforded the miners by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75–17128 Filed 6–30–75;8:45 am]

[Docket No. M75–120]

POCAHONTAS FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of Section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pocahontas Fuel Company has filed a petition to modify the application of 30 CFR 75.305 to its Buckeye Mine, Stephenson, West Virginia.

30 CFR 75.305, in pertinent part, provides:

• • • examinations for hazardous conditions • • • shall be made at least once each week by a certified person • • • [in] at least one entry of each • • • return aircourse in its entirety, • • •

In support of its petition, Petitioner states:

(1) The subject mine is ventilated by three fans—the Stephenson Fan, the

V40-127 JUL 1 75 XUM

Noseman Fan, and 3 Mains Fan. On April 14, 1975 an air analysis was taken at the Stephenson Fan with the following results: volume—164700 cfm; methane—.00; CO_2—.07.

(2) Except for mainline motor craws, trackmen and the men working on the rock grade, the employees portal at the Nosemen Portal by self-propelled mantrip cars using secondary track. This track is used only for mantrips and supplies.

(3) Coal is transported by conveyor belt from the working sections to a car loading point at the mouth of Barker Creek Mains #3 Entry of 4 Mains 2,000 ft. inby 16 Left. Coal is hauled by mine cars a distance of approximately 17,250 feet to the cleaning plant at Stephenson with grades averaging 4.09 percent downhill with two 90° radius curves.

(4) Because the track haulage was old, its maintenance cost excessive, and the existence of a 4.09% grade in some areas, Petitioner undertook a construction program to upgrade the track haulage to make it more safe and efficient. In late 1971, Petitioner, with the approval of MESA and the State Department of Mines, started regrading the Number 3 Entry of 4 Mains. This work was to be done, with approved safeguards, (see Exhibit I)[1] on return air for a distance of 7,800 feet. The work is scheduled for completion in early 1976.

(5) During late 1971 § 75.305 of the Departmental regulations was being complied with in that Number 3 Entry of 4 Mains was traveled and examinations were made and records kept.

(6) After grade work was started on the old track haulage, the air lock doors specified in Exhibit I were installed inby the rock grade. The grade work was put on intake air with the air returning right and left back to the Stephenson Shaft.

(7) On March 19, 1975, a MESA Inspector issued a Notice of Violation at Buckeye based on 330 CFR 75.305 because a return aircourse from the rock grade in Number 4 Mains was not being traveled weekly in its entirety and records kept.

(8) Petitioner immediately explored the possibility of traveling a return aircourse from 16 Left back to the Stephenson Shaft in both 4 Mains and 5 Mains, but because of the adverse physical conditions, i.e. numerous falls of roof, there was no safe method to travel the entire length of these returns.

(9) Intake and return escapeways are maintained from the working sections to the Noseman Portal marked with conspicuous signs. Three escape routes are also available for grade crew motormen and trackmen that perform work in the area of 4 and 5 Mains. Going inby from Rockgrade toward 16 Left the men would be on return air—they could follow the marked escape route to the Noseman Fan and they could enter the intake escapeway to the Noseman Portal. They can also exit to the Stephenson Portal by way of either 4 Mains track entry or by following the track from 16 Left and out through 5 Mains to the Stephenson Portal.

(10) The Stephenson Fan is used to ventilate the gob areas as indicated on map. It supplies intake air for the coal haulage track and approximately 16,000 to 18,000 CFM returning from the 2nd Left working section. The designated return escapeway for 2nd Left is marked and traveled weekly and exits at the Noseman Fan, no other action section returns any air to this fan. These persons could also follow the intake escapeway to Noseman Portal.

PETITIONER PLANS FOR ALTERNATE SYSTEM

Pocahontas proposes an alternate system to meet the intent of § 75.305 which it believes will be safer than the present requirement as applied to return aircourses from Nos. 4 and 5 Mains to the Stephenson shaft:

1. The certified examiner will enter the No. 1 and No. 2 return aircourses of 4 Mains at the four locations listed below for the purpose of making air measurements, sampling the air and making other tests as specified in § 75.305.

2. At the locations along the No. 1 and No. 2 return aircourses where the certified examiner will make his tests and samples, air locks will be installed and signs posted.

3. The examinations in the Nos. 1 and 2 return aircourses will be made weekly and records will be kept.

4. The left returns of 5 Mains (Nos. 1, 2 and 3 entries) will be entered at the four locations listed below and the actions specified in paragraphs 1, 2 and 3 above will be taken.

5. Air measurements for quantity and quality of air will also be made at the Stephenson shaft.

6. The location of the points of examination for the return aircourses of No. 4 Mains, left return will be as follows:

a. No. 1—At overcast inby Stephenson shaft.
b. No. 2—One hundred feet outby Station No. 2339.
c. No. 3—At Station No. 2818.
d. No. 4—One hundred feet outby Station No. 3671.

7. The location of examinations of the No. 5 Mains, left returns will be as follows:

a. No. 1—Station No. 2019.
b. No. 2—Station No. 2386.
c. No. 3—Station No. 3616.
d. No. 4—At mouth of 16 Left Panel.

Petitioner avers that the alternate method will at all times provide the miners no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-17129 Filed 6-30-75;8:45 am]

[1] Exhibits are available at the address contained in the last paragraph of the notice.

National Park Service

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIFORNIA CEDAR GROVE DEVELOPMENT CONCEPT PLANNING ALTERNATIVES

Notice of Intent

Notice is hereby given that the National Park Service will hold two public workshops on August 5 and 6, 1975, to provide for public involvement and citizen participation in the first phase of the development concept planning process for the Cedar Grove area of Sequoia and Kings Canyon National Parks.

The workshops will be held in Visalia, California, August 5, in the Sequoia Room, Visalia Convention Center, 303 East Acequia Street, at 7 p.m., and in Fresno, California, August 6, in the all-purpose room, McLane Junior High School, 2727 North Cedar Avenue, at 7 p.m.

Concurrent with these workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide for wide public involvement, including ideas, suggestions and comments from individuals and organizations on the formulation of Cedar Grove Development Concept Plan.

It is the intention of the National Park Service, when the draft Development Concept Plan is completed, to make it available to the public for further review.

Anyone wanting information on the National Park Service planning process, or the Cedar Grove area, or wishing to submit comments on uses of Cedar Grove may write to the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California 93271.

Dated: June 17, 1975.

JOHN H. DAVIS,
Acting Regional Director, Western Region, National Park Service.

[FR Doc.75-17134 Filed 6-30-75;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Correction

By notice in the FEDERAL REGISTER of February 4, 1975, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures for the Advisory Council on Historic Preservation, 36 CFR Part 800.

The following properties have been added to the National Register since June 3, 1975. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER:

ALABAMA

Baldwin County

Fort Morgan vicinity, *U.S.S. Tecumseh*, NW of Fort Morgan in Mobile Bay (5–14–75)

Calhoun County

Anniston, *Crowan Cottage*, 1401 Woodstock Ave. (5–16–75)

Walker County

Townley vicinity, *Boshell's Mill*, N of Townley on AL 124 (5–30–75)

ALASKA

Southeastern District

Chilkoot Pass vicinity, *Chilkoot Trail*, Mile 0 to U.S./Canada border (4–14–75)

ARIZONA

Apache County

Window Rock vicinity, *St. Michael's Mission*, N of Window Rock off AZ 264 (5–29–75)

Coconino County

Flagstaff vicinity, *Homestead, The*, 3 mi. N of Flagstaff on U.S. 180 (5–27–75)

Gila County

Globe, *Gila County Courthouse*, Oak and Broad Sts. (5–27–75)

Maricopa County

Mesa, *Park of the Canals*, along Horne Rd. N from Utah Ditch S to Mesa-Consolidated Canal (5–30–75)

Pima County

Greaterville vicinity, *Empire Ranch*, 6 mi. E of Greaterville (5–30–75)

Pinal County

Florence vicinity, *Butte-Cochran Charcoal Ovens*, 16 mi. E of Florence N of Gila River (5–30–75)

Yavapai County

Prescott, *Prescott Public Library*, 125 E. Gurley St. (5–28–75)

ARKANSAS

Arkansas County

Tichnor vicinity, *Roland Site*, 5 mi. E of Tichnor (5–2–75)

Dallas County

Leola vicinity, *Bird Kiln*, 6 mi. SW of Leola off AR 9 (5–29–75)
Princeton vicinity, *Culbertson Kiln*, E of Princeton on Stark Bland Rd. (5–29–75)
Tulip vicinity, *Welch Pottery Works*, S of Tulip (5–12–75)

Independence County

Batesville, *Glenn House*, 653 Water St. (5–2–75)
Batesville, *Handford, Charles R., House*, 658 E. Boswell St. (5–2–75)
Batesville, *Handford, James S., House*, 650 E. Boswell St. (5–2–75)
Batesville, *Maxfield, Uriah, House*, 410 E. Harrison St. (5–2–75)
Batesville, *Wycough-Jones House*, 683 Water St. (5–2–75)

Mississippi County

Buckeye vicinity, *Zebree Homestead*, 2 mi. NE of Buckeye in Big Lake National Wildlife Refuge (5–2–75)

Ouachita County

Camden, *Leake-Ingham Building*, 926 Washington St. NW. (5–2–75)

Pulaski County

Little Rock, *Choctaw Route Station*, E. 3rd at Rock Island RR. (5–6–75)
Little Rock, *Reichardt House*, 1201 Welch St. (5–2–75)

CALIFORNIA

Butte County

Stirling City vicinity, *Inskip Hotel (Inskip House)*, 6 mi. N of Stirling City on the Skyway (old Humbug Rd.) (5–2–75)

Los Angeles County

Calabasas, *Leonis Adobe*, 23537 Calabasas Rd. (5–29–75) HABS

Mariposa County

Groveland vicinity, *Big Gap Flume*, E. of Groveland off CA 120 in Stanislaus National Forest (5–12–75)

Modoc County

Tulelake vicinity, *Fern Cave*, 9 mi. S of Tulelake in Lava Beds National Monument (5–29–75)
Tulelake vicinity, *Petroglyph Point*, 9 mi. SE of Tulelake in Lava Beds National Monument (5–29–75)

San Bernardino County

Big Bear City vicinity, *Washington, Henry, Survey Marker*, S of Big Bear City in San Bernardino National Forest (5–12–75)

San Diego County

San Diego, *Spreckles Theatre Building*, 123 W. Broadway (5–28–75) HABS

San Francisco County

San Francisco, *Geary Theatre*, 415 Geary St. (5–27–75)

Yuba County

Marysville, *Bok Kai Temple*, Yuba River Levee at D St. (5–21–75)
North San Juan vicinity, *Oregon Creek Covered Bridge*, 3 mi. NE of North San Juan over Oregon Creek (5–30–75)

COLORADO

Conejos County

Antonito, *Engine No. 463* (narrow-gauge locomotive), off U.S. 285 (5–12–75)
La Jara, *La Jara Depot*, Broadway and Main Sts. (5–12–75)

Denver County

Denver, *Thomas, H. H., House*, 2104 Glenarm Pl. (5–30–75)

Pitkin County

Aspen *Aspen Community Church*, 200 N. Aspen St. (5–12–75)
Aspen, *Stallard—Wheeler House*, 620 W. Bleeker St. (5–30–75)
Aspen, *Pitkin County Courthouse*, 506 E. Main St. (5–12–75)
Aspen vicinity, *Ashcroft, Colorado*, 12 mi. S of Aspen in White River National Forest (5–12–75)

DISTRICT OF COLUMBIA

Washington

Cady, Lucinda, House, 7064 Eastern Ave., NW (5–28–75)

FLORIDA

Gadsden County

Mt. Pleasant vicinity, *Davis, Joshua, House*, 2.5 mi. NW of Mt. Pleasant on U.S. 90 (5–21–75)

Leon County

Tallahassee, *Columns, The*, 100 N. Duval St. (5–21–75) HABS

St. Johns County

St. Augustine, *Hotel Ponce de Leon*, bounded by King, Valencia, Sevilla, and Cordova Sts. (5–6–75)

GEORGIA

Clay County

Fort Gaines, *Dill House*, 102 S. Washington St. (5–6–75)

De Kalb County

Decatur, *Gay, Mary, House*, 524 Marshall St. (5–6–75)

Floyd County

Rome, *U.S. Post Office and Courthouse*, W. 4th Ave. and E. 1st St. (5–6–75)

Fulton County

Atlanta, *Odd Fellows Building and Auditorium*, 228–250 Auburn Ave. NE. (5–2–75)

Jones County

Round Oak vicinity, *Cabiness-Hunt House*, SE of Round Oak off GA 11 (5–2–75)

Laurens County

Dublin, *Carnegie Library*, jct. of Bellevue, Academy, and Jackson Sts. (5–30–75)
Montrose vicinity, *Sanders Hill*, S of Montrose off I 16/GA 404 (5–28–75)

GUAM

Merizo, *Merizo Bell Tower*, off Insular Rte. 4 (5–29–75)

HAWAII

Maui County

Wailuku, *Kaahumanu Church*, S. High St. (5–12–75)

IDAHO

Blaine County

Bellevue vicinity, *Miller, Henry, House*, S of Bellevue off U.S. 93 (5–30–75)

Franklin County

Preston, *Oneida Stake Academy*, NW corner of 2nd South and 2nd East Sts. (5–21–75)

ILLINOIS

Bureau County

Manlius, *First State Bank of Manlius*, N side of Maple St. (5–12–75)

Cass County

Virginia vicinity, *Cunningham, Andrew, Farm*, 2.5 mi. E of Virginia off Gridley Rd. (5–12–75) HABS

Du Page County

Oak Brook, *Graue Mill*, NW of jct. of Spring and York Rds. (5–12–75) HABS

Henry County

Geneseo, *South Side School*, 209 S. College Ave. (5–6–75)

Will County

Lockport, *Lockport Historic District*, area between 7th and 11th Sts. and Canal and Washington Sts. (5–12–75)

V40-127 JUL 1 75 XUM

INDIANA

Daviess County

Washington vicinity, *Prarie Creek Site*, 4 mi. N of Washington (5–12–75)

Dearborn County

Lawrenceburg vicinity, *Jennison Guard Site*, 0.75 mi. NE of Lawrenceburg (5–12–75)

Dubois County

Huntingburg, *Huntingburg Town Hall and Fire Engine House*, 311 Geiger St. (5–12–75)

Floyd County

New Albany, *Yenowine-Nichols-Collins House*, 5118 State Rd. 64 (5–12–75)

Greene County

Bloomfield vicinity, *Osborn Site*, SW of Bloomfield (5–12–75)

Knox County

Vincennes vicinity, *Pyramid Mound*, S of Vincennes (5–12–75)

La Porte County

Michigan City, *Michigan Central Railroad Engine Repair Shops*, 104 N. Franklin St. (5–12–75)

Madison County

Elwood, *Willkie, Wendell L., School, (Central School)* 1630 Main St. (5–12–75)

Morgan County

Mooresville, *Mooresville Friends Academy Building*, 244 N. Monroe St. (5–12–75)

Owen County

Patricksburg vicinity, *Moffett-Ralston House* 1.5 mi. NE of Patricksburg on Bixler Rd. (5–12–75)

Posey County

Mount Vernon vicinity, *Murphy Archeological Site*, SW of Mount Vernon (5–12–75)

Spencer County

Gentryville vicinity, *Jones, Col. William, House*, W of Gentryville on Troy-Vincennes Road.

Steuben County

Angola, *Steuben County Courthouse*, Public Sq. (5–12–75)

Sullivan County

Merom vicinity, *Merom Site and Fort Azatlan*, N of Merom (5–12–75)

IOWA

Des Moines County

Burlington, *Snake Alley Historic District*, both sides of Snake Alley including Cobblestone Alley (5–21–75)

Sioux County

Orange City, *Zwemer Hall, Northwestern College*, 101 7th St. SW (5–28–75)

Wayne County

Lineville vicinity, *Pleasant Hill School*, 3 mi. N of Lineville on U.S. 65 (5–28–75)

KANSAS

Atchison County

Atchison, *Harwi, A. J., House*, 1103 Atchison St. (5–6–75)

Marshall County

Marysville, *Koester, Charles, House*, 919 Broadway (5–12–75)

KENTUCKY

Fayette County

Lexington, *Woodstock*, Todds Rd. (5–12–75)

Garrard County

Lancaster vicinity, *Owsley, Gov. William, House (Pleasant Retreat)*, 0.5 mi. S of Lancaster on U.S. 27 (5–6–75)

Knox County

Barbourville, *Old Classroom Building, Union College*, College St. (5–30–75)

Madison County

Richmond, *Irvinton*, 319 Lancaster Ave. (5–6–75)

Richmond, *Madison County Courthouse*, Main St. between N. 1st and N. 2nd Sts. (5–12–75)

Mason County

Maysville, *Courthouse Square and Mechanics' Row Historic District*, W. 3rd St. between Market and Sutton Sts. (5–12–75)

Scott County

Georgetown vicinity, *Upshaw Vivion Brooking, House*, W of Georgetown off Stamping Ground Pike (KY 227)

Woodford County

Versailles, *Big Spring Church*, 121 Rose Hill St. (5–6–75)

MAINE

Androscoggin County

Lisbon Falls vicinity, *Shiloh Temple*, S of Lisbon Falls on S bank of Androscoggin River (5–12–75)

Penobscot County

Garland, *Garland Grange Hall*, off ME 94 (5–12–75)

Washington County

Machias, *Centre Street Congregational Church*, Centre St. (5–12–75)

MARYLAND

Allegany County

Cumberland vicinity, *Barton Village Site*, SW of Cumberland (5–12–75)

Oldtown vicinity, *Shawnee Old Fields Village Site (King Oppressa's Town)*, SE of Oldtown (5–12–75)

Caroline County

Hillsboro, *St. Paul's Episcopal Church*, S of MD 404 (5–12–75)

Ridgely vicinity, *Oak Lawn*, 2.8 mi. N of Ridgely on MD 312 (5–28–75)

Dorchester County

Cambridge vicinity, *Brinsfield I Site*, SE of Cambridge (5–12–75)

Eldorado vicinity, *Willin Village Site*, W of Eldorado (5–12–75)

Garrett County

Oakland vicinity, *Hoye Site*, N of Oakland (5–12–75)

Harford County

Whiteford vicinity, *Broad Creek Soapstone Quaries*, E of Whiteford (5–12–75)

Montgomery County

Rockville, *West Montgomery Avenue Historic District*, residential area centered around W. Montgomery Ave. (5–29–75)

Poolesville and vicinity, *Poolesville Historic District*, area around Jcts. of MD 107, 109, and Willard Rd. (5–29–75) HABS

Poolesville vicinity, *Walker Prehistoric Village Archeological Site*, S of Poolesville (5–12–75)

Prince Georges County

Upper Marlboro vicinity, *Nottingham Site*, SE of Upper Marlboro (5–12–75)

St. Mary's County

Chaptico vicinity, *Deep Falls*, 1 mi. SE of Chaptico on N side of MD 234 (5–12–75)

Hughesville vicinity, *Charlotte Hall, Historic District*, S of Hughesville at jct. of MD 5 and 6 (5–2–75)

Washington County

Hagerstown, *Elliott-Bester House*, 205–207 S. Potomac St. (5–2–75)

Worcester County

Berlin vicinity, *Caleb's Discovery*, 2 mi. W of Berlin on U.S. 50 (5–27–75)

MASSACHUSETTS

Barnstable County

South Wellfleet, *Marconi Wireless Station Site*, 1 mi. NE of NS Headquarters on Cape Cod National Seashore (5–2–75)

Middlesex County

Medford, *Curtis, Paul, House*, 114 South St. (5–6–75)

Wayland vicinity, *Old Town Bridge*, N of Wayland on MA 27 over Sudbury River (5–2–75)

Suffolk County

Boston, *Symphony and Horticultural Halls*, Massachusetts and Huntington Aves. (5–30–75)

Worcester County

Worcester, *Salisbury Mansion and Store*, 30, 40 Highland St. (5–30–75)

MICHIGAN

Branch County

Coldwater, *East Chicago Street Historic District*, Chicago St. from Wright St. to Division St. including parks (5–12–75)

Chippewa County

Brimley vicinity, *Point Iroquois Light Station*, 6 mi. NW of Brimley in the Hiawatha National Forest (5–30–75)

Houghton County

Houghton, *Houghton County Courthouse*, 401 E. Houghton St. (5–12–75)

Marquette County

Negaunee vicinity, *Jackson Iron Company Site*, N of Negaunee limits off SR 492 (5–30–75)

Tuscola County

Caro, *Trinity Episcopal Church*, 106 Joy St. (5–12–75)

MINNESOTA

Brown County

Hanska vicinity, *Synsteby Site*, SW of Hanska on E end of Lake Hanska (5–12–75)

Fillmore County

Racine vicinity, *Tunnel Mill (J. A. Stout Mill)*, E of Racine on Bear Creek (5–12–75)

Spring Valley, *Spring Valley Methodist Church*, 221 W. Courtland St. (5–12–75)

Goodhue County

Red Wing, *Octagon House*, 927 W. 3rd St. (5–21–75)

Red Wing vicinity, *Vasa*, SW of Red Wing in Minnesota Memorial Hardwood State Forest (5–30–75)

Hennepin County

Minneapolis, *Prescott House*, 4458–4460 Snelling Ave. S. (5–21–75)

Meeker County

Litchfield, *Grand Army of the Republic Hall* 370 N. Marshall St. (5–21–75)

Nicollet County

St. Peter, *Nicollet House Hotel*, Minnesota Ave. at Park Row (5–12–75)

Olmsted County

Rochester, *Quarry Hill*, 1091 Plummer Lane (5–21–75)

Rochester vicinity, *Dodge Farm*, S of Rochester (5–12–75)

Ramsey County

St. Paul, *Brunson, Benjamin, House*, 485 Kenny St. (5–12–75)

St. Paul, *Luckert, David, House*, 480 Iglehart St. (5–12–75)

St. Paul, *Muench, Adolf, House*, 653 E. 5th St. (5–12–75)

St. Paul, *Muskego Church*, 2375 Como Ave. W. (5–12–75) HABS

St. Paul, *Ramsey, Justus, Stone House*, 252 W. 7th St. (5–6–75)

Rice County

Faribault, *Noyes Hall*, Minnesota School for the Deaf campus (5–12–75)

Northfield, *Goodsell Observatory*, Carleton College campus (5–12–75)

St. Louis County

Duluth, *Fire Department Number One*, NW corner of 1st Ave. E. and 3rd St. (5–12–75)

Steele County

Owatonna, *Administration Building—Minnesota State Public School for Dependent and Neglected Children*, West Hills (5–12–75)

Winona County

Stockton, *Stockton Roller Mill*, off U.S. 14 (5–12–75)

Winona, *Kirch/Latch Building*, 114–122 E. 2nd St. (5–21–75)

MISSISSIPPI

Coahoma County

Farrel vicinity, *Humber Site*, 2.5 mi. W of Farrel (5–12–75)

Hinds County

Jackson, *Bailey Hill Civil War Earthworks*, off U.S. 51/55 (5–6–75)

Leflore County

Greenwood vicinity, *Star of the West (C.S.S. at St. Phillip)*, W of Greenwood on Tallahatchie River (5–21–75)

Oktibbeha County

Starkville vicinity, *Textile Building*, S. of Starkville on Mississippi State University campus (5–12–75)

Warren County

Vicksburg, *Flowerree, Col. Charles C., House*, 2309 Pearl St. (5–29–75) HABS

Vicksburg, *McNutt House*, NW corner of Monroe and E. 1st St. (5–29–75)

MISSOURI

Stoddard County

Puxico vicinity, *Mingo National Wildlife Refuge Archeology District*, W of Puxico (5–12–75)

MONTANA

Fergus County

Landusky vicinity, *Rocky Point*, 30 mi. S of Landusky in Charles M. Russell National Wildlife Range (5–21–75)

NEBRASKA

Adams County

Hastings, *McCormick Hall*, Hastings College campus (5–12–75)

Hastings, *Ringland Hall*, Hastings College campus (5–12–75)

Lancaster County

Lincoln, *Old Main, Nebraska Wesleyan University*, 50th and St. Paul Sts. (5–21–75)

NEVADA

Lincoln County

Alamo vicinity, *Black Canyon Petroglyphs*, 8 mi. S. of Alamo in Pahranagat National Wildlife Refuge (5–27–75)

NEW HAMPSHIRE

Belknap County

Laconia vicinity, *Weirs, (Aquadoctan Archeological Site)*, N of Laconia on U.S. 3 (5–12–75)

Cheshire County

Walpole, *Walpole Academy*, Main St. (5–21–75) HABS

Grafton County

Haverhill vicinity, *Bedell Bridge*, between Haverhill and Newbury, VT, over Connecticut River (also in Orange County, VT) (5–28–75)

Hillsborough County

Manchester, *Ash Street School*, bounded by Ash, Bridge, Maple, and Pearl Sts. (5–30–75)

Manchester, *Athens Building (Palace Theater)*, 76–96 Hanover St. (5–30–75)

Manchester, *Weston Observatory*, Oak Hill, Derryfield Park (5–28–75)

Merrimack County

Salisbury, *Salisbury Academy Building*, jct. of NH 127 and U.S. 4 (5–30–75)

Strafford County

Dover vicinity, *County Farm Bridge*, NW of Dover on County Farm Rd. (5–21–75)

NEW JERSEY

Camden County

Cherry Hill, *Gatehouse at Colestoun Cemetery*, Kings Hwy. and Church Rd. (5–21–75)

Haddonfield, *Mickle, Samuel, House*, 345 Kings Hwy., E. (5–21–75) HABS

Cumberland County

Bridgeton, *Deerfield Pike Tollgate House*, 89 Old Deerfield Pike (5–21–75)

Morris County

East Hanover, *Cook, Ellis, House (Halfway House)*, 174 Mount Pleasant Ave. (5–12–75) HABS

Somerset County

Bernardsville vicinity, *Franklin Corners Historic District*, N of Bernardsville on Hardscrabble and Childs Rds. and U.S. 202 (5–12–75) HABS

NEW MEXICO

Grant County

Silver City, *Ailman, H. B., House*, 314 W. Broadway (5–12–75)

Santa Fe County

Santa Fe, *Crespin, Gregorio, House*, 132 E. De Vargas St. (5–29–75)

NEW YORK

Erie County

Buffalo, *Shea's Buffalo Theater*, 646 Main St. (5–6–75)

Essex County

Essex and vicinity, *Essex Village Historic District*, town of Essex and surroundings on W bank of Lake Champlain (5–28–75)

New York County

New York, *Gracie, Archibald, Mansion*, East End Ave. at 88th St. (5–12–75)

Monroe County

Rochester, *St. Joseph Roman Catholic Church and Rectory*, 108 Franklin St. (5–29–75)

Onondaga County

Baldwinsville, *Whig Hill and Dependencies* jct. of W. Genesee and Gates Rds. (5–12–75)

Saratoga County

Ballston Spa, *Brookside*, Charlton St. (5–21–75)

St. Lawrence County

Canton, *Village Park Historic District*, both sides of Main, and Park Sts., and Park Place (5–6–75)

Washington County

Salem, *Salem Historic District*, both sides of Broadway and Main Sts. from RR. tracks on N and W to include White Creek on S and E (5–28–75)

NORTH CAROLINA

Bladen County

Tar Heel vicinity, *Walnut Grove (Robeson Plantation)*, E of Tar Heel on NC 87 (5–29–75)

Chowan County

Edenton, *St. Paul's Episcopal Church and Courtyard*, W. Church and Churton Sts. (5–29–75) HABS

Cleveland County

Shelby, *Banker's House*, 319 N. Lafayette St. (5–6–75)

Franklin County

Centerville vicinity, *Vine Hill*, S of Centerville (5–28–75)

Gupton vicinity, *Laurel Mill and Col. Jordan Jones's House*, SW of Gupton at jct. of SR 1432 and 1436 (5–30–75)

Wood vicinity, *Taylor, Archibald, House*, N of Wood (5–12–75)

Halifax County

Tillery vicinity, *Hermitage, The*, 1 mi. W of Tillery off NE 481 (5–29–75)

Lincoln County

Lincolnton, *Pleasant Retreat Academy*, 129 E. Pine St. (5–29–75)

Northampton County

Jackson vicinity, *Verona*, W of Jackson (5–29–75) HABS

Wake County

Wake Forest, *Lea Laboratory*, Southeastern Baptist Theological Seminary campus (5–29–75)

NORTH DAKOTA

Pembina County

Walhalla vicinity, *Gingras House and Trading Post*, NE of Walhalla off ND 32 (5–21–75)

OHIO

Ashtabula County

Windsor Mills, *Windsor Mills Christ Church Episcopal*, Wisell Rd. and U.S. 322 (5–29–75)

Auglaize County

New Bremen, *Luelleman, William, House*, 122 N. Main St. (5–21–75)

Belmont County

St. Clairsville vicinity, *Opatrny Village Site*, W of St. Clairsville off I 70 (5–21–75)

Butler County

Excello, *Harding-Jones Paper Company District*, both sides of S. Main St. at Jct. with RR. tracks (5–29–75)

V40-127 JUL 1 75 XUM

Huntsville vicinity, *Rose, D. S., Mound*, N of Huntsville (5–28–75)
Middletown, *Tytus, John B., House*, 300 S. Main St. (5–27–75)
Maud vicinity, *Williamson Mound Archeological District*, N of Maud (5–29–75)
Shandon vicinity, *Vaughan, John, House*, 3756 Hamilton-New London Rd. (5–29–75)

Clark County

Springfield, *Lagonda Club Building*, NW corner of High and Spring Sts. (5–28–75)

Cuyahoga County

Bedford, *Bedford Township Hall*, 30 S. Park St. (5–27–75)
Chagrin Falls, *Stoneman, Joseph, House*, 18 E. Orange St. (5–29–75)
Cleveland, *Bohemian National Hall*, 4939 Broadway St. (5–28–75)
Cleveland, *Peerless Motor Company Plant No. 1*, 9400 Quincy Ave. (5–29–75) HABS
East Cleveland, *Nela Park*, entrance at 1901 Noble Rd. (5–29–75)

Erie County

Milan vicinity, *Abbott-Page House*, 2.5 mi. NE of Milan on Mason Rd. (5–27–75) HABS

Fairfield County

Baltimore vicinity, *Bright, John, Covered Bridge*, 2.5 mi. SW of Baltimore over Poplar Creek (5–28–75)

Franklin County

Westerville, *Westerville High School—Vine Street School*, 44 N. Vine St. (5–29–75)

Greene County

Jamestown vicinity, *Ballard Road Covered Bridge*, NW of Jamestown on Ballard Rd. over Caesars Creek (5–29–75)
Jamestown vicinity, *Dean Family Farm*, 5 mi. NW of Jamestown off U.S. 35 on Ballard Rd. (5–29–75)

Guernsey County

Old Washington, *Old Washington Historic District*, both sides of Main St. (5–29–75)

Hamilton County

Cincinnati, *Madison-Stewart Historic District*, both sides of Madison and Stewart Sts. at their jct. (5–29–75)
Evendale, *Mathew Mound*, off Oak Rd. (5–29–75)
Harrison vicinity, *Bennett, George, House*, 10281 Harrison Pike (5–29–75) HABS
Mariemont, *Ferris, Eliphalet, House*, 3915 Plainville Rd. (5–29–75) HABS
Newtown vicinity, *Broadwell, Cyrus, House*, 3882 Mt. Carmel Rd. (5–29–75) HABS
Newtown vicinity, *Harrison-Landers House*, 3881 Newtown Rd. (5–29–75) HABS
Woodlawn vicinity, *Burchenal Mound*, N of Woodlawn (5–29–75)
Wyoming, *Twin Oaks*, 629 Liddle Lane (5–29–75)

Huron County

Steuben vicinity, *Phoenix Mills*, E of Steuben on Mill Rd. (5–28–75)

Logan County

Bloom Center vicinity, *McColly Covered Bridge*, 2 mi. SE of Bloom Center on SR 130 (5–28–75)

Lorain County

Amherst, *Amherst Town Hall*, 206 S. Main St. (5–29–75)

Lucas County

Toledo, *Berdan Building*, 901 Washington St. (5–29–75)
Toledo, *Brand, R., and Company (Western Shoe Company)*, 120–124 St. Clair St. (5–27–75)
Toledo, *Standart-Simmons Hardware Company*, 36 S. Erie St. (5–29–75)
Toledo, *St. Clair Street Historic District*, both sides of St. Clair St. from Perry to S side of Lafayette (5–29–75)
Toledo, *Wheeler Block*, 402 Monroe St. (5–29–75)
Waterville, *Morehouse-Downes House*, 4 S. River Rd. (5–29–75)
Waterville, *Pray-Starkweather House*, 144 N. River Rd. (5–29–75)

Miami County

Troy, *Miami County Courthouse and Power Station*, bounded by Main, Short, Plum, and Water Sts. (5–30–75)

Montgomery County

Dayton, *Brooks, James, House*, 41 E. 1st St. (5–29–75)
Dayton, *Miller, Daniel, House*, 3525 Dandridge Ave. (5–29–75)

Portage County

Edinburg, vicinity, *Wadsworth, Frederick, House*, 4889 OH 14 (5–29–75)
Kent, *Davey, John, House*, 338 Woodard St. (5–29–75)
Kent, *Ohio State Normal College at Kent*, Hilltop Dr. on Kent State University campus (5–30–75)

Stark County

Canton, *St. John's Catholic Church*, 6th St. and McKinley Ave., NW (5–27–75)

Trumbull County

North Bloomfield, *Brown, Charles, Gothic Cottage*, OH 45 S. (5–28–75)

Warren County

Foster vicinity, *Landen Mounds I and II*, W of Foster (5–27–75)
Otterbein vicinity, *Armco Park Mound I*, NW of Otterbein (5–29–75)
Otterbein vicinity, *Armco Park Mound II*, NW of Otterbein (5–29–75)

Wayne County

Marshallville vicinity, *Zimmerman, Ezekiel II, Octagon House*, NW of Marshallville on OH 57 (5–28–75)

Wood County

Grand Rapids, *Heeter-Russo House*, 24570 Dunbar St. (5–29–75)
Grand Rapids, *Thurston Building*, Front St. (5–29–75)
Grand Rapids, *Town Hall*, Front St. (5–27–75)

OKLAHOMA

Choctaw County

Fort Towson vicinity, *Doaksville Site*, N of Fort Towson (5–29–75)
Fort Towson vicinity, *Spencer Academy*, 10 mi. N of Fort Towson (5–21–75)

Johnston County

Tishomingo, *Tishomingo City Hall*, W. Main St. (5–21–75)

Washita County

Carnegie vicinity, *Cedar Creek District*, N of Carnegie off OK 58 (5–29–75)

OREGON

Linn County

Albany, *Monteith, Thomas and Walter, House*, 518 W. 2nd Ave. (5–21–75)

Multnomah County

Portland, *St. James Lutheran Church*, 1315 SW. Park Ave. (5–21–75)

Polk County

Salem, *Brunk, Harrison, House*, Brunk Corner and OR 22 (5–6–75)

PENNSYLVANIA

Allegheny County

Pittsburgh, *Mexican War Streets Historic District*, irregular pattern between Brighton and Arch Sts. and between O'Hern and West Park (5–28–75)

Lebanon County

Myerstown vicinity, *Tulpehocken Manor Plantation*, 2 mi. W of Myerstown on U.S. 422 (5–12–75)
Newmanstown vicinity, *Zeller, Heinrich, House*, W of Newmanstown off SR 419 (5–12–75)

Montgomery County

Pottstown vicinity, *Antes, Henry, House*, NE of Pottstown on Colonial Rd. (5–12–75)

Luzerne County

Wilkes-Barre, *Central Railroad of New Jersey Station*, 31–35 S. Baltimore St. (5–12–75)

Washington County

Avella vicinity, *Manchester, Isaac, House (Plantation Plenty)*, 2 mi. S of Avella on PA 231 (5–21–75)

York County

York, *York Meetinghouse*, 134 W. Philadelphia St. (5–6–75)

RHODE ISLAND

Providence County

Providence, *Hope Block and Cheapside*, 22–26 and 40 N. Main St. (5–21–75)

SOUTH CAROLINA

Beaufort County

Bluffton, *Church of the Cross*, Calhoun St. (5–29–75)

Calhoun County

Fort Motte vicinity, *Oakland Plantation*, S. of Fort Motte off SC 26 on SR 1 (5–30–75)
St. Matthews, *Calhoun County Library*, Railroad Ave. (5–29–75)

Dillon County

Hamer vicinity, *Hamer Hall*, N of Hamer on U.S. 301 (5–30–75)

SOUTH DAKOTA

Pennington County

Rapid City, *Emmanuel Episcopal Church*, 717 Quincy St. (5–29–75)

TENNESSEE

Anderson County

Lake City vicinity, *Edwards-Fowler House*, 3.5 mi. S of Lake City on Dutch Valley Rd. (5–29–75)

Bedford County

Shelbyville, *Gilliland, James, House*, 803 Lipscomb St. (5–12–75)

Campbell County

LaFollette, *LaFollette House*, Indiana Ave. (5–29–75)

Clairborne County

Springdale, *Big Spring Union Church*, off TN 32 (5–29–75)
Tazewell, *Graham-Kivette House*, Main St. and Old Knoxville Rd. (5–29–75)

Cocke County

Newport, *Elm Hill*, 206 W. Riverview St. (5–29–75)
Newport vicinity, *Beechwood Hall*, N of Newport on Rankin Rd. (5–29–75)
Newport vicinity, *Greenlawn*, NW of Newport on Old Rankin Rd. (5–29–75)
Newport vicinity, *Vinson House*, 4.5 mi. S of Newport off Hartford Rd. (5–29–75)

Davidson County

Old Natchez Trace, from AL/TN border to U.S. 100 in Davidson Co. (also in Hickman, Lawrence, Lewis, Maury, Wayne, and Williamson counties) (5–30–75)

Franklin County

Winchester, *Hundred Oaks*, Oak St. at U.S. 64 (5–28–75) HABS

Grainger County

Rutledge vicinity, *Lea Springs*, 11 mi. SW of Rutledge off U.S. 11 W. on Lea Lake Rd. (5–29–75)

Hickman County

Old Natchez Trace, see Davidson County

Lawrence County

Old Natchez Trace, see Davidson County

Lewis County

Old Natchez Trace, see Davidson County

Loudon County

Loudon, *Loudon County Courthouse*, Grove and Mulberry Sts. (5–28–75)

Knox County

Knoxville, *Knollwood*, 6411 Kingston Pike (5–12–75)
Knoxville, *Lebanon-in-the-Fork Presbyterian Church*, Asbury Rd. (5–27–75)

Maury County

Old Natchez Trace, see Davidson County
Columbia, *Polk Sisters' House*, 305 W. 7th St. (5–21–75)

McMinn County

Athens vicinity, *Cleage, Samuel, House*, N of Athens on Lee Hwy. (U.S. 11) (5–12–75) HABS

Scott County

Oneida vicinity, *Bryant, Louis E., House*, 2 mi. E of Oneida on Bear Creek Rd. (5–29–75)

Warren County

McMinnville vicinity, *Northcutt Plantation*, 7 mi. SW of McMinnville off TN 108 on Wheeler Lane (5–12–75) HABS

Washington County

Jonesboro vicinity, *Sulphur Springs Methodist Campground*, N of Jonesboro off TN 81 in Sulphur Springs Community (5–12–75) HABS

Wayne County

Old Natchez Trace, see Davidson County

Williamson County

Old Natchez Trace, see Davidson County

TEXAS

Bexar County

San Antonio, *Southern Pacific Railroad Passenger Station*, 1174 E. Commerce St. (5–29–75)

Dallas County

Dallas, *Dallas Union Terminal*, 400 S. Houston St. (5–29–75)

El Paso County

El Paso, *1880's Mexican Consulate*, 512 E. San Antonio St. (5–23–75)

Fayette County

Flatonia vicinity, *Buckner's Creek Bridge* 10 mi. N of Flatonia over Buckner's Creek (5–29–75)

Garza County

Post, *Old Post Sanitarium*, 117 N. Avenue N (5–21–75)

Gonzales County

Gonzales, *Gonzales County Jail*, Courthouse Sq. on St. Lawrence St. (5–21–75)

Hidalgo County

Mission vicinity, *La Lomita Historic District*, 5 mi. S of Mission on F.M. 1016 (5–28–75)

Hudspeth County

Sierra Blanca, *Hudspeth County Courthouse*, Millican St. (5–21–75)

Lee County

Giddings, *Lee County Courthouse*, bounded by Hempstead, Grimes, E. Richmond, and Main Sts. (5–30–75)

UTAH

Salt Lake County

Salt Lake City, *Bamberger, Simon, House*, 623 East 100 South (5–30–75)

Sevier County

Richfield, *Sevier County Courthouse*, Main between 2nd and 3rd Sts. N. (5–30–75)

Tooele County

Dugway Proving Ground, *Lincoln Highway Bridge*, in Dog Area on 2nd St. over Government Creek (5–21–75)

VERMONT

Caledonia County

McIndoe Falls, *McIndoes Academy*, Main St. (5–6–75)
Ryegate vicinity, *Whitehill House*, N of Ryegate on Groton-Peacham Rd. (5–30–75)
St. Johnsbury, *St. Johnsbury Main Street Historic District*, area along Main St. including intersecting streets (5–28–75)

Chittenden County

Burlington, *Winterbotham Estate*, 163 S. Willard St. (5–12–75)

Orange County

Bradford and vicinity, *Bradford Village Historic District*, residential area along Main, Depot, Pleasant, High, and Mill Sts., Wrights Ave., Goshen Rd., and U.S. 5 (5–28–75)
Newbury vicinity, *Bedell Bridge*, see Grafton Co., Haverhill vic., NH.
Randolph, *Depot Square Historic District* both sides of main, Pleasant, and Salisbury Sts., and both sides of Central Vermont RY. tracks (5–29–75)

VIRGINIA

Mathews County

Mathews vicinity, *Methodist Tabernacle*, SE of Mathews on VA 611 at jct. with VA 644. (5–21–75)

Norfolk (independent city)

Monticello Arcade, in 200 block E. City Hall Ave.; between City Hall Ave. and Plume St. (5–21–75)

Prince William County

Dumfries, *Weems-Botts House*, SW corner of Duke and Cameron Sts. (5–12–75)

Pulaski County

Dublin vicinity, *Back Creek Farm*, NW of Dublin off VA 100 (5–21–75)

Rappahannock County

Washington and vicinity, *Washington Historic District*, residential area N of U.S. 211/522 (5–28–75)

Richmond (independent city)

Walker, Maggie, House, 110 A E. Leigh St. (5–12–75)

Virginia Beach (independent city)

Land, Francis, House, 3133 Virginia Beach Blvd. (5–12–75)

WASHINGTON

Asotin County

Clarkston, *VanArsdol, C. C., House*, 15th and Chestnut Sts. (5–6–75)

King County

Seattle, *Northern Life Tower (Seattle Tower)*, 1212 3rd Ave. (5–30–75)

Spokane County

Cheney vicinity, *Turnbull Pines Rock Shelter*, S of Cheney in Turnbull National Wildlife Refuge (5–6–75)

Thurston County

Olympia, *Old Capitol Building*, 600 block Washington St. (5–30–75)

Whatcom County

Bellingham, *Great Northern Passenger Station*, S end of D St. (5–30–75)
Bellingham, *Larrabee House*, 405 Fieldstone Rd. (5–30–75)
Point Roberts, *Boundary Marker No. 1*, Marine Dr. at U.S./Canada border (5–30–75)

WISCONSIN

Jefferson County

Waterloo vicinity, *St. Wenceslaus Roman Catholic Church*, SE of Waterloo at jct. of Blue Point and Island Rds. (5–12–75)

La Crosse County

La Crosse, *Anderson, Mons, House*, 410 Cass St. (5–6–75)

Waukesha County

Pewaukee, *West, Deacon, Octagon House*, 370 High St. (5–12–75)

Winnebago County

Winneconne vicinity, *Kamrath Site, S of* Winneconne off WI116 (5–6–75)

• • • • • •

The following property was omitted from the February 4, 1975, Federal Register listing:

MARYLAND

Frederick County

Frederick vicinity, *Monocacy Battlefield* 10–15–66)

• • • • • •

The following are corrections for properties previously listed in the Federal Register:

IOWA

Lee County

Keokuk, *Miller, Justice Samuel Freeman, House*, 318 N. 5th St.

MASSACHUSETTS

Norfolk County

Milton, *Paul's Bridge*, see Suffolk County.

Suffolk County

Boston, *Paul's Bridge*, Neponset Valley Pkwy., over Neponset River (also in Norfolk County)
Charlestown, *Town Hill District*
Jamaica Plain, *Loring-Greenough House*, 12 South St. (4–29–75)
Roxbury, *Eliot, John, Square District*, John Eliot Sq. (4–29–75)
Roxbury, *Eliotridge, Alvah, House*, 12 Linwood St. (5–5–75)

V40-127 JUL 1 75 XUM

MICHIGAN

Macomb County

Washington, *Washington Octagon House*, 57000 Van Dyke St.

NEW YORK

Ulster County

New Paltz, *Hasbrouck, Jean, House*, N. Front and Huguenot Sts. (12–24–67) NHL; HABS

OHIO

Clark County

Springfield, *East High Street District*, roughly bounded by E. High St., S. Sycamore St. and Walnut St. (10–9–74) This incorporates *Bushnell-Foos Historic District*.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Chew House*, 6401 Germantown Ave. between Johnson and Cliveden Sts.; NHL

SOUTH CAROLINA

Beaufort County

Frogmore vicinity, *Penn Center Historic District (Penn School)*, S of Frogmore on SC 37 (9–9–74) NHL

Calhoun County

St. Mathews, *Dantzler, Col. Olin M.*, House, 412 E. Bridge St.

TENNESSEE

Hawkins County

Rogersville, *Rogersville Historic District* (formerly listed in TX)

Knox County

Knoxville vicinity, *Buffat, Alfred, Homestead*, 1 mi. N of Knoxville on Love Creek Rd. (4–1–75)

Sullivan County

Blountville, *Blountville Historic District* (formerly listed in TX)

WISCONSIN

Burnett County

Webster vicinity, *Northwest and XY Companies Trading Post Sites*, N of Webster on Yellow River (2–15–74)

• • • • • •

The following properties have been demolished and therefore removed from the National Register of Historic Places:

ILLINOIS

Cook County

Chicago, *Kimball, William W., House*

Henry County

Geneseo, *South Side School*

MAINE

Cumberland County

Portland, *Baxter, Percival P., House*

OHIO

Franklin County

Columbus, *Peruna Drug Manufacturing Company Building*

Greene County

Wilberforce, *Homewood Cottage (Hallie Q. Brown House)*

Wilberforce, *President's House, Central State University (William S. Scarborough House)*

Lake County

Painesville, *Octagon House*

PENNSYLVANIA

Montgomery County

Elkins Park, *Anselm Hall*

TENNESSEE

Maury County

Columbia vicinity, *Polk Manor*

• • • • • •

The following properties have been removed from the National Register of Historic Places:

ALABAMA

Barbour County

Eufaula, *Kiels-McNab-Doughtie House*

INDIANA

St. Joseph County

Mishawaka, *Beiger House*

IOWA

Des Moines County

Burlington, *Snake Alley* (incorporated into *Snake Alley Historic District*)

OHIO

Clark County

Springfield, *Bushnell-Foos Historic District* (see *East High Street District*)

Hamilton County

Cincinnati, *Ingalls Building (Transit Building)*

• • • • • •

The following is a correction to the National Register "Criteria for Evaluation" previously published in the Federal Register, Tuesday, February 4, 1975. The numbers in the first section should have been capital letters:

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

(A) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(B) that are associated with the lives of persons significant in our past; or

(C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(D) that have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(A) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(B) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(C) a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

(D) a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(E) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(F) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(G) a property achieving significance within the past 50 years if it is of exceptional importance.

• • • • • •

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 C.F.R. Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on sueh a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Dallas County

Selma, *Gill House*, 1109 Selma Ave.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Coconino County

Grand Canyon National Park, *Old Post Office.*
Grand Canyon National Park, *O'Neill, Buckley, Cabin.*
Grand Canyon National Park, *Ranger's Dormitory.*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257.*
Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson vicinity, *Old Santan*, NW of Tucson.

Yuma County

Wickenburg vicinity, *Harquahala Peak Observatory*, SW of Wickenburg.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuelumne County).

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Los Angeles County

Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN 475, 491, 492, and 493.

Madera County

CA–Mad 176–185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

Marin County

Point Reyes, *Point Reyes Light Station.*

Mariposa County

Yosemite National Park, *Degnan Residence and Bakery*, Southside Dr.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Riverside County

Blythe vicinity, *Blythe Intaglios, Indian Intaglios*, N of Blythe on U.S. 95.
Twentynine Palms, *Barker Dam*, Joshua Tree National Monument.
Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Desert Queen Mine*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Cow Camp*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.
Twentynine Palms, *Wallstreet Mill*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Eagle County

Wolcott, *Wolcott Stage Station.*

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Site 5–LR–257, Boxelder Watershed Project.

Rio Blanco County

Meeker vicinity, *Thornburgh Monument*, NE of Meeker on Thornburgh Rd. 9 mi. from jct. of CO 13 and 789.
Rangely vicinity, *Canon Pintado*, S of Rangely on Hwy. 139.
Rangely vicinity, *Carrot Men Pictograph Site*, SW of Rangely and W of Rangely Dragon Rd.

CONNECTICUT

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, Wyllys St. and Van Block Ave.
Hartford, *Colt Factory Housing*, Huyshope Ave., between Sequassen and Weehasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe St. between Hendricksen Ave. and Locust St.
Hartford, *Colt Park*, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Ave.
Hartford, *Flat-Iron Building (Motto Building)*, Congress St. and Maple Ave.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.

Middlesex County

Middletown, *Mather-Douglas-Santangelo House*, 11 S. Main St.

New Haven County

New Haven, *City Hall and Annex.*
New Haven, *Post Office-Courthouse*, Church and Court Sts.

New London County

New London, *Thames Shipyard*, west bank of Thames River N. of the U.S. Coast Guard Academy.

DELAWARE

New Castle County

Wilmington, *Wilmington Custom House*, King St.

Sussex County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608 17th St. NW.

FLORIDA

Hillsborough County

Tampa, *Firehouse No. 10*, Ybor City.

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Chatham County

Archeological Site, N end of Skidway Island.

Clarke County

Athens, *Carnegie Library Building*, 1401 Prince Ave.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

V40 I127 JUL 1 75 XUM

Sumter County

Americus, *Aboriginal Chert Quarry*, Souther Field.

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rte. 31.

HAWAII

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 13, W.* of Orofino on U.S. 12 in Nez Perce National Historical Park.

Custer County

Challis, *Challis Bison Jump.*

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, First Flag Unfurling.*
Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Cook County

Chicago, *McCarthy Building (Landfield Building)* NE corner of Dearborn and Washington Sts.
Chicago, *Methodist Book Concern (later Stop and Shop Warehouse)*, 12 W. Washington St.
Chicago, *Ogden Building*, 130 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum, Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

INDIANA

Monroe County

Bloomington, *Carnegie Library.*

St. Joseph County

Mishawaka, *180 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S of Jct.

IOWA

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–129 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Jefferson County

Louisville, *Old Louisville Historic District*, bounded on N by Broadway; on the W by 7th and the Louisville/Nashville RR tracks; on the E by I 65 and Brook St; on the S by Eastern Pkwy. and Gaulbert Ave.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

MARYLAND

Anne Arundel County

Chestertown, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Perryville, *Perry Point Mansion House*, Veterans Administration Hospital grounds.
Perryville, *Perry Point Mill*, Veterans Administration Hospital grounds.
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light.*

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

Chatham vicinity, *Old Harbor U.S. Life Saving Station—U.S.C.G. Station*, North Beach.
North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Middlesex County

Watertown, *Commanding Officer's Quarters Bldg. 111, Watertown Arsenal*, 442 Arsenal St.

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

MICHIGAN

Little Forks Archeological District. —

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S of Blackduct in Chippewa National Forest.

Winona County

Winona, *Second Street Commercial Block.*

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S, 10th on E, and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

MONTANA

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark Campsite, May 23, 1805.
Lewis & Clark Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

Ravalli County

Conner vicinity, *Alta Ranger Station*, S of Conner in Bitterroot National Forest.

Sheridan County

Medicine Lake, *Tipi Hills*, Medicine Lake National Wildlife Refuge.

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Nye County

Las Vegas, vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80.

Washoe County

Derby Division Dam, see Storey County.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Sussex County (also in Warren County)

Old Mine Road Historic District.

Warren County

Old Mine Road Historic District, see Sussex County.

NEW YORK

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Schoharie County

Breakabeen, *Breakabeen Historic District* between villages of North Blenheim and Breakabeen.

Suffolk County

New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S of Fishers Island, 10 mi. N of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County (also in Rockingham Co.)

Archeological Sites CS–12, County Line Creek Watershed Project.

Womacks Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project, also in Rutherford County.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Burton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.E. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market St. between 17th and 18th Sts.

Rockingham County

Archeological Sites CS–12 (see Caswell County).
Womack's Mill (see Caswell County).

Rutherford County

Archeological Resources in Second Brood River Watershed Project, see Cleveland County.

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Camp Comanche Site*, E range on *Cache Creek.*
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of Macomb Rd.
Fort Sill, *Geronimo's Grave*, N of Jct. of Dodge Hill and Elgin Rds.
Fort Sill, *Henry Post Air Field*, Post Rd.
Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota, vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*
Wolf Creek, *Rogue River Branch*, Star Rte. Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Josephine County

Whiskey Creek Cabin.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lake County

Silver Lake, *Picture Rock Pass Petroglyphs Site.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yaquina Head Lighthouse.*

Sherman County

Grass Valley vicinity, *Mack Canyon Archeological Site*, at end of BLM access road adjacent to Deschutes River N of Maupin.

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

PENNSYLVANIA

Adams County

Gettysburgh, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmsted*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey, Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Philadelphia County

Philadelphia, *Quartermaster's Depot, U.S. Marine Corps*, 1100 S. Broad St.

SOUTH CAROLINA

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Henry County

Mt. Zion Church and Cemetery (United Baptist Church).

Monroe County

Vonore vicinity, *Tellico Blockhouse Site*, E of Vonore.

Stewart County

Dover vicinity, *Fort Henry Site*, NW of Dover.
Great Western Furnace.

V40-127 JUL 1 75 XUM

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

UTAH

Salt Lake County

Salt Lake City, *Karrick Building (Leyson-Pearsoll Building)*, 236 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

Tooele County

Wendover vicinity, *Wendover Air Force Base*, S of Wendover.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missiquoi River.

Windsor County

Windsor, *Post Office Building*.

WASHINGTON

Clallam County

Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station*.

Grays Harbor County

West port, *Grays Harbor Light Station*.

Jefferson County

Olympic National Park Archeological District (see Clallam County).

King County

Burton, *Point Robinson Light Station*.
Seattle, *Alki Point Light Station*.
Seattle, *West Point Light Station*.

Kitsap County

Hansville, *Point No Point Light Station*

Pacific County

Ilwaco, *Cape Disappointment Light Station*.
Ilwaco, *North Head Light Station*.

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site*.
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station*.

Snohomish County

Mukilteo, *Mukilteo Light Station*.

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse*.
Parkersburg, *Wood County Jail*.

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302*.

Door County

Chambers Island, *Chambers Island Light House Dwelling*, northern tip Chambers Island, Green Bay, Lake Michigan.

Milwaukee County

Milwaukee, *Plainkinton, Elizabeth, House*, 1492 W. Wisconsin Ave.

WYOMING

Goshen County

Torrington, *Union Pacific Depot*.

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts*.

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation.

[FR Doc.75–16968 Filed 6–30–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GUNNISON VALLEY FOREST GRAZING ADVISORY BOARD

Meeting

The Gunnison Valley Forest Grazing Advisory Board will hold a business meeting in conjunction with a ride as hosts of the Miguel District Grazing Advisory Board on July 22 and 23, 1975. The business meeting will be held at 7 p.m., July 22, at Old Agency Work Center, Cebolla Ranger District, Gunnison National Forest. The ride will commence from Old Agency Work Center at 8 a.m. on July 22.

The purpose of the meeting is to elect officers for the Gunnison Valley Forest Grazing Advisory Board and to look at range management being practiced in this area.

The meeting will be open to the public. Persons who wish to attend should notify Donald M. Smith, Forester, 216 North Colorado, Gunnison, Colorado 81230, telephone (303) 641–0471. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: To the extent time permits, interested persons may be permitted by the Board Chairman to present oral statements at the meeting.

JIMMY R. WILKINS,
Acting Forest Supervisor.

Dated: June 23, 1975.

[FR Doc.75–17109 Filed 6–30–75;8:45 am]

MIGUEL DISTRICT GRAZING ADVISORY BOARD

Meeting

This Notice of Meeting supersedes the Notice of Meeting of June 12, 1975 for the Miguel District Grazing Advisory Board.

The Miguel District Grazing Advisory Board will hold a business meeting in conjunction with a ride being hosted by the Gunnison Valley Forest Grazing Advisory Board on July 22 and 23, 1975. The meeting will be held at 7 p.m., July 22, at Old Agency Work Center, Cebolla Ranger District, Gunnison National Forest. The ride will commence from Old Agency Work Center at 8 a.m. on July 22.

The purpose of this meeting is to elect officers for the Miguel District Grazing Advisory Board and to look at range management being practiced in this area.

The meeting will be open to the public. Persons who wish to attend should notify Range Technician Thomas Weldon, 101 North Uncompahgre, P.O. Box 1047, Montrose, Colorado 81401, telephone number 249–3711. Written statements may be filed with the Board before or after the meeting.

Dated: June 23, 1975.

JIMMY R. WILKINS,
Forest Supervisor.

[FR Doc.75–17108 Filed 6–30–75;8:45 am]

OZONE UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Ozone Unit Plan, Ozark National Forest, Arkansas, USDA–FS–R8–DES (Adm.)—75–19.

The proposed action is to manage the Ozone Unit, on the Pleasant Hill and Bayou Ranger Districts in Johnson County, Arkansas, in accordance with the 10–year management direction contained in the Unit Plan. This unit contains 66,417 acres of National Forest land. It is proposed that this Unit be managed for the full range of multiple-use benefits including water, wildlife, recreation, range, minerals and timber.

This draft environmental statement was transmitted to CEQ on June 24, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd. NW., Room 804, Atlanta, Ga. 30309.
USDA, Forest Service, Pleasant Hill Ranger District, Clarksville, AR 72830.
USDA, Forest Service, Bayou Ranger District, Hector, AR 72843.

A limited number of single copies are available upon request to Forest Supervisor Larry Henson, Ozark-St. Francis National Forests, P.O. Box 1008, Russellville, AR 72801.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Larry Henson, Ozark-St. Francis National Forests, P.O. Box 1008, Russellville, AR 72801. Comments must be received by August 23, 1975 in order to be considered in the preparation of the final environmental statement.

EDWARD G. ELLENBERG,
Acting Regional Environmental Coordinator.

[FR Doc.75–17111 Filed 6–30–75;8:45 am]

TCHOUTACABOUFFA UNIT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Tchoutacabouffa Unit Plan, DeSoto National Forest, Jackson, MS, USDA–FS–R8–FES (ADM.) 75–15.

The proposed action is the implementation of a management plan for the Tchoutacabouffa Unit, Biloxi Ranger District, DeSoto National Forest in Harrison, Jackson and Stone Counties, Mississippi. The Unit contains 40,163 acres of National Forest land which is currently managed under the concept of multiple use. The Unit Plan contains management direction for all activities within the Unit and replaces that portion of the Multiple Use Plan pertaining to the Unit.

This final environmental statement was transmitted to CEQ June 23, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. and Independence Ave. SW., Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Rd. NW., Rm. 804, Atlanta, GA 30309.
Biloxi Ranger District, Rt. 1, Box 62, McHenry, MS 39561.

A limited number of single copies are available upon request to Forest Supervisor Leon Cambre, National Forests in Mississippi, Box 1291, Jackson, MS 39205.

Dated: June 23, 1975.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.75–17110 Filed 6–30–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORT MONITORING REPORT FOR FERTILIZERS, MARCH 1975

U.S. Exports of Nitrogenous Fertilizers Fall, While Phosphatic Exports Post Sharp Rise

(The following information is disseminated pursuant to section 4(c)(2) of the Export Administration Act of 1969, as amended and extended by the Equal Export Opportunity Act of 1972 and the Export Administration Amendments of 1974. The Secretary of Commerce has determined that there is insufficient information available to justify the publication of weekly reports of data collected under the fertilizer monitoring program and that, consequently, reports shall be published monthly.)

The United States was a net exporter of nitrogenous and phosphatic fertilizers in the first three quarters of the 1975 crop year (which ended March 31, 1975).

However, net exports of nitrogenous fertilizer fell to about 52,000 content tons in the period from 354,000 content tons in the same period a year earlier.

In contrast, net exports of phosphatic fertilizer rose to 1,141,000 tons in the first three quarters of crop year 1975 from 1,015,000 tons in the same period of crop year 1974.

The Department noted that the sharp declines expected in U.S. exports of nitrogenous and phosphatic fertilizers have not occurred. A decline in domestic demand—stemming from high prices, falling markets for U.S. farm products, and bad weather that prevented application of fertilizer to farm acreage—has increased export availablities.

U.S. exports of nitrogenous fertilizer totaled 846,000 content tons in July 1974–March 1975 while imports in the same period were 794,000 content tons. U.S. exports were 1,068,000 content tons in July 1973–March 1974 while imports were 714,000 content tons.

Export contracts for nitrogenous fertilizer reported to the Department's Office of Export Administration for April–June 1975 listed a total of 165,000 content tons, which would bring exports for the 1975 crop year to 1,011,451 tons compared with 1,184,000 tons in the 1974 crop year.

U.S. exports of phosphatic fertilizer, July 1974 to March 1975, were 1,345,382 compared with 1,218,083 tons a year earlier. Imports were 182,659 tons in the first three quarters of CY 1975 compared with 203,489 tons in the first three quarters of CY 1974.

In January–March 1975, exports of fertilizer materials were in the main destined for developing countries: 96 percent of the ammonium nitrate was destined for developing countries. Ninety three percent of the ammonium sulfate, 72 percent of the phosphoric acid, 91 percent of the triple superphosphate and 88 percent of the ammonium phosphate materials were shipped to developing countries.

Developed countries received the largest share of the phosphate rock and mixed fertilizers, 72 and 79 percent respectively.

Domestic production of ammonia remained at 1974 levels, while inventories of almost all fertilizer materials were higher. Production of phosphoric acid was almost 13 percent higher than the same period last year.

Prices of fertilizer materials at the producer level have remained stable during the past 4 to 5 months.

Tables on exports, imports, domestic [1] production and inventories follow, along with a new table of export prices compiled from the data submitted by exporters to the Office of Export Administration.

[1] World supply and demand data are not available on a monthly basis. The most recent data on world supply and demand will be included in the Semi-Annual Report to the Congress on operations under the Export Administration Act covering the period ending with the first Quarter 1975.

TABLE 1.—*U.S. trade in nitrogen and phosphate fertilizer for crop-years 1974–75* [1] *trade and export contracts for crop-year 1975* [1]

[In content-tons]

Commodity	July to December 1973	January to June 1974	July to December 1974	January to March 1974	January to March 1975	Actual, April to June 1974	Contract, April to June 1975
IMPORTS							
N and P_2O_5 content-tons: [2]	422,548	636,818	490,425	290,995	303,631	345,824	[illegible]
Nitrogen fertilizer	129,144	190,807	126,727	74,345	55,932	116,461	[illegible]
Phosphate fertilizer [3]							
EXPORTS							
N and P_2O_5 content-tons: [2]	757,922	824,007	809,724	309,718	[illegible]	214,060	165,127
Nitrogen fertilizer	863,540	649,799	915,660	354,543	429,722	295,255	[illegible]
Phosphate fertilizer [3]							

[1] Crop-years extend from July to June.
[2] N and P_2O_5 content-tons include items not listed on accompanying tables.
[3] Does not include phosphate rock.
Source: Bureau of Census and Office of Export Administration.

V40-127 JUL 1 75 XUM

TABLE 3.—*Fertilizer imports, crop-year 1974,[1] trade for July-March of crop-years 1974-75*[1]

[In short tons]

Commodity	July to December 1973	January to June 1974	July to December 1974	January to March 1974	January to March 1975	Actual, April to June 1974
Nitrogenous:						
Anhydrous ammonia	146,354	273,097	182,359	137,812	160,305	135,196
Urea	328,422	339,994	377,317	198,678	221,853	151,216
Ammonium nitrate	107,225	193,946	175,267	78,632	70,998	115,314
Ammonium sulfate	123,093	149,368	108,320	88,690	91,387	60,678
Ammonium nitrate limestone	10,000	198,776	134,057	22	1,241	198,784
Phosphatic:						
Phosphoric acid	61,462	44,953	72,102	9,991	36,990	34,962
Concentrated superphosphate	18,154	56,773	28,613	28,610	17,916	28,163
Ammonium phosphate	158,271	238,486	105,917	99,659	25,867	138,827

[1] Crop-years extend from July to June.

Source: Bureau of Census.

Exports and anticipated exports, March 1975

Unit of measure and commodity area of destination	Actual, July 1974 to March 1975	Unfilled contracts, April to June, 1975
IN CONTENT-TONS		
Nitrogen (N):		
Western Hemisphere	431,508	81,543
Western Europe	82,660	6,004
Asia	307,717	76,667
Australia and Oceania	5,481	13
Africa	18,541	
Phosphate (P_2O_5):		
Western Hemisphere	507,555	138,545
Western Europe	130,112	49,528
Communist areas in Europe	24,406	16,486
Asia	570,473	149,477
Australia and Oceania	13,315	
Africa	9,518	
IN SHORT TONS		
Ammonia:		
Western Hemisphere	215,653	35,520
Western Europe	41,344	
Asia	996	
Australia and Oceania	40	
Africa	17,511	
Percent exported to developing countries in 1975	96	
Urea:		
Western Hemisphere	58,186	2,315
Western Europe	3,540	
Asia	273,130	59,130
Percent exported to developing countries in 1975	97	
Ammonium nitrate:		
Western Hemisphere	16,071	
Asia	191	
Australia and Oceania	200	39
Africa	110	
Percent exported to developing countries in 1975	76	
Ammonium sulfate:		
Western Hemisphere	308,118	112,346
Western Europe	62	
Asia	68,440	
Australia and Oceania	56	
Africa	746	
Percent exported to developing countries in 1975	93	
Phosphoric acid:		
Western Hemisphere	90,641	34,716
Western Europe	26,014	2,750
Asia	50,992	21,905
Australia and Oceania	1,177	
Africa	150	
Percent exported to developing countries in 1975	72	

Unit of measure and commodity area of destination	Actual, July 1974 to March 1975	Unfilled contracts, April to June, 1975
Phosphate rock (in thousands):		
Western Hemisphere	2,785	1,240
Western Europe	2,643	1,030
Communist areas in Europe	251	116
Asia	3,191	1,233
Percent exported to developing countries in 1975	28	
Triple superphosphate:		
Western Hemisphere	165,911	105,987
Western Europe	57,536	67,914
Communist areas in Europe	53,037	35,839
Asia	307,176	64,929
Percent exported to developing countries in 1975	91	

Unit of measure and commodity area of destination	Actual, July 1974 to March 1975	Unfilled contracts, April to June, 1975
Diammonium phosphate and other ammonium phosphates:		
Western Hemisphere	607,876	146,056
Western Europe	138,219	36,107
Asia	870,921	207,780
Australia and Oceania	27,780	
Africa	21,051	
Percent exported to developing countries in 1975	88	
Mixed fertilizer:		
Western Hemisphere	278,163	1,093
Western Europe	139,257	
Communist areas in Europe	1	
Asia	23,263	65,632
Australia and Oceania	426	
Africa	11	1
Percent exported to developing countries in 1975	21	

TABLE 5.—*Fertilizer production, crop-years 1973–74*[1]*, July-February, crop-years 1974–75*[1]

[Short tons in thousands]

Commodity	July 1972 to June 1973	July 1973 to June 1974	Percent change, 1974 from 1973	July 1973 to February 1974	July 1974 to February 1975	Percent change, 1975 from 1974
Nitrogenous:						
Anhydrous ammonia	15,099	15,781	4.5	10,171	10,154	−0.2
Urea	3,427	3,543	3.4	2,286	NA	NA
Ammonium nitrate [2]	6,794	7,191	6.5	4,501	5,011	9.1
Ammonium sulfate	2,386	2,634	10.4	1,869	NA	NA
Phosphatic:						
Phosphoric acid [3]	6,524	6,670	2.2	4,317	4,864	12.7
Concentrated superphosphate [3]	1,673	1,705	1.9	1,135	1,105	−2.6
Ammonium phosphate [4]	6,739	6,746	.1	4,351	4,446	2.2

[1] Crop-years extend from July to June.
[2] Includes coke oven byproduct.
[3] 100 percent APA.
[4] Gross weight.
Source: Bureau of Census.

TABLE 6.—*Producers inventories of fertilizer materials*

[In short tons]

Commodity	June 1973	June 1974	January 1974	January 1975	February 1974	February 1975
Anhydrous ammonia	622,318	615,376	879,145	1,327,265	1,116,823	1,521,631
Urea	NA	NA	NA	NA	NA	NA
Ammonium nitrate	90,811	90,491	498,011	272,236	427,721	213,484
Ammonium sulfate	101,508	153,496	184,000	163,614	226,754	NA
Phosphoric acid	88,150	135,313	86,180	176,942	126,077	166,034
Concentrated superphosphate	103,960	95,016	112,787	163,670	111,278	171,089
Ammonium phosphate	135,048	95,773	109,960	131,275	106,243	137,693

Source: Bureau of Census.

TABLE 7.—*Export prices of selected fertilizer products, February 1975*

[Dollars per ton]

Product	Low	High	Weighted average
Phosphate rock:			
Shipments	22	57	37
Remaining contracts	25	56	39
Ammonia:			
Shipments	291	429	423
Remaining contracts	155	353	241
Urea:			
Shipments	252	350	303
Remaining contracts	103	352	305
Triple superphosphate:			
Shipments	127	328	246
Remaining contracts	113	373	230
Diammonium phosphate:			
Shipments	165	427	303
Remaining contracts	126	445	310

Source: Office of Export Administration, Department of Commerce.

TABLE 8.—*Producers prices of fertilizer materials*

[Dollars per ton]

Commodity	Oct. 24, 1973 (1)	Oct. 21, 1974 (2)	April 7, 1975 (3)	Percent change, Oct. 24, 1973, to May 5, 1975 (4)
Anhydrous ammonia	65	160	210	223
Urea	72	175	175	143
Ammonium nitrate	62	115	115	85
Phosphoric acid	78	157	173	122
Phosphate rock	7	25	25	257
Concentrated superphosphate	55	140	140	155
Ammonium phosphate	75	165	165	120

Source: Price col. 1—Cost of Living Council. Cols. 2 and 3—Chemical Marketing Reporter (high quote).

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic & International Business.

[FR Doc.75-16831 Filed 6-30-75;8:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

The meeting of the Numerically Controlled Machine Tool Technical Advisory Committee, scheduled for Tuesday, July 15, 1975, at 9:30 a.m. in Room 1851 has been changed to Room 4830 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. The agenda and other information relating to the committee, as published in the FEDERAL REGISTER, 40 FR 24948, on Wednesday, June 11, 1975, remains unchanged.

Date: June 26, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-17150 Filed 6-30-75;8:45 am]

Office of the Secretary

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL SITE SELECTION BOARD

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and as authorized by Sec. 7(g) Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 101 *et seq.*, the Secretary of Commerce will establish the National Academy for Fire Prevention and Control Site Selection Board.

The Committee will advise the Secretary, through the Administrator, National Fire Prevention and Control Administration, as to the site upon which the National Academy should be located. The Site Selection Board shall survey the most suitable sites for the location of the Academy after giving consideration to the training and facility needs of the Academy, environmental effects, the possibility of using a surplus Government facility, and such other factors as are deemed important and relevant.

The Committee will consist of three members, the Academy Superintendent and one member each from the fire services and academic communities in order to insure a balanced representation of interests on the Committee.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, on or before July 16, 1975.

Interested persons are invited to submit comments regarding the establishment of the National Academy for Fire Prevention and Control Site Selection Board. Such comments, as well as any inquiries, may be addressed to the Administrator, National Fire Prevention and Control Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 19, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-17101 Filed 6-30-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-338]

ADMINISTRATOR OF THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 30 FR 25939, dated July 11, 1974), I hereby delegate to the Administrator of the Federal Disaster Assistance Administration certain of the authorities, functions and powers granted by section 202 of the Disaster Relief Act of 1974 (hereinafter, "the Act," 88 Stat. 143, 42 U.S.C. 5121 Note) with respect to disaster warnings, to wit:

1. The authority to insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials;

2. The authority to provide general policy guidance and coordination to the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture with respect to their Delegations of Authority from the Secretary of Housing and Urban Development concerning disaster warnings pursuant to section 202 of the Act;

3. The authority contained in section 202 (b) of the Act to direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided;

4. The authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation; and

5. The authority contained in Section 202(d) of the Act to approve agreements to be entered into between the Secretary of the Interior, the Secretary of Agriculture, or the Secretary of Commerce (pursuant to their above-mentioned Delegations of Authority for Disaster Warnings) and the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters.

AUTHORITY: Disaster Relief Act of 1974, 42 U.S.C. 5121 Note; Section 7(d) Department partment of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11795, signed July 11, 1974, 39 FR 25939.

Effective Date: This delegation shall be effective July 1, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-17084 Filed 6-30-75;8:45 am]

V40-127 JUL 1 75 XUM

[Docket No. D-75-340]

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Redelegation of Authority Delegated by Administrator of General Services With Respect to Representation Before Interstate Commerce Commission

SECTION A. *Authority redelegated.* The Assistant Secretary for Housing Management is authorized to exercise the authority delegated to the Secretary of Housing and Urban Development by the Administrator of General Services to represent the consumer interests of the executive agencies of the Federal Government before the Interstate Commerce Commission involving an application for Motor Carrier Permanent Authority in order to assure adequate transport capability in connection with disaster relief activities. This redelegation is made pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)). This authority may only be exercised pursuant to the issuance of a later specific delegation of authority from the Administrator of General Services.

SEC. B. *Authority to Redelegate.* The Assistant Secretary for Housing Management is authorized to redelegate to employees of the Department the authority set forth in section A.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)) and specific authority delegated by the Administrator of General Services)

Effective date. This redelegation of authority is effective as of June 25, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-17105 Filed 6-30-75;8:45 am]

[Docket No. D-75-341]

DIRECTOR, EMERGENCY PREPAREDNESS STAFF

Redelegation of Authority Delegated by Administrator of General Services With Respect to Representation Before Interstate Commerce Commission

Authority redelegated. The Director, Emergency Preparedness Staff, or his designee, is authorized to exercise the authority delegated to the Secretary of Housing and Urban Development by the Administrator of General Services to represent the consumer interests of the executive agencies of the Federal Government before the Interstate Commerce Commission involving an application for Motor Carrier Permanent Authority in order to assure adequate transport capability in connection with disaster relief activities. This redelegation is made pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)). This authority may only be exercised pursuant to the issuance of a later specific delegation of authority from the Administrator of General Services. (Secretary's Redelegation With Respect to Disaster Relief activities being published concurrently herewith)

Effective date. This redelegation of authority is effective as of June 25, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-17106 Filed 6-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

FIRESTONE 500 STEEL BELT TIRES

Rescheduling of Public Proceeding

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a noncompliance with an applicable Federal motor vehicle safety standard exists with respect to the Firestone 500 Steel Belt Tires.

A public meeting initially set for June 12, 1975 (40 FR 20982), May 14, 1975) was rescheduled for July 2, 1975 (40 FR 25502, June 10, 1975). That public meeting again has been rescheduled at the request of Firestone Tire and Rubber Company and will be held at 10:00 a.m., July 10, 1975, in Room 3200, Department of Transportation Building, 400 Seventh Street, SW, Washington, D.C. 20590. At that meeting, Firestone will be afforded an opportunity to present data, views and arguments to establish that there is no failure to comply in the Steel Belt 500 tires.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Gail Willis, Office of Standards Enforcement, National Highway Traffic Safety Administration, Washington, D.C. 20590. Telephone (202) 426-2832, before the close of business (4:15 p.m.) on July 8, 1975.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m.-4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street SW, Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on June 27, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-17239 Filed 6-27-75;2:57 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 28001; Order 75-6-126]

AMERICAN AIRLINES, INC.

Order of Suspension and Investigation Regarding Surcharges Per Shipment of Restricted Articles

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1975.

By tariff revision[1] filed May 28 and marked to become effective June 27, 1975, American Airlines, Inc. (American) proposes to establish a $3.25 surcharge per shipment of restricted articles as defined in the Restricted Articles Tariff, C.A.B. No. 82.

American asserts, inter alia, that (1) the surcharge is intended to offset in part the additional manpower costs involved in processing such shipments; (2) based on a recent company study, the additional labor burden in handling these shipments over regular bulk freight is 44.58 man-minutes at a cost of $7.94 per shipment; (3) the surcharge proposed is held to $3.25 so as not to exceed competition; and (4) the estimated annual revenue impact of the filing is $28,000, which will be below estimated costs by $40,500, excluding training and materials costs.

A complaint requesting suspension and investigation was filed against the proposal by Shulman Air Freight, Inc. (Shulman). The complainant contends, inter alia, that (1) a great many commodities commonly moving in air transportation would be subject to this surcharge; (2) no comparable surcharge level was found as a result of Shulman's survey of various motor and ocean freight tariffs; (3) the $3.25 surcharge would represent 13 percent of Shulman's current door-to-door charge for a typical radioactive restricted-articles shipment, resulting in cost increases to the shipper rising at a disproportionate rate; and (4) the proposal is not sufficiently supported.[2]

Upon consideration of all relevant matters, the Board finds that American's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

The Board has noted the study presented by American in support of its proposal, showing the number of additional man-minutes required for each restricted-articles shipment, the labor cost per man-minute by type of employee, over a month's period which arrives at a total of $7.936 in additional costs per shipment. The carrier asserts, for example, that fleet service clerks at the ramps spend an average of 12.25 minutes (at $.10 per minute) on each shipment, totaling $1.225 of additional cost per shipment. American has furnished, however, no information as to how these figures were derived, what time period was involved, or to what extent the sample adequately covers its system. The figures are presented on a per-shipment basis with no explanation of the basic data and assumptions used, the method of sampling, the services provided by the employees listed, or any justification of the labor-cost-plus benefits rates computed per man-minute. Consequently, we do not believe that American's proposal has been adequately justified.

The suspension action ordered herein is consistent with the Board's action on the identical surcharge of $3.25 proposed by Trans World Airlines, Inc. in Order 75-5-103, dated May 27, 1975, and in previous orders cited therein.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a, 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provision reading "(Applicable to AA only)" in Rule No. 51 and the charge and provisions in Rule No. 51(c) on 10th Revised Page 18-C of Airline Tariff Publishing Company, Agent, tariff C.A.B. No. 96, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provision reading "(Applicable to AA only)" in Rule No. 51 and the charge and provisions in Rule No. 51(c) on 10th Revised Page 18-C of Airline Tariff Publishing Company, Agent, tariff C.A.B. No. 96, are suspended and their use deferred to and including September 24, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 28001, be assigned to hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaint of Shulman Air Freight, Inc. in Docket 27921 is dismissed.

5. The motion of American Airlines, Inc. to file an unauthorized document is denied; and

6. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc. and Shulman Air Freight, Inc., which are hereby made parties to Docket 28001.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17148 Filed 6-30-75;8:45 am]

[1] Revision to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

[2] By motion received June 23, American requested leave to file an otherwise unauthorized document, specifically, a late-filed answer to the Shulman complaint. The Board has considered the motion and cannot find that the circumstances set forth therein justify the delay.

[Docket No. 27738]

AVIACION Y COMERCIO

Prehearing Conference and Hearing Regarding Foreign Charter Permit Renewal (Spain-U.S.)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 14, 1975, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 3, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 25, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-17146 Filed 6-30-75;8:45 am]

[Docket No. 27990]

CHICAGO-NEW ORLEANS NONSTOP ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 26, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 1, 1975, and the other parties on or before August 15, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 25, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-17147 Filed 6-30-75;8:45 am]

[Docket Nos. 28004, 26755, 26881; Order 75-6-131]

CONTINENTAL AIR LINES, INC. ET AL.

Order Instituting Investigation and Terminating Show Cause Proceedings Regarding Youth, Student Standby and Family Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of June 1975.

By Order 74-11-147, November 27, 1974, the Board dismissed a joint petition filed October 3, 1974, by the Legislature of American Samoa and the Director of Territorial Affairs, Department of the Interior, requesting that the Board reconsider its decision in Order 74-9-43, September 13, 1974, to permit Pan American World Airways, Inc. (Pan American) to increase its fares to Pago Pago, American Samoa. The United States and the Government of American Samoa have filed a petition for judicial review of the Board's order in the U.S. Court of Appeals for the District of Columbia Circuit and have filed a brief in the matter. Upon further consideration of the various pleadings before the Board and the Court, the Board has decided to institute an investigation of overseas air transportation fares to American Samoa.

By Orders 74-5-145 and 74-7-80, the Board tentatively concluded that student, youth, and family fares published by Continental Air Lines, Inc. (Continental), Pan American, and Trans World Airlines, Inc. (TWA) between American Samoa, Guam, the Trust Territory of the Pacific and points in the 50 states may be unjustly discriminatory, particularly in light of the Board's decision in Phase 5 of the "Domestic Passenger-Fare Investigation," and directed the carriers to show cause why these fares should not be canceled. All youth fares were subsequently cancelled by the carriers and only Continental now publishes student fares, which are limited to service between Guam and the Trust Territory, on the one hand, and Hawaii, on the other hand. Only those family fares applicable between U.S. west coast points and Micronesia were canceled subsequent to the show cause order.

Effective July 15, 1975, Pan American proposes to reestablish youth standby fares in the mainland/Hawaii-Guam and Pago Pago markets at a one-third discount from the normal coach fare. Pan American alleges that its proposal is justified by the geographic isolation and dependence upon air transportation of these two Pacific points and is also required for competitive reasons.[1] The carrier also alleges that the lack of surface transportation makes the Guam and Pago Pago situation analogous to the North Atlantic where the Board has permitted reestablishment of youth fares. Pan American believes the fares will be

[1] Although Continental's service is a 5-stop flight, Pan American alleges that it is a diversionary threat, and that the absence of such a fare has cast Pan American as hostile to students.

V 40 127 JUL 1 75 XUM

40 percent generative and result in an incremental profit of slightly over $100,000 annually. The fares are marked to expire December 31, 1976.

Effective July 6, 1975, Continental proposes to add family fares between Guam and mainland/Hawaii to match existing family fares of Pan American. The discount is 50 percent for the spouse and accompanying children 12 through 21 years of age. The fare for children 2 through 11 years is 25 percent of the full fare.[a]

Upon consideration of the responses to Show Cause Orders 74–5–145 and 74–7–80, the current youth and family fare proposals, and all other relevant data, the Board concludes that it should terminate the earlier show cause proceedings and in lieu thereof institute an investigation of both existing and proposed family and youth fares. We will not, however, suspend the recently filed family and youth fare proposals since they essentially match existing fares of this type.

Accordingly, upon consideration of the foregoing, and all other relevant matters:

It is ordered, That:

1. An investigation of Pacific overseas fares, Docket 28004 be instituted to determine whether (1) the fares between the United States mainland and Hawaii, on the one hand, and Pago Pago, American Samoa, on the other, and (2) youth, student, and family fares between the United States mainland and Hawaii, on the one hand, and Pago Pago, American Samoa, Guam, and the Pacific Trust Territories, on the other, and rules, regulations, or practices affecting such fares, and revisions and reissues thereof, are unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful maximum or minimum, or maximum and minimum fares, and rules, regulations, and practices affecting such fares and provisions;

2. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

3. The show cause proceedings in Dockets 28755 and 26881 be and hereby are terminated;

4. Except to the extent granted herein, the complaints of Northwest Airlines, Inc. in Dockets 27941 and 27987 are hereby dismissed; and

5. This order be served upon Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., the Legislature of American Samoa, and the Director of Territorial Affairs, Department of the Interior, on behalf of the Government of American Samoa, which are hereby made parties to this investigation, and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17140 Filed 6–30–75;8:45 am]

[a] Northwest Airlines, Inc. (Northwest) has complained against Pan American's youth fare proposal and Continental's family fare proposal, alleging that they are contrary to the Board's findings in Phase 5 of the DPFI. It further alleges that the carriers providing family fares have not provided justification for continuation of these fares as required by the Board's show cause order (74–7–80), issued July 18, 1974.

[Docket No. 27628]

SOCIETA AEREA MEDITERRANEA-SAM S.P.A.

Prehearing Conference and Hearing Regarding Foreign Charter Permit Renewal (Italy-U.S.)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 15, 1975, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 3, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 25, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–17144 Filed 6–30–75;8:45 am]

[Docket No. 27432]

SPANTAX, S.A.

Prehearing Conference and Hearing Regarding Foreign Charter Permit Amendment and Renewal (Spain-U.S.)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 17, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 7, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 25, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–17145 Filed 6–30–75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Commodity Operations Division, Office of the Director, Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17024 Filed 6–30–75;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Inter-American Affairs, Foreign Trade, Disclosure, and Military Rights Affairs), ODAS (Inter-American Affairs, Foreign Trade, Disclosure, and Military Rights Affairs), OASD (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17025 Filed 6–30–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner, Rehabilitation Services Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17028 Filed 6–30–75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant for Civil Trials, Office of Assistant Attorney General, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17026 Filed 6–30–75;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Commissioner (Special Projects), Office of the Commissioner, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17027 Filed 6–30–75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant for Civil Trials, Office of Assistant Attorney General, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17026 Filed 6–30–75;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Commissioner (Special Projects), Office of the Commissioner, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17021 Filed 6–30–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Policy and Program Analysis, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17029 Filed 6–30–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Assistant Administrator for Allocation Regulation Development, Office of Allocation Regulation Development, Office of the Assistant Administrator for Regulatory Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17020 Filed 6–30–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Title Change in Noncareer Executive Assignment

By notice of December 20, 1969, FR Doc. 69–15148 the Civil Service Commission authorized the Office of Management and Budget to make a change in title for the position of Assistant to the Director, Executive Office of the President, Bureau of the Budget, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Assistant to the Director for Public Affairs, Executive Office of the President, Office of Management and Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Exective Assistant to the Commissioners.

[FR Doc.75–17022 Filed 6–30–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Title Change in Noncareer Executive Assignment

By notice of December 5, 1974, FR Doc. 74–28420 the Civil Service Commission authorized the Office of Management and Budget to fill by noncareer executive assignment the position of Congressional Relations Officer, Office of the Director. This is notice that the title of this position is now being changed to Assistant to the Director for Congressional Relations, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17023 Filed 6–30–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA–1543]

EXPANSION OF THE U.S. URANIUM ENRICHMENT CAPACITY PROGRAM

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, "Expansion of U.S. Uranium Enrichment Capacity" (ERDA–1543) was issued June 26, 1975, pursuant to the Energy Research and Development Administration Act of 1974. The Statement was prepared in support of ERDA's implementation of the National Environmental Policy Act of 1969. The Statement was prepared in support of ERDA's administrative actions related to expansion of the U.S. uranium enrichment capacity and the President's message and legislative proposal sent to Congress on June 26, 1975. This Statement replaces the Gas Centrifuge Program Statement that was announced in the FEDERAL REGISTER on April 23, 1975, as being under preparation. The gas centrifuge technology is covered in this Statement in addition to the currently used gaseous diffusion and other enrichment technologies.

Copies of the Draft Statement have been distributed for review and comment to Federal agencies, States and organizations and individuals that have expressed an interest in the uranium enrichment activity. Copies of the Draft Statement are available for public inspection in the ERDA's Public Document Rooms at 1717 H Street NW., Washington, D.C.; Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the Draft Statement are requested from other interested agencies, organizations and individuals. Single copies of the Draft Environmental Statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E–201, U.S. Energy Research and Development Administration, Washington, D.C. 20545, (301) 973–4241. Comments should be sent to the same address.

In accordance with guidelines from the Council on Environmental Quality, agencies and members of the public submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the expansion activities, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

V 40 127 JUL 1 75 XUM

Copies of comments on the Draft Environmental Statement will be placed in the above referenced Document Rooms and will be considered in the preparation of the Final Environmental Statement if received by August 18, 1975.

Dated at Germantown, Maryland, this 24th day of June 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75-17320 Filed 6-30-75;10:13 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 391-7; OPP-33000/272]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW Washington, D.C. 20460.

On or before September 2, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 2, 1975.

Dated: June 24, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP-33000/272]

EPA File Symbol 8612-II. B & G Co., PO Box 20372, Dallas TX 75220. B & G SYN-PY-TE. Active Ingredients: (5-Benzyl-3-Furyl) Methyl 2,2-Dimethyl-3-(2-Methylpropenyl) Cyclopropanecarboxylate 0.250%; Related Compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 8186-A. Carboline Co., 350 Hanley Industrial Ct., St. Louis MO 63144. CARBOLINE SUPER TROPICAL ANTI-FOULING BLACK 1240-18. Active Ingredients: Tri-n-butyltin Fluoride 16.0%; Bis (tri-n-butyltin) Oxide 3.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 8186-E. Carboline Co. CARBOLINE SUPER TROPICAL ANTI-FOULING RED 1240-18. Active Ingredients: Tri-n-butyltin Fluoride 16.0%; Bis (tri-n-butyltin) Oxide 3.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 8186-G. Carboline Co. CARBOLINE TROPICAL ANTI-FOULING RED AD 1023. Active Ingredients: Copper 0.5%; Cuprous Oxide 26.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 8186-L. Carboline Co. POLYCLAD ANTI-FOULING RED 1240-19. Active Ingredients: Copper 0.3%; Cuprous Oxide 16.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 8186-U. Carboline Co. POLYCLAD TROPICAL ANTI-FOULING RED 1240-2. Active Ingredients: Copper 0.7%; Cuprous Oxide 38.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1990-GTA. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. ATRAZINE TECH (BRAND OF TECHNICAL ATRAZINE). Active Ingredients: Atrazine [2-chloro-4-(ethylamine)-6-(isopropylamino)-S-triazine] 92%; Related Compounds 2%. Republished: Method of Support changed from 2(b) to 2(c) of interim policy. PM25

EPA File Symbol 8764-UT. FMC Corp., PO Box 522, Riverside CA 92502. FUNGICIDE CONC. 1020. Active Ingredients: 2-(4-Thiazolyl) benzimidazole (Thiabendazole) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 279-1380. FMC Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. THIODAN 50 WP. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM15

EPA File Symbol 5404-A. Green's, Inc., PO Box 3309, Albuquerque NM 87110. SANITERG. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404-I. Green's, Inc. POOLCIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404-L. Green's, Inc. 4-D DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404-O. Green's, Inc. QUATGUARD. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5404-T. Green's, Inc. ALGACIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35802-R. J & F Pest Control Co., 46 Channing Station, NW, Washington DC 20001. HAMMERHEAD ROACH AND INSECT KILLER. Active Ingredients: 0,0-diethyl O-(2-isopropyl-6-methyl-4- pyrimidinyl) phosphorothioate 0.50%; Petroleum Distalates 96.97%; Aromatic Petroleum Derivative Solvent 0.41%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 1471-35. Elanco Products Co., A Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. ELANCO TREFLAN E.C. Active Ingredients: trifluralin (a,a,a-trifluoro-2,6-dinitro - N,N - dipropyl-p-toluidine) 44.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Increased application rates on cotton. PM33

EPA File Symbol 8123-TO. Frank Miller & Sons, 13861 S. Emerald Ave., Chicago IL 60627. BROADLEAF WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 3.5%; Diethanolamine salt of 2-(2-methyl-4-chlorophenoxy) proptonic acid 4.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 8123-IN. Frank Miller & Sons, 13861 S. Emerald Ave., Chicago IL 60627. VIRUCIDE DISINFECTANT CLEANER FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18 dimethyl benzyl ammonium chlorides 0.085%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.035%; Sodium Carbonate 0.050%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 7001-171. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., P.O. Box 198, Lathrop CA 95330. LAWN FOOD PLUS INSECTICIDE 15-5-7. Active Ingredients: Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.46%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 9852-UI. Rite-Off Corp., 163 Dupont St., Plainview NY 11803. RITE-OFF VEG-A-DUST INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 201-279. Shell Chemical Co., Agricultural Div., Suite 300, 1700 K St. NW, Washington DC 20006. BLADEX 80 WETTABLE POWDER HERBICIDE. Active Ingredients: 2-[4-chloro-6-ethylamino-s-triazin-2-ylamino] - 2 - methylpropionitrile 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25.

EPA File Symbol 1729-RNO. Tesco Chemicals, Inc., PO Box 6433, Marietta GA 30062. S-88 SUPER SOLUBLE CHLORINE STICK. Active Ingredients: Sodium dichloro-s-triazinetrione Dihydrate 99.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 2724-262. Thuron Industries, Inc., 12200 Denton Dr., Dallas TX 75234. STARBAR GX-118. Active Ingredients: N-(mercaptomethyl) phthalimide *S-(0,0-dimethyl phosphorodithioate)* 11.6%; Petroleum hydrocarbon solvent 72.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM15

EPA Reg. No. 400-92. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. VITAVAX-200 FUNGICIDE. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin - 3 - carboxanilide) 37.5%; Thiram (tetramethylthiuram disulfide) 37.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: added use. PM21

EPA Reg. No. 400-93. Uniroyal Chemical, Div. of Uniroyal, Inc. VITAVAX-300 FUNGICIDE. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4 - oxathiin-3-carboxanilide) 37.5%; Captan (N-trichloromethylthio-4-cyclohexene-1,2 - dicarboximide) 37.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM21

EPA File Symbol 400-REU Uniroyal Chemical, Div. of Uniroyal, Inc. VITAVAX-EVS CONCENTRATE. Active Ingredients: Carboxin (5,6 - dihydro - 2-methyl-1,4-oxathiin-3-carboxanilide) 29.52%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM21

EPA File Symbol 10485-RL. United Chemical Corp. of New Mexico, 601 N Leech, PO Box 1499, Hobbs NM 88240. ALPHA 530. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

[FR Doc.75-16985 Filed 6-30-75;8:45 am]

[FRL 394-4]

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the National Air Pollution Manpower Development Advisory Committee will be held July 18-19, 1975 in Denver, Colorado. The meeting will be held at the Cosmopolitan, 18th and Broadway, in Meeting Room #341, and will begin at 9 a.m., July 18.

This is the regular quarterly meeting of the Advisory Committee. Primarily the meeting will be devoted to Committee review of the status of the fellowships, training grants, and direct training programs. There will be a presentation by Region VIII personnel and Colorado State University staff on the Vehicle Emission Control Training Program at Colorado State University.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Ronnie E. Townsend, Executive Secretary, National Air Pollution Manpower Development Advisory Committee, Research Triangle Park, North Carolina, (919) 549-8411, extension 2492.

Dated: June 27, 1975.

ROGER STIELON,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-17291 Filed 6-30-75;9:11 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20510, File No. BPH-8873; Docket No. 20511, File No. BPH-9015; Docket No. 20512, File No. BPH-9211]

HAROLD SHARP, ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Harold James Sharp, Ocala, Florida, Requests: 92.7 MHz, Channel No. 224, 3 kW(H&V), 290 feet; Greater Ocala Broadcasting Corporation, Ocala, Florida, Requests: 92.7 MHz, Channel No. 224, 3 kW(H&V), 190.-92 feet; Hunter-Arnette Broadcasting Co., Ocala, Florida, Requests: 92.7 MHz, Channel No. 224, 3 kW(H&V), 300 feet, For Construction Permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the three above-captioned applications, which are mutually exclusive in that they seek the same channel in Ocala, Florida.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the area which would receive service from the proposal of Harold James Sharp and the other two applicants. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1mV/m of greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. Greater Ocala will not provide a 3.16 mV/m signal over the entire city of Ocala, as required by § 73.315(a) of the rules. Accordingly, Greater Ocala requests a waiver of this section of the rules and in so doing states that the signal level within the Ocala city limits at the most distant point from the proposed transmitter location will be 66.8 dBu. It also states that the area not served by a 70 dBu signal level is presently inhabited by 519 people within a 1.97 square mile area. This number represents 1.8 percent of the total population of the city of Ocala. Greater Ocala indicates that there is no other property available to them closer to the city limits which would allow proper spacing for channel 224A. Additionally, Greater Ocala states that it has selected a tower height which is less than the maximum allowable by the Commission's rules and regulations, in order to comply with existing Federal Aviation Administration obstruction standards applicable for the proposed site. In light of these facts, and since the general coverage of the city will be satisfactory, we find that a waiver of § 73.315(a) of our rules is warranted in this instance.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. *It is further ordered*, That if the application of Greater Ocala Broadcasting Corporation is preferred, the construction permit shall specify that the provisions of § 73.315(a) of our rules are waived to permit a signal level of less than 3.16 mV/m over the entire city of Ocala, Florida.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 12, 1975.

Released: June 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-17085 Filed 6-30-75;8:45 am]

V40-127 JUL 1 75 XUM

[SC-65]

SHIP RADAR

Meeting

The members of Special Committee No. 65 "SHIP RADAR", will hold the 39th meeting on Wednesday, July 16, 1975—1:30 p.m. at Conference Room 8210, 2025 M Street NW, Washington, D.C.

The agenda for SC-65 Committee Meeting appears below.

Formal meeting schedule for SC-65 working groups, to be held at 2025 M St. NW., Washington, D.C.

Working group	Room	Date	Time
Collision avoidance (all day).	8210	July 15	9:30 a.m.
Small boat specifications.	8210	July 16	Do.

NOTES.—Meeting room location is subject to change. Check at room 8210 first.

If other working group meetings are scheduled, group members will be notified.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.

2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur. 18 June 1975. Paper 98-75/SC 65-190.

3. Progress Reports of Working Groups on: a. Collision Avoidance Systems; b. Small Boat Specifications.

4. Status Reports on Other Working Groups.

5. Other business.

6. Establishment of next meeting date (Proposed Oct. 15, 1975).

7. Transponder Specifications—Paper 109-74/SC 65-168, Rev. E.

Direct inquiries to Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632-7197.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17191 Filed 7-1-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

JUNE 26, 1975.

Pursuant to section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, July 21; Tuesday, July 22; and Wednesday, July 23, 1975. The meeting will commence at 9 a.m. on July 21, 22, 23, at the Madison Hotel, 15th and M Streets, NW., Washington, D.C. in the Arlington Room.

MONDAY, JULY 21

9-11 a.m.— General discussion
2:30 p.m.— Up-date on Keogh, IRA retirement accounts and trustee liability
Up-date on merger program
Review of reserve requirement study
Duplication of examiners and auditors
Proposed IRS regulation for taxation of associations owned by holding companies
Report of Board study on loan repayment terms on other than one-to-four family
Definition of "general obligations" of municipal securities and timely answers
Associations loaning funds to other associations

TUESDAY, JULY 22

Easing of limitations on participations and whole loans
Reserve requirements
Accounting treatment of add-on interest on unsecured loans
FHLBB long term fixed rate advances
Planning for the impact of inflation on savings and loan industry—Part 5
Review of scheduled items and loans to facilitate (as related to punitive action)
Loan repayment terms
Restructuring of the Federal Home Loan Bank System

WEDNESDAY, JULY 23

9-11 a.m.— General Discussion

The meeting will be open to the public on July 21 from 9-5, on July 22 from 9-5, and on July 23 from 9-5.

GARTH MARSTON,
Board Member.

[FR Doc.75-17104 Filed 6-30-75;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF—INDONESIA CONFERENCE ET AL.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814).)

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 21, 1975. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

The Atlantic and Gulf—Indonesia Conference and the Atlantic and Gulf—Singapore, Malaya and Thailand Conference have filed identical amendments to their conference agreements. These amendments, Agreements Nos. 8080-11 and 8240-9 respectively, would extend the geographic scope of each agreement to include ports, points and places on inland waterways which inland waterways are tributary to the ocean ports and ranges included in the basic conference agreements.

Dated: June 26, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17135 Filed 6-30-75;8:45 am]

[Agreement No. T-2879]

CASTLE & COOK TERMINALS LTD., ET AL.

Order Extending Expiration Date

Agreement No. T-2879, between Castle & Cooke Terminals, Ltd., C. Brewer Corporation d.b.a. Hilo Transportation & Terminal Co., Honolulu Terminals Co., Ltd., Matson Terminals, Inc., McCabe, Hamilton & Renny Co., Ltd., Seatrain Terminals of California and Theo H. Davies & Company, Limited (Employes), establishes a formula and procedures for the continuing allocation among the Employers of the costs of certain fringe benefits payable to their employees under the terms of collective bargaining agreements with the International Longshoremen's and Warehousemen's Union (ILWU).

Agreement No. T-2879 was approved by this Commission on February 27, 1974, and is scheduled to expire by its own terms on June 30, 1975.

Counsel for the Employers has advised us that the Employers and the ILWU have not been able to negotiate new collective bargaining agreements to succeed those agreements expiring June 30, 1975, due in part to delay in the settlement of the West Coast longshore negotiations. Accordingly, counsel for the Employers has requested that we extend Agreement No. T-2879 on an indefinite basis on its present terms and conditions, subject to cancellation upon notice by the parties to the Commission.

In our opinion, an indefinite extension of the subject agreement would operate in the public interest in that it would contribute to waterfront labor peace in Hawaii during the period of negotiation between the Employers and the ILWU. It is noted that all terms, conditions and parties to the agreement will remain unchanged; the agreement's expiration date is the only thing affected by the Employers' request. Since no change in the competitive impact of Agreement No. T-2879 would be created by extending that agreement, we believe that the public interest requires that the request for an extension be granted forthwith.

It is ordered, That Agreement No. T-2879 is hereby extended for an indefinite period on its present terms and conditions subject to cancellation upon notice by the parties to the Commission.

It is further ordered, That a copy of this Order shall be published in the FEDERAL REGISTER.

By the Commission June 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17139 Filed 6-30-75;8:45 am]

COMPANIA TRAATLANTIC ESPANOLA S.A. AND KONINKLIJKE NEDERLANDSCHE STOOMBOOT-MAATSCHAPPIJ B.V.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Elliot B. Nixon, Esquire, Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 10162, between Compania Trasatlantica Espanola S.A. (CTE) and Koninklijke Nederlandsche Stoomboot-Maatschappij B.V. (KNSM) would establish a joint service under the trade name of TRAS-ROYAL in the westbound and eastbound trades between, on the one hand, Italian ports and ports on the east and south coasts of Spain, as well as Marseilles and Lisbon, and, on the other hand, ports in Puerto Rico, under terms and conditions set forth in the agreement.

Dated: June 26, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17138 Filed 6-30-75;8:45 am]

[NO. 73-28; 73-29]

PUBLICATION OF DISCRIMINATORY RATES IN THE U.S. WEST COAST/JAPAN TRADE AND U.S. ATLANTIC AND GULF/JAPAN TRADE

Extension of Alternate Procedures

These proceedings were instituted by Commission order directing respondent conferences to show cause why certain rates in the U.S./Japan trades should not be altered or cancelled because they indicated a disparity between inbound and outbound rates. Subsequently, the Commission approved an alternative procedure permitting respondents and Hearing Counsel to resolve the issues informally. The authority for this procedure expires June 26, 1975.

Respondents have now moved for an extension of the alternate procedures until December 31, 1975. Hearing Counsel have advised that they have no objection to extension.

In light of the progress made to date under the alternate procedures it appears that an extension thereof is in order to permit a less expensive means of resolving the issues in this proceeding.

Accordingly, respondents petition for extension of alternate procedures to and including December 31, 1975, is hereby granted.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17141 Filed 6-30-75;8:45 am]

[NO. 75-22]

ROBINSON LUMBER CO., INC. V. DELTA STEAMSHIP LINES, INC.

Filing of Complaint

JUNE 25, 1975.

Notice is hereby given that a complaint filed by Robinson Lumber Company, Inc. against Delta Steamship Lines, Inc., was served June 25, 1975. The complaint alleges that complainant has been subjected to the payment of rates for transportation of certain lumber items which were violative of sections 15, 16, 17, 18, and 22 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before December 26, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17140 Filed 6-30-75;8:45 am]

SOUTH ATLANTIC-NORTH EUROPE FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10163, among American Export Lines, Inc.; Combi Line; Sea-Land Service, Inc.; Seatrain International, S.A. and United States Lines, Inc., establishes a conference covering traffic moving from U.S. South Atlantic ports and from interior points via such ports to ports and points in the United Kingdom, the Republic of Ireland, Continental Europe (via Bordeaux/Ham-

V 40 127 JUL 1 75 XUM

burg range ports) and ports and points in the Scandinavia/Baltic area.

Dated: June 26, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17137 Filed 6-30-75;8:45 am]

SOUTH ATLANTIC–NORTH ATLANTIC EUROPE RATE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9984–6, among the member lines of the above-named rate agreement, deletes eastbound traffic from the United Kingdom, Republic of Ireland and the Continent from the scope of the Agreement.

Dated: June 26, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17136 Filed 6-30-75;8:45 am]

[Docket No. 75-23]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG) AND NEW YORK FREIGHT BUREAU (HONG KONG)

Order To Show Cause

Pursuant to section 15 of the Shipping Act, 1916, the Trans-Pacific Freight Conference (Hong Kong) has filed Agreement No. 14–42, and the New York Freight Bureau (Hong Kong) has filed Agreement No. 5700–23, with the Commission for approval. These Agreements modify the basic agreement of each conference by adding a new subparagraph to provide for the establishment of a Rate Policy Committee consisting of six (6) members and a Committee Chairman. Each committee would have the authority to consider and establish rates, including changes in rates (exclusive of rules, regulations and accessorial charges), and to delegate authority to the rates committees presently established under each agreement. Unless extended by the respective conference memberships, the authority of each Rate Policy Committee would terminate on October 31, 1975.

Notice of the filing of Agreements Nos. 14–42 and 5700–23 was published in the FEDERAL REGISTER on May 6, 1975. Pursuant to that notice, protests and requests for a hearing were filed by Zim Israel Navigation Co., Ltd. (Zim), Orient Overseas Line (OOL) and Orient Overseas Container Line (OOCL), independent carriers in the trades covered by the Agreements.

The protestants object to the approval of Agreements Nos. 14–42 and 5700–23 on the grounds that the Agreements (1) fail to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, in violation of section 15 of the Act; (2) would discriminate against OOL, OOCL, and Zim, in violation of section 15 of the Act; and (3) would subject OOL and OOCL to undue or unreasonable prejudice or disadvantage, in violation of section 16, First of the Act.

A reply to the protests and comments has been filed by the New York Freight Bureau (Hong Kong), the Trans-Pacific Freight Conference (Hong Kong), and the member lines of each, alleging the lawfulness of the Agreements, and asserting that the interest of the protestants is remote; that the protestants' contentions are extremely speculative; and, that the assertions of the protestants are without factual support.

Section 15 of the Shipping Act, 1916, provides:

> The Commission shall by order, after notice and hearing, disapprove, cancel or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of this Act, and shall approve all other agreements, modifications, or cancellations.

The Commission has considered the protests and requests for hearing, and the replies thereto. Deeming it just and proper that the protestants should be permitted to support their protest of these agreements, the Commission has determined to afford the parties a hearing in this matter. However, recognizing the desire of the conferences for expedition, and balancing that against the interests of the protestants, the Commission has determined that an evidentiary hearing, at this time, is neither appropriate nor required.

Therefore, *It is ordered*, That pursuant to sections 15 and 22 of the Shipping Act, 1916, Zim Israel Navigation Co., Ltd., Orient Overseas Line, and Orient Overseas Container Line are ordered to show cause why Agreement No. 14–42 and Agreement No. 5700–23 should not be approved pursuant to section 15 of the Shipping Act, 1916.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, and replies thereto. Should any party feel that an evidentiary hearing is required, that party shall accompany any request for such a hearing with a statement setting forth in detail the *facts* to be proven in such a hearing, a description of the evidence to be used to prove those facts, the relevance of those facts to the issues in this proceeding, and why such proof cannot be submitted through affidavits. Affidavits of fact, memoranda of law, and requests for an evidentiary hearing shall be filed by Zim Israel Navigation Co., Ltd., Orient Overseas Line, and Orient Overseas Container Line, if at all, on or before July 17, 1975. Reply affidavits, memoranda or requests shall be filed by Hearing Counsel, the New York Freight Bureau (Hong Kong) and its members, the Trans-Pacific Freight Conference (Hong Kong) and its members, if at all, on or before July 31, 1975. The parties herein shall address themselves to, among other things, the desirability of oral argument herein. Unless the Commission shall grant an evidentiary hearing herein, or oral argument, or both, this matter shall be decided upon the written submissions filed herein.

It is further ordered, That this Order shall be served upon Orient Overseas Lines, Orient Overseas Container Line, Zim Israel Navigation Co., Ltd., the New York Freight Bureau (Hong Kong) and its members, the Trans-Pacific Freight Conference (Hong Kong) and its members, and Hearing Counsel.

It is further ordered, That all documents filed by any party herein shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies, and shall be served upon all parties herein on the date those documents are filed with the Secretary.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17142 Filed 6-30-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110, PGA 75-9]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JUNE 24, 1975.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on May 29, 1975, tendered for filing Revised Second Substitute Sixth Revised Sheet No. 10 and Second Substitute Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed under Algonquin Gas' Revised Second Substitute Sixth Revised Sheet No. 10 to reflect a change in its purchased gas costs (including amounts associated with small producer and emergency purchases in excess of the national rate level established in the Commission's Opinion No. 699-H) to be paid to its supplier, Texas Eastern Transmission Corporation ("Texas Eastern"). In the event the Commission should suspend for one day the underlying tariff page of Texas Eastern, Algonquin Gas also filed Second Substitute Sixth Revised Sheet No. 10 which reflects a change in the cost of purchased gas (exclusive of amounts associated with small producer and emergency purchases in excess of the Commission's Opinion No. 699-H) from its supplier, Texas Eastern. Algonquin Gas requests that the Commission accept for filing the appropriate tariff sheet or sheets to be effective July 1, 1975 which will synchronize its rates with those of Texas Eastern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17031 Filed 6-30-75;8:45 am]

[Docket Nos. CI75-191, CI75-205]

CITIES SERVICE OIL CO. AND CONTINENTAL OIL CO.

Extension of Time

JUNE 24, 1975.

On June 20, 1975, the Associated Gas Distributors filed a motion to extend the date for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued May 29, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including August 29, 1975, and the date for briefs opposing exceptions is extended to and including September 18, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17032 Filed 6-30-75;8:45 am]

[Docket Nos. RP75-86, RP75-83, RP75-85]

COLORADO INTERSTATE GAS CO.

Order Granting Intervention

JUNE 24, 1975.

On March 31, 1975, the Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Notice of CIG's filing was issued by the Commission on April 7, 1975, with protests and petitions to intervene due on or before April 21, 1975.

An untimely petition to intervene was filed by CF&I Steel Corporation. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17063 Filed 6-30-75;8:45 am]

[Docket No. RP75-112]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Proposed Changes in FPC Gas Tariff

JUNE 24, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on June 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 2. CIG states that the proposed changes will make effective Initial Rate Schedule X-54, a Letter Agreement between CIG and Northern Natural Gas Company, operating as Peoples Natural Gas Division (Peoples), which provides charges for increased delivery pressure for gas volumes delivered at the existing Hugo, Colorado, delivery point during the months of June, July, and August.

CIG states that, in order for Peoples to serve its market requirements, from time to time during the period June through August Peoples requires more pressure at the Hugo delivery point than that available under CIG's normal summertime operating conditions. CIG has agreed to provide the necessary pressure up to the maximum under the Service Agreement to Peoples at Hugo on a "best efforts" basis. Peoples has agreed to reimburse CIG for the incremental cost of providing the higher delivery pressure. The proposed charge is $250 times the number of compressor units placed in service up to a maximum of four units. CIG and Peoples have agreed that the minimum charge on any day when Peoples requests such increased pressure at the Hugo delivery point will be $250.

An effective date of July 1, 1975, is requested.

CIG states that copies of the filing were mailed to Peoples.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17034 Filed 6-30-75;8:45 am]

[Docket No. CP73-340, etc.]

COLORADO INTERSTATE GAS CO., AND COLORADO INTERSTATE CORP., ET AL.

Postponement of Hearing; Correction

JUNE 10, 1975.

In the notice of postponement of hearing issued June 6, 1975, and published in the FEDERAL REGISTER on Tuesday, June 17, 1975, 40 FR 25629, the date of the hearing in the above-designated matter should be corrected to: "June 23, 1975, at 10:00 a.m., e.d.t."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17035 Filed 6-30-75;8:45 am]

V40-127 JUL 1 75 XUM

[Docket No. RP72–89]

COLUMBIA GAS TRANSMISSION CORP.

Amendatory Compliance Filing

JUNE 24, 1975.

Take notice that on June 13, 1975, Columbia Gas Transmission Corporation (Columbia) tendered for filing Fourth Revised Sheet No. 62A, for the purpose of excluding from the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, a paragraph relating to the compensation features of its curtailment provisions, which paragraph it inadvertently failed to delete from the revised tariff sheets tendered with its compliance filing of May 5, 1975. Columbia requests, in accordance with the Commission's order issued April 25, 1975, in the above captioned proceeding, that said Fourth Revised Sheet No. 62A be permitted to become effective as of May 1, 1975.

Copies of the filing were served upon Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Persons that have previously filed a Notice or Petition for intervention in this proceeding need not file additional Notices or petitions to become parties with respect to the instant filing. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17036 Filed 6–30–75;8:45 am]

[Docket No. RI75–146]

DEMOVA K. FROST AND THE APPLEBY FOUNDATION

Petition for Special Relief

JUNE 24, 1975.

Take notice that on May 19, 1975, Demova K. Frost and the Appleby Foundation (Petitioner), PO Box 953, Midland, Texas 79701, filed a petition for special relief in Docket No. RI75–146, seeking a rate above the applicable area ceiling pursuant to Order No. 481 and § 2.76 of the Commission's Statements of General Policy and Interpretations under the Natural Gas Act. Petitioner seeks a rate of 45¢ per Mcf, with 1¢ per Mcf escalation each year, for the sale of gas to El Paso Natural Gas Company from the G. E. Allison Lease, North Branch Field, Sutton County, Texas. Petitioner states that it will not be economically feasible to continue to produce this well at the current rate of 18.5¢ per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17041 Filed 6–30–75;8:45 am]

[Docket No. E–9294]

DETROIT EDISON CO.

Extension of Procedural Dates

JUNE 23, 1975.

On June 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 27, 1975, in the above-designated matter. On June 18, 1975, a supplemental filing stated that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff
Testimony, September 8, 1975.
Service of Intervenor
Testimony, September 29, 1975.
Service of Company
Rebuttal, October 15, 1975.
Hearing, November 4, 1975 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–17037 Filed 6–30–75;8:45 am]

[Docket No. E–9498]

DUKE POWER CO.

Filing of Supplement to Contract

JUNE 24, 1975.

Take notice that on June 16, 1975 Duke Power Company (Duke) tendered for filing a supplement to Duke Rate Schedule FPC No. 139. That rate schedule is the contract between Duke and Rutherford Electric Membership Corporation. The supplement provides for changes in designated Kw demand at various delivery points. Duke states that the changes are made at the request of and with the approval of the customer. The proposed effective date is July 21, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17038 Filed 6–30–75;8:45 am]

[Docket No. RP75–1]

FLORIDA GAS TRANSMISSION CO.

Further Extension of Procedural Dates

JUNE 24, 1975.

On May 8, 1975 and June 20, 1975, Sun Oil Company and Florida Gas Transmission Company, respectively, filed motions to extend the procedural dates fixed by order issued July 31, 1974, as most recently modified by notice issued April 2, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, July 30, 1975.
Hearing, August 26, 1975 (10 a.m., e.d.t.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17039 Filed 6–30–75;8:45 am]

[Docket No. RP75–53]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

JUNE 24, 1975.

Take notice that on June 10, 1975, Florida Gas Transmission Company (Florida Gas) tendered for filing Substitute Eighth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its Rate Schedules G and I for effectiveness on July 10, 1975. The changes in rates result from the application of the purchased gas cost adjustment provision in section 15, General Terms and Conditions of the tariff, which was approved by the Commission in Docket No. RP72–136.

The rates proposed by Florida Gas in Docket No. RP75–53 for service under Rate Schedules G and I initially filed January 10, 1975, do not reflect subsequent changes resulting from purchased gas cost adjustments. Accordingly, in Substitute Eighth Revised Sheet No. 3–A, Florida Gas has incorporated these changes in its G and I rates in Docket No. RP75–53 which were filed January 10, 1975 and suspended until July 10, 1975.

A comparison between the Docket No. RP75–53 rates and those to be made effective on July 10, 1975 under this filing is as follows:

	Cents per therm	
	Docket No. RP75–53 as filed Oct. 10, 1975	To become effective July 10, 1975
Rate schedule G	7.500	7.632
Rate schedule I	5.959	6.091

The annual effect on the proposed changes is $978,000 above the Docket No. RP75–53 rates based on sales for the twelve months ended March 31, 1975.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17040 Filed 6–30–75;8:45 am]

[Docket No. E–9490]

KANSAS POWER AND LIGHT CO. AND CENTRAL KANSAS POWER CO., INC.

Joint Application for Approval of Statutory Merger

JUNE 24, 1975.

Take notice that on June 11, 1975, Kansas Power and Light Company (KP&L) and Central Kansas Power Company (CKP) filed a joint application with the Federal Power Commission, pursuant to the provisions of section 203 of the Federal Power Act, for an order authorizing the statutory merger of the two corporations with the Kansas Power and Light Company remaining as the surviving corporation.

Kansas Power and Light Company is incorporated under the laws of the State of Kansas, with its principal business office at Topeka, Kansas, and is primarily engaged in the business of generation, transaction, distribution and sale of electric energy and the purchase, transmission, distribution and sale of natural gas in the northeastern and central portions of Kansas, aggregating approximately 27,500 square miles or about 33 percent of the area of the State. The population of the territory that KP&L provides with one or more retail or wholesale services is approximately 900,000.

Central Kansas Power Company is incorporated under the laws of the State of Kansas, with its principal business office at Hays, Kansas, and provides electric power to approximately 16,200 customers in 42 communities in northwestern Kansas; provides natural gas to about 8,000 customers located in four communities in said area; and operates a water plant serving about 700 customers.

The merger is to be accounted for under generally accepted accounting principles applicable to this type of transaction. The Uniform System of Accounts of the Kansas Commission and the Federal Power Commission require that the amounts recorded by the company for utility plant in service be the original cost of the property at the time it was first devoted to public service. Original cost is the amount at which the property is carried on the books of CKP and also the amount anticipated to be recovered through rates in the future. The excess of the purchase price over the net book value of assets acquired less liabilities assumed, which it estimated to be $1,118,000, will be recorded as a Plant Acquisition Adjustment to be amortized over the remaining lives of the related assets.

The application proposes a statutory merger under which all facilities of CKP for the operation of electric, gas and water services will be merged into KP&L and operated thereafter by KP&L, the surviving company, along with the existing electric, gas and steam facilities of that company. All outstanding contracts or other obligations for the purchase, sale or intercharge of electric energy between CKP and their parties will be assumed and performed by KP&L as the surviving corporation and the merger will not adversely affect the satisfactory performance of any such contracts.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17042 Filed 6–30–75;8:45 am]

[Docket No. CS73–15, etc.]

LEON L. HOYT, JR. AND HUGHES SEEWALD ET AL.

Applications for "Small Producer" Certificates[1]

JUNE 24, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V40-127 JUL 1 75 XUM

Docket No.	Date filed	Applicant
CS73-15	June 16, 1975[1]	Leon L. Hoyt, Jr., and Hughes Seewald, Independent executors of the estate of D. D. Harrington, deceased, P.O. Box 180, Amarillo, Tex. 79105.
CS75-530	June 11, 1975	Swanco Trust Co. for Fredrick Swanson Bucholz, 3401 West Douglas Rd., Omaha, Nebr. 68114.
CS75-531	....do.....	O. A. Sutton, 800 Sutton Pl., Wichita, Kans. 67202.
CS75-532	....do.....	Jack G. Paulsen and Christine F. Paulsen, 800 Sutton Pl. Wichita, Kans. 67202.
CS75-533	....do.....	Elbie G. McNeil and Phyllis B. McNeil, 800 Sutton Pl., Wichita, Kans., 67202.
CS75-534	....do.....	Robert M. Euwer and Barbara D. Euwer, 800 Sutton Pl., Wichita, Kans. 67202.
CS75-535	....do.....	Hooper, Kimball & Williams, Inc., 89 Broad Street, Room 1216, Boston, Mass. 02110.
CS75-536	June 9, 1975	Nancy P. Tonkin, 1524 Park Ave., S.W., Albuquerque, N. Mex. 87104.
CS75-537	June 12, 1975	Harold H. Anderson, Room 1475, 111 West Monroe St., Chicago, Ill. 60603.
CS75-538	....do.....	W. R. Maxson, Shinglehouse, Pa. 16748.
CS75-539	....do.....	Lee M. Crane, 313 South Mesa Verde, Aztec, N. Mex. 87410.
CS75-540	June 13, 1975	Robert W. Walker, 2418 Terwilleger Blvd., Tulsa, Okla. 74114.
CS75-541	June 16, 1975	Wilson Equity Resources, 1237 Delaware Ave., Buffalo, N.Y. 14209.
CS75-542	....do.....	H. L. Bammert, Weesatche, Tex. 77968.
CS75-543	June 11, 1975	Premier oil and gas program; 1974 Series Spring 1974 Partnership, 633 17th St., Suite 2100, Denver, Colo. 80202.

[1] Petition to amend to substitute Leon L. Hoyt, Jr. and Hughes Seewald, independent executors of the estate of D. D. Harrington, deceased, in lieu of D. D. Harrington, as certificate holder.

[FR Doc.75-17060 Filed 6-30-75;8:45 am]

[Rate Schedule Nos. 93, etc.]

MARATHON OIL CO., ET AL.

Rate Change Filings

JUNE 23, 1975.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
June 6, 1975	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840. Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	98	Montana-Dakota Utilities Co.	Rocky Mountain.
		8	Texas Eastern Transmission Corp.	Texas Gulf Coast.

[FR Doc.75-17061 Filed 6-30-75;8:45 am]

[Docket No. CP72-184]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

JUNE 23, 1975.

Take notice that on June 16, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP72-184 a petition to amend the order of the Commission issued in said docket on June 1, 1972, as amended on July 26, 1973, pursuant to Section 7(c) of the Natural Gas Act by authorizing an increase in the daily redelivery rate of natural gas stored by Petitioner for Wisconsin Southern Gas Company, Inc. (Wisconsin Southern), from 4,000 Mcf to 6,000 Mcf, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that the Commission authorized by its order of June 1, 1972, as amended July 26, 1973, Petitioner to store natural gas for and to deliver gas to Wisconsin Southern. Petitioner further states that the amended order authorized it to store an annual volume of up to 400,000 Mcf of gas and to redeliver up to 4,000 Mcf of gas per day. The gas is delivered to Petitioner in the summer months for redelivery during the period from November 1 to the next succeeding March 1. Petitioner requests authorization in the instant petition to increase the volume to be redelivered per day by 2,000 Mcf, to a proposed maximum of 6,000 Mcf of gas per day. Petitioner further states that the proposed increase in available daily deliveries is pursuant to an agreement dated March 4, 1975, amending the Storage Agreement to provided for the service requested by Wisconsin Southern to assist Wisconsin Southern in meeting anticipated winter peak requirements. No increase in the annual storage volume is proposed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17062 Filed 6-30-75;8:45 am]

[Docket No. E-9499]

MINNESOTA POWER & LIGHT CO.

Filing of Electric Service Agreement

JUNE 24, 1975.

Take notice that on June 16, 1975, Minnesota Power & Light Company (MP&L) tendered for filing an Electric Service Agreement dated June 11, 1975, between the City of Wadena, Minnesota and MP&L.

MP&L states that this Agreement replaces Federal Power Commission Rate Schedule No. 28 which has expired and that this new Agreement will have no anticipated effect upon revenue.

MP&L states that service has been made upon the City of Wadena in accordance with § 35.2(d) of the Commission's regulations.

MP&L requests the Agreement become effective as soon as possible under the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17044 Filed 6-30-75;8:45 am]

[Docket No. CP75-357]

NATIONAL FUEL GAS SUPPLY CORP.

Application

JUNE 23, 1975.

Take notice that on June 5, 1975, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP75-357 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and transportation of natural gas from supplemental sources to its non-affiliated wholesale customers, all as more fully set forth in the application on file with the Commission and open to pubic inspection.

Applicant states that it is a natural gas company that sells at wholesale to three non-affiliated customers, Mercer Gas Company (Mercer), North East Heat & Light Co. (North East), and the Peoples Natural Gas Co. (Peoples) and to its affiliate, National Fuel Gas Distribution Corporation (Distribution). Sales to the non-affiliated customers together are said to account for 1.33 percent of Applicant's total sales. Applicant alleges that Distribution purchases at $1.33 per Mcf subject to adjustment, a higher cost than that of natural gas from historic sources, synthetic natural gas (SNG) from Ashland Oil, Inc., and that in the future it will purchase SNG from the Columbia Gas System and other sources. Applicant states that the SNG so purchased becomes part of the total supply of Applicant's system.

Applicant proposes to sell gas to its non-affiliated customers both from historic and supplemental sources. Applicant states that it would not transport any SNG purchased by Distribution, but that the SNG deliveries would be made by displacement. Applicant further states that these supplemental supplies would be on a firm basis and not subject to curtailment except as provided under Applicant's FPC Gas Tariff, Original Volume No. 1, sections 10 and 16 of the General Terms and Conditions. Applicant alleges that Mercer, North East, and Peoples have agreed to purchase the SNG on a *pro rata* basis[1] at the cost to the system. Applicant states that the supplies from traditional sources of natural gas have been declining since 1971 and that the supplemental supply would be used to offset the decline and minimize the curtailments of Applicant's deliveries in the future. Applicant states that it is requesting that this service be authorized by July 1, 1975 and that no facilities would need to be constructed to implement this proposal. No change in delivery volumes is proposed. The instant proposal is intended, according to Applicant, to permit the non-affiliated customers to bear a share of the higher system costs of purchased gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

	Pro rata basis (percent)	Initial annual supplemental supply (in thousand cubic feet)	
		Reflecting Ashland supply	Reflecting Columbia supply
Mercer Gas Co.	0.22	38,500	937
North East Heat & Light Co.	0.42	73,500	1,789
The Peoples Natural Gas Co.	0.69	120,750	2,940
	1.33	232,750	5,666

[1] The resultant annual volumes of supplemental supply are said to be as follows:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17062 Filed 6-30-75;8:45 am]

[Docket No. RP71-125, PGA75-12]

NATURAL GAS PIPELINE COMPANY OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Increase and Elimination of Special One-Time PGA Surcharge

JUNE 25, 1975.

Take notice that on June 16, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Twenty-Fourth Revised Sheet No. 5, to be effective August 1, 1975.

Natural states the purpose of this filing is:

1. To track the increased cost of gas purchased from Colorado Interstate Gas Company (Colorado) and Great Lakes Gas Transmission Company (Great Lakes) pursuant to the provisions of section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of Natural's FPC Gas Tariff. Colorado's filing of June 6, 1975 and Great Lakes' filing of June 13, 1975 were filed to reflect increase from their suppliers due to an increase in the cost of Canadian gas to be effective August 1, 1975.

2. To eliminate the special one-time PGA surcharge of 3.31 cents that became effective February 5, 1975, as provided for in the Commission's Opinion No. 699-G at Docket No. R389-B. This surcharge was designed to be effective for a six month period from February 5, 1975; however, Natural is requesting that the reduction become effective August 1, 1975, to coincide with the effective date of the pipeline increases being tracked herein.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17045 Filed 6-30-75;8:45 am]

[Docket No. CS71-6]

NORTHERN NATURAL GAS CO. AND JOHN L. CRAWFORD

Extension of Time for Filing Interventions

JUNE 24, 1975.

On June 23, 1975, Dow Chemical Company and Dan J. Harrison, Jr., et al., jointly filed a motion to extend the time for filing interventions fixed by notice issued May 30, 1975, in the above-designated matter. The motion states Northern Natural Gas Company has been notified and has no objection.

Upon consideration, notice is hereby given that the date for filing petitions to intervene is extended to and including June 30, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17046 Filed 6-30-75;8:45 am]

V40-127 JUL 1 75 XUM

[Docket No. CP74-31]

NORTHERN NATURAL GAS CO.

Petition To Amend

JUNE 25, 1975.

Take notice that on June 16, 1975, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-31 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act in said docket by conforming the authorization granted therein to the facilities constructed in excess of authorized costs, all as more fully set forth in the petition on file with the Commission and open to public inspection.

By order issued October 3, 1973 (50 FPC 1004), Petitioner was authorized to construct unspecified gas purchase facilities within the contemplation of § 157.7(b) of the regulations under the Natural Gas Act (18 CFR 157.7(b)). Said facilities were not to exceed a total cost of $7,000,000 nor was any individual project to exceed a cost of $1,000,000.

Petitioner states that it constructed a 2,000 h.p. compressor addition, estimated to cost $923,000 but actually costing $1,174,606, at its Hugoton Station and a 2,000 h.p. compressor addition, estimated to cost $924,000 but actually costing $1,185,631, at its Hemphill County No. 2 gathering station. Petitioner attributes the excess costs at the Hugoton station to the increased costs of labor and materials and the excess costs at the Hemphill station to increased costs of materials. Total expenditures for all facilities are said to have been $7,293,856.

Petitioner requests that the order granting the authorization for the subject facilities be amended to conform the certificate to the actual costs.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17047 Filed 6-30-75;8:45 am]

[Project No. 502]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

JUNE 24, 1975.

On October 31, 1963, Pacific Gas and Electric Company, Licensee for Drum-Spaulding-Summit Transmission Line Project No. 502, located in Nevada County, State of California, filed an application for surrender of license. On the same date, Pacific Gas and Electric Company filed an application for amendment of license for Project No. 2310. The proposed amendment would incorporate the Drum-Spaulding-Summit transmission line as a part of the license for Project No. 2310, to be effective the date of the surrender of the license for Project No. 502.

The license for Project No. 502 was issued effective June 23, 1924, for a period ending June 23, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pending Commission action on Licensee's application to surrender or the filing of an application for a new license and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 502.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) for the period June 24, 1975, to June 23, 1976, or until amendment of the license for Project No. 2310, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Drum-Spaulding-Summit Transmission Line Project No. 502, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17048 Filed 6-30-75;8:45 am]

[Docket No. E-7777; (Phase II)]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Procedural Dates; Correction

JUNE 10, 1975.

In the notice of further extension of procedural dates, issued May 29, 1975, and published in the FEDERAL REGISTER on June 5, 1975, 40 FR 24246, the above notice should be corrected to add the following service date:

Service of Staff Testimony, August 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17049 Filed 6-30-75;8:45 am]

[Docket No. E-8862]

PUBLIC SERVICE COMPANY OF COLORADO

Filing of Proposed Stipulation and Agreement of Settlement

JUNE 24, 1975.

Take notice that on June 19, 1975, Public Service Company of Colorado (PSCC) tendered for filing a proposed Stipulation and Agreement of Settlement which, if approved, would dispose of all of the issues in this proceeding with one exception. The Agreement provides that certain matters enumerated therein which pertain to PSCC's service to Intermountain Rural Electric Association will be resolved before or during PSCC's next general rate increase filing, to be made before December 31, 1975. PSCC states that neither the Public Utilities Commission of Colorado, nor Central Telephone and Utilities Corporation, Southern Colorado Power Division, the only other parties to this proceeding, objects to the proposed Agreement.

Inasmuch as the terms of the Agreement require that the Commission waive the notice requirements of its Regulations, PSCC requests a waiver according to said terms.

PSCC states that copies of the proposed Agreement have been sent to all interested parties.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17050 Filed 6-30-75;8:45 am]

[Docket No. CP71-273]

SOUTHERN NATURAL GAS CO.

Petition To Amend

JUNE 24, 1975.

Take notice that on June 12, 1975, Southern Natural Gas Company (Petitioner), PO. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP71-273 a petition to amend the order of the Commission issued October 8, 1971, pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of 22 additional injection-withdrawal wells, 3 observation wells, 2.9 miles of pipeline, and various appurtenant facilities, in Muldon Field, Monroe County, Mississippi, to increase the storage capacity of that field, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner requests authorization to construct and operate 22 additional injection-withdrawal wells, 3 observation wells, certain wellhead measuring facilities and other ancillary facilities, dehydration, regulating and measurement facilities at the central plant, and 1.0 mile of 12-inch pipeline, 0.2 mile of 16-inch pipeline, and 1.7 miles of 8-inch pipeline to connect the proposed injection-withdrawal wells with the central plant. Petitioner further requests that the order be amended to authorize certain alterations in Petitioner's regulating equipment located at its existing North Main Line facilities near Brooksville Junction. Petitioner also requests authorization to increase the active working gas inventory from approximately 42,800,000 Mcf to approximately 52,000,000 Mcf which would be available for withdrawal during winter heating seasons at a maximum daily rate of approximately 750,000 Mcf.

Petitioner alleges that the proposed changes would increase the maximum withdrawal rate from the Muldon Field during peak demand days from approximately 459,000 Mcf to approximately 750,000 Mcf and increase the working gas capacity of the field from approximately 42,800,000 Mcf to approximately 52,000,000 Mcf, and that these increases would be accomplished without increasing the maximum inventory of gas stored in the reservoir or additional compression facilities. Petitioner estimates that the costs of the proposed facilities would be $15,019,070, which would be paid from cash on hand and from Petitioner's credit sources.

Petitioner alleges that the proposed facilities would further assist Petitioner in serving its Priority 1 and 2 requirements during winter heating seasons.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17051 Filed 6-30-75;8:45 am]

[Docket No. CP75-163]

SOUTHERN NATURAL GAS CO.

Petition To Amend

JUNE 23, 1975.

Take notice that on May 14, 1975, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-163 a petition to amend its application of November 26, 1974, for a certificate of public convenience and necessity authorizing the construction of certain facilities, to wit approximately 1½ miles of 18-inch pipeline and one 3,600 h.p. compressor in St. Mary Parish near Shadyside, Louisiana, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner alleges that it has filed a general rate increase pursuant to section 4 of the Natural Gas Act and anticipates that the rate increase will become effective on October 16, 1975. As a result of this increase, Petitioner states that the cost of service for the subject facilities would increase.

The application of November 26, 1974, indicates that the incremental cost of service for the subject facilities for the first three years of operation would be $597,781, $572,546 and $549,584, respectively; and the instant petition indicates that the incremental cost of service after the rate increase for the first three years of operation would be $953,609, $905,707 and $860,176, respectively.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17052 Filed 6-30-75;8:45 am]

[Docket No. RP74-41, PGA 75-9]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 24, 1975.

Take notice that Texas Eastern Transmission Corporation on June, 1975 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Thirteenth Revised Sheet No. 14
Thirteenth Revised Sheet No. 14A
Thirteenth Revised Sheet No. 14B
Thirteenth Revised Sheet No. 14C
Thirteenth Revised Sheet No. 14D

These sheets are issued pursuant to the purchased gas cost adjustment provision contained in section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Fourth Revised Volume No. 1. The change in Texas Eastern rates proposed by this filing reflects changes in the cost of gas purchased from two of Texas Eastern's pipeline suppliers, Southern Natural Gas Company and Texas Gas Transmission Corporation. The proposed effective date of the above tariff sheets is August 1, 1975.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17053 Filed 6-30-75;8:45 am]

[Docket Nos. RP74-25, RP72-156, PGA75-2, PGA75-2A]

TEXAS GAS TRANSMISSION CORP.

Order Setting Date for Hearing

JUNE 17, 1975.

On June 13, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a proposed tariff sheet[1] providing for a purchased gas cost adjustment (PGA) rate increase. Commission review of the June 13 filing indicated that Texas Gas was making emergency purchases from eleven producers at rates above the national rate established by Opinion No. 699[2] at that time. By order of July 31, 1974, Docket No. RP72-156, the Commission found that the claimed increased costs not pertaining to emergency purchases at rates in excess of Opinion No. 699 levels were justified, but that those pertaining to such emergency purchases should be suspended for one day until August 2, 1974.

Texas Gas on December 26, 1974, filed settlement rates approved by order issued December 20, 1974, in Docket No. RP74-25, adjusted to reflect and supersede the cumulative effect of PGA rate increase filings made by it December 16 and 23, 1974.[3] By order of January 31, 1975, Docket Nos. RP74-25, RP72-156, PGA75-2, and PGA75-2A, the Commission found that the claimed costs of the December 26 filing other than those associated with emergency purchases at rates in excess of Opinion No. 699-H levels were justified, but that those associated with such emergency purchases should be suspended for one day until February 2, 1975.

Texas Gas' PGA rate increase filings in the instant dockets, discussed above, raise a question as to whether the in-

[1] Tenth Revised Sheet No. 7 to FPC Gas Tariff Third Revised Volume No. 1.

[2] Opinion No. 699, Docket No. R-389-B, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699-H issued December 4, 1974.

[3] Fifth Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

V40-127 JUL 1 75 XUM

creased costs claimed therein relating to emergency gas purchases at rates in excess of Opinion No. 699–H levels are justified.[4]

We indicated in Order No. 491–B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas [sic] adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give Texas Gas an opportunity to show that the prices paid by it for emergency sales made by producers pursuant to Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present project cost evidence to show that the rates charged by them are in the public interest.[5] These producers are listed on the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco Inc.", 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, *inter alia*, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

The Commission finds. It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Docket Nos. RP74–25, RP72–156, PGA75–2, and PGA75–2A, are set for the purpose of hearing and disposition with respect to the emergency purchases of Texas Gas discussed in the body of this order.

(B) A public hearing on the issues presented herein shall be held commencing on July 30, 1975, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) The producers listed on the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) Texas Gas and the producers listed in the Appendix shall file their direct testimony and evidence on or before July 16, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX

Producer respondents:	*Rate cents*
Texas Gas Explor. Co	65
Quintana Prod. Co	60
Robert J. Hewitt	60
North Am. Royalties, Inc	60
Wayne J. Spears	60
Huisache Operating Co	66.66

[FR Doc 75–17063 Filed 6–30–75;8:45 am]

[4] There is no need for Texas Gas to present any evidence with respect to those emergency sales reflected in its filing in Docket No. RP72–156, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699–H to be effective as of June 21, 1974.

[5] Under Order No. 491–B producers are not required to make any refunds.

[Docket No. E–9385]

UNION ELECTRIC CO.

Compliance Filing

JUNE 23, 1975.

Take notice that on June 16, 1975, the Missouri Utilities Company (Missouri) tendered for filing a Certificate of Concurrence asserting to and concurring with the supplement to its electric service agreement filed by Union Electric Company (Union) in this proceeding on April 17, 1975. This filing is made pursuant to a deficiency letter from the Secretary of the Federal Power Commission, dated May 13, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–17055 Filed 6–30–75;8:45 am]

[Docket Nos. RP74–20, RP74–83]

UNITED GAS PIPE LINE CO.

Conference

JUNE 23, 1975.

Take notice that on Tuesday, July 1, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 11 a.m., in Room 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.8). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of Section 1.18 of the Rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17056 Filed 6–30–75;8:45 am]

[Docket No. CP74–94]

UNITED GAS PIPE LINE CO. ET AL.

Order Reopening Record and Establishing Procedures To Consider Proposed Settlement

JUNE 17, 1975.

Public notice is hereby given that on May 8, 1975, United Gas Pipe Line Company (United) filed with the Commission a motion pursuant to § 1.12 of the Commission's rules of practice and procedure for an order which would reopen the record in the captioned proceeding for the limited purpose of admitting and considering certain proposed settlement agreements, gas purchase contracts, guaranty agreements and releases submitted therewith and collectively designated as "Appendix A". United represents that its motion has the full support

of Billy J. McCombs, R. James Stillings, d/b/a Gastill Company, David A. Onsgard, Basin Petroleum Corporation, E. I. du Pont de Nemours & Company and Bill Forney (collectively designated as the McCombs Group); Louis H. Haring, Jr. (Haring) and National Exploration Company (NEC), all respondents herein. No answers have been filed although the time for doing so has expired.

United asserts in support of its motion that on October 9, 1973, it filed a complaint in Docket No. CP74–94 against the members of the McCombs Group (except Mr. Forney, who was made a respondent later), Haring and NEC alleging, in substance, that they were violating section 7 of the Natural Gas Act by participating in the sale of natural gas in intrastate commerce from the Butler B lease in Goliad and Karnes Counties, Texas, which acreage had been dedicated to United in interstate commerce under a gas purchase contract dated April 29, 1953 (the 1953 Contract), between United and Mrs. Bee Quin, individually and as independent executrix of the estate of W. R. Quin, pursuant to certificates of public convenience and necessity issued by the Commission in Docket Nos. G–2997 and G–2998. United asserts, further, that it requested that the respondents be ordered to deliver to it all gas produced from or attributable to the Butler B lease, and that they be required to deliver to it volumes equivalent to those previously produced from or attributable to such lease. United asserts, still further, that the respondents denied its claims; that the Commission instituted a proceeding by order dated November 27, 1973, for the purpose of investigating its complaint; that hearings were held before an administrative law judge who issued an initial decision on April 26, 1974; and that exceptions were filed by all parties which are now pending before the Commission.

Additionally, United asserts that nearly two years of settlement efforts by all parties have resulted in the execution of three settlement agreements which are intended to resolve all controversies existing between United and each of the three groups in this proceeding—the McCombs Group, Haring (which is now said to be the Haring Group) and NEC. United asserts, further, that effectiveness of all of the agreements is specifically conditioned on approval in their entirety stances of the agreements, which cover future sales of gas from the Butler B lease and other acreage, may be summarized as follows:

UNITED-HARING AGREEMENT

United and Haring have agreed to amend certain portions of the 1953 Contract including the minimum volume, measurement, pricing and tax reimbursement provisions thereof. The amended agreement provides for the sale to United of gas produced from that portion of the Butler B lease to which Haring holds title at a price of 60 cents per Mcf through November 1, 1975, with one cent annual escalations thereafter. Such sales will be made by Haring under his existing small producer certificate issued in Docket No. CS72–778.

UNITED-NEC AGREEMENT

United and NEC have entered into a new gas purchase contract covering gas produced from and attributable to NEC's interest in the Butler B lease, subject to the reservation by NEC of sufficient gas for development and operation of its Butler B leasehold, the processing, treating or compressing of gas produced from such leasehold, and the supplying of gas to its lessors. The contract calls for a price of 60 cents per Mcf through November 1, 1975, with one cent annual escalations thereafter. NEC intends to make this sale under its small producer certificate issued in Docket No. CS71–484. This new gas purchase contract completely supersedes the 1953 Contract except for any and all obligations of warranty owed to United with respect to gas delivered thereunder.

UNITED-MCCOMBS GROUP AGREEMENT

The McCombs Group agrees to make available for delivery to United quantities of gas not to exceed 8.5 Bcf, produced from the following wells: (1) Basin Petroleum Corp. No. 1 Marie Fruge Well, N.W. Chalkley Field, Calcasieu Parish, Louisiana; (2) Basin Petroleum Corp. No. 1 Miami Corp. Well, Bayou Sale Field, St. Marys Parish, Louisiana; (3) Bill Forney No. 1 Wychopen Well, Unnamed Field, Wharton County, Texas; (4) Bill Forney No. 1 Hutchins-Pearson Well, Unnamed Field, Wharton County, Texas; (5) Bill Forney No. 3 B. C. Butler et al Well, McCaskill Field, Karnes County, Texas, only insofar as the gas may be produced from the Wilcox M–1, M–2, and M–2A zones. The Bill Forney No. 3 well is the only McCombs Group well physically located on the Butler B lease. In addition, each member of the McCombs Group severally executed a guaranty that within three years from the date these agreements become effective following Commission approval each shall spend not less than his proportionate share of $500,000 in the exploration for additional reserves of gas in areas where such gas could be delivered, either directly or by exchange to United. Any such reserves would be sold to United until a total of 8.5 Bcf of gas has been sold and delivered to United by the McCombs Group.

As part of this settlement, United and the McCombs Group has executed gas purchase contracts covering the sale of gas from the above-mentioned wells. Basically, these agreements provide that the McCombs Group will arrange and pay for delivery of gas to United's system from these wells and will charge therefor 60 cents per Mcf through November 1, 1975 with one cent per Mcf annual escalations thereafter. Each of the contracts provides for a reservation of gas by the McCombs Group identical to that contained in the NEC contract. Each member of the McCombs Group proposes to sell gas to United under existing small producer certificates issued in Docket Nos. CS71–1119, CS72–338, CS72–578, CS72–609, and CS72–611.

As conditions precedent to the effectiveness of the United-McCombs Group agreements, the parties would require that the Commission (1) authorize the McCombs Group to make the sales contemplated by the gas purchase agreements under existing small producer certificates, (2) authorize the McCombs Group to increase the rates provided for in the gas purchase agreements on the terms contained therein or state that such authority otherwise exists, (3) permit pre-granted abandonment of service to United at such time as an aggregate of 8.5 Bcf of gas has been delivered to United under any one or more of the gas purchase agreements, and any other agreement providing for gas to be sold to United as contemplated by the settlement, and (4) amends its regulations to provide that a rate of at least 150 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale may be charged and received by a small producer and paid by the purchaser, as the lawful, just, and reasonable rate provided by the Commission pursuant to the Natural Gas Act.

While United asserts that further hearings in this matter would not serve any useful purpose, the Commission finds that the record in this proceeding should be reopened for the limited purpose of admitting and considering the documents designated as Appendix A, that a further hearing should be held for the purpose of receiving and considering evidence to support the proposed settlement embraced by Appendix A fully on its merits and that the presiding administrative law judge should thereafter certify to us the proposed settlement together with the record and his initial decision thereon.

Any persons desiring to protest the proposed settlement or to be heard in connection therewith should file protests or petitions to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of § 1.10 or § 1.8, respectively, of the Commission's rules of practice and procedure, 18 CFR 1.10 or 1.8, respectively, on or before July 16, 1975. All duly filed protests will be considered by the administrative law judge and by the Commission in determining the appropriate action to be taken but will not make the protestants parties to the proceeding. Persons wishing to participate as parties in the further hearing must become parties to the proceeding by filing petitions to intervene in accordance with § 1.8 of the Commission's rules. Appendix A is on file with the Commission and is available for public inspection.

The parties shall file their direct evidence to support the proposed settlement together with their initial comments thereon on or before July 16, 1975. Rebuttal evidence and reply comments, if any, shall be filed by July 30, 1975. The presiding administrative law judge shall establish further procedural dates.

The Commission finds. Good cause exists for reopening the record in this proceeding for the limited purpose of admitting, supporting and considernig Appendix A described herein.

The Commission orders. Public notice of the filing of the proposed settlement embraced by Appendix A described herein and of this action shall be given and published forthwith, and the record in this proceeding is reopened for the limited purpose of admitting, supporting and

V40-127 JUL 1 75 XUM

considering Appendix A in accordance with the procedures established herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-17057 Filed 6-30-75;8:45 am]

[Docket Nos. RP73-94, etc.]

VALLEY GAS TRANSMISSION, INC. AND TENNESSEE GAS PIPELINE CO.

Order Prescribing Procedures

JUNE 17, 1975.

The Commission Staff on April 18, 1975, moved the Commission for an order (1) severing the rate proceedings in Docket No. RP73-94 from the other consolidated proceedings, (2) denying withdrawal of a petition to amend filed by Valley Gas Transmission, Inc. (Valley) in Docket No. G-19618, (3) requiring Valley to show cause why it should not be held in violation of the Natural Gas Act for dedicating gas reserves twice over, (4) requiring Tennessee Gas Pipeline Company, a division of Tenneco, Inc., (Tennessee) to show cause why it should not be held in violation of the Natural Gas Act for receiving gas dedicated to Natural Fuel Gas Company (NFG), (5), requiring Tennessee to show cause why it should not be required to pay back to NFG 74.69 Bcf of natural gas wrongly diverted, and (6) vacating hearings previously ordered. Answers opposing the Staff's motion in whole or in part were filed on or about May 5, 1975, by Valley, Tennessee, NFG, Consolidated Gas Supply Corporation, Bay State Gas Company et al., and Columbia Gas Transmission Company.

Docket No. RP73-94 arose from a rate increase filing by Valley and involved a proposed purchased gas cost adjustment provision. Tennessee is authorized by Commission orders in Docket Nos. CP63-247 (29 FPC 1000) and CP75-93 (33 FPC 617) to transport for NFG up to 34,810 Mcf of gas per day (14.73 psia), which gas is purchased by NFG from Valley under Commission orders in Docket Nos. CP63-270 (30 FPC 349) and CP65-123 (33 FPC 617). Various filings were made in these several certificate dockets and in Docket No. CP75-53 to carry out a proposed settlement agreement dated July 8, 1974, relating to the supply and delivery of gas to Tennessee and NFG.

In an order of December 27, 1974, the Commission considered the proposed 1974 settlement. It found that Tennessee's customers in Docket No. RP73-94 were taken somewhat by surprise and that the rate proceeding should be consolidated with the certificate proceedings, and it remanded the settlement and the six certificate filings so that a record could be formed and the public interest determined.

Subsequently on March 6, 1975, the parties entered into a new settlement agreement providing as follows:

(1) All of the Luby and Petronilla Field reserves available to Valley under a contract with Pan American Petroleum Corporation were dedicated *ab initio* to NFG;

(2) The entire balance of the Luby and Petronilla Field reserves estimated at 40 Bcf is committed by Valley to NFG;

(3) The existing sales contract dated March 27, 1963 between NFG and Valley, which is the basis of the certificate in Docket No. CP63-270, will be terminated;

(4) The sales contract dated October 23, 1964, between NFG and Valley that is the basis of the certificate rate in Docket No. CP65-123 will be amended so that NFG will be entitled to all of the gas produced from the reserves. Further Valley dedicated its reserves and sufficient additional reserves to bring aggregated daily deliveries up to 35,000 Mcf.

(5) Valley will cause its affiliate, HNG Fossil Fuels Company, to sell to NFG all of its interest in gas from certain offshore reserves.

(6) NFG and Tennessee will execute agreements for the transportation of the gas sold by Valley and Fossil Fuels to NFG.

(7) Tennessee will pay back to NFG a total of 29.2 Bcf of Natural Gas, but this will be reduced by deliveries in excess of 35,000 Mcf a day to NFG.

As a result of the proposed settlement, Tennessee withdrew its application of August 23, 1974, in Docket No. CP75-53 and in that docket now requests authorization to sell to NFG 9,946 Mcf of gas per day so as to effect the pay-back deliveries. Tennessee also withdrew its application filed the same date in Docket Nos. CP63-247 and CP65-93 covering the transportation gas and submits a request that the transportation volume be reduced from 34,810 to 14,919 Mcf per day. In addition Valley withdrew its applications filed August 13, 1974, in Docket Nos. G-19618, CP63-270 and CP 65-123. In CP63-270 Valley seeks to abandon sales to NFG of 24,864 Mcf per day and in CP65-123 to consolidate all of its sales to NFG under one certificate.

We can consider the Staff's several requests as follows:

(1) Severing Docket No. RP73-94 from the certificate cases—The Staff contends that the certificate matters are inappropriate for consolidation with the original rate proceedings and should be severed. It says that severance is advisable in view of questions raised by the parties and the Administrative Law Judge concerning the relationship between Valley's purchased gas adjustment sought in Docket No. RP73-94 and the present proceedings. No party except Columbia [1] objects, and we agree with the Staff that the rate case should be severed from the certificate cases.

(2) Denying withdrawal of the petition to amend Valley's certificate in Docket No. G-19618—Valley says that its petition to amend the certificate in Docket No. G-19618 is designed to carry out the 1974 settlement by shifting gas production from NFG to Tennessee, but under the 1975 settlement the reserves dedicated to NFG will remain dedicated to NFG, so that the Commission should permit Valley to withdraw its petition to amend in Docket No. G-19618. The Staff says, on the other hand, that the petition to clarify the reserve dedications of Valley to Tennessee forms a part of the issues in this docket and should accordingly be retained to permit continued examination of Docket No. G-19618. We agree with this view and deny withdrawal of the petition.

(3) (4) Orders to show cause as to why Valley and Tennessee should not be held in violation of the Natural Gas Act—Staff takes the position that no activities in violation of the Natural Gas Act can be concealed by settlement and that under the present factual situation Staff is unable to enter into any agreement to conceal these activities. Staff says that Valley has apparently made an overlapping dedication in Docket No. G-19618 and CP63-270 between Tennessee and NFG. Also Tennessee with knowledge of Valley's letter dedicating reserves to it nevertheless undertook a transportation agreement in Docket No. CP63-247 to deliver gas to NFG, and continued to deliver the amounts specified in the docket by making up shortages from the Luby and Yeary Fields without certificate authority.

Valley denies Staff's allegations. It says that it made a limited dedication in the Petronilla Field to Tennessee and a specific dedication to NFG and that this did not constitute the dedication of the same reserves twice, nor an overlapping dedication, but assuming an overlapping dedication, it was wholly inadvertent.

Tennessee argues that all of the gas sold to NFG or Tennessee is carried by the Tennessee system in any case, and that if gas should have been sold to NFG but was sold to Tennessee, it would have been used for the benefit of all of Tennessee's customers, including NFG.

While we understand these contentions, the record shows a controversy over the dedication of the Valley reserves and some indication that shifting of reserves between NFG and Tennessee have occurred without Commission approval. We are of the opinion, therefore, that the whole matter should be examined through the issuance of an order to show cause directed to Valley and Tennessee. We think the show cause issues should be heard separately from the issues arising from the certificate applications and the proposed settlement. Therefore we shall designate the proceedings relating to the certificates and settlement as Phase I and the proceedings relating to the show cause issues as Phase II.

(5) Order to show cause why Tennessee should not pay back 74.69 Bcf to NFG—The Staff cites proposed testimony of NFG's witness that through February 1973, Tennessee received upwards of 74.69 Bcf of natural gas from the Petronilla Fields that was dedicated to NFG. Staff suggests that this testimony be deemed a complaint and that an order be issued directing Tennessee to show cause why it should not be directed to pay back up to 74.69 Bcf of natural gas to NFG.

Valley contends that focusing on the 74.69 Bcf figure overlooks the agreement of Valley's affiliate, HNG Fossil Fuels Company to dedicate to NFG production from seven offshore tracts. Moreover, Valley asserts that the 74.69 Bcf is a figure for which there is no explanation in the record. Tennessee contends that NFG has agreed to accept 29.2 Bcf, and Tennessee's customers should not be forced to give up the 74.69 Bcf.

The Bay State Group contends that the Staff's motion would prejudice the question of pay-back and would put a much heavier burden on Tennessee and its customers than the parties had agreed upon. Consolidated Gas says that it is Tennessee's customers who will suffer the real burden of the pay-back and it is improper to shift the burden to Tennessee to show why 74.69 Bcf of gas should not be diverted from its other customers to NFG. Columbia Gas would not prolong the litigation over liability.

In our opinion the question of how much gas, if any, has been diverted from NFG to Tennessee is a question that should be investigated in Phase I in determining whether the 1975 settlement and any payback associated with that settlement is appropriate and in the public interest. We expect the presiding Judge to address the certificate issues concerning the diversion, including what customers were given an advantage by the diversion and what customers would be injured by payback. Because the payback question is the subject of Phase I as provided below, we shall not include it in our order to show cause. Our action is without prejudice to its renewal in Phase II should Phase I fail to reach a satisfactory resolution of the diversion and payback issues.

(6) Vacating hearings previously ordered—No respondent agreed with this suggestion; Valley and NFG objected to it specifically. Since some of the record already made relates to the reserve dedication, we do not believe it should be wiped out and proceedings begun anew. Rather we believe that the show cause matters, listed above under (3) and (4) should be heard in a separate phase of these proceedings, which we have designated as Phase II. This would leave in Phase I the 1975 settlement, the pay back issue and the other issues raised in the certificate proceedings.

The Commission further finds. It is necessary and appropriate in the administration of the Natural Gas Act that Docket No. RP73-94 be severed from the certificate proceedings, that withdrawal of Valley's petition to amend in Docket No. G-19618 be denied, that Tennessee and Valley be ordered to show cause as provided below, and that Staff's motion to vacate previous hearings be denied, but the show cause proceedings be heard in Phase II of the certificate case.

The Commission orders. (A) Docket No. RP73-94 is severed from the remaining dockets consolidated herein.

(B) Valley's withdrawal of its petition to amend its certificate in Docket No. G-19618 is denied.

(C) Valley shall show cause why it should not be held in violation of the Natural Gas Act with respect to the matters discussed above.

(D) Tennessee shall show cause why it should not be held in violation of the Natural Gas Act with respect to the matters discussed above.

(E) So much of Staff's motion which seeks an order for Tennessee to show cause why it should not be required to pay back to NFG 74.69 Bcf of natural gas diverted to Tennessee's own use is denied without prejudice to its renewal in Phase II of these proceedings.

(F) The matter covered by ordering paragraphs (C) and (D) shall be heard in Phase II of the proceedings in Docket Nos. G-19618, CP63-270, CP65-123, CP63-247, CP65-93, and CP75-53.

(G) A public hearing on the Phase II matters covered by ordering paragraphs (C), (D), and (F) shall be held in a hearing room of the Federal Power Commission, 825 North Capitol St. NE., Washington, D.C. 20426 commencing on September 9, 1975.

(H) The Presiding Administrative Law Judge shall hold such pre-hearing conferences as necessary; and the parties shall file their evidence on dates to be fixed by him.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-17058 Filed 6-30-75;8:45 am]

[1] In its answer Columbia says that the Staff intends to splinter the present proceedings into a number of proceedings which will require independent determination. The Staff asked only that Docket No. RP73-94 be severed from the other proceedings.

[Docket No. E-9500]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

JUNE 24, 1975.

Take notice that on June 17, 1975, Virginia Electric and Power Company (VEPCO) tendered for filing a contract supplement dated April 4, 1975, to its FPC Electric Tariff Original Volume No. 2 for the Greenville Utilities Commission (GUC), Greenville, North Carolina. This supplement supersedes Supplement B dated January 30, 1969. A copy of the revised Supplement B was submitted with this filing.

VEPCO states that this supplement is to allow VEPCO to combine GUC's new 115 KV delivery point with the existing 34.5 KV delivery point by totalized metering, and that after the connection is made GUC will limit its 34.5 KV delivery point load to 100 MVA.

VEPCO states further that no later than April 30, 1980, the Greenville Utilities Commission will have ceased receiving 34.5 KV delivery and will have only a 115 KV delivery point connected, or will pay to VEPCO a Monthly Facilities Charge for Excess Facilities in accordance with Article 15 of VEPCO's FPC Electric Tariff, Original Volume No. 1.

VEPCO requests that the effective date of this Supplement Contract with GUC to be as of the date of connection of the facilities which is expected to occur sometime in September, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-17054 Filed 6-30-75;8:45 am]

[Docket Nos. E-9420, E-9421]

YANKEE ATOMIC ELECTRIC POWER CO. AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order Accepting Proposed Rate Increases for Filing, Suspending Same, Consolidating Dockets, and Establishing Procedures; Correction

JUNE 10, 1975.

In the order accepting proposed rate increases for filing, suspending same, consolidating dockets, and establishing procedures, issued May 30, 1975, add the word "tendered" to the second line of the first paragraph of the Order issued May 30, 1975. The word should appear after the word "(Yankee)", published in the FEDERAL REGISTER on June 5, 1975, 40 FR 24250.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-17059 Filed 6-30-75;8:45 am]

[Docket No. E-9239]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

JUNE 25, 1975.

Take notice that Indiana & Michigan Electric Company (I&M), on June 20, 1975, tendered for filing proposed changes in its FPC Rate Schedule No. 58 applicable to service rendered by I&M to the City of Richmond, Indiana (Richmond). The proposed changes, I&M states, implement the contractual obligations as set forth in the service agreement between I&M and Richmond. The filing of those changes, I&M further asserts, is authorized by the decision of the United States Court of Appeals for the District of Columbia Circuit in "Richmond Power and Light v. FPC," 481 F.2d 490 (D.C. Cir. 1973).

According to I&M, the proposed changes, if accepted for filing, and if they had been in effect for the twelve calendar months for 1974, would have resulted in a decrease in the rates and charges paid to I&M by Richmond in the sum of $208,392 and would also have resulted in a decrease in the rates and charges to Richmond for the twelve months ending May 1975, in the sum of $168,528, if the

V40-127 JUL 1 75 XUM

rates and charges had been in effect for that time period.

I&M states that copies of the filing were served upon Richmond and upon its counsel, as well as upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17030 Filed 6-30-75;8:45 am]

[Docket No. G-5720, etc.]

CALIFORNIA CO., DIVISION OF CHEVRON OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 10, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5720 D 5-27-75	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Eastern Transmission Corp., Hico, North Choudrant and Tremont Fields, Lincoln and Ouachita Parishes, La.	Production has ceased	
G-6045 C 5-27-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	[1] 60.0414	15.025
C161-1062 E 5-20-75	Ocean Production Co., successor to Ocean Drilling & Exploration Co., P.O. Box 61780, New Orleans, La. 70161.	Transcontinental Gas Pipe Line Corp., Block 16 Field, offshore Vermilion Parish, La.	[2] 31.1125	15.025
C161-1499 E 5-20-75	Ocean Production Co., successor to Ocean Drilling & Exploration Co.	Transcontinental Gas Pipe Line Corp., Block 113 Field, Ship Shoal Area, offshore Louisiana.	[2] 27.0	15.025
C161-1708 E 5-20-75	...do...	Transcontinental Gas Pipe Line Corp., South Pelto Block 20 Field, offshore Louisiana.	[2] 27.0	15.025
C166-1124 E 2-10-75	Northern Pump Co., Operator, and others, successor to Forest Oil Corp., 1915 57th Ave. North, Minneapolis, Minn. 55430.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., North Weslaco Field, Hidalgo County, Tex.	[2] 20.06469	14.65
C168-1406 E 5-20-75	Ocean Production Co., successor to Ocean Drilling & Exploration Co.	Transcontinental Gas Pipe Line Corp., Block 17 Field, offshore Vermilion Parish, La.	[2] 31.1125	15.025
C169-670 E 5-20-75	...do...	Transcontinental Gas Pipe Line Corp., Block 239 Field, Ship Shoal Area, offshore Louisiana.	27.0	15.025
C170-543 E 5-20-75	Ocean Production Co., successor to Ocean Drilling & Exploration Co., P.O. Box 61780, New Orleans, La. 70161.	Transcontinental Gas Pipe Line Corp., Block 172 Field, Eugene Island Area, offshore Louisiana.	[2] 27.0	15.025
C170-913 E 5-20-75	Ocean Production Co., successor to Ocean Drilling & Exploration Co.	Transcontinental Gas Pipe Line Corp., Block 101 Field, Vermilion Area, offshore Louisiana.	27.0	15.025
C175-98 E 5-30-75	...do...	Transcontinental Gas Pipe Line Corp., Block 118 Field, East Cameron Area, offshore Louisiana.	43.0	14.73
C175-708 (C160-722) F 5-19-75	Cabot Corp., SW, successor to Amoco Production Co., P.O. Box 1101, Pampa, Tex. 79065.	Panhandle Eastern Pipe Line Co., Barby Ranch Well 1-34 Gas Unit, Beaver County, Okla.	[4] 22.2691	14.65
C175-709 (G-4579) F 5-19-75	Texaco Inc., successor to Cities Service Oil Co., P.O. Box 2420, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Keyes Field, Texas County, Okla.	[2] 19.3075	14.65
C175-711 A 5-22-75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Northwest Pipeline Corp., Craig Gas Unit, La Plata County, Colo.	[2] 56.0	14.73
C175-713 A 5-27-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Acreage in Texas County, Okla.	[2] 54.5000	14.65
C175-714 A 5-27-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Transwestern Pipeline Co., Black River Wolfcamp Field, Eddy County, N. Mex.	[7] 63.2206	14.65
C175-715 A 5-27-75	Tejas Gas Corp., P.O. Box 2808, Corpus Christi, Tex. 78403.	Transcontinental Gas Pipe Line Corp., LaSara Field, Willacy County, Tex.	[2] 50.0	14.65
C175-716 A 5-27-75	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Wamsutter Area, Sweetwater County, Wyo.	[6] 57.96	14.65
C175-717 A 5-27-75	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., Eugene Island Block 208 Field, offshore Louisiana.	[8] 61.0	15.025
C175-718 (C872-458) B 5-27-75	Horizon Oil & Gas Co. of Texas, and others, 1216 Hartford Bldg., Dallas, Tex. 75201.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Adams Ranch Field, Meade County, Kans.	Depleted	
C175-719 A 5-28-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Eugene Island Block 208 Field, offshore Louisiana.	[8] 61.0	15.025
C175-720 A 5-30-75	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	El Paso Natural Gas Co., Cooper, Morrow, Field, Lea County, N. Mex.	[2] 57.4954	14.73

[1] Subject to upward and downward Btu adjustment; includes 1.02¢ per Mcf gathering allowance.
[2] Rate for gas from reservoirs discovered after 10-1-68.
[3] Subject to downward Btu adjustment; includes 0.06469¢ per Mcf tax reimbursement.
[4] Includes 0.8291¢ per Mcf tax reimbursement and 2.44¢ per Mcf upward Btu adjustment.
[5] Includes 0.3075¢ per Mcf tax reimbursement and is subject to upward and downward Btu adjustment.
[6] Subject to upward and downward Btu adjustment.
[7] Includes 8.2463¢ per Mcf upward Btu adjustment.
[8] Applicant is willing to accept a certificate in accordance with § 2.56a of the Commission's General Policy and Interpretations.
[9] Includes 2.9457¢ per Mcf upward Btu adjustment and 3.549678¢ per Mcf tax reimbursement.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-16952 Filed 6-30-75;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

GENERAL SERVICES ADMINISTRATION

[GSA Order PBS 1095]

ENVIRONMENTAL IMPACT STATEMENTS

Preparation Procedures

Notice is hereby given that the General Services Administration in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91-190) is proposing procedures to be followed in implementing ADM 1095.1, Environmental consideration in decisionmaking, that are applicable to the Public Buildings Service facility planning programs in acquisition, leasing, design, construction, management and alterations to GSA property.

Any person who wishes to submit written comments pertaining to the proposed procedures may do so by filing them in triplicate with the General Services Administration (PR), Washington, D.C. 20405, on or before August 15, 1975.

Dated: June 10, 1975.

W. A. MEISEN,
Acting Commissioner, Public Buildings Service.

[PBS 1095.]

GSA ORDER

IMPLEMENTATION OF ENVIRONMENTAL POLICY

1. *Purpose.* This order prescribes the procedures to be followed in implementing ADM 1095.1, Environmental considerations in decisionmaking; laws; Executive orders; and directives with respect to major actions which significantly affect the quality of the human environment. These laws, Executive orders, and directives include the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), hereinafter referred to as NEPA; Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality"; section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470*f*); Executive Order 11593 of May 13, 1971, entitled "Protection and Enhancement of the Cultural Environmental"; Executive Order 11752 of December 17, 1973, entitled "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities"; and the Guidelines issued by the Council on Environmental Quality (CEQ) for preparing environmental impact statements, hereinafter referred to as the Guidelines, published in the Federal Register August 1, 1973, 38 FR 21265 (Appendix A). This order is applicable to PBS facility planning programs in acquisition, leasing, design, construction, management and alterations to GSA property.

2. *Cancellations.* a. PBS 1095.1B is canceled.

b. Chap. 3, Part 3, dated, June 6, 1972, Environmental Considerations in Planning, GSA Order PBS P 7000.6 CHGE 5, subject: Space Requirements and Project Development, is canceled.

c. The letter dated April 9, 1974, from Deputy Administrator for Special Projects to all Regional Administrators, subject: Bureau of Prisons projects, is canceled.

d. The letter dated April 23, 1973, from the Acting Commissioner, PBS to All Regional Commissioners, PBS; All Assistant Commissioners, PBS; the Associate Commissioner for Project Management (PJ), subject: Environmental Impact Statements, is canceled.

e. The letter dated June 19, 1973, from the Acting Commissioner, PBS, to All Regional Commissioners, PBS, and Assistant Commissioner for Operating Programs (PM), subject: Environmental Assessments, is canceled.

f. The letter dated May 30, 1974, from the Deputy Administrator for Special Projects to Heads of Services and Staff Offices and All Regional Administrators, subject: Changes in Environmental Impact Statement Requirements, is canceled.

g. The letter dated October 3, 1974, from the Acting Commissioner, PBS, to All Regional Commissioners, PBS and the Assistant Commissioner for Operating Programs (PM), subject: Advanced Coordination on those projects which Might Affect Environmental and Historic Preservation, is canceled.

3. *Background.* Section 102. of NEPA directed all Federal agencies (a) to utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment; (b) to develop methods and procedures which will ensure that environmental concerns, effects, and values are given appropriate consideration with economic and technical issues in decisionmaking; and (c) to prepare detailed statements on recommendations or reports for legislative proposals and other major Federal actions that may significantly affect the quality of the human environment. Executive Order 11514 effectuates the purpose of NEPA, and the revised Guidelines to implement NEPA have been issued by CEQ.

4. *Responsible officials for determining the course of environmental action.* The Regional Commissioners, PBS, and the Assistant Commissioner for Operating Programs (3M) have the initial responsibility for making the threshold decision for (1) determination whether an action is "a major Federal action significantly affecting the quality of the human environment", and (2) the preparation of environmental assessments and submission of negative declarations or draft and final environmental impact statements. The PBS Assistant Commissioners and the Associate Commissioner for Project Management may request the preparation of environmental assessments, and/or draft and final environmental impact statements from the Regional Commissioners. However, when the proposed action has been designated as a project pursuant to GSA Order ADM 5400.24, Project Management in the Public Buildings Service, such determination shall be made only after consultation with the Project Manager.

a. *Assistant Commissioner for Space Planning and Management (PR).* PR shall be responsible for the overall direction of environmental protection within PBS for those policy and procedure programs listed in par. 1, above, and shall:

(1) Provide professional and technical guidance to Commissioner, PBS, Associate Commissioner and other Assistant Commissioners, PBS, and Regional Commissioners, PBS;

(2) Review, evaluate, and process for final approval by office of General Counsel (L); Director of Environmental Affairs (PWA); and Commissioner, PBS, negative declarations (supported by environmental assessments) and draft and final environmental impact statements (EIS);

(3) Consult with the Director, Environmental Affairs (PWA), and the General Counsel (L) on matters pertaining to environmental protection in PBS;

(4) Develop and coordinate service orders, regulations and guidance on the PBS environmental programs; and

(5) Assist the regional offices in scheduling environmental considerations to preclude delays in completing those actions defined in the Attachment, par. 14.a.

b. *Assistant Commissioners for Buildings Management (PB), Construction Management (PC), and Associate Commissioner, Project Management Office (PJ).* These officials shall be responsible for maintaining program reviews of EIS's to ensure program activities are compatible with environmental protection and in compliance with GSA ORDER ADM 1095.1, and illustrated by their review of the following:

(1) New technology, research and development;

(2) Initiation of new programs;

(3) Development and revisions to orders, handbooks specifications and directives to the field;

(4) Initiation of environmental assessments and environmental impact statement action; and

(5) Establishment of continual liaison and coordination with Office of Space Planning and Management on environmental protection programs.

5. *Procedures.* Environmental assessments and negative declarations prepared by the Regional Commissioners on planning, acquisition, and alteration programs are submitted to the Assistant Commissioner for Space Planning and Management to ensure full compliance with all applicable acts, orders and guidelines related to environmental planning. The Commissioner, PBS, is responsible for approving the draft environmental impact statement or negative declaration and transmitting the signed document to the Deputy Administrator for Special Projects through the Office of General Counsel (L), and the Director of Environmental Affairs (PWA). The Office of General Counsel (L), and the Director of Environmental Affairs (PWA) must concur with the negative declaration before any further administrative action can be taken on the project. Draft and final environmental impact statement shall be signed by the Deputy Administrator for Special Projects for submission to the Council on Environmental

V 40 - 127 JUL 1 75 XUM

Quality (CEQ), heads of Federal agencies, Governors, Senators, and Congressmen. Preparation of the draft environmental statement by the responsible official shall be with full cooperation and coordination with all other PBS officials as necessary. The draft and final environmental impact statement must be circulated as prescribed in GSA Order ADM 1095.1. After all comments on the draft statement are received, the regional office shall prepare a final environmental statement.

Additional procedures for implementing this order are contained in the attachment to this order.

6. *Reports.* The reports required by this order are exempt from reports control.

ATTACHMENT

IMPLEMENTATION OF ENVIRONMENTAL POLICY

1. *Determination of what is a "major Federal Action significantly affecting the quality of the human environment".* This is in a large part a judgment based on the circumstances of the proposed action, and the determination shall be included as a normal part of the decisionmaking process.

a. Types of actions normally requiring an environmental assessment are:

(1) Recommendations or reports concerning legislation, including requests for appropriations, proposed by GSA or members of Congress resulting in physical action involving, but not limited to proposals for new Federal construction under the Public Buildings Act of 1959 as amended.

(2) Administrative action involving:

(a) Procurement of space through major lease-construction or construction of buildings for Federal agency use;

(b) Extensions, repair and alterations to public buildings;

(c) Use of GSA property through lease, permit, or license resulting in a significant change in usage of the property; and

(d) Proposed exchanges of real property to acquire sites.

(3) Formulation and issuance of regulations, procedures and policies which may have environmental consequences.

b. Actions significantly affecting the human environment are those that:

(1) Impact upon the environment even if on balance beneficial effects outweigh the detrimental ones;

(2) Curtail the range of possible beneficial uses of the environment including irreversible and irretrievable commitments of resources;

(3) Serve short-term uses rather than long-term environmental goals;

(4) May be localized in their effect, but nevertheless, have a harmful environmental impact; and

(5) Are attributable to many small actions, possibly taken over a period of time, that collectively can be defined as a major action with a significant impact (either adverse or beneficial).

2. *Changes having an impact on quality of human environment.* A significant change is any change which significantly alters, disrupts, destroys or transforms any aspect of the physical, social or aesthetic environment. Such a change may have either an adverse or beneficial impact on the quality of the environment.

3. *Application of standards.* In some cases where national, state, or local standards have been developed, the impact level determining significance is defined by the minimum acceptable level of the adopted standards. But, where national standards are involved there still may be geographical differences defined by local priorities which may warrant greater emphasis than is specified by the minimum standard.

4. *Criteria.* Factors having potential and identified impact which may significantly affect the quality of human environment, include, but are not limited to the following:

a. The readily recognizable physical factors; i.e., air and water quality, ambient noise levels, sewage and waste disposal, etc.

b. Changes in land use or zoning.

c. Socio-economic factors; i.e., proximity to low and moderate income residential housing on a nondiscriminatory basis, necessity for relocation of residential properties, changes in traffic patterns causing changes in mode of transportation, traffic congestion or increase in distance and commuting costs to the proposed building occupants; known public controversial aspects of the project, and

d. Cultural, architectural or archeological aspects of a project illustrated by possible infringement on historical properties or disturbance to important archeological artifacts.

5. *Class actions and criteria.* To clarify threshold decisions and to categorize class actions applicable to the environmental protection process, typical PBS actions have been identified as follows:

a. *Category I., Projects which will almost always require EIS*

(1) Master Plan

(2) Construction project

(a) Projects requiring preparation of a prospectus, Federal Construction or Lease Construction.

(b) Projects undertaken for another Federal agency where the assessment process identifies significant known or potential environmental impact(s). An example of a project undertaken which would always require an EIS (paragraph 4.c. above) is development of a Federal correctional center.

(3) All PBS projects where the assessment process identifies known or potential significant environmental impact.

(4) Alteration projects entailing laboratory space which will utilize dangerous or hazardous chemicals, drugs, or radioactive materials.

b. *Category II., Projects which may require EIS or further assessments.* (1) Construction (non-prospectus) projects.

(2) Repair and alteration projects requiring a major change in energy requirement or source.

(3) Repair and alteration projects affecting architectural character of buildings of recognized historical importance.

(4) Major leases for new space in existing buildings where assessments have identified environmental controversy.

(5) Real property acquisitions in which the delineated area, but not the site has been identified. (See paragraph 6, below.)

c. *Category III., Projects not requiring EIS (may require assessment and negative declaration).* (1) Supersedng and renewals of lease space.

(2) Projects, any size, which must be undertaken immediately because of inherent fire, public or safety hazard. Regional Counsel is to be notified immediately.

(3) A project in which the Commissioner, PBS, with prior consultation with CEQ has determined that a public or governmental exigency is present. This would be restricted to projects where a limited environmental impact has been identified, but action taken to acquire or renovate property is not irreversible or irretrievable.

(4) Real property acquisitions already covered by EIS for the project or covered by an EIS on the master plan in which the proposed action has been identified and with no change in scope.

(5) Construction project, with no change in scope, which is an integral part of a master plan for which a final EIS has been filed, and all known environmental impacts are being mitigated.

(6) Upgrading of existing space without change in use or relocation of employees.

6. *Negative declaration.* a. A negative declaration is a report of finding, developed to include a brief summary of environmental considerations analyzed and documented as an environmental assessment. The negative declaration is developed and submitted to the Deputy Administrator for Special Projects from the Commissioner, PBS, stating that an analysis of all environmental factors included in an attached assessment for a specific project has been completed.

b. The declaration must state that a review of all environmental factors has been completed and the determination has been made that the development of the project is not considered a major action significantly affecting the quality of human environment; including its impact on historical and cultural properties.

c. In the planning of a project for which the delineated area, but not the site, has been designated, and the environmental assessment provides full support to the negative declaration, the following additional action must be taken by the Assistant Commissioner for Operating Programs (3M) or the Regional Commissioner, PBS. In view of the possibility of environmental impact on one or more sites within the delineated area, an updated assessment is to be prepared. Should the Assistant Commissioner for Operating Programs (3M), or the Regional Commissioner, PBS, conclude there are no known or potential significant environmental impacts following the site selection stage, he shall prepare and sign a confirmation of the negative declaration and document his project files accordingly. Such negative confirmation must have concurrence by Regional Counsel. The negative declaration need not be forwarded to the Central Office in these cases. However, should the updated assessment identify significant environmental impact, he shall proceed with the preparation of the environmental impact statement and notify the Commissioner, PBS, through the Assistant Commissioner for Space Planning and Management (PR). In such cases, it may be necessary to reissue the Solicitation for Offers or Invitation for Bid, or cancel further acquisition actions until the full EIS process is complete.

7. *Environmental assessments.* a. The environmental assessment is one of the most important documents included in the decisionmaking process. It is the basis for judgment by the "responsible official" in his assessment of the proposed action, and can be entered as evidence in hearings and court actions. Therefore, it is of utmost importance that the assessment be a full disclosure document, giving the reader a clear picture of existing and projected environmental conditions, a complete but concise description of the proposed action, and an in-depth evaluation of possible or probable impacts, both primary and secondary, which may be either beneficial or adverse.

b. Each proposed project or action shall be reviewed and a determination made as to whether it constitutes a "major Federal action." Regional Public Buildings Service officials should bear in mind that the effect of many decisions can be individually limited but cumulatively considerable. This can occur when over a period of years decisions by one or a by a number of different agencies are made concerning certain types of projects or actions that individually are minor but collectively are major, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action. The following applies to planning for construction, repair and maintenance of public buildings.

(1) In the planning of projects, an environmental assessment shall be prepared at the Project Development stage. In compliance with OMB Circular A-95 and the CEQ Guidelines, the assessment must include a list of local officials contacted. The assessment will result in preparation of either a negative declaration or a draft environmental impact statement. As the project develops, all environmental considerations will be reevaluated periodically as confirmation of the earlier negative declaration or draft environmental impact statement.

(2) A report of the reassessment of environmental impact will be prepared for major repair and alteration projects and when a site is selected, working drawings and specifications are complete. This reevaluation will require a continuing analysis of GSA-PBS planning, acquisition, and alteration programs and shall be accomplished by the appropriate regional officials.

8. *Draft environmental impact statement.* a. Draft environmental impact statements for historic properties shall be written to meet applicable requirements for compliance with section 106 of the National Historic Preservation Act of 1966 and Advisory Council on Historic Preservation Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800) and published in the Federal Register when the property may be affected by the proposed project or action to such an extent that a statement is required to be filed with the Advisory Council on Historic Preservation pursuant to section 106. Historic properties are defined as properties listed in the National Register of Historic Places or eligible for listing in the National Register. Contact with the State Historic Preservation Officer and the local historical society shall be documented in the statement. For further clarification on historic preservation procedures and how to determine eligibility for listing in the National Register, refer to GSA Order PBS 1022.1.

b. Each statement must reflect that the particular economic and technical benefits of its proposed action have been assessed and weighed against the environmental costs. In the early stages of preparation of the draft environmental statement, the office preparing the statement should consult with those Federal, State, and local agencies possessing expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental impact statements as described below:

(1) *Coordination processes in accordance with OMB Circular A-95.* (a) Projects resulting in construction shall be reviewed for environmental impact. State clearinghouses must be consulted at the earliest practicable time in the planning of the project. In the development of a Project Development Report in the region, the Regional Commissioner is required to contact the appropriate state, regional and local clearinghouses and other appropriate officials in a formal A-95 process.

(b) In addition, a copy of the letter to the State Clearinghouse, issued in accordance with the provisions of this circular shall be forwarded to the Advisory Council on Historic Preservation and the Council on Environmental Quality.

(c) When the A-95 review process of a proposed project or when the consultation with the clearinghouses takes place prior to the filing of a draft environmental impact statement or negative declaration, the comments received represent inputs to the statement or declaration.

(d) Federal agency comments received prior to filing of statement shall be attached to copies of the statement being sent to the agency submitting the substantive comment. The statements being sent to clearinghouses shall include a listing of all agencies from which comments have been received.

(2) *Technical content of draft statement.* The EIS shall include:

(a) A description of the proposed action or a description of reasonable number of alternatives including the information and technical data adequate to permit a careful assessment of the environmental impact of proposed action(s) by commenting agencies. If available, copies of site maps and topographic maps at suitable scales showing the property and the surrounding area shall be provided;

(b) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and other marine life; and on physical systems such as water runoff rates, quantities, and downstream impact on wetlands or flood plains. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area including land use, water supply, public services, and traffic patterns;

(c) Any probable adverse environmental effects that cannot be avoided, such as water, air, or noise pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of NEPA;

(d) A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects, including alternatives outside of GSA's authority to implement. Section 102(2)(D) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." Sufficient analysis of such alternatives, their costs, and their impact on the environment shall accompany the proposed action(s) through the agency review process so as not to prematurely foreclose consideration of options which might have less detrimental effects;

(e) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity. Include a brief discussion of the extent to which the proposed action involves trade-offs between short-term gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. This, in essence, requires assessment of the action(s) from the perspective that each generation is trustee of the environment for succeeding generations;

(f) Any irreversible and irretrievable commitments of resources, i.e.; land, man hours, costs, natural and cultural resources, which would be involved in the proposed action(s) should it be implemented. Identify from the survey of unavoidable adverse impacts the extent to which the action(s) curtails the range of beneficial uses of the environment; and

(g) The economic costs and benefits of the proposed action with the environmental costs and benefits. Alternate courses of action must be discussed as to their effect upon this cost and benefit balance. If a formal cost benefit analysis on the proposed action(s) is prepared, it shall be submitted with the statement. However, information furnished by property owners, appraisers, or public officials such as site offers, estimated site costs, appraisal reports on subsequent site selection or negotiations to acquire sites, shall not be included in draft or final EIS.

9. *List of draft environmental statements and negative declarations.* a. To provide timely public notice and understanding of PBS projects and actions that may have an environmental impact and to obtain the views of interested parties, Regional Commissioners and Assistant Commissioner for Operating Programs shall establish an early notice system for informing the public of the decision to prepare a draft environmental statement on proposed construction, repair, and improvement projects. A list will be maintained of all projects or actions for which environmental statement will be prepared. This list shall be updated weekly. The list shall be available for public inspection. Regional Commissioners and Assistant Commissioner for Operating Programs shall submit early warning lists to the Assistant Commissioner for Space Planning and Management for compilation and forwarding to PWA, as a basis for agency-wide, quarterly reporting to CEQ. Regional lists are to be submitted to PR normally by c.o.b. March 1, June 1, September 1, and December 1 of each year.

b. If it is decided that an environmental statement is not necessary for a proposed project or action (1) which normally requires the preparation of a statement, (2) which is similar to actions for which a significant number of statements have been prepared, (3) which has previously been announced would be the subject of a statement, or (4) for which a negative declaration has been made in response to a request from CEQ pursuant to § 1500.11(f) of the Guidelines, Regional Commissioners and Assistant Commissioner for Operating Programs shall prepare a publicly available record briefly setting forth the decision and the reasons for the declaration.

c. The list of such negative declarations, and any evaluations made to support the declaration or which conclude that preparation of a statement is not yet timely, shall be prepared and made available to the public on request in the same manner as provided for lists of statements under preparation. (See paragraph 9a, above.)

10. *Public meetings.* a. Each major Federal action having a possible adverse effect on the environment will be evaluated to determine whether a public meeting should be held. Consideration will be given to the following elements in deciding whether a public meeting is appropriate:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitments of the resources involved;

(2) The degree of interest or probable opposition to controversial items in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a meeting be held;

(3) The complexity of the issue and the likelihood that information will be presented

V 40 127 JUL 1 75 XUM

at the meeting which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and

(4) The extent to which public involvement already has been achieved through other means, such as earlier public meetings, meetings with citizen representatives, and/or written comments on the proposed action.

b. Draft environmental statement will be made available to the public at least 15 calendar days prior to the time of such meetings, unless the meetings are held prior to the preparation of the statement.

11. *Submission and distribution of draft environmental statement.* Initially, draft environmental statements shall be processed as follows:

a. Three copies of the preliminary draft environmental impact statement for construction, repair and alteration projects shall be transmitted to the Assistant Commissioner for Space Planning and Management, (PR). All Central Office comments on the preliminary draft shall be consolidated prior to being returned to the regional office for preparation of the draft environmental impact statement. The draft statement shall be submitted to the Assistant Commissioner for Space Planning and Management, (PR).

b. When the Assistant Commissioner for Space Planning and Management determines that the statement is satisfactory, he shall forward the statement to the Office of General Counsel, Director of Environmental Affairs, and the Commissioner, PBS, for concurrence, approval, and submission to the Deputy Administrator for Special Projects. The Deputy Administrator for Special Projects will sign the transmittal letters soliciting comments on the draft environmental statement to CEQ, heads of Federal agencies, the appropriate Congressmen, Senators, and Governor of the State which is affected by the proposed action.

c. For prospectus projects, the preliminary draft environmental impact statement is to be submitted with the Project Development Report.

d. On the day the Deputy Administrator for Special Projects signs the transmittal letters to CEQ, etc., sufficient copies of the numbered, dated statement shall be sent to the responsible Regional or Assistant Commissioner who shall sign transmittal letters, and distribute copies of the statements to appropriate local officials, to Federal, State, and local agencies, special interest groups, and the public for comments. In addition, the comments of appropriate state, regional, or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular No. A–95, Revised) shall be solicited unless the Governor of the state involved has designated some other point for obtaining this review.

e. The Council on Environmental Quality (CEQ) will publish in the Federal Register lists of environmental statements received during the preceding week that are available for public comment. The date establishing minimum period of review and advance availability of draft EIS will be calculated from the second Friday following the filing of the statement with CEQ. Draft environmental statements shall be made available to the public without charge to the extent practicable or at a fee which is not more than the cost of reproduction. EIS will also be made available for public review in PBS Central Office and Regional Commissioners' offices during normal working hours.

f. Regional Commissioners and Assistant Commissioner for Operating Programs shall maintain a list of groups, including relevant conservation commissions, known to be interested in PBS activities. In addition, a list shall be maintained of individuals and groups who have requested an opportunity to comment on a project or action. A copy of the draft environmental statement shall be distributed to the individual or groups who have expressed an interest in the project or action covered by the statement.

g. Notice of availability of the draft environmental statement shall be published in one or more local newspapers.

h. Federal agencies which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards" shall be asked to comment on draft environmental impact statements. These agencies are listed in appendix II of the CEQ Guidelines. Appendix III of the Guidelines lists offices within Federal agencies and Federal-state agencies that have information regarding the agencies' NEPA activities and receive other agencies environmental statements for which comments are requested. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 1500.9(a) of the Guidelines.

i. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment seven (7) copies of all draft environmental impact statements.

12. *Preparation of final environmental statements.* The final environmental impact statement shall incorporate GSA–PBS responses to all substantive comments submitted by other Federal agencies, local and state officials, individuals and groups. The sections of the statement where change has occurred will be marked by a vertical line in the margin, unless the final differs substantially from the draft. Where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to our attention the action should be reviewed in light of these comments and a meaningful reference made in the final statement to the existence of these responsible opposing views which were not adequately discussed in the draft statement as well as GSA's position on the issues raised. All substantive comments received on the draft (or summaries thereof where comment has been exceptionally voluminous) should be attached to the final statement, whether or not each comment is thought to merit individual discussion in the text of the statement. PWA will coordinate summarization of comments for forwarding to CEQ.

13. *Submission and distribution of final environmental statements.* a. Following Central Office approval of preliminary final EIS (procedure similar to paragraph 11.a., above), the PBS regional office shall transmit the original and three copies of the final environmental statement as soon as practicable to the Assistant Commissioner for Space Planning and Management, (PR), on construction, repair and alteration projects and acquisition of real property. The original copy of the final environmental statement shall include the original copy of all comments received and exhibits on the draft environmental statement. After review and approval, the necessary copies of the final text of the environmental statement and comments received shall be sent to the Office of General Counsel, the Office of the Commissioner, PBS, and the Director of Environmental Affairs. Upon review and concurrence, the final statement will be sent to the Deputy Administrator for Special Projects for Submission to CEQ and appropriate officials.

b. Copies of final statements, with comments attached, shall be sent to all Federal, State, and local agencies and private organizations, clearinghouses and individuals that made substantive comments on the draft statement and to individuals who requested a copy of the final statement, as well as any applicant whose project is the subject of the statement. Copies of final statements shall in all cases be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. Where the number of comments on a draft statement is such that distribution of the final statement to all commenting entities appears impracticable, the Assistant Commissioner for Space Planning and Management, (PR), will notify PWA and request that CEQ be consulted concerning alternative arrangement for distribution of the statement.

14. *Time requirements for review of draft and final environmental statements.* a. No action is to be taken sooner than 90 calendar days following commencement of the review period for the draft EIS, nor should such action be taken sooner than 30 calendar days after the final environmental statement has been made available to CEQ, commenting agencies, and the public. The term "action", as used in this subparagraph shall mean issuance of a notice to proceed pursuant to a construction or demolition contract, acceptance of offers to sell, vesting of title, relocation and issuance of the 90 day letter required by Section 301(5), Public Law 91–646 and other such activities. Certain procedures are to be excluded from this prohibition (i.e., continuance of design, contracts for appraisal reports, title evidence and surveys, and negotiations for site acquisition). The determination of whether or not another action is an "action" as used in this subparagraph shall be made by the Commissioner, of PBS with the concurrence of the Office of General Counsel and PWA.

b. A time limit of 45 days is provided for comment to the draft statement. If no reply is received from those consulted or a request for an extension of time in which to comment, it will be presumed that the agency or party consulted has no comment to make. When time permits, an extension of the commenting period of up to 15 calendar days may be granted.

c. If the final text of an environmental statement is filed at least 60 calendar days after the notice is published by CEQ in the FEDERAL REGISTER, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

d. Where emergency circumstances make it necessary to take a major Federal action with significant environmental impact without observing the provisions of the Guidelines concerning minimum periods for agency review, the Assistant Commissioner for Space Planning and Management, PR, will advise PWA of the nature of the action and need for requesting an exception to standard procedures. If PWA concurs, he shall obtain the approval of the Commissioner, PBS, and the Deputy Administrator for Special Projects for the exception and consult with CEQ concerning alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, PWA will consult with CEQ concerning appropriate modifications of the minimum periods.

15. *Amendment of draft or final environmental statement.* Responsible regional PBS officials shall keep abreast of any substantial changes in the proposed action that may develop or significant new information that becomes available concerning its environmental aspects. These circumstances shall be evaluated to determine whether the draft or final environmental impact statement should be supplemented or amended. Supplements or amendments to the statements will be issued, as appropriate. Notice of the development will be given to PWA by the Assistant Commissioner for Space Planning and Management, PR. PWA should consult with CEQ with respect to the possible need for or desirability of recirculation of the statement for the appropriate period.

16. *Responsibility for draft and final environmental impact statement preparation in multi-agency actions.* a. Except as provided in subparagraph (b) below, when GSA and one or more agencies (1) directly sponsor an action, or are directly involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, a "lead agency" shall be designated to assume supervisory responsibility for preparation of the statement. Factors relevant in determining the appropriate "lead agency," include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the actions. Where there is a question as to the primary responsibility for statement preparation, the matter will be referred to the Deputy Administrator for Special Projects for referral to the CEQ for resolution. However, it is possible for a statement to be submitted jointly by all agencies concerned with the comments being returned to a single designated agency official. In cases where GSA is the "lead agency" and one or more agencies have partial responsibility for the action, the other agencies shall be requested to provide such information to the responsible PBS official as may be necessary to prepare a suitable and complete environmental impact statement. If another agency is designated to be the "lead agency," the criteria for statement preparation for that agency shall apply.

b. The General Services Administration (GSA) will serve as the lead agency in all projects involving construction of buildings by the Public Buildings Service.

17. *Format requirement.* a. Type draft and final environmental impact statement on white paper with clear black type;

b. The statement number will be assigned in Central Office by the Assistant Commissioner for Space Planning and Management, (PR), in accordance with PBS Information System procedures;

c. Prepare a summary sheet in accordance with the format prescribed in appendix I of the CEQ Guidelines and attach to the environmental statement as the second page; and

d. Prepare a cover sheet for each environmental statement.

[FR Doc.75–17133 Filed 6–30–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332–75]

INTERNATIONAL COMMODITY AGREEMENTS

Investigation

In response to a request dated June 17, 1975, by the Subcommittee on Trade of the Senate Committee on Finance, the United States International Trade Commission has instituted an investigation pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) on the experience of the United States with international commodity agreements. The full text of the request is as follows:

I am writing in behalf of the Subcommittee on Trade of the Committee on Finance to request that the Commission prepare a report on the experience of the U.S. with international commodity agreements. We request that this report be completed and made available to the Committee by mid-September, 1975.

As you are aware, the Trade Act of 1974 in a number of instances directs the President in the exercise of his trade agreement authority to negotiate international agreements to assure fair and equitable access to supplies of food, raw materials, and manufactured products. Section 108, for example, provides that:

ACCESS TO SUPPLIES

(a) A principal United States negotiating objective under section 102 shall be to enter into trade agreements with foreign countries and instrumentalities to assure the United States of fair and equitable access at reasonable prices to supplies of articles of commerce which are important to the economic requirements of the United States and for which the United States does not have, or cannot easily develop, the necessary domestic productive capacity to supply its own requirements.

(b) Any agreement entered into under section 102 may include provisions which—

(1) assure to the United States the continued availability of important articles at reasonable prices, and

(2) provide reciprocal concessions or comparable trade obligations, or both, by the United States.

As you may also be aware, the subject of international commodity agreements has received increased attention in recent months in both domestic and international discussions. On a number of occasions, for example, the Secretary of State has spoken of the need to devise a new economic relationship between consuming and producing countries and has suggested that the U.S. may be interested in negotiating a new series of international commodity agreements.

To assist the Subcommittee on Trade in its oversight function and with a view to the possibility of future commodity legislation, the Subcommittee requests that the Commission undertake a study of past international commodity agreements in which the U.S. has been a participating party. Such a study should include among other things:

1. A general summary of the various commodity agreements to which the United States has been or continues to be a party.

2. A description of the reasons such agreements were entered into and the objects sought to be accomplished.

3. An analysis of the market conditions (supply, demand, prices, etc.) which prevailed prior to, during, and subsequent to such agreements with respect to the commodities covered.

4. A statement of the terms of such agreements and the methods of their operation.

5. An evaluation of the success or failure of the agreement from the perspective of the United States.

Should you or your colleagues have any questions regarding this request, I suggest that you direct your inquiries to Mr. Robert A. Best, Chief Economist of the Senate Finance Committee.

With every good wish, I am

Sincerely,

ABRAHAM RIBICOFF,
Chairman,
Subcommittee on International Trade.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

JUNE 26, 1975.

[FR Doc.75–17130 Filed 6–30–75;8:45 am]

[TA–201–3]

WRAPPER TOBACCO

Investigation and Hearing

Investigation instituted. Following receipt of a petition filed by the Cigar Leaf Tobacco Foundation, Inc., Quincy, Florida, the U.S. International Trade Commission, on June 24, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether wrapper tobacco (whether or not mixed with filler tobacco), not stemmed or stemmed, provided for in items 170.10 and 170.15 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearings ordered. Public hearings in connection with this investigation will be held in Tallahassee, Florida, on Monday, August 11, 1975, at a time and place to be announced in a subsequent notice; in Hartford, Connecticut, on Wednesday, August 13, 1975, at a time and place to be announced in a subsequent notice; and in Washington, D.C., at 10 a.m., e.d.t. on Friday, August 15, 1975, in the Hearing Room, U.S. International Trade Commission, Eighth and E Streets, NW. Requests for appearances at the hearings should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon of the fifth calendar day prior to the hearing.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

By order of the Commission.

KENNETH R. MASON,
Secretary.

JUNE 26, 1975.

[FR Doc.75–17131 Filed 6–30–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on July 18, 1975, at the Marriott Twin Bridges Motel, U.S. 1, Arlington, Virginia, from 9 a.m.—4:30 p.m.; and on July 19, 1975 at 425–13th Street, NW., Suite 1012, Washington, D.C., from 9 a.m.–4 p.m.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educa-

V40-127 JUL 1 75 XUM

tional attainment of disadvantaged children.

The meeting of the 18th will include briefings by specialists in Early Childhood Education. The Council will hear Committee reports during the July 19th meeting.

Because of limited space, all persons wishing to attend should call for reservations by July 7, 1975, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425-13th Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on June 23, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-17074 Filed 6-30-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-40]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL (RTAC) AD HOC PANEL

Notice of Determination

JUNE 26, 1975.

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that continuation of the Ad Hoc Panel on Terminal Configured Vehicles of the RTAC Panel on Aeronautical Operating Systems is in the public interest in connection with the performance of duties imposed upon NASA by law.

The functions of this Ad Hoc Panel are to review and evaluate all phases of terminal configured vehicle research and technology in terms of relevance to current needs and future requirements of the air transportation system industry/user community. The Ad Hoc Panel provides recommendations and advice on the goals, trends, content, and technical balance of these efforts. It is being continued to insure that the programs in this area emphasizes the technologies which are most important and most likely to be used.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.75-17100 Filed 6-30-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PUBLIC MEDIA ADVISORY PANEL

Meeting; Correction

In reference to the June 18, 1975 issue of the FEDERAL REGISTER, 40 FR 65727, the previously announced open session on July 9 from 2:00 p.m.-5:30 p.m. will be closed due to a change in agenda. The entire meeting will be for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance and, accordingly, will be closed for the reasons set forth in the June 18 notice.

ROBERT SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-17210 Filed 6-30-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON CLINCH RIVER BREEDER REACTOR

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Clinch River Breeder Reactor will hold a meeting on July 17, 1975 in the auditorium of the American Museum of Atomic Energy, South Tulane Avenue, Oak Ridge, Tennessee 37830. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the combined application of the Tennessee Valley Authority (TVA) and Project Management Corporation (PMC) for a permit to construct this nuclear power plant. The facility will be located in Oak Ridge, Tennessee. The plant is to use a liquid metal fast breeder reactor and is to have a gross capacity of 380 MW(e).

The agenda for the subject meeting shall be as follows:

Thursday, July 17, 1975, 8:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the TVA and/or PMC and will hold discussions with these groups pertinent to the review of the combined application of the TVA and PMC for a permit to construct the Clinch River Breeder Reactor Plant.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public at 8 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 10, 1975 to the Executive Secretary, ACRS, NRC, Washington, D.C. 20555, Attn: Mr. T. G. McCreless. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555, and the Oak Ridge Public Library, Circulation Center, Oak Ridge, Tennessee 37820, and, also, at the Lawson McGhee Public Library, 500 W. Church Street, Knoxville, Tennessee 37902.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 11 a.m. and 2 p.m.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 15, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 22, 1975 at the NRC Public Document Room 1717 H St., NW., Washington, D.C. 20555 and within approximately nine days at the Oak Ridge Public Library, Circulation Center, Oak Ridge, Tennessee 37830, and at the Lawson McGhee Public Library, 500 W. Church St., Knoxville, Tennessee, 37902. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second St., NE., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after October 20, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: June 26, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-17173 Filed 6-30-75;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to reflect the use of Cycle VI fuel. New safety limit curves are provided, limiting linear heat generation rates are specified for Batch 8 fuel and a revised "flyspeck" curve is provided.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on May 16, 1975 (40 FR 21545). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated May 12, 1975, (2) Amendment No. 3 to License No. DPR-61, with Change No. 3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 20th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-17014 Filed 6-30-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 26, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service, Study of U.S. Cash Grain Pricing, single-time, grain elevators, processors, and grain merchants, Lowry, R. L., 395-3772.

DEPARTMENT OF INTERIOR

Bureau of Mines, Plant Identification Report, 6-1562, single-time, manufacturing plants, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
- Request for Supplemental Information—Brakes, MCS-136, on occasion, motor carrier of passenger and property, Lowry, R.L., 395-3772.
- Runway Calibration/Pilot Information System, FAA 9500, on occasion, airline pilots, Lowry, R. L., 395-3772.

Departmental and other, Los Angeles Double Deck Bus Demonstration Project Passenger Survey, on occasion, passengers on board a transit bus, Strasser, A., 395-5867.

National Highway Traffic Safety Administration, Pedestrian/Bicyclist Accident Report Supplement, on occasion, State, city, and county police agencies, Lowry, R. L. 395-3772.

REVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Quarterly Narrative and Statistical Progress Report, 41520, quarterly, new community developers, Community and Veterans Affairs Division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Gypsum, 6-1216-M, quarterly, gypsum producers, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Medical Report—General, SSA-826, on occasion, physicians, Marsha Traynham, 395-4528.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Application for United States Deputy Game Warden, 3-272, on occasion, State Fish and Game Agents, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Departmental and other, Industrial Shippers Survey—Corporate Level, single-time, industrial firms in Fortune 500 and control group, Strasser, A., 395-5867.

Coast Guard:
- Application (USCG Boating Safety Financial Assistance Program, CG-4802, on occasion, State governments as defined in Public Law 92-75, Marsha Traynham, 395-4529.
- Offer and Agreement (USCG Boating Safety Financial Assistance Program), CG 4804, on occasion, State governments as defined in Public Law 32-75, Marsha Traynham, 395-4529.
- Amendment to Agreement (USCG Boating Safety Financial Assistance Program, CG-4805, on occasion, State governments and nonprofit public service organizations, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-17182 Filed 6-30-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JUNE 25, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 26, 1975 through July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17094 Filed 6-30-75;8:45 am]

V 40-127 JUL 1 75 XUM

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JUNE 25, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 26, 1975 through July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17095 Filed 6-30-75;8:45 am]

[Release No. 34-11493]

INTERNATIONAL FLAVORS & FRAGRANCES, INC.

Boston Stock Exchange Application for Unlisted Trading Privileges in Common Stock; Public Hearing

JUNE 25, 1975.

The Securities and Exchange Commission announced that it has issued an order for the institution of a public hearing, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 ("Act.") to consider whether the granting of the Boston Stock Exchange ("BSE") application for unlisted trading privileges in the common stock of International Flavors & Fragrances, Inc. ("IFF") is necessary or appropriate in the public interest or for the protection of investors.

On August 22, 1974 BSE submitted its application, pursuant to Section 12(f)(1) of the Act, for unlisted trading privileges in IFF securities. In its September 11, 1974 letter IFF notified the Commission of its objection to the application.

The Commission announced that the hearing on BSE's application for unlisted trading in the common stock of IFF will be held before Administrative Law Judge Max O. Regensteiner and will convene at 10 a.m. Tuesday, August 5, 1975, at the Commission's headquarters 500 North Capitol Street, NW., Washington, D.C.

(Sec. 12(f)(2); 78 Stat. 566; 15 U.S.C. 781(f)(2)).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17097 Filed 6-30-75;8:45 am]

[Release No. 34-11492]

LUDLOW CORP.

Boston Stock Exchange Application for Unlisted Trading Privileges in Common Stock; Public Hearing

JUNE 25, 1975.

The Securities and Exchange Commission announced that it has issued an order for the institution of a public hearing pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 ("Act") to consider whether the granting of the Boston Stock Exchange ("BSE") application for unlisted trading privileges in the common stock of Ludlow Corporation ("Ludlow") is necessary or appropriate in the public interest or for the protection of investors.

On April 23, 1974 BSE submitted its application, pursuant to section 12(f)(1) of the Act, for unlisted trading privileges in Ludlow securities. In its May 10, 1974 letter and May 20, 1974 submission Ludlow notified the Commission of its objection to the application and requested a hearing.

The Commission announced that the hearing on BSE's application for unlisted trading in the common stock of Ludlow will be held before Administrative Law Judge Edward B. Wagner and will convene at 10 a.m. Wednesday, August 6, 1975 at the Commission's headquarters, 500 North Capitol Street, NW., Washington, D.C.

(Sec. 12(f)(2); 78 Stat. 566; 15 U.S.C. 78l(f)(2))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17098 Filed 6-30-75;8:45 am]

[70-5699]

NEW ENGLAND POWER CO.

Amendment to Articles of Organization

JUNE 24, 1975.

Notice is hereby given that New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Massachusetts 01581, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7(e), and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

NEPCO proposes to amend its Articles of Organization and Articles I, III, IV, and IX of its By-Laws to provide for the authorization of a new additional class of stock to be called Preferred Stock-Cumulative to rank on a parity with and have the same preferences and rights as the existing dividend series preferred stock but with a par value of $25 rather than $100. Each series of preferred stock-cumulative would be designated "Cumulative Preferred Stock, $25 par value, --% Series." Whenever any vote of the preferred stock would affect only dividend series preferred stock, the dividend series would vote as a single class. Whenever any vote of the preferred stock would affect only the preferred stock-cumulative, the preferred stock-cumulative would vote as a single class. In all other cases, the dividend series preferred stock and the preferred stock-cumulative would vote as a single class. The new preferred stock-cumulative would have one-quarter vote per share.

NEPCO intends to submit the proposed amendments to its Articles of Organization and By-Laws to its stockholders at a special meeting of stockholders to be held on July 25, 1975. In connection therewith, NEPCO proposes to solicit proxies from the holders of its dividend series preferred stock through the use of solicitation material which sets forth the proposals in detail. The declaration states that the proposed amendments require the affirmative vote of two-thirds of the now outstanding 6% cumulative prefered stock and common stock voting as one class and the approval by two-thirds of the outstanding shares of dividend series preferred stock voting as a class. Since NEES, holder of all of the outstanding shares of NEPCO's common stock has indicated that all such shares will be voted in favor of the proposed amendments, NEPCO is not soliciting the votes of the holders of the 6% cumulative preferred stock and common stock.

The fees and expenses to be paid by NEPCO are estimated at $7,500, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary of Nees, of $2,200. It is stated that the Massachusetts Department of Public Utilities has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, that any interested person, may, not later than July 21, 1975, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of the consents of NEPCO's dividend series preferred stock-

holders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered That the declaration regarding the proposed solicitation of the consents of NEPCO's dividend series preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17091 Filed 6-30-75;8:45 am]

[70-5678]

OHIO ELECTRIC CO.

Proposed Issuance and Sale of First Mortgage Bonds

JUNE 24, 1975.

Notice is hereby given that Ohio Electric Company ("Ohio Electric"), an electric generating subsidiary company of Ohio Power Company ("Ohio"), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 12(c) of the Act and Rules 42(a) and 42(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio Electric was organized under the laws of the State of Ohio on January 31, 1972 for the purpose of acquiring, completing the construction of, and operating, the General James M. Gavin Plant (Gavin Plant), a fossil-fired steam electric generating station situated in Ohio along the Ohio River near Cheshire, Ohio. The Gavin Plant is to consist of two nominally rated 1,300,000 kilowatt generating units, the first of which was placed in commercial operation on October 20, 1974 and the second of which is scheduled to be placed in commercial operation later in 1975. It is estimated that the total construction costs of the Gavin Plant will equal at least $600,000,000, an estimated unit cost of not less than $230 per kilowatt. Construction costs aggregating $535,085,000 had been incurred through December 31, 1974 and it is estimated that additional construction costs aggregating $52,700,000 will be incurred in 1975 and not less than $18,199,000 additional construction costs incurred after 1975. By order issued March 21, 1972 (HCAR No. 17504) the Commission authorized Ohio Electric to acquire the Gavin Plant from Ohio Power. The order of the Commission also authorized Ohio Electric to issue its unsecured promissory notes from time to time to seventeen banks under a Bank Loan Agreement in an aggregate principal amount up to $300,000,000 and, in connection therewith, authorized Ohio Electric and Ohio Power to enter into and to perform a Capital Funds Agreement and a Power Agreement. On April 10, 1972, Ohio Power transferred the Gavin Plant to Ohio Electric pursuant to the Capital Funds Agreement in consideration of the issuance and delivery by Ohio Electric to Ohio Power of the securities which the Commission authorized Ohio Electric to issue, and thereafter Ohio Electric effected borrowings under the Bank Loan Agreement until it completed in 1974 the borrowing of the $300,000,000 thereunder. The notes issued under the Bank Loan Agreement mature by their terms on May 31, 1979 and bear interest at a rate equal to one-half of one percent plus the prime commercial loan rate of Manufacturers Hanover Trust Company from time to time in effect. Ohio is entitled under the Power Agreement to receive all power (and the energy associated therewith) available at Gavin Plant and Ohio Power agrees to pay Ohio Electric in consideration for the right to receive all such power and energy, such amounts from time to time as, when added to amounts received by Ohio Electric from any other source, will be at least sufficient for Ohio Electric to pay when due all of its operating and other expenses, including (i) any amount which Ohio Electric may be required to pay on account of any interest and/or any substitute interest on all indebtedness for borrowed money issued or assumed by Ohio Electric and on account of the stated maturities of, and/or all required sinking fund payments and other regular amortization requirements applicable to, such indebtedness and (ii) such additional amount as is necessary after any required provision for taxes on, or measured by, income to enable Ohio Electric to pay required dividends on any preferred stock which it may issue and such amount as will represent a fair return on the common stock equity of Ohio Electric as may be permitted by governmental regulatory authorities having jurisdiction. Ohio Electric filed the Power Agreement with the Federal Power Commission (FPC) on July 3, 1974 as an initial rate schedule of Ohio Electric and an investigation was instituted, which is currently continuing, under section 206 of the Federal Power Act as to the reasonability of the rates and charges specified in the Power Agreement.

Ohio Electric proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $75,000,000 principal amount of First Mortgage Bonds, in one initial series, to mature in not less than 5 and not more than 10 years from the date of issuance of such Bonds. The interest rate and the price to be paid to Ohio Electric for the Bonds will be determined by competitive bidding. The terms of the Bonds preclude Ohio Electric from redeeming any such Bonds prior to July 1, 1980, if such redemption is for the purpose of refunding such Bonds with proceeds of funds borrowed at a lower effective interest cost. The Bonds will be issued under and secured by a Mortgage and Deed of Trust, to be dated as of July 1, 1975, to Chase Manhattan Bank, N.A., ("Trustee"), and an Indenture thereto, to be dated as of the first day of the month in which the Bonds are to be issued.

The Mortgage Indenture is designed to finance 60 percent of the construction costs of the 2 unit Gavin plant plus additions thereto as defined in the Mortgage Indenture. Ohio Electric will not assign its interest or rights to any funds due or to become due under the Capital Funds Agreement or Power Agreement to any person other than the Indenture Trustee. Ohio Electric will not declare or pay any dividend on any class of its capital stock, nor directly or indirectly make any payment on account of the purchase, redemption, acquisition or retirement of any shares of its capital stock, of any class, unless, after giving effect to such declaration, payment, purchase, redemption, acquisition or other retirement, the aggregate amount of the proprietary capital of Ohio Electric, including all of its capital stock and paid in and retained earnings, is at least 53.85 percent of the principal amount of all then outstanding indebtedness of Ohio Electric for borrowed money. The Indenture provides for a cash sinking fund pursuant to which Ohio Electric will be required annually to retire Bonds of the first series issued under the Indenture. The amount of the sinking fund payments for this series will be filed by amendment. It is contemplated that the amount of the annual sinking fund payments for this series and the respective amounts of sinking fund payments in the future for additional series will be sufficient to provide for the retirement of all outstanding Bonds at the expiration of the useful life of the depreciable facilities of the Gavin plant.

The proceeds realized from the sale of the Bonds will be deposited in the construction fund under the Mortgage and will be withdrawn by Ohio Electric on application to the Trustee to pay construction costs of the 2 unit Gavin plant.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. The proposed issuance and sale of the Bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Ex-

V40-127-JUL 1 75 XUM

change Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail/(air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17092 Filed 6-30-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JUNE 25, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 26, 1975 through July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17003 Filed 6-30-75;8:45 am]

[812-3770]

EVEREST FUND, INC. ET AL.

Filing of Application for an Order of Exemption

Notice is hereby given that Everest Fund, Inc. ("Everest") and Fidelity Convertible & Senior Securities Fund, Inc. ("Convertible"), 35 Congress Street, Boston, Massachusetts 02109, open-end diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Fidelity Management & Research Company ("Fidelity"), the investment adviser to, and a shareholder of, Everest and Convertible (collectively referred to as "Applicants"), filed an application on February 28, 1975, and amendments thereto on April 21, 1975, and June 18, 1975, pursuant to section 17(b) of the Act, for an order of the Commission exempting from the provisions of section 17(a) of the Act the merger of Convertible into Everest and, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, for an order of the Commission permitting Fidelity to participate, as a principal, in the merger of Convertible into Everest. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Everest was organized in 1965 and, as of January 31, 1975, had 2,317,364 shares outstanding and net assets of $22,421,968. The present investment objective of Everest is the provison of "modest but growing income . . . combined with capital appreciation * * *." Convertible was organized in 1971 and, as of January 31, 1975, had 1,770,720 shares outstanding and net assets of $11,030,246. The investment objective of Convertible is capital appreciation with income a secondary objective.

Both Everest and Convertible employ Fidelity as investment adviser and a wholly owned subsidiary of Fidelity, The Crosby Corporation, as principal underwriter. The Board of Directors of Everest and Convertible are identical and their officers are susbtantially identical. Accordingly, Everest and Convertible may be deemed to be under common control. Section 2(a)(3) of the Act, in pertinent part, defines an affiliated person of another person to include any person under common control with such other person and an affiliated person of a registered investment company to include any investment adviser of such investment company. Fidelity, therefore, is an affiliated person of both Everest and Convertible, and Everest and Convertible may be deemed to be affiliated persons of each other. Fidelity presently owns 22,912 shares of Everest and 11,269 shares of Convertible. These securities had a value, as of January 31, 1975, of approximately $221,788 and $70,205 respectively and constituted approximately 0.99 percent and 0.64 percent of the respective outstanding voting securities of Everest and Convertible.

Everest and Convertible propose to enter into an Agreement of Merger pursuant to which Convertible will be merged into Everest in accordance with Massachusetts law. Everest will be the surviving corporation and the separate corporate existence of Convertible will cease. The Agreement of Merger and other matters incidental thereto have been approved by the Boards of Directors of Everest and Convertible and must be further approved by the vote of at least two-thirds of the outstanding voting securities of both Everest and Convertible. Shareholders of Everest will also be asked to approve a change in the investment objective of Everest. The proposed new investment objective of Everest is to obtain "reasonable income which shall mean a yield for its shareholders which exceeds the yield on the securities comprising the Standard & Poor's Index of 500 Common Stocks" and to obtain "capital appreciation on the overall portfolio consistent with this objective." The merger of Convertible into Everest will be conditioned upon approval by Everest shareholders of the latter proposal.

On or prior to the effective date of the merger, Convertible will distribute to its shareholders a dividend consisting of substantially all of its net taxable investment income. On the effective date of the merger, the outstanding shares of Convertible held by each stockholder of record will be converted into that number of full and fractional shares of Everest having an aggregate net asset value equal to the value of such stockholder's pro rata interest in the net assets of Convertible. The net asset values of Everest and Convertible, for purposes of the exchange, will be determined as of the close of business on the effective date of the merger.

As of January 31, 1975, Everest and Convertible had, respectively, net unrealized losses of $4,210,670 and $1,905,900, and tax loss carryforwards of $15,624,300 and $4,704,384. Such tax loss carryforwards, or a portion thereof, will be available to offset future taxable gains through January 31, 1980. No adjustments in the aggregate net asset values of Everest and Convertible will be made to compensate shareholders for any potential Federal income tax impact which may result from the differences between Everest and Convertible in the percentage of their unrealized capital losses and tax loss carryforwards to their net assets. Applicants assert that an adjustment is not appropriate because there is no assurance that (1) capital gains will ever be realized which can be offset against the tax loss carryforwards, (2) unrealized losses will ever be realized, or (3) capital gains will be realized against which such losses, if any, may be offset.

SECTION 17(a)

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purpose of the Act. Applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed merger of Convertible into Everest and the exchange of shares of Convertible for shares of Everest by Fidelity in connection with the merger.

Applicants assert that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Shares of Everest will be issued to Convertible shareholders on the basis of the respective net asset values of Everest and Convertible determined at the same point in time. Applicants assert that Fidelity will be treated no differently than all other shareholders of Convertible. Applicants believe that the consummation of the proposed merger will result in certain economies of operation through the reduction of certain expenses, such as auditing fees, filing fees, custodial fees and the expenses of preparation of proxy statements and shareholder reports. The aggregate expenses of consummating the merger of Everest and Convertible are estimated to be $47,700.

Prior to the effective date of the merger, Everest will designate those securities then held by Convertible which are incompatible with the investment objective of Everest or, if delivered to Everest on the effective date of the merger, would be immediately resold by Everest, and such securities will be sold by Convertible. Applicants submit that the proposed merger is consistent with the policies of both Everest and Convertible and the general purposes of the Act. Applicants state that the investment policies and restrictions of Everest and Convertible are substantially identical and that the investment objectives of both Funds are similar.

SECTION 17(d) AND RULE 17d-1

Rule 17d-1, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Because officers and employees of Fidelity, in their capacity as officers of the Funds, proposed the merger to the directors of Everest and Convertible, and because Fidelity will vote its shares in the Funds in favor of the merger and, if the merger is approved, exchange its shares of Convertible for shares of Everest, Fidelity might be deemed to be a participant in the merger with Everest and Convertible, and thus, subject to the provisions of section 17(d) of the Act and Rule 17d-1 thereunder.

Applicants assert that the proposed merger is consistent with the provisions, policies and purposes of the Act. Applicants further assert that the participation of Fidelity, as a shareholder of Convertible, in the proposed merger will be on the same basis, i.e., net assets value, as all other shareholders of Convertible.

Notice is further given that any interested person may, not later than July 18, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 18, 1975 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17065 Filed 6-30-75;8:45 am]

[75-5698]

NATIONAL FUEL GAS CO. ET AL.

Proposal To Issue and Sell Notes to Banks by Holding Company and To Issue and Sell Short-Term Notes to Holding Company by Subsidiary Companies

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and two of its subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution Corporation"), 10 Lafayette Square, Buffalo, New York 14203 and National Fuel Gas Supply Corporation ("Supply Corporation"), 308 Seneca Street, Oil City, Pennsylvania 16301, have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell from time to time through December 31, 1975 unsecured short-term notes in an amount not to exceed $30,000,000 to the following banks:

Bank	Maximum Amount
DuBois National Bank, DuBois Pa.	$500,000
Emporium Trust Co., Emporium, Pa.	200,000
McDowell National Bank, Sharon, Pa.	1,100,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.	1,500,000
Pennsylvania Bank & Trust Co., Titusville, Pa.	2,400,000
Producers Bank & Trust Co., Bradford, Pa.	100,000
First Seneca Bank & Trust Co., Oil City, Pa.	2,250,000
First National Bank of Pennsylvania, Erie, Pa.	2,500,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	1,000,000
Warren National Bank, Warren, Pa.	1,000,000
Marine National Bank, Erie, Pa.	400,000
Marine Midland Bank-Western, Buffalo, N.Y.	6,000,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	6,000,000
The Chase Manhattan Bank, N.A., Buffalo, N.Y.	3,000,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	1,000,000
The Chase Manhattan Bank, N.A. ("Chase"), New York, N.Y.	1,050,000
Total	30,000,000

Each note will be dated as of the date of issue, will mature not later than nine months from the date thereof, and will bear interest at the prime commercial rate of interest in effect from time to time at Marine Midland Bank on such date

V40-127 JUL 1 75 XUM

in the case of banks located in Buffalo and the rate in effect from time to time at Chase in the case of the remaining banks. The notes will be prepayable at any time, in whole or in part, without penalty or premium.

National intends to use the proceeds from the sale of its short-term notes to acquire for cash up to $30,000,000 principal amount of short-term unsecured notes proposed to be issued by Supply Corporation. Each such note will be dated the same date and bear the same interest rate as the related short-term note of National. Each such note will mature within nine months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Supply Corporation will have the option, after payment of all notes of prior maturity held by National, to prepay any note at any time or from time to time, in whole or in part without premium. Supply Corporation proposes to use the proceeds from the above loans to finance the purchase of up to $30,000,000 of natural gas and for working capital.

National also proposes to issue and sell from time to time through December 31, 1975, unsecured short-term notes to Chase, pursuant to a credit agreement ("Credit Agreement"), in an aggregate amount not to exceed $12,000,000 outstanding at any one time. The notes will mature within twelve months from their date of issue, will bear interest at the prime commercial rate in effect from time to time at Chase, and will be prepayable in whole or in part at any time without penalty. National will apply the proceeds to purchase up to $12,000,000 of Distribution Corporation's unsecured short-term notes, which will have the same maturity and bear the same effective interest rate as the related note issued by National. Distribution Corporation will use the proceeds to finance its construction program and for working capital.

National has agreed with Chase to maintain average balances of 10 percent of the line of credit plus 10 percent on any portion of the line of credit taken down. Assuming an average balance of 20 percent and a prime interest rate of 7 percent, the effective cost of money would be 8.75 percent. There will be no commitment fee or other costs paid in connection with National's borrowings from Chase.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $5,000. The filing states that the New York Public Service Commission and the Pennsylvania Public Utility Commission have jurisdiction over the issuance and sale of notes by National pursuant to the Credit Agreement and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17066 Filed 6-30-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Guaranteed Loan

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after July 1, 1975, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective July 1, 1975, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten and one-fourth percent (10¼ percent) a year, and the maximum rate on an immediate participation loan shall be nine and one-fourth percent (9¼ percent) a year. These maximum interest rates are unchanged from those published in the FEDERAL REGISTER on March 17, 1975 (40 FR 12189), and shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" (formerly called the "Treasury Peg Rate") for the quarter-year beginning July 1, 1975, will be seven and seven-eighths percent (7⅞ percent) a year. This is an optional "peg" rate for use in connection with fluctuating interest rate loans made in cooperation with SBA.

This notice is issued under 13 CFR 120.3(b)(2)(vi).

(Catalog of Federal Domestic Assistance Programs:

No. 59.012 Small Business Loans.
No. 59.013 State and Local Development Company Loans.
No. 59.014 Coal Mine Health and Safety Loans.
No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans).
No. 59.018 Occupational Safety and Health Loans.
No. 59.001 Displaced Business Loans.
No. 59.003 Economic Opportunity Loans for Small Business).

Dated: June 30, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-17331 Filed 6-30-75;10:33 am]

VETERANS ADMINISTRATION

DEPENDENCY ALLOWANCE FOR SPOUSE TO CERTAIN FEMALE VETERANS CONCERNING PAYMENT OF CERTAIN EDUCATIONAL BENEFITS

Statement of Policy

By virtue of the authority vested in me by section 210(c)(1) of title 38 of the United States Code and pursuant to § 1.551 of Title 38 of the Code of Federal Regulations, I hereby declare the following to be the policy of the Veterans Administration concerning payment of certain educational benefits.

Whereas, the United States District Court for the Northern District of California in a decision, dated April 4, 1973, in the case of "Kathleen C. Greene, et al., plaintiffs vs. Board of Veterans Appeals, et al., defendants," Civil Action No. C-72-643 OJC, held that sections 102(b), 1652(d)(3) and 1682(a) of title 38, United States Code, as they were stated prior to the 1972 amendments to section 102(b) (Pub. L. 92-540), violated plaintiffs' rights of equal protection under the Fifth Amendment to the United States Constitution.

And Whereas; pursuant to the Order of the Court, promulgated May 4, 1973, the Veterans Administration has paid to the plaintiffs the dependency allowance payable to them for their spouses for the appropriate periods of their schooling.

Therefore, in recognition of the decision of the Court in deciding the constitutionality of these sections of title 38 and in order to do equity to all those similarly circumstanced, I hereby declare that the Veterans Administration will pay to any eligible female veteran the dependency allowance properly payable by reason of her having a living spouse for the period of her pursuit of a program of education under the provisions of chapter 34 of title 38 during the period commencing June 1, 1966, and ending October 24, 1972. Payment of this dependency allowance will be made following receipt by the Veterans Administration of a claim supported by acceptable evidence of the marriage. Such claim and supporting evidence should be submitted promptly to the Veterans Administration Regional Office having jurisdiction over the geographic area in which such female veteran resides. To be considered, a claim must be filed on or before July 1, 1976.

Approved: June 16, 1975.

[SEAL] RICHARD L. ROUDEBUSH,
Administrator.

[FR Doc.75-17107 Filed 6-30-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-75-9]

GEORGE A. HORMEL & CO.

Application for Variance and Interim Order; Partial Grant of Interim Order

I. *Notice of application.* Notice is hereby given that George A. Hormel & Company, P.O. Box 800, 501-16th Avenue NE., Austin, Minn. 55912 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the requirement prescribed in 29 CFR 1910.23(c)(1) concerning guarding of open-sided floors, platforms and runways.

The addresses of the places of employment that will be affected by the application are as follows:

George A. Hormel & Co., NE. 6th Place, Austin, Minn. 55912.
George A. Hormel & Co., 160 N. 1st St., Fort Dodge, Iowa 50501.
George A. Hormel & Co., 900 South Platte Avenue, Fremont, Nebr. 68025.
George A. Hormel & Co., East Haven Street, Mitchell, S. Dak. 57301.
George A. Hormel & Co., South H Street, Miami, Okla. 14354.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Applicant originally submitted a request for variance from the above standard's guardrail requirement for the ham-shaving station, pork slaughtering operation, in its facility at Mitchell, South Dakota. On April 7, 1975 applicant amended this request to include all platforms at all work stations in its pork and beef slaughtering operations presently covered by 29 CFR 1910.23(c)(1). On April 24, 1975 applicant submitted extensive supplementary data in support of this amended variance request.

In light of data contained in applicant's submissions and gathered in variance inspections of applicant's Mitchell facility and three other slaughtering facilities not operated by Hormel in the South Dakota-Nebraska area, as well as the observed variation in work stations performing similar operations at these facilities, sufficient information is presently not available to determine whether the safeguards generally proposed by applicant for its beef- and pork-slaughtering platforms would provide working conditions "as safe as" those afforded by standard guardrails. However, such information is available with respect to the ham-shaving operation covered by applicant's original request and continued in its amended application.

These ham-shaving platforms range in height from 4'2" to 6'4" above the adjacent floor and are used by one or more employees, who shave surface hair from slaughtered carcasses which move past the platform by overhead suspension. Employees use razor-sharp knives to perform this operation, which requires considerable flexibility of movement in the shaver's knee-to-shoulder range. The ham-shaving platforms are not less than 3' wide, and are equipped with non-skid surfaces, standard guardrails on three ("non-work") sides, and a toeboard on the working side to signal the location of the edge. In addition, some protection against falls is afforded by the pork carcasses, which move past the platform in close formation immediately next to the open edge and which employees may and do use to steady themselves while performing the shaving operation.

Applicant asserts that installation of a standard 42" guardrail on this working side would severely limit access to carcasses and cause frequent cuts resulting from knives stubbing or striking against the guardrail in the course of shaving activities. It also points to data indicating no recorded injuries from falls from these or any other platforms in over 900,000 man-hours of work in the past five years, and has represented that no falls of any kind from these platforms have occurred. In addition, it has submitted numerous statements from employees and union stewards at its facilities, which statements support its request. It accordingly requests a variance which would permit it to install guardrails 24" in height on the working side of these ham-shaving platforms, asserting that such a rail in combination with the above-described conditions would provide its ham-shavers a workplace as safe against accidental falls as that furnished by standard guardrails.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, Room NX 3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3259, 230 S. Dearborn Street, Chicago, Ill. 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 110 S. Fourth St., Room 437, Minneapolis, Minn. 55401.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 3000, 911 Walnut St., Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 Walnut St., Room 643, Des Moines, Iowa 50309.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 803, Harney and 16th St., City National Bank Bldg., Omaha, Nebr. 68102.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Bldg., Room 15010, 1961 Stout Street, Denver, Colo. 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building, Room 408, 300 North Dakota Avenue, Sioux Falls, S. Dak. 57102.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 31, 1975. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 31, 1975, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, information submitted by the applicant, and information obtained in visits to the slaughtering facilities that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that George A. Hormel and Company be, and it is hereby, authorized to operate its ham shaving stations without standard guardrails on the working side of the platform in lieu of complying with 29 CFR 1910.23(c)(1), with the following provisions:

(1) A guardrail 24" in height and a toeboard 4" in height shall be installed on the working side of all ham-shaving platforms. These safeguards shall in all other respects comply with the requirements of 29 CFR 1910.23 for standard guardrails and toeboards.

(2) The surface of all platforms shall be of non-skid material, and shall permit swift drainage or provide for other rapid removal of blood, fat particles, and similar material.

(3) All platfors shall be no less than 36" wide for their entire length.

(4) Carcasses passing the platform shall be suspended at centers 25" or less, unless wider suspension will not result in significant gaps in the carcass "wall" on the platform's working side.

George A. Hormel and Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of July 1, 1975, and shall remain in effect until a decision is rendered on the application for variance.

V40-127 JUL 1 75 XUM

III. *Remainder of variance request.* Applicant's request for a variance and interim order with respect to other platforms and work stations in the above-listed facilities will be determined as expeditiously as possible.

Signed at Washington, D.C., this 24th day of June 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–17089 Filed 6–30–75;8:45 am]

IOWA PLAN

Approval of State Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan and the adoption of Subpart J to Part 1952 containing the decision.

The Iowa plan provides for the adoption of Federal Standards as State standards (by reference after comments and public hearing). § 1952.163 of Subpart J sets forth the State's schedule for the adoption of Federal standards. By letter dated April 1, 1975 from Jerry L. Addy, Commissioner of Labor to Joseph A. Reidinger, Assistant Regional Director for the Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.211, 1910.217 (39 FR 41846, December 3, 1974); Part 1910.93(q) (39 FR 41848, December 3, 1974); Part 1910.217 (40 FR 3982, January 27, 1975); Part 1910.106(d)(2) (40 FR 3982, January 27, 1975). These standards, which are contained in Chapter 88 of the Code of Iowa (1973), were promulgated after public comment requested on February 7, 1975, hearings held on March 10, 1975, and resolution adopted by the Iowa Bureau of Labor on March 13, 1975, pursuant to Chapter 17a of the Code. The standards were effective on March 13, 1975, and notice of their adoption was published by the State on March 21, 1975.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Room 3000, Federal Office Building, 911 Walnut, Kansas City, Missouri; the Iowa Bureau of Labor, East 7th and Court Avenue, 4th Floor, Des Moines, Iowa; and Office of the Associate Assistant Secretary for Regional Programs, Room N3608, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 1, 1975.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Kansas City, Missouri this 18th day of June, 1975.

J. A. REIDINGER,
Assistant Regional Director.

[FR Doc.75–17090; Filed 6–30–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 801]

ASSIGNMENT OF HEARINGS

JUNE 26, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 75226 Sub 8, DeCarli's Express, Inc., now assigned July 22, 1975 at Hartford, Connecticut; will be held in Room 134 U.S. Courthouse & Federal Office Building, 450 Maine Street.

MC–F–12332, Great Coastal Express, Inc.—Purchase—Shippers Express, Inc., MC 4991 Sub 14, Great Coastal Express, Inc., and MC 4991 Sub 15, Great Coastal Express, Inc., now assigned July 14, 1975, at New York, N.Y., is canceled and transfered to Modified Procedure.

MC 117851 Sub 17, John R. Cheeseman, Application dismissed.

MC–F–12399, Gaines Motor Lines, Inc., and Control—M. & H. Trucking Company, Inc., now assigned July 23, 1975 at Washington, D.C., has been postponed indefinitely.

MC 112696 Sub 48, Hartmans, Incorporated and MC 138000 Sub 9, Arthur H. Fulton, now assigned July 22, 1975 at Washington, D.C., is postponed indefinitely.

MC 25708 Sub 25, Laney Tank Lines, Incorporated, and MC 103191 Sub 49, The Goe. A. Rheman Co., Inc., and MC 106119 Sub 22, Associated Petroleum Carriers, now assigned July 28, 1975, at Columbia, S.C., will be held in Room 3, 2nd Floor, Municipal Building, 811 Washington St.

MC 14751 Sub 4, Nelson Transfer & Storage Company, now assigned July 29, 1975 at Charleston, West Virginia; will be held in Room D, Main Lobby, 1900 Washington Street, East.

I&S 9046, Increased Fares on Passengers and Vehicles, Lake Michigan, now assigned July 22, 1975, at Milwaukee, Wis., will be held in Room 301D, City Hall, 200 E. Wells St.

MC–F–12379 Courier-Newsom Express, Inc.—Purchase—Bergund Trucking, Inc., and MC 69901 Sub 30, Courier-Newsom Express, Inc., now assigned July 28, 1975, at Chicago, Ill., will be held in Room 346A, Federal Building, 230 S. Dearborn St.

MC 118848 Sub 18, Domenico Bus Service, Inc., now being assigned September 22, 1975 (1 week) at Newark, New Jersey; in a hearing room to be designated later.

MC 138276 Sub 2, J & G Transport LTD., now assigned July 22, 1975, at Olympia, Wash., will be held in Room A, 4th Floor, Division of Motor Vehicles, Highways-Licenses Building, 12th and Washington St.

MC 59367 Sub 94, Decker Truck Line, Inc., now assigned July 28, 1975 at Amarillo, Texas, is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–17155 Filed 6–30–75;8:45 am]

[Rule 19, Ex Parte No. 241 Exemption No. 85, Amdt. 3]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 85 issued September 11, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 85 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire September 30, 1975.*

This amendment shall become effective June 30, 1975.

Issued at Washington, D.C., June 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–17165 Filed 6–30–75;8:45 am]

[Rule 19, Ex Parte No. 241 Exemption No. 81, Amdt. 3]

ERIE LACKAWANNA RAILWAY CO. AND LEHIGH VALLEY RAILROAD CO.

Exemption Under Provision of the Mandatory Car Service Rules

Upon further consideration of Exemption No. 81 issued July 15, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 81 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire September 30, 1975.*

This amendment shall become effective June 30, 1975.

Issued at Washington, D.C., June 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–17164 Filed 6–30–75;8:45 am]

FREIGHT LOSS AND DAMAGE CLAIMS

Location Codes for Quarterly Report; Proposed Revision

This Notice announces proposed alteration of location codes in quarterly reports of freight loss and damage claims to the Interstate Commerce Commission. Motor carriers and railroads filing Form QL&D and Form QL&D–R, shown in 49 CFR Part 1249; 49 CFR Part 1243, are affected. The proposed alteration involves additio nof several location codes to Schedule B, and the renumbering of existing location codes.

By providing a greater number of location codes, theft and loss statistics may be compiled for additional high-loss areas participating in the jointly sponsored Department of Justice and Department of Transportation city campaigns to reduce cargo theft and losses. These additional high-loss areas are either defined specifically or provided for generally in 49 CFR Part 1048.

The existing location codes for commercial zones are being renumbered to form a single set of location codes for use by both motor carriers and railroads. This will facilitate comparison of cargo theft and loss between the two modes. A copy of the revised location codes was filed with the Director, Office of the Federal Register. A copy may be obtained by writing the Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423.

Interested persons are invited to participate in the proposed revision by submitting such written data, views, or arguments as they desire. Communications should be submitted in duplicate to: John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Room 6133, Washington, D.C. 20423. All communications received on or before July 30, 1975, will be considered before taking action on the proposed revision. The proposal contained in this Notice may be changed in light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date.

This revision notice is proposed under the authority of section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17).

[SEAL] JOHN A. GRADY,
Director,
Bureau of Accounts.

INTERSTATE COMMERCE COMMISSION

Proposed Location Codes for Quarterly Reports of Freight Loss and Damage Claims, Forms QL&D and QL&D–R

Name	Code	Name	Code
COMMERCIAL ZONE		COMMERCIAL ZONE	
Atlanta, Ga.	60	Seattle, Wa.	80
Baltimore, Md.	61	Washington, D.C.; Virginia area*	81
Boston, Ma.	62		
Chicago, Il.	63	STATES	
Chicago, In.	64	Alabama	01
Cleveland, Oh.	65	Alaska	02
Dallas, Tx.	66	Arizona	04
Detroit, Mi.	67	Arkansas	05
Houston, Tx.	68	California	06
Los Angeles, Ca.	69	Colorado	08
Miami, Fl.	70	Connecticut	09
New Orleans, La.	71	Delaware	10
New York, N.J.	72	Dist. of Columbia	11
New York, N.Y.	73	Florida	12
Oakland, Ca.	74	Georgia	13
Philadelphia, N.J.	75	Hawaii	15
Philadelphia, Pa.	76	Idaho	16
East St. Louis, Il.	77	Illinois	17
Kentucky	21	Indiana	18
Louisiana	22	Iowa	19
Maine	23	Kansas	20
Maryland	24	North Dakota	38
Massachusetts	25	Ohio	39
Michigan	26	Oklahoma	40
Minnesota	27	Oregon	41
Mississippi	28	Pennsylvania	42
Missouri	29	Rhode Island	44
Montana	30	South Carolina	45
Nebraska	31	South Dakota	46
Nevada	32	Tennessee	47
New Hampshire	33	Texas	48
New Jersey	34	Utah	49
New Mexico	35	Vermont	50
New York	36	Virginia	51
North Carolina	37	Washington	53
St. Louis, Mo.	78	West Virginia	54
San Francisco, Ca.	79	Wisconsin	55
		Wyoming	56
FOREIGN COUNTRIES			
Canada	91	Unknown	00
Mexico	92		

*Includes Potomac Yards.

[FR Doc.75–17162 Filed 6–30–75;8:45 am]

[Ex Parte 301]

ENERGY CRISIS AND THE NEED FOR EMERGENCY TRANSPORTATION LEGISLATION

JUNE 25, 1975.

By report and order in the above-entitled proceeding, decided May 9, 1975, and served June 13, 1975, this Commission stated that, "Certain parties, including * * * Houston Chamber of Commerce, * * * assert that we should allow motor carriers to transport as backhaul any traffic they can without the necessity of receiving authority from this Commission." *Energy Crisis and Need for Emergency Transp. Legis.*, 349 I.C.C. 699, 706. By petition filed June 19, 1975, Houston Chamber of Commerce asserts that this misstates its position and requests that the report be corrected and that the parties to the proceeding be notified thereof. Houston Chamber of Commerce suggests further that its participation in the proceeding herein could be summarized more accurately as follows:

The Freight Traffic Committee of Houston Chamber of Commerce offers certain proposals to effectuate increased fuel utilization, including permissive trip-leasing by common carriers of private carrier equipment, suspension of present prohibitions against intercorporate private carriage and altering present Commission policy that discourages carrier publication of "back-haul" rates at a level below system-wide average costs in that other carriers often protest and seek suspension of such rates.

In order to effect the requested modification, the words "Houston Chamber of Commerce" printed at 349 I.C.C. 706 in the above-entitled report, will be omitted from the bound volume in which that report is to appear.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–17163 Filed 6–30–75;8:45 am]

[Notice 16]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 1, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75948. By application filed June 18, 1975, MONROVIA TRANSPORT, INC., 33 East Huntington Drive, Arcadia, Calif. 91006, seeks temporary authority to lease the operating rights of WILEY M. WHITTAKER, 2135 NW. 29th, Portland, Oreg. 97210, under section 210a(b). The transfer to MONROVIA TRANSPORT, INC., of the operating rights of WILEY M. WHITTAKER, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–17156 Filed 6–30–75;8:45 am]

[Notice 17]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 1, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants

V40–127 JUL 1 75 XUM

that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 21, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75372. By supplemental order entered June 19, 1975, the Motor Carrier Board approved the transfer to Coats Freightlines, Inc., Council Bluffs, Iowa, of the operating rights set forth in Certificate No. MC 133229 (Sub-No. 13), issued February 28, 1975, to Coats Freightways, Inc., Council Bluffs, Iowa, authorizing the transportation of meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Minden, Nebr., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Massachusetts, and the District of Columbia. Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106.

No. MC–FC–75694. By order of June 19, 1975, the Motor Carrier Board on reconsideration approved the transfer to Morgan Trucking, Inc., Shelton, Wash., of the operating rights in Certificates Nos. MC 115614 (Sub-No. 1) and MC 115614 (Sub-No. 2) issued April 3, 1967, and January 28, 1972, to Melvin Morgan, doing business as Morgan Brothers, Shelton, Wash., authorizing the transportation of lumber and building board, from the plant site of the Simpson Timber Company at Shelton, Wash., to Aberdeen, Wash., and building materials, between Olympia, Shelton, and McCleary, Wash., on the one hand, and, on the other, Longview, Wash. George Kargianis, 2120 Pacific Building, Third Avenue & Columbia Street, Seattle, Wash. 98104, attorney for applicants.

No. MC–FC–75841. By order of June 23, 1975, the Motor Carrier Board approved the transfer to Reed Truck Line, Inc., Manila, Utah, of Certificate No. MC 59743 Sub-No. 3, issued May 14, 1959, to Levi Riley Reed, Levi Reed, Jr., and Derl W. Reed, a partnership, doing business as L. R. Reed and Sons Truck Line, Manila, Utah, authorizing the transportation of: Cement and lumber from and to specified points in Utah, Wyoming, and Colorado. Lawrence A. Marty, Marty and Ragsdale, P.O. Box 231, Green River, Wyoming 82935, applicants' attorney.

No. MC–FC–75843. By order of June 19, 1975, the Motor Carrier Board approved the transfer to Kall-West Transportation, Inc., Downey, Calif., of the operating rights in Permit No. MC 136909 issued September 18, 1974 to Willferd T. Kallhoff, doing business as Kall-West Transportation, Inc., Downey, Calif., authorizing the transportation of plastic sheets, room dividers, folding screens, and plastic lamp shades, from Redondo Beach, Calif., to Chicago, Ill., Philadelphia, Pa., and Atlanta, Ga., under continuing contract, or contracts with Lancaster Products Co., of Redondo Beach, Calif.; and bronze and iron valves, industrial casters, wheels and platform and hand trucks, from Binghamton, N.Y., and Rome, Ga., to Los Angeles, Calif., Dallas, Tex., Chicago, Ill., Pittsburgh, Pa., and Boston, Mass., and between Binghamton, N.Y., and Rome, Ga., under continuing contract, or contracts with Fairbanks Company of Binghamton, N.Y. Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC–FC–75863. By order of June 19, 1975, the Motor Carrier Board approved the transfer to Hy-Way Transit, Inc., Cedar Grove, Wisconsin, of Permit No. MC 136771 (Sub-No. 2), issued November 7, 1973, to E. H. Teunissen, Cedar Grove, Wisconsin, authorizing the transportation of building materials (except petroleum products), in bulk, from Waterloo and Monticello, Iowa to points in four Wisconsin Counties, under a continuing contract with A. L. Wagner & Company, Inc. Arthur J. Olsen, 602 North 6th Street, Sheboygan, Wis. 53081, attorney for applicants.

No. MC–FC–75867. By order entered June 19, 1975, the Motor Carrier Board approved the transfer to Torino Pacelli, Trumbull, Conn., of the operating rights set forth in Certificate of Registration No. MC 98403 (Sub-No. 2), issued January 13, 1964, to Raymond E. Carroll, doing business as Hampden Trucking Co., Hampden, Mass., evidencing a right to engage in transportation in interstate or foreign commerce of general commodities, anywhere within the Commonwealth. John E. Fay, 630 Oakwood Ave., West Hartford, Conn., 06110, attorney for applicants.

No. MC–FC–75916. By order of June 23, 1975, the Motor Carrier Board approved the transfer to Meier Body Shop & Towing Service, Inc., 3rd and Virginia Streets, Sioux City, Iowa 51101, of the operating rights in Certificate No. MC 118914 issued February 29, 1960, to Clarence E. Meier, doing business as Meier Body Shop & Towing Service, same address, Sioux City, Iowa, authorizing the transportation of wrecked, damaged, or disabled trucks, tractors, trailers, and automobiles, by use of wrecker equipment, between Sioux City, Iowa, on the one hand, and, on the other, specified counties in Iowa, Minnesota, Nebraska, and South Dakota.

No. MC–FC–75926. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to G. Clair Wiley, Colony, Kans., of the operating rights set forth in Certificate No. MC 68665, issued June 17, 1949, to H. W. Powell, Colony, Kans., authorizing the transportation of livestock, between Colony, Kans., and Kansas City, Mo., over specified routes; and general commodities, with the usual exceptions, from Kansas City over specified routes, to Colony, Kans., serving intermediate and off-route points within 12 miles of Colony. James M. Immel, Allen County State Bank Bldg., P.O. Box 348, Iola, Kans. 66749, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-17157 Filed 6-30-75;8:45 am]

[Notice 71]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 25, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 531 (Sub-No. 313TA), filed June 16, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Cutler, Calif., to Laconia, N.H., for 180 days. Supporting shipper: White Mountain Vineyards, Inc., R.F.D. 2, Providence Road, Laconia, N.H. 03246. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 69397 (Sub-No. 16TA), filed June 16, 1975. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, on special equipment, from Bridgeville, Del., and Hollywood, Md., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, and the District of Columbia, for 180 days. Supporting shipper: C. K. Forest Products, Inc., 2938 Hempstead Turnpike, Levittown, N.Y. 11756. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 317, Washington, D.C. 20323.

No. MC 99610 (Sub-No. 20TA), filed June 16, 1975. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second St., Pratt City, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as follows: (1) between Aliceville, Ala., and Columbus, Miss., via Alabama State Highway 14 and Mississippi State Highway 69, serving all intermediate points; (2) between Reform, Ala., and Columbus, Miss., via U.S. Highway 82, serving all intermediate points; (3) between Sulligent, Ala., and junction in Mississippi, at U.S. Highway 45 via U.S. Highway 278, serving all intermediate points; (4) between Hamilton, Ala., and Tupelo, Miss., via U.S. Highway 78, serving all intermediate points; (5) between Russellville, Ala., and Tremont, Miss., via Alabama State Highway 24 and Mississippi State Highway 23; (6) between Columbus, Miss., and Tupelo, Miss., via U.S. Highway 45, serving all intermediate points and Columbus Air Force Base, Miss., and Prairie, Miss., as off-route points; (7) between Fulton, Miss., and Aberdeen, Miss., via Mississippi State Highway 25, serving all intermediate points; (8) between Amory, Miss., and Nettleton, Miss., via Mississippi State Highway 6, serving all intermediate points; (9) Junction U.S. Highway 728 and Mississippi State Highway 8 to junction Mississippi State Highway 8 and U.S. Highway 45.

NOTE.—Ross Neely Express, Inc., now holds regular route authority between specific routes in Alabama, Georgia and South Mississippi. Neely intends to interline traffic at all points at which concurrences are maintained for interchanging traffic, including, but not limited to, Birmingham, Mobile, Montgomery, Decatur, Gadsden, Anniston, Florence, and Dothan, Ala., and Atlanta, Ga.

Neely proposed to join this authority with its existing permanent and temporary authority to serve points in Alabama, Georgia and Mississippi, for 180 days. Supporting shippers: There are approximately 109 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 107002 (Sub-No. 472TA), filed June 17, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, in tank vehicles, from Artesia, Miss., to the sites of the Locks and Dams near Aliceville, Ala., and Columbus, Miss., for 180 days. Supporting shippers: Caisson Corporation, Caisson Drive, Northbrook, Ill. 60062. Inquip Corporation, 2975 Wilshire Blvd., Suite 635, Los Angeles, Calif. 90010. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 111729 (Sub-No. 551TA), filed June 18, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media*, (1) between Baltimore, Md., on the one hand, and, on the other, Nashaua and Newington, N.J.; Glens Falls, Herkimer, Johnson City, Kingston, Poughkeepsie, and Rome, N.Y.; Rocky Mount, N.C.; Butler, Charlerol, Bubois, Greensburg, Kittaning, Lewiston, Lower Burrell, Meadville, Sunbury, and Uniontown, Pa.; Fredericksburg, Hampton, Norfolk, Portsmouth, and Staunton, Va.; Elkins, Morgantown, and Parkersburg, W. Va.; (2) from North Canton, Ohio to Morgantown, W. Va., for 180 days. Supporting shippers: Montgomery Ward & Company, Inc., 800 Geipe Road, Catonsville, Md. 21228. Danbourne Corporation, 4373 Strausser NW., North Canton, Ohio 44720. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, N.Y. 10007.

No. MC 112520 (Sub-No. 308TA), filed June 16, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propellants explosives* (solids), Class B explosives, smokeless powder for small arms, water wet, in bulk, in tank vehicles, under provisions and restrictions of DOT SP 6040, from the plantsite of Olin Corporation in Wakulla County, Fla., to Marion, Ill. and Wolf Lake, Ill., for 180 days. Supporting shipper: Olin Corporation, P.O. Box 222, St. Marks, Fla. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 112822 (Sub-No. 379TA), filed June 16, 1975. Applicant: BRAY LINES INCORPORATED, Box 1911, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry bleach*, dry (Item 2480–NMFC 100–A) packed in cardboard cartons, from the plantsite of the Clorox Company at Chicago, Ill., to tht facilities of the Clorox Company in Houston, Tex., for 180 days. Supporting shipper: The Clorox Company, Beverly R. Mitchell, 7901 Oakport St., Oakland, Calif. 94621. Send protests to: Marie Spillars, Transportation Assistant, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114055 (Sub-No. 5TA) (Correction), filed May 21, 1975, published in the FEDERAL REGISTER issue of June 6, 1975, and republished as corrected this issue. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Prairie View Road, Sakworth, Wis. 43184. Applicant's representative: Ray Kolnik (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of the G. Heileman Brewing Company, Inc., Newport, Ky., to points in Elgin, Ill., Fox River Grove, Ill., and Waukegan, Ill.; also, from the plantsite of the G. Heileman, Brewing Company of Indiana, Inc., Evansville, Ind., to points in Elgin, Ill., Fox River Grove, Ill., and Waukegan, Ill., also, from the plantsite of the G. Heileman Brewing Company, Inc., LaCrosse, Wis., to points in Waukegan, Ill., for 180 days. Supporting shippers: Andro Pucin Distributing Co., Inc., 405 Oakwood Ave., Waukegan, Ill. 60085. Elgin Beverage Company, 1685 Fleetwood Drive, Elgin, Ill. 60120. L & V Distributing, Inc., Route 14, P.O. Box 44, Fox River Grove, Ill. 60012. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to add the Field Representatives address.

No. MC 114118 (Sub-No. 2 TA), filed June 16, 1975. Applicant: MARSHALL McFARLAND, R.F.D. No. 1, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West 5th Ave., P.O. Box 5241, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Circleville, Ohio, to points in Pennsylvania, under continuing contract with Ralston Purina Company, for 180 days.

V40-127-7-1-75 JUL XUM

Supporting shipper: Ralston Purina Company, 901 South Court St., Circleville, Ohio 43113. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 114533 (Sub-No. 323TA), filed June 17, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Audit media and other business records*; (b) *graphic arts material*, between Wabash, Ind., on the one hand, and, on the other, Huntley, Ill.; (2) *Human blood and blood products*, between Omaha, Nebr., on the one hand, and, on the other, points in Marshall and Nemha Counties, Kans., for 180 days. Supporting shippers: Meredith Brown, D. P. Manager, Wabash Magnetics, Inc., 810 N. Cass St., Wabash, Ind. 46992. Charles W. Cairns, Administrator, American Red Cross, Regional Blood Center, 432 S. 39 St., Omaha, Nebr. 68131. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 116314 (Sub-No. 30TA), filed June 17, 1975. Applicant: MAX BINSWANGER TRUCKING, 13846 Firestone Blvd., Santa Fe Springs, Calif. 90670. Applicant's representative: Carl H. Pritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Crestmore and Oro Grande, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor Commercial Zone, for 180 days. Supporting shipper: Riverside Cement Company, P.O. Box 832, Riverside, Calif. 92502. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 116519 (Sub-No. 31TA), filed June 13, 1975. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural landlevelers*, from De Witt, Ark., to ports of entry on the International Boundary line, located in Michigan and New York, for 180 days. Supporting shipper: Scott Landlevelers, Inc., Assistant Manager, David Estes, Route 2, Box 196X De Witt, Ark. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 127824 (Sub-No. 5TA), filed June 17, 1975. Applicant: RONE TRUCKING, INC., U.S. Highway 231, South, Morgantown, Ky. 42261. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Butler, Warren, Grayson, Ohio, and Edmonson Counties, Ky., to (a) points in Warren, Ohio, Logan, Edmonson, Grayson, Daviess, and Muhlenberg Counties, Ky., restricted to the transportation of traffic having a subsequent movement by rail; (b) points in Kentucky, restricted to the transportation of traffic having a subsequent movement by water; (c) points in Tennessee, Indiana, Illinois and Ohio. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with R. E. Summers Construction Company, Inc., of Bowling Green, Ky., or Rone & McGuyer Lumber Company, Inc., of Morgantown, Ky., for 180 days. Supporting shippers: R. E. Summers, President, R. E. Summers Construction Company, 313 State St., Bowling Green, Ky. 42101. Bobby McGuyer, President, Rone McGuyer Co., Inc., Highway 731, South, Morgantown, Ky. 42261. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 133689 (Sub-No. 62TA), filed June 16, 1975. Applicant: OVERLAND EXPRESS, INC., 719 First Ave. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from points in Hopkins, Minn., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, for 180 days. Supporting shipper: Morton Pet Food Company, Box 621, Hopkins Station, Minneapolis, Minn. 55343. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Court House 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134601 (Sub-No. 7TA), filed June 12, 1975. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. No. 1, Ashville, N.Y. 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats and meat products* distributed by meat packing houses as described in Descriptions of Motor Carriers, 61 M.C.C. 209 and 766, from Dakota City, Nebr.; Emporia, Kans., and Town of Harmony, Chautauqua County, N.Y., to Columbus, Ohio; (b) *Frozen meat patties*, from Town of Harmony, Chautauqua County, N.Y., to Cleveland, Ohio, under continuing contract with Fairbank Farms, Inc., for 180 days. Supporting shipper: Fairbank Farms, Inc., R.D. No. 1, Ashville, N.Y. 14710. Send protests to: George M. Parker, District Supervisor, 612 Federal Office Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 138395 (Sub-No. 7TA), filed June 17, 1975. Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals*, between points in Maryland, Delaware, New Jersey, New York, West Virginia, Pennsylvania, Virginia, Ohio and D.C.; (2) *Scrap auto parts and reconditioned auto parts and accessories*, therefore between Baltimore, Md., and points in Pennsylvania, New Jersey and Virginia, for 180 days. Supporting shippers: Penn Del Salvage Company, 504 S. Market St., Wilmington, Del. 19899. H. D. Metal Company, Boundary St., Salisbury, Md. 21801. Riegel Scrap, 518 Young St., Havre De Grace, Md. 21075. C. & M. Automotive, 1800 Worcester St., Baltimore, Md. 21230. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 317, Washington, D.C. 20423.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17166 Filed 6-30-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 26, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 11, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture of paper and paper products, except bulk commodities, from Buffalo, N.Y., to points in Ohio and Marshall Counties, W. Va., Jefferson, Harrison, Monroe, and Belmont Counties, Ohio, Allegheny, Washington, and Green Counties, Pa., and those points in Ohio, Pennsylvania, and W. Va. within 25 miles of Elm Grove, W. Va. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub E15), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between New York, N.Y., on the one hand, and, on the other, points in Ohio and the lower peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 45764 (Sub-No. E10) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, May 27, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in the District of Columbia, on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line, and extending north over New York Highway 282 to Nichols, N.Y., thence northeast over unnumbered highway to Owego, N.Y., thence northwest over New York Highway 96 to junction New York Highway 96B, thence northwest over New York Highway 96B to Ithaca, N.Y., thence northwest over New York Highway 96 to junction New York Highway 5, thence west over New York Highway 5 to Geneva, N.Y., thence north over New York Highway 14 to junction New York Highway 31, thence west over New York Highway 31 to Rochester, N.Y., thence northeast over New York Highway 18 to Sea Breeze, N.Y., on Lake Ontario, thence east and north along the south shore of Lake Ontario to the United States-Canadian Border at Cape Vincent, and thence northeast along that border to its junction with the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to correct the territorial destination.

No. MC 45764 (Sub-No. E14) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, May 29, 1975. Applicant: ROBBINGS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size weight require the use of special equipment, between points in New York in and west of Monroe, Livingston, and Steuben Counties, on the one hand, and, on the other, points in Fairfield, New Haven, Middlesex, and New London Counties, Conn. The purpose of this filing is to eliminate the gateway of Paterson, N.J. The purpose of this correction is to complete the territorial destination.

No. MC 45764 (Sub-No. E49) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, May 29, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment, between points in Pennsylvania on and south of a line beginning at Erie, Pa., and extending southeast over Pennsylvania Highway 8 to junction U.S. Highway 6, thence east over U.S. Highway 6 to junction U.S. Highway 219, thence south over U.S. Highway 219 to junction Pennsylvania Highway 255, thence southeast over Pennsylvania Highway 255 to junction Pennsylvania Highway 555, thence east over Pennsylvania Highway 555 to junction Pennsylvania Highway 120, thence east over Pennsylvania Highway 120 to junction U.S. Highway 220, thence northeast over U.S. Highway 220 to junction Pennsylvania Highway 442, thence southeast over Pennsylvania Highway 442 to junction Pennsylvania Highway 42, thence south over Pennsylvania Highway 42 to junction Interstate Highway 81, thence east over Interstate Highway 81 to junction Pennsylvania Highway 93, thence southeast over Pennsylvania Highway 93 to junction U.S. Highway 209, thence south and east over U.S. Highway 209 to junction Pennsylvania Highway 248, thence east over Pennsylvania Highway 248 to junction Pennsylvania Highway 145, thence southeast over Pennsylvania Highway 145 to Allentown, thence south over Pennsylvania Highway 309 to junction Pennsylvania Highway 663, thence east over Pennsylvania Highway 663 to Quarkertown, Pa., thence southeast over Pennsylvania Highway 313 to junction U.S. Highway 202, and thence northeast over U.S. Highway 202 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to correct the territorial destination.

No. MC 45764 (Sub-No. E69) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, May 30, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) Baltimore City, on the one hand, and, on the other, points in Delaware and Pennsylvania, The purpose of this filing is to eliminate the gateways of points in Maryland within 10 miles of Baltimore, Md. The purpose of this correction is to correct the gateway.

No. MC 45764 (Sub-No. E75) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, May 30, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel and equipment*, used in the erection thereof and moving therewith, the transportation of which because of size or weight require the use of special equipment or special handling, from points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending west over U.S. Highway 22 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, to points in Vermont and New Hampshire. The purpose of this filing is to eliminate the gateway of the Belmont Iron Works at Eddystone, Pa. The purpose of this correction is to correct the territorial destination.

No. MC 61231 (Sub-No. E30), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel tanks*, and *steel road building materials*, from Kansas City, Mo., and Kansas City, Kans., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of facilities of Armco Steel Corp., at Kansas City, Mo.

No. MC 64808 (Sub-No. E43) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, April 24, 1975. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. LaVelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (2) between points in that part of Pennsylvania bounded by a line

V 40 127 JUL 1 75 XUM

beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line and the Pennsylvania-Maryland State line, to the point of beginning, on the one hand, and, on the other, points in that part of Indiana on and south of Interstate Highway 74, including points on the above-described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice will remain as previously published.

No. MC 75840 (Sub-No. E20) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER May 15, 1975, republished in the FEDERAL REGISTER June 5, 1975. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. 35222. Applicant's representative: Guy H. Postell, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine, machinery, plumbing supplies, building materials, bags, bagging, steel, seeds, soap, shortening compounds, cotton linters, and steel tanks* (except commodities in bulk) and those requiring special equipment, from Birmingham, Ala., and points within 65 miles thereof, and Montgomery, Ala., to points in that part of Arkansas on, north and west of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line. The purpose of this filing is to eliminate the gateway of points in Mississippi north of U.S. Highway 82 which are east of U.S. Highway 51, and Memphis, Tenn. The purpose of this partial correction is to include the above in the original letter-notice as filed. The remainder of the letter-notice remains as previously published. The purpose of this correction is to correct the commodity description.

No. MC 100666 (Sub-No. E232) (Correction), filed May 25, 1974, published in the FEDERAL REGISTER May 21, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing*, from points in Arkansas (except those points on, north and east of a line beginning at junction U.S. Highway 63 and the Missouri-Arkansas State line, thence along U.S. Highway 63 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River), to points in Tennessee on, west and north of a line beginning at junction U.S. Highway 45W and the Kentucky-Tennessee State line, thence along U.S. Highway 45W to junction Kentucky Highway 54; thence along Kentucky Highway 54 to junction with the Hatchie River, thence along the Hatchie River to junction with the Mississippi River. This purpose of this filing is to eliminate the gateway of West Memphis, Ark. The purpose of this correction is to clarify the territorial destination.

No. MC 100666 (Sub-No. E257) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER June 12, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) (b) from points in Missouri on, south and west of U.S. Highway 63 from Arkansas-Missouri State line to junction Missouri Highway 14, thence along Missouri Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line, to points in Kentucky on and east of Interstate Highway 65; (c) from points in Missouri on and west of U.S. Highway 63 from Arkansas-Missouri State line to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Missouri-Iowa State line, to points in Tennessee on and east of U.S. Highway 79; (4) (b) from points in Missouri except Newton and McDonald Counties, to points in Oklahoma over 250 miles from Texarkana, Tex., except points in and west of Beaver County; (5) *composition or prepared roofing*, including composition shingles or asbestos, siding and sheet iron roofing, * * * etc. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial destination in (3) (b), (3) (c), and (4) (b) above, and to correct the commodity description in (5) above.

No. MC 102567 (Sub-No. E2) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MC NAIR TRANSPORT, INC., 2040 North Loopwest, Houston, Tex. 77018. Applicant's representative: Tom Wright (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases, in bulk, in tank vehicles), from those points in Texas which are within 150 miles of Henderson, Tex., including Henderson, Tex., and which are south of a line beginning at Chilton, Tex., and extended along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Louisiana State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the exception in the commodity description.

No. MC 102567 (Sub-No. E3) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases, in bulk, in tank vehicles), from Henderson, Tex., and points in Texas within 150 miles of Henderson, to those points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along Alabama Highway 56 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the exception in the commodity description.

No. MC 102567 (Sub-No. E4) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases, in bulk, in tank vehicles), from Henderson, Tex., and points in Texas within 150 miles of Henderson, to points in Florida. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the exception in the commodity description.

No. MC 102567 (Sub-No. E6) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases, in bulk, in tank vehicles), from those points in Texas which are within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Denton, Tex., and extending along Interstate Highway 35E to junction U.S. Highway 179/69, thence along U.S. Highway 175/69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to clarify the exception in the commodity description.

No. MC 106497 (Sub-No. E1), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling; (2) *parts* of commodities described in (1) above which do not require special equipment when moving in the same shipment on the same bill of lading from a single consignor as commodities described in (1) above; and (3) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restricted to self-propelled articles which are transported on trailers), between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Oklahoma, those in New Mexico on and east of U.S. Highway 85, and those in Texas west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Wyoming.

No. MC 106497 (Sub E2), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Missouri 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or handling, and *self-propelled articles*, each weighing 15,000 pounds or more, between points in Ohio on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Oregon, Texas, and Washington. The purpose of this filing is to eliminate the gateway of Indiana and Wyoming.

No. MC 106497 (Sub-No. E4), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require special equipment or handling, and *self-propelled articles*, each weighing 15,000 pounds or more from those points in Kentucky on and east of U.S. Highway 41, to points in Arkansas, Iowa, Kansas, Missouri, Oklahoma, Texas, Louisiana (except Washington and St. Tammany Parishes), and those in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 106497 (Sub-No. E8), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and byproducts, between points in Montana, North Dakota, and South Dakota, on the one hand, and, on the other, points in Arkansas, Louisiana, Texas, those in New Mexico on and south of U.S. Highway 40, and those in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along Missouri Highway 96 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 106497 (Sub-No. E9), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield, which by reason of size or weight requires special equipment or handling, from those points in Louisiana on and south of U.S. Highway 84, and those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico, to points in Arizona, California, Idaho, Nevada, Montana, and Utah. The purpose of this filing is to eliminate the gateway of the plant site of Gulf States Tube Corporation at Rosenberg, Tex.

No. MC 106497 (Sub-No. E10), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield, the transportation of which because of their size or weight requires the use of special equipment or handling from those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 18 to junction Texas Highway 302, thence along Texas Highway 302 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 158, thence along Texas Highway 158 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Interstate Highway 45, thence along Interstate Highway 45 to the Gulf of Mexico, to those points in New York on and east of New York Highway 14, those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, those in West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along Interstate Highway 79 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-North Carolina State line, and those in Tennessee on and east of a line beginning at the Tennessee-Virginia State line and extending along Interstate Highway 81 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of the plant site of Gulf States Tube Corporation at Rosenberg, Tex.

No. MC 106497 (Sub-No. E12), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Transformers*, the transportation of which because of size or weight require the use of special equipment or handling, from those points in Texas on and south of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 80 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 218, thence along Texas Highway 218 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S.

V 40 - 127 JUL 1 75 XUM

Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New York, Notrh Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, those in Alabama on and north of U.S. Highway 80, those in Florida on and west of a line beginning at the Georgia-Florida State line and extending along Interstate Highway 75 to junction Florida Highway 60, thence along Florida Highway 60 to the Gulf of Mexico, those in Georgia on and north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction Georgia Highway 55, thence along Georgia Highway 55 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line, those in Mississippi on and north of Interstate Highway 20 (except Vicksburg, Miss.), and those in Minnesota on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of the plant site of General Electric Co., at Shreveport, La.

No. MC 106497 (Sub E17), filed June 3, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Self-propelled machinery and self-propelled contractors' equipment, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, (1) between those points in Illinois on and south of United States Highway 24, on the one hand, and, on the other, points in Ohio; (2) between those points in Illinois on and south of United States Highway 24 and on and north of a line beginning at the Indiana-Illinois State line and extending along United States Highway 50 to junction United States Highway 45, to junction Illinois Highway 33, to junction Illinois Highway 16, to junction Illinois Highway 16, to junction Illinois Highway 29, to junction Illinois Highway 104, to Illinois-Missouri State line; and (3) between points in Ohio, on the one hand, and, on the other, those points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along United States Highway 65 to junction Kentucky Highway 90, to junction United States Highway 31E, to the Kentucky-Tennessee State line; and *heavy machinery* between those points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along United States Highway 50 to junction United States Highway 45, to junction Illinois Highway 33, to junction Illinois Highway 16, to junction Illinois Highway 29, to junction Illinois Highway 104, to the Missouri-Illinois State line, on the one hand, and, on the other, points in Kentucky and Ohio. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 106603 (Sub-No. E4) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER, May 28, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building materials, as described by the Commission, from points in Indiana to those points in the Upper Peninsula of Michigan on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Wilmington, Del. The purpose of this correction is to correct the carrier's name.

No. MC 106603 (Sub-No. E5) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER, May 28, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building materials as described by the Commission, from those points in Indiana on and west of Interstate Highway 65 to those points in the Upper Peninsula on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Wilmington, Ill. The purpose of this correction is to correct the carrier's name.

No. MC 106603 (Sub-No. E6) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing materials, from those points in Illinois south and west of a line beginning at the Illinois-Missouri State line, and extending along Interstate Highway 55/U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line to those points in the Upper Peninsula of Michigan on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Wilmington, Ill. The purpose of this correction is to correct the carrier's name.

No. MC 106603 (Sub-No. E7) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing materials, from those points in Illinois bounded by a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 66/Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, to those points in the Upper Peninsula of Michigan on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Wilmington, Ill. The purpose of this correction is to correct the carrier's name.

No. MC 106603 (Sub-No. E8) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER, May 28, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractor's materials*, restricted to building and roofing materials, from points in Indiana (except the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind.), to points in the St. Louis, Mo., commercial zone. The purpose of this filing is to eliminate the gateway of Vandalia, Ill. The purpose of this correction is to correct the carrier's name.

No. MC 106603 (Sub-No. E9) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building and roofing materials, in truckloads, from those points in Ohio on and south of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 73 to junction Ohio Highway 725, thence along Ohio Highway 725 to the Ohio-Indiana State line to those points in the Lower Peninsula bounded by a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Michigan Highway 32. The purpose of this filing is to eliminate the gateway of Lockland, Ohio. The purpose of this correction is to correct the carrier's name.

No. MC 107295 (Sub-No. E232) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER, May 6, 1975. Applicant: PRE FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building*, complete, knocked down, or in sections, (1) from points in Texas to points in Connecticut, Delaware, Rhode Island, South Carolina, Vermont, and the District of Columbia, (2) from points in that part of Texas in and west of Wichita, Archer, Young, Stephens, Eastland, Brown, McCulloch, Menard, Kimble, Edwards, Kinney, and Maverick Counties, to points in that part of Alabama in and east of Lauderdale, Lawrence, Cullman, Blount, St. Clair, Talladega, Clay, Tallapoosa, Macon, Bullock, Barbour, Henry, and Houston Counties, and points in that part of Florida in and east of Jackson, Calhoun, and Gulf Counties and points in Georgia. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. The purpose of this correction is to clarify the exception in the commodity description.

No. MC 108449 (Sub E219), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Nn. 55113. Applicant's representative: W. A. Mylenbeck, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of LaCrosse, Wis., and Ramsey County, Minn.

No. MC 109331 (Sub-No. E20), (Correction), filed May 12, 1974, published in the FEDERAL REGISTER April 22, 1975. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenwood, S.C., on the one hand, and, on the other, Boca Raton, Cocoa, Daytona Beach, Ft. Myers, Gainesville, Key West, Miami, Ocala, Okeechobee, Orlando, St. Petersburg, Sarasota, South Bay, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof. The purpose of this correction is to correct the territorial descriptions.

No. MC 109331 (Sub-No. E21) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER April 22, 1975. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Spartanburg, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Crestview, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Lake City, Miami, Ocala, Okeechobee, Orlando, Panama City, Perry, St. Augustine, St. Petersburg, Sarasota, South Bay, Tallahassee, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateways of Sumter, S.C., and points within 25 miles thereof. The purpose of this correction is to correct the territorial description.

No. MC 109397 (Sub-No. E83), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and articles* which require specialized handling or rigging because of their size or weight, and self-propelled articles, each weighing 15,000 pounds or more, restricted to self-propelled articles which are transported on trailers, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of the Lower Peninsula of Michigan on and east of a line beginning at Mackinaw City, Mich., and extending along U.S. Highway to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 23, and thence along U.S. Highway 23 to the Michigan-Ohio State line, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points in Lucas County, Ohio.

No. MC 109462 (Sub E1), filed May 15, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181 S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico, to points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Miami, Okla.

No. MC 109465 (Sub E2), filed May 15, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181 S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico on and north of a line beginning at a point on U.S. 56 at the Texas-New Mexico State line, thence in a westerly direction along U.S. 56 to its intersection with U.S. 85, thence along U.S. 85 in a northerly direction to its intersection with N.M. Hwy. 58, thence along N.M. Hwy. 58 in a westerly direction to its intersection with U.S. 64, thence along U.S. 64 in a westerly direction to its intersection with N.M. Hwy. 4, thence along N.M. Hwy. 4 in a westerly direction to its intersection with N.M. Hwy. 44, thence along N.M. Hwy. 44 in a northwesterly direction to its intersection with N.M. Hwy. 509, thence along State Hwy. 509 in a southwesterly direction to its intersection with N.M. Hwy. 53, thence in a southwesterly direction along N.M. Hwy. 53 to U.S. 66, thence along U.S. 66 in a westerly direction to the Arizona-New Mexico State line, to points in *Arkansas*; and to points in *Louisiana* on and north of a line beginning at a point on U.S. Hwy. 190 at the Louisiana-Texas State line, thence along U.S. 190 in an easterly direction to its intersection with State Hwy. 26, thence along State Hwy. 26 in a southeasterly direction to its intersection with I–10, thence along I–10 in an easterly direction to its intersection with State Hwy. 35, thence along State Hwy. 35, ending at Forked Island near the Gulf of Mexico; and to points in *Minnesota* on and east of a line beginning at a point on the Canadian-Minnesota border line on U.S. 71, thence along U.S. 71 in a southerly direction to its intersection with State Hwy. 371 at or near Bemidji, Minnesota, thence in a southerly direction along State Hwy. 371 to its intersection with U.S. 10 at or near Little Falls, Minnesota, thence in a southerly direction along U.S. 10 to its intersection with I–35 at or near Minneapolis, Minnesota, thence in a southerly direction along I–35 to the Minnesota-Iowa State line; and points in *Iowa* on and east of Interstate Highway 35.

No. MC 109462 (Sub E3), filed May 15, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181 S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico on and south of a line beginning at a point on U.S. 54 at or near Nara Visa, NM, thence in a southwesterly direction along U.S. 54 to its intersection with U.S. 70 at or near Alamogordo, NM, thence in a southerly direction along U.S. 70 to its intersection with U.S. 80 at or near Las Cruces, NM, thence in a southerly direction along U.S. 80 to the New Mexico-Texas State line; to points in Minnesota; Iowa; and to points in Arkansas on and north of I–40. The purpose of this filing is to eliminate the gateway of Miami, Okla.

V40-127 JUL 1 75 XUM

No. MC 109462 (Sub E4), filed May 15, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181 S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico on and south of a line beginning at the New Mexico-Texas State line at or near Clayton, N.M. on U.S. 56, thence in a westerly direction along U.S. 56 to its intersection with U.S. 85 at or near Springer, N.M., thence along U.S. 85 in a northerly direction to its intersection with State Hwy. 58, thence along State Hwy. 58 in a westerly direction to its intersection with U.S. 64, thence along U.S. 64 in a westerly direction to its intersection with State Hwy. 4, thence along State Hwy. 4, in a westerly direction to its intersection with State Hwy. 44, thence along State Hwy. 44 in a northerly direction to its intersection with State Hwy. 509, thence along State Hwy. 509 in a southerly direction to its intersection with State Hwy. 53, thence along State Hwy. 53 in a westerly direction to the New Mexico-Arizona State line, thence along the New Mexico-Arizona State line in a southerly direction to the New Mexico-Mexico border line, thence along the New Mexico-Mexico border line to a point where the New Mexico-Mexico border line intersects with the Texas-New Mexico State line, thence beginning at the New Mexico-Texas State line on U.S. 80 at or near Anthony, NM, thence in a northerly direction along U.S. 80 to its intersection with U.S. 70 at or near Las Cruces, NM, thence in a northerly direction along U.S. 70 to its intersection with U.S. 54 at or near Alamogordo, NM, thence in a northeasterly direction along U.S. 54 to the New Mexico-Texas State line, thence in a northerly direction along the New Mexico-Texas State line to the intersection of U.S. 56, the beginning point; to points in Iowa and Minnesota, and points in Arkansas on, east and north of a line beginning at the Arkansas-Oklahoma State line on U.S. 62 at or near Summers, Arkansas, thence in an easterly direction along U.S. 62 to its intersection with State Hwy. 16 at or near Fayetteville, Arkansas, thence in a southerly direction along State Hwy. 16 to its intersection with State Hwy. 23 at or near St. Paul, Arkansas, thence in a southerly direction along State Hwy. 23 to its intersection with I–40 at or near Ozark, Arkansas, thence in an easterly direction along I–40 to the Arkansas-Tennessee State line.

No. MC 109462 (Sub E5), filed May 15, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181, S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico to points in Kansas on and east of a line beginning at the Kansas-Missouri State line on U.S. 169 at or near Kansas City, thence in a southerly direction along U.S. 169 to its intersection with State Hwy. 39 at or near Chanute, Kansas, thence in a westerly direction along State 39 to its intersection with U.S. 75, thence in a southerly direction along U.S. 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Miami, Okla.

No. MC 109462 (Sub E6), filed May 15, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 6181, S. Station, Fort Smith, Ark. 72901. Applicant's representative: Ronald E. Butler, 54 W. Lake St., Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in New Mexico on, west and south of a line beginning at the New Mexico-Colorado State line on State Hwy. 3 at or near Costilla, New Mexico, thence in a southerly direction along State Hwy. 3 to its intersection with State Hwy. 104 at or near Las Vegas, New Mexico, thence in an easterly direction on State Hwy. 104 to its intersection with U.S. 66 at or near Tucumcari, New Mexico, thence in an easterly direction along U.S. 66 to the New Mexico-Oklahoma State line; to points in *Kansas* on and east of a line beginning at the Kansas-Nebraska State line on U.S. 75 at or near Sabetha, Kansas, thence in a southerly direction along U.S. 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Miami, Okla.

No. MC 111401 (Sub-No. E23) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vhecles, from points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico, to points in New Mexico on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Houston, Tex. The purpose of this correction is to extend the territorial destination.

No. MC 111401 (Sub-No. E73) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Number 5 and 6 fuel oils*, in bulk, in tank vehicles, from points in Texas on, south and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line, and on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to junction U.S. Highway 77 to the United States-Mexico International Boundary line, to points in Missouri. The purpose of this filing is to eliminate the gateway of Tulsa, Okla. The purpose of this correction is to extend the territorial destination.

No. MC 113855 (Sub-No. E91) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER June 5, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) (b) between points in Colorado (except points located in Logan, Washington, Lincoln, Crowley, Otera, Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Kiowa, Bent, Prowers, and Baca Counties, on the one hand, and, on the other, points in Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold Counties, Iowa. The purpose of this filing is to eliminate the gateway of South Dakota. The purpose of this correction is to correct the destination point in (2) (b) above.

No. MC 114552 (Sub-No. E8) (Correction), filed April 29, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * The purpose of this partial correction is to reflect the correct applicant's representative. The remainder of this letter-notice remains as previously published.

No. MC 114552 (Sub-No. E9) (Correction), filed April 29, 1974, published in the FEDERAL REGISTER June 3, 1975. Applicant: SENN TRUCKING CO., P.O. Box 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (9) from points in Georgia on and east of a line beginning at the Georgia-South Carolina State line, thence along Georgia Highway 368 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction Georgia Highway 47, thence along Georgia Highway 47 to junction U.S. Highway 278, thence along

U.S. Highway 278 to junction Georgia Highway 80, thence along Georgia Highway 80 to junction U.S. Highway 1/221, thence along U.S. Highway 1/221 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 1/23, thence along U.S. Highway 1/23 to the Georgia-Florida State line, to points in Missouri and Arkansas. The purpose of this filing is to eliminate the gateways of: in (1) Tennessee; in (2), (4), (6), (7), and (9) Greenwood County, S.C., in (3) Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, and Union Counties, N.C.; in (5) Camden County, N.J.; and in (8) South Carolina. The purpose of this partial correction is to correct the description in (9) above.

No. MC 115840 (Sub-No. E37), filed August 25, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, pipe valves*, and *fire hydrants*, from Coshocton, Ohio, to points in Texas, Arizona, and California. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 115840 (Sub-No. E94), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel fittings, components, parts and accessories*, from Anniston, Ala., to points in Alabama, Louisiana, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Oklahoma, and Tennessee. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 115840 (Sub-No. E101), filed May 2, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous scrap metals* (except in dump vehicles); (1) from points in Oklahoma to points in North Carolina, South Carolina, New Jersey, Delaware, Georgia, Florida, Virginia, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Maryland, Rhode Island, New York on and east of U.S. Highway 14, Pennsylvania on and east of U.S. Highway 11, and Florida on and east of U.S. Highway 231 (including Panama City, Fla.); and (2) from points in Arkansas to points in Georgia, Florida on and east of U.S. Highway 231 (including Panama City, Fla.), Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania on and east of U.S. Highway 11, North Carolina, South Carolina, Virginia, Georgia, Maryland, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateways of Steele and Attalla, Ala.

No. MC 116915 (Sub-No. E13) (Correction), filed February 24, 1975, published in the FEDERAL REGISTER May 6, 1975. Applicant: ECK MILLER TRANSPORTATION CORP., Owensboro, Ky. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H. Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oil well and mine machinery, aluminum pipe and supplies and equipment, materials and supplies* used in the manufacture and processing of the foregoing commodities, between points in Georgia on and west of U.S. Highway 441, on the one hand, and, on the other, points in Pennsylvania and New York on, north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 6 to junction Pennsylvania Highway 957 at Columbia, Pa., thence along Pennsylvania Highway 957 to Sugargrove, Pa., thence along unnumbered highway to Jamestown, N.Y., thence along New York Highway 17 to junction New York Highway 219, thence along New York Highway 219 to Great Valley, N.Y., thence along New York Highway 98 to Carlton, N.Y., and points in New York on and north of a line beginning at Morristown, N.Y., extending along New York Highway 58 to Gouverneur, N.Y., and thence along U.S. Highway 11 to Rouses Point, N.Y. The purpose of this filing is to eliminate the gateway of Hawesville, Ky. The purpose of this correction is to extend the territorial destination.

No. MC 119774 (Sub-No. E305) (Correction), filed March 4, 1975. Published in the FEDERAL REGISTER June 2, 1975. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, 301 E. Main Street, Kilgore, Tex. 75662. Applicant's representative: Nolan F. Killingsworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, the transportation of which because of size or weight, require the use of special equipment or handling, from Little Rock, Ark., to points in Florida east of Florida Highway 77. The purpose of this filing is to eliminate the gateway of Shreveport, La. The purpose of this correction is to clarify the commodity description.

No. MC 119774 (Sub-No. E306) (Correction), filed March 4, 1975. Published in the FEDERAL REGISTER June 2, 1975. Applicant: EAGLE TRUCKING COMPANY, 201 E. Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan F. Killingsworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from the facilities of the United States Pipe and Foundry Company and of the American Cast Iron Pipe Company at Birmingham, Ala., to points in Arizona, Colorado, Iowa on and west of a line from the Missouri-Iowa State line along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, Minnesota on and west of U.S. Highway 71, Missouri on and west of U.S. Highway 71, Montana, Nebraska, North Dakota, South Dakota, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway of Van Buren, Ark. The purpose of this correction is to extend the territorial destination.

No. MC 119864 (Sub-No. E40), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *articles distributed by meat packinghouses* (except in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, which are embraced in *frozen foods*, from the plant site of Armour and Company near Sterling, Ill., to points in Ohio and points in Kentucky on and east of U.S. Highway 431, restricted to traffic originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of La Porte, Ind.

No. MC 120021 (Sub E3), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia, on the one hand, and on the other, points in Minnesota, Nebraska, Wisconsin, those in Benton, Carroll, Washington, and Madison Counties, Ark., those in Indiana in and north of Sullivan, Green, Daviess, Martin, Lawrence, Jackson, Jennings, Ripley, Dearborn, and Ohio counties, those in Illinois in and north of Monroe, St. Clair, Washington, Jefferson, Marion, Slay, Jasper, and Crawford Counties, those in Missouri in, west, and north of Ozark, Douglas, Wright, Laclede, Pulaski, Maries, Gasconade, Franklin, and Jefferson Counties; and between points in Virginia in and east of Giles, Pulaski, Floyd, and Patrick Counties, on the one hand, and, on the other, Hancock County, Ky. The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within miles thereof.

No. MC 120021 (Sub E6), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley,

V 40 N 127 JUL 1 75 XUM

1819 H St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in Nebraska, Minnesota, Wisconsin, those in Missouri in and north of Bates, Henry, Benton, Camden, Pulaski, Phelps, Crawford, Washington, and Jefferson Counties, those in Indiana in and north of Sullivan, Greene, Owen, Morgan, Brown, Bartholomew, Decatur, and Franklin Counties, and those in Illinois, in and north of Monroe, St. Clair, Clinton, Marion, Clay, Jasper, and Crawford Counties; and between points in Anderson, Oconee, Pickens, Greenville, and Spartanburg Counties, S.C., on the one hand, and, on the other, points in Oswego, Lewis, Jefferson, St. Lawrence, Franklin, and Clinton Counties, N.Y. The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof.

No. MC 120021 (Sub E10), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Arkansas, Illinois, Minnesota, Missouri, Wisconsin, and Nebraska; and, between points in New York in and north of Chautauqua, Cattaraugus, Allegheny, Livingston, Ontario, Yates, Seneca, Cayuga, Onondaga, Madison, Oneida, Herkimer, Hamilton, and Essex Counties on the one hand, and, on the other, points in North Carolina in and west of Mitchell, McDowell, and Rutherford Counties. The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof.

No. MC 120021 (Sub E13), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Maryland, Pennsylvania, New York, Rhode Island, and Washington, D.C.; between points in Missouri, except those east and south of Ripley, Carter, Wayne, Bollinger, and Perry Counties, on the one hand, and, on the other, points in West Virginia; and between points in Missouri in, north and west of Newton, Lawrence, Greene, Dallas, Laclede, Pulaski, Phelps, Gasconade, Franklin, and St. Louis Counties, on the one hand, and, on the other, points in North Carolina (except those in and west of Haywood and Transylvania Counties). The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof.

No. MC 120021 (Sub E19), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, (1) between points in Indiana, on the one hand, and, on the other, points in New York (except points in Chautauqua, Cattaraugus, Erie, and Niagara Counties), Pennsylvania (except points in Lawrence, Butler, Armstrong, Jefferson, Elk, McKean, Warren, Forest, Clarion, Venango, Mercer, Crawford, and Erie Counties), West Virginia (except points in Cabell, Lincoln, Boone, Wyoming, McDowell, Logan, Mingo, and Wayne Counties), Maryland, New Jersey, Rhode Island, and Washington, D.C., and (2) between points in Indiana in and north of Franklin, Decatur, Bartholomew, Brown, Monroe, Owen, Clay, and Vigo Counties, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof.

No. MC 120021 (Sub E22), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Arkansas, Indiana, Illinois, Missouri, Nebraska, Minnesota, Wisconsin and those in Kentucky in and west of McCreary, Pulaski, Rockcastle, Madison, Clark, Bourbon, Nicholas, Robertson, and Mason Counties. The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof.

No. MC 121338 (Sub-No. E1) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER May 1, 1975. Applicant: PADRE FREIGHT LINES, P.O. Box 6849, Phoenix, Ariz. 85005. Applicant's representative: Robert R. Digby, 2131 West Roosevelt St., Phoenix, Ariz. 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, logs, livestock, articles of unusual value, and commodities requiring special equipment between points in the Los Angeles Territory (as described below) on the one hand, and, on the other points on and within 15 miles of U.S. Highway 80 and Interstate Highway 8, extending from the eastern boundary of the San Diego Territory to the California-Arizona State line.* Los Angeles Territory includes that area embraced by the following boundary: beginning at the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northeasterly on Sunset Boulevard to California Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along California Highway 118 to and including the City of Pasadena; easterly along U.S. Highway 66 to California Highway 19, southerly along California Highway 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue to the City of Whittier; southerly on Painter Avenue to California Highway 26 westerly along California Highway 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to California Highway 19; southerly along California Highway 19 to its intersection with U.S. Highway 101. The purpose of this filing is to eliminate the gateway of San Diego, Calif. The purpose of this correction is to correct the MC number.

No. MC 121420 (Sub-No. E6) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER May 20, 1975. Applicant: DART TRUCKING CO., INC., 61 Railroad Street, Canfield, Ohio 44406. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are usually transported in dump truck equipment, between points in Ashtabula County, Ohio, on and north of U.S. Highway 20 and east of Ohio Highway 45, on the one hand, and, on the other, points in those parts of Wayne, Holmes, Coshocton, Tuscarawas, Carroll, Harrison, and Jefferson Counties, Ohio, Hancock, Ohio, and Brooke Counties, W. Va., that are within 50 miles of Toronto, Ohio. The purpose of this filing is to eliminate the gateway of Mercer County, Pa. The purpose of this correction is to extend the territorial description.

No. MC 123407 (Sub-No. E213), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from the facilities of Continental Steel Corp., at or near Kokomo, Ind., to points in Nebraska (except Richardson County), and that part of Kansas in and west of Marshall, Washington, Cloud, Lincoln, Russell, Ellis, Rush, Pawnee, Edwards, Pratt, and Barber Counties, Kans. The purpose of this filing is to eliminate the gateway of those points in Wisconsin that are within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E214), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from East Dubuque, Ill., to points in and south of Wayne, Jones, Covington, Jefferson Davis, Lawrence, Walthall, Pike, and Amite Counties, Miss. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E215), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Clinton, Iowa, to points in Delaware, West Virginia, and points in that part of Kentucky in and east of Boone, Gallatin, Carroll, Trimble, Oldham, Jefferson, Bullitt, Nelson, Larue, Hart, Barren, and Monroe Counties, Ky. The purpose of this filing is to eliminate the gateway of Warren, Ill. and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E216), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from International Falls, Minn., to points in Mississippi, Pennsylvania, Delaware, West Virginia, Kentucky, and Louisiana (except Caddo, Bossier, Webster, Claiborne, Union, Lincoln, Jackson, Bienville, De Soto, Red River, Winn, Sabine, and Natchitoches Counties, La.). The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of the Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E217), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, when used as a building material (except in bulk), from Stephenson County, Ill., to points in that part of Kentucky in and east of Meade, Hardin, Grayson, Butler, and Logan Counties, Ky. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E218), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roofing and roofing materials* (except in bulk), from Wilmington, Ill., to points in Texas, West Virginia, Louisiana, Pennsylvania, Delaware, and points in that part of Kentucky in and east of Meade, Harin, Hart, Edmonson, Warren, and Simpson Counties, Ky., and points in that part of Mississippi in and south of Monroe, Clay, Webster, Montgomery, Carroll, LeFlore, Sunflower, and Bolivar Counties, Miss. The purpose of this filing is to eliminate the gateway of the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E219), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), points in Carroll County, Ill., to points in Terrebonne County, La. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E220), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Dubuque, Iowa, to points in West Virginia, Delaware, Cameron County, Tex., Lauderdale, Jones, Clarke, Wayne, Greene, Perry, Forrest, Lamar, Marion, Pearl River, Stone, George, Jackson, Harrison, Hancock Counties, Miss.; Washington, St. Tammany, St. John, St. James, St. Charles, Terrebonne, Lafourche, Jefferson, St. Bernard, and Plaquemines Counties, La.; and that part of Kentucky in and east of Hancock, Ohio, Butler and Logan Counties, Ky. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E221), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roofing, building, and paving material* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) from Brookville, Ind., to points in Wisconsin, Minnesota, Texas, North Dakota, South Dakota, and points in that part of Missouri in and west of Clark, Lewis, Marion, Ralls, Audrain, Callaway, Osage, Maries, Phelps, Dent, Shannon, and Oregon Counties, Mo., and points in Michigan (except points in Sanilac, Lapeer, St. Clair, Macomb, Oakland, Wayne, Monroe, Livingston, Ingham, Jackson, Washtenaw, Lenawee, Hillsdale, Cass, St. Joseph, and Branch Counties, Mich.), North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E222), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roofing and roofing materials* (except in bulk), from the plant and warehouse sites of National Gypsum Company, at Niles, Ohio, to points in and west of Wichita, Archer, Young, Palo Pinto, Erath, Bosque, McLennan, Bell, Williamson, Travis, Bastrop, Fayette, Washington, Walker, Harris, and Galveston Counties, Tex. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant and warehouse sites of National Gypsum Co. The purpose of this filing is to eliminate the gateways of Wilmington, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E223), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk) from points in Winnebago County, Ill., to points in Bell, Harlan, and Letcher Counties, Ky. The purpose of this filing

V 40 127 JUL 1 75 XUM

is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E231), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Carroll County, Ill., to points in that part of Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Edmonson, Warren, and Simpson Counties, Ky. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E232), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Joe Davies County, Ill., to points in that part of Kentucky in and east of Daviess, Ohio, Butler, and Logan Counties, Ky. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 127840 (Sub-No. E8), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils*, and *vegetable oils*, and *edible blends and edible products of animal fats*, animal oils, and vegetable oils (except liquid chemicals), in bulk, in tank or hopper type vehicles, from points in Illinois on and north of Interstate Highway 80 and that part of Indiana within the commercial zone of Chicago, Ill., as defined by the Commission, to points in Indiana. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E21), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils*, and *vegetable oils*, and *edible blends and edible products of animal fats*, animal oils, and vegetable oils (except liquid chemicals), in bulk, in tank or hopper type vehicles, from that part of Illinois between a line on and south of Interstate Highway 80 and on and north of a line beginning at the Illinois-Iowa State line and U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 167, thence along Illinois Highway 167 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, to points in Indiana on and east of a line beginning at Gary, Ind., and Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E31) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 21, 1975. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(2) that part of Indiana within the commercial zone of Chicago, Ill., as defined by the Commission, to points in Iowa on and north of U.S. Highway 20; • • • etc. The purpose of this filing is to eliminate the gateways of Bradley and Chicago, Ill. The purpose of this partial correction is to correct the origin territorial.

No. MC 127840 (Sub-No. E45) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, June 4, 1975. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) from points in Michigan (except the Upper Peninsula of Michigan), and those in the United States (except Virginia) on and east of a line beginning at Michigan City, Ind., thence along U.S. Highway 421 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Gulf of Mexico, to points in Nebraska and Iowa on and north of Interstate Highway 80 and those in Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along Interstate Highway 80 to the Illinois-Indiana State line (except points in Cook and Du Page Counties, Ill.), (3) from points in Michigan, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, Maine, and that part of Ohio on and north of U.S. Highway 33 to points in Kansas, that part of Colorado on, north and east of a line beginning at the Colorado-Kansas State line, that part of Iowa and Nebraska on and south of Interstate Highway 80, and that part of Illinois on and within an area beginning at the Illinois-Iowa State line, thence along Interstate Highway 80 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to junction U.S. Highway 36, thence along U.S. Highway 36 to the east bank of the Mississippi River, thence along the east bank of the Mississippi River to the place of beginning; • • • etc. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this partial correction is to correct the highway description in (2) above. The remainder of this letter-notice will remain as previously published.

No. MC 136553 (Sub E5), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* and *dry fertilizer materials*, from Rock Island, Ill., to points in Nebraska (except points south of U.S. Highway 30 and east of U.S. Highway 77). The purpose of this filing is to eliminate the gateway of the warehouse of Etter Bros., Inc., at or near Webster City, Iowa.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17154 Filed 6-30-75;8:45 am]

federal register

TUESDAY, JULY 1, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 127

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

END-STAGE RENAL DISEASE

Conditions for Coverage

V40-127 JUL 1 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the following amendments to the regulations set forth in tentative form below, are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments are intended to further implement section 299I of the Social Security Amendments of 1972 (Pub. L. 92-603), which amends section 226 of the Social Security Act (42 U.S.C. 426). Section 299I extends Medicare protection to any individual who has end-stage renal disease requiring dialysis or transplantation, provided that such individual: (1) is fully or currently insured, or entitled to monthly benefits, under title II of the Social Security Act; or (2) is the spouse or dependent child of an individual so insured or entitled to such monthly benefits.

Section 299I authorizes the Secretary to limit Medicare reimbursement for kidney transplant and dialysis services to facilities meeting such requirements as he may by regulation prescribe. Section 299I also provides that such regulation must include requirements for a minimal utilization rate for covered procedures and for a medical review board to screen the appropriateness of patients for the proposed treatment procedures.

The following amendments to the regulations specify the health and safety requirements that facilities furnishing end-stage renal disease (ESRD) services must meet to qualify for Medicare reimbursement. In addition, the amendments require that these facilities be organized into coordinating systems ("networks") for the delivery of ESRD care.

The ESRD program became effective on July 1, 1973, and since then has operated under interim regulations published in the FEDERAL REGISTER of June 29, 1973 (38 FR 17210). The interim regulations provide for reimbursement to those facilities which were furnishing ESRD care on or before June 1, 1973, and describe criteria for allowing reimbursement to additional or expanded ESRD facilities during the interim period. (To give the public a formal opportunity to participate in the development of the criteria used in granting requests for exceptions to the limitations on participation during the interim period, the interim regulations were republished in the FEDERAL REGISTER of October 4, 1974 (39 FR 35814), as a notice of proposed rulemaking). The interim regulations, as published and republished, will be superseded on a prospective basis when the "long-term" amendments to the regulations, proposed herein, are adopted in final form. The interim regulations explain that recognition of a facility on an interim basis is no assurance that it will be approved on a continuing basis for reimbursement under the "long-term" program. Facilities not qualifying under the "long-term" regulations will be phased out in a manner that will minimize any disruption of services to ESRD patients.

The policies for the ESRD program which are incorporated in these amendments are based on the operating experience of the program since publication of the interim regulations as well as on extensive communications with professionals and other persons knowledgeable in the area of nephrology and transplant surgery.

The proposed amendments implement the statutory requirements of section 226(g), title II of the Social Security Act (42 U.S.C. 426(g)) and are intended to accomplish the following objectives:

(1) To assist beneficiaries who have been diagnosed as having end-stage renal disease (ESRD) to receive the care they need;

(2) To encourage proper distribution and effective utilization of ESRD treatment resources while maintaining or improving the quality of care; and

(3) To provide the flexibility necessary for the efficient delivery of appropriate care by physicians and facilities.

The broad array of professional skills and facilities involved in the treatment of persons with end-stage renal disease indicated the need for a system to promote effective coordination. Accordingly, the proposed regulations require ESRD treatment facilities to join together into groups called "networks."

During the past decade, programs conducted by agencies of the Public Health Service and the States have demonstrated that integration of hospitals and other health facilities into organized networks is the most effective way to deliver ESRD care. An organized network tends to assure coordinated patient referral as well as access to resources. It also permits the concentration of equipment and specially trained personnel in centers where they can be used efficiently to treat large numbers of patients. This approach has been advocated by committees of national voluntary health organizations.

The population base of each network should be large enough to permit the delivery of a full range of ESRD diagnostic and therapeutic services needed by all patients within the network area. Accordingly, each of the network areas designated in the Appendix to these proposed regulations serves a minimum population base of 3.5 million (except for four network areas where this minimum would not be feasible). In order to accommodate patient choice, and to allow for sufficient peer review within the network, each network will be required to have at least two transplant centers whenever feasible.

Although the designation of network areas is made by the Secretary, the structure and the administration of each network will be the responsibility of component ESRD facilities. The network concept will be found, in many instances, to conform with existing patterns for referral of patients to treatment facilities, these referral patterns in effect constituting informal networks.

The proposed regulations require that, to qualify for reimbursement, an ESRD facility must be a member of a network. The network must organize itself through the establishment of a Net work Coordinating Council, with representation from all ESRD facilities in the net work. The network and its Coordinating Council will perform a unique role as liaison between the Federal government and available community resources, the Council supplying to the Secretary information upon which the Secretary may make determinations. The Council will also make recommendations to member facilities as needed to achieve the objectives of the network. In addition, each network, through its Network Coordinating Council, will establish a Medical Review Board to review the appropriateness of ESRD patient care and service.

An essential element in the ESRD program is a medical information system. All ESRD facilities participating in the program will be required to supply data to this system. When the medical information pertains to individual patients, it will be treated as confidential and will not be disclosed except as authorized by Department regulations on confidentiality and disclosure (see 45 CFR Part 5 and 20 CFR Parts 401 and 422 (Subpart E)).

For participation in the ESRD program, a facility must also meet the minimal utilization rates for covered procedures published in the proposed regulations. These rates will apply initially to transplantation and dialysis, and may be modified by future amendments to the regulations. A facility which is not in compliance with the applicable minimal utilization rates may be conditionally approved for a limited period to allow it time for attaining compliance. The proposed regulations also provide for special consideration to be granted to a facility in unusual situations if it can be shown that non-participation in the ESRD program would be detrimental to the achievement of program objectives.

Through a Memorandum of Understanding reflecting agreement reached between the Department of Health, Education, and Welfare and the Veterans Administration, specified Veterans Administration Hospitals can qualify for participation in the ESRD program. These specified Veterans Administration Hospitals, when found to meet title XVIII requirements, will be part of a network and will be represented on its Council. They will also be required to comply with the ESRD regulations described herein with respect to the care they furnish to Medicare patients. Similarly, other Federal facilities may participate in the ESRD program provided that they meet the requirements of these regulations.

To conform with Subpart U and ESRD program requirements, these proposed regulations amend Subpart M (Conditions for Coverage of Services of Independent Laboratories (39 FR 33690)) to include requirements for an independent laboratory performing histocompatibility testing; also, these proposed regulations amend Subparts S (Certification Procedure for Providers and Suppliers of Services); and Subpart J (Conditions of Participation; Hospitals). Subpart O (Providers of Services, Emergency Service Hospitals, Independent Laboratories, and Suppliers of Portable X-ray Services, Determinations and Appeals Procedures) will also be appropriately amended at a later date to accommodate the ESRD program.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, on or before September 1, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority contained in sections 226(g), 1102, 1861, 1862(a), 1871, 1874, 86 Stat. 1464, 49 Stat. 647, as amended, 79 Stat. 325, 331, 332, and 340 (42 U.S.C. 426(g), 1302, 1395x, 1395y(a), 1395hh, 1395kk).

Dated: May 5, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 19, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 405.1031 is amended by revising the introductory paragraph to read as follows:

§ 405.1031 Condition of participation—complementary departments.

Participation is not limited to hospitals which have surgery, anesthesiology, dental, or rehabilitation departments or services, but if these departments or services are present, there are effective policies and procedures, relating to the staff and the functions of the service(s) in order to assure the health and safety of the patients. If the hospital provides end-stage renal disease services, reimbursement for such services will not be made unless the hospital also meets the Conditions for Coverage of Suppliers of End-State Renal Disease Services, Subpart U of this Part.

2. In § 405.1317, new paragraphs (b)(2)(iv), (b)(4)(iv), and (b)(4)(v) are added to read as follows:

§ 405.1317 Condition—quality control.

* * * * * *

(b) *Standard: Quality control system—methodologies.* * * *

(2) *Serology.* * * *

(iv) A control system and a validation method are employed for the performance of tests required to assure compatibility in organ transplantations:

(A) Controls for all antigen tests are employed to insure reactivity and uniform dosage;

(B) Mixed lymphocyte cultures or other recognized methods to detect cellular defined antigens are performed in accordance with prescribed methods;

(C) HL-A and better defined W antigens are retyped and updated when required; and

(D) Procedures are established regarding the freezing of lymphocytes and to provide for a comprehensive panel of frozen or fresh lymphocytes.

* * * * * *

(4) *Immuno-hematology.* * * *

(iv) Serum screening for the identification and characterization of typical or atypical antibodies is performed on sera using test cells licensed under Part 73, Title 42, CFR, or their equivalent, using techniques by which the antibody was initially detected. The reactivity of cell panels used for antibody detection is tested periodically with appropriate known anti-sera.

(v) A control system and validation methods to cover the following are present for tests performed regarding organ transplants:

(A) Recipient sera is screened for preformed antibodies;

(B) Recipient and donor sera is crossmatched for preformed antibodies by at least two sensitive techniques prior to transplantation; and

(C) Recipients and donors are genotyped when necessary.

* * * * * *

3. Section 405.1901 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 405.1901 The certification process.

* * * * * *

(d) A hospital which is a provider of services, or a nonhospital-operated renal dialysis facility as defined in § 405.2102(e)(2), or a histocompatibility laboratory, which is found to be in compliance with each of the applicable Conditions for Coverage of Suppliers of End-Stage Renal Disease Services prescribed by the Secretary (see Subpart U), may become a supplier of End-Stage Renal Disease services pursuant to section 226(g) of the Social Security Act upon being approved therefor by the Secretary.

* * * * *

4. A new § 405.1912 is added to read as follows:

§ 405.1912 Special procedures for approving end-stage renal disease facilities and the expansion of services in approved facilities.

In addition to the certification by the State agency referred to in § 405.1902, data furnished by network organizations and recommendations of the Public Health Service, concerning the contribution of a facility to the furnishing of end-stage renal disease services in its network and concerning the facility's compliance with professional norms and standards (see Subpart U of this Part), shall be considered by the Secretary in determining whether to approve a facility for coverage or for any expansion of services under the End-Stage Renal Disease Program. The facility will also be required to submit data pertaining to its qualifications for approval or for any expansion of services, for consideration in the Secretary's determination.

5. Part 405 of Title 20, Code of Federal Regulations, is amended by adding a new Subpart U, and an Appendix, reading as follows:

Subpart U—Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services

Secs.

405.2100 Scope of subpart.
405.2101 Objectives of end-stage renal disease (ESRD) Program.
405.2102 Definitions.
405.2110 Composition and functions of an end-stage renal disease (ESRD) network.
405.2111 Designations of network areas; approvals of functioning networks.
405.2120 Minimal utilization rates: general.
405.2121 Basis for determining minimal utilization rates.
405.2122 Compliance with minimal utilization rate(s); types and durations of approvals.
405.2130 Condition: minimal utilization rates.
405.2131 Condition: hospital-operated ESRD facility.
405.2132 Condition: fulfillment of service needs in network.
405.2133 Condition: furnishing data and information for ESRD program administration.
405.2134 Condition: membership in a network.
405.2135 Condition: compliance with federal, State, and local laws and regulations.
405.2136 Condition: governing body and management.
405.2137 Condition: patient care plans.
405.2138 Condition: patients' rights.
405.2139 Condition: medical records.
405.2140 Condition: physical environment.
405.2160 Condition: affiliation agreement or arrangement (ESRD Dialysis facility).
405.2161 Condition: director of an ESRD dialysis facility.
405.2162 Condition: staff of an ESRD dialysis facility.
405.2163 Condition: minimal service requirements for an ESRD dialysis facility.
405.2170 Condition: director of an ESRD Renal Transplantation Center.

V40-127 JUL 1 75 XUM

Sec.

405.2171 Condition: minimal service requirements for a Renal Transplantation Center.

APPENDIX: End-Stage Renal Disease Network Areas.

Subpart U—Conditions for Coverage of Suppliers of End Stage Renal Disease (ESRD) Services

§ 405.2100 Scope of subpart.

(a) The regulations in this subpart prescribe the role which End-Stage Renal Disease (ESRD) networks will have in the ESRD program, establish the mechanism by which minimal utilization rates pursuant to section 226(g) of the Social Security Act (42 U.S.C. 426(g)) will be promulgated and applied, and describe the health and safety requirements that facilities furnishing ESRD care to beneficiaries must meet. These regulations further prescribe the role of ESRD networks in providing the medical review requirements of section 226(g) prior to and following the establishment of Professional Standards Review Organizations under Part B of Title XI of the Social Security Act (42 U.S.C. 1320c et. seq.).

(b) The general objectives of the ESRD program are contained in § 405.2101, and general definitions are contained in § 405.2102. The provisions of §§ 405.2110–405.2111 discuss the establishment and activities of ESRD Networks, the Network Coordinating Councils, and the Medical Review Boards. Sections 405.2120–405.2122 discuss the establishment of minimal utilization rates and the requirements for approval of facilities with respect to such rates. Sections 405.2130–405.2140 discuss general requirements for, and description of, all facilities furnishing ESRD services. Sections 405.2160–405.2163 discuss specific requirements for facilities which furnish ESRD dialysis services. Sections 405.2170 and 405.2171 discuss specific requirements for facilities which furnish ESRD transplantation services.

(c) The provisions of this subpart are effective (insert date 30 days following date of publication). Notwithstanding such effective date, the provisions of the interim regulations in §§ 405.116(g), 405.231(g) and (h), and the Appendix to Subpart B of this part shall continue in effect for a period not to exceed 12 months following such effective date, for the limited purpose of assuring an orderly transition from such interim regulations to the provisions of this subpart and, in particular, so that facilities approved under the ESRD program pursuant to such interim regulations which do not also qualify for continued approval under the terms of this subpart, may be phased out of the Medicare program in a manner that will minimize disruption of services to ESRD patients. However, beginning 6 months after such effective date: (1) no further exceptions will be granted under §§ 405.116(g), 405.231(g) and (h), and the Appendix to Subpart B of this part; and (2) determinations with respect to a facility's approval or nonapproval for reimbursement under this subpart will supersede determinations made under such interim regulations.

§ 405.2101 Objectives of the end-stage renal disease (ESRD) program.

The objectives of the end-stage renal disease program are:

(a) To assist beneficiaries who have been diagnosed as having end-stage renal disease (ESRD) to receive the care they need;

(b) To encourage proper distribution and effective utilization of ESRD treatment resources while maintaining or improving the quality of care; and

(c) To provide the flexibility necessary for the efficient delivery of appropriate care by physicians and facilities.

§ 405.2102 Definitions.

As used in this subpart, the following definitions apply:

(a) *Agreement.* The ESRD facility has an agreement whereby another facility assumes responsibility for furnishing certain services to patients and for obtaining reimbursement for such services.

(b) *Arrangement.* The ESRD facility arranges for another facility to furnish certain services to patients but assumes responsibility for such services and for obtaining reimbursement therefor.

(c) *Dialysis.* A process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis which are currently in common clinical practice are hemodialysis and peritoneal dialysis.

(1) *Inpatient Dialysis.* Dialysis which, because of medical necessity, is given to an ESRD patient on a temporary, inpatient basis in a hospital.

(2) *Chronic Maintenance Dialysis.* Dialysis which is regularly given to an ESRD patient who receives treatments on an outpatient basis. This process can take place in an ESRD facility or in the home.

(d) *End-Stage Renal Disease (ESRD).* That stage of renal impairment which is virtually always irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

(e) *Facility, ESRD.* A general term which describes any facility that furnishes at least one specific ESRD service (i.e., transplantation, dialysis, self-care dialysis training, organ procurement, or histocompatibility testing). Such facilities are:

(1) *Renal Transplantation Center.* A hospital unit which furnishes directly transplantation, inpatient dialysis, and other medical and surgical specialty services required for the care of the ESRD transplant patients. A Renal Transplantation Center may also be a Renal Dialysis Center.

(2) *Dialysis Facility, ESRD.* A unit which furnishes chronic maintenance dialysis:

(i) *Limited Care Dialysis Facility.* A unit which furnishes chronic maintenance dialysis on an outpatient basis.

(ii) *Self-Care Dialysis Facility.* A unit where chronic maintenance dialysis is performed by a trained patient with appropriate professional supervision and assistance.

(iii) *Self-Care Dialysis Training Facility.* A unit which trains patients or their helpers, or both, to perform self-care dialysis in a self-care dialysis unit or in the home.

(iv) *Renal Dialysis Center.* A facility which directly or through other network facilities furnishes the full spectrum of diagnostic, therapeutic, and rehabilitative services, except renal transplantations, required for the care of ESRD dialysis patients.

(3) *Organ Procurement Facility.* A unit which processes the acquisition of cadaveric donor kidneys.

(4) *Histocompatibility Testing Laboratory.* A laboratory which determines the degree of compatibility between a donor organ and a potential organ transplant recipient.

(f) *Furnishes Directly.* The ESRD facility provides the service through its own staff and employees, or through individuals who are under direct contract to furnish such services personally for the facility (i.e., not through "agreements" or "arrangements").

(g) *Furnishes on the Premises.* The ESRD facility furnishes services on its main premises; or on its other premises that are: (1) contiguous with or in immediate proximity to the main premises; and, (2) under the direction of the same professional staff and governing body as the main premises.

(h) *Medical Care Criteria.* Predetermined elements against which aspects of the quality of a medical service may be compared. They are developed by professionals relying on professional expertise and on the professional literature.

(i) *Medical Care Norms.* Numerical or statistical measures of usual observed performance. Norms are derived from aggregate information related to the health care provided to a large number of patients over a period of time.

(j) *Medical Care Standards.* Professionally developed expressions of the range of acceptable variation from a norm or criterion.

(k) *Network, ESRD.* An organized group of ESRD facilities in a designated geographic area which by their type and location, and because of local referral patterns, collectively furnish the necessary care for ESRD patients in the designated area.

(l) *Network Coordinating Council.* (Also referred to as "Council"). A group of representatives of all the ESRD treatment facilities in a network which acts as an administrative governing body to the network, as a resource to community health planners, and as a liaison to the Federal government.

(m) *Qualified Personnel, ESRD:*—(1) *Dietitian (Qualified).* A person who:

(i) Is eligible for registration by the American Dietetic Association under its requirements in effect on the publication of these regulations; or

(ii) Has a baccalaureate degree with major studies in food and nutrition or dietetics.

(2) *Medical Record Practitioner (Qualified).* A person who:

(i) Is eligible for certification as a Registered Record Administrator (RRA), or as an Accredited Record Technician (ART), by the American Medical Record Association under its requirements in effect on the publication of these regulations; or

(ii) Is a graduate of a school of medical record science that is accredited jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association.

(3) *Nurse Responsible for Nursing Service (Qualified).* A person who:

(i) Is licensed as a registered nurse by the State in which practicing;

(ii) Has at least 12 months of experience in general nursing; and

(iii) Has at least an additional 6 months of experience in an ESRD facility, including training in and experience with, the dialysis process. (In those areas where a nurse with the additional 6 months of experience in an ESRD facility is not available, the nurse may be qualified with only 3 months of such additional experience subject to the approval of the Secretary.)

If the qualified nurse is in charge of self-care dialysis training, at least 3 months of the total required ESRD experience must be in an ESRD self-care dialysis training facility.

(4) *Physician-Director (Qualified).* A physician (see section 1861(r)(1) of the Act) who:

(i) Is board eligible or board certified in internal medicine or pediatrics by a professional board, and has had at least 12 months of experience or training in the care of patients at ESRD facilities; or

(ii) During the five-year period prior to the effective date of these regulations, served for at least 12 months as director of an ESRD dialysis facility or an ESRD transplantation facility.

In those areas where a qualified physician is not available to direct a participating dialysis facility, another physician (see section 1861(r)(1) of the Act) may direct the unit subject to the approval of the Secretary.

(5) *Social Worker (Qualified).* A person who:

(i) Is licensed, if applicable, by the State in which practicing; and

(ii) Is a graduate of a school of social work accredited or approved by the Council on Social Work Education.

(6) *Transplantation Surgeon (Qualified).* A person who:

(i) Is board eligible or board certified in general surgery or urology by a professional board; and

(ii) Has at least 12 months training or experience in the performance of renal transplantation and the care of patients with renal transplants.

(n) *Transplantation.* A process by which a kidney is excised from a live or cadaveric donor, and surgically implanted in an ESRD patient.

§ 405.2110 Composition and functions of an end-stage renal disease (ESRD) network.

An ESRD network contains facilities which together allow an efficient pattern of referral in accordance with the changing ESRD care needs of individual patients. Each network includes the capability for kidney transplantation, inpatient dialysis, chronic maintenance dialysis, and self-dialysis training. In addition, each Renal Transplantation Center has the capacity to furnish, or preferably has arrangements to furnish, those other services integral to kidney transplantation, e.g., organ procurement and histocompatibility testing. The component facilities of each Network establish a Network Coordinating Council (hereinafter referred to as "Council") which develops operational procedures to insure a continuum of diagnosis, treatment, and follow-up services, and maximum quality care at all levels of ESRD therapy so that patients will have access to any type of care needed. The Council establishes a Medical Review Board to screen the appropriateness of patients for the proposed treatment procedures. Each Council establishes goals for the network and has a written plan for attaining those goals.

(a) *Standard: criteria for approval of network.* The facilities of the network together furnish the full spectrum of ESRD services and these are made available to all ESRD patients by agreements and arrangements among the facilities. Networks are approved on the basis of the criteria in paragraphs (a)(1), (2), and (3) of this section, but these criteria do not in any way preclude patient choice of physicians or of facilities, nor do they preclude patient referral by physicians to a facility in another network.

(1) The network, through its component facilities, furnishes:

(i) Kidney transplantation through at least two Renal Transplantation Centers (except that the Secretary may approve a network having a single Renal Transplantation Center when necessary for the achievement of ESRD program objectives (§ 405.2101));

(ii) Inpatient and outpatient dialysis; and

(iii) Self-dialysis training.

(2) The network has the capability for organ (kidney) procurement and histocompatibility testing, or arranges for the provision of such services by facilities outside the network; and

(3) Membership in a network is open to all ESRD facilities (as defined in § 405.2102(e)) in the designated network area (§ 405.2111).

(b) *Standard: Network Coordinating Council.* The Council carries out the duties, and fulfills the purposes, of the network. Each facility in the network furnishes at least one representative to the Council. If not already included among such representatives, the Council selects the following additional members from within the network: transplant surgeon; internist-nephrologist; pediatrician (pediatric nephrologist preferable); urologist; psychiatrist; director of a histocompatibility testing laboratory; chief executive officer of an ESRD facility; psychologist; dietitian; vocational rehabilitation counselor; ESRD nurse; social worker; ESRD dialysis technician; and three informed consumers.

(1) The Council develops a written plan which defines the network's objectives and the manner in which each of the objectives is to be implemented. The Council evaluates the progress toward the objectives on an annual basis, and revises the plan each year to take into account such progress and changing needs. The plan contains the following elements:

(i) A statement of the network objectives;

(ii) Specific plans or methods for carrying out the network objectives;

(iii) A description of the mechanisms to be used for evaluation of progress toward meeting the network objectives;

(iv) Network policies and procedures;

(v) Policies and procedures for governance of the Council including, but not limited to, the frequency and type of meetings, quorum, etc.;

(vi) A list of the network's component facilities; the name(s) of the facility representative(s); the ESRD services each facility provides; a quantitative estimate of each facility's capacity to deliver each service.

(2) The Council submits such reports to the Secretary as he may require for effective administration of the ESRD program.

(3) The Council submits to the Secretary within 2 months after each calendar year an annual report which contains the following information:

(i) The ESRD services each facility in the network provides;

(ii) A quantitative estimate of each facility's capacity to deliver each service;

(iii) The actual utilization rate for each ESRD service in each facility for the preceding year;

(iv) The anticipated utilization rate for each ESRD service in each facility for the subsequent three-year period; and

(v) A statement describing the rationale for the participation of a facility reporting utilization rates which do not satisfy the standard(s) for unconditional approval (see § 405.2130).

(4) The Council confers with component facilities to assist each with the formulation of data for the annual report (paragraph (b)(3) of this section).

(5) The Council provides information to the Secretary and, upon request, to health planning agencies, concerning current and projected utilization of network member facilities, thereby assisting the orderly development and utilization of ESRD equipment and personnel to meet present and future needs of patients.

(6) The Council establishes mechanisms to manage the administrative and

V40-127 JUL 1 75 XUM

financial aspects of the Council's activities.

(7) When the Health Systems Agencies (HSAs) required under P.L. 93-641 have demonstrated to the Secretary their capacity to assume responsibility for the functions described in this section, the Secretary may assign such responsibility to the HSA's. The Network Coordinating Council that had performed these ESRD functions may continue to perform such functions on behalf of the HSAs if they so request.

(c) *Standard: Medical Review Board.* Each network has a Medical Review Board to screen the appropriateness of ESRD care, treatment procedures, and services delivered to ESRD patients.

(1) The Medical Review Board consists of five members; the members (with designated alternates) are appointed by the Council as follows: (i) a transplant surgeon; (ii) an internist actively engaged in ESRD care; (iii) an additional physician actively engaged in other aspects of ESRD patient care (e.g., a urologist; a psychiatrist; or a specialist (physician or nonphysician) in histocompatibility testing); (iv) a registered nurse experienced in ESRD patient care; and (v) a social worker experience in working with ESRD patients. In pediatric cases, one of the physician members of the Board shall be a pediatrician.

(2) The Medical Review Board performs the following functions:

(i) Reviews the adequacy of patient selection of ESRD care, screens the appropriateness of patients for the proposed treatment procedures and reviews the appropriateness of the treatment plans for ESRD patients based on information available from the national ESRD medical information system (§ 405.2133) and the patients' charts as needed;

(ii) Reviews the appropriateness of services provided to patients under the ESRP program, including but not limited to: (1) reviews of aggregate patient outcome data and patterns of care furnished by physicians and facilities, and (2) indepth reviews of individual cases on the basis of samples or selections;

(iii) Reviews the appropriateness of ancillary medical services;

(iv) Reviews issues referred to it by carriers and intermediaries concerning the appropriateness of unusual services; and

(v) Performs studies on the organization and delivery of health care services to ESRD patients, or with respect to other Medical Review Board functions enumerated in this paragraph (c)(2).

(3) In performing the functions enumerated in paragraph (c)(2) of this section, the Board utilizes norms, criteria, and standards (§ 405.2102(h), (i), and (j)) adopted by the Board to select from a large number of cases those requiring indepth review.

(4) On the basis of its reviews under paragraph (c)(2) of this section, the Medical Review Board provides, to facilities in the network and to physicians, written recommendations for improvements in the ESRD care of individual patients or groups of patients (or both). If there are facilities in the network, or physicians, that continue to deliver care which the Medical Review Board considers inappropriate or of substandard quality, the Medical Review Board provides all facts concerning this care to the Council and to the Secretary.

(5) No person serving on the Medical Review Board has review responsibility for a case in which he has, or had, any professional involvement.

(6) No person serving on the Medical Review Board with a financial interest, direct or indirect, in a facility furnishing ESRD services may review the ESRD services of that facility.

(7) The Medical Review Board coordinates its activities with the Professional Standards Review Organizations (PSRO) in its designated area.

(8) When a PSRO has demonstrated to the Secretary its capacity to assume responsibility for the reviews described in paragraph (c)(2) of this section, the Secretary may assign such responsibility to the PSRO. The Medical Review Board that had performed ESRD care review may continue to perform such review on behalf of the PSRO if the PSRO so requests.

§ 405.2111 Designations of network areas; approvals of functioning networks.

The Secretary will designate ESRD network areas each serving a minimum population base of 3.5 million and preferably a larger population, and will publish notice thereof in the FEDERAL REGISTER, as an Appendix to this subpart. The Secretary may designate network areas of less than 3.5 million population when necessary for the achievement of the ESRD program objectives (§ 405.2101). A network area may cross State and HEW Regional boundaries, but will not divide PSRO areas or Health Service Areas (HSAs) except under unusual circumstances indicating that program objectives would be better served by such divisions.

With respect to each designated ESRD network area, the Secretary will determine whether the requirements for a functioning network (§ 405.2110) have been met. An advance determination may be made, in the case of a network which has not yet become fully established, on the basis of substantial progress toward establishment as evidenced by:

(a) A functioning Network Coordinating Council (e.g., has begun holding meetings pertinent to the discharge of its responsibilities);

(b) A Medical Review Board which is meeting to plan to perform the functions stated in § 405.2110(c)(2);

(c) A written plan (see § 405.2110(b)(1)); and

(d) An agreement executed by each facility desiring to participate in the network (see § 405.2134).

An advance determination thus made will be subject to verification of compliance with § 405.2110 within a reasonable time thereafter, on the basis of requirements for fully established networks.

§ 405.2120 Minimal utilization rates: general.

Section 226(g) of the Social Security Act (42 U.S.C. 426(g)) authorizes the Secretary to limit reimbursement for ESRD care to those facilities which meet such requirements as the Secretary may prescribe, including minimal utilization rates for covered procedures. The minimal utilization rates, which are explained and specified in §§ 405.2121-405.2130, pertain to dialyses and transplantations. These utilization rates may be changed from time to time in accordance with program experience, and such changes will be published as amendments to these regulations.

A facility which is not granted an approval as to its utilization rate(s) for dialyses or transplantations in one of the categories described in § 405.2122(a)(1)-(3), or which has had such approval discontinued, is not eligible for reimbursement under title XVIII for the ESRD services lacking such approval.

§ 405.2121 Basis for determining minimal utilization rates.

In developing minimal utilization rates, the Secretary takes into account the performance of ESRD facilities, the availability of care, the quality of care, and the efficient utilization of equipment and personnel, based on the following evidence:

(a) Information obtained from the Network Coordinating Council (see § 405.2110(b)(3)) and other sources covering current rates of utilization in ESRD facilities;

(b) Information on the geographic distribution of ESRD patients and facilities;

(c) Information on quality of care; and

(d) Information on operational and management efficiency.

§ 405.2122 Compliance with minimal utilization rate(s); types and durations of approvals.

(a) *Based upon the minimal utilization rates specified in § 405.2130, ESRD facilities may be approved for the following periods*—(1) *Unconditional approval.* If the facility meets the minimal utilization rate(s) for unconditional approval, this status continues until subsequently reported statistics or amended minimal utilization rates require the facility's reclassification;

(2) *Conditional approval.* If the facility meets the minimal utilization rate(s) for conditional approval, this status continues until subsequently reported statistics or amended minimal utilization rates require the facility's reclassification; however, a facility will not be granted conditional approval for more than 2 consecutive years;

(3) *Exception status.* Under unusual circumstances the Secretary may grant a time-limited exception, not exceeding one year, to a facility which is not in compliance with the minimal utilization rate(s) for either unconditional approval or conditional approval. This exception status may be granted where rigid application of minimal utilization rate requirements would adversely affect the achievement of ESRD program objectives. Exception status may be granted for reasons that include, but are not limited to the following:

(i) The facility is helping to overcome inadequate access to ESRD patient care in a large geographic area where there are too few patients to allow the facility to satisfy the minimal utilization rate(s);

(ii) The facility furnishes a necessary specialized ESRD service, e.g., as a major pediatric referral center for Renal Dialysis and Renal Transplantation Centers in a large geographic area;

(iii) The facility is a principal referral ESRD research center, i.e., conducts a substantial proportion of all patient-related ESRD research in a large geographical area; or

(iv) The facility has recently initiated a dialysis or transplantation program, or both, and is proceeding towards meeting minimal utilization rates on the basis of a plan and supporting information submitted to the Secretary.

The determination whether to grant an exception will be based, in part, on the documentation furnished by a facility and its Council in the reports submitted to the Secretary (see paragraphs (b) and (c) of this section).

(b) *Initial classification.* Six months after the effective date of this subpart (see § 405.2100(c)), each Renal Transplantation Center and each dialysis facility will submit to the Secretary through its Network Coordinating Council a report on the number of transplants and dialyses performed, and the number of dialysis stations operated, at the facility during the period from January 1, 1972, through December 31, 1974. Any facility reporting data not satisfying the standards for unconditional approval (§ 405.2130) may also submit with the report a statement which offers rationale for the granting of conditional approval (paragraph (a)(2) of this section) or an exception (paragraph (a)(3) of this section). The statement should be accompanied by comments from the Network Coordinating Council. The Secretary will notify each facility as well as the Network Coordinating Council of the facility's initial classification.

(c) *Subsequent classification.* Each Network Coordinating Council is required to submit an annual report to the Secretary, by the last day of February, showing the utilization rates for the preceding calendar year for each facility in the network (§ 405.2110(b)(3)). The Secretary reviews the approval status of each facility on the basis of a comparison of its utilization rates with the published minimal utilization rates for that year. Each facility as well as the Network Coordinating Council is notified by the Secretary of its subsequent classification.

(d) *For purposes of reporting utilization rates:*

(1) The number of transplants is the number performed at a Renal Transplantation Center (defined in § 405.2102(e)(7));

(2) The number of dialysis stations is (a) the number used for either in-patient or outpatient ESRD care by a Renal Dialysis Center (defined in § 405.2102(e)(6)), and (b) the number of chronic maintenance dialysis stations in other than Renal Dialysis Centers;

(3) The number of dialyses performed per dialysis station per week in Renal Dialysis Centers includes both outpatient and inpatient dialyses performed on ESRD patients, whereas all other dialysis facilities will report only outpatient dialyses performed on ESRD patients, including self-care patients.

§ 405.2130 Condition: Minimal utilization rates.

The ESRD facility meets the applicable minimal utilization rate(s) indicated below for unconditional or conditional approval, unless granted exception status in accordance with § 405.2122(a)(3):

(a) *Standard: Renal Transplantation Center.*

(1) Unconditional approval: 25 or more transplants performed per year.

(2) Conditional approval: 15 to 24 transplants performed per year.

(b) *Standard: Dialysis facility.*

(1) For any facility located within a standard metropolitan statistical area of 500,000 population or greater:

(i) Unconditional Approval—6 or more dialysis stations with performance of an average of 4.5 or more dialyses per station per week;

(ii) Conditional Approval—6 or more dialysis stations with performance of an average of between 4.0 and 4.5 dialyses per station per week; or 4 or 5 dialysis stations with performance of an average of 4.5 or more dialyses per station per week.

(2) For any facility located in a standard metropolitan statistical area of less than 500,000 population, or in an area not included in a standard metropolitan statistical area:

(i) Unconditional Approval—3 or more dialysis stations with performance of an average of 4.0 or more dialyses per station per week;

(ii) Conditional Approval—2 dialysis stations with performance of an average of 4.0 or more dialyses per station per week.

§ 405.2131 Condition: hospital-operated ESRD facility.

An ESRD facility (§ 405.2102(e)) operated by a hospital may qualify for approval and be reimbursed under the ESRD program only if the hospital is otherwise an approved provider in the Medicare program.

§ 405.2132 Condition: fulfillment of service needs in network.

The facility, or an expansion of the facility's capacity, is needed to increase the available ESRD services which would otherwise be inadequate for the network area. The facility furnishes evidence in support of its request for approval showing that:

(a) There are ESRD patients in the network area for whom the proposed services of the facility are needed;

(b) These patients cannot be expected to receive appropriate therapy from another ESRD treatment facility in the network area; and

(c) The facility is qualified to furnish the proposed services.

§ 405.2133 Condition: furnishing data and information for ESRD program administration.

The ESRD facility furnishes data and information in the manner and at the intervals specified by the Secretary, pertaining to its ESRD patient care activities and costs, for inclusion in a national ESRD medical information system and in compilations relevant to program administration. Such information is treated as confidential when it pertains to individual patients and is not disclosed except as authorized by Department regulations on confidentiality and disclosure (see 45 CFR Part 5 and 20 CFR Parts 401 and 422 (Subpart E)).

§ 405.2134 Condition: Membership in a network.

Six months after the effective date of this subpart, the ESRD facility must have executed a membership agreement with an approved network and must be providing representation to the Network Council.

(a) *Standard: membership agreement.* The membership agreement is signed by an authorized individual on behalf of the facility, providing for the facility's participation in Council activites.

(b) *Standard: representation.* The facility appoints at least one representative to the Council and more than one representative, when necessary, (§ 405.2110(b)), for proper administration of the Network's general program functions.

§ 405.2135 Condition: compliance with Federal, State and local laws and regulations.

The ESRD facility is in compliance with applicable Federal, State and local laws, and regulations.

(a) *Standard: licensure.* Where State or applicable local law provides for the licensing of ESRD facilities, the facility is:

(1) Licensed pursuant to such law; or

(2) Approved by the agency of such State or locality responsible for such licensing as meeting the standards established for such licensing.

(b) *Standard: licensure or registration of personnel.* Each staff member is currently licensed or registered in accordance with applicable law.

(c) *Standard: conformity with other laws.* The facility is in conformity with applicable laws and regulations pertaining to fire safety, equipment, and other relevant health and safety requirements.

§ 405.2136 Condition: governing body and management.

The ESRD facility is under the control of an identifiable governing body, or designated person(s) so functioning, with full legal authority and responsibility for the governance and operation of the facility. The governing body adopts and enforces rules and regulations relative to its own governance and to the health care and safety of patients, to the

V 40 I 127 JUL 1 75 XUM

protection of the patients' personal and property rights, and to the general operation of the facility. The governing body receives and acts upon recommendations and communications from the Medical Review Board and the Network Coordinating Council. The governing body appoints a chief executive officer who is responsible for the overall management of the facility.

(a) *Standard: disclosure of ownership.* The ESRD dialysis and/or transplant facility supplies full and complete information to the State survey agency (§ 405.1902(a)) as to the identity of: (1) each person who has any direct or indirect ownership interest of 10 per centum or more in the facility, or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the facility or any of the property or assets of the facility; (2) each officer and director of the corporation, if the facility is organized as a corporation; and (3) each partner, if the facility is organized as a partnership; and promptly reports to the State survey agency any changes which would affect the current accuracy of the information so required to be supplied.

(b) *Standard: operational objectives.* The operational objectives of the ESRD dialysis and/or transplant facility, including the services that it provides, are established by the governing body and delineated in writing.

The governing body adopts effective administrative rules and regulations that are designed to safeguard the health and safety of patients and to govern the general operations of the facility, in accordance with legal requirements. Such rules and regulations are in writing and dated. The governing body ensures that they are operational, and that they are reviewed at least annually and revised as necessary.

(1) The objectives of the facility are formulated in writing and clearly stated in documents appropriate for distribution to patients, facility personnel, and the public.

(2) A description of the services provided by the facility, together with a categorical listing of the types of diagnostic and therapeutic procedures that may be performed, is readily available upon request to all concerned.

(3) Criteria defining patient eligibility for services are developed by the facility and are readily available to all concerned to ensure equitable access to such service.

(4) The operational objectives and administrative rules and regulations of the facility are reviewed at least annually and revised as necessary by the administrative staff, medical director, and other appropriate personnel of the facility, and are adopted when approved by the governing body.

(5) There is a written requirement that the governing body receive all recommendations and communications from the Medical Review Board and the Network Coordinating Council and appropriately act on such recommendations and communications.

(c) *Standard: chief executive officer.* The governing body appoints a qualified chief executive officer who, as the ESRD dialysis and/or transplant facility's administrator: is responsible for the overall management of the facility; enforces the rules and regulations relative to the level of health care and safety of patients, and to the protection of their personal and property rights; and plans, organizes, and directs those responsibilities delegated to him by the governing body. Through meetings and periodic reports, the chief executive officer maintains ongoing liaison among the governing body, medical and nursing personnel, and other professional and supervisory staff of the facility, and acts upon medical recommendations made by the medical staff, the governing body, and the Medical Review Board. In the absence of the chief executive officer, a qualified person is authorized in writing to act on the officer's behalf.

(1) The governing body delineates in writing the responsibilities of the chief executive officer, and ensures that he/she is sufficiently free from other duties to provide effective direction and management of the operations and fiscal affairs of the facility.

(2) The chief executive officer serves on a full-time or part-time basis, in accordance with the scope of the facility's operations and administrative needs, and devotes sufficient time to the conduct of such responsibilities.

(3) The responsibilities of the chief executive officer include but are not limited to:

(i) Implementing the policies of the facility and coordinating the provision of services, in accordance with delegations by the governing body.

(ii) Organizing and coordinating the administrative functions of the facility, redelegating duties as authorized, and establishing formal means of accountability for those involved in patient care.

(iii) Authorizing expenditures in accordance with established policies and procedures.

(iv) Familiarizing the staff with the facility's policies, rules, and regulations, and with applicable Federal, State, and local laws and regulations.

(v) Maintaining and submitting such records and reports, including a chronological record of services provided to patients, as may be required by the facility's internal committees and governing body, the Medical Review Board (§ 405.2110), and governmental agencies.

(vi) Participating in the development, negotiation, and implementation of agreements or contracts into which the facility may enter, including network agreements, (§ 405.2134), subject to approval by the governing body of such agreements or contracts.

(vii) Participating in the development of the organizational plan and ensuring the development and implementation of an accounting and reporting system, including annual development of a detailed budgetary program, maintenance of fiscal records, and quarterly submission to the governing body of reports of expenses and revenues generated through the facility's operation.

(viii) Ensuring that the facility employs the number of qualified personnel needed; that all employees have appropriate orientation to the facility and their work responsibilities upon employment; and that they have an opportunity for continuing education and related development activities.

(d) *Standard: institutional planning.* The ESRD dialysis and/or transplant facility has an institutional plan that:

(1) Is prepared under the direction of the governing body by a committee consisting of representatives of the governing body, the administrative staff, and the professional staff;

(2) Provides for an annual operating budget which includes all anticipated income and expenses related to items which, under generally accepted accounting principles, would be considered income and expense items (except that nothing in this paragraph shall require that there be prepared, in connection with any budget, an item-by-item identification of the components of each type of anticipated expenditure of income);

(3) Provides for a capital expenditures plan for at least a 3-year period (including the year to which the operating budget described in paragraph (d)(2) of this section is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment, and the replacement, modernization, and expansion of the buildings and equipment which under generally accepted accounting principles, would be considered capital items; and

(4) Provides for review and updating of the institutional plan at least annually.

(e) *Standard: personnel policies and procedures.* The governing body, through the chief executive officer of the ESRD dialysis and/or transplant facility, is responsible for maintaining and implementing written personnel policies and procedures that support sound patient care and promote good personnel practices. These policies and procedures ensure that:

(1) All members of the facility's staff are qualified to perform the duties and responsibilities assigned to them and meet such Federal, State, and local professional requirements as may apply.

(2) A safe and sanitary environment for patients and personnel exists, and that incidents and accidents to patients and personnel are reviewed to identify health and safety hazards. Health supervision of personnel is provided, and they are referred for periodic health examinations and treatments as necessary or as required by Federal, State, and local laws.

(3) If the services of trainees are utilized in providing ESRD services, such trainees are under the direct supervision of qualified professional personnel.

(4) Complete personnel records are maintained on all personnel. These include health status reports, resumes of training and experience, and current job descriptions that reflect the employees' responsibilities and work assignments.

(5) Personnel policies are written and made available to all personnel in the facility. The policies provide for an effective mechanism to handle personnel grievances.

(6) All personnel of the facility participate in educational programs on a regular basis. These programs cover initial orientation, and continuing inservice training, including procedures for infection control. Records are maintained showing the content of training sessions and the attendance at such sessions.

(7) Procedures manuals are maintained, periodically updated, and made available to all personnel involved in patient care.

(f) *Standard: use of outside resources.* If the ESRD dialysis and/or transplant facility makes arrangements for the provision of a specific service as authorized in these regulations, the responsibilities, functions, objectives, and the terms of each arrangement, including financial provisions and charges, are delineated in a document signed by an authorized representative of the facility and the person or agency providing the service. Documents pertaining to arrangements for services specify that the facility assumes professional and administrative responsibility for the services rendered. The outside resource, when acting as a consultant, apprises the chief executive officer and attending physician of recommendations, plans for implementation, and continuing assessment through dated, signed reports, which are retained by the chief executive officer for follow-up action and evaluation of performance.

(g) *Standard: patient care policies.* The ESRD dialysis and/or transplant facility has written policies, approved by the governing body, concerning the provision of dialysis and other ESRD services to patients. These policies are developed by the physician responsible for supervising and directing the provision of ESRD services, or the facility's organized medical staff (if there is one), with the advice of (and with provision for review of such policies from time to time, but at least annually, by) a group of professional personnel associated with the facility, including one or more physicians and one or more registered nurses experienced in rendering ESRD care.

(1) The patient care policies cover the following:

(i) Scope of services provided by the facility (either directly or under arrangement).

(ii) Admission and discharge policies (in relation to both in-facility care and self-care or home care).

(iii) Medical supervision and physician services.

(iv) Patient care plans and methods of implementation.

(v) Care of patients in medical and other emergencies.

(vi) Pharmaceutical services.

(vii) Medical records (including those maintained in the ESRD facility and in the patients' homes, to ensure continuity of care).

(viii) Administrative records.

(ix) Use and maintenance of the physical plant and equipment.

(x) Consultant qualifications, functions, and responsibilities.

(xi) Surveillance of home adaptation if the facility has responsibility for home dialysis patients.

(2) The physician-director of the facility is designated in writing to be responsible for the execution of patient care policies. If the responsibility for day-to-day execution of patient care policies has been delegated by a physician director to a registered nurse, the physician-director provides medical guidance to the nurse in such matters.

(3) The facility policy provides that hours for dialysis are scheduled for patient convenience and that, whenever feasible, arrangements are made to accommodate employed patients who wish to be dialyzed during their nonworking hours.

(4) The governing body adopts policies to ensure there is evaluation of the progress each patient is making toward the goals stated in the patient's care plan (§ 405.2137). Such evaluations are carried out through regularly scheduled conferences, with participation by the staff involved in the patient's care.

(h) *Standard: medical supervision and emergency coverage.* The governing body of the ESRD dialysis and/or transplant facility ensures that the health care of every patient is under the continuing supervision of a physician and that a physician is available in emergency situations.

(1) The physician responsible for the patient's medical supervision evaluates the patient's immediate and long-term needs and on this basis prescribes a planned regimen of care which covers indicated dialysis and other ESRD treatments, services, medications, diet, special procedures recommended for the health and safety of the patient, and plans for continuing care and discharge.

(2) The governing body ensures that there is 24-hour, 7-day a week medical coverage so that there is always available medical care for emergencies. There is posted at the nursing/monitoring station a roster with the names of the physicians to be called, when they are available for emergencies, and how they can be reached.

(i) *Standard: medical staff.* The governing body of the ESRD dialysis and/or transplant facility designates a qualified physician (see § 405.2102(m)(4)) as director of the ESRD services; the appointment is made upon the recommendation of the facility's organized medical staff, if there is one. The governing body establishes written policies regarding the development, negotiation, consummation, evaluation, and termination of appointments to the medical staff.

§ 405.2137 Condition: patient care plans.

There is a written patient care plan for every patient of the ESRD dialysis and/or transplant facility, based on the nature of the illness, treatment prescribed, long-term and short-term goals and other pertinent information.

(a) *Standard: personalized plans.* The patient care plan is personalized for the individual patient. It indicates what ESRD and other care is needed, how it can best be accomplished, and what modifications are necessary to achieve the best results. The patient is involved in the development of the plan, and due consideration is given to the patient's preferences.

(b) *Standard: physician involvement.* The patient care plan is developed on the basis of the physician's prescribed regimen of treatment, with the involvement of other professional personnel who participate in the patient's care. The patient care plan is reviewed and revised, as necessary, in order to ensure that it provides for the ongoing needs of the patient.

§ 405.2138 Condition: patients' rights.

The governing body of the ESRD dialysis and/or transplant facility adopts written policies regarding the rights and responsibilities of patients and, through the chief executive officer, is responsible for development of, and adherence to, procedures implementing such policies. These policies and procedures are made available to patients and any guardians, next of kin, sponsoring agency(ies), representative payees selected pursuant to section 205(j) of the Social Security Act and Subpart Q of Part 404 of this Chapter, and to the public. The staff of the facility is trained and involved in the execution of such policies and procedures. The patients' rights policies and procedures ensure that all patients treated in the facility:

(1) Are fully informed of these rights and responsibilities, and of all rules and regulations governing patient conduct and responsibilities;

(2) Are fully informed of services available in the facility and of related charges including any charges for services not covered under titles XVIII or XIX of the Social Security Act;

(3) Are fully informed by a physician of their medical condition unless medically contraindicated (as documented in their medical records) and are afforded the opportunity to participate in the planning of their medical treatment and to refuse to participate in experimental research;

(4) Are encouraged and assisted to understand and exercise their rights. Grievances and recommended changes in policies and services may be addressed to facility staff, the Council, or any other representatives, free from restraint, interference, coercion, discrimination or reprisal;

(5) Are assured confidential treatment of their personal and medical records, and may approve or refuse release of such

V 40 127 JUL 1 75 XUM

records to any individual outside the facility, except in case of their transfer to another health care institution or as required by law or third-party contract;

(6) Are treated with consideration, respect, and full recognition of their individuality and personal needs, including the need for privacy in treatment. Provision is made for translators where a significant number of patients exhibit language barriers; and

(7) Except in a medical emergency, are not transferred or discharged, nor is treatment altered radically, without consultation with the patient or, if incompetent, without prior notification of next of kin or sponsor.

§ 405.2139 Condition: medical records.

The ESRD dialysis and/or transplant facility maintains complete medical records on all patients (i.e., those receiving care within the facility and those self-care or home dialysis patients for whom the facility has assumed responsibility) in accordance with accepted professional standards and practices. A qualified member of the facility's staff is designated to serve as supervisor of medical records services, and ensures that all records are properly documented, completed, and preserved. The medical records are completely and accurately documented, readily available, and systematically organized to facilitate the compilation and retrieval of information.

(a) *Standard: medical record.* Each patient's medical record contains sufficient information to identify the patient clearly, to justify the diagnosis and treatment, and to document the results accurately. All medical records contain the following general categories of information: Documented evidence of assessment of the needs of the patient, of establishment of an appropriate plan of treatment, and of the care and services provided; identification and social data; signed consent forms; referral information with authentication of diagnosis; medical and nursing history of patient; report(s) of physician examination(s); diagnostic and therapeutic orders, observations, and progress notes; reports of treatments and clinical findings; reports of laboratory and other diagnostic tests and procedures; and discharge summary including final diagnosis and prognosis.

(b) *Standard: protection of medical record information.* The facility safeguards medical record information agains loss, destruction, or unauthorized use. The facility has written policies and procedures which govern the use and release of information contained in medical records. Written consent of the patient, or of an authorized person acting in behalf of the patient, is required for release of information not provided by law. Medical records are made available under stipulation of confidentiality for inspection by authorized agents of the Secretary, as required for administration of the ESRD program under Medicare.

(c) *Standard: medical records supervisor.* A qualified member of the facility's staff is designated to serve as supervisor of the facility's medical records service. The functions of the medical records supervisor include, but are not limited to, the following: Ensuring that the records are documented, completed, and maintained in accordance with accepted professional standards and practices; safeguarding the confidentiality of the records in accordance with established policy and legal requirements; ensuring that the records contain pertinent medical information and are filed for easy retrieval. When necessary, consultation is secured from a qualified medical record practitioner.

(d) *Standard: Completion of medical records and centralization of clinical information.* Current medical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is centralized in the patient's medical record.

(e) *Standard: retention and preservation of records.* Medical records are retained for a period of time not less than that determined by the State statute governing records retention or statute of limitations, or five years from the date of discharge in the absence of a State statute, or, in the case of a minor, three years after the patient becomes of age under State law, whichever is longest.

(f) *Standard: location and facilities.* The facility maintains adequate facilities, equipment, and space conveniently located, to provide efficient processing of medical records (e.g., reviewing, filing, and prompt retrieval) and statistical medical information (e.g., required abstracts, reports, etc.).

(g) *Standard: transfer of medical information.* The facility provides for the interchange of medical and other information necessary or useful in the care and treatment of patients transferred between treating facilities, or in determining whether such patients can be adequately cared for otherwise than in either of such facilities.

§ 405.2140 Condition: physical environment.

The physical environment in which ESRD services are furnished affords a functional, sanitary, safe, and comfortable setting for patients, staff, and the public.

(a) *Standard: building and equipment.* The physical structure in which ESRD services are furnished is constructed, equipped, and maintained to insure the safety of patients, staff, and the public.

(1) Fire extinguishers are conveniently located on each floor of the facility and in areas of special hazard. Fire regulations and fire management procedures are prominently posted and properly followed.

(2) All electrical and other equipment used in the facility is maintained free of defects which could be a potential hazard to patients or personnel. There is established a planned program of preventive maintenance of equipment used in hemodialysis and related procedures in the facility.

(3) The areas used by patients are maintained in good repair and kept free of hazards such as those created by damaged or defective parts of the building.

(4) An emergency electrical service covers the fire alarm system and the lights at exits and corridors used by patients.

(b) *Standard: favorable environment for patients.* The facility is maintained and equipped to provide a functional, sanitary, and comfortable environment with an adequate amount of well-lighted space for the services provided.

(1) There are written policies and procedures in effect for preventing and controlling hepatitis and other infections. As a minimum, these policies and procedures cover the provisions of appropriate sterile techniques.

(2) Treatment areas are designed and equipped to provide adequate and safe dialysis therapy, as well as privacy and comfort for patients.

(3) There is provided a nursing/monitoring station from which adequate surveillance of patients receiving hemodialysis services can be made.

(4) Heating and ventilation systems are capable of maintaining adequate and comfortable temperatures.

(c) *Standard: emergency preparedness.* Policies and procedures for handling emergencies are in writing and readily available. The emergency preparedness plan is tested periodically and reviewed and revised as necessary, but at least annually. Staff are knowledgeable of their respective roles in emergencies and are trained in emergency life-saving procedures and techniques.

(1) There is an established written plan for dealing with fire and other emergencies which, when necessary, is developed in cooperation with fire and other expert personnel.

(2) All personnel are trained, as part of their employment orientation, in all aspects of preparedness for any emergency or disaster. The emergency preparedness plan provides for orientation and regular training and periodic drills for all personnel in all procedures so that each person promptly and correctly carries out a specified role in case of an emergency.

(3) There is available at all times on the premises a fully equipped emergency tray, including emergency drugs, medical supplies, and equipment, and staff are trained in its use.

(4) The staff is familiar with the use of all dialysis equipment and procedures to handle medical emergencies.

§ 405.2160 Condition: affiliation agreement or arrangement (ESRD facility).

An ESRD dialysis facility has in effect an affiliation agreement or arrangement, in writing, for the provision of inpatient care and other hospital services with: (a) a Medicare approved Renal Dialysis Center (see § 405.2102(e)(6)), and (b) a nearby hospital that can furnish care to the dialysis facility's patients in medical emergencies. (The requirement in (a) of this paragraph does not apply to a facility which is itself a Renal Dialysis Center, nor does the requirement in (b) of this paragraph apply to a facility which is located in and operated by a Medicare approved hospital.)

The affiliation agreement or arrangement provides the basis for effective working relationships under which inpatient hospital care or other hospital services are available promptly to the dialysis facility's patients when needed. The dialysis facility has in its files documentation from the hospital(s) to the effect that patients from the dialysis facility will be accepted and treated in acute medical emergencies. There are reasonable assurances that:

(a) Transfer or referral of patients will be effected between the hospital and the dialysis facility whenever such transfer or referral is determined as medically appropriate by the attending physician, with timely acceptance and admission;

(b) There will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred or referred between the facilities, or in determining whether such individual can be adequately cared for otherwise than in either of such facilities; and

(c) Security and accountability for patients' personal effects are provided when the patient is transferred to the hospital.

§ 405.2161 Condition—Director of an ESRD dialysis facility.

Treatment is under the general supervision of a Director who is a physician. The physician-director need not devote full time as Director but is responsible for planning, organizing, conducting, and directing the professional ESRD services and must devote sufficient time to carrying out these responsibilities. The director may also serve as the Chief Executive Officer of the facility.

(a) *Standard: qualifications.* The director of a dialysis facility is a qualified physician-director. (See § 405.2102(m)(4))

(b) *Standard: responsibilities.* The responsibilities of the physician-director include but are not limited to the following:

(1) Participating in the selection of a suitable treatment modality, i.e., transplantation or dialysis, and dialysis setting, for all patients;

(2) Training, or assuring adequate training, of nurses and technicians in dialysis techniques;

(3) Assuring adequate monitoring of the patient and the dialysis process;

(4) Assuring the development and availability of a policy and procedures manual and its implementation. As a minimum, the manual describes the types of dialysis used in the facility and the procedures followed in performance of such dialysis; hepatitis prevention and procedures for handling an individual with hepatitis; and a disaster preparedness plan (e.g., patient emergency, fire, flood); and

(5) When self-dialysis training is offered, assuring that patient teaching materials are available for patient use during training and at times other than during the dialysis procedure.

§ 405.2162 Condition: staff of an ESRD dialysis facility.

Properly trained personnel are present in adequate numbers to meet the needs of the patients, including those arising from medical and nonmedical emergencies.

(a) *Standard: registered nurse.* The dialysis facility employs at least one full time qualified nurse responsible for nursing service. (See § 405.2102(m)(3))

(b) *Standard: on-duty personnel.* Whenever patients are undergoing dialysis, other than self-care dialysis, one currently licensed health professional (e.g., M.D., R.N., or LPN) experienced in rendering ESRD care is on duty to monitor patient vital signs, and an adequate number of personnel are present or readily available to meet medical and nonmedical emergencies.

(c) *Standard: self-dialysis training personnel.* If the facility offers self-care dialysis training, a qualified nurse is in charge of such training (see § 405.2102(m)(3)).

§ 405.2163 Condition: Minimal service requirements for an ESRD dialysis facility.

In addition to chronic maintenance dialysis, the facility provides adequate laboratory, social, and dietetic services as needed to meet the needs of the ESRD patient.

(a) *Standard: laboratory services.* The dialysis facility makes available, directly or by arrangements, laboratory services, (other than the specialty of tissue pathology), which are available to meet the needs of the ESRD patient. Laboratory services are performed either by a Medicare-approved hospital or by a qualified Medicare-approved independent laboratory which, notwithstanding approval pursuant to Subparts J, M, and S, as appropriate, also meets § 405.1314(b)(3) and (5) and § 405.1317.

(b) *Standard: social services.* Social services are furnished by a qualified social worker (§ 405.2102(m)(5)) who has an employment or contractual relationship with the facility. The qualified social worker is responsible for social evaluations, financial advice and counseling, ongoing social services and, when indicated, referrals for vocational rehabilitation.

(c) *Standard: dietetic services.* Each patient is evaluated as to his nutritional needs by the attending physician in consultation with a qualified dietitian (§ 405.2120(m)(1)). Therapeutic diets are prescribed and monitored by the attending physician in consultation with the dietitian. When the need is indicated, the dietitian provides ongoing dietary counseling.

(d) *Standard: self-care dialysis support services.* The self-care dialysis training facility furnishes or arranges for the furnishing of the following upon completion of the training:

(1) Routine medical surveillance of the patient's medical condition and home adaptation, including provisions for visits to the home or the facility when necessary;

(2) Installation and maintenance of equipment;

(3) Testing and appropriate treatment of the water;

(4) Ordering of supplies on an ongoing basis;

(5) Routine consultation for the patient with a qualified social worker and a qualified dietitian; and

(6) A record-keeping system which assures continuity of care.

(e) *Standard: participation in recipient registry.* The dialysis facility participates in a patient registry program for patients who are awaiting cadaveric donor transplantation.

§ 405.2170 Condition: Director of a renal transplantation center.

The renal transplantation center is under the general supervision of a qualified transplantation surgeon (§ 405.2102(m)(6)) or a qualified physician-director (§ 405.2102(m)(4)), who need not serve full time. This physician is responsible for planning, organizing, conducting, and directing the Renal Transplantation Center and devotes sufficient time to carry out these responsibilities, which include but are not limited to the following:

(a) Participating in the selection of a suitable treatment modality for each patient.

(b) Training, or assuring adequate training, of nurses in the care of transplant patients.

(c) Assuring that tissue typing and organ procurement services are available either directly, by arrangements, or by agreements.

(d) Assuring that transplantation surgery is performed under the direct supervision of a qualified transplantation surgeon.

§ 405.2171 Condition: minimal service requirements for a renal transplantation center.

Kidney transplantation is furnished directly by a hospital which is participating as a provider of services in the Medicare program and is approved by the Secretary as a Renal Transplantation Center. The Renal Transplantation Center is under the overall direction of a hospital administrator and medical staff; if operated by an organizational subsidiary, it is under the direction of an administrator and medical staff member (or committee) who are directly responsible to the hospital administrator and medical staff, respectively. Patients are accepted for transplantation only on the order of a physician and their care continues under the supervision of a physician.

(a) *Standard: participation in recipient registry.* The Renal Transplantation Center participates in a patient registry program for patients who are awaiting cadaveric donor transplantation.

(b) *Standard: social services.* Social services are furnished to transplant recipients and donors by a qualified social

V 40 127 JUL 1 75 XUM

worker who has an employment or contractual relationship with the facility. The qualified social worker is responsible for social evaluations, financial advice and counseling, ongoing social services and, when indicated, referral for vocational rehabilitation.

(c) *Standard: laboratory services.* The hospital makes available, directly or by arrangements, laboratory services to meet the needs of ESRD patients. Laboratory services, including histocompatibility testing, are performed either by a Medicare-approved independent laboratory or by a Medicare-approved hospital which, notwithstanding approval pursuant to Subparts J, M, and S, as appropriate, also meets § 405.1314(b)(3) and (5), § 405.1317, and (when services are furnished in the specialty of tissue pathology) § 405.1314(b)(8)(i).

(1) The following laboratory services are available on a 24-hour emergency basis:

(i) ABO blood grouping;

(ii) HL–A and better-defined W antigens with adequately maintained typing reagents and with retyping and updating as needed;

(iii) Recipient sera screening for preformed antibodies with a suitable lymphocyte panel; and

(iv) Cross-matching of recipient and donor sera for preformed antibodies by at least two sensitive techniques.

(2) Available laboratory services also include:

(i) Suitable maintenance of recipient sera and typing reagents; and

(ii) Genotyping for honors and recipients.

APPENDIX

The designation of network areas has been preceded by extensive consultation with representatives of governmental agencies at all levels and with local ESRD patient care providers who are knowledgeable about existing patient referral patterns. The network areas proposed have been designed to enable network organizations to carry out their required functions and to provide for ESRD patient care referrals, with minimal need for reliance on resources located outside the designated network area. Each network area includes a minimum population of 3.5 million, except for 4 network areas where this minimum would not be feasible. Network areas frequently cross State and HEW regional boundaries, but do not divide proposed Health Service Areas mandated by the new National Health Planning and Resources Development Act of 1974.

The designation of network areas does not imply that the boundaries will remain static. These network areas may be changed based on public comment and the final designation of the Health Service Areas, and from time to time by publication of amendments to these regulations so that the regulations are in accordance with program experience and changing ESRD needs.

Pursuant to § 406.2111 of this Subpart, the following are designated as End-Stage Renal Disease Network Areas:

ESRD NETWORK NO. 1

American Samoa
Guam
Hawaii
The Trust Territory of the Pacific Islands

ESRD NETWORK NO. 2

The State of Montana
The State of Oregon
The State of Washington
The State of Idaho
The State of Alaska

ESRD NETWORK NO. 3

The following counties in Northern California:

Alameda	Nevada
Alpine	Placer
Amador	Plumas
Butte	Sacramento
Calaveras	San Benito
Colusa	San Francisco
Contra Costa	San Joaquin
Del Norte	San Mateo
El Dorado	Santa Clara
Fresno	Santa Cruz
Glenn	Shasta
Humboldt	Sierra
Lake	Siskiyou
Lassen	Solano
Madera	Sonoma
Marin	Stanislaus
Mariposa	Sutter
Mendocino	Tehama
Merced	Trinity
Modoc	Tuolumne
Mono	Yolo
Monterey	Yuba
Napa	

The State of Nevada excluding Clark county which is included in Network area 4.

ESRD NETWORK NO. 4

The following counties in Southern California:

Imperial	San Bernardino
Inyo	San Diego
Kern	San Luis Obispo
Kings	Santa Barbara
Los Angeles	Tulare
Orange	Ventura
Riverside	

The following county in Southern Nevada:

Clark

ESRD NETWORK NO. 5

Composed of:

The State of Colorado
The State of Utah
The State of Wyoming

ESRD NETWORK NO. 6

The State of Arizona
The State of New Mexico

ESRD NETWORK NO. 7

Composed of:

The State of Minnesota
The State of North Dakota
The State of South Dakota

The following county in the State of Wisconsin:

Douglas

The following counties in the State of Michigan:

Alger	Keweenaw
Baraga	Luce
Chippewa	Mackinac
Delta	Marquette
Dickinson	Menominee
Gogebic	Ontonagon
Houghton	Schoolcraft
Iron	

ESRD NETWORK NO. 8

Composed of:

The State of Iowa
The State of Nebraska

The following counties in the State of Illinois:

Henry	Rock Island
Mercer	

ESRD NETWORK NO. 9

The State of Kansas

The State of Illinois excluding the following counties which are included in network area number 15 except the 3 which are shown as being in number 8.

Boone	Lee
Bureau	Marshall
Carroll	McDonough
Cook	McHenry
De Kalb	*Mercer
Du Page	Ogle
Fulton	Peoria
Grundy	Putnam
Henderson	*Rock Island
*Henry	Stark
Jo Daviess	Stephenson
Kane	Tazewell
Kankakee	Warren
Kendall	Whiteside
Knox	Will
Lake	Winnebago
La Salle	Woodford

The State of Missouri

ESRD NETWORK NO. 10

The State of Arkansas
The State of Oklahoma

ESRD NETWORK NO. 11

The State of Texas

ESRD NETWORK NO. 12

The State of Louisiana

ESRD NETWORK NO. 13

The State of Wisconsin excluding the following county which is included in network area number seven.

Douglas

ESRD NETWORK NO. 14

The State of Michigan excluding the following counties which are included in network area number 7.

Alger	Keweenaw
Baraga	Luce
Chippewa	Mackinac
Delta	Marquette
Dickinson	Menominee
Gogebic	Ontonagon
Houghton	Schoolcraft
Iron	

ESRD NETWORK NO. 15

Northern Illinois including the following counties:

Boone	Lee
Bureau	Marshall
Carroll	McDonough
Cook	McHenry
Dekalb	Ogle
DuPage	Peoria
Fulton	Putnam
Grundy	Stark
Henderson	Stephenson
Jo Daviess	Tazewell
Kane	Warren
Kankakee	Whiteside
Kendall	Will
Knox	Winnebago
Lake	Woodford
LaSalle	

*Included in network area number 8.

ESRD NETWORK NO. 16

The State of Indiana excluding the following county which is included in network area number 17.

Dearborn

ESRD NETWORK NO. 17

The State of Kentucky

The following counties in the State of Ohio:

Adams	Greene
Brown	Hamilton
Butler	Highland
Champaign	Miami
Clark	Montgomery
Clermont	Preble
Clinton	Shelby
Darke	Warren

The following county in the State of Indiana:

Dearborn

ESRD NETWORK NO. 18

The State of Alabama excluding the following county which is included in network area number 20.

Russell

The State of Mississippi
The State of Tennessee

The following counties in the State of Georgia:

Catoosa	Walker
Dade	

The following counties in the State of Virginia:

Scott Washington

ESRD NETWORK NO. 19

The State of Florida

ESRD NETWORK NO. 20

The State of Georgia excluding the following counties which are included in network area number 18.

Catoosa	Walker
Dade	

The State of South Carolina

The following county in the State of Alabama:

Russell

ESRD NETWORK NO. 21

The State of North Carolina

ESRD NETWORK NO. 22

Composed of the State of Ohio excluding the following counties which are included in network area number 17.

Adams	Greene
Brown	Hamilton
Butler	Highland
Champaign	Miami
Clark	Montgomery
Clermont	Preble
Clinton	Shelby
Darke	Warren

The following counties of Western Pennsylvania:

Allegheny	Forest
Armstrong	Greene
Beaver	Huntington
Bedford	Indiana
Blair	Jefferson
Butler	Lawrence
Cambria	McKean
Cameron	Mercer
Clarion	Potter
Clearfield	Somerset
Crawford	Venango
Elk	Warren
Erie	Washington
Fayette	Westmoreland

ESRD NETWORK NO. 23

The District of Columbia.
The State of Maryland

The State of Virginia excluding the following counties which are included in network area number 18.

Scott
Washington

The State of West Virginia

ESRD NETWORK NO. 24

The State of Delaware

The State of New Jersey excluding Bergen County which is included in network area number 25.

The following counties of Eastern Pennsylvania:

Adams	Dauphin
Berks	Delaware
Bucks	Franklin
Carbon	Fulton
Centre	Juniata
Chester	Lackawanna
Clinton	Lancaster
Columbia	Lebanon
Cumberland	Lehigh
Luzerne	Pike
Lycoming	Philadelphia
Mifflin	Schuylkill
Monroe	Snyder
Montgomery	Union
Montour	Wayne
Northampton	Wyoming
Northumberland	York
Perry	

ESRD NETWORK NO. 25

The following counties of Metropolitan New York:

Bronx	Queens
Dutchess	Richmond
Kings	Rockland
Nassau	Suffolk
New York	Sullivan
Orange	Ulster
Putnam	Westchester

The following county in the State of New Jersey:

Bergen

ESRD NETWORK NO. 26

The State of New York excluding the following counties which are included in network area number 25:

Bronx	Queens
Dutchess	Richmond
Kings	Rockland
Nassau	Suffolk
New York	Sullivan
Orange	Ulster
Putnam	Westchester

The following counties in the State of Pennsylvania:

Bradford	Sullivan
Susquehanna	Tioga

ESRD NETWORK NO. 27

The State of Connecticut

ESRD NETWORK NO. 28

The State of Maine	The State of Rhode Island
The State of Massachusetts	The State of Vermont
The State of New Hampshire	

ESRD NETWORK NO. 29

Puerto Rico Virgin Islands

[FR Doc.75-16865 Filed 6-30-75;8:45 am]

V40-127 JUL 1 75 XUM

federal register

TUESDAY, JULY 1, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 127

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

INTRAUTERINE CONTRACEPTIVE DEVICES

Professional and Patient Labeling

V40 127 JUL 1 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N–0122]

INTRAUTERINE CONTRACEPTIVE DEVICES (IUD'S)

Professional and Patient Labeling for Intrauterine Contraceptive Devices

The Commissioner of Food and Drugs is proposing an amendment to the new drug regulations (21 CFR Part 310) to establish uniform professional and patient labeling for intrauterine devices; comments by September 2, 1975.

The intrauterine contraceptive device (IUD) is a popular method of contraception used by several million women in the United States. Although this method is generally safe and effective, certain complications and side effects may result from its use. A Food and Drug Administration (FDA) review of the labeling of IUD's currently marketed in the United States has disclosed that such information is not uniformly available to either the practitioner or the patient. The Commissioner has concluded that many of these problems can be ameliorated or avoided by dissemination of accurate information concerning the IUD's indications, effectiveness, contraindications, warnings, precautions, and adverse reactions to both the physician and the patient and that this can be accomplished best by the use of special physician and patient labeling for both drug and device IUD's. Therefore, the Commissioner is proposing to amend the new drug regulations to provide for that labeling.

The FDA has been working on IUD-related problems for several years. In 1967, the FDA commissioned the Obstetrics and Gynecology Advisory Committee to analyze the problem and to prepare a report. The report, issued January 1, 1968, noted that complications resulting from the use of IUD's are different from those associated with hormonal contraceptives, but are approximately as common, and that the rates of discontinuance appear to be about equal in the two forms of contraception. It concluded that IUD's are highly effective in preventing pregnancy, but that physicians should be aware of all possible contraindications and complications. The committee noted that the existing legal authority is limited to regulation of marketed devices which demonstrate excessive danger or hazard to health. It further recommended that more research must be done on the IUD's since its findings were not conclusive.

During the early part of 1973, the FDA Office of Medical Devices undertook a survey of IUD manufacturers to gather additional information about the labeling and the safety and effectiveness of IUD's. After reviewing information gathered in the survey and information contained in the scientific literature, an IUD called the "Majzlin Spring" was seized May 29, 1973 on the basis that its continued use in patients constituted a danger to health.

In May and June 1973, a subcommittee of the Committee on Government Operations, House of Representatives, held hearings on the regulation of medical devices. For the most part the purpose of the oversight hearings was to determine whether the FDA was doing a satisfactory job of enforcing the laws which it administers and whether IUD's were under adequate regulation to assure their safe and effective use. The Acting Commissioner, in testifying at those hearings, stated that IUD's and other contraceptive products, particularly drugs, were a serious concern to the FDA, the medical profession, and the public. He added that while many experts believe intrauterine devices are safer than oral contraceptives and equally effective, the FDA is sensitive to injury and complaint data pertaining to IUD's. The Acting Commissioner assured the subcommittee members that the existing resources and legislative authority of the FDA were being applied to problems associated with the use of IUD's as well as the hundreds of other medical devices in use.

During the remainder of 1973, FDA continued to monitor reports relating to the safety and effectiveness of IUD's. In addition, the Family Planning Evaluation Division of the Center for Disease Control (CDC) in conjunction with the Committee on Maternal and Child Health Care of the American Medical Association (AMA) and the American Osteopathic Association (AOA) undertook a survey of practitioners to determine their experiences with the use of IUD's during the first 6 months of 1973. The survey indicated that deaths and hospitalizations associated with the use of IUD's were being reported.

In December 1973, the A. H. Robins Co., 1407 Cummings Drive, Richmond, VA 23220, manufacturer of the Dalkon Shield IUD, notified FDA that it had received reports about complications of pregnancy associated with the use of this IUD. In February 1974, the firm sponsored an internal conference, and in April 1974, the firm met with representatives of FDA to discuss its intention to issue a letter advising physicians about procedures for the management of pregnancy occurring with the IUD in situ. On May 8, 1974, the firm issued the letter to more than 120,000 physicians.

On June 10–11, 1974 and June 13–14, 1974, two FDA advisory committees (the Panel on Review of Obstetrical and Gynecology Devices, established for the purpose of reviewing and evaluating all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use, and the Obstetrics and Gynecology Advisory Committee, established for the purpose of advising the Commissioner regarding the safety and effectiveness of drugs employed in obstetrics and gynecology) held meetings at which they concluded that the Dalkon Shield raised sufficient questions of safety to recommend that the device be withdrawn from the market. The conclusion reached by these two committees was made on the basis of information furnished by A. H. Robins Co., additional material developed by FDA and the report by CDC on the survey undertaken in cooperation with the AMA and the AOA.

On July 5, 1974, the results of the CDC survey were published in Morbidity and Mortality, Vol. 23, No. 26. That survey indicated that while the small number of IUD-related deaths demonstrates an increased mortality rate, the overall rate of IUD-related mortality appears to be low compared with the mortality rates associated with pregnancy and with other forms of contraception.

To provide an opportunity for all interested persons to present data, comments, or suggestions relative to the safety issues related to the Dalkon Shield and other IUD's, the Commissioner held a public hearing on August 21, 1974. The hearing particularly considered whether there are any differences in safety between the Dalkon Shield and other IUD's.

At this public hearing, members of both the Panel on Review of Obstetrical and Gynecology Devices and the Obstetrics and Gynecology Advisory Committee, meeting as an Ad Hoc Obstetrics and Gynecology Advisory Committee with John Jennings, M.D., Associate Commissioner for Medical Affairs, serving as Chairman, received and reviewed all of the information presented.

Following the public hearing and after considering all information presented, the Ad Hoc Advisory Committee outlined the issues and appointed a subcommittee charged with the responsibility of reviewing the possible advantages and disadvantages of using the Dalkon Shield. The committee noted that "IUD's have been shown by extensive use and studies to be a safe and reliable means of contraception and they compare favorably with the standard in this field—namely, oral contraceptives."

On October 29–30, 1974, the committee met to prepare a final report on the safety and effectiveness of IUD's in general and the Dalkon Shield in particular. Based on the open hearing, all information presented and available at that time, and the recommendations of the subcommittee, the committee concluded:

Physician and patient product labeling should provide adequate information concerning the potential dangers of sepsis occurring during pregnancy with an IUD in place. Any patient with an IUD in place who suspects pregnancy or misses her normal menstrual period should seek medical advice at the earliest possible time. Because of the increased risk in pregnancy, the IUD should be removed if the string is visible and the IUD can be easily removed. If the IUD cannot be removed, interruption of pregnancy should be considered and offered as an option. If the patient elects to maintain the pregnancy, she should be warned of the increased risk of sepsis and be followed with close vigilance.

FDA advisory committees, like the Ad Hoc Obstetrics and Gynecology Advisory Committee, are created to advise the Commissioner on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action consistent with the authority of FDA under the Federal Food, Drug, and Cosmetic Act, and these committees through their advice to the Commissioner greatly assist him in exercising his responsibilities under the act.

Following the recommendations of the advisory committee, the FDA published an FDA Drug Bulletin in December 1974 explaining the current status of the IUD investigation. This bulletin was distributed widely to physicians and other health professionals in the United States. It included language for a patient leaflet which was developed by FDA in cooperation with the American College of Obstetricians and Gynecologists and was to be made available for distribution on a voluntary basis, warning women who wear IUD's of the dangers of pregnancy. Based on the recommendations of the Ad Hoc Obstetrics and Gynecology Advisory Committee with regard to IUD labeling and further evaluation of these recommendations by FDA, the Commissioner concludes that there is a need to establish and require uniform physician and patient labeling for intrauterine contraceptive devices. Thus the patient labeling set forth in the FDA Drug Bulletin has been expanded.

So that interested parties are aware of the data and information including the Obstetrical-Gynecology Committee Reports, on which the Commissioner has based his decision to propose this uniform labeling regulation for IUD's, the following documents have been placed on file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852:

1. Clark, Frederick A., Jr., "Statement on Septic Spontaneous Abortion and the Dalkon Shield," (with attachments 1 through 7 and Appendix A) June 11, 1974. (Presented to the Food and Drug Administration, Bureau of Medical Devices and Diagnostic Agents and its OB–GYN Device Panel.)

2. Ostergard, Donald R., M.D., "Intrauterine Contraception in Nulliparas with the Dalkon Shield," American Journal of Obstetrics and Gynecology, 116(8): 1088–1091, Aug. 15, 1973.

3. "Report on Intrauterine Contraceptive Devices," Obstetrics and Gynecology Advisory Committee, Food and Drug Administration, January 1968.

4. "Regulation of Medical Devices (Intrauterine Contraceptive Devices)," hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, 93d Congress, First Session, May 30–31, June 1, 12–13, 1973.

5. Summary Minutes, meeting of the Food and Drug Administration Panel on Review of Obstetrical-Gynecological Devices, June 10–11, 1974.

6. Summary Minutes, meeting of the Food and Drug Administration Obstetrics and Gynecology Advisory Committee, June 13–14, 1974.

7. Ostergard, Donald R., M.D., "Statement on the Dalkon Shield Intrauterine Device and Spontaneous Septic Abortion," prepared for the Food and Drug Administration advisory committees on obstetrics and gynecology, June 13–14, 1974.

8. "Current Trends, IUD Safety: Report of a Nationwide Physician Survey," Center for Disease Control, Morbidity and Mortality, Weekly Report, Vol. 23, No. 26, July 5, 1974.

9. Press Release (74–37) regarding the use of the Dalkon Shield and other IUD products, June 27, 1974.

10. Conference Speaker's Schedule, Open Hearing Regarding Dalkon Shield and Other Intrauterine Devices, Food and Drug Administration, Rockville, MD, August 21, 1974.

11. "Summary Review of IUD Activities in FDA" presented at the Open Hearing Regarding Dalkon Shield and Other Intrauterine Devices, Food and Drug Administration, Rockville, MD, August 21, 1974.

12. FDA Talk Paper (74–39) regarding the preliminary report of Ad Hoc Committee on Dalkon Shield and Other IUD's, August 23, 1974.

13. "The Intrauterine Device," technical bulletin prepared by the American College of Obstetricians and Gynecologists.

14. "Testimony on Intrauterine Devices Before the Intergovernmental Relations Subcommittee of the Committee on Government Operations Hearings on Regulation of Medical Devices by FDA and FTC" presented by the American College of Obstetricians and Gynecologists, June 12, 1973.

15. Transcript of Open Hearing Regarding Dalkon Shield and other Intrauterine Devices, Food and Drug Administration, Rockville, MD, August 21, 1974.

16. Report to the FDA Obstetrics-Gynecology Advisory Panel and Committee Concerning the Safety and Efficacy of the Dalkon Shield and Other IUD's, prepared August 29, 1974, by A. H. Robins Co., Richmond, VA.

17. Report to the FDA Obstetrics-Gynecology Advisory Panel and Committee Concerning the Safety and Efficacy of the Dalkon Shield and Other IUD's, prepared October 22, 1974, by the A. H. Robins Company, Richmond, VA.

18. Minutes of closed session of Ad Hoc OB–GYN Advisory Committee, August 22, 1974.

19. Report of Safety and Efficacy of the Dalkon Shield and Other IUD's, prepared by the Subcommittee of the Ad Hoc OB–GYN Advisory Committee, August 31–September 1, 1974.

20. Transcript of proceedings, FDA, Bureau of Drugs and Bureau of Medical Devices and Diagnostic Products meeting of the Ad Hoc OB–GYN Advisory Committee, Open Session, October 29, 1974, Washington, D.C.

21. Physician Information and Guidelines for the Use of the IUD (Draft), October 10, 1974.

22. Proposed IUD Research Program, Food and Drug Administration and National Institute for Child Health Development.

23. Forty-six letters representing opinions on intrauterine devices received from organizations, doctors, and consumers.

24. Documents prepared for the Open Hearing Regarding the Dalkon Shield and Other Intrauterine Devices, Food and Drug Administration, Rockville, MD, August 21, 1974:

a. Jain, Anrudh, K., "Safety and Effectiveness of Intrauterine Devices."

b. Abstract of the above.

c. Seigel, D., Center for Disease Control IUD Survey; Preston, Lester W., "Statement on the Center for Disease Control's IUD Safety Survey."

d. Cooper, Donna L., Robert Israel, Daniel R. Mishell, "A Randomized Comparative Study of the Copper T 300, Dalkon Shield and Shell Loop in Parous Women," and abstract.

e. Clark, Frederick, A., statement on the "Benefits and Risks of the Dalkon Shield."

f. Snowden, R., "Pelvis Inflammation, Perforation, and Pregnancy Outcome Associated with the Use of IUD's," and abstract.

g. Tatum, H. J., F. H. Schmidt, D. Phillips, and M. McCarty, "Intrauterine Infection and the I.U.D."

h. Abstract of the above.

i. McCarty, M., "Study on Dalkon Shield."

j. Kahn, Henry, abstract of testimony and analysis of CDC study.

k. Grody, Marvin, abstract of testimony.

l. Thomsen, Russel, "IUD's in Perspective: 1974," and abstract.

m. Gordon, Harry W., abstract of testimony.

n. Engel, Randy, "The IUD—A Replay of the Pill?" and abstract.

o. Buckley, Daniel, abstract of testimony.

p. Sanhueza, Hernan, and Irving Sivin, "Preliminary Results on the Use—Effectiveness of the Dalkon Shield Intrauterine Device in Three Latin American Countries: A Twelve-Month Follow-Up."

q. Moreland, Jean E., abstract of testimony.

r. Eisinger, Steven H., "Second Trimester Spontaneous Abortion, The IUD and Infection."

s. Ostergard, Donald R., "Outcome of Pregnancies with Dalkon Shield In Situ."

t. Tyson, J., "Clinical Efficacy of the Dalkon Shield in Private and Clinical Practice."

u. Kessler, I. I., abstract of testimony.

v. Davis, Hugh J., "Analysis of IUD-associated Mortality Surveys by Scott (1966) and Kahn (1973)—A Perspective on Contemporary Controversies."

w. Review of draft manuscript by Kahn and Tyler on "An Association between Dalkon Shield and Complicated Pregnancies," May 30, 1974.

x. Keith, Louis, Testimony.

y. Soichet, Samuel, "Report on the Use of a Single Small 'Ypsilon' Uterine Contraceptive in 6,000 Women."

z. Speidel, J. Joseph, Statement to the Food and Drug Administration concerning the role of IUD's in programs supported by the Agency for International Development.

aa. Hilgers, Thomas W., "The Intrauterine Device: Contraceptive or Abortifacient?"

bb. Lippes, Jack, abstract of testimony.

cc. Whitson, Leland, Robert Israel, and Gerald S. Bernstein, "The Extrauterine Dalkon Shield," paper from the American College of Obstetrics and Gynecology, November 9, 1973 (to be published).

dd. Dalkon Shield Survey, Planned Parenthood—World Population.

25. Copies of the following articles:

a. Burnhill, Michael S., "Syndrome of Progressive Endometritis Associated with Intrauterine Contraceptive Devices," reprinted from Excerpta Medica International Congress Series No. 271, Advances in Planned Parenthood, VIII, proceedings, tenth annual meeting of the AAPP, Detroit, April 1972.

b. Varga, L., W. Obolensky, and S. Scheidegger, "Ovarian Pregnancy and the Intrauterine Device (IUD)," International Journal of Fertility, 17:142–144, 1972.

c. Sobrero, and J. Aquiles, "Intrauterine Devices in Clinical Practices," Family Planning Perspectives, Vol. 3, No. 1, January 1971.

d. Baker, J. W., "Serious Complications of Intrauterine Contraceptive Devices," Medical Journal of Australia, May 31, 1969, p. 1126.

e. Manisoff, Miriam T., "Intrauterine Devices," American Journal of Nursing, July 1973, p. 1188.

f. Malony, W. R., and Joseph P. Miranti, "Ectopic Pregnancy and the Intrauterine Device," College Health, 21:167, December 1972.

26. Copies of the following abstracts:

a. Chang, C. C., and Howard J. Tatum, "A Study of the Antifertility Effect of Intrauterine Copper," Contraception, 1(4): 265–269, April 1970.

b. "Outcome of Unplanned Pregnancies in Women Using IUD's," Research and Reproduction, Vol. 6, No. 3, May 1974.

c. Fuenteabla, Blanca, and Horacio B. Croxatto, "Role of Intrauterine Environment in the Disappearance of Eggs in Rats Bearing IUD," Contraception, 2(3): 179–185, September 1970.

V40 I127 J UL 1 75 XUM

d. Joshi, Sharad G., Duane C. Kraemer, C. Brandon Chenault, "Effect of an Intrauterine Foreign Body on Lysosomal Enzyme Activity and White Blood Cell Numbers in Uterine Washings of Rats, Baboons, and Human," Contraception, 2(5): 339–350, November, 1970.

e. Gupta, P. K., Parvati K. Malkani, and Kamal Bhasin, "Cellular Response in the Uterine Cavity after IUD Insertion and Structural Changes of the IUD," Contraception, 4(6): 375–384, December 1971.

f. Castro-Vazquez, Alfredo, Juan C. Macome, Domingo N. Decarli, and Jorgi M. Bosner, "On the Mechanism of Action of Oral Contraceptives, I. Effect of the Lynestrenol on Ovum Implantation and Oviductal Morphology in the Rat," Fertility and Sterility, 22(11): 741–744, November 1971.

g. Povey, W. G., "Intrauterine Contraception, an Overview," Obstetrics and Gynecology, January 1972, pp. 221–225.

27. Talk paper (74–50) regarding the Dalkon Shield, October 10, 1974.

28. Food and Drug Administration press conference on IUD's and supporting documents, December 20, 1974.

29. FDA Drug Bulletin, December 1974.

30. Statement by Alexander M. Schmidt, M.D., Commissioner, Food and Drug Administration, Public Health Service, Department of Health, Education, and Welfare, before the Subcommittee on Health, Committee on Labor and Public Welfare, and Subcommittee on Administrative Practice and Procedure, Committee on the Judiciary, United States Senate, January 28, 1975.

31. A. H. Robins Co., letter directed to physicians, dated May 8, 1974.

The Food and Drug Administration is charged with assuring both physicians and patients that IUD's are safe and effective for their intended uses. The full disclosure of information to physicians concerning such things as the effectiveness, indications, contraindications, warnings, precautions, and adverse reactions is an important element in the discharge of this responsibility. The Commissioner concludes that the physician is the proper person for providing use information for his patients, and the proposed regulation will provide physicians with an objective discussion of the effectiveness and risks attendant upon the use of the IUD to enable them to discuss the IUD with their patients.

Moreover, the patient as well as the physician needs adequate information to use the IUD in a safe and effective manner. A review of IUD's by FDA indicates that the products are used for long periods of time by large numbers of women who, for the most part, are healthy and use them for prevention of pregnancy or for family planning. Nevertheless, there is no present assurance that women who use the IUD are being uniformly provided the necessary information for its safe and effective use or information pertaining to other means of contraception so as to enable them to select the IUD as a matter of choice.

In view of the foregoing, it is necessary for the safe and effective use of the IUD, and to prevent misleading labeling, that there be patient labeling containing information on the nature of the IUD, its side effects, contraindications, and potential hazards, and to point out the need for continued medical supervision. The proposed regulation provides for such informative patient labeling.

Because of difficult benefit-risk considerations related to the use of IUD's and the fact that they are intended to be used for long periods of time by women who are healthy, and because of the availability of other methods of contraception, it is necessary that the attendant physician, prior to inserting the IUD, inform the patient of the risks and advantages associated with the use of the IUD as well as those associated with other methods of contraception. The proposed regulation provides that prior to the date scheduled for insertion of the IUD the physician must supply the patient with the patient brochure so that she has adequate time to read the labeling. Also, the physician should discuss fully the labeling with her, including an explanation of other methods of contraception, and obtain her consent. If the patient is incompetent to grant an informed consent, the same procedures shall be used to inform her parent or guardian for the purpose of obtaining consent.

Specialized labeling informing the patient about the risks associated with other forms of contraception already may be found in several regulations in Title 21: Oral contraceptives in § 310.501(a); oral postcoital contraceptives in § 310.501(b), published in the FEDERAL REGISTER of February 5, 1975 (40 FR 5351); and injectable contraceptives in § 310.501a, published in the FEDERAL REGISTER of September 12, 1974 (39 FR 32907).

In accordance with § 310.502(a) and (b) (21 CFR 310.502(a) and (b)), IUD's used for the purpose of contraception and incorporating heavy metals, drugs, or other active substances to increase the contraceptive effect, to decrease adverse reactions, or to provide increased medical acceptability are new drugs and may be marketed only on the basis of an approved new drug application. These IUD's are referred to in the proposed labeling as drug IUD's. The labeling proposed in § 310.502 applies to drug IUD's as well as to those that are not considered drugs. The labeling for the drug IUD's requires modification to fit the specific requirements of the active substance. These requirements are included in the proposed labeling. The applicant of an approved new drug application for a drug IUD is required to supplement the approved new drug application, under § 314.8(d) (21 CFR 314.8(d)), to provide for this labeling. Such labeling may be put into use without advance approval of the Food and Drug Administration.

It is proposed that existing IUD's may be shipped in interstate commerce without the physician and patient package labeling for 90 days after the effective date of the final regulation.

The Commissioner does not anticipate that this action will significantly affect the environment; therefore, an environmental impact statement, pursuant to section 102(c)(2) of the National Environmental Policy Act, will not be required.

Accordingly, to assure the safe and effective use of IUD's, to prevent misleading labeling and to provide both the physician and the patient with information on drug and device IUD's, the Commissioner concludes that § 310.502 should be amended by revising the section heading; by adding a new italicized heading to paragraph (a) and redesignating the text of paragraph (a) as (a)(1); redesignating paragraph (b) as (a)(2); redesignating paragraph (c) as (a)(3); redesignating paragraph (c)(1)(2) and (3) as paragraph (a)(3)(i)(ii) and (iii); and by adding a new paragraph (b).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 201(g), (h), 502, 505, 701(a), 52 Stat. 1040–1042, 1050–1053 as amended, 1055 (21 U.S.C. 321(g), (h), 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 be amended by revising § 310.502 to read as follows:

§ 310.502 Intrauterine devices for human use for the purpose of contraception.

(a) *New drug status of certain intrauterine devices for human use for the purpose of contraception.* (1) The Food and Drug Administration has become aware of the increased clinical use for the purpose of contraception of intrauterine devices that incorporate heavy metals, drugs, or other active substances. The amount of local irritation caused by such active materials has been reported as being correlated, in animal studies, to the efficacy of such devices in achieving their contraceptive effect. Several investigators have reported different pregnancy rates which appear to be dependent on the type of metal used and/or the amount of exposed surface of the metal. Drugs have been incorporated with otherwise inert intrauterine devices to increase the contraceptive effect, decrease adverse reactions, or provide increased medical acceptability.

(2) Intrauterine devices used for the purpose of contraception and incorporating heavy metals, drugs, or other active substances to increase the contraceptive effect, to decrease adverse reactions, or to provide increased medical acceptability (drug intrauterine devices) are not generally recognized as safe and effective for contraception and are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act. A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571 set forth in § 312.1(a)(2) of this chapter) must therefore be submitted to cover clinical investigations to obtain evidence that such preparations are safe and effective for this use. An approved new drug application is required for the marketing of such articles.

(3) Paragraph (a)(1) and (2) of this section does not apply to the following:

(i) Intrauterine devices fabricated solely from inactive materials, e.g., inactive plastics or metals.

(ii) Intrauterine devices with substances added to improve the physical characteristics if such substances do not contribute to contraception through chemical action on or within the body and are not dependent upon being metabolized for the achievement of the contraceptive purpose.

(iii) Intrauterine devices that contain a component, such as barium, added exclusively for the purpose of visualization by x ray.

(b) *Labeling of intrauterine contraceptive devices considered either new drugs (drug IUD's) or devices.* The intrauterine contraceptive device is a popular method of contraception used by several million women in the United States. Although this method of contraception is generally safe and effective, certain complications and side effects may result from its use. A Food and Drug Administration review of the labeling of intrauterine contraceptive devices currently marketed in the United States reveals that information necessary for the safe and effective use of these devices is not uniformly available to either the practitioner or the patient. Based on the review of the labeling and on the recommendations of the Ad Hoc Obstetric-Gynecology Advisory Committee, the Commissioner has concluded that in the interest of safe and effective use, and prevention of misleading labeling, there is a need to establish uniform physician and patient labeling for such devices. Marketing of the devices may be continued only if the devices bear physician and patient labeling substantially as follows:

(1) Labeling accompanying each intrauterine contraceptive device and directed to the physician shall contain the following information, adjusted, where necessary, to the particular requirements for the drug IUD's:

(i) *Description.* Under this section heading the labeling shall contain:

(*a*) Major ingredients.

(*b*) Model and physical dimensions.

(*c*) Description of components in the package.

(*d*) Statement of sterility. If nonsterile, appropriate instructions for sterilization.

(*e*) Description as to whether the product incorporates heavy metals, drugs or other active substances.

(ii) *Indications and usage.* Prevention of pregnancy. The IUD is one of several safe and effective methods of contraception which may be considered for a particular patient.

(*a*) *Drug IUD's.* Different event rates have been recorded with the use of different intrauterine contraceptive devices. Inasmuch as these rates are usually derived from separate studies conducted by different investigators in several population groups, they cannot be compared with precision. Furthermore, event rates tend to be lower as clinical experience is expanded, possibly due to retention in the clinical study of those patients who accept the treatment regimen and do not discontinue due to adverse reactions or pregnancy. In clinical trials conducted by (*name of sponsor*) with the (*name of device*), use effectiveness was determined as follows for parous and nulliparous women, as tabulated by the life table method. (Rates are expressed as events per 100 women through 12 and 24 months of use.) This experience is based on (*number*) women/months of use including (*number*) women who completed 12 months of use, and (*number*) women who completed 24 months of use:

	12 Months		24 Months	
	Parous	Nulli-parous	Parous	Nulli-parous
Pregnancy				
Expulsion				
Medical removal				
Continuation				

(*b*) *Device IUD's.* Clinical data should include a range of event rates for pregnancy, expulsion, medical removal and continuation, based on controlled scientific studies. Follow clinical studies format of drug IUD's set forth in paragraph (b)(1)(ii)(*a*) of this section.

(iii) *Contraindications.* Pregnancy or suspicion of pregnancy; anemia; distortion of the uterine cavity; acute pelvic inflammatory disease or a history of repeated pelvic inflammatory disease; postpartum endometritis or infected abortion in the past 3 months; uterine or cervical malignancy; unexplained genital bleeding until suspicion of cancer is ruled out; acute cervicitis; and, known or suspected allergy to copper (for copper-containing IUD's).

(iv) *Warnings*—(*a*) *Pregnancy*—(*1*) *Septic abortion.* Recent reports have indicated an increased incidence of septic abortion associated in some instances with septicemia, septic shock and death in patients becoming pregnant with the IUD in place. In some cases, the initial symptoms have been insidious and not easily recognized. If pregnancy should occur with an IUD in situ, the IUD should be removed if the string is visible or, if removal proves to be or would be difficult, interruption of the pregnancy should be considered and offered as an option. If the patient elects to maintain the pregnancy and the IUD remains in situ, she shall be warned of the increased risk of sepsis and be followed with close vigilance.

(*2*) *Ectopic pregnancy.* A pregnancy which occurs while a patient is wearing an IUD is much more likely to be ectopic in nature. Therefore, such patients in whom pregnancy occurs should be carefully evaluated.

(*b*) *Severe pelvic infection.* Occasionally serious pelvic infection may occur with an IUD in situ. Under such circumstances the IUD should be removed, appropriate bacteriological studies done, and appropriate antibiotic treatment instituted.

(*c*) *Perforation.* Perforation of the uterus may occur. If this occurs the device should be removed. Copper-containing IUD's should be removed as soon as perforation is diagnosed. Local inflammatory reaction with abscess formation is a possibility if an IUD is left in the abdomen.

(*d*) *Microwave therapy (copper or other metal-containing IUD's).* The use of microwave therapy in patients with metal-containing prostheses may cause heat injury to the surrounding tissue. Therefore, microwave therapy to the abdominal and sacral areas should not be used on patients wearing a metal-containing IUD.

(*e*) *Copper-containing IUD's.* Additional amounts of copper available to the body from copper IUD's may precipitate symptoms in women with undiagnosed Wilson's disease. The long term effects of copper in the uterus on the offspring are unknown. Minute amounts of copper may cause hemolysis in patients with a deficiency of glucose 6-phosphate dehydrogenase.

(v) *Precautions and routine examinations*—(*a*) *Informed consent.* Prior to insertion, the physician must provide the patient with the patient brochure. The patient must be given adequate time to read the labeling in advance of the time scheduled for insertion of the IUD. The physician should discuss fully the information in the patient labeling with the patient, as well as other means of contraception and obtain the patient's consent. If a patient is not competent to give an informed consent, her parent or guardian must be provided with the printed information necessary to decide on behalf of the patient. The consent may be oral or in writing; if oral, a notation to this effect should be made in the patient's record.

(*b*) *Patient examination.* The physician should make a determination that the patient is not pregnant. The possibility of insertion in the presence of an existing undetermined pregnancy is reduced if insertion is performed during or shortly following a menstrual period. The IUD should not be inserted postpartum or postabortion until involution of the uterus has been completed. Prior to insertion, a pelvic examination, pap smear, and gonorrhea culture should be done. Sound the uterus prior to insertion and exercise care to avoid perforation. Do not use excessive force.

(*c*) *Requirements for continuation and removal.* (*1*) The device IUD does not require removal and replacement at any specific interval of time if it is in a satisfactory position, not producing untoward side effects, and the patient wishes to continue the IUD as her method of contraception. On the other hand, copper or other drug IUD's, need to be replaced at (*interval approved for the labeling of the drug pursuant to data submitted in a new drug application under § 314.1 of this chapter*) intervals to maintain their effectiveness.

(2) An IUD should be removed for the following medical reasons: Menorrhagia and/or metrorraghia producing anemia; uncontrolled pelvic infection; intractable pain, often aggravated by intercourse;

V40-127 JUL 1 75 XUM

pregnancy, if the string is visible; or uterine or cervical malignancy.

(d) *Continuing care of patients using IUD's.* (1) Patients should be reexamined and evaluated within 3 months after IUD insertion.

(2) Routine annual examination with appropriate medical and laboratory evaluation should be carried out.

(vi) *Adverse reactions.* Reported adverse reactions include: Endometritis, spontaneous abortion, septic abortion, septicemia, perforation of uterus and cervix, pelvic infection, cystic masses in pelvis, abdominal adhesions, intestinal obstruction, cervical erosion, vaginitis, leukorrhea, cystitis, pregnancy, ectopic pregnancy, embedment, difficult removal, complete or partial expulsion of the IUD, intermenstrual spotting, prolongation of menstrual flow, anemia, amenorrhea or delayed menses, pain and cramping, backaches, dyspareunia, leg pain or soreness, weight loss or gain, nervousness.

(vii) *Insertion technique.* Although the technique for insertion varies with the IUD, the following rules are generally applicable.

(a) Bimanual examination should be done to ascertain the size, shape, and position of the uterus.

(b) Pap smear and gonorrhea culture should be taken.

(c) The endocervix should be cleansed with an antiseptic solution.

(d) Paracervical block may be utilized to attempt to reduce insertional pain.

(e) A tenaculum should be applied to the cervix with downward traction for correction of the angulation of the cervix and stabilization of the cervix.

(f) The cervical-uterine canal should be sounded prior to the insertion for depth and direction of the uterine canal. A multipurpose disposable sound which indicates the depth of the cervical canal and the endometrial cavity is useful.

(g) Instruments entering the cervical canal must be sterile.

(h) The IUD must be sterile.

(i) IUD's should preferably be inserted during or shortly after menstruation to insure a nonpregnant state. (This approach may not be practical in certain clinical situations.)

(2) Labeling accompanying each intrauterine contraceptive device and to be made available to the patient shall contain the following information:

PATIENT INFORMATION

INTRAUTERINE DEVICE (IUD)

I. *General Information.* (a) The (*name of device*) intrauterine device (IUD) is a small device which is put inside your uterus (womb). The purpose of the IUD is to prevent you from becoming pregnant. There are other forms of contraception which may be suitable. These should be discussed with your doctor before deciding which is best for you. Your doctor can explain how the IUD and other forms of contraception prevent you from becoming pregnant and can tell you about any risks you take in using them.

(b) The (*name of device*) IUD prevents pregnancy in (*range of effectiveness percent*) of women.

(c) While you have the IUD in, you may use tampons and take douches, if this is your usual practice. Normally, you may wear the IUD until you wish to become pregnant. However, certain types of IUD's must be replaced periodically. Check with your doctor concerning this. You should return to your doctor if you wish to have the IUD removed.

II. *Checking your IUD.* A tail or thread is attached to the IUD so that you can check to see if it is still in place since the IUD can come out of the uterus without your knowing it. Follow these steps to make sure your IUD is in place:

(a) Wash your hands.

(b) Assume the squatting position or seat yourself on the toilet.

(c) Insert the index or middle finger high in your vagina and locate the cervix (the mouth of the womb). The cervix feels firm like the tip of your nose.

(d) Feel for the thread of the IUD, which should be in the cervix high in your vagina.

(e) If you can feel the thread, you know the IUD is in place and working. You should not pull on the thread. This may displace the IUD.

(f) After each menstrual period, you should check to make sure the thread is in place in the cervix. You may check for the thread more often if you wish.

(g) Within 3 months after your IUD is inserted, you should be checked by your doctor to make sure that the IUD is in the correct position. If you develop any problems that concern you, or think that the IUD has come out, call your doctor right away for an examination. If you think the IUD has come out, use another birth control method, such as vaginal foam and condom (rubber), until you can be checked. Follow the instructions of your doctor for your next check-up.

(h) After the 3 months' examination, you should be checked at least once a year by your doctor.

III. *Important warnings.* If you miss your menstrual period, or if you have a scanty flow during your period, or if you suspect you might be pregnant, call your doctor right away. Some women do become pregnant with the IUD in place, and serious complications can occur when a pregnancy continues with the IUD in place. If you become pregnant, the IUD should be removed by your doctor. If removal proves to be difficult, you should discuss with your doctor the question of continuing the pregnancy.

IV. *What you should tell your doctor.* Before you have an IUD inserted, you should tell your doctor or nurse if you have ever had any of the following:

(a) Pelvic infection (pus tubes).
(b) Heavy menstrual flow.
(c) Bleeding between periods.
(d) Heavy vaginal discharge or infection.
(e) Recent pregnancy, including abortion.
(f) Severe menstrual cramps.
(g) Venereal disease.
(h) Fainting attacks.

V. *Side Effects of the IUD.* The following side effects may occur after the IUD is inserted:

(a) Some bleeding occurs following insertion in most women. Because of this, your doctor may choose to insert your IUD during or at the end of your menstrual period. This also ensures that you are not pregnant at the time the IUD is inserted.

(b) Bleeding between the menstrual periods, usually in the form of spotting, may occur during the first few weeks after insertion. The first few menstrual periods after the insertion may be heavier and longer. If this is extensive, consult your doctor.

(c) Pain, usually in the form of uterine cramps or low backache, may occur at the time of insertion of the IUD and last for a few days. Simple pain medication usually controls the cramping associated with the IUD.

(d) Fainting may occur at the time of insertion of the IUD. This passes quickly and is not usually serious.

VI. *Complications.* Complications are known to occur with the IUD. If any of the following occur, report to your doctor promptly:

(a) Severe or prolonged bleeding. If the flow is heavier and lasts much longer than your usual menstrual flow, you may need to have the IUD removed to prevent the development of anemia.

(b) Severe cramps and pelvic pain. Consult your doctor. This could mean an infection has developed requiring treatment.

(c) Exposure to venereal disease (VD). If exposure to venereal disease is suspected, report for examination and treatment promptly. Failure to do so could result in serious pelvic infection.

(d) Thread disappearance. If the thread coming through the cervix cannot be felt in the vagina, it is possible that the IUD has been expelled or displaced. If expelled, you are no longer protected from becoming pregnant. If displaced, the IUD will have to be removed.

(3) All intrauterine contraceptive devices, whether drugs or devices, which are shipped in interstate commerce for the first time after (insert date 90 days after date of publication of final order in FEDERAL REGISTER) shall be in compliance with paragraph (b)(1) and (2) of this section.

(4) The holder of an approved new drug application for such device, as described in paragraph (a)(2), shall submit a supplement to his application to provide for the labeling described in paragraph (b)(1) and (2). The supplement shall be submitted prior to (insert date 90 days after date of publication of final order in FEDERAL REGISTER) under the provisions of § 314.8 of this chapter which permit it to be put into effect in advance of approval by the Food and Drug Administration.

Interested persons are invited to submit their comments regarding this proposal in writing (in quintuplicate, except that single copies of comments may be submitted by individuals) on or before September 2, 1975. Comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 20, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-16956 Filed 6-30-75;8:45 am]

federal register

TUESDAY, JULY 1, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 127

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

General Provisions

V40-127 JUL 1 75 XUM

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL PROVISIONS

PART 2—CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

On May 9, 1975, the Department of Health, Education, and Welfare and the Special Action Office for Drug Abuse Prevention published in the FEDERAL REGISTER (40 FR 20522) a notice of proposed joint rulemaking setting forth a proposed new Part 2 of Title 42 of the Code of Federal Regulations governing the confidentiality of alcohol and drug abuse patient records.

Interested persons were invited to submit written comments, views, or arguments with respect to the proposed regulations within 30 days of the date of publication of that notice. All comments so submitted were carefully considered, and at various stages in the rulemaking process, the Administrator of Veterans' Affairs and the heads of other Federal departments and agencies substantially affected by the proposed regulations were consulted.

As finally adopted and set forth hereinafter, the regulations contain two major substantive changes from the May 9 proposal. The separate treatment of funding sources and third-party payers (§§ 2.21 and 2.37 of the proposed regulations) was abandoned as unworkable, primarily because the prohibitions which the proposed regulations would have placed on funding sources would have directly conflicted with requirements which have been proposed in implementation of Title XX of the Social Security Act (see proposed 45 CFR 228.63, 40 FR 16802, 16809, April 14, 1975). In lieu of this approach, § 2.37 has been revised to provide that funding sources and third-party payers maintaining drug or alcohol abuse patient records are subject to restrictions upon disclosure to the same extent and in the same manner as any other entity maintaining records which are within the scope of the authorizing legislation and this Part.

The other major change is in the area of criminal justice system referrals, and the grounds for the rules finally adopted are set forth in the basis and purpose section (§ 2.39–1) pertaining thereto. In connection with that change, it must be frankly acknowledged that the arguments set forth in the corresponding basis and purpose section (§ 2.40–1) of the May 9 proposal have merit. The final rule may in certain instances result in a compromise of the treatment process, if judges or other authorities in the criminal justice system overreact to information whose communication is allowed under the final rules but would have been prohibited under the proposed rules.

Against such an adverse effect, however, there must be weighed the very real advantage which genuine cooperation between community social service systems and the criminal justice system can yield for those whose lives are crippled and scarred by the consequences of their own criminal conduct. Governmental responses based on a pure medical model have not met with noticeably greater success than those based on a purely punitive approach, and it would be tragic if these rules were so constructed as to become a barrier to the development of better ways to deal with those who are caught up in a pattern of seriously antisocial behavior.

In addition to the foregoing major changes, the following minor policy changes were made.

Provisions relating to destruction or other disposition of records were dropped from § 2.21 (§ 2.22 in the May 9 proposal) as unnecessary except in the case of programs discontinuing operations.

The fixed limitation on the permissible duration of written consent for disclosure was dropped from § 2.31 in favor of a limitation to such duration as may be reasonably necessary to effectuate the purpose for which the consent is given.

The specification of crimes in § 2.65 for which a court order may be granted authorizing use of program records in the investigation or prosecution of a patient was broadened to cover any "extremely serious" crime, with those listed in the May 9 notice being retained as examples.

Finally, a number of clarifying, technical, and conforming changes were made in the May 9 proposal, but these are without significant substantive effect.

Accordingly, pursuant to the authority of section 408 of the Drug Abuse Office and Treatment Act of 1972, as amended by Pub. L. 92–282 (21 U.S.C. 1175), and section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Pub. L. 93–282 (42 U.S.C. 4582), and under the authority delegated to the General Counsel of the Special Action Office for Drug Abuse Prevention (39 FR 17901, May 21, 1974), Subchapter A of Chapter I, Title 42, Code of Federal Regulations, is amended by inserting immediately after Part 1 thereof a new Part 2 to read as set forth below.

Effective date. These regulations shall be effective on August 1, 1975.

Dated: June 25, 1975.

R. MOURE,
Acting Assistant Secretary for Health, Department of Health, Education, and Welfare.

Approved: June 26, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Dated: June 27, 1975.

GRASTY CREWS II,
General Counsel, Special Action Office for Drug Abuse Prevention.

Dated: June 27, 1975.

ROBERT L. DUPONT,
Director, Special Action Office for Drug Abuse Prevention.

Subpart A—Introductory Statement

Sec.
2.1 Statutory authority—drug abuse.
2.2 Statutory authority—alcohol abuse.
2.3 Previous regulations as controlling authority.
2.4 General purposes.
2.5 Format.
2.6 Administration and enforcement in general.
2.7 Reports of violations.

Subpart B—General Provisions

Sec.
2.11 Definitions and usages—rules.
2.11–1 Definitions and usages—basis and purpose.
2.12 Applicability—rules.
2.12–1 Applicability—basis and purpose.
2.13 General rules regarding confidentiality—rules.
2.13–1 General rules regarding confidentiality—basis and purpose.
2.14 Penalty for violations—rules.
2.14–1 Penalty for violations—basis and purpose.
2.15 Minor patients—rules
2.15–1 Minor patients—basis and purpose.
2.16 Incompetent and deceased patients—rules.
2.16–1 Incompetent and deceased patients—basis and purpose.
2.17 Security precautions—rules.
2.17–1 Security precautions—basis and purpose.
2.18 Extent of disclosure—rules.
2.18–1 Extent of disclosure—basis and purpose.
2.19 Undercover agents and informants—rules.
2.19–1 Undercover agents and informants—basis and purpose.
2.20 Identification cards—rules.
2.20–1 Identification cards—basis and purpose.
2.21 Disposition of discontinued program records—rules.
2.21–1 Disposition of discontinued program records—basis and purpose.
2.22 Former employees and others—rules.
2.22–1 Former employees and others—basis and purpose.
2.23 Relationship to State laws—rules.
2.23–1 Relationship to State laws—basis and purpose.
2.24 Relationship to section 303(a) of Public Health Service Act and section 502(c) of Controlled Substances Act—rules.
2.24–1 Relationship to section 303(a) of Public Health Service Act and section 502(c) of Controlled Substances Act—basis and purpose.

Subpart C—Disclosures With Patient's Consent

2.31 Written consent required—rules.
2.31–1 Written consent required—basis and purpose.
2.32 Prohibition on redisclosure—rules.
2.32–1 Prohibition on redisclosure—basis and purpose.
2.33 Diagnosis, treatment, and rehabilitation—rules.
2.33–1 Diagnosis, treatment, and rehabilitation—basis and purpose.
2.34 Prevention of certain multiple enrollments—rules.
2.34–1 Prevention of certain multiple enrollments—basis and purpose.
2.35 Legal counsel for patient—rules.
2.35–1 Legal counsel for patient—basis and purpose.
2.36 Patient's family and others—rules.
2.36–1 Patient's family and others—basis and purpose.
2.37 Third party payers and funding sources—rules.
2.37–1 Third party payers and funding sources—basis and purpose.

Sec.
2.38 Employers and employment agencies—rules.
2.38–1 Employers and employment agencies—basis and purpose.
2.39 Criminal justice system referrals and functions—rules.
2.39–1 Criminal justice system referrals and functions—basis and purpose.
2.40 Situations not otherwise provided for—rules.
2.40–1 Situations not otherwise provided for—basis and purpose.

Subpart D—Disclosures Without Patient Consent

2.51 Medical emergencies—rules.
2.51–1 Medical emergencies—basis and purpose.
2.52 Research, audit, and evaluation—rules.
2.52–1 Research, audit, and evaluation—basis and purpose.
2.53 Government agencies—rules.
2.53–1 Governmental agencies—basis and purpose.
2.54 Patient identifying information in connection with examinations—rules.
2.54–1 Patient identifying information in connection with examinations—basis and purpose.
2.55 Supervision and regulation of narcotic maintenance and detoxification programs—rules.
2.55–1 Supervision and regulation of narcotic maintenance and detoxification programs—basis and purpose.
2.56 Prohibition on disclosure of patient identities from research, audit, or evaluation records—rules.
2.56–1 Prohibition on disclosure of patient identites from research, audit, or evaluation records—basis and purpose.

Subpart E—Court Orders

2.61 Legal effect of order—rules.
2.61–1 Legal effect of order—basis and purpose.
2.62 Inapplicability to secondary records—rules.
2.62–1 Inapplicability to secondary records—basis and purpose.
2.63 Limitation to objective data—rules.
2.63–1 Limitation to objective data—basis and purpose.
2.64 Procedures and criteria in general—rules.
2.64–1 Procedures and criteria in general—basis and purpose.
2.65 Investigation and prosecution of patients—rules.
2.65–1 Investigation and prosecution of patients—basis and purpose.
2.66 Investigation and prosecution of programs—rules.
2.66–1 Investigation and prosecution of programs—basis and purpose.
2.67 Undercover agents and informants—rules.
2.67–1 Undercover agents and informants—basis and purpose.

Subpart A—Introductory Statement

§ 2.1 Statutory authority—drug abuse.

(a) *Statutory provisions effective May 14, 1974.* Insofar as the provisions of this part pertain to any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, such provisions are authorized under section 408 of Pub. L. 92–255, the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) as amended by section 303 of Pub. L. 93–282 (88 Stat. 137). That section reads as follows:

§ 408. Confidentiality of patient records.

(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (c), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b)(1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) The prohibitions of this section do not apply to any interchange of records—

(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

(2) between such components and the Armed Forces.

(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

(g) The Director of the Special Action Office for Drug Abuse Prevention, after consultation with the Administrator of Veterans' Affairs and the heads of other Federal departments and agencies substantially affected thereby, shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C), as in the judgment of the Director are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) *Amendments effective June 30, 1975.* Effective on the date specified in section 104 of the Drug Abuse Office and Treatment Act of 1972 (June 30, 1975), the first sentence of section 408(g) above, will be amended by striking "Director of the Special Action Office for Drug Abuse Prevention" and inserting in lieu thereof "Secretary of Health, Education, and Welfare", and the second sentence of such section will be amended by striking "Director" and inserting "Secretary" in lieu thereof. Also effective on that date, section 408, above, will be further amended by (1) striking out "The" and inserting in lieu thereof "Except as provided in subsection (h) of this section, the" in the first sentence of subsection (g) of such section; and (2) adding at the end of such section the following new subsection:

(h) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations established by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from drug abuse. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

§ 2.2 Statutory authority—alcohol abuse.

Insofar as the provisions of this part pertain to any program or activity relating to alcoholism or alcohol abuse education, training, treatment, rehabilitation, or research, such provisions are authorized under section 333 of Pub. L. 91–616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582), as amended by section 122(a) of Pub. L. 93–282, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 (88 Stat. 131). As so amended, that section reads as follows:

CONFIDENTIALITY OF RECORDS

SEC. 333. (a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to alcoholism or alcohol abuse education, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b)(1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

V40-127 JUL 1 75 XUM

(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) The prohibitions of this section do not apply to any interchange of records—

(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

(2) between such components and the Armed Forces.

(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

(g) Except as provided in subsection (h) of this section, the Secretary shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(h) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from alcohol abuse or alcoholism. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

§ 2.3 Previous regulations as controlling authority.

Attention is called to the interpretative regulations, issued by the Special Action Office for Drug Abuse Prevention (37 FR 24636, November 17, 1972, as revised 38 FR 33744, December 6, 1973, referred to hereinafter in this part as the "previous regulations"). Those regulations have been given a special status as controlling authority by the provisions of section 303(d) of Pub. L. 93–282, as well as the references in the legislative history of that act to the precedents established under section 408 of Pub. L. 92–255. Such references appear at page 11 of House Committee Report No. 93–759 and at page H3563 of the Congressional Record for May 6, 1974. The latter citation is to a detailed analysis of the bill in its final form which was submitted for the Record by its floor manager, Chairman Staggers of the Interstate and Foreign Commerce Committee, when the bill was up for final action by the House of Representatives.

§ 2.4 General purposes.

(a) *Policy objectives.* The purpose of the regulations set forth in this part is to implement the authorizing legislation in a manner that, to the extent practicable, takes into account two streams of legal thought and social policy. One has to do with enhancing the quality and attractiveness of treatment systems. The other is concerned with the interests of patients as citizens, most particularly in regard to protecting their rights of privacy. Within each stream there are cross-currents, and it should come as no surprise that areas of turbulence are to be found at their confluence.

(b) *Limited purpose.* The regulations contained in this part are not intended to direct the manner in which substantive functions, such as research, treatment, and evaluation, should be carried out, but rather to define the minimum requirements for the protection of confidentiality of patient records which must be satisfied in connection with the conduct of those functions in order to carry out the purposes of the authorizing legislation. This does not mean that observance of only the minimum legal requirements is always the wisest course, but in framing these regulations, allowance has necessarily been made for a diversity of emphasis and approach in the many different jurisdictions and by the great variety of public and private agencies which must find a way to function within the limits here prescribed.

§ 2.5 Format.

(a) *Basis and purpose sections.* Each section setting forth rules on any given topic in Subparts B through E of this part is followed by a section setting forth their basis and purpose. In many cases, the basis and purpose section is itself an interpretative rule regarding the legal authority of the rulemakers. In other instances, it summarizes historical or evidentiary material relevant to the validity and interpretation of the section which precedes it.

(b) *Statutory rules fully incorporated.* Although, for convenience of reference, the statutory basis for this part is set out in full in §§ 2.1 and 2.2, the regulations in Subparts B through E of this part are intended to include all of the operative statutory provisions.

§ 2.6 Administration and enforcement in general.

It is not contemplated that any particular agency will be set up specifically to enforce compliance with this part. Programs which receive Federal grants may be monitored for compliance with this and other applicable Federal law as an incident to the grant administration process. Similarly, FDA inspections of methadone programs will include inspection for compliance with this part, which is incorporated by reference in the methadone regulation (21 CFR 310.505).

§ 2.7 Reports of violations.

Any violation may be reported to the United States Attorney for the judicial district in which the violation occurs. Violations on the part of methadone programs may be reported to the regional offices of the Food and Drug Administration. Violations on the part of a Federal grantee or contractor may be reported to the Federal agency monitoring the grant or contract.

Subpart B—General Provisions

§ 2.11 Definitions and usages.—Rules.

(a) *Authorizing legislation.* The term "authorizing legislation" means section 408 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) and section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4582), as such sections may be amended and in effect from time to time.

(b) *Construction of terms.* The definitions and rules of construction set forth in this section are applicable for the purposes of this part. To the extent that they refer to terms used in the authorizing legislation, they are also applicable for the purposes of such legislation.

(c) *Alcohol abuse.* The term "alcohol abuse" includes alcoholism.

(d) *Drug abuse.* The term "drug abuse" includes drug addiction.

(e) *Diagnosis and treatment.* The terms "diagnosis" and "treatment" include interviewing, counselling, and any other services or activities carried on for the purpose of or as an incident to diagnosis, treatment, or rehabilitation with respect to drug abuse or alcohol abuse, whether or not conducted by a member of the medical profession.

(f) *Program.*

(1) The term "program", when referring to an individual or organization, means either an individual or an organization furnishing diagnosis, treatment, or referral for alcohol abuse or drug abuse.

(2) The term "program", when not used in the sense defined in paragraph (f)(1), means a plan or procedure, whether functional or organizational, and whether or not governmental, for dealing with alcohol abuse or drug abuse problems from either an individual or a social standpoint.

(g) *Program evaluation.*

The term "program evaluation" means an evaluation of—

(1) The effectiveness, efficiency, compliance with applicable therapeutic, legal, or other standards, or other aspects of the performance, of a program as defined in paragraph (f)(1) of this section, or

(2) The validity, effectiveness, efficiency, practicability, or other aspects of the utility or success of a program in the sense defined in paragraph (f)(2) of this section.

(h) *Program director.* The term "program director" in the case of a program which is an individual means that individual, and in the case of a program which is an organization, the individual, if any, who is the principal, or, in the case of organizations consisting of partners or under the control of a board of directors, board of trustees or other governing body, the individual designated as program director, managing director, or otherwise vested with executive authority with respect to the organization.

(i) *Patient.* The term "patient" means any individual (whether referred to as a patient, client, or otherwise) who has applied for or been given diagnosis or treatment for drug abuse or alcohol abuse and includes any individual who, after arrest on a criminal charge, is interviewed and/or tested in connection with drug or alcohol abuse preliminary to a determination as to eligibility to participate in a treatment or rehabilitation program.

(j) *Patient identifying information.* The term "patient identifying information" means the name, address, social security number, or similar information by which the identity of a patient can be determined with reasonable accuracy and speed either directly or by reference to other publicly available information. The term does not include a patient identifying number assigned by a program.

(k) *Alcohol abuse or drug abuse prevention function.* The term "alcohol abuse or drug abuse prevention function" means any program or activity relating to alcohol abuse or drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of law enforcement or is unrelated to alcohol or drugs.

(l) The term "person" means an individual, a partnership, a corporation, a trust, a Federal or State governmental agency, or any other legally cognizable entity.

(m) *Service organization.* The term "service organization" means a person which provides services to a program such as data processing, dosage preparation, laboratory analyses, or legal, medical, accounting, or other professional services.

(n) *Qualified service organization.* The term "qualified service organization" means a service organization which has entered into a written agreement with a program pursuant to which the service organization—

(1) acknowledges that in receiving, storing, processing, or otherwise dealing with any information from the program about patients in the program, it is fully bound by the provisions of this part;

(2) undertakes to institute appropriate procedures for safeguarding such information, with particular reference to patient identifying information; and

(3) undertakes to resist in judicial proceedings any efforts to obtain access to information pertaining to patients otherwise than as expressly provided for in this part.

(o) *Records.* The term "records" includes any information, whether recorded or not, relating to a patient, received or acquired in connection with the performance of any alcohol abuse or drug abuse prevention function, whether such receipt or acquisition is by a program, a qualified service organization, or any other person.

(p) *Communications not constituting disclosure.* The following types of communications do not constitute disclosures of records:

(1) Communications of information within a program between or among personnel having a need for such information in connection with their duties.

(2) Communications between a program and a qualified service organization of information needed by the organization to perform its services to the program.

(3) Communications of information which includes neither patient identifying information nor identifying numbers assigned by the program to patients.

(q) *Previous regulations.* The term "previous regulations" refers to the interpretative regulations issued by the Special Action Office for Drug Abuse Prevention, originally published November 17, 1972, 37 FR 24636, as revised December 6, 1973, 38 FR 33744.

(r) *State law.* The term "State law" refers to the law of a State or other jurisdiction, such as the District of Columbia, as distinguished from Federal law in general. As applied to transactions which do not take place in any State or other similar jurisdiction, the term refers to Federal common law as modified by any applicable Federal statutes and regulations.

(s) *Third party payer.* The term "third party payer" means any organization (or person acting as agent or trustee for an organization or fund) which pays or agrees to pay for diagnosis or treatment furnished or to be furnished to a particular individual, where such payment or agreement to pay is on the basis of an individual relationship between the payer and the patient (or a member of the patient's family in the case of self-and-family insurance coverage or similar arrangements) evidenced by a contract, an insurance policy, a certificate of membership or participation, or similar documentation.

(t) *Funding source.* The term "funding source" means any individual or any public or private organization, including any Federal, State, or local governmental agency, which makes payments in support of a program. A funding source is not, as such, a third party payer, even where its payment sare based directly or indirectly on the program's patient load with or without respect to specified categories of eligible persons.

(u) *August 22, 1974 draft.* References to the "August 22, 1974 draft" are to the draft regulations set out in the Advance Notice of Proposed Joint Rulemaking published in the FEDERAL REGISTER on August 22, 1974, 39 FR 30426, by the Department of Health, Education, and Welfare and the Special Action Office for Drug Abuse Prevention.

§ 2.11–1 Definitions and usages.—Basis and purpose.

(a) *In general.* The definitions are based upon the legislative history of and experience with the authorizing legislation, and are intended as aids to construing the provisions of this part to carry out the purposes of those statutes.

(b) *Coverage of applicants for treatment.* Section 2.11(i) is intended to make it clear that records of the identity and other information about a person whose application is rejected or withdrawn are fully as much covered by this part as records pertaining to a patient actually accepted for treatment.

(c) *Program terminology for patients not controlling.* While many programs prefer to use "client" or some other term instead of "patient" to describe the recipients of their services, it is believed preferable to use terminology in this part which is consistent with that used in the authorizing legislation. It should be clearly understood, however, that the records of any individual who fits the definition set forth in § 2.11(i) are covered, no matter what terminology the program may use to designate his status.

(d) *Origin of "prevention function" terminology.* The definition of alcohol abuse or drug abuse prevention function in § 2.11(k) is adapted from the definition of drug abuse prevention function in section 103(b) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1103(b)). Although there was no corresponding defined term available to the draftsman of the 1974 amendment to section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4582), it is clear from the legislative history that the coverage of alcohol abuse patient records was intended to be fully as wide as the coverage of drug abuse patient records, and the definition in § 2.11(k) reflects that intention.

(e) *Ambiguity of the term "program".* It is recognized that it is ordinarily poor drafting technique to use the same term

V40-127-JUL 1 75 XUM

in senses which are as different, yet related, as those in §§ 2.11(f)(1) and 2.11(f)(2). This part, however, has to be read both in conjunction with the Food and Drug Administration's Methadone Regulation and the Drug Abuse Office and Treatment Act of 1972. The Methadone Regulation (21 CFR 310.505) clearly uses the term "program" in the § 2.11(f)(1) sense. In section 103(b) of the Act (21 U.S.C. 1103(b)), it is clearly used in the § 2.11(f)(2) sense, and the usage in section 408(b)(2)(B) of the Act has from its original enactment been administratively interpreted to include both senses. As used in this part, the context should indicate the intended meanings with sufficient clarity to make this preferable to creating and defining new terminology which would be different from that used in related regulations and the authorizing legislation.

(f) *Construction of disclosures.* Section 2.11(p) is intended to clarify the status of communications which are carried on within a program or between a program and persons or organizations which are assisting it in providing patient care. The authorizing legislation was not intended to prohibit programs from carrying on accepted practices in terms of obtaining specialized services from outside organizations. In conjunction with the definition of qualified service organizations, set forth in § 2.11(n), the provisions of § 2.11(p) should prevent the development of abuses in this area.

§ 2.12 Applicability.—Rules.

(a) *In general.* Except as provided in paragraph (b) of this section, this part applies to records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any alcohol abuse or drug abuse prevention function—

(1) Which is conducted in whole or in part, whether directly or by grant, contract, or otherwise, by any department or agency of the United States,

(2) For the lawful conduct of which in whole or part any license, registration, application, or other authorization is required to be granted or approved by any department or agency of the United States,

(3) Which is assisted by funds supplied by any department or agency of the United States, whether directly through a grant, contract, or otherwise, or indirectly by funds supplied to a State or local government unit through the medium of contracts, grants of any description, general or special revenue sharing, or otherwise, or

(4) Which is assisted by the Internal Revenue Service of the Department of the Treasury through the allowance of income tax deductions for contributions to the program conducting such function, or by a way of a tax-exempt status for such program.

(b) *Armed Forces and Veterans' Administration.*

(1) The provisions of this part do not apply to any interchange, entirely within the Armed Forces, within those components of the Veterans' Administration furnishing health care to veterans, or between such components and the Armed Forces, of records pertaining to a person relating to a period when such person is or was subject to the Uniform Code of Military Justice.

(2) Except as provided in paragraph (b)(1) of this section, this part applies to any communication between any person outside the Armed Forces and any person within the Armed Forces.

(3) Except as provided in paragraph (b)(1) of this section, this part applies, insofar as it pertains to any drug abuse prevention function, to any communication between any person outside those components of the Veterans' Administration furnishing health care to veterans and any person within such components, until such date as the Secretary of Health, Education and Welfare exercises his authority (conferred by an amendment effective June 30, 1975) to prescribe regulations under section 408 of Pub. L. 92-255 (21 U.S.C. 1175). After such date, this part applies thereto to such extent as the Administrator of Veterans' Affairs, through the Chief Medical Director, by regulation makes the provisions of this part applicable thereto.

(4) Except as provided in paragraph (b)(1) of this section, this part applies, insofar as it pertains to any alcohol abuse prevention function, to any communication between any person outside those components of the Veterans' Administration furnishing health care to veterans and any person within such components, to such extent as the Administrator of Veterans' Affairs, through the Chief Medical Director, by regulation makes the provisions of this part applicable thereto.

(c) *Period covered as affecting applicability.* The provisions of this part apply to records of identity, diagnosis, prognosis, or treatment pertaining to any given individual maintained over any period of time which, irrespective of when it begins, does not end before March 21, 1972, in the case of diagnosis or treatment for drug abuse or before May 14, 1974, in the case of diagnosis or treatment for alcohol abuse.

(d) *Applicability determined by nature and purpose of records.* The applicability of the provisions of this part is determined by the nature and purpose of the records in question, and not by the status or primary functional capacity of the recordkeeper.

§ 2.12–1 Applicability.—Basis and purpose.

(a) The broad coverage provided by § 2.12(a) is appropriate in the light of the remedial purposes of the statutes as well as the practical desirability of certainty and uniformity. Sections 2.12(a)(1) and 2.12(a)(2) simply follow the terms of subsection (a) of the statutes, with some explanatory material for the sake of clarity and explicitness.

(b) Sections 2.12(a)(3) and 2.12(a)(4) are based upon the use by Congress of the phrase "directly or indirectly assisted by any department or agency of the United States". In the light of the multiplicity and extent of Federal programs and policies which can be of assistance to drug and alcoholism programs, this wording strongly suggests an intention to provide the broadest coverage consistent with the literal terms of the statutes. Many programs commence with direct Federal assistance, financial, technical, or both, and later continue with State aid and private, tax-deductible contributions. It would be manifestly contrary to the general policy sought to be effectuated by the legislation if the confidential status of a program's records were to terminate, or even be called into question, by the cessation of direct Federal assistance.

(c) With regard to § 212(a)(3), it seems clear that whenever a State or local government is assisted by the Federal government by way of revenue sharing or other unrestricted grants, all of the programs and activities of the State or local government are thereby indirectly assisted, and thus meet that aspect of the statutory criteria for coverage.

(d) Section 2.12(a)(4) follows the doctrine established in *McGlotten v. Connally*, 338 F. Supp. 448 (D.C. D.C., 1972), in which it was held that the deductible status of contributions to an organization constitutes "Federal financial assistance" within the meaning of section 601 of the 1964 Civil Rights Act (42 U.S.C. 2000d). The inclusion of the adjective "indirect" as a modifier of the term "assistance" as used in the provisions of law authorizing this part suggests an intention to provide coverage at least as broad, if not broader than, section 601 of the Civil Rights Act in respect of financial assistance. See, also, *Green v. Connally*, 330 F. Supp. 1150 (D.C. D.C., 1971) aff'd sub. nom. *Cott v Green*, 404 U.S. 997, 92 S. Ct. 564, 30 L. Ed. 2d 550 (1971).

(e) Section 2.12(b) essentially repeats the interpretation given in § 1401.02(b) of the previous regulation except that it takes account of the special provisions inserted in the new law with reference to the Veterans Administration, and makes clear that the exemption for communications within the military-VA system does not generally apply to records pertaining to civilians.

(f) Section 2.12(c), which deals with the question of how the period covered by any given set of records affects the applicability of these regulations to them, restates the principle set forth in § 1401.02(a) of the previous regulations, and applies it to records in the field of alcohol abuse as well as drug abuse. The authorizing legislation contains no effective date provisions. A construction which would apply the statutes to records of completely closed treatment episodes, records necessarily made and maintained prior to the enactment of the legislation, would create serious administrative problems. It seems doubtful, in any case, whether such records have been "maintained," within the meaning of the statutes, during any period of time after their enactment. On the other hand, if

treatment is actually carried on after the enactment of the applicable statute, then all the records should be covered irrespective of when treatment was begun, because such records clearly are being "maintained" after the enactment of the legislation.

(g) Section 2.12(d) has been included to make explicit one of the legal implications of the authorizing legislation, which is cast in terms descriptive of the records which are to be confidential rather than of the recordkeepers on whom a duty is thus imposed. The result is that, for example, where a State agency maintains an individual client record which contains identifying information about a client (i.e., patient) receiving treatment or rehabilitation services for drug abuse, such a record is clearly a record maintained in connection with a drug abuse prevention function, and is subject to the provisions of this part. The fact that the record may also be required by statute or regulations pertaining to eligibility for Federal Financial Participation would in no way exempt the record from the prohibitions and requirements of this part. Thus, it would be unlawful and a violation of these regulations for such a record to be made available to a law enforcement agency, or to determine (without the prior written consent of the client) eligibility for other welfare benefits, or for any other administrative or investigative uses or purposes which would involve or result in an identification of the client to a third party.

§ 2.13 General rules regarding confidentiality.—Rules.

(a) *In general.* Records to which this part applies shall be confidential and may be disclosed only as authorized by this part, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding conducted by any Federal, State, or local authority, whether such proceeding is commenced before or after the effective date of this part.

(b) *Unconditional compliance required.* The prohibition upon unauthorized disclosure applies irrespective of whether the person seeking disclosure already has the information sought, has other means of obtaining it, enjoys official status, has obtained a subpoena, or asserts any other justification or basis for disclosure not expressly authorized under this part.

(c) *Information covered by prohibition.* The prohibition on unauthorized disclosure covers all information about patients, including their attendance or absence, physical whereabouts, or status as patients, whether or not recorded, in the possession of program personnel, except as provided in paragraph (d) of this section.

(d) *Crimes on program premises or against program personnel.* Where a patient commits or threatens to commit a crime on the premises of the program or against personnel of the program, nothing in this part shall be construed as prohibiting personnel of the program from seeking the assistance of, or reporting such crime to, a law enforcement agency, but such report shall not identify the suspect as a patient. In any such situation, immediate consideration should be given to seeking an order under Subpart E of this part to permit the disclosure of such limited information about the patient as may be necessary under the circumstances.

(e) *Implicit and negative disclosures prohibited.* The disclosure that a person (whether actual or fictitious) answering to a particular description, name, or other identification is not or has not been attending a program, whether over a period of time or on a particular occasion, is fully as much subject to the prohibitions and conditions of this part as a disclosure that such a person is or has been attending such a program. Any improper or unauthorized request for any disclosure of records or information subject to this part must be met by a noncommittal response.

(f) *In-patients and residents.* The presence of any in-patient in a medical facility or resident in a residential facility for the treatment of drug or alcohol abuse may be acknowledged to callers and visitors with his written consent. Without such consent, the presence of any in-patient or resident in a facility for the treatment of a variety of conditions may be acknowledged if done in such a way as not to indicate that the patient is being treated for drug or alcohol abuse.

§ 2.13–1 General rules regarding confidentiality.—Basis and purpose.

(a) Section 2.13(a) enunciates the general principle of the statutory provisions, and is unchanged from § 1401.03 of the previous regulations.

(b) Sections 2.13(b) and 2.13(c) have been added on the basis of written comments on the draft regulations published August 22, 1974, in which there was a documented report that counsel for a program had advised the program that it could furnish information to the FBI about patients without their written consent and without completing a full judicial proceeding in accordance with Subpart E of this part. Sections 2.13(b) and 2.13(c) should clarify the original intent of the statutes and regulations to the extent of precluding such errors in the future.

(c) In the situation described in § 2.13(d), the desirability of the general prophylactic rule prohibiting disclosures by program personnel about patients regardless of whether such disclosures are from a written record must yield to the practical necessity to permit protection from, and prompt reporting of, criminal acts. In the preface to the first set of regulations issued under 21 U.S.C. 1175, it was emphasized that the operation of that section "in no way creates a sanctuary for criminals." (37 FR 24636, November 17, 1972). Section 2.13(d) is consistent with that contemporaneous administrative construction.

(d) Section 2.13(e) is adapted from § 1401.11 of the August 22, 1974 draft. The suggestion that this part be cited when declining to give information has been deleted on the basis of comments that correctly pointed out that such a citation, if given by an institution or program maintaining some records covered by this part and some not, would serve to identify the records inquired about as pertaining to treatment covered by this part.

Section 2.13(f) merely clarifies the effect of the preceding paragraphs in the special situations to which paragraph (f) relates.

§ 2.14 Penalty for violations.—Rules.

(a) *Penalty provided by law.* Any person who violates any provision of the authorizing legislation or any provision of this part shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

(b) *Application to subsequent offenses.* Where a defendant has committed one offense under either section authorizing this part or any provision of this part authorized by that section, any offense thereafter committed under the same section or any provision of this part authorized under that section shall be treated as a subsequent offense.

§ 2.14–1 Penalty for violations.—Basis and purpose.

(a) Section 2.14 states the criminal penalty provided for in subsection (f) of the sections authorizing this part. It is included in this part for convenience and completeness. Some of the comments received on this section when originally proposed suggested that criminal penalties for violation should include imprisonment, but such a change would have to be made by legislation rather than rulemaking.

(b) Section 2.14(b) clarifies the intention that the "subsequent offense" need not be identical to the first offense, as long as it is committed with respect to the same statutory section. For example, a person whose first offense had consisted of improperly releasing the name of a patient in an alcoholism treatment program would be punishable for a "subsequent offense" if he later gives out information from the diagnostic work-up of an alcoholism patient.

§ 2.15 Minor patients.—Rules.

(a) *Definition of minor.* The term "minor" means a person who has not attained the age of 18 years or, in a State where a different age is expressly provided by State law as the age at which a person ceases to be a minor, the age prescribed by the law of such State.

(b) *Consent to disclosure in general.* Except as provided in paragraph (c), where consent is required for any disclosure under this part, such consent in the case of a minor must be given by both the minor and his parent, guardian, or other person authorized under State law to act in his behalf, but any disclosure made after the patient has ceased to be a minor may be consented to only by the patient.

(c) *Rule when State law authorizes treatment without parental consent.* Whenever a patient, acting alone, has the

V 40 127 JUL 1 75 XUM

legal capacity under the applicable State law to apply for and obtain such diagnosis, counselling, administration of medication, or other services as actually are or were provided to him by the program with respect to which he is or was a patient, any consent required for disclosure under this part may be given only by the patient, notwithstanding the fact that the patient may be a minor.

(d) *Initial contacts.* When a minor applies for services under circumstances other than those described in paragraph (c) of this section, the fact of such application may not be disclosed, except as an incident to a communication authorized under paragraph (f) of this section, without consent of the applicant, to the applicant's parent, guardian, or other person authorized under State law to act on behalf of the applicant. When such an applicant refuses consent, it must be explained to the applicant that while he or she has the right (subject to the provisions of paragraph (f) of this section) to withhold such consent, the services applied for cannot be provided without it.

(e) *Collection or attempted collection of payment for services.* Where State law authorizes the furnishing of services to a minor without the consent of the minor's parent or guardian, no inquiry may be made of the parent's or guardian's financial responsibility, and no bill, statement, request for payment, or any other communication in respect of such services may be transmitted directly or indirectly to such parent or guardian, without the express written consent of the patient. Such consent may not be made a condition of the furnishing of services except in the case of a program which is not required by law, and does not in fact hold itself out as willing, to furnish services irrespective of ability to pay.

(f) *Applicant lacking capacity for rational choice.* When, in the judgment of a program director a minor applicant for services, because of extreme youth or mental or physical condition, lacks the capacity to make a rational decision on whether to consent to the notification of a parent or guardian, and the situation of the applicant poses a substantial threat to the life or physical well being of the applicant or any other individual, and such threat might be reduced by communicating the relevant facts to a parent or guardian of the applicant, such facts may be so communicated by the program director or by program personnel authorized by the director to do so.

§ 2.15–1 Minor patients.—Basis and purpose.

(a) The statutes authorizing this part are totally silent on the issue of the capacity of a minor to give consent for disclosures, and there is nothing in the legislative history to suggest that the question was ever considered by Congress. The question is, however, one which arises repeatedly, and it is therefore appropriately addressed under the general rulemaking authority conferred by subsection (g) of the authorizing legislation.

(b) Perhaps no legal issues are more highly charged than those affecting the relationship of parent and child. Since Congress has not evidenced an intention to affect this relationship, it is clear that local law should govern, and the task of rulemaking is limited to that of insuring, as far as possible, that the results under Federal law are consistent with local policy.

(c) Where a State has authorized the furnishing of treatment or other services of a given type to a minor without notice to or consent by the parent or guardian, it seems clear that a consistent Federal policy with respect to disclosure requires that consent for any disclosure of the treatment record be given by the minor. This policy, moreover, should not be frustrated by attempts to enforce parental financial responsibility in a situation where the State itself has determined that the minor should have a right to obtain services without involving the parent.

(d) A much more difficult problem is presented in the case of a minor who applies for services in a jurisdiction which has not determined that a minor should have the right to obtain them without parental knowledge or consent. The question may arise as to whether the clinician has an ethical or legal duty to notify the parent which conflicts with a duty of nondisclosure. The rules in § 2.15 are based upon the theory that Federal law should not invalidate a State policy which prohibits treatment without parental consent, but that keeping confidential a mere application for treatment is not ordinarily a sufficient transgression of such a State policy as to require an exception to the general Federal policy prohibiting disclosure of an application for services without the consent of the applicant.

(e) Section 2.15(f) deals with the case of the minor applicant who lacks the capacity to make a rational choice about consenting to disclosure. It is based upon the theory that where a person is actually as well as legally incapable of acting in his own interest, disclosures to a person who is legally responsible for him may be made to the extent that the best interests of the patient clearly so require. Any other rule could subject clinicians to an intolerable choice between violating the provisions of this part on the one hand, or failing to take action to avoid a preventable tragedy involving a minor, on the other. The statutes authorizing this part should not be read as requiring such a choice.

§ 2.16 Incompetent and deceased patients.—Rules.

(a) *Incompetent patients other than minors.* Where consent is required for any disclosure under this part, such consent in the case of a patient who has been adjudicated as lacking the capacity, for any reason other than insufficient age, to manage his or her own affairs may be given by the guardian or other person authorized under State law to act in the patient's behalf.

(b) *Deceased patients.*

(1) *In general.* Except as provided in paragraph (b)(2) of this section, where consent is required for any disclosure of records of a deceased patient may be given by an executor, administrator, or other personal representative. If there is no appointment of a personal representative, such consent may be given by the patient's spouse, or if none, by any responsible member of the patient's family.

(2) *Vital statistics.* In the case of a deceased patient, disclosures required under Federal or State laws involving the collection of death and other vital statistics may be made without consent.

§ 2.16–1 Incompetent and deceased patients.—Basis and purpose.

Section 2.16 essentially repeats the substance of § 1401.04 of the previous regulations, broadened to reflect the fact that the statutes now allow any consensual disclosures permitted by the regulations, and to cover the situation of deceased patients for whom no formal appointment of an executor, administrator, or other personal representative has been made. Written comments were received to the effect that the power to consent to disclosure in the case of a deceased patient should be limited to a personal representative. The expense of probate or administration in some jurisdictions could cause financial hardship to survivors, and on balance it is believed that where the assets of an estate are insufficient to justify the appointment of a personal representative, the public interest is served by permitting others to consent to disclosure.

§ 2.17 Security precautions.—Rules.

(a) *Precautions required.* Appropriate precautions must be taken for the security of records to which this part applies. Records containing any information pertaining to patients shall be kept in a secure room, or in a locked file cabinet, safe, or other similar container, when not in use.

(b) *Policies and procedures.* Depending upon the type and size of the program, appropriate policies and procedures should be instituted for the further security of records. For example, except where this function is personally performed by the program director, a single member of the program staff should be designated to process inquiries and requests for patient information, and a written procedure should be in effect regulating and controlling access by those members of the staff whose responsibilities require such access, and providing for accountability.

§ 2.17–1 Security precautions.—Basis and purpose.

The enormous variations in both the size and the type of programs to which this part is applicable preclude the formulation of specific requirements with respect to the physical security of records. Almost any requirement which could be laid down would, under some circumstances, either be impracticable or

perverse in its effects. For example, in a facility handling a variety of medical records, all of which are confidential and so marked, a requirement that those pertaining to drug or alcohol treatment be marked in any distinctive way would merely serve to identify such records as pertaining to drug or alcohol treatment—precisely the opposite of the intended result. The purpose of § 2.17, which is based upon § 1401.25 of the previous regulations, is to alert programs to the necessity of exercising due care with respect to the security of patient records.

§ 2.18 Extent of disclosure.—Rule.

Any disclosure made under this part, whether with or without the patient's consent, shall be limited to information necessary in the light of the need or purpose for the disclosure.

§ 2.18–1 Extent of disclosure.—Basis and purpose.

(a) Section 2.18 expresses the general principle, which has application in many different contexts, that any disclosure from records covered by this part should be limited to information necessary in the light of the need or purpose for the disclosure. It is identical to § 1401.06 of the previous regulations.

(b) This section should not be misunderstood as imposing a limitation on the scope of records which may or should be made available to health agencies conducting inspections as described in § 2.55. All of the records maintained by a program may be relevant to such inspection. The Congress has determined that disclosure under such circumstances is not a violation of the statutes authorizing this part; where such disclosure is required by Federal or State law, and the inspecting agency is a qualified State health agency as defined in § 2.55(e)(1), it becomes the responsibility of that agency to protect the confidentiality of information it acquires in the course of its lawful activities.

§ 2.19 Undercover agents and informants.—Rules.

(a) *Definitions.* As used in this section, § 2.19–1, and §§ 2.67 and 2.67–1,—

(1) The term "undercover agent" means a member of any Federal, State, or local law enforcement or investigative agency whose identity as such is concealed from either the patients or personnel of a program in which he enrolls or attempts to enroll.

(2) The term "informant" means a person who, at the request of a Federal, State, or local law enforcement or investigative agency or officer, carries on observation of one or more persons enrolled in or employed by a program in which he is enrolled or employed, for the purpose of reporting to such agency or officer information concerning such persons which he obtains as a result of such observation subsequent to such request.

(b) *General prohibition.* Except as otherwise provided in paragraph (c) of this section, or as specifically authorized by a court order granted under § 2.67,—

(1) No undercover agent or informant may be employed by or enrolled in any alcohol or drug abuse treatment program;

(2) No supervisor or other person having authority over an undercover agent may knowingly permit such agent to be or remain employed by or enrolled in any such program; and

(3) No law enforcement or investigative officer may recruit or retain an informant with respect to such a program.

(c) *Exceptions.* The enrollment of a law enforcement officer in a treatment program shall not be deemed a violation of this section if (1) such enrollment is solely for the purpose of enabling the officer to obtain treatment for his own abuse of alcohol or drugs, and (2) his status as a law enforcement officer is known to the program director.

§ 2.19–1 Undercover agents and informants.—Basis and purpose.

(a) In many instances, persons who are patients in treatment programs are making their first tentative efforts toward re-integration into productive society. They may be both vulnerable and suspicious, and the presence in a treatment program of undercover law enforcement agents or informants can have a devastating effect on the program's morale and therapeutic effectiveness. Moreover, it would appear that the purpose of such agents or informants may be to obtain precisely the type of personal information which might be revealed by inspection of counselor notes and other patient records maintained by the program. Thus, the placing of an undercover agent or informant in a program, either as a patient or as an employee, would appear to be contrary to the purposes for which the provisions of law authorizing this part were enacted, and properly subject to prohibition under regulations expressly authorized to carry out those purposes.

(b) From a policy standpoint, § 2.19 is based on the reasoning that while the use of undercover agents and informants in treatment programs is ordinarily to be avoided, there may occasionally arise circumstances where their use may be justified. Accordingly, where a showing is made in an application for an order under § 2.67 that the criteria set forth in that section are satisfied, the court may grant such an order.

(c) When this section of the regulations was proposed, numerous written comments were received urging that there be an absolute prohibition on the use of undercover agents and informants, and most of the witnesses at the hearings who addressed the issue at all testified to the same effect. A number of comments were received to the effect that § 2.19 should be dropped altogether, but this request was always clearly and often explicitly predicated on the assumption that failure to say anything about undercover agents and informants would make their use illegal. Our view is to the contrary: we think that the statutes, standing alone, do not prohibit the practice, and thus that in the absence of a specific prohibition in these regulations, the use of undercover agents and informants in treatment programs would not be unlawful. Since this is a view which we believe to be shared by the law enforcement and investigative agencies which are affected by § 2.19, there is as a practical matter no alternative to predicating these regulations upon its correctness.

(d) However desirable it may be to limit the use of undercover agents and informants in treatment programs, we think a strong argument can be made against our power to impose an absolute prohibition. To the extent that the practice is susceptible to regulation through the rulemaking process at all, it is on the theory that it opens the way to disclosure of information which is or should be in program records, and thus is contrary to the purposes of the statutes. Since subsection (g) of the statutes confers express rulemaking authority to carry out these purposes, regulation of the use of undercover agents and informants is a proper subject for the exercise of that authority. But even the express statutory prohibition against direct disclosure of the content of patient records is subject to the power of the courts to authorize such disclosure under subsection (b)(2)(C) of the statutes. It seems difficult to argue that Congress intended to confer on rulemaking agencies the authority to impose an absolute prohibition even though its own restrictions (other than those on disclosures of patient identities from secondary records) are subject to being set aside by court order in particular cases. Since we have not attempted to exercise such an authority, it is not necessary to decide at this time whether it was conferred.

(e) A careful reading of the definitions set forth in § 2.19(a) is crucial to an understanding of the prohibitions which are imposed by § 2.19. Objections to the section were made informally but vigorously on behalf of the Drug Enforcement Administration, on the ground that the testimony of informants or undercover agents is frequently if not normally essential to the successful prosecution of cases arising under the Controlled Substances Act. It was said that in the form originally proposed, the section would cut off from treatment those who might agree to cooperate with law enforcement authorities, a result both inhumane and counterproductive. As the definition of an informant is intended to make clear, however, it is his function vis-a-vis personnel and fellow patients in the program in which he is enrolled which is controlling, and not his relationship, *per se*, with an investigative agency.

(f) Finally, the definition of informant is intended to clarify the distinction between an informant and an ordinary witness. It is the element of prearrangement which is crucial. In one of the comments received on §2.19 as proposed, it was urged that treatment programs should be considered as sanctuaries, but such a result was explicitly disclaimed in the

V 40 127 JUL 1 75 XUM

initial publication of the previous regulations (37 FR 24636). In so saying, we are by no means insensitive to the anxieties repeatedly expressed in both testimony and comments on this section, but we believe that the prohibition contained in § 2.19 and the procedures and criteria set forth in § 2.67 provide a measure of relief which is consistent with the structure and intent of the underlying statutes.

§ 2.20 Identification cards.—Rules.

(a) *Required use prohibited.* No program may require or request any patient to carry in his or her possession, while away from the program premises, an identification card or other form of identification which is issued by the program or which would tend to identify the bearer as a participant in it or any similar program.

(b) *Conditions of voluntary use.* Nothing in this section prohibits a program from issuing an identification card to a patient if the patient's counsellor or other authorized member of the program staff has explained to the patient that acceptance and use of the card is entirely voluntary and that neither an initial rejection nor a subsequent discontinuation of its use will in any way prejudice his or her record or standing in the program. In the case of any patient to whom an identification card or similar device was issued prior to the effective date of this section, or subsequent thereto in violation of this section, a counsellor or other authorized member of the program staff shall explain to the patient his right to turn it in without prejudice at any time.

(c) *On-premises exemption.* Nothing in this section prohibits a program from maintaining and using on its premises cards, photographs, tickets, or other devices, or using passwords or other information, to assure positive identification of patients, correct recording of attendance or medication, or for other proper purposes, as long as no pressure is brought on any patient to carry any such device when away from the program premises.

§ 2.20–1 Identification cards.—Basis and purpose.

Section 2.20 is in furtherance of one of the basic purposes of the statutes authorizing this part, namely, protection of patients from improper disclosure of their status as such. Regrettably, there appear to be areas where possession of a treatment program identification card can be prejudicial to a person under arrest or subjected to a search. In any part of the country, the accidental display or circulation of such a card by reason of its loss or theft could have adverse consequences for a variety of reasons. Since programs have other means of achieving the ends which identification cards are meant to serve, patients who do not wish to assume whatever risks may be involved in carrying such cards should not be compelled to do so.

§ 2.21 Disposition of discontinued program records.—Rules.

(a) *General rule.* When a program discontinues operations or is taken over or acquired by another program, its records to which this part applies with respect to any patient may, with the written consent of that patient, be turned over to the acquiring program or, if none, to any other program specified in the patient's consent. Except as otherwise provided in this section, any records to which this part applies, but for the transfer of which patient consent is not obtained, shall be either completely purged of patient identifying information, or destroyed. If any effort to obtain consent for transfer is made, it shall be by means which minimize the likelihood of accidental or incidental disclosure to any third party of the patient's identity as such.

(b) *Retention period.* Where records are required by law to be kept for a specified period, and such period does not expire until after the discontinuation or acquisition of the program, and patient consent for their transfer is not obtained, such records shall be sealed in envelopes or other containers marked or labelled as follows: "Records of [insert name of program] required to be maintained pursuant to [insert citation to law or regulation requiring that records be kept] until a date not later than December 31, [insert appropriate year]." The same procedure may be followed when it is determined to retain records for the period of any applicable statute of limitations.

(c) *Custodial retention.* Records marked and sealed in accordance with paragraph (b) of this section may be held by any lawful custodian, but may be disclosed by such custodian only under such circumstances and to such extent as would be permissible for the program in which they originated. As soon as practicable after the date specified on the label or legend required to be affixed pursuant to paragraph (b) of this section, the custodian shall destroy the records. In the case of any program terminated by reason of bankruptcy, the expense of compliance with this paragraph shall be an expense of administration of the bankrupt estate.

§ 2.21–1 Disposition of discontinued program records.—Basis and purpose.

While arguments can be made for requiring the destruction of records at the conclusion of their useful clinical life, there is wide disagreement on its span, and there are in addition research considerations which argue for an even longer period of retention. Except in the case of discontinued programs, it therefore seems best to leave this issue for determination by the programs concerned.

§ 2.22 Former employees and others.—Rules.

The prohibitions of this part on disclosure of patient records or information contained therein apply to all individuals who are personnel of treatment programs, researchers, auditors, evaluators, service organizations, or others having access to such records or information, and continue to apply to such individuals with respect to such records or information after the termination of their employment or other relationship or activity giving rise to such access.

§ 2.22–1 Former employees and others.—Basis and purpose.

The probition contained in § 2.22 is arguably an interpretation of the authorizing legislation which would be necessary as a matter of law even in the absence of this part; its validity as an exercise of the rulemaking power conferred by subsection (g) of the authorizing legislation seems beyond dispute.

§ 2.23 Relationship to State laws.—Rules.

The enactment of the provisions of law authorizing this part was not intended to preempt the field of law covered thereby to the exclusion of State laws not in conflict therewith. If a disclosure permitted under the provisions of this part, or under a court order issued pursuant thereto, is prohibited under State law, nothing in this part or in the provisions of law authorizing this part may be construed to authorize any violation of such State law. No State law, however, may either authorize or compel any disclosure prohibited by this part.

§ 2.23–1 Relationship to State laws.—Basis and purpose.

Section 2.23 sets forth publicly an interpretation which, in informal communications, has consistently been given to 21 U.S.C. 1175 since its original enactment, and clearly has equal applicability to 42 U.S.C. 4582.

§ 2.24 Relationship to section 303(a) of Public Health Service Act and section 502(c) of Controlled Substances Act.—Rules.

(a) *Research privilege description.* In some instances, there may be concurrent coverage of a program or activity by the provisions of this part and by a regulation or other administrative action under section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) or section 502(c) of the Controlled Substances Act (21 U.S.C. 872(c)). The latter two provisions of law, referred to hereinafter in this section as the research privilege sections, confer on the Secretary of Health, Education, and Welfare, and on the Attorney General, respectively, the power to authorize researchers to withhold from all persons not connected with the research the names and other identifying information concerning individuals who are the subject of such research. The Secretary of Health, Education, and Welfare may grant this privilege with respect to any "research on mental health, including research on the use and effect of alcohol and other psychoactive drugs." The Attorney General's power is conferred as part of a section authorizing research related to enforcement of laws under his jurisdiction concerning substances which are or may be subject to control under the Controlled Substances Act, but is not expressly limited to such research. Regardless of whether a grant of research privilege is made by the Secretary or by the Attorney General, it is expressly provided that persons who obtain it "may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify" the subjects of research for which the privilege was obtained.

(b) *Comparison with authority for this part.* Although they deal, in a sense, with the same subject matter, and may on occasion concurrently cover the same transactions, it is important to note the differences between the research privilege sections (21 U.S.C. 872(c) and 42 U.S.C. 242a(a)) and the provisions of law (21 U.S.C. 1175 and 42 U.S.C. 4582) which authorize this part. Briefly, these differences are as follows:

(1) Although they contain broad grants of express rulemaking authority, the provisions of law by which this part is authorized are self-executing in the sense that they are operative irrespective of whether the rulemaking authority is exercised. The protection afforded by the research privilege sections, on the other hand, can only come into existence as a result of affirmative administrative action.

(2) The provisions of law authorizing this part, as well as the provisions of this part itself, impose affirmative duties with respect to the records to which they apply, and the violation of such duties is subject to criminal penalties. To the extent that a privilege is thereby created, it grows out of the duties thus imposed. The research privilege sections, by contrast, impose no duties by their own terms, and if any duties are implied from their existence, they would have to be enforced on the basis of an implicit civil liability for damages or by equitable relief, as there are no criminal or administrative sanctions available.

(3) The exercise of the authority conferred by the research privilege sections is subject to administrative discretion, whereas in the case of the duties imposed under this part there is judicial discretion, within the limits and subject to procedures and criteria prescribed by statute and regulation, to grant relief in particular cases.

(c) *Grant of research privilege not affected by (b)(2)(C) order.* The issuance of an order under subsection (b)(2)(C) of either of the sections authorizing this part (21 U.S.C. 1175 and 42 U.S.C. 4582) in no way affects the continuing effectiveness of any exercise of the authority of the Secretary of Health, Education, and Welfare under 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) or the Attorney General under section 502(c) of the Controlled Substances Act (21 U.S.C. 872(c)).

§ 2.24–1 Relationship to section 303(a) of Public Health Service Act and section 502(c) of Controlled Substances Act.—Basis and purpose.

(a) In Pub. L. 93–282, the Congress expressly amended (by sections 122(a) and 303(a), 88 Stat. 131 and 137) the provisions of law which authorize this part, expressly amended (by section 122 (b), 88 Stat. 132) the research privilege section under the Secretary's jurisdiction, and made explicit reference (in section 303(d), 88 Stat. 139) to the regulations previously issued by the Special Action Office for Drug Abuse Prevention reconciling the provisions of section 408 of the Drug Abuse Office and Treatment Act of 1972 with the provisions of the research privilege sections. When the bill which became Pub. L. 93–282 was before the House of Representatives for its last Congressional consideration before transmission to the President, its floor manager, Chairman Staggers of the Committee on Interstate and Foreign Commerce, inserted in the Record a detailed analysis of the bill in its final form (Congressional Record, daily edition, May 6, 1974, page H3563). This analysis contained the following paragraph:

> The relationship of section 303(a) of the Public Health Service Act, authorizing the administrative grant of absolute confidentiality for research, to section 408 of the Drug Abuse Office and Treatment Act of 1972, requiring that Federally-connected drug abuse patient records generally be kept confidential, has been correctly described in an interpretative regulation, 21 C.F.R. 1401.61 and 1401.62, which was upheld in *People v. Newman*, 32 N.Y. 2d 379, [reversing] 336 N.Y.S. 2d 127, 298 N.E. 2d 651 (1973); *certiorari* denied, [414] U.S. [1163], 94 S. Ct. 927, [39 L. Ed. 2d 116] (1974). For that reason, among others, section 303(d) of the Senate amendment expressly continues the effectiveness of the current regulation promulgated by the Director of the Special Action Office for Drug Abuse Prevention. Thus, although section 502(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is not explicitly referred to in this legislation, the congressional intent is clear that the authority conferred by that section was not modified by Pub. L. 92–255, and is not intended to be modified by the bill now before the House.

(b) Sections 2.24 and 2.61 restate, in substance, the interpretative rules (§§ 1401.61 and 1401.62 of the previous regulations) referred to in the passage quoted in paragraph (a) of this section, modified to reflect the amendment made to section 303(a) of the Public Health Service Act (42 U.S.C. 242(a)) by Pub. L. 93–282.

Subpart C—Disclosures With Patient's Consent

§ 2.31 Written consent required.—Rules.

(a) *Form of consent.* Except as otherwise provided, a consent for a disclosure under this part must be in writing and must contain the following:

(1) The name of the program which is to make the disclosure.

(2) The name or title of the person or organization to which disclosure is to be made.

(3) The name of the patient.

(4) The purpose or need for the disclosure.

(5) The extent or nature of information to be disclosed.

(6) A statement that the consent is subject to revocation at any time except to the extent that action has been taken in reliance thereon, and a specification of the date, event, or condition upon which it will expire without express revocation.

(7) The date on which the consent is signed.

(8) The signature of the patient and, when required under § 2.15, the signature of a person authorized to give consent under that section; or, when required under § 2.16, the signature of a person authorized to sign under that section in lieu of the patient.

(b) *Duration of consent.* Any consent given under this subpart shall have a duration no longer than that reasonably necessary to effectuate the purpose for which it is given.

(c) *Disclosure prohibited with deficient consent.* No program may disclose any information on the basis of a consent form—

(1) which on its face substantially fails to conform to any of the requirements set forth in paragraph (a), of this section, or

(2) which is known, or in the exercise of reasonable care should be known, to the responsible personnel of the program to be materially false in respect to any item required to be contained therein pursuant to paragraph (a) of this section.

(d) *Falsification prohibited.* No person may knowingly make, sign, or furnish to a program any consent form which is materially false with respect to any item required to be contained therein pursuant to paragraph (a) of this section.

§ 2.31–1 Written consent required.—Basis and purpose.

(a) The use of a consent form containing all of the elements specified in § 2.31(a) is necessary to assure compliance with the requirements of this subpart. Under § 1401.21 of the previous regulations, a much more abbreviated form was permissible, because the circumstances under which any consent could be given were very strictly limited. Now that the authorizing legislation permits disclosure with consent "to such extent, under such circumstances, and for such purposes as may be allowed under regulations," the consent form should show on its face information sufficient to indicate compliance with the regulations.

(b) Sections 2.31(b), 2.31(c), and 2.31(d) are an exercise of the general rulemaking authority in subsection (g) of the authorizing legislation. Section 2.31(c) imposes a legal liability on programs and their personnel for disclosure of information on the basis of a materially

V40-127-JUL 1 75 XUM

deficient consent, and § 2.31(d) imposes liability on any person who submits a falsified consent form to a program.

§ 2.32 Prohibition on redisclosure.—Rules.

(a) *Notice to accompany disclosure.* Whenever a written disclosure is made under authority of this subpart, except a disclosure to a program or other person whose records pertaining to the patient are otherwise subject to this part, the disclosure shall be accompanied by a written statement substantially as follows: "This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure may be accompanied or followed by such a notice.

(b) *Consent required for redisclosure.* A person who receives information from patient records and has been notified substantially in accordance with paragraph (a) of this section is prohibited from making any disclosure of such information except with the specific written consent of the person to whom it pertains, or as otherwise permitted under this part.

(c) *Restriction on redisclosure.* Whenever information from patient records is needed by any person, such information must be obtained directly from the program maintaining such records and not from another person to whom disclosure thereof has been made, except where the initial disclosure was intentionally and expressly made for the purpose of redisclosure (as for example in the case of an employment agency), or the information is no longer available from the program and redisclosure is not prohibited by any other provision of this part.

§ 2.32–1 Prohibition on redisclosure.—Basis and purpose.

(a) Section 2.32 is intended to provide a reasonable protection against redisclosure of information disclosed with consent in accordance with this subpart. There is, of course, no problem where the information becomes part of a record which is itself subject to this part because it is maintained in connection with the performance of a covered substance abuse prevention function. The difficulty arises when the disclosure is made to those whose records are not otherwise affected by this part. To attempt to make all of the provisions of this part applicable to such recipients with respect to such information might raise serious problems of legality, administrative feasibility, and fairness, but where they are given actual notice that specific patient consent is normally required for redisclosure, we think they can and should be bound by it.

(b) Oral disclosures are not mandatorily covered because they should rarely be made to any recipient with whom the program does not have a continuing relationship. Where such a relationship exists or the program is otherwise satisfied that the recipient understands and will respect the confidential nature of the information supplied, there seems no need to add to the already heavy load of paperwork with which programs must contend.

§ 2.33 Diagnosis, treatment, and rehabilitation.—Rules.

(a) *Disclosure authorized.* Where consent is given in accordance with § 2.31, disclosure of information subject to this part may be made to medical personnel or to treatment or rehabilitation programs where such disclosure is needed in order to better enable them to furnish services to the patient to whom the information pertains.

(b) *Traveling, incarcerated, or hospitalized patients on medication.* Where a patient on medication is at a distance from his normal residence or treatment program or is incarcerated or hospitalized, or is otherwise unable to deliver a written consent to his treatment program at the time the disclosure is needed, confirmation of the patient's status and information necessary to appropriately continue or modify his medication may be given to medical personnel in a position to provide services to the patient upon the oral representation of such personnel that the patient has requested medication and consented to such disclosure. Any program making a disclosure in accordance with this paragraph shall make a written memorandum showing the name of the patient, or the patient's case number assigned by the program, the date and time the disclosure was made, the information disclosed, and the names of the individuals by whom and to whom it was made.

§ 2.33–1 Diagnosis, treatment, and rehabilitation.—Basis and purpose.

(a) Section 2.33(a) is a restatement of the policy set forth in § 1401.22(a) of the previous regulations, expanded to make explicit reference to nonmedical counselling and other treatment and rehabilitative services.

(b) Section 2.33(b) clarifies the corresponding provision in § 1401.22(a) of the previous regulations by specifying how and through whom oral consent can be given, and limiting the disclosure to that necessary to determine appropriate medication.

§ 2.34 Prevention of certain multiple enrollments.—Rules.

(a) *Definitions.* For the purposes of this section and § 2.55—

(1) The terms "administer", "controlled substance", "dispense", "maintenance treatment", and "detoxification treatment" shall respectively have the meanings defined in paragraphs (2), (6), (10), (27), and (28) of section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "program" means a program which offers maintenance treatment or detoxification treatment.

(3) The term "permissible central registry" means a qualified service organization which collects or accepts, from two or more programs (referred to hereinafter as member programs) all of which are located either within a given State or not more than 125 miles from the nearest point on the border of such State, patient identifying information about persons applying for maintenance treatment or detoxification treatment for the purpose of enabling the member programs to prevent any individual from being concurrently enrolled in more than one such program.

(b) *Use of central registries prohibited except as expressly authorized.* The furnishing of patient identifying information by a program to any central registry which fails to meet the definition of a permissible central registry set forth in paragraph (a)(3) of this section is prohibited, and the furnishing of patient identifying information to or by any central registry except as authorized in this section is prohibited. Information pertaining to patients held by a central registry may be furnished or used in accordance with paragraphs (e), (f), and (g) for the purpose of preventing multiple enrollments, but may not be otherwise furnished or used in connection with any legal, administrative, supervisory, or other action with respect to any patient.

(c) *Safeguards and procedures required.* To minimize the likelihood of disclosures of information to impostors or others seeking to bring about unauthorized or improper disclosure, any communications carried on by programs pursuant to this section must be conducted (1) by authorized personnel designated in accordance with § 2.17(b), and (2) in conformity with procedures established in accordance with that section.

(d) *Disclosures with respect to patients in treatment.* A member program may supply patient identifying information and information concerning the type of drug used or to be used in treatment and the dosage thereof, with relevant dates, to a permissible central registry with respect to any patient—

(1) When the patient is accepted for treatment,

(2) When the type or dosage of the drug is changed, and

(3) When the treatment is interrupted, resumed, or terminated.

(e) *Disclosures with respect to applications.* When any person applies to a program for maintenance treatment or detoxification treatment, then for the purpose of inquiring whether such person is currently enrolled in another program for such treatment, the program may furnish patient identifying information with respect to such person—

(1) To any permissible central registry of which the program is a member, and

(2) To any other program which is not more than 200 miles distant and which is not a member of any central registry of which the inquiring program is a member.

(f) *Program procedure in case of apparent concurrent enrollment.* When an inquiry pursuant to paragraph (e)(2) is made of another treatment program and its response is affirmative, the two programs may engage in such further communication as may be necessary to establish whether an error has been made, and if none, the programs should proceed in accordance with sound clinical practice and any applicable regulations pertaining to the type of treatment involved.

(g) *Registry procedure in case of apparent concurrent enrollment.* When an inquiry pursuant to paragraph (e)(1) is made of a permissible central registry and its response is affirmative, it may advise the inquiring program of the name, address, and telephone number of the other program, or it may advise the other program of the identity of the patient and the name, address, and telephone number of the inquiring program, or it may do both, and in any case the two programs may then communicate as provided in paragraph (f) above.

(h) *Advice to patients.* When the policies and procedures of any program involve any disclosures pursuant to this section, before any patient is accepted for or continued in treatment (other than detoxification treatment) after September 30, 1975, written consent in accordance with § 2.31 shall be obtained. Such consent shall set forth a current list of the names and addresses either of any programs or of any central registries to which such disclosures will be made. Notwithstanding the requirement of § 2.31(a)(2), such consent shall be effective with respect to any other such program thereafter established within 200 miles, or any registry serving such programs, and shall so state. Such consent shall be effective for as long as the patient remains enrolled in the program to which it is given.

§ 2.34–1 Prevention of certain multiple enrollments.—Basis and purpose.

Section 2.34 is based upon § 1401.43 of the previous regulations. It was omitted from the August 22, 1974 draft, but comments on the omission made it clear that in certain areas of the country, central registries are a functional component of the treatment system, and that regulations to guide their operations are needed.

§ 2.35 Legal counsel for patient.—Rules.

When a bona fide attorney-client relationship exists between an attorney-at-law and a patient, disclosure of any information in the patient's records may be made to the attorney upon the written application of the patient endorsed by the attorney. Information so disclosed may not be further disclosed by the attorney.

§ 2.35–1 Legal counsel for patient.—Basis and purpose.

Section 2.35 simplifies and broadens the statement of the policy embodied in § 1401.25 of the previous regulations. Its purpose is to assure the availability to the attorney, with his client's consent, of any information needed as a basis for advice and counsel. The purpose of the prohibition on further disclosure by the attorney is to guard against the possibility that the attorney might be forced to serve as a conduit for otherwise prohibited disclosures to third parties. Ordinarily, the attorney-client privilege would suffice, but that privilege is subject to waiver by the client, whereas this prohibition is not. Where there is a need for disclosure to a third party of any given information about any patient, this prohibition in no way affects the availability of other sections of this part to authorize such disclosure by the program.

§ 2.36 Patient's family and others.—Rule.

Where consent is given in accordance with § 2.31, information evaluating his current or past status in a treatment program may be furnished to any person with whom the patient has a personal relationship unless, in the judgment of the person responsible for the patient's treatment, the disclosure of such information would be harmful to the patient.

§ 2.36–1 Patient's family and others.—Basis and purpose.

Section 2.36 expresses the same policy as was embodied in § 1401.27 of the previous regulations, broadened to reflect the expanded authority for consensual disclosure under the authorizing legislation.

§ 2.37 Third-party payers and funding sources.—Rules.

(a) *Acquisition of information.* Disclosure of patient information to third-party payers or funding sources may be made only with the written consent of the patient given in accordance with § 2.31 and any such disclosure must be limited to that information which is reasonably necessary for the discharge of the legal or contractual obligations of the third-party payer or funding source.

(b) *Prohibition on disclosure.* Where a funding source or third-party payer maintains records of the identity of recipients of treatment or rehabilitation services for alcohol or drug abuse such records are, under the authorizing legislation, maintained in connection with the performance of an alcohol or drug abuse prevention function and are subject to the restrictions upon disclosure set forth in this part.

§ 2.37–1 Third-party payers and funding sources.—Basis and purpose.

Section 2.37 is based upon the general authority to prescribe regulations to carry out the purposes of the authorizing legislation. The great diversity of contractual arrangements and legal requirements under which the operations of third-party payers and funding sources are carried on precludes the prescription of detailed records management instructions in these regulations, even if that were otherwise desirable. The general principles set forth in § 2.37, however, should clarify the question of coverage, and where coverage exists, provide a standard which will minimize the likelihood of violations. See also § 2.12–1(g).

§ 2.38 Employers and employment agencies.—Rules.

(a) *Disclosure permitted.* Where consent is given in accordance with § 2.31, a program may make disclosures in accordance with this section.

(b) *Eligible recipients.* A program may make disclosures under this section to public or private employment agencies, employment services, or employers.

(c) *Scope of disclosure.* Ordinarily, disclosures pursuant to this section should be limited to a verification of the patient's status in treatment or a general evaluation of progress in treatment. More specific information may be furnished where there is a bona fide need for such information to evaluate hazards which the employment may pose to the patient or others, or where such information is otherwise directly relevant to the employment situation.

(d) *Criteria for approval.* A disclosure under this section may be made if, in the judgment of the program director or his authorized representative appointed as provided in § 2.17(b), the following criteria are met:

(1) The program has reason to believe, on the basis of past experience or other credible information (which may in appropriate cases consist of a written statement by the employer), that such information will be used for the purpose of assisting in the rehabilitation of the patient and not for the purpose of identifying the individual as a patient in order to deny him employment or advancement because of his history of drug or alcohol abuse.

(2) The information sought appears to be reasonably necessary in view of the type of employment involved.

§ 2.38–1 Employers and employment agencies.—Basis and purpose.

Section 2.38 is based on the rulemaking power conferred by subsection (b)(1) of the authorizing legislation, and is adapted from § 1401.26 of the previous regulations. Its purpose is to allow disclosures reasonably necessary and appropriate to facilitate the employment of patients and former patients, while protecting patients against unnecessary or excessively broad disclosures. It was urged in a comment received on the August 22, 1974 draft that disclosures to employers be flatly prohibited on the ground that the employer's sole legitimate concern is with on-the-job performance. While we are not unsympathetic to this view, a countervailing consideration is that in the case of an employee or applicant who is known by the employer to have a problem with drugs or alcohol, knowledge by the employer of a genuine effort by the employee to deal with it can make the difference between a job and no job.

§ 2.39 Criminal justice system referrals.—Rules.

(a) *Consent authorized.* Where participation by an individual in a treatment program is made a condition of such in-

V40-127 JUL 1 75 XUM

dividual's release from confinement, the disposition or status of any criminal proceedings against him or the execution or suspension of any sentence imposed upon him, such individual may consent to unrestricted communication between any program in which he is enrolled in fulfillment of such condition and (1) the court granting probation, or other post-trial or pretrial conditional release, (2) the parole board or other authority granting parole, or (3) probation or parole officers responsible for his supervision.

(b) *Duration of consent.* Where consent is given for disclosures described in paragraph (a) of this section, such consent shall expire sixty days after it is given or when there is a substantial change in such person's status, whichever is later. For the purposes of this section, a substantial change occurs in the status of a person who, at the time such consent is given, has been—

(1) Arrested, when such person is formally charged or unconditionally released from arrest;

(2) Formally charged, when the charges have been dismissed with prejudice, or the trial of such person has been commenced;

(3) Brought to a trial which has commenced, when such person has been acquitted or sentenced;

(4) Sentenced, when the sentence has been fully executed.

(c) *Revocation of consent.* An individual whose release from confinement, probation, or parole is conditioned upon his participation in a treatment program may not revoke a consent given by him in accordance with paragraph (a) of this section until there has been a formal and effective termination or revocation of such release from confinement, probation, or parole.

(d) *Restrictions on redisclosure.* Any information directly or indirectly received pursuant to this section may be used by the recipients thereof only in connection with their official duties with respect to the particular individual with respect to whom it was acquired. Such recipients may not make such information available for general investigative purposes, or otherwise use it in unrelated proceedings or make it available for unrelated purposes.

§ 2.39–1 Criminal justice system referrals.—Basis and purpose.

(a) On the basis of extensive written comment and oral communications received on the subject matter of § 2.39 as proposed in the May 9, 1975 notice (designated as § 2.40 in that notice), we have concluded that the latitude allowed and the conditions imposed in § 2.39 as set forth above are necessary and proper to effectuate the purposes of the authorizing legislation.

(b) From a legal standpoint, it seems highly doubtful whether, in a proceeding to revoke probation or parole, the due process requirements laid down in *Morrissey v. Brewer*, 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973) could be met by an unsupported general evaluation by a treatment program to the effect that a patient's status or progress in treatment was unsatisfactory. Thus, if such an evaluation were all that could be communicated by a program about a particular patient's conduct during the period he was in treatment, a condition requiring satisfactory participation in a treatment program would to all intents and purposes become unenforceable. Moreover, if it were held to be enforceable, the operative decision on the revocation issue would then be made by the program, arguably exacerbating rather than alleviating its role-conflict problem. It may thus be the part of wisdom to confess that some degree of role-conflict is inherent in the situation of any program which accepts criminal justice referrals. If so, the issue then becomes that of finding the most constructive way to handle the conflict, rather than a sterile and futile effort to avoid it altogether.

(c) We are persuaded that in many instances a prohibition on free communication between probation officers and drug abuse program counsellors would have profoundly deleterious effects on the rehabilitative process. Many probation officers bring to their work a high degree of training, professionalism, and experience. They are under no illusion that they are dealing with a clientelle which will never stumble or relapse, and if they have the information necessary to intervene at an early stage of such an episode, their intervention can often make the difference between success and failure for the client.

(d) There is, however, nothing in these regulations which precludes treatment programs from entering into agreements or arrangements with agencies or institutions of the criminal justice system to regulate or restrict the subject matter or form of communications of information about patients. For example, such an arrangement might provide for free oral communication between counsellors and probation officers, while restricting formal written reports by the program to specified types of so-called hard data such as attendance and urinalysis results. In view of widely differing conditions and attitudes in various parts of the country, substantial variations in such arrangements are not only expectable but desirable.

(e) A further aspect of this matter, which was not adequately considered or dealt with in the May 9 proposal, is the impact which the rules laid down in § 2.39 have on the bail decision. There is a high correlation between the disposition of the application for bail and the type of sentence which may be meted out upon conviction. The contrast between the recidivism rates for those who receive treatment and supervision, as against those who simply receive the punishment of incarceration, is a powerful argument against restrictions which would tend to narrow the circumstances under which conscientious judges can grant bail.

(f) It must be emphasized that § 2.39 in no way reduces the necessity to obtain written consent from patients, whether or not referred by the criminal justice system, before disclosures for the purposes here involved can be made by programs. We have been urged to make an exception from the requirement of § 2.31 in the case of parolees and probationers, but such an exception would be wholly unsupported by the authorizing legislation. In fashioning these regulations, it is not our privilege to adorn a tabula rasa according to our own predilections: rather, it is our duty to interlineate a statute with fidelity to its spirit, its terms, and its purposes.

§ 2.40 Situations not otherwise provided for.—Rules.

(a) *Criteria for approval.* In any situation not otherwise specifically provided for in this subpart, where consent is given in accordance with § 2.31, a program may make a disclosure for the benefit of a patient from the records of that patient if, in the judgment of the program director or his authorized representative appointed as provided in § 2.17, all of the following criteria are met:

(1) There is no suggestion in the written consent or the circumstances surrounding it, as known to the program, that the consent was not given freely, voluntarily, and without coercion.

(2) Granting the request for disclosure will not cause substantial harm to the relationship between the patient and the program or to the program's capacity to provide services in general.

(3) Granting the request for disclosure will not be harmful to the patient.

(b) *Circumstances deemed beneficial.* For the purposes of this section, the circumstances under which disclosure may be deemed to be beneficial to a patient include, but are not limited to, those in which the disclosure may assist the patient in connection with any public or private claim, right, privilege, gratuity, grant or other interest accruing to, or for the benefit of, the patient or the patient's immediate family. Examples of the foregoing include welfare, medicare, unemployment, workmen's compensation, accident or medical insurance, public or private pension or other retirement benefits, and any claim or defense asserted or which is an issue in any civil, criminal, administrative or other proceeding in which the patient is a party or is affected.

§ 2.40–1 Situations not otherwise provided for.—Basis and purpose.

(a) Section 2.40 is based upon §1401.23 of the previous regulations, amended to reflect the expansion made by the change in the law with respect to the permissible scope of consensual disclosures.

(b) A strong case can be made for the proposition that § 2.40 should, in effect if not expressly, require a program to make any disclosure requested by a patient. The discretion vested in the program, it can be argued, is at best an expression of overprotective paternalism, and at worst, an invitation to programs to cover up material potentially embarrassing to themselves. Bearing in

mind, however, that persons who have obtained the type of treatment to which this part applies are more vulnerable to pressures of various kinds than are patients in general, it seems preferable to retain some responsibility on the part of the program to protect the best interests of its patients in this very sensitive area. This, like many other choices which these regulations reflect, is a determination which can be reviewed and revised from time to time in the light of experience.

Subpart D—Disclosures Without Patient Consent

§ 2.51 Medical emergencies.—Rules.

(a) *In general.* Disclosure to medical personnel, either private or governmental, is authorized without the consent of the patient when and to the extent necessary to meet a bona fide medical emergency.

(b) *Food and Drug Administration.* Where treatment involves the use of any drug, and appropriate officials of the Food and Drug Administration determine that the life or health of patients may be endangered by an error in the manufacture or packaging of such drug, disclosure of the identities of the recipients of the drug may be made without their consent to appropriate officials of the Food and Drug Administration to enable them to notify the patients or their physicians of the problem in order that corrective action may be taken.

(c) *Incapacitated persons.* Where a patient is incapacitated and information concerning the treatment being given him by a program is necessary to make a sound determination of appropriate emergency treatment, such information may be given without the patient's consent to personnel providing such emergency treatment.

(d) *Notification of family or others.* When any individual suffering from a serious medical condition resulting from drug or alcohol abuse is receiving treatment at a facility which is within the scope of this Part the treating physician may, in his discretion, give notification of such condition to a member of the individual's family or any other person with whom the individual is known to have a responsible personal relationship. Such notification may not be made without such individual's consent at any time such individual is capable of rational communication.

(e) *Record required.* Any program making an oral disclosure under authority of this section shall make a written memorandum showing the patient's name or case number, the date and time the disclosure was made, some indication of the nature of the emergency, the information disclosed, and the names of the individuals by whom and to whom it was disclosed.

§ 2.51–1 Medical emergencies.—Basis and purpose.

The provisions of § 2.51 are adapted from § 1401.42 of the previous regulations, and are based on subsection (b)(2)(A) of the authorizing legislation. The provision in the previous regulations with respect to patients who may be incarcerated is now covered in § 2.33(b).

Paragraph (d) of § 2.51 is based upon the theory that the disclosure there allowed is of the patient's endangered condition, not his identity as a drug or alcohol abuse patient, and that the humanitarian necessity of such notification outweights its potential for accidental violation of confidentiality.

§ 2.52 Research, audit, and evaluation.—Rules.

(a) *Research, audit, and evaluation.* Subject to any applicable specific provision set forth hereinafter in this subpart, the content of records pertaining to any patient which are maintained in connection with the performance of a function subject to this part may be disclosed, whether or not the patient gives consent, to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner. For the purposes of this subpart and for the purposes of subsection (b)(2)(B) of the authorizing legislation, the term "qualified personnel" means persons whose training and experience are appropriate to the nature and level of the work in which they are engaged and who, when working as part of an organization, are performing such work with adequate administrative safeguards against unauthorized disclosures.

(b) *Use of disclosures of patient identifying information.*

(1) Where a disclosure made to any person pursuant to paragraph (a) of this section includes patient identifying information with respect to any patient, such information may not be further disclosed, and may not be used in connection with any legal, administrative, supervisory, or other action whatsoever with respect to such patient, except as provided in paragraphs (b)(2) and (b)(3) of this section.

(2) The inclusion of patient identifying information in any written or oral communication between a person to whom a disclosure has been made pursuant to paragraph (a) and the program making such disclosure does not constitute the identification of a patient in a report or otherwise in violation of paragraph (a).

(3) Where a disclosure is made pursuant to paragraph (a) of this section to a person qualified to determine, on the basis of such disclosure, the presence of a substantial risk to the health and well being, whether physical or psychological, of any patient, and, in the judgment of such person, such a risk exists and the situation cannot be dealt with solely by means of communications as described in paragraph (b)(2) of this section without intensifying or prolonging the risk as compared with other means of dealing with it, then the initial disclosure under paragraph (a) and any subsequent disclosure or redisclosure of patient identifying information for the purpose of reducing the risk to the patient involved shall be subject to the provisions of § 2.51.

§ 2.52–1 Research, audit, and evaluation.—Basis and purpose.

(a) *General purpose.* Subsection (a) of this section is adapted directly from subsection (b)(2)(B) of the authorizing legislation. The purpose of each is the same: To facilitate the search for truth, whether in the context of scientific investigation, administrative management, or broad issues of public policy, while at the same time safeguarding the personal privacy of the individuals who are the intended beneficiaries of the process or program under investigation. This subpart in particular, and this part as a whole, are intended to aid in carrying out that purpose.

(b) The succeeding sections of this subpart deal with problems which arise in connection with disclosures made for certain specific purposes which have been interpreted as falling within the general purposes embraced by § 2.52. Those sections will be best understood, however, in the light of some discussion of the underlying premises of the general rule, and its relationship to two other legal concepts: the right of privacy, and the duty to obtain informed consent from research subjects.

(c) *The Right of Privacy.* So far as is relevant to this discussion, we may consider the right of privacy in two aspects. One, a protection against improper governmental activity, is the right to be secure against unreasonable searches and seizures guaranteed by the Fourth Amendment, with some expansion from the penumbras of the Fifth and Sixth Amendments. The protections afforded to patients by the authorizing legislation, not to mention these regulations, go far beyond those which are constitutionally required.

(d) The other aspect of the right of privacy, which has sometimes been described as the right to be left alone, is the notion that an individual has a right not to be hurt by intrusions into his essentially personal concerns, or to have essentially private information exploited for commercial gain, whether or not the intrusion or exploitation is in connection with any possible governmental action against him. The courts have spoken of a right of privacy in a wide variety of contexts, but they have repeatedly and explicitly rejected the notion that anyone has a right to go about his daily affairs encapsulated in an impenetrable bubble of anonymity. The courts have been careful to weigh the competing interests, and the social interest in valid research and evaluation is clearly of sufficient moment to be considered in this process.

(e) In defense of the position that disclosure of patient identifying information even for carefully guarded scientific research should be permitted only on a consensual basis, two dominant lines of argument, somewhat interrelated, have emerged. One is that retrospective

V40-127 JUL 1 75 XUM

studies are of questionable value in any case, and the other is that a sampling technique involving informed consent on the part of the members of the sample can always be used to develop the information sought. Neither line of argument will withstand careful scrutiny.

(f) It is true, of course, that the efficacy of a given therapeutic agent can often best be evaluated by means of a well-designed prospective study in which special recordkeeping procedures, special criteria for patient selection, and an appropriate control have all been established with a view to the purpose of the study. There are, however, many important investigations which simply do not lend themselves to such a format. Sometimes the desirability or even the possibility of a particular study does not suggest itself except in retrospect. Another important consideration is the fact that knowledge that an investigation is going on may influence the behavior of patients, clinicians, or both. Where such knowledge can influence the make-up of a sample, it will normally do so in the direction of favorable outcomes, but to an unknown degree, thus tending to invalidate the results reported.

(g) While the sample technique has its uses, especially with populations that are unmanageably large, it is often less difficult and expensive, and less likely to interfere with the actual conduct and outcomes of treatment or rehabilitation processes, to use the full population under study. Even more important than economy and administrative convenience in carrying out a study, there may be an overriding advantage in terms of eliminating any question as to the validity of the results of the study on the ground of bias in the selection of the sample.

(h) *Informed Consent.* The duty to obtain informed consent is obvious and compelling in situations where an individual is exposed to the possibility of harm, either physical or psychological, as a consequence of medical procedures, research, or similar activities. Where such a situation exists the person conducting the research or medical procedure violates his duty to the subject or patient if he proceeds without obtaining the voluntary informed consent from the individual or his legally authorized representative. Thus, in conducting an activity which places the subject or patient at risk the practitioner may not give precedence to a hidden agenda, even for so lofty a motive as the advancement of knowledge. In this regard, see the Department of Health, Education and Welfare's Protection of Human Subjects Regulations, 45 CFR Part 46. Those regulations are applicable to all Department of Health, Education and Welfare grants and contracts supporting research, development and related activities involving human subjects.

(i) It is apparent that the foregoing rationale for requiring informed consent does not apply to the same degree in situations involving the disclosure of clinical records for research in the form of follow-up or retrospective studies. Under these circumstances the risk to the subject is that some disclosure or misuse of information from which he could be identified might result in embarrassment, lost opportunities, or other forms of psychological or social injury. While that possibility of harm could be reduced by requiring consent to every review of clinical records for research purposes, a similar result can be achieved by the less restrictive method of limiting further disclosure of identifying information by the researcher. Given the applicability of this alternative, equally effective means for protecting a patient or subject from the possibility of a harmful public disclosure, it is unreasonable to insist upon informed consent to every review of clinical records for the purposes of conducting legitimate research, particularly since such insistence could lead to the ultimate absurdity of prohibiting efforts to identify the nature and source of an unknown plague simply because the patients or researcher lacked the clairvoyance to have consent forms signed prior to the onset of the affliction.

(j) In sum, there are restraints on certain means of governmental acquisition of information about individuals which are operative irrespective of how the information is used, and there are restraints on the uses of information which are independent of how or by whom it is acquired, but they do not and should not add up to the proposition that the use of information about a person is either morally or legally the absolute prerogative of that person to determine.

(k) For all of these reasons, the authorizing legislation expressly provides that patient consent is not required with respect to disclosures for research, audit, and evaluation, nor does it prohibit individual patient identification in connection with such disclosures. While it is entirely appropriate to impose safeguards and procedures in connection with these activities, it would be wholly inappropriate to use the rulemaking process to impose an absolute requirement of patient consent with respect to activities which by statute may be conducted without it.

(l) *Classification of activities.* It is clear that Congress intended a balancing of the social interest in the validity of the results of inquiry, on the one hand, with the individual interest in anonymity, on the other, all within the limits set by the legislation and the constitution. With that objective in mind, we may now turn to the various categories of activities which come within the purview of this subpart.

(m) These activities may be classified first, in regard to whether participation is voluntary from the standpoint of the program, and second, as to whether the objective is to ascertain compliance with predetermined standards (examinations as defined in § 2.54, and program evaluation as defined in § 2.11(g)(1)), or to ascertain the validity of a given standard or hypothesis (scientific research, and program evaluation as defined in § 2.11(g)(2)). The application of the foregoing classifications logically results in the creation of four categories of activities. Three of them are specifically dealt with in the succeeding sections of this subpart and need not detain us here; the fourth is discussed below.

(n) *Scientific research and evaluation.* Beyond the bare restatement of the authorizing legislation set forth in § 2.52, these regulations are deliberately silent with respect to purely voluntary scientific research and program evaluation in the sense defined in § 2.11(g)(2). Testimony and written comments received on the August 22, 1974 draft regulations were noteworthy in two respects. First, no instances of abuse on the part of persons acquiring patient identifying information under these circumstances were cited. Second, while there was some well-founded criticism of the attempt in that draft to provide guidelines for determining what is scientific research and who is qualified to do it, no usable alternatives—indeed, almost no alternatives at all—were forthcoming.

(o) In one of the written comments, the writer cautioned against any assumption "that our major remaining problems in drug and alcohol abuse treatment are prevention of illicit diversion and protection of confidentiality," and suggested "that we still have a problem in discovering, testing and evaluating improved treatment techniques. To do this," he continued, "one should place minimal obstacles in the way of bona fide clinical and epidemiologic research!"

(p) The result of leaving the rule as it is in the statute, without attempting to sharpen its outlines or define its terms, will be to leave it for interpretation on a case-by-case basis by those who must apply it in practice: the researchers who seek the information, and the programs which supply it. This does not foreclose the possibility of amending the regulations on the basis of experience if it appears either that clinicians are becoming so cautious that research and evaluation studies are being choked off, or that abuses are occurring in the use of information disclosed. But until a need for more detailed regulation in this area is demonstrated, we think its imposition would do more harm than good.

§ 2.53 Governmental agencies.—Rules.

(a) *In general.* Where research, audit, or evaluation functions are performed by or on behalf of a State or Federal governmental agency, the minimum qualifications of personnel performing such functions may be determined by such agency, subject to the provisions of this part, with particular reference to the organizational requirements and limitations on the categories of records subject to review by different categories of personnel.

(b) *Financial and administrative records.* Where program records are reviewed by personnel who lack either the responsibility for, or appropriate training and supervision for, conducting scientific research, determining adherence to treatment standards, or evaluating treatment as such, such review should be confined as far as practicable to administrative and financial records. Under no circumstances should such personnel be shown caseworker or counsellor notes, or similar clinical records. Programs should organize their records so that financial and administrative matters can be reviewed without disclosing clinical information and without disclosing patient identifying information except where necessary for audit verification.

(c) *Scientific research and long-term evaluation studies.* No State and no agency or political subdivision of a State may require, as a condition to funding, licensing, or otherwise, that any program furnish patient identifying information for the purpose of conducting scientific research or long-term evaluation studies unless the recipient of such information is legally required to hold such information in confidence, is prohibited from taking any administrative, investigative, or other action with respect to any individual patient on the basis of such information, and is prohibited from identifying, directly or indirectly, any individual patient in any report of such research or evaluation, or otherwise disclosing patient identities in any manner.

(d) *Opinion and description to be furnished program.* Before any patient identifying information is required to be submitted by a program under the circumstances described in paragraph (c), the program shall be furnished—

(1) An opinion by the attorney general or other chief legal officer of the State to the effect that the conditions specified in paragraph (c) are fulfilled with respect to such program or with respect to all programs in such State similarly situated, and

(2) A description of the administrative procedures and physical limitations on access or other measures to provide for the security of the data, but such description shall not be in such detail as to furnish guidance for wrongful attempts to breach such security.

(e) *Exclusiveness of procedures.* No State or local governmental agency may require any treatment program to furnish patient identifying information to itself or any other recipient except in conformity with this section or § 2.54. No Federal agency may require any treatment program to furnish patient identifying information to itself or any other recipient except in conformity with this section (other than paragraph (d)(1) thereof) or § 2.54.

§ 2.53–1 Governmental agencies.—Basis and purpose.

Section 2.53 is an implementation of the authority contained in subsection (g) of the authorizing legislation to provide safeguards and procedures to effectuate the purposes of such legislation. It makes clear that whenever information is required of a program, whether by law or by the terms or conditions of a contract or grant, the procedures and safeguards required under this section are applicable.

§ 2.54 Patient identifying information in connection with examinations.—Rules.

(a) *Definitions.* For the purposes of this section—

(1) The term "examination" means any examination to which this section is made applicable by paragraph (b) of this section.

(2) The term "examiner" means any individual or any public or private organization, including any Federal, State, or local governmental agency, which conducts an examination to which this section applies.

(b) *Applicability.* This section applies to any examination of the records of a treatment program which is carried out for the purpose of or as aid to ascertaining the accuracy or adequacy of its financial or other records, or the efficiency or effectiveness of its financial, administrative, or medical management, or its adherence to financial, legal, medical, administrative, or other standards, regardless of whether such examination is called an audit, an evaluation, an inspection, or by any other name.

(c) *Statement required for disclosure of patient identifying information in connection with examination.* No program may make, and no examiner may require, any disclosure of patient identifying information in connection with an examination unless the examiner furnishes to the program a written statement—

(1) that no record of patient identifying information will be made or retained by or on behalf of the examiner in connection with the examination without notice to the program in accordance with paragraph (c)(2) of this section, or

(2) setting forth the specific purpose for which a record of patient identifying information is being retained by or on behalf of the examiner, the location at which such information will be kept, and the name, official title, address, and telephone number of a responsible individual to whom any inquiries by the program about the disposition of such record should be directed.

(d) *Disposition of record of patient identifying information in connection with examination.* After any record of patient identifying information retained in connection with an examination has served its purpose, or within the time prescribed in paragraph (e) of this section, whichever is earlier, the examiner shall destroy or return to the program all records (including any copies thereof) containing patient indentifying information which have been in its possession in connection with such examination.

(e) *Maximum time allowed for disposition.* The action required by paragraph (d) shall be completed—

(1) Except as provided in paragraph (e)(2) of this section not more than two years after the record was acquired by or on behalf of the examiner, or

(2) Where the record is needed in connection with a formal legal proceeding against the program commenced or to be commenced not more than two years after the record was acquired, and written notice to this effect is furnished to the program within two years after the record was acquired, not later than the termination of such proceeding.

(f) *Notice of final disposition.* When an examiner disposes of records as required by paragraph (d) of this section, or not later than the time prescribed by paragraph (e) of this section, whichever is earlier, the examiner shall furnish to the program concerned a written statement—

(1) That there has been compliance with this section and with the provisions of this part prohibiting any disclosure of patient identifying information from records held by auditors or evaluators, or

(2) Specifying the particulars in which there has been a failure of compliance.

§ 2.54–1 Patient identifying information in connection with examinations.—Basis and purpose.

Confidence on the part of treatment program personnel in the integrity of auditing and regulatory processes is important to the effective functioning of the treatment system. It is the purpose of § 2.54 to foster practices which will both justify and engender such confidence.

§ 2.55 Supervision and regulation of narcotic maintenance and detoxification programs.—Rules.

(a) *Definition of "registrant".* For the purposes of this section, the term "registrant" means a person who (1) has pending an application for registration under section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)), or (2) has been registered under such section and whose registration has not expired or been surrendered or revoked.

(b) *Drug Enforcement Administration.* Duly authorized agents of the Drug Enforcement Administration shall have access to the premises of registrants for the purpose of ascertaining compliance (or ability to comply) with standards established by the Attorney General under section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) respecting the security of stocks of narcotic drugs and the maintenance of records (in accordance with section 307 of the Controlled Substances Act, 21 U.S.C. 827) on such drugs. Registrants shall maintain such records separate from and in addition to patients' clinical records required to be maintained under 21 CFR 310.505(d)(7)(iii), which shall not be available to such agents except as authorized under a court order in accordance with Subpart E of this part. Records maintained by registrants for the purposes of section 307 of the Controlled Substances Act (21 U.S.C. 827) need not identify patients by name, address, social security number, or otherwise except by an identifying number assigned by the registrant, but where such a system is used, the registrant shall maintain on a current basis a cross-index referencing each identifying number to the name and address of the patient to whom it refers. Upon request at any time and wthout advance notice, but subject to the pro-

V40127 JUL 1 75 XUM

visions of § 2.54, such agents shall be granted immediate access to any such index. Such agents may use names and addresses so obtained strictly for the purposes of auditing or verifying program records, and shall exercise all reasonable precautions to avoid inadvertent disclosure of patient identities to third parties. Names and other identifying information so obtained may not be compiled or used in any registry or personal data bank of any description.

(c) *Food and Drug Administration.* Duly authorized agents of the Food and Drug Administration shall have access to the premises of registrants and to all records maintained by registrants, for the purpose of ascertaining compliance (or ability to comply) with standards established by the Secretary of Health, Education and Welfare under section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257a), sections 303(g)(1) and 303 (g)(3) of the Controlled Substances Act (21 U.S.C. 823(g)(1) and 823(g)(3)), and sections 505 and 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 and 371(a)). When necessary in the conduct of their duties, and subject to the provisions of § 2.54, agents may use names and addresses of patients strictly for the purposes of auditing or verifying program records, and shall exercise all reasonable precautions to avoid inadvertent disclosure of patient identities to third parties. Names and other identifying information on patients obtained pursuant to this section or by any other compulsory process may not be compiled or used in any registry or personal data bank of any description. Except as authorized under this paragraph or by a court order granted under Subpart E of this part, (1) such agents may not, either orally or in writing, except in conversation with personnel of the registrant while on the premises of the registrant, identify any patient otherwise than by reference to an identifying number assigned by the registrant, and (2) such agents may not remove from the premises of the registrant any notes, documents, or copies thereof which contain patient identifying information.

(d) *State drug law enforcement agencies.* Duly authorized agents of any State drug law enforcement agency having jurisdiction and specific responsibility by statute or otherwise for the enforcement of criminal laws relating to controlled substances (as defined in the Controlled Substances Act) shall have access to the premises of any registrant for the purposes (with respect to corresponding provisions, if any, of State law) and subject to the restrictions and limitations set forth in paragraph (b) of this section, and subject to § 2.54.

(e) *State health authorities.*

(1) *Definition of "qualified State health agency".* As used in this paragraph, the term "qualified State health agency" means an agency of State government (i) which has express legal responsibility to ascertain that registrants under its jurisdiction comply with appropriate treatment standards; (ii) which is legally and administratively separate from any agency of State government responsible for investigation of violations of, or enforcement of, criminal law generally or criminal laws relating to controlled substances; (iii) whose personnel are qualified by training or experience to conduct inspections of health care facilities to ascertain compliance with treatment standards; and (iv) whose personnel are by State law, or by published administrative directive enforced by effective sanctions, required to maintain the confidentiality of any information concerning the identity of patients which they may acquire in the course of their official duties.

(2) *Access.* Duly authorized agents of a qualified State health agency shall have access to the premises of registrants and to all records maintained by registrants, for the purpose of ascertaining compliance (or ability to comply) with treatment standards (including those relating to quantities of narcotic drugs which may be provided for unsupervised use by individuals in treatment) established under State law. Such access, and the use of any information thereby obtained, shall be subject to the restrictions and limitations set forth in paragraph (c) of this section, and subject to § 2.54.

§ 2.55–1 Supervision and regulation of narcotic maintenance and detoxification programs.—Basis and purpose.

(a) Section 2.55 is addressed to the general problem described in the following passage from the legislative history of Pub. L. 93–282:

> A major element of the task of fashioning new regulations pursuant to the express rulemaking authority conferred by this legislation will be to reconcile the sometimes conflicting interests of research, audit, and evaluation with rights of privacy and the confidentiality of the relationship between patient and clinician. Such a reconciliation becomes particularly crucial where the functions of research, audit, or evaluation are conducted by a governmental agency with regulatory powers and responsibility, and the treatment involves the use of a drug such as methadone which is in a research status or which is readily susceptible of misuse or illicit diversion.
>
> Because of the difficulty and complexity of the task, the rulemaking authority is intentionally cast in terms broad enough to permit the limitation of the scope, content, or circumstances of any disclosure under subsection (b), whether (b)(1) or (b)(2), in the light of the necessary purposes for which it is made or required. (Congressional Record, daily edition, May 6, 1974, page H3563).

(b) It has been the consistent interpretation of the Special Action Office for Drug Abuse Prevention that the only provision of the authorizing legislation which permits disclosures to compliance officers, whether of DEA, FDA, or state agencies, is subsection (b)(2)(B). That subsection strictly prohibits any further disclosure of names or other identifying information concerning patients, and the statutory prohibition has been buttressed by provisions of these regulations, notably § 2.54, providing safeguards and procedures to assure that the statutory prohibition is respected.

(c) In testimony and written comment on the August 22, 1974 draft of these regulations, it has been urged that access to patient identifying information by law enforcement personnel, even for the limited purposes allowed by statute and regulation, should be prohibited except pursuant to a court order obtained under 21 U.S.C. 1175(b)(2)(C). We believe that such a prohibition is beyond our power to impose.

(d) Section 307(b) of the Controlled Substances Act (21 U.S.C. 827) provides, in pertinent part, "Every * * * record required under this section * * * shall be kept and be available, for at least two years, for inspection and copying by officers or employees of the United States authorized by the Attorney General." It is a well known principle of statutory construction that amendments and repeals by implication are not favored. In *People v. Newman*, 32 N.Y.2d 379, 345 N.Y.S.2d 502, 298 N.E.2d 651 (1973), cert. denied 414 U.S. 1163, 94 S.Ct. 927, 39L. Ed. 2d 116 (1974), the United States filed *amicus* briefs with the Court of Appeals of New York and with the United States Supreme Court, arguing that section 408 of Pub. L. 92–255 (21 U.S.C. 1175) did not effect an implied amendment or repeal of the provisions of Pub. L. 91–513 (21 U.S.C. 872(c) and 42 U.S.C. 242a(a)) which confer on the Attorney General and the Secretary of Health, Education, and Welfare the power to grant the so-called research privilege discussed in § 2.24. This position was expressly adopted by the New York court. We cannot now take the inconsistent position that section 408 of Pub. L. 92–255 did indeed amend by implication section 307 of Pub. L. 91–513, particularly in the face of a contrary contemporaneous administrative interpretation by both the Special Action Office for Drug Abuse Prevention and the Department of Justice. In short, if the right of access and copying conferred on Federal agents by 21 U.S.C. 827 is to be amended to provide that it may only be exercised pursuant to a court order in the case of maintenance and detoxification programs, that is a change which must be wrought by the Congress.

(e) In the case of inspections carried out by health supervisory agencies, we think that denial of access to any documents showing patient identifying information may have a serious adverse effect on the validity of the inspection process. Even if a program keeps its own records in terms of patient-identifying numbers assigned by the program, the patient file may contain—may, indeed, be required to contain—documents signed by the patient or originating outside the program. Where signatures, names, and addresses are all obliterated, it is impossible for the inspector to check the file even for apparent internal consistency. We believe that outright forgery is and will remain a rarity, but the temptation to cover improper or inadequate documentation by "accidental misfilings" may be something else again.

(f) From a legal standpoint, the term "audit" has long comprehended the notion of external verification. In a commercial setting, this means that at least some inventory will actually be counted, at least some receivables will be verified by contacting the customers, and so on. To rule that this crucial aspect of the audit process cannot be carried out with respect to a treatment program until after the auditor goes through the procedure of obtaining a specific court order under subsection (b)(2)(C) would seem to contravene the intent of subsection (b)(2)(B).

(g) In all of this, our decisions must be illuminated by a balanced consideration of the best interests of the patient no less than a desire to foster the implementation of cherished values in society at large. If protection of the patient's right to privacy is achieved by means which seriously impair our ability to protect him from exploitation and malpractice, not to mention the diversion of funds intended for his benefit, it would be a hollow victory indeed. We believe that the procedures and safeguards which these regulations impose on the conduct of audits and evaluations will avoid that result, while affording substantial and meaningful new protection to the confidentiality of patient records.

§ 2.56 Prohibition on disclosure of patient identities from research, audit, or evaluation records—Rules.

Where the content of patient records has been disclosed pursuant to this subpart for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State. This prohibition does not affect the accessibility of the original records under authority of a court order referred to in subpart E.

§ 2.56–1 Prohibition on disclosure of patient identities from research, audit, or evaluation records—Basis and purpose.

Section 2.56 restates the prohibition on further disclosure which is contained in subsection (b)(2)(B) of the authorizing legislation. The relationship of the provisions authorizing court orders to the provisions authorizing disclosure for research, audit, and evaluation, is dealt with in § 2.62.

Subpart E—Court Orders

§ 2.61 Legal effect of order—Rules.

Subsection (b)(2)(C) of the sections which authorize this part (21 U.S.C. 1175 and 42 U.S.C. 4582) empowers the courts, in appropriate circumstances, to authorize disclosures which would otherwise be prohibited by subsection (a) of those sections. Subsection (b)(2)(C) operates only as a mechanism for the relief of the duty imposed by subsection (a) and not as an affirmative grant of jurisdiction to authorize or compel disclosures prohibited or privileged by other provisions of law, whether Federal or State. An order or provision of an order based on some other authority, or a subpoena, or other appropriate legal process, is required to compel disclosure. To illustrate, if a person who maintains records subject to this part is merely requested, or is even served with a subpoena, to disclose information contained therein in a manner prohibited in the absence of a court order, he must refuse such a request unless, and until, an order is issued under subsection (b)(2)(C). Such an order would remove the prohibition, but could not, of its own force, require disclosure. If there were no subpoena or other compulsory process, or a subpoena had been issued but had expired or been quashed, the custodian of the records would have discretion as to whether to disclose the information sought unless and until disclosure were ordered by means of appropriate legal or administrative process, the authority for which would have to be found in some source other than subsection (b)(2)(C) of the sections authorizing this part.

§ 2.61–1 Legal effect of order—Basis and purpose.

(a) Section 2.61 is a restatement of the interpretative rules embodied in §§ 1401.61 and 1401.62 of the previous regulations. Both the positioning of the authority to issue court orders in S. 2097 as initially passed by the Senate (92nd Congress, 1st Session, December 2, 1971) and the explicit cross-reference in section 408(a) of Pub. L. 92–255 make clear the congressional intent that section 408(b)(2)(C) operate as a mechanism for the relief of the 408(a), strictures and not as an affirmative grant of jurisdiction to authorize disclosures prohibited by other provisions of law, whether Federal or State.

(b) The amendment made by Pub. L. 93–282 to section 333 of the Alcoholism Act (42 U.S.C. 4582) was enacted with the same language and structure as section 408 in this regard in order to make the interpretative rules set forth in § 2.61 applicable to it.

§ 2.62 Inapplicability to secondary records—Rules.

The authority which subsection (b)(2)(C) of the sections which authorize this part (21 U.S.C. 1175 and 42 U.S.C. 4582) confers on courts to issue orders authorizing the disclosure of records applies only to records referred to in subsection (a) of such sections, that is, the records maintained by treatment or research programs which have patients, and not to secondary records generated by the disclosure of the subsection (a) records to researchers, auditors, or evaluators pursuant to subsection (b)(2)(B).

§ 2.62–1 Inapplicability to secondary records—Basis and purpose.

(a) The interpretative rule set forth in § 2.62 is an essential and basic limitation on the scope of (b)(2)(C) orders. It was part of the original regulations under section 408 of Pub. L. 92–255 published November 17, 1972 (37 FR 24638), and was carried forward unchanged in the amended regulations published December 6, 1973 (38 FR 33748), the special status of which has already been noted in § 2.3. See, also, § 2.61–1.

(b) Although this rule is well supported by the history and technical structure of the legislation, the policy considerations in its favor are even more compelling. In § 2.52–1, we have discussed the urgent necessity for access, even without patient consent, to patient records on the part of qualified personnel engaged in scientific research and evaluation. Where this access includes patient identifying information, as it sometimes must if vital work is to be done, there must not be any question whatsoever about the legal inviolability of its confidential status in the hands of the researcher. Granted, there may occur rare occasions when the original records are for some reason not available, where a (b)(2)(C) order would lie as to the original records, and where there would seem to be some advantage in the administration of justice for such an order to permit disclosure of identifying information by the researcher. But compared to the damage which the mere potentiality for access does to the whole research enterprise, the advantage in terms of ability to deal with rare and anomalous cases seems almost trivial. Even in those cases, denial of access to the party seeking the information leaves him in no worse position than if the research or evaluation, which was certainly not undertaken for his benefit, had never been done at all.

(c) Where the secondary records are generated under the circumstances described in § 2.54, of course, this argument does not apply. In that situation, if preliminary examination suggests that the records may be needed for compliance or other administrative or judicial proceedings, the person conducting the audit or other examination should promptly seek the authority of a court order to copy the original records. The use of secondary records thus generated under authority of a court order would then be limited by the terms and purposes of the order, rather than subsection (b)(2)(B) of the authorizing legislation, and thus the rule set forth in § 2.62 would not apply.

§ 2.63 Limitation to objective data—Rules.

(a) *Limitation to objective data.* Except as provided in paragraph (b) of this section, the scope of an order issued pursuant to this subpart may not extend to communications by a patient to personnel of the program, but shall be limited to the facts or dates of enrollment, discharge, attendance, medication, and similar objective data, and may include only such objective data as is necessary to fulfill the purposes for which the order is issued.

(b) *Exception.* When a patient in litigation offers testimony or other evidence pertaining to the content of his communications with a program, an order under this subpart may authorize

V40-127 JUL 1 75 XUM

the submission of testimony or other evidence by the program or its personnel.

§ 2.63–1 Limitation to objective data.—Basis and purpose.

In the three-year period subsequent to the original enactment of 21 U.S.C. 1175, not a single occasion was reported to the Special Action Office for Drug Abuse Prevention on which an attempt was made to secure a (b)(2)(C) order authorizing the disclosure of a confidential communication by a patient to a counsellor or other member of the staff of a treatment program. In all of the comments and testimony received on the draft regulations published August 22, 1974, there was nothing to suggest any circumstances under which a court order authorizing such a disclosure would be either desirable or appropriate. Yet the mere possibility that such an order might be issued is to some a source of anxiety which impairs the effectiveness of treatment. Such an ongoing negative effect clearly outweighs the remote theoretical possibility that some peculiar circumstance might arise in which judicial authorization for such a disclosure might be sought. Accordingly, the limitation imposed by § 2.63 on the scope of (b)(2)(C) orders to preclude that possibility, and hence to eliminate its adverse influence on treatment services, appears to be a proper exercise of rulemaking power.

§ 2.64 Procedures and criteria in general—Rules.

(a) *Identity of patient.* Applications for court orders to authorize disclosure of records pertaining to a known patient shall not use the real name of the patient unless the patient consents thereto voluntarily and intelligently. In the case of an *ex parte* application initiated by the patient, the application should be instituted in the name of a fictious person, such as Jon Doe, unless the patient requests otherwise. The same procedure should be followed in the case of a separate proceeding held in conjunction with a pending criminal or civil action. Any court order should identify the patient fictitiously, and the disclosure of the patient's real name should be communicated to the program in such manner as to protect the confidentiality of the patient's identity.

(b) *Notice.* In any proceeding not otherwise provided for in this subpart, in which the patient or the program has not been made a party, each shall be given appropriate notice and an opportunity to appear in person or to file a responsive statement, deposition or other form of response consistent with local rules of procedure. The court shall give due consideration to any such statement, deposition or other response in exercising its discretion as to the existence of good cause and, if deemed necessary or desirable, consistent with local rules of procedure, it may order the program director to appear and give direct testimony.

(c) *Hearings.* All hearings and all evidence in connection therewith shall be held or taken in the judge's chambers, unless the patient requests an open hearing or the court determines that such hearing is consistent with the public interest and the proper administration of justice.

(d) *Good cause.* No order shall be issued unless the record shows that good cause exists, and in assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services.

(e) *Need for disclosure.* If other competent evidence or sources of information are available, the court should ordinarily deny the application.

(f) *Adverse effects.* If there is evidence that disclosure would have an adverse effect upon successful treatment or rehabilitation of the patient or would impair the effectiveness of the program, or other programs similarly situated, in the treatment or rehabilitation of other patients, the application should be denied unless the court finds that the adverse effects are outweighed by other factors.

(g) *Content of order.* Any order authorizing disclosure shall—

(1) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted;

(2) Limit disclosure to those persons whose need for information is the basis for the order; and

(3) Include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship and the treatment services.

(h) *Applications not otherwise provided for.* In any case not otherwise provided for in this subpart, application for an order authorizing disclosure of records to which this part applies may be made by any person who has a legally cognizable interest in obtaining such disclosure.

§ 2.64–1 Procedures and criteria in general.—Basis and purpose.

Section 2.64, in accordance with subsection (g) of the authorizing legislation, sets out procedures and criteria for the issuance of (b)(2)(C) orders in general, subject to the more specific provisions with respect to particular types of proceedings covered in the succeeding sections of this subpart.

§ 2.65 Investigation and prosecution of patients.—Rules.

(a) *Applicability.* This section applies to any application by an investigative, law enforcement, or prosecutorial agency for an order to permit disclosure of patient records for the purpose of conducting an investigation or prosecution of an individual who is, or who is believed to be, a present or former patient in a program.

(b) *Notice.* Except where an order under § 2.66 is sought in conjunction with an order under this section, any program with respect to whose records an order is sought under this section shall be notified of the application and afforded an opportunity to appear and be heard thereon.

(c) *Criteria.* A court may authorize disclosure of records pertaining to a patient for the purpose of conducting an investigation of or a prosecution for a crime of which the patient is suspected only if the court finds that all of the following criteria are met:

(1) The crime was extremely serious, such as one involving kidnapping, homicide, assault with a deadly weapon, armed robbery, rape, or other acts causing or directly threatening loss of life or serious bodily injury, or was believed to have been committed on the premises of the program or against personnel of the program.

(2) There is a reasonable likelihood that the records in question will disclose material information or evidence of substantial value in connection with the investigation or prosecution.

(3) There is no other practicable way of obtaining the information or evidence.

(4) The actual or potential injury to the physician-patient relationship in the program affected and in other programs similarly situated, and the actual or potential harm to the ability of such programs to attract and retain patients, is outweighed by the public interest in authorizing the disclosure sought.

(d) *Scope.* Both disclosure and dissemination of any information from the records in question shall be limited under the terms of the order to assure that no information will be unnecessarily disclosed and that dissemination will be no wider than necessary. Under no circumstances may an order under this section authorize a program to turn over patient records in general, pursuant to a subpoena or otherwise, to a grand jury or a law enforcement, investigative, or prosecutorial agency.

(e) *Counsel.* Any application to which this section applies shall be denied unless the court makes an explicit finding to the effect that the program has been afforded the opportunity to be represented by counsel independent of counsel for the applicant, and in the case of any program operated by any department or agency of Federal, State, or local Government, is in fact so represented.

§ 2.65–1 Investigation and prosecution of patients—Basis and purpose.

(a) The need for objective criteria for the issuance of court orders in connection with investigation or prosecution of patients seems particularly pressing. In the absence of such criteria, the assurance of confidentiality otherwise provided for by the authorizing legislation may be felt to be of little value.

(b) It has not been found possible to frame entirely satisfactory rules for the scope of orders under § 2.65, but an illustration may be helpful. Where a witness to a crime is believed capable of identifying a suspect by appearance, and the criteria set forth in § 2.65(c) are met, and the program has photographs of its patients, the witness alone may be permitted to view the photographs, with no names attached. If the witness failed to identify any photograph as being a picture of the suspect, that would end the matter. If there was such an identification, the program would be authorized to give any information in its possession as to the suspect's identity and whereabouts to appropriate authorities.

(c) It is not the purpose of this section to substitute a mechanical formula for judicial discretion, but rather to provide criteria which define the area within which discretion is to be exercised. The reason for including all crimes committed on program premises or against program personnel is not any special solicitude for programs as opposed to other victims of crime, but is rather the result of the special difficulties which the broad definition of "records" in § 2.11(o) creates for program personnel as complaining witnesses.

(d) In regard to § 2.65(e), experience has demonstrated that independent counsel may be of crucial importance. The leading case construing 21 U.S.C. 1175, *People v. Newman*, 32 N.Y.2d 379, 345 N.Y.S.2d 502, 298 N.E.2d 651 (1973); certiorari denied, 414 U.S. 1163, 94 S.Ct. 927, 39 L. Ed.2d 116 (1974), would never have been presented to the courts but for the fact that legal counsel for Dr. Newman was furnished on a *pro bono publico* basis by a private law firm. In an entirely different case, a United States District Court appears to have issued a wholly inappropriate order under 21 U.S.C. 1175 in a case in which the treatment program involved was operated by an agency of the United States Government, and either was unrepresented, or was represented by the same attorney who represented the agency seeking the order. It is possible, of course, that the order would have been issued in any event, but it seems clear that there was no adequate presentation to the court of arguments or testimony in opposition. It is difficult to see how the purposes of subsection (b)(2)(C) of the authorizing legislation can be carried out if there is inadequate presentation of the issues to the courts which must decide them.

§ 2.66 Investigation and prosecution of programs.—Rules.

(a) *Applicability.* This section applies to any application by an administrative, regulatory, supervisory, investigative, law enforcement, or prosecutorial agency for an order to permit disclosure of patient records or the making of copies thereof (including patient identifying information) for the purpose of conducting an investigation or an administrative or judicial proceeding with respect to any program or any principal, agent, or employee thereof in his capacity as such.

(b) *Notice.* An application under this section may, in the discretion of the court, be granted without notice, but upon the implementation of any order so granted, the program shall be afforded an opportunity to seek the revocation or amendment of such order.

(c) *Scope.* Both disclosure and dissemination of any information from the records in question shall be limited under the terms of the order to assure that patient identities will be protected to the maximum practicable extent, and that names and other identifying characteristics of patients are expunged from any documents placed in any public record. No information obtained pursuant to an order under this section may be used to conduct any investigation or prosecution of a patient, or be used as the basis for an application for an order under § 2.65.

§ 2.66–1 Investigation and prosecution of programs—Basis and purpose.

The principal purpose of § 2.66 is to enable a regulatory agency whose inspection or other source of information has disclosed a need for follow-up, or which has been refused access to patient records, to obtain the necessary authorization for access and copying. There may also be rare instances, such as those involving financial fraud, tax evasion, or other offenses where access by other investigative agencies is necessary, subject to the requirements and protections of this part.

§ 2.67 Undercover agents and informants—Rules.

(a) *Applicability.* This section applies to any application by an administrative, regulatory, supervisory, investigative, or law enforcement agency for an order to permit such agency to have an undercover agent or informant in a program under circumstances which would otherwise be prohibited under § 2.19.

(b) *Notice.* An order under this section may be granted without notice where the criminal conduct for the investigation of which it is granted is believed to be carried on by the program director or by any employee or agent of the program with the knowledge of the program director or under such circumstances that in the exercise of reasonable care the program director should know of such conduct. Under any other circumstances, an order under this section may be granted only after the program director has been afforded notice and opportunity for hearing.

(c) *Criteria.* An order under this section may be granted only where there is reason to believe that a program or any principal, agent, or employee thereof is engaged in serious criminal misconduct, and that other means of securing evidence of such criminal misconduct are not available or would not be effective.

(d) *Scope.* An order granted pursuant to this section may authorize the use by the applicant of an undercover agent or informant, either as a patient or as an employee, of the program in question.

(e) *Time periods.* An order under this section may not authorize the use of an undercover agent for an initial period exceeding 60 days. At any time prior to the expiration of such 60-day period, the applicant may apply for an order extending such period for an additional period not to exceed 60 days, but in no event may the use of an undercover agent in any program be authorized for more than 180 days in any period of 12 consecutive months.

(f) *Duty of agent.* Except to the extent expressly authorized in an order under this section, which shall be limited to disclosure of information directly related to the purpose for which the order is granted, an undercover agent or informant shall for the purposes of this part be deemed an agent of the program within which he is acting as such, and as such shall be subject to all of the prohibitions of this part applicable to disclosures of any information which he may acquire.

§ 2.67–1 Undercover agents and informants—Basis and purpose.

The legal rationale underlying this section has been set forth in § 2.19–1. It is expected that this section will find its principal and perhaps its exclusive application in the area of drug law enforcement. Experience has demonstrated that medical personnel, no matter how credentialed, can engage in the illicit sale of drugs on a large scale, and that the use of undecover agents and informants is normally the only effective means of securing evidence sufficient to support a successful prosecution.

[FR Doc.75–17169 Filed 6–27–75;9:38 am]

Title 21—Food and Drugs

CHAPTER III—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

PART 1401—CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS

Revocation of Part

On May 9, 1975, there was published in the FEDERAL REGISTER (40 FR 20542) a notice of proposed rulemaking proposing the revocation of Part 1401 of Title 21 of the Code of Federal Regulations by reason of the proposed incorporation of its subject matter in a new Part 2 of Title 42 of the Code of Federal Regulations.

Interested persons were invited to submit written comments, views, or arguments with respect to the proposed revocation, within 30 days of the date of publication of that notice. None were received, except to the extent that they were implicit in those submitted on the proposed new Part 2 of Title 42 of the Code of Federal Regulations, which were duly considered.

Accordingly, pursuant to the authority of section 408 of the Drug Abuse Office and Treatment Act of 1972, as amended by Pub. L. 93–282 (21 U.S.C. 1175), and under the authority delegated to the General Counsel (39 FR 17901, May 21, 1974), Part 1401 of Title 21 of the Code of Federal Regulations is revoked, effective August 1, 1975.

Dated: June 25, 1975.

GRASTY CREWS, II,
General Counsel, Special Action Office for Drug Abuse Prevention.

[FR Doc.75–17170 Filed 6–27–75;9:38 am]

V40 I27 JUL 1 75 XUM

federal register

TUESDAY, JULY 1, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 127

PART V

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

THREATENED OR ENDANGERED FAUNA OR FLORA

Review of Status of Vascular Plants and Determination of "Critical Habitat"

V40-127 JUL 1 75 XUM

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED OR ENDANGERED FAUNA OR FLORA

Review of Status of Over 3000 Vascular Plants and Determination of "Critical Habitat"

Notice hereby is given that the Department of the Interior has received from the Smithsonian Institution a report entitled, "Report on Endangered and Threatened Plant Species of the United States." That report was prepared in accordance with section 12 of the Endangered Species Act of 1973 (Pub. L. 93–205), and has been printed by the U.S. Government Printing Office, Washington, D.C., for the use of the House of Representatives Committee on Merchant Marine and Fisheries as House Document No. 94–51.

The report identifies over 3,000 vascular plants which occur or occurred within the United States and which the Smithsonian Institution considers candidate Endangered or Threatened species as provided for by the Endangered Species Act of 1973. The report includes the following recommendation:

"3. In accordance with section 4 of the Endangered Species Act of 1973, the Secretary of the Interior should review the lists in this report and publish proposed lists of endangered and threatened plants in the FEDERAL REGISTER."

The U.S. Fish and Wildlife Service considers the Smithsonian report to constitute a "petition" in the context of section 4(c)(2) of the Act and that ample justification has been presented to warrant a review to determine whether the plants identified in the report should be added to the lists of Threatened or Endangered species.

Three lists derived from the Smithsonian Report appear on the following pages:

List "A"—Identifies those floral taxa which occur within the Continental United States. This list is alphabetized by Family within State. Changes received from and recommended by the Smithsonian Institution through May 21, 1975, are indicated after it.

List "B"—Identifies those floral taxa which occur within the State of Hawaii. This list is aphabetized by Family.

List "C"—Identifies floral taxa the authors feel either are or may be Extinct Within the Continental United States. This list is alphabetized by Family.

The notations: Threatened, Endangered, Presumed Extinct, Possibly Extinct, Extinct or their abbreviations represent the views of the authors of the Smithsonian Report.

This notice should be construed as the "notice of consideration" provided for in section 10(b)(1) of the Act. This publication is intended to alert the public, the scientific community, commercial interests or any other person that these plants are being considered for addition to the lists of Threatened or Endangered species and to seek from such persons any data, advice, opinions or other relevant information.

Additional species under review. In addition to the floral taxa identified in this notice, the Service announced a similar review of 4 additional species on page 17612 of Vol. 40, Number 77 of the FEDERAL REGISTER dated April 21, 1975. A variety of one of those species (*Aconitum novaeboracense*) is also listed herein.

Critical Habitat: On April 22, 1975, on page 17764 of Volume 40, Number 78 of the FEDERAL REGISTER, the Service published a notice describing the process of the determination of "Critical Habitat" for Threatened or Endangered Species as provided for by section 7 of the Endangered Species Act of 1973. All interested parties are invited to submit their views concerning the determination of any "Critical Habitat" for any of the plants contained in Lists A, B, C or those published in Volume 40, Number 77 of the FEDERAL REGISTER and referred to above.

When data sufficient to substantiate a determination of whether any plant (or plants) described above is (are) a Threatened or Endangered species as provided for by the Act, such information will be summarized and a formal proposal to add any such plant will be published in the FEDERAL REGISTER in the form of a proposed rulemaking. A period of at least 60 days will be provided for public comment following any such proposed rulemaking.

The Service is seeking the views of the Governors of the States in which these plants are thought to occur.

Other interested parties hereby are invited to submit any factual information, including but not limited to publications and written reports, which is germane to this status review. Such information should be submitted to: Director, U.S. Fish and Wildlife Service (SE), U.S. Department of the Interior, Washington, DC. 20240.

Dated: June 20, 1975.

KEITH M. SCHREINER,
Acting Director, Fish and Wildlife Service.

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ALABAMA	ENDANGERED	ARISTOLOCHIACEAE	HEXASTYLIS SPECIOSA
ALABAMA	ENDANGERED	ASCLEPIADACEAE	CYCLODON ALABAMENSE
ALABAMA	ENDANGERED	ASTERACEAE	JAMESIANTHUS ALABAMENSIS
ALABAMA	ENDANGERED	ASTERACEAE	LIATRIS PROVINCIALIS
ALABAMA	ENDANGERED	ASTERACEAE	MARSHALLIA MOHRI
ALABAMA	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA ALABAMICA VAR. BRACHYSTYLA
ALABAMA	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA CRASSA VAR. CRASSA
ALABAMA	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA CRASSA VAR. ELONGATA
ALABAMA	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA EXIGUA VAR. LUTEA
ALABAMA	ENDANGERED	BRASSICACEAE	LESQUERELLA DENSIPILA
ALABAMA	ENDANGERED	BRASSICACEAE	LESQUERELLA LYRATA
ALABAMA	ENDANGERED	BRASSICACEAE	WAREA SESSILIFOLIA
ALABAMA	ENDANGERED	CAPRIFOLIACEAE	VIBURNUM BRACTEATUM
ALABAMA	ENDANGERED	CARYOPHYLLACEAE	ARENARIA ALABAMENSIS
ALABAMA	ENDANGERED	CRASSULACEAE	SEDUM NEVII
ALABAMA	ENDANGERED	CYPERACEAE	RHYNCHOSPORA CRINIPES
ALABAMA	ENDANGERED	EUPHORBIACEAE	CROTON ALABAMENSIS
ALABAMA	ENDANGERED	EUPHORBIACEAE	CROTON ELLIOTTII
ALABAMA	ENDANGERED	FABACEAE	PETALOSTEMUM FOLIOSUM
ALABAMA	ENDANGERED	LAMIACEAE	PYCNANTHEMUM CURVIPES
ALABAMA	ENDANGERED	LILIACEAE	HYMENOCALLIS CORONARIA
ALABAMA	ENDANGERED	LILIACEAE	LILIUM IRIDOLLAE
ALABAMA	ENDANGERED	POACEAE	ANDROPOGON ARCTATUS
ALABAMA	ENDANGERED	POLEMONIACEAE	PHLOX PULCHRA
ALABAMA	ENDANGERED	POLYGONACEAE	ERIOGONUM LONGIFOLIUM VAR. HARPERI
ALABAMA	ENDANGERED	PORTULACACEAE	TALINUM APPALACHIANUM
ALABAMA	ENDANGERED	SARRACENIACEAE	SARRACENIA OREOPHILA
ALABAMA	THREATENED	APIACEAE	PTILIMNIUM FLUVIATILE
ALABAMA	THREATENED	APIACEAE	PTILIMNIUM NODOSUM
ALABAMA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
ALABAMA	THREATENED	ARECACEAE	RHAPIDOPHYLLUM HYSTRIX
ALABAMA	THREATENED	ASTERACEAE	BRICKELLIA CORDIFOLIA
ALABAMA	THREATENED	ASTERACEAE	CACALIA DIVERSIFOLIA
ALABAMA	THREATENED	ASTERACEAE	LIATRIS HELLERI
ALABAMA	THREATENED	ASTERACEAE	RUDBECKIA AURICULATA
ALABAMA	THREATENED	ASTERACEAE	RUDBECKIA HELIOPSIDIS
ALABAMA	THREATENED	ASTERACEAE	SILPHIUM CONFERTIFOLIUM
ALABAMA	THREATENED	ASTERACEAE	SOLIDAGO SPITHAMAEA
ALABAMA	THREATENED	ASTERACEAE	VIGUIERA PORTERI
ALABAMA	THREATENED	BRASSICACEAE	ARABIS GEORGIANA
ALABAMA	THREATENED	BRASSICACEAE	LEAVENWORTHIA ALABAMICA
ALABAMA	THREATENED	BRASSICACEAE	LEAVENWORTHIA TORULOSA
ALABAMA	THREATENED	CARYOPHYLLACEAE	ARENARIA GODFREYI

V40 I127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ALABAMA	THREATENED	CUSCUTACEAE	CUSCUTA HARPERI
ALABAMA	THREATENED	CYPERACEAE	CAREX BALTZELLII
ALABAMA	THREATENED	CYPERACEAE	CAREX PURPURIFERA
ALABAMA	THREATENED	ERICACEAE	PIERIS PHILLYREAEFOLIA
ALABAMA	THREATENED	ERICACEAE	RHODODENDRON AUSTRINUM
ALABAMA	THREATENED	ERICACEAE	RHODODENDRON PRUNIFOLIUM
ALABAMA	THREATENED	FABACEAE	ASTRAGALUS TENNESSEENSIS
ALABAMA	THREATENED	FAGACEAE	QUERCUS GEORGIANA
ALABAMA	THREATENED	HAMAMELIDACEAE	FOTHERGILLA GARDENI
ALABAMA	THREATENED	HYDROPHYLLACLAE	PHACELIA DUBIA VAR. GEONGIANA
ALABAMA	THREATENED	HYPERICACEAE	HYPERICUM SPHAEROCARPUM VAR. TURGIDUM
ALABAMA	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA
ALABAMA	THREATENED	LINACEAE	LINUM SULCATUM VAR. HARPERI
ALABAMA	THREATENED	MALVACEAE	KOSTELETZKYA SMILACIFOLIA
ALABAMA	THREATENED	MELASTOMATACEAE	RHEXIA SALICIFOLIA
ALABAMA	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
ALABAMA	THREATENED	POACEAE	ARISTIDA SIMPLICIFLORA
ALABAMA	THREATENED	POACEAE	MANISURIS TUBERCULOSA
ALABAMA	THREATENED	POACEAE	PANICUM NUDICAULE
ALABAMA	THREATENED	POLYPODIACEAE	ASPLENIUM EBENOIDES
ALABAMA	THREATENED	PORTULACACEAE	TALINUM MENGESII
ALABAMA	THREATENED	RANUNCULACEAE	THALICTRUM DEBILE
ALABAMA	THREATENED	ROSACEAE	NEVIUSIA ALABAMENSIS
ALABAMA	THREATENED	SANTALACEAE	NESTRONIA UMBELLULA
ALABAMA	THREATENED	SARRACENIACEAE	SARRACENIA PSITTACINA
ALABAMA	THREATENED	SARRACENIACEAE	SARRACENIA RUBRA
ALABAMA	THREATENED	SCHISANDRACEAE	SCHISANDRA GLABRA
ALABAMA	THREATENED	STEMONACEAE	CROOMIA PAUCIFLORA
ALABAMA	THREATENED	XYRIDACEAE	XYRIS DRUMMONDII
ALABAMA	THREATENED	XYRIDACEAE	XYRIS SCABRIFOLIA
ALASKA	ENDANGERED	ASTERACEAE	TARAXACUM CARNEOCOLORATUM
ALASKA	ENDANGERED	BORAGINACEAE	CRYPTANTHA SHACKLETTEANA
ALASKA	ENDANGERED	BRASSICACEAE	SMELOWSKIA BOREALIS VAR. VILLOSA
ALASKA	ENDANGERED	CYPERACEAE	CAREX JACOBI-PETERI
ALASKA	ENDANGERED	FABACEAE	OXYTROPIS GLABERRIMA
ALASKA	ENDANGERED	FABACEAE	OXYTROPIS KOBUKENSIS
ALASKA	ENDANGERED	POACEAE	POA NORBERGII
ALASKA	ENDANGERED	POLYGONACEAE	ERIOGONUM FLAVUM VAR. AQUILINUM
ALASKA	ENDANGERED	POLYPODIACEAE	POLYSTICHUM ALEUTICUM
ALASKA	THREATENED	ASTERACEAE	ARTEMISIA ALEUTICA
ALASKA	THREATENED	ASTERACEAE	ARTEMISIA UNALASKENSIS VAR. ALEUTICA
ALASKA	THREATENED	ASTERACEAE	ERIGERON MULTENII
ALASKA	THREATENED	BRASSICACEAE	DRABA VENTOSA VAR. RUAXES

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ALASKA	THREATENED	BRASSICACEAE	LESQUERELLA ARCTICA VAR. SCAMMANAE
ALASKA	THREATENED	BRASSICACEAE	SMELOWSKIA PYRIFORMIS
ALASKA	THREATENED	BRASSICACEAE	THLASPI ARCTICUM
ALASKA	THREATENED	CARYOPHYLLACEAE	CERASTIUM ALEUTICUM
ALASKA	THREATENED	FABACEAE	OXYTROPIS KOKRINENSIS
ALASKA	THREATENED	GENTIANACEAE	GENTIANA ALEUTICA
ALASKA	THREATENED	JUNCACEAE	JUNCUS SLWOOKOORUM
ALASKA	THREATENED	PAPAVERACEAE	PAPAVER WALPOLEI
ALASKA	THREATENED	POACEAE	CALAMAGROSTIS CRASSIGLUMIS
ALASKA	THREATENED	POACEAE	POA EYERDAMII
ALASKA	THREATENED	POACEAE	POA MERRILLIANA
ALASKA	THREATENED	POACEAE	PUCCINELLIA TRIFLORA
ALASKA	THREATENED	POLYPODIACEAE	GYMNOCARPIUM HETEROSPORUM
ALASKA	THREATENED	RANUNCULACEAE	RANUNCULUS OCCIDENTALIS SSP. NELSONI
ALASKA	THREATENED	SAXIFRAGACEAE	SAXIFRAGA ALEUTICA
ALASKA	THREATENED	SCROPHULARIACEAE	CASTILLEJA ANNUA
ALASKA	THREATENED	SCROPHULARIACEAE	RHINANTHUS ARCTICUS
ARIZONA	ENDANGERED	ANACARDIACEAE	RHUS KEARNEYI
ARIZONA	ENDANGERED	APOCYNACEAE	AMSONIA KEARNEYANA
ARIZONA	ENDANGERED	ASTERACEAE	ERIGERON ERIOPHYLLUS
ARIZONA	ENDANGERED	ASTERACEAE	ERIGERON KUSCHEI
ARIZONA	ENDANGERED	ASTERACEAE	ERIGERON RELIGIOSUS
ARIZONA	ENDANGERED	ASTERACEAE	GALINSOGA SEMICALVA VAR. PERCALVA
ARIZONA	ENDANGERED	ASTERACEAE	HAPLOPAPPUS SALICINUS
ARIZONA	ENDANGERED	ASTERACEAE	MACHAERANTHERA ARIZONICA
ARIZONA	ENDANGERED	ASTERACEAE	PECTIS RUSBYI
ARIZONA	ENDANGERED	ASTERACEAE	PERITYLE GILENSIS VAR. SALENSIS
ARIZONA	ENDANGERED	ASTERACEAE	PLUMMERA AMBIGENS
ARIZONA	ENDANGERED	ASTERACEAE	SENECIO FRANCISCANUS
ARIZONA	ENDANGERED	ASTERACEAE	STEPHANOMERIA SCHOTTII
ARIZONA	ENDANGERED	BERBERIDACEAE	BERBERIS HARRISONIANA
ARIZONA	ENDANGERED	BORAGINACEAE	CRYPTANTHA ATWOODII
ARIZONA	ENDANGERED	BRASSICACEAE	DRABA ASPRELLA VAR. ASPRELLA
ARIZONA	ENDANGERED	BRASSICACEAE	DRABA ASPRELLA VAR. KAIBABENSIS
ARIZONA	ENDANGERED	BRASSICACEAE	SISYMBRIUM KEARNEYI
ARIZONA	ENDANGERED	BRASSICACEAE	STREPTANTHUS LEMMONII
ARIZONA	ENDANGERED	CACTACEAE	ECHINOCACTUS HORIZONTHALONIUS VAR. NICHOLII
ARIZONA	ENDANGERED	CACTACEAE	ECHINOCEREUS TRIGLOCHIDIATUS VAR. ARIZONICUS
ARIZONA	ENDANGERED	CACTACEAE	OPUNTIA BASILARIS VAR. TRELEASEI
ARIZONA	ENDANGERED	CACTACEAE	PEDIOCACTUS BRADYI
ARIZONA	ENDANGERED	CACTACEAE	PEDIOCACTUS PEEBLESIANUS VAR. PEEBLESIANUS
ARIZONA	ENDANGERED	CACTACEAE	PEDIOCACTUS SILERI
ARIZONA	ENDANGERED	CARYOPHYLLACEAE	SILENE RECTIRAMEA

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ARIZONA	ENDANGERED	CHENOPODIACEAE	ATRIPLEX GRIFFITHSII
ARIZONA	ENDANGERED	CONVOLVULACEAE	IPOMOEA EGREGIA
ARIZONA	ENDANGERED	CONVOLVULACEAE	IPOMOEA LEMMONI
ARIZONA	ENDANGERED	CRASSULACEAE	ECHEVERIA COLLOMAE
ARIZONA	ENDANGERED	CRASSULACEAE	ECHEVERIA RUSBYI
ARIZONA	ENDANGERED	CYPERACEAE	CAREX SPECUICOLA
ARIZONA	ENDANGERED	FABACEAE	ASTRAGALUS BEATMII
ARIZONA	ENDANGERED	FABACEAE	ASTRAGALUS CREMNOPHYLAX
ARIZONA	ENDANGERED	FABACEAE	ASTRAGALUS LENTIGINOSUS VAR. MARICOPAE
ARIZONA	ENDANGERED	FABACEAE	ASTRAGALUS XIPHOIDES
ARIZONA	ENDANGERED	FABACEAE	SOPHORA FORMOSA
ARIZONA	ENDANGERED	HYDROPHYLLACEAE	PHACELIA FILIFORMIS
ARIZONA	ENDANGERED	HYDROPHYLLACEAE	PHACELIA WELSHII
ARIZONA	ENDANGERED	LILIACEAE	AGAVE ARIZONICA
ARIZONA	ENDANGERED	LILIACEAE	AGAVE MCKELVEYANA
ARIZONA	ENDANGERED	LILIACEAE	AGAVE SCHOTTII VAR. THELEASEI
ARIZONA	ENDANGERED	LOASACEAE	MENTZELIA NITENS VAR. LEPTOCAULIS
ARIZONA	ENDANGERED	MALVACEAE	SPHAERALCEA FENDLERI VAR. ALBESCENS
ARIZONA	ENDANGERED	NYCTAGINACEAE	ALLIONIA CRISTATA
ARIZONA	ENDANGERED	OLEACEAE	FRAXINUS GOODDINGII
ARIZONA	ENDANGERED	ONAGRACEAE	CAMISSONIA SPECUICOLA SSP. SPECUICOLA
ARIZONA	ENDANGERED	PAPAVERACEAE	ARCTOMECON HUMILIS
ARIZONA	ENDANGERED	POACEAE	SPOROBOLUS PATENS
ARIZONA	ENDANGERED	POLYGONACEAE	ERIOGONUM CAPILLARE
ARIZONA	ENDANGERED	POLYGONACEAE	ERIOGONUM DARROVII
ARIZONA	ENDANGERED	POLYGONACEAE	ERIOGONUM HORTONIANUM
ARIZONA	ENDANGERED	POLYGONACEAE	ERIOGONUM THOMPSONAE VAR. ATWOODII
ARIZONA	ENDANGERED	POLYGONACEAE	ERIOGONUM ZIONIS VAR. COCCINEUM
ARIZONA	ENDANGERED	POLYGONACEAE	RUMEX ORTHONEURUS
ARIZONA	ENDANGERED	PRIMULACEAE	PRIMULA HUNNEWELLII
ARIZONA	ENDANGERED	RANUNCULACEAE	RANUNCULUS INAMOENUS VAR. SUBAFFINIS
ARIZONA	ENDANGERED	ROSACEAE	COWANIA SUBINTEGRA
ARIZONA	ENDANGERED	RUBIACEAE	GALIUM COLLOMAE
ARIZONA	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA CRUENTA
ARIZONA	ENDANGERED	SCROPHULARIACEAE	LIMOSELLA PUBIFLORA
ARIZONA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON CLUTEI
ARIZONA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON DISCOLOR
ARIZONA	ENDANGERED	SOLANACEAE	MARGARANTHUS LEMMONII
ARIZONA	THREATENED	APIACEAE	CYMOPTERUS NEWBERRYI
ARIZONA	THREATENED	APOCYNACEAE	AMSONIA PALMERI
ARIZONA	THREATENED	APOCYNACEAE	AMSONIA PEEBLESII
ARIZONA	THREATENED	ASCLEPIADACEAE	ASCLEPIAS CUTLERI
ARIZONA	THREATENED	ASTERACEAE	ASTER LEMMONII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ARIZONA	THREATENED	ASTERACEAE	ENCELIA FRUTESCENS VAR. RESINOSA
ARIZONA	THREATENED	ASTERACEAE	ERIGERON ARIZONICUS
ARIZONA	THREATENED	ASTERACEAE	ERIGERON LEMMONII
ARIZONA	THREATENED	ASTERACEAE	ERIGERON LOBATUS
ARIZONA	THREATENED	ASTERACEAE	ERIGERON PRINGLEI
ARIZONA	THREATENED	ASTERACEAE	GUTIERREZIA LINOIDES
ARIZONA	THREATENED	ASTERACEAE	HAPLOPAPPUS SCOPULORUM
ARIZONA	THREATENED	ASTERACEAE	HELENIUM ARIZONICUM
ARIZONA	THREATENED	ASTERACEAE	HYMENOXYS QUINQUESQUAMATA
ARIZONA	THREATENED	ASTERACEAE	HYMENOXYS SUBINTEGRA
ARIZONA	THREATENED	ASTERACEAE	MACHAERANTHERA MUCRONATA
ARIZONA	THREATENED	ASTERACEAE	PERITYLE COCHISENSIS
ARIZONA	THREATENED	ASTERACEAE	PERITYLE LEMMONII
ARIZONA	THREATENED	ASTERACEAE	PERITYLE SAXICOLA
ARIZONA	THREATENED	ASTERACEAE	PLUMMERA FLORIBUNDA
ARIZONA	THREATENED	ASTERACEAE	SENECIO CARDAMINE
ARIZONA	THREATENED	ASTERACEAE	TAGETES LEMMONII
ARIZONA	THREATENED	BORAGINACEAE	CRYPTANTHA SEMIGLABRA
ARIZONA	THREATENED	BRASSICACEAE	ARABIS GRACILIPES
ARIZONA	THREATENED	BRASSICACEAE	DRABA ASPRELLA VAR. STELLIGERA
ARIZONA	THREATENED	BRASSICACEAE	LESQUERELLA GOODDINGII
ARIZONA	THREATENED	CACTACEAE	CORYPHANTHA RECURVATA
ARIZONA	THREATENED	CACTACEAE	CORYPHANTHA SCHEERI VAR. ROBUSTISPINA
ARIZONA	THREATENED	CACTACEAE	CORYPHANTHA VIVIPARA VAR. ALVERSONII
ARIZONA	THREATENED	CACTACEAE	CORYPHANTHA VIVIPARA VAR. ROSEA
ARIZONA	THREATENED	CACTACEAE	ECHINOCEREUS LEDINGII
ARIZONA	THREATENED	CACTACEAE	FEROCACTUS ACANTHODES VAR. EASTWOODIAE
ARIZONA	THREATENED	CACTACEAE	MAMMILLARIA ORESTERA
ARIZONA	THREATENED	CACTACEAE	MAMMILLARIA THORNBERI
ARIZONA	THREATENED	CACTACEAE	NEOLLOYDIA ERECTOCENTRA VAR. ACUNENSIS
ARIZONA	THREATENED	CACTACEAE	NEOLLOYDIA ERECTOCENTRA VAR. ERECTOCENTRA
ARIZONA	THREATENED	CACTACEAE	OPUNTIA BASILARIS VAR. LONGIAREOLATA
ARIZONA	THREATENED	CACTACEAE	OPUNTIA PHAEACANTHA VAR. FLAVISPINA
ARIZONA	THREATENED	CACTACEAE	OPUNTIA PHAEACANTHA VAR. MOJAVENSIS
ARIZONA	THREATENED	CACTACEAE	OPUNTIA PHAEACANTHA VAR. SUPERBOSPINA
ARIZONA	THREATENED	CACTACEAE	OPUNTIA WHIPPLEI VAR. MULTIGENICULATA
ARIZONA	THREATENED	CACTACEAE	PEDIOCACTUS PAPYRACANTHUS
ARIZONA	THREATENED	CACTACEAE	PEDIOCACTUS PARADINEI
ARIZONA	THREATENED	CACTACEAE	PEDIOCACTUS PEEBLESIANUS VAR. FICKEISENIAE
ARIZONA	THREATENED	CACTACEAE	SCLEROCACTUS SPINOSIOR
ARIZONA	THREATENED	CAPPARIDACEAE	CLEOME MULTICAULIS
ARIZONA	THREATENED	CROSSOSOMATACEAE	CROSSOSOMA PARVIFLORUM
ARIZONA	THREATENED	EUPHORBIACEAE	MANIHOT DAVISIAE

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS AMPULLARIUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS DESPERATUS VAR. CONSPECTUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS ENSIFORMIS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS GEYERI VAR. TRIQUETRUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS LANCEARIUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS LENTIGINOSUS VAR. AMBIGUUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS STRIATIFLORUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS TITANOPHILUS
ARIZONA	THREATENED	FABACEAE	ASTRAGALUS TROGLODYTUS
ARIZONA	THREATENED	FABACEAE	ERRAZURIZIA ROTUNDATA
ARIZONA	THREATENED	FABACEAE	LUPINUS CUTLERI
ARIZONA	THREATENED	FABACEAE	PETERIA THOMPSONIAE
ARIZONA	THREATENED	FABACEAE	PSORALEA EPIPSILA
ARIZONA	THREATENED	FABACEAE	SOPHORA ARIZONICA
ARIZONA	THREATENED	HYDROPHYLLACEAE	NAMA RETRORSUM
ARIZONA	THREATENED	HYDROPHYLLACEAE	PHACELIA CEPHALOTES
ARIZONA	THREATENED	HYDROPHYLLACEAE	PHACELIA CONSTANCEI
ARIZONA	THREATENED	HYDROPHYLLACEAE	PHACELIA HOWELLIANA
ARIZONA	THREATENED	HYDROPHYLLACEAE	PHACELIA RAFAELENSIS
ARIZONA	THREATENED	HYDROPHYLLACEAE	PHACELIA SERRATA
ARIZONA	THREATENED	ISOETACEAE	ISOETES BOLANDERI VAR. PYGMAEA
ARIZONA	THREATENED	LILIACEAE	AGAVE UTAHENSIS VAR. KAIBABENSIS
ARIZONA	THREATENED	LILIACEAE	ALLIUM GOODDINGII
ARIZONA	THREATENED	LILIACEAE	TRITELEIA LEMMONAE
ARIZONA	THREATENED	LORANTHACEAE	ARCEUTHOBIUM APACHENSE
ARIZONA	THREATENED	OLEACEAE	FRAXINUS ANOMALA VAR. LOWELLII
ARIZONA	THREATENED	OLEACEAE	FRAXINUS CUSPIDATA VAR. MACROPETALA
ARIZONA	THREATENED	ONAGRACEAE	CAMISSONIA CONFERTIFLORA
ARIZONA	THREATENED	ONAGRACEAE	CAMISSONIA EXILIS
ARIZONA	THREATENED	ONAGRACEAE	CAMISSONIA PARRYI
ARIZONA	THREATENED	ONAGRACEAE	CAMISSONIA SPECUICOLA SSP. HESPERIA
ARIZONA	THREATENED	PAPAVERACEAE	ARGEMONE ARIZONICA
ARIZONA	THREATENED	PLUMBAGINACEAE	LIMONIUM LIMBATUM
ARIZONA	THREATENED	POACEAE	PUCCINELLIA PARISHII
ARIZONA	THREATENED	POLEMONIACEAE	PHLOX CLUTEANA
ARIZONA	THREATENED	POLEMONIACEAE	PHLOX JONESII
ARIZONA	THREATENED	POLYGALACEAE	POLYGALA PILIOPHORA
ARIZONA	THREATENED	POLYGONACEAE	ERIOGONUM APACHENSE
ARIZONA	THREATENED	POLYGONACEAE	ERIOGONUM DENSUM
ARIZONA	THREATENED	POLYGONACEAE	ERIOGONUM HEERMANNII VAR. SUBRACEMOSUM
ARIZONA	THREATENED	POLYGONACEAE	ERIOGONUM OVALIFOLIUM VAR. VINEUM
ARIZONA	THREATENED	POLYGONACEAE	ERIOGONUM RIPLEYI
ARIZONA	THREATENED	POLYGONACEAE	ERIOGONUM THOMPSONAE VAR. THOMPSONAE

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ARIZONA	THREATENED	POLYPODIACEAE	CHEILANTHES PHINGLEI
ARIZONA	THREATENED	POLYPODIACEAE	CHEILANTHES PYRAMIDALIS VAR. ARIZONICA
ARIZONA	THREATENED	POLYPODIACEAE	NOTHOLAENA LEMMONII
ARIZONA	THREATENED	PRIMULACEAE	PRIMULA SPECUICOLA
ARIZONA	THREATENED	RANUNCULACEAE	AQUILEGIA DESERTORUM
ARIZONA	THREATENED	RANUNCULACEAE	CIMICIFUGA ARIZONICA
ARIZONA	THREATENED	RANUNCULACEAE	CLEMATIS HIRSUTISSIMA VAR. ARIZONICA
ARIZONA	THREATENED	ROSACEAE	POTENTILLA MULTIFOLIOLATA
ARIZONA	THREATENED	ROSACEAE	ROSA STELLATA
ARIZONA	THREATENED	ROSACEAE	VAUQUELINIA PAUCIFLORA
ARIZONA	THREATENED	RUTACEAE	CHOISYA ARIZONICA
ARIZONA	THREATENED	RUTACEAE	CHOISYA MOLLIS
ARIZONA	THREATENED	SCROPHULARIACEAE	CASTILLEJA KAIBABENSIS
ARIZONA	THREATENED	SCROPHULARIACEAE	PENSTEMON BICOLOR SSP. ROSEUS
ARIZONA	THREATENED	SCROPHULARIACEAE	PENSTEMON VIRGATUS SSP. PSEUDOPUTUS
ARKANSAS	ENDANGERED	BRASSICACEAE	DRABA APRICA
ARKANSAS	ENDANGERED	BRASSICACEAE	STREPTANTHUS SQUAMIFORMIS
ARKANSAS	ENDANGERED	CARYOPHYLLACEAE	GEOCARPON MINIMUM
ARKANSAS	ENDANGERED	ERIOCAULACEAE	ERIOCAULON KORNICKIANUM
ARKANSAS	ENDANGERED	FAGACEAE	CASTANEA OZARKENSIS
ARKANSAS	THREATENED	ASTERACEAE	COREOPSIS METEROLEPIS
ARKANSAS	THREATENED	CRASSULACEAE	SEDUM PUSILLUM
ARKANSAS	THREATENED	FAGACEAE	QUERCUS SHUMARDII VAR. ACERIFOLIA
ARKANSAS	THREATENED	LILIACEAE	TRILLIUM PUSILLUM VAR. OZARKANUM
ARKANSAS	THREATENED	MALVACEAE	CALLIRHOE PAPAVER VAR. BUSHII
ARKANSAS	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
ARKANSAS	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
ARKANSAS	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
ARKANSAS	THREATENED	POLYPODIACEAE	ASPLENIUM KENTUCKIENSE
ARKANSAS	THREATENED	PRIMULACEAE	DODECATHEON FRENCHII
ARKANSAS	THREATENED	RANUNCULACEAE	DELPHINIUM NEWTONIANUM
ARKANSAS	THREATENED	RANUNCULACEAE	DELPHINIUM TRELEASEI
ARKANSAS	THREATENED	RANUNCULACEAE	THALICTRUM DEBILE
ARKANSAS	THREATENED	ROSACEAE	NEVIUSIA ALABAMENSIS
ARKANSAS	THREATENED	SAXIFRAGACEAE	HEUCHERA ARKANSANA
ARKANSAS	THREATENED	SCROPHULARIACEAE	PENSTEMON COBAEA VAR. PURPUREUS
ARKANSAS	THREATENED	SCROPHULARIACEAE	PENSTEMON MULTICAULIS
CALIFORNIA	ENDANGERED	APIACEAE	LOMATIUM RAVENII
CALIFORNIA	ENDANGERED	APIACEAE	SANICULA MARITIMA
CALIFORNIA	ENDANGERED	ASTERACEAE	BLENNOSPERMA BAKERI
CALIFORNIA	ENDANGERED	ASTERACEAE	BLENNOSPERMA NANUM VAR. ROBUSTUM
CALIFORNIA	ENDANGERED	ASTERACEAE	CIRSIUM FONTINALE VAR. FONTINALE
CALIFORNIA	ENDANGERED	ASTERACEAE	CIRSIUM LONCHOLEPIS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	ENDANGERED	ASTERACEAE	CIRSIUM RHOTHOPHILUM
CALIFORNIA	ENDANGERED	ASTERACEAE	ERIGERON CALVUS
CALIFORNIA	ENDANGERED	ASTERACEAE	ERIGERON DELICATUS
CALIFORNIA	ENDANGERED	ASTERACEAE	ERIGERON FOLIOSUS VAR. BLOCHMANAE
CALIFORNIA	ENDANGERED	ASTERACEAE	ERIOPHYLLUM LANATUM VAR. HALLII
CALIFORNIA	ENDANGERED	ASTERACEAE	ERIOPHYLLUM MOHAVENSE
CALIFORNIA	ENDANGERED	ASTERACEAE	HAPLOPAPPUS EASTWOODAE
CALIFORNIA	ENDANGERED	ASTERACEAE	HELIANTHUS EXILIS
CALIFORNIA	ENDANGERED	ASTERACEAE	HELIANTHUS NIVEUS SSP. TEPHRODES
CALIFORNIA	ENDANGERED	ASTERACEAE	HEMIZONIA CONJUGENS
CALIFORNIA	ENDANGERED	ASTERACEAE	HEMIZONIA FLORIBUNDA
CALIFORNIA	ENDANGERED	ASTERACEAE	HEMIZONIA MINTHORNII
CALIFORNIA	ENDANGERED	ASTERACEAE	HOLOCARPHA MACRADENIA
CALIFORNIA	ENDANGERED	ASTERACEAE	LASTHENIA BURKEI
CALIFORNIA	ENDANGERED	ASTERACEAE	LAYIA DISCOIDEA
CALIFORNIA	ENDANGERED	ASTERACEAE	MICROSERIS LACINIATA SSP. SISKIYOUENSIS
CALIFORNIA	ENDANGERED	ASTERACEAE	PENTACHAETA LYONII
CALIFORNIA	ENDANGERED	ASTERACEAE	PSEUDOBAHIA PEIRSONII
CALIFORNIA	ENDANGERED	ASTERACEAE	SENECIO LAYNEAE
CALIFORNIA	ENDANGERED	ASTERACEAE	TRACYINA ROSTRATA
CALIFORNIA	ENDANGERED	BERBERIDACEAE	BERBERIS NEVINII
CALIFORNIA	ENDANGERED	BERBERIDACEAE	BERBERIS SONNEI
CALIFORNIA	ENDANGERED	BORAGINACEAE	AMSINCKIA GRANDIFLORA
CALIFORNIA	ENDANGERED	BORAGINACEAE	CRYPTANTHA ROOSIORUM
CALIFORNIA	ENDANGERED	BORAGINACEAE	PLAGIOBOTHRYS DIFFUSUS.
CALIFORNIA	ENDANGERED	BRASSICACEAE	ARABIS BREWERI VAR. PECUNIARIA
CALIFORNIA	ENDANGERED	BRASSICACEAE	ARABIS MCDONALDIANA
CALIFORNIA	ENDANGERED	BRASSICACEAE	ERYSIMUM CAPITATUM VAR. ANGUSTATUM.
CALIFORNIA	ENDANGERED	BRASSICACEAE	ERYSIMUM FRANCISCANUM VAR. FRANCISCANUM
CALIFORNIA	ENDANGERED	BRASSICACEAE	SMELOWSKIA OVALIS SSP. CONGESTA
CALIFORNIA	ENDANGERED	BRASSICACEAE	STREPTANTHUS ALBIDUS SSP. ALBIDUS
CALIFORNIA	ENDANGERED	BRASSICACEAE	STREPTANTHUS CALLISTUS
CALIFORNIA	ENDANGERED	BRASSICACEAE	STREPTANTHUS FARNSWORTHIANUS
CALIFORNIA	ENDANGERED	BRASSICACEAE	STREPTANTHUS GLANDULOSUS VAR. HOFFMANII
CALIFORNIA	ENDANGERED	BRASSICACEAE	STREPTANTHUS MORRISONII SSP. HIRTIFLORUS
CALIFORNIA	ENDANGERED	BRASSICACEAE	STREPTANTHUS NIGER
CALIFORNIA	ENDANGERED	CACTACEAE	ECHINOCEREUS ENGELMANNII VAR. HOWEI
CALIFORNIA	ENDANGERED	CACTACEAE	FEROCACTUS VIRIDESCENS
CALIFORNIA	ENDANGERED	CACTACEAE	OPUNTIA BASILARIS VAR. TRELEASEI
CALIFORNIA	ENDANGERED	CAMPANULACEAE	CAMPANULA CALIFORNICA
CALIFORNIA	ENDANGERED	CAMPANULACEAE	LEGENERE LIMOSA
CALIFORNIA	ENDANGERED	CARYOPHYLLACEAE	ARENARIA URSINA
CALIFORNIA	ENDANGERED	CARYOPHYLLACEAE	SILENE APERTA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	ENDANGERED	CARYOPHYLLACEAE	SILENE MARMORENSIS
CALIFORNIA	ENDANGERED	CELASTRACEAE	FORSELLESIA PUNGENS VAR. GLABRA
CALIFORNIA	ENDANGERED	CHENOPODIACEAE	NITROPHILA MOHAVENSIS
CALIFORNIA	ENDANGERED	CRASSULACEAE	DUDLEYA BETTINAE
CALIFORNIA	ENDANGERED	CRASSULACEAE	DUDLEYA CANDELABRUM
CALIFORNIA	ENDANGERED	CRASSULACEAE	DUDLEYA CYMOSA SSP. MARCESCENS
CALIFORNIA	ENDANGERED	CRASSULACEAE	DUDLEYA MULTICAULIS
CALIFORNIA	ENDANGERED	CRASSULACEAE	DUDLEYA NESIOTICA
CALIFORNIA	ENDANGERED	CRASSULACEAE	DUDLEYA STOLONIFERA
CALIFORNIA	ENDANGERED	CRASSULACEAE	PARVISEDUM LEIOCARPUM
CALIFORNIA	ENDANGERED	CUPRESSACEAE	CUPRESSUS GOVENIANA VAR. ADRANSIANA
CALIFORNIA	ENDANGERED	CUSCUTACEAE	CUSCUTA HOWELLIANA
CALIFORNIA	ENDANGERED	CYPERACEAE	CAREX ALBIDA
CALIFORNIA	ENDANGERED	CYPERACEAE	CAREX TOMPKINSII
CALIFORNIA	ENDANGERED	CYPERACEAE	RHYNCHOSPORA CALIFORNICA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS ANDERSONII VAR. PALLIDA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS AURICULATA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS BAKERI
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS DENSIFLORA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS FRANCISCANA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS GLANDULOSA VAR. CRASSIFOLIA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS GLUTINOSA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS HEARSTIORUM
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS MYRTIFOLIA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS PACIFICA
CALIFORNIA	ENDANGERED	ERICACEAE	ARCTOSTAPHYLOS PUMILA
CALIFORNIA	ENDANGERED	EUPHORBIACEAE	CROTON WIGGINSII
CALIFORNIA	ENDANGERED	EUPHORBIACEAE	EUPHORBIA PLATYSPERMA
CALIFORNIA	ENDANGERED	FABACEAE	ASTRAGALUS CLARIANUS
CALIFORNIA	ENDANGERED	FABACEAE	ASTRAGALUS JAEGERIANUS
CALIFORNIA	ENDANGERED	FABACEAE	ASTRAGALUS JOHANNIS-HOWELLII
CALIFORNIA	ENDANGERED	FABACEAE	ASTRAGALUS MONOENSIS
CALIFORNIA	ENDANGERED	FABACEAE	ASTRAGALUS RAVENII
CALIFORNIA	ENDANGERED	FABACEAE	ASTRAGALUS TENER VAR. TITI
CALIFORNIA	ENDANGERED	FABACEAE	LATHYRUS HITCHCOCKIANUS
CALIFORNIA	ENDANGERED	FABACEAE	LOTUS ARGOPHYLLUS VAR. ADSURGENS
CALIFORNIA	ENDANGERED	FABACEAE	LOTUS SCOPARIUS SSP. TRASKIAE
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS DURANII
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS GUADALUPENSIS
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS LUDOVICIANUS
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS MILO-BAKERI
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS TIDESTROMII VAR. LAYNEAE
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS TIDESTROMII VAR. TIDESTROMII

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	ENDANGERED	FABACEAE	LUPINUS TRACYI
CALIFORNIA	ENDANGERED	FABACEAE	TRIFOLIUM AMOENUM
CALIFORNIA	ENDANGERED	FABACEAE	TRIFOLIUM LEMMONII
CALIFORNIA	ENDANGERED	FABACEAE	TRIFOLIUM POLYODON
CALIFORNIA	ENDANGERED	FABACEAE	TRIFOLIUM TRICHOCALYX
CALIFORNIA	ENDANGERED	FUMARIACEAE	DICENTRA FORMOSA SSP. OREGANA
CALIFORNIA	ENDANGERED	FUMARIACEAE	DICENTRA OCHROLEUCA
CALIFORNIA	ENDANGERED	GENTIANACEAE	CENTAURIUM NAMOPHILUM
CALIFORNIA	ENDANGERED	HYDROPHYLLACEAE	ERIODICTYON ALTISSIMUM
CALIFORNIA	ENDANGERED	HYDROPHYLLACEAE	ERIODICTYON CAPITATUM
CALIFORNIA	ENDANGERED	HYDROPHYLLACEAE	PHACELIA COOKEI
CALIFORNIA	ENDANGERED	IRIDACEAE	IRIS TENAX SSP. KLAMATHENSIS
CALIFORNIA	ENDANGERED	JUGLANDACEAE	JUGLANS HINDSII
CALIFORNIA	ENDANGERED	LAMIACEAE	ACANTHOMINTHA ILICIFOLIA
CALIFORNIA	ENDANGERED	LAMIACEAE	ACANTHOMINTHA OBOVATA SSP. DUTTONII
CALIFORNIA	ENDANGERED	LAMIACEAE	MONARDELLA LINOIDES SSP. VIMINEA
CALIFORNIA	ENDANGERED	LAMIACEAE	MONARDELLA MACRANTHA VAR. HALLII
CALIFORNIA	ENDANGERED	LAMIACEAE	MONARDELLA PRINGLEI
CALIFORNIA	ENDANGERED	LAMIACEAE	MONARDELLA UNDULATA VAR. FRUTESCENS
CALIFORNIA	ENDANGERED	LAMIACEAE	POGOGYNE ABRAMSII
CALIFORNIA	ENDANGERED	LAMIACEAE	POGOGYNE DOUGLASII SSP. PARVIFLORA
CALIFORNIA	ENDANGERED	LAMIACEAE	SALVIA COLUMBARIAE VAR. ZIEGLERI
CALIFORNIA	ENDANGERED	LAMIACEAE	SALVIA GREATAE
CALIFORNIA	ENDANGERED	LAMIACEAE	TRICHOSTEMA AUSTROMONTANUM SSP. COMPACTUM
CALIFORNIA	ENDANGERED	LILIACEAE	ALLIUM HICKMANII
CALIFORNIA	ENDANGERED	LILIACEAE	BRODIAEA CORONARIA VAR. ROSEA
CALIFORNIA	ENDANGERED	LILIACEAE	BRODIAEA FILIFOLIA
CALIFORNIA	ENDANGERED	LILIACEAE	BRODIAEA ORCUTTII
CALIFORNIA	ENDANGERED	LILIACEAE	BRODIAEA PALLIDA
CALIFORNIA	ENDANGERED	LILIACEAE	CALOCHORTUS CLAVATUS SSP. RECURVIFOLIUS
CALIFORNIA	ENDANGERED	LILIACEAE	CALOCHORTUS COERULEUS VAR. WESTONII
CALIFORNIA	ENDANGERED	LILIACEAE	CALOCHORTUS TIBURONENSIS
CALIFORNIA	ENDANGERED	LILIACEAE	CHLOROGALUM GRANDIFLORUM
CALIFORNIA	ENDANGERED	LILIACEAE	CHLOROGALUM PURPUREUM VAR. PURPUREUM
CALIFORNIA	ENDANGERED	LILIACEAE	CHLOROGALUM PURPUREUM VAR. REDUCTUM
CALIFORNIA	ENDANGERED	LILIACEAE	ERYTHRONIUM GRANDIFLORUM SSP. PUSATERII
CALIFORNIA	ENDANGERED	LILIACEAE	FRITILLARIA PHAEANTHERA
CALIFORNIA	ENDANGERED	LILIACEAE	FRITILLARIA RODENICKII
CALIFORNIA	ENDANGERED	LILIACEAE	LILIUM OCCIDENTALE
CALIFORNIA	ENDANGERED	LILIACEAE	LILIUM PITKINENSE
CALIFORNIA	ENDANGERED	LILIACEAE	LILIUM WASHINGTONIANUM VAR. MINUS
CALIFORNIA	ENDANGERED	LILIACEAE	NOLINA INTERRATA
CALIFORNIA	ENDANGERED	LIMNANTHACEAE	LIMNANTHES BAKERI

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	ENDANGERED	LIMNANTHACEAE	LIMNANTHES GRACILIS VAR. PARISHII
CALIFORNIA	ENDANGERED	LIMNANTHACEAE	LIMNANTHES VINCULANS
CALIFORNIA	ENDANGERED	LINACEAE	HESPEROLINON CONGESTUM
CALIFORNIA	ENDANGERED	LINACEAE	HESPEROLINON DIDYMOCARPUM
CALIFORNIA	ENDANGERED	LOASACEAE	MENTZELIA LEUCOPHYLLA
CALIFORNIA	ENDANGERED	MALVACEAE	HIBISCUS CALIFORNICUS
CALIFORNIA	ENDANGERED	MALVACEAE	LAVATERA ASSURGENTIFLORA
CALIFORNIA	ENDANGERED	MALVACEAE	MALACOTHAMNUS CLEMENTINUS
CALIFORNIA	ENDANGERED	MALVACEAE	MALACOTHAMNUS FASCICULATUS
CALIFORNIA	ENDANGERED	MALVACEAE	MALACOTHAMNUS PALMERI VAR. INVOLUCRATUS
CALIFORNIA	ENDANGERED	MALVACEAE	SIDALCEA COVILLEI
CALIFORNIA	ENDANGERED	NYCTAGINACEAE	ABRONIA ALPINA
CALIFORNIA	ENDANGERED	ONAGRACEAE	CAMISSONIA GUADALUPENSIS SSP. CLEMENTINA
CALIFORNIA	ENDANGERED	ONAGRACEAE	CLARKIA FRANCISCANA
CALIFORNIA	ENDANGERED	ONAGRACEAE	CLARKIA IMBRICATA
CALIFORNIA	ENDANGERED	ONAGRACEAE	CLARKIA SPECIOSA SSP. IMMACULATA
CALIFORNIA	ENDANGERED	ONAGRACEAE	EPILOBIUM NIVIUM
CALIFORNIA	ENDANGERED	ONAGRACEAE	OENOTHERA AVITA SSP. EUREKENSIS
CALIFORNIA	ENDANGERED	ONAGRACEAE	OENOTHERA DELTOIDES VAR. HOWELLII
CALIFORNIA	ENDANGERED	ORCHIDACEAE	PLATANTHERA UNALASCENSIS SSP. MARITIMA
CALIFORNIA	ENDANGERED	PAPAVERACEAE	ESCHSCHOLZIA RAMOSA
CALIFORNIA	ENDANGERED	POACEAE	AGROSTIS BLASDALEI VAR. MARINENSIS
CALIFORNIA	ENDANGERED	POACEAE	NEOSTAPFIA COLUSANA
CALIFORNIA	ENDANGERED	POACEAE	ORCUTTIA CALIFORNICA VAR. VISCIDA
CALIFORNIA	ENDANGERED	POACEAE	ORCUTTIA CALIFORNICA VAR. CALIFORNICA
CALIFORNIA	ENDANGERED	POACEAE	ORCUTTIA CALIFORNICA VAR. INAEQUALIS
CALIFORNIA	ENDANGERED	POACEAE	ORCUTTIA MUCRONATA
CALIFORNIA	ENDANGERED	POACEAE	ORCUTTIA PILOSA
CALIFORNIA	ENDANGERED	POACEAE	ORCUTTIA TENUIS
CALIFORNIA	ENDANGERED	POACEAE	PLEUROPOGON HOOVERIANUS
CALIFORNIA	ENDANGERED	POACEAE	POA ATROPURPUREA
CALIFORNIA	ENDANGERED	POACEAE	POA FIBRATA
CALIFORNIA	ENDANGERED	POACEAE	POA NAPENSIS
CALIFORNIA	ENDANGERED	POACEAE	STIPA LEMMONII VAR. PUBESCENS
CALIFORNIA	ENDANGERED	POACEAE	SWALLENIA ALEXANDRAE
CALIFORNIA	ENDANGERED	POLEMONIACEAE	NAVARRETIA PAUCIFLORA
CALIFORNIA	ENDANGERED	POLEMONIACEAE	NAVARRETIA PLIEANTHA
CALIFORNIA	ENDANGERED	POLEMONIACEAE	NAVARRETIA SETILOBA
CALIFORNIA	ENDANGERED	POLEMONIACEAE	PHLOX HIRSUTA
CALIFORNIA	ENDANGERED	POLYGONACEAE	CHORIZANTHE LEPTOCERAS
CALIFORNIA	ENDANGERED	POLYGONACEAE	CHORIZANTHE ORCUTTIANA
CALIFORNIA	ENDANGERED	POLYGONACEAE	CHORIZANTHE SPINOSA
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM ALPINUM

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM APRICUM VAR. APRICUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM APRICUM VAR. PROSTRATUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM BREEDLOVEI
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM BUTTERWORTHIANUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM CROCATUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM ERICIFOLIUM VAR. THORNEI
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM GIGANTEUM VAR. COMPACTUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM GILMANII
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM GRANDE VAR. TIMORUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM HIRTELLUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM INTRAFRACTUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM KENNEDYI VAR. PINICOLA
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM MICROTHECUM VAR. JOHNSTONII
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM NUDUM VAR. MURINUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM PARVIFOLIUM VAR. LUCIDUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM UMBELLATUM VAR. MINUS
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM UMBELLATUM VAR. TORREYANUM
CALIFORNIA	ENDANGERED	POLYGONACEAE	ERIOGONUM WRIGHTII VAR. OLANCHENSE
CALIFORNIA	ENDANGERED	RANUNCULACEAE	DELPHINIUM BAKERI
CALIFORNIA	ENDANGERED	RANUNCULACEAE	DELPHINIUM KINKIENSE
CALIFORNIA	ENDANGERED	RANUNCULACEAE	DELPHINIUM LUTEUM
CALIFORNIA	ENDANGERED	RHAMNACEAE	CEANOTHUS FERRISAE
CALIFORNIA	ENDANGERED	RHAMNACEAE	CEANOTHUS HEARSTIORUM
CALIFORNIA	ENDANGERED	RHAMNACEAE	CEANOTHUS MARITIMUS
CALIFORNIA	ENDANGERED	RHAMNACEAE	CEANOTHUS MASONII
CALIFORNIA	ENDANGERED	ROSACEAE	CERCOCARPUS TRASKIAE
CALIFORNIA	ENDANGERED	ROSACEAE	HORKELIA WILDERAE
CALIFORNIA	ENDANGERED	ROSACEAE	IVESIA CALLIDA
CALIFORNIA	ENDANGERED	ROSACEAE	LYONOTHAMNUS FLORIBUNDUS
CALIFORNIA	ENDANGERED	ROSACEAE	POTENTILLA HICKMANII
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM ANGUSTIFOLIUM SSP. BORREGOENSE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM CALIFORNICUM SSP. LUCIENSE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM CALIFORNICUM SSP. SIERRAE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM CALIFORNICUM SSP. PRINUM
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM CATALINENSE SSP. ACRISPUM
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM GLABRESCENS SSP. MODOCENSE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM GRANDE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM HARDHAMAE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM HILENDIAE SSP. KINGSTONENSE
CALIFORNIA	ENDANGERED	RUBIACEAE	GALIUM SERPENTICUM SSP. SCOTTICUM
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA HOLOLEUCA SSP. GRISEA
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA ULIGINOSA
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS BERNARDINUS

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS BRUNNEUS VAR. CAPILLARIS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS LITTORALIS SSP. LITTORALIS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS MARITIMUS SSP. MARITIMUS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS NIDULARIUS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS PALLESCENS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	GRATIOLA HETEROSEPALA
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	MIMULUS GUTTATUS SSP. ARENICOLA
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	MIMULUS PYGMAEUS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	MIMULUS WHIPPLEI
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	ORTHOCARPUS CASTILLEJOIDES VAR. HUMBOLDTIENSIS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	ORTHOCARPUS SUCCULENTIS
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	PEDICULARIS DUDLEYI
CALIFORNIA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON PERSONATUS
CALIFORNIA	ENDANGERED	STERCULIACEAE	FREMONTODENDRON DECUMBENS
CALIFORNIA	ENDANGERED	STERCULIACEAE	FREMONTODENDRON MEXICANUM
CALIFORNIA	THREATENED	APIACEAE	CYMOPTERUS DESERTICOLA
CALIFORNIA	THREATENED	APIACEAE	ERYNGIUM RACEMOSUM
CALIFORNIA	THREATENED	APIACEAE	LOMATIUM CONGDONII
CALIFORNIA	THREATENED	APIACEAE	PERIDERIDIA LEPTOCARPA
CALIFORNIA	THREATENED	APIACEAE	SANICULA SAXATILIS
CALIFORNIA	THREATENED	APIACEAE	TAUSCHIA HOWELLII
CALIFORNIA	THREATENED	ASTERACEAE	ANTENNARIA SUFFRUTESCENS
CALIFORNIA	THREATENED	ASTERACEAE	ARNICA VENOSA
CALIFORNIA	THREATENED	ASTERACEAE	ARNICA VISCOSA
CALIFORNIA	THREATENED	ASTERACEAE	ARTEMISIA CANA SSP. BOLANDERI
CALIFORNIA	THREATENED	ASTERACEAE	ASTER BRICKELLIOIDES
CALIFORNIA	THREATENED	ASTERACEAE	ASTER GREATEI
CALIFORNIA	THREATENED	ASTERACEAE	ASTER PEIRSONII
CALIFORNIA	THREATENED	ASTERACEAE	BRICKELLIA KNAPPIANA
CALIFORNIA	THREATENED	ASTERACEAE	CHAENACTIS PARISHII
CALIFORNIA	THREATENED	ASTERACEAE	CIRSIUM CAMPYLON
CALIFORNIA	THREATENED	ASTERACEAE	CIRSIUM CRASSICAULE
CALIFORNIA	THREATENED	ASTERACEAE	CIRSIUM HYDROPHILUM VAR. VASEYI
CALIFORNIA	THREATENED	ASTERACEAE	COREOPSIS HAMILTONII
CALIFORNIA	THREATENED	ASTERACEAE	ENCELIOPSIS COVILLEI
CALIFORNIA	THREATENED	ASTERACEAE	ERIGERON AEQUIFOLIUS
CALIFORNIA	THREATENED	ASTERACEAE	ERIGERON BLOOMERI VAR. NUDATUS
CALIFORNIA	THREATENED	ASTERACEAE	ERIGERON FLEXUOSUS
CALIFORNIA	THREATENED	ASTERACEAE	ERIGERON MULTICEPS
CALIFORNIA	THREATENED	ASTERACEAE	ERIGERON PARISHII
CALIFORNIA	THREATENED	ASTERACEAE	ERIGERON SUPPLEX
CALIFORNIA	THREATENED	ASTERACEAE	ERIOPHYLLUM LATILOBUM
CALIFORNIA	THREATENED	ASTERACEAE	ERIOPHYLLUM NUBIGENUM VAR. CONGDONII

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	ASTERACEAE	GRINDELIA FRAXINO-PRATENSIS
CALIFORNIA	THREATENED	ASTERACEAE	GRINDELIA HALLII
CALIFORNIA	THREATENED	ASTERACEAE	GUTIERREZIA CALIFORNICA
CALIFORNIA	THREATENED	ASTERACEAE	HAPLOPAPPUS BRICKELLIOIDES
CALIFORNIA	THREATENED	ASTERACEAE	HAPLOPAPPUS CANUS
CALIFORNIA	THREATENED	ASTERACEAE	HAPLOPAPPUS EXIMIUS
CALIFORNIA	THREATENED	ASTERACEAE	HAPLOPAPPUS OPHITIDIS
CALIFORNIA	THREATENED	ASTERACEAE	HAPLOPAPPUS RACEMOSUS SSP. CONGESTUS
CALIFORNIA	THREATENED	ASTERACEAE	HAPLOPAPPUS UNIFLORUS SSP. GOSSYPINUS
CALIFORNIA	THREATENED	ASTERACEAE	HELIANTHELLA CASTANEA
CALIFORNIA	THREATENED	ASTERACEAE	HEMIZONIA ARIDA
CALIFORNIA	THREATENED	ASTERACEAE	HEMIZONIA HALLIANA
CALIFORNIA	THREATENED	ASTERACEAE	HEMIZONIA MOHAVENSIS
CALIFORNIA	THREATENED	ASTERACEAE	HULSEA INYOENSIS
CALIFORNIA	THREATENED	ASTERACEAE	LASTHENIA CONJUGENS
CALIFORNIA	THREATENED	ASTERACEAE	LASTHENIA LEPTALEA
CALIFORNIA	THREATENED	ASTERACEAE	LASTHENIA MINOR VAR. MARITIMA
CALIFORNIA	THREATENED	ASTERACEAE	LAYIA JONESII
CALIFORNIA	THREATENED	ASTERACEAE	LAYIA LEUCOPAPPA
CALIFORNIA	THREATENED	ASTERACEAE	LAYIA ZIEGLERI
CALIFORNIA	THREATENED	ASTERACEAE	MACHAERANTHERA AMMOPHILA
CALIFORNIA	THREATENED	ASTERACEAE	MACHAERANTHERA COGNATA
CALIFORNIA	THREATENED	ASTERACEAE	MACHAERANTHERA LAGUNENSIS
CALIFORNIA	THREATENED	ASTERACEAE	MACHAERANTHERA ORCUTTII
CALIFORNIA	THREATENED	ASTERACEAE	MALACOTHRIX SAXATILIS VAR. ARACHNOIDEA
CALIFORNIA	THREATENED	ASTERACEAE	MICROSERIS HOWELLII
CALIFORNIA	THREATENED	ASTERACEAE	PENTACHAETA EXILIS SSP. AEOLICA
CALIFORNIA	THREATENED	ASTERACEAE	PERITYLE INYOENSIS
CALIFORNIA	THREATENED	ASTERACEAE	PERITYLE VILLOSA
CALIFORNIA	THREATENED	ASTERACEAE	PSEUDOBAHIA BAHIAEFOLIA
CALIFORNIA	THREATENED	ASTERACEAE	RAILLARDELLA MUIRII
CALIFORNIA	THREATENED	ASTERACEAE	RAILLARDELLA PRINGLEI
CALIFORNIA	THREATENED	ASTERACEAE	SENECIO BERNARDINUS
CALIFORNIA	THREATENED	ASTERACEAE	SENECIO GANDERI
CALIFORNIA	THREATENED	ASTERACEAE	SENECIO HESPERIUS
CALIFORNIA	THREATENED	ASTERACEAE	TANACETUM CAMPHORATUM
CALIFORNIA	THREATENED	ASTERACEAE	TARAXACUM CALIFORNICUM
CALIFORNIA	THREATENED	ASTERACEAE	WYETHIA RETICULATA
CALIFORNIA	THREATENED	BERBERIDACEAE	BERBERIS PINNATA SSP. INSULARIS
CALIFORNIA	THREATENED	BERBERIDACEAE	VANCOUVERIA CHRYSANTHA
CALIFORNIA	THREATENED	BORAGINACEAE	AMSINCKIA VERNICOSA VAR. FURCATA
CALIFORNIA	THREATENED	BORAGINACEAE	CRYPTANTHA CRINITA
CALIFORNIA	THREATENED	BORAGINACEAE	CRYPTANTHA CRYMOPHILA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	BORAGINACEAE	CRYPTANTHA GANDERI
CALIFORNIA	THREATENED	BORAGINACEAE	CRYPTANTHA HOFFMANNII
CALIFORNIA	THREATENED	BORAGINACEAE	CRYPTANTHA TRASKIAE
CALIFORNIA	THREATENED	BORAGINACEAE	CRYPTANTHA TUMULOSA
CALIFORNIA	THREATENED	BORAGINACEAE	HACKELIA SHARSMITHII
CALIFORNIA	THREATENED	BORAGINACEAE	PLAGIOBOTHRYS DISTANTIFLORUS
CALIFORNIA	THREATENED	BORAGINACEAE	PLAGIOBOTHRYS GLABER
CALIFORNIA	THREATENED	BORAGINACEAE	PLAGIOBOTHRYS HYSTRICULUS
CALIFORNIA	THREATENED	BORAGINACEAE	PLAGIOBOTHRYS SCRIPTUS
CALIFORNIA	THREATENED	BORAGINACEAE	PLAGIOBOTHRYS STRICTUS
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS BLEPHAROPHYLLA
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS BREWERI VAR. AUSTINAE
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS CONSTANCEI
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS HOFFMANNII
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS JOHNSTONII
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS OREGANA
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS PARISHII
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS PYGMAEA
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS SHOCKLEYI
CALIFORNIA	THREATENED	BRASSICACEAE	ARABIS SUFFRUTESCENS VAR. PERSTYLOSA
CALIFORNIA	THREATENED	BRASSICACEAE	CAULANTHUS AMPLEXICAULIS VAR. BARBARAE
CALIFORNIA	THREATENED	BRASSICACEAE	CAULOSTRAMINA JAEGERI
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA ASTEROPHORA VAR. ASTEROPHORA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA ASTEROPHORA VAR. MACROCARPA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA CRUCIATA VAR. CRUCIATA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA CRUCIATA VAR. INTEGRIFOLIA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA DOUGLASII
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA HOWELLII VAR. CARNOSULA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA LEMMONII VAR. INCRASSATA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA QUADRICOSTATA
CALIFORNIA	THREATENED	BRASSICACEAE	DRABA STENOLOBA VAR. RAMOSA
CALIFORNIA	THREATENED	BRASSICACEAE	ERYSIMUM AMMOPHILUM
CALIFORNIA	THREATENED	BRASSICACEAE	ERYSIMUM INSULARE
CALIFORNIA	THREATENED	BRASSICACEAE	ERYSIMUM MENZIESII
CALIFORNIA	THREATENED	BRASSICACEAE	ERYSIMUM TERETIFOLIUM
CALIFORNIA	THREATENED	BRASSICACEAE	HALIMOLOBOS VIRGATA
CALIFORNIA	THREATENED	BRASSICACEAE	LESQUERELLA KINGII SSP. BERNARDINA
CALIFORNIA	THREATENED	BRASSICACEAE	RORIPPA COLUMBIAE
CALIFORNIA	THREATENED	BRASSICACEAE	RORIPPA SUBUMBELLATA
CALIFORNIA	THREATENED	BRASSICACEAE	SIBARA FILIFOLIA
CALIFORNIA	THREATENED	BRASSICACEAE	SIBARA ROSULATA
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS BATRACHOPUS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS BRACHIATUS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS CORDATUS VAR. PIUTENSIS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS FENESTRATUS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS GLANDULOSUS VAR. PULCHELLUS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS GRACILIS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS HISPIDUS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS MORRISONII SSP. ELATUS
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS MORRISONII SSP. MORRISONII
CALIFORNIA	THREATENED	BRASSICACEAE	STREPTANTHUS OLIGANTHUS
CALIFORNIA	THREATENED	BRASSICACEAE	THELYPODIUM BRACHYCARPUM
CALIFORNIA	THREATENED	BRASSICACEAE	THELYPODIUM STENOPETALUM
CALIFORNIA	THREATENED	BRASSICACEAE	THYSANOCARPUS CONCHULIFERUS
CALIFORNIA	THREATENED	BRASSICACEAE	TROPIDOCARPUM CAPPARIDEUM
CALIFORNIA	THREATENED	CACTACEAE	CORYPHANTHA VIVIPARA VAR. ALVERSONII
CALIFORNIA	THREATENED	CACTACEAE	CORYPHANTHA VIVIPARA VAR. ROSEA
CALIFORNIA	THREATENED	CACTACEAE	ECHINOCEREUS ENGELMANNII VAR. MUNZII
CALIFORNIA	THREATENED	CACTACEAE	OPUNTIA BASILARIS VAR. BRACHYCLADA
CALIFORNIA	THREATENED	CACTACEAE	OPUNTIA MUNZII
CALIFORNIA	THREATENED	CACTACEAE	OPUNTIA PARRYI VAR. SERPENTINA
CALIFORNIA	THREATENED	CACTACEAE	OPUNTIA PHAEACANTHA VAR. MOJAVENSIS
CALIFORNIA	THREATENED	CAMPANULACEAE	CAMPANULA SHETLERI
CALIFORNIA	THREATENED	CAMPANULACEAE	CAMPANULA WILKINSIANA
CALIFORNIA	THREATENED	CAMPANULACEAE	NEMACLADUS TWISSELMANNII
CALIFORNIA	THREATENED	CARYOPHYLLACEAE	ARENARIA PALUDICOLA
CALIFORNIA	THREATENED	CARYOPHYLLACEAE	ARENARIA ROSEI
CALIFORNIA	THREATENED	CARYOPHYLLACEAE	SILENE INVISA
CALIFORNIA	THREATENED	CHENOPODIACEAE	ATRIPLEX VALLICOLA
CALIFORNIA	THREATENED	CISTACEAE	HELIANTHEMUM SUFFRUTESCENS
CALIFORNIA	THREATENED	CONVOLVULACEAE	CALYSTEGIA PEIRSONII
CALIFORNIA	THREATENED	CRASSULACEAE	DUDLEYA BLOCHMANAE SSP. BREVIFOLIA
CALIFORNIA	THREATENED	CRASSULACEAE	DUDLEYA BLOCHMANAE SSP. INSULARIS
CALIFORNIA	THREATENED	CRASSULACEAE	DUDLEYA DENSIFLORA
CALIFORNIA	THREATENED	CRASSULACEAE	DUDLEYA PARVA
CALIFORNIA	THREATENED	CRASSULACEAE	DUDLEYA VARIEGATA
CALIFORNIA	THREATENED	CRASSULACEAE	DUDLEYA VISCIDA
CALIFORNIA	THREATENED	CRASSULACEAE	SEDUM LAXUM SSP. HECKNERI
CALIFORNIA	THREATENED	CRASSULACEAE	SEDUM NIVEUM
CALIFORNIA	THREATENED	CROSSOSOMATACEAE	CROSSOSOMA CALIFORNICUM
CALIFORNIA	THREATENED	CUPRESSACEAE	CUPRESSUS ARIZONICA VAR. STEPHENSONII
CALIFORNIA	THREATENED	CUPRESSACEAE	CUPRESSUS ARIZONICA VAR. NEVADENSIS
CALIFORNIA	THREATENED	CUPRESSACEAE	CUPRESSUS MACROCARPA
CALIFORNIA	THREATENED	CYPERACEAE	CAREX OBISPOENSIS
CALIFORNIA	THREATENED	CYPERACEAE	CAREX PAUCIFRUCTA
CALIFORNIA	THREATENED	CYPERACEAE	CAREX WHITNEYI

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	EPHEDRACEAE	EPHEDRA FUNEREA
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS CRUZENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS EDMUNDSII
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS INTRICATA VAR. OBLONGIFOLIA
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS LUCIANA
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS MONTANA
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS MONTARAENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS MONTEREYENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS MORROENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS NISSENANA
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS OTAYENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS PECHOENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS REFUGIOENSIS
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS SILVICOLA
CALIFORNIA	THREATENED	ERICACEAE	ARCTOSTAPHYLOS VIRGATA
CALIFORNIA	THREATENED	ERICACEAE	PITYOPUS CALIFORNICUS
CALIFORNIA	THREATENED	ERICACEAE	VACCINIUM COCCINIUM
CALIFORNIA	THREATENED	EUPHORBIACEAE	DITAXIS CALIFORNICA
CALIFORNIA	THREATENED	EUPHORBIACEAE	EUPHORBIA HOOVERI
CALIFORNIA	THREATENED	EUPHORBIACEAE	EUPHORBIA OCELLATA VAR. HATTANII
CALIFORNIA	THREATENED	EUPHORBIACEAE	TETRACOCCUS ILICIFOLIUS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS AGNICIDUS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS BRAUNTONII
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS CIMAE VAR. SUFFLATUS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS DEANEI
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS FUNEREUS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS LENTIFORMIS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS LENTIGINOSUS VAR. MICANS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS MOHAVENSIS VAR. HEMIGYRUS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS PANAMINTENSIS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS PSEUDIODANTHUS
CALIFORNIA	THREATENED	FABACEAE	ASTRAGALUS SUBVESTITUS
CALIFORNIA	THREATENED	FABACEAE	DALEA ARBORESCENS
CALIFORNIA	THREATENED	FABACEAE	LOTUS ARGOPHYLLUS VAR. NIVEUS
CALIFORNIA	THREATENED	FABACEAE	LOTUS NUTTALIANUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS CERVINUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS CITRINUS VAR. CITRINUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS CITRINUS VAR. DEFLEXUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS DEDECKERAE
CALIFORNIA	THREATENED	FABACEAE	LUPINUS HOLMGRENANUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS INYOENSIS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS MONTIGENUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS PEIRSONII

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	FABACEAE	LUPINUS SERICATUS
CALIFORNIA	THREATENED	FABACEAE	LUPINUS SPECTABILIS
CALIFORNIA	THREATENED	FABACEAE	THERMOPSIS MACROPHYLLA VAR. AGNINA
CALIFORNIA	THREATENED	FABACEAE	TRIFOLIUM BOLANDERI
CALIFORNIA	THREATENED	FABACEAE	TRIFOLIUM DEDECKERAE
CALIFORNIA	THREATENED	FAGACEAE	QUERCUS PARVULA
CALIFORNIA	THREATENED	FAGACEAE	QUERCUS TOMENTELLA
CALIFORNIA	THREATENED	FUMARIACEAE	DICENTRA FORMOSA SSP. NEVADENSIS
CALIFORNIA	THREATENED	GENTIANACEAE	FRASERA PUBERULENTA
CALIFORNIA	THREATENED	GENTIANACEAE	FRASERA TUBULOSA
CALIFORNIA	THREATENED	GENTIANACEAE	FRASERA UMPQUAENSIS
CALIFORNIA	THREATENED	GENTIANACEAE	GENTIANA FREMONTII
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA AMABILIS
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA ANELSONII
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA DALESIANA
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA DIVARICATA VAR. INSULARIS
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA GREENEI
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA MUSTELINA
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA NOVENMILLENSIS
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA OROGENES
CALIFORNIA	THREATENED	HYDROPHYLLACEAE	PHACELIA PHACELIOIDES
CALIFORNIA	THREATENED	ISOETACEAE	ISOETES BOLANDERI VAR. PYGMAEA
CALIFORNIA	THREATENED	ISOETACEAE	ISOETES ORCUTTII
CALIFORNIA	THREATENED	JUNCACEAE	JUNCUS LEIOSPERMUS
CALIFORNIA	THREATENED	LAMIACEAE	AGASTACHE PARVIFOLIA
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA ANTONINA
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA BENITENSIS
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA CRISPA
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA HYPOLEUCA SSP. LANATA
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA LINOIDES SSP. OBLONGA
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA PALMERI
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA PURPUREA
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA ROBISONII
CALIFORNIA	THREATENED	LAMIACEAE	MONARDELLA VIRIDIS SSP. SAXICOLA
CALIFORNIA	THREATENED	LAMIACEAE	POGOGYNE NUDIUSCULA
CALIFORNIA	THREATENED	LAMIACEAE	SALVIA EREMOSTACHYA
CALIFORNIA	THREATENED	LAMIACEAE	SALVIA FUNEREA
CALIFORNIA	THREATENED	LAMIACEAE	SATUREJA CHANDLERI
CALIFORNIA	THREATENED	LILIACEAE	AGAVE UTAHENSIS VAR. NEVADENSIS
CALIFORNIA	THREATENED	LILIACEAE	ALLIUM HOFFMANII
CALIFORNIA	THREATENED	LILIACEAE	ALLIUM YOSEMITENSE
CALIFORNIA	THREATENED	LILIACEAE	BRODIAEA KINKIENSIS
CALIFORNIA	THREATENED	LILIACEAE	CALOCHORTUS DUNNII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	LILIACEAE	CALOCHORTUS GREENEI
CALIFORNIA	THREATENED	LILIACEAE	CALOCHORTUS OBISPOENSIS
CALIFORNIA	THREATENED	LILIACEAE	CALOCHORTUS PERSISTENS
CALIFORNIA	THREATENED	LILIACEAE	CALOCHORTUS SIMULANS
CALIFORNIA	THREATENED	LILIACEAE	CALOCHORTUS STRIATUS
CALIFORNIA	THREATENED	LILIACEAE	ERYTHRONIUM HELENAE
CALIFORNIA	THREATENED	LILIACEAE	ERYTHRONIUM HOWELLII
CALIFORNIA	THREATENED	LILIACEAE	ERYTHRONIUM TUOLUMNENSE
CALIFORNIA	THREATENED	LILIACEAE	FRITILLARIA BRANDEGEI
CALIFORNIA	THREATENED	LILIACEAE	FRITILLARIA FALCATA
CALIFORNIA	THREATENED	LILIACEAE	FRITILLARIA PLURIFLORA
CALIFORNIA	THREATENED	LILIACEAE	FRITILLARIA STRIATA
CALIFORNIA	THREATENED	LILIACEAE	LILIUM VOLLMERI
CALIFORNIA	THREATENED	LILIACEAE	LILIUM WIGGINSII
CALIFORNIA	THREATENED	LILIACEAE	MUILLA CLEVELANDII
CALIFORNIA	THREATENED	LILIACEAE	SCHOENOLIRION BRACTEOSUM
CALIFORNIA	THREATENED	LILIACEAE	TRITELEIA CLEMENTINA
CALIFORNIA	THREATENED	LILIACEAE	TRITELEIA DUDLEYI
CALIFORNIA	THREATENED	LILIACEAE	VERATRUM FIMBRIATUM
CALIFORNIA	THREATENED	LIMNANTHACEAE	LIMNANTHES DOUGLASII VAR. SULPHUREA
CALIFORNIA	THREATENED	LIMNANTHACEAE	LIMNANTHES FLOCCOSA SSP. BELLINGERIANA
CALIFORNIA	THREATENED	LINACEAE	HESPEROLINON ADENOPHYLLUM
CALIFORNIA	THREATENED	LINACEAE	HESPEROLINON BICARPELLATUM
CALIFORNIA	THREATENED	LINACEAE	HESPEROLINON BREWERI
CALIFORNIA	THREATENED	LINACEAE	HESPEROLINON DRYMARIOIDES
CALIFORNIA	THREATENED	LOASACEAE	MENTZELIA HIRSUTISSIMA VAR. STENOPHYLLA
CALIFORNIA	THREATENED	LOASACEAE	PETALONYX THURBERI SSP. GILMANII
CALIFORNIA	THREATENED	MALVACEAE	MALACOTHAMNUS PALMERI VAR. LUCIANUS
CALIFORNIA	THREATENED	MALVACEAE	MALACOTHAMNUS PALMERI VAR. PALMERI
CALIFORNIA	THREATENED	MALVACEAE	MALACOTHAMNUS PARISHII
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA HICKMANII SSP. ANOMALA
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA HICKMANII SSP. HICKMANII
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA HICKMANII SSP. VIRIDIS
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA HICKMANII SSP. PARISHII
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA KECKII
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA MALVAEFLORA SSP. ELEGANS
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA OREGANA SSP. HYDROPHILA
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA OREGANA SSP. VALIDA
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA PEDATA
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA ROBUSTA
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA SETOSA
CALIFORNIA	THREATENED	MALVACEAE	SIDALCEA STIPULARIS
CALIFORNIA	THREATENED	MALVACEAE	SPHAERALCEA RUSBYI SSP. EREMICOLA

V40 127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	ONAGRACEAE	CAMISSONIA BENITENSIS
CALIFORNIA	THREATENED	ONAGRACEAE	CAMISSONIA TANACETIFOLIA SSP. QUADRIPERFORATA
CALIFORNIA	THREATENED	ONAGRACEAE	CLARKIA AMOENA SSP. WHITNEYI
CALIFORNIA	THREATENED	ONAGRACEAE	CLARKIA BILOBA SSP. AUSTRALIS
CALIFORNIA	THREATENED	ONAGRACEAE	CLARKIA LINGULATA
CALIFORNIA	THREATENED	ONAGRACEAE	CLARKIA ROSTRATA
CALIFORNIA	THREATENED	OPHIOGLOSSACEAE	OPHIOGLOSSUM LUSITANICUM VAR. CALIFORNICUM
CALIFORNIA	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CALIFORNICUM
CALIFORNIA	THREATENED	OROBANCHACEAE	OROBANCHE PARISHII SSP. BRACHYLOBA
CALIFORNIA	THREATENED	PAPAVERACEAE	ARCTOMECON MERRIAMII
CALIFORNIA	THREATENED	PAPAVERACEAE	ARGEMONE MUNITA SSP. ROBUSTA
CALIFORNIA	THREATENED	PAPAVERACEAE	ESCHSCHOLZIA PROCERA
CALIFORNIA	THREATENED	POACEAE	AGROSTIS ARISTIGLUMIS
CALIFORNIA	THREATENED	POACEAE	AGROSTIS CLIVICOLA VAR. PUNTA-REYESENSIS
CALIFORNIA	THREATENED	POACEAE	CALAMAGROSTIS CRASSIGLUMIS
CALIFORNIA	THREATENED	POACEAE	CALAMAGROSTIS FOLIOSA
CALIFORNIA	THREATENED	POACEAE	PUCCINELLIA PARISHII
CALIFORNIA	THREATENED	POLEMONIACEAE	COLLOMIA RAWSONIANA
CALIFORNIA	THREATENED	POLEMONIACEAE	ERIASTRUM BRANDEGEAE
CALIFORNIA	THREATENED	POLEMONIACEAE	ERIASTRUM TRACYI
CALIFORNIA	THREATENED	POLEMONIACEAE	GILIA RIPLEYI
CALIFORNIA	THREATENED	POLEMONIACEAE	GILIA TENUIFLORA SSP. HOFFMANNII
CALIFORNIA	THREATENED	POLEMONIACEAE	LEPTODACTYLON JAEGERI
CALIFORNIA	THREATENED	POLEMONIACEAE	LINANTHUS ARENICOLA
CALIFORNIA	THREATENED	POLEMONIACEAE	LINANTHUS MACULATUS
CALIFORNIA	THREATENED	POLEMONIACEAE	LINANTHUS ORCUTTII SSP. PACIFICUS
CALIFORNIA	THREATENED	POLEMONIACEAE	NAVARRETIA PROLIFERA SSP. LUTEA
CALIFORNIA	THREATENED	POLEMONIACEAE	PHLOX DOLICANTHA
CALIFORNIA	THREATENED	POLEMONIACEAE	POLEMONIUM CHARTACEUM
CALIFORNIA	THREATENED	POLYGONACEAE	CHORIZANTHE BLAKLEYI
CALIFORNIA	THREATENED	POLYGONACEAE	CHORIZANTHE BREWERI
CALIFORNIA	THREATENED	POLYGONACEAE	CHORIZANTHE HOWELLII
CALIFORNIA	THREATENED	POLYGONACEAE	CHORIZANTHE PARRYI VAR. FERNANDINA
CALIFORNIA	THREATENED	POLYGONACEAE	CHORIZANTHE STATICOIDES SSP. CHRYSACANTHA
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM AMPULLACEUM
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM BIFURCATUM
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM CONGDONII
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM DESERTICOLA
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM EASTWOODIANUM
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM EREMICOLA
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM GOSSYPINUM
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM HOFFMANNII VAR. HOFFMANNII
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM HOFFMANNII VAR. ROBUSTIUS

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM KELLOGGII
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM LATENS
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM MICROTHECUM VAR. PANAMINTENSE
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM OVALIFOLIUM VAR. VINEUM
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM PARVIFOLIUM VAR. PAYNEI
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM SISKIYOUENSE
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM TEMBLORENSE
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM TRUNCATUM
CALIFORNIA	THREATENED	POLYGONACEAE	ERIOGONUM TWISSELMANNII
CALIFORNIA	THREATENED	POLYGONACEAE	GILMANIA LUTEOLA
CALIFORNIA	THREATENED	POLYGONACEAE	POLYGONUM MARINENSE
CALIFORNIA	THREATENED	POLYPODIACEAE	CHEILANTHES FIBRILLOSA
CALIFORNIA	THREATENED	PORTULACACEAE	CLAYTONIA BELLIDIFOLIA
CALIFORNIA	THREATENED	PORTULACACEAE	CLAYTONIA LANCEOLATA VAR. PEIRSONII
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA CANTELOWII
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA CONGDONII
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA COTYLEDON
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA DISEPALA
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA OPPOSITIFOLIA
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA PYGMAEA SSP. LONGIPETALA
CALIFORNIA	THREATENED	PORTULACACEAE	LEWISIA SERRATA
CALIFORNIA	THREATENED	RANUNCULACEAE	DELPHINIUM HESPERIUM SSP. CUYAMACAE
CALIFORNIA	THREATENED	RANUNCULACEAE	DELPHINIUM HUTCHINSONAE
CALIFORNIA	THREATENED	RANUNCULACEAE	DELPHINIUM INOPINUM
CALIFORNIA	THREATENED	RANUNCULACEAE	DELPHINIUM PARISHII SSP. PURPUREUM
CALIFORNIA	THREATENED	RANUNCULACEAE	DELPHINIUM VARIEGATUM SSP. THORNEI
CALIFORNIA	THREATENED	RHAMNACEAE	CEANOTHUS ARBOREUS
CALIFORNIA	THREATENED	RHAMNACEAE	CEANOTHUS CYANEUS
CALIFORNIA	THREATENED	RHAMNACEAE	CEANOTHUS GLORIOSUS VAR. PORRECTUS
CALIFORNIA	THREATENED	RHAMNACEAE	CEANOTHUS RIGIDUS
CALIFORNIA	THREATENED	RHAMNACEAE	CEANOTHUS RODERICKII
CALIFORNIA	THREATENED	ROSACEAE	HORKELIA TULARENSIS
CALIFORNIA	THREATENED	ROSACEAE	IVESIA ARGYROCOMA
CALIFORNIA	THREATENED	ROSACEAE	IVESIA PICKERINGII
CALIFORNIA	THREATENED	ROSACEAE	POTENTILLA PATELLIFERA
CALIFORNIA	THREATENED	RUBIACEAE	GALIUM ANDREWSII VAR. GATENSE
CALIFORNIA	THREATENED	RUBIACEAE	GALIUM BUXIFOLIUM
CALIFORNIA	THREATENED	RUBIACEAE	GALIUM CALIFORNICUM VAR. MIGUELENSE
CALIFORNIA	THREATENED	RUBIACEAE	GALIUM CLEMENTIS
CALIFORNIA	THREATENED	RUBIACEAE	GALIUM HYPOTRICHIUM VAR. TOMENTELLUM
CALIFORNIA	THREATENED	RUBIACEAE	GALIUM SERPENTICUM SSP. WARNERENSE
CALIFORNIA	THREATENED	SARRACENIACEAE	DARLINGTONIA CALIFORNICA
CALIFORNIA	THREATENED	SAXIFRAGACEAE	CARPENTERIA CALIFORNICA

V40 127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CALIFORNIA	THREATENED	SAXIFRAGACEAE	HEUCHERA BREVISTAMINEA
CALIFORNIA	THREATENED	SAXIFRAGACEAE	RIBES CANTHARIFORME
CALIFORNIA	THREATENED	SCROPHULARIACEAE	ANTIRRHINUM SUBCORDATUM
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA BREVILOBATA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA CINEREA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA GLEASONII
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA LASSENENSIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA LATIFOLIA SSP. MENDOCINENSIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA MARTINII VAR. EWANII
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA MINIATA SSP. ELATA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA MOLLIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CASTILLEJA NEGLECTA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	COLLINSIA ANTONINA SSP. ANTONINA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	COLLINSIA ANTONINA SSP. PURPUREA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS ENEMICUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS MARITIMUS SSP. PALUSTRIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS MOLLIS SSP. HISPIDUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS RAMOSUS SSP. ENEMICUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS TECOPENSIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	DIPLACUS ARIDIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	MAURANDYA PETROPHILA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	MIMULUS EXIGUUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	MIMULUS PICTUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	MIMULUS PURPUREUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	MIMULUS RUPICOLA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	ORTHOCARPUS FLORIBUNDUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	ORTHOCARPUS LASIORHYNCHUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PEDICULARIS HOWELLII
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON CALCAREUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON CALIFORNICUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON CINICOLA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON FILIFORMIS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON PAPILLATUS
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON STEPHENSII
CALIFORNIA	THREATENED	SCROPHULARIACEAE	PENSTEMON TRACYI
CALIFORNIA	THREATENED	SCROPHULARIACEAE	SCROPHULARIA ATRATA
CALIFORNIA	THREATENED	SCROPHULARIACEAE	VERONICA COPELANDII
CALIFORNIA	THREATENED	SOLANACEAE	SOLANUM TENUILOBATUM
CALIFORNIA	THREATENED	VIOLACEAE	VIOLA LANCEOLATA SSP. OCCIDENTALIS
CALIFORNIA	THREATENED	VIOLACEAE	VIOLA TOMENTOSA
COLORADO	ENDANGERED	APIACEAE	NEOPARRYA LITHOPHILA
COLORADO	ENDANGERED	ASTERACEAE	HAPLOPAPPUS FREMONTII SSP. MONOCEPHALUS
COLORADO	ENDANGERED	ASTERACEAE	SENECIO PORTERI

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
COLORADO	ENDANGERED	BORAGINACEAE	CRYPTANTHA WEBERI
COLORADO	ENDANGERED	BRASSICACEAE	ARABIS OXYLOBULA
COLORADO	ENDANGERED	BRASSICACEAE	BRAYA HUMILIS SSP. VENTOSA
COLORADO	ENDANGERED	BRASSICACEAE	EUTREMA PENLANDII
COLORADO	ENDANGERED	BRASSICACEAE	LESQUERELLA PRUINOSA
COLORADO	ENDANGERED	CACTACEAE	SCLEROCACTUS GLAUCUS
COLORADO	ENDANGERED	CARYOPHYLLACEAE	STELLARIA IRRIGUA
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS DETERIOR
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS DETRITALIS
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS LUTOSUS
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS MICROCYMBUS
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS NATURITENSIS
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS OSTERHOUTII
COLORADO	ENDANGERED	FABACEAE	ASTRAGALUS SCHMOLLAE
COLORADO	ENDANGERED	FABACEAE	OXYTROPIS OBNAPIFORMIS
COLORADO	ENDANGERED	FABACEAE	TRIFOLIUM LEMMONII
COLORADO	ENDANGERED	HYDROPHYLLACEAE	PHACELIA FORMOSULA
COLORADO	ENDANGERED	ONAGRACEAE	GAURA NEOMEXICANA SSP. COLORADENSIS
COLORADO	ENDANGERED	POLYGONACEAE	ERIOGONUM EPHEDROIDES
COLORADO	ENDANGERED	RANUNCULACEAE	AQUILEGIA MICRANTHA VAR. MANCOSANA
COLORADO	THREATENED	BORAGINACEAE	CRYPTANTHA ELATA
COLORADO	THREATENED	BORAGINACEAE	CRYPTANTHA STRICTA
COLORADO	THREATENED	BORAGINACEAE	MERTENSIA VIRIDIS VAR. CANA
COLORADO	THREATENED	BRASSICACEAE	ARABIS GUNNISONIANA
COLORADO	THREATENED	BRASSICACEAE	DRABA EXUNGUICULATA
COLORADO	THREATENED	BRASSICACEAE	PARRYA NUDICAULIS
COLORADO	THREATENED	BRASSICACEAE	RORIPPA COLORADENSIS
COLORADO	THREATENED	CACTACEAE	SCLEROCACTUS MESAE-VERDAE
COLORADO	THREATENED	CYPERACEAE	CAREX MICROPTERA VAR. CRASSINERVIA
COLORADO	THREATENED	FABACEAE	ASTRAGALUS WETHERILLII
COLORADO	THREATENED	FUMARIACEAE	CORYDALIS CASEANA SSP. CASEANA
COLORADO	THREATENED	POACEAE	PHIPPSIA ALGIDA
COLORADO	THREATENED	POLYGONACEAE	ERIOGONUM BRANDEGEI
COLORADO	THREATENED	POLYGONACEAE	ERIOGONUM SAURINUM
COLORADO	THREATENED	POLYGONACEAE	ERIOGONUM VIRIDULUM
COLORADO	THREATENED	RANUNCULACEAE	AQUILEGIA CHRYSANTHA VAR. HYDBERGII
COLORADO	THREATENED	SAXIFRAGACEAE	SULLIVANTIA PURPUSII
CONNECTICUT	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
CONNECTICUT	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
CONNECTICUT	ENDANGERED	ROSACEAE	PRUNUS GRAVESII
CONNECTICUT	THREATENED	CISTACEAE	HELIANTHEMUM DUMOSUM
CONNECTICUT	THREATENED	CYPERACEAE	SCIRPUS LONGII
CONNECTICUT	THREATENED	ISOETACEAE	ISOETES EATONII

V40127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
CONNECTICUT	THREATENED	POACEAE	PANICUM ACULEATUM
CONNECTICUT	THREATENED	ROSACEAE	PRUNUS ALLEGHANIENSIS
CONNECTICUT	THREATENED	SCROPHULARIACEAE	AGALINIS ACUTA
DELAWARE	ENDANGERED	CYPERACEAE	RHYNCHOSPORA KNIESKERNII
DELAWARE	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
DELAWARE	THREATENED	APIACEAE	OXYPOLIS CANBYI
DELAWARE	THREATENED	BETULACEAE	ALNUS MARITIMA
DELAWARE	THREATENED	ORCHIDACEAE	PLATANTHERA PERAHOENA
DELAWARE	THREATENED	POACEAE	MUHLENBERGIA TORREYANA
DELAWARE	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICRANTHEMOIDES
DISTRICT OF COLUMBIA	THREATENED	POACEAE	PANICUM ACULEATUM
DISTRICT OF COLUMBIA	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICRANTHEMOIDES
FLORIDA	ENDANGERED	ACANTHACEAE	JUSTICIA COOLEYI
FLORIDA	ENDANGERED	ACANTHACEAE	JUSTICIA CRASSIFOLIA
FLORIDA	ENDANGERED	ANNONACEAE	ASIMINA TETRAMERA
FLORIDA	ENDANGERED	APIACEAE	OXYPOLIS GREENMANII
FLORIDA	ENDANGERED	APIACEAE	SIUM FLORIDANUM
FLORIDA	ENDANGERED	ARECACEAE	ROYSTONEA ELATA
FLORIDA	ENDANGERED	ASTERACEAE	ASTER PINIFOLIUS
FLORIDA	ENDANGERED	ASTERACEAE	BALDUINA ATROPURPUREA
FLORIDA	ENDANGERED	ASTERACEAE	LIATRIS OHLINGERAE
FLORIDA	ENDANGERED	ASTERACEAE	LIATRIS PROVINCIALIS
FLORIDA	ENDANGERED	BRASSICACEAE	WAREA CARTERI
FLORIDA	ENDANGERED	BRASSICACEAE	WAREA SESSILIFOLIA
FLORIDA	ENDANGERED	CACTACEAE	CEREUS ERIOPHORUS VAR. FRAGRANS
FLORIDA	ENDANGERED	CACTACEAE	CEREUS GRACILIS VAR. SIMPSONII
FLORIDA	ENDANGERED	CACTACEAE	CEREUS GRACILIS VAR. ABORIGINUM
FLORIDA	ENDANGERED	CACTACEAE	CEREUS ROBINII VAR. DEERINGII
FLORIDA	ENDANGERED	CACTACEAE	CEREUS ROBINII VAR. ROBINII
FLORIDA	ENDANGERED	CARYOPHYLLACEAE	PARONYCHIA CHARTACEA
FLORIDA	ENDANGERED	CARYOPHYLLACEAE	PARONYCHIA RUGELII VAR. INTERIOR
FLORIDA	ENDANGERED	CARYOPHYLLACEAE	SILENE POLYPETALA
FLORIDA	ENDANGERED	CYCADACEAE	ZAMIA INTEGRIFOLIA
FLORIDA	ENDANGERED	ERICACEAE	MONOTROPSIS REYNOLDSIAE
FLORIDA	ENDANGERED	ERICACEAE	RHODODENDRON CHAPMANII
FLORIDA	ENDANGERED	EUPHORBIACEAE	CHAMAESYCE(EUPHORBIA) DELTOIDEA SSP. SERPYLLUM
FLORIDA	ENDANGERED	EUPHORBIACEAE	CHAMAESYCE(EUPHORBIA) PORTERIANA VAR. KEYENSIS
FLORIDA	ENDANGERED	EUPHORBIACEAE	CHAMAESYCE(EUPHORBIA) PORTERIANA VAR. SCOPARIA
FLORIDA	ENDANGERED	EUPHORBIACEAE	CROTON ELLIOTTII
FLORIDA	ENDANGERED	EUPHORBIACEAE	CROTON GLANDULOSUS VAR. SIMPSONII
FLORIDA	ENDANGERED	EUPHORBIACEAE	EUPHORBIA GARBERI
FLORIDA	ENDANGERED	FABACEAE	BAPTISIA RIPARIA
FLORIDA	ENDANGERED	FABACEAE	CASSIA KEYENSIS

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
FLORIDA	ENDANGERED	FABACEAE	CENTROSEMA ARENICOLA
FLORIDA	ENDANGERED	FABACEAE	GALACTIA PINETORUM
FLORIDA	ENDANGERED	FABACEAE	TEPHROSIA ANGUSTISSIMA
FLORIDA	ENDANGERED	FABACEAE	VICIA OCALENSIS
FLORIDA	ENDANGERED	GENTIANACEAE	GENTIANA PENNELLIANA
FLORIDA	ENDANGERED	HYPERICACEAE	HYPERICUM CUMULICOLA
FLORIDA	ENDANGERED	LAMIACEAE	CONRADINA BREVIFOLIA
FLORIDA	ENDANGERED	LAMIACEAE	CONRADINA GLABRA
FLORIDA	ENDANGERED	LAMIACEAE	DICERANDRA FRUTESCENS
FLORIDA	ENDANGERED	LAMIACEAE	DICERANDRA IMMACULATA
FLORIDA	ENDANGERED	LAMIACEAE	HEDEOMA GRAVEOLENS
FLORIDA	ENDANGERED	LAMIACEAE	MACBRIDEA ALBA
FLORIDA	ENDANGERED	LAMIACEAE	SALVIA BLODGETTII
FLORIDA	ENDANGERED	LENTIBULARIACEAE	PINGUICULA IONANTHA
FLORIDA	ENDANGERED	LILIACEAE	HARPEROCALLIS FLAVA
FLORIDA	ENDANGERED	LILIACEAE	HYMENOCALLIS CORONARIA
FLORIDA	ENDANGERED	LILIACEAE	LILIUM IRIDOLLAE
FLORIDA	ENDANGERED	LILIACEAE	NOLINA ATOPOCARPA
FLORIDA	ENDANGERED	LILIACEAE	NOLINA BRITTONIANA
FLORIDA	ENDANGERED	LILIACEAE	VERATRUM WOODII
FLORIDA	ENDANGERED	LINACEAE	LINUM ARENICOLA
FLORIDA	ENDANGERED	LINACEAE	LINUM CARTERI VAR. CARTERI
FLORIDA	ENDANGERED	LINACEAE	LINUM CARTERI VAR. SMALLII
FLORIDA	ENDANGERED	LINACEAE	LINUM WESTII
FLORIDA	ENDANGERED	LOGANIACEAE	SPIGELIA GENTIANOIDES
FLORIDA	ENDANGERED	LOGANIACEAE	SPIGELIA LOGANIOIDES
FLORIDA	ENDANGERED	LYTHRACEAE	CUPHEA ASPERA
FLORIDA	ENDANGERED	MELASTOMATACEAE	RHEXIA PARVIFLORA
FLORIDA	ENDANGERED	OLEACEAE	FORESTIERA SEGREGATA VAR. PINETORUM
FLORIDA	ENDANGERED	ORCHIDACEAE	SPIRANTHES LANCEOLATA VAR. PALUDICOLA
FLORIDA	ENDANGERED	ORCHIDACEAE	TRIPHORA CRAIGHEADII
FLORIDA	ENDANGERED	ORCHIDACEAE	TRIPHORA LATIFOLIA
FLORIDA	ENDANGERED	PLUMBAGINACEAE	LIMONIUM CAROLINIANUM VAR. ANGUSTATUM
FLORIDA	ENDANGERED	POACEAE	ANDROPOGON ARCTATUS
FLORIDA	ENDANGERED	POACEAE	ARISTIDA FLORIDANA
FLORIDA	ENDANGERED	POACEAE	CALAMOVILFA CURTISSII
FLORIDA	ENDANGERED	POACEAE	DIGITARIA PAUCIFLORA
FLORIDA	ENDANGERED	POACEAE	SCHIZACHYRIUM RHIZOMATUM
FLORIDA	ENDANGERED	POACEAE	TRIPSACUM FLORIDANUM
FLORIDA	ENDANGERED	POLYGALACEAE	POLYGALA LEWTONII
FLORIDA	ENDANGERED	POLYGONACEAE	POLYGONELLA CILIATA VAR. BASINANIA
FLORIDA	ENDANGERED	POLYGONACEAE	POLYGONELLA MYRIOPHYLLA
FLORIDA	ENDANGERED	RANUNCULACEAE	AQUILEGIA CANADENSIS VAR. AUSTRALIS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
FLORIDA	ENDANGERED	RANUNCULACEAE	CLEMATIS MICRANTHA
FLORIDA	ENDANGERED	ROSACEAE	PRUNUS GENICULATA
FLORIDA	ENDANGERED	RUBIACEAE	HOUSTONIA NIGRICANS VAR. PULVINATA
FLORIDA	ENDANGERED	SALICACEAE	SALIX FLORIDANA
FLORIDA	ENDANGERED	SAXIFRAGACEAE	RIBES ECHINELLUM
FLORIDA	ENDANGERED	SCHIZAEACEAE	SCHIZAEA GERMANII
FLORIDA	ENDANGERED	SOLANACEAE	SOLANUM GODFREYI
FLORIDA	ENDANGERED	TAXACEAE	TAXUS FLORIDANA
FLORIDA	ENDANGERED	TAXACEAE	TORREYA TAXIFOLIA
FLORIDA	ENDANGERED	VERBENACEAE	VERBENA TAMPENSIS
FLORIDA	THREATENED	ACANTHACEAE	ELYTRARIA CAROLINIENSIS VAR. ANGUSTIFOLIA
FLORIDA	THREATENED	ANNONACEAE	ASIMINA PULCHELLA
FLORIDA	THREATENED	ANNONACEAE	ASIMINA RUGELII
FLORIDA	THREATENED	APIACEAE	ERYNGIUM CUNEIFOLIUM
FLORIDA	THREATENED	APIACEAE	ZIZIA LATIFOLIA
FLORIDA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
FLORIDA	THREATENED	AQUIFOLIACEAE	ILEX OPACA VAR. ARENICOLA
FLORIDA	THREATENED	ARECACEAE	RHAPIDOPHYLLUM HYSTRIX
FLORIDA	THREATENED	ASCLEPIADACEAE	ASCLEPIAS VIRIDULA
FLORIDA	THREATENED	ASCLEPIADACEAE	MATELEA FLORIDANA
FLORIDA	THREATENED	ASTERACEAE	ASTER BRACHYPHOLIS
FLORIDA	THREATENED	ASTERACEAE	ASTER PLUMOSUS
FLORIDA	THREATENED	ASTERACEAE	ASTER SPINULOSUS
FLORIDA	THREATENED	ASTERACEAE	BRICKELLIA CORDIFOLIA
FLORIDA	THREATENED	ASTERACEAE	BRICKELLIA EUPATORIOIDES VAR. FLORIDANA
FLORIDA	THREATENED	ASTERACEAE	CACALIA DIVERSIFOLIA
FLORIDA	THREATENED	ASTERACEAE	HARTWRIGHTIA FLORIDANA
FLORIDA	THREATENED	ASTERACEAE	HELIANTHUS CARNOSUS
FLORIDA	THREATENED	ASTERACEAE	HELIANTHUS DEBILIS SSP. VESTITUS
FLORIDA	THREATENED	ASTERACEAE	HETEROTHECA FLEXUOSA
FLORIDA	THREATENED	ASTERACEAE	MELANTHERA PARVIFOLIA
FLORIDA	THREATENED	ASTERACEAE	RUDBECKIA TRILOBA VAR. PINNATILOBA
FLORIDA	THREATENED	ASTERACEAE	VERBESINA CHAPMANNII
FLORIDA	THREATENED	ASTERACEAE	VERBESINA HETEROPHYLLA
FLORIDA	THREATENED	BORAGINACEAE	HELIOTROPIUM POLYPHYLLUM VAR. HORIZONTALE
FLORIDA	THREATENED	BRASSICACEAE	WAREA AMPLEXIFOLIA
FLORIDA	THREATENED	CACTACEAE	OPUNTIA SPINOSISSIMA
FLORIDA	THREATENED	CACTACEAE	OPUNTIA TRIACANTHA
FLORIDA	THREATENED	CARYOPHYLLACEAE	ARENARIA GODFREYI
FLORIDA	THREATENED	CISTACEAE	LECHEA CERNUA
FLORIDA	THREATENED	CISTACEAE	LECHEA DIVARICATA
FLORIDA	THREATENED	COMMELINACEAE	COMMELINA GIGAS
FLORIDA	THREATENED	CONVOLVULACEAE	BONAMIA GRANDIFLORA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
FLORIDA	THREATENED	CONVOLVULACEAE	JACQUEMONTIA CURTISSII
FLORIDA	THREATENED	CONVOLVULACEAE	JACQUEMONTIA RECLINATA
FLORIDA	THREATENED	CUCURBITACEAE	CUCURBITA OKEECHOBEENSIS
FLORIDA	THREATENED	CYPERACEAE	CAREX BALTZELLII
FLORIDA	THREATENED	CYPERACEAE	CAREX CHAPMANII
FLORIDA	THREATENED	CYPERACEAE	RHYNCHOSPORA CULIXA
FLORIDA	THREATENED	CYPERACEAE	RHYNCHOSPORA PUNCTATA
FLORIDA	THREATENED	ERICACEAE	PIERIS PHILLYREAEFOLIA
FLORIDA	THREATENED	ERICACEAE	RHODODENDRON AUSTRINUM
FLORIDA	THREATENED	ERIOCAULACEAE	LACHNOCAULON BEYRICHIANUM
FLORIDA	THREATENED	EUPHORBIACEAE	ARGYTHAMNIA BLODGETTII
FLORIDA	THREATENED	EUPHORBIACEAE	CHAMAESYCE(EUPHORBIA) CUMULICOLA
FLORIDA	THREATENED	EUPHORBIACEAE	CHAMAESYCE(EUPHORBIA) DELTOIDEA SSP. DELTOIDEA
FLORIDA	THREATENED	EUPHORBIACEAE	CHAMAESYCE(EUPHORBIA) PORTERIANA VAR. PORTERIANA
FLORIDA	THREATENED	EUPHORBIACEAE	EUPHORBIA AUSTRINA
FLORIDA	THREATENED	EUPHORBIACEAE	EUPHORBIA DISCOIDALIS
FLORIDA	THREATENED	EUPHORBIACEAE	EUPHORBIA EXSERTA
FLORIDA	THREATENED	EUPHORBIACEAE	EUPHORBIA TELEPHIOIDES
FLORIDA	THREATENED	EUPHORBIACEAE	PHYLLANTHUS LIEBMANIANUS SSP. PLATYLEPIS
FLORIDA	THREATENED	EUPHORBIACEAE	PHYLLANTHUS PENTAPHYLLUS SSP. FLORIDANUS
FLORIDA	THREATENED	EUPHORBIACEAE	STILLINGIA SYLVATICA SSP. TENUIS
FLORIDA	THREATENED	EUPHORBIACEAE	TRAGIA SAXICOLA
FLORIDA	THREATENED	FABACEAE	BAPTISIA CALYCOSA
FLORIDA	THREATENED	FABACEAE	BAPTISIA HIRSUTA
FLORIDA	THREATENED	FABACEAE	BAPTISIA SIMPLICIFOLIA
FLORIDA	THREATENED	FABACEAE	CLITORIA FRAGRANS
FLORIDA	THREATENED	FABACEAE	LUPINUS WESTIANUS
FLORIDA	THREATENED	FABACEAE	RHYNCHOSIA CINEREA
FLORIDA	THREATENED	FABACEAE	TEPHROSIA MOHRII
FLORIDA	THREATENED	HALORAGACEAE	MYRIOPHYLLUM LAXUM
FLORIDA	THREATENED	HYPERICACEAE	HYPERICUM EDISONIANUM
FLORIDA	THREATENED	ILLICIACEAE	ILLICIUM PARVIFLORUM
FLORIDA	THREATENED	IRIDACEAE	NEMASTYLIS FLORIDANA
FLORIDA	THREATENED	IRIDACEAE	SPHENOSTIGMA COELESTINA
FLORIDA	THREATENED	ISOETACEAE	ISOETES FLACCIDA
FLORIDA	THREATENED	JUNCACEAE	JUNCUS GYMNOCARPUS
FLORIDA	THREATENED	LAMIACEAE	CALAMINTHA ASHEI
FLORIDA	THREATENED	LAMIACEAE	CALAMINTHA DENTATUM
FLORIDA	THREATENED	LAMIACEAE	CONRADINA GRANDIFLORA
FLORIDA	THREATENED	LAMIACEAE	DICERANDRA ODORATISSIMA
FLORIDA	THREATENED	LAMIACEAE	PHYSOSTEGIA LEPTOPHYLLUM
FLORIDA	THREATENED	LAMIACEAE	PYCNANTHEMUM FLORIDANUM
FLORIDA	THREATENED	LAMIACEAE	SCUTELLARIA FLORIDANA

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
FLORIDA	THREATENED	LAMIACEAE	STACHYS LYTHROIDES
FLORIDA	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA
FLORIDA	THREATENED	LAURACEAE	LITSEA AESTIVALIS
FLORIDA	THREATENED	LAURACEAE	PERSEA BORBONIA VAR. HUMILIS
FLORIDA	THREATENED	LENTIBULARIACEAE	PINGUICULA PLANIFOLIA
FLORIDA	THREATENED	LILIACEAE	HYMENOCALLIS LATIFOLIA
FLORIDA	THREATENED	LILIACEAE	ZEPHYRANTHES SIMPSONII
FLORIDA	THREATENED	LILIACEAE	ZEPHYRANTHES TREATIAE
FLORIDA	THREATENED	LINACEAE	LINUM SULCATUM VAR. HARPERI
FLORIDA	THREATENED	LYTHRACEAE	LYTHRUM CURTISSII
FLORIDA	THREATENED	LYTHRACEAE	LYTHRUM FLAGELLARE
FLORIDA	THREATENED	MAGNOLIACEAE	MAGNOLIA ASHEI
FLORIDA	THREATENED	MALVACEAE	KOSTELETZKYA SMILACIFOLIA
FLORIDA	THREATENED	MALVACEAE	SIDA RUBROMARGINATA
FLORIDA	THREATENED	MELASTOMATACEAE	RHEXIA SALICIFOLIA
FLORIDA	THREATENED	MYRTACEAE	MYRCIANTHES FRAGRANS VAR. SIMPSONII
FLORIDA	THREATENED	NYMPHAEACEAE	NUPHAR LUTEUM SSP. ULVACEUM
FLORIDA	THREATENED	OLEACEAE	CHIONANTHUS PYGMAEUS
FLORIDA	THREATENED	OPHIOGLOSSACEAE	OPHIOGLOSSUM DENDRONEURON
FLORIDA	THREATENED	OPHIOGLOSSACEAE	OPHIOGLOSSUM PALMATUM
FLORIDA	THREATENED	ORCHIDACEAE	ENCYCLIA BOOTHIANA VAR. ERYTHRONIOIDES
FLORIDA	THREATENED	ORCHIDACEAE	LEPANTHOPSIS MELANANTHA
FLORIDA	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
FLORIDA	THREATENED	ORCHIDACEAE	PLATANTHERA INTEGRA
FLORIDA	THREATENED	ORCHIDACEAE	SPIRANTHES POLYANTHA
FLORIDA	THREATENED	POACEAE	ARISTIDA SIMPLICIFLORA
FLORIDA	THREATENED	POACEAE	CTENIUM FLORIDANUM
FLORIDA	THREATENED	POACEAE	DIGITARIA FLORIDANA
FLORIDA	THREATENED	POACEAE	DIGITARIA GRACILLIMA
FLORIDA	THREATENED	POACEAE	ERAGROSTIS TRACYI
FLORIDA	THREATENED	POACEAE	ERIOCHLOA MICHAUXII VAR. SIMPSONII
FLORIDA	THREATENED	POACEAE	GYMNOPOGON FLORIDANUS
FLORIDA	THREATENED	POACEAE	MANISURIS TUBERCULOSA
FLORIDA	THREATENED	POACEAE	PANICUM NUDICAULE
FLORIDA	THREATENED	POACEAE	PANICUM PINETORUM
FLORIDA	THREATENED	POACEAE	SCHIZACHYRIUM NIVEUM
FLORIDA	THREATENED	POLYGALACEAE	POLYGALA BOYKINII VAR. SPARSIFOLIA
FLORIDA	THREATENED	POLYGONACEAE	PERSICARIA PALUDICOLA
FLORIDA	THREATENED	POLYGONACEAE	POLYGONELLA MACROPHYLLA
FLORIDA	THREATENED	POLYPODIACEAE	ASPLENIUM PLENUM
FLORIDA	THREATENED	POLYPODIACEAE	TECTARIA AMESIANA
FLORIDA	THREATENED	ROSACEAE	AGRIMONIA INCISA
FLORIDA	THREATENED	RUBIACEAE	PINCKNEYA PUBENS

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
FLORIDA	THREATENED	SARRACENIACEAE	SARRACENIA PSITTACINA
FLORIDA	THREATENED	SARRACENIACEAE	SARRACENIA RUBRA
FLORIDA	THREATENED	SCHISANDRACEAE	SCHISANDRA GLABRA
FLORIDA	THREATENED	SCROPHULARIACEAE	AGALINIS PURPUREA VAR. CARTERI
FLORIDA	THREATENED	STEMONACEAE	CROOMIA PAUCIFLORA
FLORIDA	THREATENED	VERBENACEAE	VERBENA MARITIMA
FLORIDA	THREATENED	XYRIDACEAE	XYRIS ISOETIFOLIA
FLORIDA	THREATENED	XYRIDACEAE	XYRIS LONGISEPALA
FLORIDA	THREATENED	XYRIDACEAE	XYRIS SCABRIFOLIA
GEORGIA	ENDANGERED	ASTERACEAE	BALDUINA ATROPURPUREA
GEORGIA	ENDANGERED	ASTERACEAE	MARSHALLIA MOHRI
GEORGIA	ENDANGERED	BRASSICACEAE	DRABA APRICA
GEORGIA	ENDANGERED	CAPRIFOLIACEAE	VIBURNUM BRACTEATUM
GEORGIA	ENDANGERED	CARYOPHYLLACEAE	PARONYCHIA RUGELII VAR. INTERIOR
GEORGIA	ENDANGERED	CARYOPHYLLACEAE	SILENE POLYPETALA
GEORGIA	ENDANGERED	CYPERACEAE	FIMBRISTYLIS PERPUSILLA
GEORGIA	ENDANGERED	DIAPENSIACEAE	SHORTIA GALACIFOLIA VAR. GALACIFOLIA
GEORGIA	ENDANGERED	ERICACEAE	ELLIOTTIA RACEMOSA
GEORGIA	ENDANGERED	EUPHORBIACEAE	CROTON ELLIOTTII
GEORGIA	ENDANGERED	FABACEAE	BAPTISIA ARACHNIFERA
GEORGIA	ENDANGERED	GENTIANACEAE	GENTIANA DELOACHII
GEORGIA	ENDANGERED	LAMIACEAE	PYCNANTHEMUM CURVIPES
GEORGIA	ENDANGERED	LILIACEAE	HYMENOCALLIS CORONARIA
GEORGIA	ENDANGERED	LILIACEAE	VERATRUM WOODII
GEORGIA	ENDANGERED	MELASTOMATACEAE	RHEXIA PARVIFLORA
GEORGIA	ENDANGERED	POACEAE	PANICUM HIRSTII
GEORGIA	ENDANGERED	SALICACEAE	SALIX FLORIDANA
GEORGIA	ENDANGERED	SAPOTACEAE	BUMELIA THORNEI
GEORGIA	ENDANGERED	SARRACENIACEAE	SARRACENIA OREOPHILA
GEORGIA	ENDANGERED	SCROPHULARIACEAE	AMPHIANTHUS PUSILLUS
GEORGIA	ENDANGERED	SCROPHULARIACEAE	LINDERNIA SAXICOLA
GEORGIA	ENDANGERED	TAXACEAE	TORREYA TAXIFOLIA
GEORGIA	THREATENED	APIACEAE	OXYPOLIS CANBYI
GEORGIA	THREATENED	APIACEAE	PTILIMNIUM NODOSUM
GEORGIA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
GEORGIA	THREATENED	ARECACEAE	RHAPIDOPHYLLUM HYSTRIX
GEORGIA	THREATENED	ASTERACEAE	BRICKELLIA CORDIFOLIA
GEORGIA	THREATENED	ASTERACEAE	CACALIA DIVERSIFOLIA
GEORGIA	THREATENED	ASTERACEAE	ECHINACEA LAEVIGATA
GEORGIA	THREATENED	ASTERACEAE	HARTWRIGHTIA FLORIDANA
GEORGIA	THREATENED	ASTERACEAE	MARSHALLIA RAMOSA
GEORGIA	THREATENED	ASTERACEAE	NUDBECKIA HELIOPSIDIS
GEORGIA	THREATENED	ASTERACEAE	SENECIO MILLEFOLIUM

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
GEORGIA	THREATENED	ASTERACEAE	VERNONIA PULCHELLA
GEORGIA	THREATENED	ASTERACEAE	VIGUIERA PORTERI
GEORGIA	THREATENED	BRASSICACEAE	ARABIS GEORGIANA
GEORGIA	THREATENED	BRASSICACEAE	LEAVENWORTHIA EXIGUA VAR. EXIGUA
GEORGIA	THREATENED	CRASSULACEAE	SEDUM PUSILLUM
GEORGIA	THREATENED	CUSCUTACEAE	CUSCUTA HARPERI
GEORGIA	THREATENED	CYPERACEAE	CAREX AMPLISQUAMA
GEORGIA	THREATENED	CYPERACEAE	CAREX BILTMOREANA
GEORGIA	THREATENED	CYPERACEAE	CAREX MISERA
GEORGIA	THREATENED	CYPERACEAE	CAREX PURPURIFERA
GEORGIA	THREATENED	CYPERACEAE	CYPERUS GRANITOPHILUS
GEORGIA	THREATENED	CYPERACEAE	RHYNCHOSPORA CULIXA
GEORGIA	THREATENED	CYPERACEAE	RHYNCHOSPORA GLOBULARIS VAR. SAXICOLA
GEORGIA	THREATENED	CYPERACEAE	RHYNCHOSPORA PUNCTATA
GEORGIA	THREATENED	ERICACEAE	PIERIS PHILLYREAEFOLIA
GEORGIA	THREATENED	ERICACEAE	RHODODENDRON AUSTRINUM
GEORGIA	THREATENED	ERICACEAE	RHODODENDRON PRUNIFOLIUM
GEORGIA	THREATENED	ERIOCAULACEAE	LACHNOCAULON BEYRICHIANUM
GEORGIA	THREATENED	FAGACEAE	QUERCUS GEORGIANA
GEORGIA	THREATENED	FAGACEAE	QUERCUS OGLETHORPENSIS
GEORGIA	THREATENED	HALORAGACEAE	MYRIOPHYLLUM LAXUM
GEORGIA	THREATENED	HAMAMELIDACEAE	FOTHERGILLA GARDENI
GEORGIA	THREATENED	HYDROPHYLLACEAE	PHACELIA DUBIA VAR. GEORGIANA
GEORGIA	THREATENED	ISOETACEAE	ISOETES FLACCIDA
GEORGIA	THREATENED	ISOETACEAE	ISOETES MELANOSPORA
GEORGIA	THREATENED	ISOETACEAE	ISOETES VIRGINICA
GEORGIA	THREATENED	LAMIACEAE	CALAMINTHA DENTATUM
GEORGIA	THREATENED	LAMIACEAE	DICERANDRA ODORATISSIMA
GEORGIA	THREATENED	LAMIACEAE	PHYSOSTEGIA VERONICIFORMIS
GEORGIA	THREATENED	LAMIACEAE	SCUTELLARIA MONTANA
GEORGIA	THREATENED	LAURACEAE	LITSEA AESTIVALIS
GEORGIA	THREATENED	LILIACEAE	SMILAX LEPTANTHERA
GEORGIA	THREATENED	LINACEAE	LINUM SULCATUM VAR. HARPERI
GEORGIA	THREATENED	LYTHRACEAE	LYTHRUM CURTISSII
GEORGIA	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
GEORGIA	THREATENED	POACEAE	CTENIUM FLORIDANUM
GEORGIA	THREATENED	POACEAE	MUHLENBERGIA TORREYANA
GEORGIA	THREATENED	POACEAE	PANICUM LITHOPHILUM
GEORGIA	THREATENED	POACEAE	SCHIZACHYRIUM NIVEUM
GEORGIA	THREATENED	POACEAE	SPOROBOLUS TERETIFOLIUS
GEORGIA	THREATENED	POLYPODIACEAE	ASPLENIUM METERORESILIENS
GEORGIA	THREATENED	PORTULACACEAE	PORTULACA SMALLII
GEORGIA	THREATENED	PORTULACACEAE	TALINUM MENGESII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
GEORGIA	THREATENED	RANUNCULACEAE	THALICTRUM DEBILE
GEORGIA	THREATENED	ROSACEAE	WALDSTEINIA LOBATA
GEORGIA	THREATENED	RUBIACEAE	PINCKNEYA PUBENS
GEORGIA	THREATENED	SANTALACEAE	NESTRONIA UMBELLULA
GEORGIA	THREATENED	SARRACENIACEAE	SARRACENIA PSITTACINA
GEORGIA	THREATENED	SARRACENIACEAE	SARRACENIA RUBRA
GEORGIA	THREATENED	SCHISANDRACEAE	SCHISANDRA GLABRA
GEORGIA	THREATENED	SCROPHULARIACEAE	AURELARIA PATULA
GEORGIA	THREATENED	SCROPHULARIACEAE	PENSTEMON DISSECTUS
GEORGIA	THREATENED	STEMONACEAE	CROOMIA PAUCIFLORA
GEORGIA	THREATENED	XYRIDACEAE	XYRIS SCABRIFOLIA
IDAHO	ENDANGERED	ASTERACEAE	ANTENNARIA ARCUATA
IDAHO	ENDANGERED	ASTERACEAE	ERIGERON LATUS
IDAHO	ENDANGERED	ASTERACEAE	HAPLOPAPPUS RADIATUS
IDAHO	ENDANGERED	BORAGINACEAE	DASYNOTUS DAUBENMIREI
IDAHO	ENDANGERED	BORAGINACEAE	HACKELIA DAVISII
IDAHO	ENDANGERED	BRASSICACEAE	CARDAMINE CONSTANCEI
IDAHO	ENDANGERED	BRASSICACEAE	LEPIDIUM DAVISII
IDAHO	ENDANGERED	BRASSICACEAE	THELYPODIUM REPANDUM
IDAHO	ENDANGERED	CARYOPHYLLACEAE	SILENE SPALDINGII
IDAHO	ENDANGERED	CYPERACEAE	CAREX ABORIGINUM
IDAHO	ENDANGERED	FABACEAE	ASTRAGALUS AMNIS-AMISSI
IDAHO	ENDANGERED	FABACEAE	ASTRAGALUS ATRATUS VAR. INSEPTUS
IDAHO	ENDANGERED	FABACEAE	ASTRAGALUS PURSHII VAR. OPHIOGENES
IDAHO	ENDANGERED	FABACEAE	ASTRAGALUS STERILIS
IDAHO	ENDANGERED	LILIACEAE	ALLIUM AASEAE
IDAHO	ENDANGERED	LILIACEAE	TOFIELDIA GLUTINOSA SSP. ABSONA
IDAHO	ENDANGERED	NYCTAGINACEAE	MIRABILIS MACFARLANEI
IDAHO	ENDANGERED	ONAGRACEAE	OENOTHERA PSAMMOPHILA
IDAHO	ENDANGERED	POLEMONIACEAE	PHLOX IDAHONIS
IDAHO	ENDANGERED	PRIMULACEAE	PRIMULA CUSICKIANA
IDAHO	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA CHRISTII
IDAHO	THREATENED	APIACEAE	LOMATIUM HENDERSONII
IDAHO	THREATENED	APIACEAE	LOMATIUM ROLLINSII
IDAHO	THREATENED	APIACEAE	LOMATIUM SERPENTINUM
IDAHO	THREATENED	ASTERACEAE	ARTEMISIA PAPPOSA
IDAHO	THREATENED	ASTERACEAE	ASTER JESSICAE
IDAHO	THREATENED	ASTERACEAE	CHAENACTIS EVERMANNII
IDAHO	THREATENED	ASTERACEAE	CIRSIUM DAVISII
IDAHO	THREATENED	ASTERACEAE	GRINDELIA HOWELLII
IDAHO	THREATENED	ASTERACEAE	HAPLOPAPPUS ABERRANS
IDAHO	THREATENED	ASTERACEAE	HAPLOPAPPUS LIATRIFORMIS
IDAHO	THREATENED	ASTERACEAE	HYMENOPAPPUS FILIFOLIUS VAR. IDAHOENSIS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
IDAHO	THREATENED	BORAGINACEAE	CRYPTANTHA HYPSOPHILA
IDAHO	THREATENED	BORAGINACEAE	HACKELIA HISPIDA
IDAHO	THREATENED	BRASSICACEAE	DRABA APICULATA VAR. DAVIESIAE
IDAHO	THREATENED	BRASSICACEAE	DRABA ARGYRAEA
IDAHO	THREATENED	BRASSICACEAE	DRABA SPHAEROCARPA
IDAHO	THREATENED	BRASSICACEAE	HALIMOLOBOS PERPLEXA VAR. LEMHIENSIS
IDAHO	THREATENED	BRASSICACEAE	HALIMOLOBOS PERPLEXA VAR. PERPLEXA
IDAHO	THREATENED	BRASSICACEAE	LESQUERELLA CARINATA
IDAHO	THREATENED	BRASSICACEAE	PHYSARIA ALPESTRIS VAR. LYRATA
IDAHO	THREATENED	BRASSICACEAE	PHYSARIA ALPESTRIS VAR. PURPUREA
IDAHO	THREATENED	CARYOPHYLLACEAE	SILENE SCAPOSA VAR. LOBATA
IDAHO	THREATENED	FABACEAE	ASTRAGALUS MULFORDAE
IDAHO	THREATENED	FABACEAE	ASTRAGALUS VEXILLIFLEXUS VAR. NUDILUS
IDAHO	THREATENED	FABACEAE	TRIFOLIUM PLUMOSUM VAR. AMPLIFOLIUM
IDAHO	THREATENED	FUMARIACEAE	CORYDALIS CASEANA SSP. HASTATA
IDAHO	THREATENED	GENTIANACEAE	FRASERA IDAHOENSIS
IDAHO	THREATENED	LILIACEAE	ALLIUM MADIDUM
IDAHO	THREATENED	LILIACEAE	ALLIUM TOLMIEI VAR. PERSIMILE
IDAHO	THREATENED	LILIACEAE	CALOCHORTUS NITIDUS
IDAHO	THREATENED	POACEAE	CALAMAGROSTIS TWEEDYI
IDAHO	THREATENED	POLYGONACEAE	ERIOGONUM THYMOIDES
IDAHO	THREATENED	PORTULACACEAE	CLAYTONIA FLAVA
IDAHO	THREATENED	PORTULACACEAE	LEWISIA COLUMBIANA VAR. WALLOWENSIS
IDAHO	THREATENED	ROSACEAE	RUBUS BARTONIANUS
IDAHO	THREATENED	ROSACEAE	WALDSTEINIA IDAHOENSIS
IDAHO	THREATENED	SCROPHULARIACEAE	CASTILLEJA ORESBIA
IDAHO	THREATENED	SCROPHULARIACEAE	PENSTEMON ELEGANTULUS
IDAHO	THREATENED	SCROPHULARIACEAE	PENSTEMON LEMHIENSIS
IDAHO	THREATENED	SCROPHULARIACEAE	SYNTHYRIS HENDERSONII
IDAHO	THREATENED	SCROPHULARIACEAE	SYNTHYRIS PLATYCARPA
ILLINOIS	ENDANGERED	ASTERACEAE	ASTER CHASEI
ILLINOIS	ENDANGERED	FABACEAE	LESPEDEZA LEPTOSTACHYA
ILLINOIS	ENDANGERED	FABACEAE	PETALOSTEMUM FOLIOSUM
ILLINOIS	ENDANGERED	MALVACEAE	ILIAMNA REMOTA
ILLINOIS	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
ILLINOIS	THREATENED	ANACARDIACEAE	RHUS TRILOBATA VAR. ARENARIA
ILLINOIS	THREATENED	ASCLEPIADACEAE	ASCLEPIAS MEADII
ILLINOIS	THREATENED	ASTERACEAE	BOLTONIA ASTEROIDES VAR. DECURRENS
ILLINOIS	THREATENED	CYPERACEAE	CYPERUS GRAYIOIDES
ILLINOIS	THREATENED	FABACEAE	APIOS PRICEANA
ILLINOIS	THREATENED	FABACEAE	ASTRAGALUS TENNESSEENSIS
ILLINOIS	THREATENED	LAMIACEAE	SYNANDRA HISPIDULA
ILLINOIS	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
ILLINOIS	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
ILLINOIS	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
ILLINOIS	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
ILLINOIS	THREATENED	POACEAE	MUHLENBERGIA CURTISETOSA
ILLINOIS	THREATENED	POACEAE	POA PALUDIGENA
ILLINOIS	THREATENED	POLYPODIACEAE	ASPLENIUM KENTUCKIENSE
ILLINOIS	THREATENED	PRIMULACEAE	DODECATHEON FRENCHII
ILLINOIS	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OHIONIS
INDIANA	ENDANGERED	MALVACEAE	ILIAMNA REMOTA
INDIANA	THREATENED	ANACARDIACEAE	RHUS TRILOBATA VAR. ARENARIA
INDIANA	THREATENED	ASCLEPIADACEAE	ASCLEPIAS MEADII
INDIANA	THREATENED	BRASSICACEAE	LESQUERELLA GLOBOSA
INDIANA	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
INDIANA	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
INDIANA	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
INDIANA	THREATENED	POACEAE	POA PALUDIGENA
INDIANA	THREATENED	POLEMONIACEAE	PHLOX BIFIDA VAR. STELLARIA
INDIANA	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OHIONIS
IOWA	ENDANGERED	FABACEAE	LESPEDEZA LEPTOSTACHYA
IOWA	THREATENED	ASCLEPIADACEAE	ASCLEPIAS MEADII
IOWA	THREATENED	RANUNCULACEAE	ACONITUM NOVEBORACENSE VAR. EQUASICILIATUM
KANSAS	THREATENED	ASCLEPIADACEAE	ASCLEPIAS MEADII
KANSAS	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
KENTUCKY	ENDANGERED	ASTERACEAE	EUPATORIUM RESINOSUM VAR. KENTUCKIENSE
KENTUCKY	ENDANGERED	ASTERACEAE	HELIANTHUS EGGERTII
KENTUCKY	ENDANGERED	ASTERACEAE	SOLIDAGO ALBOPILOSA
KENTUCKY	ENDANGERED	ASTERACEAE	SOLIDAGO SHORTII
KENTUCKY	ENDANGERED	BRASSICACEAE	ARABIS PERSTELLATA VAR. PERSTELLATA
KENTUCKY	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA EXIGUA VAR. LACINIATA
KENTUCKY	ENDANGERED	LAMIACEAE	CONRADINA VERTICILLATA
KENTUCKY	THREATENED	APIACEAE	OXYPOLIS CANBYI
KENTUCKY	THREATENED	ASTERACEAE	PRENANTHES ROANENSIS
KENTUCKY	THREATENED	BRASSICACEAE	LEAVENWORTHIA TORULOSA
KENTUCKY	THREATENED	BRASSICACEAE	LESQUERELLA GLOBOSA
KENTUCKY	THREATENED	CARYOPHYLLACEAE	ARENARIA FONTINALIS
KENTUCKY	THREATENED	CARYOPHYLLACEAE	STELLARIA FONTINALIS
KENTUCKY	THREATENED	CYPERACEAE	CAREX PURPURIFERA
KENTUCKY	THREATENED	ERICACEAE	RHODODENDRON BAKERI
KENTUCKY	THREATENED	FABACEAE	APIOS PRICEANA
KENTUCKY	THREATENED	HYPERICACEAE	HYPERICUM SPHAEROCARPUM VAR. TURGIDUM
KENTUCKY	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CANDIDUM
KENTUCKY	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
KENTUCKY	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
KENTUCKY	THREATENED	POACEAE	MUHLENBERGIA TORREYANA
KENTUCKY	THREATENED	POLEMONIACEAE	PHLOX BIFIDA VAR. STELLARIA
KENTUCKY	THREATENED	POLEMONIACEAE	POLEMONIUM REPTANS VAR. VILLOSUM
KENTUCKY	THREATENED	POLYPODIACEAE	ASPLENIUM KENTUCKIENSE
KENTUCKY	THREATENED	PRIMULACEAE	DODECATHEON FRENCHII
KENTUCKY	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAROLINIANA
KENTUCKY	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OHIONIS
KENTUCKY	THREATENED	SCROPHULARIACEAE	AUREOLARIA PATULA
KENTUCKY	THREATENED	VIOLACEAE	VIOLA EGGLESTONII
LOUISIANA	ENDANGERED	ISOETACEAE	ISOETES LOUISIANENSIS
LOUISIANA	THREATENED	APOCYNACEAE	AMSONIA GLABERRIMA
LOUISIANA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
LOUISIANA	THREATENED	LAMIACEAE	SCUTELLARIA THIERETII
LOUISIANA	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA
LOUISIANA	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
LOUISIANA	THREATENED	POACEAE	BOTHRIOCHLOA EXARISTATA
LOUISIANA	THREATENED	SARRACENIACEAE	SARRACENIA PSITTACINA
LOUISIANA	THREATENED	SCROPHULARIACEAE	AGALINIS CADDOENSIS
MAINE	ENDANGERED	CYPERACEAE	CAREX ELACHYCARPA
MAINE	ENDANGERED	POACEAE	CALAMAGROSTIS INEXPANSA VAR. NOVAE-ANGLIAE
MAINE	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
MAINE	ENDANGERED	SCROPHULARIACEAE	MIMULUS RINGENS VAR. COLPOPHILUS
MAINE	THREATENED	ASTERACEAE	PRENANTHES BOOTTII
MAINE	THREATENED	BRASSICACEAE	CARDAMINE LONGII
MAINE	THREATENED	CARYOPHYLLACEAE	PARONYCHIA ARGYROCOMA VAR. ALBIMONTANA
MAINE	THREATENED	CYPERACEAE	CAREX ORONENSIS
MAINE	THREATENED	ORCHIDACEAE	LISTERA AURICULATA
MAINE	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
MARYLAND	ENDANGERED	LILIACEAE	TRILLIUM PUSILLUM VAR. VIRGINIANUM
MARYLAND	THREATENED	APIACEAE	PTILIMNIUM FLUVIATILE
MARYLAND	THREATENED	BETULACEAE	ALNUS MARITIMA
MARYLAND	THREATENED	BRASSICACEAE	CARDAMINE LONGII
MARYLAND	THREATENED	JUNCACEAE	JUNCUS CAESARIENSIS
MARYLAND	THREATENED	LILIACEAE	LILIUM GRAYII
MARYLAND	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
MARYLAND	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
MARYLAND	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICRANTHEMOIDES
MASSACHUSETTS	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
MASSACHUSETTS	THREATENED	ASTERACEAE	EUPATORIUM LEUCOLEPIS VAR. NOVAE-ANGLIAE
MASSACHUSETTS	THREATENED	CARYOPHYLLACEAE	PARONYCHIA ARGYROCOMA VAR. ALBIMONTANA
MASSACHUSETTS	THREATENED	CISTACEAE	HELIANTHEMUM DUMOSUM
MASSACHUSETTS	THREATENED	CYPERACEAE	SCIRPUS LONGII
MASSACHUSETTS	THREATENED	ISOETACEAE	ISOETES EATONII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
MASSACHUSETTS	THREATENED	ORCHIDACEAE	CYPRIPEDIUM ARIETINUM
MASSACHUSETTS	THREATENED	SCROPHULARIACEAE	AGALINIS ACUTA
MICHIGAN	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
MICHIGAN	ENDANGERED	POLYPODIACEAE	PHYLLITIS SCOLOPENDRIUM VAR. AMERICANA
MICHIGAN	ENDANGERED	POLYPODIACEAE	WOODSIA ABBEAE
MICHIGAN	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
MICHIGAN	ENDANGERED	SCROPHULARIACEAE	MIMULUS GLABRATUS VAR. MICHIGANENSIS
MICHIGAN	THREATENED	IRIDACEAE	IRIS LACUSTRIS
MICHIGAN	THREATENED	ORCHIDACEAE	CYPRIPEDIUM ARIETINUM
MICHIGAN	THREATENED	ORCHIDACEAE	LISTERA AURICULATA
MICHIGAN	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
MICHIGAN	THREATENED	POACEAE	POA PALUDIGENA
MICHIGAN	THREATENED	POLYPODIACEAE	GYMNOCARPIUM HETEROSPORUM
MICHIGAN	THREATENED	POTAMOGETONACEAE	POTAMOGETON HILLII
MINNESOTA	ENDANGERED	FABACEAE	LESPEDEZA LEPTOSTACHYA
MINNESOTA	ENDANGERED	POLEMONIACEAE	POLEMONIUM OCCIDENTALE VAR. LACUSTRE
MINNESOTA	ENDANGERED	POLYPODIACEAE	WOODSIA ABBEAE
MINNESOTA	THREATENED	ASTERACEAE	ERIGERON PULCHELLUS VAR. TOLSTEADII
MINNESOTA	THREATENED	LILIACEAE	ERYTHRONIUM PROPULLANS
MINNESOTA	THREATENED	ORCHIDACEAE	CYPRIPEDIUM ARIETINUM
MINNESOTA	THREATENED	ORCHIDACEAE	LISTERA AURICULATA
MINNESOTA	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
MINNESOTA	THREATENED	POLYPODIACEAE	GYMNOCARPIUM HETEROSPORUM
MINNESOTA	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OHIONIS
MISSISSIPPI	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
MISSISSIPPI	THREATENED	ARECACEAE	RHAPIDOPHYLLUM HYSTRIX
MISSISSIPPI	THREATENED	ASTERACEAE	ASTER VERUTIFOLIUS
MISSISSIPPI	THREATENED	LENTIBULARIACEAE	PINGUICULA PLANIFOLIA
MISSISSIPPI	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
MISSISSIPPI	THREATENED	POACEAE	ARISTIDA SIMPLICIFLORA
MISSISSIPPI	THREATENED	POACEAE	PANICUM NUDICAULE
MISSISSIPPI	THREATENED	RANUNCULACEAE	THALICTRUM DEBILE
MISSISSIPPI	THREATENED	ROSACEAE	AGRIMONIA INCISA
MISSISSIPPI	THREATENED	SARRACENIACEAE	SARRACENIA PSITTACINA
MISSISSIPPI	THREATENED	SARRACENIACEAE	SARRACENIA RUBRA
MISSISSIPPI	THREATENED	XYRIDACEAE	XYRIS SCABRIFOLIA
MISSOURI	ENDANGERED	BRASSICACEAE	DRABA APRICA
MISSOURI	ENDANGERED	BRASSICACEAE	LESQUERELLA FILIFORMIS
MISSOURI	ENDANGERED	CARYOPHYLLACEAE	GEOCARPON MINIMUM
MISSOURI	ENDANGERED	FAGACEAE	CASTANEA OZARKENSIS
MISSOURI	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
MISSOURI	ENDANGERED	POACEAE	CALAMAGROSTIS INSPERATA
MISSOURI	ENDANGERED	SAXIFRAGACEAE	HEUCHERA MISSOURIENSIS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
MISSOURI	THREATENED	ASCLEPIADACEAE	ASCLEPIAS MEADII
MISSOURI	THREATENED	ASTERACEAE	BOLTONIA ASTEROIDES VAR. DECURRENS
MISSOURI	THREATENED	ERICACEAE	VACCINIUM VACILLANS VAR. MISSOURIENSE
MISSOURI	THREATENED	FABACEAE	AMORPHA BRACHYCARPA
MISSOURI	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA
MISSOURI	THREATENED	LILIACEAE	TRILLIUM PUSILLUM VAR. OZARKANUM
MISSOURI	THREATENED	MALVACEAE	CALLIRHOE PAPAVER VAR. BUSHII
MISSOURI	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CANDIDUM
MISSOURI	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
MISSOURI	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
MISSOURI	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
MISSOURI	THREATENED	POACEAE	MUHLENBERGIA CURTISETOSA
MISSOURI	THREATENED	POACEAE	SPOROBOLUS NEGLECTUS VAR. OZARKANUS
MISSOURI	THREATENED	RANUNCULACEAE	DELPHINIUM TRELEASEI
MISSOURI	THREATENED	ROSACEAE	NEVIUSIA ALABAMENSIS
MISSOURI	THREATENED	ROSACEAE	RUBUS MISSOURICUS
MISSOURI	THREATENED	SCROPHULARIACEAE	PENSTEMON COBAEA VAR. PURPUREUS
MONTANA	ENDANGERED	CARYOPHYLLACEAE	SILENE SPALDINGII
MONTANA	ENDANGERED	POLEMONIACEAE	PHLOX MISSOULENSIS
MONTANA	THREATENED	ASTERACEAE	GRINDELIA HOWELLII
MONTANA	THREATENED	BORAGINACEAE	CRYPTANTHA SOBOLIFERA
MONTANA	THREATENED	BRASSICACEAE	CARDAMINE RUPICOLA
MONTANA	THREATENED	BRASSICACEAE	DRABA APICULATA VAR. DAVIESIAE
MONTANA	THREATENED	BRASSICACEAE	RORIPPA CALYCINA
MONTANA	THREATENED	PORTULACACEAE	CLAYTONIA FLAVA
MONTANA	THREATENED	RANUNCULACEAE	AQUILEGIA JONESII
MONTANA	THREATENED	SCROPHULARIACEAE	PENSTEMON LEMHIENSIS
NEBRASKA	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
NEVADA	ENDANGERED	APIACEAE	CYMOPTERUS NIVALIS
NEVADA	ENDANGERED	ASCLEPIADACEAE	ASCLEPIAS EASTWOODIANA
NEVADA	ENDANGERED	ASTERACEAE	CIRSIUM CLOKEYI
NEVADA	ENDANGERED	ASTERACEAE	MACHAERANTHERA LEUCANTHEMIFOLIA
NEVADA	ENDANGERED	ASTERACEAE	TANACETUM COMPACTUM
NEVADA	ENDANGERED	BRASSICACEAE	DRABA ARIDA
NEVADA	ENDANGERED	BRASSICACEAE	DRABA PAUCIFRUCTA
NEVADA	ENDANGERED	EUPHORBIACEAE	CROTON WIGGINSII
NEVADA	ENDANGERED	EUPHORBIACEAE	DITAXIS DIVERSIFLORA
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS BEATLEYAE
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS CALYCOSUS VAR. MONOPHYLLIDIUS
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS NYENSIS
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS PHOENIX
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS PORRECTUS
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS ROBBINSII VAR. OCCIDENTALIS

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS SERENOI VAR. SORDESCENS
NEVADA	ENDANGERED	FABACEAE	ASTRAGALUS UNCIALIS
NEVADA	ENDANGERED	FABACEAE	LATHYRUS HITCHCOCKIANUS
NEVADA	ENDANGERED	FABACEAE	TRIFOLIUM ANDERSONII SSP. BEATLEYAE
NEVADA	ENDANGERED	FABACEAE	TRIFOLIUM LEMMONII
NEVADA	ENDANGERED	GENTIANACEAE	CENTAURIUM NAMOPHILUM
NEVADA	ENDANGERED	GENTIANACEAE	FRASERA GYPSICOLA
NEVADA	ENDANGERED	GENTIANACEAE	FRASERA PAHUTENSIS
NEVADA	ENDANGERED	GERANIACEAE	GERANIUM TOQUIMENSE
NEVADA	ENDANGERED	HYDROPHYLLACEAE	PHACELIA BEATLEYAE
NEVADA	ENDANGERED	LOASACEAE	MENTZELIA LEUCOPHYLLA
NEVADA	ENDANGERED	NYCTAGINACEAE	MIRABILIS PUDICA
NEVADA	ENDANGERED	ONAGRACEAE	CAMISSONIA MEGALANTHA
NEVADA	ENDANGERED	ONAGRACEAE	CAMISSONIA NEVADENSIS
NEVADA	ENDANGERED	POLYGONACEAE	ERIOGONUM ANEMOPHILUM
NEVADA	ENDANGERED	POLYGONACEAE	ERIOGONUM ARGOPHYLLUM
NEVADA	ENDANGERED	PRIMULACEAE	PRIMULA CAPILLARIS
NEVADA	ENDANGERED	PRIMULACEAE	PRIMULA NEVADENSIS
NEVADA	ENDANGERED	ROSACEAE	IVESIA CRYPTOCAULIS
NEVADA	ENDANGERED	ROSACEAE	IVESIA EREMICA
NEVADA	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA SALSUGINOSA
NEVADA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON DECURVUS
NEVADA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON KECKII
NEVADA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON NANUS
NEVADA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON NYEENSIS
NEVADA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON PAHUTENSIS
NEVADA	ENDANGERED	SCROPHULARIACEAE	PENSTEMON RUBICUNDUS
NEVADA	ENDANGERED	SCROPHULARIACEAE	SYNTHYRIS RANUNCULINA
NEVADA	THREATENED	APIACEAE	ANGELICA SCABRIDA
NEVADA	THREATENED	APIACEAE	CYMOPTERUS BASALTICUS
NEVADA	THREATENED	ASTERACEAE	ANTENNARIA SOLICEPS
NEVADA	THREATENED	ASTERACEAE	ENCELIOPSIS NUDICAULIS VAR. CORRUGATA
NEVADA	THREATENED	ASTERACEAE	ERIGERON OVINUS
NEVADA	THREATENED	ASTERACEAE	ERIGERON UNCIALIS VAR. CONJUGANS
NEVADA	THREATENED	ASTERACEAE	GRINDELIA FRAXINO-PRATENSIS
NEVADA	THREATENED	ASTERACEAE	HAPLOPAPPUS BRICKELLIOIDES
NEVADA	THREATENED	ASTERACEAE	HAPLOPAPPUS CANUS
NEVADA	THREATENED	ASTERACEAE	HAPLOPAPPUS EXIMIUS
NEVADA	THREATENED	ASTERACEAE	MACHAERANTHERA AMMOPHILA
NEVADA	THREATENED	ASTERACEAE	MACHAERANTHERA GRINDELIOIDES VAR. DEPRESSA
NEVADA	THREATENED	ASTERACEAE	PERITYLE MEGALOCEPHALA VAR. INTRICATA
NEVADA	THREATENED	ASTERACEAE	SENECIO LYNCEUS VAR. LEUCOREUS
NEVADA	THREATENED	ASTERACEAE	TOWNSENDIA JONESII VAR. TUMULOSA

V 40 127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NEVADA	THREATENED	BORAGINACEAE	CRYPTANTHA COMPACTA
NEVADA	THREATENED	BORAGINACEAE	CRYPTANTHA HOFFMANNII
NEVADA	THREATENED	BORAGINACEAE	CRYPTANTHA INTERRUPTA
NEVADA	THREATENED	BORAGINACEAE	CRYPTANTHA TUMULOSA
NEVADA	THREATENED	BRASSICACEAE	ARABIS SHOCKLEYI
NEVADA	THREATENED	BRASSICACEAE	DRABA ASTEROPHORA VAR. ASTEROPHORA
NEVADA	THREATENED	BRASSICACEAE	DRABA CRASSIFOLIA VAR. NEVADENSIS
NEVADA	THREATENED	BRASSICACEAE	DRABA DOUGLASII
NEVADA	THREATENED	BRASSICACEAE	DRABA JAEGERI
NEVADA	THREATENED	BRASSICACEAE	DRABA STENOLOBA VAR. RAMOSA
NEVADA	THREATENED	BRASSICACEAE	LEPIDIUM NANUM
NEVADA	THREATENED	BRASSICACEAE	LESQUERELLA HITCHCOCKII
NEVADA	THREATENED	BRASSICACEAE	RORIPPA SUBUMBELLATA
NEVADA	THREATENED	CACTACEAE	CORYPHANTHA VIVIPARA VAR. ROSEA
NEVADA	THREATENED	CACTACEAE	OPUNTIA WHIPPLEI VAR. MULTIGENICULATA
NEVADA	THREATENED	CACTACEAE	SCLEROCACTUS PUBISPINUS
NEVADA	THREATENED	CARYOPHYLLACEAE	ARENARIA KINGII VAR. ROSEA
NEVADA	THREATENED	CARYOPHYLLACEAE	ARENARIA STENOMERES
NEVADA	THREATENED	CARYOPHYLLACEAE	SILENE CLOKEYI
NEVADA	THREATENED	CARYOPHYLLACEAE	SILENE SCAPOSA VAR. LOBATA
NEVADA	THREATENED	EPHEDRACEAE	EPHEDRA FUNEREA
NEVADA	THREATENED	FABACEAE	ASTRAGALUS AEQUALIS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS ALVORDENSIS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS CALLITHRIX
NEVADA	THREATENED	FABACEAE	ASTRAGALUS CONVALLARIUS VAR. FINITIMUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS FUNEREUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS GEYERI VAR. TRIQUETRUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS LENTIGINOSUS VAR. LATUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS MUSIMONUM
NEVADA	THREATENED	FABACEAE	ASTRAGALUS OOPHORUS VAR. CLOKEYANUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS OOPHORUS VAR. LONCHOCALYX
NEVADA	THREATENED	FABACEAE	ASTRAGALUS PSEUDIODANTHUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS PTEROCARPUS
NEVADA	THREATENED	FABACEAE	ASTRAGALUS TOQUIMANUS
NEVADA	THREATENED	FABACEAE	DALEA KINGII
NEVADA	THREATENED	FABACEAE	LUPINUS HOLMGRENANUS
NEVADA	THREATENED	FABACEAE	LUPINUS MONTIGENUS
NEVADA	THREATENED	HYDROPHYLLACEAE	PHACELIA ANELSONII
NEVADA	THREATENED	HYDROPHYLLACEAE	PHACELIA GLABERRIMA
NEVADA	THREATENED	HYDROPHYLLACEAE	PHACELIA MUSTELINA
NEVADA	THREATENED	ISOETACEAE	ISOETES BOLANDERI VAR. PYGMAEA
NEVADA	THREATENED	LILIACEAE	AGAVE UTAHENSIS VAR. NEVADENSIS
NEVADA	THREATENED	LILIACEAE	AGAVE UTAHENSIS VAR. EBORISPINA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NEVADA	THREATENED	LILIACEAE	CALOCHORTUS STRIATUS
NEVADA	THREATENED	NYCTAGINACEAE	ABRONIA ORBICULATA
NEVADA	THREATENED	OLEACEAE	FRAXINUS CUSPIDATA VAR. MACROPETALA
NEVADA	THREATENED	ONAGRACEAE	EPILOBIUM NEVADENSE
NEVADA	THREATENED	PAPAVERACEAE	ARCTOMECON MERRIAMII
NEVADA	THREATENED	POLEMONIACEAE	GILIA NYENSIS
NEVADA	THREATENED	POLEMONIACEAE	GILIA RIPLEYI
NEVADA	THREATENED	POLEMONIACEAE	LINANTHUS ARENICOLA
NEVADA	THREATENED	POLEMONIACEAE	PHLOX GLADIFORMIS
NEVADA	THREATENED	POLEMONIACEAE	POLEMONIUM NEVADENSE
NEVADA	THREATENED	POLYGONACEAE	ERIOGONUM BIFURCATUM
NEVADA	THREATENED	POLYGONACEAE	ERIOGONUM CONCINNUM
NEVADA	THREATENED	POLYGONACEAE	ERIOGONUM EREMICUM
NEVADA	THREATENED	POLYGONACEAE	ERIOGONUM HOLMGRENII
NEVADA	THREATENED	POLYGONACEAE	ERIOGONUM OVALIFOLIUM VAR. CALLESTRINUM
NEVADA	THREATENED	POLYGONACEAE	ERIOGONUM RUBRICAULE
NEVADA	THREATENED	PORTULACACEAE	LEWISIA MAGUIREI
NEVADA	THREATENED	SCROPHULARIACEAE	CASTILLEJA LINOIDES
NEVADA	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS TECOPENSIS
NEVADA	THREATENED	SCROPHULARIACEAE	PENSTEMON ARENARIUS
NEVADA	THREATENED	SCROPHULARIACEAE	PENSTEMON BICOLOR SSP. BICOLOR
NEVADA	THREATENED	SCROPHULARIACEAE	PENSTEMON BICOLOR SSP. ROSEUS
NEVADA	THREATENED	SCROPHULARIACEAE	PENSTEMON MODESTUS
NEVADA	THREATENED	SCROPHULARIACEAE	PENSTEMON PUDICUS
NEVADA	THREATENED	SCROPHULARIACEAE	PENSTEMON THOMPSONIAE SSP. JAEGERI
NEVADA	THREATENED	VIOLACEAE	VIOLA CHARLESTONENSIS
NEW HAMPSHIRE	ENDANGERED	FABACEAE	ASTRAGALUS ROBBINSII VAR. JESUPI
NEW HAMPSHIRE	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
NEW HAMPSHIRE	ENDANGERED	POACEAE	CALAMAGROSTIS INEXPANSA VAR. NOVAE-ANGLIAE
NEW HAMPSHIRE	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
NEW HAMPSHIRE	ENDANGERED	ROSACEAE	GEUM PECKII
NEW HAMPSHIRE	ENDANGERED	ROSACEAE	POTENTILLA ROBBINSIANA
NEW HAMPSHIRE	THREATENED	ASTERACEAE	PRENANTHES BOOTTII
NEW HAMPSHIRE	THREATENED	CARYOPHYLLACEAE	PARONYCHIA ANGYROCOMA VAR. ALBIMONTANA
NEW HAMPSHIRE	THREATENED	ISOETACEAE	ISOETES EATONII
NEW HAMPSHIRE	THREATENED	ISOETACEAE	ISOETES FOVEOLATA
NEW HAMPSHIRE	THREATENED	ORCHIDACEAE	LISTERA AURICULATA
NEW JERSEY	ENDANGERED	CYPERACEAE	RHYNCHOSPORA KNIESKERNII
NEW JERSEY	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
NEW JERSEY	ENDANGERED	POACEAE	PANICUM HIRSTII
NEW JERSEY	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
NEW JERSEY	THREATENED	CYPERACEAE	SCIRPUS LONGII
NEW JERSEY	THREATENED	ISOETACEAE	ISOETES EATONII

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NEW JERSEY	THREATENED	JUNCACEAE	JUNCUS CAESARIENSIS
NEW JERSEY	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CANDIDUM
NEW JERSEY	THREATENED	ORCHIDACEAE	PLATANTHERA INTEGRA
NEW JERSEY	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
NEW JERSEY	THREATENED	POACEAE	CALAMOVILFA BREVIPILIS VAR. BREVIPILIS
NEW JERSEY	THREATENED	POACEAE	MUHLENBERGIA TORREYANA
NEW JERSEY	THREATENED	POLYPODIACEAE	ASPLENIUM EBENOIDES
NEW JERSEY	THREATENED	SCHIZAEACEAE	SCHIZAEA PUSILLA
NEW JERSEY	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICRANTHEMOIDES
NEW MEXICO	ENDANGERED	ASTERACEAE	ERIGERON RHIZOMATUS
NEW MEXICO	ENDANGERED	ASTERACEAE	HELIANTHUS LACINIATUS SSP. CRENATUS
NEW MEXICO	ENDANGERED	ASTERACEAE	HELIANTHUS PARADOXUS
NEW MEXICO	ENDANGERED	BRASSICACEAE	LESQUERELLA AUREA
NEW MEXICO	ENDANGERED	BRASSICACEAE	LESQUERELLA VALIDA
NEW MEXICO	ENDANGERED	CACTACEAE	ECHINOCEREUS LLOYDII
NEW MEXICO	ENDANGERED	CACTACEAE	PEDIOCACTUS KNOWLTONII
NEW MEXICO	ENDANGERED	CARYOPHYLLACEAE	SILENE PLANKII
NEW MEXICO	ENDANGERED	FABACEAE	ASTRAGALUS CASTETTERI
NEW MEXICO	ENDANGERED	FABACEAE	ASTRAGALUS SILICEUS
NEW MEXICO	ENDANGERED	FABACEAE	PETALOSTEMUM SCARIOSUM
NEW MEXICO	ENDANGERED	PAPAVERACEAE	ARGEMONE PLEIACANTHA SSP. PINNATISECTA
NEW MEXICO	ENDANGERED	POLYGALACEAE	POLYGALA RIMULICOLA
NEW MEXICO	ENDANGERED	POLYGONACEAE	ERIOGONUM GYPSOPHILUM
NEW MEXICO	ENDANGERED	RANUNCULACEAE	AQUILEGIA CHAPLINEI
NEW MEXICO	THREATENED	APIACEAE	ALETES FILIFOLIUS
NEW MEXICO	THREATENED	ASTERACEAE	CHAETOPAPPA HERSHEYI
NEW MEXICO	THREATENED	ASTERACEAE	LAPHAMIA CERNUA
NEW MEXICO	THREATENED	ASTERACEAE	PERITYLE LEMMONII
NEW MEXICO	THREATENED	ASTERACEAE	PERITYLE STAUROPHYLLA
NEW MEXICO	THREATENED	ASTERACEAE	SENECIO CARDAMINE
NEW MEXICO	THREATENED	ASTERACEAE	SENECIO QUAEREUS
NEW MEXICO	THREATENED	BRASSICACEAE	DRABA MOGOLLONICA
NEW MEXICO	THREATENED	BRASSICACEAE	LESQUERELLA GOODDINGII
NEW MEXICO	THREATENED	CACTACEAE	CORYPHANTHA SNEEDII VAR. LEEI
NEW MEXICO	THREATENED	CACTACEAE	CORYPHANTHA SNEEDII VAR. SNEEDII
NEW MEXICO	THREATENED	CACTACEAE	PEDIOCACTUS PAPYRACANTHUS
NEW MEXICO	THREATENED	CACTACEAE	SCLEROCACTUS MESAE-VERDAE
NEW MEXICO	THREATENED	CAPPARIDACEAE	CLEOME MULTICAULIS
NEW MEXICO	THREATENED	FABACEAE	ASTRAGALUS ACCUMBENS
NEW MEXICO	THREATENED	FABACEAE	ASTRAGALUS ALTUS
NEW MEXICO	THREATENED	FABACEAE	ASTRAGALUS PUNICEUS VAR. GERTRUDIS
NEW MEXICO	THREATENED	FUMARIACEAE	CORYDALIS CASEANA SSP. CASEANA
NEW MEXICO	THREATENED	HYDROPHYLLACEAE	PHACELIA INTEGRIFOLIA VAR. TEXANA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NEW MEXICO	THREATENED	LILIACEAE	ALLIUM GOODDINGII
NEW MEXICO	THREATENED	ONAGRACEAE	OENOTHERA ORGANENSIS
NEW MEXICO	THREATENED	PLUMBAGINACEAE	LIMONIUM LIMBATUM
NEW MEXICO	THREATENED	POACEAE	PUCCINELLIA PARISHII
NEW MEXICO	THREATENED	POLYGONACEAE	ERIOGONUM DENSUM
NEW MEXICO	THREATENED	POLYPODIACEAE	NOTHOLAENA LEMMONII
NEW MEXICO	THREATENED	ROSACEAE	ROSA STELLATA
NEW YORK	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
NEW YORK	ENDANGERED	POACEAE	CALAMAGROSTIS PERPLEXA
NEW YORK	ENDANGERED	POLYPODIACEAE	PHYLLITIS SCOLOPENDRIUM VAR. AMERICANA
NEW YORK	THREATENED	ASTERACEAE	PRENANTHES BOOTTII
NEW YORK	THREATENED	CISTACEAE	HELIANTHEMUM DUMOSUM
NEW YORK	THREATENED	ORCHIDACEAE	CYPRIPEDIUM ARIETINUM
NEW YORK	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CANDIDUM
NEW YORK	THREATENED	ORCHIDACEAE	LISTERA AURICULATA
NEW YORK	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
NEW YORK	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
NEW YORK	THREATENED	POACEAE	CALAMAGROSTIS PORTERI
NEW YORK	THREATENED	POACEAE	PANICUM ACULEATUM
NEW YORK	THREATENED	POACEAE	POA PALUDIGENA
NEW YORK	THREATENED	POTAMOGETONACEAE	POTAMOGETON HILLII
NEW YORK	THREATENED	SCHIZAEACEAE	SCHIZAEA PUSILLA
NEW YORK	THREATENED	SCROPHULARIACEAE	AGALINIS ACUTA
NEW YORK	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICRANTHEMOIDES
NORTH CAROLINA	ENDANGERED	ALISMATACEAE	SAGITTARIA FASCICULATA
NORTH CAROLINA	ENDANGERED	ARISTOLOCHIACEAE	HEXASTYLIS NANIFLORA
NORTH CAROLINA	ENDANGERED	CISTACEAE	HUDSONIA ERICOIDES SSP. MONTANA
NORTH CAROLINA	ENDANGERED	CRASSULACEAE	SEDUM ROSEA VAR. ROANENSIS
NORTH CAROLINA	ENDANGERED	DIAPENSIACEAE	SHORTIA GALACIFOLIA VAR. BREVISTYLA
NORTH CAROLINA	ENDANGERED	DIAPENSIACEAE	SHORTIA GALACIFOLIA VAR. GALACIFOLIA
NORTH CAROLINA	ENDANGERED	ERICACEAE	KALMIA CUNEATA
NORTH CAROLINA	ENDANGERED	LAMIACEAE	PYCNANTHEMUM CURVIPES
NORTH CAROLINA	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
NORTH CAROLINA	ENDANGERED	POACEAE	GLYCERIA NUBIGENA
NORTH CAROLINA	ENDANGERED	POACEAE	PANICUM MUNDUM
NORTH CAROLINA	ENDANGERED	POLYPODIACEAE	GRAMMITIS NIMBATA
NORTH CAROLINA	ENDANGERED	RANUNCULACEAE	THALICTRUM COOLEYI
NORTH CAROLINA	ENDANGERED	ROSACEAE	GEUM GENICULATUM
NORTH CAROLINA	ENDANGERED	ROSACEAE	GEUM RADIATUM
NORTH CAROLINA	ENDANGERED	SCROPHULARIACEAE	LINDERNIA SAXICOLA
NORTH CAROLINA	THREATENED	APIACEAE	OXYPOLIS CANBYI
NORTH CAROLINA	THREATENED	APIACEAE	PTILIMNIUM FLUVIATILE
NORTH CAROLINA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER

V40 I27 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NORTH CAROLINA	THREATENED	ARISTOLOCHIACEAE	HEXASTYLIS LEWISII
NORTH CAROLINA	THREATENED	ASTERACEAE	ECHINACEA LAEVIGATA
NORTH CAROLINA	THREATENED	ASTERACEAE	EUPATORIUM SALTUENSE
NORTH CAROLINA	THREATENED	ASTERACEAE	HARTWRIGHTIA FLORIDANA
NORTH CAROLINA	THREATENED	ASTERACEAE	HELIANTHUS SCHWEINITZII
NORTH CAROLINA	THREATENED	ASTERACEAE	LIATRIS HELLERI
NORTH CAROLINA	THREATENED	ASTERACEAE	PRENANTHES ROANENSIS
NORTH CAROLINA	THREATENED	ASTERACEAE	RUDBECKIA HELIOPSIDIS
NORTH CAROLINA	THREATENED	ASTERACEAE	SENECIO MILLEFOLIUM
NORTH CAROLINA	THREATENED	ASTERACEAE	SOLIDAGO SPITHAMAEA
NORTH CAROLINA	THREATENED	BRASSICACEAE	CARDAMINE MICRANTHERA
NORTH CAROLINA	THREATENED	CARYOPHYLLACEAE	ARENARIA GODFREYI
NORTH CAROLINA	THREATENED	CRASSULACEAE	SEDUM PUSILLUM
NORTH CAROLINA	THREATENED	CYPERACEAE	CAREX BILTMOREANA
NORTH CAROLINA	THREATENED	CYPERACEAE	CAREX CHAPMANII
NORTH CAROLINA	THREATENED	CYPERACEAE	CAREX MISERA
NORTH CAROLINA	THREATENED	CYPERACEAE	CAREX PURPURIFERA
NORTH CAROLINA	THREATENED	CYPERACEAE	CYMOPHYLLUS FRASERI
NORTH CAROLINA	THREATENED	CYPERACEAE	SCIRPUS FLACCIDIFOLIUS
NORTH CAROLINA	THREATENED	CYPERACEAE	SCIRPUS LONGII
NORTH CAROLINA	THREATENED	DIAPENSIACEAE	PYXIDANTHERA BREVIFOLIA
NORTH CAROLINA	THREATENED	DROSERACEAE	DIONAEA MUSCIPULA
NORTH CAROLINA	THREATENED	ERICACEAE	RHODODENDRON VASEYI
NORTH CAROLINA	THREATENED	ERIOCAULACEAE	LACHNOCAULON BEYRICHIANUM
NORTH CAROLINA	THREATENED	HALORAGACEAE	MYRIOPHYLLUM LAXUM
NORTH CAROLINA	THREATENED	JUNCACEAE	JUNCUS GYMNOCARPUS
NORTH CAROLINA	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA
NORTH CAROLINA	THREATENED	LAURACEAE	LITSEA AESTIVALIS
NORTH CAROLINA	THREATENED	LILIACEAE	LILIUM GRAYII
NORTH CAROLINA	THREATENED	LILIACEAE	TRILLIUM PUSILLUM VAR. PUSILLUM
NORTH CAROLINA	THREATENED	ORCHIDACEAE	PLATANTHERA INTEGRA
NORTH CAROLINA	THREATENED	POACEAE	CALAMAGROSTIS PORTERI
NORTH CAROLINA	THREATENED	POACEAE	CALAMOVILFA BREVIPILIS VAR. BREVIPILIS
NORTH CAROLINA	THREATENED	POACEAE	PANICUM ACULEATUM
NORTH CAROLINA	THREATENED	POACEAE	SPOROBOLUS TERETIFOLIUS
NORTH CAROLINA	THREATENED	POLYPODIACEAE	ASPLENIUM HETERORESILIENS
NORTH CAROLINA	THREATENED	PORTULACACEAE	PORTULACA SMALLII
NORTH CAROLINA	THREATENED	RANUNCULACEAE	CIMICIFUGA RUBIFOLIA
NORTH CAROLINA	THREATENED	RANUNCULACEAE	RANUNCULUS SUBCORDATUS
NORTH CAROLINA	THREATENED	SANTALACEAE	BUCKLEYA DISTICHOPHYLLA
NORTH CAROLINA	THREATENED	SANTALACEAE	NESTRONIA UMBELLULA
NORTH CAROLINA	THREATENED	SARRACENIACEAE	SARRACENIA RUBRA
NORTH CAROLINA	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAREYANA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
NORTH CAROLINA	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAROLINIANA
NORTH CAROLINA	THREATENED	SCHISANDRACEAE	SCHISANDRA GLABRA
NORTH DAKOTA	THREATENED	BRASSICACEAE	RORIPPA CALYCINA
NORTH DAKOTA	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CANDIDUM
NORTH DAKOTA	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
OHIO	ENDANGERED	ASTERACEAE	SOLIDAGO SHORTII
OHIO	ENDANGERED	POACEAE	CALAMAGROSTIS INSPERATA
OHIO	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
OHIO	THREATENED	ANACARDIACEAE	RHUS TRILOBATA VAR. ARENARIA
OHIO	THREATENED	APIACEAE	OXYPOLIS CANBYI
OHIO	THREATENED	FABACEAE	APIOS PRICEANA
OHIO	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
OHIO	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
OHIO	THREATENED	POACEAE	MUHLENBERGIA CURTISETOSA
OHIO	THREATENED	POACEAE	POA PALUDIGENA
OHIO	THREATENED	POLEMONIACEAE	POLEMONIUM REPTANS VAR. VILLOSUM
OHIO	THREATENED	POLYPODIACEAE	ASPLENIUM EBENOIDES
OHIO	THREATENED	POLYPODIACEAE	ASPLENIUM KENTUCKIENSE
OHIO	THREATENED	POTAMOGETONACEAE	POTAMOGETON HILLII
OHIO	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OHIONIS
OKLAHOMA	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA AUREA
OKLAHOMA	ENDANGERED	BRASSICACEAE	STREPTANTHUS SQUAMIFORMIS
OKLAHOMA	ENDANGERED	ERIOCAULACEAE	ERIOCAULON KORNICKIANUM
OKLAHOMA	ENDANGERED	FAGACEAE	CASTANEA OZARKENSIS
OKLAHOMA	ENDANGERED	POACEAE	CALAMOVILFA ARCUATA
OKLAHOMA	THREATENED	BETULACEAE	ALNUS MARITIMA
OKLAHOMA	THREATENED	BRASSICACEAE	LESQUERELLA ANGUSTIFOLIA
OKLAHOMA	THREATENED	CYPERACEAE	CAREX LATEBRACTEATA
OKLAHOMA	THREATENED	LAMIACEAE	MONARDA STIPITATOGLANDULOSA
OKLAHOMA	THREATENED	LAMIACEAE	PHYSOSTEGIA MICRANTHA
OKLAHOMA	THREATENED	MALVACEAE	CALLIRHOE PAPAVER VAR. BUSHII
OREGON	ENDANGERED	APIACEAE	LOMATIUM BRADSHAWII
OREGON	ENDANGERED	APIACEAE	LOMATIUM MINUS
OREGON	ENDANGERED	APIACEAE	LOMATIUM SUKSDORFII
OREGON	ENDANGERED	ASTERACEAE	ERIGERON DELICATUS
OREGON	ENDANGERED	ASTERACEAE	HAPLOPAPPUS RADIATUS
OREGON	ENDANGERED	ASTERACEAE	SENECIO PORTERI
OREGON	ENDANGERED	ASTERACEAE	STEPHANOMERIA MALHEURENSIS
OREGON	ENDANGERED	BORAGINACEAE	HACKELIA CRONQUISTII
OREGON	ENDANGERED	BORAGINACEAE	HACKELIA OPHIOBIA
OREGON	ENDANGERED	BORAGINACEAE	PLAGIOBOTHRYS HIRTUS SSP. HIRTUS
OREGON	ENDANGERED	BORAGINACEAE	PLAGIOBOTHRYS LAMPROCARPUS
OREGON	ENDANGERED	BRASSICACEAE	CARDAMINE PATTERSONII

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
OREGON	ENDANGERED	CARYOPHYLLACEAE	SILENE DOUGLASII VAR. ORARIA
OREGON	ENDANGERED	CARYOPHYLLACEAE	SILENE SPALDINGII
OREGON	ENDANGERED	FABACEAE	ASTRAGALUS KENTROPHYTA VAR. DOUGLASII
OREGON	ENDANGERED	FABACEAE	ASTRAGALUS PURSHII VAR. OPHIOGENES
OREGON	ENDANGERED	FABACEAE	ASTRAGALUS ROBBINSII VAR. ALPINIFORMIS
OREGON	ENDANGERED	FABACEAE	ASTRAGALUS STERILIS
OREGON	ENDANGERED	FABACEAE	LUPINUS BURKEI SSP. CAERULEOMONTANUS
OREGON	ENDANGERED	FUMARIACEAE	CORYDALIS AQUAE-GELIDAE
OREGON	ENDANGERED	FUMARIACEAE	DICENTRA FORMOSA SSP. OREGANA
OREGON	ENDANGERED	GENTIANACEAE	GENTIANA BISETAEA
OREGON	ENDANGERED	HYDROPHYLLACEAE	HYDROPHYLLUM CAPITATUM VAR. THOMPSONII
OREGON	ENDANGERED	HYDROPHYLLACEAE	PHACELIA CAPITATA
OREGON	ENDANGERED	IRIDACEAE	IRIS TENUIS
OREGON	ENDANGERED	LILIACEAE	LILIUM OCCIDENTALE
OREGON	ENDANGERED	LILIACEAE	LILIUM WASHINGTONIANUM VAR. MINUS
OREGON	ENDANGERED	MALVACEAE	SIDALCEA CAMPESTRIS
OREGON	ENDANGERED	MALVACEAE	SIDALCEA NELSONIANA
OREGON	ENDANGERED	NYCTAGINACEAE	MIRABILIS MACFARLANEI
OREGON	ENDANGERED	ORCHIDACEAE	PLATANTHERA UNALASCENSIS SSP. MARITIMA
OREGON	ENDANGERED	POLEMONIACEAE	COLLOMIA MACROCALYX
OREGON	ENDANGERED	POLEMONIACEAE	LEPTODACTYLON HAZELAE
OREGON	ENDANGERED	POLEMONIACEAE	PHLOX PECKII
OREGON	ENDANGERED	POLYGONACEAE	ERIOGONUM CHRYSOPS
OREGON	ENDANGERED	PRIMULACEAE	PRIMULA CUSICKIANA
OREGON	ENDANGERED	PRIMULACEAE	STEIRONEMA LAEVIGATUM
OREGON	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA CHLOROTICA
OREGON	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA OWNBEYANA
OREGON	ENDANGERED	SCROPHULARIACEAE	CORDYLANTHUS MARITIMUS SSP. MARITIMUS
OREGON	ENDANGERED	SCROPHULARIACEAE	PENSTEMON GLAUCINUS
OREGON	ENDANGERED	SCROPHULARIACEAE	PENSTEMON SPATULATUS
OREGON	ENDANGERED	SCROPHULARIACEAE	SYNTHYRIS MISSURICA SSP. HIRSUTA
OREGON	THREATENED	APIACEAE	CYMOPTERUS CORRUGATUS
OREGON	THREATENED	APIACEAE	ERYNGIUM PETIOLATUM
OREGON	THREATENED	APIACEAE	LOMATIUM HENDERSONII
OREGON	THREATENED	APIACEAE	LOMATIUM LAEVIGATUM
OREGON	THREATENED	APIACEAE	LOMATIUM OREGANUM
OREGON	THREATENED	APIACEAE	LOMATIUM ROLLINSII
OREGON	THREATENED	APIACEAE	LOMATIUM SERPENTINUM
OREGON	THREATENED	APIACEAE	PERIDERIDIA ERYTHRORHIZA
OREGON	THREATENED	APIACEAE	RHYSOPTERUS PLURIJUGUS
OREGON	THREATENED	APIACEAE	TAUSCHIA HOWELLII
OREGON	THREATENED	ASTERACEAE	ANTENNARIA SUFFRUTESCENS
OREGON	THREATENED	ASTERACEAE	ARNICA AMPLEXICAULIS VAR. PIPERI

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
OREGON	THREATENED	ASTERACEAE	ARNICA VISCOSA
OREGON	THREATENED	ASTERACEAE	ASTER BRICKELLIOIDES
OREGON	THREATENED	ASTERACEAE	ASTER CHILENSIS SSP. HALLII
OREGON	THREATENED	ASTERACEAE	ASTER CURTUS
OREGON	THREATENED	ASTERACEAE	ASTER GORMANII
OREGON	THREATENED	ASTERACEAE	ASTER VIALIS
OREGON	THREATENED	ASTERACEAE	CHAENACTIS NEVII
OREGON	THREATENED	ASTERACEAE	CHRYSOTHAMNUS NAUSEOSUS VAR. NANUS
OREGON	THREATENED	ASTERACEAE	CIRSIUM BREVIFOLIUM
OREGON	THREATENED	ASTERACEAE	CIRSIUM CILIOLATUM
OREGON	THREATENED	ASTERACEAE	CIRSIUM HALLII
OREGON	THREATENED	ASTERACEAE	ERIGERON BLOOMERI VAR. NUDATUS
OREGON	THREATENED	ASTERACEAE	ERIGERON CHRYSOPSIDIS VAR. BREVIFOLIUS
OREGON	THREATENED	ASTERACEAE	ERIGERON HOWELLII
OREGON	THREATENED	ASTERACEAE	ERIGERON OREGANUS
OREGON	THREATENED	ASTERACEAE	HAPLOPAPPUS HALLII
OREGON	THREATENED	ASTERACEAE	HAPLOPAPPUS RACEMOSUS SSP. CONGESTUS
OREGON	THREATENED	ASTERACEAE	HIERACIUM LONGIBERBE
OREGON	THREATENED	ASTERACEAE	LASTHENIA MACRANTHA SSP. PRISCA
OREGON	THREATENED	ASTERACEAE	LASTHENIA MINOR VAR. MARITIMA
OREGON	THREATENED	ASTERACEAE	LUINA SERPENTINA
OREGON	THREATENED	ASTERACEAE	MICROSERIS HOWELLII
OREGON	THREATENED	ASTERACEAE	MICROSERIS LACINIATA SSP. DETLINGII
OREGON	THREATENED	ASTERACEAE	SENECIO HESPERIUS
OREGON	THREATENED	BERBERIDACEAE	VANCOUVERIA CHRYSANTHA
OREGON	THREATENED	BORAGINACEAE	HACKELIA HISPIDA
OREGON	THREATENED	BORAGINACEAE	PLAGIOBOTHRYS HIRTUS SSP. COMALLICARPA
OREGON	THREATENED	BRASSICACEAE	ARABIS ACULEOLATA
OREGON	THREATENED	BRASSICACEAE	ARABIS KOEHLERI VAR. STIPITATA
OREGON	THREATENED	BRASSICACEAE	ARABIS OREGANA
OREGON	THREATENED	BRASSICACEAE	CARDAMINE PENDULIFLORA
OREGON	THREATENED	BRASSICACEAE	DRABA DOUGLASII
OREGON	THREATENED	BRASSICACEAE	DRABA LEMMONII VAR. CYCLOMORPHA
OREGON	THREATENED	BRASSICACEAE	DRABA SPHAEROIDES VAR. CUSICKII
OREGON	THREATENED	BRASSICACEAE	LESQUERELLA KINGII SSP. DIVERSIFOLIA
OREGON	THREATENED	BRASSICACEAE	NORIPPA COLUMBIAE
OREGON	THREATENED	BRASSICACEAE	THELYPODIUM BRACHYCARPUM
OREGON	THREATENED	BRASSICACEAE	THELYPODIUM EUCOSMUM
OREGON	THREATENED	BRASSICACEAE	THELYPODIUM HOWELLII VAR. SPECTABILIS
OREGON	THREATENED	BRASSICACEAE	THLASPI MONTANUM VAR. SISKIYOUENSE
OREGON	THREATENED	CAMPANULACEAE	CAMPANULA ROTUNDIFOLIA VAR. SACAJAWEANA
OREGON	THREATENED	CARYOPHYLLACEAE	ARENARIA FRANKLINII VAR. THOMPSONII
OREGON	THREATENED	CARYOPHYLLACEAE	ARENARIA PALUDICOLA

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
OREGON	THREATENED	CARYOPHYLLACEAE	SILENE SCAPOSA VAR. LOBATA
OREGON	THREATENED	CARYOPHYLLACEAE	SILENE SCAPOSA VAR. SCAPOSA
OREGON	THREATENED	CRASSULACEAE	SEDUM LAXUM SSP. HECKNERI
OREGON	THREATENED	ERICACEAE	ARCTOSTAPHYLOS INTRICATA VAR. OBLONGIFOLIA
OREGON	THREATENED	ERICACEAE	PITYOPUS CALIFORNICUS
OREGON	THREATENED	ERICACEAE	VACCINIUM COCCINIUM
OREGON	THREATENED	FABACEAE	ASTRAGALUS ALVORDENSIS
OREGON	THREATENED	FABACEAE	ASTRAGALUS APPLEGATII
OREGON	THREATENED	FABACEAE	ASTRAGALUS MULFORDAE
OREGON	THREATENED	FABACEAE	ASTRAGALUS SOLITARIUS
OREGON	THREATENED	FABACEAE	LUPINUS BIDDLEI
OREGON	THREATENED	FABACEAE	LUPINUS SABINII
OREGON	THREATENED	FABACEAE	SOPHORA LEACHIANA
OREGON	THREATENED	FABACEAE	TRIFOLIUM PLUMOSUM VAR. PLUMOSUM
OREGON	THREATENED	GENTIANACEAE	FRASERA UMPQUAENSIS
OREGON	THREATENED	HYDROPHYLLACEAE	PHACELIA PECKII
OREGON	THREATENED	HYDROPHYLLACEAE	PHACELIA VERNA
OREGON	THREATENED	LAMIACEAE	MONARDELLA PURPUREA
OREGON	THREATENED	LILIACEAE	ALLIUM MADIDUM
OREGON	THREATENED	LILIACEAE	ALLIUM PLEIANTHUM
OREGON	THREATENED	LILIACEAE	ALLIUM ROBINSONII
OREGON	THREATENED	LILIACEAE	CALOCHORTUS GREENEI
OREGON	THREATENED	LILIACEAE	CAMASSIA CUSICKII
OREGON	THREATENED	LILIACEAE	ERYTHRONIUM HOWELLII
OREGON	THREATENED	LILIACEAE	ERYTHRONIUM OREGONUM
OREGON	THREATENED	LILIACEAE	FRITILLARIA ADAMANTINA
OREGON	THREATENED	LILIACEAE	LILIUM VOLLMERI
OREGON	THREATENED	LILIACEAE	LILIUM WIGGINSII
OREGON	THREATENED	LILIACEAE	SCHOENOLIRION BRACTEOSUM
OREGON	THREATENED	LIMNANTHACEAE	LIMNANTHES FLOCCOSA SSP. GRANDIFLORA
OREGON	THREATENED	LIMNANTHACEAE	LIMNANTHES FLOCCOSA SSP. PUMILA
OREGON	THREATENED	LIMNANTHACEAE	LIMNANTHES FLOCCOSA SSP. BELLINGHAMIANA
OREGON	THREATENED	LIMNANTHACEAE	LIMNANTHES GRACILIS VAR. GRACILIS
OREGON	THREATENED	LOASACEAE	MENTZELIA MOLLIS
OREGON	THREATENED	MALVACEAE	SIDALCEA CANDIDA
OREGON	THREATENED	MALVACEAE	SIDALCEA CUSICKII
OREGON	THREATENED	MALVACEAE	SIDALCEA MALVAEFLORA SSP. ELEGANS
OREGON	THREATENED	MALVACEAE	SIDALCEA SETOSA
OREGON	THREATENED	OPHIOGLOSSACEAE	BOTRYCHIUM PUMICOLA
OREGON	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CALIFORNICUM
OREGON	THREATENED	POACEAE	AGROSTIS HOWELLII
OREGON	THREATENED	POLEMONIACEAE	COLLOMIA MAZAMA
OREGON	THREATENED	POLYGONACEAE	ERIOGONUM CUSICKII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
OREGON	THREATENED	POLYGONACEAE	ERIOGONUM NOVONUDUM
OREGON	THREATENED	POLYGONACEAE	ERIOGONUM THYMOIDES
OREGON	THREATENED	POLYGONACEAE	POLYGONUM CASCADENSE
OREGON	THREATENED	PORTULACACEAE	CLAYTONIA BELLIDIFOLIA
OREGON	THREATENED	PORTULACACEAE	LEWISIA COLUMBIANA VAR. WALLOWENSIS
OREGON	THREATENED	PORTULACACEAE	LEWISIA COTYLEDON
OREGON	THREATENED	PORTULACACEAE	LEWISIA OPPOSITIFOLIA
OREGON	THREATENED	PRIMULACEAE	DODECATHEON POETICUM
OREGON	THREATENED	PRIMULACEAE	DOUGLASIA LAEVIGATA
OREGON	THREATENED	RANUNCULACEAE	CIMICIFUGA LACINIATA
OREGON	THREATENED	RANUNCULACEAE	DELPHINIUM LEUCOPHAEUM
OREGON	THREATENED	RANUNCULACEAE	DELPHINIUM PAVONACEUM
OREGON	THREATENED	RANUNCULACEAE	RANUNCULUS RECONDITUS
OREGON	THREATENED	ROSACEAE	FILIPENDULA OCCIDENTALIS
OREGON	THREATENED	ROSACEAE	RUBUS BARTONIANUS
OREGON	THREATENED	SALICACEAE	SALIX FLUVIATILIS
OREGON	THREATENED	SARRACENIACEAE	DARLINGTONIA CALIFORNICA
OREGON	THREATENED	SAXIFRAGACEAE	SAXIFRAGA OCCIDENTALIS VAR. LATIPETIOLATA
OREGON	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OREGANA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA BREVILOBATA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA CHRYSANTHA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA FRATERNA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA GLANDULIFERA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA MINIATA SSP. ELATA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA ORESBIA
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA STEENENSIS
OREGON	THREATENED	SCROPHULARIACEAE	CASTILLEJA XANTHOTRICHA
OREGON	THREATENED	SCROPHULARIACEAE	CORDYLANTHUS MARITIMUS SSP. PALUSTRIS
OREGON	THREATENED	SCROPHULARIACEAE	MIMULUS JUNGERMANNIOIDES
OREGON	THREATENED	SCROPHULARIACEAE	PEDICULARIS HOWELLII
OREGON	THREATENED	SCROPHULARIACEAE	PENSTEMON CINICOLA
OREGON	THREATENED	SCROPHULARIACEAE	PENSTEMON ELEGANTULUS
OREGON	THREATENED	SCROPHULARIACEAE	PENSTEMON PECKII
OREGON	THREATENED	SCROPHULARIACEAE	SYNTHYRIS MISSURICA SSP. STELLATA
OREGON	THREATENED	SCROPHULARIACEAE	SYNTHYRIS SCHIZANTHA
OREGON	THREATENED	SCROPHULARIACEAE	VERONICA SHERWOODII
OREGON	THREATENED	VIOLACEAE	VIOLA LANCEOLATA SSP. OCCIDENTALIS
PENNSYLVANIA	ENDANGERED	CARYOPHYLLACEAE	CERASTIUM ARVENSE VAR. VILLOSISSIMUM
PENNSYLVANIA	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
PENNSYLVANIA	ENDANGERED	POTAMOGETONACEAE	POTAMOGETON PORTERI
PENNSYLVANIA	ENDANGERED	RANUNCULACEAE	TROLLIUS LAXUS
PENNSYLVANIA	THREATENED	ASTERACEAE	ECHINACEA LAEVIGATA
PENNSYLVANIA	THREATENED	JUNCACEAE	JUNCUS GYMNOCARPUS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
PENNSYLVANIA	THREATENED	ORCHIDACEAE	CYPRIPEDIUM CANDIDUM
PENNSYLVANIA	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
PENNSYLVANIA	THREATENED	POACEAE	CALAMAGROSTIS PORTERI
PENNSYLVANIA	THREATENED	POACEAE	MUHLENBERGIA CURTISETOSA
PENNSYLVANIA	THREATENED	POACEAE	POA PALUDIGENA
PENNSYLVANIA	THREATENED	POLYPODIACEAE	ASPLENIUM EBENOIDES
PENNSYLVANIA	THREATENED	POTAMOGETONACEAE	POTAMOGETON HILLII
PENNSYLVANIA	THREATENED	ROSACEAE	PRUNUS ALLEGHANIENSIS
PENNSYLVANIA	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICHANTHENOIDES
RHODE ISLAND	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
RHODE ISLAND	THREATENED	ASTERACEAE	EUPATORIUM LEUCOLEPIS VAR. NOVAE-ANGLIAE
RHODE ISLAND	THREATENED	CISTACEAE	HELIANTHEMUM DUMOSUM
RHODE ISLAND	THREATENED	POACEAE	PANICUM ACULEATUM
RHODE ISLAND	THREATENED	SCROPHULARIACEAE	AGALINIS ACUTA
SOUTH CAROLINA	ENDANGERED	ARISTOLOCHIACEAE	HEXASTYLIS NANIFLORA
SOUTH CAROLINA	ENDANGERED	BRASSICACEAE	DRABA APRICA
SOUTH CAROLINA	ENDANGERED	DIAPENSIACEAE	SHORTIA GALACIFOLIA VAR. BREVISTYLA
SOUTH CAROLINA	ENDANGERED	DIAPENSIACEAE	SHORTIA GALACIFOLIA VAR. GALACIFOLIA
SOUTH CAROLINA	ENDANGERED	ERICACEAE	ELLIOTTIA RACEMOSA
SOUTH CAROLINA	ENDANGERED	ERICACEAE	KALMIA CUNEATA
SOUTH CAROLINA	ENDANGERED	LILIACEAE	HYMENOCALLIS CORONARIA
SOUTH CAROLINA	ENDANGERED	SAXIFRAGACEAE	RIBES ECHINELLUM
SOUTH CAROLINA	ENDANGERED	SCROPHULARIACEAE	AMPHIANTHUS PUSILLUS
SOUTH CAROLINA	THREATENED	APIACEAE	PTILIMNIUM FLUVIATILE
SOUTH CAROLINA	THREATENED	APIACEAE	PTILIMNIUM NODOSUM
SOUTH CAROLINA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
SOUTH CAROLINA	THREATENED	ASTERACEAE	ECHINACEA LAEVIGATA
SOUTH CAROLINA	THREATENED	ASTERACEAE	HELIANTHUS SCHWEINITZII
SOUTH CAROLINA	THREATENED	ASTERACEAE	RUDBECKIA HELIOPSIDIS
SOUTH CAROLINA	THREATENED	ASTERACEAE	SENECIO MILLEFOLIUM
SOUTH CAROLINA	THREATENED	CARYOPHYLLACEAE	ARENARIA GODFREYI
SOUTH CAROLINA	THREATENED	CRASSULACEAE	SEDUM PUSILLUM
SOUTH CAROLINA	THREATENED	CYPERACEAE	CAREX CHAPMANII
SOUTH CAROLINA	THREATENED	CYPERACEAE	CYMOPHYLLUS FRASERI
SOUTH CAROLINA	THREATENED	DIAPENSIACEAE	PYXIDANTHERA BREVIFOLIA
SOUTH CAROLINA	THREATENED	DROSERACEAE	DIONAEA MUSCIPULA
SOUTH CAROLINA	THREATENED	ERIOCAULACEAE	LACHNOCAULON BEYRICHIANUM
SOUTH CAROLINA	THREATENED	FAGACEAE	QUERCUS GEORGIANA
SOUTH CAROLINA	THREATENED	FAGACEAE	QUERCUS OGLETHORPENSIS
SOUTH CAROLINA	THREATENED	HALORAGACEAE	MYRIOPHYLLUM LAXUM
SOUTH CAROLINA	THREATENED	ISOETACEAE	ISOETES MELANOSPORA
SOUTH CAROLINA	THREATENED	JUNCACEAE	JUNCUS GYMNOCARPUS
SOUTH CAROLINA	THREATENED	LAMIACEAE	DICERANDRA ODORATISSIMA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
SOUTH CAROLINA	THREATENED	LAURACEAE	LINDERA MELISSIFOLIA
SOUTH CAROLINA	THREATENED	LAURACEAE	LITSEA AESTIVALIS
SOUTH CAROLINA	THREATENED	LILIACEAE	TRILLIUM PUSILLUM VAR. PUSILLUM
SOUTH CAROLINA	THREATENED	ORCHIDACEAE	PLATANTHERA INTEGRA
SOUTH CAROLINA	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
SOUTH CAROLINA	THREATENED	POACEAE	CALAMOVILFA BREVIPILIS VAR. BREVIPILIS
SOUTH CAROLINA	THREATENED	POACEAE	PANICUM LITHOPHILUM
SOUTH CAROLINA	THREATENED	POACEAE	SPOROBOLUS TERETIFOLIUS
SOUTH CAROLINA	THREATENED	POLYPODIACEAE	ASPLENIUM HETERORESILIENS
SOUTH CAROLINA	THREATENED	PORTULACACEAE	PORTULACA SMALLII
SOUTH CAROLINA	THREATENED	ROSACEAE	AGRIMONIA INCISA
SOUTH CAROLINA	THREATENED	ROSACEAE	WALDSTEINIA LOBATA
SOUTH CAROLINA	THREATENED	SANTALACEAE	NESTRONIA UMBELLULA
SOUTH CAROLINA	THREATENED	SARRACENIACEAE	SARRACENIA RUBRA
SOUTH CAROLINA	THREATENED	SCHISANDRACEAE	SCHISANDRA GLABRA
SOUTH DAKOTA	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
TENNESSEE	ENDANGERED	ASTERACEAE	ECHINACEA TENNESSEENSIS
TENNESSEE	ENDANGERED	ASTERACEAE	HELIANTHUS EGGERTII
TENNESSEE	ENDANGERED	ASTERACEAE	HETEROTHECA RUTHII
TENNESSEE	ENDANGERED	ASTERACEAE	SILPHIUM INTEGRIFOLIUM VAR. GATTINGERI
TENNESSEE	ENDANGERED	BRASSICACEAE	ARABIS PERSTELLATA VAR. AMPLA
TENNESSEE	ENDANGERED	BRASSICACEAE	DRABA INCISA
TENNESSEE	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA EXIGUA VAR. LUTEA
TENNESSEE	ENDANGERED	BRASSICACEAE	LESQUERELLA DENSIPILA
TENNESSEE	ENDANGERED	BRASSICACEAE	LESQUERELLA PERFORATA
TENNESSEE	ENDANGERED	BRASSICACEAE	LESQUERELLA STONENSIS
TENNESSEE	ENDANGERED	CRASSULACEAE	SEDUM NEVII
TENNESSEE	ENDANGERED	CRASSULACEAE	SEDUM ROSEA VAR. ROANENSIS
TENNESSEE	ENDANGERED	EUPHORBIACEAE	CROTON ALABAMENSIS
TENNESSEE	ENDANGERED	FABACEAE	PETALOSTEMUM FOLIOSUM
TENNESSEE	ENDANGERED	LAMIACEAE	CONRADINA VERTICILLATA
TENNESSEE	ENDANGERED	LAMIACEAE	PYCNANTHEMUM CURVIPES
TENNESSEE	ENDANGERED	POACEAE	CALAMOVILFA ARCUATA
TENNESSEE	ENDANGERED	POACEAE	GLYCERIA NUBIGENA
TENNESSEE	ENDANGERED	POLYGONACEAE	ERIOGONUM LONGIFOLIUM VAR. HARPERI
TENNESSEE	ENDANGERED	POLYPODIACEAE	PHYLLITIS SCOLOPENDRIUM VAR. AMERICANA
TENNESSEE	ENDANGERED	RANUNCULACEAE	CLEMATIS ADDISONII
TENNESSEE	ENDANGERED	RANUNCULACEAE	CLEMATIS GATTINGERI
TENNESSEE	ENDANGERED	ROSACEAE	GEUM GENICULATUM
TENNESSEE	ENDANGERED	ROSACEAE	GEUM RADIATUM
TENNESSEE	ENDANGERED	SARRACENIACEAE	SARRACENIA OREOPHILA
TENNESSEE	THREATENED	ASTERACEAE	PRENANTHES ROANENSIS
TENNESSEE	THREATENED	ASTERACEAE	SOLIDAGO SPITHAMAEA

V40 127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TENNESSEE	THREATENED	BRASSICACEAE	LEAVENWORTHIA EXIGUA VAR. EXIGUA
TENNESSEE	THREATENED	BRASSICACEAE	LEAVENWORTHIA STYLOSA
TENNESSEE	THREATENED	BRASSICACEAE	LEAVENWORTHIA TORULOSA
TENNESSEE	THREATENED	BRASSICACEAE	LESQUERELLA GLOBOSA
TENNESSEE	THREATENED	CARYOPHYLLACEAE	ARENARIA FONTINALIS
TENNESSEE	THREATENED	CARYOPHYLLACEAE	STELLARIA FONTINALIS
TENNESSEE	THREATENED	CYPERACEAE	CAREX MISERA
TENNESSEE	THREATENED	CYPERACEAE	CAREX PURPURIFERA
TENNESSEE	THREATENED	CYPERACEAE	CYNOPHYLLUS FRASERI
TENNESSEE	THREATENED	ERICACEAE	RHODODENDRON BAKERI
TENNESSEE	THREATENED	FABACEAE	APIOS PRICEANA
TENNESSEE	THREATENED	FABACEAE	ASTRAGALUS TENNESSEENSIS
TENNESSEE	THREATENED	JUNCACEAE	JUNCUS GYMNOCARPUS
TENNESSEE	THREATENED	LAMIACEAE	SCUTELLARIA MONTANA
TENNESSEE	THREATENED	LAMIACEAE	SYNANDRA HISPIDULA
TENNESSEE	THREATENED	LILIACEAE	LILIUM GRAYII
TENNESSEE	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
TENNESSEE	THREATENED	ORCHIDACEAE	PLATANTHERA INTEGRA
TENNESSEE	THREATENED	ORCHIDACEAE	PLATANTHERA PERAHOENA
TENNESSEE	THREATENED	POACEAE	MUHLENBERGIA TORREYANA
TENNESSEE	THREATENED	POLEMONIACEAE	PHLOX BIFIDA VAR. STELLARIA
TENNESSEE	THREATENED	PORTULACACEAE	TALINUM MENGESII
TENNESSEE	THREATENED	RANUNCULACEAE	CIMICIFUGA RUBIFOLIA
TENNESSEE	THREATENED	SANTALACEAE	BUCKLEYA DISTICHOPHYLLA
TENNESSEE	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAREYANA
TENNESSEE	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAROLINIANA
TENNESSEE	THREATENED	SCHISANDRACEAE	SCHISANDRA GLABRA
TENNESSEE	THREATENED	SCROPHULARIACEAE	AUREOLARIA PATULA
TENNESSEE	THREATENED	VIOLACEAE	VIOLA EGGLESTONII
TEXAS	ENDANGERED	ASCLEPIADACEAE	MATELEA EDWARDSENSIS
TEXAS	ENDANGERED	ASCLEPIADACEAE	MATELEA TEXENSIS
TEXAS	ENDANGERED	ASTERACEAE	AMBROSIA CHEIRANTHIFOLIA
TEXAS	ENDANGERED	ASTERACEAE	BRICKELLIA VIEJENSIS
TEXAS	ENDANGERED	ASTERACEAE	COREOPSIS INTERMEDIA
TEXAS	ENDANGERED	ASTERACEAE	COREOPSIS TRIPTERIS VAR. SUBRHOMBOIDEA
TEXAS	ENDANGERED	ASTERACEAE	DYSSODIA TEPHROLEUCA
TEXAS	ENDANGERED	ASTERACEAE	ERIGERON GEISERI VAR. CALCICOLA
TEXAS	ENDANGERED	ASTERACEAE	GRINDELIA OOLEPIS
TEXAS	ENDANGERED	ASTERACEAE	HELIANTHUS PARADOXUS
TEXAS	ENDANGERED	ASTERACEAE	MACHAERANTHERA AUREA
TEXAS	ENDANGERED	ASTERACEAE	PERITYLE BISETOSA VAR. BISETOSA
TEXAS	ENDANGERED	ASTERACEAE	PERITYLE BISETOSA VAR. SCALARIS
TEXAS	ENDANGERED	ASTERACEAE	PERITYLE CINEREA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TEXAS	ENDANGERED	ASTERACEAE	PERITYLE LINDHEIMERI VAR. HALIMIFOLIA
TEXAS	ENDANGERED	ASTERACEAE	PERITYLE PARRYI
TEXAS	ENDANGERED	ASTERACEAE	PERITYLE VITREOMONTANA
TEXAS	ENDANGERED	ASTERACEAE	SOLIDAGO LINDHEIMERIANA
TEXAS	ENDANGERED	ASTERACEAE	VIGUIERA LUDENS
TEXAS	ENDANGERED	BRASSICACEAE	LEAVENWORTHIA AUREA
TEXAS	ENDANGERED	BRASSICACEAE	LESQUERELLA VALIDA
TEXAS	ENDANGERED	BRASSICACEAE	SELENIA JONESII
TEXAS	ENDANGERED	BRASSICACEAE	STREPTANTHUS SPARSIFLORUS
TEXAS	ENDANGERED	BRASSICACEAE	THELYPODIUM TEXANUM
TEXAS	ENDANGERED	CACTACEAE	ANCISTROCACTUS TOBUSCHII
TEXAS	ENDANGERED	CACTACEAE	CORYPHANTHA MINIMA
TEXAS	ENDANGERED	CACTACEAE	CORYPHANTHA RAMILLOSA
TEXAS	ENDANGERED	CACTACEAE	CORYPHANTHA STROBILIFORMIS VAR. DURISPINA
TEXAS	ENDANGERED	CACTACEAE	ECHINOCEREUS CHLORANTHUS VAR. NEOCAPILLUS
TEXAS	ENDANGERED	CACTACEAE	ECHINOCEREUS LLOYDII
TEXAS	ENDANGERED	CACTACEAE	ECHINOCEREUS REICHENBACHII VAR. ALBERTII
TEXAS	ENDANGERED	CACTACEAE	ECHINOCEREUS VIRIDIFLORUS VAR. DAVISII
TEXAS	ENDANGERED	CACTACEAE	NEOLLOYDIA GAUTII
TEXAS	ENDANGERED	CACTACEAE	NEOLLOYDIA MARIPOSENSIS
TEXAS	ENDANGERED	CARYOPHYLLACEAE	CERASTIUM CLAWSONII
TEXAS	ENDANGERED	CARYOPHYLLACEAE	PARONYCHIA CONGESTA
TEXAS	ENDANGERED	CARYOPHYLLACEAE	PARONYCHIA MACCARTII
TEXAS	ENDANGERED	CARYOPHYLLACEAE	SILENE PLANKII
TEXAS	ENDANGERED	CHENOPODIACEAE	ATRIPLEX KLEBERGORUM
TEXAS	ENDANGERED	CHENOPODIACEAE	SUAEDA DURIPES
TEXAS	ENDANGERED	CRASSULACEAE	SEDUM TEXANUM
TEXAS	ENDANGERED	CYPERACEAE	ELEOCHARIS CYLINDRICA
TEXAS	ENDANGERED	ERIOCAULACEAE	ERIOCAULON KORNICKIANUM
TEXAS	ENDANGERED	EUPHORBIACEAE	ANDRACHNE ARIDA
TEXAS	ENDANGERED	EUPHORBIACEAE	ARGYTHAMNIA APHOROIDES
TEXAS	ENDANGERED	EUPHORBIACEAE	ARGYTHAMNIA ARGYRAEA
TEXAS	ENDANGERED	EUPHORBIACEAE	EUPHORBIA FENDLERI VAR. TRILICULATA
TEXAS	ENDANGERED	EUPHORBIACEAE	EUPHORBIA GOLONDRINA
TEXAS	ENDANGERED	EUPHORBIACEAE	MANIHOT WALKERAE
TEXAS	ENDANGERED	EUPHORBIACEAE	PHYLLANTHUS ERICOIDES
TEXAS	ENDANGERED	FABACEAE	ACACIA EMORYANA
TEXAS	ENDANGERED	FABACEAE	BRONGNIARTIA MINUTIFOLIA
TEXAS	ENDANGERED	FABACEAE	CALLIANDRA BIFLORA
TEXAS	ENDANGERED	FABACEAE	GENISTIDIUM DUMOSUM
TEXAS	ENDANGERED	FABACEAE	HOFFMANNSEGGIA TENELLA
TEXAS	ENDANGERED	FABACEAE	PETALOSTEMUM REVERCHONII
TEXAS	ENDANGERED	FABACEAE	PETALOSTEMUM SABINALE

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TEXAS	ENDANGERED	FAGACEAE	QUERCUS GRACILIFORMIS
TEXAS	ENDANGERED	FAGACEAE	QUERCUS HINCKLEYI
TEXAS	ENDANGERED	FAGACEAE	QUERCUS TARDIFOLIA
TEXAS	ENDANGERED	FRANKENIACEAE	FRANKENIA JOHNSTONII
TEXAS	ENDANGERED	GENTIANACEAE	BARTONIA TEXANA
TEXAS	ENDANGERED	HYDROPHYLLACEAE	PHACELIA PALLIDA
TEXAS	ENDANGERED	ISOETACEAE	ISOETES LITHOPHYLLA
TEXAS	ENDANGERED	LAMIACEAE	BRAZORIA PULCHERRIMA
TEXAS	ENDANGERED	LAMIACEAE	PHYSOSTEGIA CORRELLII
TEXAS	ENDANGERED	LILIACEAE	POLIANTHES RUNYONII
TEXAS	ENDANGERED	MALVACEAE	CALLIRHOE SCABRIUSCULA
TEXAS	ENDANGERED	MALVACEAE	GAYA VIOLACEA
TEXAS	ENDANGERED	MALVACEAE	HIBISCUS DASYCALYX
TEXAS	ENDANGERED	POACEAE	MUHLENBERGIA VILLOSA
TEXAS	ENDANGERED	POACEAE	POA INVOLUTA
TEXAS	ENDANGERED	POACEAE	ZIZANIA TEXANA
TEXAS	ENDANGERED	POLEMONIACEAE	PHLOX NIVALIS SSP. TEXENSIS
TEXAS	ENDANGERED	POLEMONIACEAE	POLEMONIUM PAUCIFLORUM SSP. HINCKLEYI
TEXAS	ENDANGERED	POLYGALACEAE	POLYGALA MARAVILLASENSIS
TEXAS	ENDANGERED	POLYGALACEAE	POLYGALA RIMULICOLA
TEXAS	ENDANGERED	POLYGONACEAE	ERIOGONUM NEALLEYI
TEXAS	ENDANGERED	POLYGONACEAE	ERIOGONUM SUFFRUTICOSUM
TEXAS	ENDANGERED	POLYGONACEAE	POLYGONELLA PARKSII
TEXAS	ENDANGERED	POLYGONACEAE	POLYGONUM TEXENSE
TEXAS	ENDANGERED	POTAMOGETONACEAE	POTAMOGETON CLYSTOCARPUS
TEXAS	ENDANGERED	RANUNCULACEAE	ANEMONE EDWARDSIANA VAR. EDWARDSIANA
TEXAS	ENDANGERED	RANUNCULACEAE	ANEMONE EDWARDSIANA VAR. PETRAEA
TEXAS	ENDANGERED	RANUNCULACEAE	AQUILEGIA CHAPLINEI
TEXAS	ENDANGERED	RANUNCULACEAE	AQUILEGIA HINCKLEYANA
TEXAS	ENDANGERED	RANUNCULACEAE	RANUNCULUS FASCICULARIS VAR. CUNEIFORMIS
TEXAS	ENDANGERED	RHAMNACEAE	COLUBRINA STRICTA
TEXAS	ENDANGERED	RHAMNACEAE	CONDALIA HOOKERI VAR. EDWARDSIANA
TEXAS	ENDANGERED	RUTACEAE	ZANTHOXYLUM PARVUM
TEXAS	ENDANGERED	SALICACEAE	POPULUS HINCKLEYANA
TEXAS	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA CILIATA
TEXAS	ENDANGERED	STYRACACEAE	STYRAX PLATANIFOLIA VAR. STELLATA
TEXAS	ENDANGERED	STYRACACEAE	STYRAX TEXANA
TEXAS	ENDANGERED	URTICACEAE	URTICA CHAMAEDRYOIDES VAR. RUNYONII
TEXAS	THREATENED	ACANTHACEAE	DYSCHORISTE CRENULATA
TEXAS	THREATENED	ACANTHACEAE	JUSTICIA RUNYONII
TEXAS	THREATENED	ACANTHACEAE	JUSTICIA WARNOCKII
TEXAS	THREATENED	ACANTHACEAE	JUSTICIA WRIGHTII
TEXAS	THREATENED	ACANTHACEAE	RUELLIA DRUMMONDIANA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TEXAS	THREATENED	ACANTHACEAE	STENANDRIUM FASCICULARIS
TEXAS	THREATENED	ACERACEAE	ACER GRANDIDENTATUM VAR. SINUOSUM
TEXAS	THREATENED	APIACEAE	ALETES FILIFOLIUS
TEXAS	THREATENED	APIACEAE	EURYTAENIA HINCKLEYI
TEXAS	THREATENED	APOCYNACEAE	AMSONIA GLABERRIMA
TEXAS	THREATENED	APOCYNACEAE	AMSONIA REPENS
TEXAS	THREATENED	APOCYNACEAE	AMSONIA THARPII
TEXAS	THREATENED	ASCLEPIADACEAE	MATELEA BREVICORONATA
TEXAS	THREATENED	ASTERACEAE	ASTER SCABRICAULIS
TEXAS	THREATENED	ASTERACEAE	ASTRANTHIUM ROBUSTUM
TEXAS	THREATENED	ASTERACEAE	BAHIA BIGELOVII
TEXAS	THREATENED	ASTERACEAE	BRICKELLIA BRACHYPHYLLA VAR. HINCKLEYI
TEXAS	THREATENED	ASTERACEAE	BRICKELLIA BRACHYPHYLLA VAR. TERLINGUENSIS
TEXAS	THREATENED	ASTERACEAE	BRICKELLIA DENTATA
TEXAS	THREATENED	ASTERACEAE	BRICKELLIA LEPTOPHYLLA
TEXAS	THREATENED	ASTERACEAE	BRICKELLIA SHINERI
TEXAS	THREATENED	ASTERACEAE	CHAETOPAPPA HERSHEYI
TEXAS	THREATENED	ASTERACEAE	CIRSIUM TURNERI
TEXAS	THREATENED	ASTERACEAE	ERIGERON BIGELOVII
TEXAS	THREATENED	ASTERACEAE	HELIANTHUS PRAECOX SSP. HIRTUS
TEXAS	THREATENED	ASTERACEAE	LIATRIS CYMOSA
TEXAS	THREATENED	ASTERACEAE	LIATRIS TENUIS
TEXAS	THREATENED	ASTERACEAE	PERITYLE WARNOCKII
TEXAS	THREATENED	ASTERACEAE	POROPHYLLUM GREGGII
TEXAS	THREATENED	ASTERACEAE	SENECIO WARNOCKII
TEXAS	THREATENED	ASTERACEAE	SOLIDAGO MOLLIS VAR. ANGUSTATA
TEXAS	THREATENED	BERBERIDACEAE	BERBERIS SWASEYI
TEXAS	THREATENED	BETULACEAE	OSTRYA CHISOSENSIS
TEXAS	THREATENED	BORAGINACEAE	CRYPTANTHA CRASSIPES
TEXAS	THREATENED	BORAGINACEAE	ONOSMODIUM HELLERI
TEXAS	THREATENED	BRASSICACEAE	ARABIS PETIOLARIS
TEXAS	THREATENED	BRASSICACEAE	LESQUERELLA ANGUSTIFOLIA
TEXAS	THREATENED	BRASSICACEAE	LESQUERELLA MCVAUGHIANA
TEXAS	THREATENED	BRASSICACEAE	LESQUERELLA THAMNOPHILA
TEXAS	THREATENED	BRASSICACEAE	STREPTANTHUS BRACTEATUS
TEXAS	THREATENED	BRASSICACEAE	STREPTANTHUS CARINATUS
TEXAS	THREATENED	BRASSICACEAE	STREPTANTHUS CUTLERI
TEXAS	THREATENED	CACTACEAE	CORYPHANTHA DASYACANTHA VAR. VARICOLOR
TEXAS	THREATENED	CACTACEAE	CORYPHANTHA DUNCANII
TEXAS	THREATENED	CACTACEAE	CORYPHANTHA HESTERI
TEXAS	THREATENED	CACTACEAE	CORYPHANTHA SNEEDII VAR. SNEEDII
TEXAS	THREATENED	CACTACEAE	CORYPHANTHA SULCATA VAR. NICKELSIAE
TEXAS	THREATENED	CACTACEAE	ECHINOCEREUS REICHENBACHII VAR. CHISOSENSIS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TEXAS	THREATENED	CACTACEAE	ECHINOCEREUS REICHENBACHII VAR. FITCHII
TEXAS	THREATENED	CACTACEAE	ECHINOCEREUS VIRIDIFLORUS VAR. CORRELLII
TEXAS	THREATENED	CACTACEAE	EPITHELANTHA BOKEI
TEXAS	THREATENED	CACTACEAE	NEOLLOYDIA WARNOCKII
TEXAS	THREATENED	CACTACEAE	OPUNTIA ARENARIA
TEXAS	THREATENED	CACTACEAE	OPUNTIA IMBRICATA VAR. ARGENTEA
TEXAS	THREATENED	CACTACEAE	THELOCACTUS BICOLOR VAR. FLAVIDISPINUS
TEXAS	THREATENED	CAMPAMULACEAE	CAMPANULA REVERCHONII
TEXAS	THREATENED	CAPPARIDACEAE	CLEOME MULTICAULIS
TEXAS	THREATENED	CAPRIFOLIACEAE	SYMPHORICARPOS GUADALUPENSIS
TEXAS	THREATENED	CARYOPHYLLACEAE	PARONYCHIA CHORIZANTHOIDES
TEXAS	THREATENED	CARYOPHYLLACEAE	PARONYCHIA DRUMMONDII SSP. PARVIFLORA
TEXAS	THREATENED	CARYOPHYLLACEAE	PARONYCHIA NUDATA
TEXAS	THREATENED	CARYOPHYLLACEAE	PARONYCHIA VIRGINICA VAR. PARKSII
TEXAS	THREATENED	CARYOPHYLLACEAE	PARONYCHIA WILKINSONII
TEXAS	THREATENED	COCHLOSPERMACEAE	AMOREUXIA WRIGHTII
TEXAS	THREATENED	COMMELINACEAE	TRADESCANTIA EDWARDSIANA
TEXAS	THREATENED	COMMELINACEAE	TRADESCANTIA WRIGHTII
TEXAS	THREATENED	CONVOLVULACEAE	IPOMOEA CARDIOPHYLLA
TEXAS	THREATENED	CRASSULACEAE	SEDUM ROBERTSIANUM
TEXAS	THREATENED	CUCURBITACEAE	CUCURBITA TEXANA
TEXAS	THREATENED	CYPERACEAE	CYPERUS ONEROSUS
TEXAS	THREATENED	CYPERACEAE	ELEOCHARIS AUSTROTEXANA
TEXAS	THREATENED	EUPHORBIACEAE	EUPHORBIA INNOCUA
TEXAS	THREATENED	EUPHORBIACEAE	EUPHORBIA JEJUNA
TEXAS	THREATENED	EUPHORBIACEAE	EUPHORBIA PERENNANS
TEXAS	THREATENED	EUPHORBIACEAE	EUPHORBIA ROEMERIANA
TEXAS	THREATENED	EUPHORBIACEAE	EUPHORBIA STRICTIOR
TEXAS	THREATENED	EUPHORBIACEAE	TRAGIA NIGRICANS
TEXAS	THREATENED	FABACEAE	AMORPHA TEXANA
TEXAS	THREATENED	FABACEAE	ASTRAGALUS MOLLISSIMUS VAR. MARCIDUS
TEXAS	THREATENED	FABACEAE	CAESALPINIA BRACHYCARPA
TEXAS	THREATENED	FABACEAE	CAESALPINIA DRUMMONDII
TEXAS	THREATENED	FABACEAE	COURSETIA AXILLARIS
TEXAS	THREATENED	FABACEAE	DESMODIUM LINDHEIMERI
TEXAS	THREATENED	FABACEAE	SOPHORA GYPSOPHILA VAR. GUADALUPENSIS
TEXAS	THREATENED	HYDROPHYLLACEAE	NAMA XYLOPODUM
TEXAS	THREATENED	HYDROPHYLLACEAE	PHACELIA INTEGRIFOLIA VAR. TEXANA
TEXAS	THREATENED	LAMIACEAE	HEDEOMA APICULATUM
TEXAS	THREATENED	LAMIACEAE	PHYSOSTEGIA MICRANTHA
TEXAS	THREATENED	LAMIACEAE	SALVIA PENSTEMONOIDES
TEXAS	THREATENED	LILIACEAE	AGAVE CHISOENSIS
TEXAS	THREATENED	LILIACEAE	ALLIUM PERDULCE VAR. SPENNYI

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TEXAS	THREATENED	LILIACEAE	ANTHERICUM CHANDLERI
TEXAS	THREATENED	LILIACEAE	POLIANTHES MACULOSA
TEXAS	THREATENED	LILIACEAE	TRILLIUM TEXANUM
TEXAS	THREATENED	LOGANIACEAE	SPIGELIA TEXANA
TEXAS	THREATENED	LYTHRACEAE	HEIMIA LONGIPES
TEXAS	THREATENED	LYTHRACEAE	LYTHRUM OVALIFOLIUM
TEXAS	THREATENED	MALVACEAE	ABUTILON MARSHII
TEXAS	THREATENED	MELASTOMATACEAE	RHEXIA SALICIFOLIA
TEXAS	THREATENED	NYCTAGINACEAE	ACLEISANTHES CRASSIFOLIA
TEXAS	THREATENED	ORCHIDACEAE	HEXALECTRIS GRANDIFLORA
TEXAS	THREATENED	ORCHIDACEAE	HEXALECTRIS NITIDA
TEXAS	THREATENED	ORCHIDACEAE	HEXALECTRIS REVOLUTA
TEXAS	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
TEXAS	THREATENED	ORCHIDACEAE	PLATANTHERA INTEGRA
TEXAS	THREATENED	PEDALIACEAE	PROBOSCIDEA SABULOSA
TEXAS	THREATENED	PLUMBAGINACEAE	LIMONIUM LIMBATUM
TEXAS	THREATENED	POACEAE	BOTHRIOCHLOA EXARISTATA
TEXAS	THREATENED	POACEAE	BROMUS TEXENSIS
TEXAS	THREATENED	POACEAE	CHLORIS TEXENSIS
TEXAS	THREATENED	POACEAE	FESTUCA LIGULATA
TEXAS	THREATENED	POACEAE	WILLKOMMIA TEXANA
TEXAS	THREATENED	POLYGONACEAE	ERIOGONUM CORRELLII
TEXAS	THREATENED	POLYGONACEAE	POLYGONUM STRIATULUM
TEXAS	THREATENED	POLYGONACEAE	RUMEX SPIRALIS
TEXAS	THREATENED	POLYPODIACEAE	NOTHOLAENA SCHAFFNERI VAR. NEALLYI
TEXAS	THREATENED	RANUNCULACEAE	THALICTRUM DEBILE
TEXAS	THREATENED	ROSACEAE	CRATAEGUS BERBERIFOLIA
TEXAS	THREATENED	ROSACEAE	CRATAEGUS STENOSEPALA
TEXAS	THREATENED	ROSACEAE	CRATAEGUS SUTHERLANDENSIS
TEXAS	THREATENED	ROSACEAE	CRATAEGUS WARNERI
TEXAS	THREATENED	ROSACEAE	PRUNUS HAVARDII
TEXAS	THREATENED	ROSACEAE	PRUNUS MINUTIFLORA
TEXAS	THREATENED	ROSACEAE	PRUNUS MURRAYANA
TEXAS	THREATENED	ROSACEAE	PRUNUS TEXANA
TEXAS	THREATENED	ROSACEAE	ROSA STELLATA
TEXAS	THREATENED	ROSACEAE	RUBUS DUPLARIS
TEXAS	THREATENED	RUBIACEAE	GALIUM CORRELLII
TEXAS	THREATENED	SAXIFRAGACEAE	PHILADELPHUS ERNESTII
TEXAS	THREATENED	SAXIFRAGACEAE	PHILADELPHUS TEXENSIS VAR. TEXENSIS
TEXAS	THREATENED	SCROPHULARIACEAE	CASTILLEJA ELONGATA
TEXAS	THREATENED	SOLANACEAE	LYCIUM BERBERIOIDES
TEXAS	THREATENED	SOLANACEAE	LYCIUM TEXANUM
TEXAS	THREATENED	STYRACACEAE	STYRAX YOUNGAE

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
TEXAS	THREATENED	VALERIANACEAE	VALERIANA TEXANA
UTAH	ENDANGERED	APIACEAE	CYMOPTERUS DUCHESNENSIS
UTAH	ENDANGERED	APIACEAE	CYMOPTERUS MINIMUS
UTAH	ENDANGERED	APOCYNACEAE	CYCLADENIA JONESII
UTAH	ENDANGERED	ASTERACEAE	ERIGERON FLAGELLARIS VAR. TRILOBATUS
UTAH	ENDANGERED	ASTERACEAE	ERIGERON KACHINENSIS
UTAH	ENDANGERED	ASTERACEAE	ERIGERON MAGUIREI
UTAH	ENDANGERED	ASTERACEAE	ERIGERON RELIGIOSUS
UTAH	ENDANGERED	ASTERACEAE	ERIGERON SIONIS
UTAH	ENDANGERED	ASTERACEAE	TOWNSENDIA APRICA
UTAH	ENDANGERED	ASTERACEAE	VIGUIERA SOLICEPS
UTAH	ENDANGERED	BORAGINACEAE	CRYPTANTHA BREVIFLORA
UTAH	ENDANGERED	BORAGINACEAE	CRYPTANTHA GRAHAMII
UTAH	ENDANGERED	BORAGINACEAE	CRYPTANTHA JOHNSTONII
UTAH	ENDANGERED	BORAGINACEAE	CRYPTANTHA JONESIANA
UTAH	ENDANGERED	BORAGINACEAE	CRYPTANTHA OCHROLEUCA
UTAH	ENDANGERED	BRASSICACEAE	GLAUCOCARPUM SUFFRUTESCENS
UTAH	ENDANGERED	BRASSICACEAE	LEPIDIUM BARNEBYANUM
UTAH	ENDANGERED	CACTACEAE	ECHINOCEREUS ENGELMANNII VAR. PURPUREUS
UTAH	ENDANGERED	CACTACEAE	SCLEROCACTUS GLAUCUS
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS CRONQUISTII
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS DETRITALIS
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS HAMILTONII
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS HARRISONII
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS LOANUS
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS LUTOSUS
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS MALACOIDES
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS MINTHORNIAE VAR. GRACILIOR
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS PARDALINUS
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS SAURINUS
UTAH	ENDANGERED	FABACEAE	ASTRAGALUS SERPENS
UTAH	ENDANGERED	FABACEAE	OXYTROPIS OBNAPIFORMIS
UTAH	ENDANGERED	GENTIANACEAE	FRASERA GYPSICOLA
UTAH	ENDANGERED	HYDROPHYLLACEAE	PHACELIA ARGILLACEA
UTAH	ENDANGERED	HYDROPHYLLACEAE	PHACELIA MAMMILLARENSIS
UTAH	ENDANGERED	LILIACEAE	ALLIUM PASSEYI
UTAH	ENDANGERED	ONAGRACEAE	CAMISSONIA MEGALANTHA
UTAH	ENDANGERED	PAPAVERACEAE	ARCTOMECON HUMILIS
UTAH	ENDANGERED	POLEMONIACEAE	GILIA CAESPITOSA
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM AMMOPHILUM
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM ARETIOIDES
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM CORYMBOSUM VAR. DAVIDSEI
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM CRONQUISTII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM EPHEDROIDES
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM HUMIVAGANS
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM MYLOPHILUM
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM INTERMONTANUM
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM LANCIFOLIUM
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM LOGANUM
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM PELINOPHILUM
UTAH	ENDANGERED	POLYGONACEAE	ERIOGONUM ZIONIS VAR. ZIONIS
UTAH	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA AQUARIENSIS
UTAH	ENDANGERED	SCROPHULARIACEAE	CASTILLEJA REVEALII
UTAH	ENDANGERED	SCROPHULARIACEAE	PENSTEMON CONCINNUS
UTAH	ENDANGERED	SCROPHULARIACEAE	PENSTEMON DECURVUS
UTAH	ENDANGERED	SCROPHULARIACEAE	PENSTEMON GRAHAMII
UTAH	ENDANGERED	SCROPHULARIACEAE	PENSTEMON NANUS
UTAH	THREATENED	APIACEAE	CYMOPTERUS BASALTICUS
UTAH	THREATENED	APIACEAE	CYMOPTERUS COULTERI
UTAH	THREATENED	APIACEAE	CYMOPTERUS NEWBERRYI
UTAH	THREATENED	APIACEAE	CYMOPTERUS ROSEI
UTAH	THREATENED	APIACEAE	LOMATIUM MINIMUM
UTAH	THREATENED	ASCLEPIADACEAE	ASCLEPIAS CUTLERI
UTAH	THREATENED	ASCLEPIADACEAE	ASCLEPIAS RUTHIAE
UTAH	THREATENED	ASTERACEAE	ERIGERON ARAJOENSIS
UTAH	THREATENED	ASTERACEAE	ERIGERON CRONQUISTII
UTAH	THREATENED	ASTERACEAE	ERIGERON GARRETTII
UTAH	THREATENED	ASTERACEAE	ERIGERON MANCUS
UTAH	THREATENED	ASTERACEAE	HAPLOPAPPUS SCOPULORUM
UTAH	THREATENED	ASTERACEAE	HYMENOPAPPUS FILIFOLIUS VAR. TOMENTOSUS
UTAH	THREATENED	ASTERACEAE	MACHAERANTHERA GRINDELIOIDES VAR. DEPRESSA
UTAH	THREATENED	ASTERACEAE	PARTHENIUM LIGULATUM
UTAH	THREATENED	ASTERACEAE	SENECIO DIMORPHOPHYLLUS VAR. INTERMEDIUS
UTAH	THREATENED	BORAGINACEAE	CRYPTANTHA BARNEBYI
UTAH	THREATENED	BORAGINACEAE	CRYPTANTHA COMPACTA
UTAH	THREATENED	BORAGINACEAE	CRYPTANTHA ELATA
UTAH	THREATENED	BORAGINACEAE	CRYPTANTHA SEMIGLABRA
UTAH	THREATENED	BORAGINACEAE	CRYPTANTHA STRICTA
UTAH	THREATENED	BORAGINACEAE	MERTENSIA VIRIDIS VAR. CANA
UTAH	THREATENED	BORAGINACEAE	MERTENSIA VIRIDIS VAR. DILATATA
UTAH	THREATENED	BRASSICACEAE	ARABIS DEMISSA VAR. LANGUIDA
UTAH	THREATENED	BRASSICACEAE	ARABIS DEMISSA VAR. RUSSEOLA
UTAH	THREATENED	BRASSICACEAE	ARABIS SHOCKLEYI
UTAH	THREATENED	BRASSICACEAE	DRABA SOBOLIFERA
UTAH	THREATENED	BRASSICACEAE	DRABA SUBALPINA
UTAH	THREATENED	BRASSICACEAE	DRABA ZIONENSIS

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
UTAH	THREATENED	BRASSICACEAE	LESQUERELLA GARRETTII
UTAH	THREATENED	BRASSICACEAE	LESQUERELLA RUBICUNDULA
UTAH	THREATENED	BRASSICACEAE	PARRYA NUDICAULIS
UTAH	THREATENED	CACTACEAE	OPUNTIA WHIPPLEI VAR. MULTIGENICULATA
UTAH	THREATENED	CACTACEAE	SCLEROCACTUS PUBISPINUS
UTAH	THREATENED	CACTACEAE	SCLEROCACTUS SPINOSIOR
UTAH	THREATENED	CACTACEAE	SCLEROCACTUS WRIGHTIAE
UTAH	THREATENED	CARYOPHYLLACEAE	ARENARIA STENOMERES
UTAH	THREATENED	CARYOPHYLLACEAE	SILENE PETERSONII
UTAH	THREATENED	EUPHORBIACEAE	EUPHORBIA NEPHRADENIA
UTAH	THREATENED	FABACEAE	ASTRAGALUS AMPULLARIUS
UTAH	THREATENED	FABACEAE	ASTRAGALUS CHLOODES
UTAH	THREATENED	FABACEAE	ASTRAGALUS CONVALLARIUS VAR. FINITIMUS
UTAH	THREATENED	FABACEAE	ASTRAGALUS COTTAMII
UTAH	THREATENED	FABACEAE	ASTRAGALUS DESPERATUS VAR. CONSPECTUS
UTAH	THREATENED	FABACEAE	ASTRAGALUS DUCHESNENSIS
UTAH	THREATENED	FABACEAE	ASTRAGALUS ENSIFORMIS
UTAH	THREATENED	FABACEAE	ASTRAGALUS LANCEARIUS
UTAH	THREATENED	FABACEAE	ASTRAGALUS NIDULARIUS
UTAH	THREATENED	FABACEAE	ASTRAGALUS OOPHORUS VAR. LONCHOCALYX
UTAH	THREATENED	FABACEAE	ASTRAGALUS RAFAELENSIS
UTAH	THREATENED	FABACEAE	ASTRAGALUS STRIATIFLORUS
UTAH	THREATENED	FABACEAE	ASTRAGALUS WETHERILLII
UTAH	THREATENED	FABACEAE	DALEA THOMPSONAE
UTAH	THREATENED	FABACEAE	LUPINUS MARIANUS
UTAH	THREATENED	FABACEAE	PARRYA RYDBERGII
UTAH	THREATENED	FABACEAE	PETERIA THOMPSONIAE
UTAH	THREATENED	FABACEAE	PSORALEA EPIPSILA
UTAH	THREATENED	FUMARIACEAE	CORYDALIS CASEANA SSP. CASEANA
UTAH	THREATENED	GERANIACEAE	GERANIUM MARGINALE
UTAH	THREATENED	HYDROPHYLLACEAE	NAMA RETRORSUM
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA ANELSONII
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA CEPHALOTES
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA CONSTANCEI
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA DEMISSA VAR. HETEROTRICHA
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA HOWELLIANA
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA INDECORA
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA RAFAELENSIS
UTAH	THREATENED	HYDROPHYLLACEAE	PHACELIA UTAHENSIS
UTAH	THREATENED	ONAGRACEAE	CAMISSONIA PARRYI
UTAH	THREATENED	ONAGRACEAE	EPILOBIUM NEVADENSE
UTAH	THREATENED	POACEAE	PUCCINELLIA PARISHII
UTAH	THREATENED	POLEMONIACEAE	GILIA MCVICKERAE

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
UTAH	THREATENED	POLEMONIACEAE	PHLOX CLUTEANA
UTAH	THREATENED	POLEMONIACEAE	PHLOX GLADIFORMIS
UTAH	THREATENED	POLEMONIACEAE	PHLOX GRAHAMII
UTAH	THREATENED	POLEMONIACEAE	PHLOX JONESII
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM CLAVELLATUM
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM EREMICUM
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM JAMESII VAR. RUBICOLA
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM NANUM
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM OSTLUNDII
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM PANGUICENSE VAR. ALPESTRE
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM SAURINUM
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM SMITHII
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM THOMPSONAE VAR. ALBIFLORUM
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM THOMPSONAE VAR. THOMPSONAE
UTAH	THREATENED	POLYGONACEAE	ERIOGONUM VIRIDULUM
UTAH	THREATENED	PORTULACACEAE	LEWISIA MAGUIREI
UTAH	THREATENED	PRIMULACEAE	PRIMULA MAGUIREI
UTAH	THREATENED	PRIMULACEAE	PRIMULA SPECUICOLA
UTAH	THREATENED	SCROPHULARIACEAE	CASTILLEJA PARVULA VAR. PARVULA
UTAH	THREATENED	SCROPHULARIACEAE	CASTILLEJA SCABRIDA
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON ABIETINUS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON ACAULIS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON CAESPITOSUS VAR. SUFFRUTICOSUS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON COMPACTUS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON LEIOPHYLLUS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON PARVUS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON UINTAHENSIS
UTAH	THREATENED	SCROPHULARIACEAE	PENSTEMON WARDII
UTAH	THREATENED	VIOLACEAE	VIOLA CHARLESTONENSIS
VERMONT	ENDANGERED	CYPERACEAE	SCIRPUS ANCISTROCHAETUS
VERMONT	ENDANGERED	FABACEAE	ASTRAGALUS ROBBINSII VAR. JESUPI
VERMONT	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
VERMONT	ENDANGERED	POACEAE	CALAMAGROSTIS INEXPANSA VAR. NOVAE-ANGLIAE
VERMONT	THREATENED	ASTERACEAE	PRENANTHES BOOTTII
VERMONT	THREATENED	CYPERACEAE	SCIRPUS LONGII
VERMONT	THREATENED	ORCHIDACEAE	CYPRIPEDIUM ARIETINUM
VERMONT	THREATENED	POTAMOGETONACEAE	POTAMOGETON HILLII
VIRGINIA	ENDANGERED	ARISTOLOCHIACEAE	HEXASTYLIS NANIFLORA
VIRGINIA	ENDANGERED	CISTACEAE	LECHEA MARITIMA VAR. VIRGINICA
VIRGINIA	ENDANGERED	DIAPENSIACEAE	SHORTIA GALACIFOLIA VAR. GALACIFOLIA
VIRGINIA	ENDANGERED	LILIACEAE	HYPOXIS LONGII
VIRGINIA	ENDANGERED	LILIACEAE	TRILLIUM PUSILLUM VAR. VIRGINIANUM
VIRGINIA	ENDANGERED	MALVACEAE	ILIAMNA REMOTA

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
VIRGINIA	ENDANGERED	ORCHIDACEAE	ISOTRIA MEDEOLOIDES
VIRGINIA	ENDANGERED	POACEAE	PANICUM MUNDUM
VIRGINIA	ENDANGERED	RANUNCULACEAE	CLEMATIS ADDISONII
VIRGINIA	ENDANGERED	RANUNCULACEAE	CLEMATIS VITICAULIS
VIRGINIA	ENDANGERED	SCROPHULARIACEAE	BACOPA STRAGULA
VIRGINIA	THREATENED	ACANTHACEAE	JUSTICIA MORTUIFLUMINIS
VIRGINIA	THREATENED	APIACEAE	OXYPOLIS CANBYI
VIRGINIA	THREATENED	AQUIFOLIACEAE	ILEX AMELANCHIER
VIRGINIA	THREATENED	ARISTOLOCHIACEAE	HEXASTYLIS LEWISII
VIRGINIA	THREATENED	ASTERACEAE	ECHINACEA LAEVIGATA
VIRGINIA	THREATENED	ASTERACEAE	EUPATORIUM SALTUENSE
VIRGINIA	THREATENED	ASTERACEAE	RUDBECKIA HELIOPSIDIS
VIRGINIA	THREATENED	BRASSICACEAE	CARDAMINE LONGII
VIRGINIA	THREATENED	CYPERACEAE	CAREX BILTMOREANA
VIRGINIA	THREATENED	CYPERACEAE	CAREX CHAPMANII
VIRGINIA	THREATENED	CYPERACEAE	CYMOPHYLLUS FRASERI
VIRGINIA	THREATENED	CYPERACEAE	SCIRPUS FLACCIDIFOLIUS
VIRGINIA	THREATENED	ERICACEAE	RHODODENDRON BAKERI
VIRGINIA	THREATENED	ISOETACEAE	ISOETES VIRGINICA
VIRGINIA	THREATENED	JUNCACEAE	JUNCUS CAESARIENSIS
VIRGINIA	THREATENED	LAMIACEAE	PYCNANTHEMUM MONOTRICHUM
VIRGINIA	THREATENED	LAMIACEAE	SYNANDRA HISPIDULA
VIRGINIA	THREATENED	LILIACEAE	LILIUM GRAYII
VIRGINIA	THREATENED	POACEAE	CALAMAGROSTIS PORTERI
VIRGINIA	THREATENED	POACEAE	CALAMOVILFA BREVIPILIS VAR. BREVIPILIS
VIRGINIA	THREATENED	POACEAE	CALAMOVILFA BREVIPILIS VAR. CALVIPES
VIRGINIA	THREATENED	POACEAE	PANICUM ACULEATUM
VIRGINIA	THREATENED	POLYPODIACEAE	ASPLENIUM EBENOIDES
VIRGINIA	THREATENED	POLYPODIACEAE	ASPLENIUM KENTUCKIENSE
VIRGINIA	THREATENED	RANUNCULACEAE	ANEMONE MINIMA
VIRGINIA	THREATENED	RANUNCULACEAE	CIMICIFUGA RUBIFOLIA
VIRGINIA	THREATENED	SANTALACEAE	BUCKLEYA DISTICHOPHYLLA
VIRGINIA	THREATENED	SANTALACEAE	NESTRONIA UMBELLULA
VIRGINIA	THREATENED	SAXIFRAGACEAE	HEUCHERA HISPIDA
VIRGINIA	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAREYANA
VIRGINIA	THREATENED	SAXIFRAGACEAE	SAXIFRAGA CAROLINIANA
VIRGINIA	THREATENED	SCROPHULARIACEAE	MICRANTHEMUM MICRANTHEMOIDES
WASHINGTON	ENDANGERED	APIACEAE	LOMATIUM SUKSDORFII
WASHINGTON	ENDANGERED	APIACEAE	LOMATIUM TUBEROSUM
WASHINGTON	ENDANGERED	APIACEAE	TAUSCHIA HOOVERI
WASHINGTON	ENDANGERED	ASTERACEAE	ERIGERON BASALTICUS
WASHINGTON	ENDANGERED	BORAGINACEAE	HACKELIA VENUSTA
WASHINGTON	ENDANGERED	CARYOPHYLLACEAE	SILENE SPALDINGII

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
WASHINGTON	ENDANGERED	FABACEAE	ASTRAGALUS KENTROPHYTA VAR. DOUGLASII
WASHINGTON	ENDANGERED	FABACEAE	ASTRAGALUS MISELLUS VAR. PAUPER
WASHINGTON	ENDANGERED	FABACEAE	ASTRAGALUS SINUATUS
WASHINGTON	ENDANGERED	FABACEAE	TRIFOLIUM THOMPSONII
WASHINGTON	ENDANGERED	HYDROPHYLLACEAE	HYDROPHYLLUM CAPITATUM VAR. THOMPSONII
WASHINGTON	ENDANGERED	LILIACEAE	ALLIUM DICTUON
WASHINGTON	ENDANGERED	POACEAE	POA PACHYPHOLIS
WASHINGTON	ENDANGERED	PORTULACACEAE	LEWISIA TWEEDYI
WASHINGTON	ENDANGERED	ROSACEAE	PETROPHYTUM CINERASCENS
WASHINGTON	ENDANGERED	SAXIFRAGACEAE	PARNASSIA KOTZEBUEI VAR. PUMILA
WASHINGTON	THREATENED	APIACEAE	ERYNGIUM PETIOLATUM
WASHINGTON	THREATENED	APIACEAE	LOMATIUM CUSPIDATUM
WASHINGTON	THREATENED	APIACEAE	LOMATIUM LAEVIGATUM
WASHINGTON	THREATENED	APIACEAE	LOMATIUM SERPENTINUM
WASHINGTON	THREATENED	APIACEAE	LOMATIUM THOMPSONII
WASHINGTON	THREATENED	APIACEAE	TAUSCHIA STRICKLANDII
WASHINGTON	THREATENED	ASTERACEAE	ARNICA AMPLEXICAULIS VAR. PIPERI
WASHINGTON	THREATENED	ASTERACEAE	ASTER CHILENSIS SSP. HALLII
WASHINGTON	THREATENED	ASTERACEAE	ASTER CURTUS
WASHINGTON	THREATENED	ASTERACEAE	ASTER GLAUCESCENS
WASHINGTON	THREATENED	ASTERACEAE	ASTER JESSICAE
WASHINGTON	THREATENED	ASTERACEAE	BALSAMORHIZA ROSEA
WASHINGTON	THREATENED	ASTERACEAE	CHAENACTIS RAMOSA
WASHINGTON	THREATENED	ASTERACEAE	CHAENACTIS THOMPSONII
WASHINGTON	THREATENED	ASTERACEAE	CHRYSOTHAMNUS NAUSEOSUS VAR. NANUS
WASHINGTON	THREATENED	ASTERACEAE	CIRSIUM BREVIFOLIUM
WASHINGTON	THREATENED	ASTERACEAE	ERIGERON FLETTII
WASHINGTON	THREATENED	ASTERACEAE	ERIGERON LEIBERGII
WASHINGTON	THREATENED	ASTERACEAE	ERIGERON PIPERIANUS
WASHINGTON	THREATENED	ASTERACEAE	HAPLOPAPPUS HALLII
WASHINGTON	THREATENED	ASTERACEAE	HAPLOPAPPUS LIATRIFORMIS
WASHINGTON	THREATENED	ASTERACEAE	HIERACIUM LONGIBERBE
WASHINGTON	THREATENED	ASTERACEAE	LASTHENIA MINOR VAR. MARITIMA
WASHINGTON	THREATENED	ASTERACEAE	SENECIO NEOWEBSTERI
WASHINGTON	THREATENED	BORAGINACEAE	CRYPTANTHA THOMPSONII
WASHINGTON	THREATENED	BORAGINACEAE	HACKELIA HISPIDA
WASHINGTON	THREATENED	BRASSICACEAE	DRABA DOUGLASII
WASHINGTON	THREATENED	BRASSICACEAE	DRABA VENTOSA VAR. RUAXES
WASHINGTON	THREATENED	BRASSICACEAE	RORIPPA COLUMBIAE
WASHINGTON	THRLATENED	CAMPANULACEAE	CAMPANULA PIPERI
WASHINGTON	THREATENED	CARYOPHYLLACEAE	ARENARIA PALUDICOLA
WASHINGTON	THREATENED	CARYOPHYLLACEAE	SILENE SEELYI
WASHINGTON	THREATENED	FABACEAE	ASTRAGALUS COTTONII

V40-127 JUL 1 75 XUM

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
WASHINGTON	THREATENED	FABACEAE	ASTRAGALUS MULFORDAE
WASHINGTON	THREATENED	FABACEAE	LUPINUS SABINII
WASHINGTON	THREATENED	FABACEAE	TRIFOLIUM PLUMOSUM VAR. PLUMOSUM
WASHINGTON	THREATENED	LILIACEAE	ALLIUM ROBINSONII
WASHINGTON	THREATENED	LILIACEAE	CALOCHORTUS NITIDUS
WASHINGTON	THREATENED	LILIACEAE	ERYTHRONIUM OREGONUM
WASHINGTON	THREATENED	MALVACEAE	SIDALCEA OREGANA VAR. CALVA
WASHINGTON	THREATENED	POACEAE	CALAMAGROSTIS CRASSIGLUMIS
WASHINGTON	THREATENED	POACEAE	CALAMAGROSTIS TWEEDYI
WASHINGTON	THREATENED	POACEAE	POA CURTIFOLIA
WASHINGTON	THREATENED	POLEMONIACEAE	POLEMONIUM PECTINATUM
WASHINGTON	THREATENED	POLYGONACEAE	ERIOGONUM THYMOIDES
WASHINGTON	THREATENED	POLYGONACEAE	ERIOGONUM UMBELLATUM VAR. HYPOLEIUM
WASHINGTON	THREATENED	POLYPODIACEAE	POLYSTICHUM KRUCKEBERGII
WASHINGTON	THREATENED	PORTULACACEAE	CLAYTONIA LANCEOLATA VAR. CHRYSANTHA
WASHINGTON	THREATENED	PORTULACACEAE	CLAYTONIA MEGARHIZA VAR. NIVALIS
WASHINGTON	THREATENED	PORTULACACEAE	TALINUM OKANOGANENSE
WASHINGTON	THREATENED	PRIMULACEAE	DODECATHEON POETICUM
WASHINGTON	THREATENED	PRIMULACEAE	DOUGLASIA LAEVIGATA
WASHINGTON	THREATENED	RANUNCULACEAE	CIMICIFUGA LACINIATA
WASHINGTON	THREATENED	RANUNCULACEAE	CLEMATIS OCCIDENTALIS VAR. DISSECTA
WASHINGTON	THREATENED	RANUNCULACEAE	DELPHINIUM MULTIPLEX
WASHINGTON	THREATENED	RANUNCULACEAE	DELPHINIUM NUTTALLIANUM VAR. LINEAPETALUM
WASHINGTON	THREATENED	RANUNCULACEAE	DELPHINIUM VIRIDESCENS
WASHINGTON	THREATENED	RANUNCULACEAE	DELPHINIUM XANTHOLEUCUM
WASHINGTON	THREATENED	RANUNCULACEAE	RANUNCULUS RECONDITUS
WASHINGTON	THREATENED	ROSACEAE	PETROPHYTUM HENDERSONII
WASHINGTON	THREATENED	ROSACEAE	RUBUS NIGERRIMUS
WASHINGTON	THREATENED	SALICACEAE	SALIX FLUVIATILIS
WASHINGTON	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OREGANA
WASHINGTON	THREATENED	SCROPHULARIACEAE	CASTILLEJA CRYPTANTHA
WASHINGTON	THREATENED	SCROPHULARIACEAE	CASTILLEJA PARVIFLORA VAR. OLYMPICA
WASHINGTON	THREATENED	SCROPHULARIACEAE	MIMULUS JUNGERMANNIOIDES
WASHINGTON	THREATENED	SCROPHULARIACEAE	PEDICULARIS RAINIERENSIS
WASHINGTON	THREATENED	SCROPHULARIACEAE	PENSTEMON WASHINGTONENSIS
WASHINGTON	THREATENED	SCROPHULARIACEAE	SYNTHYRIS PINNATIFIDA VAR. LANUGINOSA
WASHINGTON	THREATENED	SCROPHULARIACEAE	SYNTHYRIS SCHIZANTHA
WASHINGTON	THREATENED	VALERIANACEAE	VALERIANA COLUMBIANA
WASHINGTON	THREATENED	VIOLACEAE	VIOLA FLETTII
WEST VIRGINIA	THREATENED	APIACEAE	OXYPOLIS CANBYI
WEST VIRGINIA	THREATENED	APIACEAE	PTILIMNIUM FLUVIATILE
WEST VIRGINIA	THREATENED	CYPERACEAE	CYMOPHYLLUS FRASERI
WEST VIRGINIA	THREATENED	LAMIACEAE	SCUTELLARIA OVATA SSP. PSEUDOANGUSTA

List A

STATE LISTS OF ENDANGERED AND THREATENED SPECIES OF THE CONTINENTAL UNITED STATES

STATE	STATUS	FAMILY	SPECIES
WEST VIRGINIA	THREATENED	LAMIACEAE	SYNANDRA HISPIDULA
WEST VIRGINIA	THREATENED	ORCHIDACEAE	PLATANTHERA PERAMOENA
WEST VIRGINIA	THREATENED	POACEAE	CALAMAGROSTIS PORTERI
WEST VIRGINIA	THREATENED	POLYPODIACEAE	ASPLENIUM EBENOIDES
WEST VIRGINIA	THREATENED	RANUNCULACEAE	ANEMONE MINIMA
WEST VIRGINIA	THREATENED	ROSACEAE	PRUNUS ALLEGHANIENSIS
WEST VIRGINIA	THREATENED	SAXIFRAGACEAE	HEUCHERA HISPIDA
WISCONSIN	ENDANGERED	ASTERACEAE	GNAPHALIUM OBTUSIFOLIUM VAR. SAXICOLA
WISCONSIN	ENDANGERED	FABACEAE	LESPEDEZA LEPTOSTACHYA
WISCONSIN	ENDANGERED	POLYPODIACEAE	WOODSIA ABBEAE
WISCONSIN	THREATENED	FABACEAE	OXYTROPIS CAMPESTRIS VAR. CHARTACEA
WISCONSIN	THREATENED	IRIDACEAE	IRIS LACUSTRIS
WISCONSIN	THREATENED	ORCHIDACEAE	CYPRIPEDIUM ARIETINUM
WISCONSIN	THREATENED	ORCHIDACEAE	LISTERA AURICULATA
WISCONSIN	THREATENED	ORCHIDACEAE	PLATANTHERA FLAVA
WISCONSIN	THREATENED	ORCHIDACEAE	PLATANTHERA LEUCOPHAEA
WISCONSIN	THREATENED	POACEAE	POA PALUDIGENA
WISCONSIN	THREATENED	POLYPODIACEAE	GYMNOCARPIUM HETEROSPORUM
WISCONSIN	THREATENED	RANUNCULACEAE	ACONITUM NOVEBORACENSE VAR. GUASICILIATUM
WISCONSIN	THREATENED	SAXIFRAGACEAE	SULLIVANTIA OHIONIS
WYOMING	ENDANGERED	BRASSICACEAE	LESQUERELLA FREMONTII
WYOMING	ENDANGERED	FABACEAE	ASTRAGALUS PROIMANTHUS
WYOMING	ENDANGERED	ONAGRACEAE	GAURA NEOMEXICANA SSP. COLORADENSIS
WYOMING	THREATENED	ASTERACEAE	ARTEMISIA PORTERI
WYOMING	THREATENED	ASTERACEAE	ERIGERON ALLOCOTUS
WYOMING	THREATENED	ASTERACEAE	TANACETUM SIMPLEX
WYOMING	THREATENED	ASTERACEAE	TOWNSENDIA SPATHULATA
WYOMING	THREATENED	BORAGINACEAE	CRYPTANTHA STRICTA
WYOMING	THREATENED	BORAGINACEAE	MERTENSIA VIRIDIS VAR. DILATATA
WYOMING	THREATENED	BRASSICACEAE	ARABIS DEMISSA VAR. LANGUIDA
WYOMING	THREATENED	BRASSICACEAE	ARABIS DEMISSA VAR. RUSSEOLA
WYOMING	THREATENED	BRASSICACEAE	DRABA NIVALIS VAR. BREVICULA
WYOMING	THREATENED	BRASSICACEAE	LESQUERELLA CARINATA
WYOMING	THREATENED	BRASSICACEAE	PHYSARIA CONDENSATA
WYOMING	THREATENED	CYPERACEAE	CAREX MICROPTERA VAR. CRASSINERVIA
WYOMING	THREATENED	POACEAE	AGROSTIS ROSSIAE
WYOMING	THREATENED	POACEAE	ORYZOPSIS HYMENOIDES VAR. CONTRACTA
WYOMING	THREATENED	PORTULACACEAE	CLAYTONIA BELLIDIFOLIA
WYOMING	THREATENED	RANUNCULACEAE	AQUILEGIA LARAMIENSIS
WYOMING	THREATENED	SCROPHULARIACEAE	PENSTEMON CARYI
WYOMING	THREATENED	SCROPHULARIACEAE	PENSTEMON PAYSONIORUM

V40-127 JUL 1 75 XUM

List A

Smithsonian Institution Modifications as of May 21, 1975

State Additions

State	Status	Family	Species
Alabama	Threatened	Orchidaceae	Platanthera integra
Colorado	Endangered	Cactaceae	Pediocactus knowltonii
Colorado	Threatened	Cactaceae	Sclerocactus spinosior
Connecticut	Threatened	Orchidaceae	Cypripedium arietinum
Delaware	Threatened	Orchidaceae	Platanthera flava
Georgia	Threatened	Orchidaceae	Platanthera integra
Illinois	Threatened	Orchidaceae	Cypripedium candidum
Indiana	Threatened	Orchidaceae	Cypripedium candidum
Iowa	Threatened	Orchidaceae	Cypripedium candidum
Iowa	Threatened	Orchidaceae	Platanthera flava
Iowa	Threatened	Orchidaceae	Platanthera leucophaea
Louisiana	Threatened	Orchidaceae	Platanthera integra
Maine	Endangered	Orchidaceae	Isotria medeoloides
Maine	Threatened	Cyperaceae	Scirpus longii
Maine	Threatened	Orchidaceae	Cypripedium arietinum
Maine	Threatened	Orchidaceae	Platanthera flava
Massachusetts	Threatened	Orchidaceae	Platanthera flava
Michigan	Threatened	Orchidaceae	Cypripedium candidum
Michigan	Threatened	Orchidaceae	Platanthera flava
Minnesota	Threatened	Orchidaceae	Cypripedium candidum
Minnesota	Threatened	Orchidaceae	Platanthera flava
Mississippi	Threatened	Orchidaceae	Platanthera integra
Nebraska	Threatened	Orchidaceae	Cypripedium candidum
Nevada	Threatened	Lamiaceae	Salvia funerea

List A

Smithsonian Modifications - State Additions

New Hampshire	Threatened	Orchidaceae	Cypripedium arietinum
New Hampshire	Threatened	Orchidaceae	Platanthera flava
New Jersey	Threatened	Orchidaceae	Platanthera flava
New York	Endangered	Cyperaceae	Scirpus ancistrochaetus
New York	Threatened	Cyperaceae	Scirpus longii
New York	Threatened	Orchidaceae	Platanthera flava
North Carolina	Threatened	Orchidaceae	Platanthera flava
North Carolina	Threatened	Orchidaceae	Platanthera peramoena
Ohio	Threatened	Orchidaceae	Cypripedium candidum
Ohio	Threatened	Orchidaceae	Platanthera flava
Pennsylvania	Endangered	Cyperaceae	Scirpus ancistrochaetus
Rhode Island	Threatened	Orchidaceae	Platanthera flava
South Carolina	Threatened	Arecaceae	Rhapidophyllum hystrix
South Carolina	Threatened	Orchidaceae	Platanthera flava
South Dakota	Threatened	Orchidaceae	Cypripedium candidum
Vermont	Threatened	Orchidaceae	Listera auriculata
Vermont	Threatened	Orchidaceae	Platanthera flava
Virginia	Endangered	Cyperaceae	Scirpus ancistrochaetus
Virginia	Threatened	Orchidaceae	Platanthera flava
Virginia	Threatened	Orchidaceae	Platanthera peramoena
Washington	Endangered	Orchidaceae	Platanthera unalascensis ssp. maritima
West Virginia	Threatened	Orchidaceae	Platanthera flava
Wisconsin	Threatened	Orchidaceae	Cypripedium candidum

V40-127 JUL 1 75 XUM

List A

State Deletions

Arkansas	Threatened	Scrophulariaceae	Penstemon multicaulis
Illinois	Threatened	Lauraceae	Lindera melissifolia
Illinois	Threatened	Saxifragaceae	Sullivantia ohionis
Minnesota	Threatened	Saxifragaceae	Sullivantia ohionis
North Carolina	Threatened	Asteraceae	Hartwrightia floridana
North Carolina	Threatened	Cyperaceae	Scirpus longii
Texas	Threatened	Convolvulaceae	Ipomoea cardiophylla
Vermont	Threatened	Cyperaceae	Scirpus longii
Virginia	Endangered	Diapensiaceae	Shortia galacifolia var. galacifolia
Wisconsin	Threatened	Saxifragaceae	Sullivantia ohionis

Name Changes

Alabama	Endangered	Asclepiadaceae	Cyclodon alabamense
	change to:		Matelea alabamensis
Indiana	Threatened	Saxifragaceae	Sullivantia ohionis
	change to:		Sullivantia sullivantii
Kentucky	Threatened	Saxifragaceae	Sullivantia ohionis
	change to:		Sullivantia sullivantii
Ohio	Threatened	Saxifragaceae	Sullivantia ohionis
	change to:		Sullivantia sullivantii
Utah	Threatened	Fabaceae	Parrya rydbergii
	change to:	Brassicaceae	

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
AMARANTHACEAE	ACHYRANTHES MUTICA	ENDANGERED
AMARANTHACEAE	ACHYRANTHES SPLENDENS VAR. REFLEXA	ENDANGERED
AMARANTHACEAE	ACHYRANTHES SPLENDENS VAR. ROTUNDATA	ENDANGERED
AMARANTHACEAE	ACHYRANTHES SPLENDENS VAR. SPLENDENS	ENDANGERED
AMARANTHACEAE	AERVA SERICEA	EXTINCT
AMARANTHACEAE	CHAMPENTIERA DENSIFLORA	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM HUMILE VAR. HUMILE	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM HUMILE VAR. PARVIFOLIUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM HUMILE VAR. SUBRHOMBOIDEUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. DECIPIENS	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. DUBIUM	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. FORBESII	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. HELLERI	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. KOLEKOLENSE	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. LANAIENSE	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. LANCEOLATUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. LATIFOLIUM	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. LEPTOPODUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. LONGESPICATUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. MACROPHYLLUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. MAUIENSE	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. OLOKELEANUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. PULCHELLOIDES	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. PULCHELLUM	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. SUBCORDATUM	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM SANDWICENSE VAR. SYRINGIFOLIUM	EXTINCT
AMARANTHACEAE	NOTOTRICHIUM VIRIDE VAR. OBLONGIFOLIUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM VIRIDE VAR. SUBTRUNCATUM	ENDANGERED
AMARANTHACEAE	NOTOTRICHIUM VIRIDE VAR. VIRIDE	ENDANGERED
APIACEAE	PEUCEDANUM KAUAIENSE	ENDANGERED
APIACEAE	PEUCEDANUM SANDWICENSE VAR. SANDWICENSE	ENDANGERED
APIACEAE	SANICULA PURPUREA	ENDANGERED
APOCYNACEAE	OCHROSIA COMPTA	ENDANGERED
APOCYNACEAE	PTERALYXIA CAUMIANA	EXTINCT (1933)
APOCYNACEAE	PTERALYXIA KAUAIENSIS	ENDANGERED
APOCYNACEAE	RAUVOLFIA HELLERI	ENDANGERED
APOCYNACEAE	RAUVOLFIA MAUIENSIS	ENDANGERED
APOCYNACEAE	RAUVOLFIA MOLOKAIENSIS VAR. PARVIFOLIA	EXTINCT
APOCYNACEAE	RAUVOLFIA REMOTIFLORA	ENDANGERED
APOCYNACEAE	RAUVOLFIA SANDWICENSIS VAR. SANDWICENSIS	THREATENED
APOCYNACEAE	RAUVOLFIA SANDWICENSIS VAR. SUBACUMINATA	THREATENED
ARALIACEAE	CHEIRODENDRON HELLERI VAR. HELLERI	ENDANGERED
ARALIACEAE	CHEIRODENDRON HELLERI VAR. MICROCARPUM	ENDANGERED

V40 I127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
ARALIACEAE	CHEIRODENDRON HELLERI VAR. SODALIUM	ENDANGERED
ARALIACEAE	CHEIRODENDRON TRIGYNUM VAR. ROCKII	ENDANGERED
ARALIACEAE	CHEIRODENDRON TRIGYNUM VAR. SUBCORDATUM	ENDANGERED
ARALIACEAE	MUNROIDENDRON RACEMOSUM VAR. MACDANIELSII	EXTINCT
ARALIACEAE	MUNROIDENDRON RACEMOSUM VAR. RACEMOSUM	ENDANGERED
ARALIACEAE	REYNOLDSIA DEGENERI	ENDANGERED
ARALIACEAE	REYNOLDSIA HILLEBRANDII	ENDANGERED
ARALIACEAE	REYNOLDSIA HUEHUENSIS VAR. BREVIPES	ENDANGERED
ARALIACEAE	REYNOLDSIA HUEHUENSIS VAR. HUEHUENSIS	ENDANGERED
ARALIACEAE	REYNOLDSIA HUEHUENSIS VAR. INTERMEDIA	ENDANGERED
ARALIACEAE	REYNOLDSIA MAUIENSIS VAR. MACROCARPA	ENDANGERED
ARALIACEAE	REYNOLDSIA MAUIENSIS VAR. MAUIENSIS	ENDANGERED
ARALIACEAE	REYNOLDSIA SANDWICENSIS VAR. INTERCEDENS	ENDANGERED
ARALIACEAE	REYNOLDSIA SANDWICENSIS VAR. MOLOKAIENSIS	EXTINCT
ARALIACEAE	REYNOLDSIA VENUSTA VAR. LANAIENSIS	ENDANGERED
ARALIACEAE	REYNOLDSIA VENUSTA VAR. VENUSTA	ENDANGERED
ARALIACEAE	TETRAMOLOPIUS KAVAIENSIS VAR. KOLOANA	THREATENED
ARALIACEAE	TETRAPLASANDRA BISATTENUATA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA GYMNOCARPA VAR. PUPUKEENSIS	ENDANGERED
ARALIACEAE	TETRAPLASANDRA HAWAIIENSIS VAR. HAWAIIENSIS	THREATENED
ARALIACEAE	TETRAPLASANDRA HAWAIIENSIS VAR. MICROCARPA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAALAE VAR. MULTIPLEX	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAHANANA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAVAIENSIS VAR. DIPYRENA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAVAIENSIS VAR. GRANDIS	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAVAIENSIS VAR. INTERCEDENS	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAVAIENSIS VAR. NAHIKUENSIS	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KAVAIENSIS VAR. OCCIDUA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA KOHALAE	ENDANGERED
ARALIACEAE	TETRAPLASANDRA LANAIENSIS	EXTINCT (1917)
ARALIACEAE	TETRAPLASANDRA LIHUENSIS VAR. GRACILIPES	THREATENED
ARALIACEAE	TETRAPLASANDRA LYDGATEI VAR. BRACHYPODA	EXTINCT
ARALIACEAE	TETRAPLASANDRA LYDGATEI VAR. CORIACEA	EXTINCT
ARALIACEAE	TETRAPLASANDRA LYDGATEI VAR. FORBESII	EXTINCT
ARALIACEAE	TETRAPLASANDRA LYDGATEI VAR. LEPTORHACHIS	ENDANGERED
ARALIACEAE	TETRAPLASANDRA LYDGATEI VAR. LYDGATEI	EXTINCT
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. BISUBTUSA	THREATENED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. BRYANII	ENDANGERED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. DEGENERI	ENDANGERED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. HILLEBRANDII	ENDANGERED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. HILOENSIS	THREATENED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. LEPTOMERA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. MAKALEHANA	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. RHYNCHOCARPOIDES	THREATENED
ARALIACEAE	TETRAPLASANDRA MEIANDRA VAR. SIMULANS	THREATENED
ARALIACEAE	TETRAPLASANDRA MUNROI	EXTINCT (1922)
ARALIACEAE	TETRAPLASANDRA OAHUENSIS VAR. ERADIATA	EXTINCT
ARALIACEAE	TETRAPLASANDRA OAHUENSIS VAR. FAURIEI	THREATENED
ARALIACEAE	TETRAPLASANDRA OAHUENSIS VAR. HAILIENSIS	THREATENED
ARALIACEAE	TETRAPLASANDRA OAHUENSIS VAR. LONGIPES	THREATENED
ARALIACEAE	TETRAPLASANDRA OAHUENSIS VAR. PSEUDORHACHIS	THREATENED
ARALIACEAE	TETRAPLASANDRA PUPUKEENSIS VAR. NITIDA	THREATENED
ARALIACEAE	TETRAPLASANDRA PUPUKEENSIS VAR. PUPUKEENSIS	ENDANGERED
ARALIACEAE	TETRAPLASANDRA PUPUKEENSIS VAR. VENOSA	THREATENED
ARALIACEAE	TETRAPLASANDRA TURBANS	THREATENED
ARALIACEAE	TETRAPLASANDRA WAIALEALAE VAR. URCEOLATA	THREATENED
ARALIACEAE	TETRAPLASANDRA WAIANENSIS VAR. PALEHUANA	ENDANGERED
ARALIACEAE	TETRAPLASANDRA WAIANENSIS VAR. WAIANENSIS	THREATENED
ARALIACEAE	TETRAPLASANDRA WAIMEAE VAR. ANGUSTIOR	THREATENED
ARECACEAE	PRITCHARDIA AYLMER-ROBINSONII	ENDANGERED
ARECACEAE	PRITCHARDIA ELLIPTICA	ENDANGERED
ARECACEAE	PRITCHARDIA ERIOPHORA	ENDANGERED
ARECACEAE	PRITCHARDIA GAUDICHAUDII	ENDANGERED
ARECACEAE	PRITCHARDIA HILLEBRANDII	ENDANGERED
ARECACEAE	PRITCHARDIA KAALAE VAR. KAALAE	ENDANGERED
ARECACEAE	PRITCHARDIA KAALAE VAR. MINIMA	ENDANGERED
ARECACEAE	PRITCHARDIA KAHANAE	ENDANGERED
ARECACEAE	PRITCHARDIA LANAIENSIS	ENDANGERED
ARECACEAE	PRITCHARDIA MUNROII	ENDANGERED
ARECACEAE	PRITCHARDIA REMOTA	ENDANGERED
ASTERACEAE	ARGYROXIPHIUM KAUENSE	ENDANGERED
ASTERACEAE	ARGYROXIPHIUM VIRESCENS VAR. VIRESCENS	EXTINCT (1915)
ASTERACEAE	ARTEMISIA SP.	ENDANGERED
ASTERACEAE	ASTER SANDWICENSIS	EXTINCT
ASTERACEAE	BIDENS ASPLENIOIDES	EXTINCT
ASTERACEAE	BIDENS CAMYLOTHECA	THREATENED
ASTERACEAE	BIDENS CERVICATA	ENDANGERED
ASTERACEAE	BIDENS COARTATA	ENDANGERED
ASTERACEAE	BIDENS CONJUNCTATA	ENDANGERED
ASTERACEAE	BIDENS CUNEATA	ENDANGERED
ASTERACEAE	BIDENS DEGENERI VAR. APIOIDES	ENDANGERED
ASTERACEAE	BIDENS DEGENERI VAR. DEGENERI	ENDANGERED
ASTERACEAE	BIDENS DISTANS	EXTINCT
ASTERACEAE	BIDENS FORBESII	ENDANGERED
ASTERACEAE	BIDENS GRACILOIDES	ENDANGERED
ASTERACEAE	BIDENS HAWAIIENSIS	EXTINCT

V40 127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
ASTERACEAE	BIDENS MACROCARPA VAR. OVATIFOLIA	EXTINCT
ASTERACEAE	BIDENS MACROPTERA	ENDANGERED
ASTERACEAE	BIDENS MAUIENSIS VAR. CONFERTOIDES	ENDANGERED
ASTERACEAE	BIDENS MAUIENSIS VAR. FORBESIANA	ENDANGERED
ASTERACEAE	BIDENS MAUIENSIS VAR. LANAIENSIS	ENDANGERED
ASTERACEAE	BIDENS MAUIENSIS VAR. MEDIA	ENDANGERED
ASTERACEAE	BIDENS MENZIESII VAR. LEPTOCOMA	ENDANGERED
ASTERACEAE	BIDENS MICRANTHA VAR. CADUCA	EXTINCT
ASTERACEAE	BIDENS MICRANTHA VAR. KAALAIA	ENDANGERED
ASTERACEAE	BIDENS MICRANTHA VAR. LACINIATA	THREATENED
ASTERACEAE	BIDENS NAPALIENSIS	ENDANGERED
ASTERACEAE	BIDENS NEMATOCERA	EXTINCT
ASTERACEAE	BIDENS OBTUSILOBA	ENDANGERED
ASTERACEAE	BIDENS POPULIFOLIA	ENDANGERED
ASTERACEAE	BIDENS PULCHELLA	EXTINCT
ASTERACEAE	BIDENS SALICOIDES	ENDANGERED
ASTERACEAE	BIDENS SANDWICENSIS VAR. SETOSA	ENDANGERED
ASTERACEAE	BIDENS SKOTTSBERGII VAR. CONGLUTINATA	ENDANGERED
ASTERACEAE	BIDENS SKOTTSBERGII VAR. SKOTTSBERGII	ENDANGERED
ASTERACEAE	BIDENS STOKESII	EXTINCT (1912)
ASTERACEAE	BIDENS VALIDA	EXTINCT (1909)
ASTERACEAE	BIDENS WAIMEANA	EXTINCT (1895)
ASTERACEAE	BIDENS WIEBKEI	ENDANGERED
ASTERACEAE	DUBAUTIA ARBOREA	EXTINCT (1911)
ASTERACEAE	DUBAUTIA HILLEBRANDII	ENDANGERED
ASTERACEAE	DUBAUTIA KNUDSENII VAR. DEGENERI	THREATENED
ASTERACEAE	DUBAUTIA KNUDSENII VAR. KNUDSENII	ENDANGERED
ASTERACEAE	DUBAUTIA LAEVIGATA VAR. PARVIFOLIA	THREATENED
ASTERACEAE	DUBAUTIA LATIFOLIA VAR. LATIFOLIA	ENDANGERED
ASTERACEAE	DUBAUTIA LAXA VAR. BLAKEI	THREATENED
ASTERACEAE	DUBAUTIA LAXA VAR. WAIANENSIS	ENDANGERED
ASTERACEAE	DUBAUTIA LONCHOPHYLLA	ENDANGERED
ASTERACEAE	DUBAUTIA MAGNIFOLIA	EXTINCT (1911)
ASTERACEAE	DUBAUTIA MICROCEPHALA VAR. FORBESII	THREATENED
ASTERACEAE	DUBAUTIA MICROCEPHALA VAR. MICROCEPHALA	ENDANGERED
ASTERACEAE	DUBAUTIA MOLOKAIENSIS	ENDANGERED
ASTERACEAE	DUBAUTIA MONTANA VAR. LONGIFOLIA	ENDANGERED
ASTERACEAE	DUBAUTIA MONTANA VAR. ROBUSTIOR	ENDANGERED
ASTERACEAE	DUBAUTIA PLANTAGINEA VAR. ACRIDENTATA	ENDANGERED
ASTERACEAE	DUBAUTIA PLANTAGINEA VAR. PLANTAGINEA	ENDANGERED
ASTERACEAE	DUBAUTIA PLATYPHYLLA VAR. LEPTOPHYLLA	ENDANGERED
ASTERACEAE	DUBAUTIA RETICULATA	ENDANGERED
ASTERACEAE	DUBAUTIA ROCKII	EXTINCT (1910)

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
ASTERACEAE	DUBAUTIA SHERFFIANA	ENDANGERED
ASTERACEAE	DUBAUTIA STRUTHIOLOIDES	EXTINCT (1869)
ASTERACEAE	DUBAUTIA TERNIFOLIA	ENDANGERED
ASTERACEAE	DUBAUTIA THRYSIFLORA VAR. THRYSIFLORA	ENDANGERED
ASTERACEAE	DUBAUTIA THRYSIFOLIA VAR. CERNUA	THREATENED
ASTERACEAE	DUBAUTIA WAIALEALE VAR. MEGAPHYLLA	THREATENED
ASTERACEAE	GNAPHALIUM SANDWICENSE VAR. FLAGELLARE	ENDANGERED
ASTERACEAE	GNAPHALIUM SANDWICENSE VAR. MOLOKAIENSE	ENDANGERED
ASTERACEAE	HESPEROMANNIA ARBORESCENS SSP. ARBORESCENS	EXTINCT (1953)
ASTERACEAE	HESPEROMANNIA ARBORESCENS SSP. BUSHIANA	ENDANGERED
ASTERACEAE	HESPEROMANNIA ARBORESCENS SSP. SWEZEYI	ENDANGERED
ASTERACEAE	HESPEROMANNIA ARBUSCULA SSP. ARBUSCULA	EXTINCT
ASTERACEAE	HESPEROMANNIA ARBUSCULA SSP. OAHUENSIS	ENDANGERED
ASTERACEAE	HESPEROMANNIA LYDGATEI	ENDANGERED
ASTERACEAE	LIPOCHAETA ALATA VAR. ALATA	ENDANGERED
ASTERACEAE	LIPOCHAETA BRYANII	EXTINCT (1931)
ASTERACEAE	LIPOCHAETA DEGENERI	ENDANGERED
ASTERACEAE	LIPOCHAETA DELTOIDEA	THREATENED
ASTERACEAE	LIPOCHAETA DUBIA	THREATENED
ASTERACEAE	LIPOCHAETA EXIGUA	ENDANGERED
ASTERACEAE	LIPOCHAETA FAUREI	ENDANGERED
ASTERACEAE	LIPOCHAETA FLEXUOSA	EXTINCT (1910)
ASTERACEAE	LIPOCHAETA FORBESII VAR. FORBESII	ENDANGERED
ASTERACEAE	LIPOCHAETA HETEROPHYLLA VAR. HETEROPHYLLA	THREATENED
ASTERACEAE	LIPOCHAETA HETEROPHYLLA VAR. MALVACEA	THREATENED
ASTERACEAE	LIPOCHAETA HETEROPHYLLA VAR. MOLOKAIENSIS	THREATENED
ASTERACEAE	LIPOCHAETA INTEGRIFOLIA VAR. ARGENTEA	THREATENED
ASTERACEAE	LIPOCHAETA INTEGRIFOLIA VAR. GRACILIS	EXTINCT
ASTERACEAE	LIPOCHAETA INTEGRIFOLIA VAR. MAJOR	ENDANGERED
ASTERACEAE	LIPOCHAETA INTEGRIFOLIA VAR. MEGACEPHALA	ENDANGERED
ASTERACEAE	LIPOCHAETA INTERMEDIA	THREATENED
ASTERACEAE	LIPOCHAETA KAHOOLAWENSIS	EXTINCT (1855)
ASTERACEAE	LIPOCHAETA LAVARUM VAR. CONFERTA	THREATENED
ASTERACEAE	LIPOCHAETA LAVARUM VAR. HILLEBRANDIANA	THREATENED
ASTERACEAE	LIPOCHAETA LAVARUM VAR. LONGIFOLIA	ENDANGERED
ASTERACEAE	LIPOCHAETA LAVARUM VAR. MANELEANA	THREATENED
ASTERACEAE	LIPOCHAETA LAVARUM VAR. OVATA	THREATENED
ASTERACEAE	LIPOCHAETA LAVARUM VAR. SALICIFOLIA	EXTINCT
ASTERACEAE	LIPOCHAETA LAVARUM VAR. SKOTTSBERGII	EXTINCT
ASTERACEAE	LIPOCHAETA LAVARUM VAR. STEARNSII	THREATENED
ASTERACEAE	LIPOCHAETA LOBATA VAR. ALBESCENS	EXTINCT
ASTERACEAE	LIPOCHAETA LOBATA VAR. APREVALLIANA	EXTINCT
ASTERACEAE	LIPOCHAETA LOBATA VAR. GROSSEDENTATA	THREATENED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
ASTERACEAE	LIPOCHAETA LOBATA VAR. HASTULATA	ENDANGERED
ASTERACEAE	LIPOCHAETA LOBATA VAR. HASTULATOIDES	THREATENED
ASTERACEAE	LIPOCHAETA LOBATA VAR. LEPTOPHYLLA	ENDANGERED
ASTERACEAE	LIPOCHAETA LOBATA VAR. LOBATA	ENDANGERED
ASTERACEAE	LIPOCHAETA LOBATA VAR. MAKENENSIS	THREATENED
ASTERACEAE	LIPOCHAETA LOBATA VAR. MAUNALOENSIS	EXTINCT
ASTERACEAE	LIPOCHAETA MICRANTHA	THREATENED
ASTERACEAE	LIPOCHAETA MINUSCULA	THREATENED
ASTERACEAE	LIPOCHAETA PERDITA	EXTINCT (1779)
ASTERACEAE	LIPOCHAETA PROFUSA VAR. PROFUSA	EXTINCT
ASTERACEAE	LIPOCHAETA PROFUSA VAR. ROBUSTIOR	ENDANGERED
ASTERACEAE	LIPOCHAETA REMYI	ENDANGERED
ASTERACEAE	LIPOCHAETA ROCKII VAR. DISSECTA	EXTINCT
ASTERACEAE	LIPOCHAETA ROCKII VAR. ROCKII	ENDANGERED
ASTERACEAE	LIPOCHAETA ROCKII VAR. SUBOVATA	ENDANGERED
ASTERACEAE	LIPOCHAETA SUBCORDATA VAR. MEMBRANACEA	EXTINCT
ASTERACEAE	LIPOCHAETA SUBCORDATA VAR. POPULIFOLIA	ENDANGERED
ASTERACEAE	LIPOCHAETA SUCCULENTA VAR. ANGUSTATA	ENDANGERED
ASTERACEAE	LIPOCHAETA SUCCULENTA VAR. SUCCULENTA	EXTINCT
ASTERACEAE	LIPOCHAETA SUCCULENTA VAR. TRIFIDA	ENDANGERED
ASTERACEAE	LIPOCHAETA TENUIFOLIA	THREATENED
ASTERACEAE	LIPOCHAETA TENUIS VAR. SELLINGII	THREATENED
ASTERACEAE	LIPOCHAETA TENUIS VAR. TENUIS	THHEATENED
ASTERACEAE	LIPOCHAETA VENOSA	ENDANGERED
ASTERACEAE	LIPOCHAETA WAIMEANENSIS	THREATENED
ASTERACEAE	REMYA KAUAIENSIS VAR. KAUAIENSIS	EXTINCT (1952)
ASTERACEAE	REMYA KAUAIENSIS VAR. MAGNIFICA	EXTINCT
ASTERACEAE	REMYA MAUIENSIS	ENDANGERED
ASTERACEAE	SENECIO SANDWICENSIS	EXTINCT (1816)
ASTERACEAE	TETRAMOLOPIUM ARBUSCULUM	EXTINCT (1840)
ASTERACEAE	TETRAMOLOPIUM ARENARIUM VAR. ARENARIUM	EXTINCT (1850-1871)
ASTERACEAE	TETRAMOLOPIUM ARENARIUM VAR. CONFERTUM	EXTINCT (1872)
ASTERACEAE	TETRAMOLOPIUM ARENARIUM VAR. DENTATUM	EXTINCT
ASTERACEAE	TETRAMOLOPIUM CAPILLARE	EXTINCT (1910)
ASTERACEAE	TETRAMOLOPIUM CONSANGUINEUM VAR. CONSANGUINEUM	EXTINCT (1840)
ASTERACEAE	TETRAMOLOPIUM CONSANGUINEUM VAR. LEPTOPHYLLUM	EXTINCT (1840)
ASTERACEAE	TETRAMOLOPIUM CONYZOIDES VAR. CONYZOIDES	EXTINCT (1919)
ASTERACEAE	TETRAMOLOPIUM CONYZOIDES VAR. DENTATUM	EXTINCT
ASTERACEAE	TETRAMOLOPIUM FILIFORME	EXTINCT (1869)
ASTERACEAE	TETRAMOLOPIUM HUMILE VAR. SUBLAEVE	EXTINCT
ASTERACEAE	TETRAMOLOPIUM LEPIDOTUM VAR. LEPIDOTUM	ENDANGERED
ASTERACEAE	TETRAMOLOPIUM LEPIDOTUM VAR. LUXURIANS	ENDANGERED
ASTERACEAE	TETRAMOLOPIUM POLYPHYLLUM	ENDANGERED

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
ASTERACEAE	TETRAMOLOPIUM REMYI	EXTINCT (1921)
ASTERACEAE	TETRAMOLOPIUM ROCKII	EXTINCT (1966)
ASTERACEAE	TETRAMOLOPIUM TENERRIMUM	EXTINCT (1816)
ASTERACEAE	WILKESIA HOBDYI	ENDANGERED
BRASSICACEAE	CARDAMINE KONAENSIS	ENDANGERED
BRASSICACEAE	LEPIDIUM ARBUSCULUM	EXTINCT
BRASSICACEAE	LEPIDIUM BIDENTATUM VAR. O-WAIHIENSE	ENDANGERED
BRASSICACEAE	LEPIDIUM BIDENTATUM VAR. REMYI	EXTINCT (1851-1855)
BRASSICACEAE	LEPIDIUM SERRA	ENDANGERED
CAMPANULACEAE	BRIGHAMIA CITRINA VAR. CITRINA	ENDANGERED
CAMPANULACEAE	BRIGHAMIA CITRINA VAR. NAPALIENSIS	ENDANGERED
CAMPANULACEAE	BRIGHAMIA INSIGNIS	ENDANGERED
CAMPANULACEAE	BRIGHAMIA REMYI	EXTINCT (1851-1855)
CAMPANULACEAE	BRIGHAMIA ROCKII	ENDANGERED
CAMPANULACEAE	CLERMONTIA DREPANOMORPHA	ENDANGERED
CAMPANULACEAE	CLERMONTIA HALEAKALENSIS	EXTINCT (1910)
CAMPANULACEAE	CLERMONTIA HAWAIIENSIS VAR. HAWAIIENSIS	ENDANGERED
CAMPANULACEAE	CLERMONTIA LINDSEYANA	ENDANGERED
CAMPANULACEAE	CLERMONTIA LOYANA	ENDANGERED
CAMPANULACEAE	CLERMONTIA MUNROI	ENDANGERED
CAMPANULACEAE	CLERMONTIA PELEANA	ENDANGERED
CAMPANULACEAE	CLERMONTIA PYRULARIA	EXTINCT (1966)
CAMPANULACEAE	CYANEA ANGUSTIFOLIA VAR. LANAIENSIS	THREATENED
CAMPANULACEAE	CYANEA ANGUSTIFOLIA VAR. RACEMOSA	THREATENED
CAMPANULACEAE	CYANEA ARBOREA	EXTINCT (1919)
CAMPANULACEAE	CYANEA ASPLENIIFOLIA	EXTINCT (1919)
CAMPANULACEAE	CYANEA BALDWINII	ENDANGERED
CAMPANULACEAE	CYANEA BRYANII	ENDANGERED
CAMPANULACEAE	CYANEA CARLSONII	EXTINCT (1966)
CAMPANULACEAE	CYANEA CHOCKII	ENDANGERED
CAMPANULACEAE	CYANEA COMATA	EXTINCT (1850-1871)
CAMPANULACEAE	CYANEA GIBSONII	EXTINCT (1920)
CAMPANULACEAE	CYANEA GIFFARDII	EXTINCT (1919)
CAMPANULACEAE	CYANEA GRIMESIANA	ENDANGERED
CAMPANULACEAE	CYANEA GRIMESIANA VAR. HIRSUTIFOLIA	ENDANGERED
CAMPANULACEAE	CYANEA GRIMESIANA VAR. LYDGATEI	EXTINCT
CAMPANULACEAE	CYANEA GRIMESIANA VAR. MAUIENSIS	THREATENED
CAMPANULACEAE	CYANEA GRIMESIANA VAR. MUNROI	ENDANGERED
CAMPANULACEAE	CYANEA KUNTHIANA	EXTINCT
CAMPANULACEAE	CYANEA LEPTOSTEGIA VAR. LEPTOSTEGIA	ENDANGERED
CAMPANULACEAE	CYANEA LEPTOSTEGIA VAR. VELUTINA	THREATENED
CAMPANULACEAE	CYANEA LINEARIFOLIA	EXTINCT (1915)
CAMPANULACEAE	CYANEA MARKSII	ENDANGERED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
CAMPANULACEAE	CYANEA MCELDOWNEI	ENDANGERED
CAMPANULACEAE	CYANEA PYCNOCARPA	EXTINCT (1930)
CAMPANULACEAE	CYANEA REGINA	EXTINCT (1960)
CAMPANULACEAE	CYANEA SCABRA VAR. VARIABILIS	ENDANGERED
CAMPANULACEAE	CYANEA SHIPMANII	ENDANGERED
CAMPANULACEAE	CYANEA SOLANACEA	ENDANGERED
CAMPANULACEAE	CYANEA SOLENOCALYX VAR. SOLENOCALYX	ENDANGERED
CAMPANULACEAE	CYANEA SUBMURICATA	THREATENED
CAMPANULACEAE	CYANEA SUPERBA	ENDANGERED
CAMPANULACEAE	CYANEA SUPERBA VAR. VELUTINA	THREATENED
CAMPANULACEAE	CYANEA TRITOMANTHA VAR. LYDGATEI	ENDANGERED
CAMPANULACEAE	CYANEA TRITOMANTHA VAR. TRITOMANTHA	ENDANGERED
CAMPANULACEAE	DELISSEA FALLAX	EXTINCT (1860)
CAMPANULACEAE	DELISSEA LACINIATA	EXTINCT (1850-1871)
CAMPANULACEAE	DELISSEA LACINIATA VAR. PARVIFOLIA	EXTINCT
CAMPANULACEAE	DELISSEA NIIHAUENSIS	EXTINCT (1865)
CAMPANULACEAE	DELISSEA PARVIFLORA	EXTINCT (1850-1871)
CAMPANULACEAE	DELISSEA RHYTIDOSPERMA	ENDANGERED
CAMPANULACEAE	DELISSEA RIVULARIS	THREATENED
CAMPANULACEAE	DELISSEA SINUATA VAR. LANAIENSIS	ENDANGERED
CAMPANULACEAE	DELISSEA SINUATA VAR. SINUATA	ENDANGERED
CAMPANULACEAE	DELISSEA SUBCORDATA VAR. OBTUSIFOLIA	ENDANGERED
CAMPANULACEAE	DELISSEA SUBCORDATA VAR. SUBCORDATA	EXTINCT (1966)
CAMPANULACEAE	DELISSEA UNDULATA VAR. ARGUTIDENTATA	ENDANGERED
CAMPANULACEAE	DELISSEA UNDULATA VAR. UNDULATA	EXTINCT
CAMPANULACEAE	LOBELIA DUNBARII	ENDANGERED
CAMPANULACEAE	LOBELIA GAUDICHAUDII VAR. KOOLAUENSIS	ENDANGERED
CAMPANULACEAE	LOBELIA HILLEBRANDII VAR. MONOSTACHYA	THREATENED
CAMPANULACEAE	LOBELIA HYPOLEUCA VAR. ROCKII	ENDANGERED
CAMPANULACEAE	LOBELIA NIIHAUENSIS VAR. FORBESII	ENDANGERED
CAMPANULACEAE	LOBELIA NIIHAUENSIS VAR. MERIDIANA	EXTINCT
CAMPANULACEAE	LOBELIA NIIHAUENSIS VAR. NIIHAUENSIS	ENDANGERED
CAMPANULACEAE	LOBELIA OAHUENSIS	ENDANGERED
CAMPANULACEAE	LOBELIA REMYI	EXTINCT (1851-1855)
CAMPANULACEAE	LOBELIA TORTUOSA	ENDANGERED
CAMPANULACEAE	ROLLANDIA ANGUSTIFOLIA VAR. OCHRACEA	THREATENED
CAMPANULACEAE	ROLLANDIA CALYCINA VAR. CALYCINA	THREATENED
CAMPANULACEAE	ROLLANDIA CALYCINA VAR. KAALAE	THREATENED
CAMPANULACEAE	ROLLANDIA CRISPA VAR. CRISPA	ENDANGERED
CAMPANULACEAE	ROLLANDIA DEGENERIANA	THREATENED
CAMPANULACEAE	ROLLANDIA HUMBOLDTIANA	ENDANGERED
CAMPANULACEAE	ROLLANDIA LANCEOLATA VAR. LANCEOLATA	THREATENED
CAMPANULACEAE	ROLLANDIA LANCEOLATA VAR. VIRIDIFLORA	THREATENED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
CAMPANULACEAE	ROLLANDIA PARVIFOLIA	EXTINCT
CAMPANULACEAE	ROLLANDIA PINNATIFIDA	ENDANGERED
CAMPANULACEAE	ROLLANDIA PURPURELLIFOLIA	ENDANGERED
CAMPANULACEAE	ROLLANDIA SESSILIFOLIA	ENDANGERED
CAMPANULACEAE	ROLLANDIA ST. JOHNII	ENDANGERED
CAMPANULACEAE	ROLLANDIA WAIANAEENSIS	THREATENED
CAPPARIDACEAE	CAPPARIS SANDWICHIANA VAR. SANDWICHIANA	ENDANGERED
CAPPARIDACEAE	CLEOME SANDWICENSIS	EXTINCT
CARYOPHYLLACEAE	ALSINODENDRON OBOVATUM	ENDANGERED
CARYOPHYLLACEAE	ALSINODENDRON TRINERVE	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA ADAMANTIS	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA AMPLEXICAULIS	EXTINCT (1855)
CARYOPHYLLACEAE	SCHIEDEA GLOBOSA VAR. GLOBOSA	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA GLOBOSA VAR. GRAMINIFOLIA	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA HAWAIIENSIS	EXTINCT (1860'S)
CARYOPHYLLACEAE	SCHIEDEA HOOKERI VAR. HOOKERI	EXTINCT
CARYOPHYLLACEAE	SCHIEDEA KAALAE VAR. ACUTIFOLIA	THREATENED
CARYOPHYLLACEAE	SCHIEDEA KAALAE VAR. KAALAE	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA KEALIAE	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA LIGUSTRINA VAR. NEMATOPODA	THREATENED
CARYOPHYLLACEAE	SCHIEDEA MANNII	THREATENED
CARYOPHYLLACEAE	SCHIEDEA MEMBRANACEA	THREATENED
CARYOPHYLLACEAE	SCHIEDEA MENZIESII VAR. MENZIESII	THREATENED
CARYOPHYLLACEAE	SCHIEDEA MENZIESII VAR. SPERGULACEA	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA PUBESCENS VAR. LANAIENSIS	ENDANGERED
CARYOPHYLLACEAE	SCHIEDEA SALICARIA	ENDANGERED
CARYOPHYLLACEAE	SILENE ALEXANDRI	ENDANGERED
CARYOPHYLLACEAE	SILENE CRYPTOPETALA	THREATENED
CARYOPHYLLACEAE	SILENE DEGENERI	THREATENED
CARYOPHYLLACEAE	SILENE HAWAIIENSIS VAR. HAWAIIENSIS	THREATENED
CARYOPHYLLACEAE	SILENE HAWAIIENSIS VAR. KAUPOANA	THREATENED
CARYOPHYLLACEAE	SILENE LANCEOLATA VAR. ANGUSTIFOLIA	THREATENED
CARYOPHYLLACEAE	SILENE LANCEOLATA VAR. FORBESII	ENDANGERED
CARYOPHYLLACEAE	SILENE LANCEOLATA VAR. HILLEBRANDII	THREATENED
CARYOPHYLLACEAE	SILENE LANCEOLATA VAR. LANCEOLATA	THREATENED
CHENOPODIACEAE	CHENOPODIUM OAHUENSE VAR. DISCOSPERMAUM	THREATENED
CONVOLVULACEAE	BONAMIA MENZIESII	ENDANGERED
CONVOLVULACEAE	IPOMOEA CAIRICA VAR. LINEARILOBA	THREATENED
CUCURBITACEAE	SICYOS ATOLLENSIS	THREATENED
CUCURBITACEAE	SICYOS CAUMII	THREATENED
CUCURBITACEAE	SICYOS LAMOUREUXII	THREATENED
CUCURBITACEAE	SICYOS LAYSANENSIS	THREATENED
CUCURBITACEAE	SICYOS MAXIMOWICZII	THREATENED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
CUCURBITACEAE	SICYOS NIHOAENSIS	THREATENED
CUCURBITACEAE	SICYOS NIIHAUENSIS	THREATENED
CUCURBITACEAE	SICYOS SEMITONSUS	THREATENED
CYPERACEAE	GAHNIA LANAIENSIS	ENDANGERED
EPACRIDACEAE	STYPHELIA TAMEIAMEIAE VAR. HEXAMERA	ENDANGERED
EUPHORBIACEAE	ANTIDESMA ORENATUM	ENDANGERED
EUPHORBIACEAE	CLAOXYLON SANDWICENSE VAR. SANDWICENSE	ENDANGERED
EUPHORBIACEAE	DRYPETES PHYLLANTHOIDES	ENDANGERED
EUPHORBIACEAE	EUPHORBIA ARNOTTIANA VAR. ARNOTTIANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA ARNOTTIANA VAR. INTEGRIFOLIA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA ATROCOCCA VAR. ATROCOCCA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA ATROCOCCA VAR. KILAUEANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA ATROCOCCA VAR. KOKEEANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. HALAWANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. HAUPUANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. HUMBERTII	EXTINCT
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. KAENANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. KEALIANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. KOHALANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. HOOMOMIANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. NEMATOPODA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. NIUENSIS	EXTINCT
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. SAXICOLA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. STOKESII	ENDANGERED
EUPHORBIACEAE	EUPHORBIA CELASTROIDES VAR. WAIKOLUENSII	ENDANGERED
EUPHORBIACEAE	EUPHORBIA DEGENERI VAR. MOLOKAIENSIS	ENDANGERED
EUPHORBIACEAE	EUPHORBIA DEPPEANA	EXTINCT (1835)
EUPHORBIACEAE	EUPHORBIA HAEELEELEANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA HALEMANUI	ENDANGERED
EUPHORBIACEAE	EUPHORBIA HILLEBRANDII VAR. PALIKEANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA HILLEBRANDII VAR. WAIMANOANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. HALEAKALANA	EXTINCT
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. KAALANA	EXTINCT
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. KAPULEIENSIS	ENDANGERED
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. MULTIFORMIS	EXTINCT
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. PERDITA	EXTINCT
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. SPARSIFORMIS	ENDANGERED
EUPHORBIACEAE	EUPHORBIA MULTIFORMIS VAR. TOMENTELLA	EXTINCT
EUPHORBIACEAE	EUPHORBIA OLOWALUANA VAR. OLOWALUANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. HANALEIENSIS	EXTINCT
EUPHORBIACEAE	EUPHORBIA REMYI VAR. KAHILIANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. KAUAIENSIS	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. LEPTOPODA	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
EUPHORBIACEAE	EUPHORBIA REMYI VAR. LYDGATEI	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. MOLESTA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. OLOKELENSIS	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. PTEROPODA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. REMYI	EXTINCT
EUPHORBIACEAE	EUPHORBIA REMYI VAR. WAHIAWANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. WAIMEANA	ENDANGERED
EUPHORBIACEAE	EUPHORBIA REMYI VAR. WILKESII	EXTINCT
EUPHORBIACEAE	EUPHORBIA SKOTTSBERGII VAR. AUDENS	ENDANGERED
EUPHORBIACEAE	EUPHORBIA SKOTTSBERGII VAR. KALAELOANA	EXTINCT
EUPHORBIACEAE	EUPHORBIA SKOTTSBERGII VAR. SKOTTSBERGII	EXTINCT
EUPHORBIACEAE	EUPHORBIA SKOTTSBERGII VAR. VACINIOIDES	ENDANGERED
EUPHORBIACEAE	PHYLLANTHUS SANDWICENSIS VAR. DEGENERI	ENDANGERED
FABACEAE	ACACIA KOAIA	ENDANGERED
FABACEAE	CANAVALIA CENTRALIS	ENDANGERED
FABACEAE	CANAVALIA FORBESII	ENDANGERED
FABACEAE	CANAVALIA HALEAKALAENSIS	ENDANGERED
FABACEAE	CANAVALIA IAOENSIS	ENDANGERED
FABACEAE	CANAVALIA KAUAIENSIS	ENDANGERED
FABACEAE	CANAVALIA KAUENSIS	ENDANGERED
FABACEAE	CANAVALIA LANAIENSIS	ENDANGERED
FABACEAE	CANAVALIA MAKAHAENSIS	ENDANGERED
FABACEAE	CANAVALIA MOLOKAIENSIS	ENDANGERED
FABACEAE	CANAVALIA MUNROI	ENDANGERED
FABACEAE	CANAVALIA NAPALIENSIS	ENDANGERED
FABACEAE	CANAVALIA NUALOLOENSIS	ENDANGERED
FABACEAE	CANAVALIA PENINSULARIS	ENDANGERED
FABACEAE	CANAVALIA PUBESCENS	ENDANGERED
FABACEAE	CANAVALIA ROCKII	ENDANGERED
FABACEAE	CANAVALIA SANGUINEA	ENDANGERED
FABACEAE	CANAVALIA STENOPHYLLA	ENDANGERED
FABACEAE	MEZONEVRON KAVAIENSE	ENDANGERED
FABACEAE	SESBANIA TOMENTOSA VAR. TOMENTOSA	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. CIRCULARIS	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. ELLIPTICA	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. GLABRATA	EXTINCT
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. GRISEA	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. KANAIOENSIS	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. KAUENSIS	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. LANAIENSIS	EXTINCT
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. MAKUAENSIS	ENDANGERED
FABACEAE	SOPHORA CHRYSOPHYLLA VAR. UNIFOLIATA	EXTINCT
FABACEAE	VICIA MENZIESII	ENDANGERED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
FABACEAE	VIGNA OWAHUENSIS	ENDANGERED
FABACEAE	VIGNA SANDWICENSIS VAR. HETEROPHYLLA	ENDANGERED
FABACEAE	VIGNA SANDWICENSIS VAR. SANDWICENSIS	ENDANGERED
FLAGELLARIACEAE	JOINVILLEA ASCENDENS SSP. ASCENDENS	ENDANGERED
GERANIACEAE	GERANIUM ARBOREUM	ENDANGERED
GERANIACEAE	GERANIUM CUNEATUM VAR. HOLOLEUCUM	ENDANGERED
GERANIACEAE	GERANIUM MULTIFLORUM VAR. MULTIFLORUM	EXTINCT (1935)
GERANIACEAE	GERANIUM MULTIFLORUM VAR. OVATIFOLIUM	ENDANGERED
GERANIACEAE	GERANIUM MULTIFLORUM VAR. SUPERBUM	ENDANGERED
GESNERIACEAE	CYRTANDRA ALATA	ENDANGERED
GESNERIACEAE	CYRTANDRA ALNEA	ENDANGERED
GESNERIACEAE	CYRTANDRA AMBIGUA	ENDANGERED
GESNERIACEAE	CYRTANDRA AXILLIFLORA	ENDANGERED
GESNERIACEAE	CYRTANDRA BASIPARTITA	ENDANGERED
GESNERIACEAE	CYRTANDRA BEGONIFOLIA	EXTINCT (1870)
GESNERIACEAE	CYRTANDRA BISERRATA	THREATENED
GESNERIACEAE	CYRTANDRA BREVICORNUTA	ENDANGERED
GESNERIACEAE	CYRTANDRA BRYANII	ENDANGERED
GESNERIACEAE	CYRTANDRA CAMPANIFORMIS	ENDANGERED
GESNERIACEAE	CYRTANDRA CARINATA	EXTINCT
GESNERIACEAE	CYRTANDRA CAUDATISEPALA	ENDANGERED
GESNERIACEAE	CYRTANDRA CHARTACEA	ENDANGERED
GESNERIACEAE	CYRTANDRA CHRISTOPHERSENII	THREATENED
GESNERIACEAE	CYRTANDRA COLLARIFERA	EXTINCT
GESNERIACEAE	CYRTANDRA CONRADTII	ENDANGERED
GESNERIACEAE	CYRTANDRA CORDIFOLIA VAR. BREVIPILITA	EXTINCT
GESNERIACEAE	CYRTANDRA CORDIFOLIA VAR. GYNOGLABRA	THREATENED
GESNERIACEAE	CYRTANDRA CRASSIOR	ENDANGERED
GESNERIACEAE	CYRTANDRA CRENATA	ENDANGERED
GESNERIACEAE	CYRTANDRA CUPULIFORMIS	ENDANGERED
GESNERIACEAE	CYRTANDRA DENTATA	ENDANGERED
GESNERIACEAE	CYRTANDRA ELLIPTICIFOLIA	ENDANGERED
GESNERIACEAE	CYRTANDRA ELLIPTISEPALA	ENDANGERED
GESNERIACEAE	CYRTANDRA FERRICOLORATA	ENDANGERED
GESNERIACEAE	CYRTANDRA FERRUGINOSA	EXTINCT
GESNERIACEAE	CYRTANDRA FILIPES	THREATENED
GESNERIACEAE	CYRTANDRA FORBESII	ENDANGERED
GESNERIACEAE	CYRTANDRA FOSBERGII	ENDANGERED
GESNERIACEAE	CYRTANDRA FREDERICKII	ENDANGERED
GESNERIACEAE	CYRTANDRA FUSIFORMIS	ENDANGERED
GESNERIACEAE	CYRTANDRA GARBERI	EXTINCT
GESNERIACEAE	CYRTANDRA GEORGIANA	THREATENED
GESNERIACEAE	CYRTANDRA GIFFARDII	THREATENED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
GESNERIACEAE	CYRTANDRA GLAUCA	ENDANGERED
GESNERIACEAE	CYRTANDRA GRACILIS	EXTINCT (1870)
GESNERIACEAE	CYRTANDRA GRAYANA VAR. LANAIENSIS	THREATENED
GESNERIACEAE	CYRTANDRA GROSSECRENATA	EXTINCT (1864)
GESNERIACEAE	CYRTANDRA HALAWENSIS	THREATENED
GESNERIACEAE	CYRTANDRA HAWAIENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA HIRSUTULA	ENDANGERED
GESNERIACEAE	CYRTANDRA HOBDYI	ENDANGERED
GESNERIACEAE	CYRTANDRA HONOLULUENSIS	EXTINCT (1870)
GESNERIACEAE	CYRTANDRA HOSAKAE	THREATENED
GESNERIACEAE	CYRTANDRA INFRAPALLIDA	ENDANGERED
GESNERIACEAE	CYRTANDRA INTONSA	ENDANGERED
GESNERIACEAE	CYRTANDRA INTRAPILOSA	ENDANGERED
GESNERIACEAE	CYRTANDRA INTRAVILLOSA	THREATENED
GESNERIACEAE	CYRTANDRA KAALAE	ENDANGERED
GESNERIACEAE	CYRTANDRA KAHANENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA KAHUKUENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA KALUANUIENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA KANEOHEENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA KAUAIENSIS	EXTINCT
GESNERIACEAE	CYRTANDRA KAULANTHA	THREATENED
GESNERIACEAE	CYRTANDRA KOOLAUENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA LAEVIS	ENDANGERED
GESNERIACEAE	CYRTANDRA LAXIFLORA	EXTINCT (1869)
GESNERIACEAE	CYRTANDRA LESSONIANA VAR. ANGUSTIFOLIA	EXTINCT
GESNERIACEAE	CYRTANDRA LESSONIANA VAR. INTRAPUBENS	ENDANGERED
GESNERIACEAE	CYRTANDRA LIMOSIFLORA	THREATENED
GESNERIACEAE	CYRTANDRA LINEARIS	EXTINCT
GESNERIACEAE	CYRTANDRA LONGICALYX	ENDANGERED
GESNERIACEAE	CYRTANDRA LONGIFOLIA	ENDANGERED
GESNERIACEAE	CYRTANDRA LONGIFOLIA VAR. PARALLELA	ENDANGERED
GESNERIACEAE	CYRTANDRA LONGILOBA	ENDANGERED
GESNERIACEAE	CYRTANDRA LYSIOSEPALA VAR. GRAYI	THREATENED
GESNERIACEAE	CYRTANDRA LYSIOSEPALA VAR. HALEAKALENSIS	THREATENED
GESNERIACEAE	CYRTANDRA LYSIOSEPALA VAR. LYSIOSEPALA	ENDANGERED
GESNERIACEAE	CYRTANDRA MACRANTHA	ENDANGERED
GESNERIACEAE	CYRTANDRA MALACOPHYLLA VAR. MALACOPHYLLA	THREATENED
GESNERIACEAE	CYRTANDRA MANNII	EXTINCT
GESNERIACEAE	CYRTANDRA MENZIESII	ENDANGERED
GESNERIACEAE	CYRTANDRA METASTIGMATA	ENDANGERED
GESNERIACEAE	CYRTANDRA MUNROI	THREATENED
GESNERIACEAE	CYRTANDRA NIUENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA NUBINCOLENS	ENDANGERED

V40 127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
GESNERIACEAE	CYRTANDRA OENOBARBA VAR. HERBACEA	THREATENED
GESNERIACEAE	CYRTANDRA OENOBARBA VAR. OENOBARBA	ENDANGERED
GESNERIACEAE	CYRTANDRA OENOBARBA VAR. PETIOLARIS	THREATENED
GESNERIACEAE	CYRTANDRA OLIVACEA	ENDANGERED
GESNERIACEAE	CYRTANDRA PALOLOENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA PALUDOSA VAR. HAUPUENSIS	THREATENED
GESNERIACEAE	CYRTANDRA PARTITA	EXTINCT
GESNERIACEAE	CYRTANDRA PEARSALLII	ENDANGERED
GESNERIACEAE	CYRTANDRA PERSTAMINODICA	ENDANGERED
GESNERIACEAE	CYRTANDRA PICKERINGII VAR. PICKERINGII	EXTINCT (1841)
GESNERIACEAE	CYRTANDRA PICKERINGII VAR. WAIHAE	ENDANGERED
GESNERIACEAE	CYRTANDRA PILIGYNA	EXTINCT
GESNERIACEAE	CYRTANDRA PLATYPHYLLA VAR. MILOENSIS	THREATENED
GESNERIACEAE	CYRTANDRA PLURIFOLIA	ENDANGERED
GESNERIACEAE	CYRTANDRA POLYANTHA	ENDANGERED
GESNERIACEAE	CYRTANDRA PRUINOSA	ENDANGERED
GESNERIACEAE	CYRTANDRA PUBENS	ENDANGERED
GESNERIACEAE	CYRTANDRA RAMOSISSIMA	THREATENED
GESNERIACEAE	CYRTANDRA ROCKII	ENDANGERED
GESNERIACEAE	CYRTANDRA SAMUELENSIS	ENDANGERED
GESNERIACEAE	CYRTANDRA SCABRELLA	EXTINCT
GESNERIACEAE	CYRTANDRA SKOTTSBERGII	EXTINCT
GESNERIACEAE	CYRTANDRA SUBCORDATA	ENDANGERED
GESNERIACEAE	CYRTANDRA SUBINTEGRA	EXTINCT
GESNERIACEAE	CYRTANDRA SUBRECTA	ENDANGERED
GESNERIACEAE	CYRTANDRA SUBUMBELLATA VAR. INTONSA	ENDANGERED
GESNERIACEAE	CYRTANDRA TERNATA	ENDANGERED
GESNERIACEAE	CYRTANDRA TRIFLORA	EXTINCT (1819)
GESNERIACEAE	CYRTANDRA TURBINIFORMIS	ENDANGERED
GESNERIACEAE	CYRTANDRA VAVIOTA	ENDANGERED
GESNERIACEAE	CYRTANDRA VILLICALYX VAR. PUBENTIGYNA	ENDANGERED
GESNERIACEAE	CYRTANDRA VILLOSA	ENDANGERED
GESNERIACEAE	CYRTANDRA VILLOSIFLORA	ENDANGERED
GESNERIACEAE	CYRTANDRA WAIANUENSIS	EXTINCT
GESNERIACEAE	CYRTANDRA WAIOLANI VAR. CAPITATA	EXTINCT (1870)
GESNERIACEAE	CYRTANDRA WAIOLANI VAR. WAIOLANI	ENDANGERED
GESNERIACEAE	CYRTANDRA WAIOMAOENSIS	ENDANGERED
GOODENIACEAE	SCAEVOLA CORIACEA	ENDANGERED
GOODENIACEAE	SCAEVOLA GAUDICHAUDII	ENDANGERED
GOODENIACEAE	SCAEVOLA KILAUEAE VAR. KILAUEAE	ENDANGERED
GOODENIACEAE	SCAEVOLA SKOTTSBERGII	THREATENED
HALORAGACEAE	GUNNERA KAALENSIS	ENDANGERED
HALORAGACEAE	GUNNERA MAKAHAENSIS	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
HYMENOPHYLLACEAE	TRICHOMANES DRAYTONIANUM	ENDANGERED
JUNCACEAE	LUZULA HAWAIIENSIS VAR. OAHUENSIS	ENDANGERED
LAMIACEAE	HAPLOSTACHYS BRYANII VAR. BRYANII	EXTINCT (1916)
LAMIACEAE	HAPLOSTACHYS BRYANII VAR. MICRODONTA	EXTINCT (1916)
LAMIACEAE	HAPLOSTACHYS BRYANII VAR. ROBUSTA	EXTINCT (1918)
LAMIACEAE	HAPLOSTACHYS HAPLOSTACHYA VAR. ANGUSTIFOLIA	EXTINCT (1910)
LAMIACEAE	HAPLOSTACHYS HAPLOSTACHYA VAR. LEPTOSTACHYA	EXTINCT (1840)
LAMIACEAE	HAPLOSTACHYS HAPLOSTACHYS VAR. HAPLOSTACHYS	EXTINCT (1868-1871)
LAMIACEAE	HAPLOSTACHYS LINEARIFOLIA VAR. LINEARIFOLIA	EXTINCT
LAMIACEAE	HAPLOSTACHYS LINEARIFOLIA VAR. ROSMARINIFOLIA	EXTINCT
LAMIACEAE	HAPLOSTACHYS MUNROI	EXTINCT (1935)
LAMIACEAE	HAPLOSTACHYS TRUNCATA	EXTINCT (1851-1855)
LAMIACEAE	PHYLLOSTEGIA BREVIDENS VAR. AMBIGUA	EXTINCT
LAMIACEAE	PHYLLOSTEGIA BREVIDENS VAR. DEGENERI	THREATENED
LAMIACEAE	PHYLLOSTEGIA BREVIDENS VAR. HETERODOXA	THREATENED
LAMIACEAE	PHYLLOSTEGIA BREVIDENS VAR. HIRSUTULA	EXTINCT
LAMIACEAE	PHYLLOSTEGIA BREVIDENS VAR. LONGIPES	EXTINCT
LAMIACEAE	PHYLLOSTEGIA BREVIDENS VAR. PUBESCENS	EXTINCT
LAMIACEAE	PHYLLOSTEGIA FLORIBUNDA VAR. FORBESII	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA GLABRA VAR. LANAIENSIS	EXTINCT
LAMIACEAE	PHYLLOSTEGIA HELLERI VAR. IMMINUTA	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA HILLEBRANDII	THREATENED
LAMIACEAE	PHYLLOSTEGIA HIRSUTA VAR. HIRSUTA	THREATENED
LAMIACEAE	PHYLLOSTEGIA HIRSUTA VAR. LAXIOR	THREATENED
LAMIACEAE	PHYLLOSTEGIA KNUDSENII	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA MOLLIS VAR. FAGERLINDII	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA MOLLIS VAR. HOCHREUTINERI	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA MOLLIS VAR. LYDGATEI	EXTINCT
LAMIACEAE	PHYLLOSTEGIA MOLLIS VAR. MICRANTHA	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA PARVIFLORA VAR. CANESCENS	EXTINCT
LAMIACEAE	PHYLLOSTEGIA PARVIFLORA VAR. GLABRIUSCULA	EXTINCT
LAMIACEAE	PHYLLOSTEGIA PARVIFLORA VAR. HONOLULENSIS	EXTINCT
LAMIACEAE	PHYLLOSTEGIA VARIABILIS	ENDANGERED
LAMIACEAE	PHYLLOSTEGIA YAMAGUCHII	THREATENED
LAMIACEAE	STENOGYNE AFFINIS VAR. AFFINIS	ENDANGERED
LAMIACEAE	STENOGYNE AFFINIS VAR. DEGENERI	ENDANGERED
LAMIACEAE	STENOGYNE ANGUSTIFOLIA VAR. ANGUSTIFOLIA	EXTINCT (1850-1871)
LAMIACEAE	STENOGYNE ANGUSTIFOLIA VAR. HILLEBRANDII	THREATENED
LAMIACEAE	STENOGYNE ANGUSTIFOLIA VAR. MAUIENSIS	EXTINCT (1850-1871)
LAMIACEAE	STENOGYNE ANGUSTIFOLIA VAR. MEEBOLDII	ENDANGERED
LAMIACEAE	STENOGYNE ANGUSTIFOLIA VAR. SPATHULATA	EXTINCT (1851-1855)
LAMIACEAE	STENOGYNE CALAMINTHOIDES VAR. OXYODONTA	THREATENED
LAMIACEAE	STENOGYNE CINEREA	EXTINCT (1860'S)

V40 127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
LAMIACEAE	STENOGYNE CRENATA VAR. CRENATA	ENDANGERED
LAMIACEAE	STENOGYNE CRENATA VAR. MURICATA	ENDANGERED
LAMIACEAE	STENOGYNE DIFFUSA VAR. DIFFUSA	EXTINCT
LAMIACEAE	STENOGYNE DIFFUSA VAR. GLABRA	ENDANGERED
LAMIACEAE	STENOGYNE GLABRA	EXTINCT (1860'S)
LAMIACEAE	STENOGYNE HALEKALAE	ENDANGERED
LAMIACEAE	STENOGYNE MACRANTHA VAR. GRAYI	EXTINCT
LAMIACEAE	STENOGYNE MACRANTHA VAR. LATIFOLIA	EXTINCT
LAMIACEAE	STENOGYNE MACRANTHA VAR. MACRANTHA	ENDANGERED
LAMIACEAE	STENOGYNE MICROPHYLLA	EXTINCT (1872)
LAMIACEAE	STENOGYNE OXYGONA	THREATENED
LAMIACEAE	STENOGYNE PURPUREA VAR. FORBESII	THREATENED
LAMIACEAE	STENOGYNE ROTUNDIFOLIA VAR. OBLONGA	ENDANGERED
LAMIACEAE	STENOGYNE RUGOSA VAR. SUBULATA	THREATENED
LAMIACEAE	STENOGYNE SALICIFOLIA	THREATENED
LAMIACEAE	STENOGYNE SCANDENS	EXTINCT
LAMIACEAE	STENOGYNE SCROPHULARIOIDES VAR. BIFLORA	EXTINCT (1850-1871)
LAMIACEAE	STENOGYNE SCROPHULARIOIDES VAR. NELSONII	EXTINCT (1778-1779)
LAMIACEAE	STENOGYNE SCROPHULARIOIDES VAR. REMYI	EXTINCT (1851-1855)
LAMIACEAE	STENOGYNE SCROPHULARIOIDES VAR. SCROPHULARIOIDES	EXTINCT (1871)
LAMIACEAE	STENOGYNE SCROPHULARIOIDES VAR. SKOTTSBERGII	ENDANGERED (1911)
LAMIACEAE	STENOGYNE SESSILIS VAR. HEXANTHA	ENDANGERED
LAMIACEAE	STENOGYNE SESSILIS VAR. LANIENSIS	ENDANGERED
LAMIACEAE	STENOGYNE SESSILIS VAR. WILKESII	EXTINCT
LAMIACEAE	STENOGYNE SHERFFII	ENDANGERED
LAMIACEAE	STENOGYNE SORORIA	EXTINCT
LAMIACEAE	STENOGYNE VAGANS	EXTINCT (1850-1871)
LAMIACEAE	STENOGYNE VIRIDIS	EXTINCT (1870)
LAURACEAE	CRYPTOCARYA OAHUENSIS	ENDANGERED
LILIACEAE	ASTELIA VERATROIDES VAR. GRACILIS	THREATENED
LILIACEAE	ASTELIA VERATROIDES VAR. VERATROIDES	ENDANGERED
LILIACEAE	ASTELIA VERATROIDES SSP. MACROSPERMA	ENDANGERED
LILIACEAE	DRACAENA AUREA	ENDANGERED
LILIACEAE	DRACAENA HAWAIIENSIS	ENDANGERED
LILIACEAE	DRACAENA (PLEOMELE FORBESII)	ENDANGERED
LILIACEAE	SMILAX MELASTOMIFOLIA VAR. MELASTOMIFOLIA	EXTINCT
LOGANIACEAE	LABORDIA BAILLONII	EXTINCT (1851-1855)
LOGANIACEAE	LABORDIA CYRTANDRAE VAR. NAHIKUANA	THREATENED
LOGANIACEAE	LABORDIA DECURRENS VAR. DECURRENS	EXTINCT (1864-1865)
LOGANIACEAE	LABORDIA FAGRAEOIDEA VAR. FAGRAEOIDEA	ENDANGERED
LOGANIACEAE	LABORDIA FAGRAEOIDEA VAR. LONGISEPALA	ENDANGERED
LOGANIACEAE	LABORDIA FAGRAEOIDEA VAR. SAINT-JOHNIANA	THREATENED
LOGANIACEAE	LABORDIA FAGRAEOIDEA VAR. WAIANAEANA	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
LOGANIACEAE	LABORDIA GLABRA VAR. GLABRA	EXTINCT
LOGANIACEAE	LABORDIA GLABRA VAR. LATISEPALA	ENDANGERED
LOGANIACEAE	LABORDIA GLABRA VAR. ORIENTALIS	ENDANGERED
LOGANIACEAE	LABORDIA HEDYOSMIFOLIA VAR. KILAUEANA	ENDANGERED
LOGANIACEAE	LABORDIA HEDYOSMIFOLIA VAR. MAGNIFOLIA	ENDANGERED
LOGANIACEAE	LABORDIA HEDYOSMIFOLIA VAR. ROBUSTA	ENDANGERED
LOGANIACEAE	LABORDIA HEDYOSMIFOLIA VAR. ROCKII	ENDANGERED
LOGANIACEAE	LABORDIA HEDYOSMIFOLIA VAR. SKOTTSBERGII	ENDANGERED
LOGANIACEAE	LABORDIA HIRTELLA VAR. IMBRICATA	ENDANGERED
LOGANIACEAE	LABORDIA HIRTELLA VAR. LAEVIS	ENDANGERED
LOGANIACEAE	LABORDIA HIRTELLA VAR. LAEVISEPALA	ENDANGERED
LOGANIACEAE	LABORDIA HIRTELLA VAR. MICROCALYX	EXTINCT
LOGANIACEAE	LABORDIA HIRTELLA VAR. MICROPHYLLA	EXTINCT
LOGANIACEAE	LABORDIA KAALAE VAR. BRACHYPODA	ENDANGERED
LOGANIACEAE	LABORDIA KAALAE VAR. FOSBERGII	ENDANGERED
LOGANIACEAE	LABORDIA KAALAE VAR. KAUAIENSIS	ENDANGERED
LOGANIACEAE	LABORDIA KAALAE VAR. MENDAX	ENDANGERED
LOGANIACEAE	LABORDIA LYDGATEI	THREATENED
LOGANIACEAE	LABORDIA MEMBRANACEA VAR. EXIGUA	ENDANGERED
LOGANIACEAE	LABORDIA MEMBRANACEA VAR. MEMBRANACEA	ENDANGERED
LOGANIACEAE	LABORDIA MOLOKAIANA VAR. MOLOKAIANA	ENDANGERED
LOGANIACEAE	LABORDIA MOLOKAIANA VAR. MUNROI	ENDANGERED
LOGANIACEAE	LABORDIA MOLOKAIANA VAR. SETOSA	ENDANGERED
LOGANIACEAE	LABORDIA OLYMPIANA	ENDANGERED
LOGANIACEAE	LABORDIA PALLIDA VAR. HISPIDULA	ENDANGERED
LOGANIACEAE	LABORDIA PALLIDA VAR. PALLIDA	ENDANGERED
LOGANIACEAE	LABORDIA PEDUNCULATA	EXTINCT
LOGANIACEAE	LABORDIA TINIFOLIA VAR. EUPHORBIOIDEA	THREATENED
LOGANIACEAE	LABORDIA TINIFOLIA VAR. FORBESII	ENDANGERED
LOGANIACEAE	LABORDIA TINIFOLIA VAR. HONOLULUENSIS	EXTINCT
LOGANIACEAE	LABORDIA TINIFOLIA VAR. LANAIENSIS	THREATENED
LOGANIACEAE	LABORDIA TINIFOLIA VAR. MICROGYNA	ENDANGERED
LOGANIACEAE	LABORDIA TINIFOLIA VAR. PARVIFOLIA	EXTINCT
LOGANIACEAE	LABORDIA TINIFOLIA VAR. TENUIFOLIA	ENDANGERED
LOGANIACEAE	LABORDIA TRIFLORA	EXTINCT (1870)
LOGANIACEAE	LABORDIA WAWRANA	THREATENED
LYCOPODIACEAE	LYCOPODIUM HALEAKALAE	THREATENED
LYCOPODIACEAE	LYCOPODIUM MANNII	EXTINCT (1940)
LYCOPODIACEAE	LYCOPODIUM NUTANS	THREATENED
MALVACEAE	ABUTILON EREMITOPETALUM	EXTINCT
MALVACEAE	ABUTILON MENZIESII	EXTINCT
MALVACEAE	ABUTILON SANDWICENSE VAR. SANDWICENSE	ENDANGERED
MALVACEAE	GOSSYPIUM TOMENTOSUM	ENDANGERED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
MALVACEAE	HIBISCADELPHUS BOMBYCINUS	EXTINCT (1868)
MALVACEAE	HIBISCADELPHUS DISTANS	ENDANGERED
MALVACEAE	HIBISCADELPHUS GIFFARDIANUS	ENDANGERED
MALVACEAE	HIBISCADELPHUS HUALALAIENSIS	ENDANGERED
MALVACEAE	HIBISCADELPHUS WILDERIANUS	EXTINCT (1912)
MALVACEAE	HIBISCUS BRACKENRIDGEI VAR. BRACKENRIDGEI	ENDANGERED
MALVACEAE	HIBISCUS BRACKENRIDGEI VAR. MOKULEIANUS	ENDANGERED
MALVACEAE	HIBISCUS BRACKENRIDGEI VAR. (FROM HAWAII)	ENDANGERED
MALVACEAE	HIBISCUS CLAYI	ENDANGERED
MALVACEAE	HIBISCUS IMMACULATUS	ENDANGERED
MALVACEAE	HIBISCUS KAHILII	ENDANGERED
MALVACEAE	HIBISCUS KOKIO VAR. KOKIO	ENDANGERED
MALVACEAE	HIBISCUS KOKIO VAR. PUKOOHIS	ENDANGERED
MALVACEAE	HIBISCUS NEWHOUSEI	ENDANGERED
MALVACEAE	HIBISCUS ROEATAE	ENDANGERED
MALVACEAE	HIBISCUS SAINT-JOHNIANUS	ENDANGERED
MALVACEAE	HIBISCUS WAIMEAE	EXTINCT (1933)
MALVACEAE	KOKIA COOKEI	ENDANGERED
MALVACEAE	KOKIA DRYNARIOIDES	ENDANGERED
MALVACEAE	KOKIA KAUAIENSIS	EXTINCT (1860'S)
MALVACEAE	KOKIA LANCEOLATA	ENDANGERED
MARSILEACEAE	MARSILEA VILLOSA	THREATENED
MENISPERMACEAE	COCCULUS INTEGER	THREATENED
MENISPERMACEAE	COCCULUS LONCHOPHYLLUS	THREATENED
MENISPERMACEAE	COCCULUS VIRGATUS	ENDANGERED
MYRSINACEAE	MYRSINE FERNSEEI	ENDANGERED
MYRSINACEAE	MYRSINE LANAIENSIS VAR. OAHUENSIS	ENDANGERED
MYRSINACEAE	MYRSINE LINEARIFOLIA VAR. LINEARIFOLIA	ENDANGERED
MYRSINACEAE	MYRSINE MEZII	THREATENED
MYRSINACEAE	MYRSINE PETIOLATA	ENDANGERED
MYRSINACEAE	MYRSINE ST-JOHNII	EXTINCT
MYRTACEAE	EUGENIA MOLOKAIANA	ENDANGERED
MYRTACEAE	METROSIDEROS COLLINA VAR. NEWELLII	EXTINCT (1935)
OPHIOGLOSSACEAE	BOTRYCHIUM SUBBIFOLIATUM	EXTINCT (1930)
OPHIOGLOSSACEAE	BOTRYCHIUM SUBBIFOLIATUM	ENDANGERED
OPHIOGLOSSACEAE	OPHIOGLOSSUM CONCINNUM	THREATENED
ORCHIDACEAE	HABENARIA MOLOCHILA	ENDANGERED
PAPAVERACEAE	ARGEMONE GLAUCA VAR. INERMIS	THREATENED
PIPERACEAE	PEPEROMIA COOKIANA VAR. MINUTILIMBA	ENDANGERED
PIPERACEAE	PEPEROMIA CORNIFOLIA	ENDANGERED
PIPERACEAE	PEPEROMIA DEGENERI	THREATENED
PIPERACEAE	PEPEROMIA EXPALLESCENS VAR. BREVIPILOSA	ENDANGERED
PIPERACEAE	PEPEROMIA FAURIEI	

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
PIPERACEAE	PEPEROMIA FORBESII	ENDANGERED
PIPERACEAE	PEPEROMIA HAUPUENSIS	THREATENED
PIPERACEAE	PEPEROMIA HELLERI VAR. KNUDSENII	THREATENED
PIPERACEAE	PEPEROMIA KULAENSIS	ENDANGERED
PIPERACEAE	PEPEROMIA LILIIFOLIA VAR. OBTUSATA	THREATENED
PIPERACEAE	PEPEROMIA MAUNAKEANA	ENDANGERED
PIPERACEAE	PEPEROMIA OAHUENSIS VAR. ST.-JOHNII	ENDANGERED
PIPERACEAE	PEPEROMIA RIGIDILIMBA	THREATENED
PIPERACEAE	PEPEROMIA SUBPETIOLATA	THREATENED
PIPERACEAE	PEPEROMIA TRELEASEI	ENDANGERED
PIPERACEAE	PEPEROMIA WAIKAMOIANA	THREATENED
PITTOSPORACEAE	PITTOSPORUM ACUMINATUM VAR. LEPTOPODUM	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM ACUMINATUM VAR. MAGNIFOLIUM	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM ACUMINATUM VAR. WAIMEANUM	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM AMPLECTENS	THREATENED
PITTOSPORACEAE	PITTOSPORUM ARGENTIFOLIUM VAR. ARGENTIFOLIUM	THREATENED
PITTOSPORACEAE	PITTOSPORUM ARGENTIFOLIUM VAR. SESSILE	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM CAULIFLORUM VAR. CAULIFLORUM	EXTINCT
PITTOSPORACEAE	PITTOSPORUM CAULIFLORUM VAR. CLADANTHOIDES	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM CAULIFLORUM VAR. PEDICELLATUM	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM CLADANTHUM VAR. GRACILIPES	THREATENED
PITTOSPORACEAE	PITTOSPORUM CONFERTIFLORUM VAR. LONGIPES	THREATENED
PITTOSPORACEAE	PITTOSPORUM CONFERTIFLORUM VAR. MICROPHYLLUM	THREATENED
PITTOSPORACEAE	PITTOSPORUM GLABRUM VAR. GLOMERATUM	EXTINCT
PITTOSPORACEAE	PITTOSPORUM GLABRUM VAR. INTERMEDIUM	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM GLABRUM VAR. TINIFOLIUM	THREATENED
PITTOSPORACEAE	PITTOSPORUM HALOPHILOIDES	THREATENED
PITTOSPORACEAE	PITTOSPORUM HALOPHILUM	THREATENED
PITTOSPORACEAE	PITTOSPORUM HELLERI	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM HOSMERI VAR. HOSMERI	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM HOSMERI VAR. SAINT-JOHNII	EXTINCT
PITTOSPORACEAE	PITTOSPORUM INSIGNE VAR. MICRANTHUM	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM KAHANANUM	THREATENED
PITTOSPORACEAE	PITTOSPORUM KAUAIENSE VAR. REPENS	EXTINCT
PITTOSPORACEAE	PITTOSPORUM TERMINALIOIDES VAR. LANAIENSE	ENDANGERED
PITTOSPORACEAE	PITTOSPORUM TERMINALIOIDES VAR. MACROPUS	THREATENED
PITTOSPORACEAE	PITTOSPORUM TERMINALIOIDES VAR. MAUIENSE	ENDANGERED
PLANTAGINACEAE	PLANTAGO PRINCEPS VAR. ACAULIS	THREATENED
PLANTAGINACEAE	PLANTAGO PRINCEPS VAR. DENTICULATA	THREATENED
PLANTAGINACEAE	PLANTAGO PRINCEPS VAR. ELATA	ENDANGERED
PLANTAGINACEAE	PLANTAGO PRINCEPS VAR. LAXIFOLIA	ENDANGERED
PLANTAGINACEAE	PLANTAGO PRINCEPS VAR. PRINCEPS	ENDANGERED
PLANTAGINACEAE	PLANTAGO PRINCEPS VAR. QUELENIANA	THREATENED

V 40 127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
POACEAE	CENCHRUS AGRIMONIOIDES VAR. AGRIMONIOIDES	ENDANGERED
POACEAE	CENCHRUS AGRIMONIOIDES VAR. LAYSANENSIS	ENDANGERED
POACEAE	CENCHRUS PEDUNCULATUS	ENDANGERED
POACEAE	DISSOCHONDRUS BIFLORUS	ENDANGERED
POACEAE	ERAGROSTIS FOSBERGII	ENDANGERED
POACEAE	ERAGROSTIS MAUIENSIS	ENDANGERED
POACEAE	ERAGROSTIS NIIHAUENSIS	THREATENED
POACEAE	ERAGROSTIS PAUPERA	EXTINCT (1937)
POACEAE	ISCHAEMUM BYRONE	ENDANGERED
POACEAE	PANICUM ALAKAIENSE	ENDANGERED
POACEAE	PANICUM CARTERI	EXTINCT
POACEAE	PANICUM FAURIEI	ENDANGERED
POACEAE	PANICUM LAMIATILE	ENDANGERED
POACEAE	PANICUM LUSTRIALE	ENDANGERED
POACEAE	PANICUM NIIHAUENSE	THREATENED
POACEAE	POA SANDVICENSIS	ENDANGERED
POLYPODIACEAE	ADENOPHORUS PERIENS	ENDANGERED
POLYPODIACEAE	ASPLENIUM FRAGILE VAR. INSULARIS	ENDANGERED
POLYPODIACEAE	ASPLENIUM LEUCOSTEGIOIDES	EXTINCT (1879)
POLYPODIACEAE	CTENITIS SQUAMIGERA	EXTINCT (1949)
POLYPODIACEAE	DIELLIA ERECTA	ENDANGERED
POLYPODIACEAE	DIELLIA FALCATA	ENDANGERED
POLYPODIACEAE	DIELLIA LACINIATA	THREATENED
POLYPODIACEAE	DIELLIA MANNII	EXTINCT (1900)
POLYPODIACEAE	DIELLIA UNISORA	THREATENED
POLYPODIACEAE	DIPLAZIUM MOLOKAIENSE	ENDANGERED
POLYPODIACEAE	PTERIS LIDGATII	ENDANGERED
POLYPODIACEAE	SCHIZOSTEGE LYDGATEI	ENDANGERED
PORTULACACEAE	PORTULACA HAWAIIENSIS	ENDANGERED
PORTULACACEAE	PORTULACA SCLEROCARPA	ENDANGERED
PRIMULACEAE	LYSIMACHIA FILIFOLIA	THREATENED
PRIMULACEAE	LYSIMACHIA HILLEBRANDII VAR. HILLEBRANDII	ENDANGERED
PRIMULACEAE	LYSIMACHIA KALALAUENSIS	ENDANGERED
PRIMULACEAE	LYSIMACHIA OVATA	THREATENED
PRIMULACEAE	LYSIMACHIA SP.	ENDANGERED
RHAMNACEAE	ALPHITONIA PONDEROSA	ENDANGERED
RHAMNACEAE	COLUBRINA OPPOSITIFOLIA	ENDANGERED
RHAMNACEAE	GOUANIA BISHOPII	EXTINCT (1875)
RHAMNACEAE	GOUANIA CUCULLATA	EXTINCT (1851-1855)
RHAMNACEAE	GOUANIA FAURIEI	ENDANGERED
RHAMNACEAE	GOUANIA GAGNEI	ENDANGERED
RHAMNACEAE	GOUANIA HAWAIIENSIS	EXTINCT (1853)
RHAMNACEAE	GOUANIA HILLEBRANDI	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
RHAMNACEAE	GOUANIA LYDGATEI	EXTINCT (1865)
RHAMNACEAE	GOUANIA MANNII	EXTINCT (1863-1865)
RHAMNACEAE	GOUANIA MEYENII	EXTINCT (1841)
RHAMNACEAE	GOUANIA OLIVERI	EXTINCT (1861)
RHAMNACEAE	GOUANIA PILATA	EXTINCT (1880)
RHAMNACEAE	GOUANIA REMYI	EXTINCT (1851-1855)
RHAMNACEAE	GOUANIA SANDWICHIANA	EXTINCT (1851-1855)
RHAMNACEAE	GOUANIA THINOPHILA	EXTINCT (1841)
RHAMNACEAE	GOUANIA VITIFOLIA	EXTINCT (1932)
ROSACEAE	ACAENA EXIGUA VAR. EXIGUA	THREATENED
ROSACEAE	ACAENA EXIGUA VAR. GLABERRIMA	ENDANGERED
ROSACEAE	ACAENA EXIGUA VAR. GLADRIUSCULA	THREATENED
ROSACEAE	ACAENA EXIGUA VAR. SUBTUSSTRIGULOSA	THREATENED
RUBIACEAE	BOBEA SANDWICENSIS	ENDANGERED
RUBIACEAE	BOBEA TIMONIOIDES	ENDANGERED
RUBIACEAE	COPROSMA FAUREI VAR. LANAIENSIS	ENDANGERED
RUBIACEAE	COPROSMA MONTANA VAR. ORBICULARIS	ENDANGERED
RUBIACEAE	COPROSMA OCHRACEA VAR. KAALAE	ENDANGERED
RUBIACEAE	COPROSMA PUBENS VAR. SESSILIFLORA	ENDANGERED
RUBIACEAE	COPROSMA SERRATA	ENDANGERED
RUBIACEAE	GARDENIA BRIGHAMII	ENDANGERED
RUBIACEAE	GOULDIA SP.	THREATENED
RUBIACEAE	GOULDIA ST-JOHNII VAR. MUNROI	THREATENED
RUBIACEAE	GOULDIA TERMINALIS VAR. BOBEOIDES	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. CONGESTA	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. CRASSICAULIS	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. DEGENERI	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. LANAI	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. PARVIFOLIA	THREATENED
RUBIACEAE	GOULDIA TERMINALIS VAR. PSEUDODICHOTOMA	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. PUBESCENS	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. QUADRANGULARIS	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. ROTUNDIFOLIA	ENDANGERED
RUBIACEAE	GOULDIA TERMINALIS VAR. SUBCORDATA	ENDANGERED
RUBIACEAE	HEDYOTIS ANGUSTA VAR. ANGUSTA	EXTINCT
RUBIACEAE	HEDYOTIS ANGUSTA VAR. UMBROSA	ENDANGERED
RUBIACEAE	HEDYOTIS COOKIANA	EXTINCT (1817)
RUBIACEAE	HEDYOTIS CORIACEA	EXTINCT (1911)
RUBIACEAE	HEDYOTIS DEGENERI VAR. COPROSMIFOLIA	ENDANGERED
RUBIACEAE	HEDYOTIS DEGENERI VAR. DEGENERI	ENDANGERED
RUBIACEAE	HEDYOTIS ELATIOR VAR. ELATIOR	THREATENED
RUBIACEAE	HEDYOTIS ELATIOR VAR. HERBACEA	ENDANGERED
RUBIACEAE	HEDYOTIS FLUVIATILIS VAR. KAUAIENSIS	THREATENED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
RUBIACEAE	HEDYOTIS FOLIOSA	EXTINCT (1870)
RUBIACEAE	HEDYOTIS FORMOSA	THREATENED
RUBIACEAE	HEDYOTIS GLAUCIFOLIA VAR. HELLERI	THREATENED
RUBIACEAE	HEDYOTIS LITTORALIS	ENDANGERED
RUBIACEAE	HEDYOTIS MANNII VAR. CUSPIDATA	THREATENED
RUBIACEAE	HEDYOTIS MANNII VAR. MANNII	THREATENED
RUBIACEAE	HEDYOTIS MANNII VAR. MUNROI	THREATENED
RUBIACEAE	HEDYOTIS MANNII VAR. SCAPOSA	EXTINCT
RUBIACEAE	HEDYOTIS PARVULA	ENDANGERED
RUBIACEAE	HEDYOTIS SCHLECHTENDAHLIANA VAR. NUTTALLI	EXTINCT
RUBIACEAE	HEDYOTIS SCHLECHTENDAHLIANA VAR. PLANA	ENDANGERED
RUBIACEAE	HEDYOTIS SCHLECHTENDAHLIANA VAR. RETICULATA	ENDANGERED
RUBIACEAE	HEDYOTIS ST-JOHNII	ENDANGERED
RUBIACEAE	HEDYOTIS THYRSOIDEA VAR. HILLEBRANDII	EXTINCT
RUBIACEAE	HEDYOTIS THYRSOIDEA VAR. THYRSOIDEA	ENDANGERED
RUBIACEAE	MORINDA SANDWICENSIS	ENDANGERED
RUBIACEAE	MORINDA TRIMERA	THREATENED
RUBIACEAE	PSYCHOTRIA GRANDIFLORA	ENDANGERED
RUBIACEAE	PSYCHOTRIA INSULARUM VAR. PARADISII	EXTINCT (1864-1865)
RUTACEAE	PELEA ANISATA VAR. HAUPUANA	ENDANGERED
RUTACEAE	PELEA BALLOUI	ENDANGERED
RUTACEAE	PELEA CHRISTOPHERSENII	ENDANGERED
RUTACEAE	PELEA CINEREA VAR. CINEREA	ENDANGERED
RUTACEAE	PELEA CINEREA VAR. MAUIANA	EXTINCT
RUTACEAE	PELEA CINEREA VAR. SKOTTSBERGII	ENDANGERED
RUTACEAE	PELEA CINEREOPS	ENDANGERED
RUTACEAE	PELEA CLUSIIFOLIA VAR. PICKERINGII	ENDANGERED
RUTACEAE	PELEA DEGENERI	ENDANGERED
RUTACEAE	PELEA DESCENDENS	ENDANGERED
RUTACEAE	PELEA ELLIPTICA VAR. MAUIENSIS	EXTINCT
RUTACEAE	PELEA GLABRA	ENDANGERED
RUTACEAE	PELEA GRANDIFOLIA VAR. LIANOIDES	ENDANGERED
RUTACEAE	PELEA GRANDIFOLIA VAR. MONTANA	ENDANGERED
RUTACEAE	PELEA GRANDIFOLIA VAR. TERMINALIS	ENDANGERED
RUTACEAE	PELEA HAUPUENSIS	ENDANGERED
RUTACEAE	PELEA HAWAIENSIS VAR. BRIGHAMII	ENDANGERED
RUTACEAE	PELEA HAWAIENSIS VAR. HAWAIENSIS	ENDANGERED
RUTACEAE	PELEA HAWAIENSIS VAR. MOLOKAIANA	EXTINCT
RUTACEAE	PELEA HAWAIENSIS VAR. PILOSA	EXTINCT
RUTACEAE	PELEA HAWAIENSIS VAR. RACEMIFLORA	EXTINCT
RUTACEAE	PELEA HAWAIENSIS VAR. REMYANA	EXTINCT
RUTACEAE	PELEA HAWAIENSIS VAR. RUBRA	ENDANGERED
RUTACEAE	PELEA HAWAIENSIS VAR. SULFUREA	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
RUTACEAE	PELEA HIIAKAE	ENDANGERED
RUTACEAE	PELEA HOSAKAE	ENDANGERED
RUTACEAE	PELEA KAUAENSIS	ENDANGERED
RUTACEAE	PELEA KAVAIENSIS	ENDANGERED
RUTACEAE	PELEA KNUDSENII	EXTINCT
RUTACEAE	PELEA LAKAE	ENDANGERED
RUTACEAE	PELEA LANCEOLATA	ENDANGERED
RUTACEAE	PELEA LEVEILLEI	ENDANGERED
RUTACEAE	PELEA LYDGATEI	ENDANGERED
RUTACEAE	PELEA MACROPUS	EXTINCT
RUTACEAE	PELEA MAKAHAE	ENDANGERED
RUTACEAE	PELEA MUCRONULATA	EXTINCT
RUTACEAE	PELEA MULTIFLORA	ENDANGERED
RUTACEAE	PELEA MUNROI	EXTINCT
RUTACEAE	PELEA NEALAE	ENDANGERED
RUTACEAE	PELEA OBLONGIFOLIA VAR. MANUKAENSIS	ENDANGERED
RUTACEAE	PELEA OBLONGIFOLIA VAR. OBLONGIFOLIA	ENDANGERED
RUTACEAE	PELEA OBOVATA	EXTINCT
RUTACEAE	PELEA OLOWALUENSIS	ENDANGERED
RUTACEAE	PELEA ORBICULARIS VAR. ORBICULARIS	ENDANGERED
RUTACEAE	PELEA ORBICULARIS VAR. TONSA	ENDANGERED
RUTACEAE	PELEA OVALIS	ENDANGERED
RUTACEAE	PELEA OVATA	ENDANGERED
RUTACEAE	PELEA PALLIDA	ENDANGERED
RUTACEAE	PELEA PANICULATA	ENDANGERED
RUTACEAE	PELEA PARVIFOLIA VAR. APODA	ENDANGERED
RUTACEAE	PELEA PARVIFOLIA VAR. SESSILIS	ENDANGERED
RUTACEAE	PELEA PEDUNCULARIS VAR. CORDATA	ENDANGERED
RUTACEAE	PELEA PEDUNCULARIS VAR. HIUENSIS	ENDANGERED
RUTACEAE	PELEA PEDUNCULARIS VAR. NUMMULARIA	ENDANGERED
RUTACEAE	PELEA PLUVIALIS	ENDANGERED
RUTACEAE	PELEA QUADRANGULARIS	ENDANGERED
RUTACEAE	PELEA RECURVATA	ENDANGERED
RUTACEAE	PELEA REFLEXA	ENDANGERED
RUTACEAE	PELEA SAINT-JOHNII VAR. ELONGATA	ENDANGERED
RUTACEAE	PELEA SAINT-JOHNII VAR. SAINT-JOHNII	ENDANGERED
RUTACEAE	PELEA SANDWICENSIS	EXTINCT (1928)
RUTACEAE	PELEA STOREYANA	EXTINCT
RUTACEAE	PELEA TOMENTOSA	EXTINCT
RUTACEAE	PELEA VOLCANICA VAR. KOHALAE	ENDANGERED
RUTACEAE	PELEA WAHIAWAENSIS	ENDANGERED
RUTACEAE	PELEA WAIMEAENSIS	EXTINCT
RUTACEAE	PELEA ZAHLBRUCKNERI	ENDANGERED

V40-127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
RUTACEAE	PLATYDESMA REMYI	ENDANGERED
RUTACEAE	ZANTHOXYLUM BLUETTIANUM	THREATENED
RUTACEAE	ZANTHOXYLUM DIPETALUM VAR. DEGENERI	THREATENED
RUTACEAE	ZANTHOXYLUM DIPETALUM VAR. DIPETALUM	THREATENED
RUTACEAE	ZANTHOXYLUM DIPETALUM VAR. GEMINICARPUM	ENDANGERED
RUTACEAE	ZANTHOXYLUM DIPETALUM VAR. TOMENTOSUM	THREATENED
RUTACEAE	ZANTHOXYLUM GLANDULOSUM	THREATENED
RUTACEAE	ZANTHOXYLUM HAWAIIENSE VAR. CITRIODORUM	ENDANGERED
RUTACEAE	ZANTHOXYLUM HAWAIIENSE VAR. HAWAIIENSE	THREATENED
RUTACEAE	ZANTHOXYLUM HAWAIIENSE VAR. VELUTINOSUM	THREATENED
RUTACEAE	ZANTHOXYLUM KAUAENSE VAR. KOHUANA	THREATENED
RUTACEAE	ZANTHOXYLUM MAVIENSE VAR. ANCEPS	THREATENED
RUTACEAE	ZANTHOXYLUM MAVIENSE VAR. CRANWELLIAE	THREATENED
RUTACEAE	ZANTHOXYLUM MAVIENSE VAR. MAVIENSE	THREATENED
RUTACEAE	ZANTHOXYLUM MAVIENSE VAR. RIGIDUM	THREATENED
RUTACEAE	ZANTHOXYLUM SEMIARTICULATUM VAR. SEMIARTICULATUM	THREATENED
RUTACEAE	ZANTHOXYLUM SEMIARTICULATUM VAR. SESSILE	ENDANGERED
RUTACEAE	ZANTHOXYLUM SKOTTSBERGII	THREATENED
SANTALACEAE	EXOCARPUS GAUDICHAUDII	ENDANGERED
SANTALACEAE	EXOCARPUS LUTEOLUS	ENDANGERED
SANTALACEAE	SANTALUM ELLIPTICUM VAR. LITTORALE	ENDANGERED
SANTALACEAE	SANTALUM LANAIENSE	ENDANGERED
SANTALACEAE	SANTALUM SALICIFOLIUM	ENDANGERED
SAPINDACEAE	ALECTRYON MACROCOCCUM VAR. MACROCOCCUM	ENDANGERED
SAPINDACEAE	ALECTRYON MAHOE	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. CONFERTIOR	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. COSTULATA	THREATENED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. FORBESII	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. LANAIENSIS	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. MOLOKAIENSIS	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. OBLONGA	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. PALLIDA	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. SKOTTSBERGII	ENDANGERED
SAPINDACEAE	DODONAEA ERIOCARPA VAR. VARIANS	THREATENED
SAPINDACEAE	DODONAEA SANDWICENSIS VAR. LATIFOLIA	THREATENED
SAPINDACEAE	DODONAEA SANDWICENSIS VAR. SIMULANS	ENDANGERED
SAPINDACEAE	DODONAEA STENOPTERA VAR. FAURIEI	ENDANGERED
SAPINDACEAE	DODONAEA STENOPTERA VAR. STENOPTERA	ENDANGERED
SAPOTACEAE	POUTERIA AUAHIENSIS	ENDANGERED
SAPOTACEAE	POUTERIA RHYNCHOSPERMA	ENDANGERED
SOLANACEAE	NOTHOCESTRUM BREVIFLORUM VAR. BREVIFLORUM	ENDANGERED
SOLANACEAE	NOTHOCESTRUM BREVIFLORUM VAR. LONGIPES	EXTINCT
SOLANACEAE	NOTHOCESTRUM LATIFOLIUM	ENDANGERED

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
SOLANACEAE	NOTHOCESTRUM LONGIFOLIUM VAR. RUFIPILOSUM	ENDANGERED
SOLANACEAE	NOTHOCESTRUM PELTATUM	ENDANGERED
SOLANACEAE	NOTHOCESTRUM SUBCORDATUM	EXTINCT
SOLANACEAE	SOLANUM HALEAKALAENSE	EXTINCT (1865)
SOLANACEAE	SOLANUM HILLEBRANDII	EXTINCT (1865)
SOLANACEAE	SOLANUM INCOMPLETUM VAR. GLABRATUM	ENDANGERED
SOLANACEAE	SOLANUM INCOMPLETUM VAR. INCOMPLETUM	ENDANGERED
SOLANACEAE	SOLANUM INCOMPLETUM VAR. MAUIENSIS	ENDANGERED
SOLANACEAE	SOLANUM KAUAIENSE	THREATENED
SOLANACEAE	SOLANUM NELSONI VAR. NELSONI	ENDANGERED
SOLANACEAE	SOLANUM NELSONI VAR. THOMASIAEFOLIUM	ENDANGERED
SOLANACEAE	SOLANUM SANDWICENSE	ENDANGERED
STERCULIACEAE	WALTHERIA PYROLAEFOLIA	EXTINCT
THEACEAE	EURYA SANDWICENSIS VAR. GRANDIFOLIA	ENDANGERED
THYMELAEACEAE	WIKSTROEMIA BASICORDA	ENDANGERED
THYMELAEACEAE	WIKSTROEMIA HANALEI	THREATENED
THYMELAEACEAE	WIKSTROEMIA ISAE	THREATENED
THYMELAEACEAE	WIKSTROEMIA LEPTANTHA	ENDANGERED
THYMELAEACEAE	WIKSTROEMIA MONTICOLA VAR. OCCIDENTALIS	ENDANGERED
THYMELAEACEAE	WIKSTROEMIA SKOTTSBERGIANA	ENDANGERED
THYMELAEACEAE	WIKSTROEMIA VILLOSA	ENDANGERED
URTICACEAE	HESPEROCNIDE SANDWICENSIS	ENDANGERED
URTICACEAE	NERAUDIA ANGULATA VAR. ANGULATA	ENDANGERED
URTICACEAE	NERAUDIA ANGULATA VAR. DENTATA	ENDANGERED
URTICACEAE	NERAUDIA KAHOOLAWENSIS	EXTINCT
URTICACEAE	NERAUDIA KAUAIENSIS VAR. HELLERI	EXTINCT
URTICACEAE	NERAUDIA KAUAIENSIS VAR. KAUAIENSIS	ENDANGERED
URTICACEAE	NERAUDIA MELASTOMIFOLIA VAR. GAUDICHAUDII	ENDANGERED
URTICACEAE	NERAUDIA MELASTOMIFOLIA VAR. MELASTOMIFOLIA	ENDANGERED
URTICACEAE	NERAUDIA MELASTOMIFOLIA VAR. PALLIDA	ENDANGERED
URTICACEAE	NERAUDIA MELASTOMIFOLIA VAR. PARVIFOLIA	ENDANGERED
URTICACEAE	NERAUDIA MELASTOMIFOLIA VAR. PUBESCENS	ENDANGERED
URTICACEAE	NERAUDIA MELASTOMIFOLIA VAR. UNCINATA	ENDANGERED
URTICACEAE	NERAUDIA OVATA	ENDANGERED
URTICACEAE	NERAUDIA SERICEA	ENDANGERED
URTICACEAE	URERA KAALAE	ENDANGERED
VIOLACEAE	ISODENDRION FORBESII	ENDANGERED
VIOLACEAE	ISODENDRION HAWAIIENSE	EXTINCT (1851-1855)
VIOLACEAE	ISODENDRION HILLEBRANDII	EXTINCT (1869)
VIOLACEAE	ISODENDRION HOSAKAE	EXTINCT (1949)
VIOLACEAE	ISODENDRION LANAIENSE	EXTINCT (1860)
VIOLACEAE	ISODENDRION LAURIFOLIUM	ENDANGERED
VIOLACEAE	ISODENDRION LONGIFOLIUM	ENDANGERED

V40 I127 JUL 1 75 XUM

List B

LIST OF ENDANGERED, THREATENED, AND RECENTLY EXTINCT SPECIES OF HAWAII

FAMILY	SPECIES	STATUS
VIOLACEAE	ISODENDRION LYDGATEI	EXTINCT (1860)
VIOLACEAE	ISODENDRION MACULATUM	ENDANGERED
VIOLACEAE	ISODENDRION MOLOKAIENSE	EXTINCT (1851-1855)
VIOLACEAE	ISODENDRION PYRIFOLIUM	EXTINCT (1840)
VIOLACEAE	ISODENDRION REMYI	EXTINCT
VIOLACEAE	ISODENDRION SUBSESSILIFOLIUM	ENDANGERED
VIOLACEAE	ISODENDRION WAIANAEENSE	EXTINCT (1950)
VIOLACEAE	VIOLA CHAMISSONIANA	ENDANGERED
VIOLACEAE	VIOLA HELENA VAR. HELENA	ENDANGERED
VIOLACEAE	VIOLA HELENA VAR. LANAIENSIS	ENDANGERED
VIOLACEAE	VIOLA KAUAENSIS VAR. WAHIAWAENSIS	ENDANGERED
VIOLACEAE	VIOLA OAHUENSIS	ENDANGERED
VIOLACEAE	VIOLA ROBUSTA	ENDANGERED

List C

Recently Extinct or Possibly Extinct Plant Species in the Continental United States

Species and Varieties	Locality	Date Last Collected	Status*
Aizoaceae			
Sesuvium trianthemoides	Kenedy Co., Tex.	1947	PrEx
Apiaceae			
Lomatium greenmanii	Wallowa Mts., Ore.	1900	PoEx, Tax?
Apocynaceae			
Apocynum jonesii	Flagstaff, Ariz.	1884	PoEx
Asclepiadaceae			
Matelea radiata	Brooks Co., Tex.	1909	PrEx
Asteraceae			
Calycadenia fremontii	Chico, Butte Co., and Tehama Co., Calif.	1937	PoEx
Cirsium hydrophyllum var. hydrophyllum	Solano and Marin Cos., Calif.	1959	PoEx
Erigeron perglaber	Arizona	1869	PoEx
Eriophyllum nubigenum var. nubigenum	Yosemite National Park, Mariposa Co., Calif.	1938	PoEx
Greenella discoidea	Cochise Co., Ariz.	1880s	PoEx
Haplopappus contractus	Ft. Bridger, Uinta Co., Wyo.	1873	PoEx
Helianthus nuttallii var. parishii	Orange and San Bernadino Cos., Calif.	1920	PoEx
Helianthus praetermissus	New Mexico	1929	Ex
Helianthus smithii	Smith, Randolph Co., Ala.; Rabun Co., Ga.	1884	PoEx
Hymenoxys texana	Houston, Harris Co., Tex.	1900	PrEx
Perityle rotundata	Presidio Co., (Pecos Co.?), Tex.	1852	PrEx

V40-127 JUL 1 75 XUM

List C

Species and Varieties	Locality	Date Last Collected	Status*
Asteraceae (continued)			
Solidago porteri	Monticello, Ga., Jackson Co., N.C.	1846	PoEx, Tax?
Betulaceae			
Betula uber	Smyth Co., Va.	1914	PrEx
Boraginaceae			
Cryptantha aperta	Mesa Co., Colo.	1892	PrEx
Cryptantha insolita	Clark Co., Nev.	1905	PrEx
Mertensia toiyabensis	Nye Co., Nev.	1882	PoEx
Brassicaceae			
Arabis fructicosa	Undine Falls, Yellowstone National Park, Wyo.	1899	PrEx
Lesquerella lata	Lincoln Co., N. Mex.	1903	PoEx
Lesquerella macrocarpa	Sweetwater Co., Wyo.	1900	PrEx
Physaria grahamii	Uintah Basin, eastern Utah	1930	PoEx, Tax?
Smelowskia holmgrenii	Nye Co., Nev.	1945	PoEx
Thelypodium tenue	Presidio Co., Tex.	1942	PoEx
Bromeliaceae			
Hechtia texensis	Brewster Co., Tex.	1885	PoEx
Burmanniaceae			
Thismia americana	Chicago, Ill.	1913	Ex
Cactaceae			
Coryphantha scheeri var. uncinata	El Paso Co., Tex.	1900	PoEx
Echinocereus blankii var. angusticeps	Hidalgo Co., Tex.	1934	PrEx

List C

Species and Varieties	Locality	Date Last Collected	Status*
Cactaceae (continued)			
Echinocereus hempelii	Lincoln Co., N. Mex.	1897	PrEx, Tax?
Opuntia strigil var. flexospina	Webb Co., Tex.	1911	PoEx
Campanulaceae			
Campanula robinsiae	Brooksville, Fla.	1958	PoEx, Tax?
Githopsis filicaulis	Mission Canyon, San Diego, Calif.	1884	PoEx
Githopsis latifolia	Big Meadows, Plumas Co., Calif.	1912	PoEx
Caryophyllaceae			
Arenaria livermorensis	Livermore, Davis Mts., Tex.	1934	PrEx
Ceratophyllaceae			
Ceratophyllum floridanum	Big Pine Key, Monroe Co., Fla.	1953	PoEx
Chenopodiaceae			
Atriplex tularensis	Bakersfield, Kern Co., Calif.	1921	PoEx
Cistaceae			
Lechea mensalis	Chisos Mts., Brewster Co., Tex.	1931	PrEx
Crassulaceae			
Dudleya traskiae	Santa Barbara Islands, Calif.	1968	PoEx, Cult
Cuscutaceae			
Cuscuta warneri	Millard Co., Utah	1957	PoEx
Fabaceae			
Astragalus columbianus	Priests Rapids, Yakima Co., Wash.	1883	PrEx

V40-127 JUL 1 75 XUM

List C

Species and Varieties	Locality	Date Last Collected	Status*
Fabaceae (continued)			
Astragalus desereticus	San Pete Co., Utah	1909	PrEx
Astragalus humillimus	Montezuma Co., Colo.	1875	PoEx
Astragalus lentiginosus var. chartaceus	San Pete Co., Utah	1894	PoEx, Tax?
Astragalus lentiginosus var. sesquimetralis	Soda Springs, Nev.	1882	PoEx
Astragalus linifolius	Mesa Co., Colo.	1926	PoEx
Astragalus perianus	Sevier Co., Utah	1905	PoEx
Astragalus pycnostachyus var. lanosissimus	Ventura and Los Angeles Cos., Calif.	1882	PrEx
Astragalus robbinsii var. robbinsii	Chittenden Co., Vt.	1893	Ex
Psoralea macrophylla	Polk Co., N.C.	1897	Ex
Psoralea stipulata	Clark and Floyd Cos., Ind.	1856	Ex, Cultivated to 1871
Hydrocharitaceae			
Elodea brandegeae	Truckee, Sierra Nevada, Calif.	1904	Ex, Tax?
Elodea linearis	Nashville, Tenn.	1875	Ex, Tax?
Elodea nevadensis	Nevada	1887	Ex, Tax?
Elodea schweinitzii	Northampton Co., Pa.; New Jersey	1832	Ex, Tax?
Hydrophyllaceae			
Phacelia cinerea	San Nicolas Is., Calif.	1901	PoEx
Phacelia lenta	Priests Rapids to Wallula, Walla Walla Co., Wash.	1883	PoEx

List C

Species and Varieties	Locality	Date Last Collected	Status*
Juncaceae			
Juncus pervetus	Barnstable Co., Mass	1928	Ex, Cult
Lamiaceae			
Hedeoma pilosum	Brewster Co., Tex.	1940	PrEx
Monardella leucocephala	Merced and Stanislaus Cos., Calif.	1941	PoEx
Scutellaria ocmulgee	Macon, Ga.	1898	PrEx
Liliaceae			
Calochortus monanthus	Yreka, Siskiyou Co., Calif.	1876	PoEx
Schoenolirion texanum	Austin, Tex.	1936	PrEx
Linaceae			
Linum macrocarpum	Mobile, Ala.	1897	PoEx
Malvaceae			
Malacothamnus abbottii	Salinas River, Monterey Co., Calif.	1899	PoEx
Malacothamnus mendocinensis	Ukiah, Mendocino Co., Calif.	1939	PoEx
Nyctaginaceae			
Pisonia floridana	Rock Key (near Key West), Fla.	1870	PrEx, Tax?
Orchidaceae			
Spiranthes parksii	Brazos Co., Tex.	1945	PoEx
Orobanchaceae			
Orobanche valida	San Gabriel Mts., Los Angeles Co., Calif.	1929	PrEx
Poaceae			
Calamagrostis nubila	Mt. Washington, N.H.	1862	Ex, Tax?

V40-127 JUL 1 75 XUM

List C

Species and Varieties	Locality	Date Last Collected	Status*
Poaceae (continued)			
Dissanthelium californicum	Santa Catalina and San Clemente islands, Calif.	1912	PrEx
Festuca dasyclada	Joe's Valley, Colorado R., Utah	1875	PoEx
Panicum shastense	Castle Crag, Shasta Co., Calif.	1912	PrEx
Pleuropogon oregonus	Union and Lake Cos., Oreg.	1901	PoEx
Trisetum orthochaetum	Missoula Co., Mont.	1908	PrEx
Polygonaceae			
Chorizanthe valida	Marin Co., Calif.	1962	PoEx
Eriogonum ericifolium var. ericifolium	Yavapai Co., Ariz.	1887	PoEx
Eriogonum lemmonii	Washoe Co., Nev.	1875	Ex
Polygonum montereyense	Monterey Co., Calif.	1917	Ex, Tax?
Potamogetonaceae			
Potamogeton floridanus	Florida	1886	PoEx
Rosaceae			
Potentilla multijuga	Ballona, Los Angeles Co., Calif.	1849	PrEx
Ranunculaceae			
Ranunculus acriformis var. aestivalis	Sevier R., Utah	1960	PrEx
Saxifragaceae			
Lithophragma maximum	San Clemente Is., Calif.	1936	PoEx

List C

Species and Varieties	Locality	Date Last Collected	Status*
Scrophulariaceae			
Agalinis (Gerardia) stenophylla	Tampa, Hillsboro Co., Fla.	1897	PoEx
Bacopa simulans	Charles City Co., Va.	1941	PrEx
Castilleja leschkeana	Point Reyes, Marin Co., Calif.	1960	PoEx
Castilleja ludoviciana	Jeff Davis Parish, La.	1915	PoEx
Cordylanthus mollis ssp. mollis	San Francisco Bay, Napa Co., Calif.	1966	PoEx
Cordylanthus palmatus	Colusa, Fresno, Madera, Merced, and Yolo Cos., Calif.	1970	PoEx, Cult, Reintro to wild
Mimulus brandegei	Santa Cruz Is., Calif.	1932	PrEx
Mimulus traskiae	Santa Catalina Is., Calif.	1904	Ex
Orthocarpus pachystachyus	Shasta R., Siskiyou Co., Calif.	1913	PoEx
Pedicularis furbishiae	Aroostook Co., Maine	1943	PrEx
Seymeria havardii	Maverick Co., Tex.	1882	PrEx
Solanaceae			
Lycium hassei	Santa Catalina and San Clemente islands, Santa Barbara, and San Diego Co., Calif.	1936	PoEx
Lycium verrucosum	San Nicolas Is., Ventura Co., Calif.	1901	PoEx
Sterculiaceae			
Nephropetalum pringlei	Hidalgo Co., Tex.	1888	PoEx

V40-127 JUL 1 75 XUM

List C

Species and Varieties	Locality	Date Last Collected	Status*
Theaceae			
Franklinia alatamaha	McIntosh Co., Ga.	1803	Ex, Cult
Valerianaceae			
Valerianella texana	Gillespie Co., Tex.	1936	PoEx

*Ex = Recently extinct or extinct in wild: not collected during extensive search over a number of years; type locality or sites may be destroyed.

PrEx = Probably extinct: not recollected after one or a few visits to the type locality and/or similar sites.

PoEx = Possibly extinct: not recollected or known only from type locality for a number of years; may not have been searched for.

Tax? = Taxonomic status in doubt, perhaps owing to scarcity of material; possible hybrid.

Cult = May be extinct in nature, but the plants are in cultivation or have been transplanted.

[FR Doc.75-16530 Filed 6-30-75;8:45 am]

V40-127 JUL 1 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

V 40 - 12 7 JUL 1 7 5 XUM

128

federal register

July 2, 1975—Pages 27925–28045

WEDNESDAY, JULY 2, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 128

Pages 27925–28045

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL RULEMAKING PROCEDURES—Administrative Conference of the United States issues recommendations and statements 27925

CHILDREN'S SLEEPWEAR—CPSC changes labeling requirements for sizes 0–6X and 7–14, effective 7–2–75 .. 27932

SCHOOL LUNCH PROGRAM—USDA/FNS extends special supplemental food program for women, infants and children, effective 7–1–75 27930

SAVINGS AND LOAN ASSOCIATIONS—FHLBB proposals requiring notices of proposed mergers (2 documents); comments by 8–8–75 ..... 27953, 27954

TRANSPORTATION—GAO rules on statute of limitations for filing claims against U.S 27929

MEETINGS—

EPA: Ecology Advisory Committee, Science Advisory Board, 7–25–75 27964

FCC: Radio Technical Commission for Marine Services, July meetings 27967

HEW/FDA: Commissioner of Food and Drug Administration; on performance standards for dental X—Ray film, 7–16–75 27959

(Continued inside)

PART II:

MEDICARE—HEW establishes qualifying conditions for Health Maintenance Organizations; effective 8–1–75 28015

PART III:

INDIAN AFFAIRS—

Interior/BIA establishes protective civil and criminal codes for the residents of the Hopi-Navajo joint use area, effective 8–1–75 28026

Interior/BIA rules on restoration of grazing potential in Navajo-Hopi joint use area, effective 8–1–75 28039

PART IV:

FEDERAL ELECTIONS—FEC publishes requests for advisory opinions; comments by 7–14–75 28043

V40—128 JUL 2 75 XUM

National Advisory Council on the Education of Disadvantaged Children: Committee on Early Childhood Education, 7–17–75 27984
National Foundation on the Arts and the Humanities/National Endowment for the Arts: Architecture and Environmental Arts Panel, 7–23 and 7–24–75 .. 27985
Dance Advisory Panel, 7–21 thru 7–24–75 27985
NRC: Advisory Committee on Reactor Safeguards; Subcommittee on Combustion Engineering System 80, 7–18–75 27986
NSF: Advisory Panel for Earth Sciences, 7–24 and 7–25–75 27988
Treasury/BATF: Advisory Committee on Distilled Spirits Plant Supervision, 7–14 and 7–15–75 27956

CANCELLED MEETINGS—
HEW/NIH: Cancer Control Intervention Programs Review Committee, National Cancer Institute, 7–11–75 27960

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5266. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

contents

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Rules
Recommendations and statements 27925

AGRICULTURAL MARKETING SERVICE
Rules
Grade, size and maturity standards:
Fresh pears, plums and peaches grown in Calif 27930
Limitation of handling and shipping:
Cherries grown in Mich., N.Y., Wisc., Pa., Ohio, Va., W. Va., and Md 27931

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Food and Nutrition Service; Forest Service; Soil Conservation Service.

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Meetings:
Advisory Committee on Distilled Spirits Plant Supervision 27956

ARMY DEPARTMENT
See Engineers Corps.

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Health, Education, and Welfare Department 27929
Justice Department 27929
Notices
Noncareer executive assignments:
Commerce Department 27962
Community Services Administration 27962

COAST GUARD
Rules
Security zones:
Chester, Pa 27939

COMMERCE DEPARTMENT
See National Oceanic and Atmospheric Administration.

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Children's sleepwear, sizes 0–6x and sixes 7–14; changes in labeling requirements 27932
Voluntary standards; employee membership and participation 27934

CUSTOMS SERVICE
Rules
Lubbock, Texas; port of entry; correction 27934
Office of Investigations; organizational structure 27934

DEFENSE DEPARTMENT
See Engineer Corps.

ENGINEERS CORPS
Rules
Uniform relocation assistance and real property acquisition policies 27936

ENVIRONMENTAL PROTECTION AGENCY
Notices
Meetings:
Ecology Advisory Committee 27964
Pesticide registration application 27963
Suspension of 1977 hydrocarbon and carbon monoxide emission standards 27964
Hearings, etc.:
Pesticide products containing heptachlor or chlordane 27963

FARMERS HOME ADMINISTRATION
Rules
Farmer programs; loan subsidy rates, claims and payments 27931

FEDERAL COMMUNICATIONS COMMISSION
Rules
Radio and television broadcasting: re-regulation 27939
Notices
Cable television importation of distant signal sports events; draft of rule governing 27965
Meetings:
Radio Technical Commission for Marine Services 27967
Hearings, etc.:
Mid-Florida Television Corp., et al 27965

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Special flood hazard areas; loans 27931

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Tennessee 27962

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests 28043

FEDERAL HOME LOAN BANK BOARD
Proposed Rules
Federal Savings and Loan System:
Procedures for mergers (2 documents) 27953, 27954

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Atlantic Gulf Service AB Combi Line, et al 27968
Continental - South Atlantic Freight Conference 27968
Iberian/U.S. North Atlantic Westbound Freight Conference (2 documents) 27968, 27969
North Atlantic French Atlantic Freight Conference and North Atlantic Baltic Freight Conference 27969
South Atlantic-North Europe Rate Agreement 27969

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Colorado Interstate Gas Co 27970
El Paso Natural Gas Co 27973
Marathon Oil Co. and Phillips Petroleum Co 27975
Mid Louisiana Gas Co 27980
Minnesota Power & Light Co 27980
Natural Gas Pipeline Co. of America 27980
Northern Natural Gas Co. (2 documents) 27980, 27981
Tampa Electric Co 27981
Tenneco Oil Co 27981
Texas Gas Transmission Corp 27982
Transcontinental Gas Pipe Line Corp 27982
Transwestern Pipeline Co 27982
Trunkline Gas Co 27983

FEDERAL RAILROAD ADMINISTRATION
Notices
Petitions for exemptions, etc.:
East Erie Commerical Railroad Co 27962
Wyandotte Southern Railroad Co 27962

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
First of McAlester Corp 27983
Padgett Agency, Inc 27983
Union Trust Co. of Wildwood, N.J 27984
Utah Bancorp 27984
Federal Open Market Committee:
Domestic policy directives 27983

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Atlantic Industries, Inc., et al; correction 27932

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Parliament Insurance Co 27957

FISH AND WILDLIFE SERVICE
Proposed Rules
Migratory bird hunting:
Seasons and limits 27943
Species identification requirement 27943

V40-128 JUL 2 75 XUM

FOOD AND DRUG ADMINISTRATION

Notices

Food additives; petitions filed or withdrawn:
- Buckman Laboratories, Inc. 27960
- SCM Corp. (2 documents) 27960

Meetings:
- Performance standard for dental X-ray film 27959

FOOD AND NUTRITION SERVICE

Rules

School lunch program; extension 27930

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
- Modoc National Forest 27957

GENERAL ACCOUNTING OFFICE

Rules

Transportation; claims against the U.S. 27929

Notices

Regulatory reports review; proposals; approvals, etc. 27970

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules

Flammable, combustible, and pyrophoric liquids; definitions; correction 27939

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; National Institutes of Health, Social Security Administration.

Notices

Native American Programs Office; interim evaluation standards 27961

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration.

INDIAN AFFAIRS BUREAU

Rules

Hopi-Navaho Joint Use Area:
- Grazing 28039
- Law and order 28026

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Notices

Environmental statements, availability, etc.:
- Imperial National Wildlife Refuge 27957

INTERNAL REVENUE SERVICE

Rules

Bonds and other evidence of indebtedness; rate inclusion rules 27936

Proposed Rules

Income tax:
- Disposition of qualified low-income housing; correction 27943

INTERSTATE COMMERCE COMMISSION

Rules

Car service orders:
- Atchison, Topeka and Santa Fe Railway Co. 27939
- Chicago, Milwaukee, St. Paul and Pacific Railroad Co. 27940
- Chicago, Rock Island and Pacific Railroad Co. 27940
- Colorado and Southern Railway Co. 27940
- Frank W. Pollock, Jr. 27940
- Union Pacific Railroad Co. 27941

Freight and passenger rate increases; furnishing date to the public 27941

Notices

Abandonment of service:
- Chesapeake and Ohio Railway Co. 27990

Car service exemptions, mandatory 28014

Hearing assignments 27990

Motor carriers:
- Alternate route deviation notices (2 documents) 27990, 27991
- Applications and certain other proceedings 27992
- Intrastate applications 27998
- Irregular route property carriers; elimination of gateways 27999
- Temporary authority applications 28009
- Temporary authority terminations (3 documents) 28012–28014
- Transfer proceedings 28014

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Rules

Public Land Orders:
- Alaska 27939

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 27988

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notices

Meetings:
- Committee on Early Childhood Education 27984

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Committees, boards; establishment, etc.:
- Ad hoc Advisory Subcommittee for Participation in the Scientific Definition of Explorer-Class Payloads 27984

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Committee renewal:
- Advisory Committee on Science, Technology and Human Values 27985

Meetings:
- Architecture & Environmental Arts Panel 27985
- Dance Advisory Panel 27985

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
- Cancer Control Intervention Programs Review Committee; cancellation 27960
- Recombinant DNA Molecule Program Advisory Committee 27961

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Marine mammal permit applications:
- Lincoln Park Zoological Gardens 27958
- Northwest Fisheries Center 27958
- Whittow, G. Causey 27959

Season closure:
- Groundfish fisheries 27959

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- Advisory Panel for Earth Sciences 27988

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
- Commonwealth Edison Co. (2 documents) 27985, 27986
- Ion Instruments, Inc. 27986

Meetings:
- Advisory Committee on Reactor Safeguards' Subcommittee on Combustion Engineering System 80 27986

Regulatory guides; issuance and availability (2 documents) 27987

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Procedures for determinations regarding criteria and State plans 27946

SECURITIES AND EXCHANGE COMMISSION

Notices

Regulations A and F filings in Los Angeles region; review responsibilities 27988

Report coordinating group; first annual report 27989

SMALL BUSINESS ADMINISTRATION

Notices

Business Capital Corp.; issuance of license 27989

Disaster areas:
- Wisconsin 27989

SOCIAL SECURITY ADMINISTRATION

Rules

Health maintenance organizations; qualifying conditions 28015

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
- Comal River, Tex. 27957
- Lakes Okabena and Ocheda, Minn. 27957
- Upper Lake Fork Creek, Tex. 27958
- West Fork Mayfield Creek, Ky. 27958

STATE DEPARTMENT

Notices

Advisory committees; reports on closed sessions 27956

Authority delegations:
- Migration and Refugee Assistance 27956
- Military assistance; Jordan 27956

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Railroad Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Alcohol, Tobacco, and Firearms Bureau; Customs Service; Fiscal Service; Internal Revenue Service.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

1 CFR
- 305 27925
- 310 27925

3 CFR

EXECUTIVE ORDERS:
- 2909 (Revoked by PLO 5510) 27939

4 CFR
- 54 27929

5 CFR
- 213 (2 documents) 27929

7 CFR
- 246 27930
- 917 27930
- 930 27931
- 1843 27931

12 CFR
- 339 27931

PROPOSED RULES:
- 546 27953
- 563 27954

16 CFR
- 13 27932
- 302 27932
- 1031 27934

19 CFR
- 1 (2 documents) 27934

20 CFR
- 405 28016

25 CFR
- 12 28026
- 153 28039

26 CFR
- 1 27936

PROPOSED RULES:
- 1 27943

29 CFR

PROPOSED RULES:
- 1902 27946

32 CFR
- 641 27936

33 CFR
- 127 27939

43 CFR

PUBLIC LAND ORDER:
- 5510 27939

47 CFR
- 73 27939

49 CFR
- 172 27939
- 173 27939
- 174 27939
- 177 27939
- 1033 (6 documents) 27939–27941
- 1102 27941

50 CFR

PROPOSED RULES:
- 20 (2 documents) 27943

V40-128 JUL 2 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 27925
310 27925

3 CFR
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) 27939
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659
PROCLAMATIONS:
4381 27637

4 CFR
54 27929

5 CFR
213 ..... 27639, 27640, 27929
551 27640

7 CFR
246 27930
780 27641
917 27930
930 27931
1843 27931
1964 27641
1131 27642
PROPOSED RULES:
989 27691
1464 27691

9 CFR
83 27642
97 27643

12 CFR
339 27931
PROPOSED RULES:
546 27953
563 27954

14 CFR
39 ..... 27643, 27644
75 27644

16 CFR
13 27932
302 27932
1031 27934

17 CFR
270 27644
275 27644

18 CFR
3 27645
260 27645

19 CFR
1 27934

20 CFR
401 27646
405 28016
422 27648
PROPOSED RULES:
405 27782

21 CFR
510 27651
558 27651
1401 27821
PROPOSED RULES:
310 27796

24 CFR
1915 27651

25 CFR
12 28026
153 28039

26 CFR
1 27936
PROPOSED RULES:
1 27943

29 CFR
1952 27655
PROPOSED RULES:
1902 27946
1907 27691

32 CFR
641 27936

33 CFR
127 27939

41 CFR
1-3 27655
101-11 27655

42 CFR
2 27802

43 CFR
430 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 27659
3836, Amended by PLO 5506 27659
5150, Revoked in part by PLO 5506 27659
5180, Revoked in part by PLO 5509 27659
5497, Corrected by PLO 5508 27659
5504 27659
5506 27659
5507 27659
5508 27659
5509 27659
5510 27939

45 CFR
206 27659
1061 27661
1068 ..... 27665, 27667

46 CFR
502 27671

47 CFR
73 ..... 27671, 27939

49 CFR
172 27939
173 27939
174 27939
177 27939
1033 27939-27941
1102 27941

50 CFR
PROPOSED RULES:
20 27943

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
27637-27924	1
27925-28045	2

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Airworthiness directive; Rockwell models 24178; 6-5-75

EPA—Approval and promulgation of implementation plans; New York 23743; 6-2-75

HEW/FDA—Tests and methods of assay of antibiotics and antibiotic-containing drugs and cepha antibiotic drugs; cephapirin sodium 23725; 6-2-75

Justice/DEA—Schedules of controlled substances: Chlordiazepoxide, Diazepam, Oxazepam, Chlorazepate, Fluraaepam and Clorazepam in Schedule IV. 23998; 6-4-75

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—
Meat and poultry sales by exempt retail stores; to be held in Washington, D.C. on 7-9-75 ..... 25230; 6-13-75

FEDERAL ENERGY ADMINISTRATION

Mandatory petroleum allocation regulations: Exemption, natural gas liquids; to be held in Washington, D.C. on 7-10-75 ..... 24742; 6-10-75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Insurance Administration—
Flood plain management criteria; to be held in Chicago, Ill. on 7-11-75. 25479; 6-16-75
Flood plain management criteria; to be held in Los Angeles, Calif. on 7-7-75 ..... 25479; 6-16-75
Flood plain management criteria; to be held in Overland Park, Kans. on 7-9-75 ..... 25479; 6-16-75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—
Draft Model Private Security Licensing and Regulatory Statute; to be held in Chicago, Ill. on 7-8-75. 24922; 6-11-75

Next Week's Meetings

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—
Commodity Credit Corporation Advisory Board; to be held in Washington, D.C. (open), 7-8 and 7-9-75 ..... 26576; 6-24-75

Economic Research Service—
National Cotton Marketing Study Committee; to be held at Washington, D.C. (open), 7-8 through 7-9-75 ..... 23344; 5-29-75

Forest Service—
Carrizo Grazing Advisory Board; to be held in Springfield, Colo. (open), 7-11-75 ..... 24546; 6-9-75

Office of the Secretary—
National Advisory Council on Nutrition; to be held in Chicago, Ill. (open), 7-7 and 7-8-75. 24760; 6-10-75

CIVIL RIGHTS COMMISSION

Florida State Advisory Committee, to be held in Jacksonville, Fla. (open), 7-10-75 ..... 25621; 6-17-75

Iowa State Advisory Committee, to be held in Waterloo, Iowa (open), 7-10-75 ..... 25621; 6-17-75

COMMERCE DEPARTMENT

Domestic and International Business Administration—
Computer Systems Technical Advisory Committee; to be held in Washington, D.C. (open in part), 7-8-75. 24372; 6-6-75
Management-Labor Textile Advisory Committee; to be held in Washington, D.C. (open with restrictions), 7-9-75 ..... 23911; 6-3-75

National Oceanic and Atmospheric Administration—
Pan-Alaska Fisheries, Inc.; to be held in Washington, D.C. (open with restrictions), 7-8-75 ..... 20660; 5-12-75

DEFENSE DEPARTMENT

Air Force Department—
USAF Scientific Advisory Board; to be held at Woods Hole, Mass. (closed), 7-7 through 7-25-75 ..... 23772; 6-2-75

Army Department—
Armed Forces Epidemiological Board; to be held in Washington, D.C. (open with restrictions), 7-10-75. 25033; 6-12-75
Medical Research and Development Advisory Panel; to be held in Washington, D.C. (open with restrictions), 7-9-75 ..... 25033; 6-12-75
ROTC Affairs, Army Advisory Panel; to be held in Fort Knox, Ky. (open), 7-8 through 7-10-75 ..... 24543; 6-9-75

Department of the Navy—
Board of Visitors, US Naval Academy; to be held at Annapolis, Md. (open), 7-15 and 7-16-75. 25498; 6-16-75
Chief of Naval Operations Executive Panel Advisory Committee; to be held in Washington, D.C. (closed), 7-9 and 7-10-75 ..... 24543; 6-9-75

Office of the Secretary—
DDR&E High Energy Laser Review Group (HELRG); to be held at San Jose, Calif. 7-8 through 7-11-75. 22151; 5-21-75
Defense Science Board Task Force on "Electronic Test Equipment"; to be held in Arlington, Va. (open with restrictions), 7-9 and 7-10-75. 24543; 6-9-75
Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements; to be held at the Pentagon, Washington, D.C. (closed), 7-7 through 7-9-75 ..... 22151; 5-21-75
Joint meetings of subpanels on laser hardened materials and structures and vulnerability and effects, to be held in San Jose, Calif. (closed), 7-7 through 7-10-75. 20331; 5-9-75
Scientific Advisory Board meeting; to be held at Wright-Patterson AFB, Ohio (closed), 7-9-75. 25832; 6-19-75
Wage Committee; to be held at Washington, D.C. (closed), 7-8-75. 25235; 6-13-75

ENVIRONMENTAL PROTECTION AGENCY

Lake Michigan Cooling Water Studies Panel, to be held in Chicago, Ill. (open), 7-8-75 ..... 25621; 6-17-75

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open with restrictions), 7-9 and 7-10-75 ..... 24554; 6-9-75

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel on Architectural and Engineering Services; to be held in New York N.Y. (closed), 7-9 and 7-10-75 ..... 26076; 6-20-75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
Community Education Advisory Council; to be held in Las Vegas, Nev. (open), 7-10 and 7-11-75. 26052; 6-20-75

Food and Drug Administration—
Liaison Activities with Standards-Setting Organizations, Bureau of Radiological Health; to be held in Rockville, Md. (open), 7-8-75. 26052; 6-20-75
Panel on Review of Antiperspirant Drug Products; to be held in Rockville, Md. (partially closed), 7-9 and 7-10-75 ..... 25840; 6-19-75
Panel on Review of Dental Devices; to be held in Rockville, Md. (open with restrictions), 7-7 and 7-8-75. 25840; 6-19-75

V40-128 JUL 2 75 XUM

Panel on Review of Oral Cavity Drug Products; to be held in Rockville, Md. (partially closed), 7–9 and 7–10–75..... 25840; 6–19–75

Panel on Review of Viral Vaccines and Rickettsial Vaccines; to be held in Rockville, Md. (partially closed), 7–7 through 7–9–75..... 25840; 6–19–75

National Institutes of Health—

Cancer Control Intervention Programs Review Committee; to be held in Bethesda, Md. (open and closed), 7–11–75..... 24763; 6–10–75

Cancer Control Supportive Services Review Committee; to be held in Bethesda, Md. (open and closed), 7–10–75..... 24763; 6–10–75

Subcommittee on National Organ Site Programs; to be held in Bethesda, Md. (open with restrictions), 7–8–75..... 24762; 6–10–75

National Commission on Diabetes; to be held in Atlanta, Ga. (open), 7–7–75..... 24763; 6–10–75

President's Cancer Panel; to be held in Bethesda, Md. (open and closed), 7–8–75.. 22018; 5–20–75

Temporary Committee for the Review of Data on Carcenogenicity of Cyclamate; to be held in Bethesda, Md. (open with restrictions), 7–10 and 7–11–75..... 24764; 6–10–75

Office of the Secretary—

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; to be held at Bethesda, Md. (open with limitations), 7–11 and 7–12–75. 27069; 6–26–75

Review Panel on New Drug Regulation; to be held in Washington, D.C. (open), 7–10 and 7–11–75. 27070; 6–26–75

INTERIOR DEPARTMENT

National Park Service—

Cape Cod National Seashore Advisory Commission; to be held at South Wellfleet, Mass. (open), 7–11–75. 27065; 6–26–75

Pacific Northwest Regional Advisory Committee; to be held at Olympic National Park, Wash. (open with restrictions), 7–10–75. 25035; 6–12–75

Office of the Secretary—

Committee on Emergency Preparedness of the National Petroleum Council; to be held in Washington, D.C. (open with restrictions), 7–9–75..... 26575; 6–24–75

Coordinating Subcommittee, Committee on Energy Conservation of the National Petroleum Council; to be held in Washington, D.C. (open with restrictions), 7–10–75. 26575; 6–24–75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

National Institute of Law Enforcement and Criminal Justice; to be held in Rosslyn, Va. (open), 7–11–75. 26050; 6–20–75

Private Security Advisory Council; to be held at Chicago, Ill. (open), 7–8 through 7–10–75..... 24922; 6–11–75

Private Security Task Force; to be held in Chicago, Ill. (open), 7–10 and 7–11–75..... 24759; 6–10–75

MANAGEMENT AND BUDGET OFFICE

Advisory Committee on Social Indicators; to be held in Washington, D.C. (open), 7–11–75..... 24064; 6–4–75

MARINE MAMMAL COMMISSION

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals; to be held in Portland, Me., 7–10 through 7–12–75.. 24057; 6–4–75

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Education Panel; to be held in Washington, D.C. (closed), 7–10 and 7–11–75..... 24961; 6–11–75

Public Programs Panel; to be held in Washington, D.C. (closed), 7–7 and 7–8–75..... 24961; 6–11–75

Public Programs Panel; held in Washington, D.C. (closed), 7–11–75. 24962; 6–11–75

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Oceanography; to be held in Washington, D.C. (open and closed), 7–9 and 7–10–75. 26077; 6–20–75

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; to be held in Washington, D.C. (open), 7–10 through 7–12–75. 25862; 6–19–75

Advisory Committee on Reactor Safeguards' Subcommittee on LOFT; to be held in Washington, D.C. (open in part), 7–9–75..... 26596; 6–24–75

Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guidelines; to be held in Washington, D.C. (closed), 7–9–75 .. 26596; 6–24–75

Staff meeting; to be held in Washington, D.C. (open), 7–8 through 7–11–75. 25108; 6–12–75

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

National Motor Vehicle Safety Advisory Council; to be held in San Francisco, Calif. (open), 7–13–75. 26579; 6–24–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Celery grown in Florida; proposed expenses and rate of assessment; comments by 7–7–75 ..... 25828; 6–19–75

Nectarines grown in California; limitations of handling and shipping; comments by 7–12–75. 24018; 6–4–75

Animal and Plant Health Inspection Service—

Meat and poultry inspection requirements; hearing; comments by 7–9–75; hearing 7–9–75..... 21982; 5–20–75

Viruses, serums, toxins, and analogous products; comments by 7–8–75..... 24203; 6–5–75

Farmers Home Administration—

Loan for community electric or telephone systems in rural communities with population between 1,500 and 10,000, requirements; comments by 7–9–75 ... 24517; 6–9–75

Operating loans; Youth Loan Program; comments by 7–7–75. 24204; 6–5–75

CIVIL AERONAUTICS BOARD

Air carrier and foreign air carrier tariffs; public information on available fares; comments by 7–10–75 ... 24740; 6–10–75

COMMERCE DEPARTMENT

Office of the Secretary—

National voluntary laboratory accreditation program, procedures; comments by 7–7–75 ... 20092; 5–8–75

CONSUMER PRODUCT SAFETY COMMISSION

Non-full size baby cribs; banning of hazardous articles and establishment of safety requirements; comments by 7–8–75..... 20295; 5–9–75

COST ACCOUNTING STANDARDS BOARD

Composition and measurements of tension cost, criteria; comments by 7–7–75..... 19486; 5–5–75

DEFENSE DEPARTMENT

Engineers Corps—

Danger zone regulations; Chesapeake Bay off Fort Monroe, Va.; comments by 7–7–75 ..... 24193; 6–5–75

ENVIRONMENTAL PROTECTION AGENCY

Control of state-owned or operated sources, Tennessee; proposed definition of "person"; comments by 7–4–75..... 25028; 6–12–75

Nonferrous metals manufacturing point source category; effluent limitations and guidelines; comments by 7–9–75. 24539; 6–9–75

Pine oil; exemption from requirement of a tolerance; comments by 7–9–75. 24539; 6–9–75

Prevention of significant air quality deterioration; comments by 7–9–75. 34535; 6–9–75

Public information; comments by 7–7–75..... 21987; 5–20–75

Washington transportation control plan; proposed transit improvements; comments by 7–14–75.. 25029; 6–12–75

Water pollution; steam electric power generating; comments by 7–7–75. 24020; 6–4–75

FEDERAL COMMUNICATIONS COMMISSION

FM Broadcast stations; Arcadia, Florida to Lake Placid, Florida; reassignment; comments by 7–7–75; reply comments by 7–28–75.. 23475; 5–30–75

FM broadcast stations; table of assignments; comments by 7–7–75. 18461–18464, 18466; 4–28–75

FEDERAL HOME LOAN BANK BOARD

Savings and loan system; deletion of obsolete regulations; comments by 7–11–75..... 24755; 6–10–75

FEDERAL POWER COMMISSION

Accounts and reports; end use rate schedules; comments by 7–7–75. 23322; 5–29–75

Natural gas; national rates for jurisdictional sales; comments by 7–10–75. 24542; 6–9–75

Natural gas; reporting form for underground storage; comments by 7–11–75..... 26569; 6–24–75

FEDERAL RESERVE SYSTEM

Unfair or deceptive acts or practices; extension of time; comments by 7–10–75..... 25603; 6–17–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Social Security Administration—

Medicare; limitation of amounts paid in excess of fair market value for tangible assets acquired prior to August 1970; comments by 7–9–75..... 24529; 6–9–75

Arrangements for services by Home Health Agencies; comments by 7–9–75..... 24530; 6–9–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Insurance Administration—

National flood insurance program; exemption of state-owned properties under self-insurance plan; comments by 7–8–75..... 23878; 6–3–75

Office of Low-Income Housing—

Civil rights compliance; change in requirements; comments by 7–11–75..... 24738; 6–10–75

LABOR DEPARTMENT

Employee Benefits Security Office—

Employment Retirement Income Security Act of 1974; further deferral of initial reporting and disclosure deadline and guidance concerning coverage of certain types of plans; comments by 7–9–75..... 24642; 6–9–75

Occupational Safety and Health Administration—

State plans for enforcement of standards, North Carolina; comments by 7–7–75..... 24020; 6–4–75

Wage and Hour Division—

Employment of minors between 14 and 16 years of age; work experience and career exploration programs; comments by 7–7–75. 24215; 6–5–75

SMALL BUSINESS ADMINISTRATION

Small business size standards; certain definitions; comments by 7–7–75. 24210; 6–5–75

TRANSPORTATION DEPARTMENT

Coast Guard—

Drawbridge operation for Mississippi State Highway 63 drawbridge across Escatawpa River; comments by 7–8–75..... 24532; 6–9–75

Federal Aviation Administration—

Alaska, Reporting points, jet routes, and airways; comments by 7–11–75..... 24914; 6–11–75

Avco Lycoming T53 series engines; airworthiness directive; comments by 7–7–75..... 24364; 6–6–75

Boeing model 727 series airplanes; airworthiness directive; comments by 7–11–75..... 22271; 22554; 5–22–75; 5–23–75

Georgia control zone; comments by 7–7–75..... 24019; 6–4–75

Transition areas; alteration and designation; comments by 7–7–75. 24364, 24365; 6–6–75

National Highway Traffic Safety Administration—

Defect notification; changes in method; comments by 7–7–75. 19651; 5–6–75

Motor vehicle safety standards; air brake systems; comments by 7–11–75..... 24918; 6–11–75

Urban Mass Transportation Administration—

Charter bus service by recipients of Federal financial assistance for the purchase of buses; and construction or operation of facilities and equipment for use in providing mass transportation service (2 documents); comments by 7–11–75..... 25304–25309; 6–13–75

TREASURY DEPARTMENT

Customs Service—

Vessels in foreign and domestic trades; explanation of manifest discrepancy; comments by 7–9–75..... 24527; 6–9–75

Internal Revenue Service—

Certain retirement plans; qualification requirements; comments by 7–7–75..... 24011; 6–4–75

VETERANS ADMINISTRATION

Evidence, submission in VA proceedings; comments by 7–11–75..... 24920; 6–11–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 499..... Pub. Law 94–41
Continuing appropriations for fiscal year 1976. (June 27, 1975; 89 Stat. 225)

H.J. Res. 499..... Pub. Law 94–41
Continuing appropriations for fiscal year 1976.
(June 27, 1975; 89 Stat. 225)

H.R. 4221..... Pub. Law 94–43
Emergency Technical Provisions Act
(June 28, 1975; 89 Stat. 233)

H.R. 6698..... Pub. Law 94–44
Social Security Act, amendment
(June 28, 1975; 89 Stat. 235)

S.J. Res. 94..... Pub. Law 94–42
Defense Production Act of 1950; National Commission on Productivity and Work Quality, extension
(June 28, 1975; 89 Stat. 232)

V40 I128 JUL 2 75 XUM

Table of Effective Dates and Time Periods—July 1975

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
July 1	July 16	July 31	August 15	September 2	September 29
July 2	July 17	August 1	August 18	September 2	September 30
July 3	July 18	August 4	August 18	September 2	October 1
July 7	July 22	August 6	August 21	September 5	October 6
July 8	July 23	August 7	August 22	September 8	October 6
July 9	July 24	August 8	August 25	September 8	October 7
July 10	July 25	August 11	August 25	September 8	October 8
July 11	July 28	August 11	August 25	September 9	October 9
July 14	July 29	August 13	August 28	September 12	October 14
July 15	July 30	August 14	August 29	September 15	October 14
July 16	July 31	August 15	September 2	September 15	October 14
July 17	August 1	August 18	September 2	September 15	October 15
July 18	August 4	August 18	September 2	September 16	October 16
July 21	August 5	August 20	September 4	September 19	October 20
July 22	August 6	August 21	September 5	September 22	October 20
July 23	August 7	August 22	September 8	September 22	October 21
July 24	August 8	August 25	September 8	September 22	October 22
July 25	August 11	August 25	September 8	September 23	October 23
July 28	August 12	August 27	September 11	September 26	October 28
July 29	August 13	August 28	September 12	September 29	October 28
July 30	August 14	August 29	September 15	September 29	October 28
July 31	August 15	September 2	September 15	September 29	October 29

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 310—MISCELLANEOUS STATEMENTS

Miscellaneous Amendments

The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 571–576, to study the efficiency, adequacy and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and to make recommendations for improvement to administrative agencies, collectively or individually, to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 574 (1)).

The Administrative Conference of the United States at its Twelfth Plenary Session, held June 5–6, 1975, adopted four Recommendations and one formal Statement. Recommendation 75–1 recommends that Federal agencies which regulate entry into banking provide improved articulation of their standards and objectives in licensing determinations through rules of general applicability, policy statements and opinions in specific cases. Recommendation 75–2 calls for improvements in the procedures for enforcing the affirmative action requirements for nonconstruction employment under Executive Order 11246. Recommendation 75–3 proposes criteria for use by Congress in determining the appropriate forum for judicial review of administrative action. Recommendation 75–4 calls for statutory changes in procedures for ensuring compliance by Federal facilities with environmental quality standards. The Conference Statement proposes that seminars be arranged for top regulatory agency officials by the Conference in the interest of strengthening agency management.

1. The table of contents of Part 305 of Title 1, Chapter III, CFR is amended to add the following sections:

Sec.

305.75–1 Licensing Decisions of the Federal Banking Agencies (Recommendation No. 75–1)

305.75–2 Affirmative Action for Equal Opportunity in Nonconstruction Employment (Recommendation No. 75–2)

305.75–3 The Choice of Forum for Judicial Review of Administrative Action (Recommendation No. 75–3)

305.75–4 Procedures to Ensure Compliance by Federal Facilities with Environmental Quality Standards (Recommendation No. 75–4)

2. Section 305.75–1 is added to Part 305 to read as follows:

§ 305.75–1 Licensing Decisions of the Federal Banking Agencies (Recommendation No. 75–1).

(a) Entry into banking is controlled on the federal level by four agencies: the Comptroller of the Currency (for charters and branches of national banks), the Federal Home Loan Bank Board (for charters and branches of federal savings and loan associations, and via the Federal Savings and Loan Insurance Corporation for account insurance for state-chartered savings and loan associations), the Board of Governors of the Federal Reserve System (for FRS membership and accompanying FDIC deposit insurance for state-chartered banks, and for branches of state member banks), and the Federal Deposit Insurance Corporation (for deposit insurance for state banks that are not FRS members, and for branches of such banks).

(b) The statutes which confer these powers of approval over entry into banking and banking markets contain sketchy standards, or none at all, defining how the administrative authorities should exercise their judgment. The statutory void has not as yet been filled by the agencies themselves; none of them has adopted comprehensive statements of policy or meaningful rules of general applicability, though recently the Federal Reserve and FDIC have taken steps in this direction.

(c) In acting upon such applications, the agencies usually do not hold hearings or issue reasoned opinions. As a consequence, little authoritative information is available concerning the policies the agencies follow in exercising their broad powers over entry into banking markers and in granting valuable authorizations to some applicants and denying them to others.

(d) Increasingly within the last two decades, these decisions—particularly those of the Comptroller—have been subjected to judicial review. The absence of adequate explanatory opinions by the agency has impeded review that is both meaningful and limited. Reviewing courts have too often been forced to choose between pro forma validation of agency action or substitution of the court's judgment for that of the agency.

(e) This recommendation, addressed to the agencies, is directed at the point of greatest initial need: the provision of explanation of policies and decisions. That can be accomplished in a variety of ways, and the recommendation distinguishes between different agency roles and types of decision, in a manner intended to avoid unnecessary demands upon agency resources. Moreover, the Freedom of Information Act (5 U.S.C. 552) requires agencies to make available to the general public whatever statements of agency policy and opinions in individual cases they have prepared. This recommendation is in furtherance of those statutory objectives.

(f) Applications are sometimes, though not often, rejected on grounds that the agency believes would be substantially injurious to a bank or individual if made public. This possibility is not a justification for a general policy of non-explanation; it should not be automatically applied to shield all negative information. Occasionally, nevertheless, the agency may believe that it would be warranted in not disclosing certain information. If the information pertains to the applicant bank or group, the applicant could be afforded the option of withdrawing its request; if it pertains to an objecting bank, the ground could be stated in general terms, such as "to prevent an adverse impact on other institutions." The extent to which supporting evidence should be revealed in camera or by some other confidential method, if judicial review were subsequently sought, is left to be decided under existing law and is outside the scope of this recommendation.

(g) The present recommendation has limited reach. It is not intended to express either approval or disapproval of the present system of entry controls in banking, nor is it addressed to the extent of statutory discretion possessed by the federal banking agencies in their licensing decisions, which is exceptionally broad and would remain so if this recommendation were fully accepted. What is now proposed is, simply, that when this broad discretion is exercised, the agencies should articulate their decisional standards and underlying policy objectives in a way that would facilitate understanding and evaluation on the merits.

RECOMMENDATION

1. *General.* The federal banking agencies should undertake to provide a full statement of their objectives in approving or denying applications for charters, membership, or permission to establish branches, and should define in concrete terms the standards to be applied. This can be done best by the adoption of policy statements and rules of general applicability, which should be as specific as possible. To provide additional clarity and understanding, reasoned opinions should be issued in situations described below.

2. *Chartering authority decisions: Comptroller and Federal Home Loan Bank Board.* Charter decisions are of high importance and relatively low in

V40 I128 JUL 2 75 XUM

number. An explanatory opinion should be furnished as a matter of course in all charter denials, since this is the most critical entry barrier; when requested, explanation of favorable action upon an application should be provided to any objecting party or to any interested federal agency.

In the case of branch applications, the numbers are large and many approvals seem a matter of routine. Probably only a small minority of approvals, but a much larger fraction of denials, would occasion a desire or need for explanation. For branches, therefore, the comptroller and FHLBB should furnish written opinions when the agency believes the case presents issues of general importance, or when requested by an applicant, an objecting party or an interested federal agency.

3. *Secondary supervisor decisions: Federal Reserve Board, Federal Deposit Insurance Corporation, and Federal Savings and Loan Insurance Corporation.* Branch approvals by the FRB and FDIC seem well nigh automatic, no doubt because of reliance on the primary approval of other authorities, and an opinion requirement in all cases would be excessive. For branches, therefore, the FRB and FDIC should also furnish written opinions when requested or when the agency believes the case presents issues of general importance.

Membership applications may not fall wholly into the same category, though only the FSLIC has a significant rejection ratio. Written opinions should be furnished on request, which would presumably be made infrequently by others than disappointed applicants.

4. *Publication.* All four agencies should systematically collect and publish their licensing opinions in some convenient form. Depending on frequency and length, those of general importance might be included as part of monthly publications such as the *Federal Reserve Bulletin* or *Federal Home Loan Bank Board Journal*, or as an appendix to annual reports; others might be published as a separate series and made available in public files at the agency's Washington and field offices.

3. Section 305.75–2 is added to Part 305 to read as follows:

§ 305.75–2 Affirmative Action for Equal Opportunity in Nonconstruction Employment (Recommendation No. 75–2).

(a) Executive Order 11246, which concerns equal employment opportunity, applies to all contractors with the Federal government. Pursuant to this executive order, the Department of Labor has promulgated one set of regulations prohibiting discrimination and requiring affirmative action to govern contractors in the construction industry, and another set of such regulations to govern all other contractors.

(b) A study of the application of the nonconstruction regulations to university faculty employment practices illustrates that the use of a single set of regulations for all nonconstruction employment can fail to take adequate account of important special circumstances of major employment categories. With respect to university faculty employment, for example, the regulations as applied have generated difficulties arising from failure to take account of the limited supply of qualified personnel in various disciplines, the nonquantifiability of standards for academic personnel, the diversity of institutional needs fulfilled by academic personnel (e.g., research, teaching, public service), different types of institutions (e.g., research universities, community colleges), and the concept of peer review in academic employment practices. It seems evident that difficulties of the sorts experienced in the application of the nonconstruction regulations to academic employment in higher education will be encountered in their application to other employment categories as well.

(c) The study further suggests that contract cancellation is in many cases too severe or impracticable as the primary sanction for noncompliance with equal employment opportunity regulations; in practice, cancellation is rarely used. The more common sanction, as in the field of higher education employment, is the declaration of nonresponsibility of an employer. Unlike the procedures leading to other sanctions, such as debarment of a contractor or cancellation of a contract, no opportunity for prior hearing is afforded in connection with a declaration of nonresponsibility. The provision of an opportunity for hearing before imposition of any sanction under the contract compliance program will tend to assure the fairness and reliability of administrative determinations and to encourage responsible and consistent application of policy.

RECOMMENDATION

1. The Department of Labor, in consultation with the compliance agencies, should promptly commence a review of the contract compliance program applicable to nonconstruction contractors to determine whether regulations more closely adapted to the characteristics of specific occupations or industries are required, considering especially (1) variations in the susceptibility of types of employment to uniform or quantifiable methods of evaluating and predicting performance and (2) variations in policies of recruitment and advancement and in other personnel practices.

2. The Department of Labor should develop a system of graduated sanctions for breach of the obligation contained in the equal employment opportunity clause of government contracts, and should seek legislation to this end as may be necessary.[1]

3. A sanction, including that of declaration of nonresponsibility on equal employment opportunity grounds made prior to the award of a contract, should not be imposed except after opportunity for a hearing (whether evidentiary or informal) at which the validity of the claim of breach, or assertion of nonresponsibility, and the appropriateness of the proposed sanction may be placed in issue.

4. In performing its responsibilities for contract compliance in higher education the Department of Health, Education, and Welfare should (a) provide regional office staffs with uniform and clearly defined policies, (b) recruit and assign staff who are familiar with institutions of higher education for administration of the program in higher education, (c) consult widely with representatives of higher education institutions and other interested groups in developing and administering its compliance rules and policies, and (d) strengthen coordination of its administration of regulations applicable to higher education with other agencies having overlapping responsibilities, in particular the Equal Employment Opportunity Commission and the Wage and Hour Administration of the Department of Labor.

4. Section 305.75–3 is added to Part 305 to read as follows:

§ 305.75–3 The Choice of Forum for Judicial Review of Administrative Action (Recommendation No. 75–3).

(a) This recommendation states criteria for use by the Congress in determining the appropriate forum for judicial review of federal administrative action.

(b) The present forum for the review of most agency actions taken on formal evidentiary records is the court of appeals under specific statutory provisions. There are some exceptions. An important one concerns decisions of the Social Security Administration on claims of old-age, survivors' and disability benefits, which are reviewable in the first instance by district courts with subsequent recourse to the courts of appeals.

(c) The jurisdictional picture is less clear with respect to informal administrative action, both notice-and-comment rulemaking and non-record adjudication.

(d) Some recent statutes provide specifically for review by courts of appeals of rules of general applicability promulgated without an evidentiary hearing. There is much uncertainty, and conflicting authority, as to whether older statutes providing for direct appellate review of agency "orders" apply to such rules. In the case of agencies not subject to specific court of appeals review provisions, rules are ordinarily reviewed by district courts under the general review provisions of the Administrative Procedure Act.

(e) Orders entered after non-record adjudications by agencies whose "orders" generally are subject to court of appeals review typically are reviewed in the courts of appeals, although there is some old and more-or-less neglected authority that casts doubt on the practice. Orders of other agencies entered after non-record adjudications are reviewed in the district courts under the general review provisions of the Administrative Procedure Act.

[1] In this connection the Department should consider Conference Recommendation 71–9: Enforcement of Standards in Federal Grant-in-Aid Programs, and Recommendation 72–6: Civil Money Penalties as a Sanction.

(f) Legislation that conformed to the criteria set forth in this recommendation would not significantly alter the pattern described above but would clarify the pattern at its edges. Such legislation would eliminate the uncertainty and consequent needless jurisdictional litigation that have resulted from the ambiguity of existing statutory review provisions in their application to informal agency actions, rules and orders. It would have the additional desirable effect, particularly important now because of the acute and increasing caseload pressure on the courts of appeals, of helping to avoid burdening these courts with administrative review cases that are less suitable for them than others.

(g) This recommendation rests on three basic premises. First, direct review by the courts of appeals, where feasible, is generally desirable in the interest of efficiency and economy, as respects both litigants and the judicial system. The classic case for the courts of appeals is review of agency action taken on an evidentiary record. A second premise, however, is that direct review by the courts of appeals is not necessarily rendered unfeasible by the absence of such a record; the records generated by the processes of notice-and-comment rulemaking and of informal adjudication are frequently adequate to the purpose of judicial review and, also, can usually be supplemented without the necessity of a judicial trial. The third, and qualifying, premise is that review by the courts of appeals, even when review is of a purely appellate nature or, if not so, can feasibly be conducted by the courts of appeals, is not invariably desirable. The courts of appeals, burdened by rapidly increasing caseloads that threaten the quality of their decisions, constitute a scarce resource that should be reserved, to the extent possible, for the resolution of issues of law or policy issues of major impact; administrative review cases that do not present such issues and that would not ordinarily reach the courts of appeals unless brought there initially should be assigned instead to the district courts.

(h) Before the study on which the recommendation is based was made the Conference necessarily passed upon particular questions of choice-of-forum for judicial review in connection with individual studies and the recommendations emanating therefrom. Instances are Recommendations 72–6 (court of appeals review of civil money penalties prescribed on a record); 72–7 (district court review of non-record selective service preinduction orders); 74–3 (court of appeals review of mining claims decided on a record). The Conference has not caused these recommendations to be restudied in the light of the new criteria but believes that the recommendations remain appropriate.

RECOMMENDATION

1. Adjudications based on trial-type hearings and rules required by statute to be based on a hearing with a determination on the record should generally be made directly reviewable by courts of appeals. For certain types of formal administrative action to be reviewed is of a trict-court review may be appropriate in the interest of conserving the scarce and over-extended resources of the federal appellate system. The district court should not be interposed unless the administrative action to be reviewed is of a type (a) that rarely involves issues of law or of broad social or economic impact warranting routine review by a multimember court and (b) such that district court review would significantly reduce the workload of the appellate courts. The latter condition is met only where the class of orders to be reviewed is numerous and, if reviewed initially by district courts, would infrequently give rise to further appeal.

2. For any class of formal administrative action that, even after initial district-court review, generates a large and burdensome volume of appeals, only a small proportion of which involve legal issues or issues of broad social or economic impact, Congress should consider the advisability of making appeals discretionary or of allowing appeals only upon certification by the district court. Under a system of discretionary appeals, leave to appeal, either by the agency or by an aggrieved party, should be granted only in cases where issues of law or of broad impact are involved.

3. Orders of the Social Security Administration with respect to claims for disability, health insurance, retirement or survivors' benefits should continue to be reviewed in the first instance by district courts. If the volume of social security appeals increases as dramatically as projected, Congress should consider the advisability of placing appellate review on a discretionary basis.

4. Orders of the Department of Labor Benefits Review Board with respect to black-lung compensation claims under the Black Lung Act of 1972 are now subject to direct review by courts of appeals in accordance with the provisions of the Longshoremen's and Harbor Workers' Compensation Act. Congress should consider the advisability of providing for initial district-court review of such orders.

5. The appropriate forum for the review of rules promulgated pursuant to the notice-and-comment procedures of 5 U.S.C. 553 should be determined in the light of the following considerations:

(a) Absence of a formal administrative record based on a trial-type hearing does not preclude direct review of rules by courts of appeals because (i) compliance with procedural requirements of 5 U.S.C. 553, including the requirement of a statement of reasons for the rule, will ordinarily produce a record adequate to the purpose of judicial review, and (ii) the administrative record can usually be supplemented, if necessary, by means other than an evidentiary trial in a district court.

(b) Direct review by a court of appeals is appropriate whenever (i) an initial district court decision respecting the validity of a rule will ordinarily be appealed or (ii) the public interest requires prompt, authoritative determination of the validity of the rule.

(c) Rules issued by agencies that regularly engage in formal adjudication and whose "orders" are subject by statute to direct review by the courts of appeals will normally satisfy the criteria of (b) above and in any event should be reviewable directly by the courts of appeals.

(d) Rules of other agencies that do not satisfy the criteria of (b) above should generally be reviewable in the first instance by the district courts.

6. (a) Informal administrative actions, other than rules, should generally be reviewable in the first instance by the district courts.

(b) The court of appeals is the appropriate reviewing forum for informal actions that, as a class, fulfill all of the following conditions:

(i) Typically involve issues of law or of broad social or economic impact,

(ii) Typically do not require an evidentiary trial at the judicial level to determine either the underlying facts or the grounds or evidence on which the agency based its action; and

(iii) Are either few in number or, if numerous, would in most cases be likely to reach the appellate courts eventually even if reviewed initially by district courts. Informal orders issued by agencies that mainly engage in formal adjudication and the formal orders of which are now subject by statute to direct review by the courts of appeals will normally satisfy these conditions and should therefore be reviewable by the courts of appeals. There is, however, at least one exception. Informal, discretionary orders of immigration officials related to deportation, but not issued as part of any formal deportation proceeding, should continue to be reviewable in the first instance by the district courts.

7. Statutes that give courts of appeals jurisdiction to review informal orders or rules should contain provisions, similar to that now contained in the Administrative Orders Review Act, 28 U.S.C. 2347, authorizing transfer of proceedings to a district court where a factual issue requiring a judicial trial is presented.

8. A federal court which determines that it does not have jurisdiction of a judicial review proceeding should be authorized to transfer the proceeding, in the interests of justice and expedition, to a federal court appearing to have jurisdiction.

SEPARATE STATEMENT OF MALCOLM S. MASON AND ROBERT L. TRACHTENBERG

This is, we believe, the first time the Conference has chosen to make an important recommendation without obtaining in advance the views of the agency most affected and best informed. Paragraph 3 of the recommendation deals specifically with review of Social Security cases. Paragraphs 1 and 2 are more general, but the discussion focused primarily on Social Security cases and did not have the benefit of specific comment by the Social Security Administration.

In a recent 4 week period that seems representative, over 95 percent of the liti-

V 40-128 JUL 2 75 XUM

gated Social Security cases turned on factual issues of disability. The other 5 percent turn on issues of law often of constitutional dimension; as to these it is neither desirable nor useful that the review process be encumbered by a screening at district court or appeal court level.

The disability fact cases come to the courts under a substantial evidence test with the benefit of analysis by several levels of agency staff, an administrative law judge and possible appeals council review of fact findings on which the agency at several levels and a district court have concurred; the likelihood of reversal is extremely small. In the few cases in which the agency appeals, it is, by set policy, seeking review of a case in which there is an issue of broad consequence and in which there is a conflict between a conclusion of the agency at several levels of administration and a district court; the likelihood of reversal is presumably increased.

The proposal for appeal limited by discretion of the appeal court, or worse, by the district court, is bad in principle and probably unnecessary. If considered at all it should be viewed with due attention to these principal differences. Despite large volume, appellate review is ordinarily as quick and undemanding as a discretionary screening would be. The multi-tiered appeal process has had a beneficial effect on the program.

We believe that section 3 should have been deleted, particularly sentence 2 of section 3, and sections 1 and 2 should have been reconsidered in the light of that deletion to avoid reliance on impressions about Social Security cases without the benefit of such guidance as advance consultation with the agency might have given.

5. Section 305.75–4 is added to Part 305 to read as follows:

§ 305.75–4 Procedures To Ensure Compliance by Federal Facilities with Environmental Quality Standards (Recommendation No. 75–4).

(a) The Federal Government owns or operates over 20,000 facilities, ranging from huge military establishments, national parks, and systems of prisons and veterans' hospitals to individual fish hatcheries, Coast Guard stations and research laboratories. All of these facilities are required by federal law to comply with environmental quality standards established by national, State or local law.

(b) As part of the Federal environmental protection program, a 1973 executive order directs federal agencies to assess their pollution control needs, develop plans for improvement and submit those plans and necessary budget requests for inclusion in the President's Annual Budget. This program has achieved significant results. Approximately $2.4 billion has been expended over the past eight years to improve and install pollution abatement equipment at federal facilities. Nonetheless, instances of noncompliance by federal facilities have persisted. Moreover, there are wide variations among the respective programs concerned with air, water, noise, solid waste and ocean dumping, in the openness and effectiveness of the procedures for securing federal facility compliance.

(c) The Clean Air Act, the Federal Water Pollution Control Act, and the Noise Control Act each require agencies with control over federal facilities to comply with both federal and nonfederal pollution control standards "to the same extent (as) any person," unless otherwise exempted by statute. The Marine Protection Act requires all "persons," including federal officials, to obtain a federal permit before dumping waste material in the ocean. Under the Solid Waste Disposal Act, federal agencies need comply only with the United States Environmental Protection Agency's guidelines, which are less stringent than those of some States and localities.

(d) The Federal air, water, noise control, and solid waste statutes do not establish or specifically authorize procedures for their enforcement where federal facilities are concerned. This problem is acute when considering nonfederal environmental quality standards, which constitute the bulk of the environmental standards federal facilities must meet, because the nonfederal efforts to impose their enforcement procedures have been challenged by federal agencies. Two United States Courts of Appeals have reached opposite conclusions concerning the authority of States to require federal facilities to obtain air emission control permits required of all nonfederal sources of air pollution; a third Court of Appeals has held that federal facilities must comply with State permit requirements with respect to water quality. But any decision, even of the Supreme Court, will leave substantial procedural problems. If the authority of the States to impose their permit and other enforcement procedures upon federal facilities is upheld, some agencies will have to comply with a multitude of different State and local procedures. Because of the insufficiencies of the statutory provisions, a result denying such authority to the States would leave only the present fragmentary and ineffective federal procedures to ensure the compliance of federal facilities with environmental quality standards.

RECOMMENDATION

1. (a) The Clean Air Act, the Noise Control Act and the Federal Water Pollution Control Act should be amended to vest in a single federal agency the exclusive authority to develop and administer procedures to ensure compliance by federal facilities with nonfederal environmental quality standards. That agency should consider the use of emission control permits where they are not now employed.

(b) If the Congress amends the Solid Waste Disposal Act to require that federal facilities comply with nonfederal environmental quality standards, the amendment should vest in the single federal agency referred to in paragraph (a) the exclusive authority to develop and administer procedures for compliance with such standards by federal facilities.

2. Procedures employed to ensure compliance by federal facilities with State, interstate and local environmental quality standards should provide for (i) local public notice and notice to local officials, (ii) opportunity for a public hearing (but not for a trial-type hearing except on issues of specific fact that the agency finds may best be resolved by trial-type hearing), and (iii) authority for the presiding officer at any such hearing to make recommendations concerning compliance.

6. The table of contents of Part 310 of Title 1, Chapter III, CFR is amended to add the following section:

Sec.
310.4 Strengthening Regulatory Agency Management Through Seminars for Agency Officials.

7. Section 310.4 is added to Part 310:

§ 310.4 Strengthening Regulatory Agency Management Through Seminars for Agency Officials.

In pursuance of its continuing concern with the effective management of collegial regulatory agencies,[1] the Conference approves the following statement.

(a) In multimember regulatory agencies, the division of collegial responsibilities makes agency management unusually complex. The working relationships in a collegial setting involving chairmen, members, and top staff are unique in a number of respects. They are foreign to the dominant experience of many who find themselves involved in them. Previously learned ways of doing things must be undone and new knowledge forged from experience.

(b) The objectives of prior efforts to strengthen the managerial role of the chairmen of collegial agencies have largely been realized. Although the preeminence of chairmen in the management realm is generally established, there remains some ambiguity in their role in relation to the role of members. This condition frequently results in some underlying tension in chairman-member relationships. But differences are seldom openly articulated and worked through. When differences arise, they are likely to appear in the context of particular issues, and not in a way that provokes attention to general questions about working relationships.

(c) Chairmen, though thrust into a more active managerial role than other agency members, sometimes seem unenthusiastic about management-related matters and have had limited preparation for this aspect of their responsibilities. Other agency members, who in a broad sense are ultimately charged with responsibility for management, likewise often appear to lack interest in management matters, such as setting regulatory priorities and resource allocations. As a result, there is little focused attention given at the top of the agencies to the larger management questions and particularly to the nature and viability of the processes through which major management determinations are made.

(d) Although differences among agencies must be recognized fully in treating problems of regulatory management, there are certain commonalities. Even if experiences are not always directly transferable, there will be positive effects that result from their exchange. Yet there has been very little systematic communication among the agencies, especially at the level of chairmen and commissioners.

(e) Well-planned and adeptly conducted seminars are uniquely suited to developing perspectives and understandings related to the roles of chairmen and members, stimulating interest in particular problem areas, suggesting approaches to problem-solving, and exchanging information about organizational performance. The value of such endeavors has been demonstrated through a number of programs aimed at groups of officials not unlike regulatory officials. New members of Congress participate in such enterprises. And the seminars regularly conducted for members of the Federal judiciary by the Federal Judicial Center are especially relevant. Regulatory agency performance thus should be improved by affording agency members the opportunity to participate in seminars at which they can exchange views with officials of other agencies on management problems, alternative and innovative approaches to policy formulation, intra- and inter-agency and governmental relationships, and methods of dealing with the complex role questions presented when regulatory problems are administered in a collegial setting.

(f) In exercise of its statutory authority to arrange for interchange among administrative agencies of information potentially useful in improving administrative procedure," the Administrative Conference should arrange for the conduct of periodic seminars for regulatory agency officials. Participants should be drawn principally from among the chairmen, members, and senior staff of the independent regulatory agencies, and the agencies should cooperate in arranging their participation. In the seminars, special emphasis should be placed on the interests and needs of officials who are newly appointed to their positions. The seminars should deal with matters basic to agency performance, such as budget and personnel policies and procedures; priority setting; relationships with Congress, departments and agencies, and the Executive Office of the President; and the implications of the Administrative Procedure Act for the management of regulatory programs.

(g) The seminars should be scheduled at the discretion of the Chairman of the Administrative Conference. The participating agencies should play a role in planning the seminars, as should the U.S. Civil Service Commission. The seminar format should be flexible and should emphasize informal problem-oriented group discussion, with "expert" informational inputs as necessary, rather than formal presentations. Reliance should be placed on the participants themselves and on others experienced in the regulatory process, including former members and chairmen. Each seminar should be evaluated by the participants as an aid to improving subsequent efforts.

Dated: June 26, 1975.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.75–17213 Filed 7–1–75;8:45 am]

[1] See Views of the Administrative Conference on the "Report on Selected Independent Regulatory Agencies" of the President's Advisory Council on Executive Organization, adopted May 7, 1971.

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER D—TRANSPORTATION

PART 54—CLAIMS AGAINST THE UNITED STATES RELATING TO TRANSPORTATION SERVICES

Statutory Limitations

Public Law 93–604 reduces to six years the period of limitations applicable to claims cognizable by the General Accounting Office, other than claims relating to transportation services furnished for the account of the United States covered by the three-year period of limitations provided in 49 U.S.C. 66; and 4 CFR 54.6a(b) is amended to reflect the applicability of such six-year period to claims of carriers and others not covered by the three-year period. Also 4 CFR 54.6a(a) is revised to reflect the applicability of the three-year period to claims of carriers involving rates subject to regulation by the Federal Maritime Commission and State regulatory agencies under 49 U.S.C. 66, as amended by Pub. L. 92–550, 86 Stat. 1163.

§ 54.6a Statutory Limitations on Filing Claims in the General Accounting Office.

(a) *Three-year statute of limitations.* 49 U.S.C. 66 imposes a three-year limitation on the filing of claims cognizable by the General Accounting Office when such claims involve charges for transportation within the purview of that section. Claims in this category are those which involve transportation charges of any carrier or forwarder based on tariffs lawfully on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission, or any State transportation regulatory agency or based on rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, 49 U.S.C. 22, or other equivalent contract, arrangement, or exemption from regulation. The filing of a claim with some other agency of the Government will not meet the requirements of this statute; the claim must be received in the General Accounting Office within three years after the date such claim first accrued.

(b) *Six-year statute of limitations.* 31 U.S.C. 71a(a) as amended by the act of January 2, 1975, 88 Stat. 1965, imposes a six-year limitation on the filing of claims cognizable by the General Accounting Office under 31 U.S.C. 71 and 236. This limitation applies to all claims involving charges for transportation other than those claims covered by 49 U.S.C. 66 (see paragraph (a) of this section). The filing of a claim with some other agency will not meet the requirements of this statute; the claim must be received in the General Accounting Office within six years after the date such claim first accrued.

[Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply Secs. 1, 2, 54 Stat. 1061, as amended by Sec. 801, 88 Stat. 1959, 1965, 31 U.S.C. 71a; Sec. 2, 72 Stat. 860, as amended, 49 U.S.C. 66.]

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75–17184 Filed 7–1–75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the Rehabilitation Services Administration has been transferred from the Social and Rehabilitation Services to the Office of the Assistant Secretary for Human Development and that one position of Confidential Assistant to the Commissioner of Rehabilitation Services Administration is excepted under Schedule C.

Effective July 2, 1975, § 213.3316(n) (15) and (16) are added and (o)(5) is revoked as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * * *

(n) *Office of the Assistant Secretary for Human Development.* * * *

(15) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.

(16) One Confidential Assistant to the Commissioner of Rehabilitation Services Administration.

(o) *Social and Rehabilitation Service.* * * *

(5) [Revoked]

((5 U.S.C. 3301, 3302); EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17204 Filed 7–1–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one additional position of Private Secretary to the Attorney General and

V40 I128 JUL 2 75 XUM

one position of Private Secretary to the Executive Assistant to the Attorney General are excepted under Schedule C.

Effective July 2, 1975, § 213.3310(a)(1) is amended and (a)(10) is added as set out below:

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.*

(1) Two Private Secretaries to the Attorney General.

* * *

(10) One Private Secretary to the Executive Assistant to the Attorney General.

((5 U.S.C. 3301, 3302); E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17205 Filed 7-1-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

[Amendment No. 1]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Extension of Program and Deletion of Partial Medical Evaluation

1. On May 28, 1975, Pub. L. 94–28 was enacted to extend the WIC Program from July 1, 1975 through September 30, 1975. Notice is hereby given that the WIC Program will continue through September 30, 1975, in view of the extension of the legislation.

2. On December 27, 1974, there were published revised and reorganized WIC Program regulations (39 FR 44728). Section 246.15(c) required a report on the partial medical evaluation by July 31, 1975, a month after the expiration of the authorizing legislation and termination of the program. Although a final rule was adopted, interested persons were invited to submit comments, in compliance with the spirit of public rulemaking. It was stated that, if necessary, appropriate amendments would be made (paragraph 12 of the preamble). Since the intent of the law is effectuated by the detailed medical evaluation and by the evaluation of WIC program operations for administrative efficiency and effectiveness, the regulations are being amended to delete the report requirement of § 246.15(c).

Accordingly, this Part is amended to delete § 246.15(c), as follows:

§ 246.15 Medical Evaluation.

* * * * *

(c) [Removed]

Effective date: This amendment shall become effective on July 1, 1975.

Signed at Washington, D.C. on June 30, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-17302 Filed 7-1-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Peach Reg. 6, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This amended regulation, issued pursuant to the Marketing Agreement and Order No. 917 (7 CFR Part 917), continues the currently effective peach grade and size regulation to include all peach shipments during the 1975 season. Unless amended, such regulation would end on July 4, 1975. The regulation prescribes appropriate minimum sizes, by variety, and a minimum grade of U.S. No. 1 for all California peaches entering interstate commerce. Such regulation is designed to provide markets with an ample supply of desirable size and quality peaches consistent with the available supply in the interest of consumers and producers. The marketing agreement and order are effective pursuant to Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of June 11, 1975 (40 FR 24908), that the Department was giving consideration to a proposal to amend § 917.437 (Peach Regulation 6; 40 FR 21694), effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, to: (1) Continue the U.S. No. 1 grade requirement, applicable to all varieties of California peaches in fresh interstate shipments, to include all such shipments during the 1975 season, (2) continue, throughout the 1975 season, the specified minimum size requirements applicable to certain varieties listed in the regulation, (3) continue through July 10, 1975, the current minimum size (Size 96) for all varieties not listed in the regulation, and (4) specify, from July 11 through October 31, 1975, Size 80 as the minimum size for such unlisted varieties. This notice allowed interested persons until June 21, 1975, to submit data, views, or arguments for consideration relative to such proposed extension. No such material was submitted.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Peach Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of California peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are currently in progress and this amendment should be applicable to all peach shipments occurring during the effective periods specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (4) this amendment was unanimously recommended by the Peach Commodity Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. Section 917.437 (Peach Regulation 6; 40 FR 21694) is amended by adding a new paragraph (c) and by revising the provisions of paragraph (a) preceding subparagraph (1) thereof and of paragraph (b) to read as follows (the full text of paragraph (b) is repeated for purposes of clarity):

§ 917.437 Peach Regulation 6.

Order. (a) During the period May 20, 1975, through May 31, 1976, no handler shall handle: * * *

(b) During the period May 20 through July 10, 1975, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(2) Such peaches when packed in any container, other than molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2⅛ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirements.

(c) During the period July 11 through October 31, 1975, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(3) Such peaches, when packed in any container other than a No. 12B standard fruit (peach) box or molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

* * * * *

(Secs. 1–19, Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 27, 1975, to become effective July 3, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17252 Filed 7-1-75;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Limitation of Handling

This amendment of the rules and regulations under Marketing Order 930 prescribes a minimum grade of U.S. Grade B for reserve pool cherries, establishes a uniform handler charge for fiscal 1975–76 at 13.36 cents per pound for processing, freezing, and the first 30 days storage of such cherries and sets a uniform storage charge of 6 cents per container for each additional month of storage.

Notice was published in the FEDERAL REGISTER issued May 16, 1975 (40 FR 21483), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 930.101–930.161), currently in effect pursuant to the applicable provisions of marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The aforesaid amendment to the rules and regulations as proposed was unanimously recommended by the Cherry Administrative Board, the agency established under said order to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The acquiring and handling of cherries are expected to begin on or about July 7, 1975, and this amendment should be applicable, insofar as practicable, to all such cherries; (2) notice was given of the proposed amendment through publicity in the production area and publication in the May 16, 1975, issue of the FEDERAL REGISTER; and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

Order. The amendment is as follows:

1. Paragraphs (c) and (d) of § 930.104 are amended to read as follows:

§ 930.104 Reserve pool requirements.

* * * * *

(c) Such cherries, for each handler who freezes cherries, shall reflect not less than the overall grade, quality, and condition of the total frozen production of said handler: *Provided*, That not less than 50 percent of said reserve pool cherries shall grade not lower than U.S. Grade A and the remainder not lower than U.S. Grade B (§§ 52.801–52.812 of this title) unless otherwise exempted by the Board.

(d) Such cherries, for each handler who does not freeze cherries and therefore obtains reserve cherries from another handler who does freeze cherries, shall reflect not less than the overall grade, quality, and condition of the total frozen production of the handler who freezes such cherries: *Provided*, That not less than 50 percent of said reserve pool cherries shall grade not lower than U.S. Grade A and the remainder not lower than U.S. Grade B (§§ 52.801–52.812 of this title) unless otherwise exempted by the Board.

2. Section 930.158 is amended to read as follows:

§ 930.158 Handler compensation charge.

During the fiscal period ending April 30, 1976, each handler shall be compensated, as provided by § 930.58, by producers having an interest in the reserve pool, or their successor in interest:

(a) At the rate of $0.1336 (13.36 cents) per pound of reserve pool cherries received as raw unpitted cherries, and processed into the form of 5 plus 1 frozen cherries (five pounds of raw pitted cherries combined with one pound of sugar) packed in new 30-pound capacity containers as may be prescribed by the Board, as specified in § 930.104(a), of this subpart, and for storage in a suitable freezer storage facility for 30 days from the date the reserve pool cherries are placed in such storage facility; and

(b) At the rate of 6 cents per container per month for storage thereafter in a suitable freezer storage facility.

Dated, June 27, 1975, to become effective July 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17254 Filed 7-1-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.3]

PART 1843—FARMER PROGRAMS

Loan Subsidy Rates, Claims, and Payments

This amendment applies to loans on which a "conditional commitment for Guarantee" is issued after close of business, June 30, 1975. This amendment is being published without notice of proposed rule making inasmuch as the interest rate to be charged is set by § 1843.3 of this part. The proposed rule making procedure is therefore unnecessary.

Section 1843.3, Part 1843, Title 7, Code of Federal Regulations (38 FR 29051, 30102, 30533; 39 FR 15868) is amended by revising paragraph (h) to read as follows:

§ 1843.3 Loan subsidy rates, claims, and payments.

* * * * *

(h) *Current borrower, FmHA, and subsidy rates*

Loan type	Interest rate to borrower (percent)	Maximum (percent)	
		FmHA rate	Subsidy rate
OL	8½	9	½
EM for production purposes	5	9	4
EM for real estate	5	8½	3½
FO, SW, RL	5	8½	3½

AUTHORITY: 7 USC 1989; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70).

Effective date: This amendment shall become effective on July 1, 1975.

Dated: June 27, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-17196 Filed 7-1-75;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Loans in Areas Having Special Flood Hazards

Correction

In FR Doc. 75–15596 appearing at page 25440, in the issue for Monday, June 16, 1975 make the following changes:

V40-1128 JUL 2 75 XUM

1. Remove footnote number one.

2. In § 339.2, change the footnote reference in the fourth line from "1" to "2" and in the seventeenth line from "2" to "3".

3. Add footnote three to read as follows:

[3] For the purposes of this Part 339, a community participating in the national flood insurance program is a community which has complied with the requirements for participation as set forth in § 1909.22 of the regulations of the Federal Insurance Administration of the Department of Housing and Urban Development (24 CFR 1909.22) and in which flood insurance is currently being sold.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8941]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Atlantic Industries, Inc. et al.

Correction

In FR Doc. 75-16647 appearing at page 27018, in the issue for Thursday, June 26, 1975, on page 27020, in the middle column, paragraph 3, the 9th line beginning, "• • • make said available • • •" should be corrected to read, "• • • make said statement available • • •".

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Children's Sleepwear, Sizes 0–6x and Sizes 7–14; Changes in Labeling Requirements

The Consumer Product Safety Commission, in this document, issues amendments to the rules and regulations under two standards for the flammability of children's sleepwear (FF 3–71 and FF 5–74), and invites public comment on the amendments. The Standards and the rules and regulations have been issued by the Commission under the Flammable Fabrics Act (15 U.S.C. 1191, et seq.). These amendments become effective July 2, 1975.

The regulations being amended below, Part 302 of Title 16, although appearing under "Chapter I—Federal Trade Commission" are the responsibility of the Consumer Product Safety Commission due to a transfer of statutory authority (15 U.S.C. 2079(b)). Later, Part 302 will be revised, renumbered, and transferred to Title 16, Chapter II.

The amendments provide manufacturers of children's sleepwear garments an alternative to the requirements of 16 CFR 302.19 and 16 CFR 302.21 that the garment production unit (GPU) identification of each garment subject to the standards be readily visible to the prospective purchaser when the garment is marketed at retail in packages. The amendments provide that either the GPU identification or the style identification of garments marketed at retail in packages must be readily visible to the prospective purchaser. However, if the garment manufacturer chooses to have the style identification, rather than the GPU identification visible, any recall must involve the entire style or styles of which the noncomplying GPU is a part. In addition, upon written request of the staff, the garment manufacturer must expeditiously provide the Commission with samples from the GPU for testing and with other information required under 16 CFR 302.19 and 16 CFR 302.21.

Background

On April 1, 1975 (40 FR 14584), the Commission published 16 CFR 302.21 prescribing labeling, recordkeeping, and other requirements under the Standard for the Flammability of Children's Sleepwear; Sizes 7 Through 14, as amended (FF 5–74). The standard was promulgated May 1, 1974 (39 FR 15210), amended March 21, 1975 (40 FR 12811), and corrected March 27, 1975 (40 FR 13547). Both the regulation (16 CFR 302.21) and the standard (FF 5–74) became effective May 1, 1975.

On April 14, 1975 (40 FR 16654), the Commission amended 16 CFR 302.19 to prescribe labeling, display, and recordkeeping requirements under the Standard for the Flammability of Children's Sleepwear for sizes 0 through 6x, as amended (DOC FF 3–71). The standard was amended July 21, 1972 (37 FR 14624). The amendments to 16 CFR 302.19 became effective May 14, 1975.

The regulations under both standards (16 CFR 302.21 (b) (4) and (b) (7) and 16 CFR 302.19(b) (8)) provide that each item subject to the standards must be assigned a garment production unit (GPU) identification. This GPU identification must appear on a label or stamp on each garment so as to remain on or attached to the garment and be legible and visible throughout the garment's intended period of use. In addition, where items required to be so stamped or labeled are marketed at retail in packages, and the required label or stamp is not readily visible to prospective purchasers, the packages must also be prominently, conspicuously and legibly labeled with the required information.

The purpose of these requirements is to facilitate identification of items from a given production unit by persons in the chain of distribution and by Commission personnel in the event of a recall of a production unit and to permit Commission personnel to expeditiously obtain samples from any given production unit for testing in a compliance market sampling program. To conduct a sampling program expeditiously, Commission investigators must be able to identify the garment production unit of a given item quickly, without having to open the package or look for a label that may be located inside the garment.

Some garment manufacturers have pointed out the great difficulty they have in meeting these requirements for visibility of the GPU identification because of the mechanization of their production process and because, when manufacturing two piece garments, there is no assurance that each piece will be from the same production unit.

The Commission, after further investigation, has determined that it is possible to provide an alternative to these requirements to assist manufacturers in complying with the regulations and at the same time to enable the Commission to effectively monitor compliance with the standards and help to ensure adequate recall of noncomplying items. Therefore, in the amendments issued below, the Commission has allowed garment manufacturers an alternative to having the GPU identification stamp or label readily visible to prospective purchasers at retail. The alternative does not, however, change the requirement that each garment subject to one of the Standards must bear a permanent and legible label or stamp identifying the garment's GPU.

The alternative provides that either the GPU identification or a style identification of the garment must be readily visible to the prospective purchaser, either on the garment or, if the garment is marketed at retail in a package, on the package. However, if the garment manufacturer, or other person initially introducing an item into commerce, elects to have the style identification rather than the GPU identification readily visible, then, in the event of recall of garments from a particular GPU, the entire style or styles of which the GPU is a part must be recalled. In addition, within 48 hours of a written request by Commission staff, the garment manufacturer must supply any samples available of garments from a GPU which is under investigation. The garment manufacturer must also comply with obligations under the rules and regulations to supply the Commission, upon written request, with names of customers who purchased, within a specified time period, garments from the style(s) of which the GPU is a part and to provide access to all records required under the standards and their implementing rules and regulations.

The Commission believes that this alternative provides manufacturers with some flexibility in their labeling but also allows the Commission staff to adequately monitor compliance with the standards and helps to ensure adequate recall of noncomplying items.

The amendments promulgated below shall become effective July 2, 1975.

Since 16 CFR 302.21 became effective May 1, 1975, and 16 CFR 302.19 became effective May 14, 1975, all persons subject to the regulations must now comply with the requirements. The Commission believes that the alternative provided in these amendments will assist persons subject to the standards to comply with the regulations and will not decrease the protection to consumers. Soliciting public comment at this time would delay the issuance of the amendments without providing benefit to the public. Therefore, pursuant to the Administrative Procedure Act, 5 U.S.C. 553 (b) and (d), the Commission for good cause finds that notice and public procedure on these amendments are impractical and contrary to the public interest and the Commission for good cause finds that the amendments should be effective upon publication.

Nevertheless, the Commission wishes to invite public comment on the amendments and, therefore, a comment period of 30 days from the publication of this document in the FEDERAL REGISTER (8–1–75) is provided. Although these amendments are effective immediately upon publication, they are subject to modification on the basis of persuasive public comment that points out errors, inconsistencies, or sound legal or policy reasons for changing them and on the basis of other information that comes to the attention of the Commission, for example through its enforcement activities. The Commission seeks written data, views and other comment on the amendments and specifically requests comment on the option provided to retailers in the amendments. The Commission also invites suggestions as to the effective date of any recommended changes.

Promulgation

Accordingly, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112–113, as amended 81 Stat. 571 (15 U.S.C. 1194)), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(b), 86 Stat. 1231 (15 U.S.C. 2079(b))), 16 CFR Part 302 is amended as follows:

1. In § 302.19(b), subdivisions (i) and (ii) of paragraph (b) (8) are redesignated as subdivisions (iii) and (iv) respectively, and the introductory text of paragraph (b) (8) is revised and two new subdivisions (i) and (ii) are added, as follows:

§ 302.19 Children's sleepwear sizes 0–6X; labeling advertising recordkeeping, retail display, and guaranties under Standard DOC FF 3–71.

• • • • • •

(b) *Labeling* • • •

(8) Every manufacturer, importer, or other person (such as a converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination, thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification respectively, at the option of the labeler.

(i) Where fabrics required to be labeled or stamped in accordance with this section are marketed at retail in packages and the required label or stamp is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the information required by this section.

(ii) Where garments required to be labeled or stamped in accordance with paragraph (b) (8) of this section are marketed at retail in packages and the required label or stamp is not readily visible to the prospective purchasers:

(A) The packages must also be prominently, conspicuously, and legibly labeled with the information required by this section; or

(B) There must be a garment style identification that is prominent, conspicuous, and legible and readily visible to the prospective purchaser, either on a label or hang tag attached to the garments or on the garment packages. A style is a garment design or grouping, preselected by the manufacturer. A style may be composed of garments that form all or part of one or more GPU's and the style may include any number of garments the manufacturer chooses. Style identification means any numbers, letters, or combination thereof that are sufficient to identify the garments of the style and may include information such as color, season or size. If this option B is selected, in any recall of noncomplying items from a particular GPU:

(*1*) the garment manufacturer must recall the entire style(s) from all customers who purchased garments of the style(s) of which the GPU is part. However, retailers may elect to return only garments from the particular GPU necessitating the recall rather than the entire style(s) being recalled; and

(2) Within 48 hours of a written request, the garment manufacturer must supply to the Commission any samples in its possession of garments from the GPU, as requested. As required of all persons subject to this section 302.19, the garment manufacturer must also, within the time requested, supply to the Commission the names of any customers who purchased during a specified period of time, garments from the GPU (or the style(s) of which the GPU is a part) and supply access to all records required under the Standard and this section.

2. Section 302.21(b) (4) is revised to read as follows and (b) (7) is amended by adding to the end of the introductory paragraph a new sentence as set forth below:

§ 302.21 Children's sleepwear, sizes 7 through 14—labeling, recordkeeping, retail display, and guaranties under FF 5–74.

• • • • • •

(b) • • •

(4) (i) Where items required to be labeled or stamped in accordance with paragraphs (b) (1), (b) (2), and/or (b) (3) of this section and fabrics required to be labeled or stamped in accordance with paragraph (b) (7) of this section are marketed at retail in packages, and the required label or stamp is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

(ii) Where garments required to be labeled or stamped in accordance with paragraph (b) (7) of this section are marketed at retail in packages, and the required label or stamp is not readily visible to the prospective purchaser:

(A) The packages must also be prominently, conspicuously, and legibly labeled with the information required by paragraph (b) (7) of this section; or

(B) There must be a garment style identification that is prominent, conspicuous, and legible and readily visible to the prospective purchaser, either on a label or hang tag attached to the garment design or on the garment packages. A style is a garment design or grouping, preselected by the manufacturer. A style may be composed of garments that form all or part of one or more GPU's and the style may include any number of garments the manufacturer chooses. Style identification means any numbers, letters, or combination thereof that are insufficient to identify the garments of the style and may include information such as color, season or size. If this option B is selected, in any recall of noncomplying items from a particular GPU.

(*1*) The garment manufacturer must recall the entire style(s) from all customers who purchased garments of the style(s) of which the GPU is part. However, retailers may elect to return only garments from the particular GPU necessitating the recall rather than the entire style(s) or portions of style(s) being recalled; and

(2) Within 48 hours of a written request, the garment manufacturer must supply to the Commission any samples in its possession of garments from the GPU, as requested. As required of all persons subject to this section, the garment manufacturer must also, within the time requested, supply to the Commission the names of any customers who purchased during a specified period of time, garments from the GPU (or the style(s) of which the GPU is a part) and supply access to all records required under the Standard and this section.

• • • • • •

(7) • • • In addition to the requirements prescribed by this paragraph (b) (7), the requirements prescribed by paragraph (b) (4) of this section must be met for items marketed at retail in packages.

• • • • • •

Written comments, data and other information on this document should be submitted, preferably in 5 copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 by August 1, 1975. Comments received after that date will be considered if practicable. Received comments may be viewed during working hours in the Office of the Secretary, Room 1025, 1750 K Street, NW., Washington, D.C.

Effective date: The amendments promulgated in this document shall become effective July 2, 1975.

V 40 1128 JUL 2 75 XUM

(Sec. 5, 67 Stat. 112–113, as amended 81 Stat. 571 (15 U.S.C. 1194))

Dated: June 27, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-17306 Filed 7-1-75;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1031—EMPLOYEE MEMBERSHIP AND PARTICIPATION IN VOLUNTARY STANDARDS

Promulgation of Policy

Correction

In FR Doc. 75–16103 appearing at page 26023, in the issue for Friday, June 20, 1975, on page 26026 insert the word "a" after the word "for" in the fifth line of § 1031.5(1).

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75–143]

PART 1—GENERAL PROVISIONS

Lubbock, Texas; Port of Entry

Correction

In FR Doc. 75–16211 appearing at page 26027, in the issue for Friday, June 20, 1975 change the name of the port of entry in the heading from Laredo to Lubbock.

[T.D. 75–151]

PART 1—GENERAL PROVISIONS

Organizational Structure of the Office of Investigations

As part of the realignment of the mission and operational functions of the investigative branch of the United States Customs Service, the name of the Customs Agency Service has been changed to the Office of Investigations and the organizational structure of its domestic field offices and Customs foreign offices has been realigned. The Office of Investigations is responsible for conducting investigations of violations of Customs and related laws and of potential frauds against the revenue, and for detecting and apprehending violators of Customs and related laws. In addition, the Office conducts fact-finding investigations to develop information for the use of other branches of the Customs Service in reaching decisions within assigned spheres of responsibility, and manages and operates all Customs Service foreign offices.

As part of the organizational realignment of the Office of Investigations, a new domestic field office structure, aligned to existing Customs regions and districts, has been established. In addition, the area of jurisdiction of Customs foreign offices has been more clearly defined. It is therefore necessary to amend the Customs Regulations in order that they may reflect these changes.

Accordingly, Chapter I, Title 19 of the Code of Federal Regulations (the Customs Regulations), is amended by substituting "Office of Investigations" for "Customs Agency Service" wherever the latter appears.

In addition, § 1.5 of the Customs Regulations (19 CFR 1.5) is amended to read as follows:

§ 1.5 Office of Investigations.

(a) *Domestic field offices.* The domestic field offices of the Office of Investigations with the areas of jurisdiction aligned to existing Customs regions and districts are as follows:

Region	District	Office	Address
I, Boston, Mass.			Regional Director Investigations, U.S., Customhouse, Room 1700, Boston, Mass. 02109.
		Derby Line, Vt.	Resident Agent, P.O. Box 368, Derby Line, Vt. 05830.
		New Haven, Conn.	Resident Agent, 770 Chapel St., Suite 2B, New Haven, Conn. 06510.
	Portland, Maine		Special Agent in Charge, Room 17, U.S. Customhouse, Portland, Maine 04111.
		Houlton, Maine	Resident Agent, P.O. Box 482, Houlton, Maine 04730.
	Buffalo, N.Y.		Special Agent in Charge, 111 SW. Huron St., Buffalo, N.Y. 14202.
	Ogdensburg, N.Y.		Special Agent in Charge, 127 N. Water St., Ogdensburg, N.Y. 13669.
		Rouses Point, N.Y.	Special Agent in Charge, P.O. Box 66, Rouses Point, N.Y. 12979.
II, New York, N.Y.			Regional Director, Investigations, U.S. Customs Service, Room 508, 6 World Trade Center, New York, N.Y. 10048.
	Newark, N.J.		Special Agent in Charge, 400 Delancey St., Newark, N.J. 07105.
	J. F. K. International Airport, New York, N.Y.		Special Agent in Charge, John F. Kennedy International Airport, 160, 19 Rockaway Blvd., Jamaica, N.Y. 11430.
III, Baltimore, Md.			Regional Director, Investigations, U.S. Appraisers Stores Bldg., Room 810, 103 South Gay St., Baltimore, Md. 21202.
		Falls Church, Va.	Resident Agent, 701 West Broad St., Room 301, Falls Church, Va. 22046.
	Philadelphia, Pa.		Special Agent in Charge, U.S. Customs Service, 2nd and Chestnut Sts., Philadelphia, Pa. 19106.
		Pittsburgh, Pa.	Resident Agent, Office of Investigations, Federal Bldg., Room 2236, 1001 Liberty Ave., Pittsburgh, Pa. 15222.
	Norfolk, Va.		Special Agent in Charge, U.S. Customs Service, Room 201, U.S. Customhouse, 101 East Main St., Norfolk, Va. 23510.
IV, Miami, Fla.			Regional Director, Investigations, 1330 NE. Bayshore Dr., Miami, Fla. 33132.
		West Palm Beach, Fla.	Resident Agent, 700 Clematis St., Room 253, West Palm Beach, Fla. 33402.
	Tampa, Fla.		Special Agent in Charge, P.O. Box 1516, Tampa, Fla. 33601.
		Jacksonville, Fla.	Resident Agent, 2701 Talleyrand Ave., Jacksonville, Fla. 32206.
	San Juan, P.R.		Special Agent in Charge, U.S. Customs Service, P.O. Box S-1272, Old San Juan, P.R. 00902.
		Ponce Playa, P.R.	Resident Agent, P.O. Box 127, Ponce Playa, P.R. 00731.
		Mayaguez, P.R.	Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, P.R. 00708.
	Charleston, S.C.		Special Agent in Charge, P.O. Box 856, Charleston, S.C. 29402.
	Savannah, Ga.		Special Agent in Charge, Drawer A, Savannah, Ga. 31408.
		Atlanta, Ga.	Resident Agent, 1565 Phoenix Blvd., Suite 5, Atlanta, Ga. 30349.
	Wilmington, N.C.		Special Agent in Charge, P.O. Box 898, Wilmington, N.C. 28401.
	St. Thomas, V.I.		Special Agent in Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, V.I. 00801.
		St. Croix, V.I.	Resident Agent, P.O. Box 1801, Christiansted, St. Croix, V.I. 00820.
V, New Orleans, La.			Regional Director, Investigations, Plaza Tower Bldg., Suite 2900, 1001 Howard St., New Orleans, La. 70113.
		Nashville, Tenn.	Resident Agent, 1719 West End Bldg., Room 303, Nashville, Tenn. 37203.
	Mobile, Ala.		Special Agent in Charge, International Trade Center, P.O. Box 1704, Mobile, Ala. 36601.
VI, Houston, Tex.			Regional Director, Investigations, Suite 1230, 500 Dallas Ave., Houston, Tex. 77002.
		Dallas, Tex.	Resident Agent, 1114 Commerce St., 17th Floor, Dallas, Tex. 75202.
	Laredo, Tex.		Special Agent in Charge, P.O. Box 498, Laredo, Tex. 78040.
		Brownsville, Tex.	Resident Agent, 700 Paredes Ave., Suite 210, Brownsville, Tex. 78520.
		Del Rio, Tex.	Resident Agent, P.O. Drawer 1160, Del Rio, Tex. 78440.
		Eagle Pass, Tex.	Resident Agent, P.O. Box 828, Eagle Pass, Tex. 78852.
		McAllen, Tex.	Resident Agent, 2600 N. 10th St., McAllen, Tex. 78501.
		San Antonio, Tex.	Resident Agent, 1802 NE. Loop 410, Suite 302, San Antonio, Tex. 78217.
	El Paso, Tex.		Special Agent in Charge, P.O. Box 10719 El Paso, Tex. 79997.
		Albuquerque, N. Mex.	Resident Agent, 5301 Central Ave. NE., Suite 919, 1st National Bank Bldg., East Albuquerque, N. Mex. 87108.
		Denver, Colo.	Resident Agent, 721 19th St., Room 404, P.O. Box 2771, Denver, Colo. 80201.
VII, Los Angeles, Calif.			Regional Director, Investigations, 300 South Ferry St., Room 2037, Terminal Island, San Pedro, Calif. 90731.
	Nogales, Ariz.		Special Agent in Charge, P.O. Box 1386, Nogales, Ariz. 85621.
		Yuma, Ariz.	Resident Agent, P.O. Box 5752, Yuma, Ariz. 85364.
		Douglas, Ariz.	Resident Agent, P.O. Box 1076, 1065 F Ave., Glenn Bldg., Douglas, Ariz. 85607.
		Tucson, Ariz.	Resident Agent, P.O. Box 3911, Tucson, Ariz. 85702.
		Phoenix, Ariz.	Resident Agent, P.O. Box 2259, Phoenix, Ariz. 85002.
	San Diego, Calif.		Special Agent in Charge, P.O. Box 137, San Ysidro, Calif. 92073.
		Calexico, Calif.	Resident Agent, P.O. Box 1510, Calexico, Calif. 92231.
VIII, San Francisco, Calif.			Regional Director, Investigations, 681 Market St., Room 300, San Francisco, Calif. 94105.
		Sacramento, Calif.	Resident Agent, P.O. Box 4495, Sacramento, Calif. 95825.
	Honolulu, Hawaii		Special Agent in Charge, 1000 Bishop St., Suite 1210, Honolulu, Hawaii 96813.
	Great Falls, Mont.		Special Agent in Charge, P.O. Box 71, Great Falls, Mont. 59403.
	Seattle, Wash.		Special Agent in Charge, 909 First Ave., Seattle, Wash. 98174.
		Blaine, Wash.	Resident Agent, P.O. Box 1360, Blaine, Wash. 98230.
		Spokane, Wash.	Resident Agent, P.O. Box 1483, Spokane, Wash. 99210.
	Anchorage, Alaska		Special Agent in Charge, P.O. Box 199, Anchorage, Alaska 99510.
	Portland, Oreg.		Special Agent in Charge, P.O. Box 2841, Portland, Oreg. 97208.
IX, Chicago, Ill.			Regional Director, Investigations, 55 E. Monroe St., Suite 1923, Chicago, Ill. 60603.
	Duluth, Minn.		Special Agent in Charge, Meierhoff Bldg., Room 507, 325 Lake Ave., South, Duluth, Minn. 55802.
	St. Louis, Mo.		Special Agent in Charge, 120 South Central Ave., Suite 440, St. Louis, Mo. 63105.
		Independence, Mo.	Resident Agent, Federal Bldg., Room 259, 301 West Lexington St., Independence, Mo. 64050.
	Detroit, Mich.		Special Agent in Charge, Room 501, 243 West Congress St., Detroit, Mich. 48226.
	Milwaukee, Wis.		Special Agent in Charge, 628 East Michigan St., Room 208, Milwaukee, Wis. 53202.
	Cleveland, Ohio		Special Agent in Charge, Plaza Nine, 55 Erieview Plaza, Room 210, Cleveland, Ohio 44114.
		Cincinnati, Ohio	Resident Agent, Federal Bldg., Post Office Box 1035, Fountain Square Station, Cincinnati, Ohio 45201.
		Indianapolis, Ind.	Resident Agent, Combs-Gates Complex, Building 3, Weir Cook Airport, Indianapolis, Ind. 46241.
	Pembina, N. Dak.		Special Agent in Charge, P.O. Box 193, Pembina, N. Dak. 58271.
	Minneapolis, Minn.		Special Agent in Charge, 574 Federal Bldg., Ft. Snelling, Twin Cities, Minneapolis, Minn. 55111.

(b) *Customs foreign offices.* The Customs foreign offices are as follows:

V40-128 JUL 2 75 XUM

Foreign office	Address	Area of jurisdiction
Montreal, Canada	Senior Customs Representative, American Consulate General, Montreal, Canada, 1558 McGreagor Ave., Montreal 109, P.Q., Canada.	Domestic office may conduct investigations in Canada subject to such coordination procedures as may be established by the Foreign Investigations Branch, headquarters.
Taipei, Taiwan, China, Republic of	Customs Attache, American Embassy, Box 2, APO San Francisco, Calif. 96263.	Taiwan.
London, England	Customs Attache, American Embassy, Box 40, FPO New York, N.Y. 09510.	Gibraltar; Iceland; Ireland; and the United Kingdom, including Channel Islands.
Paris, France	Customs Attache, American Embassy, D. Bldg., Room 211, APO New York, N.Y. 09794.	Belgium; France, including Corsica; Luxembourg; Monaco; the Netherlands; Portugal; and Spain.
Bonn, Germany	Customs Attache, American Embassy, Box 100, APO New York, N.Y. 09080.	Austria; Czechoslovakia; Denmark; East Germany; Finland; Liechtenstein; Norway; Poland; Sweden; Switzerland; the Union of Soviet Socialist Republics; and West Germany, including West Berlin.
Frankfurt, Germany	Senior Customs Representative, American Consulate General, APO New York N.Y. 09757.	
Hong Kong, British Crown Colony.	Senior Customs Representative, American Consulate General, Box 30, FPO San Francisco, Calif. 96659.	Australia; Ceylon; Hong Kong; Malay Archipelago, including Malaysia, the Philippines, and Indonesia; New Zealand; and all of the Asian continent east of the border of Iran with the Union of Soviet Socialist Republics, Afghanistan, and Pakistan, and nearby islands politically part of states thereon, except for South Korea and the eastern portion of the Union of Soviet Socialist Republics.
Rome, Italy	Customs Attache, American Embassy, APO New York, N.Y. 09794.	Albania; Bulgaria; Cyprus; Greece, including Crete; Hungary; Italy, including Sardinia and Sicily; Malagasy Republic; Malta; Romania; Yugoslavia; all of the African continent and nearby islands politically part of states thereon; and all of the Asian continent west of the border of Iran with the Union of Soviet Socialist Republics, Afghanistan, and Pakistan, including Asia Minor, Turkey, the Arabian Peninsula, and nearby islands politically part of states thereon.
Tokyo, Japan	Customs Attache, American Embassy, APO San Francisco, Calif. 96503.	Japan, including Ryukyu Islands.
Mexico City, Mexico	Customs Attache, American Embassy, Room 353, Apartado Postal 88–BIS, Mexico, D.F., Mexico 20521.	Central America; Mexico; and South America. Domestic offices may conduct investigations in Mexico subject to such coordination procedures as may be established by the Foreign Investigations Branch, Headquarters.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624))

Because these amendments concern agency organization and merely conform all references in the Customs Regulations to the current domestic field office and Customs foreign office designations of the investigative branch of the United States Customs Service, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall become effective July 2, 1975.

Approved: June 17, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD
Assistant Secretary of the Treasury.

[FR Doc.75-16860 Filed 7-1-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7365]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Bonds and Other Evidences of Indebtedness

Preamble. The Income Tax Regulations (26 CFR Part 1) currently require that holders of face-amount certificates issued after June 30, 1975, include the original issue discount in income ratably over the term of the certificate in accordance with section 1232(a)(3) of the Internal Revenue Code of 1954. The following amendments to the regulations make these ratable inclusion rules apply only to face-amount certificates issued after December 31, 1975.

Adoption of amendments to the regulations. Based on the foregoing, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

1. Paragraph (c)(3) of § 1.1232–1 is amended to read as follows:

§ 1.1232–1 Bonds and other evidences of indebtedness; scope of section.

* * * * *

(c) *Face-amount certificates.* * * *

(3) *Certificates issued after December 31, 1975.* In the case of a face-amount certificate issued after December 31, 1975 (other than such a certificate issued pursuant to a written commitment which was binding on such date and at all times thereafter), the provisions of § 1232(a)(3) (relating to the ratable inclusion of original issue discount in gross income) shall apply. See § 1232–3A(f). For treatment of any increase in basis under § 1232(a)(3)(A) as consideration paid for purposes of computing the investment in the contract under section 72, see § 1.72–6(c)(4).

* * * * *

2. Paragraph (f)(1) of § 1.1232–3A is amended to read as follows:

§ 1.1232–3A Inclusion as interest of original issue discount on certain obligations issued after May 27, 1969.

* * * * *

(f) *Application of section 1232(a)(3) to face-amount certificates.*—(1) *In general.* Under paragraph (c)(3) of § 1.1232–1, the provisions of section 1232(a)(3) and this section apply in the case of a face-amount certificate issued after December 31, 1975 (other than such a certificate issued pursuant to a written commitment which was binding on such date and at all times thereafter).

* * * * *

Because this Treasury decision only postpones the date on which § 1232(a)(3) of the Internal Revenue Code of 1954 applies to face-amount certificates, it is found unnecessary to issue the Treasury decision with notice and public procedures thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 30, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75-17335 Filed 6-30-75;10:46 am]

Title 32—Defense Department

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER J—REAL PROPERTY

[ER 405-1-663]

PART 641—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Miscellaneous Amendments

On April 15, 1975, a document was published in the FEDERAL REGISTER (40 FR 16850) proposing to amend Corps of Engineers regulations governing administration of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 USC 4601). The proposed amendments incorporated certain changes reflected in General Services Administration guidelines for agency implementation of the Act and also incorporated a change in procedures relating to the replacement housing payment in farm land condemnation cases.

A. No comments were received from interested members of the public. However, based upon intra-agency comments and further review within this agency, the following changes are made including certain language changes for clarification:

1. The caption of § 641.83 is changed to read: "Farms—Eligibility."

2. The caption of § 641.83(a) is revised to read: "Entire Taking."

3. The following sentence is inserted between the first and second sentences of § 641.83(a): "In computing gross receipts or net earnings, consideration should be given to the value of farm produce grown and used by the farm operator." The word "only" is deleted from the original second sentence.

4. The second sentence of § 641.109(a) is changed to read: "The District Engineer may make a provisional replacement housing payment to the displaced homeowner based on the Government's deposit with the court for the dwelling, provided the homeowner enters into an agreement with the Government that:"

5. Section 641.109(1) is reworded to read: "Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed as being the difference between the acquisition price determined by the court and the lesser of actual price paid for or the average amount determined by the District Engineer as necessary to acquire a comparable decent, safe, and sanitary replacement dwelling; and"

6. Section 641.109(2) is reworded to read: "If the amount awarded in the condemnation proceedings as the fair market value of the dwelling acquired plus the amount of the recomputed replacement housing payment exceeds the lesser of the price paid for, or the District Engineer's determined cost of a comparable dwelling, he will refund to the Government an amount equal to the amount of the excess * * *."

7. Section 641.109(c) is reworded to read: "The above adjustment shall not be required with respect to dwellings situated on farms in which the primary value lies in the land. In such cases, any portion of the award in excess of the amount deposited with the court should be allocated entirely to the land exclusive of the dwelling and homesite."

Accordingly 32 CFR Part 641 is revised as set forth below.

Effective date. This regulation shall become effective on July 1, 1975.

For The Chief Of Engineers.

Dated: June 24, 1975.

ROBERT V. PRANGLEY,
Acting Executive.

Subpart A of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

Section 641.33 is revised to read:

§ 641.33 Dwelling.

"Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single-family building; a one-family unit in a multifamily building; a unit of a condominium or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost or is not a decent, safe, and sanitary dwelling.

Subpart D of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 641.82 is revised to read:

§ 641.82 Businesses—Eligibility.

(a) A person displaced from his business, as defined in subsection 101(7)(A), (B), and (C), is eligible under subsection 202(c) to receive a fixed payment in lieu of moving and related expenses. Care must be exercised in each instance, however, to assure that such payments are made only in connection with a bona fide business.

(b) A payment in lieu of actual reasonable moving expenses may be made under section 202(c) to the displaced owner of a business only if the District Engineer determines that during the two taxable years prior to displacement, or during such other period as he may determine to be more equitable, the business:

(1) Had average annual gross receipts of at least $2,000 in value; or

(2) Had average annual net earnings of at least $1,000 in value; or

(3) Contributed at least 33⅓ percent of the average gross annual income of the owner(s), including income from all sources, such as welfare.

(c) Those businesses, described in subsection 101(7)(D) are not eligible under subsection 202(c) for a payment in lieu of moving and related expenses.

(d) Where a person is displaced from his place of business, no payment shall be made under subsection 202(c) until after the District Engineer determines:

(1) That the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and

(2) That the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the District Engineer only after consideration of all pertinent circumstances, including but not limited to the following factors:

(i) Type of business conducted by the displaced concern;

(ii) Nature of the clientele of the displaced concern; and

(iii) Relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person who operates the business.

2. Section 641.83 is revised to read:

§ 641.83 Farms—Eligibility.

(a) *Entire taking.* A payment in lieu of actual reasonable moving expenses may be made to the displaced owner of a farm operation according to the criteria established for displaced owners of businesses (§ 641.82(b)). In computing gross receipts or net earnings, consideration should be given to the value of farm produce grown and used by the farm operator. Such a payment may be made to the displaced operator of a farm operation if the District Engineer determines that the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.

(b) *Partial taking.* In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(1) The part taken met the definition of a farm operation prior to the taking; or

(2) The taking caused the operator to be displaced from the farm operation on the remaining land; or

(3) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

Subpart E of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

1. The first paragraph of § 641.104 is revised to read:

§ 641.104 Differential payment for replacement housing.

The amount established as the differential payment for the replacement housing sets the upper limit of such payment. The District Engineer may determine the amount, if any, which when added to the acquisition cost of the dwelling acquired is necessary to purchase a comparable replacement dwelling either by establishing a schedule or by using a comparative method. The displaced person is bound by the method selected for use by the District Engineer.

* * * * *

2. Section 641.105 is revised to read:

§ 641.105 Increased interest payments.

The District Engineer shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered:

(a) The payment shall be equal to the excess in the aggregate interest and other debt service costs of the amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(b) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. All bona fide mortgages on the dwelling acquired by the Corps of Engineers will be used to compute the increased interest cost portion of the replacement housing payment.

(d) "The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the amount of the old mortgage, whichever is the lesser.

(1) Seller's points are not to be included in the interest computation.

V40-1128 JUL 2 75 XUM

(2) The actual interest rate of the new mortgage will be used in the computation.

(3) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(e) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount of the unpaid debt on the acquired dwelling for its remaining term.

(f) See format for computation of interest payment below:

REQUIRED INFORMATION

1. Outstanding balance of mortgage on acquired dwelling ---------- $——
2. Outstanding balance of mortgage on replacement dwelling ------ $——
3. Lesser of Line 1 or Line 2 ---------- $——
4. Number of months remaining until last payment is due for mortgage on acquired dwelling ------ ——
5. Number of months remaining until last payment is due for mortgage on replacement dwelling ---- ——
6. Lesser of Line 4 or Line 5 ---------- ——
7. Annual interest rate of mortgage on acquired dwelling (percent) - ——
8. Annual interest rate of mortage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) (percent) ---------- ——
9. Prevailing annual interest rate paid on standard passbook savings accounts by commercial banks (percent) ---------- ——
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense ---------- $——

DEVELOPMENT OF MONTHLY PAYMENT FIGURES

A. Monthly payment required to amortize a loan of $—— in —— (Line 3) (Line 6) months at an annual interest rate of —— percent ---------- $——
(Line 7)

B. Monthly payment required to amortize a loan of $—— in —— (Line 3) (Line 6) months at an annual interest rate of —— percent ---------- ——
(Line 8)

C. Monthly payment required to amortize a loan of $—— in —— (Line 3) (Line 6) months at an annual interest rate of —— percent ---------- ——
(Line 9)

CALCULATION OF INTEREST PAYMENT

Step 1. Subtract A from B:

Monthly payment based on rate for replacement dwelling (B) ---------- $——
Monthly payment based on rate for acquired dwelling (A) ---------- $——
Result (difference) ---------- $——

Step 2. Divide result (difference) of Step 1 by C (carry to 6 decimal places):

Result (difference) from Step 1 ------ $——
Monthly payment based on savings rate (C) ---------- $——
Result (quotient) ---------- $——

Step 3. Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2:

Outstanding Balance (from Line 3) - $——
Result (quotient) of Step 2 ---------- $——
Result (product) ---------- $——

Step 4. Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:

Result (product) of Step 3, first mortgage ---------- $——
Result (product) of Step 3, second mortgage[1] ---------- $——
Sum of difference, as applicable[1] ------ $——
Add debt service costs on loan on replacement dwelling (Line 10) ------ $——
Amount of interest payment ---------- $——

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to such mortgage through Step 3. A consolidated Step 4 is then completed.

3. Section 641.109 is revised to read:

§ 641.109 Advance replacement housing payment in condemnation cases.

No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. The following procedure shall be used in cases involving condemnation except as indicated in (c) below:

(a) An advance replacement housing payment can be computed and paid to a property owner if the determination of the acquisition price will be delayed pending the outcome of condemnation proceedings. The District Engineer may make a provisional replacement housing payment to the displaced homeowner based on the Government's deposit with the court for the dwelling, provided the homeowner enters into an agreement with the Government that:

(1) Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed as being the difference between the acquisition price determined by the court and the lesser of actual price paid for or the average amount determined by the District Engineer as necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(2) If the amount awarded in the condemnation proceedings as the fair market value of the dwelling acquired plus the amount of the recomputed replacement housing payment exceeds the lesser of the price paid for, or the District Engineer's determined cost of a comparable dwelling, he will refund to the Government, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced.

(b) If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award as the acquisition price.

(c) The above adjustment shall not be required with respect to dwellings situated on farms in which the primary value lies in the land. In such cases, any portion of the award in excess of the amount deposited with the court should be allocated entirely to the land exclusive of the dwelling and homesite.

Subpart F of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

In § 641.132 the introductory text of (a), (a) (5), and (b) are revised to read:

§ 641.132 Computation and method of payment.

(a) *Rental supplement housing payment.* The District Engineer may determine the amount necessary to rent a comparable replacement dwelling either by establishing a schedule or by using a comparative method; provided, however, that in computing the rental replacement housing payment under either method, the actual or economic rent of the acquired dwelling shall be subtracted from the lesser of the amount of rent actually paid for the replacement dwelling; or the amount determined necessary to rent a comparable replacement dwelling.

* * * * *

(5) *Method of payment.* The amount of the rental payments under section 204 (1) shall be determined and paid in a lump sum, except that it shall be paid in installments if the displaced person so requests.

(b) *Purchases—Replacement housing payment.* If the displaced person elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, as follows:

(1) The amount of the down payment shall be the lesser of:

(i) The amount that would be required as a down payment for financing a conventional loan on a comparable dwelling; or

(ii) The amount required as a down payment for financing a conventional loan on the replacement dwelling actually purchased.

The amount determined shall be added to the amount required to be paid by the purchaser as points and/or origination or loan service fees, if such fees are normal to real estate transactions in the area, on the comparable dwelling or the replacement dwelling, whichever is the lesser.

(2) Incidental expenses of closing the transaction are those as described in § 641.106.

(3) The maximum payment shall not exceed $4,000 except that if more than $2,000 is required, the tenant must match any amount in excess of $2,000 by an equal amount in making the down payment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

(Pub. L. 91-646, 2 January 1971 (84 Stat. 1894; 42 USC 4601))

[FR Doc.75-17011 Filed 7-1-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-6-R]

PART 127—SECURITY ZONES

Establishment of Security Zone, Chester, Pa.

This amendment to the Coast Guard's Security Zone Regulations, establishes the barge "COEN 60" located at Aardvark Salvage Co., Chester, Pa. as a security zone. This security zone is established to protect documents and evidence of potential interest to the Coast Guard Investigation into the explosion of the M/T ELIAS.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because good cause exists and public procedures on this amendment are impracticable because of insufficient advance notice.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.321.

§ 127.321 Chester, Pa.

The area within 100 yards of the barge "COEN 60", located at Aardvark Salvage Co. in Chester, Pa., is a security zone.

(46 Stat. 220, as amended, 6(b), 80 stat. 937; (50 U.S.C. 191, 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46 (b))

Effective date: This amendment becomes effective on 5 June 1975.

Dated: June 5, 1975.

E. BIZZOZERO,
Commander, United States Coast Guard, Captain of the Port, Philadelphia.

[FR Doc.75-17209 Filed 7-1-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5510; AA-2518]

ALASKA

Revocation of Executive Order No. 2909 of July 12, 1918

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order No. 2909 of July 12, 1918, partially revoked by Executive Order No. 4051 of July 18, 1924, is hereby revoked in its entirety. The lands affected are described as follows:

U.S. Survey 1429, excluding Tract D, containing 2.989 acres.

2. Title to a portion of the lands described in paragraph 1 has passed from the United States by quitclaim deed (AA-6175), issued under the Alaska Communications Disposal Act of November 14, 1967 (81 Stat. 441–444). Upon approval of this order the remaining area, described below, becomes subject to the terms and conditions of Public Land Order No. 5418 of March 25, 1974.

A parcel of land lying within the Craig Townsite, Prince of Wales Island, First Judicial Division, State of Alaska:

Beginning at Corner No. 6 of U.S. Survey 1429, thence N. 06°15′ E., a distance of 125 feet to Corner No. 7; thence S. 83°45′ E., a distance of 105 feet to Corner No. 8; thence S. 06°15′ W., a distance of 305 feet; thence N. 83°45′ W., a distance of 105 feet; thence N. 06°15′ E., a distance of 180 feet; to the point of beginning.

Containing 0.73 acre, more or less.

JACK O. HORTON,
Assistant Secretary of the Interior.

June 25, 1975.

[FR Doc.75-17224 Filed 7-1-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

Re-regulation of Radio and Television Broadcasting; Correction

In the matter of re-regulation of radio and television broadcasting.

In Order, FCC 75-665, released June 13, 1975, and published June 16, 1975, at 40 FR 25457, the instructions for amending the rules are corrected in the following particulars:

Instruction 4: Instead of paragraph (d), it is new paragraph (e) which is added to § 73.69.

Instruction 8: It is the introductory text only of paragraph (d) to § 73.265 which is amended.

Instruction 14: It is the introductory texts only of paragraphs (d) and (e) to § 73.565 which are amended instead of the complete paragraphs, as implied.

Released: June 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17194 Filed 7-1-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-102; Amdt. Nos. 172-23, 173-78, 173-78A, 174-19, 177-29]

FLAMMABLE, COMBUSTIBLE, AND PYROPHORIC LIQUIDS, DEFINITIONS

CFR CORRECTION

Title 49 CFR, Parts 100–199, revised as of October 1, 1974 carried the text of certain amendments to the sections listed below without notice of the future effective dates, thereby implying an October 1, 1974 effective date.

The effective date of amendments to:
§ 172.4(a).
§ 172.5(a).
§ 173.115 (a) and (c).
§ 173.118 heading, (a)(3), (b), (c), and (d).
§ 173.119 (b) and (l).
§ 173.401(a)(2).
§ 174.541(a) (2) and (3).
§ 174.584(a).
§ 177.823(a)(1).

published at 39 FR 2768, January 24, 1974 was originally established as January 1, 1975.

By document published at 39 FR 37488, October 22, 1974, the effective date of these amendments was delayed to July 1, 1975.

A further postponement of the effective date to January 1, 1976 (with additional amendments) was published at 40 FR 22263, May 22, 1975 and clarified at 40 FR 25024, June 12, 1975.

The revision of 49 CFR Parts 100–199 scheduled for October 1, 1975 will contain the corrected effective dates.

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. 5 to S.O. 1139]

PART 1033—CAR SERVICE

The Atchison, Topeka and Santa Fe Railway Company Authorized To Operate Over Tracks of Union Pacific Railroad Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June, 1975.

Upon further consideration of Service Order No. 1139 (38 FR 14944, 27354; 39 FR 1046, 24373, and 44010), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1139 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1139 Service Order No. 1139.

(a) *The Atchison, Topeka, and Santa Fe Railway Company authorized to operate over tracks of Union Pacific Railroad Company.*

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the

V40-128 JUL 2 75 XUM

general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17268 Filed 7-1-75;8:45 am]

[Amdt. 1 to S. O. 1204]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of June, 1975.

Upon further consideration of Service Order No. 1204 (39 FR 44010), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1204 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1204 Service Order No. 1204.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.*

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17270 Filed 7-1-75;8:45 am]

[Amdt. 8 to S.O. 1129]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Burlington Northern Inc.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of June, 1975.

Upon further consideration of Service Order No. 1129 (38 FR 8062, 9668, 18026, 33399; 39 FR 8161, 19218, 43633, and 40 FR 8823, and good cause appearing therefore:

It is ordered, That:

Service Order No. 1129 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1129 Service Order No. 1129.

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Burlington Northern, Inc.*

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.75-17269 Filed 7-1-75;8:45 am]

[Amdt. No. 5 to Revised S.O. No. 1138]

PART 1033—CAR SERVICE

The Colorado and Southern Railway Co. and The Colorado & Wyoming Railway Co.

JUNE 27, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June, 1975.

Upon further consideration of Revised Service Order No. 1138 (38 FR 14943, 33482; 39 FR 12352, 35174 and 40 FR 14766), and good cause appearing therefor:

It is ordered, That:

* * * * *

Revised Service Order No. 1138 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1138 Service Order No. 1138.

(a) *The Colorado and Southern Railway Company authorized to operate over tracks of the Colorado & Wyoming Railway Company. The Colorado & Wyoming Railway Company authorized to operate over jointly owned tracks of the Atchison, Topeka and Santa Fe Railway Company and the Colorado and Southern Railway Company.* * * *

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17267 Filed 7-1-75;8:45 am]

[Amdt. 5 To S.O. 1123]

PART 1033—CAR SERVICE

Frank W. Pollock, Jr., d/b/a Northwestern Oklahoma Railroad Co., Authorized To Operate Over Certain Trackage Abandoned by Missouri-Kansas-Texas Railroad Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of June, 1975.

Upon further consideration of Service Order No. 1123 (38 FR 5174, 24902, 25183; 39 FR 8327, 32137; and 40 FR 8561), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1123 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1123 Service Order No. 1123.

(a) *Frank W. Pollock, Jr., D/B/A Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad Company.*

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17272 Filed 7-1-75;8:45 am]

[Amdt. 1 S.O. 1212]

PART 1033—CAR SERVICE

Union Pacific Railroad Company Authorized To Operate Over Tracks of Great Plains Railway Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of June, 1975.

Upon further consideration of Service Order No. 1212 (40 FR 19827, and good cause appearing therefor:

It is ordered, That:

Service Order No. 1212 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1212 Service Order No. 1212.

(a) *Union Pacific Railroad Company authorized to operate over tracks of Great Plains Railway Company.*

* * * * *

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17271 Filed 7-1-75;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 286]

PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

Adequate Notice and Furnishing of Data To the Public of Proposed General Increases in Freight Rates and Passenger Fares

Purpose. The purpose of this document is to correct an omission in the amended text of 49 CFR 1102 as it appeared at 40 FR 26032.

NOTICE OF CORRECTION

On June 20, 1975, there was published in the FEDERAL REGISTER (40 FR 26032), a notice of certain revisions and amendments to Parts 1102, 1104, 1105, 1303, and 1306 of Chapter X of Title 49 of the Code of Federal Regulations as a result of Ex Parte No. 286. However, due to oversight, the revised text of Part 1102 failed to incorporate other, prior changes resulting from Ex Parte No. 290 (Sub-No. 1), *Procedures Governing Rail Carrier General Increase Proceedings (Data and Information Related to the Last Prior General Increase).* Accordingly, the corrected text of Part 1102 is set forth below.

PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

Sec.

1102.1 Filing of tariff schedules, petitions and verified statements.
1102.2 Data and information related to the last prior general increase.
1102.3 Service of verified statements on the Commission.
1102.4 Service of verified statements on the public.
1102.5 Verification of statements.

AUTHORITY: The provisions of this Part 1102 issued under 49 U.S.C. 15(7), 17(3); 5 U.S.C. 533(b).

§ 1102.1 Filing of tariff schedules, petitions and verified statements.

Upon the filing of tariff schedules containing proposed increases in railroad rates or charges applicable for the account of substantially all common carriers by railroad in the United States or in any of the three primary ratemaking territories, that is; Eastern, Western; or Southern, or of a petition seeking authority to file such schedules and relief from outstanding orders of the Commission, or other relief connected therewith, the carriers on whose behalf said schedules or petitions are filed shall, concurrently therewith, file and serve as provided herein, verified statements presenting and comprising the full and entire evidential case relied on in support of the proposed increase. These statements will be considered as submitted in evidence as basis for a decision by the Commission on the merits of the issues.

Included within the verified statements required herewith will be copies of a news release and a summary of the increase proposal as hereinafter described:

(a) *News release.* A news release regarding the increase proposal will be prepared so that the public in general may be apprised of the proposal, and pursuant to this purpose will contain as a minimum essentially the following:

(1) A statement directed to the editor of a newspaper indicating that the news release has been prepared in accordance with regulations of the interstate Commerce Commission and requesting that the information being forwarded be given prominent placement in the newspaper so that as large a segment as possible of the public in general may be apprised of the increase proposal.

(2) A description in language sufficient to apprise a reader who is not an expert in transportation matters, of the nature of the proposal including the amount of increase, the proponent(s), its geographic scope, and in general terms any holddowns, flagouts, or exceptions.

(3) A statement summarizing the supporting rationale for the increase including why it is needed, what it will accomplish, and in general terms accounting for the presence of the holddowns, flagouts, and exceptions.

(4) A statement indicating that copies of the proposal and supporting evidentiary material have been forwarded to regional and district offices of the Commission and State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal; and indicating that the public may obtain copies of these documents by writing to "(*Here the name and address of the carrier or publishing agent will be inserted*)."

(b) *Summary.* A summary of the increase proposal, drafted in language directed at a reader who is not an expert in transportation matters, will be pre-

V40-1128 JUL 2 75 XUM

pared in sufficient detail to apprise such a reader of the nature of the increase proposal. Pursuant to this purpose, included within the contents of the summary will be the following:

(1) A general description of the essentials of the increase proposal including its proponent(s), effective date, geographic scope, the amount of the increase, and a general description of holddowns, flagouts, and exceptions.

(2) A summary of the supporting rationale for the increase including why it is needed, what it will accomplish and an explanation in general terms for the presence of the holddowns, flagouts, and exceptions.

(3) A statement indicating that copies of the proposal and the entire evidentiary case in support thereof have been forwarded to regional and district offices of the Commission and to the State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal; and

(4) A statement as follows: "The proposed tariff* contents the only legal terms of the increase binding on the parties" [*"(A)nd/or petition" if applicable]

§ 1102.2 Data and information related to the last prior general increase.

Upon the filing of a petition for authority to publish a general rate increase, the following data and information shall be provided by individual class I line-haul railroads and summarized for each district and all districts combined for the period, beginning with the first calendar quarter after the effective date of the last general increase to and including the last complete calendar quarter ending at least 31 days prior to the filing of a petition for a new general rate increase (hereinafter referred to as the study period); provided that in the event the study period so determined fails to cover a minimum of one calendar quarter, then the study period shall begin with the effective date of the last general increase and run to and including the last complete month ending at least 31 days prior to the filing of a petition for a new general rate increase; and further provided that in the event that the study period exceeds 18 months, the Commission may, at its discretion, shorten such period to the extent deemed by it to be necessary, either upon its own motion or upon petition filed by the railroads.

(a) *General data.* The following shall be submitted for line-haul traffic:

(1) Total estimated revenues for the study period if the last authorized increase had been fully applied.

(2) Total actual revenues, ton-miles, and revenue per ton-mile based on rates actually applied during the study period.

(3) Total actual revenue, ton-miles, and revenue per ton-mile for the corresponding period (calendar quarters) in the year preceding the study period.

(4) Explanation of any significant differences between items (2) and (3), such as changes in traffic levels, average length of haul, traffic mix, rate changes, and other relevant factors.

(5) Total increase in revenues obtained by application of the last authorized general increase (item (2) less item (3)).

(b) *Accessorial services data.* The following shall be submitted for those special and accessorial services such as collection on delivery and wharfage charges listed on page 13 of Tariff of Increased Rates and Charges, X–281–A:

(1) Total estimated revenues for the study period if the last authorized increase had been fully applied.

(2) Total actual revenues based on charges actually applied during the study period.

(3) Total actual revenues for the corresponding period (calendar quarters) in the year preceding the study period.

(4) Total increase in revenues obtained by application of the last authorized general increase (item (2) less item (3)).

(c). *Availability of underlying data.* All underlying data used in preparation of the material outlined above shall be made available for inspection upon reasonable request in writing, and shall be furnished by the railroads to the Commission upon request. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

§ 1102.3 Service of verified statements on the Commission.

The original and 24 copies of each such verified statement for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement, excluding the news release, shall be sent by first-class mail to each regional and district office of the Commission where it will be open to public inspection.

§ 1102.4 Service of verified statements on the public.

(a) Concurrently with the filing of the petition and verified statements:

(1) A copy of the proposal, the evidentiary case in support thereof, and the summary shall be mailed by first-class mail to each party of record in the last prior general increase proceeding, and to regional and district offices of the Commission and State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal. Where service is made by mail, the statements shall be mailed in time to be received on the date the original is filed with the Commission. A copy of each such statement, including the summary referred to above, shall be furnished to any interested person upon request.

(2) A copy of the news release, whose contents are described in § 1102.1 above, will be transmitted to the major news wire services and the principal newspaper of general circulation in the capitol and four largest cities of all States served by the carrier and affected by the proposal. For the purpose of this requirement, the principal newspaper of general circulation is that newspaper of general circulation published in a city having the largest average daily circulation. Where service is made by mail, the news release shall be mailed in time to be received on the date the original is filed with the Commission.

(b) The fact of service as herein required shall be evidenced by a certificate of service filed with the petition.

§ 1102.5 Verification of statements.

Each verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's General Rules of Practice. The post office address of the affiant or his counsel shall be shown. The provisions in this part supersede the provisions of the general rules of practice, Part 1100 of this chapter, to the extent inconsistent therewith.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17273 Filed 7-1-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DISPOSITION OF QUALIFIED LOW-INCOME HOUSING

Proposed Rule Making

Correction

In FR Doc. 16164 appearing at page 26040, in the issue for Friday, June 20, 1975, under § 1.1250–3(h)(2)(i) on page 26041 remove the paragraph designation "(h)(1)(i)" from the first and third lines.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Proposed Amendment to Species Identification Requirement

The U.S. Fish and Wildlife Service proposes to change regulations concerning a requirement relative to the identification of migratory game birds transported within the United States. § 20.11, promulgated under the Migratory Bird Treaty Act, 16 U.S.C. 703–711, defines "migratory game birds" to mean those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed and which belong to one of five listed scientific families, including the family *Columbidae* (wild doves and pigeons). § 20.43 of Title 50, Code of Federal Regulations, provides: "No person shall transport within the United States any migratory game birds except doves, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility". The purpose of this requirement is to ensure that each such bird is sufficiently intact in whole or in distinctive part to permit ready identification as to its species (and subspecies, if any). Such ready identifiability is indispensable to the effective enforcement of the Migratory Bird Treaty Act. Doves are exempted from the requirement of § 20.43 and may be transported within the United States without regard to it.

The purpose of the proposed change is to add the band-tailed pigeon (*Columba fasciata*) as a species exempted from the requirement of § 20.43. This will eliminate a restriction which has little enforcement value because fully dressed rock doves (*Columba livia*), an unprotected species similar in appearance to the band-tailed pigeon, may be possessed in unlimited numbers. The present restriction is an inconvenience to hunters and hinders sanitary preservation of carcasses intended for human consumption. The proposed change will allow bandtails to be transported within the United States without either the head or one fully feathered wing remaining attached to each such bird without contravening § 20.43 of Title 50, Code of Federal Regulations.

The proposed change applies only to the transportation of band-tailed pigeons within the United States and in no way mitigates or otherwise affects the species identification requirements of §§ 20.52 and 20.63 of Title 50, CFR, relative to the exportation and importation, respectively, of migratory game birds including, among others, band-tailed pigeons.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/IE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received no later than July 17, 1975 will be considered. The usual 30-day period for submittal of written comments has been reduced to 15 days because of the desirability of (1) removing the species identification requirement with respect to band-tailed pigeons in time for the forthcoming hunting season (to begin September 1, 1975), and (2) including notice of such removal of this restriction in the annual regulatory announcement concerning season lengths, bag and possession limits, etc., for doves and pigeons. It is also considered that the nature of the proposed change as one which relaxes an already-existing regulatory requirement is such as to permit a shortened comment period. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority contained in the Migratory Bird Treaty Act (16 U.S.C. 704).

Dated June 27, 1975.

KEITH M. SCHREINER,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is proposed to amend subchapter B, Chapter I of Title 50, Code of Federal Regulations, by revising § 20.43 to read as follows:

§ 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor of a commercial preservation facility.

[FR Doc.75-17290 Filed 7-1-75;8:45 am]

[50 CFR Part 20]

MIGRATORY BIRDS

Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This is the third in a series of proposed rule making notices relating to the establishment of hunting regulations in the continental United States for the 1975–76 season, and deals specifically with frameworks for certain migratory game birds and with proposed regulations for Canada geese in the Horicon Zone of Wisconsin.

The first notice, dealing specifically with amendments affecting Puerto Rico and the Virgin Islands, was published in the FEDERAL REGISTER on April 18, 1975 (40 FR 17263) with a comment period ending May 18, 1975. The second notice, dealing specifically with amendments affecting continental United States and Hawaii, was published in the FEDERAL REGISTER on May 8, 1975 (40 FR 20090) with a comment period ending June 7, 1975, later extended to June 25, 1975, through publication in the FEDERAL REGISTER on June 9, 1975 (40 FR 24527). Additional proposals will be published in the FEDERAL REGISTER for other migratory game bird hunting regulations as information becomes available. Although public comment will be solicited, it is anticipated that the comment period will necessarily be abbreviated because of the late date at which necessary data will become available.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. In this connection, the draft environmental statement (EIS) titled *The Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds* has been available since February 11, 1975 (40 FR 6381, February 11, 1975) with a comment

V 40-128 JUL 2 75 XUM

period ending April 14, 1975. Public hearings for comments on the draft EIS were also held during March in accordance with the published schedule (40 FR 6516, February 12, 1975). The final environmental statement (FES 75-54) was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 24, 1975, in Washington, D.C., in accordance with the notice published in the FEDERAL REGISTER on June 6, 1975 (40 FR 24368). This meeting was open to the public and statements by interested persons were invited.

The final promulgation of migratory bird hunting regulations for the continental United States for the 1975-76 season will take into consideration the comments and testimony received. Comments, testimony, and any additional information received may lead to the adoption of final regulations that differ from the proposals contained herein.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the nonexistence before mid-June of specific, reliable data on this year's status of shore and upland game bird populations. However, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than July 17, 1975, will be considered.

PROPOSED REGULATIONS FRAMEWORKS FOR 1975-76 HUNTING SEASONS ON CERTAIN MIGRATORY GAME BIRDS.

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; and for waterfowl, coots, snipe, and cranes in Alaska. For the guidance of State game departments, these frameworks are summarized below.

NOTE: Any State desiring its season on gallinules or snipe to open in September must make its selection no later than July 28, 1975. Those States which desire their gallinule or snipe season to open after September may make their selection at the time they select their regular waterfowl season.

MOURNING DOVES

Between September 1, 1975, and January 15, 1976, except as noted, States may select seasons as follows:

Eastern Management Unit. (All States east of the Mississppi River and Louisiana).

1. Shooting hours are 12 noon until sunset daily.

2. The daily bag limit is 12 and the possession limit is 24.

3. An open season of not more than 70 half-days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following division lines:

Alabama—U.S. Highway 84.

Georgia—from west to east, U.S. Highway 80 from Columbus to Macon; State Highway 49 from Macon to Milledgeville; State Highway 22 from Milledgeville to Sparta; State Highway 16 from Sparta to Warrenton; and U.S. Highway 278 from Warrenton to Augusta.

Louisiana—U.S. Highway 190.

Mississippi—From west to east, State Highway 12 to Kosciusko, there joining State Highway 14 and continuing to the Alabama line.

B. Within each zone, these States may select an open season of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the southern zones of these States may commence no earlier than September 20, 1975.

Central Management Unit. (Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)

1. Shooting hours are ½ hour before sunrise until sunset daily in all States except that in Texas during the white-winged dove season, the shooting hours are 12 noon until sunset in those counties where white-winged dove hunting is allowed.

2. The daily bag limit is 10 and the possession limit is 20 in all States.

3. An open season in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

Texas may select an open season for each of two previously established geographical areas subject to the following conditions:

1. The open season may be split into not more than 2 periods.

2. The Northern Area may have an open season of not more than 60 days between September 1, 1975, and January 20, 1976. Shooting hours are ½ hour before sunrise until sunset daily, except during the white-winged dove season when the shooting hours are noon until sunset in those counties in which white-winged doves are hunted.

3. The Southern Area may have an open season of not more than 60 days between September 20, 1975, and January 20, 1976. Shooting hours are ½ hour before sunrise until sunset daily. *Provided*, That in the Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick, the mourning dove season will be open concurrently with the white-winged dove season, with shooting hours to coincide with those for white-winged doves, and the remainder of the season (60 days less the number of days of the white-winged dove season) must be during September 20, 1975–January 20, 1976.

In New Mexico, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

Western Management Unit: (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington).

1. Shooting hours are ½ hour before sunrise until sunset daily.

2. The daily bag limit is 10 and the possession limit is 20.

3. An open season of not more than 50 full days which may run consecutively or be split into not more than three periods.

In Clark and Nye Counties, Nevada, and in Imperial, Riverside, and San Bernardino Counties, California, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

WHITE-WINGED DOVES

Between September 1, 1975, and December 31, 1975, Arizona may select an open season for the entire State of not more than 25 consecutive days. Such a season shall run concurrently with the first period of the mourning dove season. The daily bag and possession limit is 10. Shooting hours are ½ hour before sunrise until sunset daily.

California may select an open season only for the Counties of Imperial, Riverside, and San Bernardino. The daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species. Shooting hours are from ½ hour before sunrise until sunset daily. Dates, limits, and hours conform with those for mourning doves.

Nevada may select an open season only for the Counties of Clark and Nye. The daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species. Shooting hours are ½ hour before sunrise until sunset daily. Dates, limits, and hours conform with those for mourning doves.

New Mexico may select an open season for the entire State. The daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species. Shooting hours are ½ hour before sunrise until sunset daily. Dates, limits, and hours conform with those for mourning doves.

Texas may select an open season of not more than 7 half-days only for the following Counties: Brewster, Cameron, Culberson, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata. The daily bag is 10 and the possession limit is 20. Shooting hours are 12 noon until sunset daily. Season may be split. Dates: Between September 1 and September 14, 1975.

BAND-TAILED PIGEONS

Between September 1, 1975, and January 15, 1976, Washington and Oregon may select open seasons of not more than 30 consecutive days; California may select open seasons of not more than 30 consecutive days for each of the following two areas:

1. In the Counties of: Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

In all three States, the daily bag and possession limit is not more than 8 band-tailed pigeons and the shooting hours are ½ hour before sunrise until sunset daily.

The open season for band-tailed pigeons in Arizona, Colorado, New Mexico, and Utah is subject to the following conditions: between September 1 and November 30, 1975, each State may select an open season of 30 consecutive days with a daily bag limit of 5 and possession limit of 10 band-tailed pigeons, *Provided*, That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State game department, and such permit will be valid in that State only; and *Provided further*, That this season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and thence south along Interstate Highway 25 to the Texas State line. Between September 1, 1975, and November 30, 1975, in the northern zone, and October 1, 1975, and November 30, 1975, in the southern zone, New Mexico may select open seasons of 20 consecutive days. The shooting hours are ½ hour before sunrise until sunset daily.

RAILS

(King, Clapper, Sora, and Virginia)

Between September 1, 1975, and January 20, 1976, the States may select seasons on king, clapper, sora, and Virginia rails as follows: Shooting hours in all States for all species are ½ hour before sunrise until sunset daily.

The season length for all species of rails may not exceed 70 days.

In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag limit is 10 and the possession limit is 20 king and clapper rails, singly or in the aggregate of these two species.

In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag limit is 15 and possession limit is 30 king and clapper rails, singly or in the aggregate of these two species.

The season will remain closed on king and clapper rails in all other States.

In addition to the limits for king and clapper rails prescribed above, a daily bag and possession limit of 25, singly or in the aggregate of sora and Virginia rails is prescribed in States in the Atlantic, Mississppi, and Central Flyways.

No season is prescribed for rails in the Pacific Flyway.

WOODCOCK

Between September 1, 1975, and February 28, 1976, States in the Atlantic, Mississippi, and Central Flyways may select a season of not more than 65 days with a daily bag limit of 5 and a possession limit of 10; *Provided*, That in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Shooting hours are ½ hour before sunrise until sunset daily. Any State may split its woodcock season without penalty.

COMMON SNIPE (WILSON'S)

Between September 1, 1975, and February 28, 1976, States in the Atlantic (except Florida), Mississippi, and Central Flyways may select a season of not more than 65 days with a daily bag limit of 8 and a possession limit of 16; Florida may select a snipe season within this framework of not more than 107 days; *Provided*, That in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Shooting hours are ½ hour before sunrise until sunset daily. Any State may split its snipe season without penalty.

All States and portions of States in the Pacific Flyway must select their snipe season to run concurrently with their regular duck season. In these Pacific Flyway States it will be unlawful to take snipe when it is unlawful to take ducks.

States in the three eastern Flyways (except Florida) may defer selecting their snipe season until the time they select their waterfowl season. In that event, the bag and possession limits will be 8 and 16, as above, but shooting hours must be the same as for waterfowl.

GALLINULES

Between September 1, 1975, and January 20, 1976, States may select a season of not more than 70 days with a daily bag limit of 15 and a possession limit of 30. Shooting hours are ½ hour before sunrise until sunset daily. States may split their gallinule seasons without penalty.

States may select their seasons on gallinules at the time they select their waterfowl seasons. If the selection is deferred, bag limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period. *Except*, That a gallinule season selected by any State in the Pacific Flyway must conform to its waterfowl season, and the daily bag and possession limits will be 25 coots and gallinules singly or in the aggregate of these species.

SCOTER, EIDER, AND OLDSQUAW DUCKS (ATLANTIC FLYWAY)

A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is prescribed during the period between September 1, 1975, and January 20, 1976, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, North Carolina, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Virginia, and Maryland: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species. Shooting hours are ½ hour before sunrise until sunset daily.

SEPTEMBER TEAL SEASON

Between September 1 and September 30, 1975, an open season on all species of teal may be selected by the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect nontarget species by July 28, 1975.

V40-1128
JUL 2 75
XUM

MIGRATORY GAME BIRD SEASONS IN ALASKA

Between September 1, 1975, and January 26, 1976, Alaska may select seasons on waterfowl, coots, snipe, and cranes, subject to the following limitations:

1. Shooting hours on all species are ½ hour before sunrise until sunset daily.

2. *Season lengths:*

(a) In the Pribilof, Kodiak, and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

(b) Except: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

(c) In the remainder of Alaska including Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

(d) An open season of 65 days for snipe.

(e) An open season of 45 consecutive days for lesser sandhill (little brown) cranes.

3. *Bag and Possession Limits:*

(a) *Ducks.* A basic daily bag limit of 6 and a possession limit of 18 ducks. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

(b) *Geese.* A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

(c) *Brant*—A daily bag limit of 4 and a possession limit of 8.

(d) *Coots*—A daily bag and possession limit of 15.

(e) *Snipe*—A daily bag limit of 8 and a possession limit of 16.

(f) *Cranes*—A daily bag limit of 2 and a possession limit of 4.

In order to inform the public about the rules and the September 12, 1975, deadline for submitting applications for Horicon Zone Canada Goose Hunting Permits and to allow a 15-day public comment period, ending July 17, 1975, the Fish and Wildlife Service proposes at this time to amend § 20.105 of Subpart K, Title 50 CFR, as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(d) *Canada geese in the Horicon Zone.*

(1) In Wisconsin during the 1975-76 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon Zone.

(2) The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago Counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, east of Princeton; and on the north by State Highway 23 from the intersection with State Highway 73 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons and limits for Canada geese:

Daily bag limit: 1
Possession limit: 1
Season dates: Oct. 9–Oct. 26, inclusive.

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid Horicon Zone Canada goose tag hunting permit with correspondingly numbered report card and metal Canada goose tag. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession.

(5) Immediately after a Canada goose is killed in the Horicon Zone and reduced to possession, the tag must be affixed and securely locked through the nostrils of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder.

(6) Each person hunting Canada geese in the Horicon Zone must report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon Zone.

(7) Permit application procedure:

(i) Applications for Horicon Zone Canada Goose Hunting Permits must be submitted by mail and postmarked no later than September 12, 1975. Only holders of a current valid hunting license may apply. Each application must contain the applicant's first name, middle initial (if any) and last name. It shall be unlawful for any person to apply for and receive more than one permit per year or to submit an application containing false information. Applications from persons in the military service on duty outside the State during the regular application period will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin Department of Natural Resources offices in Spooner, Rhinelander, Eau Claire, Green Bay, Madison and Milwaukee.

(iii) If the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. If two or more persons wish to hunt together in the Horicon Zone, each must fill out an application form and submit it together with the applications from other members of the group in one envelope marked "Group Application." Group applications will be considered in the selection as one application.

This notice of proposed rule making is issued under the authority of the Migratory Bird Treaty Act (16 U.S.C. 704).

Dated: June 27, 1975.

KEITH M. SCHREINER,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-17289 Filed 7-1-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1902]

[Docket No. SP-6]

PROCEDURES FOR DETERMINATIONS UNDER SECTION 18(e) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Notice of Proposed Rulemaking

Notice is hereby given that under the authority of sections 8(g)(2) and 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667) (hereinafter referred to as the Act), it is proposed to implement Subpart D of 29 CFR Part 1902 as set out below. Subpart D has been reserved.

The purpose of Subpart D of Part 1902 of this chapter is to set out the policies and procedures by which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary), under a delegation of authority from the Secretary of Labor (Secretary's Order 12–73, 36 FR 8754), will make a determination under section 18(e) of the Act as to whether or not a State whose plan has been approved under section 18(c) of the Act, is applying the criteria of that section in actual operations in such a manner as to warrant the termination of discretionary Federal enforcement authority and standards in issues covered under the plan.

Section 18(e) of the Act provides that the Assistant Secretary may, on the basis of his evaluation of actual operations under an approved State plan, make a determination that the criteria set forth in section 18(c) of the Act are being applied.

Section 18(c) of the Act and Part 1902 of this chapter set forth the policies, criteria and procedures by which the Assistant Secretary may approve a State plan for State enforcement of State occupational safety and health standards. Among the requirements for approval of a State's plan is that the State's standards and its enforcement program are or will be at least as effective in providing safe and healthful employment and places of employment as those under the Federal program. Subpart B of 29 CFR Part 1902 sets forth the specific criteria and indices of effectiveness under which a plan may be approved by the Assistant Secretary. In many cases a State's proposal for an occupational safety and health plan has been approved although it does not fully meet the criteria set forth in Subpart B of 29 CFR Part 1952. Such plans have been approved because they include satisfactory assurances that the State will take the necessary steps to bring the plan into conformity with the criteria of Subpart B of Part 1902 of this chapter within three years immediately following the commencement of plan operations. Such plans are known as developmental plans (see 29 CFR 1902.1(c)(1), 1902.2(b) and 1953.10(b)). When a plan is approved as a developmental plan, the plan is to include the specific actions the State proposes to take to come into conformity with the criteria and indices set forth in Subpart B of this Part and the time schedule for their accomplishment, which period is not to exceed three years. At the end of this developmental period, the State plan is expected to meet the criteria and indices set forth in Subpart B of this Part.

The conditions and decisions of approval of a State plan by the Assistant Secretary are set forth in 29 CFR Part 1952. Each approval of a State plan is based on a determination by the Assistant Secretary that the plan meets the requirements of section 18(c) of the Act and the criteria and indices of effectiveness outlined in Part 1902 of this chapter. In the case of developmental plans, a schedule setting forth in specific steps to be accomplished within the three year developmental period is incorporated as part of the approval decision and is included in the appropriate subpart of Part 1952.

Following this approval, changes in a State's program must be submitted to the Assistant Secretary for his approval. Changes in a plan may result from the completion of a developmental step, changes required following an evaluation by the Assistant Secretary, Federal program changes which the State may be required to adopt, and changes initiated by a State (see 29 CFR Part 1953). When these changes are approved by the Assistant Secretary, a notice is published in the FEDERAL REGISTER and the appropriate subpart of Part 1952 is amended to reflect the change in a State's plan, particularly in the case of the completion of a developmental step (see Hawaii plan supplement approval, 40 FR 6335, February 11, 1975).

When a State plan is approved under section 18(c) of the Act and Subpart B of this Part, the actual operations of the plan are subject to a continuing evaluation by the Assistant Secretary under section 18(f) of the Act and 29 CFR Part 1954. In accordance with section 18(e) of the Act, Federal authority for the enforcement of standards in issues covered by the plan continues for at least three years and, in the case of a developmental plan, for at least one year after the completion of all developmental steps. The evaluation system is designed to assure that developmental steps are completed, that the plan, in operation, is at least as effective as the Federal program in providing safe and healthful employment and places of employment with respect to standards and enforcement and for continuing review of the implementation of the plan and any modifications thereto to assure compliance with the provisions of the plan and any changes which may be required.

At the end of the developmental period and after one year of intensive evaluations of actual operations under the plan following the end of such period, a State may be eligible for a determination under section 18(e) of the Act that the required criteria of section 18(c) of the Act and the implementing regulations of Subpart B of this part are actually being applied under the plan. This 18(e) determination will not be made, however, until a period of not less than three years following commencement of plan operations after approval of a State's plan by the Assistant Secretary and, in the case of a developmental plan, until the State had completed all required developmental steps specified in the plan and the Assistant Secretary has had at least one year in which to evaluate the program on the basis of actual operations following the completion of all developmental steps (see 29 CFR 1902.1(c)(1)).

It is proposed that an 18(e) determination process will begin with a certification by the Assistant Secretary that a State has completed all of the required developmental steps specified in the plan as approved. Upon the completion of all such developmental steps, the Assistant Regional Director for Occupational Safety and Health for the region in which the State is located (hereinafter referred to as the Assistant Regional Director) will certify that all required developmental steps in the plan as approved have been met. The certification will be sent to the Assistant Secretary and, if he concurs in the Assistant Regional Director's certification, the Assistant Secretary will publish a notice of the certification in the FEDERAL REGISTER along with an amendment to the appropriate subpart of Part 1952 of this chapter acknowledging the certification.

The certification that a State has completed all developmental steps will initiate Phase II of the State Program Performance Monitoring System outlined in 29 CFR 1954.2(a). Evaluations under this phase will be aimed at a comprehensive evaluation of the total State program on the basis of actual operations following full implementation and will include drawing information collected from evaluations conducted following initial approval up to the time of the certification (Phase I). Evaluations under Phase II are specifically designed to aid the Assistant Secretary in his decision whether to make an affirmative determination under section 18(e) and will be conducted for at least one year following the certification that a State has completed the developmental steps specified in the plan.

The Assistant Secretary's determination whether to grant an affirmative 18(e) determination will be based on his continuing evaluation of the plan in actual operation in applying the objective criteria and indices for initial plan approval in Part 1902 of this chapter. The Assistant Secretary's consideration will not be limited to his own evaluation of plan operations but may include such other factors as comments and information received from the public and the results of any hearing which may have been held concerning the proposed 18(e) determination. Accordingly, these regulations set forth the criteria by which the Assistant Secretary will make his determination.

After the Assistant Secretary has completed his evaluation for at least one year following the certification that a State has completed all of the required developmental steps specified in the plan as approved under section 18(c), that State may be eligible for an affirmative 18(e) determination. Either the Assistant Secretary on his own motion may initiate an 18(e) determination proceeding or a State may request such a determination after at least one year of evaluations of the operations under the plan following the certification. Upon the initiation of an 18(e) determination proceeding, the Assistant Secretary will publish a notice in the FEDERAL REGISTER indicating that a plan, or any modifications thereof, are in issue before him for an affirmative 18(e) determination. Since an 18(e) determination is a major step in the approval of State plans, it is deemed appropriate that there be an opportunity for public comment and input during the determination process. Accordingly, the regulations will provide an opportunity for public comment and/or informal hearings, which hearings will be legislative in type.

Upon making an affirmative determination that the criteria of section 18(c) of the Act and Part 1902 of this chapter are being applied in a manner which renders the State program at least as effective as the Federal program in providing safe and healthful employment, the standards promulgated under section 6 of the Act and the enforcement provisions of sections 5(a)(2), 8 (except for the purpose of continuing evaluations under section 18(f)), 9, 10, 13 and 17 of the Act shall not apply with respect to those occupational safety and health issues covered under the plan which have been given an affirmative section 18(e) determination. The Assistant Secretary will retain jurisdiction under the citation and contest provisions of sections 9 and 10 of the Act where such proceedings have been commenced prior to the time of his determination. The Assistant Secretary will also retain his jurisdiction under the anti-discrimination provisions of section 11(c) of the Act. In effect, upon making an affirmative determination, the Assistant Secretary gives his final approval to a State plan and withdraws his enforcement authority from the State except for the inspection provisions of section 8 of the Act which he retains for the purpose of his continuing evaluation of State plan operations. In addition, the Assistant Secretary retains his enforcement authority with respect to those issues over which a State has not assumed jurisdiction (see 29 CFR 1902.1(c)(4)) and,

V 40 N 128 JUL 2 75 XUM

where applicable, those separable portions of a plan which have not been given an affirmative 18(e) determination.

If the Assistant Secretary determines, after notice and an opportunity for a hearing, that a State has not met the criteria for an affirmative 18(e) determination, he shall retain his enforcement authority over the issues covered by the plan, or portion thereof, which were not approved for an affirmative 18(e) determination. His decision may also result in the commencement of proceedings for withdrawal of plan approval under Part 1955 of this chapter (see 29 CFR 1955.3 (a)(3), 40 FR 23467, May 30, 1975). There may be situations where a State has not met the criteria for an affirmative 18(e) determination, but operations under the plan are not of such a nature as to constitute a substantial failure to comply with the provisions of the plan warranting the initiation of withdrawal proceedings. In such cases it is proposed that the Assistant Secretary will publish a notice in the FEDERAL REGISTER of his reasons for not making an affirmative 18(e) determination. The notice may also set forth a reasonable time in which the State must meet the criteria for an affirmative 18(e) determination and set forth such conditions as the Assistant Secretary may deem proper for the continuation of approval of the State's plan or portion thereof.

Even though a State has been granted an affirmative 18(e) determination, it will be required to maintain a program which will remain at least as effective as the Federal program. In addition, the State will be required to submit a program change supplement to its program whenever there is a change in the State's program, whenever the results of evaluations conducted under section 18(f) show that some portion of a State plan has an adverse impact on the operations of the State plan or whenever the Assistant Secretary determines that any alteration in the Federal program could have an adverse impact on the "at least as effective as" status of the State program, as provided in Subpart C of 29 CFR Part 1953 (39 FR 32905, September 12, 1974).

A failure to adhere to these commitments may result in the revocation of the Assistant Secretary's affirmative 18(e) determination and the resumption of discretionary Federal enforcement authority and/or in proceedings for the withdrawal of approval of the plan or any portion thereof pursuant to Part 1955 of this chapter.

The authority to make an affirmative 18(e) determination necessarily carries with it the authority to reconsider and, if necessary, to revoke or rescind that determination. It has long been recognized that an administrative official has an inherent right to reopen and reconsider any matter at any time. See e.g. *United States* v. *Pierce Auto Freight Lines Inc.*, 327 U.S. 515, 534–535 (1946); *Interstate Commerce Commission* v. *Jersey City*, 322 U.S. 503, 517–518 (1944). This authority is particularly appropriate where, as here, the decision is conditioned in part, on the expectation that a State is to continue maintaining its program at a certain level of effectiveness following the affirmative 18(e) determination. Orders [and decisions of an agency] ordinarily have relation to the future and not to the past; and with the passage of time their provisions may be rendered inappropriate by changing conditions." *American Chain and Cable Co.* v. *Federal Trade Commission*, 142 F2d 909, 911 (C.A. 4, 1944). See also, Davis, Administrative Law Treatise § 18.09. The decision of the Assistant Secretary is necessarily of future effect. Events or changes in the future operations of a State plan may have some effect on the Assistant Secretary's commitment to ensure so far as possible safe and healthful working conditions for every working person and entail a responsibility to respond to situations where a serious hiatus could exist in worker occupational safety and health protection. Accordingly, it is proposed that the Assistant Secretary may reconsider, and if necessary, rescind or revoke all or part of an affirmative 18(e) determination and reinstate Federal enforcement authority for a limited time where necessary if he finds, after an opportunity for public comment and an informal hearing, that a State plan in actual operations does not maintain its commitment to provide a program providing worker safety and health protection meeting the requirements of section 18(c) of the Act any time after it has been granted an affirmative 18(e) determination. This authority is generally designed to be used in those cases where operations under a State plan are found to be substantially less effective then under the Federal program. An example might be where State funding for enforcement of occupational safety and health standards has been reduced thereby resulting in a significant reduction in personnel available to implement the plan.

It is emphasized, however, that this procedure does not result in the withdrawal of approval of the plan or any portion thereof. The plan remains in effect except for the reinstatement of discretionary Federal enforcement authority. Withdrawal procedures are provided for in 29 CFR Part 1955. However, the Assistant Secretary may use this procedure to reinstate Federal enforcement authority in conjunction with or during the course of, plan withdrawal proceedings, in order to assure that there is no serious gap in assuring safe and healthful working conditions so far as possible for every worker.

Interested persons are given until August 1, 1975 to submit written comments, suggestions or objections regarding the proposed Subpart D of Part 1902 to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Docket No. SP–6, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Comments received will be available for public inspection and copying during normal business hours at the above address. The proposed rules may be revised prior to final publication to reflect suggestions made by the comments.

In consideration of the foregoing it is proposed to add a new Subpart D to 29 CFR Part 1902 to read as follows:

Subpart D—Procedures for Determinations Under Section 18(e) of the Act

General

Sec.
1902.30 Purpose and scope.
1902.31 Definitions.
1902.32 General policies.

Completion of Developmental Steps—Certification

1902.33 Developmental period.
1902.34 Certification of completion of development steps.
1902.35 Effect of certification.

Basis for 18(e) Determinations

1902.36 General provisions.
1902.37 Standards for determination.

Procedures for 18(e) Determinations

1902.38 Evaluation of plan following certification.
1902.39 Completion of evaluation.
1902.40 Informal hearing.
1902.41 Decision.
1902.42 Effect of affirmative 18(e) determination.
1902.43 Affirmative 18(e) decision.
1902.44 Requirments applicable to State plans granted affirmative 18(e) determination.
1902.45 [Reserved.]
1902.46 Negative 18(e) determination.

Procedure for Reconsideration and Revocation of an Affirmative 18(e) Determination

1902.47 Administrative reconsideration of an affirmative 18(e) determination.
1902.48 The proceeding.
1902.49 General notice.
1902.50 Informal hearing.
1902.51 Certification of the record of a hearing.
1902.52 Decision.
1902.53 Publication of decisions.

AUTHORITY: Secs. 8(g)(2), 18, 84 Stat 1598, 1608 (29 U.S.C. 657(g)(2), 667).

GENERAL

§ 1902.30 Purpose and scope.

This subpart contains procedures and criteria under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12–71, 36 FR 8754) will make his determination on whether to grant final approval to State plans in accordance with the provisions of section 18(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act).

§ 1902.31 Definitions.

As used in this subpart, unless the context clearly requires otherwise:

"Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

"Affirmative 18(e) determination" means an affirmative determination under section 18(e) of the Act that the State plan, or any modification thereof, is in actual operations meeting the criteria and indices of section 18(c) of the Act and Subpart B of this part so as to

warrant the withdrawal of the application of discretionary Federal enforcement authority and standards from issues covered by the plan, or any modification thereof.

"Assistant Regional Director" means the Assistant Regional Director for Occupational Safety and Health for the region in which a State is located.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

"Commencement of a case" under section 18(e) of the Act means, for the purpose of retaining Federal jurisdiction following an affirmative 18(e) determination, the issuance of a citation, and in the case of an imminent danger, the commencement of enforcement proceedings under section 13 of the Act.

"Commencement of plan operations" means the beginning of operations under a plan following the approval of the plan by the Assistant Secretary and is generally not later than the effective date of the initial funding grant provided under section 23(g) of the Act.

"Developmental step" includes, but is not limited to, those items listed in the published developmental schedule, or any revisions thereto, for each plan contained in 29 CFR Part 1952. A developmental step also includes those items in the plan which require action by the State as approved under section 18(c) of the Act, as well as those items in the approval decision which were subject to evaluations (see e.g., approval of Michigan plan), and changes deemed necessary as a result thereof to make the State program at least as effective as the Federal program within the 3 year developmental period. (See 29 CFR 1953.10(a)).

"Initial approval" means approval of a State plan, or any modification thereof, under section 18(c) of the Act and Subpart C of this part.

"Person" means any individual, partnership, association, corporation, business trust, legal representative, organized group of individuals, or an agency, authority or instrumentality of the United States or of a State;

"Separable portion of a plan" for purposes of an 18(e) determination generally means an issue as defined in 29 CFR 1902.2(c), i.e., "an industrial, occupational or hazard grouping which is at least as comprehensive as a corresponding grouping contained in (i) one or more sections in Subparts B or R of Part 1910 of this chapter, or (ii) one or more of the remaining subparts of Part 1910:" *Provided*, however, that whenever the Assistant Secretary has determined that other industrial, occupational or hazard groupings are administratively practicable, such groupings shall be considered as separable portions of a plan.

§ 1902.32 General policies.

(a) Sections 18 (e) and (f) of the Act provide for the continuing evaluation and monitoring of State plans approved under section 18(c) of the Act. The Assistant Secretary's decision whether to grant an affirmative 18(e) determination will be based, in part, on the results of these evaluations. Section 18(e) provides that a period of not less than 3 years shall have passed before the Assistant Secretary may make a determination that the State program in actual operations is applying the criteria of section 18(c) of the Act. In the case of a developmental plan, the Assistant Secretary must have at least one year in which to evaluate the plan's actual operations following the completion of all developmental steps specified in the plan. Thus, to be considered for an 18(e) determination, at least three years shall have passed following commencement of operations after the initial approval of a State's occupational safety and health plan by the Assistant Secretary. In the case of a developmental plan, at least one year shall have passed following the completion of all developmental steps, but, in any event, at least three years must have passed following initial approval of the plan.

(b) In making an 18(e) determination, the Assistant Secretary will determine if actual operations under a State's plan, or a separable portion of the plan, show that the State is applying the criteria of section 18(c) of the Act and the indices of effectiveness of Subpart B of this part and in a manner which renders operations under the plan "at least as effective as" operations under the Federal program in providing safe and healthful employment and places of employment within the State. In making this determination, the Assistant Secretary may consider such other factors which he may deem appropriate for an informed decision.

(c) If the Assistant Secretary makes an affirmative 18(e) determination, the Federal enforcement provisions of sections 5(a)(2), 8 (except for the purposes of continuing evaluations under section 18(f) of the Act) 9, 10, 13 and 17 and standards promulgated under section 6 of the Act shall not apply with respect to those occupational safety and health issues covered under the plan which have been given an affirmative 18(e) determination. However, the Assistant Secretary may retain jurisdiction over proceedings commenced under sections 9 and 10 of the Act before the date of his determination. In addition, the Assistant Secretary shall retain his jurisdiction under the anti-discrimination provisions of section 11(c) of the Act.

(d) If the Assistant Secretary determines that a State plan, or any portion thereof, has not met the criteria for an 18(e) determination, he shall retain his authority under the enforcement provisions of sections 5(a)(2), 8, 9, 10, 13, and 17 and his standards authority under section 6 of the Act in the issues found ineligible for an 18(e) determination. In addition, his decision may result in the commencement of proceedings for withdrawal of approval of the plan, or any portion thereof, under 29 CFR Part 1955.

(e) Once a State's plan, or any modification thereof, has been given an affirmative 18(e) determination, it will be required to maintain a program which will meet the requirements of section 18(c) and will continue to be "at least as effective as" the Federal program operations in the issues covered by the determination. As the Federal program changes and becomes more effective, the State is required to maintain its program at a level which would provide a program for workplace safety and health which would be "at least as effective as" the Federal program (i.e., as the Federal program changes and becomes more effective, the States are required to "track" the Federal program). A failure to comply with this requirement may result in the revocation of the affirmative 18(e) determination and the resumption of Federal enforcement and standards authority and or in the commencement of proceedings for the withdrawal of approval of the plan, or any portion thereof, pursuant to 29 CFR Part 1955.

COMPLETION OF DEVELOPMENTAL STEPS—CERTIFICATION

§ 1902.33 Developmental period.

Upon the commencement of plan operations after the initial approval of a State's plan by the Assistant Secretary, a State has three years in which to complete all of the developmental steps specified in the plan as approved. Section 1953.11 of this chapter sets forth the procedures for the submission and consideration of developmental changes by the Assistant Secretary. Generally, whenever a State completes a developmental step, it must submit the resulting change as a supplement to its plan with relevant documentation to the Assistant Secretary for his approval. The Assistant Secretary's approval of such changes is then published in the FEDERAL REGISTER and the pertinent subparts of Part 1952 of this chapter are amended to reflect the completion of a developmental step.

§ 1902.34 Certification of completion of developmental steps.

(a) Upon the completion of all of the developmental steps in a State's plan, which is to be accomplished not later than three years following commencement of plan operations after approval of the plan under section 18(c) by the Assistant Secretary, the Assistant Regional Director shall certify, as provided in paragraph (b) of this section, that all developmental steps in the plan have been met and that the State's program is to be evaluated on the basis that it is eligible for an 18(e) determination after at least one year of evaluations of the plan.

(b) Upon determining that a State has completed all of its developmental steps, the Assistant Regional Director shall prepare a certification which shall promptly be forwarded to the Assistant Secretary. The certification shall include, but shall not be limited to, the following:

(1) A list of all developmental steps or revisions thereof, plan amendments or changes which result in the completion of the steps or revisions thereof, and the date the Assistant Secretary's or the Assistant Regional Director's approval of each change was published in the Federal

(2) Any other changes in the State program which were approved by the Assistant Secretary and their dates of publication in the FEDERAL REGISTER;

V 40 1128 JUL 2 75 XUM

(3) Documentation that the actual operations of the State's merit system has been found acceptable by the Occupational Safety and Health Administration and the U.S. Civil Service Commission; and

(4) A description of the issues which are covered by the State plan. Where applicable, the certification shall include a description of those separable portions of the plan which have been certified for 18(e) evaluation purposes as well as those portions of the plan which were not certified by the Assistant Regional Director.

(c) After a review of the certification and the State's plan, if the Assistant Secretary finds that the State has completed all of the developmental steps specified in the plan, he shall publish the certification in the Federal Register and amend the appropriate subpart of Part 1952 of this chapter to reflect this finding.

§ 1902.35 Effect of certification.

Publication of the certification acknowledging the completion of all of the developmental steps in a State's plan will automatically initiate the evaluation of a State's plan for the purposes of an 18(e) determination. Evaluations for the purposes of an 18(e) determination will continue for at least one year after the publication of the certification in the Federal Register. Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 11(c), 13, and 17 of the Act and Federal standards authority under section 6 of the Act will not be relinquished. Evaluations conducted for 18(e) determination purposes will be based on the criteria outlined in §§ 1902.37 and 1902.38.

BASIS FOR 18(E) DETERMINATIONS

§ 1902.36 General provisions.

(a) In making his evaluations of the actual operations of a State's plan for the purposes of an 18(e) determination, the Assistant Secretary shall consider all relevant data which will aid him in making an effective determination. His evaluations shall consider whether the requirements of section 18(c) of the Act and the criteria for State plans outlined in Subpart B of this part are being applied in actual operations in a manner which warrants the termination of concurrent Federal enforcement authority and standards in issues covered under the plan.

(b) The Assistant Secretary's evaluation for an 18(e) determination will include, but shall not be limited to, considering whether the criteria in § 1902.37 are being applied by the State in such a manner as to render its program in operation at least as effective as operations under the Federal program. The Assistant Secretary's evaluation may include such other matters as information developed from comments received from the public and the results of any hearings which may have been held under § 1902.40 concerning the proposed 18(e) determination.

§ 1902.37 Standards for determination.

(a) *General.* An 18(e) evaluation conducted under this section shall determine whether actual operations under a State's plan, or any modification thereof, meet the criteria of section 18(c) of the Act and the implementing regulations in the manner set forth in this section. These provisions shall not preclude the Assistant Secretary from considering such other evidence as he may deem necessary for an informed consideration of an 18(e) determination.

(b) *Indices of effectiveness.* The Assistant Secretary shall determine if the State has applied and implemented all of the specific criteria and indices of §§ 1902.3 and 1902.4 of this Part.

(c) *Standards considered.* In determining whether the criteria and indices in paragraph (b) of this section are being applied, the Assistant Secretary shall, among other things, consider the following standards:

(1) The State has adhered to the procedures which it has adopted and which have been approved under the State plan, State plan changes or any other system authorized by the Assistant Secretary.

(2) The State has timely adopted all required Federal standards or has timely developed and promulgated standards which are at least as effective as the comparable Federal standards whenever standards promulgated under section 6 of the Act become effective.

(3) Where the State has developed and promulgated its own occupational safety and health standards, such standards have withstood administrative and judicial challenge and have been found to be at least as effective in actual application as comparable Federal standards. This requirement acknowledges that such standards may have been approved by the Assistant Regional Director, but focuses on the actual effectiveness of the application of the standard.

(4) In granting applications for permanent variances from a standard, the State has assured that the employer provides conditions of employment which are as safe and healthful as those which would prevail if he complied with the standard.

(5) In granting temporary variances from a standard, the State has ensured that the recipient of the variance has come into compliance with the standard as quickly as possible.

(6) The State inspection program is being implemented in a manner which allows a sufficient allocation of resources to be directed toward target health and hazardous industries covered under the plan while providing adequate attention to all other workplaces covered under the plan, or any modification thereof.

(7) The State has provided adequate explanations of the purposes and procedures of inspections to employers and employees.

(8) Inspections by State inspectors are conducted in a competent manner. State inspectors follow approved enforcement procedures and provide documentation (by citation or otherwise) so as to provide sufficient evidence to support any citations which may be contested.

(9) The State exercises the authority to compel right of entry and inspection wherever such entry or inspection is refused.

(10) The State issues its citations, including abatement requirements, and penalties in a timely manner. This includes the proposal of penalties for first instance citations and the use of gravity classifications comparable to operations under the Federal program.

(11) Wherever appropriate, the designated agency, or its designee, has sought review of adverse administrative determinations, including judicial review.

(12) The decisions rendered by a State review commission and the State courts do not detract significantly from the State's authority to enforce standards.

(13) The State ensures the abatement of hazards for which a citation has been issued, including issuing citations for failure to abate where appropriate.

(14) The designated agency and any other agencies to whom it has delegated authority and responsibility, have a sufficient number of adequately trained and qualified personnel for the enforcement of standards.

(15) Analysis of the annual OSH Survey by the Bureau of Labor Statistics and any other Federal measurements of program impact, which surveys will take into consideration various local factors, indicate that trends in worker safety and health injury and illness rates under the State program compare favorably to those under the Federal program.

(16) To the extent permitted by State law, the State provides a program for public employees which is as effective as its protection for private employees.

PROCEDURES FOR 18(E) DETERMINATION

§ 1902.38 Evaluation of plan following certification.

(a) Following the publication in the FEDERAL REGISTER under § 1902.34 of the certification acknowledging the completion of all developmental steps specified in the plan, or any portion thereof, the Assistant Secretary will evaluate and monitor the actual operations under the State plan for at least 1 year before determining whether the State is eligible for an 18(e) determination. The evaluation will assess the actual operation of the State's fully implemented program based on the criteria in § 1902.37 and such other factors as the Assistant Secretary deems necessary and appropriate.

(b) Every 6 months the Assistant Regional Director shall prepare a detailed written report of his evaluation of the actual operations under the State plan or any portion thereof in narrative form. The Assistant Regional Director's evaluation report will be transmitted to the Assistant Secretary who will then transmit the report to the State. The State shall have an opportunity to respond to each evaluation report.

§ 1902.39 Completion of evaluation.

(a) After evaluating the actual operations of the State plan, or any portion

thereof, for at least 1 year following publication of the certification in the FEDERAL REGISTER under § 1902.34, the Assistant Secretary shall notify the State whenever he determines that the State will be eligible for an 18(e) determination. In addition, a State may request an 18(e) determination following the evaluation period noted above. In no case shall this determination of eligibility be later than 2 years following the commencement of evaluations under § 1902.38(a).

(b) After it has been determined that a State will be eligible for an 18(e) determination, the Assistant Regional Director shall prepare a final report of his evaluation of the actual operations under a State's plan or portion thereof which may be subject to the 18(e) determination. The Assistant Regional Director's report shall be transmitted to the Assistant Secretary. The Assistant Secretary shall transmit such report to the State and the State shall have an opportunity to respond to the report.

(c) Whenever it has been determined that a State's plan, or portion thereof, is eligible for an 18(e) determination, the Assistant Secretary shall publish a notice in the FEDERAL REGISTER. The notice shall meet the requirements of the remaining paragraphs of this section. No later than 5 days following the publication of the notice in the FEDERAL REGISTER, the affected State agency shall publish, or cause to be published, within the State, reasonable notice containing the same information.

(d) The notice shall indicate that the plan, or any portion thereof, is the subject for an 18(e) determination. Where a portion of a plan is the subject for an 18(e) determination, the notice shall specify such portion as well as those portions which are not subject to an 18(e) determination.

(e) The notice shall afford interested persons an opportunity to submit in writing, data, views, and arguments on the proposed 18(e) determination.

(f) The notice shall also state that any person or the affected State may request an informal hearing concerning the proposed 18(e) determination whenever particularized written objections thereto are filed within 30 days following publication of the notice in the FEDERAL REGISTER.

(g) If the Assistant Secretary finds that substantial objections are filed which substantially relate to the proposed 18(e) determination, the Assistant Secretary shall, and in any other case may, publish a notice of informal hearing in the FEDERAL REGISTER not later than 30 days after the last day for filing written views or comments. The notice shall include:

(1) A statement of the time, place and nature of the proceeding;

(2) A specification of the issues which have been raised and on which an informal hearing has been requested;

(3) The requirement for the filing of an intention to appear at the hearing, together with a statement of the position to be taken with regard to the issues specified, and of the evidence to be addressed in support of the position;

(4) The designation of a presiding officer to conduct the hearing; and

(5) Any other appropriate provisions with regard to the proceeding.

§ 1902.40 Informal hearing.

(a) Any hearing conducted under this section shall be legislative in type. However, fairness may require an opportunity for cross-examination on pertinent issues. The presiding officer is empowered to permit cross-examination under such circumstances. The essential intent is to provide an opportunity for participation and comment by interested persons which can be carried out expeditiously and without rigid procedures which might unduly impede or protract the 18(e) determination process.

(b) Although any hearing shall be informal and legislative in type, this section is intended to provide more than the bare essentials of informal proceedings under 5 U.S.C. 553. The additional requirements are the following:

(1) The persiding officer shall be a hearing examiner appointed under 5 U.S.C. 3105.

(2) The presiding officer shall provide an opportunity for cross-examination on pertinent issues.

(3) The hearing shall be reported verbatim, and a transcript shall be available to any interested person on such terms as the presiding officer may provide.

(c) The officer presiding at a hearing shall have all the power necessary or appropriate to conduct a fair and full hearing, including the powers:

(1) To regulate the course of the proceedings;

(2) To dispose of procedural requests, objections, and comparable matters;

(3) To confine the presentation to the issues specified in the notice of hearing, or, where appropriate, to matters pertinent to the proposed determination;

(4) To regulate the conduct of those present at the hearing by appropriate means;

(5) To take official notice of material facts not appearing in the evidence in the record, as long as the parties are entitled to an opportunity to show evidence to the contrary;

(6) In his discretion, to keep the record open for a reasonable and specific time to receive written recommendations with supporting reasons and additional data, views, and arguments from any person who has participated in the oral proceeding.

(d) Upon the completion of the oral presentations, the transcripts thereof, together with written submissions on the proceedings, exhibits filed during the hearing, and all posthearing comments, recommendations, and supporting reasons shall be certified by the officer presiding at the hearing to the Assistant Secretary.

§ 1902.41 Decision.

(a) Within a reasonable time after the expiration of the period provided for the submission of written data, views, and arguments on the proposed determination on which no hearing is held, or within a reasonable time after the certification of the record of a hearing, the Assistant Secretary shall publish in the FEDERAL REGISTER his decision whether or not an affirmative 18(e) determination has been made for the State plan, or any portion thereof. The action of the Assistant Secretary shall be taken after consideration of all relevant matters, including his evaluations of the actual operations of the plan, relevant matters presented in written submissions and in any hearings held under this subpart.

(b) Any decision under this section shall incorporate a concise general statement of its basis and purpose and shall respond to general issues which may have been raised in written submissions or at the hearing.

(c) All decisions resulting in an affirmative 18(e) determination shall contain provisions amending the appropriate subparts of Part 1952 of this chapter.

(d) All decisions concerning the Assistant Secretary's determination under section 18(e) of the Act shall be published in the FEDERAL REGISTER.

§ 1902.42 Effect of affirmative 18(e) determination.

(a) In making an affirmative 18(e) determination, the Assistant Secretary determines that a State has applied the provisions of its plan, or any modification thereof, in accordance with the criteria of section 18(c) of the Act and that the State has applied the provisions of this Part in a manner which renders the actual operations of the State program "at least as effective as" operations under the Federal program.

(b) In the case of an affirmative 18(e) determination of a separable portion(s) of a plan, the Assistant Secretary determines that the State has applied the separable portion(s) of the plan in accordance with the criteria of section 18(c) of the Act in a manner comparable to Federal operations covering such portions and that the criteria of this Part are being applied in a manner which renders the actual operations of such separable portion(s) of the State program "at least as effective as" operations of such portions under the Federal program.

(c) Upon making an affirmative 18(e) determination, the standards promulgated under section 6 of the Act and the enforcement provisions of section 5(a)(2), 8 (except for the purpose of continuing evaluations under section 18(f) of the Act), 9, 10, 13 and 17 of the Act shall not apply with respect to those occupational safety and health issues covered under the plan for which an affirmative 18(e) determination has been granted. The Assistant Secretary shall retain his authority under the above sections for those issues covered in the plan which have not been granted an affirmative 18(e) determination.

(d) The Assistant Secretary will retain jurisdiction under the citation and con-

V 40 1128 JUL 2 75 XUM

test provisions of sections 9 and 10 of the Act and the imminent danger provisions of section 13 where such proceedings have been commenced prior to the date of his determination.

§ 1902.43 Affirmative 18(e) decision.

(a) In publishing his affirmative 18(e) decision in the FEDERAL REGISTER, which decision shall incorporate any operational agreement entered into under § 1954.3 of this chapter, the Assistant Secretary's notice shall include, but shall not be limited to the following:

(1) Those issues under the plan over which the Assistant Secretary is withdrawing his standards and enforcement authority;

(2) A statement that the Assistant Secretary retains his authority under section 11(c) of the Act to investigate complaints alleging discrimination against employees because of the exercise of any right afforded to the employee by the Act;

(3) Amendments to the appropriate subpart of Part 1952 of this chapter;

(4) A statement that the Assistant Secretary is not precluded from revoking his determination and reinstating his standards and enforcement authority under § 1902.47 *et seq.*, if his continuing evaluations under section 18(f) of the Act show that the State is not maintaining a program which is at least as effective as operations under the Federal program, or if the State does not submit program change supplements to its plan to the Assistant Secretary as required by Subpart C of 29 CFR Part 1953.

§ 1902.44 Requirements applicable to State plans granted affirmative 18(e) determinations.

(a) A State whose plan, or modification thereof, has been granted an affirmative 18(e) determination will be required to maintain a program within the scope of such determination which will be "at least as effective as" operations under the Federal program in providing worker safety and health protection at covered workplaces within the comparable scope of the Federal program. This requirement includes submitting all required reports to the Assistant Secretary, as well as submitting supplements to the Assistant Secretary for his approval whenever there is a change in the State's program, whenever the results of evaluations conducted under section 18(f) show that some portion of a State plan has an adverse impact on the operations of the State plan or whenever the Assistant Secretary determines that any alteration in the Federal program could have an adverse impact on the "at least as effective as" status of the State program.

(b) A failure to comply with the requirements of this section may result in the revocation of the affirmative 18(e) determination and the resumption of Federal enforcement authority, and may also result in proceedings for the withdrawal of approval of the plan or any portion thereof pursuant to Part 1955 of this chapter.

§ 1902.45 [Reserved]

§ 1902.46 Negative 18(e) determination.

(a) This section sets out the procedures which may be followed whenever the Assistant Secretary determines that a State's plan, or any portion thereof, has not met the criteria for an affirmative 18(e) determination.

(b) If the Assistant Secretary determines that a State plan, or a portion thereof, has not met the criteria of section 18(c) of the Act and that actual operations under the plan, or portion thereof, have not met the criteria for an affirmative determination set forth in § 1902.37, he shall retain his standards authority under section 6 of the Act and his enforcement authority under sections 5(a)(2), 8, 9, 10, 13, and 17 of the Act for those issues covered under the plan or such portions of the plan which were subject to his negative determination.

(c) A decision under this section may result in the commencement of proceedings for withdrawal of approval of the plan or any portion thereof pursuant to Part 1955 of this chapter.

(d) Where the Assistant Secretary determines that operations under a State plan or any portion thereof have not met the criteria for an affirmative 18(e) determination, but are not of such a nature as to warrant the initiation of withdrawal proceedings, the Assistant Secretary may, at his discretion, afford the State a reasonable time to meet the criteria for an affirmative 18(e) determination after which time he may initiate proceedings for withdrawal of plan approval. This discretionary authority will be applied in the following manner:

(1) Upon determining that a State shall be subject to a final 18(e) determination, the Assistant Secretary shall notify the agency designated by the State to administer its program, or portion thereof, within the State of his decision that the State's program, or portion thereof, shall be subject to a final 18(e) determination. The Assistant Secretary shall give the State a reasonable time, generally not less than 1 year, in which to meet the criteria for an affirmative 18(e) determination.

(2) The Assistant Secretary shall also publish a notice in the FEDERAL REGISTER outlining his reasons for not making an affirmative 18(e) determination at the time. The notice will also set forth the reasonable time the State was granted to meet the criteria for an affirmative 18(e) determination and set forth such conditions as the Assistant Secretary deems proper for the continuation of the State's plan or such portions subject to this action.

(3) The State shall have an opportunity to respond to the Assistant Secretary's decision.

(4) Upon the expiration of the time granted to a State to meet the criteria for an affirmative 18(e) determination under paragraph (d)(2) of this section, the Assistant Secretary may initiate proceedings to determine whether a State shall be granted an affirmative 18(e) determination. The procedures outlined in this subpart shall be applicable to any proceedings initiated under this paragraph.

PROCEDURE FOR RECONSIDERATION AND REVOCATION OF AN AFFIRMATIVE 18(e) DETERMINATION

§ 1902.47 Administrative reconsideration of an affirmative 18(e) determination.

(a) The Assistant Secretary may at any time conclude to reconsider on his own initiative his decision granting an affirmative 18(e) determination.

(b) Such reconsideration shall be based on results of his continuing evaluation of a State plan after it has been granted an affirmative 18(e) determination.

§ 1902.48 The proceeding.

Whenever, as a result of his reconsideration, the Assistant Secretary proposes to revoke his affirmative 18(e) determination, he shall follow the procedures in the remaining sections of this subpart.

§ 1902.49 General notice.

(a) Whenever the Assistant Secretary proposes to revoke an affirmative 18(e) determination, he shall publish a notice in the FEDERAL REGISTER meeting the requirements of the remaining paragraphs of this section. No later than 5 days following the publication of the notice in the FEDERAL REGISTER, the affected State agency shall publish, or cause to be published, reasonable notice within the State containing the same information.

(b) The notice shall indicate the issues involved in the Assistant Secretary's proposal.

(c) The notice shall afford interested persons an opportunity to submit in writing, data, views, and arguments on the proposal within 30 days after publication of the notice in the FEDERAL REGISTER. The notice shall also provide that any interested person may request an informal hearing concerning the proposed revocation whenever particularized written objections thereto are filed within 30 days following publication of the notice in the FEDERAL REGISTER. If the Assistant Secretary finds that substantial objections have been filed, he shall afford an informal hearing on the proposed revocation under § 1902.50.

(d) The Assistant Secretary may, upon his own initiative, give notice of an informal hearing affording an opportunity for oral comments concerning the proposed revocation.

§ 1902.50 Informal hearing.

Any informal hearing shall be legislative in type. The rules of procedure for each hearing shall be those contained in § 1902.40 and will be published with the notice thereof.

§ 1902.51 Certification of the record of a hearing.

Upon completion of an informal hearing, the transcript thereof, together with written submissions, exhibits filed during the hearing, and any post-hearing presentations shall be certified by the officer presiding at the hearing to the Assistant Secretary.

§ 1902.52 Decision.

(a) After consideration of all relevant information which has been presented, the Assistant Secretary shall issue a decision on the continuation or revocation of the affirmative 18(e) determination.

(b) The decision revoking the determination shall also reflect the Assistant Secretary's determination that concurrent Federal enforcement and standards authority will be reinstated within the State for a reasonable time until he has withdrawn his approval of the plan, or any portion thereof, pursuant to Part 1955 of this chapter or he has determined that the State has met the criteria for a further 18(e) determination pursuant to the normal procedures of this subpart.

§ 1902.53 Publication of decisions.

All decisions on the reconsideration of an affirmative 18(e) determination shall be published in the FEDERAL REGISTER.

Signed at Washington, D.C. this 26th day of June 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17242 Filed 7-1-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 546]

[No. 75-567]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to Mergers

SUMMARY

JUNE 25, 1975.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. Present Situation. Federal associations are not required to notify their members when they file a merger application.

II. Proposed Amendment. Would require merger applicants, after submitting a completed application for a merger in which one of the applicants is a Federal association, to publish a notice of the filing of such application in a general circulation newspaper in the community or communities being served by the merging association and the resulting association.

III. Reason for Proposal. To better inform the members of Federal associations of merger plans.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 546.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 546.2) in order to require merger applicants, after submitting a completed application for a merger in which one of the applicants is a Federal association, to publish a notice of the filing of such application in a newspaper having general circulation in the community or communities being served by the merging association and the resulting association. By a companion Resolution (Resolution No. 75-568, dated June 25, 1975), the Board proposes a similar amendment to Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563).

At present, the only relevant regulatory provision that concerns membership notice is § 546.2(d) dealing with mergers in which one of the associations is a Federal. That section provides that "the Board may, where it deems appropriate, require that the plan of merger be submitted to the voting members of either or both associations at a duly called meeting or meetings and that the plan, to become effective, be approved by them." Although § 546.2(d) speaks only of membership approval, membership notice is inherent in the approval procedure. Absent special circumstances, the Board has not required notice and membership approval under § 546.2(d).

The proposal would require the merger applicants, after being informed by the Supervisory Agent that an application for approval of a merger in which one of the associations is a Federal is complete, to publish within 10 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging association and the resulting association, a notice, in the form prescribed by the Board, of the filing of such application. Where a number of the members of either applicant speak a language other than English and a newspaper in that language is published in the communities being served by such applicant, then a translation of such notice would have to also appear in such paper. The notice would contain the names of the associations involved, identify the proposed home office location, state specifically whether all branch offices are being continued or list those branch offices that are being discontinued, and indicate where interested persons could file communications concerning such application. An explicit exception to the notice requirement is provided for mergers instituted for supervisory reasons.

Accordingly, the Board hereby proposes to amend § 546.2 by redesignating as paragraphs (f), (g), and (h) respectively, the present paragraphs (d), (e), and (f) thereof and adding thereto new paragraphs (d) and (e), to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by August 8, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Section 546.2 is amended by redesignating paragraphs (d), (e), and (f) as paragraphs (f), (g), and (h) respectively and by adding new paragraphs (d) and (e) to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(d) Upon determination by the Supervisory Agent that an application for approval of a merger is complete, the Supervisory Agent shall advise the applicants, in writing, to publish, within 10 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, a notice of the filing of the application in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, pursuant to the provisions of § 546.2 of the Rules and Regulations for the Federal Savings and Loan System, the _____ Savings and Loan Association, _____, _____ and the _____
(City) (State)
Savings and Loan Association, _____,
(City)
_____ have filed an application with the
(State)
Federal Home Loan Bank Board for permission to merge, _____ Savings and Loan Association to be the resulting association, operating under the (same name) (name of _____ Savings and Loan Association). (The previous sentence should be appropriately modified if an acquisition of assets and assumption of liabilities is involved.) The resulting association intends to have its home office at _____,
(Street Address)
_____, _____ (and to maintain all (or
(City) (State)
the) present branch offices (or office) or to discontinue a branch office (or offices) at the following location (or locations): _____, _____, _____.) The
(Street Address) (City) (State)
application has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____
(City) (Street Address) (City) (State)

Any person may file communications concerning said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications are available for inspection by any person at the aforesaid office of the Supervisory

V 40 1128 JUL 2 75 XUM

Agent in accordance with the rules and regulations of the Federal Home Loan Bank Board.

---------- Savings and Loan Association ----------

If a significant number of the members of either applicant speak a language other than English and a newspaper in that language is published in the communities served by such applicant, an appropriate translation of such notice shall also be published in such newspaper. The requirements of this paragraph (d) do not apply to any merger detremined by the Board to be instituted for supervisory reasons.

(e) Promptly after publication of said notice or notices, the applicants shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.75-17240 Filed 7-1-75;8:45 am]

[12 CFR Part 563]

[No. 75-568]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendment Relating to Mergers

SUMMARY

JUNE 25, 1975.

The following summary of the amendment proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. Present Situation. State-chartered insured institutions do not have to notify their members when they file a merger application with the Board unless required by State law.

II. Proposed Amendment. Would require a State-chartered insured institution, after submitting its completed merger application, to publish a notice of the merger application in a general circulation newspaper in the community or communities being served by the merging association and the resulting association.

III. Reason for Proposal. To better inform the members of State-chartered insured institutions of merger plans.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 563.22 of the rules and regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 563.22) in order to require a merger applicant, after submitting its completed application, to publish in a newspaper having general circulation in the community or communities being served by the merging associations and the resulting association a notice of the filing of such application. By a companion Resolution (Resolution No. 75-567, dated June 25, 1975), the Board proposes a similar amendment to Part 546 of the rules and regulations for the Federal Savings and Loan System.

At present, § 563.22 prohibits an insured institution from increasing its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Federal Savings and Loan Insurance Corporation. With regard to mergers involving State-chartered insured institutions subject to the Board's jurisdiction, the Board has not required notice and approval by members unless State law or a State-chartered association's charter or bylaws require it.

The proposal would require a merger applicant, after being informed by the Supervisory Agent that an application for approval of a merger is complete, to publish within 10 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging association and the resulting association, a notice, in the form prescribed by the Board, of the filing of such application. Where a number of the members of either applicant speak a language other than English and a newspaper in that language is published in the communities being served by such applicant, then a translation of such notice would have to also appear in such paper. The notice would contain the names of the associations involved, identify the proposed home office location, state specifically whether all branch offices are being continued or list those branch offices that are being discontinued, and indicate where interested persons could file communications concerning such application. An explicit exception to the notice requirement is provided for mergers instituted for supervisory reasons. Also, the proposal would defer to State law or the charter or bylaws of the State-chartered institution where they require notice no less timely, informative and widely circulated than the notice the Corporation would require.

Accordingly, the Board hereby proposes to amend §563.22 by redesignating as paragraph (a) the present undesignated paragraph thereof and adding thereto new paragraphs (b), (c), and (d) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by August 8, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

PART 563—OPERATIONS

Section 563.22 is amended by redesignating the undesignated paragraph as (a) and by adding new paragraphs (b), (c), and (d) to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

(a) No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

(b) Upon determination by the Supervisory Agent that an application for approval of a merger is complete, the Supervisory Agent shall advise the applicants, in writing, to publish, within 10 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, a notice of the filing of the application in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, pursuant to the provisions of § 563.22 of the Rules and Regulations for Insurance of Accounts, the ---------- Savings and Loan Association, --------, --------, and the ---------- (City) (State) Savings and Loan Association, ---------- (City) --------- have filed an application with the (State) Federal Savings and Loan Insurance Corporation for permission to merge, ---------- Savings and Loan Association to be the resulting association, operating under the (same name) (name of ---------- Savings and Loan Association). (The previous sentence should be appropriately modified if an acquisition of assets and assumption of liabilities is involved.) The resulting association intends to have its home office at ----------, --------, --------- (and to (Street Address) (City) (State) maintain all (or the) present branch offices (or office) or to discontinue a branch office (or offices) at the following location (or locations); ----------, --------, ---------) (Street Address) (City) (State) The application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of ---------, ---------- ---------, (City) (Street Address) (City) --------- Any person may file communications (State) concerning said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications are available for inspection by any person at the aforesaid office of the Supervisory Agent in accordance with the rules and regulations of the Federal Home Loan Bank Board.

---------- Savings and Loan Association ----------

If a significant number of the members of either applicant speak a language other than English and a newspaper in that language is published in the communities served by such applicant, an appropriate translation of such notice shall also be published in such newspaper.

(c) Promptly after publication of said notice or notices, the applicants shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(d) In the case of an insured institution which is not a Federal association, the requirements of paragraph (b) of this section shall not apply if, under applicable State law or such institution's charter or bylaws, a notice to members is required which is no less timely, informative or widely distributed than the notice required under said paragraph (b). The requirements of paragraph (b) do not apply to any merger determined by the Corporation to be instituted for supervisory reasons.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.75-17241 Filed 7-1-75;8:45 am]

V 40 1128 JUL 2 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-R5/2]

ADVISORY COMMITTEES

Reports on Closed Sessions

Pursuant to section 10(d) of the Federal Advisory Committee Act and the Office of Management and Budget Circular A-63 of March 27, 1974, advisory committees are required to prepare an annual report summarizing the discussion or activity of a closed or partially closed meeting which was authorized under an exemption as set forth in the Freedom of Information Act.

During the calendar year 1974, seven of the Department of State's Advisory Committees held closed or partially closed meetings. Reports for five of these Committees have now been completed and copies have been sent to the Library of Congress for public reference. The Committees' reports which are on file with the Library of Congress are:

Advisory Committee on the "Foreign Relations of the United States".
Advisory Committee to the United States Section International North Pacific Fisheries Commission.
Ocean Affairs Advisory Committee.
Department of State Advisory Committee on Science and Foreign Affairs.
Shipping Coordinating Committee Subcommittee on Code of Conduct for Liner Conferences.

Anyone interested in reading these reports may do so by contacting the Rare Book Room, Second Floor, Main Building, Library of Congress, 10 First Street SE., Washington, D.C. 20540.

The Advisory Committees on the Law of the Sea and the Northwest Atlantic Fisheries Advisory Committee reports have not been completed. A subsequent announcement will be published in the Federal Register when the reports for these two Committees are available in the Library of Congress.

SUE M. MORELAND,
Advisory Committee Management Officer.

June 23, 1975.

[FR Doc.75-17232 Filed 7-1-75;8:45 am]

Office of the Secretary

[Pub. Notice 453; 7508826]

JORDAN

Determination To Increase Grant Military Assistance

JUNE 19, 1975.

Pursuant to section 653(b) of the Foreign Assistance Act of 1961, as amended, and by virtue of the authority vested in me by section 101 of Executive Order 10973, as amended, I hereby determine that the furnishing to Jordan of an additional $10,000,000 in assistance from funds made available for military assistance under Chapter 2 of Part II of the Foreign Assistance Act of 1961, as amended, is in the security interest of the United States.

This determination and the justification therefor shall be reported to the Congress immediately and no funds shall be provided to Jordan pursuant to this determination until ten days after such report has been made.

This determination shall be published in the FEDERAL REGISTER.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.75-17227 Filed 7-1-75;8:45 am]

[Pub. Notice 454; No. 107-2; 7508826]

MIGRATION AND REFUGEE ASSISTANCE

Delegation of Functions

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601 et seq.) (hereinafter referred to as the Act), Executive Order No. 11077 of January 22, 1963, entitled "Administration of the Migration and Refugee Assistance Act of 1962" (hereinafter referred to as the Order), Pub. L. 94-23 (89 Stat. 87), Pub. L. 94-24 (89 Stat. 89), section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658) and as Acting Secretary of State, it is ordered as follows:

SECTION 1. *Statement of purpose.* It is the intention to delegate to the Coordinator for Humanitarian Affairs all statutory and other authorities of the Secretary of State for the overall direction, coordination, and supervision of inter-departmental refugee and migration activities of the U.S. Government, to the full extent permitted by law.

In particular, the Coordinator is delegated the function assigned to the Secretary of State by section 1(c) of the order to "assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States."

SEC. 2. *Functions of the Coordinator for Humanitarian Affairs.* (a) Exclusive of the functions otherwise delegated herein, there are hereby delegated to the Coordinator for Humanitarian Affairs all functions conferred upon the Secretary of State by the Act and the Order.

SEC. 3. *Functions of the Deputy Under Secretary of State for Management.* (a) The following functions are delegated to the Deputy Under Secretary of State for Management:

(1) The functions enumerated in section 5(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order insofar as they relate to compensation, allowances, and travel of personnel whose services are utilized primarily for the purpose of the Act.

(2) The functions enumerated in sections 5(a) (2), (3), (4), and (5) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order.

(3) The functions delegated to the Deputy Under Secretary of State for Management by subsection 3(a) (1) and (2) of this Delegation of Authority may be exercised by the organizational components vested with functions of that nature by the Organization Manual (1 FAM) and other delegations of authority.

SEC. 4. *General provisions.* (a) Any officer to whom functions are delegated by this Delegation of Authority may to the extent consistent with law, redelegate any of the delegated functions.

(b) Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into with respect to any functions affected by this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) This Delegation of Authority supersedes and cancels Delegation of Authority No. 107-1 of October 17, 1966 (Public Notice No. 251, 31 FR 13866), and shall be deemed to have become effective on June 18, 1975.

Dated: June 21, 1975.

[SEAL] ROBERT S. INGERSOLL,
Acting Secretary.

[FR Doc.75-17228 Filed 7-1-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

ADVISORY COMMITTEE ON DISTILLED SPIRITS PLANT SUPERVISION

Meeting

A meeting of the Advisory Committee on Distilled Spirits Plant Supervision will be held on July 14 and 15, 1975, in Room 5041, 1200 Pennsylvania Avenue NW., Washington, D.C. The meeting will begin at 10:30 am on July 14, and at 9 am on July 15.

This will be the first meeting of the Committee, and will be devoted to organizational matters and identification of problem areas anticipated in the proposed changes in Federal supervision at distilled spirits plants.

The meeting will be open to public observation, and a limited number of seats are available.

Dated: June 30, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-17424 Filed 7-1-75;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 20]

PARLIAMENT INSURANCE CO.

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to Parliament Insurance Company, Chicago, Illinois, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective June 30, 1975.

The company was last listed as an acceptable surety on Federal bonds at 39 FR 26368, July 18, 1974.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Parliament Insurance Company.

Dated: June 30, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-17208 Filed 7-1-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT FES 75-59]

PROPOSED IMPERIAL WILDERNESS AREA, IMPERIAL NATIONAL WILDLIFE REFUGE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement which recommends that approximately 14,470 acres of the Imperial National Wildlife Refuge in Yuma County, Arizona, and Imperial County, California, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service, 730 NE Pacific Street, PO Box 3737, Portland, Oregon 97208.
Headquarters, Imperial National Wildlife Refuge, Box AP, Blythe, California 92225.
U.S. Fish and Wildlife Service, Office of Environmental Coordination, Department of the Interior, 18th and C Streets NW., Room 2252, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

Dated: June 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-17225 Filed 7-1-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN MODOC NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Modoc National Forest, California, USDA-FS-R5-FES (Adm)-75-6.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest. The proposed action provides for a Potential Yield of 756.4 million board feet and an annual Programmed Allowable Harvest of 62.6 million board feet based on a 160-year rotation during the 10-year period from July 1, 1975 to July 1, 1984. This timber management plan is in accordance with the objectives set forth in the Regional Multiple Use Guide for Northern California. It will be carried out in the State of California within the Counties of Siskiyou, Modoc and Lassen.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on June 24, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 630 Sansome Street, Room 529, San Francisco, California 94111.
Modoc National Forest, 441 North Main Street, Alturas, California 96101.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

GLENN P. HANEY,
Deputy Regional Forester.

JUNE 24, 1975.

[FR Doc.75-17214 Filed 7-1-75;8:45 am]

Soil Conservation Service

COMAL RIVER WATERSHED PROJECT, TEX.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Comal River Watershed Project, Comal and Guadalupe Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before July 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 25, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-17216 Filed 7-1-75;8:45 am]

LAKES OKABENA AND OCHEDA WATERSHED PROJECT, MINN.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lakes Okabena

V 40 1128 JUL 2 75 XUM

and Ocheda Watershed Project, Nobles County, Minnesota.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Harry M. Major, State Conservationist, Soil Conservation Service, USDA, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, 55101, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, drainage, recreation, municipal water supply, and wildlife improvement. The remaining works of improvement as described in the negative declaration include conservation land treatment supplemented by recreation facilities, a water level control structure, and 0.7 mile of diversion. The diversion will be constructed across the subwatershed divide, through an area that is predominantly cropland.

The environmental assessment file is available for inspection during the regular working hours at the following location:

Soil Conservation Service, USDA, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before July 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 25, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-17218 Filed 7-1-75;8:45 am]

UPPER LAKE FORK CREEK WATERSHED PROJECT, TEX.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Lake Fork Creek Watershed Project, Hopkins, Rains, and Hunt Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by eight single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before July 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 25, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-17217 Filed 7-1-75;8:45 am]

WEST FORK MAYFIELD CREEK WATERSHED PROJECT, KY.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the West Fork Mayfield Creek Watershed Project, Graves and Carlisle Counties, Kentucky.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by nine single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before July 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 25, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-17215 Filed 7-1-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

LINCOLN PARK ZOOLOGICAL GARDENS

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to Lincoln Park Zoological Gardens on January 14, 1975, is modified in the following manner:

The two Pacific harbor seals may be taken from stocks of beached and stranded animals as available, provided the animals were legally taken and cannot be returned to the wild.

This modification is effective July 2, 1975.

Dated: June 11, 1975.

MORRIS M. PALLOZZI,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-17197 Filed 7-1-75;8:45 am]

NORTHWEST FISHERIES CENTER

Application for Marine Mammal Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard, North, Seattle, Washington 98112, to take an unspecified number of all cetacean species throughout the range of the group.

The applicant proposes to conduct a long term study of cetacean population stocks by means of aerial and shipboard censuses, as flight and cruise time become available or are contracted. The research will include underwater observations and photography and sound recording. The application states that no cetaceans will be killed, captured, marked or handled during the course of this work. Research collaborators from various other institutions will participate in this work.

The applicant has applied for a permit under the Endangered Species Act of 1973, to include those species of cetaceans subject to that legislation.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109, the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33902, and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 1, 1975. The holding of such hearing is at the discretion of the Director.

Dated: June 25, 1975.

HARRY L. RIETZE,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-17199 Filed 7-1-75;8:45 am]

G. CAUSEY WHITTOW

Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Dr. G. Causey Whittow, Professor of Physiology, Department of Physiology, University of Hawaii at Manoa, Honolulu, Hawaii 96822, to conduct research on Hawaiian monk seals (*Monachus schauinslandi*).

The proposed research is a study of the behavior and thermoregulatory physiology of the Hawaiian monk seal, in its natural environment, in order to determine the extent to which this species has adapted, as the only pinniped in Hawaiian waters, to a warm environment.

The research project will be conducted over a three-year period on Trig Island in French Frigate Shoals, a unit of the Hawaiian Islands National Wildlife Refuge. The research will consist of the following activities:

1. Detailed observation of the behavior of individual monk seals;
2. Counts of respiratory frequency, to determine if panting or increased rate of respiration occur;
3. Measurement of cutaneous, or skin, evaporation;
4. Assessment of heat loss to the sand;
5. Measurement of skin temperature under the hair coat; and
6. Collection of samples of the hair coat of several animals, for subsequent laboratory determination of the ability of the hair coat to reflect heat, as it might into a seal's skin.

The data collected during this study, together with data on climatic conditions on the beaches, will be correlated into time and energy budgets for the monk seals, which relate the time spent by an animal engaged in an activity with the amount of energy consumed by the activity, thus providing an indication of energy expenditure and food requirements of monk seals.

Concurrent with the study of behavior and thermoregulation of these seals, the Applicant will conduct observational censuses of the Trig Island Hawaiian monk seal population.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before August 1, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: June 26, 1975.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc. 75-17198 Filed 7-1-75;8:45 am]

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.12(a), Title 50, Code of Federal Regulations as follows:

On June 18, 1975, The Director, National Marine Fisheries Service, was notified by the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries that the accumulative and prospective catch of haddock in Division 4x of Subarea 4 had equaled 100 percent of the allowable yearly catch permitted under § 240.11.

I hereby announce that the season for taking haddock without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours local time in the area affected on July 2, 1975. The restriction will remain in effect until 0001 hours on the first day of January, 1976.

Issued at Washington, D.C. and dated June 26, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-17171 Filed 7-1-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PERFORMANCE STANDARD FOR DENTAL X-RAY FILM

Public Meeting

The Commissioner of Food and Drugs announces a public meeting to be held on July 16, 1975, to discuss a proposed amendment to a diagnostic x-ray performance standard to provide requirements for intraoral radiographic film and associated film-processing materials.

The Commissioner, under the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), has authority to prescribe by regulation, performance standards for electronic products to control the emission of electronic product radiation, if he determines that such standards are necessary for protection of the public health and safety. The Commissioner issued a performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30), which became effective on August 1, 1974.

The Food and Drug Administration was petitioned by the Commissioner of Health of the City of New York to amend the performance standard by adding requirements applicable to intraoral radiographic film and associated film-processing materials. Notice of the petition's availability was published at 39 FR 19528, June 3, 1974. The petitioner proposed the following: (1) That manufacturers of intraoral radiographic film be required to provide to purchasers a statement of the film speed in reciprocal roentgens; (2) that all intraoral radiographic film be required to have a speed range of no less than 12-24 reciprocal roentgens; and (3) that manufacturers of film-processing materials provide information on the effect of their products' use on film speed and also provide the processing procedures that would result in the achievement of an average optical density of 1.0 above base and fog density.

V40-128 JUL 2 75 XUM

The petition from the City of New York was reviewed by the Technical Electronic Product Radiation Safety Standards Committee at a public meeting on September 18 and 19, 1974. The committee, a permanent statutory advisory committee to the Secretary of Health, Education, and Welfare, must be consulted prior to establishing standards under the act. The committee recommended that a proposed amendment be developed for the subjects addressed in the petition, with consideration given to the views expressed by the committee during formulation of the proposed amendment, and that the amendment be developed in consultation with other standard-setting organizations.

The Commissioner has determined that such an amendment may be necessary to protect the public health from unnecessary exposure to radiation during dental diagnostic x-ray procedures. He has therefore decided to hold a public meeting to discuss the necessity for, and content of, such an amendment to the performance standard. A proposed amendment will be developed, using the information obtained at the public meeting, and may be presented for review by the Technical Electronic Product Radiation Safety Standards Committee at the next meeting of the committee, scheduled for September 17 and 18, 1975.

The public meeting to discuss the necessity for, and the content of, the proposed amendment will be held at 9 a.m. on July 16, 1975 at the Bureau of Radiological Health, in Rm. 416, 12720 Twinbrook Parkway, Rockville, MD. Manufacturers and users of intraoral radiographic film, as well as other interested parties, are invited to participate in this meeting. An agenda will be available upon request and will be distributed at the meeting.

In the interest of adequate preparation, interested persons or organizations wishing to attend the meeting and present data, views, or arguments on the proposed amendment should contact the Bureau of Radiological Health (HFX-460), 5600 Fishers Lane, Rockville, MD 20852, (301) 443-3426. Documentation of such data, views, or arguments received up to 15 days following the July 16, 1975 meeting will be accepted for consideration in developing the proposed amendment.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17341 Filed 7-1-75;8:45 am]

[Docket No. 75F-0059]

BUCKMAN LABORATORIES, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4H3019) has been filed by Buck Laboratories, Inc., 1256 N. McLean Blvd., Memphis, TN 38108, proposing that § 121.1155 *Chemicals for controlling microorganisms in cane-sugar and beet-sugar mills* be amended to provide for the safe use of a combination of disodium cyanodithioimidocarbonate and potassium *N*-methyldithiocarbamate for controlling microorganisms in cane-sugar and beet-sugar mills.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Room 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 24, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-17189 Filed 7-1-75;8:45 am]

[Docket No. 75F-0061]

SCM CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A3102) has been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, proposing that § 121.1048 *Loctylic esters of fatty acids* (21 CFR 121.1048) be amended in paragraph (b), by deleting from the "Foods" column the term "Solid-state" from the food item "Solid-state edible vegetable fat-water emulsions." The removal of this term would expand the meaning of substitutes for milk or cream in beverage coffee to include all physical forms such as dry, frozen, and liquid coffee whiteners.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Room 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 24, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-17187 Filed 7-1-75;8:45 am]

[Docket No. 75F-0060]

SCM CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A3103) has been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, proposing that § 121.1221 *Ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids)* (21 CFR 121.1221) be amended (1) in the section heading by adding "polyglycerate 60" as an alternative name for the food additive ethoxylated mono- and diglycerides and (2) in the listing in paragraph (c), by deleting from item 6. in the "Use" column the term "solid-state," to expand the meaning of substitutes for milk or cream in beverage coffee to include all physical forms such as dry, frozen, and liquid coffee whiteners.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Room 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 24, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-17188 Filed 7-1-75;8:45 am]

National Institutes of Health

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Cancer Control Intervention Programs Review Committee, National Cancer Institute, on July 11, 1975, at the National Institutes of Health, Building 31, Conference Room 7, Bethesda, Maryland, which was published in the FEDERAL REGISTER on June 10, 1975, Vol. 40, No. 112—page 24763, because the number of proposals available for review were inadequate to justify the convening of a committee meeting.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

JUNE 26, 1975.

[FR Doc.75-17233 Filed 7-1-75;8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Recombinant DNA Molecule Program Advisory Committee, which was published in the FEDERAL REGISTER on June 10, 1975 (40 FR 24764).

The entire meeting was to have been open to the public on July 18–19, 1975 from 9 a.m. to adjournment, but will be open to the public from 9 a.m. on July 18 to 10 a.m. on July 19, 1975. The meeting will be closed to the public from 10 a.m. to 12 noon on July 19, 1975 in accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review and discussion of an application under the National Research Service Awards program involving recombinant DNA molecules and containing information of a proprietary or confidential nature, including a detailed research protocol, design and other technical information; and personal information concerning individuals associated with the application.

Dated: June 27, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-17234 Filed 7-1-75;8:45 am]

Office of the Secretary

NATIVE AMERICAN PROGRAMS

Interim Evaluation Standards for Programs and Projects

Under section 810(b) of the Native American Programs Act of 1974, (Title VIII of the Economic Opportunity Act of 1964 as amended), the Secretary of Health, Education, and Welfare must develop and publish standards for evaluation of program and project effectiveness in achieving the objectives of Title VIII. Such standards must be published prior to obligating funds for the programs and projects covered by this title with respect to Fiscal Year 1976.

The standards are set forth below to meet the requirements of section 810(b). They apply to all programs and projects funded by grants by the Office of Native American Programs under sections 803, 804 and 805.

The standards will be used by the Office of Native American Programs (ONAP) for evaluation of program and project effectiveness in achieving the objectives of Title VIII (i.e., to promote economic and social self-sufficiency). As stated in section 810(b), the extent of compliance with these standards is to "* * * be considered in deciding whether to renew or supplement financial assistance authorized under this title." These standards are effective immediately.

The standards are based on the purpose of Title VIII and on the long-range goals developed by ONAP to achieve that purpose. The standards are a tool for assessing the extent to which ONAP programs in general, and individual ONAP grantees in particular, are succeeding in the attainment of the goals. These long-range goals are:

1. To develop the capacity of Native American governing bodies and organizations to use and focus on planning as the basic method to improve resource allocations and effectiveness of services in Native American communities.

2. To achieve the development of the necessary social and economic infrastructure in Native American communities to increase self-sufficiency.

3. To eliminate, through Native American governing institutions, the most critical gaps in the range of social and human development services necessary for self-sufficiency.

4. To improve and increase the Federal services delivered to Native Americans by:

a. Achieving the necessary changes in Federal administrative procedures, legislation, and regulations to provide effective and consistent Federal policy for Native Americans.

b. Building an adequate Native American data base and developing the methods for target group planning in order to maximize the impact, efficiency, and outputs of ONAP, Departmental and other Federal agency resources.

Starting with these four goals, interim standards and criteria for evaluation have been established. "Standards" are general principles against which program and project performance can be assessed; "criteria" are specific dimensions or aspects of the standards which are amenable to direct observation or measurement.

It is understood that grantees may not immediately comply with all evaluation standards, especially grantees under section 803. Compliance with the standards for section 803 grantees will be judged in terms of a self-comparison (i.e., recent performance relative to past achievements for, or relative to prior status of, that grantee).

Projects to be funded under sections 803, 804 and 805 will be addressed separately.

SECTION 803—FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

Two types of standards are presented for section 803 projects, which are also referred to as "General Community Programming." The first group of standards builds directly on long-range goals 1, 2, and 3 (see Standards 1, 2, and 3 below). Standard 4 focuses directly on the existence and efficacy of the grantee's system for monitoring progress toward meeting objectives established in its application. Each standard is followed by several criteria which should help to ascertain whether a grantee is, indeed, meeting that standard.

STANDARD 1: THE EXTENT TO WHICH ONAP GRANTEES AND TRIBAL GOVERNMENTS USE AND FOCUS ON PLANNING AS THE BASIC METHOD TO IMPROVE RESOURCE ALLOCATIONS AND EFFECTIVENESS OF SERVICES

Criterion 1-a. Is the grantee and/or tribal government planning to develop, or now implementing, planning processes and mechanisms such as assessment of target population problems and needs; setting of long-range goals; development of strategies to achieve the goals; identification of existing services and resources (Federal, State, local, private); development of an annual objectives planning system which includes tracking the achievement of realistic short-term objectives?

Criterion 1-b. Is the grantee and/or tribal government planning to develop, or now implementing, a resource allocation process for funding the priorities established in its plan?

Criterion 1-c. Is the grantee and/or tribal government planning to develop, or now implementing, an evaluation system for measuring the effectiveness of its activities?

Criterion 1-d. Is the grantee and/or tribal government consulting with its constituency in the planning process?

STANDARD 2: THE EXTENT TO WHICH ONAP GRANTEES AND TRIBAL GOVERNMENTS ARE DEVELOPING THE NECESSARY SOCIAL AND ECONOMIC INFRASTRUCTURE TO INCREASE THE SELF-SUFFICIENCY OF NATIVE AMERICAN COMMUNITIES

Criterion 2-a. Is an economic development plan being developed and/or implemented which identifies a realistic strategy for building community institutions (e.g., retail and wholesale businesses, credit unions, manufacturing, cash agricultural production, transportation and communication systems, housing)?

Criterion 2-b. Is a plan being developed and/or implemented which contains a viable strategy for basic education and for training (or retraining) the technical manpower necessary for economic and social self-sufficiency?

Criterion 2-c. Do proposed projects aimed at improving the social and economic infrastructure relate directly to the long-range plans for development, and address the priorities identified in the plan?

STANDARD 3: THE EXTENT TO WHICH ONAP GRANTEES AND TRIBAL GOVERNMENTS ARE DEVELOPING PLANS OR PROVIDING SERVICES TO ELIMINATE THE MOST CRITICAL GAPS IN SOCIAL AND HUMAN DEVELOPMENT SERVICES NECESSARY FOR SELF-SUFFICIENCY

Criterion 3-a. Does the planning process (see Standard 1) provide for the collection of information on gaps in the existing service delivery system (i.e., identification of unmet priority needs)?

Criterion 3-b. Do service projects proposed for ONAP funding directly address the priority gaps as identified in the planning process?

Criterion 3-c. Does the planning process (see Standard 1) contain a system for identifying and a strategy for utilizing available—but partially or wholly untapped—resources from sources other than ONAP?

STANDARD 4: THE EXTENT TO WHICH EACH ONAP PROJECT UNDER SECTION 803 IS ACHIEVING THE STATED OBJECTIVES AS ESTABLISHED BY THAT GRANTEE AND/OR TRIBAL GOVERNMENT.

Criterion 4-a. Has the grantee and/or tribal government established a system for monitoring progress toward meeting the objectives established in its grant application, including collection of input, output, and impact data where relevant?

Criterion 4-b. Are the results (including outputs and impact) of the operational objectives known, and if so, how do they compare with the results originally expected?

SECTION 804—TECHNICAL ASSISTANCE AND TRAINING

Since most technical assistance and training projects are contracts of rela-

V40 I128 JUL 2 75 XUM

tively short duration, it is necessary to distinguish between standards for selecting new projects (see Standards 1 and 2 below) and standards for assessing the effectiveness of existing projects (see Standard 3). Criteria are not presented for these standards since, in effect, they are contained in administrative issuances, contract/grant guidelines, planning documents, and work statements for individual projects.

STANDARD 1 (SELECTION): THE EXTENT TO WHICH A TECHNICAL ASSISTANCE AND TRAINING PROJECT ADDRESSES THE ISSUES CONTAINED IN ONAP'S LONG-RANGE GOALS; SUPPORTS THE PRIORITY CAPACITY-BUILDING NEEDS OF GENERAL COMMUNITY PROGRAMMING GRANTEES; SUPPORTS ONAP'S OPERATING PRIORITIES.

STANDARD 2 (SELECTION): THE EXTENT TO WHICH A TECHNICAL ASSISTANCE AND TRAINING PROJECT APPLICATION CLEARLY STRATEGIES TO ACHIEVE THOSE OBJECTIVES; CLEARLY PRESENTS A STAFFING AND MANAGEMENT PLAN FOR IMPLEMENTING THE PROJECT; CONTAINS A SELF-ASSESSMENT PLAN FOR DETERMINING THE EFFECTIVENESS OF THE TECHNICAL ASSISTANCE AND TRAINING ACTIVITY.

STANDARD 3 (EFFECTIVENESS): THE EXTENT TO WHICH A TECHNICAL ASSISTANCE AND TRAINING PROJECT IS ACCOMPLISHING THE ACTIVITIES LAID OUT IN THE ORIGINAL APPLICATION, INCLUDING ACHIEVEMENT OF PROJECT OBJECTIVES, IMPLEMENTATION OF PLANNED STRATEGIES, IMPLEMENTATION OF PROPOSED PROJECT STAFFING AND MANAGEMENT, IMPLEMENTATION OF THE PROPOSED SELF-ASSESSMENT PLAN.

SECTION 805—RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

As in the case of technical assistance and training projects, most research and demonstration projects are contracts or grants of relatively short duration. We must, therefore, distinguish between standards for selecting new projects (see Standards 1 and 2 below) and standards for assessing the effectiveness of existing projects (see Standard 3). Criteria are not presented for these standards since, in effect, they are contained in administrative issuances, contract/grant guidelines, planning documents, and work statements for individual projects.

STANDARD 1 (SELECTION): THE EXTENT TO WHICH A RESEARCH OR DEMONSTRATION PROJECT ADDRESSES THE ISSUES CONTAINED IN ONAP'S LONG-RANGE GOALS AND ADDRESSES THE PRIORITY INFORMATION NEEDS OF ONAP AND GRANTEES.

STANDARD 2 (SELECTION): THE EXTENT TO WHICH A RESEARCH OR DEMONSTRATION PROJECT APPLICATION CLEARLY LAYS OUT ITS SPECIFIC OBJECTIVES AND STRATEGIES TO ACHIEVE THOSE OBJECTIVES; CLEARLY PRESENTS A STAFFING AND MANAGEMENT PLAN FOR IMPLEMENTING THE PROJECT; CONTAINS A SELF-ASSESSMENT PLAN (IF A DEMONSTRATION OR PILOT PROJECT) FOR DETERMINING EFFECTIVENESS; CONTAINS A DISSEMINATION AND/OR UTILIZATION PLAN.

STANDARD 3 (EFFECTIVENESS): THE EXTENT TO WHICH A RESEARCH OR DEMONSTRATION PROJECT IS ACCOMPLISHING THE ACTIVITIES LAID OUT IN THE ORIGINAL APPLICATION, INCLUDING THE ACHIEVEMENT OF PROJECT OBJECTIVES, IMPLEMENTATION OF PLANNED STRATEGIES, IMPLEMENTATION OF PROPOSED PROJECT STAFFING AND MANAGEMENT, IMPLEMENTATION OF THE PROPOSED SELF-ASSESSMENT PLAN, AND IMPLEMENTATION OF THE PROPOSED DISSEMINATION AND/OR UTILIZATION PLAN.

Effective Date: July 1, 1975.

Dated: June 25, 1975.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

[FR Doc.75-17186 Filed 7-1-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-459-DR; NFD-269]

TENNESSEE

Major Disaster Notice Amendment

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, and amended on March 27, 1975, March 28, 1975, March 31, 1975, April 2, 1975, April 4, 1975, and April 7, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1975:

The Counties of: Carroll, Humphreys.

Dated: June 25, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-17179 Filed 7-1-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA WAIVER PETITION NO. HS-75-13]

EAST ERIE COMMERCIAL RAILROAD CO.

Petition for Exemption From Hours of Service Act

The East Erie Commercial Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63, and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-13, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before July 29, 1975 will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on June 27, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.75-17251 Filed 7-1-75;8:45 am]

[FRA WAIVER PETITION NO. HS-75-14]

WYANDOTTE SOUTHERN RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Wyandotte Southern Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 USC 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 USC 61, 62, 63, and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration. Attention: FRA Waiver Petition No. HS-75-14, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before July 29, 1975 will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on June 27, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc. 75-17250 Filed 7-1-75;8:45 am]

CIVIL SERVICE COMMISSION

COMMUNITY SERVICES ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Community Services Administration to fill by noncareer executive assignment in the excepted service the position of Director, Headquarters Operations Office, Office of the Director, Office of Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17206 Filed 7-1-75;8:45 am]

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of June 9, 1971, FR Doc. 71-7977 the Civil Service Commission authorized the Department of Commerce to fill by non-career executive assignment the position of Director, Congressional Affairs, Office of the Administrator, National Oceanic and Atmospheric Administration. This is notice that the title of this position is now being changed to Director, Office of Congressional Liaison, National Oceanic and Atmospheric Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17207 Filed 7-1-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 393-5; Dockets No. 336 et al]

PESTICIDE PRODUCTS CONTAINING HEPTACHLOR OR CHLORDANE

Objections and Request for Hearing

Notice is hereby given, pursuant to § 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq., 1973 Supp.), that 17 proceedings have been instituted by, in effect, the filing of objections and requests for a hearing by applicants contesting the denial of applications for registration under the Act of pesticide products containing heptachlor or chlordane and intended for shipment in intrastate or interstate commerce (See 40 FR 22587). These proceedings have been consolidated for hearing with 56 other proceedings challenging the Administrator's notice of intent to cancel registrations of pesticide products containing heptachlor and chlordane; dated November 18, 1974 (See 39 FR 41298 and 40 FR 4186).

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JUNE 26, 1975.

[FR Doc.75-17168 Filed 7-1-75;8:45 am]

[FRL 391-8; OPP-33000/273 & 274]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before September 2, 1975 any person who (a) is or has been an applicant (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 2, 1975.

Dated: June 24, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/273)

EPA File Symbol 1022-UOT. Chapman Chem. Co., PO Box 9158, Mallory Station, Memphis TN 38109. PQ-58. Active Ingredients: Copper 8-Quinolinolate 2.50%; 8-hydroxyquinoline 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022-UOI. Chapman Chem. Co., PO Box 9158, Mallory Station, Memphis TN 38109. PQ-54. Active Ingredients: Copper 8-Quinolinolate 2.50%; 4-phenylphenol 6.00%; 4-chloro-2-phenyl & 6-chloro-2-phenylphenol 3.00%. Method of Support; Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 12050-E. Chemco Chem. Co., 115 Cole, Dallas TX 75207. QK-16 NON-SELECTIVE LIQUID WEED KILLER. Active Ingredients: 2,4-Dichlorophenoxy Acetic Acid propylene glycol butyl ether esters 1.46%; Bromacil (5-Bromo-3-sec-butyl-6-methyl uracil) 1.00%; Pentachlorophenols 0.86%; Other chlorophenols 0.10%; (2,4-Dichlorophenoxy acetic acid equivalent) 0.90%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 36845-L. Connolly-R & D Associates, 10 Linda St., Parsippany NJ 07054. FLEA KILLING SOAP FOR DOGS. Active Ingredients: Pyrethrin 0.025%; Technical Piperonyl Butoxide 0.050%; N-Octyl bicycloheptene dicarboxamide 0.084%; Petroleum Distillate 0.120%; Anhydrous Soap 83.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1021-RGAG. McLaughlin Gormley King Co., 6810 10th Ave. N, Minneapolis MN 55427. D-TRANS INTERMEDIATE 1830. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 7.28%; Piperonyl-butoxide, technical 32.73%; N-octyl bicycloheptene dicarboximide 18.19%; Petroleum Distillate 1.79%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36371-T. National Chem., Inc., 940 W. Oakwood Rd., Oak Creek WI 53154. NC-35 SANITIZER-CLEANER. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 148-REEN. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. PROPANIL M O. Active Ingredients: 3',4'-Dichloropropionanilide 54.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 7546-ET. United States Chemical Corporation, PO Box 366, Watertown WI 53094. CHLOR BAC NO. 277. Active Ingredients: Sodium dichloro-s-traicinetrione dihydrate 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 9782-LG. Woodbury Chem. Co., PO Box 4319, Princeton FL 33030. FUME-33 SOIL FUMIGANT. Active Ingredients: Methyl Bromide 67%; Chloropicrin 33%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

APPLICATIONS RECEIVED (OPP-33000/274)

EPA File Symbol 8612-ON. B & G Co., PO Box 20372, Dallas TX 75220. MALATHION 50 EMULSIFIABLE CONCENTRATE. Active Ingredients: Malathion (0,0-Dimethyl Phosphorodithioate of diethyl mercaptosuccinate) 50.00%; Xylene Range Aromatic Hydrocarbon Solvent 41.30%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 1626-RE. Budd Paint Co., 1608 15th Ave. W, Seattle WA 98119. CUPROTECT SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT GREEN 70-158. Active Ingredients: Cuprous Oxide 20.835% Copper Naphthenate 2.26%; Phenyl Phenol 0.336%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1626-RU. Budd Paint Co. CUPROTECT SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT RED 70-140. Active Ingredients: Cuprous Oxide 20.752%; Copper Naphthenate 2.270%; Phenyl Phenol 0.337%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1626-RG. Budd Paint Co. CUPROTECT SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT BROWN 70-157. Active Ingredients: Cuprous Oxide 20.752%; Copper Naphthenate 2.270%; Phenyl Phenol 0.337%. Method of Support: Application proceeds under 2(c) of interim policy. PM 24

V401128 JUL 2 75 XUM

EPA File Symbol 1626–RR. Budd Paint Co. FISHERMAN'S SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT RED 70–140. Active Ingredients: Cuprous Oxide 11.44%; Copper Naphthenate 2.07%; Phenyl Phenol 0.307%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 6959–UG. Cessco, Inc., PO Box 12452, Charlotte NC 28205. CESSCO 7. Active Ingredients: Pyrethrins I & II 0.700%; Technical Piperonyl Butoxide 3.500%; Refined Petroleum Distillate 15.800%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 239–EUUN. Chevron Chem. Co., 940 Hensley St. Richmond CA 94804. ORTHENE ORNAMENTAL INSECT SPRAY. Active Ingredients: Acephate - (O,S-Dimethyl acetylphosphoramidothioate) 0.25%; (5-Benzyl-3-furyl)methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 239–EUGO. Chevron Chem. Co., Ortho Div., 940 Hensley St. Richmond CA 94804. ORTHO SYSTEMIC ROSE AND FLOWER SPRAY. Active Ingredients: Acephate-(O,S-Dimethyl acetylphosphoramidothioate) 0.25%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.10%; Folpet-(n-trichloromethyl thiophthalimide) 0.75%. Method of Support: Application proceeds under 2(c) interim policy. PM16

EPA File Symbol 36845–U. Connolly-R & D Associates. 10 Linda St., Parsippany NJ. 07054. DOG TICK KILLING SHAMPOO. Active Ingredients: Pyrethrin 0.050%; Technical Piperonyl Butoxide 0.100%; N-Octyl bicycloheptene dicarboxamide 0.168%; Petroleum Distillate 0.240%; 2,3:4.5 Bis (2-butylene) tetrahydro-2-furaldehyde 0.200%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36845–I. Connolly-R & D Associates. TICK KILLING SHAMPOO FOR DOGS. Active Ingredients: Pyrethrin 0.50%; Technical Piperonyl Butoxide 0.100%; N-Octyl bicycloheptene dicarboxamide 0.168%; Petroleum Distillate 0.240%; 2,3:4.5 Bis (2-butylene) tetrahydro-2-furaldehyde 0.200%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36845–O. Connolly-R & D Associates, DOG TICK AND FLEA SHAMPOO. Active Ingredients: Pythethrin 0.050%; Technical Piperonyl Butoxide 0.100%; N-Octyl bicycloheptene dicarboxamide 0.168%; Petroleum Distillate 0.240%; 2,3:4,5 Bis (2-butylene) tetrahydro-2-furaldehyde 0.200%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36845–T. Connolly-R & D Associates. TICK AND FLEA SHAMPOO FOR DOGS. Active Ingredients: Pyrethrin 0.50%; Technical Piperonyl Butoxide 0.100%; N-Octyl bicycloheptene dicarboxamide 0.168%; Petroleum Distillate 0.240%; 2,3:4,5 Bis (2-butylene) tetrahydro-2-furaldehyde 0.200%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36845–A. Connolly-R & D Associates. DOG FLEA KILLING SOAP. Active Ingredients: Pyrethrin 0.025%; Technical Piperonyl Butoxide 0.050%; N-Octyl bicycloheptene dicarboxamide 0.084%; Petroleum Distillate 0.120%; 2,3:4,5 Bis (2-butylene) tetrahydro-2-furaldehyde 0.200%; Anhydrous Soap 83.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 464–LEU. The Dow Chem. Co., PO Box 1706, Midland, MI 48640. DOW PROFESSIONAL TURF INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O - (3,5,6-tricholo-2-pyridyl) phosphorothioate] 41.2%; Aromatic Petroleum derivative solvent 29.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 13437–RN. DuCor Chem. Corp., PO Box 6086, Orlando FL 32803. DUCOR WEED-STOP. Active Ingredients: Petroleum oil 94.94%; 2,4-Dichlorophenoxyacetic acid, isocotyl ester 1.09%; Bromacil (5-bromo-3-Sec-butyl - -6 - methyluracil 0.98%; Pentachlorophenol 0.80%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA Reg. No. 279–2876. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport, NY 14105. FURADAN 4 FLOWABLE. Active Ingredients: Carbofuran 40.64%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM12

EPA File Symbol 10693–RN. Flo-Kem Inc., 10409 Susana Rd., Compton, CA 90221. FLO-KEM TRIPLE-2 GERMICIDAL CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 524–285. Monsanto Co., Agricultural Div., 800 N. Lindbergh Ave., St. Louis, MO 63166. LASSO. Active Ingredients: Machlor 43.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New uses. PM25

EPA File Symbol 9591–EO. Nationwide Chem. Prod., PO Box 3027, Hamilton, OH 45013. NATIONWIDE EXTERMINATING ANT AND ROACH KILLER. Active Ingredients: O-Isopropoxyphenyl Methylcarbamate 1.000%; 2-Butoxyethanol 8.936%; Petroleum Distillates 60.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 3624–24. Nova Products Inc., PO Box 5086, Kansas City, KS 66119. NOVA CHLORDAN–74. Active Ingredients: Chlordane Technical 74%; Petroleum Distillate 18%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM15

EPA Reg. No. 7001–128. Occidental Chem. Co., PO Box 198, Lathrop CA 95330. BEST SNAIL & SLUG PELLETS. Active Ingredients: Metaldehyde 2.75%. Method of support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM12

EPA Reg. No. 1812–49. Parramore and Griffin, PO Box 188, Valdosta GA 31601. 25% WETTABLE MALATHION PREMIUM GRADE. Active Ingredients: Malathion 25%: Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA Reg. No. 476–1917. Stauffer Chem. Co., 1200 S. 47th St., Richmond CA 94804. IMIDAN 50–WP. Active Ingredients: N-(mercaptomethyl) phthalimide, S-(0,0-dimethyl phosphorodithioate) 50%. Method of Support: Application proceeds under 2 (b) of interim policy. Republished: Additional uses. PM15

EPA File Symbol 1778–LG. Western Chem. Co., 417–427 S. 4th St., St. Joseph MO 64501. INSECT-TOX. Active Ingredients: Pyrethrins 0.052%; Piperonyl butoxide, technical 0.260%; 0,0-Diethyl 0-(2-isopropyl-6-methyl - 4-pyrimidinyl) Phosphorothioate 0.500%; Petroleum distillate 99.112%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2935–UNT. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. RED-TOP GOLDEN-DEW. Active Ingredients: Sulfur 85.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 8253–E. Youngs Drug Products Corp., 865 Centennial Ave., Piscataway NJ 08854. TRIPLE X. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 3.00%; Petroleum Distillate 1.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

[FR Doc.75–16986 Filed 7–1–75;8:45 am]

[FRL 393–6]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 1 p.m., July 25, 1975, in the Conference Room, National Water Quality Laboratory, 6201 Congdon Boulevard, Duluth, Minnesota.

This meeting is the third meeting of the Ecology Advisory Committee. The agenda includes a report on the activities of the Executive Committee, Science Advisory Board; Five Year Reserve Mining Case; Activities of the Lake Superior Study Center, University Minnesota, Duluth; Activities of the Center for Lake Superior Environmental Studies, University of Wisconsin, Superior; Sea Grant Program, University Minnesota, Duluth Technical Assistance: Research in Action; and Member Items of Interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee (703) 557–7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

JUNE 25, 1975.

[FR Doc.75–17166 Filed 7–1–75;8:45 am]

[FRL 388–6]

HYDROCARBON AND CARBON MONOXIDE EMISSION STANDARDS, 1977

Suspension

On March 5, 1975, I suspended for one year the statutory hydrocarbons (HC) and carbon monoxide (CO) emission standards applicable to light duty vehicles manufactured beginning with the 1977 model year (see 40 FR 11900). That action followed a three-week public hearing (January 21–February 7), held to consider the applications for suspension of Chrysler Corporation, Ford Motor Company and General Motors Corporation, and the resulting suspension was made applicable at that time to those three applicants only. Today I am announcing that the applicability of that suspension has been expanded to include all manufacturers of light duty vehicles.

I am taking this action for the following reasons. A decision to suspend the standards must be based on findings required by section 202(b) (5) (C) (i), (ii), (iii) and (iv) of the Clean Air Act, as amended. In the past, EPA has required those manufacturers who applied after the initial suspension hearing was held to establish only that they had made all good faith efforts to meet the statutory standards (section 202(b) (5) (C) (ii)) in order to merit a suspension. This modified requirement was imposed for those manufacturers because EPA regarded findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (effective technology required to meet the standards is not generally available) which resulted from the hearing as applicable to the automobile industry as a whole, and hence, conclusive as to all applications for suspension.

Because of the unique circumstances surrounding the findings which led to the March 5 suspension decision, I have determined that the finding of "good faith" made in that decision should also be regarded as applicable to the automobile industry as a whole. In view of these circumstances, further investigation of the 1977 suspension issues would serve no useful purpose, and thus, no further applications by other manufacturers are required. The applications filed by the three manufacturers will be deemed for purposes of section 202(b) (5) (A) to be applications for all manufacturers subject to standards prescribed by section 202(b) (1).

The unique circumstances arose because of the evidence which led me to find that effective technology was not available and that it was essential to the public interest that a suspension be granted. The evidence indicated that, although there exists technology, in the form of the catalytic converter, sufficient to meet the statutory standards, that technology is not "effective", because its use would increase significantly emissions of sulfuric acid, and because the weight of scientific opinion indicates a legitimate cause for concern that such emissions represent a risk to public health. The significant point to be made for the purposes of this discussion is that I found in the March 5 decision that technology does exist and could be applied generally to meet the 1977 statutory standards. Such a finding of technological success greatly simplified the required finding of "good faith" when compared to the situation where the question of technological feasibility is answered in the negative. It must be concluded that if technology exists and is available to the industry as a whole, then the industry as a whole has demonstrated the required "good faith" effort. I effectively reached that conclusion in the March 5 decision when I stated that

> • • • the success of the auto industry [in developing technology to attain the standards] warrants a finding of "good faith by definition.

Today I am merely implementing that conclusion through an expansion of that suspension.

As a result of this decision, the 1975 national interim standards of 1.5 gm/mi HC and 15 gm/mi CO shall be applicable to all light duty vehicles distributed in commerce during the 1977 model year.

Dated: June 26, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75–17167 Filed 7–1–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19417; FCC 75–742]

CABLE TELEVISION IMPORTATION OF DISTANT SIGNAL SPORTS EVENTS

Commission Directs Staff To Draft Rule

JUNE 25, 1975.

The Federal Communications Commission has directed its staff to prepare a final document which will impose restrictions on the sports events which are broadcast on distant television stations and carried by cable television systems. This action was taken pursuant to the Commission's rule making proceeding in Docket 19417.

The directions given to the staff call for a new rule requiring the deletion of sports programming carried on cable television systems in certain instances where a local sports team is playing at home. The rule is intended to maintain the present level of sports telecasts by preserving the right of sports clubs and their leagues to impose local television blackouts of their home games.

The rule will provide a 35-mile zone of protection corresponding to the cable signal carriage rules into which distant telecasts of the same game may not be imported by a cable television system when the home team is playing at home, and when the game is not available on a local television signal. The rule is directed primarily at professional and collegiate team sports, but will also apply to other sports events which are televised. The obligations imposed by the rule will be triggered upon notification to the cable system by the local sports club or its league as to when blacked out home games are to be televised by distant television stations carried by the cable system.

In order to avoid the disruption of viewing habits established prior to the Commission's notice of proposed rule making in this proceeding, the rule will not apply to signals being lawfully carried by cable systems on or before March 31, 1972.

The new rule that the Commission has directed its staff to draft will not go into effect until August 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17195 Filed 7–1–75;8:45 am]

[FCC 75–743]

MID-FLORIDA TELEVISION CORP. ET AL.

Memorandum Opinion and Order

In re Applications of Mid-Florida Television Corporation, Orlando, Florida, Docket No. 11083, File No. BPCT–1801; Central Nine Corporation, Orlando, Florida, Docket No. 17339, File No. BPCT–3697; Florida Heartland Television, Inc., Orlando, Florida, Docket No. 17341, File No. BPCT–3737; Comint Corporation, Orlando, Florida, Docket No. 17342, File No. BPCT–3788; TV 9, Inc., Orlando, Florida, Docket No. 17344, File No. BPCT–3740; for construction permit for new television broadcast station. 30 FR 14610 remanding for further hearing.

1. This proceeding involves the five mutually exclusive applications of Mid-Florida Television Corporation, Central Nine Corporation, Florida Heartland Television, Inc., Comint Corporation, and TV 9, Inc. for a new television broadcast station to operate on Channel 9 in Orlando, Florida. The Review Board's Decision granting the application of Mid-Florida, 33 FCC 2d 1 (1972), review denied, 37 FCC 2d 559 (1972), was subsequently set aside by the U.S. Court of Appeals for the District of Columbia Circuit, and the case was remanded for further proceedings, 495 F. 2d 929 (1973), rehearing denied, 495 F. 2d 941 (1974), cert. denied, 43 Law Week 3256 (1974).

2. In the Court's view, the issuance of a federal indictment, alleging illegal gambling activities in violation of Federal and State law, against Martin Segal, who was at that time the Secretary, a Director, the General Counsel, and a 1.540 percent stockholder in Mid-Florida, requires a further hearing to determine the extent to which those allegations may reasonably affect the basic and/or comparative qualifications of Mid-Florida. The Court also stated that further consideration must be given to the comparative evaluation of the showings of ascertainment efforts, proposed programming, and civic activities by Mid-Florida and of the proposed participation of black stockholders by Comint. In our Memorandum Opinion and Order, 49 FCC 2d 846, released November 15, 1974, we requested the parties to comment upon the scope of the remand hearings concerning the Segal matter and the extent to

V40-1128 JUL 2 75 XUM

which the record should be reopened on any other matter.[1]

3. While all of the parties agree that the record should be reopened for further evidentiary hearings on the Segal matter, there is disagreement as to the scope and procedures of the further hearing. Mid-Florida urges that issues should be specified to determine whether Segal violated or conspired to violate Title 18 of the U.S. Code and the impact of any such finding on its qualifications. Mid-Florida also contends that under *D and E Broadcasting Company*, 1 FCC 2d 78 (1965), the burdens of proof and of proceeding with the introduction of evidence should be on the other parties with respect to the alleged criminal activity, that it should be served with a bill of particulars specifying the facts the other parties intend to prove, and that it should be allowed to present evidence concerning Segal's character and reputation before and after the time of the alleged acts.

4. The other applicants all argue that Mid-Florida's suggested issues are too narrow; Florida Heartland additionally urges that the burden of going forward with the evidence should be on Mid-Florida; and Comint argues that a special Administrative Law Judge should be appointed, that the Bureau should be directed to take an active role in the determination of Mid-Florida's character qualifications, and that the hearing should be held in Orlando. The Bureau suggests that issues should be specified to determine the facts and circumstances regarding Segal's indictment and his participation in Mid-Florida's application and the impact of those facts and circumstances upon Mid-Florida's basic and comparative qualifications. Citing *Elyria-Lorain Broadcasting Company*, FCC 65–857, 6 RR 2d 191, released September 29, 1965, and *Midwest Radio-Television, Inc.*, 18 FCC 2d 1011 (Rev. Bd. 1969), the Bureau also asserts that the burden of proof should be on Mid-Florida with respect to all aspects of the Segal matter, but that the other parties should bear the burden of going forward with the evidence concerning Segal's indictment.[2]

5. In considering the scope of the further hearing on the Segal matter, it must be noted first that the burdens and purposes of criminal and administrative hearings differ in significant respects and that our concern and responsibility under the Communications Act is not limited solely to whether or not there has been a violation of Federal criminal law. Rather, as the Court of Appeals pointed out, the questions raised in this proceeding involve Mid-Florida's qualifications and stem from its association with an individual who has been the subject of various allegations of misconduct. Under these circumstances, we are convinced that the issues to be specified for this further hearing must be broad enough to explore all facets of the charges against Segal and of his association with Mid-Florida.

6. However, since the allegations against Segal were raised by the other applicants, since they do not involve the use of a broadcast facility, and since Mid-Florida does not appear to have any greater knowledge of those allegations than the other applicants, we agree with Mid-Florida that both the burden of proceeding and the burden of proof should be on the other parties in this respect. Other questions concerning discovery practices, presentation of evidence, and the location of the hearing are premature at this point and are, in any event, matters which may best be handled initially in accordance with the usual hearing procedures. Finally, we perceive no reason why this proceeding requires the extraordinary appointment of a special Administrative Law Judge, and we are confident that the Bureau will participate in this hearing, in accordance with its usual practice on issues affecting an applicant's qualifications, so as to develop a full and complete record.

7. Turning to the other matters mentioned by the Court of Appeals, Mid-Florida, with Central Nine's support, urges that the record should also be reopened on the comparative ascertainment and programming issues. Mid-Florida asserts that the applicants' surveys were compiled prior to the adoption of, and do not comply with the current requirements of, the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), and that, if the record is not reopened, the Commission would be forced to make a decision in this case without any assurance that the needs and interests of the Orlando area had been properly ascertained. Mid-Florida further contends that the record should be reopened to consider evidence of ownership by minority groups, since the Court of Appeals made new law on this point and since the need to make such a showing previously could not have been anticipated, and that it should be allowed to present additional evidence of its principals' civic activities prior to April 19, 1969, to clear up questions raised by the Court of Appeals.

8. Florida Heartland, Comint, and TV 9 argue that no remand hearing is required on the comparative aspects of this case and that a decision can be rendered on the basis of the existing record as supplemented by new proposed findings and conclusions on the matters discussed by the Court of Appeals. Citing *Amendments by Applicants in Pending Hearing Cases to Comply with the Primer on Community Problems*, 30 FCC 2d 136 (1971), and *Mid-Florida Television Corporation*, 30 FCC 2d 799 (1971), all three applicants urge that there is no reason to allow a further showing on the comparative ascertainment issue since the Commission has clearly held that such evidence would be given no weight in the comparative analysis of the applicants. However, Comint contends that each of the applications in this proceeding should be examined to determine whether it is presently in compliance with the *Primer's* ascertainment requirements.[3]

9. With respect to Mid-Florida's requests for reopening the record, the general rule is that further hearings will not be allowed for the purpose of changing or improving an applicant's posture in a comparative proceeding such as this one. *Cf., Flower City Television Corp.*, 4 FCC 2d 384 (1966). Since a full evidentiary hearing has already been held, since the parties had a chance to adduce all relevant evidence, and since the parties will have a full opportunity to argue all points and to file further proposed findings and conclusions on the questions raised by the Court of Appeals in the light of the existing record, Mid-Florida's requests to reopen concerning minority ownership and its principals' civic activities are directly contrary to the doctrine of administrative finality. Furthermore, any reopening to allow Mid-Florida to make a further showing would require a similar opportunity for each of the other applicants; such a reopening would result in a rehearing of many questions fully tried previously; and it would substantially delay the ultimate resolution of this case. Thus, it is apparent that there is no reason or necessity for a reopening on these aspects of the comparative hearing.

10. On the other hand, notwithstanding our previous rulings in this case and elsewhere, precluding any comparative consideration of revised ascertainment efforts, see the citations in paragraph 8, *supra*, we are persuaded that the particular circumstances now reflected in this record warrant a different result here. The Court of Appeals, in its remand order, held that Mid-Florida's showings of its ascertainment efforts and proposed programming were improper and that a further comparison of the applicants should be made without reliance upon such inadmissible evidence. As a practical matter, the effect of the Court's order is to deprive Mid-Florida of a major part, if not virtually all, of its affirmative evidence, which was in the record on these issues as a result of favorable evidentiary rulings received throughout the hearing process. Failure to allow Mid-Florida to submit a new showing thus would in effect impose a significant comparative demerit on that applicant before the remand proceedings even commence and raise serious questions of administrative due process and elemental fairness. Moreover, in addition to the fact that all of the applicants' ascertainment surveys and program proposals were originally made more than eight years ago and before the adoption of the *Primer*, which changed the basic ground rules for such efforts, it must be noted that serious deficiencies have been found in each of the other applicants' ascertainment showings.[4] Under these circumstances, we are convinced that the public interest would be best served by deleting the existing ascertainment and proposed programming issues and affording all of the applicants 90 days after the release of this order to file amendments reflecting their current ascertainment efforts and program proposals.[5]

11. *ACCORDINGLY, it is ordered:*

(a) That the record in this proceeding is reopened and remanded for a further hearing on the following issues:

(i) To determine all of the facts and circumstances concerning the allegations against Martin Segal set forth in the federal indictment of November 1, 1971.

(ii) To determine all of the facts and circumstances concerning Martin Segal's participation in and withdrawal from the application of Mid-Florida Television Corporation in this proceeding.

(iii) To determine, in light of the evidence adduced pursuant to issues (i) and (ii), above, whether Mid-Florida Television Corporation has the requisite qualifications to be a Commission licensee or whether any comparative demerit should be assessed against Mid-Florida Television Corporation.

(b) That the burden of proceeding and the burden of proof shall be on Mid-Florida Television Corporation with respect to issues (ii) and (iii), above, and on the other parties in this proceeding with respect to issue (i), above;

(c) That each of the applicants is permitted to file an amendment within 90 days after the release of this Memorandum Opinion and Order, reflecting its current ascertainment efforts and programming proposal, but all further requests contained in the pleadings filed in this proceeding on November 22, November 29, and December 16, 1974, are denied;

(d) That the comparative ascertainment and proposed programming issues specified in the Review Board's Memorandum Opinion and Order, FCC 67R–284, 8 FCC 2d 876, adopted July 5, 1967, are deleted, subject to the right of any party to request new issues as indicated in this order;

(e) That the presiding Administrative Law Judge, after affording the parties an opportunity for further hearings on new matters and the filing of proposed findings and conclusions and reply pleadings on all issues, shall prepare a Supplemental Initial Decision complying with the directives of the United States Court of Appeals in this proceeding and taking into account all relevant evidence adduced in the original and remand hearings;

(f) That the motion to accept further reply comments filed by Mid-Florida Television Corporation on January 13, 1975, is denied;

(g) That the motions to strike filed by Central Nine Corporation on February 4, 1975, and Florida Heartland Television, Inc. on February 6, 1975, are dismissed as moot;

(h) That the petitions for leave to amend application and to enlarge issues filed by Mid-Florida Television Corporation on April 16, 1975, are denied; and

(i) That the petition for immediate implementation of mandate filed by Comint Corporation on May 15, 1975, is granted.

Adopted: June 24, 1975.

Released: June 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17193 Filed 7–1–75;8:45 am]

---

[1] Comments were filed by the Broadcast Bureau on November 22, 1974, and by Mid-Florida, Central Nine, Florida Heartland, Comint, and TV 9 on November 29, 1974. Replies were filed by Mid-Florida, Central Nine, Florida Heartland, Comint, TV 9, and the Bureau on December 16, 1974. In addition, on January 13, 1975, Mid-Florida filed a motion to accept further reply comments, asserting that the other parties presented certain arguments for the first time in their reply pleadings. Mid-Florida also submitted its further reply comments on January 13, 1975, and thereafter TV 9 filed an opposition to Mid-Florida's motion and a further response to the reply comments on January 20, 1975; the Bureau filed an opposition to the motion on January 22, 1975; Comint filed an opposition to the motion and a response to the reply comments on January 23, 1975; Central Nine filed an opposition on January 24, 1975; and Mid-Florida filed a reply statement on January 30, 1975. Central Nine and Florida Heartland also filed motions to strike Mid-Florida's reply statement on February 4, and February 6, 1975, and Comint filed an objection to the reply statement on February 7, 1975. Mid-Florida filed oppositions to the two motions to strike on February 6 and 7, 1975, and Central Nine filed a reply on February 10, 1975.

Thereafter, Mid-Florida filed petitions to amend its application and to enlarge the issues on April 16, 1975. Oppositions were filed to both petitions by TV 9 on April 23, 1975, by Comint on April 25, 1975, by Florida Heartland on April 25 and April 30, 1975, and by Central Nine on May 1, 1975. The Bureau filed comments on the petition for leave to amend on April 25, 1975, and an opposition to the petition to enlarge on April 30, 1975. Mid-Florida filed two reply pleadings to the oppositions to its petition to enlarge on April 25 and May 2, 1975, contrary to the provisions of Section 1.45(b) of the Rules.

Finally, Comint filed a petition for immediate implementation of mandate on May 15, 1975. Comments upon this request were filed by Central Nine and the Bureau on May 20, 1975, and by Mid-Florida on May 15, 1975. The latter also requests that certain portions of Comint's petition be stricken, but this demand need not be given any consideration since it is set forth in a responsive pleading. *Cf. Industrial Business Corp.*, 40 FCC 2d 69 (Rev. Bd. 1973). Although the delay in taking action on this matter is due in no small measure to the plethora of pleadings filed by the parties, we agree that this case should move forward, and accordingly we shall grant Comint's request.

[2] In our view, no discussion of Mid-Florida's further reply comments is warranted. The request is an unauthorized pleading, and it will be denied. It was not filed until several weeks after the usual time for such replies, it adds nothing of substance which could not have been argued in Mid-Florida's earlier pleadings, and it has accomplished nothing but delay in our consideration of this matter. See *KFPW Broadcasting Company*, 44 FCC 2d 310, at 314–315 (1973). Moreover, Mid-Florida's reply statement filed on January 30, 1975, is also an unauthorized pleading, since it is a response to the oppositions to Mid-Florida's further reply comments rather than to the oppositions to Mid-Florida's motion to accept those comments. However, in light of our denial of Mid-Florida's request to file further comments, the motions of Central Nine and Florida Heartland to strike Mid-Florida's reply statement will be dismissed as moot.

[3] Mid-Florida, in its petition for leave to amend and to enlarge, proffers updated responses allegedly in compliance with our current requirements concerning ascertainment and Equal Employment Opportunity policies, and it requests specification of basic qualifications issues against the other applicants in light of their failure to file similar statements. With respect to the EEO aspects of Mid-Florida's requests, this proceeding was designated for hearing long before our current policies were enunciated, and the ultimate winning applicant will be required to comply with all appropriate regulations before a license is issued. Under these circumstances, we perceive no basis warranting any relief for Mid-Florida's EEO requests.

[4] The Review Board in its Decision in this matter held that Comint's ascertainment efforts were flawed by the failure of a significant portion of its stockholders to participate in its surveys, 33 FCC 2d at 30, and by its failure to interview a sufficient number of persons outside of the city of Orlando, *ibid.*, at 25; both Florida Heartland and Central Nine were faulted for failing to survey blacks adequately, *ibid.*, at 27–28; and TV 9's ascertainment was deficient in light of its failure to contact more than two blacks, the failure of its five proposed full-time integrated stockholders to make community contacts, and the failure of its president to make community contacts, *ibid.*, at 26.

[5] In view of this determination, Comint's request to apply the *Primer's* current requirements to the pending proposals in this proceeding need not be given further consideration here. However, after the amendments have been filed, there will be an opportunity for fifteen days to file with the Review Board a petition to enlarge issues consistent with the provisions of § 1.229 of the Rules, if any party wishes to request new comparative ascertainment and programming issues or a disqualifying ascertainment issue against one or more of the applicants on the basis of the showings proffered at that time. By the same token, it is clear that Mid-Florida's requests for leave to amend and to enlarge concerning ascertainment matters are now premature and that they may be rejected without further discussion.

[6] Commissioners Hooks and Quello absent.

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

MARINE RADIOTELEPHONE OPERATOR EDUCATION

This is notice of 7th Meeting of Special Subcommittee No. 68, Thursday, July 17,

V40 I128 JUL 2 75 XUM

1975—9:30 a.m. in Room 752, 1919 M Street, NW, Washington, D.C.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Progress reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

For details notify: A. Newell Garden, Chairman, SC–68, Raytheon Company, 141 Spring Street, Lexington, Massachusetts 02173, Phone: [617] 862–6600 (Ext. 414).

RTCM EXECUTIVE COMMITTEE

This is notice of a July Meeting on Thursday, July 17, 1975—1:45 p.m., in Conference Room 847, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of Minutes.
4. Committee Reports.
5. Status Reports on Other Committees.
6. Review of Terms of Reference for Special Committees.
7. Report on maritime satellite communication developments.
8. Report of Finance Committee.
9. Summary Reports and Announcements.
10. New business.
11. Establishment of next meeting date.

For details notify: Howard L. Peterson, Executive Secretary, RTCM.

To comply with the advance meeting notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each meeting are available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone: (202) 632–6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17226 Filed 7–1–75;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC GULF SERVICE AB COMBI LINE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness with particularity. If a statement describing the discrimination or unfairness wit hparticularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. W. A. J. Van Campenhout, Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, New Jersey 07087.

Agreement No. 10164 would establish a discussion agreement among the above-named carriers to be known as the Westbound Scandinavia/Baltic U.S. Gulf Discussion Agreement in the trade from ports in Denmark, Finland, Norway, Poland, and Sweden to U.S. Gulf ports in the Brownsville, Texas/Key West, Florida range including ports, places or points on inland waterways tributary to both port ranges. It provides that the carriers may confer with each other and discuss together any subject of common interest such as, but not limited to, rates, charges, classifications, practices, procedures, related tariff matters and reserve the right to take independent action under terms and conditions set forth in the Agreement.

By Order of the Federal Maritime Commission.

Dated: June 27, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–17244 Filed 7–1–75;8:45 am]

CONTINENTAL-SOUTH ATLANTIC FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness with particularity. If a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10165, among American Export Lines, Inc., Combi Line, Sea-Land Service, Inc., Seatrain International, S.A. and United States Lines, Inc., establishes a conference in the trade from or via European ports in the Bordeaux/Hamburg range to or through U.S. South Atlantic ports. The agreement also provides that LASH/SEABEE operators may charter barges to other carriers in the trade for operation pursuant to conference rates, rules and regulations.

By Order of the Federal Maritime Commission.

Dated: June 27, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–17245 Filed 7–1–75;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 9615–16, among the members of the above-named Conference, is an application for permanent approval of the Conference's inland authority in Europe.

By Order of the Federal Maritime Commission.

Dated: June 27, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–17246 Filed 7–1–75;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573, on or before July 22, 1975. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street, NW., Washington, D.C. 20036.

Agreement No. 9615 D.R.–5, among the members of the above-named Conference, is an application for permanent approval of the inland authority in the conference's dual rate contract.

By Order of the Federal Maritime Commission.

Dated: June 27, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–17248 Filed 7–1–75;8:45 am]

[No. 75–13]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE AND NORTH ATLANTIC BALTIC FREIGHT CONFERENCE PETITION FOR A DECLARATORY ORDER

Time for Filing Answers

This proceeding was instituted as a result of petition of two conferences for the Commission to declare the proper interpretation of certain provisions of section 14b(2) of the Shipping Act, 1916. Replies to the petition were invited by the Commission and were to be submitted by June 5, 1975. The Commission received several replies which espouse a range of positions regarding the issues in this proceeding.

The Commission previously denied Hearing Counsel's request to alter the filing schedule in this proceeding to permit further comment because the request was made on the eve of the due date for replies and notice of any change could not be issued in time. The denial was said to be subject to further order upon review of the replies.

It appears from replies received that further comment would be helpful in disposing of the issues in this proceeding. Accordingly, notice is hereby given that answers to previously filed replies may be filed on or before July 30, 1975.

Parties listed in Appendix A, who previously filed replies to the petition, are hereby required to serve a copy of this reply if they have not already done so, on each of the other parties listed in Appendix A on or before July 3, 1975.

Answers also shall be served on each of the parties and submitted to the Commission with an original and fifteen copies.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.
Paul J. McElligott, Esq., Ragan & Mason, 900 17th Street, N.W., Washington, D.C. 20006.
Elkan Turk, Jr., Esq., Burlingham, Underwood & Lord, 25 Broadway, New York, New York 10004.
Stanley O. Sher, Esq., Billig, Sher & Jones, P.C., 1126 16th Street, N.W., Washington, D.C. 20036.
Leonard G. James, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.
Peter G. Sandlund, Washington, D.C. Representative, CENSA, Suite 400, 919 18th Street, N.W., Washington, D.C. 20006.
Donald J. Brunner, Director, Bureau of Hearing Counsel, Federal Maritime Commission, Washington, D.C. 20573.
Paul J. Kaller, Hearing Counsel, Bureau of Hearing Counsel, Federal Maritime Commission, Washington, D.C. 20573.

[FR Doc.75–17243 Filed 7–1–75;8:45 am]

SOUTH ATLANTIC-NORTH EUROPE RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated herinafter)

V40 #128 JUL 2 75 XUM

and the statement should indicate that this has been done.

Modification of Agreement and Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9984–7, among the member lines of the above-named rate agreement, deletes traffic moving from or via ports in the Bordeaux/Hamburg range to or through U.S. South Atlantic ports from the scope of the basic agreement. The parties desire deletion to be contingent on approval of the Continental—South Atlantic Freight Conference Agreement.

By Order of the Federal Maritime Commission.

Dated: June 27, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17247 Filed 7-1-75;8:45 am]

GENERAL ACCOUNTING OFFICE

INTERSTATE COMMERCE COMMISSION

Receipt of Regulatory Reports Review Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on June 20, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 21, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised quarterly report Form QFR, required to be filed by some 1,000 Class I and 3,000 Class II common and contract motor carriers of property (those with average annual gross carrier operating revenues of $3,000,000, or more, and those with $500,000, but less than $3,000,000, respectively, from property motor carrier operations) pursuant to section 220 (a) of the Interstate Commerce Act. Data are used for economic regulatory purposes.

The report form is revised to include selected balance sheet data to be reported by all Class I common and contract carriers. The report includes minor changes in the method of reporting fuel purchased and consumed, and reflects in the Uniform System of Accounts for Class I and Class II Common and Contract Carriers of Property, as amended.

It is estimated the reporting burden is increased an average of one quarter of an hour per report per carrier. The total reporting burden per quarter per carrier is estimated at 4¼ hours. Reports are mandatory and are available for use by the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-17229 Filed 7-1-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-347]

COLORADO INTERSTATE GAS CO.

Application

JUNE 11, 1975.

Take notice that on May 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75–347 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon service and for a certificate of public convenience and necessity authorizing revised peak day and annual sales of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon deliveries of gas for direct sale to CF&I Steel Corporation (CF&I) of 10,000 Mcf per day, Ideal Cement Company (Ideal) of 2,625 Mcf per day, and the City of Colorado Springs (Colorado Springs) of 3,100 Mcf per day to reduce the firm peak day commitment level a total of 15,725 Mcf. Applicant alleges that this will reduce the aggregate nonjurisdictional transmission sales by 1,069,000 Mcf annually. Applicant further proposes an increase in the jurisdictional firm peak day commitments of 15,725 daily and an increase of 1,069,000 in the aggregate jurisdictional transmission and field system annual volumetric entitlement. Applicant proposes that the reductions in deliveries to CF&I and Colorado Springs become effective October 1, 1975, and that the reduction in deliveries to Ideal become effective on January 1, 1976. Applicant states that it has sufficient peak day supplies in the 1975–76 heating season to make the full 15,725 Mcf in jurisdictional sale increases effective October 1, 1975.

Applicant proposes to increase the maximum daily volume obligation to Northern Natural Gas Company's Peoples Natural Gas Division (Peoples) by 7,000 Mcf daily, primarily used for agricultural irrigation, which Applicant alleges has an off-season peak. Applicant further states that Western Slope Gas Company, a purchaser of gas from Applicant, has a policy of pro rating to its customers additional gas entitlements to be received, resulting in approximately 46 Mcf per day of its proposed increase to be used as boiler fuel.

Applicant states that until there are additional gas supplies, Applicant's peak day commitments for high priority usage can only be increased when there is a corresponding decrease in commitments for low priority usage. Applicant further states that the volumes of gas released from the firm peak day commitments were used as boiler fuel by Colorado Springs and CF&I and for the firing of kilns by Ideal and as reallocated this gas will be used for residential and small commercial purposes. The changes proposed by Applicant are set forth in the appendix hereto. Applicant further states that no additional facilities are required, that none will be abandoned, and that approximately $72,053 in total annual revenue will result from the proposed revisions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Present and proposed transmission system peak day volumes by customer, rate schedule, and class*

[All volumes in thousand cubic feet at 14.65 pounds per square inch absolute]

Particulars	Presently authorized Docket No. CP73-228	Proposed increase (decrease) pending in Docket No. CP75-79	Total volumes pending in Docket No. CP75-79	Proposed increase (decrease) fiscal year 1976	Total volumes proposed fiscal year 1976
JURISDICTIONAL CUSTOMERS					
Rate Schedule G-1:					
City of Colorado Springs, Colo	118,568	3,049	121,617	2,134	123,751
City of Fort Morgan, Colo	4,650	130	4,780	91	4,871
City of Trinidad, Colo	6,000	143	6,143	99	6,242
Greeley Gas Co	9,155	191	9,346	134	9,480
Northern Gas Co	400		400		400
Northern Natural Gas Co., Peoples division	24,400	627	25,027	439	25,466
Public Service Co. of Colorado	495,231	11,969	507,200	8,375	515,575
Western Gas Interstate Co	3,499		3,499		3,499
Total Rate Schedule G-1	661,903	16,109	678,012	11,272	689,284
Rate Schedule SG-1:					
City of Walsenburg, Colo	2,000		2,000	25	2,025
Eastern Colorado Utility Co	2,400	44	2,444	31	2,475
Town of Keyes, Okla	400		400	5	405
Total Rate Schedule SG-1	4,800	44	4,844	61	4,905
Rate Schedule P-1:					
Cheyenne Light, Fuel, & Power Co	50,910	950	51,860	665	52,525
Citizens Utilities Co	23,675		23,675	300	23,975
Kansas-Nebraska Natural Gas Co., Inc	5,000		5,000		5,000
Mountain Fuel Supply Co	1,500		1,500		1,500
Raton Natural Gas Co	6,400	187	6,587	131	6,718
Western Slope Gas Co	200,633	4,710	235,343	3,296	208,639
Total Rate Schedule P-1	288,118	5,847	293,965	4,392	298,357
Rate Schedule PS-1:					
Cheyenne Light, Fuel, & Power Co	500		500		500
City of Colorado Springs, Colo	46,432		46,432		46,432
City of Fort Morgan, Colo	2,400		2,400		2,400
City of Trinidad, Colo	1,600		1,600		1,600
Greeley Gas Co	1,160		1,160		1,160
Northern Natural Gas Co., Peoples division	9,500		9,500		9,500
Public Service Co. of Colorado	152,329		152,329		152,329
Raton Natural Gas Co	3,700		3,700		3,700
Western Gas Interstate Co	957		957		957
Western Slope Gas Co	54,184		54,184		54,184
Total Rate Schedule PS-1	272,852		272,852		272,852
Rate Schedule H-1:					
Natural Gas Pipeline Co. of America	50,000		50,000		50,000
Total jurisdictional customers	1,277,673	22,000	1,299,673	15,725	1,315,398
NONJURISDICTIONAL CUSTOMERS					
General firm:					
City of Colorado Springs, Colo	5,000		5,000	(3,100)	1,900
City of Trinidad, Colo	1,100		1,100		1,100
C.F. & I. Steel Corp	35,000		35,000	(10,000)	25,000
Great Western Sugar Co	14,000	(2,000)	12,000		12,000
Ideal Cement Co	3,825		3,825	(2,625)	1,200
Public Service Co. of Colorado	24,500	(20,000)	4,500		4,500
Total general firm	83,425	(22,000)	61,425	(15,725)	45,700
Total nonjurisdictional customers	83,425	(22,000)	61,425	(15,725)	45,700
Total transmission system	1,361,098		1,361,098		1,361,098

NOTE: The 7,000-Mcf increase in contract demand proposed for Peoples Division under Rate Schedule F-2 is neither a transmission system delivery nor a winter peak day volume; therefore, it is not shown on this schedule.

V40-128 JUL 2 75 XUM

Particulars	Actual deliveries 1972	Actual deliveries 1973	Actual deliveries 1974	Proposed 1975 [2]	Proposed 1976 [3]	Difference increase (decrease) [4]
JURISDICTIONAL TRANSMISSION SALES						
Rate Schedule G-1 customers:						
City of Colorado Springs, Colo.	19,539,250	21,753,435	19,882,443	24,603,000	24,549,000	(54,000)
City of Fort Morgan, Colo	957,548	1,110,871	993,937	1,200,000	1,200,000	
City of Trinidad, Colo	867,630	1,094,859	930,446	1,152,000	1,150,000	(2,000)
Greeley Gas Co	3,641,990	3,903,692	3,236,462	4,120,000	4,069,000	(51,000)
Northern Gas Co	106,043	127,396	148,066	146,000	146,000	
Northern Natural Gas Co	7,679,052	8,126,785	8,421,046	9,490,000	9,534,000	44,000
Public Service Co. of Colorado	99,042,808	111,977,500	102,794,774	116,575,000	117,076,000	501,000
Western Gas Interstate Co	1,449,499	1,770,825	2,514,272	3,246,000	3,233,000	(13,000)
Total Rate Schedule G-1	133,286,820	149,875,363	138,921,446	160,502,000	160,927,000	425,000
Rate Schedule H-1 customer: Natural Gas Pipeline Co. of America	18,278,750	18,285,141	18,307,418	18,250,000	18,250,000	
Rate Schedule SG-1 customers:						
City of Walsenburg, Colo	132,294	172,396	160,989	210,000	210,000	
Eastern Colorado Utility Co	191,456	240,446	206,123	293,000	293,000	
Town of Keyes, Okla	40,249	52,945	49,202	50,000	56,000	6,000
Total Rate Schedule SG-1	363,999	465,787	416,314	553,000	589,000	6,000
Rate Schedule P-1 customers:						
Cheyenne Light, Fuel, & Power Co	12,440,225	13,686,260	12,490,290	12,819,000	12,953,000	31,000
Citizens Utilities Co	4,968,089	5,160,442	4,543,357	5,505,000	5,510,000	5,000
Kansas-Nebraska Natural Gas Co	6,743,642	7,093,181	7,436,424	7,665,000	7,665,000	
Mountain Fuel Supply Co		530,702	544,103	547,000	547,000	
Raton Natural Gas Co	1,236,885	1,504,688	1,455,226	1,766,000	1,761,000	(5,000)
Western Slope Gas Co	53,551,226	61,835,277	59,780,309	59,171,000	59,278,000	107,000
Total Rate Schedule P-1	78,840,067	89,818,950	86,249,689	87,573,000	87,714,000	141,000
Total jurisdictional transmission sales	230,769,636	258,445,241	243,894,867	266,908,000	267,480,000	572,000
JURISDICTIONAL FIELD SALES						
Rate Schedule F-1 customer: Natural Gas Pipeline Co. of America	58,096,707	58,461,201	58,791,563	58,400,000	58,400,000	
Rate Schedule F-2 customer: Northern Natural Gas Co	3,957,112	4,465,969	6,407,162	5,740,000	6,237,000	497,000
Total jurisdictional field sales	62,053,819	62,927,170	65,198,725	64,140,000	64,637,000	497,000
Total jurisdictional sales	292,825,455	321,372,411	309,093,622	331,048,000	332,117,000	1,069,000
Nonjurisdictional transmission sales	63,334,041	55,308,214	53,685,034	48,341,000	47,272,000	(1,069,000)
Total transmission system and jurisdictional field system sales	356,159,496	376,675,625	362,778,656	379,389,000	379,389,000	
Special off-system sales [7]		294,932	[5] 370,265	[6] 261,000	[7] 1,581,000	1,320,000
Nonjurisdictional field sales [7]	27,012,065	24,776,621	24,312,836	25,106,000	24,908,000	(198,000)

[1] Fiscal years are 12-month periods ending September 30.
[2] Authority for the volumes shown in this column was requested by Colorado Interstate Gas Co. in Docket No. CP75-79, currently pending Commission approval.
[3] These volumes represent the annual sales levels being proposed by the instant application.
[4] The volumes shown in this column are the differences in annual volumes from the levels requested in Docket No. CP75-79.
[5] Short-term emergency sale to Rocky Mountain Natural Gas Co.
[6] This volume consists solely of a sale to Mountain Fuel Supply Co. which was approved in Docket No. CP75-42.
[7] The volumes shown are estimated and the actual level of sales will be based upon the production of the fields in which this gas is to be sold.

Summary of proposed changes in maximum daily volume obligations [1] *[All Volumes in thousand cubic feet at 14.65 pounds per square inch absolute]*

Customer	Maximum daily volume obligations From	Maximum daily volume obligations To
Cheyenne Light, Fuel & Power Co.:		
Cheyenne	49,000	53,000
Carpenter-Burns	300	450
City of Trinidad, Colo.:		
Trinidad	7,823	7,932
City of Walsenburg, Colo.:		
Walsenburg Meter Station	2,000	2,025
Town of Keyes, Okla.:		
Keyes City Gate	400	405
Northern Natural Gas Co., Peoples division—F-2	35,000	42,000
PUBLIC SERVICE CO. OF COLORADO		
Meter stations:		
Brush	3,500	3,600
East Denver	485,000	500,000
Log Lane	450	500
Inspiration Point	500	700
Air Base	3,000	4,500
Vineland	400	600
South Pueblo	45,000	50,000
Pueblo County Poor Farm	1,500	1,800
Highline taps:		
Hidden Village	400	500
Schauer	10	15
Hendrick	30	70
3T Cattle Co	125	150
Tom Cooper	55	60
Raton Natural Gas Co.:		
Trinidad Regulator Station	10,287	10,418
Western Slope Gas Co.:		
Greeley	60,000	70,000
Ault	77,000	85,000

[1] No change is proposed for delivery points not shown herein.

[FR Doc.75-16953 Filed 7-1-75;8:45 am]

[Docket No. CP75-362]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 25, 1975.

Take notice that on June 11, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-362 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon 669.4 miles of 30-inch and 26-inch high-pressure gas transmission mainline pipeline, seven existing compressor stations with a total of 66,150 compressor horsepower, and five right-of-way taps, all a part of Applicant's interstate system in the states of Arizona, New Mexico, and Texas, between Blythe, California, and Jal, New Mexico, all as more fully set forth in the appendix hereto and in the application on file with the Commission and open to public inspection.

The application indicates that Applicant's interstate transmission system's maximum peak day design sales capacity is approximately 3,999,000 Mcf of gas, including a mainline fuel requirement of 142,000 Mcf. Applicant states that the transmission system extends from major supply sources in the Permian Basin area of western Texas and southeastern New Mexico and in the San Juan Basin area of northwestern New Mexico and southwestern Colorado to serve markets throughout the southwestern United States. Applicant alleges that during the past several years it has been unable to acquire new supplies of gas capable of offsetting the declining deliverability of its existing sources. Applicant states that it is unable to meet the present requirements of its customers and is curtailing service pursuant to Commission orders issued in Docket No. RP72-6 and that the deliverability has deteriorated to such an extent, that even if successful acquisition of gas did occur, the existing level of system capacity would not be utilized. Applicant alleges that a comparison of the capacity of its transmission system and the estimated gas supply expected to be available indicate that by 1977 its system will have an idle capacity of 1.2 million Mcf daily.[1] The facilities proposed to be abandoned in the instant application are said to have a capacity of 683,000 Mcf daily.

Applicant states that five taps are located on the transmission pipeline which Applicant proposes to abandon and requests permission and approval to abandon the sale of gas for resale to right-of-way grantors made by means of such taps. Applicant intends to achieve mutually satisfactory alternative agreements with the five right-of-way grantors whose gas service would be affected by this application. Such right-of-way services are presently provided by the distributor customers of Applicant as indicated under general tap provisions of the currently effective service agreements on file with the Commission Applicant states. Applicant further states that it would inform the Commission and all parties of the final disposition of the matter when negotiations have been concluded.

Applicant states that its program of continuing evaluation of its system facilities required to continue service to its customers indicates that retirement of unneeded facilities, including those proposed herein for abandonment, is necessary to continue service at the lowest obtainable cost and to apportion equitably cost between present and future customers. Applicant states that the abandonment of the idle facilities will benefit Applicant's gas customers by permitting such facilities to be eliminated from Applicant's jurisdictional rate base and by permitting the operational and maintenance expenses related to such facilities to be eliminated from Applicant's jurisdictional cost of service. Applicant states further that the benefit flowing to Applicant's gas customers from the abandonment and retirement of these pipeline facilities is therefore enhanced because their contemplated future use gives these facilities a fair market value, estimated at approximately $86 million, which will be utilized in determining the reduction of Applicant's rate base, and that their original cost when constructed for gas service was some $95 million.

The application states that, in connection with the means of disposition of its facilities to become idle, Applicant has explored with The Standard Oil Company (Ohio) (Sohio), an owner of substantial Alaskan North Slope oil, the possibility of converting facilities having idle capacity on Applicant's transmission system to use the transportation of Alaskan crude oil. As a result of these activities, the parties verified the technical and economic feasibility of converting and utilizing certain of Applicant's idle gas pipeline in the implementation and operation of a common carrier crude oil pipeline from the west coast to west Texas. On May 6, 1975, Applicant and Sohio executed a preliminary agreement (Interim Agreement) respecting the conversion to crude oil service of certain of the idle facilities, after their abandonment from gas service is approved by this Commission, in connection with the "West Coast-Mid Continent Liquid Hydrocarbon Project" (Crude Oil Project).[2] It is alleged that issuance of the abandonment authorization requested would enable Applicant to terminate use of such facilities in gas service by April 1977 and permit conversion of such facilities for use in the Crude Oil Project by late 1977 or early 1978.

The application indicates that the transfer of the proposed facilities to be abandoned would be listed at the alleged fair market value of $86,000,000 in the reduction of the rate base of Applicant and would be leased under a proposed interim agreement to an oil pipeline organization to be formed for that purpose at the rate of $11,300,000 per annum during the period commencing the first day of the initial term and ending when the proposed conversion of facilities is completed. After that time the

[1] A comparison of the capacity of Applicant's transmission system and the gas supply anticipated to be available for the three-year period beginning in 1977 is said to be as follows:

	Thousand cubic feet (peak day) December 1977	January 1978	January 1979
Transmission design capacity	3,999,000	3,999,000	3,999,000
Supply	2,797,000	2,804,000	2,597,000
Idle capacity	1,202,000	1,195,000	1,402,000

[2] The Crude Oil Project contemplates the use of both new and existing facilities to initially transport up to 500,000 barrels per day of Alaskan crude oil, offloaded in California. 1,000,000 barrels per day. These facilities would comprise a portion of a crude oil pipeline system extending approximately 1,000 miles from the west coast of California to terminal storage facilities near Midland, Texas, and to points of connection with existing liquid pipelines in that area.

V40-128 JUL 2 75 XUM

payment would be $17,000,000 per annum for the duration of the 20-year lease.[2]

The application states that abandonment of the idle facilities described would benefit Applicant's gas customers by permitting such facilities to be eliminated from its jurisdictional rate base and by permitting the operational and maintenance expenses related to such facilities to be eliminated from its jurisdiction cost of service. The benefit flowing to Applicant's gas customers from the abandonment and retirement of the pipeline facilities is said to be enhanced because use in the Crude Oil Project gives these facilities a fair market value, estimated at $86 million, which would be utilized in determining the reduction of Applicant's rate base.

Applicant further states that utilization of these idle gas facilities as part of the proposed Crude Oil Project will also serve a broader, national interest in that they will contribute materially to a new crude oil pipeline system to move North Slope oil to interior lower 48 markets from the west coast of the United States.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

APPENDIX

A. *Mainline Pipeline.* 1. Approximately 47.2 miles of 30" O.D. x 0.324", 0.335" and 0.375" w.t. pipeline, with appurtenances, commencing at Applicant's Jal No. 1 Plant in the NE/4 of Section 7, Township 26 South, Range 37 East, Lea County, New Mexico, and terminating at Applicant's Pecos Compressor Station in the NE/4 of Section 7, Township 26 South, Range 29 East, Eddy County, New Mexico.

2. Approximately 57.1 miles of 30" O.D. x 0.324", 0.335" and 0.375" w.t. pipelines and approximately 2.1 miles of 26" O.D. x 0.261", 0.291" and 0.303" w.t. pipelines, with appurtenances, commencing at Applicant's Pecos Compressor Station and terminating at Applicant's Guadalupe Compressor Station in the SE/4 of Section 25, PSL Block 120, and N/2 of Section 5, PSL Block 119, Culberson County, Texas.

3. Approximately 33.1 miles of 30" O.D. x 0.335", 0.375" and 0.500" w.t. pipelines, with appurtenances, commencing at Applicant's Guadalupe Compressor Station and terminating at Applicant's Cornudas Compressor Station in the SW/4 of Section 17, University Lands, Block J, Hudspeth County, Texas.

4. Approximately 59.8 miles of 30" O.D. x 0.375", 0.500" and 0.562" w.t. pipelines, with appurtenances, commencing at Applicant's Cornudas Compressor Station and terminating at Applicant's El Paso Compressor Station in the NE/4 of Section 18, Block 80, Township 1 T&P RR Co. Survey, El Paso County, Texas.

5. Approximately 63.2 miles of 30" O.D. x 0.375", 0.450" and 0.500" w.t. pipelines, with appurtenances, commencing at Applicant's El Paso Compressor Station and terminating at Applicant's Florida Station in the SE/4 of Section 14, Township 24 South, Range 6 West, Luna County, New Mexico.

6. Approximately 69.8 miles of 30" O.D. x 0.375", 0.450" and 0.500" w.t. pipelines, with appurtenances, commencing at Applicant's Florida Compressor Station and terminating at Applicant's Lordsburg Compressor Station in the S/2 of Section 8, Township 23 South, Range 17 West, Hidalgo County, New Mexico.

7. Approximately 218.3 miles of 30" O.D. x 0.375", 0.450" and 0.500" w.t. pipelines, with appurtenances, commencing at Applicant's Lordsburg Compressor Station and terminating at Applicant's Casa Grande Compressor Station in the SW/4 of Section 5, Township 6 South, Range 3 East, Pinal County, Arizona.

8. Approximately 93.1 miles of 30" O.D. x 0.375", 0.450" and 0.500" w.t. pipelines, with appurtenances, commencing at Applicant's Casa Grande Compressor Station and terminating at Applicant's Wenden Compressor Station in Sections 1 and 2, Township 2 North, Range 12 West, Yuma County, Arizona.

9. Approximately 25.7 miles of 30" O.D. x 0.375" w.t. pipeline, with appurtenances, commencing at milepost 704.5, west of Applicant's Wenden Compressor Station, in the NE/4 of Section 17, Township 2 North, Range 17 West, Yuma County, Arizona, and terminating at Valve No. 87½ in the NE/4 of Section 8, Township 3 North, Range 21 West, Yuma County, Arizona.

B. *Mainline Compression.* 1. The Cornudas "B" Compressor Unit, consisting of a 9,100 horsepower gas turbing-driven centrifugal compressor, with appurtenances, located in the SW/4 of Section 17, University Lands, Township 3 South, Block J., Hudspeth County, Texas.

2. The El Paso "C" Compressor Unit, consisting of a 9,100 horsepower gas turbine-driven centrifugal compressor, with appurtenances, located in NE/4, Survey 18, Block 80, Township 1, T&P RR Co. Survey, El Paso County, Texas.

3. The Florida "B" Compressor Unit, consisting of a 9,300 horsepower gas turbine-driven centrifugal compressor, with appurtenances, located in the SE/4 of Section 14, Township 24 South, Range 6 West, Luna County, New Mexico.

4. The Lordsburg "B" Compressor Unit, consisting of a 9,100 horsepower gas turbine-driven centrifugal compressor, with appurtenances, located in the S/2 of Section 8, Township 23 South, Range 17 West, Hidalgo County, New Mexico.

5. Bowie Compressor Station, comprised of a 11,350 horsepower gas turbine-driven centrifugal compressor unit, with appurtenances, located in Sections 9 and 10, Township 13 South, Range 26 East, Cochise County, Arizona.

6. Oracle Compressor Station, comprised of a 12,000 horsepower gas turbine-driven centrifugal compressor unit, with appurtenances, located in Section 30, Township 9 South, Range 16 East, Pinal County, Arizona.

7. The Casa Grande "B" Compressor Unit, consisting of 6,200 horsepower gas turbine-driven centrifugal compressor, with appurtenances, located in the SW/4 of Section 5, Township 6 South, Range 3 East, Pinal County, Arizona.

Right-of-Way Grantor Taps. 1. Vincent Kannally Tap, a 2" tap and valve assembly, with appurtenances, located at milepost 475.6 on Applicant's 30" O.D. California mainline in the NE/4, NW/4 of Section 32, Township 9 South, Range 16 East, Pinal County, Arizona. Service provided through a distributor customer of Applicant, Southwest Gas Corporation.

2. J. E. Browning Tap, a 1" tap and valve assembly, with appurtenances, located at milepost 439.0 on Applicant's 30" O.D. California mainline in the NE/4, SE/4 of Section 31, Township 12 South, Range 21 East, Cochise County, Arizona. Service provided through a distributor customer of Applicant, Arizona Public Service Company.

3. F. T. Gunterman Tap, a 2" tap and valve assembly, with appurtenances, located at milepost 431.1 on Applicant's O.D. California mainline in the NW/4 of Section 16, Township 13 North, Range 22 East, Cochise County, Arizona. Service provided through a distributor customer of Applicant, Arizona Public Service Company.

4. Hot Wells Cattle Company Tap, a 1" tap and valve assembly, with appurtenances, located at milepost 193.5 on Applicant's 30" O.D. California mainline in Section 28, Block 79, El Paso County, Texas. Service provided through a distributor customer of Applicant, Southern Union Gas Company.

5. Rodney Elock Tap, a 2" tap and valve assembly, with appurtenances, located at milepost 525.0 on Applicant's 30" O.D. California mainline in the SE/4 of Section 10, Township 6 North, Range 8 East, Pinal County, Arizona. Service provided through a distributor customer of Applicant, Southwest Gas Corporation.

Applicant's Proposed Accounting Entries:

PROPOSED SALE OF FACILITIES FOR THE CRUDE OIL PROJECT

Proposed accounting entries to record the sale of approximately 33.10 miles of 30" First California Loopline, and approximately 104.30 miles of 30" from Second California Loopline and approximately 529.90 miles of 30" from Wahn-Ehrenberg Line.

(1) Original cost of facilities to be sold:	
365.1 Land and land rights	$269,156
365.2 Rights-of-way	665,294
367 Mains	93,897,767
Total original cost of facilities to be sold	94,832,217
(2) Fair market value of facilities	86,000,000
(3) Taxes payable on gain realized due to sale of facilities:	
Fair market value	86,000,000
Federal income tax basis	48,933,839
Taxable gain	37,066,161
Tax at 50% on gain realized	18,533,080
Less deferred income tax attributable to property to be sold	2,669,750
Additional provision for income taxes payable	15,863,330
(4) Proposed accounting entries:	
(a) Dr. 102—Gas plant purchased or sold	94,832,217
Cr. 101—Gas plant in service[1]	94,832,217
(b) Dr. 108—Accumulated provision for depreciation of gas utility plant	24,695,547
Cr. 102—Gas plant purchased or sold[2]	24,695,547
Original cost	94,832,217
Less:	
Fair Market Value	86,000,000
Additional income taxes payable	15,863,330
Net realized	70,136,670
Accumulated provision for depreciation related to facilities to be sold	24,695,547

[1] To transfer original cost of facilities to be sold.

[2] To record amounts applicable to accumulated provision for depreciation related to facilities to be sold, i.e., original cost minus net proceeds.

[FR Doc.75-17285 Filed 7-1-75;8:45 am]

[Docket Nos. CI74-537 and CI74-538;

Opinion No. 735]

MARATHON OIL CO. AND PHILLIPS PETROLEUM CO.

Opinion and Order Affirming in Part and Reversing in Part the Initial Decision Resolving Phase I

PROCEDURAL HISTORY

JUNE 23, 1975.

On March 26, 1974, Marathon Oil Company (Marathon) filed in Docket No. CI74-537 a conditional application pursuant to Section 7 of the Natural Gas Act requesting authorization to sell liquid natural gas (LNG) from Alaska to Northwest Natural Gas Company (Northwest), a distribution company operating in the State of Oregon. Marathon concurrently and in the alternative filed a petition for either a declaratory order disclaiming Commission jurisdiction over this proposed LNG sale or an order waiving all requirements of the Regulations under the Act with respect to such sale. On March 28, 1974, Phillips Petroleum Company (Phillips) filed in Docket No. CI74-538 a similar and related application proposing the sale of its Alaskas LNG to Northwest.

Following an April 18, 1974, notice of these filings and numerous resulting petitions for intervention, the Commission on June 21, 1974, issued an order granting intervention, consolidating the two dockets, and scheduling hearing for the determination of several enumerated jurisdictional issues.[1] Then on August 9, 1974, the Commission partially granted rehearing to the extent that it phased the proceeding: Phase I would only address the jurisdictional issues, with Phase II, addressing the substantive issues, to be convened by subsequent Commission order. Phillips and Marathon were ordered to present direct evidence as to Phase I, subject to cross examination.

The Phase I hearing was held on September 16 and 17, 1974, and Administrative Law Judge Walter Southworth issued an initial decision in this proceeding on January 15, 1975, in which he made the following findings (Initial Decision at 38–39):

(1) The wellhead price of the gas produced by applicants for liquefaction and sale will not, as such, be subject to Commission regulation by reason of the transaction, since no wellhead sale will take place and no wellhead price is proposed or necessary to be established in connection with the transaction;

(2) The transportation and liquefaction of the gas within Alaska, and the facilities required for such transportation and liquefaction will be exempt from the Commission's certification jurisdiction and requirements as activities constituting the production or gathering of natural gas or as facilities used for such purposes;

(3) The sale of LNG to Northwest Natural in Alaska pursuant to the transaction will constitute the sale of natural gas in interstate commerce for resale, subject to the jurisdiction of the Commission, and the certification of the said sale and of facilities required to effect the said sale is required; but the aforesaid status of applicants as "independent producers" will not be affected thereby;

(4) The transportation of LNG by ocean tanker will not be jurisdictional;

(5) By reason of its existing exemption from the provisions of the Act pursuant to section 1(c) thereof, which exemption will not be affected by the transaction, Northwest Natural will not become an interstate pipeline company subject to the jurisdiction of the Commission as a natural-gas company, as a result of the transaction; and

(6) In view of the preceding paragraph (5), facilities used by Northwest Natural for the unloading, storage, and regasification of LNG in Oregon in connection with the transaction will not be subject to the jurisdiction of the Commission.

Briefs on exceptions were filed by Commission Staff, the Public Service Commission of New York State (New York), the Public Utilities Commission of the State of California (California) and Southern California Gas Company and Pacific Alaska LNG Company (So Cal and PacAlaska). Briefs opposing these exceptions were filed by Phillips,

[1] Should a wellhead gas price be set? Are the transportation and liquefaction of the gas in Alaska, along with the related facilities, subject to Commission certificate jurisdiction? Is the sale of LNG to Northwest in Alaska a sale for resale in interstate commerce, subject to Commission jurisdiction? Whether the LNG transportation to Oregon by ocean tanker is jurisdictional? Whether the proposed sale will make Northwest a jurisdictional interstate pipeline? Whether Northwest's facilities in Oregon for unloading, storage and regasification of the LNG are jurisdictional?

[2] Applicant alleges that the terms of the lease agreement with the oil pipeline organization would include the following terms.

1. The initial term of the proposed lease would be for 20 years commencing with the date that all permits, authorizations and approvals required for the proposed abandonments of natural gas service through Applicant's facilities have been issued to and accepted by Applicant and such service has been discontinued. Applicant would not be obligated to accept such permits, authorizations and approvals if they contain conditions having a materially adverse effect on the financial benefits to Applicant under the lease, but upon acceptance, the parties to the lease would execute a written confirmation of such commencement date.

2. The oil pipeline organization would pay to Applicant during the initial term of the lease the rent rate of:

a. $11,300,000 per annum during the period commencing with the first day of the initial term of the lease and ending with the date that the facilities are capable of transporting liquid hydrocarbons at the rate of 500,000 barrels per day through the project,

b. $17,000,000 per annum thereafter for the remainder of the 20 years of the initial term, however, if the $17,000,000 per annum rate has not commenced within 18 months of the commencement of the initial term of the lease, then the initial term of the lease would be extended for an equal period of time to that elapsed until the rate is paid after the 18-month period.

V40-1128 JUL 2 75 XUM

Marathon, Northwest, Brooklyn Union Gas Company (Brooklyn Union), Public Utility Commissioner of Oregon (Oregon) and El Paso Natural Gas Company (El Paso).

FACTUAL BACKGROUND

The proposed sale of LNG from Marathon to Northwest results from a January 14, 1974, agreement. This Marathon LNG will be liquefied from natural gas to be produced from Marathon's interest in natural gas reserves located in the Kenai Field, Alaska. The natural gas will be gathered and transported through existing line to an existing liquefaction plant at Nikiski, Alaska. The proposed sale of LNG from Phillips to Northwest results from a similar January 10, 1974, agreement. The Phillips' LNG will be liquefied from natural gas to be produced from Phillips' North Cook Inlet Field, Alaska and gathered and transported to the same Nikiski LNG plant through existing lines.

The Nikiski liquefaction plant is supplied by two separate lines which are joined at the plant before processing begins. Marathon's 18.5 million Mcf per year (to be increased annually by 3.3 to 5.4 million Mcf) will travel 18 miles from the central point of the Kenai Field in which it has a working interest to the LNG plant through a 20 inch line which is jointly and equally owned by Marathon and Union Oil Company of California (Union) and operated by Union. This line continues beyond the plant, connecting with another pipeline and allowing Union and Marathon to deliver 10 million Mcf per year to the Swanson River oil field under a rental agreement. Union also uses this line to supply 20 million Mcf per year to a direct industrial customer between the LNG plant and the field. Marathon also uses the line to deliver small volumes to the City of Kenai and to Alaska Pipe Line Company for resale.

Phillip's gas must travel 45 miles from a central platform of its North Cook Inlet Field to the LNG plant, first through two 10 inch lines from a central platform to shore and thereafter through a 16 inch line. The Phillips Gas Supply Corporation, a subsidiary owned by Phillips (49 percent) and Phillips' retirement plan (51 percent), owns these lines and leases them to Phillips, which operates them and pays the rent which only covers the debt obligation for the facilities. Phillips has interests in leases covering other sections of the North Cook Inlet which might greatly increase the gas traveling through the 16 inch line to the LNG plant. Except for the through the 16 inch line to the LNG plant. Except for the delivery of 1700 Mcf per day to the Tesoro Alaskan Refining Company off the 16 inch line just upstream from the plant, Phillips will deliver all gas from the North Cook Inlet Unit through this line for the LNG plant.

The gas from both the Cook Inlet and Kenai fields is of pipeline quality after passing through dehydrators at the fields. No compression is presently required.

The LNG plant is owned by the Kenai LNG Corporation, which in turn is owned by Marathon (30 percent), Phillips (49 percent), and First National City Bank of New York as trustee for Phillips' retirement income plan (21 percent). The plant is leased to Marathon and Phillips with Phillips operating it, and all plant costs are shared by Marathon (30 percent) and Phillips (70 percent). The plant was originally constructed for and is still used for the sale of LNG to Japanese purchasers.[3] Minor modifications of the plant are scheduled to increase its capacity by 8 percent. A cryogenic process is employed in the plant to produce the LNG: After having any water or other undesirable components, e.g. CO_2, removed, the gas is cooled by the use of propane, ethylene and methane refrigerants to about minus 255°F, flowed to a flash tank and then stored at atmospheric pressure. The LNG can then be piped directly from the storage tanks to the cryogenic ocean tankers at an adjacent docking facility.

Northwest plans to acquire a new 29,000 cubic meter LNG capacity cryogenic tanker, to be owned by another firm and chartered to Northwest or possibly owned and operated by Northwest itself or through a subsidiary. In the interim, however, Northwest proposes to charter a foreign-flag tanker. In either event the tanker will be in international waters for most of the Alaska to Oregon voyage.

The cryogenic tanker will unload the LNG at Northwest's existing facilities near Portland, Oregon,[3] although Northwest will construct a permanent facility near Newport, Oregon for LNG receiving, storage and vaporization.

Pursuant to the two contracts Marathon and Phillips will in the aggregate sell to Northwest between 10.95 and 18.25 trillion Btu per year (30,000 to 50,000 Mcf per day), the exact amount between this minimum and maximum to be the maximum volume available after Marathon and Phillips first satisfy their LNG export commitments to Japan, supra note 2. Furthermore, the contracts continue in effect until June 1, 1984. In addition, Marathon's 30 percent of the aggregate deliveries and Phillips' 70 percent are to be made concurrently and are to be F.O.B. the cryogenic tanker which is to be arranged by Northwest, and the contract point of delivery is at the connection of the tanker's loading pipe and that of the plant, with risk of loss for and title to the LNG passing from seller to buyer at that point.

[3] This exportation was initially authorized in 1967 (37 FPC 777) and extends from 1969 to 1984. About 50.5 trillion Btu per year are presently being exported by Northern and Phillips at a price of 99.99¢ per million Btu.

[3] This liquefaction, storage and regasification facility has been used by Northwest for LNG peaking, using valley gas from its regular suppliers. The plant can be modified at minimal expense to receive LNG deliveries by ocean tankers.

DISCUSSION

The Administrative Law Judge resolved the six jurisdictional issues raised in the Commission's June 21, 1974, order, no other jurisdictional issues having been raised.

(1) Jurisdiction over Proposed LNG Sale and Transportation.

The Administrative Law Judge found that LNG sales by Marathon and Phillips to Northwest are jurisdictional as being a sale for resale of natural gas in interstate commerce within the meaning of section 1(b) of the Act. He also found that, except for the exemption of Marathon's and Phillips' field to LNG plant lines, the LNG plant, the ocean tanker and Northwest LNG facilities in Oregon, the transportation of the gas from wellhead to consumer is jurisdictional under section 1(b). In support of these findings he first of all noted that LNG is "natural gas" within section 2(5) of the Act and is therefore subject to Commission jurisdiction over sales and transportation,[4] and he found that such case authority, involving importation of LNG, applies *a fortiori* to LNG brought into one state from another state in light of the Commission's holding that importation of LNG is within interstate commerce under Section 2(7) of the Act.[5] He saw interstate commerce starting at the Alaskan wellhead, with the interstate sale being F.O.B. the tanker: The non-jurisdictional ocean tanker transportation was held not to sever the interstate commerce. He concluded that once, as here, jurisdiction is established, the Commission cannot disclaim or waive that jurisdiction, as Marathon and Phillips had alternatively requested. No exceptions were taken to this portion of the initial decision.

We affirm and adopt this finding of jurisdiction over the proposed LNG sale and transportation for the reasons advanced in the initial decision.

(2) Wellhead Price.

The Administrative Law Judge found that, despite Commission jurisdiction over the price of gas sold at the wellhead in interstate commerce for resale,[6] there is no need to set a just and reasonable wellhead price because no wellhead sale is contemplated. He noted that neither the national rate nor an area rate applies to Alaskan gas, and concluded that wellhead costs could be considered as one of many elements in determining the justness and reasonableness of rates involved with the LNG sale at the tanker.

While California essentially concurs with this finding, it stresses the necessity of Commission consideration of Phillips' and Marathon's production, gathering, transportation, liquefaction, storage and

[4] *Distrigas Corporation* v. *F.P.C.*, 495 F.2d 1057 (D.C. Cir. 1974); *Distrigas Corporation*, Opinion No. 613, 47 FPC 752, 759 (1972); and *Phillips Petroleum Company* and *Marathon Oil Company*, Docket Nos. CI67-1226 and 1227, 37 FPC 777 (1967).

[5] *Distrigas Corporation*, Docket Nos. CP73-78 et al., order denying rehearing June 20, 1973, 49 FPC 1400.

loading costs when it determines the justness and reasonableness of the LNG sale price F.O.B. the cryogenic tanker.

Marathon supports this portion of the initial decision and argues that California's contention is premature and that such elements should instead be considered in Phase II.

We affirm and adopt this finding that no wellhead price need be established for this transaction. Since there are no wellhead sales, no wellhead price should be set. Commission consideration of wellhead costs will be necessary however, in Phase II for a determination of the justness and reasonableness of the dockside LNG sale at Nikiski.

(3) Jurisdiction over Transportation and Liquefaction within Alaska.

The Administrative Law Judge held that Marathon and Phillips' transportation and liquefaction activities were those of an independent producer, not subject to pipeline regulation, and that the facilities related thereto fell within the production and gathering exemption of section 1(b) of the Act. He found certification required solely for the tanker loading facilities at the Kenai plant. To arrive at this result, he initially presented legal authority[7] supporting the following methodology: Each case must be determined upon its particular circumstances, and, where the company has not previously been classified as a pipeline, its "primary function" is determinative, that is, whether it is predominantly engaged in the transportation of gas in interstate commerce or in some other activity, such as production and gathering. He noted that, while a company had retained its independent producer status despite Commission certification of its line from field to processing plant as jurisdictional, Northern Natural, supra note 7, the Commission has more recently interpreted Brooks Gas, supra note 7, to view, as within the gathering exemption and therefore without pipeline jurisdiction, an independent producer's "behind-the-plant" facilities where the gas is sold for resale at the tail-gate of the producer's processing plant.[8]

Against this background the Administrative Law Judge concluded that the liquefaction plant is analogous to the traditional processing plant (gas is treated to make it of "pipeline quality" suitable for sale). In support thereof he argued that, although the gas in question is of "pipeline quality" when it leaves the fields as a result of separators and dehydrators in these fields, it is not suitable for interstate or foreign commerce until it is liquefied, capable of cryogenic tanker transportation: Due to "market and geography" (no pipeline to another state exists or could be economically constructed) the gas must be liquefied before it is fully processed for purposes of both interstate commerce and also the contracts of sale. By treating the LNG plant as a traditional processing plant he then concluded that Marathon's (18 miles of 20 inch line) and Phillips' (45 miles of 10 and 16 inch line) field-to-LNG plant lines are "behind-the-plant" facilities, therefore nonjurisdictional as being incidental to production and gathering. The several direct industrial and resale sales off these lines were found not to alter this result.

Staff, New York, California and SoCal and PacAlaska except to this holding. To begin with, Staff argues that the LNG plant cannot be considered a "processing plant," which is nonjurisdictional, for, while processing plants remove water vapor, carbon dioxide, sand, liquid hydrocarbons, condensates and other impurities from casinghead gas, liquefaction takes nothing from the gas, which here is already of "pipeline quality:" It merely converts the gas to a form permitting non-pipeline transportation. Moreover, Commission jurisdiction over LNG peak shaving facilities is raised as a bar to considering the Kenai plant nonjurisdictional. In addition the rationale in the initial decision that the gas is not suitable for interstate commerce until it has passed through the LNG plant is asserted by Staff and California to support a finding of jurisdiction for the plant is an integral part of the interstate movement of natural gas. Staff then concludes that, if the LNG plant is not a "processing plant," the lines from the fields to the plant must be jurisdictional for they are not "behind-the-plant." Record references are noted to show that the processing is accomplished before the gas leaves the central point of the field, at which point it is of "pipeline quality." Staff would reinforce its argument by focusing on the intrastate sales off these lines, the high pressure involved, and the lines operating mainly outside the production areas.

California initially asserts that production and gathering terminate at the central points of the several fields and that the lines beyond these points fall out of the Section 1(b) gathering exemption.[9] It enumerated various supporting facts in the record," and it argues that the Commission has not abandoned the "central-point-in-the-field" test of Barnes, supra note 9, as it attempts to distinguish the cases relied upon in the initial decision for the "primary function" test, supra notes 7 and 8. Concerning the LNG plant, California contends that the traditional jurisdictional "processing plant," which is an incident of production and gathering and which also makes the gas salable and/or extracts other products from the gas, has not been viewed by the Commission as distinguishing between gas salable for interstate as compared to intrastate commerce: If it is salable in any commerce, processing is complete. SoCal and PacAlaska concur in this, reasoning that liquefaction is only necessary to render the gas "transportable", not "salable", and accordingly they analogize the LNG plant to a jurisdictional compressor station, also needed for transportation.

New York argues that the case authority, supra notes 7 and 8, supporting the section 1(b) exemption of behind-the-plant facilities is distinguishable from this case because the processing plant tail-gate sales traditionally involved minor facilities which had little effect upon the price of such tail-gate gas. In the instant LNG context, however, the behind the LNG plant facilities could have substantial cost impact. It contends that, since the basis for determining the just and reasonable price of Alaskan LNG has not yet been determined, now is not the time to find such facilities nonjurisdictional. California and SoCal and PacAlaska see Phillips' and Marathon's independent producer status preserved if the facilities, now determined to be jurisdictional, were owned by a separate corporation.

Marathon and Phillips oppose these exceptions. They initially assert that the initial decision will not result in a "regulatory gap" because the LNG sale for resale at the tailgate of the LNG plant is subject to Section 7 certification in Phase II of this proceeding: Traditional indirect producer regulation of tail-gate sales, instead of the direct public utility pipeline regulation, is allegedly sufficient. They also reiterate the case authority supporting use of the "primary function" test, supra notes 7 and 8, their function in Alaska being production and gathering, not transmission, and they depreciate the "mechanistic" "central-point-in-the-field" test espoused by California by arguing that Barnes, supra note 9, has been abandoned by the Commission. In this regard they furthemore support not only the use of the "behind-the-plant" methodology of the initial decision and inclusion of their field-to-plant lines within their gathering exemption but also the treatment of the LNG plant as a traditional non-jurisdictional processing plant, emphasizing the essential function of liquefication in making the gas salable in interstate commerce.[11] Moreover, they would distinguish

[6] *Phillips Petroleum Co.* v. *State of Wisconsin*, 347 U.S. 672, 682 (1954).

[7] Southern Union Gathering Company, Docket No. CP 71-26, 47 FPC 1177, 1188 (1972); Northern Natural Gas Pipeline Company, Opinion No. 538, 39 FPC 362, 368 (1968); Brooks Gas Corporation v. F.P.C., 383 F.2d 503, 509 (D.C. Cir. 1967); and Ben Bolt Gathering Company, 26 FPC 825, 827 (1961), aff'd, 323 F.2d 610, 611 (5th Cir. 1963).

[8] Phillips Petroleum Company, Docket No. CI73-73, letter order issued July 17, 1973 (35 mile line from field to compressor system near processing plant found by the Commission to be outside its section 7(c) jurisdiction).

[9] Barnes Transportation Company, 18 FPC 369, 372 (1957).

[10] (1) The gas is of "pipeline quality" when it leaves the fields. (2) The gathering lines all converge at a central platform. (3) From these central platforms the lines in question run to the LNG plant. (4) The field-to-plant lines are at transmission pressures. (5) The distances (18 and 45 miles) relate to transmission, not gathering. (6) Marathon and Phillips make sales of the lines before the plant.

[11] Phillips also makes the factual argument that the LNG plant also performs traditional processing, such as removal of water vapor, carbon dioxide and liquid hydrocarbons. It also states that the "pipeline quality" of the gas, as well as the minor intrastate sales of the lines, are irrelevant to a determination of jurisdiction.

V40-1128 JUL 2 75 XUM

this LNG plant from those jurisdictional LNG peaking facilities mentioned by Staff, noting that the Commission treats LNG projects on a case-by-case basis, refusing to view all such projects as legally indistinguishable: [32] This ad hoc approach is also cited in their argument against the precedential nature of this case for other Alaskan LNG projects. In addition, Phillips also seeks support for the nonjurisdictional status of the LNG plant by referring to the Commission's original authorization of LNG exportation from this plant, supra, in which the plant was not deemed to be jurisdictional. Finally, Phillips states that, if it would lose its independent producer status because of this project, it would terminate its participation therein, although it does assert that the Commission need not alter its producer status even if certain facilities are found to require Section 7 certification. It does oppose, however, the suggestion that subsidiaries be formed to conduct all jurisdictional activities.

We find that the Kenai LNG plant and the 18 and 45 mile long lines leading back to the respective fields are within Section 7 certificate jurisdiction; therefore, we reverse the finding of no jurisdiction in the initial decision. As a preliminary matter we reiterate our prior position, supra note 12, that jurisdictional determination concerning LNG projects are made on a case-by-case basis. Moreover, we consider the applicants' "primary function," which is predominantly production and gathering, and therefore we would extend the Section 1(b) production and gathering exemption to their facilities "behind-the-processing plant". [33] We can, however, accept neither the finding that the Kenai LNG plant is such a processing plant nor the correlative finding that the two plant-to-field lines are also exempt. The gas from the North Cooke Inlet and Kenai fields has already been processed and is of "pipeline quality" when it leaves the respective central points, as is indicated by the intrastate direct and resale sales off these two lines before they reach the LNG plant. Liquefaction itself is not traditional "processing". It changes the form of the gas to permit transportation, but it does not make it salable. The analogy to a jurisdictional compressor station is apt. The further dehydration and extraction accomplished at the LNG plant is solely incidental to the liquefaction process and therefore not controlling here. The lines behind the LNG plant do not have a gathering function, once stripped of the "behind-the-plant" exemption. They are an integral part of the interstate flow of this gas.

The requirement of Section 7 certificate applications for the LNG plant and the plant-to-field lines will not, however, cause Phillips and Marathon to lose their independent producer status. [34] Their other activities and facilities in Alaska and the lower 48 states will remain under indirect producer regulation. Furthermore, these applicants can preserve their producer status by bifurcating the project between jurisdictional and nonjurisdictional components, a subsidiary corporation engaging in the former part. Of course such an arrangement would require certification of the wellhead sale between the applicants and their subsidiaries purchasing the gas in the fields.

(4) Jurisdiction over the LNG Ocean Tanker.

The Administrative Law Judge then proceeded to hold that LNG transportation from Nikiski, Alaska to Oregon by ocean tanker owned by Northwest or any other firm, is nonjurisdictional. In support thereof he first of all noted that the Commission had previously determined that "it does not have jurisdiction over the transportation of LNG by means other than pipeline" because the Act was addressed to "regulation of pipelines in order to eliminate demonstrated abuses rather than to the regulation of all modes of transportation in interstate commerce". [35] He also stated that the Act was only directed at "stationary facilities," and he rejected any attempted extension of Congressional intent in light of the recent development of gas liquefaction and its transportation by ocean tankers. As a second basis for finding no jurisdiction over cryogenic ocean tankers, he noted that interstate commerce, within the parlance of section 2(7) of the Act, is limited to "only insofar as such commerce takes place within the United States;" therefore, since the LNG tanker in question will travel predominantly through international waters, this transportation is nonjurisdictional. Finally, he rejected any suggestion that the portion of the voyage within U.S. coastal waters should be treated as jurisdictional, finding such bifurcated treatment of the voyage to be impractical and erroneous.

California alone excepts to this holding. It initially requests Commission reconsideration of its order in R–377, supra note 15, in light of the lack of Commission control over the increased costs of LNG transportation to the consumer. Secondly, it argues that Congress never intended to limit jurisdiction under the Act to stationary facilities and that R–377 leaves a "regulatory gap." In particular California assails any statutory construction that would exclude cryogenic tankers from the Act solely because they did not exist in 1938: Just as LNG is "natural gas" within the meaning of section 2(5) of the Act, supra note 4, even though LNG was unknown in 1938, so too is transportation of LNG by ocean tankers "transportation" within the meaning of the Act. Moreover, it attacks another Commission holding that "transportation" only relates to pipelines [36] by noting that "pipeline" is only mentioned once in the Act, in section 7(h) (eminent domain power granted to certificate holders) and by arguing that other pertinent paragraphs of section 7 could equally apply to ocean tankers (section 7(a) "extend" and "physical connection," section 7(b) "abandon," and section 7(c) "construct"). Thirdly, California relies upon several canons of statutory construction. [37] Finally, California reasons that if, assuming arguendo, the ocean tanker transportation of LNG from Alaska to Oregon is not in interstate commerce, it must be in foreign commerce and therefore subject to section 3 jurisdiction as an import of LNG.

Marathon, El Paso and Northwest oppose this exception. The reading of and reliance on the order in R–377 and section 2(7) of the Act in the initial decision is supported. They reiterate that the Congressional intent was to only certificate pipelines. California's canons of construction are also attacked as inapplicable in the present context, and El Paso raises the canon of construction that the interpretation of a statute by it enforcing agency should be given deference, which in this case involves the Commission reading "transportation" to only encompass "pipelines." Finally, California's section 3 importation argument is contraverted by El Paso and Marathon for section 3 refers to exports to foreign countries or imports from foreign countries.

We affirm and adopt the finding that no section 7 certification application need be filed for the cryogenic ocean tanker and the transportation of this LNG from Alaska to Oregon. The Commission has already found that such a mode of transportation is nonjurisdictional, supra notes 15 and 16, and this finding is well supported by the legislative history of the Act (only pipeline abuses were intended to be cured by certification) and its language (section 7 is phrased in terms of "extend," physical connection," "abandon," and "construct," all of which relate to stationary, not movable, facilities). As a second independent justification for this finding, the ocean transportation of LNG through international waters is outside "interstate commerce" as defined in section 2(7) and therefore nonjurisdictional. The portion of the voyage through U.S. coastal waters is merely incidental to the transportation through internation waters. Finally, the contention that the LNG tanker transportation is jurisdictional as an import

[32] Belco Petroleum Company, Opinion No. 659, 49 FPC 1154, 1159 (1973).

[33] Phillips Petroleum Corporation, 10 FPC 246, 277 (1951) rev'd other grounds, 347 U.S. 672 (1954); Panhandle Eastern Pipe Line Company, et al., Opinion No. 617, 47 FPC 1088, 1092 (1972).

[34] Northern Natural Gas, supra note 7.

[35] Order Terminating Proposed Rulemaking Proceeding, Docket No. R–377, 49 FPC 1078, 1079 (1973).

[36] Distrigas Corporation, supra note 6.

[37] (a) There must be intent demonstrated to exclude specific subject matter if the statute is broad enough to include it. (b) The purpose and history of a statute must be considered if a mechanical interpretation is at odds with the statute. (c) An agency or court can read into a statute specifics not before the legislature at the time of enactment. (d) Regulatory statutes should be flexible enough to encompass changing technology.

under section 3 must be rejected for Alaska is not a foreign country.

(5) The Retention of Northwest's section 1(c) Exemption.

Northwest has been exempted from the provisions of the Act because its operations come within the ambit of section 1(c) ("Hinshaw" amendment), that is, its natural gas supply is "received * * * from another person within or at the boundary of a state," in this case Oregon. Although the Administrative Law Judge noted that the point of delivery for the instant LNG sale is, pursuant to the terms of the contract, Nikiski, Alaska, he still found that Northwest's section 1(c) exemption is not jeopardized by this sale, so long as the cryogenic tanker is owned and operated by a different corporation. In essence he distinguished "delivery" by Phillips and Marathon in Alaska to the tanker from "receipt" by Northwest of the LNG in Oregon, this latter occurrence constituting "receipt * * * from another person within or at the boundary of a state", even though delivery occurs outside the state. He supported this finding by concluding that termination of Northwest's section 1(c) exemption due to this sale would result in Commission duplication of Oregon regulation of Northwest's activities and facilities within that state, the very eventuality that section 1(c) was designed to avoid. [38]

Staff, New York, California and SoCal and PacAlaska except to this holding. They all argue that Northwest will receive the LNG in Alaska, not Oregon, because under the contract Nikiski is the point of delivery where Northwest takes title to and assumes the risk for the LNG. They stress the commercial realities of the transaction. In addition Staff and California attack the adequacy of the holding that, so long as Northwest does not own and operate the tanker, its exemption is preserved: This subsidiary—transportation caveat to the initial decision is argued not to meet the "from another person" requirement of section 1(c). New York and SoCal and Pac-Alaska, however, contend that Northwest can retain its "Hinshaw" exemption if a subsidiary is assigned Northwest's contract or purchases the LNG at Nikiski, transports it to Oregon, and then sells it to Northwest.

Northwest, Oregon, Brooklyn Union, Marathon and Phillips all oppose this exception, arguing the "receipt" within section 1(c) means "physical possession," not merely taking title to and assuming the risk for the LNG. They all support the initial decision in this regard and warn against regulatory duplication if Northwest's exemption is removed. Finally, Northwest would enhance the validity of a subsidiary transporting the LNG by reference to common law bailments (the subsidary tanker company, as bailee of the LNG from Alaska to Oregon, would have all the incidents of ownership except for legal title, and Northwest, as bailor, would have no right to retake possession while the bailment is in effect). Most importantly, however, Northwest agrees to form any corporate organization necessary to insure its continued Section 1(c) exemption, including a firm which would purchase the LNG in Alaska and sell it to Northwest in Oregon.

We find that under the presently advanced format Northwest's section 1(c) exemption will be abrogated by this proposed LNG sale; therefore, we reverse the finding of continued exemption in the initial decision. While the terms of private contracts cannot be allowed to frustrate the Act, the terms of these contracts are helpful in administering the Act for they indicate that delivery occurs in Alaska; therefore, Northwest is receiving gas outside Oregon, contrary to the section 1(c) exemption. The interpretation of "received" as referring solely to actual possession, not title, risk or delivery, is a misconstruction of section 1(c). This becomes apparent in light of the history of the "Hinshaw" amendment, which was a Congressional abrogation of the Supreme Court's determination that interstate transportation includes distribution of gas within one state received by the distributor from the interstate pipeline at the state line. [39] Northwest will "receive" the LNG in Alaska, even if a subsidiary or an unrelated firm transports it to Oregon, and the nonjurisdictional nature of the cryogenic tanker does not alter this result.

If, however, Northwest forms a subsidiary which will purchase the gas from Phillips and Marathon, transport it to Oregon, and there resell it to Northwest, it will not lose its section 1(c) exemption for then it will in fact receive the gas "from another person within or at the boundary" of Oregon. Northwest has agreed to this structure in its brief. Such a corporate entity, whether a subsidiary or bound to Northwest solely by contract, would have to apply for section 7 certification of its sale of LNG to Northwest, even though the tanker is nonjurisdictional.

(6) Jurisdiction over Northwest's Oregon LNG Facilities.

While the Administrative Law Judge noted that LNG unloading, storage and regasification facilities are normally jurisdictional, [40] Northwest's continued section 1(c) exemption was found to preclude section 7 jurisdiction in this case.

Staff and California except to this finding, arguing that, if Northwest loses its section 1(c) exemption, its LNG facilities become subject to Commission jurisdiction. California would, however, go even further and require section 7(c) certification of all of Northwest's nonlocal distribution facilities in Oregon for the regasified LNG will be commingled with its other gas supply from its interstate pipeline supplier.

Northwest opposes this exception. It first of all relies on the "local distribution" exemption of section 1(b) of the Act. Secondly, it relies upon its "Hinshaw" exemption to also cover its LNG facilities.

Since we have already found that Northwest will lose its Section 1(c) exemption, we also find that Northwest must apply for section 7(c) certification for its Oregon LNG facilities; therefore, we reverse the finding that these LNG facilities are nonjurisdictional. If Northwest is no longer exempt from the provisions of the Act, its LNG facilities, which would otherwise be jurisdictional, become jurisdictional. On the other hand, if Northwest reorganizes itself so as to retain its exemption, as noted above, its LNG facilities will not require certification. California's position that all nonlocal distribution facilities must be certificated is rejected in any event.

The Commission further finds:

(1) The wellhead price of gas produced by Phillips and Marathon for liquefaction and sale will not, as such, be subject to Commission regulation by reason of this transaction since no wellhead sale will take place and no wellhead price is proposed or necessary to be established in connection with the transaction.

(2) The sale of LNG to Northwest in Alaska pursuant to transaction will constitute the sale of natural gas in interstate commerce for resale, subject to the jurisdiction of the Commission, and the certification of said sale and of facilities required to effect it is required.

(3) The transportation and liquefaction of the gas within Alaska and the facilities required for such transportation and liquefaction are subject to the Commission's certification jurisdiction and requirements.

(4) The transportation of LNG by ocean tanker over the proposed route will not be jurisdictional.

(5) Under the presently proposed arrangement the LNG sale will abrogate Northwest's section 1(c) exemption from the provisions of the Act, and accordingly Northwest's LNG facilities in Oregon to be used in this transaction are subject to the jurisdiction of the Commission and require certification.

The Commission orders:

(A) The initial decision issued in Phase I of this proceeding on January 15, 1975, is affirmed in part and reversed in part, as is enumerated in the body of this order.

(B) Marathon and Phillips must in Phase II support application for certification of the Kenai LNG plant and the pipelines leading from this plant back to their respective gas fields.

(C) Northwest must in Phase II support application for certification of its Oregon LNG facilities to be employed in this sale.

(D) Marathon, Phillips and Northwest must in Phase II support application for certification of the sale of LNG to Northwest in Alaska.

(E) The Commission mandates found in Ordering Paragraphs (B) and (C) should be modified according to the body of this order if Marathon, Phillips and Northwest alter the present structure of

[38] In this regard he noted that Oregon has commenced regulation of the rates, service and facilities of Northwest within Oregon necessary for this LNG transition.

[39] FPC v. East Ohio Gas Co., 338 U.S. 464 (1950).

[40] Distrigas, supra note 5.

V40-1128 JUL 2 75 XUM

this transaction as discussed hereinabove.

(F) A public hearing in Phase II of this case shall be commenced on August 5, 1975 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5d) shall preside at the hearing.

(H) Marathon, Phillips and Northwest shall file and serve their direct case on or before July 14, 1975.

(I) The Presiding Administrative Law Judge may establish a further hearing for rebuttal testimony and evidence if necessary.

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17286 Filed 7-1-75;8:45 am]

[Docket Nos. RP73-43; PGA75-5]

MID LOUISIANA GAS CO.

Proposed Change in Rates

JUNE 25, 1975.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 16, 1975, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Sixteenth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1; that the revised tariff sheet is proposed to be effective August 1, 1975, and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served or interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17274 Filed 7-1-75;8:45 am]

[1] List of Appearances filed as part of original document.

[Docket No. E-9502]

MINNESOTA POWER & LIGHT CO.

Proposed Changes in Rates and Charges

JUNE 24, 1975.

Take notice that Minnesota Power & Light Company (MP&L) on June 18, 1975, tendered for filing proposed changes in its rates and charges to seventeen municipal customers, one privately-owned electric system customer and two rural electric cooperative customers, as embodied in MP&L's proposed Rate Schedule No. 92, applicable to its full requirements municipal and privately-owned electric system customers, and proposed Rate Schedule No. 93, applicable to its electric cooperative customers. In addition, MP&L has filed for an increase to 4.00 mills per kilowatthour in the transmission service rates applicable to its 3 transmission service customers. MP&L states that the proposed increase in transmission rates, or any subsequent proposed increases, cannot become effective as to two of its wheeling customers before June 18, 1979 due to notice requirements contained in their service agreements. According to the Company, the proposed changes would increase revenues from jurisdictional sales and service by $2,412,500 based on the twelve-month period ending July 18, 1975.

During 1974, MP&L states that it earned a rate of return of 7.23 percent from service to its full requirements municipal customers, 7.99 percent from its rural electric cooperative customers, 9.20 percent from its privately-owned electric system customer, and 5.87 percent from its wheeling customers. Based on the data presented in the Company's filing relative to the 1975 test period, it is expected that these rates of return will be 6.93 percent, 7.22 percent, 9.29 percent, and 5.48 percent, respectively, in 1975 in the absence of rate relief. The proposed rates are designed to enable MP&L to improve the rate of return earned from its service to these jurisdictional customers, which the Company believes is necessary if it is to attract the amounts of capital necessary to provide adequate service to these customers.

Copies of the applicable portions of the filing have been served upon their jurisdictional customers, MP&L states. Copies have also been mailed to the Minnesota Public Service Commission and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17275 Filed 7-1-75;8:45 am]

[Docket Nos. RP71-125 and RP74-96; PGA75-10]

NATURAL GAS PIPELINE CO. OF AMERICA

Filing of Revised Purchase Gas Cost Adjustment

JUNE 26, 1975.

Take notice that on June 18, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing Twenty-third Revised Sheet No. 5 to be effective June 1, 1975 to its FPC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of the submittal is to file a revised tariff sheet to become effective June 1, 1975 reflecting increased costs other than those increased costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H in accordance with Ordering Paragraph D of the Commission's Order issued May 30, 1975 in this docket. Included in the filing are supporting schedules giving the details for the current unit adjustments to be effective June 1, 1975 and June 2, 1975. Natural states that the tariff sheet effective June 2, reflects the rates that were suspended by the Commission's May 30, 1975 order in this docket and were permitted to be effective June 2, 1975, subject to refund.

Natural also states the tariff sheets reflect the rate level for Rate Schedule MS-3 (formerly Rate Schedule S-3) that became effective March 1, 1975 by Commission Order issued June 2, 1975 at Docket No. CP72-279.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17276 Filed 7-1-75;8:45 am]

[Docket No. CP75-365]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 25, 1975.

Take notice that on June 13, 1975, Northern Natural Gas Company, operating as and through its Peoples Natural Gas Division (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-365 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 660 compressor horsepower addition at its existing Dalhart Compressor Station, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant alleges that it was authorized by order of the Commission on April 15, 1974, to construct and operate a 600 horsepower compressor station on its Bivins-Clayton pipeline in Dallam County, Texas, and that as a result of operating experience it has been established that the authorized compressor facilities are insufficient to provide reliable and adequate service to customers. Applicant proposes to construct and operate a 660 compressor horsepower addition to the existing facilities to alleviate the problem of delivering the necessary volumes of gas. Applicant states that the estimated cost of the proposed facilities would be $162,100, and that the proposed facilities would be financed from cash on hand.

Applicant states that farming units that are served by the existing facilities have expanded their production acreage and that there is a deficient moisture profile, which has resulted in an increased demand for natural gas for irrigation purposes during the irrigation season.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17277 Filed 7-1-75;8:45 am]

[Docket Nos. RP73-48, PGA75-5]

NORTHERN NATURAL GAS CO.

Notice of Rate Change

JUNE 25, 1975.

Take notice that Northern Natural Gas Company on June 17, 1975, tendered for filing Ninth Revised Sheet No. 3a of its FPC Gas Tariff, Original Volume No. 4. The proposed change to become effective August 1, 1975 would increase the rate per Mcf to jurisdictional customers by 3.73¢ per Mcf. This change results from a PGA increase filed by Colorado Interstate to become effective August 1, 1975. Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17278 Filed 7-1-75;8:45 am]

[Docket No. E-9007 and E-9054]

TAMPA ELECTRIC CO.

Notice of Extension of Time

JUNE 25, 1975.

In June 20, 1975, Tampa Electric Company filed a motion to extend their procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued June 5, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing direct testimony by the Company is extended to and including July 31, 1975. All other procedural dates remain as fixed by the above order.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17279 Filed 7-1-75;8:45 am]

[Docket Nos. CI75-746 and CI75-747]

TENNECO OIL CO.

Notice of Applications

JUNE 26, 1975.

Take notice that on June 16, 1975, Tenneco Oil Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CI75-746 and CI75-747 applications pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sales for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), produced from East Cameron Block 281 and from Eugene Island Blocks 342 and 343, offshore Louisiana, at the national rate set forth in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant requests in Docket No. CI75-746 authorization to sell and deliver to Tennessee an estimated 2.07 million Mcf of gas per month at Applicant's Block 281 "A" and "B" Platforms. Applicant states that although the contract between the parties dated June 13, 1975, calls for a price of $1.63 per Mcf of gas, Applicant is willing to make the sale at 52.5314 cents per Mcf at 15.025 psia (the national rate including all adjustments and tax reimbursement).

Applicant requests in Docket No. CI75-747 authorization to sell and deliver to Tennessee an estimated 1.233 million Mcf of gas per month at Applicant's existing platform in Block 342. Applicant explains that Tenneco Exploration, Ltd. (a partnership composed of Tenneco Offshore, Inc., a publicly-owned company in which Applicant does not own any interest, and Applicant) owns the gas to be produced from Eugene Island Blocks 342 and 343 and that Applicant will purchase such gas from Tenneco Exploration Ltd., and will resell the gas to Tennessee. Applicant states that although its contract with Tennessee dated June 12, 1975, calls for a price of $1.44 per Mcf of gas, Applicant is willing to make the sale at the national rate quoted above.

With respect to the proposed sales in both dockets herein, Applicant states that it has committed and will sell 75 percent of its reserves to Tennessee and will retain 25 percent for its own use after transportation onshore by Tennessee under arrangements to be made later.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

V40-1128 JUL 2 75 XUM

to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17280 Filed 7-1-75;8:45 am]

[Docket No. CP75-366]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 26, 1975.

Take notice that on June 13, 1975, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP75-366 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon partially the transportation service rendered to Gulf Oil Corporation (Gulf) all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has been transporting for Gulf up to 6,000 Mcf of gas per day on a high priority interruptible basis under the terms of a transportation agreement authorized by the order of January 24, 1963, issued in Docket No. CP63-35, as amended by August 21, 1969. Applicant further states that the primary term of the transportation agreement expired on February 1, 1975, and that Gulf insisted on a reduction in the maximum volume of gas to be transported from 6,000 Mcf per day to 1,000 Mcf per day. Applicant states that it transport the gas for Gulf from the outlet of the Claiborne Gasoline Plant, Claiborne Parish, Louisiana, and from the intersection of Louisiana State Highway No. 35 and Applicant's 20-inch pipeline in Acadia Parish, Louisiana, for redelivery to Gulf at the outlet of a meter station on Applicant's 26-inch pipeline near the City of Harrison, in Hamilton County, Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17281 Filed 7-1-75;8:45 am]

[Docket Nos. RP74-48 and RP75-3, AP75-2]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing

JUNE 25, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on June 16, 1975, tendered for filing seven revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

Transco states that such filing is made in accordance with the provisions of Section 6 of Article III of its "Agreement as to Rates" in the above dockets to track advance payments for gas not previously reflected in rates of $15,442,642. The proposed effective date of the filing is August 1, 1975 subject to Commission approval of the Agreement.

Transco states that the revised tariff sheets included in the filing reflect an increase of 0.3¢ per Mcf in the commodity rate or delivery charge of the Company's CD, G, OG, E, PS, S-2, X-11, X-20, X-42, X-52 and X-56 rate schedules.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17282 Filed 7-1-75;8:45 am]

[Docket No. CP75-354]

TRANSWESTERN PIPELINE CO.

Notice of Application

JUNE 26, 1975.

Take notice that on June 4, 1975, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-354 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act, as implemented by § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for a six-month period commencing July 1, 1975, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is enable Applicant to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the facilities would not be in excess of $1,500,000 nor would single project cost in excess of $500,000. Applicant states that the proposed facilities would be financed from funds available from company operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the grant of a certificate and permission and approval for the abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17283 Filed 7-1-75;8:45 am]

[Docket No. RP73-35 PGA75-3]

TRUNKLINE GAS CO.

Notice of Proposed Change in Tariff

JUNE 25, 1975.

Take notice that on June 13, 1975, Trunkline Gas Company (Trunkline) tendered for filing Thirteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Trunkline submits that the filing is in accordance with the provisions of Section 18 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, and reflects increases in the current cost of gas and recovery of amounts in the deferred purchased gas cost account. An effective date of August 1, 1975 is proposed.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17284; Filed 7-1-75;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding the availability of information, notice is given that at its meeting on June 16-17, 1975, paragraph 1(c) of the Committee's authorization was amended to read as follows:

(c) To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers' acceptances of the types authorized for purchase under 1(b) above, from dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates that, unless otherwise expressly authorized by the Committee, shall be determined by competitive bidding, after applying reasonable limitations on the volume of agreements with individual dealers; provided that in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement or a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account; and provided further that in the event bankers' acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market.

By order of the Federal Open Market Committee, June 23, 1975.

MURRAY ALTMANN,
Deputy Secretary.

[FR Doc.75-17219 Filed 7-1-75;8:45 am]

FIRST OF McALESTER CORP.

Formation of Bank Holding Company

First of McAlester Corporation, McAlester, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank & Trust Company of McAlester, McAlester, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 16, 1975.

Board of Governors of the Federal Reserve System, June 25, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-17221 Filed 7-1-75;8:45 am]

PADGETT AGENCY, INC.

Order Approving Action To Become a Bank Holding Company and To Acquire a General Insurance Agency

JUNE 24, 1975.

Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 225.3(a) of regulation Y (12 CFR 225.3(a)), Padgett Agency, Inc., Greenleaf, Kansas ("Applicant"), has applied for prior approval to become a bank holding company through the acquisition of 91.67 percent of the voting shares of The Citizens National Bank, Greenleaf, Kansas ("Bank"). Concurrently, Applicant has applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y for approval to acquire Padgett Insurance Agency, Greenleaf, Kansas ("Agency"), and to thereafter act as a general insurance agent or broker with respect to all types of insurance in Greenleaf (population of 448). The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board of Governors has previously determined to be closely related to banking (12 CFR 225.4(A)(9)(iii)(a)).

The applications have been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under provisions of §§ 265.2(f)(22) and (32) of the Rules Regarding Delegation of Authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the applications to the Comptroller of the Currency. The Comptroller offered no objection to approval of the applications. Notice of receipt of the applications was published in the FEDERAL REGISTER on May 16, 1975 (40 FR 21540), providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and this Reserve Bank has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Inasmuch as the proposal to form a bank holding company by acquisition of shares of Bank merely facilitates a corporate restructuring of ownership, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on other banks in the trade area. Upon acquisition of Bank (deposits of $7.4 million), Applicant would control the 294th largest bank in Kansas, holding .09 percent of total deposits in commercial banks in the State.[1] Bank is the second largest of the eight banks located in Washington County, which approximates the relevant banking market, and con-

[1] All banking data are as of December 31, 1974.

V40 1128 JUL 2 75 XUM

trols 17.67 percent of deposits therein. Acquisition of Bank would result in no immediate change in banking services available in the relevant market.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank and Agency, are considered generally satisfactory and consistent with approval. The debt to be incurred by Applicant appears to be serviceable from the income to be derived from Bank and Agency without having an adverse effect on the financial condition of either Applicant or Bank. Accordingly, banking factors are regarded as being consistent with approval. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are consistent with approval of the application to acquire Bank. It is the Reserve Bank's judgment that consummation of the transaction would be in the public interest and that the application should be approved.

Applicant proposes to acquire the general insurance business of Agency, which has been operated by Applicant's principal stockholder. Agency will continue to provide a convenient source of full-line insurance services to residents of the Greenleaf area. There is no evidence in the record indicating that consummation of the proposal and operation of Agency would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

The Reserve Bank, therefore, finds that the public interest factors set forth in section 4(c)(8) of the Act are favorable, and the application to engage in the operation of a general insurance agency in Greenleaf, Kansas, should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction involving acquisition of shares of Bank shall not be consummated before the thirtieth calendar day following the effective date of this Order and neither Bank nor Agency should be acquired later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the regulations and orders issued thereunder or to prevent evasion thereof.

June 20, 1975.

[SEAL] JOHN F. ZOELLNER,
Vice President.

[FR Doc.75-17220 Filed 7-1-75;8:45 am]

UNION TRUST COMPANY OF WILDWOOD, N.J.

Notice of Application for Exemption From Registration

Notice is hereby given that Union Trust Company of Wildwood, New Jersey, a member state bank of the Federal Reserve System, has applied to the Board of Governors, pursuant to sections 12(h) and 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781), for exemption from the registration requirements of section 12(g) of said Act.

Any interested person may, on or before July 17, 1975, (i) submit written comments and recommendations with respect to the application, (ii) request the holding of a hearing on the matter, stating the nature of his interest and the reason for such request, or (iii) request to be notified if the Board should order a hearing thereon. Such communication should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. At any time after the expiration of said 15 days, an order disposing of the application may be issued by the Board upon the basis of the information stated therein and other available information, unless an order for a hearing thereon shall have been issued. A copy of the application is available for public inspection in Room B-1118 of the Board building, 20th Street and Constitution Avenue, NW., Washington, D.C.

By order of the Board of Governors, acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(7)), June 23, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-17222 Filed 7-1-75;8:45 am]

UTAH BANCORPORATION

Acquisition of Bank

Utah Bancorporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to become a bank holding company through acquisition of 100 per cent of the voting shares of Bountiful Valley Bank, Bountiful, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 16, 1975.

Board of Governors of the Federal Reserve System, June 25, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-17223 Filed 7-1-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that there will be a meeting of the Committee on Early Childhood Education of the National Advisory Council on the Education of Disadvantaged Children. The Committee meeting will be held Thursday, July 17, 1975, at the Statler Hilton Hotel, 16th and K Streets NW., from 7 p.m.–9 p.m.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the Committee meeting is to review materials for presentation to full Council at the scheduled meeting for July 19, 1975.

Signed at Washington, D.C., on June 30, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-17389 Filed 7-1-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-41]

SPACE SCIENCE STEERING COMMITTEE

Renewal of Advisory Subcommittee, Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator of NASA has determined that the renewal of an ad hoc advisory Subcommittee to review proposals for Participation in The Scientific Definition of Explorer-Class Payloads is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

Dated: June 27, 1975.

DUWARD L. CROW,
Assistant Administrator for Department of Defense and Interagency Affairs.

[FR Doc.75-17238 Filed 7-1-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARCHITECTURE + ENVIRONMENTAL ARTS PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture + Environmental Arts Panel to the National Council on the Arts will be held on July 23–24, 1975 from 9 a.m.–5:30 p.m. (both days) in the 11th floor conference room of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975 (40 FR 25522) this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

ROBERT SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-17212 Filed 7-1-75;8:45 am]

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Council on the Arts will be held on July 21, 22, 23, 24, 1975 from 9 a.m.—5:30 p.m. (all four days) in the 14th floor conference room of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975 (40 FR 25522) this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

ROBERT SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-17211 Filed 7-1-75;8:45 am]

National Endowment for the Humanities

ADVISORY COMMITTEE ON SCIENCE, TECHNOLOGY AND HUMAN VALUES

Renewal

JUNE 24, 1975.

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4)); and paragraph 9 of OMB Circular A-63, notice is hereby given that renewal of the Advisory Committee on Science, Technology and Human Values has been approved by the Chairman of the National Endowment for the Humanities for a period of two years until June 30, 1977.

This committee provides the National Council on the Humanities policy advice concerning a continuing program of the National Science Foundation and the National Endowment for the Humanities to support research and educational activities concerning relationships of science and technology to ethics and values. The compass of the program is related to both technology assessment and environmental impact but more specialized than either in its concentration on cultural and humanistic values. The committee reports to the Chairman of the Endowment and to the National Council on the Humanities.

The charter for the committee will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-17287 Filed 7-1-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-10, 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 10 to Facility Operating License Nos. DPR-2 and DPR-19 and Amendment No. 9 to Facility Operating License No. DPR-25 issued to the Commonwealth Edison Company (the licensee) which revised the licenses for operation of Dresden Units 1, 2 and 3 (the facilities) located in Grundy County, Illinois. These amendments are effective as of their date of issuance.

The amendments authorize the licensee to receive, possess, and use up to 21 curies of cesium 137 in the form of sealed sources for radiation monitoring equipment to be used in support of operation of the facilities in accordance with the licensee's application dated April 23, 1975. Consistent with the application of April 23, the amendment also further amends License No. DPR-2 to add antimony 122-124 and americium 241 in the form of sealed sources for reactor start-up in connection with operation of Dresden Unit 1.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for these amendments dated April 23, 1975, (2) Amendment No. 10 to License Nos. DPR-2 and DPR-19 and Amendment No. 9 to License No. DPR-25, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and for Dresden 2 and 3 at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 20th day of June 1975.

For The Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-17175 Filed 7-1-75;8:45 am]

V40 I128 JUL 2 75 XUM

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Request for Exemption From Requirements Concerning Emergency Core Cooling System Performance

As required by 10 CFR 50.46(a)(2) and orders previously entered in this docket on August 5, 1974 (39 FR 29611) and April 3, 1975 (40 FR 16371), Commonwealth Edison Company's Dresden Nuclear Power Station, Unit 1, must achieve compliance with acceptance criteria for emergency core cooling systems (ECCS) published in Appendix K to 10 CFR Part 50, by August 2, 1975, unless either (1) an extension of time for submission of the required ECCS performance evaluation is approved by the Director of Nuclear Reactor Regulation pursuant to 10 CFR 50.46(a)(2)(iii), or (2) an exemption from the operating requirements of 10 CFR 50.46(a)(2)(iv) is granted by the Commission for good cause shown. As required by § 50.46(a)(2)(vi), notice is hereby given that the Commission has received and is considering a request from Commonwealth Edison Company for "an exemption from 10 CFR 50.46 and any underlying requirement with respect to the design and diversity of emergency systems or the diversity of emergency power sources" for the Dresden Nuclear Power Station, Unit 1, until modifications to the reactor's ECCS are completed. The request states that "[t]he earliest possible completion date for these modifications is currently believed to be December 31, 1977."

The request may be granted upon the findings that good cause has been shown, that it would be in the public interest to allow the licensee a specified additional period of time within which to alter the operation of the facility in the manner required by § 50.46(a)(2)(iv), and that there is reasonable assurance that the granting of the exemption will not adversely affect the health and safety of the public.

The Commission invites the submission of views and comments by interested persons concerning the action to be taken on the request for exemption. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, not later than July 16, 1975. Pursuant to 10 CFR 50.46(a)(2)(vi), the Director of Nuclear Reactor Regulation shall submit his views on the requested exemption not later than July 21, 1975.

A copy of the request for exemption dated June 18, 1975, and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Dated at Washington, D.C. this 27th day of June, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-17238 Filed 7-1-75;8:45 am]

[License No. 20-15525-02E]

ION TRACK INSTRUMENTS, INC.

Issuance of Amendment of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission has, pursuant to § 32.23 of 10 CFR Part 32, issued Amendment No. 01 to License No. 20-15525-02E to Ion Track Instruments, Incorporated, 179 Bear Hill Road, Waltham, Massachusetts 02154, which authorizes the distribution of Models 62 and 70 explosives detectors and Model SF6 gas detector to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect vapors from explosives and sulfur hexafluoride tracer gas in natural gas. The sensitive element of each device is the detection chamber in which an argon gas/air sample mixture flowing through the chamber is made conductive by beta particles emitted by radioactive tritium or nickel-63.

2. The byproduct material incorporated in Models SF6 and 77 detectors is 500 millicuries of tritium absorbed in titanium which is contained in foils manufactured by the Radiochemical Centre. The byproduct material incorporated in Models 62 and 70 detectors is 10 millicuries of nickel-63 contained in foils manufactured by the Radiochemical Centre.

3. Each exempt unit will have a label identifying the importer (Ion Track Instruments, Inc.) and the byproduct material (tritium or nickel-63) contained in the unit and recommending that the unit be returned to Ion Track Instruments, Inc. for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials and Fuel Cycle Facility Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland June 24, 1975.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-17176 Filed 7-1-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON COMBUSTION ENGINEERING SYSTEM 80

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Combustion Engineering System 80 will hold a meeting on July 18, 1975 in Room 1046 at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Combustion Engineering, Inc., for a Reference System Standard Project Review.

The agenda for the subject meeting shall be as follows:

Friday, July 18, 1975, 9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and Combustion Engineering, Inc., and will hold discussions with these groups pertinent to its review of the application of Combustion Engineering, Inc., for a Reference System Standard Project Review.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 10, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C., 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this project and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 9:30 a.m. and 10:30 a.m.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 17, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1393, G. Quittschreiber) between 8:15 a.m. and 5 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20555, seven days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 25, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after October 20, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: June 27, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 75-17236 Filed 7-1-75; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.10, "Irreversible and Irretrievable Commitments of Material Resources," provides a basis acceptable to the NRC staff for discussions of irreversible and irretrievable commitments of material resources required in the evaluation of the environmental impact involved in the construction of a 1000 MWe pressurized water reactor. This guide endorses ORNL-TM-4515, "Estimated Quantities of Materials Contained in a 1000-MW(e) PWR Plant."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.10 will, however, be particularly useful in evaluating the need for an early revision if received by August 29, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment)
Cooling Water System—Protection of Aquatic Organisms (Entrainment)
Cooling Water System—Protection of Aquatic Organisms (Cold Shock)
Effluent Monitoring Guide for UF_6 Conversion Facilities
Effluent Monitoring Guide for Uranium Mills
Effluent Monitoring Guide for Fuel Fabrication Facilities
Effluent Monitoring Guide for Irradiated Fuel Reprocessing
Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies
Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors
Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I
Land Use Assessment—Agriculture
Nuclear Power Stations—Guide to Terrestrial Studies
Preparation of Early Site Review Reports for Nuclear Power Stations

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75-17177 Filed 7-1-75;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Nuclear Regulatory Commission has issued two new guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.37, "Information for Safety Analysis Reports—Pressurizer Relief Discharge System," and Regulatory Guide 1.70.38, "Information for Safety Analysis Reports—Training," identify information that is needed in safety analysis reports at the construction permit and operating license stages of review.

These guides are two of a number being issued in the 1.70.X series to identify information that has often been missing from applicants' safety analysis reports or to present revisions necessary to make

V40-1128 JUL 2 75 XUM

a portion of the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," Revision 1, October 1972 (Regulatory Guide 1.70), consistent with the appropriate Standard Review Plan. Standard Review Plans (SRPs) are being prepared by the NRC staff for the guidance of staff reviewers who perform the detailed safety review of applications to construct or operate nuclear power plants. A primary purpose of SRPs is to improve the quality and uniformity of staff reviews and to provide a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. A complete Revision 2 of the Standard Format incorporating the changes presented in this 1.70.X series will be issued following completion of publication of the SRPs.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.70.37 and 1.70.38 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by September 2, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 25th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75-17237 Filed 7-1-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

The Advisory Panel for Earth Sciences will hold a meeting on July 24 and 25, 1975, from 9 a.m. to 5 p.m. at the Graduate School of Oceanography, University of Rhode Island, Kingston, Rhode Island.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific research proposals that have been assigned to the Earth Sciences Section. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. William Benson, Head, Earth Sciences Section, Rm. 310, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4210.

FRED K. MURAKAMI,
Committee Management Officer.

JUNE 26, 1975.

[FR Doc.75-17181 Filed 7-1-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 27, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Departmental and other, Projected Natural Gas Curtailments to Anhydrous Ammonia Plants, 1975/76, single-time, fertilizer manufacturers, Lowry, R. L., 395-3772.

Economic Research Service, Iowa Ownership Survey, single-time, individuals, Lowry, R. L., 395-3772.

Forest Service, Recreation Resources Visitor Information Service User Study, single-time, visitors to information service centers, Planchon, P., 395-6140.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, Intravenous (I.V.) Solution Containers—Glass and Plastic, DIB-971, single-time, producers of intravenous containers, Lowry, R. L., 395-3772.

Bureau of the Census, Longitudinal Manpower Survey, First Follow-up Questionnaire, Respondent's Record Card, Dear Friend Letter, LMS-102, LMS-5, LMS-109, Quarterly, participants in manpower administration CETA program, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Declaration for Electronic Products for Which Standards are Prescribed Under the Radiation Control for Health and Safety Act 1968, FD 2877, on occasion, business firms, Lowry, R. L., 395-3772.

Social Security Administration, Statement for Determining Continuing Eligibility for Supplementary Security Income Payments, SSA-8200A, annually, supplemental security income recipients, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, 1976 National Highway Inventory and Performance Study, single-time, State highway departments, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Regulations—Special Supplemental Food Program for Women, Infants and Children (WIC), on occasion, State agencies and local agencies/health clinics, 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Reference Inquiry: Job Applicant, HSM 9.69, on occasion, college professors and or employers of applicants, Caywood, D. P., 395-3443.

Social Security Administration, State Agency Quality Assurance Report, SSA 2522, monthly, government agencies, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-17362 Filed 7-1-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5593]

REGULATIONS A AND F FILINGS

Los Angeles Region

Notice is hereby given of the transfer to the Los Angeles Regional Office from the San Francisco Branch Office of filing and review responsibilities for all filings previously submitted to the Commission's San Francisco office pursuant to Regulations A (17 CFR §§ 230.251 to 230.263) and F (17 CFR §§ 230.651 to 230.656) under the Securities Act of 1933. The effective date for the transfer will be July 1, 1975. The Los Angeles Region includes the States of Arizona, California, Hawaii, and Nevada and the Territory of Guam.

On or after July 1, 1975 materials will be accepted for filing only in Los Angeles. Accordingly, all new filings, as well as material relating to filings previously submitted to the San Francisco office, shall be directed to the Commission's office in Los Angeles. Where the documents relate to filings prior to July 1, 1975, the material will be forwarded to San Francisco for review, consideration and appropriate disposition.

In submitting filings under Regulations A and F, the Commission requests that the material be addressed to:

Richard Gordon, Chief, Branch of Regulation A and Interpretations, Los Angeles Regional Office, Securities and Exchange Commission, 312 North Spring Street, Los Angeles, Calif. 90012.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1975.

[FR Doc.75-17172 Filed 7-1-75;8:45 am]

[Rel. No. 11499]

SEC REPORT COORDINATING GROUP

First Annual Report and Recommendations for a Focus Report

JUNE 26, 1975.

The Securities and Exchange Commission today announced that the first Annual Report including recommendations for the adoption of a FOCUS Report was submitted to the Commission by the SEC Report Coordinating Group ("The Group").

The Group, an advisory committee formed pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770 (1972), was chartered on May 1, 1974 for a two year period, with the announced purpose of advising the Commission in the development of a streamlined reporting pattern for the securities industry. The Group delivered an Interim Report on December 16, 1974, with recommendations in four areas: a uniform financial and operational report (FOCUS Report); uniform assessments forms; uniform trading forms; and uniform registration forms and record retention periods.

The first annual report of the Report Coordinating Group was submitted on June 16, 1975, and contained specific recommendations.

Financial and operational reports. Its first annual report amplified and made specific recommendations for the adoption of a FOCUS Report of financial and operational information. The recommended FOCUS Report would be composed of a Part I short form summary filed monthly by certain clearing or carrying firms; Part II surveillance report filed quarterly by financially and operationally sound clearing or carrying firms; Part IIA "short form" in lieu of Part II filed quarterly by small broker-dealers, firms not clearing and not carrying customer accounts and firms doing a limited type of business; and an "annual audit report" in which the extent and timing of the application of the audit procedures would be determined, as in other industries, by the independent public accountant according to his professional judgment after considering the circumstances in a particular case.

Assessment forms and procedures. In the area of assessment forms, the Group has recommended, among other things, that each regulatory organization study the possibility of eliminating assessment forms based on net commission revenue and consider collecting assessments based on data captured at the source in computer form through the clearing mechanism of each respective exchange. An Assessments Forms Task Force has been created and will hold its first meeting on June 30, 1975.

Registration forms. Regarding registration forms, the Group's recommendation that the Form U-3, the uniform broker-dealer registration form, and the Form U-4, the uniform agent registration form, be adopted has been largely implemented. Forty-five states, the Commission, and the National Association of Securities Dealers, Inc. have adopted the recommended uniform broker-dealer registration form; and forty-eight states, the Commission, all registered national securities exchanges, the National Association of Securities Dealers, Inc., and certain commodity exchanges have adopted the recommended uniform agent registration form.

Trading forms. In the area of trading forms, the Group has ascertained that there are one hundred four existing trading forms which could be reduced to twenty nine such forms. A Trading Forms Task Force has been created and will hold its first meeting on July 1, 1975.

The Commission presented certificates of appreciation to the members of the Group for their generous and devoted service. The members of the Group are:

David J. Barry, Senior Vice President, Manufacturers Hanover Trust Company, New York, New York.
Kenneth J. Bialkin, Esquire, Partner, Wilkie Farr & Gallagher, New York, New York.
Thomas R. Cassella, Manager of Operations, Securities Investor Protection Corporation, Washington, D.C.
Bryan P. Coughlin, Jr., Vice President, Midwest Stock Exchange, Inc., Chicago, Illinois.
R. John Cunningham (Chairman), Director, Arthur Young & Company, New York, New York.
Joseph F. Neil, Vice President, Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, New York.
Paul H. Fitzgerald, Vice President, New York Stock Exchange, Inc., New York, New York.
Robert E. Googins, Vice President, Counsel and Secretary, Connecticut Mutual Life Insurance Company, Hartford, Connecticut.
Nelson S. Kibler, Assistant Director, Securities and Exchange Commission, Washington, D.C.
Philip J. Lo Bue, Vice President, Pacific Stock Exchange, Inc., Los Angeles, California.
Hugh H. Makens, Director, Department of Commerce, Corporations & Securities Bureau, Lansing, Michigan.
Douglas F. Parillo, Vice President, National Association of Securities Dealers, Inc., Washington, D.C.
Daniel J. Pilitero II (Secretary), Assistant Director, Securities and Exchange Commission, Washington, D.C.
Frank H. Spearman III, Partner, Haskins & Sells, Los Angeles, California.
Eli Weinberg, Senior Vice President, White, Weld & Co., New York, New York.
Bernard Weissman, Chairman of the Board and Secretary-Treasurer, Gold, Weissman & Frankel, Inc., New York, New York.

It was also announced that a limited number of copies of the first annual report including the recommendations for the adoption of a FOCUS Report will be available from the Commission and that the First Annual Report will be available for review in the Public Reference Room at each of the Commission's Regional Offices on or about July 1, 1975.

The Commission solicits from interested members of the public, comments concerning the first annual report and the recommendations for the adoption of a FOCUS report.

The comments should be filed on or before July 15, 1975. The communications should be addressed to:

Daniel J. Pilitero II, Esq.
Assistant Director
Division of Market Regulation
Securities and Exchange Commission
Washington, D.C. 20549

All comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17190 Filed 7-1-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5177]

BUSINESS CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On May 15, 1975, a notice was published in the FEDERAL REGISTER (40 FR 21083) stating that Business Capital Corporation, located at 1732 Canal Street, New Orleans, Louisiana 70112, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment ended May 30, 1975.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 06/06-5177 to Business Capital Corporation.

Dated: June 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-17230 Filed 7-1-75;8:45 am]

[Declaration of Disaster Loan Area #1150]

WISCONSIN

Declaration of Disaster Area

Buffalo, Crawford, Dunn, Grant, La Crosse, Pepin, Pierce, Trempealeau, Vernon and adjacent counties within the State of Wisconsin constitute a disaster area because of damage resulting from heavy rainfall and flooding, coupled with the spring runoff, which occurred April 25 through May 16, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 18, 1975, and for economic injury until the close of business on March 19, 1976, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703.

or other locally announced locations.

Dated: June 19, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-17231 Filed 7-1-75;8:45 am]

V40-128 JUL 2 75 XUM

INTERSTATE COMMERCE COMMISSION

[AB 18 (Sub-No. 13)]

CHESAPEAKE AND OHIO RAILWAY CO.

Abandonment of Passenger Main Track

JUNE 23, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Boyd County, Ky., on or before July 7, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT PORTION OF EASTBOUND PASSENGER MAIN TRACK AND PORTION OF THE WESTBOUND MAIN PASSENGER TRACK, AT ASHLAND, BOYD COUNTY, KENTUCKY

The Interstate Commerce Commission hereby gives notice that by order dated June 19, 1975, it has been determined that the proposed abandonment by the Chesapeake and Ohio Railway Company of portions of its eastbound and westbound main passenger tracks and associated side and yard tracks totalling 11.75 miles, all in Ashland, Boyd County, Ky., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because passenger service will still be provided to the area by a new passenger terminal located at Catlettsburg, and no major salvaging operations will be required on the subject line. An environmental benefit of this action will be the elimination of 11 grade crossings in the downtown Ashland area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 14, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-17264 Filed 7-1-75;8:45 am]

ASSIGNMENT OF HEARINGS

[Notice No. 802]

JUNE 27, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113193 Sub 21, Roberts & Oake, Inc., now assigned September 15, 1975, at Kansas City, Missouri, is postponed indefinitely.

MC 124716 Sub 5, Rush Trucking, Inc., now assigned September 8, 1975, at Tallahassee, Fla., is canceled and reassigned for hearing September 8, 1975, (1 week), at Miami, Fla.; in a hearing room to be later designated.

AB-28, Central of Georgia Railroad Company Abandonment Between Lafayette and Roanoke, in Chambers and Randolph Counties, Alabama, now being assigned September 3, 1975 (3 days) at Roanoke, Alabama; in a hearing room to be designated later.

MC 128932 Sub 7, Roberts L. Torrans, dba Commercial Storage & Distribution Co., now being assigned September 8, 1975 (1 week) at Dallas, Texas; in a hearing room to be designated later.

MC 74321 Sub 111, B. F. Walker, Inc., MC 113459 Sub 97, H. J. Jefferies Truck Line, Inc., MC 115603 Sub 12, Turner Bros., Trucking Company, Inc. and MC 138104 Sub 22, Moore Transportation Co., Inc., now being assigned September 18, 1975, (2 days), at Birmingham, Ala.; in a hearing room to be later designated.

MC 114273 Sub 226, Crst, Inc., now being assigned September 15, 1975, (1 day), at Kansas City, Mo.; in a hearing room to be later designated.

MC 117815 Sub 236, Pulley Freight Lines, Inc., now being assigned September 30, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later.

MC 110420 Sub 710, Quality Carriers, Inc., now being assigned October 10, 1975 (1 week) at Chicago, Illinois; in a hearing room to be designated later.

No. 36178, Increased Fares, Baltimore and Ohio Railroad Company, now being assigned for prehearing Conference August 6, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 25869 Sub 123, Nolte Bros. Truck Line, Inc., now assigned July 28, 1975, at Amarillo, Tex., is canceled and application dismissed.

MC-C-8551, Red Star Express Lines of Auburn, Inc. V. Boss-Linco Lines, Inc., now assigned July 1, 1975 at Washington, D.C., is postponed to July 30, 1975 at the Offices Of The Interstate Commerce Commission, Washington, D.C.

MC 117883 Sub 195, Subler Transfer, Inc., now assigned July 28, 1975 at Amarillo, Texas, is canceled and the application is dismissed.

MC 45544 Sub 5, Silver Line, Inc., now assigned July 8, 1975, at New York, N.Y., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17259 Filed 7-1-75;8:45 am]

[Notice No. 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 27, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 111383 (Deviation No. 19), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 72 to Decatur, Ala., thence over U.S. Highway 31 to junction Interstate Highway 65, thence over Interstate Highway 65 to Birmingham, Ala., and return over the same route. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., and return over the same route.

No. MC 111383 (Deviation No. 20), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 64 to Chattanooga, Tenn., thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route.

No. MC 111383 (Deviation No. 21), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Alternate 45 to junction U.S. Highway 82, thence over U.S. Highway 82 to Montgomery, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route.

No. MC 111383 (Deviation No. 22), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 78 to New Albany, Miss., thence over Mississippi Highway 15 to junction Mississippi Highway 19 at Philadelphia, Miss., thence over Mississippi Highway 19 to Meridian, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 80 to Meridian, Miss., and return over the same route.

No. MC 111383 (Deviation No. 23), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Monroe, La., over Louisiana Highway 34 to Joyce, La., thence over U.S. Highway 167 to junction U.S. Highway 71 near Alexandria, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Monroe, La., over U.S. Highway 80 to Shreveport, La., thence over U.S. Highway 71 to Alexandria, La., and return over the same route.

No. MC 111383 (Deviation No. 24), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 84 and Interstate Highway 65 near Evergreen, Ala., over U.S. Highway 84 to Archie, La., thence over Louisiana Highway 28 to Alexandria, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 84 and Interstate Highway 65 near Evergreen, Ala., over Interstate Highway 65 to Montgomery, Ala., thence over U.S. Highway 80 to Shreveport, La., thence over U.S. Highway 71 to Alexandria, La., and return over the same route.

No. MC 42487 (Deviation No. 106), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 7101 S. Cicero Ave., Chicago, Ill. 60629, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Charlotte, N.C., over Interstate Highway 77 (using segments as they are completed) to Columbia, S.C., and (2) From Charlotte, N.C., over U.S. Highway 21 to Columbia, S.C., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Charlotte, N.C., over U.S. Highway 74 to Asheville, N.C., thence over U.S. Highway 25 to Hendersonville, N.C., thence over U.S. Highway 176 to Spartanburg, S.C., thence over U.S. Highway 221 to Laurens, S.C., thence over U.S. Highway 76 to Columbia, S.C., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17260 Filed 7-1-75;8:45 am]

[Notice No. 10]

MOTOR CARRIERS ALTERNATE ROUTE DEVIATION NOTICES

JUNE 27, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2 (c) (9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c) (9).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c) (9) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 1, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

No. MC 13300 (Deviation No. 32), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed May 7, 1975. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., Pa. Ave. S. 13th St., N.W., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Rocky Mount, N.C., over North Carolina Highway 97 to Hobgood, N.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Rocky Mount, N.C., over U.S. Highway 64 to Tarboro, N.C., thence over U.S. Highway 258 to junction North Carolina Highway 122, thence over North Carolina Highway 122 to Hobgood, N.C., and return over the same route.

No. MC 37640 (Deviation No. 2), TEXAS BUS LINES, P.O. Box 418, Galveston, Tex., 77550, filed June 18, 1975. Carrier's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Beaumont, Tex., over Interstate Highway 10 to Winnie, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and

V 40 1128 JUL 2 75 XUM

property, over a pertinent service route as follows: From Beaumont, Tex., over Texas Highway 124 to Winnie, Tex., and return over the same route.

No. MC 37640 (Deviation No. 1), TEXAS BUS LINES, P.O. Box 418, Galveston, Tex., 77550, filed June 18, 1975. Carrier's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Galveston, Tex., over U.S. Highway 75 (Interstate Highway 45) to junction Texas Highway 146, thence over Texas Highway 146 to junction Interstate Highway 10, thence over Interstate Highway 10 to Winnie, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and property, over a pertinent service route as follows: From Galveston, Tex., by ferry to Port Bolivar, Tex., thence over Texas Highway 87 to junction Texas Highway 124, thence over Texas Highway 124 to Winnie, Tex., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17261 Filed 7-1-75;8:45 am]

(Notice No. 51)

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 27, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

MC 100666 (Sub-No. 262) (Republication), filed December 14, 1973, and published in the FEDERAL REGISTER issue of January 24, 1974, and republished this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW 58th, 230 National Fdn., Life Bldg., Oklahoma City, Okla. 73112. An Order of the Commission, Division 1, Acting as an Appellate Division, dated June 10, 1975, and served June 19, 1975, finds that the present and future public convenience and necessity requires operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *metal conduit for electrical and telephone wiring*, from the manufacturing facilities of Cellco Industries, Inc., at or near Charlerol, Pa., to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the territorial description to delete Donora, Pa., as the origin point, and to substitute in lieu thereof "the manufacturing facilities of Cellco Industries, Inc., at or near Charlerol, Pa." Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 107496 (Sub-No. 950) (Republication), filed April 12, 1974, and Published in the FEDERAL REGISTER issue of May 23, 1974, and republished this issue. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Third at Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). An Initial Decision of the Commission, Administrative Law Judge John Roger Corcoran, served May 7, 1975, which became the Order of the Commission on June 6, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *fertilizer solutions*, in bulk, (a) from Athens, Ill., to points in Iowa; and (b) from Washington, Ind., to points in Illinois (except East St. Louis) and Kentucky; and (2) *sulfates*, in bulk, in tank vehicles, from Iowa City, Iowa to points in Texas, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the commodity description in (2) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 129862 (Sub-No. 5) (Republication), filed January 28, 1974, and published in the FEDERAL REGISTER issue of March 14, 1974, and republished this issue. Applicant: RAJOR, INC., 2 Lewisburg Pike, P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative: William J. Monheim, P.O. Box 1257, City of Industry, Calif. 91749. An Order of the Commission, Review Board Number 3, dated June 6, 1975, and served June 19, 1975, finds, that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *athletic, gymnastic, aquatic and sporting goods, parts and accessories of the foregoing commodities, adhesives, rubber tire treads, hardware, advertising material, and materials, equipment and supplies*, utilized in the manufacture, sale, and distribution of the described commodities (1) from Santa Ana, Calif., to Arlington and Houston, Tex., Atlanta, Decatur, and Griffin, Ga., Birmingham and Mobile, Ala., Bridgeton, Mo., Edison and Maywood, N.J., Elk Grove Village and River Grove, Ill., Nashville, Tenn., New Orleans, La., Shelby, Ohio, and Tampa, Fla., and (2) from points in Texas, and points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Santa Ana, Calif., restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with AMF Voit, Inc., of Santa Ana, Calif., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that applicant intends to serve Edison, N.J., and Shelby, Ohio, as destination points in (1) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 133154 (Sub-No. 6) (Republication), filed August 12, 1974, and published in the FEDERAL REGISTER issue of September 6, 1974, and republished this issue. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Blvd., Fontana, Calif. 92335. Applicant's representative: Jed L. Kelson, 3701 Wilshire Blvd., Seventh Floor, East Tower, Los Angeles, Calif. 90010. An order of the Commission, Operating Rights Board, dated May 23, 1975, and served June 12, 1975, finds, that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle over irregular routes, (1) *of beds, in containers*, (2) *of bed accessories and promotional items in mixed loads with beds, mattresses and box springs*, and (3) *of beds, mattresses and box springs in mixed loads with bed accessories and promotional items*, from Los Angeles, Calif., to points in Arizona, Nevada, and Utah, under a continuing contract or contracts with Lifetime Foam Products, Inc., of Franklin Park, Illinois, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the correct contracting shipper. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 19868 (Notice of filing of petition to modify commodity description), filed June 4, 1975. Petitioner: GALLAGHER TRUCKING CO., a corporation, Maine & Ridge Ave., Philadelphia, Pa. 19127. Petitioner's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Petitioner holds a motor *common carrier* certificate in No. MC 19868, issued July 1, 1967, authorizing transportation, over irregular routes, of *Ship ranges and parts, shipbuilders' supplies*, and *electrical machinery and supplies*, from Philadelphia, Pa., to New York, N.Y., Wilmington, Del., and points in New Jersey. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read, *Commodities*, the transportation of which because of size or weight requires the use of special handling or special equipment. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123936 (Sub No. 5) (Notice of filing of petition to remove restriction), filed June 13, 1975. Petitioner: RETAIL STORES DELIVERY OF RHODE ISLAND, INC., 208 Kinsley Ave., Providence, R.I. 02903. Applicant's representative: Thomas F. X. Foley, 744 Broad Street, Newark, N.J. 07102. Petitioner holds a motor *common carrier* certificate in No. MC 123936 (Sub-No. 5), issued August 7, 1973, authorizing transportation, over irregular routes, of *such commodities* as are dealt in by retail department stores, in retail delivery service, between Boston, Mass., and points in Rhode Island, points in Fairfield, Hartford, Litchfield, Middlesex, New London, New Haven, Tolland, and Windham Counties, Conn., and points in Barnstable, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, and Worcester Counties, Mass. By the instant petition, petitioner seeks to delete the phrase, "in retail delivery service," from the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133965 (Notice of filing of petition to remove restriction), filed June 13, 1975. Petitioner: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Petitioner's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Petitioner holds a motor *common carrier* certificate in No. MC 133965, issued November 6, 1969, authorizing transportation, as pertinent, over irregular routes, of *Refined petroleum products*, in tank trucks, other than those having special heating or insulating equipment, From points within 30 miles of first and Main Streets, Los Angeles, Calif., to Tucson, Ariz., and points in Maricopa County, Ariz. By the instant petition, petitioner seeks to eliminate the phrase, "other than those having special heating or insulating equipment," from the commodity description in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication of the FEDERAL REGISTER.

No. MC 140268 (Notice of filing of petition to add contracting shippers), filed June 16, 1975. Petitioner: J-GEM TRANSPORTATION, INC., 9565 Reseda Boulevard, Suite 350, Northridge, Calif. 91324. Petitioner's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Petitioner holds a motor *contract carrier* permit in No. MC 140268 issued April 8, 1975, authorizing transportation, over irregular routes, of *Such merchandise* as is usually dealt in by retail furniture stores: (1) Between points in California; (2) Between points in California, on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii); and (3) From Salt Lake City and Ogden, Utah, to points in Idaho, under a continuing contract, or contracts, with the following shippers: McMahon Furniture Company, of Los Angeles, Calif.; and Consolidated Foods Corporation, Gem Furniture Division of North Hollywood (Los Angeles), Calif. By the instant petition, petitioner seeks to add Sunline Furniture Manufacturing Co., Compton, Calif.; Barker Manufacturing Company, Portland, Oreg.; McFlem Furniture Manufacturing Co., Los Angeles, Calif.; and Southwest Furniture Mfg., Inc., Burbank, Calif. as additional contracting shippers in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

V40I128 JUL 2 75 XUM

MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH AN APPLICATION UNDER SECTION 212(b)

No. MC 126173 (Sub-No. 2), filed March 5, 1975. Applicant: "AMBER WAREHOUSE, INC., 110 Maltese Drive, Totowa, N.J. 07512. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Essex, Mercer, Union, Hudson, Middlesex, and Passaic Counties, N.J.

NOTE.—Applicant requests tacking of its existing authority with transferor's authority at New York, N.Y., to provide operations as described above. By this application, applicant seeks both tacking, and concurrent elimination of the New York, N.Y., gateway. This application is directly related to MC-FC-75024 reopened by Order of the Commission, dated February 10, 1975. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC-F-12541 (REBER TRANSPORT, INC. — PURCHASE (PORTION) — MATERIALS TRANSPORT SERVICE, INC.), published in the June 18, 1975, issue of the FEDERAL REGISTER on page 25757. Application filed June 17, 1975, for temporary authority under section 210a(b).

No. MC-F-12557. Authority sought for purchase by TRANSCON LINES, 101 Continental Blvd., El Segundo, CA 90245, of a portion of the operating rights of (1) CENTRAL MOTOR LINES, INC.; (2) NORTHERN FREIGHT LINES, INC.; and (3) AKERS MOTOR LINES, INCORPORATED, all of 4101 S. Interstate 85, Charlotte, NC 28208. Applicants' attorneys: Wentworth E. Griffin, 1221 Baltimore Ave., Kansas City, MO 64105, and Leonard A. Jaskiewicz, 1730 M St. NW., Washington, DC 20036. Operating rights sought to be transferred: (1) General commodities, with the usual exceptions, as a common carrier over regular routes, between junction U.S. Highway 52 and North Carolina State Road 1669 near Stanleyville, N.C., and junction North Carolina Highway 66 and U.S. Highway 421, near Kernersville, N.C., serving no intermediate points and serving junction U.S. Highway 52 and North Carolina State Road 1669 for the purpose of joinder only, between New York, N.Y., and North Augusta, S.C., serving various intermediate and off-route points, with specific restriction, between Henderson, N.C., and Durham, N.C., serving no intermediate points, and serving Henderson for the purpose of joinder only, between junction U.S. Highway 1 and U.S. Highway 130, near Milltown, N.J., and Easley, S.C., serving various intermediate and off-route points, with specific restriction, between Richmond, Va., and Danville, Va., serving no intermediate points and serving each termini only for the purpose of joinder, between Raleigh, and Greensboro, N.C., serving all intermediate and off-route points of Elon College, Gibsonville, and McLeansville, N.C., between Hanes and Siler City, N.C., serving all intermediate points, between Greensboro and Siler City, N.C., serving all intermediate points, and the off-route points of Cedar Falls, Central Falls, Franklinville, and Worthville, N.C., between junction U.S. Highways 29 and 29A, near China Grove, N.C., and Charlotte, N.C., serving all intermediate points, between Shelby and Kings Mountain, N.C., serving all intermediate points.

Also, and in connection with this route, serving various off-route points, with restriction, between Charlotte, and Monroe, N.C., serving all intermediate points, between Maiden, N.C., and junction U.S. Highway 74 and North Carolina Highway 15, near Shelby, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Charlotte, and Lincolnton, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Charlotte, and Clover, S.C., serving all intermediate points, between Charlotte, N.C., and Statesville, N.C., serving all intermediate points, between Pineville, N.C., and Lancaster, S.C., serving all intermediate points, between Cleveland, and Simpsonville, S.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Blacksburg, and Gaffney, S.C., serving all intermediate points, between Clearwater, S.C., and Augusta, Ga., serving all intermediate points, with specific restriction, between Albemarle, and Badin, N.C., serving no intermediate points, between Lincolnton, and Gastonia, N.C., serving all intermediate points; also in connection with this route, serving various off-route points, with restriction, between Maiden and Hickory, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Hickory and Asheville, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Asheville, and Tuxedo, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, between Hendersonville and Tryon, N.C., serving all intermeidate points; also, and in connection with this route, with restriction, between Hendersonville, and Bat Cave, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Bat Cave, and Shelby, N.C., serving all intermediate points.

Also, and in connection with this route, serving various off-route points, with restriction, between Forest City, and Henrietta, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points, with restriction, between Shelby and Lawndale, N.C., serving all intermediate points; also, and in connection with this route, serving various off-route points; serving the plant site of Vick Manufacturing Division of Richardson Merrell, Inc., in the borough of Hatboro, Montgomery County, Pa., as an off-route point in connection with carrier's two presently authorized regular-route operations (1) between New York, N.Y., and North Augusta, S.C., and (2) between junction U.S. Highways 1 and 130, near Milltown, N.J., and Easley, S.C., serving the Central Distribution Center of Hanes Corp., Kintwear Division, in Davie County, N.C. (approximately 12 miles southwest of Winston-Salem, N.C.), as an off-route point in connection with carrier's authorized regular-route operations; over one alternate route for operating convenience only; (2) *General commodities* in bulk, in tank vehicles, as a *common carrier* over regular routes, between Atlanta, and Tournapul, Ga., general commodities with the usual exceptions, between points in Georgia, serving all intermediate points, between Toccoa, Ga., and Greenville, S.C., serving no intermediate points, between Gainesville, and Commerce, Ga., between Commerce, Ga., and junction Georgia Highway 52 and U.S. Highway 23, between Dahlonega, and Gainesville, Ga., serving all intermediate points, between Cornelia, and Dahlonega, Ga., serving all intermediate points between Dahlonega and Clarkesville, Ga. (not including Clarkesville), and the off-route point of Helen, Ga.; serving the terminal site of Central Motor Lines, Incorporated, located at or near junction South Carolina Highway 14 and Interstate Highway 85 in Greenville County, S.C., as an off-route point in connection with carrier's otherwise authorized regular route operations, with restriction.

General commodities, with the usual exceptions, over irregular routes, between Greenville, S.C., on the one hand, and, on the other, points in Georgia lying on and east of U.S. 221, within 100 miles of Greenville; (3) *general commodities*, with the usual exceptions, as a *common carrier* over irregular routes, between Gastonia, N.C., and points in North Carolina within 25 miles thereof, on the one hand, and, on the other, points in South Carolina. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, North Carolina, South Carolina, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12558. Authority sought for purchase by DATA DISTRIBUTION CENTER COMPANY, INC., 2311 Kruse Drive, San Jose, CA 95150, of the operating rights of THOMPSON'S MOTOR SERVICE, INC., 11552 South Michigan Ave., Chicago, IL 60628, and for acquisition by DATA TRANSPORTATION CO., INC., AND WILLIAM F. KRUSE, also of San Jose, CA 95150, of control of such rights through the purchase. Applicant's attorney: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Chicago, Ill., and points within 25 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio. Vendee holds no authority from this Commission. However, it is affiliated with DATA TRANSPORTATION CO., INC., 2311 Kruse Drive, San Jose, CA 95131, MC 129260, which is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC-F-12559. Authority sought for purchase by CORBIN COACH LINES, INC., 1422 Corbin Ave., New Britain, CT 06053, of a portion of the operating rights of BONANZA BUS LINES, INC., P.O. Box 1116, Annex Station (27 Sadin St.), Providence, RI 02901, and for acquisition by PETER B. GWIAZDA, AND JACQUELINE F. GWIAZDA, also of New Britain, CT 06053, of control of such rights through the purchase. Applicants' attorney: John R. Sims, Jr., 425 13th St. NW., Suite 915, Washington, DC 20004. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, and baggage of passengers in a separate vehicle, as a common carrier over regular routes, between Hartford, and Waterbury, Conn., serving all intermediate points. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12560. Authority sought for purchase by CONTINENTAL VAN LINES, INC., P.O. Box 2169, Monterey CA 93940, of the operating rights of MOVING CORPORATION OF AMERICA, INC., 59 North Lewis Place, Tulsa, OK 74110, and for acquisition by NORMAN E. WILEY, 2833 Paradise Park Rd., Pebble Beach, CA 93953, of control of such rights through the purchase. Applicants' attorneys: Martin J. Rosen, 140 Montgomery St., San Francisco, CA 94104, and Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Joplin, Mo., and points within 25 miles of Joplin, on the one hand, and, on the other, points in Missouri, Oklahoma, Kansas, Nebraska, Iowa, and Illinois, between points in Tulsa County, Okla., and those within 25 miles of Tulsa County, on the one hand, and, on the other, points in Arkansas, Kansas, and Texas, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Michigan, and Ohio, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, New York, New Jersey, Ohio, Pennsylvania, and Tennessee, between points within 50 miles of Kay County, Okla., including those in Kay County, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Kansas, Missouri, New Mexico and Texas; *general commodities* with the usual exceptions, between points within three miles of Ponca City, Okla., including Ponca City. Vendee is authorized to operate as a common carrier in Nevada, California, Oregon, Washington, Utah, Idaho, Wyoming, Montana, Colorado, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12561. Authority sought for purchase by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, CO 80216, of a portion of the operating rights and property of ARROW MOTOR TRANSIT, INC., 4600 W. 34th St., Chicago, IL 60650, and for acquisition by ICX INDUSTRIES, INC., also of Denver, CO 80216, of control of such rights and property through the purchase. Applicant's attorneys: Carl L. Steiner, 39 S. La Salle St., Chicago, IL 60603, and William C. Weinsheimer, One First National Plaza, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, with the usual exemptions, as a *common carrier* over regular routes, between Chicago, Ill., and Fort Wayne, Ind., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Illinois, California, Wyoming, Colorado, Arizona, New Mexico, Iowa, Kansas, Nebraska, Missouri, Texas, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12562. Authority sought for purchase by STURM FREIGHTWAYS, INC., 8919 N. University, Peoria, IL 61614, of the operating rights and property of BARRICK TRANSFER CO., INC., 301 North Chicago St., Lincoln, IL 62656, and for acquisition by MILDRED R. STURM, also of Peoria, IL 61614, of control of such rights and property through the purchase. Applicants' attorney: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 56925 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Nebraska, Iowa, Illinois, and Indiana. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 108649 (Sub-No. 7), is a matter directly related.

No. MC-F-12563. Authority sought for purchase by CARGO CONTRACT CARRIER CORP., P.O. Box 206, Sioux City, IA 51102, of a portion of the operating rights of ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, NE 68137, and for acquisition by WILLIAM J. HANLON, 60 Park Place, Newark, NJ 07102, and CHARLES G. Peterson, also of Sioux City, IA 51102, of control of such rights through the purchase. Applicants' attorney: William J. Hanlon, 60 Park Place, Newark, NJ 07102. Operating rights sought to be transferred: Meat, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), as a *common carrier* over irregular routes, from Madison, Nebraska, to points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 136408 (Sub-No. 27), is a matter directly related.

No. MC-F-12564. Authority sought for control and merger by TUCKER FREIGHT LINES, INC., 1415 South Olive St., South Bend, IN 46619, of the operating rights and property of (1) CONSOLIDATED FORWARDING CO., INC.; (2) CONSOLIDATED CARTAGE CO.; AND (3) TRIANGLE EXPRESS AND TRANSFER COMPANY (with dual operations), all of 1300 N. Tenth St., St. Louis, MO 63101, and for acquisition by SAMUEL RAITZIN, also of South Bend, IN 46619, of control of such rights and property through the transaction. Applicants' attorneys: Roland Rice, Suite 618, 1111 E St. NW., Washington, DC 20004, and B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, Clayton, MO 63105. Operating rights sought to be controlled and merged: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Milwaukee, Wis., Chicago, Ill., Indianapolis, Ind., and Cincinnati, Ohio, on the one hand, and, on the other, St. Louis and Kansas City, Mo., Muskogee, Oklahoma City, and Tulsa, Okla., and Dallas and Fort Worth, Tex., serving various intermediate and off-route points in Illinois, Missouri, Oklahoma, Texas, and Wisconsin, between Milwaukee, Wisconsin and Chicago, Ill., on the one hand, and on the other, Indianapolis, Indiana, and Cincinnati, Ohio, serving various intermediate and off-route points in Illinois, Indiana, and Wisconsin, between Kansas City, Mo., on the one hand, and, on the other, Muskogee, Oklahoma City, and Tulsa, Okla., and Dallas and Forth Worth, Tex., serving various intermediate and off-route points in Missouri, Kansas, Oklahoma, and Texas, between St. Louis, Mo., on the one hand, and, on the other, Muskogee, Oklahoma City, and Tulsa, Okla.,

V 40 1128 JUL 2 75 XUM

and Dallas and Forth Worth, Tex., serving various intermediate and off-route points in Missouri, Oklahoma, and Texas, between St. Louis, Mo., on the one hand, and, on the other, Cedar Rapids, Des Moines, Marshalltown, and Waterloo, Iowa, and St. Paul, Minn., serving various intermediate and off-route points in Iowa and Minnesota, between Kansas City, Mo., on the one hand, and, on the other, Cedar Rapids, Des Moines, Marshalltown, and Waterloo, Iowa, and St. Paul, Minn., serving various intermediate and off-route points in Missouri, Iowa, and Minnesota.

Specific commodities, over irregular routes, *meat and meat by-products*, from the Producers Packing Company near Garden City, Kans., to points in Illinois, Indiana, Missouri, Ohio, Oklahoma, and Wisconsin; *meat and meat by-products*, from Guymon, Okla., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; *chocolate*, from Milwaukee, Wis., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, Texas, and Illinois; *glass containers*, from Lapel, Ind., to points in New Jersey, New York, Indiana, Pennsylvania, Delaware, Maine, and Massachusetts; (2) *General commodities* with the usual exceptions, as a *common carrier* over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points and places in that part of Illinois and Indiana within 35 miles of Chicago; (3) *General commodities* with the usual exceptions, as a *common carrier* over regular routes, between Dutzow, and St. Louis, Mo., between Nona, and St. Louis, Mo., serving all intermediate points; *General commodities*, with the usual exceptions, over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission on the one hand, and, on the other, Dupo, Ill., and points in St. Louis County, Mo., except those in the Township of Meramec.

Livestock, between Augusta, Mo., and points within 15 miles of Augusta, on the one hand, and, on the other, East St. Louis and National City, Ill.; and *such material, supplies, and equipment* as are used or useful in the construction and maintenance of telephone communication lines, and *scrap metal*, as a *contract carrier* over irregular routes, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along the Chariton River, to junction of the western boundary of Howard County, Mo., and thence along the western boundaries of Howard County, Mo., and thence along the western boundaries of Howard, Cooper, Morgan, Camden, Dallas, Webster, Douglas, and Ozark Counties, Mo., to the Missouri-Arkansas State line; and points in St. Clair and Monroe Counties, Ill., except Dupo, Ill., and except those located in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, between points in the above-specified Missouri territory, and those in St. Clair and Monroe Counties, Ill., except Dupo, Ill., and except those located in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12565. Authority sought for purchase by ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th St., Chicago, IL 60623, of a portion of the operating rights of CLARK TRANSFER, INC., P.O. Box 190, Burlington, NJ 08016, and for acquisition by EUGENE H. ELEVELD, AND DAVID J. ELEVELD, both of Chicago, IL 60623, of control of such rights through the purchase. Applicants' attorney: Leonard R. Kofkin, 39 South LaSalle St., Chicago IL 60603. Operating rights sought to be transferred: *Store, restaurant, and bar fixtures and equipment*, uncrated, as a *common carrier* over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); *store fixtures*, from Chicago, Ill., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky, with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Wisconsin, Michigan, Ohio, Minnesota, Iowa, Missouri, Pennsylvania, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12567. Authority sought for purchase by GRABELL TRUCK LINE, INC., 679 Lincoln Ave., Holland, MI 49423, of a portion of the operating rights of LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN 56202, and for acquisition by M. VAN WYK, 694 Concord Drive, Holland, MI 49423, of control of such rights through the purchase. Applicants' attorney: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Operating rights sought to be transferred: *Glass containers*, and *closures, caps and covers for glass containers*, as a *common carrier* over irregular routes, from the plantsite and facilities of Anchor Hocking Glass Corporation at Winchester, Ind., to points in Michigan; glass containers and closures therefor, from Terre Haute, Ind., to points in the lower Peninsula of Michigan, with restriction; from Lapel, Ind., to points in the lower Peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in Michigan, West Virginia, Pennsylvania, Illinois, Indiana, Missouri, Ohio, Wisconsin, Kentucky, Iowa, Virginia, New York, Alabama, Texas, Maryland, Tennessee and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12568. Authority sought for merger by HOLMES FREIGHT LINES, INC., 7878 "I" St., Omaha, NE 68127, of the operating rights and properties of (1) BYERS TRANSPORTATION COMPANY, INC., and (2) COMMERCIAL FREIGHT LINES, INC., both of 4200 Gardner Ave., Kansas City, MO 64120, and for acquisition by THOMAS FULKERSON, and K. SUSAN EDMUNDS, also of Omaha, NE 68127, of control of such rights and properties through the transaction. Applicants' attorney: Donald L. Stern, 530 Univac Bldg., Omaha, NE 68106. Operating rights sought to be merged: (1) *General commodities* with exceptions, as a *common carrier* over regular routes, between Kansas City, Mo., and St. Joseph, Mo., serving various intermediate and off-route points, between Kansas City, Kans., and East St. Louis, Ill., serving various intermediate and off-route points, with and without restrictions, between Kansas City, and Lake City, Mo., serving intermediate and off-route points within two miles of Lake City, between junction U.S. Highway 40 and Missouri Highway 7, and Lake City, Mo., serving intermediate and off-route points within two miles of Lake City, between Wentzville, and St. Louis, Mo., serving various intermediate and off-route points, between East St. Louis, Ill., and St. Joseph, Mo., between Maryville, Mo., and Omaha, Nebr., serving no intermediate points between Sheridan and St. Joseph, Mo., serving various intermediate and off-route points; *lubricating oils, greases, gasoline, napitha, furniture polish, rubber tires, insecticide liquid, batteries, wax, candies, empty drums, tanks, barrels, and signs*, between Quincy, Ill., and Browning, Mo.; *used empty containers* for fresh meat and packinghouse products, from Booneville, Mo., to Kansas City, Kans.

Petroleum products, in containers, *soap, cleaning compounds, fresh meat* and *packing house products*, in truckload lots, over irregular routes, from Kansas City, Kans., to points in Missouri; *paint, varnish*, and *painters' supplies*, in truckload lots, from Kansas City, Mo., to certain specified points in Kansas; *paper and paper articles*, in truckload lots, from St. Joseph, Mo., to certain specified points in Kansas; *general commodities*, with usual exceptions, between points in Clay, Jackson, and Platte Counties, Mo., and Douglas, Johnson, Leavenworth, and Wyandotte Counties, Kans., between points in that part of Nodaway, Gentry and Worth Counties, Mo., on and east of U.S. Highway 71 and on and west of U.S. Highway 169, on the one hand, and, on the other, Omaha, Nebr., Council Bluffs and Des Moines, Iowa, Kansas City, Kans., Kansas City, Mo., and those points in that part of Iowa on and south of U.S. Highway 34 and on and west of U.S. Highway 169, with restriction; *meats, meat products, and meat by-products and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska, with restriction; and (2) *general commodities*, with certain specified commodities, as a *common carrier* over regular routes, from, to, and between specified points in the States of Nebraska, Illinois, Missouri, Iowa, Kansas, Oklahoma, Indiana, Colorado, Wisconsin, Arkansas, and Minnesota, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 85411 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. HOLMES FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Iowa, Illinois, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to MC–F–11835, order dated January 7, 1975, transferee acquired control of transferor.

No. MC–F–12569. Authority sought for purchase by GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, California 92803, of the operating rights and property of MOBILE EXHIBITS, INC., 1790 West Yale Avenue, Englewood, Colorado 80110, and for acquisition by E. W. SCHUMACHER, W. C. MOEN, MAX OLSAN AND D. D. HEYDLAUFF, all of No. One Global Way, Anaheim, CA 92803, of control of such rights through the purchase. Applicants' attorneys: ALAN F. WOHLSTETTER, 1700 K Street NW., Washington, D.C. 20006, and R. Y. SCHUREMAN, 1545 Wilshire Boulevard, Los Angeles, Ca. 90017. Operating rights sought to be transferred: *Electronic and photographic display materials and equipment*, in demonstration trailers with exceptions as a *common* carrier over irregular routes between points in the United States (except Alaska and Hawaii), *Display materials and equipment exhibits*, in demonstration trailers with exceptions between points in the United States (except Alaska and Hawaii). Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12570. Authority sought for purchase by CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804, of the operating rights of SATURN EXPRESS, INC., 7860 F St., Omaha, NE 68127, and for acquisition by RONNIE L. WHITWORTH, AND RICKLY L. WHITWORTH, both of 3034 Carlisle Circle, Springfield, MO 65804, COMMERCE BANK, 1661 Boonville Ave., Springfield, MO 65803, Trustee for FLOYD L. WHITWORTH, of 3034 Carlisle Circle, Springfield, MO 65804, of control of such rights through the purchase. Applicants' attorney: Larry D. Knox, 900 Hubbell Bldg., Des Moines, IA 50309. Operating rights sought to be transferred: *Ceramic tile*, as a *contract carrier* over irregular routes, from the plant sites of and the storage facilities utilized by Mosaic Tile Company, at or near Florence, Ala., and The Marmon Group, Inc., at or near Jackson, Miss., to points in Wisconsin, Michigan, Ohio, Illinois, Indiana, Colorado, Texas, Oklahoma, Kansas, South Dakota, Wyoming, Missouri, Minnesota, Nebraska, and Iowa, from the facilities of Mosaic Tile Company at Ironton, Ohio; to points in Wisconsin, Michigan, Ohio, Illinois, Indiana, Colorado, Texas, Oklahoma, Kansas, South Dakota, Wyoming, Missouri, Minnesota, Nebraska, and Iowa, from Jackson, Miss., to points in Florida, Georgia, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, from Lexington, N.C., to points in Alabama, Connecticut, Florida, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, New York, Ohio, Tennessee, and Wisconsin, with restrictions; *frozen macaroni products*, and *dry macaroni products*, from Omaha, Nebr., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Missouri, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and West Virginia; *flour*, in containers, and *corrugated cartons, cellophane, polyethylene paper*, and *dry macaroni products*, from points in the above-named destination States to Omaha, Nebr., with restriction; *tile*, from Lexington, N.C., to points in Alabama, Connecticut, Florida, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, New York, Ohio, Tennessee, and Wisconsin, with restriction; *edible corn products, potato chips, pretzels*, and *dried beef jerky*, (except commodities in bulk), between Omaha, Nebr., on the one hand, and, on the other, Terre Haute, Ind.; *edible corn products* (except commodities in bulk), from Jeffersonville, Ind., to points in Kansas and Nebraska, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12571. Authority sought for purchase by MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, PA 16112, of a portion of the operating rights of WAYNE W. SELL CORPORATION, 236 Winfield Road, Sarver, PA 16055 and for acquisition by W. THAYER MARTIN, also of Bessemer, PA 16112, of control of such rights through the purchase. Applicants' attorneys: HENRY M. WICK, JR. and ALLAN L. FLUKE, 2310 Grant Building, Pittsburgh, PA 15219 and JEROME SOLOMON, 3131 U.S. Steel Bldg., 600 Grant Street, Pittsburgh, PA. 15219. Operating rights sought to be transferred: *Lime*, as a *common carrier* over irregular routes from Branchton, Pa., to points in Ohio, West Virginia, and New York, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary under section 210a(b).

NOTICE

Notice is hereby given by MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, 701 Commerce Street, Dallas, Texas 75202, of the filing with the Interstate Commerce Commission of an application for approval of the acquisition by Missouri-Kansas-Texas Railroad Company to trackage rights over the main track of Southern Pacific Transportation Company between mile post 114.6 and mile post 115.0, approximately one-half mile, all at or near Austin, Travis County, Texas, for use in the make-up or break-up of road trains into and out of the City of Austin. Attorney for applicant is: William A. Thie (Katy), 701 Commerce Street, Dallas, Texas 75202. The application was filed June 6, 1975, and Finance Docket No. 27935 has been assigned to the proceeding. In the opinion of the applicant, the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant fac tors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than August 1, 1975.

Notice is hereby given by SOUTHERN PACIFIC TRANSPORTATION, CO., One Market Street, San Francisco, California 94105, of the filing with the Interstate Commerce Commission of an application for approval of (1) the acquisition by Southern Pacific of trackage rights over the main and auxiliary trackage of Missouri-Kansas-Texas Railroad Company mile post 951.5 and mile post 953.6, and connection at each end thereof, approximately 2.2 miles, all at or near

V 40 1128 JUL 2 75 XUM

Austin, Travis County, Texas for use in the make-up or break-up of road trains into and out of the City of Austin. Attorney for applicant is: Tom M. Davis, 3000 One Shell Plaza, Houston, Texas 77002. The application was filed June 6, 1975 and Finance Docket No. 27934 has been assigned to the proceeding. In the opinion of the applicant, the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b) (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than August 1, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75–17263 Filed 7–1–75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 27, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55738, filed June 12, 1975. Applicant: DON'S DELIVERY SERVICE, INC., 1854 Floradale, South El Monte, Calif. 91733. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) *Floor coverings or related articles*, as described under that generic heading in the National Motor Freight Classification; (2) *tile, facing or flooring; and molding, facing, baseboard or cove*, other than metal, as described in that generic heading in the National Motor Freight Classification; and (3) the necessary *tools, adhesives, attachments and supplies* for installation of those commodities set forth in sub-paragraphs (1) and (2) hereof, from, to and within all points and places in the counties of Los Angeles, Orange, San Diego, Riverside, and San Bernardino. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the California Public Utilities Commission, State of California, State Bldg., Civic Center, 445 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28406—Extension filed June 4, 1975. Applicant: AMICK TRANSFER & STORAGE CO., 1020 Santa Fe Drive, Denver, Colo. 80204. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: a. Transportation of *general commodities*, between points in Denver, Adams, Arapahoe, and Jefferson Counties, Colorado, and between points in said counties on the one hand, and, on the other hand, points in Colorado; and b. Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the Counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should *not* be directed to the Interstate Commerce Commission.

Colorado Docket No. 28407—Extension filed June 6, 1975. Applicant: BLAKE TRANSFER & STORAGE CO., doing business as UNITED STATES TRANSFER & STORAGE CO., 4200 Garfield Street, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (a) Transportation of *general commodities*, between points in Adams, Arapahoe, Jefferson, and Denver Counties, and between points in said counties on the one hand, and, on the other hand, points in Colorado. (b) Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits; and (c) Transportation of *commodities* which require the use of special equipment in the transportation, loading or unloading thereof, between points in Colorado. Restriction: Transportation of commodities requiring the use of special equipment is restricted against the transportation of liquid commodities in bulk, livestock and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the counties of Adams, Arapahoe, Jefferson, and Denver, State of Colorado. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should *not* be directed to the Interstate Commerce Commission.

Colorado Docket No. 28408—Extension filed June 4, 1975. Applicant: BUEHLER TRANSFER COMPANY, 3899 Jackson Street, Denver, Colo. 80205. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (a) Transportation of *general commodities*, between points in Denver, Adams, Arapahoe, and Jefferson Counties, Colorado, and between points in said Counties on the one hand, and, on the other hand, points in Colorado; and (b) Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature of value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office, or to have an agent employed for the purpose of developing business at any point outside the Counties of Denver, Adams, Arapahoe and Jefferson, State of Colorado. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should *not* be directed to the Interstate Commerce Commission.

Colorado Docket No. 28409—Extension filed June 6, 1975. Applicant: WEICKER TRANSFER & STORAGE COMPANY, 2900 Brighton Boulevard, Denver, Colo. 80217. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (a) Transportation of *general commodities*, between points in Weld, Larimer, Boulder and Morgan Counties, Colorado, and between points in said Counties on the one hand, and on the other hand, points in Colorado; and (b) Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature of value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office, or to have an agent employed for the purpose of developing business at any point outside the Counties of Weld, Larimer, Boulder and Morgan, State of Colorado. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should *not* be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 31004 (Sub-No. 4). Applicant: TRI CITIES WAREHOUSE, INC., 25 North McCormick, Oklahoma City, Okla. 73127. Applicant's representative: William L. Anderson, 4700 N. Thompson, Oklahoma City, Okla. 73105. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *Contents of box car load shipments*, from rail sidings at or near or trailer delivered, to warehouse operated by applicant. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place application has been assigned for hearing is June 28, 1975, at nine o'clock, a.m. at the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 2339, filed June 17, 1975. Applicant: ALAMO EXPRESS, INC., P.O. Box 10280, Hackberry Station, San Antonio, Tex. 78210. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities*, (1) Between junction of State Highway 359 and Farm Road 2050 and the plantsite of Wyoming Mining & Minerals, as follows: From junction of State Highway 359 and Farm Road 2050 over Farm Road 2050 approximately 8.2 miles to unnumbered road, thence westerly over unnumbered road to the plantsite of Wyoming Mining & Minerals, and return over the same route, serving no intermediate points; and (2) Between junction of U.S. Highway 281 and U.S. Highway 59 and the plantsite of Clay West Uranium Plant, as follows: From junction of U.S. Highway 281 and U.S. Highway 59 over U.S. Highway 59 approximately 10 miles to the plantsite of Clay West Uranium Plant, and return over the same route, serving no intermediate points. Coordinating all service listed in routes (1) and (2) with applicant's existing authority, and restricted from serving any other points not authorized to be served in existing certificates Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place, approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75–17262 Filed 7–1–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JUNE 27, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission, July 11, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 15558 (Sub E2), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Ohio and Marshall Counties, W. Va., Jefferson, Belmont, Harrison, and Monroe Counties, Ohio, Allegheny, Washington, and Green Counties, Pa., and those points in Ohio, Pennsylvania, and West Virginia within 25 miles of Elm Grove, W. Va., to points in Illinois, Indiana, Kentucky, and Michigan. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub E3), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, except bulk commodities, from points in Ohio and Marshall Counties, W. Va.,

V 40 1128 JUL 2 75 XUM

Jefferson, Belmont, Harrison, and Monroe Counties, Ohio, and those points in Ohio, Pennsylvania, and West Virginia within 25 miles of Elm Grove, W. Va. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub E6), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, except commodities in bulk, from points in Ohio to points in Delaware. The purpose of this filing is to eliminate the gateway of Wellsburg, Ohio.

No. MC 15558 (Sub E8), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* except commodities in bulk, those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along W. Va. State Hwy. 7 to junction U.S. Hwy. 250, thence along U.S. Hwy. 250 to the W. Va.-Va. State line to points in Indiana, Illinois, Kentucky, and Michigan. The purpose of this filing is to eliminate the gateway of Wellsburg, Va.

No. MC 15558 (Sub E9), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, except commodities in bulk, from those points in West Virginia on and west of U.S. Hwy. 19 to points in New York. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub E10), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, except commodities in bulk, from points in Maryland, New Jersey, and Pennsylvania, to points in Kentucky. The purpose of this filing is to eliminate the gateway at Wellsburg, W. Va.

No. MC 15558 (Sub E11), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of paper and paper products, except bulk commodities, from Indiana, Ind., Detroit, Escanaba, and Kalamazoo, Mich., Chicago and Decatur, Ill., to points in Ohio and Marshall Counties, W. Va., Jefferson, Belmont, Harrison, and Monroe Counties, Ohio, Allegheny, Washington, and Greene Counties, Pa., and those points in Ohio, Pennsylvania, and W. Va. within 25 miles of Elm Grove, W. Va. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub E12), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of paper and paper products, except bulk commodities, from Buffalo, N.Y., to points in Ohio and Marshall Counties, W. Va., Jefferson, Harrison, Monroe, and Belmont Counties, Ohio, Allegheny, Washington, and Greene Counties, Pa., and those points in Ohio, Pennsylvania, and W. Va. within 25 miles of Elm Grove, W. Va. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub E21), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between those points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Hwy. 35, thence along U.S. Hwy. 35 to junction U.S. Hwy. 68, thence along U.S. Hwy. 68 to junction U.S. Hwy. 40, thence along U.S. Hwy. 40 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub E23), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between those points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Hwy. 250 to Junction Hwy. 36 thence along U.S. Hwy. 36 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 East to Junction U.S. Hwy. 250, thence along U.S. Hwy. 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 29886 (Sub E72), filed May 23, 1974. Applicant: DALLAS & MAVIS, 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump bodies*, from those points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Hwy. 30 to junction U.S. Hwy. 30S, to junction Ohio Hwy. 4, to Lake Erie, to those points in Pennsylvania on and east of Interstate Hwy. 81. The purpose of this filing is to eliminate the gateway of Marion, Ohio.

No. MC–29886 (Sub E75), filed May 23, 1974. Applicant: DALLAS & MAVIS, 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which by reason of size or weight requires the use of special equipment or special handling, except automobiles, trucks, buses, trailers, cabs, and chassis between those points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Hwy. 30 to junction Interstate Hwy. 75, to junction Ohio Hwy. 12, to junction U.S. Hwy. 6, to Lake Erie, on the one hand, and, on the other, points in New Jersey, and between those points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Hwy. 75, to the Ohio-Michigan State line, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of Toledo, Ohio, and Centre County, Pa.

No. MC 29886 (Sub-No. E106), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which, because of size or weight, require the use of special equipment or special handling, and self-propelled articles weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Wisconsin, on the one hand, and, on the other, those points in Indiana (except those on and west of a line beginning at Lake Michigan and extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 159, thence along Indiana Highway 159 to junction Indiana Highway 241, thence along Indiana Highway 241 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 64, thence along Indiana Highway 64 to the Indiana-Illinois State line, and between points in Indiana (except those in Porter, Lake, Jasper, and Newton Counties), on the one hand, and, on the other, those points in Wisconsin on and north of a line beginning at Lake Michigan and extending along Wisconsin Highway 54 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Counties, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 30446 (Sub E3), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY INC., 125 E. Craighead Road, Charlotte, North Carolina 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20032. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, coal, and commodities requiring special equipment, from Charlotte, N.C., and points in North Carolina within 40 miles of Charlotte to points in that part of Georgia bounded by a line beginning at the Georgia-Florida state line and extending in a northerly direction along U.S. Hwy. #17 to Darien, Georgia thence along the northern banks of Altamaha River to the Atlantic Ocean, thence in a southerly direction along the coast line of Georgia to the Florida State line, thence in a westerly direction along the Georgia-Florida State line to intersection with U.S. Hwy. #17 and point of beginning, including points on said Hwy. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 33093 (Sub E7), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri on and north of Hwy. 50, on the one hand, and, on the other, points in Texas on and south of Interstate Hwy. 10, from Louisiana-Texas border to San Antonio and east of Interstate Hwy. 35 from San Antonio to Texas-Mexico border. The purpose of this filing is to eliminate the gateways of Le Flore County, Okla. and Columbia County, Ark.

No. MC 33093 (Sub E12), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Illinois on and north of Interstate Hwy. 70, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Interstate Hwy. 20 to junction Interstate Hwy. 10, and thence along Interstate Hwy. 10 to El Paso. The purpose of this filing is to eliminate the gateways of Le Flore, Atoka, Choctaw, Haskell, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmata Counties, Okla., and Columbia County, Ark.

No. MC 57778 (Sub-No. E1), filed June 4, 1974. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and anhydrated foods*, from points in the Upper Peninsula of Michigan in and east of Menominee and Marquette Counties to points in that part of Illinois south of a line beginning at the Indiana-Illionis State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and to points in that part of Indiana south of U.S. Highway 40; (2) *frozen foods and anhydrated foods*, from all points in the Upper Peninsula of Michigan to points in Ohio, Kentucky, and West Virginia; (3) *frozen foods and anhydrated foods*, from points in the Lower Peninsula of Michigan on and north of the following described line, beginning at the shore of Lake Michigan at Holland, Mich., thence along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 46, thence along Michigan Highway 46 to Saginaw, Mich., thence along Michigan Highway 84 to Bay City, thence along Michigan Highway 247 to the shore of Saginaw Bay, to points in Indiana on and south of U.S. Highway 40, and those in that part of Illinois south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, points in that part of Ohio located on, south and east of a line beginning at the Indiana-Ohio State line and thence along Interstate Highway 70 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie and points in Kentucky and West Virginia; and (4) *frozen foods and anhydrated foods*, from points in the Lower Peninsula of Michigan on, north and west of a line beginning at the shore at Lake Michigan at Grand Haven, Mich., thence along Michigan Highway 104 to junction Interstate Highway 96, thence along Interstate Highway 96 to Grand Rapids, thence along Michigan Highway 21 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U. S. Highway 27, thence along U. S. Highway 27 to the Straits of Mackinac, to points in that part of Ohio located on north and west of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 70 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie. The purpose of this filing is to eliminate the gateway of the facilities of Ore-Ida Foods, Inc., at or near Greenville, Mich.

No. MC 60014 (Sub E4), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, between points in Wisconsin on the one hand, and, on the other, points in New Hampshire, Rhode Island, those in Massachusetts within 35 miles of Boston and those in Connecticut east of a line beginning at the Connecticut State line and extending along U.S. Highway 5 to junction U.S. Highway 44, to junction Interstate Highway 84, to junction Connecticut Highway 72 to junction Connecticut Highway 17, to junction Connecticut Highway 77 to junction Connecticut Highway 146 to Long Island, Connecticut. The purpose of this filing is to eliminate the gateway of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered Highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly

V40-1128 JUL 2 75 XUM

portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, and New York; and Boston, Mass., and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E9), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Illinois, on the one hand, and, on the other, those points in Ohio east of a line beginning at Lake Erie, and extending along Ohio Highway 13 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 35, thence along U.S. Highway 35 to Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River. The purpose of this filing is to eliminat the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub E11), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Illinois south of Interstate 80 and north of a line beginning at Iowa-Illinois State line and extending along Illinois Hwy. 104 to junction Hwy. 67, thence along U.S. Hwy. 67 to junction U.S. Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in West Virginia north and east of a line beginning at the Ohio-West Virginia State line and extending along Virginia West Virginia Hwy. 20, to junction Hwy. 50, thence along U.S. Hwy. 50 to junction U.S. Hwy. 250, thence along U.S. Hwy. 250 to the West Virginia State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

No. MC 60014 (Sub E12), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Illinois south of a line beginning at the Iowa-Illinois State line and extending along Illinois Hwy. 104 to junction U.S. Hwy. 67, thence along on U.S. Hwy. 67 to junction U.S. Hwy. 36, thence along on U.S. Hwy. 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in West Virginia north and east of U.S. Hwy. 250. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

No. MC 60014 (Sub E13), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Illinois, on the one hand, and, on the other, those points in West Virginia east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Hwy. 5, thence along West Virginia Hwy 5 to junction West Virginia Hwy. 4, thence along West Virginia Hwy. 4 to junction U.S. Hwy. 33, thence along U.S. Hwy. 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Cambridge and Zanesville, Ohio.

No. MC 60014 (Sub E15), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Illinois south of Interstate 70, on the one hand, and, on the other, those points in West Virginia north and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Hwy. 50 to junction U.S. Hwy. 250, thence along U.S. Hwy. 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Cambridge and Zanesville, Ohio.

No. MC 60014 (Sub E16), filed June 4. 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Illinois on and north of Interstate 80, on the one hand, and, on the other, those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Hwy. 311 to junction Interstate 81, to junction Virginia Hwy. 693, thence along Virginia Hwy. 693 to junction Virginia Hwy. 100, thence along Virginia Hwy. 100 to junction Hwy. 52, thence along U.S. Hwy. 52 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

No. MC 60014 (Sub E17), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of their weight or size, require the use of special equipment, between those points in Illinois on and north of a line beginning at the Missouri-Illinois State line along U.S. Hwy. 24 to U.S. Hwy. 67, thence along U.S. Hwy 67 to Illinois Hwy. 125, thence along Illinois Hwy. 125 to junction U.S. Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Hwy. 250 to junction Interstate 95 to junction U.S. Hwy. 460, thence along U.S. Hwy. 460 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateways of Columbia, Cuyahoga, Mahoning, Summit and Trumbull Counties, Ohio, and Brooke, Hancock, Marshall, and Ohio Counties, W.Va.

No. MC 60014 (Sub E18), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Hwy. 24 to junction U.S. Hwy. 67, thence along U.S. Hwy. 67 to junction Illinois Hwy. 125, thence along Illinois Hwy. 125 to junction Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in Virginia on and east of U.S. Hwy. 52. The purpose of this filing is to eliminate the gateways of Cambridge and Zanesville, Ohio, and West Virginia.

No. MC 60014 (Sub E19), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along U.S. Hwy. 24, to junction U.S. Hwy. 67, thence along U.S. Hwy. 67 to junction Illinois Hwy. 125, thence along Illinois Hwy. 125 to junction U.S. Hwy. 36, thence along U.S. Hwy. 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Hwy. 250 to Interstate 95, thence along Interstate 95 to junction U.S. Hwy. 460, thence along U.S. Hwy. 460 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Cambridge and Zanesville, Ohio, and West Virginia.

No. 60014 (Sub E20), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Illinois on the one hand, and, on the other, those points in New Hampshire, Rhode Island, those in Massachusetts on and east of U.S. Highway 5, and those in Vermont on and east of a line beginning at the United States International Boundary line and extending along Vermont Highway 105A, to junction Vermont Highway 105, thence along Vermont Highway 105 to junction Vermont Highway 101, thence along Vermont Highway 101 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 15, thence along Vermont Highway 15 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 155, thence along Vermont Highway 155 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 8, thence along Vermont Highway 8 to Vermont-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania; thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line; points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn., and Boston, Mass., and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E21), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 4315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, requiring special equipment, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between points in Illinois on the one hand, and, on the other, points in Connecticut, New Hampshire, Maine, Rhode Island, those in Massachusetts on and east of U.S. Highway 5, and those in Vermont on and east of a line beginning at the United States International Boundary line and extending along Vermont Highway 105A, to junction Vermont Highway 105, thence along Vermont Highway 105 to junction Vermont Highway 101, thence along Vermont Highway 101 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 15, thence along Vermont Highway 15 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 100 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 155, thence along Vermont Highway 155 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 8, thence along Vermont Highway 8 to Vermont-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania; thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line; points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn., and Boston, Mass., and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E22), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Wisconsin, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of: (1) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; (2) points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line; points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn. and points in Massachusetts within 35 miles of Boston.

No. MC 61231 (Sub-No. E93), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, including road building materials, *structural steel and tanks* (except commodities in bulk, commodities requiring special equipment), from Chicago, Ill., and Portage, Ind., to that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 69 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Indiana within the Chicago, Ill., commercial zone, and Kansas City, Mo.

No. MC 61231 (Sub-No. E94), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines,

V40I128 JUL 2 75 XUM

Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel mill products* (except commodities in bulk, and commodities requiring special equipment), from Chicago, and Cicero, Ill., and Gary, Ind., to Ames, Boone, Ft. Dodge, Webster City, Mason City, Perry, Des Moines, Oskaloosa, Chariton, Newton, and Marshalltown, Iowa. The purpose of this filing is to eliminate the gateway of Marshalltown Iowa.

(No. MC 61231 (Sub-No. E95), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, including road building materials, *structural steel and tanks* (except commodities in bulk, and those requiring special equipment), between Omaha, Nebr., on the one hand, and, on the other, Kansas City, Mo., and Kansas City Kans. The purpose of this filing is to eliminate the gateway of points within ten miles of Omaha and Council Bluffs, Iowa in Iowa.

No. MC 61231 (Sub-No. E96), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sheets*, plain, galvanized, or corrugated, *plates*, and *tin plate*, excluding such articles which, because of size or weight require the use of special equipment or special handling and except commodities in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone and St. Louis County, Mo., to points in North Dakota, South Dakota, and Minnesota (except points in that part of Minnesota bounded by a line beginning at the Iowa-Minnesota State line at U.S. Highway 65 and extending along U.S. Highway 65 to Minneapolis, Minn., thence along U.S. Highway 12 to the Mississippi River, thence along the west bank of the Mississippi River to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to points of beginning (except points on the segments of U.S. Highways 12 and 65 described above, and except points in the Minneapolis-St. Paul, Minn., commercial zone). The purpose of this filing is to eliminate the gateway of Granite City, Ill.

No. MC 64808 (Sub E59), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending over U.S. Hwy. 40 to junction Ohio Hwy. 29, thence over Ohio Hwy. 29, to junction U.S. Hwy. 36, and thence over U.S. Hwy. 36 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending over New York Hwy. 14, to junction New York Hwy. 13 to junction New York Hwy 49, thence over New York Hwy. 49 to junction New York Hwy. 26 and thence over Hwy. 26 to the New York-Lake Ontario Shore. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub E74), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavell, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Ohio on, north and east of a line beginning at the West Virginia-Ohio State line and extending over Ohio Hwy. 148 to junction Ohio Hwy. 9, thence over Ohio Hwy. 9 to Cadiz, Ohio, thence over U.S. Hwy. 250 to junction U.S. Hwy. 20, thence over U.S. Hwy. 20 to junction U.S. Hwy. 23 and thence over U.S. Hwy. 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in that part of West Virginia on and east of U.S. Hwy. 19. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64932 (Sub-No. E95) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, June 9, 1975. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of David Chemical Industries, Ind., at or near Mapleton, Ill., to those points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 81 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line (plant site of the Hawkeye Chemical Company at or near Clinton, Iowa)*, and Kansas, and those in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 81 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line (Pike County, Mo.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above. The purpose of this correction is to change the Sub-No. E85 to (Sub-No. E95).

No. MC 95490 (Sub E1), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Baltimore, Md., to points in Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass. The purpose of this filing is to eliminate the gateway of Natick, Mass.

No. MC 95490 (Sub E4), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, soda water, carbonic gas*, and *containers therefor*, between Philadelphia, Pa., on the one hand, and, on the other, points in Hartford, Windham, and Tolland Counties. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.).

No. MC 95490 (Sub E5), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 10604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, soda water, carbonic gas*, and *containers therefor*, between points in Rhode Island on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.)

No. MC 95490 (Sub E6), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 10604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, soda water, carbonic gas*, and *containers therefor*, between points in Rhode Island on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.)

No. MC 95490 (Sub E7), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 10604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Baltimore, Md. to points in

Maine. The purpose of this filing is to eliminate the gateway of Natick, Mass.

No. MC 95490 (Sub E9), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 10604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Middlesex, Essex, and Suffolk Counties, on the one hand, and, on the other, Jersey City, and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Springfield, West Springfield, and Newburgh, N.Y.

No. MC 95490 (Sub E10), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Middlesex, Essex and Suffolk Counties, to points in Litchfield County, and Columbia, Dutchess (except Poughkeepsie), Greene, Ulster, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 95490 (Sub E11), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Middlesex, Essex, and Suffolk Counties, on the one hand, and, on the other, Jersey City, and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Springfield, West Springfield, and Newburgh, N.Y.

No. MC 95490 (Sub E12), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Middlesex, Essex and Suffolk Counties, on the one hand, and, on the other, Poughkeepsie, N.Y. The purpose of this filing is to eliminate the gateway of springfield, Mass.

No. MC 95490 (Sub E13), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, soda water, carbonic gas*, and *containers therefor*, between points in Middlesex, Suffolk, and Essex Counties, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.)

No. MC 95490 (Sub E14), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, soda water, carbonic gas*, and *containers therefor*, between points in Middlesex, Suffolk, and Essex Counties, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.).

No. MC 95490 (Sub E15), filed May 31, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, soda water, carbonic gas*, and *containers therefor*, between points in Middlesex, Suffolk, and Essex Counties, on the one hand, and, on the other, points in Orange County, N.Y. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 95490 (Sub E18), filed June 14, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Merrimack, to points in Aroostook and Washington Counties, Maine and those in Penobscot, Piscatquis, and Somerset Counties, Maine on and north of Maine Highway 6. The purpose of this filing is to eliminate the gateway of Natick, Mass.

No. MC 95490 (Sub E19), filed June 14, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from New York, N.Y., to points in Maine. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.), and Natick, Mass.

No MC 95490 (Sub E20), filed June 14, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Newark, N.J., to points in Maine. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.) and Natick, Mass.

No. MC 95490 (Sub E21), filed June 14, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in containers, from points in New York (except those points in Saint Lawrence, Franklin, Clinton, Essex, Warren, and Washington Counties), to points in Maine. The purpose of this filing is to eliminate the gateway of points within 15 miles of Springfield, Mass. (excluding Springfield, Mass.) and Middlesex County, Mass.

No. MC 102567 (Sub-No. E16) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases, in bulk, in tank vehicles), from those points in Texas within 150 miles of Henderson, Tex., including Henderson and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 48 to junction Tennessee

V40-1128 JUL 2 75 XUM

Highway 48, to junction Tennessee Highway 100, to junction Tennessee Highway 20, to junction U.S. Highway 43, to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the commodity description.

No. MC 102567 (Sub-No. E17) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MC NAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum gases, in bulk, in tank vehicles), from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Illinois north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 30 to junction Illinois Highway 38, thence along Illinois Highway 38 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the commodity description.

No. MC 102567 (Sub-No' E18) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (except liquefied petroleum products), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Indiana west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the highway description.

No. MC 102616 (Sub-No. E37), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas (except Harris County), and points in Colorado, Wyoming, New Mexico, South Dakota, and North Dakota which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E38), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Chicago, Ill.

No. MC 102616 (Sub-No. E43), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in the Washington, D.C., commercial zone, to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in York County, Va., which are on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E47), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Illinois on and north of U.S. Highway 36 to points in Delaware, Maryland, New Jersey, New York, and points in Pennsylvania on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Kalamazoo, Mich., Akron, Ohio, and the plant sites of Aniline or Solvay divisions of Allied Chemical Co., near Moundsville, W. Va.

No. MC 102616 (Sub-No. E49), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to the District of Columbia and points in Virginia and North Carolina. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Institute, W. Va.

No. MC 102616 (Sub-No. E52), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Kentucky on and east of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Huntington, Ind.

No. MC 102616 (Sub-No. E57), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Florida. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E63), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Chicago, Ill., to points in Florida, Louisiana, points in New Mexico on and east of U.S. Highway 85 and points in Texas on and south of U.S. Highway 290 (except points in Harris County). The purpose of this filing is to eliminate the gateways of Princeton, Ind., or points within 5 miles thereof, and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E65), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., and points within 5 miles thereof, to points in Florida, Maine, Maryland, Massachusetts, New Jersey, Rhode Island, Delaware, New York, New Hampshire, Pennsylvania, points in North Dakota, New Mexico, and South Dakota which are on and east of U.S. Highway 85, points in Texas on and south of U.S. Highway 290 (except points in Harris County), points in South Carolina on and east of U.S. Highway 1, points in Virginia and West Virginia which are on and north of U.S. Highway 50, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Princeton, Ind., or points within 5 miles thereof, and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E67), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Forsyth, Ill., to points in Florida, Maine, Maryland, Massachusetts, New Jersey, Delaware, Rhode Island, South Carolina, points in North Carolina on and east of U.S. Highway 21, points in Pennsylvania on and east of U.S. Highway 15, points in Virginia on and south of U.S. Highway 50, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Princeton, Ind., or points within 5 miles thereof, and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E69), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from the plant site of UBS Chemical Co., at Lemont, Ill., to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Midland, Mich.

No. MC 102616 (Sub-No. E70), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from the plant site of UBS Chemical Co., at Lemont, Ill., to points in North Carolina, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Indiana and Institute, W. Va.

No. MC 102616 (Sub-No. E72), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from the plant site of UBS Chemical Co., at Lemont, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Huntington, Ind.

No. MC 102616 (Sub-No. E75), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., to points in New Hampshire and Vermont. The purpose of this filing is to eliminate the gateway of Bay City or Ludington, Mich.

No. MC 102616 (Sub-No. E76), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., to points in Rhode Island, Connecticut, Massachusetts, and Maine. The purpose of this filing is to eliminate the gateway of Midland, Mich.

No. MC 102616 (Sub-No. E78), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., to points in North Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E79), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, restricted to petroleum products, in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., Forsyth, Ill., and Illiopolis, Ill., and points within 5 miles thereof, to points in Maine. The purpose of this filing is to eliminate the gateway of Midland, Mich.

No. MC 102616 (Sub-No. E80), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, restricted to petroleum products, in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., Forsyth, Ill., and Illiopolis, Ill., and points within 5 miles thereof, to points in New Hampshire, Vermont, and Rhode Island. The purpose of this filing is to eliminate the gateway of Bay City, Mich.

No. MC 102616 (Sub-No. E81), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry plastic materials*, restricted to petroleum products, in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., and Illiopolis, Ill., and points within five miles thereof, to points in the commercial zones of Washington, D.C., and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Titusville or Neville Island, Pa.

No. MC 102616 (Sub-No. E82), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank vehicles, from the plant site of Foster Grant Co., at Peru, Ill., and Illiopolis, Ill., and points within five miles thereof, to points in Maryland, New Jersey, and New York. The purpose of this filing is to eliminate the gateway of Lewistown, Pa.

No. MC 102616 (Sub-No. E86), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., and points within 5 miles thereof, to points in Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, points in Virginia on and north of U.S. Highway 60 and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Ohio on and north of U.S. Highway 40 which are on and west of U.S. Highway 23.

No. MC 102616 (Sub-No. E87), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., and points within 5 miles thereof, to Niagara Falls, Lockport, and Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 102616 (Sub-No. E88), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., and points within 5 miles thereof, to

V40 I128 JUL 2 75 XUM

points in Kentucky and Ohio. The purpose of this filing is to eliminate the gateway of the terminal/plant site of Texas Eastern Transmission Corp., near Princeton, Ind.

No. MC 102616 (Sub-No. E89), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Forsyth, Ill., to points in Connecticut, Delaware, Massachusetts, Maryland, Rhode Island, New Jersey, points in Virginia on and north of U.S. Highway 60 and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone which are in Indiana, and points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E90), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Forsyth, Ill., to Niagara Falls, Buffalo, and Lockport, N.Y. The purpose of this filing is to eliminate the gateway of points in the Toledo, Ohio commercial zone which are in Michigan.

No. MC 102616 (Sub-No. E91), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Forsyth, Ill., to points in Kentucky and Ohio. The purpose of this filing is to eliminate the gateway of the terminal/plant site of Texas Eastern Transmission Corporation near Princeton, Ind.

No. MC 105733 (Sub E18), filed April 16, 1974. Applicant: H. R. Ritter Trucking Company, 928 East Hazelwood Avenue, Rahway, New Jersey. Applicant's representative: A. R. Jeltes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Hillsborough and Rockingham Counties, N.H., to points in New York (except points in Clinton, Essex, Franklin, Hamilton, St. Lawrence, Warren, Washington, and Saratoga Counties. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 105733 (Sub E19), filed April 16, 1974. Applicant: H. R. RITTER TRUCKING COMPANY, 928 E. Hazelwood Avenue, Rahway, N.J. Applicant's representative: A. R. Jeltes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Maine to points in New York (except from points in Androscoggin, Cumberland, Kennebec, Sagadahoc, York, Penobscot, and Somerset Counties, Maine, to points in Clinton, Essex, Hamilton, and St. Lawrence Counties, N.Y.). The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 109064 (Sub-No. E9), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (1) between points in Arkansas on, east, and south of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 167 to Little Rock, Ark., and thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana, and Lea and Eddy Counties, N. Mex.; and (2) between points in Arkansas on and south of a line from Texarkana along U.S. Highway 82 to Magnolia, thence along U.S. Highway 79 to Camden, thence along Arkansas Highway 4 to the Arkansas-Mississippi State line, on the one hand, and, on the other, points in Oklahoma and Kansas. The purpose of this filing is to eliminate the gateway of Texarkana, Ark.-Tex.

No. MC 109064 (Sub-No. E13), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe; (1) between points in Louisiana, on the one hand, and, on the other, points in Kansas, Oklahoma, Lea, and Eddy Counties, New Mexico, Colorado, Wyoming, Utah, and Montana; and (2) between points in Arkansas on and south of a line beginning at the Texas-Arkansas State line at Texarkana along U.S. Highway 67 to Little Rock, thence along U.S. Highway 70 to the Arkansas-Tennessee State line at West Memphis, Ark., on the one hand, and, on the other, points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to the Kansas-Oklahoma State line, points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 177 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to Ada, thence along Oklahoma Highway 3 to junction U.S. Highway 271, and thence along U.S. Highway 271 to the Oklahoma-Texas State line, and points in Lea and Eddy Counties, New Mexico, Colorado, Wyoming, Utah, and Montana. Restriction: The operations herein authorized are restricted to traffic originating at, or destined to, pipeline rights-of-way. The purpose of this filing is to eliminate the gateways of Texas points on and north of a line beginning at El Paso, Tex., and extending along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC 109064 (Sub-No. E16), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner and accessories* used in the installation of such products, from Mineral Wells, Tex., to Kansas, Nebraska, North Dakota, South Dakota, Colorado, and points in Arkansas in and north of Washington, Madison, Newton, Searcy, Stone, Independence, Craighead, and Mississippi Counties, Ark. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC 109397 (Sub-No. E38) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER August 29, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and articles* which require specialized handling or rigging because of their size or weight, and *self-propelled* articles, each weighing 15,000 pounds or more, and *related machinery, equipment, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, and the District of Columbia; between points in the Lower Peninsula of Michigan on and east of U.S. Highway 27, on the one hand, and, on the other, points in Ohio; and between points in the Lower Peninsula of Michigan on and west of U.S. Highway 27, on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of points in Lucas County, Ohio.

No. MC 111401 (Sub-No. E96), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except those used for fertilizers), in bulk, in tank vehicles, from the plant site of Union Carbide Corporation at or near Taft, St. Charles Parish, La., to points in California, Colorado, Minnesota, Nebraska, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 111823 (Sub E1), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia, on the one hand, and, on the other, Carswell Air Force Base, at or near Fort Worth, Texas, the Naval Air Station at or near Dallas, Tex., and Fort Walters, at or near Mineral Wells, Texas. The purpose of this filing is to eliminate the gateway of Louisville, Ky., or St. Louis, Mo.

No. MC 113495 (Sub-No. E22) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER April 29, 1975. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Restriction: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers, from points in Ohio (except points in Adams, Brown, Butler, Claremont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Mercer, Miami, Montgomery, Pike, Preble, Scioto, and Warren Counties), to that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line (except points in Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, and Transylvania Counties). The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220. The purpose of this partial correction is to correct the highway description. The remainder of this letter-notice will remain as previously published.

No. MC 113843 (Sub E64), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from those points in that part of Maryland on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to Rochester, Minn., and points in Minnesota (except those points on and south of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 14 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line, and Rochester, Minn.). The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17256 Filed 7-1-75;8:45 am]

[Notice No. 72]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 27, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, July 17, 1975. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 432TA), filed June 19, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Perrysburg, Ohio, to Baltimore, Md., for 180 days. Supporting shipper: Owens Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 76065 (Sub-No. 27TA), filed June 19, 1975. Applicant: EHRLICH-NEWMARK TRUCKING, CO., INC., 505-509 West 37th St., New York, N.Y. 10001. Applicant's representative: Norman Weiss, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, *and materials, supplies and equipment* used in the manufacture of wearing apparel, except commodities in bulk, between West Bristol, Pa., and Salisbury, Md., for 180 days. Supporting shipper: Jones, New York, Apparel Division, W. R. Grace & Co., 220 Rittenhouse Circle, Keystone Industrial Park, West Bristol, Pa. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 108207 (Sub-No. 424TA), filed June 6, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen whole blood* (placenta), from Oakland, Calif., to Detroit, Mich., for 180 days. Supporting shipper: Parke-Davis Co., 5335 Elmridge Ct., Pleasanton, Calif. 94566. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 110325 (Sub-No. 66TA) (Correction), filed June 6, 1975, published in the FEDERAL REGISTER issue of June 19, 1975, and republished as corrected this issue. Applicant: TRANSCON LINES, 101 Continental Blvd., El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Grand Rapids, Mich., and Muskegon, Mich., including points within its Commercial Zone, and serving the intermediate point of Grand Haven, Mich.; from Grand Rapids, over Interstate Highway 96 to Muskegon, and return over the same route; from Grand Rapids over Michigan Highway 45 to junction Michigan Highway 11, thence over Michigan Highway 11 to junction Interstate Highway 96, thence over Interstate Highway 96 to Muskegon, also over Interstate Highway 96 to junction

V40 I128 JUL 2 75 XUM

U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route; from Grand Rapids over Michigan Highway 45 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route. Restriction: The operations authorized herein are restricted to shipments transported by carrier to and from points on its authorized routes west of the states of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, for 180 days. Supporting shippers: There are approximately 27 statements of supporting shippers attached to the application, names of which may be secured by contacting Transportation Assistant Mildred I. Price in the Los Angeles Field office at 213–688–4008. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

NOTE.—Applicant intends to join with its existing authority MC 110325 at Grand Rapids, Mich. The purpose of this republication is to change "regular routes" to "irregular routes" which was previously published incorrect.

No. MC 111729 (Sub-No. 552TA), filed June 16, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toiletries*, chemicals, medicines, cosmetics and compressed gas, (1) between points in Washington; (2) between points in Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Tillamook, Washington, and Yamhill Counties, Oreg. Restrictions: (1) Restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail, or motor vehicle. (2) Restricted against the transportation of shipments weighing in excess of 150 pounds. (3) Restricted to the transportation of traffic moving to and from the facilities of Avon Products, Inc., and/or Fuller Brush Company, for 180 days. Supporting shippers: Avon Products, Inc., 1600 Shamrock S. Monrovia, Calif. 91016. Fuller Brush Company, 7400 N. Caldwell Ave., Niles, Ill. 60648. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 553TA), filed June 16, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, tools, sporting goods, small appliances, pipe fittings and commodities* related to the hardware business, in packages or containers not to exceed 75 pounds each, limited to shipments weighing no more than 225 pounds in the aggregate, between Toledo, Ohio, on the one hand, and, on the other, points in Allegany, Cattaraugus, Cayuga, Chautauqua, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Orleans, Oswego, Seneca, Wayne, Wyoming and Yates Counties, N.Y., for 90 days. Supporting shipper: Bostwick-Braun Company, Summit & Monroe Streets, Toledo, Ohio 43692. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112520 (Sub-No. 309TA), filed June 18, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude peanut oil*, in bulk, in tank vehicles, from the plantsite of Olin Corporation, in Wakulla County, Fla., to Marion, Ill., and Wolf Lake, Ill., for 180 days. Supporting shipper: Eufaula Cotton Oil Co., P.O. Drawer C, Eufaula, Ala. 36207. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 112539 (Sub-No. 12TA) (Amendment), filed May 28, 1975, published in the FEDERAL REGISTER issue of June 10, 1975, and republished as amended this issue. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazelton, Pa. 18202. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel reels*, from points in Hazleton, Pa., to points in Middlesex, Mercer, Passaic, Hudson, and Union Counties, N.J.; New Haven and Seymour, Conn.; Providence, R.I.; Hudson, Mass.; and Yonkers and Hastings-on-Hudson, N.Y., for 180 days. Supporting shipper: Hazleton Machine Company, Inc., P.O. Box 397, Hazleton, Pa. 18201. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503. The purpose of this republication is to amend the commodity description to read "steel reels" in lieu of "steel rods."

No. MC 117119 (Sub-No. 542TA), filed June 17, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 27228. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, supplies, and equipment*, in vehicles equipped with mechanical refrigeration, between the plantsite and warehouse facilities of Agfa-Gevaert, Inc., at Teterboro, N.J., on the one hand, and, on the other, Denver, Colo., Salt Lake City, Utah, Glendale and Brisbane, Calif., and Salem, Oreg., for 180 days. Supporting shipper: Agfa-Gevaert, Inc., 275 North St., Teterboro, N.J. 07608. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118831 (Sub-No. 119TA), filed June 16, 1975. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, liquid*, in bulk, from Fayetteville, N.C., to points in Florida, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 1825, Fayetteville, N.C. 28302. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 123233 (Sub-No. 55TA), filed June 20, 1975. Applicant: PROVOST CARTAGE INC., 7887 Grenache Ave., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from Baltimore, Dundalk and Relay, Md., to the Ports of Entry on the International Boundary line between the United States and Canada, located on the Niagara River, restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce, for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, N.Y. 10022. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 123407 (Sub-No. 246TA) filed June 17, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from Burns Harbor, Ind., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Maryland, Michigan, Minnesota, Montana, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 120 days. Supporting shipper: Associated Imports, Inc., P.O. Box 6487, Providence, R.I. 02904. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 127371 (Sub-No. 2TA), filed June 16, 1975. Applicant: LITTLE PRINCESS TRUCK RENTALS, INC., 7 Juanita Ave., Huntington, N.Y. 11743. Applicant's representative: Jessel Rothman, 605 Third Ave., New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Merchandise* as dealt in by wholesaler, retail hardware stores, pay checks, store record documents and papers of Pergament Distributors, between points in New Jersey and New York, for 90 days. Supporting shipper: Pergament Distributors, Inc., 101 Marcus Drive, Melville, N.Y. 11746. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128220 (Sub-No. 15TA), filed June 19, 1975. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, P.O. Box 508, Burnside, Ky. 42517. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquetts, fireplace logs, lighter fluid, vermiculite and wood chips, and spices and sauces* used in outdoor cooking, from the plantsites and storage facilities of the Kingsford Company at or near Parsons and Ridgeley, W. Va. to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wisconsin; (2) *Paper bags*, between the plantsites and storage facilities of the Kingsford Company at or near Burnside, Ky., and Parsons, W. Va., for 180 days. Supporting shipper: Levern N. Forseth, Traffic Manager, Kingsford Company, P.O. Box 1033, Louisville, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 216 Bakhaus Bldg., 1500 West Main St., Lexington, Ky. 40505.

No. MC 128273 (Sub-No. 187TA) (Correction), filed May 23, 1975, published in the FEDERAL REGISTER issue of June 9, 1975, and republished as corrected this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products, pulp mill products and materials, machinery, equipment and supplies used in manufacture and/or distribution of paper mill products and pulp mill products* (except commodities in bulk), between the plantsite and storage facilities of Potlatch Corporation in Desha County, Ariz., on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Potlatch Corporations, P.O. Box 1016, Lewiston, Idaho, 83501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202. The purpose of this republication is to correct the commodity description which was previously published incorrect.

No. MC 128273 (Sub-No. 190TA), filed June 17, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles of unusual value;* and (2) *Dore bullion;* (1) from Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and (2) from points in the United States (except Alaska, Hawaii and Texas), to Amarillo, Tex., for 180 days. Supporting shipper: Asarco Incorporated, 120 Broadway, New York, N.Y. 10005. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128273 (Sub-No. 191TA), filed June 17, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined copper;* and (2) *materials and supplies* used in the manufacture and distribution of refined copper, from (1) Amarillo, Tex., to points in Wyoming, Idaho, North Dakota, South Dakota, Colorado, Utah, New Mexico, and Nevada; and (2) from points in Wyoming, Idaho, North Dakota, South Dakota, Colorado, Utah, New Mexico, and Nevada to Amarillo, Tex., for 180 days. Supporting shipper: Asarco Incorporated, 120 Broadway, New York, N.Y. 10005. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128988 (Sub-No. 63TA), filed June 19, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, from the facilities of Westinghouse Electric Corporation at or near Chicago, Ill., to points in Arizona, California, Nevada, Oregon and Washington. Restrictions: Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, R.D. #5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 Los Angeles St., Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 64TA), filed June 19, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and utilized by manufacturers or distributors of electric and electronic products and devices, from points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada to the facilities of Westinghouse Electric Corporation at or near North Huntingdon, Pa. Restriction: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, R.D. #5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 135170 (Sub-No. 7TA), filed June 20, 1975. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, containers and products* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Millville (Cumberland County), N.J., to points in Virginia, North Carolina, and Maryland, under a continuing contract or contracts with Continental Can Company, Inc., for 180 days. Supporting shipper: Donald J. Dorney, Manager of Distribution-Sales Service, Continental Can Company, Inc., 555 Continental Plaza, Three Rivers, Mich. 49093. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 135384 (Sub-No. 13TA), filed June 19, 1975. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 and I–75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling and wall systems, and parts thereof, and accessories and supplies* necessary for the erection and installation thereof, from the plantsites and warehouse facilities of Roblin Building

V40 I128 JUL 2 75 XUM

Products Systems, in Erie, Niagara, and Chautauqua Counties, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Roblin Building Products Systems, 1971 Abbott Road, Buffalo, N.Y. 14218. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 139341 (Sub-No. 4TA), filed June 16, 1975. Applicant: J. J. PERRY, JR., AND EDWARD BAILEY, doing business as P & B TRUCKING COMPANY, R.F.D., Horn Lake, Miss. 38367. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grain and animal feed*, in bulk, in dump vehicles, from the facilities of Murphy Products Co., at or near Olive Branch, Miss., to points in Georgia and Winston-Salem, N.C., for 180 days. Supporting shipper: Murphy Products Company, Inc., 124 S. Dodge, Burlington, Wis. 53105. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 167 North Main St., 435 Federal Office Bldg., Memphis, Tenn. 38103.

No. MC 140944 (Sub-No. 1TA), filed June 17, 1975. Applicant: JOE P. AVEN, JR., doing business as ZARR TRUCKING COMPANY, 5500 Shellmound Street, Emeryville, Calif. 94608. Applicant's representative: Richard L. McCartney, P.O. Box 1605, San Leandro, Calif. 94577. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Valves, valve components, raw materials for valves and supplies*, between Washoe County, Nev., and the California counties of Alameda, Contra Costa, El Dorado, Los Angeles, Sacramento, San Bernardino, San Francisco, San Mateo, Santa Clara, Santa Cruz, and San Joaquin, for 180 days. Supporting shipper: Grove Valve and Regulator Company, 6529 Hollis St., Emeryville, Calif. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 140963 (Sub-No. 1TA), filed June 16, 1975. Applicant: TRIPLE C ORCHARDS, INC., P.O. Box 1614, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Toppenish, and Buena, Wash., to Sublimity, Oreg., for 180 days. Supporting shipper: Siol Conditioners, Inc., P.O. Box 206, Zillah, Wash. 98953. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140981 (Sub-No. 1TA), filed June 17, 1975. Applicant: LESTER E. WRIGHT, doing business as WRIGHT TRUCKING, P.O. Box 13, Correctionville, Iowa 51016. Applicant's representative: E. A. Hutchinson, 414 Security Bank Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salvaged compressed car bodies and salvaged scrap copper, brass, and aluminum*, from Sioux City to Beloit and Milwaukee, Wis.; Chicago, Ill.; St. Louis, Mo.; and Kansas City, Kans., to grinding and smelting plants, for 180 days. Supporting shipper: Sioux City Compressed Steel Co., Samuel Bernstein, President, 211 Court St., Sioux City, Iowa 51101. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141051 TA, filed June 18, 1975. Applicant: EAGLE EASTERN INCORPORATED, 1467 Pinewood St., Rahway, N.J. 07065. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from the facilities of Eagle Distributors, Incorporated, Rahway, N.J., to Fort Hamilton, Fort Wadsworth and Governor's Island, New York, N.Y., Griffis Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Mitchell Field, Garden City, N.Y., Philadelphia Navy Base, Philadelphia Pa., Scotia Navy Base, Scotia, N.Y., Seneca Army Depot, Syracuse, N.Y., Stewart Air Force Base, Newburgh, N.Y., Talcony Army Air Force Exchange, Philadelphia, Pa., Tobyhanna Army Depot, Tobyhanna, Pa., and West Point, N.Y., for 180 days. Supporting shipper: Eagle Distributors, Incorporated, 1467 Pinewood St., Rahway, N.J. 07065. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 141062 TA, filed June 19, 1975. Applicant: ANTONA TRUCKING CO., INC., Route 208, P.O. Box 315, Washingtonville, N.Y. 10992. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, loose and baled, in dump, flat and open-top trailers, from Middletown Commercial Zone, Millerton and Stony Point, N.Y., to Jersey City and Newark, N.J., and Macungie, Pa., for 180 days. Supporting shippers: Action Metal Co., Inc., Gate Hill Road, Stony Point, N.Y. Weinert Recycling Co., Inc., R.D. 2 Rt. 211, Middletown, N.Y. 10940. John Brunese & Son, Millerton, N.Y. 12546. Middletown Scrap Iron Co., Inc., 75 Church St., Middletown, N.Y. 10940. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17258 Filed 7-1-75;8:45 am]

[Notice No. 64]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a certificate or permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Mawson & Mawson, Inc., MC-76 Sub-2	MC-76 Sub-4	Feb. 13, 1975
Exhibitors Service Co., MC-647 Sub-11	MC-647 Sub-12	Feb. 6, 1975
Transport of New Jersey, MC-3647 Sub-455	MC-3647 Sub-454	Feb. 21, 1975
The Gypoti Co., MC-4883 Sub-44	MC-4883 Sub-45	July 18, 1974
Bruce Johnson Trucking Co., Inc., MC-30446 Sub-5	MC-30446 Sub-7	Feb. 27, 1975
L. & M. Express Co., Inc., MC-44639 Sub-77	MC-44639 Sub-78	July 10, 1974
Knight's Express & Warehouse, Inc., MC-44875 Sub-2	MC-44875 Sub-3	July 18, 1974
Schneider Transport, Inc., MC-51146 Sub-325	MC-51146 Sub-332	Feb. 21, 1975
Eilex Transportation, Inc., MC-52460 Sub-151	MC-52460 Sub-153	Feb. 19, 1975
Graves Truck Line, Inc., MC-63965 Sub-92	MC-63965 Sub-16	Feb. 13, 1975
Russell Transfer, Inc., MC-68860 Sub-15	MC-68860 Sub-20	July 15, 1974
Henry Edwards Trucking Co., MC-69492 Sub-40	MC-69492 Sub-41	July 3, 1974
Chester Carriers, Inc., MC-76478 Sub-11	MC-76478 Sub-12	July 18, 1974
J. Miller Express, Inc., MC-78228 Sub-38, 39	MC-78228 Sub-37	July 10, 1974
Michigan & Nebraska Transit Co., Inc., MC-82492 Sub-105	MC-82492 Sub-106	Feb. 14, 1975
Puget Sound Truck Lines, Inc., MC-85255 Sub-47	MC-85255 Sub-48	Feb. 26, 1975
Dick Jones Trucking, MC-89716 Sub-48	MC-89716 Sub-49	Feb. 27, 1975
Bomney Motor Express, Inc., MC-94265 Sub-241	MC-94265 Sub-240	July 12, 1974
Allyn Transportation Co., MC-97357 Sub-46	MC-97357 Sub-51	July 15, 1974
Melton Truck Lines, Inc., MC-100666 Sub-269	MC-100666 Sub-272	Feb. 3, 1975
McNair Transport, Inc., MC-102567 Sub-168	MC-102567 Sub-173	Do.
Fleet Transport Co., Inc., MC-103051 Sub-309	MC-103051 Sub-312	Feb. 25, 1975
Petroleum Tank Lines, Inc., MC-106127 Sub-9	MC-106127 Sub-10	July 15, 1974
Dart Transit Co., MC-106168 Sub-33	MC-106168 Sub-34	Feb. 28, 1975
Schilli Motor Lines, Inc., MC-106674 Sub-128	MC-106674 Sub-130	Do.
Miller Transporters, Inc., MC-107002 Sub-437, 444	MC-107002 Sub-445	July 16, 1974
Byrd Motor Line, Inc., MC-107934 Sub-23	MC-107934 Sub-24	Feb. 3, 1975
Indianhead Truck Line, Inc., MC-108449 Sub-353	MC-108449 Sub-360	Feb. 18, 1975
Indianhead Truck Line, Inc., MC-108449 Sub-354, 355	MC-108449 Sub-361	July 11, 1974

Temporary authority application	Final action or certificate or permit	Date of action
Indianhead Truck Line, Inc., MC-108449 Sub-364	MC-108449 Sub-352	July 16, 1974
Petroleum Carriers Co., MC-108460 Sub-48	MC-108460 Sub-49	July 12, 1974
L.P. Transportation, Inc., MC-109649 Sub-12	MC-109649 Sub-11	July 3, 1974
Burns Motor Freight, Inc., MC-111785 Sub-57	MC-111785 Sub-58	Feb. 19, 1975
Purolator Courier Corp., MC-112750 Sub-307	MC-112750 Sub-306	Feb. 7, 1975
Curtis, Inc., MC-113678 Sub-542	MC-113678 Sub-554	Feb. 26, 1975
Erickson Transport Corp., MC-113908 Sub-265	MC-113908 Sub-271	July 18, 1974
Trans-Cold Express, Inc., MC-114045 Sub-306	MC-114045 Sub-307	Feb. 28, 1975
Cedar Rapid Steel Transportation, Inc., MC-114273 Sub-140	MC-114273 Sub-134	July 11, 1974
Bitalis Truck Lines, Inc., MC-114274 Sub-26	MC-114274 Sub-27	Feb. 4, 1975
Bankers Dispatch Corp., MC-114533 Sub-288	MC-114533 Sub-298	Feb. 5, 1975
Bankers Dispatch Corp., MC-114533 Sub-290	MC-114533 Sub-299	Feb. 19, 1975
Cyrus Truck Line, Inc., MC-114965 Sub-54	MC-114965 Sub-52	Feb. 27, 1975
Van Tassel, Inc., MC-115036 Sub-22	MC-115036 Sub-23	July 1, 1974
Harold M. Felty, Inc., MC-115181 Sub-32	MC-115181 Sub-33	Feb. 6, 1975
Siegel & Cohen Express, Inc., MC-115278 Sub-2	MC-115278 Sub-1	July 1, 1974
Scari's Delivery Service, Inc., MC-115955 Sub-25	MC-115955 Sub-27	Feb. 12, 1975
Carl Sublet Trucking, Inc., MC-116763 Sub-240	MC-116763 Sub-257	Feb. 19, 1975
Scott Transfer Co., Inc., MC-116947 Sub-30	MC-116947 Sub-31	Feb. 4, 1975
Willis Shaw Frozen Express, Inc., MC-117119 Sub-480	MC-117119 Sub-498	Feb. 18, 1975
Willis Shaw Frozen Express, Inc., MC-117119 Sub-483	MC-117119 Sub-490	July 10, 1974
Willis Shaw Frozen Express, Inc., MC-117119 Sub-507	MC-117119 Sub-496	Feb. 18, 1975
Motor Service Co., Inc., MC-117565 Sub-72	MC-117565 Sub-70	July 18, 1974
D.b.a. Dwight Check Trucking, MC-117878 Sub-3	MC-117878 Sub-4	Feb. 18, 1975
Arnold Bros. Transport, Ltd., MC-118806 Sub-36	MC-118806 Sub-34	Feb. 14, 1975
Central Coast Truck Service, Inc., MC-119340 Sub-1	MC-119340 Sub-2	Feb. 11, 1975
Morton Truck Lines, Inc., MC-119384 Sub-26	MC-119384 Sub-27	Feb. 14, 1975
Caravan Refrigerated Cargo, Inc., MC-119789 Sub-167	MC-119789 Sub-183	July 3, 1974
D.b.a. Mayer Truck Line, MC-120978 Sub-9	MC-120978 Sub-5	Feb. 26, 1975
D.b.a. Fredonia Truck Line, MC-123056 Sub-2	MC-123056 Sub-1	Feb. 7, 1975
M. L. Asbury, Inc., MC-123074 Sub-8, Sub-9	MC-123074 Sub-10	Feb. 25, 1975
Curtis Transport, Inc., MC-123476 Sub-19	MC-123476 Sub-17	Jan. 20, 1975
Richard Dahn, Inc., MC-124004 Sub-25	MC-124004 Sub-23	Feb. 11, 1975
Schwerman Trucking Co., MC-124078 Sub-550	MC-124078 Sub-558	May 21, 1975
Schwerman Trucking Co., MC-124078 Sub-565	MC-124078 Sub-552	July 16, 1974
Schwerman Trucking Co., MC-124078 Sub-578, Sub-587	MC-124078 Sub-561	Feb. 25, 1975
Chemical Express Carriers, Inc., MC-124236 Sub-59	MC-124236 Sub-67	Feb. 11, 1975
D.b.a. Ruhlman Trucking Co., MC-125518 Sub-3	MC-125518 Sub-5	Feb. 7, 1975
D.b.a. Schaetzel Trucking Co., MC-126111 Sub-4	MC-126111 Sub-5	Feb. 14, 1975
C-B Truck Lines, Inc., MC-128670 Sub-14, 19, 23	MC-128670 Sub-15	July 3, 1974
DuBois Trucking, Inc., MC-128676 Sub-8	MC-128676 Sub-10	Feb. 18, 1975
Thompson Bros., Inc., MC-129074 Sub-8	MC-129074 Sub-9	Feb. 20, 1975
Heyl Truck Lines, Inc., MC-133119 Sub-54	MC-133119 Sub-57	Feb. 12, 1975
Springfield Airport Limousine, Inc., MC-133184	MC-133184 Sub-1	July 11, 1974
Coats Freightways, Inc., MC-133220 Sub-12	MC-133220 Sub-13	Feb. 28, 1975
Stanley L. Bervon, MC-133549 Sub-3	MC-133549 Sub-4	Feb. 25, 1975
Gordon Fast Freight, Inc., MC-133681 Sub-6	MC-133681 Sub-10	July 1, 1974
D.b.a. All-Star Transportation, MC-134182 Sub-20	MC-134182 Sub-21	Feb. 19, 1975
Blackburn Truck Lines, Inc., MC-134387 Sub-17	MC-134387 Sub-19	Feb. 27, 1975
B. J. McAdams, Inc., MC-134922 Sub-58	MC-134922 Sub-59	Feb. 25, 1975
American Transport, Inc., MC-134007 Sub-25	MC-134007 Sub-29	July 11, 1974
D.b.a. Wade's Mobile Home Movers, MC-135509 Sub-4	MC-135509 Sub-2	Feb. 18, 1975
Beverage Distributors, Inc., MC-135690 Sub-3	MC-135690 Sub-4	Feb. 4, 1975
D.b.a. Knorr Trucking, MC-135858 Sub-2	MC-135858 Sub-3	Feb. 28, 1975
LTL Perishables, Inc., MC 135874 Sub 4, 5, 20	MC-135874 Sub-13	Feb. 7, 1975
LTL Perishables, Inc., MC 135874 Sub-23	MC-135874 Sub-24	Feb. 26, 1975
Gilbertson Trucking, Inc., MC-136054	MC-136054 Sub-1	July 3, 1974
J. H. Ware Trucking, Inc., MC-138375 Sub-10	MC-138375 Sub-11	Feb. 25, 1975
Gwinner Oil Co., Inc., MC-138575 Sub-3	MC-138575 Sub-4	July 10, 1974
P. & N. Truck Service, Inc., MC 138607	MC-138607 Sub-1	Feb. 4, 1975
U. & R. Express, Inc., MC-138789 Sub-1	MC-138789 Sub-2	July 16, 1974
S.E.S. Trucking, Inc., MC-138866 Sub-1	MC-138866 Sub-2	Feb. 12, 1975
Modie, Inc., MC 138890 Sub-1	MC-138890 Sub-2	Feb. 18, 1975
D.b.a. Gene Eckhardt Trucking, MC-138893 Sub-1	MC-138893 Sub-2	Feb. 5, 1975
Electronic Riggers of Florida, Inc., MC-139163 Sub-1	MC-139163	Do.
Roberts & Oake, Inc., MC-139193	MC-139193 Sub-1	Feb. 7, 1975
D.b.a. Stanage Transportation, MC-139306	MC-139306 Sub-1	Feb. 25, 1975
Fusoni's Express, Inc., MC-139322 Sub-1	MC-139322 Sub-2	Feb. 12, 1975
D.b.a. Norkick Trucking, MC-139427 Sub-1	MC-139427 Sub-2	Jan. 7, 1975
Merlin Martin Moving & Storage, Inc., MC-139532 Sub-1	MC-139532 Sub-2	Feb. 27, 1975
Lou Cooley & Co., MC-139620	MC-139620 Sub-1	Feb. 21, 1975
D.b.a. Thompson Trucking, MC-139723 Sub-1	MC-139723 Sub-2	Feb. 28, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17159 Filed 7-1-75;8:45 am]

[Notice No. 65]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a certificate

V40-1128 JUL 2 75 XUM

or permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Tompkins Motor Lines, Inc., MC-20783 Sub-101	MC-20783 Sub-102	Mar. 28, 1975
John T. Sisk, MC-20916 Sub-15	MC-20916 Sub-13	Mar. 21, 1975
Argo-Collier Truck Lines, MC-41404 Sub-114	MC-41404 Sub-115	Mar. 28, 1975
E. Roscoe Willey, MC-44913 Sub-14	MC-44913 Sub-15	Do.
Salt Creek Freightways, MC-59856 Sub-52	MC-59856 Sub-51	Mar. 24, 1975
Salt Creek Freightways, MC-59856 Sub-53	MC-59856 Sub-49	Do.
Aero Trucking, Inc., MC-60014 Sub-36	MC-60014 Sub-37	Do.
Herman Bros. Inc., MC-61396 Sub-245	MC-61396 Sub-254	Mar. 28, 1975
Herman Bros. Inc., MC-61396 Sub-256	MC-61396 Sub-259	Do.
Northern Neck Transfer, MC-95304 Sub-20	MC-95304 Sub-21	Mar. 31, 1975
Watkins Motor Lines, Inc., MC-95540 Sub-906	MC-95540 Sub-906	Mar. 20, 1975
Fleet Transport Co., MC-103051 Sub-290, 291	MC-103305 Sub-297	Do.
Provan Transport Corp., MC-103490 Sub-70	MC-103490 Sub-69	Mar. 26, 1975
Belford Trucking Co., Inc., MC-105813 Sub-195	MC-105813 Sub-196	Mar. 20, 1975
D.b.a. Wiederhold Bros., MC-106893 Sub-16	MC-106893 Sub-17	Mar. 31, 1975
Matlack, Inc., MC-107403 Sub-837, 865	MC-107403 Sub-871	Mar. 26, 1975

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17160 Filed 7-1-75;8:45 am]

[Notice No. 66]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a certificate or permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Merrill Transport Co., MC-3252 Sub-82, 83	MC-3252 Sub-85	June 2, 1975
Talon, Inc., MC-5470 Sub-95	MC-5470 Sub-101	Do.
J. V. McNicholas Transfer Co., MC-14552 Sub-54	MC-14552 Sub-54	Do.
Briggs Transportation Co., MC-29555 Sub-71	MC-29555 Sub-75	June 10, 1975
William Z. Getz, Inc., MC-107460 Sub-47	MC-107460 Sub-46	Do.
Ruan Transport Corp., MC-107496 Sub-919, 921, 926, 930, 932, 936	MC-107496 Sub-937	Do.
Freeport Transport, Inc., MC-113666 Sub-73	MC-113666 Sub-76	Do.
Poole Truck Line, Inc., MC-115162 Sub-262	MC-115162 Sub-259	June 2, 1975
Western-Commercial Transport, MC-116063 Sub-134	MC-116063 Sub-135	June 10, 1975
Ringle Express, Inc., MC-119641 Sub-116	MC-119641 Sub-119	June 11, 1975
Ringle Express, Inc., MC-119641 Sub-121	MC-119641 Sub-122	Do.
North Express, Inc., MC-119656 Sub-19	MC-119656 Sub-25	June 2, 1975
Carvan Refrigerated Cargo, MC-119789 Sub-190	MC-119789 Sub-187	June 11, 1975
Steve D. Thompson, MC-121658 Sub-3	MC-121658 Sub-2, 4	Do.
Diamond Transportation System, MC-123048 Sub-303	MC-123048 Sub-302	Do.
Momsen Trucking Co., MC-124174 Sub-96	MC-124174 Sub-97	June 10, 1975
D.b.a. Air Delivery Service, MC-127238 Sub-9	MC-127238 Sub-10	June 11, 1975
D.b.a. R. H. Boelk Truck Lines, MC-127505 Sub-54	MC-127505 Sub-59	Do.
National Materials Corp., MC-128870 Sub-3	MC-128870 Sub-4	Do.
B.L.T. Corp., MC-134349 Sub-7	MC-134349 Sub-8	June 10, 1975
Jim's Truck Service, Inc., MC-138617 Sub-2	MC-138617 Sub-3	June 11, 1975
Snowball, Ltd., MC-138743 Sub-4	MC-138743 Sub-5	Do.
Redway Carriers, Inc., MC-138824	MC-138824 Sub-1	June 10, 1975

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17161 Filed 7-1-75;8:45 am]

[Notice No. 18]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 1, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 22, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75690. By order entered June 19, 1975, the Motor Carrier Board approved the transfer to Paramount Distribution Motor Transportation, Inc., Framingham, Mass., of the operating rights set forth in Certificate No. MC 34513, issued September 28, 1949, and Certificate of Registration No. MC 34513 (Sub-No. 1), issued April 12, 1974, to Howe and Company, Inc., Framingham, Mass., authorizing the transportation of general commodities, between points in Massachusetts. Rudolph Kass, 85 Devonshire St., Boston, Mass. 02109, attorney for applicants.

No. MC-FC-75860. By order of June 20, 1975, the Motor Carrier Board approved the transfer to Paulsen Transfer, Inc., Griswold, Iowa, of Certificates Nos. MC 25908 and MC 25908 (Sub-No. 1), issued July 2, 1942, and March 12, 1943, respectively, to Johnnie F. Paulsen, Griswold, Iowa, authorizing the transportation of General commodities, with exceptions, and livestock, from and to specified points in Iowa and Nebraska. Johnnie F. Paulsen, Griswold, Iowa 51535, for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17257 Filed 7-1-75;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 89; Amdt. No. 1]

RAILROAD CAR SERVICE

Expiration of Exemption

To all railroads: Upon further consideration of Exemption No. 89 issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 89 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby amended to *expire July 31, 1975.*

This amendment shall become effective June 30, 1975.

Issued at Washington, D.C., June 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-17266 Filed 7-1-75;8:45 am]

federal register

WEDNESDAY, JULY 2, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 128
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Health Maintenance Organizations

V40-128 JUL 2 75 XUM

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Health Maintenance Organizations; Qualifying Conditions

On August 27, 1974, there was published in the FEDERAL REGISTER (39 FR 30935) a Notice of Proposed Rule Making with a proposed amendment to Regulations No. 5 (20 CFR Part 405) regarding the qualifying conditions which organizations must meet to be eligible to enter into a contract with the Secretary of Health, Education, and Welfare as a health maintenance organization (HMO) under the Medicare program (title XVIII of the Social Security Act). This proposed amendment was issued pursuant to the provisions of section 1876 of the Social Security Act (42 U.S.C. 1395mm), which was added to title XVIII by section 226 of Pub. L. 92–603. Section 1876 of the Social Security Act provides for payment to be made on the basis of a single capitation rate for services covered under Medicare that are furnished to Medicare beneficiaries who are enrolled in a qualified organization which has entered into a contract with the Secretary to participate as an HMO under Medicare. Section 1876(b) of the Social Security Act defines an HMO as a public or private organization which: (1) Provides a comprehensive range of health services, either directly or through arrangements with others, on a predetermined periodic rate basis and without regard to the frequency or extent of covered services furnished to any particular enrollees; (2) provides, either directly or through arrangements with others, all services covered under Parts A and B of title XVIII which are available to individuals residing in the geographic area it serves; (3) provides physicians' services through physicians who are employees or partners of the HMO, or through arrangements with groups of physicians, which groups are reimbursed primarily on a per capita or fixed-sum basis; (4) assures that where it provides services under arrangements that such arrangements are, in fact, an effective means of providing services to its enrollees; (5) provides the services of a sufficient number of primary care and specialty care physicians to meet the health needs of its members; (6) has, subject to waiver by the Secretary of up to 3 years, at least one-half of its enrolled members consisting of persons under age 65; (7) can assure that its members receive the services they require promptly and appropriately and that such services meet its standards of quality; and (8) has an open-enrollment period at least annually in which it accepts up to the limits of its capacity on a first-come, first-served basis, those Medicare beneficiaries eligible to enroll, unless to do so would result in failure to meet the enrollment requirement for persons under age 65, or would result in an enrollment substantially nonrepresentative of the population in its area. Section 1876(i)(2)(B) of the Social Security Act also permits an organization which does not fully meet the requirements of section 1876(b) to qualify as an HMO under Medicare provided it has demonstrated to the satisfaction of the Secretary that it is making reasonable efforts to meet fully the requirements of section 1876(b) and meets such basic requirements as the Secretary shall prescribe in regulations.

The regulations draw a distinction between a "mature" HMO and a "developing" HMO. A mature HMO is defined as an organization which is in full compliance with the conditions and applicable standards in the regulations. Where a mature HMO additionally meets operating experience requirements necessary to be eligible for risk-basis payments under Medicare, it may elect to be reimbursed in such a manner or to be reimbursed on a reasonable-cost basis. Mature HMO's which do not meet the added requirement necessary to qualify for risk-basis payments are eligible to be paid on a reasonable-cost basis only. A developing HMO is subject to less demanding requirements initially, but must have a reasonable prospect of meeting the qualifications for "mature" status within 3 years of its initial contract. Reimbursement to developing HMO's may only be made on a reasonable-cost basis.

Interested persons were given the opportunity to submit in writing on or before September 26, 1974, any data, views, or arguments on the Notice of Proposed Rule Making and proposed amendment. The comments and suggestions subsequently received, responses thereto, and changes made in the regulations as proposed are discussed below.

Comments were received from a number of sources (including representatives of national, State, and local organizations) interested in the requirements that an organization must meet in order to qualify as an HMO under Medicare. All of the comments received on the proposed regulations have been carefully considered and many comments which suggested clarification of terms and greater specificity of language have, wherever appropriate, been reflected in the regulations as set forth herein. Some comments could not be reflected because they were contrary to requirements of the statute. Several other comments are not reflected in these regulations because they suggested additional provisions that will be dealt with later under separate Notice of Proposed Rule Making covering proposed regulations relating to enrollment; grievance and appeal procedures applicable to HMO's; reimbursement of HMO's; and the contract between an HMO and the Secretary. The most significant comments were the following:

1. *The requirement that an urban HMO must have a minimum enrollment of at least 25,000 members is unrealistic and precludes all but the largest HMO's from qualifying as mature HMO's under Medicare.* The regulations have been revised to allow a developing HMO a period of up to 3 years to attain a minimum enrollment of at least 5,000 members in order to meet the requirement regarding operating experience necessary to qualify for mature status. However, only where a mature HMO also meets the requirements specified in section 1876(i)(2)(A) of the Act (i.e., for urban HMO's, a current minimum enrollment of at least 25,000 members on a prepaid capitation basis and the primary source of health care for at least 8,000 persons in each of 2 years immediately preceding the contract year; and for nonurban HMO's, a current minimum enrollment of at least 5,000 members on a prepaid capitation basis and the primary source of health care for at least 1,500 persons in each of 3 years immediately preceding the contract year), would it have the option of electing to be paid on a risk-basis. If it did not meet these statutory requirements, the HMO could be paid on a reasonable cost-basis only. These revisions are in accord with the language of the statute and, essentially, result in two classes of "mature" HMO's for payment purposes: mature (eligible for reasonable-cost reimbursement only) and mature (eligible for reasonable-cost or risk reimbursement).

2. *The requirement that a developing HMO must provide a prescribed range of services on a prepayment basis to at least 25 percent of the individuals receiving services through its facilities is too strict and may prevent many otherwise qualified prepayment organizations from participating as HMO's under Medicare.* The reasons given in objection to the proposed requirement were that virtually all individual-practice HMO's would be precluded from participating under Medicare as an HMO and that organizations which, for economic or other reasons, find it necessary to devote most of their time to fee-for-service clientele until their prepaid enrollment can be increased, would be hampered by such a requirement. Therefore, the requirement that a developing HMO must provide a prescribed minimum range of services on a prepayment basis to at least 25 percent of the individuals receiving services through its facilities at the time of its initial contract with the Secretary has been deleted. However, in line with the underlying intent of section 226 of Pub. L. 92–603, a developing HMO would still have to furnish a prescribed minimum range of services on a prepaid capitation rate basis to a sufficient number of individuals to provide a reasonable basis for calculating a prospective per capita rate of reimbursement.

3. *The provision that an organization must enroll a minimum of 150 Medicare beneficiaries in order to qualify as a developing HMO is arbitrary and discriminates against organizations which do not currently enroll at least 150 Medicare beneficiaries on a prepayment basis.* Comments were received suggesting that an organization will be reluctant to enroll Medicare beneficiaries on a prepayment basis until it has been assured that it qualifies as an HMO under Medicare. The requirement for a minimum of 150 Medicare beneficiaries is needed to avoid situations where the Medicare enrollment would be so nominal that payment by Medicare on a capitation basis would be inefficient and uneconomical for both the organization and the Medicare program. Therefore, this requirement is retained in the attached regulations, but in recognition of the problem that some organizations may have in enrolling beneficiaries before they have been notified that they qualify as an HMO, the organization may be given as many as 90 days after the beginning of its initial contract period to meet the enrollment requirement regarding the minimum number of Medicare beneficiaries.

4. *The requirement that an HMO must provide services equivalent to at least 5 full-time physicians should be waived in situations where the HMO has a total enrollment of less than 5,000 members.* The proposed regulations permitted a waiver of the requirement that an HMO provide services equivalent to at least 5 full-time physicians where the HMO is located in a "health scarcity" area and where the number of physicians is reasonable compared to the HMO's enrollment after taking into account the availability of general physicians in the locale. Comments were received suggesting that waiver should also be granted where an organization's enrollment is less than 5,000 members. These comments assumed that a ratio of one full-time physician per 1,000 enrollees would be sufficient to assure appropriate access to quality health care. However, use of such a ratio might result in the HMO's failure to meet the statutory requirement that an HMO provide its Medicare beneficiaries with an adequate mix of primary and specialty-care physicians. Further, in meeting the minimum requirement specified in the proposed regulations, the HMO would not be limited to the number of physicians it employs directly, but could include physicians with which it has arrangements and could include physicians hired on a part-time basis. The requirement is based on the premise that the equivalent of at least 5 full-time physicians would be required to assure that the HMO's enrollees have access to an appropriate mix of primary and specialty-care services and that such services are provided promptly and appropriately by the HMO, as required by section 1876(b) of the Social Security Act. This requirement is also consistent with the accompanying legislative history of the provision which indicates that an HMO should have a sufficient number of physicians to permit it to guarantee access of its members to needed health care services. Therefore, the requirement regarding the minimum number of physicians has been retained in the final regulations, with a waiver contingent only upon a finding that there is a scarcity of physicians in the organization's service area and that the number of physicians retained is reasonable in relation to the organization's total enrollment and the health needs of its members.

5. *HMO's should be required to meet the requirements that are more strict with respect to range of services and access to services.* Comments were received suggesting that the requirements regarding range of services and access to services which are applied to HMO's should be more stringent than those specified in the proposed regulations. There were also suggestions that a developing HMO be required to offer at least the range of services required of mature HOM's before such organizations would be considered eligible to contract with the Secretary as an HMO under the Medicare program. The legislative history makes clear that it was intended that developing HMO's would not be required to furnish as comprehensive a range of services as mature HMO's. It was suggested that HMO's be required to furnish services which the health insurance program does not cover (e.g., preventive services). However, the law provides that HMO's are required to furnish only those services which are covered by the health insurance program. Comments were received suggesting that the law requires a higher standard than the community standard applied in the proposed regulations with respect to "regular hours" access to HMO services (see § 405.2009(a)) and the quality of "outside regular hours service" (see § 405.2009(b)). The statutory provision in question is not specific about the criteria that should be used in these areas. The law requires the HMO to assure that health services "are received promptly and appropriately and that the services • • • measure up to quality standards which it establishes in accordance with regulations." Therefore, the requirement for use of a community standard has been retained.

6. *Several provisions of the proposed regulations are not consistent with those implementing Pub. L. 93–222 (The Health Maintenance Organization Act of 1973).* Several revisions were made in response to comments requesting consistency between the regulations implementing the HMO Act of 1973 and these regulations, which implement section 226 of Pub. L. 92–603. In these regulations, for example, the term "medically underserved area" (which is used in the HMO Act of 1973) has been substituted for the term "health scarcity area" and the standard regarding a written physician agreement applicable to individual-practice HMO's has been revised so that it applies only to services rendered to Medicare beneficiaries enrolled in the HMO.

In addition, the term "qualifying conditions" has been substituted for the term "conditions of participation" which appeared in the Notice of Proposed Rule Making since the term "conditions of participation" refers to the regulatory requirements that must be met by providers of services as defined under section 1861(u) of the Social Security Act.

To the extent possible, these regulations are now consistent with the provisions of the Health Maintenance Organization Act of 1973 (Pub. L. 93–222) and the regulations issued to implement that Act, published in the FEDERAL REGISTER on October 18, 1974. The regulations set forth herein do not require HMO's to meet the certification requirements of title XIII of the Public Health Service Act in order to be eligible to participate as an HMO under title XVIII of the Social Security Act. These regulations are also consistent with regulations on HMO's issued by the Social and Rehabilitation Service (published in the FEDERAL REGISTER on May 9, 1975).

The amendments as announced under the Notice of Proposed Rule Making (39 FR 30935) are, therefore, adopted with the changes noted and various editorial changes in the interest of clarity.

Additional regulations dealing with HMO's and section 1876 of the Act are being prepared and will be published under separate Notices of Proposed Rule Making. Such proposed regulations will cover such topics as reimbursement, enrollment and disenrollment, grievance and appeals, and the HMO's contract with the Secretary.

(Secs. 1102, 1871, and 1876 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 331, and 86 Stat. 1396; (42 U.S.C. 1302, 1395hh, and 1395mm).)

Effective date. These amendments shall be effective August 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: May 12, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 19, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) is further amended by adding Subpart T to read as follows:

SUBPART T—HEALTH MAINTENANCE ORGANIZATIONS

Sec.	
405.2001	Health maintenance organizations; general.
405.2002	Qualifying conditions: General.
405.2003	Qualifying condition: Compliance with State and local laws.
405.2004	Qualifying condition: Membership.
405.2005	Qualifying condition: Range of services.
405.2006	Qualifying condition: Effective arrangements.
405.2007	Qualifying condition: Physician staffing and supervision of health services.
405.2008	Qualifying condition: Assurance of quality of care.
405.2009	Qualifying condition: Access to services.
405.2010	Qualifying condition: Grievance procedures.
405.2011	Qualifying condition: Ongoing program review of services provided.
405.2012	Qualifying condition: Financial responsibility.

V 40 I 128 JUL 2 75 XUM

Subpart T—Health Maintenance Organizations

AUTHORITY: Sections 1102, 1871 and 1876, 49 Stat. 647, as amended, 79 Stat. 331, 86 Stat. 1396; (42 U.S.C. 1302, 1395hh, and 1395mm).

§ 405.2001 Health maintenance organizations; general.

(a) *Introduction.* The regulations in this Subpart T set forth the requirements which an organization must meet in order to be eligible to enter into a contract with the Secretary as a health maintenance organization (HMO) under the health insurance program for the aged and disabled (title XVIII). Section 1876 of the Social Security Act, as amended, 42 U.S.C. 1395mm, defines an HMO, for title XVIII purposes, in part, as a public or private organization which provides a comprehensive range of health services, either directly or through arrangements with others, on a predetermined periodic rate or periodic per capita rate basis without regard to the frequency or extent of services furnished to any particular enrollee. The HMO is also required to have effective arrangements for assuring that its members receive needed services promptly and appropriately and that these services are of acceptable quality and are reasonable in cost. There are also a number of specific statutory requirements dealing with the manner in which an HMO provides these services and with fiscal accountability. The specific qualifying conditions which the HMO must meet may be found in § 405.2002–§ 405.2012.

(b) *Types of health maintenance organizations.* HMO's may be distinguished according to their level of development, reimbursement basis, or method of practice.

(1) For purposes of this subpart, a "mature" HMO refers to an organization which meets the statutory definition of an HMO (see section 1876(b) of the Act) and is in full compliance with the qualifying conditions set forth in this subpart. Where a mature HMO also meets the requirements of paragraph (a)(1) or (a)(2) of § 405.2004 which are applicable to the organization, it may elect to contract with the Secretary as either a "risk-basis" or a "cost-basis" HMO (as described in paragraph (b)(4) of this section). A mature HMO which does not meet the applicable requirements of paragraph (a)(1) or (a)(2) of § 405.2004 can only contract with the Secretary on a cost basis.

(2) A "developing HMO" refers to an organization which does not fully meet the requirements applicable to a mature HMO. To qualify as a developing HMO, an organization must demonstrate to the Secretary that it has a reasonable prospect of fully meeting all the requirements for a mature HMO and it must have a planned program which is acceptable to the Secretary and to which it is committed for meeting all of the requirements for a mature HMO within 3 years after the effective date of its initial contract with the Secretary as an HMO under title XVIII. Periodic reviews are conducted by the Secretary or his designate to determine whether the developing HMO is accomplishing its planned program on schedule and, where the HMO has fallen behind schedule, the Secretary determines whether the HMO has made sufficient progress toward meeting the requirements of a mature HMO to warrant a renewal of its title XVIII contract. A developing HMO may contract with the Secretary only on a cost-basis.

(3) The Secretary may extend the period of time beyond the 3 years specified in paragraph (b)(2) of this section, for a developing HMO to qualify as a mature HMO:

(i) Where the HMO documents that it has made every effort to comply within three years of its initial contract as a developing HMO and that it is currently making sufficient progress in meeting applicable qualifying conditions and standards;

(ii) Where the HMO establishes a timetable for meeting the requirements, which is acceptable to the Secretary; and

(iii) Where the HMO meets such requirements as may be set forth by the Secretary for extension of the period of time beyond the three years specified in paragraph (b)(2) of this section.

(4) If a mature HMO, which is eligible to contract with the Secretary on a risk-basis, elects to do so, it shall share with the health insurance program a portion of the savings which accrue where it provides services to its enrollees who are title XVIII beneficiaries at a cost lower than the adjusted average per capita cost, as defined in section 1876(a)(3)(A) of the Act and in this subpart. Savings up to 20 percent of the adjusted average per capita cost shall be apportioned equally between the risk-basis HMO and the Federal Hospital Insurance Trust Fund and/or the Federal Supplementary Medical Insurance Trust Fund. Savings in excess of 20 percent of the adjusted average per capita cost shall be apportioned entirely to such trust funds. Losses incurred by the risk-basis HMO shall be absorbed by such organization, but losses shall be carried forward and offset from savings realized in later years. An organization, either mature or developing, which enters into a cost-basis contract with the Secretary is reimbursed the reasonable cost it incurs in providing covered items and services to its Medicare XVIII beneficiaries.

(5) An HMO, whether mature or developing, may provide physicians' services under one of the two following approaches:

(i) The "group practice HMO" provides medical items and services primarily through independent practitioners employees or partners of the HMO, and who are usually reimbursed on other than a fee-for-service basis, or through physician groups that contract with the HMO and who reimburse physician members on other than a fee-for-service basis. Typically, the group practice physicians share facilities and substantial portions of major equipment and professional, technical, and administrative staff.

(ii) An "individual practice HMO" provides medical items and services primarily through physicians who are employers who practice in their individual offices (or in physician-directed clinics) and who are reimbursed primarily on a fee-for-service basis. Typically, this kind of HMO is sponsored by a medical care foundation or a medical society.

§ 405.2002 Qualifying conditions: General.

An HMO which wishes to contract with the Secretary pursuant to section 1876 of the Act must be able to demonstrate its ability to provide a specified range of comprehensive services efficiently, effectively, and economically to an enrollee population of more than a specified minimum size. An assessment of an organization's eligibility to enter into such a contract will necessarily be based on the organization's ability to enroll members and deliver high quality health services. The qualifying conditions specified in § 405.2003 through § 405.2012 are designed to assure the Secretary of the HMO's ability to fulfill these requirements as provided by section 1876 of the Act. Generally, each qualifying condition is interpreted by a series of standards. Reference to these standards is made by the Secretary or his designate in surveying an HMO to document its activities, to establish the nature and extent of its deficiencies, if any, and, if the Secretary enters into a contract with the HMO, to assess the HMO's need for improvement in relation to the prescribed qualifying conditions. The application of the standard indicates the extent and degree to which an applicant organization is complying with each condition. To qualify as an HMO under title XVIII of the Act, a mature HMO must be in full compliance with all of the qualifying conditions and applicable standards set forth in § 405.2003 through § 405.2012. A developing HMO in order to qualify as an HMO under title XVIII of the Act must be in full compliance with all of the qualifying conditions and standards set forth in § 405.2003 through § 405.2012, except for the standards specified in § 405.2004(a) and § 405.2005(a) and must demonstrate that it is making reasonable efforts, as described in § 405.2001(b)(2), to meet fully the standards in § 405.2004(a) and § 405.2005(a).

§ 405.2003 Qualifying condition: Compliance with State and local laws.

The HMO, its officers and staff, and its facilities must meet all requirements that may be lawfully imposed by State or local regulatory or licensing authorities.

§ 405.2004 Qualifying condition: Membership.

The HMO must demonstrate that it has operating experience and an enrolled population sufficient to provide a reasonable basis for establishing a prospective per capita reimbursement rate.

(a) *Standard: Operating experience for mature HMO's.* To be eligible to contract as a mature HMO, the organization must have a current enrollment of at least 5,000 members on a prepaid capitation basis. In order to be eligible to contract as a risk-basis HMO (see § 405.2001(b)), the requirements regarding operating experience in paragraph (a)(1) or (a)(2) of this section apply:

(1) The organization must have a current enrollment of at least 25,000 members on a prepaid capitation basis, and must have been the primary source of health care for at least the range of health care services described in § 405.2005(b) which were provided to at least 8,000 persons in each of the 2 years immediately preceding the contract year in which it first qualifies as a risk-basis HMO.

(2) Where the organization serves a non-urban geographic area, and has a current enrollment of at least 5,000 members on a prepaid capitation basis, it need not meet the requirements in paragraph (a)(1) of this section if it has provided at least the range of health care services referred to in § 405.2005(b) to at least 1,500 persons in each of the 3 years immediately preceding the contract year in which it first qualifies as a risk-basis HMO. For purposes of this section, a non-urban HMO is an organization:

(i) Whose service area is located in a non-metropolitan county (i.e., a county with fewer than 50,000 inhabitants); or

(ii) Whose normal service area includes at least one such county, or

(iii) Whose service area is located outside a metropolitan area and whose facilities are within reasonable travel distance of fewer than 50,000 people.

In assessing what is a reasonable travel distance primary consideration will be given to the actual availability of services and general community standards in securing health services.

(3) Where an organization is a subdivision or subsidiary of a mature HMO which meets the requirements of paragraph (a)(1) or (a)(2) of this section, such subdivision or subsidiary need not demonstrate that it meets such requirements as an independent unit if the mature organization assumes responsibility for the financial risk and adequate management and supervision of health care services rendered by such a subsidiary. Also, two or more independent organizations may combine through merger or effective affiliation arrangements in order to satisfy the minimum enrollment standard specified in paragraph (a)(1) or (a)(2) of this section.

(b) *Standard: Operating experience for developing HMO's.* To contract as a developing HMO (see § 405.2001(b)), the organization must provide at least the range of services referred to in § 405.2005(b) on a prepaid capitation rate basis to a sufficient number of individuals to assure the Secretary that there is a reasonable basis for determining a prospective per capita rate of reimbursement or have some other method acceptable to the Secretary of providing a sound basis for making proper cost projections.

(c) *Standard: Composition of enrollment.* In addition to meeting the requirements of paragraph (a) or (b) of this section, HMO's, whether mature or developing, must meet the following standards with respect to the composition of their enrollment:

(1) At least 50 percent of the HMO's membership must be under age 65. However, this requirement may be waived by the Secretary where:

(i) The requirement would result in enrollment of enrollees substantially nonrepresentative of the population in the geographic area served by such HMO, or

(ii) The organization presents a plan which satisfies the Secretary that it will meet this requirement within 3 years after it enters into its initial contract with the Secretary and the HMO demonstrates each year that it is making continuous efforts and progress towards achieving compliance with the requirement within such three-year period by holding open enrollment periods and taking other steps as necessary.

(2) No more than 50 percent of the organization's members may be beneficiaries (or recipients) of the health benefit programs established by titles V, XVIII, and XIX of the Act; however, this requirement may be waived by the Secretary where:

(i) The organization presents a plan which satisfies the Secretary that it will meet such requirements within 3 years after it enters into its initial contract with the Secretary and the HMO demonstrates each year that it is making continuous efforts and progress toward achieving compliance with this requirement within such 3-year period by holding open-enrollment periods and taking other steps, as necessary; or

(ii) Beneficiaries of such programs comprise more than fifty percent of the population of the geographic area served by the organization and the HMO's enrollment of such beneficiaries is not substantially nonrepresentative of the concentration of such beneficiaries in such geographic area; or

(iii) The organization otherwise shows good cause for a waiver of this requirement.

(3) The organization must provide at least the range of services it is required to furnish pursuant to § 405.2005 to a minimum of 150 title XVIII beneficiaries. The Secretary may grant an organization a period not to exceed 90 days after the beginning of its initial contract period within which to comply with this requirement where the organization can demonstrate to the satisfaction of the Secretary that it has taken (or will take) steps which can reasonably be expected to result in an enrollment of at least 150 title XVIII beneficiaries within the period granted for compliance.

(d) *Standard: Open enrollment.* An HMO will enroll title XVIII beneficiaries on a first-come, first-served basis, up to the limit of its capacity, and will hold an open enrollment period not less than annually for such beneficiaries on that basis. This requirement may be waived by the Secretary where the organization's compliance would result in a failure to meet the requirements of § 405.2004(c)(1) or would result in a membership which is substantially nonrepresentative of the population in the area it serves. For purposes of this subpart, a subgroup of enrollees is generally not considered to make the membership substantially nonrepresentative unless its proportion among all the HMO's enrollees exceeds by at least 10 percentage points its proportion in the general population in the same enrollment area (see § 405.2005(a)(1)), based on such census and other data as the Secretary finds appropriate.

§ 405.2005 Qualifying condition: Range of services.

(a) *Standard: Range of services provided by mature HMO's.* The mature HMO (see § 405.2001(b)) must provide a comprehensive range of services which meets the following criteria as to scope and area:

(1) The mature HMO must provide, directly or through arrangements with others (see § 405.2006), all of the items and services covered under the health insurance program (see Subparts A and B of this part) which are available to individuals (non-enrollees) residing in the HMO's service area. For purposes of this subpart, an HMO's service area is defined as the geographic area in which the organization offers its full range of services to its enrollees. It should be distinguished from an HMO's enrollment area (i.e., the geographic area encompassing the permanent residences of its enrollees) which may include locations outside the organization's service area where it offers less than its full range of services. The Secretary will determine whether a service is available to patients residing in an HMO's service area on the basis of all relevant facts, including whether part or all of the HMO's service area has been designated as a medically underserved area, or where it is otherwise determined by the Secretary that there is a scarcity of covered items and services or qualified personnel to provide them. A "medically underserved area" for purposes of this subpart is one which the Secretary, taking into account comments made, if any, by the appropriate State or areawide planning agency, has formally designated as having a scarcity of one or more basic types of health services, e.g., physicians' services and inpatient hospital services.

(2) Even though a particular item or service covered under the health insurance program is not available from physicians, suppliers, or providers of services which are located in the HMO's service area, the organization must be responsible for arranging and paying for such covered items or services if patients in its service area (other than enrollees of the organization) are commonly referred for such services, when needed, to sources outside the area. In such a case, the HMO must meet the requirements specified in

V 40 I 128 JUL 2 75 XUM

§ 405.2006 for effective arrangements for providing such covered items or services.

(3) The mature HMO must, except as provided for in paragraph (a)(4) of this section, also assume financial responsibility and provide reasonable reimbursement for all medically necessary covered items and services obtained by its enrollees from physicians, suppliers, or providers of services outside the HMO, even in the absence of the organization's prior approval, where such services are:

(i) Emergency services: Emergency services, for purposes of this subpart, are covered inpatient or outpatient medical and other services provided by an appropriate source within or outside the HMO's service area, which may not be delayed until facilities or suppliers of services of the HMO (or alternatives authorized by the HMO) can be used without possible serious effects on the health of the patient. Such services be or must appear to be needed immediately to prevent the death of the enrollee or serious impairment of his health, and are considered emergency services as long as the transfer of the enrollee to the appropriate provider of services of the HMO (including those with which the HMO has an arrangement) or an alternative designated by the HMO is precluded because of the risk to the enrollee's health, or the distance and nature of illness involved would make such transfer unreasonable;

(ii) Urgently needed services: Urgently needed services are covered services which enrollees require in order to prevent a serious deterioration in their health while they are temporarily absent from the HMO's service area. While the immediacy of need for these services is not as great as it is for emergency services, the medical need is such, however, that the provision of medical services cannot be delayed until the enrollee returns to a place where he would reach the HMO's services. In this context, the term "temporarily absent," refers to circumstances, such as a vacation trip, where the enrollee has left the health maintenance organization's service area, but intends to return within a reasonable period of time. An enrollee whose primary place of residence is in either the HMO's service area or enrollment area, but who resides in a temporary home elsewhere for a number of weeks up to a reasonable limit that may be established by the HMO, would also be considered temporarily absent from the HMO's service area during those periods of time when such an enrollee is residing in the temporary home; or

(iii) Services which are found upon appeal by the beneficiary under the provisions of section 1876(f) of the Act (42 U.S.C. 1395mm(f)) to be services which the beneficiary was entitled to have furnished to him by such HMO.

(4) A mature health maintenance organization (see § 405.2001(b)) which either is not eligible to be paid on a risk-basis because it does not meet the requirements regarding operating experience set forth in paragraph (a)(1) or (a)(2) of § 405.2004, or is eligible for risk-basis payment but elects to be paid on a cost-basis, is not required to assume financial responsibility for any services its enrollees who are title XVIII beneficiaries receive which are:

(i) Emergency services (see paragraph (a)(3)(i) of this section) or

(ii) Urgently needed services (see paragraph (a)(3)(ii) of this section) or other covered items or services received outside the HMO's service area by its enrollees who are title XVIII beneficiaries (but not including those described in paragraph (a)(2) of this section). Covered items or services which the beneficiary receives from physicians, suppliers, or providers of services outside the HMO and for which the HMO does not assume financial responsibility are reimbursable under the regular health insurance program.

(5) In providing items and services where more than one category of practitioner is qualified to provide the item or service, the health maintenance organization may select the type of practitioner to be used.

(b) *Standard: Range of services provided by developing HMO's.* A developing HMO must provide at least the following services to its enrollees who are title XVIII beneficiaries: inpatient hospital services; physicians' services; diagnostic X-ray, laboratory and other diagnostic tests; and ambulance services. A contract with a developing HMO is renewed only if the Secretary finds that it is making reasonable efforts to provide all covered items and services available in its service area (see § 405.2001(b)).

§ 405.2006 Qualifying condition: Effective arrangements.

An HMO which provides services covered under title XVIII to its enrollees through arrangements (i.e., arranged-for services) with physicians, suppliers or providers of services other than those owned, operated, or controlled by the HMO must demonstrate that such arrangements are, in fact, an efficient, effective, and economical means of providing services to its enrollees. Organizations which furnish services to their enrollees who are title XVIII beneficiaries through arrangements are required to provide sufficient management and coordination to assure that the full range of covered care is provided. In assessing the organization's compliance with this condition, the Secretary will consider the manner in which similar services are generally provided in the community and the individual circumstances of the HMO's organizational and staffing structure. This assessment will be based on the following standards:

(a) *Standard: Form of arrangements.* Arrangements for services must, to the extent possible, be in writing. Where the arranged-for services obtained from any one party represent a significant cost to the organization, the organization shall demonstrate to the Secretary the steps it has taken to secure a written agreement and, where applicable, the reasons for continuing without a written agreement.

(b) *Standard: Content of arrangements—Method of compensation.* Where an organization furnishes services through arrangements, such arrangements shall include, but not be limited to, an appropriate system which establishes reasonable remuneration and discourages the provision of unnecessary services. For example, arrangements with groups of physicians should provide for reimbursement for services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of how the group remunerates individual physician members. Further, the HMO's reimbursement of physicians or groups of physcians should not result in a level of physicians' compensation, including any incentive payment, that is substantially in excess of what would normally be paid for similar services by similar physicians regardless of the method of compensation. (See section 1876(a) of the Act.)

(c) *Standard: Coordination of arrangements to assure access to and continuity of care.* The HMO must demonstrate to the Secretary that it has achieved adequate coordination of the services provided through arrangements as well as coordination between those services provided directly, and those provided through arrangements, so as to assure access to and continuity of quality care (see §§ 405.2007, 405.2008, 405.2009, and 405.2011).

(d) *Standard: Application to individual practice HMO's.* An individual practice HMO (as defined in § 405.2001(b)(5), or a group of physicians under contract with such HMO) must have a written agreement with each physician participating in the organization who provides services to its enrollees who are title XVIII beneficiaries. Such an agreement must provide at a minimum:

(1) A description of the organization's method of reimbursing the individual physician, including its method of distributing savings or losses, or other forms of incentives encouraging appropriate utilization as required by paragraph (b) of this section;

(2) The physician's acceptance of the organization's payment as payment in full for covered title XVIII services provided to the organization's Medicare enrollee who is a title XVIII beneficiary;

(3) That the physician cooperate with other physicians and institutions or suppliers of services to provide continuity of care required by paragraph (c) of this section; and

(4) That the physician provide to the organization records (see § 405.2009(d)(2)) needed to monitor the quality of care and the appropriateness of reimbursement for services furnished its enrollees who are title XVIII beneficiaries, including data needed to develop statistical profiles or to carry out effectively any provision of the contract or regulations.

§ 405.2007 Qualifying condition: Physician staffing and supervision of health services.

An HMO must provide either directly or through arrangements with others the services of a sufficient number and type of primary-care and specialty-care physicians to meet the health care needs of its enrollees. Further, there must be physician involvement and supervision in the provision of health services to provide reasonable assurance that the skill level appropriate to the case is used.

(a) *Standard: Number and types of physicians.* An organization must have on its staff (or provide through arrangements as described in § 405.2006) primary care and specialty care physicians in adequate numbers and types to meet the health care needs of its patients, but no less than the equivalent of five full-time physicians who are actively involved in patient care and accountable to the organization for the adequacy of service. The requirement that an organization have the equivalent of no less than five full-time physicians may be waived by the Secretary where an HMO is located in a medically underserved area (see § 405.2005(a)(1)) or where it is otherwise determined that there is a shortage of covered services available in the HMO's service area, and the number of physicians is reasonable in relation to enrollment, taking into account general physician availability in the locale and the health care needs of its members.

(1) For purposes of this subpart, a primary care physician is one who has the responsibility for initial treatment or screening of patients. For example, such a physician could be a general practitioner, a family-practice specialist, or, for certain groups of patients, a specialist in pediatrics, internal medicine, or obstetrics-gynecology. The primary care physician in the HMO setting is distinguished by his referral of patients to other specialized physicians, rather than by limitations on his number of encounters with patients or his own degree of specialization.

(2) For purposes of this subpart, a specialty care physician is one who is:

(i) Certified or eligible for certification by one of the specialty boards of the American Board of Medical Specialists, or by one of the specialty boards approved by the American Dental Association; or

(ii) Who is not board-certified or eligible for certification but who has, over a period of time, practiced a specialty and who has:

(A) Acquired substantial equivalence in education, and experience in the specialty area;

(B) Established a record of demonstrated proficiency in the specialty; and

(C) Received recognition by other physicians in the area as a qualified source of specialty services by their continuing referrals of patients to him for such specialty services.

(b) *Standard: Physician involvement in management decisions which affect patient care.* In the conduct of those administrative activities that have a significant bearing on patient care, the physician staff (or physicians or physician groups providing services through arrangements) shall be consulted by the organization's management for its professional judgment. Arrangements may be formal, such as a joint management-staff committee, or informal, such as ad hoc meetings.

(c) *Standard: Physician supervision of other health care professionals.* The organization's health delivery system and its division of responsibilities must provide for physician supervision of other health care professionals who are directly involved in the provision of health care. For purposes of this subpart, the term "other health care professionals" refers to those paramedical, ancillary, and other nonphysician personnel who are engaged in the delivery of health services. Furthermore, the system must assure that, to the extent feasible, physicians use and supervise other health care professionals, and limit the activities of these personnel to only those that they may legally and competently perform in their respective professions.

§ 405.2008 Qualifying condition: Assurance of quality of care.

The HMO assures that the physicians and other health care professionals it uses, whether supplying services directly or through arrangements, are capable and competent to carry out their assigned activities and that the providers of service it uses meet the applicable conditions of participation under Medicare.

(a) *Standard: The HMO must have physician staff standards.* The HMO is required to have written medical staff standards which, at a minimum, include requirements governing the recruitment, hiring, where applicable, and retention of physicians or groups of physicians furnishing services to HMO enrollees through arrangements with the HMO. The requirement for retention of physicians must be consistent with the requirements in § 405.2011 relating to the HMO's ongoing review of patent care and should provide for appropriate use of methods for determining, on the basis of recent experience, whether a physician is providing services of sufficient quality and at reasonable cost.

(b) *Standard: Conformance with Medicare conditions of participation and conditions for coverage.* Where items or services are provided by a hospital, skilled nursing facility, home health agency or a provider of outpatient physical therapy services, such provider of services must meet the applicable conditions of participation as described in Subparts J, K, L, and Q. Similarly, where services are provided by independent laboratories or portable X-ray suppliers, such laboratories or suppliers must meet the applicable conditions for coverage, as set forth in Subparts M and N of this part.

(c) *Standard: Qualification of other health care professionals.* An organization must have written requirements detailing the experience and educational qualifications for those categories of other health care professionals it employs who render medical services. The HMO must also provide written instructions for use by such health care professionals, as necessary, and take into account any legal limitations on their use as set by State or local law. The latter may be accomplished through formal job descriptions.

§ 405.2009 Qualifying condition: Access to services.

The HMO assures that health services required by its enrollees are received promptly and appropriately, that there is continuity of the care provided the enrollees, and that it maintains an efficient medical records system.

(a) *Standard: Regular hours.* An HMO, with respect to all services it furnishes, whether direct or through arrangements, must provide for regular hours during which such services can be received. It is also required to have an orderly and systematic system for scheduling the provision of services to enrollees in a timely manner, taking into account the immediacy of need for services. The standard for assessing the adequacy of this system and that described in paragraph (b) of this section will be the access which individuals who are not enrollees of the HMO have to such services in the HMO's service area.

(b) *Standard: Availability of services outside of regular hours.* The HMO must have a system for providing the enrollee with 24-hour access to a physician in cases where there is an immediate need for medical services. To meet this requirement, the organization's arrangements for off-hour services may provide for access to non-HMO physicians and facilities (e.g., hospital emergency rooms), if it is demonstrated that such arrangements will not impair the continuity of the enrollee's care and will not prevent the organization from meeting its obligation to provide its enrollees with necessary services that are convenient, timely, and of a quality that is reasonable compared to that available to others in its service area. Where such non-HMO physicians and facilities are used, the health maintenance organization must develop procedures assuring that it is notified of such services and that it receives adequate documentation from the non-HMO facility.

(c) *Standard: Continuity of care.* The organization is responsible for fostering continuity of the care of its members. Basic responsibility for continuity of care, including referral for specialty and other medical services, rests with its physicians. The following criteria will be used to assess the effectiveness of the HMO's compliance with the standard:

(1) The HMO must achieve a sufficient degree of stability in its physician staff, as measured by the extent of physician turnover, to permit the assumption that a reasonable degree of continuity of care is possible.

(2) The HMO must give each enrollee an opportunity to select a primary physician, i.e., a physician who will have overall responsibility for the patient's care.

(3) Where the HMO provides services directly to its enrollees at several locations, it must insure through the coordination of medical records, referred to in paragraph (d) of this section, and

V 40 1128 JUL 2 75 XUM

the use of other appropriate operating procedures that the services it furnishes at those various contact points are organized in such manner as to facilitate continuity of care.

(d) *Standard: Organization of medical records.* The HMO is required to maintain a logical and efficiently organized medical record for each enrollee (or family) and to assure that the confidentiality of such records is protected. This standard will be met only if the HMO satisfies paragraph (d)(3) and either paragraph (d)(1) or (d)(2) of this section.

(1) The HMO's record system must be unified (i.e., a unit record system or an alternative system which provides for unified records) and contain a description of all significant services provided its enrollees either directly by the HMO or through arrangements with others and findings, made with respect to such services to the extent such information is known and can be assembled at a reasonable cost. The information entered into the HMO's medical record system must be retained up to 3 years after the date of the final cost settlement with the HMO (see section 1876(a) of the Act) unless otherwise specified in this subpart.

(2) Where ambulatory care is regularly provided at more than one location (e.g., in the case of individual practice HMO's), and the maintenance of a unified system would result in excessive duplication costs, the enrollee's record may be retained at a primary ambulatory care point if a plan for the interchange of medical record data with secondary care points has been developed. Such a plan must make records available to the attending or consulting physician when the enrollee requires further services, or when a periodic review of the patient's record is appropriate. To the extent possible, an HMO meeting this requirement must organize its medical records system in such a manner as to assure:

(i) That the primary physician referred to in paragraph (c)(2) of this section establishes adequate medical records for each enrollee to whom he provides services and obtains reports prepared by other physicians as may be needed by the HMO to provide care, respond to patient requests for information or carry out its responsibilities for providing patients with adequate access to needed services;

(ii) That upon referral of the enrollee by the primary physician to other physicians or to a provider, the HMO will promptly transmit X-rays, reports of tests, and other pertinent data about the patient; and

(iii) That the physician submits, when requested, the medical records on those cases which are being analyzed under the HMO's system of peer review (as described in § 405.2011).

(3) All information contained in the medical records specified in either paragraph (d)(1) or (d)(2) of this section must be treated as confidential and disclosed only to authorized persons. The HMO must establish adequate procedures for assuring such confidentiality is properly maintained and safeguarded.

§ 405.2010 Qualifying condition: Grievance procedures.

The HMO is required to have an internal grievance system for handling complaints of its enrollees who are title XVIII beneficiaries which at a minimum:

(a) Facilitates the submission of complaints which its enrollees may have;

(b) Provides for a full investigation of the complaint and assures that appropriate action is taken promptly in every case;

(c) Provides for notification of the enrollee as to the results of the HMO's investigation and, unless the HMO has received approval from the Secretary to process grievances under an alternative procedure, his right to a higher internal grievance level where he is dissatisfied with the HMO's action;

(d) Provides data on the number and types of complaints filed and the manner in which they were resolved; and

(e) Provides for periodic management review of the data specified in paragraph (d) of this section to assure that appropriate corrective actions have been taken and that the problems which led to the complaints have been eliminated.

§ 405.2011 Qualifying condition: Ongoing program review of services provided.

The HMO has a written review plan and an adequate information system that, while safeguarding the confidentiality of such information, assures that the health services it provides to its enrollees meet or exceed professionally-accepted levels of quality and is designed in such a way as to meet the applicable requirements of section 249F of Pub. L. 92-603 and related regulations concerning Professional Standards Review Organizations (PSRO's).

(a) *Standard: Written review plan.* An HMO must demonstrate to the Secretary that it has in operation a written internal review plan which provides for review of the quality, medical necessity, appropriateness, and promptness of services furnished by the HMO, whether directly or through arrangements, to Medicare enrollees.

(1) The plan must include written procedures for reviewing services rendered directly by the HMO's physicians and other health care professionals, and those rendered through arrangements with the HMO. These procedures may include, for example, a review by physicians of medical records that have been selected on a sample basis or on the basis of screening by other health care professionals or computer. Another possible approach is to undertake Medical Care Evaluation Studies (see § 405.1137(c)). Periodic computerized analyses in order to identify instances of possible improper utilization are an example of the type of study that could be used to meet this requirement in part. Further, the plan must include procedures for coordinating the HMO's internal review activities with such other activities as may be required under the Medicare program and also with those under the Professional Standards Review Organization (PSRO) provisions contained in title XI of the Act (42 U.S.C. 1320c et seq.).

(2) The plan must include written procedures for taking appropriate remedial action whenever it is determined that inappropriate or substandard services have been provided or that services which should have been furnished have not been provided. A written record of remedial actions taken shall be maintained by the HMO and made available to the Secretary upon request.

(3) The review plan may provide for the reviews to be performed under the auspices of a PSRO, a Foundation for Medical Care, or other review organization which is established and organized in a manner approved by the Secretary and that is capable of performing such function.

(b) *Standard: Information system.* The HMO has an information system, or access to such a system, which is capable of providing the information necessary for the carrying out of the program review activities outlined in paragraph (a) of this section.

(c) *Standard: Confidentiality.* The HMO must establish adequate procedures for assuring that all information obtained pursuant to paragraph (b) of this section is treated as confidential and is disclosed only to authorized persons.

§ 405.2012 Qualifying condition: Financial responsibility.

The HMO is required to demonstrate its financial responsibility so as to assure that Medicare beneficiaries and the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund are adequately protected against financial loss to or the insolvency of the organization.

(a) *Standard: Accounting system.* The HMO must have a system of accounting for income and expenses on an accrual basis. The accounting system should be able to identify income and expenses according to source or object, and should permit the allocation of costs to the HMO's several principal functions. Further, the system should be capable of producing timely reports to management regarding income and expense at least on a quarterly basis, and should provide reliable cost data for planning and budgeting for future operations as well as for determining the reasonable costs and per capita incurred costs of providing health services to Medicare enrollees. The HMO is also required to furnish to the Secretary or his designate comprehensive reports on the scope of its financial operations.

(b) *Standard: Insurance.* The HMO must have policies (or establish a reserve under a self-insurance program approved by the Secretary) which safeguard and insure its assets against fire, theft, fraud, embezzlement, malpractice, and other wastage and risks normally insurable and insured by reasonably prudent businessmen.

(c) *Standard: Solvency.* In addition to meeting any cash reserve or similar requirements imposed by State law or regulation, the HMO is required to demonstrate to the satisfaction of the Secretary that:

(1) It has a fiscally sound operation as demonstrated by a financial plan (or other financial statements specified by the Secretary) which indicates the achievement and maintenance of a positive cash flow, including provision for the retirement of existing and proposed indebtedness, and in the case of an HMO which has not yet reached its financial break-even point, it has adequate plans for obtaining contingency financing to cover its operating costs if it is unable to reach its financial break-even point on schedule;

(2) In the case of a mature HMO (see § 405.2001(b)(1)) that elects to contract on an incentive basis, it has the financial ability to assume the risk of any costs that might be reasonably anticipated during the contract period in excess of the adjusted average per capita cost (see § 405.2001(b)(1)) in its area. Evidence of financial ability may include a self-insurance program, a reinsurance plan, or other satisfactory arrangements.

[FR Doc.75-16867 Filed 7-1-75;8:45 am]

V40-128 JUL 2 75 XUM

federal register

WEDNESDAY, JULY 2, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 128

PART III

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

■

NAVAJO-HOPI JOINT USE AREA

Grazing and Protective Regulations

V40 I128 JUL 2 75 XUM

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Subchapter B—Law and Order

PART 12—JOINT USE LAW AND ORDER

Establishment of Protective Regulations

JUNE 24, 1975.

This notice is published in exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 33360 of the FEDERAL REGISTER of September 17, 1974 (39 FR 33360) there was published a notice of proposed rule-making to add a new Part 12 to Title 25 of the Code of Federal Regulations relating to the establishment of protective regulations, both civil and criminal for the Indian people residing within the boundaries of the Hopi-Navajo Joint Use Area. These regulations were proposed pursuant to authority contained in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to the comments received and certain revisions were made as a result of them. The revisions were added as follows:

(1) Subpart H—General Provisions, was revised by using the Model Code with the exception of former § 12.26 Hot Pursuit, § 12.33 Contraband, Confiscated, and Abandoned Property, and § 12.34 Taking Children into Custody.

(2) The following sections have been deleted from Subpart M: § 12.77 Adultery, § 12.79 Assault with a Deadly Weapon, § 12.80 Assault with Intent to Commit Rape, § 12.81 Assault with Intent to Cause Serious Bodily Injury, § 12.82 Assault with Intent to Kill, § 12.84 Begging and Soliciting, and § 12.107 Incest. § 12.92 Aiding and Abetting and § 12.10 Conspiracy have been added to Subpart M.

The new Part 12 shall become effective August 1, 1975.

A new Part 12 is added to Subchapter B, Chapter I, of Title 25, of the Code of Federal Regulations to read as follows:

Subpart A—Title, Purpose and Definitions

Sec.
12.1 Title.
12.2 Purpose.
12.3 Definitions.

Subpart B—Judicial Power

12.4 Judicial power.

Subpart C—The Court of Appeals

12.5 Jurisdiction.
12.6 Composition.
12.7 Sessions.

Subpart D—Joint Use Trial Court

12.8 Composition.
12.9 Court sessions.
12.10 Qualifications of judges.
12.11 Disqualification.
12.12 Removal.

Subpart E—Jurisdiction of Joint Use Court

12.13 Criminal jurisdiction.
12.14 Civil jurisdiction.

Subpart F—Rules and Court Powers

12.15 Court rules.
12.16 Powers of the courts.

Subpart G—Court Officials

12.17 Officers of the courts.
12.18 Court clerks.
12.19 Representation before the joint use courts.

Subpart H—General Provisions

12.20 Public records.
12.21 Copies of laws.
12.22 Complaints.
12.23 Arrests.
12.24 Arrest warrants.
12.25 Notification of rights at time of arrest.
12.26 Summons in lieu of warrant.
12.27 Hot pursuit.
12.28 Search warrant defined.
12.29 Issuance of search warrant.
12.30 Execution and return of search warrant.
12.31 Search without a warrant.
12.32 Contraband, confiscated, and abandoned property.
12.33 Arraignment.
12.34 Rights of accused at arraignment.
12.35 Receipt of plea at arraignment.
12.36 Bail—Release prior to trial.
12.37 Bail—Release by police officer.
12.38 Bail—Release pending appeal.
12.39 Withdrawal of guilty plea.
12.40 Issuance of subpoenas.
12.41 Service of subpoena.
12.42 Failure to obey subpoena.
12.43 Witness fees.
12.44 Trial procedure.
12.45 Jury trial.
12.46 Contempt of court.
12.47 Commitments.
12.48 Right of appeal.
12.49 Taking children into custody.
12.50 Cooperation by Federal employees.

Subpart I—Sentencing

12.51 Nature of sentences.
12.52 Sentences of imprisonment.
12.53 Payment of fines.
12.54 Failure or inability to pay fines.
12.55 Commutation of sentence.
12.56 Suspension of sentence; probation.
12.57 Violation of suspended sentence.
12.58 Disposition of fines.
12.59 Civil remedies not precluded.

Subpart J—Civil Actions

12.60 Jurisdiction.
12.61 Judgments—Notice.
12.62 Laws applicable in civil suits.
12.63 Judgments in civil actions.
12.64 Costs in civil actions.
12.65 Payment of judgments from individual monies.
12.66 Full faith and credit to other tribal court judgments.
12.67 Appeal.

Subpart K—Domestic Relations

12.68 No jurisdiction in domestic matters.
12.69 Determination of heirs.
12.70 Probate of wills.
12.71 Recognition of marriages and divorces.

Subpart L—The Juvenile Court

12.72 Definitions.
12.73 Composition.
12.74 Juvenile matters.
12.75 Preliminary hearing.
12.76 Notification of hearing.
12.77 Right to representation.
12.78 Proceedings.
12.79 Consent decrees.
12.80 Full hearings; proceedings.
12.81 Rights and privileges.
12.82 Disposition.
12.83 Order of adjudication, non-criminal.
12.84 Limitation on dispositional orders.
12.85 Petition to revoke probation.
12.86 Appointment of guardian ad litem.
12.87 Protective orders.
12.88 Records; publication prohibited.
12.89 Destruction of records.

Subpart M—Criminal Code

12.90 Definitions.
12.91 Abduction.
12.92 Aiding and abetting.
12.93 Assault.
12.94 Battery.
12.95 Bigamy.
12.96 Bribery—Giving.
12.97 Bribery—Receiving.
12.98 Bribery—Soliciting.
12.99 Carrying a concealed weapon.
12.100 Child molesting.
12.101 Conspiracy.
12.102 Contributing to the delinquency of a minor.
12.103 Criminal negligence.
12.104 Criminal trespass.
12.105 Cruelty to animals.
12.106 Disobedience to a lawful order of the court.
12.107 Disorderly conduct.
12.108 Disposing of property of an estate.
12.109 Escape.
12.110 Extortion.
12.111 Failing to submit to treatment for a contagious disease.
12.112 Failure to send children to school.
12.113 Failure to support.
12.114 Forgery.
12.115 Fraud.
12.116 Gambling.
12.117 Illicit cohabitation.
12.118 Indecent exposure.
12.119 Inhaling toxic vapors.
12.120 Interfering with an officer.
12.121 Joyriding.
12.122 Liquor violation.
12.123 Littering.
12.124 Maintaining a public nuisance.
12.125 Misusing property.
12.126 Narcotics and dangerous drugs.
12.127 Perjury.
12.128 Peyote violation.
12.129 Possession of marijuana.
12.130 Prostitution.
12.131 Public intoxication.
12.132 Receiving stolen property.
12.133 Refusing to aid an officer.
12.134 Removal or destruction of antiquities.
12.135 Shoplifting.
12.136 Theft.
12.137 Unlawful burning.
12.138 Unlawful restraint.

Subpart N—Land; Livestock and Area Regulation Offenses

12.139 Branding livestock of another.
12.140 Cutting green timber without permission.
12.141 Failure to control livestock diseases and parasites.
12.142 Game violation.
12.143 Grazing, introduction without a permit.
12.144 Livestock roundups.
12.145 Making false reports of stock owned.
12.146 Refusal to brand or mark livestock.
12.147 Refusal to dispose of cull or infected animals.
12.148 Trespass—Inter-district.
12.149 Unauthorized use of range.
12.150 Unauthorized fencing.
12.151 Violation of regulations.
12.152 Other actions not precluded.

Subpart O—Traffic Offenses

12.153 Arizona traffic laws incorporated.

Subpart P—Removal of Non-Members

12.154 Who may be removed.
12.155 Hearing; removal; release.
12.156 Delivery to State or Federal authorities.

Subpart Q—Extradition

12.157 Apprehension in joint use area.
12.158 Hearing and release.

Subpart R—Other Provisions

12.159 Coroners.
12.160 Joint use Indian police.
12.161 Police commissioners.
12.162 Police training.
12.163 Indian policemen.
12.164 Dismissal.
12.165 Return of equipment.

AUTHORITY: 5 U.S.C. 301; R.S. 463 and 465; 25 U.S.C. 2 and 9.

Subpart A—Title, Purpose and Definitions

§ 12.1 Title.

The provisions contained in Part 12 shall be known as the "Joint Use Law and Order Code."

§ 12.2 Purpose.

(a) It is the purpose of the regulations in this code to provide protection through adequate Law Enforcement machinery, both civil and criminal, for those Indian persons residing within the boundaries of the Hopi-Navajo Indian Reservation as defined by the United States District Court for the District of Arizona. (A suit authorized by the Act of July 22, 1958, 72 Stat. 403, Pub. L. 85-547)

(b) The regulations in this code shall continue to apply until such time as a duly constituted joint governing body with fully delegated authority from their respective tribes prescribes and adopts a new code.

(c) Nothing in this code will prevent adoption by the governing body of ordinances applicable to the needs of the people residing in this area. After secretarial approval, such ordinances shall be controlling and the regulations of this part which may be inconsistent therewith shall no longer be applicable.

(d) The regulations in this code shall be enforced by the Court of Indian Offenses known as the Joint Use Court as provided in 25 CFR Part 12 et seq.

§ 12.3 Definitions.

In this code, unless the context otherwise requires:

(a) "Adult" shall mean a person who is 18 years of age or older.

(b) "Code" and "Law and Order Code" shall mean the Law and Order Code of the Joint Use Area.

(c) "Indian" shall mean any person of Indian descent who is a member of any recognized Indian tribe under federal jurisdiction.

(d) "Non-Indian" shall mean a person who is not an Indian.

(e) "Person" shall mean a natural person, Indian and where relevant, a corporation or unincorporated Indian association.

(f) "Property" shall mean both real and personal property.

(g) "Joint Use Courts" shall mean the Trial Court and Court of Appeals for the Joint Use Area.

(h) "Project Officer" means the Project Officer of the Bureau of Indian Affairs Joint Use Administrative Office, Flagstaff, Arizona 86001, to whom has been delegated the authority of the Commissioner to act in all matters respecting the Joint Use Area.

Subpart B—Judicial Power

§ 12.4 Judicial power.

The judicial powers within the Joint Use Area shall be vested in a Court of Appeals and a Trial Court.

Subpart C—The Court of Appeals

§ 12.5 Jurisdiction.

The Court of Appeals shall have jurisdiction to hear appeals from final orders and final judgments of the Trial Court as provided in the Appeal provisions contained herein.

§ 12.6 Composition.

The Court of Appeals shall consist of a single Judge, other than the presiding Judge of the Court which rendered the order or judgment from which appeal is taken. Where the Chief Judge is the Judge of the rendering Court, an Associate Judge shall sit as the Appeal Court Judge, with at least two other Judges to hear the appeal.

§ 12.7 Sessions.

The Court of Appeals shall meet within twenty working days after notice of an appeal or application for other relief has been filed with the Clerk of the Court, or as soon thereafter as possible.

Subpart D—Joint Use Trial Court

§ 12.8 Composition.

The Joint Use Trial Courts shall consist of a Judge appointed by the Commissioner of Indian Affairs or his duly appointed representative. There shall be a Chief Judge whose duties shall be full time; and there may be one or more Associate Judges who may be called to serve when the occasion arises. The Associate Judges may be hired on contract and compensated on a per diem basis.

§ 12.9 Court sessions.

(a) Regular sessions of the Trial Courts may be held on a regular workday at times and places designated by the Chief Judge.

(b) Special sessions of the Trial Courts may be held as necessary upon call of the Chief Judge: *Provided*, That such sessions are held at reasonable times and places.

§ 12.10 Qualifications of judges.

Any person over the age of 21 years shall be eligible to serve as a Judge of the Joint Use Court if he has never been convicted of a felony or, within one year then last past, been convicted of a misdemeanor other than a minor traffic violation. Such person shall complete a course of training in judicial procedures.

§ 12.11 Disqualification.

No Judge shall hear or determine any case wherein he has any direct interest or wherein any relative, by marriage or blood in the first or second degree, is a party. Any party to a proceeding may raise the issue of the qualification of the Judge to hear the case.

§ 12.12 Removal.

(a) Any Judge of a Joint Use Court may be suspended, dismissed, or removed by the Commissioner of Indian Affairs or his representative for any of the following reasons:

(1) Conviction of felony in any court;

(2) Conviction of any offense involving moral turpitude in any court;

(3) Conviction of the offense of disorderly conduct;

(4) Being under the influence of alcoholic beverages while presiding over a Joint Use Court;

(5) Any other conduct unbecoming to a Judge of the Joint Use Court.

(b) A Judge shall be given full and fair opportunity to reply to any and all charges for which he may be removed from his judicial office.

Subpart E—Jurisdiction of Joint Use Court

§ 12.13 Criminal jurisdiction.

(a) The Trial Court of the Joint Use Area shall have jurisdiction over all offenses enumerated in the Joint Use Law and Order Code when committed by any Indian within the Joint Use Area.

(1) All Indian persons employed by the Bureau of Indian Affairs shall be subject to jurisdiction of the Joint Use Courts.

(b) The jurisdiction of the Joint Use Courts shall be exclusive of any other court. With respect to any offense enumerated herein over which a Federal Court may assert jurisdiction, the jurisdiction of the Joint Use Court shall be concurrent and not exclusive.

§ 12.14 Civil jurisdiction.

A Trial Court of the Joint Use Area shall exercise the civil jurisdiction provided in Subpart J, § 12.60 of this Law and Order Code.

Subpart F—Rules and Court Powers

§ 12.15 Court rules.

The Chief Judge of the Joint Use Trial Court shall promulgate rules to govern the proceedings in the Joint Use Trial Courts, subject to the approval of the Project Officer of the Joint Use Area, Provided that such rules shall not abridge, enlarge, or modify any substantive rights and shall preserve the right of trial by jury as provided in Subpart H, § 12.45 of this Chapter.

V 40 128 JUL 2 75 XUM

§ 12.16 Powers of the courts.

The Court of Appeals and the Trial Courts shall have, but not be limited to, the following powers:

(a) To punish for contempt any of its officers or other persons present at judicial proceedings;

(b) To compel witnesses to attend and testify and to produce documents or other tangible objects to be used as evidence: Provided, That a defendant in a criminal trial may not be compelled to be a witness against himself.

Subpart G—Court Officials

§ 12.17 Officers of the courts.

Officers of the Joint Use Courts shall include:

(a) Court Clerks and court interpreters;

(b) Police Officers, Probation Officers, and other persons when carrying out orders of the Courts;

(c) Professional and lay counsel representing parties before the Courts; and

(d) Bailiffs.

§ 12.18 Court clerks.

(a) A person shall be employed to serve the Courts of the Joint Use Area and shall be known as the Clerk of the Court. Additional clerks may be employed as necessary.

(b) The Clerk of the Court is charged with the duty of assisting the lawful functioning of the Courts. Such duties shall include, but not be limited to, the following:

(1) Drafting complaints, subpoenas, warrants, writs, or other orders of the Court;

(2) Maintaining records of court proceedings;

(3) Administering oaths;

(4) Collecting and accounting for fines and other property taken into the custody of the Courts;

(5) Accepting bonds; and

(6) Filing notices of appeal and petitions.

§ 12.19 Representation before the Joint Use Courts.

A person before the Courts of the Joint Use Area may represent himself or have another person or a professional attorney serve as his counsel.

Subpart H—General Provisions

§ 12.20 Public records.

Except as otherwise provided in this Code, the Joint Use Courts shall keep open for inspection by duly qualified officials a record of all proceedings of each Court. Such record shall reflect the title of the case, the names and addresses of parties and witnesses, the substance of the complaint, the date of the hearing or trial, by whom conducted, the findings of the Court or jury, and the judgment or order entered, together with any other facts or circumstances deemed of importance to the case.

§ 12.21 Copies of laws.

The Courts of the Joint Use Area shall be provided with, or have access to, all tribal, Federal and state laws and regulations of the Bureau of Indian Affairs applicable to the conduct of persons within the boundaries of the Joint Use Area.

§ 12.22 Complaints.

(a) All criminal prosecutions for violation of the Law and Order Code shall be initiated by complaint. A complaint is a written statement sworn to by the complaining witness and charging that a named individual(s) has committed a particular criminal offense.

(b) Complaints shall contain:

(1) The signature of the complaining witness sworn to before a judge or an individual designated by the Chief Judge; and

(2) A written statement by the complaining witness describing in ordinary language the nature of the offense committed including the time and place as nearly as may be ascertained; and

(3) The name or description of the person alleged to have committed the offense; and

(4) The section of the Law and Order Code allegedly violated.

(c) The Chief Judge of the Joint Use Court may designate an individual who shall be available to assist persons in drawing up complaints and who shall screen them for sufficiency. Complaints shall then be submitted without unnecessary delay to a judge to determine whether a warrant or summons should be issued.

(d) If the complaint, or the complaint together with other sworn statements, is sufficient to establish probable cause to believe that a crime has been committed by the person charged, the court shall issue a warrant pursuant to § 12.24 of this Code instructing the police to arrest the named accused or, in lieu thereof, the court shall issue a summons commanding the accused to appear before the court at a specified time and place to answer to the charge.

(e) When an accused has been arrested without a warrant, a complaint shall be filed forthwith with the court for review as to whether probable cause exists to hold the accused, and in no instance shall a complaint be filed later than at the time of arraignment.

§ 12.23 Arrests.

(a) Arrest is the taking of a person into police custody in order that he may be held to answer for a criminal offense.

(b) No police officer shall arrest any person for a criminal offense set out in the Law and Order Code except when:

(1) The officer shall have a warrant signed by a Judge of the Joint Use Courts commanding the arrest of such person, or the officer knows for a certainty that such a warrant has been issued; or

(2) The offense shall occur in the presence of the arresting officer; or

(3) The officer shall have probable cause to believe that an offense has been committed and that the person to be arrested has committed the offense.

§ 12.24 Arrest warrants.

(a) Every judge of the Joint Use Courts shall have authority to issue warrants to arrest and such warrants shall be issued only upon a showing of probable cause in sworn written statements. The trial judge shall deny the issuance of a warrant, if he finds that there is not probable cause to believe that the offense charged has been committed by the named accused.

(b) The arrest warrant shall contain the following information:

(1) Name or description and address, if known, of the person to be arrested.

(2) Date of issuance of the warrant.

(3) Description of the offense charged.

(4) Signature of the issuing judge.

§ 12.25 Notification of rights at time of arrest.

Upon arrest the suspect shall be advised of the following rights:

(a) That he has the right to remain silent.

(b) That any statements made by him may be used against him in court.

(c) That he has the right to obtain counsel at his own expense.

§ 12.26 Summons in lieu of warrant.

(a) When otherwise authorized to arrest a suspect a police officer or a judge may, in lieu of a warrant, issue a summons commanding the accused to appear before the Joint Use Court at a stated time and place and answer to the charge.

(b) The summons shall contain the same information as a warrant, except that it may be signed by a police officer.

(c) If a defendant fails to appear in response to a summons, a warrant for his arrest shall be issued.

§ 12.27 Hot pursuit.

A police officer may arrest a person beyond the territorial boundaries of the Joint Use Area when such officer has probable cause to believe that the person has committed an offense and is attempting to escape arrest.

§ 12.28 Search warrant-defined.

A search warrant is a written order, signed by a Joint Use Court judge, and directed to a police officer ordering him to conduct a search and seize items or property specified in the warrant. A warrant shall describe the property or place to be searched and shall describe the items to be seized.

§ 12.29 Issuance of search warrant.

(a) Every Joint Use Courts judge shall have the power to issue warrants for the search and seizure of property and premises of any person under the jurisdiction of the court.

(b) No warrant of search and seizure shall be issued except upon probable cause that a search will discover: stolen, embezzled or contraband or otherwise criminally possessed property; property which has been or is being used to commit a criminal offense; or property which constitutes evidence of the commission of a criminal offense. Such probable cause shall be supported by a duly signed, written and sworn statement based upon reliable information.

§ 12.30 Execution and return of search warrant.

Warrants of search and seizure shall only be executed by police officers. The executing officer shall return the warrant to the Joint Use Court within the time limit shown on the face of the warrant, which in no case shall be longer than 10 days from the date of issuance. Warrants not returned within such time limits shall be void.

§ 12.31 Search without a warrant.

No police officer shall conduct any search without a valid warrant except:

(a) Incident to making a lawful arrest; or

(b) With consent of the person being searched; or

(c) When he has probable cause to believe that the person searched may be armed and dangerous; or

(d) When the search is of a moving vehicle and the officer has probable cause to believe that it contains contraband, stolen, or embezzled property.

§ 12.32 Contraband, confiscated, and abandoned property.

(a) The disposition of all property, confiscated as contraband, seized as evidence, or otherwise taken into the custody of the Court, shall be determined at a hearing before a Trial Court.

(b) The Trial Court shall, upon satisfactory proof of ownership, order such property to be delivered to the rightful owner, unless such property is required as evidence. When the property is required as evidence, it shall not be returned until final judgment in the case is entered. In no case shall property be returned where possession of such property is unlawful; such property may be declared property of the United States. However, property delivered to the custody of the Court by a private person shall become the property of such person if it is not claimed within 30 days after the hearing.

(c) Any property declared to be the property of the United States may be dealt with as authorized by Federal law.

(d) The Clerk of the Court shall keep written records of all transfers and dispositions of property taken into the custody of the Court.

(e) Contraband shall mean:

(1) Any property, under Joint Use Law, which is illegal to possess.

§ 12.33 Arraignment.

(a) Arraignment is the bringing of an accused before the court, informing him of his rights and of the charge against him, receiving his plea, and setting bail as appropriate in accordance with § 12.36 of this Code.

(b) Arraignment shall be held in open court without unnecessary delay after the accused is taken into custody and in no instance shall arraignment be later than the next regularly scheduled session of court.

§ 12.34 Rights of accused at arraignment.

Before an accused is required to plead to any criminal charge the judge shall:

(a) Read to the accused and determine that he understands the complaint and the section of the Law and Order Code which he is charged with violating, including the maximum authorized penalty; and

(b) Advise the accused that he has the right to remain silent; to be tried by a jury; and to be represented by counsel at his own expense and that the arraignment will be postponed should he desire to consult with counsel.

§ 12.35 Receipt of plea at arraignment.

(a) If the accused pleads "not guilty" to the charge, the judge shall then inform him of a trial date and set conditions for bail prior to trial.

(b) If the accused pleads "guilty" to the charge the judge shall determine that the plea is made voluntarily and that the accused understands the consequences of the plea, including the rights which he is waiving by the plea. The judge may then impose sentence or defer sentencing for a reasonable time in order to obtain any information he deems necessary for the imposition of a just sentence. The accused shall be afforded an opportunity to inform the court of facts in mitigation of the sentence.

(c) If the accused refuses to plead, the judge shall enter a plea of not guilty on his behalf.

§ 12.36 Bail—Release prior to trial.

Every person charged with a criminal offense before the Joint Use Court shall be entitled to release from custody pending trial under whichever one or more of the following conditions is deemed necessary to reasonably assure the appearance of the person at any time lawfully required:

(a) Release on personal recognizance upon execution by the accused of a written promise to appear at trial and all other lawfully required times.

(b) Release to the custody of a designated person or organization agreeing to assure the accused's appearance.

(c) Release with reasonable restrictions on the travel, association, or place of residence of the accused during the period of release.

(d) Release after deposit by the accused or a bondsman's bond in either cash or other sufficient collateral in an amount specified by the judge or a bail schedule. The judge, in his discretion, may require that the accused post only a portion of the total bond, the full sum to come due if the accused fails to appear as ordered.

(e) Release after execution of bail agreement by two responsible members of the community.

(f) Release upon any other condition deemed reasonably necessary to assure the appearance of the accused as required.

§ 12.37 Bail—Release by police officer.

Any Police Officer authorized to do so by the court may admit an arrested person to bail pursuant to the bail schedule or release upon personal recognizance. Police Officers shall have available a bail schedule prepared by the court which shall be used for setting money bond where such condition of release is deemed necessary. Any Police Officer who refuses to release an accused on bail or who specifies a bail condition which the accused is unable to satisfy shall bring such accused before a judge for review of the release conditions at the first available opportunity and without unnecessary delay.

§ 12.38 Bail—Release pending appeal.

Every person who has been convicted of an offense and who has filed an appeal or a petition for a writ of habeas corpus shall be treated in accordance with the provisions of § 12.36 of this chapter unless the judge has substantial reason to believe that no conditions of release will reasonably assure the appearance of the accused or that release of the accused is likely to pose a danger to the community, to the accused, or to any other person. If the judge finds such to be the case he may order detention of the accused.

§ 12.39 Withdrawal of guilty plea.

The court may, in its discretion, allow a defendant to withdraw a plea of guilty whenever it appears that the interest of justice and fairness would be served by doing so.

§ 12.40 Issuance of subpoenas.

(a) Upon request of any party to a case or upon the court's own initiative, the court shall issue subpoenas to compel the testimony of witnesses, or the production of books, records, documents or any other physical evidence which is relevant and necessary to the determination and not an undue burden on the person possessing the evidence of the case. The clerk of the court may act on behalf of the court and issue subpoenas which have been signed by a judge and which are to be served within the confines of the Joint Use Area.

(b) A subpoena shall bear the signature of the Chief Judge or an Associate Judge of the Joint Use Court and it shall state the name of the court, the name of the person or description of the physical evidence to be subpoenaed, the title of the proceeding, and the time and place where the witness is to appear or the evidence is to be produced.

§ 12.41 Service of subpoena.

(a) A subpoena may be served at any place within or without the confines of the Joint Use Area but any subpoena to be served outside the Joint Use Area shall be issued personally by a judge of the Joint Use Court.

(b) A subpoena may be served by any Police Officer or other person appointed by the court for such purpose. Service of a subpoena shall be made by delivering a copy of it to the person named or by leaving a copy at his place of residence with any competent person 16 years of age or older who also resides there.

(c) Proof of service of the subpoena shall be filed with the clerk of the court by noting on the back of a copy of the subpoena the date, time, and place that it was served and noting the name of the

V40 I128 JUL 2 75 XUM

person to whom it was delivered. Proof of service shall be signed by the person who actually served the subpoena.

§ 12.42 Failure to obey subpoena.

In the absence of a justification satisfactory to the court, a person who fails to obey a subpoena may be deemed to be in contempt of court and a bench warrant may be issued for his arrest.

§ 12.43 Witness fees.

(a) Each witness answering a subpoena shall be entitled to a fee as set by rules of the Joint Use Courts and approved by the Project Officer for each day his services are required in court. In addition, the court may order the payment of reasonable travel and living expenses of the witness.

(b) The fees and expenses provided for in this section shall be paid to the witness upon completion of the trial, but such expenses may be taxed as costs against the defendant if he is found guilty, provided, however, that no defendant shall be incarcerated solely because of his inability to pay such costs immediately.

(c) If the court finds that a complaint was not filed in good faith but with frivolous or malicious intent, it may order the complainant to reimburse the Joint Use Court for the expenditures incurred under this section, and such order shall constitute a judgment upon which execution may levy.

§ 12.44 Trial procedure.

(a) The time and place of court sessions, and all other details of judicial procedure shall be set out in rules of court adopted pursuant to § 12.15 of this Code.

(b) The court shall not be bound by common law rules of evidence, or the rules of evidence which pertain in state or federal courts.

§ 12.45 Jury trial.

(a) A jury trial shall be held if:

(1) Requested by either party in a civil case; or

(2) Requested by the defendant in a criminal case where imprisonment is a possible penalty for the offense charged.

(b) A list of eligible jurors shall be prepared and maintained by the Project Officer of the Joint Use Administrative Office or his representative. Any person over the age of 21 years, not subject to judicial restraint by any court, and who resides within the Joint Use Area may be listed as an eligible juror. Jurors shall be compensated at a rate recommended by the Judge and approved by the Project Officer of the Joint Use Administrative Office.

(c) A jury shall consist of seven persons chosen at random by the presiding Judge from the persons listed as eligible to serve as jurors.

(d) Each party shall have the right to challenge an unlimited number of jurors for cause on the basis of lack of qualifications, partiality, or other acceptable reason. Whether or not cause exists shall be determined by the Judge in all instances. In addition, each party shall have the right to a maximum of three peremptory challenges for jurors, for which no reasons need be given and which the judge may not refuse to grant.

(e) The judge shall instruct the jury with regard to the applicable law and the jury shall decide all questions of fact on the basis of that law.

(f) The jury shall deliberate in secret and return a verdict of guilty or not guilty. The judge shall render judgment in accordance with the jury verdict.

(g) A jury may render a verdict by majority vote in civil cases and find the defendant guilty by a vote of 6 to 1 in criminal cases.

§ 12.46 Contempt of Court.

(a) The Judges of the Joint Use Courts may rule a person in contempt of court if he willfully and unjustifiably, disrupts, obstructs, or otherwise interferes with the due and orderly course of proceeding in the courtroom, after being advised by the Court to cease.

(b) All rulings of, and sentences for, contempt shall be announced immediately after the acts of contempt occur.

(c) A person found in contempt of court may be sentenced to imprisonment for a period not to exceed 30 days or to pay a fine not to exceed $150, or both.

§ 12.47 Commitments.

(a) No person shall be detained, jailed, or imprisoned for more than 36 hours pursuant to an arrest unless there be issued an express or conditional commitment order signed by a duly qualified Judge of a Trial Court. Any person arrested on a Friday, Saturday, or a day before a legal holiday who does not provide bail may be held in custody pending arraignment until noon of the next regular business day of the Trial Court.

(b) There shall be issued for each person held for trial a temporary commitment order and, for each person held after sentencing, a final commitment order.

§ 12.48 Right of appeal.

(a) Any party to a case, other than the prosecution in a criminal case, who is aggrieved by a final order or final judgment of a Trial Court, shall have the right to appeal to the Joint Use Court of Appeals.

(b) The appealing party shall file with the Clerk of the Court a notice of appeal along with a filing fee of $5 within ten (10) days after the entry of the final order or final judgment from which appeal is taken. The filing fee may be waived in the appeal of a criminal conviction if the defendant files an affidavit swearing that he is without funds to pay the filing fee. If the Court of Appeals finds that the appellant is without funds to pay the filing fee, it shall order that the fee be permanently waived.

(c) If the Court of Appeals finds that any or a combination of the following has occurred, it shall order the judgment or order reversed or may remand the case for retrial:

(1) Irregularities in the proceedings or conduct by the jury, adverse party, or his counsel prejudicial to the appellant;

(2) Any ruling, order, or abuse of discretion which may have prevented a fair trial;

(3) Newly discovered evidence which could not, with reasonable diligence, have been produced at trial;

(4) Insufficient evidence to support the verdict;

(5) Any error of law occurring at the trial prejudicial to the appellant; or

(6) Any other reason which would warrant reversal by a court when reviewing a similar appeal.

(d) If the Court of Appeals finds that reversal under paragraph (c) of this section is unwarranted, it shall affirm the judgment or order appealed from; no further appeal shall thereafter be permitted.

§ 12.49 Taking children into custody.

(a) A child may be taken into custody:

(1) Pursuant to an order of the Court in a juvenile proceeding;

(2) For an act of delinquency pursuant to the laws of arrest;

(3) By a police officer when he has reasonable grounds to believe that the child is suffering from illness or that the child's surroundings are such as to endanger his health, morals, and welfare and that his removal is necessary; or

(4) By a police officer when he has reasonable grounds to believe that the child is a runaway from his parents, guardian, or other custodian.

(b) Immediately upon taking a juvenile into custody, the arresting officer must immediately advise the juvenile of his rights (Miranda Warnings), and notify the juvenile's parents, guardian or other custodian.

(c) Unless a juvenile who is taken into custody is prosecuted as an adult, he may not be fingerprinted or photographed without the written consent of the judge, and neither his name nor picture shall be made public by any medium of public information in connection with the juvenile proceedings.

(d) In all cases if the parents, guardian, or custodian, of a child taken into custody without a court order can be located and are willing and able to take the child under their care, the child shall be surrendered to their care pending any juvenile proceedings or other court orders.

§ 12.50 Cooperation by Federal employees.

(a) No field employee of the Bureau of Indian Affairs shall obstruct, interfere with, or control the functions of the Joint Use Courts or influence such functions in any manner except as permitted by the regulations or in response to a request for advice or information from the Court.

(b) Employees of the Bureau of Indian Affairs, particularly those engaged in social, health, or education services, shall assist the courts upon their request in the preparation and presentation of the facts in the case and in the proper treatment of individual offenders.

Subpart I—Sentencing

§ 12.51 Nature of Sentences.

Except as otherwise provided hereunder, a person found guilty of violating a provision of the Joint Use Criminal Code, Subpart M, may be sentenced to the penalty provided in such offense. Sentences shall be imposed without unreasonable delay and shall not exceed the maximum penalties provided by law. The penalties provided for the offense are maximum penalties and should be imposed only in extreme cases.

§ 12.52 Sentences of Imprisonment.

(a) A person sentenced to imprisonment may work for the benefit of the Hopi or Navajo Tribes or for the benefit of the Joint Use Area. Any work performed shall reduce the sentence at the rate of two days of incarceration for each day of work performed. "Day of work" shall mean at least four hours of work performed in any 24-hour period. Any work performed shall be under the supervision of any person authorized by the Court.

(b) Any sentence of imprisonment shall be reduced by any time spent in jail before judgment was entered.

§ 12.53 Payment of fines.

(a) Any person sentenced to pay a fine shall pay such fine in cash or money order to the Clerk of the Court who shall issue a receipt therefor.

(b) If the full amount of the fine cannot immediately be paid, the Court may provide for the payment of such fine in installments.

§ 12.54 Failure or inability to pay fines.

(a) A sentence of imprisonment shall not be imposed upon any indigent person in the form of an alternative to a fine, i.e. "dollars or days."

(b) Any person sentenced to pay a fine shall not be imprisoned to work off such fine if, by reason of indigency, he is unable to pay the fine imposed.

(c) Any person who is presently able to pay a fine or an installment of a fine and who willfully refuses to do so may be ordered imprisoned for, or allowed to work off, the unpaid amount of the fine at the rate of $5.00 per day for each day in jail or $10.00 for a day of work performed.

§ 12.55 Commutation of sentence.

The Judge of the sentencing Court may, at any time that one-half or more of an original sentence of imprisonment has been served, commute such sentence to a lesser period upon proof that the person sentenced served without misconduct.

§ 12.56 Suspension of sentence; probation.

(a) The Judge of the sentencing Court may suspend any sentence upon condition that the defendant comply with such reasonable terms and conditions as the Court deems necessary.

(b) When considering suspending any sentence, the Court shall consider the prior record of the defendant, his background, character, financial condition, family and work obligations, the circumstances of the offense, and attempts at restitution.

§ 12.57 Violation of suspended sentence.

(a) Any person accused of violating the terms or conditions of his suspended sentence shall be afforded a hearing before the sentencing Court to determine the truth of the accusations.

(b) Where, by a preponderance of testimony, a person is found to have violated the terms or conditions of his suspended sentence, such person may be ordered to serve his original sentence or any portion thereof.

§ 12.58 Disposition of fines.

All money fines imposed for the commission of an offense shall be in the nature of an assessment of the payment of designated Court expenses. Such expenses may include the payment of fees to jurors and witnesses answering a subpoena. All fines assessed and collected shall be paid over to the Project Officer of the Joint Use Administrative Office or his disbursing agent to be deposited in a special account labeled "Special Deposit, Court Funds" to the disbursing agent's credit in the Treasury of the United States. The disbursing agent shall withdraw such funds in accordance with existing federal regulations upon the order of the Clerk of the Court signed by a Judge of the Court for payment of specific fees to the jurors and witnesses. The disbursing agent and the Clerk of the Court shall keep an accounting of all such deposits and withdrawals for the inspection of any interested person.

Whenever such funds shall exceed the amount necessary for the payment of court expenses hereinbefore mentioned, the Project Officer of the Joint Use Administrative Office shall designate further expenses of the Court which shall be paid by these funds.

§ 12.59 Civil remedies not precluded.

The imposition or suspension of any penalty, on condition of restitution to one whose person or property has been injured, for the commission of any offense under this Code shall not preclude an application for any civil remedy for such injuries.

Subpart J—Civil Actions

§ 12.60 Jurisdiction.

(a) Except as otherwise provided, the Joint Use Courts shall have jurisdiction over all suits wherein:

(1) The cause of action arose within the Joint Use Area or the defendant is a resident of the Joint Use Area.

(b) With respect to any Civil Suit over which the Hopi or Navajo Tribal Courts may have jurisdiction, the jurisdiction of the Joint Use Courts shall be concurrent and not exclusive.

§ 12.61 Judgments—Notice.

No judgment shall be entered on any suit unless the defendant has received actual notice of such suit or notice served at the last known residence of the defendant and had a reasonable opportunity to appear in court and defend himself. Proof of notice served at the last known residence of the defendant shall be made by affidavit filed promptly with the court. Evidence of receipt of notice shall be kept as part of the record in the case. In all civil suits, the complainant may be required to deposit with the clerk of the court a fee or other security in a reasonable amount to cover costs and disbursements in the case.

§ 12.62 Laws applicable in civil suits.

(a) In all civil suits, the Court shall apply any laws of the United States that may be applicable; any authorized regulations of the Interior Department; or any ordinances or customs of the defendant's tribe not prohibited by such federal laws.

(b) Where doubt arises as to customs and usages of a tribe, the Court may request the advice of counselors familiar with such customs and usages. Any matters that are not covered by customs and usages, by tribal ordinances or by applicable federal laws and regulations shall be decided by the Court according to the laws of the State of Arizona.

§ 12.63 Judgments in civil actions.

(a) In all civil cases, judgment shall consist of an order of the Court awarding money damages to be paid to the injured party or the performance of some other act for the benefit of the injured party.

(b) Where the injury inflicted was the result of carelessness of the defendant, the judgment shall fairly compensate the injured party for the loss suffered.

(c) Where the injury was deliberately inflicted, the judgment may impose an additional penalty upon the defendant.

(d) Where the injury was inflicted as a result of accident and where both the complainant and the defendant were at fault, the judgment shall compensate the injured party for a reasonable part of the loss he suffered.

§ 12.64 Costs in civil actions.

The Court may assess the accruing cost of the case against the party or parties against whom judgment was rendered. Such costs shall consist of the expenses of voluntary witnesses for which either party may be responsible and the fees of jurors in those cases where a jury trial is had and any further expenses connected with the proceeding before the Court as the Court may direct.

§ 12.65 Payment of judgments from individual monies.

(a) Whenever the Court shall have ordered payment of money damages to an injured party and the losing party refuses to make such payment within time set for payment by the Court and when the losing party has sufficient funds in his Individual Indian Monies account to pay all or part of the judgment, the disbursing agent in control of the losing party's I.I.M. account shall pay over to the injured party the amount

V40128 JUL 2 75 XUM

of the judgment or such lesser amount as may be specified by the Secretary from the account of the delinquent party.

(b) A judgment shall be considered a lawful debt in all proceedings to distribute an Indian decedent's estate.

§ 12.66 Full faith and credit to other tribal court judgments.

Full faith and credit shall be given by the Joint Use Court to the judgments of the Navajo and Hopi Civil Courts, as well as other competent tribunals.

§ 12.67 Appeal.

In all civil cases, any party aggrieved by a judgment may appeal from a decision of the rendering Court to the Court of Appeals upon giving notice of such appeal at the time of judgment or within five (5) days thereafter and upon giving proper assurance to the Trial Judge through the posting of a bond or assurance that he will satisfy the judgment if it is affirmed. In any case where a party has perfected his right to appeal as established herein, the judgment of the Trial Court shall not be executed until after final disposition of the case by the Court of Appeals.

Subpart K—Domestic Relations

§ 12.68 No jurisdiction in domestic matters.

(a) The Joint Use Courts shall have no jurisdiction over suits to dissolve marriages, to adopt children, to determine paternity and support, or to terminate parental rights. Suits involving these matters are to be referred to the Hopi and Navajo Tribal Courts as the circumstances require.

(b) The Joint Use Courts shall have no power to issue marriage certificates. Where a valid marriage certificate has been procured in accordance with Hopi and Navajo Tribal ordinances, the Joint Use Courts may validly solemnize a marriage where solemnization is required by tribal ordinance. All Indian marriages shall be recorded within three months at the agency in which either or both of the parties reside.

§ 12.69 Determination of heirs.

If an Indian shall die leaving property, other than an allotment or other trust property subject to the jurisdiction of the United States, any person claiming to be an heir of the decedent shall bring suit in the appropriate tribal court to have that court determine the heirs of the decedent and distribute the property.

§ 12.70 Probate of wills.

If an Indian shall die leaving a will disposing of property, other than an allotment or other trust property subject to the jurisdiction of the United States, the appropriate tribal court shall determine the validity of the will.

§ 12.71 Recognition of marriages and divorces.

(a) The Joint Use Courts shall not recognize any tribal custom marriage or divorce unless such marriage or divorce was consummated or procured in accordance with the laws of the jurisdiction where such marriage or divorce was consummated or procured.

(b) All marriages and divorces, if recognized as valid in the jurisdiction where consummated or procured, shall be recognized as valid in the Joint Use Courts.

Subpart L—The Juvenile Court

§ 12.72 Definitions.

In this subpart unless the context otherwise requires:

(a) "Minor" or "child" means a person under the age of 18 years.

(b) "Adult" means a person aged 18 years or more.

(c) "Act of delinquency" means an act which if committed by an adult would be punishable as an offense defined under Subpart M of this Code.

(d) "Delinquent child" or "delinquent" means a child who has committed an act of delinquency and is in need of care or rehabilitation.

(e) "Neglected child" means a child:

(1) Who has been abandoned by his parents, guardian, or other custodian;

(2) Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian, or their neglect or refusal, when able to do so, to provide them; or

(3) Whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity.

(f) "Child" of "person in need of supervision" means a child who:

(1) Being subject to compulsory school attendance, is habitually truant from school; or

(2) Habitually disobeys the reasonable and lawful demands of his parents, guardian, or other custodian, and is ungovernable and beyond their control.

(g) "Legal custody" means a legal status created by court order which vests in a custodian the right to have temporary physical custody of the child or minor.

(h) "Probation" shall mean a legal status created by court order following an adjudication of delinquency, whereby a minor is permitted to remain in his home subject to supervision and return to the Court for violation of probation at any time during the period of probation.

(i) "Protective supervision" means a legal status created by court order in neglect cases whereby the minor is permitted to remain in his home under supervision, subject to return to the Court during the period of supervision.

(j) "Custodian" means a person other than a parent or guardian to whom legal custody of the child has been given by court order or who is acting in loco parentis.

§ 12.73 Composition.

The Judges of the Trial Court shall act as the Juvenile Court in proceedings in which a child is to be adjudicated neglected, in need of supervision, or delinquent.

§ 12.74 Juvenile matters.

(a) Where a child is accused of committing an offense under the Joint Use Criminal Code, a Judge of the Joint Use Court may either:

(1) If the child is over sixteen years old, proceed with the case as a regular criminal matter, when the interest of justice requires; or

(2) Declare the proceeding a juvenile matter and proceed as provided in paragraph (b) of this section.

(b) In any case where a child is accused of committing an act of delinquency, charged with being a child in need of supervision, or deemed as a neglected child, the Court shall order the proceedings to be adjudicated in a confidential manner.

§ 12.75 Preliminary hearing.

Upon the filing of a petition alleging the need for supervision or court intervention, the Court shall order a preliminary hearing to determine the sufficiency of the petition and to determine whether a full hearing should be ordered.

§ 12.76 Notification of hearing.

(a) The Court shall order delivery of the summons along with a copy of the petition alleging delinquency, need of supervision or neglect:

(1) To the child, if he is over the age of 14 years or is alleged to be delinquent or in need of supervision;

(2) To the parents, guardian, or custodian of the child;

(3) To the spouse of a married child;

(4) To any other person the Court deems necessary and proper to the proceedings.

(b) The summons shall order the appearance of the persons before the Court at the preliminary hearing. The summons shall be served personally on the party named in the summons within three (3) days after the filing of the petition and not less than two (2) days before the date set for the preliminary hearing.

§ 12.77 Right to representation.

In delinquency and in need of supervision cases, a child and his parents, guardian, or custodian shall be advised by the Court or its representatives that the child may be represented by counsel, In neglect cases, the parents, guardian, or custodian shall be advised of their right to retain counsel. In any juvenile proceeding, the Court may appoint counsel where it appears counsel will not or cannot be retained.

§ 12.78 Proceedings.

(a) At the preliminary hearing the specific allegations in the petition shall be presented to the parties named in such petition. The named parties shall either admit or deny the allegations in the petition.

(b) If the allegations are admitted, the Court may proceed with the disposition of the case.

(c) If the allegations are denied, the Court shall set a date for full hearing at which the parties may present evidence.

§ 12.79 Consent decrees.

(a) At any time after the filing of the petition, the Court, on its own motion or on motion by the child or the child's parents, guardian, or custodian, may suspend the proceedings and continue the child under the supervision of the Court in the child's own home, subject to such terms and conditions as the Court deems necessary and as agreed upon by the parties affected. The Court, on its own motion and at any time, may dismiss the complaint or petition if it feels that court adjudication is unnecessary or unwarranted under the circumstances.

(b) Consent decrees shall remain in effect for six (6) months unless the child is sooner discharged by the Court.

§ 12.80 Full hearings; proceedings.

(a) If, at the full hearing, the Court finds on the basis of a valid admission or a finding based on proof beyond a reasonable doubt that a child committed the acts of which he is alleged to be delinquent or is in need of supervision, it may proceed with the disposition of the case.

(b) If the Court finds from clear and convincing proof that a child is neglected, it may proceed with the disposition of the case.

(c) After any findings in paragraphs (a) or (b) of this section, the Court may immediately, or at a later date, hold a disposition hearing wherein any information relevant to the proper disposition of the child may be received. Such information may be received by the Court to the extent of its probative value despite the fact that it would not have been admissible in the hearing on the complaint or petition. The parties shall be afforded an opportunity to examine and controvert such information and to cross-examine any persons responsible for such information.

§ 12.81 Rights and Privileges.

(a) Any child charged with being delinquent or in need of supervision shall be accorded the privilege against self-incrimination. Additionally, illegally seized or obtained evidence shall not be received by the Court to establish any allegations against the child.

(b) An extra-judicial admission or confession made by a child is insufficient to support a finding that the child committed the acts alleged unless such admission or confession is corroborated by other admissible evidence.

(c) In all cases, procedural due process shall be afforded at all stages of any juvenile proceeding.

§ 12.82 Disposition.

(a) If a child is found by the Court to be neglected, the Court may make any of the following orders of disposition to protect the welfare of the child:

(1) Permit the child to remain with his parents, guardian, or other custodian subject to such conditions and limitations as the Court may prescribe;

(2) Place the child under protective supervision;

(3) Transfer legal custody to a Hopi or Navajo tribal agency or other public agency subject to the orders of the Court until Hopi or Navajo Tribal Court jurisdiction is exercised; or

(4) Transfer custody to a responsible relative or other adult person who is found by the Court to be qualified to receive, care for, and supervise the child.

(b) If a child is found to be delinquent or in need of supervision, the Court may make any of the following orders of disposition for his supervision, care, and rehabilitation:

(1) Any order authorized by paragraph (a) of this section for the disposition of a neglected child; or

(2) An order placing the child on probation under such terms and conditions as the Court may prescribe.

§ 12.83 Order of adjudication, non-criminal.

An order of disposition or other adjudication in juvenile proceedings shall not be deemed a conviction for a crime. The disposition of a child and evidence given in any juvenile proceeding shall not be admissible against the child in any case or proceeding in any other court, whether before or after he has reached majority except where the matter has been referred to another Juvenile Court of the Navajo or Hopi Tribes.

§ 12.84 Limitation on dispositional orders.

(a) An order of probation or protective supervision shall remain in force no longer than 6 months unless the child is sooner released by the Court.

(b) When a child reaches the age of 18 years, all orders affecting him pronounced by the Juvenile Court shall terminate, and he shall be released from probation or protective supervision under such orders.

§ 12.85 Petition to revoke probation.

(a) A child, subject to court supervision or orders, incident to an adjudication as a delinquent child or a child in need of supervision, who violates any terms imposed by the Court may be proceeded against in a hearing to revoke probation.

(b) Probation shall not be revoked except upon a showing by clear and convincing proof that a term or condition of the child's probation was violated. Probation revocation proceedings shall be governed by the rights and duties applicable to delinquency and in need of supervision cases contained in this subpart.

(c) If a child is found to have violated a term or condition of his probation, the Court may extend the period of probation or make any other disposition allowed under Section 12.82, Disposition.

§ 12.86 Appointment of guardian ad litem.

At any stage of a juvenile proceeding, the Court may appoint a guardian ad litem for a child who is a party to the proceeding, if the child has no parents, guardian, or custodian or if his natural or adoptive parents are not in a position to exercise effective guardianship.

§ 12.87 Protective orders.

In any juvenile proceeding, upon application of a party, or on motion by the Court, the Court may enter an order restraining the conduct of any party over whom the Court has obtained jurisdiction if:

(a) An order of disposition of a delinquent or neglected child or a child in need of supervision has been entered; and

(b) The Court finds that the person's conduct is or may be detrimental or harmful to the child, and will tend to defeat the execution of the order or disposition; and

(c) Due notice of the application or court motion and the grounds therefor has been given to the persons against whom the order is directed, provided that such person has been given an opportunity to be heard.

§ 12.88 Records; publication prohibited.

(a) The records of proceedings in juvenile matters shall be kept separate from other court records and shall not be open to anyone other than the parties to the proceeding, the Court, or other persons authorized by court order.

(b) No part of the record shall be published by a newspaper or other agency disseminating news or information, nor shall a newspaper or agency publish the name of a child charged with being delinquent, in need of supervision, or neglected.

§ 12.89 Destruction of records.

When a child, who has been in a delinquent or a need of supervision proceeding, attains the age of 18 years, the Court shall order the Clerk of the Court to completely destroy all records of such proceedings involving such child.

Subpart M—Criminal Code

§ 12.90 Definitions.

In this subpart, unless the context otherwise requires:

(a) "Adult" shall mean a person who is 18 years of age or older.

(b) "Bodily injury" shall mean impairment of physical condition or substantial pain.

(c) "Deadly weapon" shall mean any instrument used in such a manner as to render it capable of causing death or serious bodily injury.

(d) "Dangerous weapon" shall mean an instrument of the type described in § 12.99 of this subpart.

(e) "Serious bodily injury" shall mean physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

(f) "Sexual contact" shall mean any contact of the sexual or other private parts of another for the purpose of arousing or gratifying sexual desire of either party.

V 40 1128 JUL 2 75 XUM

(g) "Person" shall mean an Indian person.

(h) "Range management personnel" shall mean the Project Officer of the Joint Use Area or his representatives.

§ 12.91 Abduction.

(a) A person who willfully takes or entices away:

(1) Any child under the age of 18 years from his parents, guardian, or custodian; or

(2) Any person from his lawful custodian, knowing he has no lawful right to do so, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed one hundred and eighty ($180) dollars, or both.

§ 12.92 Aiding and abetting.

(a) When an act is declared an offense under this Code, and no punishment for counseling or aiding in the commission of the act is expressly prescribed by law, a person who counsels or aids another in the commission of the act is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed the maximum penalty for the offense for which he aided and abetted.

§ 12.93 Assault.

(a) A person who unlawfully attempts or threatens to cause bodily injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed twenty ($20) dollars, or both.

§ 12.94 Battery.

(a) A person who:

(1) Willfully and unlawfully uses force or violence upon the person of another; or

(2) By threatening force or violence, causes another to harm himself; or

(3) Recklessly causes physical injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.95 Bigamy.

(a) A person who marries another person while having a husband or wife living is guilty of an offense.

(b) Paragraph (a) of this section shall not apply to any person whose husband or wife has been absent for five years, without being known to such person within that time to be living, nor to any person whose former marriage has been dissolved by any court of competent jurisdiction.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) dollars, or both.

§ 12.96 Bribery—Giving.

(a) A person who gives or offers to give to another person money, property or other thing of value with intent to influence a public servant in the discharge of his public duties is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.97 Bribery—Receiving.

(a) A public servant who asks, receives, or offers to receive from another, money, property, or other thing of value, with intent or upon a promise to be influenced in the discharge of his public duties, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.98 Bribery—Soliciting.

(a) A person who obtains or seeks to obtain money, property, or other thing of value, upon a claim or representation that he can or will improperly influence the action of a public servant in the discharge of his public duties is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.99 Carrying a concealed weapon.

(a) A person who has concealed on or about his person a dangerous weapon is guilty of an offense.

(b) A dangerous weapon as used in paragraph (a) of this section shall include any:

(1) Airgun, blowgun, explosive device, pistol, or other firearm;

(2) Bayonet, dagger, switchblade, bowie knife, or other kind of knife;

(3) Sling shot, club, blackjack, or chain;

(4) Sword, sword cane, or spear;

(5) Metal knuckles; or

(6) Any other instrument capable of lethal use, possessed under circumstances not appropriate for lawful use.

(c) A folded pocket knife with a blade 3" or less is not considered a dangerous weapon, except a switchblade.

(d) Paragraph (a) shall not apply to any person authorized by the tribal, state, federal governments, or subdivisions thereof to carry such weapons.

(e) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

(f) Any weapons concealed in violation of this section shall be subject to seizure and forfeiture as provided in Section 12.32 of Subpart H.

§ 12.100 Child molesting.

(a) A person who:

(1) Engages in sexual intercourse with a person under the age of 16 years, not his spouse; or

(2) Subjects a person under the age of 16 years, not his spouse, to any sexual contact is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.101 Conspiracy.

(a) A person is guilty of conspiracy if, with the intent to commit or to have another person commit any action constituting an offense under this Code, he conspires with one or more persons to engage in or cause the commission of such action.

(b) No agreement amounts to a conspiracy unless some act besides such agreement is done to effect the object thereof by one or more of the parties to the agreement.

(c) Upon a trial for conspiracy, the defendant shall not be convicted unless one or more overt acts are expressly alleged in the complaint, nor unless one of the acts alleged is proved, but other overt acts not alleged may be given in evidence.

(d) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed 180 days (6 months) or to pay a fine not to exceed $500, or both.

§ 12.102 Contributing to the delinquency of a minor.

(a) An adult person who:

(1) Knowingly causes, encourages, or advises a minor to commit an offense as defined under the provisions of Subpart M of this Law and Order Code; or

(2) Knowingly causes, encourages, or assists a minor to be delinquent as defined under the provisions of Subpart L of this Law and Order Code is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.103 Criminal negligence.

(a) A person who:

(1) Recklessly endangers the safety of another; or

(2) Acts with careless disregard for the safety of another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.104 Criminal trespass.

(a) A person who:

(1) Enters or remains upon any public property for an unlawful purpose; or

(2) Without good cause enters, remains upon, or traverses private lands or other property not his own, where notice against trespassing has been reasonably communicated by the owner or occupant is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.105 Cruelty to animals.

(a) A person who wantonly or maliciously inflicts pain, suffering, or death upon any animal is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.106 Disobedience to a lawful order of the Court.

(a) A person who willfully disobeys any order, subpoena, warrant, or command duly issued by a Joint Use Court or any Officer thereof is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed Fifty ($50) dollars, or both.

§ 12.107 Disorderly conduct.

(a) A person who:

(1) Engages in fighting or provokes a fight;

(2) Disrupts any lawful public or religious meeting;

(3) Causes unreasonable noise; or

(4) Uses language or gestures knowing them to be obscene or likely to provoke a fight is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.108 Disposing of property of an estate.

(a) A person who, without proper authority, uses, sells, transfers, or otherwise disposes of any property of an estate before the determination of devisees, heirs, or other distributees is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) dollars, or both.

§ 12.109 Escape.

(a) A person who willfully escapes, attempts to escape, or assists in an escape, from lawful custody, is guilty of an offense.

(b) "Lawful custody" shall mean confinement by court order or actual or constructive restraint by a police officer pursuant to an arrest.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) dollars, or both.

§ 12.110 Extortion.

(a) A person who compels or induces another person to deliver property to himself or to a third person by threatening that if the property is not delivered, the actor or another will:

(1) Cause physical injury to some person; or

(2) Cause damage to property; or

(3) Accuse some person of a crime or cause criminal charges to be instituted against some person; or

(4) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule; or

(5) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(6) Use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty in such manner as to affect some person adversely is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.111 Failing to submit to treatment for a contagious disease.

(a) A person who knows or has reason to know that he is infected with a venereal disease, active tuberculosis, or other contagious disease and who willfully exposes another to the disease, in a place other than a medical facility, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days, *Provided,* That such sentence shall be suspended if the offender agrees to medical treatment.

(c) The Court upon finding reasonable cause to believe that a person has any of the above diseases may order the person examined. If, upon examination, the person is found to be infected with any of the diseases, the Court may order the person to submit to medical treatment as prescribed by competent medical authority.

§ 12.112 Failure to send children to school.

(a) A person who, without good cause, fails or refuses to send his children or any children under his care to school, while such children are between the ages of 6 and 16, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.113 Failure to support.

(a) A person who knowingly and without justification fails to support, care for, or protect a spouse, child, or other person for whose support he is responsible is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) dollars, or both.

§ 12.114 Forgery.

(a) A person who, with intent to defraud,

(1) Falsely signs, completes, or alters any written instrument; or

(2) Passes as genuine that which he knows to be a forged instrument is guilty of an offense.

(b) "Forged instrument" shall mean a written instrument which has been falsely signed, completed, or altered.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed one hundred and eighty ($180) dollars, or both.

§ 12.115 Fraud.

(a) A person who obtains property:

(1) By willful misrepresentation of act; or

(2) By falsely interpreting; or

(3) By failure to reveal facts which he knows should be revealed, with intent to defraud another of such property is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed one hundred and eighty ($180) dollars, or both.

§ 12.116 Gambling.

(a) A person who knowingly stakes or risks a thing of value in a game of chance upon an agreement or understanding that he or some other person may receive something of value depending on the outcome is guilty of an offense.

(b) Under paragraph (a) of this section, "bingo", raffles, and lotteries shall not be considered games of chance when conducted by religious or charitable organizations authorized by the Tribal Councils of either the Hopi or Navajo Tribes to conduct such games.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed Twenty ($20) dollars, or both.

§ 12.117 Illicit cohabitation.

(a) A person who lives or cohabits as man and wife with another person, while not being married to such person, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.118 Indecent exposure.

(a) A person who willfully exposes his sexual organs to public view under circumstances in which he knows or should

V40-128 JUL 2 75 XUM

know such conduct is likely to offend others is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.119 Inhaling toxic vapors.

(a) A person who inhales the vapors or fumes of paint, gas, glue, or other toxic product for the purpose of becoming intoxicated is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.120 Interfering with an officer.

(a) A person who willfully prevents or attempts to prevent a police officer from effecting an arrest or from otherwise discharging his official duty by:

(1) Creating a substantial risk of bodily harm to the officer or any other person; or

(2) Employing means of resistance which justify or require substantial force to overcome is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.121 Joyriding.

(a) A person who, without proper authority, operates, or otherwise uses any vehicle, not his own, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.122 Liquor violation.

(a) A person who possesses, sells, trades, transports, or manufactures any beer, ale, wine, whiskey, or any other beverage which produces alcoholic intoxication is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.123 Littering.

(a) A person who intentionally:

(1) Discards or deposits any trash, garbage, debris, or other refuse upon any highway, road, or public place, or upon any land, not his own; or

(2) Permits any trash, garbage, debris, or other refuse to be thrown from a vehicle which he is operating is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.124 Maintaining a public nuisance.

(a) A person who:

(1) Endangers the health or safety of another; or

(2) Interferes with the enjoyment of property by another, by wilfully or negligently permitting a hazardous, unsightly, or unhealthy condition to exist on property under his possession or control is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ten (10) days or to pay a fine not to exceed Ten ($10) dollars, or both.

(c) In addition to any penalty imposed under paragraph (b) of this section, the Court shall order that the nuisance be abated within a reasonable time.

§ 12.125 Misusing property.

(a) A person who, without proper authority, knowingly uses or damages any property not his own is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed Twenty ($20) dollars, or both.

§ 12.126 Narcotics and dangerous drugs.

(a) Any person who knowingly possesses, sells, trades, transports, gives away, uses, or manufactures:

(1) Any opium, cocaine, coca leaves, morphine, codeine, heroin, or any derivative thereof; or

(2) Any drugs known as hallucinogen, psychotomimetics, dysleptic, or psychedelics incuding lysergic acid diethylamide (LSD), mescaline, psilocybin, dimethyltrystamine (DMT), and methydimethoxy methyl-phenylethylamine (STP); or

(3) Any drug scheduled as a "controlled substance" under the provisions of Title 21, Chapter 13 of the United States Code, as amended to the date of arrest, is guilty of an offense.

(b) Paragraph (a) of this section shall not apply to any transaction, possession, production, transportation, or use for medical purposes under the prescription or supervision of a person licensed to administer, prescribe, control, or dispense of the prescribed substances in that paragraph.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.127 Perjury.

(a) A person who knowingly makes a false statement while under oath, or who induces another to do so, or who signs an affidavit knowing the same to be false, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) dollars, or both.

§ 12.128 Peyote violation.

(a) A person who for other than religious purposes possesses, sells, trades, transports, gives away the bean, or any form of the bean, known as peyote is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed six (6) months or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.129 Possession of marijuana.

(a) A person who plants, cultivates, harvests, sells, trades, gives away, uses or possesses marijuana is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) dollars, or both.

§ 12.130 Prostitution.

(a) A person who:

(1) Solicits or practices prostitution; or

(2) Knowingly provides, keeps, rents, leases, or otherwise maintains any place or premises for the purpose of prostitution is guilty of an offense.

(b) "Prostitution" shall mean engaging in sexual intercourse or sexual contact for a consideration.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed seventy (70) days or to pay a fine not to exceed Seventy ($70) dollars, or both.

§ 12.131 Public intoxication.

(a) A person who appears in a public place while under the influence of alcohol, marijuana, toxic vapors, or substances the use or possession of which is prohibited under §§ 12.122 and 12.126 of Subpart M of this Code, not therapeutically administered, to the degree that he may reasonably endanger himself or other persons or property, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.132 Receiving stolen property.

(a) A person who buys, receives, conceals, or aids in concealing any property which he knows or should know has been obtained by theft, extortion, fraud or other means constituting an offense under the provisions of this Law and Order Code is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.133 Refusing to aid an officer.

(a) A person who willfully refuses to assist a police officer;

(1) In the lawful arrest of any person;

(2) In conveying a lawfully arrested person to the nearest place of confinement, when such assistance is reasonably requested, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed Fifty ($50) dollars, or both.

§ 12.134 Removal or destruction of antiquities.

(a) A person who, without proper authority, removes, excavates, injures, or destroys any historic or prehistoric ruin or monument or any object of antiquity is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.135 Shoplifting.

(a) A person who willfully takes possession of any goods offered for sale by any mercantile establishment, without the consent of the owner or manager, with the intent to convert such goods to his own use without paying for them, is guilty of an offense.

(b) A person who willfully conceals or attempts to conceal any goods offered for sale:

(1) On his person or among his belongings; or

(2) On the person, or among the belongings of another, is presumed to have taken possession of such goods with the intent to convert them to his own use without paying for them.

(c) A police officer, merchant, or merchant's employee who has reasonable cause to believe that a person has willfully taken possession of goods with the intent to convert them without paying for them may detain and interrogate the person in regard thereto in a reasonable manner and for a reasonable time.

(d) If a police officer, merchant, or mechant's employee detains and interrogates a person pursuant to paragraph (c) of this section and the person thereafter brings civil or criminal action against the police officer, merchant, or merchant's employee, based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were performed in a reasonable manner and for a reasonable time.

(e) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.136 Theft.

(a) A person, who unlawfully takes or exercises control over property not his own, whether or not possession was originally obtained with consent of the owner, with the intent of permanently depriving the owner of the value or use of the property for the benefit of himself or another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.137 Unlawful burning.

(a) A person who:

(1) Willfully and unlawfully causes or attempts to cause damage to any property by fire or explosion; or

(2) Negligently causes damage to any property by fire or explosion; or

(3) Sets fire to any forest, brush, or grasslands, or sets a campfire, with careless disregard for the spread or escape of such fire, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days or to pay a fine not to exceed One Hundred and Twenty ($120) dollars, or both.

§ 12.138 Unlawful restraint.

(a) A person who unlawfully causes the removal, detention, or confinement of another person so as to interfere with that person's liberty is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) dollars, or both.

Subpart N—Land; Livestock and Area Regulation Offenses

§ 12.139 Branding livestock of another.

(a) A person who:

(1) Willfully brands or marks an animal with a brand or mark other than the recorded brand or mark of the owner of the animal; or

(2) Willfully alters or obliterates any brand or mark on any animal not his own with intent to convert the animal to his or some third person's use without the consent of the owner is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.140 Cutting green timber without permission.

(a) A person who cuts or removes any green timber from lands within the Joint Use Area without written permission from the Project Officer or his representative is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.141 Failure to control livestock diseases and parasites.

(a) A person, who willfully refuses to dip or treat any livestock under his ownership or control in accordance with orders or directions initiated by authorized range management personnel of the Joint Use Area is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.142 Game violation.

(a) A person, who knowingly kills, attempts to kill, or catches any deer or game animal within the Joint Use Area without the written permission from the Project Officer or his representative is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

(c) "Game animal" shall mean any animal for which the Hopi or Navajo Tribes require a tribal permit to hunt, kill, or catch.

§ 12.143 Grazing, introduction without a permit.

(a) A person who:

(1) Knowingly permits livestock under his ownership or control to graze upon lands within the Joint Use Area; or

(2) Willfully introduces or causes the introduction of any livestock into unalloted or unallocated lands within the Joint Use Area without a valid permit issued by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.144 Livestock roundups.

(a) A person, who willfully hinders, harrasses, obstructs, or otherwise interferes with persons conducting roundups authorized by range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.145 Making false reports of stock owned.

(a) A person who:

(1) Knowingly makes a false report as to the total number of stock under his ownership or control; or

(2) Willfully refuses to report the number of stock under his ownership or control, when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.146 Refusal to brand or mark livestock.

(a) A person, who willfully refuses to brand or mark any livestock under his ownership or control when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.147 Refusal to dispose of cull or infected animals.

(a) A person, who willfully refuses to dispose of or remove any cull or infected animals designated for disposal or re-

V 40 128 JUL 2 75 XUM

moval by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.148 Trespass—Inter-district.

(a) A person, who knowingly permits any livestock under his ownership or control to occupy or graze upon land allocated to another or land reserved by range management personnel for demonstration, administration or agricultural purposes, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.149 Unauthorized use of range.

(a) A person who willfully:

(1) Grazes livestock under his ownership or control in the Joint Use Area in excess of the number allowed under his grazing permit; or

(2) Refuses to graze livestock under his ownership or control in accordance with plans made public by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.150 Unauthorized fencing.

(a) A person, who fences any land knowing such fencing is not authorized by range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.151 Violation of regulations.

(a) A person who willfully:

(1) Violates any provision of 25 CFR Part 153; or

(2) Violates or refuses to comply with lawful orders and directions issued by the Secretary of the Interior or his representatives for the purpose of regulating the use or occupancy of the Joint Use Area is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.152 Other actions not precluded.

The arrest, conviction, or sentencing of any person for violating any provision contained in this part shall not preclude impoundment, seizure, or other authorized action taken by range management personnel for the enforcement of regulations for, or management of, the Joint Use Area.

Subpart O—Traffic Offenses

§ 12.153 Arizona traffic laws incorporated.

(a) A person, who violates any of the provisions under Chapter 6, Title 28 of the Arizona Revised Statutes pertaining to Traffic on Highways, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

Subpart P—Removal of Non-members

§ 12.154 Who may be removed.

Any person not a member of the Hopi or Navajo Tribes who commits any act which would be a crime under state or Federal Law, or who violates any provisions of this Law and Order Code may be:

(a) Ordered from the Joint Use Area;

(b) Taken into custody for a removal hearing; or

(c) Taken into custody for delivery to State or Federal authorities for prosecution under State or Federal Law by a duly authorized Police Officer of the Joint Use Area.

§ 12.155 Hearing; removal; release.

(a) A person not a member of the Hopi or Navajo Tribes ordered from the Joint Use Area by a Police Officer may request a hearing before a Trial Court of the Joint Use Area to determine the validity of the Order.

(b) Upon a finding based upon preponderance of the evidence that the person ordered to leave the Joint Use Area committed a crime under State or Federal Law or violated a provision of this Law and Order Code, the court may:

(1) Order the person to leave the Joint Use Area; or

(2) Order the person to comply, under penalty of removal, with the requirements of a Court Order.

(c) If the Court finds that the person ordered to leave the Joint Use Area did not commit the acts alleged, it shall order the person released.

§ 12.156 Delivery to State or Federal authorities.

Any person ordered by the Trial Court to leave the Joint Use Area may:

(a) Be escorted under custody of a police officer to the exterior boundaries of the Navajo Reservation; or

(b) Be delivered into the custody of the state or federal authorities for prosecution under state or federal law.

Subpart Q—Extradition

§ 12.157 Apprehension in joint use area.

Whenever the Project Officer of the Joint Use Administrative Office is informed and believes that an Indian has committed a crime outside the Joint Use Area and is present in the Joint Use Area, using it as an asylum from prosecution, the Project Officer may order a police officer of the Joint Use Area to apprehend such Indian and deliver him to the authorities seeking his arrest at the boundaries of the Joint Use Area, if sought by the Navajo or Hopi Tribes, or at the exterior boundaries of the Navajo Indian Reservation, if sought by state authorities who have entered a reciprocal agreement with the Project Officer of the Joint Use Administrative Office for the return of persons sought by the Joint Use Courts.

§ 12.158 Hearing and release.

If a person, apprehended pursuant to § 12.157 of this part, so demands, he shall be taken by the arresting police officers to a Court of the Joint Use Area, where a Judge shall hold a hearing. If it appears that there is no probable cause to believe the Indian is guilty of the crime with which he is charged outside the Joint Use Area, or if it appears that the Indian probably will not receive a fair trial in the state court, the Judge shall order the Indian released from custody.

Subpart R—Other Provisions

§ 12.159 Coroners.

(a) The Project Officer of the Joint Use Administrative Office may appoint one or more coroners to serve the Joint Use Area. Such coroners shall serve without pay but may be reimbursed for actual and necessary expenses upon presentation of proper vouchers to the Project Officer of the Joint Use Administrative Office.

(b) Whenever a coroner is informed that an Indian has died within the Joint Use Area, the coroner shall go to the place where the body is located and inquire into the cause of death.

(c) After inspecting the body and conferring with a physician, if the coroner himself is not a physician, the coroner shall make a written report stating the following facts, if known:

(1) The name and census number of the dead person;

(2) When and where he died and the circumstances of his death;

(3) The cause of death;

(4) Who caused the death, if caused by act, whether criminal or not;

(5) What property is found on the body, other than clothing of ordinary value;

(6) Where the coroner is not a physician, the name and address of any physician consulted.

(d) The coroner shall submit copies of the report to the Joint Use Police and to the Project Officer of the Joint Use Administrative Office.

§ 12.160 Joint use Indian police.

The Project Officer of the Joint Use Administrative Office shall be recognized as commander of the Indian police of the Joint Use Area and shall be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the Project Officer or his duly authorized representative to keep himself informed as to the efficiency of the Indian police in the discharge of their duties, to subject them to regular inspection, to inform them of their duties, and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the Project Officer to detail such Indian Policemen as may be necessary to carry out the orders of the Joint Use Court and to preserve order during court sessions. The Project Officer shall investigate all reports and charges of misconduct on the part of Indian policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations.

§ 12.161 Police commissioners.

The Project Officer of the Joint Use Administrative Office may, with the approval of the Commissioner of Indian Affairs, designate as police commissioner any qualified person. Such Police Commissioner shall obey the orders of the Project Officer and see that the orders of the Joint Use Court are properly carried out. The police commissioner shall be responsible to the Project Officer for the conduct and efficiency of the Indian Police under his direction and shall give such instruction and advice to them as may be necessary. The police commissioner shall also report to the Project Officer all violations of law or regulation and any misconduct of any member of the Joint Use Indian Police.

§ 12.162 Police training.

It shall be the duty of the Project Officer to maintain from time to time as circumstances require and permit classes of instruction for the Indian policemen. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with Indian communities in establishing better social relations.

§ 12.163 Indian policemen.

(a) The Project Officer of the Joint Use Administrative Office may, with the approval of the Commissioner of Indian Affairs, employ and appoint Indians as Indian Police whose qualifications shall be as follows:

(1) A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required.

(2) He must be possessed of courage, self-reliance, intelligence, and a high sense of loyalty and duty.

(3) He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of one year prior to appointment.

(b) The duties of an Indian policeman shall be:

(1) To obey promptly all orders of the police commissioner or the Joint Use Court when assigned to that duty;

(2) To lend assistance to brother officers;

(3) To report and investigate all violations of any law or regulation coming to his notice or reported for attention;

(4) To arrest all persons observed violating the laws and regulations for which he is held responsible;

(5) To inform himself as to the laws and regulations applicable to the jurisdiction where employed and as to the laws of arrest;

(6) To prevent violations of the laws and regulations;

(7) To report to his superior officers all accidents, births, deaths, or other events or impending events of importance;

(8) To abstain from the use of intoxicants or narcotics and to refrain from engaging in any act which would reflect discredit upon the police department;

(9) To refrain from the use of profane, insolent, or vulgar language;

(10) To use no unnecessary force or violence in making an arrest, search, or seizure;

(11) To keep all equipment furnished by the government in reasonable repair and order;

(12) To report the loss of any and all property issued by the government in connection with official duties;

(13) To collect and issue receipts for bail.

§ 12.164 Dismissal.

The Project Officer of the Joint Use Administrative Office may remove any Indian policeman for any noncompliance with the duties and requirements as set out in the police duty guidelines or for neglect of duty.

§ 12.165 Return of equipment.

Upon the resignation, death, or discharge of any member of the Indian police, all articles or property issued him in connection with his official duties must be returned to the Project Officer or his representative.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16982 Filed 7-1-75;8:45 am]

SUBCHAPTER N—GRAZING

PART 153—NAVAJO-HOPI JOINT USE AREA GRAZING REGULATIONS

JUNE 24, 1975.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

The added responsibility of Pub. L. 93-531 authorizes and directs the Secretary of the Interior to reduce livestock numbers and institute conservation measures to restore grazing potential in the Joint-Use Area. New grazing regulations are needed to carry out this mandate and assure an orderly transition of managed resources after the court enters the final order of partitioning the Joint-Use Area.

Beginning on page 33373 of the FEDERAL REGISTER of September 17, 1974 (39 FR 33373), there was published a notice of proposed rulemaking to add a new Part 153 to Title 25 of the Code of Federal Regulations relating to the establishment of grazing regulations applicable to Navajo-Hopi Joint Use Area lands. This addition was proposed pursuant to the authority contained in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

PART 153—NAVAJO-HOPI JOINT USE AREA GRAZING REGULATIONS

Sec.

153.1 Definitions.
153.2 Authority.
153.3 Purpose.
153.4 Establishment of range units.
153.5 Grazing capacity.
153.6 Grazing on range units authorized by permit.
153.7 Kind of livestock.
153.8 Grazing fees.
153.9 Duration of grazing permits.
153.10 Assignment, modification and cancellation of permits.
153.11 Conservation and land use provisions.
153.12 Range improvements, ownership, and new construction.
153.13 Payment of tribal fees.
153.14 Special permit requirements and provisions.
153.15 Violations.
153.16 Fences.
153.17 Livestock trespass.
153.18 Control of livestock diseases and parasites.
153.19 Impoundment and disposal of unauthorized livestock.

AUTHORITY: The provisions of this Part 153 issued under 5 U.S.C. 301; R.S. 463 and 465; and 25 U.S.C. 2 and 9.

§ 153.1 Definitions.

As used in this Part 153, terms shall have the meanings set forth in this section.

(a) "Joint Use Committee" means a committee to be composed of three representatives selected by the Hopi Tribal Council and three representatives selected by the Navajo Tribal Council, to whom have been delegated the authority of each governing body to exercise the powers of each tribe in the Joint Use Area. A representative of the Joint Use Administrative Office, Flagstaff, Arizona 86001, shall be a non-voting representative. Rules of procedures shall be established by the Committee except the chairmanship of each successive meeting of the Committee shall be alternated between each tribal delegation and the individual delegate serving as chairman of any one meeting shall not have a vote.

(b) "Project Officer" means the Special Project Officer of the Bureau of Indian Affairs, Joint Use Administrative Office, Flagstaff, Arizona 86001, to whom has been delegated the authority of the Commissioner to act in all matters respecting the Joint Use Area.

V40 I128 JUL 2 75 XUM

(c) "Joint Use Area" means the area established by the United States District Court for the District of Arizona in the case entitled Healing v. Jones, 210 F. Supp. 125 (1962), which is inside the Executive Order Area (Executive Order of December 16, 1882) but outside Land Management District 6, and held and to be used by both Navajo and Hopi Tribes jointly.

(d) "Range unit" means a tract of range land designated as a management unit for administration of grazing.

(e) "Permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land. The term permit as used herein shall include written authorizations issued to enable the crossing or trailing domestic livestock across specified tracts or range units.

(f) "Animal unit" means one adult cow with unweaned calf by her side or the equivalent thereof based on comparative forage consumption. Conversion factors to be accepted are: ewe, doe, buck, ram, 0.25; horse, mule, donkey, burro, 1.25 animal units.

(g) "Tribe" means a tribe, band, community, group, or pueblo of Indians.

(h) "Secretary" means the Secretary of the Interior.

(i) "Commissioner" means the Commissioner of Indian Affairs.

(j) "Allocate" means to apportion grazing privileges including the determination of who may graze livestock, the number and kind of livestock, and the place such livestock will be grazed.

§ 153.2 Authority.

It is within the authority of the Secretary to protect Indian trust lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing.

§ 153.3 Purpose.

These regulations are issued to carry out the Secretary's trust responsibility of conserving range resources, promoting their proper use and affording equal utilization of these Joint Use Area resources by both tribes according to the judgment in Healing v Jones and subsequent proceeding thereafter. The regulations of this Part 153 apply only to the Navajo-Hopi Joint Use Area of the 1882 Executive Order Area. Parts 151 and 152 do not apply to the Navajo-Hopi Joint Use Area.

§ 153.4 Establishment of range units.

The Project Officer will use Soil and Range Inventory data to establish range units on the Joint Use Area to allow for a program of surface land use aimed at restoring the land to its full potential and maintaining this potential.

§ 153.5 Grazing capacity.

The Project Officer shall prescribe the maximum number and kind of livestock which may be grazed without inducing damage to vegetation or related resources on each range unit and the season, or seasons, of use to achieve the objectives of the land recovery program. The stocking rate upon which the grazing permits are issued shall be reviewed on a continuing basis and adjusted as conditions warrant.

§ 153.6 Grazing on range units authorized by permit.

Grazing use of range units is authorized only by a grazing permit. The Project Officer shall assign grazing privileges to each tribe so that each may have one-half the grazing capacity of the Joint Use Area. The Joint Use Committee will then, within 60 days, allocate use to members of each tribe. Grazing use by tribal enterprises will be permitted and permits may be issued in the name of the tribe. The eligibility requirements for receiving a permit shall be set forth by the Joint Use Committee. The Project Officer shall issue permits based on the determination by the Joint Use Committee.

§ 153.7 Kind of livestock.

The Joint Use Committee may determine, subject to the grazing capacity, the kind of livestock that may be grazed on the range units. In the event the Committee cannot act, the Project Officer shall make the determination.

§ 153.8 Grazing fees.

(a) The respective tribal governing bodies may determine whether grazing fees will be charged and the rate to be charged for the use of their respective shares of the Joint Use Area, and the proceeds therefrom shall inure to the benefit of the respective tribe charging fees.

(b) Annual grazing fees, if any, shall be paid in advance and payment shall be made to the Project Officer for immediate disbursement to the appropriate tribal treasurer.

§ 153.9 Duration of grazing permits.

The Joint Use Committee may determine the maximum duration of grazing permits not to exceed 5 years per permit period and subject to § 153.10(b). In the event the Committee does not act, the Project Officer is authorized to set the duration.

§ 153.10 Assignment, modification and cancellation of permits.

(a) Grazing permits shall not be assigned, subpermitted or transferred without the consent of the delegates to the Joint Use Committee from the tribe involved and the Project Officer.

(b) The Project Officer may revoke or withdraw all or any part of the grazing permit by cancellation or modification on 30 days written notice of violation of permit or special conditions affecting the land or the safety of the livestock thereon, as may result from flood, disaster, drought, contagious diseases, etc. Except in the case of extreme necessity, cancellation or modification shall be effected on the next annual anniversary date of the grazing permit following the date of notice. Revocation or withdrawal of all or any part of a grazing permit by cancellation or modification as provided herein shall be an appealable decision under 25 CFR Part 2, or any regulations which may supersede Part 2. For the purpose of taking an appeal, decisions of the Project Officer shall be considered under 25 CFR 2 in the same manner as taking an appeal of a decision of an Area Director.

§ 153.11 Conservation and land use provisions.

Grazing operations shall be conducted in accordance with recognized principles of good range management. Conservation management plans necessary to accomplish this will be made a part of the grazing permit.

§ 153.12 Range improvements; ownership; new construction.

Improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Written permission to construct or remove improvements must be obtained from the Joint Use Committee and the Project Officer, who will specify the maximum time allowed for removal of improvements so excepted.

§ 153.13 Payment of tribal fees.

Fees and taxes exclusive of annual grazing rental provided for in Section 153.8 which may be assessed by the respective tribes in connection with grazing permits shall be billed for by the respective tribe and paid annually in advance to the designated tribal official. Failure to make payments will subject the grazing permit to cancellation and may disqualify the permittee from receiving future permits so long as he is delinquent.

§ 153.14 Special permit requirements and provisions.

All grazing permits shall contain the following provisions:

(a) Because the lands covered by the permit are in trust status, all of permittee's obligations on the permit and the obligations of his sureties are to the United States as well as to the joint beneficial owners of the land. Annual rent and other obligations under the terms of a valid grazing permit shall constitute a first lien on livestock permitted.

(b) The permittee agrees he will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.

(c) The permit authorizes the grazing of livestock only and the permittee shall not utilize the permitted area for hay cutting, hunting, post or timber cutting or any other use without authorization from the Project Officer.

§ 153.15 Violations.

In addition to the penalties provided in this part, violation of the provisions of this part are subject to penalties of the Law and Order Code applicable to the Joint Use Area.

§ 153.16 Fences.

Fencing will be erected by the Government around the perimeter of the Executive Order Area and Land Management District 6. Fencing of any other areas in the Joint Use Area as from time-to-time may be required for a range recovery program shall be constructed after consultation with the tribes. Such fencing shall be erected at Government expense and such ownership shall be clearly identified by appropriate posting on the fencing. International destruction of federal property will be treated as a violation of the Federal Criminal Statutes (18 U.S.C. 1164).

§ 153.17 Livestock trespass.

In addition to any criminal liability, the owner of any livestock grazing in trespass on the Joint Use Area is liable to a civil penalty of $1 per head for each animal thereof for each day of trespass, together with the reasonable value of the forage consumed and damages to property injured or destroyed. The Project Officer shall take action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such penalties and damages shall be divided equally between each tribe and credited to them. The following acts are prohibited:

(a) The grazing upon or driving across any of the Joint Use Area of any livestock without an approved grazing or crossing permit.

(b) Allowing livestock to drift and graze on lands without an approved permit.

(c) The grazing of livestock upon lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by permittee upon any land withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the Project Officer of such withdrawal, or refusal to remove livestock upon instructions from the Project Officer when an injury is being done to the Indian lands by reason of improper handling of livestock.

§ 153.18 Control of livestock diseases and parasites.

Whenever livestock within the Joint Use Area become infected with contagious or infectious diseases or parasites or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable laws.

§ 153.19 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock within any range unit of the Joint Use Area which are not removed therefrom within the periods prescribed by this regulation may be impounded and disposed of by the Project Officer as provided herein.

(a) When the Project Officer determines that unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded anytime 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When the Project Officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown such livestock may be impounded anytime 15 days after the date of notice of intent to impound unauthorized livestock is first published in the local newspaper, posted at the nearest chapter house and in one or more local trading posts. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on the Joint Use Area which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the twelve-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in the local newspaper, posted at the chapter house and in one or more local trading posts. The notice will describe the livestock and specify the date, time and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding and feeding or pasturing the livestock.

(f) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder, provided his bid is at or above the minimum amount set by the Project Officer. If a bid at or above the minimum is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Project Officer shall furnish the buyer a bill of sale or other written instrument evidencing the sale.

(g) The proceeds of any sale of livestock as provided herein shall be applied as follows: First, to the payment of all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. Second, in payment of any penalties or damages assessed pursuant to § 153.17 of this part which penalties or damages shall be divided equally between two tribes as provided in said section. Third, any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. If any proceeds remaining after payment of the first and second items noted above are not claimed within one year from the date of the sale, such remaining proceeds will be divided equally between the two tribes owning the land.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections were received, and the proposed regulations are hereby adopted without change and as set forth above.

The new Part 153 shall become effective August 1, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16983 Filed 7-1-75;8:45 am]

V40-128 JUL 2 75 XUM

federal register

WEDNESDAY, JULY 2, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 128

PART IV

FEDERAL ELECTION COMMISSION

■

Advisory Opinion Requests

V40 128 JUL 2 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975–7; AOR 1975–7 and 1975–8]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–7 and 1975–8 are published today. Each of the Requests consists of inquiries from several sources which have been consolidated since they present similar, if not identical, issues.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Request Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law citations.

AOR 1975–7: CONTRIBUTIONS AND EXPENDITURES RELATING TO THE CONSTITUENT SERVICES OF MEMBERS OF CONGRESS

A. Nature of a Constituent Service Fund and Contributions To It. (*Request summarized and edited by the Commission.*) Congressman Dave Evans has established two "fund-raising entities" to support his Congressional activities. The Dave Evans for Congress Committee has been designated by Congressman Evans as his principal campaign committee. The Dave Evans Constituent Services Fund is described as a non-partisan fund set up to collect monies to assist Congressman Evans in his services to the people of his congressional district.

The Congressman has planned a fund-raising affair, and all the proceeds of the function are to go to the Congressman's Constituent Services Fund. The Federal Election Commission (FEC) has been asked to issue an advisory opinion as to whether the Dave Evans Constituent Services Fund is a political committee within the definition of Title 2, section 431(d) and Title 18, section 591(d). Congressman Evans' office provided the following description of the Dave Evans Constituent Services Fund:

> The Dave Evans Constituent Services Fund will be a non-partisan fund set up to collect monies to assist Congressman Evans in his service to the people of the Sixth District. Contributions to the fund will be used for printing newsletters; holding neighborhood office hours, conducting meetings and seminars with representatives of governmental and private agencies, and with elected and appointed officials of the cities, counties and towns of the District; holding periodic open house activities at the District and Washington offices, providing constituents with flags, publications and certain other items that must be purchased; and any other general expenses which, in the opinion of the Committee, are incurred in connection with the Congressman's service to his constituents. Proceeds of this Fund will not be used to present or promote the viewpoint of any political party or philosophy or to influence the re-election of Congressman Evans.

Congressman Evans also requests the FEC to issue an advisory opinion as to the legal requirements pertaining to the identification of the sponsor of the fund-raising event and the disclosure requirements for the use of the proceeds. The Congressman's office provided the following as a sample identification and disclosure provision:

> The Dave Evans Constituent Services Fund is not a "political committee" as defined in the Federal Election Campaign Act of 1971, as amended. Therefore, a donation to the Fund is not tax deductible or subject to a tax credit as a "political contribution" pursuant to the Internal Revenue Code of 1954, as amended. Proceeds of the Fund will be used for printing of newsletters, news releases, meeting allowances or other non-political material; purchase of equipment, services or supplies; or any purpose which, in the opinion of the Committee, will assist Congressman Evans, directly or indirectly, in servicing the residents of Indiana's Sixth Congressional District.

THOMAS J. KERN,
Administrative Assistant for Congressman Dave Evans.

Source: Congressman David Evans by Thomas J. Kern, Administrative Assistant, 4th Floor Administration Building, Weir Cook Airport, Indianapolis, Indiana 40241 (May 6, 1975).

B. Contributions to a Constituent Service Fund. (*Request edited by the Commission.*)

DEAR MR. CURTIS: * * * A Pennsylvania corporation makes a contribution to a Public Service Committee, such as the one I have established which is used solely to defray the cost of newsletters, reports and questionnaires sent to constituents. Question: Is such a corporation within its legal bounds in making such a contribution or does it contradict present law governing political contributions? * * *

JOHN P. MURTHA,
Member of Congress.

Source: Congressman John P. Murtha, 431 Cannon House Office Building, Washington, D.C. 20515 (May 7, 1975).

C. Expenditures To Poll Constituents. (*Request edited by the Commission.*)

DEAR MR. CHAIRMAN: * * * Specifically, I would like Commission guidance on the question whether an incumbent Senator or Representative may engage in attitudinal research within his constituency if the purpose is to measure policy issues, job approval perceptions, etc. (not to include political trial heats) without having those expenditures allocated against any applicable spending limitation. Does the fact a Member may have announced his candidacy make a difference in the use of issue-oriented opinion research? I have enclosed a sample list of the questions which might be used in the type of research for which I seek an advisory opinion.

JAKE GARN,
U.S. Senator.

Senator Garn's sample questions are:

I. STATISTICAL

1. Age.
2. Income.
3. Occupation.
4. Sex.
5. Political Registration.

II. OPEN END SAMPLES

1. What do you think is the most important issue facing the United States today?
2. What do you think is the most important issue facing your state today?
3. If you were the Congressman from this district and could make one change of improvement, what would it be?

III. FORCED RESPONSES

1. Do you favor or oppose re-establishment of wage and price controls now?
2. Do you favor or oppose placing a one-year lid on new federal spending programs?
3. Do you favor or oppose legislation placing restrictions on the sale of hand guns?
4. Do you favor or oppose rationing of gasoline by issuance of coupons to conserve energy?
5. Do you approve or disapprove of the way Senator _____ from this state is handhis job?
6. Why do you approve or disapprove?

Source: Senator Jake Garn, 4203 Dirksen Senate Office Building, Washington, D.C. 20510 (April 29, 1975).

AOR 1975–8: HONORARIUMS AND RELATED BENEFITS FOR MEMBERS OF CONGRESS

A. Request of Congressman Dan Rostenkowski (Honorariums). (*Request edited by the Commission.*)

DEAR MR. CHAIRMAN: * * * There is a need for a clarification of section 616 of Title 18 of the U.S. Code, which was added by the 1974 amendments to the campaign law. This section, which deals with the acceptance of honoraria by federal officials, has raised several questions concerning the suggestion of a charitable gift as an alternative to the acceptance of an honorarium.

To help clarify this matter, I would like to describe three * * * situations. I sought appreciate your opinion as to the legality of each in order that Members of Congress will have a better understanding of the operation of this new provision.

Case No. 1.—A Member of Congress is offered a $500.00 honorarium as the keynote speaker at a convention. He has accepted $4,000.00 in honoraria during the current calendar year. He prefers not to accept an honorarium for this speaking engagement but suggests to the sponsors of the convention that if they are so inclined, they could give a $500.00 donation to either Charity A or Charity B, both bona fide charitable organizations. Such a donation would not be a prerequisite to or requirement for the making of the speaking engagement. The Member of Congress would not include the amount of any donation to the charity as an honorarium received for purposes of the $15,000.00 limit.

Case No. 2.—A Member of Congress is offered a $1,500.00 honorarium to be the keynote speaker at a convention. To date he has accepted $4,000.00 in total honoraria for the calendar year. The Member of Congress specifies that he will accept a $1,000.00 honorarium and suggests that if the sponsors of the convention are so inclined, they could make a $500.00 donation to either Charity A or Charity B, both bona fide charitable organizations. Such a donation would not be a prerequisite to or a requirement for making the speaking engagement.

Case No. 3.—A Member of Congress is offered a $500.00 honorarium to be the keynote speaker at a convention. He has already accepted his $15,000.00 limit for honoraria in this calendar year. He accepts the speech and declines the honorarium. He suggests that if the sponsors of the convention are so inclined, they might want to donate part or all of the funds originally reserved for the honorarium to either Charity A or Charity B, both bona fide charitable organizations. Agreement to give such a donation would not be a prerequisite to or requirement for making the speaking engagement."

DAN ROSTENKOWSKI,
Member of Congress.

Source: Congressman Dan Rostenkowski, 2185 Rayburn House Office Building, Washington, D.C. 20515 (May 8, 1975).

B. Request of Congressman Rhodes (Honorariums). (*Request paraphrased by the Commission.*) Congressman Rhodes asks for an advisory opinion construing 18 U.S.C. 616, which limits the amount of honorariums elected officers may accept in any calendar year ($15,000) as well as for any specific appearance ($1,000). The specific question raised is whether a Member of Congress, who has already received the full amount of honoraria permitted by the cited statute, would be in violation of the law if he or she requires or requests that the sponsors of the Member's appearance donate an amount equal to, but in lieu of the honorarium, directly to "bona fide charities" named by the Member or the donor.

Source: Congressman John J. Rhodes, Office of the Minority Leader, H–232, The Capitol, Washington, D.C. 20515 (May 6, 1975).

C. Joint Request of Senators Mansfield and Scott (Reimbursement of Travel Expenses). (*Request edited by the Commission.*)

DEAR MR. CHAIRMAN: Section 616 of Title 18 prohibits Members of Congress, among others, from accepting more than $15,000 in honorariums in any calendar year. Of course, some Members will reach that limit in a shorter period of time than others. In such cases, would those Members be able to accept speaking engagements, receive no honorarium, and still be able to have travel and subsistence expenses paid for by the sponsor?

On a related issue, could such a sponsor be a party to this kind of arrangement if that sponsor would ordinarily and otherwise be prohibited from making campaign contributions? * * *

MIKE MANSFIELD,
Majority Leader.

HUGH SCOTT,
Republican Leader.

Source: Senator Mansfield, Senator Scott, Office of the Minority Leader, Room: S–230, The Capitol, Washington, D.C. 20510.

Date: June 26, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

[FR Doc. 75–17183 Filed 7–1–75;8:45 am]

V40-128 JUL 2 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

V 40-128 JUL 2 75 XUM

129

INCORRECT ISSUE NUMBER
SHOULD READ ISSUE 129

federal register

July 3, 1975—Pages 28047–28443

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 128

Pages 28047–28443

Section 1 of 2—PARTS I, II, III

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL EMPLOYMENT—CSC revises standards for disqualification of applicants and dismissal of employees..... 28047

EQUAL EMPLOYMENT OPPORTUNITY—DOT/FHA regulates Federal and Federal-aid highway construction contracts; effective 6–26–75..... 28053

BOOKMATCHES—CPSC extends time for proposal of safety standard or withdrawal of proceeding to 10–1–75..... 28126

MOTOR VEHICLE SAFETY—
DOT/NHTSA republishes uniform tire quality grading standards for automobiles..... 28071
DOT/NHTSA withdraws proposal to exclude agricultural commodity trailers from parking and emergency brake requirements..... 28097

AIR QUALITY—EPA reviews indirect sources of pollution and suspends certain regulations..... 28064

NATIONAL HEALTH PLANNING AND RESOURCES DEVELOPMENT—HEW provides financial support to State agencies to regulate health care rates..... 28113

(Continued inside)

PART II:

PESTICIDES—EPA revises procedures for registration, reregistration and classification; effective 8–4–75..... 28241

PART III:

EMPLOYEE RESPONSIBILITY AND CONDUCT—Interior revises regulations; effective 7–3–75..... 28287

PART IV:

MINIMUM WAGES—Labor/ESA determinations for Federal and federally assisted construction and index for wage determinations as of 6–6–75 (2 documents)..... 28304, 28368

PART V:

ENERGY AND ENVIRONMENT—
FEA regulates coal allocation..... 28420
FEA issues prohibition orders and construction orders to certain powerplants..... 28430

V40-129 JUL 3 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 6900..... Pub. Law 94–45
Emergency Compensation and Special Unemployment Assistance Extension Act of 1975
(June 30, 1975; 89 Stat. 236)

H.R. 7709..... Pub. Law 94–46
Certain istle, duty suspension
(June 30, 1975; 89 Stat. 245)

H.R. 8030..... Pub. Law 94–47
Temporary debt limitation, extension
(June 30, 1975; 89 Stat. 246)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

VA: Station Committee on Educational Allowances, 7–10–75 28141
NASA: Space System Committee, 8–21 and 8–22–75 28137
HEW/OE: National Advisory Council for Career Education, 7–22–75; Legislative Subcommittee meeting, 7–25–75 28113

CANCELLED MEETING—
HEW: Review Panel on New Drug Regulations, 7–10 and 7–11–75 28113

CHANGED MEETING—
National Advisory Council on the Education of Disadvantaged Children, 7–18–75 28137

COTTON, WOOL, MAN-MADE FIBER TEXTILES—CITA establishes ceilings for products from Colombia; effective 7–1–75 28122

MEETINGS—
American Revolution Bicentennial Administration: American Revolution Bicentennial Council, 7–25–75 28115
Commission of Fine Arts: Public Projects for Washington, D.C., 7–30–75 28125
FCC: Domestic Land Mobile Radio Advisory Committee, 7–22–75 28135
Federal Council on the Aging: Economics of Aging Committee, 7–23 and 7–24–75 28137
State/AID: Engineering, Architectural and Construction Industry Advisory Committee, 8–6–75 28103

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Meetings:
Engineering, Architectural and Construction Industry Advisory Committee 28103

AGING, FEDERAL COUNCIL ON
Notices
Meetings:
Economics of Aging Committee 28137

AGRICULTURAL MARKETING SERVICE
Rules
Grade, size and maturity standards:
Avocados grown in Florida 28048
Proposed Rules
Grade, size, and maturity standards:
Onions, imported 28091
Limitations of handling and shipping:
Avocados grown in Fla 28090
Nectarines grown in Calif 28090
Onions grown in Idaho and Oregon 28091
Tobacco, cigar leaf (2 documents) 28092, 28093

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Proposed Rules
Feed grain; allotment and set-aside programs; 1976 28093
Wheat Set-Aside Program; 1976 28093

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service; Soil Conservation Service.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Notices
Bicentennial Ethnic and Racial Advisory Committee; establishment 28115
Meetings:
American Revolution Bicentennial Council 28115

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Notices
Environmental statements:
Fleming Animal Import Center, Fla 28111

CIVIL AERONAUTICS BOARD
Rules
Applications for permits to foreign air carriers 28077
Classification and exemption of air freight forwarders, international air freight forwarders and cooperative shippers associations 28079
Classification and exemption of international air freight forwarders, repeal of part 28087
Exemption of air carriers for military transportation 28078
Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft 28078
Reporting data pertaining to civil aircraft charters performed by foreign air carriers 28087
Notices
Mail rates; priority and nonpriority domestic service 28117
Military transportation; exemption of air carriers 28116
Hearings, etc.:
Behring International, Inc 28116
Nigeria Airways, Limited 28117
Sullivan County, New York 28118

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Commerce Department 28047
Commodity Futures Trading Commission 28047
President's Commission on Olympic Sports 28047
Suitability disqualifications; revised basis for disqualification and dismissal 28047
Notices
Voluntary Health and Welfare Agencies; manual on fund-raising within the Federal Service 28119

COMMISSION ON FINE ARTS
Notices
Meetings 28125

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Man-made textiles:
Colombia 28122
Korea, Republic of (2 documents) 28123, 28124

COMMODITY CREDIT CORPORATION
Proposed Rules
Feed grain and wheat; loan, purchase and payment programs, 1976 28094

COMMODITY FUTURES TRADING COMMISSION
Notices
Standards for denial of registration; interpretation 28125

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Bookmatches, standards publication; extension of time 28126

V40 I29 JUL 3 75 XUM

CUSTOMS SERVICE
Notices
Countervailing duty determinations:
Carbon steel plate and high strength steel plate from Mexico ... 28103
Cast iron soil and pipe fittings from India ... 28103
Cheese from Switzerland ... 28104
Cotton and man-made fiber textile products from India ... 28104
Float glass from Belgium and Italy (2 documents) ... 28104, 28105
Footwear from Korea and Taiwan (2 documents) ... 28105
Processed Asparagus from Mexico ... 28106

EDUCATION OFFICE
Notices
Meetings:
Career Education, National Advisory Council ... 28113

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Index to general wage determination decisions and modifications ... 28368
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions ... 28304

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Program opportunity notices and unsolicited proposals for commercial demonstrations ... 28068

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollution control, new motor vehicles and engines:
Recall regulations; decal requirements ... 28066
Air quality implementation plans:
Indirect sources review ... 28064
Pesticide chemicals; tolerances and exceptions, etc.:
Inert ingredients, certain ... 28065
Trifluralin ... 28065
Pesticide registration:
Registration, reregistration and classification procedures ... 28241
Proposed Rules
Air quality implementation plans:
Michigan ... 28098
Montana ... 28097
Notices
Pesticide applicator certification; Iowa state plan ... 28131
Pesticide registration application ... 28129
State-Federal Water Programs Advisory Committee; establishment ... 28131
Water pollution; control of discharge of pollutants:
South Carolina ... 28130

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental statements:
Availability ... 28127

FARMERS HOME ADMINISTRATION
Proposed Rules
Rural housing loans and grants; definitions ... 28094

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Fairchild Hiller ... 28075
Grumman Aircraft ... 28075
Transition areas (6 documents) ... 28076, 28077
Jet routes and area high routes ... 28077
Proposed Rules
Airworthiness directives:
Bell ... 28096
Jet routes (2 documents) ... 28096, 28097
Notices
Portland, Oregon; relocation of flight service station ... 28115

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
FM Broadcast Stations; table of assignments:
Texas ... 28098
Notices
Common carriers; competitive tariff filings ... 28135
Doppler radar; special frequency band requirements ... 28137
Meetings:
Domestic Land Mobile Radio Advisory Committee ... 28135
Program log analysis; 1976 composite week dates for AM and FM licensees ... 28136
Hearings, etc.:
International Record Carriers ... 28132
Perdido Broadcasting Co. and Barba Broadcasting Co ... 28136

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Procedures applicable to proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act ... 28048
Proposed Rules
Interest on deposits; subordinated debt obligations ... 28100
Interest on deposits; individual retirement accounts ... 28099

FEDERAL ENERGY ADMINISTRATION
Rules
Allocation of coal ... 28420
Notices
Powerplants; prohibition and construction orders ... 28430

FEDERAL HIGHWAY ADMINISTRATION
Rules
Equal employment opportunity on Federal and Federal aid highway construction contracts ... 28053

FEDERAL INSURANCE ADMINISTRATION
Rules
Areas eligible for sale of insurance ... 28061
Notices
Authority delegations:
Associate General Counsel for Equal Opportunity and Administration ... 28115
Regional Counsels ... 28115

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
The New You, Inc., et al ... 28050

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits, applications (2 documents) ... 28108, 28109
Marine mammal applications (2 documents) ... 28110

FOOD AND DRUG ADMINISTRATION
Rules
Human drugs:
Certification of antibiotic drugs ... 28052
Proposed Rules
Diagnostic X-ray systems; performance standards; correction ... 28095

FOREST SERVICE
Notices
Environmental statements:
Bitterroot South Planning Unit Land Use Plan ... 28112
Lassen National Forest Timber Management ... 28112
Middle Fork, Boise River Planning Unit ... 28111

GENERAL SERVICES ADMINISTRATION
Rules
Procurement:
Allocation of rights in inventions; correction ... 28067

GEOLOGICAL SURVEY
Notices
Geothermal resource areas, operations, etc.; Mt. St. Helens, Wash ... 28111

HAZARDOUS MATERIALS REGULATIONS BOARD
Notices
Special permits issued ... 28115

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Health Services Administration; Social and Rehabilitation Service; Social Security Administration.
Notices
Health care rates; notice to governors ... 28113
Meetings:
Drug regulation, New, Review Panel; cancellation ... 28113

HEALTH SERVICES ADMINISTRATION
Notices
Professional Standards Review Organizations; California, Region IV, poll of physicians ... 28113

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU
Notices
Madera Water Pollution Abatement Project, Calif.; negative declaration ... 28106

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.
Rules
Employee responsibilities and conduct ... 28287

INTERNAL REVENUE SERVICE
Proposed Rules
Lump sum distributions; public hearing ... 28101

INTERSTATE COMMERCE COMMISSION
Notices
Hearing assignments ... 28172
Motor carrier, broker, water carrier, and freight forwarder applications ... 28143
Motor carriers:
Irregular route property carriers; gateway elimination ... 28160
Transfer proceedings ... 28172
Petition for determination of transport authority; Builders Transport, Inc ... 28143

LABOR DEPARTMENT
See also Employment Standards Administration; Manpower Administration; Wage and Hour Division.
Notices
Adjustment assistance:
Armor Elevator Co ... 28142
Florsheim Shoe Co ... 28142
Westminster Co ... 28143

LAND MANAGEMENT BUREAU
Notices
Applications, etc.; New Mexico (3 documents) ... 28107, 28108
Survey plat filings; Nevada ... 28107

MANPOWER ADMINISTRATION
Notices
Employment transfer and business competition determinations; applications ... 28142

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN
Notices
Meetings; amendment ... 28137

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Atmospheric Sciences Advisory Committees; establishment ... 28137
Meetings:
Space Program Advisory Council ... 28137

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Consumer information regulations:
Uniform tire quality grading standards (2 documents) ... 28071, 28074
Proposed Rules
Air brake standards; agricultural commodity trailers; denial of modification ... 28097

NATIONAL PARK SERVICE
Proposed Rules
Signs; picture symbols ... 28088
Notices
Authority delegations:
Chiefs, Interagency Archeological Services, Denver, San Francisco and Atlanta ... 28111
Regional Directors ... 28111

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Accident reports; safety recommendations and responses ... 28139

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
General Electric Co ... 28138
Maine Yankee Atomic Power Co ... 28138
Maine Yankee Atomic Power Station ... 28139
Philadelphia Electric Co., et al ... 28139
Joseph M. Hendrie; certification ... 28138

REVENUE SHARING OFFICE
Notices
Entitlement data; use of estimates ... 28106

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Canadian Javelin, Ltd ... 28141
CENCO Hospital & Convalescent Homes Corp ... 28140
CENCO Inc ... 28140
Consolidated Natural Gas Co. and CNG Research Co ... 28141
Continental Vending Machine Corp ... 28141

SOCIAL AND REHABILITATION SERVICE
Rules
Administration of Medical Assistance programs; utilization review ... 28070

SOCIAL SECURITY ADMINISTRATION
Rules
Federal health insurance for the aged and disabled; utilization review ... 28052
Proposed Rules
Payment of benefits; insurance and supplemental income; aged, disabled, etc ... 28095

SOIL CONSERVATION SERVICE
Notices
Environmental statement:
Red Deer Creek Watershed Project, Tex ... 28112

STATE DEPARTMENT
See Agency for International Development.

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration; Hazardous Materials Regulation Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Customs Service; Internal Revenue Service; Revenue Sharing Office.

VETERANS ADMINISTRATION
Notices
Meetings:
Station Committee on Educational Allowances ... 28141

WAGE AND HOUR DIVISION
Rules
Wage orders:
Puerto Rico; correction ... 28064

CONTENTS

V40-129 JUL 3 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

5 CFR
213 (3 documents) 28047
731 28047

7 CFR
915 28048
PROPOSED RULES:
728 28093
775 28093
915 28090
916 28090
958 28091
980 28091
1201 (2 documents) 28092, 28093
1421 28094
1822 28094

10 CFR
303 28420
309 28420

12 CFR
308 28048
PROPOSED RULES:
329 (2 documents) 28099, 28100

14 CFR
39 (2 documents) 28075
71 (6 documents) 28076, 28077
75 28077
211 28077
217 28078
288 28078
296 28079
297 28087
399 28087
PROPOSED RULES:
39 28096
75 (2 documents) 28096, 28097

16 CFR
13 28050

20 CFR
405 28052
PROPOSED RULES:
404 28095
416 28095

21 CFR
431 28052
PROPOSED RULES:
1020 28095

23 CFR
230 28053

24 CFR
1914 28061

26 CFR
PROPOSED RULES:
1 28101
11 28101

29 CFR
727 28064

36 CFR
PROPOSED RULES:
2 28088

40 CFR
52 28064
85 28066
162 28242
180 (2 documents) 28065
PROPOSED RULES:
52 (2 documents) 28097, 28098

41 CFR
1–9 28067
9–4 28068

43 CFR
20 28288

45 CFR
250 28070

47 CFR
PROPOSED RULES:
73 28098

49 CFR
575 (2 documents) 28071, 28074
PROPOSED RULES:
571 28097

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 27925
310 27925

3 CFR
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) 27939
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659
PROCLAMATIONS:
4381 27637

4 CFR
54 27929

5 CFR
213 ..... 27639, 27640, 27929, 28047
551 27640
731 28047

7 CFR
246 27930
780 27641
915 28048
917 27930
930 27931
1843 27931
1964 27641
1131 27642
PROPOSED RULES:
728 28093
775 28093
915 28090
916 28090
958 28091
980 28091
989 27691
1201 ..... 28092, 28093
1421 28094
1822 28094
1464 27691

9 CFR
83 27642
97 27643

10 CFR
303 28420
309 28420

12 CFR
308 28048
339 27931
PROPOSED RULES:
329 ..... 28099, 28100
546 27953
563 27954

14 CFR
39 ..... 27643, 27644, 28075
71 ..... 28076, 28077
75 ..... 27644, 28077
211 28077
217 28078
288 28078
296 28079
297 28087
399 28087

14 CFR—Continued
PROPOSED RULES:
39 28096
75 ..... 28096, 28097

16 CFR
13 ..... 27932, 28050
302 27932
1031 27934

17 CFR
270 27644
275 27644

18 CFR
3 27645
260 27645

19 CFR
1 27934

20 CFR
401 27648
405 ..... 28016, 28052
422 27648
PROPOSED RULES:
404 28095
405 27782
416 28095

21 CFR
431 28052
510 27651
558 27651
1401 27821
PROPOSED RULES:
310 27796
1020 28095

23 CFR
230 28053

24 CFR
1914 28061
1915 27651

25 CFR
12 28026
153 28039

26 CFR
1 ..... 27943, 28101
PROPOSED RULES:
1 ..... 27943, 28101
11 28101

29 CFR
727 28064
1952 27655
PROPOSED RULES:
1902 27946
1907 27691

32 CFR
641 27936

33 CFR
127 27939

36 CFR
PROPOSED RULES:
2 28088

40 CFR
52 28064
85 28066
162 28242
180 28065
PROPOSED RULES:
52 ..... 28097, 28098

41 CFR
1–3 27655
1–9 28067
9–4 28068
101–11 27655

42 CFR
2 27802

43 CFR
20 28288
430 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 27659
3836, Amended by PLO 5506 27659
5150, Revoked in part by PLO 5506 27659
5180, Revoked in part by PLO 5509 27659
5497, Corrected by PLO 5508 27659
5504 27659
5506 27659
5507 27659
5508 27659
5509 27659
5510 27939

45 CFR
206 27659
250 28070
1061 27661
1068 ..... 27665, 27667

46 CFR
502 27671

47 CFR
73 ..... 27671, 27939
PROPOSED RULES:
73 28098

49 CFR
172 27939
173 27939
174 27939
177 27939
575 ..... 28071, 28074
1033 27939–27941
1102 27941
PROPOSED RULES:
571 28097

50 CFR
PROPOSED RULES:
20 27942

V40-129 JUL 3 75 XUM

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
27637–27924	1
27925–28045	2
28046–28443	3

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce; Correction

Section 213.3114 as published in the FEDERAL REGISTER, of May 23, 1975, FR Doc. 75–13539, on page 22533 is corrected to show that the positions of Head, Department of Nautical Science, seven Company Officers; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Special Assistant to the Superintendent; three Academy Training Representatives; and Shipboard Training Assistant, which were inadvertently omitted, are excepted under Schedule A. Section 213.3114 is further corrected to show that the positions of Head, Department of Computer Science, and Drill Activities Officers, which were listed in error, are no longer excepted under Schedule A.

Effective on July 3, 1975, § 213.3114(h) (10) and (11) are revised as set out below:

§ 213.3114 Department of Commerce.

* * * * * *

(h) *Maritime Administration.* * * *

(10) U.S. Merchant Marine Academy positions of: Professors, Instructors, and Teachers; including heads of Departments of Physical Education and Athletics, Shipboard Training, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; and seven Company Officers.

(11) U.S. Merchant Marine Academy positions of: the Superintendent; the Assistant Superintendent for Planning; Dean; Registrar; one Educational Specialist (Director of Admissions) and one Assistant Director of Admissions; Assistant Dean; Director, Office of External Affairs; Placement Officer; Administrative Librarian; the Special Assistant to the Superintendent; three Academy Training Representatives; and Shipboard Training Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17376 Filed 7–2–75;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that the positions on the staff of the President's Commission on Olympic Sports are excepted under Schedule A.

Effective on July 3, 1975, § 213.3199(s) is added as set out below:

§ 213.3199 Temporary boards and commissions.

* * * * * *

(s) *President's Commission on Olympic Sports.* (1) All positions on the staff of the Commission.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17374 Filed 7–2–75;8:45 am]

Commodity Futures Trading Commission

PART 213—EXCEPTED SERVICE

Section 213.3379 is amended to show that one position of Assistant to the Chairman is excepted under Schedule C.

Effective on July 3, 1975, § 213.3379(g) is added as set out below:

§ 213.3379 Commodity Futures Trading Commission.

* * * * * *

(g) One Assistant to the Chairman.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17375 Filed 7–2–75;8:45 am]

PART 731—SUITABILITY

Subpart B—Suitability Disqualifications

REVISED BASIS FOR DISQUALIFICATION AND DISMISSAL

A notice of proposed rule making was published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33315), for revision of the standards used to disqualify applicants for employment and for dismissing Federal employees as not suitable for Federal employment. Interested persons were given until January 2, 1974, to submit written comments, suggestions, or objections. Full and careful consideration was given to all comments received.

Some parts of the proposed regulation have been relabeled and regrouped. This results in:

(a) An "authority" section containing the authority to take adverse action.

(b) A section on "Commission determination" consisting of three subsections:

(1) A general "efficiency of the service" provision incorporating the two basic criteria relating to job performance and agency performance;

(2) A listing of specific factors to be considered as a basis for disqualification;

(3) A listing of additional factors to be considered to the extent pertinent to the individual case.

In consideration of the comments received and under the authority of section 3301 of title 5, United States Code, 5 CFR Part 731 is amended as follows:

1. Section 731.201 is revised as follows:

§ 731.201 Authority.

Subject to Subpart C of this part the Commission may deny an applicant examination, deny an eligible appointment, and instruct an agency to remove an appointee when the Commission determines this action will promote the efficiency of the service.

2. Section 731.202 is added as follows:

§ 731.202 Commission determination.

(a) *General.* In determining whether its action will promote the efficiency of the service, the Commission shall make its determination on the basis of:

(1) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance in the position applied for or employed in; or

(2) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance by the employing agency of its duties and responsibilities.

(b) *Specific factors.* Among the reasons which may be used in making a determination under paragraph (a) of this section, any of the following reasons may be considered a basis for disqualification:

(1) Delinquency or misconduct in prior employment;

(2) Criminal, dishonest, infamous or notoriously disgraceful conduct;

(3) Intentional false statement or deception or fraud in examination or appointment;

(4) Refusal to furnish testimony as required by § 5.3 of this chapter;

(5) Habitual use of intoxicating beverages to excess;

(6) Abuse of narcotics, drugs, or other controlled substances;

(7) Reasonable doubt as to the loyalty of the person involved to the Government of the United States; or

(8) Any statutory disqualification which makes the individual unfit for the service.

(c) *Additional considerations.* In making its determination under paragraph

V40-129 JUL 3 75 XUM

(a) of this section, the Commission shall consider the following additional factors to the extent that these factors are deemed pertinent to the individual case:

(1) The kind of position for which the person is applying or in which the person is employed, including its sensitivity;

(2) The nature and seriousness of the conduct;

(3) The circumstances surrounding the conduct;

(4) The recency of the conduct;

(5) The age of the applicant or appointee at the time of the conduct;

(6) Contributing social or environmental conditions;

(7) The absence or presence of rehabilitation or efforts toward rehabilitation.

§§ 731.301–731.304, 731.401 [Amended]

3. In Subpart C, §§ 731.301, 731.302, 731.303, and 731.304, and in Subpart D, § 731.401, are amended to reflect the above changes, by changing all references to "§ 731.201" to read "§ 731.202."

(5 U.S.C. 3301, 3302, 7301; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218, E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17373 Filed 7-2-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 17, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for specified varieties of avocados. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are regulated pursuant to Avocado Regulation 17, as amended (40 FR 24006; 26501), which became effective June 9, 1975, and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1976. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on June 24, 1975; such meeting was held to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for appropriate regulation of the handling of such avocados; and it relieves restrictions by permitting shipment of Dr. DuPuis No. 2, Fuchs and Hardee avocados of specified minimum weights or diameters about eleven days sooner than is now permitted under the amended regulation.

(3) The need for the amendment stems from the current avocado crop maturity situation. Weather conditions in the production area resulted in a very early bloom and earlier maturity of avocados. Maturity studies on such varieties completed recently indicate that avocados of such varieties are now mature at hereinafter specified dates, minimum weights or diameters. Dr. DuPuis No. 2, Fuchs and Hardee avocados of the specified weights or diameters for the periods hereinafter set forth will be mature, and fruit meeting such specifications is acceptable in the markets.

Order. The provisions of paragraph (a)(2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501) are amended by revising in Table I dates, minimum weights or diameters applicable to the Dr. DuPuis No. 2, Fuchs and Hardee varieties, so that after such revisions the portion of Table I relating to such varieties of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dr. DuPuis No. 2	6-23-75	16 oz. 3⅜ in.	6-27-75	14 oz. 3⅞ in.	7- 7-75	12 oz. 4⅛ in.	7-21-75
Fuchs	6-23-75	14 oz. 3⅜ in.	6-27-75	12 oz. 3⅜ in.	7-21-75	10 oz. 2¹⁵⁄₁₆ in.	8-11-75
Hardee	6-27-75	16 oz. 3⅜ in.	7- 7-75	14 oz. 2⁴⁵⁄₁₆ in.	8- 4-75		

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1975, to become effective June 27, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17253 Filed 7-2-75;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 308—RULES OF PRACTICE AND PROCEDURE

Subpart E—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

1. Section 10(c) of the Federal Deposit Insurance Act (18 U.S.C. § 1820(c)) provides that in connection with examinations of insured banks, and affiliates thereof, the appropriate Federal banking agency, or its designated representatives, shall have the power to administer oaths and affirmations and to examine and to take and preserve testimony under oath as to any matter in respect of the affairs or ownership of any such bank or affiliate thereof, and to issue subpoenas and subpoenas duces tecum. The Board of Directors of the Federal Deposit Insurance Corporation has decided to issue rules and procedures applicable to proceedings pursuant to section 10(c) to formalize already existing practices and to give guidance to those persons who may be subject to a proceeding pursuant to section 10(c).

2. The regulation would apply to any insured State nonmember bank where the Board of Directors or its designees determine that in aid of and supplementary to a regular examination, subpoenas should be issued and formal testimony should be taken. The regulation would also be applicable to special examinations of insured State member banks, national or district banks, or to examinations of any closed insured banks.

Unless otherwise provided for under the regulation, a proceeding pursuant to section 10(c) will be confidential. Since such proceedings are part of the examination process, all files, records and other information pertaining thereto and in the custody of the Federal Deposit Insurance Corporation will be treated as exempt from the mandatory public disclosure provisions of the Freedom of Information Act in accordance with the express provisions of subsection (b)(8) of that Act (5 U.S.C. 552(b)(8)). All such information shall be disclosed only in accordance with the procedures set forth in Part 309 of the Federal Deposit Insurance Corporation's rules and regulations.

A proceeding will be conducted only after the issuance of an order initiating such a proceeding either by the Board of Directors of the Federal Deposit Insurance Corporation or its designees. The order will designate the person or persons authorized to conduct such a proceeding.

The regulation sets forth the rights of a witness required to testify under oath and pursuant to subpoena and provides inter alia a right to see the order initiating such a proceeding and to be accompanied by counsel during testimony. A witness testifying shall be entitled to procure a copy of his testimony and any documentary evidence submitted by him. The regulation also sets forth the mode and method of service of subpoenas and the payment of witness fees.

3. The new Subpart E of Part 308 of the rules of practice and procedures reads as follows:

Subpart E—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

Sec.
308.42 Scope.
308.43 Confidential Proceedings.
308.44 Orders to Conduct Proceedings.
308.45 Rights of Witness.
308.46 Transcripts.
308.47 Service of Subpoena.
308.48 Witness Fees and Mileage.
308.49 Special Examinations.

§ 308.42 Scope.

The procedures in this part shall be followed in connection with the exercise of those powers specified in section 10(c) of the Federal Deposit Insurance Act. For purposes of this Part, the exercise of any and all such powers shall be referred to as "proceedings pursuant to section 10(c)." This term shall also be used to refer to any proceedings conducted pursuant to the exercise of such powers. Proceedings pursuant to section 10(c), which may be conducted by the Federal Deposit Insurance Corporation, or its designated representative in connection with examinations of insured State nonmember banks or their affiliates, include the power to administer oaths and affirmations and to examine and to take and preserve testimony under oath as to any insured bank or affiliate thereof, and to issue subpoenas and subpoenas duces tecum, and, for the enforcement thereof, to apply to the United States District Court for the judicial district or the United States court in any territory in which the main office of the bank or affiliate thereof is located, or in which the witness resides or carries on business.

§ 308.43 Confidential Proceedings.

Unless otherwise provided by § 308.45(c) of this Part, all proceedings pursuant to section 10(c) shall be confidential. Information or documents obtained by the Corporation in the course of such proceedings shall be disclosed only in accordance with the provisions for disclosure of such information established by Part 309.

§ 308.44 Orders To Conduct Proceedings.

A proceeding pursuant to section 10(c) shall be conducted only after the issuance of an order authorizing such proceeding. The order shall designate the person or persons duly authorized to conduct the proceeding, which persons are authorized, among other things, to issue subpoenas and subpoenas duces tecum, to administer oaths, and receive affirmations as to any matter under examination by the Federal Deposit Insurance Corporation. Such order may be issued by the Board of Directors, the General Counsel or his designee, the Director of the Division of Bank Supervision or his designee, or each Regional Director, provided that powers relating to the issuance of subpoenas and subpoenas duces tecum and the enforcement thereof shall not be exercised by Regional Directors without prior approval of the Director of the Division of Bank Supervision and the concurrence of the General Counsel. Upon application and for good cause shown, the Board of Directors, or the person issuing such order, may limit, quash, modify, or withdraw such order.

§ 308.45 Rights of Witness.

(a) Any person who is compelled or requested to furnish testimony, documentary evidence, or other information with respect to any matter under examination in a proceeding pursuant to section 10(c) shall upon request be shown the order initiating such a proceeding.

(b) Any person who, in a proceeding pursuant to section 10(c), is compelled to appear and testify or who appears and testifies by request or permission of the Federal Deposit Insurance Corporation may be accompanied, represented, and advised by counsel. The right to be accompanied, represented, and advised by counsel shall mean the right of a person testifying to have an attorney present with him at all times while testifying and to have this attorney (1) advise such person before, during and after the conclusion of his testimony, (2) question such person briefly at the conclusion of his testimony to clarify any of the answers such person has given, and (3) make summary notes during such testimony solely for the use of such person.

(c) All persons giving testimony in a proceeding pursuant to section 10(c), shall be sequestered, and unless permitted in the discretion of the designated representative conducting the proceeding, no such person or the counsel accompanying any such person shall be permitted to be present at the testimony of any other person.

(d) If the record developed by the Federal Deposit Insurance Corporation in the course of such proceeding contains allegations of wrongdoing by any person with respect to the affairs or ownership of any insured State nonmember bank or affiliate thereof, such person shall be advised of the nature of the alleged wrongdoing and shall be afforded a reasonable opportunity, consistent with administrative efficiency and with the avoidance of undue delay, to produce evidence in rebuttal. Such evidence may be in documentary form, including depositions and statements under oath, or it may consist of testimony given before the designated representative conducting such a proceeding. All such evidence shall be made of the record developed in the course of the proceeding pursuant to section 10(c).

(e) The designated representative conducting the proceeding pursuant to section 10(c) shall report to the Board of Directors of the Federal Deposit Insurance Corporation any instances where any person has been guilty of dilatory, obstructionist, or contumacious conduct during the course of the proceeding or any other instance involving a violation of these rules. The Board of Directors will thereupon take such further action as the circumstances may warrant, including exclusion of the offending individual or individuals from further participation in the particular proceedings.

§ 308.46 Transcripts.

Transcripts of testimony, if any, shall be recorded solely by the official reporter, or by any other person or means chosen by the person or persons conducting the proceeding pursuant to section 10(c). A person submitting documentary evidence or testimony shall be entitled to procure a copy of his documentary evidence or a copy of the transcript, if any, of his testimony.

§ 308.47 Service of Subpoena.

Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and the mileage as specified by § 308.48 of this part. When the subpoena is issued at the instance of a duly designated representative of the Federal Deposit Insurance Corporation, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; or leaving them at his office with the person in charge thereof; or, if there is no one in charge, leaving them in a conspicuous place therein; or leaving them at his dwelling place or usual place of abode with some person of suitable age or discretion or residing therein, or by mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service or to any officer, director, or

V40-129 JUL 3 75 XUM

agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date.

§ 308.48 Witness Fees and Mileage.

Witnesses summoned before the Federal Deposit Insurance Corporation shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 308.49 Special Examinations.

When proceedings pursuant to section 10(c) are instituted in connection with the special examination of any State member bank or any national or district bank, or the examination of any closed insured bank, the procedures in this Part shall be followed.

4. Inasmuch as these amendments are procedural in nature, the Corporation's Board of Directors found that no purpose would be served by following the provisions of section 553(b) of Title 5 of the United States Code and §§ 302.1 and 302.2 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, and public participation.

The effective date of this amendment shall be 30 days following publication in the FEDERAL REGISTER.

By order of the Board of Directors June 27, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-17324 Filed 7-2-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2671]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

The New You, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages, or connections; § 13.15–225 Personnel or staff; § 13.15–250 Qualifications and abilities; § 13.15–280 Unique or special status or advantage; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170–24 Cosmetic or beautifying; § 13.170–30 Durability or permanence; § 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.170–63 Nontoxic; § 13.170–78 Renewing, restoring; § 13.190 Results; § 13.195 Safety; § 13.195–60 Product; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Contracting for sale in any form binding on buyer prior to specified time: § 13.527 Contracting for sale evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; § 13.533–10 Corrective advertising; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation; § 13.533–45(k) Records, in general; § 13.533–53 Recall of merchandise advertising material, etc.; § 13.533–55 Refunds, rebates, and/or credits. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications.—Goods: § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52).

In the matter of The New You, Inc., a Corporation, Doing Business as The New You, and The New You Clinic De Facial, and Robert M. Neadel, Individually and as an Officer of Said Corporation.

Consent order requiring a Hollywood, Fla., promoter of an inherently dangerous process or treatment, involving application of a caustic chemical solution on the faces and other parts of the bodies of customers, among other things to cease misrepresenting the safety, efficacy and cost of the treatments; to clearly and conspicuously disclose the health hazards involved in the application of the process or treatment as well as the limited efficacy of the treatment; to use a licensed medical practitioner to examine, diagnose, advise, select or mentally prepare prospective patients, to supervise and direct administrations or applications of the treatment, and to provide post-operative advice or care for the patients; and to require prospective patients to consult with and obtain a certificate from an independent physician prior to treatment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents, The New You, Inc., a corporation, doing business as The New You Clinic de Facial or any other trade name or names, its successors and assigns, and Robert M. Neadel, individually and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or dispensing of The New You treatment (hereinafter sometimes referred to as respondents' treatment) or any similar cosmetic chemosurgical process of face lifting or skin peeling, which involved the topical application of a caustic chemical solution containing carbolic acid (also known as phenol) or other substances on the face, neck, arms, hands or other parts of the human body for the purpose of inducing superficial skin burns, the result of which is the peeling or removal of the outer layers of skin, in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. Respondents' treatment or process is solely a cosmetic process, not a medical process, or does not involve chemical surgery.

2. Respondents' treatment or process is painless or involves no abrasives or caustic chemicals.

3. Potential discomfort is virtually non-existent as one can relax without emotional or physical distress during the treatment.

4. Respondents' treatment is safe or free from possible serious side effects or complications.

5. Respondents' treatment or process will remove or significantly reduce acne scars, big pores, deep lines, deep wrinkles, or sagging, redundant folds of skin.

6. Respondents' treatment will produce or result in new, soft, fresh, clear, healthy, fine textured skin.

7. Respondents' process can be clinically recommended to or safely or successfully performed on men, young people, elderly people, or dark-skinned people.

8. Respondents' personnel are competently trained and qualified to: (a) examine, advise, and mentally prepare patients to undergo the treatment; (b) determine whether each patient is a proper subject for treatment; (c) administer or perform treatment without direction and supervision of a licensed medical practitioner; and (d) provide post-operative advice and care for patients.

9. Respondents' treatment is complete within any specified period of time.

10. Respondents' treatment will cause clients to appear any specified number of years younger than their actual chronological age.

11. Respondents' process is unique, new or special in the following or other ways:

a. That it involves a secret formula or secret solution;

b. That it or similar processes are only available through respondents; and

c. That it is not available through qualified plastic surgeons under more

[1] Copies of the Complaint, Decision and Order, filed with the original document.

closely controlled hospital conditions in metropolitan areas across the country at a substantially lower cost.

B. Failing or refusing to make clear and conspicuous disclosures in all advertising and in all oral sales presentations, that:

1. The treatment is chemical skin-peeling, a serious medical procedure known as chemosurgery.

2. The treatment involves the application of an acid called phenol to the skin, causing a second-degree burn which peels off the outer layers of the skin and produces a change in skin appearance solely by the body's own wound-healing reactions.

3. The pain associated with the treatment can be very severe; thus patients are sedated or anesthetized during the application of acid. This pain, as well as other discomforts, such as burning, itching, and swollen shut eyes, may persist for days or weeks afterward, requiring medication to control.

4. The treatment has a number of known inherent dangers, including: (a) poisoning of a person's entire system by the acid absorbed through the skin, which can be a serious, even fatal illness; (b) infection; (c) blindness, if the acid gets into a patient's eyes; (d) permanent scarring; and (e) other complications resulting from the traumatic nature of the procedure or the medications used.

5. A number of undesirable changes in the skin result from chemical skin-peeling, necessitating the continual use of cosmetics or medical techniques to protect, treat, or camouflage the skin. These may include: (a) permanent scarring; (b) changes in overall color of the treated area; (c) mottling; (d) a line of demarcation at edge of the treated area; (e) extreme redness; (f) abnormal sensitivity to sunlight; and (g) other traumatic skin reactions.

6. The most common sign of aging in the neck area, which is a stringy or "turkey-neck" condition of the skin and underlying tissues, is not improved by chemical skin-peeling.

7. Almost all plastic surgeons refuse to perform chemical skin-peeling on the neck because the neck is not likely to be improved by the process and is more likely to be worsened since the risks of undesirable side effects and skin changes described above are greater.

8. Only minor aspects of skin appearance, such as fine wrinkles and some skin blemishes, can be treated by the process.

9. Acne scars, big pores, deep lines, deep wrinkles, and sagging or redundant folds of skin are not removed or significantly reduced by the process, yet some of these conditions may be improved by other techniques of plastic surgery, such as dermabrasion or surgical face lift.

10. Most men are not advised to undergo the process because of difficulties associated with beard growth and the necessity for continual use of cosmetics.

11. A young person whose skin has not matured should not undergo the process, because of the risk of permanent skin damage.

12. Dark-skinned persons should not undergo the process because of the probability of drastic pigmentation changes.

13. Only certain kinds of people with certain types of skin have a reasonable chance of receiving favorable results and avoiding adverse effects from chemical skin-peeling, and only a licensed medical practitioner familiar with such techniques of plastic surgery and able to evaluate complex physical, mental and emotional factors is qualified to examine, diagnose, advise, select, or mentally prepare patients for chemical skin peeling, and only such a professional person can provide post-operative advice and care for patients.

14. Although a treatment of this serious nature is usually performed in a hospital, respondents' treatment is given at a clinic, which they own or operate.

15. It may be weeks or months after the treatment before the skin is healed, during which time a treated person has an extremely red face, may suffer various discomforts, and must restrict public activities, avoid direct or reflected sunlight and use heavy cosmetics and sun screens.

16. If a more youthful appearance is achieved through the treatment, the results may not last more than a year or two, since part of the benefit is due to temporary swelling and since the natural aging processes begin all over again after the treatment.

17. Chemical skin-peeling is available from qualified plastic surgeons under closely controlled hospital conditions in metropolitan areas across the country at substantially lower cost.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement and each presentation used in connection with the advertising, offering for sale, sale, or dispensing of respondents' cosmetic process, and shall devote no less than fifteen percent of each advertisement or presentation to such disclosures. Provided, however, that in advertisements which consist of less than forty-eight column inches in newspapers or periodicals, and in radio or television advertisements with a running time of two minutes or less, respondents may substitute the following statement, in lieu of the above requirements:

WARNING: This is a medical procedure—basically a chemical burn which peels skin away. It is extremely painful, takes a long time to heal, and exposes a person to risks of poisoning, infection, permanent scarring, and other medical complications. If performed on the neck, the process may make it look worse. Many signs of aging are not improved by this process, and the benefit, if any, is mainly temporary. Only certain kinds of people can benefit from this process, and they should be diagnosed, selected, treated, and continually cared for by a qualified doctor under closely controlled medical conditions. (Statement required by order of the Federal Trade Commission.)

Respondents shall set forth the above disclosure separately and conspicuously from the balance of each advertisement, stating nothing to the contrary or in mitigation thereof, and shall devote no less than fifteen percent of each advertisement to such disclosure, and if such disclosure is made in print, it shall be in at least eleven-point type.

It is further ordered, That respondents:

1. Recall and retrieve, from each and every licensee and sales representative, all advertisements and materials upon which advertisements or oral sales presentations are based, which contain any of the representations prohibited by PARAGRAPH A of this order or which fail to make the disclosures required by PARAGRAPH B.

2. Deliver a copy of this order to each present and future franchisee, licensee, and sales representative, and to each licensed medical practitioner associated with respondents or their licensees; and obtain a written acknowledgement from each of the receipt thereof.

3. Obtain from each present and future franchisee, licensee, or sales representative an agreement in writing (a) to abide by the terms of this order, and (b) to the cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this order.

It is further ordered, That respondents:

1. Provide prospective and present patients, as soon as possible after initial sales contact is made with such person and before such person signs any document relating to respondents' process, an information sheet which shall be furnished to the prospective patient and which contains nothing but the disclosures, numbered 1 to 17, set forth in PARAGRAPH B. Respondents shall allow these persons ample, uninterrupted opportunity to read and consider the contents of this information sheet. Respondents shall retain a copy of this information sheet, after it is signed and dated by the person, for a period of two (2) years.

2. Require that each such prospective patient, after receipt of the information sheet described above and before he or she signs any contract for respondents' treatment, consult with a licensed physician, who is not in any way associated with or recommended by the respondents, regarding the nature of chemical skin-peeling, its dangers, discomforts, limitations, and alternatives. Respondents shall obtain from each prospective patient a certificate, signed by the physician who was thus consulted, specifying that the physician:

a. Understands what respondents' treatment is and the conditions under which it will be performed;

b. Has explained to the prospective patient the nature of the treatment, its dangers, discomforts, limitations, and alternatives;

c. Has conducted or has examined the results of tests appropriate to determine prospective patient's physical fitness to undergo respondents' treatment and has

V40-129 JUL 3 75 XUM

discussed these results with the prospective patient; and

d. Has reviewed appropriate aspects of the prospective patient's medical history and has discussed these aspects with the prospective patient.

This certificate shall specify the date and approximate time of the consultation, and respondent shall retain all such certificates for three (3) years.

It is further ordered, That no contract for respondents' process shall become binding on the patient prior to forty-eight hours after the patient has consulted with the physician who will direct and supervise the performing of the treatment and inspected and approved the treatment and recuperation facilities, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument signed by the patient, that the purchaser may rescind or cancel any obligation incurred, with return of all monies paid, by mailing or delivering a notice of cancellation to the respondents' place of business prior to the end of this period.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall return to such patient, within forty-eight hours after receipt of notice of cancellation, all monies paid.

4. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to the time the patient is treated.

It is further ordered, That respondents cease and desist from the following unfair practice:

1. Failing or refusing to use a licensed medical practitioner, who is familiar with such techniques of plastic surgery, who is operating within the limits of his or her profession, and who is qualified to evaluate complex physical, mental and emotional factors, to examine, diagnose, advise, select, or mentally prepare all prospective patients for chemical skin-peeling, to supervise and direct all administrations or applications of the treatment, and to provide post-operative advice or care for all such patients.

It is further ordered, That respondents maintain at all times in the future, for a period of not less than three (3) years, complete business records relative to the manner and form of their continuing compliance with the above terms and provisions of this order.

It is further ordered, That the corporate respondent notify the Commission at least thirty (30) days prior to any proposed change in said respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission June 2, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-17367 Filed 7-2-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER 00—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Utilization Review; Deferral of Effective Date

This notice defers, until July 30, 1975, the effective date of certain regulatory provisions published November 29, 1974 (39 FR 41604, 41610) governing the requirement for admission review in hospitals under the Medicare and Medicaid programs.

On May 27, 1975, the United States District Court for the Northern District of Illinois in the case of *American Medical Association* v. *Weinberger*, Civil Action No. 75 C 560, issued a preliminary injunction pending a final disposition on the merits of the action, prohibiting the Department from enforcing or implementing 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a)(1)(viii). The Department has noticed and is pursuing an appeal from the injunction. The Department also applied to the United States Court of Appeals for the Seventh Circuit for a stay of the preliminary injunction. On June 30, 1975, the Court of Appeals denied the Department's application for a stay of the District Court's order pending appeal.

In view of the Court of Appeals decision not to stay the District Court's order prohibiting the implementation of these regulatory provisions at this time, we will delay enforcement and implementation of these provisions until the Court of Appeals rules on the Department's appeal from the District Court's order. We anticipate a ruling very shortly, since the oral argument is scheduled for July 10. Accordingly, notice is hereby given that the effective date of 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a)(1)(viii) is delayed until July 30, 1975.

NOTE: This document also appears in the Rules and Regulations section of this issue under Title 45.

Dated: July 1, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-17457 Filed 7-2-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

Certification Services and Fee Collection

The Commissioner of Food and Drugs is amending "Part 431—Certification of Antibiotic Drugs" (21 CFR Part 431) to reflect the organizational name change from Certification Services Staff (HFD-145) to Certification Services Branch (HFD-332) and to change the address for the collection of fees rendered with respect to batch certification of antibiotic drugs and insulin, effective July 3, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 431 is amended in Subpart B as follows:

§ 431.50 [Amended]

1. In § 431.50 *Forms for certification or exemption of antibiotic drugs*, in the first sentence, by changing "Certification Services Staff (HFD-145)" to read "Certification Services Branch (HFD-332)."

2. In § 431.53 by revising paragraph (h) to read as follows:

§ 431.53 Fees.

* * * * *

(h) All deposits and fees required by the regulations in this chapter shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible, at par at Washington, DC. All such deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Accounting Operations Branch (HFA-120), 5600 Fishers Lane, Rockville, MD 20852, whereupon after making appropriate records thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasurer of the United States, for deposit to the special account "Salaries and Expenses, Certification, Inspection, and Other Services, Food and Drug Administration."

Since these amendments merely reflect an organizational name and address change, notice and public procedure and delayed effective date are not prerequisites for their promulgation.

Effective date. This order shall be effective July 3, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: June 27, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-17340 Filed 7-2-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

PART 230—EXTERNAL PROGRAMS

Heretofore highway construction contract equal employment opportunity requirements have been set forth in a variety of Federal Highway Administration directives which are now consolidated in a single directive, Volume 6, Chapter 4, Section 1, Subsection 2 of the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose obligations of States which must be complied with to obtain Federal assistance, and other portions impose obligations on Federal and Federal-aid highway contractors and subcontractors, those portions are hereby published.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed rulemaking is not required.

Issued on June 26, 1975.

Effective date: June 26, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

The following Part 230 is added to 23 CFR Chapter I:

Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

Sec.

230.101 Purpose.
230.103 Definitions.
230.105 Applicability.
230.107 Policy.
230.109 Implementation of Specific Equal Employment Opportunity Requirements.
230.111 Implementation of Special Requirements for the Provision of On-the-Job Training.
230.113 Implementation of Supportive Services.
230.115 Special Contract Requirements for "Hometown" or "Imposed" Plan Areas.
230.117 Reimbursement Procedures (Federal-aid Highway Construction Projects only).
230.119 Monitoring of Supportive Services.
230.121 Reports.
Appendix A—Special Provisions
Appendix B—Training Special Provisions
Appendix C—Federal-Aid Highway Contractors Monthly EEO Report (Form PR-1391)
Appendix D—Federal-Aid Highway Construction Summary of Employment Data (Form PR-1392)
Appendix E—Federal-Aid Highway Construction Contractors Quarterly Report (Form FHWA-1409)
Appendix F—Federal-Aid Highway Construction Quarterly Training Report (Form FHWA-1410)
Appendix G—Special Contract Requirements for "Hometown" or "Imposed" Plan Areas

AUTHORITY: 23 U.S.C. 140 and 315; E.O. 11246; 49 CFR 1.48(b)24.

Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

§ 230.101 Purpose.

The purpose of the regulations in this subpart is to prescribe the policies, procedures, and guides relative to the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts, except for those contracts awarded under 23 U.S.C. 117, and to the preparation and submission of reports pursuant thereto.

§ 230.103 Definitions.

For purposes of this subpart—

"Administrator" means the Federal Highway Administrator.

"Areawide Plan" means an affirmative action plan to increase minority utilization of crafts in a specified geographical area pursuant to Executive Order 11246, and taking the form of either a "Hometown" or an "Imposed" plan.

"Bid Conditions" means contract requirements which have been issued by OFCC for purposes of implementing a Hometown Plan.

"Division Engineer" means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

"Division Equal Opportunity Officer" means an individual with staff level responsibilities and necessary authority by which to operate as an Equal Opportunity Officer in a Division office. Normally the Equal Opportunity Officer will be a full-time civil rights specialist serving as staff assistant to the Division Engineer.

"Hometown Plan" means a voluntary areawide plan which was developed by representatives of affected groups (usually labor unions, minority organizations, and contractors), and subsequently approved by the Office of Federal Contract Compliance (OFCC), for purposes of implementing the equal employment opportunity requirements pursuant to Executive Order 11246, as amended.

"Imposed Plan" means an affirmative action requirement for a specified geographical area made mandatory by OFCC and, in some areas, by the courts.

"Journeyman" means a person who is capable of performing all the duties within a given job classification or craft.

"State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency."

"Suggested Minimum Annual Training Goals" means goals which have been assigned to each State highway agency annually for the purpose of specifying training positions on selected Federal-aid highway construction projects.

"Supportive Services" means those services provided in connection with approved on-the-job training programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of functions determined to be necessary in connection with such programs, but which are not generally considered as comprising part of actual on-the-job craft training.

"Trainee" means a person who received on-the-job training, whether through an apprenticeship program or other programs approved or accepted by the FHWA.

§ 230.105 Applicability.

(a) *Federal-Aid Highway Construction Projects.* This subpart applies to all Federal-aid highway construction projects and to Appalachian highway construction projects and other State supervised cooperative highway construction projects except:

(1) Federal-aided highway construction projects being constructed pursuant to 23 U.S.C. 117; and

(2) Those projects located in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or a "Hometown" Plan, except for those requirements pertaining to specific provisions involving on-the-job training and those provisions pertaining to supportive services and reporting requirements.

(b) *Direct Federal Highway Construction Projects.* This subpart applies to all direct Federal highway construction projects except:

(1) for those provisions relating to the special requirements for the provision of supportive services; and

(2) for those provisions relating to implementation of specific equal employment opportunity requirements in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or "Hometown" plan.

§ 230.107 Policy.

(a) *Direct Federal and Federal-aid Highway Construction Projects.* It is the

V40-129 JUL 3 75 XUM

policy of the FHWA to require that all direct Federal and Federal-aid highway construction contracts include the same specific equal employment opportunity requirements. It is also the policy to require that all direct Federal and Federal-aid highway construction subcontracts of $10,000 or more (not including contracts for supplying materials) include these same requirements.

(b) *Federal-Aid Highway Construction Projects.* It is the policy of the FHWA to require full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. Moreover, it is the policy of the Federal Highway Administration to encourage the provision of supportive services which will increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects.

§ 230.109 Implementation of Specific Equal Employment Opportunity Requirements.

(a) *Federal-Aid Highway Construction Projects.* (1) The special provisons set forth in Appendix A shall be included in the advertised bidding proposal and made part of the contract for each contract and each covered Federal-aid highway construction subcontract.

(b) *Direct Federal Highway Construction Projects.* Advertising, award and contract administration procedures for direct Federal highway construction contracts shall be as set forth in Federal Procurement Regulations (41 CFR 1–12.805). In order to obtain information required by 41 CFR 1–12.805–1(d), the following requirement shall be included at the end of the bid schedule in the proposal and contract assembly:

I expect to employ the following firms as subcontractors on this project: (Naming subcontractors at this time does not constitute a binding commitment on the bidder to retain such subcontractors, nor will failure to enter names affect the contract award):
Name ----------
Address ----------
Name ----------
Address ----------

§ 230.111 Implementation of Special Requirements for the Provision of On-the-Job Training.

(a) The State highway agency shall determine which Federal-aid highway construction contracts shall include the "Training Special Provisions" (Appendix B) and the minimum number of trainees to be specified therein after giving appropriate consideration to the guidelines set forth in § 230.111(c). The "Training Special Provisions" shall supersede section 7(b) of the Special Provisions (Appendix A) entitled "Specific Equal Employment Opportunity Responsibilities." Minor wording revisions will be required to the "Training Special Provisions" in areas having "Hometown" or "Imposed Plan" requirements.

(b) The Washington Headquarters shall establish and publish annually suggested minimum training goals. These goals will be based on the Federal-aid apportioned amounts and the minority population. A State will have achieved its goal if the total number of training slots on selected federally aided highway construction contracts which have been awarded during each 12-month period equals or exceeds the State's suggested minimum annual goal. In the event a State highway agency does not attain its goal during a calendar year, the State highway agency at the end of the calendar year shall inform the Administrator of the reasons for its inability to meet the suggested minimum number of training slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year and should be factual, and should not only indicate the situations occurring during the year but show the project conditions at least through the coming year. The final determination will be made on what training goals are considered to be realistic based on the information submitted by a State.

(c) The following guidelines shall be utilized by the State highway agency in selecting projects and determining the number of trainees to be provided training therein:

(1) Availability of minorities, women, and disadvantaged for training.

(2) The potential for effective training.

(3) Duration of the contract.

(4) Dollar value of the contract.

(5) Total normal work force that the average bidder could be expected to use.

(6) Geographic location.

(7) Type of work.

(8) The need for additional journeymen in the area.

(9) Recognition of the suggested minimum goal for the State.

(10) A satisfactory ratio of trainees to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).

(d) Training programs which are established shall be approved only if they meet the standards set forth in Appendix B with regard to:

(1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.

(2) The development of full journeymen.

(3) The minimum length and type of training.

(4) The minimum wages of trainees.

(5) Trainees certifications.

(6) Keeping records and furnishing reports.

(e) (1) Training programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA division engineer with a recommendation for approval.

(2) Employment pursuant to training programs approved by the FHWA division engineer will be exempt from the minimum wage rate provisions of section 113 of Title 12, U.S.C. Approval, however, shall not be given to training programs which provide for employment of trainees at wages less than those required by the Special Training Provisions. (Appendix B.)

(f) (1) Apprenticeship programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor need not be formally approved by the State highway agency or the FHWA division engineer. Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered in a manner reasonably calculated to meet the equal employment opportunity obligations of the contractor.

(2) Other training programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor are also acceptable for use without the formal approval of the State highway agency or the division engineer provided:

(i) The U.S. Department of Labor has clearly approved the program aspects relating to equal employment opportunity and the payment of trainee wage rates in lieu of prevailing wage rates.

(ii) They are reasonably calculated to qualify the average trainees for journeyman status in the classification concerned by the end of the training period.

(iii) They are administered in a manner calculated to meet the equal employment obligations of the contractors.

(g) The State highway agencies have the option of permitting Federal-aid highway construction contractors to bid on training to be given under this directive. The following procedures are to be utilized by those State highway agencies that elect to provide a bid item for training:

(1) The number of training positions shall continue to be specified in the Special Training Provisions. Furthermore, this number should be converted into an estimated number of hours of training which is to be used in arriving at the total bid price for the training item. Increases and decreases from the estimated amounts would be handled as overruns or underruns;

(2) A section concerning the method of payment should be included in the Special Training Provisions. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a substantial part of the overall training. Furthermore, the trainee must be concurrently employed on a federally aided highway construction project subject to the Special Training Provisions attached to this directive. Reimbursement for offsite training may only be made to the contractor where he does one or more of the following: Contributes to the cost of the training, provides the instruction to the trainee, or pays the trainee's wages during the offsite training period;

(3) A State highway agency may modify the special provisions to specify the numbers to be trained in specific job classifications;

(4) A State highway agency can specify training standards provided any prospective bidder can use them, the training standards are made known in the advertised specifications, and such standards are found acceptable by FHWA.

§ 230.113 Implementation of Supportive Services.

(a) The State highway agency shall establish procedures, subject to the availability of funds under 23 U.S.C. 140(b), for the provision of supportive services in support of training programs approved under this directive. Funds made available to implement this paragraph shall not be used to finance the training of State highway agency employees or to provide services in support of such training. State highway agencies are not required to match funds allocated to them under this section.

(b) In determining the types of supportive services to be provided which will increase the effectiveness of approved training programs, State highway agencies shall give preference to the following types of services in the order listed:

(1) Services related to recruiting, counseling, transportation, physical examinations, remedial training, with special emphasis upon increasing training opportunities for members of minority groups and women;

(2) Services in connection with the administration of on-the-job training programs being sponsored by individual or groups of contractors and/or minority groups and women's groups;

(3) Services designed to develop the capabilities of prospective trainees for undertaking on-the-job training;

(4) Services in connection with providing a continuation of training during periods of seasonal shutdown;

(5) Followup services to ascertain outcome of training being provided.

(c) State highway agencies which desire to provide or obtain supportive services other than those listed above shall submit their proposals to the Federal Highway Administration for approval. The proposal, together with recommendations of the division and regional offices shall be submitted to the Administrator for appropriate action.

(d) When the State highway agency provides supportive services by contract, formal advertising is not required by the FHWA, however, the State highway agency shall solicit proposals from such qualified sources as will assure the competitive nature of the procurement. The evaluation of proposals by the State highway agency must include consideration of the proposer's ability to effect a productive relationship with contractors, unions (if appropriate), minority and women groups, minority and women trainees, and other persons or organizations whose cooperation and assistance will contribute to the successful performance of the contract work.

(e) In the selection of contractors to provide supportive services, State highway agencies shall make conscientious efforts to search out and utilize the services of qualified minority or women organizations, or minority or women business enterprises.

(f) As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions:

(1) A statement that a primary purpose of the supportive services is to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-aid highway projects.

(2) A clear and complete statement of the services to be provided under the contract, such as services to construction contractors, subcontractors, and trainees, for recruiting, counseling, remedial educational training, assistance in the acquisition of tools, special equipment and transportation, followup procedures, etc.;

(3) The nondiscrimination provisions required by Title VI of the Civil Rights Act of 1964 as set forth in FHWA Form PR–1273, and a statement of nondiscrimination in employment because of race, color, religion, national origin or sex;

(4) The establishment of a definite period of contract performance together with, if appropriate, a schedule stating when specific supportive services are to be provided;

(5) Reporting requirements pursuant to which the State highway agency will receive monthly or quarterly reports containing sufficient statistical data and narrative content to enable evaluation of both progress and problems;

(6) The basis of payment;

(7) An estimated schedule for expenditures;

(8) The right of access to contractor and subcontractor records and the right to audit shall be granted to authorize State highway agency and FHWA officials;

(9) Noncollusion certification;

(10) A requirement that the contractor provide all information necessary to support progress payments if such are provided for in the contract;

(11) A termination clause.

(g) The State highway agency is to furnish copies of the reports received under paragraph (b)(5) of this section, to the division office.

§ 230.115 Special Contract Requirements for "Hometown" or "Imposed" Plan Areas.

Direct Federal and Federal-aid contracts to be performed in "Hometown" or "Imposed" Plan areas will incorporate the special provision set forth in Appendix G.

§ 230.117 Reimbursement Procedures (Federal-Aid Highway Construction Projects Only).

(a) *On-the-job special training provisions.* (1) State highway agencies will be reimbursed on the same pro-rata basis as the construction costs of the Federal-aid project.

(b) *Supportive services.* (1) The State highway agency must keep a separate account of supportive services funds since they cannot be interchanged with regular Federal-aid funds. In addition, these funds may not be expended in a manner that would provide for duplicate payment of Federal or Federal-aid funds for the same service.

(2) Where a State highway agency does not obligate all its funds within the time specified in the particular year's allocation directive, the funds shall revert to the FHWA Headquarters Office to be made available for use by other State highway agencies, taking into consideration each State's need for and ability to use such funds.

§ 230.119 Monitoring of Supportive Services.

Supportive services procured by a State highway agency shall be monitored by both the State highway agency and the division office.

§ 230.121 Reports.

(a) Employment reports on Federal-aid highway construction contracts not subject to "Hometown" or "Imposed" plan requirements.

(1) Paragraph 10c of the special provisions (Appendix A) sets forth specific reporting requirements. FHWA Form PR–1391, Federal-Aid Highway Construction Contractors monthly EEO Report, (Appendix C) and FHWA Form PR 1392, Federal-Aid Highway Construction Summary of Employment Data (including minority breakdown) for all Federal-Aid Highway Projects for month ending July 31st, 19 , (Appendix D) are to be used to fulfill these reporting requirements.

(2) Form PR 1391 is to be completed by each contractor and each subcontractor subject to this directive for the first three months after construction begins and for every month of July during which work is performed, and submitted to the State highway agency. A separate report is to be completed for each covered contract or subcontract. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month. The State highway agency is to forward a single copy of each report to the FHWA division office.

(3) Form PR 1392 is to be completed by the State highway agencies, summarizing the reports on PR 1391 for the month of July received from all active contractors and subcontractors. Three (3) copies of completed Forms PR 1392 are to be forwarded to the division office.

(b) Employment reports on direct Federal highway construction contracts not

V 40 I 129 JUL 3 75 XUM

subject to "Hometown" or "Imposed" plan requirements.

(1) Forms PR 1391 (Appendix C) and PR 1392 (Appendix D) shall be used for reporting purposes as prescribed in § 230.121(a).

(c) Employment reports on direct Federal and Federal-aid highway construction contracts subject to "Hometown" or "Imposed" plan requirements.

(1) Reporting requirements for direct Federal and Federal-aid highway construction projects located in areas where "Hometown" or "Imposed" plans are in effect shall be in accordance with those issued by the U.S. Department of Labor, Office of Federal Contract Compliance.

(2) In order that we may comply with the U.S. Senate Committee on Public Works' request that the Federal Highway Administration submit a report annually on the status of the equal employment opportunity program, Form PR 1391 is to be completed annually by each contractor and each subcontractor holding contracts or subcontracts exceeding $10,000 except as otherwise provided for under 23 U.S.C. 117. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month of July.

(d) On-the-job training reports for Federal-aid highway construction projects pursuant to the training special provision (Appendix B).

(1) State highway agencies are to require contractors subject to the training special provision to maintain records of training on each trainee. In addition, the contractor is to complete a quarterly report (see Appendix E, Form FHWA 1409, Federal-Aid Highway Construction Contractor's Quarterly Training Report) for each trainee receiving training under the special provision. The contractor is to submit reports for any training under the training special provision which is provided by any of his subcontractors. The contractor is to submit the quarterly reports by the 20th of the month following the end of the quarter. The original of the report will be furnished to the trainee and two copies forwarded to the State highway department. The State highway agency is to review the report for accuracy and completeness and transmit one copy of it to the FHWA division office.

(2) The State highway agencies are to complete a quarterly report (see Appendix F, Form FHWA 1410, Federal-Aid Highway Construction Quarterly Training Report) summarizing the individual training reports (Form FHWA 1409) submitted by the contractors. Three copies of the completed reort are to be transmitted to the FHWA division office by the 30th of the month following the end of the quarter.

(e) Apprenticeship and training program reports for direct Federal highway construction projects. Contractors shall be required to submit quarterly reports in accordance with paragraph (c) (5) of the Apprentices and Trainees Provisions of Standard Form 19–A. Form FHWA 1437, Contractors' Quarterly Report on Apprentices and Trainees Program, may be used for this purpose.

(f) Reports on supportive services contracts. (1) The State highway agency is to furnish copies of the reports received from supportive services contractors to the FHWA division office which will furnish a copy to the regional office.

Appendix A—Special Provisions

Specific Equal Employment Opportunity Responsibilities

1. *General.* a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in Required Contract Provisions (Form PR–1273 or 1316, as appropriate) and these Special Provisions which are imposed pursuant to Section 140 of Title 23, U.S.C., as established by Section 22 of the Federal-Aid Highway Act of 1968. The requirements set forth in these Special Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.

b. The contractor will work with the State highway agencies and the Federal Government in carrying out equal employment opportunity obligations and in their review of his/her activities under the contract.

c. The contractor and all his/her subcontractors holding subcontracts not including material suppliers, of $10,000 or more, will comply with the following minimum specific requirement activities of equal employment opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in Volume 6, Chapter 4, Section 1, Subsection 1 of the Federal-Aid Highway Program Manual, are applicable to material suppliers as well as contractors and subcontractors.) The contractor will include these requirements in every subcontract of $10,000 or more with such modification of language as is necessary to make them binding on the subcontractor.

2. *Equal Employment Opportunity Policy.* The contractor will accept as his operating policy the following statement which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training.

3. *Equal Employment Opportunity Officer.* The contractor will designate and make known to the State highway agency contracting officers an equal employment opportunity officer (hereinafter referred to as the EEO Officer) who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

4. *Dissemination of Policy.* a. All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's equal employment opportunity policy and contractual responsibilities to provide equal employment opportunity in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

(1) Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

(2) All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.

(3) All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer or appropriate company official in the contractor's procedures for locating and hiring minority group employees.

b. In order to make the contractor's equal employment opportunity policy known to all employees, prospective employees and potential sources of employees, i.e., schools, employment agencies, labor unions (where appropriate), college placement officers, etc., the contractor will take the following actions:

(1) Notices and posters setting forth the contractor's equal employment opportunity policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

(2) The contractor's equal employment opportunity policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. Recruitment. a. When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

b. The contratcor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, the contractor will, through his EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with equal employment opportunity contract provisions. (The U.S. Department of Labor has held that where implementation of such agreements have the effect of discriminating against minorities or

women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

6. *Personnel Actions.* Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer; demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

7. *Training and Promotion.* a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event the Training Special Provision is provided under this contract, this subparagraph will be superseded as indicated in Attachment 2.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

8. *Unions.* If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the State highway department and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin, making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the State highway agency.

9. *Subcontracting.* a. The contractor will use his best efforts to solicit bids from and to utilize minority group subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of minority-owned construction firms from State highway agency personnel.

b. The contractor will use his best efforts to ensure subcontractor compliance with their equal employment opportunity obligations.

10. *Records and Reports.* a. The contractor will keep such records as are necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:

(1) the number of minority and nonminority group members and women employed in each work classification on the project,

(2) the progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractors who rely in whole or in part on unions as a source of their work force),

(3) the progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees, and

(4) the progress and efforts being made in securing the services of minority group subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. All such records must be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the State highway agency and the Federal Highway Administration.

c. The contractors will submit to the State highway agency a monthly report for the first three months after construction begins and every month of July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form PR 1391. If on-the-job training is being required by "Training Special Provision", the contractor will be required to furnish Form FHWA 1409.

Appendix B—Training Special Provisions

This Training Special Provision supersedes subparagraph 7b of the Special Provision entitled "Specific Equal Employment Opportunity Responsibilities," (Attachment 1), and is in implementaiton of 23 U.S.C. 140(a).

As part of the contractor's equal employment opportunity affirmative action program training shall be provided as follows:

The contractor shall provide on-the-job training aimed at developing full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under the special provision will be _____ (amount to be filled in by State highway department).

In the event that a contractor subcontracts a portion of the contract work, he shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided, however, that the contractor shall retain the primary responsibility for meeting the training requirements imposed by this special provision. The contractor shall also insure that this training special provision is made applicable to such subcontract. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

The number of trainees shall be distributed among the work classifications on the basis of the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment. Prior to commencing construction, the contractor shall submit to the State highway agency for approval the number of trainees to be trained in each selected classification and training program to be used. Furthermore, the contractor shall specify the starting time for training in each of the classifications. The contractor will be credited for each trainee employed by him on the contract work who is currently enrolled or becomes enrolled in an approved program and will be reimbursed for such trainees as provided hereinafter.

Training and upgrading of minorities and women toward journeyman status is a primary objective of this Training Special Provision. Accordingly, the contractor shall make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps that he has taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he has successfully completed a training course leading to journeyman status or in which he has been

V40-129 JUL 3 75 XUM

employed as a journeyman. The contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used the contractor's records should document the findings in each case.

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by the State highway agency and the Federal Highway Administration. The State highway agency and the Federal Highway Administration shall approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the contractor and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the State prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the division office. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

Except as otherwise noted below, the contractor will be reimbursed 80 cents per hour of training given an employee on this contract in accordance with an approved training program. As approved by the engineer, reimbursement will be made for training persons in excess of the number specified herein. This reimbursement will be made even though the contractor receives additional training program funds from other sources, provided such other does not specifically prohibit the contractor from receiving other reimbursement. Reimbursement for offsite training indicated above may only be made to the contractor where he does one or more of the following and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

No payment shall be made to the contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the contractor and evidences a lack of good faith on the part of the contractor in meeting the requirements of this Training Special Provision. It is normally expected that a trainee will begin his training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in his work classification or until he has completed his training program. It is not required that all trainees be on board for the entire length of the contract. A contractor will have fulfilled his responsibilities under this Training Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

Trainees will be paid at least 60 percent of the appropriate minimum journeyman's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing program are enrolled as trainees on this project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision.

The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.

The contractor will provide for the maintenance of records and furnish periodic reports documenting his performance under this Training Special Provision.

APPENDIX C — FORM APPROVED OMB NO. 04-R2436 — 29

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

RCS HCR 01-02

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS MONTHLY EEO REPORT

REPORT FOR MONTH ENDING ____ 19__

INSTRUCTIONS

THIS REPORT SHOULD BE SUBMITTED TO THE STATE HIGHWAY DEPARTMENT BY EACH CONTRACTOR AND COVERED SUBCONTRACTOR FOR THE FIRST THREE MONTHS OF THEIR WORK AND FOR THE MONTH OF JULY. SUBCONTRACTORS SHOULD REPORT CONTRACT AND EMPLOYMENT DATA PERTAINING TO THEIR SUBCONTRACT WORK ONLY.

THE MANPOWER FIGURES TO BE REPORTED UNDER EMPLOYMENT DATA SHOULD REPRESENT THE PROJECT WORK FORCE ON BOARD IN WHOLE OR IN PART FOR THE LAST PAYROLL PERIOD PRECEDING THE END OF THE MONTH.

THE MANPOWER FIGURES TO BE REPORTED IN TABLE A SHOULD INCLUDE JOURNEYMEN, APPRENTICES, AND ON THE JOB TRAINEES. MANPOWER FIGURES TO BE REPORTED IN TABLES B & C SHOULD ONLY INCLUDE APPRENTICES AND ON THE JOB TRAINEES AS INDICATED

CHECK APPROPRIATE BLOCK	NAME AND ADDRESS OF FIRM	FEDERAL-AID PROJECT NUMBER
☐ CONTRACTOR ☐ SUBCONTRACTOR		

TYPE OF CONSTRUCTION	COUNTY AND STATE	PERCENT COMPLETE

DOLLAR AMOUNT OF CONTRACT	BEGINNING CONSTRUCTION DATE	ESTIMATED PEAK EMPLOYMENT	
		MONTH AND YEAR	NUMBER OF EMPLOYEES

EMPLOYMENT DATA

Table A

JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		NEGRO		ORIENTAL		AMERICAN INDIAN		SPANISH SURNAMED AMERICAN		Table B: APPRENTICES		Table B: ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS (MANAGERS)																
SUPERVISORS																
FOREMEN																
CLERICAL																
EQUIPMENT OPERATORS																
MECHANICS																
TRUCK DRIVERS																
IRONWORKERS																
CARPENTERS																
CEMENT MASONS																
ELECTRICIANS																
PIPEFITTERS, PLUMBERS																
PAINTERS																
LABORERS, SEMI-SKILLED																
LABORERS, UNSKILLED																
TOTAL																

Table C

APPRENTICES																
ON THE JOB TRAINEES																

SUMMARIZE NEW HIRES FOR THE CURRENT MONTH INDICATING MINORITIES AND NON-MINORITIES BY JOB CATEGORIES (USE REVERSE SIDE OF FORM IF NEEDED).

PREPARED BY: (SIGNATURE AND TITLE OF CONTRACTORS REPRESENTATIVE)	DATE
REVIEWED BY: (SIGNATURE AND TITLE OF STATE HIGHWAY OFFICIAL)	DATE

Form PR-1391 (Rev. 6-73) PREVIOUS EDITIONS OF THIS FORM MAY BE USED UNTIL SUPPLY IS EXHAUSTED GPO 888-933

APPENDIX D 30

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

OMB NO. 04-R2427

RCS CR-01-03

FEDERAL-AID HIGHWAY CONSTRUCTION

SUMMARY OF EMPLOYMENT DATA (INCLUDING MINORITY BREAKDOWN) FOR ALL FEDERAL-AID HIGHWAY PROJECTS FOR MONTH ENDING JULY 31st, 19___

NOTE: See Instructions on REVERSE

STATE-REGION (5-8)	NUMBER OF PROJECTS (9-12)	TOTAL DOLLAR VALUE (13-23)
01		

EMPLOYMENT DATA

TABLE A

JOB CATEGORIES	TOTAL EMPLOYEES 9-13		14-18		TOTAL MINORITIES 19-23		24-28		BLACK 29-32		33-36		ASIAN AMERICAN 37-40		41-44		AMERICAN INDIAN 45-48		49-52		SPANISH SPEAKING 53-57		58-62		APPRENTICES 63-66		67-70		ON THE JOB TRAINEES 71-74		75-78	
	M		F		M		F		M		F		M		F		M		F		M		F		M		F		M		F	
02 OFFICIALS (MANAGERS)																																
03 SUPERVISORS																																
04 FOREMEN																																
05 CLERICAL																																
06 EQUIPMENT OPERATORS																																
07 MECHANICS																																
08 TRUCK DRIVERS																																
09 IRONWORKERS																																
10 CARPENTERS																																
11 CEMENT MASONS																																
12 ELECTRICIANS																																
13 PIPEFITTERS, PLUMBERS																																
14 PAINTERS																																
15 LABORERS, SEMI-SKILLED																																
16 LABORERS, UNSKILLED																																
17 TOTAL																																

TABLE B

18 APPRENTICES																
19 ON THE JOB TRAINEES																

PREPARED BY (Signature & Title)	DATE	REVIEWED BY (Signature & Title of State Hwy. Official)	DATE

FORM PR-1392 (REV. 11-74) PREVIOUS EDITIONS MAY NOT BE USED

V40-129 JUL 3 75 XUM

OMB no. 04-R2434 APPENDIX E

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

REPORTS CONTROL SYMBOL
HHD -30-16

FEDERAL-AID HIGHWAY CONSTRUCTION
CONTRACTOR'S QUARTERLY TRAINING REPORT

FEDERAL-AID PROJECT NO.

INSTRUCTIONS: THIS REPORT IS TO BE COMPLETED BY THE CONTRACTOR QUARTERLY FOR EACH INDIVIDUAL EMPLOYED ON THIS CONTRACT (INCLUDING ANY SUBCONTRACTS UNDER IT WHO HAD RECEIVED TRAINING DURING THE QUARTER UNDER THE TRAINING SPECIAL PROVISION (ATTACHMENT 2 TO FEDERAL HIGHWAY ADMINISTRATION ORDER INTERIM 7-2(2)). THE REPORT IS TO BE SUBMITTED BY THE 20TH OF THE MONTH FOLLOWING THE QUARTER (APRIL 20, JULY 20, OCTOBER 20, AND JANUARY 20.) THE ORIGINAL OF THIS REPORT IS TO BE FURNISHED TO THE TRAINEE AND TWO COPIES SUBMITTED TO THE STATE HIGHWAY DEPT.

1. NAME OF CONTRACTOR — 1a. ADDRESS

2. NAME OF TRAINEE — 2a. SEX ☐ M ☐ F — 2b. ADDRESS

3. AGE OF TRAINEE — 4. SOCIAL SECURITY NUMBER — 5. EMPLOYEE STATUS (CHECK ONE) ☐ NEW HIRE ☐ UP-GRADE

6. ETHNIC GROUP DESIGNATION (CHECK ONE) ☐ NEGRO ☐ ORIENTAL ☐ AMERICAN INDIAN ☐ SPANISH AMERICAN ☐ OTHER

7. SUMMARY OF PREVIOUS TRAINING: (ENTER AMOUNT AND TYPE OF TRAINING RECEIVED BY TRAINEE ON OTHER CONTRACTS UNDER APPROVED TRAINING PROGRAMS)

8. JOB CLASSIFICATION OF TRAINEE — 9. DATE TRAINING STARTED ON THIS CONTRACT — 10. TYPE OF ON THE JOB TRAINING (CHECK ONE) ☐ APPRENTICESHIP ☐ OTHER

REPORTING PERIODS

INSTRUCTIONS: ONE VERTICAL COLUMN IS TO BE COMPLETED FOR EACH SUCCEEDING QUARTER AND THE FORM RESUBMITTED. ENTER MARCH 31, JUNE 30, SEPT. 30, DEC. 30, AS APPLICABLE IN COLUMNS A THRU H BELOW.

	HOURS OF TRAINING DATA	A 19__	B 19__	C 19__	D 19__	E 19__	F 19__	G 19__	H 19__
11.	PROVIDED DURING QUARTER								
12.	PROVIDED TO DATE								
13.	REMAINING TO COMPLETE THE APPROVED PROGRAM								

14. TERMINATION (IF TRAINEE WAS TERMINATED PRIOR TO COMPLETION OF APPROVED PROGRAM EXPLAIN REASON FOR TERMINATION)

15. REPORT PREPARED BY (SIGNATURE AND TITLE OF CONTRACTOR'S REPRESENTATIVE) — 16. DATE

16. REPORT REVIEWED BY (SIGNATURE AND TITLE OF STATE HIGHWAY OFFICIAL) — 17. DATE

Form FHWA-1409 (Rev. 11-74) PREVIOUS EDITIONS ARE OBSOLETE

APPENDIX F

FEDERAL - AID HIGHWAY CONSTRUCTION QUARTERLY TRAINING REPORT

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

REPORTS CONTROL SYMBOL
HHD-32

NOTE: TO BE COMPLETED BY STATE HIGHWAY DEPARTMENT *(See instructions on reverse side)*

STATE [1-4] QUARTER ENDING [5-7]

LEGEND N-NEGRO, OR-ORIENTAL, I-AMERICAN INDIAN, S-SPANISH AMERICAN, O-OTHER

LINE NO.	TRAINING CLASSIFICATION A	NUMBER RECEIVING TRAINING DURING QUARTER B: TOTAL [8-9]	N [10-12]	OR [13-15]	I [16-18]	S [19-21]	O [22-24]	NUMBER STARTING TRAINING DURING QUARTER C: TOTAL [25-27]	N [28-30]	OR [31-33]	I [34-36]	S [37-39]	O	NUMBER COMPLETING TRAINING DURING QUARTER D: TOTAL [40-42]	N [43-45]	OR [46-48]	I [49-51]	S [52-54]	O	TOTAL HOURS OF TRAINING DURING QUARTER E: TOTAL [55-57]
03	EQUIPMENT OPERATORS																			
04	MECHANICS																			
05	TRUCK DRIVERS																			
06	IRON WORKERS																			
07	CARPENTERS																			
08	CEMENT MASONS																			
09	ELECTRICIANS																			
10	PIPEFITTERS PLUMBERS																			
11	PAINTERS																			
12	OTHER SKILLS																			
13	TOTAL																			

14	NUMBER OF FEMALES RECEIVING TRAINING [10-12]	NUMBER OF FEMALES STARTING TRAINING [23-15]	NUMBER OF FEMALES COMPLETING TRAINING [26-18]
	NUMBER OF NEW-HIRES RECEIVING TRAINING [19-21]	NUMBER IN APPRENTICESHIP TRAINING [22-24]	NUMBER OF TERMINATIONS PRIOR TO COMPLETION OF TRAINING [23-27]
	NUMBER OF UP-GRADES RECEIVING TRAINING [28-30]	NUMBER IN OTHER ON-JOB-TRAINING [31-33]	NUMBER OF PROJECTS UNDER WAY DURING QUARTER AND CONTAINING TRAINING SPECIAL PROVISIONS [34-36]

COMMENTS

REPORT PREPARED BY *(SIGNATURE)* AND TITLE OF STATE OFFICIAL — DATE

Form FHWA-1410 (Rev. 12-74) PREVIOUS EDITIONS ARE OBSOLETE

APPENDIX G—SPECIAL REPORTING REQUIREMENTS FOR "HOMETOWN" OR "IMPOSED" PLAN AREAS

In addition to the reporting requirements set forth elsewhere in this contract the contractor and the subcontractors holding subcontracts, not including material suppliers, of $10,000 or more, shall submit for every month of July during which work is performed, employment data as contained under Form PR-1391 (Appendix C to 23 CFR, Part 230) and in accordance with the instructions included thereon.

[FR Doc. 75-17371 Filed 7-2-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-622]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW, Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

V40-129 JUL 3 75 XUM

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Etowah	Attalla, city of	July 1, 1975, emergency	Dec. 28, 1973		
California	Fresno	Fowler, city of	do	May 3, 1974		
Connecticut	New Haven	Oxford, town of	do	June 28, 1974		
Do	do	Prospect, town of	do	June 21, 1974		
Delaware	Sussex	Ocean View, town of	do	Aug. 2, 1974		
Florida	Okaloosa	Mary Esther, town of	do			
Idaho	Minidoka	Paul, city of	do			
Illinois	McLean	Cooksville, village of	do	Dec. 6, 1974		
Indiana	Fountain	Covington, city of	do	Jan. 9, 1974		
Kansas	Norton	Almena, city of	do	Mar. 1, 1974		
Do	Franklin	Ottawa, city of	do	Jan. 9, 1974		
Kentucky	Hopkins	Dawson Springs, city of	do	Feb. 1, 1974		
Minnesota	Dakota	Eagan, city of	do	Nov. 20, 1973		
Massachusetts	Franklin	Charlemont, town of	do	Aug. 2, 1974		
Do	do	Heath, town of	do			
Do	Middlesex	Waltham, city of	do	June 28, 1974		
Michigan	Calhoun	Albion, city of	do	do		
Missouri	Cass	Harrisonville, city of	do	Mar. 15, 1975		
Nebraska	Cheyenne	Lodgepole, village of	do	Nov. 22, 1974		
Do	Dawson	Overton, village of	do	June 14, 1974		
New Hampshire	Hillsborough	Deering, town of	do	Mar. 15, 1974		
Do	Grafton	Lyme, town of	do	June 28, 1974		
New Jersey	Monmouth	Eatontown, borough of	do	June 21, 1974		
Do	Hunterdon	Lebanon, township of	do	Jan. 31, 1975		
Do	Cumberland	Stow Creek, township of	do	July 26, 1974		
New York	Genesee	Bethany, town of	do	Sept. 20, 1974		
Do	Erie	Concord, town of	do	Aug. 2, 1974		
Do	Ontario	East Bloomfield, town of	do	Dec. 20, 1974		
Do	Montgomery	Fonda, village of	do	Mar. 1, 1974		
Do	Saratoga	Greenfield, town of	do	June 28, 1974		
Do	Cattaraugus	Limestone, village of	do	Apr. 5, 1974		
Do	Delaware	Sidney, town of	do	Feb. 8, 1974		
North Carolina	Wake	Cary, town of	do	June 28, 1974		
Do	Brunswick	Shallotte, town of	do			
North Dakota	Stark	Belfield, city of	do	May 24, 1974		
Ohio	Marion	Caledonia, village of	do	Apr. 5, 1974		
Do	Mercer	Coldwater, village of	do	June 7, 1974		
Do	Tuscarawas	New Philadelphia, city of	do	Mar. 15, 1974		
Do	Medina	Wadsworth, city of	do	Mar. 1, 1974		
Oregon	Klamath	Unincorporated areas	do	Dec. 27, 1974		
Pennsylvania	Franklin	Washington, township of	do	Sept. 6, 1974		
South Carolina	Berkeley	Monks Corner, town of	do	May 24, 1974		
Tennessee	Marion	Kimball, town of	do	June 14, 1974		
Texas	Tarrant	Everman, city of	do	Dec. 17, 1973		
Utah	Kane	Unincorporated areas	do			
Vermont	Essex	Lemington, town of	do	Dec. 13, 1974		
Washington	Yakima	Harrah, town of	do	Oct. 25, 1974		
West Virginia	Putnam	Bancroft, town of	do	Aug. 9, 1974		
Do	Boone	Danville, town of	do	Nov. 15, 1974		
Do	Raleigh	Beckley, city of	do	June 7, 1974		
Do	Mercer	Oakvale, town of	do	Oct. 25, 1974		
Wisconsin	St. Croix	Glenwood, city of	do	June 7, 1974		
Do	Portage	Nelsonville, village	do	Jan. 23, 1974		
Texas	Kleberg	Unincorporated areas	Sept. 25, 1970, emergency. Aug. 13, 1971, regular. Dec. 31, 1971, suspension. June 24, 1975, reinstated.	Aug. 17, 1971		
California	Riverside	San Jacinto, city of	Nov. 5, 1971, emergency. Sept. 28, 1973, regular. Mar. 26, 1975, suspension. June 24, 1975, reinstated.	Sept. 28, 1973		
Texas	Orange	Pinehurst, city of	Dec. 3, 1970, emergency. July 2, 1971, regular. Dec. 21, 1971, suspension. June 30, 1974, reinstated.	July 2, 1971		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Mountain Brook, city of	July 2, 1975, emergency	June 28, 1974		
Do	Monroe	Monroeville, city of	do	Oct. 25, 1974		
Do	Macon	Notasulga, town of	do	Nov. 16, 1973		
Arkansas	Saline	Benton, city of	do	June 14, 1974		
Do	Baxter	Cotter, city of	do			
Do	Logan	Boonville, city of	do			
Do	Izard	Horseshoe Bend, city of	do			
Do	Lee	Rondo, city of	do	Dec. 6, 1974		
California	Humboldt	Blue Lake, city of	do	Jan. 17, 1975		
Do	San Diego	Carlsbad, city of	do	May 31, 1974		
Do	Santa Cruz	Capitola, city of	do	May 17, 1974		
Do	Contra Costa	Pinole, city of	do	May 24, 1974		
Do	Santa Cruz	Santa Cruz, city of	do	Mar. 8, 1974		
Do	Los Angeles	South Gate, city of	do	June 28, 1974		
Do	Santa Cruz	Scotts Valley, city of	do	May 31, 1974		
Florida	Citrus	Unincorporated areas	do	Dec. 28, 1974		
Do	Okeechobee	Okeechobee, city of	do	June 28, 1974		
Do	Hardee	Zolfo Springs, town of	do	Jan. 16, 1974		
Idaho	Twin Falls	Filer, city of	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Perry	Pinckneyville, city of	do	Mar. 22, 1974		
Do	LaSalle	Oglesby, city of	do	May 24, 1974		
Do	Franklin	Sesser, city of	do			
Do	Hardin	Elizabethtown, village of	do	Jan. 16, 1974		
Do	Tazewell	Armington, village of	do	Mar. 22, 1974		
Do	Gallatin	Equality, village of	do	Mar. 22, 1974		
Do	Whiteside	Fulton, city of	do	May 14, 1975 and Feb. 14, 1975		
Do	Marion	Centralia, city of	do	May 3, 1974		
Do	Cass	Chandlerville, village of	do	Nov. 23, 1973		
Do	Knox	Victoria, village of	do	June 7, 1974		
Do	Will	Romeoville, village of	do	Mar. 29, 1974		
Indiana	Rush	Rushville, city of	do	Dec. 7, 1973		
Iowa	Black Hawk	Raymond, town of	do	Mar. 22, 1974		
Do	Clinton	Unincorporated areas	do			
Do	Cedar	Tipton, city of	do	Mar. 29, 1974		
Kansas	Leavenworth	Easton, city of	do	Feb. 1, 1974		
Do	Douglas	Lecompton, city of	do	Jan. 23, 1974		
Do	Franklin	Wellsville, city of	do	Feb. 15, 1974		
Kentucky	Wayne	Monticello, city of	do	May 24, 1974		
Louisiana	Morehouse	Bastrop, city of	do	Mar. 15, 1974		
Maine	Lincoln	Jefferson, town of	do	Oct. 25, 1974		
Do	Waldo	Searsport, town of	do	Nov. 8, 1974		
Do	Knox	Rockport, town of	do	Sept. 20, 1974		
Maryland	Kent and Queen Annes	Millington, town of	do	Aug. 9, 1974		
Massachusetts	Essex	North Andover, town of	do	June 28, 1974		
Do	Norfolk	Norwood, town of	do	Aug. 16, 1974		
Michigan	Mason	Hamlin, township of	do	Aug. 23, 1974		
Do	Calhoun	Battle Creek, city of	do	July 19, 1974		
Do	Lenawee	Elmwood, township of	do	Sept. 20, 1974		
Minnesota	Hennepin	New Hope, city of	do	Sept. 6, 1974		
Montana	Powell	Deer Lodge, city of	do	Jan. 9, 1974		
Do	Lincoln	Libby, city of	do	May 31, 1974		
Missouri	St. Louis	Charlack, city of	do	Feb. 14, 1975		
Nebraska	Merrick	Silver Creek, village of	do	Jan. 10, 1975		
New Hampshire	Cheshire	Alstead, town of	do	July 26, 1974		
Do	Rockingham	Epping, town of	do	July 19, 1974		
New Jersey	Bergen	Lyndhurst, township of	do	July 26, 1974		
Do	do	Rutherford, borough of	do	Apr. 12, 1974		
Do	Hudson	West New York, town of	do	May 31, 1974		
Do	Gloucester	Westville, borough of	do	Mar. 8, 1974		
New York	Delaware	Franklin, town of	do	Aug. 16, 1974		
Do	Genesee	Granville, town of	do	July 26, 1974		
Do	Lewis	Lowville, village of	do	June 28, 1974		
Do	Madison	Hamilton, town of	do	May 31, 1974		
Do	Orange	Minisink, town of	do	Apr. 12, 1974		
Do	Saratoga	Northumberland, town of	do	June 21, 1974		
Do	Dutchess	Pleasant Valley, town of	do	July 26, 1974		
Do	Saratoga	Schuylerville, village of	do	Mar. 29, 1974		
Do	Westchester	Tuckahoe, village of	do	May 10, 1974		
Do	Orange	Unionville, village of	do	June 28, 1974		
Do	Wayne	Wolcott, village of	do	Nov. 15, 1974		
North Carolina	Sampson	Clinton, city of	do	Dec. 6, 1974		
Do	Columbus	Lake Waccaman, town of	do	Dec. 28, 1973		
Do	Nash	Nashville, town of	do	June 28, 1974		
Do	Haywood	Waynesville, town of	do	Mar. 8, 1974		
North Dakota	Rolette	St. John, city of	do	Dec. 6, 1974		
Ohio	Brown	Aberdeen, village of	do	Jan. 31, 1975		
Do	do	Georgetown, village of	do	June 28, 1974		
Do	Summit	Norton, city of	do	Mar. 15, 1974		
Do	Meigs	Syracuse, village of	do	Apr. 5, 1974		
Do	Montgomery	West Carrollton, city of	do	Feb. 8, 1974		
Pennsylvania	Blair	Taylor, township of	do			
Do	Adams	Mount Pleasant, township of	do	Feb. 7, 1975		
Do	Potter	Galeton, borough of	do	Aug. 2, 1974		
Do	Berks	Penn, township of	do	Dec. 6, 1974		
Do	Carbon	Bowmanstown, borough of	do	Jan. 16, 1974		
Do	Greene	Carmichaels, borough of	do	June 28, 1974		
Do	Butler	Chicora, borough of	do	June 14, 1974		
Do	Wayne	Lehigh, township of	do	Nov. 29, 1974		
Do	Bedford	Kimmel, township of	do			
Do	Wayne	Mount Pleasant, township of	do	Feb. 7, 1975		
Do	Fayette	Everson, borough of	do	July 26, 1974		
Do	Mercer	Springfield, township of	do	Dec. 13, 1974		
Do	Susquehanna	Hallstead, borough of	do	Nov. 22, 1974		
Do	Perry	Southwest Madison, township of	July 2, 1975, emergency	Dec. 13, 1974		
Do	Allegheny	Plum, borough of	do	June 28, 1974		
Do	Lancaster	Warwick, township of	do	Sept. 20, 1974		
South Carolina	Anderson	Unincorporated areas	do	Dec. 6, 1974		
Do	Charleston	Meggett, town of	do	Oct. 25, 1974		
Do	Newberry	Unincorporated areas	do			
Texas	Reeves	Balmorhea, city of	do	June 28, 1974		
Do	Runnels	Winters, city of	do	Dec. 17, 1973		
Do	Hidalgo	Donna, city of	do	Feb. 1, 1974		
Do	Tarrant	Westover Hills, town of	do	Aug. 30, 1974		
Do	Hidalgo	San Juan, city of	do	Mar. 22, 1974		
Do	Jasper	Jasper, city of	do	Mar. 29, 1974		
Do	Zavala	Unincorporated areas	do			
Utah	Juab	Eureka, city of	do	June 7, 1974		

V40-129 JUL 3 75 XUM

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Do	Summit	Kamas, city of	June 24, 1975, emergency	Aug. 16, 1974		
Do	Sevier	Redmond, town of	do	Jan. 31, 1975		
Do	Davis	West Bountiful, city of	do	Dec. 28, 1973		
Vermont	Lamoille	Cambridge, village of	do	Aug. 9, 1974		
Do	Windham	Newfane, town of	do	June 28, 1974		
Do	Addison	Orwell, town of	do	Nov. 15, 1974		
Do	Bennington	Shaftsbury, town of	do	June 28, 1974		
Virginia	Lee	Jonesville, town of	do	June 14, 1974		
Washington	Island	Langley, city of	do			
Do	Spokane	Medical Lake, town of	do	June 7, 1974		
Wisconsin	Fond du Lac	Ripon, city of	do	May 24, 1974		
Do	Pierce	Spring Valley, village of	do	June 14, 1974		
West Virginia	Pendleton	Franklin, town of	do	May 31, 1974		
Do	Tucker	Hambleton, town of	do	Feb. 1, 1974		
Do	Fayette and Kanawha	Montgomery, city of	do	May 24, 1974		
Do	Ritchie	Pennsboro, city of	do	May 31, 1974		
Wyoming	Platte	Wheatland, city of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974).

Issued: June 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–17180 Filed 7–2–75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Order—Correction

In FR Doc. 74–19855 on 39 FR 31316, the workers in the sugarcane farming industry heretofore set forth in § 727.2a were included in revised paragraphs (f), (g) and (h) of § 727.2.

1. Section 727.2a is accordingly deleted.
2. As the result of the deletion of § 727.2a, the words "and 727.2a" appearing twice in § 727.3 are also deleted.

Signed at Washington, D.C. this 27th day of June 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards, U.S. Department of Labor.

[FR Doc.75–17336 Filed 7–2–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS
[FRL 385–5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Review of Indirect Sources

Indefinite Suspension of Parking-Related Indirect Source Review. The Administrator of the Environmental Protection Agency (EPA) is today suspending indefinitely those portions of EPA's indirect source regulation (40 CFR 52.22 (b), 39 FR 25292, July 9, 1974) covering parking-related facilities.

Background. The Clean Air Act, as amended in 1970 (42 U.S.C. 1857 et seq.) requires that all state implementation plans insure both attainment of ambient air quality standards by certain deadlines and continued maintenance of such standards once they are attained. After a Fededal appeals court ordered EPA in early 1973 to assure that state implementation plans are adequate for maintenance as well as attainment (NRDC v. EPA, 475 F.2d. 968 (D.C. Cir. 1973)), EPA determined that every state implementation plan should contain an "indirect source" review regulation.

An "indirect source" of air pollution is a facility which does not itself emit air pollutants, but which attracts automobiles in sufficient numbers so as to have the potential for creating concentrations of auto-related pollutants in excess of the ambient air standards set to protect the public health and welfare. Examples are shopping centers, apartments, office buildings, parking garages, highways, and airports.

Pursuant to the above-noted court order, EPA amended 40 CFR 51.18 on June 18, 1973 (38 FR 15834) to set forth the basic requirements for all states to develop indirect source regulations. Under the Court order (as revised) EPA was required to promulgate by February 15, 1974, regulations for all states which failed to submit approvable regulations. Accordingly, on February 14, 1974, EPA promulgated an indirect source regulation to be incorporated into the implementation plans of 52 states and territories (39 FR 7270, February 25, 1974). Only the regulations for Alabama, Florida, and Guam could be approved. The regulation was repromulgated with clarifying amendments on July 9, 1974 (39 FR 25292). At present, five additional state regulations have been approved: North Carolina, Kentucky, Washington, Idaho, and Nevada. Thus, the Federal regulation is now part of the implementation plans for 47 states and territories.

The Federal regulation requires air quality review of three basic types of indirect sources: highways, airports, and parking-related facilities. Generally, the regulation provides that the Administrator must review the plans for such facilities prior to construction or modification, and that he must deny approval to construct or modify if the indirect source would cause or exacerbate violations of the ambient air standards.

As originally promulgated, the Federal regulation required that any covered facility which commenced construction on or after January 1, 1975 would be subject to review. On December 30, 1974 (39 FR 45014) EPA delayed this applicability date until July 1, 1975, and announced that the review procedures under the regulation were being suspended "pending further notice." EPA postponed the applicability date principally because late in 1974 a provision was added to EPA's Appropriations Act for fiscal 1975[1] which denies EPA funds to administer facilities. Thciltip y2557u$aoooreful qp4 any program to limit or regulate parking facilities. This restriction is scheduled to expire on June 30, 1975.

Current EPA Policy. EPA continues to believe that the goal stated in the Clean Air Act of maintaining ambient air standards makes it necessary that state implementation plans have a mechanism for regulating new and modified indirect sources. Even though significant reductions in direct emissions from autos are being accomplished through the Federal Motor Vehicle Pollution Control Program, such reductions by themselves will be insufficient in many areas to insure attainment and maintenance of the ambient air standards for some time to come. New indirect sources which are improperly designed so as to cause congestion, or which have the effect of significantly increasing local or area-wide auto traffic, may either cause new health standard violations or exacerbate existing violations.

EPA recognizes the importance of state and local controls in the planning, siting and design of parking-related facilities, such as shopping centers, office buildings, and residential facilities. EPA believes that the necessary preconstruction reviews for air quality can be most effective when incorporated by the state or local government into their ongoing planning, zoning and building permit process. EPA has continually emphasized its desire that the indirect source regulations be implemented at the state or local level, not at the Federal level. It is only where states have failed to adopt indirect source regulations that EPA must, under the current provisions of the Clean Air Act, be prepared to perform a Federal review.

Currently, the appropriate legislative committees of the Congress are considering various possible amendments to the Clean Air Act. One is an amendment that would require each state to adopt and implement an indirect source regulation as a part of its State Implementation Plan and provide no authority for EPA to review parking-related facilities. In view of the active Congressional consideration of parking-related indirect source amendments, EPA does not feel it is desirable to reinstate the parking-related aspects of the Federal regulation at this time.

In the absence of Congressional action for a substantial time period, EPA may reinstate the current regulations as they pertain to parking facilities in order to help insure that air quality standards be maintained. If such a course of action becomes necessary, in no event would parking related facilities commencing construction within six months after reinstatement be subject to the Federal regulation.

Highways and Airports. In the Administrator's judgment, different considerations govern the Agency's position with respect to highways and airports. First, Congressional concern over the indirect source regulations has focused upon the Federal review of parking facilities and not upon the Federal review of highways and airports. For example, the prohibition contained in EPA's Appropriations Act for fiscal 1975 did not preclude review of highways and airports.

Second, the size of highways and airports subject to the Federal regulation is so large that virtually all such facilities must go through Federal review and approval processes in any event, both through Department of Transportation and National Environmental Policy Act procedures. Incorporating an indirect source review step at the Federal level should not create additional delays since the EPA review can be carried on simultaneously with other Federal reviews, largely using data already developed for those reviews.

Accordingly, the Administrator plans in the near future to propose guidelines[2] for the oxidant-nitrogen dioxide impact review of highways and airports so that the Federal regulation may be completed in respect to these types of indirect sources. The Agency will hold rulemaking on these guidelines before promulgating the guidelines in final form. In no event will highways and airports commencing construction or modification within six months after promulgation of the guidelines be subject to the regulation.

The Administrator continues to encourage states to adopt and enforce indirect source regulations (including highway and airport review) and to submit them to EPA for approval as part of their implementation plans. This suspension will have no effect on the applicability or validity of existing state indirect source laws or regulations, nor will it affect state indirect source laws or regulations which may be adopted hereafter, whether or not submitted to EPA for approval.

(Sections 110(a)(2)(B), 110(c) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)(2)(B), 1857c–5(c), and 1857g (a))).

Dated: June 26, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is hereby amended by revising paragraph (16) of § 52.22(b) to read as follows:

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

[FR Doc.75–17293 Filed 7–2–75;8:45 am]

[1] Section 510 of the Agriculture-Environmental Consumer Protection Appropriations Act, 1975 (Pub. L. 93–563, 88 Stat. 1822).

[2] These guidelines will comprise the Appendix which was referred to at 39 FR 25295, right column, July 9, 1974.

[FRL 393–7; PP4E1509/R29]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

On May 12, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20651) a notice of proposed rulemaking to establish a tolerance for negligible residues of the herbicide trifluralin (α,α,α-trifluoro - 2,6 - dinitro - *N,N* - dipropyl - *p*-toluidine) in or on the raw agricultural commodities field cron grain, fodder, and forage at 0.05 part per million. No comments or requests for referral to an advisory committee were received with regard to this proposal, and it has therefore been concluded that the proposed amendment to the regulations (40 CFR 180.207) be adopted without alteration.

Any person adversely affected by this regulation may on or before August 4, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on the date of publication, Part 180, Subpart C, § 180.207, is amended as set forth below.

Dated: June 26, 1975.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.207, Subpart C, Part 180, is amended by revising the paragraph "0.05 part per million (negligible residue) * * * " to read as follows.

§ 180.207 Trifluralin; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, field corn grain, fodder, and forage, forage legumes, fruiting, vegetables, grapes, hops, leafy vegetables, nuts, peanuts, peppermint hay, root crop vegetables (except carrots) safflower seed, seed and pod vegetables, spearmint hay, stone fruits, sugarcane, sunflower seed, wheat grain, and wheat straw.

* * * * *

[FR Doc.75–17294 Filed 7–2–75;8:45 am]

[FRL 393–8; OPP–300001A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On April 28, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 18451) a notice of proposed rulemaking to exempt certain additional inert (or occasionally active ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act.

The Agency has made a change in the proposed regulation with regard to the exemption of sodium hypochlorite from the requirement of a tolerance as listed in the proposal. The uses cited for this chemical were "bleaching agent" and "disinfectant" and sodium hypochlorite in a disinfectant product is an active ingredient. Therefore, the word "disinfectant", which was listed under uses, is being struck from the proposed document. The intended function(s) of sodium hypochlorite in a pesticide formulation when this chemical is added to a formulation as an inert ingredient are included under uses in the regulation.

The proposed amendment to the regulations (40 CFR 180.1001) with the above change will protect the public health. It is therefore adopted.

Any person adversely affected by this regulation may on or before August 4, 1975 file written objections with the

V40-129 JUL 3 75 XUM

Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 3, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a (e)].

Dated: June 26, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, § 180.1001, is amended by 1) revising the items "D & C Red No. 17 • • •" and "Methyl violet 2B • • •" in paragraph (d); 2) alphabetically inserting new items in paragraphs (c), (d), and (e); and 3) making the consequent editorial changes as follows.

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • •

(c) • • •

Inert ingredients	Limits	Uses
• • •	•	•
Alkanoic and alkenoic acids, mono- and diesters of α-hydro-ω-hydroxypoly (oxyethylene) with molecular weight range of 200 to 6,000.		Emulsifiers.
• • •	•	•
Beeswax		Coating agent.
• • •	•	•
Calcium salt of partially dimerized rosin, conforming to title 21, sec. 121.1179.		Coating agent.
Calcium silicate		Solid diluent, carrier.
• • •	•	•
Coumarone-indene resin, conforming to title 21, sec. 121.1050.	For use on citrus only.	Component of coating agent.
• • •	•	•
Fatty acids, conforming to title 21, sec. 121.1070.		Binder, defoaming agent, lubricant.
• • •	•	•
Petrolatum, conforming to title 21, sec. 121.1166.		Coating agent.
• • •	•	•
Petroleum naphtha, conforming to title 21, sec. 121.1208(d).		Component of coating agent.
Petroleum wax, conforming to title 21, sec. 121.1156(d).		Coating agent.
• • •	•	•
Polysorbate 65, conforming to title 21, sec. 121.1008.		Emulsifier.

Inert ingredients	Limits	Uses
• • •	•	•
Salts of fatty acids, conforming to title 21, sec. 121.1071.		Binder, emulsifier, anticaking agent.
• • •	•	•
Sodium hypochlorite		Bleaching agent.
• • •	•	•
Sperm oil conforming to title 21, sec. 121.1179.		Coating agent.
• • •	•	•

(d) • • •

Inert ingredients	Limits	Uses
• • •	•	•
D & C Red No. 17, technical grade.		Dye.
• • •	•	•
Methyl violet 2B		Dye.
• • •	•	•

(e) • • •

Inert ingredients	Limits	Uses
• • •	•	•
Alkanoic and alkenoic acids, mono- and diesters of α-hydro-ω-hydroxypoly-(oxyethylene) with molecular weight range of 200 to 6,000.		Emulsifiers.
• • •	•	•

[FR Doc.75-17295 Filed 7-2-75;8:45 am]

[FRL 385-2]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Recall Regulations; Decal Requirements

On December 23, 1974, the Environmental Protection Agency (EPA) promulgated regulations governing the recall of motor vehicle and motor vehicle engines which fail to conform to emission standards for their useful lives. Notices to correct typographical errors were published in the FEDERAL REGISTER of Thursday, January 23, 1975, at page 3447.

On January 21, 1975, petitions for reconsideration were received from Chrysler Corporation and Alfa Romeo Incorporated. Both petitions were directed at § 85.1803(c) which requires vehicles or engines involved in EPA ordered emission recall campaigns to be identified by a campaign decal. The revision discussed herein is intended to clarify the decal provision and to respond to the petitions received. Because the issues surrounding the decal requirements were thoroughly discussed when the proposed version of the regulations was published for public comment, and in view of the nature of the changes made to these requirements, notice and public comment on the amendment of the decal provision was considered unnecessary.

EXPLANATORY STATEMENT

Proposed Recall Regulations were published in the FEDERAL REGISTER on Monday, March 25, 1974, at page 11103. The decal provision of the proposed regulations read as follows:

(c)(1) Where allowed by State law, the manufacturer shall require those who perform the repair under the remedial plan to affix a decal to each vehicle submitted for such repair.

(2) The decal shall be placed in a conspicuous location on one of the non-movable, inside glass surfaces of the vehicle as allowed by applicable State law.

(3) The decal shall:

(i) Contain the recall campaign number as designated by the manufacturer.

(ii) Designate the facility to which the vehicle was submitted for repair.

As promulgated, on December 23, 1974, the provision provides:

(c)(1) The manufacturer shall require those who perform the repair under the remedial plan to affix a permanent decal to each vehicle repaired or, when required, inspected under the remedial plan.

(2) The decal shall be placed in the engine compartment near the emission label or in such other location as approved by the Administrator.

(3) The decal shall:

(i) Contain the recall campaign number as designated by the manufacturer.

(ii) Designate the facility at which the vehicle or engine was repaired or inspected for repair.

(iii) Contain the vehicle or engine identification number.

The changes made are easily identified:

(a) The decal is now required to be permanent. This was not addressed in the proposal.

(b) Only vehicles which actually receive repair or are, when required, inspected for the repair are to receive decals under the promulgated regulations. The proposed regulations would have required a decal to be affixed to vehicles or engines presented for campaigning regardless of whether any service or inspection was actually performed.

(c) The decal is presently required to be located in the engine compartment or such other location approved by the Administrator. The proposal required the decal to be affixed to the glass of the vehicle.

(d) The final version of the decal provision also required the decal to include the vehicle or engine identification number.

The preamble to the final regulations identifies the purpose of the decal as an aid to state inspection programs. The preamble also reflects the fact that the conditioning of the receipt of a decal on actual repair or inspection, the inclusion of identification numbers, and the location of the decal in the engine compartment resulted from an evaluation of the comments received to the provision in proposed form. The petitions for reconsideration, however, reveal that the

adoption of these suggestions has produced a result which is unnecessarily (and unintentionally) complex.

PETITIONS TO RECONSIDER

Both Chrysler Corporation and Alfa Romeo submitted petitions to have the decal provision reconsidered. The substance of these petitions may be summarized as follows:

1. CHRYSLER CORPORATION

Because of the complexities surrounding the identification of vehicles to be recalled, it is doubtful that any decal program could be established which would be of any positive benefit to state inspection programs. The list of vehicles which should have an emission recall decal would be inordinately complex because a recalled "class or category" could transcend model designation, model year and engine family and depend upon transmission type, axle ratio, construction period, among other characteristics.

It is also Chrysler's view that the presence of, or lack of, a decal may result for reasons other than those intended. For example a vehicle with a decal may not have received the repair and a vehicle which received the repair may not have received a decal. Because manufacturers are required to keep records of vehicles involved in recalls, a state agency in need of vehicle information could contact the manufacturer involved.

Chrysler also addressed the relationship of the requirements of permanence, repair facility code, and vehicle identification number (VIN). The difficulty caused by these requirements is that the inclusion of the VIN and requirement of permanence cause extraordinary practical problems. Although a decal could be printed with the repair facility code, the impossibility of determining where a recalled vehicle will be returned for service would necessitate that a blank for the writing in of the VIN be provided on the decal. However, it is unlikely that a written-in VIN would be permanent. (The logistics of attempting to pre-print the VIN *and* the repair facility code and getting the right decal to the right vehicle are, in Chrysler's opinion, so complex as to make such an undertaking unworkable.) In summary, Chrysler believes that the decal, as an aid to State inspection programs, is of questionable value and, if it were to be retained cannot be utilized as it is presently designed.

2. ALFA ROMEO, INCORPORATED

Alfa Romeo also cited the practical difficulties in providing VIN while retaining the permanence of the decal. Alfa Romeo also noted that the term "decal" refers to a label which is separated from its backing material by immersing it in water. As a true decal is not permanent, the proper term would be "label".

Alfa Romeo also opined that due to the inclusion of the VIN, the repair facility code could not be pre-printed on the "label" because the manufacturer "has no way of knowing (in advance) who will perform the repair." The difficulty arises from the VIN requirement since it is difficult to determine to which facility a particular vehicle will be taken.

Alfa Romeo also noted that it presently utilizes labels in its safety recalls. The safety campaign label includes a symbol to indicate the nature of the repair and the campaign number, and is located under the hood.

3. DISCUSSION

The above comments must be considered in light of the purpose of the "decal" provision and the desire to avoid imposing a burden which has no potential for benefit.

It is difficult to ignore the demonstrated complexities caused by the requirements of VIN and permanence. In part, this complexity is caused by the use of the word "permanent". It is important that campaign labels not be transferred from campaigned vehicles to vehicles which have not participated in order to help avoid the situation posed by Chrysler wherein a vehicle with a label may not have been repaired. Similarly, it is important the labels not be easily detached to help avoid the situation posed by Chrysler wherein a vehicle may have been repaired but has no label. This is especially important if states require vehicles to be campaigned to pass inspection since ineligible vehicles could be required to be repaired (or at least inspected) at the expense of the owner. Thus, a label which would resist transfer by tearing or otherwise rendering itself unuseable would serve this purpose. Permanence also relates to the ability of the label to survive the environment in which it is placed. A material which would be appropriate for a door jam might not survive under the hood.

With this in mind, the requirement that the label be permanent has been deleted. The label is required to be made of a material which would not be readily removed intact. Also the location of the label is not specified but is subject to the approval by the Administrator. It should be understood that material chosen for the label should fit the environment in which it is to be installed. Since the label itself is nontransferable, the engine or vehicle identification number, will no longer be required. The required content of the label is reduced to the campaign number and the repair facility code.

Finally, the amendment also provides the Administrator with the discretion to suspend any or all of the label requirements when he determines that they present an unwarranted burden to the manufacturer.

The above discussion presupposes that the label will serve a useful function. As noted earlier, the preamble to the Recall Regulations described the potential benefits of the label in the context of state inspection programs. Chrysler questions this utility by citing a number of hypothetical situations that would cause significant problems in determining which vehicles should or should not have a campaign label. The hypothetical situations cited by Chrysler could, in fact, occur and may result in the problems suggested, but these possibilities are not sufficient to justify the deletion of the label in its entirety. First, the revisions described above are a less drastic means to avoid some of the possible burdens that may arise under the Chrysler hypotheticals. Secondly, there are readily conceivable recalls to which the label provision could be applied without the potential burdens cited by Chrysler. For example, an emission-related defect which affects a well defined group of vehicles (e.g., "all 1973 vehicles", "all 1974 vehicles with V-8 engines") would present few of the logistical problems in vehicle identification cited by Chrysler in its examples. In such cases, the label would provide a means for state inspection programs to identify vehicles which are subject to a recall campaign and would be instrumental in EPA's own monitoring of the campaign.

This amendment is promulgated under the authority of section 301(a) of the Clean Air Act as amended 42 USC 1857 (g)(a). The amendment implements section 207(c)(1)–(3) of the Clean Air Act, 42 USC 1857f–5(a)(c)(1)–(2).

This amendment shall take effect on August 4, 1975.

Dated: June 26, 1975.

JOHN QUARLES,
Acting Administrator.

Paragraph (c) of § 85.1803 is amended as follows:

(c)(1). The manufacturer shall require those who perform the repair under the remedial plan to affix a label to each vehicle or engine repaired or when required, inspected under the remedial plan.

(2) The label shall be placed in such location as approved by the Administrator consistent with State law and shall be fabricated of a material suitable for the location in which it is installed and which is not readily removable intact.

(3) The label shall contain

(i) the recall campaign number; and

(ii) a code designating the campaign facility at which the repair, or inspection for repair was performed.

(4) The Administrator reserves the right to waive any or all of the requirements of this paragraph if he determines that they constitute an unwarranted burden to the manufacturer.

[FR Doc.75-17426 Filed 7-2-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 147]

PART 1-9—PATENTS, DATA, AND COPYRIGHTS

Allocation of Rights in Inventions

Correction

In FR Doc. 75-11886 appearing at page 19814 in the issue for Wednesday, May 7, 1975 the following changes should be made:

V40I129 JUL 3 75 XUM

(1) In the text under the subheading PATENTS RIGHTS—ACQUISITION BY THE GOVERNMENT contained in § 1-9.107-5, in the first column of page 19818 the 11th line of paragraph (g) now reading "Inventions if the Contractor refuses or" should read "inventions to determine compliance with". In the same text, in paragraph (h)(1)(iii) in the second column on page 19818, the words "paragraph (a)(2)(ii)" should read "paragraph (e)(2)(ii)".

(2) In § 1-9.109-3 on page 19821 the following should be added to complete the first line of paragraph (4): "personnel concerning novel develop-".

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. No. 10]

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.57—Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations

JUNE 27, 1975.

1. *Purpose.* This regulation establishes ERDA procedures for submission and selection of proposals to conduct commercial demonstrations of all potentially beneficial energy sources and utilization technologies.

2. *Effective date.* This regulation is effective July 3, 1975.

3. *Expiration date.* This regulation will remain in effect until canceled and replaced by a permanent ERDA Procurement Regulation.

4. *Applicability.* This regulation is promulgated pursuant to section 8(d)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, 42 USC 5901-5915), and it applies to demonstrations performed under this authority by educational institutions, other not-for-profit or nonprofit organizations and commercial or industrial organizations, or other private entities, or by any public entities, including state and local governments, but not other Federal agencies.

5. *Background.* A proposed regulation establishing procedures for submission, evaluation and selection of proposals submitted in response to Program Opportunity Notices for commercial demonstrations and for unsolicited proposals for such demonstrations was published in the FEDERAL REGISTER, Vol. 40, No. 72, April 14, 1975. Interested parties were given until May 14, 1975 to provide written comments concerning the proposed regulation. Comments were received from various private parties and non-Federal governmental organizations. The primary thrust of these comments concerned the applicability of the proposed regulation to demonstrations in which these parties and organizations might seek to participate. As a result of these comments, the regulation has been revised to more clearly state the types of organizations and entities that may seek ERDA assistance in carrying out commercial demonstrations, as well as to more definitively state the types of demonstrations that would come within the scope of the regulation.

6. *Explanation of change:* In 41 CFR Part 9-4, Special Types and Methods of Procurement, Subpart 9-4.57, Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations, is added as follows:

Subpart 9-4.57—Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations

Sec.

9-4.5700 Authority.
9-4.5701 Application.
9-4.5702 Scope and purpose.
9-4.5703 Background.
9-4.5704 Policy.
9-4.5704-1 General.
9-4.5704-2 Information to be included in Program Opportunity Notices.
9-4.5704-3 Information to be provided in proposals offered pursuant to Program Opportunity Notices.
9-4.5705 Assistance and participation.
9-4.5705-1 Forms of assistance and participation.
9-4.5705-2 Cost sharing.
9-4.5706 Evaluation and selection.
9-4.5707 Unsolicited proposals for commercial demonstrations.

Subpart 9-4.57—Program Opportunity Notices and Unsolicited Proposals for Commercial Demonstrations

§ 9-4.5700 Authority.

These regulations are promulgated pursuant to Section 8(d)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-577, 42 USC 5901-5915).

§ 9-4.5701 Application.

These regulations apply to demonstrations performed under this authority by educational institutions, other not-for-profit or nonprofit organizations and commercial or industrial organizations, or other private entities, or by any public entities, including state and local governments, but not other Federal agencies.

§ 9-4.5702 Scope and purpose.

(a) These regulations establish procedures for the submission, evaluation and selection of (1) competitive concept proposals offered in response to Program Opportunity Notices issued by ERDA to accelerate the demonstration of the technical feasibility and commercial application of all potentially beneficial nonnuclear energy sources and utilization technologies; and (2) unsolicited proposals for such demonstrations.

(b) These regulations apply to demonstrations conducted pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (P.L. 93-409); the Geothermal Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-410); the Solar Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-433); the Energy Reorganization Act of 1974 (P.L. 93-438); and, the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-577). ERDA policies and procedures concerning the use of formal solicited procurements for research, development and demonstrations are set forth in Subparts 9-1 through 9-3 of the ERDA Procurement Regulations. ERDA policies and procedures for th esubmission, eva and procedures for the submission, evaluation and selection of unsolicited proposals from commercial and not-for-profit organizations for research and development work are set forth in Subpart 9-4.52 of the ERDA Procurement Regulations. ERDA policies and procedures applicable to the submission, evaluation and selection of research proposals from educational institutions and not-for-profit organizations are set forth in Subpart 9-4.51 of the ERDA Procurement Regulations.

§ 9-4.5703 Background.

(a) The Federal Nonnuclear Energy Research and Development Act of 1974 states that it is the policy of the Congress to develop on an urgent basis the technological capabilities to support the broadest range of energy policy options through conservation and use of domestic resources by socially and environmentally acceptable means.

(b) Accordingly, the Congress directed ERDA to establish and vigorously conduct a comprehensive, national program of basic and applied research and development, including but not limited to demonstrations of practical applications of all potentially beneficial nonnuclear energy sources and utilization technologies.

(c) In carrying out the demonstration phase of this program, the Administrator of ERDA is authorized to (1) identify opportunities to accelerate the commercial applications of new energy technologies, and to provide Federal assistance for, or participation in, demonstration projects; and (2) enter into cooperative agreements with non-Federal entities to demonstrate the technical feasibility and economic potential of energy technologies on a prototype or full-scale basis.

§ 9-4.5704 Policy.

§ 9-4.5704-1 General.

(a) It is ERDA's policy, through the use of Program Opportunity Notices, to provide information concerning scientific and technological areas encompassed by ERDA's program. It is ERDA's intent to encourage the submission of proposals to accelerate the demonstration of the technical, operational, economic and commercial feasibility and environmental acceptability of particular energy technologies, systems, subsystems and components.

(b) ERDA shall, from time to time, issue Program Opportunity Notices for proposals for demonstrations of various forms of nonnuclear energy and technology utilization. These notices shall be prepared by the cognizant Program Office and submitted to the Division of Procurement for concurrence and release.

§ 9-4.5704-2 Information to be included in Program Opportunity Notices.

(a) Each Program Opportunity Notice shall include:

(1) The goal of the intended demonstration effort;

(2) A time schedule for submission of, and action on, proposals;

(3) Information, that may be required in addition to that specified in § 9-4.5704-3;

(4) Evaluation criteria, that may be used in addition to those specified in § 9-4.5706;

(5) Such other information, terms or conditions that shall apply to the particular Program Opportunity Notices; and

(6) Place for, and manner of, submission.

§ 9-4.5704-3 Information to be provided in proposals offered pursuant to Program Opportunity Notices.

(a) All proposals should be specific and, as a minimum, include the information set forth below.

(1) Name and address of the entity(ies) submitting the proposal;

(2) Date of preparation of submission;

(3) Type of entity(ies) (public, including State and local governments; and private, including profit, and nonprofit organizations and educational institutions);

(4) Concise title and abstract of the proposed demonstration project for which assistance or participation is being sought;

(5) An outline and discussion of the proposed demonstration which shall, if applicable and to the extent possible, include:

(i) Specification of the technology;

(ii) Description of prior pilot plant operating experience with the technology;

(iii) Preliminary design of the demonstration plant;

(iv) Time tables containing proposed construction or fabrication and installation and operation plans;

(v) Budget-type estimates of construction or fabrication and operating costs;

(vi) Description and proof of title to land for proposed site, natural resources, electricity and water supply and logistical information related to access to raw materials to construct and operate the plant and to dispose of salable products produced from the plant;

(vii) Assessment of the environmental impact of the proposed plant and plans for disposal of wastes resulting from the operation of the plant;

(viii) Plans for commercial use of the technology if the demonstration is successful;

(ix) Plans for continued use of the plant if the demonstration is successful; and

(x) Plans for dismantling of the plant if the demonstration is unsuccessful or otherwise abandoned;

(xi) Form and amount of assistance or participation being sought (see § 9-4.5705-1); and

(xii) Form and amount of funding, or other contribution to be provided by the proposer.

The information called for under this section relates primarily to a demonstration project involving the construction and operation of a "plant." In instances where the proposed project concerns a demonstration that does not involve a plant (for example, the demonstration of a process, apparatus, device), the individual Program Opportunity Notice shall state what additional information is to be submitted with the proposal.

(6) Names of the key personnel to be involved, brief biographical information, including relevant experience;

(7) A current financial statement;

(8) Period for which proposal is valid;

(9) Names and telephone numbers of proposer's primary business and technical personnel whom ERDA may contact during evaluation or negotiation;

(10) Each proposal containing technical data or proprietary or business confidential information, which the proposer intends to be used by ERDA for evaluation purposes only, should be marked on the cover sheet with the legend prescribed in § 9-3.150-4 of the ERDA Procurement Regulations; and

(11) Signature of an official of the proposing organization authorized to contractually obligate such organization.

§ 9-4.5705 Assistance and participation.

§ 9-4.5705-1 Forms of assistance and participation.

(a) In providing for the carrying out of demonstrations under the Federal Nonnuclear Energy Research and Development Act, ERDA may utilize various forms of Federal assistance and participation. These forms of assistance and participation include but are not limited to:

(1) Contracts;

(2) Grants;

(3) Loans;

(4) Incentives, including financial awards, to individual inventors;

(5) Joint Federal-industry demonstration corporation; and

(6) Federal purchase(s) or guaranteed price of the products of the demonstration project.

A Program Opportunity Notice may highlight a particular form(s) of assistance or participation deemed most suitable to a proposed demonstration; or, when justified, limit consideration or assistance or participation to a particular form(s).

§ 9-4.5705-2 Cost sharing.

(a) The provisions contained in Subpart 9-4.56 of the ERDA Procurement Regulations outlining ERDA's cost sharing policy shall apply to proposals submitted hereunder, except as hereinafter provided.

(b) When a proposal contemplates ERDA's direct financial support the resulting demonstration project must be conducted on a cost-shared basis. ERDA's financial support shall be only to the extent of the Federal share of the estimated total design, construction, operation and maintenance costs. Payment of fees to the non-Federal cost sharer(s) is prohibited. The non-Federal cost share may be in any form, including, but not limited to, cash, real property or interest therein, personal property or services. The value of any non-monetary, non-Federal cost share shall be determined by ERDA.

§ 9-4.5706 Evaluation and selection.

(a) *General policy.* Information contained in proposals offered in response to Program Opportunity Notices shall be treated in accordance with the policies and procedures set forth in § 9-3.150 of the ERDA Procurement Regulations pertaining to the marking and handling of proprietary data and privileged business information.

(b) *Preliminary review.* Prior to making a comprehensive evaluation of a proposal, the receiving office shall determine that it:

(1) Contains sufficient technical, cost and other information to enable comprehensive evaluation; and

(2) Has been signed by a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

If the proposal does not meet these requirements, a comprehensive evaluation need not be made. In such cases a prompt reply shall be sent to the proposer, indicating the reason(s) for its not being selected for support under the Program Opportunities Notice.

(c) *Comprehensive evaluation.* When the estimated amount of the Federal investment that would be required to support a proposal(s) offered in response to a Program Opportunity Notice will necessitate specific legislative authorization by the Congress, comprehensive evaluation shall be conducted by a specially constituted board which shall follow such policies and procedures of the ERDA formal Source Evaluation Board process as may be appropriate under the circumstances. When the estimated amount of the Federal investment will not necessitate specific legislative authorization, comprehensive evaluation shall be conducted by a panel, which shall be appointed by the cognizant Program Office, and shall include representation from the Division of Procurement. Every proposal that is retained for comprehensive evaluation shall have attached or imprinted a legend identifying it as proposal, and stating that it may be used only for purposes of evaluation. Both the general criteria set forth in subsections (c)(1) through (5) below and the specific criteria set forth in subsections (d)(1) through (7) below, as well as any additional special criteria which may be contained in the particular Program Opportunity Notice, shall be considered in evaluating proposals.

(1) The overall technical feasibility of the proposed effort;

(2) The potential contribution which the proposed effort is expected to have, if supported at this time, on ERDA's responsibility to carry out programs so as to assist in solving energy extraction and storage, transportation, conversion, waste utilization, conservation, and the energy utilization efficiency problems of

V40-129 JUL 3 75 XUM

various areas and regions, under representative geological, geographic and environmental conditions;

(3) The capabilities, related experience, facilities, instrumentation, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the objective(s) of the proposal;

(4) The qualifications, capabilities and experience of the proposed key personnel; and

(5) The ability of the proposer to furnish necessary financial support.

(d) *Specific evaluation criteria.* In evaluating proposals for a potential demonstration project, the following criteria shall be used:

(1) The anticipated objectives to be achieved by the activities or facilities proposed;

(2) The economic, environmental, and societal costs and benefits which a successful demonstration program may have for the national fuels and energy system;

(3) The availability of non-Federal participant(s) to construct and operate the facilities or experiment or perform the activities associated with the proposal and to contribute to financing the proposal;

(4) The total estimated cost including the Federal investment and the probable time schedule;

(5) The proposed participants and the proposed financial contributions of the Federal Government and of the non-Federal participants;

(6) The proposed cooperative arrangement, agreements among the participants, and form of management of the activities;

(7) The relationship of the proposal to the following priorities:

(i) The urgency of public need for the potential results of the proposed demonstration effort is high, and it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance.

(ii) The potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial utilization of proprietary knowledge appear inadequate to encourage timely results.

(iii) The extent of the problems treated and the objectives sought by the undertaking are national or widespread in their significance.

(iv) There are limited opportunities to induce non-Federal support of the undertaking through regulatory actions, end-use controls, tax and price incentives, public education, or other alternatives to direct Federal financial assistance.

(v) The degree of risk of loss of investment inherent in the demonstration is high, and the availability of risk capital to the non-Federal entities which might otherwise engage in this effort is inadequate for the timely development of the technology.

(vi) The magnitude of the investment appears to exceed the financial capabilities of potential non-Federal participants.

§ 9–4.5707 Unsolicited proposals for commercial demonstrations.

(a) Consistent with ERDA's policy set forth in Subpart 9–4.52 of the ERDA Procurement Regulations, when a received document otherwise qualifies as an unsolicited proposal under this Part, but its substance is generally known and may be obtained without restriction by formal competitive solicitation or Program Opportunity Notice, or its substance closely resembles that of a pending formal competitive solicitation or Program Opportunity Notice, ERDA's policy of obtaining competition applies.

(b) Unsolicited proposals for nonnuclear energy demonstration activities not covered by existing formal competitive solicitations or Program Opportunity Notices should be prepared using the information requirements of § 9–4.5704–3 as a guideline; may request Federal assistance or participation pursuant to § 9–4.5705–1; and shall be subject to the cost sharing provisions of § 9–4.5705–2.

(c) Unsolicited proposals should be addressed to the cognizant Program Office as follows:

U.S. Energy Research and Development Administration, ATTN: (Insert appropriate Division), Washington, DC 20545.

The Program Offices and Divisions are:

Office of the Assistant Administrator for Fossil Energy.[1] Division of Advanced Research and Supporting Technology. Division of Coal Conversion and Utilization. Division of Petroleum, Natural Gas, and In Situ Technology.

Office of the Assistant Administrator for Solar, Geothermal, and Advanced Energy Systems. Division of Physical Research. Division of Controlled Thermonuclear Research. Division of Geothermal Energy. Division of Solar Energy.

Office of the Assistant Administrator for Conservation. Division of Buildings and Industry. Division of Interprogram Applications. Division of Conservation Research and Technology. Division of Electric Energy Systems. Division of Transportation Energy Conservation.[2]

U.S. Energy Research and Development Administration, Division of Transportation, 2929 Plymouth Road, Ann Arbor, MI 48105.

(d) When an unsolicited proposal is received initially by an ERDA field installation or non-cognizant Headquarters Office, it shall be forwarded to the cognizant Program Office. Information contained in unsolicited proposals shall be treated in accordance with the policies and procedures set forth in § 9–3.150 of the ERDA Procurement Regulations. Unsolicited proposals shall be acknowledged as soon as possible after receipt, and the proposer shall be informed, in writing, of the ultimate disposition of the proposal.

(e) The cognizant Program Office shall appoint a panel, which shall include representation from the Division of Procurement, to evaluate each unsolicited proposal, and to recommend whether the proposal should be supported. Unsolicited proposals will be evaluated in accordance with the criteria set forth in § 9–4.5706.

(f) A favorable evaluation of an unsolicited proposal is not, in and of itself, sufficient justification for negotiating on a noncompetitive basis with the proposer. When an unsolicited proposal has received a favorable evaluation and it is determined that the substance thereof is not available to ERDA without restriction from another source, or competition is otherwise precluded, the subject matter of such proposal may be procured from the proposer on a noncompetitive basis. The Program Office sponsoring the procurement shall, prior to the negotiation of a contract or other agreement, make the findings and determination required to support a negotiated procurement (§ 9–3.301 of the ERDA Procurement Regulations).

AUTHORITY: Sec. 105, Energy Reorganization Act of 1974 (P.L. 93–438).

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.75–17461 Filed 7–2–75;8:45 am]

[1] Send all fossil energy proposals to the attention of the Evaluation and Review Staff rather than one of the Divisions.

[2] This Division is not located in Washington, D.C. Send to:

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Utilization Review; Deferral of Effective Date of Regulations

This Notice defers, until July 30, 1975, the effective date of certain regulatory provisions published November 29, 1974 (39 FR 41604, 41610) governing the requirement for admission review in hospitals under the Medicare and Medicaid programs.

On May 27, 1975, the United States District Court for the Northern District of Illinois in the case of *American Medical Association* v. *Weinberger*, Civil Action No. 75 C 560, issued a preliminary injunction pending a final disposition on the merits of the action, prohibiting the Department from enforcing or implementing 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a)(1)(viii). The Department has noticed and is pursuing an appeal from the injunction. The Department also applied to the United States Court of Appeals for the Seventh Circuit for a stay of the preliminary injunction. On June 30, 1975, the Court of Appeals denied the Department's application for a stay of the District Court's order pending appeal.

In view of the Court of Appeals decision not to stay the District Court's order prohibiting the implementation of these regulatory provisions at this time, we will delay enforcement and implementation of these provisions until the Court of Appeals rules on the Department's appeal from the District Court's order. We anticipate a ruling very shortly, since the oral argument is scheduled for July 10. Accordingly, notice is hereby given that the effective date of 20 CFR 405.1035 (e) and (f) and 45 CFR 250.19(a)(1)(viii) is delayed until July 30, 1975.

NOTE. This document also appears in the Rules and Regulations section of this issue under Title 20.

Dated: July 1, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75–17457 Filed 7–2–75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 25; Notice 18]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading Standards; Republication of Rule

This notice republishes, with minor changes, paragraphs (e)(1)(v) and (f)(2)(i)(B), Figure 2, and the appendices of § 575.104, *Uniform Tire Quality Grading Standards*, which was published May 28, 1975 (40 FR 23073; Notice 17).

In describing the rims on which candidate tires are to be mounted, Notice 17 inadvertently referred to the Appendix to Standard No. 110. On February 6, 1975, the definition of "test rim" in Standard No. 109 was amended and the Appendix to Standard No. 110 was deleted (Docket No. 74–25; Notice 2; effective August 5, 1975). Under the new definition, a "test rim" may be any of several widths, only one of which is equal to that listed under the words "test rim width" in Table I of the Appendix to Standard No. 109. Paragraphs (e)(1)(v) and (f)(2)(i)(B) are corrected to specify the rim mounting scheme in terms of the new definition.

As Figure 2 was published in the FEDERAL REGISTER, the words "DOT Quality Grades" appeared as the Figure's title. In fact, the words are a part of the text which must appear on each tread label required by paragraph (d)(1)(B), and accordingly the figure is republished with the correct title.

The treadwear test course described in Appendix A is changed so that the loops are traveled in the following order: south, east, and northwest. This change is designed to increase safety by reducing the number of left turns. The table of key points and mileages is revised to reflect the change. Corresponding changes are made in the numbers used to designate these points in the text and in Figure 3.

To prevent the bunching of test vehicles at STOP signs and thereby increase safety, the speed to which vehicles must decelerate when abreast of the direction sign is changed in Appendix A to read "20 mph".

The reference to Figure 2 in the second paragraph of Appendix B is corrected to indicate that the asphalt skid pad is depicted in Figure 4. The shading of the skid pads is corrected to correspond to the description in the text.

The first two paragraphs of Appendix C, *Method of Least Squares*, were omitted. Those paragraphs are now inserted and the graph is designated as Figure 5.

In consideration of the foregoing, paragraphs (e)(1)(v) and (f)(2)(i)(B), Figure 2, and the appendices to § 575.104 of Title 49, Code of Federal Regulations, are republished to read as set forth below.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.51.)

Issued on June 25, 1975.

JAMES B. GREGORY,
Administrator.

§ 575.104 Uniform Tire Quality Grading Standards.

* * * * * * *

(e) * * *

(1) * * *

(v) On each convoy vehicle, all tires are mounted on identical rims: either a "test rim" as defined with respect to that tire in paragraph S3 of Standard No. 109 (§ 571.109 of this chapter) which is of the width listed for the applicable tire size designation under the words "test rim width" in Table I of the Appendix to Standard No. 109, or such a "test rim" having a width within −0+0.50 inches of the width listed.

* * * * * * *

(f) * * *

(2) * * *

(i) * * *

(B) Mount each tire on a "test rim" as defined in paragraph S3 of Standard No. 109 (§ 571.109 of this chapter) which is of a width within −0+0.50 inches of the width listed for the applicable tire size designation under the words "test rim width" in Table I of the Appendix to Standard No. 109. Then inflate the tire to 24 psi.

* * * * * * *

FIGURE 2—DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS IN ADDITION TO THESE GRADES

Treadwear

The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 200 would wear twice as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices, and differences in road characteristics and climate.

*Traction**, *, and 0*

The traction grades are ** (the highest), *, and 0, and represent the tire's ability to stop on wet pavements as measured on asphalt and concrete test surfaces. A tire marked 0 for traction may have poor traction performance.

Temperature: A, B, and C

The temperature grades are A (the highest), B, and C, representing the tire's resistance to the generation of heat and its ability to dissipate heat. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive temperature can lead to sudden tire failure. The grade C corresponds to a level of performance which all passenger car tires must meet under the Federal motor vehicle safety standards. Grades B and A represent higher levels of performance than the minimum required by law.

APPENDIX A—TREADWEAR TEST COURSE AND DRIVING PROCEDURES

Introduction. The test course consists of three loops of a total of 400 miles in the geographical vicinity of Goodfellow AFB, San Angelo, Texas.

The first loop runs south 143 miles through the cities of Eldorado, Sonora, and Juno, Texas, to the Camp Hudson Historical Marker, and returns by the same route.

The second loop runs east over Farm and Ranch Roads (FM) and returns to its starting point.

The third loop runs northwest to Water Valley, northeast toward Robert Lee and returns via Texas 208 to the vicinity of Goodfellow AFB.

Route. The route is shown in Figure 3. The table identifies key points by number. These numbers are encircled in Figure 3 and in parentheses in the descriptive material that follows.

Southern Loop. The course begins at the intersection (1) of Ft. McKavitt Road and Paint Rock Road (FM388) at the northwest corner of Goodfellow AFB.

Drive east via FM 388 to junction with Loop Road 306 (2). Turn right onto Loop Road 306 and proceed south to junction with US277 (3). Turn onto US277 and proceed south through Eldorado and Sonora (4), continuing on US277 to junction with FM189 (5). Turn right onto FM189 and proceed to junction with Texas 163 (6). Turn left onto Texas 163, proceed south to Camp Hudson Historical Marker (7) and U-turn in highway. Reverse route to junction of Loop Road 306 and FM 388 (2).

V40-129-JUL 3 75 XUM

Eastern Loop. From junction of Loop Road 306 and FM388 (2) make right turn onto FM388 and drive east to junction with FM-2334 (13). Turn right onto FM2334 and proceed south across FM765 (14) to junction of FM2334 and US87 (15). Make U-turn and return to junction of FM388 and Loop Road 306 (2) by the same route.

Northwestern Loop. From junction of Loop Road 306 and FM388 (2), make right turn onto Loop Road 306. Proceed onto US277, to junction with FM2105 (8). Turn left onto FM2105 and proceed west to junction with US87 (10). Turn right on US87 and proceed northwest to the junction with FM2034 near the town of Water Valley (11). Turn right onto FM2034 and proceed north to Texas 208 (12). Turn right onto Texas 208 and proceed south to junction with FM2105 (9). Turn left onto FM2105 and proceed east to junction with US277 (8). Turn right onto US277 and proceed south onto 306 to junction with 388 (2). Turn right onto 388 and proceed to starting point at junction of Ft. McKavitt Road and FM388 (1).

Driving instructions. The drivers shall run at posted speed limits throughout the course unless an unsafe condition arises. If such condition arises, the speed should be reduced to the maximum safe operating speed.

Braking Procedures at S T O P signs. There are a number of intersections at which stops are required. At each of these intersections a series of signs is placed in a fixed order as follows:

SIGN LEGEND

Highway Intersection 1000 (or 2000) Feet
STOP AHEAD
Junction XXX
Direction Sign (Mereta→)
STOP or YIELD

Procedures. 1. Approach each intersection at posted speed limit.

2. When abreast of the STOP AHEAD sign, apply the brakes so that the vehicle decelerates smoothly to 20 mph when abreast of the direction sign.

3. Come to a complete stop at the STOP sign or behind any vehicle already stopped.

Key points along treadwear test course, approximate mileages, and remarks

		Mileages	Remarks
1	Fort McKavitt Rd. and F.M. 388.	0	
2	F.M. 388 and loop 306...	3	STOP
3	Loop 306 and U.S. 277...	10	
4	Sonora	72	
5	U.S. 277 and F.M. 189...	88	
6	F.M. 189 and Texas 163.	124	
7	Historical marker (Camp Hudson).	183	U-TURN
4	Sonora	214	
3	Loop 306 and U.S. 277...	276	
2	F.M. 388 and loop 306...	286	
13	F.M. 388 and F.M. 2334.	290	STOP
14	F.M. 2334 and F.M. 765.	292	STOP
15	F.M. 2334 and U.S. 87...	295	STOP/ U-TURN
14	F.M. 2334 and F.M. 765.	298	STOP
13	F.M. 388 and F.M. 2334.	300	STOP
2	F.M. 388 and loop 306...	307	STOP
8	U.S. 277 and F.M. 2105.	313	
9	F.M. 2105 and Texas 208.	317	STOP
10	F.M. 2105 and U.S. 87..	329	STOP
11	F.M. 2084 and U.S. 87..	338	
12	F.M. 2084 and Texas 208.	362	STOP
9	F.M. 2105 and Texas 208.	367	
8	F.M. 2105 and U.S. 277..	391	YIELD
2	F.M. 388 and loop 306...	397	
1	Fort McKavitt Rd. and F.M. 388.	400	

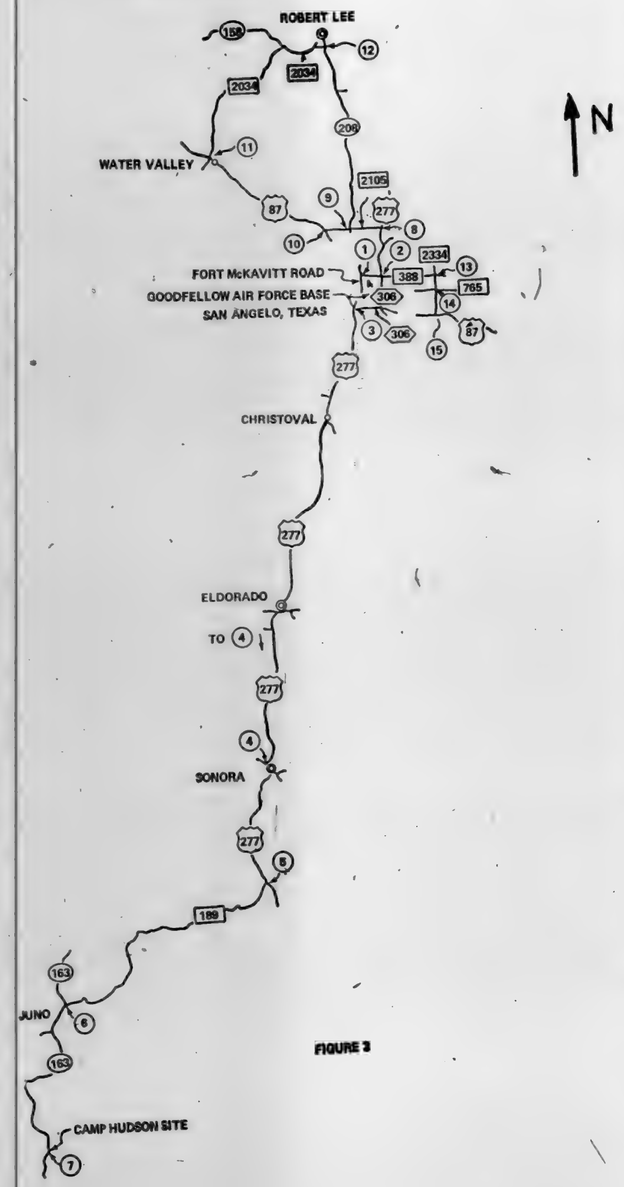


FIGURE 3

APPENDIX B—TRACTION SKID PADS

Two skid pads have been laid on an unused runway and taxi strip on Goodfellow AFB. Their location is shown in Figure 4.

The asphalt skid pad is 600 ft. x 60 ft. and is shown in black on the runway in Figure 4. The pad is approached from either end by a 75 ft. ramp followed by 100 ft. of level pavement. This arrangement permits the skid trailers to stabilize before reaching the test area. The approaches are shown on the figure by the hash-marked area.

The concrete pad is 600 ft. x 48 ft. and is on the taxi strip. The approaches to the concrete pad are of the same design as those for the asphalt pads.

A two lane asphalt road has been built to connect the runway and taxi strip. The road is parallel to the northeast-southwest runway at a distance of 100 ft. The curves have super-elevation to permit safe exit from the runway at operating speeds.

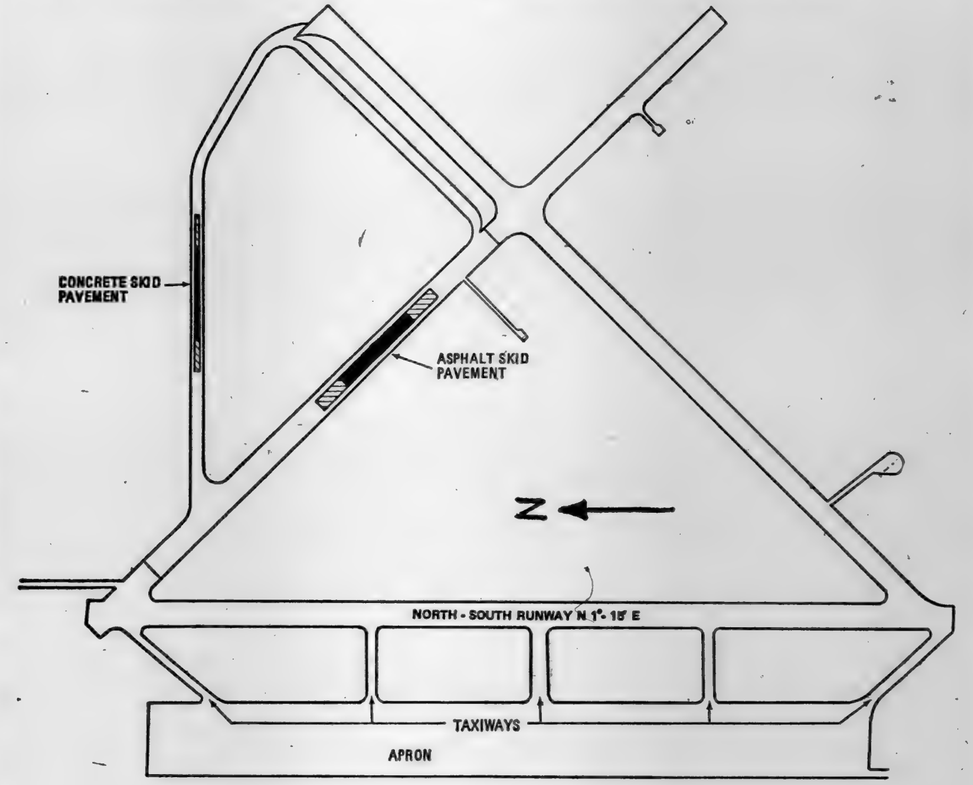


FIGURE 4

APPENDIX C—METHOD OF LEAST SQUARES

The method of least squares is a method of calculation by which it is possible to obtain a reliable estimate of a true physical relationship from a set of data which involve random error. The method may be used to establish a regression line that minimizes the sum of the squares of the deviations of the measured data points from the line. The regression line is consequently described as the line of "best fit" to the data points. It is described in terms of its slope and its "*y*" intercept.

The graph in Figure 5 depicts a regression line calculated using the least squares method from data collected from a hypothetical treadwear test of 6,400 miles, with tread depth measurements made at every 800 miles.

V40-129 JUL 3 75 XUM

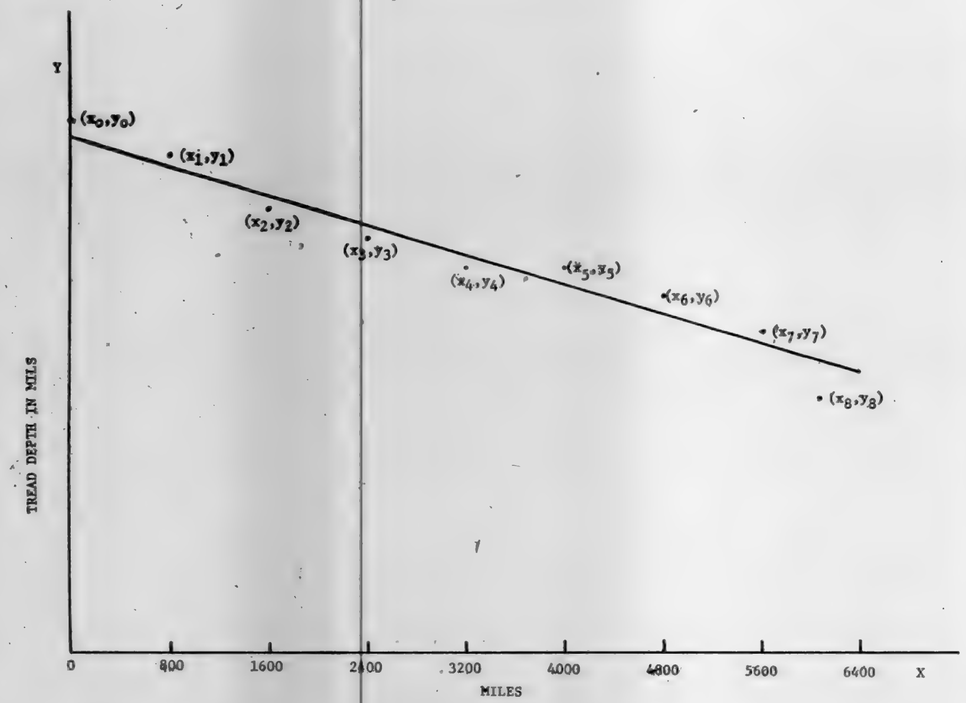


FIGURE 5

In this graph, (x_j, y_j) $[j=0, 1, \ldots 8]$ are the individual data points representing the tread depth measurements (the overall average for the tire with 6 measurements in each tire groove) at the beginning of the test (after break-in) and at the end of each 800-mile segment of the test.

The absolute value of the slope of the regression line is an expression of the mils of tread worn per 1,000 miles, and is calculated by the following formula:

$$b = 1000\,\frac{\left(\sum_{j=0}^{8} x_j y_j - \frac{1}{9}\sum_{j=0}^{8} x_j \sum_{j=0}^{8} y_j\right)}{\sum_{j=0}^{8} x_j^2 - \frac{1}{9}\left(\sum_{j=0}^{8} x_j\right)^2}$$

The "y" intercept of the regression line (a) in mils is calculated by the following formula:

$$a = \frac{1}{9}\sum_{j=0}^{8} y_j - \frac{b}{9000}\sum_{j=0}^{8} x_j$$

[FR Doc. 75-17152 Filed 7-2-75;8:45 am]

[Docket No. 25; Notice 19]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading Standards; Response to Applications for Stay

This notice responds to applications for a stay of the effective dates of the Uniform Tire Quality Grading Standards issued on May 20, 1975, and published May 28, 1975 (40 FR 23073, Notice 17). A petition for review of that rule was filed in the United States Court of Appeals for the Sixth Circuit on May 21, 1975, by the following tire manufacturers: B. F. Goodrich Co., Goodyear Tire & Rubber Co., Cooper Tire & Rubber Co., General Tire & Rubber Co., Firestone Tire & Rubber Co., and Mansfield Tire & Rubber Co. On May 27, 1975, these petitioners applied to the NHTSA, pursuant to 5 U.S.C. 705, for a stay of the rule's effective dates during the pendency of the judicial review proceedings. On June 2, 1975, Uniroyal Inc. and Armstrong Rubber Co. filed a petition for review of the rule in the United States Court of Appeals for the Second Circuit. Similarly, these petitioners applied to the NHTSA on June 9, 1975, for a stay of the rule's effective dates. For the reasons set out below, the applications are denied.

Petitioners have suggested that the NHTSA is already on record as favoring a stay of the type requested, because of uncertainty concerning the rule's ultimate applicability. That suggestion is incorrect. Although in a docketed meeting memorandum (Docket No. 25, Notice 15, Entry No. 40) an NHTSA representative had previously stated that it might be premature for a manufacturer to begin testing, the statement was made over 4 months ago, when the standards were still in the proposal stage and a final rule based on current proposals had not been issued. The issuance of a final rule is normally the time at which a regulated person is expected to begin full-scale preparation for conformity by the stated effective date. While the rule could possibly be changed in response to petitions for reconsideration, any such changes made by the NHTSA would take account of the fact that the manufacturers are already testing for compliance.

The only other uncertainty concerns the possibility that the reviewing court may require changes in or withdrawal of the rule. The NHTSA would not have issued the Uniform Tire Quality Grading Standards were it not confident that the rule would withstand all court challenges. Petitioners have presented no new information which would cause the NHTSA to doubt the rule's appropriateness or legality.

The cost arguments raised by petitioners have been fully considered by the NHTSA in the course of development and issuance of the rule in question. An analysis of the cost and other economic implications of the quality grading requirements was recently entered in the rulemaking docket. Although the NHTSA's cost calculations, as set forth in that analysis, differ from those submitted by manufacturers, this agency has concluded that, even assuming the validity of the cost claims made by manufacturers, the rule meets the statutory directive. Specifically, a uniform quality grading system for tires was mandated by Congress in Section 203 of the National Traffic and Motor Vehicle Safety Act of 1966. The rule in question was issued in response to that mandate and pursuant to an order of the U.S. District Court for the District of Columbia. It represents the culmination of many years of development, including extensive research and repeated exchanges of views with the tire industry and the public. Any delay of the rule's effective dates would unnecessarily deprive consumers of those facts which are necessary to make more informed purchases of passenger car tires and would therefore not be in the public interest.

For these reasons, the applications for a stay of effective dates are denied.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.51)

Issued on June 30, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-17423 Filed 6-30-75;4:27 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-40; Amdt. 39-2251]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 75-03-04 applicable to Fairchild Hiller FH1100 type helicopters.

A review of the procedures required by AD 75-03-04 establishes that the time of inspection may be increased and the area of inspection reduced.

In view of the foregoing and because the amendment is relaxatory, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending and revising AD 75-03-04 as follows:

FAIRCHILD (HILLER). Amend Airworthiness Directive 75-3-4, Amendment 39-2071 to read as follows:

FAIRCHILD (HILLER). Applies to model 1100 and FH1100 type helicopters certificated in all categories.

To detect cracks in the tail fin spar channel, P/N 24-62030-7 or P/N 24-62030-43 in the area of the tail rotor gear box mount, P/N 24-62006-3, accomplish the following inspection or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, within the next five hours in service after the effective date of this AD unless already accomplished within the last 95 hours in service and at every 100 hours in service thereafter:

1. Remove tail rotor gear box fairing and fin leading edge cover.

2. Clean the tail fin spar in an area one inch in diameter around the left and right forward attachment bolts (two of ten to which the tail rotor gear box mount is attached to the spar) and the spar surface between these two attachments and forward, for a distance of 1½ inches with metachlor or equivalent grease and oil remover by light scrubbing with a stiff bristle brush.

3. Inspect the cleaned area for cracks with at least a ten power magnifying glass by looking through the front end of the tail rotor gear box mount fitting.

4. If a crack is found, replace with an uncracked fin assembly that has been inspected in accordance with the above procedure or alter fin in accordance with an alteration approved by the Chief, Engineering and Manufacturing Branch, Eastern Region before further flight.

This amendment is effective July 8, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, 1423]; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 24, 1975.

R. J. VAN VUREN,
Acting Director, Eastern Region.

[FR Doc.75-17316 Filed 7-2-75;8:45 am]

[Docket No. 75-EA-42; Amdt. 39-2252]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Grumman G-164 and G-164A type airplanes.

There have been reports of wear and resultant broken strands in the rudder cables. Since this is a deficiency which can exist or develop in similar type design airplanes, an airworthiness directive is being issued which will require a repetitive inspection and replacement where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Grumman G-164 and G-164A aircraft:

1. Compliance required within 20 hours' time in service after the effective date of this AD, unless already accomplished within the last 80 hours' time in service, and thereafter within 100 hours' time in service from the last inspection.

2. a. Inspect the rudder cables P/N A1860-35, -36 within the cockpit floor board and chafe strip area for fraying.

b. Replace any cables that show broken strands. Defective components must be replaced with the same part number or with approved equivalent parts.

3. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval in this AD.

4. Equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Service Bulletin No. 56, dated May 1, 1975, is concerned with this subject).

This amendment is effective July 8, 1975.

V40I129 JUL 3 75 XUM

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 24, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-17315 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20291 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 1.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Standish, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 31, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

STANDISH, MICH.

That airspace extending upward from 700 feet above the surface within a six-mile radius of the Standish City Airport (Latitude 43°58'48" N., Longitude 83°56'25" W.).

[FR Doc.75-17308 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 20291 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Park Rapids, Minnesota.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 17, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

PARK RAPIDS, MINN.

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Park Rapids Municipal Airport (Latitude 46°53'53" N., Longitude 95°04'08" W.); within 3 miles each side of the 132° bearing from the airport extending from the 6½ mile radius area to 8 miles southeast of the airport; within 3 miles each side of the 320° bearing from the airport extending from the 6½ mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the airport extending from the airport to 18½ miles southeast; within 4½ miles northeast and 9½ miles southwest of the 320° bearing from the airport extending from the airport to 18½ miles northwest.

[FR Doc.75-17309 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20290 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sheridan, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 21, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,
Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

SHERIDAN, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sheridan Airport (Latitude 40°10'33" N., Longitude 86°13'56" W.); within 2.5 miles either side of the 019° bearing from the airport, extending from the 5-mile radius to 6 miles north excluding the portion which overlies the Zionsville, Indiana transition area.

[FR Doc.75-17310 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 20290 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Rhinelander, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.171 (40 FR 354), the following control zone is amended to read:

RHINELANDER, WIS.

Within a 5-mile radius of Rhinelander-Oneida County Airport (Latitude 45°37'54" N., Longitude 89°27'35" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 7 miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; and within 2 miles each side of the Rhinelander VORTAC 058° radial extending from the 5-mile radius zone to 7 miles northeast of the VORTAC.

In § 71.181 (40 FR 441), the following transition area is amended to read:

RHINELANDER, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (Latitude 45°37'54" N., Longitude 89°27'35" W.).

[FR Doc.75-17311 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 18001 of the FEDERAL REGISTER dated April 24, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Georgetown, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 21, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 18, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

GEORGETOWN, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brown County Airport (Latitude 38°52'55" N., Longitude 83°52'58" W.); and within 3 miles either side of the 162° bearing from the airport extending from the 5-mile radius to 8 miles southeast of the airport.

[FR Doc.75-17312 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-GL-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 20292 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Zionsville, Indiana.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 3, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on June 17, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

ZIONSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (Latitude 40°02'08" N., Longitude 86°15'18" W.); within 2 miles either side of the 359° bearing extending from the airport to 6 miles north.

[FR Doc.75-17307 Filed 7-2-75;8:45 am]

[Airspace Docket No. 75-EA-23]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes and Area High Routes

On May 20, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 21986) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-150 and J-174 between Hampton, N.Y., and Hyannis, Mass.; realign J-808R between waypoint PATTY and waypoint WHALE; and realign J-809R between waypoint PATTY and waypoint DAVES.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

§ 75.100 (40 FR 705, 39 FR 41520) is amended as follows:

1. In J-150 "Hyannis, Mass.;" is deleted and "INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis;" is substituted therefor.

2. In J-174 "Hyannis, Mass.;" is deleted and "INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis;" is substituted therefor.

§ 75.400 (40 FR 724, 39 FR 41520) is amended as follows:

1. In J-808R "MARYS 41°29'31" N. 70°09'06" W. Nantucket, Mass." is deleted and "Nantucket 41°16'54" N. 70°-01'38" W. Nantucket, Mass." is substituted therefor.

2. In J-809R "MARYS 41°29'31" N. 70°09'06" W. Nantucket, Mass." is deleted and "Nantucket 41°16'54" N. 70°-01'38" W. Nantucket, Mass." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 27, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-17313 Filed 7-2-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-915; Amdt. 4]

PART 211—APPLICATIONS FOR PERMITS TO FOREIGN AIR CARRIERS

Applications by Canadian Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 27, 1975.

Pursuant to a Nonscheduled Air Service Agreement, dated May 8, 1974, executed by the United States and Canada, the Board has made various implementing changes in its issuance of foreign air carrier permits to Canadian carriers authorizing charter services only, under section 402 of the Federal Aviation Act of 1958, as amended, as more fully described and explained in Order 74-6-30, dated June 6, 1974, and Order 74-11-154, served December 3, 1974.

One such change is the replacement of permits authorizing "casual, occasional, and infrequent" flights for small aircraft with permits authorizing only "charter" flights for small aircraft; and another change is to replace the definite duration of such permits with the indefinite duration of the Agreement and of the holder's designation thereunder. These changes necessitate conforming amendments to the special provisions prescribed by Part 211 with respect to applications by Canadian carriers for permits to operate small aircraft across the Canada-United States borders, insofar as certain terms in these special provisions in Part 211 have now been rendered obsolete.

The within rule thus constitutes a technical revision, of a procedural nature, which imposes no burden on anyone, and the Board therefore finds that notice and public procedure hereon are not necessary and that it may be made effective immediately.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 211 of the Economic Regulation (14 CFR Part 211) effective June 27, 1975, as follows:

1. Revise § 211.1 to read as follows:

§ 211.1 Formal requirements.

Applications for permits to engage in foreign air transportation under the terms of section 402 of the act (called foreign air carrier permits in this part) shall meet the requirements set forth in § 302.3 of this chapter as to execution, number of copies, and formal specifications of papers, except that Canadian operators filing applications for foreign air carrier permits authorizing charter flights across the Canada-United States borders with small aircraft (as defined in the current Nonscheduled Air Service Agreement between these two countries) shall file one original and seven true copies of the application. Applications shall be verified, and the verifications shall be subscribed and sworn to before a Notary Public or other officer authorized to administer oaths in the jurisdiction in which such application is executed. Notwithstanding the laws of the country of applicant's citizenship, an application verified before a United States consular officer will be deemed to have met the requirements of this section. All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute

V40-129-L JUL 3 75 XUM

a part of the application to which they are attached.

2. Revise § 211.2 to read as follows:

§ 211.2 Filing and service.

Applications for foreign air carrier permits shall be forwarded to the Board, through diplomatic channels, by the government of the applicant's country of citizenship, and shall be deemed to have been filed on the date such applications are actually received by the Board; *Provided*, That applications by Canadian operators for foreign air carrier permits authorizing charter flights with small aircraft across the Canada-United States borders shall be filed with the Board through the Air Transport Committee of Canada. Each applicant shall furnish such additional copies of its application, and shall make such service thereof upon such other persons as the Board may at any time require.

3. Revise § 211.4 to read as follows:

§ 211.4 Incorporation by reference.

In general it is desirable that incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant.

(Secs. 204 and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17401 Filed 7-2-75;8:45 am]

[Reg. ER-916; Amdt. 8]

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

Canadian Applicants

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 27, 1975.

By ER-915, issued contemporaneously herewith, the Board has made various technical revisions to Part 211 of its Economic Regulations, insofar as special provisions are there prescribed for applications by Canadian air carriers for permits authorizing small aircraft operations between the United States and Canada. As explained there, such revisions have been made in order to reflect our regulatory implementation of the Nonscheduled Air Service Agreement which is currently in effect between Canada and the United States.

For the same reasons set forth in our preamble to ER-915, described above, we are also amending this Part 217, in order to conform the requirement which this Part imposes with respect to the filing of reports by foreign air carriers of charters performed with small aircraft.

We are also taking this occasion to amended the definition of "small aircraft," so as to increase the minimum size of aircraft whose charter operations are not required to be reported under this Part.

Since the within rule constitutes a technical revision, and imposes no burden on anyone, the Board finds that notice and public procedure hereon are not necessary and that it may be made effective immediately.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 217 of the Economic Regulations (14 CFR Part 217), effective June 27, 1975, as follows:

1. Revise the definition of "small aircraft" set forth in § 217.1, the said section as amended to read in part as follows:

§ 217.1 Definitions.

* * * * *

"Small aircraft" means aircraft with a maximum takeoff weight of 18,000 pounds or less.

2. Revise § 217.2 to read as follows:

§ 217.2 Applicability.

This part applies to foreign air carriers which are authorized to perform civil aircraft charters to or from the United States: *Provided, however*, That foreign air carriers operating charter flights to or from the United States with small aircraft only (as defined in § 217.1) shall not be subject to the requirements of this part.

3. Revise paragraph (a) of § 217.6 to read as follows:

§ 217.6 Reporting instructions.

(a) A complete report shall be made on this form for the overall or system operations conducted by a foreign air carrier to or from the United States: *Provided, however*, That charter flights with small aircraft (as defined in § 217.1) shall not be reported.

* * * * *

(Secs. 204 and 402 of the Federal Aviation Act of 1958 as amended, 72 Stat. 743 and 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17403 Filed 7-2-75;8:45 am]

[Reg. ER-919; Amdt. 43]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Logair and Quicktrans Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 30, 1975.

On May 16, 1975, Saturn Airways, Inc. (Saturn) filed a petition for reconsideration of ER-906, effective May 2, 1975,[1] establishing increased interim final minimum rates applicable to Logair and Quicktrans domestic cargo charter air transportation services performed for the Department of Defense (DOD), as contracted by the Military Airlift Command (MAC).[2]

As more fully set forth in Order 75-6-144, being issued simultaneously with this rule amendment, the Board denied Saturn's petition insofar as it requested retroactive rate adjustment beginning May 2, 1975, the effective date of ER-906. However, we will, as further indicated in Order 75-6-144, amended prospectively the Logair/Quicktrans rates consistent with Saturn's revised Form 243 reports for the calendar year 1974.[3] Furthermore, since the rates are being adjusted, petitions for reconsideration thereon will be permitted.

The amendments reflecting the foregoing increases are to be effective seven calendar days after adoption of this rule, in conformance with the procedure followed in ER-888 and ER-906. Interested persons may file petitions for reconsideration of the within amendments. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before July 14, 1975. Copies of any petitions filed will be available for inspection and copying in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The fing of petitions shall not operate to stay the effective date of the within amendment. Any action taken in response to such petitions will be effective prospectively.

In view of the need for prompt rate adjustment, we find good cause exists to make the amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective July 7, 1975, as follows:

Revise the table of rates § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30	$1.8366	$2.6804	$150
L-188C	1.8366	2.6804	150
L-100-20/30	2.6261	2.7869	150
DC-8-61/63	4.3262	4.3779	275

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17404 Filed 7-2-75;8:45 am]

[1] Permission was granted by the Chief Administrative Law Judge for Saturn's late filing.

[2] DOD filed timely answer objecting to Saturn's petition for reconsideration.

[3] For the computations underlying the rate amendments herein, see Appendices A through D, which are filed as part of the original document.

[Reg. ER-917, Consolidation, Recodification and Revision of Part 296]

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 27, 1975.

The Board's regulations authorizing and governing the operations of indirect air carriers of property—air freight forwarders, international air freight forwarders, and cooperative shippers associations—presently are set forth in Parts 296 and 297 of the Economic Regulations. These Parts contain duplicative provisions, relate essentially to the same subject matter, and lend themselves to consolidation for the purpose of composing the regulations into a more logical arrangement and reducing the number of parts. The consolidation is being accomplished by revising Part 296 to include the substantive content of Parts 296 and 297 and by republishing the revised Part 296.

Various revisions in language have been made, and exemption from one provision of the Act has in terms been eliminated, and exemption in terms granted from another. However, the revisions and alterations are not considered to be substantive changes, and there is attached below a cross-reference table showing the relationship between former sections of Parts 296 and 297 and the new sections as they appear in the revised Part 296.

The exemption which has been eliminated is the provision in former §§ 296.11 and 297.11 that forwarders "are hereby relieved from the provisions of Section 610(a)(4) (Requirement of Air Carrier Operating Certificate) of Title VI of the Act." The Board has heretofore held section 610(a)(4) to be inapplicable to indirect air carriers not operating aircraft (*Railway Express Agency, Grandfather Certificate*, 2 C.A.B. 531, 540 (1941)); it has not provided any exemption from section 610(a)(4) to other classes of indirect air carriers; and the Department of Transportation does not issue operating certificates to indirect air carriers. The present exemption from section 610(a)(4) was provided to forwarders merely to eliminate any doubts concerning its applicability, and considerations of consistency in regulations and avoidance of unnecessary provisions therein warrant elimination of the exemption.[1]

Sections 296.11(a) and 297.11(b) now specify that exemption is provided from subsection 401(k) of the Act other than for subsection 401(k)(3). These provisions appear to have resulted from clerical error since earlier versions had subjected forwarders to the requirements of the entire subsection 401(1) of the predecessor Act.[2] In any event, the Board does not deem subsection 401(k) to be applicable to indirect air carriers not engaged in the operation of aircraft.[3] In these circumstances, the Board has determined to eliminate any specific reference to section 401(k) in the exemption provisions of the revised regulation. Rather, it will append a note to § 296.11 which states that subsection 401(k) is deemed inapplicable to forwarders notwithstanding that exemption is not provided therefrom, and refers to the NLRB position concerning its jurisdiction over their labor-management relations.

Since the amendments to Parts 296 and 297 being made herein are nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary and the amendments may be made effective immediately.

[1] Air freight forwarders and international air freight forwarders were initially exempted from all of the provisions of Title VI of the Act. Air Freight Forwarder Case, 9 C.A.B. 473, 530 (1948); Air Freight Forwarder Case (International) 11 C.A.B. 182, 205 (1949). This exemption was continued in the 1956 revision of Part 296 (ER-209, 21 F.R. 2511) but was omitted from the 1959 revision of Part 297 (ER-288, 24 F.R. 9978). In 1961 the Board proposed to amend Part 296 to limit the Title VI exemption to the provisions of section 610(a)(4) and to amend Part 297 to provide exemption from that section (EDR-25, 26 F.R. 2806). The notice stated that the Administrator of the Federal Aviation Administration had been vested by the Federal Aviation Act with jurisdiction over air safety regulations, including the question of the applicability of such regulations to indirect air carriers, and that the Administrator had indicated to the Board that air freight forwarders should be exempted from Title VI only with respect to section 610(a)(4) certificates but not otherwise. Although noting its view that the section was not intended to apply to indirect air carriers, the Board amended both Parts to provide exemption from Title VI only for section 610(a)(4). ER-332, 26 F.R. 5121; ER-333, 26 F.R. 5121.

[2] The error appears to have initially occurred in the 1956 revision of Part 296 (ER-209).

[3] Subsection 401(k)(1) and (k)(2) (rates of compensation and working conditions of pilots and copilots) obviously are inapplicable to indirect air carriers, and subsection 401(k)(3) (nothing contained herein shall be construed as restricting the right of collective bargaining by employees for compensation and working conditions) is not a requirement addressed to air carriers. While subsection (k)(4) makes compliance with Title II of the Railway Labor Act "a condition upon the holding of a certificate by any air carrier," this subsection is not applicable to carriers not holding certificates. Union of Prof. Airmen v. C.A.B., C.A.D.C. No. 73-1526, decided April 11, 1975. Moreover, the National Labor Relations Board asserts jurisdiction over the labor relations between freight forwarders and their employees, under its view and that of the National Mediation Board that the Railway Labor Act does not apply to air freight forwarders. Wings and Wheels, Inc., 139 N.L.R.B. 578 (1962).

Accordingly, the Civil Aeronautics Board hereby revises, recodifies and republishes Part 296 (14 CFR Part 296), as set forth below, effective June 27, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

CROSS-REFERENCE TABLE

PART 296

Former sec.	*New sec.*
296.1(a)	296.1(e).
296.1(b)	296.1(d).
296.1(c)	296.1(g).
296.1(d)	296.1(h).
296.1(d-1)	296.1(i).
296.1(e)	296.1(a).
296.2(a)	296.2(a).
296.2(b)	296.2(c).
296.3	296.3.
296.4	296.5.
296.6	Deleted.
296.11	296.11.
296.12	296.12.
296.13	296.13.
296.21	296.21.
296.22	296.22.
296.31	296.31.
296.40	296.51.
296.41	296.54.
296.42	296.55.
296.43(a)	Deleted.
296.43(b)	296.57.
296.44	296.58.
296.45(a)	296.59.
296.45(b)	296.56(b).
296.45(c)	296.60.
296.46	296.56(a).
296.46(a)	296.23.
296.47	296.61.
296.48(a)	296.62(b).
296.48(b)	296.62(c).
296.48(c)	296.62(c).
296.48(d)	296.62(d).
296.48(e)	296.62(e).
296.49	296.63.
296.50	Deleted.
296.51	296.52.
296.60	Deleted.
296.70	296.73.
296.71	296.71.
296.72	296.72.
296.80	296.80.
296.81	296.81.
296.82	296.82.
296.83	296.83.
296.84	296.84.
296.85	296.85.
296.86	296.86.
296.87	296.87.
296.88	296.88.
296.89	296.89.
297.1(a)	296.1(e).
297.1(b)	296.1(d).
297.1(c)	296.1(f).
297.1(d)	296.1(g).
297.1(e)	296.1(h).
297.1(e-1)	296.1(i).
297.1(f)	296.1(a).
297.2	296.1(b).
297.3	296.4.
297.5	Deleted.
297.11	296.11.
297.12	296.13.
297.21	296.21.
297.22	296.22.
297.23	296.41.
297.31	296.54.
297.32	296.55.
297.33	Deleted.
297.34(a)	296.57(a).
297.34(b)	296.56(a).
297.34(c)	296.56(b).
297.34(d)	296.57(b).

V 40 1129 JUL 3 75 XUM

Former sec.	New sec.
297.34(e)	296.57(c).
297.35	296.58.
297.36(a)	296.59.
297.36(b)	296.60.
297.37	296.61.
297.38	296.43.
297.39	296.23.
297.40	296.42.
297.41	296.51.
297.42	Deleted.
297.43(a)	296.62(b).
297.43(b)	296.62(c).
297.43(c)	296.62(c).
297.43(d)	296.62(d).
297.44	296.63.
297.45	296.52.
297.50	296.72.
297.51(a)	296.71.
297.51(b)	296.73.
297.60	296.80.
297.61	296.81.
297.62	296.82.
297.63	296.83.
297.64	296.84.
297.65	296.85.
297.66	296.86.
297.67	296.87.
297.68	296.88.
297.69	296.89.

Subpart A—General

Sec.
296.1 Definitions.
296.2 Classification.
296.3 Air freight forwarder acting as agent of shipper.
296.4 International air freight forwarder acting as agent of shipper or direct air carrier.
296.5 Cooperative shippers association acting as agent of shipper.

Subpart B—Exemptions

296.11 Exemption of air freight forwarders and international air freight forwarders.
296.12 Exemption of cooperative shippers associations.
296.13 Duration of exemptions.

Subpart C—Limitations and Conditions on Exemption: General

296.21 Limitations on use of aircraft.
296.22 Prohibition on use of aircraft.
296.23 Prohibition on operations unless tariffs are observed.

Subpart D—Limitations and Conditions on Exemption: Cooperative Shippers Associations

296.31 Filing of schedules or formulae used to compute charges to members.

Subpart E—Limitations and Conditions on Exemption: International Air Freight Forwarders

296.41 Charter trips in overseas and foreign air transportation over routes of a certificated air carrier.
296.42 Prohibition against shipping property at preferential rates without Board authorization.
296.43 Filing of agreements with foreign agents required.

Subpart F—Limitations and Conditions on Exemption: Air Freight Forwarders and International Air Freight Forwarders

296.51 Prohibition on use of agents of direct air carriers.
296.52 Prohibition on operations without insurance.
296.54 Prohibition against operations without an effective operating authorization.
296.55 Application for issuance of operating authorization.
296.56 Restrictions on issuance of operating authorization.
296.57 Issuance of operating authorization.
296.58 Effective period.
296.59 Conditions on operating authorization.
296.60 Prohibition against holder of operating authorization having tainted officers or owner.
296.61 Nontransferability of operating authorization.
296.62 Suspension of operating authorization.
296.63 Revocation of operating authorization.

Subpart G—Requirements for the Maintenance and Retention of Records and Reporting Requirements: Air Freight Forwarders and International Air Freight Forwarders

296.71 Record-retention requirements.
296.72 Reporting requirements.
296.73 Preparation of airwaybills and manifests.

Subpart H—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders and International Air Freight Forwarders

296.80 Applicability of subpart.
296.81 Applicability of other subparts.
296.82 Applicability of policy statement.
296.83 Application for operating authorization.
296.84 Notice.
296.85 Objections.
296.86 Criteria for authorization.
296.87 Conditions.
296.88 Duration.
296.89 Revocation or suspension.

AUTHORITY: Secs. 101(3), 204(a), 416(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743, 771; 49 U.S.C. 1301(3), 1324(a), 1386(a).

Subpart A—General Provisions

§ 296.1 Definitions.

For the purposes of this part: [1]

(a) "Affiliate" of a long-haul motor carrier or railroad carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier.

(b) "Air freight forwarder" means an indirect air carrier, as defined in § 296.1(e):

(1) which engages in interstate air transportation, and

(2) which in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, is responsible for the transportation of property from the point of receipt to point of destination and utilizes for the whole or any part of such transportation the services of a direct air carrier, as defined in § 296.1(d) (1) and (3).

(c) "Cooperative shippers association" means a bona fide association of shippers, operating as an indirect air carrier as defined in § 296.1(e), on a nonprofit basis,

(1) which engages in interstate air transportation, and

(2) which undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefit of its members, and utilizes for the whole or any part of such transportation the services of a direct air carrier as defined in § 296.1(d) (1) and (3).

(d) "Direct air carrier" means:

(1) An air carrier directly engaged in the operation of aircraft pursuant to a certificate of public convenience and necessity issued under section 401 of the Act;

(2) A foreign air carrier directly engaged in the operation of aircraft pursuant to a permit issued under section 402 of the Act;

(3) With respect to operations in interstate air transportation, an air carrier directly engaged in the operation of aircraft pursuant to authority conferred by any applicable regulation or order of the Board; and

(4) With respect to operations in foreign or overseas air transportation, an air carrier (other than an air taxi operator) directly engaged in the operation of aircraft pursuant to authority conferred by any applicable regulation or order of the Board.

(e) "Indirect air carrier" means any citizen of the United States, who undertakes indirectly to engage in air transportation of property only, and who

(1) does not engage directly in the operation of aircraft in air transportation, and

(2) does not engage in air transportation pursuant to any Board order which has been issued for the purpose of authorizing air express service under a contract wiht a direct air carrier.

(f) "International air freight forwarder" means an indirect air carrier as defined in § 296.1(e)

(1) which engages in overseas or foreign air transportation, and

(2) which, in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating of property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, is responsible for the transportation of such property from the point of receipt to point of destination, and utilizes for the whole or any part of such transportation the services of a direct air carrier, as defined in § 296.1(d) (1), (2), and (4).

(g) "Joint loading" means the pooling of shipments and their delivery to a direct air carrier for transportation as one

[1] Terms employed herein, unless otherwise defined, shall have the meaning ascribed in section 101 of the Act. These terms include: "air transportation" (section 101(10)); "interstate air transportation," "overseas air transportation," and "foreign air transportation" (section 101(21)); "citizen of the United States" (section 101(13)); and "United States" (section 101(36)).

shipment in accordance with the filed tariff rules of the direct air carrier, pursuant to an agreement between two or more indirect air carriers of the same subclassification established in § 296.2.

(h) "Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

(i) "Railroad carrier" means a common carrier by railroad subject to part I of the Interstate Commerce Act, or an affiliate of such a carrier.

§ 296.2 Classification.

There is hereby established a classification of air carriers having the attributes of an "indirect air carrier" as defined in § 296.1(e) and which are designated as "indirect air carriers." Such classification shall include (a) "Air freight forwarders" as defined in § 296.1 (b), (b) "International air freight forwarders" as defined in § 296.1(f), and (c) "Cooperative shippers associations" as defined in § 296.1(c).

§ 296.3 Air Freight forwarder acting as agent of shipper.

(a) Any air freight forwarder may, by complying with the requirements of this section, accept a particular shipment for forwarding on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be assembled. An air freight forwarder shall not act as the agent of any direct air carrier with respect to shipments accepted for forwarding.

(b) Any air freight forwarder seeking to avail itself of the option provided in paragraph (a) must give notice that it reserves such right, in the case of every shipment accepted subject thereto, to handle the shipment as agent of the shipper. Such notice shall be given to the shipping public and to any person from whom any shipment is so accepted, and such notice shall be furnished such person in writing at the time the shipment is accepted. Such notice shall be given by means of:

(1) Notices with the heading "Notice to Shippers" conspicuously displayed at all premises operated by or under the control of the forwarder in connection with its air transportation activities so as to be clearly visible to the shipping public,

(2) a legible statement set forth on all letterhead stationery used by the forwarder in connection with its air transportation activities, and

(3) reasonably prominent statements on all the airway bills of such forwarder and on such receipts or other documentation as may be furnished to the shippers at the time of acceptance of the shipment.

(c) Any air freight forwarder exercising its option to act as such agent shall transmit a copy of its charges for the accessorial and surface transportation services actually rendered with respect to all shipments billed to the consignee.

(d) In the event that it acts as agent of the shipper, the air freight forwarder shall not charge any commission for its agency services and shall limit its charges for accessorial and surface transportation services actually rendered, directly or indirectly, to those separately stated in the forwarder's own tariffs filed pursuant to Part 221 of this chapter.

§ 296.4 International air freight forwarder acting as agent of shipper or direct air carrier.

(a) Any international air freight forwarder may, by complying with the requirements of this section, accept a particular shipment for forwarding on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof or as the agent of a direct air carrier which has authorized such agency, in the event that a volume of freight adequate to permit a consolidated shipment cannot be assembled.

(b) Any international air freight forwarder seeking to avail itself of the option provided in paragraph (a) must give notice that it reserves such right, in the case of every shipment accepted subject thereto, to handle the shipment as agent of the shipper or an agent of a direct air carrier, as the case may be. Such notice shall be given to the shipping public and to any person from whom any shipment is so accepted, and such notice shall be furnished such person in writing at the time the shipment is accepted. Such notice shall be given by means of:

(1) notices with the heading "Notice to Shippers" conspicuously displayed at all premises operated by or under the control of the forwarder in connection with its air transportation activities so as to be clearly visible to the shipping public,

(2) a legible statement set forth on all letterhead stationery used by the forwarder in connection with its air transportation activities, and

(3) reasonably prominent statements on all the airway bills of such forwarder and on such receipts or other documentation as may be furnished to the shippers at the time of acceptance of the shipment.

(c) Any international air freight forwarder exercising its option to act as agent of either the shipper or the direct air carrier shall transmit to the shipper a copy of its charge for the accessorial and transportation services actually rendered with respect to all shipments billed to the consignee.

(d) In the event that it acts as agent of the direct air carrier, the international air freight forwarder shall not charge other than the airport-to-airport rate for air transportation specified in the applicable tariffs of the direct air carrier rendering the service and the applicable charges for accessorial and surface transportation services actually rendered, as specified in the tariffs filed with the Board by the international air freight forwarder pursuant to Part 221 of this chapter.

(e) In the event that it acts as agent of the shipper, the international air freight forwarder shall not charge any commission for its agency services and shall not charge other than the applicable charges for accessorial and surface transportation services actually rendered, as specified in the international air freight forwarder's own tariffs filed pursuant to Part 221 of this chapter.

§ 296.5 Cooperative shippers association acting as agent of shipper.

Any cooperative shippers association may accept particular shipments for consolidation on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be obtained.

Subpart B—Exemptions

§ 296.11 Exemption of air freight forwarders and international air freight forwarders.[2]

Subject to the other provisions of this part, air freight forwarders and international air freight forwarders are hereby relieved from all provisions of Title IV of the Act, other than the following:

(a) Section 403 (Tariffs);

(b) Subsection 404(a) (Carrier's Duty to Provide Service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to air transportation;

(c) Subsection 404(b) (Discrimination);

(d) Subsection 407(a) (Filing of Reports): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(a) shall be applicable to air freight forwarders or international air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(e) Subsection 407(b) (Disclosure of Stock Ownership);

(f) Subsection 407(c) (Disclosure of Stock Ownership by Officer or Director);

(g) Subsection 407(d) (Form of Accounts): *Provided*, That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(d) shall be applicable to air freight forwarders or international

[2] NOTE: Although this Part in terms exempts indirect air carriers from the provisions of Section 401(k) of the Act (compliance with labor legislation), Section 401(k) is deemed inapplicable to indirect air carriers. The National Labor Relations Board asserts jurisdiction under the National Labor Relations Act over employee-management relations of indirect air carriers.

V40 N129 JUL 3 75 XUM

air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides:

(h) Subsection 407(e) (Inspection of Accounts and Property);

(i) Section 408 (Consolidation, Merger and Acquisition of Control);

(j) Section 409 (Prohibited Interests);

(k) Section 410 (Loans and Financial Aid);

(l) Section 411 (Methods of Competition);

(m) Section 412 (Pooling and Other Agreements);

(n) Section 413 (Form of Control);

(o) Section 414 (Legal Restraints);

(p) Section 415 (Inquiry into Air Carrier Management); and

(q) Section 416 (Classification and Exemption of Carriers).

Provided, however, That the provisions of sections 403 and 404 shall not be applicable insofar as they would otherwise prohibit any air freight forwarder or international air freight forwarder from engaging in joint loading as defined in § 296.1(g) and shall not be applicable to any international air freight forwarder with respect to property inbound to any place within the United States from any place outside thereof: *Provided, further,* That the provisions of subsection 404(b) shall not be applicable insofar as they would otherwise prohibit the exercise by any air freight forwarder of its reserved option to act as either a forwarder or as agent of the shipper in accordance with the provisions of § 296.3 or prohibit the exercise by any international air freight forwarder of its reserved option to act as either an international air freight forwarder or as agent of the direct air carrier or the shipper in accordance with the provisions of § 296.4.

§ 296.12 Exemption of cooperative shippers associations.

Subject to the other provisions of this part applicable thereto, cooperative shippers associations are hereby relieved from all provisions of Title IV of the Act, other than the following:

(a) Subsection 407(a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407(a) shall be applicable to cooperative shippers associations unless such rule, regulation, term, condition, or limitation expressly so provides;

(b) Subsection 407(b) (Disclosure of Stock Ownership);

(c) Subsection 407(c) (Disclosure of Stock Ownership by Officer or Director);

(d) Subsection 407(e) (Inspection of Accounts and Property);

(e) Section 408 (Consolidation, Merger and Acquisition of Control);

(f) Section 409 (Prohibited Interests);

(g) Section 411 (Methods of Competition);

(h) Section 412 (Pooling and Other Agreements);

(i) Section 413 (Form of Control);

(j) Section 414 (Legal Restraints);

(k) Section 415 (Inquiry into Air Carrier Management); and

(l) Section 416 (Classification and Exemption of Carriers).

Provided, however, That cooperative shippers associations shall remain subject to the requirements of sections 403 and 404 of the act insofar as they engage in joint loading except as defined in § 296.1(g).

Provided, further, however, That cooperative shippers associations are hereby relieved from the requirements of section 412 of the act insofar as agreements relate to joint loading as defined in § 296.1(g);

Provided, further, however, That unless the reserved option of any cooperative shippers association to act as an indirect air carrier or as agent of the shipper is exercised in accordance with the provisions of § 296.5, the provisions of subsection 404(b) shall be applicable insofar as they would otherwise prohibit the exercise of such option.

§ 296.13 Duration of exemptions.

The exemption authority provided by this part shall continue in effect until the Board shall find that the continuation of such authority with respect to air freight forwarders, international air freight forwarders or cooperative shippers associations, or all such classifications, is no longer in the public interest, and thereafter the authority with respect to such classification or classifications shall terminate.

Subpart C—Limitations and Conditions[1] on Exemption: General

§ 296.21 Limitations on use of aircraft.

The exemption authority provided to indirect air carriers by this part shall be effective only with respect to shipments of property in aircraft operated in common carriage by direct air carriers as defined in this part which have effective tariffs for the services thus utilized on file with the Board or which have been exempted from the filing of such tariffs. No indirect air carrier shall ship property by air except in aircraft operated in common carriage by a direct air carrier of the class specified in this section.

§ 296.22 Prohibition on use of aircraft.

The exemption authority provided to indirect air carriers by this part shall not be effective to authorize any such air carrier to directly engage in the operation of aircraft in air transportation and no indirect air carrier shall directly so engage: *Provided, however,* That this limitation and prohibition shall not be construed to prohibit charters of aircraft from direct air carriers by indirect air carriers subject to the limitations and prohibitions of §§ 296.21, 296.23, and 296.41.

§ 296.23 Prohibition on operations unless tariffs are observed.

No indirect air carrier shall ship property in air transportation in the capacity of an air freight forwarder, international air freight forwarder or cooperative shippers association, respectively, except in accordance with the rates and charges and all applicable rules, regulations and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such indirect air carrier may demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and no such indirect air carrier shall demand, accept, or receive, either directly or indirectly, any privilege, service or facility except those specified in the currently effective tariffs of such direct air carrier.

Subpart D—Limitations and Conditions on Exemption: Cooperative Shippers Associations

§ 296.31 Filing of schedules or formulae used to compute charges to members.

The exemption authority provided by this part with respect to any cooperative shippers association, shall be effective only after, and during only such periods of time as each such indirect air carrier has filed with the Board, and either distributed to its members or posted in each office where shipments are accepted, copies of all currently effective schedules or formulae used for assessing drayage, consolidation, air transportation, breakbulk, and any other charges to its members. Upon changing any of such schedules or formulae, each cooperative shippers association shall again comply with the requirements of this section.

Subpart E—Limitations and Conditions on Exemption: International Air Freight Forwarders

§ 296.41 Charter trips in overseas and foreign air transportation over routes of a certificated air carrier.

(a) *Conditions on certain charters.* An international air freight forwarder or a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense shall not charter aircraft from a direct air carrier for cargo charter trips or special services in overseas or foreign air transportation between points or areas between which other direct air carriers are authorized to engage in unlimited scheduled air transportation through one or more certificates of public convenience and necessity naming such points or areas, (1) unless such direct air carrier has been issued a certificate or foreign air carrier permit authorizing unlimited scheduled air transportation between such named points or areas and could be authorized by the terms thereof to serve such points or areas on a nonstop basis or (2) unless the provisions of either subdivision (i) or (ii) of this subparagraph are complied with:

(i) The consent in writing of the air carriers authorized to engage in unlimited scheduled air transportation between the points or areas involved by certificates naming such points or areas has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or

(ii) Specific authority therefor has been granted by the Board upon a showing by the air freight forwarder or person authorized by the Board to transport by air used household goods of personnel of the Department of Defense that it would be a hardship upon it to use the scheduled services of an air carrier authorized to engage in unlimited scheduled air transportation between the points or areas involved by a certificate or certificates naming such points or areas, and that the public interest so requires.

(b) *Petitions for Board authority.* Petitions for Board authority hereunder need not comply with the provisions of Part 302 of this chapter, and may be submitted in the form of telegraphic requests, but each petition shall set forth a complete statement of the factors relied upon in support of the request. In addition, a copy of each petition submitted shall be served upon each air carrier certificated to serve the points or areas involved, and a statement listing the air carriers so served shall be included in the petition submitted to the Board.

(c) *Showing required to be made by the petitioner.* The Board will not grant a petition filed under paragraph (b) of this section unless the petitioner shows that the certificated on-route carriers cannot or will not physically provide the service reasonably required by the forwarder. In the absence of special circumstances, one of the following situations must be shown to exist:

(1) The certificated on-route carriers do not have equipment (used on the regular scheduled or charter service) which will accommodate the cargo to be transported, because of its size, weight, or specific handling requirements, or

(2) The certificated on-route carriers cannot or will not provide capacity (by the regular scheduled or charter service) reasonably related to the requirements for successful movement of the cargo to be transported, in terms of time of departure, or of arrival at destination.

§ 296.42 Prohibition against shipping property at preferential rates without Board authorization.

No international air freight forwarder shall in that capacity tender property for transportation at preferential rates for freight forwarders filed by a direct air carrier unless the use of such rates by freight forwarders has been authorized by the Board. When a tariff containing such preferential rates has been filed, any international air freight forwarder may apply for such authorization with the Board, serving copies of the application on all direct air carriers authorized by certificate, permit or exemption to engage in air transportation of property between the respective points. In other respects, such applications and the proceeding thereon shall be governed, as far as practicable, by the provisions of Subpart D—Rules Applicable to Exemption Proceedings—of Part 302 of this chapter unless such proceeding is consolidated with a proceeding under section 1002 of the Act.

§ 296.43 Filing of agreements with foreign agents required.

Any contract or agreement between an international air freight forwarder and a foreign agent of such forwarder encompassing matters set forth in section 412 of the Act shall be filed with the Board in accordance with the requirements of Part 261 of this subchapter. Agreements so filed shall be subject to approval or disapproval by the Board in accordance with the provisions of section 412 of the Act.[4]

Subpart F—Limitations and Conditions on Exemption: Air Freight Forwarders and International Air Freight Forwarders

§ 296.51 Prohibition on use of agents of direct air carriers.

No air freight forwarder, or international air freight forwarder acting in that capacity, shall tender any shipment for transportation, wholly or partially by air, to any cargo agent or sales agent of any direct air carrier or to any other intermediary receiving a commission on such shipments from the direct air carrier for the account of, or on behalf of, any cargo agent, sales agent, or any other intermediary. The payment of a commission by the direct air carrier to such agent or intermediary shall be prima facie evidence of a violation of this prohibition by the forwarder concerned in all proceedings before the Board conducted under the authority of sections 1002 (a), (b) and (c) of the Act. The provisions of this section shall not, however, be construed to prohibit an international air freight forwarder from tendering shipments to a direct air carrier which acts as exclusive agent for another direct air carrier for the purpose of accepting forwarder shipments on its behalf.

§ 296.52 Prohibition on operations without insurance.

(a) *Cargo.* No air freight forwarder or international air freight forwarder shall engage in air transportation unless it has on file with the Board (1) A satisfactory certificate or certificates of insurance evidencing a properly endorsed policy of insurance (CAB Form 350);[5] (2) Evidence of qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board); or (3) A surety bond. Any such guaranty shall be for not less than the amount prescribed in paragraph (c)(1) of this section, and shall cover risks of loss or of damage to property handled as a freight forwarder pursuant to the provisions of this part.

(b) *Public liability, property damage and personal injury.* No air freight forwarder or international air freight forwarder shall engage in the performance of transfer, collection or delivery services pursuant to this part unless it shall have on file with the Board (1) a satisfactory certificate or certificates of insurance evidencing a properly endorsed policy of insurance (CAB Form 350);[5] (2) evidence of qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board); or (3) a surety bond in not less than the amounts prescribed in paragraph (c) (2) and (3) of this section, conditioned to pay within the amount of such coverage any final judgment recovered against it on account of bodily injuries to or death of any person, or loss of or damage to property (other than property covered by paragraph (c)(1) of this section) resulting from the negligent operation, maintenance or use of motor vehicles operated by or under its direction and control.

(c) *Minimum liability limits*—(1) *Cargo.* For loss of or damage to property while carried on or resting in any one conveyance or premises: minimum $10,000 per conveyance or premises. Conveyance includes, but is not limited to, aircraft, motor vehicles, rail, and watercraft;

(2) *Public liability; property.* For loss of or damage to property occurring at any one time or place; minimum $5,000;

(3) *Public liability; personal injury.* For bodily injury or death: minimum $10,000 for any one person and $20,000 for all persons in any one accident.

(d) *Maintenance of insurance coverage.* The insurance coverage or guaranties referred to herein shall be kept in effect by the air freight forwarder or international air freight forwarder until such time as its operating authorization is revoked or otherwise terminated by the Board.

NOTE.—To allow for future growth, no § 296.53 is included.

§ 296.54 Prohibition against operations without an effective operating authorization.

No person shall operate as an air freight forwarder or an international air freight forwarder unless there is in force with respect to such person a document

[1] NOTE: Although not set forth as an express condition in this part, indirect air carriers are cautioned that they are subject to the provisions of Part 215 of this subchapter relating to the name used in holding out and performing air transportation services.

[4] NOTE: Agreements between international air freight forwarders and foreign freight forwarders are, of course, subject to the provisions of section 412 relating to agreements between an air carrier and any other carrier.

[5] Available from Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

V 40 129 JUL 3 75 XUM

entitled "Operating Authorization" authorizing him to engage in air transportation pursuant to the exemption granted by this part.

§ 296.55 Application for issuance of operating authorization.

(a) *Application form.* Any person desiring to operate as an air freight forwarder or as an international air freight forwarder may apply to the Board for an appropriate operating authorization. Such an applicant shall execute in duplicate an application for operating authorization as an air freight forwarder or international air freight forwarder (CAB Form 351).[5] The application shall be certified by a responsible official of such carrier and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which authorization is to be issued; (3) address of principal office and mailing address; (4) form of organization (*i.e.*, corporation, partnership, etc.), state under whose laws company is authorized to operate, and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of a more than 5 percent interest if other than a corporation; an indication as to whether or not 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation an indication must be made as to whether or not 75 percent or more of the voting interest of such corporation is owned or controlled by citizens of the United States or one of its possessions; (6) a description of current business activities and of former business experience in, or related to, the transportation field; (7) description of operating authority granted applicant by agencies of the United States Government (such as that of surface freight forwarder, motor carrier, etc.) and, if applicable, reasons for revocation or other termination; (8) totals of cargo tonnage handled during past year, the capacity in which handled (as agent of carrier, agent of shipper, as direct carrier, etc.), and means of transportation (air, truck, rail, etc.); (9) an indication as to whether applicant is a cargo sales agent; affiliations, commissions, and agreements of the past year in this regard; (10) list of names of parties, effective dates, operating areas, nature and terms, of any oral or written agreements, contracts, or working arrangements concerning transportation activities to which applicant is a party; (11) list of domestic and international points served and proposed to be served; list of offices, agents, etc., at points served and proposed to be served; (12) description of proposed services and specializations and an indication as to whether or not owners or affiliates will use the applicant's proposed air freight forwarding services; (13) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or registration from the Civil Aeronautics Board and, if applicable, reasons for revocation or other termination; (14) list of officers, owners, etc. of applicant who have at any time been employed by or associated with any air carrier authorized to operate by the Civil Aeronautics Board indicating dates of employment and capacity in which employed; also a list of officers, owners, etc. of applicant who were connected in any way with any air freight forwarder, noncertificated carrier, etc., which had its operating authority revoked or suspended during the time of that connection; (15) description of experience of applicant's officers, managers, and key personnel in transportation activities qualifying them for air freight forwarder operations; (16) a detailed description of any affiliated companies, their activity, operating authority, points served, total cargo tonnage handled during past full calendar year, agency relationships, agreements concerning transportation activity to which affiliate is a party, and integration between applicant and affiliates; (17) any additional information as desired in support of applications; (18) Profit and Loss Statement (for the full year ending as of date of Balance Sheet); Balance Sheet as of a date not more than three months prior to application; list of terminal facilities and automotive equipment owned or leased; Certificate of Insurance (CAB Form 350)[6] or statement of qualification as a self-insurer (filing of a certificate of insurance may be postponed until later notification); sample of proposed airway bill; report of ownership of stock and other interests (CAB Form 2786)[6] by each officer, director, member, partner or owner of applicant; for each affiliate, a Profit and Loss Statement (for the full year ending as of date of Balance Sheet) and Balance Sheet, as of a date not more than three months prior to application; organizational chart, diagram of intercompany ownership and interlocking relationships, annotated to show percentages of stock holdings, officers, directors, members, partners and owners in each company; plus a brief account of any arrangement by which applicant will have available financial sources and facilities of other companies or individuals.

(b) *Additional information.* The applicant shall also submit such other additional information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

§ 296.56 Restrictions on issuance of operating authorization.

(a) No operating authorization as an air freight forwarder will be issued to an applicant which fails to demonstrate that it has sufficient facilities, including branch offices, associated companies or agents within the United States, to perform pickup, delivery, and other necessary services in handling shipments, and no operating authorization as an international air freight forwarder will be issued to an applicant which fails to demonstrate that it has sufficient such facilities, including ones located outside the United States, to perform necessary services in handling shipments, including customs services.

(b) No operating authorization will be issued to an applicant which has, or proposes to have, as owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who is or has been connected in any such capacity with any other international air freight forwarder, air freight forwarder, cooperative shippers association, irregular air carrier, supplemental air carrier, or noncertificated cargo carrier, if the letter of registration, operating authorization, or other exemption authority of such carrier was suspended or revoked by the Board on account of acts or omissions which occurred during the time of such connection: *Provided, however,* That an operating authorization may be issued to such an applicant where the Board finds, upon a showing by an applicant, that the public interest and applicant's intention and ability to conform to the provisions of the Act and requirements thereunder are not adversely affected by such relationship.

§ 296.57 Issuance of operating authorization.

(a) If, after the filing of an application for an operating authorization, it appears that the applicant is capable of performing the air transportation authorized by this part as an air freight forwarder or international air freight forwarder and of conforming to the provisions of the Act and all rules and requirements thereunder, and that the conduct of such operations by the applicant will not be inconsistent with the public interest, the applicant will be notified by letter. Such notification will advise the applicant that upon the filing of a valid tariff, an operating authorization will be issued to the applicant unless it has engaged in unauthorized air transportation or other activities prohibited by the Act or the rules and regulations of the Board between the date of such notification and such filing. In the latter event, an operating authorization will not be issued unless and until a due showing is made by the applicant that it has terminated such unauthorized or prohibited activities, and that the issuance of such an authorization would be consistent with the public interest.

(b) If, after the filing of an application for an operating authorization, it appears that the applicant has not made a due showing of capability or that the conduct of operations by the applicant might otherwise be inconsistent with the public interest, the Board shall by letter notify the applicant of its findings to that effect. The Board may dismiss any such application unless within 30 days of the date of the mailing of such letter, the applicant has in writing requested reconsideration and submitted such additional information as it believes will make the necessary showing, or requested that the application be assigned for hearing, in which case the applicant shall outline the evidence to be presented at such hearing and shall show the need for

hearing in order to properly present its case.

(c) In the event that reconsideration or hearing is requested the Board may, without notice or hearing, enter an order of approval or of disapproval in accordance with its determination of the public interest upon the showing made, or on its own initiative may assign the application for hearing.

§ 296.58 Effective period.

Each operating authorization shall be effective upon the date specified therein, and shall continue in effect, unless sooner suspended or revoked, during such period as the authority provided by this part shall remain in effect, or if issued for a limited period of time, shall continue in effect until the expiration thereof unless sooner suspended or revoked.

§ 296.59 Conditions on operating authorization.

At the time of issuance, and from time to time thereafter, there may be attached to the exercise of the privileges granted by any operating authorization issued under this part such reasonable terms, conditions, and limitations applicable to the person named therein as are necessary to carry out the requirements of the Act and the regulations prescribed thereunder. Such terms, conditions, and limitations shall be in addition to the general limitations and conditions set forth in this part.

§ 296.60 Prohibition against holder of operating authorization having tainted officers or owner.

No holder of an operating authorization shall have and retain as an owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who was, or is, affiliated in any of said capacities with any other international air freight forwarder, air freight forwarder, cooperative shippers association, irregular air carrier, supplemental air carrier, or noncertificated cargo carrier, under the circumstances set forth in paragraph (b) of § 296.56: *Provided, however,* That such holder may have and retain persons presently or previously affiliated, in the manner described above, where the Board finds that the public interest and the carrier's intention and ability to conform to the provisions of the Act and requirements thereunder are not adversely affected by such relationship.

§ 296.61 Nontransferability of operating authorization.

(a) An operating authorization shall be nontransferable and shall be effective only with respect to the person named therein or his successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under an operating authorization issued in the name of another person, for a maximum period of six months from the effective date of succession, by giving written notice of such succession to the Board within 60 days after the succession:

(1) Administrators or executors of deceased persons;

(2) Guardians of incapacitated persons;

(3) Surviving partner or partners collectively of dissolved partnerships; and

(4) Trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by successors, as above authorized, shall be performed in the name or names of the prior holder of the operating authorization and the name of the successor, whose capacity shall also be designated. Any successor desiring to continue operations after the expiration of the six-month period above authorized must file an application for a new operating authorization within 120 days after such succession. If a timely application is filed, such successor may continue operations until final disposition of the application by the Board.

§ 296.62 Suspension of operating authorization.

(a) An operating authorization may be suspended by proceedings instituted in accordance with either the procedure specified in Subpart B of Part 302 of this chapter or the procedure prescribed in paragraphs (b), (c), and (d) of this section.

(b) Whenever it appears that the holder of an operating authorization has committed knowing and willful violation of any provision of the Act or of any order, rule, or regulation issued thereunder or of any term, condition, or limitation of any authority issued the holder under the Act or such regulations, the Board may issue an order instituting a suspension proceeding. However, when it appears that the violation was not knowing and willful, the Board shall, by letter, give the holder the notice required by 5 U.S.C. 558(c)(1). Such notice shall specify the facts or conduct which warrant suspension and also give the holder the opportunity to demonstrate or achieve compliance with all lawful requirements within a specified period of time. At the expiration of such period, the Board may issue an order instituting a suspension proceeding.

(c) Each order instituting a suspension proceeding will specify a period of time within which the holder must file a written response with the Board. In such response, the holder may deny the alleged violation or adduce such considerations as it relies on to justify or excuse the violation.

After the filing of the written response or the expiration of the period for its filing, the Board may assign the proceeding for hearing or oral argument or, in appropriate cases, enter an order of suspension or an order dismissing the suspension proceeding.

(d) The suspension of an operating authorization ordered by the Board may continue until the Board finds that the holder has complied with the applicable provisions of the Act, orders, rules, and regulations issued thereunder, and the terms, conditions, and limitations of the operating authorization, or until the expiration of a suspension period of fixed duration prescribed by the Board. The Board may also order a suspension, of indefinite duration, during the pendency of a docketed revocation proceeding brought under § 296.63.

(e) Failure to seek reinstatement of an operating authorization suspended pursuant to this section within 60 days after the effective date of the suspension or prior to the expiration period of fixed duration, whichever is later, shall automatically terminate all rights under the authorization.

§ 296.63 Revocation of operating authorization.

(a) An operating authorization shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Act or of any order, rule, or regulation issued thereunder or of any term, condition, or limitation of any authority issued the holder under the Act or such regulations.

(b) An operating authorization shall be revoked, without prejudice to the filing of a subsequent application for a new authorization, upon the filing by the holder of a written notice with the Board indicating the discontinuance of air freight forwarding activities: *Provided,* That the Board may refuse to accept such notice and to cancel the authorization if any proceedings or actions are pending in which the holder's authority may be subject to suspension or revocation action. The failure of any holder of an operating authorization to perform air transportation services as an air freight forwarder or international air freight forwarder for a period of two years, or the failure of any such holder to file for two successive periods the reports required by this chapter, may be deemed by the Board to constitute the filing of written notice indicating the discontinuance of air freight forwarder activities.

Subpart G—Requirements for the Maintenance and Retention of Records and Reporting Requirements: Air Freight Forwarders and International Air Freight Forwarders

§ 296.71 Record-retention requirements.

Each holder of an operating authorization shall comply with the applicable record retention provisions of Part 249 of this chapter.

§ 296.72 Reporting requirements.

Each holder of an operating authorization shall comply with the applicable reporting provisions of Parts 239 and 244 of this chapter.

§ 296.73 Preparation of airwaybills and manifests.

(a) Each holder of an operating authorization shall prepare an accurate airwaybill for each shipment consigned for transportation to a direct air carrier by such holder in the capacity of an air freight forwarder or international air freight forwarder and a copy thereof shall be supplied to the consignor and to

V40-129 JUL 3 75 XUM

the consignee of each such shipment. Each such airwaybill shall contain:

(1) The following information:

(i) Name and address of consignor, consignee, and forwarder.

(ii) A limitation of liability statement.

(iii) Number of packages in shipment.

(iv) Total weight (both actual and dimensional, where applicable).

(v) Description of commodities.

(vi) Point of origin and destination of shipment.

(vii) Declared value of shipment.

(viii) Date of airwaybill preparation.

(ix) Name of employee or agent preparing airwaybill.

(2) The following charges, when applicable:

(i) Commodity rate applied.

(ii) Total weight-rate charge.

(iii) Pickup and/or delivery.

(iv) Excess valuation.

(v) Charges advanced.

(vi) Assembly or distribution.

(vii) Other accessorial charges (specify).

(viii) Insurance (liability).

(ix) C.O.D. fee.

(x) Preparation of export documents (international air freight forwarders only).

(xi) Total charges and an indication as to whether charges are prepaid or collect.

(b) Each holder of an operating authorization as an air freight forwarder or international air freight forwarder shall prepare an accurate manifest showing every individual shipment included in each consolidated shipment consigned for transportation to a direct air carrier by such holder. There shall be set forth in each such manifest the following information:

(1) The number of the forwarder's individual airwaybill for each individual shipment within a consolidated shipment.

(2) Name of the direct air carrier transporting the shipment and the number of the direct air carrier's airwaybill under which the shipment is transported.

(3) Date of shipment.

(4) Weight of each individual shipment and the total weight of the consolidated shipment.

(5) When a consolidated shipment consists of a combination of shipments to be transported to points in the United States and foreign points outside thereof, a clear statement that shipments with a foreign destination are included in the consolidated shipment.

NOTE: Where a forwarder desires to conduct an operation which entails the use of documentation different from that required herein, it is the responsibility of such forwarder to secure from the Board, in advance, permission to deviate from the requirements of this section.

Subpart H—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders and International Air Freight Forwarders

§ 296.80 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 296.1(h), and railroad carriers, as defined in § 296.1(i), for authorization to operate in their own names as air freight forwarders or as international air freight forwarders. The regulation does not govern requests of motor carriers and railroad carriers for Board approval of control relationship created when they apply through subsidiaries or other affiliates for authorization as forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statement in this chapter.

§ 296.81 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through C and E through G of this part shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority to operate as air freight forwarders and as international air freight forwarders, and to the conduct of such operations.

§ 296.82 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements in this chapter (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers and railroad carriers for authority under this subpart.

§ 296.83 Application for operating authorization.

In addition to the requirements set forth in § 295.55, a long-haul motor carrier or railroad carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, *inter alia:*

(1) A statement as to whether the long-haul motor carrier or railroad carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing (i) what traffic will be newly generated and (ii) what traffic is presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's or railroad carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carriers or railroad carrier interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, or a description of the railroad carrier's rail lines, including a description of the surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 296.84 Notice.

Notice of applications will be published in the FEDERAL REGISTER and in the Board's weekly publication of applications filed.*

§ 296.85 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate, or the railroad carrier or its affiliate, will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 296.86.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

§ 296.86 Criteria for authorization.

The Board will approve the application if it appears that:

(a) the applicant is capable of performing the proposed air transportation and of conforming to the provisions of the Act and all rules and requirements thereunder;

(b) The applicant will conscientiously promote air cargo and will benefit air transportation; and

(c) The applicant's operations, alone or together with those of other similar carriers granted air forwarding authority, will not create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or otherwise be inconsistent with the public interest.†

§ 296.87 Conditions.

An authorization may be limited geographically or by classes of traffic. Additional conditions and restrictions may be imposed without hearing.

§ 296.88 Duration.

Unless sooner suspended or revoked, an authorization will continue in effect until it expires by its terms or until this subpart is terminated or revoked.

§ 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or railroad carriers or a group of motor carriers or railroad carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 296.86). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers, or railroad carrier or railroad

* Requests for the weekly publication should be addressed to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

carriers, in accordance with procedures specified by § 296.62.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942, as amended.

[FR Doc.75-17405 Filed 7-2-75;8:45 am]

[Reg. ER-918; Amdt. 13]

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. June 27, 1975.

By ER-917, issued contemporaneously, the Board consolidated Part 297 into Part 296 of the Economic Regulations. Accordingly, Part 297 is being repealed. Since repeal merely implements ER-917 and is otherwise without substantive effect, the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, the Civil Aeronautics Board hereby repeals Part 297 of the Economic Regulations (14 CFR Part 297) effective June 27, 1975.

(Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-17400 Filed 7-2-75;8:45 am]

† Section 399.20 (Policy statements) articulates decisional standards in this area.

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-86; Amdt. 45]

PART 399—STATEMENTS OF GENERAL POLICY

Issuance of Foreign Air Carrier Permits for Canadian Transborder Operations in Small Aircraft

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 27, 1975.

By ER-915, issued contemporaneously herewith, the Board has made various technical revisions to Part 211 of its Economic Regulations, insofar as special provisons are there prescribed for applications by Canadiana air carriers for permits authorizing small aircraft operations between the United States and Canada. As explained there, such revisions have been made in order to reflect our regulatory implementation of the Nonscheduled Air Service Agreement which is currently in effect between Canada and the United States.

The foregoing amendment to Part 211 thus reflects our current policy with respect to the issuance of foreign air carrier permits for Canadian transborder operations in small aircraft. The policy statement on this subject, as set forth in § 399.14 of this Part 399, must therefore also be revised, so as to conform to such amendment.

Since the within revision of a policy statement is not of a substantive nature, and imposes no burden on anyone, the Board finds that notice and public procedure hereon are not necessary and that it may be made effective immediately.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399 of its Policy Statements (14 CFR Part 399), effective June 27, 1975, as follows:

Revise § 399.14 to read as follows:

§ 399.14 Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.

It has been the policy of the Board, in accordance with a reciprocal understanding with the Air Transport Board of Canada (now the Air Transport Committee of the Canadian Transport Commission) published March 13, 1952, to facilitate so far as possible under existing law the issuance of foreign air carrier permits to Canadian operators of small aircraft for irregular transborder operations in common carriage. In keeping with the spirit of the above understanding, as well as that of the Nonscheduled Air Service Agreement between the United States and Canada signed May 8, 1974, it is the policy of the Board to continue this special facilitation for issuance of foreign air carrier permits authorizing only charter flights with small aircraft pursuant to the above Agreement.

(Secs. 204 and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-17402 Filed 7-2-75;8:45 am]

V40-129 JUL 3 75 XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 2]

PICTURED SYMBOL SIGNS

Proposed Adoption for National Park System

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior, by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Part 2 of Title 36 of the Code of Federal Regulations, by amending § 2.35, as set forth below.

Subsequent to the Memorandum of Understanding between the National Park Service and the Federal Highway Administration, signed August 3, 1973, we propose the adoption of the following pictured symbol signs to give notice and information to visitors in areas of the National Park System.

This submission adds to and revises some of the picture symbol signs published November 15, 1973, (38 FR 31511) in the FEDERAL REGISTER.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, National Park Service, Department of the Interior, Washington, D.C., on or before August 4, 1975.

Dated: May 20, 1975.

JOE BROWN,
Acting Associate Director.

It is proposed to amend § 2.35 by revising and adding the following signs.

The following sign symbols are to be used in areas administered by the National Park Service and appropriately by other recreational agencies on a National basis.

PROPOSED REVISIONS

1. *Snowmobiling.* Slight revision showing protective helmet.
2. *Swimming.* Slight revision showing additional waterline.
3. *Trail bike.* Revision showing a more modern bike and protective helmet on the rider.

PROPOSED ADDITIONS

4. *Snowshoeing. — Description.* Area where snowshoeing is permitted. [1] Area where snowshoeing is not permitted.
5. *Canoeing.—Description.* Area where canoeing is permitted. [1] Area where canoeing is not permitted.
6. *Point of interest.—Description.* Used to denote a point of interest.

NPS will underplate with the title for a minimum of 5 years.

7. *Rockclimbing — Description.* Area where rockclimbing is permitted. [1] Area where rockclimbing is not permitted.
8. *Climbing—Description.* Area where climbing is permitted. [1] Area where climbing is not permitted.

[1] Where an activity is prohibited, a red slash shall be placed diagonally, from left to right across the face of the symbol.

9. *Rock collecting—Description.* Area where rock collecting is permitted. [1] Area where rock collecting is not permitted.
10. *Spelunking — Description.* Area where spelunking or caving is permitted. [1] Area where spelunking or caving is not permitted.
11. *Laundromat — Description.* Area where washing and drying facilities are available.
12. *Litter—Description.* Receptacle or area to deposit litter.
13. *Boat tours—Description.* Interpretive boat tour route with numbered markers or interpretive signs or for use with guide booklet or other devices (oversized plates may be used for sequential numbering or to show direction.)
14. Wading—*Description.* Area where wading permitted. [1] Area where wading is not permitted.

NPS will underplate with the title for 5 years.



SYMBOL 1



SYMBOL 2



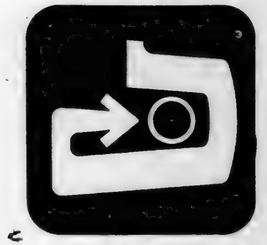
SYMBOL 3



SYMBOL 4



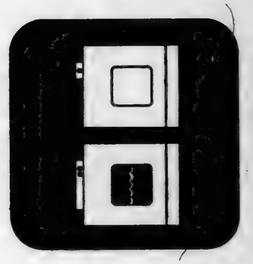
SYMBOL 10



SYMBOL 12



SYMBOL 9



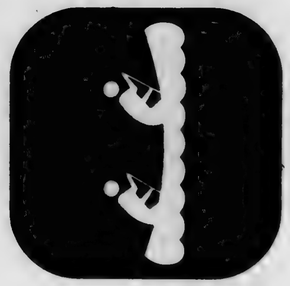
SYMBOL 11



SYMBOL 6



SYMBOL 8

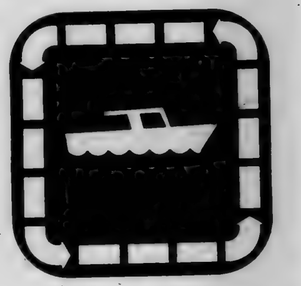


SYMBOL 5



SYMBOL 7

V40-129 JUL 3 75 XUM



SYMBOL 13



SYMBOL 14

[FR Doc.75-17303 Filed 7-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

This notice invites written comment relative to the proposed expenses of $655,581 and rate of assessment of $0.06 per No. 22D standard lug box of nectarines to support the activities of the Nectarine Administrative Committee for the 1975–76 fiscal period under Marketing Order No. 916. The notice also contains a proposal that unexpended assessment funds from the previous fiscal period be placed into the reserve fund.

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1975, through February 29, 1976, will amount to $655,581;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 be fixed at $0.06 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk; and

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1975, shall be carried over as a reserve in accordance with § 916.42 of said amended marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture."

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 27, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17344 Filed 7-2-75;8:45 am]

Agricultural Marketing Service

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Proposed Rulemaking

Notice is hereby given that the Department is giving consideration to the following proposal which would revise the container regulation presently in effect so as to reduce the net weight requirement of avocados packed in specified containers. The proposal was submitted by the Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal reflects the committee's current appraisal of present and prospective marketing conditions for avocados. Seasonal shipments of avocados in limited volume are now in progress. The Avocado Administrative Committee on June 11, 1975, held a meeting to consider the current crop and marketing conditions for avocados. After careful study of its containers and those being used by handlers in other producing areas of the United States, the committee has concluded that Florida producers and handlers are at a disadvantage in that Florida handlers must pack not less than 13-½ pounds net weight of avocados in specified one layer containers and must pack not less than 27 pounds net weight of avocados in specified two layer containers prescribed in § 915.305 (Avocado Order 5; 7 CFR 915.305; Subpart-Container Regulation). Handlers in California, the State having the largest avocado production, ship in a one layer carton (or tray) with a net content of not less than 12-½ pounds of avocados and ship in a two layer carton (or lug) with a net content of not less than 25 pounds of avocados. Hence, the committee unanimously recommended that its container regulation be modified as follows:

Revise the provisions of subparagraphs (a) (1) (viii), (ix) and (x) of § 915.305 (Avocado Order 5; 7 CFR 915.305) to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) • • •

(viii) With respect to the containers prescribed in subdivisions (ii) through (iv) of this subparagraph, all avocados packed in such containers shall be placed in one layer only and the net weight of all varieties of avocados in any such container shall be not less than 12½ pounds: *provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such applicable weight requirement.

(ix) With respect to the container prescribed in subdivision (v) of this subparagraph, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 12½ pounds: *provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(x) With respect to the containers prescribed in paragraph (a) (1) (vi) of this section, all avocados in such containers shall be placed in two layers only and the net weight of the avocados in any such container shall be not less than 25 pounds: *provided*, That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *provided further*, That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

• • • • • •

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 18, 1975. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17416 Filed 7-2-75;8:45 am]

[7 CFR Part 958]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Notice of Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Idaho-Eastern Oregon onions, would require minimum quality standards and inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958). This program regulates the handling of onions grown in the production area defined therein and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1975 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about August 1.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or less desirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to the grade, size, quality, pack and inspection requirements, provided that safeguards were met to prevent such onions from reaching unauthorized outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 958.320 Handling regulation.

During the period July 30, 1975, through April 30, 1976, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements.*

(1) *Yellow varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter or larger; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraph (c) or (e) of this section.

(c) *Special purpose shipments.*

The minimum grade, size, quality and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes.

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning except for sizes of grades regulated as when used in the "United States Standards for Grades of Onions", as amended (§§ 51.2830–51.2854 of this title). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: June 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17412 Filed 7-2-75;8:45 am]

[7 CFR Part 980]

ONION IMPORTS

Notice of Proposed Rulemaking

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, a regulation to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in duplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 980.114 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 30, 1975, and continuing through April 30, 1976, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size and maturity requirements.*

(1) *Yellow varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.

V40-129 JUL 3 75 XUM

(2) *White varieties:* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties:* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e of the act (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	Leo M. Dembo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512–787–4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602–287–2902).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213–622–6756).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Fawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808–941–3071).	1 day.
All Puerto Rico points.	John L. Coulon, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809–783–2230 or 4116).	2 days.
New York City, N.Y.	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212–991–7569 or 7668).	1 day.
New Orleans, La.	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504–589–6741 or 6742).	Do.
Miami, Fla.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33126 (Phone 305–324–6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813–294–2089).	Do.
All other points.	Chief, FPSI Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202–447–5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) the quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions; onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17413 Filed 7–2–75;8:45 am]

[7 CFR Part 1201]

TYPE 62 CIGAR-LEAF TOBACCO

Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia is being considered for the fiscal period ending January 31, 1976.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed that 7 CFR 1201.53 be suspended.

The provision proposed to be suspended reads as follows:

§ 1201.53 Initial regulation fixing number of leaves that may be handled. Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified, or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

[27 FR 4763, May 19, 1962]

The Control Committee has requested this suspension because substantially reduced plantings will not meet the expected demand. The suspension of the provisions in § 1201.53 would eliminate the need to count leaves and provide needed flexibility among growers.

Signed at Washington, D.C., on June 27, 1975.

WILLIAM H. WALKER, III,
Deputy Administrator for Program Operations, Agricultural Marketing Service.

[FR Doc.75–17414 Filed 7–2–75;8:45 am]

[7 CFR Part 1201]

HANDLING OF TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO

Proposed Rulemaking

Notice is hereby given that pursuant to the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), no expenses will be incurred by the Control Committee during the fiscal period ending January 31, 1976.

As a result, it will not be necessary to make any assessments against eligible handlers.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than July 18, 1975. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 27, 1975.

WILLIAM H. WALKER, III,
Deputy Administrator for Program Operations, Agricultural Marketing Service.

[FR Doc.75–17415 Filed 7–2–75;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1976 WHEAT SET-ASIDE PROGRAM

Proposed Determinations and Program Operating Provisions for 1976

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) whether there should be a set-aside requirement for wheat for the 1976 crop; and, if so, the extent of such requirement; (b) whether there should be a provision for additional diversion for the 1976 crop and, if so, the extent of such diversion and payment rate therefor; and (c) other related provisions necessary to carry out the set-aside program.

The determinations are to be based on the following considerations:

(a) *Whether there should be a set-aside requirement for wheat for the 1976 crop.* Section 379b (c) (1) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary shall provide for a set aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set aside, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set aside of cropland is in effect, then, as a condition of eligibility for loans, purchases, and payments authorized by section 107(c) of the Agricultural Act of 1949, the producers on a farm must set aside and devote ot approved conservation uses an acreage of cropland equal to such percentage of the wheat allotment for the farm as may be specified by the Secretary.

(b) *Whether there should be a provision for additional diversion and, if so, the extent of such diversion and the payment rate therefor.* Section 379b(c)(2) of the Agricultural Adjustment Act of 1938, as amended, provides that, to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized by section 107(c) of the Agricultural Act of 1949 to be made for required diversion, to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be devoted under the regular program. The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable, taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(c) *Other related provisions necessary to carry out the set-aside program for 1976* including but not limited to determinations such as (1) whether substitution should be permitted and, if so, the extent of such substitution, (2) whether to permit haying and grazing and/or alternate crops on set-aside acreage if it is determined that set aside is needed, (3) the terms and conditions under which haying and grazing and/or alternate crops will be allowed and (4) such other provisions as may be necessary to carry out the program.

Prior to making any of the foregoing determinations consideration will be given to any data, views and recommendations relative to these determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than August 4, 1975. All written submissions pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on June 27, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75–17417 Filed 7–2–75;8:45 am]

[7 CFR Part 775]

1976 National Feed Grain Allotment and Feed Grain Set-Aside Program

PROPOSED DETERMINATIONS AND OTHER RELATED SET-ASIDE OPERATING PROVISIONS FOR 1976

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) 1976 feed grain allotment; (b) whether there should be a set-aside requirement for feed grains for the 1976 crop and, if so, the extent of such requirement; (c) whether there should be a provision for additional diversion for the 1976 crop and, if so, the extent of such diversion and payment rate therefor; and (d) other related provisions necessary to carry out the set-aside program.

The determinations are to be based on the following considerations:

(a) *Determining the 1976 National Feed Grain Allotment.* Section 105(b)(2) of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall, prior to January 1 of each calendar year, determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains, which shall be the number of acres he determines on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

(b) *Whether there should be a set-aside requirement for feed grains for the 1976 crop and, if so, the extent of such requirement.* Section 105(c)(1) of the Agricultural Act of 1949, as amended, by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall provide for a set aside of cropland, if he determines that the total supply of feed grains or other commodities will, in the absence of such a set aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable

V40-129 JUL 3 75 XUM

supplies and prices of feed grains and to meet a national emergency. If a set aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, sorghum, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to such percentage of the feed grain allotment for the farm as may be specified by the Secretary.

(c) *Whether there should be a provision for additional diversion for the 1975 crop and, if so, the extent of such diversion and payment rate therefor.* Section 105(c)(2) of the Agricultural Act of 1949, as amended, provides that to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary is required to limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(d) *Other related provisions necessary to carry out the set-aside program* including but not limited to determinations such as (1) whether to include barley, (2) whether substitution should be permitted and, if so, the extent of such substitution, (3) whether to permit haying and grazing and/or alternate crops on set-aside acreage if it is determined that set aside is needed, (4) the terms and conditions under which haying and grazing and/or alternate crops will be allowed and (5) such other provisions as may be necessary to carry out the program.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations relative to the feed grain allotment and the feed grain set-aside program determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received by the Director not later than August 4, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours. (8:15 a.m. to 4:45 p.m.)

Signed at Washington, D.C., on June 27, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-17418 Filed 7-2-75;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

1976 FEED GRAIN AND WHEAT LOAN, PURCHASE AND PAYMENT PROGRAMS

Proposed Determinations and Operating Provisions for 1976

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (a) the loan and purchase levels for the 1976 crops of feed grain and wheat, including commodity eligibility, storage requirements, premiums and discounts; (b) CCC minimum resale price; and (c) other related provisions necessary to carry out the loan, purchase, and payment programs.

The determinations are to be based on the following considerations:

(a) *Loan and Purchase Rates.* Section 105(a)(1) of the Agricultural Act of 1949, as amended, provides that the Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than $1.10 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

Section 105(a)(2) provides that the Secretary shall make available to producers loans and purchases on each crop of barley, oats and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b), and on each crop of sorghum at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of sorghum in relation to corn.

Section 107(a) of the Agricultural Act of 1949, as amended, provides that loans and purchases for wheat shall be made available at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains and the level at which price support is made available for feed grains, but in no event shall such level be in excess of the parity price for wheat or less than $1.37 per bushel.

(b) *Other related provisions necessary to carry out the feed grain and wheat loan, purchase and payment programs for 1976* including but not limited to determinations such as (1) CCC minimum resale price, (2) commodity eligibility, (3) storage requirements, (4) premiums and discounts for grades, classes and other qualities, and (5) such other provisions as may be necessary to carry out the programs.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations relative to these determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than August 4, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on June 27, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-17419 Filed 7-2-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.1]

RURAL HOUSING LOANS AND GRANTS

Definition of Rural Area

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the amendment of § 1822.3 (c) and (d) of Subpart A of Part 1822 of Title 7, Code of Federal Regulations (39 FR 44993) to further improve the operation and administration of the section 502 rural housing loan program. This amendment expands and clarifies the definition of a "rural area" and redefines and redesignates the definition of a "place."

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, within August 4, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.-4:45 p.m.)

As proposed, § 1822.3 (c) and (d) read as follows:

§ 1822.3 Definitions.

• • • • •

(c) *Rural area.* (1) Open country which is not part of or associated with an urban area; or

(2) Any town, village, city, or place, including the immediately adjacent densely settled area, which:

(i) Is not part of or associated with an urban area; and

(ii) Has a population not in excess of 10,000 if it is rural in character; or

(iii) Has a population in excess of 10,000 but not in excess of 20,000; and

(A) Is not contained within a standard metropolitan statistical area; and

(B) Has a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development.

(3) A determination that open country, place, town, village, or city is not part of or associated with an urban area must include a finding that:

(i) The area in question, except as provided in subparagraph (5) of this paragraph, is separated from any adjacent urban area by open spaces (which are undeveloped, agricultural, or sparsely settled) other than minor open spaces due to physical barriers, commercial and industrial developments, public parks and similar open spaces, and areas reserved for recreational purposes; and

(ii) The area in question is not recognized as primarily a residential area ("bedroom community") for families employed in an urban area.

(4) The determination in subparagraph (3) of this paragraph should also consider such factors as:

(i) The existence of known plans for development of a substantial portion of the intervening land within the near future (e.g., 3 to 5 years) between the area in question and an urban area;

(ii) The area in question has a separate school system and separate utilities such as water and sewer and solid waste disposal;

(iii) Other relevant factors.

(5) Two or more towns, villages, cities, and places may have contiguous boundaries and each be considered separately if they are not otherwise associated with each other as determined after considering the factors in paragraph (c) (3) and (4) of this section.

(6) "Place" consists of an area containing a concentration of inhabitants within a determinable unincorporated area.

(7) "Urban area" means either a town, village, city or place, or any associated combination thereof, which with the immediately adjacent densely settled area has a population in excess of the limits prescribed in paragraph (c)(2) (ii) and (iii) of this section.

(8) Population counts will be based on the latest official figures.

(9) The State Director, through appropriate state instructions, shall identify by list and maps "rural areas" for the purposes of this instruction, provided however, that no list or map of areas in excess of 10,000 but not in excess of 20,000 that are to be characterized as "rural areas" will be identified in said state instruction without the prior authorization of the National Office.

(d) *Town.* A "town" means a municipality similar to a city but not a New England-type town which resembles a township or county in most states.

• • • • •

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: June 30, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-17378 Filed 7-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1020]

[Docket No. 75N-0071]

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Amendments to Performance Standard

Correction

In FR Doc. 75-15220 appearing at page 24909 in the issue for Wednesday, June 11, 1975, on page 24913, in the 17th line of § 1020.31(g)(2), "beam axle" should read "beam axis".

Social Security Administration

[20 CFR Parts 404, 416]

[Regulations No. 4, 16]

FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME

Administrative Actions That Are Initial Determinations

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

In administering the program under title II of the Social Security Act (Federal old-age, survivors, and disability insurance) and the program under title XVI of the Act (supplemental security income for the aged, blind, and disabled), it is the policy of the Social Security Administration that the decision regarding who is designated to serve or continue to serve as representative payee is an initial determination. The proposed amendments would reflect this policy and accord the same appeal rights with respect to this decision as now are accorded with respect to the decision as to whether representative payment shall serve the interest of an individual by reason of his incapacity to manage his benefit payments, except decisions involving beneficiaries under age 18 or legally incompetent.

Under the proposed § 404.905(n) relating to representative payees for retirement, survivors, and disability insurance beneficiaries, only the beneficiary or his legal representative would have the right to appeal the determination as to who shall be the representative payee. Therefore, the decision that a certain individual shall not be a payee would not be considered an initial determination and no administrative appeal rights could flow therefrom.

Under proposed § 416.1403(a)(3) relating to supplemental security income, only the recipient, his legal representative, or an essential person who can show in writing that he may be prejudiced thereby, has the right to appeal the decision as to who shall be the representative payee. Section 416.1403(b) would be amended to specifically state that the denial of an application to be made representative payee would not be considered an initial determination and, therefore, no administrative appeal rights could flow therefrom.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before August 4, 1975. The regulations will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment to Regulations No. 4 is to be issued under the authority contained in sections 205 (a), (j), and (k), and 1102 of the Social Security Act as amended, 53 Stat. 1368, as amended, 53 Stat. 1372, 49 Stat. 647, as amended, 42 U.S.C. 405 (a), (j), and (k), and 1302.

The proposed amendment to Regulations No. 16 is to be issued under the authority contained in sections 1102 and 1631(a) of the Social Security Act as amended, 49 Stat. 647, as amended, and 86 Stat. 1475 (42 U.S.C. 1302 and 1383 (a)).

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; and 13.807, Supplemental Security Income Program.)

Dated: June 16, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 27, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education and Welfare.

Regulations No. 4 and 16 of the Social Security Administration (20 CFR Parts 404 and 416) are amended as follows:

1. Paragraph (n) of § 404.905 is revised to read as follows:

§ 404.905 Administrative actions that are initial determinations.

• • • • •

(n) *Need for representative payment.* The Social Security Administration shall

V40 I129 JUL 3 75 XUM

make findings, setting forth the pertinent facts and conclusions and an initial determination under section 205(j) of the Act, as to (1) whether representative payment shall serve the interests of an individual by reason of his incapacity to manage his benefit payments, except that findings as to incapacity with respect to an individual under age 18 or with respect to an individual adjudged legally incompetent shall not be considered initial determinations; and (2) who shall be appointed or continued as representative payee on behalf of a beneficiary under title II of the Act (see § 404.1601).

2. Paragraph (c) of § 404.906 is revised to read as follows:

§ 404.906 Administrative actions which are not initial determinations.

* * * * * *

(c) The denial of an application to be made representative payee for and on behalf of a beneficiary under title II of the Act (see § 404.1601).

3. Section 416.1403 is amended by renumbering present paragraphs (a)(3) and (a)(4) as paragraphs (a)(4) and (a)(5), respectively; adding a new paragraph (a)(3); and revising paragraph (b) to read as follows:

§ 416.1403 Determinations.

(a) *Initial determinations.* * * *

(3) A determination regarding to whom representative payment shall be made or continue to be made; except that the parties (see § 416.1414) to such initial determination shall be restricted to the recipient and his legal representative; and may include an essential person as defined in § 416.243 who has shown in writing that he may be prejudiced by such determination.

* * * * *

(b) *Other determinations.* (1) The following are not initial determinations:

(i) The denial of an application to be made representative payee for and on behalf of a beneficiary under title XVI of the Act (see Subpart F of this part);

(ii) Determinations with respect to presumptive disability for the payment of benefits prior to a determination of disability; and

(iii) Determinations with respect to eligibility for, or amount of, emergency cash advances.

(2) However, when payment of presumptive disability benefits or emergency cash advances are made, a notice shall be sent, explaining the nature of the payments and the conditions under which they are made; and notice shall also be sent when no further presumptive disability payments can be made.

[FR Doc.75-17407 Filed 7-2-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-34]

AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1 and 206B-1 Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. There have been reports of loose bolts occurring in the main rotor hub pillow blocks. Loss of the bolts could possibly cause loss of a main rotor hub pillow block housing and bearing. The manufacturer has designed a new flanged bushing for the pillow block housing to prevent the loss of attaching bolt torque and attendant loose bolts. Since loss of bolt torque is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require installation of flanged bushings, P/N 206-011-128-1, within 600 hours' time in service on Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. This proposal is being made in the interest of flight safety.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101. All communications received on or before August 4, 1975, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters Certificated in all Categories.

Compliance required within 600 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent loss of attaching bolt torque for the main rotor blade hub pillow blocks, accomplish the following:

(a) Remove the four nuts and bolts that attach the pillow block assemblies to the main rotor yoke and remove the washers, P/N 206-010-171-1, and bushings, P/N 206-010-170-1.

(b) Install four flanged bushings, P/N 206-011-128-1, into the pillow blocks with the flanges facing outboard. Secure the pillow blocks to the yoke with appropriate nuts and bolts, with a washer under each nut, and torque the nut and bolt 60 inch pounds, plus drag (tare) torque of the self-locking nuts.

NOTE.—Compliance with items 1, 2, and 3 of Bell Service Bulletin No. 206-75-3, dated May 1, 1975, or later FAA approved revision, will constitute compliance with the requirements of this AD.

Issued in Forth Worth, Texas, on June 19, 1975.

A. H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-17314 Filed 7-2-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-SW-28]

DESIGNATION OF JET ROUTES

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate jet route segments from Phoenix, Ariz., to Newman, Tex., and from Roswell, N. Mex., to Abilene, Tex.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 4, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend J-65 from Roswell, N. Mex., to Abilene, Tex., and designate J-181 from Phoenix, Ariz., to Newman, Tex.

The proposed route segments would provide reduced route distances for east/west traffic during those times when air traffic can be cleared via these routes.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 26, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-17317 Filed 7-2-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-SW-30]

ALTERATION OF JET ROUTE NO. J-29

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter J-29 south of Corpus Christi, Tex.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 4, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J-29 south of Corpus Christi, Tex., to the United States/Mexican border toward Monterrey, Mexico, rather than Brownsville, Tex. A sufficient number of daily flights on this route presently justifies its designation as a jet route.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 26, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-17318 Filed 7-2-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-5; Notice 02]

AIR BRAKE STANDARDS

No Modification for Agricultural Commodity Trailers

This notice announces that the National Highway Traffic Safety Administration will not amend Standard No. 121, *Air brake systems*, 49 CFR 571.121, as proposed March 20, 1975 (40 FR 13316, March 26, 1975). The proposal would have excluded from the emergency and parking brake requirements until January 1, 1976, trailers designed to transport bulk agricultural commodities from the field to processing or storage locations.

Standard No. 121 regulates the performance of the service, emergency, and parking brake systems of air-braked trucks, buses, and trailers. Section S5.6.3 specifies that the parking brake shall be applied by an energy source that is not affected by loss of air pressure and be held in the applied position solely by mechanical means. As noted in the proposal, most manufacturers utilize the stored energy of a depressed spring to apply and maintain the required braking force. The design can also be made to satisfy the emergency brake requirements for trailers (S5.8).

Utility Trailer Manufacturing Co. petitioned for delay of the parking brake requirement because its products often stand idle near the fields for such long periods that the available air pressure to hold off the springs slowly escapes and the spring brakes gradually apply. The farm tractors which subsequently tow the vehicle into the fields do not have air compressors to recharge the air supply and release the brakes in order to move the vehicles. Utility had considered the vehicles excluded from the standard as agricultural machinery and petitioned for a year's delay in order to bring their vehicles into conformity.

Three of the four comments received on the proposal objected to delay of the parking brake requirement. Trailmobile, Timpte, and Titan, also manufacturers of specialized agricultural haulers, stated that their products already conform to the trailer parking brake requirements, and Titan asked that those who had already met the requirement not be discriminated against because of their good faith efforts when a solution to the problem exists. These three manufacturers claim an engineering solution is immediately available to permit the operation of trailers in bulk commodity handling from the field. Manually operated valves are available in the industry which provide a method of releasing spring brakes for movement by powered vehicles not equipped with air brake systems. Such valves are permitted by the standard provided that, when the trailer is reconnected to a towing vehicle, control of the trailer parking reverts to the towing vehicle.

Tests conducted by the NHTSA's Safety Research Laboratory indicate that a "121" trailer with a well-maintained brake system will retain sufficient air pressure to release the parking brakes for several weeks. In these tests of two trailers for 8 days, there was a loss of only 5 psi from 120 to 115 psi in one trailer and a loss of 13 psi from 130 to 117 psi in the other. To provide for release of the spring brakes in the event there is a large loss of air pressure, parking brakes are available with mechanical releases.

Trailmobile and Timpte also noted the difficulty in accurately defining the specialized class of vehicles which face the problems of regular field use.

Fruehauf supported the delay as long as the vehicles would be equipped with the emergency braking capability presently required under the standard for trailer converter dollies. Utility Trailer did not file formal comments to the docket, but did send a telegram further defining the proposed category, and suggested a date of April 21, 1976, in place of the proposed January 1, 1976, date.

The NHTSA has considered the submitted comments, and concludes that the proposed delay of parking and emergency brake requirements cannot be justified in view of design solutions which have already been implemented by other manufacturers to meet the problem of automatic spring brake application. To suspend the requirements would adversely affect the market position of those manufacturers who have implemented the parking brake requirement. While Utility did not develop a conforming system because of its erroneous assumption that the vehicles were not within the coverage of the Act, it appears that the vehicles can be made to comply.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on June 25, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-17351 Filed 7-2-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 394-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Sulfur Oxides Control Strategy—Montana

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Montana. Specifically, the Administrator disapproved Montana's plan for attainment and maintenance of the national sulfur dioxide ambient air quality standards in the Helena Intrastate Region. On July 27, 1972 (37 FR 15094), pursuant to section 110(c) of the Clean Air Act, the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Montana plan. The proposed regulations included in part a sulfur dioxide emissions limitation of 3340 pounds per hour requiring 87 percent control of the total potential emissions of sulfur dioxide from the American Smelting and Refining Company's (ASARCo) lead smelter located near East Helena, Montana. This 87 percent control for ASARCo was based on an atmospheric diffusion air quality estimation which assumed a meteorological condition that the Administrator subsequently has determined to have a very low probability of occurrence. The air quality estimations have since been revised to reflect meteorological conditions which more adequately reflect actual conditions at the facility and thus have a more realistic probability of occurrence. As indicated below, the Administrator has determined that less control than previously proposed

V40-129 JUL 3 75 XUM

will provide for attainment and maintenance of the national sulfur oxides ambient air quality standards.

The Environmental Protection Agency delayed final promulgation of its proposed regulation applicable to ASARCo to provide time to complete modeling and air quality monitoring studies and in anticipation of a state submittal of regulations with adequate compliance schedules. Furthermore, the Agency delayed final promulgation as a result of a lawsuit brought on September 26, 1972 in the U.S. District Court of Colorado, which judicially restrained and enjoined the agency from promulgating a similar regulation. *Anaconda Co. v. Ruckelshaus, et al.* 352 F. Supp. 697 (D. Colo. 1972). On appeal, the 10th Circuit Court of Appeals reversed the District Court on August 8, 1973, *Anaconda Co. v. Ruckelshaus, et al.* 482 F2d 1301 (10th Cir. 1973). In the interest of avoiding duplicitous litigation, the Agency delayed further action on the SO_2 control strategy development for the Helena Intrastate AQCR pending a decision on the merits in the above case.

On May 21, 1975, the Governor of Montana submitted a revision to the Montana State Implementation Plan (SIP) which would limit sulfur dioxide emissions from the sinter plant at the smelter to 20 tons per six-hour period and to 80 tons per 24-hour period. Additionally, the revision requires ASARCo to reduce its sinter plant emissions by 75 percent on an annual basis. The revision also includes a compliance schedule which provides for final compliance with the emission limitations by July 31, 1977. Since measured and diffusion model predicted ambient air quality data indicates that the SIP revision will provide for attainment and maintenance of the national sulfur oxides ambient air quality standards in the vicinity of the ASARCo smelter, the Administrator proposes to approve the Montana revisions.

The proposed Montana revisions are available for public inspection at the office of the State Agency and at the offices of the Environmental Protection Agency listed below. Additionally, an evaluation of the revisions is available at the offices of the Environmental Protection Agency listed below. The record of the public hearings has been reviewed and considered in the evaluation.

Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, Cogswell Building, Helena, Montana 59601.

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Room 329, 401 M Street SW, Washington, D.C. 20460.

Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, on the proposed revisions. Such comments will be accepted for consideration until August 4, 1975. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

AUTHORITY: Sec. 110, Clean Air Act (42 U.S.C.—1857c–5); 39 FR 18805.

Dated: June 24, 1975.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.75–17292 Filed 7–2–75;8:45 am]

[40 CFR Part 52]

[FRL 395–1]

MICHIGAN

Air Quality Implementation Plan

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the Michigan plan for the implementation of the national ambient air quality standards with specific exceptions. At that time, the Administrator also approved dates by which national ambient air quality standards were to be attained.

During June, July and September of 1974, the State of Michigan submitted to the EPA compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. The schedules were adopted by the State and submitted to EPA after due notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6. The schedules establish new dates by which the individual sources must comply with the applicable emission limitations in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading, "Final Compliance Date."

The submitted schedules are included in this notice by reference. They are identified in the table below by source name, location, applicable regulation, date schedule adopted, effective date and final compliance date.

This notice constitutes proposed rulemaking with respect to the subject schedules. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Approval/disapproval action will depend on whether the schedules are consistent with requirements set forth in section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51.

Copies of the compliance schedules together with a summary of air quality measurements submitted by the State of Michigan evidencing no air quality violations in the affected counties are available for public inspection between 8:15 a.m. and 4:45 p.m., Monday through Friday at the Region V office.

Comments received in response to this notice will also be available to the public at the Region V office. Only those comments received on or before August 4, 1975 will be considered prior to the Administrator's final rulemaking action.

(Sec. 110(a), Clean Air Act, as amended 42 U.S.C. 1857c–5(a))

Dated: June 23, 1975.

FRANCIS T. MAYO,
Regional Administrator.

It is proposed to amend part 52 of 40 CFR Chapter I, as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding a new paragraph (d) (3) as follows:

§ 52.1170 Identification of plan.

* * * * * * *

(d) Revisions to the plan were submitted on: * * *

* * * * * * *

(3.) June 13, 1974; July 26, 1974; September 27, 1974.

§ 52.1175 [Amended]

2. In § 52.1175 the table in paragraph (e) is amended by adding the following:

Michigan

Source	Location	Regulation involved	Date schedule adopted	Effective date	Final compliance date
Detroit Edison	St. Clair	R. 336.49	Nov. 20, 1973	Immediately	Jan. 1, 1980
Ford Motor Co	Wixom	R. 336.49	Sept. 16, 1974	do	Do.
Marquette Board of Light and Power	Marquette	R. 336.49	July 24, 1974	do	Do.
Union Camp Corp	Monroe	R. 336.49	May 13, 1974	do	Do.
Watervliet Paper Co	Watervliet	R. 336.49	Aug. 27, 1974	do	Do.

[FR Doc.75–17425 Filed 7–2–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20532; RM–2495]

FM BROADCAST STATIONS

Table of Assignments; Tex.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mineola, Gilmer and Canton, Texas)

1. *Petitioner, proposal and comments.* (a) Joint consideration of two mutually exclusive proposals: (1) A–C Corporation, licensee of AM Station KMOO, Mineola, Texas, filed, on December 16, 1974, a petition to assign Channel 237A to Mineola, as its first FM channel assignment; (2) J. R. McClure, tr/as KHYM Broadcasting Company (McClure), licensee of AM Station KHYM, Gilmer, Texas, filed, on February 7, 1975, an opposition to the Mineola petition and a proposal to assign either Channel 237A or 249A to Gilmer, as its first FM channel assignment.[1]

(b) The proposal to assign Channel 237A to either Mineola or Gilmer can be adopted without affecting any existing FM assignments elsewhere and without restrictions to the location of an antenna site.

(c) The proposal to assign Channel 249A to Gilmer requires that the transmitter site must be located a minimum of 8.5 miles west of the community in order to meet the Commission's mileage separation rules with respect to adjacent Channel 251 (KTAL–FM) in Texarkana, Texas.

(d) In his opposition, McClure suggests that Channel 244A may be assigned to Mineola provided that channel were deleted from Canton, Texas, where it is unoccupied and unapplied for. The transmitter site for a station operating on Channel 244A at Mineola must be located approximately 2.75 miles west of the community. McClure also suggests that Channel 249A might be assigned to Mineola. However, such an assignment is not possible because of short spacing to FM Station KZEW (Channel 250) at Dallas, Texas.

2. *Demographic Data.* (a) *Location:* Mineola is located in Wood County approximately 77 miles east of Dallas and 200 miles north of Houston. Gilmer is the seat of Upshur County and is located approximately 32 miles east of Mineola.

(b) *Population—1970 U.S. Census:* Mineola—3,926; Wood County—18,589; Gilmer—4,196; Upshur County—20,976.

(c) *Present local aural services:* Mineola is served by AM Station KMOO (Class II, daytime-only), licensed to A–C Corporation. Gilmer is served by AM Station KHYM (Class II, daytime-only), licensed to McClure.

(d) *Economic considerations:* Each party has alleged sufficient economic activity in the respective communities to justify assignment of a first FM channel.

3. *Preclusions:* Since both proposals request a first FM assignment to communities not near a major population center, a preclusion study is not required.

4. *Additional considerations:* Assignment of Channel 237A cannot be made to both communities consistent with the Commission's mileage separation rule. Section 73.207(a) requires a minimum distance of 65 miles between co-channel Class A frequencies. As noted before, Gilmer and Mineola are situated approximately 32 miles apart. In order to provide a first FM service to each community, therefore, it has been suggested that Channel 244A be assigned to Mineola. Such an assignment would require that Channel 244A be deleted from Canton (pop. 2,283), approximately 23 miles southwest of Mineola. Since no interest in the operation of that channel has been expressed, no replacement will be suggested. Finally, we do not favor the assignment of Channel 249A to Gilmer since the transmitter site for a station operating on that channel must be located at a distance from the community such that it would be doubtful that a station operating with maximum facilities could be capable of providing a 70 dBu coverage to the entire city. Inasmuch as there are channels available, we believe that the public interest would be best served by providing a channel to those communities where an interest has been expressed.

5. Accordingly, in light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b), with respect to the cities listed below, as follows:

City	Channel No. Present	Channel No. Proposed
Mineola, Tex.		244A
Gilmer, Tex.		237A
Canton, Tex.	244A	

6. The Commission's authority to institute rule making proceedings, showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before August 22, 1975, and reply comments on or before September 12, 1975.

Adopted: June 24, 1975.

Released: June 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[Docket No. 20532 RM–2495]

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rulemaking* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc.75–17380 Filed 7–2–75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

INTEREST ON DEPOSITS

Individual Retirement Accounts (IRA's)

1. The Board of Directors of the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System are considering changes in their respective regulations governing the payment of interest on deposits. These changes would reflect differences in the treatment of deposits representing Individual Retirement Accounts (IRA's) from the treatment afforded other types of deposits. Prior to consideration of any specific changes, the Board of Directors desires to obtain a broad sampling of public opinion on several issues raised in connection with the offer of IRA plans by insured nonmember banks.

IRA's may be established in accordance with the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406)

[1] In Docket No. 20139, McClure filed a "counterproposal" to a petition to assign Channel 221A to Tyler, Texas. McClure requested that either Channel 221A, 237A or 249A be assigned to Gilmer, Texas. The assignment of Channel 221A to Tyler precludes the use of that channel at Gilmer under the Commission's minimum mileage separation rules. The *Report and Order in Docket No. 20139*, 40 Fed. Reg. 21030 (released May 15, 1975), assigned Channel 221A to Tyler and deferred further consideration of McClure's proposal for the Mineola proceeding herein.

V40 I29 JUL 3 75 XUM

which amends various provisions of the Internal Revenue Code ("Code"). IRA's established pursuant to § 408 of the Code (26 U.S.C. 408) are retirement plans which may be created by individuals who are not otherwise participating in existing pension plans. In making contributions to an IRA, an individual may deduct from his gross income up to $1,500 or 15 percent of the compensation includable in his gross income for the taxable year, whichever is less, in determining his Federal income tax. In addition, earnings on funds contributed to an IRA are not taxable until distributed to the individual. Other provisions of the Code specify when distributions may be made, impose a 10 percent tax penalty on any funds prematurely distributed from an IRA and set the conditions under which funds can be transferred from one IRA to another without incurring the tax penalty. It is expected that the funds in many IRA's will be maintained on deposit in insured nonmember banks pursuant to trust or custodial agreements with the depository bank. These deposits will be referred to as IRA deposits to distinguish them from funds in an IRA which may be placed in other types of investments as well as deposits, depending on the nature of the agreement between the individual IRA participant and the trustee or custodian who holds and invests the funds.

The Board of Directors is interested in public comment on the following issues:

(1) Would existing provisions in the FDIC's regulations setting penalties for the withdrawal of time deposits prior to maturity unduly interfere with the distribution of all or part of the funds in an IRA when the participant retires, becomes disabled or dies?

The FDIC's regulations require that where all or part of a time deposit is withdrawn prior to maturity, interest paid on the amount withdrawn may not exceed the maximum rate for savings deposits and, in addition, up to three months of interest shall be forfeited (12 CFR 329.4). Consequently, participants who arrange to have their IRA funds invested in time deposits with long-term maturities in order to obtain higher rates of interest may incur a substantial interest penalty upon distribution of the funds if these deposits have not matured when the individual reaches the minimum age for discretionary distribution designated in the Code (59½), the designated age for mandatory distribution (70½), or when the individual becomes disabled or dies.[1]

In order to minimize the effect of the FDIC's existing penalty provisions upon the distribution of IRA funds at retirement, disability or death, insured nonmember banks maintaining IRA deposits would have to arrange the maturities of those deposits so that they would come due at sufficiently brief intervals. This could impose a substantial burden on individual participants and banks to keep track of maturing deposits and to plan schedules for distribution at retirement accordingly. It would also result in a lower overall yield earned on IRA deposits than would be possible if deposits of longer maturities were available.

Accordingly, the FDIC is interested in whether some sort of limited exception to the present penalty provisions is necessary to facilitate withdrawal and distribution of IRA deposits when a participant retires, becomes disabled or dies. This issue is of particular significance because in instances of retirement, disability or death, IRA funds can in most instances be distributed without incurring the 10 percent tax penalty referred to previously.

(2) In view of the 10 percent tax penalty for premature distribution of IRA funds, does the FDIC's penalty for withdrawal of time deposits prior to maturity impose what amounts to a double penalty? If so, should an exception to the FDIC's penalty rules be considered for all withdrawals from IRA deposits regardless of when made?

Section 408 of the Code provides that when any funds are distributed from an IRA before the participant attains age 59½, becomes disabled or dies, his Federal income tax shall be increased by 10 percent of the amount distributed unless the funds are placed in another IRA within a specified time. The FDIC is interested in whether the 10 percent tax penalty for premature distribution of IRA funds would deter the early withdrawal of IRA deposits to such an extent that the FDIC need not require insured nonmember banks to impose a penalty for early withdrawal when IRA deposits are withdrawn prior to maturity.

(3) In view of the intent of Congress to encourage individuals to save for their retirement and in view of the fact that IRA funds may remain on deposit at financial institutions for very long periods of time, should the existing ceilings on interest rates paid by banks on time deposits be adjusted to permit commercial banks to pay interest on IRA deposits at rates equal to those that may be paid by savings and loan associations and mutual savings banks?

Thrift institutions are generally authorized to pay interest on their time deposits at rates ¼ of 1 percent above the rates authorized for commercial banks. Due to the anticipated long-term nature of IRA deposits and the effects of compounding, this ¼ percent differential can give rise to a substantial difference in the amount of interest a participant can earn on his IRA funds. In addition, there is the question of whether the custodian or trustee of an IRA has a fiduciary duty to deposit IRA funds exclusively in thrift institutions if the law permits them to pay higher rates of interest on their deposits than commercial banks. Accordingly, the FDIC is interested in whether commercial banks should be permitted to pay interest on IRA deposits at rates equivalent to those that thrift institutions are permitted to pay.

(4) The FDIC is also interested in the extent of disintermediation which may possibly be brought about by shifting IRA funds from one investment to another or through the transfer of IRA funds from one institution to another.

Generally, trustees and custodians are authorized to place funds in various types of investments, either at their own discretion or pursuant to directions from the grantor. Absent an agreement limiting the investment of IRA funds to deposits, the trustee or custodian may transfer such funds to other investments such as U.S. Treasury bills. In addition, participants are generally permitted to transfer from one IRA to another once every three years without incurring the 10 percent tax penalty. This is due to the portable feature of IRA's and will presumably involve the actual movement of IRA funds between institutions. Accordingly, the FDIC is interested in the potential effects of such transfers on the level of deposits in financial institutions.

(5) Finally, the FDIC is considering the question of allowing a new type of deposit for IRA funds. This deposit might have the following characteristics:

(a) The maximum allowable rate of interest would increase over time so that a bank would be permitted to pay higher rates of interest on IRA deposits that remain in the bank for correspondingly longer periods of time;

(b) an IRA participant nearing retirement would be allowed to convert an existing long-term deposit to an "IRA Payout Certificate" that would permit the participant to receive periodic payouts at either a reduced interest penalty or no penalty at all in exchange for the participant's commitment to retain IRA funds on deposit for a specified period of time.

2. Interested persons are invited to submit their written data, views or arguments regarding this notice to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429 no later than July 30, 1975. All comments received on or before that date will be filed with the Records Unit in the Office of the Executive Secretary and will be made available for public inspection and copying during regular business hours. Copies will also be made available upon written request at a duplicating cost of 10 cents per page.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-17322 Filed 7-2-75;8:45 am]

[1] Although the FDIC's regulations do not require payment of a penalty where the depositor has died, this will not have any effect on the majority of IRA plans because the individual participants will not be considered depositors.

[12 CFR Part 329]

INTEREST ON DEPOSITS

Subordinated Debt Obligations

1. Pursuant to the authority in sections 9 and 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828(g)), and after consultation with the Board of Governors of the Federal Reserve and the Federal Home Loan Bank Board, the Board of Directors of the Federal Deposit Insurance Corporation proposes to amend § 329.10 of the FDIC's rules and regulations. The proposal would afford those insured State nonmember banks which plan to issue subordinated debt obligations greater latitude in structuring their transactions without regard to the ceilings on interest rates which apply to certain obligations other than deposits.

Section 329.10 of the FDIC's rules and regulations imposes restrictions on obligations other than deposits that are "issued or undertaken by insured nonmember banks for the purpose of obtaining funds to be used in the banking business" (12 CFR 329.10(a) (1975)). These restrictions place such obligations on a par with deposits insofar as interest rate ceilings are concerned. However, there are certain exemptions, one of which covers any subordinated debt obligation that is approved by the FDIC as an addition to the issuer's capital structure and which meets, *inter alia*, the following criteria: The obligation must have an original maturity of 7 years or more and must be in an amount of at least $500 (12 CFR 329.10(b)(3)(ii) (1975)). The FDIC may waive the restriction on maturity where it determines that "exigent circumstances" require the issuance of an obligation without regard to maturity or to the interest rate payable thereon (12 CFR 329.10(b)(3)(v) (1975)). There is no similar provision for a waiver as to amount.

The proposal would first modify the requirement that a subordinated debt obligation have an original maturity of 7 years or more. Under the proposal, such an obligation, or issue of obligations, need only have a weighted *average* maturity of 7 years where scheduled repayments of principal, once they begin, will be made at least annually and in equal amounts. This would permit retirement to begin at any time subsequent to the issue date.

In addition, the proposal would provide three limited bases for a waiver of the requirement that exempt subordinated debt obligations be in an amount of at least $500. This requirement could be waived, at the option of the FDIC, in the following instances:

(1) Where necessary in order to satisfy the preemptive rights of shareholders in the case of a convertible debt issue;

(2) where necessary in order to maintain a ratable unit offering to holders of preemptive rights in the case of a subordinated debt obligation issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights; or

(3) where necessary to satisfy shareholders' ratable claims in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired.

It is the Board of Directors' opinion that a waiver of the amount limitation is justified in those instances where the nature of the transaction or the preemptive rights of shareholders effectively preclude the issuance of subordinated debt obligations in minimum denominations of $500 or more. Under the proposal, the FDIC would retain the option to deny a request that it waive this amount limitation in those instances in which it determines that reasonable alternatives are available to the party seeking the waiver.

2. Section 329.10(b) would be amended as follows:

§ 329.10 Obligations other than deposits.

* * * * * *

(b) *Exceptions.* The provisions of this Part 329 shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:

* * * * * *

(3) (i) Bears on its face, in bold-face type, the following: This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation;

(ii) Has a maturity of (A) at least seven years, or (B), in the case of an obligation or issue that provides for scheduled repayments of principal, has an average maturity[1] of at least seven years and provides that once repayment of principal begins, all scheduled repayments shall be made no less frequently than on an annual basis and that each scheduled repayment shall be equal in amount to every other scheduled repayment; *provided* That the Federal Deposit Insurance Corporation may permit the issuance of an obligation or issue with a shorter maturity or average maturity, or an obligation or issue which otherwise fails to comply with the provisions of this subparagraph (ii), if the Federal Deposit Insurance Corporation has determined that exigent circumstances require the issuance of such obligation or issue;

(iii) Is in an amount of at least $500, *provided* That the Federal Deposit Insurance Corporation may, at its option, permit the issuance of an obligation in a lesser amount where such lesser amount is necessary in order to either

(A) satisfy the preemptive rights of shareholders in the case of a convertible debt obligation; or

(B) maintain a ratable unit offering to holders of preemptive rights in the case of an obligation issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights; or

(C) satisfy shareholders' ratable claims in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of voting stock or all or substantially all of the assets of the entity whose assets are being acquired;

(iv) States expressly that it is subordinated to the claims of depositors and is ineligible as collateral for a loan by the issuing bank;

(v) Is unsecured; and

(vi) Has been approved by the Federal Deposit Insurance Corporation as an addition to the bank's capital structure[2]; or

(4) * * *

3. This notice is published pursuant to section 553(b) of Title 5, United States Code and §§ 302.1—302.5 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit their written data, views or arguments on the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429 no later than August 29, 1975. All comments received on or before that date will be filed with the Records Unit in the Office of the Executive Secretary and will be made available for public inspection and copying during regular business hours. Copies will also be made available upon written request at a duplicating cost of 10 cents per page.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-17323 Filed 7-2-75;8:45 am]

[1] The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the time-weighted average of all such scheduled payments.

[2] Capital notes or debentures issued by insured nonmember banks are subject to the retirement provisions of section 18(i)(1) of the Federal Deposit Insurance Act whether or not such capital notes or debentures are exempt from the provisions of Part 329.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 11]

LUMP SUM DISTRIBUTIONS

Public Hearing on Proposed Regulations

Proposed regulations under sections 62, 72, 101, 122, 402, 403, 405, 652, and 1304 of the Internal Revenue Code of 1954, relating to lump sum distributions, appear in the FEDERAL REGISTER for April 30 and May 23, 1975 (40 FR 18798, 22548).

A public hearing on the provisions of such proposed regulations will be held on August 12, 1975, beginning at 10 a.m. e.d.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these

V40 I129 JUL 3 75 XUM

rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 1, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 6, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on August 11, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-17562 Filed 7-2-75;9:46 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Engineering, Architectural and Construction Industry Advisory Committee of the Agency for International Development (AID) to be held in Room 1105, Department of State, 22d and C Streets (Diplomatic Entrance), Washington, D.C. 20523, on August 6, 1975 at 10 a.m. This meeting will be open to the public. However, all attendees must check in with the receptionist, receive a visitor's pass and remain in the visitors area for a courier. The courier will escort Committee members and members of the public to the Conference Room.

The purpose of the subject Committee is to provide for a systematic, regularized dialogue between officials of AID and representatives of the engineering, construction, and architectural industry, or their alternates, in the interests of improved policy and procedures and improved industry performance relating to AID-financed activities.

The membership of the subject Committee is as follows:

William Marshall, Jr., representing American Institute of Architects. Charles B. Molineaux, representing American Society of Civil Engineers. John S. Withers, representing Associated General Contractors of America. H. Peter Guttmann, representing American Consulting Engineers Council. Robert L. Nichols, representing National Society of Professional Engineers. Charles E. Golson, representing National Constructors Association.

The agenda for the August 6 meeting of the subject Committee to be held as aforesaid, shall be as follows:

1. AID program directions.
2. How can industry assist in developing "labor-intensive construction projects and operations?"
3. Appropriateness of "construction management concept" for the Less Developed Countries (LDCs).
4. Execution of AID's engineering work by contract.
5. Critique of AID's new "Country Contracting Handbook."
6. Usefulness and possible modification of AID's Architect/Engineer registration forms.
7. Education of architects and engineers for economic development.
8. How can AID more accurately predict capital project costs in developing countries?
9. Industry's problems and concerns.

CHARLES S. STEVENS,
Acting Director of Engineering, Agency for International Development.

JUNE 25, 1975.

[FR Doc.75-17370 Filed 7-2-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CARBON STEEL PLATE AND HIGH STRENGTH STEEL PLATE FROM MEXICO

Preliminary Countervailing Duty Determination

On October 4, 1972, a "Notice of Countervailing Duty Proceedings" was published in the FEDERAL REGISTER (37 FR 20875) stating that information had been received which raised a question as to whether certain payments, bestowals, rebates or refunds, granted by the Mexican Government upon the manufacture, production, or exportation of carbon steel and high strength steel plate constitute the payment or bestowal of a bounty or grant directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been determined that certain benefits have been received by the sole Mexican manufacturer/exporter of steel plate in the form of reduced freight rates for shipments destined to the border for export. The benefits derived from this program, however, are determined to be so insignificant as to constitute a *de minimis* amount. The investigation also revealed that the steel exporter does not receive preferential financing in the form of low interest rate loans provided by the Mexican Government. With respect to the tax rebates provided the steel manufacturer on export, it has been determined that these refunds constitute the rebate of indirect taxes which are directly related to the product and therefore not countervailable. Finally, it has been determined that the exemption from earnings for corporate income tax purposes of the refunds from the above-mentioned taxes does not constitute the payment or bestowal of a bounty or grant.

Accordingly, it has been determined preliminarily that no bounties or grants, within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of carbon steel and high strength steel plate from Mexico. A final decision in this case is required on or before January 5, 1976.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17430 Filed 7-2-75;8:45 am]

CAST IRON SOIL PIPE AND FITTINGS FROM INDIA

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of cast iron soil pipe and fittings from India constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined that cash payments made by the Government of India upon the exportation of cast iron soil pipe and fittings do not exceed the amount of indirect taxes paid which are directly related to the exported products. Further, it has been determined that no preferential freight rates are given to the cast iron soil pipe industry in India.

Accordingly, it has been determined preliminarily that no bounties or grants within the meaning of section 303 of the

V40-129 JUL 3 75 XUM

Tariff Act of 1930, as amended (19 U.S.C. 1303) are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of cast iron soil pipe and fittings from India.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17435 Filed 7-2-75;8:45 am]

CHEESE FROM SWITZERLAND

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of Switzerland upon the manufacture, production, or exportation of cheese constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

It has been determined preliminarily that payments are being made, directly or indirectly, by the Government of Switzerland, upon the manufacture, production, or exportation of Emmenthaler and Gruyere Cheese, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The payments are in the form of deficiency payments from the Swiss Government to the Swiss Cheese Union, made at the end of each fiscal year to compensate for losses incurred in marketing Emmenthaler and Gruyere Cheeses in both domestic and export markets.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this preliminary determination in writing to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office on or before July 18, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: June 30, 1975.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.75-17439 Filed 7-2-75;8:45 am]

COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM INDIA

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of cotton and man-made fiber textile products from India constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended, (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined that the Government of India does not make cash payments upon the manufacture, production, or exportation, of cotton and man-made fiber textiles. Further, it has been determined that a program for providing raw materials at concessional prices to manufacturers and producers of man-made fiber textiles in India has been terminated as of March 31, 1974 and no longer exists.

Accordingly, it has been determined preliminarily that no bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation, of cotton and man-made fiber textiles from India.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17437 Filed 7-2-75;8:45 am]

FLOAT GLASS FROM BELGIUM

Notice of Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of Belgium upon the manufacture, production, or exportation of float glass constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been tentatively determined that benefits have been received under various regional development programs maintained by the Belgian Government. Assistance available in development areas includes interest rebates on loans or payment of equivalent amounts where investor capital is utilized, employment premiums, reduced rate of capital gains tax, tax exemptions for interest rate subsidies and capital grants on investments, exemption from registration fees levied on increases in assets, exemption from real estate taxes, advanced depreciation and exemption from local taxes.

Benefits derived from programs such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of float glass from Belgium benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the section 303 of the Tariff Act of 1930, as amended, by reason of the incentive programs mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17434 Filed 7-2-75;8:45 am]

FLOAT GLASS FROM ITALY

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of float glass from Italy constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs regulations (19 CFR 159.47(C)), it has tentatively been determined that benefits have been received under various programs maintained by the Italian Government. These include Government assistance in the form of investments grants, low-interest rate financing, and other incentives for facilities located in economically depressed areas, as well as preferential financing available outside the economically depressed areas.

Benefits derived from programs such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of float glass from Italy benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the section 303 of the Tariff Act of 1930, as amended, by reason of the incentive programs mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17433 Filed 7-2-75;8:45 am]

FOOTWEAR FROM THE REPUBLIC OF KOREA

Preliminary Countervailing Duty Determination

On June 20, 1972, a "Notice of Countervailing Duty Proceedings" was published in the FEDERAL REGISTER (37 FR 12163) stating that information had been received which raised a question as to whether certain payments, bestowals, rebates or refunds granted by the Government of the Republic of Korea upon the manufacture, production or exportation of footwear (except footwear having uppers of which over 50 percent of the exterior surface is leather) which is over 50 percent by weight of rubber or plastics, or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics, classifiable in item 700.51, 700.52, 700.53, 700.55, or 700.60, Tariff Schedules of the United States, constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718) stating that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of the Republic of Korea upon the manufacture, production, or exportation of non-rubber footwear constituted the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Act.

It has been determined that the payments, bestowals, rebates or refunds referred to in each of the above notices are related to the same practices and programs of the Government of the Republic of Korea and would apply to all types of footwear from the Republic of Korea. Accordingly, the investigations initiated by the two preceding notices have been combined into a single proceeding.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations, (19 CFR 159.47(c)), it has been determined preliminarily that a benefit has been received by Korean manufacturers/exporters of footwear which constitutes a bounty or grant within the meaning of the Act. The benefit arises from a program which consists of financing at preferential interest rates provided by the Government of the Republic of Korea to firms involved in the manufacture or exportation of footwear to the United States. Programs preliminarily determined not to be bounties or grants within the meaning of the Act include: duty exemptions for imported raw materials and the remission on export of the Korean business tax. Programs providing for duty exemptions for imported footwear production machinery and the exemption of export earnings for income tax purposes were eliminated by the Korean Government and a program providing for concessionary rates on electric power is not applicable to the Korean footwear industry.

A final decision in this case is required on or before January 5, 1976. Before a final determination is made consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17432 Filed 7-2-75;8:45 am]

FOOTWEAR FROM TAIWAN

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Taiwanese Government upon the manufacture, production, or exportation of footwear constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that one of the practices, a program involving loans provided by the Government of Taiwan through its Central Bank to export firms at preferential interest rates, alleged to constitute a bounty or grant within the meaning of section 303 of the Act, was found to involve an amount which is considered to be *de minimis* in relation to the total volume of imports of the subject merchandise from Taiwan, and, accordingly, not subject to characterization as a bounty or grant within the meaning of section 303 of the Act. Programs which provide for the remission of the business tax on exported footwear, the drawback of Customs duties on imported raw materials, and the reduction of the stamp tax on business documents preliminarily have been found not to constitute a bounty or grant within the meaning of section 303. In addition, the program providing for the drawback of Customs duties for imported machinery and equipment used in the manufacture of footwear has been discontinued by the Taiwanese Government. Tax and various other incentives under the Statute for the Encouragement of Investment either are preliminarily found not to constitute bounties or grants or to have, at most, *de minimis* impact upon exports. Further inquiry regarding these programs will be made prior to a final determination.

Accordingly, it is determined preliminarily that no bounty or grant, within

V40129JUL3 75 XUM

the meaning of section 303, is being paid or bestowed, directly or indirectly upon the manufacture, production, or exportation of footwear from Taiwan. A final decision in this case is required on or before January 5, 1976.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: June 30, 1975.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.75-17436 Filed 7-2-75;8:45 am]

PROCESSED ASPARAGUS FROM MEXICO

Notice of Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Mexican Government upon the manufacture, production, or exportation of processed asparagus constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). For the purposes of this notice the term "processed asparagus" refers to canned asparagus.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that benefits have been conferred on exports of processed asparagus. These benefits include the granting of tax rebate certificates upon export.

Programs which confer benefits such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of processed asparagus from Mexico benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended, by reason of the programs mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before August 4, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

[SEAL] GEORGE C. CORCORAN, JR.,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17431 Filed 7-2-75;8:45 am]

Office of Revenue Sharing

ENTITLEMENT DATA

Use of Estimates for General Revenue Sharing Purposes

Pursuant to § 51.20(b)(3) of the regulations in Part 51 of Subtitle B of Title 31 CFR, and the authority of the Secretary of the Treasury under section 109(a)(7)(B) of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C.A. 1228(a)(7)(B)), notice is hereby given that the Secretary has used additional data and estimates which have necessitated upward revisions to the population of certain counties and states for purposes of the intrastate allocations for the fifth and sixth entitlement periods. Such revisions are contained in the accompanying table which shows original and revised 1970 and 1973 population estimates.

Section 51.20(a) of the regulations (31 CFR 51.20(a)) provides that the data used in the determination of allocations and adjustments will be the latest and most complete data supplied by the Bureau of the Census or such other sources of data as in the judgment of the Secretary will provide for equitable allocations. Section 51.20(b)(3) of the regulations (31 CFR 51.20(b)(3)) requires that where the Secretary determines that the data provided by the Bureau of the Census or the Department of Commerce are not current enough, or are not comprehensive enough, or are otherwise inadequate to provide for equitable allocations he may use other data, including estimates. The Secretary's determination shall be final.

These revisions are a direct consequence of data verifications initiated by the Navajo, Oglala Sioux, and Osage Indian tribes. Documentary evidence presented by the tribes and estimates developed by the Bureau of Indian Affairs indicated higher population totals for those tribes than the 1970 or 1973 Census-based estimates provided. The acceptance by the Office of Revenue Sharing of the higher estimates necessitated comparable upward revisions in the population of the affected counties and states for purposes of equitably determining the intrastate allocations for the fifth and sixth entitlement periods.

Dated: June 27, 1975.

[SEAL] GRAHAM W. WATT,
Director, Office of Revenue Sharing.

Director, Office of Revenue Sharing.

Population

State and county	1970 (entitlement period 5) Original	1970 (entitlement period 5) Revised [1]	1973 (entitlement period 6) Original	1973 (entitlement period 6) Revised [1]
Arizona	1,773,596	1,793,901	2,073,115	2,097,100
Apache	32,394	36,557	38,039	44,432
Coconino	48,326	56,269	60,053	70,494
Navajo	47,559	55,068	53,559	62,468
New Mexico	1,017,055	1,025,719	1,099,255	1,110,169
Bernalillo	315,774	316,775	353,955	354,986
McKinley	44,206	46,241	47,187	51,480
Rio Arriba	25,170	25,480	25,872	27,192
Sandoval	17,492	17,828	22,354	22,750
San Juan	52,517	56,397	58,824	63,484
Socorro	9,763	9,874	9,679	9,870
Valencia	40,576	40,569	43,406	43,429
Utah	1,050,273	1,060,100	1,150,233	1,150,753
San Juan	9,606	10,523	11,302	12,739
South Dakota	666,257	668,427	691,899	693,292
Bennett	3,988	4,031	3,320	4,329
Shannon	8,198	9,196	9,216	11,206
Washabaugh	1,389	1,618	1,568	1,962
Oklahoma			2,668,591	2,671,364
Osage			28,839	31,612

[1] For general revenue sharing purposes.

[FR Doc.75-17249 Filed 7-2-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

MADERA WATER POLLUTION ABATEMENT PROJECT, CALIF.

Negative Declaration

Pursuant to the National Environmental Policy Act of 1969, the Bureau of Indian Affairs, Department of the Interior, has prepared an environmental assessment on the proposed Madera Water Pollution Abatement Project, Madera Employment Training Center, American Indian Enterprises, Madera, California. The project includes the installations of pumping equipment and pipeline for transferring the surface effluent discharges from the Madera Employment Training Center sewage lagoons to a nearby irrigation reservoir owned by the W. D. Fowler Company.

The Environmental Assessment indicates no significant environmental impact from the proposed action. Consequently, an Environmental Impact Statement will not be prepared.

The Environmental Assessment is on file and available for inspection at the following locations:

Bureau of Indian Affairs, Sacramento Area Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4682.

Bureau of Indian Affairs, Division of Facilities Engineering, Federal Office Building and U.S. Courthouse, P.O. Box 1248, Albuquerque, New Mexico 87103, Telephone (505) 766-2625.

Madera Employment Training Center, 19500 Road 28½, Madera, California 93637, Telephone (209) 674-8782.

The Bureau of Indian Affairs should be notified immediately of any objections to this project.

Dated: June 23, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-17368 Filed 7-2-75;8:45 am]

Bureau of Land Management

NEVADA

Filing of Plats of Survey and Order Providing for Opening of Lands

JUNE 27, 1975.

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective 10 a.m., on August 15, 1975:

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 N., R. 17 E.
T. 32½ N., R. 17 E.
T. 33 N., R. 18 E.
T. 33, N., R. 18 E.

containing 11,510.30 acres

2. The land within T. 32 N., R. 17 E., and T. 32½ N., R. 17 E. is mostly mountainous with lava outcroppings, and sandy clay loam. The vegetation consists of sagebrush and bunchgrass. The land in T. 33 N., R. 18 E. is mountainous in the eastern portion. The remaining terrain is rolling to nearly level. The soil consists of sandy clay and is rocky. The vegetation is sagebrush and bunchgrass. Several springs are in this township.

The area surveyed and resurveyed in T. 23 N., R. 18 E. varies from mountainous in the west to nearly level in the central portion. The soil varies from sandy clay loam to rocky. The vegetation is sagebrush, bunchgrass, desert peach, and mountain mahogany. The Red Rock Road crosses the Township in a northwesterly direction. Rancho Haven is located in section 22.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on August 15, 1975 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

[SEAL] LEGRAND BENNION,
Chief, Branch of Records, and Data Management.

[FR Doc.75-17388 Filed 7-2-75;8:45 am]

[NM 25940, 25941, 25942, 25943, 25944, 25946, 25948]

NEW MEXICO

Applications

JUNE 25, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for six 4 inch and one 2 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,
Sec. 11, Lot 9;
Sec. 13, Lots 6, 11, 14 and 15;
Sec. 14, Lots 9 and 16;
Sec. 23, Lots 3 and 4;
Sec. 24, Lots 3 and 4;
Sec. 25, Lots 9, 10 and 11;
Sec. 26, Lots 5, 11, 12 and 14.

These pipelines will convey natural gas across 2,583 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-17392 Filed 7-2-75;8:45 am]

[NM 25755]

NEW MEXICO

Application

JUNE 26, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), K. B. Kennedy Engineering Company has applied for a 12¾ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 30 E.
Sec. 21, NE¼NE¼;
Sec. 22, W½W½ and SE¼SW¼;
Sec. 27, N½NW¼, SE¼NW¼, E½SW¼ and SW¼SE¼;
Sec. 34, W½E½.
T. 16 S., R. 31 E.
Sec. 6, lots 2, 7, 8, 9, 10, 16 and E½SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, W½W½;
Sec. 17, SE¼NW¼, E½SW¼ and SW¼SE¼;
Sec. 20, W½E½ and SE¼SE¼;
Sec. 28, W½SW¼;
Sec. 29, E½NE¼ and NE¼SE¼;
Sec. 33, W½NW¼, NW¼SW¼ and E½SW¼.
T. 17 S., R. 31 E.
Sec. 4, lot 3, SW¼NE¼, SE¼NW¼, NE¼SW¼ and W½SE¼;
Sec. 9, SE¼NE¼, W½NE¼ and E½SE¼;
Sec. 14, NW¼SW¼, S½SW¼ and SW¼SE¼;
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼ and N½SE¼;
Sec. 23, N½NE¼;
Sec. 24, W½NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼.
T. 17 S., R. 32 E.
Sec. 19, lot 4;
Sec. 29, SW¼NW¼, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 30, lot 1, W½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 33, NW¼NW¼, S½NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 34, SW¼SW¼.
T. 18 S., R. 32 E.
Sec. 3, lots 2, 3, 4 and S½NE¼;
Sec. 11, NE¼NE¼;
Sec. 12, S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼.
T. 18 S., R. 33 E.
Sec. 7, lots 3, 4, SE¼SW¼, SW¼SE¼;
Sec. 17, S½NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 18, N½NE¼ and SE¼NE¼;
Sec. 21, NW¼NE¼, S½NE¼ and N½NW¼;
Sec. 22, SW¼NW¼, N½SW¼, NW¼SE¼ and S½SE¼;
Sec. 25, N½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 26, S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼;
Sec. 27, NE¼NE¼.
T. 18 S., R. 34 E.
Sec. 31, lot 1, N½NE¼ and NE¼NW¼.

This pipeline will convey natural gas across 28.26 miles of national resource lands in Chaves, Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-17393 Filed 7-2-75;8:45 am]

V40 I129 JUL 3 75 XUM

[NM 25937]

NEW MEXICO

Application

JUNE 25, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 32 N., R. 11 W.,
Sec. 15, NE¼NW¼ and S½NW¼.

This pipeline will convey natural gas across .401 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-17394 Filed 7-2-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

APPLICANT

Field Museum of Natural History, Department of Zoology, Division of Mammals, Roosevelt Road and Lake Shore Drive, Chicago, Illinois 60605.

John J. Pizzimenti, Assistant Curator, Division of Mammals.

OMB NO 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of two specimens of Acinonyx jubatus (Cheetah); 1 juvenile and 1 adult female. These specimens have been donated to the Field Museum by Dr. H. Hoogstraal who obtained them in Egypt. See attached letter of original application for further details. For Scientific Research.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Division of Mammals
Dept. of Zoology
Field Museum of Natural History
Roosevelt Rd. @ Lake Shr. Dr.
Chicago, Ill. 60605 922-9410

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Field Museum of Natural History is a private institution engaged in research and public education.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (312)
E. Leland Webber, 922-9410 (211)
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Specimens were killed by bedouins and purchased by Dr. Hoogstraal near Cairo, Egypt. Activity will be merely to import the specimens. They will be used for scientific research purposes only.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
Immediately

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (To sign) John J. Pizzimenti
DATE Dec. 2, 1974

3-200.1
Drop

John J. Pizzimenti

JUNE 4, 1975.

U.S. DEPARTMENT OF INTERIOR,
FISH AND WILDLIFE SERVICE,
DIVISION OF LAW ENFORCEMENT,
Washington, D.C. 20210,
Attention: Mr. Gene Hester.

DEAR MR. HESTER: I am writing to you regarding our application for a permit (PRT-8-147-I) to import two cheetah (*Acinonyx jubatus*) specimens (skin and skeleton) from Egypt. You indicated to me during our telephone conversation on March 20 that we had not provided sufficient detail concerning the scientific value and usage of the specimens. I hope to do so now.

Dr. Hoogstraal, Head of the U.S. Naval Medical Research Unit No. 3 based in Cairo, who heard of the finding of the two specimens in the desert and saved them for their scientific value (see original application), has been studying parasites, diseases, and epizootics of Egyptian and African mammals (and birds) for the U.S. Navy for twenty-five years. I've included a small portion of references to his scientific publications on this subject. It is standard procedure to save the specimens of host organisms from which parasites are collected for the purpose of documenting information about the host species taxonomy, locality of collection, conditions etc. This enables subsequent workers to refer directly to a specimen for verification of information, taxonomy etc. and enables any errors in the original identification or changes in taxonomy to be corrected. All the specimens (actually all voucher specimens) collected in this medical project have been deposited over the past twenty-five years in the U.S. National Museum and in Field Museum for identification and subsequent study and reference. Dr. Hoogstraal did not collect these specimens himself but took advantage of an opportunity to gather scientific data from specimens found dead and saved their remains for further scientific study. Subsequent to our application, he has learned of one additional cheetah that has been killed; he is also attempting to save this specimen for its scientific value. If he is successful in this attempt, we would request permission to include the third specimen in our importation permit.

I hope this information sufficiently explains the medical and scientific value and usage of the specimens we wish to import and preserve. Here at the Field Museum we are well aware of the necessity of the preservation of wildlife—alive and in the wild—and we will do all that is possible to promote such ends. At the same time, we feel that it is important to document information on wildlife by saving, whenever possible, the remains of dead animals since these can no longer contribute to the living population.

I am confident you will evaluate all the facts judiciously and arrive at a reasonable decision concerning our request.

Sincerely,

JOHN J. PIZZIMENTI,
Assistant Curator,
Division of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 4, 1975 will be considered.

Dated: June 26, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-17298 Filed 7-2-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

APPLICANT

San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112.
Clyde A. Hill, Curator of Mammals.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import one (1) male Siberian tiger (Leo tigris altaica), endangered species, for breeding in captivity

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-234-5151

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public zoo - conservation and research programs in addition to recreation and educational activities.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Clyde A. Hill,
Curator of Mammals 714-234-5151
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Moscow to San Diego

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers) Marine Mammal #99, ES409, ES136, 1962-10 (Under 1944 law issued 62) Scientific coll.1-SC-169 R.C. Lint

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (To sign) Clyde A. Hill
DATE 20 May 1975

3-200
10-74

MAY 20, 1975.

DIRECTOR (FWS/LE),
U.S. Fish and Wildlife Service,
U.S. Department of the Interior,
P.O. Box 19183,
Washington, D.C. 20036.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to import one (1) male Siberian tiger *Leo tigris altaica* from Zooobjedinenije, U.S.S.R.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit.

One (1) male Siberian tiger "Baikal" born in the Moscow Zoo on 22 May 1974, international studbook number 917. Sire is "Barkhat" (studbook number 332) and dam is "Beriazka" (studbook number 333). Both parents were born in the wild, 1966, and captured 2 January 1968 on the Perevyaska River District, Maritime Province, Soviet Fzv. Specimen is *Leo tigris altaica* (listed as *Panthera tigris* on the USDI endangered wildlife list).

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.

Attached is a photocopy of a letter from Mr. Jack J. van den Brink owner of Jabria B. V. in Harderwijk, Holland, which is an agreement to sell one (1) male Siberian tiger to the San Diego Zoological Garden. Mr. van den Brink's letter states the country of origin, the birthplace of the animal, name and address of the seller, date of the contract, weight and date of weighing, and a description of the tiger. Also attached is a letter dated 24 February 1975 from Zooobjedinenije, the Federal Trade Organization handling the export for zoos as well as the trapping of wild animals on the territory of the Soviet Union concerning the animal. Also enclosed is a photocopy of a letter (and the English translation) from S. M. Koudriavtseff, Zoologist of Methodical Section, The Headquarters of Culture of the Executive Committee of Moscow Council, Moscow Zoopark of the Order of the Red Banner, dated 14 March 1975 regarding the authenticity of this transaction. Furthermore, enclosed is a letter dated 31 March 1975 from Thomas Niles, Director U.S. Commercial Office, U.S. Embassy, Moscow, verifying the Zooobjedinenije's relationship with Jack van den Brink and the tiger in question.

3. A full statement of justification for the permit including details of the project, or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

In 1969 the San Diego Zoo received three Siberian tigers, a male and two females, all born in the Leipzig Zoo. Our main objective was to obtain registered, pure stock for reproduction and conservation as well as display. At that time many North American zoos had hybrid, unregistered tigers. By obtaining these purebred animals we hoped to keep a good line going at San Diego as well as providing other zoos with our surplus thus helping to upgrade the Nation's tiger stock.

Twenty Siberian tigers were born in the San Diego Zoo from that imported trio. Of these, eight were shipped to other zoos throughout North America, four are currently maintained in the San Diego Zoo (as well as the original trio) but eight have died. Although this appears to be a successful conservation effort we now have cause to question our success. One of the first clues indicating that something was wrong was the development of eye cataracts in an imported female. As time passed we discovered her litters consisted of cubs having a high mortality factor. Seven of her nine cubs have died so far. They survived from 13 days to 14 months. One of her dead male cubs also had cataracts. The cataract trait coupled with the type of organ system degeneration leading to death were good causes to suspect a deleterious genetic trait.

We were optimistic that the female with the cataracts was chiefly responsible for her progeny's low mortality since the other female had, until recently, eleven out of eleven cubs survive. On 24 April 1975 one of the "good" female's cubs died and the necropsy indicated the etiology was similar to that in the seven deaths from the "bad" female. It appears there is sufficient evidence to suspect serious inbreeding problems issuing from the original trio born in the Leipzig Zoo. Since Siberian tigers breed well in captivity there has been little interest to increase the gene pool. Now we have manifest need to introduce a new bloodline. It is essential that the new bloodline be as unrelated as possible from the original Leipzig Zoo line.

Several experts were consulted, including Dr. Carl Cohen, the Director of the Center for Genetics at the University of Illinois Medical Center who is presently charting out all the Siberian tigers in the United States

V40-129 JUL 3 75 XUM

and Canada in order to determine which animals should be sexually isolated from the future breeding population. Dr. Cohen now believes that the cataract trait is not common in the wild and that original captive stock were captured from a narrow population. He believes inbreeding has resulted in this deleterious trait of cataracts (and possible early organ system degeneration). Dr. Cohen's observations agree with those of Marvin Jones, an international zoo expert on zoological records. His monograph on Siberian tigers in North America is attached. Dr. Cohen's and Jones' data indicate not only that a new bloodline is needed but that North American Siberian tiger stocks cannot provide an unrelated animal.

According to the records of Marvin Jones all Siberian tigers in the U.S. stem from the following historical groups: a wild caught pair in the Philadelphia Zoo (having few descendants), a wild caught pair in the Birmingham Zoo and a wild caught pair in the St. Paul's Como Zoo, Minnesota. European lines have descendants in the U.S. too. They are a wild caught pair in the Rotterdam Zoo, a wild caught pair in the Leipzig Zoo plus a new wild caught male obtained in 1970; a wild caught pair in the Prague Zoological Gardens in Czechoslovakia and a male and three wild caught females at Hagenbeck's Tierpark in Hamburg. Most of the above were captured from the same general area. Furthermore, some of the wild caught animals were probably litter mates because they arrived at the above institutions at the same time and were the same size. Thus there is a total of eight males and nine females, not a very large gene pool to draw upon. Jones points out that most of the U.S. stock is descended from Birmingham and Rotterdam-Leipzig animals or three males and three females. Obviously, there is a great need for another unrelated male in the United States.

We have the opportunity to obtain a zoo-born young male, from wild caught parents. There is every indication that this animal is totally unrelated to any of the Leipzig animals. It is extremely important that a new gene pool be established and hopefully dilute this highly suspected deleterious trait. If not, mortalities are expected with maturation of surviving cubs and subsequent generations would have even higher mortalities and undesirable traits.

According to the latest edition of the IUCN Red Data Book there may be as few as 130–180 Siberian tigers remaining in the wild. As of 1 January 1975, there were 209 purebred Siberian tigers alive and registered in the international studbook in the Leipzig Zoo. Thus there are more Siberian tigers in captivity than are known in the wild. It is imperative that the captive stock have as rich a gene pool as possible and deleterious traits not be so inbred as to doom the captive stock to eventual extinction.

Because we know the ancestry of this Siberian tiger, it will be a valuable museum specimen upon its death either as a scientific study specimen or an exhibit specimen. Since museums must also obtain endangered species permits for collecting, zoo animals are more highly sought after by museums than ever before. The San Diego Zoo has always worked closely with various well known museums to provide them with specimens. Our mammal inventories are periodically sent to the American, Smithsonian, Denver and Los Angeles County natural history museums. Order lists from these museums (and others) are sent to us, allowing a minimum of delay passing on the specimens.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained.

This animal will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714–234–6151.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.

As documented in Dr. Koudriavtseff's and Dr. Chargeishvili's letters, this animal is captive born.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

This animal is zoo born, thus will not be a drain on the natural population of wild Siberian tigers.

7. (i) A complete description, including photgraphs or diagrams, of the area and facilities in which the wildlife will be housed.

A self-explanatory drawing is enclosed; this facility has proven to be successful in displaying and breeding the species. Also enclosed is a black and white photograph, front view, of the exhibit area.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported.

See enclosed personnel resumes.

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook.

We are now participating in the Siberian Tiger Studbook. Our offspring are registered. We are in fact actively participating in an international effort to breed this tiger.

(iv) A detailed description of the type, size and construction of the container: Arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

As Mr. van den Brink stated in his letter, tentative arrangements have been made to ship the tiger by Lufthansa direct from Amsterdam to Los Angeles. An alternate flight, via Lufthansa, is from Frankfurt to Los Angeles. The tiger is now in Holland. At Los Angeles the tiger will be met by our customs house broker, James G. Wiley Company, 5315 West 102nd Street, P.O. Box 90008, Airport Station, Los Angeles, CA 90009. This company is well experienced with animal needs and has been our broker for many years. We will also meet the tiger at Los Angeles and transport it to the San Diego Zoo. Although Mr. van den Brink did not go into detail concerning the exact construction on the shipping container, there should be little worry since Mr. van den Brink is a well-known and experienced animal dealer familiar with animal shipping requirements. He must comply with the International Air Transport Association (IATA) Live Animals Regulations.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 4, 1975 will be considered.

Dated: June 26, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–17299 Filed 7–2–75;8:45 am]

MARINE MAMMAL PERMIT

Denial of Permit

Notice is hereby given that the following application for a permit has been denied under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407):

APPLICANT

Jackson Zoological Park, 2918 West Capitol Street, Jackson, Mississippi 39209.
Mr. Robert O. Wagner, Director.

There was published in the FEDERAL REGISTER of April 9, 1975 (40 FR 16104–05), a notice of receipt of application to import from West Germany one male and one female Polar Bear (Thalarctos maritimus groenlandicus), for public display and propagation at the Jackson Zoological Park.

Documentation from the Ministry of Greenland states that the two polar bears were cubs when legally captured on May 23, 1973. The Marine Mammal Protection Act of 1972 in section 102(b) prohibits the importation of animals which were nursing or less than eight months old at the time of taking. Since the application indicates that the bears were less than eight months old when taken, their importation is prohibited by the Act and a permit may not be granted. Accordingly, the application for a permit was denied.

Dated: June 27, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–17300 Filed 7–2–75;8:45 am]

MARINE MAMMAL PERMIT

Issuance of Permit

On April 7, 1975, a notice was published in the FEDERAL REGISTER (40 FR 15410–11), that an application had been filed with the Fish and Wildlife Service by Thomas R. Loughlin, M.A., Doctoral graduate student, Department of Biology, University of California, Los Angeles, California, for a permit to engage in sea otter research.

Notice is hereby given that on June 23, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to the University of California, Department of Biology, Los Angeles, California, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: June 27, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service

[FR Doc.75–17301 Filed 7–2–75;8:45 am]

Geological Survey

MT. ST. HELENS, WASH.

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Mt. St. Helens known geothermal resources area, effective February 1, 1974:

(47) WASHINGTON

MT. ST. HELENS KNOWN GEOTHERMAL RESOURCES AREA, WILLAMETTE MERIDIAN, WASHINGTON

T. 8 N., R. 4 E.,
Secs. 12, 15, 20
T. 9 N., R. 4 E.
Secs. 24, 25, 36
T. 7 N., R. 5 E.
Sec. 3
T. 8 N., R. 5 E.
Secs. 21, 24, 28
T. 9 N., R. 5 E.
Secs. 14, 19, 20, 23 through 25, 30, 36
T. 8 N., R. 6 E.
Sec. 6

The area described aggregates 12,133 acres, more or less.

Dated: April 9, 1975.

HILLARY A. ODEN,
Acting Conservation Manager, Western Region.

[FR Doc.75–17369 Filed 7–2–75;8:45 am]

National Park Service

[Order 88]

CHIEFS, INTERAGENCY ARCHEOLOGICAL SERVICES—DENVER, SAN FRANCISCO, AND ATLANTA BRANCHES

Delegation of Authority

Section 1. Delegation. The Chiefs, Interagency Archeological Services, Denver, San Francisco, and Atlanta Branches are authorized to:

(1) Execute, approve, and administer contracts not to exceed $100,000 for construction, equipment, supplies, and services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriated funds.

Section 2. Redelegation. The authority delegated in this Order No. 88 may be redelegated to the Administrative Officers not to exceed $50,000.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 25, 1975.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.75–17305 Filed 7–2–75;8:45 am]

[Order 77, Amdt. 4]

REGIONAL DIRECTORS

Delegation of Authority

Order No. 77, approved February 27, 1973, and published in the FEDERAL REGISTER of March 23, 1973 (38 FR 7478); Amendment No. 1, approved June 18, 1973, and published in the FEDERAL REGISTER of June 26, 1973 (38 FR 16789); Amendment No. 2, approved January 29, 1974, and published in the FEDERAL REGISTER of February 5, 1974 (39 FR 4597), and Amendment No. 3, approved October 21, 1974, and published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38118), set forth in section 1 the exceptions on delegations of authority. Section 1 is hereby amended by adding paragraph (19) as follows:

Section 1. *Delegation* * * *

(19) Authority for external archeological programs pursuant to the Archeological and Historic Preservation Act of May 24, 1974 (Pub. L. 93–291; 88 Stat. 174).

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 25, 1975.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.75–17306 Filed 7–2–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

FLEMING KEY ANIMAL IMPORT CENTER, KEY WEST, FLA.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a draft environmental statement for the proposed Fleming Key Animal Import Center, Key West, Florida, USDA–APHIS–ADM–75–2–D.

The draft environmental statement concerns the construction of a proposed Animal Import Center on a site at Key West, Florida. This proposed center is to provide an additional animal import facility on the east coast.

This draft environmental statement was transmitted to the Council on Environmental Quality on June 11, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.
Monroe County Public Library, 700 Fleming Street, Key West, Florida 33040.
USDA, APHIS, Veterinary Services, 5255 N.W. 87th Avenue, Suite 110, Koger Executive Center, Miami Springs, Florida 33166.

A limited number of single copies are available upon request to Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the draft environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. O. V. Cummings, Jr., Director, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 5148S, 14th & Independence Avenue, SW, Washington, D.C. 20250. Comments must be received by September 2, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 27, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75–17345 Filed 7–2–75;8:45 am]

Forest Service

MIDDLE FORK BOISE RIVER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Middle Fork Boise River Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–75–25.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Middle Fork Boise River Planning Unit on the Boise National Forest, Idaho. The purpose of

V40 I129 JUL 3 75 XUM

the plan is to allocate 329,100 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on June 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324–25th Street, Ogden, Utah 84401.
District Forest Ranger, Boise Ranger District, 7303 Warm Springs Ave., Boise, Idaho 83707.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for addtional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by August 24, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 25, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75–17334 Filed 7–2–75;8:45 am]

BITTERROOT SOUTH PLANNING UNIT LAND USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan—Bitterroot South Planning Unit, Forest Service Report Number USDA–FS–DES (adm) R1–75–12.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Bitterroot South Planning Unit, Darby Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 71,830 acres of National Forest land are affected. The planning unit is divided into 13 subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to C.E.Q. on June 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.
USDA, Forest Service, Darby Ranger Station, Darby, MT 59829.

A limited number of single copies are available upon request to:

Robert S. Morgan, Forest Supervisor, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.
Darby District Ranger, U.S. Forest Service, Darby, MT 59829.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the C.E.Q. guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert S. Morgan, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840. Comments must be received by August 25, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 25, 1975.

WARREN G. DAVIES,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.75–17387 Filed 7–2–75;8:45 am]

LASSEN NATIONAL FOREST, TIMBER MANAGEMENT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Lassen National Forest, California, USDA–FS–R5–FES (Adm)–75–3.

The environmental statement concerns a timber management plan for the management of the timber resources on the forest and proposes a Potential Yield of 1,792.0 million board feet of timber from the Standard, Special, and Marginal Components for a 10-year period beginning July 1, 1974, under a sustained yield program based on a 160-year rotation. The proposed action will be carried out within Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama Counties in northeastern California.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on June 27, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 630 Sansome Street, Room 529, San Francisco, California 94111.
Lassen National Forest, 707 Nevada Street, Susanville, California 96130.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

T. W. KOSKELLA,
Deputy Regional Forester.

JUNE 27, 1975.

[FR Doc.75–17365 Filed 7–2–75;8:45 am]

Soil Conservation Service

RED DEER CREEK WATERSHED PROJECT, TEX.

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Red Deer Creek Watershed Project, Gray, Roberts, and Hemphill Counties, Texas, USDA–SCS–EIS–WS–(ADM)–74–16–(F).

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 20 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 648, Temple, Texas 76501.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 26, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–17366 Filed 7–2–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

POLL OF PHYSICIANS IN PSRO AREA VI OF THE STATE OF CALIFORNIA

Notice to Physicians

On May 7, 1975, the Secretary of Health, Education and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with Professional Standards Review Organization of San Mateo County, Inc. designating it as the Professional Standards Review Organization for PSRO Area VI which area is designated a Professional Standards Review Organization Area in 42 CFR 101.7.

Such notice was also published in three consecutive issues of the *San Mateo Times* and *the San Mateo News Leader* on May 7, 8, and 9, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objects to the Secretary entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc. on the grounds that such organization is not representative of doctors in PSRO Area VI, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York 10022, on or before June 6, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI have expressed timely objection to entering into an agreement with the Professional Standards Review Organization of San Mateo County, Inc.

Therefore, on July 2, the Secretary will, in accordance with 42 CFR 101.106, begin to conduct a poll of all doctors of medicine or osteopathy who are engaged in active practice in PSRO Area VI to determine whether the Professional Standards Review Organization of San Mateo County, Inc. is representative of such doctors in the area.

Each such doctor will receive a ballot on which he shall indicate whether in his opinion the Professional Standards Review Organization of San Mateo County, Inc. is or is not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area VI. Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who has not received a ballot by July 8, 1975, may request in writing a ballot by July 14, 1975 from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. Only those ballots postmarked no later than August 1, 1975 and returned in the stamped self-addressed envelope provided to each individual doctor will be considered valid.

Dated: June 26, 1975.

ROBERT VAN HOEK,
Acting Administrator, Health Services Administration.

[FR Doc.75–17386 Filed 7–2–75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the meeting of the National Advisory Council for Career Education will be held on July 22, 1975 from 9 a.m. to 4 p.m. and the meeting of the Legislative Subcommittee will be held on July 25, 1975 from 9 a.m. to 4 p.m., at 400 Maryland Avenue, SW, Room 3000, Washington, D.C.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93–380 (88 Stat. 552, 553). The Council is directed to: Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of section 406.

The meeting of the Council and the Legislative Subcommittee shall be open to the public. The proposed agenda of the Council's meeting on July 22, 1975 includes:

Discussion on "An Introduction to Career Education" an Office of Education Policy

Council Members Views and Opinions on Career Education

On July 25, 1975, the Legislative Subcommittee will consider pending legislation which directly or indirectly deals with career education.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education located in Room 3100, 7th and D Streets, SW, Washington, D.C. 20202).

JOHN LINDIA,
Deputy Director for Career Education.

[FR Doc.75–17360 Filed 7–2–75;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting Cancellation

Notice is hereby given pursuant to Pub. L. 92–463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will not meet on Thursday, July 10, 1975, at 9:15 a.m. nor on Friday, July 11, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW, Washington, D.C. as announced in the FEDERAL REGISTER of Thursday, June 26, 1975. The Review Panel determined that it is not necessary to hold a meeting at this time.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, SW, Washington, D.C. 20201, telephone (202) 245–7510.

Dated: June 26, 1975.

LIONEL M. BERNSTEIN,
Executive Secretary, Review Panel on New Drug Regulation.

[FR Doc.75–17343 Filed 7–2–75;8:45 am]

HEALTH CARE RATES

Notice to Governors

Announcement of Implementation of section 1526(a) of the Public Health Service Act, as amended.

Pursuant to the requirements of section 1526(a) of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974, Pub. L. 93–641, notice is hereby given that the Governors of the 50 States and the Commonwealth of Puerto Rico, and the Mayor of the Dis-

V40 I129 JUL 3 75 XUM

trict of Columbia have been notified by letter of the necessity for them to indicate by July 4, 1975, intent to regulate health care rates if they wish to apply for funding under sections 1526(b)–(e) of the Act.

A copy of the notification letter and a list of addresses are shown in the Appendix. Further guidelines to be provided the Governors are available from the Social Security Administration.

Dated: June 30, 1975.

CASPAR W. WEINBERGER,
Secretary.

APPENDIX

JUNE 9, 1975.

DEAR GOVERNOR: The purpose of this letter is to inform you of the approach the Department of Health, Education, and Welfare is taking to implement section 1526 of the Public Health Service Act, 42 U.S.C. 300–m–5, as amended by the National Health Planning and Resources Development Act of 1974 (P.L. 93–641), and to invite you to express any interest your State may have to regulate rates for the provision of health care within the State. Section 1526 provides the Department with the authority to support State Health Planning and Development Agencies for the purpose of demonstrating the effectiveness of health care rate regulation. Congress intended that these State agencies be given financial assistance to determine the effectiveness of rate regulation and that such agencies demonstrate to the Secretary the cost control effectiveness of the regulatory mechanism they establish. The Department is authorized to make up to six grants to State agencies under this authority as described in the law.

The Congress and the Department have, over the last few years, moved to encourage at the State and sub-State levels regulatory mechanisms that would contain health care costs. In addition to P.L. 93–641, the Department currently supports health care rate regulation projects under section 222(a) of the Social Security Amendments of 1972 and section 402(a)(1)(C) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of those amendments. At present there are 11 such experiments, evaluations, or developmental projects in 10 States. They are administered under the auspices of the Office of Research and Statistics (ORS) of the Social Security Administration (SSA). Because the intent of section 1526 closely parallels that of section 222(a) and 402(a)(1)(C), as amended, and in order to take advantage of the existing expertise in SSA, the Department intends to implement section 1526 in conjunction with the existing activities of the Social Security Administration.

The current research strategy within the Department is to obtain as broad an experience as possible with a variety of regulating mechanisms such as negotiated budgets, line-by-line review, budget review by exception, and formula rate-setting systems. Since the Department, through the section 222 authority, is already providing assistance to, and conducting evaluations of, negotiated budget and line-by-line budgeting systems, we feel a particular need to undertake prospective budget review by exception and formula demonstrations at this time. This will permit us to judge the effectiveness of a wide variety of regulating mechanisms.

As noted above, the intent of the Social Security Administration is to implement section 222 of the 1972 Amendments and section 1526 of the Public Health Service Act in a consistent manner. To this end, it will within the next few months be soliciting proposals through a Request for Proposal (RFP) under the authority of section 222 to implement rate-setting systems for hospitals. State agencies, or their designees with authority to regulate rates or conduct feasibility or developmental studies in the area of rate regulation, will be among those eligible for financial support through this Request for Proposal. Where no such legislative study or operational authority exists, the RFP will also permit nongovernmental organizations to propose projects where the participation of a significant number of hospitals to be reimbursed at the prospectively established rates is guaranteed through contractual agreements for the duration of the experiment. At the same time, grant regulations will be prepared setting forth detailed criteria for eligibility for grant assistance under section 1526 of the Public Health Service Act. A State which has indicated its intent to regulate health care rates, as set forth below, may be eligible to receive financial support under section 1526, or under both section 1526 and section 222 of the 1972 Amendments of section 402(a)(1)(C) of the 1967 Amendments (as amended by section 222), as appropriate.

Eligibility for funding under Section 1526 of Public Law 93–641 is restricted to States which indicate not later than July 4, 1975, an intent to regulate health care rates. Therefore, we are requesting that you notify the Commissioner of Social Security by that date, if you intend to regulate rates, when you plan to do so, the disposition of any bills or State laws granting such power to a State agency or its designee, and the status of any other such activity within your State. Please send six copies of your response to:

James B. Cardwell, Commissioner, Social Security Administration. Attention: Division of Health Insurance Studies Program Experimentation Branch, ORS, Room 900, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Achieving some control over the rate of increase in health care costs is a high priority of the Department. I feel strongly that if we are to learn how to most effectively attain this goal, we will have to learn from each other, particularly from the experience of various State regulatory programs.

Sincerely,

Secretary.

Honorable George C. Wallace, Governor of Alabama, Montgomery, Alabama 36104.
Honorable Jay S. Hammond, Governor of Alaska, Juneau, Alaska 99801.
Honorable Raul H. Castro, Governor of Arizona, Phoenix, Arizona 85007.
Honorable David H. Pryor, Governor of Arkansas, Little Rock, Arkansas 72201.
Honorable Edmund G. Brown, Jr., Governor of California, Sacramento, California 95814.
Honorable Richard D. Lamm, Governor of Colorado, Denver, Colorado 80203.
Honorable Ella T. Grasso, Governor of Connecticut, Hartford, Connecticut 06115.
Honorable Sherman W. Tribbitt, Governor of Delaware, Dover, Delaware 19901.
Honorable Reubin Askew, Governor of Florida, Tallahassee, Florida 32304.
Honorable George D. Busbee, Governor of Georgia, Atlanta, Georgia 30334.
Honorable George R. Ariyoshi, Governor of Hawaii, Honolulu, Hawaii 96813.
Honorable Cecil D. Andrus, Governor of Idaho, Boise, Idaho 83720.
Honorable Daniel Walker, Governor of Illinois, Springfield, Illinois 62706.
Honorable Otis R. Bowen, Governor of Indiana, Indianapolis, Indiana 46204.
Honorable Robert D. Ray, Governor of Iowa, Des Moines, Iowa 50319.
Honorable Robert F. Ben, Governor of Kansas, Topeka, Kansas 66612.
Honorable Julian W. Carroll, Governor of Kentucky, Frankfort, Kentucky 40601.
Honorable Edwin W. Edwards, Governor of Louisiana, Baton Rouge, Louisiana 70804.
Honorable James B. Longley, Governor of Maine, Augusta, Maine 04330.
Honorable Marvin Mandel, Governor of Maryland, Annapolis, Maryland 21404.
Honorable Michael S. Dukakis, Governor of Massachusetts, Boston, Massachusetts 02133.
Honorable William G. Milliken, Governor of Michigan, Lansing, Michigan 48903.
Honorable Wendell R. Anderson, Governor of Minnesota, St. Paul, Minnesota 55155.
Honorable William L. Waller, Governor of Mississippi, Jackson, Mississippi 39205.
Honorable Christopher S. Bond, Governor of Missouri, Jefferson, Missouri 65101.
Honorable Thomas L. Judge, Governor of Montana, Helena, Montana 59601.
Honorable J. James Exon, Governor of Nebraska, Lincoln, Nebraska 68509.
Honorable Mike O'Callaghan, Governor of Nevada, Carson City, Nevada 89701.
Honorable Meldrim Thomson, Jr., Governor of New Hampshire, Concord, New Hampshire 03301.
Honorable Brendan T. Byrne, Governor of New Jersey, Trenton, New Jersey 08625.
Honorable Jerry Apodaca, Governor of New Mexico, Santa Fe, New Mexico 87501.
Honorable Hugh L. Carey, Governor of New York, Albany, New York 12224.
Honorable James E. Holshouser, Jr., Governor of North Carolina, Raleigh, North Carolina 27602.
Honorable Arthur A. Link, Governor of North Dakota, Bismarck, North Dakota 58501.
Honorable James A. Rhodes, Governor of Ohio, Columbus, Ohio 43215.
Honorable David L. Boren, Governor of Oklahoma, Oklahoma City, Oklahoma 73105.
Honorable Robert W. Straub, Governor of Oregon, Salem, Oregon 97310.
Honorable Milton J. Shapp, Governor of Pennsylvania, Harrisburg, Pennsylvania 17120.
Honorable Philip W. Noel, Governor of Rhode Island, Providence, Rhode Island 02903.
Honorable James B. Edwards, Governor of South Carolina, Columbia, South Carolina 29211.
Honorable Richard F. Kneip, Governor of South Dakota, Pierre, South Dakota 57501.
Honorable Ray Blanton, Governor of Tennessee, Nashville, Tennessee 37219.
Honorable Dolph Briscoe, Governor of Texas, Austin, Texas 78711.
Honorable Calvin L. Rampton, Governor of Utah, Salt Lake City, Utah 84114.
Honorable Thomas P. Salmon, Governor of Vermont, Montpelier, Vermont 05602.
Honorable Mills E. Godwin, Jr., Governor of Virginia, Richmond, Virginia 23219.
Honorable Daniel J. Evans, Governor of Washington, Olympia, Washington 98501.
Honorable Arch A. Moore, Jr., Governor of West Virginia, Charleston, West Virginia 25305.
Honorable Patrick J. Lucey, Governor of Wisconsin, Madison, Wisconsin 53702.
Honorable Ed Herschler, Governor of Wyoming, Cheyenne, Wyoming 82001.
Honorable Rafael Hernandez Colon, Governor of Puerto Rico, San Juan, Puerto Rico 00901.
Honorable Walter E. Washington, Mayor-Commissioner of District of Columbia, Washington, D.C. 20001.

[FR Doc.75–17408 Filed 7–2–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–75–342]

ASSOCIATE GENERAL COUNSEL FOR EQUAL OPPORTUNITY AND ADMINISTRATION

Delegation of Authority

Pursuant to section B of the delegation of authority to the General Counsel at 36 FR 11052, June 8, 1971 and 24 CFR 17.47(b), there is hereby delegated to the Associate General Counsel for Equal Opportunity and Administration the power and authority to:

1. Consider, ascertain, adjust, determine, compromise, allow, deny and otherwise dispose of claims which meet the following criteria:

A. The claim is filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671–2680, or the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241–3;

B. Authority to consider, ascertain, adjust, determine, compromise, allow, deny and otherwise dispose of the claim has not been redelegated to Regional Counsel pursuant to the redelegation of authority at 37 FR 25251 (November 29, 1972) as amended by 38 FR 21811 (June 13, 1973), 40 FR 16869 (April 15, 1975) and further amended by redelegation of authority to Regional Counsel published concurrently with this delegation.

C. In the case of a claim filed pursuant to the Federal Tort Claims Act, the amount thereof does not exceed $10,000.

2. Grant prior concurrence in the allowance by a Regional Counsel pursuant to the redelegation of authority to Regional Counsel previously referred to, of any claim, in an amount in excess of $2,500 but not in excess of $10,000, under the Federal Tort Claims Act.

This delegation supersedes the delegation of authority to the Associate General Counsel for Equal Opportunity, Litigation and Administration effective April 15, 1975 at 40 FR 16869.

Effective date. This delegation of authority is effective July 3, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75–17353 Filed 7–2–75;8:45 am]

[Docket No. D–75–343]

REGIONAL COUNSELS

Redelegation of Authority

Pursuant to section B of the delegation of authority to the General Counsel at 36 FR 11052, June 8, 1971 and 24 CFR 17.7, there is hereby redelegated to each Regional Counsel the power and authority to consider, ascertain, adjust, determine, compromise, allow, deny, and otherwise dispose of claims which result from incidents occurring within the HUD region for which the Regional Counsel has jurisdiction and which meet the following criteria:

1. All claims filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671–2680, provided that:

a. Any allowance of a claim in excess of $2,500 is subject to the prior concurrence of the Associate General Counsel for Equal Opportunity and Administration.

b. Any allowance of a claim in excess of $10,000 is subject to the prior concurrence of the General Counsel.

2. Claims filed pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241–3, provided that the amount claimed, in each case, does not exceed $500.

This redelegation supersedes the redelegation of authority to Regional Counsels effective April 15, 1975 at 40 F.R. 16869.

Effective date. This redelegation of authority is effective July 3, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75–17354 Filed 7–2–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT SERVICE STATION AT PORTLAND, OREGON

Relocation

Notice is hereby given that on or about July 8, 1975, the flight service station at Portland International Airport, Portland, Oregon, will be relocated to the Portland-Hillsboro Airport at Hillsboro, Oregon. This information will be reflected in the FAA organization statement the next time it is reissued.

Issued in Seattle, Washington, on June 24, 1975.

C. B. WALK, JR.,
Director.

[FR Doc.75–17319 Filed 7–2–75;8:45 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM–1, Rulemaking procedure of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during June 1975.

Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 7007	Jones Chemicals, Inc., Caledonia, N.Y., to ship chlorine in DOT Specification 110A500W tank cars.	Cargo vessel, Motor vehicle.
SP 7011	Dow Chemical Co., Midland, Michigan, to ship caustic soda beads in non-DOT Specification blow-molded polyethylene (PE) containers with removable PE head, not over 50 gallons capacity.	Cargo vessel, Motor vehicle, Rail freight.
SP 7014	Permal International, Inc., New York, New York, to ship ethyl alcohol in non-DOT Specification stainless steel portable tank having a capacity of 5,443 gallons.	Cargo vessel, Motor vehicle, Rail freight.
SP 7017	Phillips Petroleum Company, Bartlesville, Oklahoma, to ship a certain Class B poisonous liquid in DOT Specification 109A300ALW tank cars.	Rail freight.
SP 7019	Chevron Chemical Company, San Francisco, California, to ship phosphorus pentasulfide in DOT Specification 56 metal portable tanks having a maximum gross weight of 7,700 pounds.	Motor vehicle.
SP 7022	Monsanto Company, St. Louis, Mo., to ship trichloro-s-triazinetrione in DOT Specification 56 aluminum portable tanks.	Motor vehicle.
SP 7024	Burlington Industries, Inc., Burlington, N.C., to ship indigo dye paste, an alkaline caustic liquid, in a non-DOT Specification collapsible rubber container identified as "Sealdtank".	Motor vehicle.

ALAN I. ROBERTS,
Secretary.

[FR Doc.75–17350 Filed 7–2–75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, (Pub. L. 92–463), notice is hereby given that a meeting of the American Revolution Bicentennial Council will be held on July 25, 1975 in Los Angeles, California. Details on actual meeting place, time of meeting and specific agenda items will be announced as soon as available.

The meeting will be open to the public on a space available basis. Further information can be obtained from Jane Shay, Executive Assistant to the Administrator, American Revolution Bicentennial Administration, 2401 "E" Street, NW, Washington, D.C. 20276, telephone (202) 634–1841.

JOHN W. WARNER,
Administrator, American Revolution Bicentennial Commission.

[FR Doc.75–17364 Filed 7–2–75;8:45 am]

BICENTENNIAL ETHNIC AND RACIAL ADVISORY COMMITTEE

Establishment

Notice is hereby given of the establishment, after consultation with the Office of Management and Budget, of the Bicentennial Ethnic and Racial Advisory Committee.

The purpose of this committee is to provide advice to the Administrator and to the Board of the American Revolution Bicentennial Administration in respect to the encouragement of racial, ethnic

V40-129 JUL 3 75 XUM

and native American participation in the Bicentennial pursuant to Pub. L. 93–179.

The establishment of this committee is in the public interest in connection with the duties of this Administration imposed by Pub. L. 93–179.

JOHN W. WARNER,
Administrator.

JUNE 26, 1975.

[FR Doc.75–17346 Filed 7–2–75;8:45 am]

[Order 75–6–142; Docket 27916]

CIVIL AERONAUTICS BOARD

BEHRING INTERNATIONAL, INC.

Order Rejecting Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June, 1975.

By tariff revisions, issued June 2, 1975 for effectiveness July 2, 1975, Behring International, Inc. (Behring), a domestic and international airfreight forwarder, proposes to establish charges for item 4702 (Machinery) for minimum-sized shipments ranging from 1 to 80,000 lbs. and for item 4402 (Electrical Appliances) for minimum shipments of 20,000, 40,000 and 80,000 lbs. from Houston, Texas to Bahrain and Dubai in the Persian Gulf.[1]

In a complaint filed June 6, 1975, Seaboard World Airlines, Inc. (Seaboard) requests the rates be rejected on grounds that Behring failed to provide any economic justification as required by § 221.-165 of the Board's economic regulations, and that Behring is not entitled to claim the proposed rates are required to meet competition since the subject rates are well below any existing scheduled service rates on file. The carrier also contends the rate filing is extremely ambiguous and confusing in that it fails to inform shippers using the proposed large-volume rates that the underlying movement would be on charter service which might not provide shippers the expected timely delivery and thus is in violation of § 221.-50 of the Board's economic regulations and must be rejected for this reason.[2]

* * * * *

If the tariffs are not rejected, Seaboard contends the proposed rates are patently uneconomic and should be suspended. The carrier presents data purporting to demonstrate that the average price per pound paid by Behring for cargo shipped on charter through May 30, 1975, which does not include overhead, is with one exception above the rates Behring proposes to charge shippers; and further contends the rates are discriminatory since Behring has sharply increased its small-shipment rates to cross-subsidize its large-shipment rates.

In a June 1, 1975 answer urging dismissal of Seaboard's complaint and submitting additional economic data as an amendment to its original filing, Behring contends its proposal does not violate the terms of the Federal Aviation Act and thus there is no legal basis for suspension. The forwarder maintains that it has merely identified and seeks to serve a market in the Middle East which recently has attracted an unprecedented number of shippers and believes it can and should offer its customers a rate reflecting the economy of scale inherent in large-size shipments. Behring contends the proposed rates are, in general, economic except in three instances at the higher weightbreaks; and that its proposed rates compare quite favorably with those of other carriers on a per-ton-mile basis. Behring further states its proposed rates are not based upon charter rates and have no connection with any scheduled or supplemental carrier. Finally it contends the tariff reflecting its proposal clearly and explicitly states the rates in full compliance with § 221.50 of the Board's regulations.

In a June 17, 1975 motion to file an unauthorized response, which will be granted, Seaboard maintains Behring's filing of economic justification as part of its answer to the initial complaint does not remove the initial deficiency and the filing must be rejected. However, Seaboard contends that were the justification timely filed, it fails to satisfy basic requirements by omitting details relating to estimated costs of service and forecast experience under the proposed rates, and that the little justification that has been submitted is demonstrably incorrect. Lastly, Seaboard contends that Behring has failed to justify the discriminatory aspects of its proposal.

A review of Behring's original and amended justification reveals certain deficiencies which make it difficult for the Board to properly assess the proposal's impact upon Behring's operations. Specifically, while providing a rough estimate of its costs of providing the proposed service, Behring gives no supporting details or adequate reference to its sources and, more importantly, provides no estimate of the aggregate effect of the proposed rates, supported by past traffic and revenue data, upon its traffic and revenues as required by § 221.165(b) of the Board's economic regulations.[3] Nor does Behring's justification fully comport with § 221.165(c) requiring certain data in tabular form which would enable the Board to properly evaluate the levels of the proposed rates. Behring's justification does not list the actual competitive rates upon which it relies for comparison in its evaluation of the proposed rates; and, instead, merely refers to tariffs published by other carriers. Nor does Behring show the differences between the comparison rates and the proposed rates expressed as a percentage of the comparison rates. In view of the above, we shall reject Behring's filing without prejudice to a properly justified subsequent refiling.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 401, 403, 404, and 1002 thereof,

It is ordered, That: 1. Original Page 26–A, 2nd Revised Page 31–B and 11th Revised Page 32 of Behring International, Inc., C.A.B. No. 3 (Behring-South Ports Shipping, Inc. Series) be and hereby are rejected:

2. The motion of Seaboard World Airlines, Inc. for leave to file an otherwise unauthorized document is granted;

3. Except to the extent granted herein, the complaint filed by Seaboard World Airlines, Inc. in Docket 27916 is dismissed; and

4. Copies of this order shall be served upon Behring International, Inc. and Seaboard World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17398 Filed 7–2–75;8:45 am]

[Order 75–6–144; Docket 26317]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June, 1975.

By ER–906, adopted April 25, 1975, the Board amended Part 288 of its Economic Regulations (14 CFR Part 288), providing for increased interim final minimum rates effective May 2, 1975, applicable to Logair and Quicktrans domestic cargo charter air transportation services performed for the Department of Defense (DOD), as procured by the Military Airlift Command (MAC). Consistent with procedures in such cases, ER–906 provided for petitions for reconsideration, subject to the conditions that such petition would not act to stay effectiveness of the amendment and responsive Board actions would be effective prospectively.

A petition requesting reconsideration was filed by Saturn Airways, Inc. (Saturn) and DOD submitted an answer objecting to Saturn's petition.[1] Saturn moved for leave to file an unauthorized document in reply to DOD's answer.

Saturn seeks a further increase in the L–100 Quicktrans rate, retroactively effective on May 2, 1975. In support of its request, the carrier indicates that revised reports for calendar year 1974 Logair and Quicktrans operating results were apparently received too late to be considered in the Board's interim final rate determinations embodied in ER–906.[2] Saturn contends that while the revisions for L–100 Logair and L–188 Logair and Quicktrans financial data were of little consequence, the difference in the revised L–100 Quicktrans costs was substantial. The carrier calculates that inclusion of the adjusted cost data would increase the L–100 Quicktrans rate by 10.44 cents per statute mile, or $30,000 per month. Saturn requests that the L–100 Quicktrans rate be further increased to reflect the amended Form 243 reports and that such revision be made retroactively effective on May 2, 1975, the effective date of ER–906. The carrier contends that, notwithstanding the conditions set forth in ER–906 that actions on petitions for reconsideration will be prospective, the situation here is similar to that in ER–845 in which the Board made a retroactive rate adjustment to correct a factual error. Saturn further asserts that the instant situation is equally compelling from an equity standpoint and failure to correct the rate deficiency beginning May 2, 1975, will result in a windfall to DOD.

DOD, reiterating its reservations to the established Board procedure of basing interim final MAC rate determinations on Form 243 reports, adamantly objects, in any event, to any rate adjustment retroactive to May 2, 1975.[3] DOD points to the specific conditions of ER–906 precluding retroactive rate adjustments on petitions for reconsideration. It is DOD's view that this is consistent with the Board's policy enunciated in ER–879, adopted October 22, 1974, subsequent to the Board's position in ER–845, cited by Saturn in support of its request. The respondent further states that retroactivity is particularly inappropriate since the petition is based upon incorrect data furnished by Saturn itself.

Upon consideration of the petition and answer, the Board finds Saturn's petition and motion should be denied to the extent it requests retroactive rate adjustment. However, we will amend Part 288 to revise prospectively the Logair/Quicktrans minimum rates consistent with the carrier's current Form 243 reports for 1974 and the procedures established for such rate revisions.

In general, it is the Board's policy to make MAC rate adjustments effective on a prospective basis only. This policy was adopted principally at the urging of DOD, and is intended to balance the carriers' interests in obtaining prompt rate relief during periods of rapidly escalating costs, and DOD's interest in maintaining rate finality and thus avoiding administrative and budgetary uncertainty over transportation costs.[4] ER–845, relied upon by Saturn, represents an exception to this policy. That case involved the correction of rates which had been finalized on the basis of erroneous information provided by DOD. Here, in contrast, the increased rates were based upon data supplied and certified as correct by the carrier. Under these circumstances, we can find no equitable basis to grant Saturn's request to increase retroactively the price of transportation services already utilized by DOD.

We have reviewed Saturn's computations for the amended linehaul rates per course-flown statute mile, based on the revised Logair/Quicktrans operating results for calendar year 1974, and find them to be accurate. Therefore, consistent with established procedure, we are adopting contemporaneously herewith an amendment to Part 288 to amend prospectively the Logair/Quicktrans interim final minimum rates reflecting the linehaul rates set out in the Appendices thereto. The amendment will also permit petitions for reconsideration with respect to these amended rates.

Accordingly, it is ordered, That:

1. Saturn Airways, Inc.'s petition for reconsideration of ER–906, effective May 2, 1975, requesting revision retroactive to May 2, 1975, of existing L–100 Quicktrans interim final minimum rates applicable to domestic cargo charter air transportation services performed for the Department of Defense be and hereby is denied; and

2. The motion for leave to file an unauthorized document by Saturn Airways, Inc. be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17397 Filed 7–2–75;8:45 am]

[Docket 27970]

NIGERIA AIRWAYS, LTD.

Foreign Permit Renewal (Nigeria-U.S.); Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 22, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 9, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 27, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–17395 Filed 7–2–75;8:45 am]

[Order 75–6–139; Docket 23080–2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of June, 1975.

By Order 74–1–89,[1] the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges effective on and after March 28, 1973.

American Airlines, Inc. (American), has filed a petition requesting the Board to amend the foregoing order so as to establish a minimum chargeable weight and pickup and delivery charges for the M–2 container. In support of this request, American states that it soon intends to make M–2 containers available for mail service and desires to insure that such services are compensated for at the currently applicable temporary mail container rates. American suggests that the M–2 be assigned a minimum chargeable weight of 15,000 pounds, based on internal cubic capacity,[2] and pickup and delivery charges of $75. Although this charge exceeds by $25 the charge presently applicable to the M–1 container, American states that picking up and delivering the M–2 will require the employment of specialized handling equipment not used with the M–1 and other smaller mail containers.

United has filed an answer in opposition to the petition insofar as it requests adoption of the aforementioned pickup and delivery charge. United believes the $75 charge proposed by American is too low and requests that the Board adopt instead a temporary charge of $100 for M–2 pickup and delivery. In support of its proposal, United contends that American has neither furnished economic justification for its $75 charge nor attempted to estimate the impact of such charge on the other mail carriers. Although United does not purport to justify its own proposal on the basis of cost, it

---

[1] Behring International, Inc., C.A.B. No. 3 (Behring-South Ports Shipping, Inc. Series) Original Page 26–A, 2nd Revised Page 31–B and 11th Revised Page 32.

[2] Seaboard alleges that Behring intends to move much of its expected large-volume traffic on weekly cargo charters to be flown by World Airways. World's exemption to perform charter service on behalf of Behring in the Houston-Bahrain/Dubai markets, granted by Order 75–4–3 (April 1, 1975) and extended by Order 75–5–107 (May 27, 1975), expired June 21, 1975.

[3] Since Behring's revenue from its forwarding operations, as reported in Form 244, exceeded $5 million for the 1974 calendar year, it is subject to the requirements for tariff justification set forth in § 221.165 (b) and (c) of the Board's economic regulations.

[1] Petitions for reconsideration were due May 14, 1975, but permission was granted by the Chief Administrative Law Judge for Saturn's late filing on May 16, 1975.

[2] Revised C.A.B. Form 243 reports for the quarters ended September 30, 1973, June 30, 1974, and September 30, 1974, were received April 21, 1975.

[3] DOD also requested additional time to analyze the rate impact for Saturn's revised Form 243 reports. We have been informally advised that DOD has now completed its evaluation and has no objection to Saturn's calculations. This makes moot the question of further delay raised by Saturn's request to file an unauthorized document.

[4] See ER–879. Prior to adoption of this amendment, the policy which the Board followed with respect to interim rate adjustments was to issue a notice of rulemaking proposing increased interim rates, and then to consider the comments of interested persons prior to adoption of final rates. The rates finally adopted were then effective retroactive to the date of the notice. The DOD strongly opposed this procedure, and, as indicated above, it was abandoned by the Board in lieu of the procedure followed in the present proceeding.

[1] January 16, 1974.

[2] 1134 cubic feet.

V40 I129 JUL 3 75 XUM

argues that the Board has in the past established container pickup and delivery charges without "actual" cost justification by basing the charge on the relative cubic volume of the container, citing Order 74–11–16,[2] which allegedly used such methodology in connection with rating the M–1 container for mail. According to United, the $50 pickup and delivery charge established in that order for the M–1 container was based on its cubic relationship to the A–2 container type; that is, $40 (the applicable A–2 charge) times the percentage differential in cube between the A–2 and M–1 containers. United contends that because the M–2 has approximately twice the cubic capacity of the M–1, the pickup charges assigned to the M–2 should, consistent with the foregoing methodology, be roughly double that of the latter container, or $100.

The Postal Service has filed a motion for leave to file an unauthorized document, consisting of a reply in opposition to the $100 pickup and delivery charge proposed in United's answer. We shall grant the motion because we believe the Postal Service should be afforded the opportunity to respond to the allegations made in that answer.

In substance, the Postal Service believes that the $75 pickup and delivery charge proposed by American is reasonable for temporary rate purposes, but that United's $100 charge is excessive. In this regard, the Postal Service contends that American's charge, which is lower on a per-pound basis than the charges applicable to the LD–3, A–2, and M–1 containers, tends to reflect the efficiencies in container handling costs asserted to be associated with increases in shipment weight, whereas United's charge makes no allowance for such efficiencies. It also disputes the validity of the "cubic relationship" methodology used by United to arrive at a $100 charge, alleging that, if such technique were assumed to be correct, the current A–2 and M–1 pickup charges should be considered too high. In any event, the Postal Service concludes that it should not cost twice as much to pick up or deliver one M–2 container as one M–1 container.

Upon consideration of the pleadings and all other relevant matters, the Board proposes to amend Order 74–1–89 to incorporate the M–2 container at the 15,000-pound minimum chargeable weight proposed in the petition. This is consistent with our policy of providing rates, minimum chargeable weights, and pickup and delivery charges for each container type used or useable for domestic mail transportation.

With respect to pickup and delivery charges, an examination of the pleadings indicates that neither carrier's proposal is based on a definitive costing of the service. However, considering that the temporary rates will be subject to retroactive adjustments, and the latitude involved in establishing such rates,[4] it appears that some modestly increased charge may be in order on a temporary basis to reflect the utilization of special handling equipment which American alleges handling the M–2 will require and which is not objected to by the Postal Service, the sole user of the service. We tentatively find American's $75 charge reasonable for this purpose and propose to adopt it as the temporary charge for pickup and delivery of M–2 containers. On the other hand, there appears no basis for United's $100 proposal. Contrary to United's contention, the Board did not employ the methodology it described in establishing charges for the M–1 container,[5] and the carrier has otherwise failed to substantiate its novel theory that the doubling of container size requires the doubling of container pickup and delivery charges. In any event, the Postal Service supports American's charge and has expressed reluctance to use the M–2 container if a higher pickup and delivery charge is imposed.

In consideration of the foregoing, the Board tentatively finds and concludes that the rates and charges proposed herein for the M–2 container are fair and reasonable for the purpose of establishing temporary rates in this proceeding. Of course, these rates and charges are subject to final determination in the *Domestic Service Mail Rates Inestitaion* (Docket 23080–2), in which the entire matter of appropriate rates and charges for mail containers will be thoroughly explored.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

It is ordered, That: 1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc. Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix the temporary rates and charges specified herein pending the fixing of final rates and charges in this investigation by amending subparagraphs (e) and (g) of Ordering Paragraph 3 of Order 74–1–89, January 16, 1974, as follows:

(a) In subparagraph (e), insert "M–2" and "15,000" in the columns headed "Container Type" and "Minimum Charge Weight" before the terms "M–1" and "7500," respectively;

(b) In subparagraph (g) insert "M–2" and "$75" in the columns headed "Container Type" and "Charge," respectively, before the terms "M–1" and "$50;"

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and, if there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order;

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing the temporary rates and charges herein specified;

4. The motion of the Postmaster General to file an unauthorized reply to United's answer in this matter be and it hereby is granted; and

5. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17399 Filed 7–2–75;8:45 am]

[Docket 22162]

SERVICE TO SULLIVAN COUNTY, NEW YORK

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 29, 1975, at 9:30 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues;[1] (2) proposed stipulations; (3) proposed requests for information and for evidence; [1] (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 15, 1975, and the other parties on or before July 25, 1975. The submissions of the other parties shall be limited to points on which they differ from the Bureau, and shall follow the number and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 26, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75–17396 Filed 7–2–75;8:45 am]

[2] November 4, 1974.

[3] See, *e.g.*, Order 75–2–3, February 3, 1975.

[4] The $50 charge prescribed for the M–1 container was the charge proposed by the Postal Service in its answer to American's M–1 rate petition. The Board adopted the charge because of its acceptability to the Postal Service and the lack of economic justification for American's alternative $60 charge.

[1] See Orders 70–7–77, 71–1–64, 71–4–62, and 75–6–115.

CIVIL SERVICE COMMISSION

MANUAL ON FUND-RAISING WITHIN THE FEDERAL SERVICE FOR VOLUNTARY HEALTH AND WELFARE AGENCIES

Notice of Changes

On December 26, 1974, there was published in the FEDERAL REGISTER a notice of proposed amendments to the Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies. Interested agencies and persons were invited to submit written comments to the Commission by January 15, 1975. These comments have been considered, and the revisions are included in the material set out below. These revisions will be effective July 1, 1975.

IRVING KATOR,
Assistant to the Chairman.

JUNE 27, 1975.

CHAPTER 3—CAMPAIGN ARRANGEMENTS FOR VOLUNTARY AGENCIES

* * * * *

3.4 *Definition of Terms Used in Federal Arrangements*

* * * * *

.43 *Federated Community.* A location within the domestic area where a federated fund-raising program is operated by national and local voluntary agencies through a community chest, united fund, or other local federated group which is a member in good standing of, or is recognized by, United Way of America, and which meets the nondiscrimination requirements prescribed in Chapter 7 and the requirements for the adoption and use of the Uniform Standards of Accounting and Financial Reporting.

Requirements for Participation in Federal Fund-Raising Program. To be eligible for participation in the Federal fund-raising program, the local federated group through its board and committee membership should be broadly representative of the social and economic characteristics of the community and be making bona fide efforts to meet community needs. Also, requirements for participation in a local federated group must be in writing and available to the public, must be reasonable, and must be applied fairly and uniformly to all local agencies requesting participation. Procedures must be provided by the federated group for at least one review of any decision denying participation requested by a local agency. The review must be conducted by a committee or group within the federated organization which did not participate in the original decision. A written statement of the reasons for denial must be provided the applicant agency. (Note: Where a local chapter or affiliate of a national agency precluded from independent participation in the Federal fund-raising program because the agency is supported primarily through united funds is not approved for participation by a local united fund, such chapter or affiliate may request the Civil Service Commission to review the reasons for its non-approval. Before taking any action, the Civil Service Commission will ask for a report on the facts by the United Way of America.)

* * * * *

3.5 *Policies Governing Federal Arrangements.*

* * * * *

.55 *Federated Campaigns*—.551 Authorization.

* * * * *

If a member agency does not meet the accounting and financial reporting requirements, it shall not be permitted to solicit contributions from Federal personnel in the local area. Failure will not affect the right of the fund or other member agencies which meet such requirements to solicit. Failure of a member agency, however, to meet the nondiscrimination requirements may disqualify the fund from soliciting contributions (see Section 7.65). If the local united fund does not meet these requirements, or where the fund is disqualified from soliciting contributions, the local area becomes a nonfederated community for purposes of fund raising and solicitations will be coordinated in accordance with Section 3.561 of the Manual. (For additional information on nondiscrimination requirements, see Chapter 7.)

CHAPTER 5—ELIGIBILITY REQUIREMENTS FOR NATIONAL VOLUNTARY AGENCIES

5.1 *Purpose.* These eligibility requirements are established to insure that:

a. Only responsible and worthy voluntary agencies are permitted to solicit on the job in Federal installations,

b. The funds contributed by Federal personnel will be used effectively for the announced purposes of the soliciting agency, and

c. All recognized national agencies have field organizations capable of participating equitably in the joint campaign arrangements required by the Federal program.

5.2 *General Requirements*—.21 *Type of Agency.* Only nonprofit tax-exempt charitable organizations, supported by voluntary contributions from the general public, providing direct services to persons in the fields of health and welfare services are eligible for approval. Where the provision of such services is by international agencies, such services must be consistent with the policies of the United States Government. Agencies which are supported primarily through united funds and community chests will not be recognized for participation in the Federal fund-raising program except with respect to non-federated communities and the overseas area. Such agencies may be eligible for participation in the overseas fund-raising program only if they provide a specific service to persons overseas and meet all other eligibility requirements. National agencies not receiving primary support from local united ways must meet all eligibility requirements overseas campaigns.

.22 *Integrity of Operations.* Only agencies having a high degree of integrity and responsibility in the conduct of their affairs will be approved. Funds contributed to such organizations by Federal personnel must be used effectively for the announced purposes of the agency.

.23 *Avoidance of Competition.* To avoid solicitation competition, approval will not be granted to more than one national health agency within a single field which deals with physical handicap or disease, or if an international service agency, to more than one agency meeting a particular human need in the same geographic area, unless there is a demonstrated need for such additional service.

.24 *National Scope.* The agency must demonstrate that:

a. It is organized on a national scale with a national association which is representative of its constituent parts and which, through its board of directors, exercises close supervision over the operations and fund-raising policy of any local chapters or affiliates.

b. It has earned good will and acceptability througout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

Good will and acceptability will usually be shown by operating chapters providing service in all or most of the states, with contributor support from all or most parts of the nation. Good will and acceptability throughout the United States will also be demonstrated by other means, such as the extent of support received from the public, the number and location of contributors, the national character of campaigning directed to the public, the reputation of the organization on a national basis, and the proportionate effect on total income of the organization's participation in the Federal program. In the case of international agencies, chapter or affiliate coverage in all or most states need not exist.

c. It has enough fund-raising representatives at decentralized locations to be able to enter into full participation with a group of agencies in the conduct of local campaigns throughout the United States.

d. If a national health agency, it has a well-defined national program involving research, education, and community services with sufficiently developed local chapter or affiliate coverage to implement its national program in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.[1]

e. If an international service agency, it has a well-defined program not duplicative of existing programs and which meets basic human needs in an overseas area.

.25 *Type of Campaign.* Approval will be granted only for fund-raising campaigns in support of current operations. Capital fund campaigns are not authorized. Agencies must observe the policy and procedural requirements for fund raising in the Federal service.

5.3 *Specific Requirements*—.31 *Program.* An active and necessary program providing direct services to persons, with particular regard to the welfare of the public and the persons served; evidence of consultation and cooperation with established agencies in the same or related fields; and efficient operations.

.32 *Volunteer Control.* Direction of the organization by an active, voluntary board of directors which serves without compensation, holds regular meetings, and exercises effective administrative control.

.33 *Finances.* Adoption of the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and maintenance of a financial system which includes accounting procedures acceptable to an independent certified public accountant. Conduct of fiscal operations in accordance with a detailed annual budget, prepared and approved at the beginning of the year by the board of directors with prior authorization by the board of any significant variations from the approved budget.

.34 *Administrative and Fund-Raising Expense.* Administrative and fund-raising

[1] While a national health agency may meet eligibility requirements, local chapters, in order to participate in the local fund-raising program, must provide a direct and meaningful service in the area (county) in which the campaign is being conducted (see Section 3.572b and Section 4.2b).

V40-129 JUL 3 75 XUM

expenses which are reasonable. Expenditure for administration and fund raising not exceeding 25% of total support and revenue will be considered reasonable. Where administrative and fund-raising expense exceeds this percentage, the burden is on the voluntary organization to demonstrate the reasonableness of its fund-raising and administrative expenses under all the circumstances in its case.

.35 *Fund-Raising Practice.* Publicity and promotional activities based upon the actual program and operations of the agency and which is truthful and nondeceptive and which includes all material facts; protection afforded against unauthorized use of agency contributors' lists; no payment of commissions, kickbacks, finder fees, percentages, bonuses, or overrides for fund raising; no mailing of unordered tickets or commercial merchandise with a request for money in return; and no general telephone solicitation of the public.

.36 *Nondiscrimination.* A policy and practice of nondiscrimination on the basis of race, color, religion, sex, or national origin, applicable to persons served by the agency, to agency staff employment, and to membership on the agency's governing board, as prescribed in Chapter 7. Organizations which are organized along religious lines or which are organized to serve persons of a particular sex may nevertheless meet eligibility requirements if a bona fide purpose for organizing along religious lines or for service directed to persons of a particular sex can be shown.

.37 *Annual Report.* Preparation of an annual report to the general public which includes a full description of the agency's activities and accomplishments and the names of chief administrative personnel.

.38 *Financial Reports.* Preparation of a consolidated annual financial report to the general public in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification of such report by an independent certified public accountant.

.39 *Independent Audit.* Completion on an annual basis of an external audit by an independent certified public accountant.

.40 *Source of Funds and Costs Report.* Filing of special report with Chairman of the Civil Service Commission which discloses on a consolidated basis the agency's (including its chapters and affiliates) sources of funds, fund-raising expense, and use of net funds in its most recent fiscal year.

5.4 *Application Requirements—.41 Exemptions.* The American National Red Cross and local community chests or united funds which are members in good standing of, or are recognized by, the United Way of America are exempt from these application requirements except for the nondiscrimination requirements of paragraph 5.46i and the accounting and financial reporting requirements of paragraphs 5.46g and 5.46k. In addition, the United Way of America as a national organization must conform in its financial reporting to the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations. For purposes of this section, the American National Red Cross and its chapters are recognized as operating an accounting and financial system in substantial compliance with the Uniform Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification to this effect by local chapters is not required. Local Red Cross chapters are required to furnish nondiscrimination assurances, as required by Section 7.4 of Chapter 7.

.42 *Annual Applications.* To be considered for solicitation privileges in domestic or overseas campaigns in the Federal service, each national voluntary agency must file application annually. National voluntary agencies which have already been approved for fund-raising privileges in the Federal service are not required to submit the information requested in sections 5.46 a, b, c, d, and h, except where there has been a substantial or significant change in these items; for example, a change in purpose of the organization or a decline in chapter coverage or activity. They are required to furnish information asked for in sections 5.46 e, f, g, i, j, k, l, and m.

.43 *Time and Place of Filing.* Application is filed with the Office of the Chairman, U.S. Civil Service Commission, Washington, D.C. 20415 and must be postmarked on or before February 1. Applicants are urged to file as early as possible.

.44 *Eligibility Decisions.* Decisions as to eligibility are made by the Chairman, U.S. Civil Service Commission, with the assistance of an eligibility committee of government officials and employee organization leaders, and are based upon the information filed with the agency's application and derived from other responsible sources.

.45 *Notice of Decision.* Applicants are notified of the decisions on their applications as soon as possible after filing. If dissatisfied with the Chairman's decision, the applicants have the opportunity to request a personal appearance before the Chairman's representative or a review of the decision by such official without a personal appearance.

.46 *Form and Content of Application.* Applications shall be filed in the following form, with the information, documents and data specified:

a. *Corporate Name and Fiscal Year.*

b. *Origin, Purpose and Structure of Organization.* Furnish information to show agency meets the General Requirements stated in Section 5.2. Applications limited to overseas campaign privileges only will be considered under modified requirements for paragraphs 5.24 c and d.

c. *Chapters, Affiliates or Representatives.* Furnish a list of chapters, affiliates or representatives arranged in alphabetical order by state and, under the state, by cities with chapter, affiliate or representative by names and addresses.

d. *National Scope* (sec. 5.24). Demonstrate the good will and acceptability of the organization throughout the United States.

e. *Program* (sec. 5.31). Outline the program. List the names of other national voluntary agencies which offer similar services covering the whole or a part of the same field of activity and state past and current relationships with such agencies.

f. *Volunteer Control* (sec. 5.32). Describe board of directors' administrative activity in past year and list board members' names, addresses and businesses or professions.

g. *Finances* (sec. 5.33). Furnish certification by an independent certified public accountant of compliance with an acceptable financial system and adoption of the Uniform Standards.

h. *Fund-Raising Practice* (sec. 5.35). State compliance with all factors.

i. *Nondiscrimination* (sec. 5.36). Furnish written assurance of racial nondiscrimination as prescribed by Chapter 7. If applicant has filed satisfactory nondiscrimination assurance and has maintained such nondiscriminatory policy or practice without substantial change, further assurance is not required in applications for renewal of recognition.

j. *Annual Report* (sec. 5.37). Furnish copy of latest annual report.

k. *Financial Report* (sec. 5.38). Furnish copy of latest financial report prepared in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification by an independent certified public accountant that the report was prepared in conformity with the "Standards."

l. *Independent Audit* (sec. 5.39). Furnish copy of latest external audit by an independent certified public accountant.

m. *Source of Funds and Costs Report* (sec. 5.40). Furnish a special report with the Chairman of the Civil Service Commission consistent with the reporting requirements of the Standards referred to in section 5.38 which discloses the agency's sources of funds, expenditures by program service and supporting services, separately identifying fund-raising and other expenditures. The report must cover the most recent fiscal year and repesent a consolidated statement of national and affiliate income and expenditures. The amount of contributions received from united funds or community chests, from Federal service campaigns, and the total from other sources must be separately identified and shown as a percent of total contributions. Report should be furnished in accordance with the format shown in the attachment to this Chapter.

5.5 *Public Announcement of Recognized Agencies and Assigned Periods.* The Chairman of the Civil Service Commission issues a bulletin in the spring of each year to announce the names of all voluntary agencies recognized for the ensuing fiscal year and to specify the periods assigned for their solicitations within the Federal service.

ATTACHMENT A

(Agency)

CONSOLIDATED SOURCE OF FUNDS AND COSTS REPORT

(Including Chapters and Affiliates)

(For the year ending (date))

	Amount	Percent of income
Support from the Public:		
Received Directly:		
Contributions	$	
Special Events (less related expenses of $_____)		
Subtotal		
Received Indirectly:		
United Funds and/or Community Chests		
Federal Service Campaigns		
Other Contributions		
Subtotal		
Total Support from the Public		
Miscellaneous Revenue:		
Government Grants (including grants-in-kind)		
Service Fees, Literature Sales, etc.		
Gain from the Sale of Products		
Memberships		
Investment Income		
Other income		
Total Miscellaneous Revenue		
Total Support and Revenue		100

Expenditures:	Amount	Percent of expenditure
Program Services:		
(Category)		
(Category)		
(Category)		
(Category)		
Subtotal		
Supporting Services:		
Management and general		
Fund Raising		
Subtotal		
Total Expenditures		100
Excess of Revenue Over Expenditures, $_____		

CHAPTER 7—NONDISCRIMINATION REQUIREMENTS

7.1 *Nondiscrimination Standard.* Voluntary agencies recognized for fund-raising privileges within the Federal service must operate without discrimination and must carry out affirmative programs to assure equal employment opportunity. This policy applies to persons served by the agencies, to the staffs of the agencies, and to membership on their governing boards. Operating without discrimination means that:

a. No person is excluded from service because of race, color, religion, sex, or national origin.

b. There is no segregation of those served on the basis of race, color, religion, sex, or national origin.

c. There is no discrimination on the basis of race, color, religion, sex, or national origin with regard to hiring, assignment, promotion, or other conditions of staff employment.

d. The agency has a written plan for and is undertaking positive action to achieve equal employment opportunity for all persons in the filling of its staff positions. The plan must include elements such as: contacts with appropriate organizations in the community, including minority group and women's organizations, regarding the agency's employment needs; recruitment advertisements in minority group news media where advertising in the general media is used to fill jobs; identifying the agency as an equal employment opportunity employer in recruitment advertisements; and the use for job referral purposes of only those employment agencies which do not discriminate on the basis of race, color, religion, sex, or national origin in making referrals.

e. There is no discrimination on the basis of race, color, religion, sex, or national origin in membership on the agency's governing body.

7.2 *Exemptions.* Exemptions to the above requirements relating to religion or sex may be granted by the Civil Service Commission if a voluntary agency is organized for a bona fide purpose on a religious basis or if its purpose is reasonably related to service of persons of a particular sex.

7.3 *Nondiscrimination on Basis of Handicap or Age.* In addition, voluntary agencies should not discriminate in employment, service, or membership on governing bodies on the basis of handicap or age, although reasonable limitations as to age for employment, service, or membership on a governing body may be made where age is a bona fide consideration.

7.4 *Voluntary Agencies Affected.* Every national or local voluntary health or welfare agency which solicits contributions from Federal employees or members of the Armed Forces at place of employment or duty station must first provide satisfactory assurance that it follows a policy and practice of nondiscrimination. This requirement is applicable to:

a. A local united fund, community chest or other federated fund-raising organization which is authorized solicitation privileges under the provisions of Manual section 3.55, and each participating member agency;

b. Each member agency of a coordinated solicitation which is authorized solicitation privileges under the provisions of Manual section 3.56;

c. The national office and each state or local chapter of a national voluntary agency which is authorized on-the-job solicitation privileges under the provisions of Manual section 3.57;

d. Each national or local voluntary agency which is authorized solicitation privileges in the overseas area under the provisions of Manual section 3.58; and

e. Each voluntary agency which is authorized off-the-job solicitation privileges under the provisions of Manual section 3.6.

7.5 *Assurance Required—.51 Form of assurance.* Assurance of nondiscrimination shall be in writing and shall consist of:

a. A statement of policy by the agency's governing board (national or local board, as appropriate) covering the elements of nondiscrimination listed in the standard,

b. A certification that the agency's practices in fact conform with the standard, and

c. A certification that the national organization and each local chapter has prepared an affirmative action plan to assure equal employment opportunity.

Policy statements and certifications shall be sufficiently explicit to assure that the five elements of nondiscrimination listed in the standard are met. While no standard form or format is required, a sample form is shown at the end of this Chapter.

.52 *Filing procedure—a. National level.* A national voluntary agency which is required by the provisions of Manual section 5.4 to file application annually for independent solicitation privileges shall file with the Office of the Chairman, Civil Service Commission, by February 1, satisfactory assurance with respect to the policy and practice of its national organization.

b. *Local level—(1) United Funds and Chests.* A local united fund, community chest or other federated fund-raising organization shall advise its member agencies (including the local Red Cross chapter where it raises funds in partnership with the local united fund or chest) of the nondiscrimination requirements and requirement on each agency for an affirmative action plan for equal employment opportunity and request each agency to furnish assurance of nondiscrimination as prescribed in .41 above. It shall receive such assurances and forward them in a group, with the policy statement and certification of the federated fund-raising organization itself, to the appropriate Federal official in its local campaign area.

(2) *American Red Cross.* Where a local Red Cross chapter participates as an independent agency outside of the local united fund, such chapter must have an affirmative action plan and furnish the necessary nondiscrimination certification as prescribed in .41 above.

(3) *National Voluntary Agencies.* Each local chapter or affiliate of a national voluntary agency[2] approved for Federal fund-raising privileges shall provide satisfactory assurance of nondiscrimination to the appropriate local Federal officials. Failure to submit proper certification will bar the local chapter or affiliate from participation in the appropriate local campaign.

.53 *Recipient of Assurances Filed Locally.* Nondiscrimination assurances required to be filed at the local level shall be filed with the chairman of the appropriate local Federal coordinating group, or in the absence of such organization in the local area, with the head of the local Federal installation having the largest number of civilian and military personnel.

[2] Where International Service Agencies do not have local chapters or affiliates providing a service in the area, no local certification is required. The certification of the national office to the Civil Service Commission is sufficient.

V40-129 JUL 3 75 XUM

.54 *Submission of Affirmative Action Plans.* National or local voluntary agencies, including chapters or affiliates of approved national organizations, must have available for inspection the affirmative action plan specified in Section 7.1d. On request, these plans must be submitted to appropriate Federal officials who may review the plans and require amendments thereto. Appropriate Federal officials may also request information concerning employment patterns and board membership on the basis of race, ethnic origin, and sex.

.55 *When Further Assurance is Required.* A national or local voluntary agency or chapter or affiliate which has filed satisfactory nondiscrimination assurance and has maintained such nondiscriminatory policy or practice is not required to file further assurance to continue its eligibility for subsequent years unless such further assurance is expressly requested by the appropriate Federal official. This may be required at any time at the option of appropriate local Federal officials or by the Office of the Chairman, Civil Service Commission.

7.6 *Administration by the Federal Government*—.61 *Responsibility for Administration.* The responsibility for administration of the nondiscrimination requirements at the national level is assigned to the Office of the Chairman, Civil Service Commission.

At the local level, each local Federal coordinating group is authorized and responsible for administration of the nondiscrimination requirements in its local area. In the absence of such an organization in the local area (county), the authority and responsibility is assigned to the head of the local Federal installation having the largest number of civilian and military personnel. At their discretion, a local Federal coordinating group may redelegate to an appropriate committee, or the head of a designated local Federal installation may redelegate to a subordinate official, such of the authority assigned in this section as is deemed appropriate.

The heads of Federal offices and installations shall permit the solicitation of employees or military personnel on the job, or "off the job" as defined in Manual section 3.6, only on behalf of such voluntary agencies as have been determined by the responsible Federal coordinating group or official to be qualified under the nondiscrimination standard and related requirements.

.62 *Acceptance of Nondiscrimination Assurances.* The appropriate Federal official in each local area, as designated above, will review nondiscrimination assurances filed to determine that they meet the requirements. Such additions or amendments and recertifications as appear necessary to the Federal official may be required. The Federal official will notify the heads of all local Federal offices and installations of his finding with respect to the receipt of satisfactory nondiscrimination assurances from all voluntary agencies which are otherwise eligible to solicit contributions from Federal personnel in the local area. Assurances will be retained as official records in the custody of the office of the Federal official. The responsible local Federal official may request interpretation or advice from the Office of the Chairman, Civil Service Commission, as needed, and may require the submission of affirmative action plans for review.

.63 *Disqualifications.* If a required nondiscrimination assurance is not filed with the appropriate local Federal official, or is filed but is determined to be unsatisfactory, the voluntary agency concerned shall not be permitted to solicit contributions from Federal personnel in the local area until satisfactory assurance is received. Similar action may also be taken by Federal officials where affirmative action plans have not been prepared or are considered unsatisfactory. (See below for appropriate action where a federated organization or a member agency of a federated organization fails to submit a satisfactory nondiscrimination assurance.)

In the event a voluntary agency files satisfactory assurance but information is received which raises a question whether the agency's practices in fact meet the standard for nondiscrimination in this Manual, the appropriate Federal official shall make such investigation as may be necessary and, after providing the agency an opportunity to present evidence of satisfactory compliance, shall make a determination whether Federal fund-raising privileges in the local area will be granted or withheld from the agency. If a member agency of a federated organization is found not to be in compliance with the nondiscrimination requirements, local Federal officials must notify the Office of the Chairman for appropriate action as indicated in .65 below. If a question regarding nondiscrimination practices is raised with respect to a voluntary agency which furnished its assurance to the Civil Service Commission, the appropriate Federal official will forward the question and all available related information to the Office of the Chairman, Civil Service Commission, for investigation.

.64 *Where Federated Organization Fails to Submit Required Assurance.* If a local united fund, community chest or other federated organization does not itself file a satisfactory nondiscrimination assurance, or if the practice of the organization is found not to be in compliance with the nondiscrimination requirements, including the preparation of an acceptable affirmative action plan, the federated organization shall not be permitted to solicit contributions from Federal personnel in the local area. In such event the local area becomes a nonfederated community for purposes of Federal fund raising. Member agencies of the federated organization which individually have met the nondiscrimination requirements will not be allowed to solicit independently. However, they may organize a coordinated solicitation in accordance with the provisions of Manual section 3.56.

.65 *Where Member Agency Included in a Federated Organization Fails to Submit Required Assurance.* Where one or more member agencies in a federated organization fails to file satisfactory nondiscrimination assurance, or where the practice of an agency is not found to be in compliance with the nondiscrimination requirements, including the preparation of an acceptable affirmative action plan, the fund-raising privileges in the local area of such agencies shall be cancelled. If such agencies continue as member agencies of the local fund despite failure to comply with the nondiscrimination requirements, the fund-raising privileges of the federated organization may be cancelled by the Office of the Chairman, U.S. Civil Service Commission, after notice to the federated group and to the United Way of America of intent to cancel unless corrective action is taken. *Appropriate local Federal officials have the responsibility to notify the Office of the Chairman if any agency of a local united fund, community chest, or other federated organization fails to file a satisfactory nondiscrimination certification as called for in .51 above or whose practice is found not to be in compliance with the nondiscrimination requirements.*

SAMPLE CERTIFICATE[1]

At a meeting of the governing board of _____ held on_____ the
(name of agency) (date)
board ☐ adopted a policy ☐ affirmed its policy of nondiscrimination as follows:

1. No person is excluded from service because of race, color, religion, sex, or national origin.

2. There is no segregation of persons served on the basis of race, color, religion, sex, or national origin.

3. There is no discrimination on the basis of race, color, religion, sex, or national origin with regard to hiring, assignment, promotion or other conditions of staff employment.

4. The agency has a written plan for positive action to achieve equal employment opportunity for all persons in the filling of its staff positions including elements such as contacts with various organizations in the community, including minority group organizations, regarding the agency's employment needs, recruitment advertisements in minority group news media where advertising in the general media is used to fill jobs, identifying the agency as an equal employment opportunity employer in recruitment advertisements, and the use for job referral purposes of only those employment agencies which do not discriminate on the basis of race, color, religion, sex, or national origin.

5. There is no discrimination on the basis of race, color, religion, sex, or national origin in membership on the agency's governing body.

I certify that the practices of this organization conform to the policy of nondiscrimination stated above.

_____ _____
(Date) (President or other authorized official)

[FR Doc.75-17377 Filed 7-2-75;8:45 am]

[1] Certificate may be appropriately modified where exemption has been granted by the Civil Service Commission for agencies organized for bona fide purposes along religious lines or where service is restricted to members of a particular sex.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 30, 1975.

On May 28, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Colombia concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Colombia to the United States over a period of three years beginning on July 1, 1975 and extending through June 30, 1978. Among the provisions of the agreement are those establishing an aggregate limit for Categories 1–64, 101–132, and 200–243; and group limits within the aggregate for Categories 1–4, 101–103, and 200–205; Categories 5–38, 64, 104–110, 126, 128, 131, 132, 206–213, and 241–243; and Categories 39–63, 111–125 and 214–240. Within the aggregate and applicable group limits, specific limits have been established for Categories 1–4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229 for the agreement year beginning on July 1, 1975.

Accordingly, there is published below a letter of June 30, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 1–4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229 be limited to the designated levels for the twelve-month period beginning on July 1, 1975 and extending through June 30, 1976.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

JUNE 30, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 1, 1975 and for the twelve-month period extending through June 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–4, 9/10, 22/23, wool textile products in Categories 120 and 121, and man-made fiber textile products in Categories 219, 221, 224, and 229 in excess of the following levels of restraint:

Category		12-month level of restraint
1–4	pounds	5,565,217
9/10	square yards	6,600,000
22/23	do	11,000,000
120	units	131,487
121	do	84,375
219	dozen	206,972
221	do	58,234
224	pounds	1,248,397
229	dozen	141,818

In carrying out this directive, entries of cotton textile products in Categories 1–4, 9/10, and 22/23, produced or manufactured in Colombia and exported to the United States prior to July 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1974 through June 30, 1975. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

Wool textile products in Categories 120 and 121 and man-made fiber textile products in Categories 219, 221, 224, and 229, produced or manufactured in Colombia and exported to the United States before July 1, 1975, shall not be subject to this directive.

Wool textile products in Categories 120 and 121 and man-made fiber textile products in Categories 219, 221, 224, and 229 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 28, 1975 between the Governments of the United States and Colombia which provide, in part, that: 1) within the aggregate and applicable group limits, specific limits among Categories 1–38, 64, 200–213, and 241–243 may be exceeded by 10 percent; among Categories 39–63 and 214–240, by 7 percent; and among Categories 101–132, by 5 percent; 2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textiles from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-17361 Filed 7-2-75;8:45 am]

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

JULY 2, 1975.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35839) a letter dated September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restrain applicable to certain specified categories of wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974. These levels of restraint were established to implement certain provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 1972, as amended, between the Governments of the United States and the Republic of Korea.

On June 26, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, the Governments of the United States and the Republic of Korea concluded a new comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of Korea to the United States for the three-year period beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the agreement are those establishing a consultation limit for Category 218 (knit T-shirts) and a specific level of restraint for Category 237 (suits, not knit) for the agreement year which began October 1, 1974.

In order that the embargo of these two categories may be lifted as soon as possible, there is published below a letter of July 2, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975 entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 218 and 237 be limited to the designated levels. The levels published below have not been adjusted to reflect any entries made in these categories after September 30, 1974. Adjustments will be made to account for all such entries after that date and through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 3, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

V 40 N 129 JUL 3 75 XUM

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 2, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes that portion of the directive issued to you on September 26, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of man-made fiber textile products in Categories 218 and 237, produced or manufactured in the Republic of Korea, and exported to the United States during the twelve-month period beginning on October 1, 1974.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 3, 1975, and for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 218 and 237 in excess of the following levels of restraint:

Category		12-month level of restraint [1]
218	dozen	828,736
237	numbers	155,555

In carrying out this directive entries of man-made fiber textile products in Categories 218 and 237 produced in the Republic of Korea and exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1–38, part of 63 (shoe uppers), 64, 200–213, and 241–243 may be exceeded by 10 percent; within Categories 39–62, part of 63 (other than shoe uppers), and 214–240, by 7 percent; and within Categories 101–132, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc. 75–17553 Filed 7–2–75;9:55 am]

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

JULY 1, 1975.

On October 1 and October 4, 1974, there were published in the FEDERAL REGISTER (39 FR 35410 and 35839) letters dated September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of December 30, 1971 and the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, both as amended, between the Governments of the United States and the Republic of Korea.

On June 26, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, the Governments of the United States and the Republic of Korea concluded a new comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of Korea to the United States over a period of three years beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the new agreement are those establishing an aggregate limit for Categories 1–64, Categories 101–132, and Categories 200–243; and group limits for Categories 1–38, part of 63 (shoe uppers), 64, 200–213, and 241–243; Categories 39–62, part of 63 (other than shoe uppers), and 214–240; and Categories 101–132. Within the aggregate and applicable group limits, specific limits have been established for Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, 222, 224, 228, 234, 235, and 238. All other categories are subject to consultation levels.

Accordingly, there is published below a letter of July 1, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letters of September 26, 1974 and directing that for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 39, 45/46/47, 48, 49, 50/51 and 52; wool textile products in Categories 104, 120, and 121; and man-made fiber textile products in Categories 208, 210, 219, 221, 222, 224, 228, 229, 234, 235, and 238 be limited to the designated levels. The levels published below have not been adjusted to reflect any entries made in these categories after September 30, 1974. Adjustments will be made to account for all such entries after that date and through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 8, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 1, 1975.

DEAR MR. COMMISSIONER: With the exception of man-made fiber textile products in Categories 218 and 237, this directive cancels and supersedes the directives issued to you on September 26, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton and wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States during the twelve-month period beginning on October 1, 1974.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 8, 1975, and for the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 39, 45/46/47, 48, 49, 50/51, and 52; wool textile products in Categories 104, 120, and 121; and man-made fiber textile products in Categories 208, 210, 219, 221, 222, 224, 228, 229, 234, 235, and 238 in excess of the following levels of restraint:

Category	12-month level of restraint [1]
9/10	5,804,016 yd.[2]
18/19/26 (printcloth).[3]	4,616,064 yd.[2]
22/23	3,177,822 yd.[2]
26 (Duck fabric).[3]	19,346,710 yd.[2]
39	265,555 doz. pairs.
45/46/47	2,989,350 yd.[2] equivalent.
48	19,796 doz.
49	45,000 doz.
50/51	170,000 doz. (of which not more than 90,092 doz. shall be in Category 50 and not more than 121,942 doz. shall be in Category 51).
52	62,358 doz.
104	1,536,169 yd.[2]
120	320,448 numbers.
121	192,000 numbers.
208	13,000,000 yd.[2] (of which not more than 8,000,000 yd.[2] shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036).
210	1,170,000 yd.[2]
219	3,738,129 doz.
221	2,565,103 doz.
222	903,794 doz.
Pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143).	41,333 doz.
Pt. 224 (only T.S.U.S.A. Nos. 380.0402 and 380.8103).	43,956 doz.
Pt. 224 [4]	3,867,785 lb.
228	777,202 doz.
234	3,521,435 doz.
235	1,302,967 doz.
238	192,215 doz.

[1] The levels of restraint have not been adjusted to reflect any entries made after September 30, 1974.

[2] In Category 26 the T.S.U.S.A. Numbers for printcloth are:

320...34	326...34
321...34	327...34
322...34	328...34

[3] In Category 26 the T.S.U.S.A. Numbers for duck fabric are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

[4] All T.S.U.S.A. numbers in Category 224 except T.S.U.S.A. Nos. 380.0420, 380.8103, 380.0402, and 380.8103.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in all of the foregoing categories, except Category 121, produced in the Republic of Korea and exported to the United States prior to October 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1973 through September 30, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries of wool textile products in Category 121 prior to October 1, 1974 shall not be subject to this directive.

Wool textile products in Category 121 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1–38, part of 63 (shoe uppers), 64, 200–213, and 241–243 may be exceeded by 10 percent; within Categories 39–62, part of 63 (other than shoe uppers), and 214–240, by 7 percent; and within Categories 101–132, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75–17554 Filed 7–2–75;9:55 am]

COMMISSION OF FINE ARTS

PUBLIC PROJECTS AFFECTING APPEARANCE OF WASHINGTON, D.C.

Meeting

JUNE 25, 1975.

The Commission of Fine Arts will meet on Wednesday, July 30, 1975, at 11 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda and requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.75–17391 Filed 7–2–75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

STANDARDS FOR DENIAL OF REGISTRATION

Release of interpretation

The Commodity Futures Trading Commission (the "Commission") has announced that it is releasing its interpretation of certain standards found in the Commodity Exchange Act (the "Act") concerning denial of registration of futures commission merchants, associated persons, commodity trading advisors, commodity pool operators and floor brokers. The Commission has determined that this interpretation of general applicability which has been formulated and adopted by the Commission should be made public to assist prospective applicants for registration and to permit members of the public to comment on the standards which the Commission feels are appropriate in determining whether a person is suited to engage in the business for which he is applying for registration.

Section 8a of the Act states in part that:

SEC. 8a. The Commission is authorized—

(1) to register futures commission merchants and persons associated therewith as described in section 4k of this Act, commodity trading advisors, commodity pool operators, and floor brokers upon application in accordance with rules and regulations and in form and manner to be prescribed by the Commission: and

(2) to refuse to register any person—

(A) if the prior registration of such person has been suspended (and the period of such suspension shall not have expired) or has been revoked;

(B) if it is found, after opportunity for hearing, that the applicant is unfit to engage in the business for which the application for registration is made, (i) because such applicant, or, if the applicant is a partnership, any general partner, or, if the applicant is a corporation, any officer or holder of more than 10 per centum of the stock, at any time engaged in any practice of the character prohibited by this Act or was convicted of a felony in any State or Federal court, or was debarred by any agency of the United States from contracting with the United States, or the applicant willfully made any material false or misleading statement in his application or willfully omitted to state any material fact in connection with the application, or (ii) for other good cause shown; or

(C) in the case of an applicant for registration as futures commission merchant, if it is found after opportunity for hearing, that the applicant has not established that he meets the minimum financial requirements under section 4f of this Act; * * *

Certain provisions of section 8a(2) are self-explanatory. For example, where an applicant has been suspended and the

V40I129 JUL 3 75 XUM

period of such suspension has not expired or where the applicant's prior registration has been revoked, the Commission is authorized to deny registration. In addition, where an applicant willfully made a materially false and misleading statement in his application or willfully omitted to state any material fact in connection with the application, the Commission is authorized to deny registration, if, after opportunity for hearing, it is determined that because of such action the applicant is unfit to engage in the business. However, other provisions in section 8a(2) are not so specific, such as the authority after opportunity for hearing to deny registration for having engaged in a practice of the character prohibited by the Act. In addition, the Commission is authorized, after opportunity for hearing, to deny registration if "for other good cause shown", the applicant is unfit to engage in the business for which he has made application for registration. These criteria are not specific and need Commission interpretation. The Commission has interpreted "for other good cause shown" to include the following:

1. The Commission may refuse to register a person as a futures commission merchant, floor broker, associated person, commodity trading advisor, or commodity pool operator, if

A. The operations of such person disrupt or would tend to disrupt orderly market conditions, or cause or would tend to cause sudden or unreasonable fluctuations or unwarranted changes in the prices of commodities;

B. Such person, or any partner, officer, director, person performing similar functions, controlling person, or holder of more than 10 per centum of the stock thereof—

(i) Has been convicted within ten years preceeding the filing of the application of any felony or misdemeanor which (1) involves any transactions or advice concerning any commodity or security; (2) arises out of conduct of the business of a futures commission merchant, floor broker, associated person, commodity trading advisor, commodity pool operator, securities broker, securities dealer, investment advisor, or an affiliated person or employee of any of the foregoing; (3) involves embezzlement, fraudulent conversion, misappropriation of funds or securities, counterfeiting, gambling, or similar crimes; or (4) involves the violation of section 1341, 1342, 1343 of Title 18, United States Code; or

(ii) At the time of the application, is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction, or by agreement or settlement to which the Commission or the Securities and Exchange Commission is a party from acting as a commodity trading advisor, commodity pool operator, futures commission merchant, floor broker, associated person, securities broker, securities dealer, investment advisor, or as an affiliated person or employee of any of the foregoing, or from engaging in or continuing any conduct or practice in connection with any such activity or involving any transaction or advice concerning commodities or securities; or

(iii) Within ten years preceding the filing of the application, has been found (1) to have willfully violated any provision of the Commodity Exchange Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, or any rule or regulation under any such statutes; (2) to have willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of such statutes or rules or regulations thereunder; or (3) to have failed reasonably to supervise, with a view to preventing violations of such statutes, rules or regulations, another person who commits such a violation, if such person is subject to his supervision. For the purposes of this clause (3) no person shall be deemed to have failed reasonably to supervise any person, if—

a. There have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

b. Such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

2. The Commission may refuse to register a person as a futures commission merchant, floor broker, or associated person if such person or any partner, officer, director, person performing a similar function, any controlling person or any holder of more than 10 per centum of the stock thereof is subject to an outstanding order of the Commission denying trading privileges on any contract market to such person, or suspending or revoking the registration of such person as a commodity trading advisor, commodity pool operator, futures commission merchant, floor broker, or associated person, or suspending or expelling such person from membership on any contract market.

This interpretation regarding "for other good cause shown" is not exclusive; i.e., there may be other instances for which the Commission, after opportunity for hearing, may determine to deny registration, such as where an applicant has been convicted of certain crimes of moral turpitude or where a quasi-governmental body has found that an applicant has committed material violations of its rules. On the other hand, in some instances the Commission may determine that a person is fit for registration even though that person has committed an act listed in this interpretation. However, the Commission feels that its interpretation of "for other good cause shown" is as specific as the Commission can be at this time. It should be noted that the crimes specified in the Commission's interpretation are the types of crimes that the Commission believes are appropriate grounds for refusal to register under section 8a(2)(B)(i) of the Act. It should also be noted that although this interpretation was prepared for purposes of denial of registration, the Commission believes that it is also appropriate for purposes of suspension or revocation of registration. Members of the public should feel free to comment on the Commission's interpretation of section 8a(2), and, in particular, the "for other good cause shown" criteria found in section 8a(2)(B)(ii). Comments should be sent to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036.

Issued: June 30, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-17363 Filed 7-2-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BOOKMATCHES

Extension of the Time for Publishing a Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is (1) to announce that the Consumer Product Safety Commission has accepted a proposal by the American Society for Testing and Materials (ASTM) to draft a document providing a more detailed rationale for each provision in the recommended standard for bookmatches submitted by ASTM on February 3, 1975, pursuant to section 7 of the Consumer Product Safety Act (CPSA); (2) to provide funds to ASTM under section 7(d)(2) of the Act (15 U.S.C. 2056(d)(2)), for the preparation of the document; and (3) to extend the period in which the Commission must publish a proposed consumer product safety rule or withdraw the notice of proceeding for bookmatches.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974 the Commission accepted the offer of ASTM to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the acceptance of the ASTM offer. On February 3, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

The Commission has determined that the recommended standard for bookmatches and supporting data submitted by ASTM constitute an adequate response to the notice of proceeding for bookmatches under section 7 of the CPSA in light of the limited period of time which was allowed for development of the recommended standard. However, the Commission believes that a more detailed discussion of the rationale for each substantive provision of the standard is desirable for possible future rulemaking for this product. Accordingly, on May 9, 1975 the Commission requested ASTM to submit a proposal regarding the amount of time and funds which would be necessary to prepare a more detailed written justification of the provisions of its recommended standard.

The Commission has accepted ASTM's proposal of May 15, 1975, as modified and resubmitted on May 28, 1975, which provides that on or before July 31, 1975, ASTM will present the Commission with a written, detailed justification for each provision of its recommended standard. Upon successful completion of this work, ASTM will be compensated up to $24,600 for its administrative costs and the cost of meetings. All active participants in the development of the recommended standard will be consulted in the preparation of the final statement of justification.

In addition, the Commission has determined that further research is necessary to adequately address the risk of injury to children who play with or otherwise improperly use bookmatches. Accordingly, the Commission has directed the CPSC staff to develop a set of child-resistant characteristics for the cover for possible inclusion in a product safety standard for bookmatches.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after the publication in the FEDERAL REGISTER of a notice of proceeding to develop a consumer product safety standard, the Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210 day period for good cause, by publishing a notice of extension in the FEDERAL REGISTER. On April 17, 1975, the Commission extended the 210 day period until May 2, 1975.

The Commission finds that additional time is necessary for the detailed justification to be submitted by ASTM and evaluated by the Commission, and to afford the staff an adequate opportunity to formulate a requirement for child-resistant bookmatches. Accordingly, the Commission, for good cause shown, hereby extends until October 1, 1975, the time in which the Commission must either publish a proposed consumer product safety standard applicable to bookmatches or withdraw its notice of proceeding.

Dated: June 30, 1975.

SHELDON D. BUTTS,
Assistant Secretary, Consumer Product Safety Commission.

[FR Doc.75-17347 Filed 7-2-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from June 23 through June 27, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 18, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3853.

FOREST SERVICE

Draft

Lakeview Unit, Land Use Plan, Kaniksu National Forest, Bonner County, Idaho, June 23: The proposal is to implement a land use plan for the Lakeview Planning Unit, Kaniksu National Forest. Approximately 63,060 acres are included in the planning unit, of which 57,120 acres are National Forest lands. This plan allocated resources and specifies land use prescriptions including management of high scenic quality, fisheries habitat recreation and wildlife habitat uses while providing timber, foliage and water uses. Unfavorable impacts include a reduced timber growth potential, alteration of the natural landscape in some areas, and reduced opportunities for solitude. Even with the proposed plan prescriptions there will be short-term reductions of quality. (ELR order No. 50902.)

Salmon River Wild and Scenic Rivers Proposal, several counties, Idaho, June 24: Proposed is the inclusion of 237 miles of the Salmon River in the National Wild and Scenic Rivers System. The segment under consideration runs from North Fork, Idaho, to its confluence with the Snake River through Nez Perce, Lewis, Idaho, and Lemhi Counties, Idaho. The purpose of the action is to control the impacts of development and increased recreation use within the river corridor. There are approximately 5,691 acres of private lands involving 150 owners within the proposed boundaries. (ELR order No. 50907.)

Middle Fork Boise River Unit, Boise National Forest, Elmore and Boise Counties, Idaho, June 27: The statement concerns the land use plan for the 329,100 acre Middle Fork Boise River Planning Unit of Boise National Forest. Resource uses and activities provided for in the plan will have short and long term effects on vegetation in the unit. Road, trail, and recreation and administrative facility development will remove some area from vegetative production. Grazing, timber harvest, road construction and dispersed recreation activities will also result in short term higher rates of erosion. Most wildlife species will be affected. (ELR order No. 50922.)

Oil and Gas Lease Applications, Flathead National Forest, Flathead County, Mont., June 23: The statement concerns oil and gas lease applications on 236,000 acres of National Forest lands in Flathead County, Montana. Recommended are the denial of leases on 53,323 acres, the granting of leases with surface occupancy on 11,954 acres, the granting of leases without surface occupancy on 53,727 acres, and the holding of leases in suspense on 16,996 acres. Disturbance to soil, water and vegetation will occur as well as social and economic impacts. (ELR order No. 50903.)

Final

Triangle Range Wetlands Exchange, Modoc National Forest, Modoc County, Calif., June 25: The statement concerns a proposed land exchange on the Modoc National Forest, California. Approximately 17,800 acres of privately owned land have been offered to the U.S. in exchange for an equal value or less of National Forest land, primarily timberland in the same forest and county. It is estimated that the National Forest land may comprise 1,800 acres. Adverse impacts are the loss of revenue to Modoc County, and short-term soil erosion and water sedimentation will occur. Comments made by: DOI, AHP, USDA, EPA, State and local agencies, organizations, groups, and individuals. (ELR order No. 50912.)

Timber Management, Modoc National Forest, Modoc, Siskiyou, and Lasseu Counties, Calif., June 26: The statement refers to the ten year (1975–1984) timber management plan for the Modoc National Forest. The plan proposes a total Potential Yield of 756.4 million board feet and an annual harvest of 62.6 mmbf. The plan also includes construction and reconstruction of roads for timber sales and general public use. Adverse impact includes slight degradation of air and water quality; and temporary aesthetic loss. (123 pages.) Comments made by: USDA, EPA, COE, State and local agencies, organizations, and individuals. (ELR order No. 50916.)

Grand Mesa—Uncompahgre Timber Management Plan, Colorado, June 23: The statement refers to the revision of the 1961 Timber Management Plan for the Grand Mesa-Uncompahgre N.F. in west central Colorado. The proposed application of silvicultural management on 45,000 acres of forest land will result in the harvest of 311,000 Cunits of wood, including 152 million board feet of sawtimber. Adverse impacts reduction of wilderness character on inventoried roadless areas, and changes in the way the landscape looks. Comments made by: EPA, USDA, State agencies, and individuals. (ELR order No. 50894.)

Hiwassee Unit, Cherokee National Forest, McMinn, Polk, and Monroe Counties, Tenn., June 25: The statement considers a 10 year management plan for the 39,028 acre unit. The plan involves recreational use of the forest, planning for fish and wildlife enhancement, and the harvesting of timber. Road construction in the unit will become necessary. Comments made by: DOI, EPA, TVA, and State agencies. (ELR order No. 50911.)

SOIL CONSERVATION SERVICE

Draft

Sedgwick-Sand Draws Watershed Project, Nebraska and Colorado, June 26: The objective of the project is to reduce floodwater, erosion, and sediment damages to agricultural lands, crops, irrigation systems, wildlife habitat, roads, railroad, and farmsteads in Sedgwick County, Colorado and Cheyenne and Deuel Counties, Nebraska. Adverse impacts include the loss of 361 acres to structural measures, the subjection of 272 acres behind the structures to sedimentation, and construction disruption. (ELR order No. 50917.)

Red Deer Creek Watershed Project, Gray Roberts, and Hemphill Counties, Tex., June 26: Proposed is a watershed project that includes land treatment measures on about 39,010 acres of grassland and cropland and the installation of 20 floodwater

V40 I129 JUL 3 75 XUM

retarding structures to be constructed during a 10-year period. The project will require changed land use on 466 acres of land, will occasionally interrupt use on 2,079 acres of land, and will destroy 17 archeological sites and require precautionary action to prevent destruction of 8 additional archeological sites. (ELR order No. 50919.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6861.

Draft

Beargrass Creek Basin, Jefferson County, Ky., June 23: The statement concerns a plan for flood control in the area of Louisville, Kentucky. The plan provides for a 55 acre dry-bed reservoir located at mile 13.2 on South Fork of Beargrass Creek. The reservoir would have a flood control storage capacity of 735 acre-feet at spillway elevation 574 feet msl. Some 10 acres required for construction of 45 acres would be left in their existing condition. Maximum retention time which can be tolerated by the trees in the dry-bed reservoir is estimated at 2 to 3 days. (Louisville District.) (ELR order No. 50897.)

GATX Corp. Terminal Facility, Delaware River, Gloucester County, N.J., June 23: The General American Transportation Corporation (GATX) has proposed to construct a terminal for the storage and transfer for the storage and transfer of bulk petroleum products on a 400+ acre tract in West Deptford, New Jersey. Plans include construction of a tanker and barge docking facility, a tank farm site, a maintenance building, and an office. The initial utilization of tank storage will be for #2 fuel oil, naphtha, and methanol. Dredging will result in a temporary increase in turbidity, evaporation losses of product will add to air pollution, and there will be some increase in the chance of a chemical or oil spill into the Delaware. (Philadelphia District.) (ELR order number 50901.)

Albany Lake, Island Bayou, Bryan County, Okla., June 23: Proposed is the construction and operation of Albany Lake project at river mile 6.5 on Island Bayou for purposes of flood control, water supply, and recreation. The project consists of an earthfill embankment, outlet works, uncontrolled spillway, access roads, and project buildings. The lake will permanently inundate 4,960 acres while a periodic inundation of 1,850 additional acres is possible during flooding. Archeological sites in the lake area will be adversely affected. (Tulsa District.) (ELR order No. 50896.)

Lukfata Lake, Glover Creek, McCurtain County, Okla., June 26: Proposed is the construction, operation, and maintenance of the Lukfata Lake project for water supply, flood control, and recreation. The project will be formed by construction of a rockfill dam, and outlet works consisting of a controlled intake gate tower structure, an ungated spillway, selective clearing in the lake area, and construction of project buildings, access roads, and two primitive public use areas. The conservation pool will inundate 8.2 miles of the mainstem of Glover Creek and 1,580 acres of land. An additional 4,420 acres will be subject to flooding during flood control operations. (ELR order No. 50918.)

Aquatic Plant Control Program, S.C., June 23: The statement concerns the control of alligatorweed in public waters of South Carolina, excluding the Santee-Cooper Lakes, through the application of 2,4-D herbicide and the introduction of exotic insects. Infested areas are sprayed during the summer months as needed to control weed growth. The herbicide program may damage non-target plants and contribute to the degradation of water quality. (Charleston District.) (ELR order No. 50898.)

Anahuac Channel and Channel to Liberty, Dredging, Chambers and Liberty Counties, Tex., June 26: The statement concerns the maintenance dredging of Anahuac Channel and the Channel to Liberty on the Trinity River for purposes of continued safe navigation. The dredging will be accomplished by hydraulic pipeline dredge, and dredged materials will be placed in the open waters of Trinity Bay and in land disposal areas. Possible eventual emergence of open water disposal areas will eliminate about 156 acres of shallow water habitat. Dredging will also disrupt the benthic habitat of the area. (Galveston District.) (ELR order No. 50913.)

Wicomico River (East) O&M Dredging, Wicomico County, Md., June 23: The project provides for maintenance of a channel 14 feet deep and 150 feet deep from Chesapeake Bay to Salisbury, Maryland, including a channel with a turning basin in the north prong and a 60-foot wide channel 6 feet deep from deep water in the river to Webster Cove with a T-shaped basin in the cove. Dredged material, with some exceptions, will be placed in upland diked disposal areas. Project dredging will remove or destroy benthic organisms such as oysters and clams and will temporarily increase turbidity, sediment load, and biochemical oxygen demand while decreasing available dissolved oxygen. (Baltimore District.) (ELR order No. 50895.)

Final

Columbia and Lower Willamette Rivers, Oreg., June 23: The project involves the dredging of a 40 foot deep turning basin at Astoria, Oregon, which would be quadrilateral in shape, 4,200 feet long on the side adjacent to the existing 40 foot navigation channel. Adverse impacts include temporary turbidity and loss of some benthic organisms. (Portland District.) Comments made by: EPA, DOC, DOI, HUD, USCG, FPC, State agencies, and citizen groups. (ELR order No. 50899.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

Draft

Sanguine System, R & D (Supplement), June 23: The statement is a supplement to a final eis concerning the Design Validation Phase of the Sanguine System. The statement includes experimental data on the effects of low-frequency, nonionizing signals used for communication with nuclear submarines. (ELR order No. 50904.)

ENERGY RESOURCES DEVELOPMENT ADMIN.

Contact: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, ERDA, Washington, D.C. 20545, (301) 973-4251.

Draft

Expansion of U.S. Uranium Enrichment Capacity, June 30: The statement concerns a program to provide facilities for "enriching" uranium to fuel nuclear reactors. Adverse impacts include commitment of land for onsite development and transmission lines; low level environmental releases of radiation; consumption of at least 570 billion gallons of water from the present until the year 2000; and damage to biota, vegetation, and air quality. (ELR order No. 50925.)

Underground Nuclear Testing Program (Supplement), Nevada, June 27: The statement is a supplement to a final eis prepared to evaluate the underground nuclear test program for tests and preparations for tests of one megaton or less at the Nevada Test Site during Fiscal Year 1976. Impacts of the tests include subsidence craters and underground pockets of intense radioactivity onsite and the initiation of ground motion that may be felt offsite. There also remains the risk of substantial offsite release. (ELR order No. 50920.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Draft

The Oaks Wastewater Treatment Facilities Expansion, Montgomery County, Pa., June 24: The proposed action involves Federal financial assistance for the expansion of a 2 million gallon per day (mgd) wastewater treatment facility to a capacity of 10 mgd. The action also includes the expansion of the associated sewage collection system. Efforts of EPA Region III to mitigate long-term secondary adverse impacts on land use, socio-economic parameters, and air and water quality are included in the statement. (ELR order No. 50908.)

Final

Auburn Interceptor (Green River Sewerage Area), King County, Wash., June 25: The statement concerns the award of grant funds to the Municipality of Metropolitan Seattle to construct an interceptor sewer line to service the Green River Sewerage Area. The project would result in the elimination of discharge of inadequately treated wastewaters to the Green River. The construction corridor passes through a permanent wetland thus necessitating summer construction. Adverse impacts include possible degradation of water quality in the Duwamish estuary and secondary effects from stimulated urban growth. Comments made by: DOT, AHP, USDA, and COE. (ELR order No. 50909.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, (202) 963-4456.

Draft

U.S. Navy Aqueduct, Florida Keys (2), Dade and Monroe Counties, Fla., June 27: The statement is a revised draft of a draft eis that was received by CEQ 9 June 1975. Proposed is the change in ownership and operational responsibility of the facilities that supply most of the fresh water to the Florida Keys from the U.S. Navy to the Florida Keys Aqueduct Authority. Since available water supply is a limiting factor on population growth in the Keys, the expansion of the facilities will tend to increase the population and subsequently increase taxes for the residents. (ELR order No. 50923.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240.

Draft

Northern Gulf of Alaska Oil and Gas Leasing, June 27: The statement concerns a proposed oil and gas lease sale of 1.8 million acres of OCS lands located in the northern Gulf of Alaska. Adverse environmental impacts include accidental and/or chronic oil spills, pipeline and onshore facility construction, offshore terminal/platform construction and the dumping of drill cuttings. (ELR order No. 50924.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

California 89, Alpine County, Calif., June 23: The statement concerns the construction of a 5.9 mile segment of a two-lane expressway between Markleeville and Woodfords, California. One hundred and sixty acres of land have been purchased and one business and two families displaced. The project will necessitate a 500-foot channel change along Millberry Creek that will temporarily disrupt fish habitat. (ELR order No. 50900.)

Iowa 2—Bedford Bypass, Taylor County, Iowa, June 27: Proposed is the construction of a bypass of the city of Bedford presently served by Iowa 2 which passes through the city. The project begins just west of the intersection of Pollock Boulevard and Madison Street in Bedford and extends easterly and southeasterly to existing Iowa 2, a length of approximately 1.9 miles. The project will displace one family and will divert approximately 31 acres from agriculture use to highway use. (ELR order No. 50921.)

U.S. 93, Polson to Kalispell, Lake County, Mont., June 23: The projects covered by this eis will involve the reconstruction of approximately 13.0 miles of U.S. 93 on the west side of Flathead Lake between Polson and Kalispell. Further subdivision in the project area may occur as a result of the improved access. Also, the land that has already been subdivided may become more appealing to the public and easier to sell. The project will displace families and businesses. (100 pages.) (ELR order No. 50910.)

I-80, Pershing County, Nev., June 24: The proposed action is the design and construction of a 14.8 mile section of Interstate Route 80 which lies between a point 5.5 miles southwest of Lovelock to a point 8 miles northeast of Lovelock. This section removes thru-traffic from existing U.S. 40 and the downtown Lovelock area. The roadway will require 558 acres of privately held land for right-of-way and will displace one business and from 60 to 70 people. (177 pages.) (ELR order No. 50906.)

I-88 Binghamton to the Capital District, several counties, New York, June 23: The eis considers two actions: the construction of I-88, Susquehanna Expressway between Sanataria Springs, Broome County, to the Broome County/Chenango County line east of Harpursville, and I-88, the Oneonta Bypass; and the comprehensive plan for construction of I-88 between the Binghamton Metropolitan area and the Capital District, Albany. Land acquisition and family and business displacements have already been accomplished, and three 4(f) statements are included in the eis. (ELR order No. 50905.)

Final

SR 95, Blount and Loudon Counties, Tenn., June 25: The proposed action is the construction of approximately 8 miles of SR 95 in Blount and Loudon Counties, Tennessee. The highway will be a four-lane facility on new location. Adverse impacts are the use of 250 acres for right-of-way, displacement of 1 family, increased noise and dust during construction, and possible attraction of unsightly strip development. (123 pages.) Comments made by: HUD, DOI, USDA, DOT, TVA, HEW, EPA, AHP, State agencies, and private organizations. (ELR Order No. 0914.)

SR 1 Bypass, Madison Counties, Tenn., June 25: Proposed is the construction of State Route 1 from the Jackson Bypass to State Route 1 (U.S. 70) east of Jackson. The project length is 6.21 miles. The primary adverse impact is the displacement of businesses and families. The project will also cause the loss of natural resources as a result of increased land demands for highway right-of-way and the introduction of noise and air pollution into an area relatively free from the pollutants. Comments made by: HUD, DOI, DOT, TVA, OOE, HEW, EPA, State and local agencies. (ELR order No. 50915.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-17379 Filed 7-2-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 393-2;OPP-33000/275 & 276]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before September 2, 1975 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 2, 1975.

Dated: June 24, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/275)

EPA File Symbol 5667-OI. Barrett Chemical Co., "H" and Luzerne Sts., Philadelphia PA 19124. BARRETT'S CLEANER CONCENTRATE #17. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5667-00. Barrett Chemical Co., "H" and Luzerne Sts., Philadelphia PA 19124. BARRETT'S CLEANER CONCENTRATE #18. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4-EUO. Bonide Chemical Co., 2 Wurn Ave., Yorkville NY 13495. FRUIT, NUT AND VEGETABLE FUNGICIDE. Active Ingredients: 4,6-Dichloro-N-(2 - chlorophenyl)-1, 3,5-triazin-2-amine 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11868-E. Brown Janitor Supply Co., 2812 Asher Ave., Little Rock AR 72204. WINSTON PINE ODOR DISINFECTANT COEF. 13. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 11868-G. Brown Janitor Supply Co. WINSTON PINE ODOR DISINFECTANT COEF. 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 11868-E. Brown Janitor Supply Co. WINSTON LEMON ODOR DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11868-U. Brown Janitor Supply Co. WINSTON LEMON ODOR DISINFECTANT COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 1459-LL. Bullen Chemical Co., Hook Rd., Folcroft PA 19032. BULLEN VEGETATION KILLER. Active ingredients: Prometon: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

V40 I29 JUL 3 75 XUM

EPA File Symbol 13648–A. Glidden-Durkee Div., SCM Corp., PO Box 389, Jacksonville FL 32201. GLIDCO PINE OIL–S. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 36480–E. Masco, PO Box 598, Middletown OH 45042. DIURON 80 WP. Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-Dimethylurea] 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 9566–EU. Ortex Products Inc., 560 Ferry St., Newark NJ 07105. ORTEX LIQUID WINTERIZER 10. Active Ingredients: Copper Sulphate Anhydrous 6.93%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 3573–UG. Procter & Gamble Co., PO Box 599, Cincinnati OH 45202. OFF-SHOOT-M. Active Ingredients: Potassium salt of 1,2-dihydro-3,6-pyridazinedione 21.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 6720–ELI. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP GENERAL PURPOSE HOUSEHOLD SPRAY #10. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 148–REEE. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DE-FEND TECHNICAL. Active Ingredients: Dimethoate: 0,0-Dimethyl - S - [(methylcarbamoyl) methyl] phosphorodithioate 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 148–REEG. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110. 2,4,5–T ACID. Active Ingredients: 2,4,5 - Trichlorophenoxyacetic acid 98%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1783–TL. Trio Chemical Works, Inc., 341 Scholes St., Brooklyn NY 11206. CREOSOTE OIL TECHNICAL WOOD PRESERVATIVE. Active Ingredients: Coal Tar Creosote 98.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1783–TA. Trio Chemical Works, Inc., 341 Scholes St., Brooklyn NY 11206. CREOSOTE OIL COMPOUND. Active Ingredients: Creosote Oil 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

APPLICATIONS RECEIVED (OPP–33000/276)

EPA File Symbol 1022–UIO. Chapman Chemical Co., 416 E. Brooks Rd., PO Box 9158, Mallory Station, Memphis TN 38109. PQ–56 CONTROLS FUNGUS, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022–UOE. Chapman Chemical Co. PQ–20 CONTROLS ROT, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 3.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022–UOG. Chapman Chemical Co. PQ–15 WATER REPELLENT CONTROLS ROT, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 1.38%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022–UON. Chapman Chemical Co. PQ–57 CONTROLS FUNGUS, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1022–UOR. Chapman Chemical Co. PQ–15 R–T–U WATER REPELLENT CONTROLS ROT, STAIN, MOLD, TERMITES. Active Ingredients: Copper 8-quinolinolate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 279–391. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. KOLODUST XTRA DUST OR SPRAY. Active Ingredients: Sulfur 53.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 1812–215. Parramore & Griffin, PO Box 188, Valdosta GA 31601. SUL–CO–FLO. Active Ingredients: Sulfur 50.0%; Copper 4.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM22

EPA File Symbol 432–LUE. S. B. Penick & Co., A Unit of CPC International Inc., Commercial Development Dept., 215 Watchung Ave., Orange NJ 07052. SBP–1382/BIOALLETHRIN (.20% + .40%) AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34901–E. Smith Distributors, 2742 Shadowdale, Houston TX 77043. SPRAY—CHEM DO IT YOURSELF EXTERMINATOR. Active Ingredients: Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 10.75%; 2,2-dichlorovinyl dimethyl phosphate 5.47%; Related Compounds 0.41%; Chlordane Technical 11.52%; Aromatic Petroleum Derivative Solvent 51.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 6720–78. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP SEVIN 5% DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 11474–RI. Sungro Chemicals Inc., PO Box 24632, Los Angeles CA 90024. BATTLE. Active Ingredients: Chlordane Technical 21%; Aromatic Petroleum Derivative Solvents 63.1%; Malathion 10.29%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 21270–RG. E. Targoss & Co., 736 Estes, Schaumburg IL 60172. LIQUID GERMICIDAL CLEANER. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium metasilicate anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 7992–RO. TNT Chemicals, Inc., 7301 NW 77th St., Miami FL 33166. TNT INSECT KILLER. Active Ingredients: Pyrethrins 0.04%; Technical piperonyl butoxide 0.10%; 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; Petroleum distillates 99.23%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 9386–RR. Vinings Chemical Co., Atlanta GA 30339. AMA 30. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Naban (Disodium ethylene bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.75–16987 Filed 7–2–75;8:45 am]

[FRL 394–3]

SOUTH CAROLINA

Approval of the State Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of South Carolina's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92–500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On December 31, 1974, South Carolina submitted a program for carrying out the NPDES. On March 5, 1975, and April 23, 1975, EPA conducted a public hearing on the proposed approval in Columbia, South Carolina. Prior to the end of the statutory 90 day period, South Carolina requested an extension of time because its NDPES legislation had not yet been fully approved. That legislation was subsequently approved. After a thorough review of the South Carolina program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor James B. Edwards in a letter dated June 10, 1975.

As of June 11, 1975, the South Carolina NPDES permit program is being administered by the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201 (telephone (803) 758–5445). Dr. E. Kenneth Aycock is the Commissioner of the South Carolina Department of Health and Environmental Control. The South Carolina program is being administered in accordance with South Carolina statutes and regulations and a Memorandum of Agreement between South Carolina and the EPA Region IV Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 (telephone (404) 526–5727). All pertinent documents are available for inspection at the South Carolina State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: June 27, 1975.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement.

[FR Doc.75–17296 Filed 7–2–75;8:45 am]

[FRL 388–8]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

Certification of Establishment

This notice announces the establishment of the State-Federal Water Programs Advisory Committee which has been determined to be in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The scope of the Committee is limited to providing advice and recommendations regarding the impact on State programs of EPA actions under the Federal Water Pollution Control Act (FWPCA), as amended, (Pub. L. 92–500). The membership will consist of ten representatives of State water pollution control agencies and the Administrator, EPA, or his designee, who will serve as Chairman.

The Committee will provide advice and information to EPA regarding the impact on State planning, management, and regulatory programs of the Agency's plans and strategies for implementation of key provisions of the FWPCA. This advice and information will assist the Agency in ensuring the coordination of Federal and State water pollution control programs. Activities of the Committee will extend across the entire range of the Agency's duties and responsibilities under the FWPCA.

Copies of the Committee charter will be filed with appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act of 1972.

Dated: June 27, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75–17297 Filed 7–2–75;8:45 am]

[OPP–42003; FRL 394–7]

IOWA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Robert D. Ray, Governor of the State of Iowa, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations.

Notice is hereby given of the intention of the Regional Administrator, EPA Region VII, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

Fifth Floor, East 7th and Court, Des Moines, Iowa 50319 (Pesticide Control Section, Laboratory Division, Iowa Department of Agriculture, tel. (515) 281–5861).

Room 116, 1735 Baltimore Ave., Kansas City, Missouri 64108 (Pesticide Programs Branch, Air & Hazardous Materials Division, EPA Region VII, tel. (816) 374–3036).

Room 401, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, tel. (202) 755–4854).

SUMMARY OF IOWA STATE PLAN

The Iowa Department of Agriculture has been designated as the State lead agency for the administration of the pesticide certification program, including enforcement activities, licensing of pesticide dealers, and the coordination of field, laboratory, and office activities relating to pesticide regulation.

Cooperating agencies include the Iowa Department of Environmental Quality (Chemical Technology Commission and Land Quality Management Division), and Iowa State University (Cooperative Extension Service).

The Chemical Technology Commission is responsible for collecting, analyzing, and interpreting information relating to agricultural chemicals and their use; coordinating the regulation and information responsibilities of State agencies on agricultural chemicals; specifying conditions under which containers of pesticides may be transported, stored or disposed; and approving all rules promulgated by the Department of Agriculture under Chapter 206, Iowa Pesticide Act. The Land Quality Management Division is concerned with pesticide accidents and regulation of pesticide transport, storage, and disposal.

The State Cooperative Extension Service has overall responsibility for the Statewide pesticide applicator certification training program, including preparing and conducting the training courses, preparing training materials and examinations, and distributing training manuals and other materials.

Legal authority for the program is contained in the Pesticide Act of Iowa (Chapter 206, Pesticides, Code of Iowa 1975); Department of Agriculture General Provisions (Chapter 189, Code of Iowa 1975); Administrative Procedures Act (Chapter 17A, Code of Iowa 1975); Department of Environmental Quality, Division V, Chemical Technology Commission (Chapter 455B, Code of Iowa 1975); Pesticide Act Rules (Chapter 9, 1963); Agricultural Chemicals Rules (Chapter 35); and four rules (nos. 1–4) proposed under §§ 206.5, and 206.19–21 of the Pesticides Act of Iowa.

The plan indicates that the State lead agency and cooperating agencies have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. The State funding in support of this program for fiscal year 1976 is $321,270.16.

The State estimated that 7,000 commercial applicators and 15,000 to 75,000 private applicators may need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, to be presented to dealers at the time of restricted use pesticide purchase. All pesticides classified by EPA for restricted use will also be classified restricted by Iowa.

The State lead agency will submit an annual report to EPA on July 1 of each year and special reports to meet specific needs.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. An additional major category is proposed for Aerial Applicators, with subcategories equivalent to each appropriate EPA major category in 40 CFR 171.3 (e.g., Aerial-Forest Pest Control). Other subcategories proposed are as follows:

1. Agricultural Pest Control.
   A. Agricultural Weed Control.
   B. Agricultural Insect Control.
   C. Agricultural Fungus Control.
   D. Fruit and Vegetable Pest Control.
   E. Animal Pest Control.
7. Industrial, Institutional, Structural, and Health Related Pest Control.
   A. General and Household Pest Control.
   B. Termite control.
   C. Food Industry Pest Control.
   D. Community Insect Control.

The State of Iowa plans to certify commercial applicators by means of two written examinations, one covering the general or "core" material [40 CFR 171.4 (b) and 171.6], and the other, the specific requirements of the category or subcategory [40 CFR 171.4(c)]. Training sessions for commercial applicators covering the Federal Standards (40 CFR 171.4 and 171.6) will be conducted by the Cooperative Extension Service (CES). These standards are set forth in detail in the EPA Core Manual (as modified to reflect conditions found in Iowa), and in specific category/subcategory training materials prepared by the Iowa CES. These courses will be offered in all areas of the State, with Extension Specialists from Iowa State University and Area Crop Specialists from each CES area. Commercial applicators must be certified to use both general and restricted use pesticides. Individuals currently licensed (since 1964) will be required to be examined and certified under and as outlined in this plan.

Training of private applicators will be done with the EPA Private Applicator (Core) Manual, in connection with

V40-129 JUL 3 75 XUM

training sessions to be held in each of the 99 counties, conducted by County Extension Directors. A written examination will be given private applicators following the training. These examinations will be offered at designated locations in each county.

For the small percentage of applicators who cannot read or write, CES will offer special instruction and the Iowa Department of Agriculture will give them oral examinations. Certification will be limited to the pesticide products for which the private applicator has demonstrated competency.

While training is not mandatory, all commercial and private applicators will be strongly encouraged to attend the sessions. Sample examinations and review questions are attached to the plan, as provided by 40 CFR 171.7(e) (1) (i) (D) and (ii) (C).

Pesticide short courses will be conducted annually by the Iowa State University CES to assist pesticide applicators in improving their knowledge and skills in handling and applying pesticides. Each commercial and private applicator will be reexamined to update his certification every third year.

Reciprocal agreements may be made with any other States which have substantially the same standards. Any such agreements will be submitted as amendments to Iowa's State plan.

Other regulatory activities listed in the State plan which will supplement the Iowa certification program are sampling, registration, and confiscation of pesticide products. All pesticide dealers are required to be licensed by the State. All commercial or public government entities also require licensing, and commercial or public applicator certification is contingent upon this.

Field personnel will monitor sales and distribution records of pesticide dealers, check pesticide applicators' use and application records, and spot check commercial and private applicators to insure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow up reports of suspected violations. An increase of four positions to supplement the certification effort has been requested for the fiscal year 1976.

Public Comments

Interested persons are invited to submit written comments on the proposed State plan for the State of Iowa to Regional Administrator, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108. The comments must be received on or before August 4, 1975, and should bear the identifying notation [OPP-42003]. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated June 27, 1975.

JEROME H. SVORE,
Regional Administrator, U.S. Environmental Protection Agency, Region VII.

[FR Doc.75-17427 Filed 7-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660 RM-600; FCC 75-723]

INTERNATIONAL RECORD CARRIERS

Memorandum Opinion and Order Terminating Hearing

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. We have before us for consideration settlement agreements filed with the Commission on April 16, 1975 which were entered into between Western Union Telegraph Company (Western Union), on the one hand, and the several international record carriers (IRC's),[1] on the other hand, pertaining to the modification of landline haul divisions as specified in the agreements. We also have before us various petitions or comments requesting that we approve the settlement agreements and terminate the hearings in the above-captioned proceeding insofar as it relates to the determination of landline haul divisions.[2] A copy of one of the settlement agreements (all agreements are identical), is attached hereto and incorporated as part of this memorandum opinion and order (See Appendix). Before setting forth our conclusions we shall summarize briefly the events leading to those proposed settlement agreements.

2. On July 23, 1970, Western Union filed a complaint and petition that this Commission order an increase in the per word charges for the landline haul of full-rate messages from 6.5 cents to 13 cents per word and from 3.25 cents to 6 cents for letter telegrams with proportionate increases for other classes.[3] On December 13, 1972 we issued a notice of inquiry and proposed rulemaking in Docket No. 19660, 38 FCC 2d 543, instituting a broad inquiry into the appropriate relationships between Western Union and the IRCs with respect to the domestic handling of international record traffic and encompassing various applications and tariff filings of the IRC's as well as Western Union's complaint and petition for increased landline haul divisions. On May 17, 1973, Western Union filed an Amended Complaint and Petition and Motion for Interim Relief requesting that we grant, without hearing, an interim increase in the per word charges for landline haul of full-rate messages from 6.5 cents to 11.5 cents per word and from 3.25 cents to 5.75 cents per word for letter telegrams with proportionate increases in other classes.

3. After oral argument on Western Union's request for interim relief on October 1, 1973 we concluded in our memorandum opinion and order released October 30, 1973, 43 FCC 2d 661, that the record before us would not support a grant of Western Union's request. However, we determined that the appropriate course for us to follow was to set for expedited hearing the entire matter of Western Union's request for increase in landline haul charges. By further memorandum opinion and order released on November 26, 1973, 43 FCC 2d 1171, we designated issues for such expedited hearing and determined that the hearing should be held in two phases. In phase one of the hearing evidence was to be taken on Western Union's revenues, expenses and investment relating to the landline handling of international telegraph messages. After the conclusion of this phase the Presiding Administrative Law Judge was to issue an interim decision on the need, if any, for increased divisions. If increased divisions were found warranted, hearings were to continue to the second phase to consider the impact of any such increases on the revenues, rates of return and traffic volumes of the IRC's. We also stated that no increases in divisions of charges if found to be warranted, would be prescribed prior to final action on all the designated issues, unless otherwise ordered by the Commission on good cause shown. Various procedural matters delayed the start of hearings until December 16, 1974.[4] After 19 days of hearing, further hearings were postponed by the Administrative Law Judge, order issued February 18, 1975, FCC 75M-320, to permit the Commission to consider the subject settlement agreements.

4. The terms of the respective settlement agreements entered into between Western Union and the several IRC's are identical.[5] Briefly stated, the IRC's have agreed to an increase in the landline haul divisions, for traffic exchanged between them and Western Union, from 6.5 cents to 9.5 cents per word for full rate messages and from 3.25 cents to 4.75 cents per word for letter telegrams with proportionate increases for other classes (see Attachment A to Settlement Agreement). These increased divisions will be applicable to international telegraph message traffic exchanged between the IRC's and Western Union retroactive to March 1, 1975. Western Union has agreed to a moratorium on any further increases in landline haul divisions which would become effective prior to January 1, 1978. Western Union has also agreed to file amendments to its Telex tariff, Western Union Tariff F.C.C. No. 240, to permit the IRC's to deliver inbound international telegrams to telex customers located outside the gateway cities by dialing the customer's station directly as an alternative to the TCS method of delivery now provided for in Western Union's tariff (See Article III and Attachment B of Settlement Agreement). Western Union filed this tariff

[1] ITT World Communications, Inc. (ITT Worldcom), RCA Global Communications, Inc. (RCA Globecom), TRT Telecommunications, Inc. (TRT), Western Union International, Inc. (WUI), French Telegraph Cable Company (FTCC) and United States—Liberia Radio Corporation (USLRC).

[2] Such Petitions or Comments were filed by Western Union, ITT Worldcom, TRT, WUI, FTCC, RCA Globecom, USLRC and the Trial Staff of the Chief, Common Carrier Bureau.

[3] The present landline haul divisions were prescribed by the Commission on April 6, 1966 (3 FCC 2d 314).

[4] In this connection, see 46 FCC 2d 698 and 48 FCC 2d 803.

amendment on April 23, 1975, Transmittal No. 7078, which became effective on April 25, 1975.[6] The tariff amendment bears an expiration date of July 25, 1975 and should the Commission approve the settlement agreements Western Union states that the expiration date will be deleted. In such case, Western Union also agrees to make no subsequent tariff filing prior to January 1, 1978 which would reimpose the requirement that direct access delivery of inbound international telegrams to Telex subscribers outside of the respective gateway cities of the international carriers must be effecuated via TCS-Telex on a collect basis or otherwise prohibit the use of prepaid Telex service for this purpose.

5. Upon careful consideration of the settlement agreements entered into by Western Union with the several IRC's and the petitions and comments filed by Western Union, the IRC's and the Trial Staff we conclude for the reasons to follow that the public interest will be served by our approving the landline haul divisions as agreed to by the parties and terminating the hearing in Docket No. 19660 insofar as it relates to a determination of landline haul divisions between Western Union and the IRC's. The settlement agreements moot one of the major issues existing between Western Union and the IRC's in Docket No. 19660 thereby affording the parties and our staff the opportunity to devote their resources to an expeditious resolution of the remaining issues in Docket No. 19660. With respect to the impact of the settlement agreements on the public the agreements themselves do not purport to pass on to the public any portion of the increase in landline haul divisions. Of course, any subsequent rate increase in international public message service which might attempt to pass on the increased divisions to the public would have to be justified on its own merits under applicable provisions of the Communications Act. Moreover, we note that the public, in this case, customers of Western Union's other services, will not be called upon by Western Union to absorb any earnings deficiency which may allegedly be attributable to Western Union's domestic handling of international record traffic. In this connection, Western Union states that during the period covered by the agreements it "* * * will not seek increases in its rates for its domestic Public Message Service or its other services in excess of the revenue requirements of those services in order to recoup any earnings deficiencies in the provision of International Public Message Service" (Western Union Petition, p. 10). Present landline haul divisions are at levels established in 1966,[7] which must be revised if the modifications agreed to by Western Union and the IRC's are to be implemented. Our authority to order changes in the sums received by Western Union for landline handling of international record traffic is governed by sections 201 and 222 (with respect to outbound traffic) of the Communications Act. Section 201 requires an opportunity for hearing and section 222 requires a hearing where the interested carriers are unable to agree. The settlements agreements, and the petitions and comments requesting approval of the agreed to landline haul divisions and termination of the hearing in Docket No. 19660 insofar as it relates to the determination of landline haul divisions, constitute a waiver by Western Union and the several IRC's of any right to hearing they may have under sections 201 and 222 of the Communications Act. We find that the proposed landline haul divisions are not unjust, unreasonable, or less equitable than the presently effective landline haul divisions. Having found that the public interest will be served, it is appropriate that we issue the order set forth in paragraph 13 below modifying the landline haul divisions as agreed to by Western Union and the several IRC's.

6. Although we are approving the landline haul divisions as agreed to by Western Union and the IRC's we cannot accept language in two articles of the settlement agreements on public policy grounds. We cannot accept Article II to the extent it requires Western Union to surrender its right, under section 222 and other applicable provisions of the Act, to seek modification of landline haul divisions for a certain time period in the future.[8] Similarly, we cannot accept the last sentence in the second paragraph in Article III (see pp. 4-5 of Settlement Agreement) as it requires Western Union to surrender until January 1, 1978 its right to amend in certain respects its Telex tariff.[9] Realization of our statutory and public interest obligations is to a large extent dependent on the public, common carriers as well as their customers, bringing to our attention via tariff filings, complaints or other appropriate means matters which may affect the public interest. Such provisions in settlement agreements restrict the Commission's ability to have brought before it facts which allow it to fulfill its statutory obligations and are therefore contrary to public policy.

7. Nevertheless, where the Commission has approved charges, such as here, orderly procedure requires that the status quo be maintained for a reasonable period, in the absence of changed circumstances substantially affecting the public interest. Thus, we would expect that no action would be taken by any interested carrier seeking modification of the landline haul divisions or modification of WU's telex tariff in pertinent respects, prior to January 1, 1978 unless such petition or tariff filing were supported by a strong showing of good cause, including a showing that the public interest requires such modification. In other words, while we cannot accept the provisions in the settlement agreements which would absolutely preclude WU from seeking future relief for any reason whatsoever, we think that any request for relief prior to January, 1978 should be filed only in circumstances having a direct and substantial bearing on service to the public.

8. The IRC's will not be prejudiced by our nonacceptance of the aforementioned provisions of the settlement agreements. As a practical matter, in view of the substantial resources, time and expense all parties including Western Union have devoted to the matters involved in this settlement agreement and in view of the good faith demonstrated by the parties in seeking to settle their differences, we believe it is unlikely that Western Union will take any action relating to landline haul divisions or direct access under its Telex tariff in the immediate future inconsistent with the expectations of the IRC's. Certain representations made by Western Union in its Petition herein support this view.[10] Moreover, any such Western Union action would have to be justified under the requirements set forth in paragraph 7 above. Finally, in any event, the IRC's are fully protected because they have the right where appropriate to challenge the lawfulness of any subsequent Western Union action under applicable provisions

[5] The prior settlement agreements entered into by Western Union with ITT Worldcom and TRT, respectively, have been superseded by the agreements now before us since ITT Worldcom and TRT have signed new agreements with Western Union pursuant to the "most favored customer" provision of their original agreements. Accordingly, the joint petition to approve settlement agreement, filed January 23, 1975 by Western Union and ITT Worldcom, and the petition to approve settlement agreement, filed February 6, 1975 by Western Union, are now moot.

[6] Special Permission No. 7617 dated April 22, 1975 by the Chief, Common Carrier Bureau granted Western Union permission to file the tariff amendment on not less than one day's notice but without prejudice to any action by the Commission on Western Union's petition herein.

[7] Supra., n. 3.

[8] The language we find objectionable is "* * *" and Western Union agrees not to claim or seek any further increases in such divisions of charges to be effective prior to January 1, 1978." (See Article III, p. 3 of settlement Agreement). In view of our approval under section 222 of the Act of the landline haul divistons proposed by the parties, Western Union's acceptance of such divisions for whatever period they may be effective must necessarily be in full and complete satisfaction of any and all obligations of the IRC's for the payment to Western Union of the divisions of charges for landline handling of international telegraph traffic. Therefore, the remaining language of Article II only states what would be the case in any event and is not objectionable.

[9] A carrier's authority to amend its tariff is subject, of course, to applicable provisions of the Communications Act and the Commission's Rules as well as being subject to prescription orders of the Commission, e.g., see In re AT&T Charges for Interstate Telephone Service, AT&T Transmittal No. 12241, Docket No. 20376, 51 FCC 2d 619, 625-26 (1975), appeal pending, AT&T v. F.C.C. Case No. 75-4046 (2nd Cir. 1975). Our action herein is not to be construed as commenting one way or the other on the merits of the tariff amendment in question.

V40I129 JUL 3 75 XUM

of the Communications Act and Commission rules, and its compliance with the requirements set forth herein.

9. As noted above Western Union has amended its Telex Tariff F.C.C. No. 240 to permit the IRC's to deliver inbound international telegrams to Telex customers outside the gateway cities by dialing the customer's station directly as an alternative to the TCS–Telex collect method of delivery now provided for in Western Union's tariffs. This amendment became effective April 25, 1975. In our opinion, such tariff amendment moots the pending petitions for reconsideration in Docket No. 19036, 32 FCC 2d 752 (1971), filed by RCA Globcom on January 18, 197– and by WUI on January 19, 197–, requesting that the Commission direct Western Union to permit the IRC's to utilize direct dial Telex service for the delivery of inbound international telegraph message to hinterland Telex subscribers.[11] Our action in approving the agreed to landline haul divisions and accepting the settlement agreements to the extent indicated herein is conditioned on Western Union filing an appropriate tariff deleting the expiration date contained in the tariff amendment filed with Western Union Transmittal No. 7078.

10. Accordingly, *it is ordered*, That the settlement, as reflected in the Settlement Agreements, is accepted to the extent indicated herein as a disposition of Docket No. 19660 insofar as it relates to the determination of landline haul divisions.

11. *It is further ordered*, That pursuant to sections 4(i) and 4(j), and 222 of the Communications Act the hearing in Docket No. 19660 is hereby terminated insofar as it relates to the determination of landline haul divisions between Western Union and the IRC's;

12. *It is further ordered*, That the various petitions or comments filed by Western Union, the IRC's and the Trial Staff are granted to the extent indicated herein.

13. *It is further ordered*, That effective retroactively to March 1, 1975, the formula, pursuant to section 222(e)(1) of the Communications Act, for the distribution of outbound international traffic handled by the Western Union Telegraph Company following merger with Postal Telegraph, Inc., is amended in the following respect:

(a) Substitute the following table for the present table in "Schedule C-Division of Outbound Charges":

Service classification [1]	Minimum number chargeable words per message	Division per word (cents)
Full rate	7	9.5
Letter telegram	22	4.75
U.S. Government full rate (no discount)	7	9.5
U.S. Government full rate (at discount) [2]	7	4.75
U.S. Government letter telegram	22	4.75
Other government full rate (no discount)	7	9.5
Other government full rate (at discount) [2]	7	4.75
Other government letter telegram	22	4.75
United Nations full rate (no discount)	7	9.5
United Nations full rate (at discount) [2]	7	4.75
United Nations letter telegram	22	4.75
Meteorological	7	4.75
Urgent press	14	9.5
Ordinary press	14	1.3

[1] Changes have been made to reflect the discontinuance of the offering of victory letter telegrams and expeditionary force messages effective Mar. 1, 1972. Delayed press was discontinued effective Dec. 31, 1970.

[2] The "at discount" division shall apply if a discount of 50 percent applies to the through rates. As soon as the discount is eliminated, with respect to any point, the charges applicable to "no discount" traffic shall automatically apply.

Adopted: June 18, 1975.

Released: June 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

LANDLINE HAUL SETTLEMENT AGREEMENT

Agreement, made and entered into this 14th day of April, 1975 between The Western Union Telegraph Company (hereafter "Western Union"), a corporation duly organized and existing under the laws of the State of New York and having its principal office at One Lake Street, Upper Saddle River, New Jersey 07458 and The French Telegraph Cable Company (hereafter "FTCC"), a foreign corporation organized under the laws of France and having its principal United States office at 25 Broad Street, New York, New York 10004 (hereafter sometimes referred to collectively as "the Parties").

Whereas, the divisions of charges for international telegraph message traffice between Western Union and the various international record carriers have been revised from time to time to reflect changed conditions, in accordance with sections 201 (a) and 222(e) of the Communications Act of 1934, as amended (hereafter referred to as "the Communications Act"), most recently pursuant to a compromise agreement between Western Union, the interested international record carriers, and the Federal Communications Commission (hereafter referred to as "the Commission"), with respect to divisions to be effective on and after April 12, 1968, which agreement was approved by the Commission on April 6, 1968 (as reported at 3 F.C.C. 2d 314); and

Whereas, Western Union is seeking, by Complaint and Petition filed July 28, 1970, as amended by Amended Complaint and Petition and Motion for Interim Relief filed May 17, 1973 (hereafter "Complaint"), an increase in the divisions of charges which it receives for the landlinehaul of international telegraph message traffic;

Whereas, the Commission set the matter of Western Union's need for an increase in its divisions of charges for hearing in Docket No. 19660 (Memorandum Opinion and Order, adopted October 25, 1973, 43 FCC 2d 661), which hearing is presently in recess, pursuant to the Presiding Judge's Order issued February 18, 1975 (FCC 75M–320, *mimeo* no. 46698).

Now, therefore, the Parties, in consideration of their individual and mutual covenants herein expressed do hereby covenant and agree to an increase in the landlinehaul division of charges payable to Western Union for traffic exchanged with FTCC, in accordance with the following terms and conditions:

Article I. Upon approval of this Agreement by the Commission, the divisions accruing to Western Union for the landline handling of international telegraph message traffic, as set forth in Attachment A attached hereto, exchanged between it and FTCC will be increased, retroactive to March 1, 1975, to the level set forth in said Attachment attached hereto. The divisions of charges set forth in Attachment A reflect an increase over the existing divisions of charges of three cents ($0.03) per word for full-rate messages and proportionate increases for other classes of message traffic.

Article II. In consideration of the increased divisions of charges to be paid by FTCC as described in Article I, Western Union agrees to accept said increased divisions of charges as full and complete satisfaction of any and all obligations of FTCC for the payment to Western Union of the divisions of charges for the landline handling of international telegraph message traffic, during the period commencing March 1, 1975, and ending December 31, 1977, and Western Union agrees not to claim or seek any further increases in such divisions of charges to be effective prior to January 1, 1978.

Article III. As further consideration for FTCC's acceptance of the increased divisions of charges herein, Western Union agrees to amend its Tariff F.C.C. No. 240 to permit international carriers to effectuate delivery of inbound international messages directly to Telex subscribers wherever located in the continental United States via the domestic Telex network. In implementation of this Article, Regulation 4.1(f)(3) on 8th Revised Page 4B will be modified to permit delivery of messages on a prepaid basis and to remove the restriction, "via TCS-Telex on a collect basis." The revised tariff provision to be filed by Western Union is set forth in Attachment B hereto. In the case of Telex subscribers located in the international carriers' respective gateway cities, such delivery may be effectuated without charge to the subscriber; and beyond such gateway cities the international carrier shall charge the subscriber an amount equivalent to the Western Union tariff rate for a domestic Telex call of equal duration to the location of the subscriber.

Western Union, shall, concurrently with the filing of this Settlement Agreement with the Commission, file the tariff amendments with the Commission so as to become effective on April 15, 1975, or as soon thereafter as possible. In this regard, Western Union agrees to request the Commission to grant it special permission to file such tariff amendments on less than 30 days' notice in order to permit its effectiveness on April 15, 1975, or as soon thereafter as possible. Such tariff amendment shall bear an expiration date of ninety (90) days from the date of filing. Unless either party elects to terminate this Agreement pursuant to Article VI hereof, Western Union shall file appropriate revisions postponing that expiration date. Upon the approval of this Agreement by the Commission, Western Union shall delete such expiration date. Western Union further agrees that it will make no subsequent tariff filing prior to January 1, 1978, which would reimpose the requirement that direct access delivery of inbound international telegrams to Telex subscribers outside of the respective gateway cities of the international carriers must be effectuated via TCS–Telex on a collect basis or otherwise prohibit the use of prepaid Telex Service for this purpose.

No provision herein shall be construed as limiting in any way the right of FTCC to seek appropriate authority to provide free direct access to non-gateway city patrons or the right of Western Union to oppose any such requests.

Article IV. Western Union represents and affirms that it has concluded or is concluding settlements with all other international record carriers operating in the United States, upon, or providing for, equivalent terms. It being the intent of the Parties that FTCC will not be placed in any less favorable position vis-a-vis another international record carrier by any prior or subsequent settlement between Western Union and such other carrier(s), Western Union therefore agrees that if it enters, or has entered, into an agreement respecting the payment of a division of charges for the landline-haul of international telegraph messages with another international record carrier, or carriers, which becomes or became effective at any time prior to January 1, 1978, on different terms and conditions than those provided herein, it will give FTCC the option, exercisable within 30 days after receipt of written notice by Western Union of such agreement and the terms thereof, to terminate this agreement and enter into a new agreement with Western Union on the same terms and conditions as contained in any such prior or subsequent agreement between Western Union and such other international record carrier(s).

If FTCC elects to exercise this option and the economic terms and conditions of such other agreement are more favorable than those accorded FTCC hereunder, FTCC will be entitled to an adjustment in the divisions provided for pursuant to this Agreement so that FTCC is placed in parity with such other international record carrier or carriers.

Article V. Western Union and FTCC will file appropriate pleadings with the Commission requesting approval of this Agreement and the termination of that portion of the investigation in FCC Docket No. 19660 related to Western Union's Complaint and Petition for increased landline haul divisions. The parties hereto will make good faith efforts to obtain a favorable disposition of such pleadings as quickly as possible.

Article VI. The Parties agree that early effectuation of this Agreement is an important and necessary part of the consideration underlying this Agreement. The Parties, therefore, agree that either Party shall have the option to terminate this Agreement and all obligations and commitments arising therefrom, if the Commission shall not have acted to approve this Agreement within ninety (90) days following the filing by the Parties of pleadings seeking such approval.

This Agreement replaces and supersedes in all respects the Landline Haul Settlement Agreement between.

This Agreement constitutes the entire understanding of the parties with respect to the subject matter contained herein.

THE WESTERN UNION TELEGRAPH COMPANY,
D. HARMON,
Vice President.

THE FRENCH TELEGRAPH CABLE COMPANY,
J. A. BERENGER,
Manager.

ATTACHMENT A.—*Landline haul divisions*

	Minimum number of chargeable words per message	Divisions per word (cents)
Full rate	7	9.5
Letter telegram	22	4.75
U.S. Government full rate (no discount)	7	9.5
U.S. Government full rate (at discount)[1]	7	4.75
U.S. Government letter telegram	22	4.75
Other government full rate (no discount)	7	9.5
Other government full rate (at discount)[1]	7	4.75
Other government letter telegram	22	4.75
United Nations full rate (no discount)	7	9.5
United Nations full rate (at discount)[1]	7	4.75
United Nations letter telegram	22	4.75
Meteorological	7	4.75
Urgent press	14	9.5
Ordinary press	14	3.1

[1] The "at discount" division shall apply if a discount of 50 percent applies to the through rates. As soon as the discount is eliminated, with respect to any point, the charges applicable to "no discount" traffic shall automatically apply.

ATTACHMENT B

TARIFF F.C.C. NO. 240, PAGE 4B, PARAGRAPH 4.1(F)(3) SECOND SUB-PARAGRAPH

When the Telex subscriber is located outside an international carrier's respective gateway city, the international carrier may effectuate delivery of such messages either (i) via TCS-Telex on a collect basis, as described in section 8 of this tariff or (ii) via a direct prepaid Telex call provided that an amount equal to the usage charges applicable for a Telex call of equal duration to the location of the subscriber is billed by the international carrier for payment by the addressee.

SEPARATE STATEMENT OF COMMISSIONER ABBOTT WASHBURN

IN RE REVISION OF THE FORMULA PRESCRIBED UNDER SECTION 222 OF THE COMMUNICATIONS ACT

In agreeing with the Commission's action to accept the basic terms of the intercarrier Settlement Agreement, I wish to reiterate the concerns expressed in the Joint Concurring Statement of four Commissioners on TRT's application several weeks ago. We stated: "There have been assurances that the Commission will not continue to sidestep the basic issue of competition amongst the international record carriers and will very shortly consider the entire gateway policy in Docket 19660."[1] The facts presented to the Commission then, as now, may hold the promise of cost savings in international record carriage for the using public. Western Union draws repeated attention to major apparent losses in this sector yet, at the same time, we are seeing considerable interest in new-entry ventures in this area of Western Union's operations. To the extent that our policies have worked to protect some carriers and artificially excluded others who might propose lower cost services, these policies should be reviewed.

Absent an expeditious resolution of the basic questions of industry structure and competition now before the Commission, I suggest that we should give thought to instituting an investigation on our own motion to examine the current charges, classifications, regulations and practices for international record carriage. The Commission needs more information in this area upon which to base considered judgments.

[FR Doc.75–17192 Filed 7–2–75;8:45 am]

[10] For example, Western Union indicates that stabilization of landline haul divisions at a known level for a three-year period is desirable because Western Union will be able to make its rate, facility and service planning over such period on a more knowledgeable and effective basis and thus be better able to serve the public (Western Union petition, p. 10).

[11] See our separate action of this date in Docket No. 19036. See also our separate action of this date terminating the proceeding in Docket No. 18730, 20 FCC 2d 463 (1969).

[12] See attached Separate Statement of Commissioner Abbott Washburn.

[1] Joint Concurring Statement of Commissioners Robert E. Lee, Charlotte T. Reid, Benjamin L. Hooks and Abbott Washburn In Re: Application of TRT Communications Corporation (File No. I–T–C–2498–1).

COMPETITIVE TARIFF FILINGS

JUNE 17, 1975.

Common carriers making competitive tariff filings to match the rates or services of other carriers are hereby reminded that the provisions of §§ 61.38 and 61.58 of the Commission's rules are fully applicable to such filings. Special permission waiving these rules will not be granted solely on the ground of "competitive necessity", nor in instances where the tariff proposal or the request for special permission is the apparent subject of opposition pleadings.

Where a carrier desires to challenge the tariff filing of a competitive carrier and to make a matching filing in the event the challenge is not sustained by the Commission, the matching tariff filing should comply with §§ 61.38 and 61.58 of the rules. Such matching filing may be made without prejudice to the carrier's challenge to the tariff of the first-filing carrier and prior to Commission action on such challenge.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17383 Filed 7–2–75;8:45 am]

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE

1979 World Administrative Radio Conference

JUNE 30, 1975.

In preparation for the 1979 World Administrative Radio Conference, a meeting of the Domestic Land Mobile Radio Advisory Committee, headed by Wendell R. Harris, will be held on Tuesday, July 22, 1975, at 9 a.m. in Room 752 located at 1919 M Street, NW, Washington, D.C. The same room has been reserved for the afternoon for those task groups that wish to have meetings on this date.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the

V40-129 JUL 3 75 XUM

agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's opening remarks.
2. Discussion regarding organization of Advisory Committee.
3. Progress reports from Informal Task Groups.
4. Discussion of work progress to date.
5. Establish informal timetable for accomplishing work.
6. Set date for next meeting.
7. Further business.
8. Adjournment.

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55s(b).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17385 Filed 7–2–75;8:45 am]

[Docket Nos. 20469 and 20470; File Nos. BPH–9021 and BPH–9126]

PERDIDO BROADCASTING CO. AND BARBA BROADCASTING CO.

Order Designating Applications for Hearing

In re applications of Perdido Broadcasting Co., Pensacola, Florida, Docket No. 20469, File No. BPH–9021, requests: 107.3 mHz, Channel No. 297, 100 kW (H&V), 315 feet; Barba Broadcasting Co., Pensacola, Florida, Docket No. 20470, File No. BPH–9126, requests: 107.3 mHz, Channel 297 100 kW(H&V), 366.8 feet; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are mutually exclusive in that they seek the same channel in Pensacola, Florida.

2. The financial data associated with the application of Barba Broadcasting Company [Barba] is deficient as submitted. In response to a Commission request for more complete information, Barba filed a "Statement of Assets and Liabilities" for Mr. Thomas A. Barba, the president and majority shareholder of the applicant. Mr. Barba proposes to advance up to $315,000 in order to meet the costs of construction and operation of the proposed facility for the first year. However, the financial statement submitted for Mr. Barba does not reveal sufficient liquidity to support the commitment made to the applicant. Although an item denoted as "receivables" appears on the statement in an amount purportedly sufficient to supply the necessary funds, Mr. Barba has failed to submit a statement of a certified public accountant that these accounts are collectable, as required by section III, paragraph 4(b), of FCC Form 301. Furthermore, the financial statement has included "land and improvements," generally, an account of fixed assets, among those items which are listed as current assets. To compound this problem, a substantial "reserve for improvements" has been listed as current liability. Were the value of the "land and improvements" computed in accordance with generally accepted accounting principles as fixed assets, and the corresponding "reserve" treated as a noncurrent liability, Mr. Barba's financial statement would evidence current liabilities in excess of current assets by more than $75,000. As Mr. Barba's loan constitutes the primary source of funds relied upon by the applicant, an appropriate issue will be designated concerning Barba's financial qualifications.

3. Barba has requested authority, pursuant to section 73.210(a)(3) of the rules, to locate the main studio of the proposed facility outside of the community of license, in the club house of the Santa Rosa Shores Country Club, owned by Mr. Barba. In support of its request, Barba notes that the club is a "prestigious location" for the studio, and since it will be "bordered on one side by the club restaurant, and on the other by the golf course's number one tee, a great many people will be able to view the workings of the radio station." However, the site appears to be approximately fifteen miles from the city limits of Pensacola, on Santa Rosa Island. The principal means of access to the island is by the Bob Sikes Bridge, a toll facility. No other factors have been presented by the applicant in support of its request to demonstrate accessibility of the site to Pensacola residents, and the Commission is unable to find at this time that "good cause" has been shown. Accordingly, an issue will be specified to determine whether justification exists to grant the applicant's request to locate the main studio of the station on Santa Rosa Island.

4. Data submitted by the applicants indicate that there would be a significant difference in the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/n or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Barba Broadcasting Company is financially qualified to construct and operate its proposed station.

2. To determine whether good cause exists to authorize the location of the Barba Broadcasting Company's main studio outside of the community of license.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 23, 1975.

Released: June 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–17381 Filed 7–2–75;8:45 am]

[FCC 75–763]

PROGRAM LOG ANALYSIS

1976 Composite Week Dates for AM and FM Licensees

JUNE 27, 1975.

The following dates will constitute the composite week for use in the preparation of program log analysis submitted with renewal applications for AM and FM station licenses which have expiration dates in calendar year 1976.

Sunday, April 13, 1975
Monday, November 25, 1974
Tuesday, January 28, 1975
Wednesday, December 4, 1974
Thursday, September 12, 1974
Friday, May 16, 1975
Saturday, February 15, 1975

COMPOSITE WEEK FOR USE BY COMMERCIAL TELEVISION LICENSEES AND PERMITTEES

Commercial television licensees and permittees with license expiration dates of February 1 and April 1, 1976 will use, in answering Questions 4, 10 and 11 of revised Section IV–B of FCC Form 303, the composite week dates previously used in preparing the 1975 Annual Programming Report. Stations whose licenses expire on June 1 and thereafter during calendar year 1976 will use a composite week that will be issued in November, 1975. The composite week dates to be used in the preparation of the 1976 Annual Programming Report (FCC Form 303–A), required to be filed February 1, 1976, will also be issued in November, 1975.

Action by the Commission June 25, 1975. Commissioners Wiley (Chairman), Lee, Reid, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17382 Filed 7–2–75;8:45 am]

DOPPLER RADARS

Special Requirements

The Office of Chief Engineer has specified additional technical criteria which must be supplied to the Commission by applicants requesting type acceptance of doppler radar equipment which is intended for operation on any frequency in the band 24.05–24.25 GHz. These additional type acceptance criteria are set forth in Bulletin OCE 37 which is entitled "Criteria to be Met by Doppler Radars Operating in the 24.05–24.25 GHz Frequency Band." These limitations are specified for doppler radar transmitters used in non-Federal Government radiolocation stations which operate on any frequency in the band cited above.

Copies of Bulletin OCE 37 may be obtained upon request from the Technical Standards Branch, Research and Standards Division, Office of Chief Engineer, Federal Communications Commission, Washington, D.C. 20554 (telephone, area code 202, 632–7093).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–17384 Filed 7–2–75;8:45 am]

FEDERAL COUNCIL ON THE AGING

ECONOMICS OF AGING COMMITTEE

Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93–29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92–463 that the Council's Economics of Aging Committee will meet on July 23, from 9:30 a.m. to 5 p.m. and on July 24, 1975 from 9 a.m. to 3 p.m. in Room 4563, Donohoe Building, 400 Sixth St., S.W., Washington, D.C. The agenda will consist of: recommendations for national policy on services for the frail elderly; access for minority elderly poor to low cost subsidized housing; and status report on the Study of the Combined Impact of All Taxes on the Elderly.

This meeting is open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW, Washington, D.C. 20201, telephone: (202) 245–0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

JUNE 26, 1975.

[FR Doc.75–17406 Filed 7–2–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

RELOCATION OF MEETING

Notice is hereby given, pursuant to Pub. L. 92–463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on July 18, 1975, at the Marriott Twin Bridges Motel, U.S. 1, Arlington, Virginia, from 9 a.m.–4:30 p.m., has been relocated to 400 Maryland Avenue, SW, Room 1134, FOB#6, Washington, D.C., for that same date.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advice the President and Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on June 30, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75–17390 Filed 7–2–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75–42]

ESTABLISHMENT OF ADVISORY COMMITTEE

Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that the establishment of an Atmospheric Sciences Advisory Committee is in the public interest in connection with the performance of duties imposed upon NASA by law.

The Committee will bring together key people in a variety of disciplines applicable to atmospheric research and will serve to provide outside scientific expertise to NASA in this field. The Committee will advise NASA on the application of our resources to the most important aspects of stratospheric research, and will assure that NASA is conducting an atmospheric sciences program which is integrated with the efforts of other Government agencies.

Dated: June 27, 1975.

DUWARD L. CROW,
Assistant Administrator for Department of Defense and Interagency Affairs.

[FR Doc.75–17358 Filed 7–2–75;8:45 am]

[Notice 75–43]

SPACE SYSTEMS COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

Meeting

The Space Systems Committee of the NASA Space Program Advisory Council will meet on August 21 and 22, 1975, at the NASA Johnson Space Center, Building 1, Room 966, Houston, Texas. The meeting is open to members of the public from 9 a.m. to 5 p.m. on August 21, 1975, and from 9 a.m. to noon on August 22, 1975, on a first-come, first-served basis to about fifty (50) which is the seating capacity of the room. Visitors will be requested to sign a visitor's register.

The NASA Space Systems Committee serves in an advisory capacity only. It is concerned with the development of space transportation systems and multidisciplinary space-based systems including consideration of the man machine interface. The group also considers the interrelationships between such systems and their payloads in support of space flight missions. The current chairman is Professor Courtland D. Perkins. There are presently nine (9) members.

For further information regarding the meeting, please contact Mr. Robert C. Littlefield, Executive Secretary to the Space Systems Committee, 202/755–2453. The agenda for the meeting is as follows:

August 21, 1975	*Topic*
9 a.m.–9:15 a.m.	*Opening Remarks.* (Purpose: Introductory Remarks.)
9:15 a.m.–11 a.m.	*Space Shuttle Program Status.* (Purpose: To brief the committee on the current status of the Space Shuttle Program.)
11 a.m.–12 p.m.	*Interim Upper Stage (IUS).* (Purpose: To brief the committee on the nature and status of the IUS including NASA/DOD interface.)
1:30 p.m.–5 p.m.	*Space Shuttle Operational Management Assessment Team Review.* (Purpose: To review with the committee recommendations from a special team effort relative to operational management assessment of the Space Shuttle Program.)
5 p.m.	Adjourn.
9 a.m.–11 a.m.	*Space Shuttle Critical Item List Review.* (Purpose: To review and discuss with the committee top critical items in the Space Shuttle Program.)
11 a.m.–12 p.m.	*General Discussion.* (Purpose: To review issues discussed during the meeting.)
12 p.m.	Adjourn.

Dated: June 27, 1975.

DUWARD L. CROW,
Assistant Administrator for Department of Defense and Interagency Affairs.

[FR Doc.75–17359 Filed 7–2–75;8:45 am]

V40-129 JUL 3 75 XUM

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-70, 50-73]

GENERAL ELECTRIC CO.

Notice of Hearing

In the matter of General Electric Co., Nuclear Energy Division, 175 Curtner Avenue, San Jose, California 95125 (Vallecitos).

General Electric Company, Nuclear Energy Division, 175 Curtner Avenue, San Jose, California 95125 (Licensee) is the holder of License Nos. R-33 and TR-1, issued by the Nuclear Regulatory Commission (Commission). License No. R-33 was issued October 21, 1957 for the operation of a research reactor and has an expiration date of October 25, 1975. License No. TR-1 was issued on January 7, 1959 for operation of a test reactor and has an expiration date of October 6, 1976.

On March 14, 1975 the Director of Inspection and Enforcement, pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Proposed Imposition of Civil Penalties, incorporating by reference the Notice of Violation, alleged that the Licensee was responsible for three separate items of noncompliance which were violations of the Commission's regulations and/or the conditions of the Licensee's licenses and set forth the civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection of activities conducted under the licenses on January 22-23, 1975.

An answer dated April 9, 1975 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the Licensee. The Director of Inspection and Enforcement, after consideration of the Licensee's response, by letter dated May 10, 1975, served on the Licensee an Order Imposing Civil Monetary Penalties requiring the Licensee to pay civil penalties in the amount of Six Thousand Five Hundred Dollars ($6,500). On June 6, 1975, the Licensee requested a hearing on the Order Imposing Civil Monetary Penalties.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before Mr. Samuel W. Jensch, Administrative Law Judge, at a time and place to be set by the Administrative Law Judge.

The Administrative Law Judge will consider and initially decide, as the issues in this proceeding:

(a) whether the Licensee committed the violations of the Commission's regulations and the conditions of the license designated as Items I.A., II.A. and II.B. in the Notice of Violation referenced above; and

(b) Whether the Order Imposing Civil Penalties as it relates to Items I.A., II.A. and II.B. designated in the Notice should be sustained.

A prehearing conference or conferences will be held by the Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, may be filed by the Licensee not later than August 25, 1975.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission.

The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to its membership will be published in the FEDERAL REGISTER.

Dated at Washington, D.C. this 27th day of June, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary to the Commission.

[FR Doc.75-17325 Filed 7-2-75;8:45 am]

JOSEPH M. HENDRIE

Certification

Dr. Joseph M. Hendrie—who was formerly employed by the Atomic Energy Commission (AEC) as Deputy Director For Technical Review—has requested that the Nuclear Regulatory Commission (NRC) grant him an exemption from a statutory prohibition barring his acting as an agent representing his current employer, Brookhaven National Laboratory, before the NRC concerning certain particular matters in which he was personally and substantially involved as AEC Deputy Director.

For the reasons stated below, we certify, pursuant to section 207 of Title 18 of the U.S. Code, that the national interest would be served by Dr. Hendrie's acting as agent or appearing personally before the NRC on behalf of Brookhaven National Laboratory in connection with the following particular scientific matters:

(1) Reactor safety analysis matters concerning the neutron physics, power distribution, and thermal hydraulics aspects of water-cooled power reactors;

(2) Calculations of PWR and BWR system transients, including anticipated transient without scram (ATWS) events, and development of improved methods of calculation;

(3) Studies of steam generator tube reliability;

(4) Studies of the effects of hypoiodous acid formation in loss-of-coolant accident conditions; and

(5) Studies of reaction rate data for the gas phase adsorption of various organic and inorganic gases and vapors on charcoal filter elements commonly installed in nuclear plants.

Brookhaven National Laboratory performs certain research work and other technical studies for the NRC. The Commission of course desires that the work performed for it by Brookhaven National Laboratory be of the highest possible caliber and fully responsive to the Commission's needs.

Because of his outstanding technical and management abilities, Dr. Hendrie is uniquely qualified to provide the necessary management of Brookhaven's work on behalf of NRC. To allow Dr. Hendrie to perform this vital function, we have determined that this certification is necessary.

Dated at Washington, D.C., this 27th day of June 1975.

By the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-17329 Filed 7-2-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-36 issued to the Maine Yankee Atomic Power Company for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment (1) changes operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46; (2) terminates restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of License, and imposes instead, limitations established in accordance with 10 CFR 50.46; and (3) increases the amount of U-235 in fuel assemblies that may be received, possessed, and used in connection with operation of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (1) and (2) was published in the FEDERAL REGISTER on May 7, 1975 (40 FR 19885). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 27, 1975, as supplemented April 28, 1975, May 1, 1975, May 20, 1975, June 4, 1975, and the nonproprietary portion of the June 12, 1975 supplement, (2) Amendment No. 10 to License No. DPR-36 with Change No. 18, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated June 24, 1975, which is being published concurrently with this notice, and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-17326 Filed 7-2-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER STATION

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License DPR-36

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-36. These changes would authorize the Maine Yankee Atomic Power Company (the licensee) to operate the Maine Yankee Atomic Power Station (located in Lincoln County, Maine) with changes to limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with a reactor refueling for core cycle 2.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-36, Maine Yankee Atomic Power Station, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Maine Yankee Atomic Power Station issued in July 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

Dated at Rockville, Maryland this 24th day of June 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4 Division of Reactor Licensing.

[FR Doc.75-17327 Filed 7-2-75;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 9 and 7 to Facility Operating Licenses Nos. DPR-44 and DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company which revised Technical Specifications for operation of Peach Bottom Atomic Power Station Units 2 and 3, located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications that would modify limiting conditions for operation and surveillance requirements for installed filters in the standby gas treatment system and in the control room air treatment system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to these actions, see (1) the application for amendment dated February 28, 1975 and supplement dated May 13, 1975, (2) Amendments Nos. 9 and 7 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 10 and 7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 25th day of June, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-17328 Filed 7-2-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1526, 1340C; 1569; 1296A, 936, 1465, 1230A, 1514, 1280]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad Accident Report. The Safety Board released, June 23, 1975, report No. NTSB-RAR-75-6 concerning the head-on collision of two St. Louis-San Francisco Railway freight trains on a single track near Mustang, Oklahoma, September 1, 1974. The probable cause of the accident was found to be the failure of the westbound crew to take preventive action after passing through Mustang ahead of a scheduled meeting with the eastbound train.

The Safety Board recommended that the St. Louis-San Francisco Railway Company (1) enforce the exact requirements of its operating rules and set up a more effective system to be sure its employees understand them, (2) write operating rules giving specific guidance for the use of radio in railroad operations, and (3) revise its train meet operating rules so that they safeguard crews of both trains and are consistent with actual train performance in meeting schedules. (Recommendations R-75-25 through 27)

In this report, the Board also reiterated two earlier recommendations to the Federal Railroad Administration to (1) issue as soon as possible regulations to provide for use of radio in railroad operations (R-72-9), and (2) require that railroads institute formal locomotive cab management procedures which will specify each crewmember's duties to ensure the crew action required when the engineer does not function in a manner consistent with the safety of the train (R-75-15 (40 FR 27081)).

Aircraft Accident Report. The Safety Board in its report No. NTSB-AAR-75-8. released June 26, 1975, found that an electrical malfunction probably caused in-flight extension of wing spoilers and resultant loss of control in the crash of a Grumman Gulfstream II corporate jet. The jet crashed while on a training flight near Kline, South Carolina, June 24, 1974.

Responsive to Board recommendation A-74-61, issued August 14, 1974, as a result of this accident, the Federal Aviation

V40 I29 JUL 3 75 XUM

Administration (FAA) agreed to issue an airworthiness directive to go beyond Grumman Service Change 98 by requiring design changes to (1) reduce the probability of failure, (2) limit the effect of single failure to insure controllability, (3) annunciate spoiler deployment, (4) provide means to retract spoilers inadvertently deployed, and (5) see that spoiler system operation information is available to the pilot by placard and/or flight manual material. Both the recommendation and the response, dated August 15, 1974, are reproduced in the report.

Safety Recommendation. Investigation of a Cessna 402B crash at Petersburg, Virginia, June 22, 1974, prompted issuance June 25, 1975, to FAA of Recommendation A–75–53. The Board recommended that FAA's Accident Prevention Staff, including Regional Coordinators, the Accident Prevention Specialists, and the Accident Prevention Counselors schedule discussion of the operational circumstances of this accident at the various pilot safety meetings, seminars, and clinics which are scheduled throughout the year.

Responses to Safety Recommendations. During the past week, the following letter responses were received from addressees of earlier Safety Board recommendations:

FAA, June 6 re A–74–125, concerning amendment of Federal Aviation Regulations 121.135 and 25.1585 to require flight manuals to contain information on hydroplaning, comments: "The FAA, USAF, and NASA have been actively engaged in determining all the possible factors involved in hydroplaning phenomena. Because the problem is general, we do not believe it should be included in all airplane flight manuals. The subject is presently discussed in Advisory Circular 91–24 (9/4/69), and more specific procedural information is provided in operations manuals and bulletins appropriate to each carrier's aircraft models."

FAA, June 12 re A–72–230, concerning aircraft having very high stall/spin frequency of occurrence, states: "As a result of stall/spin investigations already accomplished, the FAA has initiated action during the Airworthiness Review to revise regulations governing spin requirements of small airplanes." The recommendation was made in a special study, "General Aviation Stall/Spin Accidents, 1967–1969" (NTSB–AAS–72–8). In a separate letter dated June 12, FAA comments on Recommendation A–72–232 to initiate study and research in agricultural flying. In responding to this recommendation, made in the same special study, FAA comments on several research and development studies regarding the stall/spin problem in general aviation aircraft. On the educational side, FAA notes issuance of Advisory Circulars 61–50 (February 1972) and 61–67 (February 1974), as well as the release this April of a 16-minute film entitled "Stalling for Safety."

Federal Highway Administration, June 12 re H–75–9 through 11 (40 FR 24252), notes that a contract, awarded to determine the state-of-the-art in commercial vehicle driver training, has been completed and that, as a result of findings, a three-phase national training standard for commercial driver training courses will be developed to cover basic emergency maneuvers and skid control. However, with reference to H–75–10, FHA states: "To make such training mandatory for all new candidates would, in our view, be of little value in preventing violent vehicle movements caused by front-tire failures." FHA further states: "Jackknife situations and skidding can best be controlled by elimination of the skid and we believe the new brake standard, MVSS–121, will greatly reduce skidding." FHA has recently completed crash testing a new type bridge railing with an intercity bus and a heavy truck, and is awarding a research contract for "New Concepts in Traffic Barrier Systems"—this in compliance with H–75–11.

FAA, June 13 re A–74–10 and 11, states that as a result of a Douglas study on the DC–10, reviewed by FAA, "• • • it was concluded that during a decompression equivalent to the Albuquerque decompression, the pressure differential between the upper and lower compartments would equalize in one second. Thus, a supplementary aneroid switch located in the lower lobe galley would not expedite the presentation of oxygen masks to the occupants of that compartment." FAA further notes that the present location of portable oxygen cylinders in the lower lobe galley is satisfactory.

FAA, June 13 re A–75–39 and 40, states that Airworthiness Directive 75–11–08 has been issued, requiring "removal of the pressure drain-can plug and daily inspections for proper drainage, or 100-hour inspections provided additional drain holes are incorporated, until additional corrective modifications are accomplished."

Federal Railroad Administration, June 23 re R–74–20 and 21, comments on the train-to-train collision testing accomplished by the Transportation Test Center under "highly controlled and instrumented conditions." Also, reference is made to the work being done by the Association of American Railroads on improving locomotive cab design. The recommendations were made in Board report No. NTSB–RAR–74–2, "Collision of the State-of-the-Art Transit Cars with a Standing Car, High Speed Ground Test Center, Pueblo, Colorado, August 11, 1973."

The accident reports and the recommendation letter are available to the general public without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased from the National Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 30, 1975.

[FR Doc.75–17409 Filed 7–2–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CENCO HOSPITAL & CONVALESCENT HOMES CORP.

Suspension of Trading

JUNE 26, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cenco Hospital & Convalescent Homes Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on June 26, 1975 through midnight (e.d.t.) on July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–17332 Filed 7–2–75;8:45 am]

[File No. 500–1]

CENCO INC.

Suspension of Trading

JUNE 26, 1975.

The common stock of Cenco Inc. being traded on the New York and Pacific Stock Exchanges; the 5% Convertible Subordinated Notes due September, 1993 and the 5% Convertible Subordinated Debentures due November, 1996 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cenco Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on June 26, 1975 through midnight (e.d.t.) on July 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–17338 Filed 7–2–75;8:45 am]

[Rel. No. 19065; 70–5705]

CONSOLIDATED NATURAL GAS CO. AND CNG RESEARCH CO.

Acquisition of Subsidiary Corporation

JUNE 26, 1975.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020. CNG Research Company, Four Gateway Center, Pittsburgh, Pennsylvania 15222. (70–5705.)

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and CNG Research Company ("CNG Research"), which upon consummation of the transaction herein proposed will become a wholly-owned subsidiary of Consolidated, have filed a joint-application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10 and 12 of the Act and Rules 43 and 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CNG Research, a newly created Delaware corporation, will engage in research and development with respect to natural gas and substitute natural gas. At present, the Research Department of Consolidated Natural Gas Service Company ("Service Company") is administering more than forty research projects. In some of these Consolidated has a proprietary interest ranging from 5% to 100%. Consolidated proposes to assign to CNG Research four proprietary research contracts which it is presently funding. Non-proprietary research contracts will be retained by the Service Company, which will continue to conduct research thereunder. All proprietary research will hereafter be conducted by CNG Research.

CNG Research proposes (1) to engage generally in research and development, by contract or otherwise, with respect to processes and technology relating to production, augmentation of supply, efficient use and conservation of natural and substitute natural gas; (2) to finance in whole or in part such research and development efforts; (3) to acquire or receive the benefits of rights, technology, processes, patents, proprietary information and data to which it may be entitled under the terms of these contracts, which may also involve the acquisition of securities, utility assets (except retail distribution systems) and any other interest in any business to which it may be entitled under the terms of such contracts.

The four contracts to be assigned to CNG Research by Consolidated require expenditures in 1975 in the aggregate amount of $2,500,000. Two of these contracts also impose minimum obligations over the years 1976–1979 of an aggregate amount of $600,000 per year.

Consolidated proposes to acquire in 1975, for cash, 25,000 shares of CNG Research's common stock, par value $100 per share, for $2,500,000 and, during each of the years 1976–1979, 6,000 such shares for $600,000. Authorization for investment of additional sums required by CNG Research will be applied for on an annual basis.

The fees and expenses to be incurred in connection with this transaction are estimated at $16,250, including legal fee of $9,500 (not including legal services performed on a cost basis by the Service Company). It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–17349 Filed 7–2–75;8:45 am]

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JUNE 27, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 28, 1975 through July 7, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–17410 Filed 7–2–75;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JUNE 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 29, 1975 through July 8, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–17411 Filed 7–2–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 10, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Gallatin Flying Service, Inc., Gallatin, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: June 27, 1975.

R. S. BIELAK,
Director, VA Regional Office, 110 9th Avenue, South Nashville, Tennessee.

[FR Doc.75–17372 Filed 7–2–75;8:45 am]

V40-129 JUL 3 75 XUM

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of June, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending June 27, 1975

Name of applicant	Location of enterprise	Principal product or activity
Carleton Woolen Mills, Inc.	Winthrop, Maine	Manufacture of woolen fabrics.
Aerospace Fabrication, Inc.	Cocoa, Fla.	Oil drilling platforms.
Poultry Packers, Inc.	Forest, Miss.	Chicken processing.
Carlisle Military School, Inc.	Bamberg, S.C.	Military boarding school.
Cornell Corp. (tenant to city of Cornell)	Cornell, Wis.	Manufacture insulating roof deck.
A. R. Wood Manufacturing Co.	Luverne, Minn.	Manufacture of production equipment for livestock and fireplaces and fire trucks.
Carrollton Graphics, Inc.	Carrollton, Ohio	Commercial printing.
Bartus-Szekely Memorial Nursing Home, Inc.	Albany, La.	Nursing home.
James Jacob Mitten	Oakley, Kans.	Truck stop.
Colorado Packing Co., Inc. (tenant to city of La Junta).	La Junta, Colo.	Meat processing.
Ice Time, Inc.	Kennewick, Wash.	Ice skating facility.

[FR Doc.75-17357 Filed 7-2-75;8:45 am]

Office of the Secretary

[TA-W-60]

ARMOR ELEVATOR CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 20, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Armor Elevator Company, Woodside, New York, (TA-W-60). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with elevators and elevator parts produced by Armor Elevator Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 14, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of June 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17339 Filed 7-2-75;8:45 am]

[TA-W-58]

FLORSHEIM SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 13, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America, AFL-CIO on behalf of the workers and former workers of Crawford plant and Logan Plant of Florsheim Shoe Company, Chicago, Illinois (TA-W-58). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's footwear produced by Florsheim Shoe Company, or any appropriate subdivision thereof, have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting

the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 14, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of June 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17337 Filed 7-2-75;8:45 am]

[TA-W-59]

WESTMINSTER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Westminster Corporation, Westminster, Maryland (TA-W-59). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with Children's Footwear produced by The Westminster Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 14, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of June 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17338 Filed 7-2-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-8600]

BUILDERS TRANSPORT, INC.

Petition for Declaratory Order Regarding Interpretation of Commodity Authorization

Notice of filing of petition for a commission determination of whether authority to transport lumber and lumber products embraces authority to transport particleboard.

Petitioner: Builders Transport, Inc., 409 14th St. SW., Great Falls, Mont. 59404. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111.

By petition filed March 7, 1975, petitioner requests that the Commission determine whether motor common or contracts carrier authority to transport lumber and lumber products embraces authority to transport particleboard.

Petitioner holds contract carrier authority in No. MC-126780 (Sub-No. 1) to transport, over irregular routes, lumber, millwork, wooden poles, wooden posts, and wooden beams from points in named counties in Idaho, Oregon, and Washington, to points in Montana, under a continuing contract or contracts with Georgia-Pacific Company, Ferguson Lumber Sales, and Lumber Yard Supply Company. Pursuant to the above authority, petitioner asserts that it has transported particleboard for many years in good faith and that it is aware that numerous other lumber haulers now engage and for many years have engaged in the transportation of particleboard.

Petitioner alludes to a recently served initial decision in which the Administrative Law Judge elected to leave undecided the issue of whether certain involved protestants' authority to transport lumber and lumber products authorized the transportation of shipper's particleboard. Reflecting the recommendation of the Administrative Law Judge, petitioner requests that if the Commission should find that motor carriers of lumber cannot transport particleboard, appropriate proceedings be instituted, with requisite carriers parties thereto, to establish guidelines or proceedings for enlarging the carrier's authority based upon past good faith transportation of particleboard.

No oral hearing is contemplated at this time. Any interested person (including petitioner) desiring to participate in this proceeding may file with this Commission an original and fifteen (15) copies of his written representations, views, or arguments in support, or against, the relief sought in the petition (including any potential environmental effects thereof) on or before August 5, 1975. A copy of each such representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice of the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17265 Filed 7-2-75;8:45 am]

[Notice No. 52]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 27, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served

V40-129 JUL 3 75 XUM

concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the "Federal Register" of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 504 (Sub-No. 104), filed May 23, 1975. Applicant: HARPER MOTOR LINES, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Burlington, N.J., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 8973 (Sub-No. 38), filed June 4, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, gypsum products, fiberboard and wallboard, asphalt and composition roofing products, composition board, and insulating materials, accessories therefor, and materials, equipment and supplies*, used or useful in the manufacture, sale, distribution, and installation of the above-specified commodities (except commodities in bulk), between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 8973 (Sub-No. 39), filed June 4, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, gypsum products, fiberboard and wallboard, asphalt and composition roofing products, composition board, and insulating materials, and accessories therefor, and materials, equipment and supplies*, used or useful in the manufacture, sale, distribution, and installation of the above-specified commodities (except commodities in bulk), between Burlington, N.J., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 8973 (Sub-No. 38), filed June 4, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, gypsum products, fiberboard and wallboard, asphalt and composition roofing products, composition board, and insulating materials, and accessories therefor, and materials, equipment and supplies*, used or useful in the manufacture, sale, distribution, and installation of the above-specified commodities (except commodities in bulk), between Burlington, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 11207 (Sub-No. 358), filed June 3, 1975. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 918 16th St. NW., 702 World Center Bldg., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulp mill and paper mill products* (except in bulk and except commodities which because of size or weight requires the use of special equipment), from the plant site of Potlatch Corporation located in Desha County, Ark., to points in Oklahoma, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, South Carolina, North Carolina, and Virginia; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Oklahoma, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, South Carolina, North Carolina, and Virginia, to the plant site of Potlatch Corporation located at Desha County, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark. or New Orleans, La.

No. MC 13123 (Sub-No. 81), filed May 30, 1975. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Converse Rubber Corporation at or near Contoocook, N.H., as an off-route point in connection with applicant's regular route operations to and from Manchester and Concord, N.H.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 16831 (Sub-No. 18), filed May 27, 1975. Applicant MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, to points in Illinois, Indiana, Michigan, Missouri, Nebraska, and Wisconsin; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points named in part (1) above, to the plantsite and storage facilities of North Star Steel Company located at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 19227 (Sub-No. 215), filed June 9, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, plastic pipe, manhold frames and covers, valves, culverts, meter boxes, fittings, materials, equipment and supplies* thereof, from the plantsite of Mead Pipe Texas located at or near Tyler, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30280 (Sub-No. 67), filed June 2, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., 1940 Monroe Drive NE., Atlanta, Ga. 30306. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between New York, N.Y., and points in the New York, New York, commercial zone and Bainbridge, Ga.: From New York, N.Y., over Interstate Highway 95 to its junction with Interstate Highway 85 at Petersburg, Va., thence over Interstate Highway 85 to Newnan, Ga., thence over U.S. Highway 29 to LaGrange, Ga., thence over U.S. Highway 27 to Bainbridge, Ga., and return over the same route serving the intermediate points of Philadelphia, Pa.; Wilmington, Del.; Baltimore, Md.; Washington, D.C., and all intermediate points in Georgia, North Carolina, and South Carolina; (2) Between Petersburg, Va., and Kingsland, Ga.: From Petersburg, Va., over Interstate Highway 95 to Savannah, Ga., thence over U.S. Highway 17 to Kingsland, Ga., and return over the same route serving all intermediate points in Georgia, South Carolina, and North Carolina and serving Petersburg, Va., for purpose of joinder only; (3) Between Norfolk, Va., and South Hill, Va.: From Norfolk, Va., over U.S. Highway 58 to South Hill, Va., serving South Hill, Virginia, and Emporia, Virginia, for purpose of joinder only.

(4) Between Richmond, Va., and Greensboro, N.C.: From Richmond, Va., over U.S. Highway 360 to South Boston, Va., thence over U.S. Highway 58 to Danville, Va., thence over U.S. Highway 29 to Greensboro, N.C., and return over the same route serving all intermediate points in North Carolina and Danville, Va.; (5) Between Norfolk, Va., and Wilmington, Del.: From Norfolk, Va., over U.S. Highway 13 to Wilmington, Del., serving no intermediate points; (6) Between Wilson, N.C., and the junction of U.S. Highway 17 and Interstate Highway 95 near Gardens Corner, S.C.: From Wilson, N.C., over U.S. Highway 117 to Wilmington, N.C., thence over U.S. Highway 17 to its junction with Interstate Highway 95 near Gardens Corner, S.C., and return over the same route serving all intermediate points; (7) Between Durham, N.C., and Goldsboro, N.C.: From Durham, N.C., over U.S. Highway 70 to Goldsboro, N.C., and return over the same route serving all intermediate points; (8) Between Asheville, N.C., and Greensboro, N.C.: From Asheville, N.C., over Interstate Highway 40 to Greensboro, N.C., and return over the same route serving all intermediate points; (9) Between Asheville, N.C., and Wilmington, N.C.: From Asheville, N.C., over U.S. Highway 74 to Wilmington, N.C., and return over the same route serving all intermediate points; (10) Between Atlanta, Ga., and Wilmington, N.C.: From Atlanta, Ga., over Interstate Highway 20 to Columbia, S.C., thence over U.S. Highway 76 to Wilmington, N.C., and return over the same route serving all intermediate points; (11) Between Charlotte, N.C., and Savannah, Ga.: From Charlotte, N.C., over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to Savannah, Ga., and return over the same route serving all intermediate points; (12) Between Asheville, N.C., and Charleston, S.C.: From Asheville, N.C., over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 276 to its junction with Interstate Highway 26 near Clinton, S.C., thence over Interstate Highway 26 to Charleston, S.C., and return over the same route serving all intermediate points.

(13) Between Greenville, S.C., and Statesboro, Ga.: From Greenville, S.C., over U.S. Highway 25 to Statesboro, Ga., and return over the same route; (14) Between Atlanta, Ga., and Rossville, Ga.: From Atlanta, Ga., over U.S. Highway 41 to Rossville, Ga., and return over the same route serving all intermediate points; (15) Between Atlanta, Ga., and Thomasville, Ga.: From Atlanta, Ga., over Georgia Highway 85 to Manchester, Ga., thence over U.S. Highway Alt. 27 to Columbus, Ga., thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany, Ga., thence over U.S. Highway 19 to Thomasville, Ga., and return over the some route serving all intermediate points; (16) Between Atlanta, Ga., and Valdosta, Ga.: From Atlanta, Ga., over Interstate Highway 75 to Valdosta, Ga., and return over the same route serving all intermediate points; (17) Between Macon, Ga., and Folkston, Ga.: From Macon, Ga., over U.S. Highway 23 to Folkston, Ga., and return over the same route serving all intermediate points; (18) Between Columbus, Ga., and Savannah, Ga.: From Columbus, Ga., over U.S. Highway 80 to Savannah, Ga., and return over the same route serving all intermediate points; (19) Between Macon, Ga., and the junction of U.S. Highway 441 and Interstate Highway 85 near Commerce, Ga.: From Macon, Ga., over U.S. Highway 129 to Athens, Ga., thence over U.S. Highway 441 to its junction with Interstate High-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

V 40 I 129 JUL 3 75 XUM

way 85 near Commerce, Ga., and return over the same route serving all intermediate points.

(20) Between Bainbridge, Ga., and Midway, Ga.: From Bainbridge, Ga., over U.S. Highway 84 to Waycross, Ga., thence over U.S. Highway 82 to Midway, Ga., and return over the same route serving all intermediate points; (21) Between Statesboro, Ga., and Folkston, Ga.: From Statesboro, Ga., over U.S. Highway 301 to Folkston, Ga., and return over the same route serving all intermediate points; (22) Between Waycross, Ga., and Brunswick, Ga.: From Waycross, Georgia over U.S. Highway 84 to Brunswick, Ga., and return over the same route serving all intermediate points; and (23) Between Macon, Ga., and Savannah, Ga.: From Macon, Ga., over Interstate Highway 16 to Soperton, Ga., thence over U.S. Highway 221 to its junction with U.S. Highway 280, thence over U.S. Highway 280 to Savannah, Ga., and return over the same route serving all intermediate points; Service will be performed at points in Georgia, South Carolina, and North Carolina and those points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, Pittsylvania, Henry, Franklin, and Nottoway Counties, Va., and those in Cumberland, Gloucester, Salem, Hudson, Bergen, Passaic, Sussex, Essex, Morris, Union, Middlesex, Monmouth, and Somerset Counties, N.J., not on the above described regular routes as off-route points in connection with such regular route operations. Restrictions: (1) Service at points in Georgia restricted to the transportation of traffic moving from, to or through points in South Carolina.

(2) Service at points in North Carolina west of U.S. Highway 25 restricted to traffic moving from, to or through Georgia other than those within 15 miles of Atlanta; and (3) Service at points in North Carolina east of a line formed by U.S. Highway 1 extending from the North Carolina-Virginia State Line to its junction with U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 301 to its junction with U.S. Highway 117, thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Fort Fisher, N.C., and the Atlantic Ocean restricted to the transportation of traffic moving from, to or through points in Georgia other than those within 15 miles of Atlanta.

NOTE.—Common control may be involved. The purpose of this application is to convert the irregular route to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 32882 (Sub-No. 75), filed May 29, 1975. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles and aluminum products*, including but not limited to tubing and couplers, from points in Riverside County, Calif. and Twin Falls County, Idaho, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *aluminum articles and aluminum products*, including but not limited to tubing and couplers, and *irrigation equipment* and *accessories* used in the manufacture and installation of irrigation systems, from points in Spokane County, Wash., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 38170 (Sub-No. 29), filed June 6, 1975. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Street, Lincoln Park, Mich. 48146. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the S. S. Kresge Company located at Haggerty and Joy Roads, Canton Township (Wayne County), Mich., as an off-route point in connection with applicant's regular route operations at Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit or Lansing, Mich.

No. MC 42487 (Sub-No. 836), filed June 2, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert W. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), serving Tooele and Bauer, Utah as off-route points in connection with carrier's regular route authority authorizing service at Salt Lake City, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 42487 (Sub-No. 838), filed May 29, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, uncrated furniture, currency, bullion, articles of virtu, commodities requiring special equipment, those injurious or contaminating to other lading, and glass containers and closures for glass containers), serving Berkeley Springs, W. Va., and points in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Prince Georges, and Washington Counties, Md. as intermediate and off-route points in connection with carrier's presently authorized regular route operations to and from points in Maryland and West Virginia.

NOTE.—Applicant states that it presently holds authority acquired in MC-F-11840 to transport General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, glass containers and closures for glass containers), between points in Jefferson County, W. Va., on the one hand, and, on the other, all points sought in this application. The purpose of this application is to eliminate the gateway of points in Jefferson County, W. Va. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46280 (Sub-No. 76), filed June 2, 1975. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from St. Louis, Mo.; Louisville, Ky.; Omaha, Nebr.; Evansville and Vincennes, Ind., and points in that part of Indiana on and north of U.S. Highway 40, points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State Boundary line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State Boundary line, points in that part of Iowa on and east of U.S. Highway 65, points in that part of Minnesota on, east and south of a line beginning at the Iowa-Minnesota State Boundary line and extending along U.S. Highway 65 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State Boundary line, and points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State Boundary line, and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U.S. Highway 141 via Manitowoc, Wis., to the shore of Lake Michigan to the facilities of the S. S. Kresge Company at or near Canton, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 56082 (Sub-No. 69), filed May 30, 1975. Applicant: DAVIS & RANDALL, INC., P.O. Box 390, Fredonia, N.Y. 14063. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to points in Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Jefferson, Genesee, Livingston, Monroe, Niagara, Onondaga, Steuben, Tompkins, Wayne, and Wyoming Counties, N.Y., and New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 56553 (Sub-No. 31), filed June 4, 1975. Applicant: PULASKI HIGHWAY EXPRESS, INC., P.O. Box 1081, Nashville, Tenn. 37203. Applicant's representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Nashville, Tenn., and the plantsite of Ardco, Inc., located at Elkton, Ky.; from Nashville over U.S. Highway 41 to Hopkinville, Ky., thence over U.S. Highway 68 to Elkton, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 61440 (Sub-No. 150), filed May 2, 1975. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P.O. Box 82488, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particle board*, from the warehouse and plant site of Kirby Lumber Company located at or near Silsbee, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 61592 (Sub-No. 355), filed May 28, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, and *pallet materials, lumber and lumber products and boxes and crates and poles and posts* (except commodities in bulk), from points in Missouri, to points in Iowa, Illinois, Wisconsin, Ohio, Michigan, Indiana, Minnesota, Kansas, Pennsylvania, North Dakota, South Dakota, Colorado, Nebraska, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64932 (Sub-No. 551), filed June 2, 1975. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from Marseilles, Ill.; Doe Run, Ky.; Everette, Mass.; Cincinnati, Hanging Rock, Port Clinton, and Painesville, Ohio; Neville Island, Pa.; Knoxville, Tenn.; Freeport, Tex.; Moundsville and Nitro, W. Va. and Stoughton, Wisc., to the plant site of Uniroyal, Inc., located at Mishawaka, Ind.; (2) from Fords, N.J.; Cincinnati, Ohio; Neville Island, Pa. and Institute, W. Va., to the plant site of Uniroyal, Inc., located at Port Clinton, Ohio; (3) from Cincinnati, Ohio, to the plant site of Uniroyal, Inc., located at Stoughton, Wisc.; and (4) from Belle, Charleston, Institute, and Moundsville, W. Va., to points in Illinois, Indiana, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 72442 (Sub-No. 46), filed May 30, 1975. Applicant: AKERS MOTOR LINES, INCORPORATED, P.O. Box 10303, Charlotte, N.C. 28237. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, tobacco, liquor, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Monroe, N.C., and Wadesboro, N.C., serving all intermediate points: From Monroe over U.S. Highway 74 to Wadesboro, and return over the same route, serving Ansonville, N.C., as an off-route points in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.; Greensboro, N.C.; or Washington, D.C.

No. MC 73165 (Sub-No. 365), filed May 30, 1975. Applicant: EAGLE MOTOR LINES, INC. P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyors, bins, chip trailers, farm implements, and attachments* for farm implements, and (2) *parts, attachments and accessories* for the items named in (1) above, when moving therewith, from Paragould, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 78296 (Sub-No. 1), filed May 30, 1975. Applicant: MID-AMERICA COACH LINES, INC., P.O. Box 405, Brookfield, Wisc. 53005. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from points in Kenosha, Racine, Milwaukee, Waukesha, Walworth, Jefferson, and Rock Counties, Wisc.; points in Illinois on and north and east of a line beginning at the Illinois-Indiana State line and extending over Interstate Highway 74 to junction Interstate Highway 280, thence over Interstate Highway 280 to Moline, Ill., and the Illinois-Iowa State line; points in Indiana on, north and west of a line beginning at the Illinois-Indiana State line and extending over Interstate Highway 74 to junction Indiana State Highway 32, thence over Indiana State Highway 32 to Anderson, Ind., thence north over Indiana State Highway 9 to the Indiana-Michigan State line; and points in Michigan on, west and south of a line beginning at the Michigan-Indiana State line and extending over Michigan State Highway 66 to its junction with Interstate Highway 96, thence over Interstate Highway 96 to Muskegon, Mich., and Lake Michigan, to points in the United States, including Alaska, but excluding Hawaii, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82079 (Sub-No. 42), filed June 4, 1975. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen fruits*, from Sutton Bay, Mich., to points in Ohio, Chicago, Ill. and its Commercial Zone, and St. Louis, Mo.; (B) *canned goods*, from Sutton Bay, Mich., to Milwaukee, Wis. and Waukeshaw, Wis.; and (C) *frozen foods and products* requiring transportation in refrigerated equipment, from facilities and plant sites of Southern Michigan Cold Storage Co. in Benton Harbor, Mich., to points in Michigan, Indiana, and Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

V40I129 JUL 3 75 XUM

No. MC 83835 (Sub-No. 122), filed June 2, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 135 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, plain or fabricated, (except oilfield); and (2) *materials and supplies* used in, or in connection with, the manufacture, fabricating or distribution of (1) above, between Manford and Sand Springs, Okla., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii, restricted to shipments originating at or destined to the facilities of Southwest Tube Manufacturing at Manford and Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with other applications for similar authority.

No. MC 93840 (Sub-No. 20), filed May 27, 1975. Applicant: W W GLESS, doing business as GLESS BROS., Blue Grass, Iowa 52726. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Indiana, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in the destination states named in (1) above, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 101474 (Sub-No. 24), filed May 23, 1975. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, Ind. 46323. Applicant's representative. Paul F. Sullivan, 711 Washington Bldg., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road building, excavating, grading, and underground construction machinery, and supplies, materials, and equipment*, used in road building, excavating, and grading and underground construction, between points in Illinois, on the one hand, and, on the other, points in Ohio.

NOTE.—The purpose of this filing is to eliminate the gateway at points in Indiana.

Applicant previously held authority to provide the proposed service by tacking MC 101474 and MC 101474 (Sub-No. 5), at points in Indiana. Applicant states such tacking would have been entirely covered by Ex Parte No. 55 (Sub-No. 8), but an appropriate letter-notice inadvertently was not filed.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 101735 (Sub-No. 4), filed June 9, 1975. Applicant: EDWARD G. GENTZKOW, doing business as GENTZKOW TRUCKING SERVICE, P.O. Box 98, LaMoure, N. Dak. 58458. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed for transportation of agricultural implements (except trailers designed to be drawn by highway truck-tractors), and *attachments and accessories*, for such trailers, from the plantsite and facilities of Lorak, Inc., at or near LaMoure, N. Dak., to points in North Dakota, South Dakota, Minnesota, and Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 102616 (Sub-No. 911), filed June 9, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from St. Paul, Minn., to Newton, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 105636 (Sub-No. 32), filed June 4, 1975. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Clarence William Vandegrift, Suite 303, 1709 New York Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, frozen foods, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders part IV of the Interstate Commerce Act, from Syracuse, N.Y., Buffalo, N.Y., Rochester, N.Y., Harrisburg, Pa., Pittsburgh, Pa., Cleveland, Ohio, Cincinnati, Ohio, and Detroit, Mich., to Jacksonville, Orlando, Tampa, Fort Pierce, West Palm Beach, Fort Lauderdale, and Miami, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 105813 (Sub-No. 203), filed June 5, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 N.W. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in containers, from Hartford, Conn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Hartford, Conn.

No. MC 106497 (Sub-No. 119), filed June 2, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board insulation and insulated gypsum foam board panels*, from Salt Lake City, Utah and Dallas, Tex., to points in the United States including Alaska, but excluding Utah and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah or Denver, Colo.

No. MC 106497 (Sub-No. 120), filed June 3, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. 1-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, between the plantsites and facilities of FMC Corporation, located in Warren County, Ky., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, equipment and supplies*, used in the manufacturing of items in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsites and facilities of FMC Corporation, in Warren County, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 106674 (Sub-No. 165), filed June 3, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size and weight require use of special transportation equipment), from Glover, Mo., to points in California, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Texas, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107403 (Sub-No. 945), filed June 9, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, in bulk, in tank vehicles, from Sturgis, Ky., to points in Illinois, Indiana, and Kentucky; and (2) *cement*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada, located at or near Wellesley Island, N.Y., to points in St. Lawrence, Jefferson, Oswego, Oneida, Onondaga, Wayne, Cayuga, Tompkins, Lewis, Madison, Cortland, Broome, Tioga, Chemung, and Steuben Counties, N.Y., restricted to traffic originating at Bath, Ontario.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 999), filed May 30, 1975. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrofluosilicic acid*, in bulk, from Montpelier, Iowa to points in Illinois, Wisconsin, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota; (2) *liquid chemicals*, in bulk, from Buffalo, Iowa, to points in Iowa, Illinois, and Missouri (except St. Louis, Mo., and East St. Louis, Ill.); and (3) *liquid fertilizer*, in bulk, from Kell, Ill., to points in Missouri, Kentucky, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 107993 (Sub-No. 39), filed June 2, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dall, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb casings*, between Garland, Tex., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108158 (Sub-No. 57), filed June 2, 1975. Applicant: MID-CONTINENT FREIGHT LINES, INC., 2711 North Fairview Avenue, St. Paul, Minn. 55113. Applicant's representative: Stanley C. Olsen, Jr., 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Western Electric Company, Inc., located at or near Goddard, Kans., as an off-route point in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 108393 (Sub-No. 91), filed May 30, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances; (a) between Vandalia, Ill., on the one hand, and, on the other, Clyde, Ohio, and St. Joseph, Mich.; (b) between Mentor, Ohio, and Bremen, Ind., on the one hand, and, on the other, St. Joseph, Mich.; and (c) between Brookville, Ind., on the one hand, and, on the other, Clyde, Findlay, and Marion, Ohio, and St. Joseph, Mich.; and (2) *gas and electrical appliances, parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution and repair of electrical and gas appliances; (a) between Evansville, Ind., and Columbus, Ohio; and (b) between Findlay, Ohio, and St. Joseph, Mich., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109211 (Sub-No. 7), filed June 2, 1975. Applicant: SMITH'S, INC., P.O. Box 611, Marshall, Minn. 56258. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rafters and trusses*, from Minnesota, Minn., to points in Iowa and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 109397 (Sub-No. 314), filed June 2, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 912 (Bus Rte. I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, unassembled, in cartons, from Stockton, Calif., to points in and east of New Mexico, Colorado, Wyoming, South Dakota, and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Portland, Oreg.

No. MC 109533 (Sub-No. 70), filed May 30, 1975. Applicant: OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highway 60 and U.S. Highway 522 and the James River: From junction of U.S. Highway 60 and U.S. Highway 522 over U.S. Highway 522 to the James River and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 109692 (Sub-No. 30), filed June 9, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, 625 Livestock Exchange Bldg., 600 Genesee, Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg. 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, attachments, implements and parts*, irrespective of their intended use, from points in the Kansas City, Mo.-Kans. Commercial Zone, to points in Arkansas, Colorado, Iowa, Missouri, and points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas state line and extending along U.S. Highway 62, to Oklahoma City, Okla., and thence along U.S. Highway 66, to the Oklahoma-Texas state line and points in Texas on and north of a line beginning at the Louisiana-Texas state line, thence along Interstate Highway 20, to Roscoe, Tex., and thence along U.S. Highway 84, to the Texas-New Mexico state line; and (2) *damaged, refused and retendered commodities*, as described above, from the destination States described in (1) above, to the Kansas City, Mo.-Kans. Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111848 (Sub-No. 6), filed June 3, 1975. Applicant: FLOYD E. HUBBARD, JR., 105 Clay Street, North East, Pa. 16428. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad diesel engine parts*, between Olean, N.Y., on the one hand, and, on the other, points in Iowa, under a continuing contract or contracts with Van Der Horst Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 112822 (Sub-No. 376), filed June 2, 1975. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehi-

V40-129 JUL 3 75 XUM

cle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen (except commodities in bulk), (1) from points in California, Idaho, Oregon and Washington, to Clearfield and Ogden, Utah; and (2) from Clearfield and Ogden, Utah, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Michigan, Mississippi, Missouri, New Mexico, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted in part (2) to traffic destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or San Francisco, Calif.

No. MC 113024 (Sub-No. 138), filed June 2, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from Seagraves, Tex., to McCook, Nebr., and Wilmington, Del., under a continuing contract or contracts with Electric Hose & Rubber Co., at Wilmington, Del.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 590), filed April 28, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from the plantsite and storage facilities of Ragu Foods, Inc. at Owensboro, Ky., to points in Kansas, Nebraska, Iowa, Minnesota, California, Colorado, Missouri, Wisconsin, Illinois, Alabama, Florida, Georgia, Louisiana, and Michigan, restricted to traffic originating at the above named origins and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, or Rochester, N.Y.

No. MC 113855 (Sub-No. 318), filed May 29, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, flakeboard and hardboard*, from Flagstaff, Ariz., to points in California, Kentucky, Indiana, Ohio, Wisconsin, Illinois, Iowa, Minnesota, Nebraska, the Lower Peninsula of Michigan, and that part of Missouri on and east of U.S. Highway 65.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz. or Washington, D.C.

No. MC 114019 (Sub-No. 261), filed June 9, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned and preserved*, from Bowling Green, Fremont, and Toledo, Ohio, to points in Minnesota, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 114045 (Sub-No. 422), filed June 9, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, (1) from Newark, N.J., to Alameda, Berkeley, and Long Beach, Calif. and (2) from Newark, N.J., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114118 (Sub-No. 1), filed June 2, 1975. Applicant: MARSHALL McFARLAND, R.F.D. #1, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Circleville, Ohio, to points in Pennsylvania, under a continuing contract or contracts with Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 114273 (Sub-No. 234), filed May 27, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg.,2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling and floor covering material and supplies and carpet*, from Marietta and Lancaster, Pa., to Kansas City, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114571 (Sub-No. 2), filed May 29, 1975. Applicant: YODER TOURWAYS, INC., P.O. Box 8, Route 103, Mattawana, Pa. 17054. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in (1) special operations, in round trip sightseeing and pleasure tours, and (2) round trip charter operations, beginning and ending at points in Mifflin County, Pa., and extending to points in Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, the District of Columbia, and Mt. Vernon, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 114896 (Sub-No. 30), filed May 27, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dangerous drugs*, from New York, N.Y., and Sommerville, N.J., to St. Louis, Mo., under contract with Mallinckrodt Chemical Works.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115113 (Sub-No. 31), filed June 2, 1975. Applicant: IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby, 920 32nd Ave. West, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., at or near Crete, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, restricted to traffic originating at the above origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 115924 (Sub-No. 29), filed June 4, 1975. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweeteners*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Ohio and Indiana, under a continuing contract or contracts with Savannah Foods & Industries, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116325 (Sub-No. 72), filed June 2, 1975. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis.; Peoria, Ill.; and Evansville, Ind., to points in Missouri on and south of U.S. Highway 66; (2) *pallets, and empty containers*, from points in Missouri on and south of U.S. Highway 66, to Milwaukee, Wis.; Peoria, Ill.; and Evansville, Ind.; (3) *malt beverages, and related advertising material*, from Dubuque, Iowa, to points in Missouri; and (4) *pallets and empty containers*, from points in Missouri, to Dubuque, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 117068 (Sub-No. 49), filed May 27, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Illinois, Michigan, Minnesota, and Wisconsin; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in Illinois, Michigan, Minnesota, and Wisconsin, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to, the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 117068 (Sub-No. 50), filed June 4, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile hydraulic hammers* (except self-propelled articles each weighing 15,000 lbs. or more), from the plant site and other facilities of East Moline Metal Products Co., located at Moline, Ill., to points in the United States (except Illinois, Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above from the above-described destination points to the said plant site and facilities of the named shipper.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 539), filed May 14, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital supplies*, including underpads, gowns, and sheets, from the manufacturing facilities of Fibre Formations, Inc., at Philadelphia, Pa., to Sioux City, Des Moines, Cedar Rapids, and Ft. Dodge, Iowa; Grand Island and Omaha, Nebr.; Sioux Falls, S. Dak.; Kansas City, Mo.; Amarillo, Tex.; Little Rock, Ark.; and Minneapolis, Minn.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117765 (Sub-No. 194), filed June 9, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Nonfrozen foodstuffs* (except meat and meat by-products), in containers, from the plantsite and facilities of National Oats Company located at or near Cedar Rapids and Wall Lake, Iowa, to points in Illinois, Indiana, Florida, Minnesota, North Carolina, North Dakota, South Carolina, South Dakota, and Wisconsin; and (b) *salt seasoning*, in containers, from Marion, Ala., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118475 (Sub-No. 5), filed June 2, 1975. Applicant: H & S WAREHOUSE, INC., P.O. Box 227, Fairbanks, Alaska 99701. Applicant's representative: George L. Benesch, 608 West 4th Ave., Suite 30, Anchorage, Alaska 99501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and lubricating non-fuel fluids, including waste oils*, in bulk, between Fairbanks, Alaska on the one hand, and, on the other, points on the trans-Alaska oil pipeline route from Prudhoe Bay to Valdez, including points in Alaska within 25 miles of said trans-Alaska oil pipeline route, under a continuing contract or contracts with Continental Oil Company, located at Houston, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fairbanks, Alaska, or Anchorage, Alaska.

No. MC 118978 (Sub-No. 9), filed May 27, 1975. Applicant: MERCURY PRODUCE EXPRESS LTD., 2201 Rosser Street, Burnaby, British Columbia, Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paper*, from Burnaby, British Columbia, Canada, through points on the International Boundary line between the United States and Canada, at or near Blaine, Wash., to Spokane, Wash.; Pocatello, Lewiston, Boise, and Twin Falls, Idaho; Ogden and Salt Lake City, Utah, and points in Clark County, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119441 (Sub-No. 38), filed May 21, 1975. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products*, from Summerville and Lewis Run, Pa., to points in the United States on and east of a line beginning at the International Boundary line between the United States and Canada and extending along the western boundaries of Minnesota, Iowa, and Missouri to the northern boundary of Kansas, thence westerly along the northern boundary to the western boundary of Kansas, and thence southerly along the western boundaries of Kansas, Oklahoma, and Texas to the International Boundary line between the United States and Mexico; and (2) *materials and supplies* used in the manufacture and distribution of brick and clay products (except commodities in bulk), from points in the above described destination area, to Summerville and Lewis Run, Pa. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119441 (Sub-No. 39), filed May 21, 1975. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products* (except commodities in bulk), from Ava, Ohio, to points in that part of the United States east of the western boundaries of the states of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi; and (2) *supplies and materials*, used in the manufacture and sale of brick and clay products (except commodities in bulk), from points in that part of the United States east of the western boundaries of the states of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, to Ava, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119988 (Sub-No. 83), filed June 3, 1975. Applicant: GREAT WEST-

V40129 JUL 3 75 XUM

ERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is ordinarily dealt in by retail department stores and materials, equipment and supplies* utilized in the distribution thereof, between points in Texas, on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120879 (Sub-No. 2), filed April 18, 1975. Applicant: GENERAL MOVERS, INC., P.O. Box 392, East St. Louis, Ill. 62202. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois, restricted so as to preclude service to or from any Commercial Zone point located outside of Illinois.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration, MC 120879 (Sub-No. 1), to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123407 (Sub-No. 242), filed June 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Burns Harbor, Ind.; Detroit, Mich.; Philadelphia, Pa.; Cleveland, Ohio; Newark, N.J.; Houston, Tex.; New Orleans, La.; and Baltimore, Md., to points in Texas, and points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., or New York, N.Y.

No. MC 123407 (Sub-No. 243), filed June 9, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, and parts, attachments, and accessories*, from iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 123407 (Sub-No. 244), filed June 9, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Dollar Bay, Mich., to points in Montana, Wyoming, Utah, Arizona, Nevada, California, Idaho, Oklahoma, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 124230 (Sub-No. 21) (Correction), filed May 14, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, as MC 124230 (Sub-No. 822), and republished as corrected, this issue. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Ores and concentrates*, in bulk, (1) between points in Mesa, Garfield, Montrose, and Delta Counties, Colo., and McKinley and Sandoval Counties, N. Mex.; (2) from Mineral County, Colo., to Otero and Las Animas Counties, Colo., and Sandoval County, N. Mex., and Sage and Washington Counties, Okla.; (3) from Piute County, Utah to San Miguel County, Colo.; and (4) from San Miguel, Ouray, and San Juan Counties, Colo., to Kellogg, Idaho, East Helena, Mont., and Corpus Christi, Tex., (b) *vanadium residues*, in bulk, between points in Mesa, Garfield, Montrose, and Delta Counties, Colo., and McKinley County, N. Mex.

NOTE.—The purpose of this republication is to correct the docket number which was previously published as MC 124230 (Sub-No. 822). If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 124251 (Sub-No. 35), filed May 30, 1975. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene glycol and Toluene-Di-Isocyanate*, from points in Whitfield County, Ga., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124813 (Sub-No. 129), filed May 27, 1975. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant site and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Illinois, Missouri, Montana, Nebraska, and South Dakota; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points in the above named destination states, to the plant site and storage facilities of North Star Steel Company, at or near Wilton Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128021 (Sub-No. 19), filed June 6, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, vermiculite, and hickory chips*, in bags, *and lighter fluid and wax impregnated fireplace logs*, from points in Pulaski County, Ky., to points in Michigan; (2) *materials and supplies* used in the manufacture of charcoal, charcoal pellets, vermiculite, lighter fluid, hickory chips, and fireplace logs, from points in Arkansas, Florida, Georgia, Mississippi, Louisiana, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, and Virginia, to Dothan, Ala.; (3) *materials and supplies* used in the manufacture of charcoal, vermiculite, and hickory chips, lighter fluid, and wax impregnated fireplace logs, from points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Pulaski County, Ky.; and (4) *materials and supplies* used in the manufacture of charcoal, vermiculite, and hickory chips, charcoal lighter fluid (naphtha distillate) and waxed impregnated fireplace logs, from points in Idaho, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California, to Springfield, Oreg., (1) through (4) under a continuing contract or contracts with The Kingsford Company. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 128075 (Sub-No. 35), filed June 2, 1975. Applicant: LEON JOHNSRUD, P.O. Box 447, Cresco, Iowa 52136. Applicant's representative: Leon Johnsrud (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from New Ulm, Minn., to points in Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, and Massachusetts, restricted to shipments originating at the above-named origin and destined to the above-named destinations; and (2) *materials, supplies and equipment* used in the manufacture and production of dairy products and agricultural commodities which are otherwise exempt under Section 203(b)(6) of the Interstate Commerce Act, from the above-named states to New Ulm, Minn., restricted to shipments originating at the above-named origins and destined to the above-named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Washington, D.C.

No. MC 128469 (Sub-No. 3), filed June 4, 1975. Applicant: A & A TRANSFER & STORAGE, INC., P.O. Drawer "A", Fort Walton Beach, Fla. 32548. Applicant's representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Walton Beach, or Pensacola, Fla.

No. MC 128951 (Sub-No. 15), filed June 9, 1975. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden St., New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed* (except commodities in bulk, in tank vehicles), from Mankato, Minn., to points in Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 129253 (Sub-No. 6), filed June 2, 1975. Applicant: P & H TRUCKING COMPANY, P.O. Box 15099, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, pipe fittings, valves and sprinkler equipment*, from Salt Lake City, Utah, to points in Idaho, Nevada, California, Montana, Oregon, Washington, Colorado, Nebraska, Arizona, New Mexico, Iowa, South Dakota, and Wyoming, under a continuing contract or contracts with Dahn Brothers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129480 (Sub-No. 20), filed May 30, 1975. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550–71 Avenue SE., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Edward T. Lyons, Jr., Suite 1600, Lincoln Center Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board*, from the plantsite and storage facilities of Big Horn Gypsum Products Company located at or near Cody, Wyoming, to points on the International Boundary line between the United States and Canada located in the states of Montana and North Dakota, restricted to the transportation of traffic moving to points in Canada in the Provinces of Alberta, Manitoba and Saskatchewan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 129600 (Sub-No. 21) (Correction), filed April 14, 1975, published in the FEDERAL REGISTER issue of May 15, 1975, republished as corrected this issue. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, restaurant supplies and equipment (except in bulk), plastic articles, games, toys, notions, novelties, costume jewelry, chinaware, earthenware and pottery*, from Bedford, Pa., to points in Illinois, Indiana, Maryland, Michigan, and Ohio; (2) *Foodstuffs, restaurant supplies and equipment* (except in bulk), (a) from Baltimore, Md., to points in Delaware, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) from Chicago, Ill., to points in California, Georgia, Florida, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Texas, and Montana; and (c) from Miami, Fla., to points in California, Georgia, Illinois, Maryland, New Jersey, Massachusetts, New York, Ohio, Pennsylvania, and Texas; (3) *orange juice and grapefruit juice* (except in bulk), from Dade City, Fla., to points in California, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Texas; (4) *potatoes*, frozen,

(a) From points in Maine, to points in Georgia and Maryland; and (b) from Grand Forks, Nebr., to points in Georgia, Maryland, and Massachusetts; (5) *sugar*, beet or cane (except raw and except in bulk), from points in Ohio, to points in California, Georgia, Florida, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Texas; (6) *foodstuffs*, except in bulk, from Harrison and Saddlebrook, N.J., and Biglerville, Pa., to points in Georgia, Illinois, Maryland, Ohio, and Texas; (7) *carbonated beverages*, from Garfield, N.J., to points in Georgia, Illinois, Maryland, Ohio, and Texas; (8) *chemicals*, cleaners, detergents, cleaners and wax (except in bulk), from Avenel, N.J., to points in Georgia, Maryland, Ohio, Illinois, and Pennsylvania; (9) *boxes*, cylindrical, fibreboard, paper or pulpboard, other than corrugated, with tops or bottoms of same or other materials, with tops and bottoms detached from bodies and bottoms enclosed in tops, bodies nested in boxes, (a) Fulton, N.Y., to points in Florida, Illinois, Maryland, and Massachusetts; and (b) from Kansas City, Kans., to points in Florida, Illinois, Maryland, and Massachusetts; (10) *glassware*, from Dunkirk, Ind., to points in California, Florida, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Texas; and (11) *returned and rejected shipments* of the commodities described in (1) through (10) above, from the destination points described in (1) through (10) above, to the origins respectively set forth in (1) through (10) above, under a continuing contract or contracts with Howard Johnson Company.

NOTE.—The purpose of this republication is (1) to correct the commodity description in part (5), and (2) add the contracting shipper, Howard Johnson Company which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 133119 (Sub-No. 67) (Correction), filed May 12, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, republished as corrected this issue. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass beads, glass spheres, and glass cullet*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Scobey and Plentywood, Mont., and Portal and Pembina, N. Dak., to points in Nevada, Arizona, New Mexico, and California; and (2) *thermoplastic marking material*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Scobey and Plentywood, Mont., and Portal and Pembina, N. Dak., to points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, from Moose Jaw, Saskatchewan.

NOTE.—The purpose of this republication is to correct the territorial description in part (2) of this proceeding. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minot, N. Dak.

No. MC 133189 (Sub-No. 8), filed June 10, 1975. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, Minn. 55421. Applicant's representative: James S. Holmes, 4610 IDS Center, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

V40-129 JUL 3 75 XUM

ing: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the United States (including Alaska, but excluding Hawaii), to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, or Minneapolis, Minn.

No. MC 133219 (Sub-No. 12), filed June 2, 1975. Applicant: PARKS TRANSPORTS, INC., Box 10, Greenwood, Nebr. 68366. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybeans and soybean products* (except liquid commodities in bulk), between Fremont and Lincoln, Nebr., on the one hand, and, on the other, points in Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Illinois, Wisconsin, Utah, Arizona, Nevada, Washington, Oregon, and California, restricted to the transportation of shipments originating at the facilities of Archer-Daniels-Midland Co., Inc., located at the above-named origins and destined to the above-named States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr.

No. MC 133590 (Sub-No. 8), filed June 2, 1975. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pork carcasses, pork byproducts and offal* (except commodities in bulk and hides), from points in Illinois, Indiana (except Worthington), Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, to the plant sites and storage facilities of Western Pork Packers, Inc. at Bronx, N.Y. and Worcester, Mass.; and (2) *pork products, pork byproducts and offal* (except commodities in bulk and hides), from the plant sites and storage facilities of Western Pork Packers, Inc. at Bronx, N.Y. and Worcester, Mass., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin under a continuing contract or contracts with Western Pork Packers, Inc. (N.Y. Corporation) and Western Pork Packers, Inc. (Mass. Corporation).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Worcester, Mass., New York, N.Y., Philadelphia, Pa. or Washington, D.C.

No. MC 133591 (Sub-No. 19), filed June 3, 1975. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed ingredients, drugs and insecticides;* from Lee's Summit, Mo., to points in New Mexico; and (2) *drugs and insecticides*, from Lee's Summit, Mo., to points in California, Arizona, Nevada, Utah, and New Mexico.

NOTE.—Applicant holds motor contract carrier authority in MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134388 (Sub-No. 8), filed May 28, 1975. Applicant: HOME RUN, INC., Three North Sycamore Street, Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies and fixtures* used in the erection or assembly of buildings (except buildings in sections when mounted on wheeled undercarriages, and cement): (1) from Jamestown, Ohio; Eightyfour and Wampum, Pa.; Victor, N.Y.; and Fredericksburg, Va., to points in the United States (except Alaska and Hawaii); and (2) between Victor, N.Y.; Fredericksburg, Va.; Eightyfour, Wampum, and Coraopolis, Pa.; and Chardon and Jamestown, Ohio, under a continuing contract or contracts with Ryan Homes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Pittsburgh, Pa.

No. MC 134493 (Sub-No. 1), filed June 5, 1975. Applicant: CHICAGO-ST. LOUIS TRANSPORT, 1401 Channahon Road, Joliet, Ill. 60436. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, from Alsip, Ill., to Baldwin, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134599 (Sub-No. 128), filed June 2, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and pulpwood, and equipment, materials and supplies* used in the manufacture and production of the aforementioned commodities (except commodities in bulk, or which because of size or weight require special handling or equipment), between Brownville, N.Y., on the one hand, and, on the other, points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, New York, New Hampshire, Vermont, Maine, and the District of Columbia, under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 129), filed May 29, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products and chemicals, equipment, materials and supplies* used in the manufacture and production thereof (except in bulk, in tank vehicles), from Shelbyville, Tenn.; Scottsville, Va.; and Winnsboro, S.C., to Salem, Va.; West Haven, Conn.; Bowling Green, Ky.; Natchez and Tupelo, Miss.; West Helena, Ark.; Baltimore, Md.; Des Moines, Iowa; Mansfield, Akron, and Leavittsburg, Ohio; Indiana, Pa.; Nashville, Tenn.; and Hanford, Calif., under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—Applicant holds motor common carrier authority in MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134631 (Sub-No. 24), filed June 2, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. BOX 406, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First Nat'l. Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Arcadia, Wisc., to points in Arizona, Arkansas, California, Connecticut, Delaware, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming, restricted to the transportation of traffic originating at the plant sites and storage facilities of Ashley Furniture Company at or near Arcadia, Wis., under a continuing contract or contracts with Ashley Furniture Company.

NOTE.—Applicant holds motor common carrier authority in MC 118202 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134783 (Sub-No. 33), filed June 2, 1975. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 1612 Court Place, Suite 646, Metropolitan Bldg., Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vending machines, confectionery products, chocolates, and related chocolate items*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Ford Gum Company located at or near Akron, N.Y., to points in Missouri and Iowa, and points in the United States in and west of Montana, Wyoming, Kansas, Colorado, Oklahoma, and Texas.

NOTE.—Applicant holds motor contract carrier authority in MC 139309 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134889 (Sub-No. 2), filed June 6, 1975. Applicant: CITRUSALES, INC., P.O. Box 9094, Winter Haven, Fla. 33880. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, in bulk, in compartmental tank vehicles, from the plantsite of Redd Orange Concentrates, Inc., located at or near Lakeland, Fla., to points in Tennessee, Ohio, Virginia, New York, Connecticut, Maryland, New Jersey, Pennsylvania, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando or Tampa, Fla.

No. MC 134922 (Sub-No. 133), filed June 2, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware*, from Roseville, Ohio, to points in Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Little Rock, Ark.

No. MC 134922 (Sub-No. 134), filed June 9, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and plastic articles*, from Chillicothe, Ohio, to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark., or Cincinnati, Ohio.

No. MC 135082 (Sub-No. 18), filed June 9, 1975. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable scrap and waste materials* (except in bulk), from points in California, Colorado, Kansas, Missouri, New Mexico, Nevada, Oklahoma, Texas, and Utah, to points in Navajo County, Ariz.

NOTE.—Applicant holds contract carrier authority in MC 115524 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 135170 (Sub-No. 6), filed June 4, 1975. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products*, containers and products produced or distributed by manufacturers and converters or paper and paper products (except commodities in bulk), from Milville, N.J. (Cumberland County) to points in Virginia, North Carolina, and Maryland, under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135684 (Sub-No. 14), filed May 21, 1975. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron products and accessories*, from the plantsite or other facilities of Leslie-Locke, at Lodi, Ohio, to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Michigan, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials and supplies*, used in the production, sale, or distribution of the commodities described in (1) above, from the destination points specified in (1) above, to the shipper specified in (1) above, at Lodi, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135713 (Sub-No. 5), filed June 3, 1975. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from St. Clair, Mich., to Springfield, Mass.; points in the New York, New York Commercial Zone; points in Long Island, N.Y.; and those points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Somerset and Union Counties, N.J., under contract with Diamond Crystal Salt Co.

NOTE.—Applicant holds common carrier authority in MC 139539 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135797 (Sub-No. 40), filed June 6, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned grapefruit juice, and citrus fruits* when moving in mixed shipments with commodities subject to economic regulation; and (2) *prepared foods or foodstuffs, paper napkins, and coasters and china or ceramic plates*, when moving in mixed shipments with citrus fruits or canned grapefruit juice, from Donna, Tex., and Alamo, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at McAllen, or Corpus Christi, Tex.

No. MC 136087 (Sub-No. 2), filed June 3, 1975. Applicant: JAMES E. CHELF, WILLIAM F. SHARP, JR., ALVIN CO., ELLIOTT AND LOY GENE COKER doing business as JIM CHELF AND ASSOCIATES, 5226 Brighton Blvd., Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone and telegraph equipment, materials and supplies* (except central office switching equipment and station apparatus), between Omaha, Nebr., on the one hand, and, on the other, points in Colorado, under a continuing contract or contracts with Mountain States Telephone and Telegraph Company (Mountain Bell) of Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136212 (Sub-No. 15), filed May 27, 1975. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber packing, rubber products, materials, equipment, machinery, mixed compounds and supplies*, used in the manufacture of the above named

V40-129 JUL 3 75 XUM

commodities; and (2) *paper, tubes, boxes and repair parts*, for machinery (except commodities in bulk, in tank vehicles), between ports of entry located on the International Boundary line at or near Niagara Falls and Buffalo, N.Y., and Port Huron and Detroit, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to, the facilities of Goshen Rubber Company, at Brampton, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 136689 (Sub-No. 4) (Correction), filed April 1, 1975, published in the FEDERAL REGISTER issue of May 1, 1975, republished as corrected this issue. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 10910 Lane Street, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cooking oils; animal litter; and bleaching and cleaning compounds*, in containers, from Houston, Tex., to points in Oklahoma, under a continuing contract with The Clorox Company of Oakland, Calif.

NOTE.—The purpose of this republication is to show the name of the contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 136786 (Sub-No. 75), filed June 6, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, and vermicelli*, with or without other ingredients, (1) from Minneapolis, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (2) from Fairlawn, N.J., to Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136818 (Sub-No. 10), filed June 11, 1975. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic granules*, from Plaquemine, La., to Malad City, Idaho, and Fallon, Nev.

NOTE.—Applicant holds contract carrier authority in MC 136697 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Salt Lake City, Utah.

No. MC 136916 (Sub-No. 11), filed May 28, 1975. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, from New York, N.Y., to points in Connecticut; and (2) *salt* in packages, *pepper*, in packages, in mixed shipments with salt in packages, and *materials and supplies* used in the agricultural, water treatment food processing, wholesale grocery, and institutional supply industries, in mixed shipments with salt in packages, from the facilities of Morton Salt Company, Division of Morton-Norwich Products, Inc., located at or near Silver Springs, N.Y. (Wyoming County, N.Y.), to points in the New York, N.Y. Commercial Zone as defined by the Commission, restricted to traffic originating at the above origin and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 136989 (Sub-No. 11), filed May 8, 1975. Applicant: R. F. BOX, doing business as R. F. BOX TRUCKING, 1401 Dartmouth Street, NE., Albuquerque, N. Mex. 87106. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs), from the plantsites of Amtico Flooring Division, American Biltrite, Inc., located at or near Norwood, Mass., and Trenton, N.J., to points in New Mexico, Arizona, Colorado, Utah, California, Washington, Oregon, Montana, Idaho, Nevada, and El Paso County, Tex., under a continuing contract or contracts with Amtico Flooring Division, American Biltrite, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 138313 (Sub-No. 17), filed May 27, 1975. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil seed meal*, from points in Montana, to points in Oregon, Washington, Colorado, Wyoming, and Nebraska.

NOTE.—Applicant holds contract carrier authority in MC 126780, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Great Falls, Mont.

No. MC 138335 (Sub-No. 1), filed June 2, 1975. Applicant: HARTLEY OIL COMPANY, INC., Route 2, South, P.O. Box 398, Ravenswood, W. Va. 26164. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric cable on reels*, from Baltimore, Md., to points in West Virginia; and (2) *empty reels*, from points in West Virginia, to Baltimore, Md., under a continuing contract or contracts with Western Electric Company, Inc.

NOTE.—Applicant holds common carrier authority in MC-133288, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va., or Columbus, Ohio.

No. MC 138469 (Sub-No. 15), filed June 2, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell Street, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, household and industrial cleaning products, brooms, brushes, mops, and promotional materials and supplies, materials, and machinery* used in the manufacture thereof (excluding commodities in bulk, in tank vehicles), between the plantsite of Fuller Brush Company located at or near Great Bend, Kans., on the one hand, and, on the other, the facilities of Fuller Brush Company at Pennsauken, N.J.; Farmingdale and New York, N.Y.; Lansing, Ill.; Atlanta, Ga.; Los Angeles and Oakland, Calif.; and Seattle, Wash.

NOTE.—Applicant holds contract carrier authority in MC 136375 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Bend, Kans.; Chicago, Ill.; or Oklahoma City, Okla.

No. MC 138578 (Sub-No. 3), filed May 30, 1975. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vheicle, over irregular routes, transporting: *corrugated boxes, paper and paper products*, from McAllen, Tex., to points in Arkansas, Colorado, Louisiana, Missouri, New Mexico, Oklahoma, and Mississippi, under a continuing contract or contracts with Valley Corrugated Box, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 138627 (Sub-No. 6), filed June 2, 1975. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles, crushed agricultural implements,*

crushed appliances, and scrap metals, between points in Kansas, Oklahoma, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Arkansas, Michigan, Wisconsin, Illinois, Indiana, Tennessee, Kentucky, Colorado, and Midlothian, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138882 (Sub-No. 7), filed June 10, 1975. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from the facilities of Elba Pallets, Inc., located at or near Elba, Ala., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 138896 (Sub-No. 12) (Partial correction), filed April 11, 1975, published in the FEDERAL REGISTER issue of May 15, 1975, republished as corrected, this issue. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (4) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Minneapolis-Saint Paul, Minn., to points in Minnesota; points in Ontonagon and Gogebic Counties, Mich.; points in Vilas, Iron, Ashland, Bayfield, Douglas, Burnett, Washburn, Sawyer, Price, Taylor, Bush, Barron, Polk, Saint Croix, Dunn, Chippewa, Clark, Wood, Eau Claire, Pepin, Pierce, Buffalo, Jackson, Trempealeau, La Crosse, Monroe, Juneau, Vernon, Crawford, Richland, and Sauk Counties, Wis., and points in that part of Marathon County, Wis., on and west of Wisconsin Highway 97; and points in Cass and Grand Forks Counties, N. Dak.

NOTE.—The purpose of this partial correction is to show the location of Cass and Grand Forks, N. Dak. The rest of the application remains the same. Applicant holds contract carrier authority in MC 119391 Sub 1 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138946 (Sub-No. 7) (Correction), filed April 21, 1975, published in the FEDERAL REGISTER issue of May 22, 1975, republished as corrected, this issue. Applicant: MARKET TRANSPORT, LTD., 33 NE. Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cucumbers, pickled*, in drums or tote bins, from Stockton and Modesto, Calif., to Portland and Scappoose, Oreg.; (2) *spices*, from Gilroy, San Francisco, and Vacaville, Calif., to Portland and Scappoose, Oreg.; (3) *sugar*, in sacks, from Woodland and Sacramento, Calif., to Portland and Scappoose, Oreg.; (4) *salt*, in sacks, from Oakland and San Leandro, Calif., to Portland and Scappoose, Oreg.; (5) *labels*, printed, from San Francisco, Calif., to Portland and Scappoose, Oreg.; (6) *fibre, metal, plastic or steel drums; fibre or plastic pails; glass or plastic bottles and caps or lids*, for glass or plastic bottles; *cans, iron or steel, and can ends; cardboard boxes or cartons*, from Los Angeles, Pacoima, and Hayward, Calif., to Portland and Scappoose, Oreg.; and (7) *commodities*, otherwise exempt from economic regulations under Section 203(B)(6) of the Interstate Commerce Act, when moving in mixed shipments with commodities described in paragraphs (1) through (6) above, under contract with Steinfeld's Products Company.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138956 (Sub-No. 2), filed May 30, 1975. Applicant: ERGON TRUCKING, INC., 202 E. Pearl Street, Jackson, Miss. 39201. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water, drilling mud, oil spillage, oil emulsion and basic sediments* in connection with oil and gas exploration, production and discovery, in bulk, between points in Alabama, Mississippi, Louisiana, and Florida; and (2) *Crude oils, condensates, and distillants* between points in Alabama and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 139945 (Sub-No. 3), filed May 29, 1975. Applicant: ARNOLD M. TWEEDIE doing business as PRODUCE TRANSPORT, Route 202, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to the warehouse of Twin City Fruit and Produce at Lewiston, Maine, under a continuing contract or contracts with Twin City Fruit and Produce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine or Boston, Mass.

No. MC 140352 (Sub-No. 1), filed June 4, 1975. Applicant: HENRY J. WILKINSON, doing business as INYO-MONO BODY SHOP, 387 North Warren Street, Bishop, Calif. 93514. Applicant's representative: Henry J. Wilkinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked or disabled trucks, cars, tractors, and trailers;* (2) *trailers* designed to be pulled by autos, trucks, tractors, semi-trailers, full trailers, and house trailers; and (3) *replacement vehicles, motor homes, pole trailers, and mobile homes*, by wrecker-type vehicles, between points in Inyo and Mono Counties, Calif., and Esmeralda, Nye, and Mineral Counties, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev., or Los Angeles, Calif.

No. MC 140537 (Sub-No. 2), filed May 30, 1975. Applicant: WESTERN TURF EXPRESS LTD., 3515—76 Avenue, R.R. No. 2, South Edmonton, Alberta, Canada, T6C 4E6. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle with such horses, *feed, stable equipment, and supplies* used in their care and exhibition, *livestock tack and show equipment; and personal effects* of their attendants, trainers and exhibitors, between ports of entry on the International Boundary line between the United States and Canada located at or near East Port, Idaho; Noyes, Minn.; Sweetgrass, Mont.; Portal, N. Dak.; Blaine and Sumas, Wash.; and points in Arizona, California, Colorado, Idaho, Kentucky, Montana, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 140597 (Sub-No. 2), filed June 2, 1975. Applicant: DON'S TOWING SERVICE, 723 Earle St., Mullan, Idaho 83846. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or* disabled vehicles, in truck-away service, (1) between points in Shoshone County, Idaho and Mineral County, Mont.; and (2) between points in Shoshone County, Idaho and Mineral County, Mont., on the one hand, and, on the other, Spokane, Wash. and Missoula, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Coeur d'Alene, Idaho.

No. MC 140705 (Sub-No. 1), filed June 9, 1975. Applicant: CABRILLO MOVING SERVICE, INC., 206 West 35th St., National City, Calif. 92050. Applicant's representative: Alan P. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Diego County, Calif., restricted to the transportation of traffic having a prior or sub-

V40-129 JUL 3 75 XUM

sequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either, San Diego or National City, Calif.

No. MC 140748 (Sub-No. 2), filed June 10, 1975. Applicant: DICKIE L. SISLER, Box 33, Wiota, Iowa 50274. Applicant's representative: Dickie L. Sisler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and paperback books*, from Columbia, Mo., to Concordia, Kans.; and Beatrice and Norfolk, Nebr., under a continuing contract or contracts with Mid-Continent News Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 140839 (Sub-No. 1), filed June 4, 1975. Applicant: NEIL R. JACOBS, doing business as DUTCH MILL TRUCKING, R.R. 1, Sparta, Wis. 54656. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solutions and liquid feeds*, in bulk, in tank vehicles, from the plant site and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, to points in Wisconsin, Illinois, Missouri, Minnesota, Kansas, Nebraska, South Dakota, and North Dakota; and (2) *materials, equipment and supplies* used or useful in the manufacture, production, sale or distribution of the commodities specified in part (1) above, in bulk, in tank vehicles, from points in Wisconsin, Illinois, Missouri, Minnesota, Kansas, Nebraska, South Dakota, and North Dakota to the plant site and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, under a continuing contract or contracts with NaChurs Plant Food Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Red Oak, Iowa, or Madison, Wis.

No. MC 140863, filed April 11, 1975. Applicant: AMALGAMATED TRANSPORTATION, INC., Route No. 2, Cedar Rapids, Iowa 52401. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (3) between points in Pennsylvania, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140874, filed April 23, 1975. Applicant: SCHREIBER EXPRESS, INC., 1111 East Madison Avenue, Tampa, Fla. 33602. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Suite 404, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between: (1) points in Florida on, east and north of a line beginning at the Florida-Georgia State Boundary line and extending southerly along U.S. Highway 441 to Gainesville, Fla., thence easterly along Florida Highway 20 to intersection Florida Highway 100, and thence easterly along Florida Highway 100 to the Atlantic Ocean at Beverly Beach, Fla.; (2) points in Florida on and south of a line beginning at the Atlantic Ocean at Ormond Beach, Fla., and extending westerly along Florida Highway 40 to the Gulf of Mexico near Yankeetown, Fla., and on and north of a line beginning at the Atlantic Ocean at Fort Pierce, Fla., and extending westerly along Florida Highway 70 to intersection Florida Highway 72 at or near Arcadia, Fla., and thence westerly along Florida Highway 72 to the Gulf of Mexico at Siesta Key, Fla.; and (3) points in Florida on, south and east of a line beginning at Palm Beach, Fla., and extending westerly along U.S. Highway 98 to intersection U.S. Highway 441, thence westerly along U.S. Highway 441 to Belle Glade, Fla., thence southerly and westerly along an unnumbered highway to South Bay, Fla., thence westerly along U.S. Highway 27 to intersection Florida Highway 80, thence westerly along Florida Highway 80 to intersection Florida Highway 29, and thence southerly along Florida Highway 29 to the Gulf of Mexico at or near Everglades City, Fla., including points located on the Florida Keys, restricted to shipments having a prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 140918 (Correction), filed April 25, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, republished as corrected this issue. Applicant: ROGER P. MANN, doing business as R. P. M. TRUCKING SERVICE, 9152 South Trumbull, Evergreen Park, Ill. 60642. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaging products and adhesives* between points in Kentucky, Michigan, Illinois, Ohio, Iowa, Wisconsin, and Tennessee, on the one hand, and, on the other Michigan City, Ind., and (2) *Materials and supplies* used in the manufacture of products in (1) above from points in the above-named destinations, to points in Michigan City, Ind. under a continuing contract or contracts with Boone Box Co., Louisville, Ky.

NOTE.—The purpose of this republication is to correct the territorial description in part (1). If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Louisville, Ky.

No. MC 140924 (Correction), filed April 29, 1975 and published in the FEDERAL REGISTER issue of June 5, 1975, and republished as corrected this issue. Applicant: ROBERT TASSO, doing business as FIVE STAR TOWING, 3757 New York Avenue, Seaford, N.Y. 11783. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, and repossessed motor vehicles, and replacements* thereof (except mobile homes or house trailers designed to be drawn by passenger automobiles) and *antique automobiles*, by the use of wrecker equipment, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and Vermont.

NOTE.—The purpose of this correction is to indicate that antique automobiles should be included in the above commodity description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140945 (Sub-No. 1), filed June 9, 1975. Applicant: JAMES W. CROWE, 307 Brennan Road, Columbus, Ga. 31903. Applicant's representative: C. E. Walker, Suite 307, First National Bank Building, P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer materials, farm seed, animal feed, and crop protection chemicals*, when shipped in the same vehicle with fertilizer materials, between points in Alabama, Georgia, and Florida, under a continuing contract or contracts with U.S. Agri-Chemicals, Division of U.S. Steel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus or Atlanta, Ga.

No. MC 140954, filed May 5, 1975. Applicant: RAYMOND REMILLARD, doing business as P & R TRUCKING, Box 147-A R.D. 1, Chester, N.H. 03036. Applicant's representative: Raymond Remillard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textiles and ready to wear garments*, from Lawrence, Mass., to Durant, Miss.; (2) *wood* from Vicksburg, Miss., to Nashua, N.H.; and

(3) *commodities*, the transportation of which is exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with the commodities named above, (a) from Lawrence, Mass., to Durant, Miss.; and (b) from Vicksburg, Miss., to Nashua, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Manchester, N.H. or Boston, Mass.

No. MC 140976, filed May 12, 1975. Applicant: SNAPPY DELIVERY, INC., 1823 East Dakota, Pierre, S.D. 57501. Applicant's representative: Robert D. Hofer, 319 S. Coteau, Pierre, S.D. 57501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in that part of South Dakota east of the Missouri River, on the one hand, and, on the other, all Indian Reservations located in South Dakota including but not limited to Cheyenne, Rosebud, Pine Ridge, Lower Brule, Crow Creek, and Standing Rock.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pierre, Rapid City, or Sioux Falls, S. Dak.

No. MC 140997 (Sub-No. 1), filed May 30, 1975. Applicant: BAKER TRUCKING COMPANY, a Corporation, 514 Northwestern National Bank Building, Sioux Falls, S. Dak. 57101. Applicant's representative: Duane L. Stromer, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fiberboard and pulpboard and fiberboard products*, from the facilities of Hoerner-Waldorf Corporation at or near Sioux Falls, S. Dak., to points in Iowa, Nebraska, and points in Minnesota south and west of a line beginning at the South Dakota-Minnesota State Boundary line and extending easterly along Minnesota Highway 28 to intersection Minnesota Highway 29, thence southerly along Minnesota Highway 29 to intersection U.S. Highway 12, thence easterly along U.S. Highway 12 to intersection U.S. Highway 71, thence southerly along U.S. Highway 71 to intersection U.S. Highway 212, thence easterly along U.S. Highway 212 to intersection Minnesota Highway 15, thence southerly along Minnesota Highway 15 to intersection U.S. Highway 14, thence easterly along U.S. Highway 14 to intersection U.S. Highway 169, and thence southerly along U.S. Highway 169 to the Iowa-Minnesota State Boundary line; and (2) *materials, equipment and supplies* used in the manufacture and processing of pulpboard, fiberboard, and pulpboard and fiberboard products, from points in the destination territory in (1) above, to the facilities of Hoerner-Waldorf Corporation at or near Sioux Falls, S. Dak., under a continuing contract or contracts with Hoerner-Waldorf Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak. or Sioux City, Iowa.

No. MC 141003, filed May 27, 1975. Applicant: OREN SMITH, JR., R.D. No. 2, Box 270, Uniontown, Pa. Applicant's representative: Marshall Kragen, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Grays Landing, German Township (Fayette County), Pa., to Bellaire, Ohio, under contract with Utilities Fuel Company, and Gallatin Fuel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Wheeling, W. Va.

No. MC 141004, filed May 28, 1975. Applicant: ROBERT C. RILEY, Rural Route 2, Pittsfield, Ill. 62663. Applicant's representative: James T. Londrigan, 620 East Edwards, Springfield, Ill. 62705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, rock, limestone, asphalt, dirt, feed, feed ingredients, and dry fertilizer*, between Illinois and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 141021, filed May 2, 1975. Applicant: PETROLEUM TRANSPORT COMPANY, INCORPORATED, P.O. Drawer 1080, Kenner, La. 70062. Applicant's representative: Rene Jacomine (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* products, in bulk, in tank vehicles, from points in Louisiana and Mississippi, to points in Orange, Jefferson, Chambers, Galveston, Harris, and Liberty Counties, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New Orleans, La. or Houston, Tex.

No. MC 141033, filed May 30, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mattresses and box springs and bedding products*, from Memphis, Tenn., to points in Alabama, Arkansas, Florida, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; and (2) *returned shipments* of mattresses and box springs and bedding products and materials and supplies used in the manufacture and distribution of these commodities, from the above-described destinations, to the above-described origin.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 124796 (Sub-No. 11), and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 141033 (Sub-No. 1), filed June 6, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burial cases, caskets, coffins, and casket shells*, from Memphis, Tenn., to points in the United States (except Alaska and Hawaii), (2) *returned shipments, of burial cases, caskets, coffins, and casket shells and materials, equipment, and supplies* used in the manufacture and distribution of these commodities from the above described destinations to the above described origin; and (3) *burial cases, caskets, coffins, and casket shells*, from Chicago, Ill., and Cloverdale, Calif., to Memphis, Tenn.

NOTE.—Applicant holds motor contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or Washington, D.C.

No. MC 141041, filed May 28, 1975. Applicant: F. T. WILLIAMS COMPANY, INCORPORATED, 3009 Rozzels Ferry Road, Charlotte, N.C. 28208. Applicant's representative: Samuel S. Williams, 139 So. Tryon St., Charlotte, N.C. 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from the junction of Arrowood Road and Interstate Highway 77 in Mecklenburg County, N.C., to Duke Power Nuclear Station, in York County, S.C., under contract with Martin Marietta Aggregates.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

BROKER APPLICATIONS

No. MC 130195 (Sub-No. 2), filed May 30, 1975. Applicant: HOOSIER MOTOR CLUB, doing business as WORLD WIDE TRAVEL SERVICE, 40 West 40th Street, Indianapolis, Ind. 46028. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Kokomo, Terre Haute, Crawfordsville, Lafayette, Anderson, Muncie, Richmond, Columbus, Bloomington, and Clarksville, Ind., to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip tours, by motor, rail, water, and air carriers, beginning and ending at points in Vigo, Montgomery, Tippecanoe, Howard, Madison, Delaware, Wayne, Monroe, Bartholomew, and Clark Counties Ind., and extending to points in the United States (except Alaska and Hawaii).

V40-129 JUL 3 75 XUM

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 130320, filed May 27, 1975. Applicant: LONNIE J. JOHNS, doing business as TRAVEL CONSULTANTS OF JACKSONVILLE, 1724 South Main Street, Jacksonville, Ill. 62650. Applicant's representative: Lonnie J. Johns (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Jacksonville, Ill., to sell or offer to sell the transportation of *Passengers, as individuals and in groups, and their baggage* in special and charter operations, in all expense tours, by motor carrier, beginning and ending at points in Cass, Greene, Jersey, Menard, Morgan, Pike, Sangamon, and Scott Counties, Ill. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jacksonville, Ill. or St. Louis, Mo.

No. MC 130323, filed May 8, 1975. Applicant: VISIT AMERICA, INC., 424 Madison Avenue, New York, N.Y. 10017. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y. to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage* in the same vehicle with passengers, in charter and special operations, by motor common carriers, between points in the United States, including Alaska and Hawaii, restricted to making arrangements for passengers having a prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130325, filed June 2, 1975. Applicant: PAUL M. KEITH, doing business as MOUNTAIN PARADISE TOURS, Finlen Hotel, 100 East Broadway Street, Butte, Mont. 59701. Applicant's representative: Neil J. Lynch, 2101 Harrison Ave., Butte, Mont. 59701. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Butte, Bozeman, West Yellowstone, Helena, Kalispell, Mont., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor, rail, water, or rail carriers, from points in Montana, to points in the United States including Hawaii and Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Butte, Mont.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17255 Filed 7-2-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 30, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 297 (Sub-No. E1), filed October 20, 1974. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 87, Woodland, Wash. 98674. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products* and *door components*, from points within 15 miles of Woodland (except points in the commercial zones as defined by the Commission of Kelso and Longview, Wash.), to points in Oregon (except points in Clatsop, Columbia, Washington, Yamhill, Polk, Clackamas, Multnomah, Hood River, Tillamook, Marion, Benton, Linn, and Wasco Counties, Oreg.); and (2) *Lumber*, from points in Oregon (except points in Clatsop, Columbia, Washington, Yamhill, Polk, Clackamas, Multnomah, Hood River, Tillamook, Marion, Benton, Linn, and Wasco Counties, Oreg.), to points within 15 miles of Woodland (except points in the commercial zones as defined by the Commission of Kelso and Longview, Wash.). The purpose of this filing is to eliminate the gateway of Woodland, Wash.

No. MC 15558 (Sub E19), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Route 522 to Junction Highway U.S. Route 17, thence along U.S. Highway 17 to Junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, on the one hand, and, on the other, those points in Ohio on and north of a line beginning at the Ohio-W. Va. State line and extending along U.S. Route 50 to Junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 21866 (Sub-No. E1), (Correction), filed May 5, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Bayertown, Pa. 19512. Applicant's representative: Robert P. Stimmel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (7) *Metal articles* (except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefore and those which because of size or weight require the use of special equipment), from Leesport and Trappe, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of G.A.C. Merchandising, Inc., at Pottsville, Pa. The purpose of this partial correction is to correct the exception in (7) above. The remainder of this letter-notice remains as previously published.

No. MC 43963 (Sub-No. E9), filed April 28, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, which because of size and weight require specialize handling or rigging, from points in Indiana on and north of U.S. Highway 40 to points in Jo Daviess, Carroll, Whiteside, Rock Island, Stephenson, Ogle, Lee, Winnebago, Boone, McHenry, De Kalb, and Kane Counties, Ill. The purpose of this filing is to eliminate the gateway of Chicago or Joliet, Ill.

No. MC 43963 (Sub-No. E10), filed April 25, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils*, which because of size and weight require specialized handling or rigging, from points in La Porte, St. Joseph, Elkhart, Lagrange, and Steuben Counties, Ind., to points in Illinois. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E11), filed April 23, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire* in coils (except articles requiring specialized handling or rigging because of size or weight), from points in Lake County, Ill., within 40 miles of Grant Park, Chicago, Ill., and those in Kane and Cook Counties, Ill., on or north of U.S. Highway 20 within 40 miles of Grant Park, Ill., to points in Illinois on or south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 17, and thence along Illinois Highway 17 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E12), filed April 24, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire* in coils, which because of size or weight require specialized handling or rigging, from points in Noble, De Kalb, and Allen Counties, Ind., to points in that part of Illinois in and north of Kankakee, Livingston, McLean, De Witt, Macon, Christian, Montgomery, Bond, Madison, St. Clair, and Monroe Counties. The purpose of this filing is to eliminate the gateway of Burns Harbor, Ind.

No. MC 43963 (Sub-No. E13), filed April 29, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire* in coils (except articles requiring specialized handling or rigging because of size and weight), from points in Lake County, Ill., within 40 miles of Grant Park, Chicago, Ill., to points in Illinois (except points in Jo Daviess, Carroll, Whiteside, Lee, Ogle, Stephenson, Winnebago, Boone, McHenry, De Kalb, Kane, Kendall, Will, Cook, Du Page, and Lake Counties). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E15), filed April 21, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire* in coils (except articles requiring specialized handling or rigging because of size or weight), from points in Indiana within 40 miles of Grant Park, Chicago, Ill., to points in Illinois (except points in Crawford, Clark, Edgar, Vermilion, Iroquois, Ford, Kankakee, Will, Grundy, and Kendall Counties, and those in Cook County south of Illinois Highway 64. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E16), filed April 18, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire* in coils (except articles requiring specialized handling or rigging because of size and weight), from points in Lake County, Ill., within 40 miles of Grant Park, Chicago, Ill., to points in Illinois (except points in Jo Daviess, Carroll, Whiteside, Lee, Ogle, Stephenson, Winnebago, Boone, McHenry, De Kalb, Kane, Kendall, Will, Cook, Du Page, and Lake Counties). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 52657 (Sub-No. E14), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Iowa (except that portion west of a line beginning at the Iowa-Missouri State line near Mark, Iowa, thence extending north on U.S. Highway 63 to its junction with Iowa Highway 163 at Oskaloosa, thence north on Iowa Highway 163 to its junction with Iowa Highway 117 near Prairie City, thence north on Iowa Highway 117 to its junction with U.S. Highway 65 near Farrar, thence north on U.S. Highway 30 near Colo., thence west on U.S. Highway 30 to its junction with U.S. Highway 69 near Ames, and thence north on U.S. Highway 69 to the Iowa-Minnesota State line near Lake Mills, Iowa), Maine, Massachusetts, Michigan, Minnesota (except that part west of a line beginning at the Iowa-Minnesota State line near Prosper, Minn., thence north on U.S. Highway 52 to its junction with U.S. Highway 12 at or near Minneapolis, thence west on U.S. Highway 12 to its junction with U.S. Highway 71 at or near Willmar, thence north on U.S. Highway 71 to its junction with Minnesota Highway 72 near Shooks, thence north on Minnesota Highway 72 to its junction with the Canadian border near Bandette, Minn.), New Hampshire, New Jersey (except that portion southeast of a line beginning at the Pennsylvania-New Jersey State line near Burlington, N.J., thence northeast on U.S. Highway 130 to the junction of New Jersey Highway 33, thence east on New Jersey Highway 33 to Ocean Grove, N.J.), New York, Pennsylvania (except that portion south of a line beginning at the Ohio-Pennsylvania State line near Claysville, Pa., thence east on Interstate Highway 70 to the junction of Interstate Highway 76 (Pennsylvania Turnpike), thence east on Interstate Highway 70 and 76 to Philadelphia, Pa.), Rhode Island, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Mattoon, Ill.

No. MC 52657 (Sub-No. E20), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movement in truckaway service, *parts of trailers and trailer chassis* (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in North Carolina and Virginia to points in the Illinois Counties of McHenry, Winnebago, Boone, De Kalb, Lake, Cook, Du Page, Kane, and Will, Indiana (except that portion south of a line beginning at the Ohio State line and U.S. Highway 224 near Decatur, Ind., thence extending west on U.S. Highway 224 to its junction with Indiana Highway 3 near Markle, Ind., thence along Indiana Highway 3 to its junction with

V40-129 JUL 3 75 XUM

U.S. Highway 36 near Mt. Summit, Ind., thence along U.S. Highway 36 to its junction with Indiana Highway 38 near Pendleton, Ind., thence along Indiana Highway 38 to its junction with Indiana Highway 32 near Noblesville, Ind., thence along Indiana Highway 32 to its junction with U.S. Highway 52 near Lebanon, Ind., thence along U.S. Highway 52 to its junction with Indiana Highway 28 near Clarks Hill, Ind., and thence along Indiana Highway 28 to the Indiana-Illinois State line near Hedrick, Ind.), Michigan, Minnesota, that part of Ohio north of a line beginning at the Michigan State line and Interstate Highway 75 on the north side of Toledo, Ohio, thence south on Interstate Highway 75 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to the Ohio-Indiana State line near Antwerp, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E25), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina (except that portion southwest of a line beginning at the Virginia-North Carolina State line near Gatewood, N.C., extending southeast on North Carolina Highway 86 to the junction of U.S. Highway 70 near Durham, N.C., thence southeast on U.S. Highway 70 to Cherry Point, N.C., Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin (except that portion north and west of a line beginning at Prairie du Chien, Wis., extending north on Wisconsin Highway 27 to the junction of U.S. Highway 16 near Sparta, Wisc., thence east on U.S. Highway 16 to the junction of Wisconsin Highway 173 near Tomah, Wisc., thence northeast on Wisconsin Highway 173 to the junction of Wisconsin Highway 80, thence along Wisconsin Highway 80 to the junction of Wisconsin Highway 13, thence along Wisconsin Highway 13 to the junction of Wisconsin Highway 97 near Marshfield, Wisc., thence north on Wisconsin Highway 97 to the junction of Wisconsin Highway 153, thence along Wisconsin Highway 153 to the junction of U.S. Highway 51, thence along U.S. Highway 51 to the junction of U.S. Highway 8 near Rhinelander, Wisc., thence along U.S. Highway 8 to the Wisconsin-Michigan State line near Niagra, Wis.), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mattoon, Ill.

No. MC 52657 (Sub-No. E31), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service; *parts of trailers and trailer chassis* (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk, or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Nebraska and Wyoming to points in Ohio, West Virginia, Kentucky (except that part west of a line beginning at the Kentucky-Ohio State line and U.S. Highway 25 near Ludlow, Ky., thence extending along U.S. Highway 25 to its junction with U.S. Highway 27 near Lexington, Ky., and thence along U.S. Highway 27 to the Kentucky-Tennessee State line near Strunk, Ky.), and the Lower Peninsula of Michigan (except that part west and north of a line beginning at the Ohio State line and U.S. Highway 127 near Waldron, Mich., thence extending north on U.S. Highway 127 to its junction with U.S. Highway 27 near Lansing, Mich., thence north on U.S. Highway 27 to its junction with Interstate Highway 75 south of Grayling, Mich., thence north on Interstate Highway 75 to its junction with Michigan Highway 68 near Indiana River, Mich., and thence east on Michigan Highway 68 to Lake Huron near Rogers City, Mich.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E36), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, (1) between points in Washington, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan (except that part north of a line beginning at Michigan Highway 72 and Lake Michigan, near Empire, Mich., extending along Michigan Highway 72 to Lake Huron near Harrisville, Mich.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C.; (2) between points in Washington, on the one hand, and, on the other, points in Florida, Georgia, Louisiana (except that part north and west of a line beginning at the Arkansas State line and Louisiana Highway 159 near Shongaloo, La., then extending south on Louisiana Highway 159 to Louisiana Highway 7, thence along Louisiana Highway 7 to U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi River near Logansport, La.) Mississippi, Missouri, (except that part west of a line beginning at the Illinois State line and U.S. Highway 36 near Hannibal, Mo., extending west on U.S. Highway 36 to U.S. Highway 61, thence along U.S. Highway 61 to Missouri Highway 19, thence along Missouri Highway 19 to Missouri Highway 28, thence along Missouri Highway 28 to Missouri Highway 17, thence along Missouri Highway 17 to Missouri Highway 32, thence along Missouri Highway 32 to Missouri Highway 95, thence along Missouri Highway 95 to Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas State line near Gainesville, Mo.), South Carolina and Tennessee; and

(3) between points in Washington, on the one hand, and, on the other, points in Kentucky, Illinois (except that part north and west of a line beginning at U.S. Highway 54 at the Mississippi River near Pittsfield, Ill., extending east on U.S. Highway 54 to U.S. Highway 36, thence along U.S. Highway 36 to Illinois Highway 78, thence along Illinois Highway 78 to U.S. Highway 136, thence along U.S. Highway 136 to Illinois Highway 119, thence along Illinois Highway 119 to the Indiana State line near Rantoul, Ill.), Indiana (except that part north of a line beginning at Indiana Highway 28 at the Illinois State line near West Lebanon, Ind., extending east on Indiana Highway 28 to the Ohio State line near Deerfield, Ind.), and Ohio (except that part north of a line beginning at the Indiana-Ohio State line near Union City, Ohio, extending along Ohio Highway 47 to Ohio Highway 4, thence along Ohio Highway 4 to U.S. Highway 30S, thence along U.S. Highway 30S to U.S. Highway 30, thence along U.S. Highway 30 to Interstate Highway 71, thence along Interstate Highway 71 to Interstate Highway 76, thence along Interstate Highway 76 to Ohio Highway 59, thence along Ohio Highway 59 to Ohio Highway 5, thence along Ohio Highway 5 to the Pennsylvania-Ohio State line near Kinsman, Ohio). The purpose of this filing is to eliminate the gateways of Mattoon, Ill., in (1) and (2) and Coles County, Ill. and St. Clair, Mo., in (3).

No. MC 61231 (Sub-No. E97), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, and urethane and urethane products*, that are building materials, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Wisconsin. Restriction: The authority authorized above is restricted (1) against the transportation of cement from the plantsite of the Lone Star Cement Corp., at Bonner Springs, Kans., and (2) against the transportation of mineral filler, lime, limestone and limestone products, in bulk. The purpose of this filing is to eliminate the gateway of the plantsite of the Celotex Corp., at Dubuque, Iowa.

No. MC 99142 (Sub E1), filed May 16, 1974. Applicant: CIBOLA FREIGHT LINES, P.O. Box 6849, Phoenix, Arizona 85005. Applicant's representative: Robert R. Digby, 2131 West Roosevelt Street, Phoenix, Arizona 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Mohave County, Arizona, south of the Colorado River, points in Yuma County, Arizona, north of an east-west line drawn through Cibola, Ariz., and points in Nevada within 40 miles of Kingman, Ariz., on the one hand, and, on the other, Ripley and Blythe, Calif., and Yuma, Ariz., Gateway: Cibola, Ariz., and points in Arizona within 25 miles thereof. (2) General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ripley and Blythe, Calif., and Yuma, Ariz., on the one hand, and, on the other, points in Arizona and Nevada within 40 miles of Kingman, Ariz., including Kingman. The purpose of this filing is to eliminate the gateway of Cibola, Ariz., and points within 25 miles thereof or points in Yuma County, Ariz., north of an east-west line drawn through Cibola, Ariz.

No. MC 102616 (Sub-No. E1), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Arkansas, Iowa, Louisiana, Missouri, Nebraska, Oklahoma, points in Colorado on and east of U.S. Highway 85, points in New Mexico on and east of U.S. Highway 85, points in North Dakota on and east of U.S. Highway 85, points in South Dakota on and east of U.S. Highway 85, points in Wyoming on and east of U.S. Highway 85 and points in Texas (except Harris County). The purpose of this filing is to eliminate the gateway of Institute, W. Va., and points within five miles of Marshall, Ill., which are not in the commercial zone thereof.

No. MC 102616 (Sub-No. E3), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, points in Colorado west of U.S. Highway 85, points in North Dakota west of U.S. Highway 85, and points in South Dakota west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Institute, W. Va., and the plant sites of Aniline and Solvay divisions of Allied Chemical Co., near Moundsville, W. Va., and Midland, Mich.

No. MC 102616 (Sub-No. E4), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Chicago, Ill.

No. MC 102616 (Sub-No. E9), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in Illinois on and north of U.S. Highway 24, and points in Indiana (except east and north of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Baltimore, Md., points in Allegheny or Beaver Counties, Pa., and Toledo, Ohio.

No. MC 102616 (Sub-No. E10), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in West Virginia on and east of U.S. Highway 119 which are on and north of U.S. Highway 250, and Fairmont and Clarksburg, W. Va. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E11), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in Morgan and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateways of points in the Philadelphia, Pa., commercial zone which are in Pennsylvania.

No. MC 102616 (Sub-No. E12), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, Del., to points in Ohio on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and points in Allegheny or Beaver Counties, Pa.

No. MC 102616 (Sub-No. E14), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Arkansas, Kansas, Louisiana, and points in Colorado east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Baltimore Md., the plant sites of Aniline and Solvay divisions of Allied Chemicals Co., near Moundsville, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E15), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Iowa. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and the plant sites of Aniline or Solvay divisions of Allied Chemical Co. near Moundsville, W. Va.

No. MC 102616 (Sub-No. E16), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Michigan. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and the plant sites of Aniline or Solvay divisions of Allied Chemical Co., near Moundsville, W. Va.

No. MC 102616 (Sub-No. E17), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in*

V40I129 JUL 3 75 XUM

Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Toledo, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E18), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington, Del., to points in West Virginia north of U.S. Highway 33 which are east of U.S. Highway 250. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E19), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wilmington and Delaware City, Del., to points in Ohio on, north, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E26), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils* (except petroleum chemicals), from Wilmington, Del., to points in Illinois and Kentucky. The purpose of this filing is to eliminate the gateway of the plant site of Hulbert Oil and Grease Co., in Philadelphia, Pa.

No. MC 102616 (Sub-No. E27), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to points in West Virginia on and north of a line beginning at the Maryland-West Virginia State line and extending along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways of East Freedom, Pa., and points within five miles thereof.

No. MC 102616 (Sub-No. E28), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to Nitro, W. Va. The purpose of this filing is to eliminate the gateway of Floreffe or Freedom, Pa.

No. MC 102616 (Sub-No. E29), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to points in West Virginia on and north of U.S. Highway 33 which are on and west of U.S. Highway 250, and points in Ohio on, east, and north of U.S. Highway 40 and U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 102616 (Sub-No. E30), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the plant site of Tidewater Oil Co. Refinery at or near Delaware City, Del., to points in Indiana (except points north and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and Toledo, Ohio.

No. MC 102616 (Sub-No. E31), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Wilmington, Del., to points in North Carolina. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and points in York County, Va., on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E32), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Wilmington, Del., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E33), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Wilmington, Del., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except points in Harris County), Wisconsin, and points in Colorado, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Pittsburgh, Pa., Congo, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E35), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Delaware to points in North Carolina. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and York County, Va.

No. MC 102616 (Sub-No. E92), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in Delaware, Maryland, New Jersey, New York, North Carolina, Virginia, points in Pennsylvania on and east of U.S. Highway 220 and the District of Columbia. The purpose of this filing is to eliminate the gateway of points within 5 miles of Nitro, W. Va., which are in the commercial zones of Institute or South Charleston, W. Va.

No. MC 102616 (Sub-No. E129), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Alabama, Connecticut, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas (except points in Harris County), Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E130), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Henderson, Ky., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Wisconsin, points in North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Marshall, Ill., and points within 15 miles thereof.

No. MC 102616 (Sub-No. E131), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Princeton, La., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan Minnesota, New Jersey, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, points in Illinois on and north of U.S. Highway 36, points in Indiana on and north of U.S. Highway 40, points in Virginia and West Virginia which are on and north of U.S. Highway 60, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Marshall, Ill., and points within 5 miles thereof.

No. MC 105666 (Sub E1), filed June 5, 1974. Applicant: J. A. ROBINSON SONS, INC., Highway 15, P.O. Box 1061, Woodward, Oklahoma 73801. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Texas 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; and (2) with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transportation of natural gas, petroleum, their products and byproducts, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way: (1) Between points in Texas on and east of a line commencing at the Texas-New Mexico Boundary over Texas State Highway 18, thence over Texas State Highway 302 to Odessa, thence over U.S. Highway 385 to the Texas-Mexico International Boundary line, on the one hand, and, on the other, all points in Colorado on north and east of a line commencing at the Utah-Colorado Boundary line over U.S. Highway 50 to junction with Colorado State Highway 114, thence over Colorado State Highway 114 to Saguache, and thence over U.S. Highway 285 to the Colorado-New Mexico Boundary line; and (2) between points in Texas (excepting those in El Paso, Hudspeth, and Culberson Counties) on and west of a line commencing at the New Mexico-Texas Boundary line over Texas State Highway 18, thence over U.S. Highway 302 to Odessa, thence over U.S. Highway 385 to the Texas-Mexico International Boundary line, on the one hand, and, on the other, points in Colorado on and east of Interstate Highway 25 (U.S. Highways 85 and 87). The purpose of this application is to eliminate the gateway of points in Oklahoma (Boise City).

No. MC 109821 (Sub E1), filed April 14, 1974. Applicant: H. W. TAYNTON CO. INC., Main Office, Wellsboro, Pa. 16901. Applicant's representative: Dewey Whitford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, between Wellsboro, Pennsylvania and (1) New York, N.Y. and points in New Jersey within 20 miles of New York, N.Y. and (2) Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Westfield, Pa.

No. MC 111823 (Sub-No. E2), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., San Antonio, Tex. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the Columbus Air Force Base, located at or near Columbus, Miss.; and the Naval Auxiliary Air Station, located at or near Meridian, Miss., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, located at or near Colorado Springs, Colo.; Fitzsimons General Hospital located at or near Denver, Colo.; Fort Carson, located at or near Colorado Springs, Colo.; Lowry Air Force Base, located at or near Denver, Colo.; U.S. Air Force Academy, located at or near Colorado Springs, Colo.; Naval Submarine Base New London, located at or near Groton, Conn.; the Pentagon, Arlington Hall Station, Henderson Hall, and the Navy Security Station, located at or near the District of Columbia; Andrews Air Force Base, located at or near Camp Springs, Md.; Bolling Air Force Base, located at or near the District of Columbia; Fort Myer, located at or near Arlington, Va.; Fort McNair, located at or near the District of Columbia; Cameron Station, located at or near Alexandria, Va.; Walter Reed Army Medical Center, located at or near the District of Columbia; National Naval Medical Center, located at or near Bethesda, Md.; Naval Station, located at or near the District of Columbia; Chanute Air Force Base, located at or near Rantoul, Ill.; Fort Sheridan, located at or near Highland Park, Ill.; Joliet Army Ammunition Depot, located at or near Joliet, Ill.; and Savanna Army Depot, located at or near Savanna, Ill.

Naval Air Station Glenview, located at or near Glenview, Ill.; Naval Training Center, located at or near Great Lakes, Ill.; Scott Air Force Base, located at or near Great Lakes, Ill.; Grissom Air Force Base, located at or near Peru, Ind.; Fort Benjamin Harrison, located at or near Indianapolis, Ind.; Naval Ammunition Depot, located at or near Crane, Ind.; Forbes Air Force Base, located at or near Topeka, Kans.; Fort Leavenworth, located at or near Leavenworth, Kans.; Fort Riley, located at or near Junction City, Kans.; McConnell Air Force Base, located at or near Wichita, Kans.; Fort Knox, located at or near Fort Knox, Ky.; Aberdeen Proving Ground, located at or near Aberdeen, Md.; Edgewood Arsenal, located at or near Edgewood Arsenal, Md.; Fort Detrick, located at or near Frederick, Md.; Fort Holabird, located at or near Baltimore, Md.; Fort George Meade, at or near Laurel, Md.; Fort Ritchie, at or near Cascade, Md.; Naval Air Station Patuxent, at or near Patuxent River, Md.; Naval Academy, at or near Annapolis, Md.; Naval Training Center Bainbridge, at or near Bainbridge, Md.; Fort Devens at or near Ayer, Mass.; Naval Air Station, South Weymouth at or near South Weymouth, Mass.; L. G. Hanscom Field at or near Bedford, Mass.; Otis Air Force Base at or near Falmouth (Cape Cod), Mass.; Westover Air Force Base at or near Springfield, Mass.; Kincheloe Air Force Base at or near Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base at or near Gwinn, Mich.; Selfridge Air National Guard Base at or near Mount Clemens, Mich.; Wurtsmith Air Force Base at or near Oscoda, Mich.; Duluth International Airport at or near Duluth, Minn.; Fort Leonard Wood, at or near Waynesville, Mo.; Richards-Gebaur Air Force Base at or near Kansas City, Mo.; Whiteman Air Force Base at or near Knob Noster, Mo.; Offutt Air Force Base at or near Omaha, Nebr.; Pease Air Force Base at or near Portsmouth, N.H.; Fort Dix at or near Wrightstown, N.J.; and Fort Monmouth at or near Oceanport, N.J.

V40I129 JUL 3 75 XUM

McGuire Air Force Base at or near Wrightstown, N.J.; Naval Air Station Lakehurst at or near Lakehurst, N.J.; Camp Drum at or near Watertown, N.Y.; Fort Hamilton at or near Brooklyn, N.Y.; Fort Wadsworth at or near Staten Island, N.Y.; U.S. Coast Guard Base at or near Governor's Island (New York City), N.Y.; Griffiss Air Force Base at or near Rome, N.Y.; Hancock Field at or near Syracuse, N.Y.; Plattsburg Air Force Base at or near Plattsburg, N.Y.; Naval Hospital Saint Albans, at or near Saint Albans, N.Y.; Seneca Army Depot at or near Romulus, N.Y.; Steward Field, at or near Newburgh, N.Y.; U.S. Military Academy, at or near West Point, N.Y.; Grand Forks Air Force Base at or near Enerado, N. Dak.; Minot Air Force Base at or near Minot, N. Dak.; Lockbourne Air Force Base at or near Columbus, Ohio; Wright-Patterson Air Force Base at or near Dayton, Ohio; Army War College at or near Carlisle Barracks, Pa.; Letterkenny Army Depot at or near Chambersburg, Pa.; Naval Base Philadelphia, at or near Philadelphia, Pa.; New Cumberland Army Depot at or near New Cumberland, Pa.; Tobyhanna Army Depot at or near Tobyhanna, Pa.; Defense Activities Mechanicsburg, at or near Mechanicsburg, Pa.; Valley Forge General Hospital at or near Phoenixville, Pa.; Ellsworth Air Force Base at or near Rapid City, S. Dak.; Fort Belvoir at or near Alexandria, Va.; Fort Eustis at or near Newport News, Va.; Fort Lee at or near Petersburg, Va.; Fort Monroe at or near Hampton, Va.; Fort Story at or near Virginia Beach, Va.; Langley Air Force Base at or near Hampton, Va.; Marine Corps School at or near Quantico, Va.; Naval Air Station Oceana at or near Oceana (Virginia Beach), Va.; Naval Weapons Laboratory at or near Dahlgren, Va.; Naval Weapons Station Yorktown at or near Yorktown, Va.; Defense General Supply Center at or near Richmond, Va.; Vint Hill Farms Station at or near Warrenton, Va.; and Camp McCoy at or near Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky.

No. MC 111823 (Sub-No. E31), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., San Antonio, Tex. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the Tobyhanna Army Depot, Tobyhanna, Pa., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Eglin Air Force Base, Valparaiso, Fla.; Naval Air Station Pensacola, Pensacola, Fla.; Tyndall Air Force Base, Panama City, Fla.; Fort Benning, Columbus, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station Glenview, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Indiana; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; and Keesler Air Force Base, Biloxi, Miss.

Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E32), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Defense Activities, Mechanicsburg, Pa.; Army War College, Letterkenny Army Depot, Chambersburg, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; and Carlisle Barracks, Carlisle, Pa., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Fla.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Eglin Air Force Base, Valparaiso, Fla.; Naval Air Station, Pensacola, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station Meridian, Miss.; and Naval Construction Battalion, Gulfport, Miss.

Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E34), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Valley Forge General Hospital, Phoenixville, Pa., and Naval Base, Philadephia, Pa., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Elgin Air Force Base, Valparaiso, Fla.; Naval Air Station, Pensacola, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.

Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Springs, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E35), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Camp McCoy, Sparta, Wis., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Fort Rucker, Ozark, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station Pensacola, Pensacola, Fla.; Naval Station Mayport, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station Key West, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; and Fort Stewart, Hinesville, Ga.

Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force

V40I129 JUL 3 75 XUM

Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Whiteman Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; and Naval Air Station, Lakehurst, N.J.

Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Forth Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; and Lackland Air Force Base, San Antonio, Tex.

Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or that part of Illinois on and north of U.S. Highway 36.

No. MC 113843 (Sub E180), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from those points in Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Wisconsin, Colorado, those in Kans. on and west of U.S. Highway 81, those in Okla. on, north, and west of a line beginning at the Okla.-Kans. State line and extending along U.S. Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Okla.-Tex. State line, those in Kans. on, north, and west of a line beginning at the Kans.-Okla. State line and extending along U.S. Highway 77 to junction U.S. Hwy. 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kans. Highway 9, thence along Kans. Highway 9 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Kans.-Mo. State line, St. Joseph, Mo., El Paso, Tex. and those in Texas on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub E486), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pa. on and west of U.S. Highway 15 and on, east, and north of a line beginning at the Pa.-N.Y. State line and extending along Pa. Highway 49 to junction Pa. Highway 249, thence along Pa. Highway 249 to junction Pa. Highway 287, thence along Pa. Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Highway 120, thence along Pa. Highway 120 to junction Pa. Highway 64, thence along Pa. Highway 64 to junction Pa. Highway 144, thence along Pa. Highway 144, to junction U.S. Highway 322, thence along Pa. Highway 322 to junction U.S. Highway 15, to those points in Mo. on, north, and west of a line beginning at the Mo.-Iowa State line and extending along U.S. Highway 63 to Kirksville, thence along Mo. Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24, to junction Mo. Highway 13, thence along Mo. Highway 13, to junction U.S. Highway 65, thence along U.S. Highway 65 to the Mo.-Ark. State line. From Lewisburg, Milton, Wellsboro and Williamsport, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E502), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pa. on and north of Interstate Highway 90, to those points in Maryland, on and south of a line beginning at the Chesapeake Bay and extending along Md. Highway 343 to Junction U.S. Highway 50, thence along U.S. Highway 50 to Atlantic Ocean; from those points in Pa. bounded by a line beginning at the Pa.-N.Y. State line and extending along Pa. Highway 446 to junction Pa. Highway 46, thence along Pa. Highway 46 to junction Pa. Highway 646, thence along Pa. Highway 646 to junction Pa. Highway 770, thence along Pa. Highway 770 to junction unnumbered Highway near Marshburg, thence along unnumbered Highway to junction Pa. Hwy. 346, thence along Pa. Highway 346 to the Pa.-N.Y. State line, to those points in Md. on and south of a line beginning at the Chesapeake Bay and extending along Md. Highway 343 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean; and from points in Tioga County, Pa., to those points in Md. on and south of a line beginning at the Chesapeake Bay and extending along Md. Highway 343 to junction U.S. Highway 50, thence along U.S. Highway 50 to Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, New York.

No. MC 113843 (Sub E503), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in Pa. on and north of a line beginning at the Pa.-Ohio State line and extending along Pa. Highway 226 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to junction with Pa. Highway 957, thence along Pa. Highway 957 to junction Pa. Highway 69, thence along Pa. Highway 69 to the Pa.-N.Y. State line, to those points in Del. south of the Chesapeake and Delaware Canal; and from points in Tioga County, Pa. to those points in Del. south of the Chesapeake and Delaware Canal. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E823), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices and Frozen berries*, from points in Tioga County, Pa. to points in South Carolina. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E955) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Montgomery and Philadelphia Counties, Pa., on the one hand, and, on the other, those points in Indiana on, north and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 41 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial destination.

No. MC 113843 (Sub-No. E956) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Montgomery and Berks Counties, Pa., on the one hand, and, on the other, Evansville, Ind., and points in Indiana on, north and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 14 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-No. E994) (Correction) filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in those parts of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of the facilities of Duffy-Mott Co., Inc., at Williamson, N.Y. The purpose of this correction is to extend the territorial destination.

No. MC 114301 (Sub-No. E5), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and animal feed*, from points in Bucks, Delaware, Lehigh, Montgomery, and Northampton Counties, Pa., to Washington, D.C., Baltimore, Md., points in Harford, Baltimore, Carroll, Howard, Montgomery, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va. The purpose of this filing is to eliminate the gateway of Newark, Del., and the plant site of the Ralston Purina Co., at or near Wilmington, Pa. The purpose of this correction is to correct the territorial description.

No. MC 115331 (Sub E19), filed May 9, 1974. Applicant: TRUCK TRANSPORT INC., 230 Saint Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silica moulding sand and silica foundry sand*, in bulk, from St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Kansas and Oklahoma (East St. Louis, Ill.),* (2) *Moulding sand and foundry sand*, in bulk, from points in Pike County, Mo., to points in Kentucky and Oklahoma. (East St. Louis, Ill.)*; and (3) *Silica moulding sand and silica foundry sand*, in bulk, from points in Pike County, Mo., to points in Arkansas and Tennessee (East St. Louis, Ill. and St. Louis, Mo.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115331 (Sub E20), filed May 9, 1974. Applicant: TRUCK TRANSPORT INC., 230 Saint Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquiri sulfinate liquor*, in bulk, from Fort Madison, Iowa, to points in Wisconsin (plant site of the Hawheye Chemical Company located at or near Clinton, Iowa)*, Ohio and Michigan (the plant site of Foster Grant Co., Inc. at Peoria, Ill.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115840 (Sub-No. E97), filed May 2, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots, bars, sows, and scrap* (except in dump vehicles), between Birmingham, Ala., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Ohio, Florida, Georgia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, the District of Columbia, and that portion of Alabama in Baldwin, Mobile, De Kalb, Jackson, Madison, Etowah, and Calhoun Counties. The purpose of this filing is to eliminate the gateway of Steele, Ala.

No. MC 115840 (Sub-No. E103) filed June 3, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic valves, plastic fittings, and accessories and materials* used in the installation thereof (except commodities in bulk), from Williamsport, Md., to points in Louisiana and to those points in Georgia from the Georgia-Tennessee State line beginning at Interstate Highway 75 on and west of Interstate Highway 75 to the Georgia-Florida State line (including Macon and Atlanta), and those points in Florida beginning at the Georgia-Florida State line on and west of Interstate Highway 75 to the intersection of U.S. Highway 75 and the Florida Turnpike, thence along the Florida Turnpike and Interstate Highway 95 to the intersection of Interstate Highway 95 and U.S. Highway 1 located at Miami, thence along U.S. Highway 1 to Key West Florida bounded on the south and southwest by the Gulf of Mexico and bounded on the east by the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lincoln, Ala.

No. MC 115840 (Sub-No. E106), filed August 23, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, W., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic valves, plastic fittings, and accessories and materials* used in the installation thereof (except commodities in bulk), (restricted to the transportation of traffic originating at the facilities of Certain-Teed Products at or near Williamsport, Md.), from Williamsport, Md., to points in New Mexico, Arizona, California, Utah, Nevada, Oregon, Washington, Louisiana, Colorado, Georgia on and west of Inter-

V40-129 JUL 3 75 XUM

state Highway 75 beginning at the Georgia-Tennessee State line thence (including Marietta, Atlanta, and Macon, Ga.), to the Georgia-Florida State line, points in Florida on and west of Interstate Highway 75 beginning at the Florida-Georgia State line to the intersection with the Florida Turnpike thence on and west of the Florida Turnpike to the intersection with Interstate Highway 95, thence along Interstate Highway 95 to the intersection of U.S. Highway 1, thence along U.S. Highway 1 (including West Palm Beach, Ft. Lauderdale, Hollywood, Miami Beach, Miami, Palm Beach, Ft. Pierce) to the Florida Keys to Key West, Florida bounded on the east by the Atlantic Ocean and bounded on the west and south by the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 116915 (Sub-No. E15), filed March 12, 1975. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well and mine machinery, pipe, and supplies*, which because of size or weight, require the use of special equipment, (1) from points in Georgia to points in Tennessee on and north of a line beginning at Heloise and extending east along Tennessee Highway 20 to Jackson, thence along Interstate Highway 40 to Cookeville and thence along Tennessee Highway 42 to the Tennessee-Kentucky State line; (2) from points in Mississippi to points in Tennessee on, east and north of a line beginning at the Kentucky-Tennessee State line and extending along Alternate U.S. Highway 41 to Nashville and thence along Interstate Highway 40 to the Tennessee-North Carolina State line; (3) from points in Tennessee on and east of a line beginning at the Mississippi-Tennessee State line and extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to Fairview, thence along U.S. Highway 45E to Milan, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Missouri; (4) from points in Kentucky (except those in Boone County) on and west of U.S. Highway 127 and those in Tennessee on and north of a line beginning at Memphis and extending along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to Tennessee-Kentucky State line to points in West Virginia; (5) from points in Indiana to points in Missouri in and south of Bates, Henry, Benton, Morgan, Moniteau, Cole, Osage, Gasconade, Crawford, Washington, St. Francois, and St. Genevieve Counties; (6) from points in Illinois on and east of U.S. Highway 45 to points in Missouri in and south of Jasper, Lawrence, Greene, Webster, Wright, Tex.; Shannon, Reynolds, Wayne, Bollinger, and Cape Girardeau Counties; (7) from points in Indiana in and south of Sullivan, Greene, Monroe, Jackson, Scott, and Clarke Counties and points in Illinois in and south of Madison, Bond, Fayette, Effingham, Jasper, and Crawford Counties to points in Ohio; and (8) between points in Illinois in and south of Adams, Brown, Morgan, Macoupin, Montgomery, Bond, Clinton, Marion, Clay, Richland, and Lawrence Counties, on the one hand, and, on the other, points in Indiana in and south of a line beginning at Vincennes and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky.

No. MC 116915 (Sub-No. E19), filed June 3, 1974. Applicant: ECK MILLER TRANSPORTATION CORP., Owensboro, Ky. Applicant's representative: William P. Sullivan, Todd, Dillon, and Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Aluminum oil well and mine machinery, aluminum pipe and supplies and equipment, materials, and supplies* (except in bulk), used in the manufacture and processing of the foregoing commodities; (1) between points in Kentucky in and west of Christian, Hopkins, McLean, Daviess, and Hancock Counties, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line; (2) between points in Indiana on and west of a line beginning at the Kentucky-Indiana State line and extending along Indiana Highway 135 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 49 to Lake Michigan, on the one hand, and, on the other, points in North Carolina in and east of Yancey, Buncombe, and Henderson Counties; (3) (a) between points in Illinois, on the one hand, and, on the other, points in Florida in and south of Duval, Clay, Bradford, Alachua, and Levy Counties, and (b) between points in Illinois on and north of Illinois Highway 13, on the one hand, and, on the other, points in Florida north and west of Duval, Clay, Bradford, Alachua, and Levy Counties.

(4) (a) Between points in Kentucky on and north of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to Lexington, Ky., thence along unnumbered highway to junction Blue Grass Parkway, thence along Blue Grass Parkway, to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction U.S. Highway 62, thence along U.S. Highway 62 to the Kentucky-Missouri State line, on the one hand, and, on the other, points in Florida in and south of Levy, Alachua, Putnam, and Saint Johns Counties, and (b) between points in Kentucky in and north of Bracken, Harrison, Scott, Franklin, Shelby, Spencer, Nelson, Larue, Hardin, Breckinridge, Hancock, Daviess, and Henderson Counties, on the one hand, and, on the other, points in Florida in and south of Levy, Alachua, Putnam, and Saint Johns Counties, and (b) between points in Kentucky in and north of Bracken, Harrison, Scott, Franklin, Shelby, Spencer, Nelson, Larue, Hardin, Breckinridge, Hancock, Daviess, and Henderson Counties, on the one hand, and, on the other, points in Florida north and west of Levy, Alachua, Putnam, and Saint Johns Counties; (5) (a) between points in Kentucky in and east of Daviess, Hancock, Breckinridge, Hardin, Larue, Taylor, Casey, Pulaski, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in Arkansas on and west of U.S. Highway 167, and (b) between points in Kentucky in and east of Daviess, Hancock, Breckinridge, Hardin, Larue, Marion, Boyle, Lincoln, Rock Castle, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in Arkansas east of U.S. Highway 167; (6) (a) between points in Indiana in and north of Vigo, Clay, Putnam, Morgan, Johnson, Bartholomew, Jennings, Jefferson, and Switzerland Counties, on the one hand, and, on the other, points in Arkansas (except Fort Smith), on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 22 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Louisiana State line, and (b) between points in Indiana on and east of a line beginning at Owensboro and extending along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to Indianapolis, thence along U.S. Highway 31 to the Indiana-Michigan State line, on the one hand, and, on the other, Fort Smith, Ark., and points in Arkansas north and east of the highway description in (a); and

(7) Between points in Kentucky in and east of Daviess, Ohio, Grayson, Edmonson, Barren, and Monroe Counties, on the one hand, and, on the other, points in Texas; (B) *Equipment, materials, and supplies* used in the manufacture and processing of aluminum oil well and mine machinery, aluminum pipe and aluminum supplies; (1) between points in Kentucky in and west of Hancock, Daviess, McLean, Hopkins, and Christian Counties, on the one hand, and, on the other, points in Dillon, Florence, Williamsburg, Georgetown, Marion, and Horry Counties, S.C.; and (2) between points in Indiana in and west of St. Joseph, Marshall, Fulton, Miami, Howard, Tipton, Hamilton, Marion, Morgan, Monroe, Lawrence, and Crawford Counties, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway

of the facilities of National Aluminum Corporation at or near Hawesville, Ky.

No. MC 120021 (Sub-No. E9), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in Minnesota, Nebraska, Wisconsin, those points in Indiana in and north of Wayne, Henry Madison, Hamilton, Boone, Montgomery, Fountain and Warren Counties, and those in Illinois in and north of Vermilion, Champaign, McLean, Tazewell, Mason, Schuyler, Brown, and Adams Counties; and between points in North Carolina in and west of Ashe, Watauga, Caldwell, Burke, and Cleveland Counties, on the one hand, and, on the other, points in New York in, west and north of Steuben, Schuyler, Tompkins, Cortland, Madison, Oneida, Herkimer, Montgomery, Schenectady, Saratoga, and Washington Counties, and points in Pennsylvania in, north and west of Lawrence, Mercer, Venango, Forest, Elk, Cameron, and Potter Counties. The purpose of this filing is to eliminate the gateways of Dayton, Ohio, and points within 25 miles thereof.

No. MC 120021 (Sub-No. E17), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Kentucky in and east of Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Knott, and Pike Counties, on the one hand, and, on the other, points in Arkansas in and west of Sebastian, Logan, Johnson, Newton, and Boone Counties; (2) between points in Kentucky in and east of Kenton, Pendleton, Marrison, Bourbon, Fayette, Madison, Jackson, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in Missouri in, north and west of McDonald, Laurence, Greene, Webster, Laclede, Pulaski, Phelps, Gasconade, Franklin, and St. Louis Counties; (3) between points in Kentucky in and east of Mason, Robertson, Nicholas, Bourbon, Fayette, Jessamine, Garrard, Lincoln, Pulaski, and Wayne Counties, on the one hand, and, on the other, points in Illinois in and north of Adams, Brown, Scott, Morgan, Sangamon, Macon, Moultrie, Coles, and Clark Counties, and those in Indiana in and north of Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Fayette, and Union Counties; (4) between points in Kentucky in and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties, on the one hand, and, on the other, points in Nebraska; (5) between points in Kentucky in and east of Breckenridge, Grayson, Edmondson, Warren, and Simpson Counties, on the one hand, and, on the other, points in Minnesota; (6) between points in Kentucky in and east of Oldham, Shelby, Spencer, Nelson, Larve, Hart, Barren, and Monroe Counties, on the one hand, and, on the other, points in Wisconsin; (7) between points in Kentucky in and west of Hancock, Ohio, Muhlenberg, and Christian Counties, on the one hand, and, on the other, points in Washington, D.C.; (8) between points in Kentucky west of Bracken, Robertson, Nicholas, Bourbon, Clark, Estill, Jackson, Laurel, Knox, and Whitely Counties, on the one hand, and, on the other, points in Maryland and Pennsylvania; (9) between points in Kentucky in and west of Mason, Fleming, Rowan, Menifee, Wolfe, Lee, Owsley, Clay, and Bell Counties, on the one hand, and, on the other, points in New York and Rhode Island; and (10) between points in Kentucky in and west of Mason, Fleming, Bath, Montgomery, Powell, Estill, Jackson, Laurel, and Whitely Counties, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of Dayton, Ohio, and points within 25 miles thereof.

No. MC 123407 (Sub-No. E205), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as building material (except in bulk), from points in Winnebago County, Ill., to points in and east of Preston, Taylor, Harrison, Lewis, Braxton, Nicholas, Fayette, Raleigh, Wyoming, and McDowell Counties, W. Va. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at Kokomo, Ind.

No. MC 129631 (Sub-No. E5) (Correction), filed June 2, 1974, published in the FEDERAL REGISTER June 5, 1975. Applicant: PACK TRANSPORT, INC., 2975 S. 2nd West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Building materials*, between Baker, Oreg., on the one hand, and, on the other, points in Cache, Davis (except Centerville), Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah, and points in Box Elder County on and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 80N to junction Utah Highway 83, thence along Utah Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Box Elder-Cache County line. The purpose of this filing is to eliminate the gateway of Oneida County, Idaho. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 129872 (Sub-No. E5), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in Nebraska located on, west, and north of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80S to junction Interstate Highway 80, thence along Interstate Highway 80 to North Platte, Nebr., thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to Ansley, Nebr., thence along U.S. Highway 183 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Illinois located on and south of a line beginning at the Iowa-Illinois State line and extending along Illinois Highway 17 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Crawford-Clark County line, thence along the Crawford-Clark County line to the Illinois-Indiana State line (except points in Pike County, Ill., located west of Illinois Highway 96 and north of U.S. Highway 54). The purpose of this filing is to eliminate the gateway of points within 25 miles of LeMars, Iowa.

No. MC 129872 (Sub-No. E6), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in Illinois located on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 6 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, and on and north of a line beginning at the Iowa-Illinois State line, and extend-

V40 I129 JUL 3 75 XUM

ing along Illinois Highway 17 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Crawford-Clark County line, thence along the Crawford-Clark County line to the Illinois-Indiana State line, on the one hand, and, on the other, points in Nebraska located on and north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 6 to McCook, Nebr., thence along U.S. Highway 83 to the Frontier-Lincoln County line, thence along the Frontier-Lincoln County line to the Frontier-Dawson County line, thence along the Frontier-Dawson County line to the Dawson-Gosper County line, thence along the Dawson-Gosper County line to U.S. Highway 283, thence along U.S. Highway 283 to Lexington, Nebr., thence along Nebraska Highway 21 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to Grand Island, Nebr., thence along U.S. Highway 30 to Schuyler, Nebr., thence along Nebraska Highway 15 to junction Nebraska Highway 35, thence along Nebraska Highway 35 to the Dakota County line, thence along the Dakota-Dixon County line to the Dakota-Thurston County line, thence along the Dakota-Thurston County line to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of points within 25 miles of LeMars, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17420 Filed 7–2–75;8:45 am]

[Notice 303]

ASSIGNMENT OF HEARINGS

JUNE 30, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–F–12339, H. W. Taynton Company, Inc.—Purchase—Margaret B. Bowser and the Estate of Robert Bowser and MC 109821 (Sub-No. 40), H. W. Taynton Company, Inc., now assigned July 14, 1975 at Philadelphia, Pennsylvania, is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17421 Filed 7–2–75;8:45 am]

[Notice 19]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 3, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 23, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75785. By order entered June 26, 1975, the Motor Carrier Board approved the transfer to Van Auken Express, Inc., Greenville, N.Y., of Certificate of Registration No. MC 99588 (Sub-No. 10), issued November 22, 1963, to Corsall Bros. Truck Lines, Inc., Albany, N.Y., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, household goods, and lumber, lime, feed and machinery, from, to, and between points in New York. Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210, attorney for applicants.

No. MC–FC–75884. By order entered June 20, 1975, the Motor Carrier Board approved the transfer to Carpenters Motor Transport, Inc., Burlington, VT., of the operating rights set forth in Certificate of Registration No. MC–105506 (Sub-No. 3), issued June 10, 1964, to Bertha M. Carpenter Boyer, doing business as Carpenters Motor Transport, Burlington, VT., evidencing a right to engage in transportation, in interstate or foreign commerce, of property, between specified points in Vermont. P. Michael Frye, 135 College St., Burlington, VT. 05401, attorney for applicants.

No. MC–FC–75895. By order of June 20, 1975, the Motor Carrier Board approved the transfer to Maust Transfer Company, a corporation, Seattle, Wash., of the operating rights in Certificate No. MC 28970 issued August 20, 1952, to Service Transfer, Inc., Seattle Wash., authorizing the transportation of general commodities, usual exceptions, between points within three miles of Seattle, Wash., including Seattle. William H. Grady, 1100 Norton Building, Seattle, Wash. 98104, attorney for applicants.

No. MC–FC–75904. By order of June 20, 1975, the Motor Carrier Board approved the transfer to Shepley Motor Express, Inc., Thornton, Ill., of the operating rights in Certificate No. MC 129770 issued February 26, 1969, to S & O Cartage Co., Inc., South Holland, Ill., authorizing the transportation of show horses, and in connection therewith, supplies and equipment used in the care and exhibition of such animals, between points in Illinois and Wisconsin. Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–75912. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to Yelvington Transport, Inc., Daytona Beach, Fla., of the operating rights set forth in Permit No. MC 139340, issued May 5, 1975, to Conrad Yelvington Distributors, Inc., Daytona Beach, Fla., authorizing the transportation of pipe, from Ocala, Fla., to points in Alabama and Georgia; and iron forms, lumber, machinery parts, and steel mesh, from points in Alabama and Georgia, to Ocala, Fla., restricted to a transportation service to be performed under a continuing contract, or contracts, with United States Concrete Pipe Company. Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202, attorney for applicants.

No. MC–FC–75915. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to William F. Dickerson, Milford, Del., of that portion of the operating rights set forth in Certificate No. MC 72069, issued March 11, 1943, to Blue Hen Lines, Inc., Milford, Del., authorizing the transportation of canned goods, from Dover, Del., and points in Delaware within 20 miles of Dover, and points in specified counties in Maryland, to points in New York, New Jersey, Maryland, Connecticut, Virginia, and a specified area in Pennsylvania, and the District of Columbia; and from Linesboro, Md., and points in specified counties in Maryland, and points in Delaware, to Wilmington, Del., Perryville and Baltimore, Md., New York, New Jersey, a specified area in Pennsylvania, and the District of Columbia. Chester A. Zyblut, 1522 K St., N.W., Suite 634, Washington, D.C. 20005, attorney for applicants.

No. MC–FC–75927. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to R. Lavoie Trucking Inc., Coaticook, Quebec, Canada, of the operating rights set forth in Certificate No. MC 41626, issued March 29, 1972, to Elwell Trucking, Inc., Greenfield, Mass., authorizing the transportation of various specified commodities, from, to, and between points in Massachusetts, New York, New Jersey, and Vermont. David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17422 Filed 7–2–75;8:45 am]

federal register

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 129

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PROGRAMS

Registration, Reregistration and Classification Procedures

V40 I129 JUL 3 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 393-4]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Subpart A—Registration, Reregistration and Classification Procedures

On October 16, 1974, notice was published in the FEDERAL REGISTER (39 FR 36973) proposing regulations to amend 40 CFR 162 pursuant to the authority of sections 3 and 25 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act (FEPCA), Pub. L. 92-516, 86 Stat. 973, hereinafter referred to as amended FIFRA. The regulations shall read as set forth below. The intent of this rulemaking is to revise present procedures for the registration of pesticides and establish procedures for the reregistration and classification of pesticides to conform to the provisions of the amended FIFRA.

Throughout the development of these regulations, the Agency has taken every opportunity to solicit public views and comments. Beginning with the January 9, 1973, FEDERAL REGISTER notice (38 FR 1142), the Agency stated that public comments on the form and content of the regulations were invited. Moreover, the Agency in the January 9, 1973 notice set forth its "preliminary views" on the regulations, including registration. Shortly thereafter, the Agency held a number of informal public hearings on the classification and registration provisions under the amended FIFRA. Each of the views and comments received at these hearings was then considered in the development of an initial draft regulation.

As the numerous draft proposals were developed by the Agency, they were made available to all interested parties. Comments on the drafts were received from State regulatory agencies, industry, trade associations, environmental groups, other Federal agencies, and individual Congressmen. Further, representatives of the Office of Pesticide Programs discussed at length various proposals with representatives from each of these groups. The comments received were considered in evaluating the merits of each of the drafts and modifications were made where appropriate.

In July, 1974, following distribution of over 2,000 copies of the complete draft regulation the Agency held an informal public hearing in Washington, D.C. At this hearing, representatives of the Agency explained in detail the major provisions of the draft regulation and the rationale behind each provision. Attendees made formal statements, submitted written comments and raised specific questions on the draft which the officials of EPA addressed; a transcript of the hearing was taken. After consideration of the views expressed at the public hearing, the proposed regulations were published in the FEDERAL REGISTER for formal public comment.

Many interested parties complained that the comment period on the proposed regulations was too short. After consideration of these complaints, the Agency notified all interested parties that comments on the regulations would be received and considered during the period of preparation of the final regulations. Numerous comments were in fact received and considered during the several months preceding issuance of these regulations. In addition, during this same period the Agency held information meetings, on request, with as many interested parties as possible to explain the proposed regulations and modifications under consideration. As a result, written comments on the proposed regulations were received from over 200 interested parties. All of these comments have been reviewed and are on file with the Agency. Certain of these comments have been adopted and others were substantially satisfied by editorial changes, deletions from or additions to the regulations.

Finally, on a number of occasions, certain parties, representative industry groups in particular, have complained that they could not fully comment on the Section 3 regulations without having the Guidelines relating to data submissions available at the same time. These contentions are rejected for the following reasons. First, beginning as early as January, 1972, drafts of the Guidelines have been made available to all interested parties. The pesticide industry, through its representatives, has not only had an opportunity to comment on these various drafts over the last two years but has been involved in reviewing and assessing comments and in suggesting modifications. Second, the regulations establish data and evaluation criteria which are self-contained. Informed comments as to the regulations, then, did not depend on whether or not the Guidelines for testing and data development were published in the FEDERAL REGISTER for formal public comment at the same time as these regulations were so published. For these reasons, it is believed that all affected parties have had a full and fair opportunity to comment on these regulations.

GENERAL

Passage of the 1972 amendments to FIFRA enacted through the Federal Environmental Pesticide Control Act[1] (FEPCA) was part of a wave of environmental legislation which completely overhauled Federal environmental regulatory authority. In 1970, Congress passed the Clean Air Act[2] and in 1972, along with the amendments to FIFRA, Congress enacted substantial amendments to the Federal Water Pollution Control Act.[3]

While Federal regulation of pesticides first began in 1910 and was substantially expanded in 1947,[4] the 1972 amendments completely restructured the Federal pesticide regulatory scheme and redefined its thrust. FIFRA was changed "from a labeling law into a comprehensive regulatory statute that will henceforth more carefully control the manufacture, distribution, and use of pesticides."[5] As the House Committee on Agriculture summarized in its Committee Report:

> The Committee found the greatest need for revision of existing laws to be in the areas of strengthening regulatory controls on the uses and users of pesticides, speeding up procedures for barring pesticides found to be undesirable; streamlining procedures for making valuable new measures, procedures, and materials broadly available; strengthening enforcement procedures to protect against misuse of these biologically effective materials; and creating an administrative and legal framework under which continued research can produce more knowledge about better ways to use existing pesticides as well as developing alternative materials and methods of pest control.[6]

It is clear that Congress' primary purpose in enacting FEPCA was to ensure that pesticide use was subject to a thorough environmental and human health hazard review.[7]

In keeping with this environmental and human health perspective, the amended FIFRA established many new requirements for review in connection with the registration process. This preamble discusses the new requirements, their implementation by these regulations and the Agency's responses to comments received on the proposed regulations.

COMMENTS AND REVISIONS

Section 162.2 *Principal Statutory Provisions.* Several commenters suggested that this entire section be deleted or that it track the statute verbatim. The principal statutory provisions of FIFRA relevant to the registration, reregistration and classification of pesticides are described in the regulations for the convenience of the reader who may not have a copy of FIFRA on hand. In response to the comments, several modifications have been made in the text to track the statute more closely. We reiterate, however, that any specific question of statutory interpretation must necessarily be based on FIFRA, as amended, the provisions of the substantive regulations implementing it, and any judicial interpretation thereof.

Section 162.3 *Definitions.* Several commenters indicated that it is unnecessary to repeat in the regulations a definition contained in FIFRA. Those definitions which appear in FIFRA and are repeated in the regulations are either essential to the understanding of these regulations or have been given further interpretation by these regulations.

(1) Section 162.3(a) *Accident.* Several commenters suggested that the word "unreasonable" be added to the definition of this term to indicate the extent of the adverse effect upon man or the environment. These commenters misunderstand the statutory scheme of FIFRA, as amended. A finding of unreasonable adverse effect on the environment from use of a pesticide is grounds for the cancellation or the denial of the registration of a pesticide. The occurrence of an accident alone may or may not establish that a pesticide causes an unreasonable adverse effect on man or the environment. Such a determination is made after a full review and evaluation of the evidence in each case. Where the effects from use of a pesticide are found to be unreasonable, appropriate actions will be taken by the Agency.

(2) Section 162.3(c) *Active Ingredient.* (a) Several commenters asked that the word "attract" be deleted from § 162.3(c)(1). They argued that it is not included within the statutory definition of "active ingredient", and furthermore that the Agency has included several attractants as examples in its definition of inert ingredient, § 162.3(t). Amended FIFRA, at section 2(a)(1), defines active ingredient, in part, as an ingredient which will prevent, destroy, repel or mitigate any pest. Where an ingredient falls within this broad statutory standard, it will be evaluated as an active ingredient. The definition of "attractant", within the larger definition of "pesticide" at § 162.3(ff)(3), indicates which attractants are active ingredients and which are inert ingredients. In addition, the reader is referred to the definition of inert ingredient at § 162.3(t) and the factors, listed at § 162.6(b)(2)(i)(C)(2), used by the Agency to determine whether an ingredient is active or inert. To avoid the apparent confusion caused by inclusion of the word "attract" at § 162.3(c)(1), it has been deleted.

(b) In response to comment, and in order to clarify the term active ingredient, in the case of a plant regulator, "biochemical" has been added to the definition at § 162.3(c)(2).

(c) Section 162.3(c)(2), as proposed, has been transposed to § 162.6(b)(2)(i)(C)(2).

(3) Section 162.3(j) *Application of a Pesticide.* In order to clarify that the Agency includes placement for effect of a pesticide within the meaning of "application of a pesticide", this term has been defined. The Agency feels that the definition of the term "direct application" is redundant and accordingly has deleted § 162.3(l), as proposed.

(4) Section 162.3(k) *Changed Use Pattern.* Questions arose concerning the indices the Agency will evaluate in determining whether a new use is a changed use pattern. The distinction becomes important in the notice provisions of section 3(c)(4) of the Act and the regulations thereunder. To clarify the Agency's interpretation of a changed use pattern, the term has been defined as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of "significant" changes are included in the definition. Deletion of a significant use pattern is also included within the scope of this term so as to provide user groups with notice of these regulatory actions.

(5) Section 162.3(l) [§ 162.3(j)][8] *Degradation Product.* The Agency intends to include within the meaning of "degradation product" a substance resulting from any transformation of a pesticide. For greater clarity the definition has been modified to read: "by physico-chemical or biochemical means." "Electromagnetic" has been deleted, pursuant to comment, to avoid redundancy.

(6) Section 162.3(k), proposed. *Delayed Reaction.* Several commenters objected that this term, as defined in the proposed regulations, was too specific and out of context compared with the other definitions of toxicity. After considering the matter, the Agency has concluded that the term is self-explanatory and should, therefore, be deleted.

(7) Section 162.3(m) [§ 162.3(l)], *Domestic Application.* (a) Several commenters correctly pointed out that the definition of "domestic application" as proposed included only application of a pesticide in, on, or around areas associated with the household or homelife and excluded use of a pesticide in many places where people are present for prolonged periods of time. They urged the addition to the category of domestic application of the use of a pesticide in a wide range of institutions including restaurants, hospitals, nursing homes, parks, playgrounds, schools, and office buildings.

The rationale for distinguishing domestic application from non-domestic application is based on an evaluation of risk taking into account the degree of competence of the user, the susceptibility of people likely to be exposed, and the potential for accidental exposure to individuals other than the user. In certain situations, these factors clearly determine into which of the two classes of application a use falls. For example, use of a pesticide in a home is a domestic application, while use in a factory or commercial institution is a non-domestic application. In other situations, however, the Agency must carefully weigh the factors to determine whether the use should be considered a domestic application and thereby be subject to the more restrictive classification criteria. Pesticides intended for application in patient care areas of health related institutions and institutions where children spend time are considered by the Agency to represent, on balance, a higher risk to the exposed population. Even though the user is likely to be competent in the use of pesticides, population groups of particular susceptibility are present in these institutions. These groups include the aged, infirmed, and young. Accordingly, these institutions have been added to the general scope of the term "domestic application" and new subparagraphs (3) and (4) have been included to give examples of the specific types of institutions the Agency considers within the scope of the term.

The suggestion that use of a pesticide in a restaurant or office building be considered a domestic application has been rejected. Not only is the user of the pesticide in these locations likely to be competent in the use of pesticides; but, moreover, population groups of particular susceptibility are not likely to be present for prolonged periods of time, and therefore, there is no reason to expect a higher incidence of accidental exposure to third parties. Adequate margins of safety exist in use of pesticides in these locations and therefore these uses are considered non-domestic.

(b) Several commenters suggested that the term "non-domestic application" be defined. Domestic application is defined in detail in the regulations. If a pesticide use does not fall within this definition, by the very terms of the definition, it will be a non-domestic application. The Agency feels that definition of the term "non-domestic application" would be redundant.

(8) Section 162.3(n) [§ 162.3(m)], *Drift.* In response to comment, the word "immediately" has been inserted to qualify "after application" and clarify the confusion over the definition, as proposed. The Agency does not consider the processes of diffusion and volatilization to be included within the term drift.

(9) Section 162.3(r) [§ 162.3(q)], *Hazard.* As with § 162.3(a), *accident*, several commenters asked that the word "unreasonable" be added to this definition to indicate the extent of the adverse effect on man or the environment. For the same reasons as explained above, in the discussion of § 162.3(a), such a modification is unacceptable. Upon the finding of hazard, there must be a separate determination of whether the hazard constitutes an unreasonable adverse effect on man or the environment.

(10) Section 162.3(s) *Immediate Container.* A new definition of the term "immediate container" has been added to clarify the labeling requirements of § 162.10.

(11) Section 162.3(w) [§ 162.3(u)] *Metabolite.* Several commenters indi-

---

[1] 86 Stat. 975, Pub. L. 92-516, 7 U.S.C. 136.

[2] Clean Air Amendments of 1970, 84 Stat. 1676, Pub. L. 91-604, 42 U.S.C. 1857.

[3] Water Pollution Control Amendments of 1972, 86 Stat. 816, Pub. L. 92-500, 33 U.S.C. 1251.

[4] The Insecticide Act of 1910 prohibited the interstate sale of any insecticide or fungicide which was adulterated or misbranded; however, the Act did not require registration of pesticides. The concern of the 1910 Act was the effectiveness of products and deceptive labeling. The 1947 FIFRA established a registration requirement, but authority to deny registration applications was not provided until 1964. As with the 1910 Act, the 1947 FIFRA's primary purpose was the protection of consumers from ineffective products. See *Stearns Electric Paste Co.* v. *Environmental Protection Agency*, 461. F. 2d 293 (7th Cir. 1972).

[5] H.R. REP. No. 92-111, 92 Cong., 1 Sess. 4 (1971).

[6] House Report, at 4.

[7] House Report, at 13, 20 and Senate Report, at 5.

[8] Where section numbers have been changed between the proposed regulations and these final regulations, the Preamble refers to the section as designated in the final regulations. For the benefit of the reader, the Section number which appeared in the regulations as proposed follows immediately after the final Section number in brackets, [. . .], as appropriate.

V40-129 JUL 3 75 XUM

cated that the definition of metabolite as proposed was technically incorrect. They urged that "or induced by" be deleted because metabolites are not "induced by" living organisms or by biological processes. The Agency is in accord and has deleted the same.

(12) Section 162.3(y) [§ 162.3(w)] *Mutagenic.* Several commenters suggested that the definition of this term was inaccurate. It had been defined to mean "the property of a substance or mixture of substances to induce genetic or somatic changes in subsequent generations." The Agency agrees and the language of this definition has been changed to read "changes in the genetic complement of either somatic or germinal tissue in subsequent generations."

(13) Section 162.3(bb) [§ 162.3(z)] *Oncogenic.* Many commenters objected to the use of the term "oncogenic," requesting that it be replaced by term "carcinogenic." An oncogenic effect includes induction of benign or malignant tumors. The commenters argued that this distinction should be maintained for regulatory purposes. EPA has determined that the once significant distinction between benign and malignant tumors has lost much of its validity. The federal court in its review of the Agency order suspending most uses of pesticide products containing aldrin and dieldrin recently upheld this determination as reasonable and within the discretion of the Administrator. *EDF* v. *EPA*, 510 F. 2d 1292, 1300 n 21 (D.C. Cir., 1975). EPA, therefore, rejects the proposal that this term be deleted. Several modifications to the proposed definition however, have been made for greater clarification. The phrase "induce benign or malignant tumor formations" has been added to clarify that the Agency indeed considers both to be hazardous.

(14) Section 162.3(cc) [§ 162.3(aa)] *Outdoor Application.* Several commenters asked that the term "indoor application" be defined in addition to the term "outdoor application." The term "indoor application" is not explicitly used in these regulations. Each pesticide use will be evaluated to determine if it is an outdoor application. If it is, additional criteria must be evaluated in determining the appropriate use classification. If a pesticide use is not an outdoor application, the indicators for domestic or non-domestic application, as appropriate, alone will be evaluated to determine the appropriate use classification.

(15) Section 162.3(dd) *Operated by the same Producer.* Many commenters suggested revision of § 162.5(b)(1) [§ 162.5(a)] which sets forth the statutory exemption from the registration requirement for pesticides transferred between establishments operated by the same producer solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment. In order to clarify the Agency's interpretation of the term "operated by the same producer," this phrase has been defined. The reader is referred to the discussion of Section 162.5(b)(1) below for a full explanation of that Section.

(16) Section 162.3(ff) [§ 162.3(cc)] *Pesticide.* (a) Many commenters asked that the word "attracting" and the class of pesticide, "attractant" be deleted from § 162.3(ff). They argued that "attracting" is not included within the statutory definition of pesticide. That definition reads in part: "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest." The Agency agrees that "attracting" does not *per se* constitute pesticidal activity and accordingly the word has been deleted from the first paragraph of § 162.3(ff). It does not follow, however, that an attractant is not a class of pesticide. The Agency takes a broad view of the definition of pesticide. Where a substance or mixture of substances is intended to prevent, destroy, repel or mitigate any pest, it is a pesticide. If an attractant falls within this statutory standard, it is a pesticide. Accordingly, "attractant" has been retained as a class of pesticide. Section 162.3(ff)(3) gives examples of substances which are and which are not considered attractants, for the purposes of the Act.

(b) The proposed regulations at §§ 162.3(ff)(1) and (4) had declared certain devices subject to the Act, pursuant to the authority conferred upon the Administrator at section 25(c)(4) of FIFRA, as amended. A commenter correctly pointed out that other classes of devices should be regulated. Accordingly for purposes of clarity and thoroughness, a new § 162.15 has been added to these regulations. The reference to devices in § 162.3(ff)(1) and (4) has been deleted. The reader is referred to § 162.15 and its explanation below.

(c) Several commenters raised questions concerning the wording of the definition of "pesticide". It has been substantially rewritten for greater clarity and thoroughness (1) to provide more exact usage of the terms "preventing, destroying, repelling or mitigating"; (2) to set forth with specificity those classes of pesticides we have evaluated; (3) to clarify that use of the unmodified term "pesticide" encompasses the active ingredient, pesticide formulation, and pesticide product; and (4) to clarify that the use for pesticidal purposes of biological-type and biologically-derived substances falls within the scope of the Act. There has been no change in the Agency interpretation of the term "pesticide".

(17) Section 162.3(hh) [§ 162.3(cc)] *Pesticide Product.* Several commenters argued that the phrase "commercial product" in the definition of "pesticide product", as proposed, was misleading. The Agency is in accord and the definition has been rewritten.

(18) Section 162.3(kk) [§ 162.3(hh)] *Residue.* Several commenters suggested that substitution of the phrase "and its metabolites or degradation products" for the phrase "dissimilation products", which appeared in the definition of this term as proposed, would be more accurate. The Agency is in accord and has substituted the same.

(19) Section 162.3(mm) [§ 162.3(jj)] *Teratogenic.* Commenters argued that the phrase "to produce or incite" which appeared in the definition of this term as proposed is inaccurate and that it should be deleted. The notion of producing a functional deviation is important and is retained, but the word "induce" has been substituted for the word "incite". Furthermore, commenters argued that use of the word "ordinarily" was ambiguous and that the word "hereditable" is improper. "Ordinarily" has been deleted. Although "hereditable" is an acceptable term, "heritable" has been inserted in its place.

(20) Section 162.3(nn) [§ 162.3(kk)] *Toxicity.* (a) Several commenters suggested that the definition of toxicity be clarified by substituting the word "pathological" for the phrase "adverse physiological", which appeared in the definition of this term as proposed. The definition has been rewritten to include both of these notions.

(b) Several commenters argued that the "90 days", which was proposed as an indicator to differentiate subacute from chronic toxicity, § 162.3(nn)(2) and (3) was inappropriate. The phrase has been deleted. Instead of 90 days, the Agency will distinguish subacute from chronic toxicity by evaluating results on the basis of "one-half the life of the organism."

(21) Section 162.3(oo) [§ 162.3(11)] *Use.* (a) Many commenters objected to the proposed definition of the term "use". They argued that it should be limited to the intentional application of a pesticide and that required supervisory, disposal and storage actions should not be included. While the term "use" is not defined in the Act, it is repeated throughout and is basic to the Act's regulatory scheme. The term's legal meaning can be construed from the provisions of the Act and its legislative history. First, the legislative history clearly establishes that the major thrust of the 1972 FIFRA was to create a statutory mechanism to regulate the use of pesticides. The "misuse" of a pesticide was made an illegal act subject to civil and/or criminal sanctions, as appropriate. Second, the provisions of the statute and legislative history set forth a Congressional concern over all dimensions of pesticide use. Pursuant to section 3(c)(5)(D) of the Act, a pesticide cannot be approved for registration unless the Administrator determines that when *used*, it will not generally cause unreasonable adverse effects on the environment. Sections 19 and 25(c)(3) explicitly provide for regulation of pesticide packaging and the storage and disposal of pesticides and pesticide containers. Accordingly, the packaging of a product and the directions for and commonly recognized practices of storage and disposal are evaluated in determining whether or not a product can be registered. Section 3(d) of the Act provides that the *use* of certain pesticides shall be restricted to application only by or under the direct supervision of a certified applicator. Therefore, both the person applying the pesticide and the supervising certified applicator are "using" the pesticide. From the comprehensive regulatory scheme of the Act, it is clear that the term "use" was not intended by Congress to be synonymous with application, but rather was intended to have a more expansive meaning which would include the direction and supervision of an actual pesticide application, the storage and disposal of pesticides, and any other actions required by the Act and these regulations.

Some questions have arisen concerning the implications of the definition of "use" in these regulations with respect to the requirement for certification of applicators. It has been suggested that the definition of use in these regulations would require that persons who manufacture, transport, store or distribute restricted use pesticides will have to be certified, because such persons are "using" the pesticides in question. This view reflects a misunderstanding of the structure of the amended FIFRA, and the scope of the certification requirement. Section 12(a)(2)(F) of the Act provides in pertinent part, that it is unlawful to use a restricted use pesticide "other than in accordance with section 3(d)...." Section 3(d) requires the administrator to classify uses of pesticides for general or restricted use, and provides that in certain circumstances he must restrict the *application* of such pesticides only to certified applicators (or competent individuals under their direct supervision). Thus, the requirement for certification is only imposed with respect to *application* of restricted use pesticides. However, the Agency observes that in order to become certified, an applicator must be determined to be competent "with respect to the use and handling" of pesticides. A short explanation has been included immediately after the definition of "use" in these regulations to eliminate any possible ambiguity concerning this matter.

(b) Several commenters were confused by the definition of the term "use" as proposed. It has been rewritten for greater clarity.

(22) Section 162.3(pp) [§ 162.3(mm)] *Use Dilution.* Several commenters argued that the proposed definition of "use dilution", was misleading. The Agency recognizes that a pesticide may be applied in different concentrations depending upon the mode of application. The definition has been rewritten accordingly.

(23) Section 162.3(qq) *Use Pattern.* A new definition of "use pattern" has been included to clarify, in accordance with the term "changed use pattern", § 162.3(k), the indices the Agency will evaluate in determining whether a new use is a changed use pattern.

Section 162.4 *Status of Products as Pesticides.* This section sets forth the criteria which will be evaluated to determine if a product is a pesticide product, and therefore, within the scope of FIFRA, as amended, and the regulations promulgated thereunder.

(1) Section 162.4(a) *Determination of Intent of Use.* Whether a substance or mixture of substances is a pesticide pursuant to the Act depends upon the use for which it is reasonably intended. A commenter objected to the statement in the regulations, as proposed, that the intent may be either express or implied. There is a long standing principle at law that intent may be either express or implied. The Agency has always evaluated the express and implied intentions of the user of a product and will continue to operate on the basis of this standard.

(2) Section 162.4(b) *Products Considered to be Pesticides.* (a) A commenter objected to § 162.4(b)(3), [§ 162.4(b)(4)], arguing that a product intended for use as a pesticide after reformulation should not be considered a pesticide product. Technical compounds are currently registered by the Agency. Amended FIFRA makes no distinction between products intended for use as formulated or after reformulation, and requires that both be registered. The commenter argued that reformulation may effect significant changes in the efficacy and hazard of the pesticide product. For this very reason, § 162.6(b)(1) provides that a product registration may pertain to only one formulation and that variations in the formulation of the pesticide product require separate registrations, except as specifically provided in § 162.-21(a) of these regulations.

(b) Many commenters argued that § 162.4(b)(4) [§ 162.4(b)(5)] as proposed is without statutory authority. The Section declared a product to be a pesticide if it is intended for use both as a pesticide and for other purposes and stated that such a product is subject to the misbranding provisions of section 2(q)(1)(A) of amended FIFRA, both as to its pesticidal and non-pesticidal claims. Section 2(q)(1)(A) of the Act provides that a pesticide is misbranded if "its labeling bears any statement, design or graphic representation thereto or to its ingredients which is false or misleading in *any* particular". (Emphasis added). The statute, therefore, clearly requires that false or misleading statements, concerning both the pesticidal and non-pesticidal properties of a pesticide product, constitute misbranding. This is the longstanding interpretation of the Agency. [See, extant 40 CFR 162.101(b)(3)(ii)]. In these final regulations, for purposes of organization, the reference to the misbranding provision of section 2(q)(1)(A) has been deleted from § 162.4(b)(4) and is now set forth at § 162.10(a)(5).

(3) [Section 162.4(c)] *Products Considered to be Pesticides and Drugs.* Section 162.4(c) as proposed provided that registration of a product considered to be a drug as well as a pesticide, would be dependent on approval of the substance by the Food and Drug Administration. For purposes of organization, this Section has been deleted from § 162.4 and incorporated into § 162.7(d)(1), *Criteria for Approval of Registration*, as a new paragraph § 162.7(d)(1)(vi). A complete discussion of the comments received pertaining to this Section is found below at the explanation of § 162.7(d)(1)(vi).

(4) Section 162.4(c) [§ 162.4(d)] *Products not Considered Pesticides.* (a) Many commenters objected to the interpretation of the term pesticide in § 162.4(c)(2), as proposed. It had provided that paints and other formulated coatings which are treated with a fungicide to protect the coating itself and which are not intended for preventing or destroying fungi after application to any surface are within the meaning of the term pesticide. Under this interpretation only a paint treated with a pesticide intended to protect the paint itself while in the canister would not be considered a "pesticide". The commenters have contended that the Agency's interpretation, as regards paints and other formulated coatings, is inconsistent with its handling of other building materials. Section 162.4(c)(3) provides that building materials which are treated with a pesticide to protect the material itself and for which no pesticidal claims are made as protection of other surfaces or objects in the manufacture, sale, or distribution of the product are not considered pesticides, and therefore, are not subject to the registration requirements of amended FIFRA. After reconsideration, EPA has interpreted the definition of "pesticide" as applied to paints and other formulated coatings which are treated with fungicides, in a similar manner as all other building materials. Paints and other formulated coatings which are treated with fungicides to protect the dried coating itself and which are not intended for protection of other surfaces are not considered pesticides. However, paint products intended to be applied to a surface to kill mildew organisms and paint products formulated to kill or prevent the growth of mold in food processing plants, dairies and breweries are considered to be pesticides and will require registration in accordance with FIFRA, as amended. Promulgation of the regulations in this form, represents a continuation of the current policy.

The fungicide added to the paint or other formulated coating to protect the coating itself is a pesticide and is currently registered by the EPA. These products will continue to be so registered. Before the registration of any pesticide is approved by EPA the applicant must establish that his product under use conditions, satisfies all the requirements of the Act. The Agency accordingly, before registering such a fungicide for use as an additive in paints or other formulated coatings, must make the determination that the pesticide's composition is such as to warrant the claims made, it will be used without causing unreasonable adverse effects on man or the environment, and it otherwise complies with the requirements of the Act. The EPA is satisfied that a thorough review of the fungicide, with

V40-129 JUL 3 75 XUM

a view toward its end use, will protect man and the environment from unreasonable adverse effects.

Many questions have arisen concerning those statements of mildew resistance which will not subject a paint product to registration as a pesticide. The following label claims are acceptable, provided no additional claims implying protection of another surface are made elsewhere in the labeling or in advertising or other promotional material: "Mildew Resistant—treated with fungicide to protect the paint itself from growth of mildew"; "Mildew Resistant—This paint contains agents which inhibit the growth of mildew on the surface of this paint film"; "Dry coating of this paint mildew resistant"; "Dried paint film resists mold fungus"; "Dry enamel coating resists discoloration from mildew"; "Dried film resists stains by mold"; "A fungicide (or mold control ingredient, or mildew resisting component) has been incorporated in this product to make its dry film mildew resistant"; "Treated with fungicide (or specially formulated) to resist mildew growth on the paint film"; "Gives mildew-resistant coating"; "The mildew resistance of this outside house paint film makes it especially useful for use in high humidity areas"; "Contains * * * to protect the contents from spoilage"; "With fungicide—Resists film attack by mildew."

(b) A commenter suggested that a subsection be added to explicitly state that the term pesticide product does not encompass a substance or mixture of substances intended only for experimental use to determine its value for pesticidal purposes or its toxicity or other properties, where the user expects no benefit in pest control. Such an explicit statement is unnecessary: The concept is implicit in the definition of the term "pesticide" and the discussion of *Determination of Intent of Use* at Section 162.4(a). The concept is also in accord with the regulations recently published by EPA concerning experimental use permits, 40 CFR 172, 40 FR 18780, (April 30, 1975).

Section 162.5 *Pesticides Required to be Registered.* (1) Section 162.5(a) *Registration Requirement.* A new Section has been added to these regulations to set forth the statutory standard of Section 3(a) of amended FIFRA, regarding the requirement for registration of a pesticide product.

(2) Section 162.5(b)(1), [§ 162.5(a)], *Pesticides Exempt from Registration; Pesticides Transferred between Establishments.* (a) In accordance with section 3(b)(1) of FIFRA, as amended, this section sets forth the statutory exemption from the registration requirements for a pesticide transferred from one registered establishment to another registered establishment, operated by the same producer, solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment. Many commenters asked that the phrase "by the same producer" be deleted, or that "by or under contract" be added. Both of these suggestions conflict with the explicit language of the Act. Section 162.5(b)(1) is a verbatim rendition of the exemption created by section 3(b)(1) of the Act.

The Agency believes that much of the comment to this Section was generated by confusion as to the meaning of the term "operated by the same producer." Accordingly, the term has been defined at § 162.3(dd). An establishment operated by the same producer includes one owned by the registrant of the pesticide product and one operated under contract with the registrant of the pesticide product either to package the pesticide product or use the pesticide as a constituent part of another pesticide product, provided that the final pesticide product is registered by the transferor establishment. The proviso clause of this term is very important. It is not enough that a contract relationship exist between the parties. The transferor establishment must be the one that holds the registration of the final pesticide product. The Agency believes that Congress in its use of the term "operated by the same producer," has recognized the common business practice among registrants of contracting for the packaging or formulation of a pesticide product.

(b) Many questions have arisen concerning the scope of section 3(b)(1) of the Act and § 162.5(b)(1) of these regulations. A pesticide product, when transferred from one registered establishment to another registered establishment, operated by the same producer for the purposes indicated above, is exempt from the registration requirements of the Act. It must, however, be labeled so as to meet the other requirements of the Act. A sentence has been added to § 162.5(b)(1) listing the applicable Sections of the Act. This interpretation is consistent with the Agency interpretation of the similar provision in the Act prior to amendment. (section 4(e) 1947 FIFRA)

(2) Section 162.5(b)(3) [§ 162.5(c)] *Pesticides Exempt from Registration; Pesticides Transferred for Purposes of Disposal.* Pesticides shipped solely for purposes of disposal pursuant to Section 19 of the Act, Part 165 of the regulations, or an applicable Administrative order are exempt from the registration requirements of the Act. This provision, like the provision for pesticides transferred between establishments operated by the same producer, only relieves the pesticide product of the registration requirements of the Act. It must still be labeled so as to satisfy other requirements of the Act. A sentence has been added to § 162.5(b)(3) listing the applicable Sections of the Act.

(3) Section 162.5(b)(6) *Pesticides Exempt from Registration; Other Exemptions.* A new subsection (6) has been included to set forth the regulatory authority of section 25(b) of the Act, *Exemption of Pesticides.*

Section 162.6 *Registration Procedures.* All applications for new registration, amended registration, supplemental registration, and reregistration must comply with the requirements outlined at § 162.6.

(1) Section 162.6(a) *Applicant Requirements.* The applicant is responsible for the accuracy and completeness of all information submitted in connection with the application. If the Agency determines that an application is not sufficiently complete or that modification is necessary before a final decision on approval or denial of the application for registration, the applicant is notified and allowed a reasonable time within which to resubmit the application with deficiencies corrected. A commenter, in reliance on section 3(c)(6) of the Act, argued that an applicant should be granted only 30 days to resubmit his application if a notice of an incomplete application, pursuant to § 162.6(a)(5) is issued. Section 3(c)(6) of the Act grants an applicant only 30 days to correct deficiencies in his application if the Administrator informs him of his intent to deny the application for registration. A notice of an incomplete application, pursuant to § 162.6(a)(5), however, is not to be considered a denial of registration pursuant to section 3(c)(6) of the Act. Therefore, the Agency may grant the applicant who has received notice of an incomplete application a "reasonable time" within which to complete his application. In the event the applicant desires to have his application treated as having been denied, he may petition the Administrator for issuance of a notice of denial pursuant to section 3(c)(6) of the Act and § 162.7(e)(1) of these regulations.

(2) Section 162.6(b)(2) [§ 162.6(b)], *Application for New Registration.* (a) At the present time, before an application for registration will be approved, the Agency must accept the final printed labeling. Several commenters objected to this policy in general. The Agency's response to these comments is found below at the explanation of § 162.10(a)(6). A new § 162.6(b)(2)(i)(A) has been added to clarify that this policy will continue in effect as regards applications for new registration.

(b) Section 162.6(b)(2)(i)(C)(2) which indicates the factors the Agency considers in determining whether an ingredient is active or inert, appeared in the proposed regulations at § 162.3(c)(2). It has been transferred to this Section for purposes of organization.

(c) Section 162.6(b)(2)(i)(C)(3) provides that if the functional purpose of an ingredient is not reasonably apparent to the Agency, the Agency may request the applicant to state the purpose of the ingredient in the formulation. If any ingredient has no functional purpose, the Agency may determine that either the ingredient must be deleted from the formulation or that the application will be denied. Several commenters argued that this provision is without statutory authority. The mandate of the Environmental Protection Agency is to regulate the introduction of pesticides into the environment and prevent any unreasonable adverse effect on man or the environment. The intentional introduction of a contaminant into the environment, for which no functional benefit can be established, may be unreasonable and, unless the ingredient is deleted from the formulation, may be grounds for denial of the application for registration.

(d) Section 162.6(b)(2)(v), as proposed, has been deleted from these regulations because its substance is incorporated within § 162.6(b)(2)(i)(B). There were many comments concerning the data requirements of § 162.6(b)(2)(v), as proposed. These are discussed in the explanation of § 162.8(b)(3)(i), below.

(3) Section 162.6(b)(3) [§ 162.6(c)], *Application for Amended Registration.* (a) Section 162.6(b)(3)(i)(c) provides for marketing of a single registered product under multiple brand names. It had appeared in the proposed regulations at § 162.6(c)(5) but has been included here for purposes of organization. A commenter asked that allowance be made for the deletion of specific claims from a product label if by so doing no other changes are made necessary. Such a provision exists for the supplemental registration for distributor products, § 162.6(b)(4). An applicant for an amended registration can apply for a supplemental registration of distributor products at the same time as he applies for amended registration.

(b) Several commenters objected to the provision at § 162.6(b)(3)(ii) that final printed labeling must be accepted by the Agency before the application for amended registration will be approved. The Agency's response to this comment is found below at the explanation of § 162.10(a)(6).

(4) Section 162.6(b)(4) [§ 162.6(d)], *Application for Supplemental Registration of Distributor Products.* Several commenters argued that the regulations concerning supplemental registration are too stringent. They misunderstand the purpose of supplemental registration. The Agency merely intends to allow the marketing of a pesticide product under a distributor brand name. The distributor is not empowered to formulate, package or otherwise manufacture the pesticide product. The requirements for supplemental registration are designed to insure that the pesticide product is not adulterated.

(5) Section 162.6(b)(5) [§ 162.6(e)], *Application for Reregistration.* (a) Several commenters argued that it is impossible to complete by October 21, 1976 some of the long term testing required by these regulations for the reregistration of certain pesticide products. The Agency has always intended, in accordance with section 3(c)(2) of the Act, to permit sufficient time for applicants to obtain the additional information required by these regulations for the reregistration of certain pesticide products. Additional language has been added to § 162.6(b)(5)(ii) to clarify our procedures. This language provides that when these regulations require data for reregistration which cannot reasonably be anticipated to be compiled within the period of reregistration, the Administrator may classify and reregister a pesticide product for a reasonable period of time pending completion of the required testing, *provided* he determines that, based upon available data, the pesticide product otherwise satisfies the requirements of these regulations and the Act, and does not meet or exceed the criteria for risk set forth in § 162.11(a)(3). Such reregistration will be for a fixed term of less than five years, reasonable to allow development, submission and review of required data and will be nonrenewable. Where a pesticide product does not otherwise satisfy the requirements of the regulations, or where there is serious doubt as to the advisability of classifying and reregistering the pesticide product pending completion of the required testing, such action will not be taken. If at any time, sufficient evidence regarding unreasonable adverse effects from use of the pesticide comes to the attention of the Agency, proceedings to either change the classification of the product or cancel or suspend its use, as appropriate, will be initiated.

(b) Several commenters objected to the provision of the proposed regulations that final printed labeling must be accepted before the application for reregistration will be approved. The Agency's response to these comments is found below at the explanation of § 162.10(a)(6).

(c) Section 162.6(e)(3)(viii), as proposed required an applicant to submit any factual information, which had been obtained by him or come to his attention regarding adverse effects on man or the environment resulting from use of the pesticide. For purposes of organization this Section has been incorporated into § 162.8(a). A complete discussion of the comments received is found below at the explanation of that section.

(d) Prior to the effective date of these regulations, detailed procedures to be followed by applicants for reregistration of pesticide products shall be published in the FEDERAL REGISTER. This notice will address solicitation off applications for reregistration by the Administrator, the contents of the applications, and the Agency's intended policy regarding applications for amended registration and reregistration of distributor products. Registrants are asked to await these detailed procedures before contacting the Agency regarding reregistration of a product.

(6) Section 162.6(c) *Five Year Cancellation.* A new section has been added to the regulations to include procedures for the five year cancellation of pesticide products as required by section 6(a)(1) of the Act. Registration of a product for which notice of 5 year cancellation has issued will be continued in effect only upon the determination of the Administrator that the registration complies with all the requirements of the Act and the regulations which are promulgated thereunder and which are current at the time of renewal.

Section 162.7 *Disposition of Applications.* All applications for new registration, amended registration, supplemental registration, and reregistration will be processed as outlined at § 162.7.

(1) Section 162.7(b) *Notice of Receipt of Application for Registration.* A new § 162.7(b) has been included to clarify that the Agency will acknowledge receipt of all applications and return to the applicant a notification of the date of receipt of the application by the Agency. Section 162.6(b)(3), as proposed, had indicated that such procedures would be followed in the case of receipt of an application for new registration.

(2) Section 162.7(c) [§ 162.7(b)], *Time for Acting with Respect to Application.* A commenter asked that the phrase, "as expeditiously as possible," be deleted from this section and that another phrase be added to indicate that the applicant will be notified if review will take longer than 90 days. "As expeditiously as possible" is the language of the statute, section 3(c)(3). The Agency, in fact, intends to notify the applicant of the expected length of time necessary to process the application.

(3) Section 162.7(d)(1) [§ 162.7(c)(1)], *Approval of Registration. Criteria for Approval.* (a) Section 162.7(d)(1)(v) has been rewritten to more closely track the Food, Drug, and Cosmetic Act requirement for a tolerance or an exemption from a tolerance.

(b) For purposes of better organization, a new § 162.7(d)(1)(vi) has been added to incorporate the requirement of § 162.4(c) as proposed, which made registration of a product intended for use as a drug as well as a pesticide dependent on approval of the substance by the Food and Drug Administration. Several commenters argued that § 162.4(c), as proposed, should be deleted; and, because the Food and Drug Administration adequately regulates these products, pursuant to section 25(b)(1) of the Act, they should be exempt from the provisions of FIFRA, as amended. These commenters have failed to recognize the Congressional mandate to each Agency and the working relationship established between them. The language of § 162.7(d)(1)(vi) and § 162.4(c), as proposed, reflects the current Interagency Agreement between the Environmental Protection Agency and the Food and Drug Administration, 36 FR 24235 (December 22, 1971).

(4) Section 162.7(e) [§ 162.7(d)], *Denial of Registration.* This section, as proposed, granted an applicant the opportunity to petition the Administrator to withdraw his application. Implicit in the concept of a petition is the discretion of the Administrator to deny such a petition. Language has been added to § 162.7(e)(2)(ii) to explicitly state that the Administrator may in his discretion deny any petition for withdrawal and proceed to issue a notice of denial.

Section 162.8 *Data in Support of Registration & Classification.* (1) *Economic Impact.* Many commenters argued that the data requirements of these regulations will cause an unnecessary, adverse, and inflationary impact on the pesticide industry and agricultural sector of the economy.

V40-129 JUL 3 75 XUM

On November 27, 1974 the President issued Executive Order 11821 (30 FR 41501) which requires each agency to certify that the inflationary impact of any major regulation has been evaluated. Accordingly, although the Agency believes that this regulation does not constitute "major action" within the meaning of the Executive Order, the following discussion summarizes EPA's consideration of the inflationary impact of these regulations and serves as the Agency's certification that such impact has been evaluated. The discussion focuses on the inflationary impact of the data requirements necessary to comply with these regulations because the Agency has determined that such costs are the most significant potential costs which may be caused by the implementation of these standards for registration pursuant to the amended FIFRA.

The data requirements for registration of a pesticide have been increasing slowly and steadily over the past 25 years. These regulations, and the referenced Registration Guidelines, for the most part catalogue the specific requirements which have been in effect for the past several years. The regulations reduce uncertainty by fully informing the applicant of the data necessary to support an application for registration. EPA believes this will increase the efficiency of pesticide research and development and result in a shorter average duration of time between submittal of an application for registration and a decision regarding the application by the Agency.

The data requirements for reregistration will not pose a significant economic burden on many pesticide registrants. The data requirements have been tailored to address the particular concerns regarding pesticides already registered by the Agency in light of data previously submitted to the Agency in support of the initial registration and the pesticide's use history. The data requirements for reregistration can generally be satisfied with tests on the active ingredient. This fact greatly reduces the burden on many pesticide registrants because an evaluation of one active ingredient will satisfy the requirements of many formulated pesticide products. In addition, if the data have previously been submitted to the Agency, as for example in support of a tolerance, and they meet the intent and reliability standards of the Registration Guidelines, no new submission will be required. Moreover, § 162.6(b)(5)(ii) provides that if data are required which cannot reasonably be anticipated to be compiled within the period for reregistration, the Administrator may, in his discretion, classify and reregister the pesticide product for a reasonable period of time pending completion of the required testing, provided he determines that the pesticide does not meet or exceed the criteria for risk set forth in § 162.11(a)(3) and that the pesticide product otherwise satisfies the requirements of these regulations and the Act.

The data requirements for new registration were arrived at by considering the data requirements currently in effect and evaluating additional risks which those data requirements had not considered. The cost of the incremental data represented by these regulations is minimal compared to the total pesticide development cost. The increased safety represented by the expanded data base more than offsets the cost of the required tests. It is expected that the emphasis of these regulations on human and environmental health will induce a reorientation in the priorities of many companies. By closely scrutinizing environmental and health effects earlier in the development of a pesticide, more pesticides will achieve full registration within a lesser amount of time. Such increased efficiency should reduce the risks of the pesticide industry and their costs due to failure of a pesticide to secure full registration.

In enacting the 1972 FIFRA, Congress recognized that thorough data requirements are necessary to support an application for registration and further recognized that the cost of securing these data is an added burden to the pesticide industry. It incorporated section 3(c)(1)(D) into the Act to compensate the party who produces the data and, in effect, extended the proprietary rights of the producer beyond the term allowed by present patent law. The existence of this provision reduces the individual economic impact of these data requirements and clearly indicates that Congress intended the economic burden of data requirements to be shared by groups of registrants whose registrations are supported by such data rather than be the cause of an inadequate data evaluation.

(2) Section 162.8(a) *General.* (a) Several commenters suggested that § 162.8 be deleted from the regulations and placed in the Registration Guidelines. The purpose of the Registration Guidelines is to specify the kinds of information which will be required to support the registration of a pesticide. Section 162.8 of these regulations does not preempt the Guidelines. It is included in these regulations to delineate the major data requirements of the Registration Guidelines and direct the potential applicant or other interested party to the Guidelines. Many of the data requirements set forth in Section 162.8 are conditional and will only be required for those products which meet the indicated conditions. The applicant is referred to the Registration Guidelines to determine the detailed data which are required to support a specific application for registration. The Guidelines also specify acceptable test methods and protocols to be followed in accumulating the data.

(b) Several commenters argued that the data requirements of these regulations and the Registration Guidelines, even taking into account the conditional nature of many of the data requirements, are inapplicable to certain pesticides or pesticide products and are not necessary for a determination of whether such pesticide product will generally cause unreasonable adverse effects on man or the environment. The Agency has attempted to consider all pesticides in developing the data requirements. The Agency recognizes, however, that these regulations and the Registration Guidelines may not have taken into account all relevant factors for all pesticides. Accordingly, the proposed regulations at § 162.8(b)(1)(i) had provided for a waiver of data requirements upon petition of the applicant. That provision has been modified and a new § 162.8(a)(3) has been included to specify the detailed procedures and basic standard to be applied by EPA for waiver of a data requirement specified in these regulations or the Registration Guidelines. Waiver of a data requirement is permissible only if the Administrator determines (1) that the composition, degradability, proposed patterns of use or other chemical or physical properties of the pesticide, relating to an evaluation of the effects on man or the environment, are fundamentally different from the properties considered by the Agency in establishing the data requirements of these regulations or the Registration Guidelines, and therefore (2) that the data are not necessary in order for him to determine whether such specific pesticide or product will generally cause unreasonable adverse effects on man or the environment. Generally, an applicant must initiate the process and submit a written statement setting forth his reasons for requesting a waiver from a data requirement. In the case of reregistration, however, the Administrator may initiate the waiver of a data requirement by so indicating in his solicitation of applications for reregistration. The Administrator will make a written finding with respect to waiver of a data requirement. In the case of the approval of any application for which notice of application was published in the FEDERAL REGISTER pursuant to § 162.6(b)(6), if the Administrator determines to waive a data requirement, the notice of approval issued pursuant to § 162.7(d)(2) shall list any data requirement which has been waived and briefly state the basis for such waiver. In the case of waiver of a data requirement initiated by the Administrator in the solicitation of applications for reregistration, the notice of solicitation shall list any data that have been waived and briefly state the basis for such waiver. Notice to the public of the waiver of a data requirement satisfies EPA's responsibility under the Act, these regulations, and the general principles of Administrative Law to set forth the rationale for any departure from its regulations.

(c) A commenter requested that EPA require the applicant for both new registration and reregistration to submit all relevant information available from scientific literature and other sources on the potential adverse effects of a pesticide. In the proposed regulations at § 162.6(e)(3)(viii), this provision by its terms applied only to reregistration, although the Agency intended that the requirement apply to all registrations. Moreover, we believe that this provision more properly belongs in § 162.8. Accordingly, § 162.6(e)(3)(viii), as proposed, has been deleted and a new § 162.8(a)(4) has been included to specifically impose upon the applicant the responsibility to submit any factual information which has been obtained by him or come to his attention regarding the adverse effects of his pesticide on man or the environment. Such information may include, but is not limited to, published or unpublished laboratory studies and accident experience.

Several commenters objected to the policy of this section. They argued that the applicant should only be responsible for submitting his own data and not data found in the general literature. Section 6(a)(2) of the Act and § 162.8(d) of these regulations imposes on the registrant the affirmative duty to report any additional factual information regarding adverse effects on man or the environment of the pesticide. EPA interprets report of scientific findings contained in the general literature as within that duty. This same affirmative duty is imposed upon the applicant for registration as well. The burden for establishing the safety of a product is on the applicant at all times. He must convince the Administrator, in part, that the pesticide will perform its intended function and that it will be used without unreasonable adverse effects on the environment before the initial decision may be made to register the product. This duty falls on the applicant and registrant because they are in the better position to monitor the literature as regards a particular pesticide.

Many commenters expressed support for the Section as proposed, and asked that penalties, as for example immediate cancellation or seizure, be established for the withholding of information. The civil and criminal penalties arising pursuant to sections 12(a)(2)(N) and 14 of the Act are the statutory remedies for achieving compliance with these regulations.

(d) Both § 162.8(b)(1)(ii) and (iii), as proposed, have been deleted from these final regulations in order to avoid redundancy. The substance of § 162.8(b)(1)(ii) is repeated at § 162.8(d). The substance of § 162.8(b)(1)(iii) is repeated at §162.8(b)(4).

(3) Section 162.8(b)(2) *Data Requirements for New Registration. Efficacy.* (a) A commenter suggested that § 162.8(b)(2)(i) be amended to require only data necessary to support the label claims for effective dosage and dosage range. This suggestion must be rejected because without data to support the minimum effective dosage and effective dosage range, the Agency can not be sure that the correct dosage and dosage range have been assigned for the pesticide product use(s).

(b) In response to comment, a new § 162.8(b)(2)(iv) has been included to delineate the Registration Guidelines requirement for data, when appropriate, to support the measurement of toxic effects to plants or animals that are host to the pests. This information, when relevant, has customarily been required of applicants for registration.

(c) Section 162.8(b)(2)(iv), as proposed, required an evaluation of the chemical and physical compatibilities of components of formulated pesticides. It has been deleted from these regulations because it was not a general requirement applicable to the majority of applications for registration. The Registration Guidelines contain this data requirement and indicate, with specificity, the conditions under which such an evaluation is required.

(4) Section 162.8(b)(3)(i) *Data requirements for New Registration. General Chemistry.* (a) Some commenters argued that the general chemistry data required by § 162.8(b)(3)(i) would not be available to formulators of a pesticide product. A formulator may rely on the data submitted by the basic manufacturer of the pesticide provided he complies with the procedures established pursuant to section 3(c)(1)(D) of the Act.

(b) Sections 162.8(b)(3)(i)(A)(1) and 162.8(b)(3)(i)(B)(1) require the applicant to submit data relative to the complete general chemistry of the pesticide and the pesticide formulation, including the complete composition of the technical chemical, and the chemical names and percentages of all impurities. A commenter argued that these Sections are too stringent and that the applicant should only be required to submit information relative to the composition of the technical chemical, including the percentages of all impurities and the chemical name of known impurities. The Agency recognizes that the best scientific methodology may leave a percentage of impurity unidentified. As determined by the Administrator, on a case by case basis, an application for registration may be approved where a very small percentage of impurity is unidentified, if the Administrator determines that the best available methodology has been utilized to evaluate the pesticide and the pesticide formulation, and that use of the pesticide will not generally cause unreasonable adverse effects on man or the environment.

(c) Several commenters argued that EPA has no authority to require data relative to the basic manufacturing process of the technical chemical, § 162.8(b)(3)(i)(A)(2), or of the pesticide formulation, § 162.8(b)(3)(i)(B)(2). They argued that these provisions are an attempt by the Agency to regulate quality control. Section 3(c)(5) of the Act provides that the Administrator shall register a pesticide if he determines, in part, that its composition is such as to warrant the proposed claims for it and if he is satisfied that it will perform its intended function without unreasonable adverse effects on man or the environment. The Agency is required by statute to determine the exact composition of the pesticide and pesticide formulation. Contaminants which will cause unreasonable adverse effects on the environment may unintentionally be introduced into the pesticide or the pesticide formulation by a modification of the manufacturing process. The data specified at § 162.8(b)(3)(i)(A)(2) and § 162.8(b)(3)(i)(B)(2) have been required by EPA prior to the promulgation of these regulations, pursuant to the authority of the 1947 FIFRA. Nothing in the legislative history or language of the amended Act indicates a modification of that regulatory authority. Such data, moreover, are required before issuance of an experimental use permit, pursuant to section 5 of the Act, for use of an unregistered pesticide product. 40 CFR 172.4(b)(3)(ii), 40 FR 18780, 18784 (April 30, 1975).

(d) Section 162.8(b)(3)(i)(A)(3) requires data on the purity of starting and intermediate materials used in the manufacturing process. Several commenters suggested test methodology for securing these data. These comments have been considered in developing the Registration Guidelines.

(5) Section 162.8(b)(3)(ii) *Data Requirements for New Registration. Environmental Chemistry.* In response to comment, this Section has been substantially rewritten to clarify the conditions under which specific data relative to the environmental chemistry of the pesticide will be required. Data on field stability, persistence, degradation, accumulation, and mobility are generally required only if the pesticide is intended for outdoor application. Information to support the "safe disposal" of the pesticide formulation and pesticide container, as defined at 40 CFR 165.1(s), is generally required of all pesticide products. The applicant is referred to the Registration Guidelines for the detailed conditions for the data requirements and for acceptable test methodology and protocols.

(6) Section 162.8(b)(4) *Data Requirements for New Registration. Product Hazard.* (a) In response to comment, § 162.8(b)(4) has been substantially rewritten to clarify the conditions under which specific data relative to product hazard will be required and to refer the applicant to the Registration Guidelines for the detailed conditions for such testing. The Guidelines specify, in addition, whether the data are to be derived from tests on the active ingredient(s), the pesticide formulation, or the major metabolite(s) degredation and/or reaction product(s).

As is discussed below, no mutagenic requirement normally exists for reregistration. For purposes of new registration, the applicant is referred to the Guidelines and Appendices thereto for the conditions under which such testing will be required and for the protocols to be followed. The Guidelines have just been published as proposed and the Agency especially welcomes comment concerning this data requirement.

(b) In response to comment, § 162.8(b)(4)(i)(C) has been amended to require, instead of merely diagnostic and antidotal information, diagnostic, first aid, palliative, and/or antidotal information. Commenters correctly pointed out that the language of the proposed regulations was too restrictive since there is no known effective antidote for the majority of pesticide products, following sufficient exposure.

V 40 1129 JUL 3 75 XUM

(7) Section 162.8(c) *Data Requirements for Reregistration.* (a) Several commenters argued that the data requirements for reregistration are too lenient and that they should be identical to the data requirements for new registration. Other commenters argued that the data requirements for reregistration are too burdensome. The data requirements for reregistration have been tailored to address the particular concerns regarding pesticides already registered by the Agency.

We have indicated those use patterns, chemical structures and exposure levels for which a determination on any potential risks to the health and safety of man or the environment is required prior to registration. In light of the use history and prior registration of these pesticides, we have determined that evaluation of the data indicated at § 162.8(c) is necessary and sufficient for the determination of whether or not reregistration of the pesticide product will cause an unreasonable adverse effect on man or the environment, EPA realizes that full compliance with the data requirements imposed on new registrations would be desirable for reregistration as well. By October, 1976, however, EPA must reregister in excess of 30,000 pesticide products. It would be administratively impossible to require all of these products to satisfy the data requirements for new registration. Five year renewals of registration, however, will be processed on a staggered basis; it is at this junction that the then current data requirements for new registration will apply to all products previously registered by the Agency.

Registrants of pesticide products that come within the criteria specified at § 162.8(c), will be required to submit such additional data prior to reregistration unless (1) such data have previously been submitted to the Agency and the data meet the intent and reliability standards specified in these regulations and the Registration Guidelines, or (2) the Administrator determines, pursuant to section 3(c)(2) of the Act and § 162.6(b)(5)(ii) of these regulations, that the data cannot reasonably be compiled within the time for reregistration, that the pesticide otherwise satisfies the requirements of the Act and these regulations, and that the pesticide does not meet or exceed the criteria for risk set forth in § 162.11(a)(3). In this latter case, the Administrator may classify and reregister the pesticide for a reasonable period of time pending completion of the required testing. The reader is referred to the discussion of § 162.6(b)(5)(ii), above.

(b) Section 162.8(c)(3)(i) has been modified in response to comment to alter the conditions under which a teratogenic evaluation of a pesticide will be required for reregistration. The proposed regulation has required the testing "if the pesticide use results in significant exposure to women in residences enclosed working spaces or their immediate vicinity." The Agency has determined that this data requirement was too restrictive. The place of exposure to a potentially hazardous pesticide is not as important as the fact of exposure. Accordingly, a teratogenic evaluation of the active ingredient in a mammalian test system is required as a condition of registration "if the pesticide may reasonably be expected to result in exposure to female humans."

(c) Sections 162.8(c)(ii), (iii) and (iv) specify, respectively, that oncogenic, chronic feeding, and reproductive studies of the active ingredient(s) will be required for pesticides which need a tolerance or an exemption from the requirements to obtain a tolerance. Several commenters urged the Agency to reconsider these sections, noting that this requirement represents a change from the existing policy of requiring only subacute feeding studies in support of petitions for tolerances for negligible residues. Section 40 CFR 180.1(1) defines the term "negligible residue" to mean "any amount of a pesticide chemical remaining in or on a raw agricultural commodity or group of raw agricultural commodities that would result in a daily intake regarded as *toxicologically insignificant* on the basis of scientific judgment of adequate safety data. Ordinarily this will add to the diet an amount which will be less than 1/2000th of the amount that has been demonstrated to have no effect from feeding studies on the most sensitive animal species tested. Such toxicity studies shall usually include *at least* 90-day feeding studies in two species of mammals." (Emphasis added) In the past, the Agency has frequently considered 90-day feeding studies to be sufficient to support the petition for the establishment of a tolerance for negligible residues. However, the Agency has determined that the results of such 90-day studies cannot always establish that a residue is toxicologically insignificant. A 90-day time period will generally be inadequate to confidently predict the effects from life time exposure. Human exposure to some chemicals such as carcinogens can have significant chronic effects even at very low levels. Moreover, as explained in the recent decision of the Administrator suspending the registrations of pesticides containing Aldrin and Dieldrin and in the United States Court of Appeals for the District of Columbia Circuit opinion affirming that decision, although no effect may theoretically exist, in cancer testing it is often impossible to determine such a safe level. Furthermore, the Agency is aware of no data to justify waiving of the requirement for chronic feeding and reproductive studies for those pesticides which leave residues in food at very low levels. An explanation of the waiver of data requirement provision appears at the Preamble discussion of § 162.8(a)(3), above.

(d) Section 162.8(c)(3)(iii), as proposed, has been deleted from these final regulations. The Agency is currently re-evaluating existing requirements for mutagenicity testing and protocols as part of the development of the Guidelines. Until this review is completed, additional mutagenic testing will not be required for purposes of reregistration, except where the Agency determines that, for an individual pesticide or pesticide product, mutagenic evaluation should be completed as part of the reregistration determination pursuant to § 162.8(d).

(8) Section 162.8(d) *Additional Data.* This section has been rewritten to emphasize and clarify for the registrant his duty to submit any additional data requested by the Administrator. In addition, a new paragraph has been included to state in the regulations the registrant's duty pursuant to section 6(a)(2) of the Act, to immediately submit to the Agency any factual information regarding adverse effects on man or the environment of the pesticide. Such information includes published or unpublished laboratory studies, whether or not contained in the general literature, and accident experience. These requirements recognize that the registrant is in the best position to monitor such sources with respect to a particular pesticide, and that additional data may be required where it is appropriate in order to evaluate efficacy or hazard. Moreover, the Agency will also take into account evidence submitted by other parties.

Section 162.10 *Labeling Requirements.* Section 162.10 implements the new labeling requirements of FIFRA, as amended, and attempts to improve the communicative value of labels and labeling in general. Section 12(a)(2)(G) of the Act makes it unlawful for a person to use any registered pesticide in a manner inconsistent with its labeling. Several commenters suggested that the phrase "use inconsistent with the labeling" be defined in these regulations. Such a task would be impractical because the phrase has a different meaning in each of several regulatory contents. In order to respond to specific questions as they arise and keep the public informed of Agency policy in this regard, EPA has instituted a series of Pesticide Enforcement Policy Statements to provide public notice of instances in which deviations from the precise language of a product label will not subject the user to enforcement liability. See 40 FR 19526 (May 5, 1975).

Many changes in labeling requirements were recommended by participants in the First National Symposium on Pesticide Labeling, June 3–4, 1974. Most of these suggestions have been incorporated into these regulations, as for example the format changes and grouping of use and warning and precautionary statements. Adoption of some of the recommendations will be deferred until after completion of the reregistration effort because of the complexity of the provisions and the far reaching effects which are to be anticipated. Included within this class are suggestions that nontechnical homeowner pesticide labels be accepted and that master labels for use directions on an active ingredient basis be adopted. Officials of the EPA will be conducting Regional Label Symposia to secure public participation in the development of forthcoming standards for pesticide labels.

(1) Section 162.10(a)(2) *Prominence and Legibility.* Section 162.10(a)(2)(ii)(A) provides that all required label texts must be set in 6-point or larger type. Several commenters argued that this requirement is overly burdensome and that it does not provide latitude for small products. The type size requirement is mandatory because it improves the communicative value of the label text. A manufacturer of a small pesticide product, in accordance with § 162.10(a)(4)(i), is encouraged to securely attach labeling to the immediate container of a pesticide product. Such labeling must reasonably be expected to remain affixed to the immediate container during the foreseeable conditions and period of use.

(2) Section 162.10(a)(3) *Language to be Used.* All label or labeling text must appear in the English language. The proposed regulations had provided, in addition, that when text in another language is considered necessary, the complete label text must appear in both languages. Several commenters argued that space limitations do not always permit complete dual language labeling. This requirement has been deleted from these final regulations. The Agency may determine that for a particular pesticide additional text in another language is required to protect the public. In that case, depending on the nature of the hazard of the pesticide, the complete label text may be required in both languages, or the phrase "If you cannot read English do not use this product until properly instructed." In the language of the anticipated user of the pesticide may be accepted.

(3) Section 162.10(a)(4) *Placement of Label.* (a) Several questions arose concerning § 162.10(a)(4)(i), as proposed. These regulations are intended to continue EPA's present practice of requiring a full user-label on the outside wrapper or container of a retail package, if the immediate container of the pesticide is enclosed within a wrapper or outside container through which the label of the immediate container cannot be clearly read. The language of this section has been rewritten to clarify the Agency's intended practice.

(b) Several commenters argued that the requirements at § 162.10(a)(4)(ii) for labeling of tank cars and other bulk containers, as proposed, were inconsistent with the requirements imposed by the Department of Transportation on these same containers. The Environmental Protection Agency is concerned with securing uniformity of regulation. Accordingly, this section has been rewritten so that the EPA regulations concerning transportation of pesticides are consistent with the regulations of the Department of Transportation concerning transportation of hazardous materials. A separate subsection has been included to specify the labeling required for pesticides stored in bulk containers.

(4) Section 162.10(a)(5) *False or Misleading Statements.* (a) Section 162.10(a)(5) provides that a pesticide is misbranded if its labeling is false or misleading in any particular, including both pesticidal and non-pesticidal claims. The specific reference to non-pesticidal claims had appeared in the proposed regulations at § 162.4(b)(5). Commenters argued that the Agency lacks statutory authority over the non-pesticidal claims of a pesticide product. Our response to this comment is found above in the discussion of § 162.4(b).

(b) Section 162.10(a)(5)(v) provides that any statement which directly or indirectly implies that the pesticide or device is recommended or endorsed by any Agency of the Federal government is misbranding within the meaning of § 2(q)(1)(A) of the Act. A commenter correctly pointed out that under certain conditions of sale pesticides are required to meet government specifications. A registrant may, in these circumstances, indicate that his product conforms to an Agency specification. He may not, however, imply that his product is recommended or endorsed by the Agency.

(c) Several commenters objected to the language of § 162.10(a)(5)(vi). They argued that a *per se* rulemaking a trademark which suggests one or more, but not all, principal active ingredients in a pesticide a false or misleading statement is not in accordance with accepted principles of trademark law. In determining whether or not to register a trademark, the Patent Office makes no determination of its legality under the FIFRA, as amended. Therefore, registration of a trademark cannot be accepted as evidence that a name is legal under the Act. If a name is false or misleading, it is a violation of FIFRA, as amended, whether or not it has been registered as a trademark.

(d) Several commenters were confused by § 162.10(a)(5)(x), as proposed. It has been rewritten to give examples of non-numerical and/or comparative statements on the safety of a pesticide product which the Agency considers to be false and misleading, within the meaning of section 2(q)(1)(A) of the Act.

(5) Section 162.10(a)(6) *Final Printed Labeling.* At the present time, before a new registration will be approved, the Agency requires acceptance of final printed labeling. These regulations continue this policy with regard to approval of applications for new registration, § 162.6(b)(2), and extend the policy to cover approval of applications for amended registration, § 162.6(b)(3), and approval of applications for registration, § 162.6(b)(5). Commenters generally objected to this policy. They argued that the practice is burdensome and laden with delay. Some commenters made a distinction between applications for new registration and applications for amended or reregistration, arguing that though acceptance of final printed labeling is appropriate before approval of an application for new registration, it is not necessary before approval of an application for amended or reregistration. The Agency can make no such distinction in the case of label review since section 3(c)(5)(B) of the Act specifically requires the Administrator to determine that labeling is in compliance with the Act before registration of a product. Review of the final printed labeling is, therefore, necessary before any application for registration is approved. EPA will review the final printed labeling as quickly as possible. If it is identical to the conditionally accepted labeling, no appreciable delay in approval of the application should occur.

(6) Section 162.10(g)(3) *Names to be Used in Ingredient Statement.* A commenter objected to the language of § 162.10(g)(3), as proposed, arguing that common names are assigned to active ingredients by special national and international organizations such as the American Standards Association and the International Standards Organization, and that the Agency should merely accept these names. Section 25(c)(6) of the Act authorizes the Administrator, after notice and opportunity for hearing, to determine and establish suitable names to be used in the ingredient statement. Accordingly, the Agency will compile and promulgate by regulation a list of acceptable common names. Interested parties will be afforded opportunity to comment before adoption of these names, and consideration will be given to those names assigned by the special national and international organizations.

(7) Section 162.10(g)(4) *Statement of Percentages.* A commenter suggested that if the use(s) of the pesticide is expressed as weight of active ingredient per unit area, a statement of the weight of active ingredient per unit volume of the pesticide formulation should be required in the ingredient statement because unless the precise total weight per unit of volume is known, it is impossible to determine the amount of product to use. The Agency agrees that this information is necessary in such instances, and has included such a provision in § 162.10(g)(4).

(8) Section 162.10(g)(6) *Deterioration.* (a) Section 162.10(g)(6)(i), as proposed, required the statement "This product is subject to deterioration. Not for sale or use after [date]" on any pesticide product subject to significant deterioration. Many commenters objected to the required label statement—"This product is subject to deterioration." They argued that it has unnecessary negative connotations since all products are subject to some deterioration, and that such a statement is not required of products, such as film and drugs, which also may deteriorate over time. They also maintained that the phrase "Not for sale or use after [date]" will adequately protect the public. The Agency agrees that a statement of expiration time will adequately protect the public and accordingly these regulations have deleted the requirement for the label statement "This product is subject to deterioration."

(b) Section 162.10(g)(6)(ii) provides that the pesticide product must meet all label claims up to the expiration time in-

V40-129 JUL 3 75 XUM

dicated on the label. Several commenters argued that the responsibility should fall on the consignee of the pesticide product to remove the product from the channels of trade after the date of expiration has passed. A registrant may establish by contract or custom a mutually beneficial working relationship with his consignee. The legal responsibility for sale of the pesticide product remains, however, with both the manufacturer and the distributor unless there is a guarantee pursuant to section 12(b)(1) of the Act and § 162.12 of these regulations.

(9) Section 162.10(g)(7) *Inert Ingredients.* (a) Several commenters argued that the Administrator has no statutory authority to require that the name of an inert ingredient appear on labeling even when the Administrator determines that an ingredient may pose a hazard to man or the environment and that the user should be given notice of the hazard. Such a position contradicts the Administrator's basic obligation under the amended FIFRA of determining the risks which may be posed by a pesticide and imposing the necessary regulatory requirement to adequately control an unreasonable risk. Depending on the risk involved, the Administrator is authorized by the amended FIFRA to: (1) deny registration or cancel an existing registration, (2) classify the pesticide for restricted use, or (3) require specific label statements. Accordingly, the regulations provide that the Administrator may require the listing of inert ingredients on labeling where the ingredients may pose a hazard. This requirement does not affect the Administrator's authority to require testing of inerts or to take other regulatory action if the label statement does not protect against the hazard.

(b) Other commenters suggested that all inert ingredients be listed in the ingredient statement or, in the alternative, that those inert ingredients known to be hazardous be listed in the ingredient statement and an open file of all the inert ingredients of each pesticide product be maintained for public inspection. FIFRA, as amended, does not require the name of all inert ingredients to be contained in the label ingredient statement and therefore, barring a determination of hazard to man or the environment, the name of the inert ingredient(s) of a pesticide formulation will not be required in the label ingredient statement. In the event of an accident, it often is imperative for the attending physician to identify the ingredients of the pesticide formulation so that appropriate medical treatment can be provided. EPA is considering institution of a toll free telephone service to provide such information in the case of a medical emergency.

(10) Section 162.10(h) *Warnings and Precautionary Statements.* (a) The comments indicated much confusion regarding placement on the label of the warnings and precautionary statements required by this section. There are two general categories of warnings and precautionary statements—those required to appear on the front panel and those which may appear elsewhere. The human hazard signal word, § 162.10(h)(1), child hazard warning, § 162.10(h)(1)(ii), and in certain instances statements of practical treatment, § 162.10(h)(1)(iii), must all appear on the front panel. Statements regarding hazard to humans and domestic animals, § 162.10(h)(2)(i), environmental hazard, § 162.10(h)(2)(ii), and physical or chemical hazards, § 162.10(h)(2)(iii), are required to appear under an appropriate subheading elsewhere on the label.

(b) Many commenters suggested changes in several indicators for determining the toxicity category of a pesticide as set forth in the table at § 162.10(h)(1).

(c) *Inhalation LC_{50}.* The proposed regulations provided that the inhalation LC_{50} of a pesticide could be expressed, depending on the formulation of the product, in terms of milligrams per liter for dust or mist or parts per million of medium for gas or vapors. A commenter argued that use of these two scales is confusing, and that the Agency could easily convert from one scale to the other. To clarify this Section, the scale of toxicity on the basis of parts per million of medium has been deleted.

(d) The numerical criteria for assigning a toxicity category on the basis of an inhalation LC_{50} have been relaxed in these final regulations by a factor of ten. On the basis of a review of the use history and available scientific literature, EPA has determined that the proposed regulations were overly stringent and that the public and the environment will be protected under the regulations as now published. Individuals exposed to pesticides meeting the proposed criteria would very likely have experienced dermally toxic effects more significant than the inhalation effects.

(2) *Eye effects*—Several commenters correctly pointed out that pursuant to the regulations as proposed substances which are corrosive to the eye were not explicitly placed into Toxicity Category I. This was an error. The Agency intended to continue its current practices regarding assignment of a toxicity category on the basis of eye effect. Language to this effect has accordingly been included. Other commenters proposed schemes which used conjunctivitis and iritis as indicators of toxicity for eye effects. The Agency interprets these conditions as within the generic term "irritation," which is used in these regulations.

(3) *Skin effects*—As with the toxicity categories for eye effects, the proposed regulations regarding skin effects did not clearly indicate that substances corrosive to the skin fall into Toxicity Category I. Language to that effect has been included in these final regulations. In addition, the toxicity category into which a pesticide will fall on the basis of skin effects has been relaxed because the Agency has determined that the more stringent criteria contained in the proposed regulations are not necessary to protect against anticipated adverse skin effects from pesticide use.

(c) Several commenters asked that the provision at § 162.10(h)(1)(i)(D), requiring the human hazard signal word "Caution" on all Toxicity Category IV pesticides, be deleted. They correctly pointed out that § 162.10(h)(2)(i)(B) provides that no precautionary statements are required for Category IV pesticides. There is no contradiction between these two sections. A precautionary statement is not a human hazard signal word. It is the current Agency practice to require the human hazard signal word "Caution" on all Category IV pesticides. The nature of pesticides, in general, is such that all must be handled with caution.

(d) Commenters argued that the precautionary statements outlined in § 162.10(h)(2)(i), (ii), and (iii) are confusing and incomplete. These Sections are intended merely to be illustrative of precautionary statements which may be accepted. The statements should be modified to reflect the specific hazards of a particular pesticide product.

(11) Section 162.10(i) *Directions for Use.* Section 162.10(i)(2)(x) has been amended to specify with greater clarity statements which may be required in the Directions for Use of products classified for restricted use. Section 162.10(i)(2)(x)(D) provides that the category or categories of a certified applicator to whom use is restricted must be included in the Directions for Use unless the Agency determines that the product may be used by any certified applicator. Section 162.10(i)(2)(x)(E) provides that a statement that the pesticide may be applied under the direct supervision of a certified applicator who is not physically present at the site of application but nonetheless available to the person applying the pesticide, will be required in the Directions for Use, unless the Agency determines that the pesticide may only be applied under the direct supervision of a certified applicator who is physically present.

(12) Section 162.10(j) *Statement of Use Classification.* Section 162.10(j) requires that by October 22, 1976 all pesticide products must bear the appropriate statements of use classification as described in paragraphs (1) and (2) of that section, General Use Classification and Restricted Use Classification, respectively.

(a) Section 162.10(j)(2) provides that, if use of a pesticide is restricted to a certified applicator, the following statement is required on the product label: "For retail sale to and application only by Certified Applicators or persons under their direct supervision." Many commenters argued that this provision is without statutory authority. The legislative history of amended FIFRA clearly indicates that Congress contemplated that certain pesticides should be removed from the general public domain, for use only by certified applicators. In the presentation of the bill on the Senate floor it was explained: "In order to provide for a more finely tuned control of pesticide use, the bill provides further for the division of pesticides into general use

pesticides and restricted use pesticides * * * * The sale of restricted use pesticides could be limited to certified applicators who had proven their ability to use them properly and who face loss of certification if they use them contrary to regulation." 118 CONG. REC. S15894 (September 26, 1972). Moveover, the Agency has determined that many accidents occur because of improper transportation and storage practices. The restriction on sale of these restricted use pesticides is designed to minimize the risks from their use. A certified applicator will have established his competence in proper handling, transportation and storage techniques.

Many of the objections raised to this Section were the result of misunderstandings. The Agency does not intend to preclude an individual who is properly certified from following the common practice of having a third party, who is propertly instructed as to the correct manner of storing, handling and transporting the pesticide and who is properly supervised by the certified applicator, purchase the restricted use pesticide on his behalf. Such activity would be considered to be within the direct supervision of the certified applicator. The certified applicator's spouse, employee or tenant may be within this class of competent person. Moreover, the regulations do not require that a distributor be certified in order to purchase a restricted use pesticide from the manufacturer. In order to clarify this position, the phrase "retail sale" has been substituted for the word "sale," which had appeared in the regulations as proposed.

Any product classified for restricted use may be limited to use by or under the direct supervision of a certified applicator. Moreover, pursuant to section 3(d)(1)(C)(ii) of the Act and § 162.11(c)(5), of these regulations, the Administrator may additionally or alternatively impose other regulatory restrictions. Several commenters argued that the regulations as proposed did not provide for appropriate labeling in the case a pesticide is only restricted pursuant to any other regulatory restriction. The language of § 162.10(j)(2)(i)(B) has accordingly been amended to clarify that the requirement for a label statement restricting sale and application of a pesticide to certified applicators, or persons under their direct supervision, applies only to pesticides whose registration so restricts them. If any other regulatory restriction alone is imposed on the pesticide's use, the Administrator will define the appropriate labeling for the terms of restriction.

Several commenters argued that it is overly burdensome to impose this restriction on sale of restricted use pesticides by October, 1976. They believe that most applicators will not be certified by that date. Extensive commitments have been and are continuing to be made to the institution of a fully operative certification program. If by 1976, it is evident that an insufficient number of pesticide applicators have been certified, consideration will be given to amending these regulations.

(b) The proposed regulations had provided that any pesticide for which some uses are classified for general use and others for restricted use must be separately labeled in accordance with specified labeling standards, and marketed as separate products with different registration numbers, one for the general use(s) and the other for the restricted use(s). Several commenters argued that this provision is beyond the statutory authority of the Agency. Section 3(d)(1)(A) of the Act specifically authorizes the Administrator to require separate packaging and labeling to distinguish the restricted and the general uses of a pesticide.

The purpose of this section is to prevent pesticide misuse and accidents in the future. In order for the provisions of § 162.10(j)(2), discussed above, to have any practical effect, products must be separately labeled and marketed according to use classification. Commenters argued that the requirement of separate labeling will encourage deletion from product labels of specialized or minor crop uses. EPA is committed to support of minor and specialty crop uses and is encouraging individual States to register pesticides for these uses pursuant to section 24(c) of the Act and the regulations thereunder.

Several commenters argued that although it is reasonable for restricted use(s) not to appear on the general use label, general use(s) should be permitted on the restricted use label. The Agency recognizes that a certified applicator is well qualified to use a pesticide for both its restricted and general uses. Therefore, a provision has been included in § 162.10(j) to permit both the general and restricted uses of a pesticide to appear on the label of a restricted use product. Such products are subject to all provisions of § 162.10(j)(2). It would be a use inconsistent with the labeling for an individual, other than a certified applicator or someone under his direct supervision, to use such a product even for its general use(s).

(c) Several commenters suggested changing the placement and wording of the classification statement for general use products. The proposed regulations had provided that the statement "General Classification—available to the public" must appear following the heading "Direction for Use." These commenters suggested that this label statement be permitted on the front panel of the pesticide product, as well. EPA feels that emphasizing the general classification of the product is likely to mislead the public. Therefore, the suggestion of these commenters has been rejected and the statement of general classification has been modified to delete the phrase "available to the public." In addition, explicit language has been added to § 162.10(j)(1) to indicate that any reference to the general classification that suggests or implies that the general utility of the pesticide extends beyond those purposes and uses contained in the Directions for Use is considered a false or misleading statement within the meaning of section 2(q)(1)(A) of the Act.

Section 162.11 *Criteria for Determinations of Unreasonable Adverse Effects.* Several commenters objected generally to § 162.11 on the grounds that utilizing specific criteria for determining "unreasonable adverse effects", as that term is applied to registration, cancellation and classification decisions, is arbitrary and premature. Little if any direct justification for this charge was included with these comments, nor were specific suggestions made for improving the criteria. Other commenters suggested that the Agency include a criterion for determining the acute toxicity hazard posed by a product as diluted for use. Finally, some commenters criticized the proposed regulations for failing clearly to set forth the procedures for applying the criteria in reaching a final decision.

In order to respond to these comments, both general and specific, the Agency has significantly expanded its preamble discussion of the scientific, policy and legal justification for the individual criteria selected. In some cases, the criteria were modified and the rationale for the modification is clearly set forth. The Agency agrees with the comment that criteria for use dilution are appropriate in assessing some forms of exposure to acutely toxic pesticides. The criteria selected and the reasons for adopting use—dilution criteria are included below. Finally, the procedures for applying the criteria, the method of rebuttal, and the standard to be applied at the various stages of review are all set forth in the regulations. An extensive discussion of these procedures and the legal justification for them is included below.

The title of this Section, as proposed, was "Unreasonable Adverse Effects." A commenter noted that this proposed title suggested that all registered pesticides would give rise to "unreasonable adverse effects." Since the Section's primary function is to specify the conditions which determine whether a pesticide is to be registered and how its uses are to be classified, and since these determinations ultimately depend upon an evaluation of the pesticide's potential to cause unreasonable adverse effects, the title of the Section is changed to: "Criteria for Determinations of Unreasonable Adverse Effects."

A. *Statutory Standards.* The basic environmental standard for major regulatory determinations under FIFRA, as amended, is "unreasonable adverse effects on the environment." The term is defined by section 2(bb) of the Act to mean "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." The term "environment" as defined by section 2(j) "includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these." FIFRA applies the statutory standard in five separate contexts: (1) In determining whether to approve or deny an application for registration

V40I129 JUL 3 75 XUM

(FIFRA sec. 3(c) (5) and (6)); (2) in determining whether to issue notice of intent to cancel registration or to hold a hearing (FIFRA sec. 6(b)); (3) in determining whether finally to cancel registration (FIFRA sec. 6(d)); (4) in determining whether to suspend a registration pending the completion of a cancellation proceeding (FIFRA sec. 6(c)); and (5) in determining whether a pesticide should be classified for general or restricted use (FIFRA sec. 3(d)(2)). If the statutory tests demanded precisely the same determination in each of these different contexts, it would be impossible for EPA to perform these distinct regulatory functions. Moreover, it is inconceivable that the determination needed to trigger the formal administrative review would be the same as that required to make a final determination after such review has been completed. Congress obviously intended that the determinations required in applying the statutory test in these different contexts would vary according to the purpose of each different regulatory function. Therefore, EPA must apply different factors and criteria in determining "unreasonable adverse effects on the environment" depending on the specific regulatory determination involved. Those factors and criteria which EPA has determined are relevant to the particular determinations of "unreasonable adverse effects on the environment" are contained in § 162.11.

B. *Administrative and Judicial Interpretations of the Statutory Standard.* In developing the criteria for registration, classification, and cancellation, the Agency has been guided by the administrative and judicial interpretations of the basic statutory standard. These interpretations are set forth in orders issued by the Administrator in court decisions in review of the Administrator's orders. The Administrator has determined that in applying the standard of "unreasonable adverse effects" for purposes of denial or cancellation of registration, a notice of denial or cancellation or notice of intent to hold a hearing to determine whether the registration should be denied or cancelled, as appropriate, shall be issued when he has determined that a substantial question of safety exists as to the use or continued use of the pesticide and that applicable court decisions require that such notice be issued under these circumstances.

The Administrator has further determined that the regulatory actions specified in this § 162.11 are in accordance with his prior orders and court decisions affirming those orders. The basis for these determinations is more fully set forth in the following discussion.

1. *Substantial Question of Safety: Initiation of the Formal Hearing Process.* In *Environmental Defense Fund, Inc.* v. *Ruckelshaus*, 439 F. 2d 584 (D.C. Cir. 1971), hereinafter referred to as *EDF* v. *Ruckelshaus*, EDF challenged, among other things, the Secretary of Agriculture's refusal to issue a cancellation notice regarding all registered uses of DDT, which would have set the formal administrative hearing process in motion. Acting under FIFRA prior to the 1972 amendments, the Secretary refused to issue the notice pending further study of the benefits of the uses of DDT and the adequacy of substitutes, although he had found that use of DDT poses a substantial risk to man and the environment.[9] The court held that FIFRA required issuance of a cancellation notice when there was a substantial question of safety regarding continued use of the pesticide and that the weighing of benefits against such risk should occur in a public forum:

> The legislative history supports the conclusion that Congress intended any substantial question of safety to trigger the issuance of cancellation notices, shifting to the manufacturer the burden of proving the safety of his product.
>
> For when Congress creates a procedure that gives the public a role in deciding important questions of public policy, that procedure may not lightly be sidestepped by administrators. The cancellation decision does not turn on a scientific assessment of hazard alone. The statute leaves room to balance the benefits of a pesticide against its risks. The process is a delicate one, in which greater weight should be accorded the value of a pesticide for the control of disease, and less weight should be accorded its value for the protection of a commercial crop. The statutory scheme contemplates that these questions will be explored in the full light of a public hearing and not resolved behind the closed doors of the Secretary. There may well be countervailing factors that would justify an administrative decision, after committee consideration and a public hearing, to continue a registration despite a substantial degree of risk, but those factors cannot justify a refusal to issue the notices that trigger the administrative process. 439 F.2d at 593–4.

In rejecting the notion that cost/benefit analysis was required prior to the initiation of public hearings the court observed that:

> Public hearings bring the public into the decisionmaking process, and create a record that facilitates judicial review. If hearings are held only after the Secretary is convinced beyond a doubt that cancellation is necessary, then they will be held too seldom and too late in the process to serve either of these functions effectively. Id. at 595.

The administrative hearing also serves the important function of affording the registrant an opportunity to challenge the Agency's determination that the pesticide poses a substantial question of safety and to establish that the benefits of use outweigh the risks.

Since the decision in *EDF* v. *Ruckelshaus*, every court which has addressed the question has embraced the "substantial question of safety" rule.[10]

In *Dow Chemical Company* v. *Ruckelshaus*, 477 F.2d 1317 (1973) the Court of Appeals for the Eighth Circuit recognized that cancellation of pesticide registrations under FIFRA "is a situation of extreme complexity, interweaving economic pressures with the most basic considerations of human safety." 477 F.2d at 1326. Dow Chemical Company challenged the Administrator's notice of intent to cancel 2,4,5-T for failure to make ultimate findings of the unacceptability of the pesticide in determining to issue that notice. The court held that the cancellation notice was not reviewable since it "merely sets in motion the administrative process that terminates in a reviewable final order." 477 F.2d at 1323. In so ruling the court adopted the "substantial question of safety" test for issuance of notices of cancellation and rejected Dow's claim that such a notice may not be issued until the Administrator has made the ultimate finding required by FIFRA:

> Since the registrant has a continuing burden of proof to establish that its product is entitled to registration, Southern Nat'l Mfg. Co. v. EPA, 470 F.2d 194 (6th Cir. 1972), if the Administrator has a substantial doubt as to safety, it is his duty . . . to issue the cancellation order. And the cancellation order will remain in effect until the registrant satisfies the Agency that registration is warranted. 477 F.2d at 1324–5 (footnote omitted).

In *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 465 F.2d 528 (D.C. Cir. 1972), a case arising under FIFRA prior to the 1972 amendments, EDF challenged the Administrator's refusal to suspend the registrations of Aldrin/Dieldrin on the basis that in balancing risks and benefits he failed to consider the adequacy of substitute pesticides. The suspension procedure at issue provided for suspension effective immediately without a prior public hearing—a procedure equivalent to the emergency suspension of FIFRA § 6(c)(3). Stating that [w]e are not clear that the FIFRA requires separate analysis of benefits at the suspension stage . . . ," the court nevertheless agreed with EDF that having undertaken risk/benefit analysis, the Administrator was required fully to consider pest control alternatives. Having acknowledged that the Administrator may weigh risks and benefits in a summary suspension determination, the court distinguished that determination from the initiation of cancellation proceedings where the only standard "for the issuance of cancellation notices" is "substantial question of safety." 465 F.2d at 533.

Accordingly, in cases arising under FIFRA prior to the 1972 amendments, the courts have uniformly held that where a substantial question of safety as to use of a pesticide is found to exist, provision must be made for an opportunity for balancing the risks against the benefits of use of the pesticide in a public hearing.

The legislative history states that the effect of these decisions under the pre-1972 statute is not changed by the 1972 amendments, but rather is incorporated in the revised statute. The Senate Committee on Agriculture and Forestry stated in its report on the 1972 amendments to FIFRA that the amendments "carry forward" existing law: notice of intent to cancel registration must be issued "where a substantial question of safety exists." Senate Committee on Agriculture and Forestry, S. Rep. No. 92–838, 92d Cong. 2d Sess. 12–13 (1972); *See also* Committee of Conference, Federal Environmental Pesticide Control Act, S. Rep. No. 92–1540, 92d Cong. 2d Sess. 32 (1972) ("[the amended FIFRA] preserves cancellation criteria in existing law").

This view has also recognized in the adoption of section 16(a) of the amended FIFRA which provides that the decision *to* register or *not to* cancel registration shall be reviewable in district court where a trial *de novo* would be conducted solely to determine whether a substantial question of safety existed. The Senate Agriculture Committee Report on section 16(a) stated that:

> Where, however, the Administrator has determined no substantial question of safety exists which warrants formal review, and thus has refused to hold a hearing, review should be by a district court since there is no record for the court of appeals. *Id.* at 13.

Thus, under the 1972 amendments, Congress intended that "unreasonable adverse effects" as applied to the issuance of denial and cancellation notices would be determined by the presence of a "substantial question of safety." As applied to a decision finally to deny or cancel registration, the determination of "unreasonable adverse effects" would include, in addition, a balancing of risks and benefits.

In its April 4, 1975 decision affirming the Administrator's order suspending registrations of Aldrin and Dieldrin, the United States Court of Appeals for the District of Columbia Circuit reiterated in *Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F. 2d 1292 (1975), that the "substantial question of safety" test remains the basis for issuing a notice of intent to cancel or deny registration under the provisions of the 1972 amendments to FIFRA. 510 F.2d at 1296, n 4. Citing the 1972 amendments to FIFRA, the Court emphasized its earlier holding in *EDF* v. *Ruchelshaus, supra* (1972) that "• • • FIFRA requires the Secretary to issue cancellation notices and thereby initiate the administrative process whenever there is a substantial question about the safety of a registered pesticide." *Id.*

Where a substantial question of safety is found to exist, the regulations provide, in accordance with Court decisions and legislative intent, that a notice of intent to deny registration, a notice of intent to cancel registration, or a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, must be issued. Following issuance of the notice and convening of a hearing, the regulations provide, in accordance with court decisions and legislative intent, an opportunity for the risks and benefits from use of the pesticide to be fully considered and weighed in a public forum.[11]

FIFRA makes a procedural distinction between denials of registration and cancellation of registration. In the case of a new application for registration, the Administrator may grant or deny registration. The effect of denial is to prevent the pesticide from being introduced into commerce until administrative procedures—such as section 3(c)(6) hearings—have been exhausted. In the case of an existing registration, however, the Administrator may either continue the registration or cancel the registration. Unless the registrant fails to request a hearing within 30 days of the initial cancellation order, cancelled registrations remain in full force and effect until after a decision has been reached on the record by the Administrative Law Judge, and by the Administrator if the case is appealed to him.

Because of these inherent differences in the statutory procedures for denial and for cancellation, which allow continued use of cancelled pesticides pending a final decision following an administrative hearing, FIFRA also provides for accelerated procedures with respect to cancelled pesticides. In accordance with FIFRA section 6(c), where the Administrator finds that "action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings • • •" he may by order suspend the registration after providing an opportunity for an expedited hearing on the question of "whether an imminent hazard exists."

In addition, where he finds that such an imminent hazard exists, the Administrator may issue an emergency order suspending registration effective immediately pending completion of the expedited suspension hearing. The term "imminent hazard" is defined by FIFRA section 2(l) to mean "a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding(s) would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of Interior under Pub. L. 91–135."

Thus, the statutory test of unreasonable adverse effects which applies to denials of registration and to cancellations also applies to suspensions, and, before a suspension order may be issued, the cancellation process must have been initiated. Section 6(c)(1). Therefore, the regulations do not set forth procedures governing suspension but it is appropriate briefly to set forth recent case law which will guide the Agency's determination as to the presence of an "imminent hazard."

The courts have repeatedly "cautioned that the term 'imminent hazard' is not limited to a concept of crisis: 'It is enough if there is *substantial likelihood* that serious harm will be experienced during the year or two required in any realistic projection of the administrative (cancellation) process.'" *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 510 F.2d at 1297 (D.C. Cir. 1975). (Emphasis in original) quoting from *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 465 F.2d at 540 (D.C. Cir. 1972). Of course, as in the cancellation proceeding, the Administrator does not have the burden of proving that a pesticide is unsafe since the statute and case law place "[t]he burden of establishing the safety of a product requisite for compliance with the labelling requirements • • • at all times on the applicant and registrant." *EDF* v. *EPA*, 510 F.2d at 1297 (D.C. Cir. 1975); *EDF* v. *EPA*, 465 F.2d at 540 (D.C. Cir. 1972).

The courts have consistently held that "the function of the suspension decision is to make a preliminary assessment of evidence and probabilities, not an ultimate resolution of difficult issues. We cannot accept the proposition • • • that the Administrator's findings [are] insufficient because controverted by respectable scientific authority. It [is] enough that the administrative record contain respectable scientific authority supporting the Administrator." *EDF* v. *EPA*, 510 F.2d at 1298 (D.C. Cir. 1975); *EDF* v. *EPA*, 465 F.2d at 537 (D.C. Cir 1972).

The courts have distinguished between cancellation and suspension by requiring that cancellation notices issue whenever there is a substantial question of safety and defer thorough consideration of benefits to the public forum, whereas in the case of suspension, "the statute empowers the Administrator to take account of benefits or their absence as affecting imminency of hazard." *EDF* v. *EPA*; 465 F. 2d at 538 (D.C. Cir. 1972). Accordingly, within the constraints imposed by FIFRA and by case law as explained briefly below, the Agency intends to continue evaluating the need for suspension by taking into account, upon issu-

[9] Prior to the 1972 amendments, FIFRA provided for a determination that a notice of cancellation should be issued if, among other things, continued use of the pesticide would be "injurious to living man" or the environment.

[10] *Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d 1292 (D.C. Cir. 1975), *Dow Chemical Co.* v. *Ruckelshaus*, 477 F.2d 1317, 1319 (8th Cir. 1973); *Environmental Defense Fund* v. *Environmental Protection Agency*, 465 F.2d 528, 533 (D.C. Cir. 1972); *Stearns Electric Paste Co.* v. *Environmental Protection Agency*, 426 F.2d 293, 307 (7th Cir. 1972); *Wellford* v. *Ruckelshaus*, 439 F.2d 598, 601 (D.C. Cir. 1971).

[11] Prior to the 1972 amendments, FIFRA did not explicitly require that the risks (costs) and benefits of use be balanced in finally determining the registration or cancellation of pesticides. However, as the Administrator noted in the DDT order, the balancing test had long been established. "Both judicial and administrative precedent recognize that Congress intended the application of a balancing test, that would measure the risks of using a particular chemical against its benefits." Order, Consolidated DDT Hearings, Opinion and Order of the Administrator, 37 FR 13369 (July 7, 1972).

V40129 JUL 3 75 XUM

ance of a notice of intent to cancel in accordance with these regulations, risks and benefits of use, the expected length of any cancellation proceedings; any relevant manufacture, distributing, or use cycle; and any other pertinent factors.

2. *Test data for evaluation of risk.* In determining the factors and criteria for initiating a cancellation or denial proceeding because of "unreasonable adverse effects on the environment" and for issuing final orders in such proceedings, the Administrator has been guided by the general principles and policies developed in previous cancellation and suspension proceedings which have been affirmed by United States Courts of Appeal. The first major EPA action brought against a pesticide because of environmental and human health risks was the cancellation of DDT which was finally decided by the Administrator on June 14, 1972 [12] and subsequently affirmed by the United States Court of Appeals for the District of Columbia Circuit on December 13, 1973.[13]

In finding that DDT should be cancelled, the Administrator applied several general principles and policies which have also been applied in other proceedings and are adopted in these regulations. First, in assessing the risks of the use of a pesticide, both short-term and long-term effects on man and other organisms must be determined and considered.

Second, the actual observations of long-term, chronic effects, particularly on man through epidemiological studies, are of limited value in determining the registrability of a pesticide, since once the effects are actually observed in man or the environment, the harm has already occurred and may be irreversible. Therefore, extrapolation from laboratory studies on animals must be utilized to assess risks to man or the environment. As the Administrator stated in the Order:

> It is particularly difficult to anticipate the long-range effects of exposure to a low dose of a chemical. It may take many years before adverse effects would take place. Diseases like cancer have an extended latency. Mutagenic effects will be apparent only in future generations. Lastly, it may be impossible to relate observed pathology in man to particular chemical because of the inability to isolate control groups which are not exposed in the same degree as the rest of the population.[14]

On December 13, 1973, the United States Court of Appeals for the District of Columbia affirmed the Administrator's Opinion and Order holding that his decision was supported by "substantial evidence." [15] Moreover, in reviewing the Administrator's decision the Court emphasized the expertise of the Agency in evaluating the environmental and human health risks of the use of chemicals and appropriately deferred to the expert conclusions reached by EPA even in the face of conflicting scientific opinion.

> • • • we as a court are confronted with a problem in administrative law, not in chemistry, biology, medicine, or ecology. It is the administrative agency which has been called upon to hear and evaluate testimony in all scientific fields relevant to its ultimate question of permission or prohibition of the sale and use of DDT. The EPA Administrator had an opportunity to make a careful study of the record of seven months of public hearings and the summaries of evidence prepared for him, heard oral argument, and now has arrived at a decision to ban most uses of DDT. It is his decision which we must review; we are not to make the same decision ourselves. *Id.* at 1252.

Specifically, the Court held that the use of laboratory data, general data, and recognition of the inherent chemical characteristics of pesticides were sufficient as a mater of law to determine that a pesticide should not be registered.

> Reliance on general data, consideration of laboratory experiments on animals, etc., provide a sufficient basis to support the Administrator's findings, even with regard to each special use of DDT. *Id.* at 1254.

Furthermore, the Court held that the Administrator was not required to determine and balance the risks and benefits of each specific use of a pesticide to determine that "the use [of a pesticide] in general is hazardous" and therefore cannot be registered or continue to be registered.

The general principles and policies set forth in the DDT cancellation opinion and order recently were applied and expanded in the decision of the Administrator to suspend virtually all uses of the pesticides Aldrin and Dieldrin.[16] As in the case of the decision to cancel DDT, the decision to suspend Aldrin and Dieldrin was based on several years of administrative inquiry into the risks of Aldrin and Dieldrin and many months of cancellation hearings, evidence of which was incorporated into the suspension hearing. The Administrator's opinion, which considered and was preceded by an extensive recommended decision by the Chief Administrative Law Judge [17] who presided during the cancellation hearings and the suspension hearings, focused on the single issue of the carcinogenic risk of Aldrin and Dieldrin. Before deciding whether there was sufficient evidence to find a carcinogenic risk from Aldrin and Dieldrin, the Administrator, as did the Administrative Law Judge in his recommended decision, set forth the general theories for evaluating the carcinogenicity evidence on Aldrin and Dieldrin. First, the Administrator affirmed the scientific validity and administrative necessity of using experimental animal data in evaluating the risks pesticides pose to man and the environment.[18] Second, as in the DDT Order, he rejected the notion that in the face of positive laboratory data of carcinogenicity, regulatory decisions which will directly affect the public health must be deferred pending completion of epidemiological studies which require many years and in any event provide data for making public health decisions only after the public health may have been irreversibly jeopardized. Third, the Administrator questioned the results of epidemiological studies where the chemical is environmentally ubiquitous and all populations have received chronic exposure.[19] Fourth, the Administrator rejected the distinction between "benign" and "malignant" tumors and "tumorogenic" and "carcinogenic substances" for purposes of hazard evaluation because of "the increasing evidence that many tumors can develop into cancers." He determined that "for purposes of carcinogenicity testing, they should be considered synonymous." [20] Finally, the Administrator agreed with the finding of the Administrative Law Judge that no safe level of exposure could be set for the pesticides Aldrin and Dieldrin which had been demonstrated to be carcinogenic in animals, even at very low levels. Accordingly, the Administrator concluded that "a substance that will induce cancer in experimental animals at any dose level, no matter how high or low, should be treated with great caution." [21]

On April 4, 1975, the Court of Appeals for the District of Columbia in *Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F. 2d 1292, affirmed the Administrator's Order and Opinion. The Court upheld the Administrator's findings and policies set forth above as being within the expertise of the Agency. Specifically the Court stated:

> The Administrator's failure to determine a threshold level of exposure to aldrin/dieldrin does not render his determination improper, for he had concluded that the concept of a threshold exposure level has no practical significance where carcinogens are concerned. This is due in part to the irreversibility and long latency period of carcinogens. "[W]here the matter involved is as sensitive and fright-laden as cancer," and the statute places the burden on the registrant to establish the safety of his product, we shall not, assuming a substantial showing of danger, require the Administrator to make impossible proofs. In

[12] Consolidated DDT Hearings, Opinion and Order of the Administrator, 37 FR 13369 (July 7, 1972).

[13] *Environmental Defense Fund* v. *Environmental Protection Agency*, 489 F. 2d 1247 (D.C. Cir. 1973).

[14] Opinion and Order, *supra*, footnote 19 at 13371.

[15] *EDF* v. *EPA*, 489 F.2d 1247.

[16] Shell Chemical Company, et al., Opinion and Order of the Administrator, 39 FR 37265 (Oct. 18, 1974).

[17] While the Order of the Administrator did not explicitly adopt the findings and reasoning of the Administrative Law Judge, it "is clearly implicit in and indeed suffuses his [the Administrator's] entire opinion, that he accepts the Administrative Law Judge's findings and reasoning except where a difference in commentary is made explicit." *EDF* v. *EPA*, 510 F. 2d at 1304 (D.C. Cir. 1975).

[18] *Id.* at 37270.

[19] These principles were recently reaffirmed by the Administrator in his decision to deny the State of Louisiana's request for emergency use of DDT on cotton. See, *Statement of Reasons for Denial* and *Supplemental Statement*, 40 FR 15934 (April 8, 1975).

[20] *Id.* at 37267

[21] Opinion, *supra*, at 37266.

reviewing administrative actions, courts "cannot fairly demand the perfect at the expense of the achievable." The Administrator's conclusion is within the scientific expertise of the agency, and is not infected by error of law. *Compare Environmental Defense Fund, Inc.*, v. *Ruckelshaus*, *supra*, 142 U.S. App. D.C. at 86, 438 F. 2d at 596.

The validity of extrapolation to humans from data derived from tests on animals is also a matter within the agency's expertise. There was testimony before the Administrator to support such extrapolation, and this court has acknowledged the significance of test animal data when cancer is involved. Use of animal data is particularly appropriate where, as here, accurate epidemiological studies cannot be conducted because the virtually universal contamination of humans by residues of aldrin/dieldrin make it impossible to establish an uncontaminated human control group. The long latency period of carcinogens further hinders epidemiological research, and the ethical problems of conducting cancer experiments on human beings are too obvious to require discussion. Although extrapolation of data from mice to men may be quantitatively imprecise, it is sufficient to establish a "substantial likelihood" that harm will result. [Citations omitted], *Id.* at 1298–1299.[22]

Finally, the Court affirmed the Administrator's balancing of the risks and benefits of the use of Aldrin and Dieldrin in his decision to suspend, noting that if the EPA suspends, as in the case of Aldrin and Dieldrin, the burden is on the proponent of registration "to establish that continued registration poses no safety threat" or "that the benefits outweigh the risks." *Id.* at 1302.

In accordance with the principles of hazard evaluation in the exhaustive DDT and Aldrin/Dieldrin administrative and court proceedings, the use of animal test data is the foundation for hazard evaluation criteria for new and old pesticide products. Such data are used to evaluate both the short term and the long term effects from the use of a pesticide; therefore, in § 162.11, both acute and chronic effects criteria are set forth. The hazard of acute effects, as is explained below, generally can be quantified on a comparative scale. The hazard of chronic effects, however, is generally not subject to precise quantification and must be evaluated as part of a qualitative assessment of risk. In the following sections, the specific criteria for assessing both acute and chronic effects and the rationale for the selection of specific criterion are set forth. As explained below, these criteria serve as initial hazard indicators which set more formal procedures in motion to determine classification, registration and cancellation. The criteria do not impose additional data requirements. Data requirements are set forth in § 162.8 and the corresponding sections of the Registration Guidelines.

C. Acute Toxicity Criteria. Several commenters questioned the propriety of utilizing numerical toxicity criteria as hazard indicators for the dual purpose of determining whether, as an initial matter, a pesticide should be classified for general or restricted use and whether a pesticide is subject to a rebuttable presumption against registration or continued registration. For the reasons set forth below, the Administrator has determined that such toxicity criteria are valid indicators of presumptive hazard and serve the important regulatory function of screening those pesticides which require additional scrutiny to determine whether they should be registered or, if registered, whether they should be classified for general or restricted use. As discussed below, the particular numerical criteria employed vary according to the anticipated rate of exposure, type of use, and anticipated hazard.

1. *Existing Numerical Criteria.* Numerical toxicity criteria have, of course, been used in this country and abroad as indicators of hazard for many years. In 1949 Hodge devised a numerical scale in which chemicals were classified into groups categorized by simple descriptive phrases—"extremely toxic," "highly toxic," "moderately toxic," etc.—using the oral LD_{50} as the numerical criterion for categorization.[23] This scale was subsequently modified by Gosselin to apply to formulations rather than technical chemicals with the object of preventing poisoning, since the formulated product had wider distribution and exposure than the technical material. Gosselin's scale was further modified and expanded by inclusion of numerical criteria (LD_{50} or LC_{50}) representing dermal and inhalation toxicity and formed the basis of regulatory interpretations under the 1947 FIFRA, to determine the warning (signal) words and precautionary statements required to appear on a product label.[24]

a. *Use of existing toxicity categories for precautionary labeling.* This same method is used for determining the appropriate signal word and precautionary statement for labeling purposes under these regulations, although some modifications have been made to the inhalation and skin and eye irritation criteria. Thus, numerical toxicity categories are established for formulated products based on dermal, inhalation, and oral LD_{50} or LC_{50} values; and qualitative descriptors are used to evaluate skin and eye effects. For instance, if a particular formulation has a dermal LD_{50} of 200 mg/kg or less, it falls into the highest toxicity category and must bear on its label the signal word, "Danger," and the precautionary statement, "Fatal (Poisonous) if absorbed through skin. Do not breathe dust [vapor or spray mist]. Do not get in eyes, on skin or on clothing." In addition, the label must bear a statement of practical treatment on the front panel. See § 162.10(i). Few commenters questioned the continuation of this system, as modified, for labeling determinations.

b. *Existing toxicity categories for classification of pesticides.* In enacting the comprehensive 1972 amendments to FIFRA, Congress recognized that these long-standing label requirements had not been adequate, standing alone, to protect the pesticide user or other persons from the adverse effects of exposure to acutely toxic pesticides. Accordingly, section 3(d) of the amended Act directs the Administrator to classify pesticides either for general use or for restricted use. Pesticides classified for restricted use will be restricted to use by certified applicators or subject to other regulatory restrictions.

Section 3(d)(1)(C)(i) of the Act specifically requires the Administrator to restrict a pesticide's use to certified applicators if the pesticide is classified for restricted use based on its acute dermal or inhalation toxicity. As discussed above, the established method for determining acute toxicity is based upon laboratory procedures that establish doses lethal to 50% of the test animals. This method was utilized prior to the 1972 amendments to protect the user through labeling. Accordingly, the Administrator concluded that it was reasonable to apply the same system, including equivalent numerical criteria, when determining as an initial matter that a pesticide was too hazardous to be classified for general use. Established as hazard indicators, the toxicity categories serve expressly that function in the classification scheme by acting as an initial screen for classification. An applicant, however, as discussed elsewhere in this preamble, is provided the opportunity to demonstrate to the Administrator that a pesticide which meets the toxicity criteria for restricted use should nevertheless be classified for general use because its labeling, formulation, packaging, or method of use could reasonably be expected to minimize the likelihood of hazard.

The classification scheme is further refined in that more stringent criteria are set for pesticides registered for domestic use (in and around homes and certain areas of educational and health related institutions) than for non-domestic use. Specifically, if a pesticide formulation intended for domestic use falls into toxicity category I or II, it is considered a candidate for restricted use; if the formulation is intended for non-domestic use, it is considered a candidate for restricted use if its dermal or inhalation toxicity or skin or eye effects places it in toxicity category I. These toxicity categories are used explicity in § 162.11(c)(2) which specifies criteria for classifying pesticides for reregistration. The same

[22] The Court also affirmed the Administrator's use of mice data in assessing the carcinogenic hazard of Aldrin and Dieldrin despite strenuous objection by the petitioners that mice are not valid indicators of human carcinogens.

[23] Hodge, H. C. and J. H. Sterner, *Tabulation of Toxicity Classes*, 10 AMER. INDUSTR. HYG. ASSOC. Quart., 93–95 (1949).

[24] For a discussion of history and development of the LD_{50} test, see *Principles and Procedures for Evaluating the Toxicity of Household Products*, NATIONAL ACADEMY OF SCIENCES—NATIONAL RESEARCH COUNCIL, Publication 1138 (1964), and Loomis, Ted A., *Essentials of Toxicology*, LEA & FEBIGER, Philadelphia (1968). The value obtained for the LD_{50} from an experiment with a finite number of test animals is on a statistical basis, an estimate of the actual dose required to kill 50% of an exposed population.

V 40 I 129 JUL 3 75 XUM

criteria are used in § 162.11(c)(1) which specifies criteria for classfying newly registered pesticides. Further protection to the user is provided by classification criteria in these sections based on chronic or delayed toxic effects, discussed *infra*, and by §§ 162.11(c) (3) and (4) which require consideration of adequacy of labeling, use history, accident data, and other appropriate factors.

2. *Additional Numerical Criteria for Protection Against Hazards not covered by Existing Categorization.* The LD_{50} and LC_{50} criteria used to define the toxicity categories are the experimental values determined for the formulated product. The degree of acute toxicity of the formulated product is determined in order to protect users from accidental exposure during handling and storage. However, human exposure to pesticides also occurs during and after application of the pesticide. These activities involve, in many cases, the application of a substance that has been diluted from a concentrated formulation. Therefore, to protect applicators and other exposed persons, including children, from hazardous exposure to pesticides during and after use, it is necessary to apply numerical criteria based on the toxicity of the pesticide as diluted for use. Depending on the degree of dilution, such criteria may be more or less stringent than those imposed on the formulated product. In addition, three criteria have been included for pesticides intended for outdoor application to protect against hazards to wildlife. The criteria are based on the amount of active ingredient which will remain after the application of the use diluted product.

Three steps are involved in the setting of these numerical criteria: (i) determination of the principal types of exposure which pose hazards; (ii) estimation of exposure levels encountered under conditions of use of the product or of similar products; and (iii) application of a safety factor to provide a margin of safety for individuals exposed to these levels.

The purpose of the following discussion is to explore each one of these steps in detail in order fully to explain the Agency's choice as to a particular number. The discussion immediately below sets forth general principles of exposure to acutely toxic pesticides and describes the anticipated hazard of such exposure as developed from field surveys and numerous publications. The next section discusses the selection of appropriate safety factors to address the anticipated hazard.

The final section explains the Agency's choice of criteria, including an explanation of why, in a particular case, the general principles of exposure, hazard, and selection of safety facts were or were not fully utilized.

a. *Types of exposure posing demonstrable hazard under conditions of general use.* Published surveys[26] suggest that pesticide poisonings constitute a significant amount of all chemical poisonings in the United States and that most incidents of human poisonings by pesticides fall into one of two categories: poisoning of children, usually in the home, and poisoning of applicators. Hayes has reported that, depending on the sample year, pesticides have accounted for 6 to 13 percent of all poisoning from solids or liquids—with an estimated fatality rate of 0.65 per 1,000,000 or approximately 150–200 people per year and a rate of nonfatal to fatal poisonings of 100 to 1 or approximately 15,000–20,000 persons per year. Furthermore, of those poisonings approximately one-half involve children under ten years with the most significant portion involving children under 5 years. Occupational poisonings account for an estimated 15 percent of poisonings with pesticide applicators experiencing the highest rate and manufacturing workers experiencing the least number.[28] These estimates have not been corroborated by the Agency; however, we have determined that they indicate the scope of the hazard arising from pesticide use.

In the case of wildlife, most documented cases of substantial immediate damage refer to poisoning of mammals and birds feeding on contaminated food or on treated baits, or to kills of fish and other aquatic organisms resulting from contamination of shallow waters.[27] Toxicity to nontarget insects and other beneficial invertebrates is often of significance[29] but is difficult to prevent by means of classification.

b. *Estimating exposure levels for critical types of exposure.* The most important determination for assessing the hazard posed by an acutely toxic pesticide is the estimated exposure level likely to result from normal use. If that level is sufficient to produce an adverse effect, exposure must be limited through improved application techniques and the use of protective clothing, and other proper safety procedures. Even the most acutely toxic pesticide can probably be used safely if the applicator follows proper use and safety procedures to avoid a hazardous exposure. Conversely, a dose of a much less acutely toxic pesticide can result in severe injury through avoidable accident or improper negligent application techniques and procedures. In amending the Act, Congress found that substantial numbers of users of pesticides did not follow label directions and overused and misused pesticides. Congress, through Section 4 of the amended Act, addressed these problems by requiring that only applicators who have demonstrated competence be allowed to use acutely toxic pesticides. Applicators can be certified under the provisions of Section 4 if they have demonstrated their competence to use acutely toxic pesticides safely by avoiding dangerous exposure to themselves and other nontarget organisms. Accordingly, in determining the classification criteria for acute toxicity, it is essential that EPA estimate the amount of exposure likely to be experienced by both the applicator and by other persons, including bystanders and children, as a consequence of improper application. If the exposure levels would result in toxic doses or doses that have unreasonably small margins of safety, the pesticide should be classified for restricted use.

The exposure an applicator will receive in handling or applying a pesticide or the exposure any individual will receive as a result of the pesticide's application can then be related to the LC_{50} and LD_{50} doses obtained in laboratory experiments to determine the approximate danger associated with that level of exposure. Exposure during application is largely to the product as diluted for use. Accordingly, the use-dilution LD_{50} has been added as a classification screening measure. The numerical criterion is computed as explained below.

(i) *Dermal exposure to applicators: outdoor spray application.* Extensive measurements are available of the amount of exposure to applicators and others during routine pesticide applications carried out according to customary practices. Summarizing their own work

---

[26] *Report of the Secretary's Commission of Pesticides and their Relationship to Environmental Health*, U.S. DEPT. HEALTH, EDUCATION, AND WELFARE, 304–319 (December 1969); Davies, J. E., *et al. Epidemiology and Chemical Diagnosis of Organophosphate Poisoning*, In "Pesticide Symposium" (W. B. Deichmann and J. L. Radowski, eds). Ind. Med. Publishing Co., Miami (1969), Lande, S. S., *An Epidemiological Study of Pesticide Exposure in Allegheny County, Pennsylvania*, 29 ARCH. ENVIRON. HEALTH, 90–95 (1974), Hayes, W. J., *Pesticides and Human Toxicity*, 160 ANN. N.Y. ACAD. SCI.; 40 (1969), Hayes, W. J., *Epidemiology and General Management of Poisoning by Pesticides*, 17 PEDIATRIC CLINICS OF NORTH AMERICA, 629 (1970), Lisella, F. S., *Epidemiology of Poisoning by Chemicals*, 34 JOURNAL OF ENVIR. HEALTH, 603 (1972), and Whittock, N. W., Koll, J. E., and Sandifer, S. H., *Pesticide Morbidity in South Carolina, Revisited*, 68 JOURNAL OF THE SOUTH CAROLINA MEDICAL ASSN., 109 (1972).

[28] Hayes, *Pesticides and Human Toxicity*, *supra* 40–45. Hayes reports that for California, one of few states with a mandatory accident reporting system, pesticide work injuries for 1960–63 ranged from 827–1,013. For the same period approximately 20 percent of the deaths caused by pesticides occurred from occupational exposure. For the period 1964–67, California had reported an annual average of 1,300 occupational poisonings, Hayes, *Epidemiology and General Management of Poisoning by Pesticides*, *supra* at 634.

[27] *Report of the Secretary's Commission on Pesticides and their Relationship to Environmental Health*, U.S. DEPT. OF HEALTH, EDUCATION, AND WELFARE (Dec. 1969) pp. 177–223.

[29] Rudd, R. L., *Pesticides and the Living Landscape*. UNIV. OF CALIFORNIA PRESS (1964).

and that of others, Wolfe *et al.*[30] tabulated over 80 exposure studies involving more than 5,000 measurements of exposure to 23 pesticide chemicals in a variety of formulations and under a variety of methods of application. In most studies the dermal and respiratory exposures to the active ingredient were measured and the use dilution was stated. If all of the active ingredient as measured by Wolfe, *et al.* was assumed to be residues of the use-diluted product, then the ratio of the residue to the dilution rate would give an accurate measure of exposure to the use-diluted product. In fact, however, the measured active ingredient residue resulted from total exposure to the applicator from both exposure to the use-diluted product and the formulated product. Therefore, the ratio of active ingredient residue to dilution rate overestimates the amount of exposure attributable to the use-diluted product. Thus, a factor is included in the computation to calculate the amount of total exposure arising solely from application of the use-diluted product. The exposure studies cited above do not include data necessary for computing this factor. However, based on knowledge of the activities which were analyzed in the exposure studies, its value is estimated to be two.[31] The rates of measured exposure to the use-diluted product were then computed according to the following equation:

$$E = \frac{M}{D \times 10^{-2}} \div 2$$

where E = exposure rate to the use-diluted product (mg/hr)
D = rate of dilution (%)
M = measured value of exposure rate to active ingredient (mg/hr)

For outdoor spray applications, most of the dermal exposures measured by Wolfe *et al.* and computed by the above equation fell into the range 3–50 g/hr., calculated as the rate of deposition of the diluted product falling on the skin of an agricultural worker without special protective clothing; a number of individual measurements of dermal exposure were as high as 325 g/hr. Although the highest of these figures represent exceptionally bad practice, the measurements of Wolfe *et al.* indicate that dermal exposure levels of up to 125 g/hr to diluted product can be expected to occur during normal agricultural use, and exposures of up to 50 g/hr often occur even with experienced operators. Furthermore, Wolfe *et al.* has documented that users and applicators frequently fail to follow directions requiring protective clothing and respirators.[33] Based on an 8-hour working day by a 60 kg person, such practices would result in exposures of up to approximately 16 g/kg/day for the unskilled applicator and 6 g/kg/day for the skilled applicator respectively.[34]

(ii) *Dermal exposure to applicators: other formulations.* The above estimates of dermal exposures were derived primarily from measurements of exposure to spray formulations. The relatively few direct measurements of exposure from aerosol application indicates very little potential of hazard from exposure to the use-diluted product. However, since drift of droplets appears to be a major factor leading to higher exposures, products formulated as mists can be expected to give exposures similar to sprays.[35]

Other formulations, such as dusts and granules, are applied in undiluted form. Since the existing LD_{50} on the formulated product offers protection to the applicator from dermal exposure to the undiluted product, no additional criteria have been provided for formulations other than spray and mist.

(iii) *Indoor exposure.* Far fewer data are available on exposure levels to indoor users of pesticides. Although Wolfe *et al.* (1967) listed only two indoor studies, one of these involved a case in which indoor house spraying resulted in dermal and respiratory exposure to the active ingredient of 1,755 and 7.1 mg/hr respectively—some 2–3 times larger than the highest figures listed in the Wolfe studies[36] as resulting from outdoor use, suggesting that indoor uses may result in higher rates of exposure, both to applicators and to others exposed to the pesticides. However, the fact that pesticides are usually sprayed indoors only for short periods decreases the hazard. Accordingly, it is unlikely that typical indoor exposures would approach those experienced by outdoor users working for a full day. This finding is supported by accident data which do not indicate a substantial frequency of poisonings from indoor use other than accidental ingestions by children.[37] There is indirect evidence from residue monitoring that indoor uses are responsible for a substantial portion of the average person's exposure to pesticides,[38] but such low level exposure would involve subacute or chronic toxic effects rather than acute poisoning. Chronic toxicity hazards are addressed under the criteria of § 162.11 (c) (1) and (2). No criterion is included for dermal exposure to the use-diluted product in domestic situations.

(iv) *Respiratory exposures.* The measurements summarized by Wolfe *et al.* suggest that in most cases dermal exposures greatly exceed respiratory exposures, often by a factor of 50 or more.[39] The largest reported respiratory exposure was only 1.4 g/hr, to a spray formulation, and even in this case it is not clear that a substantial part of the material was in droplets small enough to enter the lungs. Accordingly, it seems likely that respiratory exposure would be of much less significance to applicators than dermal exposures. According to accident summaries, the principal hazards posed by respiratory exposures would be to small children and to asthmatics.[40]

(v) *Accidental exposure to children.* When pesticides are used in domestic situations, there is the possibility that the pesticides may be accessible to children or pets. As discussed above, poisoning statistics indicate that the possibility is frequently realized since approximately 60 percent of all poisonings involve young children. Labeling is of no value in preventing accidents if the child can gain access to the pesticide product. Studies of domestic accidents reveal several general characteristics of pesticide accidents affecting children. For children under 2 years old, exposure is generally by ingestion, particularly from bait pesticides, moth balls and rodenticides used in indoor treated areas. For children aged 2–5 years, oral exposure, particularly to

---

[30] Wolfe, H. R., W. Durham, and J. F. Armstrong, *Exposure of workers to pesticides*. 14 ARCH. ENVIRON. HEALTH, 622 (1967). Wolfe, H. R., J. F. Armstrong, D. C. Staiff, and S. W. Comer, *Exposure of spraymen to pesticides*. 25 ARCH. ENVIRON. HEALTH, 29 (1972).

[31] To illustrate:

If a measured active ingredient deposition of 10 mg was assumed to be the residue of a 5% use-diluted product, then the pesticide worker must have been exposed to $\frac{10 \text{ mg}}{.05} = 200$ mg of use-diluted product.

However, if of the 10 mg active ingredient deposition, only 5 mg resulted from exposure to the use-diluted product, with the other 5 mg resulting from exposure to the undiluted formulation, then the worker was exposed to $\frac{5 \text{ mg}}{.05} = 100$ mg of use-diluted product. The latter example reflects the introduction of a factor of two to account for the fact that the measured deposition occurs to workers, who in the course of their normal activities, are exposed to both diluted and undiluted products.

[32] Wolfe, H. R., J. F. Armstrong, D. C. Staiff, and S. W. Comer, *The Use of Protective Clothing and Equipment for Prevention of Exposure to Pesticides*, PROCEEDINGS OF THE NATIONAL CONFERENCE ON PROTECTIVE CLOTHING AND SAFETY EQUIPMENT FOR PESTICIDE WORKERS, 155 (1972).

[33] Wolfe, *et al.*, op. cit. (1967, 1972).

[34] Wolfe, *et al.*, op. cit. (1972).

[35] These figures refer to active ingredient exposure, not to the use dilution exposure derived in the preceding discussion.

[36] Hayes, *supra*.

[37] Radomski, J., Deichman, W. B. and Clizer, S. S., *Pesticide Concentrations in the Liver, Brain and Adipose Tissue of Terminal Hospital Patients*, 6 FD. COSMET. TOXICOL, 209–220 (1968).

[38] However, it must be noted that a pesticide is more rapidly and completely absorbed through the respiratory route than through the dermal route and therefore a small exposure may be toxicologically significant. Where indoor spraying is continued over a long period of time, exposure may be quite significant. For example, Wolfe *et al.* have reported that: "[I]n the case of DDT . . . indoor house spraying was about 4 times as hazardous as flagging for airplane dusting of fruit orchards, approximately 7 times as hazardous as outdoor house spraying, and over 30 times as hazardous as operating an air blast spray machine in a fruit orchard." *Wolfe et al., Exposure of Workers to Pesticides, supra* at 625.

[39] Lande, S. *An Epidemiological Study of Pesticide Exposures in Allegheny County, Pennsylvania*, 29 ARCH. ENVIRON. HEALTH. 90 (1974).

V40-1129 JUL 3 75 XUM

stored pesticides, is very significant, as is eye and dermal exposure from all types of formulations but particularly from dust or granule formulations.[39] Exposure for children aged 2–5 occurs in all areas of pesticide use, both indoors and outdoors.[40]

It is difficult to estimate the precise degree of exposure of small children to pesticides, but there is evidence from documented incidents of fatal and nonfatal poisonings that children aged 2 or less can easily ingest 5g of a pesticide.[41] Based on a typical weight of 10kg for such a child, exposures of up to 0.5 g/kg of the product as diluted for use would be expected, at least for these formulations. For older children up to 5 years (i.e., up to about 20 kg in weight) ingestion of up to 60g seems likely in the typical accident involving drinking from a bottle.[42] This exposure would be as large as 3 g/kg and might involve ingestion of the formulated (undiluted) product unless the product was sold in special packages designed for child protection.

There is less information on dermal exposures to children, although the frequency of significant poisonings by the dermal route indicates that dermal exposures may be as significant as oral exposures, particularly for children over 2 years of age.[43] Eye exposures are also significant for children in the age range 2–5. Both these factors have been taken into account in setting the classification criteria for skin and eye effects.[44]

(vi) *Exposure to sensitive wildlife.* Critical exposures to mammals and birds occur primarily through contamination of their food.[45] The precise routes of contamination and the species at greatest risk vary greatly with the type of formulation and the way in which the pesticide is applied. For example, baits and treated seeds may be eaten directly; sprays and dusts may contaminate vegetation or fruit used for forage; insects and fish may acquire sublethal residues and cause secondary poisoning. The most significant exposures can generally be predicted from experience with similar formulations of other pesticides; measurements of exposure levels can be obtained in test plots.

In the case of aquatic species, the most important exposure is usually through the water in which they live. Average exposure levels can be estimated by calculating the amount of pesticide that would be deposited per unit area of water surface under typical conditions of application (corresponding to the widespread pattern of use for the type of pesticide involved) and assuming that the material is uniformly mixed through the body of water. Most significant incidents of damage to aquatic animal populations (fish, shrimp, crabs, etc.) have taken place in shallow waters (marshes and streams less than 6 inches in depth). Further, many pesticides are formulated in such a way that they stratify in a thin layer at the surface or bottom of still waters. Accordingly, an average depth of 6 inches is selected as representative of the water bodies in which aquatic organisms are at risk. The species to be considered are those characteristic of such shallow waters.

c. *Safety factors.* The Act requires that the registration and labeling of pesticides be such as to prevent "unreasonable adverse effects to the environment." Accordingly, if a pesticide is to be classified for general use, the anticipated exposures to the formulated or use-diluted product resulting from handling and application typical of those practiced by untrained persons should fall short of the lethal exposures (LD_{50} or LC_{50}) by factors sufficiently large to ensure that risk of injury to man or nontarget wildlife is small or negligible. The margin of safety required to render a specific injury sufficently unlikely depends upon the type of exposure and upon the persons or animals most at risk. Each type of exposure and the corresponding safety factor must be considered separately.

(i) *A factor to allow for variations in exposure.* Studies of exposure during application, for example, show that the level of exposure depends on many factors, including environmental conditions (especially wind), the method and site of applications, the technique of the applicator, and the applicator's ability and willingness to wear prescribed protective clothing. These factors have been found to vary exposure levels 200–300 fold.[46] Exposure to children and wildlife is similarly expected to vary widely, depending on several factors. In practice, however, the figures and methods outlined in the previous section for estimating exposure levels resulting from typical uses have been derived from the high ranges of measured exposures. Hence, the calculation of exposure presented above refers to individuals exposed more intensely than average, and no additional safety factor is required to protect them.

(ii) *A factor to allow for individual variability and sensitivity in humans.* Studies of the absorption of pesticides through human skin, for example, have shown that the efficiency of dermal absorption varies widely from one part of the body to another and among individuals.[47] Feldman and Maibach have stated that "assuming a normal distribution 1 person in 10 will absorb twice the mean value while 1 in 20 will absorb 3 times this amount."[48] Accordingly, a safety factor of 3–5 would be required to protect a high percentage of individuals whose dermal absorption is greater than average.

In addition to variations in the efficiency of absorption, there are wide variations in the sensitivity of different individuals to a toxicant even under standardized conditions of exposure. This variability is expressed in the form of dose-response curves, which relate the percentage mortality within samples of exposed animals to the dose or concentration to which the animals are exposed. The steeper the slope of the doserespone curve, the smaller the safety factor required to protect the more sensitive individuals, and *vice versa.*

In some cases the slopes of the dose-response curves are known. Gaines [49] has tabulated the acute oral and dermal toxicities of a large number of pesticides to rats, including in most cases estimates of both the LD_{50} (the dose required to kill 50 percent of a test group) and the LD_{01} (the dose required to kill 1 percent). For nearly all the chemicals, the ratio between the LD_{50} and the LD_{01} was between 2 and 4. Therefore the Agency has determined a safety factor of 3 below the LD_{50} is appropriate, since normally it will be sufficient to protect about 33 percent of a population of rats from acute poisoning. Since the human population is more variable in sensitivity than the strains of rats used in toxicity testing, somewhat larger safety factors would generally be required to provide comparable protection to humans.

(iii) *A factor to allow for variability and sensitivity among wildlife species.* Where the slope of the dose-response curve is unknown, as for many wildlife species, it may be estimated from measurements on comparable species or more generally from toxicological models. A widely used toxicological model is based on the empirical result that dose-response curves for many toxicants graph as straight lines over a wide range of doses when plotted on logarithmic-probability paper. The slope of the line varies according to the test organism and the nature of the toxicant. From a cross-section of existing dose-response data it has been estimated that a typical slope is 4.5 probits per log cycle, and a minimum slope about 2 probits per log cycle. The latter situation corresponds to a very variable test population with some individuals displaying high sensitivity to the toxicant. From this model it can be estimated that a dose or exposure 10 times lower than the LD_{50} or LC_{50} would be expected to lead to a mortality rate of about 0.01 percent under typical slope conditions, but to a mortality rate of 4 percent under minimum slope conditions. A dose-response 5 times lower than the LD_{50} or LC_{50} would be expected to lead to mortality rates of about 0.1 percent and 10 percent respectively. These figures are used as the basis for selecting a safety factor of 5–10 for setting the classification criteria for protecting wildlife. These factors would be expected to provide an ample margin of safety for a typical species, but only marginal protection to the most variable species. Even larger safety factors than 10 would be desirable to ensure protection of species in which even a single death is of special concern, for instance the death of an endangered species.

(iv) *A factor to allow differences on sensitivity between test animals and man.* A safety factor of 10 is commonly applied to extrapolate from test animals to man on the basis that the variability of human sensitivity is greater than the variability of test animal sensitivity. Where precise data are available on toxicity to humans—from accident records on presently registered products—the use of smaller factors may be justified.

d. *Selection of overall safety factors to prevent unreasonable adverse effects.* Each of the safety factors discussed above is individually desirable to protect against hazards posed by extreme and unusual exposure. However, if all the safety factors are applied independently, the process might simply serve to protect against extremes of extremes. It is impossible to devise criteria that could eliminate all hazards for pesticide use, and the statutory standard does not contemplate such stringent criteria. The criteria slected must provide aginst *unreasonable* adverse effects, not *all* adverse effects. Therefore, it is necessary to select safety criteria that will reduce the probability of injury to an acceptable level, considering the number of individual persons and the populations of important wildlife at significant risk, the probable frequency of sensitive individuals within the populations, and the probability of above-average exposure. Accordingly, safety factors between 3 and 10 have been used to provide protection against unreasonable adverse effects for the principal types of hazards discussed above. The precise safety factors used in setting numerical criteria, and the rationale for selecting them, are set forth in the next sections.

[39] Lande, S. *An Epidemiological Study of Pesticide Exposure in Allegenhy County, Pennsylvania*, 29 ARCH. ENVIRON. HEALTH 90 (1974); Gehlbach, S. H., W. A. Williams, J. S. Woodall and J. I. Freeman, *Pesticides and Human Health—An Epidemiological Approach*, 89 HEALTH SERVICES REPORTS 274 (1974).

[40] Studies also indicate significant portions of domestic pesticide users simply do not recognize the hazard that pesticides pose to children. For example, according to a study reported in the *Report of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health* on the use of pesticides in one urban area it was found that many families ignored label direction warnings. "Locked storage was not employed by 88 percent of all families; 66 percent stored pesticides within easy reach of small children; 54 percent stored the chemicals near food or medicine; and 66 percent never wore protective gloves during use or washed their hands after application." *Supra* at 148. *See* also Baltimore, C. L., and B. J. Meyer, *A study of Storage, Child Behavioral Traits, and Mother's Knowledge of Toxicology in 52 Poisoned Families and 52 Comparison Families*, 42 PEDIATRICS 312 (1968).

[41] Jones, D. V. and C. E. Work, *Volume of a Swallow*, 102 AM. J. of DISEASES OF CHILDREN, 427 (1961).

[42] Lande, *supra.*

[43] *Id.*

[44] *Id.*

[45] Rudd, R. L. *Pesticides and the Living Landscape. supra.*

[46] Wolfe, *et al. supra* (1967).

[47] Maibach *et al. Regional Variation in Percutaneous Penetration in Man*, ARCH. ENVIRON. HEALTH 23, 208 (1971); Feldman and Maibach, *Percutaneous Penetration of Some Pesticides and Herbicides in Man*, TOXICOL. APPL. PHARMACOL. 126 (1974).

[48] Feldman and Maibach, *supra.*

[49] Gaines, T. B. *Acute Toxicity of Pesticides*, 14 TOXICOL. APPL. PHARMACOL. 515 (1969).

3. *Numerical Criteria for Use Classification.* a. *General numerical criteria for use classification.* The Administrator has determined that pesticide formulations which fall into Toxicity Categories III and IV will not generally cause unreasonable hazards if handled and used by untrained persons. In addition, pesticide formulations which fall into Toxicity Category II will generally not cause unreasonable adverse effects if used by the normally more skillful applicators who apply pesticides in nondomestic situations. However, for the reasons given above, the Administrator has determined that additional numerical criteria besides the toxicity categories of the formulated pesticide are needed to protect against certain adverse effects.

b. *Additional numerical criteria for use classification.* (i) *Acute oral toxicity.* As shown above, children may be expected to ingest, under certain conditions, pesticides stored or used in domestic situations at doses up to 0.5 g/kg. This is predicated on the assumption that the child gains access to the pesticide chemical mixture. If, however, the pesticide formulation is specially packaged in a container that is "child-resistant" in the sense that children under 5 years cannot normally gain access in a reasonable amount of time, the possibility of exposure is minimized. Accordingly, no criterion is given for acute oral LD_{50} on the formulated product. The Agency will be publishing regulations shortly, pursuant to the authority of section 25(c)(3) of the Act, concerning standards for packaging of the formulated pesticide product.

A criterion is provided in these regulations, however, to protect the child from ingestion of the product in domestic application sites after it has been diluted for use. Normally, the container in which a pesticide is held when diluted for use is accessible to children. A safety factor of 3 is applied to the 0.5 g/kg exposure figure. The resulting criterion is an acute oral LD_{50} of 1.5 g/kg on the product as diluted for use. The products that have an acute oral use dilution LD_{50} below this figure will be candidates for restricted use classification.[50] A relatively low safety factor of 3 is justified because accident data can be used to supplement toxicity criteria in identifying product uses that should be classified for restricted use.

(ii) *Acute dermal toxicity.* As shown above, applicators and others may be exposed to doses of the use-diluted pesticide in spray or mist formulations as high as 16 g/kg/day, when the pesticides are applied by unskilled or careless applicators. Since the exposure an unskilled applicator may experience is known from the field studies conducted by Wolfe *et al.*, a precise LD_{50} criterion can be selected to adequately protect applicators receiving such exposure levels. Applying the minimum safety factor of 3 to an acute dermal LD_{50} of 16 g/kg/day would result in an LD value of 48 g/kg/day. However, LD_{50} values and LD values are based on experimental animal exposure of 24 hours. Since applicators normally are only exposed up to a maximum of 8 hours, using experimental data based on a continuous 24 hour exposure employs a safety factor to protect humans who are only exposed for ⅓ the time. Moreover, Durham, *et al.*, has shown that bathing after exposure results in a rapid decrease in dermal absorption of pesticides. Therefore, since the percent of pesticide dermally absorbed is partially a function of time the actual absorption of the pesticide may be much less than the indicated dermal exposure if the applicator washes after application.[51] Accordingly, an acute dermal LD_{50} criterion of 16 g/kg/day has been selected; it takes into account an approximate safety factor of three.

A safety factor of 3 is justified by the following considerations: (a) the safety factor is applied to the high range of exposure values measured in actual field studies; (b) accident data can be utilized to supplement numerical criteria to identify pesticides whose use should be restricted. However, a safety factor lower than 3 would not be appropriate since measurements of actual exposure in the field indicate that toxic doses may be approached under conditions of widespread and commonly recognized practice of use.

For reasons stated above, this criterion is applied only to pesticides used in nondomestic situations. Although domestic indoor applications at times may involve intense exposures, this fact is more than offset by the short periods of indoor exposure normally experienced by non-professional applicators. The dermal and inhalation toxicity criteria of the Toxicity Categorization Scheme are sufficient to protect unskilled persons exposed indoors against acute effects of pesticides in Categories III or IV.

(iii) *Hazards to terrestrial wildlife.* The principal hazard to terrestrial wildlife occurs from contamination of their food with pesticides. To afford a measure of protection for mammalian species, pesticides intended for outdoor use which result in residues exceeding one-fifth of

[50] Because it is difficult to measure the toxicity of materials at very high doses, the Guidelines as currently proposed specify that numerical toxicity measures are not required if the oral or dermal LD_{50} exceed 5 g/kg. For the purpose of determining whether a product meets the numerical criteria derived in this section, it will be permissible to estimate the LD_{50} of a pesticide product from measurements of toxicity made of higher concentrations. For example, the LD_{50} of a product as diluted for use may be estimated as XY, where X is the LD_{50} of the formulated product and Y is the factor by which the formulation is diluted for use. In cases where the LD_{50} of the formulated product exceeds 5 g/kg, its toxicity may be estimated in the corresponding way from the LD_{50} of the active ingredient.

[51] Durham, E. F. Wolfe, HR., and Elliot. *J. W. Absorption and Excretion of Parathion by Spraymen*, 24 ARCH. ENVIRON. HEALTH, 381 (1972).

V40 I129 JUL 3 75 XUM

the acute oral LD_{50} will be candidates for restricted use. The Agency realizes that certain situations exist in which the subacute dietary LC_{50} may be a more appropriate standard of mammalian toxicity. However, given the difficulties in obtaining such data for meaningful mammalian indicator species the criterion employs the more readily obtainable acute oral LD_{50}. Acceptable protocols for obtaining subacute dietary LC_{50} data are available, however, to represent toxicity[53] to avian species. Accordingly, pesticides intended for outdoor use which result in residues exceeding one-fifth of the subacute dietary LC_{50} will also be candidates for restricted use. The criteria also specify that the residues are to be computed immediately after application, the time of maximum residues. Since these residues may degrade over time, an additional safety factor is thereby incorporated.

The choice of a slightly higher safety factor for aquatic wildlife than for terrestrial wildlife is based on the fact that birds and mammals, unlike aquatic wildlife, have the ability to at least partially limit their exposure to pesticides by moving out of treated areas or by switching to alternative foods; moreover, some animals cease feeding when they start to experience toxic symptoms.

(iv) *Hazards to aquatic organisms.* The principle hazard to aquatic organisms occurs when pesticides are applied directly to shallow water, especially when applied by unskilled persons in contravention of label directions for use and precautionary statements. A measure of the likely exposure is the average concentration of the pesticide when applied to a water body 6 inches deep. A safety factor of 5 would provide an adequate margin of safety for all but the most sensitive species; an additional factor of 2 is applied since unlike terrestrial wildlife, aquatic organisms, have no means of escaping from the toxicant. Accordingly, pesticides intended for outdoor use which result in concentrations in shallow water exceeding $\frac{1}{5}$ the acute LC_{50} for species likely to be exposed will be candidates for restricted use.

4. *Numerical Criteria for Rebuttable Presumption Against Registration or Reregistration.* Besides deriving acute toxicity criteria for initially determining whether a pesticide should be classified for restricted or general use, acute toxicity criteria have also been derived for initially determining whether a pesticide should be registered or denied initial or continued registration. The same considerations of estimated exposure discussed above have been applied in deriving these criteria; however, estimates of exposure are based on the assumption that such highly toxic pesticides will be classified for restricted use and therefore be limited to use by skilled, competent applicators.

[53] If a pesticide causes significant *chronic* toxic effects on wildlife species or on man, it is subject to classification for restricted use under another criterion.

(1) *Acute Oral Toxicity.* No acute oral toxicity criterion is included for determining a rebuttable presumption against registration. Such a criterion was included in the proposed regulation [§ 162.11(b)(2)(i)(D)] and was the subject of a number of comments. The Agency has concluded that trained, competent applicators will be able to minimize the hazards to children by adhering to general safety procedures and specific label directions for use. If based upon the use and accident history data of the product, or similar products, the Administrator determines that even when used by trained applicators the pesticide causes or will cause unreasonable adverse effects on man or the environment, the pesticide will be denied registration or cancelled in accordance with § 162.11(a)(6) of these regulations.

(2) *Dermal Toxicity Criteria.* All pesticides in Toxicity Category I will be candidates for restricted use classification and unless it is shown that the risk from use of the pesticide is not as great as indicated by this criteria for risk, use of the pesticide will be restricted to certified applicators. Yet as the literature cited above indicates, even skilled applicators may receive potentially lethal exposure to the highly concentrated and toxic formulated pesticide and to the use-diluted pesticide. Accordingly, acute dermal toxicity criteria for both the formulated and use-diluted pesticide are included to determine if there is a rebuttable presumption against initial or continued registration. For the formulated product, a criterion of an acute dermal LC_{50} of 40 mg/kg or less has been selected. Products meeting this criterion have an LD_{50} that is $\frac{1}{5}$th that of the LD_{50} of the non-domestic use pesticides, and $\frac{1}{10}$th that of the LD_{50} of the domestic use pesticide initially classified for restricted use because of dermal toxicity. Clearly, the margin of safe exposure for such pesticides is extremely small and such pesticides must receive particular scrutiny before the Administrator can determine that the pesticide will not generally cause unreasonable adverse effects.[54]

An acute dermal LC_{50} of 6/g/kg criterion for the use-dilution of pesticides formulated as a mist or spray, has been selected to give rise to a rebuttable presumption against registration based upon the results of the Wolfe, *et al.*, exposure studies discussed above which indicated the anticipated dermal exposure to skilled applicators. These studies show that even a skilled applicator can experience up to 6 g/kg/day of exposure to the use diluted product. For the same reasons discussed above in the explanation of the dermal classification criterion, this criterion incorporates a safety factor of 3.

(3) *Inhalation Toxicity Criterion.* An inhalation toxicity criterion of an LC_{50} of 0.40 mg/l or less has been selected to give rise to a rebuttable presumption against registration. Pesticides meeting this criterion have an LC_{50} that is $\frac{1}{5}$th the LC_{50} of the non-domestic use pesticides which are candidates for restricted use because of inhalation toxicity.

(4) *Wildlife Toxicity Criteria.* Based upon the considerations discussed in the determination of classification criteria, the following criteria have been selected to safeguard wildlife by giving rise to a rebuttable presumption against registration:

If a pesticide's ingredient(s), metabolite(s), or degradation product(s):

(1) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the acute oral LD_{50} measured in mammalian test animals as specified in the Registration Guidelines.

(2) Occurs as a residue immediately following application in or on avian feed of an avian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species at levels equal to or greater than the subacute dietary LC_{50} measured in avian test animals as specified in the Registration Guidelines.

(3) Results in a maximum calculated concentration following direct application to a 6-inch layer of water more than $\frac{1}{2}$ the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed as measured on test animals specified in the Registration Guidelines.

Pesticides which meet the criteria for avian and mammalian feed residues would cause an estimated 50% mortality among exposed populations; pesticides which meet the criteria for the protection of aquatic organisms would cause an estimated 15–20% mortality among exposed populations. Pesticides which will result in such toxic levels and severe mortality rates on exposed wildlife populations obviously must be closely scrutinized before registration is approved and used under stringent restrictions.

D. *Chronic Toxicity Criteria.* In addition to the acute effects from a single exposure to pesticides, a determination of "unreasonable adverse effects on the environment" must include an analysis of any chronic effects which may result from exposure to a pesticide. Accordingly, criteria for determining chronic effects for registration and classification are set forth in §§ 162.11(a) and 162.11(c). Several commenters questioned the inclusion of these criteria in the proposed regulation and their individual basis for selection. Therefore, each of the criteria contained in the final regulation and their basis are set forth below including discussion of any modifications to the criteria contained in the proposed regulation.

[54] The United States Department of Transportation and the United Nations also have developed numerical acute toxicity criteria to determine "extremely toxic" material. The Department of Transportation specifies as extremely toxic, material with an acute dermal LD_{50} of 20 mg/kg or less, which closely approximates the Agency's criteria of 40 mg/kg. The United Nations has established a criterion identical to the Agency's to indicate especially toxic pesticides.

1. *Screening Criteria for Classification.* The chronic effects criteria which indicate as an initial matter that the pesticide will be classified for restricted use are qualitative in nature. Chronic toxicity effects cannot easily be evaluated on a comparative quantitative scale, as can the acute toxicity LD_{50} and LC_{50} values. Chronic effects by definition are those caused by repeated and prolonged exposure. The chronic hazard of a pesticide is, moreover, a function of its chemical and environmental characteristics such as persistence, mobility, and potential for biomagnification in food chains, and bioaccumulation in human tissue. Humans and other organisms will generally be exposed to pesticides which are highly persistent, mobile and bioaccumulative. The major issue regarding pesticides with these properties is whether the pesticide should be registered. Classification of a pesticide use as restricted in all likelihood will not reduce the threat of exposure to large populations. Accordingly, while § 162.11(c) authorizes the classification decision to be based on an evaluation of chronic toxicity effects, such pesticides will be classified as restricted use only where restriction of use to a certified applicator could be anticipated to limit the exposure or where a regulation could be promulgated pursuant to § 162.11(c)(5) with restrictions to control the exposure.

2. *Screening Criteria for Rebuttable Presumption.* Section 162.11(a)(3)(ii) sets forth three basic risk criteria for the determination of chronic effects which if met or exceeded by "a pesticide's ingredient(s), metabolite(s), or degradation product(s)," give rise to a rebuttable presumption against registration or continued registration. Section 162.11(a)(3)(ii)(A) provides that such a presumption shall arise for any pesticide which induces "oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation, or dermal exposure; or induces mutagenic effects, as determined by multitest evidence." With respect to oncogenic effects, this criterion incorporates the policy and principles established in the DDT cancellation proceeding and the Aldrin/Dieldrin suspension proceeding.

Positive oncogenic effects in man would obviously trigger very serious scrutiny. However, as noted above, such results are rarely available because of the long latency period of tumor induction, because of frequently encountered widespread contamination which makes it impossible to establish an uncontaminated control group and because of the ethical and legal problems associated with conducting cancer research on humans.[56] Because of the difficulties of obtaining reliable human cancer data, the oncogenic criterion refers to positive oncogenic effects in man or "in experimental mammalian species." The use of animal test data to evaluate human cancer risks has been widely accepted by the scientific community and by public policy-making agencies. Moreover, such data are particularly appropriate because the relatively short life span of test animals allows for testing for the entire latency period and because of our relatively well-developed understanding of the pathological development of tumors in mice and rats. When compared to the millions of people who may be exposed to the pesticide, the number of animals used in oncogenic tests is extremely small. As in the case of acute toxicity testing, the variability of human response to carcinogens is generally greater than that of the test animals. Accordingly, as noted above, a positive oncogenic effect in any test animal is sufficient to characterize the pesticide as posing a cancer risk to man. By the same reasoning, negative results from oncogenic animal tests have only limited significance and thus should normally be superseded by positive results. The number and sensitivity of the test animals as compared to the general human population are the principal reasons for this limited utility.[55]

The Administrator in his Aldrin/Dieldrin suspension order also specifically concluded that because of these inherent limitations of animal testing "a substance that will induce cancer in experimental animals at any dose level, no matter how high or low, should be treated with great caution."[56] The Court of Appeals unanimously affirmed this finding. As noted above, negative results are of limited value and although a no-effect level may theoretically exist, it is frequently impossible to establish with sufficient confidence to justify sanctioning widespread human exposure.[57]

Moreover as an additional outgrowth of the Aldrin/Dieldrin proceedings and as explained previously in the discussion of § 162.3(bb), the term "oncogenic" is used in the regulations because the Administrator had determined that the distinction between "benign" and "malignant" tumors is not meaningful in determining the hazard of cancer to man on the basis of tests conducted on a laboratory species, given the "increasing evidence that many tumors can develop into cancers." He has determined that "for purposes of carcinogenicity testing, they should be considered synonymous."[58]

In making the determination that the rebuttable presumption is activated because of a finding of chronic effects, the Agency will take into consideration the type of effect, the statistical significance of the findings and whether the tests were conducted in accordance with the material requirements for valid tests as recognized by experts in the field. Where testing produces positive chronic effects but such effects are not statistically significant or such tests were not conducted in accordance with the material requirements for valid tests as recognized by experts in the field, additional statistical analysis, histological or other pathological review, or testing may be required even though the rebuttable presumption may not have been triggered by the initial test results.

While neither the DDT cancellation proceeding nor the Aldrin/Dieldrin suspension proceeding considered the hazards to man from exposure to mutagenic substances, governmental agencies and scientific groups which are currently weighing the hazards of introducing potentially mutagenic substances into the environment stress the inherent risk to man.[59] Furthermore, on the basis of tests on microbial systems, there is increasing evidence indicating a correlation between carcinogenesis and mutagenesis.[60] At this time without additional corroborative evidence, however, there is no single animal test protocol which has been demonstrated as a sufficiently reliable indicator of a substance's mutagenic hazard to man to give rise to a rebuttable presumption against registration or continued registration. Therefore, the mutagenic criterion requires a showing of positive results in more than one test system before regulatory action, other than requiring additional testing, can be justified. The Guidelines for registering pesticides set forth the conditions under which mutagenic testing is required and the Appendix to the Guidelines sets forth acceptable test protocols.

It is not the policy of EPA to ban all pesticides which produce oncogenic or

[55] See generally, Consolidated DDT Hearings, Opinion and Order of the Administrator; 37 FR at 13371; Shell Chemical Company, *et al.* Findings of Fact and Conclusions, 39 FR at 37252, 37254; Shell Chemical Company, *et al.* Opinion of the Administrator, 39 FR at 37269–70; *EDF* v. *EPA*, 510 F. 2d at 1299; Statement of Reasons and Supplemental Statement of Reasons for Denial—State of Louisiana Request for Emergency Use of DDT on Cotton, 40 FR at 15940, 15950.

[56] Administrator's Aldrin/Dieldrin Findings, 39 FR at 37268.

[57] This view was mirrored in the recently published "Report of the Committee for Working Conference on Principles of Protocols for Evaluating Chemicals in the Environment." "[The term no-effect level] is statistically meaningless and therefore of limited value since it merely means that no effect was observed in studies using a group of animals of particular size. Such an observation is completely compatible with the presence of an adverse effect, which in further studies with larger sample sizes or with different types of observation might lead to a positive outcome." Environmental Studies Board National Academy of Engineering and Committee on Toxicology, National Research Council, *Principles for Evaluating Chemicals in the Environment*, (1975).

[58] Administrator's Aldrin/Dieldrin Findings, 39 FR at 37267 (October 18, 1974); *EDF* v. *EPA*, 510 F. 2d at 1300 (D.C. Cir. 1975).

[59] *Principles for Evaluating Chemicals in the Environment, supra; The Testing of Chemicals for Carcinogenicity, Mutagenicity, Teratogenicity*, published by the Minister of Health and Welfare, Canada (September, 1973); and *Environmental Mutagenic Hazards*, 187 SCIENCE 503 (1975).

[60] *Principles, supra*, at 147.

V40129 JUL 3 75 XUM

mutagenic effects. Rather, the cost of control, the levels of exposure, and the benefits of use must also be taken in account in any final regulatory decision. This Section 162.11 establishes a framework for arriving at these decisions with a full opportunity for the public and other interested parties to participate.

The second criterion for chronic effects set forth in § 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a substance "produces any other chronic or delayed toxic effect in test animals, at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety." The dosage to be tested will be specified in the Registration Guidelines. In determining the levels at which positive test results will give rise to a rebuttable presumption the Administrator must take into account ample margins of safety and evaluate among other things: the statistical reliability of the test data, the degree of varying sensitivity estimated for exposed populations, and the nature of the chronic effect produced. Chemicals have been found to produce deleterious effects after prolonged and repeated exposure to many organs and functions of the body including the lungs, central nervous system, hematopoietic system, metabolism, kidneys, reproductive systems and others. Therefore, if adverse effects of such a nature will be produced by exposure to a pesticide at any level up to a level exceeding possible human exposure taking into account ample margins of safety, it is appropriate that the regulations provide a rebuttable presumption against registration or continued registration of the pesticide. The pesticide's potential for producing such effects is determined from studies required pursuant to § 162.8 of these regulations, the Guidelines, and the Appendix to the Guidelines, or other test evidence available to the Agency.

The proposed regulation also provided that a presumption against registration would arise if evidence of teratogenic potential was found, irrespective of level of exposure in test animals. However, the Agency has determined with respect to teratogenic effects, that the dose at which the effect was observed in experimental animals and the dose to which humans may be exposed must be considered before a rebuttable presumption against registration arises. Therefore, evaluation for teratogenic effect is incorporated in the criterion at § 162.11(a)(3)(ii)(B).

The final criterion set forth in § 162.11(a)(3)(ii)(C) establishes a criterion to protect against significant reductions in local, regional, or national populations of non-target organisms or fatality to members of endangered species. In the DDT cancellation decision, the Administrator found that DDT can reasonably be anticipated to result in such chronic effects on non-target organisms and included that finding as a major basis for cancellation.

E. *Emergency Treatment.* Section 2(q)(2)(D)(iii) of the Act provides that any pesticide which is "highly toxic to man" is misbranded unless the label bears "a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide."[a] Accordingly, where there is no practical treatment in the case of poisoning by the pesticide, a rebuttable presumption against registration or continued registration shall arise. In such an instance, there would be a serious question as to the legality of registering the product.

The language of the criterion of § 162.11(a)(3)(iii) has been modified to clarify that an emergency treatment statement is only required for treatment of acute poisonings from a single exposure.

F. *Rebuttal of Screening Criteria for Use Classification and Presumption Against Registration.* As is discussed above, the criteria set forth in §§ 162.11(a)(3) and 162.11(c)(1) and (2) are intended as screening mechanisms to determine as an initial matter which pesticides are subject to a presumption against registration and which pesticides are candidates for restricted use classification respectively.

The final decision regarding the registrability of a product and its use classification is made only after consideration of the risks and benefits of use of the pesticide as proposed to be registered. The criteria of these sections are indicators of potential hazard. The applicant or registrant, as the case may be, may establish to the Agency's satisfaction that the hazard anticipated by the acute or chronic screening criteria will not in fact occur. The regulations set forth the elements which the applicant or registrant must demonstrate to rebut the presumption of the screening criteria.

1. *Classification.* One of the decisions in determining whether an acutely toxic pesticide should be restricted to use by or under the direct supervision of certified applicators is whether label instructions standing alone will be adequate to prevent the hazards associated with use. Accordingly, the regulation at § 162.11(c)(3) sets forth the criteria that will be evaluated in determining the adequacy of the label and labeling to prevent unreasonable adverse effects on the environment. These criteria include an evaluation of: (1) the complexity of required operations or procedures and the need for specialized training or experience; (2) the safe margin of error associated with the use; (3) the "widespread and commonly recognized"[b] use practice; (4) the need for "specialized apparatus, protective equipment or material" normally not available to the general public; and (5) the effect of failure to follow directions for use in causing delayed or chronic adverse effects. Furthermore, the use and accident history of a pesticide or a similar pesticide will bear on the evaluation and application of these criteria to the classification decision of a particular pesticide. These criteria were contained in the proposed regulations and have not been modified. They were selected as representing the factors that would determine the degree that an unskilled applicator could be expected to follow label directions for use and required safety procedures. They require a weighing of the complexity of use of a pesticide in accordance with label instructions, the likelihood that instructions commonly will be followed, and the adverse effects likely to result if the label instructions are not followed. Secondly, the applicant or registrant may submit data or arguments challenging the finding of the Agency that the criteria have been met or may be able to establish that the formulation, packaging or method of use of the product is such as to eliminate the hazardous route of exposure. For example, a pesticide which meets the criteria for restricted use classification on the basis of dermal risk may be marketed as a granular formulation rather than as a liquid formulation and thereby reduce the hazards of dermal exposure. So too, if the formulation of the pesticide is extremely toxic while its use dilution is not, the pesticide may be packaged as a "closed system" to prevent hazardous exposure during mixing. And fourthly, the applicant or registrant may demonstrate that the benefits from unrestricted use of the pesticide outweigh the risks of unrestricted use of the pesticide. All these determinations are in accordance with the statutory mandate of section 3(d) of the Act, that the Administrator determine whether general use classification of the pesticide will cause "unreasonable adverse effects on the environment."

In addition to the screening criteria, § 162.11(c)(4) provides that "If the Agency determines that based on human toxicological data, use history, accident data, monitoring data, or such other evidence as the Administrator identifies, the product use(s) may pose a serious hazard to man or the environment, which can be prevented by classification for restricted use," the use will be classified restricted. Thus, although based on the screening criteria a pesticide would be a candidate for general use classification, it could be classified for restricted use on the basis of other evidence available to the Administrator.

Finally, as part of the classification determination, § 162.11(c)(5) provides that any product use classified for restricted use and limited to application by or under the direct supervision of a certified applicator may "additionally or alternatively" have other restrictions imposed by regulation. A commenter argued that the "other restrictions" authorized by section 3(d)(1)(C)(ii) of the Act and provided for by this Section of the regulations can be imposed only in lieu of, not in addition to, a certified applicator restriction. However, such an interpretation conflicts with the legislative history of this provision. "Section 3(d)(1)(C)(ii) establishes a system to assure a full and fair consideration of alternative or additional restrictions which the Administrator may wish to impose." Senate Agriculture Committee Report, at 21. The restrictions cited in the regulation are intended merely as examples of the type of restrictions which may be imposed under this authority.

2. *Presumption Against Registration or Continued Registration.* As explained above, a rebuttable presumption arises against registration or continued registration of any pesticide which meets or exceeds the criteria for risk of § 162.11(a)(3). When the presumption arises, the party seeking new or continued registration may rebut the presumption by sustaining an affirmative burden of proof specified in the regulations. In response to comments, the Agency has elaborated on how the rebuttable presumption will be applied. Accordingly, § 162.11 has been modified to specify the procedures, methods and criteria for rebuttal of a presumption against registration or continued registration.

The regulations provide that upon a determination that a pesticide meets or exceeds the criteria for risk § 162.11(a)(3), the Administrator shall issue notice to the applicant or registrant of the pesticide of this determination and state that the applicant or registrant has the opportunity to submit evidence in rebuttal of the presumption in accordance with the provisions of § 162.11(a)(4). The Agency will consider comments received from all interested parties regarding rebuttal of the presumption against registration. The burden of proof, however, rests with the applicant or registrant of the pesticide product, as the case may be. Section 162.11(a)(4) provides that "the party seeking new or continued registration may rebut the presumption by sustaining the burden of proving:

(i) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (3)(i), or (iii), that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or

(ii) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (3)(ii), that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects."

(iii) That the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error.

These provisions for rebuttal of a presumption against registration permit submission and consideration of evidence to show that the levels of exposure necessary to cause an identified acute, subacute or chronic effect will not result from use of the pesticide. As in the case of rebuttal of the initial determination that a pesticide use should be classified for restricted use, it may be possible to show that the initial determination of the Agency that the pesticide met or exceeded the criteria for risk was in error or that the formulation, packaging, method of use, directions for use, or label and labeling are adequate to prevent the hazards from use of the pesticide. In the case of the pending reregistration of a pesticide product, in particular, evidence as to the use and accident history of the pesticide, or a similar pesticide, will be carefully considered in the evaluation of acute risk. In addition, in the case of a presumption against registration on the basis of chronic toxicity, it may be shown, for example, that the chemical characteristics of the pesticide are such that it has a very short half-life and that exposure will not occur or that the pesticide is not mobile in the environment and will not concentrate and bioaccumulate in man or other organisms. With respect to a pesticide which meets the criteria for risk set forth in paragraph (a)(3)(ii)(A) (oncogenic or mutagenic effects), the presumption may be rebutted by showing that use of the pesticide will not result in residues of the pesticide's ingredient(s), metabolite(s) or degradation product(s) in man, in food or in media other than food to which significant portions of the human population are exposed. This is in keeping with the principle established by the Administrator and affirmed in court decisions that it is virtually impossible to establish a no effect level for oncogenic compounds. The Agency has determined that similar reasoning applies to mutagens. Similarly, the rebuttal opportunity is not intended to permit rebuttal of the presumption when triggered by oncogenic or mutagenic effects solely because of a negative response in test animals at a different or lower dose level or through evidence that a tolerance has been established for the pesticide's ingredient(s), metabolite(s) or degradation product(s). In the case of either acute or chronic hazard, moreover, it may be shown that the risks from use of the pesticide can be minimized and brought within acceptable limits by restrictions on use, as for example, restriction to use by or under the direct supervision of a certified applicator or in accordance with any other regulatory restrictions imposed pursuant to section 3(d)(1)(C)(ii) of the Act. In summary, the rebuttal considerations take into account the individual characteristics of the pesticide and evaluate the potential hazard after consideration of the likelihood that exposure will result from use of the pesticide as proposed to be registered.

If the Administrator determines that the presumption against registration has been rebutted, in accordance with § 162.11(a)(4), and that the pesticide otherwise complies with the requirements of the Act and these regulations, he shall register the pesticide or continue any registration already in effect. In the case of an application for registration for which notice of approval is published, pursuant to § 162.7(d)(2) of the regulations, such notice shall state the Administrator's determination and supporting findings that the presumption has been rebutted.

If an applicant or registrant fails to rebut the presumption, the regulations provide that a notice initiating final determination of cancellation or denial of registration must issue. This is in accordance with the court decisions and statutory requirements which provide, as discussed above, that the notice must issue where a substantial question of safety is determined to exist. Failure to rebut the presumption establishes that such a substantial question exists.

Although a formal notice must issue following the determination that the presumption has not been rebutted, the statute provides some flexibility in the type of notice to be issued. For instance, under Section 6, the Administrator may issue a notice of intent to cancel registration pursuant to section 6(b)(1), and the registrant is entitled to request a formal adjudicatory hearing following receipt of the notice. Or pursuant to section 6(b)(2), he may issue a notice of intent to hold a hearing "to determine whether or not [the pesticide's] registration should be cancelled * * *." The legislative history makes it clear that the purpose for including the section 6(b)(2) notice procedure was to permit "the Administrator to initiate formal review without placing a stigma on a product when he is not convinced that the registration should be cancelled." Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92nd Cong. 2d Sess. 12-13 (1972).

Where a substantial question of safety exists with respect to a pesticide, the only circumstance in which the Administrator may not be convinced that cancellation should occur is where he may have reason to believe the benefits outweigh the established risks. Accordingly, the regulations provide that in determining whether to issue a notice of intent to cancel (section 6(b)(1)) or a notice of intent to hold a hearing (section 6(b)(2)), the Administrator may

[a] A registered pesticide which is misbranded is in violation of seciton 6(b) and must be cancelled; an application for a new registration must be denied pursuant to section 3(c)(5) and (6) if "its labeling and other material required to be submitted [do not] comply with the requirements of this Act."

[b] This language has been interpreted by the Eighth Circuit Court of Appeals to mean the uses and practices commonly followed which are not approved on the label and labeling. *Southern National Manufacturing Co. Inc. v. Environmental Protection Agency*, 470 F. 2d 194 (1972).

V 40 I 129 JUL 3 75 XUM

take into account a preliminary staff recommendation as to the balance of risks and benefits. Based on a recommendation that benefits appear to outweigh the risk, the Administrator may decide to issue a section 6(b)(2) notice and thereby initiate a formal adjudicatory hearing where the benefit/risk balance could be fully considered in the public forum for purposes of making a final determination as to cancellation, without any stigma which may be associated with a section 6(b)(1) hearing. In order to aid in the preliminary staff recommendation as to benefits, the regulations permit the registrant to submit evidence as to benefits at the same time as he undertakes to rebut the presumption against continued registration under the specified risk criteria.

Similarly, with respect to denials of registration, the regulations provide for issuance of a notice of denial pursuant to section 3(c)(6), upon the determination that the applicant has failed to rebut the presumption as to risk. The applicant may then request a hearing which would correspond to the hearing under section 6(b)(1). Based on a preliminary staff recommendation that benefits appear to outweigh risks, the Administrator may decide, as provided in the regulations to issue a notice of intent to hold a formal adjudicatory hearing similar to a section 6(b)(2) proceeding. The authority for the regulations to provide for this corresponding section 6(b)(2) proceeding for denials of registrations rests on the general authority of sections 25(a), 21 and 6 of the Act.

The foregoing procedures preserve the requirements established by courts and the Act that weighing of risks and benefits may not interfere with initiation of the formal administrative process, where a substantial question of safety exists, and yet provides the flexibility necessary for informed, fair and open Agency decisions.

Finally, the regulations set forth the burden of proof and issues to be considered at a hearing. In addition to the issues relating to safety considered prior to issuance of the notice, the balance of risks and benefits is the third issue to be considered by the Administrative Law Judge in the hearing. In hearings following issuance of notice pursuant to sections 3(c)(6), and 6(b)(1), the burden of proof as to all issues rests squarely with the applicant or registrant, as the case may be. If the hearing is a section 6(b)(2) proceeding or the equivalent for denials of registration, the burden of proof as to risks rests with the applicant or registrant. The Agency will put into evidence the preliminary staff recommendations as to benefits, and all other evidence from the parties to the proceeding will be considered in arriving at a final determination as to whether benefits exceed risks.

The regulation provides for the withdrawal of the notice of intent to hold a hearing prior to the commencement of the hearing if the Administrator determines that there is "insufficient public interest in the proceeding to warrant holding the hearing or that it would not otherwise serve the public welfare." As a general rule EPA plans to withdraw the notice if the preliminary staff recommendation or subsequent Agency investigation indicates that the benefits from use of the pesticide outweigh the risks *and if* there is no party willing to participate in the hearing who will argue against registration of the pesticide. EPA will follow this general rule so as not to misuse scarce Agency resources or subject registrants to the unnecessary expense of hearings in which all the parties agree that the pesticide should be registered.

With respect to the final risk/benefit determination under any of the foregoing procedures, the statute, the legislative history, and judicial interpretations recognize that the Administrator may find that the benefits of use outweigh the risks even where this risk is determined to pose a substantial question of safety. Moreover, in striking the balance, certain risks and certain benefits must be given more weight than others. As the court stated in *EDF* v. *Ruckelshaus, supra:*

> The process is a delicate one in which greater weight should be accorded the value of a pesticide for the control of disease, and less weight should be accorded its value for the protection of a commercial crop. 439 F. 2d at 594.

Section 162.14 *Forms of plant and Animal Life and Viruses declared to pests.* Section 25(c)(1) of the Act authorizes the Administrator to declare as a pest all forms of plant and animal life (other than man and other than bacteria, viruses and other microorganisms in or on living man or other living animals) which are injurious to man or the environment. In response to comment the language of § 162.14(b) has been modified to clarify those pests which come within the scope of amended FIFRA.

Section 162.15 *Devices Subject to the Act.* Section 25(c)(4) of the Act authorizes the Administrator to specify those devices which are subject to the provisions of paragraph 2(q)(1) or section 7 of the Act. The proposed regulations at § 162.3(ff)(1) and (4) had declared certain devices subject to the Act. For purposes of clarity and thoroughness, a new § 162.15 has been added to these regulations to specify in detail those devices which fall within the purview of amended FIFRA. The Agency realizes that certain instruments and contrivances are marketed in conjunction with a pesticide; in these cases such products will be considered as pesticides rather than as devices. Devices deemed to be subject to the Act include, but are not limited to, instruments for the purpose of trapping, destroying, repelling or otherwise mitigating any form of plant or animal life and viruses declared to be pests at § 162.14, except those instruments which the Administrator determines either (1) to be adequately regulated by another Federal Agency, or (2) to be of a character which is unnecessary to be subject to this Act in order to carry out the purposes of this Act.

Instruments of a character unnecessary to be subject to this Act include (1) those which depend for their effectiveness more upon the performance of the person using the device than on the performance of the device itself, and (2) those which operate to entrap vertebrate animals. Products generally falling within these two categories include rat and mouse traps, fly swatters, tillage equipment for weed control and fish traps.

Instruments declared to be devices subject to § 2(q)(1) and section 7 of this Act include but are not limited to: (A) certain ultraviolet light systems, ozone generators, water filters and air filters (except those containing substances or mixtures of substances which are pesticides), and ultrasonic devices, for which claims are made to kill, inactivate, entrap, or suppress the growth of fungi, bacteria, or viruses in various sites; (B) certain high frequency sound generators, carbide cannons, foils, and rotating devices, for which claims are made to repel birds; (C) black light traps, fly traps, electronic and heat screens, fly ribbons, and fly paper, for which claims are made to kill or entrap certain insects; and (D) mole thumpers, sound repellents, foils, and rotating devices, for which claims are made to repel certain mammals. The Administrator will designate such provisions of paragraph 2(q)(1) and section 7 of the Act to be applicable to devices as he finds necessary to effectuate the purposes of the Act.

Section 162.17 [§ 162.16] *Registration Requirement for Intrastate Products.* This section of the regulations has been rewritten to clarify the language and incorporate much of the enforcement policy that appeared in the preamble of the regulations as proposed. The applicant for registration must comply with the data requirements for new registration provided however that the requirement for efficacy data may be waived on the basis of the recommendation of a State agricultural experimental Station or other Federal or State agency authorized by law to conduct pesticide research. In addition, the Administrator may initiate the waiver of other data requirements, in accordance with the standard of § 162.8(a)(3), in his notice to the applicant to submit a full application for federal registration. To ease the transition from State to Federal registration, these applications will be handled in a group of like products rather than as individual products. If the applicant complies with the procedures of this section, pending the final registration decision, either approving or denying the registration application, he may continue to sell or distribute the product solely within intrastate commerce subject to the requirements of paragraph (f) of this section. This policy is in accordance with section 3(c)(2) of the Act.

Section 162.21 [§ 162.15] *Rules concerning certain pesticides.* This section is intended as an open-ended section to include regulations the Agency promulgates in the future affecting registration or classification of specific pesticides, including any other regulatory restrictions imposed pursuant to section 3(d)(1)(C)(ii) of the Act.

(1) [Section 162.21(a)] *Labeling of phosphorous paste products.* This section as proposed, provided that pesticide products containing phosphorous paste would be denied registration for use in, on, or around the home. The section has been deleted from these final regulations. Pesticide products containing phosphorous paste will be reviewed in accordance with all the provisions of these regulations.

(2) Section 162.21(a) [§ 162.15(b)] *Requirement of separate registration.* (a) Several commenters asked that the provision at § 162.21(a)(1) regarding separate registrations for certain fertilizer-pesticide combinations be extended alternatively either to include all registration requirements or to encompass all fertilizer-pesticide combinations. Neither of these suggestions is acceptable. Whether separate registration of a fertilizer-pesticide combination is necessary to carry out the purposes of the Act must be determined on a case by case basis. Within the discretion of the Administrator, if the percentage of fertilizer components vary and the application rate of the pesticide remains constant, the fertilizer-pesticide combinations may be registered as a single product, provided that the range proposed would not require modification in the labeling. The intent of this Section is to lessen the administrative burden on the Agency and the registrant, where feasible.

An additional publication dealing with the registration requirements for custom blending of pesticides will be forthcoming shortly.

(b) A commenter asked that the provision of § 162.21(a)(2), permitting pigment substitution in paints without additional registration in certain instances, be extended to encompass pigment substitution in other pigment-pesticide mixtures. The Agency currently permits such pigment substitution for other products, as for example, flea collars and shelf paper, where it is determined that pigment may safely be substituted without affecting the efficacy of the product or increasing any hazard posed by the product. A new § 162.21(a)(3) has been included to clarify this policy. As with paints, the specific formulation must be submitted to the Agency and colors may be specified as additional brand names.

(3) Section 162.21(b) *Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products.* On August 23, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 22636) a proposed Statement of Policy with respect to claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides pursuant to the authority of sections 3 and 25(a) of FIFRA, as amended. No final statement of policy has as yet been published in the FEDERAL REGISTER. The Agency feels that these regulations are a more appropriate place of delineating the permissible claims for residual bacteriostatic and/or self-sanitizing activity in the labeling of pesticide products. Accordingly, a new paragraph (b) has been added to § 162.21.

The proposed Statement of Policy of August 23, 1973, invited interested persons to submit written data, views or arguments. All of the written comments received were referred to the Agency's Antimicrobial Program Advisory Committee. The Advisory Committee is comprised of four representatives of the pesticide industry, four representatives of the Department of Health, Education, and Welfare, one liaison representative from the Federal Trade Commission, and three representatives and Executive Secretary from the Environmental Protection Agency. Oral views were presented to the Committee by several persons during the meetings. All written comments are on file with the Agency. Section 162.21(b) was drafted in direct response to and after consideration of all the comments received.

Section 162.21(b) provides that label claims for residual bacteriostatic and/or self-sanitizing activity will be permitted only when supported by adequate test data developed by a method which simulates the in-use situation of the product. Residual claims will be restricted to the labels of those products which will, under normal conditions of use, be exposed to conditions which are ideal for bacterial growth and activation of the residual chemical. Therefore, residual claims will not be permitted for dry treated surfaces which are likely to remain dry under normal conditions of use.

The Statement of Policy as proposed would have required registrants to comply with its provisions within 180 days of final promulgation. Several commenters argued that this requirement was unreasonable and proposed a period of 18 to 24 months. The Agency agrees that 180 days is an insufficient amount of time and will allow up to 18 months from the effective date of these regulations for compliance with § 162.21(b). In accordance with § 162.6(b)(5)(ii), if a pesticide product otherwise satisfies the requirements of these regulations and the Act, the Administrator may classify and re-register the pesticide for a reasonable period of time, pending completion of the required long term testing.

Section 162.22 *Petitions to Amend.* Several commenters argued that they have not been able to make full comment on the effect of these regulations because they were not given the opportunity to submit formal comment on the Registration Guidelines and the regulations simultaneously. EPA believes that the regulations and guidelines can be reviewed independently. Moreover, drafts of the Guidelines have been circulated among all interested parties over the past several years, including as recently as during the comment period for these regulations. Industry and environmental groups have had ample opportunity to comment on each draft of the Guidelines. The proposed Guidelines which were recently published for formal comment in the FEDERAL REGISTER are substantially the same as the last drafts which were circulated to the public.

Nevertheless in the interest of full public participation in these regulations, EPA will receive comment on those provisions of the regulations which directly relate to the Guidelines, during the Guidelines comment period. Any such comments received will be treated as petitions to amend these regulations and should fully set forth the reasons for the proposed modification and the proposed modification itself. These regulations as now published are final and will be of full force and effect 30 days after publication in the FEDERAL REGISTER. Petitions to amend these regulations will be considered as soon as possible and will not delay the effectiveness of these regulations.

PROCEDURES FOR REREGISTRATION

Prior to the effective date of these regulations, detailed procedures to be followed by applicants for reregistration of pesticide products shall be published in the FEDERAL REGISTER. This notice will address solicitation of applications for reregistration, the contents of the applications and the Agency's intended policy regarding applications for amended registration and reregistration of distributor products. Registrants are asked to await these detailed procedures before contacting the Agency regarding reregistration of a product.

Effective date: August 4, 1975.

Dated: June 26, 1975.

JOHN R. QUARLES,
Acting Administrator.

Part 162, Chapter I, Title 40 of the Code of Federal Regulations is hereby amended and a new Subpart A is established. Sections 162.100–162.125 are revoked; § 162.18 is redesignated as § 162.21(c); § 162.20 is redesignated as § 162.21(d); § 162.21 is redesignated as § 162.21(e). 40 CFR Part 162 Subpart A shall read as follows:

Subpart A—Registration, Reregistration and Classification Procedures

Sec.	
162.1	Scope
162.2	Principal statutory provisions
162.3	Definitions
162.4	Status of products as pesticides
162.5	Pesticides required to be registered
162.6	Registration procedures
162.7	Disposition of applications
162.8	Data in support of registration and classification
162.9	Compensation for use of previously submitted data in support of registration [Reserved]
162.10	Labeling requirements
162.11	Criteria for determinations of unreasonable adverse effects
162.12	Guaranty of pesticide
162.13	Coloration and discoloration
162.14	Forms of plant and animal life and viruses declared to be pests

V40I129 JUL 3 75 XUM

Sec.
162.15 Devices subject to the Act
162.16 Pesticides requiring special packaging [Reserved]
162.17 Registration requirements for intrastate products
162.18 [Reserved]
162.19 [Reserved]
162.20 [Reserved]
162.21 Rules concerning certain pesticides
162.22 Petitions to amend
162.23 Effective date

AUTHORITY: Sections 3, 6, 19, 21, and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973).

§ 162.1 Scope.

This part provides regulations for the registration, reregistration and classification of pesticides as required by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("the Act"). In addition to these regulations, the Administrator shall publish Registration Guidelines pursuant to section 3(c)(2) of the Act specifying the kinds of information and data which will be required to support the registration, reregistration and classification of a pesticide and shall periodically revise such guidelines.

§ 162.2 Principal statutory provisions.

(a) *General.* The principal statutory provisions of the Act relevant to registration, reregistration and classification of pesticides, are listed below for the convenience of the reader. Because many of the provisions are paraphrased, the appropriate sections of the Act itself rather than this section should be referred to for specific questions of statutory interpretation. Definitive legal interpretation must necessarily be based on the statute itself and provisions of substantive regulations implementing the statute, together with any judicial interpretations thereof.

(b) *Registration Requirement.* Section 3(a) of the Act provides that, except as otherwise provided by the Act, no person in any State may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive, and (having so received) deliver or offer to deliver to any person any pesticide which is not registered with the Agency. This requirement applies to pesticides which are produced and distributed solely within a State as well as to those moving in interstate commerce.

(c) *Classification.* (1) Section 3(d) of the Act provides that, as part of the registration of a pesticide, the Administrator shall classify the pesticide for general or for restricted use, provided that if the Administrator determines that some of the uses for which the pesticide is registered should be general use and that other uses for which it is registered should be restricted use, he shall classify it for both general and restricted use. The Administrator will classify the pesticide or one or more of its uses, for general use if he determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions, or in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment. The Administrator will classify the pesticide or one or more of its uses, for restricted use if he determines that without additional regulatory restrictions the pesticide, when applied in accordance with its directions for use, warnings and cautions, or in accordance with widespread and commonly recognized practice, may generally cause unreasonable adverse effects on the environment, including injury to the applicator. Such additional restrictions may include a requirement that the pesticide shall be applied only by or under the direct supervision of a certified applicator (see Section 4 of the Act and Part 171 of these regulations) or such other restrictions as may be provided by the Administrator by regulation.

(2) If the Administrator classifies a pesticide, or one or more of its uses for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide must be applied for such uses only by or under the direct supervision of a certified applicator.

(3) If the Administrator classifies a pesticide, or one or more of its uses for restricted use because of a determination that its use without additional regulatory restriction may generally cause unreasonable adverse effects on the environment, the products must be applied for such uses only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation.

(d) *Approval of registration.* Section 3(c)(5) provides that the Administrator shall register a pesticide if he determines that, when considered with any restriction imposed under section 3(d) concerning restricted use pesticides:

(1) Its composition is such as to warrant the proposed claims for it;

(2) Its labeling and other material required to be submitted comply with the requirements of the Act;

(3) It will perform its intended function without unreasonable adverse effects on the environment; and

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment.

(e) *Denial of registration.* Section 3(c)(6) of the Act provides that, if the Administrator determines that the requirements for registration have not been met, he shall notify the applicant of his determination and of his reasons (including the factual basis) therefor, and allow the applicant thirty days to make the necessary corrections. If the corrections are not made, the Administrator may refuse to register the pesticide. Upon publication of a notice of denial of registration, the applicant is accorded the same remedies with respect to an administrative hearing as are provided by Section 6 of the Act concerning cancellation and suspension.

(f) *Registration guidelines.* Section 3(c)(2) of the Act provides that the Administrator will publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide. The guidelines are referred to in these regulations as the "Registration Guidelines."

(g) *Compensation for data.* Section 3(c)(1)(D) of the Act provides that data submitted in support of an application shall not, without the permission of the applicant, be considered by the Administrator in support of any other application for registration, unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied on, and such data is not protected from disclosure by section 10(b) of the Act. Section 3(c)(1)(D) provides for the resolution by the Administrator of disputes which may arise as to the amount and method of payment and for judicial review of that determination.

(h) *Protection of trade secrets and other information.* Section 10(a) of the Act provides that an applicant may mark and submit separately any data which in his opinion are trade secrets or commercial or financial information. Section 10(b) then provides that the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of the Act, information relating to formulas of products acquired by authorization of the Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator. Section 10(c) provides for a 30-day waiting period which shall apply if the Administrator proposes to release information which the applicant or registrant believes to be protected from disclosure under section 10(b). During this period, the applicant or registrant may institute an action for a declaratory judgment in the appropriate district court to determine whether such information is subject to protection under section 10(b).

(i) *Five-year cancellation.* Section 6(a)(1) of the Act provides that registrations shall be cancelled five years after the date of registration, unless the registrant requests the registration to be continued in effect. The Administrator has the authority to permit continued use and sale of existing stocks of a pesticide under specified conditions if he determines that such use or sale is not inconsistent with the purposes of the Act and will not have an unreasonable adverse effect on the environment.

(j) *Experimental use permits.* Section 5(a) of the Act provides that the Administrator may issue an experimental use permit if he determines that the applicant needs such a permit in order to accumulate information necessary to register a pesticide under section 3 of the Act. Regulations for the issuance of experimental use permits are set forth under Part 172 of these regulations.

(k) *Enforcement.* Sections 12, 13, and 14 of the Act provide generally for enforcement. Included among the provisions of these sections are the following:

(1) *Registration requirement.* Section 12(a)(1)(A) of the Act provides that it shall be unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any pesticide which is not registered under Section 3 of the Act, except as provided in section 6(a)(1).

(2) *Misuse.* Section 12(a)(2)(G) provides that it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling.

(3) *Requirements concerning restricted use pesticides.* Section 12(a)(2)(F) provides that it shall be unlawful to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder.

§ 162.3 Definitions.

Terms used in this part shall have the meanings set forth in the Act. In addition, as used in this part, the following terms shall have the meanings set forth below:

(a) The term "accident" means an unexpected, undesirable event that adversely affects man or the environment, and that is caused by the use or presence of a pesticide.

(b) The term "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92–516, 86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(c) The term "active ingredient" means—

(1) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

(2) In the case of a plant regulator, an ingredient which, through physiological, biochemical action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

(3) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

(4) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(d) The term "acute dermal LD_{50}" means a single dermal dose of a substance, expressed as milligrams per kilogram of body weight, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.

(e) The term "acute LC_{50}" means a concentration of a substance, expressed as parts per million parts of medium, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.

(f) The term "acute oral LD_{50}" means a single orally administered dose of a substance, expressed as milligrams per kilogram of body weight, that is lethal to 50 percent of the test population of animals under test conditions as specified in the Registration Guidelines.

(g) The term "Administrator" means the Administrator of the United States Environmental Protection Agency or any officer or employee of the Agency to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(h) The term "Agency" means the United States Environmental Protection Agency (EPA), unless otherwise specified.

(i) The term "applicant" means a person who applies for a registration pursuant to section 3 of the Act.

(j) The term "application of a pesticide" means the placement for effect of a pesticide at or on the site where the pest control or other response is desired.

(k) The term "changed use pattern" means a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

(l) The term "degradation product" means a substance resulting from the transformation of a pesticide by physicochemical, or biochemical means.

(m) The term "domestic application" means application of a pesticide directly to humans or pets, or application of a pesticide in, on or around all structures, vehicles or areas associated with the household or home life, patient care areas of health related institutions, or areas where children spend time including but not limited to:

(1) Gardens, non-commercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, non-commercial campsites, home swimming pools and kennels;

(2) Articles, objects, devices or surfaces handled or contacted by humans or pets in all structures, vehicles or areas listed above;

(3) Patient care areas of nursing homes, mental institutions, hospitals, and convalescent homes;

(4)) Educational, lounging and recreational areas of preschools, nurseries and day camps.

(n) The term "drift" means movement of a pesticide during or immediately after application or use through air to a site other than the intended site of application or use.

(o) The term "efficacy" means the capacity of a pesticide product when used according to label directions to control, kill, or induce the desired action in the target pest.

(p) The term "final printed labeling" means the printed label and the labeling which will appear on or will accompany the pesticide product.

(q) The term "front panel" means that portion of the label of a pesticide product that is ordinarily visible to the purchaser under the usual conditions of display for sale.

(r) The term "hazard" means the likelihood that use of a pesticide would result in an adverse effect on man or the environment in a given situation.

(s) The term "immediate container" means that container which is directly in contact with the pesticide or device.

(t) The term "inert ingredients" means all ingredients which are not active ingredients as defined in § 162.3(c), and includes, but is not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellents in aerosol dispensers; emulsifiers.

(u) The term "inhalation LC_{50}" means a concentration of a substance, expressed as milligrams per liter of air or parts per million parts of air, that is lethal to 50% of the test population of animals under test conditions as specified in the Registration Guidelines.

(v) The term "leach" means to undergo the process by which pesticides in the soil are moved into a lower layer of soil or are dissolved and carried through soil by water.

(w) The term "metabolite" means any substance produced in or by living organisms by biological processes and derived from a pesticide.

(x) The term "move laterally (in soils)" means to undergo transfer through soil generally in a horizontal plane from the original site of application or use by physical, chemical, or biological means.

(y) The term "mutagenic" means the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations.

(z) The term "no discernible adverse effect" means no adverse effect observable within the limitations and sensitivity specified in the Registration Guidelines.

(aa) The term "nontarget organisms" means those flora and fauna (including man) that are not intended to be controlled, injured, killed or detrimentally affected in any way by a pesticide.

(bb) The term "oncogenic" means the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formations in living animals.

(cc) The term "outdoor application" means any pesticide application or use that occurs outside enclosed man-made structures or the consequences of which extend beyond enclosed man-made structures, including, but not limited to, pulp and paper mill water treatments and industrial cooling water treatments.

(dd) The term "operated by the same producer" means (1) another registered

V40 I129 JUL 3 75 XUM

establishment owned by the registrant of the pesticide product or (2) another registered establishment operated under contract with the registrant of the pesticide either to package the pesticide product or to use the pesticide as a constituent part of another pesticide product, provided that the final pesticide product is registered by the transferor establishment.

(ee) The term "pest" means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacterial organism or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) of the Act and § 162.14 as being injurious to health or environment.

(ff) The term "pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

The term "pesticide" when not specifically modified or delimited by other words, shall include any one or combination of the following aspects of the term: the active ingredient (chemical or biological); the pesticide formulation; and the pesticide product.

The following are examples of classes of pesticides:

Amphibian and reptile poisons and repellents
Antimicrobial agents
Attractants
Bird poisons and repellents
Defoliants
Desiccants
Fish poisons and repellents
Fungicides
Herbicides
Insecticides
Invertebrate animal poisons and repellents
Mammal poisons and repellents
Nematicides
Plant regulators
Rodenticides
Slimicides

(1) The term "amphibian and reptile poisons and repellents" includes all substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating amphibians and reptiles declared to be pests under Section 162.14 of this Part. Amphibian and reptile poisons and repellents include, but are not limited to:

(i) Substances or mixtures of substances intended for use in baits or sprays for killing or repelling snakes, frogs, or lizards; and

(ii) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of amphibian or reptile pests.

(2) The term "antimicrobial agents" includes all substances or mixtures of substances, except those defined as fungicides in paragraph (ff)(8) of this section, and slimicides in paragraph (ff)(16) of this section, intended for inhibiting the growth of, or destroying any bacteria, fungi pathogenic to man and other animals, or viruses declared to be pests under § 162.14 and existing in any environment except those excluded in paragraph (ii) (below).

(i) Antimicrobial agents include, but are not limited to:

(A) Disinfectants intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects.

(B) Sanitizers intended to reduce the number of living bacteria or viable virus particles on inanimate surfaces, in water, or in air;

(C) Bacteriostats intended to inhibit the growth of bacteria in the presence of moisture;

(D) Sterilizers intended to destroy viruses and all living bacteria, fungi and their spores, on inanimate surfaces;

(E) Fungicides and fungistats intended to inhibit the growth of, or destroy fungi (including yeasts), pathogenic to man or other animals on inanimate surfaces; and

(F) Commodity preservatives and protectants intended to inhibit the growth of, or destroy bacteria in or on raw materials (such as adhesives and plastics) used in manufacturing, or manufactured products (such as fuel, textiles, lubricants, and paints).

(ii) Antimicrobial agents do not include those antimicrobial substances or mixtures of substances subject to the provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 USC 301 *et seq*) such as:

(A) Substances or mixtures of substances intended to inhibit the growth of, inactivate or destroy fungi, bacteria, or viruses in or on living man or other animals; and

(B) Substances or mixtures of substances intended to inhibit the growth of, inactivate or destroy fungi, bacteria, or viruses in or on processed food, beverages, or pharmaceuticals including cosmetics.

(3) The term "attractants" includes all substances or mixtures of substances which, through their property of attracting certain animals, are intended to mitigate a population of, or destroy any vertebrate or invertebrate animals declared to be pests under § 162.14.

(i) Attractants include, but are not limited to: (A) Sensory stimulants (such as pheromones, synthetic attractants, and certain extracts from naturally-occurring organic materials) when used alone, or when in combination with toxicants that can kill certain vertebrate or invertebrate animals, that are intended to draw certain animals into traps or away from crops or sites; these sensory stimulants are considered to be active ingredients in pesticide products; and

(B) Naturally-occurring foods and certain extracts from such foods, when in combination with toxicants that can kill certain vertebrate or invertebrate animals, that are intended to draw certain animals into traps or away from crops or sites; these foods and extracts are considered to be inert ingredients in pesticide products.

(ii) Attractants do not include: (A) Substances or mixtures of substances intended to attract vertebrate or invertebrate animals for survey or detection purposes only; and

(B) Naturally-occurring foods, when used alone or separately and not marketed in mixtures with toxicants, for the purpose of attracting vertebrate or invertebrate animals.

(4) The term "bird poisons and repellents" includes all substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating birds declared to be pests under § 162.14. Bird poisons and repellents include, but are not limited to:

(i) Toxicants intended to kill or destroy certain birds;

(ii) Toxicants intended to cause, by pharmacological action, repelling of birds away from certain sites;

(iii) Sensory agents utilizing taste, sight, touch, or other means, intended to repel certain bird species or populations from certain sites, to reduce their predation of certain seed and crops, or to protect other organisms or objects from injury, soiling, or harassment; and

(iv) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of certain birds.

(5) The term "defoliants" includes all substances or mixtures of substances intended for causing leaves or foliage to drop from plants. Defoliants include, but are not limited to, harvest-aid agents intended for defoliating plants (such as cotton) to facilitate harvesting.

(6) The term "desiccants" includes all substances or mixtures of substances intended for artificially accelerating the drying of plant tissue. Desiccants include, but are not limited to, harvest-aid agents whose use is intended to cause sufficient foliage injury so as to result in accelerated drying and death (maturation) of certain crop plants, such as cotton and soybeans.

(7) The term "fish poisons and repellents" includes all substances or mixtures of substances intended for destroying, repelling, or mitigating fish declared to be pests under Section 162.14 of this Part. Fish poisons and repellents include, but are not limited to:

(i) Toxicants intended to kill fish in lakes, ponds, or streams;

(ii) Repellents intended to repel species dangerous to man or injurious to aquatic organisms which man wishes to protect; and

(iii) Sex influence agents intended to control sexual development of fish, such as to cause young to develop into all-female populations.

(8) The term "fungicides" includes all substances or mixtures of substances intended for preventing or inhibiting the growth of, or destroying any fungi declared to be pests under § 162.14., except those substances defined as slimicides in paragraph (ff)(16) of this section and those fungicides and fungistats defined as antimicrobial agents in paragraph (ff)(2)(i)(E) of this section and those antimicrobial substances or mixtures of

substances subject to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 *et seq.*), as delineated in paragraph (ff)(2)(ii) of this section.

Fungicides include, but are not limited to:

(i) Seed, plant, and soil treatment materials intended to prevent, mitigate, or cure fungal, bacterial, or viral diseases of plants;

(ii) Substances intended for use in inhibiting the growth of fungi on inanimate surfaces, in water or in air, including those intended for control of mold and mildew on surfaces and inanimate objects.

(iii) Commodity preservatives and protectants intended for use in inhibiting the growth of, or destroying fungi (including yeasts) in or on raw materials (such as adhesives and plastics) used in manufacturing, in or on manufactured products (such as fuels, textiles, lubricants, and paints), or in or on containers and equipment (such as for storage and transportation of commodities);

(iv) Wood preservatives intended to prevent or inhibit growth of, or destroying organisms which cause staining, decay, or rotting of wood; and

(v) Fumigants and certain other fungicidal agents intended to destroy fungi in the air of enclosed spaces and/or in or on objects within such spaces.

(9) The term "herbicides" includes all substances or mixtures of substances, except defoliants as defined in paragraph (ff)(5) of this section, desiccants as defined in paragraph (ff)(6) of this section, plant regulators as defined in paragraph (ff)(14) of this section, and slimicides as defined in paragraph (ff)(16) of this section, intended for use in preventing or inhibiting the growth of, or killing or destroying plants and plant parts which are declared to be pests under § 162.14. Herbicides include, but are not limited to:

(i) Direct contact herbicides intended to kill or destroy weeds, unwanted brush and trees, or unwanted plant parts, or to mitigate their adverse effects on desirable plants;

(ii) Soil treatment herbicides intended to kill or destroy weeds, unwanted brush and trees, or unwanted plant parts, or to prevent the establishment of any or all plants;

(iii) Pre-emergence herbicides intended to prevent or inhibit the germination or growth of weed seeds or seedlings;

(iv) Root control herbicides intended to prevent the growth of, or kill roots in certain sites such as sewer lines and drainage tiles;

(v) Aquatic herbicides intended to prevent, inhibit, or control the growth of, or kill aquatic weeds;

(vi) Algaecides, except slimicides as defined in paragraph (ff)(16) of this Section, intended to prevent or inhibit the multiplication of, or destroy algae in ponds, swimming pools, aquaria or similar confined sites;

(vii) Debarking agents intended to kill trees by treatment of bark on trunks; and

(viii) Biological weed-control agents such as specific pathogenic organisms or entities prepared and utilized by man.

(10) The term "insecticides" includes all substances or mixtures of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of, destroying or repelling any member of the Class Insecta or other allied Classes in the Phylum Arthropoda declared to be pests under § 162.14. Insecticides include, but are not limited to:

(i) Plant protection insecticides intended for use directly or indirectly against insects or allied organisms that attack or infest plants or plant parts, to prevent or mitigate their injury, debilitation, or destruction;

(ii) Animal protection insecticides intended for use directly or indirectly against insects or allied organisms that attack or infest man, other mammals, birds, or certain other animals, to prevent or mitigate their injury, irritation, harassment, or debilitation;

(iii) Premise and indoor insecticides intended for use directly or indirectly against insects or allied organisms to prevent or mitigate their decimation or contamination of man's stored food and animal feeds, injury to raw or manufactured goods, or weakening or destruction of buildings and building materials; and

(iv) Biological insect control agents such as specific pathogenic organisms or entities prepared and utilized by man.

(11) The term "invertebrate animal poisons and repellents" includes all substances or mixtures of substances intended for preventing the establishment of, destroying, repelling, or mitigating invertebrate animals declared to be pests under Section 162.14 of this Part, except those pesticides defined as insecticides in paragraph (ff)(10) of this section or nematicides in paragraph (ff)(13) of this section.

(i) Invertebrate animal poisons and repellents include, but are not limited to:

(A) Antifouling agents intended for use on boat and ship bottoms, pier and dock pilings, and similar submerged structures to prevent attachment or damage and destruction by marine invertebrates;

(B) Mollusk control agents intended to repel or destroy snails or slugs; and

(C) Protozoa control agents intended to destroy disease-inducing and/or parasitic protozoa in aquatic situations.

(ii) Invertebrate animal poisons and repellents do not include those substances or mixtures of substances subject to the provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301 *et seq.*), intended for use in controlling or killing parasitic invertebrates on or in living man or other animals.

(12) The term "mammal poisons and repellents" includes all substances or mixtures of substances, except rodenticides, as defined in paragraph (ff)(15) of this section, intended for preventing, destroying, repelling, or mitigating mammals declared to be pests under § 162.14. Mammal poisons and repellents include, but are not limited to:

(i) Taste, odor, and irritant repellents intended to repel mammals or their adverse, undesired, or destructive activities such as attacking, foraging, chewing, gnawing, urinating, or defecating in or on specific sites or on or near specific objects, persons, plants, or animals;

(ii) Predacides intended to kill certain mammals that prey upon other vertebrate animals which man deems necessary to protect;

(iii) Toxicants, baits, and poisons intended to kill certain mammals causing injury or destruction to crops, stored foods, or other organisms and objects which man deems necessary to protect; and

(iv) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of certain mammals.

(13) The term "nematicides" includes all substances or mixtures of substances intended for preventing or inhibiting the multiplication or establishment of, preventing or mitigating the adverse effects of, repelling, or destroying any members of the Class Nematoda of the Phylum Nemathelminthes declared to be pests under § 162.14.

(i) Nematicides include but are not limited to, plant parasitic nematode control agents intended for use in or on plants, plant parts, soil, or certain infested agricultural commodities or articles.

(ii) Nematicides do not include those substances or mixtures of substances subject to the provisions of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), such as substances or mixtures of substances intended for use in preventing reproduction of, inactivating, or destroying nematodes in living man or other animals.

(14) The term "plant regulators" includes all substances or mixtures of substances, except defoliants as defined in paragraph (ff)(5) of this section, desiccants as defined in paragraph (ff)(16) of this section, herbicides as defined in paragraph (ff)(9) of this section, and nutrients, intended to cause, through physiological and biochemical action, plant responses of benefit to man. Plant regulators include, but are not limited to, substances or mixtures of substances intended to cause fruit thinning, fruit setting, stem elongation, stimulation or retardation, abscission inhibition, branch structure modification, sucker control, flower induction or inhibition, increased flowering, altered sex expression, extended flowering periods, fruit ripening stimulation, physiological disease inhibition, rooting of cuttings, or dormancy induction or release.

(15) The term "rodenticides" includes all substances or mixtures of substances, except mammal poisons and repellents as defined in paragraph (ff)(12) of this sec-

V40 I129 JUL 3 75 XUM

tion, intended for preventing, destroying, repelling, or mitigating animals belonging to the Order Rodentia of the Class Mammalia, and closely related species, declared to be pests under Section 162.14 of this Part. Rodenticides include, but are not limited to:

(i) Baits, tracking powders, and fumigants intended to kill or repel rodents;

(ii) Repellents intended for use on plants, surfaces, in premises, or in or on packaging or other materials such as food containers, plastic pipe, telephone cables, and building materials, for the purpose of repelling rodents; and

(iii) Reproductive inhibitors intended to reduce or otherwise alter the reproductive capacity or potential of rodents.

(ll) The term "slimicides" includes all substances or mixtures of substances, except antimicrobial agents as defined in paragraph (ff)(2) of this section, fungicides as defined in paragraph (ff)(8) of this section, and herbicides as defined in paragraph (ff)(9) of this section, intended for use in preventing or inhibiting the growth of, or destroying biological slimes composed of combinations or algae, bacteria or fungi declared to be pests under § 162.14. Slimicides include, but are not limited to, slime control agents for use in industrial water cooling systems and in pulp and paper mill wet end systems.

(gg) The term "pesticide formulation" means the substance or mixture of substances comprised of all active and inert (if any) ingredients of a pesticide product.

(hh) The term, "pesticide product" means a pesticide offered for distribution and use, and includes any labeled container and any supplemental labeling.

(ii) The term "propellent" means a gas or volatile liquid used in a pressurized pesticide product for the purpose of expelling the contents of the container.

(jj) The term "reentry" means the action of entering an area or site at, in, or on which a pesticide has been applied.

(kk) The term "residue" means the active ingredient(s), metabolite(s) or degradation product(s) that can be detected in the crops, soil, water, or other component of the environment, including man, following the use of the pesticide.

(ll) The term "subacute dietary LC_{50}" means a concentration of a substance, expressed as parts per million in food that is lethal to 50 percent of the test population of animals under test conditions as specified in the Registration Guidelines.

(mm) The term "teratogenic" means the property of a substance or mixture of substances to produce or induce functional deviations or developmental anomalies, not heritable, in or on an animal embryo or fetus.

(nn) The term "toxicity" means the property of a substance or mixture of substances to cause any adverse effects.

(1) The term "acute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism through a single short-term exposure.

(2) The term "subacute toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated or continuous exposure within less than ½ the lifetime of that organism.

(3) The term "chronic toxicity" means the property of a substance or mixture of substances to cause adverse effects in an organism upon repeated or continuous exposure over a period of at least ½ the lifetime of that organism.

(oo) The term "use" means any act of handling or release of a pesticide, or exposure of man or the environment to a pesticide through acts, including but not limited to:

(1) Application of a pesticide, including mixing and loading and any required supervisory action in or near the area of application;

(2) Storage actions for pesticides and pesticide containers; and

(3) Disposal actions for pesticides and pesticide containers.

[Use as defined here incorporates application. However, the certification requirement for certain restricted use pesticides only applies with respect to applications of such pesticides. Many aspects of use do not include application (e.g. storage, transportation), and hence are outside the requirement for certification.]

(pp) The term "use-dilution" means a dilution specified on the label or labeling which produces the concentration of the pesticide for a particular purpose or effect.

(qq) The term "use pattern" means the manner in which a pesticide is applied and includes the following parameters of pesticide application:

(1) Target pest;

(2) Crop or animals treated;

(3) Application site, and

(4) Application technique, rate and frequency.

(rr) The term "volatility" means the property of a substance or substances to convert into vapor or gas without chemical change.

§ 162.4 Status of products as pesticides.

(a) *Determination of intent of use.* A substance or mixture of substances is a pesticide under the Act if it is intended for preventing, destroying, repelling or mitigating any pest. (See section 2(u) of the Act and § 162.3(ff).) Such intent may be either expressed or implied. If a product is represented in any manner that results in its being used as a pesticide, it shall be deemed to be a pesticide for the purposes of the Act and these regulations.

(b) *Products considered to be pesticides.* A product will be considered to be a pesticide if:

(1) Claims or recommendations for use as a pesticide are made on the label or labeling of the product including, but not limited to, collateral advertising, such as publications, advertising literature which does not accompany the product, or advertisements by radio or television;

(2) Claims or recommendations for use as a pesticide are made verbally or in writing by representatives of the manufacturer, shipper, or distributor of the product;

(3) The product is intended for use as a pesticide after reformulation or repackaging; or

(4) The product is intended for use both as a pesticide and for other purposes.

(c) *Products not considered pesticides.* The following are examples of the types of products which are not considered pesticides:

(1) Deodorizers, bleaching agents, and cleaning agents for which no pesticidal claims are made in connection with manufacture, sale, or distribution;

(2) Paints and other formulated coatings which are treated with fungicides to protect the coating itself and for which no pesticidal claims are made in the manufacture, sale, or distribution of the product as to protection of other surfaces or objects;

(3) Building material products *per se*, such as lumber, fiber boards, adhesives, and caulking material, which have been treated to protect the material itself against any pest and for which no pesticidal claims are made as to protection of other surfaces or objects in the manufacture, sale, or distribution of the product;

(4) Fabric products *per se* which have been treated to protect the fabric product itself from insects, fungi, or any other pest and for which no pesticidal claims are made as to protection of other surfaces or objects in the manufacture, sale, or distribution of the product;

(5) Fertilizers and other plant nutrients *per se;* and

(6) Intermediate substances intended for the production of a pesticide product by chemical reaction with other substances.

§ 162.5 Pesticides required to be registered.

(a) *Registration Requirement.* No person in any state may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver to any person any pesticide which is not registered with the Administrator, except as provided by subsection (b) below.

(b) *Exemption from Registration Requirement.* The following pesticides are exempt from the registration requirements of the Act and this Part:

(1) *Pesticides transferred between establishments.* A pesticide which is transferred from one registered establishment to another registered establishment, operated by the same producer, solely for packaging at the second establishment or for use as a constituent part of another pesticide produced at the second establishment. However, pesticides transferred in accordance with this subsection shall be subject to the following misbranding provisions under section 2(q) of the Act: 2(q)(1)(A), (B), (D), (E), (G), (F) in accordance with § 162.10(1)(1)(iii)(C), 2(q)(2)(A), (C)(1) and (iii), (D);

(2) *Pesticides transferred under experimental use permits.* A pesticide being transferred for use pursuant to and in accordance with the requirements of an experimental use permit as provided by sections 5 and 12(b)(5) of the Act and Part 172 of these regulations;

(3) *Pesticides transferred for purposes of disposal.* A pesticide shipped solely for purposes of disposal, in accordance with section 19, Part 165 of these regulations, or applicable Administrator's Orders. However, pesticides transferred in accordance with this subsection shall be subject to the following misbranding provisions under section 2(q) of the Act: 2(q)(1)(A), (B), (D), (E), (F), (G) in that all containers must be clearly marked that the product is for disposal only; 2(q)(2)(A), (C)(1) and (iii), (D);

(4) *Pesticides intended for export.* A pesticide intended solely for export to any foreign country, when prepared or packed according to the specifications or directions of the foreign purchaser;

(5) *Pesticides granted an emergency exemption.* A pesticide being transferred for use by a Federal or State agency under the provisions of an emergency exemption, as provided by section 18 of the Act and Part 166 of these regulations; and

(6) *Other exemptions.* The Administrator may by regulation exempt from the requirements of the Act any pesticide which he determines either (i) to be adequately regulated by another Federal agency, or (ii) to be of a character which is unnecessary to be subject to the Act in order to carry out the purposes of the Act.

§ 162.6 Registration procedures.

(a) *Applicant requirements.* (1) *Who may apply.* Any person in any state who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver to any person a pesticide, or for any other reason desires to register a pesticide, may apply for the registration of such pesticide.

(2) *Applicant and agent.* (i) An applicant may submit his own application, or

(ii) An applicant may appoint an agent to act on his behalf in registration matters, provided that a notarized letter of appointment signed by the applicant or by an authorized officer of the applicant is submitted to the Agency. The agent's appointment may be revoked at any time by the same method.

(3) *Foreign applicant.* An applicant not residing in the United States must have an authorized representative residing in the United States to act on his behalf on all registration matters. The representative's name and complete mailing address, together with a notarized letter of appointment, must accompany the application or be on file with the Agency.

(4) *Address of record.* An applicant or registrant can have only one correspondence address of record to which all communications regarding registration may be directed. If more than one agent has been appointed by the firm, all correspondence will be directed to the last address of record for the applicant. Separate entity designations, such as Divisions or Departments of the same firm may, upon request, be assigned different company numbers.

(5) *Completeness of applications.* The applicant is responsible for the accuracy and completeness of all information submitted in connection with the application. When the Agency determines that an application is not sufficiently complete to determine if the requirements of section 3(c)(5) are satisfied, or that modifications are required for the labeling to comply with § 162.10, the Agency shall notify the applicant of the deficiencies and allow the applicant a reasonable time to complete the application. Such completions shall be made on forms provided by the Agency. A notice of an incomplete application is not to be considered as a notice that the requirements of section 3(c)(5) are not satisfied, pursuant to section 3(c)(6) of the Act and § 162.7(e) of these regulations or as a notice of denial of registration pursuant to section 3(c)(6) of the Act and § 162.7(e) of these regulations. In the event the applicant desires to have his application treated as having been denied, he may petition the Administrator for issuance of a notice of denial pursuant to § 162.7(e). In such case, the Administrator shall proceed to issue a notice as provided in § 162.7(e)(1) and shall thereafter proceed in accordance with § 162.7(e).

(b) *Application for registration.* (1) *General.* An application for registration shall be either an application for new registration pursuant to § 162.6(b)(2), amended registration pursuant to § 162.6(b)(3), supplemental registration pursuant to § 162.6(b)(4) or reregistration pursuant to § 162.6(b)(5). A separate registration application must be made for each pesticide product. A pesticide product registration shall pertain to only one formulation, and variations in the formulation of a pesticide product will require separate registrations except as provided by §§ 162.6(b)(3) and 162.21(a), or under other circumstances as the Administrator may determine. The application shall be submitted as a complete package including all attachments or enclosures. Material submitted to the Agency in support of another registration may be included in the application by reference. When the applicant is relying on supporting data other than his own, he shall submit his application in accordance with § 162.9.

(2) *Application for new registration.* (i) An application for new registration shall be submitted for every pesticide requiring a separate registration except as provided by § 162.6(b)(3), amended registration § 162.6(b)(4), supplemental registration and § 162.6(b)(5), reregistration. The application for new registration of a pesticide shall be submitted on forms provided by the Agency and must be accompanied by:

(A) *Complete labeling.* (1) A number, as specified on the application form, of complete, identical, and legible copies of the proposed labeling, including all printed or graphic matter which is to accompany the pesticide at any time, must be furnished by the applicant. The labeling submitted must be in accordance with § 162.10.

(2) A number of copies, as specified on the application form of the complete final printed labeling in accordance with the requirements of § 162.10, provided, however, that final printed labeling need not be submitted until proposed labeling has been conditionally accepted.

(B) *Supporting data.* The burden of proof is upon the applicant to substantiate all claims made for the pesticide and to demonstrate that it will perform its intended function without causing unreasonable adverse effects on man or the environment. The applicant shall submit supporting data concerning product efficacy, general and environmental chemistry, and hazard, as required by § 162.8 and as specified in the Registration Guidelines.

(C) *Complete formula.* (1) A statement of the composition of the product, including the name and percentage by weight of each active and each inert ingredient, must be submitted on forms provided by the Agency. The statement must be submitted in accordance with the requirements of § 162.8 and the Registration Guidelines.

(2) In determining whether an ingredient is active or inert, the following factors shall be considered:

(i) The ingredient's capability by itself, and when used as directed to prevent, destroy, repel or mitigate any pest;

(ii) The ingredient's presence in the product in sufficient amount to add materially to its effectiveness; and

(iii) The ingredient's influence on the activity of the principal active ingredient(s). The Agency may require an ingredient to be designated as an active ingredient if it sufficiently increases the effectiveness of the pesticide to warrant such action.

(3) If the functional purpose of an ingredient is not reasonably apparent to the Agency, the Agency may request the applicant to state the purpose of the ingredient in the formulation. If any ingredient has no functional purpose, the Agency may determine that either the ingredient must be deleted from the formulation or that the application for registration will be denied.

(D) *Proposed classification.* The applicant shall include a request that each proposed use be classified for general use or restricted use as prescribed by § 162.11. The applicant shall include in this request specific reference to the supporting data and the subsection(s) and paragraph(s) of Section 162.11 which he considers controlling.

(ii) *Disposition of application for new registration.* Applications for new registrations will be processed as provided in § 162.7. Approval of new registrations will not be granted until after acceptance of final printed labeling.

(3) *Application for amended registration.* (i) *General.* Applications for amended registration shall be submitted if:

V40I129 JUL 3 75 XUM

(A) Changes are proposed in the labeling, including, but not limited to, the addition of new uses, provided that such changes would not require a change in any use classification of the pesticide; or

(B) Minor changes are proposed in the composition of the pesticide which would not require any changes in the label directions, required warning or caution statements, or the use classification of the pesticide; or

(C) Marketing of a single registered product under multiple brand names is proposed, provided that:

(1) No changes may be made in the registered product or in its accepted labeling other than the substitution of brand names.

(2) Additional brand name(s) proposed must not be misleading and shall not include the name of a company or person not specified in the previously approved registration.

(ii) *Procedures.* Applications for amended registration shall be submitted on forms provided by the Agency and must be accompanied by:

(A) A number of copies, as specified on the application form, of the proposed revisions to previously accepted labeling, with supporting data and other information as prescribed in the Registration Guidelines; and

(B) A number of copies, as specified on the application form, of the complete final printed labeling in accordance with the requirements of § 162.10. However, final printed labeling need not be submitted until after proposed revisions to previously accepted labeling have been conditionally accepted by the Agency.

(iii) *Disposition of application for amended registration.* Applications for amended registration will be processed in the same manner as other applications, as provided in § 162.7. Approval of amended registration will not be granted until after acceptance of final printed labeling.

(iv) *Distribution under amended labeling.* (A) Approval of amendments authorizes distribution under such amended labeling for the remainder of the 5-year registration.

(B) Unless specifically prohibited by the Administrator, the registrant may distribute under any accepted label at any time during the 5 years of the registration.

(4) *Application for supplemental registration of distributor products.* Supplemental registration permits a distributor of a registered pesticide product to market that pesticide product under the distributor's brand name. An application for supplemental registration of distributor brands may be submitted by a registrant of a previously registered product or by an applicant for new or amended registration provided, however, that no application for supplemental registration will be approved until the application for new registration has been approved.

(i) *Conditions for supplemental registration of distributor products.* (A) The product must have the same composition as the previously registered product.

(B) The product must be manufactured and packaged by the same person who manufactures and packages the previously registered pesticide product.

(C) The product labeling must bear the same claims as the previously registered product; provided, however, that specific claims may be deleted if by so doing no other changes are made necessary.

(D) The pesticide formulation must remain in the manufacturer's unbroken container.

(E) The label must bear the registration number of the previously registered product.

(F) The EPA distributor number must appear as a suffix to the registration number.

(G) Distributor products must bear the name and address of the distributor qualified by such terms as "packed for * * *"; "distributed by * * *"; or "sold by * * *" to show that the name is not that of the manufacturer.

(H) All conditions of the previous registration apply equally to the supplemental registration.

(ii) *Procedures for supplemental registration of distributor products.* (A) Applications must be submitted on forms provided by the Agency.

(B) Applications must be submitted by the registrant with proof of concurrence by the distributor.

(C) Applications shall include the distributor's company number for each distributor proposed. If a registrant has a potential distributor to whom a company number has not been assigned, he should have the distributor apply, by letterhead, to the Agency for a company number.

(iii) *Distribution of supplementally registered pesticide products.* A pesticide shall not be distributed under a supplemental registration prior to Agency approval of the proposed distributor brand name(s).

(5) *Application for reregistration.* (i) *General.* Pesticide products registered by this Agency prior to October 21, 1974, are required by the Act to be reregistered and classified. This section provides the rules for reregistration and classification of such pesticide products during the period October 21, 1974, through October 21, 1976.

(ii) *Procedures.* If the registrant desires to reregister the product he shall submit an application for reregistration on a form to be provided by the Agency. Such application will be acted upon as provided in this section and in the Registration Guidelines. When these regulations require data for reregistration which cannot reasonably be anticipated to be compiled on or before October 21, 1976, and the pesticide does not meet or exceed the criteria for risk set forth in § 162.11(a)(3), the Administrator, may, in his discretion, classify and reregister the pesticide product for a reasonable period of time pending completion of the required testing, when he determines that based upon available data, the pesticide product otherwise satisfies the requirements of these regulations and the Act.

(iii) *Requirements.* The reregistration application shall contain the following information:

(A) The name and address of the applicant and of any other person whose name will appear on the labeling;

(B) The name of the product and the EPA registration number;

(C) The classification or classifications requested for the use(s) for which reregistration is requested pursuant to § 162.11;

(D) A number of copies as specified on the application form, of the proposed labeling for the pesticide product in conformance with the requirements of § 162.10;

(E) A number of copies, as specified on the application form, of the complete final printed labeling in accordance with the requirements of § 162.10. However, final printed labeling need not be submitted until after proposed revisions to previously accepted labeling have been conditionally accepted by the Agency;

(F) Supporting data as required by § 162.8(c); and

(G) Any additional supporting data and other materials as specified by the Agency.

(iv) *Amendments during the two-year period.* Applications for amended registration of pesticide products subject to reregistration between October 21, 1974, and October 21, 1976, will be processed independent of reregistration unless they are included as a part of the reregistration application. However, amended registration of a product approved prior to reregistration of that product will be effective only for the period between approval of the amendment and reregistration of the product, and labeling revised for purposes of the amendment may require further revision prior to reregistration.

(6) *Notice of application.* (i) *Publication.* Promptly after receipt of an application for new or amended registration and of the required supporting data, the Administrator shall publish in the FEDERAL REGISTER a notice of such application for registration if the pesticide formulation contains any active ingredient not registered at the time of the application or if a changed use pattern is proposed. The notice shall include the name and address of the applicant, the name of the active ingredient(s) or the changed use pattern, and the proposed classification. The notice shall provide a period of 30 days in which any Federal agency or any other interested person may comment.

(ii) *Consideration and availability of comments.* Prior to making final determinations on the proposed application, consideration shall be given to written comments submitted as specified in the FEDERAL REGISTER notice. All comments must, in order to assure consideration, be received by the 30th day from publication in the FEDERAL REGISTER. Those comments received on the 31st day and after shall be considered only to the extent such consideration would not delay subsequent processing of the application. All written comments made pursuant to the notice shall be made available for public inspection.

(c) *Five Year Cancellation.* (1) *General.* The Administrator shall issue a notice of intent to cancel the registration of a pesticide product five years after the date of such registration. The registration shall be cancelled unless the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. Such a request must be made by the registrant, or other interested person with the concurrence of the registrant, by the date specified in the notice. The Administrator shall continue in effect a registration only upon determination that the registration complies with all requirements of the Act and the current regulations promulgated thereunder, including all data requirements as specified in the Registration Guidelines for new registrations.

(2) *"Federal Register" Notice.* The Administrator shall publish in the FEDERAL REGISTER notice that the registration will be cancelled if the registrant, or other interested person with the concurrence of the registrant, does not request that the registration be continued in effect. Such notice shall be published at least 30 days prior to the expiration of the five year period and the effective date of the cancellation notice. The FEDERAL REGISTER notice shall state that the notice of intent to cancel is being issued under the authority of section 6(a)(1) of the Act and this subsection of Part 162.

(3) *Continued Sale and Use of Existing Stocks.* The Administrator may permit the continued sale and use of existing stocks of a pesticide cancelled pursuant to this subsection. Such continued sale and use shall be subject to the conditions and for such uses as the Administrator specifies. The Administrator may only permit such sale and use if he determines that:

(i) such sale and use is not inconsistent with the purposes of the Act and the regulations promulgated thereunder; and

(ii) such sale and use will not have unreasonable adverse effects on man or the environment.

§ 162.7 Disposition of applications.

(a) *General.* All applications for new registration, reregistration, amended registration, or supplemental registration, and all resubmissions of such applications, will be processed as described below.

(b) *Notice of Receipt of Application for Registration.* The Agency will acknowledge receipt of each application for registration by returning to the applicant a notification of the date of receipt by the Agency.

(c) *Time for Action with Respect to Application.* As expeditiously as possible, the Agency shall approve or deny all applications for registration. Where practicable the Agency shall make its determination within 90 days after the date of receipt of the application. Registration applications which require consultation with other Federal agencies may take longer.

(d) *Approval of registration.* (1) *Criteria for Approval.* The Administrator shall register a pesticide product or approve amended and supplemental registration if he determines that, when considered with any restrictions imposed:

(i) The composition is such as to be effective for all uses set forth on the label (see §§ 162.8 and 162.10);

(ii) The product is not misbranded as defined in section 2(q) of the Act, and its labeling complies with the applicable requirements of the Act, § 162.10, and the Registration Guidelines;

(iii) The test data and other material required to be submitted with the registration application comply with the requirements of the Act, § 162.8, and the data requirements of the Registration Guidelines;

(iv) The pesticide will perform its intended function without unreasonable adverse effects on the environment and when used in accordance with widespread and commonly recognized practice will not generally cause unreasonable adverse effects on the environment. The criteria for determining unreasonable adverse effects on the environment are set forth in § 162.11;

(v) A tolerance or exemption from the tolerance requirement has been obtained, as provided in sections 406, 408, or 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348) if the proposed labeling bears directions for use on food or if the intended use of the pesticide results or may reasonably be expected to result, directly or indirectly, in residues of the pesticide becoming a component of food; and

(vi) The product has been approved under the provisions of the Food, Drug and Cosmetic Act if the product contains any drug claims on its labeling in addition to the pesticidal claims.

(2) *Notice of Approval.* The Administrator shall promptly publish in the FEDERAL REGISTER a notice of approval of the registration for any pesticide product for which notice of application was published under § 162.6(b)(6) for pesticides having an active ingredient not registered at the time of the application or for pesticides with a changed use pattern.

(e) *Denial of Registration.* (1) *Notification.* The Administrator shall deny registration if the pesticide product fails to meet any of the requirements of paragraph (d) of this section or if there is insufficient data to make the required determination. Promptly after making such a determination, he shall notify the applicant by certified letter of the denial of registration and shall set forth the reasons and factual basis for the determination and the conditions, if any, which must be satisfied in order for the registration to be approved.

(2) *Opportunity for Remedy by Applicant.* (i) The applicant will have 30 days from the date of receipt of the certified letter to take the specified corrective action.

(ii) The applicant may petition the Administrator to withdraw his application. The Administrator may, in his discretion, deny any petition for withdrawal and proceed to issue notice of denial in accordance with paragraph (3) of this section.

(3) *"Federal Register" Publication.* If the applicant fails to remedy the deficiency of his registration application, the Administrator shall promptly publish in the FEDERAL REGISTER a notice of denial of registration. Such notice shall set forth the reasons and factual basis for the denial and shall contain the name and address of the applicant, the product name, the name and percentage by weight of each active ingredient in the product, the proposed patterns of use, and the proposed classification.

(4) *Appeal Rights.* Within 30 days following publication of the denial in the FEDERAL REGISTER, the applicant or any interested party with the written authorization of the applicant may request a hearing pursuant to section 6(b) of the Act and Part 164 of these regulations.

(f) *Disposition of Material Submitted in Support of Registration.* The test data and other information submitted in support of the registration application shall become a part of the official file of the Agency for that registration. Except as provided by section 3(c)(1)(D) and section 10 of the Act, within 30 days after the registration of a pesticide, the data called for in the registration statement together with such other scientific information as the Administrator deems relevant to his decision shall be made available for public inspection.

§ 162.8 Data in support of registration and classification.

(a) *General.* (1) The applicant shall submit test data and other information necessary to support all claims made for the product and to establish that the product meets the requirements of section 162.7 of this Part. In submitting required data, the applicant must clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information, pursuant to Section 10 of the Act, and submit such marked material separately from other material submitted with the application.

(2) The data required by paragraphs (b), (c), and (d) of this section shall be submitted according to the specifications of the Registration Guidelines. Nothing included in or omitted from the Registration Guidelines, shall, however, relieve the applicant of the responsibility to apply all relevant available knowledge in designing tests and evaluating results.

(3) An applicant for registration or reregistration may submit written evidence that the composition, degradability, proposed patterns of use and such other chemical or physical properties of a specific pesticide or product relating to an evaluation of the effects on man or the environment are fundamentally different from the factors considered by the agency in the establishment of the data requirements of the Registration Guide-

V40I129 JUL 3 75 XUM

lines and that therefore some or all of the data requirements of the Registration Guidelines are inapplicable to the specific pesticide or product, provided however, that in the case of the reregistration of a pesticide, the Administrator may initiate a waiver of a data requirement of the Registration Guidelines in his solicitation of an application for reregistration. After considering the evidence submitted by the applicant, and such other information as may be available to him, the Administrator will make a written finding with respect to whether such properties of the specific pesticide or product are fundamentally different from the factors considered by the Agency in establishing the data requirements of the Registration Guidelines. If the Administrator determines that such properties of the specific pesticide or product are fundamentally different from the factors considered by the Agency he may waive a data requirement specified in the Registration Guidelines when he determines that the data so required is not necessary in order for him to determine whether such specific pesticide or product will generally cause unreasonable adverse effects on man or the environment. In the case of the approval of any application for new registration in which the Administrator has determined to waive a data requirement specified in the Registration Guidelines, the notice of approval issued pursuant to § 162.7(d)(2) shall list any data requirement which has been waived and briefly state the basis for such waiver. In the case of the waiver of a data requirement in the solicitation of application for reregistration, the notice of solicitation shall list any data requirement which has been waived and briefly state the basis for such waiver. As information becomes available concerning properties of specific pesticides or products which are found to be fundamentally different from the factors considered by the Agency in establishing the Registration Guidelines, consideration will be given to appropriate revision of the Registration Guidelines.

(4) The applicant shall submit any factual information regarding adverse effects of the pesticide on the environment or man which have been obtained by him or come to his attention including, but not limited to, published or unpublished laboratory studies and accident experience.

(b) *Data Requirements for New Registration.* (1) *General.* Unless additional data are requested by the Agency pursuant to paragraph (d) of this Section, or the applicant secures a waiver of a data requirement pursuant to paragraph (a)(3) of this section, pesticide products subject to new registration, under § 162.6(b)(2) shall be supported by the following data to determine their use classification(s) and registrability.

(2) *Efficacy.* Data are required to substantiate efficacy claims made for the pesticide product. Evidence of product efficacy will be demonstrated through laboratory and/or field-testing procedures which simulate actual use conditions. Actual test procedures will vary according to the characteristics of the chemical, the type of formulation, the target pest, the use patterns, and the methods and time of application. Information shall be submitted by the applicant as specified in the Registration Guidelines to include:

(i) Data to support the minimum effective dosage and effective dosage range.

(ii) Description of application techniques, including equipment used in application, method, timing and site of application.

(iii) Evaluation of the action of the product in destroying, repelling or mitigating a pest; accelerating or retarding the rate of growth or otherwise altering the behavior of plants; defoliating plants; or injuring plant parts for the purpose of accelerating the drying of plant tissue.

(iv) Measurement of toxic effects to plants or animals that are host to the pest, as appropriate.

(3) *General and environmental chemistry.* The applicant shall submit data relative to general and environmental chemistry as specified in the Registration Guidelines.

(i) *General Chemistry.* The general chemistry requirements include, but are not limited to:

(A) Information on the technical chemicals used as the active ingredients in the pesticide, including:

(1) Complete composition of the technical chemical, including the chemical names and percentages of impurities;

(2) Basic manufacturing process of the technical chemical;

(3) Purity of starting and intermediate materials used in the manufacturing process;

(4) Basic physical and chemical characteristics of the active ingredient(s), either in technical or purer form; and

(5) Analytical methods for the principal component(s) and impurities and

(B) Information on the specific pesticide formulation including:

(1) Complete composition, including the name and percentage of each ingredient, active or inert;

(2) Basic manufacturing process of the pesticide formulation;

(3) Storage stability data reflecting the anticipated exposure conditions over the expected shelf-life period; and

(4) Method(s) of analysis for identifying and quantifying the active ingredient(s) in the pesticide formulation.

(ii) *Environmental Chemistry.* (A) If the pesticide is intended for outdoor application, data to evaluate the pesticide's environmental chemistry characteristics will be required, including but not limited to:

(1) Field stability data on the active ingredient(s), indicating the dissipation time and its modes of degradation and/or metabolism;

(2) Persistence and degradation data and accumulation data for target and/or non-target species for the active ingredient(s), metabolite(s), or degradation product(s); and

(3) Mobility data for the active ingredient(s), metabolite(s) or degradation product(s), including volatility and leaching properties. If a significant potential for movement in soil can reasonably be anticipated, then data to determine such movement will be required.

(B) Information in support of safe methods for the disposal of the pesticide formulation and pesticide container. [See, 40 CFR 165.1(s)].

(4) *Product hazard.* The applicant shall submit data which will be used to assess pesticide hazard to man and to the environment. Laboratory and field studies to support these assessments shall be conducted with either the active ingredient(s) or the specific pesticide formulation or both, as specified in the Registration Guidelines. When data on active ingredient(s) and formulation do not allow a satisfactory basis for decision on product hazard, further studies may also be required for major metabolities, degradation and/or reaction products. The applicant shall submit data obtained through suitable tests which evaluate:

(i) *Hazard to humans and domestic animals.* (A) Acute toxicity data based upon oral, dermal, inhalation, and ocular routes of exposure will be required.

(B) Subacute and chronic toxicity data will be required as specified in the Registration Guidelines and may include assessment of oncogenic, mutagenic, teratogenic, reproductive, and metabolic effects; other adverse effects on the central nervous system or hematopoietic system; and histological changes in the organs, including but not limited to liver, kidney, and both male and female reproductive systems.

(C) Diagnostic, first aid, palliative and/or antidotal information will be required.

(D) Foliar residue and exposure data necessary to determine required intervals between pesticide application and safe reentry into treated areas, and suggested precautionary statements based on such data, will be required for cholinesterase-inhibiting products, and for such other compounds as are specified in the Registration Guidelines.

(ii) *Hazard to non-target organisms.* (A) Data on acute and subacute toxicity to avian species and acute toxicity to fish will be required.

(B) If the pesticide is intended for outdoor application, data to evaluate hazard to non-target animals will be required as specified in the Registration Guidelines. Conditions under which these data are required depend upon such factors as the pesticide's proposed pattern(s) of use, environmental chemistry characteristics and the nature of the hazard posed to humans and domestic animals [§ 162.8(b)(4)(i)], and to other non-target animals [§ 162.8(b)(4)(ii)(A)]. Such data may be obtained from avian reproduction studies, aquatic invertebrate acute toxicity testing, aquatic organism life cycle studies, simulated field testing, and/or field monitoring and observation, as specified in the Registration Guidelines.

(C) If the pesticide is intended for outdoor application and if it is expected to move readily from the application site by means of drift, volatilization, leaching or lateral movement in soil, then data on toxic effects to susceptible non-target plants will be required, as specified in the Registration Guidelines.

(c) *Data requirements for reregistration.*—(1) *General.* Unless additional data are requested by the Agency pursuant to paragraph (d) of this section or the applicant secures a waiver of a data requirement pursuant to paragraph (a)(3) of this section, pesticide products subject to reregistration under § 162.6(b)(5) shall be supported by the following data to determine their use classification(s) and reregistrability.

(2) *Acute Toxicity Data.* (i) The applicant shall submit toxicity data required to make the determination set forth in § 162.11(c)(2)(iii)(A), (B) and (C), unless acceptable data have been previously submitted to the Agency or the product's patterns of use do not result in exposure to mammals, birds and aquatic organisms.

(ii) Except as provided in (i) above, no additional acute toxicity data shall be required for reregistration and classification unless the Agency notifies the applicant that data in the product's registration file are inadequate to support the registration. If an applicant desires to have the product classified under the criteria of § 162.11(c)(1), the applicant shall so indicate in his application and submit the toxicity data required by that section. If the applicant has previously submitted such data, he shall so notify the Agency.

(3) *Subacute and chronic toxicity data.* For the purposes of reregistration and classification under §§ 162.6(b)(5) and 162.11(c)(2), registrants of pesticide products which meet the criteria listed below shall be required to submit supportive data. Acceptable procedures for required studies are specified in the Registration Guidelines. If such data have been previously submitted and meet the intent and reliability of standards established in the Registration Guidelines, the registrant shall so notify the Agency and need not resubmit the required data.

(i) Teratogenic evaluation of the active ingredient(s) in a mammalian test system will be required if the pesticide use may reasonably be expected to result in exposure to female humans.

(ii) Oncogenic evaluation of the active ingredient(s) will be required if (A) the active ingredient(s), its metabolite(s) or degradation product(s) contains a substance structurally related to a known or suspected oncogenic agent, or (B) the pesticide needs a tolerance or an exemption from the requirement to obtain a tolerance [see § 162.7(d)(1)(v)].

(iii) Chronic feeding studies of the active ingredients will be required (A) for pesticides which need a tolerance or an exemption from the requirement to obtain a tolerance, or (B) for pesticides intended for use in residences, enclosed working spaces, or their immediate vicinity. Such chronic feeding studies shall include, at least, studies of effects on the central nervous system, hematopoietic system, and histological changes in the liver, kidney, and both male and female reproductive systems.

(iv) Reproduction studies of the active ingredient will be required for pesticides which need a tolerance or an exemption from the requirement to obtain a tolerance. Such reproduction studies shall consist of a three generation investigation.

(4) *Reentry and disposal data.* (i) Foliar residue and exposure information will be required for products containing cholinesterase-inhibiting ingredients, and such other ingredients as are specified in the Registration Guidelines. Such studies shall be designed to provide data sufficient to establish satisfactory precautions to protect persons reentering treated areas.

(ii) Information will be required in support of safe methods for the disposal of the pesticide formulation and pesticide container. [See, 40 CFR 165.1(s)]

(d) *Additional data.* (1) A registrant or applicant shall submit any additional data other than that required by these regulations and the Registration Guidelines which the Agency has determined is necessary to support the registration. If any additional information is required on previously registered pesticides, the Agency shall permit sufficient time to obtain such additional information. The Agency shall periodically revise the information needed to support the registration of a pesticide. Such revisions of required information shall be contained in the Registration Guidelines.

(2) If at any time after the registration of a pesticide product, the registrant had additional information regarding any adverse effects on man or the environment he shall submit such information to the Administrator. Such information may be obtained directly by the applicant or come to his attention and shall include, but is not limited to, published or unpublished laboratory studies and accident experience.

§ 162.9 Compensation for use of previously submitted data in support of registration. [Reserved]

§ 162.10 Labeling requirements.

(a) *General.* (1) *Contents of the label.* Every pesticide product shall bear a label containing the information specified by the Act and the regulations in this Part. The contents of a label must show clearly and prominently the following:

(i) The name, brand, or trademark under which the product is sold as prescribed in paragraph (b) of this section;

(ii) The name and address of the producer, registrant, or person for whom produced as prescribed in paragraph (c) of this section;

(iii) The net contents as prescribed in paragraph (d) of this section;

(iv) The product registration number as prescribed in paragraph (e) of this section;

(v) The producing establishment number as prescribed in paragraph (f) of this section;

(vi) An ingredient statement as prescribed in paragraph (g) of this section;

(vii) Warning or precautionary statements as prescribed in paragraph (h) of this section;

(viii) The directions for use as prescribed in paragraph (i) of this section; and

(ix) The use classification(s) as prescribed in paragraph (j) of this section.

(2) *Prominence and legibility.* (i) All words, statements, graphic representations, designs or other information required on the labeling by the Act or the regulations in this Part must be clearly legible to a person with normal vision, and must be placed with such conspicuousness (as compared with other words, statements, designs, or graphic matter on the labeling) and expressed in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(ii) All required label text must:

(A) Be set in 6-point or larger type;

(B) Appear on a clear contrasting background; and

(C) Not be obscured or crowded.

(3) *Language to be used.* All required label or labeling text shall appear in the English language. However, the Agency may require or the applicant may propose additional text in other languages as is considered necessary to protect the public. When additional text in another language is necessary, all labeling requirements will be applied equally to both the English and other-language versions of the labeling.

(4) *Placement of Label.* (i) *General.* The label shall appear on or be securely attached to the immediate container of the pesticide product. For purposes of this Section, and the misbranding provisions of the Act, "securely attached" shall mean that a label can reasonably be expected to remain affixed during the foreseeable conditions and period of use. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read, the label must also be securely attached to such outside wrapper or container, if it is a part of the package as customarily distributed or sold.

(ii) *Tank cars and other bulk containers.* (A) *Transportation.* While a pesticide product is in transit, the appropriate provisions of 49 CFR 170–189, concerning the transportation of hazardous materials, and specifically those provisions concerning the labeling, marking and placarding of hazardous materials and the vehicles carrying them, define the basic Federal requirements. In addition, when any registered pesticide product is transported in a tank car, tank truck or other mobile or portable bulk container, a copy of the accepted label must be attached to the shipping papers, and left with the consignee at the time of delivery.

V 40 129 JUL 3 75 XUM

(B) *Storage.* When pesticide products are stored in bulk containers, whether mobile or stationary, which remain in the custody of the user, a copy of the label of labeling, including all appropriate directions for use, shall be securely attached to the container in the immediate vicinity of the discharge control valve.

(5) *False or misleading statements.* Pursuant to section 2(q)(1)(A) of the Act, a pesticide or a device declared subject to the Act pursuant to § 162.15, is misbranded if its labeling is false or misleading in any particular including both pesticidal and non-pesticidal claims. Examples of statements or representations in the labeling which constitute misbranding include:

(i) A false or misleading statement concerning the composition of the product;

(ii) A false or misleading statement concerning the effectiveness of the product as a pesticide or device;

(iii) A false or misleading statement about the value of the product for purposes other than as a pesticide or device;

(iv) A false or misleading comparison with other pesticides or devices;

(v) Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government;

(vi) The name of a pesticide which contains two or more principal active ingredients if the name suggests one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling;

(vii) A true statement used in such a way as to give a false or misleading impression to the purchaser;

(viii) Label disclaimers which negate or detract from labeling statements required under the Act and these regulations;

(ix) Claims as to the safety of the pesticide or its ingredients, including statements such as "safe," "nonpoisonous," "noninjurious," "harmless" or "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed"; and

(x) Non-numerical and/or comparative statements on the safety of the product, including but not limited to:

(A) "Contains all natural ingredients";

(B) "Among the least toxic chemicals known"

(C) "Pollution approved"

(6) *Final printed labeling.* (i) Except as provided in paragraph (a)(6)(ii) of this section, final printed labeling must be submitted and accepted prior to registration. However, final printed labeling need not be submitted until draft label texts have been provisionally accepted by the Agency.

(ii) Clearly legible reproductions or photo reductions will be accepted for unusual labels such as those silk-screened directly onto glass or metal containers or large bag or drum labels. Such reproductions must be of microfilm reproduction quality.

(b) *Name, brand, or trademark.* (1) The name, brand, or trademark under which the pesticide product is sold shall appear on the front panel of the label.

(2) No name, brand, or trademark may appear on the label which:

(i) Is false or misleading, or

(ii) Has not been approved by the Administrator through registration or supplemental registration as an additional name pursuant to § 162.6(b)(4).

(c) Name and address of producer, registrant, or person for whom produced.

An unqualified name and address given on the label shall be considered as the name and address of the producer. If the registrant's name appears on the label and the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by appropriate wording such as "Packed for * * *," "Distributed by * * *," or "Sold by * * *" to show that the name is not that of the producer.

(d) *Net weight or measure of contents.* (1) The net weight or measure of content shall be exclusive of wrappers or other materials and shall be the average content unless explicitly stated as a minimum quantity.

(2) If the pesticide is a liquid, the net content statement shall be in terms of liquid measure at 68° F (20° C) and shall be expressed in conventional American units of fluid ounces, pints, quarts, and gallons.

(3) If the pesticide is solid or semi-solid, viscous or pressurized, or is a mixture of liquid and solid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces.

(4) In all cases, net content shall be stated in terms of the largest suitable units, i.e., "1 pound 10 ounces" rather than "26 ounces."

(5) In addition to the required units specified, net content may be expressed in metric units.

(6) Variation above minimum content or around an average is permissible only to the extent that it represents deviation unavoidable in good manufacturing practice. Variation below a stated minimum is not permitted. In no case shall the average content of the packages in a shipment fall below the stated average content.

(e) *Product registration number.* The registration number assigned to the pesticide product at the time of registration shall appear on the label, preceded by the phrase "EPA Registration No.," or the phrase "EPA Reg. No." The registration number shall be set in type of a size and style similar to other print on that part of the label on which it appears and shall run parallel to it. The registration number and the required identifying phrase shall not appear in such a manner as to suggest or imply recommendation or endorsement of the product by the Agency.

(f) *Producing establishments registration number.* The producing establishment registration number preceded by the phrase "EPA Est.", of the final establishment at which the product was produced may appear in any suitable location on the label or immediate container. It must appear on the wrapper or outside container of the package if the EPA establishment registration number on the immediate container cannot be clearly read through such wrapper or container.

(g) *Ingredient statement.* (1) *General.* The label of each pesticide product must bear a statement which contains the name and percentage by weight of each active ingredient, the total percentage by weight of all inert ingredients; and if the pesticide contains arsenic in any form, a statement of the percentages of total and water-soluble arsenic calculated as elemental arsenic. The active ingredients must be designated by the term "active ingredients" and the inert ingredients by the term "inert ingredients," or the singular forms of these terms when appropriate. Both terms shall be in the same type size, be aligned to the same margin and be equally prominent. The statement "Inert Ingredients, none" is not required for pesticides which contain 100 percent active ingredients. Unless the ingredient statement is a complete analysis of the pesticide, the term "analysis" shall not be used as a heading for the ingredient statement.

(2) *Position of ingredient statement.* (i) The ingredient statement is normally required on the front panel of the label. If there is an outside container or wrapper through which the ingredient statement cannot be clearly read, the ingredient statement must also appear on such outside container or wrapper. If the size or form of the package makes it impracticable to place the ingredient statement on the front panel of the label, permission may be granted for the ingredient statement to appear elsewhere.

(ii) The text of the ingredient statement must run parallel with other text on the panel on which it appears, and must be clearly distinguishable from and must not be placed in the body of other text.

(3) *Names to be used in ingredient statement.* The name used for each ingredient shall be the accepted common name, if there is one, followed by the chemical name. The common name may be used alone only if it is well known. If no common name has been established, the chemical name alone shall be used. In no case will the use of a trademark or proprietary name be permitted unless such name has been accepted as a common name by the Administrator under the authority of Section 25(c)(6).

(4) *Statements of percentages.* The percentages of ingredients shall be stated in terms of weight-to-weight. The sum of percentages of the active and the inert ingredients shall be 100. Percentages shall not be expressed by a range of values such as "22–25%." If the uses of the pesticide product are expressed as weight of active ingredient per unit area, a statement of the weight of active ingredient per unit volume of the pesticide formulation shall also appear in the ingredient statement.

(5) *Accuracy of stated percentages.* The percentages given shall be as precise as possible reflecting good manufacturing practice. If there may be unavoidable variation between manufacturing batches, the value stated for each active ingredient shall be the lowest percentage which may be present.

(6) *Deterioration.* Pesticides which change in chemical composition significantly must meet the following labeling requirements:

(i) In cases where it is determined that a pesticide formulation changes chemical composition significantly, the product must bear the following statement in a prominent position on the label: "Not for sale or use after [date]."

(ii) The product must meet all label claims up to the expiration time indicated on the label.

(7) *Inert ingredients.* The Administrator may require the name of any inert ingredient(s) to be listed in the ingredient statement if he determines that such ingredient(s) may pose a hazard to man or the environment.

(h) *Warnings and precautionary statements.* Required warnings and precautionary statements concerning the general areas of toxicological hazard including hazard to children, environmental hazard, and physical or chemical hazard fall into two groups; those required on the front panel of the labeling and those which may appear elsewhere. Specific requirements concerning content, placement, type size, and prominence are given below.

(1) *Required front panel statements.* With the exception of the child hazard warning statement, the text required on the front panel of the label is determined by the Toxicity Category of the pesticide. The category is assigned on the basis of the highest hazard shown by any of the indicators in the table below:

Hazard indicators	Toxicity categories			
	I	II	III	IV
Oral LD_{50}	Up to and including 50 mg/kg.	From 50 thru 500 mg/kg.	From 500 thru 5000 mg/kg.	Greater than 5000 mg/kg.
Inhalation LC_{50}	Up to and including .2 mg/liter.	From .2. thru 2 mg/liter.	From 2. thru 20 mg/liter.	Greater than 20 mg/liter.
Dermal LD_{50}	Up to and including 200 mg/kg.	From 200 thru 2000	From 2,000 thru 20,000.	Greater than 20,000.
Eye effects	Corrosive; corneal opacity not reversible within 7 days.	Corneal opacity reversible within 7 days; irritation persisting for 7 days.	No corneal opacity; irritation reversible within 7 days.	No irritation.
Skin effects	Corrosive	Severe irritation at 72 hours.	Moderate irritation at 72 hours.	Mild or slight irritation at 72 hours.

(i) *Human hazard signal word.* (A) *Toxicity Category I.* All pesticide products meeting the criteria of Toxicity Category I shall bear on the front panel the signal word "Danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "Poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(B) *Toxicity Category II.* All pesticide products meeting the criteria of Toxicity Category II shall bear on the front panel the signal word "Warning."

(C) *Toxicity Category III.* All pesticide products meeting the criteria of Toxicity Category III shall bear on the front panel the signal word "Caution."

(D) *Toxicity Category IV.* All pesticide products meeting the criteria of Toxicity Category IV shall bear on the front panel the signal word "Caution."

(E) *Use of signal words.* Use of any signal word(s) associated with a higher Toxicity Category is not permitted except when the Agency determines that such labeling is necessary to prevent unreasonable adverse effects on man or the environment. In no case shall more than one human hazard signal word appear on the front panel of a label.

(ii) *Child hazard warning.* Every pesticide product label shall bear on the front panel the statement "keep out of reach of children." Only in cases where the likelihood of contact with children during distribution, marketing, storage or use is demonstrated by the applicant to be extremely remote, or if the nature of the pesticide is such that it is approved for use on infants or small children, may the Administrator waive this requirement.

(iii) *Statement of practical treatment.* (A) *Toxicity Category I:* A statement of practical treatment (first aid or other) shall appear on the front panel of the label of all pesticides falling into Toxicity Category I on the basis of oral, inhalation or dermal toxicity. The Agency may, however, permit reasonable variations in the placement of the statement of practical treatment if some reference such as "See statement of practical treatment on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

(B) *Other toxicity categories.* The statement of practical treatment is not required on the front panel except as described in (A) above. The applicant may, however, include such a front panel statement at his option. Statements of practical treatment are, however, required elsewhere on the label in accord with paragraph (h)(2) of this section if they do not appear on the front panel.

(iv) *Placement and prominence.* All the required front panel warning statements shall be grouped together on the label, and shall appear with sufficient prominence relative to other front panel text and graphic material to make them unlikely to be overlooked under customary conditions of purchase and use. The following table shows the minimum type size requirements for the front panel warning statements on various sizes of labels:

Size of label, front panel in square inches. Required signal word, all capitals. "Keep out of reach of children"

	Points	Points
5 and under	6	6
Above 5 to 10	10	6
Above 10 to 15	12	8
Above 15 to 30	14	10
Over 30	18	12

(2) *Other required warnings and precautionary statements.* The warnings and precautionary statements as required below shall appear together on the label under the general heading "Precautionary Statements" and under appropriate subheadings of "Hazard to Humans and Domestic Animals," "Environmental Hazard" and "Physical or Chemical Hazard."

(i) *Hazard to humans and domestic animals.* (A) Where a hazard exists to humans or domestic animals, precautionary statements are required indicating the particular hazard, the route(s) of exposure and the precautions to be taken to avoid accident, injury or damage. The precautionary paragraph shall be immediately preceded by the appropriate hazard signal word.

(B) The following table depicts typical precautionary statements. These statements must be modified or expanded to reflect specific hazards.

V40-129 JUL 3 75 XUM

Toxicity category	Precautionary statements by toxicity category	
	Oral, inhalation, or dermal toxicity	Skin and eye local effects.
I	Fatal (poisonous) if swallowed [inhaled or absorbed through skin]. Do not breathe vapor [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Front panel statement of practical treatment required.]	Corrosive, causes eye and skin damage [or skin irritation]. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. [Appropriate first aid statement required.]
II	May be fatal if swallowed [inhaled or absorbed through the skin]. Do not breathe vapors [dust or spray mist]. Do not get in eyes, on skin, or on clothing. [Appropriate first aid statement required.]	Causes eye [and skin] irritation. Do not get in eyes, on skin, or on clothing. Harmful if swallowed. [Appropriate first aid statement required.]
III	Harmful if swallowed [inhaled or absorbed through the skin]. Avoid breathing vapors [dust or spray mist]. Avoid contact with skin [eyes or clothing]. [Appropriate first aid statement required.]	Avoid contact with skin, eyes or clothing. In case of contact immediately flush eyes or skin with plenty of water. Get medical attention if irritation persists.
IV	[No precautionary statements required.]	[No precautionary statements required.]

(ii) *Environmental hazards.* Where a hazard exists to non target organisms excluding humans and domestic animals, precautionary statements are required stating the nature of the hazard and the appropriate precautions to avoid potential accident, injury or damage. Examples of the hazard statements and the circumstances under which they are required follow:

(A) If a pesticide intended for outdoor use contains an active ingredient with a mammalian acute oral LD_{50} of 100 or less, the statement "This Pesticide is Toxic to Wildlife" is required.

(B) If a pesticide intended for outdoor use contains an active ingredient with a fish acute LC_{50} of 1 ppm or less, the statement "This Pesticide is Toxic to Fish" is required.

(C) If a pesticide intended for outdoor use contains an active ingredient with an avian acute oral LD_{50} of 100 mg/kg or less, or a subacute dietary LC_{50} of 500 ppm or less, the statement "This Pesticide is Toxic to Wildlife" is required.

(D) If either accident history or field studies demonstrate that use of the pesticide may result in fatality to birds, fish or mammals, the statement "This pesticide is extremely toxic to wildlife (fish)" is required.

(E) For uses involving foliar application to agricultural crops, forests, or shade trees, or for mosquito abatement treatments, pesticides toxic to pollinating insects must bear appropriate label cautions.

(F) For all outdoor uses other than aquatic applications the label must bear the caution "Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposal of wastes."

(iii) *Physical or chemical hazards.* Warning statements on the flammability or explosive characteristics of the pesticide are required as follows:

(A) Pressurized Containers

Flash point at or below 20° F; if there is a flashback at any valve opening.	Extremely flammable. Contents under pressure. Keep away from fire, sparks, and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.
Flash point above 20° F and not over 80° F or if the flame extension is more than 18 in long at a distance of 6 in from the flame.	Flammable. Contents under pressure. Keep away from heat, sparks, and open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.
All other pressurized containers	Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

(B) Nonpressurized Containers

Flash point	*Required text*
At or below 20 ° F	Extremely flammable. Keep away from fire, sparks, and heated surfaces.
Above 20° F and not over 80° F	Flammable. Keep away from heat and open flame.
Above 80° F and not over 150° F	Do not use or store near heat or open flame.

(i) *Directions for Use.* (1) *General requirements.* (i) *Adequacy and clarity of directions.* Directions for use must be stated in terms which can be easily read and understood by the average person likely to use or to supervise the use of the pesticide. When followed, directions must be adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.

(ii) *Placement of directions for use.* Directions may appear on any portion of the label provided that they are conspicuous enough to be easily read by the user of the pesticide product. Directions for use may appear on printed or graphic matter which accompanies the pesticide provided that:

(A) If required by the Agency, such printed or graphic matter is securely attached to each package of the pesticide, or placed within the outside wrapper or bag;

(B) The label bears a reference to the directions for use in accompanying leaflets or circulars, such as "See directions in the enclosed circular:" and

(C) The Administrator determines that it is not necessary for such directions to appear on the label.

(iii) *Exceptions to requirement for directions for use.* (A) Detailed directions for use may be omitted from labeling of pesticides which are intended for use only by manufacturers of products other than pesticide products in their regular manufacturing processes, provided that:

(1) The label clearly shows that the product is intended for use only in manufacturing processes and specifies the type(s) of products involved.

(2) Adequate information such as technical data sheets or bulletins, is available to the trade specifying the type of product involved and its proper use in manufacturing processes;

(3) The product will not come into the hands of the general public except after incorporation into finished products; and

(4) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

(B) Detailed directions for use may be omitted from the labeling of pesticide products for which sale is limited to physicians, veterinarians, or druggists, provided that:

(1) The label clearly states that the product is for use only by physicians or veterinarians;

(2) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment; and

(3) The product is also a drug and regulated under the provisions of the Federal Food, Drug and Cosmetic Act.

(C) Detailed directions for use may be omitted from the labeling of pesticide products which are intended for use only by formulators in preparing pesticides for sale to the public, provided that:

(1) There is information readily available to the formulators on the composition, toxicity, methods of use, applicable restrictions or limitations, and effectiveness of the product for pesticide purposes;

(2) The label clearly states that the product is intended for use only in manufacturing, formulating, mixing, or repacking for use as a pesticide and specifies the type(s) of pesticide products involved;

(3) The product as finally manufactured, formulated, mixed, or repackaged is registered; and

(4) The Administrator determines that such directions are not necessary to prevent unreasonable adverse effects on man or the environment.

(2) *Contents of Directions for Use.* The directions for use shall include the following, under the heading "Directions for Use":

(i) The statement of use classification as prescribed in 162.10(j) immediately under the heading "Directions for Use."

(ii) Immediately below the statement of use classification, the statement "It is a violation of Federal law to use this product in a manner inconsistent with its labeling."

(iii) The site(s) of application, as for example the crops, animals, areas, or objects to be treated.

(iv) The target pest(s) associated with each site.

(v) The dosage rate associated with each site and pest.

(vi) The method of application, including instructions for dilution, if required, and type(s) of application apparatus or equipment required.

(vii) The frequency and timing of applications necessary to obtain effective results without causing unreasonable adverse effects on the environment.

(viii) Specific limitations on reentry to areas where the pesticide has been applied, meeting the requirements concerning reentry provided by 40 CFR Part 170.

(ix) Specific directions concerning the storage and disposal of the pesticide and its container, meeting the requirements of 40 CFR Part 165. These instructions shall be grouped and appear under the heading "Storage and Disposal." This heading must be set in type of the same minimum sizes as required for the child hazard warning (see table in § 162.10(h)(1)(iv)).

(x) Any limitations or restrictions on use required to prevent unreasonable adverse effects, such as:

(A) Required intervals between application and harvest of food or feed crops.

(B) Rotational crop restrictions.

(C) Warnings as required against use on certain crops, animals, objects, or in or adjacent to certain areas.

(D) For restricted use pesticides, the category or categories of certified applicator(s) to whom use is restricted unless the Agency has determined that the product may be used by any certified applicator.

(E) For restricted use pesticides, a statement that the pesticide may be applied under the direct supervision of a certified applicator who is not physically present at the site of application but nonetheless available to the person applying the pesticide, unless the Agency has determined that the pesticide may only be applied under the direct supervision of a certified applicator who is physically present.

(F) Other pertinent information which the Administrator determines to be necessary for the protection of man and the environment.

(j) *Statement of Use Classification.* By October 22, 1976, all pesticide products must bear on their labels a statement of use classification as described in subparagraphs (1) and (2) below. Any pesticide product for which some uses are classified for general use and others for restricted use shall be separately labeled according to the labeling standards set forth in this subsection, and shall be marketed as separate products with different registration numbers, one bearing directions only for general use(s) and the other bearing directions for restricted use(s) except that, if a product has both restricted use(s) and general use(s), both of these uses may appear on a product labeled for restricted use. Such products shall be subject to the provisions of § 162.10(j)(2).

(1) *General Use Classification.* Pesticide products bearing directions for use(s) classified general shall be labeled with the exact words "General Classification" immediately below the heading "Directions for Use." Any reference to the general classification that suggests or implies that the general utility of the pesticide extends beyond those purposes and uses contained in the Directions for Use will be considered a false or misleading statement under the statutory definition of misbranding.

(2) *Restricted Use Classification.* Pesticide products bearing direction for use(s) classified restricted shall bear statements of restricted use classification on the front panel as described below:

(i) *Front panel statement of restricted use classification.* (A) At the top of the front panel of the label, set in type of the same minimum sizes as required for human hazard signal words (see table in § 162.10(h)(1)(iv)), and appearing with sufficient prominence relative to other text and graphic material on the front panel to make it unlikely to be overlooked under customary conditions of purchase and use, the statement "Restricted Use Pesticide" shall appear.

(B) Directly below this statement on the front panel, a summary statement of the terms of restriction imposed as a precondition to registration shall appear. If use is restricted to certified applicators, the following statement is required: "For retail sale to and application only by Certified Applicators or persons under their direct supervision." If, however, other regulatory restrictions are imposed, the Administrator will define the appropriate wording for the terms of restriction by regulation.

(k) Advertising (reserved)

§ 162.11 Criteria for Determinations of Unreasonable Adverse Effects.

(a) *Criteria for Issuance of Notice of Intent to Deny Registration, Cancel Registration, or to Hold a Hearing.* (1) *Presumption.* (i) A rebuttable presumption shall arise that a notice of intent to deny registration pursuant to section 3(c)(6) of the Act, a notice of intent to cancel registration pursuant to section 6(b)(1) of the Act, or a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, shall be issued, upon a determination by the Administrator that the pesticide meets or exceeds any of the criteria for risk set forth in subparagraph (3). Upon such determination, the Administrator shall issue notice by certified mail to the applicant or registrant, as the case may be, stating that the applicant or registrant has the opportunity to submit evidence in rebuttal of such presumption in accordance with subparagraph (4) of this section. The applicant or registrant shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption; provided, however, that for good cause shown the Administrator may grant an additional sixty (60) days in which such evidence may be submitted.

(ii) At any time an applicant or registrant may petition the Administrator to withdraw his application or terminate his registration. The Administrator may, in his discretion, deny any petition for withdrawal or for termination and proceed in accordance with these regulations.

(2) *Rebuttal of Presumption.* The party seeking new or continued registration may rebut the presumption arising under subparagraph (1) by sustaining the affirmative burden or proof set forth in subparagraph (4) of this § 162.11(a). After review of the evidence submitted in rebuttal of the presumption, the Administrator shall determine in accordance with subparagraph (4) of this § 162.11(a) whether the applicant or registrant has sustained his affirmative burden and shall issue notice of such determination in accordance with subparagraph (5) of this section.

(3) *Risk Criteria.* A rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) meet or exceed any of the following criteria for risk, as indicated by tests conducted with the animal species and pursuant to the test protocols specified in the Registration Guidelines, or by test results otherwise available.

(i) *Acute toxicity.* (A) *Hazard to Humans and Domestic Animals.* (1) Has an acute dermal LD_{50} of 40 mg/kg or less as formulated; or

(2) Has an acute dermal LD_{50} of 6 g/kg or less as diluted for use in the form of a mist or spray;

(3) Has an inhalation LC_{50} of 0.04 mg/liter or less as formulated.

(B) *Hazard to Wildlife.* (1) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the acute oral LD_{50} measured in mammalian test animals as specified in the Registration Guidelines.

(2) Occurs as a residue immediately following application in or on avian feed of an avian species, representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the subacute dietary LC_{50} measured in avian test animals as specified in the Registration Guidelines.

(3) Results in a maximum calculated concentration following direct application to a 6-inch layer of water more than ½ the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed as measured on test animals specified in the Registration Guidelines.

V40129 JUL 3 75 XUM

(ii) *Chronic Toxicity.* (A) Induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure; or induces mutagenic effects, as determined by multitest evidence.

(B) Produces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety; or

(C) Can reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms, or fatality to members of endangered species.

(iii) *Lack of Emergency Treatments.* Has no known antidotal, palliative, or first aid treatments for amelioration of toxic effects in man resulting from a single exposure.

(4) *Burden of Proof.* Upon finding in accordance with subparagraph (1) of this § 162.11(a) that notice pursuant to sections 3(c)(6) or 6(b)(1) of the Act, or notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, shall issue on the basis that a pesticide meets or exceeds any of the criteria for risk set forth in subparagraph (3), the party seeking new or continued registration may rebut the presumption by sustaining the burden of proving:

(i) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3)(i), or (iii) that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or

(ii) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects.

(iii) That the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error.

(5) *Notice of Administrator's Determination.* (i) If after review of the evidence submitted in rebuttal, the Administrator determines that the applicant or registrant, as the case may be has rebutted the presumption by sustaining the affirmative burden of proof set forth in subparagraph (4) of this § 162.11(a) then, if the application or registration is otherwise in compliance with the Act and these regulations, in accordance with section 3(c) and 6(b) of the Act he will register the pesticide for such use or continue any such registration already in effect. In the case of an application for registration for which notice of approval is required to be published pursuant to § 162.7(d)(2), such notice shall state that the Administrator has determined that the presumption has been rebutted within the time provided for submission of rebuttal evidence. Such notice shall refer to the appropriate clause of § 162.11(a)(4)(i)-(ii) upon which the Administrator bases his determination that the presumption has been rebutted.

(ii) If the applicant or registrant, as the case may be, fails to submit any evidence in rebuttal, or if after review of the evidence submitted in rebuttal the Administrator determines that the applicant or registrant has not rebutted the presumption by sustaining the affirmative burden of proof set forth in subparagraph (4) of this § 162.11(a), then he shall issue a notice in accordance with sections 3(c)(6), or 6(b)(1) of the Act or, issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, for the use(s) of the pesticide subject to such presumption and not rebutted. The Administrator shall issue such notice within one hundred and eighty (180) days from the date notice is sent to the applicant or registrant in accordance with subparagraph (1) of this § 162.11(a).

(iii) At the time that a registrant or applicant submits evidence in rebuttal of the presumption, he may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use. In determining whether to issue a notice pursuant to section 3(c)(6) or section 6(b)(1) or to issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, in accordance with paragraph (a)(5)(ii) of this section 162.11, the Administrator may, in his discretion, take into account staff recommendations resulting from preliminary analysis, if any, concerning the balancing of risks against benefits. Any such preliminary analysis shall be completed within one hundred and fifty (150) days from the date notice is sent to the applicant or registrant in accordance with subparagraph (1) of this § 162.11(a). If based on such analysis the staff recommendation is that benefits appear to outweigh risks, the Administrator may, in his discretion, issue notice of intent to hold a hearing to determine whether the registration should be cancelled or denied rather than a notice pursuant to section 6(b)(1) or section 3(c)(6) of the Act. If the recommendation is that the benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate.

(6) *Additional Grounds for Issuance of Notice of Intent to Deny or Cancel Registration or to Hold a Hearing.* A notice pursuant to sections 3(c)(6) or 6(b)(1), or a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, as appropriate, shall be issued by the Administrator with respect to any pesticide which does not meet or exceed the criteria for risk set forth in subparagraph (3) of this § 162.11(a), if the Administrator determines

(i) That, based on toxicological data, epidemiological studies, use history, accident data, monitoring data, or such other evidence as is available to the Administrator, the pesticide poses a substantial question of safety to man or the environment, or

(ii) That the pesticide or its labeling or other material required to be submitted does not comply with the requirements of the Act or when used in accordance with widespread and commonly recognized practice, the pesticide generally causes unreasonable adverse effects on the enviroment.

(b) *Criteria for Issuance of a Final Order of Denial or Cancellation of Registration.* (1) *Burden of Proof.* (i) If the Administrator issues a notice pursuant to sections 3(c)(6) or 6(b)(1) of the Act in accordance with subparagraphs 5(ii) or (6) of § 162.11(a), he shall issue a final order denying or cancelling the registration unless the applicant or registrant or other affected party as provided by law, requests a hearing in accordance with sections 3(c)(6) or 6(b)(1) of the Act and 40 CFR Part 164 and sustains the affirmative burden of proving that the pesticide ingredient(s), metabolite(s) or degradation product(s) does not cause unreasonable adverse effects on the environment or man by showing:

(A) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraphs 3(i), and (iii) of § 162.11(a), that when considered with the formulation, packaging, method of use, proposed restrictions on use and the directions for use, and widespread and commonly recognized practice of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute or subacute adverse effects; or

(B) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph 3(ii) of § 162.11(a), that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels likely to result in any significant chronic adverse effects; or

(C) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph (3) (i), (ii) or (iii) of § 162.11(a), the risks are outweighed by economic, social and environmental benefits of use of the pesticide.

(ii) If the Administrator issues a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, in accordance with subparagraphs (5)(ii) and (6) of

§ 162.11(a) the Administrator shall issue a final order cancelling the registration unless

(A) The notice is withdrawn prior to the commencement of the hearing upon a determination by the Administrator that there is insufficient public interest in the proceeding to warrant holding the hearing or that it would not otherwise serve the public welfare; or

(B) The Administrator determines that based on the record:

(1) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraphs (3) (i) and (iii) § 162.11(a), that when considered with the formulation, packaging, method of use, proposed restrictions on use and the directions for use, and widespread and commonly recognized practice of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or

(2) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph (3)(ii) of § 162.11(a), that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels likely to result in any significant chronic adverse effects; or

(3) In the case of a pesticide which meets or exceeds the criteria for risk set forth in subparagraph (3) (i), (ii), (iii), of § 162.11(a), the risks are outweighed by the economic, social and environmental benefits of use of the pesticide.

(2) *Additional Grounds for Issuance of a Final Order of Denial or Cancellation of Registration.* (i) If the Administrator issues a notice of denial of registration or a notice of intent to cancel registration in accordance with subparagraph (6) of § 162.11(a); he shall issue a final order denying or cancelling registration unless the applicant or registrant or other affected party as provided by law.

(A) Requests a hearing in accordance with sections 3(c)(6) and 6(b)(1) of the Act and 40 CFR Part 164; and

(B) Sustains the affirmative burden of proving that the pesticide does not cause unreasonable adverse effects on the environment or man;

(ii) If the Administrator issues a notice of intent to hold a hearing to determine whether the registration should be cancelled or denied, in accordance with subparagraph (6) of § 162.11(a), he shall issue a final order cancelling registration unless;

(A) The notice is withdrawn prior to the commencement of the hearing upon a determination by the Administrator that there is insufficient public interest in the proceeding to warrant holding the hearing or that it would not otherwise serve the public welfare; or

(B) The Administrtor determines that based on the record of the hearing the pesticide does not cause unreasonable adverse effects on the environment or man.

(c) *Use classification.* (1) *Classification criteria for new registrations.* Except as provided in paragraph (c)(4) of this section, a specific use(s) of a pesticide product not previously registered shall be classified for general use if each of the applicable criteria set forth in paragraph (c)(1)(i)-(iii) of this section is met. Otherwise, the product use(s) shall be classified for restricted use unless a review of the labeling pursuant to paragraph (c)(3) of this section indicates that the product use may be classified for general use or the benefits from unrestricted use of the pesticide outweigh the risks of unrestricted use of the pesticide. Each of the separate criteria as set forth below must be applied for the product use(s) to be classified unless the formulation, packaging, or method of use of the product can reasonably be expected to eliminate the route of exposure. New data submitted to support classification must conform to the specifications of the Registration Guidelines.

(i) *Domestic applications.* A pesticide use(s) intended for domestic application will be a candidate for general use classification if the pesticide formulation:

(A) Has an acute dermal LD_{50} greater than 2,000 mg/kg;

(B) Has an inhalation LC_{50} greater than 2 mg/ liter;

(C) Causes no corneal opacity, or causes eye irritation reversible within 7 days or less;

(D) Causes no more than moderate skin irritation within 72 hours;

(E) Has an acute oral LD_{50} greater than 1.5 g/kg for the formulation as diluted for use; and

(F) Causes, under conditions of label use or widespread and commonly recognized practice of use, only minor or no discernible subacute, chronic, or delayed effects on man or other nontarget organisms from single or multiple exposures to the product ingredient(s), their metabolite(s), or degradation product(s).

(ii) *Nondomestic applications.* A pesticide use(s) intended for nondomestic application will be a candidate for general use classification if the pesticide formulation:

(A) Has an acute dermal LD_{50} greater than 200 mg/kg;

(B) Has an acute dermal LD_{50} greater than 16 g/kg for the formulation as diluted for use as a mist or spray;

(C) Has an inhalation LD_{50} greater than .2 mg/liter;

(D) Is not corrosive to the eye or causes corneal opacity reversible within 7 days;

(E) Is not corrosive to the skin and causes no more than severe skin irritation within 72 hours; and

(F) Causes under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible subacute, chronic, or delayed toxic effects on man or other nontarget organisms from single or multiple exposures to the product ingredient(s), their their metabolite(s), or degradation product(s).

(iii) *Outdoor applications.* A pesticide use(s) intended for outdoor application will be a candidate for general use classification if it meets the applicable set of criteria set forth immediately above for either domestic or nondomestic application, as appropriate, and if the pesticide:

(A) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels less than 1/5 the acute oral LD_{50}, measured in mammalian test animals as specified in the Registration Guidelines.

(B) Occurs as a residue immediately following application in or on the feed of an avian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels less than 1/5 the subacute dietary LC_{50} measured in avian test animals as specified in the Registration Guidelines.

(C) Results in a maximum calculated concentration following direct application to a 6-inch layer of water less than 1/10 the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed as measured in test animals as minor or no discernible adverse effects on the physiology, growth, population levels, or reproduction rates of nontarget organisms, resulting from exposure to the product ingredients, their metabolites or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil.

(2) *Classification criteria for previously registered products.* All pesticide products registered by this Agency prior to October 21, 1974 have been assigned a Toxicity Category [see § 162.10(h)(1)]. Unless the applicant for reregistration submits or has submitted the toxicity data on the product use(s) required in paragraph (c)(1) of this section, the existing Toxicity Category determinations shall be used to establish whether the pesticide use(s) is a candidate for general or restricted use classification. Except as provided in paragraph (c)(4) of this section, specific use(s) of a product shall be classified for general use if the applicable criteria set forth in paragraph (c)(2)(i)-(iii) of this section are met. Otherwise, the product use shall be classified for restricted use unless a review of the labeling pursuant to paragraph (3) below indicates that the use may be classified for general use or the benefits from unrestricted use of the pesticide outweigh the risks of unrestricted use of the pesticide. Each of the separate criteria as set forth below must be applied for the product use(s) to be classified unless the formulation, packaging, or method of use of the product can reasonably be expected to eliminate the route of exposure.

(i) *Domestic applications.* A pesticide use(s) intended for domestic application shall be a candidate for general use classification if the pesticide formulation:

(A) Does not meet the criteria of Toxicity Category I or II; and

V40-129 JUL 3 75 XUM

(B) Causes, under conditions of label use, or widespread and commonly recognized practice of use, minor or no discernible subacute, chronic, or delayed effects on man or other nontarget organisms from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(ii) *Nondomestic applications.* A pesticide use(s) intended for nondomestic application shall be a candidate for general use classification if the pesticide formulation:

(A) Does not meet the criteria of Toxicity Category I; and

(B) Causes, under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible subacute, chronic, or delayed toxic effects on man or other nontarget organisms from single or multiple exposures to the product ingredients, their metabolites, or degradation products.

(iii) *Outdoor applications.* A pesticide use(s) intended for outdoor application will be a candidate for general use classification if it meets the applicable set of criteria set forth immediately above for either domestic or nondomestic application as appropriate, and if the pesticide:

(A) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels less than ⅛ the acute oral LD_{50} measured in mammalian test animals as specified in the Registration Guidelines.

(B) Occurs as a residue immediately following application in or on the feed of an avian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species at levels less than ⅛ the subacute dietary LC_{50} measured in avian test animals as specified in the Registration Guidelines.

(C) Results in a maximum calculated concentration following direct application to a 6-inch layer of water less than 1/10 the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed as measured in test animals as specified in the Registration Guidelines.

(D) The pesticide causes, under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible adverse effects on the physiology, growth, population levels, or reproduction rates of nontarget organisms, resulting from exposure to the product ingredients, their metabolites, or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil.

(3) ***Adequacy of label and labeling.*** The directions, warnings, and cautions for any product use(s) not meeting the criteria set forth in paragraphs (c) (1) and (2) of this section shall be further evaluated according to the criteria set forth below to determine the adequacy of the label or labeling to prevent unreasonable adverse effects on man or the environment. If these criteria are met, the labeling for the affected uses will be considered adequate to prevent unreasonable adverse effects on the environment without further regulatory restrictions, and the affected uses will be classified for general use. The criteria for evaluating labeling adequacy are as follows:

(i) To follow label directions, the user of a pesticide product would not have to perform complex operations or procedures requiring specialized training and/or experience;

(ii) Failure to follow the use directions in any minor way would result in minor or no discernible adverse effects;

(iii) Widespread and commonly recognized practices of use would not nullify label directions relative to prevention of unreasonable adverse effects on man and the environment;

(iv) The directions do not call for specialized apparatus, protective equipment or material unless they would be expected to be available to the general public;

(v) Following directions for use would result in only minor or no discernible adverse effects of a delayed or indirect nature, such as through bioaccumulation, persistence, or pesticide movement from the original application site, on nontarget organisms.

(4) *Other Hazards.* Any product use(s) which meets the general use criteria of paragraph (c) (1), (2), or (3) of this section shall nonetheless be classified for restricted use if the Agency determines that based on human toxicological data (including epidemiological studies), use history, accident data, monitoring data, or such other evidence as the Administrator identifies the product use(s) may pose a serious hazard to man or the environment which can reasonably be prevented by classification for restricted use.

(5) *Other regulatory restrictions.* Any product use(s) classified for restricted use under the provisions above may be limited to use by or under the direct supervision of a certified applicator. The Administrator may additionally or alternatively impose other restrictions by regulation. Such regulatory restrictions may include, but are not limited to, seasonal or regional limitations, limitation of use to approved pest management programs, or a requirement for monitoring of residue levels after use, and may be utilized to reduce human health and environmental hazards associated with persistent, bioaccumulative, or mobile, or highly toxic pesticides. Any such regulation shall be reviewable in the appropriate Court of Appeals upon petition of a person adversely affected filed within 60 days of the publication of such regulation in final form.

(d) ***Change in classification from general to restricted use.*** (1) ***Determination and notification.*** If the Administrator determines that a change in classification of any pesticide product use(s) from general to restricted use is necessary to prevent unreasonable adverse effects on man or the environment he shall, by certified mail, notify the registrant of such pesticide of such determination at least 30 days before reclassifying, and shall publish notice of the proposed reclassification in the FEDERAL REGISTER.

(2) *Appeal rights.* Within 30 days following publication of the notice in the FEDERAL REGISTER, the registrant, or a person adversely affected by the notice may request a hearing as provided for in section 6(b) of the Act and Part 164 of these regulations.

§ 162.12 Guaranty of pesticide.

(a) ***By whom given; Effect of guaranty.*** Any producer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells a pesticide a guaranty that the pesticide was lawfully registered at the time of sale and delivery to such person, and that the pesticide complies with all the requirements of the Act and the regulations in this part. Section 12(b)(1) of the Act provides that penalties for violation of section 12(a)(1) of the Act shall not apply to a person who establishes that he has received a guaranty as specified under the Act and these regulations, and that in such case the guarantor shall be subject to the penalty provisions.

(b) ***Reference to guaranty.*** No reference to a guaranty or suggestion that such a guaranty has been given shall be made in the labeling of any pesticide.

(c) ***Contents of guaranty.*** In order to afford effective protection, each guaranty must: Be signed by and contain the name and address of the registrant or person residing in the United States from whom the pesticide in the same unbroken package was purchased or received in good faith; and state that the pesticide was lawfully registered at the time of sale and delivery and that it complies with the other requirements of the Act.

(d) Scope of guaranty. A guaranty may be limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery; or it may be general and continuing, in which case, in its application to any shipment or other delivery of a product, it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guaranty.

(e) Expiration of guaranty. Any guaranty shall expire when the product is repacked or relabeled by the purchaser or when it becomes in violation of the Act or the regulations in this part after shipment or other delivery by the person giving the guaranty.

(f) Forms of guaranty. The following are suggested forms of guaranty:

(1) Limited form for use on invoice or bill of sale: _____ hereby

(Name of guarantor)

guarantees that the pesticide herein listed is lawfully registered with the United States Environmental Protection Agency and that it complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

_____

(Signature and post office address of guarantor)

_____.

(Date)

(2) General and continuing form:

The pesticides comprising each shipment or other delivery hereafter made by _____ (Name of _____, to or on the order of _____ guarantor)

_____

(Name and address of person receiving guarantee)

are hereby guaranteed to be lawfully registered with the United States Environmental Protection Agency and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

_____

(Signature and post office address of guarantor)

_____

(Date)

§ 162.13 Coloration and discoloration.

Section 25(c)(5) of the Act authorizes the Administrator to prescribe regulations requiring coloration or discoloration of any pesticide if he determines that such requirement is feasible and necessary for the protection of health and the environment. White pesticides hereinafter named and white products containing a substantial quantity of these pesticides shall be colored or discolored in accordance with this section. The Agency shall use the Munsell Book of Color as a color standard.

(a) *Coloring Agent.* The coloring agent must produce a uniformly colored product not subject to change beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage and must not cause the product to be ineffective or result in its causing damage to nontarget organisms when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 2 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Administrator, after opportunity for hearing, may permit other hues to be used for any particular purpose if he determines that use of the prescribed hues is not feasible for such purpose and is not necessary for the protection of health and the environment.

(2) Any pesticide specified in this part which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dryer as mothproofing agent, and which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, may be exempted by the Administrator from the requirements of Section 25(c)(5) of the Act and the requirements of this section.

(3) The pesticide sodium fluoride shall be exempt from the requirements of the Act and paragraph (c) of this section when:

(i) It is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods;

(ii) Coloration of the pesticide in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods;

(iii) The pesticide will not be present in such finished goods in sufficient quantities to cause injury to any person; and

(iv) The pesticide will not come into the hands of the public except after incorporation into such finished goods.

§ 162.14 Forms of plant and animal life and viruses declared to be pests.

(a) *General.* Section 25(c)(1) of the Act provides that the Administrator may declare a pest any form of plant or animal life (other than man and other than bacteria, viruses, and other microorganisms on or in living man or other living animals) which is injurious to health or the environment.

(b) *Pests declared.* Each of the following forms of plant and animal life and viruses is declared to be a pest when it exists under circumstances that make it deleterious to man or the environment:

(1) Vertebrate animals (other than man), including but not limited to mammals, birds, fish, amphibians, and reptiles.

(2) Invertebrate animals (other than internal parasites of living man or other living animals), including but not limited to insects and other arthropods, nematodes, and mollusks such as slugs and snails.

(3) Plants growing where not wanted, including mosses, liverworts, and all plants of higher orders, and plant parts such as roots.

(4) Microorganisms (other than those on or in living man or other living animals, and those on or in processed food, beverages, pharmaceuticals including cosmetics), including but not limited to algae, fungi, and bacteria.

(5) Viruses (other than those on or in living man or other animals and those on or in food, beverages, and pharmaceuticals including cosmetic).

§ 162.15 Devices subject to the act.

(a) *General.* Section 25(c)(4) of the Act provides that the Administrator may specify devices which are subject to any provision of paragraph 2(q)(1) or section 7 of the Act. Accordingly, any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals), but not including equipment used for the application of pesticides when sold separately therefrom, is subject to the requirements of paragraph (b) below.

(b) *Provisions Applicable to Devices.* Each device shall be subject to sections 2(q)(1)(A), (B), (C), (D), (E), (F), and (G) and those provisions of Section 7, and the regulations promulgated thereunder, necessary to effectuate the purposes of the Act.

§ 162.16 Pesticides requiring special packaging [Reserved].

§ 162.17 Registration requirement for intrastate products.

(a) *General.* Pesticide products currently registered under State pesticide registration laws and shipped or distributed for sale solely within intrastate commerce must be registered under the provisions of the Act and section 162.8(b) of these regulations, unless registered pursuant to section 24(c) of the Act and the regulations promulgated thereunder, provided, however, that the requirement of § 162.8(b)(2) for efficacy data may be waived on the basis of scientific data or findings and recommendations of a state agricultural experiment station or other state or federal agency authorized by law to conduct pesticide research, pest control activities or programs for the protection of environmental quality or natural resources, unless evidence comes to the attention of the Administrator that indicates that data regarding the efficacy of the pesticide product should be submitted. The Administrator may in addition initiate the waiver of another data requirement, in accordance with the standard of § 162.8(a)(3) in his notice to the applicant to submit a full application for federal registration, as specified in this paragraph (a). Within sixty (60) days of the effective date of this Part, each registrant of a product registered solely under State law must submit a notice of application for Federal registration. Each state registrant who submits such a notice will then be notified by the Agency when to submit a full application statement for Federal registration, including required supporting data as prescribed under Section 3 of the Act and this Part. Pending the final registration decision either approving or denying the registration application, the State registrant may continue to sell or distribute the product solely within intrastate commerce subject to the requirements of paragraph (f) of this section.

(b) *State Registration Authority.* A state may not issue any pesticide registration after the effective date of this Part except for pesticide registrations issued in accordance with section 24(c) of the Act and the regulations

V40129 JUL 3 75 XUM

promulgated thereunder. States may renew a registration provided that:

(i) The state registration was in effect on the effective date of this Part; and

(ii) The state registrant has submitted a notice of application pursuant to this section.

(c) *Intrastate Pesticide Products Currently Bearing No Valid State Registration.* Products currently being shipped, distributed, and sold solely within intrastate commerce and which are not legally required to be registered under State law must meet the registration requirement of the Act if the product is a pesticide as defined in the Act and § 162.3(ff) of this Part. No person may distribute, sell, offer for sale, hold for sale, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any such product until the product has been finally registered pursuant to the Act and regulations of this Part.

(d) *Contents of notice.* To meet the requirement of paragraph (a) above, each state registrant shall submit on forms provided by the Agency the following information for each affected product:

(1) The name and mailing address of the registrant;

(2) The name of the State in which the product is registered;

(3) The State registration number of the product;

(4) The product name;

(5) A list of the product's active ingredients in descending order of concentration;

(6) The type and broad use pattern of the product; and

(7) Two complete copies of the labeling as approved by the State.

(e) *Failure to Apply.* Failure to file an application notice of Federal registration within sixty (60) days of the effective date of this Part for products meeting the requirements of paragraph (a) above shall be a violation of section 12(a)(1)(A) of the Act.

(f) *Applicable Requirements Pending Registration Decision.* Any product meeting the requirements of paragraph (a) and for which a notice of Federal application has been submitted may be shipped or distributed within intrastate commerce pending a final approval or denial of the federal registration application subject to the following requirements of the Act and the regulations promulgated thereunder:

(1) Section 12(a)(1)(D), 12(a)(1)(E), in accordance with the definitions of:

(A) Sections 2(q)(1)(A), (B), (C), (D), (E), (F), and (G) (except as these sections relate to section 3(d) of the Act); and

(B) Sections 2(q)(2)(A), 2(q)(C) except (v), and 2(q)(2)(D).

(2) Section 12(a)(1)(F) except insofar as it relates to sections 25(c)(4), 12(a)(2)(A), (B), (C), (D), (G), (H), (I), (J), (K), (L), (M), (N), (O), and (P).

§ 162.18 [Reserved]

§ 162.19 [Reserved]

§ 162.20 [Reserved]

§ 162.21 Rules concerning certain pesticides.

(a) *Requirement of separate registrations.* (1) *Fertilizer-pesticide combinations.* At the option of the Administrator, fertilizer-pesticide combinations, in which the amount of fertilizer to be applied or percentage of fertilizer components varies and the application rate of the pesticide remains constant, may be registered as a single pesticide provided that the range proposed would not require modification in the precautionary labeling.

(2) *Paint-pesticide mixtures.* At the option of the Administrator, paint-pesticide combinations in which the only variation is in the type or color of the pigment may be registered as a single pesticide. The specific formulations must be submitted, and the colors may be specified as additional brand names.

(3) *Other pigment-pesticide mixtures.* At the option of the Administrator, pesticide products which have a variation in pigment, including but not limited to shelf paper and pet collars, in which the only variation is the type or color of the pigment, may be registered as a single pesticide. The specific formulation must be submitted, and the colors may be specified as additional brand names.

(b) *Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products.* (1) Test methods currently available to evaluate residual antimicrobial activity do not adequately simulate conditions of use. Until such time as acceptable tests are available that demonstrate antimicrobial activity by dry residues of pesticides against dry inocula of microorganisms, registrations for pesticides making claims as to residual bacteriostatic or self-sanitizing activity will be treated as outlined in paragraph (2) below. The provisions of paragraph (2) are also applicable to any claims of residual effectiveness against fungi which are pathogenic to man or other animals.

(2) (i) Claims for antimicrobial activity of chemical residues on surfaces that are likely to become wetted must be restricted to practical value which is likely to be provided and which can be associated with actual in-use situations, providing that data to substantiate such claims are submitted to the Registration Division, Office of Pesticide Programs, United States Environmental Protection Agency and are found to be acceptable.

(ii) Claims for residual bacteriostatic or self-sanitizing activity on surfaces that are likely to remain dry are not acceptable unless adequate data to substantiate the claims based on in-use or simulated in-use studies are submitted and found to be acceptable.

§ 162.22 Petitions to amend.

Several commenters argued that they have not been able to make full comments on the effect of the Regulations without an opportunity to review the Guidelines simultaneously. However, drafts of the Guidelines were circulated among all interested parties over the last two years. Industry and environmental groups have had ample opportunity to comment on each draft, several of which have been available during the comment period for the proposed regulations. The proposed Guidelines, which will be available for 60 days of comment very shortly are substantially the same as the last drafts which were circulated to the public. Although the Agency believes that these regulations and the Guidelines can be meaningfully reviewed independently, and that, in any event, the Guidelines have been available for review after proposal of the regulations, the Agency will receive comment during the Guideline comment period on those provisions in these regulations which directly relate to the Guidelines. Any such comments received during the 60 day comment period for the Guidelines which request modifications in those portions of these regulations directly related to the Guidelines will be treated as petitions to amend the regulations and should fully set forth the reasons for the proposed modification and the proposed modification itself. These comments should be sent in triplicate to: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 "M" St. SW., Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section, from 8:30 a.m. to 4 p.m., Monday through Friday.

§ 162.23 Effective date.

This part becomes effective on Aug. 4, 1975, with the following exceptions:

1. Applications for new registration and amended registration which have been received (on hand) or submitted (post marked) on or before the date of this publication, and are pending on the date of publication of these regulations, will continue to be processed to a decision regarding acceptance under the existing regulations. In those cases where the decision is to reject or deny the application, any resubmission will be processed under the regulations of this Part.

2. Applications for registration of new compounds or new products and for amendments to existing registrations submitted after the publication of these regulations, will not be accepted until after the effective date of these regulations.

3. Procedures to be followed by applicants for reregistration will be published in the FEDERAL REGISTER prior to the effective date of these regulations. Applications for reregistration may not be filed except in accordance with those procedures and the regulations of this Part.

4. Applications for supplemental registration of distributor products will continue to be processed under the existing regulations until the effective date of these regulations at which time they will be processed pursuant to the regulations of this Part.

[FR Doc.75-17018 Filed 7-2-75;8:45 am]

federal register

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 129

PART III

DEPARTMENT OF THE INTERIOR

Office of the Secretary

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Revised Requirements and Procedures

V40-129 JUL 3 75 XUM

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

The regulations of the Department of the Interior governing the conduct and responsibilities of regular and special employees of the Department are revised. The revision involves extensive reorganization and editing of regulations previously published, deletion of obsolete provisions and addition of new requirements and procedures related to conflict of interest matters. The specific new or expanded provisions of most significance include the following:

1. Section 20.735–3 prescribes new organizational responsibilities for administration of employee conduct and conflict of interest regulations.

2. Section 20.735–12 incorporates statutory restrictions applicable to specific bureaus of the Department into Departmental regulations.

3. Section 20.735–13 extends specific prohibitions of interests in certain industries or lands to employees of the Mining Enforcement and Safety Administration, Geological Survey and selected groups within the Office of the Secretary.

4. Section 20.735–14 includes revised restrictions related to the special interests of employees in Indian and Alaska Native organizations.

5. Section 20.735–21 establishes requirements for affected employees to certify that they are aware of and in compliance with the specific restrictions cited in sections 20.735–12 and 13.

6. Section 20.735–22 includes expanded criteria and procedures for filing of employee statements of employment and financial interest.

7. Section 20.735–23 includes expanded procedures for review and analysis of employee statements of employment and financial interest.

8. Section 20.735–24 describes actions which may be ordered to remedy a conflict or apparent conflict between an employee's official position and private interests.

9. Section 20.735–25 establishes new appeals procedures applicable to orders to remedy conflict or apparent conflict situations.

10. Section 20.735–43 establishes revised procedures for the filing of statements of employment and financial interests by special Government employees.

Paragraph 20.735–22(a) of the revised regulations provides that employees "* * * whose position is listed in Appendix C to this part shall file a statement of Employment and Financial Interest. (form DI–212)." The listing of positions published on December 6, 1974 (39 FR 42681), as an Appendix to 43 CFR 20.735 has not been revised. Pending revision of the listing and its publication as Appendix C, the Appendix published on December 6, 1974, shall remain in effect as the listing of positions for which statements are required.

Because Part 20 consists of rules of agency organization, procedure and practice, adoption of the revised Part 20 through the rulemaking procedure prescribed in 5 U.S.C. 553 is not required and the revised Part 20 is accordingly adopted without resort to that procedure. In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, on rulemaking procedures, interested persons may, however, submit written comments, suggestions, data or arguments concerning the revised Part 20 to the Director, Office of Audit and Investigations, U.S. Department of the Interior, Washington, D.C. 20240, on or before August 1, 1975. All such comments received will be given full consideration.

This revision of Part 20 was approved by the Civil Service Commission on June 18, 1975, and shall be effective July 3, 1975.

Dated: June 30, 1975.

STANLEY K. HATHAWAY,
Secretary of the Interior.

Subpart A—General Provisions

Sec.
20.735–1 Policy and general responsibilities.
20.735–2 Definitions.
20.735–3 Delegations of authority and channels for counseling.
20.735–4 Sanctions.

Subpart B—Conflict of Interest

20.735–11 Scope of subpart.
20.735–12 Statutory prohibitions.
20.735–13 Specific prohibitions imposed by regulation.
20.735–14 Indian and Alaska Native organizations.
20.735–15 Financial interests.
20.735–16 Outside work and interests.
20.735–21 Certificates of disclaimer.
20.735–22 Employees required to file statements of employment and financial interests: Manner of filing.
20.735–23 Review and analysis of statements.
20.735–24 Procedures for resolving conflicts of interest.
20.735–25 Appeals procedures.

Subpart C—Ethical and Other Conduct and Responsibilities of Employees

20.735–31 Scope of subpart.
20.735–32 Gifts, entertainment, and favors.
20.735–33 Teaching, lecturing, and writing.
20.735–34 Government property.
20.735–36 Indebtedness.
20.735–37 Specific types of conduct.

Subpart D—Special Government Employees, Responsibilities, Ethical and Other Conduct

20.735–41 Statutes relating to conflict of interest.
20.735–42 Restrictions upon special Government employees.
20.735–43 Statements of employment and financial interests.

Subpart E—Bibliography of Statutes

20.735–51 Miscellaneous statutory provisions and restrictions.

Appendices

Appendix A–1 Employee Certification—U.S. Geological Survey

Appendix A–2 Employee Certification—Bureau of Indian Affairs

Appendix A–3 Employee Certification—Bureau of Land Management

Appendix A–4 Employee Certification—Bureau of Mines

Appendix A–5 Employee Certification—Mining Enforcement and Safety Administration

Appendix A–6 Employee Certification—Office of the Secretary

Appendix B–1 Confidential Statement of Employment and Financial Interests (Form DI–212)

Appendix B–2 Confidential Statement of Employment and Financial Interests (Form DI–213)

Authority: The provisions of this Part 20 issued under E. O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964–1965, Comp.; 5 CFR 735.104; 5 U.S.C. 301.

Subpart A—General Provisions

§ 20.735–1 Policy and general responsibilities.

(a) *Purpose.* These regulations set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. The regulations are applicable to all regular and special employees of the Department. Exceptions to this general provision are stated in the specific section or paragraph to which they apply.

(b) *General policy.* Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Civil Service Commission regulations and Department regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Conformance with policy.* Employees are required to carry out the announced policies and programs of the Department. The right of employees to express personal opinions and points of view will be respected. Such opinions or points of view will not, however, reduce the employee's responsibility to effectively perform the duties which he or she is assigned. An employee is subject to appropriate disciplinary action if he or she fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of superiors having responsibility for his or her performance.

(d) *Bureau responsibility* (1) Heads of bureaus and offices authorized to take action under § 20.735–3 shall establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau or office. They shall be approved by the Department Ethics Counselor before they are issued.

(2) Copies of the regulations in this part shall be given to each employee and special Government employee upon entrance to duty. Each bureau and office shall remind its employees and special Government employees of the regulations in this part at least once annually, through a publication or memorandum issued to all employees. In addition, announcements of vacancies in those positions for which a statement of employment and financial interest is required (§ 20.735–22) will alert applicants to the filing requirement.

(e) *Employee responsibility.* It is the responsibility of employees to familiarize themselves, and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest employees may obtain authoritative advice and guidance from Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, or the Department Ethics Counselor (§ 20.735–3). In addition, policy and decision-making officials should be careful in dealing with representatives of private industry so as not to give an opinion or decision contrary to expressed Department or bureau policy. A memorandum of discussion may be prepared to document discussions with representatives of private industry for future reference.

(f) *Conduct codes of specific groups.* Special codes of conduct may be developed, or adopted if established by the profession in which the employee is engaged, by the Department for specific groups of employees engaged in the same occupation or profession. Special codes of conduct may be considered in cases where (1) the number of employees involved is large, or (2) the work is performed by members of the group with minimum direct supervision. Proposals for special codes of conduct including procedures for their implementation will be submitted to the Department Ethics Counselor for approval. The Office of Organization and Personnel Management and the Office of the Solicitor shall concur in such codes before they are issued.

§ 20.735–2 Definitions.

"Bureau." Refers to program-oriented organization of the Department of the Interior, such as the Geological Survey, Bureau of Mines, or the Mining Enforcement and Safety Administration.

"Office." Refers to the specific offices to which authority to administer employee conduct regulations is delegated by § 20.735–3.

"Employee." Refers to a regular officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 days.

"Executive Order." Refers to Executive Order 11222 of May 8, 1965.

"Special Government Employee." Refers to an employee or officer of the Department of the Interior who is retained, designated, appointed, or employed to perform temporary duties with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis (18 U.S.C. 202).

§ 20.735–3 Delegations of authority and channels for counseling.

(a) *Designation of Ethics Counselors.* (1) The Assistant Secretary-Management is responsible for administering the regulations governing the conduct and responsibilities of employees in the Department of the Interior. The Assistant Secretary-Management shall designate a Department Ethics Counselor who shall:

(i) Provide advice, assistance, and guidance to all levels of Ethics Counselors within the Department.

(ii) Monitor the conflict of interest program, using reports requested of bureaus and offices and periodic audits performed by the Office of Audit and Investigation. These audits will be conducted on a cyclical basis to ensure that each bureau or office is reviewed at least once every three years or upon request of the Department Ethics Counselor.

(iii) Review statements of employment and financial interests for those Department employees cited in § 20.735–22(c)(1).

(iv) Elect to exercise, for reasonable cause, the authorities and responsibilities of any other Ethics Counselor within the Department either for the duration of an individual case or totally for a period not to exceed six months.

(2) Each bureau head, the Solicitor, the Director of the Office of Hearings and Appeals, and the Director of the Office of Water Research and Technology are designated as Ethics Counselors. Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus or offices.

(3) Each Ethics Counselor shall designate the Bureau Personnel Officer (or other qualified headquarters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus or offices under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situations, and answering employee conduct questions.

(4) Each Ethics Counselor may also designate regional or area personnel officers (or other qualified employee) as Assistant Ethics Counselors to perform the operational duties of the Ethics Counselor at the field office level. Assistant Ethics Counselors may be designated within the bureau or office headquarters provided the Department Ethics Counselor concurs in the need for such Assistants.

(5) The Chief, Division of Personnel Services, Office of Secretarial Operations, is designated Deputy Ethics Counselor for employees and special Government employees of the Office of the Secretary and other offices for which personnel services are provided by this division. The Assistant Secretary-Management shall perform the functions of a bureau or office Ethics Counselor with respect to these employees. The Office of Hearings and Appeals, the Office of the Solicitor, the Office of Water Research and Technology, and those employees identified specifically within the responsibilities of the Department Ethics Counselor are excluded from the provisions of this paragraph.

(b) *Channels for counseling.* (1) Each employee and special Government employee shall be informed annually by the bureau or office head of the name, address, and telephone number of the Ethics Counselor whom he or she may contact.

(2) It is the Department's policy to encourage responsible disposition of counseling requests at the level at which they are first received. Ethics Counselors, if located in the field, may seek advice from Regional Solicitors, or from the Associate Solicitor for General Law if located in Washington, D.C. Matters of unsual significance or complexity may be referred through channels to the Department Ethics Counselor.

(3) Employees may also request counseling assistance from the Regional Solicitors or the Associate Solicitor for General Law, as appropriate. Such requests will be made through the Ethics Counselor serving their office.

§ 20.735–4 Sanctions.

Violations of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Such disciplinary action shall be taken in accordance with applicable laws, Executive Orders, or regulations (see Federal Personnel Manual and additions thereto).

Subpart B—Conflict of Interest

§ 20.735–11 Scope of subpart.

(a) *Content.* This subpart prescribes policies and procedures for the avoidance of conflicting interests in connection with an employee's Government position or in the discharge of his or her official responsibilities, and sets out the requirements for reporting and reviewing financial interests and outside employment.

V 40 I 129 JUL 3 75 XUM

(b) *Types of requirements.* All employees are subject to two types of requirements in connection with apparent or actual conflicting financial interests. One is a criminal statute, 18 U.S.C. 208, which by its terms prohibits participation by any employee in certain official activities where he or she has a conflicting personal financial interest. Other requirements have been established under Executive Order 11222. The Executive Order and Civil Service Commission regulations require that employees occupying certain Government positions must report all personal interests and outside employment by filing a statement of employment and financial interests. The statute and the Executive Order have the common objective of deterring the occurrence of conflicting financial interest situations. The statute prohibits and punishes, while the Executive Order requires the statement of employment and financial interests which is intended to serve as an aid to the employee,and those who review his or her statement in avoidance of the conflicting situation through advice and counseling.

(c) *General applicability.* The requirements of 18 U.S.C. 208 apply to all employees of the Department notwithstanding the requirement under this subpart for filing a statement of employment and financial interests by certain employees. All employees shall avoid acquiring a financial interest or taking any action that could result in a violation of 18 U.S.C. 208 or of these regulations.

§ 20.735–12 Statutory prohibitions.

(a) The statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are sections 203, 205, 207, 208, and 209 of Title 18 of the United States Code. The Department of Justice, in a memorandum of January 28, 1963 (28 FR 985; 18 U.S.C. 201, note) summarized the main provisions of conflict of interest laws as follows:

> A regular officer or employee of the Government—that is, one appointed or employed to serve more than 130 days in any period of 365 days—is in general subject to the following major prohibitions (the citations are to the new sections of Title 18 of the United States Code):
>
> 1. He may not, except in the discharge of his official duties represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).
>
> 2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).
>
> 3. He may not, after his Government employment has ended represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).
>
> 4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restraint described in paragraph 3 if the matter is one in which he participated personally and substantially.
>
> 5. He may not receive any salary, or supplementation of his Government salary, from a private source as compensation of his services to the Government (18 U.S.C. 209).

(b) In addition to the general provisions contained in Title 18 U.S.C. the following restrictions are imposed specifically on selected Department of the Interior employees by other statutes.

(1) 43 U.S.C. 11 applies to the Bureau of Land Management employees. Section 11 provides:

> The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

An employee, or the spounse of an em-1 An employee, or the spouse of an employee, stationed in Alaska may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska.

(2) 30 U.S.C. 6 imposes certain restrictions upon Bureau of Mines employees. Section 6 provides:

> In conducting inquiries and investigations authorized under sections 1, 3, and 5 to 7 of this Title neither the Director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property.
>
> Nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed $10 per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

(3) 43 U.S.C. 31(a) imposes certain restrictions upon Geological Survey employees. Section 31(a) provides in part:

> The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

Employees of the Geological Survey are restricted by section 31(a) from holding personal or private interests, direct or indirect, in lands whose title is in the United States. They are also restricted from holding personal or private interest, direct or indirect, in the mineral wealth of such lands. This latter provision is extended by 20.735–13(b) to restrict employees of the Geological Survey from holding substantial personal or private interests, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

(4) 25 U.S.C. 68, which concerns trading with Indians provides:

> No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of $5,000, and shall be removed from his office.

§ 20.735–13 Specific prohibitions imposed by regulations.

(a) *Mining Enforcement and Safety Administration employees.* Neither the Administrator nor any member of the Mining Enforcement and Safety Administration shall have any personal or private interest, direct or indirect, in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property. Nothing herein shall be construed as preventing the temporary employment by the Mining Enforcement and Safety Administration in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by the Mining Enforcement and Safety Administration. The Administrator of the Mining Enforcement and Safety Administration may authorize exceptions to this restriction on an individual basis for cause.

(b) *Geological Survey employees.* In addition to the statutory restrictions cited in § 20.735–12(b)(3), employees of the Geological Survey shall not hold substantial personal or private interests, direct or indirect, in any private mining enterprise doing business in the United States. The Director of Geological Survey may authorize exceptions to this restriction on an individual basis for cause.

(c) *Office of the Secretary.* The statutory restrictions quoted in § 20.735–12(b) shall also apply to the employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a statement of employment and financial interests. The Secretary may authorize exceptions to these restrictions for individual employees or a class of employees for cause.

§ 20.735–14 Indian and Alaska Native organizations.

(a) *General restrictions.* Indian and Alaska Native employees are subject to the general restrictions on financial interests set forth in § 20.735–15 and on outside work set forth in § 20.735–16.

(b) *Special conditions.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs are members of federally recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. Additionally, by operation of law and policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and is pursuing a policy of Indian Self-Determination. In recognition of these factors, membership in an Indian tribe, band or pueblo which receives services from Interior or ownership of interests in an Indian or Alaska Native corporation established under the Indian Reorganization Act or the Alaska Native Claims Settlement Act shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) An Indian or Alaska Native employee of the Bureau of Indian Affairs may not serve as an officer or representative of his or her tribe, band, pueblo or corporation if the tribe, band, pueblo or corporation is within the jurisdiction or area of responsibility of the office to which the employee is assigned.

(2) An Indian or Alaska Native employee of the Department shall not make nor participate in a substantial manner in any decision of the Department if he has a private direct interest as defined in § 20.735–15(b) in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department which does not have such private direct interest in an appropriate form but without recommendation by the employee having a private direct interest.

(3) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department except employees or consultants who are members of boards or other organization which have as a principal purpose consultation with the Department or Bureau of Indian Affairs on the programs and policies of the Department related to Indians and Alaska Natives.

(4) The terms "officer or representative" as used in this section mean the occupant of an elective or other position in the official governing body of the tribe, band, pueblo or corporation or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

(c) *Exceptions.* The Commissioner of Indian Affairs may make exceptions to the restrictions contained in this section when circumstances justify. Criteria and procedures for such exceptions shall be published by the Commissioner with the approval of the Department Ethics Counselor and provided to the Indian and Alaska Native organizations to which the restrictions apply.

§ 20.735–15 Financial interests.

(a) No Department employee shall:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities.

(2) Engage in, directly or indirectly, a financial transaction resulting from, or primarily relying on, information obtained through his or her Government employment.

(3) Have an interest in a contract with the Government or with the Indians for the purchase, transportation, or delivery of goods or supplies for the Indians (18 U.S.C. 437). While Federal employees may, under regulations of the Secretary, purchase products, services or commodities from Indians, such purchases may not be made for the purposes of resale (25 U.S.C. 87(a)).

(b) Definitions:

"Apparent Conflict." A situation where a reasonable member of the public could suppose an employee to be in conflict, even though he or she might not be.

"Conflict." A situation where an employee's public duty is or will be affected by his or her interest, such as when the employee owns or has an interest in a company, land, or other entity, which is or will be affected by operations or decisions he or she makes or in which he or she is involved.

"Direct Interest." Ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest includes the holdings of a spouse and minor child. The holdings of other relatives who live in the employee's home are also considered to be direct interest of the employee.

"Indirect Interest." Ownership of a financial interest by an employee in the name of another person where the employee still reaps the benefits. This is considered the same as a Direct Interest insofar as these regulations are concerned (except as qualified by § 20.735–24(a)(3) and (4)).

§ 20.735–16 Outside work and interests.

(a) *Policy.* Outside work is permitted to the extent that it does not prevent an employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the Department or tend to create a conflict between the private interests of an employee and the employee's official responsibilities. The employee's outside work shall not reflect discredit on the Government or the Department.

(b) Definitions:

"Active Proprietary Management." An outside work business affiliation in which ownership is coupled with responsibility for day to day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

"Outside Work." All gainful employment other than the performance of official duties including but not limited to self-employment, working for another employer, the management or operation of a private business business for profit (including personally-owned businesses, partnerships, corporations, and other business entities).

(c) *Restrictions.* (1) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her Government employment. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest falls in this category. Incompatible activities include but are not limited to outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This includes acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.

(3) A Bureau of Mines or Mining Enforcement and Safety Administration employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration.

(4) A Geological Survey employee may not work on any surveys or examinations for private parties or corporations with or without remuneration.

(5) Active proprietary management of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their Ethics Counselors before committing themselves to such activities.

(6) An employee shall not perform outside work:

(i) Which is of such a nature that it may be reasonably construed by the public to be the official act of the Department; or

(ii) Which involves the use of Government facilities, equipment, and supplies of whatever kind; or

(iii) Which involves the use of official information not available to the public.

(7) While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he or she performs for the Government, no employee may perform outside work:

(i) If the work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) If the work involves active proprietary management of a business closely related to the official work of the employee; or

(iii) If the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

V 40 I 129 JUL 3 75 XUM

(8) A Government employee shall not use his or her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person particularly one with whom he or she has family, business or financial ties.

(9) This section does not preclude an employee from:

(i) Participation in the activities of national or state political parties which are not otherwise prohibited by law (§§ 20.735–37 (i) and (j)); or

(ii) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 20.735.21 Certificates of disclaimer

Each employee covered by the restrictions in § 20.735–12 and § 20.735–13 will sign a certificate upon entrance to duty or upon transfer between bureaus or offices indicating that he or she is aware of the restrictions pertinent to his or her employment and that he or she is in compliance with such restrictions. Each employee currently employed and covered by one or more of the restrictions in § 20.735–12 and § 20.735–13 will sign such a certificate within 120 days of the effective date of these regulations unless the head of the bureau or office concerned determines that a similar certificate previously signed by the employee is adequate. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action under the provisions of § 20.735–23 through 25. (See Appendix A for applicable certificate.)

§ 20.735–22 Employees required to file statements of employment and financial interests: Manner of Filing.

(a) *Who shall file.* Each employee whose position is listed in Appendix C to this part shall file a Statement of Employment and Financial Interests (form DI–212). The head of each bureau or office will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than April 30 of each year. The Secretary may revise Appendix C by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of law, the Executive Order, the Civil Service Commission regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents that the change affecting their position has been approved by the Civil Service Commission. The amended Appendix C shall be submitted annually for publication in the FEDERAL REGISTER. Employees are and shall be included in the Appendix C pursuant to the following criteria:

(1) Employees paid at a level of the Federal Executive Schedule in subchapter II of chapter 53 of Title 5, United States Code.

(2) Employees in administrative law judge positions regardless of pay level.

(3) Employees classified at GS–13 or above (or comparable pay level) who are in positions whose duties and responsibilities require making a Government decision or taking a Government action which could result in a conflict of interest. Examples (not all-inclusive) of such duties are:

Contracting and procurement.

Administering or monitoring grants, loans or subsidies.

Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.

Regulating, auditing, or inspecting private or other non-Federal enterprise.

Recommending policy for private or other non-Federal enterprise.

Sitting on special committees that may influence policies on private or other non-Federal enterprise.

Appraising or acquiring real estate for the Government.

Enforcing Federal laws.

Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(4) Employees in other positions classified at GS–13 or above (or comparable pay level) who are in positions whose duties and responsibilities may create an appearance of a conflict of interest. Presidential Interchange Executives and other employees on loan to the Department from industry or other non-Government agency are included under this requirement. Others which may be included are those positions involving such duties as the following:

Participation in the decision-making process on matters that may affect private or other non-Federal enterprise.

Planning or developing activities that may affect private or other non-Federal enterprise.

Reviewing results of operations.

Meeting with public media personnel or preparing and disseminating public information.

Supervising others who must file employment and financial interest statements.

Analyzing or reviewing economic data relating to or of potential value to non-Federal enterprise.

Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(5) Employees classified at GS–12 or below who are in positions that meet the criteria for positions at GS–13 or above and also:

Who have duties similar to those of a GS–13 in the same occupation in those areas of responsibility where a significant potential for conflict of interest exists.

Who function with a minimum of supervision either because of the nature of their job or because of remote location.

Who make Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(6) Filing by employee on temporary assignment or detail.

(i) In some instances, temporary assignments or details will involve employees in policy or decision-making situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in the appendix to this regulation, or because the bureau or office head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for conflict or possible conflict with the employee's new duties.

(iii) Each bureau or office is responsible for implementing § 20.735–22(a)(6)(ii) so that statements are filed or updated and reviewed. Assignments of 30 days or less are exempt from the requirement.

(b) *When to file.* Each employee required to file a statement of employment and financial interest shall file such a statement on Form DI–212. (See Appendix B.) The Ethics Counselors shall notify each such employee and furnish the form to the employee by June 15 of each year. The employee shall file a completed statement of employment and financial interest with the appropriate Ethics Counselor:

(1) By no later than July 31 of each year showing holdings and interests as of June 30, or

(2) Within thirty days after notification that his or her position has been added to the list in Appendix C, or

(3) At the time of entrance on duty if a new employee. Persons transferring between bureaus or offices will be treated as new employees.

(c) *Where to file.* (1) The Department Ethics Counselor, his or her immediate supervisor, and the Assistant Secretary-Management will file statements with the Under Secretary.

(2) Persons in the following positions will file statements with the Department Ethics Counselor: The Under Secretary; Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitor; Assistant and Deputy Assistant Secretaries; Heads of bureaus and offices; the High Commissioner and Deputy High Commissioner of the Trust Territory; the Governor and Secretary of American Samoa; and such others as the Secretary may designate.

(3) Employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitor) will file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Employees in the Office of Hearings and Appeals (except for the Director) will file statements with the Director, Office of Hearings and Appeals or the Deputy Ethics Counselor for the Office of Hearings and Appeals as the Director may direct.

(5) Employees in the Office of Water Research and Technology (except for the Director) will file statements with the Director, Office of Water Research and Technology or the Deputy Ethics Counselor for the Office as the Director may direct.

(6) Employees and special Government employees in the Office of the Secretary and in other Department offices, except those employees mentioned in paragraph (c) (1), (2), (3), (4), and (5), of this section will file statements with the Chief, Division of Personnel Services, Office of Secretarial Operations.

(7) Employees and special Government employees in bureaus (except for the head of the bureau) will file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor as the head of the bureau may direct.

(d) *What to report.* (1) Employees will report all information required on form DI–212 (Appendix B–1). An employee is not required to report connection with, or interest in:

(i) A professional society.

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(2) Except where organic act restrictions apply, either by statute or regulation (§ 20.735–12 and 13), an employee may also exclude:

(i) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry.

(ii) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(3) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans must be reported by employees on form DI–212. Such interests shall be reviewed on a case by case basis to assure that they do not place the employee in a conflict or appearance of conflict situation.

(4) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his behalf of form DI–212 to the appropriate Ethics Counselor. This requirement may be waived for holdings in an approved blind trust (§ 20.735(a)(3)).

(e) Confidentiality of employees' statements.

(1) Each statement of employment and financial interests is a "Nonsecurity Confidential" document and will be held in confidence. The statement will be transmitted in a blue envelope so marked by the employee to the Ethics Counselor designated in paragraph (c) of this section. Ethics Counselors are responsible for maintaining the statements in strict confidence. Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities assigned by these regulations or specific law.

(2) Statements of employment and financial interest will be retained by the Ethics Counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be notified when the review has been completed. All statements shall be destroyed two years after an employee leaves a position in which a statement is required or two years after the employee leaves the Department, whichever is earlier.

§ 20.735–23 Review and analysis of statements.

(a) Each employee and special Government employee statement shall be reviewed by the Ethics Counselor with whom it is filed by no later than August 31 of each year to ensure that the employee is in compliance with these regulations. The Ethics Counselor may consult with the Regional Solicitor, or the Division of General Law of the Office of the Solicitor in Washington, as the case may be (§ 20.735–3(b)(2)), in the conduct of the review. The Ethics Counselor will exercise judgment and reasonableness in reviewing statements, but will be alert to potential conflicts, actual conflicts, or apparent conflicts which may be indicated.

(b) In the event that an employee's statement of employment and financial interest reflects a potential conflict, conflict, or apparent conflict, the Assistant or Deputy Counselor shall endeavor to resolve the matter informally with the employee. If it cannot be so resolved, the employee's statement, and a full report of efforts made to determine the existence or non-existence of conflict and to resolve it shall be referred to the bureau or office Ethics Counselor for appropriate action under § 20.735–24.

(c) The Department Ethics Counselor shall be advised by memorandum of the final disposition of each employee's statement of employment and financial interest which reflects a potential conflict, conflict, or apparent conflict. Such reports are required from each Assistant, Deputy or bureau or office Ethics Counselor reviewing the statement.

(d) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to a final determination.

(e) Each bureau and office shall certify to the Department Ethics Counselor that all required reviews of statements have been completed. Certificates are required annually by no later than September 15.

§ 20.735–24 Procedures for resolving conflicts of interest.

(a) *Remedial action to affect resolution.* Violations of the regulations in this part, including the statutory regulations which are incorporated, by an employee or special Government employee may be cause for mandatory remedial action. If the bureau or office Ethics Counselor decides that remedial action is required, immediate action shall be initiated to eliminate the conflict or appearance of conflict of interest within a reasonable time, generally ninety days. Remedial action may include any of the following actions:

(1) *Reassignment or restriction of the employee.* If an employee is in a job where there is a conflict of interest, it may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of interest is ordered.

(2) *Divestiture of the interest.* If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the bureau or office Ethics Counselor may order the employee to divest himself/herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met.

(3) *Establishment of a Blind Trust.* The Department Ethics Counselor may allow an employee the option to place holdings in a blind trust. A blind trust is established when by written agreement, the employee gives complete control and legal title to a trustee. Employees are permitted to use a blind trust unless such an action is specifically precluded by a statutory restriction (§ 20.735–12). In order to be acceptable as a remedy for a conflict of interest situation, the blind trust must meet the following conditions:

(i) Employees shall have no knowledge of and no control over the holdings in the trust.

(ii) Employees must direct the trustee to divest the corpus of those holdings which created the conflict of interest. Such divestiture is required as soon as reasonably possible.

(iii) Employees must direct the trustee not to acquire holdings which would or could create a conflict of interest situation.

(iv) The agreement must cover all required matters and must be approved in advance by the Department Ethics Counselor and the Office of the Solicitor.

V40129 JUL 3 75 XUM

(4) *Other forms of trust.* Employees who have preexisting trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-case basis received authorization to continue the trust provided the employee has no control over its management or assets.

(b) *Authority to order remedial action.* (1) Each bureau or office Ethics Counselor is authorized and shall order resolution of conflict of interest situations within their bureaus and offices. The advice of the Solicitor or Department Ethics Counselor may be sought before such an order is issued. This authority may not be redelegated.

(2) The Assistant Secretary-Management will be responsible for ordering resolution of conflict of interest situations for employees who file with the Chief, Division of Personnel Services, Office of Secretarial Operations (§ 20.735–22(c)(4).

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary (§ 20.735–22(c)(1) or the Department Ethics Counselor (§ 20.735–22(c)(2) except for situations involving himself or herself and Assistants to the Secretary.

(4) The Secretary shall order resolution of conflict of interest situations involving the Under Secretary and Assistants to the Secretary.

(c) *Disciplinary action.* An employee who refuses to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action including suspension or removal from his position as provided by § 20.735–4.

§ 20.735–25 Appeals procedures.

(a) *Employee's complaint on filing requirement.* Any employee required to file a statement of employment and financial interest under § 20.735–22 shall be given an opportunity for review through the Department's grievance procedure as to whether his or her position has been improperly included.

(b) *Employees complaint on conflict of interest decision.* (1) An employee has the right to appeal an order for remedial action under § 20.735–24 and shall have 30 days to exercise this right before any disciplinary action is initiated. Appeals shall be made in writing.

(2) Orders for remedial action issued by a bureau or office Ethics Counselor may be appealed to the Assistant Secretary-Management whose decision shall be final.

(3) Orders for remedial action issued by the Assistant Secretary-Management may be appealed to the Under Secretary, whose decision shall be final.

(4) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(5) Each appeal shall be considered by a review board consisting of the Department Ethics Counselor, a representative of the Solicitor, and a representative of the Office of Organization and Personnel Management. The review board shall:

(i) Obtain from the appropriate Ethics Counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all information, exhibits or documents which he or she feels should be considered before a final decision is made.

(iii) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(6) An employee may request that a final decision made under the procedures in this paragraph be reviewed through the Department's grievance procedures.

Subpart C—Ethical & Other Conduct and Responsibilities of Employees

§ 20.735–31 Scope of Subpart.

(a) *Standards of conduct.* This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of employees in the discharge of their official responsibilities. Civil Service regulations state that any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct on the part of a Federal employee is cause for his or her removal from the service of the Government. Employees are expected to maintain high standards of ethical, moral, and other conduct and to avoid any actions which could reflect adversely on the Department or the Government service or which would jeopardize the employee's effectiveness in dealings with his peers, supervisors, and the public.

§ 20.735–32 Gifts, entertainment, and favors.

(a) *Soliciting or accepting gifts.* Except as provided in paragraph (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with this Department;

(2) Conducts operations or activities that are regulated by this Department; or,

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duty.

(b) *Voluntary donations.* Except as specifically authorized by law, employees are not authorized to accept on behalf of the United States voluntary donations from private sources for travel expenses in the form of cash, or of services in kind, such as hotel accommodations. Bona fide reimbursement for actual expenses for travel and such other necessary subsistence may be accepted if no Government payment or reimbursement is made. However, an employee may not be reimbursed or payments made for him for excessive personal living expenses, gifts or entertainment or if such reimbursement is prohibited by law relating to the specific situation in which it is offered. An employee who is officially directed to participate in a convention, seminar, or similar meeting of an association on an active duty basis and is authorized to receive per diem and other travel expenses from the Government, shall not accept travel, subsistence, or payment of other expenses from the association or outside organization (46 CG 689).

(c) *Exclusions.* (1) The prohibitions of subparagraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans;

(4) An employee may accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value.

(d) *Actions to be avoided.* An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(e) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as a marriage, illness, or retirement.

(f) *Gifts from foreign government.* An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. It is Congressional policy that employees and their families shall not accept or retain gifts except under the following circumstances:

(1) When the gift is of minimal value and the gift is tendered as a souvenir or mark of courtesy;

(2) When refusal of a gift of more than minimal value would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States it may be accepted. However:

(i) If gifts of more than minimal value are accepted they shall not be retained. They must be deposited with the Chief of Protocol, Department of State, unless he has authorized the Agency to retain the gift for official use (22 CFR 3.5).

(ii) If a gift of more than minimal value is tendered in the form of travel or accommodation expenses, the offer should be referred to the Department of State for handling in accordance with the authorities of that Department.

(iii) "Minimal value" is defined as a retail value that would not exceed $50 in the United States.

§ 20.735–33 Teaching, lecturing and writing.

(a) *General Policy.* Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by law, the Executive Order, Civil Service regulations or the regulations of this part.

(b) *Using information obtained because of employment.* An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public, or when the Secretary of the Interior or his designee gives written authorization that use of non-public information is in the public interest.

(c) *Preparing persons for examinations.* An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Civil Service Commission or the Board of Examiners for the Foreign Service.

(d) *Officers and officials.* The Secretary, the Under Secretary, Assistant Secretaries, heads of bureaus and other Department officers, and key full-time officials who report directly to the Secretary as his principal assistants, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject of which:

(1) Is devoted substantially to the responsibilities, programs, or operations of this Department; or

(2) Draws substantially on official data or ideas which are not part of the body of public information.

§ 20.735–34 Government property.

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to their individual use or in connection with their official duties. It is their responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government vehicles.* Employees shall not use or authorize the use of a Government-owned or leased motor vehicle for other than official purposes. (Interior Property Management Regulations 114–38.50.)

(c) *Misuse of Government aircraft.* Employees shall not use or authorize the use of a Government owned or leased aircraft for other than official purposes. (Interior Property Management Regulation 114–38.5312).

§ 20.735–36 Indebtedness.

(a) *Employee responsibility.* An employee:

(1) Should pay each just financial obligation (one either acknowledged by the employee or reduced to judgment by a court);

(2) Must refund salary overpayments, travel expense advances, and pay income taxes when due so as not to embarrass the Department;

(3) Must pay a final determination of indebtedness for state or local taxes so as to prevent embarrassment to the Department.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department, or any bureau or office, determine the validity or amounts of disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he shall inform the creditor or collector that he is not allowed to transact private business during official hours and that any discussions must be held after hours and away from Department premises.

(d) *Disciplinary action.* An employee may be subject to removal if his failure to meet just financial obligations becomes chronic or causes an embarrassment to or places undue burden on the Department. A decision to remove an employee for these reasons must be taken with full consideration for any extenuating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

§ 20.735–37 Specific types of conduct.

(a) *Negotiations for employment.* It is the policy of the Department that employees shall not negotiate for future non-Federal employment with persons or organizations having business with the Department which the employee is called upon to officially render advice on or make judgments about. In the event that an employee desires to negotiate for such employment, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate Ethics Counselor. If the supervisor and the Ethics Counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize the employee to proceed to negotiate.

(b) *Selling or soliciting.* Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by the Department without proper permission.

(c) *Gambling activity.* An employee shall not participate while on duty for the Government in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket. However, this paragraph does not preclude activities:

(1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(d) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees, except when officially sponsored by the Department, are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(e) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(f) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess is subject to removal (5 U.S.C. 7352). Disciplinary action will be considered if an employee rejects or ignores treatment or other appropriate assistance.

(g) *Community and professional activities.* Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed or of the Department. However, such participation must not affect adversely an employee's performance at his regularly assigned duties.

(h) *Budget estimates and legislation.* Since the enactment of the Budget and Accounting Act of 1921, it has been Executive policy to consider budget estimates transmitted to the Congress with the approval of the President to be binding upon the executive departments and agencies. Employees are expected to conform to this policy by refraining from efforts to promote an increase in the Department budget as approved by the President. Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Department authority. It should be clearly understood, however, that nothing in this policy is to be considered as restraining or interfering with the obligation of employees to respond freely and candidly to any congressional

V40-129 JUL 3 75 XUM

inquiries made of them in regard to appropriations or related matters.

(i) *Political activity.* Subchapter III of Chapter 73 of Title 5, United States Code (formerly referred to as the Hatch Act) states generally that employees may not use their official authority or influence for the purpose of interfering with an election or affecting its results, and they may not take an active part in political management or in political campaigns. An employee is subject to dismissal for violation. (5 CFR Part 733 and Chapter 733, Federal Personnel Manual.) Information regarding the prohibition against employees engaging in political activity, including certain exceptions, is contained in Pamphlet 20 "Political Activity of Federal Officers and Employees", issued by the Civil Service Commission.

(j) *Political affiliation.* Under the Civil Service regulations, no person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive Branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his political affiliation (5 CFR, Part 733, and Chapter 733, Federal Personnel Manual).

(k) *Equal employment opportunity policies.* It is the policy of the Federal Government that there shall be no discrimination based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness.

(l) *Nepotism.* Employment by reason of blood or marriage relationships rather than merit is prohibited. No employee shall supervise a member of his family except in emergency situations such as forest fires, floods, earthquakes, or at isolated field stations or where there is a shortage of quarters. Exceptions in other situations may be made with the approval of the head of the bureau or office. (Regarding summer employees, refer to current Department directives.)

(m) *Employee organizations.* An employee may not be a member of an organization of Government employees that advocates the overthrow of our constitutional form of government in the United States (5 U.S.C. 7311). Employees are also prohibited from striking against the Federal Government. Further information regarding employee affiliation with employee organizations is found in the Departmental Manual, Part 370, Chapter 711, Labor Management Relations.

(n) *Patents.* Patent regulations issued by the Secretary, 43 CFR 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the Department. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor, through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his materials.

(o) *Practitioners.* The Department has adopted regulations and restrictions applicable to individuals who practice before the Department. These are included in 43 CFR 1. Former officers or employees, including special Government employees, cannot practice at any time with regard to matters in which they participated personally and substantially as a Government employee through decision, approval, disapproval, or recommendation. Also, if a period of one year has not passed since the termination of their employment with the Government, they cannot practice with regard to any matter that was under their official responsibility.

(p) *Notary.* An employee is prohibited from charging fees for performance of any notorial act for any employee of the Federal Government in his official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(q) *Franking Privilege and Official Stationery.* An employee is prohibited from using Government franked envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719).

(r) *Fraud or False Statements in a Government matter.* Employees are responsible for certification on Government documents issued by them. Special attention is required in the Certification of Time and Attendance Reports, Applications for Employment, Requests for Travel Reimbursement, and Purchase Orders and Receiving forms (18 U.S.C. 1001).

(s) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property or equipment; nor use Government purchase authority, even though reimbursement is made, for personal acquisitions (18 U.S.C. 641, 643, and 654).

(t) *Use of Official Title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public groups activities. Use is strictly limited to those occasions and circumstances where representation is official.

(u) *Carrying of Weapons.* Employees, except those specifically designated to perform enforcement, police or similar duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior. Notwithstanding this paragraph, employees may carry firearms on Interior lands under the same conditions and in accordance with procedures and authorization established for members of the general public.

Subpart D—Special Government Employees Responsibilities, Ethical and Other Conduct

§ 20.735–41 Statutes relating to conflict of interest.

The Department of Justice in a memorandum of January 28, 1963, (28 FR 985; 18 U.S.C. 201 note), summarized the major provisions of the conflict of interest laws insofar as special Government employees are concerned as follows:

1. (a) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205).

(b) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in subparagraphs (a) and (b) apply to both paid and unpaid representation of another. These restrictions in combination are, of course, less extensive than the one described in the corresponding paragraph 1 in the list set forth above with regard to regular employees.

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restriction described in paragraph 3 if the matter is one in which he participated personally and substantially.

§ 20.735–42 Restrictions upon special Government employees.

In most instances, special Government employees are subject to the Federal statutes relating to standards of conduct the same as regular employees. Although all these statutes are not referenced in these regulations, the more pertinent ones are listed § 20.735–51(a). The special Government employee should become acquainted with these. In addition, the attention of the special Government employee is directed to the following regulations which are of particular application and relate to the area of ethical conduct as a special Government employee:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

(b) *Use of inside information.* A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) Special Government employees may teach, lecture, or write in a manner not inconsistent with the provisions governing employees (see § 20.735–31).

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* Except as provided in § 20.735–32(a), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 20.735–43 Statement of employment and financial interests.

(a) Each special Government employee who occupies a position of consultant or expert shall file a statement of employment and financial interests as provided in paragraph (b) of this section. A special Government employee who does not occupy a position of consultant or expert shall, nonetheless, file such a statement if the position is found by the appointing officer to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government. Special Government employees occupying positions other than those mentioned in this paragraph are not required to file statements.

(b) Special Government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735–22, form DI–213, "Statement of Employment and Financial Interests." This form provides for the reporting of:

(1) All employment, including employment without compensation; and

(2) All financial interests, including any interest held by the spouse or minor child or relation living in the same household of a special Government Employee. The special Government employee is not required to report connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.

(iv) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies;

(c) In an instance involving the proposed employment of a special Government employee for highly specialized and limited duties, the head of a bureau or office may propose to the Department Ethics Counselor a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special Government employee is to perform. If a restricted reporting of financial interests is approved by the Department Ethics Counselor in advance of employment, Form DI–213 may be revised to reflect the narrower requirement.

(d) The statement of employment and financial interests shall be submitted before the special Government employee enters on duty. Each special Government employee shall keep his statement current through his employment with the Department by the submission of supplementary statements. Statements filed by special Government employees shall be reviewed, processed and retained in the same manner as those filed by regular employees (§ 20.735–23).

(e) For the purpose of this section the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

Subpart E—Bibliography of Statutes

§ 20.735–51 Miscellaneous statutory provisions and restrictions.

(a) Employees will become acquainted with the statutory provisions that relate to their ethical and other conduct, among which the following are particularly relevant:

(1) House Concurrent Resolution 175, 85th Congress 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure of which is required by that Act (5 U.S.C. 552(a)(4)(F)).

(7) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure of information which is restricted by the Privacy Act (5 U.S.C. 552a(i)(1)).

(8) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(9) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(10) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(11) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(12) The prohibition against fraud or false statements in a Government matter, (18 U.S.C. 1001).

(13) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(14) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(15) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(16) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(17) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(18) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(b) The foregoing statutes shall be available for review in the office of each Ethics Counselor.

APPENDIX A–1—U.S. GEOLOGICAL SURVEY, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed of the statutory restrictions contained in Title 43, U.S. Code, Section 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands

V40-129 JUL 3 75 XUM

or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in lands whose title is in the United States. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties. By paragraph 20.735–13(b) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

I certify I do not have any personal or private interest, direct or indirect, in the public lands of the United States nor in the mineral wealth of such lands.

I also certify I do not have any personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where the Director has authorized me to have such interest.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A–2—BUREAU OF INDIAN AFFAIRS EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in Title 25 U.S.C., Section 68, which prohibits any person employed in Indian affairs in the Department of the Interior from having interest or concern in any trade with the Indians, except for, and on account of, the Federal Government.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian affairs.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Bureau of Indian Affairs shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A–3—BUREAU OF LAND MANAGEMENT EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I understand and that I am in compliance with the statutory restrictions in Title 43 U.S.C. 11, which provides: The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from office.

I also certify that neither I nor my spouse has, nor is either of us in the process of acquiring, in violation of 43 CFR, Part 7, any interest, direct or indirect, in any lands or resources administered by the Bureau of Land Management.

I further certify I understand that if either I or my spouse acquires during my employment, interest in lands or resources administered by the Bureau of Land Management, by gift, devise, bequest or operation of law, that I am required to submit a statement of facts surrounding such acquisition promptly through channels to my bureau head for transmittal to the Secretary of the Interior for decision or other necessary action.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Bureau of Land Management shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A–4—BUREAU OF MINES EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I have been informed of and that I am in compliance with the statutory restrictions contained in Title 30 U.S.C., Section 6, which prohibit employees of the Bureau of Mines from owning any interest in any mine under investigation.

I also certify I do not have any personal or private interest in a mine or in a mining company owning a mine, if the mine or its product is under investigation by the Bureau.

I further certify I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Bureau of Mines shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A–5—MINING ENFORCEMENT AND SAFETY ADMINISTRATION (MESA) EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify I have been informed of the restrictions established by paragraph 20.735–13(a) of the regulations which prohibits employees of MESA from having any interest, direct or indirect, in any mine or mining company which may be directly affected by the work of MESA through its investigations, technical research, or other activities.

I also certify I do not have any personal or private interest, direct or indirect, in a mine or mining company which may be directly affected by the work of MESA except where specifically authorized by the Administrator.

I further certify I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Mining Enforcement and Safety Administration shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX A–6—OFFICE OF THE SECRETARY OF INTERIOR, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. Therefore, I certify that I understand and that I am in compliance with the following restrictions except where specifically authorized by the Secretary.

(1) Title 43 U.S.C. 11 which provides that certain employees are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land, and that any person who violates this section shall forthwith be removed from office.

(2) Title 25 U.S.C. Section 68, which provides that any person employed in Indian affairs in the Department of the Interior is prohibited from having interest or concern in any trade with the Indians, except for, and on account of, the Federal Government.

(3) Title 30 U.S.C. 6, which provides that employees are prohibited from owning stock in any mine or mining company which may directly benefit by work of the Bureau of Mines through its investigations, technical research, or economic studies.

(4) Title 43 U.S.C. 31(a) which provides that employees shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. The Department has determined that these restrictions prohibit personal or private interest, direct or indirect, in lands whose title is in the United States or in the mineral wealth of such lands.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

APPENDIX B–1

Form DI-212
REV. 6-75

UNITED STATES DEPARTMENT OF THE INTERIOR
CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS
(FOR USE BY GOVERNMENT EMPLOYEES)
This is a "Non-Security Confidential" Statement

1. NAME (*last, first, initial*)	2. TITLE OF POSITION
3. DATE OF APPOINTMENT IN PRESENT POSITION	4. BUREAU AND OFFICE

PART I. EMPLOYMENT AND FINANCIAL INTERESTS. List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant, or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association, or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE.

NAME & KIND OF ORGANIZATION (use PART I DESIGNATIONS WHERE APPLICABLE)	ADDRESS	POSITION IN ORGANIZATION (use PART I(a) DESIGNATIONS IF APPLICABLE)	NATURE OF FINANCIAL INTEREST, e.g., STOCK, PRIOR BUSINESS INCOME (use PART I(b) & (c) DESIGNATIONS IF APPLICABLE)

PART II. CREDITORS. List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, e.g., PERSONAL LOAN, NOTE, SECURITY

PART III. INTERESTS IN REAL PROPERTY. List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

NATURE OF INTEREST, e.g., OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST	TYPE OF PROPERTY, e.g., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND	ADDRESS (if RURAL, give RFD, or COUNTY AND STATE)

PART IV. INFORMATION REQUESTED OF OTHER PERSONS. If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

(Date) (Signature)

FEDERAL REGISTER, VOL. 40, NO. 129—THURSDAY, JULY 3, 1975

V40I129 JUL 3 75 XUM

INSTRUCTIONS

For use by an officer or employee as required by 43 CFR 20.735-22, Sec. 402 of Executive Order 11222, dated May 8, 1965, and Civil Service Commission Regulations.

General Requirement—The information furnished in this statement may not be disclosed except as the Civil Service Commission or the Secretary may determine for good cause shown.

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735–12 and –13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property. However, additional information of this type may be requested.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part IV of your statement. This requirement may be waived for holdings in an approved blind trust (§ 20.735–24(a)(3)).

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part IV. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

APPENDIX B-2

Form DI-213
REV. 6-75

UNITED STATES DEPARTMENT OF THE INTERIOR
CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS
(FOR USE BY SPECIAL GOVERNMENT EMPLOYEES)
This is a "Non-Security Confidential" Statement

PART I – TO BE COMPLETED BY AGENCY

1. Name *(last, first, initial)*	2. Birth Date *(month, day, year)*
3. Bureau and Office Organizational Segment	4. PERIOD OF APPOINTMENT *(this Agency)* FROM / TO

PART II – TO BE COMPLETED BY APPOINTEE

1. a. Number of days already worked during a consecutive 365-day period
   (1) with this Department . . . . .
   (2) with other Federal agencies . . . . .
   b. Estimated remaining number of days expected to work during the consecutive 365-day period
   (1) with this Department . . . . .
   (2) with other Federal agencies . . . . .
   c. TOTAL . . . . .

2. FEDERAL GOVERNMENT EMPLOYMENT – List all other Federal agencies in which you are presently employed. *(If none, write "none.")*

AGENCY AND LOCATION	TITLE OR KIND OF POSITION	APPOINTMENT PERIOD FROM	TO

3. NON-FEDERAL EMPLOYMENT – Name all corporations, companies, firms, State or local Government organizations, research organizations, and educational or other institutions in which you are serving as employee, officer, member, owner, trustee, director, expert, adviser, or consultant, with or without compensation. *(If none, write "none.")*

NAME AND KIND OF ORGANIZATION *(e.g., manufacturing, research, insurance)*	LOCATION *(City, State)*	TITLE OR KIND OF POSITION

4. FINANCIAL INTERESTS – List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. *(If none, write "none.")*

Information to be listed does not require a showing of amount of financial interest or value of real property. Interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. *Member of your immediate household* includes only those blood relations who are full-time residents of your household.

ORGANIZATION NAME	ORGANIZATION KIND *(manufacturing, storage, public utilities, etc.)*	NATURE OF INTEREST AND IN WHOSE NAME HELD

If additional space is required, use reverse side

I CERTIFY that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I UNDERSTAND that if, during the period of my appointment, I undertake a new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period.

(Date) (Signature)

ORGANIZATION NAME	ORGANIZATION KIND *(manufacturing, storage, public utilities, etc.)*	NATURE OF INTEREST AND IN WHOSE NAME HELD

INSTRUCTIONS

For use by a special Government employee as required by 43 CFR 20.735-43, Sec. 306 of Executive Order 11222, dated May 8, 1965, and Civil Service Regulations.

General Requirements—The information furnished in this statement may not be disclosed except as the Civil Service Commission or the Secretary may determine for good cause shown.

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organizaton not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735–12 and –13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property. However, additional information of this type may be requested.

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part II No. 4. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

[FR Doc.75-17355 Filed 7-2-75;8:45 am]

V40-129 JUL 3 75 XUM

federal register

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 129

PART IV

Section 2—PARTS IV, V



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V40-129 JUL 3 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for a delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency havng an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Georgia:	
GA75–1005	Jan. 17, 1975
GA75–1019	Feb. 7, 1975
Massachusetts:	
MA75–2008	Jan. 17, 1975
MA75–2053	Mar. 14, 1975
Pennsylvania:	
AR–2037; AR–2038	Aug. 30, 1974
AR–2036	Sept. 20, 1974
AR–2033; AR–2034; AR–2039.	Sept. 27, 1974
AR–2045; AR–2046	Oct. 18, 1974
PA75–3015	Feb. 14, 1975
PA75–3019	Feb. 28, 1975
PA75–3023	Mar. 14, 1975
Oklahoma:	
AR–89	Dec. 13, 1974
Rhode Island:	
RI75–2031	Feb. 7, 1975
Virginia:	
MD75–3062	June 20, 1975
Washington, D.C.:	
DC75–3061	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona:	
AZ75–5034 (AZ75–5076)	Mar. 14, 1975
AZ75–5035 (AZ75–5077); AZ 75–5036 (AZ75–5078).	Mar. 21, 1975
Florida:	
AR–4039 (FL75–1066)	Sept. 13, 1974
Illinois:	
AR–3064 (IL75–2092)	Aug. 9, 1974
IL75–2001 (IL75–2086)	Jan. 3, 1975
IL75–2015 (IL75–2087)	Feb. 14, 1975
Indiana:	
IN75–2023; IN75–2024; IN 75–2027; IN75–2028 (IN 75–2089).	Feb. 7, 1975
Mississippi:	
AR–4066 (MS75–1067)	Dec. 20, 1974
Pennsylvania:	
AQ–2046 (PA75–3058)	Mar. 8, 1974
AQ–2081 (PA75–3059)	Mar. 29, 1974
AR–2094 (PA75–3054)	Dec. 13, 1974
Rhode Island:	
RI75–2032 (RI75–2090)	Feb. 2, 1975

Signed at Washington, D.C., this 26th day of June 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION NO. MA75-2008 - Mod #3
(40 FR 3121 - January 17, 1975)
Hampshire County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers (Building):					
Laborers; carpenter tenders; cement finisher tenders; wrecking laborers	$7.50	.50	.45		.10
Jackhammer ops; pavement breakers; wagon drills; asphalt rakers; curbside core drilling, machine; chain saw ops; pipelayers; barco-type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops	7.75	.50	.45		.10
Air track; block pavers; rammers; curb setters	8.00	.50	.45		.10
Blasters; powdermen	8.25	.50	.45		.10
Open air caisson; cylindrical work and boring crew:					
Laborer; top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
Laborers (Heavy & Highway):					
Class I	7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10
Millwrights	9.85	.60	.65		.07

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #GA75-1005 - Mod. #3 (40 FR 3091 - January 17, 1975) Richmond County, Georgia					
Change:					
Laborers:					
Unskilled	3.55	.15			
Air tool operator (jackhammer, vibrator), masonn tenders, mortar mixers, pipelayers (concrete, clay) plasterers tenders	3.70	.15			
DECISION #GA75-1019 - Mod. #3 (40 FR-5020 - February 7, 1975) Clayton, Cobb, DeKalb and Fulton Counties, Georgia					
Change:					
Marble masons, terrazzo workers and ceramic tile setters	$7.60	.40	.40	.70	.06
Sheet metal workers	6.70	.35	.55		

V40 I29 JUL 3 75 XUM

DECISION NO. MA 75-2008- Cont'd.

MODIFICATIONS P. 3

Change:

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bakchoos, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahicnes, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumprete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant; Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts ip to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Vetorans' Day and Columbus Day.

DECISION NO. MA75-2008 Cont'd.

MODIFICATIONS P. 4

Change:

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Dorricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Proceshing Plant (Engineer in charge), Draglins, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Acrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumprete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operatcrs, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Vetorans' Day; Thanksgiving Day and Christmas Day.

NOTICES

MODIFICATIONS P. 5

DECISION NO. MA75-2053- Mod #2
(40 FR 12051- March 14, 1975)
Hampden County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Building):					
Laborers; carpenter tenders; cement finisher tenders; wrecking laborers	$7.50	.50	.45		.10
Jackhammer ops; pavement breakers; wagon drills; asphalt rakers; carbide core drilling machine; chain saw ops; pipelayers; barco-type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops	7.75	.50	.45		.10
Air track; block pavers; rammers; curb setters	8.00	.50	.45		.10
Blasters; powdermen	8.25	.50	.45		.10
Open air caisson; cylindrical work and boring crew:					
Laborer; top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
Laborers (Heavy & Highway):					
Class I	7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10
Asbestos workers	9.60	.54	.75		.01
Millwrights	9.85	.60	.65		.07

DECISION NO. MA75-2053 Cont'd.

MODIFICATIONS P. 6

Change:

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bakchoos, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hointing and Trenching Mahicnes, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumprete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts ip to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Vetarans' Day and Columbus Day.

NOTICES

DECISION NO. MA75-4053- Cont'd.

MODIFICATIONS P. 7

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Acrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (exoluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumperete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

MODIFICATIONS P. 8

DECISION NO. AR-89 - Mod. #4 (39 FR 43456 - December 13, 1974) McIntosh County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Elevator Constructors	$8.25	.445	.29	3%+a+b	.02
Ironworkers	8.90	.30	.35		.10
DECISION #AR-2033 - Mod. #3 (39 FR 35048-September 27, 1974) Allegheny County, Pennsylvania					
Change:					
Power Equipment Operators:					
Class 1	$10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09
Roofers	9.76	.62	1.50		.06
DECISION #AR-2034 - Mod. #4 (39 FR 35051-September 27, 1974) Armstrong County, Pennsylvania					
Change:					
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09
Roofers	9.76	.65	1.50		.06

MODIFICATIONS P. 9

DECISION #AR-2037 - Mod. #4 (39 FR 31859-August 30, 1974) Indiana County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers and Stonemasons: Armstrong, Blacklick, Center, Conemaugh, Rayne, Surrell, Washington, White, Young and Indiana Twps.	$9.65	.45	1.07		
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09
Roofers	9.76	.62	1.50		.06
DECISION #AR-2038 - Mod. #4 (39 FR 31862 - August 30, 1974) Westmoreland County, Pennsylvania					
Change:					
Bricklayers and Stonemasons:					
Remainder of County	9.65	.45	1.07		
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09
Roofers:					
Composition, Slate and tile	9.76	.62	1.50		.06

MODIFICATIONS P. 10

DECISION #AR-2039 - Mod. #4 (39 FR 35054-September 27, 1974) Washington County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Power Equipment Operators:					
Class 1	$10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09
Roofers	9.75	.62	1.50		.06
DECISION #AR-2036 - Mod #5 (39 FR 33988-September 20, 1974) Butler and Fayette Counties, Pennsylvania					
Change:					
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.975	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09
Roofers	9.76	.62	1.50		.06

DECISION #AR-2049 - Mod. #3
(39 FR 37345 - October 18, 1974)
Lawrence County Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09

DECISION #AR-2046 - Mod. #3
(39 FR 37349 - October 18, 1974)
Mercer County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Boilermakers	10.88	.50	.85		.01
Electricians	10.50	.35	1%+.45		.01
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09

DECISION #PA-75-3015 - Mod. #4
(40 FR 6974 - February 14, 1975)
Northampton County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, Building:					
Unskilled laborers	$ 6.60	.25	.40		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using cutting and burning torches in the wecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	6.85	.25	.40		
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and welder-D, and sand blasters helpers	6.90	.25	.40		
Barko Tamper Operator	7.10	.25	.40		

DECISION #PA-75-3019 - Mod. #4
(40 FR 8753 - February 28, 1975)
Lehigh County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers:					
Albany, Maxatony and Windsor:					
Composition, damp, waterproofing	$ 9.85	.45	.25	d	
Precast slab	10.65	.45	.25	d	
Slate, tile & asbestos	10.30	.45	.25	d	

DECISION #75-PA-3023 - Mod. #2
(40 FR 12055 - March 14, 1975)
Beaver County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers and Stonemasons	$9.625	.45	.45	.80	
Cement Masons	10.43				
Marble Setters, tile setters and terrazzo workers	9.625	.45	.45	.80	
Plasterers	10.00				.01
Roofers	9.76	.62	1.50		.06
Power Equipment Operators:					
Class 1	10.225	.50	.60		.09
Class 1-A	10.475	.50	.60		.09
Class 1-B	10.725	.50	.60		.09
Class 1-C	10.975	.50	.60		.09
Class 2	10.075	.50	.60		.09
Class 3	9.50	.50	.60		.09
Class 3-A	10.00	.50	.60		.09
Class 4	9.50	.50	.60		.09
Class 5	8.75	.50	.60		.09
Class 6	8.50	.50	.60		.09
Class 6-A	8.60	.50	.60		.09
Class 6-B	8.75	.50	.60		.09

DECISION NO. R175-2031- Mod #2
(40 FR 6128-February 7, 1975)
Bristol, Kent, and Providence Counties, Rhode Island

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, stone masons (Heavy & Highway)	$9.10	.55	.45		.01
Carpenters, soft floor layers, piledrivermen (Building):					
Burrtville, N.Smithfield, Woonsocket townships	8.66	.60	.40		
Residential	6.93	.60	.40		
Elevator constructors	9.39	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator consturctors' helpers (prmb.)	50%JR	.445	.29	3%+a+b	.02
Ironworkers	8.73	.55	.90+.50		.05
Laborers (Building):					
Laborers, carpenter tenders, cement finisher tenders, mason tenders, wrecking laborers	7.00	.50	.45		.10
Asphalt rakers, adzemen, pipe trench bracers, demolition burners, chain saw ops, setter of metal forms for roadways, mortar mixers, pipelayers, pnuematic tool ops, barco-type jumping tampers, mechanical grinder ops	7.25	.50	.45		.10
Air track ops, block pavers, rammers, and curb setters	7.50	.50	.45		.10
Powderman and blasters	7.75	.50	.45		.10
Laborers (Heavy & Highway):					
Laborers, carpenter and cement finisher tenders, and wrecking laborers	7.00	.50	.45		.10
Adzemen, asphalt rakers, barco type jumping tampers, chain saw ops, concrete saw ops, demolition burners, fence & guard rail erectors, grinder ops, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool ops, riprap and dry stonewall builder, setter of metal forms for roadways, stumper ops, tree toppers, tree trimmers,					

DECISION NO. AZ75-2031- Mod #2 (Cont)

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers- Heavy & Highway (Cont)					
wagon drill ops, wood chipper ops, concrete and power buggy operators	$7.25	.50	.45		.10
Air track ops, pavers, rammers, and curb setters	7.50	.50	.45		.10
Powdermen and blasters	7.75	.50	.45		.10
Marble, tile, & terrazzo workers (Building):					
Remainder of Providence County	9.35	.65	.55		
Painters (Heavy & Highway):					
Structural steel, steam cleaning	8.40	.50	.50		
Air power brush	8.65	.50	.50		
Truck drivers (Building):					
2-axle; dumps	7.35	.48	.5125		
3-axle; trailers	7.43	.48	.5125		
Low bed, trailers (24 tons & over), trailers (1-beam), specialized earth moving equipment (Euclid type)	7.68	.48	.5125		
Euclid type equipment over 35 ton capacity	7.93	.48	.5125		

DECISION #MD-75-3062 - Mod. #1
(40 Fr 26203 - June 20, 1975)
Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Add. Tr.
Change:					
Terrazzo and Mosaic Workers	$ 9.33	.40	.30		
Terrazzo Workers Helpers	8.05	.40	.30		
Omit:					
Power Equipment Operators:					
Group 12	7.865	.50	.55		.12
Group 13	7.815	.50	.55		.12
Classifications					
Group 12 - Truck Crane Oilers					
Group 13 - Oilers					

DECISION #DC-75-3061 - Mod. #1
(40 FR 26242 - June 20, 1975)
Washington, D.C.

Omit:					
Building & Heavy Construction Power Equipment Operators:					
Group 12	7.865	.50	.55		.12
Group 13	7.815	.50	.55		.12
Classifications					
Group 12 - Truck Crane Oilers					
Group 13 - Oilers					

SUPERSEDEAS DECISION

STATE: Arizona
DECISION NUMBER: AZ75-5076
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No. AZ75-5034 dated March 14, 1975, in 40 FR 12020.
DESCRIPTION OF WORK: Building Construction (exmluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.89	.50	.82		.02
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS: (Phoenix Area)					
Bricklayers; Manhole Builders; Stonemasons:					
Zone A (0-25 miles from the City Hall of Phoenix; Flagstaff and Yuma)	9.07	.50	.45		.03
Zone B (25-40 miles from the City Hall of Phoenix; and Williams AFB).	9.52	.50	.45		.03
Zone C (40-70 miles from the City Hall in Phoenix)	10.43	.50	.45		.03
Zone D (70-100 miles from the City Hall of Phoenix)	10.88	.50	.45		.03
Zone E (100-200 miles and over from the City Hall of Phoenix)	11.34	.50	.45		.03
Zone F (200 miles and over from the City Hall of Phoenix)	11.79	.50	.45		.03
BRICKLAYERS: (Tucson Area)					
Bricklayers; Stonemasons:					
Zone A (0-15 miles from Tucson City Limits)	9.395	.60	.60		.06
Zone B (Over 15 miles to 30 miles from Tucson City limits)	9.77	.60	.60		.06
Zone C (Over 30 miles to 40 miles from Tucson City limits)	10.145	.60	.60		.06
Zone D (Over 40 miles from Tucson City limits)	10.895	.60	.60		.06
Manhole Builders:					
Zone A (0-15 miles from Tucson City limits)	9.64	.60	.60		.06
Zone B (Over 15 miles to 30 miles from Tucson City limits)	10.01	.60	.60		.06
Zone C (Over 30 miles to 40 miles from Tucson City limits)	10.395	.60	.60		.06
Zone D (Over 40 miles from Tucson City limits)	11.14	.60	.60		.06

Page 2

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
(Central and Southern Areas):					
Carpenters; Drywall Applicator; Saw Filer; Shingler	$9.085	.845	.955		.05
Floorlayers (finish); Pile-drivermen	9.37	.845	.955		.05
Millwrights	9.50	.845	.955		.05
(Northern Area)					
Carpenters; Drywall Applicator; Saw Filer; Shingler)	10.96	.845	.955		.05
Floorlayers (finish); Pile-drivermen	11.245	.845	.955		.05
Millwrights	11.375	.845	.955		.05
CEMENT MASONS:					
(Apache, Coconino, Gila, Mohave, Navajo, Yavapai, Yuma and the Northern portions of Graham, Greenlee, Maricopa and Pinal Counties)					
(Central and Southern Areas)					
Cement Masons	9.01	.75	1.00		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	9.17	.75	1.00		.05
(Northern Area)					
Cement Masons	10.885	.75	1.00		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	11.045	.75	1.00		.05
CEMENT MASONS:					
(Cochise, Pima, Santa Cruz and the southern portions of Graham, Greenlee, Maricopa and Pinal Counties)					
(Central and Southern Areas)					
Cement Masons	9.32	.70	.75		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	9.485	.70	.75		.05
DRYWALL:					
(From Court House in Phoenix, Mesa, including Luke and Williams Air Force Bases)					
Tapers:					
Zone A (0-40 miles)	8.90	.49		.50	.07
Zone B (41-60 miles)	10.40	.49		.50	.07

NUM 57 3 DEC 75 9211045V

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL: Tapers (Cont'd)					
Zone C (61 miles and over)	$11.15	.49		.50	.07
Texture Spraymen:					
Zone A (0-40 miles)	9.99	.49		.50	.07
Zone B (41-60 miles)	10.50	.49		.50	.07
Zone C (61 miles and over)	11.25	.49		.50	.07
ELECTRICIANS: (Flagstaff Area)					
Zone A (In the City of Flagstaff, that area lying in a square extending 20 miles North-South, East and West of the Post Office) (Williams, Winslow and Sedona covering a square extending 5 miles North-South, East and West of the Post Office in each town)					
Electricians	11.05	.80	1%+.70		1/2%
Cable Splicers	11.25	.80	1%+.70		1/2%
Zone B (All territorial jurisdiction allotted outside of Zone A)					
Electricians	13.05	.80	1%+.70		1/2%
Cable Splicers	13.25	.80	1%+.70		1/2%
ELECTRICIANS: (Gallup Area-Northern Apache County)					
Electricians	10.98	.30	1%		1/2%
Cable Splicers	11.90	.30	1%		1/2%
ELECTRICIANS: (Globe-Miami Area)					
Zone A (The area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing)					
Electricians	11.13	.45	7%		1/2%
Cable Splicers	11.38	.45	7%		1/2%
Zone B (16-28 miles)					
Electricians	11.83	.45	7%		1/2%
Cable Splicers	12.08	.45	7%		1/2%
Zone C (28-46 miles)					
Electricians	12.43	.45	7%		1/2%
Cable Splicers	12.68	.45	7%		1/2%
Zone D (46 miles and over)					
Electricians	13.13	.45	7%		1/2%
Cable Splicers	13.38	.45	7%		1/2%

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Phoenix-Kingman-Prescott Area)					
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane, North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane, North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersect with Bush Highway including Luke and Williams Air Force Bases.)					
Electricians	$10.45	.60	1%+.70		3/4%
Cable Splicers	10.97	.60	1%+.70		3/4%

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the South. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east)					
Electricians	$12.28	.60	1%+.70		3/4%
Cable Splicers	12.89	.60	1%+.70		3/4%
Zone C (Outside edge of Zone B and extended to the outside limits of the union's jurisdiction.)					
Electricians	13.22	.60	1%+.70		3/4%
Cable Splicers	13.88	.60	1%+.70		3/4%
ELECTRICIANS: (Tucson Area)					
Zone A (Area within 16 road miles from the City Hall in Tucson and Douglas. Nogales and Sierra Vista shall be limited to 16 road miles from the center of the respective towns):					
Electricians	11.13	.45	7%		1/2%
Cable Splicers	11.38	.45	7%		1/2%

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Zone B (Area from the outer limits of the 16 mile radius and extend up to and including 12 road miles)					
Electricians	$11.83	.45	7%		1/2%
Cable Splicers	12.08	.45	7%		1/2%
Zone C (Area from 12 road miles up to and including 30 road miles)					
Electricians	12.43	.45	7%		1/2%
Cable Splicers	12.68	.45	7%		1/2%
Zone D (Area from 30 road mile and extend to the outside limits of the units jurisdiction)					
Electricians	13.13	.45	7%		1/2%
Cable Splicers	13.38	.45	7%		1/2%
ELECTRICIANS: (Yuma Area)					
Zone A (Yuma North to Colorado River, East to County Avenue SE, South to County 16th Street, and West to County Avenue E; Cities of Somerton and Parker)					
Electricians	11.13	.45	7%		1%
Cable Splicers	11.38	.45	7%		1%
Zone B (1-16 miles from Zone A)					
Electricians	11.83	.45	7%		1%
Cable Splicers	12.08	.45	7%		1%
Zone C (16-42 miles from Zone A)					
Electricians	12.43	.45	7%		1%
Cable Splicers	12.68	.45	7%		1%
Zone D (42 miles from Zone A and out)					
Electricians	13.13	.45	7%		1%
Cable Splicers	13.38	.45	7%		1%
ELEVATOR CONSTRUCTORS	9.255	.305	.26	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.305	.26	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

MUX

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS: (Statewide except the Northern and Central parts of Apache, Coconino, Mohave and Navajo and the Northern half of Yavapai County)	$8.15	.35	.30	.56	.01
IRONWORKERS: (Central and Southern Area)	10.08	.88	1.325		.08
(Northern Area)	11.96	.88	1.325		.08
PAINTERS: (Flagstaff Area)					
Zone A (From Flagstaff Court House to 20 miles)					
Brush; Glaziers; Soft Floor Layers	8.56	.60	.50	.50	.14
Brush, steel and bridge	9.06	.60	.50	.50	.14
Spray	9.01	.60	.50	.50	.14
Spray, steel and bridge	9.56	.60	.50	.50	.14
Zone B (20-35 miles from Court House in Flagstaff)					
Brush; Glaziers; Soft Floor Layers	9.31	.60	.50	.50	.14
Brush, steel and bridge	9.81	.60	.50	.50	.14
Spray	9.76	.60	.50	.50	.14
Spray, steel and bridge	10.31	.60	.50	.50	.14
Zone C (35-80 miles from Court House in Flagstaff)					
Brush; Glaziers; Soft Floor Layers	10.31	.60	.50	.50	.14
Brush, steel and bridge	10.81	.60	.50	.50	.14
Spray	10.76	.60	.50	.50	.14
Spray, steel and bridge	11.31	.60	.50	.50	.14
Zone D (80 miles and over from Court House in Flagstaff)					
Brush; Glaziers; Soft Floor Layers	10.56	.60	.50	.50	.14
Brush, steel and bridge	11.06	.60	.50	.50	.14
Spray	11.01	.60	.50	.50	.14
Spray, steel and bridge	11.56	.60	.50	.50	.14
PAINTERS: (Phoenix Area)					
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):					
Brush	8.10	.57	.38	.50	.05
Spray	8.35	.57	.38	.50	.05

DECISION NO AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Phoenix Area)(Cont'd)					
Steel and bridge, brush	$8.45	.57	.38	.50	.05
Steel and bridge, spray	8.65	.57	.38	.50	.05
Zone B (41-60 miles from Court House in Phoenix):					
Brush	9.10	.57	.38	.50	.05
Spray	9.35	.57	.38	.50	.05
Steel and bridge, brush	9.45	.57	.38	.50	.05
Steel and bridge, spray	9.65	.57	.38	.50	.05
Zone C (60 miles and over from Court House in Phoenix):					
Brush	9.60	.57	.38	.50	.05
Spray	9.85	.57	.38	.50	.05
Steel and bridge, brush	9.95	.57	.38	.50	.05
Steel and bridge, spray	10.15	.57	.38	.50	.05
PAINTERS: (Tucson and Yuma Areas)					
Zone A (0-30 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	7.43	.47	.35		.04
Spray	7.93	.47	.35		.04
Steel and bridge, brush	8.43	.47	.35		.04
Steel and bridge, spray	8.93	.47	.35		.04
Zone B (31-40 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	8.18	.47	.35		.04
Spray	8.93	.47	.35		.04
Steel and bridge, brush	9.18	.47	.35		.04
Steel and bridge, spray	9.68	.47	.35		.04
Zone C (41-50 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	8.93	.47	.35		.04
Spray	9.43	.47	.35		.04
Steel and bridge, brush	9.93	.47	.35		.04
Steel and bridge, spray	10.43	.47	.35		.04

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Zone D (51 miles and over from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	$9.43	.47	.35		.04
Spray	9.93	.47	.35		.04
Steel and bridge, brush	10.43	.47	.35		.04
Steel and bridge, spray	10.93	.47	.35		.04
PLASTERERS (Phoenix Area):					
Zone A (0-35 miles from Phoenix)	9.045	.60	.85		.035
Zone B (35-60 miles from Phoenix)	9.795	.60	.85		.035
Zone C (60 miles and over from Phoenix)	10.67	.60	.85		.035
PLASTERERS (Tucson Area):					
Zone A (0-30 miles from Tucson)	8.57	.35	.60		
Zone B (30-60 miles from Tucson)	9.07	.35	.60		
Zone C (60-90 miles from Tucson)	9.32	.35	.60		
Zone D (Over 90 miles from Tucson)	10.07	.35	.60		
PLUMBERS; Steamfitters: FREE ZONE 0-15 miles. The "Free Zone" (Zone I) shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the city limits of Phoenix, Chandler Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.					
Zone I (0-15 miles)	9.39	.65	1.24	1.25	.10
Zone II (15-30 miles)	9.74	.65	1.24	1.25	.10
Zone III (30-40 miles)	10.16	.65	1.24	1.25	.10
Zone IV (40 miles and over)	10.46	.65	1.24	1.25	.10

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS (Tucson Area):					
Asbestos; Shinglers; Tile and Waterproofing:					
Zone A (0-44 miles from Tucson)	$7.47	.65	.20		.03
Zone B (Over 44 miles from Tucson)	9.22	.65	.20		.02
ROOFERS (Phoenix Area):					
Roofers and Waterproofers	7.80	.45	.20		.02
SHEET METAL WORKERS:					
Zone Bases - from the Administration Building or City Hall in Flagstaff, Holbrook, Phoenix, Prescott and Yuma):					
Zone I (0-25 miles)	9.43	.40	.56		.02
Zone II (25-50 miles)	10.08	.40	.56		.02
Zone III (50 miles and over)	11.93	.40	.56		.02
SHEET METAL WORKERS:					
Zone Bases - from the Administration Building or City Hall in Douglas and Tucson:					
Zone A (1-17 miles)	9.04	.63	1.30		.01
Zone B (18-28 miles)	9.54	.63	1.30		.01
Zone C (29-40 miles)	10.54	.63	1.30		.01
Zone D (41 miles and over)	11.54	.63	1.30		.01
SOFT FLOOR LAYERS (Phoenix Area):					
Zone A (0-40 miles from Court House in Phoenix and Flagstaff including Luke and Williams Air Force Bases)	7.85	.49	.12		.12
Zone B (41-60 miles from Court House in Phoenix and Flagstaff)	8.85	.49	.12		.12
Zone C (61 miles and over from Court House in Phoenix and Flagstaff)	9.85	.49	.12		.12
SOFT FLOOR LAYERS (Tucson Area):	7.25	.38			
SPRINKLER FITTERS	11.15	.50	.80		.08
TERRAZZO WORKERS; Tile Setters; Marble Masons (Tucson Area)	8.77	.60	.60		
TERRAZZO, TILE and MARBLE SETTERS' HELPERS (Tucson Area)	6.51	.70			

XUM 57 3 JUL 75 47015

DECISION NO. AZ75-5076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Zone I (Phoenix and Tucson 30 mile radius from center of town):					
Groundmen	$7.60	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	8.78	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	9.33	.42	7%		1/2%
Cable Splicers	9.65	.42	7%		1/2%
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town):					
Groundmen	8.25	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	9.38	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	9.93	.42	7%		1/2%
Cable Splicers	10.30	.42	7%		1/2%
Zone II (Other Areas):					
Groundmen	8.87	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	10.00	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.53	.42	7%		1/2%
Cable Splicers	10.85	.42	7%		1/2%

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. AZ75-5076

LABORERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
	C&S AREAS	N AREA				
Group 1:	$7.13	$8.775	.70	.75		.08
Group 2:	7.26	8.885	.70	.75		.08
Group 3:	7.40	9.025	.70	.75		.08
Group 4:	7.51	9.135	.70	.75		.08
Group 5:	7.68	9.305	.70	.75		.08
Group 6:	8.055	9.68	.70	.75		.08
Group 7:	8.685	10.31	.70	.75		.08
Group 8:	7.875		.70	.75		.08
Group 8A:	8.28		.70	.75		.08
LABORERS (Tunnel and Shaft Work)						
Group 1:	7.375	9.00	.70	.75		.08
Group 2:	7.54	9.165	.70	.75		.08
Group 3:	7.67	9.295	.70	.75		.08
Group 4:	7.80	9.425	.70	.75		.08
Group 4A:	8.03	9.655	.70	.75		.08
Group 5:	8.205	9.83	.70	.75		.08
Group 5A:	8.455	10.08	.70	.75		.08
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)						
Group 1:	7.77	9.395	.75	.80		.04
Group 2:	8.14	9.765	.75	.80		.04
Group 3:	8.60	10.225	.75	.80		.04
Group 4:	9.13	10.755	.75	.80		.04
Group 5:	9.66	11.285	.75	.80		.04
Group 5A:	9.97	11.595	.75	.80		.04
Group 6:	10.30	11.925	.75	.80		.04
Group 7:	10.90	12.525	.75	.80		.04
TRUCK DRIVERS						
Group 1:	7.31	8.935	.70	.75		.04
Group 2:	7.44	9.065	.70	.75		.04
Group 3:	7.66	9.285	.70	.75		.04
Group 4:	8.01	9.635	.70	.75		.04
Group 5:	8.17	9.795	.70	.75		.04
Group 5A:	8.35	9.975	.70	.75		.04
Group 6:	8.49	10.115	.70	.75		.04
Group 7:	8.90	10.525	.70	.75		.04
Group 8:	9.415	11.04	.70	.75		.04
Group 8A:	10.07	11.695	.70	.75		.04
Group 8B:	7.87	9.495	.70	.75		.04
Group 8C:	9.76	11.385	.70	.75		.04

DECISION NO. AZ75-5076

LABORERS

Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing roll steel and pans; Rip rap stonsman; Astro turf layer

Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazer beam operator

Group 3: Bandor; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and Water Wash-Out Nuzzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chair or safety belt); Tampers (mechanical-all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping

Group 8: Mason Tenders

Group 8A: Plasterer Tenders

DECISION NO. AZ75-5076

LABORERS (Cont'd)
(TUNNEL and SHAFT WORKERS)

Group 1: Bull Gang, Muckers, Trackman; Dumpmen; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)

Group 2: Nipper; Chucktender, Cabletender, Vibratorman, Jackhammer, Pneumatic tools (except driller)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher

Group 4A: Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propellad chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver

Group 2: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen

Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

Group 4: Bulk Cement Spreader (5 axle); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity

Group 5: Bulk Cement Spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.

Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, retortman or leverman

Group 6: Bulk Cement Spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer

Group 7: Bulk Cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle)

Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (dart, euclid, or other similar and dump types) 16 c.y. and over

Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man

Group 8-B: Field Equipment Serviceman or Fuel Truck Driver

Group 8-C: Heavy Duty Mechanic/Welder Helper

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Maricopa
DECISION NUMBER: AZ75-5077 DATE: Date of Publication
Supersedes Decision No. AZ75-5035 dated March 21, 1975, in 40 FR 12960.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.89	.50	.82		.01
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone A (0-25 miles from City Hall of Phoenix; Flagstaff and Yuma)	9.07	.50	.45		.03
Zone B (25-40 miles from City Hall of Phoenix; and Williams AFB)	9.52	.50	.45		.03
Zone C (40-70 miles from City Hall of Phoenix)	10.43	.50	.45		.03
Zone D (70-100 miles from City Hall of Phoenix)	10.88	.50	.45		.03
Zone E (100-200 miles from City Hall of Phoenix)	11.34	.50	.45		.03
Zone F (200 miles and over from City Hall of Phoenix)	11.79	.50	.45		.03
CARPENTERS:					
Carpenters; Drywall Applicator	9.085	.845	.955		.05
Filedriverman; Floorlayers (finish)	9.37	.845	.955		.05
Millwrights	9.50	.845	.955		.05
CEMENT MASONS:					
(Northern Portion)	9.01	.75	1.00		.05
(Southern Portion)	9.32	.70	.75		.05
DRYWALL:					
(From Court House in Phoenix, Mesa, including Williams AFB and Luke AFB)					
Tapers:					
Zone A (0-40 miles)	8.90	.49		.50	.07
Zone B (41-60 miles)	10.40	.49		.50	.07
Zone C (61 miles and over)	11.15	.49		.50	.07
Texture Sprayman:					
Zone A (0-40 miles)	9.00	.49		.50	.07
Zone B (41-60 miles)	10.50	.49		.50	.07
Zone C (61 miles and over)	11.25	.49		.50	.07

DECISION NO. AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; West on Baseline Road to the intersection Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane. North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.)					
Electricians	$ 10.45	.60	1% + .70		3/4%
Cable Splicers	10.97	.60	1% + .70		3/4%

DECISION NO AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)					
Electricians	$ 12.28	.60	1% + .70		3/4%
Cable Splicers	12.89	.60	1% + .70		3/4%
Zone C (Outside edge of Zone B and extend to the outside limits of the Union's Jurisdiction.)					
Electricians	13.22	.60	1% + .70		3/4%
Cable Splicers	13.88	.60	1% + .70		3/4%
ELEVATOR CONSTRUCTORS	9.255	.395	.26	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.15	.35	.30	.56	.01
IRONWORKERS	10.08	.88	1.325		.08

DECISION NO AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):					
Brush; Tapers	$ 8.10	.57	.38	.50	.05
Spray; Paperhangers	8.35	.57	.38	.50	.05
Zone B (41-60 miles from Court House in Phoenix):					
Brush; Tapers	9.10	.57	.38	.50	.05
Spray; Paperhangers	9.35	.57	.38	.50	.05
Zone C (61 miles and over from Court House in Phoenix):					
Brush; Tapers	9.60	.57	.38	.50	.05
Spray; Paperhangers	9.85	.57	.38	.50	.05
PLASTERERS (Northern 3/4 of Co.):					
Zone A (0-35 miles from Phoenix)	9.045	.60	.85		.035
Zone B (35-60 miles from Phoenix)	9.795	.60	.85		.035
Zone C (60 miles & over from Phoenix)	10.67	.60	.85		.035
PLASTERERS (Southern 1/4 of Co.):					
Zone A (0-30 miles from Tucson)	8.57	.35	.60		
Zone B (30-40 miles from Tucson)	9.07	.35	.60		
Zone C (40-50 miles from Tucson)	9.32	.35	.60		
Zone D (over 50 miles from Tucson)	10.07	.35	.60		
PLUMBERS; Steamfitters;					
FREE ZONE 0-15 miles					
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points	9.39	.65	1.24	1.25	.10

XUM

DECISION NO. AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters (Cont'd)					
Zone II (25-50 miles)	$ 9.74	.65	1.24	1.25	.10
Zone III (50-40 miles)	10.16	.65	1.24	1.25	.10
Zone IV (40 miles and over)	10.46	.65	1.24	1.25	.10
Plumbers: (Phoenix Area) Utility Mechanics (For installation of metallic or non-metallic piping or conduits used in water mains, storm sewers, sanitary sewers, invasion piping and culvert piping) (Installation of gas distribution piping for Public Utility Companies); Lawn Sprinkler Mechanics (Pipe layers fountain and equipment installation, service and maintenance landscaping and nurserymen); Swimming Pool Mechanics (Swimming pool piping of any mode or method or material service and repair, pipe excavation, installation of equipment); Residential Plumbing Service Work including repair and service of the plumbing in single family dwellings and multiple single family dwellings; Refrigeration and Air Conditioning Mechanics (Installation, service, maintenance and repair of air conditioning, refrigeration of 5 ton and under on single-family dwellings and multiple single family dwellings and heating systems)	8.73	.65			.02

DECISION NO. AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS	$ 7.80	.45	.20		.02
SHEET METAL WORKERS:					
Zone I (0-25 miles from Phoenix)	9.43	.40	.56		.02
Zone II (25-50 miles from Phoenix)	10.08	.40	.56		.02
Zone III (50 miles and over from Phoenix)	11.93	.40	.56		.02
SOFT FLOOR LAYERS:					
Zone A (0-40 miles from Court House in Phoenix, and including Luke and Williams Air Force Bases)	7.85	.49	.12		.12
Zone B (41-60 miles from Court House in Phoenix)	8.85	.49	.12		.12
Zone C (61 miles and over)	9.85	.49	.12		.12
SPRINKLER FITTERS	11.15	.50	.80		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 3 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. AZ75-5077

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$7.13	.70	.75		.08
Group 2:	7.26	.70	.75		.08
Group 3:	7.40	.70	.75		.08
Group 4:	7.51	.70	.75		.08
Group 5:	7.68	.70	.75		.08
Group 6:	8.055	.70	.75		.08
Group 7:	8.685	.70	.75		.08
Group 8:	7.875	.70	.75		.08
Group 8-A:	8.28	.70	.75		.08
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1:	7.77	.75	.80		.04
Group 2:	8.14	.75	.80		.04
Group 3:	8.60	.75	.80		.04
Group 4:	9.13	.75	.80		.04
Group 5:	9.66	.75	.80		.04
Group 5-A:	9.97	.75	.80		.04
Group 6:	10.30	.75	.80		.04
Group 7:	10.90	.75	.80		.04
TRUCK DRIVERS					
Group 1:	7.31	.70	.75		.04
Group 2:	7.44	.70	.75		.04
Group 3:	7.66	.70	.75		.04
Group 4:	8.01	.70	.75		.04
Group 5:	8.17	.70	.75		.04
Group 5-A:	8.35	.70	.75		.04
Group 6:	8.49	.70	.75		.04
Group 7:	8.90	.70	.75		.04
Group 8:	9.415	.70	.75		.04
Group 8-A:	10.07	.70	.75		.04
Group 8-B:	7.87	.70	.75		.04
Group 8-C:	9.76	.70	.75		.04

DECISION NO. AZ75-5077 Page 8

LABORERS

Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer

Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazer beam operator

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

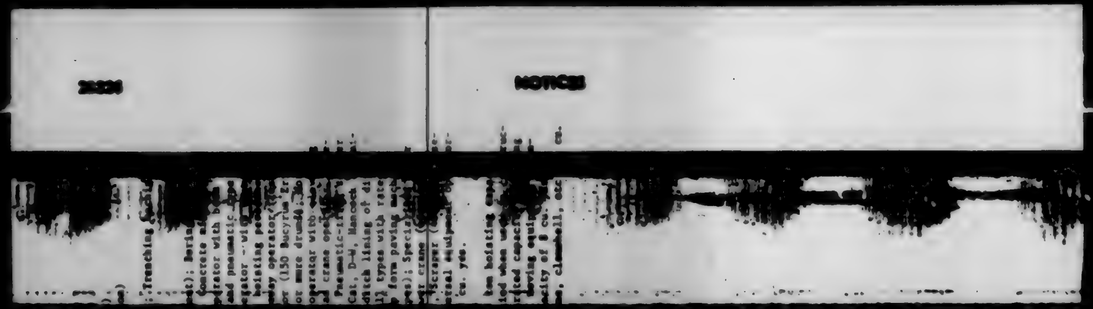
Group 5: Air and Water Wash-Out Nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chair or safety belt); Tampers (mechanical-all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping

Group 8: Mason Tenders

Group 8A: Plaster Tenders





V
4
0

DECISION NO AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters (Cont'd) Zone II (15-30 miles)	$ 9.74	.65	1.24	1.25	.10
Zone III (30-40 miles)	10.16	.65	1.24	1.25	.10
Zone IV (40 miles and over)	10.46	.65	1.24	1.25	.10
Plumbers: (Phoenix Area) Utility Mechanics (For installation of metallic or non-metallic piping or conduits used in water mains, storm sewers, sanitary sewers, invasion piping and culvert piping) (Installation of gas distribution piping for Public Utility Companies); Lawn Sprinkler Mechanics (Pipe layers fountain and equipment installation, service and maintenance landscaping and nurseryman); Swimming Pool Mechanics (Swimming pool piping of any mode or method or material service and repair, pipe excavation, installation of equipment); Residential Plumbing Service Work including repair and service of the plumbing in single family dwellings and multiple single family dwellings; Refrigeration and Air Conditioning Mechanics (Installation, service, maintenance and repair of air conditioning, refrigeration of 5 ton and under on single-family dwellings and multiple single family dwellings and heating systems)	6.73	.65			.02

DECISION NO AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ROOFERS	$ 7.80	.45	.20		.02
SHEET METAL WORKERS:					
Zone I (0-25 miles from Phoenix)	9.43	.40	.56		.02
Zone II (25-50 miles from Phoenix)	10.08	.40	.56		.02
Zone III (50 miles and over from Phoenix)	11.93	.40	.56		.02
SOFT FLOOR LAYERS:					
Zone A (0-40 miles from Court House in Phoenix, and including Luke and Williams Air Force Bases)	7.85	.49	.12		.12
Zone B (41-60 miles from Court House in Phoenix)	8.85	.49	.12		.12
Zone C (61 miles and over)	9.85	.49	.12		.12
SPRINKLER FITTERS	11.15	.50	.80		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO AZ75-5077

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1:	$7.13	.70	.75		.08
Group 2:	7.26	.70	.75		.08
Group 3:	7.40	.70	.75		.08
Group 4:	7.51	.70	.75		.08
Group 5:	7.68	.70	.75		.08
Group 6:	8.055	.70	.75		.08
Group 7:	8.685	.70	.75		.08
Group 8:	7.875	.70	.75		.08
Group 8-A:	8.28	.70	.75		.08
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1:	7.77	.75	.80		.04
Group 2:	8.14	.75	.80		.04
Group 3:	8.60	.75	.80		.04
Group 4:	9.13	.75	.80		.04
Group 5:	9.66	.75	.80		.04
Group 5-A:	9.97	.75	.80		.04
Group 6:	10.30	.75	.80		.04
Group 7:	10.90	.75	.80		.04
TRUCK DRIVERS					
Group 1:	7.31	.70	.75		.04
Group 2:	7.44	.70	.75		.04
Group 3:	7.66	.70	.75		.04
Group 4:	8.01	.70	.75		.04
Group 5:	8.17	.70	.75		.04
Group 5-A:	8.35	.70	.75		.04
Group 6:	8.49	.70	.75		.04
Group 7:	8.90	.70	.75		.04
Group 8:	9.415	.70	.75		.04
Group 8-A:	10.07	.70	.75		.04
Group 8-B:	7.87	.70	.75		.04
Group 8-C:	9.76	.70	.75		.04

LABORERS

Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer

Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazer beam operator

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and Water Wash-Out Nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chair or safety belt); Tampers (mechanical-all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping

Group 8: Mason Tenders

Group 8A: Plaster Tenders

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-mobo paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver

Group 2: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen

Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

Group 4: Bulk Cement Spreader (5 axle); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity

Group 5: Bulk Cement Spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.

Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, retortman or leverman

Group 6: Bulk Cement Spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer

Group 7: Bulk Cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle)

Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over

Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man

Group 8-B: Field Equipment Serviceman or Fuel Truck Driver

Group 8-C: Heavy Duty Mechanic/Welder Helper

SUPERSEDEAS DECISION

STATE: Arizona
COUNTY: Pima
DECISION NUMBER: AZ75-5078
DATE: Date of Publication
Supersedes Decision No. AZ75-5036 dated March 21, 1975, 40 FR 12966.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.89	.50	.82		.02
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone A (0-15 miles from Tucson)	9.395	.60	.60		.06
Zone B (15-30 miles from Tucson)	9.77	.60	.60		.06
Zone C (30-40 miles from Tucson)	10.145	.60	.60		.06
Zone D (Over 40 miles from Tucson)	10.895	.60	.60		.06
CARPENTERS:					
Carpenters; Drywall Applicators	9.085	.845	.955		.025
Piledrivermen; Floorlayers (finish)	9.37	.845	.955		.025
Millwrights	9.50	.845	.955		.025
CEMENT MASONS	9.32	.70	.75		.05
ELECTRICIANS:					
Zone A (within 16 miles of City Hall, Tucson)	8.11	.45	1%		1/2%
Zone B (From 16-32 miles from City Hall, Tucson)	8.61	.45	1%		1/2%
Zone C (From 32-48 miles from City Hall, Tucson)	9.11	.45	1%		1/2%
Zone D (Over 48 miles from City Hall, Tucson)	9.61	.45	1%		1/2%
ELEVATOR CONSTRUCTORS	9.255	.395	.26	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.15	.35	.30	.56	.01
IRONWORKERS	10.08	.88	1.325		.08
MARBLE SETTERS; Terrazzo Workers; Tile Setters	8.77	.60	.60		
MARBLE, TERRAZZO and TILE SETTERS' HELPERS	6.51	.70			
PAINTERS, Brush:					
Zone A (1-30 miles from Tucson P. O.)	7.43	.47	.35		.04
Zone B (31-40 miles from Tucson P. O.)	8.18	.47	.35		.04
Zone C (41-50 miles from Tucson P. O.)	8.93	.47	.35		.04
Zone D (51 miles and over)	9.43	.47	.35		.04

DECISION NO. AZ75-5078

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Zone A (0-44 miles from Tucson)	$7.47	.65	.20		.03
Zone B (Over 44 miles from Tucson)	9.22	.65	.20		.03
SHEET METAL WORKERS:					
Zone A (1-17 miles from Tucson)	9.04	.63	1.30		.01
Zone B (18-28 miles from Tucson)	9.54	.63	1.30		.01
Zone C (29-40 miles from Tucson)	10.54	.63	1.30		.01
Zone D (41 miles and over from Tucson)	11.54	.63	1.30		.01
SOFT FLOOR LAYERS	7.25	.38			
SPRINKLER FITTERS	11.15	.50	.80		.08

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Fund.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

DECISION NO. AZ75-5078

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS, Structural steel, brush:					
Zone A (0-30 miles from Tucson P. O.)	$8.43	.47	.35		.04
Zone B (31-40 miles from Tucson P. O.)	9.18	.47	.35		.04
Zone C (41 50 miles from Tucson P. O.)	9.93	.47	.35		.04
Zone D (51 miles and over)	10.43	.47	.35		.04
PLASTERERS:					
Zone A (0-30 miles from Tucson P. O.)	8.57	.35	.60		
Zone B (30-40 miles from Tucson P. O.)	9.07	.35	.60		
Zone C (40-50 miles from Tucson P. O.)	9.32	.35	.60		
Zone D (Over 50 miles from Tucson P. O.)	10.07	.35	.60		
PLUMBERS; Steamfitters:					
FREE ZONE 0-15 miles					
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones.) Any work contracted from outside of these zones will be determined from the Phoenix and Tucson basing points.	9.39	.65	1.24	1.25	.10
Zone II (15-30 miles)	9.74	.65	1.24	1.25	.10
Zone III (30-40 miles)	10.16	.65	1.24	1.25	.10
Zone IV (40 miles and over)	10.46	.65	1.24	1.25	.10

DECISION NO. AZ75-5078

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1:	$7.13	.70	.75		.08
Group 2:	7.26	.70	.75		.08
Group 3:	7.40	.70	.75		.08
Group 4:	7.51	.70	.75		.08
Group 5:	7.68	.70	.75		.08
Group 6:	8.055	.70	.75		.08
Group 7:	8.685	.70	.75		.08
Group 8:	7.875	.70	.75		.08
Group 8-A:	8.28	.70	.75		.08
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
Group 1:	7.77	.75	.80		.04
Group 2:	8.14	.75	.80		.04
Group 3:	8.60	.75	.80		.04
Group 4:	9.13	.75	.80		.04
Group 5:	9.66	.75	.80		.04
Group 6-A:	9.97	.75	.80		.04
Group 6:	10.30	.75	.80		.04
Group 7:	10.90	.75	.80		.04
TRUCK DRIVERS					
Group 1:	7.31	.70	.75		.04
Group 2:	7.44	.70	.75		.04
Group 3:	7.66	.70	.75		.04
Group 4:	8.01	.70	.75		.04
Group 5:	8.17	.70	.75		.04
Group 5-A:	8.35	.70	.75		.04
Group 6:	8.49	.70	.75		.04
Group 7:	8.90	.70	.75		.04
Group 8:	9.415	.70	.75		.04
Group 8-A:	10.07	.70	.75		.04
Group 8-B:	7.87	.70	.75		.04
Group 8-C:	9.76	.70	.75		.04

LABORERS

Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer

Group 2: Cement Finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazor beam operator

Group 3: Bander; Chucktender (except tunnel); Creosote fireman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers

Group 4: Cement Dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and Water Wash-Out Nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chair or safety belt); Tampers (mechanical-all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, FR 143, 2200 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping

Group 8: Mason Tenders

Group 8A: Plaster Tenders

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment serviceman helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant fireman; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (poftable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Pickup; Station wagon; Teamsters; Han Haul Driver

Group 2: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen

Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

Group 4: Bulk Cement Spreader (5 axle); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 6 c.y. or less mixer capacity

Group 5: Bulk Cement Spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.

Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, retortman or leverman

Group 6: Bulk Cement Spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer

Group 7: Bulk Cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle)

Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over

Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man

Group 8-B: Field Equipment Serviceman or Fuel Truck Driver

Group 8-C: Heavy Duty Mechanic/Welder Helper

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL75-1066
Supersedes Decision No. AR-4039 dated September 13, 1974, in 39 FR 33157
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: *See below
DATE: Date of Publication

*Counties:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Lake, Orange, Osceola, and Seminole.					
Air conditioning mechanics	4.33				
Bricklayers	5.00				
Carpenters	5.25				
Cement masons	6.00				
Drywall finishers	6.00				
Drywall managers	6.00				
Electricians	5.65	.30	3%		1 of 3%
Form setters	5.00				
Glaziers	6.00				
Ironworkers	4.22				
Insulation installers	4.36				
Laborers	3.00				
Mason tenders	3.50				
Mortar mixers	4.00				
Lathers	7.00				
Painters	4.50				
Plasterers	7.00				
Plumbers	4.00				
Roofers	5.00				
Tile setters	7.25				
Soft floor layers	3.00				
Truck drivers					
Power Equipment Operators:					
Backhoe	4.76				
Bulldozers	4.36				
Cranes and dragline	4.25				
Graders	4.25				
Rollers	4.00				
Trenching machine	5.00				
Scrapers	4.00				
Welders	4.25				

Page 2

DECISION NO. IL75-2086

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS (CONT'D)					
Area west of Bell Plaine & Robert Twps. in Marshall Co; Area west of but not including Linn, Kansas, Palestine, Roanole, Casenovia & Metamora Twps. in Woodford Co; Livingston Co; Vic. of Streator-S.E. part of county South of Eden in LaSalle Co; Magnolia Twp. in Putnam Co; Area east of Casenovia & Metromora Twps., including Linn, Clayton, Minak, Roanoke, Green & Panola Twps. in Woodford County; Remainder of Marshall Co, McLean County; Twps. of Elpaso, Kansas & Palestine-SE Corner of Woodford County	9.40	.30	13%+.20		.6%
IRONWORKERS:	9.00	.30	13%+.25		.2%
Iroquois & Kankakee Counties	9.70	.50	.50		.03
Grundy County	9.25	1.75	.225		.02
Ford Co; Livingston Co; Eastern Part of McLean County	8.70	.40	.60		.08
Woodford Co; S.W. Corner of Marshall County	9.025	.40	.475		
Iroquois & Putnam Co's; Remainder of Marshall County	10.62	.50	.375		.02
LINEMEN:					
Iroquois County:					
Linemen, Groundman Equip. Opr., Groundman Truck Driver:	9.57	.30	13%+.30		½ of 1%
W/Winch	7.87	.30	13%+.30		½ of 1%
WO/Winch	7.34	.30	13%+.30		½ of 1%
Groundman	7.00	.30	13%+.30		½ of 1%
Kankakee County:					
Linemen, Equipment Operators	10.25	5%	4%	8%	4%
Groundmen	8.25	5%	4%	8%	4%
Grundy County:					
Linemen & Equipment Operators	11.38	.30	13%+.20	.65	.2%
Cable Splicer	11.78	.30	13%+.20	.65	.2%
Groundmen	10.38	.30	13%+.20	.65	.2%

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL75-2086
Supersedes Decision IL75-2001, dated January 3, 1975, in 40 FR 934
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Iroquois & Kankakee Co's; (N. of Garber & Ontario) in Ford County	89.56	.35	.30		.08
Remainder of Ford County	8.715	.30	.60		.02
Grundy County	8.51	.35	.40		
Marshall & Putnam Co's; (Peru, Ottawa & Streator & Vicinities in LaSalle County	9.50	.45	.35		.03
Grundy Co; Marseilles & Vicinity in LaSalle County	9.995	.35	.53		.02
McLean County	8.265	.35	.40		
Livingston County	8.40	.35			
CEMENT MASONS:	9.00		.50		
LaSalle & Putnam Counties	9.48	.40			.10
Livingston & McLean Counties; E. of Roanoke in Woodford County	9.40	.40	.40		.05
Marshall Co., & Remainder of Woodford County	8.95	.30			.025
Iroquois & Kankakee Counties	9.025	.30	.65		.04
Ford County	9.87	.40			
Grundy County	11.38	.30	13%+.20	.65	.2%
ELECTRICIANS:	9.47	.30	13%+.30		.25%
Grundy County					
Twps. of Mountain Creek, Love Joy & Prairie Green in Iroquois Co.	9.40	.30	13%+.20		.4%
Area south of Roberts Twp. in Ford Co; Twps. of Artesia, Pigeon Grove & Lods in Iroquois County	9.03	.30	13%+.30	5%	3/8 of1%
Kankakee Co; Remainder of Ford & Iroquois Counties					
Northern ½ & Central Southern part of LaSalle Co; Walnut, Ohio, LaSalle, Clarion, Bureau, Dover, Berlin & Neerville Twps. in Bureau County	11.10	.30	13%+.20	.65	.2%
Vicinity of LaSalle S.W. part of County; Remainder of Putnam Co; Twps. of Ritge, Concord, Fairfield, Gold, Greenville, Hall, Independence, Lamoine, Manlius, Milo, Mineral, Neponset, Princeton, Selby, Wheatland & Wyanet in Bureau County	9.50	.30	13%+.20		.25

V40I129 J3 '75
XUM

DECISION NO. IL75-2086

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN (CON'T)					
Ford, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford Cos:					
Lineman	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class I	9.01				
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%
PAINTERS:					
Putnam Co; Twps. of Mendota, Ogelsby, Utica & Peru in LaSalle County:					
Industrial & Structural Steel					
Brush	7.65	.40	.30		
Spray & Sandblasting	8.65	.40	.30		
Remainder of LaSalle County:					
Industrial; Structural Steel & Bridges					
Brush	8.80	.45	.15		
Spray	9.80	.45	.15		
Grundy County:					
Bridges W/Butt Plates & Hand Rails Only	9.20	.42	.35		.03
Bridges W/O Superstructures	9.70	.42	.35		.03
Bridges W/Superstructures & Lift Type	10.20	.42	.35		.03
Kankakee & Iroquois Counties:					
Brush & Roller	8.65	.40	.25		
Spray	9.70	.40	.25		
Marshall & Woodford Counties:					
Brush	8.05	.40	.30		
Structural Steel, Bridge & Spray	8.45	.40	.30		
TRUCK DRIVERS:					
Kankakee & Iroquois Counties					
2-3 Axle Trucks	6.70	a12.50	a11.00		
4-Axle Trucks	6.90	a12.50	a11.00		
5-Axle Trucks	7.10	a12.50	a11.00		
6-Axle Trucks	7.25	a12.50	a11.00		
Grundy County; Remainder of Livingston & Woodford Counties:					
2-3 Axle Trucks	6.60	a15.00	a19.00		
4-Axle Trucks	6.75	a15.00	a19.00		
5-Axle Trucks	6.95	a15.00	a19.00		
6-Axle Trucks	7.15	a15.00	a19.00		

FOOTNOTE: a-Per Week Per Employee

DECISION NO. IL75-2086

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LASALLE & PUTNAM COUNTIES					
UNSKILLED	$7.42	.30	.20		.035
SEMI-SKILLED	7.62	.30	.20		.035
SKILLED	7.82	.30	.20		.035
FORD, LIVINGSTON, IROQUOIS, MCLEAN, KANKAKEE, MARSHALL & WOODFORD CNS.					
UNSKILLED	7.33	.30	.20		.035
SEMI-SKILLED	7.53	.30	.20		.035
SKILLED	7.73	.30	.20		.035

CLASSIFICATIONS

UNSKILLED

Unskilled Laborer, carpenter tenders, tool cribmen, firemen or salamander tenders, flagmen, gravel box men, dumpmen and spotters, form handlers, material checkers, dispatchers landscapers, unloading explosives, laying of sod, planting of trees, removal of trees, asphalt plant laborers, wrecking laborers, writer of scale tickets, fire shop laborers, fireproofing laborers, janitors, wrecking, dismantling buildings, wallmen and housemovers, driving of stakes, stringlines for all machinery.

SEMI-SKILLED

Handling of materials treated with oil, creosote asphalt or any foreign material, truck laborers, cement handlers, chloride handlers, the unloading & laborers with steel workers & re-bars, concrete workers, (wet), tunnel helpers in free air, batch dumpers, mason & plasterer tenders & material wheelers, kettle & tarmen, tank cleaners, plastic installers, scaffold workers, motorized buggies or motorized unit used for wet concrete or handling of building materials, laborers with de-watering systems, all sewer workers plus depth, rod & chainmen with technical engineers, rod & chainmen with surveyors, vibrator operators, mortar mixer operators, cement silica, clay, fly ash, lime and plasters, handlers (bulk or bag), cofferdam workers plus depth, on concrete paving, placing, cutting & trying or reinforcing, deck hand, dredge hand & shore laborers, bankmen on floating plant, asphalt workers with machine, asphalt raker, grade checker.

SKILLED

Dynamite man or blasters, caisson workers plus depth, gunnite nozzlemen, loadmen on sewer work, welders, cutters, burners, and torchmen, chainsaw operators, jackhammer and drill operators, layout man, steel form setters-street and highway, air tamping hammerman, signal man on crane, concrete saw operators, screedman on asphalt pavers, laborers tending masons with hot materials are used, multiple concrete duct-leadman, lutemen, curb asphalt machine operator, ready mix scalesman, portable or temporary plant, laborers handling masterplace or similar materials, laser beam operator, concrete burning machine operator, coring machine operator.

DECISION NO. IL75-2086

LABORERS: GRUNDY COUNTY:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Common Laborers; Plasterers Laborers; Pumps for Dewatering & other Unclassified Laborers	$7.20	.57	1.10		
Cement Gun Laborers	7.275	.57	1.10		
Scaffold Laborers & Chimney Laborers over 40'	7.30	.57	1.10		
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.35	.57	1.10		
Stone Handlers & Derrickmen	7.40	.57	1.10		
Jackhammermen	7.425	.57	1.10		
Concrete Vibrator; Plumbers Laborer & Chain Saw Operator	7.45	.57	1.10		
Firebrick & Boiler Setters' Laborers	7.525	.57	1.10		
Chimney Laborers on Firebrick; Caisson Diggers & Well Point System Men	7.55	.57	1.10		
Boiler Setter Plastic Laborers	7.65	.57	1.10		
Jackhammermen on Firebrick Only	7.775	.57	1.10		

DECISION NO. IL75-2086

POWER EQUIPMENT OPERATORS: LASALLE, GRUNDY, KANKAKEE, LIVINGSTON COS; EAST OF THE ILLINOIS RIVER IN PUTNAM COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.90	.50	.70	.20	.05
CLASS II	9.35	.50	.70	.20	.05
CLASS III	8.70	.50	.70	.20	.05
CLASS IV	7.70	.50	.70	.20	.05
CLASS V	6.70	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: LASALLE, GRUNDY, KANKAKEE, LIVINGSTON COS; EAST OF THE ILLINOIS RIVER IN PUTNAM COUNTY

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractoire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL75-2086

POWER EQUIPMENT OPERATORS (CONT'D) LASALLE, GRUNDY, KANKAKEE, LIVINGSTON COS; EAST OF THE ILLINOIS RIVER IN PUTNAM COUNTY

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

DECISION NO. IL75-2086

POWER EQUIPMENT OPERATORS; MARSHALL, MCLEAN & WOODFORD COS; REMAINDER OF PUTNAM COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$8.895	.45	.55		.05
Group 2	8.695	.45	.55		.05
Group 3	8.42	.45	.55		.05
Group 4	8.145	.45	.55		.05
Group 5	8.035	.45	.55		.05

POWER EQUIPMENT OPERATORS:
MARSHALL, MCLEAN & WOODFORD COS; REMAINDER OF PUTNAM COUNTY

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadoser

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL75-2086

POWER EQUIPMENT OPERATORS (Cont'd)
MARSHALL, MCLEAN & WOODFORD COS;
REMAINDER OF PUTNAM COUNTY

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-3 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL75-2086

TRUCK DRIVERS: LASALLE, MCLEAN, FORD, PUTNAM COS; LONG POINT, NEWTON, READING & SUNBURY TWPS. IN LIVINGSTON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS: LASALLE, MCLEAN, FORD, PUTNAM COS; LONG POINT, NEWTON, READING & SUNBURY TWPS. IN LIVINGSTON COUNTY

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL75-2087
Supersedes Decision No. IL75-2015, dated February 14, 1975, 40 FR 6927
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTIES: See Below
DATE: Date of Publication

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:					
Bond, Calhoun, Greene, Jersey & Madison Counties	$9.585	.50	.50		
Clinton, Monroe, St. Clair & Washington Counties	9.535	.40	.75		
Macoupin and Montgomery Counties	8.985	.50	.50		
CEMENT MASONS:					
Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton County, East to but not including Carlyle; Southern part of Bond County, north to & including Smithboro; Remainder of Madison County	10.425				
Greene, Macoupin & Montgomery Counties; Eastern ½ of Clinton County including Carlyle; the Northern part of Bond County & the Northeastern section of Madison County	9.475	.60	.35		
ELECTRICIANS:					
Portion east of Butler Grove, Grisham, Hillsboro & Raymond Twp. in Montgomery County	9.54	.30	1%+.23		.4%
Achensville, Scottville, Girard & Areas north thereof in Macoupin Co; N.W. part of Montgomery Co. including Bois D' Arc, Harvel & Pittman Twps.	9.07	.30	1%+.30		.2%
Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co.	10.19	.30	1%	6%	½ of 1%
Eastern ½ of Bond County, Huey, Hoffman & Vicinity in Clinton County & Remainder of Washington County	9.75	.30	1%+.60		½ of 1%
Monroe & St. Clair Cos; Western ½ of Bond Co., Vandy twp. in Washington Co., & Remainder of Clinton, Madison & Montgomery Cos.	9.38	4%	1%+.65		.25%

DECISION NO. IL75-2087

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair & Washington Cos; Summerville & south thereof in Macoupin Co., & Litchfield, Hillsboro & south thereof in Montgomery County	$9.55	.55	.75		
Greene; Macoupin Co., north of Summerville & north of Litchfield & Hillsboro in Montgomery County	9.50	.55	.70		.05
LINEMEN:					
Eastern ½ of Bond Co. & Remainder of Washington County:					
Linemen & Digging Operator	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class I	8.34	.35	1%		.25%
Class II	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%
Northern 1/3 of Macoupin County & Remainder of Montgomery County:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class I	9.01	.35	1%		.25%
Groundman Truck Driver-W/Winch	6.74	.35	1%		.25%
Groundman Truck Driver-WO Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%
Calhoun, Greene & Jersey Cos; S.E. corner of Macoupin Co; Alton, E. Alton, Wood River & Hartford in Madison County:					
Linemen	10.19	.35	1%	6%	½ of 1%
Groundmen Truck Driver-W/Winch	9.29	.35	1%	6%	½ of 1%
Groundman & Groundman Truck Driver	8.99	.35	1%	6%	½ of 1%
Clinton, Monroe & St. Clair Cos; Vandy Twp. in Washington County, Western ½ of Bond County & Butler Grove, Grisham, Hillsboro, North Litchfield, Raymond, S. Litchfield, Walshville & Zanesville Twps. in Montgomery Co., & Remainder of Macoupin County:					
Linemen	9.72	4%	1%		.25%
Groundman Equipment Operator	8.44	4%	1%		.25%

NOTICES

DECISION NO. IL75-2087

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINEMEN: (CONT'D)					
Groundmen Truck Drivers:					
W/Winch	$6.86	4%	1%		.25%
WO/Winch	6.86	4%	1%		.25%
Pick-Up-Jeeps	6.60	4%	1%		.25%
Groundmen	6.36	4%	1%		.25%
PAINTERS:					
Brush	9.25	.45	.15		
Industrial	9.50	.45	.15		
Bridges	9.75	.45	.15		
TRUCK DRIVERS					
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

DECISION NO. IL75-2087

HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
St. Clair County - New Athens:					
Laborers	$8.45	.25	.30		.035
Brick and Plaster Mason Tenders	8.95	.25	.30		.035
Workmen cutting and burning w/a Torch and Men working on the bottom of sewer, etc.	8.70	.25	.30		.035
Dynamite Men	10.05	.25	.30		.035
Greene County - Roodhouse:					
Laborers	8.50		.50		.035
Brick and Plaster Mason Tenders	9.00		.50		.035
Workmen cutting and burning w/a torch and men working on the bottom of sewer, etc.	8.75		.50		.035
Dynamite Men	10.10		.50		.035
St. Clair County - Freeburg:					
Laborers	8.55	.25	.20		.035
Brick and Plaster Mason Tenders	9.05	.25	.20		.035
Workmen cuttin and burning w/a troch and men working on the bottom of sewer, etc.	8.80	.25	.20		.035
Dynamite Men	10.15	.25	.20		.035
Macoupin County - Gillespie; Madison County - Highland:					
Laborers	8.60		.40		.035
Brick and Plaster Mason Tenders	9.10		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.85		.40		.035
Dynamite Men	10.20		.40		.035
Madison County - St. Jacob:					
Laborers	8.60		.40		.035
Brick and Plaster Mason Tenders	9.10		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.85		.40		.035
Dynamite Men	10.20		.40		.035

NOTICES

DECISION NO. IL75-2087

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Cont'd)					
Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy:					
Laborers	$8.70		.30		.035
Brick and Plaster Mason Tenders	9.20		.30		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.95		.30		.035
Dynamite Men	10.30		.30		.035
Randolph County - Chester					
Laborers	8.50		.50		.035
Brick and Plaster Mason Tenders	9.00		.50		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.75		.50		.035
Dynamite Men	10.10		.50		.035
Madison County - Glen Carbon					
Laborers	8.75		.35		.035
Brick and Plaster Mason Tenders	9.25		.35		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.00		.35		.035
Dynamite Men	10.35		.35		.035
Washington County - Okawville; Macoupin County - Carlinville; Clinton County; Carlyle; Bond County - Greenville, Pocahontas, Sorento; Calhoun County - Harding; Montgomery County - Litchfield, Hillsboro; Jersey County - Jerseyville; Madison County - Livingston, Marine; Randolph County - Sparta:					
Laborers	8.80		.20		.035
Brick and Plaster Mason Tenders	9.30		.20		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.05		.20		.035
Dynamite Men	10.40		.20		.035

DECISION NO. IL75-2087

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Zone I					
Area 1: Madison County - Alton					
Laborers	$8.45	.35	.30		.035
Asphalt Raker, etc.	8.55	.35	.30		.035
Brick Mason Tenders	8.95	.35	.30		.035
Men working on the bottom, etc.	8.70	.35	.30		.035
Dynamite Men	9.975	.35	.30		.035
Area 2: St. Clair Co. - New Athens					
Laborers	8.55	.25	.30		.035
Asphalt Raker, etc.	8.65	.25	.30		.035
Brick Mason Tenders	9.05	.25	.30		.035
Men working on the bottom, etc.	8.80	.25	.30		.035
Dynamite Men	10.075	.25	.30		.035
Area 3: St. Clair County - East St. Louis, Madison County-Granite City					
Laborers	8.15	.40	.55		.035
Asphalt Raker, etc.	8.25	.40	.55		.035
Brick Mason Tenders	8.65	.40	.55		.035
Men working on the bottom, etc.	8.40	.40	.55		.035
Dynamite Men	9.675	.40	.55		.035
Area 4: Madison County-Edwardsville					
Laborers	8.80		.25		.035
Asphalt Raker, etc.	8.95		.25		.035
Brick Mason Tenders	9.35		.25		.035
Men working on the bottom, etc.	9.10		.25		.035
Dynamite Men	10.375		.25		.035
Area 5: Madison County - Wood River:					
Laborers	8.60		.50		.035
Asphalt Raker, etc.	8.70		.50		.035
Brick Mason Tenders	9.10		.50		.035
Men working on the bottom, etc.	8.85		.50		.035
Dynamite Men	10.125		.50		.035

DECISION NO. IL75-2087

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE II					
Area 1: Washington County - Ashley and Okawville; Macoupin County - Mt. Olive, Shipman and Carlinville; St. Clair County - Mascoutah, O'Fallon and Collinsville; Madison County - Marine and Livingston; Clinton County - Carlyle; Randolph County - Sparta Bond County - Greenville, Pocahontas and Serento; Calhoun County - Hardin; Montgomery County - Hillsboro and Litchfield					
Laborers	$8.90		.20		.035
Asphalt Raker, etc.	9.00		.20		.035
Brick mason tenders	9.40		.20		.035
Men working on the bottom, etc.	9.15		.20		.035
Dynamite Men	10.425		.20		.035
Area 2: Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy					
Laborers	8.80		.30		.035
Asphalt Raker, etc.	8.90		.30		.035
Brick Masons Tenders	9.30		.30		.035
Men working on the bottom, etc.	9.05		.30		.035
Dynamite Men	10.325		.30		.035
Area 3: St. Clair Co. - Belleville					
Laborers	8.40	.30	.40		.035
Asphalt Raker, etc.	8.50	.30	.40		.035
Brick Masons Tenders	8.90	.30	.40		.035
Men working on the bottom, etc.	8.65	.30	.40		.035
Dynamite Men	9.925	.30	.40		.035
Area 4: Madison County - Glen Carbon					
Laborers	8.75		.35		.035
Asphalt Raker, etc.	8.85		.35		.035
Brick Mason Tenders	9.25		.35		.035
Men working on the bottom, etc.	9.00		.35		.035
Dynamite Men	10.275		.35		.035

DECISION NO. IL75-2087

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Area 5: Randolph County - Chester					
Laborers	$8.60		.50		.035
Asphalt Raker, etc.	8.70		.50		.035
Brick Mason Tenders	9.10		.50		.035
Men working on the bottom, etc.	8.85		.50		.035
Dynamite Men	10.125		.50		.035
ZONE					
Area 6: Green County - Roodhouse					
Laborers	8.60		.50		.035
Asphalt Raker, etc.	8.70		.50		.035
Brick Mason Tenders	9.10		.50		.035
Men working on the bottom, etc.	8.85		.50		.035
Dynamite Men	10.125		.50		.035
Area 7: Madison County - Highland; Macoupin County - Gillespie					
Laborers	8.70		.40		.035
Asphalt Raker, etc.	8.80		.40		.035
Brick Mason Tenders	9.20		.40		.035
Men working on the bottom, etc.	8.95		.40		.035
Dynamite Men	10.225		.40		.035
Area 8: Monroe County - Columbia					
Laborers	8.85		.25		.035
Asphalt Rakers, etc.	8.95		.25		.035
Brick Mason Tenders	9.35		.25		.035
Men working on the bottom, etc.	9.10		.25		.035
Dynamite Men	10.375		.25		.035
Area 9: St Clair Co. - Freeburg					
Laborers	8.65	.25	.20		.035
Asphalt Raker, etc.	8.75	.25	.20		.035
Brick Mason Tenders	9.15	.25	.20		.035
Men working on the bottom, etc.	8.90	.25	.20		.035
Dynamite Men	10.175	.25	.20		.035
Area 10: Madison County - St. Jacob					
Laborers	8.70		.40		.035
Asphalt Raker, etc.	8.80		.40		.035
Brick Mason Tenders	9.20		.40		.035
Men working on the bottom, etc.	8.95		.40		.035
Dynamite Men	10.225		.40		.035

DECISION NO. IL75-2087

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.63	.42	.90		.05
GROUP II	8.80	.42	.90		.05
GROUP III	8.15	.42	.90		.05
GROUP IV	8.05	.42	.90		.05
GROUP V	7.80	.42	.90		.05
GROUP VI					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.40	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells on derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and head oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distribution oprs., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NUMBER: IL75-2092 DATE: Date of Publication
Supersedes Decision No. AR-3064, dated August 9, 1974, in 39 FR 28800
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.36	.58	.67		.05
BOILERMAKERS	10.00	.65	1.00	4%	.02
BRICKLAYERS & STONEMASONS	9.95	.50	.60		.03
CARPENTERS:					
Building, Heavy & Highway					
Carpenters & Soft Floor Layers	9.65	.55	.63		.06
Millwrights & Piledrivermen	9.65	.55	.63		.06
CEMENT MASONS:					
Building	9.65	.62	.65		.04
Heavy & Highway	9.10	.45	.35		.04
ELECTRICIANS	10.25	.70	.615	.57	.045
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	9.97	.445	.29	3%+a&b	.02
Helpers	70%JR	.445	.29	3%+a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.57	.26	.59		.01
IRONWORKERS:					
Structural & Reinforcing	10.75	.94	.98		.08
Ornamental	10.905	.40	.475		.05
Riggers & Machinery Movers	9.20	.40	1.025	.70	.10
LATHERS	9.32	.52	.345		.015
LEADBURNERS	9.25	.35		a	.01
LINE CONSTRUCTION:					
Linemen	10.75	5%	4%	8½%	¼
Groundmen	8.50	5%	4%	8½%	¼
MARBLE SETTERS	9.97	.50		.60	
PAINTERS:					
Brush, Decorators, Paperhangers & Tapers	8.30	.425	.25		.007
PLASTERERS					
PIPEFITTERS	10.85	.55	.70		.02
PLUMBERS	10.32	.55	.55		.05
POINTERS, CAULKERS & CLEANERS	9.80	.55	.70		
ROOFERS:					
Composition & Waterproofers	10.00	.63	.50		.02
Slate & Tile	10.00	.65	.50		.02
SHEET METAL WORKERS	10.35	.50	.49		.02
SPRINKLER FITTERS	10.00	.60	.70		.15
SURVEY CREW:					
Rodman	6.60	.60	.20		
Instrument Man	7.85	.60	.20		
TERRAZZO WORKERS	8.95	.30	.30		

DECISION NO. IL75-2092

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
TILE SETTERS	$8.65	.30-5/8	.425		
TILE SETTERS' HELPERS	8.18	e2.45	e3.40		
TRUCK DRIVERS:					
Building & Resid. Construction:					
2-3 Axle Trucks	6.45	d12.00	d15.85		
4-Axle Trucks	6.70	d12.00	d15.85		
5-Axle Trucks	6.90	d12.00	d15.85		
6-Axle Trucks	7.10	d12.00	d15.85		
Heavy & Highway Construction:					
2-3 Axle Trucks	6.45	.40	.30		
4-Axle Trucks	6.70	.40	.30		
5-Axle Trucks	6.90	.40	.30		
6-Axle Trucks	7.10	.40	.30		
WELL DRILLERS:					
Driller, Pump Installer, Welder & Mechanic	8.75	.50	.50	a	
Tool Dresser, Helper	8.10	.50	.50	a	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-NEW YEAR'S DAY; B-MEMORIAL DAY; C-INDEPENDENCE DAY; D-LABOR DAY;
E-THANKSGIVING DAY; F-CHRISTMAS DAY.

FOOTNOTES:
a. Six Paid Holidays: A through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
c. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the Holiday.
d. Per Week Per Employee.
e. Per Day

DECISION NO. IL75-2092

LABORERS: BUILDING, HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Common Laborers; Plasterer Laborers; Pumps for Dewatering & other Unclassified Laborers	$7.20	.57	1.10		
Cement Gun Laborers	7.275	.57	1.10		
Scaffold Laborers & Chimney Laborers over 40'	7.30	.57	1.10		
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.35	.57	1.10		
Stone Handlers & Derrickmen	7.40	.57	1.10		
Jackhammermen	7.425	.57	1.10		
Concrete Vibrator; Plumbers Laborer & Chain Saw Operator	7.45	.57	1.10		
Firebrick & Boiler Setters' Laborers	7.525	.57	1.10		
Chimney Laborers on Firebrick; Caisson Diggers & Well Point System Men	7.55	.57	1.10		
Boiler Setter Plastic Laborers	7.65	.57	1.10		
Jackhammermen on Firebrick Only	7.775	.57	1.10		
WRECKING LABORERS:					
General Laborers	6.47	.57	.85		
Wallmen, Wreckers, Burners, Air Hammer Men	7.12	.57	.85		
Smokestack or High-Man	7.47	.57	.85		

DECISION NO. IL75-2092

POWER EQUIPMENT OPERATORS: BUILDING & RESIDENTIAL CONST.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.30	.50	.70	.20	.05
CLASS II	9.00	.50	.70	.20	.05
CLASS III	7.95	.50	.70	.20	.05
CLASS IV	6.75	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: BUILDING & RESIDENTIAL CONST.

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gypsum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

NOTICES

28344

FEDERAL REGISTER, VOL. 40, NO. 129—THURSDAY, JULY 3, 1975

DECISION NO. IL75-2092

POWER EQUIPMENT OPERATORS: HEAVY, SEWER & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.90	.50	.70	.20	.05
CLASS II	9.35	.50	.70	.20	.05
CLASS III	8.70	.50	.70	.20	.05
CLASS IV	7.70	.50	.70	.20	.05
CLASS V	6.70	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: HEAVY, SEWER & HIGHWAY CONSTRUCTION

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, auto-grade, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27B cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 78 Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL75-2092

POWER EQUIPMENT OPERATORS (CONT'D) HEAVY, SEWER & HIGHWAY CONSTRUCTION

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

NOTICES

28345

FEDERAL REGISTER, VOL. 40, NO. 129—THURSDAY, JULY 3, 1975

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN75-2089
Supersedes Decision Nos.: IN75-2023 dated February 7, 1975 in 40 FR 6035; IN75-2024 dated February 7, 1975 in 40 FR 6039; IN75-2027 dated February 7, 1975 in 40 FR 6044; IN75-2028 dated February 7, 1975 in 40 FR 6049
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTIES: *See below
DATE: Date of Publication

*Lake, LaPorte, Porter, & St. Joseph	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$10.36	.58	.67		.05
LaPorte & St. Joseph Counties	9.625	.30	.15		
BOILERMAKERS	10.05	.50	1.00		.01
BRICKLAYERS:					
Lake & Porter Counties:					
Bricklayers; Marble Setters; Stonemasons; & Terrazzo workers	9.65	.35	.55	.50	.01
Tile setters	9.10	.35	.55	.50	.01
LaPorte County:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters	9.67	.35	.25		.02
St. Joseph County:					
Bricklayers; Stonemasons. Marble setters; Terrazzo workers Tile setters	9.44	.40	.35		.05
CARPENTERS:	8.10	.40	.35	a	.01
Lake, LaPorte, & Porter Counties:					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	9.76	.50	.57		.05
St. Joseph County:					
Building construction:					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	8.38	.35	.50		.05
Heavy & Highway construction:					
Carpenters	9.01	.47	.40		.05
CEMENT MASONS:					
Building construction:					
Lake County (Hammond Area)	9.57	.60	.55		.01
Lake County (Remainder of Co.); Porter County (Western ½ of Co.	9.47	.60	.65		.01
LaPorte County; Porter County (Eastern ½ of Co.)	8.73	.45	.70		.03
St. Joseph County	8.61	.40	.50		.01
Heavy and Highway construction:					
Porter County (Eastern ½ of Co.)	8.62	.45	.70		.03
Porter County (Western ½ of Co.)	9.47	.60	.65		.01
St. Joseph County	8.86	.40	.50		.01
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area)	8.95	.60	.55		.01
Lake County (Remainder of Co.)	8.85	.60	.65		.01
LaPorte County	8.62	.45	.70		.03

DECISION NO. IN75-2089

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Lake County	$9.55	5%	6.3%	4%	.7%
LaPorte & Porter Counties	9.55	3½%	5½%	4%	.2%
St. Joseph County	9.60	3.8%	5%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator constructors	10.35	.445	.29	3%+b+c	.02
Helpers	7.245	.445	.29	3%+b+c	.02
Helpers (Prob.)	5.175				
LaPorte & St. Joseph Counties:					
Elevator constructors	9.02	.445	.29	3%+b+c	.02
Helpers	6.31	.445	.29	3%+b+c	.02
Helpers (Prob.)	4.51				
GLAZIERS:					
Lake County(excluding Hammond); Porter County	7.80	.25	.25	.25	
LaPorte & St. Joseph Counties	7.25	.35		4%	¼ of 1%
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	10.63	.50	.75		.05
LaPorte (Remainder of Co.), & St. Joseph Counties	9.05	.55	.65		.01
LATHERS:					
Lake & Porter Counties	8.25		.35	.30	
LaPorte & St. Joseph Counties	8.87	.33	.25		.01
LEADBURNERS	9.25	.35		d	.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	7.90	.42	.35		.02
Sandblasting; Spray	8.65	.42	.35		.02
Paperhanging; Vinyl	8.15	.42	.35		.02
Industrial:					
Brush; Roller	8.65	.42	.35		.02
Sandblasting; Sign painters; Spray	9.40	.42	.35		.02
Lake County (Gary Area) & Porter County (North of Highway #6):					
Commercial:					
Brush	8.10	.37	.30		.02
Sandblasting; Spray; Steam-cleaning; machine spray stripping	8.85	.37	.30		.02
Paperhanger	8.35	.37	.30		.02

DECISION NO. IN75-2089

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS (CONT'D):					
Industrials					
Brush	$9.00	.37	.30		.02
Sandblasting; Spray; Steam-cleaning; Machine spray stripping	9.75	.37	.30		.02
Laporte County (Excluding Michigan City):					
Brush	7.20				
Sandblasting; Steel	8.55				
Tapers; Spray	8.55				
Paperhangers	7.70				
LaPorte County (Michigan City):					
Brush; Roller	7.60			.19	
Sandblasting; Spray	8.60			.19	
Porter County (Remainder of Co.):					
Brush; Sandblasters; Drywall tapers	8.00				
Spray	9.00				
St. Joseph County:					
Brush; Taping	7.55		.40		
Sandblasters; Spray	8.30		.40		
Steeplejack; Water towers	8.55		.40		
PIPEFITTERS:					
Lake, LaPorte, & Porter Counties	10.35	.55	.70		.02
PLASTERERS:					
Lake County (Hammond Area)	7.90	.60	.55		
Lake County (Gary Area), Porter County (Valparaiso)	8.30	.60	.25		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton Counties	8.73	.45	.70		.03
St. Joseph County	8.77	.40	.50		.01
PLUMBERS:					
Lake County (Hammond Area)	10.12	.55	.70		.02
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City, Trail Creek, & Long Beach); & Porter County	10.10	.50	1.00		.02
LaPorte County (Michigan City, Trail Creek, & Long Beach)	10.42	.60	.55		.02
PLUMBERS; Steamfitters:					
LaPorte County (LaPorte City); St. Joseph County	9.60	.38	.40		.10

DECISION NO. IN75-2089

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	$10.30	.50	.35		
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	8.50		.30		.03
Slate, Tile & Asbestos	8.65		.30		.03
Helpers	5.00		.30		.03
SHEET METAL WORKERS:					
Lake, LaPorte, & Porter Counties	9.87	.48	.67		.10
St. Joseph County	9.45	.48	.50		
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	10.00	.60	.70		.15
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	9.40	.50	.70		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	7.10	16.00e	18.00e	.25	
4 axles	7.30	16.00e	18.00e	.25	
5 axles	7.50	16.00e	18.00e	.25	
6 axles	7.70	16.00e	18.00e	.25	
St. Joseph County (Building Construction):					
Pick-up	6.54		14.00e	f	
Single axle	6.75		14.00e	f	
Tandem or fuel	6.86		14.00e	f	
Tri axle	6.91		14.00e	f	
Semi trailer	6.96		14.00e	f	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 8 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. per man per week
f. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.

DECISION NO. IN75-2089

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

DECISION NO. IN75-2089

Lake County and Porter County (North of U.S. Hwy #20)

INDIANA-8-LAB AREA 1

LABORERS: BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.15	.35	.40		.09
GROUP B	7.35	.35	.40		.09
GROUP C	7.45	.35	.40		.09
GROUP D	8.15	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO. IN75-2089

LaPorte County and Porter County (South of U.S. Hwy #20)

INDIANA-6-LAB-1-SAT AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO. IN75-2089

St. Joseph County

INDIANA-12-LAB AREA 1A

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.35		.09
GROUP B	7.15	.35	.35		.09
GROUP C	7.25	.35	.33		.09
GROUP D	7.95	.35	.35		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

LaPorte, Porter, & St. Joseph Counties

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

St. Joseph County

IND-7-PEO-BST

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, Highlifts, Tractors w/Side Boom or "A" Frame, Forklifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Saggen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

Lake County

IND-3-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.60	.35	.35		.07
GROUP II	6.75	.35	.35		.07
GROUP III	7.50	.35	.35		.07

CLASSIFICATIONS

GROUP I: Unskilled Laborers
GROUP II: Asphalt lutemen, Asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, hand blade operator, power tools & power equipment, side rail setters (for sidewalks, side ditches, pavements, Spreader box tenders, Tile layers, transverse & longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)
GROUP III: Dynamite and Powdermen

Lake, LaPorte (Rem. of LaPorte Co.) & Porter (North on Rte. #6) Cos.

INDIANA-3-PEO-BSAT

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

CLASSIFICATIONS

GROUP I
Mechanic (with truck $1.00 per hour more) asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, all derricks, traveling, forklift - lull type, forklift - 10 ton and over, hoists, one, two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II
Asphalt spreader, boilers, bulldozers combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists, all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III
Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV
Heaters, mechanical, oilers switchmen

LaPorte County (South of Rte. #12 & East of Franklin Street, Michigan City

INDIANA-10-PEO-BSAT

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
Class I	$9.80	.50	.70		.05
Class II	9.30	.50	.70		.05
Class III	7.90	.50	.70		.05
Class IV	6.95	.50	.70		.05

CLASSIFICATIONS

CLASS I
Mechanic (with truck $1.00 per hour more) asphalt plant, autograde, batch plant, bento (requires two engineers), boiler & throttle valve, caisson rigs, central redimix plant, combination tugger hoist & air compressor, compressor and throttle concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete tower, cranes, all, cranes, tower, derricks , all, derricks, traveling, forklift-lull type forklift - 10 ton and over hoists, one, two, and three drum, hoists, two tugger one floor hydraulic boom truck, locomotive, all, pile drivers and skid rig, pit machines, pre-stress machine, pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors

CLASS II
Asphalt spreader, boiler, bulldozers, combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines, highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists all elevators, hoists, tugger single drum, motor patrol, post hole digger, rollers, all, scoops - tractor drawn, stone crushers, tournapull, winch trucks

CLASS III
Concrete mixer (2 bag & over) conveyor, portable steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5), winches 4 small electric drill winches

CLASS IV
Heaters, mechanical, oilers & switchmen

Lake, LaPorte, & Porter Counties

INDIANA-4-PEO-2-3

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.40	.40	.50		.05
CLASS II	9.05	.40	.50		.05
CLASS III	8.60	.40	.50		.05
CLASS IV	7.60	.40	.50		.05
CLASS V	6.70	.40	.50		.05

CLASSIFICATIONS

CLASS I
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, lead mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb. on horisontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

CLASS II
Backhoe-tractor mounted (less than ½ yd.) bitum. mixor, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating, grader, elevating loader, portable greasor, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widener apsco or similar type

CLASS III
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form grader, form tamper-motor driven hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. cap. & less, bituminous distributor

CLASS IV
Air compressors, all conveyors fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

CLASS V
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscutter, helper on C.M.I. & similar type machine, hetherington driver, assistant greaser

St. Joseph County

IND.-21-PEO-2-3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.30	.40	.50		.05
CLASS II	8.95	.40	.50		.05
CLASS III	8.50	.40	.50		.05
CLASS IV	7.50	.40	.50		.05
CLASS V	6.60	.40	.50		.05

CLASSIFICATIONS

CLASS I: Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, corw drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift shovel-4 yds. and over, hoist-two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver-hetherington, piledriver, road paving mixer, ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb., on horizontal or upright boiler, tournapull or similar type equipment, tractor-boom, trench machine, tug boat operator, winch truck with "A"-frame

CLASS II: Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating, asphalt waterbound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type

CLASS III: Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader-power driven, post digger - power driven, finishing machine and bull float, form grader, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less bituminous distributor

CLASS IV: Air compressors, all conveyors fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, stripping machine, paint-motor driven, throttle valve, welding machine, well point system.

CLASS V: Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helpers on CMI & similar type machine, hetherington, assistant greaser

LaPorte County

INDIANA-12-TD-2-3

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS 1	$6.115	a13.50	a14.00		
CLASS 2	6.265	a13.50	a14.00		
CLASS 3	6.315	a13.50	a14.00		
CLASS 4	6.365	a13.50	a14.00		
CLASS 5	6.415	a13.50	a14.00		
CLASS 6	6.465	a13.50	a14.00		
CLASS 7	6.515	a13.50	a14.00		
CLASS 8	6.565	a13.50	a14.00		
CLASS 9	6.565	a13.50	a14.00		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(3½) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks.

CLASS 4
Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A-Frame when used for transportation batch trucks (wet or dry) over 3(3½) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, ferm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys, tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

DECISION NO. IN75-2089

St. Joseph County

49-MH-IND-TD-2-3

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.76	17.50a	19.50a		
GROUP B	7.71	17.50a	19.50a		
GROUP C	7.66	17.50a	19.50a		
GROUP D	7.61	17.50a	19.50a		
GROUP E	7.56	17.50a	19.50a		
GROUP F	7.51	17.50a	19.50a		
GROUP G	7.46	17.50a	19.50a		
GROUP H	7.41	17.50a	19.50a		
GROUP I	7.36	17.50a	19.50a		
GROUP J	7.31	17.50a	19.50a		
GROUP K	7.26	17.50a	19.50a		
GROUP L	7.16	17.50a	19.50a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3½) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3½) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Mississippi

COUNTY: Statewide *See below: (except Hancock, Harrison, Jackson, and Pearl River)

DECISION NUMBER: MS75-1067

DATE: Date of Publication

Supersedes Decision No. AR-4066 dated December 20, 1974 in 39 FR 44167.

DESCRIPTION OF WORK: Highway, Sewer Line and Water Line Construction.

	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool operator	2.50	2.50	3.25	2.75	2.50	3.00
Asphalt raker	2.50	2.50	3.00	2.50	2.75	2.75
Bricklayers	4.25	4.00	5.00	5.50	5.00	4.25
Carpenter	3.50	3.50	3.75	3.75	3.75	3.75
Carpenter helper	3.00	3.03	3.11	2.84	3.16	2.98
Cement masons (Finisher)	3.25	3.50	3.50	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00	4.00
Electricians	5.30	4.50	6.50	6.50	4.50	5.40
Form setter	3.75	3.25	3.25	2.50	3.25	2.80
Grade checker	2.75	2.50	2.50	2.50	2.25	2.25
Ironworker, reinforcing	3.25	3.00	2.50	3.25	3.50	4.00
Ironworker, structural	3.00	2.75	3.00	3.00	3.00	3.30
Laborer, unskilled	2.00	2.00	2.00	2.00	2.00	2.00
Mason tender (Cement mason helper)	2.50	2.75	2.75	2.50	2.75	2.90
Painter (Structural steel)	2.75	3.00	3.00	4.00	4.00	3.90
Piledriverman	2.75	2.80	3.00	2.75	3.00	3.00
Truck driver	2.50	2.25	2.50	2.25	2.25	2.75
Tugboat operator						2.50
Welder	3.25	2.75	3.50	3.00	3.00	3.70
POWER EQUIPMENT OPERATORS:						
"A" frame truck (winch)			3.00		2.75	2.40
Aggregate spreader operator	2.75	3.00	3.00	2.75	2.50	3.00
Air compressor operator	3.25	2.60	3.00	2.50	2.75	2.60
Asphalt distributor-spreader operator	3.00	2.75	3.00	2.75	2.75	3.00
Asphalt plant	2.75	2.75	3.00	2.75	2.75	3.50
Backhoe or shovel operator	3.50	2.80	3.50	3.50	3.25	3.50
Bulldozer operator	3.50	3.25	3.75	3.50	3.50	3.25
Concrete batch plant operator	3.00	3.00	3.00	3.10	2.75	3.25
Concrete breaker & hydo-hammer operator	2.25	2.25	2.25			
Concrete finishing machine op.	3.50	2.75	3.10	3.00	3.75	3.50
Concrete paving machine op.	3.50	3.00	3.00	3.50	3.00	3.30
Concrete spreador machine op.	2.75	2.50	3.10	3.25	2.80	3.00
Crane, dragline operator	3.25	3.50	4.00	3.75	4.00	4.00

	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Crusher feeder operator			2.50	3.50	3.00	3.00
Curing machine operator	3.00	2.25	2.75	2.75		3.00
Earth auger	3.00	3.00	3.50	3.00	3.00	2.75
Fireman	2.85	2.50	3.00	2.75	2.75	3.00
Guard rail post driver		2.50	3.50		2.75	2.75
Joint filler	2.25	2.00	2.50		2.75	3.00
Joint setter	2.50		3.00	2.30	2.30	
Loader operator (all types)	3.00	2.75	3.00	2.75	3.00	3.50
Mechanic	3.50	3.00	3.75	3.50	3.50	3.75
Mechanic helper	2.96	2.25	3.50	2.60	2.50	2.90
Mixer operator (All types)	3.00	2.50	2.75	2.75	2.50	3.00
Motor patrol operator	3.50	3.50	3.75	3.25	3.50	3.75
Mud jack operator	2.66		2.85			
Mulcher operator	2.50	2.75	2.25	2.25	2.25	2.50
Oiler-greaser	2.50	2.50	2.75	2.50	2.75	2.75
Piledriver operator	3.25	3.75	3.75	3.25	3.90	4.00
Pipelayer	3.00		3.00	3.00		2.80
Roller operator (self-propelled)	2.50	2.50	2.75	2.60	2.75	2.75
Scales (all types)	2.50	2.20	2.35	2.40	2.20	2.85
Scraper operator	3.25	3.25	3.50	3.25	3.00	3.25
Steel machine operator			2.25			
Striping machine operator	4.00	4.00	4.00	4.25	4.00	4.00
Sub grader machine operator						3.50
Tractor operator (track type)	2.75	2.75	3.00	2.35	3.00	2.75
Tractor operator (wheel type)	2.25	2.50	2.25	2.25	2.25	2.50
Trenching machine	2.75	2.50	2.75	2.25	2.75	3.00

COUNTIES:

*ZONE I: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Okitibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster.

*ZONE II: Bolivar, Carroll, Coahoma, DeSoto, Grenda, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha.

*ZONE III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo.

*ZONE IV: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston.

*ZONE V: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson.

*ZONE VI: George, and Stone.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTY: Erie

DECISION NO.: PA-75-3054

DATE: Date of Publication

Supersedes Decision No. AR-2094, dated December 13, 1974, in 39 FR 43491.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.69	.30	.30		.04
BOILERMAKERS	10.03	.50	.85		.01
BRICKLAYERS	10.41	.30			
CARPENTERS	9.15	.30	.40		.02
CEMENT MASONS	9.52	.30	.25		.015
ELECTRICIANS	10.20	3%	3%		1/2 of 1%
ELEVATOR CONSTRUCTORS	8.82	.395	.26	2%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.96	.30	.20		
IRONWORKERS:					
Structural	9.50	.78	.69		.13
Ornamental	9.50	.78	.69		.13
Reinforcing	9.50	.78	.69		.13
LATHERS	8.89	.30	.10		.02
LABORERS:					
Building & common, carpenter tender, heaters & salamanders, power sweepers, power vacuum sweepers, pumps including 1-1/2", signal man concrete bucket, wracking & demolition, window washing	7.80	.40	.50		.01
Bricklayer & mason tenders, electric operated conveyor, electric operated hoist, fork lift up to 9 ft., plumber & sewer laborers, scaffold builders, float grinder & sander	7.90	.40	.50		.01
Burners, concrete saw operator, hod carriers, mortar mixers, plaster tenders, powered wheelbarrows & buggies	8.00	.40	.50		.01
Dual vibrator roller (walk behind type) Barfix cutting tool, blasters helpers, drill operator helper, jackhammer & air tool operators, mechanical tampers & air tampers, vibrator - air or otherwise	8.05	.40	.50		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Cont'd)					
Mixing mortar for more than 3 masons by hand	$ 8.10	.40	.50		.01
Blasters, drill operators, gunite nozzle man & machine man	8.20	.40	.50		.01
Plaster mixing machine & pump	8.25	.40	.50		.01
LINE CONSTRUCTION:					
Linemen, Heavy equipment Operator	9.50	.20	1%		3/8 of 1%
Groundman - Truck driver	6.74	.20	1%		3/8 of 1%
Groundmen	6.46	.20	1%		3/8 of 1%
MARBLE SETTERS	9.25	.30	.40		.02
MILLWRIGHTS	9.30	.30	.30		
PAINTERS:					
Brush	7.50	.30	.40		
Structural steel	8.13	.30	.40		
Spray	7.88	.30	.40		
PILEDRIVERMEN	9.30	.30	.30		.02
PLASTERERS	9.02	.30			.015
PLUMBERS	9.94	.30	.28		.04
ROOFERS:					
Composition	8.84	.30	.30		
SHEET METAL WORKERS	9.18	.70	.80		.055
SOFT FLOOR LAYERS	9.15	.30	.30		.02
SPRINKLER FITTERS	9.60	.50	.70		.08
STEAMFITTERS	9.94	.30	.28		.04
STONEMASONS	10.41	.30	.40		
TERRAZZO WORKERS	9.25	.30	.40		
TILE SETTERS	9.25	.30	.40		
TRUCK DRIVERS:					
Truck drivers	5.45	d	e	e	
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental					

PA75-3054

PA-25-Peo-1-F 1 of 3

POWER EQUIPMENT OPERATORS (Building Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$ 9.70	.50	.60		.10
Class 1-A	9.97	.50	.60		.10
Class 1-B	10.23	.50	.60		.10
Class 1-C	10.50	.50	.60		.10
Class 2	9.25	.50	.60		.10
Class 3	9.10	.50	.60		.10
Class 4	8.50	.50	.60		.10
Class 5	8.00	.50	.60		.10
Class 6	7.75	.50	.60		.10
Class 6-A	8.00	.50	.60		.10
Class 6-B	8.40	.50	.60		.10

PA75-3054

POWER EQUIPMENT OPERATORS PA-25-Peo-1-F

Class 1: Auger (truck or tractor mounted), Austin Western or similar type, Austin Western or similar type up to 25 tons (25 tons or over required an oiler), Backhoe, Backhoe (under 5/8 yd.), Batch Plant - Automatic, Boom - side, Cableways, Conveyors Belts - up to 4 floors, Conveyor Belts - over 4 units, Crane - Tower (climbing type), Derrick (all types), Derrick - Traveler, Dragline, Drill - Caisson, Electro Matic or similar, Gradall (remote control or otherwise), Helicopter, Helicopter - hoisting operating, Hi-lift (3 yards or over), Hoist - on 50 ft. stack or over, Hoist on slip form job, Hoist - hod (single cage), Hoist - hod (2 cages up to 10 floors), Hoe-to or similar type with 360 degree swing, Hoe-to or similar type with 360 degree swing under 5/8 yd., Koehring Scooper, Kocal or similar type, Leverman, Mix Mobile or similar type, Mixer - concrete paving, Mixer - paving (self-propelled), Multiple Bowl Machines or Multi-engine, Pile Driver - Franki or similar type, Pile Driver (when assistance is required it will be an operating engineer), Placer - belt (concrete), Plant - Central Mix, Quad Nine, Shovels (all types), Shovels under 5/8 yd.) Tractors - boom mounted (all types), Tugboat, Whirlers, Boat - job work (inboard or out-board), Bulldozer, Carrier Roes or similar type, Compactor - (with blade attached), ~~Curb Builder - Self-propelled, Drill - Cane, Drill - Well and~~ Core (truck mounted), Engineer - maintenance (daily rated) Grader, Grader - Elevating, Greaser - equipment, Hi-lift (less than 3 yards), Hoist 2 drums in one unit, Hoe-to or similar type with 180 degree swing, Tractors (all types with hydraulic backhoe attached), Cranes, Tower, Metro Chip Harvester (or similar type), Mixer - paving mixer - mortar - over 10 cu. ft., Plant - crushing and screening, Pumpcrete - mobile or similar type, Road Builder - Automatic, Scoop - self-powered and Tractor drawn (single bowl), Spray Cure Machine (power driven), Spreader, Steam Jenny (or similar type), Syphon (steam or air) Tractors (all types with hydraulic backhoe attached)

Class 1-A: Austin Western or similar type with jib + 25c, Austin Western or similar type 25 tons or over with jib + 25c, Cranes (excluding over head cranes), Crane -placed on building structure, Hoist single cage with Chicago Boom attached + 25c, Engineer - lead, Hoist hod (2 cages over 10 floors), Cranes - 100 feet to 150 feet

Class 1-B: Cranes - 150 feet to 200 feet

Class 1-C: Cranes - 200 feet and over

PA75-3054

POWER EQUIPMENT OPERATORS (Cont'd) -25-Peo-1-F

Class 2: Backfilling Machine, Boat - material or personnel, Compressor and air pump, Compressor and air tugger, Compressor and gunite machine (combination), Compressors and sandblasting unit (combination), Compressors (two), crane - overhead, Fork lift - elevating - lull or similar type generators - two, Grade - sub, Jumbo - power, Layer - cable, Layer - pipe - no joint, Lift Slab Machine, Locomotive, Machines - other minor, machines - small (two), Mucking Machine, Mobile Tower, Pipe - bending Machine (pipeline only), Pipe - cleaning machine, Pipe - wrapping machine, Plant - asphalt operator, Plant - portable crushing and screening, Plant - refrigeration pump - grout, Spreader-concrete, Asphalt and Stone, Well point systems (Section IC), Winch Truck (handling steel), Wire wrapping machine - pre-stress, Drill - Davey or similar, Drill - truck mounted and/or core drill for testing, Elevator (new buildings and major remodeling of old), Hoist one drum, Paver - asphalt, Post Driver - guard rail (other than truck mounted), Post Driver - guard rail (truck mounted), Pumpcrete - or similar type (not self-propelled), Tire Repairman, Trencher Machine, Welder, Welding Machines (up to and including 4)

Class 3: Boiler, Breaker - pavement (self-propelled or ridden), Compactor (ridden or self-propelled), Crane - carry, Crusher - stone, Drill - well (horizontal), Drill (self-propelled and self contained), Elevator (alterations of old buildings), Finisher - broom (C.M.I. or similar type), Finishing Machine and Spreader (concrete), Forklifts (ridden or self-propelled), Form Line Machine, Minor equipment (all other), Motorman, Pipe Dream, Roller, Saw - concrete (ridden or self-propelled), Soil Stabilizer, Tractors (when used for snaking and hauling), Truck - winch, Tugger

Class 4: Compressor (single (over 65 cu. ft. regardless of power usad, Hoist - monorail (regardless of power used), Pump (over 1½ inch discharge regardless of power used), Oiler - truck crane (50 tons or over and Fireman)

Class 5: Blaster - water, Boring Machine, Broom - power, Compressor - 65 cu. ft. or under (regardless of power used) (2 gun painters), Conveyor - 1 story (regardless of power used), Conveyor (over 1 and up to 3 units regardless of power used), Generator (4 KW or over), Hauck Machine or similar type, Heaters - up to and including four), Jack and Pump - motor hydraulic, Jenny - steam (or similar type), Ladavator, Mixer - concrete (regardless of power used), Mixer - mortar (over 10 cu. ft. regardless of power used), Mobile - track (or similar type), Mulching Machine, Pin Puller, Pulverizer, Pump - 1¼ inch discharge or less, Regulator - Ballast, Seeding Machine, Shoulder, Spray Cure Machine, Syphon - (steam or air), Tie Tamper (multiple heads), Tractor - farm (when used for landscaping), Welding machine - single (300 amp. or over), Oiler, Truck Crane.

Class 6: Brake man, Deck hand, Helicopter signalman, Oiler, Mechanic helper

Class 6-A: Oiler, Truck crane

Class 6-B: Oiler, Truck crane (50 tons or over)

PA75-3054 25-PA-1 - J

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independance Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One week vacation after 1 year's work; two week's vacation after five years of service.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Employee agree to contribute $54.94 per month.

e. Employer agree to contributes $12.00 per week.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Elk
DECISION NO.: PA75-3058 DATE: Date of Publication
Supersedes Decision No. AQ-2046 dated March 8, 1974, in 39 FR 9338.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.92	.35	.70		
BOILERMAKERS	9.07	7%	7%		.01
BRICKLAYERS and Stonemasons	9.35	.50	.50		
CARPENTERS	8.26	5%	7%	6%	.40 of 1%
CEMENT MASONS	9.35	.50	.50		
ELECTRICIANS	9.05	.45	1%+.25		1%
IRONWORKERS	9.08	.70	.81		.04
LABORERS:					
Common laborer; Carpenter tender; Scaffold builder for masons; Window cleaner; Form stripper and mover; Scaffold and runways; Building materials handlers (load and unloading); Concrete pitman; Puddler; Mason tender	7.52	.40	.40		1/2%
Mechanic tampers (power); Powered wheelbarrows and buggies and worklift; Sweepers and similar; Mortar mixer; Bell bottom man on furnaces and stacks; Jackhammer man; Concrete buster; Wagon drill helper; Concrete saw operator; Blaster's helper; Drill runner's helper (includes drill mounted truck, track or similar sheeters and shores); Vibrator operators; Power tamper operators; Y-Gun burner-cutting torch; Carryable pumps; Chain saw operator; Pipe layers; All material conveyors and elevator; Signal man; Walk behind fork lift or similar whacker; Sand blaster; Maintenance man; Wast brick buggies or similar; Scaffold builder for plasterers' regardless of height; Hod Carrier; Plaster tender; Form cleaning machine operator; Plaster applicating and/or pump machine operator paving breaker; Asphalt raker, Lancer; Berfix cutting tool; Gunnite potman; Blacksmith; Tool dresser (cable tools)	7.77	.40	.40		1/2%

DECISION NO. PA75-3058

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Blaster; Wagon drill operator; Drill runner; Gunnite nozzlemen; Grout machine operator; Walk behind power; Roller and tamper welder; Driller (cable tools)	8.32	.40	.40		1/2%
LEAD BURNERS	9.25	.35		a	.01
LINE CONSTRUCTION:					
Linemen	9.50	.20	1%		
Groundmen, Truck Driver	6.74	.20	1%		
Groundmen	6.46	.20	1%		
MARBLE SETTERS	9.35	.50	.50		
MILLWRIGHTS	7.995	5%	28%	26%	1/2%
PAINTERS:					
Industrial and Commercial:					
Brush	6.75			b	
Spray	7.25			b	
PILEDRIVERMEN	9.58	5%	8%		.50 of 1%
PLASTERERS	9.35	.50	.50		
PLUMBERS	9.32	.65	.65		
ROOFERS	9.76	.62	1.50		.06
SHEET METAL WORKERS	9.18	.70	.80		.055
SOFT FLOOR LAYERS	8.26	5%	7%	6%	.40 of 1%
SPRINKLER FITTERS	9.60	.50	.70		.08
STEAMFITTERS	9.32	.65	.65		
TERRAZZO WORKERS and Tile Setters	9.35	.50	.50		
WELDERS - receive rate prescribed for craft performing operating to which welding is incidental.					

FOOTNOTES:
a. Eight (8) paid holidays: A through F; and Washington Birthday and Good Friday providing the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.
b. Holiday D, provided the employee has worked six calendar months and appear on the payroll during the pay period in which the holiday occur.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

NOTICES

PA75-3058

PA-42-FEO-1-I

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$10.625	.50	.60		.09
CLASS 1-A	10.875	.50	.60		.09
CLASS 1-B	11.125	.50	.60		.09
CLASS 1-C	11.375	.50	.60		.09
CLASS 2	11.475	.50	.60		.09
CLASS 3	9.95	.50	.60		.09
CLASS 4	8.70	.50	.60		.09
CLASS 5	7.65	.50	.60		.09
CLASS 6	7.95	.50	.60		.09
CLASS 6-A	8.05	.50	.60		.09
CLASS 6-B	8.20	.50	.60		.09

PA75-3058

CLASS 1: Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post drivor-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley

CLASS 1A: Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure

CLASS 1B: Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-load

CLASS 1C: Cranes (boom or mast over 200 ft.)

CLASS 2: Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back-filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted) drill-Davey or similar type, drill-well & core (truck mounted), elevator euclid loader, excavating equipment (all other), grader, grader-elevating, greaser-equipment (hoad), hi-liftless than yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)

CLASS 3: Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained. elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete. soil stabilizer (pump type). stone crusher. stone spreader self-propelled tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other equipment

NOTICES

PA75-3058

CLASS 4: Ballast regulator, boring machines, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used) hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve

CLASS 5: Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizor, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over

CLASS 6: Brake man, deck hand, helicopter, signalman, oiler, mechanical helper

CLASS 6A: Crane truck oiler and fireman

CLASS 6B: Oiler - truck crane 50 ton or over

PA-42-2d-1-F

PA75-3058
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks Drivers:						
Trucks up to 3M,000 lbs. (includes pickups, fuel and water trucks), warehousemen	$7.20	.20	.20			
Trucks over 30,000 lbs. (includes fuel and water trucks)	7.30	.20	.20			
Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks	7.40	.20	.20			
Low Boy	7.50	.20	.20			
Concrete Mixer Trucks	7.35	.20	.20			
Concrete Mixer Trucks (Tri-Axle)	7.45	.20	.20			
Semi-Trailer	7.40	.20	.20			
Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.70	.20	.20			
Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.80	.20	.20			
A-Frame and Winch Trucks (when used for hauling material on bed of truck)	7.45	.20	.20			
Distributor Truck (Oil, Tar, Asphalt, etc.)	7.70	.20	.20			

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Cambria
DECISION NO. PA75-3059 DATE: Date of Publication
Supersedes Decision No. AQ-2081 dated March 29, 1974, in 39 FR 11805.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.92	.35	.70		
BOILERMAKERS	9.07	7%	7%		.01
BRICKLAYERS and Stonemasons	8.88	.45	.60		.01
CARPENTERS	8.26	5%	7%	6%	.4 of 1%
CEMENT MASONS	8.15	1.00			
ELECTRICIANS	10.10	.35	1%+.20	.60	.05
IRONWORKERS; Structural, Ornamental and Reinforcing	9.225	.785	.775		.03
LABORERS:					
Laborers	6.38	.40	.40		
Plasterers tenders	6.43	.40	.40		
Blasters	6.98	.40	.40		
LATHERS	7.72				.01
LEADBURNERS	9.25	.35	a		.01
LINE CONSTRUCTION:					
Linemen	10.82	.30	1%		3/8%
Winch Truck Operator	7.57	.30	1%		3/8%
Groundman	6.49	.30	1%		3/8%
MILLWRIGHTS	7.995	5%	28%	26%	1/2%
PAINTERS:					
Commercial	7.59	.60	.40		.12
Industrial	8.44	.60	.40		.12
PILEDRIVERMEN	9.58	5%	8%		.50 of 1%
PLASTERERS	8.50				.01
PLUMBERS	9.32	.65	.65		
ROOFERS	9.76	.62	1.50		.06
SHEET METAL WORKERS	9.18	.70	.90		.03
SOFT FLOOR LAYERS	8.26	5%	7%	6%	.4 of 1%
SPRINKLER FITTERS	9.60	.50	.70		.08
STEAMFITTERS	9.32	.65	.65		
TERRAZZO WORKERS, MARBLE SETTERS and TILE SETTERS	8.88	.45	.60		.01
TRUCK DRIVERS:					
Service, dump, flat top, jeep, fuel and water	5.46	b	c		
Transit mix, dump trailer, winch truck	5.54	b	c		
Euclids and tractor trailer	5.61	b	c		
Helper	5.36	b	c		

DECISION NO. PA75-3059

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

b. $37.61 per month.

c. $8.00 per week.

PA75-3058

CLASS 4: Ballast regulator, boring machines, broom power (except push type), compressor-single (regardless of power used), conveyer-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used) hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve

CLASS 5: Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, sprouder side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oiler-truck crane 50 ton or over

CLASS 6: Brake man, deck hand, helicopter, signalman, oiler, mechanical helper

CLASS 6A: Crane truck oiler and fireman

CLASS 6B: Oiler - truck crane 50 ton or over

PA-42-2d-1-F

PA75-3058
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr	Others
Trucks Drivers:						
Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen	$7.20	.20	.20			
Trucks over 30,000 lbs. (includes fuel and water trucks)	7.30	.20	.20			
Tri-Axle Trucks over 30,000 lbs. (includes fuel and water trucks	7.40	.20	.20			
Low Boy	7.30	.20	.20			
Concrete Mixer Trucks	7.35	.20	.20			
Concrete Mixer Trucks (Tri-Axle)	7.45	.20	.20			
Semi-Trailer	7.40	.20	.20			
Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.70	.20	.20			
Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.80	.20	.20			
A-frame and Winch Trucks (when used for hauling material or bed of truck)	7.45	.20	.20			
Distributor Truck (Oil, Tar, Asphalt, etc.)	7.70	.20	.20			

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Cambria
DECISION NO. PA75-3059 DATE: Date of Publication
Supersedes Decision No. AQ-2081 dated March 29, 1974, in 39 FR 11805.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
ASBESTOS WORKERS	$9.92	.35	.70		.01
BOILERMAKERS	9.07	7%	7%		.01
BRICKLAYERS and Stonemasons	8.88	.45	.60		.01
CARPENTERS	8.26	5%	7%	6%	.4 of 1%
CEMENT MASONS	8.15	1.00			
ELECTRICIANS	10.10	.35	1%+.20	.60	.05
IRONWORKERS; Structural, Ornamental and Reinforcing	9.225	.785	.775		.03
LABORERS:					
Laborers	6.38	.40	.40		
Plasterers tenders	6.43	.40	.40		
Blasters	6.98	.40	.40		
LATHERS	7.72				.01
LEADBURNERS	9.25	.35	a		.01
LINE CONSTRUCTION:					
Linemen	10.82	.30	1%		3/8%
Winch Truck Operator	7.57	.30	1%		3/8%
Groundman	6.49	.30	1%		3/8%
MILLWRIGHTS	7.995	5%	28%	26%	1/2%
PAINTERS:					
Commercial	7.59	.60	.40		.12
Industrial	8.44	.60	.40		.12
PILEDRIVERMEN	9.58	5%	8%		.50 of 1%
PLASTERERS	8.50				.01
PLUMBERS	9.32	.65	.65		
ROOFERS	9.76	.62	1.50		.06
SHEET METAL WORKERS	9.18	.70	.90		.03
SOFT FLOOR LAYERS	8.26	5%	7%	6%	.4 of 1%
SPRINKLER FITTERS	9.60	.50	.70		.08
STEAMFITTERS	9.32	.65	.65		
TERRAZZO WORKERS, MARBLE SETTERS and TILE SETTERS	8.88	.45	.60		.01
TRUCK DRIVERS:					
Service, dump, flat top, jeep, fuel and water	5.46	b	c		
Transit mix, dump trailer, winch truck	5.54	b	c		
Euclids and tractor trailer	5.61	b	c		
Helper	5.36	b	c		

Page

DECISION NO. PA75-3059

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays A through F, plus Washington's Birthday and Good Friday, provided the employee has worked 45 full days for the employer during the 90 days prior to the holiday, and is available for work the day prior and day following the holiday.

b. $37.61 per month.

c. $8.00 per week.

PA-42-PEO-1-I

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$10.625	.50	.60		.09
CLASS 1-A	10.875	.50	.60		.09
CLASS 1-B	11.125	.50	.60		.09
CLASS 1-C	11.375	.50	.60		.09
CLASS 2	11.475	.50	.60		.09
CLASS 3	9.35	.50	.60		.09
CLASS 4	8.70	.50	.60		.09
CLASS 5	7.65	.50	.60		.09
CLASS 6	7.95	.50	.60		.09
CLASS 6-A	8.05	.50	.60		.09
CLASS 6-B	8.70	.50	.60		.09

CLASS 1: Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (exculding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance frankt or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, koehl, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), mutiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley

CLASS 1A: Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), crane-mobile (any type 15 ton or over places on any building structure

CLASS 1B: Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead

CLASS 1C: Cranes (boom or mast over 200 ft.)

CLASS 2: Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back-filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, comapctor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drilloore (truck or skid mounted) drill-Davey or similar type, drill-well & core (truck mounted), elevator euclid loader, excavating equipment (all other), grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving musking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)

CLASS 3: Oiler, compactor (ridden or silf-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained. elevator. forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete. soil stabilizer (pump type), stone crusher. stone spreader self-propelled tractors (when used for snaking and hauling), tube finishor C.M.I. or similar type, tugger. truck winch truck or hydraulic boom (when hoisting and placing), all other equipment

CLASS 4: Ballast regulator. boring machines, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used) hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve

CLASS 5: Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer. pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blastor, oilertruck crane 50 ton or over

CLASS 6: Drake man, deck hand, helicoptor, signalman, oiler, mechanical helper

CLASS 6A: Crann truck oiler and fireman

CLASS 6B: Oiler - truck crane 50 ton or over

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTY: Newport
DECISION NUMBER: RI75-2090 DATE: Date of Publication
Supersedes Decision No. RI75-2032, dated February 2, 1975 in 40 FR 6132
DESCRIPTION OF WORK: Building (including residential), Heavy, Highway and Marine Construction.

3-RI-1-N 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.32	.71	.83		
Boilermakers	10.00	.60	10%		.01
Bricklayers, stonemasons	9.15	.65	.55		.01
Carpenters:					
Little Compton, Tiverton:					
Carpenters & soft floor layers	8.95	.50	.65		.02
Millwrights	8.75	.60	.50		.07
Remainder of County:					
Carponters and soft floor layers	8.23	.60	.40		.02
Millwrights and piledrivermen	8.83	.60	.40		.02
Cement masons	8.85	.50	.35		
Electricians:					
Little Compton, Tiverton	9.00	1%	1%+.25	1%	1%
Remainder of County (over 3 stories)	8.80	.38	1%+.90		.02
Remainder of County (up to and including 3 stories)	5.75	.38	1%		.02
Elevator constructors	9.39	.145	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.145	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR	.145	.29	3%+a+b	.02
Glaziers	8.68	.47	.40+.25		.01
Ironworkers:					
Str., Orna., & reinforcing	8.73	.55	.90+.50		.05
Laborers:					
Laborers, Building:					
Laborers, Carpenters tender, cement finisher tender, mason tender	7.00	.50	.45		.10
Jackhammers, paving breaker, chain saw Pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.25	.50	.45		.10
Plasterers tenders	7.25	.50	.45		.10
Powderman blasters	7.75	.50	.45		.10
Laborers, wrecking:					
Laborers, signalmen	7.00	.50	.45		.10
Adzmar, burner, jackhammer	7.25	.50	.45		.10
Lathers	9.25	.45	.55		
Line Construction:					
Linemen	9.36	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Driver groundman	7.77	.30	1%	d	

RI75-2090

3-RI-1-N 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo worker and tile setters	$ 9.35	.65	.55		
Marble, tile and terrazzo helpers	7.23		.50		
Lead burners	9.25	.35		a	.01
Painters:					
Little Compton & Tiverson Twps.:					
Brush	7.78	.62	.45		.04
Structural steel & str. steel spray	10.88	.62	.85		.04
Spray (other than steel)	8.78	.62	.45		.04
Remainder of County:					
Brush and roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray & sand or water blasting and Pot man	9.15	.50	.50		
Air power bursh	8.65	.50	.50		
Plasterers	8.55	.50	.35		
Plumbers	9.64	.75	.60		.07
Roofers:					
Composition, waterproofers	8.90	.45	.25		
Slate, tile, precast concrete	9.10	.45	.25		
Helpers, Class "A"	8.05	.45	.25		
Helpers, Class "A"	7.50	.45	.25		
Sheet metal workers	9.53	.66	.75		.04
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters	9.70	.45	.91		.07
Truck Drivers, Building:					
Dumps & 2-axle equipment	7.05	.48	.525		
Trailers & 3-axle equipment	7.13	.48	.525		
Low bed trailers (24 tons & over; I-Beam trailers, Special earth moving equipment (Euclid type)	7.38	.48	.525		
Euclid type equipment over 35 ton capacity	7.63	.48	.525		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

RI75-2090

PAID HOLIDAYS: 3-RI-1-N

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar Days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

RI75-2090

3-RI-2-3-4-Z 1 of 2

HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, stone masons, catch basin, manhole builders	$ 8.67	.55	.40		.01
Carpenters, dock builders, pile-drivers:					
Little Compton, Tiverton	8.85	.30	.30		
Remainder of County	8.75	.25	.25		.01
Cement masons	7.25	.50	.35		
Electricians:					
Little Compton, Tiverton	9.00	1%	1%+.25	1%	1%
Remainder of County	8.80	.38	1%+.50		.02
Ironworkers: Str., Orna. & Reinf.	8.73	.55	.90+.50		.03
Laborers:					
Laborers, carpenter & cement finisher tenders & wrecking laborers	7.00	.50	.45		.10
Adzemen, asphalt rakers, barcotype jumping tampers, chain saw operators concrete and power buggy operators, concrete saw operators demolition burners fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill ops., wood chipper operators	7.25	.50	.45		.10
Air track drill op.	7.50	.50	.45		.10
Blasters & powdermen	7.75	.50	.45		.10
Pavers, rammers, curb setters	7.50	.50	.45		.10
Line Construction:					
Linemen	9.36	.30	1%	a	
Groundman	6.39	.30	1%	a	
Equipment operator	8.34	.30	1%	a	
Driver groundman	7.77	.30	1%	a	
Painters:					
Little Compton & Tiverton Twps:					
Brush	7.78	.62	.4		.04
Structural Steel	10.88	.62	.85		.04
Spray (other than steel)	8.78	.62	.45		.04
Remainder of County:					
Brush & Roller	8.15	.50	.50		
Spray & Pot man	9.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Air power brush	8.65	.50	.50		

HEAVY, HIGHWAY & MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers	$ 9.64	.75	.60		.07
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, Columbus Day provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

RHODE ISLAND-1-TD-2-3-I.

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.83	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks
Class II
Two Axle, Helpers on Low Beds
Class III
Three Axle Equipment and ready mix equipment
Class IV
Four & Five Axle Equipment
Class V
Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
Class VI
Special Earth Moving Equipment over 35 tons
Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

NOTICES

RI-1-PED-1-P

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.60	.50	.85		.075	
Economobile type equipment	9.375	.50	.85		.075	
Fork lift	9.175	.50	.85		.075	
Firemen and Oilers	7.625	.50	.85		.075	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075	
Pippin type backhoes	8.525	.50	.85		.075	
Maintenance Engineers	8.125	.50	.85		.075	
Well-point Installation	8.25	.50	.85		.075	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075	

RI-1-PED-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075	
Firemen and Oilers	8.20	.50	.85		.075	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075	
Maintenance Engineers	9.025	.50	.85		.075	
Well-point Installation Crews	9.05	.50	.85		.075	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075	
Boat and Tug Operators	9.95	.50	.85		.075	
Apprentices (Deckhands)	8.35	.50	.85		.075	

R. I. 1-PED-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$9.42	.50	.85		.075
Class II	8.57	.50	.85		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.02	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS
Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., economobile, ross carriers
Class II Fork lifts
Class III Firemen
Class IV Oilers
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
Class VI Scrapers, graders, dozer pusher operator
Class VII Pippin type backhoe operator
Class VIII Maintenance engineer
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
Class X Test boring machine operator
Class XI Test boring machine assistant
Class XII Well point installation crews
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

NOTICES

[FR Doc.75-17103 Filed 7-2-75;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF JUNE 6, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 26th day of June 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL75-1043 (R)
40 FR 15286 - 4/4/75
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL75-1061 (B)
40 FR 24462 - 6/6/75
(D,Hw) - See Statewide
(Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1056 (B)
40 FR 23632 - 5/30/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (B)
40 FR 8701 - 2/28/75
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1032 (B)
40 FR 12959 - 3/21/75
Mod. #1 - 40 FR 19323 - 5/2/75
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1060 (B)
40 FR 23634 - 5/30/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. #1 - 38 FR 13103 - 5/10/73
Mod. #2 - 39 FR 24781 - 7/5/74
Mod. #3 - 39 FR 36709 - 10/11/74
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
Mod. #1 - 40 FR 7773 - 2/21/75
(D,Hw) - See Statewide
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL75-1048 (B)
40 FR 17475 - 4/18/75
(D,Hw) - See Statewide
WALKER COUNTY
(R) - See Blount County
(D,Hw) - See Statewide
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK75-5033 (B,H,Hw,R)
40 FR 10885 - 3/7/75
Mod. #1 - 40 FR 12951 - 3/21/75
Mod. #2 - 40 FR 15268 - 4/4/75
Mod. #3 - 40 FR 19323 - 5/2/75

ARIZONA

STATEWIDE
Decision #AZ75-5034 (B,H,Hw)
40 FR 12020 - 3/14/75
Mod. #1 - 40 FR 14195 - 3/28/75
Mod. #2 - 40 FR 18274 - 4/25/75
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5035 (R)
40 FR 12960 - 3/21/75
Mod. #1 - 40 FR 18274 - 4/25/75
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
Decision #AZ75-5036 (R)
40 FR 12966 - 3/21/75
Mod. #1 - 40 FR 18274 - 4/25/75
(B,H,Hw) - See Statewide
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 40409 - 11/15/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5032 (F)
40 FR 8706 - 2/28/75
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR75-4084 (B)
40 FR 19321 - 5/2/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR75-4082 (B)
40 FR 17452 - 4/18/75
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR75-4083 (B)
40 FR 18271 - 4/25/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR75-4058 (B)
40 FR 8704 - 2/28/75
Mod. #1 - 40 FR 12001 - 3/14/75
Mod. #2 - 40 FR 15268 - 4/4/75
Mod. #3 - 40 FR 18274 - 4/25/75
Mod. #4 - 40 FR 19323 - 5/2/75
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(R) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

NOTICES

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR75-4073 (B)
40 FR 15287 - 4/4/75
Mod. #1 - 40 FR 19323 - 5/2/75
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5052 (B,H,Hw,D)
40 FR 17476 - 4/18/75
Mod. #1 - 40 FR 20556 - 5/9/75
Mod. #2 - 40 FR 22724 - 5/23/75
Decision #CA75-5053 (R)
40 FR 17494 - 4/18/75
Mod. #1 - 40 FR 20556 - 5/9/75
Mod. #2 - 40 FR 22724 - 5/23/75
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5022 (B,D,H,Hw)
40 FR 8707 - 2/28/75
Mod. #1 - 40 FR 15269 - 4/4/75
Mod. #2 - 40 FR 19324 - 5/2/75
Decision #CA75-5023 (R)
40 FR 8717 - 2/28/75
Mod. #1 - 40 FR 15270 - 4/4/75
Mod. #2 - 40 FR 19324 - 5/2/75
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5020 (B,H,Hw,D)
40 FR 6916 - 2/14/75
Mod. #1 - 40 FR 10871 - 3/7/75
Mod. #2 - 40 FR 15269 - 4/4/75

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5021 (R)
40 FR 6922 - 2/14/75
Mod. #1 - 40 FR 10871 - 3/7/75
Mod. #2 - 40 FR 15269 - 4/4/75
SAN FRANCISCO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County

NOTICES

CALIFORNIA (Cont'd)

YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO75-5050 (Hw)
40 FR 16524 - 4/11/75
ADAMS COUNTY
Decision #CO75-5048 (B,H)
40 FR 16510 - 4/11/75
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 23744 - 5/23/75
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5047 (B,H)
40 FR 16504 - 4/11/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5049 (B,H)
40 FR 16518 - 4/11/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5046 (B,H)
40 FR 16498 - 4/11/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT75-2065 (B,H,Hw,R)
40 FR 19288 - 4/25/75
Mod. #1 - 40 FR 22725 - 5/23/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
HARTFORD COUNTY
Decision #CT75-2066 (B,H,Hw)
40 FR 18296 - 4/25/75
Mod. #1 - 40 FR 22727 - 5/23/75
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
(D) - See Fairfield County
LITCHFIELD COUNTY
(D,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
Decision #DE75-3001 (B,H,Hw)
40 FR 930 - 1/3/75
Mod. #1 - 40 FR 14195 - 3/28/75
Mod. #2 - 40 FR 22730 - 5/23/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1037 (B)
40 FR 12974 - 3/21/75
Mod. #1 - 40 FR 18275 - 4/25/75
Mod. #2 - 40 FR 22730 - 5/23/75
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
Mod. #1 - 40 FR 12002 - 3/14/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74

FLORIDA (Cont'd.)

BAY COUNTY (Cont'd.)
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
Mod. #2 - 40 FR 12003 - 3/14/75
Mod. #3 - 40 FR 17457 - 4/18/75
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL75-1035 (B,H,Hw)
40 FR 12972 - 3/21/75
Decision #AR-4068 (D)
39 FR 44915 - 12/27/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #FL75-1011 (B,H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 8694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
Mod. #1 - 40 FR 12003 - 3/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Mod. #1 - 40 FR 12003 - 3/14/75
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(B,H) - See Alachua County
DADE COUNTY
Decision #FL75-1018 (B)
40 FR 6018 - 2/7/75
Mod. #1 - 40 FR 14196 - 3/28/75
Mod. #2 - 40 FR 17457 - 4/18/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (Cont'd.)

DESOTO COUNTY
Decision #AR-4065 (R)
40 FR 43468 - 12/13/74
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
Mod. #1 - 40 FR 12002 - 3/14/75
DIXIE COUNTY
(D) - See Brevard County
(B,H) - See Alachua County
DUVAL COUNTY
Decision #FL75-1016 (B)
40 FR 4807 - 1/31/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 22730 - 5/23/75
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 12002 - 3/14/75
Decision #FL75-1030 (Hw)
40 FR 10891 - 3/7/75
Mod. #1 - 40 FR 14196 - 3/28/75
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12003 - 3/14/75
(Hw) - See Say County
GILCHRIST COUNTY
(B,H) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Alachua County
HAMILTON COUNTY
(B,H) - See Alachua County
HARDEE COUNTY
(Hw, R) - See DeSoto County

FLORIDA (cont'd)

HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County
HIGHLANDS COUNTY
(R) - See Citrus County
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #FL75-1010 (B)
40 FR 3884 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 17457 - 4/18/75
Mod. #3 - 40 FR 22730 - 5/23/75
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
Mod. #1 - 40 FR 12003 - 3/14/75
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D,Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(B,H) - See Alachua County
LAKE COUNTY
Decision #AR-4033 (R)
39 FR 33157 - 9/13/74
Mod. #1 - 39 FR 34910 - 9/27/74
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(B,H) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12002 - 3/14/75
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3882 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (B)
40 FR 12970 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw, R) - See Citrus County
SUWANNEE COUNTY
(B,H) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(B,H) - See Alachua County
UNION COUNTY
(B,H) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennody, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL75-1040 (B)
40 FR 14223 - 3/28/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy, etc.)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/75
Mod. #1 - 40 FR 3088 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Mod. #1 - 40 FR 16478 - 4/11/75
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1019 (B)
40 FR 6020 - 2/7/75
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 19326 - 5/2/75
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,H,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DADE COUNTY
(Hw) - See Statewide
DAWSON COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,H,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,H,R) - See Clayton County

GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barron County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(H,R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/21/75
Mod. #1 - 40 FR 12003 - 3/14/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.)

LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(R) - See Charlton County
(Hw) - See Statewide

GEORGIA (Cont'd.)

PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (B)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 6900 - 2/14/75
Mod. #2 - 40 FR 19328 - 5/2/75
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(R) - See Burke County
(Hw) - See Statewide
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1008 (B)
40 FR 3093 - 1/17/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 3244W - 9/6/74

HAWAII

STATEWIDE
Decision #HI75-5002 (B,H,Hw,D,R)
40 FR 3888 - 1/24/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 12953 - 3/21/75
Mod. #3 - 40 FR 16479 - 4/11/75

IDAHO

STATEWIDE
Decision #ID75-5056 (B,H,Hw)
40 FR 20566 - 5/9/75
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL75-2055 (B)
40 FR 15265 - 4/4/75
Decision #AR-3059 (H,Hw)
39 FR 28030 - 8/2/74
Mod. #1 - 40 FR 3861 - 1/24/75
Mod. #2 - 40 FR 14198 - 3/28/75
ALEXANDER COUNTY
Decision #AR-3062 (H,Hw)
39 FR 28041 - 8/2/74

ILLINOIS (Cont'd.)

ALEXANDER COUNTY (Cont'd.)
Mod. #1 - 40 FR 3862 - 1/24/75
Mod. #2 - 40 FR 14200 - 3/28/75
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
BOND COUNTY
Decision #IL75-2015 (H,Hw)
40 FR 6927 - 2/14/75
Mod. #1 - 40 FR 22732 - 5/23/75
BOONE COUNTY
Decision #IL75-2078 (H,Hw)
40 FR 23637 - 5/30/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL75-2035 (B)
40 FR 5961 - 2/7/75
Mod. #1 - 40 FR 8694 - 2/21/75
Mod. #2 - 40 FR 12004 - 3/14/75
Mod. #3 - 40 FR 19325 - 5/2/75
Decision #AR-3056 (H,Hw)
39 FR 28018 - 8/2/74
Mod. #1 - 40 FR 925 - 1/3/75
Mod. #2 - 40 FR 14197 - 3/28/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AR-3170 (B)
39 FR 40421 - 11/15/74
Mod. #1 - 40 FR 12006 - 3/14/75
Decision #AR-3058 (H,Hw)
39 FR 28027 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 40 FR 3084 - 1/17/75
Mod. #3 - 40 FR 14198 - 3/28/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2041 (B)
40 FR 7769 - 2/21/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AR-3060 (H,Hw)
39 FR 28033 - 8/2/74
Mod. #1 - 40 FR 3861 - 1/24/75
Mod. #2 - 40 FR 14199 - 3/28/75
Mod. #3 - 40 FR 16479 - 4/11/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AR-3064 (B,H,Hw,R)
39 FR 28800 - 8/9/74
Mod. #1 - 39 FR 42806 - 12/6/74
Mod. #2 - 40 FR 12004 - 3/14/75
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL75-2050 (B,R)
40 FR 12029 - 3/7/75
Mod. #1 - 40 FR 18276 - 4/25/75
Mod. #2 - 40 FR 19325 - 5/2/75
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL75-2052 (B)
40 FR 15261 - 4/4/75
Mod. #1 - 40 FR 19325 - 5/2/75
Decision #IL75-2001 (H,Hw)
40 FR 934 - 1/3/75
Mod. #1 - 40 FR 14200 - 3/28/75
Mod. #2 - 40 FR 19325 - 5/2/75
Mod. #3 - 40 FR 22731 - 5/23/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AR-3057 (H,Hw)
39 FR 28022 - 8/2/74
Mod. #1 - 40 FR 3084 - 1/17/75
Mod. #2 - 40 FR 14197 - 3/28/75
Mod. #3 - 40 FR 19325 - 5/2/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2016 (B,R)
40 FR 6931 - 2/14/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AR-3069 (B,R,D)
39 FR 28813 - 8/9/74
Mod. #1 - FR 42806 - 12/6/74
Mod. #2 - 40 FR 12005 - 3/14/75
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL75-2051 (B)
40 FR 12976 - 3/21/75
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AR-3072 (B,R)
39 FR 28822 - 8/9/74
Mod. #1 - 39 FR 43459 - 12/13/74
Mod. #2 - 40 FR 12006 - 3/14/75
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2043 (B)
40 FR 8736 - 2/28/75
Mod. #1 - 40 FR 18275 - 4/25/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #IL75-2044 (B)
40 FR 10893 - 3/7/75
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

ADAMS COUNTY
Decision #IN75-2037 (H,Hw)
40 FR 7614 - 2/21/75
Mod. #1 - 40 FR 21655 - 5/16/75
ALLEN COUNTY
Decision #IN75-2017 (B)
40 FR 6024 - 2/7/75
Mod. #1 - 40 FR 10871 - 3/7/75
Mod. #2 - 40 FR 20557 - 5/9/75
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #IN75-2018 (B)
40 FR 4809 - 1/31/75
Mod. #1 - 40 FR 10871 - 3/7/75
Mod. #2 - 40 FR 20557 - 5/9/75
Decision #IN75-2046 (H,Hw)
40 FR 7831 - 2/21/75
Mod. #1 - 40 FR 21656 - 5/16/75
BENTON COUNTY
Decision #IN75-2019 (B)
40 FR 6027 - 2/7/75
Mod. #1 - 40 FR 10871 - 3/7/75
Mod. #2 - 40 FR 20557 - 5/9/75
Decision #IN75-2038 (H,Hw)
40 FR 7820 - 2/21/75
Mod. #1 - 40 FR 21655 - 5/16/75
BLACKFORD COUNTY
Decision #IN75-2039 (H,Hw)
40 FR 7824 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 21656 - 5/16/75
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/73
(H,Hw) - See Bartholomew County
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Bartholomew County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
(H,Hw) - See Bartholomew County
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Bartholomew County
DEARBORN COUNTY
Decision #IN75-2020 (B)
40 FR 4812 - 1/31/75
Mod. #1 - 40 FR 10872 - 3/7/75
Mod. #2 - 40 FR 20558 - 5/9/75
(H,Hw) - See Bartholomew County

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #IN75-2045 (B)
40 FR 7828 - 2/21/75
Mod. #1 - 40 FR 20561 - 5/9/75
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Bartholomew County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Bartholomew County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Bartholomew County
GRANT COUNTY
Decision #IN75-2085 (B)
40 FR 20563 - 5/9/75
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Bartholomew County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Bartholomew County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Bartholomew County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #IN75-2023 - (B,H,Hw)
40 FR 6035 - 2/7/75
Mod. #1 - 40 FR 10872 - 3/7/75
Mod. #2 - 40 FR 20558 - 5/9/75
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
Decision #IN75-2024 (B,H,Hw)
40 FR 6039 - 2/7/75
Mod. #1 - 40 FR 10872 - 3/7/75
Mod. #2 - 40 FR 20558 - 5/9/75
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #IN75-2025 (B)
40 FR 4815 - 1/31/75
Mod. #1 - 40 FR 10872 - 3/7/75
Mod. #2 - 40 FR 20559 - 5/9/75
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #IN75-2026 (B)
40 FR 4817 - 1/31/75
Mod. #1 - 40 FR 10872 - 3/7/75
Mod. #2 - 40 FR 20559 - 5/9/75
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Bartholomew County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Bartholomew County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Bartholomew County
PARKE COUNTY
(H,Hw) - See Bartholomew County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
PIKE COUNTY
(H,Hw) - See Bartholomew County
PORTER COUNTY
Decision #IN75-2027 (B,H,Hw)
40 FR 6044 - 2/7/75
Mod. #1 - 40 FR 10873 - 3/7/75
Mod. #2 - 40 FR 20560 - 5/9/75
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Bartholomew County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #IN75-2028 (B,H,Hw)
40 FR 6049 - 2/7/75
Mod. #1 - 40 FR 10873 - 3/7/75
Mod. #2 - 40 FR 20560 - 5/9/75
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Bartholomew County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #IN75-2029 (B)
40 FR 4820 - 1/31/75
Mod. #1 - 40 FR 10873 - 3/7/75
Mod. #2 - 40 FR 20560 - 5/9/75
(D) - See Clark County
(H,Hw) - See Bartholomew County
VERMILLION COUNTY
(H,Hw) - See Bartholomew County
VIGO COUNTY
Decision #IN75-2030 (B)
40 FR 6053 - 2/7/75
Mod. #1 - 40 FR 10873 - 3/7/75
Mod. #2 - 40 FR 20561 - 5/9/75
(H,Hw) - See Bartholomew County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Bartholomew County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #AR-73 (Hw)
39 FR 38797 - 11/1/74
Mod. #1 - 40 FR 4786 - 1/31/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
BLACK HAWK COUNTY
Decision #IA75-4034 (B,H,Hw)(City of Waterloo & abutting Municipalities
40 FR 4823 - 1/31/75
Mod. #1 - 40 FR 5900 - 2/14/75
Mod. #2 - 40 FR 12955 - 3/21/75
Mod. #3 - 40 FR 14201 - 3/28/75
Mod. #4 - 40 FR 15271 - 4/4/75
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA75-4035 (B,H,Hw)
40 FR 4826 - 1/31/75
Mod. #1 - 40 FR 6901 - 2/14/75
Mod. #2 - 40 FR 14201 - 3/28/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abutting municipalities)
Decision #IA75-4036 (B,H,Hw)
40 FR 4828 - 1/31/75
Mod. #1 - 40 FR 6900 - 2/14/75
Mod. #2 - 40 FR 12954 - 3/21/75
Mod. #3 - 40 FR 14201 - 3/28/75
Mod. #4 - 40 FR 23629 - 5/30/75
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA75-4037 (B,H,Hw)
40 FR 4831 - 1/31/75
Mod. #1 - 40 FR 6901 - 2/14/75
Mod. #2 - 40 FR 12954 - 3/21/75
Mod. #3 - 40 FR 14202 - 3/28/75
Mod. #4 - 40 FR 23629 - 5/30/75
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA75-4038 (B,H,Hw)
40 FR 4834 - 1/31/75
Mod. #1 - 40 FR 14202 - 3/28/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA75-4039 (B,H)
40 FR 4836 - 1/31/75
Mod. #1 - 40 FR 6902 - 2/14/75
Mod. #2 - 40 FR 14202 - 3/28/75
Mod. #3 - 40 FR 18276 - 4/25/75
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA75-4040 (B,H,Hw)
40 FR 4839 - 1/31/75
Mod. #1 - 40 FR 6902 - 2/14/75
Mod. #2 - 40 FR 14202 - 3/28/75
Mod. #3 - 40 FR 18276 - 4/25/75

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA75-4041 (B,H,Hw)
40 FR 4841 - 1/31/75
Mod. #1 - 40 FR 6903 - 2/14/75
Mod. #2 - 40 FR 14202 - 3/28/75
Mod. #3 - 40 FR 18276 - 4/25/75
Mod. #4 - 40 FR 22733 - 5/23/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4042 (B,H,Hw)
40 FR 4843 - 1/31/75
Mod. #1 - 40 FR 6903 - 2/14/75
Mod. #2 - 40 FR 12955 - 3/21/75
Mod. #3 - 40 FR 14202 - 3/28/75
Mod. #4 - 40 FR 15271 - 4/4/75
Mod. #5 - 40 FR 18277 - 4/25/75
Mod. #6 - 40 FR 22733 - 5/23/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd.)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA75-4043 (B,H,Hw)
40 FR 4845 - 1/31/75
Mod. #1 - 40 FR 6903 - 2/14/75
Mod. #2 - 40 FR 14203 - 3/28/75
Mod. #3 - 40 FR 18277 - 4/25/75
Mod. #4 - 40 FR 23629 - 5/30/75
SHELBY COUNTY
None
STOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA75-4044 (B,H,Hw)
40 FR 4848 - 1/31/75
Mod. #1 - 40 FR 6904 - 2/14/75
Mod. #2 - 40 FR 14203 - 3/28/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hw) - See Appanoose County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA75-4074 (B,H,Hw)
40 FR 15295 - 4/4/75
Mod. #1 - 40 FR 23630 - 5/30/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4046 (B)
40 FR 4852 - 1/31/75
Mod. #1 - 40 FR 6905 - 2/14/75
Mod. #2 - 40 FR 14203 - 3/28/75
Mod. #3 - 40 FR 23629 - 5/30/75
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4051 (Hw,W&S)
40 FR 6056 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4053 (Hw, W&S)
40 FR 6058 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - See Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
39 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO75-4059 (B,H,Hw)
40 FR 8740 - 2/28/75
Mod. #1 - 40 FR 15273 - 4/4/75
Mod. #2 - 40 FR 17457 - 4/18/75
Decision #MO75-4071 (R)
40 FR 14226 - 3/28/75
Mod. #1 - 40 FR 17459 - 4/18/75
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4061 (B)
40 FR 12034 - 3/14/75
Mod. #1 - 40 FR 15271 - 4/4/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4065 (B)
40 FR 12048 - 3/14/75
Mod. #1 - 40 FR 15272 - 4/4/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4062 (B)
40 FR 12038 - 3/14/75
Mod. #1 - 40 FR 15271 - 4/4/75
Decision #KS75-4064 (R)
40 FR 12045 - 3/14/75
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFORD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AR-4054 (H,Hw)
39 FR 39697 - 11/8/74
Mod. #1 - 39 FR 44907 - 12/27/74
Mod. #2 - 40 FR 3025 - 1/17/75
Mod. #3 - 40 FR 22734 - 5/23/75
ALLEN COUNTY
Decision #AR-4053 - (H,Hw)
39 FR 39694 - 11/8/74
Mod. #1 - 40 FR 3085 - 1/17/75
Mod. #2 - 40 FR 22733 - 5/23/75
ANDERSON COUNTY
Decision #AR-4055 (H,Hw)
39 FR 39700 - 11/8/74
Mod. #1 - 40 FR 3086 - 1/17/75
Mod. #2 - 40 FR 22734 - 5/23/75
BALLARD COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #AR-4056 (H,Hw)
39 FR 39703 - 11/8/74
Mod. #1 - 40 FR 3082 - 1/17/75
Mod. #2 - 40 FR 4786 - 1/31/75
Decision #AR-4034 (B)
39 FR 33150 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AR-4047 (B)
39 FR 38824 - 11/1/74
Mod. #1 - 40 FR 10878 - 3/7/75
Mod. #2 - 40 FR 19327 - 5/2/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/74
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 32442 - 9/6/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 10875 - 3/7/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AR-4016 (B)
39 FR 28833 - 8/9/74
Mod. #1 - 39 FR 38803 - 11/1/74
Mod. #2 - 40 FR 10875 - 3/7/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AR-4014 (B)
39 FR 28044 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 10874 - 3/7/75
Mod. #4 - 40 FR 19387 - 5/2/75
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County

PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #LA75-4100 (B,Hw,R)
40 FR 22745 - 5/23/75
ACADIA PARISH
(B,D,Hw) - See Statewide
Decision #AR-5032 (F)
40 FR 8706 - 2/28/75
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(D,Hw,B,R) - See Statewide
CALCASIEU PARISH
(F)- See Acadia Parish
(B,R,D,Hw) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(B,D,Hw) - See Statewide
(F) - See Acaida Parish
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,Hw,D)- See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(H,U) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17460 - 4/18/75
Decision #AR-2085 (Hw)
39 FR 41100 - 11/22/74
BALTIMORE CITY
Decision #AR-2053 (Hw)
39 FR 34905 - 9/27/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 16479 - 4/11/75
Mod. #3 - 40 FR 24455 - 6/6/75
Decision #AR-2093 (B,H)
39 FR 44162 - 12/20/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17461 - 4/18/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20555 - 5/9/75
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore County
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD75-3003 (B)
40 FR 937 - 1/3/75
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74
(Hw) - See Caroline County

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2069 (B,H,Hw, & Marine)
40 FR 20557 - 5/9/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BERKSHIRE COUNTY
Decision #MA75-2070 (B,H,Hw)
40 FR 20581 - 5/9/75
BRISTOL COUNTY
Decision #MA75-2071 (B,H,Hw,R, & Marine)
40 FR 19335 - 5/2/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2072 (B,H,Hw, & Marine)
40 FR 18305 - 4/25/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2006 (B,H,Hw)
40 FR 3112 - 1/17/75
Mod. #1 - 40 FR 7777 - 2/21/75
Mod. #2 - 40 FR 18277 - 4/25/75
HAMPDEN COUNTY
Decision #MA75-2053 (B,H,Hw)
40 FR 12051 - 3/14/75
Mod. #1 - 40 FR 19327 - 5/2/75
Decision #MA75-2054 (R)
40 FR 15297 - 4/4/75
HAMPSHIRE COUNTY
Decision #MA75-2008 (B,H,Hw)
40 FR 3121 - 1/17/75
Mod. #1 - 40 FR 7778 - 2/21/75
Mod. #2 - 40 FR 19327 - 5/2/75
MIDDLESEX COUNTY
Decision #MA75-2073 (B,H,Hw,R, & Marine)
40 FR 19340 - 5/2/75
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA75-2074 (B,H,Hw,R)
40 FR 20586 - 5/9/75
(D) - See Barnstable County

MASSACHUSETTS

PLYMOUTH COUNTY
Decision #MA75-2075 (B,H,Hw,R)
40 FR 20590 - 5/9/75
SUFFOLK COUNTY
Decision #MA75-2076 (B,H,Hw,D,R, & Marine)
40 FR 20595 - 5/9/75
Mod. #1 - 40 FR 23630 - 5/30/75
WORCESTER COUNTY
Decision #MA75-2077 (B,H,Hw,R)
40 FR 21660 - 5/16/75

MICHIGAN

STATEWIDE
Decision #AR-3141 (Hw, W&S)
39 FR 30765 - 8/23/74
Mod. #1 - 39 FR 41109 - 11/22/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 16479 - 4/11/75
ALCONA COUNTY
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75
(Hw, W&S) - See Statewide
(B,H) - See Alpena County
ALGER COUNTY
Decision #AR-3177 (B,H)
39 FR 44164 - 12/20/74
Mod. #1 - 40 FR 929 - 1/3/75
Mod. #2 - 40 FR 8695 - 2/28/75
Mod. #3 - 40 FR 22745 - 5/23/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #AR-3102 (B,H)
39 FR 29784 - 8/16/74
Mod. #1 - 39 FR 33152 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34920 - 9/27/74
Mod. #4 - 40 FR 7781 - 2/21/75
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
Decision #AR-3150 (B,H)
39 FR 36759 - 10/11/74
Mod. #1 - 40 FR 7795 - 2/21/75
Mod. #2 - 40 FR 15272 - 4/4/75
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
Decision #AR-3164 (B,H)
39 FR 37338 - 10/18/74
Mod. #1 - 40 FR 7796 - 2/21/75
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
Decision #AR-3106 (B,H)
39 FR 29797 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #MI75-2049 (B,H)
40 FR 17508 - 4/18/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
Decision #MI75-2061 (B,H)
40 FR 17511 - 4/18/75
Mod. #1 - 40 FR 19328 - 5/2/75
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Genessee County
(D) - See Alcona County
(Hw, W&S) - See Statewide
INGHAM COUNTY
Decision #AR-3113 (B,H)
39 FR 29820 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33914 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
Mod. #4 - 40 FR 7787 - 2/21/75
(Hw, W&S) - See Statewide
(R) - See Eaton County

MICHIGAN (Cont'd.)

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
Decision #AR-3114 (B,H)
39 FR 29823 - 8/16/74
Mod. #1-39 FR 33914 - 9/20/74
Mod. #2-39 FR 36910 - 10/4/74
Mod. #3-40 FR 7788 - 2/21/75
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide
LAPEER COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
(B,H,R) - See Wastenaw County
(D) - See Alcona County
(W&S, Hw) - See Statewide

XUM 57 3 DEC 69211049V

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #AR-3117 (B,H)
39 FR 29833 - 8/16/74
Mod. #1 - 39 FR 33915 - 9/20/74
Mod. #2 - 39 FR 35912 - 10/4/74
Mod. #3 - 39 FR 36716 - 10/11/74
Mod. #4 - 40 FR 7790 - 2/21/75
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alpena County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H,R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H,R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Saint Clair County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Saginaw County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
Decision #MI75-2063 (B,H,R)
40 FR 19345 - 5/2/75
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN75-2068 (H,Hw)
40 FR 19349 - 5/2/75
ANOKA COUNTY
Decision #AR-3166 (B,R)
39 FR 39705 - 11/8/74
Mod. #1 - 40 FR 12007 - 3/14/75
Mod. #2 - 40 FR 17461 - 4/18/75
Mod. #3 - 40 FR 22734 - 5/23/75
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3134 (H,Hw)
39 FR 935 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

NOTICES

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County
MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN75-2058 (B,R)
40 FR 17454 - 4/18/75
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN75-2042 (B,R)
40 FR 7837 - 2/21/75
Mod. #1 - 40 FR 12007 - 3/14/75
Mod. #2 - 40 FR 18278 - 4/25/75
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN75-2059 (B,R)
40 FR 16472 - 4/11/75
Mod. #1 - 40 FR 18279 - 4/25/75
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See AitkinCCounty
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR75-5032 (F)
40 FR 8706 - 2/28/75
Decision #AR-4066 (Hw, W&S)
39 FR 44167 - 12/20/74
Mod. #1 - 40 FR 3086 - 1/17/75
Mod. #2 - 40 FR 5977 - 2/7/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(D,F,Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,F,Hw, W&S) - See Statewide
CLARKE COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (cont'd)

CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
Mod. #1 - 40 FR 3086 - 1/17/75
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw,F,W&S) - See Statewide
DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1007 (R)
40 FR 3147 - 1/17/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide

FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #AP-174 (R)
38 FR 10584 - 4/27/74
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S)- See Statewide
HANCOCK COUNTY
Decision #MS75-1013 (B,H,Hw, W&S)
40 FR 4854 - 1/31/75
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide

NOTICES

MISSISSIPPI (Cont'd.)

MINUS COUNTY
Decision #AK-4030 (B)
39 FR 32454 - 9/6/74
Mod. #1 - 39 FR 38806 - 11/1/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 40 FR 16479 - 4/11/75
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S)- See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd)

WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1044 (B)
40 FR 16530 - 4/11/75
(D,F,Hw, W&S) -
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AO-4072 (B)
39 FR 5933 - 2/15/74
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S)- See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO75-4076 (H,Hw)
40 FR 16532 - 4/11/75
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO75-4059 (B,H,Hw)
40 FR 8740 - 2/28/75
Mod. #1 - 40 FR 8740 - 4/4/75
Decision #MO75-4071 (R)
40 FR 14226 - 3/28/75
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO75-4072 (B)
40 FR 14232 - 3/28/75
Mod. #1 - 40 FR 19328 - 5/2/75
Decision #MO75-4075 (R)
40 FR 15298 - 4/4/75
Mod. #1 - 40 FR 19329 - 5/2/75
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT75-5062 (B)
40 FR 23650 - 5/30/75
Decision #MT75-5063 (H,Hw)
40 FR 23675 - 5/30/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5059 (R)
40 FR 23642 - 5/30/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
Decision #MT75-5060 (R)
40 FR 23642 - 5/30/75
(B,H,Hw) - See Statewide
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.)

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deer Lodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

STATEWIDE (Except Douglas & Sarpy)
Decision #AR-92 (H,Hw)
39 FR 44917 - 12/27/74
ADAMS COUNTY
(H,Hw) - See Statewide
ANTELOPE COUNTY
(H,Hw) - See Statewide
ARTHUR COUNTY
(H,Hw) - See Statewide
BANNER COUNTY
Decision #AQ-79 (B)
39 FR 5933 - 2/15/74
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
BOYD COUNTY
(H,Hw) - See Statewide
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
BROWN COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BURT COUNTY
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #AR-59 (H,Hw)
39 FR 36705 - 10/11/74
Mod. #1 - 39 FR 38081 - 10/25/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 39 FR 43464 - 12/13/74
Mod. #4 - 40 FR 7798 - 2/21/75
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Statewide
CHERRY COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COLFAX COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
DODGE COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
Decision #NE75-4055 (B)
40 FR 8745 - 2/28/75
Mod. #1 - 40 FR 12013 - 3/14/75
Decision #AR-94 (R)
39 FR 44918 - 12/27/74
Mod. #1 - 40 FR 3862 - 1/24/75
Mod. #2 - 40 FR 6909 - 2/14/75
Mod. #3 - 40 FR 8697 - 2/28/75
Mod. #4 - 40 FR 12013 - 3/14/75
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Statewide
FILLMORE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FRONTIER COUNTY
(H,Hw) - See Statewide
FURNAS COUNTY
(H,Hw) - See Statewide
GAGE COUNTY
(H,Hw) - See Statewide
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GOSPER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREELEY COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

HALL COUNTY
Decision #AQ-24 (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HARLAN COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
HITCHCOCK COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(H,Hw) - See Statewide
HOOKER COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KEARNEY COUNTY
(H,Hw) - See Statewide
KEITH COUNTY
(H,Hw) - See Statewide
KEYAPAHA COUNTY
(H,Hw) - See Statewide
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE75-4085 (B)
40 FR 20599 - 5/9/75
Decision #AM-6140 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
LOUP COUNTY
(H,Hw) - See Statewide
MC PHERSON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MERRICK COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
NANCE COUNTY
(H,Hw) - See Statewide
NEMAHA COUNTY
Decision #NO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Statewide
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Statewide
POLK COUNTY
(H,Hw) - See Statewide
RED WILLOW COUNTY
(H,Hw) - See Statewide
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Statewide
ROCK COUNTY
(H,Hw) - See Statewide
SALINE COUNTY
(H,Hw) - See Statewide
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SEWARD COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(Hw) - See Statewide
THAYER COUNTY
(Hw) - See Statewide
THOMAS COUNTY
(Hw) - See Statewide
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(Hw) - See Statewide
VALLEY COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WHEELER COUNTY
(Hw) - See Statewide
YORK COUNTY
(Hw) - See Statewide

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV75-5037 (B,H,Hw)
40 FR 14235 - 3/28/75
Mod. #1 - 40 FR 19330 - 5/2/75
Mod. #2 - 40 FR 23630 - 5/30/75
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV75-5038 (R)(Excluding the Nevada Test Site)
40 FR 14246 - 3/28/75
Mod. #1 - 40 FR 19330 - 5/2/75
Mod. #2 - 40 FR 23630 - 5/30/75
(B,H,Hw) - See Statewide
Decision #NV75-5057 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
40 FR 20602 - 5/9/75
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV75-5039 (R)
40 FR 14250 - 3/28/75
Mod. #1 - 40 FR 19330 - 5/2/75
Mod. #2 - 40 FR 23631 - 5/30/75
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AR-3142 (B,H,Hw,R)
39 FR 35021 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
Mod. #3 - 40 FR 19331 - 5/2/75
MERRIMACK COUNTY
Decision #AR-3143 (B,H,Hw, & Marine)
39 FR 35024 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
ROCKINGHAM COUNTY
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
Decision #AR-3144 (B,H,Hw,R,& Marine)
39 FR 35027 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
STRAFFORD COUNTY
Decision #AR-3145 (B,H,Hw, & Marine)
39 FR 35031 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AR-2077 (B,H,Hw)
39 FR 40467 - 11/15/74
Mod. #1 - 39 FR 42812 - 12/6/74
Mod. #2 - 39 FR 43654 - 12/13/74
Mod. #3 - 40 FR 5980 - 2/7/75
Mod. #4 - 40 FR 16489 - 4/11/75
Decision #CT75-5045 (D)
40 FR 15254 - 4/4/75
BERGEN COUNTY
Decision #AR-2078 (B,H,Hw)
39 FR 40473 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 39 FR 44156 - 12/20/74
Mod. #3 - 40 FR 5981 - 2/7/75
Mod. #4 - 40 FR 16489 - 4/11/75
(D) - See Atlantic County

NEW JERSEY

BURLINGTON COUNTY
Decision #AR-2080 (B,H,Hw)
39 FR 41130 - 11/22/74
Mod. #1 - 39 FR 43645 - 12/13/74
Mod. #2 - 39 FR 44156 - 12/20/74
Mod. #3 - 40 FR 5981 - 2/7/75
Mod. #4 - 40 FR 16490 - 4/11/75
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AR-2081 (B,H,Hw)
39 FR 41139 - 11/22/74
Mod. #1 - 40 FR 5981 - 2/7/75
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AR-2082 (B,H,Hw)
39 FR 41146 - 11/22/74
Mod. #1 - 39 FR 43645 - 12/13/74
Mod. #2 - 39 FR 44156 - 12/20/74
Mod. #3 - 40 FR 5981 - 2/7/75
(D) - See Atlantic County
ESSEX COUNTY
Decision #AR-2083 (B,H,Hw)
39 FR 41153 - 11/22/74
Mod. #1 - 40 FR 5982 - 2/7/75
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AR-2087 (B,H,Hw)
39 FR 41671 - 11/29/74
Mod. #1 - 40 FR 5982 - 2/7/75
Mod. #2 - 40 FR 16491 - 4/11/75
(D) - See Atlantic County
HUNTERDON COUNTY
Decision #AR-2076 (B,H,Hw)
39 FR 40393 - 11/15/74
Mod. #1 - 39 FR 42812 - 12/6/74
Mod. #2 - 40 FR 5980 - 2/7/75
Mod. #3 - 40 FR 16489 - 4/11/75
(D) - See Atlantic County
MERCER COUNTY
Decision #AR-2088 (B,H,Hw)
39 FR 41677 - 11/29/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 5982 - 2/7/75
Mod. #3 - 40 FR 16491 - 4/11/75
MIDDLESEX COUNTY
Decision #AR-2040 (B,H,Hw)
39 FR 33164 - 9/13/74
Mod. #1 - 39 FR 34923 - 9/27/74
Mod. #2 - 40 FR 5977 - 2/7/75
Mod. #3 - 40 FR 16485 - 4/11/75
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AR-2089 (B,H,Hw)
39 FR 41685 - 11/29/74
Mod. #1 - 40 FR 5983 - 2/7/75
Mod. #2 - 40 FR 16491 - 4/11/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
Decision #AR-2041 (B,H,Hw)
39 FR 33172 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
Mod. #2 - 39 FR 42810 - 12/6/74
Mod. #3 - 40 FR 5978 - 2/7/75
Mod. #4 - 40 FR 16486 - 4/11/75
Mod. #5 - 40 FR 18282 - 4/25/75
(D) - See Atlantic County
OCEAN COUNTY
Decision #AR-2090 (B,H,Hw)
39 FR 41693 - 11/29/74
Mod. #1 - 40 FR 5983 - 2/7/75
Mod. #2 - 40 FR 16491 - 4/11/75
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AR-2042 (B,H,Hw)
39 FR 33179 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
Mod. #2 - 39 FR 41659 - 11/29/74
Mod. #3 - 39 FR 42811 - 12/6/74
Mod. #4 - 40 FR 5978 - 2/7/75
Mod. #5 - 40 FR 16487 - 4/11/75
Mod. #6 - 40 FR 8697 - 2/28/75
(D) - See Atlantic County
SALEM COUNTY
Decision #AR-2073 (B,H,Hw)
39 FR 40371 - 11/15/74
Mod. #1 - 40 FR 5979 - 2/7/75
Mod. #2 - 40 FR 16488 - 4/11/75
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AR-2043 (B,H,Hw)
39 FR 32456 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
Mod. #2 - 39 FR 42810 - 12/6/74
Mod. #3 - 40 FR 5979 - 2/7/75
Mod. #4 - 40 FR 16487 - 4/11/75
(D) - See Atlantic County
SUSSEX COUNTY
Decision #AR-2075 (B,H,Hw)
39 FR 40386 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 40 FR 5980 - 2/7/75
Mod. #3 - 40 FR 16488 - 4/11/75
Mod. #4 - 40 FR 18282 - 4/25/75
(D) - See Atlantic County
UNION COUNTY
Decision #AR-2044 (B,H,Hw)
39 FR 32464 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
Mod. #2 - 39 FR 41659 - 11/29/74
Mod. #3 - 39 FR 42811 - 12/6/74
Mod. #4 - 40 FR 5979 - 2/7/75
Mod. #5 - 40 FR 16487 - 2/7/75
(D) - See Atlantic County
(D) - See Atlantic County
WARREN COUNTY
Decision #AR-2074 (B,H,Hw)
39 FR 40378 - 11/15/74

XUM 75 3 JUL 40 129 THURSDAY

NEW JERSEY (Cont'd)

WARREN COUNTY (Cont'd.)
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 40 FR 5980 - 2/7/75
Mod. #3 - 40 FR 16488 - 4/11/75

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Mod. #2 - 39 FR 32443 - 9/6/74
Mod. #3 - 40 FR 15273 - 4/4/75
Decision #NM75-4079 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.
40 FR 17517 - 4/18/75
Mod. #1 - 40 FR 19331 - 5/2/75
Mod. #2 - 40 FR 22735 - 5/23/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County

NEW MEXICO (Cont'd.)

MORA COUNTY
(H,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,D) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY75-3031 (B,H,Hw)
40 FR 16545 - 4/11/75
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AR-2101 (B,H,Hw)
39 FR 44925 - 12/27/74
Mod. #1 - 40 FR 5984 - 2/7/75
Mod. #2 - 40 FR 7799 - 2/21/75
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BROOME COUNTY
Decision #NY75-3032 (B,H,Hw)
40 FR 16549 - 4/11/75
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #NY75-3033 (D)
40 FR 16554 - 4/11/75
CHAUTAUQUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
Mod. #1 - 40 FR 3863 - 1/24/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY75-3034 (B,H,Hw)
40 FR 16559 - 4/11/75
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3035 (B,H,Hw)
40 FR 16665 - 4/11/75
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3036 (B,H,Hw)
40 FR 16571 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY75-3037 (B,H,Hw)
40 FR 16576 - 4/11/75
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY75-3038 (B,H,Hw)
40 FR 16581 - 4/11/75
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3039 (B,H,Hw)
40 FR 16586 - 4/11/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY75-3040 (B,H,Hw)
40 FR 16589 - 4/11/75
Mod. #1 - 40 FR 24456 - 6/6/75
ONONDAGA COUNTY
Decision #NY75-3041 (B,H,Hw)
40 FR 16595 - 4/11/75
Mod. #1 - 40 FR 24457 - 6/6/75
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY75-3042 (B,H,Hw)
40 FR 16599 - 4/11/75
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #NY75-3043 (B,H,Hw)
40 FR 16606 - 4/11/75
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2097 (B,H,Hw)
39 FR 44919 - 12/27/74
SCHENECTADY COUNTY
Decision #NY75-3044 (B,H,Hw)
40 FR 16610 - 4/11/75
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY75-3046 (B,H,Hw)
40 FR 16619 - 4/11/75
SUFFOLK COUNTY
Decision #NY75-3045 (B,H,Hw)
40 FR 16614 - 4/11/75
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY75-3047 (B,H,Hw)
40 FR 16624 - 4/11/75
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY75-3048 (B,H,Hw)
40 FR 16631 - 4/11/75
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Decision #NC75-1002 (Sewer & Water)
40 FR 3149 - 1/17/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
Mod. #1 - 40 FR 3087 - 1/17/75
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #AR-4044 (R)
39 FR 36882 - 10/11/74
Mod. #1 - 40 FR 3087 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Avery County
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #AR-4048 (B)
39 FR 3070 - 10/25/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #AR-4042 (B)
39 FR 34906 - 9/27/74
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NOTICES

NORTH DAKOTA

STATEWIDE
Decision #AR-1003 (Hw)
39 FR 42823 - 12/6/74
Mod. #1 - 40 FR 14211 - 3/28/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #ND75-5058 (B)
40 FR 22776 - 5/23/75
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MCHENRY COUNTY
(Hw) - See Statewide
MCINTOSH COUNTY
(Hw) - See Statewide
MCKENZIE COUNTY
(Hw) - See Statewide
MCLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH75-2056 (H,Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18282 - 4/25/75
ADAMS COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide

NOTICES

XUM 57 3 JUL 5 5 40 FEDERAL REGISTER

OHIO (Cont'd)

CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/18/74
Mod. # 2- 40 FR 15274 - 4/4/75
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH75-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

OHIO (Cont'd)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
Decision #OK75-4069 (B,H,Hw)
40 FR 14257 - 3/28/75
Mod. #1 - 40 FR 16495 - 4/11/75
Mod. #2 - 40 FR 18283 - 4/25/75
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4016 (R)
40 FR 3151 - 1/17/75
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4080 (B)
40 FR 17531 - 4/18/75
Mod. #1 - 40 FR 22736 - 5/23/75
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Adair County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK75-4017 (R)
40 FR 3152 - 1/17/75
Decision #AR-80 (B)
39 FR 41107 - 11/22/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 3866 - 1/24/75
Mod. #3 - 40 FR 14214 - 3/28/75
Mod. #4 - 40 FR 16493 - 4/11/75
COTTON COUNTY
(H,Hw) - SEe Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H, Hw) - See Statewide
GARFIELD COUNTY
Decision #AR-85 (B)
39 FR 42801 - 12/6/74
Mod. #1 - 40 FR 6905 - 2/14/75
Mod. #2 - 40 FR 14214 - 3/28/75
Mod. #3 - 40 FR 16494 - 4/11/75
Mod. #4 - 40 FR 18283 - 4/25/75
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

McCLAIN COUNTY
(H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #AR-89 (B)
39 FR 43456 - 12/13/74
Mod. #1 - 40 FR 6906 - 2/14/75
Mod. #2 - 40 FR 14215 - 3/28/75
Mod. #3 - 40 FR 16494 - 4/11/75
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
(B) - See Adair County
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #AR-88 (B)
39 FR 43454 - 12/13/74
Mod. #1 - 40 FR 2381 - 1/10/75
Mod. #2 - 40 FR 6906 - 2/14/75
Mod. #3 - 40 FR 15277 - 4/4/75
Mod. #4 - 40 FR 16494 - 4/11/75
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

ROGER MILLS COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK75-4050 (B)
40 FR 6115 - 2/7/75
Mod. #1 - 40 FR 7800 - 2/21/75
Mod. #2 - 40 FR 10882 - 3/7/75
Mod. #3 - 40 FR 16495 - 4/11/75
(H,Hw) - See Statewide
Decision #OK75-4015 (R)
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #AR-93 (B)
40 FR 44903 - 12/27/74
Mod. #1 - 40 FR 5985 - 2/7/75
Mod. #2 - 40 FR 15277 - 4/4/75
Mod. #3 - 40 FR 16494 - 4/11/75
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

MUM 57 3 JUL 75 40129 V

OREGON

STATEWIDE
Decision #OR75-5055 (B,H,Hw,D)
40 FR 19360 - 5/2/75
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #AR-1015 (R)
39 FR 29702 - 8/16/74
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AR-2029 (H,Hw)
39 FR 31853 - 8/30/74
Mod. #1 - 39 FR 41660 - 11/29/74
Mod. #1 - 39 FR 43466 - 12/13/74
Decision #AR-2099 (B)
39 FR 44931 - 12/27/74
Mod. #1 - 40 FR 4790 - 1/31/75
Mod. #2 - 40 FR 5986 - 2/7/75
Mod. #3 - 40 FR 15282 - 4/4/75
Mod. #4 - 40 FR 22740 - 5/23/75
ALLEGHENY COUNTY
Decision #AR-2033 (B)
39 FR 35048 - 9/27/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 15279 - 4/4/75
Decision #AQ-2049 (B)
39 FR 5043 - 2/8/74
(H,Hw) - See Beaver County

PENNSYLVANIA (Cont'd.)

ARMSTRONG COUNTY
Decision #PA75-3029 (H,Hw)
40 FR 15318 - 4/4/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19332 - 5/2/75
Decision #AR-2034 (B)
39 FR 35051 - 9/27/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 4789 - 1/31/75
Mod. #3 - 40 FR 15278 - 4/4/75
BEAVER COUNTY
Decision #PA75-3026 (H,Hw)
40 FR 14266 - 3/20/75
Mod. #1 - 40 FR 17467 - 4/18/75
Decision #PA75-3032 (B)
40 FR 12055 - 3/14/75
Mod. #1 - 40 FR 15282 - 4/4/75
BEDFORD COUNTY
Decision #PA75-3028 (H,Hw)
40 FR 15313 - 4/4/75
Mod. #1 - 40 FR 17468 - 4/18/75
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37332 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74
Mod. #6 - 40 FR 15278 - 4/4/75
Mod. #7 - 40 FR 22737 - 5/23/75
BERKS COUNTY
Decision #AR-2027 (B)
39 FR 31860 - 8/30/74
Mod. #1 - 39 FR 44911 - 12/27/74
Mod. #2 - 40 FR 5986 - 2/7/75
Mod. #3 - 40 FR 14216 - 3/28/75
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23686 - 5/30/75
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3011 (B)
40 FR 4781 - 1/31/75
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 17466 - 4/18/75
Mod. #3 - 40 FR 24460 - 6/6/75
Decision #AR-2006 (R)
39 FR 25905 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Mod. #3 - 40 FR 12015 - 3/14/75
Mod. #4 - 40 FR 17466 - 4/18/75
Mod. #5 - 40 FR 24460 - 6/6/75
Decision #AR-2028 (H,Hw
39 FR 33984 - 9/20/74
Mod. #1 - 40 FR 17464 - 4/18/75
Mod. #2 - 40 FR 24460 - 6/6/75

PENNSYLVANIA (Cont'd.)

BUTLER COUNTY
Decision #AR-2036 (B)
39 FR 33980 - 9/20/74
Mod. #1 - 39 FR 41111 - 11/22/74
Mod. #2 - 39 FR 44912 - 12/27-74
Mod. #3 - 40 FR 15279 - 4/4/75
Mod. #4 - 40 FR 18283 - 4/25/75
Decision #PA75-3051 (H,Hw)
40 FR 17533 - 4/18/75
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37331 - 10/18/74
Mod. #4 - 39 FR 44158 - 12/20/74
Mod. #5 - 40 FR 4790 - 1/31/75
Mod. #6 - 40 FR 12456 - 3/21/75
Mod. #7 - 40 FR 22736 - 5/23/75
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3021 (B)
40 FR 12947 - 3/21/75
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 19495 - 4/11/75
Mod. #3 - 40 FR 22741 - 5/23/75
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AR-2003 (B)
39 FR 25895 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
Mod. #3 - 40 FR 12014 - 3/14/75
Mod. #4 - 40 FR 17465 - 4/18/75
Mod. #5 - 40 FR 24459 - 6/6/75
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.)

CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/20/75
Mod. #1 - 40 FR 22741 - 5/23/75
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AR-2002 (B)
39 FR 25892 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
Mod. #3 - 40 FR 10882 - 3/7/75
Mod. #4 - 40 FR 17465 - 4/18/75
Mod. #5 - 40 FR 24459 - 6/6/75
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37333 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74
Mod. #6 - 40 FR 15277 - 4/4/75
Mod. #7 - 40 FR 22736 - 5/23/75
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AR-2094 (B)
39 FR 43491 - 12/13/74
Mod. #1 - 40 FR 15281 - 4/4/75
(H,Hw) - SEe Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #AQ-2121 (B)
39 FR 18398 - 5/24/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38812 - 11/1/74
Mod. #5 - 39 FR 44911 - 12/27/74
Mod. #6 - 40 FR 15278 - 4/4/75
Mod. #7 - 40 FR 22737 - 5/23/75
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AR-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
Mod. #3 - 39 FR 40406 - 11/15/74
Mod. #4 - 39 FR 44157 - 12/20/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AR-2037 (B)
39 FR 31859 - 8/30/74

PENNSYLVANIA (CONT'D)

INDIANA COUNTY (Cont'd.)
Mod. #1 - 39 FR 44912 - 12/27/74
Mod. #2 - 40 FR 4789 - 1/31/75
Mod. #3 - 40 FR 15279 - 4/4/75
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Centre County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #AR-2092 (B)
39 FR 41701 - 11/29/74
Mod. #1 - 40 FR 5986 - 2/7/75
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 18283 - 4/25/75
Mod. #4 - 40 FR 20561 - 5/9/75
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40406 - 11/15/74
Mod. #2 - 39 FR 44912 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75
Mod. #4 - 40 FR 5986 - 2/7/75
Mod. #5 - 40 FR 14215 - 3/28/75
Mod. #6 - 40 FR 22739 - 5/23/75
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
LEHIGH COUNTY
Decision #PA75-3019 (B)
40 FR 8755 - 2/28/75
Mod. #1 - 40 FR 14216 - 3/28/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
Mod. #1 - 39 FR 30667 - 8/23/74
Mod. #2 - 39 FR 40407 - 11/15/74
Mod. #3 - 40 FR 12016 - 3/14/75
Mod. #4 - 40 FR 15278 - 4/4/75
Mod. #5 - 40 FR 19331 - 5/2/75
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.)

MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
39 FR 25898 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 37333 - 10/18/74
Mod. #3 - 39 FR 38813 - 11/1/74
Mod. #4 - 40 FR 12014 - 3/14/75
Mod. #5 - 40 FR 17465 - 4/18/75
Mod. #6 - 40 FR 24460 - 6/6/75
(H,Hw, R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3015 (B)
40 FR 6947 - 2/14/75
Mod. #1 - 40 FR 8698 - 2/28/75
Mod. #2 - 40 FR 15282 - 4/4/75
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AR-2005 (B)
39 FR 25902 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Mod. #3 - 40 FR 12015 - 3/14/75
Mod. #4 - 40 FR 17465 - 4/18/75
Mod. #5 - 40 FR 24460 - 6/6/75
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3017 (B)
40 FR 7854 - 2/21/75
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 19331 - 5/2/75
Mod. #3 - 40 FR 22741 - 5/23/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 44911 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75

PENNSYLVANIA (Cont'd.)

SULLIVAN COUNTY (Cont'd.)
Mod. #4 - 40 FR 15278 - 4/4/75
Mod. #5 - 40 FR 24459 - 6/6/75
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 41110 - 11/22/74
Mod. #5 - 40 FR 15277 - 4/4/75
Mod. #6 - 40 FR 22736 - 5/23/75
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38811 - 11/1/74
Mod. #5 - 39 FR 44911 - 12/27/74
Mod. #6 - 40 FR 22739 - 5/23/75
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AR-2039 (B)
39 FR 35054 - 9/27/74
Mod. #1 - 39 FR 44912 - 12/27/74
Mod. #2 - 40 FR 4790 - 1/31/75
Mod. #3 - 40 FR 15280 - 4/4/75
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AR-2038 (B)
39 FR 31862 - 8/30/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 4790 - 1/31/75
Mod. #3 - 40 FR 15280 - 4/4/75
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #AR-2016 (R)
39 FR 28859 - 8/9/74
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE
Decision #CT75-5045 (D)
40 FR 15294 - 4/4/75
BRISTOL COUNTY
Decision #RI75-2031 (B,H,Hw,R, & Marine)
40 FR 6128 - 2/7/75
Mod. #1 - 40 FR 12017 - 3/14/75
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine) - See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #RI75-2032 (B,H,Hw,R, & Marine)
40 FR 6132 - 2/7/75
Mod. #1 - 40 FR 12017 - 3/14/75
(D) - See Statewide
PROVIDENCE COUNTY
(B,H,Hw,R, & Marine) - See Bristol County
(D) - See Statewide
WASHINGTON COUNTY
Decision #RI75-2033 (B,H,Hw,R,& Marine)
40 FR 6124 - 2/7/75
Mod. #1 - 40 FR 12017 - 3/14/75
Mod. #2 - 40 FR 14216 - 3/28/75
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (H,Hw)
40 FR 12058 - 3/14/75
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aikin County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #AR-4045 (B)
39 FR 37327 - 10/18/74
Mod. #1 - 39 FR 41662 - 11/29/74
Mod. #2 - 40 FR 3087 - 1/17/75
Mod. #3 - 40 FR 4790 - 1/31/75
CALHOUN COUNTY
(B) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H, Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LEXINGTON COUNTY
Decision #AR-4004 (R)
39 FR 24779 - 7/5/74
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water,H,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Lexington County
(R) - See Lexington County
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD75-5013 (H,Hw)
40 FR 4858 - 1/31/75
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNETT COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5044 (B)
40 FR 15327 - 4/4/75
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5043 (B)
40 FR 15326 - 4/4/75
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide
TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR75-5032 (F)
40 FR 8706 - 2/28/75
Decision #AR-4046 (Hw)
40 FR 940 - 1/3/75
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F,Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
Decision #AQ-4128 (R)
39 FR 24198 - 6/28/74
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
Mod. #1 - 40 FR 7800 - 2/21/75
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #AR-4021 (B)
39 FR 31868 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
Mod. #2 - 39 FR 42813 - 12/6/74
Mod. #3 - 40 FR 3088 - 1/17/75
Mod. #4 - 40 FR 6910 - 2/14/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-4062 (B,H)
39 FR 42828 - 12/6/74
Mod. #1 - 40 FR 3088 - 1/17/75
Mod. #2 - 40 FR 6910 - 2/14/75
Mod. #3 - 40 FR 8698 - 2/28/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN75-1052
40 FR 23688 - 5/30/75
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - SeetStatewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Lake County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN75-1006 (B,H, & Utility
40 FR 3155 - 1/17/75
Mod. #1 - 40 FR 6911 - 2/14/75
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Mod. #3 - 39 FR 17655 - 5/17/74
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

XUM

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
(R) - See Carter County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX75-4086 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
40 FR 21667 - 5/16/75
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4105 (B)
40 FR 23797 - 5/23/75
Decision #TX75-4090 (R)
40 FR 21679 - 5/16/75
Mod. #1 - 40 FR 23631 - 5/30/75
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX75-4110 (B)
40 FR 23692 - 5/30/75
BEXAR COUNTY
Decision #AR-45 (B)
39 FR 34015 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 43675 - 12/6/74
Mod. #3 - 39 FR 44168 - 12/20/74
Decision #TX75-4109 (R)
40 FR 23690 - 5/30/75
(H,Hw) - See Statewide

TEXAS (CONT'D)

BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX75-4104 (B)
40 FR 22796 - 5/23/75
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4106 (B)
40 FR 22799 - 5/23/75
Mod. #1 - 40 FR 24461 - 6/6/75
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #TX75-4091 (B)
40 FR 21681 - 5/16/75
(H,Hw) - See Statewide
Decision #TX75-4093 (R)
40 FR 21683 - 5/16/75
CAMP COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX75-4102 (B-excluding Dallas-Fort Worth Regional Airport)
40 FR 22791 - 5/23/75
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4107 (B)
40 FR 22801 - 5/23/75
Mod. #1 - 40 FR 24461 - 6/6/75
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #TX75-4096 (B)
40 FR 21689 - 5/16/75
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4102 (B)
40 FR 22795 - 5/23/75
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX75-4095 (B,R)
40 FR 21687 - 5/16/75
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX75-4012 (B,R)
40 FR 3175 - 1/17/75
Mod. #1 - 40 FR 7800 - 2/21/75
Mod. #2 - 40 FR 8698 - 2/28/75
Mod. #3 - 40 FR 12017 - 3/14/75
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX75-4099 (B)
40 FR 22787 - 5/23/75
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX75-4094 (B)
40 FR 21685 - 5/16/75
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

FEDERAL REGISTER, VOL. 40, NO. 129—THURSDAY, JULY 3, 1975

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4090 (B)
40 FR 22786 - 5/23/75
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX75-4088 (B)
40 FR 21677 - 5/16/75
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX75-4101 (B)
40 FR 22709 - 5/23/75
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4087 (R)
40 FR 21675 - 5/16/75
Decision #TX75-4103 (B)
40 FR 22803 - 5/23/75
Mod. #1 - 40 FR 24461 - 6/6/75
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

FEDERAL REGISTER, VOL. 40, NO. 129—THURSDAY, JULY 3, 1975

XUM

UTAH

STATEWIDE
Decision #UT75-5026 (B,H,Hw)
40 FR 7860 - 2/21/75
Mod. #1 - 40 FR 14216 - 3/28/75
Mod. #2 - 40 FR 17472 - 4/18/75
Mod. #3 - 40 FR 18283 - 4/25/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
ALBEMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD75-3003 (B)
40 FR 937 - 1/3/75
Mod. #1 - 40 FR 12957 - 3/21/75
Mod. #2 - 40 FR 20562 - 5/9/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 23631 - 5/30/75
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AM-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75
BOTETOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albemarle County
CHESAPEAKE CITY
Decision #VA75-3005 (B)
40 FR 944 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22742 - 5/23/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #VA75-3006 (B)
40 FR 946 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22743 - 5/23/75
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3004 (B,H,SAW)
40 FR 941 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 21657 - 5/16/75
Mod. #3 - 40 FR 22742 - 5/23/75
(R) - See James City
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA75-5054 (B,H,Hw,D)
40 FR 18310 - 4/25/75
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC75-3002 (B,Hw,WAS)
40 FR 948 - 1/3/75
Mod. #1 - 40 FR 12019 - 3/14/75
Mod. #2 - 40 FR 19334 - 5/2/75
Mod. #3 - 40 FR 20562 - 5/9/75
Mod. #4 - 40 FR 22743 - 5/23/75
Mod. #5 - 40 FR 23637 - 5/30/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75

WEST VIRGINIA

STATEWIDE
Decision #WV75-3009 (H,Hw)
40 FR 4883 - 1/31/75
Mod. #1 - 40 FR 10883 - 3/7/75
Mod. #2 - 40 FR 14217 - 3/28/75
BARBOUR COUNTY
Decision #WV75-3007 (B)
40 FR 6136 - 2/7/75
Mod. #1 - 40 FR 8700 - 2/28/75
Mod. #2 - 40 FR 10883 - 3/7/75
Mod. #3 - 40 FR 14217 - 3/28/75
Mod. #4 - 40 FR 16497 - 4/11/75
Mod. #5 - 40 FR 21659 - 5/16/75
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONONGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County

WEST VIRGINIA (Cont'd.)

PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI75-2047 (Hw)
40 FR 8757 - 2/28/75
Decision #WI75-2048 (H, Sewer, Tunnel, & Water)
40 FR 12059 - 3/14/75
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,D,R) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Claire County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284- 4/25/75
DODGE COUNTY
(H,Hw,W&S) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See PolkdCounty
(H,Hw,W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - -1/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
LA FAYETTE COUNTY
(H,Hw,W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
MANITOWOC COUNTY
(H,Hw,W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County

WISCONSIN (Cont'd.

MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide
MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
Mod. #1 - 40 FR 18287 - 4/25/75
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONEIDA COUNTY
(H,Hw,W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
RICHLAND COUNTY
(H,Hw,W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw,W&S) - See Statewide
RUSK COUNTY
(H,Hw,W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
SAWYER COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.

SHAWANO COUNTY
(H,Hw,W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw,W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw,W&S) - See Statewide
VERNON COUNTY
(H,Hw,W&S) - See Statewide
VILAS COUNTY
(H,Hw,W&S) - See Statewide
WALWORTH COUNTY
(H,Hw,W&S) - See Statewide
WASHBURN COUNTY
(H,Hw,W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw,W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw,W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - SeeSStatewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw,W&S) - See Statewide
WOOD COUNTY
(H,Hw,W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY75-5011 (Hw)
40 FR 4879 - 1/31/75
Mod. #1 - 40 FR 16497 - 4/11/75
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY75-5028 (B,H)
40 FR 7887 - 2/21/75
Mod. #1 - 40 FR 16497 - 4/11/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 18287 - 4/25/75
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.)

WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.75-17102 Filed 7-2-75;8:45 am]

federal register

THURSDAY, JULY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 129

PART V

FEDERAL ENERGY ADMINISTRATION

■

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

Coal Allocation and Construction of Power Plants

V40-129 JUL 3 75 XUM

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 309—ALLOCATION OF COAL

Allocation of Coal

A notice of proposed rulemaking was issued by the Federal Energy Administration ("FEA") on June 11, 1975 (June 13, 1975, 40 FR 25220) that proposed to amend Chapter II of Title 10 of the Code of Federal Regulations by the addition of Subpart D—Supply Orders, to Part 303—Administrative Procedures and Sanctions and the addition of Part 309—Allocation of Coal. These proposed amendments would implement section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319) ("ESECA") relating to the allocation of coal to powerplants or major fuel burning installations to which orders prohibiting the burning of natural gas or petroleum products as their primary energy source had been issued, and to other persons to the extent necessary to carry out the purposes of ESECA.

Written comments were invited from interested persons, to be submitted by June 23, 1975. In addition, a public hearing, at which six persons made oral presentations, was held on June 24, 1975. Including statements made at the public hearing, approximately 22 comments were received. All comments, including those received subsequent to June 23, 1975 have been reviewed and considered. Comments were received from coal producers, electric utilities and their representatives, national trade associations, and the United States Environmental Protection Agency ("EPA"). While certain modifications to the proposed regulations have been made reflecting FEA's consideration of these comments, presentations and other information available to FEA, the regulations are adopted essentially as proposed.

General

Several comments on the proposed regulations concerned the expiration of authority stated in section 2(f) of ESECA prohibiting FEA from issuing "orders or rules" under section 2(d) subsequent to June 30, 1975. Many contended thate section 2(f) also prohibits FEA from issuing specific allocation orders after that date even where such allocations are directed in accordance with regulations promulgated prior to June 30, 1975. FEA had specifically invited comments on this question, and after consideration of the substance of these comments, it believes that the prospective requirements imposed upon FEA by sections 3 and 7 of ESECA to exercise its coal allocation authority upon certain designations made by EPA, together with the legislative history of ESECA clearly require the approach set forth in the regulations, which are being adopted on that basis.

Most of those who commented confirmed FEA's initial conclusion with respect to the immense practical problems associated with any program involving allocation of coal. Variations in sulfur content, and other coal characteristics such as ash fusion, BTU content, range of volatiles, temperatures and grindability, limit the fungibility of coal. In addition, the nature of coal supply systems imposes further limitations upon any such program. FEA has proposed, and hereby adopts a restrictive coal allocation program reflective of such realities.

A number of electric utility companies and their representatives provided comments on the proposal that implementation of coal allocations could result in their reduced access to established coal supplies and cause disruption to utility operations. While captive mines and supplies of coal covered by long term contracts are subject to allocation, the regulations have been modified to provide that quantities of coal that comprise an ultimate consumer's on-site inventory shall not be subject to allocation.

One commenter raised the possibility that actions taken under a supply order applicable to a captive mine owned by an electric utility company might conflict with the requirements and prohibitions imposed upon such companies by the Public Utility Holding Company Act of 1935 (155 USC 79, 1970). While in unusual cases a potential conflict between this Act and FEA's coal location regulations could occur, FEA intends to avoid any such result and shall, in each case where such Act may be applicable, consult with appropriate officials of the Securities and Exchange Commission to assure that no such conflict arises.

Representatives of coal producers among others, questioned FEA's authority to establish a price for coal subject to act in situations where the establishparties were unable to negotiate a price. FEA does not believe that it is powerless to act in situations where the establishment of a price will be necessary to assure the effectuation of its statutory allocation authority. The procedures adopted provide FEA with reserve authority that is to be exercised only when the parties involved cannot agree to a price for the allocated coal. FEA emphasizes that the parties subject to an allocation order are expected to arrive at a price in the course of their own negotiations, but in cases where this is not achieved, FEA may act.

The factors that FEA shall take into account in making a determination of price, if required, shall be the average contract and spot prices for coal paid by purchasers of coal located in the geographic region to which the coal is to be provided, the particular conditions under which the coal will be provided including the duration of the supply order, the cost of transportation, the type of coal to be provided, and other conditions required to assure an equitable purchaser/supplier relationship. FEA intends that in the rare case where price determination must be made, the regulations will enable it to take into account the maximum number of conditions that are appropriate to the specific circumstances of the parties and the particular transaction.

Environmental Protection Agency Comments

Pursuant to requirements of the Federal Energy Administration Act, the National Environmental Policy Act, and the Clean Air Act, the Environmental Protection Agency ("EPA") has provided a number of comments on FEA's coal allocation rulemaking. FEA published EPA's initial comments in the preamble to the proposed rulemaking. These were supplemented by additional written comments and discussions. FEA has carefully considered all of EPA's comments.

EPA's principal concern was with FEA's proposal that powerplants and major fuel burning installations that have been issued prohibition orders be ineligible to apply for an allocation of coal prior to a two-year period from the date, as stated in the Notice of Effectiveness issued in connection with the prohibition order, on which the source has begun to burn coal. EPA viewed the possible application of FEA coal allocation authority as a factor to be considered it its determination of the eligibility of a powerplant or major fuel burning installation for a compliance date extension. EPA suggested that FEA's coal allocation authority be used to ensure coal availability prior to the effective date and throughout the duration of any prohibition order.

FEA believes that this approach is undesirable. In view of FEA's finding as to coal availability in connection with the issuance of prohibition orders to powerplants, FEA has proposed a coal allocation program that is limited in scope and applicability. In addition to the substantial practical difficulties of allocating coal, which were consistently confirmed by the written comments and public testimony, FEA believes that its authority, as it relates to powerplants and major fuel burning installations that have been issued prohibition orders, is essentially discretionary in nature. Therefore, it is FEA's judgment that the process by which prohibition orders are issued and become effective should operate without regard to possible allocation of coal by FEA.

In addition, it is FEA's opinion that the negotiations between the recipient of a prohibition order and EPA for a compliance date extension should not be dependent on FEA's limited authority to allocate coal. The following letter from EPA, dated June 27, 1975, summarizes the results of the discussions between the agencies on this matter.

In accordance with section 7(c)(2) of the Federal Energy Administration Act and Section 309 of the Clean Air Act, as amended, the Environmental Protection Agency reviewed and commented on the Federal Energy Administration's proposed rulemaking (10 CFR Parts 303, 309) "Allocation of Coal." EPA's initial comments were included in the preamble to the FEA Federal Register notice of proposed rulemaking and more detailed comments elaborating on our initial concerns were transmitted to FEA on June 3, 1975. In order to address certain issues raised by EPA's comments, representatives of EPA and FEA met on June 26, 1975, to discuss the coal allocation program and its impact on EPA's program to insure compliance with Clean Air Act requirements.

Most of EPA's initial concerns are discussed in the preamble to FEA's final regulations, but we appreciate this opportunity to confirm an agreement on a related matter reached at the June 26 meeting. We believe that an understanding of this agreement will assist interested parties concerned about the manner in which FEA and EPA will resolve important specific questions related to coal availability as such questions may arise in connection with implementation of EPA's authority under Section 119 of the Clean Air Act.

One of EPA's initial comments on FEA's proposed coal allocation regulations was in the form of a suggestion that facilities issued prohibition orders under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) be made eligible for supply orders immediately upon issuance of a prohibition order. Our belief that such eligibility is appropriate is based upon the stated purposes of ESECA and the intent of Congress in authorizing FEA, in Section 2 (d) of ESECA, to allocate coal to carry out those purposes. We believe that an effective way to assure that appropriate coal is immediately obtained by facilities prohibited from using petroleum products or natural gas would be to provide for allocation of coal to such facilities where they are otherwise unable to obtain adequate supplies.

FEA, for other reasons, does not believe that any expansion of the allocation authority provided for in the proposed regulations would be in the national interest. We appreciate those concerns. FEA has likewise expressed an appreciation of EPA's concern that coal availability determinations under Section 119 of the Clean Air Act should be based on the best information available to either agency and that FEA, not EPA, may be in the best position to address specific questions on coal availability.

Therefore, in order to minimize any problems which could arise in connection with coal availability issues under Section 119 of the Clean Air Act, FEA has agreed to provide all possible assistance to EPA in making any determinations under section 119(c)(2)(A)(1) as to whether an applicant for a compliance date extension is eligible for such an extension because coal available to the applicant cannot be burned in compliance with all applicable air pollution requirements without such an extension. EPA will consult FEA in any case where a compliance date extension is sought and where the availability of coal which would enable immediate compliance with air pollution requirements is in dispute. Based upon information received from FEA, EPA will either find that such coal is available and deny the extension or find that such coal is not available and, assuming that all other eligibility criteria are satisfied, grant the extension. FEA has agreed that it will make every possible effort to insure that appropriate coal is secured as soon as possible. FEA has also agreed to provide to EPA, upon request, any information FEA might have on the availability to a compliance date extension applicant of coal of a specific quality.

We believe that participation by FEA, with its expertise in the fuels market, will be critical to EPA in making findings of eligibility for compliance date extensions. This participation will assist EPA in determining the earliest appropriate date by which, in light of air pollution requirements, FEA's prohibition order may become effective. We hope that full cooperation by EPA and FEA in this regard will assure that coal availability questions can be answered properly in specific cases. If this is done, an expanded program to allocate coal to sources subject to prohibition orders will prove unnecessary.

FEA and EPA share responsibility for the implementation of ESECA. We believe that this agreement will help to assure that that implementation will be successful.

FEA continues to believe, as stated in its preamble to the proposed notice of rulemaking, that the ongoing operation of its coal utilization program should proceed independent of FEA's regulatory authority to allocate coal. Accordingly, FEA proposed to exercise its coal allocation authority only in exceptional circumstances, and the regulations as adopted reflect this carefully considered policy.

EPA has recommended that 10 CFR 309.4 provide for consultation with EPA before modification or rescission of a supply order applicable to persons subject to a fuel exchange requirement or located in an area designated by EPA that requires to the maximum extent practicable that available low sulfur fuel be distributed on a priority basis to avoid or minimize an adverse impact on public health. FEA believes that such provision for prior notice to EPA in such cases is appropriate and the proposed regulations are modified to reflect such change.

In connection with powerplants and major fuel burning installations that have been issued prohibition orders, EPA suggested that the requirement contained in § 309.3(a)(2), that they be burning coal pursuant to such order for a period of two years before such plants or installations are eligible to apply for an allocation, not be a requirement where allocations are sought in response to EPA environmental designations that fuel exchange requirements should be imposed or of areas requiring that low sulfur fuels be distributed therein on priority basis. FEA has modified § 309(a) to make clear that powerplants or major fuel burning installations that have been issued prohibition orders are not subject to the two year requirement of § 309(a) when FEA allocation authority is exercised in response to EPA designations.

The regulations as initially proposed provided that any person located in an area designated by the Administrator of EPA as an area that requires priority distribution of available low sulfur fuel would be eligible to apply for an allocation of coal. On the basis of its further analysis, FEA has determined that it is not practicable to provide for such application with respect to persons other than ultimate coal consumers. In this respect, Part 309 has been amended by adding the definition of "ultimate coal consumer" as any person who obtains coal for its own use and not for resale. Upon consideration of the comments of EPA, however, FEA believes that it is in the public interest that the Administrator of EPA also be able to make such application with respect to an ultimate consumer of coal. Accordingly, the regulations have been modified to reflect this change including the addition of a definition of "ultimate coal consumer" as any person who obtains coal for its own use and not for resale.

In connection with this provision, EPA further suggested that it be revised to exclude the proposed requirement that a supply order not be issued unless FEA determines after consultation with EPA, that its issuance "would substantially further the Administrator's [of EPA] objectives in making such designation". In accordance with ESECA's directive that EPA exercise its allocation authority under section 7(a) of that Act to the "maximum extent practicable", the regulations reflect FEA's conclusion that it will be impracticable to order an allocation of low sulfur coal to users of significant volumes of coal, such as residential consumers. This criterion is proposed in order to limit the class of applicants to ultimate consumers of coal whose burning of low sulfur coal substantially affects the designated area and is not intended to interfere with EPA's findings with respect to the needs of the designated area.

FEA believes that the regulations, as finally adopted, establish authority and provide procedures for FEA to allocate coal in furtherance of the purposes of ESECA with respect to any supplier or other person that has access to supplies of coal, other than on-site inventories of ultimate consumers. In these regulations, the term "supplier" is followed by the term "(or other person)". "Other person" in this context is intended to include, among others, the supplier of an ultimate consumer's supplier where necessary to assure the effectuation of a particular allocation.

Part 303—Administrative Procedures and Sanctions

Subpart D of Part 303, which establishes the procedures and sanctions governing supply orders as finally adopted reflects the above described changes as well as minor changes of a grammatical and technical nature. In addition, § 303.58 has been amended to require the parties that are the subject of a supply order to notify FEA that a mutually agreeable price has been established for the provision of the allocated coal within 10 days of such agreement. This is believed to be necessary to enable FEA to determine whether procedures should be initiated under § 303.61 for the determination of price.

In addition, certain conforming, technical amendments to Part 303 are adopted to take into account the addition of Subpart D and Part 309 to FEA's regulations implementing ESECA. Amendments also are made to Subpart Q of Part 303 to include civil and criminal penalties for violations of coal allocation rules or orders as provided by section 12 of ESECA. The regulations provide that it shall be unlawful for any person to offer for sale or distribute in commerce any coal in violation of a coal

V40129 JUL 3 75 XUM

allocation made under section 2(d). For knowing and willful violations by persons who have been previously subjected to a civil penalty for such violations, in accordance with § 303.202(c), a fine to up to $50,000 or imprisonment for not more than six months or both may be imposed.

This proposal has been reviewed in accordance with Executive Order 11821, and OMB Circular No. A–107 and has been determined not presently to require evaluation of its inflationary impact as provided for therein. If FEA considers issuing supply orders under these regulations which would have the impact of a major proposal, a further evaluation will be undertaken.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below.

(Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93–319; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185)).

Issued in Washington, D.C. on June 30, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 303.1 of 10 CFR Chapter II is amended by revising paragraph (a) to read as follows:

§ 303.1 Purpose and scope.

(a) Part 303 establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Federal Energy Administration in accordance with Parts 305, 307 and 309 of this chapter.

* * * * * * *

2. Section 303.2 is amended to revise the following definitions and to add the definitions of "Supplier," "Supply order," and "Stationary source," to read as follows:

§ 303.2 Definitions.

* * * * * * *

"Exemption" means the release from the obligation to comply with an entire part, or subpart thereof, of Parts 303, 305, 307, or 309 of this chapter.

* * * * * * *

"Notice of probable violation" means a written statement issued to a person by the FEA that states one or more alleged violations of the provisions of Parts 303, 305, 307, or 309 of this chapter or any order issued pursuant thereto.

* * * * * * *

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the FEA pursuant to Parts 303, 305, 307, or 309 of this chapter. * * *

* * * * * * *

"Supplier" means any person that produces or mines coal (or that owns, leases, operates or controls the means by which such coal is produced or mined), or any person that owns, leases or controls a deposit of coal that is mined for the purpose of selling, exchanging or otherwise providing coal to other persons or to itself.

"Supply order" means a directive issued by FEA pursuant to a rule promulgated pursuant to section 2(d) of ESECA requiring that an authorized purchaser, including a powerplant, major fuel burning installation or other person, be provided coal by a designated supplier (or other person) in accordance with stated terms and conditions.

"Stationary source" means any building, structure, facility, or installation including any person who owns, leases, operates, controls or supervises any one or more of the foregoing, which emits or may emit any air pollutant, as such terms are used in the Clean Air Act.

* * * * * * *

3. Section 303.4 is amended by revising the first sentence in paragraph (a) to read as follows:

§ 303.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the FEA under this Part 303, Part 305, Part 307, or Part 309 of this chapter is considered to be filed when it has been received by the FEA National Office. * * *

§ 303.5 [Corrected]

* * * * * * *

4. FR Doc. 75–12163, published in part at page 20467 in the issue of Friday, May 9, 1975, is corrected by changing the heading "§ 305.3 *Computation of time.*" to read "§ 303.5 *Computation of time.*"

5. Section 303.9 is amended by revising the last sentence of paragraph (d)(1) and the last sentence of paragraph (e) to read as follows:

§ 303.9 General filing requirements.

* * * * * * *

(d) *Obligation to supply information.* (1) * * * Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action or document required to be submitted that is subsequently filed by that person with any FEA office or EPA office if such document pertains to this Part 303, Part 305, Part 307, Part 309, or Part 215 of this chapter, or Subpart A of 40 CFR Part 55 (which states the EPA regulations implementing section 3 of ESECA).

* * * * * * *

(e) *The same or related matters.* * * * In addition, the person shall state whether contact subsequent to the issuance of this Part 303, Part 305, Part 307, Part 309, or Part 215 of this chapter has been made by the person or one acting on his behalf with any person who is employed by the FEA or EPA with regard to the same issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contract.

6. Section 303.10 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 303.10 Effective date of orders.

(a) Any order issued by the FEA under Parts 303, 305, 307 or 309 of this chapter, except a prohibition order (or modification thereof) or a construction order as stated in paragraph (b) of this section is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless it is stayed, modified, suspended, or rescinded. * * *

* * * * * * *

7. Section 303.11 is revised to read as follows:

§ 303.11 Order of precedence.

If there is any conflict or inconsistency between the provisions of this part and any other provisions of Parts 305, 307 or 309 of this chapter, the provisions of this part shall control with respect to procedure.

8. Section 303.12 is amended by revising subparagraph (a)(1) to read as follows:

§ 303.12 Addresses for filing documents with the FEA.

(a)(1) All applications, requests, petitions, appeals, reports, FEA forms, written communications and other documents to be submitted to or filed with the FEA National Office in accordance with this Part 303, Part 305, Part 307 or Part 309 of this chapter shall be addressed as provided in this section.

* * * * * * *

9. Chapter II of Title 10 of the Code of Federal Regulations is amended to add Subpart D to Part 303, to read as follows:

Subpart D—Supply Orders

Sec.
303.50 Purpose and scope.
303.51 Who may file.
303.52 What to file.
303.53 Where to file.
303.54 When to file.
303.55 Notice.
303.56 Contents.
303.57 FEA evaluation.
303.58 Decision and order.
303.59 Timeliness.
303.60 Appeal.
303.61 Determination of the price at which coal shall be provided.

AUTHORITY: Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93–319; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185).

Subpart D—Supply Orders

§ 303.50 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an application for a supply order, and for the determination of the fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser.

(b) A proceeding for the issuance of a supply order may be commenced by FEA in response to an application from a powerplant or major fuel burning installation that has been issued a prohibition order; by FEA in response to designation by the Administrator of EPA, in accordance with section 119(j) of the Clean Air Act, of persons upon whom a fuel exchange requirement should be imposed; in response to an application from any ultimate coal consumer who is located in an area of the United States that has been designated by the Administrator of EPA, in accordance with section 7(a) of ESECA, as requiring low sulfur fuel to avoid or minimize adverse impact on public health or from the Administrator of EPA with respect to such ultimate consumer; or by FEA on its initiative. Sections 303.55, 303.57, 303.58, and 303.60 shall be applicable to the proceeding regardless of the manner in which it is initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

(c) The procedures for a proceeding for the determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser are separately stated in § 303.61, and the procedures stated in § 303.50(b) and in § 303.51 to and including § 303.60 are not applicable to such proceeding.

§ 303.51 Who may file.

Any powerplant or major fuel burning installation that has been burning coal as its primary energy source in accordance with an effective prohibition order for two or more years and which can satisfy the criteria stated in § 303.57(b), or any ultimate coal consumer located in an area of the United States that is designated by the Administrator of EPA as an area that requires, to the maximum extent practicable, that available low-sulfur coal be distributed to it to avoid or minimize an adverse impact on public health, or the Administrator of EPA with respect to an ultimate consumer of coal located in such area, may file an application for a supply order.

§ 303.52 What to file.

(a) A powerplant, major fuel burning installation, the Administrator of EPA or other person filing under this subpart shall file an "Application for Supply Order" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) Application may be made, in the case of a powerplant for an allocation of coal to an individual powerplant or for combinations thereof at a single site, and in the case of a major fuel burning installation, for an allocation of coal to an individual fossil-fuel fired boiler, burner or other combuster of fuel, or for combinations thereof at a single site. The application should specify the powerplant (or powerplants) or combuster of fuel (or combinations of combusters) with respect to which application is being made.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.53 Where to file.

All applications for a supply order shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.54 When to file.

(a) An application for a supply order by a powerplant or major fuel burning installation that has been issued a prohibition order applicable after June 30, 1975 may not be filed prior to expiration of a two-year period that commences on the date, as stated in a Notice of Effectiveness issued in accordance with §§ 303.10(b) and 303.37(b), on which such powerplant or installation is prohibited from burning natural gas or petroleum products as its primary energy source.

(b) An application for a supply order by a powerplant or major fuel burning installation may be filed in conjunction with an application for modification or rescission of a prohibition order in accordance with Subpart J of this part, except that an application for a supply order cannot be filed prior to expiration of the two-year period described in paragraph (a) of this section.

§ 303.55 Notice.

(a) The FEA shall serve notice only any person readily identifiable by the FEA as one who will be aggrieved by the FEA action and may serve notice on any other person that written comments regarding the proceeding for issuance of a supply order will be accepted if filed within 20 days of service of the notice; or may determine that notice of such action should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.56 Contents.

(a)(1) The application shall contain a full and complete statement of all relevant facts pertaining to the subject of the application and the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application.

(2) In the case of an application by a powerplant or major fuel burning installation, the application shall fully describe the events, acts or transactions that comprise the significantly changed circumstances, as that term is defined in § 303.57(b)(1)(ii).

(3) In addition to such information, the application, whether filed by a powerplant or major fuel burning installation that has been issued a prohibition order or by an ultimate coal consumer located in an area designated by the Administrator of EPA as an area that requires, to the maximum extent practicable that available low-sulfur fuel be distributed to it to avoid or minimize an adverse impact on public health, or by the Administrator of EPA with respect to such ultimate consumer, shall, to the extent such information is accessible to the applicant, include the following information:

(i) Description of powerplant (or powerplants) or, boiler, burner or other combuster of fuel (or combinations of combusters for which the applicant is seeking an allocation of coal, including, but not limited to, location, firing rate, coal handling and storage facilities and equipment, and transportation facilities of the applicant or ultimate coal consumer.

(ii) Quantity and type of coal (which includes, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) required, the range of types of coal that can be utilized by the applicant or the ultimate coal consumer and the duration of the requirement for such coal.

(iii) The price, including transportation costs, the applicant or the ultimate coal consumer has paid for similar quantities of the type of coal sought, giving terms and conditions under which such coal was provided, or the current market price, giving the source of that information.

(iv) A description of the applicant's or ultimate coal consumer's efforts to find suppliers (or other persons) to provide the coal, including the identification of all suppliers (or other persons) who have provided coal to the applicant or ultimate coal consumer in the two years prior to the date the application is filed.

(v) The identification of suppliers (or other persons) who have the capability to provide the coal of the type, quantity and for the duration required, and the means by which such coal could be transported to the applicant or ultimate coal consumer.

(vi) The identification of any previous supply order that has been issued to the applicant or ultimate coal consumer or to any person that controls or is controlled by the applicant or the ultimate coal consumer.

(vii) An estimate of the anticipated effect that denial of the requested supply

V40129 JUL 3 75 XUM

order would have on the applicant or the ultimate coal consumer.

(viii) Any other information that the applicant or the ultimate coal consumer believes would be pertinent to FEA's evaluation of the application.

(ix) A certification by the applicant's chief executive officer, his duly authorized representative, or by the applicant of the accuracy of the information stated in the application.

§ 303.57 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application provided that the applicant or ultimate coal consumer is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted by the applicant or ultimate coal consumer, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) Applications filed by powerplants or major fuel burning installations prior to expiration of the two-year period that commences on the date, as stated in a Notice of Effectiveness issued in accordance with § 303.10(b) or 303.37(b), on which such powerplant or installation is prohibited from burning natural gas or petroleum products as its primary energy source, shall be dismissed automatically.

(b) *Criteria.* (1) (i) Coal may be allocated to any powerplant or major fuel burning installation that has been issued a prohibition order, by issuance of a supply order to a supplier (or other person), only if it is determined—

(A) That significantly changed circumstances have occurred that would substantially affect the finding of coal availability that FEA must make in accordance with §§ 305.3(b)(3)(i) or 305.4(b)(3)(i) of this chapter, as appropriate; and

(B) The issuance of a supply order is feasible. ("Feasible" is defined in § 309.3(a) of this chapter).

(ii) For purposes of this subparagraph, "significantly changed circumstances" shall mean—

(A) The discovery of material facts that were not known or could not have been known at the time the prohibition order became effective in accordance with § 305.7(b) of this chapter, and upon which the finding that FEA must make in accordance with §§ 305.3(b)(3)(i) or 305.4(b)(3)(i) of this chapter is based;

(B) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(C) There has been a substantial change in the facts or circumstances upon which said finding was based, which change occurred during the interval between the date the powerplant or major fuel burning installation commenced the burning of coal as its primary energy source as a result of a prohibition order and the date of the application for a supply order.

(2) A supply order shall be issued to any person designated by the Administrator of EPA as one upon whom a fuel exchange requirement should be imposed to avoid or minimize the adverse impact on public health and welfare of the conversion by any fuel burning stationary source to the burning of coal as its primary energy source, as described in section 119(c) of the Clean Air Act, or allocation of coal, or allocation of petroleum products under the authority of the Emergency Petroleum Allocation Act of 1973, unless the FEA determines (after consultation with the Administrator of EPA) that the costs or consumption of fuel resulting from requiring such exchange will be excessive. The decision with respect to whether the cost or consumption of fuel is excessive shall be based upon an evaluation of the criteria stated in § 309.3(b) of this chapter.

(3) A supply order shall be issued, to the maximum extent practicable, to any ultimate coal consumer located in an area of the United States that has been designated by the Administrator of EPA as an area that requires that available low sulfur fuel be distributed to it on a priority basis to avoid or minimize an adverse impact on public health. The decision with respect to whether the issuance of an order is practicable shall be based upon an evaluation of the criteria stated in § 309.3(c) of this chapter.

§ 303.58 Decision and order.

(a) Upon consideration of an application for a supply order and other relevant information received or obtained during the proceeding, the FEA shall issue either a supply order or an order denying the application.

(b) (1) The order shall include a written statement summarizing the factual and legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(2) If the order is a supply order, it also shall state the powerplant, major fuel burning installation other ultimate consumer of coal or other person to whom the coal is to be provided, the quantity and type of coal to be provided, the duration of the obligation to supply such coal and the delivery schedule at which such coal is to be provided. In addition, such order shall provide that the supplier (or other person) and the authorized purchaser shall have 30 days in which to negotiate a price at which such coal is to be provided, and that if they are unable to reach a mutually agreeable price during that period of time, within 10 days after termination of that 30-day period, an application shall be filed with FEA, in accordance with § 303.61, for the determination of a fair and reasonable price at which coal allocated by issuance of such supply order shall be provided to an authorized purchaser; or if a mutually agreeable price is reached, FEA shall be informed of such price within 10 days of the date the supplier (or other person) and the authorized purchaser agree to such price.

(3) A supply order issued to an ultimate consumer of coal located in an area of the United States that has been designated by the Administrator of EPA as an area that requires, to the maximum extent practicable, that available low-sulfur coal be distributed to it on a priority basis to avoid or minimize adverse impact on public health, may state that existing or prospective coal supply contracts between a supplier (or other person) and an ultimate consumer of coal located in such area shall be given priority over the supplier's (or other person's) other existing or prospective coal supply contracts.

(c) Prior to issuance of a supply order, the FEA shall provide, in accordance with § 303.55(a), the specified supplier (or other person) reasonable opportunity to comment on the factual basis for the issuance of such proposed order and the impact such order may have upon the proposed supplier (or other person). To the extent a proposed supplier's (or other person's) comments present facts or other information that materially differ from those in the application, the applicant shall be advised and given an opportunity to respond, which response may be verbal or in writing, at FEA's discretion.

(d) The FEA shall serve a copy of the order upon the supplier (or other person) who will be directed to provide the coal (when the order is a supply order), and upon the applicant, the ultimate coal consumer with respect to which the application was made, if other than the applicant, and any other person reasonably identifiable by the FEA as one who is aggrieved by said order.

§ 303.59 Timeliness.

If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.60 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal shall be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant may treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

§ 303.61 Determination of price at which coal shall be provided.

(a) *Purpose and scope.* (1) This section establishes the procedures by which a supplier (or other person), any ultimate consumer of coal (including a powerplant or major fuel burning installation) for which an application for a supply order has been granted by FEA, or any person designated by EPA as a person upon whom a fuel exchange requirement should be imposed may file an application for the determination by FEA of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser. This section also contains the procedures by which FEA may make such determination on its own initiative.

(2) The procedures established by this section may not be available, in FEA's discretion, to persons issued supply orders that (i) require that there be a fuel exchange by persons designated by the Administrator of EPA with respect to whom fuel exchange requirements should be imposed to avoid or minimize the adverse impact on public health and welfare of certain specific actions identified in § 309.3 (b) and (c) of this chapter, or (ii) provide that available low sulfur coal will be distributed on a priority basis to ultimate consumers of coal in those areas of the United States designated by the Administrator of EPA as requiring low sulfur coal to avoid or minimize adverse impacts on public health.

(3) A proceeding for determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser may be commenced by FEA on its initiative, in accordance with paragraph (d) of this section and § 309.3(d)(1)(ii) of this chapter, or in response to an application. Paragraphs (e), (g), (h), (i) and (j) of this section shall be applicable regardless of the manner in which the proceeding is initiated. Other paragraphs of this section shall apply only to a proceeding commenced in response to an application.

(b) *What to file.* (1) A person filing under this section shall file an "Application for Determination of Price" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(2) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this section, the procedures set out in § 303.9(f) shall apply.

(c) *Where to file.* All applications for a determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser shall be filed at the FEA National Office at the address provided in § 303.12.

(d) *When to file.* All applications for a determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser shall be filed within 10 days after the expiration of the 30-day period, as provided in the supply order, during which the supplier (or other person) and the authorized purchaser are to negotiate a price at which such coal will be provided. The failure to file an application within such 10-day period may be cause for FEA to commence proceedings on its initative for the determination of such fair and reasonable price.

(e) *Notice.* (1) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 309(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA National Office, at the address provided in § 303.12, within 10 days of service of such application. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this subparagraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(2) Notwithstanding the provisions of subparagraph (1) of this section, if an applicant determines that compliance with subparagraph (1) of this section would be impracticable, the applicant shall:

(i) Comply with the requirements of subparagraph (1) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(ii) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by subparagraph (1) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(3) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of such notice.

(4) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that he has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

(f) *Contents.* (1) The application shall contain a full and complete statement of all relevant facts pertaining to the negotiations regarding the price at which the specified coal is to be provided under the supply order, and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. In addition to such information, the application shall include the following:

(i) The first offer regarding the price and other terms and conditions affecting price at which such coal would be sold or purchased, as appropriate, and the final offer of such price and terms and conditions.

(ii) The basis on which there was not acceptance of the final offer of a price and other terms and conditions affecting price at which to sell or purchase, as appropriate, such coal, which basis shall include any financial analysis utilized to justify a rejection of the last offer.

(iii) Copies of all contracts, agreements, leases, instruments or other documents by which the applicant has obtained or provided coal, as appropriate, of a type similar and in a quantity similar to that described in the supply order during the period terminating two years prior to the date of the application; or if such coal has not been obtained or provided in accordance with terms and conditions stated in a document, a statement of the price at which coal of a type similar and in a quantity similar to that described in the supply order has been obtained or provided, as appropriate, during the period terminating two years prior to the date of the application, along with any documents that support the price at which such transactions occurred.

(iv) Copies of the most recent annual report and Securities and Exchange Commission forms 10–K and, if appropriate, U–5–S.

(v) Any other information that the applicant believes would be pertinent to FEA's evaluation of the application.

(vi) A certification by the applicant's chief executive officer, his duly authorized representative or the applicant of the accuracy of the information stated in the application.

V 40 N 129 JUL 3 75 XUM

(g) *FEA evaluation.* (1) *Processing.* The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document, provided, that the applicant is afforded an opportunity to respond to all relevant third persons submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) *Criteria.* The decision with respect to an application and the decision with respect to an FEA-initiated proceeding shall be subject to the criteria stated in § 309.3(d) of this chapter.

(h) *Decision and order.* (1) Upon consideration of the application for a determination of a fair and reasonable price at which coal allocated by issuance of a supply order shall be provided to an authorized purchaser and other relevant information received, the FEA shall issue an order that shall be a modification of the supply order to state the price at which the coal specified therein shall be provided for the duration of the supply order by the specified supplier (or other person).

(2) The order shall include a written statement setting forth the pertinent facts and the legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(3) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

(i) *Timeliness.* The order shall be issued by FEA within 30 days of receipt of all substantive information deemed necessary to process an application filed under this section, and the FEA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to § 303.61(e).

(j) *Appeal.* Any person aggrieved by an order issued by the FEA under this section may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

§ 303.80 [Amended]

10. Section 303.80 is amended by revising the second sentence to read as follows: "The applicant must be seeking an exemption from no less than an entire part, or subpart thereof, of Parts 303, 305, 307, or 309 of this chapter.

11. Section 303.88 is amended by revising subparagraph (b)(1) to read as follows:

§ 303.88 Appeal.

* * * * * *

(b) * * *

(1) The exemption sought is not from each or all of this Part 303, Part 305, Part 307, or Part 309, or a subpart thereof, of this chapter;

* * * * * *

12. Section 303.100 is revised to read as follows:

§ 303.100 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administrative appeal of FEA actions taken under Subparts B, C, D, E, F, G, J, K, or P of this part and the consideration of such appeal by the FEA.

(b) A person who has appeared before the FEA in connection with a matter arising under Subparts B, C, D, E, F, G, J, K, or P of this part has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

13. Section 303.101 is revised to read as follows:

§ 303.101 Who may file.

Any person aggrieved by an order or interpretation issued by the FEA under Subparts B, C, D, E, F, G, J, K, or P, of this part may file an appeal.

14. Section 303.180 is revised to read as follows:

§ 303.180 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations stated in Parts 303, 305, 307, and 309 of this chapter.

15. Section 303.190 is revised to read as follows:

§ 303.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations stated in this Part 303, Parts 305, 307 and 309 of this chapter and the procedures for issuance of a notice of probable violation, a remedial order, or a remedial order for immediate compliance.

(b) When any report required by the FEA or any audit or investigation discloses, or the FEA otherwise discovers, that there is reason to believe a violation of any provision of this Part 303, Parts 305, 307, or 309 of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

16. Section 303.202 is amended by revising paragraphs (a) and (b) and paragraph (c)(1) to read as follows:

§ 303.202 Sanctions.

(a) *General.* Any person who violates any provision of this Part 303, Parts 305, 307 or 309 of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this Part 303, Part 305, Part 307, or Part 309 of this chapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this part relating to criminal fines and civil penalties.

(b) *Criminal fines.* (1) Any person who willfully violates any provision of this Part 303, Part 305, Part 307 or Part 309 of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than $5,000 for each violation.

(2) Any person who knowingly and willfully offers for sale or distributes in commerce any coal in violation of any provision of Part 309 of this chapter or any order issued pursuant thereto, after having been subject to a civil penalty under paragraph (c) of this section for a prior violation of the provisions of Part 309 of this chapter or any order issued pursuant thereto, shall be subject to a fine of not more than $50,000 or imprisonment for not more than six months, or both, for each violation.

(3) Criminal violations are prosecuted by the Department of Justice upon referral by FEA.

(c) *Civil penalties.* (1) Any person who violates any provision of this Part 303, Part 305, Part 307 or Part 309 of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

* * * * * *

17. Chapter II of Title 10 of the Code of Federal Regulations is amended to add Part 309, to read as follows:

Sec.
309.1 Scope.
309.2 Definitions.
309.3 Method of allocation.
309.4 Modification and rescission of supply orders.

AUTHORITY: Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185).

§ 309.1 Scope.

(a) *Applicability.* This part applies to—

(1) any powerplant or major fuel burning installation that has been issued a prohibition order;

(2) any person designated by the Administrator of EPA as one upon whom fuel exchange requirements should be imposed to avoid or minimize the adverse impact on public health and welfare of (i) the conversion by any fuel burning source to the burning of coal as its primary energy source, as described in section 119(c) of the Clean Air Act, (ii) an allocation of coal under section 2(d) of ESECA, or (iii) an allocation of petroleum products under the authority of the Emergency Petroleum Allocation Act of 1973;

(3) any ultimate consumer of coal located in an area of the United States that is designated by the Administrator of EPA as an area that requires that available low-sulfur fuel be distributed to it, to the maximum extent practicable, on a priority basis to avoid or minimize adverse impact on public health; and

(4) any supplier or (other person) that provides, or is capable of providing, coal, other than quantities of coal that comprise an ultimate consumer's on-site coal inventory, to any person, including itself, whether by sale, exchange or otherwise.

(b) *Purpose.* This part, together with Part 303 of this chapter, establishes the methods and procedures by which FEA will exercise its powers under section 2(d) of ESECA to allocate coal to certain powerplants and major fuel burning installations and to other persons to the extent necessary to carry out the purposes of ESECA.

§ 309.2 Definitions.

For purposes of this part—

"Action" means a supply order, or modification or rescission of such order, issued by FEA pursuant to section 2(d) of ESECA.

"Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Clean Air Act (except for any requirement prescribed under subsections (c) or (d) of section 119, section 110(a)(2)(F)(v), or section 303 of such Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel or any type, grade, or pollution characteristic).

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 *et seq.* (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Compliance date extension" means an extension issued by the Administrator of EPA in accordance with section 119(c) of the Clean Air Act as a result of which a powerplant or major fuel burning installation may not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirements, from burning coal which is available to such source, except as otherwise provided in section 119(d)(3) of that Act.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel or any combination thereof at a single site, and includes any person who owns, leases, operates or controls any such installation or unit.

"Natural gas" includes dry gas and casinghead gas.

"Notice of effectiveness" means both a written statement issued by FEA to a powerplant or major fuel burning installation, subsequent to a certification or notification by EPA pursuant to section 119(d)(1) of the Clean Air Act, advising such powerplant or installation of the date that a prohibition order applicable to it becomes effective; and a written statement issued by FEA to a powerplant in the early planning process advising such powerplant of the date that a construction order applicable to it becomes effective.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls,

(b) A parent and its consolidated entities,

(c) An unconsolidated entity, or

(d) Any part of a person.

(The term "person" as used in this part or in Subpart D of Part 303 of this chapter shall include, when appropriate, a "stationary source", as such term is defined in this part.)

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means a fossil-fuel fired steam electric generating unit that produces electric power for purposes of sale or exchange, and includes any person who owns, leases, operates or controls any such unit.

"Primary energy source" means, with respect to a powerplant or major fuel burning installation that utilizes a fossil-fuel, the fuel that is or will be used for all purposes except for the minimum amounts required for start-up, testing, flame stabilization and control; and except for such minimum amounts required to enable such powerplant or major fuel burning installation to comply with applicable primary standard conditions prescribed by EPA in accordance with 40 CFR 55.04: *Provided*, Such minimum amounts of fuel may be used *only* when such primary standard conditions include the utilization of intermittent control systems and only during such temporary periods as use of such minimum amounts is absolutely necessary to meet the terms of the primary standard conditions relating to use of intermittent control systems.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA either on its initiative, which may be in response to the designation by the Administrator of EPA of persons upon whom a fuel exchange requirement is to be imposed, or in response to an application submitted by a powerplant or major fuel burning installation that has been issued a prohibition order or by any ultimate consumer of coal located in an area of the United States that has been designated by the Administrator of EPA as an area that requires, to the maximum extent practicable, that available low sulfur fuel be distributed to it on a priority basis to avoid or minimize adverse impact on public health, that may lead to an action by the FEA or by the Administrator of EPA with respect to such ultimate consumer.

"Prohibition order" means a directive issued by FEA pursuant to section 2 (a) and (b) of ESECA that prohibits a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

"Stationary source" means any building, structure, facility, or installation including any person who owns, leases, operates, controls or supervises any one or more of the foregoing, which emits or may emit any air pollutant, as such terms are used in the Clean Air Act.

"Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Clean Air Act (other than sections 119, 111(b), 112 or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v) of such Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

"Supplier" means any person that produces or mines coal (or that owns, leases, operates or controls the means by which such coal is produced or mined), or any person that owns, leases or controls a

V 40 129 JUL 3 75 XUM

deposit of coal that is mined for the purpose of selling, exchanging or otherwise providing coal to other persons or to itself.

"Supply order" means a directive issued by FEA pursuant to a rule promulgated pursuant to section 2(d) of ESECA requiring that an authorized purchaser, (including a powerplant, major fuel burning installation, an ultimate consumer, supplier or other person,) be provided coal by a designated supplier (or other person) in accordance with stated terms and conditions.

"Ultimate coal consumer" means any person who obtains coal for its own use and not for resale.

"United States," when used in the geographic sense, means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 309.3 Method of allocation.

(a)(1) Subject to subparagraph (2) of this paragraph, a powerplant or major fuel burning installation that has been issued a prohibition order applicable after June 30, 1975, upon application or at FEA's initiative, may be provided specified quantities of coal during any specified period prior to December 31, 1978 from a specified supplier (or other person) by means of the issuance of a supply order, provided that such allocation of coal is feasible. For purposes of this paragraph the determination whether an allocation of coal by means of the issuance of a supply order is feasible shall include an analysis of—

(i) The type of coal required by the powerplant or major fuel burning installation and the location of such coal; and

(ii) The ability of the specified supplier (or other person) to provide the coal, including, but not limited to, the production facilities and capability, supply of coal, means and availability of transportation, the supplier's (or other person's) existing contractual commitments for coal, a comparison of the cost of such coal with the fuel cost expectations of the powerplant or major fuel burning installation, and with respect to powerplants, the impact of the cost of such coal on electric power rates.

(2) No powerplant or major fuel burning installation that has been issued a prohibition order shall be eligible under this paragraph for an allocation of coal (i) prior to expiration of a two-year period that commences on the date, as stated in a Notice of Effectiveness issued in accordance with § 303.10 and 303.37(b) of this chapter, on which such powerplant or installation is prohibited from burning natural gas or petroleum products as its primary energy source; and (ii) unless such powerplant or major fuel burning installation has demonstrated that the FEA finding that must precede issuance of a prohibition order as to availability of coal, as provided in §§ 305.3(b)(3)(i) and 305.4(b)(3)(i) of this chapter, has been substantially affected by significantly changed circumstances, as such term is defined in § 303.57(b)(1)(ii) of this chapter.

(3) FEA may issue a supply order to any supplier (or other person) to require that coal be provided to a powerplant or to combinations thereof at a single site, or be provided to an individual fossil-fuel fired boiler, burner or other combuster of fuel, or to combinations thereof at a single site.

(b) Any person designated by the Administrator of EPA as one upon whom a fuel exchange requirement should be imposed to avoid or minimize the adverse impact on public health and welfare of the conversion by any fuel burning stationary source to the burning of coal as its primary energy source, as described in section 119(c) of the Clean Air Act, or of an allocation of coal or petroleum products, shall be provided, by exchange, specified quantities of coal during any period prior to December 31, 1978 from a specified supplier (or other person) by means of the issuance of a supply order to such supplier (or other person) unless FEA determines (after consultation with the Administrator of EPA) that the costs or consumption of fuel resulting from requiring such exchange will be excessive. For purposes of this paragraph, the determination whether the costs or consumption of fuel resulting from such fuel exchange will be excessive shall include an analysis, with respect to each person upon whom the fuel exchange requirement is to imposed, of —

(1) The costs associated with burning such fuel, including the price of coal, transportation, any new equipment or the modification of existing equipment required to burn such coal and the disruption of contractual commitments, as compared with the fuel burning costs of each person if no fuel exchange requirement is imposed;

(2) A comparison of the rate of usage of the fuel presently utilized by the person designated with the coal proposed to be utilized; and

(3) The costs to consumers of goods and services that may be affected by the imposition of a fuel exchange requirement.

(c) Any ultimate coal consumer of coal located in an area of the United States that has been designated by the Administrator of EPA as an area that requires that available low sulfur fuel be distributed to it on a priority basis to avoid or minimize adverse impact on public health, upon application, or upon application of the Administrator of EPA with respect to such ultimate consumer, may be provided to the maximum extent practicable, specified quantities of coal during any period prior to December 31, 1978 from a specified supplier (or other person) by means of the issuance of a supply order. For purposes of this paragraph, the determination whether the distribution of coal on a priority basis within a designated area is practicable shall include an analysis of—

(1) The type of coal that is required to satisfy the needs of ultimate consumers of coal within the designated area, the availability of such coal and the capability of a supplier (or other person) to meet the demand resulting from the imposition of such requirement, the means and availability of transportation of such coal to ultimate consumers of coal located within the designated area;

(2) The adverse economic impact, if any, that the setting of a priority for the providing of such coal to ultimate consumers of coal located in the designated area would have on a supplier (or other person) and on the persons to whom such supplier (or other person) currently provide or intend to provide coal; and

(3) The extent to which FEA finds, after consulting with the Administrator of EPA, that the providing of such coal to ultimate coal consumers located in the designated area would substantially further the Administrator of EPA's objectives in making such designation.

(d)(1)(i) Upon issuance of a supply order, the specified supplier (or other person) shall provide the coal in accordance with the terms and conditions stated in such order. Such terms and conditions shall include, but not be limited to, the person to whom the coal is to be provided, quantity of coal to be provided, duration of supply obligation, type of coal, and delivery schedule.

(ii) The order also shall provide that within 30 days from the issuance of such order, the person to be provided coal and the supplier (or other person) shall agree upon a fair and reasonable negotiated price at which such coal shall be provided for the duration of the supply order or, in the case of a fuel exchange, a fair and reasonable price differential, if appropriate. The order shall state that if the parties are unable to agree, either may, within 10 days after the expiration of the 30-day period, file an application for a determination by FEA of a fair and reasonable price at which the allocated coal shall be provided. The order shall state that where no agreement as to price is reached, or where no application for FEA determination has been filed within the 10-day period, FEA may, for the purpose of assuring effectuation of the supply order, initiate proceedings for the determination of a fair and reasonable price. The order shall provide that where agreement as to price is reached, the supplier (or other person) shall inform FEA of such price within 10 days of the date agreement is reached.

(2) If FEA is required to determine the fair and reasonable price at which coal is to be allocated by issuance a supply order, FEA shall use as guidelines in establishing such price the average contract and spot prices of coal paid by purchasers of coal located in the geographic

region to which the allocated coal is to be provided, as reported in the *Monthly Fuel Cost and Quality Information* issued by the Federal Power Commission for the most recent month for which such average prices are listed. In establishing such price, FEA shall take into consideration the particular conditions under which the coal will be provided, including the duration of the supply order, the cost of transportation, the type of coal to be provided and any other conditions which, in the discretion of FEA, should be considered in order to assure an equitable purchaser-supplier relationship between the supplier (or other person) and the authorized purchaser.

(3) A supply order that directs a supplier (or other person) to provide coal to an ultimate consumer of coal located in an area of the United States designated by the Administrator of EPA as an area requiring, to the maximum extent practicable, available low sulfur fuel to avoid or minimize adverse impact on public health may require that existing or prospective coal supply contracts between the supplier (or other person) and an ultimate consumer of coal located in such area be given priority over the supplier's (or other person's) other existing or prospective coal supply contracts.

§ 309.4 Modification and rescission of supply orders.

FEA may modify or rescind any supply order, at any time up to and including December 31, 1978. A modification or rescission of a supply order may be the result of an FEA action taken on its initiative or at the conclusion of proceedings initiated by an application. Modification or rescission of a supply order initially issued in response to designations by the Administrator of EPA shall be initiated only after consultation with the Administrator of EPA.

§ 309.5 Procedures.

(a) All applications for a supply order or modification or rescission thereof shall be filed with FEA in accordance with Subparts D and K, respectively, of Part 303 of this chapter.

(b) Procedures pertaining to issuance of supply orders, the modification or rescission thereof, or appeal of such orders (*e.g.*, notice, content of order, process of evaluation, appeal) are stated in Subparts D, H and K, respectively, of Part 303 of this chapter.

V40-129 JUL 3 75 XUM

FEDERAL ENERGY ADMINISTRATION
Energy Supply and Environmental Coordination Act

Issuance of Prohibition Orders and
Construction Orders to Certain Powerplants

Prohibition Orders

The Federal Energy Administration ("FEA") hereby gives notice that on June 30, 1975 it issued prohibition orders, pursuant to the authorities granted it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974 ("ESECA") and in accordance with 10 C.F.R., Parts 303 and 305, to the following powerplants:

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-001	Ames Electric Utility	7	Ames	Ames, Iowa
OFU-002	Iowa Electric Light and Power Company	1	Sutherland	Marshalltown, Iowa
OFU-003	Iowa Electric Light and Power Company	2	Sutherland	Marshalltown, Iowa
OFU-004	Iowa Electric Light and Power Company	3	Sutherland	Marshalltown, Iowa
OFU-005	Iowa Power and Light Company	10	Des Moines	Des Moines, Iowa
OFU-006	Iowa Power and Light Company	11	Des Moines	Des Moines Iowa
OFU-007	Iowa Public Service Company	1	George Neal	Salix, Iowa
OFU-008	Iowa Public Service Company	14	Maynard Station	Waterloo, Iowa
OFU-009	Kansas City Board of Public Utilities	1	Kaw River	Kansas City, Kansas

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-010	Kansas City Board of Public Utilities	2	Kaw River	Kansas City, Kansas
OFU-011	Kansas City Board of Public Utilities	3	Kaw River	Kansas City, Kansas
OFU-012	Kansas City Board of Public Utilities	1	Quindaro #3	Kansas City, Kansas
OFU-013	Kansas City Board of Public Utilities	2	Quindaro #3	Kansas City, Kansas
OFU-014	Kansas City Power and Light Company	3	Hawthorne	Kansas City, Missouri
OFU-015	Kansas City Power and Light Company	4	Hawthorne	Kansas City, Missouri
OFU-016	Kansas City Power and Light Company	5	Hawthorne	Kansas City, Missouri
OFU-017	Kansas Power and and Light Company	3	Lawrence	Lawrence, Kansas
OFU-018	Kansas Power and and Light Company	4	Lawrence	Lawrence, Kansas
OFU-019	Kansas Power and Light Company	5	Lawrence	Lawrence, Kansas
OFU-020	Kansas Power and Light Company	9	Tecumseh	Tecumseh, Kansas
OFU-021	Kansas Power and Light Company	10	Tecumseh	Tecumseh, Kansas
OFU-022	Nebraska Public Power District	1	Sheldon	Columbus, Nebraska
OFU-023	Nebraska Public Power District	2	Sheldon	Columbus, Nebraska
OFU-024	Springfield City Utilities	3	James River	Springfield, Missouri
OFU-025	Springfield City Utilities	4	James River	Springfield, Missouri

V40-129 JUL 3 75 XUM

- 3 -

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-026	Potomac Electric Power Company	1	Morgantown	Newburg, Maryland
OFU-027	Potomac Electric Power Company	2	Morgantown	Newburg, Maryland
OFU-028	Virginia Electric Power Company	3	Chesterfield	Chester, Virginia
OFU-029	Virginia Electric Power Company	4	Chesterfield	Chester, Virginia
OFU-030	Virginia Electric Power Company	5	Chesterfield	Chester, Virginia
OFU-031	Virginia Electric Power Company	6	Chesterfield	Chester, Virginia
OFU-032	Virginia Electric Power Company	1	Yorktown	Yorktown, Virginia
OFU-033	Virginia Electric Power Company	2	Yorktown	Yorktown, Virginia
OFU-034	Virginia Electric Power Company	1	Portsmouth	Chesapeake, Virginia
OFU-035	Virginia Electric Power Company	2	Portsmouth	Chesapeake, Virginia
OFU-036	Virginia Electric Power Company	3	Portsmouth	Chesapeake, Virginia
OFU-037	Virginia Electric Power Company	4	Portsmouth	Chesapeake, Virginia
OFU-038	Baltimore Gas and Electric Company	1	Crane	Baltimore, Maryland
OFU-039	Baltimore Gas and Electric Company	2	Crane	Baltimore, Maryland
OFU-040	Baltimore Gas and Electric Company	4	Riverside	Baltimore, Maryland
OFU-041	Baltimore Gas and Electric Company	5	Riverside	Baltimore, Maryland
OFU-042	Baltimore Gas and Electric Company	1	Wagner	Baltimore, Maryland

- 4 -

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-043	Baltimore Gas and Electric Company	2	Wagner	Baltimore, Maryland
OFU-044	Delmarva Power and Light Company	1	Edge Moor	Wilmington, Delaware
OFU-045	Delmarva Power and Light Company	2	Edge Moor	Wilmington, Delaware
OFU-046	Delmarva Power and Light Company	3	Edge Moor	Wilmington, Delaware
OFU-047	Delmarva Power and Light Company	4	Edge Moor	Wilmington, Delaware
OFU-048	Wisconsin Public Service Corporation	2	Weston	Rothchild, Wisconsin
OFU-049	Detroit Edison Company	5	St. Clair	E. China Township, Michigan
OFU-050	Public Service Company of New Hampshire	4	Schiller	Portsmouth, New Hampshire
OFU-051	Public Service Company of New Hampshire	5	Schiller	Portsmouth, New Hampshire
OFU-052	Atlantic City Electric Company	1	B.L. England	Beesleys Point, New Jersey
OFU-053	Atlantic City Electric Company	2	B.L. England	Beesleys Point, New Jersey
OFU-054	Central Hudson Gas & Electric Corp.	3	Danskammer	Roseton, New York
OFU-055	Central Hudson Gas & Electric Corp.	4	Danskammer	Roseton, New York
OFU-056	Niagara Mohawk Power Company	1	Albany	Bethlehem, New York
OFU-057	Niagara Mohawk Power Company	2	Albany	Bethlehem, New York
OFU-058	Niagara Mohawk Power Company	3	Albany	Bethlehem, New York

V40129 JUL 3 75 XUM

- 5 -

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-059	Niagara Mohawk Power Company	4	Albany	Bethlehem, New York
OFU-060	Alabama Electric Cooperative Inc.	3	McWilliams	Gantt, Alabama
OFU-061	Carolina Power & Light Company	1	Sutton	Wilmington, N. C.
OFU-062	Carolina Power & Light Company	2	Sutton	Wilmington, N. C.
OFU-063	Carolina Power & Light Company	3	Sutton	Wilmington, N. C.
OFU-064	Florida Power Corporation	1	Crystal River	Red Level, Florida
OFU-065	Florida Power Corporation	2	Crystal River	Red Level, Florida
OFU-066	Georgia Power Comp.	1	McManus	Brunswick, GA.
OFU-067	Georgia Power Comp.	2	McManus	Brunswick, GA.
OFU-068	Savannah Electric & Power Company	1	Port Wentworth	Port Wentworth Georgia
OFU-069	Savannah Electric & Power Company	2	Port Wentworth	Port Wentworth Georgia
OFU-070	Savannah Electric & Power Company	3	Port Wentworth	Port Wentworth Georgia
OFU-071	Village of Winnetka	5	Winnetka	Winnetka, Ill.
OFU-072	Village of Winnetka	6	Winnetka	Winnetka, Ill.
OFU-073	Village of Winnetka	7	Winnetka	Winnetka, Ill.
OFU-074	Village of Winnetka	8	Winnetka	Winnetka, Ill.

6

By Notices of Intent heretofore published in the Federal Register, FEA indicated its intention to issue prohibition orders to all of the above-listed powerplants. Public hearings were held, collectively covering all of the proposed orders, and all comments submitted at these hearings and all other written statements received by FEA within the applicable comment period were considered by FEA prior to issuance of these orders.

These orders will prohibit the powerplants listed above from burning natural gas or petroleum products as their primary energy source. These orders will not become effective, however, (1) until either, (a) the Administrator of the Environmental Protection Agency ("EPA") notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119 of that Act, or (b) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant will be able to comply with all applicable air pollution requirements of section 119 of that Act; and (2) until FEA has considered the environmental impact of such order pursuant to 10 C.F.R. 305.9 and has served the affected powerplant a Notice of Effectiveness, as provided in 10 C.F.R. 303.10(b) and 303.37(b). The prohibitions in the order will be effective on the date stated in the Notice of Effectiveness.

V40-129 JUL 3 75 XUM

7

The Notice of Effectiveness will contain a compliance schedule to insure that the powerplant will be able to comply with the prohibitions on the burning of natural gas and petroleum products as a primary energy source by the date stated in the Notice of Effectiveness. The prohibitions shall not be effective prior to the date, as determined by EPA, by which the powerplant can burn coal and be in compliance with the applicable air pollution requirements.

All of the above listed powerplants have been served prohibition orders by mail. In addition, copies of all of these prohibition orders will be on display for any interested members of the public at the FEA public docket room located in Room B-210, 2000 M Street, N.W., Washington, D.C., from 1-5 p.m., Monday-Friday. Copies will also be on display in the appropriate FEA regional office.

Construction Orders

The FEA hereby gives further notice that on June 30, 1975 it issued construction orders, pursuant to the authorities granted to it by Section 2 of ESECA and in accordance with 10 C.F.R., Parts 303 and 307, to the following powerplants in the early planning process:

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-001-N	Alabama Power Company	#2	J. H. Miller	W. Jefferson, Alabama
OFU-002-N	Alabama Power Company	3	J. H. Miller	W. Jefferson, Alabama
OFU-003-N	Alabama Power Company	-	1981 Unnamed	Uknown
OFU-004-N	Alabama Power Company	-	1972 Unnamed	Unknown
OFU-005-N	Alabama Power Company	-	1983 Unnamed	Unknown

8

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-006-N	Board of Water & Light Trustees City of Muscatine, Iowa	9	1983 Unnamed	Unknown
OFU-007-N	City of Lakeland, Florida	3	City of Lakeland	Lakeland, Florida
OFU-008-N	City of Lakeland, Floria	4	City of Lakeland	Lakeland, Florida
OFU-009-N	City of Painesville, Ohio		Painesville Municipal	Painesville, Ohio
OFU-010-N	Commonwealth Edison Company	-	Undesignated 1982	Unknown
OFU-011-N	Commonwealth Edison Company	-	Undesignated 1983	Unknown
OFU-012-N	Commonwealth Edison Company	1	Undesignated 1984	Unknown
OFU-013-N	Commonwealth Edison Company	2	Undesignated 1984	Unknown
OFU-014-N	Commonwealth Edison Company	-	Undesignated 1985	Unknown
OFU-015-N	Golden Valley Electric Association, Inc.	2	Healy	Healy, Alaska
OFU-016-N	Louisville Gas & Electric Company	1	Trimble	Trimble County, Kentucky
OFU-017-N	Louisville Gas & Electric Company	2	Trimble	Trimble County, Kentucky
OFU-018-N	Louisville Gas & Electric Company	3	Trimble	Trimble County, Kentucky
OFU-019-N	Marquette Board of Power & Light	3	Shires	Marquette, Michigan

V40-129 JUL 3 75 XUM

9

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-020-N	Niagara Mohawk Power Corporation	1	Lake Erie	near Dunkirk, New York
OFU-021-N	Niagara Mohawk Power Corporation	2	Lake Erie	near Dunkirk, New York
OFU-022-N	Oklahoma Gas & Electric Company	1	Unknown	Unknown
OFU-023-N	Oklahoma Gas & Electric Company	2	Unknown	Unknown
OFU-024-N	Oklahoma Gas & Electric Company	3	Unknown	Unknown
OFU-025-N	Public Service Co. of Colorado	1	Southern	Eastern Colorado
OFU-026-N	Public Service Co. of Colorado	2	Northeastern	Eastern Colorado
OFU-027-N	Southwestern Electric Power Company	2	Welsh	Cason, Texas.
OFU-028-N	Southwestern Electric Power Company	3	Welsh	Cason, Texas.
OFU-029-N	The Cincinnati Gas & Electric Company	2	East Bend	Boone County, Kentucky
OFU-030-N	The Empire District Electric Company	-	Plant X	Unknown
OFU-031-N	Carolina Power & Light Company	1	Mayo	Person County, North Carolina
OFU-032-N	Carolina Power & Light Company	2	Mayo	Person County, North Carolina
OFU-033-N	Central Illinois Public Service Company	2	Newton	Jasper County, Illinois
OFU-034-N	Central Power & Light Company	1	Coleto Creek	Goliad County, Texas

10

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-035-N	Dairyland Power Cooperative	6	Alma	Alma, Wisc.
OFU-036-N	Iowa Southern Utilities	1	Ottumwa	Chillicothe, Iowa
OFU-037-N	Kansas City Power & Light	1	Iatan	Iatan, Mo.
OFU-038-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	1	Harry Allen	Las Vegas, Nevada
OFU-039-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	2	Harry Allen	Las Vegas, Nevada
OFU-040-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	3	Harry Allen	Las Vegas, Nevada
OFU-041-N	Los Angeles Dept. of Water & Power; and Nevada Power Company	4	Harry Allen	Las Vegas, Nevada
OFU-042-N	Los Angeles Dept. of Water & Power; Nevada Power Co.; and City of St. George	1	Warner Valley	Washington County, Utah
OFU-043-N	Los Angeles Dept. of Water and Power; Nevada Power Co.; and City of St. George	2	Warner Valley	Washington County, Utah
OFU-044-N	Lousiville Gas & Electric Company	4	Mill Creek	Louisville, Kentucky
OFU-045-N	Montana-Dakota Utilities Company	1	Coyote Station	Beulah, N. D.
OFU-046-N	Montana Power Co.	3	Colstip	Colstip, Mont.
OFU-047-N	Montana Power Co.	4	Colstip	Colstip, Mont.
OFU-048-N	Okalhoma Gas & Electric Company	1	Sooner	Moble County, Oklahoma

V40-129 JUL 3 75 XUM

- 11 -

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-049-N	Oklahomas Gas & Electric Company	2	Sooner	Noble County, Oklahoma
OFU-050-N	Portland General Electric Company	-	Boardman	Boardman, Ore.
OFU-051-N	Public Service Co. of Colorado	1	Northeastern	Eastern, Colorado
OFU-052-N	Public Service Co. of Oklahoma	3	Northeastern	Oologah, Oklahoma
OFU-053-N	Public Service Co. of Oklahoma	4	Northeastern	Oologah, Oklahoma
OFU-054-N	Public Service Co. of New Mexico; and Tucson Gas & Electric Company	3	San Juan	Waterflow, New Mexico
OFU-055-N	Public Service Co. of New Mexico; and Tucson Gas and Electric Company	4	San Juan	Waterflow, New Mexico
OFU-056-N	Sierra Pacific Power Company	1	Unnamed	Numboldt County, Nev.
OFU-057-N	Sierra Pacific Power Company	2	Unnamed	Numboldt County, Nev.
OFU-058-N	Southern California Edison Company; Arizona Public Service; Salt River Project; and San Diego Gas and Electric Company	1	Kaiparowits	Nipple Beach, Utah
OFU-059-N	Southern California Edison Company; Arizona Public Service; Salt River Project; and San Diego Gas and Electric Company	2	Kaiparowits	Nipple Beach, Utah
OFU-060-N	Southern California Edison Company; Arizona Public Service; Salt River Project; and San Diego Gas and Electric Company	4	Kaiparowits	Nipple Beach, Utah

- 12 -

Docket No.	Owner	Powerplant Number	Generating Station	Location
OFU-061-N	Southern Illinois Power Cooperative	4	Southern Illinois	Marion, Ill.
OFU-062-N	Sothern Indiana Gas & Electric Co.	1	A.B. Brown	West Franklin, Indiana
OFU-063-N	Southern Electric Power Company	1	Flint Creek	Gentry, Ark.
OFU-064-N	The Cincinnati Gas & Electric Company	1	East Bend	Boone County, Kentucky
OFU-065-N	The Dayton Power & Light Company; and The Cincinnati Gas & Electric Company	1	Killen	Adams County, Ohio
OFU-066-N	The Dayton Power & Light Company; and The Cincinnati Gas and Electric Company	2	Killen	Adams County, Ohio
OFU-067-N	The Detroit Edison Company	1	Belle River	China Township, Michigan
OFU-068-N	The Detroit Edison Company	2	Belle River	China Township, Michigan
OFU_069-N	The Kansas Power & Light Company	2	Jeffrey Energy Center	St. Marys, Kansas
OFU-070-N	The Kansas Power & Light Company	3	Jeffrey Energy Center	St. Marys, Kansas
OFU-071-N	The Kansas Power & Light Company	4	Jeffrey Energy Center	St. Marys, Kansas
OFU-072-N	Wisconsin Electric Power Company	1	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-073-N	Wisconsin Electric Power Company	2	Pleasant Prairie	Pleasant Prairie, Wis.
OFU-074-N	Wisconsin Public Service Corporation	3	Weston	Weston, Wis.

V40-129 JUL 3 75 XUM

13

By Notices of Intent heretofore published in the Federal Register, FEA gave notice of its intention to issue construction orders to all of the above-listed powerplants in the early planning process. A public written comment period which covered all of the proposed orders was held. No comments were received by FEA during this period.

These orders will require the powerplants in the early planning process listed above to be designed and constructed to be capable of using coal as their primary energy source. These construction orders will not become effective, however, until FEA has considered the environmental impact of such orders pursuant to §307.7 of the FEA regulations that implement Section 2 of ESECA and has served the affected powerplant in the early planning process with a Notice of Effectiveness, as provided in §§303.10(b) and 303.47(b) of those regulations. §307.7 requires that subsequent to the issuance of a construction order to a powerplant in the early planning process, but prior to the issuance of a Notice of Effectiveness to any such powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above listed powerplants in the early planning process have been served construction orders by mail. In addition, copies of all of these construction orders will be on display for any interested

14

members of the public at the FEA public docket room located in Room B-210, 2000 M Street, N. W., Washington, D. C., from 1-5 p.m. Monday-Friday. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Judith M. Liersch, Director, Office of Fuel Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, Washington, D. C. 20461, (202) 961-7941.

Issued in Washington, D. C., July 1, 1975.

David G. Wilson
Acting General Counsel
Federal Energy Administration

[FR Doc.75-17544 Filed 7-1-75; 5:04 am]

V40-129 JUL 3 75 XUM

V40 129 JUL 3 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

V 40-129 JUL 3 75 XUM

130

federal register

July 7, 1975—Pages 28445–28599

MONDAY, JULY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 130

Pages 28445–28599

PART I



NOTE: The issue number on the issue for July 3, 1975 is incorrect. It should appear as Number 129.

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

RURAL HOUSING LOANS—USDA/FmHA rules on maximum adjusted income for moderate-income families; effective 7–7–75 28463

CHILDREN'S TELEVISION—FTC issues proposal on standards for advertising premiums; comments by 8–7–75 28489

ENERGY:

FEA issues certain regulations on crude oil (3 documents) 28446–28448

FEA amends regulations on passenger transportation services; effective 7–1–75 28446

FEA proposes to amend regulations to consolidate administrative procedures; comments by 7–23–75 28481

(Continued inside)

PART II:

SEX DISCRIMINATION—HEW issues regulations prohibiting discrimination by certain health training schools and centers; effective 8–6–75 .. 28571

PART III:

FEDERAL ELECTIONS—

FEC issues notice of public record availability .. 28580

FEC proposes to implement Federal Election Campaign Act; comments by 7–15–75 28579

FEC issues interim guideline on complaint procedure 28578

PART IV:

DRUG LABELING—HEW/FDA issues final regulations on failure to reveal material facts; effective 8–6–75 28582

ORAL HYPOGLYCEMIC DRUGS—FDA proposes labeling; comments by 9–6–75 28587

PART V:

ADMINISTRATIVE CLAIMS—HUD issues regulations on collection and eligibility guidelines; (2 documents) effective 7–7–75 28597

V40 I130 JUL 7 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a remfhder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

COMMODITY FUTURES TRADING COMMISSION—Large trader reporting requirements; extension of newly regulated commodities 23994; 6–4–75

DOT/FAA—Air cargo pickup and delivery zones; filing of tariffs; application for authority to file; editorial amendment. 25585; 6–17–75

HEW/FDA—Cosmetic labeling; hypoallergenic products 24442; 6–6–75

SSA—Federal health insurance for the aged and disabled; institutional planning as a condition of participation in Medicare 24324; 6–5–75

—— Federal old-age, survivors, and disability insurance and Federal health insurance for the aged and disabled; entitlement to hospital insurance benefits 24357; 6–6–75

TREASURY/CUSTOMS SERVICE—General provisions; Amarillo, Tex.; Port of entry 24356; 6–6–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 8109 ..... Pub. 94–48
Social Security Act, Amendment (July 1, 1975; 89 Stat. 247)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

OIL IMPORTS—FEA proposes to amend regulations to conform to Proclamation No. 4377; comments by 7–21–75 28487

MEETINGS—
HEW/FDA: Panel on Review of Cough, Cold, Allergy, Bronchodilator and Antiasthmatic Drug Products, 7–17 and 7–18–75 28503
Endocrinology and Metabolism Advisory Committee, 7–29–75 28502
USDA/FS: Rock Creek Advisory Committee, 7–26 and 7–27–75 28501
Deschutes National Forest Advisory Committee, 8–7–75 28500
Advisory Committee on Federal Pay, 7–22 and 7–23–75 28505
State: U.S. Advisory Commission on International and Cultural Affairs, 7–23–75 28498

CANCELLED MEETINGS—
Defense Manpower Commission, 7–18–75 28513

contents

ADVISORY COMMITTEE ON FEDERAL PAY
Notices
Meeting 28505

AGRICULTURAL MARKETING SERVICE
Rules
Grade, size and maturity standards:
Nectarines grown in Calif. 28462
Limitations of handling and shipping:
Lemons grown in Calif. and Ariz 28461
Limes grown in Fla. 28462
Oranges (Valencia) grown in Ariz. and Calif. 28460
Proposed Rules
Milk marketing areas:
Louisville - Lexington - Evansville area 28465

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Forest Service; Rural Electrification Administration; Soil Conservation Service.

CIVIL AERONAUTICS BOARD
Rules
Military transportation; exemption of air carriers 28450
Proposed Rules
Air carrier and foreign air carrier tariffs; public information on available fares; extension of comment period 25489
Notices
Hearings, etc.:
Allegheny Airlines, Inc. 28511
Delta Air Lines, Inc. et al. 28512

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Defense Department 28445
Labor Department 28445
State Department 28445
United States Arms Control and Disarmament Agency 28445
Veterans readjustment appointments; eligibility 28445

COAST GUARD
Rules
Marine inspection zones and captain of the port areas; Seventeenth Coast Guard District 28451

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1975; additions and deletions (2 documents) 28513

DEFENSE MANPOWER COMMISSION
Notices
Meeting; cancellation 28513

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Adjustment assistance; petition for determination of eligibility:
Green Ball Bearing Co. 28501

DRUG ENFORCEMENT ADMINISTRATION
Notices
Applications, etc.:
Coastal Pharmaceuticals, Inc. 28498

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meetings:
General Technical Advisory Committee 28513

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticide registration:
Applications 28513
Water pollution; control of discharge of pollutants:
Nevada; hearing and request for approval 28514

EXPORT-IMPORT BANK
Rules
Conduct standards; employee report of securities transactions 28449

FARMERS HOME ADMINISTRATION
Rules
Rural housing loans and grants:
Moderate-income families; maximum adjusted income 28463

FEDERAL COMMUNICATIONS COMMISSION
Rules
Organization:
Address changes 28454
Broadcast applications; processing 28454
Cable television services:
Public inspection files and permit systems inspections; correction 28457
FM broadcast stations; table of assignments:
Missouri 28457
Notices
Common carrier services information; domestic public radio services applications accepted for filing 28516
Hearings, etc.:
Superior Communications Co., Inc 28515

FEDERAL CONTRACT COMPLIANCE OFFICE
Proposed Rules
Construction contractors; affirmative action plans:
New York City 28472
Philadelphia area 28477
Notices
Equal employment; bid conditions for Federal and federally assisted construction:
Los Angeles 28529
New York 28530
Philadelphia 28530

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Montana 28504

FEDERAL ELECTION COMMISSION
Rules
Interim guidelines:
Complaint procedure 28579
Proposed Rules
Federal Election Campaign Act implementation; extension of time 28578
Notices
Public records availability 28560

V40-130 JUL 7 75 XUM

CONTENTS

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory petroleum allocation regulations:
Crude oil costs; adjustments 28446
Passenger transportation services; filing procedures for air taxi/commercial operators; miscellaneous amendments 28446
Mandatory petroleum price regulations:
Allocated crude oil pricing rule; corrective amendment 28448
Domestic crude petroleum; retroactive invoicing 28447
Proposed Rules
Oil imports:
Administrative procedures; consolidation 28481
Conformance of regulations to Proclamation No. 4377 28487

FEDERAL MARITIME COMMISSION
Rules
Surcharge amendments 28452
Proposed Rules
Policy and procedures for environmental protection; extension of time 28489
Notices
Agreements filed:
Companhia de Navegacao Lloyd Brasileiro, et al 28518
Pacific Coast Europe rate agreement 28519
Freight forwarder licenses:
Dorsey Express, Inc 28519

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
El Paso Natural Gas Co 28523
Highland Resources, Inc 28525
Michigan Wisconsin Pipe Line Co 28525
Mississippi Power & Light Co 28526
Missouri Power & Light Co 28526
Natural Gas Pipeline Company of America 28519
Northern Natural Gas Co 28520
Northwest Pipeline Corp 28526
Pacific Gas and Electric Co 28526
Southern Natural Gas Co. and Mid-Louisiana Gas Co 28527
Southwest Gas Corp 28528
Union Electric Co 28521
United Gas Pipeline Co 28521
Virginia Electric and Power Co 28521
Wisconsin Gas Co. and Northern States Power Co 28521

FEDERAL TRADE COMMISSION
Proposed Rules
Children's television; advertising of premiums 28489

FISH AND WILDLIFE SERVICE
Rules
Migratory birds; permanent identification marking methods 28459

FOOD AND DRUG ADMINISTRATION
Rules
Cosmetic labeling; hypoallergenic products; correction 28451
Drug labeling; failure to reveal material facts 28582
Proposed Rules
Human drugs:
Oral hypoglycemic drugs; labeling and hearing 28587
Notices
Committees; establishment, renewals, etc.:
Antiperspirant Drug Product Review Panel 28503
Miscellaneous External Drug Product Review Panel 28503
Miscellaneous Internal Drug Product Review Panel 28503
Oral Cavity Drug Product Review Panel 28503
Food additives:
Guar gum modified with 2,3-epoxypropyltrimethylammonium chloride 28502
Polyethylene glycol (400) dioleate 28502
Maryland food processing and storage facilities, inspection of; memorandum of understanding with Maryland Environmental Health Administration 28503
Meetings:
Advisory committees 28502
Cough, Cold, Allergy, Bronchodilator and Antiasthmatic Drug Product Review Panel; change of location 28503

FOREST SERVICE
Notices
Meetings:
Deschutes National Forest Advisory Committee 28500
Rock Creek Advisory Committee 28501

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals; approvals, etc 28528

GENERAL SERVICES ADMINISTRATION
Proposed Rules
Financial management; indirect costs applicable to Federal grants and contracts 28495
Notices
Property management regulation, temporary:
ADP schedule contracts for acquisition of ADPE 28528
Increase in mileage allowance for use of privately used automobiles; changes to Federal travel regulations; correction 28529

GEOLOGICAL SURVEY
Notices
Outer Continental Shelf:
California; change of hearing dates and extension of comment period 28498

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration.
Rules
Sex discrimination; health-related training programs 28571

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Mountaineer Coal Co 28498
P & H Equipment Co., Inc 28499
Southern Ohio Coal Co 28499

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration.
Rules
Claims:
Collection by the government; organizational changes 28597
Settlement; revocation of part 28597
Low income housing:
Housing assistance payments; fair market rents and contract rent automatic annual adjustment factors; correction 28451

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office.
Notices
Colorado River reservoirs, coordinated long-range operation; formal review of criteria 28499
Environmental statements, availability, etc.:
Havasu Wilderness Area 28500
Hawaii Volcanoes National Park 28499

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 28531
Hearing assignments 28531
Motor carriers:
Transfer proceedings (2 documents) 28531, 28532

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See also Federal Contract Compliance Office; Occupational Safety and Health Administration.
Notices
Adjustment assistance:
Control Data Corp 28530
Mid-American Dairymen, Inc 28531
Wilson Sporting Goods Co 28531

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests 28529

MARITIME ADMINISTRATION
Notices
Applications, etc.:
Lykes Bros. Steamship Co., Inc 28502

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards:
New pneumatic tires and rims for passenger cars 28457

CONTENTS

Notices
Petition for temporary exemption standards:
Motor Coach Industries, Inc 28504

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Proposed Rules
Marine mammals:
Waiver of moratorium on importations 28469
Notices
Marine Mammal Protection Act; report on administration 28502

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Allied-General Nuclear Services, et al 28506
Carolina Power & Light Co 28509
Kansas Gas and Electric Co., et al 28509
New England Power Co 28510
Public Service Company of Oklahoma, Inc 28507
University of California, Santa Barbara 28510
Regulatory guides; issuance and availability 28510

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Proposed Rules
State plans for enforcement of standards:
Arizona 28472

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Environmental statements:
Cajun Electric Power Cooperative, Inc., La 28501

SOIL CONSERVATION SERVICE
Notices
Watershed planning authorization:
Seneca Creek Watershed, Md. 28501

STATE DEPARTMENT
Notices
Meetings:
U.S. Advisory Commission on International Educational and Cultural Affairs 28498

TRANSPORTATION DEPARTMENT
See Coast Guard; National Highway Traffic Safety Administration.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

5 CFR
213 (4 documents) 28445
307 28445

7 CFR
908 28460
910 28461
911 28462
916 28462
1822 28463
PROPOSED RULES:
1046 28465

10 CFR
205 28446
211 (2 documents) 28446
212 (2 documents) 28447, 28448
PROPOSED RULES:
205 28481
206 28481
123 (2 documents) 28481, 28487

11 CFR
Ch. II 28578
PROPOSED RULES:
Ch. II 28579

12 CFR
400 28449

14 CFR
208 28450
PROPOSED RULES:
221 28489

16 CFR
PROPOSED RULES:
257 28489

21 CFR
1 28582
701 28451
PROPOSED RULES:
310 28587

24 CFR
17 28597
888 28451

29 CFR
PROPOSED RULES:
1952 28472

32 CFR
1712 28597

33 CFR
3 28451

34 CFR
PROPOSED RULES:
Ch. II 28495

41 CFR
PROPOSED RULES:
60–12 28477
60–14 28472

45 CFR
83 28572

46 CFR
538 28452
PROPOSED RULES:
547 28489

47 CFR
0 28454
1 28454
73 28457
76 28457

49 CFR
571 28457

50 CFR
21 28459
PROPOSED RULES:
216 28469

V40-130 JUL 7 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 ... 27925
310 ... 27925

3 CFR
PROCLAMATIONS:
4381 ... 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) ... 27939
5277 (Revoked by PLO 5507) ... 27659
5481 (Revoked by PLO 5507) ... 27659

4 CFR
54 ... 27929

5 CFR
213 ... 27639, 27640, 27929, 28047, 28445
307 ... 28445
551 ... 27640
731 ... 28047

7 CFR
246 ... 27930
780 ... 27641
908 ... 28460
910 ... 28461
911 ... 28462
915 ... 28048
916 ... 28462
917 ... 27930
930 ... 27931
1822 ... 28463
1843 ... 27931
1964 ... 27641
1131 ... 27642
PROPOSED RULES:
728 ... 28093
775 ... 28093
915 ... 28090
916 ... 28090
958 ... 28091
980 ... 28091
989 ... 27691
1046 ... 28465
1201 ... 28092, 28093
1421 ... 28094
1822 ... 28094
1464 ... 27691

9 CFR
83 ... 27642
97 ... 27643

10 CFR
205 ... 28446
211 ... 28446
212 ... 28447, 28448
303 ... 28420
309 ... 28420
PROPOSED RULES:
205 ... 28481
206 ... 28481
213 ... 28481, 28487

11 CFR
Ch. II ... 28578
PROPOSED RULES:
Ch. II ... 28579

12 CFR
308 ... 28048
339 ... 27931
400 ... 28449
PROPOSED RULES:
329 ... 28099, 28100
546 ... 27953
563 ... 27954

14 CFR
39 ... 27643, 27644, 28075
71 ... 28076, 28077
75 ... 27644, 28077
211 ... 28077
217 ... 28078
288 ... 28078, 28450
296 ... 28079
297 ... 28087
399 ... 28087
39 ... 28096
75 ... 28096, 28097
221 ... 28489

16 CFR
13 ... 27932, 28050
302 ... 27932
1031 ... 27934
PROPOSED RULES:
257 ... 28489

17 CFR
270 ... 27644
275 ... 27644

18 CFR
3 ... 27645
260 ... 27645

19 CFR
1 ... 28582

20 CFR
401 ... 27648
405 ... 28016, 28052
422 ... 27648
PROPOSED RULES:
404 ... 28095
405 ... 27782
416 ... 28095

21 CFR
1 ... 28582
431 ... 28052
510 ... 27651
558 ... 27651
701 ... 28451
1401 ... 27821
PROPOSED RULES:
310 ... 27796, 28587
1020 ... 28095

23 CFR
230 ... 28053

24 CFR
17 ... 28597
888 ... 28451
1914 ... 28061
1915 ... 27651

25 CFR
12 ... 28026
153 ... 28039

26 CFR
1 ... 27943
PROPOSED RULES:
1 ... 27943, 28101
11 ... 28101

29 CFR
727 ... 28064
1952 ... 27655, 28472
PROPOSED RULES:
1902 ... 27946
1907 ... 27691

32 CFR
641 ... 27936
1712 ... 28597

33 CFR
3 ... 28451
127 ... 27939

34 CFR
PROPOSED RULES:
Ch. II ... 28495

36 CFR
PROPOSED RULES:
2 ... 28088

40 CFR
52 ... 28064
85 ... 28066
162 ... 28242
180 ... 28065
PROPOSED RULES:
52 ... 28097, 28093

41 CFR
1–3 ... 27655
1–9 ... 28067
9–4 ... 28068
101–11 ... 27655
PROPOSED RULES:
60–12 ... 28477
60–14 ... 28472

42 CFR
2 ... 27802

43 CFR
20 ... 28288
430 ... 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5504 ... 27659
5506 ... 27659
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR
83 ... 28572
206 ... 27659
250 ... 28070
1061 ... 27661
1068 ... 27665, 27667

46 CFR
502 ... 27671
538 ... 28452
PROPOSED RULES:
547 ... 28489

47 CFR
0 ... 28454
1 ... 28454
73 ... 27671, 27939, 28457
76 ... 28457
PROPOSED RULES:
73 ... 28098

49 CFR
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
571 ... 28457
575 ... 28071, 28074
1033 ... 27939–27941
1102 ... 27941
PROPOSED RULES:
571 ... 28097

50 CFR
21 ... 28459
PROPOSED RULES:
20 ... 27943
216 ... 28469

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7

V 40 I 130 JUL 7 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary to the Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs is excepted under Schedule C.

Effective July 7, 1975. § 213.3304(d) is added as set out below:

§ 213.3304 Department of State.

* * * * * * *

(d) *Bureau of Oceans and International Environmental and Scientific Affairs.*

(1) One Secretary to the Assistant Secretary.

* * * * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17445 Filed 7–3–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Special Assistant to the Director of Defense Research and Engineering is excepted under Schedule C.

Effective July 7, 1975. § 213.3306(a)(67) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(67) One Special Assistant to the Director of Defense Research and Engineering.

* * * * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17448 Filed 7–3–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one additional position of Special Assistant to the Director, Women's Bureau, is excepted under Schedule C.

Effective July 7, 1975. § 213.3315(f)(2) is revised as set out below:

§ 213.3315 Department of Labor.

* * * * * * *

(f) *Women's Bureau.* * * *

(2) Three Special Assistants to the Director.

* * * * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17444 Filed 7–3–75;8:45 am]

PART 213—EXCEPTED SERVICE

United States Arms Control and Disarmament Agency

Subpart C of Part 213 is amended to show that under the provisions of § 213.3301b, one position of Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau and one position of Staff Assistant to the Special Assistant to the Director are no longer excepted under Schedule C.

Effective July 7, 1975. §§ 213.3364 (g) and (h) are revoked.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17446 Filed 7–3–75;8:45 am]

PART 307—VETERANS READJUSTMENT APPOINTMENTS

Part 307 is amended to implement the provision of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Pub. L. 93–508), which extends certain veterans' eligibility for a Veterans Readjustment Appointment by the length of time such veteran is enrolled in a program of education on more than a half-time basis, plus a minimum of six additional months after the veteran first ceases to be so enrolled. No Veterans Readjustment Appointment may be made under the law after June 30, 1978. Since this amendment constitutes an interpretative rule under 5 U.S.C. § 553(b) this regulation is being promulgated without prior publication of a notice of proposed rulemaking.

Effective July 7, 1975, the headnote of Part 307 is amended to delete the reference to transitional appointments and §§ 307.101(c), 307.102(b), and 307.105 and the authority citation are revised as set out below:

§ 307.101 Definitions.

* * * * * * *

(c) "Veterans readjustment appointment" is an excepted appointment made after April 8, 1970, under this Part to a position otherwise in the competitive service of a veteran who served during the Vietnam era.

* * * * * * *

§ 307.102 Basic eligibility.

* * * * * * *

(b) A veteran may be given a veterans readjustment appointment only during the following periods:

(1) Within 1 year after either his separation from the armed forces or his release from hospitalization for treatment immediately following separation from the armed forces, except that in the case of appointments made prior to June 30, 1978, the 1-year period of eligibility is extended by the length of time a veteran is continuously enrolled in a program of education (as defined in 38 U.S.C. 1652) on more than a half-time basis (as defined in 38 U.S.C. 1788), including customary periods of vacation and permissible absences, plus a minimum of six additional months after the veteran ceases to be so enrolled.

(2) Within 1 year after involuntary separation without cause from a veterans readjustment appointment.

NOTE: No veterans readjustment appointment may be made under the authority in law after June 30, 1978.

§ 307.105 Conditions of employment.

An employee holding a veterans readjustment appointment serves subject to satisfactory performance of assigned duties and satisfactory participation in the training or educational program under which he was appointed. The agency shall separate an employee who does not meet these conditions, following the procedures in Part 752 of this chapter if the employee has completed 1 year of current continuous employment.

(5 U.S.C. 3301, 3302; E.O. 11521, 3 CFR 1970 Comp. p. 913; 38 U.S.C. 2014.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17447 Filed 7–3–75;8:45 am]

V40-130 JUL 7 75 XUM

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Passenger Transportation Services; Filing Procedures for Air Taxi/Commercial Operators; Miscellaneous Amendments

On April 17, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 17600, April 21, 1975), proposing to amend FEA regulations to include air facilities and services in the definition of "Passenger transportation services", to clarify the filing procedures for air taxi/commercial operators and to delete inappropriate references to the term "public air carriers".

Two requests to make oral presentations at the public hearing were received by FEA before 4:30 p.m., e.d.t., May 13, 1975. One of the requests was subsequently withdrawn. Since the other request was contingent upon the desire of other parties to participate in a public hearing, the hearing was subsequently canceled by notice issued May 16, 1975 (40 FR 22146, Mal 21, 1975).

Written comments were invited through May 16, 1975. FEA received nine timely comments and one late comment. All comments directly addressing the proposed amendments were in favor of the proposal, and no valid objections were presented. Therefore the FEA has determined that the amendments should be adopted.

The effect of the inclusion of air facilities and services in the definition of "Passenger transportation services" in § 211.51 is to assure firms providing air passenger transportation services access to refined petroleum products other than aviation fuels on the same basis as firms providing surface transportation for passengers. This amendment would prevent, for example, any potential disadvantage to air carriers carrying passengers in obtaining lubricants and greases allocated under Subpart K of Part 211 by according them an allocation level of one hundred percent of current requirements, subject to an allocation fraction, rather than an allocation level expressed in terms of a percent of base period use. This amendment will not affect the current method of allocating aviation fuels and is intended only to provide the same allocation level for surface and air carriers for those refined products which are provided with an allocation level for "Passenger transportation services".

In addition, § 205.13(a)(5) is amended to remove an inconsistency in the filing procedures for air taxi/commercial operations and to delete the reference to "public air carriers". The amendment exempts air taxi/commercial operators from the general requirement of § 205.13(a)(5) that civil air carriers file all documents with the FEA National Office. This eliminates an inconsistency with § 211.147 which requires air taxi/commercial operators to file with the appropriate FEA Regional Office. The amendment also deletes the reference in § 205.13(a)(5) to "public air carriers" since that term is not defined or used elsewhere in FEA regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Parts 205 and 211, Chapter II of Title 10, Code of Federal Regulations, are amended as set forth below, effective July 1, 1975.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel.

1. Section 205.13 is amended by revising paragraph (a)(5) to read as follows:

§ 205.13 Where to file.

(a) * * *

(5) The allocation and pricing of aviation fuel pursuant to Subpart H of Part 211 and Part 212 of this Chapter, filed by civil air carriers (except air taxi/commercial operators);

* * * * *

2. Section 211.51 is amended by revising the definition of "Passenger transportation services" to read as follows:

§ 211.51 General definitions.

* * * * *

"Passenger transportation services" means (a) air and surface facilities and services, including water and rail, for carrying passengers whether publicly or privately owned, including tour and charter buses and taxicabs which serve the general public; and (b) bus transportation of pupils to and from school and school sponsored activities.

* * * * *

[FR Doc.75-17512 Filed 7-1-75;3:24 pm]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Adjustments to Crude Oil Costs Under Old Oil Allocation Program

The Federal Energy Administration issued an amendment to 10 CFR 211.67(i)(1)(ii) on March 21, 1975 (40 FR 13302), which was made effective immediately, which permitted revenues from sales of entitlements under the old oil allocation program to be passed on by refiners to firms which have crude oil refined under processing agreements. An opportunity for comment was provided subsequent to issuance, and the further amendment issued today reflects the comments received.

The comments generally supported the amendment as issued. There was no support expressed for making mandatory the provision which now permits, but does not require, a refiner to pass on to a non-refiner the sales revenues from entitlements issued for crude oil processed for that non-refiner under a processing agreement. Some support was expressed for a provision to require a non-refiner to bear part or all of the costs of any entitlements required to be purchased by a refiner for old crude oil refined for that non-refiner under a processing agreement. However, the comments in general expressed the view that such a provision would be unduly burdensome and difficult to administer. Therefore, the FEA has determined that neither of these possible modifications to the amendment should be adopted.

However, the comments raised the question of what the regulation should provide in circumstances where a refiner is a buyer of entitlements, but has its obligation to purchase entitlements reduced because of crude oil it refines for a non-refiner under a processing agreement. In keeping with the rationale for the March 21 amendment, a refiner should also be able to pass on these benefits. Also, such a provision would avoid providing an incentive for non-refiners to have their crude oil processed only by refiners that are sellers of entitlements, and thus would help to prevent disruptions in the processing sector of the industry.

Therefore, the FEA hereby amends, effective immediately, the provision of the Mandatory Petroleum Allocation Regulations which prescribes how the cost of entitlements purchased under the old oil allocation program are to be reflected in adjustments to crude oil costs (10 CFR 211.67(i)(1)(i)). This amendment corresponds to the March 21 amendment (10 CFR 211.67(i)(1)(ii)), which applies when refiners are sellers of entitlements, and will permit refiners that are buyers of entitlements to pass on the benefit of reduced entitlement purchase obligations to the extent that entitlements issued for crude oil processed for a non-refiner reduce the refiner's total obligation to purchase entitlements.

As noted, this amendment is being made effective immediately because it is merely an extension and refinement of the emergency clarifying amendment issued March 21, 1975 which is consistent with the original amendment. After that rule was promulgated, a hearing was scheduled and written comments were solicited. In response to that amendment, several written comments were received, although the public hearing was cancelled because there were no requests to participate. Those comments have been taken into account in the promulgation of the amendment made effective today. The notice and hearing requirements of subsections 7(i)(1)(B) and (C) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) have therefore already been satisfied and a further opportunity for the presentation of oral and written views is unnecessary. In addition, because the present amendment is not a significant departure from the amendment in effect, its impact on the Nation's economy and large numbers of individuals and businesses is not likely to be substantial. The emergency clarifying amendment issued on March 21, 1975 was sent to the Administrator of the Environmental Protection Agency for his comments, and the Administrator did not have any comments on the amendment. Because this amendment is merely an extension of the previous one, it has not been sent to the Administrator of the Environmental Protection Agency on a finding that section 7(c)(2) of the Federal Energy Administration Act of 1974 has been complied with.

(Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel.

1. Section 211.67(i)(1)(i) is revised to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(i) *Adjustments to crude oil costs.*—(1) *Computations.*—(i) *Entitlements purchased.* The cost of entitlements purchased in a particular month pursuant to this section by refiners shall be added to the cost of crude oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased cost to be applied to product prices in the following month under the "At" factor of the general formulae of § 212.82(c)(2) of this chapter); *provided*, That, to the extent that the obligation of a refiner to purchase entitlements is reduced by volumes of crude oil processed by a refiner for a firm other than that refiner pursuant to a processing agreement, and that the monetary value of that reduced purchase obligation is used to reduce the processing fee otherwise payable by that firm under the processing agreement, or is otherwise passed on to that firm, such monetary value may also be added by that refiner to its cost of crude petroleum purchased or landed in that month, but shall be subtracted from the cost of crude oil purchased or landed in that month by the firm to which the monetary value of the reduced purchase obligation is passed on pursuant to this paragraph.

* * * * *

[FR Doc.75-17511 Filed 7-1-75;3:24 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Retroactive Invoicing for Domestic Crude Petroleum

On March 23, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 13522, March 27, 1975) with respect to the price regulations applicable to first sales of domestic crude petroleum. FEA proposed placing certain limitations on retroactive invoicing for new and released domestic crude petroleum, to be effective, if adopted, as of the date the notice was issued, March 23, 1975.

Forty-seven written comments were received in response to that notice, including sixteen late comments. A public hearing was held on April 15, 1975, at which three persons made oral presentations. All presentations made and all comments submitted have been considered in the formulation of the final regulation being adopted today.

The regulation issued today is largely unchanged in effect from the one proposed on March 23, 1975. However, several aspects of the final regulation issued today reflect refinements suggested by the comments.

The definitions of "new crude petroleum" and "released crude petroleum" have been changed from those proposed, to permit the recertification as new and released crude oil of volumes of crude oil initially certified as old crude oil, where such recertification is required or permitted by FEA order, interpretation, or ruling. The proposed amendment would have operated to classify as old oil all volumes of crude oil, other than stripper well crude oil, which were not certified as new and released oil within the two-month period following the month of their production and sale. The modification to that proposal takes into account and explicitly provides for the possibility that certain volumes of crude oil treated as old oil may subsequently be eligible for treatment as new or released crude oil by virtue of a later FEA order, interpretation or ruling. Thus, the regulation issued today expressly permits a recertification in such circumstances after the expiration of the two-month certification period. It is not anticipated that significant volumes will be affected, but inclusion of this provision was determined to be required by considerations of administrative fairness.

Some of the comments reflected a misunderstanding as to the effect of this change in the definitions of new and released domestic crude petroleum. Because FEA has decided to adopt this regulation largely as proposed, it is effective as of March 23, 1975. Therefore, any volumes of crude oil, other than stripper well crude oil, produced and sold prior to January 1975 and not certified as new or released crude oil prior to March 23, 1975, are volumes of old crude oil and must be invoiced at the ceiling price. All volumes produced and sold in January 1975 must have been certified by the end of March 1975 or else have failed to qualify as new or released crude petroleum.

The second change from the amendment proposed on March 23, 1975 is in the definition of "retroactive increase in price." Although a significant amount of support was expressed for the definition as initially proposed, certain drawbacks to the language used to effectuate the proposal were identified by the comments. The fact that the use of postings has declined since the inception of the price regulations, that some purchasers from a particular field have been paying a price lower than the highest posted price, and that some prices are set by contract which may bear no relation to the posted price all contribute to the possibility that the amendment in the form proposed might not fully achieve its intended result. Therefore the FEA has determined that this definition should not relate exclusively to postings rather than to prices actually charged in transactions between the purchaser and the seller, since purchasers that were paying less than posted prices would otherwise continue to be subject to retroactive price increases.

The amendment issued today contains two definitions for "retroactive increase in price," one to be effective for the period of March 23, 1975, through June 30, 1975, and the other to be effective on July 1, 1975, and thereafter. The first definition is as proposed in the March 23 rulemaking. The second definition is modified to specify, in lieu of the highest posted price, the highest price prevailing for that grade of crude petroleum in first sales between the producer and the purchaser within the calendar month. A price charged or offered in excess of the highest price prevailing between the producer and purchaser during the calendar month in which the crude oil was produced and sold is considered to be a retroactive increase in price. The calendar month in which the crude oil was produced and sold was chosen for the relevant period in which to measure the highest prevailing price, in an effort to facilitate administration and enforcement of the regulation. It should simplify accounting for crude oil sales by producers and still provide purchasers with an accurate cost figure to be used in computing month of measurement costs.

The final modification in the proposal, which is effective prospectively only, is a modification of § 212.131 relating to certification procedures. Section 212.131(a)(2) is amended to provide that a seller of domestic crude petroleum, other than a producer, must certify volumes of old crude petroleum sold as soon as practicable after receipt of the certifications from its seller, but in no event more than thirty days after that time. A new § 212.131(d) is also added to make explicit that certifications are effective upon receipt by the purchaser, in order to avoid future disputes as to the effectiveness of certifications.

As provided in the notice of proposed rulemaking issued on March 23, 1975, the regulations issued today, with the exception of the amendments to § 212.131, are effective as of that date. The amendments to § 212.131 shall be effective July 1, 1975.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, §§ 212.72 and 212.74 to

V40 I130 JUL 7 75 XUM

be effective March 23, 1975 and § 212.131 to be effective July 1, 1975.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.72 is amended by adding a sentence at the end of the definition of "new crude petroleum", by adding a sentence at the end of the definition of "released crude petroleum", and by adding, in the appropriate alphabetical order, a definition of "Retroactive increase in price" as follows:

§ 212.72 Definitions.

* * *

* * * "New crude petroleum" shall not include any number of barrels not certified as such pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude petroleum is produced and sold, except where such recertification is required or permitted by FEA order, interpretation, or ruling.

* * * * *

* * * "Released crude petroleum" shall not include any number of barrels not certified as such pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude petroleum is produced and sold, except where such recertification is required or permitted by FEA order, interpretation, or ruling.

* * * * *

"Retroactive increase in price" means, prior to July 1, 1975, any price charged or offered in excess of the highest posted price prevailing at 6:00 a.m., local time, on the date the domestic crude petroleum was sold, for that grade of crude petroleum at that field, or if there are not posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted. "Retroactive increase in price" means, effective July 1, 1975, any price charged or offered after the close of the calendar month in excess of the highest price prevailing for that grade of crude petroleum, in first sales between the producer and the purchaser of the domestic crude petroleum, during the calendar month in which it was produced and sold.

* * * * *

2. Section 212.74 is revised to read as follows:

§ 212.74 New and released crude petroleum.

Notwithstanding the provisions of § 212.73(a), a producer of crude petroleum may sell in each month, without respect to the ceiling price, the new crude petroleum and the released crude petroleum produced and sold from a property in that month; *provided*, that, no producer may charge or accept a retroactive increase in price for new crude petroleum and released crude petroleum as defined in § 212.72 of this Part.

3. Section 212.131 is amended by adding a sentence at the end of paragraph (a)(2) to read as follows:

§ 212.131 Certification of domestic crude petroleum sales.

(a) * * *

(2) * * * Each seller of domestic crude petroleum, other than a producer of domestic crude petroleum, shall make the certification required by this paragraph as soon as practicable after receipt of the required certifications from its sellers, but in no event later than 30 days following such receipt. However, if the domestic crude petroleum is not sold until after the expiration of the thirty-day period, the certification required by this paragraph shall be made within ten days following the sale of the domestic crude petroleum.

* * * * *

4. Section 212.131 is amended by adding a new paragraph (d) to read as follows:

§ 212.131 Certification of domestic crude petroleum sales.

* * * * *

(d) All certifications required by this paragraph shall be in writing, either upon an invoice or billing or by separate instrument, and shall be effective only when delivered to and received by the purchaser of domestic crude petroleum.

[FR Doc.75-17514 Filed 7-1-75;3:24 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Corrective Amendment to Allocated Crude Pricing Rule

The Federal Energy Administration hereby amends, effective immediately, 10 CFR 212.94(b) to correct an inadvertent error contained in that paragraph. Amendment is also made to the numbering in that paragraph, which was previously in error.

A basic function of the FEA Mandatory Petroleum Price Regulations is to provide a method by which the maximum lawful prices that may be charged in sales of covered products are to be computed. The various price rules applicable to sales by various types of entities therefore generally speak in terms of maximum prices.

It has recently come to FEA's attention that the only price rule which does not explicitly establish such a maximum price (i.e., a price which may not be exceeded) is the price rule for sales of allocated crude oil found in § 212.94(b). That section reads in part: "* * * the price at which crude oil shall be sold when required in § 211.65 of Part 211 of this chapter during each month shall be * * * the weighted average price of all crude oil delivered to a refiner-seller in that month * * *" plus a handling fee and other specifically authorized adjustments. The language in this section differs from that appearing in the other price rules in that it does not explicitly establish a maximum price, but rather, requires sales to be made at the price determined pursuant to the regulation. However, it has always been the intention of the FEA that this price rule function in the same manner as the other price rules, and set a maximum price which could not be exceeded rather than a price which is required to be charged.

By way of comparison, the producer ceiling price rule of § 212.73(a) provides in relevant part that "* * * no producer may charge a price higher than the ceiling price * * *" The refiner price rule of § 212.82(a) states: "A refiner may not charge to any class of purchaser a price for a covered product in excess of the base price of that covered product * * *". The price rule for resellers and retailers found in § 212.93(a) provides: "A seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects on a dollar-for-dollar basis, increased costs of the item." All of these provisions explicitly establish a maximum price which may not be exceeded, but do not require that price to be charged.

In order to conform the price rule for sales of allocated crude oil to the same general approach as the other price rules, which specify maximum but not required selling prices, the FEA hereby amends, effective immediately, the provision of the Mandatory Petroleum Price Regulations which prescribes the pricing mechanism for sales of allocated crude oil (10 CFR § 212.94(b)). This amendment simply substitutes the words "shall not exceed" for the words "shall be", and thereby corrects the language of that section to conform it to the historical FEA intent and to the other price rules. Since this amendment is only interpretive in nature, no refiner-seller will be considered to have been in violation of the regulations for sales made at a price below the price established by § 212.94(b) prior to this amendment.

Because this amendment is only interpretive in nature and is intended only to correct an inadvertent error in the regulations, the Federal Energy Administration finds that good cause exists to issue this amendment immediately, without notice, opportunity for comment, or delay in the effective date of the amendment. As this amendment will not affect the quality of the environment, it is also not necessary to submit this amendment to the Administrator of the Environmental Protection Agency for comments.

(Emergency Petroleum Allocation Act of 1973, as amended Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., June , 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.94(b) is revised to read as follows:

§ 212.94 Allocated crude pricing.

* * * * *

(b) *Rule.* Notwithstanding the general rules described in this subpart, the price at which crude oil shall be sold when required in § 211.65 of Part 211 of this chapter during each month shall not exceed in Districts I–IV the weighted average price of all crude oil delivered to a refiner-seller in that month for those Districts, and in District V, the weighted average price of all crude oil delivered to a refiner-seller in that month for that District, plus, in all Districts, a handling fee of 30 cents per barrel, any transportation adjustment as specified in paragraph (b)(1) of this section and any gravity adjustment as specified in paragraph (b)(2) of this section. Each refiner-seller making such a sale shall calculate its price under this section and shall maintain records, which shall be made available to the FEA upon request, listing the volumes and delivered prices of all crude oil delivered to its refineries during each month.

(1) Actual additional transportation expenses incurred to move the crude oil to the refiner-buyer's refinery shall be paid by the refiner-buyer. Actual transportation expenses saved as a result of moving the offered crude oil directly to the refiner-buyer's refinery shall be deducted from the selling price, if customarily included in such price.

(2) The price adjustment for gravity differential of crude oil offered for sale under § 211.65 of this chapter in Districts I–IV shall be the weighted average price for those Districts calculated under paragraph (b) of this section plus or minus 2 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in Districts I–IV, and, in District V, shall be the weighted average price for that District calculated under paragraph (b) of this section plus or minus 5 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in District V.

* * * * *

[FR Doc.75-17513 Filed 7-1-75;3:24 pm]

Title 12—Banks and Banking

CHAPTER IV—EXPORT-IMPORT BANK OF THE UNITED STATES

PART 400—STANDARDS OF CONDUCT

Subpart F—Employee Report of Securities Transactions

Subpart F is being added to Part 400, Standards of Conduct, in order to allow the Ethics Committee of the Bank to more effectively monitor securities transactions of Bank employees so as to protect the integrity of the Government and avoid employee involvement in potential or actual conflict-of-interest situations. Subpart F is to be added as a new Subpart F to Part 400, Standards of Conduct, which appears in Chapter IV of Title 12 of the Code of Federal Regulations.

Subpart F—Employee Report of Securities Transactions

400.735–60 Reporting requirement.
400.735–61 Applicability.
400.735–62 Content of reports.
400.735–63 Foreign exchange trading.
400.735–64 Exceptions.
400.735–65 Remedial action.
400.735–66 Confidentiality.
400.735–67 Effect of report on other requirements.

AUTHORITY: Secs. 602, 701, 702, E.O. 11222; 3 CFR 1964–1965 Comp., p. 306, 5 CFR 735.104 and 735.403(d).

Subpart F—Employee Report of Securities Transactions

§ 400.735–60 Reporting requirement.

Each Bank employee included within the provisions of § 400.735–61 shall report every transaction in any security by submitting a report within ten business days of any such transaction in any security to the Deputy General Counsel, who is a member of the Ethics Committee and has been appointed by the Ethics Committee to administer the reporting requirement described in this Subpart F. Other changes in holdings resulting from inheritance or from reclassification, gift, stock dividend or splitup, for example, shall be reported promptly. The Deputy General Counsel shall report every transaction, as described herein, in which he is personally involved to the Chairman of the Ethics Committee. Reports shall be prepared in duplicate (one original and one carbon copy) on the official form provided for this purpose, which is the Employee Report of Securities Transactions, EIB Form 75–1, copies of which may be obtained from the Personnel Office of the Bank.

§ 400.735–61 Applicability.

The following employees shall be subject to the reporting requirement of § 400.735–60:

(a) Each Director of the Bank, and each Bank employee (whether full-time or part-time) in grade GS–11 and above, under section 5332 of title 5, United States Code, whose holdings have not been placed in a blind trust; and

(b) Each other Bank employee as shall be designated from time to time by the Ethics Committee.

§ 400.735–62 Content of reports.

(a) Each Employee Report of Securities Transactions shall include as to each securities transaction the date of the transaction, the full name of the security (including the date of maturity, if appropriate), whether the security was bought or sold, the number of shares or bonds involved, and the price;

(b) There shall be included in the Report any transaction effected (1) by or on behalf of the Bank employee, (2) for the account of other persons by the Bank employee, directly or indirectly, under a power of attorney or otherwise, and (3) by or on behalf of his spouse, minor child or other member of his immediate household (meaning a resident of the employee's household who is related to him by blood or marriage).

§ 400.735–63 Foreign exchange trading.

No foreign exchange trading for short-term speculative purposes shall be engaged in or effected (a) by or on behalf of the Bank employee, (b) for the account of other persons by the Bank employee, directly or indirectly, under a power of attorney or otherwise, or (c) by or on behalf of his spouse, minor child or other member of his immediate household.

§ 400.735–64 Exceptions.

(a) The requirements of this Subpart F shall not apply to personal promissory notes, individual real estate mortgages, United States Government and Agency securities and securities issued by building and loan associations, and any securities held in or invested by a blind trust;

(b) Any Bank employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities not exempted by (a) of this section shall report the existence and nature of such trust or estate to the Deputy General Counsel. The transactions of such trust or estate shall be subject to all provisions of this Subpart F except in situations where the Bank employee is solely a beneficiary and has no power to control and does not in fact control or advise with respect to the investments of the trust or estate, and except to the extent that the Ethics Committee shall otherwise direct in view of the circumstances of the particular case;

(c) Any Bank employee who believes the requirements of § 400.735–62(b)(3) or § 400.735–63(c) relating to members of the employee's household will result in undue hardship in a particular case may make written application to the Ethics Committee setting out, in detail, the reasons for such belief and requesting a waiver. The Ethics Committee shall be empowered to grant such waiver in such instances and in any other situation arising under this Subpart F in its discretion;

(d) If any information required to be included in a Report, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf in a timely manner;

(e) An employee is not required to submit any information relating to the employee's interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of paragraph (e) of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business en-

V40 I130 JUL 7 75 XUM

terprises" and securities transactions related thereto are required to be included in a Report.

§ 400.735–65 Remedial action.

All Reports submitted to the Deputy General Counsel, as a member of the Ethics Committee, shall be reviewed by him in consultation with the other members of the Ethics Committee as he deems appropriate. If, in the judgment of the Deputy General Counsel, any statement or information discloses a conflict of interest or a possible conflict or interest, between the interests of an employee and the performance of such employee's duties at the Bank, the Deputy General Counsel shall give such employee an opportunity to explain such conflict, or apparent conflict, and if such explanation is not satisfactory, the Deputy General Counsel shall take such action as he deems appropriate to resolve such conflict, or apparent conflict. If the Deputy General Counsel is unable to resolve such conflict, or apparent conflict, he shall report the matter to the Chairman of the Ethics Committee who shall then take appropriate remedial action to end such conflict, or apparent conflict. Remedial action may include, but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee of his conflicting interest;

(c) Disciplinary action; or

(d) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders, and regulations.

§ 400.735–66 Confidentiality.

The Bank shall hold each Report in confidence. To insure this confidentiality, the Deputy General Counsel, as a member of the Ethics Committee, is designated to review and retain the statements, and shall be responsible for the maintenance of the statements in confidence, and he shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The Bank may not disclose information from a statement except as the Civil Service Commission or the Chairman of the Ethics Committee may determine for good cause shown.

§ 400.735–67 Effect of report on other requirements.

The Reports required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a Report by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

These regulations (subpart F) were approved by the U.S. Civil Service Commission on June 11, 1975, and are effective July 7, 1975.

WILLIAM J. CASEY,
President and Chairman.

[FR Doc.75–17470 Filed 7–3–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER–920; Amdt. 44]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Surcharge Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In accordance with established procedure and methodology, the Board, having completed its review of fuel prices for foreign and overseas MAC air transportation services as of June 1, 1975, is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1a]

Appendices A and B[1] set forth the results of our computations of reported fuel price changes for commercial-supplied fuels as at June 1, 1975,[2] based upon the application of the "active stations" methodology to the fuel consumption reported for the quarter ended March 31, 1975; [3] and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective July 1, 1975, as follows: (a) increase the long-range Category B and Category A rate from 1.18 to 3.14 percent; (b) increase the Pacific interisland short-range Category B rate from 1.62 to 5.91 percent; and, (c) increase the "all other" short-range Category B rate from 1.76 to 5.31 percent.

During the past six months, there has been a general stabilization of commercial fuel prices. As set out in Appendix C,[4] if the recent change in military-supplied fuel is not considered, then the largest changes in the fuel surcharge amendments, applicable to the currently effective MAC rates, have developed when station activity for a more recent quarter becomes the basis for fuel distribution. Accordingly, we believe that the monthly surcharge adjustments are no longer necessary; and, henceforth, these amendments will be issued on a quarterly basis, barring any precipitous fluctuation in fuel prices.[4] Under present circumstances, we feel that this will place no undue burden on any of the parties.[5]

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective July 1, 1975, as follows:

Amend § 288.7(a)(2) by revising the third proviso and amend paragraph (d)(2) by revising the proviso to read as set forth below:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(2) * * * *Provided, however,* That effective July 1, 1975, the total minimum compensation pursuant to the rates set forth in paragraph (a)(1) of this section for (i) services performed with regular jet, wide-bodied jet, and DC–8F–61/63 aircraft, (ii) Pacific interisland services performed with B–727 aircraft, and (iii) all other services performed with B–727 aircraft shall be increased by surcharges of 3.14 percent, 5.91 percent, and 5.31 percent, respectively.[6]

* * * * *

(d) * * *

(2) * * * *Provided,* That effective July 1, 1975, the total minimum compensation pursuant to the rates specified in paragraphs (d)(1) and (2) of this section shall be increased by a surcharge of 3.14 percent.

* * * * *

(Secs. 204, 403 and 416, Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758 and 771, as amended (49 U.S.C. 1324, 1373 and 1386).)

Effective: July 1, 1975.

Adopted: July 1, 1975.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17526 Filed 7–3–75;8:45 am]

[1] Appendices A, B and C are filed as part of the original document.

[1a] ER–896, effective January 17, 1975.

[2] Effective July 1, the price of DOD-supplied fuel is to be increased more than 12.5 percent. We estimate this increase will result in an increase in monthly fuel costs for MAC international services of approximately $365,000. Because the revised fuel surcharge procedure adopted in ER–896 provides for use of current military fuel prices, we have based the calculations herein on the higher July 1 military prices rather than on those in effect on June 1, the cut-off date for determining changes in commercial-fuel prices for this months surcharge adjustment. See ER–896 at 8–9.

[3] The most recent available quarterly report. The Board feels that this is the most representative distribution of fuel as between commercial and military for prospective rate purposes. In keeping with the "active stations" methodology, data for Eastern Airways, Inc. has been excluded, due to suspension of its MAC international operations in January–June 1975.

[4] Accordingly, for monitoring purposes, the carriers should continue to supply the monthly station fuel prices to the Government Rates Division, as well as continuing the quarterly fuel consumption and cost reports.

[5] Under this procedure, the next surcharge rate amendment should be based on station activity during the quarter ended June 30, 1975, at September 1 prices, effective on or about October 1, 1975.

[6] The surcharge provisions for services performed with B–727 aircraft will be applied to all other common-rated aircraft types.

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Correction

In FR Doc. 75–16870, appearing at page 27478 in the issue for Monday, June 30, 1975, the following table was inadvertently omitted and should precede the table on page 27479:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program).

Effective Date: June 30, 1975. These Fair Market Rents include projection for construction time through Dec. 31, 1976.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0-Bedroom units of the same type.

AREA OFFICE INDIANAPOLIS, INDIANA REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
INDIANAPOLIS	DETACHED	–	–	369	438	505
	SEMI-DETACHED/ROW	–	222	265	336	360
	WALKUP	196	222	265	324	–
	ELEVATOR	206	247	337	–	–

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 701—COSMETIC LABELING

Hypoallergenic Cosmetic Products

Correction

In FR Doc. 75–14734 appearing at page 24442 in the issue for Friday, June 6, 1975, make the following change. In the preamble on page 24444, in the second column, the fifth line of the third paragraph should be changed to read "to the proposed regulation that the term".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–095]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Seventeenth Coast Guard District

These amendments revise the description of the marine inspection zones and captain of the port areas in the Seventeenth Coast Guard District. They also reduce the number of captain of the port areas from three to two.

In § 3.85–10 the Juneau Marine Inspection Zone is renamed the Southeast Alaska Marine Inspection Zone. The boundary of the Southeast Alaska Marine Inspection Zone is revised to include an additional area to the northwest comprising the Yakutat Bay and Icy Bay regions.

In § 3.85–15 the Anchorage Marine Inspection Zone is renamed the Western Alaska Marine Inspection Zone. The boundary of the Western Alaska Marine Inspection Zone is revised to delete the Yakutat Bay and Icy Bay regions which are included in the expanded Southeast Alaska Marine Inspection Zone.

The Juneau Captain of the Port is renamed to be the Southeast Alaska Captain of the Port. The Ketchikan Captain of the Port Office is disestablished, and the former Ketchikan Captain of the Port Area is now included in the Southeast Alaska Captain of the Port Area.

The Anchorage Captain of the Port is renamed to be the Western Alaska Captain of the Port. The boundaries of the two captain of the port areas are revised to make them coincide with the boundaries of the marine inspection zones in which the captain of the port offices are located. This effectively deletes a fourth unnamed captain of the port area within the Seventeenth Coast Guard District which comprised those areas of Alaska with respect to which no officers had been designated by the Commandant as Captain of the Port and for which the District Commander was the Captain of the Port, in accordance with 33 CFR 6.01–3. These revisions substantially enlarge the captain of the port areas. The descriptions of the former captain of the port areas, as amended in this document, are transferred to §§ 3.85–10 and 3.85–15. Accordingly, §§ 3.85–55, 3.85–60, and 3.85–65, which contain the present descriptions of these areas, are deleted.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b).

In accordance with the foregoing, Part 3 of Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.85–10 is revised to read as follows:

§ 3.85–10 Southeast Alaska Marine Inspection Zone and Captain of the Port.

(a) The Southeast Alaska Marine Inspection Office and the Southeast Alaska Captain of the Port Office are located in Juneau, Alaska.

(b) The Southeast Alaska Marine Inspection Zone and the Southeast Alaska Captain of the Port Area comprise the State of Alaska southeast of a straight boundary line which starts at 60°01.3′ N. latitude, 142° W. longitude, thence proceeds northeasterly to its end at the international boundary between the United States and Canada at 60°18.7′ N. latitude, 141° W. longitude.

2. Section 3.85–15 is revised to read as follows:

§ 3.85–15 Western Alaska Marine Inspection Zone and Captain of the Port.

(a) The Western Alaska Marine Inspection Office and the Western Alaska Captain of the Port Office are located in Anchorage, Alaska.

(b) The Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Area comprise the State of Alaska west of the following described boundary line, including all of the State of Alaska not covered by section 3.85–10(b): a line which starts at 60°01.3′ N. latitude, 142° W. longitude; thence proceeds in a straight line northeasterly to the international boundary between the United States and Canada at 60°18.7′ N. latitude, 141° W. longitude; thence northward along the international boundary to 69°38.8′ N. latitude, 141° W. longitude.

§ 3.85–55 [Deleted]

§ 3.85–60 [Deleted]

§ 3.85–65 [Deleted]

3. Sections 3.85–55, 3.85–60, and 3.85–65 are deleted.

(5 U.S.C. 552; 14 U.S.C. 633; Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655(b)); 86 FR 4958–59, 49 CFR 1.46(b))

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.75–17467 Filed 7–3–75;8:45 am]

V40 I130 JUL 7 75 XUM

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 73-52; Gen. Order 19, Amdt. 1]

PART 538—DUAL RATE CONTRACT SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Procedures and Requirements for Imposing and Altering Currency Adjustment Surcharges in Event of Change in Exchange Rate of Tariff Currency

The purpose of this regulation is to provide a nonexclusive procedure by which a conference of carriers operating in the foreign commerce of the United States and under an approved dual rate system may justify and impose uniformly applied currency surcharges on all rates within the scope of its dual rate contract on less than 90-day notice when necessary because of depreciation of the conference's tariff currency. This regulation amends Subpart A of Part 538 of the Commission's regulations by: (1) the addition of a new section 538.4 titled "Procedures and Requirements for Imposing and Altering Currency Adjustment Surcharges in the Event of a Change in the Exchange Rate of a Tariff Currency"; and (2) the addition of a new paragraph 14(d) to the Uniform Merchant's Contract currently set forth in § 538.10 of Subpart B of Part 538.

By notice published in August 1973 (38 FR 22495, August 21, 1973), the Commission issued its proposed rule regarding short notice contract rate currency surcharges based upon tariff currency depreciation. The original rule was divided into two lengthy subsections which provided for surcharge imposition and removal or modification, respectively. Comments to the proposed rule were filed by 11 parties representing the views of 30 conferences and the Committee of European Shipowners (now called Council of European & Japanese Shipowners' Association).

While no party commenting raised objection to the policy expressed in the proposed rule, many of the parties objected to various specific provisions of the rule as being complex and burdensome to a degree which made the proposed relief provisions virtually illusory. In response to such comments, and following thorough review and analysis of the parties' views, Hearing Counsel filed its Reply to Comments of the parties.

Based on its exhaustive review of the Comments filed, Hearing Counsel viewed the originally proposed rule as requiring sweeping modification in order to incorporate the comments of the parties, to streamline the proposed rule, and to make the rule workable. Hearing Counsel's Reply to Comments, therefore, consisted of a major revision of the original rule and provides the fundamental scheme of the final rule promulgated here.

Following Hearing Counsel's filing of its revised rule (Reply to Comments), eight parties filed Answers which consisted of comments upon the revision of the rules as proposed by Hearing Counsel. While the revised rule proposed by Hearing Counsel still contained minor points requiring clarification in the opinion of the commenting parties, the majority of those parties filing comments endorsed the revision suggested by Hearing Counsel and generally urged its adoption while reserving certain minor objections.

The rule in this proceeding in its revised form then came before the Commission and the Commission members, as well, raised certain questions which they felt required clarification. By Order of Reopening served on December 31, 1974, the Commission reopened the proceeding for the limited purpose of allowing Hearing Counsel to respond to the questions of the Commission and affording interested parties the opportunity to comment further upon any issues raised thereby. Hearing Counsel thereafter submitted its responses, and nine interested parties filed comments. The rule herein promulgated is derived from the revision proposed by Hearing Counsel and conforms closely to that revision. As such, the discussion of comments is limited to issues raised in comments to that revision and considered by the Commission.

As revised by Hearing Counsel, the rule here promulgated consists of a system by which tariff currency depreciation may serve as a basis on which an adjustment to rates by surcharge may be justified. The computation and justification is founded upon a calculation of "major operating currencies" and the percentage of expenses incurred by a conference and its members in those currencies. The percentage of expenses information is to be maintained up to date by the conferences and those figures submitted to the Commission on a quarterly basis. The relative values of major operating currencies and the tariff currency are then compared to a base specified in the dual rate contract and, if fluctuations when weighted by percentage of expenses so indicate, a currency adjustment surcharge may be imposed on short notice.

One of the major, continuing objections to this rule raised by commenting parties has been the alleged burden upon the conferences which compilation of these quarterly statements entails. The Commission has thoroughly considered this allegation and is unable to agree that the burden is such as to warrant elimination of these expense reports. It has been the experience of the Commission in the past that conferences have been able rapidly to provide such data when requested to do so by the Commission in particular instances. It is the Commission's opinion that such information is reasonably available on a quarterly basis and is maintained in the normal course of business by the member carriers of a conference. This being so, the importance of the data received renders unavoidable the slight burden which may be imposed by this quarterly reporting requirement. Therefore, the requirement of the filing of a quarterly statement of percentage of expense in various major operating currencies has been maintained.

A second recurring objection to these rules pertains to the requirement in the rule that currency surcharges imposed must similarly be removed or reduced when the tariff currency appreciates in relation to other major operating currencies. The Commission has considered the suggested omission of the requirement but is unable to accept the proposal. There would appear to be an overwhelming inequity involved in any rule which would permit an increase in rates by surcharge when the tariff currency depreciates, but no removal or reduction of such imposed surcharge when the tariff currency appreciates.

Additional comments have raised the suggestion that the base date used to compare relative currency values should not be "the day this provision was adopted" as proposed by Hearing Counsel. Rather, it has been suggested that a more flexible approach be taken allowing the base date to be the date when the clause in the contract was adopted by a conference, the date on which the last previous surcharge was imposed or some other date. The Commission has reviewed these suggestions and has determined that more flexibility should be allowed in the fixing of a base date. Therefore, the rule as adopted provides for the conference to select its own base date which it shall specify in its dual rate contract. However, in order to preclude the retroactive recovery of currency losses and consequent large surcharges the Commission makes it clear that no base date may be chosen which antedates the day on which the amended contract is submitted to the Commission for approval.

A further issue arose from questions posed by the Commission to Hearing Counsel which merits discussion. As a part of the revision suggested by Hearing Counsel, it was recommended that surcharges justified by the computations in the rule be permitted to be made applicable to the conference trade as a whole or to particular trades or segments of trades covered by the terms of the dual rate contract and the tariff of the conference involved. This recommendation has been adopted in the final rule. However, it is imperative that these terms be clearly understood as they relate to this rule. For purposes of this rule, the terms "trade" or "trade segment", to which a currency surcharge may be applied, are used to mean the following:

"Trade" means those ports within the scope of a dual rate contract and which are included in or are based upon a single rate group.

"Trade segment" means any port or combination of ports which comprise a portion or segment of a "trade".

A further modification has been adopted which was previously implicit in the proposed rule but which has now been made explicit. Except as otherwise provided specifically in the rule, any surcharge imposed pursuant to this rule must be kept completely separate from the general rate structure of the conference. This requirement has been included to ward off the obvious regulatory quagmire which the Commission would face in attempting to ascertain the justifiability of a surcharge which had been incorporated into the general rate structure of a conference in the foreign commerce of the United States. Without such a separation of general rates and surcharges, the equitable requirement of reduction in surcharges would have been gutted. Such a lack of enforceability of reductions would have been a disservice to the industry and its shippers and would have resulted in a steady upward spiral of rates. Such an impetus has been determined not to be in the best interest of the public.

One final modification to the rule has been accomplished with respect to the requirement that any currency adjustment surcharge be implemented in certain increments. As proposed, the incremental requirement provided: "Each such surcharge shall take place in increments of not less than two percent." It is the opinion of the Commission that such a provision might be improperly construed as requiring a conference which could justify a three percent surcharge to impose no more than the two percent increment. This would force the conference to absorb the remaining one percent until such time as a four percent surcharge would have justified imposing the next two percent increment. To avoid this possible confusion the rule has been amended by changing the provision quoted above to read: "Each such surcharge imposed shall take place in increments of two percent or more."

In the course of the lengthy proceeding, many other issues have been raised pertaining to specific portions of this rule which have not been discussed here. In the main they have not been discussed because they were considered and incorporated in the rule. A limited number of suggestions raised in the many comments, however, have not been reflected in this rule. Any such suggestions have been thoroughly reviewed by the staff and the Commission itself and have not been adopted only after such review and detailed consideration. To list each comment raised would be more confusing than explanatory and they have therefore not been discussed.

Therefore, pursuant to sections 3 and 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 14b and 43 of the Shipping Act, 1916 (46 U.S.C. 813a and 841a) Part 538 of Title 46 CFR is hereby amended by the addition of a new § 538.4 reading as follows:

§ 538.4 Procedures and requirements for imposing and altering currency adjustment surcharges in the event of a change in the exchange rate of the tariff currency.

(a) *Currency surcharge increases.* (1) A conference[1] of carriers desiring to provide for the imposition of a currency surcharge on rates within the scope of its dual rate contract on less than statutory notice in the event of a depreciation in the exchange rate of its tariff currency relative to other major operating currencies may do so by including in its dual rate contract language as set forth in Article 14(d) of the Uniform Merchant's Contract of Subpart B hereof or as is otherwise approved by the Commission. A major operating currency for purposes of this section is any currency in which the conference as a whole incurs two percent or more of total expenses allocated to the trade. Expenses shall include all allocable vessel operating, overhead and capital expenses.

(2) Concurrent with the filing of a short notice currency provision in its dual rate contract the conference shall file with the Commission a statement listing the percentage of total expenses incurred and payable in each of the major operating currencies weighted by each carrier's share of the total expenses of all the conference members in the trades or trade segments covered by the dual rate contract for which the conference desires to file short notice currency surcharges. Expenses incurred and payable in other currencies are to be excluded from the statement and shall not be considered for the purposes of this section. This statement shall be updated and refiled with the Commission within 30 days after the beginning of each calendar quarter after Commission approval of the currency surcharge provision.

(3) In the event of a change in the exchange rate of any major operating currency in relation to the conference's tariff currency, the conference may impose a currency surcharge on not less than 15 days' notice, provided, such surcharge shall not exceed the amount necessary to restore the prior currency relationship measured from a base date designated by the conference in its dual rate contract. Currency surcharges shall be uniformly applied to all rates covered by the dual rate contract. Each such surcharge imposed shall take place in increments of two percent or more.

(4) Any conference which elects to include a short notice currency surcharge provision in its dual rate contract shall maintain currency surcharges separate from its general rate structure covered by the dual rate contract. Thereafter, currency surcharges may be included in general rates by modifying the base date designated by the conference in its dual rate contract.

(5) The authority for determining fluctuations in the exchange rates shall be a specific exchange rate in a specified major currency exchange market. Both the currency exchange market and the exchange rate selected shall be exclusively used and shall be set forth in the dual rate contract.

(6) At the same time it files notice of a surcharge pursuant hereto, the conference shall file with the Commission a statement showing that such currency surcharge meets the criteria set forth herein. Said statement shall cite the previous day's specified market rates for each major operating currency compared to the same rate in effect on the base date designated by the conference in the dual rate contract and shall also show the percent of expenses in each such currency as shown in its last quarterly percentage of expense statement filed pursuant to this section.

(7) The amount of the currency surcharge needed to restore the prior currency relationship will be calculated as follows:

(i) Determine the nominal appreciation or depreciation of each major operating currency relative to the tariff currency by comparing the previous day's specified market rate quotations with the quotations on the base date designated by the conference in the dual rate contract.

(ii) Weigh the nominal change of all the major operating currencies in proportion to the percentage of expenses payable in each currency and sum to determine the net change in the tariff currency and the resultant amount necessary to restore the prior currency relationship.

(iii) Upon determination of the net change in the tariff currency and the resultant amount necessary to restore the prior currency relationship in accordance with paragraphs (a)(7) (i) and (ii) of this section, in no case shall a currency surcharge be imposed which exceeds the total amount of the currency surcharge justified by the calculation relative to the base date.

Example

	Tariff currency	Currency "A"	Currency "B"	Currency "C"	Currency "D"
Percentage of expenses incurred in major currencies	40	12	30	16.6	1.4
Base value in terms of tariff currency	1.00	1.60	1.15	0.10	0.50
New exchange value in terms of tariff currency	1.00	1.85	1.20	0.105	0.55
Percentage of nominal appreciation	0	+15.6	+4.35	−5.0	+10.0
Weighed appreciation (weighed according to proportion of expenses actually incurred in indicated currency	0	+0.01872	+0.013	−0.0083	[1] N.A.
Total surcharge to achieve parity: 1.87 percent +1.3 percent−0.83 percent=2.34 percent or 2 percent.					

[1] For purposes of this section the term conference shall also include an independent carrier which maintains a dual rate contract system of rates.

[1] Not a major currency as defined in this rule.

V 40 I 130 JUL 7 75 XUM

(b) *Currency surcharge reductions.* A conference providing in its dual rate contract for short notice currency surcharges due to currency depreciation shall, as provided in section 14(d)(2) of the uniform contract as set forth in subpart B hereof, provide shippers with corresponding reductions in any such surcharge imposed in the event the value of its tariff currency appreciates with respect to the other major operating currencies. The criteria for imposing and increasing said surcharges shall also apply to reductions, and any reduction shall take place in increments of two percent or more on not more than the number of days notice on which the latest surcharge in effect was imposed. Alternatively, any such reduction may be made effective immediately.

Part 538 of Title 46 CFR is also amended by the addition of a new paragraph 14(d) to the Uniform Merchant's Contract provided in § 538.10 reading as follows:

§ 538.10 Uniform contract.

* * * * *

UNIFORM MERCHANT'S CONTRACT

14. * * *

(d)(1) In the event of a change in the (*specify the major currency market and the applicable rate to be used, viz., New York, 3 p.m. selling*) exchange rate of any major operating currency or currencies as defined in § 538.4(a) of FMC General Order 19 in relation to the conference's tariff currency which would require an increase in the tariff rates of two percent or more in order to restore the prior currency relationship measured from (*specify the base starting date*), the Carriers may impose a currency surcharge on not less than 15 days' written notice to the Merchant, pursuant to procedures and requirements set forth in Section 538.4 of the Federal Maritime Commission's General Order 19. With respect to any surcharge imposed, the Merchant may notify the Carriers in writing not less than ten (10) days before it is to become effective of its intention to suspend the contract, and in such event the contract shall be suspended as of the effective date of such surcharge, unless the Carriers shall give written notice that such surcharge has been rescinded and cancelled.

(2) It is agreed that in the event the Carrier's tariff currency appreciates relative to its other major operating currencies, any currency adjustment surcharge imposed hereunder will be correspondingly reduced pursuant to the procedures and requirements set forth in § 538.4 of the Federal Maritime Commission's General Order 19.

Effective date. This amendment shall become effective August 6, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17534 Filed 7-3-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Address Corrections for Certain Field Offices

1. The following editorial changes will be made to the rules and regulations to reflect the correct addresses of the Federal Communications Commission field offices:

Field offices	From—	To
8	820 Federal Office Bldg., 600 South St., New Orleans, La. 70130.	820 F. Edward Hebert Federal Bldg., 600 South St., New Orleans, La. 70130.
13	314 Multnomah Bldg., 319 Southwest Pine St., Portland, Oreg. 97204.	1782 Federal Office Bldg., 1220 SW. 3d Ave., Portland, Oreg. 97204.
14	3256 Federal Office Bldg., 915 2d Ave., Seattle, Wash. 98174.	3256 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.

2. Since the amendment is editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the rules.

3. *Accordingly, it is ordered,* effective July 8, 1975, § 0.121(a) of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: June 26, 1975.

Released: June 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended by correcting the field office addresses and by revising the section heading and the heading of the first column in the table as follows:

§ 0.121 Location of field installations.

(a) Field offices and suboffices are located at the following addresses:

Field offices	Address of the engineer in charge	Territory within district	
		States	Counties
. . .	. . .	. . .	. . .
8	820 F. Edward Hebert Federal Bldg., 600 South St., New Orleans, La. 70130.	. . .	. . .
. . .	. . .	. . .	. . .
13	1782 Federal Office Bldg., 1220 SW. 3d Ave., Portland, Oreg. 97204.	. . .	. . .
. . .	. . .	. . .	. . .
14	3256 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.....	. . .	. . .
. . .	. . .	. . .	. . .

[FR Doc.75-17496 Filed 7-3-75;8:45 am]

[Docket No. 20205; FCC 75-760]

PART 1—PRACTICE AND PROCEDURE

Processing of FM, TV and Standard Broadcast Applications

1. The deadline for comments in this proceeding was December 9, 1974, and the deadline for reply comments was December 23, 1974. Comments were received from the following parties: Telease, Inc., a franchisee of an over-the-air subscription television system; American Broadcasting Companies, Inc.; Educational FM Associates, a broadcasting consulting and engineering firm; and Big Country Radio Company, applicant for a new FM station in Uvalde, Texas.[1] (No reply comments were received.) Those comments, together with its notice of proposed rulemaking FCC 74-1097, (39 FR 37507) released October 15, 1974, 49 FCC 2d 399 (1974), are now before the Commission for consideration.

[1] Late filed comments were received from Vir James, consulting radio engineers (January 9, 1975), and the Practice and Procedure (Broadcast) Committee of the Federal Communications Bar Association (June 4, 1975). Because these comments were received subsequent to the December 9, 1974, due date, except for noting the general position taken, we will not consider them in this *Report.* The FCBA comments contain additional proposals, including amendments to sections 1.229 and 1.522(b), relating to matters of post-designation practice which we believe to be beyond the scope of this proceeding.

SUMMARY OF COMMENTS

2. The comments are largely supportive of the changes proposed in the notice of proposed rulemaking. Therein we proposed, in the case of applications for construction permits for new television and FM stations, (and major changes in the facilities of existing stations) that the Commission publish periodically in the FEDERAL REGISTER a public notice listing applications which were near the top of the processing line, announcing a date (not less than 30 days after publication) on which the listed applications would be considered available and ready for processing and after which competing (mutually exclusive) applications would not be accepted. (The "cut-off" date, as proposed, would also apply to petitions to deny. Pleadings filed subsequent to the "cut-off" would be treated as informal objections, pursuant to § 1.587 of the rules.) Telease notes that "neither the first applicant nor the potential competing applicant would have any way of knowing how much time would elapse between the filing of the first application and the issuance of the public notice," and that "this time lapse would not be the same for each first applicant." Alternatively, Telease proposes a rule requiring that competing applications be filed within 90 days after the last date of the publication of local notice of the filing of a first application. (Rules governing local publication of notice of filing of applications with the Commission are set forth in § 1.580(c) of our rules.) Telease states that the report of publication filed with the Commission by the applicant would be available for examination by potential competing applicants, or the Commission could issue a notice that the 90-day period had begun to run and announcing the cut-off date for competing applications. Telease also proposed that any rule which is adopted apply as well to applications for subscription television authority, and that its recommended rule be made applicable to all pending applications, i.e., that in order to be considered, competing applications be required to be on file within 90 days of the effective date of the new rule.

3. With respect to the proposed cut-off rules for competing applications and petitions to deny, ABC merely notes that it "considers these changes to be appropriate." In somewhat more detail, ABC specifically supports the proposal to require assignment of a new file number, "and hence new procedural status," where an amendment to an application for a construction permit effects changes in ownership equivalent to a transfer of control. ABC states that:

> Recently, this problem has arisen in connection with applications for construction permits in conflict with renewal applications * * *. Assuming the desirability of cut-off dates for the filing of applications in conflict with renewal applications, which the Commission has decided upon and which ABC supports, it follows that such cut-off procedures are frustrated if radically different ownership can be substituted through the amendment process subsequent to the cut-off date.

4. Educational FM Associates ("Associates") comments that the lack of cut-off rules may be a more acute problem for educational FM applicants than for commercial FM (and TV) applicants:

> since proposals for the 20 reserved educational channels are processed on a demand rather than a pre-engineered allocation basis. Thus, unlike commercial FM applications, educational proposals may be mutually exclusive even though the communities involved are many miles apart. It is also possible for a number of widely spaced educational proposals to interlock together into a mutually exclusive chain of applications.

Associates also comments that "[m]any educational applicants rely on state or federal funding to finance their proposals," and that "institution of the proposed cut-off procedures would make financial planning substantially easier for educational applicants and should in fact serve to decrease the administrative burden on funding agencies." In addition to supporting the proposed rules for educational FM applications, Associates also supports the proposals as they would affect commercial applicants, noting that:

> [T]he present FM processing system promotes the "poker game" type of approach to preparing FM applications. Thus, a number of applicants for the same facilities are encouraged to constantly amend their proposals to obtain the best competitive position in a comparative hearing. Adoption of cut-off rules for FM similar to those now in effect for AM applications could effectively freeze applicants into a reasonably stable position once the cut-off date is passed.

Like Telease, however, Associates proposes alternative means for accomplishing the objectives of this proceeding, finding several problems with the present AM cut-off procedures which we propose to make applicable to FM and TV applications. One such problem, Associates asserts, is that some applicants are "vulnerable" to competing applications longer than others, depending on where they fall on the cut-off list. Therefore, Associates suggests that "applications be cut off 60 days after the Commission gives public notice that an application has been accepted for filing" and that the administrative act of acceptance be tied to the applicant's demonstration of local publication in accordance with the Commission's rules. Associates also supports the Commission's proposal to fix a common deadline for mutually exclusive applications and petitions to deny, which it believes will "discourage 'testing the wind' with an opposition which, if it appeared doomed to failure, would then be followed up with a mutually exclusive application."

5. Big Country notes that its application for a construction permit was granted by the Chief, Broadcast Bureau, on August 15, 1974, but the grant was rescinded because a mutually exclusive application had been filed on August 8, 1974. Big Country avers that this sequence of events would not have occurred had the proposed rules then been in effect. Big Country goes on to suggest that "the Commission would do well to establish a deadline for publication of its cut-off notice in the Federal Register. The time period could commence to run with the acceptance for filing of an application for a new facility and publication might occur 90 days thereafter." Big Country further comments that "Any serious potential applicant should be well able to prepare and file an application in that amount of time."

DISCUSSION

6. As can be seen from the above summary, the only serious debate concerning the proposed rules involves the proposal to issue a cut-off list at the time an application is near the top of the processing line. Alternatively, various parties commenting on the proposal have suggested fixed cut-off periods of 60, 90 and 120 days (Big Country's ninety-day deadline for issuance of the cut-off list contemplates a further period of roughly 30 days for filing mutually exclusive applications and petitions to deny.)[2] It is thus clear that there are many ideas of what constitutes an appropriate cut-off period.

[2] Vir James' late-filed comments suggest a 60-day cut-off period from the acceptance of the application for filing, followed by a sixty-day period in which major amendments to the application could be filed. Our proposed rules would assign a new file number to applications which were the subject of major amendments; Vir James, apparently, would not so treat amendments if filed within that sixty-day period.

7. In instituting this proceeding, one of our objectives was to bring uniformity to the processing rules for the AM, FM, and TV broadcasting services. Should we adopt a fixed (as opposed to "flexible") cut-off period for FM and TV applications, adherence to that objective would require amendment of the present AM cut-off rule. That is not in and of itself of great significance. However, there are advantages to a "flexible" cut-off period well worth considering. As we stated in the notice of this rulemaking, in general, the public interest is served where there is an opportunity to choose between competing applicants. See "WFMY Television Corp., et al," 33 FCC 2d 857, 857-858, 22 RR 2d 1032 (1972), aff'd *sub nom.* "Greensboro Television Company v. FCC," 502 F. 2d 475,—U.S. App. D.C.— (1974). The reason for this rulemaking is not to reduce the number of comparative proceedings (although we recognize that such may be one of its most visible effects), but to avoid serious (and occasionally repeated) disruptions of the processing procedure. We believe that this countervailing benefit, which also inures to applicants who have been diligent in prosecuting their applications, is more than sufficient to offset any detriment to the public interest which might follow from the declining number of comparative proceedings which may be expected.

8. This benefit, however, ceases to exist where the cut-off period bears no relationship to the time necessary to reach an application for processing, i.e., the cut-off is fixed at 30, 60 or 90 days from the date of acceptance for filing. If a competing application is filed at any time before the first application is reached for processing, it stands to reason that there has been no untoward disruption of the staff's processing activity, and hence no benefit sufficient to justify the limitations on the public's interest in choosing between competing applicants. We also believe that, were we to adopt a fixed period from the date of acceptance, we would effectively be obligated to withhold action on applications for at least

[3] It has been suggested that some unfairness results, because of the intervals between cut-off lists, in that some applications remain on file longer than others before being cut-off. We would note that the proposed rules, with some editorial changes, are the same as those currently in effect for standard broadcast applications, which have previously been subjected to and withstood judicial scrutiny. E.g., *Century Broadcasting Corp. v. FCC,* 114 U.S. App. D.C. 59, 310 F. 2d 864 (1962). We do not believe that such discrepancies as may exist would rise to the level of fundamental unfairness, or violate acceptable standards of due process. The FCBA Practice and Procedure Committee notes that: "This [AM] rule greatly enhances administrative convenience and assures that an application will not be filed, remain on file for a substantial period of time, be processed and virtually ready for grant, and then be plunged into a lengthy comparative proceeding by a newly-filed mutually exclusive application. * * * The proposal contains an element of fundamental fairness for applicants which act promptly."

V 40 I 130 JUL 7 75 XUM

the cut-off period, even though the application could be reached for processing and processing completed before the cut-off date. It would be possible, of course, to state that an application may be granted at any time prior to the cut-off (although not less than 30 days after filing), but such an approach, it would seem, would only lead to the filing of competing applications meeting only the minimal requirements for acceptance and requiring substantial later revision. Thus, we believe the flexible approach of a cut-off date roughly related to the time required to reach an application for processing will best serve the amalgam of relevant interests: the Commissions interest in the orderly processing of applications; the applicant's interest in avoiding unnecessary delay and uncertainty; and the public's interest in seeing that authorizations go to the most qualified applicant.[4] Accordingly, the this rulemaking will be adopted without change.

9. *Major amendments; transfers of control.* In the notice of this rulemaking, we proposed amendment of the rules to provide that new file numbers will be assigned to those applications which are amended in a manner which, in the case of an existing station, would constitute a major change in the station's authorized facilities or, separately or cumulatively, amount to a transfer of control which, in the case of an existing station, would require application on FCC Form 314, 315 or 345 for Commission consent thereto. The comments received on this proposal were supportive, and accordingly, the proposed amendments will be adopted without change.[4]

10. *Petitions to deny.* It was also proposed to fix a common deadline for mutually exclusive applications and petitions to deny. We would note the clear intention of Congress, in establishing the present system of pre-grant procedures (section 309(d) of the Communications Act of 1934, as amended), that the time for filing petitions to deny be reasonably related to the time required to reach an application for processing. See Senate Report No. 690, 86th Cong., 1st Sess. 3 (1959). Because the deadline for filing petitions to deny will be the same as the deadline for filing mutually exclusive applications, which is in turn determined by the time required to reach an application for processing, that connection is clearly made. Accordingly, the proposed rule changes relating to petitions to deny will be adopted without change.[5]

11. *STV Applications.* We have decided not to adopt cut-off rules for applications for subscription television authorization. One reason is the not uncommon practice of filing mutually contingent STV and assignment applications (as occurred, for example, in Chicago, Illinois; Corona, California; Baltimore, Maryland; and Washington, D.C.) In such cases there is absolutely no basis for predicting when or if an STV application will be in a position to be granted. A similar concern exists where an applicant for a new station, with a concurrently filed application for subscription television authority, is mutually exclusive with another new station application where STV is not proposed. Since the STV application must necessarily be dismissed where the applicant does not prevail in the comparative hearing for the construction permit, no purpose would be served by putting the STV application in a protected status until the holder of the construction permit is determined.

12. *Translators.* While the present TV and FM processing rules do not in every respect specifically refer to translator stations, cf. § 1.572(a)(1) and § 1.573(a)(1), the Commission practice has been to apply the ame processing rules to tranlator application a to applications in the regular TV and FM broadcast services. We take this opportunity to point out that, in keeping with this practice, the amended rules will apply to translators of both types.

13. The other amendments proposed in the notice of this rulemaking are editorial in nature, necessary only to assure consistency with those basic changes described above. No comments concerning these changes were received, and they are herewith adopted without change, with the exception of the proposed amendments to the note to § 1.227(b)(1) and Note 1 to § 1.591(b). In view of the other amendments we are adopting, we believe those notes are now superfluous and their deletion is therefore in order.

14. The rule changes adopted herein will be effective August 8, 1975, and will be applicable to all applications then on file as well as to applications filed after the effective date. With respect to those applications presently on file, lists will be published as each becomes available for processing, fixing a cut-off date in the manner provided for by the revised rules. (Because we have elected to proceed in this manner, we have deleted our proposed Note 3 to § 1.591(b).)

15. Authority for the adoption of the amendments herein is contained in section 4(i), section 303(r) and section 309(g) of the Communications Act of 1934, as amended.

16. Accordingly, *it is ordered*, That effective August 8, 1975, Part 1 of the Commission's rules and regulations is amended as set forth below. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 303, 309, 48 Stat., as amended, 1066, 1082, 1085; (47 U.S.C. 154, 303, 309))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Adopted: June 24, 1975.

Released: July 2, 1975.

Part 1 of Chapter I, Title 47 of the Code of Federal Regulations is amended to read as follows:

§ 1.227 [Amended]

1. In § 1.227, the Note following paragraph (b) is deleted.

2. In § 1.522, paragraph (a) is amended to read as follows:

§ 1.522 Amendment of applications.

(a) Subject to the provisions of §§ 1.525, 1.571(j), 1.572(b), 1.573(b), and 1.580, any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.513. If a petition to deny (or designate for hearing) has been filed, the amendment shall be served on the petitioner.

* * * * *

3. In § 1.571, paragraph (j) (2) and (3) are revised to read as follows:

§ 1.571 Processing of standard broadcast applications.

* * * * *

(j) * * *

(2) A new file number will be assigned where an application for a new station is amended (whether by a single amendment or by a series of amendments) so as to result in an assignment or transfer of control which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314, 315, or 345 (see § 1.540), and § 1.580 will apply to such amended application.

(3) An application for changes in the facilities of an existing station will continue to carry the same file number even though (pursuant to Commission approval) an assignment of license or transfer of control of said licensee or permittee has taken place if, upon consummation, the application is amended to reflect the new ownership.

* * * * *

4. In § 1.572, paragraphs (b) and (c) are revised to read as follows:

§ 1.572 Processing of television broadcast applications.

* * * * *

(b) A new file number will be assigned to an application for a new station, or for major changes in the facilities of an authorized station, when it is amended so as to effect a major change, as defined in paragraph (a)(1) of this section, or so as to result in an assignment or transfer of control (whether by a single amendment or by a series of amendments), which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314, 315, or 345 (§ 1.540), and § 1.580 will apply to such amended application. An application for changes in the facilities of an existing station will continue to carry the same file number even though (pursuant to Commission approval) an assignment of license or transfer of control of said licensee or permittee has taken place if, upon consummation, the application is amended to reflect the new ownership.

(c) Applications for television stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing for the earliest filed application is begun, the Commission will periodically publish in the FEDERAL REGISTER a Public Notice listing applications which are near the top of the processing line and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all applications must be filed if they are to be grouped with any of the listed applications.

* * * * *

5. In § 1.573, paragraph (b) is revised and paragraphs (d) and (e) are added, to read as follows:

§ 1.573 Processing of FM and noncommercial FM broadcast applications.

* * * * *

(b) A new file number will be assigned to an application for a new station, or for major changes in the facilities of an authorized station, when it is amended so as to effect a major change, as defined in paragraph (a)(1) of this section, or so as to result in an assignment or transfer of control (whether by a single amendment or by a series of amendments) which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314, 315, or 345 (see § 1.540), and § 1.580 will apply to such amended application. An application for changes in the facilities of an existing station will continue to carry the same file number even though (pursuant to Commission approval) an assignment of license or transfer of control of said licensee or permittee has taken place if, upon consummation, the application is amended to reflect the new ownership.

* * * * *

(d) Applications for FM broadcast stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the Commission will periodically publish in the FEDERAL REGISTER a public notice listing applications which are near the top of the processing line and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all applications must be filed if they are to be grouped with any of the listed applications.

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 73.207 of this chapter (§ 73.504, of this chapter in the case of noncommercial educational stations) of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing. In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission.

5. In § 1.580, paragraph (i) is amended to read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(i) Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or as amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto: *Provided*, That in the case of applications for facilities in the standard, FM and television broadcasting services, petitions may be filed at any time prior to the day of Commission grant thereof without hearing or the formal designation thereof for hearing; but where the Commission issues a public notice pursuant to the provisions of § 1.571(c), 1.572(c) or § 1.573(d), listing applications as available and ready for processing, no petitions to deny any such listed application will be accepted after the "cut-off" date specified in the public notice. Where an application is filed prior to the "cut-off" date mutually exclusive with an application listed in the public notice, a petition to deny the later-filed application may be filed no later than 30 days after issuance of public notice of the acceptance for filing of the application: *And Provided Further*, That in the case of applications for renewal of license, petitions to deny may be filed at any time up to the last day for filing mutually exclusive applications under § 1.516(e). Requests for extension of time to file petitions to deny applications for new broadcast stations or major changes in the facilities of existing stations or applications for renewal of license will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

* * * * *

§ 1.591 [Amended]

6. In § 1.591(b), Note 1 is deleted, and Note 2 is redesignated as Note 1.

[FR Doc.75-17497 Filed 7-3-75;8:45 am]

[Docket Nos. 19828, 19823; RM-1910, 2282, 2233]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Missouri; Correction

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (Lexington, Liberty and Butler, Missouri).

1. The effective date of modification of the outstanding license held by Bates County Broadcasting Co. for Station KMOE(FM), Butler, Missouri, was inadvertently omitted from paragraph 17 of the Report and Order in this proceeding (adopted on June 10, 1975), published at 40 FR 26552.

2. Accordingly the words ", effective July 28, 1975," are inserted immediately following the words "is modified" in the first sentence of paragraph 17.

Released: June 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17498 Filed 7-3-75;8:45 am]

[Docket No. 19948; FCC 75-609]

PART 76—CABLE TELEVISION SERVICES

Maintenance of Public Inspection Files and Permit System Inspections

Correction

In FR Doc. 75-15388, appearing at page 25022 in the issue for Thursday, June 12, 1974, the paragraph reference in line 10 of § 76.305(c) should read "(a)(5)".

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-1; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

This amendment adds certain tire size designations to 49 CFR 571.109 (Federal Motor Vehicle Safety Standard No. 109) and adds alternative and test rim sizes

[4] Our action in this Report and Order also includes an editorial change in § 1.571(j)(3), relating to applications for changes in the facilities of standard broadcast stations for which the license is assigned or a transfer of control occurs during the pendency of the application, and addition of similar provisions to the appropriate sections of the rules governing the processing of television and FM applications. Because these amendments are only of a clarifying nature, the notice requirements of the Administrative Procedure Act do not apply. 5. U.S.C. 553(b)(A).

[5] The FCBA Practice and Procedure Committee proposed an amendment to § 1.587 (and necessary editorial changes elsewhere) to make informal objections subject to the same deadline as "petitions to deny," "unless the Commission or the designated authority determines that consideration of the facts relied on is required in the public interest."

V40 I130 JUL 7 75 XUM

to 49 CFR 571.110 (Federal Motor Vehicle Safety Standard No. 110).

Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 13, 1974 (39 FR 28980), specifying procedures by which routine additions could be made to Appendix A, § 571.109 and to Appendix A, § 571.110. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of 49 CFR 571.109 and Appendix A of 49 CFR 571.110 are amended, subject to the 30-day provision indicated above, as specified below.

Effective date: August 6, 1975, if objections are not received.

A. The following changes are made to Appendix A of § 571.109, Standard No. 109; new pneumatic tires:

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS ASSOCIATION

1. A new Table I–AA, "P/80 Series" ISO Type Tires, incorporating the following new tire size designations and corresponding values, is added.

TABLE I–AA.—*Tire load ratings, test rims, minimum size factors, and section widths for "P/80 Series"-ISO type tires*

Tire size[1] designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width[2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
P155/80R13[3]	669	705	740	760	795	825	860	880	905	935	960	980	1,005	4½	28.46	6.15

[1] The letters 'H', 'S' or 'V' may be included in any specified tire size designation adjacent to the "80".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.
[3] The letters 'D' for diagonal and 'B' for belted may be used in place of the 'R'.

2. In Table I–R, the following new tire size designations and corresponding values are added.

TABLE I–R.—*Tire load ratings, test rims, minimum size factors, and section widths for "60 Series" radial ply tires*

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
HR60–14	1,200	1,250	1,300	1,340	1,410	1,460	1,550	1,710	1,770	1,830	1,890	1,950	2,010	7	36.20	10.25
JR60–15	1,260	1,350	1,420	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7	37.20	10.25

AMENDMENT REQUESTED BY MICHELIN TIRE CORPORATION

1. In Table I–M, the following new tire size designation and corresponding values are added.

TABLE I–M.—*Tire load ratings, test rims, minimum size factors, and section widths for "78 Series" radial ply tires*

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
KR78–15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6	37.03	8.70

AMENDMENTS REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANISATION

1. In Table I–N, the following new tire size designations and corresponding values are added.

TABLE I–N.—*Tire load ratings, test rims, minimum size factors, and section widths for "70 Series" radial ply tires*

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
155/70R12	580	595	615	630	650	665	685	700	720	735	750	765	780	4	26.13	5.98
165/70R12	665	680	700	720	740	760	780	795	815	835	850	870	890	4½	27.43	6.60

TABLE I–Y.—*Tire load ratings, test rims, minimum size factors, and section widths for All Millimetric "65" Series radial ply tires*

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (m.m.)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/65R375	920	970	1,020	1,070	1,120	1,170	1,220	1,265	1,310	1,355	1,400	1,445	1,490	105	32.65	7.76

2. A new Table I–Y, Millimetric "65" Series Radial Ply Tires, incorporating the following new tire size designation and corresponding values, is added.

B. The following changes are made to Appendix A of § 571.110, Standard No. 110; Tire Selection and Rims.

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS ASSOCIATION

1. In Table I–J, the 6–JJ alternative rim size is added for the B78–13 tire size designation.

2. In Table I–M, the 7–JJ alternative rim size is added for the ER78–14 tire size designation.

3. In Table I–R, the 7–JJ test rim size is added for the HR60–14 tire size designation. The 7–JJ test rim size is added for the JR60–15 tire size designation.

4. In new Table I–AA the 4½–JJ test rim size is added for the P155/80R13 tire size designation. The 4½–JJ test rim size is added for the P155/80D13 tire size designation. The 5–JJ alternative rim size is added for the P155/80R13 and P155/80D13 tire size designations.

AMENDMENTS REQUESTED BY THE MICHELIN TIRE CORPORATION

1. In Table I–M, the 6–JJ test rim size is added for the KR78–15 tire size designation. The 5½–JJ, 5½K, 6K, 6L, 6½–JJ, 6½K, 6½L, 7–JJ, 7L, 8–JJ and 8L alternative rim sizes are added for the KR78–15 tire size designation.

AMENDMENTS REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANISATION

1. In Table I–N, the 4 test rim size is added for the 155/70R12 tire size designation. The 4.50B, 4.50C, 4½–JJ, 5–JJ and 5½–JJ alternative rim sizes are added for the 155/70R12 tire size designation. The 4½ test rim size is added for the 165/70R12 tire size designation. The 4.50B, 4.50C, 4½–JJ, 5–JJ and 5½–JJ alternative rim sizes are added for the 165/70R12 tire size designation.

2. In new Table I–Y, the 105DD test rim is added for the 205/65R375 tire size designation.

FMVSS No. 110

APPENDIX A, TABLE I

(Following is a tabulation of changes made by this amendment)

Tire Size	*Rims*
TABLE I–J	
B78–13	6–JJ
TABLE I–M	
ER78–14	7–JJ
ER78–14	5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 6½–JJ, 6½–K, 6½–L, 7–JJ, 7–L, 8–JJ, 8–L
TABLE I–N	
155/70R12	4, 4.50B, 4.50C, 4½–JJ, 5–JJ, 5½–JJ
165/70R12	4½, 4.50B, 4.50C, 4½–JJ, 5–JJ, 5½–JJ
TABLE I–R	
HR60–14	7–JJ
JR60–15	7–JJ
TABLE I–Y	
205/65R375	*105DD*
TABLE I–AA	
P155/80R13	4½–JJ, 5–JJ
P155/80D13	4½–JJ, 5–JJ

Italic designations denote test rims. Where JJ rims are specified in the above table, J and JK rim contours are permissible. Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201 and 202, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421 and 1422; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on June 26, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–17352 Filed 7–3–75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 21—MIGRATORY BIRD PERMITS

The Fish and Wildlife Service proposed changes to its regulations concerning the permanent marking for identification of captive-reared migratory waterfowl, on October 18, 1974 (39 FR 37199). Public comments have been received and evaluated on the proposal. As a result, a few technical changes have been made, but essentially the regulations are being adopted as they were proposed.

Summary of the proposal. The proposal would have amended §§ 21.13 and 21.14 of the regulations to provide several alternative methods for the permanent marking of mallard ducks and migratory waterfowl other than mallard ducks. These methods are (1) removal of the hind toe from the right foot, (2) pinioning of a wing, (3) banding with a seamless metal band, (4) or tatooing on the web of one foot. Certain consequential changes would have been made in the waterfowl sale and disposal permits, in § 21.25. The Special Aviculturist Permit would have been deleted, as it became unnecessary in the light of the other changes.

Summary of the public comments. Comments were received from State conservation agencies, individuals, organizations, and institutions involved with captive-reared waterfowl. These comments were virtually all favorable to the proposed regulation. A few specific changes were suggested and adopted. The first requires the marking of both carcasses and containers of mallard ducks killed on game farms or shooting preserves, and was suggested by the State of Nebraska to conform to present practice. The second change requires a copy of the waterfowl sale and disposal permit to accompany the actual shipment of the birds. This will facilitate enforcement of the regulations, as well as speed the course of shipment for legitimate transactions.

Accordingly, the following amendments to Part 21, Subchapter B, Chapter I of Title 50, Code of Federal Regulations are hereby adopted, to be effective upon July 31, 1975.

E. V. SCHMIDT,
Acting Director, U.S. Fish and Wildlife Service.

JUNE 30, 1975.

1. Section 21.13 is amended to read as follows:

§ 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, exported (but not imported), and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

(a) Nothing in this section shall be construed to permit the taking of live mallard ducks or their eggs from the wild.

(b) All mallard ducks possessed in captivity, without a permit, shall have been physically marked by at least one of the following methods prior to 6 weeks of age and all such ducks hatched, reared, and retained in captivity thereafter shall be so marked prior to reaching 6 weeks of age.

(1) Removal of the hind toe from the right foot.

(2) Pinioning of a wing: *Provided*, That this method shall be the removal of the metacarpal bones of one wing or a portion of the metacarpal bones which renders the bird permanently incapable of flight.

(3) Banding of one metatarsus with a seamless metal band.

(4) Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

(c) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transferred in any number at any time or place: *Provided*, That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age.

(d) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: *Provided*, That such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes: *Provided further*, That the provisions of the hunting regulations (Part 20 of this subchapter) and the Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply to shooting preserve operations, as provided for in this paragraph, or to bona fide dog training or field trial operations.

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass: *Provided*, That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot or wing when either the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass and on the container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

2. Section 21.14 is amended to read as follows:

§ 21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

Any person may, without a permit, lawfully acquire captive-reared and

V40-130 JUL 7 75 XUM

properly marked migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid waterfowl sale and disposal permits except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, reared, and retained in captivity must be physically marked as defined in § 21.13(b).

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a waterfowl sale and disposal permit has first been secured authorizing such disposal: *Provided*, That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcass of any such birds which they have acquired from the holder of a valid waterfowl sale and disposal permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See Part 20 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass, unless such carcasses were marked as provided in § 21.25(c)(4) and the foot or wing removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a waterfowl sale and disposal permittee, the permittee shall furnish a copy of form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by § 21.25(c)(2). The buyer shall retain the form 3–186 on file for the duration of his possession of such birds or eggs or progeny or eggs thereof.

3. Section 21.25 is amended to read as follows:

§ 21.25 Waterfowl sale and disposal permits.

(a) *Permit requirement.* A waterfowl sale and disposal permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs, except that such a permit is not required for such sales or disposals of captive-reared and properly marked mallard ducks or their eggs.

(b) *Application procedures.* Applications for waterfowl sale and disposal permits shall be submitted to the appropriate Special Agent in Charge (see: § 13.11(b) of this subchapter). Each such application must contain the general information and certification required in § 13.12(a) of this subchapter, plus the following additional information:

(1) A description of the area where waterfowl are to be kept;

(2) Species and numbers of waterfowl now in possession and a statement showing from whom these were obtained;

(3) A statement indicating the method by which individual birds are marked as required by the provisions of this Part 21; and

(4) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, waterfowl sale and disposal permits shall be subject to the following conditions:

(1) Permittees may not take migratory waterfowl or their eggs from the wild, and may not acquire such birds or their eggs from any person not authorized by a valid permit issued pursuant to this part to dispose of such birds or their eggs.

(2) All live migratory waterfowl possessed in captivity under authority of a valid waterfowl sale and disposal permit shall have been, prior to 6 weeks of age, physically marked as defined in § 21.13(b). All offspring of such birds hatched, reared, and retained in captivity shall be so marked prior to attaining 6 weeks of age. The preceding does not apply to captive adult geese, swans, and brant which were marked previous to March 1, 1967, by a "V" notch in the web of one foot, nor to such birds held in captivity at public zoological parks, and public scientific or educational institutions.

(3) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(4) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass: *Provided*, That permittees who are also authorized to sell game under a State license, permit or authorization may remove the marked foot or wing from the raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass and on the wrapping or container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization.

(5) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: *Provided*, That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age: *And provided further*, That on each date that any such birds or their eggs are transferred to another person, the permittee must complete a form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by § 21.25(c)(2). (Service will provide supplies of form.) The permittee will furnish the original of completed form 3–186 to the person acquiring the birds or eggs; retain one copy in his files as a record of his operations: attach one copy to the shipping container for the birds or eggs, or include the copy in shipping documents which accompany the shipment; and, on or before the last day of each month, mail two copies of each form completed during that month to the office of the Fish and Wildlife Service which issued his permit.

(6) Permittees shall submit an annual report within 10 days following the 31st day of December of each calendar year to the office of the Fish and Wildlife Service which issued the permit. The information provided shall give the total number of waterfowl by species in possession on that date and the method or methods by which individual birds are marked as required by the provisions of this Part 21.

(d) *Tenure of permits.* The tenure of waterfowl sale and disposal permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

§ 21.26 [Reserved]

4. Section 21.26 is deleted, and the section number is reserved:

[FR Doc.75-17540 Filed 7-3-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 505]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 4–10, 1975.[1] It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

[1] This document was received by the Office of the Federal Register July 2, 1975.

§ 908.805 Valencia orange regulation 505.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges has slowed somewhat. Prices f.o.b. averaged $3.82 per carton on a reported sales volume of 975,000 cartons last week, compared with an average f.o.b. price of $3.84 per carton and sales of 1,130,000 cartons a week earlier. Track and rolling supplies at 485 cars were down 104 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 4, 1975, through July 10, 1975, are hereby fixed as follows:

(i) District 1: 210,000 cartons;

(ii) District 2: 390,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: July 2, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17622 Filed 7-3-75;8:45 am]

[Lemon Reg. 690]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 6–12, 1975.[1] It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.999 Lemon Regulation 699.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is currently slow as poor fruit condition is limiting sales. Average f.o.b. price was $6.34 per carton the week ended June 28, 1975, compared to $6.47 per carton the previous week. Track and rolling supplies at 230 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly

[1] This document was received by the Office of the Federal Register July 2, 1975.

V401130 JUL 7 75 XUM

submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 6, 1975, through July 12, 1975, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17608 Filed 7–3–75;8:45 am]

[Lime Reg. 5]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 6–12, 1975.[1] It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.405 Lime Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes has improved somewhat and excess supplies are now beginning to clear the market. Fresh shipments for the weeks ended June 28, 1975, and June 21, 1975, were 27,777 bushels and 27,684 bushels respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1975.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 6, 1975, through July 12, 1975, is hereby fixed at 27,500 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17623 Filed 7–3–75;8:45 am]

[Nectarine Reg. 6, Amdt. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Minimum Grade and Size Regulations

This amendment extends the grade and size requirements contained in Nectarine Regulation 6 from July 12, 1975, through May 31, 1976. Nectarine Regulation 6, effective during the period May 20 through July 11, 1975, prescribes that shipments of California nectarines be at least U.S. No. 1 grade except that (1) a slightly smaller area of the surface of each fruit may be affected by fairly light colored, fairly smooth scars, (2) an additional tolerance is provided for individual fruit not well formed but not badly misshapen, and (3) a slightly larger area of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting. The regulation also prescribes minimum sizes for 46 named varieties. The extension of the effective period of Nectarine Regulation 6 is designed to maintain orderly marketing conditions and provide consumers with an ample supply of acceptable-quality fruit.

Notice was published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24018), that consideration was being given to a proposal to amend Nectarine Regulation 6 (§ 916.348; 40 FR 21693), effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Nectarine Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that all written data, views, or arguments in connection with Nectarine Regulation 6 or the proposed amendment thereof be submitted by June 26, 1975. None were received.

The amendment reflects the Department's appraisal of the need for regulation of shipments of California nectarines during the period July 12, 1975, through May 31, 1976, based on the available supply and current and prospective market conditions. California nectarine production in 1975 is estimated at 105,000 tons. This would be 8 percent less than last season's record crop but 23 percent more than 1973. The minimum grade and size requirements specified for California nectarines are consistent with the quality and size composition of the estimated crop of nectarines. The amendment is necessary to ensure the continued shipment of nectarines which satisfy the demands of the fresh fruit market. The amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of California nectarines, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment, including the effective date of July 12, 1975, was published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24018), and no objection to such amendment or effective date was received; (2) the regulatory provisions are the same as those contained in said notice; and (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 916.348 (Nectarine Regulation 6; 40 FR 21693) the provisions of paragraphs (a) (1), (2), (3), (4), (5), and (6) are amended to read as follows:

§ 916.348 Nectarine Regulation 6.

(a) *Order.* (1) During the period July 12, 1975, through May 31, 1976, no handler shall handle any package or container of any variety of nectarine unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided* further, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided* further, That not more than 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(2) During the period July 12, 1975, through May 31, 1976, no handler shall handle any package or container of Mayred variety nectarines unless:

* * * * * *

(3) During the period July 12, 1975, through May 31, 1976, no handler shall handle any package or container of Armking, Crimson Gold, Mayfair, or Zee Gold variety nectarines unless:

* * * * * *

(4) During the period July 12, 1975, through May 31, 1976, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, or Sunbright variety nectarines unless:

* * * * * *

(5) During the period July 12, 1975, through May 31, 1976, no handler shall handle any package or container of Early Sungrand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, Rose, or Kent Grand variety nectarines unless:

* * * * * *

(6) During the period July 12, 1975, through May 31, 1976, no handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richards Grand, Royal Grand, September Grand, Sun Free, Fairlane, Grand Giant, Red Free, Bob Grand, or Tom Grand variety nectarines unless:

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1975, to become effective July 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17542 Filed 7–3–75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

MAXIMUM ADJUSTED INCOME FOR MODERATE-INCOME FAMILIES

The Farmers Home Administration is amending Exhibit D of Subpart A of Part 1822 of Title 7, Code of Federal Regulations (39 FR 45005) to further improve the operation and administration of the section 502 rural housing loan program. This amendment revises the adjusted income limits for moderate-income families applying for FmHA rural housing loan assistance.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.C. 553 with respect to such rules. These regulations, however, are not published for proposed rulemaking because the changes increase the income limits for eligibility for a rural housing loan in some states and enable the Agency to expedite needed benefits to the public, and to delay issuance of such regulations by publishing for public comment would be contrary to the public interest.

Interested persons may submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before August 6, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document was a proposal. However, this revised part shall remain effective until it is amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

As revised, Exhibit D of Subpart A of Part 1822, reads as follows:

EXHIBIT D—MAXIMUM ADJUSTED INCOME FOR MODERATE-INCOME FAMILIES

State	Maximum adjusted income
Alabama	$12,900
Arizona	12,900
Arkansas	12,900
California	12,900
Hawaii	13,500
Nevada	12,900
Colorado	12,900
Florida	12,900
Georgia	12,900
Idaho	12,900
Illinois	12,900
Indiana	12,900
Iowa	12,900
Kansas	12,900
Kentucky	12,900
Louisiana	12,900
Maine	12,900
Michigan	12,900
Minnesota	12,900
Mississippi	12,900
Missouri	12,900
Montana	12,900
Nebraska	12,900
Delaware	12,900
New Jersey	12,900
Maryland	12,900
New Mexico	12,900
New York	12,900
North Carolina	12,900
North Dakota	12,900
Ohio	12,900
Oklahoma	12,900
Oregon	12,900
Alaska	16,500
Pennsylvania	12,900
South Carolina	12,900
South Dakota	12,900
Tennessee	12,900
Texas	12,900

[1] This document was received by the Office of Federal Register July 3, 1975.

V40 I130 JUL 7 75 XUM

State	Maximum adjusted income
Utah	12,900
Vermont	12,900
Connecticut	12,900
Massachusetts	12,900
New Hampshire	12,900
Rhode Island	12,900
Virginia	12,900
Washington	12,900
West Virginia	12,900
Wisconsin	12,900
Wyoming	12,900
Puerto Rico	12,900
Virgin Islands	12,900

Effective date. This amendment is effective July 7, 1975.

(42 U.S.C. 1480; delegation of authority, Sec. of Agri., 7 CFR 2.23; delegation of authority, Asst. Sec. for Rural Development, 7 CFR 2.70.)

Date: July 1, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-17469 Filed 7-3-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1046]

[Docket No. AO-123-A42]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before July 22, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Louisville, Kentucky, on December 18, 1974, pursuant to notice thereof which was issued November 29, 1974 (39 FR 41986).

The material issues on the record of the hearing relate to:

1. Pool plant qualifications.
2. Diversion of producer milk.
3. Partial payments to producers and cooperatives.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications.* (a) *Automatic pool status in March-August for a country plant that qualified as a pool plant each month in the preceding September-February.* The provision providing automatic pooling status during the flush production months, for supply plants which met the specified performance standards in each of the short production months, should be retained. However, the months of September through February should be substituted for the present October through March qualifying period for automatic pooling status in other months.

The order now provides that a supply plant may qualify as a pool plant by specific performance in any month. During the months of October through March shipments of at least 50 percent of dairy farm receipts must be made to city (distributing) plants. In the months of April through September a 40 percent shipment is required. Under the automatic pooling provision, a plant that qualified in each month of the preceding October–March period need ship no milk in April–September to be pooled in these months.

A cooperative's proposal, which was supported by a second cooperative, would eliminate automatic pooling and condition the pooling of a supply plant on performance each month. Proponent contended there is no need for automatic pooling of supply plants in the market because distributing plants can be adequately supplied with milk shipped directly from dairy farms. The recent association of a supply plant with the market had prompted the proposal to eliminate automatic pooling.

The cooperative alleged that the operator of the supply plant, which began operating in October 1974, was attempting to take advantage of the automatic pooling provision to facilitate pooling a supply of milk that would be used primarily for manufacturing. The supply plant operator denied any intent to exploit the pool. He stated that milk associated with the supply plant is and would be available to distributing plants and that substantial quantities of the supply plant's dairy farm receipts were being shipped to distributing plants. In November 1974, 70 percent of the supply plant's milk was shipped to a distributing plant.

The supply plant operator (a proprietary handler) and other handlers opposed the cooperative's proposal. They contended that elimination of automatic pooling would force a supply plant operator to make uneconomic movements of milk to qualify it for pooling in the months of heavy production. The operator of the distributing plant that receives milk from the supply plant contended that he depends on the supply plant as a dependable source of supply for his Class I needs.

Provisions for pooling supply plants and for automatic pooling of such plants in certain months are customarily included in Federal milk orders. Such provisions allow a distributing plant operator to elect whether to receive his milk supply directly from producers' farms and/or from supply plants. A distributing plant operator may utilize supply plant milk as his sole source of supply or to meet his plant's supplemental needs.

Even though a supply plant may not be needed to accommodate the orderly movement of milk to the market from farms in the immediate production area, such a plant may be needed for the assembly and movement of milk from alternative supply sources. To this end, it is essential that the order recognize the role of supply plants in a marketing system and present the conditions for pooling such plants.

It is probable that the demand for milk from a supply plant would vary seasonally and would be greatest during the season of lowest production. This would be particularly true in situations where handlers using supply plant milk were receiving part of their supply direct from producers' farms. During the months of flush production, supplies of milk received directly at fluid processing plants in the market might be sufficient to supply their Class I requirements. If this were the case, it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants during the flush production months for the single purpose of maintaining eligibility for pooling.

September–February should replace October–March as the qualifying period for a supply plant to earn automatic pooling in the following months of seasonally higher production. As adopted in this decison, such change gives appropriate consideration to the current seasonality of production for the market. September–February is the 6-month period when milk production is substantially lower relative to demand than in the remaining months of the year. In September 1973 through February 1974, the most recent such 6-month period for which data were available at the hearing, Class I utilization of producer milk was 81 percent. In the following 6 months, March–August 1974, the comparable Class I utilization percentage was 64 percent.

March, which is replaced with September as a qualifying month for automatic pooling, is now a month of relatively high production relative to demand. For the

V40-130 JUL 7 75 XUM

years 1972, 1973, and 1974, Class I utilization of producer milk in March averaged 70 percent, a percentage generally representative of that in the months of seasonally high production for the market.

The September Class I utilization of producer milk averaged 81 percent for 1972, 1973, and 1974. This is the same as the Class I utilization for the 6-month period of seasonally low production. It is therefore appropriate that September be included in the 6-month qualifying period for a supply plant to qualify for automatic pooling in the subsequent flush production months.

The proposal to require a supply plant to ship 50 percent of its receipts to distributing plants to qualify for pooling in any month is denied. In view of the variation in Class I utilization as between the short production and flush production months there is no demonstrated need for more stringent shipping requirements in the flush production months. The present 40 percent shipping requirement for pooling in April–September (which would apply during March–August as adopted herein) is adequate to establish a supply plant's association with the fluid market during the months when milk production is greatest relative to Class I use.

According automatic pool status to a qualified supply plant recognizes the plant's role in facilitating the disposition of its dairy farmer receipts in the months of heavy production. Such plant's dairy farmer receipts normally would be from its regular patrons, those who had delivered to the plant during the preceding September–February and established their bona fide association with the fluid market.

Under present order provisions, however, a supply plant that has automatic pooling in March–August could attach to the pool in those months additional supplies of milk without an established association with the market and intended solely for manufacturing use. This would result in an unwarranted reduction in returns to those established producers who are the regular suppliers of the market's fluid needs.

To preserve the integrity of regulation, the order should provide a safeguard against the possibility of such exploitation of the pool. It was suggested at the hearing that milk to be pooled in March–August by a supply plant with automatic pool status be limited to the milk of those dairy farmers whose total production was pooled at the supply plant in the preceding September–February. Such a stringent measure is not necessary to prevent the pooling of that milk without an established association with the market.

Under conditions in this market, it is appropriate to require that milk pooled by a supply plant during the months when it has automatic pool status be limited to receipts from dairy farmers who had at least 60 days' production pooled under the Louisville-Lexington-Evansville order in the preceding September–February. Receipts at a supply plant pooled on the basis of its acquired automatic status, other than from producers, would be other source milk and would not be pooled. Milk from dairy farmers not previously associated with the market would, of course, be pooled in any month that the supply plant met the shipping requirements for pool plant status for such month.

(b) *Elimination of automatic pooling for a country plant operated by a cooperative.* The according of automatic pool plant status in subsequent months to a plant that qualified for pooling as a balancing plant in the preceding October through February should be discontinued.

The order now provides for pooling as a balancing plant a country plant operated by a cooperative in any month that two-thirds or more of its producer member milk is delivered to pool plants of other handlers, either directly from the members' farms or by transfer from the cooperative's plant. A plant that so qualified in October through February thereby obtains automatic pool plant status for the following March through September.

A cooperative that operates the only balancing plant in the market proposed elimination of automatic pooling for such a plant. A second cooperative supported the proposal. Both cooperatives maintained that this automatic pooling provision serves no purpose and provides a means whereby milk not in fact associated with the market could nevertheless be pooled. Proponent cooperative indicated that its ability to pool its members' milk would not be jeopardized if the proposal was adopted.

The cooperative's balancing plant, which is located in the city of Louisville, provides a means whereby handlers may adjust their receipts each day to fit their bottling needs and at the same time have assurance that milk will be available for fluid use as needed.

A bottling plant that receives milk by direct delivery from the farms of designated producer members of the cooperative may accept part or none of such deliveries on any day. The total deliveries of such producers on the days the bottling plant is not operated, and the amount in excess of its Class I needs on other days, may be received at the cooperative's plant. Thus, its basic function is as an assembly point for producer milk not needed by handlers, which generally must be disposed of to nonpool plants. However, milk in storage at the plant is available to meet handlers' unanticipated requirements on short notice.

Providing pool status for the cooperative's plant on the basis of monthly performance enhances operating efficiency and implements the pooling of the cooperative's member milk that is regularly and substantially associated with the market. The monthly performance standard now provided in the order is adequate to achieve this end.

2. *Diversion of producer milk.* During the months of March through August a producer should be required to deliver at least 2 days' production (one delivery for a producer on every-other-day pickup) to a pool plant during the month to qualify any remainder of his monthly production for pooling as milk diverted to a nonpool plant. In September–February, monthly diversions of a producer's milk to a nonpool plant should not exceed 22 days' production (11 every-other-day pickups).

The present order limits diversion of a producer's milk to nonpool plants to 22 days in October, November, January, and February. There are no limits on diversions to nonpool plants in other months.

A cooperative proposed that a producer be required to deliver to pool plants during the month 20 days' production in September–February and 10 days' production in March–August to qualify his remaining monthly production for diversion to nonpool plants. It also proposed that a cooperative be allowed to divert to nonpool plants the total monthly production of individual producers in March–August if the cooperative's total milk so diverted is not more than one-third of its total producer milk for the month. This option would likewise apply to a proprietary handler for his nonmember milk.

Another cooperative proposed that at least 4 days in September–February and 2 days in March–August of a producer's monthly production be delivered to a pool plant to qualify his remaining production for diversion to a nonpool plant.

The cooperatives contended that present provisions (unlimited diversions to nonpool plants in March through September and in December, and diversion of 22 days' production in October, November, January, and February) provide a means for handlers to associate with the market milk intended primarily for manufacturing purposes to the detriment of producers who regularly supply the market and on whom the market depends for its Class I needs. They urged the adoption of substantial delivery requirements to deter this result.

The cooperative that proposed requiring the delivery to a pool plant of at least 4 days of a producer's monthly production to establish diversion eligibility for his remaining monthly production in September–February claimed that such requirement would be adequate to demonstrate that the milk was available for fluid use and was associated with the market. However, there was no showing that any purpose would be served by adopting a lesser standard than is now provided in the order for the months of seasonally low production.

Proprietary pool plant operators opposed changing the diversion provisions. One opposed not only the proposed diversion limitations, but also the addition of September and December to the designated months during which diversion limits are more restrictive than in other months. He contended that adoption of the cooperative's proposals would cause numerous dairy farmers to lose pool status for their milk, particularly in December, when schools are closed for 12 days. He also contended that September, because it is a summer month, should not be included in the designated months in which the more restrictive diversion limits are applicable.

A handler who operates a pool distributing plant and a separate plant for processing milk into Class II products opposed the proposed limits on diversions to nonpool plants. He contended that their adoption would force him to receive milk needed for Class II uses at his pool plant and then transfer it to his other plant, rather than diverting it to such plant as he is generally able to do under the present order.

A supply plant operator stated that the cooperatives' proposed limitations on diversions to nonpool plants were punitive in effect and would negate the purpose of the diversion provisions.

The diversion provisions are provided to implement the efficient handling of the market's milk supply in excess of handlers' immediate requirements. Because of variations in market needs and in production, the milk of each producer may not be needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. When milk of any dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by diversion directly from the farm to nonpool, manufacturing plants.

In October, November, January, and February, when diversion of a producer's milk to a nonpool plant may not exceed 22 days (11 days in the case of every-other-day delivery), at least 8 days' production in a 30-day month would be delivered to a pool plant. To replace this standard with a requirement that 20 days of a producer's monthly production in the fall and winter months must be delivered to pool plants, as proposed by one cooperative, would be a deterrent to efficient handling of that milk in excess of handlers' needs.

In March-August, it is reasonable to require that 2 days' production of a producer be physically received at a plant in any month that his milk is diverted to a nonpool plant. This requirement will provide a means for establishing that milk of individual dairy farmers reported as diverted producer milk is associated with the market and is, in fact, milk which is qualified for fluid use. With the flexibility that this provides, in March-August there is no need to provide an optional method of computing allowable diversions based on aggregate milk deliveries.

Both proponents of diversion provisions different from those now in the order proposed that the more stringent limits be applicable for September-February rather than for the 4 months now specified. The months of September-February are the months when production is lowest relative to Class I utilization. It is therefore appropriate to designate these six months as the period in which the diversion of milk to nonpool plants is more limited than in other months.

The cooperatives' concerns are directed to the possibility that proprietary handlers might use the diversion provisions as a means of associating with the pool additional milk intended solely for manufacturing use. While this could possibly result, it is not practical to deal with such a matter without more specific facts.

Certainly milk which is not available for fluid use should not be accorded pooling eligibility. However, it is not apparent from the record that this has happened. Proponents apparently foresee possible market developments which they believe could be detrimental to their interest. Through a cooperative's balancing plant, it has flexibility not available to proprietary handlers for marketing its member's milk. It would not be appropriate to adopt restrictive requirements which could deter the efficient handling of the market's total supply.

The operator of a supply plant should be permitted to divert only to nonpool plants and such diversions should be included as a receipt at the supply plant in determining its pool status. The order now specifies that milk may be diverted from a pool plant to another pool plant on any number of days in any month. However, since a supply plant's pooling status is determined on the basis of its transfers to distributing plants, it would not be practicable for a supply plant to move milk to pool plants by diversion. No useful purpose therefore is served by providing diversion privileges to pool plants for a supply plant.

The hearing notice stated that because some proposals applicable to diverted milk would be considered, the point of pricing diverted milk would also be considered. Diverted milk now is priced at the location of the pool plant from which diverted.

A pending request for a hearing includes proposals to change the Class I price and location adjustment provisions of the order. The issue of the location at which diverted milk is priced would be more appropriate for consideration at such a hearing. Accordingly, no action is taken with respect to the point of pricing diverted milk on the basis of this proceeding.

3. *Partial payments to producers and cooperatives.* The rate at which partial payments for producer milk are made should be changed from the Class III price for the preceding month to 90 percent of the weighted average price for the preceding month. Also, handlers should make a partial payment at the same rate for milk received during the first 15 days of the month from a cooperative bulk tank handler.

The present order requires handlers to pay by the last day of the month for milk received during the first 15 days of the month from producers who did not discontinue delivery of milk to such handler during the month. The rate of payment is the Class III price for the preceding month. Payments to cooperatives authorized to collect payment for their members are due 2 days prior to the last day of the month.

A cooperative proposed that handlers be required to make separate partial payments for producer milk received during each of the first two 10-day delivery periods of the month. Under their proposal these payments to individual producers would be due on the 17th and 27th of the month, respectively, at 90 percent of the previous month's weighted average price, and to cooperatives collecting for their member producers at least 2 days earlier. Partial payments for milk received from a cooperative bulk tank handler during the same two 10-day delivery periods would be due on the 17th and 27th days of the month. The rate for such payments would be the same as that applicable for partial payments to producers.

Proponent cooperative's spokesman recognized that the proposed changes would increase handlers' costs for milk, but held they are needed to improve the cash flow to dairy farmers. He contended that dairy farmers, faced with increasing production costs and greater demands for cash for purchasing items needed to continue producing milk, urgently need payment for their milk at a higher rate and at more frequent intervals. Higher interest rates in the last two years were cited in particular as justifying more frequent payments to producers.

The proposed partial payment rate (90 percent of the previous month's weighted average price) is desirable, the cooperative claimed, because it would increase the amount of money dairy farmers would receive as partial payments. Also, according to proponent's spokesman, it would reduce the risk carried by producers in situations where a handler suddenly is unable to pay for milk.

At the hearing another cooperative proposed that the partial payment rate be either 90 percent of the preceding month's uniform price or the Class III price for the preceding month, whichever is higher. The same cooperative opposed requiring two partial payments based on 10-day delivery periods. It proposed instead that the present single partial payment date requirements be advanced three days and be paid to producers who delivered milk to handlers at least 20 days during the month.

The cooperative's spokesman argued that the higher rate is necessary to more nearly represent the actual value of the milk. He contended that the present partial payment rate is disproportionate to the actual value of the milk and that producers should receive the partial payment at the earliest practicable date. However, this cooperative opposed more frequent partial payments on the basis that it would impose considerable additional costs on all parties and therefore would not be advantageous to producers.

Increasing the partial payment rate to 90 percent of the previous month's weighted average price, as adopted herein, will provide producers a larger portion of the value of their milk through partial payments. For the two years ending November 1974, the proposed 90 percent rate averaged 8.9 cents per hundredweight more than the actual partial payment rate.

V 40 I 130 JUL 7 75 XUM

Since the partial payment applies only to the first 15 days' deliveries by producers who had not discontinued shipping by the payment date, the likelihood of overpayment will not be significantly increased. The record provides no basis for concluding that the present arrangement, whereby a producer must not have discontinued delivery of milk by the date partial payment is made, is inappropriate. Accordingly, no action is taken to change the number of days a producer must deliver milk to a handler to receive the partial payment.

It is not apparent that any purpose would be served by advancing the date for making partial payments or by providing that the partial payment rate be not less than the Class III price for the preceding month. Although it was suggested that such modifications of the proposal are feasible, no specific testimony was presented to justify such changes.

Milk that a cooperative delivers to plants of other handlers in its capacity as a bulk tank handler is direct-shipped from producers' farms to the handlers' plants. Under the present order the plant operator is required to pay the cooperative at the applicable class prices for such milk by the 10th day of the following month. Since milk so received at a plant is essentially the same as milk that the plant operator receives directly from dairy farmers for his own account, the order should require handlers to make a partial payment for such milk received during the first 15 days of the month. Otherwise, to the extent that a plant operator receives his milk supply through a cooperative bulk tank handler, he enjoys a competitive advantage over other handlers that receive their milk as producer milk for which a partial payment is required.

As proposed, the partial payment rate adopted will exclude the effect of the takeout-pay back (Louisville) plan money on the uniform price in the pay back months. This would be accomplished by requiring partial payment for producer milk deliveries during the first 15 days of the month at 90 percent of the previous month's weighted average price in August through March. For April through July the rate would be 90 percent of the weighted average price for the preceding month less the Louisville plan takeout rate for the current month. Otherwise, there would be an increased likelihood that the actual value of the milk would be overstated in the partial payments.

There was no specific opposition to the proposed 90 percent of the previous month's uniform price as the partial payment rate. Although handlers opposed changing the partial payment procedure, their testimony was directed to the proposal for requiring two partial payments.

The basis of handler opposition was that the reasons cited by proponent for needing more frequent partial payments reflect general business conditions facing handlers and producers alike. Handlers' representatives contended the order should not be changed to recognize producers' problems at the expense of handlers.

Handlers claimed that two partial payments for a larger volume of producer milk at a higher rate, as proposed, would increase their costs for milk. In addition to requiring more frequent cash outlays, administrative costs related to making more frequent payments would increase as well, according to their spokesmen. They also contended that adoption of the proposal would impose a burdensome time schedule on handlers during the first 15 days of the month, and would increase the likelihood of overpayments to producers who did not ship milk the entire month.

Providing an additional advance payment date would, as opponents indicated, increase handlers' costs and would not in any way change the total monies producers would receive in a 30-day period.

The Milk Industry Foundation, a national trade association of milk processors, opposed the proposal for two partial payments and stated that its adoption would result in added costs to handlers. It took the position that any changes to be made in payment dates or procedures should be applicable on a uniform basis in all Federal orders.

The increasing risk of loss of money among producers through handler failure is a matter of concern. However, if a second advance payment is desirable for this purpose, it is clear that such procedure would be helpful in other orders also. The added cost and time demands involved are a significant impediment to adoption. This is not a matter that can be resolved easily. It should be explored carefully in depth and in conjunction with other alternative actions with a broader segment of the industry.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1046.7, paragraphs (b), (c), and (d) are revised as follows:

§ 1046.7 Pool plant.

* * * * *

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at, or diverted from such plant pursuant to § 1046.13, is transferred to and received at a city plant(s) in the form of milk or skim milk.

(c) In March through August a country plant that was a pool plant pursuant to paragraph (b) of this section each month during the preceding September through February, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through August next following.

(d) A country plant that is operated by a cooperative association if two-thirds or more of the milk from persons described in § 1046.12(a)(1) who are members of such association is delivered during the month from farms to the pool plant(s) of other handlers or transferred by such association from its plant to the pool plant(s) of other handlers.

* * * * *

2. In § 1046.12, paragraphs (b) (2) and (3) are revised and a new paragraph (b)(4) is added as follows:

§ 1046.12 Producer.

* * * * *

(b) * * *

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1046.44(a)(8)(iii) and the corresponding step of § 1046.44(b);

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) A person with respect to any milk produced by him that is received at or diverted from a country plant in any month of March through August, unless at least 60 days' production from the farm of such person was producer milk during the preceding September through February or unless such country plant is a pool plant for the month pursuant to § 1046.7(b).

3. In § 1046.13, paragraphs (b) and (c) are revised as follows:

§ 1046.13 Producer milk.

* * * * *

(b) Diverted by a handler from a pool plant pursuant to § 1046.7(a) to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted.

(c) Diverted by a handler from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted;

(2) Not less than 2 days' production of a producer whose milk is diverted to a nonpool plant is physically received at a pool plant during the month;

(3) Producer milk pursuant to this paragraph shall not include the milk of any person during September through February on days that it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; and

* * * * *

4. In § 1046.44, paragraph (a)(7)(v) and (vi) are revised and a new paragraph (a)(7)(vii) is added as follows:

§ 1046.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1046.12(b)(4);

* * * * *

5. In § 1046.60, paragraph (d) is revised as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(7)(i) through (iv) and (vii) and the corresponding step of § 1046.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * *

6. In § 1046.73, paragraphs (a) and (f) are revised as follows:

§ 1046.73 Payments to producers and to cooperative associations.

* * * * *

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the applicable rate pursuant to paragraph (a)(1) and (2) of this section without deductions for hauling:

(1) In August through March, 90 percent of the weighted average price for the preceding month; and

(2) In April through July, 90 percent of the weighted average price for the preceding month minus the applicable rate per hundredweight described in § 1046.61(g).

* * * * *

(f) Each handler shall pay to the cooperative association for milk received from it as a handler described in § 1046.9(c) as follows:

(1) On or before 2 days prior to the last day of the month for milk received during the first 15 days of the month, an amount computed at not less than the applicable rate pursuant to paragraph (a) of this section; and

(2) On or before the 10th day of the following month for milk received during the month an amount computed at not less than the value of such milk at the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1046.74, that are applicable at the location of the receiving handler's pool plant, less the payment made pursuant to paragraph (f)(1) of this section.

Signed at Washington, D.C., on June 30, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-17459 Filed 7-3-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMAL PROTECTION

Proposed Waiver of Moratorium on Importations, Proposed Regulations To Govern Such Importation, and Notice of Hearing

Section 101(a)(3)(A) of the Marine Mammal Protection Act of 1972 (the Act), 16 U.S.C. 1361 et seq., authorizes and directs the Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission to determine when, to what extent, if at all, and by what means, it is compatible with the Act to waive the requirements of section 101 which established a moratorium on the taking and importation of marine mammals (for the purposes of the Act the term marine mammal includes any part of any such marine mammal including its raw, dressed or dyed fur or skin), with certain exceptions. The Secretary's authority to waive the moratorium has been delegated to the Director, National Marine Fisheries Service.

The Fouke Co., Greenville, South Carolina, has requested that the Director waive the moratorium on importation to the extent that 70,000 Cape fur seal skins (*Arctocephalus pusillus pusillus*) from the 1975 South African harvest may be imported.

Based on the scientific evidence before the Director at this time and representations made by the Republic of South Africa regarding its intent to meet U.S. requirements, the Director, National Marine Fisheries Service, is considering whether to waive the moratorium to allow limited importation of skins from Cape fur seals.

Section 103(d) of the Act provides that any determination to waive the moratorium and the promulgation of any regulations incidental thereto must be made on the record after opportunity for an agency hearing.

In this connection, 50 CFR 216.73, which implements in part section 103 of the Act, requires that the following information be provided:

(1) The nature of the hearing: A hearing on the record will be held, presided over by an Administrative Law Judge, to consider a waiver of the moratorium on the importation of skins of Cape fur seals taken from each annual harvest by or conducted under the auspices of the Republic of South Africa commencing with the 1975 harvest, and the regulations governing said importation.

(2) The place and date of the hearing. The date shall not be less than 60 days after publication of the notice of the hearing: A public hearing is scheduled to be held on September 18, 1975, at 9:30 a.m. in the Penthouse Conference Room, Page Building No. 1, at 2001 Wisconsin Avenue NW., Washington, D.C., in conformance with hearing procedures published in 40 FR 10182 (March 5, 1975).

V40 I130 JUL 7 75 XUM

(3) The legal authority under which the hearing is to be held: The Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq., and regulations promulgated thereunder, 40 FR 10182 (March 5, 1975).

(4) The proposed regulations and waiver, where applicable, and a summary of the statements required by section 103(d) of the Act (16 U.S.C. 1373 (d)):

A. PROPOSED WAIVER

The Director proposes to waive the moratorium on the importation of Cape fur seals (*Arctocephalus pusillus pusillus*) to the following extent and under the following conditions:

a.[1] ——— skins of Cape fur seals taken from each annual harvest, commencing with the 1975 harvest, by or conducted under the auspices of the Republic of South Africa, may be imported, provided that the Director upon annual review determines that conditions so warrant continuation of the waiver;

b. The skins were taken from Cape fur seals which at the time of taking were not

1) Nursing (nursing means nursing which is obligatory for the physical health and survival of the animal),

2) Pregnant, or

3) Less than eight months old; and

c. The taking was in a manner not deemed inhumane by the Director.

The determination on the waiver and the extent of the waiver will depend, in part, on the acceptability of the management program of the Republic of South Africa, how the allowable harvest under that program relates to the optimum sustainable population of the Cape fur seal and what effect, if any, a waiver of the moratorium will have on the allowable harvest. Consequently, the extent of a waiver, i.e., the number of skins will be determined on the basis of the evidence on the hearing record.

B. PROPOSED REGULATIONS

It is proposed to amend Part 216 of 50 CFR, Regulations Governing the Taking and Importing of Marine Mammals, by adding to § 216.32, which was previously reserved, the following:

Section 1—*Purpose*. The Director, on ———, waived the moratorium on the importation of skins from Cape fur seals (*Arctocephalus pusillus pusillus*), harvested by or conducted under the auspices of the Republic of South Africa subject to certain conditions and limitations. The purpose of these regulations is to establish the criteria, conditions and procedures for importing said skins.

Sec. 2—*Scope*. This section applies to the importation of skins from Cape fur seals which are subject to the waiver by the Director.

Sec. 3.—*Definitions*. In addition to the definitions contained in the Act, these regulations, and unless the context otherwise requires, in this section:

a. "Cape fur seals" means fur seals scientifically designated as *Arctocephalus pusillus pusillus*.

b. "Nursing" means nursing which is obligatory for the physical health and survival of the nursing animal.

Sec. 4—*Prohibitions*. It is unlawful to import skins from Cape fur seals except under the following circumstances:

a. Such importation is pursuant to a permit issued by the Director in accordance with these regulations;

b. Any skins imported are accompanied by a Certification by the Minister of Fisheries, Republic of South Africa, in such form as the Director shall approve, to the effect that such skins are from Cape fur seals which:

(a) Were taken in a humane manner as determined by the Director;

(b) Were taken from an annual harvest which did not exceed ------ Cape fur seals;

(c) Were taken under a management program which is designed to maintain a population consistent with the purposes and policies of the Act;

(d) Were not pregnant, nursing, or less than eight months old at the time of taking; and

(e) The factual basis, in accordance with section 6, for the conclusion that such Cape fur seals were not nursing or less than eight months of age at the time of taking.

Sec. 5—*Importation permits*. a. The Director may issue permits authorizing the importation of Cape fur seals. Any person desiring to obtain such a permit may make application to the Director. In the event more than one complete application is received within the 30 days immediately following the date of promulgation of these regulations and the total number of skins requested by the applicants exceeds ------, the Director may equitably apportion among the applicants, on the basis of all the evidence, the number of skins authorized to be imported. The sufficiency of the application shall be determined by the Director and, in that connection, he may waive any requirement for information contained therein, or require any elaboration or further information deemed necessary. An application for a permit will include:

(1) Name and address of applicant;
(2) Month and year of taking;
(3) Purpose of importation;
(4) Quantity to be imported;
(5) Proposed date of importation;
(6) Proposed place of importation;
(7) Method of shipment;
(8) Evidence of a commitment from the Republic of South Africa that the applicant will obtain the number of skins stated in the application;
(9) The following certification:

I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972; and

(10) Signature of the applicant.

b. Permits applied for under this section shall be issued, suspended, modified, or revoked, pursuant to § 216.33.

c. Permits applied for under this section shall contain terms and conditions as the Director may deem appropriate, including:

(1) The number of skins which are authorized to be imported;
(2) The location from which they may be imported;
(3) The period during which the permit is valid;
(4) Any requirements for reports or rights of inspection with respect to any activities carried out pursuant to the permit;
(5) The transferability or assignability of the permit;
(6) The sale or other disposition of the skins; and
(7) A reasonable fee covering the costs of issuance of such permit, including an appropriate apportionment of overhead and administrative expenses of the Department of Commerce.

d. When the total number of skins authorized to be imported from a particular yearly harvest reaches ---- skins, no more permits will be issued for the importation of skins from that harvest.

Sec. 6[2]—*Taking*. The taking of any Cape fur seal after [----------] in any given year which is not of black pelage shall be conclusive proof that said Cape fur seal was not nursing or less than eight months of age at the time of taking. As to other skins, an applicant for a permit shall have the burden of establishing, by biological data or physical characteristics acceptable to the Director, that individual Cape fur seals taken prior to [----------] were not nursing or less than eight months of age at the time of taking.

The final format for § 216.32 has not been determined. If these proposed regulations are published as final regulations, the section numbers will in all probability change.

C. REQUIRED STATEMENTS

Section 103(d) of the Act requires that the following statements be published in the FEDERAL REGISTER at this time:

(1) A statement of the estimated existing levels of the species and population stocks of the marine mammal concerned: The existing population of the Cape fur seal is conservatively estimated to be 1,000,000. This estimate is based on the following information: The only documented figures for the population size of the Cape fur seal are those given by Robert Rand (1972). Rand's population estimate of 19,500 mature bulls and 273,000 cows was obtained from a combination of counts of harem bulls from aerial photographs, catch statistics and and estimated harem size. Dr. Peter B. Best, Senior Professional Officer, Cape Town, Republic of South Africa, (1973), using Rand's data and recent data from tagged pups, concluded that between 250,000 and 300,000 pups are probably born each year. Using a ratio of pups to population size of 1:4, (the ratio used for Northern fur seals on the Pribilof Islands), we estimate a total population of 1 to 1.2 million seals.

(2) A statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock: The proposed regulations relate to requirements regulating importation of Cape fur seals. They do not directly address the number of seals to be taken. There is indication that a decision to waive the moratorium will not have an impact on the number of Cape fur seals harvested. Consequently, it appears at this time that the regulations may not have direct impact on the optimum sustainable population of said species. However, in view of the fact that it would be inappropriate to allow importation of a harvest that had adversely affected the population, the number of animals to be harvested and the effect of that harvest on the population will be discussed.

Best (1973) stated that based on an estimated 250,000 to 300,000 pups born each year, and a total number of 70,000–80,000 yearlings killed each year, the harvest represents between 23 percent and 32 percent of the number of pups born each year.

The management policies of the Republic of South Africa to harvest yearling seals (between 23 percent and 32 percent of the number born each year) are maintaining the breeding populations at current levels. Furthermore, there appears to be adequate recruitment to the population from unharvested yearlings and from unharvested rookeries to maintain or increase recent populations. Thus, a South African harvest in 1975 of 70,000 first year animals should maintain the population at its present level. A determination as to whether the present population level is the optimum sustainable population will be based on the evidence in the hearing record.

(3) A statement describing the evidence before the Director upon which he proposes to base such regulations: The proposed regulations are designed to ensure that those skins to be imported were not: (a) taken in a manner deemed inhumane; nor (b) taken from animals which were pregnant, nursing or less than eight months of age at the time of taking. The evidence which supports the proposed regulations is the following:

a. Humaneness of the harvest. The South African Government has stated that it intends to meet United States standards of humaneness, and that it has implemented measures to meet those standards in 1975. Such measures include informing concessionaires that harvest procedures must meet new humaneness standards, purchasing equipment, providing inspectors, and implementing training arrangements for the sealing crews. Evidence of an improved harvest that can be considered humane will be obtained by inspection after the harvest begins. The South African Government intends to send officials to the United States to participate in any public hearing(s) by testifying on this and other related issues.

b. Nursing and eight months of age. An analysis by National Marine Fisheries Service scientists of the evidence presented in two recent papers by Drs. P. B. Best and P. D. Shaughnessy indicates that it is difficult to establish a date as to when obligatory nursing ceases or when pups are not less than eight months of age. The scientists did conclude that the estimates of Best and Shaughnessy of median pupping date (December 1), peak count (December 18) and probable cessation of pupping (few pups born after January 1) are accurate, based upon the acknowledged assumptions.

In their paper on nursing, Best and Shaughnessy state that "although the termination of nursing of an individual pup may be quite abrupt, brought about by rejection by the mother at the birth of a new pup in early summer, the actual stage at which weaning takes place on average or at which obligatory nursing ceases (if this occurs before weaning), is difficult to determine accurately without long-term observations of the behavior of a great number of individual pups. So far this has not been possible." However, Best and Shaughnessy have reported that: 1) the incidence of milk in stomachs of morning-caught pups apparently decreases dramatically from August to September and slightly further in October; 2) possibly ⅔ or more of the pup population is taking solid food in August, based on incidence of cestode infestation; 3) some pups undergo extensive migrations from their home rookery as early as July with the percentage apparently increasing each month into October; and 4) there is an apparent dramatic decrease in blubber weight of pups between October and November probably coinciding with weaning.

(4) Any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations: The following reports, letters, and studies relate to the establishment of regulations:

a. Draft Environmental Impact Statement (EIS), Consideration of Waiver of the Moratorium on the Importation of Cape Fur Sealskins. (Presently in preparation and will be available to the public upon completion.)

b. P. B. Best and P. D. Shaughnessy (1975), Nursing in the Cape Fur Seal, (*Arctocephalus pusillus pusillus*).

c. Fouke Company (3/17/75); Application for a Waiver of the Moratorium for the Importation of Marine Mammal Products pursuant to the Provisions of the Marine Mammal Protection Act of 1972.

d. Dr. Peter B. Best, 7/24/74, statement at public hearing, Greenville, South Carolina.

e. Sea Birds and Seal Protection Act, 1973, Republic of South Africa, May 21, 1973.

f. Robert Rand, The Case for Controlled Killing of the Cape Fur Seal, African Wildlife, Volume 27.

g. R. W. Rand, 8/18/70, Division of Sea Fisheries Investigational Report, No. 59, The Cape Fur Seal, Estimates of Population Size.

h. Walter Kirkness, 9/17/73 to 10/3/73, Observations of Fur Seal Management and Research Programs and Harvesting Conditions in South Africa.

i. L. E. McDonald, D.V.M., August, 1974, Report of Visit to South and South West Africa Fur Seal Harvest Sites.

j. W. M. Wass, Report of Observations in South and South West Africa during August, 1974.

k. Letter from Marine Mammal Commission dated May 29, 1974.

l. Letter from Marine Mammal Commission dated July 25, 1974.

m. P. B. Best, 1/26/73, Estimates of Pup Population Size and Sealing Rate at Cape Cross, S.W.A.

n. Public Hearing Record, Application for Economic Hardship Exemption, Fouke Company, Greenville, S.C., July 24, 1973.

o. Statement of policy National Marine Fisheries Service, 40 F.R. 17845, 4/23/75, which establishes a criteria of obligatory nursing.

p. P. D. Shaughnessy and P. B. Best, The Pupping Season of the Cape Fur Seal, (*Arctocephalus pusillus pusillus*).

(5) Issues of fact which may be involved in the hearing:

(a) Estimated existing population levels of Cape fur seals;

(b) The optimum sustainable population of such species;

(c) Anticipated effect of proposed regulations on the optimum sustainable population of such species;

(d) The humaneness of the harvest of such species;

(e) The date for harvesting which will ensure that for those Cape fur seals, the skins of which are to be imported, were not nursing or less than eight months of age at the time of taking and the biological data and physical characteristics acceptable in lieu of said date;

(f) Whether the South African management program is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of the Act.

(6) If a draft Environmental Impact Statement is required, the date of publication of the draft and the place(s) where the draft and comments thereon may be viewed and copied:

A draft Environmental Impact Statement (EIS) of the proposed action will be available for public review on July 25, 1975, in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Page Bldg. 2, Washington, D.C. 20235.

(7) Any written advice received from the Marine Mammal Commission: The proposed waiver and regulations are being submitted to the Marine Mammal Commission for review. Any comments received will be submitted as direct testimony. The Commission's comments on

[1] As noted, the Fouke Company has requested that the moratorium on importation as it applies to Cape fur seals be waived to the extent that 70,000 skins may be imported.

[2] In Section 6 of the proposed regulations a date beyond which the time of taking is conclusive proof that the Cape fur seal taken was neither nursing nor less than eight months old, was not set forth. Based on the fact that the Marine Mammal Commission has not yet had an opportunity to fully comment, nor has the public had an opportunity to comment, establishing a firm date has been deferred. A date will be determined based on the best scientific evidence presented by the hearing record.

V 40 130 JUL 7 75 XUM

obligate nursing were previously summarized at 40 FR 17845, April 23, 1975. That summary is incorporated by reference.

(8) The place(s) where records and submitted direct testimony will be kept for public inspection: A public record of the proposed action, records and testimony will be maintained in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

(9) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to § 216.74:

Parties wishing to participate in the hearing must notify the Director, National Marine Fisheries Service, by certified mail, on or before August 15, 1975.

(10) The final date for submission of direct testimony on the proposed regulations and waiver, if applicable, and the number of copies required: Direct testimony on the proposed waiver and regulations must be received by the Director, National Marine Fisheries Service, not later than August 15, 1975 in original and 10 copies. The introduction of direct testimony as well as the procedural matters of the hearing will be governed by the regulations published on March 4, 1975 at 40 FR 10182.

(11) The docket number assigned to the case which shall be used in all subsequent proceedings: The docket number assigned to this case is MMPAH No. 1, 1975. This number will be used in all subsequent proceedings pertaining to this application.

(12) The place and date of the prehearing conference: A pre-hearing conference will be held at the Penthouse Conference Room, Page Building No. 1, at 2001 Wisconsin Avenue NW., Washington, D.C., on August 28, 1975.

Pursuant to § 216.90 of the hearing procedure regulations, the Director's decision on the waiver shall be published in the FEDERAL REGISTER. If the waiver is approved, such notice shall state the waiver conditions if any, and include the Director's certification that the South African program for taking of Cape fur seals is consistent with the provisions and policies of the Act. Regulations to govern the waiver and permits issued thereunder shall be published at the same time.

Dated: June 30, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-17537 Filed 7-3-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

APPROVED ARIZONA PLAN

Proposed Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970, (29 U.S.C. 667), (hereinafter referred to as the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On November 5, 1974, a notice was published in the FEDERAL REGISTER (39 FR 39037) concerning the approval of the Arizona plan and of the adoption of Subpart CC of Part 1952 containing the decision of approval. On May 14, 1975, the State of Arizona submitted various supplements to its plan involving developmental changes (see Subpart B of 29 CFR Part 1953) as described below.

2. *Description of the supplements.* The supplements submitted by the State concern the completion of certain developmental steps and changes in the implementation dates for other components of its plan.

The first supplement consists of the promulgation of State standards on March 1, 1975. The State has adopted the General Industry Standards of 29 CFR Part 1910, with the exception of the maritime standards of 29 CFR 1910.13 through 1910.16, and the construction standards of 29 CFR Part 1926. In addition, the State has promulgated standards for boiler and pressure vessels, adopting the A.S.M.E. Boiler and Pressure Vessel Code and the Arizona Boiler and Pressure Vessel Regulations; standards for elevators, adopting the ANSI Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks; and standards for personnel hoists, adopting the ANSI Safety Code for Personnel Hoists.

In addition, the State has promulgated regulations concerning inspections, citations and proposed penalties and recordkeeping regulations adopting 29 CFR Parts 1903 and 1904. However, the recordkeeping requirements will not be applicable to political subdivisions and employers with 10 or fewer employees until January 1977, as the State needs additional time to establish a universe file for political subdivisions and needs additional funds for printing and mailing the recordkeeping booklets. The State has also promulgated rules of procedure for hearings before the Governor's Review Board contesting citations and/or penalties. In addition, the State has submitted a State poster which is designed to inform employees of their protections and obligations under the Arizona program.

On March 20, 1975, the Industrial Commission entered into an agreement with the Arizona Department of Health Services for the concurrent responsibilty for all occupational safety and health issues with respect to sanitation requirements. The Industrial Commission had clinical laboratories. A copy of this agreement is included in the supplements. The Industrial Commission had intended to enter into an agreement with the Arizona Corporation Commission by March 1, 1975. It has experienced a delay in the finalizing of the agreement and intends to have the agreement finalized by August 1, 1975.

Because of the current economic conditions, the anticipated expansion of the Division of Occupational Safety and Health of the Industrial Commission will be diminished from the anticipated 60 personnel to 40 personnel.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; and the Division of Occupational Safety and Health, Industrial Commission of Arizona, P.O. Box 19070, 1601, West Jefferson Street, Phoenix, Arizona 85005.

4. *Public participation.* Interested persons are hereby given until August 7, 1975 in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions should be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart CC of Part 1952, and initiate further proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 662))

Signed at Washington, D.C. this 30th day of June, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17473 Filed 7-3-75;8:45 am]

Office of Federal Contract Compliance

[41 CFR Part 60-14]

CITY OF NEW YORK PLAN

Affirmative Action for Federally Involved Construction Contractors; Notice of Proposed Rulemaking

This notice of proposed rulemaking is issued under the authority of sections 201, 205, 207, 301, and 303 of Executive Order 11246 (30 FR 12319), as amended.

Section 201 of Executive Order 11246, as amended, provides that the Secretary of Labor shall adopt rules and regulations necessary and appropriate to achieve the purposes of the Order. One of the purposes of Executive Order 11246, as amended, is to require Federal and Federally assisted construction contractors and subcontractors to "take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, color, religion, sex or national origin." (section 202(1)).

Notice is hereby given that the Secretary proposes to adopt a Revised New York Plan in order to further implement the affirmative action mandate of Executive Order 11246, as amended. If adopted it is proposed to make the Revised New York Plan effective thirty days from the date of its republication in the FEDERAL REGISTER.

Background. In 1970 the Board of Urban Affairs, an industry group representing construction contractors and building trades unions submitted an affirmative action plan to the Department of Labor for approval. The Department declined to approve the proposal in April of that year. Following negotiations between the Board of Urban Affairs, the City of New York, and the State of New York an agreement was achieved between the parties. Approval was implemented by executive orders of the Mayor of the City of New York (Executive Order No. 31) and the Governor of New York (Executive Order No. 43) in January, 1971. On August 11, 1971, the Office of Federal Contract Compliance announced its approval of the New York Plan as an acceptable affirmative action plan in compliance with the requirements of Executive Order 11246, as amended.

The New York Plan originally provided for on-the-job training for 800 minority workers with goals established on a trade-by-trade basis. The Plan expired on July 1, 1972, but was extended by agreement into 1973. The extended Plan was approved as an acceptable affirmative action plan by the Department of Labor in April, 1973. The extended Plan differed from the original Plan in that it provided for the training of 1,000 minority workers. Prior to the extension of the New York Plan, the City of New York withdrew from the Plan and on July 20, 1973, promulgated its own plan, which is known as the "Mayor's Plan."

The New York Plan was scheduled to expire on August 1, 1974, but was extended until December 1, 1974. The purpose of this extension was to provide the Department of Labor with ample time to explore the possibility of replacing the New York Plan with a broader hometown plan which addressed the entire problem of underutilization in the New York City construction industry.

Beginning in January 1, 1974, the Department attempted unsuccessfully to encourage representatives of labor and management to establish a more acceptable voluntary affirmative action plan. However none was forthcoming. Accordingly, on November 30, 1974, the Department announced that no further extensions of the New York Plan would be granted. Instead, all Federal and Federally assisted construction contractors performing work in the City of New York became subject to the mandatory affirmative action requirements set forth in Part II of the Federal EEO Bid Conditions. Responsibility for compliance with the Part II requirements is imposed directly on the individual contractors, as to their respective work forces, rather than on the trade as a whole. Part II of the New York Federal EEO Bid Conditions expires on July 1, 1975. Therefore, it is necessary to establish new standards for compliance with Executive Order 11246, as amended, in the City of New York construction industry.

General findings. Executive Order 11246, as amended, is designed to make equal employment opportunity a reality for present and potential employees of Federal and Federally assisted construction contractors and subcontractors. The contract compliance program is premised on the right and the responsibility of the Federal Government to determine the terms and conditions upon which it will contract with private parties for the procurement of supplies and services, including construction, essential to the functioning of Government. Under Executive Order 11246, as amended, Federal and Federally assisted construction contractors are obliged to forbear from employment discrimination based on race, color, religion, sex, or national origin, and to take affirmative action to ensure that employees and applicants for employment are treated without regard to these non-merit factors. This obligation is embodied in Section 202 of Executive Order 11246, as amended, and is commonly referred to as the Equal Rights Employment Opportunity Clause. The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific and results-oriented procedures.

Computation of goals for minority utilization.—In order to give form and content to the affirmative action obligation of Executive Order 11246, as amended, the Department of Labor developed the concept of goals and timetables. In computing goals for minority manpower utilization, the Department has attempted to rely upon the most precise standards and statistics available. In assessing whether a goal for minority manpower utilization is reasonable, the Department of Labor is guided by the principle that the objective of a goal is to place eligible minority members in the position which they would have enjoyed if not for underutilization in the past. The Department believes that statistics with respect to the labor force available in the 1970 Census are a reasonable measure of the relevant minority labor force which, but for underutilization, would be equally represented in the City of New York construction industry. Even though the labor force statistics in the 1970 Census reflect persons who were 16 years of age and over in 1970, such persons are now at least 18 years of age and are eligible for consideration for employment in the construction industry. Data is available on the black, Oriental, American Indian, and Puerto Rican civilian labor force in the City of New York but there are no labor force statistics collected by the Bureau of the Census on Spanish surnamed individuals in the City of New York. Therefore, absolute precision is not possible. However, statistics on non-Puerto Rican Spanish surnamed individuals in the labor force can be estimated from data compiled for the Spanish language [1] population of the city. To determine the labor force statistics on the Spanish language force, it is necessary first to determine the ratio of the number of Spanish language individuals in the City of New York to the number of Puerto Rican individuals in the city, and then to multiply the number of Puerto Ricans in the labor force by the resulting ratio.

It is also necessary to consider the percentage of persons of Spanish origin in the labor force in the City of New York who regard themselves as being black rather than white. Otherwise, certain individuals will be counted twice, once as black and once as a member of the Spanish origin group, resulting in an artificially inflated statistic.

Taking into account these basic factors, the number of minorities in the labor force in the City of New York may be derived by adding the black (620,220), Oriental (39,764) and American Indian (4,298) labor forces, together with the number of Spanish language persons in the labor force. This number is calculated by multiplying the Puerto Rican labor force (229,895) by a ratio resulting from dividing the number of persons in the Spanish language group in the population (1,278,630) by the number of Puerto Ricans in the population (811,843). This result (376,087) is then reduced by the percentage of Spanish language individuals in the area who count themselves as white rather than black (11.6 percent). Based upon these calculations, the non-white Spanish language labor force of New York City is estimated to be 332,461. The percentage of minorities in the labor force results from dividing the total minority labor force (996,743) by the total number of persons in the labor force in the City of New York (3,330,803).

Accordingly, the resulting relevant minority labor force statistic is 29.92 percent.

The Department of Labor also considers the availability of qualified mi-

[1] United States Department of Commerce, Bureau of the Census, 1970 Census of the Population, Current Social and Economic Characteristics—New York PC(1)—C34, Appendix B, indicates that persons of Spanish heritage are identified in various ways. In 42 states and the District of Columbia, this population is identified as "Persons of Spanish-language;" in five Southwestern States as "Persons of Spanish-language or Spanish Surname;" and in three middle Atlantic States as "Persons of Puerto Rican birth or parentage."

V 40 I 130 JUL 7 75 XUM

norities for work in the construction industry. Assessments of current availability are speculative at best. However, it is reasonable to consider the educational achievement of construction workers. It is significant that as of 1970, 92 percent of the construction workers reported by the Bureau of the Census had completed four years of high school or less. Thus, it is deemed appropriate to compare the non-white labor force in the City of New York who have a high school education or less with the total labor force with similar educational achievement. After considering the educational achievement of the non-white labor force with that of the total labor force it appears that a greater portion of the non-white labor force is available for employment in the construction industry. As a result of adjustment for this educational factor, the relevant labor force becomes 32.84 percent.

One other factor in the analysis of the proper goal for minority utilization in the City of New York is the population "undercount", defined as omission in coverage of the decennial Census. The undercount is computed by the Bureau of the Census and is used by the Bureau to update the decennial Census findings in intermediate years. The Bureau of Census reports that the national minority undercount is approximately 7.7 percent while that of non-minorities is 1.9 percent. Inclusion of this factor in the computation of the relevant labor force raises the goal to 34.2 percent.

Conclusion of findings. Taking into account the factors recited herein, as well as considering the availability of qualified and qualifiable minorities for employment in the construction industry and allowing for possible over inclusiveness of the Spanish language data as a substitute for statistics for Spanish surnamed individuals, the Department of Labor finds that the goal for minority utilization for each construction trade covered by the Revised New York Plan should be 33 percent.

In adopting this goal, the Department believes that it is less important that a particular percentage goal might be slightly optimistic, given current availability of qualified and qualifiable minorities, provided the Revised New York Plan contains fair procedures for contractors to make such a showing. Accordingly, the Revised New York Plan includes provisions for notice to contractors and a meaningful opportunity to challenge any allegations of noncompliance and prove that they have made the good faith efforts required of them to comply with the requirements of the Plan.

Timetables. In an effort to ensure equal employment opportunity and provide practical intermediate goals for the annual increase in minority participation in the City of New York construction industry, the Department has determined that the proposed Revised New York Plan should cover a three-year period. Those trades currently covered by Part II of the Federal EEO Bid Conditions shall be deemed to be committed to goals which reflect a sequential increase in the goals of the last year of Part II with subsequent increases to meet the ultimate goal of 33 percent by 1978. As to those trades not covered by Part II of the Federal EEO Bid Condition industry, the Department has determined which recognize that efforts in support of affirmative action have been in effect in the City of New York since 1971. Therefore, the first year goals are set at a level which reflects the Department's confidence that effort toward equal employment opportunity has occurred.

Coverage. It is determined that the Revised New York Plan is necessary to provide for minority participation in the following trades:

Asbestos Workers
Boilermakers
Bricklayers
Carpenters
Wharf & Dock Builders
Electricians
Glaziers
Ironworkers (Structural)
Ironworkers (Ornamental)
Elevator Constructors
Operating Engineers
Metal Latherers
Plasterers
Plumbers
Steamfitters
Painters
Roofers
Cement Masons
Tapers
Laborers
Sheetmetal
Terrazzo Finishers
Teamsters

Evaluation and advisory recommendation. The Department recognizes that the contractors, unions, and the minority community, who must operate on a day-to-day basis under the Revised New York Plan are in the best positions to evaluate the effectiveness of the Plan. Therefore the Department of Labor shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of the Plan and make advisory recommendations to the Department in this regard.

Opportunity for comments. Inquiries may be addressed, and data, views, and arguments concerning the proposed Revised New York Plan may be submitted to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. All material received on or before August 6, 1975, will be considered. All comment in response to this proposal will be available for public inspection during normal business hours at the forgoing address.

It is therefore proposed to issue 41 CFR Part 60–14 in the manner set forth below:

PART 60–14—REVISED NEW YORK PLAN

Sec.
60–14.1 Purpose and scope of the revised New York Plan.
60–14.2 Notice.
60–14.3 Goals for minority utilization.
60–14.4 Good faith efforts.
60–14.5 Administrative procedure for enforcement.
60–14.6 Contractor obligations.
60–14.7 Obligations of the Federal Government.

AUTHORITY: Secs. 201, 202, 205, 211, 301, 302, and 303, Executive Order 11246 (30 FR 12319; 3 CFR 1964–65 Comp., p. 406); 41 CFR 60–1.1 and 60–1.40.

§ 60–14.1 Purpose and scope of the Revised New York Plan.

The purpose of this regulation is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and Federally-assisted construction contractors and subcontractors in the City of New York. All construction activity, including non-Federally involved work of any contractor or subcontractor performing on a non-exempt Federal and Federally assisted construction contract in the City of New York shall be subject to the requirements of this regulation. Accordingly, the Revised New York Plan must be included in all invitations and other solicitations for bids for a Federally involved construction contract or subcontract in the City of New York when its estimated cost exceeds $10,000.

§ 60–14.2 Notice.

The following Notice shall be included in all invitations and other solicitations for bids on non-exempt federally involved construction contracts in the New York Plan area.

NOTICE OF REQUIREMENT, SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

Each bidder, contractor or subcontractor (hereafter the contractor) must fully comply with the requirements, terms and conditions of the revised New York plan including the goals for minority manpower utilization as to each construction trade it intends to use on this construction contract and all other construction work (both Federal and non-Federal) in the New York area during the performance of this contract or subcontract. The contractor commits itself to the goals for minority manpower utilization contained herein and all other requirements, terms and conditions of the Revised New York Plan by submitting a properly signed bid.

§ 60–14.3 Goals for minority utilization.

The following goals for minority manpower utilization shall express the contractor's commitment to the percentage of minority workhours to be worked in each specified craft on all work performed by the contractor in the City of New York during the performance of this contract. "Minority" is defined as including blacks, Spanish surnamed Americans, Orientals and American Indians and includes both minority men and minority women.

Trade:	Goals for minority group employment until June 30, 1976
Asbestos Workers [1]	28
Boilermakers [1]	23
Bricklayers	23
Carpenters [1]	32
Cement Masons [1]	27
Dock Builders	23
Electricians [1]	23
Elevator Constructors [1]	23
Glaziers [1]	23
Ironworkers (ornamental) [1]	23
Ironworkers (structural) [1]	32
Laborers (all)	23
Lathers [1]	26
Operating Engineers [1]	26
Painters [1]	26
Plasterers [1]	23
Plumbers [1]	23
Roofers [1]	23
Sheet Metal	23
Steamfitters [1]	[2] 23
Teamsters [1]	23
Tapers	23
Terrazzo Workers	23

Trade:	Goals for minority group employment until June 30, 1977
Asbestos Workers [1]	30
Boilermakers [1]	28
Bricklayers [1]	28
Carpenters [1]	32
Cement Masons [1]	30
Dock Builders	28
Electricians [1]	28
Elevator Constructors [1]	28
Glaziers [1]	28
Ironworkers (ornamental) [1]	28
Ironworkers (structural) [1]	32
Laborers (all)	28
Lathers [1]	30
Operating Engineers [1]	30
Painters [1]	30
Plasterers [1]	28
Plumbers [1]	28
Roofers [1]	28
Sheet Metal	28
Steamfitters [1]	[2] 28
Teamsters [1]	28
Tapers	28
Terrazzo Workers	28

Trade:	Goals for minority group employment until June 30, 1978
Asbestos Workers [1]	33
Boilermakers [1]	33
Bricklayers [1]	33
Carpenters [1]	33
Cement Masons [1]	33
Dock Builders	33
Electricians [1]	33
Elevator Constructors [1]	33
Glaziers [1]	33
Ironworkers (structural) [1]	33
Ironworkers (structural) [1]	33
Laborers (all)	33
Lathers [1]	33
Operating Engineers [1]	33
Painters [1]	33
Plasterers [1]	33
Plumbers [1]	33
Roofers [1]	33
Sheet Metal	33
Steamfitters [1]	[2] 33
Teamsters [1]	33
Tapers	33
Terrazzo Workers	33

[1] Trade covered by Part II of the New York Federal EEO Bid Conditions.
[2] Trade operating under a Consent Decree or Court Order.

(a) The goals for minority manpower utilization above are expressed in terms of workhours of training and employment as a proportion of the total workhours to be worked by the contractor's aggregate work force in that trade on all projects (both Federal and non-Federal) in the City of New York during the performance of its contract or subcontract (i.e. the period beginning with the first day of work on the Federal or Federally assisted construction contract and ending with the last day of work).

(b) The workhours of minority work must be substantially uniform throughout the length of the contract in each trade, and minorities should be employed evenly on each of a contractor's projects. Nevertheless, failure of a contractor to employ minorities evenly on each of its projects shall not constitute noncompliance provided the percentage of minority manhours employed by the contractor in its aggregate work force in the City of New York meets or exceeds its commitment to the goals for minority manpower utilization in the Revised New York Plan and the contractor has not violated the Equal Opportunity Clause of the contract in the assignment of minorities to its projects. The transfer of minority employees from employer-to-employer or from project-to-project for the purpose of meeting the contractor's goal shall be a violation of the Revised New York Plan. Otherwise, the contractor shall be deemed to be in compliance with the requirements, terms, and conditions of the Revised New York Plan if:

(1) The minority manpower utilization rate of the contractor meets or exceeds its commitment to the goals for minority manpower utilization in its aggregate work force, both Federally involved and non-Federal, within the City of New York provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract, it shall not be in compliance with the Revised New York Plan or

(2) The contractor can establish that it is a member of a contractor's association or other employer organization which has as one of its purposes the expanded utilization of minority manpower and the total minority manpower utilization rate of all the member contractors on all projects in which they are involved within the City of New York meets the contractor's minority manpower utilization commitment in the Revised New York Plan provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with the Revised New York Plan or

(3) The contractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and, that the percentage of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the City of New York meets the contractor's commitment in the Revised New York Plan provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with the Revised New York Plan.

(c) In the event that work is performed after the expiration date of the Revised New York Plan on a construction contract awarded pursuant to the requirements, terms and conditions of the Plan the goals for minority manpower utilization for 1978 shall be applicable to such work. The contractor's commitment to goals of minority manpower utilization is intended to meet its affirmative action obligations under Executive Order 11246, as amended, and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the contractor's attention that the goals are being used in a discriminatory manner, it shall immediately report that fact to the Office of Federal Contract Compliance so that appropriate proceedings may be instituted.

§ 60–14.4 Good faith efforts.

The contractor shall be deemed to be in compliance with the requirements, terms, and conditions of the Revised New York Plan if it meets or exceeds its commitment to the goals for minority manpower utilization in its aggregate work force in the City of New York for each trade for which it is committed to a goal under the Revised New York Plan. The contractor's commitment to the goals for minority manpower utilization as required by the Revised New York Plan constitutes a commitment that it will make every good faith effort to meet such goals. No contractor shall be found in noncompliance solely on account of its failure to meet its goals, but shall be given the opportunity to demonstrate that it has instituted all the specific affirmative action steps specified in the Revised New York Plan and has made every good faith effort to make these steps work toward the attainment of its goals within the timetables, all to the purpose of expanding minority manpower utilization in its aggregate work force in the City of New York. Contractors who fail to achieve their commitments to the goals for minority manpower utilization must have engaged in affirmative utilization, which is at least as extensive as the following steps:

(a) Notification to the minority community organizations when the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union to the contractor and what action was taken with respect to each such referred worker. If a worker was sent to the union hiring hall for referral or if such worker was not referred

V40-130 JUL 7 75 XUM

by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the Office of Federal Contract Compliance when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor, or the contractor has other information that the union referral process has impeded efforts to meet its goals.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable by including it in any policy manual; by publicizing it in company or union newspaper, annual report, etc.; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors, and subcontractors.

(g) Specific and constant written and oral recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) The contractor shall validate all tests and other selection requirements as required by the Testing and Selection Order (41 CFR Part 60–3).

(j) Making every effort to provide after school, summer and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are non-segregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by the Revised New York Plan to the maximum extent practicable including circulation of minority contractor associations.

§ 60–14.5 Administrative procedure for enforcement.

(a) Each agency shall review the contractor's employment practices during the performance of the contract. If the contractor meets its goals or can demonstrate that it has made every good faith effort to meet the goals and is not otherwise violating the Equal Opportunity Clause of this contract or any other Federal equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, as amended, and the Revised New York Plan. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor is not providing equal employment opportunities.

(b) Where the agency (see 41 CFR 60–1.3 (a) and (b)) finds that the contractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and the Revised New York Plan, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and its regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of the Revised New York Plan. The contractor's failure to meet its goals shall, however, shift to it the requirement to come forward with evidence to show that it has made every "good faith" effort (as described in § 60–14.4) to meet such goals. The pendency of such formal proceedings shall be taken into consideration by Federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement law.

(c) It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and Title VII of the Civil Rights Act of 1964. It is the policy of the Office of Federal Contract Compliance that contractors have a responsibility to provide equal employment opportunity if they wish to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization and, as a result, are prevented from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, its implementing rules, and regulations.

§ 60–14.6 Contractor obligations.

All contractors shall include the Revised New York Plan in all bid invitations or other prebid communications, written or otherwise, with their prospective subcontractors. Whenever a contractor subcontracts a portion of the work in any trade covered by the Revised New York Plan it shall include the Plan in such subcontracts and each subcontractor shall be bound by the Revised New York Plan to the full extent as if it were the prime contractor. The contractor shall not be accountable for the failure of its subcontractor to fulfill its affirmative action commitments. However, the prime contractor shall give notice to the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill its obligations under the Revised New York Plan. Noncompliance with these requirements by a subcontractor will be treated in the same manner as such failure by the prime contractor. Contractors must keep such records and file such reports relating to the provisions of the Revised New York Plan as shall be required by the contracting or administering agency.

§ 60–14.7 Obligations of the Federal Government.

(a) Nothing in the Revised New York Plan shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors pursuant to Executive Order 11246 as amended, for those trades and those contracts not covered by the Plan.

(b) The procedures set forth in the Revised New York Plan shall not apply to any contract when the head of the agency (see 41 CFR 60–13 (a) and (b)) determines that such contract is essential to the national security and that its award without following such procedure is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

(c) Nothing in the Revised New York Plan shall be interpreted to diminish the present contract compliance review and complaint programs.

(d) Requests for exemptions from the Revised New York Plan must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Signed at Washington, D.C. this 30th day of June, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75–17507 Filed 7–3–75;8:45 am]

[41 CFR Part 60–12]

PHILADELPHIA AREA PLAN

Affirmative Action for Federally Involved Construction Contractors; Notice of Proposed Rulemaking

This notice of proposed rulemaking is issued under the authority of sections 201, 205, 207, 301, and 303 of Executive Order 11246 (30 FR 12319), as amended.

Section 201 of Executive Order 11246, as amended, provides that the Secretary of Labor shall adopt rules and regulations necessary and appropriate to achieve the purposes of the Order. One of the purposes of Executive Order 11246, as amended, is to require Federal and Federally assisted construction contractors and subcontractors to "take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, color, religion, sex, or national origin." (Section 202(1).)

Notice is hereby given that the Secretary proposes to adopt a New Philadelphia Plan in order to further implement the affirmative action mandate of Executive Order 11246, as amended. If adopted it is proposed to make the New Philadelphia Plan effective 30 days from the date of its republication in the FEDERAL REGISTER.

Background. In October, 1967, the original Philadelphia Plan was issued by the Federal Executive Board, composed of Federal contracting agency representatives in the Philadelphia area. This plan was declared invalid by the Comptroller General of the United States as being in violation of competitive bidding principles (48 Comp. Gen. 326 (1968)) and subsequently was rescinded. The Revised Philadelphia Plan was issued on June 27, 1969, and was amended on September 23, 1969, following a public hearing.

The Revised Philadelphia Plan established goals for minority manpower utilization in six trades in which minority representation averaged less than 1.6 percent. In February, 1971, the Plan was amended to extend its coverage to include all of a Federally involved construction contractor's work, both Federal and private. The Revised Philadelphia Plan was scheduled to expire on December 31, 1973, but has since been extended twice, the most recent extension being effective through June 30, 1975. The purpose of these extensions was to provide the Department of Labor with ample time to explore the possibility of replacing the Revised Philadelphia Plan with a voluntary hometown plan.

Since January, 1974, the Department has tried unsuccessfully to encourage representatives of labor, management, and the minority community to establish a voluntary plan. As a result of these efforts it is the determination of the OFCC that a hometown plan is not forthcoming despite the Department's best efforts. Therefore, it is the recommendation of OFCC that a new Philadelphia Plan be promulgated which includes 23 construction crafts rather than the current 6. As a result of the unsuccessful efforts of the Department to bring the parties together in a voluntary plan and in view of the continued underutilization of minorities in the Philadelphia area, it is deemed necessary to issue a new expanded Philadelphia Plan.

General findings. Executive order 11246, as amended, is designed to make equal employment opportunity a reality for present and potential employees of Federal and Federally assisted construction contractors and subcontractors. The contract compliance program is premised on the right and the responsibility of the Federal Government to determine the terms and conditions upon which it will contract with private parties for the procurement of supplies and services, including construction, essential to the functioning of Government. Under Executive Order 11246, as amended, Federal and Federally assisted construction contractors are obliged to forbear from employment discrimination based on race, color, religion, sex, or national origin, and to take affirmative action to ensure that employees and applicants for employment are treated without regard to these non-merit factors. This obligation is embodied in Section 202 of Executive Order 11246, as amended, and is commonly referred to as the Equal Employment Opportunity Clause. The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific and results-oriented proecdures.

Computtaion of goals for minority utilization. In order to give form and content to the affirmative action obligation of Executive Order 11246, as amended, the Department of Labor developed the concept of goals and timetables. In computing goals for minority manpower utilization, the Department has attempted to rely upon the most precise standards and statistics available. In assessing whether a goal for minority manpower utilization is reasonable, the Department of Labor is guided by the principle that the objective of a goal is to place eligible minority group members in the position which they would have enjoyed if not for underutilization in the past. The Department believes that statistics with respect to the labor force available in the 1970 Census are a reasonable measure of the relevant minority labor force which, but for underutilization, would be equally represented in the Philadelphia area construction industry. Even though the labor force statistics in the 1970 Census reflect persons who were 16 years of age and over in 1970, such persons are now at least 18 years of age and are eligible for consideration for employment in the construction industry. Data is available on the Black and Puerto Rican civilian labor force in the Philadelphia area, but there are no labor force statistics collected by the Bureau of the Census on Spanish Surnamed individuals in the five-county area. Therefore, absolute precision is not possible. However, statistics on non-Puerto Rican Spanish Surnamed individuals in the labor force can be calculated from data compiled for the Spanish language[1] population of the five-county area. To determine the labor force statistics on the Spanish language labor force using the data presently available, it is necessary first to determine the ratio of the number of Spanish language individuals in the five-county area to the number of Puerto Rican individuals in the area, and then to multiply the number of Puerto Ricans in the labor force by the resulting ratio.

We also have attempted to distinguish the percentage of persons of Spanish origin in the labor force in the five-county area who regard themselves as being black rather than white. Otherwise, certain individuals will be counted twice, once as black and once as a member of the Spanish origin group, resulting in an artificially inflated statistic.

Taking into account these basic factors, the number of minorities in the labor force in the five-county area may be obtained by adding the black labor force (286,050) together with the number of Spanish language persons in the labor force. This number is calculated by multiplying the Puerto Rican labor force (10,731) by a ratio resulting from dividing the number of persons in the Spanish language group in the population (64,056) by the number of Puerto Ricans in the population (15,890). This ratio (3.62) is then multiplied by the percentage of Spanish language individuals in the area who count themselves as white rather than black (89.2%). After adding the results of this calculation, the relevant labor force may be derived by dividing the total number of minorities in the five-county labor force (320,697) by the total number of persons in the labor force within the five-county area (1,588,841). Accordingly, the resulting relevant labor force statistic is 20.2 percent.

Although Orientals and American Indians are included in the OFCC definition of minorities, there is a lack of satisfactory information regarding their respective labor force statistics. Nevertheless, Census information indicates that the combined Oriental and American Indian presence in the five-county area is less than one percent of the population and, therefore, it appears that the lack of precise information concerning these minority groups does not affect the calculation enough to alter the relevant labor force more than 1 percent.

[1] United States Department of Commerce, Bureau of the Census, 1970 Census of the Population, Current Social and Economic Characteristics—Pennsylvania PC (1)—C40, Appendix B, indicates that persons of Spanish heritage are identified in various ways. In 42 states and the District of Columbia, this population is identified as "Persons of Spanish-language;" in five Southwestern States as "Persons of Spanish-language or Spanish Surnames;" and in three middle Atlantic States as "Persons of Puerto Rican birth or parentage."

V40 I130 JUL 7 75 XUM

The Department of Labor also considers the availability of qualified minorities for work in the construction industry. Assessments of current availability are speculative at best. However, it is reasonable to consider the educational achievement of construction workers. It is significant that as of 1970, 92 percent of the construction workers reported by the Bureau of the Census had completed four years of high school or less. Thus, it is deemed appropriate to compare the non-white labor force in the five-county area with a high school education or less with the total labor force with similar educational achievement. After considering the educational achievement of the non-white labor force with that of the total labor force it appears that a greater portion of the non-white labor force is available for employment in the construction industry. As a result of adjustments for this educational factor, the relevant labor force becomes 22.02 percent.

One other factor in the analysis of the proper goal for minority utilization in the five-county area is the population "undercount", defined as omission in coverage of the decennial Census. The undercount is computed by the Bureau of the Census and is used by the Bureau to update the decennial Census findings in intermediate years. The Bureau of Census reports that the national minority undercount is approximately 7.7 percent while that of non-minorities is 1.9 percent. Inclusion of this factor in the computation of the relevant labor force raises the goal to 22.8 percent.

Conclusion of findings. Taking into account the factors recited herein, as well as considering the availability of qualified and qualifiable minorities for employment in the construction industry and allowing for possible over inclusiveness of the Spanish language data as a substitute for statistics for Spanish surnamed individuals, as well as the lack of satisfactory information concerning Orientals and American Indians, the Department of Labor finds that the goal for minority utilization for each construction trade covered by the New Philadelphia Plan should be 22 percent.

In proposing this goal, the Department believes that it is less important that a particular percentage goal might be slightly optimistic, given current availability of qualified and qualifiable minorities, provided the New Philadelphia Plan contains fair procedures for contractors to make such a showing. Accordingly, the New Philadelphia Plan includes provisions for notice to contractors and a meaningful opportunity to challenge any allegations of noncompliance and prove that they have made the good faith efforts required of them to comply with the requirements of the Plan.

Timetables. In an effort to ensure equal employment opportunity and provide practical intermediate goals for the annual increase in minority participation in the Philadelphia construction industry, the Department has determined that the proposed New Philadelphia Plan should cover a three-year period. Those trades currently covered by the Revised Philadelphia Plan shall be deemed to be committed to the goals of the last year of the Revised Philadelphia Plan with subsequent increases to meet the 22 percent figure by 1978. As to those trades not covered by the Revised Philadelphia Plan, intermediate goals are established which recognize that efforts in support of affirmative action have been in effect in Philadelphia since 1967. Therefore, the first year goals are set at a level which reflects the Department's confidence that effort toward equal employment opportunity has occurred.

Coverage. It is found that the most skilled and most remunerative construction trades have a level of minority participation below that which should have resulted from equal employment opportunity without regard to race, color, or national origin. Therefore, it is determined that the New Philadelphia Plan is necessary to provide for minority participation in the following trades:

Asbestos Workers
Boilermakers
Bricklayers
Carpenters
Wharf & Dock Builders
Millwrights
Electricians
Glaziers
Ironworkers
Elevator Constructors
Operating Engineers
Latherers
Plasterers
Plumbers & Pipefitters
Steamfitters
Sprinkler Fitters
Sheet Metal Workers
Stone Masons
Tile Setters
Terrazzo Finishers
Teamsters
Marble Setters
Floor Coverers

Evaluation and advisory recommendation. The Department recognizes that the contractors, unions, and the minority community, who must operate on a day-to-day basis under the New Philadelphia Plan are in the best positions to evaluate the effectiveness of the Plan. Therefore, the Department of Labor shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of these regulations and make advisory recommendations to the Department in this regard.

Opportunity for comments. Inquiries may be addressed, and data, views, and arguments concerning the proposed New Philadelphia Plan may be submitted to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. All material received on or before Aug. 6, 1975, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to revise 41 CFR Part 60–12 in the manner set forth below:

PART 60–12—NEW PHILADELPHIA PLAN

Sec.

60–12.1 Purpose and scope of the new Philadelphia Plan.
60–12.2 Notice.
60–12.3 Goals for minority utilization.
60–12.4 Good faith efforts.
60–12.5 Administrative procedure for enforcement.
60–12.6 Contractor obligations.
60–12.7 Obligations of the Federal government.

AUTHORITY: Secs. 201, 202, 205, 211, 301, 302, and 303. Executive Order 11246 (30 FR 12319, 3 CFR 1964–65 Comp., p. 406) and 41 CFR 60–1.1 and 60–1.40.

§ 60–12.1 Purpose and scope of the new Philadelphia Plan.

The purpose of this regulation is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and Federally-assisted construction contractors and subcontractors in the Philadelphia area. All construction activity, including non-Federally involved work of any contractor or subcontractor performing on a non-exempt Federal and Federally assisted construction contract in the Philadelphia area, which includes Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, shall be subject to the requirements of this regulation. Accordingly, the New Philadelphia Plan must be included in all invitations and other solicitations for bids for a Federally involved construction contract or subcontract in the Philadelphia area when its estimated cost exceeds $10,000.

§ 60–12.2 Notice.

The following Notice shall be included in all invitations and other solicitations for bids on non-exempt Federally involved construction contracts in the Philadelphia Plan area.

NOTICE OF REQUIREMENT SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

Each bidder, contractor or subcontractor (hereafter the contractor) must fully comply with the requirements, terms and conditions of the new Philadelphia Plan including the goals for minority manpower utilization as to each construction trade it intends to use on this construction contract and all other construction work (both Federal and non-Federal) in the Philadelphia area during the performance of this contract or subcontract. The contractor commits itself to the goals for minority manpower utilization contained herein and all other requirements, terms and conditions of the New Philadelphia Plan by submitting a properly signed bid.

§ 60–12.3 Goals for minority utilization.

The following goals for minority manpower utilization shall express the contractor's commitment to the percentage of minority workhours to be worked in each specified craft on all work performed by the contractor in the Philadelphia area during the performance of this contract. "Minority" is defined as including blacks, Spanish surnamed Americans, Orientals and American Indians and includes both minority men and minority women.

Trade:	*Goals for minority group employment until June 30, 1976*
Asbestos Workers	19
Boilermakers	19
Bricklayers	19
Carpenters	19
Wharf and Dock Builders	19
Millwrights	19
Electricians [1]	19
Glaziers	19
Ironworkers [1]	22
Elevator Constructors [1]	19
Operating Engineers	19
Latherers	19
Plasterers	19
Plumbers and Pipefitters [1]	20
Steamfitters [1]	20
Sprinkler Fitters	19
Sheet Metal Workers [1]	19
Stone Masons	19
Tile Setters	19
Terrazzo Finishers	19
Teamsters	19
Marble Setters	19
Floor Coverers	19

Trade:	*Goals for minority group employment until June 30, 1977*
Asbestos Workers	20
Boilermakers	20
Bricklayers	20
Carpenters	20
Wharf and Dock Builders	20
Millwrights	20
Electricians [1]	20
Glaziers	20
Ironworkers [1]	22
Elevator Constructors [1]	20
Operating Engineers	20
Latherers	20
Plasterers	20
Plumbers and Pipefitters [1]	21
Steamfitters [1]	21
Sprinkler Fitters	20
Sheet Metal Workers [1]	20
Stone Masons	20
Tile Setters	20
Terrazzo Finishers	20
Teamsters	20
Marble Setters	20
Floor Coverers	20

Trade:	*Goals for minority group employment until June 30, 1978*
Asbestos Workers	22
Boilermakers	22
Bricklayers	22
Carpenters	22
Wharf and Dock Builders	22
Millwrights	22
Electricians [1]	22
Glaziers	22
Ironworkers [1]	22
Elevator Constructors [1]	22
Operating Engineers	22
Latherers	22
Plasterers	22
Plumbers and Pipefitters [1]	22
Steamfitters [1]	22
Sprinkler Fitters	22
Sheet Metal Workers [1]	22

[1] Trade covered by Revised Philadelphia Plan.

Trade:	*Goals for minority group employment until June 30, 1978*
Stone Masons	22
Tile Setters	22
Terrazzo Finishers	22
Teamsters	22
Marble Setters	22
Floor Coverers	22

(a) The goals for minority manpower utilization above are expressed in terms of workhours of training and employment as a proportion of the total workhours to be worked by the contractor's aggregate work force in that trade on all projects (both Federal and non-Federal) in the Philadelphia Area during the performance of its contract or subcontract (i.e. the period beginning with the first day of work on the Federal or Federally assisted construction contract and ending with the last day of work).

(b) The workhours of minority work must be substantially uniform throughout the length of the contract in each trade, and minorities should be employed evenly on each of a contractor's projects. Nevertheless, failure of a contractor to employ minorities evenly on each of its projects shall not constitute noncompliance provided the percentage of minority manhours employed by the contractor in its aggregate work force in the Philadelphia area meets or exceeds its commitment to the goals for minority manpower utilization in the New Philadelphia Plan and the contractor has not violated the Equal Opportunity Clause of the contract in the assignment of minorities to its projects. The transfer of minority employees from employer-to-employer or from project-to-project for the purpose of meeting the contractor's goal shall be a violation of the New Philadelphia Plan. Otherwise, the contractor shall be deemed to be in compliance with the requirements, terms, and conditions of the New Philadelphia Plan if:

(1) The minority manpower utilization rate of the contractor meets or exceeds its commitment to the goals for minority manpower utilization in its aggregate work force, both Federally involved and non-federal, within the Philadelphia area provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract, it shall not be in compliance with the New Philadelphia Plan or

(2) The contractor can establish that it is a member of a contractor's association or other employer organization which has as one of its purposes the expanded utilization of minority manpower and the total minority manpower utilization rate of all the member contractors on all projects in which they are involved within the Philadelphia area meets the contractor's minority manpower utilization commitment in the New Philadelphia Plan provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with the New Philadelphia Plan or

(3) The contractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 50 percent of its manpower needs and, that the percentage of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Philadelphia area meets the contractor's commitment in the New Philadelphia Plan provided, that if the contractor has denied equal employment opportunity in violation of the Equal Opportunity Clause of this contract it shall not be in compliance with the New Philadelphia Plan.

(c) In the event that work is performed after the expiration date of the New Philadelphia Plan on a construction contract awarded pursuant to the requirements, terms and conditions of the Plan the goals for minority manpower utilization for 1978 shall be applicable to such work. The contractor's commitment to goals of minority manpower utilization is intended to meet its affirmative action obligations under Executive Order 11246, as amended, and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the contractor's attention that the goals are being used in a discriminatory manner, it shall immediately report that fact to the Office of Federal Contract Compliance so that appropriate proceedings may be instituted.

§ 60–12.4 Good faith efforts.

The contractor shall be deemed to be in compliance with the requirements, terms, and conditions of the New Philadelphia Plan if it meets or exceeds its commitment to the goals for minority manpower utilization in its aggregate work force in the Philadelphia area for each trade for which it is committed to a goal under the New Philadelphia Plan. The contractor's commitment to the goals for minority manpower utilization as required by the New Philadelphia Plan constitutes a commitment that it will make every good faith effort to meet such goals. No contractor shall be found in noncompliance solely on account of its failure to meet its goals, but shall be given the opportunity to demonstrate that it has instituted all the specific affirmative action steps specified in the New Philadelphia Plan and has made every good faith effort to make these steps work toward the attainment of its goals within the time-tables, all to the purpose of expanding minority manpower utilization in its aggregate work force in the Philadelphia Area. Contractors who fail to achieve their commitments to the goals for minority manpower utilization must have engaged in affirmative action directed at increasing minority manpower utilization, which is at least as extensive as the following steps:

(a) Notification to the minority community organizations when the contractor or union has employment oppor-

V40-130 JUL 7 75 XUM

tunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union to the contractor and what action was taken with respect to each such referred worker. If a worker was sent to the union hiring hall for referral and such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the Office of Federal Contract Compliance when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor, or the contractor has other information that the union referral profcess has impeded efforts to meet its goals.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable by including it in any policy manual; by publicizing it in company or union newspaper, annual report, etc.; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors, and subcontractors.

(g) Specific and constant written and oral recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) The contractor shall validate all tests and other selection requirements as required by the Testing and Selection Order (41 CFR Part 60–3).

(j) Making every effort to provide after school, summer and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are non-segregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by the New Philadelphia Plan to the maximum extent practicable including circulation of minority contractor associations.

§ 60–12.5 Administrative procedure for enforcement.

(a) Each agency shall review the contractor's employment practices during the performance of the contract. If the contractor meets its goals or can demonstrate that it has made every good faith effort to meet the goals and is not otherwise violating the Equal Opportunity Clause of this contract or any other Federal equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, as amended, and the New Philadelphia Plan. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor is not providing equal employment opportunities.

(b) Where the agency (see 41 CFR 60–1.3 (a) and (b)) finds that the contractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and the New Philadelphia Plan, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and its regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of the New Philadelphia Plan. The contractor's failure to meet its goals shall, however, shift to it the requirement to come forward with evidence to show that it has made every "good faith" effort (as described in § 60–12.4) to meet such goals. The pendency of such formal proceedings shall be taken into consideration by Federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement law.

(c) It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and Title VII of the Civil Rights Act of 1964. It is the policy of the Office of Federal Contract Compliance that contractors have a responsibility to provide equal employment opportunity if they wish to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization and, as a result, are prevented from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, its implementing rules, and regulations.

§ 60–14.6 Contractor obligations.

All contractors shall include the New Philadelphia Plan in all bid invitations or other prebid communications, written or otherwise, with their prospective subcontractors. Whenever a contractor subcontracts a portion of the work in any trade covered by the Philadelphia Plan it shall include the Plan in such subcontracts and each subcontractor shall be bound by the New Philadelphia Plan to the full extent as if it were the prime contractor. The contractor shall not be accountable for the failure of its subcontractor to fulfill its affirmative action commitments. However, the prime contractor shall give notice to the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill its obligations under the New Philadelphia Plan. Noncompliance with these requirements by a subcontractor will be treated in the same manner as such failure by the prime contractor. Contractors must keep such records and file such reports relating to the provisions of the New Philadelphia Plan as shall be required by the contracting or administering agency.

§ 60–12.7 Obligations of the Federal government

(a) Nothing in the New Philadelphia Plan shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors pursuant to Executive Order 11246 as amended, for those trades and those contracts not covered by the Plan.

(b) The procedures set forth in the New Philadelphia Plan shall not apply to any contract when the head of the agency (see 41 CFR § 60–13 (a) and (b)) determines that such contract is essential to the national security and that its award without following such procedure is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

(c) Nothing in the New Philadelphia Plan shall be interpreted to diminish the present contract compliance review and complaint programs.

(d) Requests for exemptions from the New Philadelphia Plan must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Signed at Washington, D.C. this 30th day of June, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-17506 Filed 7-3-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 205, 206, and 213]

OIL IMPORTS; ADMINISTRATIVE AND GENERAL APPLICABILITY PROCEDURES

Notice of Proposed Rulemaking

On May 27, 1975, the President issued Proclamation No. 4377 (40 FR 23429, May 30, 1975), amending Proclamation No. 3279, as amended, which established the Mandatory Oil Import Program. That Proclamation states, in pertinent part, that:

> The Administrator of the Federal Energy Administration may modify or alter the composition of the [Oil Import] Appeals Board or abolish the Board and establish such other appellate procedures as he deems appropriate.

After completion of internal review and consultation with the Department of Commerce and Justice, the Federal Energy Administration (FEA) proposes to amend Parts 205 (Administrative Procedures and Sanctions) and 213 (Oil Import Regulations), and to vacate and reserve Part 206 (Administrative Procedures for Oil Imports) of its regulations, in order to abolish the Oil Import Appeals Board effective August 1, 1975 and consolidate its functions with those of the Office of Exceptions and Appeals. Since this consolidation would integrate with the general procedures in Part 205 all procedures in Part 206 except those relative to the revocation and suspension of allocations and licenses, FEA also proposes that Part 205 be further amended to authorize such revocation and suspension in accordance with general FEA procedures.

I. BACKGROUND

Among the functions assigned to FEA pursuant to Executive Order 11790, implementing the Federal Energy Administration Act of 1974 (39 FR 23185, June 27, 1974), was administration of the Mandatory Oil Import Program. This Program, established by Presidential Proclamation pursuant to the authority of section 232 of the Trade Expansion Act of 1962, had previously been administered by the Department of the Interior. Under the Program, exceptions and appeals are considered by an Oil Import Appeals Board composed of a representative from the Federal Energy Administration (formerly from Interior) and the Departments of Commerce and Justice. The purpose of this inter-agency organization was to afford appellants from the Department of the Interior's oil import regulations, consideration from the points of view of antitrust and industry.

Since all regulatory responsibility with respect to oil imports has been transferred to FEA, and since the functions of the Oil Policy Committee have also been vested in it, FEA has determined that the treatment of oil import appeals should be consistent with its other regulatory programs. As a result of Congress' consolidation of petroleum regulatory functions within the FEA, and the Congressional mandate to FEA to "promote free and open competition in all aspects of the energy field, prevent unreasonable profits within the various segments of the energy industry, and promote free enterprise," FEA is charged with considering a broad range of issues which include the competitive and business impacts of regulatory decisions. Hence, the interagency organization of the Board is no longer appropriate and adds little to the perspective of FEA.

Several other factors have also influenced FEA's decision to abolish the Oil Import Appeals Board. These include imposition of the supplemental fee, which has rendered the Board's authority to grant exceptions from the base fees relatively less important. In view of this diminished importance, there is less justification for isolating oil import appeals from proceedings of the Office of Exceptions and Appeals. In addition, it is very desirable that FEA's appellate process be consistent in terms of the applicable procedures, and that the approach adopted with respect to the analysis of individual cases be consistent. This result can best be achieved by placing oil import appeals within the purview of the regular FEA appellate process administered by the Office of Exceptions and Appeals.

II. THE BASIS OF CONFORMING PROCEDURES FOR REVOCATION AND SUSPENSION OF ALLOCATIONS AND LICENSES TO THE PROCEDURES IN PART 205

FEA has determined that in order to insure persons affected by its regulations consistent treatment, irrespective of the regulatory program with which they are concerned, its procedures under Part 205 for revocation and suspension of allocations and licenses issued under Part 213 should be amended. Under Part 206 as presently drawn, the requirements affecting such matters as the availability of a hearing, the submission of briefs, and the times at which responses are due, all differ from the general requirements under Part 205. In addition, procedures in Part 205 providing for stay (Subpart I), and for modification or rescission (Subpart J), do not apply to Part 206. This creates inequities which are not justified by the nature of the revocation and suspension procedure, which FEA proposes to correct.

III. PROPOSED REGULATIONS FOR INTEGRATING OIL IMPORT APPEALS BOARD PROCEDURES WITH FEA PROCEDURES OF GENERAL APPLICABILITY

The Oil Import Appeals Board presently handles two classes of petitions. The first are in the nature of requests for exception from payment of the base fees imposed under Part 213, where the Board is authorized to:

(1) Modify import allocations on grounds of exceptional hardship;

(2) Grant import allocations in special circumstances to persons who would not otherwise be eligible;

(3) Grant allocations of imports of finished products on grounds of exceptional hardship;

(4) Grant import allocations to independent refiners or marketers experiencing exceptional hardship or in emergencies; and

(5) Refund license fees where licenses were subsequently issued on a fee-exempt basis.

Under FEA's proposed regulations, petitions falling into this class would be handled through the Exceptions procedure in Subpart D of Part 206, and would be appealable under Subpart H. All other aspects of Part 205 would, where relevant, also apply to such petitions. Under the proposal, no substantive change would result with respect to the availability, or scope, of exceptions from the base fees. Only the procedural aspects relating to petitions, such as the time and place of filing, and the availability of hearings, would be changed. In addition, as an Appendix to Subpart D, FEA would provide the same format for the presentation of information utilized by the Board, in order that the general information requirement of Subpart D would not curtail a petitioner's opportunity to present the aspects of his case unique to oil imports. Finally, the Office of Exceptions and Appeals would utilize the guidelines, originally issued by the Chairman of the Oil Policy Committee and subsequently adopted by FEA, which are presently utilized by the Board. Cases pending before the Board on August 1, 1975 would be deemed, in all respects, to have been pending in the Office of Exceptions and Appeals.

The second class of petitions considered by the Oil Import Appeals Board is in the nature of appeals from actions of the Director of Oil Imports. These include:

1) Actions taken erroneously on applications for allocations of imports; and

2) Denials of refunds of license fees theretofore paid by a person.

Under FEA's proposed regulations, petitions falling into this class, in addition to appeals from denial of exception from the base fees, would be handled through the Appeals procedure in Subpart H of Part 205. All other aspects of Part 205, where relevant, would also apply. Under the proposal, no substantive change would result with respect to appeals from actions of the Director. Only the procedural aspects relating to petitions, such as the time and place of filing, and the availability of hearings, would be changed. Appellants could also utilize the incremental information format available with respect to exceptions from the base fees, and, as provided with respect to such exceptions, the guidelines utilized by the Oil Import Appeals Board would also be utilized by FEA.

With respect to the suspension and revocation of allocations and licenses, FEA proposes to continue this function in the Director of Oil Imports, but to require that the procedures followed by him be in conformity with the procedures in Part 205. Accordingly, FEA proposes to establish a new Subpart S in Part 205, "Revocation and Suspension of Allocations and Licenses Issued Pursuant to

V40130 JUL 7 75 XUM

Part 213," which substantially follows the provisions of Subpart O, "Notices of Probable Violations and Remedial Orders." It would differ from Subpart O, however, in that the civil and criminal penalties provided in Subpart P for violations of other FEA programs would not be applicable. Subpart O itself would also not apply. Thus, revocation and suspension of allocations and licenses would continue to be the only sanction for violation of the Program, although as in Subpart O, FEA proposes that consent orders also be made available.

As with the proposed transfer of functions from the Oil Import Appeals Board to the Office of Exceptions and Appeals, no substantive changes would result from the creation of proposed Subpart S. Only the procedural aspects of revocation and suspension would be changed, in conformity with procedures affecting violations of other FEA programs.

FEA recognizes that these proposed amendments would result in a departure from the procedures of the Director of Oil Imports, whose regulations require a full evidentiary hearing, and might permit a departure from the procedures of the Oil Import Appeals Board, which routinely exercises its discretion in favor of granting such a hearing. This was done in an effort to provide uniform treatment to all individuals in regulatory proceedings before FEA, irrespective of which regulatory program provided the basis for such proceeding. Nevertheless, in order to minimize the effects of the transition, and prevent potential inequities among competitors affected by the oil import regulations, some of whom have participated in regulatory proceedings which included a hearing, it will be FEA's policy to insure that persons affected by Part 213 have an opportunity to make an oral presentation of their case. An informal conference with FEA personnel handling the case will, in most instances, be routinely available, and a hearing will be provided where a person can demonstrate that because of the complexity of his case, a hearing would materially advance its presentation.

Finally, FEA proposes that Part 205, with the exceptions of Subparts E (Exemptions), O (Notices of Probable Violations and Remedial Orders) and P (Investigations, Violations, Sanctions, and Judicial Actions), become generally applicable to the oil import regulations in Part 213. At present, Part 213 is specifically excepted from the application of Part 205, though certain aspects of Part 205, i.e., procedures affecting rulemaking and public hearings, are in fact followed. This would enable FEA to issue interpretations of the oil import regulations under Subpart F, to issue stays under Subpart I, and to permit the full range of procedures currently in effect with respect to other regulatory programs to be utilized for the benefit of persons affected by Part 213. This change is proposed in order that integration of oil import procedures in Part 206 with procedures in Part 205 can be complete in all respects.

Interested persons are invited to submit written data, views, or arguments with respect to the amendments to Executive Communications, Room 3309, Federal Energy Administration, Box No. DP, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Amendments to Consolidate Parts 205 and 206." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., e.d.s.t., July 23, 1975, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

FEA has determined that since these proposed changes are procedural only, they are not "likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses." Therefore, the provisions of section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), providing for an opportunity to orally present views, data, and arguments where there is such an impact, are hereby waived.

In this connection, FEA discussed the necessity for a public hearing on this proposal with industry representatives, who advised FEA that their views could adequately be presented through written comments. However, even in view of this advice, and of FEA's determination that no public hearing is required pursuant to statute, FEA will provide such a hearing (postponing the effective date of these amendments, if necessary) if a significant number of persons indicate that such a hearing would be desirable. Requests for a hearing may be submitted to Executive Communications, FEA, within seven days of the publication of this notice.

Finally, this proposal has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended, Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9654, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35108, Proclamation No. 4341, 40 FR 3956, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23429.)

In consideration of the foregoing, the Federal Energy Administration proposes to amend Parts 205 and 213, and to vacate and reserve Part 206, of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below, effective August 1, 1975.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. Section 205.1 is amended to read as follows:

§ 205.1 Purpose and scope.

This part establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Federal Energy Administration and State Offices, in accordance with Parts 210, 211, 212, 213, and 215 of this chapter, except that Subparts E, O, and P of this part shall not apply to proceedings instituted in accordance with Part 213 of this chapter.

2. Section 205.2 is amended in the definition of "Aggrieved" to read as follows:

§ 205.2 Definitions.

* * * * *

"Aggrieved", for purposes of administrative proceedings, describes and means a person with an interest sought to be protected under the FEAA, EPAA, or Proclamation No. 3279, as amended, who is adversely affected by an order or interpretation issued by the FEA or a State Office.

3. Section 205.12 is amended in paragraph (a) by adding subparagraph (9) as follows:

§ 205.12 Addresses for filing documents with the FEA.

(a) * * *

(9) Documents to be filed with the Director of Oil Imports, as provided in this part or otherwise, shall be addressed as follows: Director of Oil Imports, Federal Energy Administration, P.O. Box 7414, Washington, D.C. 20044.

* * * * *

4. Section 205.13 is amended in paragraph (a) by adding subparagraph (13) as follows:

§ 205.13 Where to file.

(a) * * *

(13) Allocations, fee-paid and fee-exempt licenses issued pursuant to Part 213 of this chapter.

* * * * *

5. Section 205.50 is amended in paragraph (a) (1) as follows:

§ 205.50 Purpose and scope.

(a) (1) This subpart establishes the procedures for applying for an exception from a regulation, ruling or generally applicable requirement based on an assertion of serious hardship or gross inequity and for the consideration of such application by the FEA, except that applications for an exception from a regulation, ruling, or generally applicable requirement under Part 213 shall be based on the provisions of paragraph (a)(2) of this section.

(2) (i) The FEA, in considering an application for an exception by a person affected by Part 213, may, without regard to the limits of the maximum levels of imports established in section 2 of Proclamation No. 3279:

(A) Modify on grounds of exceptional hardship, any import allocation made to any person under Part 213 of this chapter;

(B) Grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under Part 213 of this chapter;

(C) Grant allocations of imports of finished products on grounds of exceptional hardship;

(D) Grant allocations of imports of crude oil, unfinished oils and finished products to independent refiners or established independent marketers who are experiencing exceptional hardship, or in emergencies in order to assure, insofar as practicable, that adequate supplies are available; and

(E) Grant refunds, in whole or in part, of license fees paid by persons to whom licenses were issued for imports which they subsequently became entitled to make on a fee-exempt basis.

(ii) Licenses issued pursuant to allocations made under this subparagraph shall be exempt from license fees prescribed in paragraph (c) of § 213.35 of this chapter, but shall be subject to the supplemental fees prescribed in paragraph (d) of § 213.35 of this chapter.

* * * * *

6. Section 205.54 is amended by adding paragraph (e) as follows:

§ 205.54 Contents.

* * * * *

(e) Applications for exceptions to be considered pursuant to § 205.50(a)(2) shall contain the information specified in the Appendix to this subpart, in addition to non-duplicative information required under this section.

7. Section 205.55 is amended in paragraph (a)(1) as follows:

§ 205.55 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. With respect to applications to be considered pursuant to § 205.50(a)(2), the Office of Exceptions and Appeals shall forward to the Director of Oil Imports copies of all submissions to it, and shall provide the Director opportunity to comment on the application. The FEA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the FEA may consider any other source of information. The FEA on its own initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

* * * * *

8. An appendix is added at the end of subpart D as follows:

APPENDIX—APPLICATIONS FOR EXCEPTIONS BY PERSONS AFFECTED BY PART 21

1. *Contents of application.* Applications to be considered pursuant to § 205.50(a)(2) shall contain the following, as well as non-duplicative information required pursuant to § 205.54:

(a) Information required under section 2 or 3 of this Appendix, as appropriate; and

(b) Responses, as appropriate, to the guidelines set out in section 4 of this Appendix for evaluating applications.

2. *Applications for Allocations of finished product.* In order to process applications for finished product import allocations, the FEA requires the information set forth below. Quantity figures should be stated in terms of gallons and in terms of barrels, unless otherwise specified.

(1) Full name of applicant, address of principal office and name and telephone number of company official responsible for the petition.

(2) Company ownership. If applicant is not a sole proprietorship, list all companies, individuals or stockholders possessing 10 percent or more of company ownership or stock.

(3) The relief requested (expressed in barrels per day and total barrels), the particular commodity requested, and the specific period for which relief is requested.

(4) All domestic subsidiaries and affiliates, if any, in which applicant holds an interest of 15 percent or more.

(5) Market area, specifying Districts, in which applicant, its subsidiaries or affiliates operate.

(6) All brand names which applicant, its subsidiaries or affiliates use in marketing products.

(7) State whether applicant, its subsidiaries or affiliates sell products to (a) motorists, (b) home owners, (c) industrial and other commercial accounts, (d) governmental agencies, (e) farmers, and (f) independent marketers for resale without brand names or under brand names different from the brand name(s) used by applicant, its subsidiaries or affiliates.

(8) State for each of the last 3 years applicant's gross sales separately by product for the particular product(s) which are the subject of the application, and, where such sales are made, specify figures for: (a) gasoline, (b) No. 2 fuel oil, (c) residual fuel oil, (d) other products or services (Estimate where appropriate). Also state gross sales to date and estimates for the balance of the current allocation period.

Calendar year	Quantity			Dollars
	Gallons	Barrels	Barrels per day (average)	

With respect to (a) gasoline and (b) No. 2 fuel oil, state the approximate percentages of those gross sales which were made to the various types of customers described in item 7 above.

(9) List actual and/or prospective suppliers for the current allocation period of the product(s) for which an import allocation is sought. Indicate the quantities already obtained as well as offered or expected during the allocation period and the delivered price:

Supplier	Quantity			Delivered price per gallon
	Gallons	Barrels	Barrels per day (average)	

State which of the above supplies are subject to (a) long-term contracts (6 months or longer), (b) short-term or ever-green contracts, and (c) spot purchases.

(10) List past suppliers of the product(s) for which import allocations are sought in each of the last 3 years, the quantity supplied, and delivered price:

Calendar year	Supplier	Quantity supplied			Delivered price per gallon
		Gallons	Barrels	Barrels per day	

State which of the above supplies were subject to (a) long-term contracts (6 months or longer), (b) short-term or ever-green contracts, and (c) spot purchases. If past suppliers terminated any supply contracts or allocated deliveries for the current year, state the name(s) of such supplier(s), the circumstances of contract termination, and the actual amount by which deliveries were or will be reduced.

(11) State, showing docket number, all previous filings with the Oil Import Appeals Board or the FEA in the present and 3 preceding year, all awards received as a result of these filings, and the amounts imported, exchanged, or otherwise obtained by the authority of such awards. Unused awards should be explained.

(12) List all suppliers contacted for the product(s) for which import allocations are sought for the current allocation period who did not offer any product or offered it at noncompetitive prices:

Supplier	Quantity offered		Delivered price per gallon
	Gallons	Barrels	

Provide any responses from suppliers which are or may be in violation of any government sponsored allocation program.

(13) State average selling price for the product(s) for which import allocations are sought in each of the last 3 years and in the current year:

Calendar year	Product(s)	Average price per gallon

(14) State operating costs (per gallon) for the product(s) for which import allocations are sought in each of the last 3 years, and an estimate of such costs for the current year. Give a detailed breakdown of such costs:

Calendar year	Product(s)	Operating costs

V40130 JUL 7 75 XUM

(15) State inventory of the product(s) for which import allocations are sought on the last day of December of each of the last 3 years:

Calendar year product(s)	Inventory	
	Gallons	Barrels

(16) List and describe storage facilities, transportation equipment, and any other equipment or installations relevant to the petroleum industry owned or controlled by applicant, its subsidiaries or affiliates. State whether products are supplied to applicant by tanker, barge, pipeline, railroad, or motorized equipment.

(17) If applicant, its subsidiaries or affiliates supply retail outlets or service stations which they own or lease, or which sell products under a trade name owned or controlled by applicant, its subsidiaries or affiliates, state the average number of such retail outlets and service stations supplied during each of the last 3 years and in the current year.

(18) State, in dollars, for each of the last 3 years, the after-tax profit or loss record of applicant, its subsidiaries and affiliates, and an estimate of such profit or loss for the current year. Indicate whether these figures cover calendar or business years. Separate, if possible, profits or losses on product(s) for which import allocations are sought and profits or losses on other products and services. (Estimate, if necessary.) With respect to total profits or losses, state what percentages of total sales and service revenues they represent:

Year	Profit or loss on product(s) for which import allocations are sought	Profit or loss on other products and services	Total profit or loss	Percent of total revenues from sales and services

(19) State for each of the last 3 years on the basis of the respective balance sheets or profit-and-loss statements of applicant, its subsidiaries and affiliates:

(i) Net worth or stockholders equity;

(ii) The amount of retained earnings;

(iii) Ratio of current assets to current liabilities;

(iv) Long-term debts;

(v) State the cost of applicant's investment, if any, during the current and last allocation periods, in new or substantially improved petroleum related facilities, together with a brief description of such facilities;

(vi) If applicant is a corporation, the amounts paid out in dividends.

(20) Name the principal competitors of applicant, its subsidiaries and affiliates, in the business of marketing petroleum products. (Depending on size of applicant's operations, not more than five to ten competitors should be named.)

3. *Applications for Allocations of Crude Oil and Unfinished Oils.* In order to process applications for allocations of crude oil and unfinished oils, the FEA requires the information set forth below. Quantity figures should be stated in terms of gallons and in terms of barrels, unless otherwise specified.

(1) Full name of applicant, address of principal office and name and telephone number of company official responsible for petition.

(2) Company ownership. If applicant is not a sole proprietorship, list all companies, individuals or stockholders possessing 10 percent or more of company ownership or stock.

(3) The relief requested (expressed in barrels per day and total barrels), and whether the request is for offshore or Canadian crude oil, or for unfinished oils, or both, and the specific period for which relief is requested.

(4) All domestic subsidiaries and affiliates, if any, in which applicant holds an interest of 15 percent or more.

(5) Location and rated capacity of each domestic refinery owned or controlled by applicant.

(6) Average daily inputs of each refinery listed in item 5 above: (a) Of crude oil and (b) of other raw materials, in each month of the last 3 calendar years, and in each elapsed month of the current allocation period.

(7) From data given in response to item 6 above, calculate and set out the combined daily average inputs of all refineries listed (a) of crude oil and (b) of other raw materials, during each of the last 3 calendar years.

(8) The volumes of (a) crude oil import allocations and (b) finished products import allocations received by the petitioner in the current year and in each of the 3 preceding years from the Office of Oil and Gas, the Oil Import Administration, or the Director, Oil Imports, as the case may be, and the amounts imported, exchanged or otherwise obtained by the authority of such awards. Unused awards should be explained.

(9) State, showing docket number, all previous filings by petitioner with the Oil Import Appeals Board or the FEA in the present and 3 preceding years, all awards received as a result of these filings, and the amounts imported, exchanged or otherwise obtained by the authority of such awards. Unused awards should be explained.

(10) The approximate product yields (as percentage of total production) at each refinery listed in item 5 above during the current allocation period and the two preceding years.

(11) The number of retail outlets which distributed products under a trade name owned or controlled by applicant and the total quantity of gasoline supplied to them during each elapsed quarter of (a) the current allocation period and (b) last year.

(12) The percentages of total production of (a) gasoline, (b) No. 2 fuel oil, and (c) residual fuel oil sold to independent marketers during each quarter of the last calendar year. With respect to each of said product categories indicate what portions of such sales involved exchanges for finished product import licenses that had been issued to independent marketers.

(13) The quantities of (a) gasoline, (b) No. 2 fuel oil, (c) residual fuel oil, and (d) other products sold to, or exchanged for crude oil with, any other petroleum refining company during the last calendar year.

(14) Specify the domestic and foreign sources (indicating company names) of crude oil supplies and other refinery feedstocks obtained by the applicant and the quantities received from each, in each of the last 3 years, separated into quantities received pursuant to: (a) Long-term contracts (6 months or longer); (b) Short-term or evergreen contracts; or (c) Spot purchases. Indicate which of these quantities involved the utilization of import licenses issued to the petitioner.

Year	Source of supply	Quantity		Type of contract
		Barrels	Barrels per calendar day	

(15) For each quarter of the last calendar year, list the average effective cost per barrel of applicant's crude oil or other raw material supplies delivered to the refinery.

(16) List actual and/or prospective suppliers for the current allocation period of crude oil and other refinery feedstocks. Indicate the quantities already obtained as well as offered or expected during the current allocation period:

Supplier	Quantity		Delivered price per barrel
	Barrels	Barrels per calendar day	

State which of the above supplies are subject to (a) Long-term contracts (6 months or longer); (b) Short-term or evergreen contracts (c) Spot purchases. To the extent that purchases already have been consummated or contract prices have been fixed, indicate the average effective cost per barrel of such crude oil supplies delivered to the refinery. Indicate also which of the supplies listed in response to this question involve the utilization of import licenses issued to applicant.

(17) State whether applicant is a participant in the government royalty oil program and what quantities have been or are expected to be received during the current allocation period.

(18) List all suppliers contacted for the product(s) for which import allocations are sought for the current allocation period who did not offer any product or offered it at noncompetitive prices.

Supplier	Quantity		Offered delivered price per barrel
	Barrels	Barrels per calendar day	

Provide the Board with any responses from suppliers which are or may be in violation of any government sponsored allocation program.

(19) A brief description of ownership participation of applicant in crude pipelines (including gathering systems), in finished product pipelines, and in inland water transportation equipment.

(20) Type and capacity of crude oil storage facilities at each refinery listed in item 5 above at the time of submitting the application and a brief description of mode of crude oil delivery to such facilities (pipeline, tanker, barge, railroad, etc.).

(21) Crude oil inventory at each refinery listed in item 5 above at the time of filing of the petition.

(22) Submit the following financial information. State whether the data cover calendar or business years, and whether figures are calculated before or after Federal Income Tax. Publicly held corporations should submit copies of the latest annual stockholders' report.

(i) What proportion, in terms of dollars, of applicant's total income is derived from its petroleum business, specifying the amount of income from:

(a) Refining crude oil.

(b) Production of crude oil.

(c) Domestic distribution of finished product, i.e., gasoline, fuel oil, etc.

(ii) State applicant's total net profits or losses as well as its net profits or losses from its petroleum business for each of the last 3 years.

(iii) State the percentage which such total profits represent:

(a) Measured on net worth.

(b) Measured on sales.

(iv) State the amount of petitioner's retained earnings.

(v) State applicant's ratio of current assets to current liabilities.

(vi) State the cost of applicant's investment, if any, during the current and last allocation periods, in new or substantially improved petroleum related facilities, together with a brief description of such facilities.

4. *Guidelines for Evaluating Applications by Persons Affected by Part 213.* In evaluating applications to be considered under § 205.50 (a)(2), the FEA will make reference to the following guidelines as may be appropriate. As provided in Section 1 of this Appendix, each application shall contain responses to these guidelines as appropriate.

(a) An applicant:

(1) Must be established and in operation;

(2) Must demonstrate that its total oil operations are not producing a reasonable profit but did so in the past;

(3) Must be unable to obtain sufficient supply at economic prices to meet its normal requirements;

(4) Must demonstrate that it has made diligent efforts to obtain needed supplies;

(5) Must demonstrate that payment of the license fee will cause it an exceptional hardship;

(6) If possessing an import capability, must demonstrate to the satisfaction of the FEA that it is not feasible for it to alleviate its hardship by means of exchange agreements involving the use of licenses already granted to others who do not have an import capability;

(7) Must demonstrate to the satisfaction of the FEA its ability to utilize import allocations to obtain supplies through license exchange or direct import;

(8) If in control or possession of domestic crude oil production, must agree to make supplies of crude oil available in reasonable quantities and at economic prices, to established independent customers;

(9) If in the business of wholesaling products to resellers, must agree to make supplies of products available in reasonable quantities and at economic prices to established independent customers;

(10) Must demonstrate that it is taking, or planning to take, effective action to establish an economically feasible supply to maintain its operations;

(b) In making determinations with respect to granting exceptions, the FEA will consider, among other things, the situation of the applicant's customers and of the community concerned as well as the public interest in preserving the independent segment of the petroleum industry.

9. Section 205.70 is amended to read as follows:

§ 205.70 Purpose and scope.

This subpart establishes the procedures for filing an application for exemption and the consideration of such by FEA. The applicant must be seeking an exemption from no less than an entire part, or subpart thereof, of this chapter. This subpart does not include the procedures for exemption of a product as provided in § 4(g) of the EPAA, and does not provide for exemptions from Part 213.

10. Section 205.100 is amended to read as follows:

§ 205.100 Purpose and scope.

(a) (1) This subpart establishes the procedures for the filing of an administrative appeal of FEA actions taken under Subparts B, C, D, E, F, G, O, or S of this part, Subpart I of Part 212 of this chapter or actions of the Director of Oil Imports specified in paragraph (a) (2) of this section, and the consideration of such appeal by the FEA. Appeals of orders issued by State Offices shall be in accordance with Subpart R.

(2) Actions of the Director of Oil Imports subject to appeal under this subpart are:

(i) Actions taken erroneously on applications for allocations of imports under Part 213 of this chapter; and

(ii) Denial of refunds pursuant to § 213.35(e) of this chapter of license fees, whether in whole or in part, theretofore paid by a person.

(b) A person who has appeared before the FEA in connection with a matter arising under Subparts B, C, D, E, F, G, O, or S of this part, Subpart I of Part 212, or actions of the Director of Oil Imports specified in paragraph (g) (2) of this section, has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

11. Section 205.101 is amended to read as follows:

§ 205 Who may file.

Any person aggrieved by an order or interpretation issued by the FEA under Subparts B, C, D, E, F, G, O, or S of this part, Subpart I of Part 212, or actions of the Director of Oil Imports specified in § 205.100(a) (2) may file an appeal under this subpart.

12. Section 205.105 is amended by adding paragraph (e) as follows:

§ 205.105 Contents.

* * * * *

(e) Appeals of actions specified in § 205.100(a) (2) shall contain, in addition to non-duplicative information required under this section:

(1) Information required under section 2 or 3 of the Appendix to Subpart D, as appropriate;

(2) responses, as appropriate, to the guidelines in section 4 of the Appendix to Subpart D.

13. Section 205.106 is amended in subparagraph (1) of paragraph (a) as follows:

§ 205.106 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an appeal and utilize in its evaluation any relevant facts obtained by such investigation. With respect to appeals of actions specified in § 205.100

V 40 130 JUL 7 75 XUM

(a)(2), the Office of Exceptions and Appeals shall forward to the Director of Oil Imports copies of all submissions to it, and shall provide the Director opportunity to comment on the appeal. The FEA may solicit and accept submissions from third persons relevant to any appeal provided that the appellant is afforded an opportunity to respond to all third person submissions. In evaluating an appeal, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference or hearing if, in its discretion, it considers that such conference or hearing will advance its evaluation of the appeal.

• • • • •

14. Section 205.172 is amended in paragraph (a) to read as follows:

§ 205.172 Hearings.

(a) The FEA in its discretion may direct that a hearing be convened on its own initiative or upon request by a person, when it appears that such hearing will materially advance the proceedings. The determination as to who may attend a hearing convened under this subpart shall be in the discretion of FEA, but a hearing will usually not be open to the public. Where the hearing involves a matter arising under Part 213 of this chapter, the Director of Oil Imports shall be notified as to its time and place, in order that he or his representative may present views as to the issue or issues involved.

• • • • •

15. Section 205.190 is amended in paragraph (a) to read as follows:

§ 205.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance, except that it shall not apply with respect to violations of Part 213 of this chapter.

• • • • •

16. A new section 205.204 is added to read as follows:

§ 205.204 Exemption.

The provisions of this subpart shall not apply with respect to investigations, violations, sanctions and judicial action under Part 213 of this chapter.

17. A new Subpart S is added to Part 205 as follows:

Subpart S—Revocation and Suspension of Allocations and Licenses Issued Pursuant to Part 213

§ 205.240 Purpose and scope.

(a) This subpart establishes the procedures for the revocation or suspension by the Director of Oil Imports of any allocation or license issued under Part 213 of this chapter to import crude oil, unfinished oils, or finished products.

(b) An allocation or license may be revoked or suspended under this Subpart:

(1) On grounds relating to the national security; or

(2) For violations of the terms of Proclamation No. 3279, as amended, the provisions of Part 213 of this chapter, or the provisions of allocations and licenses issued pursuant thereto.

(c) In any proceeding under this subpart, where the Director intends that an allocation or license be suspended or revoked on grounds relating to the national security, the Director shall consult with the Secretaries of State, Treasury, and Defense, as appropriate.

§ 205.241 Notice.

(a) The Director may begin a proceeding under this subpart by issuing a notice that he intends to revoke or suspend any allocation or license. The notice shall contain a statement of the grounds upon which the Director intends to take such action.

(b) Within 10 days of the service of a notice under paragraph (a), the person upon whom the notice is served may file a reply with the Director at the address provided in § 205.12. The Director may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart M of this part.

(f) If a person has not filed a reply with the Director within the 10-day period provided, and the Director has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice.

(g) If the Director finds, after the 10-day period provided in paragraph (b) of this section, that no grounds exist upon which to revoke or suspend the allocation or license, he shall notify, in writing, the person to whom a notice under paragraph (a) of this section has been issued that the notice is rescinded.

§ 205.242 Revocation or suspension.

(a) If the Director finds, after the 10-day period provided in § 205.241(b), that grounds for revocation or suspension exist, he shall, as appropriate, issue an order revoking or suspending the allocation or license. The order shall include a written opinion setting forth the relevant facts and the legal basis of the order.

(b) An order issued under this section shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified, or rescinded. An order shall remain in effect notwithstanding the filing of an application to modify or rescind under Subpart J of this part.

§ 205.243 Order for immediate revocation or suspension.

(a) Notwithstanding the provisions of §§ 205.241 and 205.242, the Director may issue an order for immediate revocation or suspension, which shall be effective upon issuance and until rescinded or suspended, if he finds, after consultation in accordance with § 205.240(c), that such immediate action is necessary in the interest of national security.

(b) An order of immediate revocation or suspension shall be served promptly upon the person against whom such order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the reveiant facts and the legal basis for the order, including the findings required by paragraph (a) of this section.

(c) The Director may rescind or suspend an order of immediate revocation or suspension if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice issued under § 205.241.

(d) If at any time in the course of a proceeding commenced by a notice under § 205.240 the criteria set forth in paragraph (a) of this section are satisfied, the Director may issue an order for immediate revocation or suspension, even if the 10-day period for reply specified in § 205.241(b) has not expired.

§ 205.244 Appeal.

(a) No notice issued pursuant to § 205.240 shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart H of this part.

(b) Any person to whom an order is issued under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

§ 205.245 Consent orders.

(a) Notwithstanding any other provision of this Subpart, the Director may at any time resolve an outstanding proceeding of suspension or revocation with a consent order. A consent order must be signed by the person to whom it is issued, or a duly authorized representative, and must indicate agreement to the terms contained therein. A consent order need not constitute an admission by any person that Proclamation No. 3279, as amended, Part 213 of this chapter, or the provisions of allocations and licenses issued pursuant thereto have been violated, nor need it constitute a finding by the FEA that such has violated the Proclamation, Part 213 of this chapter, or the provisions of any allocations or licenses. A consent order shall, however, contain a written statement setting forth the relevant facts forming the basis for the order.

(b) A consent order is a final order of the FEA, and shall not be subject to administrative appeal.

(c) At any time and in accordance with the procedures of Subpart J of this part, a consent order may be modified or rescinded, at the Director's discretion, upon petition by the person to whom the consent order was issued and may be rescinded by the FEA upon discovery of new evidence which is materially inconsistent with evidence upon which the Director's acceptance of the consent order was based.

(d) If any time after a consent order becomes effective, it appears to the FEA that the terms of the consent order have been violated, the Director may proceed in accordance with this Subpart to suspend or revoke the appropriate allocations and licenses.

PART 206 [RESERVED]

18. Part 206 is vacated and reserved.

PART 213—OIL IMPORT REGULATIONS

19. Sections 213.25 and 213.26 are revised to read as follows:

§ 213.25 Revocation or suspension of allocations or licenses.

Effective August 1, 1975, the Director may, in accordance with Subpart S of Part 205 of this chapter, revoke or suspend any allocation or license issued under this Part. Proceedings pending for this purpose on August 1, 1975 shall be deemed, in all respects, to be pending under Subpart S of Part 205 of this chapter.

§ 213.26 Oil Import Appeals Board.

Effective August 1, 1975, the Oil Import Appeals Board is abolished, and alternative appellate procedures with respect to persons affected by this Part 213 are established in Part 205 of this chapter. Cases pending before the Board on that date shall, in all respects, be deemed to have been pending in the Office of Exceptions and Appeals. Outstanding awards made by the Board shall be unaffected by this action.

21. Section 213.27 is amended in paragraph (s) to read as follows:

§ 213.27 Definitions.

• • • • •

(s) "Fee" means the fees imposed by section 3(a)(1)(i)–(ii) of Proclamation No. 3279, as amended by Proclamation No. 4341. Allocations of imports issued pursuant to §§ 213.9, 213.10, 213.11, 213.12, 213.13, 213.15, 213.16, 213.20, 213.21, 213.28, 213.29, 213.30, 213.32, 213.33, 213.34, 213.36, 213.37, and 213.38, allocations issued by the former Oil Import Appeals Board or the Office of Exceptions and Appeals, and long term allocations as defined in Proclamation No. 3279, are not subject to this fee.

§§ 213.28, 213.33, 213.34 [Amended]

22. In §§ 213.28, 213.33, and 213.34 the reference to "§ 213.26" is amended to read "§ 213.26 (prior to the abolition of the Oil Import Appeals Board)" wherever it appears.

23. Section 213.35 is amended in paragraph (e)(3)(ii) to read as follows:

§ 213.35 Allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products.

• • • • •

(e) • • •

(3) • • •

(ii) Where refunds of license fees, whether wholly or in part, were ordered by the former Oil Import Appeals Board or by the Office of Exceptions and Appeals.

• • • • •

[FR Doc.75-17545 Filed 7-1-75;5:02 pm]

[10 CFR Part 213]

MANDATORY OIL IMPORT PROGRAM

Proposed Amendments To Conform Regulations With Proclamation 4377

On May 27, the President issued Proclamation No. 4377 (40 FR 23429, May 30, 1975) amending Proclamation No. 3279, as amended, which establishes the Mandatory Oil Import Program. The purpose of the new Proclamation is to increase the supplemental fee on imported oil from $1.00 to $2.00, and to establish the fee on most petroleum products at $0.60 per barrel, effective June 1, 1975. In a notice of rulemaking issued June 4, the Federal Energy Administration (FEA) issued regulations on an emergency basis in order to implement the fee increase. However, it was pointed out in that notice that the Proclamation contains certain other provisions which do not need to be implemented on an emergency basis and which are appropriate for public comment prior to the adoption of implementing regulations. Accordingly, FEA hereby proposes to amend §§ 213.26 and 213.35, effective June 1, 1975, in order to implement these provisions.

Proclamation No. 4377 includes an amendment to Proclamation No. 3279, as amended, to provide that in calculating the amount of tariffs for which an equivalent sum can be refunded from fees paid, duty drawback shall be subtracted from tariffs only with respect to drawback on imports entered into United States customs territory after February 1, 1975, the date on which the system of supplemental fees took effect. In addition, Proclamation No. 4377 authorizes the Administrator of the Federal Energy Administration to modify the composition of the Oil Import Appeals Board, which is presently made up of members from FEA and the Departments of Justice and Commerce, or to abolish the Board and establish such other appellate procedures as he deems appropriate. FEA is studying the disposition of the Board, and while no regulations implementing this authority are proposed at this time, FEA expects to publish such regulations shortly.

Finally, Proclamation No. 4377 authorizes FEA to provide for bonding procedures for outstanding licenses "for which a bond was not required or . . . was required in amounts less than the full amount of the fees" now in effect. The need for new bonding procedures arises out of the increases in supplemental fees on crude oil from $1.00 to $2.00, and on product imports from zero to $0.60. Under present regulations, FEA requires that with respect to licenses issued on or after June 1, bonds be posted in the full amount of the liability. However, since licenses issued before the June 1 are covered by bonds in the amount of $1.00, or by no bond where the zero fee applied, and since these licenses continue to be valid for some time, existing licenses on which the increased fees are payable will be covered by no bond, or by a bond less than the full amount of the fees. Therefore, it has become necessary to develop adequate procedures to protect the Government against default on payment of fees.

In accordance with these sections of the Proclamation, FEA proposes two changes in existing oil import regulations.

First, FEA proposes that in calculating pursuant to § 213.35(e)(2)(i) the amount of tariffs for which an equivalent sum can be refunded from fees paid, duty drawback shall be subtracted from tariffs only with respect to drawback on imports entered into United States customs territory after February 1, 1975.

Second, FEA proposes that § 213.35(d)(3)(i) be amended to provide that within sixty days of the publication of a final regulation, holders of licenses for which bonds were not required, or required in amounts less than the full amount of the fee applicable June 1, 1975, shall be required to obtain a bond or increase outstanding bonds to cover the full amount of such fee. Failure to comply shall result in immediate revocation of the affected licenses.

FEA studied numerous solutions to the problem of protecting the Government against default on payment of the increased fees, and has determined that this approach appears to be the most equitable. In formulating the new bonding procedure, FEA had to take account of the fact that the administrative remedy for failure to pay a license fee is cancellation of an importer's license after opportunity for notice and a hearing. Failure to comply does not ordinarily permit the Bureau of Customs to refuse entry to the imports until the appropriate administrative procedures have been followed. In view of these considerations, FEA believes that requiring a

V40-130 JUL 7 75 XUM

bond for the full amount of outstanding liability is the best assurance against default. Under the proposed regulation, however, importers would be afforded sixty days from the date of final publication to comply with this requirement, in order to provide sufficient lead-time.

Interested persons are invited to submit written data, views or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Administration, Box DJ, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Conforming Regulations to Presidential Proclamation No. 4377—Set II." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., e.d.s.t., July 21, 1975, will be considered by the Federal Energy Administration in evaluating the amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing with respect to these amendments will be held beginning at 9:30 a.m., e.d.s.t., on July 15, 1975, and will be continued, if necessary, on July 16, 1975, in room 2105, 2000 M Street, NW, Washington, D.C. These are the same dates on which the hearings on the regulations implementing the June 1 fee increases will be held.

Any person who has an interest in these amendments, or who is a representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., July 10, 1975. Such a request may be hand delivered to room 3309, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through July 11, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., July 9, 1975, and must submit 100 copies of his statements to Executive Communications, FEA Room 2214, 2000 M Street, NW, Washington, D.C., 20461, before 4:30 p.m., e.d.s.t., July 14, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., July 11, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the Administrator's Reception Area, Room 3400, FEA; Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In accordance with the provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974, which provide for submission of proposed rules for comment by the Administrator of the Environmental Protection Agency, these amendments have been appropriately reviewed. The Administrator has advised FEA that he has no comment.

Finally, this proposal has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therin.

[Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 28 FR 9645, Proclamation No. 4227, 28 FR 16195, Proclamation No. 4317, 28 FR 35103, Proclamation No. 4341, 40 FR 2956, Proclamation No. 4355, 40 FR 10437, and Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 20429.]

In consideration of the foregoing, it is proposed that Part 213 of Chapter II, Title 10 of the Code of Federal Regulations be amended as set forth below, effective June 1, 1975.

Issued in Washington, D.C., June 30, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 213.35(d)(3)(i) and (e)(2)(i) as follows:

§ 213.35 Allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products.

* * * * * * *

(d) * * *

(3)(i) With respect to licenses issued prior to February 1, 1975, not subject to the license fees prescribed in paragraph (c) of this section or licenses issued by prepayment of such fees, payment of the fees prescribed in this paragraph (d) shall be made no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first. With respect to licenses subject to the fees prescribed in paragraph (c) of this section but issued against a surety bond, payment of the fees prescribed in this paragraph (d) shall be made simultaneously with payment of the fees prescribed in paragraph (c) of this section. Holders of licenses for which bonds were not required, or required in amounts less than the full amount of fees applicable June 1, 1975, shall, within sixty (60) days of the publication of this amended § 213.35(d)(3)(i), obtain a bond or increase outstanding bonds (in accordance with the requirements for acceptability under § 213.35(a)(4)) to cover the outstanding liability of the licenses, and furnish such bond or increased bond to the Director. Failure to so obtain or increase the applicable bonds shall result in immediate revocation of all licenses required to be so covered.

* * * * *

(e) * * *

(2) * * *

(i) For payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties found payable upon liquidation, by the United States Customs Service, less any drawbacks received during the same period charged against imports made on or after February 1, 1975, *Provided that*, said importer certifies the amount of applicable drawback. Where the applicable duty drawback exceeds the duty paid during that period, the net difference shall be applied to subsequent periods, *Provided that* when the duty less drawback exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months.

[FR Doc.75-17438 Filed 7-1-75;9:20 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[EDR-285A; Docket No. 27769]

TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Dissemination of Simplified Information Describing Available Air Fares; Extension of Comment Period

JUNE 30, 1975.

By Advance notice of proposed rule making EDR-285, dated June 5, 1975, and published at 40 FR 24740, June 10, 1975, the Board gave notice that it has under consideration rule making action to amend Part 221 of its Economic Regulations (14 CFR 221) so as to require U.S. and foreign air carriers to publish and disseminate to the traveling public simplified information relating to their various available fares and their applicable restrictions.

Public comments on this Advance Notice are due July 10, 1975. By motion, filed June 24, 1975, Pacific Western Airlines, Ltd. (Pacific Western) has requested a sixty-day extension of the due date for the filing of comments. Pacific Western states that, as a holder of a foreign air carrier permit, it desires to participate in this proceeding by filing comments with respect to the Advance Notice; that, in order to prepare relevant information for submission to the Board, it is engaged in assembling opinions from persons within its own organization as well as from travel agents and other interested persons in Canada; and that it requires an extension of time to enable its presentation of meaningful comments to the Board.

Consistent with the Board's emphasis, as expressed in EDR-285, on the encouragement of wide-spread and constructive participation in this proceeding by foreign as well as U.S. carriers, the undersigned finds that good cause has been shown for granting some extension of time for filing comments herein, but, since the importance of the problem with which this proceeding deals militates in favor of expeditious receipt and consideration of comments on the Advance Notice, the undersigned finds that an extension for more than thirty days would not be necessary or desirable.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to August 11, 1975.

Procedures for review of this action by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] STEPHEN J. GROSS,
Associate General Counsel.

[FR Doc.75-17525 Filed 7-3-75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 547]

[Docket No. 75-6]

POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Enlargement of Time To File Replies to Comments

JUNE 30, 1975.

Upon request of Hearing Counsel and good cause appearing, time within which replies to comments may be filed in this proceeding (40 FR 13005, March 24, 1975) is enlarged to and including July 8, 1975. Time within which answers to Hearing Counsel may be filed is enlarged to and including July 25, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17533 Filed 7-3-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 257]

ADVERTISING OF CHILDREN'S PREMIUMS ON TELEVISION

Request for Additional Comment on Proposed Guide

In connection with its proposed Guide on the Advertising of Children's Premiums on Television (39 FR 25505, July 11, 1974), the Federal Trade Commission has determined, pursuant to the Federal Trade Commission Act, 15 U.S.C. sec. 41, et seq., that public comment on two items would be helpful in its consideration of final action on the Guide.

Those items are:

1. A paper entitled, "Advertising of Children's Premiums on Television: An Experimental Evaluation of the FTC's Proposed Guide," by Terence A. Shimp, Robert F. Dyer, and Salvatore F. Divita under the sponsorship of the George Washington University School of Government and Business Administration; and

2. "Proposed Standards for Advertising Premiums on Children's Television," by the Cracker Jack Division of Borden Foods, Borden, Inc.

In connection with Item 1, the Commission requests comments on its application to the content of any final guide on the advertising of children's premiums that the Commission may issue. In addition, comments are specifically invited on the following questions:

a. What implications, if any, does the sample employed in the paper have for the paper's general applicability to child-directed premium advertising?

b. What implications, if any, do the particular products chosen for experimental evaluation in the paper have for its general applicability to child-directed premium advertising?

c. Is the paper's use of factual recall of product and premium information an appropriate measure of the effect of children's premium advertising?

In connection with Item 2, the Commission requests comments as to whether the "Proposed Standards" are adequate and appropriate to deal with any deceptive or unfair effects that may result from the advertising of child-directed premiums.

The text of both items follows:

I. ADVERTISING OF CHILDREN'S PREMIUMS ON TELEVISION: AN EXPERIMENTAL EVALUATION OF THE FTC'S PROPOSED GUIDE, BY TERENCE A. SHIMP, ROBERT F. DYER, AND SALVATORE F. DIVITA

ABSTRACT

This study constitutes an experimental test of the Federal Trade Commission's proposed ban of child-directed television commercials promoting premiums. The results, in general, are non-supportive of the FTC's position and question the legitimacy of the proposed guide.

INTRODUCTION

The Federal Trade Commission on July 11, 1974 issued a proposed guide requesting the advertising industry to voluntarily discontinue the television advertising of premium offers to children (FEDERAL REGISTER, 1974). The FTC maintained that television advertising of premiums is unfair and produces harmful effects on children. The guide has been received on the one hand with enthusiastic support from various consumerist groups and, on the other, with vehement criticism from the advertising industry. This diversity of stances is readily understandable, however, in that the surrounding issues are complex and inherently vague. Moreover, both "sides" have introduced personal perceptions (often emotionally laden) of the general impact of advertising on children and the specific effect of premiums. Whereas advertisers regard television advertising and premium offers to children as ethically justifiable and commercially sound, many consumerists (and evidently some public policy officials) consider these practices as unfair and invidious.

The FTC's guide, though ostensibly based on sound legal precedent, is devoid of behavioral-based conceptual or empirical support. Moreover, the advertising industry has failed to adequately substantiate its side of the argument. Fortunately, however, both sides have recognized the need for documentation. For example, the president of the Gene Reilley Group, which measures pre-teen attitudes and behavior, stated in a speech before the Premium Advertising Association of America's 41st Annual Premium Show that both sides of the argument need to document their positions (Green, 1974). Further, an undisclosed FTC source was recently quoted in *Advertising Age* as stating: "What we are looking for is information which will persuade us that it is possible to devise guidelines which insure that the commercial sells a product rather than a premium . . ." ("FTC Seeking Data . . ." 1974, p. 86).

The study reported here represents an initial effort to empirically test the legitimacy of the FTC's proposed premium guide.[1] Two harmful effect propositions presented as facts in the FTC's guide were operationalized and tested. Television commercials for a hypothetical cereal product were developed and administered to first-through-sixth grade school children. Recall, attitudinal, and brand choice measures were obtained. In general, the study's findings are non-supportive of the FTC claims.

V40-130 JUL 7 75 XUM

The research methodology and findings are described below, but initially a review of the FTC's proposed guide is provided as a reference for explaining the research procedure.

THE FTC'S GUIDE: TELEVISION ADVERTISING OF PREMIUMS TO CHILDREN

The proposed guide provides recommended industry practices concerning television advertising of child-directed premium and similar promotional devices. The specific provisions of the guide may be summarized as follows (FEDERAL REGISTER, 1974, p. 25505):[3]

(1) It is restricted to television advertising directed to children under the age of twelve. Other media are not affected at this time, and the practice of premium merchandising, per se, is not the target of the guide.

(2) In such advertising, the advertiser is not to refer to an offer of a premium or other promotional device unrelated to merits of product or service being promoted.

(3) The guide encompasses any form of premium (including reusable product containers) and any form of remuneration (including free premium gifts as well as self-liquidating types).

The apparent motivation for the guide is the Commission's belief that television advertising of premiums is inherently unfair and has harmful effects on children. In fact a "per se" argument was employed as embodied in the statement: "• • • the conclusion is justified that the entire class of advertising in such a powerful medium as television is *unfair per se* even if it cannot be said with certainty that every premium advertising produces a particular result in every child subjected to its influences" (p. 25510, emphasis added). More specifically, the FTC posed the following harmful effects of premium advertising on children:

Distraction Effect. "• • • the premium's main purpose is to distract the buyer's attention from those criteria which would guide choice if the product stood alone and to motivate purchase not on the merits of the product but in order to obtain the premium" (p. 25509).

Difficulty of Choice Effect. "The injection of a premium into a buying decision cannot help but multiply the difficulties of choice . . . Merely by adding another group of factors that compete with those already demanding the child's attention, the premium must inevitably increase the likelihood of confusion and of the purchase of an inferior product" (p. 25509).

Necessary Effect. "That child-directed premiums on television offend the policy of special protection for children is evident from consideration of several factors. It is sufficient to merely consider the necessary effect of the premium offer on the particular vulnerable audience to which it is addressed in order to demonstrate its unfairness" (p. 25507).[4]

Although the FTC's proposed guide has presented these "harmful effects" as facts, they are, instead, merely propositions which can be operationalized into hypotheses and empirically tested. The study reported here has operationalized and tested two of these harmful effect propositions. Specifically: (1) Does the inclusion of a premium portion in a television commercial *distract the child's attention* from merits of the principal product? (2) Is the *necessary effect* of the premium offer to cause children to purchase or want to purchase the advertised product?[4]

RESEARCH DESIGN

Overview. A parochial school in a Washington, D.C. suburb volunteered to participate in the study, and 197 first-to-sixth grade children were employed in the experiment. Television commercials were constructed for a hypothetical cereal product named Snappy Fruit Smacks developed specifically for the purpose of the study. Four versions of a 30-second TV commercial were prepared: a *control* commercial which only presented information concerning the cereal (i.e., product information) and three *experimental* ads which included both product and premium information—the three experimental ads varied only with respect to the length of time within the 30-second spot devoted to premium presentation. The premium object was a National Football League (NFL) team patch.

Each of the four commercial versions was presented to a separate treatment group. Students within the four treatment groups were matched on age and sex. Additionally, teachers consented to judgementally assign students to the treatment groups with the intent of balancing each group's cognitive ability (both memory and verbal comprehension measures were used). Each group was exposed to the following information on videotape: a five minute cartoon, the 30-second cereal commercial, and a one minute public service announcement on pet care. This procedure was employed in order to provide an element of realism to the experiment.

Immediately post-exposure, children were measured for their recall of specific features of the commercial. Also, the researchers measured attitudes toward Snappy Fruit Smacks and toward the NFL football patch premium. Further, a simulated purchase setting was used to evaluate each child's brand choice preference for Snappy Fruit Smacks compared to two well-known breakfast cereals.

With this brief overview of the research procedure, a detailed explanation of each aspect of the research design is now provided. Discussion will concentrate on: technical features of the research procedures (such as choice of product and development of experimental advertisement); specification and operational measures of research variables; hypotheses; and the data collection procedure.

Technical Features of Research. Several considerations influenced the choice of a product for this study. It was important to select a product that is illustrative of actual advertising to children, which does influence children, and which would maintain the interest of all participating children, regardless of age. The selection of a breakfast cereal is justified on the grounds that past research has indicated cereal along with toys are the most heavily promoted products to children ("Putting the Lid . . . ," 1971; Barcus, 1971). Moreover, research by Ward (1972) has revealed that mothers feel cereal commercials influence their children. Finally, the researchers felt that experimentation with a cereal product would be consistent with the widespread use of premium offers for children's food products.

In order to prevent any bias resulting from past experience or preference for a cereal brand currently on the market, a hypothetical brand was developed and special TV commercials were constructed for the study. The experimental product was named Snappy Fruit Smacks, and the selling propositions presented in the commercials were that it was a new cereal available in three shapes and flavors (orange, apple, and cherry) which could be mixed together in the bowl.

It is significant to note that the selling propositions were chosen to be relatively simple and perceptual in nature. Research in the area of cognitive development and consumer socialization (e.g., Ward, 1974; Ward and Wackman, 1973) has indicated that younger children with relatively simple cognitive structures (so-called preoperationals, roughly ages 2–7) have a tendency to be perceptually bound in processing stimuli and are more likely to focus on visual characteristics of message stimuli rather than on the more abstract meaning properties of message content. In effect, then, the experimental commercials were constructed so as not to exceed the cognitive capabilities of the first, second, and perhaps third graders participating in the study.

The premium portion of the three experimental commercials was introduced at the end of each commercial. This segment was constructed to be as structurally similar to the product presentation as possible. A National Football League team patch was selected as the premium item, and the commercial informed the children that they would receive a free patch in every box of Snappy Fruit Smacks. The commercials also indicated that the patches were available for three different teams and could be used in a variety of ways (applied to clothes, attached to books, etc.).

Specification of Variables, Operational Measures, and Hypotheses. As previously discussed, the study was designed to test whether a premium in a TV commercial has the effect of distracting the child's attention from the principal merits of the product, and whether the necessary effect of a premium is to cause the child to purchase or want to purchase the advertised product. The variables and their operational measures used to test these propositions are discussed below.

Distraction Proposition. The underlying assumption of the FTC's distraction proposi-

Measures, and Hypotheses. As previously diverted from the product or non-premium information contained in a commercial and, instead, will focus on the (presumed) more interesting premium stimuli. As such, if this truly is the case, it would be expected that children exposed to a commercial containing only product (i.e., non-premium) information would exhibit more accurate recall of the product information than children exposed to a commercial containing equivalent product information but also including premium information.

The specific impact of a premium-oriented commercial on children's ability to recall product information in unlikely, however, invariant of child-related and premium-related differences. For example, it would be expected that the child's level of cognitive development would affect recall level. Whereas older, concrete operational children are capable of decentration (i.e., the cognitive ability of simultaneously focusing on several dimensions of a situation; see Ward and Wackman, 1973, p. 121), younger, preoperational children have not as yet developed this level of advanced cognitive structure and would, therefore, be more likely to focus on either the product or premium information, but not both. It would be expected that a commercial which presents an interesting premium object would more likely distract preoperational than concrete operational children from processing the non-premium information presented in the commercial.

In like manner, it appears plausible that the length of a TV commercial devoted to the premium would influence the child's ability to recall product information. Specifically, it would be expected that as the ratio of premium time-to-product time in a conamercial increases, the child's recall of product information would decrease. In recognition of this factor, the National Association of Broadcasters (NAB) has instituted guidelines which limit the time segment of a commercial which may be devoted to a premium offer. The FTC contends that although the present NAB code limits presentation of the premium offer to

half of the commercial or 20 seconds, whichever is less, staff findings show that this "allows substantial emphasis on the premium." ("Ad Industry Readies Fight • • •," 1974, p. 64.)

Three variables were therefore relevant to this study's test of the "distraction proposition":

Product Information Recall Accuracy. The dependent variable used to assess distraction; operationally measured as the "number of correct recalls" of product information given exposure to varying amounts of product/premium information. Thus, as operationalized, *distraction* represents the inverse of product information recall accuracy.

Stage of Cognitive Development. A predictor variable employed in recognition of the different stages of children's cognitive development. For the purposes of this study, children less than eight years old were arbitrarily regarded as *preoperational*, while eight and over children were considered *concrete operational*.[5]

Length of Commercial Devoted to Premium. This predictor variable was operationalized by constructing four versions of the same basic 30-second commercial: a "control" ad which presented product information only, and three "experimental" ads which devoted 10, 15, and 20 seconds, respectively to presenting premium information.[6] The amount of product and premium information, however, did not vary. It was merely compressed or lengthened depending on the experimental treatment.

It was hypothesized that if the FTC's "distraction effect" claim is legitimate, then:

H_1: The control group (exposed to a commercial containing no premium) would exhibit greater product information recall accuracy, and thus be less distracted, than any of the three experimental groups (each of which was exposed to varying lengths of premium information).

H_2: Concrete operational children would exhibit greater product information recall accuracy, and thus be less distracted, than preoperational children.[7]

Necessary Effects Proposition. The Commission has suggested that premium advertising is demonstrably unfair by merely considering "the necessary effect of a premium offer on the particular audience to which it is addressed • • •" (p. 25507). Though obviously vague, this assertion may be interpreted as implying that premium advertising influences children to purchase or want to purchase the advertised product merely to receive the premium object (see Jacoby, 1974, for similar interpretation). The most direct and conclusive test of this proposition would be accomplished by constructing an experiment to determine whether premium-oriented ads do in fact exert greater influence on a child's purchase attempts than non-premium ads. However, the practical difficulty of collecting actual purchase data necessitated a simpler procedure. Alternatively, attitude and brand choice measures were utilized in this study as indicators of purchase inclination.

Three dependent variables were selected for testing the "necessary effect proposition": (1) attitude toward Snappy Fruit Smacks; (2) attitude toward the NFL team patch premium object; and (3) brand choice preference. Attitudes toward both the experimental product and premium were measured with a five-point "happy face" scale, and brand choice preference was measured by having each child rank Snappy Fruit Smacks and two well-known brands of cereal on a first, second, and third choice basis. Specific features of the attitudinal and brand choice preference measures are described below in the *data collection procedure* section.

The FTC's extremely vague description of the necessary effect proposition demanded a cautious testing approach using multiple methods. Four methods were constructed, and it was hypothesized that if the "necessary effect" claim is legitimate, then:

H_3: Attitude toward the premium object (NFL patch) and attitude toward the brand (Snappy Fruit Smacks) would be positively correlated.

H_4: Children exposed to the premium versions of the commercial would have more favorable attitudes toward Snappy Fruit Smacks than children exposed to the control commercial (no premium).

H_5: Children exposed to the premium versions of the commercial would more likely choose Snappy Fruit Smacks in a brand choice experiment than children exposed to the control commercial.

H_6: Attitude toward the premium object and brand preference ratings for Snappy Fruit Smacks would be positively correlated.

Data Collection Procedure. The 197 participating school children were exposed to one of the four previously described versions of the Snappy Fruit Smacks commercial. Immediately post-exposure, a paper-and-pencil procedure was employed to assess the respondents' recall of the commercial information to which they had just been exposed. An answer sheet was distributed and a series of questions were read to the children from an accompanying flip chart. Children who had been assigned to the control group were asked a series of fifteen (15) questions concerning the product information contained in the commercial, while those assigned to one of the three experimental groups were asked these same questions and an additional eleven (11) premium-oriented questions.

All questions were phrased as statements about the commercial (e.g., "The man in the commercial said the cereal is shaped like little animals"), and the children were instructed to respond to the statements by simply circling a "Yes," "No," or "Not Sure" on their answer sheets. Deliberate instructions and the use of several warm-up questions oriented the children to this questioning technique. Pre-testing assured that children did in fact comprehend the procedure.

Following the recall tests, measures were taken on each child's attitude toward Snappy Fruit Smacks, attitude toward the NFL premium object (this measure did not apply to the control group), and brand choice preference. A "happy face" scale was used to measure both attitudes toward the product and toward the premium. Five variations of a happy face, ranging from an extreme smiling face (like very much), to an extreme frowning face (dislike very much), were constructed. Subjects were instructed to select, in turn, the face which most accurately described how much they liked the premium object (NFL patch) and the experimental product (Snappy Fruit Smacks). Pre-testing indicated this "happy face" procedure was understood by children and thus an appropriate measure of attitudes.

Brand choice preference was measured by displaying a specially prepared box of Snappy Fruit Smacks alongside the boxes of two well-known and heavily purchased brands of fruit-flavored breakfast cereal (Trix and Apple Jacks) and asking each child to select the brand he would most like to have, second most like, and by elimination, third most like.

RESULTS

Distraction Effect Findings. An overview of the general distraction effect findings is provided in Table 1. Average correct recall of product information based on stage of cognitive development and treatment group is presented. The findings indicate that concrete operational children uniformly exhibited greater recall of product information than preoperational children exposed to the same commercials.

Especially interesting are findings concerning the impact of the relative commercial time devoted to presenting product and premium information. Contrary to expectations, the control group exposed to a commercial containing product information only did *not* exhibit more accurate recall of product information than all three experimental groups. Instead, both preoperational and concrete operational children exposed to the commercial containing 10 seconds of premium information had the highest product information recall accuracy. The preoperational and concrete operational control groups as expected, however, did exhibit somewhat greater product information recall accuracy than the experimental groups exposed to commercials which devoted 15 and 20 seconds to premium information.

The results of the two distraction effect hypotheses are now discussed. A two-way ANOVA (Table 2)[7] was performed for testing both hypotheses. Results are presented separately for each.

H_1: Control Versus Experimental Group's Product Information Recall Accuracy. As revealed in Table 2, product information recall accuracy was significantly affected by the particular commercial version (i.e., treatment group) to which subjects were exposed. However, results of individual comparison tests (Scheffe, 1953) between individual treatment groups were not in the hypothesized direction. The control group, contrary to expectations, did *not* exhibit significantly greater product information recall accuracy than any of the three experimental groups. Instead, statistical significance of the treatment group effect was simply due to the fact that the "10 Prem/20 Prod" experimental group displayed significantly greater recall accuracy than the other two experimental groups. The results of these individual comparison tests prompt us to reject hypothesis one—*the control group did not have significantly greater product information recall accuracy than the experimental groups.*

This finding, therefore, is not supportive of the FTC's general claim that premium advertising distracts a child's ability to process product information. It appears that the extent of product recall is somewhat influenced by the presence of premium information, but not in the manner expected. Relatively long portions of premium presentation did not significantly reduce the child's ability to accurately recall product information compared to the control group. In contrast, the superiority of the 10-second premium version (see Table 1) might suggest that a commercial which presents a relatively small amount of premium information actually hightens the child's overall attention set to both product and premium information. Consequently, instead of being distracted from processing product information, the child may instead be more attentive to it as well as the premium information.

H_2: Preoperational Versus Concrete Operational Product Information Recall Accuracy. The results of the ANOVA test as reported in Table 2 also reveal that stage of cognitive development had a significant effect on product information recall accuracy. In all treatment groups, concrete operationals uniformly exhibited greater recall accuracy than preoperational children. With distraction operationalized as the inverse of product information recall accuracy, this finding would seemingly support hypothesis two and indicate that preoperationals are in fact more distracted than concrete operationals by premium advertising. However, we are reluctant to accept the distraction effect as the only explana-

V40 I130 JUL 7 75 XUM

tion might be that concrete operationals simply possess greater memory facility than preoperationals and thus are capable of greater recall accuracy. It therefore appears that a superior experimental procedure is needed to unequivocally ascertain whether premium advertising has a more distractive effect on preoperationals than concrete operational children.

Necessary Effect Findings. Results of the four necessary effect tests are now discussed.

H_1: Correlation between Premium and Brand Attitudes. This hypothesis was tested by correlating the experimental groups' responses to the happy face measures of attitudes toward the premium object and toward Snappy Fruit Smacks. Separate correlations were performed for boys and girls since it would be expected that girls would be less interested than boys in the football-oriented premium object. The results (Table 3) reveal that though the two attitude measures were positively correlated for both boys and girls, neither measure was statistically significant. The third hypothesis is thus rejected as *it appears that greater liking of a premium object does not necessarily create greater liking of the product containing the premium.* This finding takes on added significance when it is noted that subjects were very favorably disposed to the NFL patch premium object. On the basis of a five-point attitude measure (5- like very much . . . 1- dislike very much), the average rating for the NFL patch was 4.04.

H_2: Control Versus Experimental Groups' Attitudes Toward Snappy Fruit Smacks. The null hypothesis for the fourth research hypothesis was that the experimental groups' mean attitude toward Snappy Fruit Smacks is more favorable than the control group's. A one-tailed t-test provided an appropriate test. As indicated in Table 4, the null hypothesis was not rejected, and the control and experimental groups' mean attitudes were actually reversed from the hypothesized direction. *The control group, exposed to a commercial containing no premium information, displayed a more favorable attitude toward Snappy Fruit Smacks than did the experimental group.*

This finding suggests that the inclusion of a premium object in a commercial does not necessarily enhance attitudes toward the principal product. In fact, the results of this experiment suggest that attitudes toward the principal product may be formed somewhat independently of attitudes toward the premium object. Conclusive evidence is not provided by this research, however, since cross-sectional analysis was used and only a single type of premium object was tested.

H_3: Control Versus Experimental Group's Brand Choice Preference. An additional method of testing the FTC's necessary effect proposition was accomplished by performing a brand choice experiment. Children were requested to indicate their first, second, and third choice preferences for Snappy Fruit Smacks, Apple Jacks, and Trix. The purpose of this experimental procedure was to determine whether the brand choice ratings of Snappy Fruit Smacks varied significantly across the four treatment groups. Further, this quasi-behavioral measure provided a means of evaluating the validity of the attitude measures. It also enabled an evaluation of whether purchase inclination (i.e., brand choice behavior) is significantly correlated with attitudes toward the premium object.

Since the dependent variable (brand choice rating) is a discrete categorical variable, nonparametric tests were indicated. A chi-square test was performed to determine whether brand choice ratings for Snappy Fruit Smacks were independent of treatment (i.e., commercial version to which children were exposed). Results of this analysis (Table 5) reveal that the majority of subjects chose Snappy Fruit Smacks as their least preferred cereal.

Although the data reflect a trend whereby subjects are more prone to prefer Snappy Fruit Smacks as the relative portion of commercial time devoted to presenting the premium increases, the results are not statistically significant. Therefore, the null hypothesis is accepted *that purchase inclination (brand choice ratings) is independent of whether or not a premium is presented in a television commercial.*

H_4: Correlation between Attitudes toward Premium and Brand Preference Ratings. Additional insight into the brand choice data was provided by correlating the respondents' brand choice (i.e., preference) ratings for Snappy Fruit Smacks with their attitude ratings toward it and also toward the premium object. The Spearman rank correlation between attitude toward Snappy Fruit Smacks and preference ratings for it was highly significant (r_s=.397; $p<.01$). Although this does not represent a test of the necessary effect proposition, the moderately high association does provide some support for the validity of the attitude measurement scale used in this research.

The correlation between attitudes toward the premium object and preference ratings for Snappy Fruit Smacks, however, did provide a meaningful test. Under the FTC's necessary effect proposition, it would be expected that the more favorable the attitude toward the premium object, the higher the choice rating for Snappy Fruit Smacks. The Spearman rank correlation tests that were conducted holding sex constant are shown in Table 6. The results reveal relatively small, but statistically significant correlations. This suggests *the more a premium object is liked, the more appealing is the advertised product containing the premium.* Although the evidence is not strongly supportive, it does appear that a premium does exert some influence on children's purchase inclinations.

SUMMARY AND IMPLICATIONS

Distraction Effect. Table 7 provides an overview of this study's findings in relation to the FTC's proposed "distraction effect" of premium advertising. In summary, the distraction effect evidence indicates that accurate recall of product information is significantly influenced both by stage of cognitive development and by the relative length of time in a commercial devoted to presenting product and premium information. Concrete operational children uniformly exhibited greater product information recall accuracy than preoperationals and thus appeared to be less distracted. It is unclear, however, whether these findings are due to a distraction effect or merely reflect greater memory facility on the part of concrete operationals. A superior experimental procedure is required to clarify this issue.

Most significantly, the findings reflect that product information recall accuracy declines nonmonotonically as greater portions of commercial time are devoted to presenting the premium. Although the treatment groups receiving 15 and 20 seconds of premium information exhibited lower recall accuracy than the control group, it does not appear that a commercial devoting relative short periods of time to presenting the premium distracts the child's product recall ability. In fact, the treatment group which was exposed to a commercial containing 10 seconds of premium information exhibited a level of recall accuracy which was greater than the control group which was exposed to a commercial without a premium.

It thus appears that the FTC's distraction effect proposition is not applicable to all premium-oriented commercials. Those which limit the length of premium presentation time are not likely to distract the child from processing product-oriented information.

Necessary Effect. As illustrated in Table 8, the findings of the necessary effect tests are not strongly supportive of the FTC's claim. Four tests were performed, but only one substantiates the Commission's position. On balance, this study's results question the legitimacy of the FTC's claim. It appears that liking of a premium object does not necessarily assure that children will also like or desire the product containing the premium.

Public Policy Implications. The effectiveness of the "10 Prem/20 Prod" commercial on product information recall is noteworthy. No evidence was uncovered that premiums serve to distract the child from retaining important product information when only 10 seconds of a 30 second commercial are devoted to the premium. Consequently, this study suggests that a revision of the current NAB code to more stringent time limitations on premium presentation is more appropriate than a banning of premium advertising.

Also, the FTC's categorization of children's T.V. premium advertising as "unfair" communication within the context of a necessary effect is also questionable considering this study's results. The relationships uncovered between premium attitudes, product attitudes, and brand preferences were generally nonsupportive of the FTC's proposition. Particularly interesting was the tentative evidence that premium and product attitudes may be formed independently by children. The Commission's premium guidelines were constructed without even rudimentary supporting consumer evidence. This initial study casts doubt on the propriety of a complete ban on premiums in children's television advertising.

Limitations of the Study. In order to advance future research on children's premiums, the following inherent limitations of this study must be overcome: (1) the present experiment was cross-sectional, so no inferences can be drawn regarding premium advertising's short- and long-run effects on child information processing; (2) the FTC's "difficulty of choice" claim was not operationalized and tested; (3) the limitations of the sample used in this study stem from the fact that the experimental subjects reside in an affluent, upper socioeconomic area; (4) the major dependent variable in the study was labeled recall, but given the questioning technique employed, perhaps it should more appropriately be termed aided recognition; (5) although data analyses were performed controlling for the sex of the subject, differential *interest* in the football patch premium may have biased the study's findings; and (6) only thirty-second commercial messages were examined with the experimental treatments.

The authors are already in the process of conducting additional research aimed at answering some of the questions suggested by the above limitations. It is hoped that a series of systematic research programs will evolve to examine the premium issue.

TABLE 1.—*Average product information recall accuracy by cognitive level and treatment group*

Treatment group	Preoperationals $\bar{x}$	Preoperationals n	Concrete operationals $\bar{x}$	Concrete operationals n
0 premium per 20 product [1]	[2] 9.50	12	10.97	[illegible]
10 premium per 20 product	10.09	11	11.59	29
15 premium per 15 product	8.17	12	10.62	37
20 premium per 10 product	8.70	10	10.00	28
		45		152

[1] To be read: 0 seconds of commercial devoted to premium information/30 seconds devoted to product information other treatment groups to be interpreted in like manner.
[2] Cell entries indicate the mean number of correct responses to the 15 questions concerning product information presented in the commercials.

TABLE 2.—*Analysis of variance summary of product information recall accuracy*

Source of variation	Sum of squares	Degrees of freedom	Mean square	*F*-ratio	Probability
Treatment group	53.37	3	17.79	4.07	0.0079
Cognitive development	97.78	1	97.78	22.35	.0001
Interaction	7.09	3	2.36	.54	.6553
Within cells	825.79	189	4.38		
Total	985.02	196			

TABLE 3.—*Correlation of attitudes toward premium and toward Snappy Fruit Smacks*

Sex	n	r_p [1]	Probability
Boys	71	0.1396	0.123
Girls	76	.0208	.429
	[2] 147		

[1] Pearson product correlation was used assuming interval scaled attitude measures.
[2] Does not equal full sample size (197) since analysis not applicable to control group.

TABLE 4.—*Average attitudes of control and experimental groups toward Snappy Fruit Smacks* [1]

Treatment	n	Average attitude $\bar{x}$ [2]
Control group	50	[illegible]
Experimental group [3]	147	3.33

[1] Computed *t*-value=−1.64; 1-tailed test not significant at 0.05 with 195 degrees of freedom.
[2] Maximum score=5 (like very much).
[3] Responses of all 3 experimental groups collapsed.

TABLE 5.—*Relationship between brand choice ratings for Snappy Fruit Smacks and treatment groups* [1]

Treatment groups	Percent of subjects selecting Snappy Fruit Smacks: 1st choice	2d choice	3d choice	Total (percent)
0 premium/30 product [2]	6.0	32.0	62.0	100
10 premium/20 product	11.8	11.8	76.4	100
15 premium/15 product	10.4	29.2	60.4	100
20 premium/10 product	10.4	[illegible]	50.0	100

[1] Chi-square=11.25, 6 d.f., not significant at 0.05 level.
[2] To be read: 0 seconds of commercial devoted to premium information per 30 seconds devoted to product information; other treatment groups to be interpreted in like manner.

TABLE 6.—*Correlation between attitudes toward premium and preference ratings for Snappy Fruit Smacks*

Sex	n	r_s	Probability
Boys	71	0.208	0.045
Girls	76	.199	.042
	[1] 147		

[1] Does not equal full sample size (197) since analysis not applicable to control group.

TABLE 7.—*Summary of the distraction effect tests*

Hypothesis test	Finding	Evaluation
H_2: Control group's product information recall accuracy significantly greater than experimental groups'.	The control group did not exhibit significantly greater product recall accuracy than any of the 3 experimental groups.	Nonsupportive of FTC position.
H_3: Concrete operational's product information recall accuracy significantly greater than preoperational's.	Concrete operationals did exhibit significantly greater recall accuracy.	This test is not a direct evaluation of any FTC claim, and finding subject to alternative explanations.

V40-130 JUL 7 75 XUM

TABLE 8.—*Summary of the necessary effect tests*

Hypothesis test	Finding	Evaluation
H_0: Attitude toward premium and attitude toward Snappy Fruit Smacks are positively correlated.	Positive correlations, but not statistically significant.	Nonsupportive of FTC position.
H_0: Experimental groups have more favorable attitude toward Snappy Fruit Smacks than control group.	No significant differences between mean attitude ratings.	Nonsupportive of FTC position.
H_0: Experimental groups give Snappy Fruit Smacks higher brand choice ratings than control group.	Brand choice ratings and treatment groups statistically independent.	Nonsupportive of FTC position.
H_0: Attitude toward premium and preference for Snappy Fruit Smacks are positively correlated.	Small, but statistically significant correlations.	Supportive of FTC position.

FOOTNOTES

[2] A previous study conducted by Rubin (1974) touched on the premium issue but was more generally concerned with children's socialization processes.

[3] Subsequent references to the guide will simply refer to the page number.

[4] This vague "necessary effect" was not specifically presented by the FTC as one of the harmful effects, but since the Commission regards it as unfair, it may also be interpreted as a potentially harmful effect.

[5] This interpretation of the Commission's vague reference to "necessary effect" was suggested by Jacoby (1974) and appears as plausible and reasonable as any other interpretation.

[6] Age is merely a surrogate of cognitive development, and the exact age at which one becomes concrete operational depends on the particular child. Research, however, has indicated that age is highly correlated with cognitive development, and children between the ages of 2–7 are typically regarded as preoperational. See, e.g., Ward (1974, pp. 6–7).

[7] Existing NAB standards (NAB Code Authority, 1972) would not accept the 20-second premium version employed in this study. However, in order to ascertain what effect length of premium presentation has on product information recall accuracy, it was necessary to incorporate into the experimental procedure at least three levels of premium length.

[8] This hypothesis was suggested by the cognitive development literature and is not intended as a direct test of the FTC's premium guide since no such claim was made by the FTC.

REFERENCES

"Ad Industry Readies Fight on TV Ban of Premiums." *Advertising Age* (July 8, 1974), 64. (no author)

"Advertising Guidelines for Children's Premium Offers." *National Association of Broadcasters Code Authority Interpretation* (February 1972).

Barcus, F. Earle. *Saturday Children's Television: A Report of TV Programming and Advertising on Boston Commercial Television.* Boston: Action for Children's Television, July 1971.

FEDERAL REGISTER, vol. 39, no. 134 (July 11, 1974), 25505–25510. (no author nor title)

"FTC Seeking Data for TV Premium Compromise", *Advertising Age* (September 16, 1974), 86. (no author)

Green, Norma. "Need Documentation of Kid's Premium Issue Researcher Tells Meet," *Advertising Age* (October 28, 1974), 3.

Jacoby, Written comments to Charles A. Tobin, Secretary, Federal Trade Commission, November 24, 1974.

"Putting the Lid on the Kid Vid." *Sales Management* (July 1, 1974), 39–40. (no author)

Rubin, Donald S. "An Exploratory Investigation of Children's Responses to Commercial Content of Television Advertising: Product Orientation Versus Premium Orientation," unpublished paper, Southern Marketing Association Conference, 1974.

Scheffe, H. "A Method for Judging All Contrasts in the Analysis of Variance," *Biometrika* (vol. 40, 1953), 87–104.

Ward, Scott. "Children and Promotion," Marketing Science Institute working paper, March 1972, Table 2 (no page citation).

Ward, Scott. "Consumer Socialization," *Journal of Consumer Research*, 1 (September 1974), 1–14.

Ward, Scott and Daniel B. Wackman. "Children's Information Processing of Television Advertising," in Peter Clarke, *New Models for Mass Communication Research.* Beverly Hills: Sage Publishing Company, vol. II, 1973.

CHILDREN'S TV PREMIUM OFFER STUDY

ANNOUNCER'S SCRIPT FOR TEST AND CONTROL GROUPS

SCRIPT TO SNAPPY FRUIT SMACKS COMMERCIAL EXPERIMENTAL GROUPS

Hey kids, there's a brand new breakfast cereal coming your way, and you're going to love it. It's Snappy Fruit Smacks, and it comes in three fruity flavors: apple, orange, and cherry. You can pick your favorite flavor or mix all three together for your very own specially-made breakfast. Get a free official NFL team patch in each box of Snappy Fruit Smacks. Sew or iron them on your clothes or paste them on your notebook . . . the Pittsburgh Steelers, The Minnesota Vikings, and the Washington Redskins . . . available only in Snappy Fruit Smacks.

SCRIPT TO SNAPPY FRUIT SMACKS COMMERCIAL CONTROL GROUPS

Hey kids, there's a brand new breakfast cereal coming your way, and you're going to love it. It's Snappy Fruit Smacks, and it comes in three fruity flavors: apple, orange, and cherry. You can pick your favorite flavor or mix all three together for your very own specially-made breakfast.

Your Name _____
Your Grade _____
Your Age _____

QUESTIONS

Example A. A cub scout pack is bigger than a den _____.

Example B. The name of your school is _____.

Example C. The Redskins won the Super Bowl _____.

Example D. Today is Monday _____.

1. The TV commercial you just watched was telling you about a cereal product.
2. The TV commercial you just watched was telling you about a toy car.
3. Three children were shown in the TV commercial you just watched.
4. The name of the cereal in the TV commercial was Fruity Smacks.
5. The man in the commercial said the cereal will make you grow up big and strong.
6. The man in the commercial said you can get a gift of baseball cards in the cereal box.
7. The man in the commercial said the cereal product is new.
8. The man in the commercial said the cereal has a lot of vitamins in it.
9. The man in the commercial said the cereal is shaped like little animals.
10. The man in the commercial said you can get a gift of football team patches in the cereal box.
11. The man in the commercial said all you have to do to get the football team patches is to send one quarter (25¢) with the cereal box top to the company.
12. The man in the commercial said you can sew or iron the football team patches on your clothes.
13. The man in the commercial said you can paste the football team patches on your books or toys.

Interviewer: Read the following before asking questions 14–19. "The man in the commercial said the cereal comes in different flavors. Pick what flavors he said the cereal comes in."

14. The man said the cereal comes in GRAPE flavor.
15. The man said the cereal comes in ORANGE flavor.
16. The man said the cereal comes in CHERRY flavor.
17. The man said the cereal comes in LEMON flavor.
18. The man said the cereal comes in BANANA flavor.
19. The man said the cereal comes in APPLE flavor.

Interviewer: Read the following statement before asking questions 20–25. "The man in the commercial said the football team patches in the cereal box are for different football teams. Pick what teams he said the decal stickers come in."

20. The man said you can get a NEW YORK JETS decal sticker.
21. The man said you can get a MINNESOTA VIKINGS decal sticker.
22. The man said you can get a WASHINGTON REDSKINS decal sticker.
23. The man said you can get a BALTIMORE COLTS decal sticker.
24. The man said you can get a ST. LOUIS CARDINALS decal sticker.
25. The man said you can get a PITTSBURGH STEELERS decal sticker.
26. The man in the commercial said you can mix the different cereal flavors together.
27. The man in the commercial said the football team patches come in different sizes.

Interviewer: Read the following before asking questions 26 and 29. "Now, kids, I'd like to know how much you liked the cereal in the commercial you just saw. On my card (interviewer holds up card) and on your answer sheet (interviewer instructs kids to look at answer sheet) there are five faces: one face has a big smile on it; another has a big frown on it; and the other face is blank.

"If you like the cereal, place a mark beside the face with the smile (interviewer places an "X" beside the smiling face). If you *don't like* the cereal, place a mark beside the face with the frown (again the interviewer places an "X" beside the frowning face); if you are not sure whether you like the cereal, then place a mark beside the blank face (interviewer places an "X" beside the blank face. *Only mark one face.*"

28. I like the cereal in the commercial very much.

I like the cereal in the commercial pretty much.

I'm not sure whether I like the cereal in the commercial.

I don't like the cereal in the commercial much.

I don't like the cereal in the commercial at all.

"Now kids, let's do the same thing for the football team patches in the TV commercial you just saw. I'd like to know how much you would like to have one of these decals. Place a mark beside one of the five faces below—the same way you did in the previous question. The smiling face means you would *like* to have one of the decals. The frowning face means you *would not like* to have one of the decals. The blank face means you *are* not sure whether you would like to have one of the decals.

29. I would like to have a football team patch very much.

I would like to have a football team patch pretty much.

I'm not sure whether I would like to have a football team patch.

I would not like to have a football team patch much.

I would not like to have a football team patch much at all.

Following the above questions, the students are given an opportunity to select the brand of cereal which "you would like your mother to purchase the next time she goes to the store." A display is set up with three cereal boxes, Apple Jacks, Snappy Fruit Smacks, and Trix. Beside each cereal box are the letters (on cards) A, B, and C, respectively. Students are asked to mark the letter corresponding to their "First Choice Cereal" in the space on their answer sheet. They are then asked to write in their second and third choices.

Interviewer and assistants collect answer sheets and thank the students. Students are debriefed immediately about the study.

PREMIUM OFFER STUDY

Experimental Procedure. Instructions for paper and pencil instrument. (Control Group)

Identical instructions and procedures were employed for the control group subjects. The control group, however, was not asked the premium recall questions nor was the "happy-sad face" scale for the football team patch administered. The questions included for the control version are listed below: Questions 1–9, 14–19, 26, 28 and 30. Other than these omissions, the questions were asked in the same order for the control group.

II. PROPOSED STANDARDS FOR ADVERTISING PREMIUMS ON CHILDREN'S TELEVISION, BY THE CRACKER JACK DIVISION OF BORDEN FOODS, BORDEN, INC.

Children are a unique television audience. In their formative years children are more easily influenced than adults. Their limited experience has not fully prepared children to make comparative judgments.

Advertising to children should be presented with great care. Premium advertising requires special consideration so that children are not misled. Premium advertising must not direct children to a strong desire for the premium without consideration of the merits of the product or service being advertised.

Overemphasis or distortion of a premium offer can be unfair and deceptive to a child.

The Federal Trade Commission is issuing these guidelines so that advertisers know the commission's view of what constitutes fair premium advertising to children on television.

PROPOSED STANDARDS FOR ADVERTISING PREMIUMS ON CHILDREN'S TELEVISION

Premiums may be advertised on children's televison *only* when:

1. The *advertisement* does not attempt to pressure the child to desire or purchase a product or service primarily because of a premium offer.
2. The *advertisement* does not mislead, distort, or enlarge the value of the premium, by description or visual representation.
3. The *advertisement* containing the premium offer is primarily devoted to the merits of the product or service being advertised; OR
   The *premium* being advertised is related to the merits of the product or service being advertised; OR
   The *premium* being advertised is of a public service nature.
4. The *premium* is not conditioned on the purchase of the advertised product or service, or, in the case of in-pack premiums, is also available separately.

DEFINITIONS

Children's television includes any television program in which the majority of the audience may reasonably be expected to be composed of children under twelve years of age.

Premiums includes prizes, toys, games, and other such premium incentives, including contests, sweepstakes and club memberships, having appeal to children. An advertisement referring to a game printed on the back panel of a box, or to toys which could be constructed from cut-out pieces of the box, is also included. This regulation applies when the consumer does not receive the premium itself with his purchase, but merely a box top or order blank which entitles him to send for the premium.

Primarily devoted means that the premium offer shall not constitute more than one-third of the total time of the commercial, or 10 seconds, whichever is less. In addition, no premium offer shall, either directly or indirectly, by visual means, placement or otherwise, constitute the dominant promotional appeal of the advertisement.

Merits of the product or service includes such factors as price, service, quality, utility or function, and, in the case of service establishments, ambiance.

Public service nature includes causes which are in the public interest, such as health research, good nutrition, ecology, dental hygiene, education, and safety.

Not conditioned on a purchase means that there is no requirement to purchase the product or service advertised in order to obtain the premium. *In-pack premium* means a premium that is included with the product. *Available separately* means the consumer may obtain the premium *without* purchase of the advertised product when it is offered on children's television.

III. COMMENTS

Written comments on the foregoing two items may be sent to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Streets, NW., Washington, D.C. 20580. All comments will be entered on the public record at the above address and will be available for inspection in Room 130 at the above-mentioned address during normal business hours. Copies of the proposed Guide and staff statement may be obtained by mail from the Division of Special Projects, Bureau of Consumer Protection, at the above-mentioned address. Comments may be submitted no later than August 7, 1975.

Issued: July 8, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-17356 Filed 7-3-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[34 CFR Ch. II]

FINANCIAL MANAGEMENT

Coordinated Determination of Indirect Costs Applicable to Federal Grants and Contracts

Notice is hereby given that General Services Administration is considering promulgating a Federal Management Circular (FMC) prescribing policies and procedures for coordinated determinations of indirect costs applicable to Federal grants and contracts. The proposed FMC is intended to bring about the executive branch implementation of Commission on Government Procurement Recommendation A–29. This recommendation concerns avoidance of duplicative administrative efforts involving indirect costs associated with cost-type as well as certain other types of contracts. An interagency task group has proposed that the circular be made applicable to grants as well as contracts.

GSA solicits written comments on the proposed FMC. To be given consideration, the comments should be submitted by August 15, 1975, to General Services Administration, Office of Federal Management Policy (AMC), Washington, D.C. 20405.

The proposed FMC reads as follows:

[FMC: 74——: Coordinated determination of indirect costs applicable to Federal grants and contracts]

1. *Purpose.* This circular provides policies and procedures for coordinated determinations of indirect costs applicable to all Federal contracts and grants at a given contractor location.

2. *Effect on other Federal Circulars.* Federal Management Circulars 73–6 and 74–4 set forth policies and procedures for coordinated indirect cost determinations applicable to educational institutions and state and local governments respectively. The provisions of these circulars govern with respect to educational institutions and state and local governments except where the provisions of this circular pertain to an aspect not addressed by or otherwise not in conflict with the appropriate circular.

3. *Policy intent.* The objectives are to promote efficiency and economy, by avoidance of overlap and duplication, through a coordinated Federal approach to determinations of indirect costs applicable to both contracts and grants at a given contractor location.

4. *Definitions.* a. *Contract/contractor.* Reference to "contract" and "contractor" also connotes "grant" and "grantee."

b. *Contractor location.* A unit of an activity into which an operating organization is divided for purposes of cost assignment and allocation.

c. *Cognizant agency.* The department/agency responsible for determinations of indirect costs at the contractor location.

d. *Determinations.* Determinations by the cognizant agency, arrived at either by negotiations with the contractor or by audit determination, concerning indirect costs applicable to affected Federal contracts.

V 40 130 JUL 7 75 XUM

5. *Applicability and scope.* This circular applies to all Federal agencies that award or administer contracts. It applies to all contracts which require determinations of indirect costs on an interim basis and for consideration in final settlements of total costs.

6. *Policy.* a. *Determinations of indirect costs.* A single Federal agency will be responsible for determinations of indirect costs for all Federal contracts at a given contractor location. Such determinations shall be timely and shall be carried out in accordance with relevant provisions of law; contract terms, including applicable cost principles and cost accounting standards, rules and regulations; and other applicable regulations or requirements.

b. *Coordination by cognizant agency.* The cognizant agency will notify and coordinate the indirect-cost determination proceedings with these agencies having contracts that would be affected by such determinations.

Such coordination may include providing such agencies with copies of contractor overhead proposals, advisory audit reports, prenegotiation objectives, or in the case of settlements by audit determinations, preliminary audit findings in advance of discussions with the contractor. The coordination shall provide for participation by affected agencies in the negotiation proceedings or discussions.

A noncognizant agency should take the initiative in advising the cognizant agency of its desire to participate in overhead determinations.

c. *Acceptance of indirect cost determinations.* The cognizant agency is responsible for arriving at indirect cost determinations acceptable to all affected agencies. In turn, affected agencies will honor such determinations to the extent allowed or allowable under its contracts.

7. *Administering the policy.* a. *Cognizant agency assignments.* The following agencies are appointed executive agents for designating or arranging for the designation of cognizant agency assignments for entities falling within the different types of organizations set forth below:

Type of Organizations	Executive agent
Commercial organizations except Government-owned contractor-operated (GOCO) facilities.	Department of Defense (responsible office).
Educational institutions—see Federal Management Circular 73–6 for cognizant agency assignments.	General Services Administration, Office of Federal Management Policy (AMF), Washington, D.C. 20405, telephone 202–343–7747.
State and local governments and hospitals..	Department of Health, Education, and Welfare (see Federal Management Circular 74–4) (responsible office).
Other nonprofit and not-for-profit institutions.	National Science Foundation (responsible office).
Contractors performing at Government-owned contractor-operated (GOCO) facilities.	Agency responsible for the specific Government-owned facility.

The executive agent shall be responsible for coordinating proposed agency cognizant assignments with affected agencies. If an interagency impasse is reached, the matter shall be referred to the Office of Federal Management Policy (AMC), General Services Administration, for resolution.

Procuring activities are responsible for determining if a cognizant agency has been designated at a contractor location where indirect cost determinations are required. If a cognizant agency has not been appointed, the procuring activity should make appropriate arrangements through the executive agent for the type of organization involved.

b. *Guidelines for cognizance assignments.* (1) Indirect cost determination assignments shall conform to existing assignments except where duplication of agencies exist (i.e. where more than one agency may have plant cognizance).

(2) In making an assignment where duplication exists or in making changes to assignments, consideration will be given to:

(a) Dollar value of contracts requiring settlement of indirect costs at a given contractor location, and

(b) Availability of qualified staff at or near physical location of contractor.

c. *Procedures for coordinated determinations.* (1) The procedure for indirect cost determinations shall be determined by the cognizant agency at each contractor location. Procedures which may be used are:

(a) Negotiated determinations or

(b) Audit determinations.

(2) The cognizant agency shall notify the contractor of the assignment and shall furnish the name and address of the agency representatives to whom copies of indirect cost proposals shall be sent.

Representatives of other agencies desiring copies of indirect cost proposals will request same through the cognizant agency. The cognizant agency shall also distribute copies of audit reports covering indirect cost proposals, when performed, to each agency to whom copies of the proposals have been sent.

(3) *Negotiated determinations.* The cognizant agency shall notify all other agencies having covered contracts at a given contractor location of pending negotiations. The notified agency shall advise the cognizant agency if it desires to participate in the negotiation. The cognizant agency shall arrange for audits of the contractor's indirect cost proposal(s) and, upon request, the audit agency will provide advice and counsel relating to its audit.

(4) *Audit determinations.* The cognizant audit agency shall notify all agencies having covered contracts at a given contractor location of its pending audit determinations. The notified agencies shall advise the cognizant audit agency if it desires to participate in such determinations. (This procedure recognizes that audit determinations, like negotiated determinations, may involve discussions and negotiations with contractors concerning allocability or allowability of some elements of indirect costs.) Subsequent to the audit determination, the cognizant audit agency shall advise all agencies having contracts affected by its determinations. Such determinations are binding unless the contractor appeals to the Contracting Officer of the cognizant agency. In the event of an appeal, the cognizant Contracting Officer shall notify all other agencies having covered contracts of the pending appeal and forward a copy of the audit exception and contractor's appeal. Such agencies may furnish advice to the Contracting Officer for his consideration and possible use in arriving at a decision. If the Contracting Officer sustains the audit determination, the provisions of g. below will be followed.

(5) *Provisional billing and forward pricing rates.* The cognizant agency shall establish provisional indirect cost billing rates and forward pricing indirect cost rates as appropriate for consideration/use by procuring office..

d. *Special considerations affecting indirect cost determinations.* An agency which has reason to believe that its contracts necessitate special consideration shall notify the cognizant agency prior to the time of the indirect cost determinations.

e. *Quick closeout procedures.* When indirect costs allocated to a contract are relatively insignificant and agreement can be reached on a reasonable estimate of allocable dollars, the contracting agency can take action to close out a physically completed contract in advance of the indirect cost determination. Such action shall be considered final for the affected contracts. No adjustment shall be made against other government contracts for any over or under recovery disclosed at the time of indirect cost determinations by the cognizant agency. The cognizant agency shall be notified of such settlements.

f. *Formalizing indirect cost determinations.* The cognizant agency is responsible for preparing and distributing copies of its indirect cost determinations to all affected agencies as appropriate.

g. *Disputes.* Appeals involving indirect cost determinations will be processed in accordance with the procedures of the cognizant agency which, in turn, will notify other agencies having a vested interest in the outcome of the dispute. The cognizant agency shall act on behalf of all other agencies having contracts affected by the dispute. Pending final resolution of the dispute, no other agency will make a separate settlement with the contractor, except in extraordinary circumstances, and only then with the concurrence of the agency processing the dispute. However, this prohibition is not intended to preclude use of the quick closeout procedures pending final resolution of the dispute.

h. *Reimbursement.* Reimbursement to cognizant agencies for work performed under this circular will be made by reimbursement billing under section 601, Economy Act of 1932, 31 U.S.C. 686.

8. *Inquiries.* Further information concerning this circular may be obtained by contacting:

General Services Administration (AMC)
Washington, DC 20405
Telephone: IDS 183–7794
FTS 203–343–7794

Dated at Washington, D.C. on June 26, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator for Federal Management Policy.

[FR Doc. 75-17441 Filed 7-3-75;8:45 am]

V 40 130 JUL 7 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/65]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Wednesday, July 23, 1975 at the U.S. Mission to the United Nations, 799 U.N. Plaza, New York, N.Y. 10017. The meeting will begin at 10:00 a.m. and continue until all items on the agenda have been covered.

The agenda will include:

1. Approval of the Minutes of the 76th Meeting of the Commission held on June 26, 1975.

2. A discussion of the U.S. role in the United Nations University.

3. Any other business which any member of the Commission or its staff may bring to the attention of the group.

Members of the general public may attend and participate in the discussion subject to instructions of the Chairman.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone (202) 632-2764. Members of the public will be accommodated up to the seating capacity of the meeting room.

W. E. WELD, JR.,
Staff Director,
Commission Secretariat.

JULY 3, 1975.

[FR Doc.75-17760 Filed 7-3-75;12:34 pm]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-5]

COASTAL PHARMACEUTICALS, INC. NORFOLK, VIRGINIA

Notice of Hearing

Notice is hereby given that on March 21, 1975, the Drug Enforcement Administration, Department of Justice, issued to Coastal Pharmaceuticals, Inc., Norfolk, Virginia, Orders to Show Cause as to why the Drug Enforcement Administration should not deny the applications for registration executed July 3, 1974 for renewal of Drug Enforcement Administration registation #PC0063646 and DEA registration #PC0003993 under section 303 of the Controlled Substances Act of 1970 (21 U.S.C. 823).

Thirty days having elapsed since said orders were received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m., July 30, 1975, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C.

Dated: June 27, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-17468 Filed 7-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[INT DES 75-35]

OIL AND GAS DEVELOPMENT, SANTA BARBARA CHANNEL OUTER CONTINENTAL SHELF, OFFSHORE CALIFORNIA

Change of Dates of Public Hearing and Extension of Comment Period on Draft EIS

The public hearing on the subject draft environmental statement, originally scheduled for July 14, 15, and 16, 1975, at the Lobero Theater, 33 East Canon Perdido, Santa Barbara, California, as published in the FEDERAL REGISTER on June 13, 1975 (40 FR 115), has been rescheduled for August 25 and 26, 1975 (and on August 27 if necessary), at the same address. The time of the hearing will be 9 a.m. to 12 noon, and 1:30 to 5 p.m., and 6:30 to 9 p.m. on August 25 and 26, with a morning session only on August 27 if necessary.

The comment period on the draft impact statement has been extended from July 31, 1975, to September 1, 1975. The cutoff date for submission of a request to present oral testimony at the hearing has been changed to August 1, 1975, rather than July 1, as originally indicated.

Dated: June 30, 1975.

V. E. MCKELVEY,
Director, U.S. Geological Survey.

[FR Doc.75-17501 Filed 7-3-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-122]

MOUNTAINEER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mountaineer Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its Williams Mine, Marion County, West Virginia.

30 CFR 75.1105 in pertinent part provides:

• • • Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. • • •

In support of its petition, Petitioner states:

1. The subject pumps are located on old haulage ways from the pit mouth to the Main South return. The haulage ways were mined approximately 30 years ago, and the pump stations are located in natural swags. Continuous operation is necessary to prevent folding of the haulage.

2. The haulage way is ventilated with intake air, and there are no return airways in the immediate vicinity. The nearest return to the pump is more than 2,000 feet away. Intake air that passes over these pump stations is not used to ventilate an active working section.

3. In lieu of the provision to course the air current which is used to ventilate the structure or area directly into the return, it is proposed that a fire protection system be installed as hereinafter described and that such system will at all times provide no less than the same degree of safety as intended by the Departmental regulations.

To provide no less than the same measure of protection afforded by the mandatory standard, Petitioner proposes to install the following outlined system:

A. The pumps will be housed in a fireproof building.

B. An automatic fire suppression device will be installed in each of the pump stations that will be activated by heat sensors over the pump.

C. Automatic closing steel doors, activated by a heat sensory device, will be installed.

D. No oil or combustible material will be stored in the pump stations.

E. Electrical circuits will comply with the requirements of the Departmental regulations.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 6, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 26, 1975.

[FR Doc.75-17492 Filed 7-3-75;8:45 am]

[Docket No. M 75-104]

P AND H EQUIPMENT COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard; Correction

In FR Doc. 75-12684, appearing at page 20967 in the issue of Wednesday, May 14, 1975, the heading should read as set forth above.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 27, 1975.

[FR Doc.75-17493 Filed 7-3-75;8:45 am]

[Docket No. M 75-121]

SOUTHERN OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Southern Ohio Coal Company has filed a petition to modify the application of 30 CFR 75.1403-9(a) and (d)(2) to its Meigs Mine No. 1, Raccoon Mine No. 3 and Meigs Mine No. 2 located at Athens, Ohio.

30 CFR 75.1403-9(a) provides:

Shelter holes should be provided on track haulage roads at intervals of not more than 105 feet unless otherwise approved by the Coal Mine Safety District Manager(s).

30 CFR 75.1403 in pertinent part provides:

Shelter holes should be provided at all manually operated doors and at switch throws except * * * at switches where more than 6 feet of side clearance is provided. The Coal Mine Safety District Manager(s) may permit exemption of this requirement if such shelter holes create a hazardous roof condition.

In support of its petition to secure a waiver of §§ 75.1403-9(a) and 75.1403-9(d), Petitioner states:

1. The majority of track switches in the subject mine are located in the supply yard near the shaft bottom area. Petitioner would prefer not to disturb the pillars in this area.

2. Where shelter holes are cut in the pillars, the ribs have a tendency to roll causing the shelter holes to become wider than the 4 foot maximum prescribed by § 75.1403-9(b) of the Departmental regulations.

3. Petitioner's alternate method will at all times guarantee to the miners no less than the same measure of protection afforded by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 6, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JUNE 26, 1975.

[FR Doc.75-17342 Filed 7-3-75;8:45 am]

COORDINATED LONG-RANGE OPERATION OF COLORADO RIVER RESERVOIRS

Notice of Formal Review of Criteria

The criteria for coordinated long-range operation of the reservoirs of the Colorado River, promulgated pursuant to Pub. L. 90-537 and published in the FEDERAL REGISTER, June 10, 1970, provided that the Secretary of the Interior sponsor a formal review of the criteria at least every 5 years, with participation by State representatives as each Governor may designate and other such parties and agencies as the Secretary may deem appropriate. A copy of those criteria accompanies this notice.

By letter dated June 9, 1975, the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming were requested to comment on any part of the criteria requiring review. The Governors were further requested to designate one representative and such other participants from their States, as appropriate, to take part in the formal review. Similar invitations have been issued to other interested Federal agencies, including the Department of the Army, Environmental Protection Agency, Council on Environmental Quality, United States Section of the International Boundary and Water Commission, and various offices of the Department of the Interior.

Interested persons or agencies not represented by the invited States and Federal participants are hereby invited to submit written comments on any part of the criteria requiring review. Comments will be accepted by July 31, 1975, and should be directed to Mr. Gilbert G. Stamm, Commissioner, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240.

Dated: July 1, 1975.

JACK O. HORTON,
Secretary of the Interior.

COLORADO RIVER RESERVOIRS

COORDINATED LONG-RANGE OPERATION

Criteria for coordinated long-range operation of Colorado River Reservoirs pursuant to the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 90-537).

These Operating Criteria are promulgated in compliance with section 602 of Public Law 90-537. They are to control the coordinated long-range operation of the storage reservoirs in the Colorado River Basin constructed under the authority of the Colorado River Storage Project Act (hereinafter "Upper Basin Storage Reservoirs") and the Boulder Canyon Project Act (Lake Mead). The Operating Criteria will be administered consistent with applicable Federal laws, the Mexican Water Treaty, interstate compacts, and decrees relating to the use of the waters of the Colorado River.

The Secretary of the Interior (hereinafter the "Secretary") may modify the Operating Criteria from time to time in accordance with section 602(b) of Public Law 90-537. The Secretary will sponsor a formal review of the Operating Criteria at least every 5 years, with participation by State representatives as each Governor may designate and such other parties and agencies as the Secretary may deem appropriate.

I. *Annual Report*

(1) On January 1, 1972, and on January 1 of each year thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected plan of operation for the current year.

(2) The plan of operation shall include such detailed rules and quantities as may be necessary and consistent with the criteria contained herein, and shall reflect appropriate consideration of the uses of the reservoirs for all purposes, including flood control, river regulation, beneficial consumptive uses, power production, water quality control, recreation, enhancement of fish and wildlife, and other environmental factors. The projected plan of operation may be revised to reflect the current hydrologic conditions, and the Congress and the Governors of the Colorado River Basin States shall be advised of any changes by June of each year.

II. *Operation of Upper Basin Reservoirs*

(1) The annual plan of operation shall include a determination by the Secretary of the quantity of water considered necessary as of September 30 of that year to be in storage as required by section 602(a) of Public Law 90-537 (hereinafter "602(a) Storage"). The quantity of 602(a) Storage shall be determined by the Secretary after consideration

V40-130 JUL 7 75 XUM

of all applicable laws and relevant factors, including, but not limited to, the following:

(a) Historic streamflows;

(b) The most critical period of record;

(c) Probabilities of water supply;

(d) Estimated future depletions in the upper basin, including the effects of recurrence of critical periods of water supply;

(e) The "Report of the Committee on Probabilities and Test Studies to the Task Force on Operating Criteria for the Colorado River," dated October 30, 1969, and such additional studies as the Secretary deems necessary;

(f) The necessity to assure that upper basin consumptive uses not be impaired because of failure to store sufficient water to assure deliveries under section 602(a) (1) and (2) of Public Law 90-537.

(2) If, in the plan of operation, either:

(a) The Upper Basin Storage Reservoirs active storage forecast for September 30 of the current year is less than the quantity of 602(a) Storage determined by the Secretary under Article II(1) hereof, for that date; or

(b) The Lake Powell active storage forecast for that date is less than the Lake Mead active storage forecast for that date;

the objective shall be to maintain a minimum release of water from Lake Powell of 8.23 million acre-feet for that year. However, for the years ending September 30, 1971 and 1972, the release may be greater than 8.23 million acre-feet if necessary to deliver 75 million acre-feet at Lee Ferry for the 10-year period ending September 30, 1972.

(3) If, in the plan of operation, the Upper Basin Storage Reservoirs active storage forecast for September 30 of the current water year is greater than the quantity of 602 (a) Storage determination for that date, water shall be released annually from Lake Powell at a rate greater than 8.23 million acre-feet per year to the extent necessary to accomplish any or all of the following objectives:

(a) To the extent it can be reasonably applied in the States of the Lower Division to the uses specified in Article III(c) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead.

(b) To maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and

(c) To avoid anticipated spills from Lake Powell.

(4) In the application of Article II(3)(b) herein, the annual release will be made to the extent that it can be passed through Glen Canyon Powerplant when operated at the available capability of the powerplant. Any water thus retained in Lake Powell to avoid bypass of water at the Glen Canyon Powerplant will be released through the Glen Canyon Powerplant as soon as practicable to equalize the active storage in Lake Powell and Lake Mead.

(5) Releases from Lake Powell pursuant to these criteria shall not prejudice the position of either the upper or lower basin interests with respect to required deliveries at Lee Ferry pursuant to the Colorado River Compact.

III. *Operation of Lake Mead*

(1) Water released from Lake Powell, plus the tributary inflows between Lake Powell and Lake Mead, shall be regulated in Lake Mead and either pumped from Lake Mead or released to the Colorado River to meet requirements as follows:

(a) Mexican Treaty obligations;

(b) Reasonable consumptive use requirements of mainstream users in the lower basin;

(c) Net river losses;

(d) Net reservoir losses;

(e) Regulatory wastes.

(2) Until such time as mainstream water is delivered by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met.

(3) After commencement of delivery of mainstream water by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met to the following extent:

(a) *Normal.* The annual pumping and release from Lake Mead will be sufficient to satisfy 7,500,000 acre-feet of annual consumptive use in accordance with the decree in Arizona v. California, 376 U.S. 340 (1964).

(b) *Surplus.* The Secretary shall determine from time to time when water in quantities greater than "Normal" is available for either pumping or release from Lake Mead pursuant to Article II(B)(2) of the decree in Arizona v. California after consideration of all relevant factors, including, but not limited to, the following:

(i) The requirements stated in Article III (1) of these Operating Criteria;

(ii) Requests for water by holders of water delivery contracts with the United States, and of other rights recognized in the decree in Arizona v. California;

(iii) Actual and forecast quantities of active storage in Lake Mead and the Upper Basin Storage Reservoirs; and

(iv) Estimated net inflow to Lake Mead.

(c) *Shortage.* The Secretary shall determine from time to time when insufficient mainstream water is available to satisfy annual consumptive use requirements of 7,500,000 acre-feet after consideration of all relevant factors, including, but not limited to the following:

(i) The requirements stated in Article III (1) of these Operating Criteria;

(ii) Actual and forecast quantities of active storage in Lake Mead;

(iii) Estimate of net inflow to Lake Mead for the current year;

(iv) Historic streamflows, including the most critical period of record;

(v) Priorities set forth in Article II(a) of the decree in Arizona v. California; and

(vi) The purposes stated in Article I(1) of these Operating Criteria.

The shortage provisions of Article II(B)(3) of the decree in Arizona v. California shall thereupon become effective and consumptive uses from the mainstream shall be restricted to the extent determined by the Secretary to be required by section 301 (b) of Public Law 90-537.

IV. *Definitions*

(1) In addition to the definitions in section 606 of Public Law 90-537, the following shall also apply:

(a) "Spills," as used in Article II(3)(c) herein, means water released from Lake Powell which cannot be utilized for Project purposes, including, but not limited to, the generation of power and energy.

(b) "Surplus," as used in Article III(3)(b) herein, is water which can be used to meet consumptive use demands in the three Lower Division States in excess of 7,500,000 acre-feet annually. The term "surplus" as used in these Operating Criteria is not to be construed as applied to, being interpretive of, or in any manner having reference to the term "surplus" in the Colorado River Compact.

(c) "Net inflow to Lake Mead," as used in Article III(3)(b)(iv) and (c)(iii) herein, represents the annual inflow to Lake Mead in excess of losses from Lake Mead.

(d) "Available capability," as used in Article II(4) herein, means that portion of the total capacity of the powerplant that is physically available for generation.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 4, 1970.

NOTES

This Document was filed June 9, 1970 as FR Doc. 70-7138 and published in Vol. 35, No. 112, FEDERAL REGISTER, Wednesday, June 10, 1970.

[FR Doc.75-17541 Filed 7-3-75;8:45 am]

[INT FES 75-60]

PROPOSED HAVASU WILDERNESS AREA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Havasu Wilderness Area, San Bernardino County, California.

The proposal recommends that 2,510 acres of the 41,495-acre Havasu National Wildlife Refuge be designated as a unit of the National Wilderness Preservation System. The proposed wilderness lies within San Bernardino County, California.

Copies of the final statement are available for inspection at the following locations:

Regional Director
U.S. Fish and Wildlife Service
500 Gold Avenue, SW
Albuquerque, New Mexico 87102

Refuge Manager
Havasu National Wildlife Refuge
Box A
Needles, California 92363

U.S. Fish and Wildlife Service
Branch of Environmental Coordination
Room 2252
18th & C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Branch of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: June 30, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-17495 Filed 7-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Committee will meet at 8:30 am, August 7, 1975, at the Forest headquarters, 211 NE Revere, Bend, Oregon for a field trip.

The purpose of this meeting will be to review the progress, problems, and direction in wildlife management in the vicinity of Crane Prairie Osprey Management Area.

The Committee members will be asked for advice and counsel regarding the direction and suggested changes.

The meeting will be open to the public. Persons who wish to accompany the Committee should notify the Forest Supervisor's Office at 211 NE Revere, Bend, Oregon 97701, or call (503) 382-6922, extension 301. It will be necessary for the general public to provide their own transportation, lunch and other amenities at no cost to the Government. Written statements may be filed with the Committee before or after the meeting since time will not permit oral comments, from the public, during the course of the trip.

Dated: June 26, 1975.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.75-17489 Filed 7-3-75;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Notice of Meeting

The Rock Creek Advisory Committee will replace their usual meeting with a field trip of the Rock Creek area Saturday, July 26th and possibly Sunday, July 27th, depending on the itinerary to be developed by the Forest Service. The meeting place will be in Philipsburg at the Forest Service Ranger Station at 9 a.m.

The purpose of this field trip is to familiarize Committee members with an on-the-ground picture of the Rock Creek area to aid in the evaluation of the options presented for land use.

The tour is open to the public, but reservations must be made with the Philipsburg District Ranger by July 15th in order to coordinate transportation. Those people participating in the tour will be required to furnish their own food and bedroll, in the case of overnight extension of the tour.

ROBERT W. DAMON,
Forest Supervisor,
Deerlodge National Forest.

[FR Doc.75-17440 Filed 7-3-75;8:45 am]

Rural Electrification Administration

CAJUN ELECTRIC POWER COOPERATIVE, INC., NEW ROADS, LA.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed loan application for Cajun Electric Power Cooperative, Inc., P.O. Box 578, New Roads, Louisiana 70760. This proposed loan application, together with funds from other sources, will provide for the construction of two 540 MW coal-fired generating units and related facilities to be located on the Mississippi River in Pointe Coupee Parish, approximately four miles northeast of New Roads, Louisiana.

Additional information may be secured by request submitted to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric at the address given above. Comments must be received on or before September 5, 1975 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27 day of June, 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administraton.

[FR Doc.75-17460 Filed 7-3-75;8:45 am]

Soil Conservation Service

SENECA CREEK WATERSHED; MD.

Notice of Authorization for Watershed Planning

This provides notice of authorization dated June 30, 1975, to the concerned state conservationist of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watershed. The state conservationist may now proceed with investigations and surveys as necessary to develop a watershed plan under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Pub. L. 91-190), concurrently with the preparation of the watershed plan.

Persons interested in this project may contact the local organizations or the state conservationist as indicated below:

Maryland: *Seneca Creek Watershed;* 82,479 acres; Montgomery County.

Sponsors—Maryland National Capital Park and Planning Commission, Montgomery County Council, and Montgomery Soil Conservation District.

State Conservationist—Mr. Graham T. Munkittrick, Soil Conservation Service, Hartwick Building, Room 522, 4321 Hartwick Road, College Park, Maryland 20740.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 30, 1975.

VICTOR H. BARRY, JR.,
Acting Administrator,
Soil Conservation Service.

[FR Doc.75-17490 Filed 7-3-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GREEN BALL BEARING CO.

Petition for a Determination

A petition by Green Ball Bearing Company, Cleveland, Ohio, was accepted for filing on June 30, 1975, under section 251 of the Trade Act of 1974 and in conformity with *Adjustment Assistance Certification Regulations for Firms,* 15 CFR, Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in §§ 680.3506, 680.3507, 680.3508, 680.3509, 680.3510, 680.3512, 680.3513, 680.3514, 680.3516, 680.3517 and 680.3522 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with radial ball bearings produced by the firm in the size range from 9 to 100 millimeters outside diameter.

Any party having a substantial interest in the subject matter in the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

HAROLD A. BRATT, JR.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17472 Filed 7-3-75;8:45 am]

V40 I130 JUL 7 75 XUM

Maritime Administration

[Docket No. S-458]

LYKES BROS. STEAMSHIP CO., INC.

Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. in its application dated December 2, 1974 for a new long-term operating-differential subsidy agreement has requested authority to continue its domestic services. Lykes Bros. has a section 805(a) written permission with respect to ships operating in its subsidized Line D Service on Trade Route No. 22 (U.S. Gulf ports/Far East) to provide service between Hawaii and United States Gulf ports in the domestic commerce of the United States on up to the maximum number of sailings authorized for the Line D Service. A new written permission will be required under section 805(a) of the Merchant Marine Act, 1936, as amended, to continue this service if Lykes Bros.' application for a new subsidy agreement is approved.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on July 23, 1975, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: July 1, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-17543 Filed 7-3-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT OF 1972

Report on Administration

In accordance with the provisions of section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Secretary of Commerce submitted a report to the Congress on June 27, 1975, on the administration of the Act with regard to those marine mammals which are the responsibility of the Department of Commerce. This report covers the period May 1, 1974, to March 31, 1975.

The National Marine Fisheries Service plans to provide this report to the public in the near future, through publication in the FEDERAL REGISTER. Copies of the report are now available for review by the public in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: June 27, 1975.

HARRY L. RIETZE,
Acting Associate Director for Resource Management.

[FR Doc.75-17538 Filed 7-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F-0096; 75-433]

C. P. HALL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5A3075) has been filed by C. P. Hall Co., 7300 S. Central Ave., Chicago, IL 60638, proposing that § 121.1099 *Defoaming agents* (21 CFR 121.1099) be amended to provide for the safe use of polyethylene glycol (400) dioleate as a component of defoaming agents used in processing beet sugar and yeast.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 26, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-17455 Filed 7-3-75;8:45 am]

[Docket No. 75F-0041; 75-398]

GENERAL MILLS CHEMICALS, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3100) has been filed by General Mills Chemicals, Inc., 2010 East Hennepin, Minneapolis, MN 55413, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended in the listing in paragraph (a)(5), under the item guar gum modified with 2,3-epoxypropyltrimethylammonium chloride, to provide for the safe use of this additive at a level not to exceed 0.30 percent by weight on the basis of dry paper and paperboard fibers. The additive is currently regulated for use at a level of 0.15 percent by weight on the basis of dry fibers in paper and paperboard that is intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 26, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-17454 Filed 7-3-75;8:45 am]

ENDOCRINOLOGY AND METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Endocrinology and Metabolism Advisory Committee.	July 30, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers La., Rockville, Md.	Open—A. T. Gregoire, Ph.D., (HFD-120), 5600 Fishers La., Rockville, Md. 20852, (301) 443-5510.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the treatment of endocrine and metabolic disorders.

Agenda. Discussion of PAS-C (NDA 13-473) for its use as an antilipidemic drug and TRH (NDA 17-636) for the diagnosis of pituitary and thyroid function.

Agenda items are subject to change as priorities dictate.

Dated: JUNE 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17451 Filed 7-3-75;8:45 am]

[75-444]

PANEL ON REVIEW OF ANTIPERSPIRANT DRUG PRODUCTS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Antiperspirant Drug Products by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond July 16, 1975.

Authority for this committee will expire on July 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17450 Filed 7-3-75;8:45 am]

PANEL ON REVIEW OF COUGH, COLD, ALLERGY, BRONCHODILATOR AND ANTI-ASTHMATIC DRUG PRODUCTS

Notice of Room Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration, in a notice published in the FEDERAL REGISTER of June 19, 1975 (40 FR 25840 announced public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the Panel on Review of Cough, Cold, Allergy, Bronchodilator and Antiasthmatic Drug Products meeting scheduled for July 17 and 18, 1975, will be held in Conference Rm. C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, at 9 a.m.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17448 Filed 7-3-75;8:45 am]

[75-445]

PANEL ON REVIEW OF MISCELLANEOUS EXTERNAL DRUG PRODUCTS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Miscellaneous External Drug Products by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond July 16, 1975.

Authority for this committee will expire July 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17453 Filed 7-3-75;8:45 am]

[75-452]

PANEL ON REVIEW OF MISCELLANEOUS INTERNAL DRUG PRODUCTS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Miscellaneous Internal Drug Products by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond July 16, 1975.

Authority for this committee will expire on July 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17452 Filed 7-3-75;8:45 am]

[75-442]

PANEL ON REVIEW OF ORAL CAVITY DRUG PRODUCTS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Oral Cavity Drug Products by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond July 16, 1975.

Authority for this committee will expire on July 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17449 Filed 7-3-75;8:45 am]

[FDA-225-75-4073]

MARYLAND FOOD PROCESSING AND STORAGE FACILITIES INSPECTION

Memorandum of Understanding With the Maryland Environmental Health Administration

The Maryland Environmental Health Administration and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed or adopted concerning inspection of all Maryland food processing and storage facilities of mutual obligation, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF FOOD AND DRUGS, MARYLAND ENVIRONMENTAL HEALTH ADMINISTRATION AND THE BALTIMORE DISTRICT, FOOD AND DRUG ADMINISTRATION

I. *Purpose.* It is the purpose of this understanding to provide more effective consumer protection through more efficient utilization of manpower and resources available to both parties to this understanding.

II. *Work-sharing program.* A. Goals and Responsibilities: The parties to this understanding will share the responsibility for the inspection of all Maryland food processing and storage facilities of mutual obligation. Close coordination and communication will be maintained, and there will be joint planning and work scheduling to assure that manpower is efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance.

B. Inspectional Obligation: 1. Inspection Inventory: An inventory of firms covered by this understanding, hereinafter referred to as the cooperative establishment inventory (CEI), will be jointly prepared. The CEI will be maintained by the Food and Drug Administration's (FDA) data processing unit (DPU) and updated continuously as data is received from both agencies. The inventory will include the following industry categories: beverages, bakery products, processed and bulk grains, sugar products, fish, crab-meat, spices and condiments, canned fruits and vegetables, miscellaneous fruits and vegetables, nut products, oils, miscellaneous prepared foods, and stored food products.

2. Inspection Commitment: Each agency will make an annual commitment for the number of inspections it plans to make of CEI firms. The commitments will be made at the planning session held within the last quarter of the term of this understanding and will be included as an addendum to the understanding. Every effort will be made by both parties to meet the inspection commitment during the term. The commitment will be subject to review and modification in the event manpower is required for emergency duties.

III. *General Provisions.* A. Information Exchange: There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection Reports: Each agency will provide copies of complete inspection reports to its partner agency. Reports of inspectional observations will be exchanged in a timely fashion, not to exceed 20 working days.

2. Assay Reports: All reports of assay of samples of products manufactured or stored by CEI firms will be exchanged for informational purposes.

3. Correspondence: Copies of all relevant written correspondence to and from CEI firms in the form of warning, informational or request letters will be exchanged in a timely fashion.

B. Work Planning: 1. Annual Plan: DPU will prepare an annual printout of the CEI plus a listing of scheduled firms by month for use in the joint preparation of a cooperative work plan.

2. Scheduling: DPU will prepare a printout of firms scheduled for inspection by the 15th of the month preceding the month to be inspected. The firms will be assigned jointly

V40 I130 JUL 7 75 XUM

to inspectors of both agencies. DPU will provide a listing of assigned firms to the state by the 1st of the month scheduled.

3. Accomplishments: A monthly accomplishment report will be prepared and sent to the state by the 10th of each month by FDA to show, in a cumulative fashion, each agency's accomplishment of its commitment.

C. Compliance Follow-up:

1. Responsibility: It will be the responsibility of the agency which discovers a violation during inspection of a CEI firm to determine the impact required to achieve compliance and to follow through to accomplish correction of the violation.

2. Impact Action: The responsible agency may elect one of several types of impact action: reinspection, product embargo or seizure, product recall, warning letter, joint follow-up inspection, administrative hearing, prosecution, referral to its partner agency, etc. If referral is selected, it will become the responsibility of the partner agency to pursue the violation, within the limits of its authority, to achieve compliance.

D. Cross-Commissioning: During the first year of this cooperative program, the partner agencies will study the need for cross-commissioning to permit sanitarians or investigators of each agency to operate under state and federal law. If such commissioning is considered advisable, plans for its development, use, and control will be formulated.

E. Training: Training is considered essential for the maintenance of effective inspectional units. It will be discussed and planned at each planning session.

1. Formal: Formal training courses sponsored by either agency will be made available whenever possible for the partner's personnel.

2. On-the-job: Joint inspections will be used when indicated and requested by a partner agency to train new personnel or to update the expertise of experienced personnel.

F. Recall and Emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems involving foods.

1. Recall Effectiveness Checks: Each agency will cooperate with the other in checking the effectiveness of product recalls in removing foods which threaten the public health from the market. The state will respond promptly, within the limits of available manpower, to FDA requests for aid during Class I recalls.

2. Foodborne Illness: The coordination of foodborne illness investigations will be studied during the term of this understanding and a plan will be developed for their incorporation in the program during the second year.

3. Disaster Work: Problems involving food contamination caused by disasters such as flood, fire, hurricane, carrier wreck, etc., will be handled jointly. A plan for coordination of such investigations will be developed during the term of this understanding.

G. Consumer Complaints: 1. Interstate: If investigation of a consumer complaint involving food contamination reveals out-of-state manufacturer responsibility, Baltimore District FDA will request investigation of the involved manufacturer and provide feedback information to the state.

2. Intrastate: Complaints received by either agency involving CEI firms will be investigated by the agency currently responsible for inspection of the involved firm.

H. Performance Evaluation: During the first year of operation of this cooperative program, a procedure for evaluation of the quality of program performance will be developed.

I. Program Review: Joint planning sessions will be held semi-annually to review this understanding, discuss the cooperative program, evaluate accomplishments and plan future cooperative work. The first session will be held within 6 months of the signing of this memorandum; the second will be held 6 months thereafter. Each session will be arranged for, and moderated by, the FDA's Region III Food and Drug Director's Assistant for Intergovernmental Affairs.

IV. *Term of Understanding.* This understanding will expire on July 31, 1976, unless renewed and signed by both cooperating agencies to continue it in effect for another year. A new memorandum of understanding will be prepared each year with asterisks included to indicate revisions.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days written notice by either agency.

V. *Non-Discriminatory Clause.* The parties hereto agree to operate under this understanding so that no one, if otherwise qualified, may be denied employment or other benefits on the ground of race, color, sex, religion, age, political affiliation or opinion, handicap, national origin or other non-merit factors or may be otherwise subjected to discrimination.

Approved and accepted for the Maryland Environmental Health Administration:

By: Donald H. Noren, Director, Maryland Environmental Health Administration.

Dated: June 11, 1975.

Approved and accepted for the Food and Drug Administration:

By: M. L. Strait, Deputy Regional Food and Drug Director, Food and Drug Administration, Baltimore District.

Dated: June 11, 1975.

Effective date. This Memorandum of Understanding became effective June 11, 1975.

Dated: June 27, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-17456 Filed 7-3-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-472-DR; NFD-282]

MONTANA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 28, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Montana resulting from flooding caused by severe storms, heavy rains, and snowmelt beginning about June 19, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Montana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Donald G. Eddy, HUD Region VIII, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Montana to have been adversely affected by this declared major disaster:

The Counties of:

Cascade	Lewis and Clark
Flathead	Pondera
Glacier	Teton

Dated: June 28, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.75-17535 Filed 7-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-22; Notice 1]

MOTOR COACH INDUSTRIES, INC.

Petition for Modification of Temporary Exemption From Federal Motor Vehicle Safety Standard

General Motors Corporation ("GM") has petitioned the National Highway Traffic Safety Administration to modify the temporary exemption from Federal Motor Vehicle Safety Standard No. 121, Air brake systems, 40 CFR 571.121, granted Motor Coach Industries ("MCI").

By an order published March 18, 1975 (40 FR 12307), the Administrator granted MCI and TMC (an allied corporation) "NHTSA Temporary Exemption Nos. 75-6A for MC5-B buses, expiring May 1, 1975, and 75-6B for MC-8 buses, expiring September 1, 1975, from Motor Vehicle Safety Standard No. 121 (paragraph S5.3.1 only.)" GM has asked that the scope of the exemption be narrowed and that the MC-8 buses be retrofitted to comply with Standard No. 121. Specifically, GM states that MCI's problem concerns only the lightly loaded third axle and that "MCI should be required to meet all the requirements of FMVSS 121 including the majority of S5.3.1 except for the lightly loaded third axle which should be exempted only from the 'no-lockup' requirements of S5.3.1." In addition GM argues that "* * * once the problem with the * * * computer on the third axle has been resolved, MCI should be able to retrofit each MC-8 bus manufactured during the exemption period and thus bring each of the buses into complete compliance with FMVSS 121." GM believes that "such a requirement will significantly alleviate the serious competitive disadvantages which non-exempt intercity bus manufacturers and their customers will experience during the exemption period," thus reducing "the substantial manufacturing cost and owner maintenance cost differences between exempt and non-exempt intercity buses." Finally it argues that retrofitting is in the public interest since the vehicles concerned are public conveyances that will be in continuous use over many years.

The Administrator is considering granting GM's request in part. With respect to modifying the total exemption from S5.3.1 Stopping distance—trucks and buses, the NHTSA understands that MCI is, in fact, complying with all portions of S5.3.1 except the portion prohibiting lockup. Thus a modification of the terms of the exemption would not appear to cause MCI substantial economic hardship. The NHTSA has learned that MC-8 coaches produced by TMC and one-half of MCI's MC-8 production since the grant of the exemption have conformed with Standard No. 121. This means that approximately seven coaches a week are being manufactured under the exemption. The mechanics of retrofit, as NHTSA understands it, involves installation of wiring harnesses for the antilock systems, plus the installation of the antilock system and allied components. Buses manufactured thus far under the exemption do not have this wiring installed. To retrofit them would require removing them from service, and returning them to the factory for modifications costing approximately $2,500 per vehicle. NHTSA understands, however, that around July 1, 1975, MCI intends to install the wiring harness as part of its production process. Thus, retrofit of these vehicles would involve only installation of the antilock systems and allied components, and at a substantially lower cost of $700 per vehicle. If current production schedules are maintained, approximately 60 exempted coaches will be produced between July 1, 1975, and September 1, 1975, when the exemption expires. To require retrofitting these buses at a cost of $42,000 would not appear to create a hardship for MCI which, in its original petition, estimated a net income for 1975 of over $2,000,000 even if its petition were denied. The Administrator therefore is considering terminating Temporary Exemption No. 75-6B and issuing a new exemption that would expire September 1, 1975, conditioned upon retrofit by January 1, 1976, of all vehicles produced under it.

Interested persons are invited to submit comments on the petition by General Motors to modify the Motor Coach Industries temporary exemption, as described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed, and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: July 18, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on July 1, 1975.

ROBERT L. CARTER,
Associate Administrator Motor Vehicle Programs.

[FR Doc.75-17685 Filed 7-3-75;8:45 am]

ADVISORY COMMITTEE ON FEDERAL PAY

PROPOSED ADJUSTMENTS IN FY 1976

Meeting

The Advisory Committee on Federal Pay announces two public discussions of the proposed adjustment in Federal pay for Fiscal 1976, to be held in Room 601, 1016 16th Street NW., Washington, D.C.

On Tuesday, July 22, beginning at 10:00 a.m., the Committee will meet with organizations representing Federal employees or any interested government officials to obtain their views on the President's Pay Agent's report on the proposed adjustment. (The Pay Agent's report is scheduled for completion about July 18. Organizations representing Federal employees can request a copy of that report from the Committee.) Organizations representing Federal employees or interested government officials wishing to discuss the report with the Committee orally or in writing should notify the Committee by Thursday, July 17, either by writing or calling the Committee (Area Code 202-382-2296). Written comments on the report should reach the Committee at its offices—Room 101, 1016 16th Street NW., Washington, D.C. 20036—by July 25. (Four copies of written statements should be submitted.) Both written submissions or requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

On Wednesday, July 23, at 9:30 a.m., the Committee will discuss the Pay Agent's report with representatives of the President's Pay Agent.

The Advisory Committee on Federal Pay, established as an independent establishment by section 5306 of Title V, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act) is charged with assisting the President in carrying out the policies of section 5301 of Title V, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title V requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the government of the United States and such experts as the Committee may consult.

The Committee will also meet in executive session on July 29, 30, and 31 to prepare its report to the President on the Fiscal 1976 adjustment in Federal pay. The discussions will take place in New York City—425 Park Avenue (17th floor). They will start at 9:30 a.m. This report will incorporate the Committee's findings and recommendations to the President, based on the material presented by the individuals and organizations that have submitted their views to the Committee and on the experience, knowledge and judgment of the members of the Committee. Materials, which the Committee will use in making its decision, will have been presented in open discussions or in written reports, available for public inspection.

The Committee consists of three members appointed by the President, who are experts in the field of labor relations and pay policy and, who are generally recognized for their impartiality. Their initial views may well be diverse. In order to facilitate the independent development of consensus findings and recommendations, the members must be free to take tentative and subjective positions, to be frank and candid about their views, to experiment with various proposals, and to make assumptions and present conclusions arguendo. Tentative individual opinions, preliminary judgments and policy positions will be so integrated throughout the deliberations with factual matters that separation would not be feasible. Under the Pay Comparability Act, these deliberations of the Committee are analogous to the development of policy within an agency exercising statutory functions. The exposure of this predecisional deliberative process would have a "chilling" effect upon the frank and candid exchange of views that is essential to the development of considered independent recommendations.

The Federal Advisory Committee Act (5 U.S.C.A. App. I, Pub. L. 92-463) does not require public participation in the development of the Committee's findings and recommendations. The Freedom of Information Act authorizes the exemption from disclosure of inter- or intra-agency memoranda or letters where the documents are not final determinations and such exemptions are necessary to prevent undue inhibition of pre-decisional processes (5 U.S.C. 552(b)(5)). The deliberative process by which the Advisory Committee on Federal Pay arrives at independent judgments to transmit to the President is a pre-decisional process which must remain uninhibited and thus undisclosed in order that the Committee may supply maximum assistance to the President in making his final decision. This process is therefore, within the above exemption of the Freedom of Information Act extended to advisory committees through the Federal Advisory Committee Act.

V40-130 JUL 7 75 XUM

Therefore, by authority of section 10 (d) of Pub. L. 92-463, the Federal Advisory Committee Act, the Director of the Office of Management and Budget has determined that the meetings of the Advisory Committee on Federal Pay of July 29, 30, and 31, 1975, to develop its findings and recommendations with respect to the annual adjustment in Federal pay will concern matters within section 552(b)(5) of Title 5, United States Code, and therefore shall not be open to the public.

The final findings and policy recommendations of the Committee will be made public by the President.

JEROME M. ROSOW,
Chairman Advisory Committee on Federal Pay.

[FR Doc.75-17687 Filed 7-3-75;9:46 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1729]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL. (BARNWELL FUEL RECEIVING AND STORAGE STATION)

Receipt of Application for Materials License; Notice of Consideration of Issuance of Materials License and Notice of Opportunity for Hearing

In the matter of Allied-General Nuclear Services, Allied Chemical Nuclear Products, Inc., and General Atomic Co. (Barnwell Fuel Receiving and Storage Station).

Notice is hereby given pursuant to 10 CFR 2.105(a)(4) that the Nuclear Regulatory Commission (Commission) has received an application for a materials license from Allied-General Nuclear Services, et al. (Applicants) to receive and possess irradiated fuel assemblies (by-product material, source material and special nuclear material) at the Barnwell Fuel Receiving and Storage Station (BFRSS) of the Barnwell Nuclear Fuel Plant (BNFP) located on the Applicants' site six miles west of the town of Barnwell, Barnwell County, South Carolina. The license would terminate upon issuance of a facility operating license for the BNFP Separations Facility.

The BNFP Separations Facility which is being constructed pursuant to Construction Permit No. CPCSF-4, issued by the Commission on December 18, 1970, is the subject of a separate ongoing hearing before an Atomic Safety and Licensing Board. The proceeding on the BNFP Separations Facility is a consolidation of the hearing pursuant to 10 CFR Part 50, Appendix D, section B, on environmental issues relating to the Construction Permit and the hearing concerning the application for a facility operating license pursuant to 10 CFR Part 50 to operate the BNFP Separations Facility.

The Director of Nuclear Material Safety and Safeguards will consider the issuance of materials license to Allied-General Nuclear Services, et al. which would authorize the Applicants to receive and possess irradiated fuel assemblies at BFRSS in accordance with the provisions of the license and the technical specifications appended thereto upon (1) the completion of a favorable safety evaluation of the application by the Commission Staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; and (3) a negative finding on Item 1 and an affirmative finding on Items 2 and 3 specified below as a basis for issuance of a license to the Applicants:

1. Whether the issuance of the license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public.

2. Whether the Applicants meet the requirements of the Atomic Energy Act of 1954, as amended (Act), and the regulations of the Commission, as follows:

a. Whether in accordance with the provisions of 10 CFR 30.33(a):

i. The application is for a purpose authorized by the Act;

ii. The Applicants' proposed equipment and facilities are adequate to protect health and minimize danger to life or property; and

iii. The Applicants are qualified by training and experience to use the material for the purpose requested in such manner as to protect health and minimize danger to life or property.

b. Whether in accordance with the provisions of 10 CFR 40.32:

i. The application is for a purpose authorized by the Act;

ii. The Applicants are qualified by reason of training and experience to use the source material for the purpose requested in such manner as to protect health and minimize danger to life or property; and

iii. The Applicants' proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property.

c. Whether in accordance with the provisions of 10 CFR 70.23(a):

i. The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the Act, in activities licensed by the Commission under section 103 or 104 of the Act or for such other uses as the Commission determines to be appropriate to carry out the purposes of the Act;

ii. The Applicants are qualified by reason of training and experience to use the material for the purpose requested in accordance with the regulations in Chapter 10 of the Code of Federal Regulations;

iii. The Applicants' proposed equipment and facilities are adequate to protect health and minimize danger to life or property;

iv. The Applicants' proposed procedures to protect health and to minimize danger to life or property are adequate; and

v. The Applicants' physical security plan submitted pursuant to § 70.22(h) meets the physical protection requirements of Part 73 of Chapter 10 of the Code of Federal Regulations.

3. Whether in accordance with the provisions of 10 CFR § 30.33(a), § 40.32 and § 70.23(a), on the basis of information filed and evaluations made pursuant to Part 51 of Chapter 10 of the Code of Federal Regulations, and after weighing the environmental, economic, technical, and other costs and considering available alternatives, the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values.

By August 6, 1975, the Applicants may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to issuance of the materials license. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by August 6, 1975. A copy of the petition and/or request for a hearing should also be sent to the Chief Hearing Counsel, Office of the Executive Legal

Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Bennett Boskey, Esquire, 918 16th Street NW., Washington, D.C. 20006, attorney for the Applicants.

A petition for leave to intervene which is not timely will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)-(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

For further details, see the application for the license, dated July 3, 1974, and the Applicants' environmental report for the Separations Facility containing information necessary for the Commission's environmental review of the BFRSS, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Local Public Document Room, Mr. T. E. Richardson, Chairman, Board of Commissioners, P.O. Box 443, Barnwell, S.C. 29812. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Material Safety and Safeguards; (2) the Commission's draft and final environmental statements; (3) the proposed license; and other relevant documents.

Copies of the Safety Evaluation Report and the Final Environmental Statement may be purchased, when available, from the National Technical Information Service, Springfield, Virginia 22161. The Draft Environmental Statement, identified as NUREG-74/026, the proposed license, and other relevant documents, when available, may be obtained by request to the Director, Division of Materials and Fuel Cycle Facility Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 26th day of June, 1975.

JAMES R. MILLER,
Fuel Cycle Licensing Branch 2 Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-17178 Filed 7-3-75;8:45 am]

[Docket No. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA, INC.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated June 23, 1973 a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by August 6, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity Nuclear Reactor Regulation.

APPENDIX A

PUBLIC SERVICE COMPANY OF OKLAHOMA, INC. BLACK FOX NUCLEAR GENERATING STATION, UNITS 1 AND 2
NUCLEAR REGULATORY COMMISSION DOCKET NO. P-531-A

JUNE 23, 1975.

You have requested our advice pursuant to the provisions of the Atomic Energy Act of 1954, as amended, in connection with the above-cited application.

The facility. Black Fox Nuclear Generating Station will be located at a site in northeastern Oklahoma and will consist of two nuclear units, each with a net electrical output of 1150 megawatts (MW). The total cost of the project is estimated to exceed $1 billion. Public Service Company of Oklahoma (PSO) will construct and operate the facility. Associated Electric Cooperative, Inc. has already purchased a sizeable ownership interest in the plant (500 MW) and a cooperative bulk power supplier, and a number of municipal bulk power suppliers may ultimately enter into agreements for ownership participation in the facility.

The Applicant. PSO, headquartered in Tulsa, Oklahoma, serves customers in northeast, central, southeast and southwest Oklahoma. Applicant in August 1973 had a peak load of 1850 MW and estimates its current peak load at over 2070 MW. It is the second largest electric utility in Oklahoma, Oklahoma Gas and Electric Company being the largest. PSO's generating capability currently exceeds 2600 MW which allows for the maintenance of a sizeable level of reserves. Applicant's peak load is projected to almost double in the next 10 years. To meet this increase, PSO has planned or has under construction additional generating capacity which will increase its dependable system capacity to 5790 MW by 1985.

Applicant is a member of the Southwest Power Pool (SWPP), along with Grand River Dam Authority, Oklahoma Gas and Electric Company, Southwestern Electric Power Company, Southwestern Power Administration and Western Farmers Electric Cooperative. This power pool coordinates the planning and installation of generating units and certain interconnecting transmission facilities. In addition to SWPP, PSO has interconnection agreements with various other adjacent electric power suppliers, providing for various power exchange arrangements.

Four municipally owned distribution systems rely on PSO for their entire bulk power supply requirements; another five municipals and two cooperatives are partial wholesale customers.

Results of antitrust review. In the course of our antitrust review, the Department received certain allegations, the general import of which was that PSO has used its dominant position in generation and transmission in its service area to restrain the competitive opportunities of smaller systems with respect to bulk power supply. For its part, PSO denied these allegations and denied that its bulk power supply policies and practices have been or are inconsistent with the antitrust laws. In order to eliminate any questions as to the policies that it intends to follow in the future, PSO has formalized its policies in a Statement of Bulk Power Supply Policy. This policy is set out in the attachment to the letter of PSO's President, dated June 12, 1975, which is attached hereto. PSO has also indicated its willingness to have this Statement incorporated in the license for Black Fox Nuclear Generating Station.

The Department believes that the effectuation of this bulk power supply policy would moot all relevant issues as to which allegations of anticompetitive conduct on the part of PSO were made to the Department. The implementation of this policy should provide competitors of PSO with reasonable opportunities to maintain and further develop competitive sources of bulk power supply. PSO is agreeable to having the Commission include the contents of this Statement of Bulk Power Supply Policy as conditions to the license, and appears to have already taken steps to implement this policy.

PSO indicates that it is agreeable to imposition of the aforesaid conditions in its license with the understanding that, "the commitment to offer access to Black Fox Station Units 1 and 2 by participation 'up to a reasonable amount in kilowatts,' as set out in Section II, shall have been met when 400,000 kilowatts (200,000 kilowatts in each unit) is made available to Neighboring Entities and Neighboring Distribution Systems." Additionally, the Department understands that Associated Electric Cooperative, Inc. has contracted for an ownership interest in Black Fox Station which will entitle it to obtain 250 MW from each 1150 MW Black Fox Station unit. Consequently, of the 1150 MW in each unit, PSO is offering 200 MW to Neighboring Entities and Neighboring Distribution Systems and 300 MW is committed to Associated Electric Cooperative, Inc. On the basis of information available to the Department, it does not appear that the foregoing allocation of power from the Black Fox Station Units 1 and 2 is unreasonable.

In light of the foregoing, we conclude that an antitrust hearing will not be necessary with respect to the instant application, if the Commission issues a license conditioned as indicated above.

PUBLIC SERVICE COMPANY OF OKLAHOMA

JUNE 12, 1975.

Attached is Statement of Bulk Power Supply Policy of Public Service Company of Oklahoma as per our recent discussions.

These affirmations are made with the understanding that the Department of Justice will recommend to the Nuclear Regulatory Commission that no antitrust hearing will be required and on that basis, the Company agrees that these affirmations may be included as conditions to the NRC construction permits and operating licenses for the Black Fox Station Units 1 and 2.

The Company continues to maintain that its policies and practices have been consistent with the antitrust laws and that these affirmations do not expand or extend any

V40-130 JUL 7 75 XUM

practices not presently in effect with all neighboring entities and neighboring distribution systems desiring to enter into implementing contracts and agreements. The affirmations are subject to the following additional understandings:

1. Nothing therein shall be construed as a waiver by Company of its right to contest whether or not or the extent to which a particular factual situation may be covered by this statement of policy or preclude Company from contesting an alleged act of unfair competition.

2. Nothing therein is intended to preclude Company and a Neighboring Entity or a Neighboring Distribution System from reaching an agreement which extends, varies or supplements the provisions of the commitments in a manner not inconsistent with the purposes expressed therein and applicable law.

3. Company reserves the right of recourse to the appropriate forum to seek such changes therein as may at the time be appropriate in accordance with the law and good industry practices.

4. Company does not consent by these commitments to become a common carrier.

5. Company reserves all rights and protection afforded it by law with respect to retail distribution and sale of retail electric service.

6. All of the understandings and commitments of the Company are contained in the commitments herein made and this cover letter.

I also wish to state again that these affirmations are being made subject to the acknowledgment by the Department of Justice or the Nuclear Regulatory Commission that the commitment to offer access to Black Fox Station Units 1 and 2 by participation "up to a reasonable amount in kilowatts," as set out in Section II, shall have been met when 400,000 kilowatts (200,000 kilowatts each unit) is made available to Neighboring Entities and Neighboring Distribution Systems. And, further, that Associated Electric Cooperative, Inc. has executed an agreement in joint ownership for not less than 500,000 kilowatts and neither Public Service Company of Oklahoma or Associated shall be required to reduce their ownership so as to increase the quantity offered for participation above 400,000 kilowatts.

PUBLIC SERVICE COMPANY OF OKLAHOMA

STATEMENT OF BULK POWER SUPPLY POLICY

I. *Definitions.* (a) "Applicable Area" means that area in which now, or in the future, the Company has electrical facilities and those areas reasonably proximate thereto.

(b) "Bulk Power" means electric capacity and any attendant energy supplied or made available by one electric utility to another at transmission or subtransmission voltages.

(c) "Company" means Public Service Company of Oklahoma, a corporation, any successor corporation, or any assignee of the Company.

(d) "Neighboring Entity" means a private or public corporation, governmental agency or authority, municipality, rural electric cooperative, or lawful association of any of the foregoing, which is financially responsible and owns, contractually controls or operates or in good faith proposes to own, contractually control or operate electrical facilities for the generation, and transmission or distribution of electricity which meets each of the following criteria: (1) its existing or proposed facilities are technically feasible of interconnection with those of the Company; (2) its existing or proposed facilities are within the applicable area; (3) with the exception of the municipalities, cooperatives and government agencies it is, or upon commencement of operations will be, a public utility under the laws of the State in which it transacts or will transact business or under the Federal Power Act.

(e) "Neighboring Distribution System" means a private or public corporation, governmental agency or authority, municipality, rural electric distribution cooperative or lawful association of any of the foregoing which is financially responsible and which engages or in good faith proposes to engage in the distribution of electric energy at retail, whose existing or proposed facilities are technically feasible of connection to those of the Company, and which meets each of the criteria numbered (2) and (3) in subparagraph (d) above.

II. *Access to Black Fox Station Units 1 and 2.* (a) Company shall afford any Neighboring Entity or Neighboring Distribution System that has made a request prior to July 1, 1975. an opportunity to participate in the ownership of (or if the requesting party so elects, purchase unit participation power from) the Black Fox Station Units 1 and 2, up to a reasonable amount in kilowatts.

(b) Company will promptly provide any requesting Neighboring Entity or Neighboring Distribution System with all available data to assist such entity in making feasibility study as to its participation.

(c) Each Neighboring Entity and each Neighboring Distribution System desiring to participate in the Black Fox Station Units 1 and 2 must enter into a legally binding and enforceable participating agreement by April 1, 1976.

(d) Company shall make interconnection and coordinating agreements for transmission service from the Black Fox Station Units 1 and 2 to any Neighboring Entity or Neighboring Distribution System which is a participant in the station. Participating entities or systems shall take delivery of and title to their pro rata share of the station output at the station bus.

(e) Company will afford any Neighboring Entity or Neighboring Distribution System that makes a timely request an opportunity to own a reasonable portion of, or to purchase, a reasonable part of the output of any other nuclear generating unit of the Company.

III. *Interconnection.* (a) Company will enter into interconnection and coordination agreements to interconnect and operate in parallel with any Neighboring Entity.

(b) Interconnections shall not be limited to any voltage when another voltage is available with adequate capacity in the area where interconnection is desired. Control and communications facilities and operating procedures, as are reasonably required for safe and prudent operation of the interconnected systems, must be provided, consistent with the law and sound industry practices in the region.

(c) The cost of the interconnection facilities and the dedication of electric system shall be shared by the parties to the interconnection on the basis of benefit to each of the parties.

(d) Company's interconnection and coordination agreements will provide for emergency support capacity and energy as available from one system as needed by another system to replace capacity and energy made unavailable due to forced outages of generating equipment or transmission facilities, and maintenance support capacity and energy planned by one system to be made available to another system to replace capacity and energy made unavailable due to scheduled maintenance of generating equipment or transmission facilities.

(e) Company's interconnection agreements shall not embody provisions which impose limitations upon the use or resale of power and energy sold or exchanged, but may include appropriate provisions to protect the reliability of Company's system.

(f) Company's interconnection agreements shall not prohibit the parties from entering into other interconnection or coordination agreements, but may include appropriate provisions to protect the reliability of Company's system, and to insure that Company is compensated for any additional costs resulting from such other interconnection or coordination agreements.

IV. *Reserve coordination.* (a) Company and Neighboring Entities with which it interconnects shall mutually agree upon a level of minimum reserves to be installed or provided to maintain a total reserve margin sufficient to provide adequate reliability of power supply to the interconnected systems consistent with the law and sound industry practices in the region. The reserve responsibility thus determined shall be expressed as a percentage of the estimated annual peak load, adjusted for purchases and sales of firm power of the interconnected systems, unless the parties agree otherwise. No party to the interconnection shall be required to install or provide more than such percentage minimum reserve margin.

(b) If during any year it has generating capacity in excess of the amount called for by its own reserve criteria, the Company will sell such excess to an interconnected Neighboring Entity when requested, subject to reasonable prior commitments, and on terms which enable Company to recover its costs.

V. *Transmission services.* (a) Company will provide transmission service for Bulk Power transactions (1) between two or among more than two Neighboring Entities with which, now or in the future, it is interconnected; (2) between a Neighboring Entity with whom, now or in the future, it is interconnected and a Neighboring Distribution System(s) with whom, now or in the future, it is connected; and (3) between any Neighboring Entity or Neighboring Distribution System(s) and any other electric system engaging in Bulk Power supply outside the applicable area between whose facilities the Company's transmission lines and the transmission lines of other consenting electric systems form a continuous electrical path.

(b) Company shall not be required to provide the transmission service described in paragraph (a) of this section if to do so would impair Company's system reliability or utilize facilities needed to meet its own anticipated requirements provided the requirements of subsection (e) of this section are complied with.

(c) Company may require any Neighboring Entity or Neighboring Distribution System requesting transmission service to give reasonable advance notice to Company of its schedule and requirements.

(d) In situations in which Company's transmission system is used to supply power and energy to meet the fluctuating demand of a Neighboring Entity or Neighboring Distribution System, Company may require the Neighboring Entity or Neighboring Distribution System to provide in advance estimated hourly schedules of deliveries to and from Company's transmission system. When the quantity of power and energy delivered to the Company is not concurrent with and equal to that delivered by Company, including losses, Company shall be entitled to recovery of costs for providing such power and energy deficiency which it may supply for or in behalf of the Neighboring Entity or Neighboring Distribution System. The Neighboring Entity or Neighboring Distribution System requesting transmission service may, if it so elects, install telemetering devices to ensure that the quantity of power and energy delivered to Company is concurrent with and equal to that delivered by Company.

(e) Company shall include in its planning and construction programs such increases in the capacity of its existing or planned transmission facilities as may be required for the transactions referred to in paragraph (a) of this section VI, provided any Neighboring Entity or Neighboring Distribution System gives Company sufficient advance notice as may be necessary to accommodate the requirements of the Neighboring Entity or Neighboring Distribution System from a technical standpoint. This section shall not be construed to require Company to construct new transmission lines for the sole benefit of a Neighboring Entity or Neighboring Distribution System. Company shall not be required to increase the transmission capacity of its existing or planned transmission facilities if to do so would impair its system reliability. Company may require the Neighboring Entity or Neighboring Distribution System requesting the construction of increased transmission capacity to make a reasonable non-refundable contribution in aid of construction where appropriate.

(f) Company shall be entitled to recovery of costs for any transmission services it performs for or in behalf of any Neighboring Entity or Neighboring Distribution System.

VI. *Bulk power sales.* Company shall sell power on a full or partial requirements basis to any Neighboring Distribution System. Power sales agreements shall not restrict use or resale of power sold pursuant to such agreements but may include appropriate provisions to protect the reliability of Company's system and ensure recovery of cost for the services provided. Such power delivery will not be restricted to any voltage when another voltage is requested and available or can be made available with adequate capacity in the area where connection is desired. Company shall not be required to make any such sale if it does not have available sufficient generation or transmission capacity to provide the requested service or if the sale would impair its ability to render adequate and reliable service to its own customers.

VII. *Other power exchanges.* Company currently has on file with the Federal Power Commission interconnection agreements with Neighboring Entities providing for the sale and purchase of Bulk Power. Company will, on a fair and equitable basis, enter into interconnection agreements with Neighboring Entities providing for the same or similar power transactions. In order to facilitate the making of such transactions, Company will respond promptly to inquiries of Neighboring Entities concerning the availability of Bulk Power from its system.

VIII. *Regulatory Commission jurisdiction.* The foregoing policies are to be implemented and applied in a manner consistent with the Federal, State and local laws, regulations and orders. The recovery of costs, charges, conditions, terms and practices are and will be subject to the acceptance or approval of any regulatory agencies or courts having jurisdiction over them.

[FR Doc.75-17330 Filed 7-3-75;8:45 am]

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee) for operation of the H. B. Robinson Unit No. 2, a pressurized water reactor, located in Darlington County, Hartsville, South Carolina and currently authorized for operation at power levels up to 2200 Mwt.

The amendment would revise provisions in the Technical Specifications in accordance with the licensee's applications for license amendments dated October 2, 1974 and March 14, 1975. The amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance caculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Part 50, § 50.46. The amendment would modify various limits previously established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to H. B. Robinson Unit No. 2, terminate the restrictions imposed by the Commission's December 27, 1974, Order for Modification of License, and would impose instead, limitations established in accordance with the Commission Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Part 50, § 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By August 6, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendments dated October 2, 1974 and March 14, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 27th day of June 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-17463 Filed 7-3-75;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Availability of NRC Draft Environmental Statement for Wolf Creek Generating Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's

V40-130 JUL 7 75 XUM

regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Wolf Creek Generating Station, Unit No. 1 located in Coffey County, Kansas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Office of the County Clerk, Coffey County Courthouse, Burlington, Kansas. The Draft Statement is also being made available at the Budget Division, Department of Administration, 1st Floor—State House, Topeka, Kansas 66612. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Kansas Gas and Electric Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31683).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 25, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's public Document Room in Washington, D.C. and the Office of the County Clerk, Coffey County Courthouse, Burlington, Kansas. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 30th day of June 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-17462 Filed 7-3-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.51, "Management Review of Nuclear Material Control and Accounting Systems," describes the purpose and scope, personnel qualifications, depth of detail, and procedures that are acceptable to the NRC staff for the management review of nuclear material control systems.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 5.51 will, however, be particularly useful in evaluating the need for an early revision if received by September 4, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement of an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Mass Calibration Techniques for Nuclear Material Control.
Calibration and Error Estimation Methods for Nondestructive Assay.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Measurement Control Program for Special Nuclear Material Control and Accounting.
Monitoring Transfers of Special Nuclear Material.
Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement.
Interior Intrusion Alarm Systems.
Preparation of Uranyl Nitrate Solution as a Working Standard.
Shipping and Receiving Control of Special Nuclear Materials.
Barrier Design and Placement.
Internal Security Audit Procedures.
Nondestructive Assay of Plutonium-Bearing Fuel Rods.
Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material.
Auditing of Measurement Control Program.
Reconciliation of Statistically Significant Shipper-Receiver Differences.
Prior Measurement Verification.
Verification of Prior Measurements by NDA.
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.
Control and Accounting for Highly Enriched Uranium in Waste.
Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement.
Use of Closed Circuit TV for Area Surveillance.
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Part I: Plutonium Nitrate Solutions.
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs — Plutonium Oxide.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 27th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75-17465 Filed 7-3-75;8:45 am]

[Docket No. 50-357]

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

Withdrawal of Application for Facility License

The University of California, Santa Barbara, by letter dated April 7, 1975, has requested withdrawal of its application for license to construct a TRIGA Mark I reactor facility on the University's campus located in Santa Barbara, California. A copy of the letter of withdrawal is available for public inspection in the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. The Nuclear Regulatory Commission grants the applicant's request for withdrawal of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 26, 1970 (35 FR 5133).

Dated at Bethesda, Maryland, this 26th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-17464 Filed 7-3-75;8:45 am]

[Docket No. P-533-A]

NEW ENGLAND POWER CO.

Notice of Receipt of Partial Application for Construction Permit and Facility License

New England Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated April 25, 1975, in connection with their plans to construct and operate two reactors in Charlestown, Rhode Island. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed in February 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Docket No. P-533-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before August 29, 1975.

Dated at Bethesda, Maryland, this 20th day of June 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2 Division of Reactor Licensing.

[FR Doc.75-16668 Filed 6-27-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28026; Order 75-6-147]

ALLEGHENY AIRLINES, INC.

Order of Investigation and Suspension Regarding Extension of Individual Inclusive Tour Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June, 1975.

By tariff revisions[1] marked to become effective July 1, 1975, Allegheny Airlines, Inc. (Allegheny) proposes to extend its individual inclusive tour excursion fares (IT) in 87 domestic markets (all over 200 miles in distance) from the current expiration date of July 15, 1975 to July 15, 1976. The fares offer a discount of 20 percent from normal jet custom and propeller class fares, are restricted to round-trip travel, and are available only between midnight Friday and midnight Sunday. The fares became effective June 15, 1974.

Allegheny reports that, through March 1975, 2,319 passengers have used the IT fares, and submits a profit-impact statement indicating a net profit of $7,056, based on an assumed generation of 40 percent.[2] The carrier concedes a disappointingly low level of traffic generation, which it alleges resulted from the fact that promotional travel brochures had already been printed by wholesalers and retailers for last year's peak summer and fall travel periods and that the program was therefore unknown to many potential passengers. Because of the low level of usage, there are allegedly "no meaningful data upon which to reach definitive conclusions regarding the economics of the program." It notes that a December, 1974 inflight survey indicated less than one percent of the sample represented IT passengers. It is contended that an additional year's extension is necessary to determine the "ultimate value" of the program, although no estimate as to its expected financial effect has been provided.

Complaints have been filed by American Airlines, Inc. (American), Northwest Airlines, Inc. (Northwest) and Trans World Airlines, Inc. (TWA). All three carriers argue that the lack of traffic response to the fare is sufficient to call for suspension, and allege that Allegheny's attempt to refile a promotional fare which has failed to generate traffic flies in the face of the Board's attempt to eliminate useless promotional fares. TWA characterizes the tariff as "junk" fares that "clutter" the tariff pages. It is contended that Allegheny's filing does not comply with the requirement of Order 74-6-74 which initially approved the fares; that they have clearly been a failure in generating additional traffic; and that Allegheny's stated reason for this failure is "absurd." TWA also argues that the existence of more promotional fares in the markets involved at this time makes it likely that there would be even less response to the IT fare this year than last.

Allegheny has answered the complaints, reiterating its previous support for continuation of the fares and contending that the complainants have provided no reasonable basis for terminating the experiment at this time. It stresses the insufficient data base upon which to reach any meaningful judgment concerning the economic merits of the program as the primary reason for continuing it for another year. Finally, Allegheny notes that tour-basing fares are not unique to its system and that, in view of their relatively low usage, it is reasonably certain that the fares have not had a significant diversionary impact on other carriers.

Upon consideration of all relevant matters, the Board has concluded that extension of the proposed fares may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

When these IT fares were previously before the Board, it was argued by dissenting member Minetti that they should not be suspended in any of the markets in which they were proposed. (See Order 74-6-74 and attachments thereto.) The present situation, however, is quite different. The Board has always held the view that a carrier seeking to renew discount fares should furnish a detailed justification based on its experience with them, and this Allegheny has not done. Indeed, from the data Allegheny has provided, it would appear that this particular fare experiment has not been successful. It has not been shown to have lowered the cost of air transportation and no persuasive reason is offered why it should be continued.

Since these fares were first proposed a number of discount fares have been introduced which offer the air traveller various options for low cost travel in the markets involved. Thus, the suspension of these fares should have little adverse impact on the consumer. In view of this, it does not appear necessary in the public interest that unproductive discount fares should continue to clutter up the tariffs indefinitely. In fact, with the new promotional fares now available on Allegheny's system, generation from the IT fare would very likely be even less in the future than it has been in the past year. The carrier's pleadings do not disclose that the carrier or tour operators have any plans to develop IT traffic, or that the carrier has made any study or survey of traffic potential.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Appendix A[5] attached hereto, and rules, regulations and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Appendix A hereto are suspended and their use deferred to and including October 12, 1975, unless otherwise ordered by the Board, and that no changes be

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 249.

[2] It is not clear from Allegheny's justification whether these data include 22 transborder markets, which will be dealt with by separate order.

[4] We do not find persuasive the fact that other carriers maintain tour-basing fares. These fares are generally successful in markets which are heavily vacation oriented. Allegheny's system is not of this character, a fact which in our judgment probably explains the lack of success of the fare.

[5] Filed as part of the original document.

V40 I130 JUL 7 75 XUM

made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 27925, 27929, and 27938 are hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariff and be served upon Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17523 Filed 7-3-75;8:45 am]

[Docket No. 28033, etc.; Order 75-6-150]

BOSTON-ATLANTA NONSTOP SERVICE CASE, ET AL.

Order Instituting an Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June, 1975.

In the matter of Boston-Atlanta Nonstop Service Case (Docket No. 28033); Application of Delta Air Lines, Inc. for amendment of its certificate of public convenience and necessity (Docket No. 21939); application of Delta Air Lines, Inc. for an exemption (Docket No. 27647); and applications of United Air Lines, Inc. and Southern Airways, Inc. for amendments of their certificates of public convenience and necessity (Docket Nos. 22000, 21965).

Applications for competitive nonstop authority in the Boston-Atlanta market have been filed by Delta Air Lines,[1] Southern Airways,[2] and United Air Lines.[3] On March 24, 1975, Delta filed a motion requesting an immediate hearing on its certificate amendment application, and an application for an exemption to permit nonstop Boston-Atlanta service.

In support of its motion for expedited hearing and its exemption request, Delta alleges, inter alia, that Eastern Air Lines, the incumbent nonstop carrier in the Boston-Atlanta market, has seriously defaulted in its service obligations as evidenced by the fact that 110,000 Boston-Atlanta passengers or over 300 passengers a day utilized Deltas' one- and two-stop service in the market for the twelve-month period ended January 1975; that Delta will operate a limited pattern of three well-timed round-trip nonstop flights with DC-9-32 and B-727-200 aircraft; that passengers in the Washington-Boston and Washington-Atlanta markets will be benefited by not having to suffer the inconvenience resulting from the "blocking" of space by through Boston-Atlanta passengers; and that Delta's service will produce a $2,557,000 operating profit, and a $122,000 excess over Subpart K return and tax allowance, without undue diversion from Eastern.

Answers in support of Delta's motion for expedition and exemption request were filed by the Shreveport Chamber of Commerce and Airport Authority, the State of Maine, the City and Chamber of Commerce of Atlanta, the City of Bangor and the Greater Bangor Area Chamber of Commerce, and the Chamber of Commerce and Municipal Airport Authority of Jackson, Mississippi. The Massachusetts Port Authority and the Greater Boston Chamber of Commerce support Delta's motion to expedite and take no position on the exemption request. United supports Delta's motion to expedite and opposes the exemption request. The City of New Orleans and the Chamber of Commerce of the New Orleans Area oppose Delta's motion.[4]

Eastern filed a consolidated answer opposing Delta's motion and exemption request contending, in general, that the Boston-Atlanta market is being satisfactorily served by Eastern; that Eastern's load factors are moderate demonstrating no need for additional nonstop capacity; that Delta would provide no meaningful service benefits; that the proposed service would inflict massive diversion from Eastern totaling $7.5 million annually; that the statutory bases for an exemption have not been demonstrated; and that Delta has not met the Board's standards for a priority hearing.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has decided to institute an investigation, to be set down for immediate hearing, and to consider whether the public convenience and necessity require additional nonstop service in the Boston-Atlanta market. We will consolidate with the investigation instituted herein the applications of Delta, Southern and United in Dockets 21939, 21965, and 22000, respectively, insofar as those applications conform to the scope of this proceeding.

We have decided to deny Delta's request for exemption authority to provide nonstop Boston-Atlanta service. The pendency of competing certificate amendment applications of United and Southern for Boston-Atlanta nonstop authority would require the resolution of complex and controversial issues of carrier selection which should not be decided, in the present circumstances, until after an evidentiary hearing.[5] In addition, Delta has not demonstrated that enforcement of the certification process would be an undue burden on it or would otherwise not be in the public interest.

We have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In the instant case all prospective environmental effects, direct and secondary, would proceed, in the first instance, from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should additional nonstop service be authorized. In support of its motion and exemption request Delta proposes three round-trip flights in the Boston-Atlanta market. In view of the size of the Boston-Atlanta market (160,690 O&D and connecting passengers in the fiscal year 1974) and the level of existing service, it is unlikely that any other candidate for new Boston-Atlanta nonstop authority would offer a significantly greater level of service than Delta has proposed. In addition, the limited potential for increased changes in service levels must be evaluated in light of the large overall level of traffic at Boston and Atlanta. Boston is a large hub which ranked tenth among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 307,000 aircraft operations at Logan International Airport, with 313,000 projected for 1975 and 319,000 for 1976. Atlanta ranked third among U.S. airports in air carrier passenger enplanements in fiscal year 1972. In 1973 there were 500,000 aircraft operations at Atlanta International Airport, with 517,000 projected for 1975 and 561,000 for 1976.[6] Therefore, it would not be reasonable to conclude on the face of the matter that authorization of new nonstop service in the Atlanta-Boston market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmetal impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, *It is ordered*, That:

1. A proceeding to be known as the Boston-Atlanta Nonstop Service Case, Docket 28033, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in competitive nonstop air transportation between Boston, Massachusetts, and Atlanta, Georgia?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

3. Any authority granted in this proceeding will be ineligible for subsidy;

4. Insofar as they conform to the scope of the proceeding set forth in paragraph (2) above, the applications of Delta Air Lines, Inc., in Docket 21939, Southern Airways, Inc., in Docket 21965, and United Air Lines, Inc., in Docket 22000, be and they hereby are consolidated with the proceeding instituted by paragraph (1), above; to the extent not consolidated, the foregoing applications be and they hereby are dismissed without prejudice;

5. The motion of Delta Air Lines for expedited hearing be and it hereby is granted;

6. The application of Delta Air Lines in Docket 27647 for an exemption be and it hereby is denied; and

7. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed twenty days from the service date of this order and answers thereto shall be filed ten days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17524 Filed 7-3-75;8:45 am]

[1] Docket 21939.
[2] Docket 21965.
[3] Docket 22000.

[4] New Orleans states that if a proceeding is instituted the Board should also consider the need for additional nonstop New Orleans-Boston authority.

[5] Kodiak Airways v. CAB, 447 F. 2d 341 (D.C. Cir. 1971).

[6] Terminal Area Forecast, 1975-1985, Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, pages ix, ne 11, and GL 21. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

Comments and views regarding these proposed additions may be filed with the Committee on or before August 6, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Deputy Director.

[FR Doc.75-17515 Filed 7-3-75;8:45 am]

PROCUREMENT LIST 1975

Addition to Procurement List; Amendment

Pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, the following service published as an addition in the FEDERAL REGISTER on June 30, 1975 (40 FR 27512) is amended to read as follows:

INDUSTRIAL CLASS 7349

JANITORIAL/CUSTODIAL—National Marine Fisheries Complex, Seattle, Washington (SH), for the following buildings: East Building; West Building; Central Building; Pilot Plant Building; Behavior Laboratory—Basic Service: $1,791 mo. Optional Services: $6,531 yr.

By the Committee.

E. R. ALLEY, Jr.,
Deputy Director.

[FR Doc.75-17516 Filed 7-3-75;8:45 am]

DEFENSE MANPOWER COMMISSION

CANCELLATION OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the meeting of the Defense Manpower Commission scheduled for July 18, 1975, is cancelled.

BRUCE PALMER, Jr.,
General USA (Ret.),
Executive Director.

[FR Doc.75-17442 Filed 7-3-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL TECHNICAL ADVISORY COMMITTEE

Meeting

JUNE 27, 1975.

The General Technical Advisory Committee will hold a meeting on July 30, 1975, at the Broughton Volunteer Fire Department Hall, Cochran Mill Road, Broughton, Pennsylvania. The meeting will be open to the public and will begin at 9 a.m.

The following agenda items will be discussed:

9-9:30—Opening Statement and Introduction of Guests, Dr. Philip C. White, Assistant Administrator, Fossil Energy, ERDA

9:30-11—ERDA R&D Plan, Mr. Roger W. A. LeGassie, Assistant Administrator, Planning and Analysis, ERDA

11-12—ERDA Patent Policy, James E. Denny, Assistant General Counsel for Patents, ERDA

12-1:30—Recess for Lunch

1:30-2:30—Coal Conversion and Utilization Program, Dr. Raymond L. Zahradnik, Acting Director, Division of Coal Conversion & Utilization, ERDA

2:30-3:30—Advanced Research and Supporting Technology Program, Dr. G. Alexander Mills, Acting Director, Division of Advanced Research and Supporting Technology, ERDA

3:30-4:30—Petroleum, Natural Gas, and In Situ Technology Program, Dr. H. Neal Dunning, Acting Director, Division of Petroleum, Natural Gas, and In Situ Technology, ERDA

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing ten copies thereof, postmarked no later than July 16, 1975.

Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(b) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to Mr. George Fumich, Jr., Acting Director, Senior Staff, Office of the Assistant Administrator for Fossil Energy. Mr. Fumich's telephone number is (202) 634-6600.

(c) Questions at the meeting may be asked only by members of the Advisory Committee.

(d) Seating for the public will be made available on a first-come, first-served basis.

(e) Copies of minutes of the meeting will be made available for copying, following their acceptance by the Committee, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-17466 Filed 7-3-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7510

Portfolio, Double Pocket Presentation
7510-00-584-2489
7510-00-584-2490
7510-00-584-2491
7510-00-584-2492

ENVIRONMENTAL PROTECTION AGENCY

[FRL 394-8; OPP-33000/277]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) pub-

V40I130 JUL 7 75 XUM

lished in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before September 5, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 5, 1975.

Dated: June 27, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/277)

EPA File Symbol 1029–RGR. Aidex Corp., 1024 N 17th St., Omaha NB 68102. VE–TEX EMULSIBLE INSECTICIDE CONCENTRATE. Active Ingredients: Dimethoate: O,O-Dimethyl S-[(Methylcarbamoyl) methyl] Phosphorodithioate 23.400%; 2,2-Dichlorovinyl Dimethyl Phosphate 1.395%; Related Compounds 0.105%; Petroleum Hydrocarbons 31.869%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 241–EGG. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYGON 400 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 43.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Claims. PM16

EPA Reg. No. 18533–11. Ashland Oil Inc., 5200 Blazer Parkway, Dublin OH 43017. TECHNICAL COPPER 8–QUINOLINOLATE. Active Ingredients: Copper 8-Quinolinolate 90%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use PM22

EPA File Symbol 551–EGO. Baird & McGuire, Inc., South St., Holbrook MA 02343. BAIRD'S VEGETATION KILLER. Active Ingredients: Prometon: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 3.73%; Petroleum distillate 81.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 6754–TR. Dettelbach Pesticide Corp., 4111 Peachtree Rd., NE, Atlanta GA 303019. PROFESSIONAL 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 6754–TN. Dettelbach Pesticide Corp. PROFESSIONAL SEVIN 10 DUST. Active Ingredients: Carbaryl (1-naphthyl 6-methylcarbamate) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 6754–TE. Dettelbach Pesticide Corp. PROFESSIONAL ORKIN-AID GRANULES. Active Ingredients: 0,0-diethyl 0- (2-isopropyl-6-methyl - 4 - pyrimidinyl) phosporothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 6754–AO. Dettelbach Pesticide Corp. PROFESSIONAL ORKINBAN GRANULES. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.5%. Method of Support: Application proceeds under 2 (c) of interim policy. PM12

EPA File Symbol 270–RRU. Farnam Co., Inc., PO Box 21447, Phoenix AZ 85036. FARNAM 3X—800 FLY KILLER. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 0.508%; related compounds 0.01%; (Z)-9-Tricosene 0.048%; related compounds 0.002%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 1021–RGAU. McLaughlin Gormley King Co., 8810 10th Ave., N, Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7256. Active Ingredients: Pyrethrins 5.00%; Piperonyl butoxide, technical 25.00%; Di-n-propyl isocinchomeronate 20.00%; Petroleum distillate 50.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36480–G. Macco, PO Box 398, Middletown OH 45042. DINITRO TECHNICAL. Active Ingredients: 2-sec-Butyl-4,6-dinitrophenol 90.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 6020–BG. Mom Chem. Co., 7775 NW 66th St., Miami FL 33166. X–CELL RD–10. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethylbenzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 524–285. Monsanto Co., Agricultural Div., 800 N Lindbergh Ave., St. Louis MO 63166. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA File Symbol 524–GRL. Monsanto Co., Agricultural Prod., 800 N Lindbergh Ave., St. Louis MO 63166. MON 0139 TECHNICAL SOLUTION. Active Ingredients: Isopropylamine salt of Glyphosate 53.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 7001–157. Occidental Chem. Co., Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. BEST TURF DISEASE CONTROL. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11715–LR. Speer Products, Inc., PO Box 9383, Memphis TN 38109. SPEER INSECTICIDE DIAZINON EMULSIFIABLE CONCENTRATE. Active Ingredients: 0,0 - diethyl 0 - (2 - isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 47.18%; Aromatic petroleum derivative 30.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 3238–TU. Standard Spray and Chem. Co., PO Box 63, Lakeland FL 33802. STANDARD BRAND BASIC COPPER "53". Active Ingredients: Copper Sulfate 53.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 148–REEL. Thompson Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. TRICHLOROFON TECHNICAL. Active Ingredients: Trichlorofon: Dimethyl (2,2,2-trichloro - 1 - hydroxy ethyl) phosphonate 97.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 148–REEU. Thompson Hayward Chem. Co., PO Box 2382, Kansas City KS 66110. TRICHLORFON LIQUID SOLUTION INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 40.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

[FR Doc.75–17428 Filed 7–3–75;8:45 am]

[FRL 395–5]

CONTROL OF POLLUTANTS IN NAVIGABLE WATERS BY THE STATE OF NEVADA

Notice of Public Hearing and Request for State Program Approval

The State of Nevada has submitted a request for approval of its program to control discharges of pollutants to navigable waters under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (the Act), 33 U.S.C. Section 1342(b).

A public hearing to consider this request will be held on August 5, 1975, at the Nevada State Legislative Building, Room 231, 401 S. Carson Street, Carson City, Nevada, starting at 1:30 and 7:00 p.m.

The hearing panel will consist of the Environmental Protection Agency Administrator, who will serve as the Presiding Officer, the Chief of the Nevada Bureau of Environmental Health, and the Environmental Protection Agency Regional Administrator, Region IX, or their representatives.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State's Attorney General that its laws provide adequate authority to carry out the program described. The Administrator is required to approve each such submitted program unless it does not meet the requirements of Section 402(b) and EPA's guidelines. To administer the NPDES program the State must have the authority, among others, to: (1) Issue permits which comply with all pertinent requirements of the Act, (2) abate violations of permits, including civil and criminal penalties, and (3) ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing with regard to each permit application. The State must also have and commit itself to use manpower and resources sufficient to carry out the program described in the program description pursuant to Section 402(b) and the procedures contained therein. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES program were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning on page 28390.

The State of Nevada proposes that the Nevada Department of Human Resources, Bureau of Environmental Health, Capital Complex, 1209 Johnson Street, Carson City, Nevada 89707, (area code (702) 885–4670), operate this program for control of discharges into navigable waters of the State in compliance with the Act. The chief officials are Michael O'Callaghan, Governor of Nevada, Roger Trounday, Director, Department of Human Resources, and Ernest Gregory, Chief, Nevada Bureau of Environmental Health.

This request and program description may be inspected by the public at the offices of the Nevada Bureau of Environmental Health at the above address, or at the United States Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, (area code (415) 556–3450).

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by August 13, 1975, either in person or by mail, to the Environmental Protection Agency, Region IX, at the previously mentioned address.

Oral statements will be received and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious or irrelevant to the decision to approve or require revision to the State program as submitted.

All comments received by August 13, 1975, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Nevada's request for State program approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

ROBERT L. BAUM,
Acting Assistant Administrator
for Enforcement.

JULY 1, 1975.

[FR Doc.75–17546 Filed 7–3–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20494; FCC 75–615]

SUPERIOR COMMUNICATIONS CO., INC.

Revocation of Licenses; Order To Show Cause

In the matter of revocation of the licenses of Superior Communications Co., Inc., licensee of stations KAQ73, KAQ74, and KAQ75, licensed in the Point to Point Microwave Radio Service.

1. The Commission has before it for consideration the outstanding licenses of the captioned licensee, Superior Communications Co., Inc. (Superior), for point-to-point microwave radio stations KAQ73, KAQ74, and KAQ75, all in the state of Minnesota. These stations are used to relay various broadcast television signals received off the air in north central Minneosta to International TV Cable Corporation (ITVCC), a cable system located in International Falls, Minnesota and to Norwont Ltd., a cable system in Fort Frances, Ontario. On September 3, 1974, an application was filed for assignment of licenses from Superior to ITVCC (File No. 679–CF–T/C(3)–75). On February 12, 1975, counsel for Superior requested that the application be dismissed.

2. Information supplied by Superior in its application for assignment of licenses raises the following questions:

a. Whether, in light of all the facts and circumstances pertaining thereto, the licenses for Stations KAQ73, KAQ74, and KAQ75 were transferred, assigned or disposed of during the period of 1968–1974, by transfer of control of the licensee corporation or otherwise, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of Section 310(d) of the Communications Act of 1934, as amended;

b. Did Superior's 1971 renewal applications (File Nos. 1710 through 1712–C1–R–71) contain misrepresentations to the Commission or a lack of candor as to the true ownership of the licensee and did it misrepresent its relationship to ITVCC on its Annual Report FCC Form P for the calendar years between 1968 and 1974; and

c. Whether, in light of the information giving rise to the preceding questions, if found to be true, the principals of Superior possess the requisite qualifications to continue as a licensee of the Commission?

3. Information relating to the above questions has come to the attention of the Commission since grant of the renewal of Superior's licenses. This information, if substantiated, could warrant revocation of the licenses.

4. Accordingly, *it is ordered*, That pursuant to the provisions of section 312 (a)(4) of the Communications Act, Superior Communications Company, Inc., is directed to show cause why an Order revoking its licenses should not be issued by appearing at a hearing to be held at a place to be specified and before a judge to be designated in a subsequent order, upon the following issues:

a. To determine the actual facts involving the control of Superior Communications Company, Inc., including any contracts involving ownership of its stock and any changes in control of its operations, the events surrounding these facts, and the identity, responsibility and culpability, if any, of the parties involved therein, during the time period from June of 1968 until the present;

b. To determine if there were any unauthorized transfers of control, de jure or de facto, of Superior Communications Company, Inc., during the period from June 24, 1968 to the present in violation of Section 310(d) of the Act; and

c. To determine if there were any misrepresentations by Superior in its 1971 renewal applications and its annual reports (FCC Form P) for the years between 1968 and 1974.

5. *It is further ordered*, That the Chief of the Common Carrier Bureau is directed to serve upon Superior a Bill of Particulars regarding the matters referred to in questions (a) through (c) inclusive set out in paragraph two, within thirty (30) days of the release of this Order.

7. *It is further ordered*, That to avail itself of the opportunity to be heard, the licensee and other parties listed in paragraph 5, *supra*, pursuant to § 1.91(c) of the Commission's rules, in person or by attorney, shall file with the Commission within thirty days of the receipt of the Order to Show Cause a written appearance stating that they will appear at the hearing and present evidence on the matters specified in the Order. If the licensee or principals thereof fail to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. (See § 1.92(a) of the Commission's rules.) Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. (See § 1.92 (b) of the Commission's rules.) In the event the right to a hearing is waived, the presiding officer, or the Chief Administrative Law Judge if no presiding officer has been designated, will termi-

V40 I130 JUL 7 75 XUM

nate the hearing proceeding and certify the case to the Commission. Thereupon, the matter will be determined by the Commission in the regular course of business and an appropriate Order will be entered. (See §§ 1.92 (c) and (d) of the Commission's rules.)

8. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail-Return Receipt Requested to Superior Communications and the other parties listed in paragraph 5, supra.

Adopted: May 28, 1975.

Released: June 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17499 Filed 7-3-75;8:45 am]

[Report No. 760]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 30, 1975.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21777–CD–P–75, Portable Communications, Inc. (Resubmitted) (KEE289), C.P. for additional facilities operating on 454.350 MHz at Loc. #3, #1 Marine Midland Center, Buffalo, New York.

21778–CD–P–75, Rural Telephone Service Company, Inc. (New), C.P. for a new station to operate on 152.60 MHz, to be located ¾ mile South of Grainfield on Hwy. K–23, Grainfield, Kansas.

21779–CD–P–(2)–75, The Diamond State Telephone Company (KGA471), C.P. to change antenna system operating on 152.57 and 152.78 MHz located at 919 Market Street, Wilmington, Delaware.

21780–CD–P–(4)–75, South Central Bell Telephone Company (KKH454), C.P. for additional facilities operating on 454.425 and 454.475 MHz at intersection of Boundary Road and Intracoastal Canal, Houma, Louisiana and change antenna system and replace transmitter at same location.

21781–CD–P–75, B and C. Mobile Communication, Inc. (KUO673), C.P. to relocate facilities operating on 152.06 MHz, 3 miles South on U.S. 287, and 0.7 mile East, Lamar, Colorado.

21782–CD–AL–75, (KUD204), Robert J. Bennett d/b as Bennett Radio Paging Service, Consent to Assignment of License from Robert J. Bennett d/b as Bennett Radio Paging Service Assignor to Harbor Communication, Inc. Assignee.

21783–CD–P–75, Sweetser Rural Telephone Company, Inc. (New), C.P. for a new one way station operating on 158.10 MHz to be located 206 North Main Street, Sweetser, Indiana.

21784–CD–P–75, Memphis Mobile Telephone, Inc. (New), C.P. for a new station operating on 454.05, 454.125, 454.175, and 454.225 MHz to be located 400 South Highland Street, Memphis, Tennessee.

21785–CD–P–75, The Monrovia Telephone Corporation (New), C.P. for a new station operating on 454.650 MHz, to be located 1617 N. Broadway, Atlanta, Indiana.

21786–CD–P–75, The Monrovia Telephone Corporation (New), C.P. for a new station operating on 454.625 MHz to be located 99 Main and Walnut, Monrovia, Indiana.

21787–CD–P–(3)–75, Vernon E. Johnson (KKT397), C.P. to relocate facilities operating on 454.100, 454.200, and 454.300 MHz at Loc. #2, 900 Airport Road, Milan, New Mexico.

21788–CD–P–(3)–75, General Communications Service, Inc. (KOE280), C.P. for additional Standby facilities to operating on 152.24 and 158.70 MHz at Loc. #1.

21790–CD–P–75, General Communications Service, Inc. (KOA365), C.P. for additional Control facilities to operate on 2112.0 MHz at Loc. #3, located at 365 N. 6th Avenue Phoenix, Arizona and Repeater facilities to operate on 2162.0 MHz located atop of South Mountain, 7.5 miles South of Phoenix, Arizona.

21791–CD–P–75, King Communications, Inc. (KSV935), C.P. to relocate facilities operating on 152.24 MHz and replace transmitter located ¼ mile East U.S. 10 on Wheeler Road, Midland, Michigan.

21792–CD–P–(2)–75, Northwestern Bell Telephone Company (KAA812), C.P. for additional Test facilities to operate on 459.450, 459.475, 459.525, 459.550 Mhz located at 118 South 19th Street, Omaha, Nebraska.

21794–CD–P–(2)–75, Business Communications, Inc. (KKA409), C.P. for additional facilities to operate on 459.025 and 459.300 Mhz located 700 Poydras Street, New Orleans, Louisiana and change control point to transmitter location.

21795–CD–P–75, (Resubmitter), Portable Communications, Inc. (New), C.P. for a new one-way station to operate on 43.58 Mhz located #1 Marine Midland Center, Buffalo, New York.

Major amendment

3854–C2–P–73, Mobilephone-Paging Radio Corporation, Fall River, Massachusetts (New), Amend to change Base Frequency 152.15 MHz to 454.350 MHz and Mobile frequency 158.61 MHz to 459.350 MHz. All other particulars are to remain as reported on FN #625 dated December 4, 1972.

RURAL RADIO

60376–CR–P–75, The Mountain States Telephone and Telegraph Co., (New), C.P. for a new rural Subscriber station to operate on 157.98 MHz to be located .1 mile South of Lysite, Wyoming.

60377–CR–P–75, The Mountain States Telephone and Telegraph Co., (New), C.P. for a new rural Subscriber station to operate on 157.77 MHz to be located .48 mile Northeast of Casper, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following renewal applications for the term ending August 1, 1980 have been received.

PACIFIC NORTHWEST BELL TELEPHONE COMPANY

Call Sign	Location
KKU58	Pelton Dam, Oreg.
KKU71	Ephrata, Wash.
KOA69	McMinnville, Oreg.
KOA95	Pine Mountain, Oreg.
KOA98	Lewiston, Idaho
KOA99	Peola, Wash.
KOC65	Portland, Oreg.
KOC66	Kalama, Wash.
KOC67	Castle Rock, Wash.
KOC68	Tenino, Wash.
KOC69	Orting, Wash.
KOS81	Seattle, Wash.
KOJ87	Blyn, Wash.
KOJ91	Yakima, Wash.
KOJ92	Bluelight Hill, Wash.
KOJ93	Joe Butte, Wash.
KOJ94	Clyde, Wash.
KOJ95	Benge, Wash.
KOJ96	Sprague, Wash.
KOM52	Brown's Mountain, Wash.
KOM53	Spokane, Wash.
KON65	Eugene, Oreg.
KON66	Mary's Peak, Oreg.
KON67	Canary Hill, Oreg.
KOP48	Othello, Wash.
KOP49	Prospect Hill, Oreg.
KOP50	Mt. Hebo, Oreg.
KOP51	Tillamook, Oreg.
KOQ78	The Dalles, Oreg.
KOQ79	Wishram, Wash.
KOQ80	Condon, Oreg.
KOQ86	Skamania, Wash.
KOQ87	Hood River, Oreg.
KOQ88	Moro, Oreg.
KOQ89	Roosevelt, Wash.
KOQ90	Irrigon, Oreg.
KOR60	Siskiyou, Oreg.
KOR61	Baldy, Oreg.
KOR62	King Mountain, Oreg.
KOR63	Mt. Nebo, Oreg.
KOR64	Harness Mountain, Oreg.
KOR65	Blanton Hill, Oreg.

POINT TO POINT MICROWAVE RADIO SERVICE

The following renewal applications for the term ending August 1, 1980 have been received.

PACIFIC NORTHWEST BELL TELEPHONE COMPANY

Call Sign	Location
KOR66	Peterson Butte, Oreg.
KOS28	Silverton, Oreg.
KOS29	Oregon City, Oreg.
KOT50	Rattlesnake Ledge, Wash.
KOT51	Bald Hill, Wash.
KOU54	Highland Butte, Oreg.
KOU55	Livingston Mountain, Wash.
KOY41	Devil's Mountain, Wash.
KOY42	Lookout Mountain, Wash.
KOY70	Rieth, Oreg.
KOY71	Pendleton, Oreg.
KPB48	Medford, Oreg.
KPB49	Chestnut, Oreg.
KPB50	Haymaker, Oreg.
KPB60	Angeles Point, Wash.
KPC61	Prospect Hill #2, Oreg.
KPC63	Roseburg, Oreg.
KPC64	Kenyon Mountain, Oreg.
KPE26	Hyak, Wash.
KPE27	Cle Elum, Wash.
KPE28	Kittitas, Wash.
KPE29	Moses Lake, Wash.
KPE30	Ritzville, Wash.
KPG66	McChord AFB, Wash.
KPG74	Bellingham, Wash.
KPG85	John Day, Oreg.
KPG86	Elkhorn, Oreg.
KPG87	Auburn, Oreg.
KPG88	Baker, Oreg.
KPR25	Blue River, Oreg.
KPR26	Carmen-Smith, Oreg.
KPB42	Red Butte, Oreg.
KPB64	Washington, Oregon, and Northern Idaho.
KPS92	Pasco, Wash.
KPT52	Chelan, Wash.
KPT53	Brewster, Wash.
KPT54	Omak, Wash.
KPT55	Tonasket, Wash.
KPT56	Pateros, Wash.
KPT57	Oroville, Wash.
KPV53	Friday Harbor, Wash.
KPV72	Eastsound, Wash.
KPV81	Newport, Oreg.
KPV82	Corvallis, Oreg.
KPV86	Colfax, Wash.
KPY93	Eastsound, Wash.
KPY94	Blakely Island, Wash.
KPZ26	Grass Valley, Oreg.
KPZ27	Boring, Oreg.
KPZ28	Mount Hood, Oreg.
KPZ29	Pine Grove, Oreg.
KPZ30	Maupin, Oreg.
KPZ31	Antelope, Oreg.
KPZ32	Mitchell, Oreg.
KPZ33	Dayville, Oreg.
KPZ34	John Day, Oreg.
KPZ35	Elkhorn, Oreg.
KPZ36	Brogan, Oreg.
KPZ37	Vale, Oreg.
KPZ38	Wymer, Wash.
KPZ39	Aberdeen, Wash.
KPZ54	Auburn, Wash.
KPZ55	Tacoma, Wash.
KPZ75	Bend, Oreg.
KTF22	Malin, Oreg.
KTF26	White Pass, Wash.
KTF27	Ocean Shores, Wash.
KTF28	Saddle Hill, Wash.
KTF29	Pacific Beach, Wash.
KTF30	Humptulips, Wash.
KTF62	Olympia, Wash.
KTF63	Tumwater, Wash.
KTF90	Klamath Falls, Oreg.
KTR36	Alvord Lake, Oreg.
KTR37	Jack, Oreg.
KTR38	Harney, Oreg.
KTR39	Pinecreek, Oreg.
KYR88	Cottonwood, Idaho
KYR93	Astoria, Oreg.
KYS61	Seattle, Wash.
KYS62	Seattle, Wash.
KYS63	Gold Mountain, Wash.
KYS64	Kamiche, Wash.
KYS65	Minot Peak, Wash.
KYS66	Lebam, Wash.
KYS67	Nicolai Ridge, Oreg.
KYS68	Saddle Mountain, Oreg.
KYS69	Sentinel Hill, Portland, Oreg.
KYS70	Amity, Oreg.
KYS71	Salem, Oreg.
KYS72	Mt. Horeb, Oreg.
KYS73	Hoodoo Butte, Oreg.
KYS74	Long Butte, Oreg.
KYS75	Spring River, Oreg.
KYS76	Crescent Butte, Oreg.
KYS77	Welch Butte, Oreg.
KYS78	Cave Mountain, Oreg.
KYS79	Medicine Mountain, Oreg.
KYS80	Brady Butte, Oreg.
KZS82	Bremerton, Wash.
WAH556	Boardman, Oreg.
WAN29	Quinault, Wash.
WAY59	Colville, Wash.
WAY60	Orient, Wash.
WBP34	Mt. Pisgah, Oreg.
WBP35	Oakridge, Oreg.
WGI43	Bly, Oreg.
WGI73	Mica Peak AFB, Wash.
WJK77	Walla Walla, Wash.
WJK80	Odessa, Wash.
WJM83	Kamiak Butte, Wash.
WKS39	Round Butte, Oreg.
WOP66	Lexington, Oreg.

The following renewal applications for the term ending August 1, 1980 have been received.

NEW JERSEY BELL TELEPHONE COMPANY

Call Sign	Station Location
KEA69	Rochelle Park.
KEB35	Any Temporary Fixed Location within the Territory of the grantee.
KEK94	Paterson.
KEK95	Wayne Township.
KEK96	Morristown.
KEK97	West Orange.
KEK98	Newark.
KEK99	Martinsville.
KEL20	New Brunswick.
KEL21	Clarksburg.
KEL22	Asbury Park West.
KEL23	Asbury Park.
KEL24	Trenton.
KEL50	Whiting.
KEL51	Jenkins.
KEL52	Port Republic.
KEL53	Atlantic City.
KEL54	Medford.
KEL55	Camden.
KEL81	Englewood Cliffs.
KEL92	Brigantine.
KEL93	Beach Haven.
KEM39	Washington.
KEM40	Netcong.
KEM41	Oxford.
KOA48	Paterson.
KYC66	Cedar Brook.
KYC67	Washington Township.
KYS37	New Brunswick.
KYS38	Sayreville.
KYS29	Navesink.
KYZ97	Wildwood.
KYZ98	Petersburg.
WHT85	Hamilton.
WJL20	Pompton Lakes.
WPY24	Cedar Knolls.
WPY25	Buttonwood Corners.
KEM60	Manahawkin.
KA9443	Local Television Transmission. Mobile TV pickup.

The following renewal applications for the term ending August 1, 1980 have been received.

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF MARYLAND

Call sign	Location
KG165	Fort George G. Meade, Md.
KGO34	Crisfield, Md.
KGO35	Ewell, Smith Island, Md.
KGO71	Swanton, Md.
KXR66	Baltimore, Md.
WAD23	Owings Mills, Md.
WAD24	Baltimore, Md.
WAD25	Arnold, Md.
WAD26	Wye Mills, Md.
WAD27	Federalsburg, Md.
WAD28	Salisbury, Md.
WAX85	Randallstown, Md.
WIV26	Monrovia, Md.
WIV27	Lambs Knoll, Md.
WIV50	Fairview Mountain, Md.
WIV51	Hagerstown, Md.

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY

Call sign	Location
KGC79	Washington, D.C. and vicinity.
KGI64	Washington, D.C.

4572–CF–P–75, The Mountain States Telephone and Telegraph Company (KPY70), Bill Williams Mountain, 3.5 miles SW of Williams, Arizona. Lat. 35°12'01"N. Long. 112°12'16"W. C.P. to add antenna system and change location, and add frequency 2112.0H MHz toward a new point of communication at Seligman, Arizona on via Passive Reflector on azimuth 46°59'.

4573–CF–P–75, Same (WIV25), Mormon Mountain, 17.8 Miles SE of Flagstaff, Arizona. Lat. 34°58'08"N. Long. 111°30'25"W. C.P. to add antenna system and frequencies 10675V, 11115V MHz toward Flagstaff, Arizona on azimuth 333°07', and 2175.6H MHz toward a new point of communication at Sunshine, Arizona on azimuth 68°37'.

4574–CF–P–75 Same (New), 217 North 1st Avenue, Seligman, Arizona. Lat. 35°19'40"N. Long. 112°52'29"W. C.P. for a new station on frequency 2162.0H MHz toward Bill Williams Mountain, Arizona via Passive Reflector on azimuth 101°59'.

4575–CF–P–75, Same (KPC67), 24 West Aspen Street, Flagstaff, Arizona. Lat. 35°11'57"N. Long. 111°38'57"W. C.P. to add frequencies 11565V and 11325V MHz toward Mormon Mountain, Arizona on azimuth 153°03'.

4576–CF–P–75, Same (New), 0.55 Mile SSW of Sunshine, Arizona. Lat. 35°07'12"N. Long. 111°02'04"W. C.P. for a new station on frequency 2125.6H MHz toward Mormon Mountain, Arizona on azimuth 248° 53'.

4577–CF–ML–75, American Telephone and Telegraph Company (KYZ91), 4.9 Miles NW of Roanoke, Texas. Lat. 33°01'43"N. Long. 97°18'05"W. Mod. of License to change polarity from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, from Horizontal to Vertical on 3770 MHz toward Grapevine, Texas on azimuth 115°04'.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

V40 I130 JUL 7 75 XUM

4578–CF–ML–75, Same (KKK92), 4.8 Miles ESE of Grapevine, Texas. Lat. 32°54'44" N. Long. 97°00'26" W. Mod. of License to change polarity from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3780 MHz toward Roanoke, Texas on azimuth 295°14'.

4580–CF–R–75, General Telephone Company of Ohio (KQO83), Medina, Ohio. Application for Renewal of Radio Station License expiring August 1, 1975. Term: August 1, 1975 to February 1, 1976.

4650–CF–ML–75, American Telephone and Telegraph Company (KNK96), 1.2 Miles WNW of Lodi, California. Lat. 38°08'31" N. Long. 121°18'58" W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 3710, 3790, 3870, 3950, 4030, and 4110; from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Ben Bolt, California on azimuth 27°11'.

4651–CF–ML–75, American Telephone and Telegraph Company (KNK95), Ben Bolt, 3 Miles NW of Latrobe, California. Lat. 38°-35'17" N. Long. 121°01'26" W. Mod. of License to change polarity form Horizontal to Vertical on frequencies 3750, 3830, 3910, 3990, 4070, and 4150, from Vertical to Horizontal on 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Lodi, California on azimuth 207°22'.

4655–CF–P–75, Lafourche Telephone Company, Inc. (KKM30), Larose, 1 Block West of Hwy. #78, south edge of town, Louisiana. Lat. 29°34'03" N. Long. 90°22'43" W. C.P. to add frequency 2167.2V MHz toward a new point of communication at Bully Camp Oil & Gas Field, Louisiana on azimuth 182°52'.

4656–CF–P–75, Same (New) Bully Camp Oil & Gas Field, 7 Miles South of Larose, Louisiana. Lat. 29°27'22" N. Long. 90°23'06" W. C.P. for a new station on frequency 2117.2V MHz toward Larose, Louisiana on azimuth 02°52'.

4647–CF–P–75, Pacific Northwest Bell Telephone Company (New), 406 Laurel Street, Port Angeles, Washington. Lat. 48°06'50" N. Long. 123°26'07" W. C.P. for a new station on frequencies 11325V and 11485V MHz via Passive Reflector toward Angeles Point, Washington on azimuth 819°47'.

4671–CF–P–75, Same (KPB60), Angeles Point, 4 Miles West of Port Angeles, Washington. Lat. 48°08'36" N. Long. 123°32'18" W. C.P. to add frequencies 10876V and 11036V MHz via Passive Reflector toward a new point of communication at Port Angeles, Washington on azimuth 355°25'.

MCI–New York West, Inc. Consent of Assignment of Radio Station Construction Permit and License from MCI–New York West, Inc., Assignor, to MCI Telecommunications, Assignee, for station WLI–71, Chicago, Illinois and WAU–227, Chicago, Illinois.

Corrections

4334–CF–P–75, MCI Telecommunications Corporation (WIU91), Correct File Number to read 4532–CF–P–75.

4271–CF–P–75, Microwave Transmission Corporation (KPR33), Mission Ridge, 11.0 Miles SSW of Wenatchee, Washington. Lat. 47°16'27" N. Long. 120°24'18" W. C.P. to add 6226.9V MHz, 6345.5V MHz, 6375.2H MHz and 6404.8V MHz toward a new point of communication at Wahatis Park, Washington, on azimuth 128°31'.

4272–CF–P–75, Same (New), Wahatis Peak, 5.0 Miles West of Corfu, Washington, Lat. 46°46'24" N. Long. 119°33'20" W. C.P. for a new station on 5997.1V MHz, 6115.7V MHz and 6145.3H MHz toward Joe Butte, Washington; & 5997.1H MHz and 6026.7V MHz toward Beesley Hill, Washington, on azimuths 157°09' and 356°35', respectively. (Note: Waiver of 21.701(l) requested by Microwave Transmission Corporation).

4581–CF–P–75, United Wehco, Inc. (KEV59), 1.9 Miles NW of Camden, Arkansas. Lat. 33°36'06" N. Long. 92°51'21" W. C.P. to add 6226.9V MHz and 6286.2V MHz toward a new point of communication at Magnolia, Arkansas, on azimuth 228°10'. (Note: Waiver of 21.701(l) requested by United Wehco, Inc.).

4402–CF–P–75, Maine Microwave, Inc. (New), 1.5 Miles SSW of Madawaska, Maine. Lat. 47°19'47" N. Long. 68°20'56" W. C.P. for a new station on 11425.0H MHz and 11585.0H MHz toward Ft. Kent, Maine, on azimuth 240°28'.

4269–CF–P–75, Microwave Transmission Corporation (KVH57), San Bruno Mtn., 0.5 Mile East of Daly City, California. Lat. 37°-41'42" N. Long. 122°26'50" W. C.P. to add 11225V MHz, 11465V MHz, and 11625V MHz toward a new point of communication at Vollmer Peak, California, on azimuth 43°-23'.

4270–CF–P–75, Same (KNL31), Fremont Peak, 6.5 Miles South of San Juan Bautista, California. Lat. 36°45'20" N. Long. 121°30'00" W. C.P. to add 5967.5V MHz, 5997.1H MHz, 6026.7V MHz, 6056.4H MHz, and 6115.7V MHz toward a new point of Communication at Seaside, California, on azimuth 243°55'.

4403–CF–P–75, Eastern Microwave, Inc. (WAN75), Barber Hill, 1.0 Mile ESE of Gardner, Massachusetts. Lat. 42°33'33" N. Long. 71°57'50" W. C.P. to power split existing frequencies (10975.0H MHz and 10815.0H MHz) toward Paxton, Massachusetts, on azimuth 169°07'.

4404–CF–P–75, Same (New), Atop Asnebumskit Hill, Paxton, Mass. Lat. 42°18'-10" N. Long. 71°53'51" W. C.P. for a new station on 11385.0H MHz and 11305.0H MHz toward Worcester, Massachusetts, on azimuth 170°54'.

4562–CF–P–75, Western Tele-Communications, Inc. (KPR99), 3.5 Miles NE of Sarpy, Montana. Lat. 45°50'27" N. Long. 106°54'-39" W. C.P. to add 6301.0V MHz, 6330.7H MHz, 6360.3V MHz and 6390.0H MHz toward a new point of communication at Forsyth, Montana, on azimuth 17°23'.

4552–CF–P–75, Eastern Microwave, Inc. (KEM58) Helderberg, Mtn., 1.75 Miles NW of New Salem, New York. Lat. 42°38'12" N. Long. 73°59'45" W. C.P. to add 6271.4V MHz toward Saratoga Springs, New York, on azimuth 18°01'.

4552–CF–P–75, Same. (KEM58) Helderberg Mtn., 1.75 Miles NW of New Salem, New York. Lat. 42°38'12" N. Long. 73°59'45" W. C.P. change antenna system and change azimuth toward Saratoga Springs, New York to 18°01' on frequencies 6182.4H MHz, 6241.7H MHz and 6301.0H MHz.

4460–CF–P–75, Same. (KEM58) Helderberg Mtn., 1.75 Miles NW of New Salem, New York. C.P. to add 6212.0V MHz via power split toward Black Spruce, New York, on azimuth 12°07'.

4461–CF–P–75, Same. (KEM58) Helderberg Mtn., 1.75 Miles NW of New Salem, New York. C.P. to add 6212.0V MHz via power split toward Saratoga Springs, New York, on azimuth 18°01'.

Major amendments

303–CF–P–75, Microwave Transmission Corporation (New) Monument Peak, 4.5 Miles NNE of Milpitas, California. Lat. 37°29'07" N. Long. 121°51'57" W. Application amended (a) to add 11545V MHz and 11585H MHz toward Bald Ridge, California, on azimuth 164°56' (b) to add 11405V MHz toward new point of communication at Stockton, California, on azimuth 41°34' and (c) to add 11505H MHz toward new point of communication at Vollmer Peak, California, on azimuth 324°50'.

304–CF–P–75, Same. (New) Bald Ridge, 5.0 Miles NE of Watsonville, California. Lat. 36°58'00" N. Long. 121°41'31" W. Application amended (a) to add 10735V MHz, 10855H MHz, 10935V MHz, 10985H MHz and 11095H MHz toward Salinas; Monterey; Watsonville; and Capitola; all in California, on azimuth 173°03'; 198°46; 234°46'; and 274°38', respectively; and (b) to add 11015H MHz toward new point of communication at Monument Peak, California, on azimuth 345°03'.

3995–CF–P–75, Microwave Transmission Corporation (New) Vollmer Peak, 1.1 Miles SW of Orinda, California. Lat. 37°52'58" N. Long. 122°13'11" W. Application amended (a) to add 10855H MHz, 10895V MHz, 10975V MHz, 11095H MHz and 11135V MHz toward Monument Peak, California, on azimuth 144°37'; and (b) to add 11055H MHz toward new point of communication at Concord, California, on azimuth 63°26'.

3997–CF–P–75, Same. (New) Monterey, California. Lat. 36°35'08" N. Long. 121°51'09" W. Application amended (a) to change polarity to 11225V MHz, 11305V MHz, 11465V MHz, 11545V MHz and 11625V MHz toward Seaside, California, on azimuth 17°01'; and (b) to add 11465H MHz toward new point of communication at Bald Ridge, California, on azimuth 18°40'.

6644–C1–P–73, Microwave Transmission Corporation. (New) Amendment to change polarization from horizontal to vertical on frequency 10975 MHz toward Monument Peak, California. Station location; Bald Ridge, California. All other particulars to remain the same as reported in public notice dated January 14, 1974.

[FR Doc.75–17500 Filed 7–3–75;8:45 am]

FEDERAL MARITIME COMMISSION

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairnes with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO, COMPANHIA DE NAVEGACAO MARITIMA NETUMAR, AND MOORE-MCCORMACK LINES, INCORPORATED

Notice of agreement filed by:

Mr. Hubert F. Carr
Vice President and Secretary
Moore-McCormack Lines, Incorporated
One Landmark Square
Stamford, Connecticut 06901

Agreement No. 10054–1 among Companhia De Navegacao Lloyd Brasileiro, Companhia De Navegacao Maritime Netumar S/A and Moore-McCormack Lines, Incorporated extends the effective period of the U.S. Atlantic/Brazil Discussion Agreement for two years from August 1, 1975.

By Order of the Federal Maritime Commission.

Dated: July 1, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–17531 Filed 7–3–75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1387]

DORSEY EXPRESS, INC.

Order of Revocation

On June 23, 1975, the Federal Maritime Commission received notification that Dorsey Express, Inc., 561 Dorsey Road, Glen Burnie, Maryland 21061 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1387 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1387 of Dorsey Express, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1387 be and is hereby revoked effective June 23, 1975, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Dorsey Express, Inc.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75–17532 Filed 7–3–75;8:45 am]

PACIFIC COAST EUROPE RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

PACIFIC COAST EUROPE RATE AGREEMENT; EXTENSION OF AGREEMENT

Notice of agreement filed by:

David Lindstedt, Acting Chairman
Pacific Coast European Conference
417 Montgomery Street
San Francisco, California 94104

Agreement No. 10052–1, among the Pacific Coast European Conference, Sea-Land Service, Inc. and Seatrain International, S. A., is a request for an extension of approval of the basic agreement for a further period of three years from the present expiration date of August 28, 1975.

By Order of the Federal Maritime Commission.

Dated: July 1, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–17530 Filed 7–3–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75–364]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

JUNE 27, 1975.

Take notice that on June 13, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75–364 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in Deaf Smith County, Texas, in order to enable Applicant to receive into its 24-inch pipeline artificial gas to be purchased from ERA, Incorporated, d/b/a ERA of Lubbock, Inc. (ERA), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant alleges that it has entered into an agreement with ERA dated April 14, 1975, for the purchase of gas produced from an anaerobic processing facility which will be located in Deaf Smith County, Texas, and constructed within 18 months if possible. Applicant states that the agreement is subject to the parties' obtaining necessary regulatory authorization; and if the authorizations are not issued on or before October 1, 1975, or are unsatisfactory to either party, either party may cancel the contract. Applicant states that it will purchase the plant production up to 3,000 Mcf of gas per day, with an option for increased volumes if production exceeds 3,000 Mcf per day. It is stated in the application that the price of this artificial gas under the agreement is $1.30 per Mcf with an upward and downward Btu adjustment from a 1,000 Btu base per cubic foot of artificial gas. Applicant states that it will reimburse ERA for new taxes levied on the artificial gas.

Applicant states that the price is also subject to escalation in accordance with the following:

(a) On the day of first delivery, the price shall be adjusted on a one-time basis by adding to the base price the product of:

$$0.30\left(\frac{C_2}{C_1}-1\right)$$

where:

C_2 is the Consumer Price Index as published by the Bureau of Labor Statistics of the U.S. Department of Labor for the latest available month prior to the first delivery of gas under the agreement; and

where:

C_1 is the same index for the month and year of the execution of the agreement (April 1975).

(b) Once each year on the first day of the third month succeeding the anniversary of initial deliveries of gas, the price per Mcf is adjusted by adding to the base price the following:

$$0.30\left(\frac{C_2}{C_1}-1\right)$$

where:

C_2 is the Consumer Price Index as published by the Bureau of Labor Statistics of the U.S. Department of Labor for the month of the anniversary date of deliveries under the agreement; and

where:

C_1 is the same index for April 1975.

Applicant states that the facilities needed to receive the ERA gas would consist of a tap connection and a measuring facility, which Applicant estimates would cost approximately $22,000, to be financed from cash on hand. Applicant requests permission to recover through its purchased gas adjustment clause the cost of purchasing the ERA gas on a rolled-in basis, or alternatively, as a research and development expense even though Applicant will not own or operate the production facilities. Applicant alleges that due to the small amount of gas deliveries anticipated, incremental pricing would be impracticable and that 36 of Applicant's 48 customers would receive less than 5 Mcf per day.

V40 I130 JUL 7 75 XUM

Applicant submits that the proposed project should be approved because

(a) Applicant will obtain a supply of gas at prices no higher (actually considerably less, it is stated) than any other supplementary source such as SNG, LNG, or coal gas;

(b) There is the prospect for additional supplies from several similar plants;

(c) The total energy resource base will have been enlarged by development of a new source of gas;

(d) The operating experience obtained from this plant should permit improved design and operation of subsequent plants leading to lower costs per Mcf;

(e) The Commission has encouraged pipelines to invest in research and development by providing methods for pipelines to pass such costs on to their customers in § 154.38(d)(5). The Commission, by an order issued September 4, 1974, in Docket No. RP73–110, has approved a provision whereby Applicant may place into effect, without suspension, cost of service charges reflecting research and development expenditures. Applicant believes the arrangement set forth in this application is more advantageous to the interstate gas consumer in that the risk and financing burden is borne by ERA. The consumer benefits from expertise of ERA not possessed by Applicant and will enjoy the new source of gas developed by a successful anaerobic process, while paying only purchased gas costs;

(f) The anaerobic process will also reduce the toxicity of animal waste and lessen its otherwise obnoxious characteristics.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17487 Filed 7–3–75;8:45 am]

[Docket No. CP75–361]

NORTHERN NATURAL GAS CO.

Application

JUNE 27, 1975.

Take notice that on June 10, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75–361 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and distribution as a contract demand service in lieu of a full requirements service, of natural gas to its Peoples Natural Gas Division, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has rendered service to the communities of Copeland, Elkhart, Fowler, Garden City, Hugoton, Meade, Moscow, Plains, Rolla, Santana, and Sublette, Kansas, and to various rural customers (Argus communities) through its Peoples Natural Gas Division on a full-requirements basis since it acquired Argus Natural Gas Company, Inc., a wholly owned subsidiary, on April 30, 1945. Applicant further states that it has submitted to the Commission a settlement proposal in the proceeding in Docket No. RP74–102 and that among the provisions of the settlement agreement are the establishment of contract demand volumes for the Argus communities and making such sales subject to the terms of Paragraph 9 of the General Terms and Conditions of Volume 1 of Applicant's FPC Gas Tariff. Large volume customers that could be affected by the proposed settlement include the City of Meade Power Plant, Collingwood Grain Co., Cargill, Inc., Elkhart Coop Equity Exchange, Farmland Foods, Inc., Western Alfalfa, in Garden City, and Western Alfalfa, near Sublette, all of whom could become subject to curtailment. Applicant states that Peoples plans to file with the State Corporation Commission of Kansas to make Peoples' retail gas tariff on file with the Kansas Corporation Commission comport with Northern's tariff to allow curtailment of the large volume customers.

The contract demands for the Argus communities have been determined by expanding the maximum day requirements to 65 D.D.D. to be as follows:

	Contract demand (M ft³/day)
Copeland	324
Elkhart	1,676
Fowler	514
Garden City	13,754
Wheatland Electric Corp.	1,000
Hugoton	2,370
Meade	1,781
Moscow	271
Plains	710
Rolla	376
Santana	808
Sublette	1,046
Rural Tap Sales:	
Gathering Lines	1,500
Argus Mainline	450
Other Mainline	2,510
Jetmore	605
Rural tap customers	200
Total	29,895

Applicant further proposes to transfer the community of Jetmore and certain associated small rural volume tap customers from Group A to Group O curtailment and that 605 Mcf of Group A contract demand will be assigned to Jetmore and that 200 Mcf of Group A contract demand will be assigned to the rural tap customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17488 Filed 7–3–75;8:45 am]

[Docket No. E–9504]

UNION ELECTRIC CO.

Filing of Appendices to Interconnection Agreement

JUNE 27, 1975.

Take notice that on June 19, 1975, the Union Electric Company (Union) tendered for filing proposed appendices to an Interconnection Agreement dated February 18, 1972 between Union, Central Illinois Public Service Company (CIPS), and Illinois Power Company (IP), said appendices being designated as (1) revised Appendix A, CIPS–IP Connection 7—West Frankfort, dated June 9, 1975, and (2) new Appendix B, CIPS–UE Connection 7—West Frankfort, dated June 2, 1975. Union states that the modifications provided for in the appendices reflect compliance with provisions included on page (3), part (B), of the Commission's Order with respect to an exchange of facilities between CIPS and IP in Docket No. E–9199, thus superseding the existing Appendix C, IP–UE Connection 6—West Frankfort.

Union requests a waiver of the Commission's regulations to allow an effective date of June 20, 1975.

Union states that copies of this filing have been sent to CIPS, IP, the Missouri Public Service Commission, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17483 Filed 7–3–75;8:45 am]

[Docket No. RP75–30]

UNITED GAS PIPELINE CO.

Further Extension of Procedural Dates

JUNE 26, 1975.

On June 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 19, 1974, as most recently modified by notice issued April 2, 1975, in the above-designated matter. The motion states that the parties have been notified and have not objected.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 16, 1975.
Service of Intervenor Testimony, October 14, 1975.
Service of Company Rebuttal, October 28, 1975.
Hearing, November 11, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17484 Filed 7–3–75;8:45 am]

[Docket No. E–9501]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

JUNE 27, 1975.

Take notice that on June 18, 1975, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement dated May 16, 1975, to the Agreement designated as Virginia's Rate Schedule FPC No. 80–23 between Virginia and Northern Neck Electric Cooperative (Northern Neck).

Virginia states that said supplement requests Commission authorization for connection of Northern Neck's new delivery point (Sanders), located on the north side of Route 612 approximately 1 mile west of the intersection of Route 3 and Route 612, new Lyells Post Office, in Westmoreland County, Virginia.

Virginia requests an effective date as that of the date of connection of facilities which is expected to occur sometime in September, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17485 Filed 7–3–75;8:45 am]

[Docket Nos. CP75–155 and CP75–162]

WISCONSIN GAS CO. AND NORTHERN STATES POWER CO.

Findings and Order After Statutory Hearing

JUNE 23, 1975.

On November 21, 1974, Wisconsin Gas Company (Wisconsin Gas), filed in Docket No. CP75–155 an application pursuant to section 1(c) of the Natural Gas Act for a declaration of exemption from the provisions of the Act and pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing Wisconsin Gas to deliver quantities of natural gas to Northern States Power Company (Wisconsin) [hereinafter NSP] in exchange for half the equivalent in liquefied natural gas (LNG), all as more fully set forth in the application in Docket No. CP75–155.

On November 22, 1974, NSP filed in Docket No. CP75–162 a motion pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order that the transaction by NSP involving the sale of LNG to Wisconsin Gas is not subject to the jurisdiction of the Commission or, in the alternative, for a declaration that NSP, with respect to said sale, is exempt from the provisions of the Natural Gas Act pursuant to section 1(c) thereof, all as more fully set forth in the motion in Docket No. CP75–162.

By Commission order issued September 24, 1974, in Docket No. CP74–147 (52 FPC —), Michigan Wisconsin Pipe Line Company (Mich Wisc) and Midwestern Gas Transmission Company (Midwestern) were authorized to exchange natural gas in interstate commerce for the purpose of enabling Wisconsin Gas, a customer of both Mich Wisc and Midwestern, to deliver quantities of vaporous gas to NSP, a customer of Midwestern, in exchange for half the equivalent of LNG delivered by NSP to Wisconsin Gas in order to augment the supply of Wisconsin Gas for service to certain communities in western Wisconsin for the winter seasons 1974–1975 through 1977–1978. These communities are normally served by Wisconsin Gas from gas supplies made available by Northern Natural Gas Company (Northern), whose supplies have been unable to meet firm peak-day requirements of said communities. In the September 24, 1974, order it is stated that Wisconsin Gas will make available through exchange arrangements with Mich Wisc and Midwestern vaporous gas curtailed from interruptible and industrial boiler operations in the Milwaukee area, in exchange for LNG delivered to the communities in Western Wisconsin by NSP. The September 24, 1974, order authorizes Mich Wisc to deliver less than its contractual volumes to Wisconsin Gas in the Milwaukee, Wisconsin, area, whereupon Mich Wisc is to reduce its volumes received from Midwestern near Marshfield, Wisconsin, and Midwestern is to deliver concurrently equivalent volumes to NSP near Fargo, North Dakota. The volumes of this vaporous gas will be determined by multiplying by two the equivalent volumes of LNG NSP will deliver to Wisconsin Gas at the outlet of NSP's LNG plant at Eau Claire for transportation to municipalities in western Wisconsin. The schedule of such deliveries will be as follows:

V40 I130 JUL 7 75 XUM

Maximum total volumes to be delivered (thousands of cubic feet)

Year [1]	By NSP, vapor gas equivalent to LNG	By Wisconsin Gas, vapor gas	Wisconsin Gas' maximum daily payback obligation
1975–76	40,000	80,000	3,000
1976–77	[2] 60,000	120,000	4,000
1977–78	[2] 75,000	150,000	5,000

[1] LNG to be delivered between Sept. 1 and following Mar. 31—exchange gas between Nov. 15 and following Mar. 31.
[2] Volumes in excess of 40,000 Mf equivalent of LNG subject to renegotiation prior to the 1976–77 heating season.

The order of September 24, 1974, was conditioned upon Wisconsin Gas' and NSP's submitting appropriate filings for certificate authorization, since the exchange between Wisconsin Gas and NSP is subject to the jurisdiction of the Commission. Wisconsin Gas, accordingly, requests that the Commission issue a certificate of public convenience and necessity authorizing Wisconsin Gas to engage in the sale and exchange of vaporous natural gas for LNG with NSP, limited as to service and time as described in the application in the instant proceeding [3] and any such other authority, if any, as may be deemed appropriate. Wisconsin Gas further requests the Commission declare exempt pursuant to the provisions of section 1(c) of the Natural Gas Act the operations of Wisconsin Gas except for the service specifically applied for in the application in Docket No. CP75–155.

Wisconsin Gas alleges that it is a distributor of natural gas subject to the jurisdiction of the Public Service Commission of Wisconsin which regulates the rates, service and facilities of Wisconsin Gas. Wisconsin Gas further alleges that all of its operations are conducted and its facilities installed within the State of Wisconsin and that all gas purchased from Wisconsin Gas' suppliers is ultimately consumed within the State of Wisconsin.

NSP, in response to the condition in the order of September 24, 1974, requests that the Commission modify or supplement said order by declaring that the activities of NSP under the subject vaporous gas-LNG exchange will not be the transportation of natural gas in interstate commerce or the sale in interstate commerce of natural gas for resale and will not, therefore, be subject to the jurisdiction of the Commission, and that NSP will not be a natural gas company within the meaning of the Natural Gas Act as a result of this transaction. In support of this contention NSP states that the applicable contract only requires NSP to provide LNG to Wisconsin Gas, and that the LNG, which is transported by truck entirely within Wisconsin, is not commingled with any interstate gas. NSP further contends that the contract only provides for Wisconsin Gas to pay back double the LNG volumes to NSP through Midwestern's lines, that Wisconsin Gas' arrangements to have the vaporous gas transported by Mich Wisc and Midwestern to Fargo are acceptable to, but not required by, NSP, and that Wisconsin Gas could have had the gas delivered to NSP at one of Midwestern's delivery points to NSP in Wisconsin or elsewhere. NSP asserts that it transports no gas in interstate commerce and that the sale of LNG from NSP's tank is made in the state of Wisconsin for use wholly in the state of Wisconsin.

Alternatively, NSP requests the Commission to issue an order that NSP is exempt under section 1(c) of the Natural Gas Act in connection with the implementation of the subject sale and exchange of vaporous gas and LNG and is thereby relieved from the necessity of complying with the Commission's accounting and reporting requirements. In support of this request NSP states that, as far as the subject proposal is concerned it receives all its gas in or at the boundary of Wisconsin and that all of the natural gas so received is ultimately consumed within the State of Wisconsin. NSP also provides certification from the Public Service Commission of Wisconsin (PSC) that the rates, service and facilities of NSP are subject to the jurisdiction of the PSC and that the PSC is exercising such jurisdiction. NSP's allegations in its filing in Docket No. CP75–162 may be at variance with facts that the Commission currently has before it.

By order issued July 12, 1972, in Docket No. CP72–201 (48 FPC 65) NSP was authorized to sell LNG in interstate commerce to its parent, Northern States Power Company (Minnesota) [NSP (Minnesota)] near St. Paul, Minnesota, from the same LNG plant from which it proposes to deliver LNG to Wisconsin Gas.[4] The Commission did not authorize the construction and operation of the Eau Claire LNG facilities. As it appears now, gas is received at Eau Claire via the pipeline system of Midwestern. After liquefaction and storage, the LNG is then sold out of state.

Since the sale to NSP (Minnesota) constitutes a sale of natural gas in interstate commerce for resale for ultimate public consumption within the meaning of section 1(b) of the Natural Gas Act, the construction and operation of the Eau Claire LNG facilities for such sale require that a certificate of public convenience and necessity be applied for and obtained, pursuant to Subsections (c) and (e) of section 7 of the Act. The Commission's jurisdiction over the sale of LNG and the facilities necessary therefor engenders inquiry into NSP's actions. It appears that NSP is in violation of the Natural Gas Act, since it constructed, without a certificate, facilities for which a certificate is required pursuant to section 7(c) of the Act.

The July 12, 1972, order in Docket No. CP72–201, in ordering paragraphs (B) and (C) further requires NSP to comply with the provisions of Part 154 and to comply with other Commission filing requirements with respect to the sale of LNG authorized in the order. NSP has not made such filings.

A sale of gas is in interstate commerce within the meaning of the Natural Gas Act if the gas crosses a state line at any stage of its movement from wellhead to ultimate consumption. California v. Lo-Vaca Gathering Co., 379 U.S. 368, 369 (1965). The provisions of the Act do not apply if gas is received and ultimately consumed within or at the boundary of a state, pursuant to section 1(c) of the Act. Section 1(c), however, only applies if all the natural gas received within the state is ultimately consumed within the state. Since NSP sells part of the LNG from the Eau Claire facility outside Wisconsin, the section 1(c) exemption does not apply to sales from the facility to other customers of NSP. The sale proposed in NSP's filing in Docket No. CP75–162, therefore, would be a sale for resale in interstate commerce. Before said sale may be undertaken a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act must issue from this Commission.

After due notice by publication in the FEDERAL REGISTER on December 10, 1974, in Docket No. CP75–155 (39 FR 43120) and on January 7, 1975, in Docket No. CP75–162 (40 FR 1316), Mich Wisc filed a petition to intervene in Docket No. CP 75–155 and Wisconsin Gas filed a petition to intervene in Docket No. CP75–162. The Public Service Commission of Wisconsin filed a notice of intervention in Docket No. CP75–155. No further petitions to intervene, further notices of intervention, or protests to the granting of the applications have been filed.

At a hearing held on June 11, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application in Docket Nos. CP75–155 and CP75–162 and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Wisconsin Gas, a Wisconsin corporation having its principal place of business in Milwaukee, Wisconsin, will be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of the operations for which authorization is sought by Wisconsin Gas in the application in Docket No. CP75–155.

(2) The sales for resale of natural gas, as more fully described in the applications in Docket Nos. CP75–155 and CP75–162 are sales for resale in interstate commerce subject to the jurisdiction of the Commission and said sales and the proposed exchange of gas between Wisconsin Gas and NSP are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Wisconsin Gas is able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulation of the Commission thereunder.

(4) The sale and exchange of natural gas described herein is required by the public convenience and necessity and a certificate therefor should be issued to Wisconsin Gas as requested in its application in Docket No. CP75–155, as hereinafter ordered and conditioned.

(5) Participation by the petitioners to intervene in the proceedings in which they have requested permission to intervene may be in the public interest.

(6) Wisconsin Gas is a distributor of natural gas subject to the jurisdiction of the Public Service Commission of Wisconsin, which regulates the rates, service and facilities of Wisconsin Gas.

The Commission orders: (A) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued authorizing Wisconsin Gas to sell and exchange natural gas as hereinbefore described and as more fully described in the application in Docket No. CP75–155.

(B) The certificate granted in paragraph (A) above and the rights granted thereunder are conditioned upon Wisconsin Gas' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly with the general terms and conditions set forth in Part 154 and paragraphs (a), (c) and (f) of § 157.20 of such regulations.

(C) The certificate granted in paragraph (A) above and the rights granted thereunder are further conditioned upon the filing by NSP within 60 days of this order of an application for appropriate certificate authorization and upon approval of such application by the Commission.

(D) NSP's request for an order disclaiming jurisdiction or declaring NSP exempt from the provisions of the Natural Gas Act is denied. Such denial is without prejudice to NSP's applying for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act for the operations described in the filing in Docket No. CP75–162.

(E) NSP is directed to make all filings as required by ordering paragraphs (B) and (C) of the order issued July 12, 1972, in Docket No. CP72–201.

(F) NSP is directed to show cause, if any there be within 30 days why it should not file an application pursuant to section 7(c) of the Natural Gas Act for the construction and continued operation of its LNG plant at Eau Claire, Wisconsin, and why its actions in constructing and operating the Eau Claire facility are not in violation of the Natural Gas Act.

(G) Wisconsin Gas is exempt from the provisions of the Natural Gas Act and the orders, rules and regulations of the Commission with respect to its operations not covered by the request in the application in Docket No. CP75–155.

(H) The petitioners to intervene are permitted to intervene in those proceedings in which they have requested permission to intervene, subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–17486 Filed 7–3–75;8:45 am]

[3] The service described in the instant application is the same service described in the September 24, 1974, order.

[4] The July 12, 1972, order in Docket No. CP72–201 issued a certificate of public convenience and necessity authorizing the sale as well as the transportation of the LNG by means of cryogenic semi-trailers over public highways. The order was conditioned to the determinations made by the Commission in the proceeding then pending Docket No. R–377. On May 4, 1973, the Commission issued its Order Terminating Proposed Rulemaking Proceeding in Docket No. R–377 (49 FPC 1073) which found that the Commission does not have jurisdiction over the transportation of LNG by means other than pipeline. Nothing in the May 4, 1973, order however, changes the Commission's jurisdiction over the sale of LNG in interstate commerce. The Commission has jurisdiction over the sale of LNG in interstate commerce to the same extent that it does over vaporous gas, as determined by Opinion Nos. 613 and 613–A, Distrigas Corp. (47 FPC 752, 1465).

[Docket No. CP75–360]

EL PASO NATURAL GAS CO.

Application

JUNE 27, 1975.

Take notice that on June 10, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75–360 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the implementation of special operating arrangements with its California customers, Pacific Gas and Electric Company (PG&E) and Southern California Gas Company (SoCal), involving the modification of schedules of sales and deliveries through April 30, 1977, and the transportation, sale and delivery of gas to its east-of-California customers commencing with the 1975–76 heating season, to preserve the available gas supply for protection of winter heating-season service to Priority 1 and 2 requirements of its east-of-California customers, all as set forth more fully in the application on file with the Commission and open to public inspection.

Applicant states that it has been unable to acquire sufficient sources of gas to offset the decline in deliverability from connected sources of gas and that firm requirements of Applicant's interstate customers exceed available gas supplies. Applicant states that it expects, due to the supply deficiency to experience increasing difficulty in satisfying the Priority 1 and 2 requirements of its interstate system in the future heating seasons.

Applicant states further that the comparison of projected customer entitlements expressed in accordance with Applicant's interpretation of end-use priorities of service classifications and Applicant's most recent forecast of gas supply from its connected sources available for sale indicates that significant deficiencies in supply necessary to meet the Priority 1 and 2 requirements of Applicant's east-of-California customers will occur absent some form of load equation. Such comparison is said to indicate that the deficiency in supply available for use in serving east-of-California Priority 1 and 2 requirements will approximate the following volumes, stated in Mcf, during the heating seasons shown: [1]

1975–76	1976–77	1977–78	1978–79	1979–80
2,234,957	6,339,161	12,754,164	20,531,950	27,879,432

Applicant alleges that insufficient deliverability during the 1974–1975 heating season forced it to curtail firm requirements on every day of the heating season. Applicant states that for the period from November 1, 1974, through April 30, 1975, the total aggregate curtailment of Priority 3, 4, and 5 requirements was 115,440,340 Mcf.

Applicant states that because of its anticipation of additional difficulties in protecting its service to east-of-California customers' Priority 1 and 2 requirements, Applicant has reached an agreement with its California customers, PG&E and SoCal, relative to certain operating arrangements providing Applicant with a means of assuring protection of service to its east-of-California customers' high priority requirements.

Applicant states that in consideration of PG&E's forecast of additional storage

[1] Applicant states that its interstate system is presently governed by the interim curtailment plan prescribed by the Commission in Opinion Nos. 634 and 634–A, issued October 31, 1972, and December 15, 1972, respectively, in Docket No. RP72–6, as is reflected in Applicant's effective FPC Gas Tariff on file with the Commission. Applicant alleges that by Commission Opinion Nos. 697 and 697–A issued June 14, 1974, and December 19, 1974, respectively, in Docket No. RP72–6, a new curtailment plan has been prescribed and is pending effectiveness and that Applicant is interpeting the end-use priorities of service classifications as it interpets the prescriptions in the aforesaid Opinion Nos. 697 and 697–A. Applicant also alleges that the requirements supply deficiency that it predicts envisions the growth of Priority 1 and 2 allocations through October 31, 1974, that irrigation fuel would be classified Priority 3, and that flame stabilization and ignition fuel uses would be classified as Priorities 3, 4 or 5.

V40I130 JUL 7 75 XUM

capacity. Applicant and PG&E have entered into a letter agreement dated May 30, 1975, which provides the terms and conditions under which the operating arrangements would be accomplished. Applicant further states that it would from time to time sell and deliver to PG&E, at the existing delivery point near Topock, Arizona, certain quantities of gas (advance sale gas) in excess of the quantities of gas which PG&E would receive otherwise. Applicant alleges that it would have the right to recoup such additional deliveries of gas, together with those quantities of advance sale gas previously delivered to PG&E, totalling approximately 13,691,768 Mcf, as necessary for the protection of service to Applicant's east-of-California Priority 1 and 2 requirements customers, by reduction in the amount of gas otherwise scheduled for delivery to PG&E during the 1975–1976 and the 1976–1977 heating seasons.[2] Applicant alleges that such reductions would be subject to PG&E's own judgment as to its system's operational capability to accept such reduced deliveries while continuing to provide reliable service to its own firm or high-priority requirements and that such arrangement would enable Applicant to preserve such quantities of advance sale gas as necessary for maintenance of reliable service to the Priority 1 and 2 requirements of its east-of-California customers during the 1975–76 and 1976–77 heating seasons. Further, it is alleged that present forecasts indicate that most, if not all, of such preserved supply can be made available for use beyond such periods. Applicant states that the advance sale gas to be sold and delivered to PG&E would be obtained by reducing those supplies of gas which would otherwise be available to serve the Priority 5 requirements of Applicant's east-of-California customers. Applicant would have the right, subject to PG&E's consent, to reduce daily deliveries to PG&E below the volumes which PG&E would otherwise be entitled to receive from Applicant subject to the provisions of Applicant's curtailment plan in effect at such time. Applicant would not, however, be permitted to reduce the volume deliverable to PG&E on any day by a quantity exceeding 300,000 Mcf unless PG&E so consents.

Applicant states that PG&E has agreed to purchase such additional advance sale gas from Applicant on a monthly basis at the rate in effect under Rate Schedule G of Applicant's FPC Gas Rate Tariff, Original Volume No. 1, under the currently effective firm service agreement on the date of delivery computed at the unit cost that results from a load factor of 100 percent, less the amortization charge attributable to increases in special overriding royalty costs in effect from April 2, 1975, through September 30, 1975, pursuant to Applicant's latest rate filing in Docket No. RP74–57, further no charge would apply to the replacement quantities of gas delivered to PG&E by Applicant for compressor fuel and losses incident to the special operating arrangements.

Applicant states that it has agreed that as compensation to PG&E for participation in such special operating arrangements, Applicant would for each month or part thereof, during the period from the date that all regulatory authorizations have been received through April 30, 1977, credit its monthly billing to PG&E under the Service Agreement of February 10, 1969, between Applicant and PG&E by a total of:

(1) An amount derived by multiplying 2.71 cents per Mcf by the net advance sale balance at the time of billing;

(2) 1.3 percent of an amount equal to the sum paid by PG&E for advance sale gas under the advance agreement, dated April 18, 1974, as amended on August 16, 1974, for the net advance sale balance which Applicant states will be calculated for this purpose as equal to the advance sale gas balance retained on May 1, 1975, by PG&E to be applied to such future reductions as may take place plus additional deliveries of advance sales gas delivered to PG&E through the end of the preceding month minus 1½ percent of the advance sales gas delivered to replace the quantities used by PG&E as compressor fuel and for replacement losses, and reductions in deliveries to PG&E below the quantities of gas to which PG&E would otherwise be entitled to receive in the absence of the special operating arrangements, providing that by May 1, 1977, the cumulative quantity of reductions does not equal the remaining advance sales gas delivered by Applicant;

(3) An amount derived by multiplying $.5765 by the number of Mcf during the billing month by which Applicant has reduced deliveries to PG&E to assist Applicant in maintaining service to its high priority east-of-California customers, not to exceed 300,000 Mcf daily, and with prior notice to PG&E, with PG&E's consent if in PG&E's judgement such a reduction would not jeopardize PG&E's firm or high priority service, or otherwise affect its operational capabilities, or if PG&E agrees to such lesser reduction, any such reduction as it shall specify.

Applicant alleges that by Letter Agreement dated April 30, 1975, Applicant and SoCal have agreed to extend certain arrangements designed for the protection of Applicant's east-of-California high-priority peak day requirements during the 1975–1976 and 1976–1977 heating seasons. Applicant states that SoCal has agreed, subject to SoCal's sole judgment of its system's daily operational capability and the ability of that system to permit such arrangements without jeopardizing service to SoCal's firm requirements of its customers, to accept reduced deliveries.[3] Applicant states that it would credit SoCal's monthly billing from Applicant by an amount equal to 37.5 cents per Mcf multiplied by the total quantity of gas which has been diverted from SoCal during such month pursuant to the proposed agreement. Applicant states further that it would not be permitted to reduce the volume deliverable to SoCal on any day by a volume exceeding 300,000 Mcf.

Applicant states that it has filed concurrently with the instant application its filing proposing changes in the storage service provisions of its tariff pursuant to Part 154 of the Commission's Regulations as necessary to implement the proposed operating arrangements. The filing is alleged to contain a provision for a surcharge rate of 8.37 cents per Mcf as a result of and to recover for Applicant the cost of the operating arrangements proposed in the instant application from Applicant's east-of-California customers having Priority 1 and 2 requirements who would be the beneficiaries of the proposed arrangements.

Applicant proposes to contract with those of its direct industrial customers who have Priority 1 and 2 requirements and who will benefit from the project presented herein for the recovery from such customers of that portion of such cost attributable to them. Applicant states that separate provisions are also made for disposition to Applicant's appropriate east-of-California customers of any excess in surcharge revenues over actually incurred costs and provisions for Applicant to recover from its affected east-of-California customers any deficiencies in such surcharge revenues under actually incurred costs. Applicant alleges that its tariff filing also includes its proposed initial special Rate Schedule X–35 and the appropriate amendment to

[2] Applicant states that generally the operating arrangements proposed with PG&E would allow:

(1) Applicant to make additional advance sales to PG&E, subject to PG&E's ability to accept gas up to 17,000,000 Mcf. Applicant's advance sales would be in addition to the present advance sale amount of 13,691,768 Mcf being retained by PG&E. The 17,000,000 Mcf figure represents a volumetric limitation on the amount of additional advance sale gas which Applicant would sell and deliver to PG&E under the new agreement and is not an undertaking by PG&E to purchase and receive up to 17,000,000 Mcf under any and all circumstances but an undertaking to accept up to 17,000,000 Mcf if operational constraints and its own system requirements will permit the proposed sales and deliveries. Applicant proposes to deliver approximately 9,000,000 Mcf of the advance sale gas during the summer and fall of 1975.

(2) Applicant to recoup from PG&E equivalent volumes of all advance sales and deliveries up to a volume of 300,000 Mcf per day, when necessary from time to time in order to protect service to Applicant's east-of-California Priority 1 and 2 customers' requirements during the 1975–1976 heating season.

(3) Applicant to be entitled to the net volume of advance sale deliveries not theretofore recouped by Applicant, which would be retained by PG&E through April 30, 1977. Applicant states that by the terms of the agreement, it may be terminated under certain circumstances prior to the 1976–1977 heating season or may be extended through the 1977–1978 heating season.

[3] Applicant states that: "The SoCal arrangements would permit Applicant to reduce deliveries of gas to SoCal during the 1975–1976 and 1976–1977 heating seasons, in quantities of up to 300,000 Mcf daily for a maximum period of five consecutive days, to be used on a peaking basis for protection of service to Applicant's east-of-California customers' Priority 1 and 2 requirements."

its Rate Schedule X–33, which would provide for implementation of the special operating arrangements between Applicant and PG&E and Applicant and SoCal.

Applicant states that no additional facilities are required to be constructed to effectuate the proposed project and no change in Applicant's total system gas supply available for sale would occur under the overall arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the authorization is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17474 Filed 7–3–75;8:45 am]

[Docket No. CI75–733]

HIGHLAND RESOURCES, INC.

Application

JUNE 27, 1975.

Take notice that on June 11, 1975, Highland Resources, Inc. (Applicant), San Jacinto Building, Houston, Texas 77002, filed in Docket No. CI75–733 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) produced from Applicant's interests in Blocks 268, 269, and 281, South Marsh Island Area, North Addition, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Trunkline 50 percent of the reserves developed in the subject producing properties and to reserve the remainder for its own use. Estimated monthly sales are 130,000 Mcf of gas. The initial contract rate for the subject sales is 67.0 cents per Mcf at 15.025, but Applicant expresses its willingness to accept a certificate conditioned to the rate set forth in § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a). Applicant notes that the reservation of 50 percent of its reserves for its own use is presently the subject of a proceeding in Tenneco Oil Company, et al., Docket No. CI75–45, et al.

Applicant states that the instant application is filed conditionally. Applicant applied for a small producer certificate in Docket No. CS74–376 which was denied by order issued May 13, 1975. Applicant states that it continues to believe that it is entitled to a small producer certificate and has filed an application for rehearing of said order.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17475 Filed 7–3–75;8:45 am]

[Docket No. CP75–368]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

JUNE 27, 1975.

Take notice that on June 19, 1975, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75–368 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point to Wisconsin Public Service Corporation (Public Service) west of Chilton in Calumet County, Wisconsin, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it presently delivers gas to Public Service at 32 delivery points, including a delivery point at Plymouth, Wisconsin, that provides gas to Public Service's Plymouth-Chilton system. Applicant alleges that Public Service cannot meet the design peak day service on the Plymouth-Chilton system in the winter of 1975–1976 without the construction of additional facilities since the maximum allowable operating pressure on the Plymouth-Chilton system is 250 psig while it would be necessary to operate the facilities in excess of 300 psig to serve the presently connected load on a design peak day. Applicant states that Public Service has requested that it provide an additional delivery on Applicant's 30-inch Upper Wisconsin Pipeline Extension west of Chilton, in Calumet County, Wisconsin, to reinforce the Plymouth-Chilton system. Applicant states that there are no interruptible customers being served on the Plymouth-Chilton system, and that all end uses are Priorities I, II or III. Applicant further states that there will be no changes in the gas purchase entitlement as a result of the proposed additional delivery point. Applicant estimates the cost of the proposed facilities would be approximately $55,490 and would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

V40I130 JUL 7 75 XUM

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17476 Filed 7-3-75;8:45 am]

[Docket No. E-9058]

MISSISSIPPI POWER AND LIGHT CO.

Further Extension of Procedural Dates

JUNE 26, 1975.

On June 24, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 20, 1974, as most recently modified by notice issued May 9, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 9, 1975.
Service of Intervenor Testimony, September 23, 1975.
Service of Company Rebuttal, October 7, 1975.
Hearing, October 21, 1975 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17477 Filed 7-3-75;8:45 am]

[Docket No. E-9513]

MISSOURI POWER & LIGHT CO.

New Electric Service Agreement

JUNE 27, 1975.

Take notice that Missouri Power & Light Company (Company) on June 23, 1975, tendered for filing a new electric service agreement with the City of Kahoka, Missouri. The agreement, the Company states, is identical, with minor modifications, to FPC Rate Schedule No. 45 presently on file with the Commission.

The Company proposes an effective date of May 12, 1975.

Copies of the filing were served upon the City of Kahoka.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17478 Filed 7-3-75;8:45 am]

[Docket No. CP75-369]

NORTHWEST PIPELINE CORP.

Application

JUNE 27, 1975.

Take notice that on June 20, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-369 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring facility and the sale to and exchange of natural gas with Mountain Fuel Supply Company (Mountain Fuel), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has acquired a new source of gas supply in the Martin Draw Area, Daggett County, Utah. Applicant further states that this acreage is approximately 2 miles from Mountain Fuel's facilities, whereas it is approximately 5 miles directly and would require approximately 10 miles of pipeline to be constructed due to the nature of the terrain to connect to the nearest point on Applicant's transmission system. Applicant states that under the terms of a gas purchase, transportation and exchange agreement between itself and Mountain Fuel dated April 11, 1975, Applicant would deliver to Mountain Fuel all gas purchased by Applicant from Northwest Exploration Company, an affiliate of Applicant, in the Martin Draw Area. The initial rate of the transportation charge charged to Applicant by Mountain Fuel would be initially 4.0 cents per Mcf. Mountain Fuel would have the option to purchase up to 25 percent of the delivered gas at the cost to Applicant, initially 56.0 cents per Mcf, plus a cost-of-service charge of 8.0 cents per Mcf which would include its return on investment in gathering, treating and transmission facilities.

Applicant states that to effectuate the exchange and delivery of gas by it to Mountain Fuel, it would construct and operate measuring facilities adjacent to the wellhead at a cost of approximately $6,200, to be financed from funds on hand. Applicant alleges that it would construct the necessary gathering and transmission facilities pursuant to a budget-type certificate issued by the Commission on January 2, 1975, as amended May 15, 1975, in Docket No. CP75-107, to make delivery to Mountain Fuel at a point on Mountain Fuel's gathering facilities in Daggett County, Utah. Applicant proposes that the redelivery be made at an existing point of interconnection between itself and Mountain Fuel in Sweetwater County, Wyoming. Applicant states that the volumes delivered and exchanged would be balanced on a Btu basis and that such balancing would to the extent possible be achieved on a monthly basis. Applicant states further that the volume of gas to be delivered to Mountain Fuel would be approximately 800 Mcf per day and that Applicant's gathering and transmission systems would have an initial capacity of approximately 4,600 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17479 Filed 7-3-75;8:45 am]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

Application for Spillway Modification

JUNE 27, 1975.

Public notice is hereby given that application was filed on May 19, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Company, Licensee (Correspondence to: Mr. W. M. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for approval to replace the existing St. Anthony Falls-type (SAF) energy dissipator with a flip-type spillway bucket (flip bucket) at its Pit 7 Dam of McCloud-Pit Development Project No. 2106.

The SAF energy dissipator has a basin 110 feet wide and 61 feet long. Its elevation is 1,050 feet, 15 feet below the normal tailwater level. The SAF energy dissipator is structurally unstable under high flows. The floor blocks, subjected to cavitation and erosion, have inadequate anchorage and are loosened under the vibrations of high flows. Seven of the original 10 concrete blocks had been destroyed and were replaced with steel-sheathed blocks. One of the steel blocks was lost in January 1974, and the others show signs of loosening. The chute blocks and the walls and floor near them have also lost concrete and developed large erosion holes.

The flip bucket energy dissipator, replacing the SAF dissipator, has a basin 110 feet wide and 83.5 feet long. The end of the bucket will be about 10 feet above the normal tailwater level. Approximately 38,000 cubic yards of concrete will be needed to construct the flip bucket. The flip bucket is designed to handle the maximum discharge of 114,000 cfs through the spillway radial gates.

Construction of the flip bucket will involve a removable coffer dam installed on the end sill, and the existing energy dissipator will be pumped dry. Approximately 600 cubic yards of concrete will be removed from the existing structure by light blasting operations. Normal operations of the reservoir and powerhouse will be continued during the construction, but the maximum storage elevation will be lowered by 10 feet to prevent accidental spilling.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearings therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. §§ 825g, 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR § 1.32(b), as amended by Order No. 518), a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17480 Filed 7-3-75;8:45 am]

[Docket No. CP75-367]

SOUTHERN NATURAL GAS CO. AND MID LOUISIANA GAS CO.

Application

JUNE 27, 1975.

Take notice that on June 13, 1975, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Mid Louisiana Gas Company (Mid Louisiana), 300 Poydras Street, New Orleans, Louisiana 70130, jointly Applicants, filed in Docket No. CP75-367 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas and the construction and operation of facilities to effectuate the proposed exchange, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that Mid Louisiana has contracted to purchase from Mobil Oil Corporation (Mobil) the portion of gas produced from Block 140, Main Pass Area, offshore Louisiana, attributable to Mobil's interest. Applicants further state that Mid Louisiana has assigned to Southern 40 percent of its rights and obligations to the Mobil Block 140 gas, as set forth in an April 18, 1975, exchange agreement between Applicants. Applicants allege that under the agreement Mid Louisiana would construct and operate a pipeline between the point of receipt gathered onshore by Mobil and a proposed interconnection with Southern's 16-inch pipeline near Grand Bay, in Plaquemines Parish, Louisiana, for the transportation of all Block 140 gas to which Applicants have rights. Southern would accept at the proposed interconnection all of the Block 140 gas transported from Mid Louisiana and that 60 percent would be for exchange through redelivery to Mid Louisiana at other exchange points. Applicants state that Southern purchases gas produced in the Monroe Field, in northeastern Louisiana, from Ashland Oil, Inc. (Ashland), and that such gas is delivered to Southern at Southern's Perryville compressor station in the Monroe field. Applicants state that Southern and Mid Louisiana have an interconnection point at the Perryville station and that Mid Louisiana would accept gas either at the Perryville exchange point or at the outlet of Ashland's Cargas Compressor Station, all in the Monroe Field.

Applicants anticipate that the deliveries from Block 140 and the redeliveries in Monroe Field would average 10,000 Mcf per day. The application states that the exchanges would be brought into exact balance as soon as operationally feasible by the deficient party's making additional deliveries at other exchange points. If Southern is deficient, it may deliver additional gas to Mid Louisiana in the Lake St. John Field in Concordia Parish, Louisiana, or it may, when acceptable to Mid Louisiana, deliver gas in addition to that purchased from Ashland, to Mid Louisiana at the Perryville Exchange Point. If Mid Louisiana is deficient, it may deliver additional gas to Southern in the Lake St. John Field, or it may, when acceptable to Southern, deliver additional gas into Southern's transmission at the Perryville Exchange Point. Deliveries in the Lake St. John Field would be made to Southern at its existing point of receipt in the field and to Mid Louisiana at International Paper Company's existing point of receipt in the field. Volumes would be balanced by Btu content after deducting the shrinkage.

Applicants state that the facilities proposed to be constructed and operated by Mid Louisiana are a meter and necessary appurtenances in Plaquemines Parish, Louisiana, 3 miles of 6-inch transmission pipeline and appurtenances between the point where Mid Louisiana receives the gas gathered from Block 140 and the Grand Bay exchange point, a segment of pipe and the rearrangement of valves, fittings, and metering facilities at the Perryville exchange point to allow for direct delivery and receipt of gas to and from Southern, and an extension of one of Mid Louisiana's gathering lines in Monroe Field to the outlet of Ashland's Cargas Compressor Station. Southern would construct and operate a tap on its 16-inch transmission pipeline at the Grand Bay exchange point. Applicants estimate that the total cost of the proposed facilities would be $47,636 for Southern's construction, and $255,500 for Mid Louisiana's construction. Applicants state that the proposed construction would be financed out of available company funds.

Applicants state that the proposed exchange agreement, sale and construction would permit Mid Louisiana to have the benefit of gas produced in the Gulf of Mexico without the construction of extensive facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR

V40I130 JUL 7 75 XUM

157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17481 Filed 7-3-75;8:45 am]

[Docket No. CP75-371]

SOUTHWEST GAS CORP.

Application

JUNE 27, 1975.

Take notice that on June 23, 1975, Southwest Gas Corporation (Applicant), P.O. Box 1450, Las Vegas, Nevada 89101, filed in Docket No. CP75-371 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities for safety purposes and the construction and operation of up to 20 sales taps on Applicant's northern Nevada transmission system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes in the instant application to upgrade and replace certain existing transmission facilities on its northern Nevada transmission system which, Applicant states, are required to comply with Department of Transportation safety regulations. Applicant indicates that the proposed facilities would include monitor regulators, isolation valves, shut-off valves, relief valves, service regulators, pressure protection and a mainline scrubber at an estimated cost of approximately $176,600, to be financed with cash on hand.

Applicant further requests authorization to construct and operate up to 20 taps at unspecified locations to be used for the sale of gas to future Priority 1 and 2 requirements customers which would use the gas for cooking and space heating. The cost of each of the proposed sales facilities would be approximately $1,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17482 Filed 7-3-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW; FEDERAL POWER COMMISSION

Notice of Withholding of Clearance of Report Proposal

Notice is hereby given that the General Accounting Office (GAO) will not issue clearance of the Federal Power Commission's proposed Form 40, Annual Report of Proved Domestic Gas Reserves. This is a new annual report that would be filed by all "natural gas companies" as defined by the Natural Gas Act.

In section 409 of Pub. L. 93-153, the Congress gave GAO responsibility for insuring that the information required by the independent regulatory agencies is obtained with a minimum burden on business enterprises and that the information is not presently available from other sources within the Federal government.

GAO has concluded that a clearance of the proposed Form 40 cannot be issued at the present time. We are withholding clearance for reasons both of duplication and burden. We believe the problems of duplication can be easily resolved. Problems of burden are more complex and relate to the Federal Power Commission's inability to demonstrate that the compliance burden has been minimized, particularly for small respondents.

The Federal Power Commission has been advised that a revised Form 40, which will both meet the Commission's need for data and the statutory requirements regarding duplication and burden, will receive prompt consideration.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review Group.

[FR Doc.75-17471 Filed 7-3-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. E-39]

ADP SCHEDULE CONTRACTS

Use in Acquisition of ADPE

1. *Purpose.* This regulation sets forth changes in the fiscal year 1976 (FY 76) ADP Schedule contract program and provides policy and procedures governing the acquisition of certain ADPE for utilization within the conterminous 48 States.

2. *Effective date.* This regulation is effective July 1, 1975.

3. *Expiration date.* This regulation expires June 30, 1976.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies.

5. *Background.* On June 28, 1974, GSA issued FPMR Temporary Regulation E-32 which ensured maximum practicable competition in the procurement of ADPE by placing limitations on the use of ADP Schedule contracts. The December 31, 1974, expiration date of FPMR Temporary Regulation E-32 was extended to June 30, 1975, by Supplement 1 thereto.

6. *Definition of leased ADPE.* For the purpose of this regulation, all ADPE acquired under any plan (fixed term, extended term rental, or other such plans) offered under an ADP Schedule contract wherein payments are still due shall be considered to be leased ADPE.

7. *Competition.* GSA has determined that for FY 76 viable competition will exist in the marketplace for certain ADPE systems. Accordingly, use of FY 76 ADP Schedule contracts for either the lease or purchase of this equipment is subject to the limitations set forth in paragraph 8, below, and to the provisions of FPMR 101-32.302 and 101-32.303 with respect to the reutilization of excess leased ADPE acquired under such ADP Schedule contracts.

NOTE.—GSA will notify agencies as to the availability of competition for that ADPE referred to in 8a and c, below.

8. *Restrictions on use of ADP Schedule contracts.* Use of FY 76 ADP, Schedule contracts is subject to the limitation that except for minicomputers and those central processing units (CPU) for which the ADP Schedule purchase price of such equipment is not more than $50,000 (regardless of the actual mode of acquisition), a specific delegation of procurement authority pursuant to FPMR 101-32.404 is required before an agency may:

a. Issue an order against an ADP Schedule contract to renew the lease of any CPU or ADPE system that includes a CPU when GSA has determined (as indicated in the note in 7, above) that viable competition exists in the marketplace for the CPU(s) in question; or

b. Place an order against an ADP Schedule contract for the initial acquisition of a CPU or an ADPE system that includes a CPU when GSA has determined (upon receipt of the agency procurement request) that viable competition exists in the marketplace for the CPU(s) in question; or

c. Convert from lease to purchase under an ADP Schedule contract any CPU or any specific make and model machine that can be cable-connected to that CPU when GSA has determined (as indicated in the note in 7, above) that viable competition exists in the marketplace for the ADPE in question.

9. *Effect on other issuances.* This regulation supplements and modifies the policies in FPMR 101-32.403 and 101-32.404 with respect to the procurement of ADPE, and it affects FPMR 101-32.302 and 101-32.303 with respect to the reutilization of excess leased ADPE acquired under ADP Schedule contracts. FPMR Temporary Regulation E-32 and Supplement 1 thereto are canceled.

DWIGHT A. INK,
Acting Administrator of General Services.

JUNE 24, 1975.

[FR Doc.75-17491 Filed 7-3-75;8:45 am]

[Federal Property Management Regs.; Temporary Reg. A-11; Supplement 1]

INCREASE IN MILEAGE ALLOWANCES FOR USE OF PRIVATELY OWNED AUTOMOBILES

Changes to Federal Travel Regulations

Correction

In FR Doc. 75-17174, appearing at page 27533 in the issue of Monday, June 30, make the following changes:

1. The citation in line two of column one on page 27534 should read, "40 FR 22617, May 23, 1975".

2. The word "set" should precede the last word in line three of column two on page 27534.

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 06/30/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Application for Licensure Under Clinical Laboratories Act, 1967; CDC 3.602-1, CDC 3.602-2, CDC 3.602-3, CDC 3.602-4, CDC 3.602-6, CDC 3.601, CDC 3.639, CDC 3.676; on occasion, Clinical Laboratories Subject to CLIA 67; Caywood, D. P., 395-3443.

Health Resources Administration, Management Data Elements for Physician's Assistant Training Program Contracts—Reporting Requirements, HRABHM 0616; annually, physician's assistant training programs; Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Right To Read Financial and Performance Report, OF 361; semi-annually, grant recipients; Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration, On-Site Employer Consultation Form Under Section 7(c)(1) and 21(c), OSH Act, OSHA-68; other (see SF-83); Establishments who have requested consultation; Caywood, D. P., 395-3443.

EXECUTIVE OFFICE OF THE PRESIDENT

Community Services Administration, Statement of CSA Grant, CSA-314; on occasion, Community action and limited purpose agency; Caywood, D. P., 395-3443.

EXTENSIONS

BUSINESS FIRMS

Economic Research Service, Survey of Rice Distribution—Millers and Repackagers; annually; business firms; Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Federal Assistance (Nonconstruction Programs)—Instructions for Teacher Corps Program, OE 298; annually; Government agencies; Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-17568 Filed 7-3-75;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance, Equal Employment Opportunity

LOS ANGELES FEDERAL EEO BID CONDITIONS

Notice of Extension of Part II

On June 30, 1970, the Department of Labor tentatively approved the Los Angeles Agreement on Minority Employment. Final approval of the Agreement was conditioned upon the development of goals which would provide significant and meaningful minority representation in the participating crafts within a reasonable time. However, acceptable goals for minority utilization were never submitted by the participating crafts. In the absence of an acceptable hometown plan the Office of Federal Contract Compliance issued Part II Federal EEO Bid Conditions on September 23, 1971. Part II of the Federal EEO Bid Conditions is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal and Federally assisted construction contractors in the Los Angeles area. Inasmuch as final approval of the Los Angeles Agreement on Minority Employment was never given, all construction contractors performing work on non-exempt Federally involved projects have been subject to the requirements of Part II.

Part II of the Federal EEO Bid Conditions for the Los Angeles area expired on June 30, 1975. In order to ensure positive efforts toward the elimination of minority underutilization in the Los Angeles area construction industry, the establishment of a new Los Angeles Plan will be proposed and, such proposal will be published in the FEDERAL REGISTER prior to July 31, 1975. Due to the requirement that the proposed New Los Angeles Plan be published for comment for at least 30 days prior to promulgation as a final rule, Part II of the Federal EEO Bid Conditions is hereby extended until the proposed New Los Angeles Plan becomes effective.

Accordingly, Part II of the Federal EEO Bid Conditions issued September 23, 1971, must be included in all invitations or other solicitations for bids on non-exempt Federally-involved construction contracts in the Los Angeles area until the proposed New Los Angeles Plan becomes effective. All invitations and other solicitations for bids should be revised to reflect this extension by revising Part II of the Federal EEO Bid Conditions. The goals in Part II for the year ending June 30, 1975, will be applicable. The Federal EEO Bid Conditions are available for inspection in the OFCC area Office at the Federal Building, Room 4345, 300 North Los Angeles Street, Los Angeles, California 90012 and the Office of the Director, OFCC, Room N3402, 200 Constitution Avenue, NW, Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of June, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-17502 Filed 7-3-75;8:45 am]

V40-130 JUL 7 75 XUM

REVISED PHILADELPHIA PLAN

Notice of Extension

Pursuant to Orders dated June 27, 1969, and September 23, 1969, the Department of Labor established the Revised Philadelphia Plan. The Revised Philadelphia Plan, as amended, is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal and federally assisted construction contractors in the Philadelphia area, including Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pennsylvania. During the past year, the Department of Labor has endeavored to encourage the development of a voluntary hometown plan which would cover all of the construction trades in the Philadelphia area. Despite these efforts, it appears that a viable hometown plan is not forthcoming. Therefore, in order to ensure positive efforts toward the elimination of underutilization of minorities in the Philadelphia area construction industry, establishment of a New Philadelphia Plan will be proposed and such a proposal shall be published in the FEDERAL REGISTER prior to June 30, 1975, the expiration date of the current Revised Philadelphia Plan. Due to the requirement that the proposed New Philadelphia Plan be published for comment for at least thirty (30) days prior to promulgation as a final rule, the Revised Philadelphia Plan is hereby extended, as amended, until the proposed New Philadelphia Plan becomes effective.

Accordingly, Appendix A of the Revised Philadelphia Plan, issued February 26, 1974, must be included in all invitations or other solicitations for bids on federally-involved construction contracts for projects, the estimated total cost of which exceeds $500,000, in the Philadelphia area until the proposed New Philadelphia Plan becomes effective. All invitations and other solicitations for bids should be revised to reflect this extension by revising Appendix A. The goals in Appendix A for the final year of the Plan will be applicable. Appendix A of the Revised Philadelphia Plan is available for inspection in the OFCC Regional Office at the Gateway Building, Room 15434, 3535 Market Street, Philadelphia, Pennsylvania, 19104 and the Office of the Director, OFCC, Room N3402, 200 Constitution Avenue, NW, Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of June, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-17504 Filed 7-3-75;8:45 am]

NEW YORK PLAN FEDERAL EEO BID CONDITIONS

Notice of Extension of Part II

Pursuant to an Order dated August 11, 1971, the Office of Federal Contract Compliance approved the New York Plan and incorporated it by reference in Part I of the Federal EEO Bid Conditions issued for New York City. For those contractors and unions which declined or were ineligible to participate in the New York Plan, mandatory affirmative action requirements are set forth in Part II of the Federal EEO Bid Conditions. On November 30, 1974, the Director of the Office of Federal Contract Compliance issued a Memorandum to Heads of All Agencies in which he withdrew approval of the New York Plan and placed all participating contractors and unions under the requirements of Part II of the Federal EEO Bid Conditions.

Part II of the Federal EEO Bid Conditions is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal and Federally assisted construction contractors in the City of New York. During the past year, the Department of Labor has endeavored to encourage the development of a voluntary hometown plan which would cover the City of New York construction industry. Despite these efforts, it appears that a viable hometown plan is not forthcoming. Therefore, in order to ensure positive efforts toward the elimination of underutilization of minorities in the City of New York construction industry, the establishment of the Revised New York Plan will be proposed and such proposal will be published in the FEDERAL REGISTER prior to July 1, 1975, the expiration date of the current Part II of the Federal EEO Bid Conditions. Due to the requirement that the proposed Revised New York Plan be published for comment for at least 30 days prior to promulgation as a final rule Part II of the Federal EEO Bid Conditions is hereby extended until the proposed Revised New York Plan becomes effective.

Accordingly, Part II of the Federal EEO Bid Conditions issued August 11, 1971, must be included in all invitations or other solicitations for bids on non-exempt Federally-involved construction contracts in the City of New York until the proposed Revised New York Plan becomes effective. All invitations and other solicitations for bids should be revised to reflect this extension by revising Part II of the Federal EEO Bid Conditions. The goals in Part II for the year ending July 1, 1975 will be applicable. The Federal EEO Bid Conditions are available for inspection in the OFCC Regional Office at the 1515 Broadway, Room 15434, New York, New York, and the Office of the Director, OFCC, Room N3402, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of June, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-17503 Filed 7-3-75;8:45 am]

Office of the Secretary

[TA-W-62]

CONTROL DATA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 24, 1975 the Department of Labor received a petition under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Computer Memory Manufacturing Division, Casper, Wyoming of the Control Data Corporation. Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with computer components produced by Control Data Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of June 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17508 Filed 7-3-75;8:45 am]

[TA-W-63]

MID-AMERICAN DAIRYMEN, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 24, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Springfield, Missouri Corporate Office of the Mid-American Dairymen, Incorporated. Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with non-fat dry milk, cheese and butter produced by Mid-American Dairymen, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of June 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17509 Filed 7-3-75;8:45 am]

[TA-W-61]

WILSON SPORTING GOODS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 24, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Textile Workers of America, Local 232 on behalf of the workers and former workers of the Tullahoma, Tennessee Ball Plant of Wilson Sporting Goods Company. Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with baseballs and softballs produced by Wilson Sporting Goods Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of June 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17510 Filed 7-3-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 804]

ASSIGNMENT OF HEARINGS

JULY 1, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139538 Sub 4, Afro-Urban Transportation, Inc., now assigned July 16, 1975 at New York, New York is postponed indefinitely.

MC 18088 Sub 55, Floyd & Beasley Transfer Company, Inc., now assigned September 23, 1975 at Montgomery, Alabama; will be held in Room 816, Aronov Building, 474 South Court Street.

MC 113362 Sub 282, Ellsworth Freight Lines, Inc., application dismissed.

MC 103191 Sub 49, The Geo. A. Rheman Co., Inc., now assigned July 28, 1975 at Columbia, South Carolina, is canceled and the application is dismissed.

MC 136168 Sub 4, Wilson Certified Express, Inc., now assigned September 16, 1975, at Omaha, Nebraska, is canceled and application dismissed.

MC 134612 Sub 2, Fast Motor Freight, Inc., now assigned July 1, 1975 at Washington, D.C.; hearing not called, application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17517 Filed 7-3-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 1, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 22, 1975.

FSA No. 43011—*Sulphur from Corpus Christi, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-537), for interested rail carriers. Rates on sulphur, in carloads, as described in the application, from Corpus Christi, Texas, to specified points in official and southern territories.

Grounds for relief—Market competition.

Tariff—Supplement 57 to Southwestern Freight Bureau, Agent, tariff 102-A, I.C.C. No. 5077. Rates are published to become effective on August 1, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17520 Filed 7-3-75;8:45 am]

[Notice No. 20]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 7, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pur-

V40 I130 J
JUL 7 75
XUM

suant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 28, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75720. By order of June 23, 1975, the Motor Carrier Board on reconsideration approved the transfer to Bay Area-Los Angeles Express, Inc., San Francisco, Calif., of the Certificate of Registration in No. MC 99296 (Sub-No. 1) issued December 4, 1964, to Alfred J. Olmo Drayage Co., a corporation, San Francisco, Calif., evidencing a right of the holder to engage in motor carrier transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Decision No. 50867, as amended, issued by the Public Utilities Commission of California. Donald Murchison, 9454 Wilshire Boulevard, Beverly Hills, Calif. Attorney for applicants.

No. MC–FC–75765. By order of June 24, 1975, the Motor Carrier Board on reconsideration approved the transfer to Rogers Motor Lines, Inc., Great Meadows, N.J., of the operating rights in Certificates Nos. MC 108884 (Sub-No. 17), MC 108884 (Sub-No. 20), MC 108884 (Sub-No. 24), MC 108884 (Sub-No. 25), and MC 108884 (Sub-No. 27) issued July 13, 1971, January 17, 1973, January 17, 1974, April 25, 1975, and December 2, 1974, respectively, to Rogers Transfer, Inc., Great Meadows, N.J., authorizing the transportation of frozen prepared foods, in vehicles equipped with mechanical refrigeration, from South Hackensack, N.J., to South Portland, Maine, Salem, N.H., and White River Junction, Vt., and points in Connecticut, New York, and that part of Massachusetts on and west of U.S. Highway 5; frozen meat, in the same kind of vehicles, from Newark, N.J., and New York, N.Y., to Bangor and Portland, Maine, points in Connecticut, Rhode Island, and Massachusetts, and points in a described area of New Hampshire; food and foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corporation at near Fogelsville, Pa., to all points in 12 eastern states; foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration, from Newburgh, N.Y., to all points in 16 eastern states; frozen imported meats, in vehicles equipped with mechanical refrigeration, from points within the New York, N.Y., Harbor area, Philadelphia, Pa., and Wilmington, Del., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and frozen foods, from the facilities of Banquet Foods Corporation at or near Wellston, Ohio, to all points in 11 eastern states and the District of Columbia. Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Registered Practitioner for applicants.

No. MC–FC–75789. By order of June 23, 1975, the Motor Carrier Board approved the transfer to Atlantic Northeastern Van & Storage, Inc., Monroeville, Pa., of Certificate No. MC 81086 issued by the Commission July 20, 1954, to Samuel A. Miller, Samuel A. Miller, Jr., and Robert K. Miller, Executors, and Samuel A. Miller, Jr., a partnership, doing business as Miller Red Line Transfer & Storage Co., Pittsburgh, Pa., authorizing the transportation of household goods, as defined by the Commission, between points in a specified part of Pennsylvania on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, Kentucky, and the District of Columbia. Paul R. Butler, Esquire, Attorney for Transferee, 1701 Law & Finance Building, Pittsburgh, PA 15219.

No. MC–FC–75796. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to EconoLines, Inc., Omaha, Nebr., of the operating rights set forth in Certificate No. MC 110589 (Sub-No. 29), issued October 22, 1974, to J. E. Lammert Transfer, Inc., Grand Island, Nebr., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Red Cloud, Nebr., and Hastings, Nebr., serving all intermediate points, and between Red Cloud, Nebr., and Smith Center, Kans., serving the intermediate points of Guide Rock, Nebr., Burr Oak and Lebanon, Kans., and the off-route points of Esbon and Mankoto, Kans. Roger W. Norris, P.O. Box 623, D.T.S., Omaha, Nebr. 68101 representative for transferee, and J. E. Lammert Transfer, Inc., P.O. Box 488, Grand Island, Nebr., transferor.

No. MC–FC–75914. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to Hilling Moving & Storage, Inc. (Incorporated 1975), Richmond, Ind., of the operating rights set forth in Certificates Nos. MC 20847, MC 20847 (Sub-No. 1), and MC 20847 (Sub-No. 2), issued July 6, 1949, March 7, 1950, and January 17, 1967, respectively, to Hilling Moving and Storage, Inc. (Incorporated 1949), Richmond, Ind., authorizing the transportation of household goods, between specified points in Indiana, and Ohio, on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Illinois, and Kentucky; and such merchandise as are ordinarily dealt in by retail stores and mail order houses, from Richmond, Ind., to points in Drake, Preble, and Butler Counties, Ohio. Donald W. Smith, 2465—One Indiana Square, Indianapolis, Indiana 46204, attorney for applicants.

No. MC–FC–75918. By order of June 23, 1975, the Motor Carrier Board approved the transfer to Schick Moving and Storage Company, a corporation, 2061 Ritchey Street, Santa Ana, Calif. 92705, of the operating rights in Certificate No. MC 4086 issued January 27, 1961, to Grace May Jump, Robert Lee Jump, and Leo L. Jump, a partnership, doing business as Wright Transfer Company, 2222 S.E. Bristol, Santa Ana, Calif. 92707, authorizing the transportation of household goods as defined by the Commission, between Santa Ana, Calif., on the one hand, and, on the other, points within 30 miles of Santa Ana.

No. MC–FC–75924. By order entered June 23, 1975, the Motor Carrier Board approved the transfer to William E. Beaumont and Joseph R. Beaumont, a partnership, doing business as Beaumont Trucking, Canonsburg, Pa., of the operating rights set forth in Permit No. MC 129793, issued November 29, 1968, to Charles Beaumont, Lawrence, Pa., authorizing the transportation of building materials (except cement and clay products), equipments, and supplies, household appliances, and furniture, between points in Washington County, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U.S. Highway 23 and points in that part of West Virginia on and north of U.S. Highway 33, restricted to a transportation service to be performed under a continuing contract, or contracts, with Z & L Builders Supplies, doing business as Woodcraft Industries and Z & L Lumber Co., of Atlasburg, Pa. Louis D. Cooper, 1101 Plaza Building, Pittsburgh, Pa. 15219, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17518 Filed 7–3–75;8:45 am]

[Notice No. 21]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75954. By application filed June 27, 1975, G & R TRANSPORT, INC., 4703 Mayflower Ave., Wausau, WI 54401, seeks temporary authority to lease the operating rights of OSCAR C. RADKE, doing business as RADKE TRANSIT, 730 S. 17th Ave., Wausau, WI 54401, under section 210a(b). The transfer to G & R TRANSPORT, INC., of the operating rights of OSCAR C. RADKE, doing business as RADKE TRANSIT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17519 Filed 7–3–75;8:45 am]

federal register

MONDAY, JULY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 130

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

SEX DISCRIMINATION IN HEALTH-RELATED TRAINING PROGRAMS

V40-130 JUL 7 75 XUM

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 83—REGULATION FOR THE ADMINISTRATION AND ENFORCEMENT OF SECTIONS 799A AND 845 OF THE PUBLIC HEALTH SERVICE ACT

Pursuant to section 215(b) of the Public Health Service Act (42 U.S.C. 216(b)) (hereinafter sometimes referred to as PHSA) the Director of the Office for Civil Rights, with the approval of the Secretary of Health, Education, and Welfare, hereby gives notice that, on August 6, 1975, the FEDERAL REGISTER, revised Part 83 of Title 45 of the Code of Federal Regulations will become effective as set forth below. This revised regulation was published in the FEDERAL REGISTER for comment on Thursday, September 20, 1973.

This also constitutes notice that, on August 6, 1975, (1) HEW Form 590A (3/72)—"Explanation of HEW Form 590, Assurance of Compliance with Section 799A of Part H, Title VII, of the Public Health Service Act, and Section 845 of Part C, Title VIII, of the Public Health Service Act," and HEW Form 590C (6/72)—"Explanation of HEW Form 590, Assurance of Compliance with Section 799A of Part H, Title VII, of the Public Health Service Act—Addendum"—will no longer be in effect, (2) HEW Form 590 (3/72)—"Assurance of Compliance with Public Health Service Act Sections 799A and 845"—and HEW Form 590B (6/72)—"Assurance of Compliance with 45 CFR Part 83"—will be considered to be modified by the deletion of the second paragraphs of those forms since the subject therein covered is now treated by § 83.11(h) of the final regulation, and (3) any entity which has, before publication in final form of the revised Part 83, submitted HEW Form 590 or HEW Form 590B to the Director will be considered to have filed a satisfactory assurance of compliance with the revised Part 83 unless (i) that assurance is rejected in writing by the Director or (ii) the entity notifies the Director that it no longer intends to comply with its assurance.

This regulation is similar to, but separate from, the final regulation implementing title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), 45 CFR Part 86 published in the FEDERAL REGISTER on June 4, 1975, and scheduled to become effective July 21. Title IX provides that no person in the United States shall be excluded, on the basis of sex, from participation in, be denied the benefits of, or be subject to discrimination under any educational financial asistance except for several exemptions specifically provided in the legislation. The PHSA, on the other hand, prohibits the extension of Federal financial support under title VII and VIII of the PHSA to certain specific health training shcools and centers that fail to submit satisfactory assurances that they will not discriminate on the basis of sex in the admission of students to their health-related training programs.[1]

Since the legislation which this regulation implements is limited to assurances of nondiscriminatory admission, the regulation itself is somewhat narrower in scope than is the regulation implementing title IX. For example, the section on employment practices is less specific since only those employees who work directly with applicants or students are covered by these regulations, whereas the title IX regulation covers all employees working in connection with an education program or activity receiving Federal financial assistance.

SUBPART A

Subpart A of this regulation contains a statement of the purposes and objectives of this regulation (§ 83.1) and definitions of terms (§ 83.2). It provides for mandatory remedial action to correct past discrimination and for voluntary affirmative efforts to overcome the effects of conditions which resulted in limited participation in an entity's health training programs by members of one sex. The Subpart also includes a provision explaining coverage of the regulation and a provision indicating that the requirements of this regulation are independent of those imposed by or pursuant to title IX.

The purpose of Part 83 is to implement Pub. L. 92-157, the Comprehensive Health Manpower Training Act, and Pub. L. 92-158, the Nurse Training Act, which amend the Public Health Service Act to proscribe the extension of Federal support under titles VII and VIII thereof to any entity discriminating on the basis of sex in the admission of individuals to its training programs. The objective is to eliminate the use of sex as a criterion in the admissions process of health training programs and thereby encourage the maximum use of all human resources in meeting this country's needs for qualified health personnel.

The definition of the word "entity" as given in § 83.2(f) is necessary to the understanding of this regulation. An "entity" is a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine or public health, as defined in section 724 of the Public Health Service Act; or a school of nursing as defined in section 843 of the Public Health Service Act; or a school or college of a training center for an allied health profession as defined by section 795 of the Act, or of another institution of undergraduate education which school or college can provide a training program. The important concept to be noted is that a training center for an allied health profession or another institution of undergraduate education will, in many instances, be part of an entire university or university system. However, only that school, college, or training center providing training programs receiving support under title VII or VIII is considered an entity for purposes of this regulation.

Section 83.3 requires an entity to take remedial action to overcome the effects of previous discrimination based on sex in any of its training programs. Section 83.3(b) permits, but does not require, affirmative action to overcome the effects of conditions which may have resulted in the limited participation by members of either sex.

Under § 83.4(a), if an entity receives any Federal support for any of its health-related training programs under title VII or VIII (hereinafter, "training programs") all of its training programs thereby become subject to this regulation. Under § 83.4(b), a Federally supported entity may not discriminate in the selection of students for its training programs. Further, it has a concomitant obligation not to discriminate after selection since such discrimination might deter persons of the sex discriminated against from applying for admission. In addition, if discrimination occurs in treatment of students admitted by a nondiscriminatory admissions process, the effect is to admit persons to different programs—one for men and one for women. Under § 83.4(d), an entity will be covered by this regulation for as long as it retains ownership, possession, or use of any real or personal property acquired in whole or in part with Federal financial support under either title VII or VIII of the Public Health Service Act. Under § 83.4(e), an entity may not transfer any real or personal property so acquired unless the transferee has submitted a satisfactory assurance under this regulation.

SUBPART B

Subpart B specifies the general obligation of an entity covered by this regulation and sets out the specific acts of discrimination proscribed. Under § 83.10, an entity must submit a satisfactory assurance that it will not discriminate on the basis of sex in the admission to its training programs and that an entity, if it has so discriminated in the past, may be required by the Director of the Office for Civil Rights to take specific remedial action in accordance with § 83.3(a) to eliminate the effects of that past discrimination.

The Department received several sets of public comments recommending that § 83.10 be modified to provide that assurances be submitted with a numerical and percentile breakdown, according to sex, of (a) persons presently participating in each level of a program, (b) the number of persons receiving financial aid and the amount of aid at each level and, (c) the total number of persons admitted to the first year of a program for the coming year. In addition, these comments proposed that an entity, when submitting

[1] Section 105 of the National Research Service Award Act of 1974, Pub. L. 93-348, amended title VII of the PHSA to exclude from coverage by its sex discrimination provisions until June 30, 1979, any medical school in the process of charging from an institution admitting only women to one which admits students without regard to sex and is carrying out such a transition in accordance with a plan approved by the Secretary. To the best of our knowledge, only one such institution exists.

an assurance be required to list any outstanding complaints of sex discrimination which exist against it under this regulation, title IX of the Education Amendments of 1972, title VII of the Civil Rights Act of 1964, or Executive Order 11246, and that the entity explain plans for recruiting students of an unrepresented sex or for remedying any disproportionate male or female representation. Although these comments were not incorporated into the final regulation as is presently being published, they are still under active consideration within the Department. The ideas expressed in these comments transcend this Public Health regulation and apply equally to assurances submitted under title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973 and title VI of the Civil Rights Act of 1964. The Department is presently considering these comments in this greater context.

The Department received several recommendations during the comment period that § 83.11(a), "Specific discriminatory acts prohibited," be amended to incorporate additional language patterned after the draft regulation implementing title IX of the Education Amendments of 1972 which provides more detail as to prohibited acts than did the drafts of this regulation. As a consequence, additional paragraphs ((a), (b), (c), and (d)) have been added to this final regulation. Paragraph (a) as originally proposed proscribed an entity from giving preference on the basis of sex to one individual by ranking on the basis of sex and from otherwise treating one individual differently from another. Paragraph (a) is now patterned after the final title IX regulation and paragraph (b) includes the language of the original paragraph (a) but also prohibits applying numerical limitations upon the number or proportion of persons of either sex that may be admitted. A new paragraph 83.11(c) now specifically prohibits the administration of admissions tests or criteria which adversely affect any person on the basis of sex, unless such tests or criteria are validated as predicting successful completion of the training program in question. A new paragraph 83.11(d) proscribes the use of marital or parental status to determine admission or in providing financial aid or any other benefit or service. In general, pregnancy, childbirth, termination of pregnancy, and any temporary disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom must be treated in the same manner as any other temporary disability or physical condition. A new paragraph 83.11(e) has been added which prohibits the giving of preference to applicants on the basis of attendance at another educational institution which admits only or predominantly one sex if the giving of such a preference has the effect of discriminating.

Paragraph 83.11(f) prohibits the segregation of sexes in classrooms and courses and the provision of separate or different benefits or services based on sex. It does however allow entities to administer single-sex scholarships and other forms of financial aid which have been established by wills, trusts, or other similar legal instruments, provided that the overall effect of the award of such sex-restricted financial aid does not discriminate on the basis of sex. This provision parallels the provision included in the final title IX regulation on the same subject. In addition, paragraph 83.11(g) has been clarified to specify that the regulation does not prohibit the segregation of sexes in providing housing. However, housing provided by an entity to students of one sex, when compared to that provided to students of the other sex, shall be proportionate in quantity and comparable in quality and cost. Under § 83.11(h), if an entity aids participation, by any applicant for or student enrolled in any of its training programs, in any program or activity or another organization, the entity must develop and implement a procedure to assure that such an organization does not discriminate against such applicants or students on the basis of sex in violation of this regulation and does not aid such participation. If such an entity cannot obtain a satisfactory assurance as to the organization's nondiscrimination, the entity will be required to cease aiding its applicants or students in participation in the programs or activities of the organization and must curtail all other assistance such as the advertising of the program.

Pursuant to public comment, paragraph 83.11(i) has been modified to specify areas in which employment discrimination is prohibited. This modification makes the regulation more consistent with the final title IX regulation. However, it is reiterated that this regulation applies only to the employment practice of an entity with respect to staff who work directly with applicants for or students enrolled in any of its training programs. This coverage differs from that included in the final title IX regulation since the statutory language of title IX is not limited to admissions as is the language in the Public Health Service Act, and the legislative history of title IX demonstrates clear congressional intent to cover employment. The PHSA sections, however, are limited to admissions and those aspects of an entity's operation which would affect admissions. Thus, in an interpretation analogous to this Department's treatment of employment of faculty and staff under title VI of the Civil Rights Act of 1964, employment is included within the scope of this regulation to the extent the effects of employment discrimination would create or reinforce discrimination against applicants and students. See *Singleton v. Jackson Municipal Separate School District*, 419 F.2d 1211 (5th Cir. 1969); cert. denied, 396 U.S. 290 (1970).

Under § 83.12, a Federally supported entity must make comparable efforts to recruit members of each sex and shall not recruit exclusively or primarily at an institution which admits only members of one sex, unless it can be demonstrated that such action does not have the effect of discriminating on the basis of sex in the selection for a training program. In addition, adequate publication must be given to an entity's policy of nondiscrimination on the basis of sex.

SUBPART C

Subpart C as it appeared in the proposed regulation has been removed. Instead, for the purposes of implementing this Part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to sections 799A and 845, title IX, title VI, and other civil rights authorities administered by the Department, the Department has incorporated into this Part by reference the current procedural provisions applicable to title VI of the Civil Rights Act of 1964. These provisions may be found at 45 CFR 80.6–80.11 and 45 CFR Part 81.

The Secretary has chosen to adopt the title VI procedures for use during the interim period between the effective date of this regulation and effectiveness of the final consolidated procedural regulation to simplify enforcement during that time and to avoid applying a different procedure for enforcement of requirements concerning discrimination based on race, color, or national origin from those based on sex. The Department published simultaneously with the final title IX regulation, a proposed consolidated proceedural regulation which will apply to most of the Department's civil rights enforcement activities. Comments on that proposal are solicited, as provided in the notice of proposed rulemaking, for 45 days. (40 FR 24148, June 4, 1975).

Effective date. As previously stated, this revised regulation will become effective August 6, 1975.

Dated: June 4, 1975.

PETER E. HOLMES,
Director, Office for Civil Rights.

Approved: June 27, 1975.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

Subpart A—Purposes; Definitions; Coverage

Sec.
83.1 Purposes.
83.2 Definitions.
83.3 Remedial and affirmative actions.
83.4 Coverage.
83.5 Effect of title IX of the Education Amendments of 1972.

Subpart B—Discrimination in Admissions Prohibited

83.10 General obligations.
83.11 Discriminatory acts prohibited.
83.12 Recruitment.
83.13 State law and licensure requirements.
83.14 Development and dissemination of nondiscrimination policy.
83.15 Designation by entity of responsible employee and adoption of grievance procedures.

Subpart C—Procedures [Interim]

83.20 Interim procedures.

AUTHORITY: (Sec. 215(b), Public Health Service Act (42 U.S.C. 216(b)).)

V40 I130 JUL 7 75 XUM

Subpart A—Purposes; Definitions; Coverage

§ 83.1 Purposes.

(a) The purposes of this Part are (1) to effectuate the provisions of sections 799A and 845 of the Public Health Service Act, which forbid the extension of Federal support under title VII or VIII of that Act to any entity of the types described in those sections unless that entity submits to the Secretary of Health, Education, and Welfare an assurance satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs, and (2) to implement the policy of the Secretary that no Federal support will be extended under those titles to any other entity unless that entity submits to the Secretary an assurance satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) The objective of this Part is to abolish use of sex as a criterion in the admission of individuals to all training programs operated by an entity which receives support under title VII or VIII of the Act, and thereby to foster maximum use of all available human resources in meeting the Nation's needs for qualified health personnel.

§ 83.2 Definitions.

As used in this Part the term—

(a) "Act" means the Public Health Service Act.

(b) "Administrative law judge" means a person appointed by the Reviewing Authority to preside over a hearing held under this Part.

(c) "Assurance commitment clause" means a clause in an invitation for a contract offer extended by the Federal Government under title VII or VIII of the Act which, when executed by an entity as part of such offer, becomes, upon acceptance of such offer by the Federal Government, a contractual obligation of such entity to comply with its assurance submitted to the Director under this Part.

(d) "Department" means the Department of Health, Education, and Welfare.

(e) "Director" means the Director of the Office for Civil Rights of the Department.

(f) "Entity" means (1) a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, school of veterinary medicine, or school of public health, as defined by section 724 of the Act;

(2) A school of nursing, as defined by section 843 of the Act;

(3) A school or college of a training center for an allied health profession, as defined by section 795 of the Act, or of another institution of undergraduate education which school or college can provide a training program;

(4) An affiliated hospital, as defined by section 724 or 795 of the Act; and

(5) Any other institution, organization, consortium, or agency which is eligible to receive Federal support.

(g) "Federal support" means assistance extended after November 18, 1971, under title VII or VIII of the Act to an entity by means of a grant to, a contract with, or a loan guarantee or interest subsidy payment made on behalf of, such entity.

(h) "Federally supported entity" means an entity which receives Federal support.

(i) "Reviewing authority" means that component of the Department to which the Secretary delegates authority to review the decision of an administrative law judge in a proceeding arising under this Part.

(j) "Secretary" means the Secretary of Health, Education, and Welfare.

(k) "Training program" means a program of training described by section 724(a) of the Act, a program of education described by, or specified by regulations pursuant to, section 795(1) of the Act, a program of education described by section 843(c), 843(d), or 843(e) of the Act, and a program leading to any license or certification requisite to the practice of a health profession for which a degree specified in any such section is granted.

§ 83.3 Remedial and affirmative actions.

(a) *Remedial action.* If the Director finds that an entity has discriminated against persons on the basis of sex in any of its training programs, such entity shall take such remedial action as the Director deems necessary to overcome the effects of such discrimination.

(b) *Affirmative action.* In the absence of a finding of discrimination on the basis of sex in a training program, an entity may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex.

§ 83.4 Coverage.

(a) If an entity receives Federal support for any of its training programs, all of its training programs thereby become subject to this Part.

(b) The obligation imposed by this Part on a Federally supported entity not to discriminate on the basis of sex in the admission of individuals to a training program includes not only the obligation not to discriminate on such basis in the selection of individuals for such program, but also the obligation not to discriminate on such basis against individuals after their selection for such program.

(c) The obligation imposed by this Part on a Federally supported entity not to discriminate on the basis of sex against an individual who is an applicant for, or is enrolled in, a training program is applicable to the same extent to the actions of such entity with respect to an applicant for, or a student enrolled in, an undergraduate program of education of such entity if individuals enrolled in such program must complete all or a part of such programs to be eligible for admission to an undergraduate training program of such entity.

(d) An entity shall not discriminate on the basis of sex in violation of this Part for as long as such entity receives or benefits from Federal support. For purposes of the preceding sentence, an entity shall be deemed to continue to receive or benefit from Federal support for as long as it retains ownership, possession, or use of either real or personal property and which was acquired in whole or in part with Federal support. If an entity receives value for property which was acquired in whole or in part with Federal support and such value is applied toward the acquisition of other property, such entity shall be deemed to continue to receive or benefit from such support for as long as such entity retains ownership, use, or possession of such other property.

(e) An entity shall not transfer property which was acquired, constructed, altered, repaired, expanded, or renovated in whole or in part with Federal support unless the agency, organization, or individual to whom such property is to be transferred has submitted to the Director, and he or she has found satisfactory, an assurance of compliance with this Part. The preceding sentence shall not apply with respect to any real or personal property for which payments have been recaptured by the United States under title VII or VIII of the Act, with respect to any other property for which the transferring entity has refunded to the Federal Government the Federal share of the fair market value of such property, or with respect to any personal property which has only scrap value to both the entity and the agency, organization or individual to which the property is to be transferred.

§ 83.5 Effect of title IX of the Education Amendments of 1972.

The obligations imposed by this Part are independent of obligations imposed by or pursuant to title IX of the Education Amendments of 1972.

§§ 83.6—83.9 [Reserved.]

Subpart B—Discrimination in Admissions Prohibited

§ 83.10 General obligations.

(a) *Eligibility for support.* No entity will be provided Federal support unless such entity has furnished the Director assurances satisfactory to him or her that it will not discriminate on the basis of sex, in violation of this Part, in the admission of individuals to each of its training programs.

(b) *Eliminating the effects of discrimination.* An assurance of compliance with this Part will not be satisfactory to the Director if the entity submitting such assurance fails to take whatever remedial action in accordance with section 83.3(a) that is necessary for such entity to eliminate the effects of any discrimination on the basis of sex in the admission of individuals to its training programs that such entity practiced prior to the submission to the Director of such assurance, or practices at the time of or subsequent to such submission. The Director may require such entity, as a condition to determining that its assurance is, or remains, satisfactory, to take

specific actions, or to submit to him or her specific information, bearing upon compliance with this Part.

§ 83.11 Discriminatory acts prohibited.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other training program or activity operated by an entity

(b) *Discrimination in selection.* In determining whether an individual satisfies any enrollment, eligibility, or other condition for selection for a training program, a Federally supported entity shall not:

(1) on the basis of sex, given preference to one individual over another by ranking applicants on such basis, or otherwise give such preference; or

(2) apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(3) otherwise treat one individual differently from another on the basis of sex.

(c) *Testing.* A Federally supported entity shall not administer or operate any test or use any criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown validly to predict success in the training program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

(d) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, in providing financal aid or any other benefit, an entity to which this Subpart applies:

(1) shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) shall treat pregnancy, childbirth, termination of pregnancy and any temporary disabilities related to or resulting from pregnancy, childbirth, termination of pregnancy or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss," or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this Part.

(e) *Preference to students from other institutions in admission.* An entity shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this Part.

(f) *Discrimination in the provision of benefits and services.* (1) *General.* Except as otherwise provided in this Part in providing financial aid or any other benefit, or in providing any service, to an applicant for a training program or to a student enrolled in such program, no Federally supported entity shall on the basis of sex:

(i) treat one individual differently from another in determining whether such individual satisfies any requirement or condition for the provision of such benefit or service;

(ii) provide a different benefit or service or provide a benefit or a service in a different manner;

(iii) deny an individual any such benefit or service;

(iv) subject an individual to separate treatment or rules of behavior;

(v) discriminate against any individual by assisting an agency, organization, or individual in providing, in a manner which discriminates on the basis of sex, a benefit or service to applicants for or students enrolled in a training program; or

(vi) otherwise limit any individual in the enjoyment of any right, privilege, advantage, or opportunity.

(2) *Financial aid established by certain legal instruments.* (i) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein: *Provided,* That the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(ii) To ensure nondiscriminatory awards of assistance as required in paragraph (f) (2) (i) of this section, recipients shall develop and use procedures under which:

(A) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(B) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under paragraph (f) (2) (ii) (A) of this section; and

(C) No student is denied the award for which he or she was selected under paragraph (f) (2) (ii) (A) of this section because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

(g) *Housing.* (1) An entity shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this subsection (including housing provided only to married students).

(2) An entity may provide separate housing on the basis of sex.

(3) Housing provided by an entity to students of one sex, when compared to that provided to students of the other sex, shall be as a whole: (i) Proportionate in quantity to the number of students of that sex applying for such housing; and (ii) comparable in quality and cost to the student.

(4) An entity shall not on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than that provided by such recipient.

(5) An entity which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take reasonable action to ensure that such housing is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) Proportionate in quantity and (ii) comparable in quality and cost to the student. An entity may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

(h) *Inter-institutional programs.* If a Federally supported entity aids participation, by any applicant for or student enrolled in any of its training programs, in any program or activity of another organization or agency, such entity shall:

(1) Develop and implement a procedure to assure itself that such organization or agency takes no action with respect to such applicants or students which this Part would prohibit such entity from taking; and

(2) Not aid such participation if such organization or agency takes such action.

(i) *Discrimination in employment prohibited.* A Federally supported entity shall not discriminate on the basis of sex in employment practices relating to its professional and other staff who work directly with applicants for or students enrolled in any of its training programs. The provisions of this Subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, pregnancy leave, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

V40 I130 JUL 7 75 XUM

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

§ 83.12 Recruitment.

(a) *Comparable recruitment.* A Federally supported entity shall, with respect to each of its training programs, make comparable efforts to recruit members of each sex in the geographic area from which such entity attracts its students. A Federally supported entity shall not recruit for any of its training programs exclusively or primarily at organizations or agencies which admit as members or students, or which provide a service for, only members of one sex unless such entity can demonstrate that such action is part of a recruitment program which does not have the effect of discriminating on the basis of sex in selection for a training program.

(b) *Recruitment practices.* A Federally supported entity shall:

(1) Prominently include a statement of its policy of nondiscrimination on the basis of sex in each announcement, bulletin, catalogue, or application form which describes the training program of such entity or is used in connection with the recruitment of employees who will work directly with applicants for or students enrolled in a training program;

(2) Distribute without discrimination on the basis of sex any announcements, bulletins, catalogues, or other materials used in connection with the recruitment of students for a training program or employees who will work directly with applicants for such program or such students; and

(3) Apprise each of its recruitment representatives of its policy of nondiscrimination on the basis of sex, and require such representatives to adhere to such policy.

§ 83.13 State law and licensure requirements.

The obligation of an entity to comply with this Part is not obviated or alleviated by any State or local law which would render an applicant for or student enrolled in a training program ineligible on the basis of sex for any license or certificate requisite to the practice of the health profession for which such applicant seeks, or student pursues, training.

§ 83.14 Development and dissemination of nondiscrimination policy.

(a) A Federally supported entity shall develop a written policy statement of nondiscrimination on the basis of sex, in accordance with this Part, and shall implement specific and continuing steps to publicize such statement to applicants for admission or employment, students, employees, and sources of referral of applicants for admission or employment.

(b) Each Federally supported entity shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalogue, and application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees who work directly with students and applicants for admission.

(c) A Federally supported entity shall not use or distribute a publication of the type described in this section which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this Part.

§ 83.15 Designation by entity of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A Federally supported entity shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this Part, including any investigation of any complaint communicated to such entity alleging its noncompliance with this Part or alleging any action which would be prohibited by this Part. The entity shall notify all of its students and employees who work directly with students and applicants for admission of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.

(b) *Complaint procedure of entity.* A Federally supported entity shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this Part. Such procedures shall be in writing and available to all present and prospective students and employees.

§§ 83.16 through 83.19 [Reserved.]

Subpart C—Procedures [Interim]

§ 83.20 Interim procedures.

For the purposes of implementing this Part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to sections 799A and 845 of the Act and other civil rights authorities administered by the Department, the procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 45 CFR 80.6 through 80.11 and 45 CFR Part 81.

[FR Doc.75-17458 Filed 7-3-75;8:45 am]

federal register

MONDAY, JULY 7, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 130
PART III

FEDERAL ELECTION COMMISSION

Federal Election Campaign Act

■

Complaint Procedure, Comment Period, and Public Records Availability

V40-130 JUL 7 75 XUM

Title 11—Federal Elections

CHAPTER II—FEDERAL ELECTION COMMISSION

[Notice 1975–9]

INTERIM GUIDELINE: COMPLAINT PROCEDURE

1. *Filing.* Any person who believes a violation of the Federal Election Campaign Act, as amended, 2 U.S.C. section 431, et seq., or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18, United States Code, has occurred may file a complaint with the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

2. *Form of complaint.* There is no prescribed form for a complaint, but all complaints must be typewritten or handwritten legibly in ink. The person making the complaint must sign the complaint, the complaint must be verified by oath or affirmation of such person taken before an officer authorized to administer oaths, and include his or her address and phone number in the complaint. A complaint shall name the person complained against (respondent), describe in detail the alleged violation or violations and shall be submitted together with copies of evidentiary material available to the complainant.

3. *Notification of respondent.* The Commission shall send a copy of the complaint to the respondent within a reasonable time after the complaint is received. Such notification of the respondent shall not be released to the public unless and until written permission of the respondent is expressly given.

4. *Reply by respondent.* The respondent will normally be given ten (10) days after receipt in which to respond in writing to the allegations in the complaint except where, in the judgment of the Commission, a shorter or longer period of time is necessary. The response to the complaint shall be addressed to the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. The Commission shall send a copy of the response to the complainant within a reasonable time. The response must be typewritten or handwritten legibly in ink. The respondent or the authorized representative thereof shall sign the response and the response shall be verified by the oath or affirmation of such person taken before an officer authorized to administer oaths.

5. *Exchange of information.* The Commission shall receive all documents and evidence submitted by the complainant and respondent and shall facilitate the exchange of such information by sending copies to the parties within a reasonable time.

6. *Investigations.* The Staff Director and the General Counsel shall proceed to direct the investigation of all duly filed complaints. A duly filed complaint is one which substantially complies with the form described by paragraph 2 above, is within the jurisdiction of the Commission and contains allegations of fact which, if proved, would constitute a violation of law. Investigations shall be conducted expeditiously and shall include an investigation of any reports and statements filed by the complainant, if the complainant is a candidate. Such investigations shall not be made public by the Commission or any other person without the written consent of the person under investigation.

7. *Hearings.* At the time the Commission notifies the respondent that a complaint has been filed, it shall notify the respondent that the respondent may request a hearing. The Commission will determine the manner and procedure for such hearings.

Date: July 1, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

[FR Doc.75–17527 Filed 7–3–75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Ch. II]

[Notice 1975–8]

IMPLEMENTATION OF FEDERAL ELECTION CAMPAIGN ACT

Extension of Time To Comment on Proposed Rulemaking

The time period within which written comments concerning any part of the notice of proposed rulemaking on the implementation of the Federal Election Campaign Act (Notice 1975–2, 40 FR 23833, June 2, 1975) will be received by the Federal Election Commission is extended to July 15, 1975.

Dated: July 1, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

[FR Doc.75–17528 Filed 7–3–75;8:45 am]

V40-130 JUL 7 75 XUM

[Notice 1975-10]

PUBLIC RECORDS AVAILABILITY

The purpose of this announcement is to inform the public of the methods by which the Commission is presently making available for public inspection and for copying the information which the law requires to be made available. Sections 302-308 of the Federal Election Campaign Act of 1971, Public Law 92-225, as amended by sections 202, 203, 204, 206, 208 and 209 of The Federal Election Campaign Act Amendments of 1974, Public Law 93-443, provide that statements of organization of political committees, reports of receipts and expenditures of political committees and candidates, reports on presidential convention financing, other expenditure reports, advisory opinions, statements relating to Presidential Nominating Convention Fund provisions, and other information relating to financing of Federal elections shall come under the purview of the Federal Election Commission. Some of the aforementioned information was formerly required to be submitted to the Secretary of the Senate, the Clerk of the House, or the Comptroller General of the United States under Public Law 92-225. Public Law 93-443 provides that all such information shall either be filed with, provided to, or maintained by the Federal Election Commission.

The following guidelines shall apply to inspection and copying of the Commission's public records:

(a) Inquiries concerning the records available at the Commission's Public Records Division may be made in person, by mail, or by telephone. Inquiries should be directed to: Public Records Division, Federal Election Commission, 1325 K Street, NW, Washington, D.C. 20463 (Telephone 202-382-7012). The Public Records Division is open Monday through Friday, excluding legal holidays, from 9 a.m. to 5:30 p.m. Extended hours may be provided for by the Commission to meet public needs.

(b) Requests for inspection of Commission records may be made in person at the time and place stated in paragraph (a). Requests for copies of records may be made in person at the time and place stated in paragraph (a) or by mail directed to the Public Records Division.

(c) Each request for Commission records or copies shall describe the records sought with sufficient specificity with respect to names, dates, and subject matter to permit the records to be located among the records maintained by or for the Commission. A person who has requested Commission records or copies will be promptly advised if the records cannot be located on the basis of the description given and informed that further identifying information must be provided before the request can be satisfied.

(d) A search fee (Appendix to this announcement) will be charged when more than one-half hour of work is devoted to locating and making records available for inspection or for copying. No search fee will be charged if records adequately described cannot be located within a reasonable time. The Public Records Division shall promptly notify a requesting person if records adequately described cannot be located after a reasonable search. If such person requests and authorizes the search to continue, a search fee shall apply to time thereafter spent searching for the records.

(e) A current schedule of fees for record services, including locating and making records available, copying, and authentication, appears in the Appendix to this Announcement. Copies of the current schedule of fees also may be obtained upon request made in person, by telephone, or by mail from the Public Records Division.

(f) Upon receiving a request for inspection or copying of records, the Public Records Division shall promptly notify the requesting person of the estimated cost, if applicable, of locating and making the records available, of copying, and of any requested authentication. Only after receiving (1) authorization from the person requesting such services and (2) full payment in advance, if applicable, shall the Public Records Division proceed to fulfill a request for inspection or copying of records.

(g) The time actually required for locating and making records available for inspection or for copying in order to fulfill a request may exceed the amount of time estimated and paid for. In such circumstances, no work will be done that will result in fees beyond the amount estimated and paid for without further authorization from the person requesting the records or copies.

(h) In addition to any other fees or charges which may apply, a fee will be charged for record authentication as provided in the Commission's current schedule of fees. Authentication shall include an attestation that the document copied is a true copy of the original and a certification that the person who attests is in legal custody of the document. The Commission seal shall be affixed to such document.

(i) Copies of public records filed with or retained by the Commission, or portions thereof, will be provided subject to fees set forth in the Commission's current schedule of fees.

(j) Requested records shall be furnished without charge or at reduced charge whenever it shall be determined by the Commission that a waiver or reduction of the fee is in the public interest. Requests for a waiver or reduction of fees may be submitted with the original request for records and may state such facts as may be considered appropriate and necessary.

Any interested person or organization is invited to submit written comments to the Federal Election Commission concerning the manner and form by which public documents should be made available to the general public. Comments could include those relating to easy access filing systems, the use of photocopying devices, microfilm, microfiche, or any other retrieval systems. Comments should be mailed to: Federal Election Commission, Rulemaking Section, 1325 K Street, NW., Washington, D.C. 20463.

Dated: July 1, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

APPENDIX

SCHEDULE OF FEES FOR RECORD SERVICES

Locating and making available records requested for inspection or copying (including overhead costs). First one-half hour: No fee. Each additional one-half hour or fraction thereof: $2.50.

Authentication with Commission Seal (in addition to other fees, if any). Price per authentication: $2.00.

Facsimile Copies of Documents. Price per page: $.10.

Full payment for the above services shall be made in advance of records or copies being made available. Payments must be by check or money order made payable to: "Treasurer of the United States". Mailed payments must be addressed to: Director, Public Records Division, Federal Election Commission, 1325 K Street, NW, Washington, D.C. 20463.

[FR Doc.75-17529 Filed 7-3-75;8:45 am]

federal register

MONDAY, JULY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 130

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DRUG LABELING

Failure to Reveal Material Facts; Labeling of Oral Hypoglycemic Drugs

V40-130 JUL 7 75 XUM

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 75N-0072]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Labeling; Failure To Reveal Material Facts

In the FEDERAL REGISTER of September 16, 1974 (39 FR 33229), the Commissioner of Food and Drugs proposed a revision of § 1.3 (21 CFR 1.3), which deals with the circumstances under which a difference of opinion among experts as to the truth of a representation made in labeling must be revealed in such labeling in order to prevent such labeling from being misleading. The proposed revision was prompted by the opinion rendered by the United States Court of Appeals for the First Circuit in *Bradley* v. *Weinberger*, 483 F. 2d 410 (1st Cir. 1973), which directed that the Commissioner consider this regulation in light of the statutory requirements for substantial evidence of effectiveness for new drugs added to the Federal Food, Drug, and Cosmetic Act by the Drug Amendments of 1962 and in relation to the misbranding provisions of the act. The Commissioner is issuing a final regulation on this matter, effective August 6, 1975.

Forty-four comments were received, from individual physicians, food and drug firms and trade associations, the Committee on the Care of the Diabetic which had initiated the Bradley litigation, and the Department of Social Services of the State of New York. The comments received and the Commissioner's conclusions are as follows.

1. Two comments pointed out that the proposal erroneously included the term "misbranded" rather than "misleading" in § 1.3(a).

The Commissioner concurs and has revised the final regulation accordingly.

2. Comments contended that proposed § 1.3(a) exceeded the agency's authority granted under section 201(n) of the act by establishing a per se offense if it is shown that the labeling fails to disclose material facts. The comments contended that the statute also requires that, for a violation to occur, the omission of the particular material facts must also be shown to be misleading. It was contended that the extent of omissions of material fact may properly be taken into account in evaluating product labeling, and that the Bradley case explicitly anticipated the exercise of administrative discretion. The comments argued that the regulation reflects an inflexible approach whereas the law was designed to express a flexible approach.

These comments construe too narrowly the applicable statutory scheme. The act provides that a food, drug, device, or cosmetic is misbranded if its labeling is false or misleading in any particular. The courts have uniformly held that a single misleading representation is sufficient to render a product misbranded. The phrase "among other things" contained in section 201(n) is not a limit upon the statutory standard and does not require that there must be "other things" that are misleading in a product's labeling before it can be deemed misbranded. The courts have also recognized that partial or half-truths may render labeling misleading in violation of the act. Once it is determined that a material fact is omitted from a product's labeling, it is not necessary to inquire further into whether the affirmative representations made in the labeling are otherwise false or misleading.

The Commissioner also notes that section 201(n) of the act is not merely discretionary, since it provides that omissions of material fact "shall" be considered in determining whether product labeling is misleading. See *Research Laboratories, Inc.* v. *United States*, 167 F. 2d 410 (9th Cir. 1948), cert. denied, 335 U.S. 843 (1948).

This does not mean, however, that any omission of fact will render a product misbranded. In determining whether labeling is misleading because of a failure to disclose some fact, section 201(n) specifies that the fact omitted must be "material". Trivial or insignificant facts about a product, such as the date of its invention, are not material. Common sense and an appropriate regard for the right of consumers to be informed about the products they buy will guide the Commissioner's determinations of what facts about a product are material.

3. A comment suggested that § 1.3(a)(1) be revised to make it clear that each piece of labeling must be considered on its own, so that the contents of one piece of labeling will not be regarded as requiring affirmative disclosure of information in a subsequent piece of labeling for a different use.

The Commissioner advises that each piece of labeling will be subject to individual evaluation. The Commissioner concludes that this interpretation is inherent in the regulation as worded, and therefore that no change is warranted.

4. One comment stated that § 1.3 is inconsistent with recent Food and Drug Administration regulations governing nutrition labeling. The comment contended that the affirmative requirements of § 1.17 with respect to nutrition labeling prohibit the inclusion of certain significant information, resulting in the failure to reveal material facts.

The Commissioner does not agree with this comment. Section 1.17 was specifically proposed and promulgated, with ample time for public comment on two separate occasions, to include all significant and material information relating to nutrition. The Commissioner believes that no material facts are excluded. Any interested person may petition the Food and Drug Administration to amend § 1.17 to permit disclosure of material facts that he believes are presently excluded.

5. Two comments questioned inclusion of foods in proposed § 1.3, pointing out that the major focus of the preamble dealt with drug warnings. The comments suggested that, where safety is not the issue, existing food labeling regulations adequately control failure to reveal material facts, and therefore that food should be excluded from the final regulation.

The Commissioner points out that section 201(n) of the act applies to all articles within the jurisdiction of the Food and Drug Administration, including food, and that section 403(a) provides that food labeling shall not be false or misleading in any particular. The Commissioner has, on prior occasions, issued regulations pursuant to section 201(n) of the act affecting food, e.g., § 1.17 relating to nutrition labeling and Part 102 dealing with food names. In particular, food warnings have also been required pursuant to this section, as published in the FEDERAL REGISTER of March 3, 1975 (40 FR 8912). Accordingly, the Commissioner concludes that it would be inappropriate to exempt food from the provisions of § 1.3.

6. A comment contended that only section 201(n) of the act can require affirmative disclosure, and that the Food and Drug Administration cannot issue a regulation under section 701(a) of the act requiring such affirmative disclosure. The comment therefore requested that § 1.3(b) be revised to state that affirmative disclosure is required pursuant to the act, not "pursuant to paragraph (a)." Another comment asked whether the regulations are intended to be interpretive or substantive.

The Commissioner does not agree with the first of these comments. The authority to require affirmative disclosure rests on sections 201(n), 403(a), 502(a), and 602(a) of the act. Section 701(a) of the act explicitly authorizes the Commissioner to issue authoritative regulations, having the full force and effect of law, to implement the other provisions of the act. See *The National Nutritional Foods Association and Solgar Co., Inc.* v. *Weinberger*, 512 F. 2d 688 (2d Cir. 1975); *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 621–625 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); *Abbott Laboratories* v. *Gardner*, 387 U.S. 136, 151–152 (1967); *Ciba-Geigy Co.* v. *Richardson*, 446 F. 2d 466, 468 (2d Cir. 1971); and *Mourning* v. *Family Publications Services, Inc.*, 411 U.S. 356, 369 (1973).

Accordingly, the Commissioner concludes that a regulation issued pursuant to section 701(a), if upheld upon court review, may lawfully require affirmative disclosure in accordance with the statute. There is therefore no need for a revision of § 1.3(b) in this respect.

7. A comment objected to use of the term "permit or require" in § 1.3(c) on the ground that it is ambiguous. The comment suggested that this phrase could be construed to mean that the proposed regulation itself neither permits nor requires opinion statements, but rather leaves that decision to the discretion of each manufacturer. It was also suggested that the words "or require" are surplusage and should be deleted.

The Commissioner agrees that the words "or require" are surplusage and accordingly has deleted them from the final regulation.

8. Comments expressed concern that the proposed revision of § 1.3(c) would restrict the free expression of honest and valid scientific opinion. It was contended that there are and will be many areas of medical practice where controversy exists and that, in such cases, complete communication of such controversy enhances the physician's knowledge and decision-making process. One comment opposed the proposed revision of § 1.3(c) on the ground that it would require a one-sided viewpoint in labeling and that physicians "will be virtually told what to think, believe, and do." It was contended that physicians must be free to draw their own conclusions from facts presented in drug labeling.

The Commissioner concludes that these comments do not accurately reflect the role Congress established for drug labeling in the Federal Food, Drug, and Cosmetic Act. As was discussed fully in the preamble to proposal, the law requires labeling to include warnings about both potential and verified hazards. Moreover, the law permits labeling statements with respect to safety only if they are supported by scientific evidence and are not false or misleading in any particular, and permits labeling statements about effectiveness only if they are supported by "substantial evidence", which is defined as "adequate and well-controlled investigations, including clinical investigations."

Accordingly, labeling is not intended to be a dispositive treatise of all possible medical opinion about a drug. It is, instead, intended to advise about potential hazards and convey documented statements with respect to safety and effectiveness.

This statutory scheme for drug labeling in no way impedes communication of significant medical information to the medical profession. There are many different forums for the expression of scientific opinion and debate. The opinions of individual physicians on such matters can be, and are, thoroughly and adequately discussed through medical journals, treatises, meetings of professional associations, and other similar events.

The Commissioner shares the concern of all persons that communication of significant medical information be encouraged, not restricted. He concludes, however that this is not a proper basis for including in labeling a discussion of all controversial issues related to the safety and effectiveness of a drug. Not infrequently, there are several points of view on a single issue. Congress wisely concluded that potential hazards, as well as known hazards, should be included in labeling in order to warn physicians about possible adverse reactions. Inclusion of conflicting opinions about such warnings would result in such uncertainty and confusion that the usefulness of such warnings in protecting the public against possible harm would be severely undermined, if not destroyed.

Although the opinions of individual physicians are honest and may turn out to be valid, it is recognized by leading doctors, the Congress, and the Supreme Court that "impressions or beliefs of physicians, no matter how fervently believed, are treacherous." See *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 619 (1973). Accordingly, the Commissioner concludes that drug labeling should include a warning whenever reasonable evidence exists indicating an association between a drug and a serious hazard. A causal relationship need not have been proved. Moreover, statements about the safety or effectiveness of a drug must be based upon adequate scientific evidence which, in the case of effectiveness, requires adequate and well-controlled clinical investigations. The Commissioner concludes that this is in full conformity with legal requirements.

9. One comment objected to the Commissioner's conclusion that scientific debate concerning drug effectiveness and drug warnings is better pursued in professional journals than in drug labeling. The comment stated that this policy is inconsistent since it acknowledges the importance of current medical debate to physicians yet prohibits use of one of the best means of informing physicians, namely, drug labeling.

The Commissioner does not agree with this comment. As explained above, the purpose of drug labeling is to convey clear and unambiguous warnings about potential health hazards to physicians, in a way that is likely to be read and immediately understood. To accomplish this purpose, it is essential that warnings be straightforward and unencumbered. Qualifications and conflicting opinions about a warning would seriously reduce its impact on the medical profession.

The Commissioner notes, and the comment agrees, that some doctors have limited time to devote to medical journals and other forums for debate on medical issues. If labeling were to be transformed into a forum for conflicting medical opinions, it is doubtful that physicians would have any greater time to study it than to study the material now intended to perform that function. Accordingly, the Commissioner concludes that it is important that drug labeling continue to be as concise and clear as possible. For this reason, the Commissioner has recently proposed in the FEDERAL REGISTER of April 7, 1975 (40 FR 15392), a new format for prescription drug labeling, i.e., the package insert.

10. A comment specifically objected to the Commissioner's conclusion that a clear and unambiguous warning must be included in labeling even though there is "serious medical and scientific doubt" about it. The comment contended that this position demeans the ability of physicians to digest and interpret material presented in drug labeling. It was suggested in the comment that an unqualified warning would likely be based upon more weighty evidence than "a mere suggestion" of a potential for danger unaccompanied by proof of causal relationship.

The Commissioner reiterates that this comment is based upon a misunderstanding of the legal requirements for drug label warnings. The statute requires that a warning be placed on the label when there is a potential hazard, as well as when there is proof of a causal relationship between the hazard and the drug. The congressional requirement of a clear drug warning under these circumstances assures that a potential hazard will be brought to the attention of physicians in straightforward and concise terms. Physicians will then be in a position, if they wish to do so, to pursue additional information through normal educational sources, such as treatises and medical journals. Accordingly, the requirement for a clear drug warning in no way demeans the ability of physicians but rather recognizes the traditional difference between drug labeling and educational material.

11. A comment contended that the legislative history of section 201(n) of the act requires that differences of opinion relating to material facts be included in labeling. The comment cited the 1938 House Report on the legislation, suggesting that misleading labeling may be corrected by a qualifying statement revealing differences of opinion. The comment stated that Congress anticipated that including both sides of a controversy on the label would be appropriate where the representations of curative value in drug labeling have only narrow and limited support.

The Commissioner concludes that this comment was fully answered in the preamble to the proposal. The legislative history demonstrates that, in 1938, Congress concluded that the only feasible means of resolving conflicting opinion with respect to drug labeling claims was to require that both positions be stated in the labeling. By the 1960's, however, the medical community and Congress concluded that drug effectiveness was subject to a higher standard, namely, scientific proof. Thus, the law was amended in 1962 to require that all labeling claims of effectiveness be supported by "substantial evidence", which is defined to mean adequate and well-controlled clinical investigations.

12. A comment stated that the proposed revision constituted a repeal of the "fair balance" doctrine concerning the merits or demerits of a drug in clinical use.

This issue was fully discussed in the preamble to the proposal and no new information was provided in the comment. The statutory standard of "fair balance" applies only to determining whether advertising for a prescription drug constitutes a true statement of information relating to side effects, contraindications, and effectiveness. The Commissioner believes that drug labeling must be informative and objective and, in this sense, must present a balanced statement of the essential information about drug products. This posture is entirely consistent with the position embodied in § 1.3, namely, that warnings about possible hazards associated with the use of a drug must, to be effective, remain undiluted by expressions of opinion discounting the risk.

V 40 I 130 JUL 7 75 XUM

Furthermore, the Commissioner notes that the doctrine of "fair balance" does not permit drug advertising to contain conflicting medical opinion with respect to claims of safety and effectiveness. Accordingly, even if it were properly applicable to drug labeling, that doctrine would not justify the result requested in the comment. There is no support in the statute or drug advertising regulations for the proposition that data obtained from adequate and well-controlled clinical studies must or may be "balanced" by the unsubstantiated opinions of individuals.

13. A comment cited § 202.1(a)(6)(viii) of the agency's drug advertising regulations (21 CFR 202.1(a)(6)(viii)), which states that a drug advertisement is misleading if it uses a statement by a recognized authority that is apparently favorable about a drug but fails to refer to concurrent or more recent unfavorable statements or data from the same author on the same subject, as an example of regulatory recognition of differences of medical opinion.

The Commissioner concludes that the cited portion of the drug advertising regulations is not relevant to the provisions of § 1.3(c). That section is one of a list of some 20 examples of situations where drug advertising may be misleading. It did not attempt to state those situations where the opinion of experts would be permitted in labeling or advertising. It was intended only to state that it would be false or misleading to quote part of a person's opinion without quoting all of it.

On the other hand, § 1.3(c) is intended to deal precisely with the question not considered in § 202.1(a)(6)(viii), namely, when medical opinion, and particularly a difference in medical opinion, may properly be used in drug labeling.

Accordingly, the Commissioner concludes that there is no conflict between these provisions.

14. A number of comments objected to the application of the "substantial evidence of effectiveness" test to all drugs, old and new. It was argued that this test applies only to new drugs marketed under section 505 of the act. The comments stated that the test was not incorporated in section 502 of the act.

As explained in the preamble to the proposal, it is the conclusion of the Commissioner that a drug is misbranded under section 502(a) of the act if any labeling statement represents or suggests that the drug is effective for any use for which its efficacy has not been proved by contemporary standards of scientific investigation. In short, a drug is misbranded if its labeling makes claims that have not been properly substantiated. Consumers of drugs and physicians who prescribe them are entitled to expect that claims of effectiveness will not be made without such verification. The definition of "substantial evidence" of effectiveness in section 505(d) represents as authoritative congressional approval of scientifically accepted standards of drug testing, namely, adequate and well-controlled investigations.

The "substantial evidence" standard clearly reflects prevailing scientific and medical views on the type of information necessary to establish drug effectiveness. Accordingly, claims of effectiveness for any drug based upon medical opinion, without substantial evidence of effectiveness, would be false or misleading. As the Supreme Court recognized in the Hynson case:

> The "substantial evidence" requirement reflects the conclusions of Congress, based upon hearings, that clinical impressions of practicing physicians and poorly controlled experiments do not constitute an adequate basis for establishing efficacy.

The Commissioner is of the view that the scientific standard of "substantial evidence of effectiveness" applies to all drugs, both old and new. The Supreme Court explicitly recognized in *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973), that "the reach of scientific inquiry under both section 505(d) and under section 201(p) is precisely the same." It is thus clear that the standards established by Congress for new drugs were intended to apply equally to old drugs.

Accordingly, the Commissioner concludes that no change in § 1.3(c) is warranted.

15. A comment contended that the Drug Amendments of 1962 were not intended to make clinical experience totally irrelevant, but rather to require substantial evidence as a prerequisite for initial marketing of ap roduct. The comment suggested that a drug approved prior to 1962 and used extensively thereafter may develop post-1962 clinical experience which is relevant even though not "adequate and well-controlled." It was suggested that such clinical experience would be pertinent to physicians in prescribing the drug and would supply material facts about the drug's effectiveness.

The Commissioner concurs that such clinical experience may, under some circumstances, be relevant. For example, such experience is often the source of initial information on possible new indications or on the need for additional warnings. In accordance with the statute, however, any new indications must be supported by substantial evidence before they may properly be used in labeling. On the other hand, such clinical experience may well be sufficient to justify an additional drug warning as a potential hazard, even before a causal relationship is proved, for the reasons already discussed above. The Commissioner therefore concludes that modification of § 1.3(c), is not warranted in this respect.

16. A comment contended that, because present drug labeling contains too many possible reactions, physicians are confused about the relative importance of the possible hazards involved. The comment stated that the proposed revision of § 1.3(c) would compound this situation by precluding helpful information of this type.

The Commissioner advises that § 1.3(c) will not preclude or hinder specific information concerning the degree of scientific certainty about a possible hazard, e.g., whether it is a potential or documented hazard, or its frequency or severity. Indeed, the proposed new regulations governing the package insert specifically provide for such information. The sole purpose of § 1.3(c) is to require warnings that are unencumbered by differing statements of opinion, in order to prevent drug labeling that would diminish the impact of such warnings.

17. Several comments pointed out that the preamble to the proposal acknowledged that the degree of scientific certainty about a possible hazard, or its frequency of occurrence or other related information, may accompany or be part of a warning. It was suggested that this is inconsistent with the basic prohibition of § 1.3(c) against communicating uncertainty about the very existence of the possibility of hazard. Some comments stated that this required that a difference of opinion as to the existence of a possibility of danger must itself be the subject of label explanation. Another comment stated that the final regulation should explicitly recognize the principle stated in the preamble to the proposal. A related comment argued that it was inconsistent for the agency to assert that warnings must be clear and unambiguous, while at the same time acknowledging that such warnings apply to potential or possible dangers without proof of causal relationships.

The Commissioner advises that there is a major difference between including the best available information on the degree of scientific certainty about a possible hazard, its frequency, severity, and other related information, and incorporating conflicting statements of differing opinions about drug hazards, including the existence of the hazard itself. The former permits clear and unambiguous information of use to the medical profession in making benefit-risk decisions on drug prescribing. The latter would, as discussed above, create confusion and uncertainty about the need to be concerned about possible drug hazards.

The Commissioner advises that, where medical information justifies a warning, the law requires that the warning must be included in the drug labeling. In accordance with the provisions of the proposed new regulation governing prescription drug package inserts published in the FEDERAL REGISTER of April 7, 1975 (40 FR 15392), "a warning shall be included in labeling as soon as there is reasonable evidence of an association of a serious hazard with a drug; a causal relationship need not have been proved." Different language is permitted where a causal relationship has or has not been established. Those proposed regulations also permit the inclusion of information with respect to frequency and severity of hazards. Thus, the information in the package insert is permitted to state, in very clear terms, the essential information on which the warning is based. In view of the provisions of that proposed regulation, the Commissioner concludes

that there is no need to include similar provisions in § 1.3(c).

18. A comment suggested that § 1.3(c)(2), prohibiting a statement of difference of opinion with respect to effectiveness unless supported by substantial evidence, is inconsistent with § 201.200 of the regulations (21 CFR 201.200), which requires that certain prescription drugs include a box warning statement reflecting the effectiveness evaluation by the NAS/NRC Efficacy Review. The comment contended that this box warning reflects differences of medical opinion, and proposed that § 1.3(c) exempt those drugs whose labeling has been revised in compliance with § 201.200.

The Commissioner concludes that it is unnecessary to exempt from § 1.3(c) any drug labeling that complies with § 201.200. The box warning required by § 201.200 reflects the evaluation of the NAS/NRC, with which the Food and Drug Administration concurs, on the current status of the drug involved. The Commissioner has concluded, and § 201.200(b)(1) provides, that failure to disclose NAS/NRC findings constitutes a failure to disclose a material fact within the meaning of section 201(n) of the act. Revision of § 1.3 in accordance with the comment would be inconsistent with the statute, and would result in, rather than prevent, misbranding. The NAS/NRC box warning is necessary precisely because it alerts the physician that there is a lack of substantial evidence at the present time. Accordingly, there is no need for revision of § 1.3(c) in this respect.

19. A comment argued that adequate directions for use cannot be provided, as required by section 502(f) of the act, if differences of opinion reflecting medically and scientifically valid information are prohibited.

The Commissioner does not agree with this comment. A clear and unambiguous warning concerning potential serious hazards, free of differing opinions, in no way conflicts with adequate and clear directions for use. Indeed, such warnings against potential hazards are essential to assure that directions for use are adequate to protect patients against the possibility of serious hazards.

20. Two comments expressed concern that § 1.3(c) would expose doctors to serious risk of malpractice liability, since a physician would be ill-advised to disregard a clear and unambiguous warning. The comments pointed out that a package insert may be considered by a court as prima facie proof of a physician's negligence if the physician deviates from the provisions of the insert.

The Commissioner concludes that this comment provides no basis for revising proposed § 1.3(c). Nothing in § 1.3(c) detracts from the obligation of each physician to exercise his best medical judgment in prescribing drugs for each of his patients. The Commission has stated, in the preamble to the proposed regulation on the legal status of package inserts published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16503), that a physician who deviates from the package insert does not violate Federal law and that the package insert "is not intended either to preclude the physician from using his best judgment in the interest of the patient, or to impose liability if he does not follow the package insert." A warning may address potential hazards, not just documented hazards.

The Commissioner recognizes that drug labeling does not always contain the most current information and opinion available to physicians about a drug. Advances in medical knowledge and practice inevitably precede formal submission of proposed new labeling by the manufacturer, and approval by the Food and Drug Administration. Thus, good medical practice and patient welfare require that physicians remain free to use drugs according to their best knowledge and judgment.

The Commissioner is not authorized to implement the provisions of the act in order to insulate physicians from the possibility of malpractice litigation. Accordingly, the fact that the package insert is frequently accepted as evidence of sound medical practice is not sufficient to justify a change in § 1.3(c).

21. A comment objected to the applicability of § 1.3(c) to all labeling, as defined in section 201(m) of the act, since this would include promotional labeling and educational materials and thus "would make it virtually impossible to develop and disseminate meaningful and informative information of a promotional or nonpromotional nature." It was suggested that § 1.3(c) be limited to prescription drug labels and package inserts.

The Commissioner rejects this suggestion. It is important that all drug promotional material be subject to the same general requirements. Bona fide educational material that falls outside the category of labeling is, of course, not subject to the requirements of the act and regulations.

22. Some comments included views about the validity of the University Group Diabetes Program (UGDP) Study on Oral Hypoglycemic Drugs, and specifically on appropriate labeling and warnings for such drugs.

The Commissioner concludes that appropriate labeling for oral hypoglycemic drugs should be the subject of a separate regulation. Accordingly, these comments are taken into consideration in the separate rule making proceeding on that matter published elsewhere in this issue of the FEDERAL REGISTER. Section 1.3 deals with labeling for all products within the jurisdiction of the Food and Drug Administration, not specifically with labeling for oral hypoglycemic drugs.

23. A comment submitted by the Committee on the Care of the Diabetic (CCD), which initiated the Bradley litigation, contended that the Food and Drug Administration is acting with "an unconscionable example of arbitrary administrative action which violates the most fundamental precepts of fairness and due process" by proposing to amend § 1.3 on the ground that the Bradley litigation was based upon the former wording of § 1.3. The comment requested an administrative hearing on the proposed revision of § 1.3 on the grounds that the proposed amendment is in fact adjudicatory in nature and that it "effectively eliminates the CCD's role in the very negotiations between the FDA and the CCD which the court ordered continued." Finally, the comments requested a stay of the final promulgation of the regulation pending resolution of the labeling of oral hypoglycemic drugs.

The Commissioner advises that his review of, and proposal to amend, § 1.3 has been undertaken pursuant to the direction of the United States Court of Appeals for the First Circuit in the Bradley case. The court recognized in that case that significant issues with respect to the interpretation of § 1.3 had been raised and should be resolved at the administrative level.

The court noted an apparent inconsistency between § 1.3 and section 505 of the act:

> One reading of this regulation would suggest that unsubstantiated individual clinical opinions of qualified experts, which are insufficient under the "substantial evidence" test enacted in the effectiveness section, might be sufficient to create a fact omission of which might render the labeling misleading.

The court directed the Commissioner to consider "the intersection of the safety, effectiveness, and misbranding requirements" of the act in reviewing the matter. Thus, consideration of a complete revision of § 1.3 has been judicially mandated.

The Commissioner concludes that an administrative hearing on the proposed revision of § 1.3 is neither required nor necessary. This regulation is issued pursuant to section 701(a) of the act and in accordance with the rule making provisions of the Administrative Procedure Act (5 U.S.C. 553). The amendment is not adjudicatory in nature but rather constitutes a broad revision of § 1.3, applicable prospectively to all food, drugs, devices, and cosmetics.

The Commissioner advises that issues with respect to the proper labeling of oral hypoglycemic drugs are the subject of a notice of proposed rule making published elsewhere in this issue of the FEDERAL REGISTER.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 502 (a) and (f), 505, 512, 602(a), 701(a), 52 Stat. 1041, 1047, 1050, 1052–1053 as amended by 76 Stat. 781–785, 1054–1055, 82 Stat. 343–351 (21 U.S.C. 321(n), 343(a), 352 (a) and (f), 355, 360b, 362(a), 371 (a))); under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120)) 21 CFR 1.3 is revised to read as follows:

§ 1.3 Labeling; failure to reveal material facts.

(a) Labeling of a food, drug, device, or cosmetic shall be deemed to be misleading if it fails to reveal facts that are:

(1) Material in light of other representations made or suggested by state-

V40 I130 JUL 7 75 XUM

ment, word, design, device or any combination thereof; or

(2) Material with respect to consequences which may result from use of the article under (i) the conditions prescribed in such labeling or (ii) such conditions of use as are customary or usual.

(b) Affirmative disclosure of material facts pursuant to paragraph (a) of this section may be required, among other appropriate regulatory procedures, by

(1) Regulations in this chapter promulgated pursuant to section 701(a) of the act; or

(2) Direct court enforcement action.

(c) Paragraph (a) of this section does not:

(1) Permit a statement of differences of opinion with respect to warnings (including contraindications, precautions, adverse reactions, and other information relating to possible product hazards) required in labeling for food, drugs, devices, or cosmetics under the act.

(2) Permit a statement of differences of opinion with respect to the effectiveness of a drug unless each of the opinions expressed is supported by substantial evidence of effectiveness as defined in sections 505(d) and 512(d) of the act.

Effective date. This final regulation shall be effective August 6, 1975.

(Secs. 201(n), 403(a), 502 (a) and (f), 505, 512, 602(a), 701(a), 52 Stat. 1041, 1047, 1050, 1053–1055 as amended by 76 Stat. 781–785, 1054–1055, 82 Stat. 343–351 (21 U.S.C. 321(n), 343(a), 352 (a) and (f), 355, 360b, 362(a), 371(a)).)

Dated: July 1, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-17589 Filed 7-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N—0062]

ORAL HYPOGLYCEMIC DRUGS

Proposed Labeling Requirements and Public Hearing

The Commissioner of Food and Drugs is proposing labeling for all oral hypoglycemic drugs and announcing a legislative-type public hearing on the issues involved. Labeling for this class of drugs has been the subject of extended public controversy and legal challenge for several years. The Commissioner believes that it is now essential to resolve the outstanding issues in this matter and that it is in the interest of the public health to consider the views of all parties in achieving such resolution. Accordingly, this notice proposes class labeling for oral hypoglycemic drugs that, on the basis of all information available to the Food and Drug Administration, the Commissioner believes is consistent with the requirements of the Federal Food, Drug, and Cosmetic Act and reflects current scientific knowledge on the safety and effectiveness of these drugs.

The Commissioner invites all interested persons to submit written comments on the proposed labeling. In addition, the Commissioner's designee, the Director of the Bureau of Drugs, will conduct an oral public hearing to afford interested persons a further opportunity for the presentation of data, information, and views. In the Commissioner's judgment, the subject matter of this notice is of sufficient importance to justify the use of this additional procedure, as provided in Part 2, Subpart E, of the regulations governing the administrative practice and procedures of the Food and Drug Administration, published in the FEDERAL REGISTER of May 27, 1975 (40 FR 23025).

Interested persons may submit comments on the labeling proposed in this notice by September 5, 1975. In addition, any interested person may submit data, information, or views in writing any time within 15 days after the conclusion of the public hearing. It is the intention of the Food and Drug Administration to conduct the public hearing prior to the expiration of the time for submitting comments, and the Commissioner therefore encourages interested persons to submit their comments as soon as possible, to allow review prior to the hearing.

After consideration of all written and oral comments and all data, information, and views presented at the public hearing, the Commissioner will promulgate in the FEDERAL REGISTER a final regulation prescribing labeling for oral hypoglycemic drugs, applicable to all drug products in this class. It is anticipated that the final labeling will conform with the guidelines for labeling of prescription drugs proposed by the Commissioner on April 7, 1975 (40 FR 15392).

I. General background. The following new drug applications have been approvide for oral hypoglycemic drugs:

1. NDA 10,670, Orinase tablets containing tolbutamide; The Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001.
2. NDA 15,500, Tolinase tablets containing tolazamide: The Upjohn Co.
3. NDA 11,641, Diabinese containing chlorpropamide; Pfizer Inc., 235 E. 42d St., New York, NY 10017.
4. NDA 13,378, Dymelor containing acetohexamide; Eli Lilly & Co., Indianapolis, IN 46206.
5. NDA 11,624, DBI tablets containing phenformin hydrochloride; Geigy Pharmaceuticals, Ardsley, NY 10502.
6. NDA 12,752, DBI–TD capsules containing phenformin hydrochloride; Geigy Pharmaceuticals.
7. NDA 17,126, Meltrol-50–100 capsules containing phenformin hydrochloride; USV Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, NY 10707.
8. NDA 17,127, Meltrol-25 tablets containing phenformin hydrochloride; USV Pharmaceutical Corp.
9. NDA 12,678, Tolbutamide tablets containing tolbutamide; Premo Pharmaceuticals Laboratories, Inc., 111 Leuning St., South Hackensack, NJ 07606.

The class of oral hypoglycemic drugs can be grouped into two categories on the basis of chemical structure: the sulfonylurea category (represented by acetohexamide, chlorpropamide, tolazamide, and tolbutamide) and the biguanide category (represented by phenformin hydrochloride). The mode of action and adverse effects are different for these two categories of oral hypoglycemic drugs. Accordingly, separate labeling is proposed for each category of drug.

Under section 505 of the Federal Food, Drug, and Cosmetic Act, the Commissioner is responsible for assuring that all new drugs have been shown to be safe and effective for their intended uses and that their labeling is not false or misleading. Exercise of this responsibility often requires reexamination of the safety, effectiveness, or labeling of drugs previously approved. The statutory scheme contemplates that new information may require the Commissioner to prescribe changes in the labeling of a drug, to reveal newly discovered limitations on use or warn of previously unanticipated hazards. And if labeling can no longer be written to assure that the benefits of use of a drug outweigh the risks of possible harm, the Commissioner is empowered, and obligated, to withdraw marketing approval.

The Commissioner believes that information about potential risks of oral hypoglycemic drugs obtained subsequent to their initial approval for marketing requires revision of their labeling. Specifically, he believes the study of modes of treatment for adult-onset diabetes conducted by the University Group Diabetes Program requires the addition of a warning about possible cardiovascular complications associated with the use of such drugs. Because of the importance of this matter and the concerns it has generated among physicians and their patients, the Commissioner has concluded that it is appropriate to invite exploration of the issues in a public forum before reaching a final determination on the wording of the labeling, including the warning.

The scientific and legal issues relating the labeling of oral hypoglycemic drugs have been the subject of protracted public debate. To resolve the many complex questions that have been raised, it is essential that the important issues be identified and that public comment be directed to these issues. The following discussion is presented to summarize the history of the oral hypoglycemic labeling controversy, to identify the issues that have arisen during the controversy, and to explain the position of the Food and Drug Administration on these issues.

II. Origin of the labeling controversy. Although insulin and the oral hypoglycemic drugs are both effective in lowering the blood glucose level in patients with maturity-onset diabetes, it is not clear that this reduction of blood glucose has a beneficial effect on the long term vascular complications of diabetes. In an attempt to answer this question, the National Institute of Arthritis, Metabolism, and Digestive Diseases of the National Institutes of Health sponsored a long term, prospective clinical trial. The study, begun in 1961, was conducted by the University Group Diabetes Program (UGDP) in 12 university medical centers. Patients selected for the study were maturity-onset diabetics who had been diagnosed no more than 1 year prior to entry into the study and did not require insulin to remain symptom-free.

All patients were given an appropriate diabetic diet and were randomly assigned to one of four different treatment groups: (1) Fixed dose of tolbutamide (1.5 grams/day), (2) Fixed dose of insulin (10 to 16 units based on body surface area), (3) Variable dose of insulin adjusted to control the blood glucose, or (4) Placebo. Eighteen months after the study began, a fifth group was added in which the treatment was a fixed dose of phenformin hydrochloride (100 milligrams/day). Patient recruitment was completed in 1966 with a total of 1,627 patients in the entire study and approximately 200 patients per treatment group.

By 1969 the unexpected finding of a significantly higher mortality due to cardiovascular causes was present in the tolbutamide group (12.7 percent or 26 out of 204) compared to the placebo group (4.9 percent or 10 out of 205), the fixed-dose insulin group (6.2 percent or 13 out of 210), and the variable insulin group (5.9 percent or 12 out of 204). After evaluating the available data, the investigators decided to discontinue use of tolbutamide in the study because they concluded that no benefit had been shown for these patients and there was evidence that the long term use of this drug was associated with a serious side effect.

A report on the findings of the UGDP was submitted to the Food and Drug Administration in March 1970. The report

V40 I30 JUL 7 75 XUM

concluded that "the findings of this study provide no evidence that the combination of diet and tolbutamide therapy as described and used for mild non-insulin dependent diabetics is more effective than diet alone. Moreover, the findings suggest that tolbutamide and diet may be less effective, at least insofar as cardiovascular mortality is concerned, than diet alone or than diet plus insulin." The Food and Drug Administration reviewed the report and convened an ad hoc meeting of experts on May 21, 1970, to evaluate the findings. The report was scheduled for presentation at the annual meeting of the American Diabetes Association on June 14, 1970. The program and abstracts for the meeting of the American Diabetes Association were disseminated in May, however, and the general findings of the UGDP study became widely publicized in the press. In view of this publicity, FDA released a statement to the press on May 22, 1970, indicating that the agency agreed with the UGDP's stated conclusions and would require labeling changes for the oral hypoglycemic drugs to reflect results of the study.

In October 1970, FDA distributed a Current Drug Information Bulletin to physicians and other health professionals confirming its agreement with the stated conclusions of the UGDP study. The agency recommended that use of sulfonylurea agents be limited to those patients with symptomatic adult-onset, nonketotic diabetes who cannot be adequately controlled by diet or weight loss alone and in whom the addition of insulin is impractical or unacceptable.

The first report of the UGDP study was published in November 1970 as a supplement to Diabetes, the journal of the American Diabetes Association (ref. 1). An accompanying editorial statement representing the view of the American Diabetes Association (ref. 2) made the following therapeutic recommendations:

> The clearest indication for oral agents is diabetes of mild or moderate severity in a patient who proves to be poorly controlled with diet and who is unable or unwilling to take insulin. In adult-onset diabetes with hyperglycemia and glycosuria, symptomatic or not, and in the absence of ketosis, a trial with an appropriate diet should come first. If this does not establish satisfactory control, insulin is to be preferred to other therapeutic agents because it is more uniformly effective in controlling hyperglycemia and the UGDP study indicates that it may be safer.

A statement published at the same time by The American Medical Association Council on Drugs (ref. 3) included the following recommendations:

> Although some flaws exist in the UGDP study, it clearly demonstrates that every effort should be made by the physician to control the symptomatic, maturity-onset diabetic with diet alone. Should this fail, treatment with insulin or oral hypoglycemic agents should be undertaken. If oral hypoglycemic agents are selected for therapy the results of the UGDP study should be kept in mind. Therefore, the consideration of treatment with oral hypoglycemic agents should be secondary to the use of insulin.

In May 1971 the use of phenformin in the UGDP study also was discontinued because there was a significantly higher cardiovascular mortality in the phenformin group (12.7 percent or 26 out of 204) compared to the other treatment groups. The preliminary results with phenformin were published in August 1971 (ref. 4). An additional report by the UGDP published in November 1971 discussed the clinical implications of the UGDP study (ref. 5).

In June 1971 the Food and Drug Administration issued a Drug Bulletin outlining changes in the labeling for all sulfonylurea drugs. The Drug Bulletin stated that diet and reduction of excess weight are the foundation of therapy of diabetes mellitus, and that when the disease is adequately controlled by these measures, no other therapy is indicated. The Bulletin also stated that the sulfonylurea agents are indicated in the treatment of adult-onset, nonketotic diabetes mellitus which cannot be adequately controlled by diet and reduction of excess weight alone and when, in the judgment of the physician, insulin treatment is not feasible.

From the time the results of the UGDP study were first reported, the study was subjected to intense criticism by both clinicians and statisticians (ref. 6 through 12). The basic scientific criticisms of the study were as follows:

1. Patient selection was inappropriate in that many patients had such mild diabetes that neither oral drugs nor insulin was indicated.

2. Total mortality in the tolbutamide group was not significantly different from that in the placebo group.

3. Excess cardiovascular mortality occurred in only a few clinics.

4. Randomization was not successful; therefore, the tolbutamide group was not comparable to the other groups at the outset of the study with respect to baseline cardiovascular risk factors.

5. With the exception of the variable insulin group, patients were maintained on a fixed drug dosage, contrary to the principles of good medical practice.

6. The use of tolbutamide and phenformin in the study was terminated prematurely, i.e., before definitive results were obtained.

7. The results of the study are contradicted by the studies of Keen (ref. 13 through 15) and of Paasikivi (ref. 16).

These criticisms were in turn analyzed by representatives of the UGDP (ref. 17) and by a statistician who had served as a consultant to the UGDP (ref. 18) and were rejected as a basis for invalidating the conclusions of the UGDP study. By this time, however, a widespread belief had developed among many physicians that the UGDP study was somehow flawed in terms of its design and execution, and therefore could not serve as a proper basis for a warning to the medical profession.

Uncertainty about the scientific quality of the UGDP study has been a prominent feature of all critical commentary since 1970 and has clearly inhibited acceptance by the medical profession of the study's most troubling finding, namely, that the administration of either tolbutamide or phenformin to patients with maturity-onset diabetes was associated with an increase in cardiovascular mortality. Undoubtedly one reason many practicing physicians were surprised by and reacted critically to the findings of the UGDP study is that the reported increase in cardiovascular mortality—though statistically significant—is not of the magnitude which can be readily detected by the individual physician in the course of practice.

The Commissioner recognizes that a large number of physicians still do not accept the position of the Food and Drug Administration as expressed in the FDA Drug Bulletin, or the position of the American Diabetes Association and the American Medical Association Council on Drugs as expressed in the references cited. An outcome of this disagreement was a prolonged legal confrontation that precluded the inclusion of warnings in the labeling for oral hypoglycemic drugs similar to those appearing in the Drug Bulletin.

III. *Legal challenge to the labeling of oral hypoglycemic drugs.* In November 1970 a group of physicians known as the Committee on the Care of the Diabetic was formed to oppose the proposed warning labeling for oral hypoglycemic drugs. The group included some of the country's leading diabetologists.

In October 1971 the Committee on the Care of the Diabetic petitioned the Commissioner to rescind his position that labeling for oral hypoglycemic drugs must contain a warning of associated cardiovascular hazards. The committee maintained that the UGDP study constituted an improper basis for the agency's decision, because it had been criticized on scientific, clinical, statistical, and other grounds. The Committee on the Care of Diabetic cited "controverting data," particularly the studies of Keen et al. (ref. 13 through 15) and Paasikivi (ref. 16), which, it contended, demonstrated the safety of oral hypoglycemic therapy. The committee also insisted that labeling for these drugs must reflect a "fair balance" of scientific opinion and cite the alleged deficiencies of the UGDP study and the controversial nature of its conclusions as well as the data in controversy.

After thorough evaluation of all the materials submitted to the agency, the Commissioner formally replied to counsel for the Committee on the Care of the Diabetic on June 5, 1972. The Commissioner's letter responded to each of the criticisms raised by the committee concerning the UGDP study and the agency's position. The Commissioner reaffirmed the position of the Food and Drug Administration that an undiluted and unencumbered warning in the labeling of the oral hypoglycemic drugs regarding cardiovascular hazards was fully warranted by the available evidence.

The agency's position on labeling for these drugs was again stated in an FDA Drug Bulletin issued in May 1972. Based on the results for phenformin reported by the UGDP in 1971, the following labeling changes were to apply to the biguanide drugs as well as the sulfonylurea drugs:

> Because of the apparent increased cardiovascular hazard associated with oral hypoglycemic agents, they are indicated in adult-onset, nonketotic diabetes mellitus only when the condition cannot be adequately controlled by diet and reduction of excess weight alone, and when, in the judgment of the physician, insulin cannot be employed because of patient unwillingness, poor adherence to injection regimen, physical disabilities such as poor vision and unsteady hands, insulin allergy, employment requirements, and other similar factors.

On July 13, 1972, counsel for the Committee on the Care of the Diabetic requested a formal evidentiary hearing before the agency. The Commissioner advised the petitioners that they were not entitled to a hearing since their submission did not meet the statutory standard of "substantial evidence" and stated that the Commissioner's letters constituted final agency action.

Soon thereafter suit was filed in the United States District Court for the District of Massachusetts by a group of 178 physicians, many of them members of the Committee on the Care of the Diabetic, asking that the Food and Drug Administration be enjoined from requiring manufacturers to include a warning of associated cardiovascular hazards in their labeling for oral hypoglycemic drugs (Bradley v. Richardson), Civil No. 72–2517 M (D. Mass. 1972)). A temporary restraining order was entered by the court on the same day. A hearing on the motion for a preliminary injunction was held before Judge Campbell on August 17, 1972, and, on August 30, 1972, he denied an injunction. Judge Campbell concluded that the plaintiffs had not demonstrated a reasonable probability of prevailing on the merits since the administrative action of the Food and Drug Administration, requiring an unencumbered warning, was a reasonable exercise of its statutory duty and the potential harm to users of the drugs was greater than any harm to the manufacturers or prescribers. Judge Campbell further observed that the Food and Drug Administration labeling requirements would not preclude physicians from exercising their best clinical judgment.

The plaintiffs filed another motion for a temporary restraining order and preliminary injunction on October 17, 1972, specifically requesting that the agency be enjoined unless the drug warning was redrafted to incorporate their views concerning the interpretation of the UGDP study. The plaintiffs argued that, without such a discussion, the labeling required by the Food and Drug Administration was misleading because it failed to reveal the existence of divergent opinion among experts, contrary to the agency's own regulation, § 1.3 (21 CFR 1.3). On November 3, 1972, the District Court issued a temporary restraining order, which became a preliminary injunction on November 7, 1972, restraining the agency from implementing the labeling.

On July 31, 1973, the United States Court of Appeals for the First Circuit vacated the District Court's injunction and remanded the case to the Food and Drug Administration for its further determination. In its opinion the Court ruled that the plaintiffs failed to exhaust their administrative remedies regarding the issues presented. The Court expressed its awareness of negotiations between the parties to arrive at a mutually acceptable solution even during litigation, and also expressed its belief that the remand could well produce the most informed and responsible solution possible (483 F. 2d 410 (1st. Cir. 1973)).

In its opinion the Court of Appeals also noted apparent inconsistency between the agency's regulation on the disclosure of differences of medical opinion in § 1.3 and the substantial evidence requirements added to the Federal Food, Drug, and Cosmetic Act by the Drug Amendments of 1962. The Court directed the Commissioner to consider § 1.3 as it relates not only to the substantial evidence standard but also to the misbranding requirements of the act. The agency is revising § 1.3, by order published elsewhere at 40 FR 28581 supra in this issue of the FEDERAL REGISTER, to bring the regulation into conformity with these related provisions of the law. As revised, § 1.3 does not permit a statement of differences of opinion in required warnings in the labeling of drugs.

It should be noted that no manufacturer of oral hypoglycemic drugs has initiated proceedings challenging the Commissioner's authority to require changes in the labeling of its products, or attacking the scientific basis for the specific labeling changes that the agency proposed to require.

After the Court of Appeals vacated the preliminary injunction in July 1973, the Food and Drug Administration undertook additional discussions concerning the labeling of the oral hypoglycemic agents with interested individuals and groups. In October 1973, the Director, Bureau of Drugs, and other members of the Food and Drug Administration met with representatives of the Committee on the Care of the Diabetic, the American Medical Association, the American Diabetes Association, the National Institutes of Health, and manufacturers of hypoglycemic drugs to discuss procedures that would facilitate the issuance of appropriate labeling. Based upon the discussion and input from the agency's staff, proposed labeling revisions were circulated for comments in February 1974 to those who attend the meeting and to other interested persons. Addressees were also invited to meet with agency officials, if desired, to discuss the labeling. Four such meetings were held between March 21 and April 24, 1974. The minutes of these meetings have been placed on public display in the office of the Hearing Clerk.

The response to the proposed labeling, including comments received at these meetings, revealed continuing major differences of opinion over the scientific validity of the UGDP study and over the asserted need for "fair balance" and the acknowledgement of "controversy" in the proposed warning. In addition, the Food and Drug Administration was advised that a major outside review, described below, of the UGDP study by a committee of the Biometrics Society was near completion.

The agency therefore decided to postpone implementation of the warning until this review was published. Since the UGDP study was the basis for the proposed warning, the Commissioner believed that this independent review of the statistical validity of the study should be available to all interested persons before taking definitive action. The review by the committee of the Biometrics Society required extensive reanalysis of the data in the UGDP study and was not published until February 10, 1975 (ref. 19). A more detailed report of the UGDP on phenformin was also published recently (ref. 20).

The Commissioner believes that sufficient time has passed to have permitted all interested persons to study these reports. Since no major new information in regard to the UGDP study is anticipated, the Commissioner believes it is now essential to effect all labeling changes that are appropriate and necessary on the basis of the UGDP study.

On June 11, 1975, and June 18, 1975, representatives of the Food and Drug Administration met with representatives of the Committee on the Care of the Diabetic to discuss late drafts of the Indications and Warnings sections of the labeling proposed in this notice. The representatives of the Committee on the Care of the Diabetic included one of the plaintiffs in Bradley v. Weinberger and the plaintiffs' attorney. The purpose of these meetings was to engage in good faith negotiation in an attempt to resolve outstanding issues in conformity with the intent of the Court of Appeals. Memoranda of these meetings and of subsequent phone calls and drafts of labeling discussed at the meetings are on file in the office of the Hearing Clerk.

IV. *Review of biostatistical issues by the Committee of the Biometrics Society.* The UGDP study was subjected to intense adverse criticism (ref. 6 through 12) largely on the basis of its design and the statistical analysis of the results. For this reason, the National Institute of Arthritis, Metabolism, and Digestive Diseases, which financed the UGDP study, sought an independent reveiw of the study. In 1972 a contract was awarded to the Biometrics Society, an international organization of biostatisticians, to make an in-depth assessment of the scientific quality of the UDGP study, particularly the biometric aspects of the design, conduct, and analysis of the trial, and a similar assessment of other controlled trials involving oral hypoglycemic agents. A committee of six members was selected to undertake this task. The committee visited the UGDP coordinating center and two of the clinical centers to study methods used in the trial, reviewed published criticisms of the UGDP study

V40-130 JUL 7 75 XUM

in detail, interviewed both critics and supporters of the study, and made new analyses from the original data.

On the basis of this in-depth review, the Biometrics Society committee commented as follows on the major criticisms of the UGDP study:

1. The criticism that patient selection was inappropriate was considered to be "largely irrelevant to the primary issue raised by the critics," viz., the validity of the evidence pointing to excess mortality in the tolbutamide- and phenformin-treated groups. The committee argued that even "if it could be shown that the study group contained some non-diabetics * * * [a] drug found toxic in such subjects would not likely be counted safe for persons with well documented mild diabetes either."

2. With respect to the criticism that total mortality in the tolbutamide group was not significantly different from that in the placebo group, the committee concluded that this criticism "has some weight (although we do not interpret it as a criticism of the action of the UGDP) and that the toxic effect of the oral hypoglycemics cannot be affirmed with the certainty that would be present if total mortality were significantly different."

3. In response to the criticism that excess mortality occurred in only a few clinics, the committee presented calculations of the data to take account of the number of patients treated in each clinic and the duration of their treatment and concluded that "the excess mortality is not in fact confined to a few clinics and that this particular criticism should not be taken to detract from the interpretation of the UGDP findings."

4. The contention that randomization was not successful was studied in detail by the committee which identified "a puzzling anomaly concerning the distribution of the two sexes to the four treatment groups within clinics." The committee reviewed the randomization procedure in detail and examined the log books containing records of the allocation of each patient. The committee's report reads: "We were not able to find an assignable cause for the surprising allocation of the sexes to treatments but have no reason to think that the study has been compromised by a breakdown in the randomization of patients to the treatment groups. Because of the imbalance of sexes in the treatment groups in some clinics, however, allowance for this has been made in our analysis." The committee went on to analyze the data by several different statistical approaches, including those used originally by the UGDP investigation. The committee concluded: "Our findings * * * take into account the differences between centers and the differences in length of treatment, as well as the baseline variables. They support the view of Cornfield [ref. 18] that there is no evidence that the baseline differences arising from the randomization contributed in any important way to the finding of adverse effect from tolbutamide."

5. The criticism that the oral hypoglycemic drugs were given in fixed dosage was rejected by the committee, with respect to conclusions regarding toxicity, as follows: "It is true that the use of a fixed dose of drug, which was also the approach adopted by Feldman et al. [ref. 21] and Keen and Jarrett [ref. 14], limits the generalization about therapeutic effects, but since the dose of tolbutamide is about equal to the average recommended for therapeutic use, an evaluation of its possible toxic effect is highly relevant."

6. Concerning the criticism that the use of tolbutamide and phenformin was terminated prematurely, the committee acknowledged that "It would have been easier to interpret the findings if there were more data on mortality." The committee also recognized, however, the ethical issues raised by continuing these drugs in the study and concluded: "We do not criticize the UGDP investigators for having made the decision when they did. Nevertheless, the result of that decision is to leave us with some residual uncertainty about the meaning of the findings, a point that is well understood by the UGDP investigators themselves."

7. In considering the criticism that the results of the UGDP study are contradicted by the studies of Keen (ref. 13 through 15) and of Paasikivi (ref. 16), the committee analyzed these studies in detail. With respect to the data of Keen and his colleagues, they concluded that, in their ongoing prospective study, neither cardiovascular mortality nor total mortality in the tolbutamide group is significantly different from that in the placebo group. Because of imperfections in the randomization process and in the maintenance of blinding, and because of the preliminary nature of the data obtained to date, the committee concluded that "the provisional data that Dr. Keen has kindly sent us * * * do not throw doubt on the UGDP findings in regard to deaths from cardiovascular causes." In regard to the Paasikivi study, which appeared to show a beneficial effect of tolbutamide on mortality in the first year in patients who survived a first myocardial infarction, the committee concluded: "This study neither confirms nor contradicts the UGDP findings, as the population under consideration was not one of maturity-onset diabetics, and the patients taking tolbutamide had been exposed to a relatively small dose for a shorter time than that applied in the UGDP study." The studies of Feldman et al. (ref. 21) and of Tzagournis and Reynertson (ref. 22) were also briefly reviewed by the committee. Their conclusion was that in neither study has a sufficient number of deaths yet occurred to permit meaningful interpretation of results.

In addition to evaluating these criticisms of the UGDP study, the Biometrics Society committee conducted extensive new analyses of the UGDP data, taking into account the effect of various baseline variables and cardiovascular risk factors. These analyses confirmed that cardiovascular mortality was increased in the tolbutamide group. This increase was statistically significant in females, especially in women over the age of 53, but not in males. An important finding was that the highest death rate occurred in the group of patients who adhered most closely to the tolbutamide regimen and did not have their dose modified. Also when the analysis was conducted according to an approach called the survival modeling method, which takes into account the proportion of time each patient received the assigned medication, women in the tolbutamide group had a statistically significant increase in both cardiovascular and total mortality. This does not mean that the study necessarily showed the drug to carry less risk in males. On this point the committee concluded: "The data do not support the same conclusions for men, but one possible reason is that the smaller number of patients in the male group results in lack of sensitivity to detect differences of moderate magnitude."

In the final section of its report, the Biometrics Society committee summarized its conclusions:

> Although we have concerned ourselves almost entirely with issues related to the possible toxicity of tolbutamide, we wish to point out that one of the valuable aspects of the completed UGDP trial will be the provision of data on the long term treatment of adult-onset diabetes with insulin. It is already clear that the benefits from this treatment are not dramatic, and the only worthwhile information about them will have to come from the relatively precise methods of a controlled clinical trial. In this sphere, the UGDP trial has no competitor * * *
>
> On the question of cardiovascular mortality due to tolbutamide and phenformin, we consider that the UGDP trial has raised suspicions that cannot be dismissed on the basis of other evidence presently available.
>
> We find most of the criticism levelled against the UGDP findings on this point unpersuasive. The possibility that deaths may have been allocated to cardiovascular causes preferentially in the groups receiving oral therapy exists, and, in view of the 'nonsignificance' of differences in total mortality, some reservations about the conclusion that the oral hyperglycemics [sic] are toxic must remain. Nonetheless, we consider the evidence of harmfulness moderately strong. The risk is clearly seen in the group of older women * * * Whether it affects all subgroups of patients cannot be decided on the basis of the available data, owing to the small number of deaths involved in these subgroups * * *
>
> In conclusion, we consider that in the light of the UGDP findings, it remains with the proponents of the oral hyperglycemics [sic] to conduct scientifically adequate studies to justify the continued use of such agents.

V. *Recent additional information on safety of oral hypoglycemic drugs.* The more detailed report on the results of the phenformin study was published recently by the UGDP (ref. 20). In addition to the higher mortality from all causes and from cardiovascular causes observed in the phenformin-treated group compared to the other treatment groups, evidence was presented that phenformin therapy resulted in increased blood pressure levels and heart rate, thus suggesting possible mechanisms by which this drug might influence cardiovascular mortality.

Recently, additional reports relating to the safety of oral hypoglycemic drugs have appeared:

1. At hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, U.S. Senate, on January 31, 1975, Dr. P. J. Palumbo reported that a retrospective study of diabetic patients treated at the Mayo Clinic suggests that survival was lower in those patients treated with oral hypoglycemic agents, compared to those patients treated with insulin. The full study has not yet been published.

2. A retrospective study of diabetic patients treated at the Joslin Clinic, reported in a doctoral thesis (ref. 23), can be interpreted as providing results that are consistent with those of the UGDP. This study has not yet appeared in the medical literature.

3. A positive inotropic effect, i.e., increased force of muscular contraction, of sulfonylurea agents on the heart muscle has been demonstrated (ref. 24 and 25). The increased oxygen requirement resulting from such an effect could have a deleterious effect in patients with coronary artery disease. Limited animal studies also suggest that the sulfonylurea agents may affect the excitability of heart muscle (ref. 25), which could predispose the heart to develop abnormal rhythms, particularly in the presence of a decreased oxygen supply.

4. Results from a study on the chronic effects of tolbutamide in the rhesus monkey by R. W. Wissler et al. (FDA contract 72–114) indicate there is an increased frequency and severity of atherosclerotic lesions in the coronary arteries of the tolbutamide-fed monkeys compared to the control monkeys (ref. 26). The final report of this study is under review.

While neither of the two epidemiological studies is a prospective clinical trial such as the UGDP study, the preliminary reports indicate that further information casting doubt on the safety of the oral hypoglycemic drugs may be forthcoming. And, although the animal findings cannot be considered necessarily relevant to the issue of excess cardiovascular mortality in diabetic patients, they indicate that sulfonylureas may have potentially adverse effects on the cardiovascular system of certain animals which can be detected by appropriate pharmacological and toxicological tests.

In addition to these reports, two critiques of the Biometrics Society committee report have recently been published (ref. 27 and 28).

VI. *Discussion of proposed labeling for oral hypoglycemic drugs.* The judgment of the Commissioner that changes must be made in the labeling of the oral hypoglycemic drugs to reflect the findings of the UGDP study is well known from previously published statements. The Commissioner is therefore proposing labeling in this notice for public comment and scheduling a public hearing to receive additional data, information, and views. After consideration of all materials submitted, the Commissioner will publish final labeling for oral hypoglycemic drugs in the FEDERAL REGISTER.

The warning proposed in this labeling for oral hypoglycemic drugs is based primarily on a thorough review and evaluation of the UGDP study. In proposing the overall labeling, the Commissioner has also carefully considered:

1. Published reviews, criticisms, and rejoinders to criticism of the UGDP study.
2. Other scientific and clinical investigations of the oral hypoglycemic agents.
3. The advice of experts.
4. Comments submitted to the agency by interested persons.

The Commissioner reaffirms his conclusion that the UGDP study is an adequate and well-controlled clinical trial, which is the most extensive and detailed examination of long term administration of hypoglycemic agents yet undertaken. Although the study has shortcomings, which might be expected in any clinical trial of this complexity, the shortcomings do not invalidate the central finding that there appears to be an increased risk of cardiovascular mortality associated with the administration of tolbutamide and of phenformin to maturity-onset diabetic patients, compared to treatment with diet alone or diet plus insulin. This conclusion has in the past been reached independently by the UGDP investigators, the FDA, and the Biometrics Society committee, and is again affirmed by the Commissioner. Other clinical trials of these oral hypoglycemic drugs are not comparable to the UGDP study and provide insufficient evidence to negate the findings of the UGDP study.

Accordingly, although comments concerning the validity of the UGDP study and its conclusion will be accepted, comments on this issue that contribute no new information and only reiterate published criticisms, which have already been extensively reviewed by the Food and Drug Administration, are not considered useful at this time.

The Commissioner proposes that a boxed warning concerning the possible increased risk of cardiovascular mortality be included in the labeling for these drugs. This warning is based on the findings of the UGDP study. The Commissioner emphasizes that the requirement for such a warning does not depend upon an absolute certainty that the findings of the UGDP study are correct. Prudence dictates that a warning be issued whenever there is sufficient evidence from controlled or uncontrolled studies to believe that a drug may be hazardous or carry a risk and that such warning is necessary for safe and effective use of the drug by physicians and patients. The Federal Food, Drug, and Cosmetic Act provides no standard for the amount or character of scientific evidence required for the issuance of a warning. The decision to require a warning is a matter of judgment which must be made in light of both the available scientific evidence and the opinion of experts who interpret that evidence. The Commissioner believes that the UGDP study is a validly conducted trial and accepts the opinion of the Biometric Society committee and other experts that the increased cardiovascular mortality found in this trial to be associated with these drugs cannot reasonably be attributed to scientific shortcomings in the study. Under those circumstances, a clear warning is necessary even though a residual uncertainty over the correctness of the study may be present. Warnings may properly be required on the basis of evidence that falls short of conclusive proof.

In conformity with Food and Drug Administration policy that warnings must be presented in unambiguous terms without disclaimers or qualifications that would undermine or destroy their usefulness, there is no mention in the proposed warning of other studies involving the oral hypoglycemic drugs. The mention of studies in which increased cardiovascular mortality was not found would serve only to encumber the warning and would therefore not be consistent with revised § 1.3. Comments concerning the principle of an unencumbered warning, which have been received and considered in conjunction with the proposed revision of § 1.3 published in the FEDERAL REGISTER of September 16, 1974 (39 FR 33229), are addressed in the final regulation published at 40 FR 58581, supra.

The proposed warning does, however, contain a statement acknowledging the controversy that exists over the interpretation of the UGDP study and states that, in spite of this, the UGDP findings provide adequate scientific basis for a warning. The purpose of this statement is to emphasize clearly the basis for the warning. Comments on specific wording in the proposed warning are invited by this notice. The Commissioner advises, however, that he does not intend to reopen consideration of the principle of an unencumbered warning which is embodied in the final regulation relating to § 1.3.

The Commissioner concludes that, from the standpoint of patient safety, it is prudent to apply the possible increased risk of cardiovascular mortality for tolbutamide and phenformin to other sulfonylurea and biguanide drugs in view of the similarities in chemical structure and mode of action for members within each of these two categories. This position was endorsed by the Endocrinology and Metabolism Advisory Committee of the FDA at its meeting on June 28, 1971, but additional comment at this time would also be appropriate.

The Commissioner also concludes that a patient population exists for which these drugs, properly labeled, can be considered as safe and effective. Marketing therefore may continue. The Commissioner is proposing, however, that this patient population be limited to patients with maturity-onset diabetes whose symptoms or blood glucose level cannot be controlled by diet alone and who cannot take insulin for one or more of the reasons identified in the labeling. This restriction in labeling has been opposed in the past on the ground that it interfered with the practice of medicine. The

V40-130 JUL 7 75 XUM

Commissioner recognizes that drug labeling impacts on the practice of medicine. For this reason the Food and Drug Administration has an obligation to ensure that drug labeling is as correct and accurate as possible and meets the statutory standard of describing the conditions of use under which the drug may be considered safe and effective. Those limitations on use that properly derive from a known hazard or potential risk must, in the interest of safety, be included in drug labeling. This principle is stated in the proposed regulations on prescription drug labeling (published in the FEDERAL REGISTER of April 7, 1975 (40 FR 15392)), time for coment on which has been extended to August 6, 1975, by notice published in the FEDERAL REGISTER of June 11, 1975 (40 FR 24909).

The Commissioner proposes the appended labeling for oral hypoglycemic agents of the sulfonylurea and biguanide categories as labeling providing the essential information for the safe and effective use of these drugs. Comments addressed to any portion of the labeling will be considered.

REFERENCES

Copies of all references cited below are on public display in the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852:

1. The University Group Diabetes Program, "A Study of the Effects of Hypoglycemic Agents on Vascular Complications in Patients with Adult-Onset Diabetes. I. Design, Methods and Baseline Results. II. Mortality Results," *Diabetes*, 19 (supp. 2):747–830, 1970.

2. Ricketts, H. T., "Editorial Statement," *Diabetes*, 19 (supp. 2):iii–v, 1970.

3. AMA Council on Drugs, "Statement Regarding the University Group Diabetes Program (UGDP) Study," *Diabetes*, 19 (supp. 2):vi–vii, 1970.

4. The University Group Diabetes Program, "Effects of Hypoglycemic Agents on Vascular Complications in Patients with Adult-Onset Diabetes. IV. A Preliminary Report on Phenformin Results," *Journal of the American Medical Association*, 217:777–784, 1971.

5. The University Group Diabetes Program, "Effects of Hypoglycemic Agents on Vascular Complications in Patients with Adult-Onset Diabetes. III. Clinical Implications of UGDP Results," *Journal of the American Medical Association*, 218:1400–1410, 1971.

6. Reeves, R. L., "Erroneous Interpretation of Data" (correspondence), *Northwest Medicine*, 69:470, 1970.

7. Hare, R. L., "Therapeutics—by Headline and Edict," *Northwest Medicine*, 70:118–119, 1971.

8. Feinstein, A. R., "Clinical Biostatistics. VIII. An Analytic Appraisal of the University Group Diabetes Program (UGDP) Study," *Clinical Pharmacology and Therapeutics*, 12:167–191, 1971.

9. Schor, S., "The University Group Diabetes Program. A Statistician Looks at the Mortality Results," *Journal of the American Medical Association*, 217:1671–1675, 1971.

10. Seltzer, H. D., "Tolbutamide Mortality in the Six Phenformin Clinics," (letter to the editor), *Journal of the American Medical Association*, 218:594, 1971.

11. Brandman, O., "University Group Diabetes Program and the Practicing Physician," *Journal of the Medical Society of New Jersey*, 68:909–911, 1971.

12. Seltzer, H. S., "A Summary of Criticisms of the Findings and Conclusions of the University Group Diabetes Program (UGDP)," *Diabetes*, 21:976–979, 1972.

13. Keen, H., R. J. Jarrett, C. Chlouverakis, and D. R. Boyns, "The Effect of Treatment of Moderate Hyperglycemia on the Incidence of Arterial Disease," *Postgraduate Medical Journal*, 44:960–965, 1968.

14. Keen, H., and R. J. Jarrett, "The Effect of Carbohydrate Tolerance on Plasma Lipids and Atherosclerosis in Man," in *Atherosclerosis*, R. J. Jones, editor, Berlin, Springer-Verlag, 1970, pp. 435–444.

15. Keen, H., "Factors Influencing the Progress of Atherosclerosis in the Diabetic," *Acta Diabetologica Latina*, 8 (supp. 1):444–456, 1971.

16. Paasikivi, J., "Long-Term Tolbutamide Treatment after Myocardial Infarction. A Clinical Biochemical Study of 178 Patients Without Overt Diabetes," *Acta Medica Scandinavica, Supplement*, 507:3–52, 1970.

17. Prout, T. E., G. L. Knatterud, C. L. Meinert and C. R. Klimt, "The UGDP Controversy. Clinical Trials Versus Clinical Impressions," *Diabetes*, 21:1035–1040, 1972.

18. Cornfield, J., "The University Group Diabetes Program. A Further Statistical Analysis of the Mortality Findings," *Journal of the American Medical Association*, 217:1676–1687, 1971.

19. "Report of the Committee for the Assessment of Biometric Aspects of Controlled Trials of Hypoglycemic Agents," *Journal of the American Medical Association*, 231:583–608, 1975.

20. The University Group Diabetes Program, "A Study of the Effects of Hypoglycemic Agents on Vascular Complications in Patients with Adult-Onset Diabetes. V. Evaluation of Phenformin Therapy," *Diabetes*, 24 (supp. 1):65–184, 1975.

21. Feldman, R., D. Crawford, R. Elashoff, and A. Glass, "Progress Report on the Prophylactic Use of Oral Hypoglycemic Drugs in Asymptomatic Diabetes: Neurovascular Studies," *Advances in Metabolic Disorders*, 2 (supp. 2):557–567, 1973.

22. Tzagournis, M., and R. Reynertson, "Mortality from Coronary Heart Disease During Phenformin Therapy," *Annals of Internal Medicine*, 76:587–592, 1972.

23. Kanarek, P. H., "Assessing Survival in a Diabetic Population," thesis, Harvard School of Public Health, Boston, January 1973.

24. Lasseter, K. C., G. S. Levey, R. F. Palmer and J. S. McCarthy, "The Effect of Sulfonylurea Drugs on Rabbit Myocardial Contractibility, Canine Purkinje Fiber Automaticity, and Adenyl Cyclase Activity from Rabbit and Human Hearts," *The Journal of Clinical Investigation*, 51:2429–2434, 1972.

25. Levey, G. S., K. C. Lasseter, and R. F. Palmer, "Sulfonylureas and the Heart," *Annual Review of Medicine*, 25:69–74, 1974.

26. Wissler, R. W., J. Borenstajn, G. S. Godfrey, G. Seymour, A. Rubenstein, C. H. Ts'ao, "A Study of the Chronic Effects of Tolbutamide in the Rhesus Monkey," FDA contract 72–114, February 15, 1975.

27. Bradley, R. F., H. Dolger, P. H. Forsham, and H. Seltzer, "Settling the UGDP Controversy?", *Journal of the American Medical Association*, 232:813–817, 1975.

28. O'Sullivan, J. B. and R. B. D'Agostino, "Decisive Factors in the Tolbutamide Controversy," *Journal of the American Medical Association*, 232:825–829, 1975.

VII. *Notice of public hearing.* The Commissioner concludes that, to permit maximum public participation in the development of labeling requirements for oral hypoglycemic drug products, a public hearing shall be held to provide an opportunity for interested persons to present data, information, and views on the proposed labeling. This public hearing is ordered pursuant to § 2.400(a) (21 CFR 2.400(a)) and shall be conducted in accordance with the procedures established in Subpart E of Part 2 of the regulations. The Commissioner has designated J. Richard Crout, M.D., Director, Bureau of Drugs, to be the presiding officer at such hearing, to be held August 20, 1975, beginning at 9 a.m. in Conference Rm. E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852.

Interested persons who wish to make an oral presentation at the hearing shall file a written notice of appearance with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 by close of business August 6, 1975. The notice of appearance shall state the approximate amount of time requested by the person for presentation. It shall also give the telephone number of the person to be contacted regarding the schedule for presentation. Individuals and organizations with common interests are strongly urged to consolidate or coordinate their presentations because of the limitations of time.

By August 11, 1975, the Food and Drug Administration will communicate by telephone with each person who requested an opportunity to be heard, regarding the time his or her oral presentation is scheduled to begin and the amount of time allocated for his or her presentation. The Food and Drug Administration may require joint presentations by persons sharing common views. The Food and Drug Administration will prepare a hearing schedule, listing the participants and the time allotted to each, which shall be filed with the Hearing Clerk and a copy mailed to each participant.

The hearing will be transcribed. Any interested person may, consistent with the orderly conduct of the meeting, also record or otherwise make his or her own transcript of the meeting. Each participant may use the allotted time however he or she desires, consistent with decorum and order, and may present written data, information or views for inclusion in the record of the hearing. Any person who desires to submit an advance written statement may do so in quintuplicate to the Hearing Clerk. All written comments and statements submitted before August 15, 1975, will be reviewed by the presiding officer prior to the hearing, so that full repetition at the hearing will be unnecessary. A participant may be accompanied by any number of additional persons.

If a participant is not present when his or her presentation is scheduled to begin, the participants following will be taken in order. An attempt will be made to hear any scheduled participant who misses his assigned time at the conclusion of the hearing. Other interested persons attending the hearing who did not request an opportunity to speak will be given an opportunity to make oral presentations at the conclusion of the hearing to the extent that time permits.

The presiding officer, as well as any other Food and Drug Administration employee serving with him as a panel, may question any participant during or at the conclusion of his presentation. No other persons attending the hearing may question a participant. The presiding officer may allot additional time to any participant if he concludes that it is in the public interest, but may not reduce the time allotted to anyone.

The record of the hearing will remain open until September 5, 1975, for the submission of any additional written statements or comments regarding oral presentations made at the hearing.

No written submission, or any portion thereof, made in response to this notice shall be received or held in confidence. The administrative record of this rule making proceeding shall consist of all relevant FEDERAL REGISTER notices and the documents to which they refer, all written submissions made in response to this notice, and the transcript of the oral hearing made by the Food and Drug Administration. The administrative record of the proceeding shall be made available for public examination.

VIII. *Proposed regulation for the labeling of oral hypoglycemic drugs.* Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502.505, 701(a), 52 Stat. 1050–1053, as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 of Subchapter D of Title 21 of the Code of Federal Regulations be amended by adding a new § 310.510 as follows:

§ 310.510 Labeling for oral hypoglycemic drugs.

(a) An adequate and well-controlled clinical trial (the University Group Diabetes Program study) has indicated that there appears to be an increased risk of cardiovascular mortality associated with the administration of tolbutamide and of phenformin (oral hypoglycemic drugs of the sulfonylurea and biguanide categories, respectively) to maturity-onset diabetic patients as compared to treatment with diet alone or diet plus insulin. The Commissioner concludes that in view of the great similarities in chemical structure and mode of action for drugs within each of these two categories, it is prudent from a safety standpoint to consider that the possible increased risk of cardiovascular mortality for tolbutamide and phenformin also applies to other sulfonylurea and biguanide drugs. Therefore, the labeling for oral hypoglycemic drugs shall describe properly the conditions for their use and include a warning concerning the possible increased risk of cardiovascular mortality associated with such use, as set forth in paragraphs (b) and (c) of this section.

(b) Labeling for oral hypoglycemic drugs of the sulfonylurea category shall be as follows:

DESCRIPTION

(Trade name, established name) is an oral blood-glucose-lowering drug of the sulfonylurea category. It is a white, crystalline compound, formulated as a tablet for oral administration. (Manufacturer to add structural formula and other appropriate information.)

ACTIONS

Administration of (drug) appears to lower the blood glucose initialy by stimulating the release of insulin from the pancreas; the effect is thus dependent on functioning beta cells in the pancreatic islets. The mechanism by which (drug) lowers blood glucose during long term administration has not been clearly established. Many patients who at first demonstrate an adequate glucose-lowering effect with a sulfonylurea agent subsequently prove to be no longer satisfactorily responsive, i.e., secondary failure may occur.

(Manufacturer to supply information about:

1. Absorption.
2. Metabolism and excretion.
3. Plasma half-life and the effect of hepatic or renal impairment on blood levels, metabolism, and excretion.
4. Peak and duration of glucose-lowering effect, indicating the duration of effect relative to the class of sulfonylurea agents, e.g., shortest acting, longest acting, etc.
5. Mechanism of drug interaction with agents that impair or potentiate drug effect.)

INDICATIONS

(Drug) is indicated to control symptoms due to hyperglycemia in patients with maturity-onset nonketotic diabetes mellitus whose symptoms cannot be controlled by diet alone and in whom insulin cannot be used because of patient unwillingness, erratic adherence to the injection regimen, poor vision, physical or mental handicap, insulin allergy, employment requirements, or other similar factors.

(Drug) may also be used to lower blood glucose in asymptomatic patients whose blood glucose elevation cannot be controlled by diet alone and in whom insulin cannot be used for any of the above reasons. In considering the use of (drug) in asymptomatic patients, it should be recognized that whether or not controlling the blood glucose is effective in preventing the long term cardiovascular or neural complications of diabetes is an unanswered scientific question.

The use of (drug) may be associated with an increased risk of cardiovascular mortality as compared to diet alone or diet plus insulin; see WARNINGS. For this reason, it should be used only when the advantages in the individual patient justify the potential risk. The patient should be informed of the advantages and potential risks of (drug) and of alternative modes of therapy and should participate in the decision to use this drug.

The foundation of therapy in the obese maturity-onset diabetic is caloric restriction and weight loss. Proper dietary management alone is often effective in controlling the blood glucose and eliminating symptoms of polydipsia and polyuria. Use of (drug) must be considered by both the physician and patient as a treatment *in addition to* diet and not as a substitute for diet or as a convenient mechanism for avoiding dietary restraint.

Many patients who are initially responsive to oral hypoglycemic drugs become unresponsive or poorly responsive over a period of time, usually 1 to 5 years. (Drug) should be given only to patients demonstrated to be responsive to it; see DOSAGE AND ADMINISTRATION for discussion of secondary failure. Short term administration of (drug) may be sufficient during periods of transient loss of control.

Concomitant Therapy with a Biguanide. (Drug) may be used in conjunction with phenformin to control symptoms due to hyperglycemia in patients with maturity-onset nonketotic diabetes mellitus whose symptoms cannot be controlled by diet and maximum recommended doses of either drug alone and in whom insulin cannot be used for any of the reasons cited above.

In considering the use of concomitant therapy, it should be noted that both a sulfonylurea drug (tolbutamide) and a biguanide drug (phenformin) have been reported to be associated with increased cardiovascular mortality; see WARNINGS. In addition, phenformin can produce lethal lactic acidosis in some patients. Thus the use of (drug) in association with phenformin carries a greater risk than the use of (drug) alone.

If a judgment is made that (drug) and phenformin are to be used together in a particular patient, it should be established that the patient is responsive to both drugs. This may be accomplished either by a trial of each drug separately or by adding the second drug and then tapering the dosage of the first, observing for diminished control of blood glucose. Once the need for both drugs is established, the desired control of blood sugar may be obtained by adjusting the dose of either drug. The possibility of hypoglycemia should be anticipated and appropriate precautions taken. See package insert for phenformin hydrochloride for CONTRAINDICATIONS, WARNINGS, PRECAUTIONS, ADVERSE REACTIONS, and DOSAGE AND ADMINISTRATION.

CONTRAINDICATIONS

(Drug) is contraindicated in patients with:

1. Known hypersensitivity or allergy to the drug.
2. Diabetic ketoacidosis, with or without coma. Such patients should be treated with insulin.

WARNINGS

SPECIAL WARNINGS ON CARDIOVASCULAR MORTALITY

(This subsection of labeling to be boxed, set in boldface type, and placed at the beginning of WARNINGS section of labeling.)

The administration of oral hypoglycemic drugs may be associated with increased cardiovascular mortality as compared to treatment with diet alone or diet plus insulin.

This warning is based on the study conducted by the University Group Diabetes Program (UGDP), a long term prospective clinical trial designed to evaluate the effectiveness of glucose-lowering drugs in preventing or delaying vascular complications in patients with maturity-onset nonketotic diabetes. The study involved 1,027 patients who were randomly assigned to one of five treatment groups (Diabetes, 19 (supp. 2): 747–830, 1970; Diabetes, 24 (supp. 1): 65–184, 1975).

The UGDP reported that patients treated for 5 to 8 years with diet plus a fixed dose of tolbutamide (1.5 grams per day) or diet plus a fixed dose of phenformin (100 milligrams per day) had a rate of cardiovascular mortality approximately twice that of patients treated with diet alone or diet plus insulin. Total mortality was increased in both the tolbutamide- and phenformin-treated groups, but this increase was statistically significant only for phenformin. Despite controversy regarding the interpretation of these results, the findings of the UGDP study provide adequate scientific basis for this warning.

V 40 I 130 JUL 7 75 XUM

Although only one drug in the sulfonylurea category (tolbutamide) and one in the biguanide category (phenformin) were included in this study, it is prudent from a safety standpoint to consider that this result may also apply to other oral hypoglycemic drugs in these categories, in view of the close similarities in mode of action and chemical structure among the drugs in each category.

(Drug) should be used in preference to insulin only in patients with maturity-onset diabetes whose symptoms or blood glucose level cannot be controlled by diet alone and only when the advantages in the individual patient justify the potential risk; see INDICATIONS. The patient should be informed of the advantages and potential risks of (drug) and of alternative modes of therapy and should participate in the decision to use this drug.

(Drug) is not effective in patients with juvenile diabetes or insulin-dependent diabetes at any age. Such patients should be treated with insulin. The concomitant long term use of insulin and (drug) in an individual patient is, in view of the potential risk of increased cardiovascular mortality with (drug), less safe on a benefit-risk basis than the use of insulin alone.

The effectiveness of any oral hypoglycemic drug, including (drug), in lowering blood glucose to a desired level decreases in a large number of patients as the drug is administered over a period of months or years, in part because the patient's blood glucose tends to rise over time and in part because of diminished responsiveness to the drug. This phenomenon is known as secondary failure to distinguish it from primary failure in which the drug is ineffective in an individual patient at the time of its initial administration. See DOSAGE AND ADMINISTRATION.

Renal or hepatic insufficiency may cause elevated blood levels of (drug) and increase the risk of serious hypoglycemic reactions.

Pregnancy: (Data and interpretation related to reproduction and teratology studies to be supplied by manufacturer).

Prolonged severe hypoglycemia (4 to 10 days) has been reported in neonates born to mothers who were receiving a sulfonylurea drug at the time of delivery. Neonatal hypoglycemia has been reported more frequently following use of the longer-acting agents. If (drug) is used during pregnancy, it should be discontinued (time period to be supplied by manufacturer) before the expected delivery date.

Precautions

Hypoglycemia: All sulfonylurea drugs are capable of producing severe hypoglycemia. Particularly susceptible are elderly patients, patients with impaired hepatic or renal function, patients who are debilitated or malnourished, and patients with adrenal or pituitary insufficiency. Hypoglycemia is more likely to occur when caloric intake is deficient, after severe or prolonged exercise, or when more than one glucose-lowering drug is used.

(To be inserted for chlorpropamide only:) Because of the long half-life of chlorpropamide, patients who become hypoglycemic during therapy require careful supervision of the dose for at least 3 to 5 days, during which time frequent feedings are essential. It may be necessary to hospitalize such patients and give intravenous glucose.

Certain drugs may potentiate the hypoglycemic action of (drug), including phenylbutazone, oxyphenbutazone, salicylates, sulfonamides, chloramphenicol, probenecid, coumarins, monoamine oxidase inhibitors, and beta-adrenergic blocking agents. See ACTIONS. When such drugs are administered to a patient receiving (drug), the patient should be observed closely for hypoglycemia.

Loss of Control of Blood Sugar: When a patient stabilized on any diabetic regimen is exposed to stress such as fever, trauma, infection, or surgery, a loss of control may occur. At such times it may be necessary to discontinue (drug) and administer insulin.

Certain drugs tend to produce hyperglycemia and may lead to loss of control. These drugs include the thiazides and other oral diuretics, corticosteriods, and (to be supplied by manufacturer). When such drugs are administered to a patient receiving (drug), the patient should be carefully observed for loss of control.

Pseudo-albuminuria (tolbutamide only). Urine containing a tolbutamide metabolite may give a false positive reaction for albumin if the acidification-after-boiling test is used, because this procedure causes the metabolite to precipitate as flocculent particles. Use of the sulfosalicylic acid test circumvents this problem.

Adverse Reactions

Hypoglycemia. See PRECAUTIONS.

Gastrointestinal Reactions. Cholestatic jaundice may occur rarely; (drug) should be discontinued if this occurs.

Gastrointestinal disturbances, e.g., nausea, epigastric fullness, and heartburn are the most common reactions, occurring in (manufacturer to supply estimate of incidence). They tend to be dose related and may disappear when dosage is reduced.

Dermatologic reactions. Allergic skin reactions, e.g., pruritus, erythema, urticaria, and morbilliform or maculopapular eruptions occur (manufacturer to provide estimate of incidence). These may be transient and may disappear despite continued use of (drug); if skin reactions persist, the drug should be discontinued.

Porphyria cutanea tarda and photosensitivity reactions have been reported.

Hematologic Reactions. Leukopenia, agranulocytosis, thrombocytopenia, hemolytic anemia, aplastic anemia, and pancytopenia have been reported.

Metabolic Reactions. Hepatic porphyria, disulfiram-like reactions (manufacturer to supply further details).

(To be inserted for chlorpropamide only:)

Endocrine Reactions. On rare occasions (drug) has caused a reaction identical to the syndrome of inappropriate antidiuretic hormone (ADH) secretion. The features of this syndrome result from excessive water retention and include hyponatremia, low serum osmolality, and high urine osmolality.

Dosage and Administration

There is no fixed dosage regimen for the management of diabetes mellitus with (drug) or any other agent. In addition to the usual monitoring of urinary glucose, the patient's blood glucose must also be monitored periodically:

a. To determine the minimum drug dosage that will lower the blood glucose adequately.

b. To detect primary failure, i.e., inadequate lowering of blood glucose when the drug is first used, even though dose has been raised to the maximum level recommended; and

c. To detect secondary failure, i.e., loss of adequate blood-glucose-lowering response after an initial period of effectiveness. (Drug) should be discontinued, with careful monitoring of blood glucose at least annually to be certain that (drug) is continuing to lower the blood glucose.

Short term administration of (drug) may be sufficient during periods of transient loss of control.

(Manufacturer to supply the following details of dosage for each sulfonylurea:

1. Usual starting dose.
2. Maximum dose.
3. Dose beyond which a response is usually not seen if patient has not already had some response.
4. Usual maintenance dose.
5. Dosage interval, with reasons, e.g., avoid GI tolerance, short half-life of drug, etc.
6. Caution regarding dosage in elderly.)

How Supplied

(To be supplied by manufacturer.)

(c) Labeling for oral hypoglycemic drugs of the biguanide category shall be as follows:

Description

(Trade name, established name) is an oral blood-glucose-lowering drug of the biguanide category. It is a white, crystalline, water-soluble compound, formulated as (to be supplied by firm) for oral administration. (Manufacturer to add structural formula and other appropriate information.)

Actions

The mechanism of action of phenformin is not established but its ability to cause increased peripheral glucose uptake in vitro appears to be related to its inhibition of cellular oxidative processes. It does not stimulate insulin production. Many patients who at first demonstrate an adequate glucose-lowering effect with (drug) subsequently prove to be no longer satisfactorily responsive, i.e., secondary failure may occur.

(Manufacturer to supply information about:

1. Absorption.
2. Metabolism and excretion.
3. Plasma half-life and the effect of hepatic or renal impairment on blood levels, metabolism, and excretion.
4. Peak and duration of glucose-lowering effect.
5. Mechanism of drug interaction with agents that impair or potentiate drug effect.)

Indications

Identical to sulfonylurea label, except for substitution of the following section relating to concomitant therapy:

Concomitant Therapy. Phenformin may be used in conjunction with a sulfonylurea to control symptoms due to hyperglycemia in patients with maturity-onset nonketotic diabetes mellitus whose symptoms cannot be controlled by diet and maximum recommended doses of either drug alone and in whom insulin cannot be used for any of the reasons cited above.

In considering the use of concomitant therapy, it should be noted that both phenformin and a sulfonylurea drug (tolbmutamide) have been reported to be associated with increased cardiovascular mortality; see WARNINGS. Thus the use of phenformin in association with a sulfonylurea may carry a greater risk than the use of phenformin alone.

If a judgment is made that phenformin and a sulfonylurea are to be used together in a particular patient, it should be established that the patient is responsive to both drugs. This may be accomplished either by a trial of each drug separately or by adding the second drug and then tapering the dosage of the first, observing for diminished control of blood glucose. Once the need for both drugs is established, the desired control of blood sugar may be obtained by adjusting the dose of either drug. The possibility of hypoglycemia should be anticipated, and appropriate precautions taken. See package insert for the appropriate sulfonylurea for

CONTRAINDICATIONS, WARNINGS, PRECAUTIONS, ADVERSE REACTIONS, and DOSAGE AND ADMINISTRATION.

Contraindications

(Drug) is contraindicated in patients with:

1. Known hypersensitivity or allergy to the drug.
2. A history of lactic acidosis.
3. Disease states associated with hypoxemia including cardiovascular collapse and acute myocardial infarction.
4. Severe renal disease.
5. Alcoholism.
6. Diabetic ketoacidosis with or without coma. Such patients should be treated with insulin.

Warnings

Special Warning on Cardiovascular Mortality

(Identical to boxed, boldface sulfonylurea labeling:)

(Drug) is not adequate therapy in patients with juvenile diabetes or insulin-dependent diabetes at any age. Such patients should be treated with diet and insulin. The concomitant long term use of insulin and (drug) in an individual patient is, in view of the risk of increased cardiovascular mortality with (drug), less safe on a benefit-risk basis than the use of insulin alone.

The effectiveness of any oral hypoglycemic drug, including (drug), in lowering blood glucose to a desired level decreases in a large number of patients as the drug is administered over a period of months or years, in part because the patient's blood glucose tends to rise over time and in part because of diminished responsiveness to the drug. This phenomenon is known as secondary failure, to distinguish it from primary failure in which the drug is ineffective in an individual patient at the time of its initial administration. See DOSAGE AND ADMINISTRATION.

Lactic Acidosis: There have been numerous reports of lactic acidosis in patients receiving phenformin. Lactic acidosis is an often fatal metabolic acidosis characterized by elevated blood lactate levels, an increased lactate-to-pyruvate ratio, and decreased blood pH. Azotemia ranging from mild to severe is present in most of the reported cases of lactic acidosis. Azotemia can result from dehydration, and some patients developing lactic acidosis associated with azotemia have had normal serum creatinine levels when properly hydrated. The following specific precautions should be observed when administering phenformin:

a. Impairment of renal function increases the risk of lactic acidosis. Renal function tests, such as serum creatinine, should be performed prior to phenformin therapy and at least annually thereafter. Phenformin should not be used in patients with impaired renal function, e.g., serum creatinine over 1.5 milligrams/100 milliliters, except in extraordinary circumstances.

b. Cardiovascular collapse (shock), congestive heart failure, acute myocardial infarction and other conditions characterized by hypoxemia have been associated with lactic acidosis and also may cause prerenal azotemia. Use of phenformin in patients particularly prone to develop such conditions must be carefully considered and the risks weighed against possible benefits. When such events occur in patients on phenformin therapy, the drug should be discontinued promptly.

c. Gastrointestinal disturbances are the most common adverse reactions to phenformin therapy. These symptoms must be distinguished from the symptoms of developing lactic acidosis. Anorexia and mild nausea are common side effects of phenformin, particularly upon initiation of therapy. Nausea, vomiting, malaise, or abdominal pain may herald the onset of lactic acidosis. The patient should be instructed to notify the physician immediately at the onset of any of these gastrointestinal symptoms or of hyperventilation. Phenformin should be withdrawn until the situation is clarified by determination of serum electrolytes and ketones, blood glucose, and, if indicated, blood pH, lactate, and pyruvate levels.

d. Lactic acidosis has a significant mortality and, when suspected, must be treated promptly by discontinuing phenformin and giving bicarbonate infusions and other appropriate therapy even before the results of lactate determinations are available. Lactic acidosis should be suspected in any diabetic patient with metabolic acidosis in the absence of ketonuria and ketonemia, uremia, and methanol or salicylate poisoning.

e. The physician should use special caution after initiating phenformin therapy, after increasing the drug dosage, and in circumstances that may cause dehydration leading to impaired renal function.

f. Alcohol is known to potentiate the effect of phenformin in elevating blood lactate levels, and patients should be warned against excessive alcoholic intake while receiving phenformin.

g. Impaired hepatic function has been associated with some cases of lactic acidosis. Particular caution must be observed when administering (drug) to patients with hepatic disease.

Pregnancy: (Data and interpretation related to reproduction and teratology studies to be supplied by manufacturer).

Precautions

Hypoglycemia: Hypoglycemia is unusual in patients receiving (drug) alone, but may occur when caloric intake is deficient, when strenuous exercise is not compensated by caloric supplementation, or when more than one hypoglycemic drug is used.

(Manufacturer to supply paragraph on potentiating drugs.)

Loss of Control of Blood Sugar: Identical to sulfonylurea labeling.

Change in Clinical Status of Previously Controlled Diabetic: A diabetic patient previously well-controlled on phenformin who develops laboratory abnormalities or clinical illness (especially vague and poorly defined illness) should be evaluated promptly for evidence of ketoacidosis or lactic acidosis. Evaluation should include serum electrolytes and ketones, blood glucose, and, if indicated, blood pH, lactate, and pyruvate levels. Acidosis of either form necessitates withdrawing phenformin and initiating other appropriate corrective measures.

Starvation Ketosis: This must be differentiated from insulin-deficient ketosis and is characterized by ketonuria with little or no glucosuria and relatively normal blood glucose levels. This may result from excessive dosage of phenformin or insufficient carbohydrate intake.

Adverse Reactions

Hypoglycemia: See PRECAUTIONS.

Gastrointestinal Reactions: Gastrointestinal disturbances such as anorexia, nausea, vomiting, and diarrhea are the most common adverse reactions (manufacturer to supply frequency) and are dose related. These symptoms must be distinguished from the prodromata of lactic acidosis. See WARNINGS section for discussion of lactic acidosis. They may also cause dehydration and prerenal azotemia, which require discontinuation of the drug until renal function is again normal. Phenformin should be discontinued if vomiting occurs. An unpleasant metallic taste is a warning signal of impending gastrointestinal disturbances.

Dermatologic Reactions: (Manufacturer to supply data, including estimate fo incidence.)

Miscellaneous Reactions: Fatigue and weakness. Anorexia, nausea, and vomiting may occur in association with the intake of alcohol.

Dosage and Administration

There is no fixed dosage regimen for the management of diabetic mellitus with (drug) or any other agent. In addition to the usual monitoring of urinary glucose, the patient's blood glucose must also be monitored periodically:

a. To determine the minimum drug dosage that will lower the blood glucose adequately.

b. To detect primary failure, i.e., inadequate lowering of the blood glucose when the drug is first used, even though dose has been raised to the maximum level recommended.

c. To detect secondary failure, i.e., loss of adequate blood-glucose-lowering response after an initial period of effectiveness. Drug should be discontinued with careful monitoring of blood glucose at least annually to be certain that (drug) is continuing to lower the blood glucose.

Short term administration of (drug) may be sufficient during periods of transient loss of control.

(Manufacturer to supply the following details of dosage:

1. Usual starting dose.
2. Maximum dose.
3. Dose beyond which a response is usually not seen if patient has not already had some response.
4. Usual maintenance dose.
5. Dosage interval, with reasons, e.g., avoid GI intolerance, short half-life of drug, etc.
6. Caution regarding dosage in elderly.)

How Supplied

(To be supplied by manufacturer.)

(d) Each holder of an approved new drug application for an oral hypoglycemic agent shall submit a supplement to his application under the provisions of § 314.8(d) of this chapter to provide for labeling as described in paragraphs (b) and (c) of this section. The labeling in such supplement shall be identical in wording to the labeling in paragraphs (b) or (c) of this section where precise wording is specified, shall provide information on each of the points where wording is delegated to the manufacturer, and shall contain no additional or extraneous information. Such supplement shall be submitted within 10 days after (effective date of the final regulation). Any oral hypoglycemic drug with labeling not in compliance with this section and shipped into interstate commerce after (60 days after effective date of the final regulation) shall be subject to regulatory action.

Interested persons may, on or before September 5, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 1, 1975.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.75-17530 Filed 7-3-75;8:45 am]

V40-130 JUL 7 75 XUM

federal register

MONDAY, JULY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 130

PART V

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary

■

CLAIMS

Collection and Settlement

V40-130 JUL 7 75 XUM

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–341]

PART 17—ADMINISTRATIVE CLAIMS

Subpart B—Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

The regulations of the Department of Housing and Urban Development relating to the collection of claims under the authority of the Federal Claims Collection Act of 1966, 31 U.S.C. 951, et seq., are hereby amended to reflect organizational changes which have occurred within the Department since their publication in the FEDERAL REGISTER, and to reflect a transfer of functions from the General Counsel to the Assistant Secretary for Administration. These amendments involve agency organization and management, do not require public comment and procedure, and therefore are effective upon publication. Accordingly, 24 CFR Part 17, Subpart B is amended as follows:

A. Section 17.20(b), is revised to read:

§ 17.20 Scope; definitions.

* * * * *

(b) *Definitions.* For purposes of this subpart, "office" means the organization of each Assistant Secretary; the Federal ment National Mortgage Association; the Insurance Administration; the Govern- Community Development Corporation; the New Communities Administration; the Federal Disaster Assistance Administration; the Office of Interstate Land Sales Registration and each Regional, Area, and Insuring Office of the Department.

B. Section 17.23 is revised to read as follows:

§ 17.23 Authority of offices to attempt; collection of claims.

The head of each office shall designate a claims collection officer, who shall attempt to collect in full all claims of the Department for money or property arising out of the activities of such office. Each claims collection officer shall establish and currently maintain a file with regard to each claim for which collection activities are undertaken.

§ 17.24 [Amended]

C. Section 17.24, and the title thereof, are amended by deleting "General Counsel" wherever the words appear, and substituting "Assistant Secretary for Administration" therefor.

D. Section 17.26 is revised to read as follows:

§ 17.26 Department claims officer.

The Assistant Secretary for Administration shall designate a subordinate official as Department Claims Officer, who shall be responsible for the establishment and maintenance of procedures within the Department relating to the collection of claims and the co-ordination of all collection activities in all Department offices.

§§ 17.27, 17.28, 17.30, 17.31, 17.33 [Amended]

E. Sections 17.27, 17.28, 17.30, 17.31, and 17.33, Claims Files, Monthly report of collection action, Record retention, Suspension or revocation of eligibility, and Standards for compromise of claims, respectively, are amended by deleting "General Counsel wherever the words appear and substituting "Assistant Secretary for Administration" therefor.

§ 17.31 [Amended]

F. Section 17.31, Suspension or revocation of eligibility, is further amended by deleting "Director, Office of Investigation" and substituting "Inspector General" therefor.

(Sec. 7(d) Dept. of HUD Act, 42 U.S.C. 3535 (d); Sec. 3 Federal Claims Collection Act of 1966, 31 U.S.C. 952)

Effective date. These amendments shall be effective upon July 7, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-17536 Filed 7-3-75;8:46 am]

Title 32—National Defense

CHAPTER XVII—OFFICE OF EMERGENCY PREPAREDNESS

PART 1712—FEDERAL DISASTER ASSISTANCE—SETTLEMENT OF CLAIMS

Revocation of Part

Executive Orders 11725 (38 FR 17175, June 29, 1973) and 11795 (39 FR 25939, July 11, 1975), transferred certain powers of the President under the Disaster Relief Act of 1970 (42 U.S.C. 4401, et seq.) and the Disaster Relief Act of 1974 (42 U.S.C. 5121n, et seq.) to the Secretary of Housing and Urban Development. Included in the transferred powers were those which had been delegated to the Office of Emergency Preparedness or the Director thereof.

The Director of the Office of Emergency Preparedness promulgated the rules in 32 CFR Part 1712 relating to the collection of claims by the Office of Emergency Preparedness in connection with Federal Disaster Assistance. With the transfer of the Office of Emergency Preparedness' functions to the Secretary of Housing and Urban Development, and the creation within HUD of the Federal Disaster Assistance Administration to carry out the disaster assistance functions of the Secretary, the regulations in 32 CFR Part 1712 are no longer necessary as the Federal Disaster Assistance Administration's claims collection activities are now conducted pursuant to the Department's claims collection regulations in 24 CFR Part 17, Subpart B. Accordingly, 32 CFR Part 1712 is hereby revoked.

This amendment involves agency organization and management, does not require public comment and procedure, and therefore is effective July 7, 1975.

(Sec. 7(d) Dept. of HUD Act, 42 U.S.C. 3535 (d); Sec. 3 Federal Claims Collection Act of 1966, 31 U.S.C. 952).

Effective date. This amendment shall be effective upon July 7, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-17551 Filed 7-3-75;8:45 am]

V40-130 JUL 7 75 XUM

V40-130 JUL 7 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

V40-130 JUL 75 XUM

131

federal register

July 8, 1975—Pages 28601–28783

TUESDAY, JULY 8, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 131

Pages 28601–28783

PART I

NOTICE TO FEDERAL AGENCIES

OMB Circular A–108 defining responsibilities for implementing the Privacy Act of 1974 and implementing guidelines will be published as Part III in tomorrow's Federal Register.

Agencies desiring reprints should file a Standard Form No. 1 with the Division of Planning Service, Room 830, Government Printing Office, before 3:00 p.m. today.

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

CLEAN AIR—EPA proposes requirements for preparation, adoption, and submittal of State Implementation Plans; comments by 8–7–75 28629

EDUCATIONALLY DEPRIVED CHILDREN—HEW/OE proposal regarding grants to State agencies for programs to meet special educational needs of migratory children; comments by 8–27–75 28622

PETROLEUM—FEA proposal to limit refiner's profit margins; comments by 7–21–75, public hearing on 7–24 and 7–25–75 28634

TELEVISION RECEIVERS—Commerce proposes voluntary program for appliance efficiency (2 documents); comments by 7–29–75 ..... 28650, 28653

INCOME TAX—Treasury/IRS proposal to exempt title holding companies, certain cemeteries and crematoria; comments by 8–8–75 28613

(Continued inside)

PART II:

ENDANGERED AND THREATENED SPECIES—Interior/FWS proposes to reclassify American alligators; comments by 9–8–75 28711

PART III:

CIVIL AVIATION SYSTEM—CAB advance notice evaluating economic behavior and other consequences of operating with limited or no regulatory constraints; comments by 9–15–75 28721

V40-131 JUL 8 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 37 ..... Pub. Law 94–49
Standard Reference Data Act, appropriation authorization
(July 2, 1975; 89 Stat. 248)

H.R. 5398 ..... Pub. Law 94–50
Emergency Housing Act of 1975
(July 2, 1975; 89 Stat. 249)

H.R. 6387 ..... Pub. Law 94–51
Federal Insecticide, Fungicide, and Rodenticide Act, extension
(July 2, 1975; 89 Stat. 257)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

SAVINGS AND LOANS—FHLBB proposals relating to merger applications; (2 documents) comments by 8–8–75 ..... 28640, 28643

MEETINGS—
DOD: DDR&E High Energy Laser Review Group Subpanel on Laser Devices, 7–24 and 7–25–75 28647
Navy: Chief of Naval Operations Executive Panel Advisory Committee, 7–31 and 8–1–75 28646
USIA: U.S. Advisory Commission on Information, 8–4–75 28687
Labor/OSHA: Federal Advisory Council on Occupational Safety and Health, 7–30–75 28687
Commerce/DIBA: Exporters' Textile Advisory Committee, 8–6–75 28650
Presidential Clemency Board, 7–1 thru 7–5, 7–7 thru 7–12, 7–14 thru 7–19, 7–21 thru 7–26 and 7–28 thru 7–31–75 28683

RESCHEDULED MEETINGS—
HEW: National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 7–26–75 28657

contents

AGRICULTURAL MARKETING SERVICE
Rules
Free and restricted percentages:
Cherries, 1975–76 fiscal period 28602
Grade, size and maturity standards:
Pears, plums, and peaches (fresh) grown in Calif 28601
Proposed Rules
Milk marketing orders:
Southern Illinois and St. Louis-Ozarks 28618
Recommended decision and marketing agreements:
Limes and Avocados grown in Florida 28614

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Marketing quotas and acreage allotments:
Cotton (upland) 28601

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Forest Service; Soil Conservation Service.

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Firearms; granting of relief 28646

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Proposed Rules
Viruses, serums, toxins, and analogous products 28621

CIVIL AERONAUTICS BOARD
Notices
Evaluation of economic behavior and other consequences of civil aviation system operating with limited or no regulatory constraints 28721
Hearings, etc.:
American Airlines et al. (2 documents) 28659, 28660
Hilo Service Case 28660
Kodiak-Western Alaska Renewal Proceeding 28661
World Airlines, Inc 28661

COMMERCE DEPARTMENT
See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.
Notices
Appliance efficiency; voluntary program:
Color television receivers 28650
Monochrome television receivers 28653

COMMODITY CREDIT CORPORATION
Rules
Loan and purchase program:
Tobacco, 1975 crop—flue-cured 28603

DEFENSE DEPARTMENT
See Navy Department.
Notices
Meetings:
High Energy Laser Review Group, DDR&E 28647

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Exporters' Textile Advisory Committee 28650

DRUG ENFORCEMENT ADMINISTRATION
Rules
Schedules of controlled substances:
Mecloqualone and the Thiophene Analog of Phencyclidine; Schedule I 28611

EDUCATION OFFICE
Proposed Rules
Educationally deprived children:
Grants to State Education Agencies for programs 28622

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
State implementation plans:
Preparation, adoption, and submittal requirements 28629
Water pollution; effluent guidelines and standards:
Poultry processing point source category; extension of comments period 28633
Notices
Air quality standards:
Ambient monitor application:
Lear Siegler 28662
Water pollution; discharge of pollutants in navigable waters; marine sanitation standards devices:
North Dakota 28663

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
AiResearch, certain model engines (3 documents) 28605
Lockheed-California 28604
Certification procedures for products and parts; approval of certain import engines, propellers, materials, etc 28603
Standard instrument approach procedures 28606
Proposed Rules
Control zone, Oakland, California 28628
Jet advisory area rules 28628
Transition area (2 documents) 28628

FEDERAL COMMUNICATIONS COMMISSION
Rules
Safety and special radio services:
Station records of TV translators and FM translators and FM boosters 28610
Proposed Rules
Cable television:
Selection of television signals for carriage 28634
FM Broadcast stations; table of assignments:
Florida 28634
Notices
Federal election campaign act; amendments 28664
Hearings, etc.:
Braverman Broadcasting Co. Inc 28663
International record carriers 28665

V40-131 JUL 8 75 XUM

FEDERAL CONTRACT COMPLIANCE OFFICE

Rules

Equal employment opportunity: Federal contractors and subcontractors; Atlanta Plan; extension ---- 28609

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Crude oil:
Adjustment to May 15, 1973 gravity price differentials; public hearing ---- 28637
Refiner's profit margin rules; modification ---- 28634

Notices

Public hearings:
Energy Resources Council, Interagency Task Force on Motor Vehicle Goals Beyond 1980 ---- 28666

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Federal Savings and Loan System:
Communications among members ---- 28638
Insurance agencies—usurpation of corporate opportunity ---- 28641
Merger applications ---- 28640
Merger, consolidation, or purchase of bulk assets by insured institutions ---- 28643

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc.:
Continental North Atlantic Westbound Freight Conference ---- 28667
North Atlantic Continental Freight Conference ---- 28667
Refrigerated Express Lines (A/ASIA) Pty. Ltd., et al ---- 28667
Trans Pacific Freight Conference, et al ---- 28668

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Air Pollution Standards ---- 28668
Amerada Hess Corp ---- 28669
Amoco Production Co ---- 28669
Anadarko Production Co ---- 28669
Bangor Hydro-Electric Co ---- 28669
Colorado Interstate Gas Co ---- 28669
Gulf States Utilities Co ---- 28670
Lawrenceburg Gas Transmission Corp ---- 28670
Northwest Pipeline Corp ---- 28672
Panhandle Eastern Pipe Line Co ---- 28671
Southwestern Power Administration ---- 28672
Texas Eastern Transmission Corp ---- 28671
Texas Gas Transmission Corp ---- 28671
Wisconsin Michigan Power Co ---- 28672

FEDERAL RAILROAD ADMINISTRATION

Notices

Emergency order regarding use of cars transporting class A explosives; revocation ---- 28659

FEDERAL RESERVE SYSTEM

Proposed Rules

Interests on deposits; individual retirement accounts ---- 28644

Notices

Applications, etc.:
American Bancshares, Inc ---- 28672
Chemical New York Corp ---- 28673
Cross Timbers Bancshares, Inc ---- 28675
First Manistique Corp ---- 28675
First-Wichita Bancshares, Inc ---- 28675
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers ---- 28675
Mercantile Bancorporation Inc ---- 28676
Peoples Bancshares, Inc ---- 28676
Sooner Bancshares, Inc ---- 28676

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened wildlife:
American alligator; reclassification ---- 28711

Notices

Endangered species permits; applications (2 documents) ---- 28647

FOOD AND DRUG ADMINISTRATION

Rules

Drug products, certain; current good manufacturing practices; correction ---- 28610

Notices

Food additives; petitions filed or withdrawn:
Ashland Chemical Co ---- 28656
Committees; establishment, renewals, etc.:
Vitamin, Mineral and Hematinic Drug Products, Panel on Review of ---- 28656
Quality assurance for drugs, biologics, chemicals and reagents; memorandum of understanding with Health Services Administration ---- 28656

FOREST SERVICE

Notices

Environmental statements:
Arapaho National Forest, timber management plan ---- 28648

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc ---- 28677

GENERAL SERVICES ADMINISTRATION

Rules

Archives and FRC records:
Availability and loaning requirements ---- 28610

Notices

Authority delegations:
Administrator, EPA ---- 28677
Secretary of Defense (3 documents) ---- 28677–28678
Government Procurement Commission recommendations:
Executive branch position ---- 28677

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Health Services Administration.

Notices

Meetings:
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research ---- 28657
Organization, functions, and authority delegations:
Human and Child Development Offices ---- 28657

HEALTH SERVICES ADMINISTRATION

Notices

Quality assurance for drugs, biologics, chemicals and reagents; memorandum of understanding with Food and Drug Administration ---- 28657

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Federal disaster assistance; correction ---- 28609

Notices

Authority delegations:
Regional Administrators, et al ---- 28659

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rules

Aliens parole into United States; termination ---- 28614

INTERIOR DEPARTMENT

See Fish and Wildlife Service.

INTERNAL REVENUE SERVICE

Proposed Rules

Income tax:
Exempt cemetery companies and crematoria ---- 28613

INTERSTATE COMMERCE COMMISSION

Notices

Abandonment of service:
Burlington Northern, Inc ---- 28690
Hearing assignments (2 documents) ---- 28690
Motor carriers:
Irregular route property carriers; gateway elimination ---- 28690
Temporary authority applications (3 documents) ---- 28702, 28707
Transfer proceedings ---- 28702

JUSTICE DEPARTMENT

See Drug Enforcement Administration; Immigration and Naturalization Service.

LABOR DEPARTMENT

See Federal Contract Compliance Office; Occupational Safety and Health Administration.

Notices

Adjustment assistance:
Airco Electronics ---- 28689
Sheller Globe Corp ---- 28690

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Bareboat charter of vessels to foreign-controlled company; withdrawal of application:
Citicorp Leasing, Inc ---- 28650

NAVY DEPARTMENT

Notices

Meetings:
Chief of Naval Operations Executive Panel Advisory Committee ---- 28646

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Boston Edison Co. et al ---- 28678
Dairyland Power Cooperative ---- 28678
Iowa Electric Light & Power Co., et al ---- 28679
Philadelphia Electric Co ---- 28681
Public Service Electric and Gas Co. et al ---- 28681
Vermont Yankee Nuclear Power Corp ---- 28682
Regulatory guides; issuance and availability ---- 28681

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Draft technical standards:
Standards completion project ---- 28688
Meetings:
Federal Advisory Council on Occupational Safety and Health ---- 28687

PRESIDENTIAL CLEMENCY BOARD

Notices

Meeting:
Internal personnel and practices ---- 28683

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Channing Income Fund Inc. et al ---- 28683
National Telephone Company, Inc ---- 28685
Richards Aircraft Supply Co., Inc ---- 28685
Royal Properties Inc ---- 28686
Strong, Richard S ---- 28686

SMALL BUSINESS ADMINISTRATION

Rules

Small business size standards:
Definitions; correction ---- 28603

Notices

Applications, etc.:
American Indian Investment Opportunities, Inc ---- 28686
Arizona First Small Business Co ---- 28687
Disaster areas:
Kansas ---- 28687
Missouri ---- 28687

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects, etc.:
Line Creek Watershed, Alabama, et al ---- 28649

STATE DEPARTMENT

Rules

Advisory Committee management ---- 28606

Notices

Authority delegation:
Deputy Director General of the Foreign Service ---- 28646

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Railroad Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco, and Firearms Bureau; Internal Revenue Service.

UNITED STATES INFORMATION AGENCY

Notices

Meeting:
Information Advisory Commission ---- 28687

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR
722 ---- 28601
917 ---- 28601
930 ---- 28602
1464 ---- 28603
PROPOSED RULES:
911 ---- 28614
915 ---- 28614
1032 ---- 28618
1062 ---- 28618

8 CFR
PROPOSED RULES:
212 ---- 28614

9 CFR
PROPOSED RULES:
101 ---- 28621
112 ---- 28621
113 ---- 28621
114 ---- 28621

10 CFR
PROPOSED RULES:
212 (2 documents) ---- 28634–28637

12 CFR
PROPOSED RULES:
217 ---- 28644
544 ---- 28638
545 ---- 28638
546 ---- 28640
555 ---- 28641
563 ---- 28643

13 CFR
121 ---- 28603

14 CFR
21 ---- 28603
39 (4 documents) ---- 28604–28605
97 ---- 28606
PROPOSED RULES:
71 (2 documents) ---- 28628
75 ---- 28628
91 ---- 28628
93 ---- 28629

21 CFR
229 ---- 28610
1308 ---- 28611

22 CFR
8 ---- 28606

24 CFR
2205 ---- 28609

26 CFR
PROPOSED RULES:
1 ---- 28613

40 CFR
PROPOSED RULES:
51 ---- 28629
432 ---- 28633

41 CFR
60–8 ---- 28609
105–61 ---- 28610

45 CFR
PROPOSED RULES:
116d ---- 28622

47 CFR
74 ---- 28610
PROPOSED RULES:
73 ---- 28634
76 ---- 28634

50 CFR
PROPOSED RULES:
17 ---- 28712

V40-131 JUL 8 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 ... 27925
310 ... 27925

3 CFR
PROCLAMATIONS:
4381 ... 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) ... 27939
5277 (Revoked by PLO 5507) ... 27659
5481 (Revoked by PLO 5507) ... 27659

4 CFR
54 ... 27929

5 CFR
213 ... 27639, 27640, 27929, 28047, 28445
307 ... 28445
551 ... 27640
731 ... 28047

7 CFR
246 ... 27930
722 ... 28601
780 ... 27641
908 ... 28460
910 ... 28461
911 ... 28462
915 ... 28048
916 ... 28462
917 ... 27930, 28601
930 ... 27931, 28602
1464 ... 28603
1822 ... 28463
1843 ... 27931
1964 ... 27641
1131 ... 27642
PROPOSED RULES:
728 ... 28093
775 ... 28093
911 ... 28614
915 ... 28090, 28614
916 ... 28090
958 ... 28091
980 ... 28091
989 ... 27691
1032 ... 28618
1046 ... 28465
1062 ... 28618
1201 ... 28092, 28093
1421 ... 28094
1822 ... 28094
1464 ... 27691

8 CFR
PROPOSED RULES:
212 ... 28614

9 CFR
83 ... 27642
97 ... 27643
PROPOSED RULES:
101 ... 28621
112 ... 28621
113 ... 28621
114 ... 28621

10 CFR
205 ... 28446
211 ... 28446
212 ... 28447, 28448, 28634–28637
303 ... 28420
309 ... 28420
PROPOSED RULES:
205 ... 28481
206 ... 28481
212 ...
213 ... 28481, 28487

11 CFR
Ch. II ... 28578
PROPOSED RULES:
Ch. II ... 28579

12 CFR
308 ... 28048
339 ... 27931
400 ... 28449
PROPOSED RULES:
217 ... 28644
329 ... 28099, 28100
544 ... 28638
545 ... 28638
546 ... 27953, 28640
555 ... 28641
563 ... 27954, 28643

13 CFR
121 ... 28603

14 CFR
21 ... 28603
39 ... 27643, 27644, 28075, 28604–28605
71 ... 28076, 28077
75 ... 27644, 28077
97 ... 28606
211 ... 28077
217 ... 28078
288 ... 28078, 28450
298 ... 28079
297 ... 28087
399 ... 28087
PROPOSED RULES:
39 ... 28096
71 ... 28628
75 ... 28096, 28097, 28628
91 ... 28628
93 ... 28629
221 ... 28489

16 CFR
13 ... 27932, 28050
302 ... 27932
1031 ... 27934
PROPOSED RULES:
257 ... 28489

17 CFR
270 ... 27644
275 ... 27644

18 CFR
3 ... 27645
260 ... 27645

19 CFR
1 ... 28582

20 CFR
401 ... 27648
405 ... 28016, 28052
422 ... 27648
PROPOSED RULES:
404 ... 28095
405 ... 27782
416 ... 28095

21 CFR
1 ... 28582
229 ... 28610
431 ... 28052
510 ... 27651
558 ... 27651
701 ... 28451
1306 ... 28611
1401 ... 27821
PROPOSED RULES:
310 ... 27796, 28587
1020 ... 28095

22 CFR
8 ... 28606

23 CFR
230 ... 28053

24 CFR
17 ... 28597
888 ... 28451
1914 ... 28061
1915 ... 27651
2205 ... 28609

25 CFR
12 ... 28026
153 ... 28039

26 CFR
1 ... 27943
PROPOSED RULES:
1 ... 27943, 28101, 28613
11 ... 28101

29 CFR
727 ... 28064
1952 ... 27655, 28472
PROPOSED RULES:
1902 ... 27946
1907 ... 27691

32 CFR
641 ... 27936
1712 ... 28597

33 CFR
3 ... 28451
127 ... 27939

34 CFR
PROPOSED RULES:
Ch. II ... 28495

36 CFR
PROPOSED RULES:
2 ... 28088

40 CFR
52 ... 28064
85 ... 28066
162 ... 28242
180 ... 28065
PROPOSED RULES:
51 ... 28629
52 ... 28097, 28098
432 ... 28633

41 CFR
1–3 ... 27655
1–9 ... 28067
9–4 ... 28068
60–8 ... 28609
101–11 ... 27655
105–61 ... 28610
PROPOSED RULES:
60–12 ... 28477
60–14 ... 28472

42 CFR
2 ... 27802

43 CFR
20 ... 28288
430 ... 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659

43 CFR—Continued
PUBLIC LAND ORDERS—Continued
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5504 ... 27659
5506 ... 27659
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR
83 ... 28572
206 ... 27659
250 ... 28070
1061 ... 27661
1068 ... 27665, 27667
PROPOSED RULES:
116d ... 28622

46 CFR
502 ... 27671
538 ... 28452
PROPOSED RULES:
547 ... 28489

47 CFR
0 ... 28454
1 ... 28454

47 CFR—Continued
73 ... 27671, 27939, 28457
74 ... 28610
76 ... 28457
PROPOSED RULES:
73 ... 28098, 28634
76 ... 28634

49 CFR
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
571 ... 28457
575 ... 28071, 28074
1033 ... 27939–27941
1102 ... 27941
PROPOSED RULES:
571 ... 28097

50 CFR
21 ... 28459
PROPOSED RULES:
17 ... 28712
20 ... 27943
216 ... 28469

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8

V40 I131 JUL 8 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURE ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1970 and the Agricultural and Consumer Protection Act of 1973. (Pub. L. 91–524, 93–86, 84 Stat. 1358, 87 Stat. 221). The major purposes of the amendment are as follows:

1. To provide planted and considered planted (P&CP) credit for base acreage allotments temporarily reduced because of cropland limitation.

2. To delete provisions on farms owned by the Federal Government.

3. To authorize the State ASC committee to approve the transfer of farm base acreage allotments affected by a natural disaster or a condition beyond the control of the producer if such acreage cannot be timely planted or replanted.

4. To change the final date of February 1 to March 1 for which out-of-county transfers may be approved.

Since farmers and local State and county ASC committees need to know the provisions of the program for the 1975 crop as soon as possible, it is hereby found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest. Accordingly, this amendment shall become effective on July 8, 1975.

The regulations governing Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton, 39 FR 27305, are hereby amended as follows:

1. Section 722.404 is amended by revising paragraphs (f) (1)(i), (3), (8), and (9) to read as follows:

§ 722.404 Definitions.

• • • • • •

(f) *History acreage of cotton on the farm.* • • •

(1) • • •

(i) It shall include the acreage seeded to cotton plus stub cotton acreage on the farm in the current year.

• • • • • •

(3) Acreage on which the planting of cotton was prevented because of a natural disaster as determined by the county committee or any temporary adjustment due to cropland limitation in accordance with § 722.406(f)(2).

• • • • • •

(8) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment which is not credited to feed grains: *Provided*, That wheat in excess of the allotment shall not be considered as planted to cotton for purposes of § 722.405(b)(2);

(9) Any acreage planted and considered planted to feed grains under Part 775 of this chapter, as amended, in excess of the allotment which is not credited to wheat: *Provided*, That feed grains in excess of the allotment shall not be considered as planted to cotton for purposes of § 722.405(b)(2);

• • • • • •

2. Section 722.406 is amended by adding a new sentence at the end of the last sentence in paragraph (h)(3) to read as follows:

§ 722.406 Establishment of farm base acreage allotments.

• • • • • •

(h) *Use of county reserve.* • • •

(3) *Base acreage allotments for missed farms and corrections of errors.* • • • The county committee shall not correct the allotment for a farm if reserve acreage is not available except as authorized by the State committee.

• • • • • •

3. The first sentence in paragraph (h)(4) of § 722.406 is deleted.

§ 722.408 [Amended]

4. Paragraph (a)(2) of § 722.408 is deleted and paragraphs (a)(3), (4), and (5) are redesignated as (2), (3), and (4) respectively.

5. Section 722.416 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 722.416 Transfer of farm cotton acreage affected by a natural disaster.

(a) *General authority.* The State ASC committee shall determine for any year those counties affected by a natural disaster or a condition beyond the control of producers within the meaning of section 350(h) of the Act which prevents the timely planting or replanting of a portion of the farm cotton base acreage allotments in the county. • • •

§ 722.418 [Amended]

6. The date of February 1 in the ninth sentence of § 722.418 is changed to March 1.

§ 722.421 [Amended]

7. Paragraph (h) of § 722.421 is deleted and paragraph (i) is redesignated as (h).

(Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193, as amended, 52 Stat. 66, as amended; (7 U.S.C. 1301, 1344b, 1350, 1375))

Effective date: July 8, 1975.

Signed at Washington, D.C., on June 30, 1975.

KENNETH E. FRICK,
Administrator.

[FR Doc.75-17676 Filed 7-7-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Plum Reg. 11, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grade and Size Requirements

This amended regulation, issued pursuant to the Marketing Agreement and Order No. 917 (7 CFR Part 917), continues the currently effective grade and size regulation of all shipments of fresh California plums so as to cover all such shipments during the 1975 season. Unless amended, such regulation would expire on July 8, 1975. The existing regulation prescribes U.S. No. 1 as the minimum grade for all fresh California plums handled except that additional tolerances for defects not considered serious, including healed cracks and gum spots, are permitted for certain specified varieties. It also specifies minimum size requirements, respectively, for 43 specified varieties in terms of the maximum permissible number of plums in an eight-pound sample. Such regulation is designed to provide the fresh fruit markets with an ample supply of desirable size and quality California plums consistent with the available supply in the interest of consumers and producers. The marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of June 16, 1975 (40 FR 25478), that this Department was giving consideration to a proposal to amend § 917.438 (Plum Reg. 11; 40 FR 22534).

V40 I131 JUL 8 75 XUM

effective pursuant to the applicable provisions of the marketing agreement and Order No. 917, as amended (7 CFR Part 917), which regulate the handling of fresh pears, plums, and peaches grown in California. Under the proposal the amended regulation would continue to be effective, without substantive change, on all fresh California plum shipments during the 1975 season. The notice invited interested persons to submit written data, views, or arguments, through June 25, 1975, for consideration relative to the proposed extension. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Plum Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of plums are currently in progress and this amendment should be applicable to all such plum shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory provisions are the same as those currently in effect; (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (5) this regulation, as amended, was unanimously recommended by the Plum Commodity Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of § 917.438 in paragraph (a), paragraph (b) preceding subparagraph (1) thereof, and paragraph (c) preceding Table I thereof are hereby amended to read as follows:

§ 917.438 Plum Regulation 11.

Order. (a) During the period May 24, 1975, through May 31, 1976, no handler shall ship any lot of packages or containers of any plums, other than the varities named in paragraph (b) of this section, unless such plums grade at least U.S. No. 1.

(b) During the period May 24, 1975, through May 31, 1976, no handler shall ship: • • •

(c) During the period May 24, 1975, through May 31, 1976, no handler shall ship any package or other container of any variety of plums listed in Column A are of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

• • • • • •

(Secs. 1–19, Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 1, 1975, to become effective July 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17624 Filed 7–2–75;2:37 pm]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Free and Restricted Percentages for 1975–76 Fiscal Period

This regulation establishes free and restricted percentages of 85 percent and 15 percent, respectively, for cherries acquired during the 1975–76 fiscal period under Marketing Order No. 930.

Findings. (1) Pursuant to the applicable provisions of the Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of a recommendation of the Cherry Administrative Board, established under the aforesaid order, and upon other available information, it is hereby found that the fixing of free and restricted percentages, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) The production of cherries in the controlled area for the 1975–76 crop year, as estimated by the Crop Reporting Board, is 144,780 tons. At its meeting of June 23, 1975, the Cherry Administrative Board reviewed prospective demand in the light of the estimate and the anticipated carryin and recommended the establishment of free and restricted percentages of 85 and 15, respectively, pursuant to the authority contained in § 930.51 of the order. The free percentage of 85 percent established by this regulation results in the availability of about 235.8 million pounds from the current crop and a total available supply, including an estimated carryin of 41.8 million pounds, of about 277.6 million pounds for domestic markets and export. The annual average quantity of cherries acquired by export and domestic trade for the most recent five-year period (1970–74) was 237.2 million pounds.

The fixing of the free and restricted percentages as specified herein is necessary to establish and maintain orderly marketing conditions, provide the market with an adequate supply of cherries, and prevent a heavy economic abandonment which would likely result if cherries were not regulated. Due to uncertainties of the market and the financial risks involved in processing and storing processed cherries, handlers are reluctant to utilize quantities of cherries in excess of that for which there appears to be a definite market. Under the regulation, the excess cherries are represented by the restricted percentage and, unless diverted by growers, such cherries will be processed and stored in a reserve pool for the account of the growers. Hence, growers will underwrite the processing and storage of such cherries for later release when market demand is such as to require augmentation of the supply available to normal commercial outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Board held an open meeting on June 23, 1975, after giving due notice thereof, to consider supply and market conditions and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the Board, and information concerning such provisions and effective time has been disseminated among growers and handlers of such cherries. Harvesting and processing of the current crop of cherries are expected to begin on or about July 7, 1975, and, as provided in the order, the free and restricted percentages specified in this regulation apply to all cherries acquired during the 1975–76 fiscal period; and compliance with this regulation will not require of growers or handlers any preparation which cannot be completed by the effective time hereof.

Therefore, the free and restricted percentages for cherries acquired by handlers during the 1975–76 fiscal period are hereby fixed as follows:

§ 930.502 Free and restricted percentages for the 1975–76 fiscal period.

The free percentage and restricted percentage applicable to all cherries acquired during the fiscal period May 1, 1975, through April 30, 1976, shall be 85 percent and 15 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–17677 Filed 7–7–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1975 CROP-FLUE-CURED TOBACCO, LOAN RATE SCHEDULE

On June 13, 1975, there was published in the FEDERAL REGISTER (40 FR 25217) a notice of proposed rulemaking setting forth the proposed price support grade loan rates for 1975 crop flue-cured tobacco. Subsequently, a notice was published correcting certain errors in those rates. Interested parties were given the opportunity to submit, not later than June 30, 1975, data, views and recommendations pertaining to the grade loan rates.

No unfavorable comments have been received and the proposed loan rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

(Secs. 4 and 5, 62 Stat. 1079, as amended (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423); 74 Stat. 6, as amended (7 U.S.C. 1445))

Effective date: July 8, 1975.

Signed at Washington, D.C. on June 2, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

§ 1464.16 1975 Crop—Flue-Cured Tobacco, types 11–14, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
A1F	118	B5FV	93
A2F	115	B3LS	97
B1L	110	B4LS	94
B2L	105	B5LS	91
B3L	102	B6LS	85
B4L	100	B3FS	97
B5L	98	B4FS	94
B6L	94	B5FS	91
B1F	110	B6FS	85
B2F	105	B3KL	93
B3F	102	B4KL	91
B4F	100	B5KL	88
B5F	98	B6KL	83
B6F	94	B3KF	93
B1FR	109	B4KF	91
B2FR	104	B5KF	88
B3FR	101	B6KF	83
B4FR	98	B3KM	96
B5FR	96	B4KM	94
B6FR	92	B5KM	91
B3R	95	B6KM	86
B4R	90	B3KR	98
B5R	85	B4KR	96
B6R	81	B5KR	93
B3K	99	B4KV	93
B4K	96	B5KV	88
B5K	93	B6KV	84
B6K	89	B5HR	91
B3LV	100	B4GL	94
B4LV	96	X3FV	96
B5LV	93	X4FV	93
B3FV	100	X3LS	96
B4FV	96	X4LS	92
C5LS	95	C4KL	98
C4KL	98	C4KF	98
C4KF	98	C4KM	98
C4KM	98	C4KR	99
C4KR	99	X1L	103
X1L	103	X2L	101
X2L	101	X3L	99
X3L	99	X4L	96
X4L	96	X5L	92
X5L	92	X1F	103
X1F	103	X2F	101
X2F	101	X3F	99
X3F	99	X4F	96
X4F	96	X5F	92
X5F	92	X3LV	96
X3LV	96	X4LV	93
X4LV	93	P4L	90
P4L	90	P5L	86
P5L	86	P2F	95
P2F	95	P3F	93
P3F	93	P4F	90
P4F	90	P5F	86
P5F	86	P4G	82
P4G	82	P5G	76
P5G	76	N1L	78
N1L	78	N1XL	83
N1XL	83	N1K	85
N1K	85	N1R	76
N1R	76	N1GL	72
N1GL	72	N1GF	78
N1GF	78	N1GR	73
N1GR	73	N1GG	68
N1GG	68	X3FS	96
X3FS	96	X4FS	92
X4FS	92	X4KL	92
X4KL	92	X4KF	92
X4KF	92	X4KV	91
X4KV	91	X3KM	96
X3KM	96	X4KM	92
X4KM	92	X4KR	95
X4KR	95	X4G	89
X4G	89	X5G	84
X5G	84	X4GK	88
X4GK	88	P2L	95
P2L	95	P3L	93
P3L	93		

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No–G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct $1 per hundred pounds to apply against overhead costs.

[FR Doc.75–17703 Filed 7–7–75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Definitions of Small Business; Corrections

1. In 40 FR 23843, dated Tuesday, June 3, 1975, the parenthetical sentences added to § 121.3–8(a) (1) by Revision 13, Amendment 2 (40 FR 17138), were inadvertently omitted. Section 121.3–8(a) as amended by Revision 13, Amendment 4, should read as follows:

§ 121.3–8 Definition of small business for Government procurement.

• • • • • •

(a) • • •

(1) Small if the average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million: *Provided, however,* That if 75 percent or more (by value) of the work called for by the contract is classified in one of the industries, subindustries, or class of products set forth in Schedule H of this part, it is small if it does not exceed the size standard established therein for that industry. (Notwithstanding the above proviso, for a period of 1 year from the effective date of this amendment, any concern which from March 18, 1973, to March 18, 1974, was primarily engaged in performing small business set-aside contracts is small for the purpose of any contract covered by the proviso if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts if 50 percent or more of its receipts, including receipts of its affiliates, were attributable to such contracts.)

• • • • • •

Dated: June 23, 1975.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–17653 Filed 7–7–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10492, Amdt. SFAR 26–8]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances; Continuation

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulations No. 26 (SFAR 26), as amended by Amendments SFAR 26–1, 26–2, 26–3, 26–4, 26–5, 26–6, and 26–7 until July 2, 1976.

SFAR 26 provides for approvals on a selective basis of aircraft engines, propellers, materials, parts, and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date

V40-131 JUL 8 75 XUM

of March 1, 1972, for SFAR 26 was extended by Amendment SFAR 26–1 to September 1, 1972, by Amendment SFAR 26–2 to January 1, 1973, by Amendment SFAR 26–3 to July 1, 1973, by Amendment SFAR 26–4 to January 1, 1974, by Amendment SFAR 26–5 to July 1, 1974, by Amendment SFAR 26–6 to January 1, 1975, and further extended by Amendment SFAR 26–7 to July 1, 1975.

At the present time the United States has entered into new bilateral agreements with the United Kingdom, Sweden, Belgium, Netherlands, Israel, Italy, Germany, and France, and the United States is continuing to negotiate amendments to the bilateral agreements which exist with a number of other foreign countries. However, the FAA is advised that the continuing negotiations will not be concluded by the July 1, 1975, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, and, in view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from July 1, 1975, to July 2, 1976.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, effective July 1, 1975, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 FR 12748) on August 12, 1970, as amended by Amendments SFAR 26–1, SFAR 26–2, SFAR 26–3, SFAR 26–4, SFAR 26–5, SFAR 26–6 and SFAR 26–7, published in the FEDERAL REGISTER (37 FR 4325, 37 FR 16789, 37 FR 28276, 38 FR 17491, 38 FR 35441, 39 FR 25228, and 40 FR 2576) on March 2, 1972, August 19, 1972, December 22, 1972, July 2, 1973, December 28, 1973, July 9, 1974, and January 14, 1975, respectively, is further amended by striking out the words "July 1, 1975" and inserting the words "July 2, 1976" in place thereof.

Issued in Washington, D.C. on June 30, 1975.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.75–17555 Filed 7–7–75;8:45 am]

[Airworthiness Docket No. 75–WE–42–AD, Amdt. 39–2256]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385–1 Series Airplanes

There have been failures of the forward ring on the S-duct assembly aft of the forward articulating joint due to cracks that could result in separation of this joint. This condition could cause ingestion of the separated parts into the number two center engine and, consequently, could result in number two center engine shutdown and a flow of air into the fuselage afterbody. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections and repairs, as necessary, on the S-ducts of certain Lockheed-California Company L–1011–385–1 series airplanes. The airplanes are described in this AD as within either a Part I. or Part II. configuration, for the purposes of compliance.

The Lockheed Alert Service Bulletin, referenced in this AD, describes the airplanes within either configuration. Certain airplanes may also have been modified since delivery. Operators must ascertain the configuration and serial numbers of their airplanes for compliance with this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L–1011–385–1 series airplanes certificated in all categories.

Compliance required as indicated.

To prevent possible failures of the forward ring on the S-duct assembly aft of the forward articulating joint due to cracks, accomplish the following:

I. *Lockheed Serials 1001 through 1037.* All airplanes listed in paragraph 1.A.(1) of Lockheed Alert Service Bulletin 093–54–A019, Revision 1, dated June 5, 1975, or later FAA-approved revisions, shall be inspected and repaired as follows:

(a) For those airplanes with 4,500 total flight hours or more total time in service on the effective date of this AD, within the next 250 flight hours time in service, unless previously accomplished, perform (1) a visual inspection of the S-duct structure at the forward articulating joint per the instructions of paragraph 2A(1)(2)(3) of the above referenced Service Bulletin, or later FAA-approved revisions; and (2) a dye-penetrant inspection, consisting of either alternative method set forth in paragraphs 2A(4) or 2A(5) of the Service Bulletin, referenced above. If ring cracks are found, repair as necessary.

(b) For all airplanes with less than 4,500 hours total flight hours time in service on the effective date of this AD, unless previously accomplished, perform the initial visual and dye-penetrant inspections and repairs, as necessary, prior to accumulating 4,500 flight hours total time in service, or 250 additional hours in service after the effective date of this AD, whichever occurs later, as described in paragraph (a), above.

(c) Notwithstanding (a) and (b), above, all airplanes, unless previously accomplished, must have the initial visual and dye-penetrant inspections and repairs, as necessary, described in paragraphs 2A(1) (2) (3) (4) or (5) of the Service Bulletin referenced above, accomplished within 90 days after the effective date of this AD.

(d) The visual inspections of paragraph (a)(1), above, must be accomplished at intervals not to exceed 800 hours additional time in service, per the instructions of paragraph 2A(1)(2)(3) of the Service Bulletin referenced above.

(e) Depending on which of the two alternative visual and dye-penetrant methods are used, repeat, at intervals not to exceed 1,600 flight hours (first alternative) or 2,400 flight hours (second alternative) time in service, thereafter, the visual and dye-penetrant inspection of paragraph (a), above, per the instructions of paragraphs 2A(4) or 2A(5) of the Service Bulletin, referenced above. If cracks are found, repair as necessary.

(f) The inspections and repairs required by this AD, Part I, may be discontinued when a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, is incorporated into the airplane. (The manufacturer is now developing a modification for this purpose. A Service Bulletin 093–54–019 will describe the modification).

NOTE.—Some airplanes in the 1001 through 1037 Series may have been delivered with an S-duct forward articulating joint incorporating Part II. Configuration leaf spring alignment units subsequent to delivery. If this condition exists, the inspections and repairs of Part II, below, are to be accomplished instead of Part I.

II. *Lockheed Serials 1038 through 1135.* All airplanes listed in paragraph 1.A.(2) of Lockheed Alert Service Bulletin 093–54–A019, Revision 1, dated June 5, 1975, or later FAA-approved revisions, shall be inspected and repaired as follows:

(a) For those airplanes with 5,000 flight hours or more, but less than 6,000 flight hours total time in service on the effective date of this AD, prior to accumulating 6,000 flight hours total time in service, or 250 flight hours additional time in service from the effective date of this AD, whichever occurs later, unless already accomplished perform the inspections and repairs described in (c), below.

(b) For those airplanes with more than 6,000 flight hours time in service on the effective date of this AD, within the next 250 flight hours additional time in service, unless already accomplished, perform the inspections and repairs described in (c), below.

(c) Perform a one-time visual inspection of the S-duct per the instructions of paragraph 2B., of the above referenced Service Bulletin, or later FAA-approved revisions.

(1) If no damage is found no further inspections are required.

(2) If damaged units or worn attachment holes are found, perform the corrective actions and repetitive visual inspections per the instructions of paragraph 2A(2)(e) of the above referenced Service Bulletin.

(3) If cracks are found in the forward ring, perform the corrective actions and repetitive visual and dye-penetrant inspections per the instructions of paragraph 2A(2)(f) of the above referenced Service Bulletin.

(d) Within 15 calendar days of performing the inspections of (c), above, submit a written report of the results of these inspections and repairs to: Chief, Aircraft Engineering Division, FAA Western Region, PO. Box 92007, Worldway Postal Center, Los Angeles, California 90009 (Reporting approved by the Bureau of Budget Under BOB No. 04–R–R–10174).

Equivalent inspections and replacements may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Airplanes may be flown to a base for the accomplishment of the inspections and replacements required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective July 14, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on June 26, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–17556 Filed 7–7–75;8:45 am]

[Airworthiness Docket No. 75–WE–26–AD, Amdt. 39–2255]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331–1, –2, –3, –5, and –6 Series Engines

Amendment 39–2198 (40 FR 20268), AD 75–10–05, requires: Inspection of the fuel pump and control drive backlash; modification of the torque sensor assembly mounting arm, as necessary; and, installation of this modification before exceeding the engine operating time in service at the manufacturer's recommended mid-term inspection or overhaul. This action is required because several failures have occurred which can result in complete power loss. After issuing Amendment 39–2198, the agency determined that one engine serial number was improperly listed and the manufacturer had omitted several specific engine serial numbers from the list of affected engines. Therefore, the AD is being amended to include these engines.

Since a situation exists that requires immediate adoption of the regulation, it has been found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2198, (40 FR 20268), AD 75–10–05, is amended by amending the applicability table in pertinent part as follows:

Model	*Serial Number Effectivity*
TPE331–1–151A	P–92249, P–92336 through P–92350.
TPE331–2–201A	P–90281 through P–90294, P–90296.
TPE331–3U/3UW–303G	P–03108, P–03109, P–03112 through P–03193, P–03195, P–05031 through P–05048.

This amendment becomes effective July 11, 1975.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655 (c))

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–17558 Filed 7–7–75;8:45 am]

[Airworthiness Docket No. 74–WE–18–AD, Amdt. 39–2253]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331–1–151B, –2–201C, –3U–307G, –5–251C, –2–251K and –6–251M Engines

Amendment 39–1842 (39 FR 16873), AD 74–10–10, as amended by Amendment 39–1868 (39 FR 20189), requires a modification and recurring inspection of the fuel control assembly mounting and support bracket fasteners and provides for termination of these recurring inspections when an improved support bracket is installed. This action is required because loosening of this support can cause improper operation of the fuel control resulting in erratic engine power response. After issuing Amendment 39–1868 the agency determined that the modifications described in both the original and amended versions were deficient in that the nuts used to secure the support had insufficient bearing area to prevent deformation of the bracket mounting slots. Therefore, the AD is being further amended to require the addition of washers under the nuts which fasten the support bracket to the appropriate engine split line flange to correct this condition.

Since a situation exists that required immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1868, (39 FR 20189), AD 74–10–10, is further amended as follows:

1. Add a new paragraph (f) to read:

(f) If the replacement of the support bracket required by paragraph (a), above, has not already been accomplished on the effective date of this amendment to the AD, this modification, when accomplished, must be done in accordance with the instructions contained in paragraph 2.B. of AiResearch Service Bulletin TPE331–73–0028, Revision 2, dated June 20, 1975, or later FAA-approved revisions.

2. Add a new paragraph (g) to read:

(g) If the replacement of the support bracket required by paragraph (a), above, has already been accomplished, at the next inspection required by paragraph (b), above, install the three (3) washers, P/N 960C10, and bolts, P/N MS21279–14, as required, per paragraph 2.B. of AiResearch Service Bulletin TPE331–73–0028, Revision 2, dated June 20, 1975, or later FAA-approved revisions.

3. Add a new paragraph (h) to read:

(h) If the modification described in paragraph (d), above, has already been accomplished, before exceeding an additional 100 hours time in service after the effective date of this AD, as amended, unless already accomplished; or, when accomplishing paragraph (d), install the three (3) washers, P/N 960C10 and bolts P/N MS21279–14, as required, per paragraph 2.B. of AiResearch Service Bulletin TPE331–73–0028, Revision 2, dated June 20, 1975, or later FAA-approved revisions.

This amendment becomes effective July 11, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–17559 Filed 7–7–75;8:45 am]

[Airworthiness Docket No. 74–WE–52–AD, Amdt. 39–2254]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331–1, –2, –3, –5, and –6 Series Engines

Amendment 39–2054 (39 FR 44439), AD 74–26–11, as amended by Amendments 39–2092 (40 FR 6771) and 39–2214 (40 FR 22126), requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. This action is required because of several failures that have occurred in the oil supply tube which can result in failure of the high speed pinion gear bearings.

After issuing Amendment 39–2214, the agency determined that the manufacturer had omitted several specific engine serial numbers from the list of affected engines. Therefore, the AD is being further amended to include these engines.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2054, (39 FR 44439), AD 74–26–11, as amended by Amendments 39–2092 (40 FR 6771) and 39–2214 (40 FR 22126) is further amended by amending paragraph (2), in pertinent part, at line 6, to read:

(2) • • • TPE331–3UW–303G, S/N 03181 through 03197, 05043 through 05052; • • •

This amendment becomes effective July 11, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

V40-131 JUL 8 75 XUM

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc. 75-17557 Filed 7-7-75;8:45 am]

[Docket No. 14769, Amdt. No. 975]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective August 14, 1975:

Ephrata, WA—Ephrata Municipal Arpt., VOR Rwy 20, Amdt. 16.
Hobbs, NM—Lea Co. (Hobbs) Arpt., VOR Rwy 3 (TAC), Amdt. 14.
Hobbs, NM—Lea Co. (Hobbs) Arpt., VOR TAC Rwy 21, Amdt. 1.
Lamar, CO—Lamar Municipal Arpt., VOR Rwy 18, Amdt. 7.
Moses Lake, WA—Grant County Arpt., VOR Rwy 3, Orig.
Moses Lake, WA—Grant County Arpt., VOR Rwy 14L, Amdt. 7.
Moses Lake, WA—Grant County Arpt., VOR Rwy 21, Orig.
Moses Lake, WA—Grant County Arpt., VOR Rwy 32R, Amdt. 13.
Worland, WY—Worland Municipal Arpt. VOR Rwy 16, Amdt. 2.

* * * effective June 19, 1975:

Lancaster, PA—Lancaster Arpt., VOR/DME Rwy 26, Amdt. 1.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, effective July 17, 1975:

Dayton, OH—James M. Cox-Dayton Municipal Arpt., LOC (BC) Rwy 24R, Amdt. 2, cancelled.
Dayton, OH—James M. Cox-Dayton Municipal Arpt., LOC Rwy 24R, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 14, 1975:

Moses Lake, WA—Grant County Arpt., NDB Rwy 32R, Amdt. 8.

* * * effective July 17, 1975:

Kenansville, NC—Duplin County Arpt., NDB Rwy 22, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 14, 1975:

Moses Lake, WA—Grant County Arpt., ILS Rwy 32R, Amdt. 10.

* * * effective July 17, 1975:

Los Angeles, CA—Los Angeles Int'l Arpt., ILS Rwy 24L/R, Amdt. 8.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 14, 1975:

Newport News, VA—Patrick Henry Arpt., RADAR-1, Orig., cancelled.
Norfolk, VA—Norfolk Regional Arpt., RADAR-1, Amdt. 6, cancelled.
Portsmouth, VA—Chesapeake Portsmouth Arpt., RADAR-1, Amdt. 1, cancelled.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 14, 1975:

Hobbs, NM—Lea Co. (Hobbs) Arpt., RNAV Rwy 12, Orig.
Moses Lake WA—Grant County Arpt., RNAV Rwy 21, Amdt. 4.

Correction

In Docket Nr. 14624, Amendment 970 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 3, 1975, under §§ 97.23, 97.27, 97.29 and 97.31, effective July 10, 1975—Change effective date of Troy, AL, Troy Municipal Arpt., VOR-A, Orig. NDB Rwy 7, Orig., ILS Rwy 7, Orig., RADAR-1, Orig., to July 17, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 26, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-17560 Filed 7-7-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.713]

PART 8—ADVISORY COMMITTEE MANAGEMENT

The Department of State proposed in the FEDERAL REGISTER on April 3, 1975 (40 FR 15060-15062) a new Part 8 in Title 22 of the Code of Federal Regulations entitled Advisory Committee Management.

Interested persons were invited to submit written comment for consideration by April 30, 1975. The one comment received concerned a procedural aspect which is covered in the regulations and operations of the advisory committees and no change was made.

The proposed regulations are adopted as set forth below.

Effective date. These regulations are effective May 30, 1975.

For Secretary of State.

[SEAL] LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

Sec.
8.1 Authorities.
8.2 Policy.
8.3 Scope.
8.4 Definitions.
8.5 Creation of a Committee.
8.6 Membership.
8.7 Security.
8.8 Chartering of Committees.
8.9 Meetings of Advisory Committees.
8.10 Reports.
8.11 Records.
8.12 Financial Records.
8.13 Availability of Records.
8.14 Public Inquiries.

AUTHORITY: (22 U.S.C. 2658); sec. 8(a) Federal Advisory Committee Act (Pub. L. 92-463); Executive Order 11769; and OMB Circular A-63, Rev.

§ 8.1 Authorities.

(a) *Regulatory Authorities.* (1) These regulations are issued to implement the Federal Advisory Committee Act, P.L. 92-463, which became effective January 5, 1973, and Office of Management and Budget Circular No. A-63 of March 27, 1974. These regulations also are in accordance with Executive Order 11769 of February 21, 1974, and the responsibilities of the Secretary of State under 22 U.S.C. 2656.

(2) These regulations apply to any advisory committee which provides advice to the Department of State or any officer of the Department. However, to the extent that an advisory committee is subject to particular statutory provisions, which are inconsistent with the Federal Advisory Committee Act, these regulations do not apply.

(b) *Delegated Authority.* (1) The Deputy Under Secretary for Management has been designated by the Secretary (Delegation of Authority No. 125 signed November 7, 1972) to have full responsibility for the Committee Management function.

(2) The Advisory Committee Management Officer in the Management Systems Staff administers the Committee Management Program for the Deputy Under Secretary for Management.

§ 8.2 Policy.

(a) Advisory Committees are to be used for obtaining advice and recommendations on matters for which they were established, and may be utilized only when the information sought is not otherwise efficiently and economically available.

(b) Unless provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions and any decision taken pursuant to the advice or recommendation of an advisory committee is the responsibility of the appropriate Department officer. For the purposes of this provision, "Presidential directive" includes an executive order or executive memorandum.

(c) Meetings of advisory committees will be open to the public unless there is a compelling reason which requires nondisclosure of the subject matter in accordance with public law (5 U.S.C. 552 (b)).

§ 8.3 Scope.

(a) The Federal Advisory Committee Act applies to committees "established" by the Government and to committees "utilized" though not established by the Government.

(1) The President and the Congress, or the Department in consultation with the Office of Management and Budget, may *establish* a group which shall be known as an advisory committee for the purpose of obtaining advice or recommendations and which shall be subject to the Federal Advisory Committee Act throughout its existence.

(2) Though not established by the President or the Department, a group *utilized* for the purpose of obtaining advice or recommendations must file a charter prior to a meeting, and otherwise conform to the requirements of the Act during any meetings or other contacts with the Department.

(b) One requisite for coverage of either type (established or utilized) under the Federal Advisory Committee Act is that the group can be defined as a committee as set forth in the definition of a committee, as contained in § 8.4 of these regulations, and have all or most of the following characteristics:

(1) The purpose, objective or intent is that of providing advice to any officer or organizational component of the Department;

(2) Has regular or periodic meetings;

(3) Has fixed membership (membership may include more than one full time Federal officer or employee but is not comprised wholly of Government personnel);

(4) Has an organizational structure (e.g., officers) and a staff.

(c) Where a group provides some advice to an agency, but the group's advisory function is incidental to and inseparable from other operational functions such as making or implementing decisions, the Federal Advisory Committee Act does not apply.

(d) Where the advisory function of a group is separable from its operational function, the group is subject to the Act to the extent that it operates as an advisory committee.

§ 8.4 Definitions.

(a) The Federal Advisory Committee Act defines advisory committee as any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is—

(1) Established by statute or reorganization plan, or

(2) Established or utilized by the President, or

(3) Established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except a committee composed wholly of full-time officers and employees of the Government.

(b) A formal sub-group or sub-committee independently possesses significant requisites of an advisory committee, i.e., fixed membership, periodic meetings, et cetera.

(c) An informal sub-group or sub-committee is one that facilitates the activities of its advisory committee. For example, during a particular meeting, the advisory committe may divide itself into sub-groups to permit simultaneous discussion of different topics.

§ 8.5 Creation of a Committee.

(a) A bureau or an office designated or desiring to sponsor an advisory committee will prepare a memorandum to the Advisory Committee Management Officer setting forth the purpose, organization (including subgroups), proposed balanced membership (see § 8.6), and a justification for the need of the particular committee.

(b) The Advisory Committee Management Officer will review the request and will make an action recommendation to the Deputy Under Secretary for Management through the Director of the Management Systems Staff.

(c) If the Deputy Under Secretary for Management approves the request, it will be submitted to the Committee Management Secretariat of the Office of Management and Budget for approval. The OMB Secretariat will usually take action within 15 days.

(d) The Advisory Committee Management Officer will advise the sponsoring bureau or office of the approval for or rejection of the request to establish the advisory committee.

(e) After OMB approval the intent to establish an advisory committee, containing a description of the committee and a statement of why it is in the public interest to create it, will be published in the FEDERAL REGISTER at least 15 days prior to filing the committee charter.

§ 8.6 Membership.

(a) The act requires a balanced membership in terms of the points of view represented. Members are selected for their expertise in the committee's functions and should be chosen from different vocations having knowledge in the subject.

(b) It is Department policy that members will be selected without regard to national origin, religion, race, sex, or color.

(c) The committee office will keep the Advisory Committee Management Officer currently advised of a committee's membership including vacancies.

§ 8.7 Security.

(a) All officers and members of a committee must have a security clearance for the subject matter level of security at which the committee functions.

(b) The responsible committee office will provide the Advisory Committee Management Officer with each member's security clearance level and date of issue.

(c) The substantive office sponsoring an advisory committee is responsible for access to and removal from official premises of classified material in accordance with the Department's security regulations (5 FAM 940 and 973). Any questions arising involving security procedures are to be presented to the Office of Security for guidance and resolution.

§ 8.8 Chartering of committees.

(a) *Requirements.* (1) Each advisory committee, whether established or utilized, must have a charter approved by the Deputy Under Secretary of State for Management and filed with the Advisory Committee Management Officer, the Senate Foreign Relations Committee and the House Committee on International Relations, and in the case of a Presidential advisory committee only with the Committee Management Secretariat of OMB before it can hold a meeting.

(2) Formal subgroups may be chartered separately or the requisite information set forth in the charter of the parent committee.

(3) Informal subgroups may not require a charter; however, the charter of the parent committee must cover this aspect of its organization.

(4) The Advisory Committee Management Officer will, at the time a charter is filed, furnish a copy of the filed charter to the Library of Congress.

(b) *Contents.* Each committee charter shall contain: the official name and acronym, if any; the objectives, scope of activity, and full description of duties;

V40 I131 JUL 8 75 XUM

the authority for such functions; the Department official (by title) to whom the committee reports; the relationship to or with other committees; the committee organization, composition of membership and officers' responsibilities; a description of the type of minutes, with their certification of accuracy, and records to be maintained; the estimated annual operating costs in dollars and man-years, and the source and authority for these resources; the period of time that will be required by the committee to accomplish its stated purpose; the estimated number and frequency of meetings; the termination date; and the filing date of the charter.

(c) *Termination and Renewal.* (1) An existing advisory committee will be automatically terminated at the end of a 2-year period (i.e., date specified in charter) unless its charter is renewed, except for a statutory committee which has provisions providing to the contrary.

(2) The Deputy Under Secretary for Management will make a determination, based on a comprehensive review, whether or not a committee will be continued.

(3) The OMB Secretariat will be advised of the determination and reasons therefore 60 days prior to the charter expiration date of the committee. If the Secretariat concurs, the Advisory Committee Management Officer will publish in the FEDERAL REGISTER the Department's intent to continue those advisory committees so designated by the Deputy Under Secretary for Management.

(4) Each office responsible for an advisory committee it wishes to continue will prepare a new charter and submit it to the Advisory Committee Management Officer before October 1 biennially.

(5) No advisory committee shall meet, advise or make recommendations between the expiration date of its charter and the date its new charter is filed.

(d) *Amendments.* (1) The charter of a committee may be amended, as necessary, to reflect current information on organization, composition, activities, et cetera.

(2) A proposed amendment must be approved prior to any committee activity to which the proposed amendment relates.

§ 8.9 Meetings of advisory committees.

(a) *Applicability.* The term "meeting" covers any situation in which all or some of the members of an advisory committee convene with a representative of the Department to transact committee business or to discuss matters related to the committee. This is applicable to an advisory committee and to its subordinate components.

(b) *Designated Department Official.* (1) No advisory committee may hold a meeting in the absence of the designated full-time Department or other U.S. Government officer.

(2) The designated Department or other U.S. Government officer has the following responsibilities:

(i) Prepares or approves the agenda for all meetings;

(ii) Calls or approves in advance the calling of the meetings;

(iii) Adjourns any meeting whenever he or she determines that adjournment is in the public interest.

(c) *Notice of Meetings.* (1) All advisory committee meetings, open or closed, will be publicly announced except when the President of the United States determines otherwise for reasons of national security.

(2) Notice of each such meeting shall be published in the FEDERAL REGISTER and in a Department of State Press Release at least 15 days prior to the meeting date.

(3) The responsible committee office will prepare the notice and press release, obtaining clearances as set forth in (i) and (ii) below, and deliver to the Advisory Committee Management Officer for action:

(i) *Open meeting*—clearance within initiating office/bureau;

(ii) *Closed meeting*—clearance within initiating office/bureau including its legal adviser, and the Bureau of Public Affairs at the Bureau level.

(4) The Deputy Under Secretary for Management will determine if an advisory committee may hold a closed meeting, after a request for a meeting not open to the public is cleared by the Advisory Committee Management Officer and the Office of the Legal Adviser.

(5) After the clearances set forth in § 8.9(c) (3) and (4), a notification of meeting may also be provided by the office/bureau to any persons or organizations known to be interested in the activities of the committee.

(6) The office sponsoring the committee is responsible for meeting publishing date requirements. Overall normal processing time prior to a meeting date is 25 days for an open meeting and 47 days for a closed meeting.

(d) *Contents of Notice.* (1) The content of the Federal Register public notice and the Department of State press release will be identical.

(2) An *open meeting* announcement will state the name of the committee; the date, time, and place of the meeting; the agenda or summary thereof; that the meeting will be open to the public; the extent to which the public may participate in the meeting, either orally or in writing; seating space available; and the name and telephone number of a committee officer to whom inquiries may be directed, including arrangements for those attending if the meeting is in a secure building.

(3) A *closed meeting* announcement will state the name of the committee, the date of meeting and the reason or reasons which justify the closing of the meeting in the public interest.

(e) *Closed Meetings.* (1) An advisory committee meeting may be closed in accordance with the Federal Advisory Committee Act when the President or Department determines that the meeting is concerned with matters listed in section 552(b) of Title 5, United States Code.

(2) Any determination to close all or a part of a meeting must be based upon specific reasons. If a meeting is to cover separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(3) When a meeting or portion of a meeting is to be closed to the public, the notice should state the reasons for the closing.

(4) The written request in accordance with § 8.9(c)(4) for a determination by the Deputy Under Secretary for Management that a committee may hold a closed meeting must be submitted at least 47 days before the scheduled date of the meeting unless the Deputy Under Secretary for Management determines that a shorter period of time is necessary.

(f) *Cancelled Meetings.* (1) The cancellation of a scheduled committee meeting must be publicized without delay.

(2) The responsible committee office will prepare a public notice and press release and hand-carry them to the Advisory Committee Management Officer as soon as the decision to cancel the meeting is made.

(3) The notice and press release will state the name of the advisory committee, identify the meeting that is cancelled, and state why it is cancelled. The FEDERAL REGISTER data, if known, concerning the announcement should be cited.

(g) *Rescheduled Meetings.* When it is not feasible to hold an advisory committee meeting on the date that has been announced such meeting may be rescheduled for a later date by utilizing the same procedure as set forth in § 8.9(f) except the word rescheduled is substituted for cancelled.

(h) *Minutes.* (1) *Detailed minutes* of each advisory committee meeting, including subgroups, shall be kept.

(2) The minutes for an *open meeting* shall as a minimum cover the following items: the time and place of the meeting; a listing of advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; a description of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(3) The minutes for a *closed meeting* shall include all that is required for an open meeting except those items relating to the presence of the public.

(4) The chairman of each advisory committee shall certify the accuracy of the committee minutes.

§ 8.10 Reports.

(a) There are two categories of reports on advisory committees. One category is concerned with management and the other with advisory activities.

(b) Management reports include:

(1) *Comprehensive Review.* An annual review shall be conducted on a calendar year basis to determine the essentiality of the committee. The results of that Review are included in the Annual Report. The due date is *October 1.*

(2) *Annual Report.* A calendar year report which covers the status of the committee. It is a component report for the President's annual report to the Congress. The due date is *December 31.*

(3) *Report of Closed Meeting(s).* A summary of the activities and related matters discussed by a committee during a closed meeting shall be prepared annually. It is to be as informative as possible for the public consistent with section 552(b) policy of the Freedom of Information Act.

(4) *Other Reports.* Other management reports that may be required, such as requests from the Office of Management and Budget, Congressional Committees, et cetera, will be submitted in accordance with the requested due date.

(c) Advisory activities reports are reports issued by the committee. They are to be submitted, when prepared in final as a committee document or published, on a current basis.

(d) All reports are submitted to the Advisory Committee Management Officer.

(1) The Comprehensive Review is signed by the responsible committee officer and approved by the bureau/office policy making officer. It is submitted in original only.

(2) The Annual Report will be prepared on Standard Forms 248 and 249 in original and one copy. (Instructions for preparation are printed on the back of the forms.)

(3) The Report of Closed Meeting(s) is signed by the committee chairman and submitted in original and 8 copies.

(4) The advisory activities reports are submitted in 9 copies each, except Presidential advisory committee reports are submitted in 12 copies.

§ 8.11 Records.

(a) The records of an advisory committee consist of all papers and documents which are prepared for or by and/or made available to the committee, and are maintained by the office responsible for the committee. Such records are *inter alia* agenda, drafts, minutes, notices, press releases, reports, studies, transcripts, and working papers.

(b) The Advisory Committee Management Officer maintains the Department's official records relating to the management of all committees.

§ 8.12 Financial records.

Accurate records will be kept by the responsible committee office of all operating and salary costs of a committee. (See instruction item 17 on SF-248).

§ 8.13 Availability of records.

The records of a committee are to be made available upon request in accordance with the Department's regulations promulgated in accordance with the provisions of the Freedom of Information Act (40 FEDERAL REGISTER 7256-7259, February 19, 1975.)

§ 8.14 Public inquiries.

Public inquiries concerning the implementation of the Federal Advisory Committee Act and the management of the advisory committees of the Department should be addressed to the Advisory Committee Management Officer, Management Systems Staff, Department of State, Washington, D.C. 20520.

[FR Doc.75-17585 Filed 7-7-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-282]

PART 2205—FEDERAL DISASTER ASSISTANCE

Final Regulations; Correction

In FEDERAL REGISTER Docket 75-282 appearing at page 23252 in the FEDERAL REGISTER of Wednesday, May 28, 1975, the following changes should be made:

1. On page 23255, first column, in paragraph (g) of § 2205.7, in the ninth line of that paragraph, the reference to "§ 2205.54(i)" is corrected to refer to "§ 2205.54(h)(2)".

2. On page 23261, third column, in paragraph (c)(1)(C) of § 2205.48, the subparagraphs numbered "(1)" and "(2)" are corrected to be numbered (ii) and (iii), respectively.

3. On page 23262, first column, paragraph (d) of § 2205.48 is corrected by, in the third line of that paragraph, changing the word "other" to "order."

4. On page 23262, third column, in paragraph (h) of § 2205.48, the subparagraph numbered "(A)" is corrected to be renumbered "(2)".

5. On page 23263, first column, the fourth line of § 2205.51 is corrected by deleting "(Docket No.———, FR ———, dated ———)" and substituting therefor "(Docket No. 75-309, 40 FR 10705, dated March 7, 1975)".

6. On page 23263, second column, paragraph (a)(3)(ii) of § 2205.54 is corrected by, in the first line thereof, deleting "of" and substituting therefor "or".

7. On page 23263, second column, paragraph (a)(3)(v) of § 2205.54 is corrected by, in the fourth line of that paragraph, deleting "used" and substituting therefor "used".

8. On page 23264, third column, paragraph (h) of § 2205.54 is corrected by, in the second line of that paragraph, deleting the word "Grants," and adding the words "In lieu of categorical grants" following the word "contribution" and immediately before the word "described".

9. On page 23265, first column, paragraph (h) of § 2205.54 is corrected by renumbering subparagraphs "(A)," "(A)(1)," "(B)," "(C)," and "(D)." The correct numbers are "(2)," "(2)(i)," "(ii)," "(iii)," and "(iv)," respectively.

10. On page 23268, second column, § 2205.73" is corrected by, in the seventeenth line of that section, changing "§ 2205.54(h)(4)" to read § 2205.54(h)(1)(iv)".

11. On page 23269, first column, paragraph (a) of § 2205.78 is corrected by, in the eleventh line of that paragraph, changing "diasters" to read "disasters".

12. On page 23269, second column, paragraph (c)(2) of § 2205.79 is corrected by deleting the words "Comment: (See previous comments on similar terms.)" The following word "Indicates" is corrected to read "Indicate".

Dated: June 17, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-17613 Filed 7-7-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-8—ATLANTA PLAN

Extension

On June 25, 1971, the Department of Labor published the Atlanta Plan (36 FR 12096). The Atlanta Plan is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Atlanta area, which includes Fulton, DeKalb, Cobb, Clayton, and Gwinnett Counties. The present Atlanta Plan expired on June 30, 1975. Therefore, in order to ensure positive efforts toward the elimination of minority underutilization in the Atlanta area construction industry, the establishment of a Revised Atlanta Plan will be proposed and, such a proposal will be published in the FEDERAL REGISTER prior to July 31, 1975. Due to the requirement that the proposed Revised Atlanta Plan be published for comment for at least 30 days prior to promulgation as a final rule the Atlanta Plan is hereby extended until the proposed Revised Atlanta Plan becomes effective.

Accordingly, Appendix A of the Atlanta Plan, § 60-8.30, must be included in all invitations or other solicitations for bids on Federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000 in the Atlanta area until the proposed Revised Atlanta Plan becomes effective. All invitations and other solicitations for bids should be revised to reflect this extension by revising Appendix A, § 60-8.30. The goals in Appendix A for the final year of the Plan will be applicable. Appendix A of the Atlanta Plan is available for inspection in the OFCC Regional Office, 1371 Peachtree Street, NE., Room 720, Atlanta, Georgia 30309 and the Office of the Director, OFCC, Room N3402,

V40 I131 JUL 8 75 XUM

200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of June, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-17505 Filed 7-7-75;8:45 am]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105-61.1—Public Use of Archives and FRC Records

AVAILABILITY OF RECORDS

Section 105-61.101 is amended to include requirements for loaning of archival records for exhibit.

Section 105-61.101§1(f) is added to read as follows:

§ 105-61.101-1 General.

* * * * *

(f) Certain documents in the custody of NARS are available for exhibit, but are loaned only if the exhibitor meets exacting requirements regarding security, insurance coverage, and humidity and temperature control of the exhibit area. These requirements may be obtained by writing to General Services Administration (NE), Washington, DC 20408.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This regulation is effective on July 8, 1975.

Dated: June 27, 1975.

ARTHUR F. SAMPSON,
Administrator.

[FR Doc.75-17579 Filed 7-7-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-761]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Station Records of TV Translators and FM Transistors and FM Boosters

In the matter of amendment of §§ 74.765, 74.1265, 74.781 and 74.1281 of the rules pertaining to station records of TV translators and FM translators and FM boosters.

1. By Order adopted May 28, 1975, in the above-captioned proceeding (FCC 75-623, released June 5, 1975), the Commission rectified an omission in the television translator, FM translator, and FM booster rules by specifying where station records are to be maintained. Apparently, it was quite clear with respect to non-licensee owned translators, i.e., translators licensed to persons or entities other than the licensees of the primary stations, but some confusion has arisen as to whether it was intended to require primary station licensees to maintain translator station records only in the communities of license of the translators. It was not.

2. The purpose of the Order was to clarify the rules, not to impose any additional burdens on licensees or on the Commission's field personnel. Primary station licensees now generally maintain all station records at their studios or other principal places of business where they are readily available during business hours. To require them to disperse these records to various places in countless small communities where they may have translators would defeat the purpose of the rule changes. Accordingly, the rules are being amended to correct this oversight and to make it clear that the translator and FM booster station records of FM boosters and licensee-owned translators may be kept either in one of the principal communities of the translator or FM booster or at the place where the primary station records are maintained, so long as the identity of the person keeping the records and the address are posted at the translator or FM booster site.

3. These amendments to the rules are adopted pursuant to the authority contained in sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended. Since the changes are qualifications, i.e., interpretative, the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

4. *Accordingly, it is ordered,* That, effective July 9, 1975, §§ 74.781 and 74.1281 of the Commission's rules are amended as set forth below.

Adopted: June 24, 1975.

Released: June 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 74.781, paragraph (c) is amended to read as follows:

§ 74.781 Station records.

* * * * *

(c) The station records shall be maintained for inspection at a residence, office, public building, place of business, or other suitable place, in one of the communities of license of the translator, except that the station records of a translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.765(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

* * * * *

2. In § 74.1281, paragraph (c) is amended to read as follows:

§ 74.1281 Station records.

* * * * *

(c) The station records shall be maintained for inspection at a residence, office, public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.1265(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

* * * * *

[FR Doc.75-17635 Filed 7-7-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS: GENERAL

PART 229—CURRENT GOOD MANUFACTURING PRACTICE FOR CERTAIN OTHER DRUG PRODUCTS

Reorganization and Republication; Correction

In FR Doc. 75-7952 appearing at page 13996 in the FEDERAL REGISTER of Thursday, March 27, 1975, on page 14033:

1. In the 21st line of § 229.25(a), the cross reference to "Part 640" should read "Subchapter F". The cross reference was incorrectly converted during this recodification from "Part 73 of Title 42" to "Part 640 of this chapter." Part 73 of Title 42 had been transferred to 21 CFR Part 273 in a notice published in the FEDERAL REGISTER of August 9, 1972 (37 FR 15993) and later reorganized into nine parts under Subchapter F in a recodification published in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048).

2. The following paragraph was inadvertently dropped and is being restored to read as follows:

(b) The criteria in §§ 211.10, 211.20, 211.30, 211.40, 211.42, 211.55, 211.58, 211.60, 211.62, 211.80, 211.101, and 211.110 shall also apply in determining whether the manufacture, processing, packing, or holding of any such drug conforms to, or is operated or administered in conformity with, current good manufacturing practice to the extent that these criteria are not inconsistent with the provisions of Subchapter F of this chapter.

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17504 Filed 7-7-75;8:45 am]

[1] Commissioners Hooks and Quello absent.

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Mecloqualone and the Thiophene Analog of Phencyclidine in Schedule I

A notice of proposed rulemaking issued May 9, 1975 by the Administrator of the Drug Enforcement Administration, and published in the FEDERAL REGISTER on May 29, 1975 (40 FR 23306) proposed that Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513) be amended to include mecloqualone, and the thiophene analog of phencyclidine (1-[1 - (2 - thienyl) cyclohexyl] piperidine). All interested persons were given until July 1, 1975 to submit comments, objections and requests for a hearing in the matters. The notice further provided that if all interested persons waive their opportunity to request or participate in a hearing, the Administrator may, without a hearing, issue his final order pursuant to 21 CFR 1308.48 after giving consideration to any comments submitted.

In view of the fact that no comments, objections, or requests for a hearing have been received, the Acting Administrator has determined that all interested persons are deemed to have waived their opportunity for a hearing in the matters, and a final order with respect to controlling the above substances shall be issued without a hearing pursuant to 21 CFR 1308.48.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Acting Administrator of the Drug Enforcement Administrations finds that:

1. Based on information now available, mecloqualone and the thiophene analog of phencyclidine have a high potential for abuse.

2. Mecloqualone and the thiophene analog of phencyclidine have no currently accepted medical use in treatment in the United States.

3. There is a lack of accepted safety for use of mecloqualone and of the thiophene analog of phencyclidine under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that § 1308.11 of Title 21 of the Code of Federal Regulations be amended to read:

§ 1308.11 Schedule I.

* * * * *

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 4-bromo - 2,5 - dimethoxyamphetamine Some trade or other names: 4 - bromo - 2,5 - dimethoxy - α-methylphenethylamine; 4-bromo-2,5-DMA.	7391
(2) 2,5-dimethoxyamphetamine Some trade or other names: 2,5 - dimethoxy - α - methylphenethylamine; 2,5-DMA.	7396
(3) 4-methoxyamphetamine Some trade or other names: 4-methoxy - α - methylphenethylamine; paramethoxyamphetamine; PMA.	7411
(4) 5-methory-3,4 - methylenedioxy amphetamine	7401
(5) 4 - methyl - 2,5 - dimethoxyamphetamine Some trade and other names: 4 - methyl - 2,5 - dimethoxy-α - methylphenethylamine; "DOM"; and "STP".	7395
(6) 3,4 - methylenedioxy amphetamine	7400
(7) 3,4,5-trimethoxy amphetamine	7390
(8) Bufotenine Some trade and other names: 3 - (β - Dimethylaminoethyl) - 5 - hydroxyindole; 3-(2-dimethylaminoethyl) - 5 - indolol; N, N - dimethylserotonin; 5 - hydroxy - N,N - dimethyltryptamine; mappine.	7433
(9) Diethyltryptamine Some trade and other names: N,N-Diethyltryptamine; DET.	7434
(10) Dimethyltryptamine Some trade or other names: DMT.	7435
(11) Ibogaine Some trade and other names: 7 - Ethyl - 6,6β,7,8,9,10,12,13-octahydro - 2 - methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5, 4-b] indole; tabernanthe iboga.	7260
(12) Lysergic acid diethylamide	7315
(13) Marihuana	7360
(14) Mescaline	7381
(15) Peyote	7415
(16) N-ethyl-3-piperidyl benzilate	7482
(17) N-methyl-3-piperidyl benzilate	7484
(18) Psilocybin	7437
(19) Psilocyn	7438
(20) Tetrahydrocannabinols Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Δ1 cis or trans tetrahydrocannabinol, and their optical isomers. Δ6 cis or trans tetrahydrocannabinol, and their optical isomers. Δ3,4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)	7370
(21) Thiophene Analog of Phencyclidine Some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP	

(e) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone	2572

* * * * *

Effective dates. Based on investigations conducted by the Drug Enforcement Administration, the Acting Administrator hereby finds that mecloqualone, in the past, has been clandestinely manufactured for purposes of distribution and diversion outside legitimate drug channels. A most recent investigation has revealed that this clandestine manufacturing activity continues.

The Acting Administrator finds that Congress intended that the Attorney General "* * * should not be required to wait until a number of lives have been destroyed or substantial problems have already arisen before designating a drug as subject to controls of the [Act] * * *" H.R. Rep. No. 91-1444 (part 1) 91st Cong. 2d Sess. 35 (1970).

Considering the danger inherent in mecloqualone as a drug meeting the criteria for inclusion into Schedule I, and considering that Congress intended that controls apply to drugs in a preventative manner, the Acting Administrator hereby finds, based upon the above, that the public health, as well as safety, necessitate the placement of Schedule I controls

V40 I131 JUL 8 75 XUM

upon mecloqualone at a date earlier than thirty days from the date of publication of this order in the FEDERAL REGISTER.

Therefore, pursuant to § 1308.48 of Title 21 of the Code of Federal Regulations, the dates on which this order is to take effect are as follows:

1. *Registration.* Any person who manufactures, distributes, dispenses, imports or exports mecloqualone, or the thiophene analog of phencyclidine, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of title 21 of the Code of Federal Regulations on or before August 11, 1975, with respect to the thiophene analog of phencyclidine, and on or before July 10, 1975, with respect to mecloqualone.

2. *Security.* Mecloqualone, and the thiophene analog of phencyclidine must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72 (a), 1301.73, 1301.74(a)–(c), (e)–(f), 301.75(a), (c), and 1301.76 of Title 21 of the Code of Federal Regulations. Compliance with the above shall be required on or before August 11, 1975 with respect to the thiophene analog of phencyclidine, and shall be required on or before July 10, 1975 with respect to mecloqualone. In the event this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for an extension of time submitted to it on or before the respective required dates of compliance.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of mecloqualone, packaged after July 10, 1975, and all labels on commercial containers of, and all labeling of the thiophene analog of phencyclidine, packaged after August 11, 1975, shall comply with the requirements of §§ 302.1-03–1302.05, and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act) 21 U.S.C. 802 (14)), the Drug Enforcement Administration will entertain any justified requests for an extension of time submitted to it before the respective required dates of compliance.

4. *Quotas.* All persons required to obtain quotas with respect to the thiophene analog of phencyclidine, and mecloqualone, shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations on or before August 11, 1975 as to the thiophene analog of phencyclidine, and on or before July 10, 1975 as to mecloqualone.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of mecloqualone, or of the thiophene analog of phencyclidine, shall take an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of the thiophene analog of phencyclidine on hand, on August 11, 1975, and of all stocks of mecloqualone on hand, on July 10, 1975.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations, shall maintain such records on the thiophene analog of phencyclidine, and on mecloqualone, on the respective dates on which inventories of such substances are required to be taken, as hereinabove provided.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations, shall file such reports on the thiophene analog of phencyclidine, and on mecloqualone, on the respective dates on which inventories of such substances are required to be taken, as hereinabove provided, and on all subsequent transactions.

8. *Order forms.* Each distribution of the thiophene analog of phencyclidine after August 11, 1975, and of mecloqualone after July 10, 1975, shall be pursuant to an order form in accordance with Part 1305 of Title 21 of the Code of Federal Regulations.

9. *Importation and exportation.* All importation and exportation of the thiophene analog of phencyclione on and after August 11, 1975, and of mecloqualone on and after July 10, 1975, shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal liability.* Pursuant to Title 21 of the Code of Federal Regulations, § 1308.48, the Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to mecloqualone which is not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after publication of this order, shall be unlawful, except that any person not now registered to handle mecloqualone, but who is entitled to registration and who has submitted an application to the Drug Enforcement Administration for registration, on or before July 10, 1975, as herein before provided, shall be permitted to conduct normal business or professional practice with mecloqualone between the date on which this order is published and the date on which he obtains or is denied registration.

The provisions of this paragraph shall apply with respect to the thiophene analog of phencyclidine, except that any person not now registered to handle the thiophene analog of phencyclidine, but who is entitled to registration and who has submitted an application on or before August 11, 1975, as hereinabove provided, shall be permitted to conduct normal business or professional practice with the thiophene analog of phencyclidine between the date on which this order is published and the date on which he obtains or is denied registration.

11. *Other.* In all other respects, this order is effective on August 11, 1975 with respect to the thiophene analog of pencyclidine, and on July 10, 1975 with respect to mecloqualone.

Dated: July 3, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-17856 Filed 7-7-75;8:47 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Exempt Cemetery Companies and Crematoria

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 8, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d) (9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 8, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) under sections 501(c)(2) and 501(c)(13) of the Internal Revenue Code of 1954, relating to exempt title holding companies, and to exempt cemetery companies and crematoria respectively.

The reason for these amendments is to make clerical changes in the regulations under section 501(c)(2), so as to reflect the revision of section 514 by the Tax Reform Act of 1969 (Pub. L. 91–172, 83 Stat. 543); to reflect changes made in section 501(c)(13) by the Act of December 31, 1970 (Pub. L. 91–618, 84 Stat. 1855), exempting certain crematoria from the corporate income tax; to clarify the standards for exemption under section 501(c)(13); and to help identify when certain transfers to cemetery companies and crematoria are in exchange for equity interests rather than for debt obligations.

Amendment to the regulations. In view of the foregoing, the Income Tax Regulations (26 CFR Part 1) under sections 501(c)(2) and 501(c)(13) of the Internal Revenue Code of 1954 are revised as follows:

PARAGRAPH 1. Section 1.501(c)(2)–1 (a) is amended to read as follows:

§ 1.501(c)(2)–1 Corporations organized to hold title to property for exempt organizations.

(a) A corporation described in section 501(c)(2) and otherwise exempt from tax under section 501(a) is taxable upon its unrelated business taxable income. For taxable years beginning before January 1, 1970, see § 1.511–2(c)(4). Since a corporation described in section 501(c)(2) cannot be exempt under section 501(a) if it engages in any business other than that of holding title to property and collecting income therefrom, it cannot have unrelated business taxable income as defined in section 512 other than debt financed income which is treated as unrelated business taxable income solely because of section 514; or certain interest, annuities, royalties, or rents which are treated as unrelated business taxable income solely because of section 512(b)(3)(B)(ii) or (15). Similarly, exempt status under section 501(c)(2) shall not be affected where certain rents from personal property leased with real property are treated as unrelated business taxable income under section 512(b)(3)(A)(ii) solely because such rents attributable to such personal property are more than incidental when compared to the total rents received or accrued under the lease, or under section 512(b)(3)(B)(i) solely because such rents attributable to such personal property exceed 50 percent of the total rents received or accrued under the lease.

PAR. 2. Section 1.501(c)(13) is amended to read as follows:

§ 1.501(c)(13) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; cemetery companies and crematoria.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

• • • • •

(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for the purpose of the disposal of bodies by burial or cremation which is not permitted by its charter to engage in any business not necessarily incident to that purpose and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(Sec. 501(c)(13) as amended by Act of December 31, 1970 (Pub. Law 91–618, 84 Stat. 1856))

PAR. 3. Section 1.501(c)(13)–1 is amended to read as follows:

§ 1.501(c)(13)–1 Cemetery companies and crematoria.

(a) *Nonprofit mutual cemetery companies.* A nonprofit cemetery company may be entitled to exemption if it is owned by and operated exclusively for the benefit of its lot owners who hold such lots for bona fide burial purposes and not for the purpose of resale. A mutual cemetery company which also engages in charitable activities, such as the burial of paupers, will be regarded as operating in conformity with this standard.

(b) *Nonprofit cemetery companies and crematoria.* Any nonprofit corporation, chartered solely for the purpose of the burial, or (for taxable years beginning after December 31, 1970) the cremation of bodies, and not permitted by its charter to engage in any business not necessarily incident to that purpose, is exempt from income tax, provided that no part of its net earnings inures to the benefit of any private shareholder or individual.

(c) *Preferred stock*—(1) *In general.* (i) Any cemetery company or crematorium which fulfills the other requirements of section 501(c)(13) may be exempt, even though it issues preferred stock at par entitling the holders to dividends at a fixed rate, not exceeding the legal rate of interest in the State of incorporation or 8 percent per annum whichever is greater, on the value of the consideration for which the stock was issued, provided that its articles of incorporation require that all funds not

V40-131 JUL 8 75 XUM

needed either for the care and improvement of cemetery property or for the payment of dividends, shall be used currently for the retirement of such stock at par. For purposes of this paragraph (c)(1)(i), amounts set aside for the future retirement of such preferred stock shall not be treated as having been used for its "current" retirement until such stock is actually retired, except in the case of amounts set aside for the redemption of preferred stock issued before August 6, 1975, pursuant to a legal obligation requiring such set asides.

(ii) For taxable years beginning before January 1, 1978, a cemetery company or crematorium which issues preferred stock as provided in the preceding paragraph (c)(1)(i), shall not fail to be exempt solely because its articles of incorporation require:

(A) That the preferred stock shall be retired at par as soon as sufficient funds available therefor are realized from sales, and

(B) That all funds not required for the payment of dividends upon or for the retirement of preferred stock shall be used by the company for the care and improvement of the cemetery property.

(2) *Legal rate of interest.* For purposes of this paragraph, the term "legal rate of interest" shall mean the rate of interest prescribed by law in the State of incorporation which prevails in the absence of an agreement between contracting parties fixing a rate.

(d) *Sales to exempt cemetery companies and crematoria.* Except as otherwise provided in paragraph (c) (with respect to preferred stock), a cemetery company or crematorium is not exempt from income tax if property is transferred to such organization in exchange for an equity interest. In determining whether property is transferred to a cemetery company or crematorium in exchange for an equity interest, as opposed to being transferred for a bona fide debt obligation, consideration will be given to all the facts and circumstances surrounding the transfer including the following factors:

(1) Whether there is a written unconditional promise to pay on demand or on a specified date a sum certain in money in return for an adequate consideration in money or money's worth, and to pay a fixed rate of interest; and

(2) Whether there is subordination to, or preference over, any indebtedness of the company.

(e) *Convertible debt obligations.* A cemetery company or crematorium is not exempt from income tax under section 501(c)(13) if it issues debt obligations after July 7, 1975, which are convertible into the preferred stock of the company.

[FR Doc.75-17678 Filed 7-7-75;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 212]

PAROLE OF ALIENS INTO THE UNITED STATES; TERMINATION OF PAROLE

Proposed Rulemaking

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 212.5(a) and (b), to provide that no alien shall be paroled into the United States under a refugee program, or under a claim of asylum program to Part 108 of this title, if he has ordered, assisted or participated in the persecution of any person because of race, religion or political opinion or if he refuses to make a sworn statement with respect thereto.

It is proposed to add a sentence following the existing first sentence. The existing first sentence and the added new sentence will constitute § 212.5(a). Immediately following the new paragraph (a) a new paragraph (b) "Termination of parole", will follow, which will include the existing second and third sentences of (a). The present paragraph (b) is to be redesignated (c), but is otherwise not changed. The purpose of the proposed amendment is to implement the Indochinese parole program.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by August 8, 1975, will be considered.

In the light of the foregoing it is proposed to amend Part 214 of Chapter I of Title 8 of the Code of Federal Regulations as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

It is proposed to amend § 212.5 to read, in its entirety, as follows:

§ 212.5 Parole of aliens into the United States.

(a) *General.* The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the Act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212(d)(5) of the Act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I-352, as such officer shall deem appropriate. No alien shall be paroled into the United States under a refugee program or under a claim of asylum pursuant to Part 108, if he has ordered, assisted or participated in the persecution of any person because of race, religion or political opinion or if he refuses to make a sworn statement with respect thereto.

(b) *Termination of parole.* At the expiration of the period of time or upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located that neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he shall be restored to the status which he had at the time of parole, and further inspection or hearing shall be conducted under section 235 or 236 of the Act and this chapter, or any order of exclusion and deportation previously entered shall be executed. If the exclusion order cannot be executed by deportation within a reasonable time, the alien shall again be released on parole unless in the opinion of the district director the public interest requires that the alien be continued in custody.

(c) *Advance authorization.* When parole is authorized for an alien who will travel to the United States without a visa, the alien shall be issued Form I-512.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Dated: July 1, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-17628 Filed 7-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A8, AO-254-A7]

LIMES GROWN IN FLORIDA AND AVOCADOS GROWN IN SOUTH FLORIDA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendments of Marketing Agreements and Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911) and to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), (hereinafter referred to collectively as "the Orders" unless referred to individually) regulating the handling of limes grown in Florida and the handling of avocados grown in South Florida, respectively.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by August 1, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The proposed further amendments of the marketing agreements, as amended, and orders, as amended, were formulated on the record of a public hearing held at Homestead, Florida, on April 10, 1975. Notice of the hearing was published in the March 14, 1975, issue of the FEDERAL REGISTER (40 FR 11876). The proposals contained in the notice of hearing were submitted by the Florida Lime Administrative Committee and the Avocado Administrative Committee.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Revise the procedure for nominating persons to fill grower and handler positions on the committees, to permit nominations by mail in District 2 and change the period used to determine the volume for weighting the vote of each handler;

(2) Revise the assessment provisions which limit the rate to 10 cents per 55 pounds of fruit for administrative purposes and 10 cents per 55 pounds for research and development;

(3) Authorize production research;

(4) Authorize four shipping holidays not exceeding 6 days each at July 4, Labor Day, Thanksgiving, and Christmas;

(5) Require the Avocado Administrative Committee to submit to the Secretary a marketing policy report for the ensuing season, prior to recommending seasonal regulations;

(6) Revise the tolerances in the lime order applicable to the quantity of limes each handler would be permitted to ship in excess of his allotment; and

(7) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

1. The provisions of each of the orders in §§ 911.22 and 915.22 should be amended, as hereinafter set forth, to authorize the committees to conduct nominations by mail in District 2 in accordance with procedures recommended by the committees and approved by the Secretary.

Each of the orders is administered locally by a 9-member administrative committee, of which 5 are grower members and 4 handler members. Geographically, 4 grower and 3 handler members represent District 1 and 1 grower and 1 handler District 2. Such members are selected by the Secretary from nominees elected as specified in the order by the growers or handlers, as the case may be, or from among other eligible persons. Currently nominees are elected at meetings of growers and handlers in the respective districts. Only growers and handlers who are present at such meetings may vote in the election of nominees, except that growers who reside outside the production area may be represented at such meetings by authorized agents.

The production area for avocados includes the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas and all the area in Florida south of such counties. For limes the production area includes all of Florida except the area west of the Suwannee River. Under the avocado order, Dade County comprises District 1, and the balance of the production area comprises District 2. Under the lime order, Dade and Monroe Counties comprise District 1 and the balance of the production area District 2. The bulk of production of both commodities occurs in District 1 and this is reflected in the composition of the committees.

During the time the orders have been in effect, many of the lime and avocado plantings in District 2 have been replaced by grapefruit and oranges. The number of growers and handlers has declined in that district. Because of the relatively large area covered by District 2 and the longer distances involved, travel and program participation is more difficult for the growers and handlers in District 2 than for those in District 1. In order to participate in nomination meetings at a central location in this district, participants have had to travel up to 230 miles. This and the time involved has tended to inhibit active participation of growers and handlers in nominations. It is desirable to encourage participation in nominations and this could be accomplised by providing each District 2 grower and handler an opportunity to participate in the election of nominees for committee members and alternates by mail. Procedure for obtaining the names of candidates to be included on the ballots and the manner of voting could be prescribed in the rules and regulations under the program. For example, each grower and handler, as applicable, could be contacted by mail and requested to submit by a specified date the name of a candidate for each position to be filed. After the date has expired, all the names received would be listed on a ballot which would be mailed to growers or handlers, as applicable, with instructions for executing the ballot and returning it to the committee office for counting.

Current provisions of the order specify that in the nomination and election of handler nominees each handler's vote shall be weighted by the volume of limes or avocados, as the case may be, he shipped during the then current fiscal year. The fiscal year covers a 12-month period ending March 31 each year. Since the nominations are required to be submitted not later than February 15 each year, the volume used for weighting each handler's vote includes only the volume he handled during the fiscal year previous to the date on which the elections are held. This has resulted in the use of the volume of less than a fiscal year. It was advanced that a more appropriate volume to be used for such weighting would be the volume he handled during the calendar year ended just previous to the time the nominations are made. This would permit a full year's shipments to be used in the weighting, and as such year would end December 31, this would allow more ample time for the committee to compile each handler's record of shipments prior to the time the nomination meetings are held.

It is, therefore, concluded that the orders should be amended, as hereinafter set forth to provide for the election of nominees to fill committee positions by mail in accordance with procedures established by the respective committees with the approval of the Secretary, and to provide that each handler's vote shall be weighted by the volume of limes or avocados, as the case may be, shipped by such handler during the immediately preceding 12-month period January through December.

2. The orders should be amended, as hereinafter set forth, to revise §§ 911.41 and 915.41 *Assessments* to remove the maximum assessment limitations of 10 cents per 55 pounds of fruit for administrative purposes and 10 cents per 55 pounds of fruit for marketing research and development purposes and to retain the present total rate of assessment at not in excess of 20 cents per 55 pounds of fruit. Flexibility is needed so as to be able to meet the needs of the programs. For example, in the event of a hurricane or severe freeze, the crops of limes and avocados could be severely reduced, and the full 20 cents per bushel of fruit assessment rate could be required to cover administrative costs alone. Conversely, very large crops would likely require increased expenditures for market development and paid advertising, in order to expand markets for increased supplies of fruit. In addition, authority for production research if added as proposed would require increased funding for this activity. Removing the limitations on assessments for administration and for research and development, would add needed flexibility to the committees' ability to fund various programs, and the orders should be amended to effect the removal of such limitations. Since the record indicates that the provision of a 20 cents per bushel maximum assessment is desirable, it is concluded that such maximum should be retained.

3. The provisions of the orders contained in §§ 911.45 and 915.45 *Marketing research and development* should be amended, as hereinafter set forth, to include authority for the committees to engage in production research projects, in addition to presently authorized marketing research and development activities. The orders presently contain authority for committee expenditures on marketing research and development

V 40 I 131 JUL 8 75 XUM

projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes and avocados after they leave the farm gate. The record indicates that there are a number of problems related to the production of these fruits which are in need of solution to assure efficient production.

The committees have conducted several marketing research projects in recent years aimed at maintaining or improving the market quality of limes and avocados. During that time, it has become obvious that some of the most serious fruit quality problems arise in the groves prior to and during harvest. Addition of authority permitting the conduct of production research would enable the committees to seek solutions to such problems in an organized manner. Such authority should be broad enough to include the study of any problem connected with growing and harvesting of limes and avocados. Some such problems relate to keeping quality. For example, stylar end breakdown was cited as an important production problem for limes. Though stylar end breakdown shows up mostly in distribution channels and in retail stores, it appears that the contributing causes are located mainly at the grove level. In avocados, maturity is difficult to measure. This record shows there is a need for developing more precise criteria for determining maturity.

Other lime problems include weed control which has been costly and chiefly limited to mechanical means. Preliminary tests indicate chemicals have shown promise for weed control, but additional research is needed to find chemical weed control agents which are effective in eliminating the types of weeds indigenous to lime groves in the production area. Also disease is a serious problem in lime groves and has resulted in reduced production. Treatment costs have increased greatly. Hence there is a need for increased knowledge in disease control. On avocados areas other than maturity which were mentioned as needing research attention include variety selection, weed control, especially of vines and certain hardy woody weeds, and identification of more suitable root stocks.

While the authority should not be so limited, the committees should rely mainly on existing agencies engaged in research such as experiment stations, universities, and other qualified organizations to conduct production research studies. In many instances such agencies have the necessary equipment, laboratories, and personnel but lack funds for added work. The record indicates that partial funding of projects may expedite research by public agencies of studies most important to the lime and avocado industries.

As currently is required for marketing research, prior to engaging in any production research project the committee should submit to the Secretary for his approval plans for each project. The committees, when considering any project, should give consideration to the need for and benefits of the research and its costs. The committees should require progress reports on each project at reasonable intervals and specify that final results shall be made available in written report form. The cost of any such projects should be included in the budget submitted for approval.

4. The provisions of the orders contained in §§ 911.48 and 915.51 *Issuance of regulations* should be amended, as hereinafter set forth, to include authority for the committees to recommend and the Secretary to issue regulations limiting the shipment of the total quantity of limes and avocados by prohibiting shipments during any of four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day. Such period of prohibited shipments is commonly referred to as a "shipping holiday". The addition of such authority is needed to provide a means to prevent the buildup of excessive quantities of fruit in the markets and to balance supplies with demand in the markets during the slow demand period immediately following the specified holiday periods.

There is a tendency for shippers and others involved in the distribution of limes and avocados to overestimate the holiday demand for these fruits. Heavy shipments are sent to markets prior to the holiday periods and this results in a buildup of excessive supplies in distribution channels and the markets. When markets are oversupplied in the post holiday period and shipments are continued markets become demoralized and prices to growers drop to ruinous levels.

When markets are supplied to excess and the fruit does not move in accord with its normal shelf-life the fruit deteriorates and the fruit available to consumers is of a lesser quality than when the supply is in reasonable balance with the prevailing demand conditions. There is a delicate balance between the demand and the available quantity of fruit in the market place. Limiting shipments to markets during and immediately following the specified holidays, when demand is poor and sales are slow could avoid the excessive buildup of supplies at markets, provide consumers better quality fruit, and maintain grower prices and returns consistent with the act.

It is recognized that it may not be necessary to prescribe a shipping holiday for each of the specified holidays each season. Likewise, establishment for a full six-day period for any holiday period may not be appropriate. In developing any recommendation for such a holiday regulation the committee should consider the factors affecting the supply and demand as specified in the order and recommend accordingly.

In addition, the provisions of the order with respect to modification, suspension, or termination of the regulation would apply to such regulation. Hence, if the committee finds that, by reasons of changed conditions any such regulation should be modified, suspended, or terminated, it should so recommend. Likewise if the Secretary concurs or otherwise finds that such action should be taken to effectuate the declared policy of the act he should take such action.

5. Order No. 915 should be amended, as hereinafter set forth, to add a new § 915.49 *Marketing policy*. The section should provide that each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report should contain such information as is hereinafter set forth.

The avocado order does not include a requirement that the committee formulate and submit to the Secretary a marketing policy report. It does, however, require that whenever the committee considers recommendations for regulation, that it review pertinent crop and market information, prior to the recommendation of grade, size and maturity regulations.

It would be appropriate for the committee to prepare a formal analysis and report of anticipated production and prevailing harvesting, marketing and economic conditions each season, prior to the consideration of regulations. Such a report would be of considerable assistance to the committee and the Secretary, and would be in the best interests of the avocado industry, producers and consumers.

The analysis should include but not be limited to estimated total production of avocados by variety in the production area and in competing areas; anticipated bloom time and growing conditions during the development period; expected size and quality of the avocado crop; the anticipated demand for avocados; proper maturity at time of shipping; the anticipated supplies of competing products; existing and expected economic conditions; anticipated promotion by national organizations, and any other factors having a bearing on the marketing of avocados. Consideration should also be given to alternate product uses and expected exports and imports.

6. The provisions of § 911.57 *Overshipments* in Order No. 911 should be amended, as hereinafter set forth, to revise the tolerances applicable to the quantity of limes each handler would be permitted to ship in excess of his allotment during any week for which the Secretary has fixed the total quantity of limes which may be handled. Present provisions provide that any person who has received an allotment may handle, in addition to the total allotment available to him, 50 bushels or ten percent of such total allotment, whichever is greater.

The record indicates that during weeks of volume regulation handlers have tended to consider the overshipment tolerance as a part of their allotment and to ship the maximum allowable quantity. Such tolerance was intended primarily to provide flexibility to handlers in filling orders, when a small quantity

is needed to complete an order. It is recognized also that it is desirable to provide a margin for clerical errors in handler's calculations and for inadvertent errors by employees in assembling and loading shipments.

The practice by handlers of considering the overshipment tolerance as regular allotment has often complicated the deliberations of the committee in the development of recommendations for volume regulation. In order to allow for such practice the committee sometimes recommended an allotment about 10 percent lower than its best estimate of the anticipated market demand quantity. If this amount was set by the Secretary and some handlers did not overship, some opportunity to market fresh limes was lost to other handlers. At times, when the allotment set was closer to expected demand and all or most handlers overshipped the full 10 percent, markets were oversupplied. Hence it appears that the 10 percent overshipment tolerance results in a loss of precision in recommendations, and that such tolerance should be reduced. The record indicates that a two percent overshipment tolerance would be more appropriate if handlers were permitted to overship by 10 percent, with appropriate safeguards, during two weeks of each regulatory period to meet special circumstances. Establishment of the tolerance at the lower amount with such flexibility would enable the committee to develop recommendations with more precision and also retain flexibility permitting handlers to fill needs generated by merchandising and advertising programs.

The evidence indicates that the handler should notify the committee no later than the close of business on Thursday of a week of volume regulation of his intention to overship his allotment by 10 percent. If such handler overships by more than two percent but less than 10 percent, whether it be three percent, four, five percent, or any percentage less than 10, that week should be counted as one of the two weeks of 10 percent overshipments permitted under the recommended amendment. The record also indicates that should a handler overship by more than two percent during any week of volume regulation without the required prior notification to the committee, such shipments would be in violation of the order.

7. A proposal in the notice of hearing was that consideration should be given to making such other changes in the orders as may be necessary to make each of the orders conform to any amendments that may result from this proceeding. This proposal was supported at the hearing without opposition. However, no conforming changes are necessary.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed May 16, 1975, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. None was filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition to the previous findings and determinations which were made in connection with the issuance of the marketing agreements and orders and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The said orders, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The said orders, as amended, and as hereby proposed to be further amended, regulate the handling of limes and avocados grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, proposed marketing agreements and orders upon which hearings have been held;

(4) The said orders, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of limes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and the said order, as amended, and as hereby proposed to be further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of avocados covered thereby; and

(6) All handling of limes and avocados grown in the production areas is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreements and orders. The following amendment of the marketing agreements, as amended, and orders, as amended, are recommended as the detailed means by which the foregoing conclusions may be carried out:

PART 911—LIMES GROWN IN FLORIDA

1. Amend paragraphs (b) (1), (2), and (3) of § 911.22 *Nomination* to read as follows:

§ 911.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee, or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Amend § 911.41 *Assessments* to read as follows:

§ 911.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Amend § 911.45 *Marketing research and development* to read as as follows:

§ 911.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of limes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 911.41.

V 40 I 131 JUL 8 75 XUM

4. Amend § 911.48 *Issuance of regulation* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5), as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3).

The revised § 911.48 is amended to read as follows:

§ 911.48 Issuance of regulation.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of limes by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

5. Amend § 911.57 *Overshipments* to read as follows:

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equal to 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than such amount: *Provided*, That such overshipment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further*, That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. Amend paragraphs (b)(1), (2) and (3) of § 915.22 *Nomination* to read as follows:

§ 915.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nomination.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produced avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Amend § 915.41 *Assessments* to read as follows:

§ 915.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Amend § 915.45 *Marketing research and development* to read as follows:

§ 915.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of avocados. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 915.41.

4. The following new section is added immediately following § 911.45:

§ 915.49 Marketing policy.

Each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of avocados within the production area; (b) the expected general quality and maturity of avocados in the production area and in competing areas; (c) the expected demand conditions for avocados in different market outlets; (d) the expected shipments of avocados produced in the production area and competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of avocados; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for avocados, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

5. Amend § 915.51 *Issuance of regulations* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5) as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3).

The revised § 915.51 is amended to read as follows:

§ 915.51 Issuance of regulations.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of avocados by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period, other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

Signed at Washington, D.C., on July 2, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-17673 Filed 7-7-75;8:45 am]

[7 CFR Parts 1032, 1062]

[Docket Nos. AO-313-A28, AO-10-A50]

MILK IN SOUTHERN ILLINOIS AND ST. LOUIS-OZARKS MARKETING AREAS

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Southern Illinois and St. Louis-Ozarks marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before July 23, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements, and to the orders as amended, were formulated, was conducted at St. Louis, Missouri on February 19, 1975 pursuant to notice thereof which was issued on January 30, 1975 (40 FR 5163).

The material issues on the record of the hearing relate to:

1. Location adjustment credit on bulk milk transferred between pool plants; and

2. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Location adjustment credit on bulk milk transferred between pool plants.* Location adjustment credit should apply under the Southern Illinois and St. Louis-Ozarks orders, respectively, to that quantity of Class I milk received from transferor pool plants that does not exceed an amount equivalent to 110 percent of the Class I disposition at the transferee-plant minus the volume of milk received directly from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants.

At present, the Southern Illinois order provides for location adjustment credit on transfers between pool plants to the extent that 105 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants. The St. Louis-Ozarks order limits location credit on such transfers to the quantity of Class I disposition remaining at the transferee-plant after subtracting the volume assigned as Class I to receipts from other order plants and unregulated supply plants and 95 percent of receipts of milk received from producers at such plant.

Land O'Lakes, Inc., proposed that the factor utilized in computing the volume of milk eligible for location adjustment credit under the Southern Illinois order be increased to 115 percent of Class I utilization at transferee-plants. The proposal was supported by Wisconsin Dairies Cooperative, Meadowland Dairy Association, Mississippi Valley Milk Producers Association, and Prairie Farms Dairy, Inc. In combination, such cooperatives represent a majority of the producers supplying the Southern Illinois market.

Mid-America Dairymen, Inc., proposed that the 115 percent factor be utilized in the St. Louis-Ozarks order in computing the volume of milk eligible for location adjustment credit. The association operates four supply plants under the order and represents a substantial majority of the producers supplying the market.

Witnesses representing the cooperative proponents testified that nearby direct shipped milk is not adequate to meet market fluid milk needs at all times. Consequently, more distant supplies of milk are needed, which, proponents held, can be most efficiently and economically assembled through supply plants. They pointed out that handlers serving the fluid milk needs of the respective markets have changed from bottling milk 7 days per week to bottling milk on 5 or less days per week. In addition, they indicated that distributing plants have been expanded and are now more regional in nature. Thus, they suggested, there is an increasing need for supply plants to implement the tailoring of receipts to meet the bottling needs of distributing plants. Under these circumstances, they urged that there was need for location adjustment credits on a greater volume of the bulk milk transferred from supply plants to distributing plants.

One of the proponent cooperatives operates a supply plant at Pine Island, Minnesota, which is the most distantly located supply plant pooled under the Southern Illinois market. Due to the plant's location and the fact that location credits are applied after the Class I use at the transferee-plant is assigned first to those supplies received directly, and then in sequence to plant transfers involving the least transportation cost, not all of the bulk milk shipped from the Pine Island plant to distributing plants receives location adjustment credit. The cooperative's witness stated that during August 1974 through January 1975, the value of the adjustments which were not allowed amounted to more than $34,000. As a consequence, the returns available to the cooperative's members were reduced about nine cents per hundredweight on all milk pooled at that location during such period.

Because the cooperative does not receive location adjustment credit on all milk transferred from its supply plant to pool distributing plants, it has been unable to return as high a price to its producer members as the price received by other producers in the same production area who supply the Southern Illinois market on a direct-shipped basis. The association's witness indicated that the cooperative could rectify this situation by closing the Pine Island supply plant and shipping its member milk directly to distributing plants. However, he pointed out, the next most distant supply plant serving the market then would lose location credit on its transfers to distributing plants.

A cooperative association that operates five distributing plants and one supply plant pooled under the Southern Illinois order supported the proposal to revise the order provisions providing for location adjustment credit. The cooperative receives milk directly from the farms of its producer members and also receives milk from five supply plants, four of which are located outside the marketing area where location adjustments are applicable under the order. One of such supply plants is the Pine Island plant operated by a proponent cooperative.

The association's witness testified that three of its distributing plants with a combined Class I utilization of over 90 percent received 5,894,515 pounds of supply plant receipts during the August 1974 through January 1975 period which did not receive location adjustment credits. That volume represented about 8 percent of total supply plant receipts at the three distributing plants.

A witness representing a proprietary handler who operates two distributing plants pooled under the Southern Illinois order testified in opposition to the proposed amendments. Under the current order provisions all supply plant receipts at the handler's distributing plant received location credit during the March 1974–January 1975 period, except during the months of September, December and January. The witness stated that the reason that all supply plant shipments did not receive location credit was that more milk than was necessary to meet fluid needs was received at the distributing plant in order to permit the supply plant to meet shipping requirements for pooling.

Additionally, the handler opposed the proposed amendments on the basis that providing location credit on a greater quantity of supply plant milk would reduce the blend price. The witness stated that a reduction in the blend price would place the handler at a disadvantage in competing for supplies in Wisconsin with handlers regulated under other Federal orders. The witness further held that pool funds should not be utilized to pay the cost of transporting milk for cottage cheese or other Class II or III uses.

At the time of the hearing there were five supply plants pooled under the Southern Illinois order and located outside the marketing area. Two of such plants are located in Wisconsin (Belmont and Union Center), two in Iowa (Postville and Waukon) and one at Pine Island, Minnesota. Under the St. Louis-Ozarks order six supply plants were pooled, one located at Effingham, Illinois, and five in Missouri (Cabool, Jefferson City, Lebanon, Mountain Grove, and Springfield).

During the period August 1974 through January 1975, about 26 percent of total producer receipts pooled under the Southern Illinois order was associated with supply plants located outside the marketing area. Approximately 63 percent of such supply plant receipts (78,251,950 pounds) was shipped to distributing plants during that period. Of such receipts, 6,492,095 pounds did not receive location adjustment credit. Such volume represented 8.3 percent of the total volume of milk shipped by such supply plants during that period.

V40-131 JUL 8 75 XUM

During August 1974 through January 1975, supply plant milk pooled under the St. Louis-Ozarks order accounted for about 30 percent of total producer receipts. About 51 percent of such supply plant receipts (119,258,299 pounds) was shipped to distributing plants during the same period. Of such receipts, 29,758,802 pounds of milk, or 25 percent of the total volume of milk shipped by supply plants to distributing plants regulated under the St. Louis-Ozarks order, did not receive location adjustment credit.

Location adjustment credit should be provided to supply plant operators who furnish distributing plants with milk for fluid use when locally direct-shipped milk is not available for such uses. It is necessary, however, to retain limits on location adjustment credits in order to insure that the pool does not subsidize hauling costs on milk unnecessarily moved between pool plants for other than Class I use.

If a handler were permitted to bring in supply plant milk for Class I use and channel the local supply into lower-valued uses, this would result in a lowering of returns to all producers on the market. Under the conditions existing in these markets it would be inappropriate to permit handlers who move milk to the central market for other than Class I uses to receive the transportation cost from pool proceeds. Milk not needed for Class I use reasonably should be processed into manufactured products at plants in the production area.

Whether or not an individual supply plant receives location adjustment credit should continue to be determined on the basis of whether the milk involved is needed in conjunction with the Class I utilization of the distributing plant receiving the milk. It is of course impossible for a distributing plant to utilize all of its receipts for Class I purposes due to the unavoidable losses, route returns, etc. In recognition of this fact the existing five percent tolerances were provided to insure recovery of transportation costs on all necessary transfers to the central market. The testimony at this hearing indicates that tolerances are not sufficient to encompass all of the unavoidable Class II and Class III uses at distributing plants which are primarily bottling operations.

The unavoidable Class II and Class III uses in the operation of a distributing plant include standardization (modification of the butterfat content of milk received from producers in the preparation of such milk for bottling use), shrinkage (plant losses in the processing and packaging of milk), route returns, Class III uses (shrinkage) accorded packaged fluid milk products transferred to other order plants, and approved dumpage.

Data illustrating the magnitude of such unavoidable Class II and Class III uses was presented by one of the proponent cooperative associations with respect to three of its bottling plants pooled under the Southern Illinois order. These plants which average in excess of 90 percent Class I utilization had unavoidable Class II and Class III uses for the August 1974 through January 1975 period amounting to 7.1 percent of the gross Class I use at such plants. The average for such uses ranged from a low of 6.5 percent in August to a high of 7.5 percent of gross Class I in January. However, on an individual plant basis, unavoidable Class II and Class III use ranged from a low of 4.1 percent at one plant in September to a high of 10.3 percent of gross Class I at a plant in December.

In his brief, a cooperative's representative pointed out that, on the basis of the cooperative's plant data, unavoidable surplus use could represent as much as 11.1 percent of Class I disposition. Such number was arrived at by totaling the high experiences of the cooperative association's three plants with respect to route returns, approved dumps, cream from standardization, shrinkage and two percent of other order transfers without regard to a specific plant or a specific month during the August through January period.

In addition, the cooperative's witness requested that inventory variations be considered as an unavoidable surplus use. It was his contention that 1.89 percent of Class I use was an appropriate factor to accommodate such variations.

Additionally, proponent requested that the location adjustment credit include a factor of 5.2 to cover the surplus uses that occur as a result of a distributing plant receiving only direct-shipped milk. He attempted to illustrate such increased surplus uses by presenting a hypothetical analysis of the utilization attainable at distributing plants with given bottling schedules and only direct-shipped receipts. Proponent assumed that each plant had storage facilities for two-days delivery and received the same volume of milk each day. He concluded that each plant would experience some surplus if the level of deliveries assured that each plant would never be short of bottling needs. With the given bottling schedule of each plant and the above assumptions, the maximum Class I utilization ranged from a low of 87.7 percent to a high of 95.1 percent.

In his brief proponent concludes that a factor of 114.05 percent of Class I use at a distributing plant should be used in determining the volume of bulk transfers eligible for location adjustment credits. Such percentage includes 6.96 of unavoidable Class II and Class III uses, 1.89 to cover inventory variation, and 5.2 to cover surplus that proponent hypothesizes occurs at distributing plants as a consequence of such plant receiving only direct-shipped milk. Proponent recommended that 115 percent be used for simplicity and stated that such percentage would have provided location credit on most, if not all, of his Pine Island supply plant shipments to the other proponent cooperative association's distributing plants serving the Southern Illinois market.

Proponents position of including a figure of 5.2 in his overall 115 percent factor to reflect increased efficiency of Class I use which he alleges results from reliance on supply plant shipments is not a basis for providing location credits to supply plant milk received in excess of Class I needs.

Data presented by the market administrator based on samples of plants regulated under the two orders indicate that unavoidable Class II and Class III uses range between 4.28 and 6.96 percent of Class I use. The average of such uses amounted to 5.59 percent.

This data indicated that standardization, on the average, represented 3.23 percent of Class I disposition by all distributing plants pooled under the orders during the August through January period. Standardization at such plants ranged from a low of 2.52 to a high of 3.77 percent of Class I disposition. Shrinkage averaged 1.51 percent of Class I utilization at 14 distributing plants that had a minimum of 85 percent Class I utilization for the months of October and December 1974. The range for shrinkage was 1.17 to 1.70 percent of Class I disposition. Route returns, based on a sample of three plants during September and October 1974, represented 0.76 percent of the volume of Class I items packaged, ranging from a low of .58 percent to a high of 1.23 percent. Packaged fluid milk products transferred to other order plants and allocated to Class III in the other order market represented between .01 percent and .26 percent (averaged .09 percent) of total Class I disposition.

Variation in ending inventory should also be considered as an unavoidable Class III use and be reflected in the assignment of location adjustment credits to plants which supply the bottling needs of distributing plants. The volume of ending inventories varies considerably, depending on whether the last day of the month is a day during which a handler packages substantial or limited quantities of fluid milk products. However, supply plants shipping to a distributing plant receive Class I location credits on the basis of the distributing plant's total Class I sales during the month exclusive of packaged fluid milk products in inventory. In the following month, the fluid milk products in ending inventory during the prior month are distributed on routes and are included in a plant's Class I sales on which location adjustment credits apply.

Data, for the August through January period, presented by the market administrator on eleven distributing plants receiving supply plant milk indicates that the variation of ending Class III inventory ranged from a low of .09 percent of Class I disposition to a high of 4.57 percent of Class I disposition. In most cases the variation in ending inventory amounted to 3 percent or less of such plants' Class I disposition.

Milk may be received at distributing plants which for one reason or another may have to be dumped by the receiving handler. If such dumpage is approved by the market administrator, the milk so utilized is accorded a Class III utilization. Also, under circumstances where milk of poor quality is received at distributing plants, it is usually disposed of to manufacturing plants where it is utilized as Class III milk. Such losses, the record indicates are minimal. However, they do represent a minor unavoidable Class III use.

It is concluded on the basis of data presented by the market administrator that a distributing plant primarily engaged in the processing of fluid milk products reasonably could have unavoidable Class II and Class III uses up to 10 percent of its Class I disposition. Such factor recognizes that an efficiently operated distributing plant may experience unavoidable Class II and Class III uses of approximately 7 percent of its Class I disposition and in addition require an amount approximating 3 percent of the plant's Class I disposition to cover ending inventory variation and milk that for quality reasons is necessarily dumped or returned to manufacturing plants for processing during the month. This allowance of 10 percent will accommodate unavoidable surplus uses experienced at efficiently operated distributing plants for which a handler should recover transportation costs. Accordingly, the order should be amended to provide that transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and cooperative associations in their role as a handler of bulk tank milk and the volume assigned as Class I to receipts from other order plants and unregulated supply plants.

The effect on the blend price of either order by assigning location adjustment credits to all supply plant shipments which did not receive location credit during the August through January period would be minimal, even if it is assumed that all such receipts originated at the most distantly located supply plant serving each market. Thus, it is concluded that the recommended provisions provided herein would not place any handler in a position of being noncompetitive in procuring a supply of milk.

The provisions providing for location adjustment credit in both orders should be further modified to prevent the assignment of location credit to transfers of fluid cream items. This modification was requested by one of the proponent cooperative associations. The revision is appropriate since location adjustment credit should be applicable only on shipments necessary to meet the market's fluid milk needs. Fluid cream items are not a Class I use under either order. Both orders' provisions recommended herein are modified accordingly.

2. *Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.* Cooperative associations requested that a decision be issued as expeditiously as possible. No information of a compelling nature, however, was presented to conclude that the issuance of a recommended decision should be omitted. Consequently the request for emergency action, which was opposed by a witness representing a handler regulated under the Southern Illinois order, is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Southern Illinois and St. Louis-Ozarks marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In the Southern Illinois order, § 1032.52, paragraph (b) is revised to read as follows:

§ 1032.52 Plant location adjustments for handlers.

* * * * *

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the tranferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1032.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to receipts of fluid milk products from pool plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

* * * * * *

2. In the St. Louis-Ozarks order, § 1062.52, paragraph (f) is revised to read as follows:

§ 1062.52 Plant location adjustments for handlers.

* * * * *

(f) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee-plant only to the extent that 110 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1062.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to receipts of fluid milk products from pool plants with plus location adjustment, then to receipts from plants with no location adjustment, and then in sequence to receipts from plants at which the smallest minus adjustments apply.

* * * * * *

Signed at Washington, D.C., on July 2, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-17674 Filed 7-7-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 101, 112, 113, 114]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the

V 40 131 JUL 8 75 XUM

regulations relating to viruses, serums, toxins, and analogous products, in Parts 101, 112, 113, and 114 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments relax the restrictions on dividing serials of product between two producers, licensee and subsidiary, or two subsidiaries. By definition (§ 101.2(k)), a subsidiary is a corporation and as such its name and address appears on the labels for product it produces. A division is not necessarily a corporation and cannot appear on labels without the name and address of the producer. These amendments would include a definition of "Division" to clarify this distinction.

Inactivated liquid product may be exported in multiple-dose containers. These amendments would authorize the shipment of such products in concentrated form. These amendments would also add a new section to Part 113 to clarify the test requirements for material in such bulk shipments.

These amendments relax the requirements for reporting test results by limiting such requirements to tests prescribed in the filed Outline of Production or Standard Requirements for the product. They also relax the requirements for testing combination products by permitting the testing of live virus fractions and bacterin fractions separately.

These amendments would authorize the Deputy Administrator to permit preparation of biological products in one licensed establishment for another licensed establishment under emergency conditions. They would also authorize limited joint manufacture of product when two licensed establishments are owned by one person.

PART 101—DEFINITIONS

1. Section 101.2 is amended by adding a new paragraph (z) to read:

§ 101.2 Administrative terminology.

* * * * *

(z) *Division.* A marketing unit established by the licensee to be named on labels, advertisements and promotional material in addition to the name and address of the producer.

PART 112—PACKAGING AND LABELING

2. Section 112.8 is amended by adding a new paragraph (e) to read:

§ 112.8 For export only.

* * * * *

(e) Concentrated inactivated liquid product, completed except for dilution to the proper strength for use, may be exported in large multiple-dose containers identified with an approved label that contains the words "For Export Only" prominently displayed.

PART 113—STANDARD REQUIREMENTS

3. Part 113 is amended by revising §§ 113.5(c), and 113.7(d) and by adding a new § 113.10 to read:

§ 113.5 General testing.

* * * * *

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Results of all required tests prescribed in the filed Outline of Production or the Standard Requirements for the product shall be submitted to Veterinary Services. Blank forms shall be furnished upon request to Veterinary Services.

* * * * *

§ 113.7 Multiple fractions.

* * * * *

(d) When an inactivated fraction(s) is used as a diluent for a live virus fraction(s); the inactivated fraction(s) may be tested separately and the live virus fraction(s) may be tested separately: *Provided*, That, the viricidal test requirements prescribed in § 113.85 are complied with.

* * * * *

§ 113.10 Testing of bulk material for export only.

When liquid product is prepared for export in large multiple-dose containers as provided in § 112.8 (d) or (e) of this subchapter, samples of the bulk material shall be subjected to all required tests prescribed in the filed Outline of Production or Standard Requirements for the product. Samples of concentrated liquid product shall be diluted to a volume equal to the contents of the sample times the concentration factor prior to initiating potency tests.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

4. Section 114.3 is amended by revising paragraph (b) and adding paragraphs (c) and (d) to read:

§ 114.3 Separation of establishments.

* * * * *

(b) No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment except as provided in paragraphs (c) and (d) of this section.

(c) In an emergency such as but not not limited to, mechanical failure of essential equipment at a licensed establishment, the Deputy Administrator may authorize the preparation of affected biological products in another licensed establishment for the duration of the emergency.

(d) When two licensed establishments are owned or controlled by one person responsible for all actions in both establishments, an exchange of ingredients, partially prepared products or serials of completed fractions of combination products may be made from one establishment to the other in a manner acceptable to Veterinary Services except that bulk shipments shall be limited to inactivated material plainly labeled "For Manufacturing Purposes Only."

5. Section 114.16 is amended by revoking paragraphs (a), (b), (b)(1), (b)(2), (c) and (d) and substituting a new paragraph to read:

§ 114.16 Producing subsidiaries.

A serial or subserial of a biological product may be produced jointly by a licensee and one or more subsidiaries, or by two or more subsidiaries. The exact amount of each serial or subserial credited to each participating producer shall be determined at the time of labeling and packaging and shall be noted in the records for such serial or subserial.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before August 7, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27(b)).

Done at Washington, DC, this day of July 2, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-17675 Filed 7-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116d]

EDUCATIONALLY DEPRIVED CHILDREN

Grants to State Educational Agencies for Programs To Meet the Special Educational Needs of Migratory Children

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in section 122 of Title I of the Elementary and Secondary Education Act (20 U.S.C. 241c–2) as enacted by Pub. L. 93–380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 116d to read as set forth below.

At present there are no guidelines related to Part 116d. Should such guidelines be issued in the future, they will be published in the FEDERAL REGISTER and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in the regulations.

1. *Program purposes; Amendments made by Pub. L. 93–380.* Part 116d as set forth in this notice of proposed rulemaking contains those provisions which are applicable to grants to State educational agencies under section 122 of Title I of the Act for programs for migratory children of migratory agricultural workers and migratory fishermen. Provisions of regulations previously published as permanent regulations in Part 116 governing grants to State educational agencies for migratory children of migratory agricultural workers have been separated from the provisions for grants to other agencies and are now contained in proposed Part 116d. This new part also reflects new statutory provisions enacted by Pub. L. 93–380 pertaining to migratory children of migratory fishermen and use of the migrant student record transfer system, as well as provisions previously stated in guidelines and instructions for applications.

2. *Effect of Office of Education General Provisions Regulations.* Assistance provided under this part is also subject to applicable provisions contained in the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER in 38 FR 30654 (November 6, 1973), and now set forth in 45 CFR Parts 100–100c, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. 45 CFR Parts 100–100c relate to fiscal, administrative and property management, monitoring and reporting of program performance, accountability for Federal funds, and other matters. It should be noted that the program for migratory children under this part is considered to be a State-administered program which may involve financial assistance to local educational agencies as subgrantees; therefore, unless otherwise specified, the provisions of Part 100b of 45 CFR, rather than Part 100a, apply.

3. *Effect of Part 116.* A new Part 116, published as a notice of proposed rulemaking in the FEDERAL REGISTER in 40 FR 11472 (March 11, 1975) sets forth general requirements applicable to all programs funded under Title I of the Act including grants for programs for migratory children. Among the significant provisions in the new Part 116 which are applicable to programs under Part 116d are provisions pertaining to State administrative and technical assistance (§ 116.4), reports by State educational agencies (§ 116.7), withholding of payments by the Commissioner (§ 116.20), prohibitions against supplanting of State and local funds with Federal funds and against providing services which the applicant agency is required by law to provide (§ 116.30), the relation of Title I projects to other programs (§ 116.31), the use of education aides (§ 116.32), measurement of educational achievement and evaluation of programs (§ 116.33), dissemination and utilization of results of educational research and demonstrations (§ 116.34), public information (§ 116.35), administrative control of Title I property (§ 116.36), construction and equipment (§ 116.38), reimbursement for parent council expenses (§ 116.40), staffing for programs and projects (§ 116.41), and training (§ 116.42).

4. *New and clarified provisions.* The significant new and clarified provisions in this part are as follows:

(a) Section 116d.2 provides definitions of "fishing activity" and "migratory fishermen";

(b) Section 116d.3(a) provides that the application submitted by a State educational agency to the Commissioner under this part shall constitute the annual program plan which the applicant must submit as required by section 434 (b) of the General Education Provisions Act enacted by Pub. L. 93–380;

(c) Sections 116d.5 and 116d.6 concern the State educational agency's designation of and arrangements with agencies within the State which, either by service contract or, in the case of local educational agencies, by subgrant operate programs for migratory children;

(d) Section 116d.9 requires that the State educational agency either administer directly the construction of facilities and the acquisition of property and retain title to such property and facilities or, if title is in another public agency, retain the right to use such facilities and property in programs and projects under this part;

(e) Section 116d.22 sets forth the criteria by which the Commissioner will determine what amount of its total grant under this part a State educational agency is entitled to receive for any fiscal year;

(f) Section 116d.31 contains an expanded statement of the program description including the needs assessment to be set forth in each State educational agency's application. The introduction to this section contains a statement emphasizing how the special educational needs of migratory children may be related to their migrant status;

(g) Section 116d.32 clarifies the key functions of a State educational agency under this part and states which services are to be charged to program funds and which services are to be charged to administrative funds;

(h) Section 116d.36 sets forth the comparability requirement applicable to migrant programs. This requirement is mandated by section 122(a)(1)(C) of Title I. It necessarily differs from that requirement in § 116a.26 governing grants to local educational agencies. In § 116a.26, services provided with State and local funds in Title I project areas are compared to such activities provided in non-project areas. This comparison is not meaningful in the migrant program since the children's eligibility for services and a local educational agency's participation in the program is unrelated to any concept of geographic area. Rather, under this part, migratory children must have access to State and local facilities and receive services comparable to those ordinarily provided to non-migrant children residing in the same attendance area. An exception is made where a project for migratory children is initiated at a time when State and local facilites and services would not ordinarily be provided to non-migratory children.

Unlike § 116a.26, there is is requirement for a comparabilty report calling for numerical comparisons based on pupil-teacher ratio and per pupil expenditure for instructional staff. Rather, as a condition for approval of an application, there is a requirement for an assurance by the State educational agency that it shall not conduct a program for migratory children under this part through a local educational agency which does not meet the comparability requirement.

If, after an application is approved, the Commissioner finds that there has been a failure by the State to comply with the assurance regarding comparability in migrant programs, the provision of § 116.20 of Part 116 pertaining to withholding of funds by the Commissioner will apply. Failure to comply with Part 116a, § 116a.26, comparability requirements applicable to the program for grants to local educational agencies, will not affect a local educational agency's participation in the migrant program; conversely, failure to comply with § 116d.36 of this part will not affect a local educational agency's eligibility for funds under Part 116a.

(i) Section 116d.38 contains an expanded statement of the conditions under which supporting services (including day care) may be provided under this Part.

(j) Section 116d.37 specifies the required extent of parental involvement in the planning and implementation of State programs. This section mandates the establishment of one or more parent advisory councils in each State conducting a migrant program.

(k) Section 116d.39 expands and clarifies the criteria for approval of State educational agency applications.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between that citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines, as follows:

A hearing will take place at the U.S. Office of Education on August 27, 1975, in the auditorium of Regional Office Building Three (ROB–3) located at 7th and D Streets SW., Washington, D.C., beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, Room 2085, 400 Maryland Avenue SW., Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral com-

V40-131 JUL 8 75 XUM

ments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance 13.429, Educationally Deprived Children—Migrants)

Dated: June 9, 1975.

T. H. BELL,
Commissioner of Education.

Approved: June 30, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116d.1 Applicability.
116d.2 Definitions.

Subpart B—Responsibilities of State Educational Agencies

116d.3 State applications.
116d.4 Assurance by State agency as to use of payments.
116d.5 Designation of operating agencies.
116d.6 Arrangements with operating agencies.
116d.7 Supervision of programs and projects.
116d.8 Amendments to applications.
116d.9 Title and control of property.

Subpart C—Amounts Available for Grants and Payments

116d.21 Total amount available for grants.
116d.22 Entitlement.
116d.23 Payments.
116d.24 Special arrangements by Commissioner to conduct migrant programs.

Subpart D—Program Requirements

116d.31 Program descriptions.
116d.32 State budgets.
116d.33 Services provided by the State educational agency.
116d.34 Funding of subgrantee projects; requirements for adjustment of funds not needed by subgrantee.
116d.35 Inclusion of former migratory children.
116d.36 Comparable access of migratory children to State and locally funded educational facilities and and services.
116d.37 Parental involvement.
116d.38 Supporting services.
116d.39 Criteria for the approval of State applications.
116d.40 Cooperative programs.
116d.41 Commissioner's disapproval of State applications; notice and hearing.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability.

(a) These regulations govern programs and project for which funds are provided under Title I of the Elementary and Secondary Education Act of 1965, as amended, to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

(b) Except as otherwise provided, assistance under this Part is subject to applicable provisions contained in Part 116 (general requirements relating to Title I of the Act) and Part 100b of this chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 241c-2)

§ 116d.2 Definitions.

"Agricultural activity" means any activity related to crop production, including but not limited to soil preparation and storage, curing, canning or freezing of cultivated crops. Activities on farms or ranches related to the production and processing of milk, poultry, livestock (for human consumption) and fish are also considered to be agricultural activities. Under the foregoing definition, cutting, transporting, and sawing of timber are not considered to be agricultural activities. Operations involved in forest nurseries and fish farms, however, are considered to be agricultural activities.

(20 U.S.C. 241c-2)

"Currently migratory child" means a child who has moved with a parent or guardian within the past twelve months across a school district boundary or boundaries in order that a parent, guardian or member of his immediate family might secure temporary or seasonal employment in an agricultural or fishing activity. In those cases where the school district boundary coincides with a State boundary, "currently migratory child" means a child who has moved with a parent or guardian within the past twelve months across a school attendance area boundary or boundaries within the school district boundary in order that a parent, guardian or member of his immediate family might secure temporary or seasonal employment in an agricultural or fishing activity.

(20 U.S.C. 241c-2)

"Fishing activity" means any activity directly related to the raising and catching of fish and shellfish from streams, lakes, or oceans, and to the processing of such fish for initial distribution through commercial market channels.

(20 U.S.C. 241c-2)

"Formerly migratory child" means a child who, with the concurrence of his parents, is deemed to be a migratory child on the basis that he has been a currently migratory child as defined in this section but has ceased to be a currently migratory child within the last five years and currently resides in an area served by an agency carrying out a program or project under this part.

(20 U.S.C. 241c-2(a)(3))

"Migratory agricultural workers" means those persons who have moved from one school district in a State to another in the same State or to one in another State for the purpose of finding temporary or seasonal employment in one or more agricultural activities as defined above.

(20 U.S.C. 241c-2)

"Migratory fishermen" means those workers who have moved out of a school district to another in the same State or to one in another State for the purpose of finding temporary or seasonal employment in one or more fishing activities as defined above.

(20 U.S.C. 241c-2; Sen. Rept. No. 93-1026, p. 143 (1974))

"Project" means an activity or set of activities provided under this part to migratory children in a particular area by a State educational agency, either directly or through a particular local educational agency, which is designed to meet the purposes of the applicable State program as defined in this section.

(20 U.S.C. 241c-2)

"State program" means the overall plan for services, activities, personnel and materials set forth in a State application for a grant under this part to provide special education to migratory children of migratory agricultural workers and migratory fishermen.

(20 U.S.C. 241c-2)

Subpart B—Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) The State educational agency of any State may apply to the Commissioner for a grant under this part. The application submitted by the State educational agency under this section shall constitute the annual program plan required by section 434(b) of the General Education Provisions Act, and must be received no later than a date established by the Commissioner for the fiscal year in which the State program is to be operated.

(b) Each such application shall be signed by the chief executive officer of the State educational agency or his designated representative and contain the assurances required by this part and the information required by Subpart D of this part.

(c) The application shall include a certificate by the State attorney general or other appropriate State legal officer to the effect that the agency submitting the application has the authority under State law to perform the duties and functions of a State educational agency under Title I of the Act and the regulations in this part, including those arising from the assurances given.

(d) The application shall be set forth in the standard application form for Federal assistance (non-construction programs) as prescribed by § 100a.43, Part 100a of this chapter.

(20 U.S.C. 241c-2, 1232c(b))

§ 116d.4 Assurance by State agency as to use of payments.

Each application by a State educational agency for a grant under this part shall contain an assurance that except as provided in § 116d.32 for administrative expenses, payments to a State educational agency under this part shall be used only for programs and projects carried out pursuant to an application approved by the Commissioner under this part, and which in all respects comply with the applicable requirements of Title I of the Act and the regulations in this part and the relevant provisions of Parts 100b and 116 of this chapter.

(20 U.S.C. 241c-2(a)(1)(A))

§ 116d.5 Designation of operating agencies.

The State educational agency in its application shall identify the agency or agencies it has designated to operate the proposed educational program for migratory children of migratory agricultural workers and migratory fishermen. If all or part of the State program is to be operated directly by the State educational agency, then such agency shall advise the Commissioner of the personnel and other resources in that agency (including any resources to be made available to that agency by service contract) that will be made available to conduct the program. If all or part of the State program is to be operated through a local educational agency or agencies as subgrantee(s), then the State educational agency shall advise the Commissioner of the names and locations of such agency or agencies.

(20 U.S.C. 241c-2(a)(1), 1232c(b))

§ 116d.6 Arrangements with operating agencies.

The arrangements which a State educational agency makes with local educational agencies to operate projects under this part shall be set forth in the standard application form for Federal assistance (non-construction programs) as prescribed by Part 100a, § 100a.43 of this chapter. These documents shall describe the objectives to be achieved by the agency for each grade level, the total estimated number of children to be served by the agency by grade level, the services to be provided to achieve the stated objectives, the types and number of staff to be employed, and an appropriate budget. Each operating agency shall maintain records of all financial transactions pertaining to the project and shall provide timely financial reports including the financial status report prescribed by Part 100b, § 100b.403 of this chapter, and the performance report prescribed by Part 100b, § 100b.432 of this chapter, to the State educational agency. Within ten days after the State educational agency has approved a particular project, the State educational agency shall send the Commissioner a copy of the project application as approved by that agency. The Commissioner will review the project application to determine whether it conforms to the State program as set forth in the State application approved by the Commissioner.

(20 U.S.C. 241c-2(a)(1), 1232c(b))

§ 116d.7 Supervision of programs and projects.

Each State educational agency shall set forth in its application a description of the procedures and resources it proposes to use to insure that the proposed programs and projects will be carried out in accordance with the State application as approved by the Commissioner.

(20 U.S.C. 241c-2(a)(1)(A), 1232c(b))

§ 116d.8 Amendments to applications.

The State educational agency's application must be appropriately amended prior to any material change in the administration of an approved State program, or in the organization, policies, or operations affecting an approved State program. All information required by Subpart D of this part and not previously provided shall be submitted to the Commissioner as an amendment to the application. Amendments will be required by the Commissioner if changes are made in Federal appropriations or laws governing an approved State program.

(20 U.S.C. 241c-2(a)(1), 1232c(b))

§ 116d.9 Title and control of property.

Authority to acquire property, to construct and equip school facilities approved by the Commissioner, and to retain title to such property and facilities shall, unless precluded by law, be vested in the State educational agency. In the event the State educational agency is precluded by law from exercising the functions described in the preceding sentence, the authority to exercise such functions shall be vested in the appropriate State agency authorized by State law to exercise such functions. The State agency exercising such functions shall retain the right to use property and facilities acquired under this part and to move them to sites where such property and facilities can best be utilized for programs and projects under this part.

(20 U.S.C. 241e(a)(3), 241e-2(a)(1)(C), 1232c(b))

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amounts available for grants.

Except as provided in sections 124 and 125 of Title I of the Act, as amended, grants which may be made available for use in any State for any fiscal year under this part for programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen shall be determined in accordance with section 122(b) of Title I of the Act, as amended and for Puerto Rico, in accordance with section 122(b) of Title I and section 843 of Pub. L. 93-380. For the purpose of this section, the Commissioner will determine the number of migratory children in a State, including current and former migratory children, on the basis of statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

(20 U.S.C. 241c-2(b))

§ 116d.22 Entitlement.

(a) *Entitlement based on estimated cost of program.* The State educational agency of a State shall be entitled to receive a grant equal to the estimated cost of the program as approved by the Commissioner if the total amount available for a grant for a fiscal year has been determined in accordance with § 116d.21, and if the Commissioner has approved an application for a grant.

(b) *Informational basis for determining amount of entitlement.* The amount of the grant to which a State educational agency shall be entitled to receive under this section shall be determined by the Commissioner on the basis of the the best information available to him at the time he approves the application, including information on the number of children to be served and the nature and scope of the program. The Commissioner may redetermine this amount at any time during the fiscal year if the best information subsequently available should demonstrate a basis for such redetermination.

(c) *Consideration of costs of past and future activities and amount of available funds.* The information on which the Commissioner will determine the amount a State educational agency will receive under this section will include but not be limited to:

(1) The total amount available to the State agency for its grant under § 116d.21,

(2) The estimated cost of program activities completed to date under preceding grant awards and the number of children who have been or are being served,

(3) The estimated cost of other activities to be initiated before the end of the current project period (pursuant to the preceding grant award) and the estimated number of children to be served,

(4) The estimated cost of providing, if needed, special educational services that could be initiated before the end of the current project period and the number of children who could be served thereby if additional funds were made available, and

(5) The unused amount from the State educational agency's grant pursuant to the preceding grant award.

(20 U.S.C. 241e-2(a)(1), 241c-2(b))

(d) *Reallocation of excess funds.* If the Commissioner determines that the amount available for grants for a State as determined in accordance with § 116d.21 exceeds the amount determined to be needed under this section he shall, to the extent necessary, allocate such excess to other State educational agencies whose total amount available for

V 40 I 131 JUL 8 75 XUM

grants under § 116d.21 would otherwise be insufficient to serve eligible children in that State.

(20 U.S.C. 241c-2(b); Sen. Rep. No. 634, 91st Cong., 2nd Sess. 12-13 (1970))

§ 116d.23 Payments.

The Commissioner shall make all payments of funds under this part in accordance with the requirements set out in Subpart E of Part 100b of this chapter. The amount of the payments to a State educational agency under this part shall not exceed the amount of the grant to which that agency is entitled as determined by the Commissioner in accordance with § 116.22.

(20 U.S.C. 241c-2, 1232d)

§ 116d.24 Special arrangements by Commissioner to conduct migrant programs.

If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agriculturel workers or of migratory fishermen, or that it would result in more efficient and economic administration or, that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States and, for this purpose, he may use all or part of the total of grants available for any such State under this section.

(20 U.S.C. 241c-2(a)(2))

Subpart D—Program Requirements

§ 116d.31 Program descriptions.

Each application by a State educational agency under this part shall set forth a program for instruction, and (subject to the provisions of §§ 116d.38 and 116d.39 (c), respectively) for supporting services and services to preschool children, which is designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishermen. Such special educational needs particularly include needs as a result of conditions produced by the children's current or former migrant status, such as disruption of educational continuity and cultural, linguistic, or occupational isolation. The application shall contain:

(a) An identification of the areas within the State in which migratory children are expected to reside, the estimated number of such children for each area and the approximate dates of their arrival in and departure from those areas, and the sources and methods used to calculate these estimates;

(b) A statement showing separately for each category the estimated number of currently and formerly migratory children in the State and the number in each category to be served;

(c) A summary of the information (including information from other State educational agencies and the migrant student record transfer system) concerning the special educational needs of the migratory children to be served. The summary should include all available information with respect to educational performance and cultural and linguistic background which is relevant to assessing the educational needs of the children to be served;

(d) A description of each service to be provided as a means of accomplishing the stated objectives of the program, the estimated number of children by age and anticipated grade placement (including children enrolled or to be enrolled in private schools), a description of any inservice training (including the type of training, frequency and number and type of staff members who will participate in that training), the type and number of staff to be employed, and the facilities and materials to be used;

(e) A statement of the objectives of the proposed program, the related performance criteria, and the procedures and instruments by which the effectiveness of the program will be evaluated in accordance with Part 116, § 116.33;

(f) A description of the agency's program for involving parents and appropriate representatives of migratory children in advising on the planning, implementation, and evaluation of the State program and of projects at the local level in accordance with the requirements of § 116d.37. The application shall describe how the parent advisory council(s) will be involved in the planning, operations, and evaluation of the State program and local projects, how members will be selected, and the schedule for selection, training and participation of the council(s);

(g) A description of the State and locally-funded facilities and services to which migratory children will have access and the provisions made to insure compliance with the assurance required by § 116d.36;

(h) A summary of the types of information (in addition to the migrant student record transfer system) which the State educational agency will pass on to State educational agencies in other States about the migratory children to be served and the agency's plan for insuring as much continuity as possible in the education of such children; and

(i) A description of the State educational agency's plan for meeting the requirements of Part 116, § 116.35, pertaining to dissemination of public information.

(20 U.S.C. 241c-2(a), 1232c(b))

§ 116d.32 State budgets.

Each State application shall contain a budget in a form prescribed by the Commissioner showing the estimated costs for each service and the total costs of all services as described in the application. The budget shall also show the estimated amount of unobligated funds which are available from the preceding fiscal year's appropriation and shall show separately the amount applied for from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b))

§ 116d.33 Services provided by the State educational agency.

The State educational agency for which the Commissioner has approved an application under this part shall be responsible for the proper and efficient administration in the State of all programs under this part. Specifically these duties include:

(a) Ensuring compliance with the State educational agency's assurances to the Commissioner;

(b) Preparation of the State educational agency's application to the Commissioner;

(c) Providing instructions to applicant agencies designated under § 116d.5 to operate programs for migrant children;

(d) Reviewing proposals from such agencies;

(e) Fiscal control and fund accounting;

(f) The design and preparation of State evaluation reports;

(g) Dissemination of information.

Services provided by the State educational agency that are unique to the program under this part (e.g., Statewide recruitment and identification of migrant children, State and local interagency coordination, and implementation of the migrant student record transfer system), or are the same or similar to services provided by local educational agencies under Part 116a may be charged to program funds. All other services provided by the State educational agency under this part shall be charged to funds paid to the State pursuant to section 143(b) of the Act as amended and § 116.4(b) of Part 116 of this chapter.

(20 U.S.C. 241g, 1232c(b))

§ 116d.34 Funding of subgrantee projects; requirements for adjustment of funds not needed by subgrantee.

Each State educational agency receiving a grant under this part shall promulgate appropriate rules to ensure that subgrantees who carry out projects under this part shall avoid imprudent, wasteful, extravagant or otherwise improper expenditures of funds which would defeat the intent of the Act to meet the special educational needs of migratory children. In keeping with the proper and efficient administration of the State program for migratory children, such rules shall provide for appropriate adjustment, based on periodic reports on the implementation of the project, of expenditures actually incurred, so as to avoid the obligation of funds by the subgrantee in excess of actual need. Adjustments may be effected by redistribution of unneeded funds to other subgrantees in the State who demonstrate need for such funds. All such adjustments shall be reflected by appropriate amendment to the subgrantee's project application and its final fiscal report.

(20 U.S.C. 241c-2; 1232c(b))

§ 116d.35 Inclusion of former migratory children.

Formerly migratory children may participate in projects which include currently migratory children, or may participate in projects developed solely for such formerly migratory children: *Provided*, That:

(a) Their participation will not prevent the participation of currently migratory children nor dilute the effectiveness of programs for such children;

(b) There is on file valid documentation of the child's eligibility status; and

(c) There is on file the signature of the parent or guardian indicating consent to the child's participation.

(20 U.S.C. 241c-2(a)(3))

§ 116d.36 Comparable access of migratory children to State and locally funded educational facilities and services.

(a) *Assurance by State educational agency.* Each application by a State educational agency for a grant under this part shall contain an assurance that, during the time migratory children reside in the State, the State educational agency shall not conduct a program for migratory children under this part through a local educational agency which does not provide access by migratory children to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigrant children who reside in the attendance area in which the migratory children are served. The preceding sentence shall not apply in the case of a project initiated at a time during which State and locally-funded educational facilities and services are not ordinarily available to non-migratory children; however, this exception shall not be construed to limit or modify the requirements contained in Part 116, § 116.30 relating to supplanting of State and local funds, and services which by law the applicant is required to provide to migratory children. Nothing in this section shall be construed to limit or modify the requirement of Part 116a, § 116a.26, paragraphs (g) and (h), pertaining to maintenance of comparability in school attendance areas where projects funded under Pub. L. 89-10 section 2 and Part 116a are being conducted, and which serve migratory children.

(b) *Comparable access defined.* The requirements of paragraph (a) of this section will be deemed to be satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition and transportation services on the same basis as provided by the local educational agency to non-migratory children residing in the attendance area where migratory children are being served.

(20 U.S.C. 241c-2(a)(1)(C), 241e(a)(3)(C))

§ 116d.37 Parental involvement.

The State educational agency's application shall demonstrate that:

(a) the State educational agency has, (to the extent feasible considering the parents' time of residence in the State) consulted with the parents of children to be served or who are being served, and considered the views of such parents with respect to the planning of the State program and;

(b) one or more advisory councils will be established in the State composed of parents of children to be served or who are being served and of other persons knowledgeable of the needs of migratory children, and that such council(s) will be consulted and their views considered concerning the operation and evaluation of the present State program and local projects and the planning of future programs and projects.

(20 U.S.C. 241c-2(a)(1)(C), 241e(a)(8), 1231 d))

§ 116d.38 Supporting services.

(a) *General.* Health, welfare and other supporting services may be provided under this part, but only to the extent necessary to enable eligible school age and preschool children to participate effectively in instructional services that are designed to bring about an improvement of educational performance.

(b) *Day care services.* Day care for infants and very young children shall not be provided under this part except as a support service to eligible preschool and older children and then only upon specific application to the Commissioner with sufficient information to enable him to determine that such care as described in the application is:

(1) Not available from other public or private agencies;

(2) Essential to enable preschool and school age migratory children to participate in the instructional program under this part; and

(3) Not extravagant in view of the cost, the number of children who would receive day care, the number of eligible children involved, and the effect the availability of such services would have on the attendance and participation of such eligible preschool and school age migratory children in instructional services provided under this part.

(c) *Required information.* The information provided in support of a request for funds under paragraphs (a) or (b) of this section shall include the estimated cost, a description of the specific services, and the pertinent conditions indicating a need for such services, including the estimated number of children requiring the service, the public and private agencies contacted to provide such services and their written responses, and a detailed account of the effect that the absence of such service or services has had on the attendance and participation of children in previous programs and would be expected to have on the attendance and participation of children in the program covered by the application. The application shall also include the estimated number of eligible preschool and school age children whose attendance and participation would be improved by the availability of such services and the extent of the improvement.

(20 U.S.C. 241c-2(a)(1)(A), (D))

§ 116d.39 Criteria for the approval of State applications.

The Commissioner shall approve a State application only upon his determination that it contains the information required by § 116d.31, and demonstrates compliance with all other requirements in this part and applicable requirements of Parts 100b and 116, and demonstrates that:

(a) Payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

(b) Services to be provided show reasonable promise of meeting the special educational needs of migratory children of migratory agricultural workers and migratory fishermen as demonstrated by the needs assessment required by § 116d.-31(c), particularly with respect to improvements in the educational performance of children in the basic skills of reading, oral and written communication and mathematics; and that payments under this part will be used for programs and projects which are of sufficient size, scope and quality to give reasonable promise of substantial progress towards meeting such needs;

(c) Provision will be made for the preschool educational needs of migratory agricultural workers and migratory fishermen if (considering the amount of funds available) such provision will not detract from the operation of programs and projects for such children of school age;

(d) The State program has been planned and will be operated in coordination with programs administered under Part B of Title III of the Economic Opportunity Act of 1964;

(e) In the planning of the State program described in the application, the State educational agency has consulted with other agencies, including the State educational agencies which have provided services for such children and are knowledgeable of their needs; and

(f) The State educational agency's plan for insuring continuity in the education of migratory children shall describe the procedures to be used for coordinating programs and projects with similar programs and projects in other States and shall describe the procedures to be used for the agency's full participation in and full utilization of the migrant student record transfer system established by the Commissioner.

(20 U.S.C. 241c-2)

§ 116d.40 Cooperative programs.

Two or more State educational agencies may submit to the Commissioner a

V40-131 JUL 8 75 XUM

joint application for a program or project involving children to be served by all of those particular agencies. By an appropriate interagency agreement, one such agency with the approval of the Commissioner may administer such a program or project.

(20 U.S.C. 1232c(b)(1))

§ 116d.41 Commissioner's disapproval of State application; notice and hearing.

The Commissioner shall not finally disapprove an application of a State educational agency under this part except after reasonable notice and opportunity for hearing to that agency.

(20 U.S.C. 241c-2(a)(1))

[FR Doc.75-17607 Filed 7-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-RM-22]

TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 75-16449 appearing at page 26686 in the issue of Wednesday, June 25, 1975, in § 71.181 the description of Jackson, Wyoming, on page 26687 the first eight lines should read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on the Jackson's Hole Airport (latitude 43°36'24"N, longitude 110°44'13" W), within 5.5 miles west and 9.5 miles east of the Jackson VOR 290° radial, extending from the VOR to

[14 CFR Part 71]

[Airspace Docket No. 75-WE-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Carlos, Arizona transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before August 7, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

Intensive Student Jet Training Areas 2 and 3 for Williams AFB, Arizona have a requirement for lower airspace than provided by the existing floor of 12,000 feet MSL. The lower transitional area airspace will provide sufficient controlled airspace for the protection of the training aircraft. For uniformity in charting, the entire area will be floored at 1200 feet AGL and the existing 12,000 foot MSL limitation deleted.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (40 FR 441) the description of the San Carlos, Arizona transition area is amended to read as follows:

Delete all before "* * * bounded on the northwest * * *" and substitute therefor "That airspace extending upward from 1200 feet above the surface * * *"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 25, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-17561 Filed 7-7-75;8:45 am]

[14 CFR Parts 75, 91]

[Docket No. 14776; Notice No. 75-29]

JET ADVISORY AREA RULES

Proposed Revocation

The Federal Aviation Administration is considering amending Parts 75 and 91 of the Federal Aviation Regulations by revoking Subpart C of Part 75, and by revoking §§ 75.15 and 91.99, which sections prescribe, respectively, the descriptions of, and the operating requirements applicable in, jet advisory areas designated in Subpart C of Part 75. The last jet advisory areas were revoked in 1974 and the rules applicable to those airspace designations are no longer needed.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before September 8, 1975, will be considered before taking action on the proposed rules. The proposals contained in this notice may be changed in light of relevant comments received. All comments received will be available for examination in the Rules Docket both before and after the closing date for comments.

Section 75.15 prescribes the different kinds of jet advisory areas and describes the airspace, within the continental control area, which has been established and specifically designated as jet advisory areas in Subpart C of Part 75 of the Federal Aviation Regulations. Section 91.99 prescribes the operational requirements applicable within the jet advisory areas designated in Part 75.

Jet advisory areas were first established when air carriers began operating large turbojet aircraft in late 1959, in order to provide an additional margin of safety for their operation. In conjunction with the establishment of these areas, the FAA adopted operating requirements and companion air traffic control procedures to provide control and separation of turbojet aircraft, including the issuance of clearances to operate only within the prescribed jet advisory areas when operating at or above 24,000 feet (FL 240).

The designated jet advisory areas specifically excluded, among other airspace, the airspace within positive control areas. When the positive control areas expanded as resources permitted and ATC capabilities increased, the number of jet advisory areas and the need for them decreased. Since positive control areas now cover virtually all of the 48 contiguous states and Alaska, and no need for jet advisory areas has arisen in Hawaii, jet advisory areas are no longer needed. As noted above, the last jet advisory areas were revoked in 1974.

Accordingly, neither the descriptive provisions of § 75.15 nor the operating rules in § 91.99 relate to current airspace designations. In addition, the FAA believes that there will be no future requirement for jet advisory areas or their companion rules. It is, therefore, proposed to revoke §§ 75.15 and 91.99 and to revoke Subpart C of Part 75 of the Federal Aviation Regulations.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Parts 75 and 91 of the Federal Aviation Regulations as follows:

1. Part 75 of the Federal Aviation Regulations would be amended by deleting the text of § 75.15, by designating that section "Reserved," by deleting the text of Subpart C, Jet Advisory Areas, and by designating that subpart "Reserved."

2. Part 91 of the Federal Aviation Regulations would be amended by deleting the text of § 91.99 and by designating that section "Reserved."

Issued in Washington, D.C., on June 30, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT-1.

[FR Doc.75-17562 Filed 7-7-75;8:45 am]

[14 CFR Part 93]

[Docket No. 14777; Notice No. 75-30]

OAKLAND, CALIFORNIA, CONTROL ZONE

Proposed Elimination of Special VFR Prohibition

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to permit special VFR operations in the Oakland, California, control zone.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments are specifically invited regarding the environmental effects of the proposal, if any. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before September 8, 1975, will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 93.113 prohibits the operation of fixed-wing aircraft within designated control zones under the special VFR weather minimums prescribed in § 91.107. Section 93.113 prohibits Special VFR operations in the control zone that is established at Oakland, California, for the Metropolitan Oakland International Airport (herein called "Oakland control zone"). In adopting the prohibition in § 93.113, the FAA indicated that future additions to or deletions from that section would reflect changed conditions affecting the safe and efficient use of the navigable airspace.

A review of the operations in the Oakland control zone indicates that the continued prohibition of special VFR operations may not be warranted. The configuration of the airport runways and the presence of two control towers permit a natural geographic division between IFR and VFR operations using separate portions of the airport. In addition, there has been a reduction in the volume of air carrier and other traffic using the Oakland control zone, so that the two control towers are believed to have the capability of handling any increase in traffic that may result from eliminating the prohibition of special VFR operations. In view of the above cited conditions, the FAA believes that continuation of the current prohibiton of special VFR operations in the Oakland control zone may be an unnecessary and unwarranted restriction on the efficient use of the airspace within that control zone.

(Secs. 307(c), 313(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(c), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1644(c)))

In consideration of the foregoing, the FAA proposes to amend § 93.113 of Part 93 of the Federal Aviation Regulations (14 CFR Part 93), by amending item 25 by deleting the words "Oakland, Calif. (Metropolitan Oakland International Airport)" and by designating item 25 "[Reserved]."

Issued in Washington, D.C., on June 30, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT-1.

[FR Doc.75-17563 Filed 7-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

[FRL 378-8]

IMPLEMENTATION PLANS

Proposed Requirements for Preparation, Adoption, and Submittal

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State Implementation Plans (SIP) under section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 FR 22398), as 40 CFR Part 51. Subsequent to this republication numerous additions and changes have been made to the original requirements. The amendments proposed herein would further revise 40 CFR Part 51 by making certain modifications and additions. Such amendments are necessary because the existing requirements are inconsistent, in some cases, with recent court decisions and EPA policies; obsolete; or in need of some correction and clarification. The following discussion relates to substantive changes proposed below.

Section 51.1 Definitions. Various definitions are proposed to allow for an easier and more direct interpretation of the requirements. In addition, changes to the references to existing definitions are being proposed to correct inconsistencies which had developed in prior publications of 40 CFR Part 51 requirements.

Section 51.4 Public hearings. A modification to § 51.4, which sets forth the requirements for conducting a public hearing on a plan or portion thereof, is being proposed which would require the State to submit to the Administrator a list of witnesses and summaries of their presentations. This material will enable the Administrator to more fully consider all opinions, data and views concerning a proposed SIP action. Further, changes to this section are being proposed to clarify EPA's intent to require hearings on all plan revisions except those that are of a non-regulatory nature and do not significantly affect the program for the attainment and maintenance of national standards. Under this proposal, States would be encouraged to obtain a ruling in advance from the appropriate Regional Office when in doubt as to whether a hearing is required.

Section 51.5 Submission of plans: Preliminary review of plans. Section 51.5, which sets forth the procedures for submission of the implementation plan or portion thereof, is being proposed for amendment to indicate the types of submittal that must be forwarded under the auspices of the Governor. In addition, EPA is proposing to condense Part 51 by incorporating those requirements pertaining to the submittal of transportation control plans into the general plan requirements of § 51.5.

Section 51.6 Revisions. The requirements of § 51.6, stating the conditions under which an implementation plan shall be revised, are proposed to be amended to require that a plan must be revised whenever the Administrator finds that a plan does not meet the requirements of this part. The proposal also requires that each plan shall contain a statement, as required by section 110(a)(2)(H) of the Clean Air Act, indicating that the plan will be revised under the circumstances specified by the Act and this part. This action was mandated for Massachusetts and Rhode Island by the First Circuit Court of Appeals decision (NRDC et al. v. EPA, 478 F. 2d 875) and in the Administrator's judgment should be extended to all States. To expedite the inclusion of plan revisions into the official implementation plan, the regulations proposed below require the submittal to be forwarded to the appropriate Regional Administrator instead of the Administrator.

Additionally, to provide for a comprehensive review by all appropriate State, regional, and local agencies and governments, the State would have to submit any substantive revision to any emission limitation in the plan or any new emission limitation to be added to the plan for review and comment for a period of 30 days to the cognizant clearinghouses as established under Office of Management and Budget Circular A-95. This 30-day review could occur simultaneously with the required 30-day period before the public hearing on the plan revision.

Section 51.7 Reports. The requirements of § 51.7, relating to air quality and emission data reports submitted by the States, are proposed to be expanded. Previously, States were required to submit to the Administrator emission information on any source which had an actual emission rate of more than 100 tons/year of any pollutant for which a national standard exists. The revision proposed below would require reporting for sources with potential emissions of more than 100 tons/year. Such sources with several individual emission points that have similar characteristics would be allowed to report the emissions from such emission points as one single emission source in accordance with "Guide for Compiling a Comprehensive Emission Inventory"—APTD 1135. This procedure obtains complete information on point sources without an overburdensome amount of paper work for the State and local agencies. Potential emissions are defined as those emissions that would occur if emission

V40 I131 JUL 8 75 XUM

control equipment, if any, were removed or deactivated. The use of potential emissions is utilized by nearly all State and local air pollution agencies as part of their FY '75 grant provisions. This amendment will therefore reflect current procedures and standardize the definition.

It is also proposed that § 51.7(b)(4) be deleted from these regulations and § 51.7(d) be revised. Because semi-annual reporting has not been frequent enough for the Administrator to react in a responsive manner to progress by States in enforcing their State implementation plans, reporting requirements (including frequency of reporting) have been negotiated as part of the grant awards with most States. The semi-annual reporting requirements originally established under § 51.7(b)(4) duplicate or conflict with these grant reporting requirements. It is therefore proposed that § 51.7(b)(4) be deleted.

Annually, EPA prepares a Regional Operating Guidance package setting forth planning guidance and reporting requirements for the current fiscal year. This guidance package is the basis for the reporting requirements negotiated with most State agencies as part of their program grant conditions. The proposed revision to § 51.7(d) provides that the minimum reporting requirements shall be determined in accordance with the planning guidance package and program grant conditions.

Section 51.13 Control strategy: Sulfur oxides and particulate matter. Paragraph (d)(4) of § 51.13 is being proposed to require that any control strategy demonstration submitted as a revision to an implementation plan, including the AQMA analysis and plan, would have to provide a specific control strategy demonstration for each region or areas affected by the revision. This proposal would void the use of the example region concept for performing control strategy demonstrations for plan revisions. It would not, of course, affect the right of States under section 116 of the Clean Air Act to adopt and enforce regulations which are more stringent than necessary to meet Federal standards.

Section 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide. The Administrator is proposing to amend § 51.14, relating to control strategies for carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide, to require that data from all sites for carbon monoxide, nitrogen dioxide, and photochemical oxidants, reflecting the most recent data for a full year, where available, be used in any control strategy revision. For the original plan submittals, only data from the summer of 1971 was required to be included in the plan. Further, the requirement that no air quality data need be submitted in Priority III regions for carbon monoxide, hydrocarbons, nitrogen dioxide, and photochemical oxidants is proposed to be revoked. This is necessitated because it is inconsistent with the proposed new requirement in § 51.7(a)(1).

Section 51.18 Review of new sources and modifications. Section 51.18 requires that each plan must contain legally enforceable procedures which shall specify that any new or modified stationary or indirect source which emits any pollutant for which there is a national ambient air quality standard shall not be constructed if such source will result in violations of applicable portions of the control strategy or will result in a violation of a national standard either directly because of emissions from it, or indirectly, because of emissions resulting from mobile source activities associated with it. In the April 18, 1973, FEDERAL REGISTER, the Administrator set forth his intention to reexamine existing State plan provisions for the review of new stationary sources. EPA has discovered through such examination that some State regulations improperly exempt sources which could have a significant impact on air quality. To remedy this deficiency, the proposal below specifies in a new Appendix Q the stationary sources which may be exempt from such review. Under this proposal, EPA would approve a regulation exempting a source not listed in Appendix Q only if the State demonstrated to EPA the negligible impact of such a source. It is the Administrator's judgment that the impact of emissions from the sources listed in Appendix Q is not significant enough to require that all States allocate the manpower and resource expenditures necessary to review them. States would not be precluded from conducting review of such listed sources, however, should they so desire.

It is expected that many State stationary source review procedures will have to be modified in two other respects. First, many States have never included the notice and public comment procedures which have been required by 40 CFR 51.18 since 1973. Second, EPA has discovered that some regulations fail to conform to 40 CFR 51.18 in that they do not contain language which affirmatively insures that the State will prevent the construction of violating sources. For instance, one State regulation provides that the State "may" deny a permit to a source which would cause violations. To comply with 40 CFR 51.18, the State's procedures must require the State to prevent the construction of sources which will cause ambient air quality violations. States should have language in their regulations similar to this: "No permit to construct or modify shall be granted if such construction or modification will result in a violation of the State's control strategy or in a violation of the national ambient air quality standards."

Section 51.19 Source surveillance. The proposed changes to § 51.19, dealing with provisions for source recordkeeping and reporting, would require States to specifically identify which sources are subject to the recordkeeping and reporting requirements. This change is also a result of the First Circuit decision discussed above.

Appendix H must be amended to correct typographical errors and to require reporting of the second highest value for a given time period. This allows one to determine the representativeness of a particular value. Additionally, the standard geometric deviations for sulfur dioxide and nitrogen dioxide are being required.

The Administrator is proposing to revoke Appendix O. It is the Administrator's judgment that this appendix no longer serves a useful purpose, as the approach for determining what indirect source size to review has shifted from one focusing on maximum downwind concentration from a source, to an approach focusing on receptors near intersections, traffic lights, entrance gates, etc. Appendix O addresses the old approach.

The changes being proposed below will, in most instances, require States to revise their implementation plan to meet the requirements. Such revisions shall be submitted to EPA for review and shall be made part of the implementation plan if found approvable. It is the Administrator's intent to require that all plan revisions to satisfy the requirements proposed below be submitted no later than 12 months after the final promulgation of these amendments. Whenever practicable, such revisions may be submitted with the revisions associated with air quality maintenance revision. These proposed changes are not intended to relieve the State of the responsibility of complying with the existing requirements of 40 CFR Part 51.

In accordance with Agency policy as set forth in 39 FR 37419, the proposed changes have been reviewed and it has been determined that they do not constitute "significant" revisions or modifications (as defined in 39 FR 37419), and therefore, do not require that an Environmental Impact Statement be prepared.

All interested parties are invited to submit written comments on the proposed regulations set forth below. Comments should be submitted, preferably in triplicate, to the Environmental Protection Agency, Office of Air Quality Planning and Standards, Standards Implementation Branch, Research Triangle Park, N.C. 27711, Attention: Mr. Schell. All relevant comments received on or before August 7, 1975, will be considered. Comments received by EPA will be available for inspection during normal business hours at the Freedom of Information Center, 401 M Street, SW., Washington, D.C. 20460. The regulations proposed herein, with appropriate modifications, will be effective on republication in the FEDERAL REGISTER. This notice of proposed rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act. (42 U.S.C. 1857c-5 and g)

Dated: June 30, 1975.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 51.1 paragraphs (a), (f), (g), (j), (k) and (m) are revised and paragraph (bb), is added. As amended, § 51.1 reads as follows:

§ 51.1 Definitions.

(a) "Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 et seq.

* * * * *

(f) "Plan" means an implementation plan, approved or promulgated pursuant to section 110 of the Act.

(g) "Applicable plan" means a plan or portion thereof including the most recent revision of such plan or portion thereof, which has been approved or promulgated by the Administrator pursuant to section 110 of the Act.

* * * * *

(j) "Local agency" means any local governmental agency, other than the State agency, which is charged with the responsibility for carrying out a portion of a plan.

(k) "Point source" means any stationary facility which has the potential of emitting a total of 100 tons (90.7 metric tons) per year or more of any one pollutant for which a national standard has been promulgated. Potential emissions are defined as being the emissions that would occur if any existing emission control equipment were removed or deactivated. Potential emissions are calculated by dividing the existing annual emission estimate by the factor (1 minus the efficiency of the emission control device, if any). The existing annual emission estimates are those most recently calculated in accordance with the procedures published in "Guide for Compiling a Comprehensive Emission Inventory"—APTD–1135.

* * * * *

(m) "Region" means an air quality control region, designated pursuant to section 107 of the Act and described in Part 81 of this chapter.

* * * * *

(bb) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emission of any air pollutant for which a national standard is in effect.

2. In § 51.4, paragraph (a)(3) is added and paragraphs (a)(1) and (c) are revised. As amended, § 51.4 reads as follows:

§ 51.4 Public hearings.

(a)(1) Except as otherwise provided in subparagraphs (2) or (3) of this paragraph, the State shall, prior to the adoption of any plan or any revision thereof or prior to the submission to the Administrator of any individual compliance schedule pursuant to § 51.15(a) or any revision thereof, conduct one or more public hearings on such plan, schedule, or revision. Separate hearings may be held for plans to implement primary and secondary standards.

* * * * *

(3) No hearing shall be required for any non-regulatory revision which is so insignificant that such revision will not affect the program for attainment or maintenance of the national standards.

* * * * *

(c) The State shall prepare and submit to the Regional Administrator a list of witnesses and their organizational affiliations, if any, appearing at each hearing and a brief written summary of each presentation or written submission. The State shall prepare and retain, for a minimum of 2 years, the full text of each presentation and any exhibits or written materials filed as part of the hearing, for inspection by any bona fide interested party upon his request.

* * * * *

3. In § 51.5, paragraph (a) is revised and paragraphs (d) and (e) are revoked. As amended, § 51.5 reads as follows:

§ 51.5 Submission of plans: Preliminary review of plans.

(a) Submission to the Administrator shall be accomplished by delivering five copies of the plan to the appropriate Regional Office. Portions of the plan involving regulatory measures (other than individual compliance schedules) and resource commitments of the State to conduct activities called for in the plan shall be submitted by the Governor. All other portions of the plan may be submitted by the State agency designated by the Governor to do so. Plans shall be adopted by the State and submitted to the appropriate Regional Administrator as follows:

* * * * *

(3) [Revoked.]

* * * * *

(d) [Revoked.]
(e) [Revoked.]

4. In § 51.6, paragraphs (a)(3) and (d) are revised, and paragraphs (a)(4) and (g) are added. As amended, § 51.6 reads as follows:

§ 51.6 Revisions.

(a) The plan shall contain a statement indicating that the plan shall be revised as may be necessary to take account of:

* * * * *

(3) A finding by the Administrator that the plan is substantially inadequate to attain or maintain the national standard which it implements, or

(4) A finding by the Administrator that the plan does not meet the requirements of this part or the Act.

* * * * *

(d) Any revision of any regulation (including any compliance schedule), or non-regulatory provision pursuant to paragraph (c) of this section and subject to the provisions of § 51.4 shall be submitted to the appropriate Regional Administrator in accordance with § 51.5 no later than 60 days after its adoption for regulatory revisions and no later than 60 days prior to its implementation by the State for a non-regulatory provision.

* * * * *

(g) Prior to submission to the Administrator of any substantive revision to any emission limitation in the plan or of any revision to the plan adding a new emission limitation, the State shall submit such revision for review and comment for a period of 30 days to the cognizant clearinghouses as established under the Office of Management and Budget Circular A-95, published in the FEDERAL REGISTER on November 28, 1973 (38 FR 32874). Comments received from the clearinghouses within the above-specified 30-day period shall be considered before the plan revision is submitted to the Administrator. Copies of such comments shall be retained by the State for inspection by the Administrator.

5. In 51.7, paragraphs (a)(1), (b)(1), (b)(5), and (d) are revised, paragraph (b)(4) is revoked, and paragraph (e) is added. As amended, § 51.7 reads as follows:

§ 51.7 Reports.

(a) * * *

(1) Quarterly reports shall include all ambient air quality data from all sampling instruments which are available to the control agency. The first report shall include all air quality data gathered subsequent to the air quality data which provided the basis for development of the applicable plan. Any changes or modification to the monitoring sites (i.e. location, equipment, operating times) occurring during the reporting period shall be recorded on Storage and Retrieval of Aerometric Data site forms and included as part of the quarterly report.

* * * * *

(b) *Semiannual report.* (1) For the purposes of subparagraph (3) of this paragraph, the term source means any point source as defined in § 51.1(k). For such sources, emissions shall be reported as emissions of each pollutant for which there is a national standard from each individual emission point within the source, except that individual emission points with similar characteristics may be reported as a single emission point in accordance with "Guide for Compiling a Comprehensive Emission Inventory"—APTD 1135.

* * * * *

(4) [Revoked]

(5) *Revisions.* All substantive revisions to the applicable plan, during the reporting period other than revisions to rules and regulations, administrative housekeeping changes or compliance schedules submitted in accordance with § 51.6(d) shall be identified and described. Such revisions shall include, but are not limited to, changes in stack test procedures for determining compliance with applicable regulations, modifications in the projected total manpower needs to carry out the approved plan, and all changes in responsibilities

V40-131 JUL 8 75 XUM

given to local agencies to carry out various portions of the plan.

* * * * *

(d) *Reporting of compliance status and enforcement actions.* Each State shall report appropriate information on compliance status and enforcement action outputs as contained in EPA's annual "Regional Operating Guidance." Any additional output reports and the schedule for submittal of such reports shall be specified as a grant condition according to the requirements set forth in Part 35 of this chapter. At a minimum, reports on compliance status and enforcement actions shall be submitted on a quarterly basis.

(e) The Administrator may request a State to verify and certify the data submitted pursuant to paragraphs (a) and (b) of this section if he finds errors or discrepancies in such data. Within 45 days after notification by the Administrator, the State shall advise the Administrator concerning the accuracy of the data, and resubmit corrected data in the prescribed format, where appropriate.

6. In § 51.13, paragraph (d)(4) is added. As amended, § 51.13 reads as follows:

§ 51.13 Control strategy: Sulfur oxides and particulate matter.

* * * * *

(d) * * *

(4) Control strategy demonstrations submitted as a revision to an applicable plan shall, after the effective date of this subparagraph, provide a specific control strategy demonstration for each region or area affected by such revision.

* * * * *

7. In § 51.14 paragraph (e) is revised. As amended, § 51.14 reads as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide.

* * * * *

(e) * * *

(1) For Priority I regions, data from all sites available to the control agency on carbon monoxide, nitrogen dioxide, and photochemical oxidants shall reflect the most recent data for a full year, where available.

* * * * *

(3) Air quality data required by this subparagraph shall be submitted in the form similar to that shown in Appendix H to this part.

* * * * *

8. Section 51.18 is revised to read as follows:

§ 51.18 Review of new sources and modifications.

(a) Each plan shall set forth legally enforceable procedures for review, prior to construction, of new or modified stationary or indirect sources which emit any pollutant for which there is a national ambient air quality standard. Such procedures shall specify that any new or modified stationary or indirect source shall not be constructed if such source will result in violations of applicable portions of the control strategy or will result in a violation of the national ambient air quality standards either directly because of emissions from it, or indirectly, because of emissions resulting from mobile source activities associated with it.

(b) The legally enforceable procedures required pursuant to paragraph (a) of this section shall:

(1) Provide for the submission, by the owner or operator of the building, facility, structure, or installation to be constructed or modified, of information on:

(i) The nature and amounts of emissions to be emitted by it and, if applicable, emitted by associated mobile sources.

(ii) The location, design, construction, and operation of such facility, building, structure, or installation as may be necessary to permit the State or local agency to make the determination referred to in paragraph (a) of this section.

(2) Provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

(3) Identify types and sizes of facilities, buildings, structures, or installations which will be subject to review pursuant to this section.

(4) (i) Provide that prior to approving or disapproving the construction or modification of a facility, building, structure, or installation pursuant to this section, the State or local agency will provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality, including the agency's proposed approval or disapproval.

(ii) For purposes of subdivision (i) of this subparagraph, opportunity for public comment shall include, as a minimum:

(*a*) Availability for public inspection in at least one location in the region affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality.

(*b*) A 30-day period for submittal of public comment, and

(*c*) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subdivision (ii)(*a*) of this subparagraph.

(5) Provide that a copy of the notice required by subparagraph (4)(ii)(*c*) of this paragraph shall also be sent to the Regional Administrator and to all other State or local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located and any other State or local air pollution control agency whose jurisdictional areas may be affected by the proposed source. The notice also shall be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

(6) Provide that a copy of any approval to construct, including any condition included as part of such approval, be sent to the appropriate Regional Administrator.

(c) Where the 30-day comment period required in paragraph (b)(4)(ii)(*b*) of this section would conflict with existing State requirements for acting on requests for permission to construct or modify, the State may submit for approval a comment period which is consistent with such existing requirements.

(d) Each plan shall:

(1) Identify the State or local agency which will be responsible for meeting the requirements of this section in each area of the State. Where such responsibility rests with an agency other than an air pollution control agency, such agency shall consult with the appropriate State or local air pollution control agency prior to issuing a permit to construct a new source in carrying out the provisions of this section.

(2) Discuss the basis for determining which facilities shall be subject to review.

(3) Include the administrative procedures which will be followed in making the determination specified in paragraph (a) of this section.

(4) Include the procedures and methods the State will employ to make the judgment as to whether a source will violate national ambient air quality standards.

(e) Sources or source categories listed in Appendix Q may be exempt from the requirements of this section. Other sources or source categories may be exempt if the State demonstrates to the Administrator in writing (including a technical support document) that such sources would have a negligible impact on air quality.

9. In § 51.19, paragraph (a) is revised to read as follows:

§ 51.19 Source surveillance.

* * * * *

(a) Legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of and reports at least once a year to the State information on the nature and amount of emissions from such stationary sources and/or such other information as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy. Such legally enforceable procedures shall specifically identify those sources subject to the recordkeeping and reporting requirements; and as a minimum, such sources shall include point sources as defined in § 51.1(k).

* * * * *

10. Appendix H is revised to read as follows:

APPENDIX H.—*Air quality data summary*

Pollutant	Sampling site location [1]	Sampling interval (months)	Start date	End date	Number of samples	1 h		3 h		8 h		24 h		Annual arithmetic mean	Annual geographic mean	Geographic standard deviation [2]
						Maximum	2d maximum	Maximum	2d maximum	Maximum	2d maximum	Maximum	2d maximum			
Particulate matter	×	×	×	×	×							×	×		×	×
Sulfur oxides (SO_2)	×	×	×	×	×			×	×			×	×	×		×
Nitrogen dioxide	×	×	×	×	×									×		×
Photochemical oxidants	×	×	×	×	×	×	×			×	×					
Carbon monoxide	×	×	×	×	×	×	×			×	×					

× = Date or information required.

[1] UTM Grid coordinate or equivalent.

[2] Geometric standard deviation based on 24-h averages.

11. Appendix O is revoked.

12. Appendix Q is added to read as follows:

APPENDIX Q—LIST OF STATIONARY SOURCES WHICH MAY BE EXEMPT FROM THE NEW SOURCE REVIEW PROCEDURES

1. Maintenance, structural changes or minor repair of process equipment, fuel-burning equipment, control equipment, or incinerators which do not change capacity of such process equipment, fuel-burning equipment, control equipment, or incinerators and which do not involve any change in the quality, nature, or quantity, of emissions therefrom.

2. Fuel burning units, other than smokehouse generators, which have a heat input of not more than 250 million Btus per hour and burn only gaseous fuel containing not more than 20 grains H_2S per 100 standard cubic feet; have a heat input of not more than 10 million Btus per hour and burn oil; or have a heat input of not more than 350,000 Btus per hour and burn solid fuel.

3. Stationary internal combustion engines with less than 1000 brake horsepower.

4. Bench scale laboratory equipment used exclusively for chemical or physical analysis or experimentation.

5. Portable brazing, soldering, or welding equipment.

6. The following equipment:

(a) Comfort air conditioners or comfort ventilating systems which are not designed to remove emissions generated by or released from specific units or equipment.

(b) Water cooling towers and water cooling ponds unless used for evaporative cooling of process water, or for evaporative cooling of water from barometric jets or barometric condensors or used in conjunction with an installation requiring a permit to operate.

(c) Equipment used exclusively for steam cleaning.

(d) Grain, metal, plastic or mineral extrusion presses.

(e) Porcelain enameling furnaces or porcelain enameling drying ovens.

(f) Unheated solvent dispensing containers or unheated solvent rinsing containers of 60 gallons capacity or less.

(g) Equipment used for hydraulic or hydrostatic testing.

7. The following equipment or any exhaust system or collector serving exclusively such equipment:

(a) Blast cleaning equipment using a suspension of abrasive in water.

(b) Bakery ovens where the products are edible and intended for human consumption.

(c) Kilns for firing ceramic ware, heated exclusively by gaseous fuels, singly or in combinations and electricity.

(d) Confection cookers where the products are edible and intended for human consumption.

(e) Drop hammers or hydraulic presses for forging or metal working.

(f) Die casting machines.

(g) Photographic process equipment through which an image is reproduced upon material through the use of sensitized radiant energy.

(h) Equipment for drilling, carving, cutting, routing, turning, sawing, planning, spindle sanding or disc sanding of wood or wood products, which is located within a facility that does not vent to the outside air.

(i) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(j) Equipment for washing or drying products fabricated from metal or glass: *Provided*, That no volatile organic materials are used in the process and that no oil or solid fuel is burned.

(k) Laundry dryers, extractors or tumblers for fabrics cleaned with only water solutions of bleach or detergents.

(l) Containers, reservoirs, or tanks used exclusively for electrolytic plating with, or electrolytic polishing of, or electrolytic stripping of the following metals: Brass, Bronze, Cadmium, Copper, Iron, Lead, Nickel, Tin, Zinc, Precious Metals.

8. Natural draft hoods or natural draft ventilators.

9. Containers, reservoirs or tanks used exclusively for:

(a) Dipping operations for coating objects with oils, waxes, or greases, where no organic solvents are used.

(b) Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

(c) Storage of butane, propane or liquified petroleum or natural gas.

(d) Storage of lubricating oils.

(e) Storage of Nos. 1, 2, 4, 5 and 6 fuel oil, non-military jet engine fuel, and crude petroleum or condensate which is stored processed, and/or treated at a drilling and production facility prior to custody transfer.

(f) Storage of volatile organic compounds in any stationary tank, reservoir, or other container of 40,000 gallons or less. Volatile organic compounds are defined as any compounds containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

10. Gaseous fuel-fired or electrically-heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

11. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, unless otherwise noted, in which no sweating or distilling is conducted, nor any fluxing conducted utilizing chloride, fluoride, or ammonium compounds, and from which only the following metals are poured or in which only the following metals are held in a molten state:

(a) Aluminum or any alloy containing over 50 percent aluminum, provided that no gaseous chlorine compounds, chlorine, aluminum chloride or aluminum fluoride are used.

(b) Magnesium or any alloy containing over 50 percent magnesium.

(c) Lead or any alloy containing over 50 percent lead, in a furnace with a capacity of 550 pounds or less.

(d) Tin or any alloy containing over 50 percent tin.

(e) Zinc or any alloy containing over 50 percent zinc.

(f) Copper.

(g) Precious metals.

[FR Doc.75-17549 Filed 7-7-75;8:45 am]

[40 CFR Part 432]

[FRL 395-2]

POULTRY PROCESSING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards; Availability and Extension of Public Comment Period

On April 24, 1975, the Agency published a notice of proposed rulemaking establishing effluent limitations and guidelines based on best practicable control technology currently available, best available technology economically achievable, standards of performance for new sources, and pretreatment standards for new sources for the poultry processing point source category (40 FR 18150). Reference was made in the preamble to this notice of a technical report and an economic report prepared by the Agency in connection with the development of these regulations.

The report entitled, "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Poultry Processing Point Source Category", details the analysis undertaken in support of the regulations and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis entitled "Economic Analysis of Proposed Effluent Guidelines, Poultry Processing Industry" which discusses the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents have been sent to persons or institutions affected by the proposed regulation or who have placed

V40-131 JUL 8 75 XUM

themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C., 20460, Attention: Ms. Ruth Brown.

All comments received on or before August 7, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advanced notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: June 30, 1975.

JAMES L. AGEE,
Assistant Administrator,
Water and Hazardous Materials.

[FR Doc.75-17650 Filed 7-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20486, RM-2356, RM-2397]

FM BROADCAST STATIONS; ARCADIA, LAKE PLACID AND ENGLEWOOD, FLORIDA

Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Arcadia, Lake Placid and Englewood, Florida).

1. On May 13, 1975, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on May 30, 1975, 40 FR 23475. The dates for filing comments and reply comments are presently July 7 and July 28, 1975, respectively.

2. On June 26, 1975, counsel for Arcadia-Punta-Gorda Broadcasting Co., Inc., requested that the time for filing comments be extended to and including August 7, 1975. Counsel states that he has been advised that a full engineering showing such as the Commission requests in its Notice, and other pertinent showings, cannot be prepared within the prescribed deadline date. Counsel adds that he has been authorized to state that counsel for Sarasota-Charlotte Broadcasting consents to the requested extension.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including August 7 and August 28, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: June 27, 1975.

Released: July 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-17636 Filed 7-7-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20487]

SELECTION OF TELEVISION SIGNALS FOR CABLE TELEVISION CARRIAGE

Extension of Time for Filing Comments

Order. In the matter of amendment of Part 76, Subpart D of the Commission's rules and regulations relative to selection of television signals for cable television carriage (leapfrogging rules): §§ 76.59 (b) (1) and (2), and 76.63 of the Commission's cable television rules.

1. The National Cable Television Association has requested an extension of time for filing comments in the captioned proceeding[1] from July 8, 1975 to August 7, 1975. The additional time is said to be necessary to obtain detailed information relative to the matters in issue.

2. Although it appears that good cause has been shown for a limited extension of time, it would not appear that an extension of the magnitude requested is warranted. Accordingly, an extension will be granted only until July 29, 1975.

Accordingly, it is ordered, That the dates for filing comments and reply comments in the above captioned proceeding are extended to July 29, 1975, and August 12, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: June 27, 1975.

Released: July 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-17637 Filed 7-7-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

REFINER'S PROFIT MARGIN RULES

Proposed Modification and Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to revise Part 212 with respect to the profit margin limitations applicable to refiners. There are four proposed substantive changes to the profit margin limitation. First, the profit margin limitation would be expressed as an absolute dollar amount of profit per unit sold adjusted for inflationary factors. Second, this unit profit margin limitation would include only the revenues and costs attributable to domestic refining and marketing of petroleum. Third, the base period would be, at the option of the refiner, any two years ending after August 1, 1968 and prior to May 15, 1973. Finally, the regulations would reflect existing FEA policy of requiring firms to use generally accepted accounting principles consistently and historically applied in calculating the unit profit margin.

BACKGROUND

The profit margin limitation was introduced by the Cost of Living Council (CLC) pursuant to the Economic Stabilization Act of 1971 for the purpose of reducing the nation's spiraling rate of inflation by discouraging firms from increasing prices above base prices and by limiting the profits as a percentage of sales of those firms which did so. A single limitation applied to all of the activities of a firm, including its consolidated and unconsolidated entities.

The FEA adopted the profit margin limitation from the CLC regulations for two reasons. First, the rules were familiar to the regulators and the regulated industry. Second, because most firms were over their base period profit margins, few could pass through non-product costs. This was at a time when rapidly escalating crude costs were having a substantial inflationary impact on the economy.

The original CLC profit margin test was adopted by the FEA with two important modifications, one already incorporated by the CLC and the second introduced by FEA: (1) Base price was redefined to permit it to increase with increases in product costs, so only price increases to reflect non-product costs triggered the limitation, and (2) the limitation and the base price concept were applied only to refiners.

On September 6, 1974 the FEA issued a notice of proposed rulemaking which included proposed revisions of the profit margin limitation, several of which are incorporated into this proposal. However, because of the complexity of the issue and the legitimate areas of concern raised by the comments to the notice of proposed rulemaking, the FEA determined that further study was necessary to develop a profit margin limitation tailored to fit practices peculiar to the petroleum industry. The FEA believes the following revisions to the profit margin limitation would result in an efficient and effective profit control mechanism.

PROPOSED CHANGES

1. The proposed amendments would change the profit margin calculation to be an absolute dollar amount of profit per unit sold, adjusted for inflationary factors.

The profit margin is now defined essentially as the ratio of operating income to net sales, and in essence, this permits firm to earn as profit the same percentage of their total dollar sales as they earned during the base period. Although the profit margin in this form provided a reasonably good and easily administered measure of profits during periods of moderate price increases, it is not appropriate in the peculiar circumstances of the oil industry today.

The major cost element in the industry, the cost of crude oil, has nearly quadrupled since the base period; therefore, application of the profit margin test in its present form permits a corresponding quadrupling of per unit profits. The current method of determining profit margin produces a result which is not entirely consistent with the rationale for the dollar-for-dollar passthrough permitted for product cost increases.

The proposed amendment establishes three new profit margin concepts: "unit profit margin," "base period unit profit margin" and "adjusted base period unit profit margin." The "unit profit margin" is equal to operating income derived from the refining and marketing of petroleum divided by the total volume of petroleum sold, in other words, profits divided by volume. The "base period unit profit margin" is the average annual unit dollar profit of the firm concerned during the base period. The "adjusted base period unit profit margin," is the "base period unit profit margin" multiplied by the ratio of a price index for the month of measurement to that price index in May 1973. This allows firms to adjust their "base period unit profit margins" to reflect inflation since May, 1973. Accordingly, the proposed profit margin limitation would require that a refiner which raises a price above base price may not exceed its "adjusted base period unit profit margin" for the fiscal year in which the price increase above base price is made.

Comments are invited on which price index should be used to compute the adjusted base period unit profit margin. The GNP deflator for energy prices, the GNP deflator and the wholesale price index are possible alternatives.

2. The profit margin limitation would include only revenues derived from the refining and marketing of petroleum. Revenues derived from activities unrelated to products within the scope of the EPAA and from crude oil production activities would no longer be included in a firm's profit margin calculation.

There are two primary reasons for modifying the profit margin limitation with respect to the activities it covers. First, because revenues derived from all activities of a firm including those unrelated to petroleum are now included in the profit margin calculation, the limitation neither accurately reflects nor effectively controls profits derived from petroleum and therefore does not function effectively as a backstop for the price regulations, its primary purpose. Second, one of the goals of the FEA is to increase domestic production of crude oil thereby making the United States less dependent on imported crude. To accomplish this goal there are incentives built into the regulations to allow firms to generate sufficient capital for use in increasing their domestic production of crude petroleum. By including the crude oil production activities of a firm in its profit margin calculation, these incentives to increase production are obtained only at the expense of lowered margins on refining and marketing operations. When major integrated companies operate their refineries at less than normal margins, independent refiners which do not engage in crude oil production must also lower their margins to continue to compete and thereby become less viable economic entities.

Pursuant to the proposed definitions of "domestic net sales" and "domestic volume", the sales or revenues primarily derived from the units consumed or sold by foreign operations would be excluded from the "unit profit margin" calculations.

3. The base period would be changed to be any two fiscal years, at the option of the firm, ending after August 15, 1968 and before May 15, 1973.

At present the base period consists of any two, at the option of the firm, of its fiscal years ending after August 15, 1968, except the year for which compliance is being measured. The August 15, 1968 date was chosen originally because it began a three-year period ending with the imposition of the August 15, 1971 wage and price freeze.

The current definition of base period permits a firm to use newly completed fiscal years each time it calculates its base period profit margin. Thus, a firm's profit margin is continually approaching its single highest yearly profit margin. This is not consistent with the objective of the base period concept, as it was intended to require a firm to use a base period of "normal" operations when calculating its profit margin. Accordingly, the base period for purposes of calculating the "adjusted base period unit profit margin" is limited to any two fiscal years ending between August 15, 1968 and May 15, 1973.

4. The regulations would be amended by adding a new paragraph (d)(3) to § 212.82 setting forth FEA's policy as to the accounting methods used by refiners in calculating their unit profit margin. A firm shall use generally accepted accounting principles consistently and historically applied when making unit profit margin calculations.

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m., on Thursday, July 24, 1975, and if necessary to be continued on Friday, July 25, 1975, at Room 2105, 2000 M Street, NW., Washington, D.C., in order to receive oral presentation of data, views and argument from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. That request should be directed to FEA Executive Communications and must be received before 4:30 p.m., e.s.t., July 16, 1975. The request may be hand delivered to FEA Executive Communications, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through July 21, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., July 18, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C., 20461, before 4:30 p.m., e.s.t., July 23, 1975.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their or other person's presentations, and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to FEA Executive Communications before 4:30 p.m., July 22, 1975. Any person who makes an oral statement or any other person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules necessary for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hear-

[1] First published at 40 FR 23316, May 29, 1975.

V40-131 JUL 8 75 XUM

ting, including the transcript, will be retained by the FEA and made available for inspection at the FEA Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box DQ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Modification of Refiner's Profit Margin Rules." Fifteen copies should be submitted. All comments received by July 21, 1975, and all relevant information, will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its destination.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments on this proposal.

The inflationary impact of this proposal has been considered to the extent of information currently available to FEA, consistent with Executive Order 11821, issued November 27, 1974. The FEA does not, however, require refiners to report their non-product costs. Comments are specifically requested from refiners, therefore, on the amount of increased non-product costs, determined pursuant to § 212.87, which they have incurred for the month of June, 1975, and on the amount of the price increase that could be implemented by passing through all of those increased non-product costs in their July, 1975, sales. Amounts should be broken down by product and by type of cost. Additional increased non-product cost data, computed by other methods than that prescribed by § 212.87 may also be submitted, but the method of computation should be described. Such non-product cost information will be afforded confidential treatment by FEA, if such treatment is requested. Interested parties are hereby advised that failure to submit such information could result in a conclusion by FEA that it had insufficient data upon which to take final action in this proceeding.

(Emergency Petroleum Allocation Act of 1973 as amended, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

§§ 212.3 and 212.11 [Deleted]

1. Sections 212.3 and 212.11 are deleted.

2. Section 212.31 is amended to delete the definitions of "base period profit margin" and "profit margin;" to revise the definition of "base period;" and to add new definitions of "adjusted base period unit profit margin," "base period unit profit margin," "domestic net sales," "domestic volume," and "unit profit margin" to read as follows:

§ 212.31 Definitions.

* * * * *

"Adjusted base period unit profit margin" means the base period unit profit margin multiplied by the ratio of the —— index for the month of measurement to the —— index for the month of May 1973.

"Base period" means any two, at the option of the firm concerned, of the firm's fiscal years ending after August 15, 1968 and prior to May 15, 1973.

"Base period unit profit margin" means the average annual unit profit margin of the firm concerned for the base period.

"Domestic net sales" means the total gross receipts of a refiner during its most recently completed fiscal year, derived from the refining and marketing of petroleum, except that it does not include gross receipts of or from a foreign branch or division of such a refiner, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with foreign firms. A foreign entity, branch, or division is one located outside the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. However, gross receipts of domestic entities in U.S. export sales products are included in the determination of domestic net sales.

"Domestic volume" means the total number of units sold or consumed by a refiner during its most recently completed fiscal year, with respect to its refining and marketing of petroleum except that it does not include units sold or consumed by a foreign branch or division of such a refiner, or the units sold or consumed by a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the units sold or consumed by such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. However, units sold by domestic entities in U.S. export sales of petroleum are included in the determination of domestic volume.

"Unit profit margin" means with respect to the refining and marketing of petroleum, domestic operating income (domestic net sales less cost of sales and less normal and generally recurring costs of business operations, interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) computed in accordance with generally accepted accounting principles consistently and historically applied, divided by the total domestic volume of petroleum sold or consumed by the firm during the time period for which the unit profit margin is being measured. For purposes of computing a unit profit margin only revenues and costs of items and sales attributable to a firm's refining and marketing of petroleum shall be included. Revenues and costs of items and sales attributable to the first sale of domestic crude petroleum subject to Subpart D of this part are excluded.

* * * * *

4. Section 212.51 is revised to read as follows:

§ 212.51 General.

Prices charged with regard to the items and sales described in this subpart are exempt from the price rules prescribed in this part. However, revenues received from exempt sales of crude oil, residual fuel oil and refined petroleum products and the number of units sold or consumed are included by the firm for purposes of computing unit profit margin as defined in § 212.31.

5. Section 212.82 is revised in paragraph (d) to read as follows:

§ 212.82 Price rule.

* * * * *

(d) *Profit margin limitation*—(1) *Scope.* A refiner shall compute a single adjusted base period unit profit margin, as defined in § 212.31, for all of its activities with respect to the refining and marketing of petroleum. For purposes of this paragraph, a refiner is a parent and its consolidated and unconsolidated entities. Any refiner which has been authorized to adjust its base period profit margin pursuant to an exception granted under the authority of the Economic Stabilization Program or the FEA may not calculate its adjusted base period unit profit margin pursuant to that exception.

(2) *General rule.* A refiner which charges a price for any covered item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price in excess of the base price is charged, exceed its adjusted base period unit profit margin as defined in § 212.31.

(3) *Accounting methods.* For the purposes of this paragraph, all computations shall be made in accordance with generally accepted accounting principles consistently and historically applied.

[FR Doc.75-17625 Filed 7-2-75;12:43 pm]

[10 CFR Part 212]

CRUDE OIL IN CALIFORNIA

Gravity Price Differentials; Public Hearing

The Federal Energy Administration hereby gives notice of a proposed rulemaking and public hearing to consider whether to amend 10 CFR 212.73 (ceiling price rule) to permit an adjustment to the May 15, 1973 gravity price differential for heavy California crude oil, which, pursuant to the ceiling price rule, is currently reflected in prices charged for such oil.

Crude oil has historically been sold at prices that reflect, among other factors affecting quality, differing "gravity". "Gravity" is a measure of density or weight per unit volume. The American Petroleum Institute (API) system for measuring the density of crude oil is in degrees, with oil at ten degrees gravity (10° API) equivalent to the density of water, and with higher degree measurements indicating lesser densities. Water, at 10° API, for example, weighs 351 pounds per barrel, while gasoline, at 60° API weighs 259 pounds per barrel.

Historically, the lighter crude oil could more easily be separated into products for which demand (and prices) were higher, such as gasoline, diesel fuel, and jet fuel. Heavier crude oil, on the other hand, generally produced products of lesser demand, such as residual fuel oil. Refiners therefore generally paid a premium for higher degree crude oils.

The gravity of most crude oil falls between 26° API and 36° API. Crude oil produced in California, however is generally heavier, most being below 20° API.

The average national gravity price differential for crude oil on May 15, 1973 was between 2 and 2.5 cents per degree per barrel. The average gravity price differential in California, however, was 6.2 cents per degree per barrel. Pursuant to the ceiling price rule of 10 CFR 212.73, which limits the price that can be charged for crude oil subject to the rule to the highest posted price on May 15, 1973 for that grade of crude oil, plus $1.35 per barrel, "old" crude oil prices continue to reflect the gravity price differentials that were in effect on May 15, 1973.

Thus, since most of the crude oil produced in California is "heavy", and reflects a 6.2 cent gravity price differential, the current average price for "old oil" in California is $4.21 per barrel, compared with the FEA-computed national average price of $5.25 per barrel.

Submissions made to the FEA suggest that the gravity price differential that existed for California crude oil on May 15, 1973 resulted from two major historical factors, which may no longer be relevant. First, as noted above, most crude oil produced in California is heavy, and difficult to refine into light products, and the heavier crude oils were therefore used in 1973 primarily to produce residual fuel oils. Since residual fuel oils were used primarily as fuel for electric utilities, and competed with natural gas, which was available in abundant quantities at low prices, the price of residual fuel oils was relatively low. Second, although technology in the refining industry made conversion of heavy crude oil into the lighter products possible, the higher cost of the equipment necessary for this process tended to keep the prices of heavy crude oils low since those costs had to be recovered in sales of lighter products refined from light crude oil.

That these factors may no longer be of the same significance as in May, 1973 is suggested by the fact that the gravity price differential on crude oil produced in California that is not subject to the ceiling price rule ("new", "released", and "stripper well lease" crude oil) is no longer at the same level it was in May, 1973, but more closely approximates the amount of the differential that prevailed with respect to crude oils throughout the rest of the United States in May, 1973. California producers submit that this is the market response to changes in the circumstances which led in the past to the higher differential for California crude oil. Thus, residual fuel oil, particularly low-sulfur fuel oil, has become a high demand product in light of the lessened availability of natural gas, and therefore commands a relatively higher price compared to the lighter petroleum products than it formerly did. Also, the advanced technology refining capacity needed to convert heavy crude oil into light products may well be fully amortized by now. In addition, new refining techniques have been developed whereby heavy crude oils may be more desirable than light crude oils to produce new demand products such as unleaded gasoline.

The FEA cannot promulgate price regulations broad enough to encompass an entire industry and yet account for all differences in factual conditions that might possibly result in inequities. However, numerous petitions have been received by the FEA requesting an amendment to 10 CFR 212.73 to permit the May 15, 1973 gravity price differentials to be adjusted with respect to low gravity crude oil produced in California. These petitions submit that such an amendment would be in keeping with the FEA's commitment to stimulate domestic production by increasing the incentive and economic feasibility of recovering a greater percentage of the proven reserves that exist in the California heavy oil areas. They further submit that the current ceiling price for heavy crude oil does not substantially benefit consumers, but that consumers would ultimately benefit more from increased production of domestic crude oil, despite the modest price increase that would result from a permitted adjustment in the gravity differential. Any increased production resulting from such an adjustment would make additional crude oil available to reduce dependence on much higher priced foreign imports.

The FEA believes that this issue is one that merits careful consideration of all factors involved, before a determination as to whether an adjustment is appropriate can be made. Therefore, comments are requested as to the effect of the suggested adjustment in the gravity price differential from that which existed on May 15, 1973, to a lesser amount, possibly 2 or 3 cents per degree. The proposed amendment would permit determination of the ceiling price pursuant to § 212.73 for crude oil produced in California based upon the posted price for the highest degree API gravity petroleum produced in a given field less a reduction of an amount to be decided by FEA following the public hearing provided for herein per degree API gravity that the crude oil offered for sale is below the highest degree oil posted on May 15, 1973.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box DS, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Heavy California Crude Oil Differential." Fifteen copies should be submitted. All comments received by Wednesday, July 30, 1975 and all relevant information, will be considered by the FEA before final action is taken on the proposed regulations.

Any information or data considered confidential by the person furnishing it must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination. The public hearing in this proceeding will be held at Room 2105, 2000 M Street, NW., Washington, D.C. on Tuesday, August 5, 1975 at 9:30 a.m., e.d.s.t., in order to receive comments from interested persons on matters set forth herein.

Any person who has an interest in the proposed rulemaking, or who is a representative of a group or class of persons having an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before Monday, July 28, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is the proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, August 1, 1975. Each

V40-131-JUL 8 75 XUM

person selected to be heard will be so notified by the FEA before Friday, August 1, 1975 and must submit 100 copies of his statement to Allocation Regulation Development, FEA, Room 2214, 2000 M Street NW., Washington, D.C. before 4:30 p.m., e.d.s.t., Monday, August 4, 1975.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decisions made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. These will be given in the order of the original statements and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, Room 3309, FEA, before 4:30 p.m., e.d.s.t., Wednesday, July 30, 1975. Any person who wishes to ask a question may submit the question, in writing, to the presiding officer. The presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record, including transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., July 1, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.73 is amended by revision of paragraph (b) and addition of a new paragraph (c) to read as follows:

§ 212.73 Ceiling Price Rule.

* * * * *

(b) *Ceiling price determination.* The ceiling price for a particular grade of domestic crude petroleum in a particular field (except in California which is covered in paragraph (c) below) is the sum of (1) the highest posted price at 6 a.m., local time, May 15, 1973, for that grade of crude petroleum at that field, or if there are no posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted; and (2) a maximum of $1.35 per barrel.

(c) In determining the ceiling price for domestic crude petroleum produced in California, a producer may charge a price for a particular grade of crude petroleum which is the highest posted price for the petroleum of highest degree API gravity in that field at 6 a.m., local time, May 15, 1973, or if there are no posted prices in that field, the related price for that grade of domestic crude petroleum which is most similar in kind and quality at the nearest field for which prices are posted, less a penalty of not less than __ cents per degree API gravity for each degree API gravity that the petroleum being offered for sale is below the gravity of the highest posted price petroleum, plus a maximum of $1.35 per barrel.

2. Section 212.194(b)(2) is revised to read as follows:

§ 212.194 Allocated Crude Pricing.

* * * * *

(b) *Rule.* * * *

(2) The price adjustment for gravity differential of crude oil offered for sale under § 211.65 of this chapter in Districts I–IV shall be the weighted average price for those Districts calculated under paragraph (b) of this section plus or minus 2 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in Districts I–IV, and, in District V, shall be the weighted average price for that District calculated under paragraph (b) of this section plus or minus —— cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in District V.

[FR Doc.75-17627 Filed 7-2-75;4:00 pm]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 544, 545]

[No. 75-589]

FEDERAL SAVINGS AND LOAN SYSTEM

Communications Among Members

JUNE 30, 1975.

Summary. The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the proposed amendment.

I. *Present situation.* Federal mutual associations are authorized to adopt an *optional* bylaw governing communications among members of the association.

II. *Proposed regulation.* A. Would provide for a mandatory procedure for communications among association members which would be applicable to all Federal mutual associations.

B. Would prohibit any such association from releasing its membership list without the prior written approval of the Federal Home Loan Bank Board, or a Principal Supervisory Agent thereof.

III. *Reason for proposed change.* To establish a means of communication among association members, which would be fair, orderly, uniform and effective, and would obviate any need for member access to the association's membership list for proxy solicitation purposes or otherwise.

The Federal Home Loan Bank Board considers it desirable to amend Parts 544 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545), for the purposes described below. Accordingly, the Board hereby proposes to amend said Part 544 by deleting therefrom § 544.6(g) and to amend said Part 545 by adding a new § 545.28 thereto, to read as set forth below.

Prior to January 1966, the Board had not established a procedure for communication among members of a Federal association, and the rights of association members to obtain, inspect or copy the association membership list for proxy solicitation purposes or otherwise was governed by applicable provisions of Federal law.

The Board exercised its regulatory authority over communications among Federal association members by authorizing such associations to adopt optional bylaw (g) (§ 544.6(g)) of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.6(g)), effective January 28, 1966. Optional bylaw (g) establishes a procedure whereby a member of an association who wishes to communicate with other members has the right to send said communication to the association, which in turn mails the communication to the members. The member desiring the communication pays the association for the reasonable costs and expenses of the mailing. The association may refuse to mail communications which are made for an improper purpose. The reason for the authorization of the bylaw was explained by the Board in a November 21, 1968 interpretive opinion:

> It was the purpose of the Board in authorizing this bylaw amendment to provide a fair, effective and orderly means of communication between members of a Federal savings and loan association. It was intended that such bylaw, if adopted by a Federal association, provide the sole authorized means by which a member of the association may communicate in writing with the membership. In particular, the bylaw is intended to provide for proxy solicitations by members, thus obviating any need which otherwise might exist for a membership list or for copying such information from the association's records. Further, the bylaw provision enables the solicitation of proxies to be carried out without the risk of harm to the association which might be caused by members who seek the identity of other members under the guise of proxy solicitation, but with the intention of utilizing the information thus obtained for improper purposes.

On October 9, 1974, the Board adopted a formal Ruling reaffirming its November 21, 1968 opinion. Such Board Ruling, in pertinent part, states (39 FR 38635).

> The Board hereby reaffirms its November 21, 1968, opinion. It has been and still is the Board's position that when a Federal savings and loan association has adopted the bylaw set forth in 12 CFR 544.6(g), said bylaw provides the sole and exclusive means of communication between members of the association, and no member of such association is entitled to obtain, inspect or copy the membership list. The Board considers that the release or disclosure of the membership list, even though such list does not reflect the amount of savings of each member, could cause substantial harm to the association and/or its members, and would violate the privacy of the members. Further, the Board believes that individual members of the association have no need to obtain, inspect or copy the membership list, so long as the association is complying with bylaw (g). In this regard, it has been the Board's experience that bylaw (g) provides a fair and effective means of proxy solicitation by members.

The proposed amendment establishes a procedure (similar to the one now authorized by optional bylaw (g)) for communication among association members which would be mandatory for all Federal mutual associations. The Board does not question the need for communication among association members with respect to the business and affairs of the association, including the solicitation of proxies. However, the Board also is aware that release or disclosure of the association membership list could cause serious harm to the association and its members. Such harm is of concern to the Board not only as the chartering and supervisory authority for Federal associations but also as the operating head of the Federal Savings and Loan Insurance Corporation. In addition, the Board recognizes that members of the savings and borrowing public are concerned with their privacy and are sensitive regarding publication of information relating to their personal finances. In particular, the Board believes that savers would resent disclosure of the fact that they had an account at a particular savings and loan association, even though the amount of money in the account was not disclosed.

The proposed amendment—as is the case with bylaw (g)—is designed to prevent the various potential problems and abuses which are likely to result from the dissemination of the membership list while, at the same time, providing a fair and effective means whereby a member of a Federal mutual association can solicit the proxies of other members and otherwise communicate with other members for any legitimate purpose. The amendment is intended to strike a reasonable compromise among the rights of the members wishing to communicate, the rights of privacy of other members and the need to safeguard the association from improper proxy solicitations and other communications.

Paragraph (a) of the proposed amendment would provide that Federal mutual associations are prohibited from releasing or disclosing their membership lists, as defined therein, to any person or organization, except with the prior written approval of the Board, or a Principal Supervisory Agent thereof.

Paragraph (b) would provide that every member of a Federal mutual association shall have the right to inspect the records of the association which pertain solely to such member's own account.

Paragraph (c) would authorize communication, by the means specified in paragraph (d), among members of a Federal mutual association with respect to any matter related to the business or affairs of the association, except through "improper communications." The term "improper communications" is defined in paragraph (e). Said definition is based on regulations of the Securities and Exchange Commission relating to proxy solicitations. See 17 CFR 240.14a–8.

Paragraph (d) would establish the procedure to be followed by a member of the association who wishes to communicate with other members of the association. Such specified procedure, which is nearly identical to the procedure now authorized by optional bylaw (g), would permit every member of the association to communicate with other members in connection with matters germane to the business and affairs of the association by submitting written material to the association and requesting it to mail the material, at the expense of the requesting member, to other members of the association.

Paragraph (f) would provide that in the event the association refuses to comply with a member's request to communicate with other members under paragraph (d), the association must, within specified time periods, return the request to the member together with a specific reason for the refusal, and simultaneously provide the Board's Supervisory Agent with two copies of the material presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's written request, and any other relevant material.

If proposed § 545.28 is adopted by the Board, optional bylaw (g) would be revoked. All Federal mutual associations would be required to comply with proposed § 545.28.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by August 18, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 545.28 Communication between association members of a Federal mutual association.

(a) *Release or disclosure of membership lists prohibited.* (1) Federal mutual associations shall not release or otherwise disclose in any manner, directly or indirectly, their membership lists to any person except with the prior written approval of the Board: *Provided*, That nothing in this section shall be construed to deny access to such membership lists to officers of an association or to others employed by them in the usual course of conducting the association's business and affairs.

(2) As used in this section, the term "membership list" means any books or records or other documents of the association containing: (i) A list of the members of the association; (ii) their addresses; (iii) their savings account or loan balances or records; or (iv) any data from which such information could be reasonably constructed.

(3) In connection with requests under paragraph (a)(1) of this section for release of membership lists, the Board hereby delegates to the Principal Supervisory Agent, as defined in § 545.14(a)(3), of the district in which the home office of each such association is located the authority to approve or disapprove said requests and, in connection with approvals, the authority to specify the terms and conditions of said approvals.

(b) *Right of inspection of member's own records.* Each member of a Federal mutual association shall have the right to inspect the books and records of the association which pertain solely to such member's own savings or borrowing account or accounts.

(c) *Right of communication with other members.* Each member of a Federal mutual association shall have the right to communicate with other members of such association, by the means and procedures set forth in paragraph (d) of this section, with respect to any

V 40 131 JUL 8 75 XUM

matter related to the business or affairs of the association, except for "improper" communications, as defined in paragraph (e) of this section. The association may not defeat such right by redemption of a savings member's savings account in the association.

(d) *Member communications procedures*—(1) *Annual or special meetings.* Any member of a Federal association desiring to communicate with other members in connection with an annual meeting shall, not less than 30 days prior to the date of said annual meeting and not less than 10 days prior to the date of a special meeting, furnish the association with a request to communicate containing the following information: (i) Such member's full name and address; (ii) the nature and extent of such member's interest in the association at the time the information is furnished; (iii) a copy of the proposed communication and (iv) the date of the annual or special meeting of the members of the association at which he desires to present the matter for consideration. Within 10 days of receipt of such request in the case of an annual meeting and within 3 days of receipt of such request in the case of a special meeting, the association shall notify the member either of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the proposed communication to its members, or of its determination not to mail the proposed communication because said communication is "improper", as defined in paragraph (e) of this section. After receipt of such amount and sufficient copies of the member's communication, the association shall mail the same to all its members by a class of mail specified by the requesting member within 7 days of receipt of such amount and such copies in the case of an annual meeting and at the earliest practicable date prior to the meeting in the case of a special meeting (or, in either case, such later date as said member may specify).

(2) *Other communications.* Any member of a Federal association who desires to communicate with other members other than in connection with an annual or special meeting shall furnish the association with a request to communicate containing the following information: (i) Such member's full name and address; (ii) the nature and extent of such member's interest in the association at the time the information is furnished; and (iii) a copy of the proposed communication. Within 14 days of receipt of such request, the association shall notify the member either of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the proposed communication to its members, or of its determination not to mail the proposed communication because said communication is "improper," as defined in paragraph (e) of this section. After receipt of such amount and sufficent copies of the proposed communication, the association shall mail the same to all its members not later than 14 days following the receipt of such amount and such copies (or such later date as said member may specify).

(e) *"Improper communication" defined.* As used in this section, an "improper communication" is one which contains material which: (1) At the time and in the light of the circumstances under which it is made (i) is false or misleading with respect to any material fact, or (ii) omits to state any material fact necessary in order to make the statements therein not false or misleading, or necessary to correct any statement in any earlier communication on the same subject matter which has become false or misleading; (2) relates to the enforcement of a personal claim or the redress of a personal grievance against the association, its management or any other party; (3) consists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social or similar cause that is not significantly related to the business of the association or is not within the control of the association, in that it is not within the power of the association to effectuate; or (4) directly or indirectly, and without expressed factual foundation, (i) impugns character, integrity or personal reputation, or (ii) makes charges concerning improper, illegal or immoral conduct, or (iii) makes statements impugning the stability and soundness of the association.

(f) *Refusal to mail proposed communication.* (1) A Federal mutual association which refuses to comply with a member's request to communicate with other members under paragraph (d)(1) of this section shall, within 10 days of receipt of said request in the case of an annual meeting or 3 days in the case of a special meeting, return the material to the requesting member together with a written statement of the specific reasons for such refusal, and simultaneously shall provide the Board's Supervisory Agent in the district in which the association's main office is located with 2 copies each of the materials presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's request and any other relevant material.

(2) A Federal mutual association which refuses to comply with a member's request to communicate with other members under paragraph (d)(2) of this section shall, within 14 days of receipt of said request, return the material to the requesting member together with a written statement of the specific reasons for such refusal, and simultaneously shall provide the Board's Supervisory Agent in the district in which the association's main office is located with 2 copies each of the materials presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's request and any other relevant material.

(Sec. 5, 48 Stat., 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75–17669 Filed 7–7–75;8:45 am]

[12 CFR Part 546]

[No. 75–591]

FEDERAL SAVINGS AND LOAN SYSTEM

Merger Applications

JUNE 30, 1975.

The Federal Home Loan Bank Board considers it desirable to delegate authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board, to approve certain merger applications where, because of the size of the merging associations and portions of the market involved, there would be no significant legal or economic anticompetitive impact. Accordingly, on the basis of such consideration and for such purpose, the Board hereby proposes to amend § 546.2 of the rules and regulations of the Federal Savings and Loan System (12 CFR 546.2) as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by August 8, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

Section 546.2 would be amended by adding a new paragraph (g) to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(g) The approval of the Board (including recommending modifications of the plan of merger) required by paragraph (c) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.14(a)(3)) if all of the following conditions are met:

(1) The disappearing association, if insured has assets of less than $10,000,000 and if uninsured has assets of less than $5,000,000;

(2) The resulting association would have assets of less than $40,000,000;

(3) The resulting association would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging associations have offices;

(4) The resulting association would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging associations have offices, based on mortgage recording data or such other evidence as is available;

(5) The disappearing association has a net worth ratio of at least 5 percent;

(6) The resulting association would have a net worth ratio of at least 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director or controlling person of the disappearing association by the resulting association or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater;

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing association or $50 per monthly meeting attended, whichever is greater.

If the Principal Supervisory Agent recommends modifications of the plan of merger which are not accepted by the directors of both merging associations, the merger application shall be submitted by the Principal Supervisory Agent to the Board if requested by both merging associations.

In connection with the approval of a merger application under this paragraph (g), the Principal Supervisory Agent may approve the maintenance of an office of the disappearing association as a branch office or other facility such as a satellite office, mobile facility or agency of the resulting Federal association. In such connection, the Principal Supervisory Agent may also approve an application for insurance of accounts filed by an uninsured association merging into a Federal association. Disapproval of any merger application shall be made only by the Federal Home Loan Bank Board.

(Sec. 5, 406, 48 Stat. 132 as amended, 1259 as amended; (12 U.S.C. 1464, 1729), Reorg. Plan No. 3 of 1974; 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75–17672 Filed 7–7–75;8:45 am]

[12 CFR Part 555]

[No. 75–580]

FEDERAL SAVINGS AND LOAN SYSTEM

Insurance Agencies—Usurpation of Corporate Opportunity

JUNE 30, 1975.

The Federal Home Loan Bank Board deems it advisable to issue the following proposed Board Ruling to clarify the authority of a Federal savings and loan association, acting through a service corporation, to engage in the insurance brokerage business, the circumstances under which management of a Federal association shall be deemed to have usurped a corporate opportunity by operating for its own benefit an insurance agency, and the relief required in the event of usurpation of such corporate opportunity.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 555) by adding a new § 555.17 thereto, as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by August 18, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 555.17 Insurance Agencies—Usurpation of Corporate Opportunity.

(a) Federal savings and loan associations, under the governing provisions of the Home Owners' Loan Act of 1933 (HOLA), are not empowered directly to operate an insurance agency or brokerage business. However, by Pub. L. No. 88–560, section 905 (September 2, 1964), Congress amended section 5(c) of the HOLA (12 U.S.C. 1464(c)) to permit Federal associations:

* * * to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein * * *.

This amendment primarily was intended to enable Federal associations to invest in service corporations in order "to supplement and facilitate the services of the savings and loan associations." 110 Cong. Rec. 19332–33 (August 13, 1964) (remarks of Congressman Widnall).

(b) In order to implement and effectuate section 905 of Pub. L. No. 88–560, the Board, on September 8, 1965, added a new § 545.9–1 to the rules and regulations for the Federal Savings and Loan System ("Federal Regulations") (12 CFR 545.9–1) (30 FR 11715, September 14, 1965).

(1) The new § 545.9–1 authorized Federal savings and loan associations to invest in "general service corporations" subject to, and limited by, the specific provisions of the regulation. Paragraph (a) of § 545.9–1 provided for investments in service corporations without prior approval of the Board, if substantially all of the business of the corporation was limited to the activities specified and "pre-approved" by paragraph (a). The operation of an insurance agency or brokerage business was not one of the pre-approved activities.

(2) Paragraph (b) of §545.9–1 permitted investment in service corporations which did not come within the ambit of paragraph (a), but only with the "prior specific approval of the Board", obtained by means of an "application". The Board gave no indication, until November, 1967 that it considered the conduct of an insurance agency a permissible activity for a service corporation under paragraph (b). The 1965 regulation, in the Board's view, clearly did not reasonably raise the possibility that the operation of an insurance agency could be engaged in by a service corporation.

(c) On November 8, 1967, the Board adopted a Statement of Policy regarding service corporations, then codified as § 556.3 of the Federal Regulations (12 CFR 556.3) (32 FR 15747, November 16, 1967). With regard to "b"-type service corporations, the Statement of Policy provided that—

* * * In addition to those activities which a Federal association as authorized to perform, the Board will consider for approval applications in which the service corporation, or a subsidiary, has authority to act as an insurance agent * * * primarily for the benefit of the service corporation members * * *.

Copies of the above-mentioned Statement of Policy were mailed on about February 15, 1968, to all insured savings and loan associations. Thereafter, an article appeared in the June, 1969, issue of the "Federal Home Loan Bank Board Journal" which reiterated the substance of the Statement.

(1) In the Board's opinion, its 1967 Statement of Policy was an unequivocal invitation to Federal associations and their service corporation subsidiaries to make application to engage in the operation of an insurance agency for the benefit of their members and, as an interpretation of § 545.9–1 of the Federal Regulations, clearly established the opportunity to engage in such an enterprise (providing it was legal under State law and the necessary approvals for the enterprise could be obtained from the appropriate State licensing and regulatory authorities). In this regard, the Board, during 1968 and 1969, received, acted upon and approved applications from Federal associations seeking Board permission to acquire or establish insurance agencies by means of wholly-owned "b"-type service corporations.

(d) On June 25, 1970, the Board amended § 545.9–1 of the Federal Regulations, and rescinded its November 8, 1967 Statement of Policy (35 FR 10751, July 2, 1970). Paragraph (a) of the amended § 545.9–1 delineated and enlarged the list of pre-approved activities for service corporations. The operation of an insurance agency or brokerage business continued to be one of the activities requiring prior Board approval. Paragraph (b) of the amended § 545.9–1 authorized Federal associations to invest in "b"-type service corporations if—

The activities of such corporation, performed directly or through one or more wholly-owned subsidiaries, consist solely of

V40 I131 JUL 8 75 XUM

one or more of the activities specified in subdivisions (i) through (xi) of paragraph (a)(4) of this section, and such other activities, including acting as insurance agent or broker, * * * as the Board may approve upon application therefor by such corporation or otherwise * * *.

The amended regulation was mailed to all insured savings and loan associations on July 1, 1970, accompanied by a covering letter, signed by the Chairman of the Board, which stated that the Board "encourages" applications from Federal associations to invest in service corporations engaged in activities not specified as pre-approved.

(e) On May 20, 1971, the Board again amended § 545.9–1 of the Federal Regulations (36 FR 9500, May 26, 1971). This amendment stated that the following activities by service corporations of Federal associations were pre-approved by the Board—

* * * Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers and accountholders, which provide protection such as homeowners', fire, theft, automobile, life, health, and accident, but excluding title insurance and private mortgage insurance.

(f) Section 545.9–1 was further amended by the Board on December 14, 1973, to limit the pre-approved activities of service corporations (38 FR 35298, December 27, 1973). As a practical matter, the 1973 amendment requires prior Board approval of virtually all transactions whereby a director or officer of a Federal association would receive substantial consideration from the sale of any business, including an insurance agency, in which he has a beneficial interest to his association's service corporation, or a wholly-owned subsidiary thereof. In addition to the foregoing, the Board, on November 19, 1970, amended its Statement of Policy regarding conflicts of interest (§ 571.7 of the rules and regulations for Insurance of Accounts ("Insurance Regulations") (12 CFR 571.7)) (35 FR 18038, November 25, 1970). Such Statement, in pertinent part, provides:

Among the practices and conditions which have such adverse effects are conflicts between the accomplishment of the purposes of Title IV set forth in paragraph (a) of this section and the personal financial interests of directors, officers, and other affiliated persons of insured institutions. Conflicts of this type which have demonstrably resulted in such adverse effects are considered by the Board to be inherently unsafe and unsound practices and conditions. The Board accordingly holds that each director, officer, or other affiliated person of an insured institution has a fundamental duty to avoid placing himself in a position which creates, or which leads to or could lead to, a conflict of interest or appearance of a conflict of interest having such adverse effects.

Finally, on February 6, 1974, the Board adopted a Statement of Policy respecting "Corporate Opportunity in Insured Institutions" (§ 571.9 of the Board's Insurance Regulations (12 CFR 571.9)) (39 FR 6696, February 22, 1974). This statement reads as follows:

Directors and officers of an insured institution, and other persons having the power to direct the management of the institution, stand in a fiduciary relationship to the institution and its accountholders or shareholders. Out of this relationship arises, among other things, the duty of protecting the interests of the institutions. It is a breach of this duty for such a person to take advantage of a business opportunity for his own or another person's personal profit or benefit when the opportunity is within the corporate powers of the institution or a service corporation of the institution and when the opportunity is of present or potential practical advantage to the institution. If such a person so appropriates such an opportunity, the institution or service corporation may claim the benefit of the transaction or business and such person exposes himself to liability in this regard. In determining whether an opportunity is of present or potential practical advantage to an institution, the * * * [Board] will consider, among other things, the financial, managerial, and technical resources of the institution and its service corporation, and the reasonable ability of the institution directly or through a service corporation to acquire such resources.

(g) In light of the foregoing, the Board hereby rules that the operation of an insurance agency or brokerage business, initially in accordance with the Board's 1967 Statement of Policy and subsequently in accordance with the amendments to § 545.9–1 of the Federal Regulations, referred to above, has been a permissible activity since November 16, 1967, for a service corporation (or its wholly-owned subsidiary) of a Federal association in those States where the operation of such an agency or brokerage business is legal under State law and where approval to operate the enterprise, if required, could have been obtained from the appropriate State licensing and regulatory authorities. The Board also finds that the savings and loan industry has been put on notice that referral of the insurance business of the members of an insured savings and loan association to an insurance agency owned by officers or directors of the association, or by other persons having the power to direct the management of the association, involves, or could involve, the usurpation of a corporate opportunity, conflict of interest and breach of fiduciary duties to the association's members.

(h) Subject to the limitations of paragraph (i) of this section, since November 16, 1967 (and allowing thereafter for a reasonable period of time for a Federal association to investigate the feasibility and desirability of establishing or acquiring an insurance agency by means of a service corporation, or its wholly-owned subsidiary, and to obtain the necessary regulatory approvals for such establishment or acquisition), the referral of the insurance business (or renewal of such business) of the members of a Federal association to an insurance agency owned by officers or directors of the association, or by other persons having the power to direct the management of the association, shall be deemed an usurpation of a corporate opportunity belonging to the association, unless: (1) The Federal association is given the opportunity to engage in the insurance brokerage business by acquiring the existing affiliated insurance agency or establishing a new agency; and (2) a disinterested majority of the board of directors of the association, after receiving full and fair presentation of the matter, makes a decision to reject such opportunity as a matter of sound business judgment. In deciding the matter, it was and is incumbent upon the board of directors to take into consideration such factors as: (i) The financial resources of the association to establish or acquire an insurance agency; (ii) the risks involved in entering the insurance brokerage business; and (iii) the projected profitability of the insurance agency. Where, because of the involvement in the existing affiliated insurance agency by members of the board of directors of the Federal association, no independent vote and decision by a majority of disinterested directors is possible, the matter must be submitted to the vote of the association's members at a special or annual meeting. As of the effective date of this Ruling, no existing proxies may be used at such member's meeting. To the extent proxies are to be used, there must be a new proxy solicitation, accompanied by proxy solicitation material which makes full, fair and accurate disclosure of all relevant material and information respecting the corporate opportunity to enter the insurance brokerage business.

(i) Notwithstanding the provisions of paragraph (h) of this section, no corporate opportunity for a Federal association to enter the insurance brokerage business shall be deemed to exist if:

(1) A specific State statute or regulation would operate to prohibit a service corporation of a Federal association, or a wholly-owned subsidiary of the service corporation, from engaging in the insurance brokerage business;

(2) The Federal association, after filing an application, and making a *bona fide* attempt to obtain any necessary approval, is denied permission by the appropriate State licensing or regulatory authorities for its service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance brokerage business; or

(3) The State licensing or regulatory authorities, whose prior approval is required to engage in the insurance brokerage business, follow a well-known and established policy whereby they refuse to accept and/or process applications from Federal association service corporations, or wholly-owned subsidiaries thereof, for permission to engage in the insurance brokerage business.

If any question with respect to subparagraph (1) of this paragraph exists, it was and is incumbent upon the Federal association to seek the opinion of a disinterested outside counsel as to whether under State law the association would be empowered to engage in the insurance brokerage business through a service corporation or a wholly-owned subsidiary thereof. It is a sufficient defense to the charge of usurpation of corporate opportunity for the association to establish the matters set forth in subparagraph (2) or (3) of this paragraph; it is not necessary that the association institute mandamus or other legal proceedings against State officials to compel the acceptance, processing or approval of an application for permission to engage in the insurance brokerage business.

(j) It shall not be a defense, *per se*, to the charge of usurpation of corporate opportunity that the existing affiliated insurance agency includes business of a nature which is impermissible as an activity of a service corporation under § 545.9–1 of the Federal Regulations. In such a case, the procedures specified in paragraph (h) of this section apply, and it was and is incumbent that a disinterested majority of the board of directors of the Federal association decide whether: (1) The portion of the business of the existing affiliated insurance agency related to referrals from members of the Federal association could be spun off and acquired by the Federal association; or (2) it is feasible and desirable for the association, by means of a service corporation, or a wholly-owned subsidiary thereof, to establish or acquire its own insurance agency. If because of the involvement in the existing affiliated insurance agency by members of the board of directors no independent vote and decision by a majority of disinterested directors is possible, the matter must be submitted to the association's members as provided in paragraph (h) of this section.

(k) The usurpation of a corporate opportunity to engage in the insurance brokerage business by officers or directors of a Federal association, or by other persons having the power to direct the management of the association, entitles the Federal association to any and all profits of the affiliated insurance agency attributable to the business of association members referred to said agency by the association (including all profits from the renewal of policies on such referred business) for the entire period during which the usurpation of the corporate opportunity continued. However, in the situation covered by subparagraph (3) of paragraph (i) of this section, no corporate opportunity to engage in the insurance brokerage business is deemed to occur until the date on which the appropriate State licensing or regulatory authorities commence a policy of accepting and processing applications from Federal association service corporations, or wholly-owned subsidiaries thereof, for permission to engage in the insurance brokerage business, and a reasonable period of time thereafter shall be allowed for the Federal association to investigate the feasibility and desirability of establishing or acquiring an insurance agency by means of a service corporation or a wholly-owned subsidiary thereof, and to obtain the necessary regulatory approvals for such establishment or acquisition.

(l) After December 31, 1975, no Federal association shall refer any insurance business from its members to any insurance agency owned by its officers or directors, or by other persons having the power to direct the management of the association, regardless of any previous vote by the association's board of directors or members declining to engage in the insurance brokerage business. However, the prohibition set forth in this paragraph shall not be applicable to those situations in which the conditions specified in subparagraphs (1), (2), or (3) of paragraph (i) of this Ruling exist.

(m) The term "owned" with respect to an insurance agency as used in this Ruling includes: (1) Ownership by a person through a spouse, minor child, or other relative by blood or marriage having the same home as such person; (2) ownership through a broker or other nominee or agent; or (3) ownership through a company controlled by such person. However, ownership of an insurance agency normally would not be sufficient to constitute a corporate opportunity for purposes of this ruling or within the ambit of the paragraph (1) prohibition if the person owns less than 5 percent of the equity securities of the insurance agency, or if all officers, directors or other persons having the power to direct the management of the Federal association, collectively, own less than 10 percent of such equity securities.

(n) This Ruling is directly applicable only to Federal associations. However, it is the Board's position that the usurpation of a corporate opportunity respecting the insurance business generated by an insured State savings and loan association, to the extent that such an usurpation is found to exist under State law, would be violative of §§ 571.7 and 571.9 of the Board's Insurance Regulations, would be inconsistent with sound and economical home financing, and also would constitute an unsafe and unsound practice. In such a case, it is the Board's further position that the State association is entitled to any and all profits attributable to the usurpation of the corporate opportunity in the same manner provided for a Federal association in paragraph (k) of this section.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75–17670 Filed 7–7–75;8:45 am]

[12 CFR Part 563]

[No. 75–502]

INSURED INSTITUTIONS

Merger, Consolidation, or Purchase of Bulk Assets

JUNE 30, 1975.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to delegate authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, to approve certain applications for an increase in accounts of an insurable type as a part of any merger, consolidation or bulk purchase of assets in those instances where, because of the size of the institutions and portion of the market involved, there would be no significant legal or economic anticompetitive impact. Accordingly, on the basis of such consideration and for such purpose, the Board hereby proposes to amend § 563.22 (CFR 563.22) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by August 8, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

Section 563.22 would be amended to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

(a) No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

(b) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.14(a)(3)) if all of the following conditions are met:

(1) The disappearing institution, if insured has assets of less than $10,000,000 and if uninsured has assets of less than $5,000,000;

(2) The resulting institution would have assets of less than $40,000,000;

(3) The resulting institution would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging institutions have offices;

(4) The resulting institution would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging institutions have offices,

V40-131 JUL 8 75 XUM

based on mortgage recording data or such other evidence as is available;

(5) The disappearing institution has a net worth ratio of at least 5 percent;

(6) The resulting institution would have a net worth ratio of at least 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or controlling person of the disappearing institution by the resulting institution or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater;

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing institution or $50 per monthly meeting attended, whichever is greater.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if requested to do so by both institutions. Disapproval of any application shall be made only by the Corporation.

(Sec. 402–405, 48 Stat. 1256–1259, as amended (12 U.S.C. 1725–1728), Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–17671 Filed 7–7–75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q]

INTEREST ON DEPOSITS

Requests for Public Comments Concerning Individual Retirement Accounts

The Board of Governors, in conjunction with the other Federal financial regulatory agencies, is considering the appropriateness of amendments to Regulation Q (Interest on Deposits) (12 CFR Part 217) in light of the recently enacted Employee Retirement Income Security Act of 1974 (Pub. L. 93–406) which, in part, provides for the establishment of Individual Retirement Accounts (IRA's). Prior to consideration of specific regulatory proposals, the Board desires to obtain a broad sampling of public opinion on several issues raised by member banks offering IRA plans under the Board's existing regulations.

IRA's, established pursuant to section 408 of the Internal Revenue Code (26 U.S.C. 408), are retirement plans which may be created by persons who otherwise are not participants in existing pension plans. The statute provides that an individual may deduct up to $1,500 or 15 per cent of the compensation includable in his gross income for the taxable year, whichever is less, from his gross income in determining his Federal income tax. In addition, earnings on the contributions to an IRA are not taxable until distributed to the individual. Other provisions of the statute specify when distributions may be made, impose a 10 per cent penalty for premature withdrawal of funds, and establish conditions under which IRA funds may be transferred from one trustee or custodian to another. It is expected that many IRA's will be maintained at banks pursuant to trust or custodial agreements created between banks and individuals.

The Board requests public comments on the following issues relating to IRA's and Regulation Q:

(1) Would existing restrictions of Regulation Q relating to withdrawal of time deposits prior to maturity (12 CFR 217.4) unnecessarily interfere with the distribution of all or a part of the IRA deposit balance when the participant retires or becomes disabled?

The Board's existing regulations state that where a deposit is withdrawn prior to the maturity date of the deposit agreement, interest paid on the amount withdrawn may not exceed the savings rate and, in addition, three months of interest shall be forfeited. Consequently, IRA participants who choose to invest their funds in time deposits with long-term maturities in order to obtain higher rates of interest may incur a substantial interest penalty if these deposit instruments have not matured when the individual reaches retirement age (age 59½ pursuant to the statute) or when the individual becomes disabled and the IRA participant receives payment of all or part of his IRA funds. (A recent amendment to Regulation Q exempts from the interest penalty provision any funds withdrawn prior to maturity in the event of the depositor's death.)

In order to minimize the effect of the Board's existing interest penalty provision upon payout at retirement or disability, the Board wishes to receive comments on whether IRA participants and member banks offering IRA plans should be required to structure the maturities of their deposit agreements so that they come due at intervals coinciding with distribution pursuant to the IRA agreement entered into with the bank. Would such requirements unduly complicate the functioning of IRA's and impose an undue burden on individuals and banks in keeping track of maturing deposits and in planning distribution schedules at retirement such as to discourage participation in IRA offerings?

An alternative available under present regulations would be to invest IRA's into savings deposits or deposits with short-term maturities or notice requirement periods. Under existing rate structures, however, such action could result in a substantially lower overall rate of interest earned on IRA funds than would be possible if instruments with longer-term maturities or notice period requirements were available. Accordingly, the Board is interested in soliciting the views of the public on the question of whether an exception to the early withdrawal provision of Regulation Q is necessary to facilitate distribution of these funds when the individual retires or becomes disabled.

(2) In view of the 10 per cent penalty for early distribution of IRA funds, imposed by the IRA statute, does the existing penalty for withdrawal prior to maturity established by Regulation Q impose an unnecessary deterrent such that an exception to the Board's penalty rule should be considered for all withdrawals of IRA funds regardless of when made?

Title 26 U.S.C. 408 provides that where any distribution from an IRA is made before the individual attains age 59½ or becomes disabled, the participant shall incur a penalty in the amount of 10 per cent of the funds distributed. The Board's present penalty rule is intended to enforce the statutory prohibition against payment of a time deposit before maturity. The Board is interested in comments on whether the 10 per cent penalty on early distribution of IRA funds is sufficient to deter early withdrawal of IRA deposits such that the Board need not require member banks to impose the Regulation Q penalty for early withdrawal when IRA deposits are withdrawn prior to maturity.

(3) In view of the intent of Congress to encourage individuals to save for their retirement and in view of the fact that IRA deposits may remain on deposit at financial institutions for very long periods of time, should the existing schedule of ceiling interest rates that can be paid by banks on IRA deposits be increased and should member banks be permitted to pay interest on IRA deposits at rates that are equal to those that may be paid by savings and loan associations and mutual savings banks? Should these rates be competitive with those offered by insurance companies and mutual funds that also accept IRA funds?

Due to the long-term nature of IRA deposits and due to the effects of compounding, the ¼ per cent interest rate differential that exists between commercial banks and thrift institutions can result in a substantial difference in the amount of interest a participant can earn on his IRA funds. Further, Congress intended that individuals be encouraged to establish IRA's with a view toward accumulating assets sufficient to provide them with funds for their retirement period. Consequently, the higher the rate of interest that may be paid, the greater will be the amount of interest accumulated. In addition, there is the question as to whether the custodial or trustee nature of the IRA agreement places a fiduciary obligation upon the IRA custodian or trustee to place IRA funds only in institutions that may pay the highest rate of interest permitted by law.

(4) The Board is also interested in receiving comments on the effect of longer-term certificates on the stability of sources of funds for member banks and thrift institutions and the consequent insulation from disintermediation during periods of high market interest rates. The Board requests comments concerning the potential for disintermediation brought about by shifting of IRA funds among investment alternatives by trustees and custodians of IRA deposits and due to "rollover" of IRA's from one trustee or custodian to another.

Generally, trustees and custodians are authorized to place funds in various types of investment. In addition, participants are permitted to "rollover" their IRA funds to another custodian or trustee once in three years without penalty. Accordingly, the Board is interested in obtaining public comments on the potential effects that the opportunity for such changes could have upon financial institutions.

(5) The Board requests comment on the question of the creation of new types of deposit instruments for IRA funds. These instruments might have the following characteristics:

(a) The rate of interest permitted to be paid on the instrument would increase over time such that banks would be permitted to pay higher rates of interest on IRA deposits that remain in the bank for correspondingly longer periods of time;

(b) An IRA participant nearing retirement would be permitted to convert an existing or maturing long-term time deposit to an "IRA Payout Certificate" that would permit the depositor to receive periodic payouts at no or reduced interest penalty in exchange for the customer's commitment to retain his IRA funds on deposit for a specified period of time.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 8, 1975. Such material will be made available for inspection and copying upon request except as provided in 12 CFR 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, June 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–17648 Filed 7–7–75;8:45 am]

V40-131 JUL 8 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 456; Delegation of Authority No. 132]

DEPUTY DIRECTOR GENERAL OF THE FOREIGN SERVICE

Delegation of Authority

By virtue of the authority vested in the Secretary of State by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended; and by section 10 of Pub. L. 93-475, approved October 26, 1974 (88 Stat. 1441; 22 U.S.C. 2679a); and in the exercise of my authority under the provisions of section 150 of the Organization Manual of the Department of State, I hereby delegate authority to the Deputy Director General of the Foreign Service to provide for payment of a death gratuity to the surviving dependents of any Foreign Service employee of the Department of State who dies as a result of injuries sustained in the performance of duty outside the United States, in an amount equal to one year's salary at the time of death.

This delegation will be effective immediately.

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

[FR Doc.75-17654 Filed 7-7-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Andersen, Arthur Lee, Route 1, Box 1891, Anderson, California, convicted on or about May 4, 1960, in the District Court of Dodge County, Nebraska.

Anderson, Shirley Ann Gray, 2386 Eggleston Avenue, Borton, Michigan, convicted on June 21, 1963, in the Superior Court, King County, Washington.

Beemblossom, David A., 104 Maple Street, Apt. #1, Janesville, Iowa, convicted on May 4, 1972, in the District Court for Bremer County, Iowa.

Boner, Thomas Ward, 3691 Tibbs Drive, Nashville, Tennessee, convicted on January 19, 1966, in the Criminal Court, Davidson County, Tennessee.

Bowen, Richard Lee, Box 9, Leeper, Pennsylvania, convicted on August 4, 1972, and on October 12, 1972, in the Court of Common Pleas, Clarion County, Pennsylvania.

Brownell, Richard L., Box 402, Manchester Center, Vermont, convicted on April 14, 1958, in the Bennington Municipal Court, Bennington County, Vermont.

Crowley, Albert F., 4528 West Deming Place, Chicago, Illinois, convicted on October 30, 1952, in the District Court, Bexar County, Texas.

DeDominic, Anthony M., 3516 W. Montebello, Apt. 63, Phoenix, Arizona, convicted on January 12, 1971, and in March 1971, in the Superior Court, Plymouth Township, Pennsylvania.

Faser, William Boyd, 3515 W. 6th Avenue, Denver, Colorado, convicted on or about October 23, 1962, in the Denver District Court, Denver, Colorado.

Grecar, Lester Banner, R# 9, Britton Springs Road, Clarksville, Tennessee, convicted on February 1, 1974, in the United States District Court, Middle District of Tennessee.

Harves, Carl Dean, 4833 West 134th Place, Hawthorne, California, convicted on April 7, 1971, in the Circuit Court of Jackson County, Missouri.

Holt, Byron, Route 2, Box 254, Goliad, Texas, convicted on June 20, 1974, in the United States District Court, Southern District of Texas.

Johnson, Charles A., 412 East 61st Street, Chicago, Illinois, convicted on May 15, 1961, in the Cook County Circuit Court, Illinois.

Jones, Billy Joe, 8315 Vanden, Union Lake, Michigan, convicted on November 5, 1951, in the United States District Court for the Eastern District of Michigan; and on or about May 6, 1953, in the Circuit Court for the County of Oakland, State of Michigan.

Langevin, George A. R., Star Route 550, Box 110, Marquette, Michigan, convicted on June 2, 1961, in the Circuit Court, Marquette County, Michigan.

McCool, Jayson Mark, 1314 W. 30th, Pine Bluff, Arkansas, convicted on December 18, 1970, in the District Court of Collins County, Texas.

Martin, Scott L., 232 NE 53rd Avenue, Portland, Oregon, convicted on May 7, 1970, and on September 23, 1970, in the Circuit Court, Multnomah County, Oregon.

Miller, Donald M., 4520 Flaming Gorge, Cheyenne, Wyoming, convicted on March 19, 1973, in a United States Court Martial, Elmendorf Air Force Base, Alaska.

Nelson, Dale Everett, 3500 Consaul Road, Schenectady, New York, convicted on or about June 23, 1961, in the Schenectady County Court, New York.

Sexton, Leslie H., 1207 North Tibbs Avenue, Indianapolis, Indiana, convicted on December 3, 1945, in the United States District Court, Eastern District of Illinois; and on June 3, 1947, in the United States District Court, Western District of Pennsylvania.

Smith, David Charles RD #2, Worthington, Pennsylvania, convicted on March 14, 1973, in the Court of Common Pleas, Armstrong County, Pennsylvania.

Southard, Richard B., 2033 Fargo Street, Klamath Falls, Oregon, convicted on October 21, 1971, in the Superior Court of the State of Washington for Lewis County.

Spencer, Charles Edward, 1512 McCullough, Lima, Ohio, convicted on January 26, 1964, and on March 19, 1968, in the Common Pleas Court of Allen County, Ohio.

Stoner, Newton E., Jr., 27 Willow Circle, Chambersburg, Pennsylvania convicted on January 21, 1963, in the Franklin County Criminal Court, Chambersburg, Pennsylvania.

Weber, Robert C., Lot #7, Whispering Pines Mobil Park, RD #3, DuBois, Pennsylvania, convicted on May 16, 1969, in the Niagara County Court, New York.

Signed at Washington, D.C., this 20th day of June 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-17586 Filed 7-7-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on July 31 and August 1, 1975, at the Pentagon, Washington, D.C. The sessions will commence at 9 a.m. and terminate at 5:30 p.m. daily.

The agenda will be limited to briefings and discussions of matters of advanced technology required by Executive Order to be kept secret in the interest of national security, including intelligence systems and applications, antisubmarine warfare, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that this meeting should be closed to the public because it will be concerned with matters listed

in section 552(b)(1) of Title 5, United States Code.

H. R. WARWICK,
Commander, JAGC, U.S. Navy.

JUNE 30, 1975.

[FR Doc.75-17570 Filed 7-7-75;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG), LASER DEVICES SUBPANEL

Closed Meetings

Pursuant to the provisions of section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group Subpanel on Laser Devices will be held on Thursday and Friday, July 24-25, 1975, at the System Planning Corporation, Arlington, Virginia.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JULY 3, 1975.

[FR Doc.75-17700 Filed 7-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Kit Circus Operating Company, Inc., Doing business as Sells and Gray Circus, Post Office Drawer 1570, Winter Park, Florida 32789. Wilson Storey, General Manager.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one) — APPLICA
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT Exhibitor

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Traveling circus with exhibition of animals : 1 tiger- 1 lion 1 leopard- 1 monkey 2 elephants

3. APPLICANT (Name, complete address and phone number of individual, business, agency, or corporation for which permit is requested)
Kit Circus Operating Co.Inc.
dba Sells and Gray Circus
P.O. Drawer 1570
WINTER PARK, Florida,32789

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION
Corporation
Business: Circus (traveling)
F.McClosky, Presiident
P.O. Drawer 1570
Winter Park, Fla 32789

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
F. McClosky,Pres. 305/645-2221
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: State of Florida

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Traveling Circus throughout the U.S.A.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: 3/27/75

11. DURATION NEEDED: one year (renewable)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see letter attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Wilson Storey, General Manager | DATE: 3/26/75

FWS Form 3-200

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 7, 1975, will be considered.

Dated: June 30, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-17629 Filed 7-7-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. Harold G. Yanik, Post Office Box 806, Charlotte Court House, Virginia 23928.

APRIL 4, 1975.

DIRECTOR (FWS/LE)
U.S. Fish and Wildlife Service,
P.O. Box 19188,
Washington, D.C. 20036

DEAR SIR: In reply to your letter we are enclosing Form 3-200.

The animals exhibited together with our Circus are: 1 lion, 1 tiger, 1 leopard, 1 monkey, and 2 elephants.

The lion, tiger, leopard and monkey are lodged in a moving truck; each one has a separate compartment with ample space to move around; the truck carries its own water tank for emergency.

The elephants are kept outside during day time, and have their own truck for sleeping and traveling.

All our animals and equipment were inspected in DeLand, Florida on March 25th; animals were found healthy and in good conditions, and the places in which they are traveled were found adequate and answering regulations of the Department of Agriculture.

If there is more information needed, we shall supply it upon request.

Sincerely yours,

WILSON STOREY,
General Manager.

V40-131 JUL 8 75 XUM

Form No. 40-R159

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To hold and try to breed Rothschild Mynahs - 3 pairs. These birds hold a deep interest for me and all bird lovers. I would like to increase their numbers. And protect them.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
HAROLD C. YANIK
P.O. BOX 306
CHARLOTTE COURT HOUSE
VIRGINIA 23923
804-542-5961

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
SEX: ☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" WEIGHT: 160
DATE OF BIRTH: 5-17-25
COLOR HAIR: BROWN COLOR EYES: HAZEL
PHONE NUMBER WHERE EMPLOYED: 804-542-5961
SOCIAL SECURITY NUMBER: 046-14-6348
OCCUPATION: BIRD BREEDER-DEALER
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: NONE

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
HOME - STATE RTE 645
CHARLOTTE COURT HOUSE
VIRGINIA 23923

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ 50.00

10. DESIRED EFFECTIVE DATE: JAN 10, 1975

11. DURATION NEEDED: AS LONG AS POSSIBLE

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (do not print): Harold C. Yanik
DATE: Jan 10, 1975

9-200
05-743

JANUARY 10, 1975.

REGIONAL DIRECTOR
Department of Interior, Fish and Wildlife Service, Washington, D.C. 20240.

Re Permit to obtain endangered species birds.

DEAR SIR: I am applying for a permit to obtain 3 pairs of Rothschild Mynahs (*Leucopsar rothschildi*) from the National Zoo in Washington, D.C. I have already requested and obtained permission from Mr. Guy Greenwall, Curator of Birds at the National Zoo, to acquire the birds for breeding purposes.

I am basically a bird breeder, and the Rothschild Mynahs are of particular interest to me, and I would appreciate a permit from you to obtain the birds for breeding and preservation purposes. I feel they should be in the hands of a breeder of rare birds, who can breed them and help to increase the number of these beautiful birds.

Am enclosing a check in the amount of $50.00 for the permit.

I want to thank you in advance for expediency in obtaining the permit, as the birds are available for immediate release from the National Zoo.

Yours truly,

HAROLD C. YANIK.

JUNE 2, 1975.

REGIONAL DIRECTOR,
Department of Interior, Fish and Wildlife Service, Washington, D.C. 20036.

Re File #PRT3-162.

DEAR SIR: As per my telephone conversation with Mrs. Gillis, I hereby submit further information for the permit I requested on January 10, 1975.

I would like to obtain six Rothschild Mynah (*Leucopar rothschildi*) birds from the National Zoo in Washington, D.C., for the sole purpose of breeding the birds. There are three males and three females at the National Zoo at this time, and Mr. Guy Greenwall, Curator of Birds, has given permission for me to obtain these birds upon approval of my application. The six birds were hatched early in the year 1974 at the National Zoo. Upon acceptance of my application, I shall personally make the trip to Washington, D.C. and transport the birds so they will not be subjected to the stress of an airline shipment.

The aviaries which are on the same grounds as my home have been professionally constructed within the last 9 months. I am enclosing a picture of two of them, which are adjoining. Aviary #1 is 24' x 44', with electricity, central oil furnace, water, insulated, and has a concrete floor. Aviary #2 is 24' x 38' and has 12 indoor-outdoor flights with insulation, water and central heat. Aviary #3 will be completed by June 5, and has eleven large indoor-outdoor flights. I am very pleased with buildings, as they have all been constructed with all the necessary conveniences for the birds to stay in good health.

I have been breeding birds for thirty years. I am known nationwide for my fair dealings and experience with birds. I am enclosing copies of a few letters from various Zoos which I have supplied birds.

I am extremely interested in breeding the Rothschild Mynahs, so that the birds will not become extinct, and other people and Zoos will have an equal opportunity to enjoy the birds.

With the aviaries on my personal property, I will have a better chance to observe and maintain proper care and diet for the Mynahs, as I do with many other rare species I also own and breed.

If there are any further questions, please contact me, and I shall submit any further information you may need. If not, I want to take this opportunity to thank you in advance for the consideration you have shown me.

Sincerely,

HAROLD C. YANIK.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 7, 1975, will be considered.

Dated: June 30, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-17630 Filed 7-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN REVISION FOR THE ARAPAHO NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan for the Arapaho National Forest. The Forest Service report number is USDA-FS-R2-FES(Adm) FY-75-04.

This proposal is to revise the 1961 Timber Management Plan for the Arapaho National Forest. Such plans are required to regulate the flow of timber products from National Forest lands.

The draft environmental statement was transmitted to CEQ on December 18, 1974.

This final environmental statement was transmitted to CEQ on June 30, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, 11177 Wests 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

USDA, Forest Service, Arapaho National Forest, 301 S. Howes, P.O. Box 1366, Fort Collins, Colorado 80521.

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, PO. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

JUNE 30, 1975.

[FR Doc.75-17644 Filed 7-7-75;8:45 am]

Soil Conservation Service

STATE CONSERVATIONISTS

Authorization for Watershed Planning

This provides notice of authorization dated June 26, 1975, to the concerned state conservationists of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationists may now proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Pub. L. 91-190), concurrently with the preparation of the watershed plans.

Persons interested in these projects may contact the local organizations or the state conservationists as indicated below:

Alabama: *Line Creek Watershed* (Reauthorization); 111,641 acres; Montgomery, Bullock, and Macon Counties.

Sponsors—Bullock Soil and Water Conservation District, Montgomery County Soil and Water Conservation District, Line Creek Conservancy District, Macon County Soil and Water Conservation District, Bullock County Commissioners, Macon County Commissioners, and Montgomery County Commissioners.

State Conservationist—Mr. William B. Lingle, Soil Conservation Service, P.O. Box 311, Auburn, Alabama 36830.

Arkansas: *Village Creek Watershed;* 179,380 acres; Lawrence, Randolph, Jackson, Greene, and Craighead Counties, Arkansas.

Sponsors—Jackson County Soil and Water Conservation District, Lawrence County Conservation District, and Randolph County Conservation District.

State Conservationist—Mr. Maurice J. Spears, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 72203.

Colorado: *Sentry Box Watershed;* 52,340 acres, Saguache County.

Sponsors—Sentry Box Mutual Irrigation Company, Center Soil Conservation District, Saguache County Commissioners, Rio Grande Water Conservation District, and Rio Grande Water Users Association.

State Conservationist—Mr. Merritt D. Burdick, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217.

Connecticut: *Farm River Watershed;* 12,990 acres; New Haven County.

Sponsor—Connecticut Department of Environmental Protection.

State Conservationist—Mr. Robert G. Halstead, Soil Conservation Service, Mansfield Professional Park, Route 44A, Storrs, Connecticut 06268.

Hawaii: *Kekaha Watershed;* 13,250 acres; Kauai County.

Sponsors—West Kauai Soil and Water Conservation District and County of Kauai.

State Conservationist—Mr. Francis C. H. Lum, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Mississippi: *Bear Creek Watershed;* 109,366 acres, Lenore, Sunflower, and Humphreys Counties.

Sponors—Bear Creek Master Water Management District, Leflore County Soil Conservation District, Humphreys County Soil Conservation District, and Sunflower County Soil Conservation District.

State Conservationist—Mr. William L. Heard, Soil Conservation Service, Milner Building, Room 590, P.O. Box 610, Jackson, Mississippi 39205.

Missouri: *Mosingo Creek Watershed;* 23,988 acres; Nodaway County.

Sponsors—Nodaway County Soil and Water Conservation District, Nodaway County Court, City of Maryville, and Nodaway County Subdistrict.

State Conservationist—Mr. J. Vernon Martin, Soil Conservation Service, Parkade Plaza Shopping Center, P.O. Box 459, Columbia, Missouri 65201.

North Carolina: *Limestone-Muddy Creek Watershed;* 60,591 acres; Duplin County.

Sponsors—Dublin Soil and Water Conservation District, Duplin Watershed Improvement Commission, and Duplin County Board of Commissioners.

Tri-Creek Watershed; 71,600 acres; Rowan County.

Sponsors—Rowan Soil Conservation District, Rowan County Commissioners, Rowan County Watershed Commission, Town of China Grove, City of East Spencer, Town of Landis, Town of Spencer, and City of Salisbury.

State Conservationist—Mr. Jesse L. Hicks, Soil Conservation Service, 310 New Bern Avenue, Room 544, Federal Office Building, P.O. Box 27307, Raleigh, North Carolina 27611.

Oklahoma: *Hoyle Creek Watershed;* 36,768 acres; Major County.

Sponsor—Major County Conservation District.

State Conservationist—Mr. Hampton Burns, Soil Conservation Service, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

Pennsylvania: *Bull Run Watershed;* 5,390 acres; Union County.

Sponsors—Union County Commissioners, Lewisburg Borough Council, and Union County Conservation District.

State Conservationist—Mr. Benny Martin, Soil Conservation Service, Federal Building & U.S. Court House, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.

South Dakota: *Turkey-Clay Creek Watershed;* 162,700 acres; Clay, Hutchinson, Turner, and Yankton Counties.

Sponsors—Hutchinson County Conservation District, Yankton County Conservation District, Turner County Conservation District, and Clay County Conservation District.

State Conservationist—Mr. Vincent W. Shally, Soil Conservation Service, 200 Wisconsin Avenue, SW, P.O. Box 1357, Huron, South Dakota 57350.

Texas: *Big Creek Watershed;* 227,800 acres; Falls, Limestone, and McLennan Counties.

Sponsors—Falls County Water Control and Improvement District No. 1, Limestone-Falls Soil and Water Conservation District, McLennan County Soil and Water Conservation District, Falls County Commissioners Court, Limestone County Commissioners Court, and McLennan County Commissioners Court.

State Conservationist—Mr. Edward E. Thomas, Soil Conservation Service, 16-20 South Main Street, P.O. Box 648, Temple, Texas 76501.

Utah: *Muddy Creek Watershed;* 187,260 acres; Sanpete, Sevier, and Emery Counties.

Sponsor—San Rafael Soil Conservation District.

State Conservationist—Mr. A. W. Hamelstrom, Soil Conservation Service, 4012 Federal Building, 125 So. State Street, Salt Lake City, Utah 84138.

Virginia: *Carters Run Watershed;* 25,500 acres; Fauquier County.

Sponsors—John Marshall Soil and Water Conservation District and Fauquier County Board of Supervisors.

State Conservationist—Mr. David N. Grimwood, Soil Conservation Service, Federal Building, Room 9201, P.O. Box 10026, Richmond, Virginia 23240.

Washington: *Clear Creek Watershed;* 7,600 acres; Pierce County.

Sponsors—Drainage District No. 10, Drainage District No. 14, Pierce County Conservation District, and Pierce County Commissioners.

Sumas River Watershed; 33,868 acres; Whatcom County.

Sponsors—Whatcom County Conservation District, Whatcom County Commissioners, and Sumas Flood Control Zone District.

State Conservationist—Mr. Galen S. Bridge, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201.

Wisconsin: *East Branch of the Montreal River Watershed* (and Michigan); 52,860 acres; Iron County, Wisconsin, and Gogebic County, Michigan.

Sponsors—Iron County Soil and Water Conservation District, Gogebic County Soil and Water Conservation District, and City of Ironwood.

Kewaunee River Watershed; 88,600 acres; Brown and Kewaunee Counties.

Sponsors—Kewaunee County Soil and Water Conservation District and Brown County Soil and Water Conservation District.

State Conservationist—Mr. Richard W. Akeley, Soil Conservation Service, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53702.

Wyoming: *Douglas Watershed;* 37,100 acres; Converse County.

Sponsors—Town of Douglas, LaPrele-Glenrock Conservation District, and Converse County Commissioners.

State Conservationist—Mr. Elaine O. Halliday, Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601.

V40-131 JUL 8 75 XUM

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 26, 1975.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

[FR Doc.75-17645 Filed 7-7-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on August 6, 1975, in Room 3817, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 28 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of the Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Foreign Licensing.
5. Puerto Rico Excise Tax.
6. Fiber and Care Labeling.
7. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-17686 Filed 7-7-75;8:45 am]

National Oceanic and Atmospheric Administration

CITICORP LEASING, INC.

Bareboat Charter of Vessels to a Company Under Foreign Control; Withdrawal of Application for Approval

JULY 1, 1975.

Whereas Citicorp Leasing, Inc., 399 Park Avenue, New York, New York 10022, has withdrawn the application which it submitted on October 11, 1974, to the Maritime Administration of the Department of Commerce for the approval of the bareboat charters of the oil screw fishing vessels KINGFISH and POMPANO to Whitney-Fidalgo Seafoods, Inc., 2360 West Commodore Way, Seattle, Washington 98199.

Now, therefore, notice is hereby given that the National Marine Fisheries Service has cancelled plans to hold additional hearings on this subject in Kodiak, Alaska, and considers the matter closed.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-17646 Filed 7-7-75;8:45 am]

Office of the Secretary

COLOR TELEVISION RECEIVERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for color television receivers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Color Television Receivers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230, on or before July 28, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

Issued: July xx, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Color Television Receivers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—COLOR TELEVISION RECEIVERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test methods.
5.0 Method for determining efficiency.
6.0 Base data.
7.0 Goal.
8.0 Method for calculating the goal.
9.0 Monitoring and record keeping requirements.
10.0 Participation in the Program.
11.0 Privileged material.

Appendix A—Method for Calculating the Industry Goal—An Example.
Appendix B—Form for Manufacturer's Notice of the Intent To Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Color Television Receivers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new color television receivers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all color television receivers as defined in 3.8.

2.2 Individual units of color television receivers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of color television receivers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of color television receivers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on color television receivers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of color television receivers who are participants in the Program.

3.8 The term "color television receiver" means an apparatus designed to convert incoming electric signals into color television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

3.9 The term "basic model group" means all color television receivers actually manufactured or assembled by one manufacturer and having the identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, cabinetry, color, sales model number, and brand name.

3.10 The term "factory shipment" means the number of color television receivers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.10.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.10.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.10.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.11 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test methods.*

4.1 Samples of color television receivers shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of color television receivers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of color television receiver may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of color television receiver, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs, that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1, is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of color television receiver.

4.3 Ratings for color television receivers shall be as follows:

4.3.1 Energy consumption shall be reported in kilowatt-hours per year and shall be based upon the result of the energy consumption tests to be developed under 4.1.

4.3.2 Receiver Energy Efficiency, as defined in 5.2, shall be reported in percent and shall be based on the test procedures to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on color television receivers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for determining efficiency.*

5.1 The basic measure of efficiency for color television receivers shall be the Receiver Energy Efficiency (REE) which shall be reported in percent.

5.2 The Receiver Energy Efficiency is computed as:

$$REE = \frac{28{,}600}{E}$$

where

REE = Receiver Energy Efficiency, percent

and

E = energy consumption, kWh per year, as determined under 4.1

This calculation is rounded to the nearest 0.1.

5.3 The factory shipment weighted Receiver Energy Efficiency for a manufacturer shall be equal to the sum of the products of the energy consumption for each model the manufacturer shipped in a given year and the factory shipment of that model in the given year, the resulting sum then being divided into the total factory shipment of all models of the manufacturer for that year multiplied by the constant 28,600. This quotient shall be rounded to the nearest 0.1.

5.4 The factory shipment weighted Receiver Energy Efficiency for the industry shall be equal to the sum of the products of the energy consumption for each model the industry shipped in a given year and the factory shipment of that model in the given year, the resulting sum then being divided into the total factory shipment of all models of the industry in that year multiplied by the constant 28,600. This quotient shall be rounded to the nearest 0.1.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in Appendix A below.

6.0 *Base data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the annual energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

V40-131 JUL 8 75 XUM

7.0 *Goal.*

7.1 The objective for the Program is to effect a 42 percent decrease in the total annual energy usage for the total number of 1980 factory shipped color television receiver models when compared with the total annual energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in Appendix A below.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Receiver Energy Efficiency for the industry. The goal shall be determined by calculating the factory shipment weighted Receiver Energy Efficiency for the industry for the base year 1972, and then dividing by 0.58. This recalculated factory shipment weighted Receiver Energy Efficiency for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Receiver Energy Efficiency for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Receiver Energy Efficiency for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for calculating the goal.*

8.1 For the base year 1972, factory shipment weighted Receiver Energy Efficiency shall be calculated for each manufacturer and the industry.

8.2 The assigned Receiver Energy Efficiency goal for the industry shall be equal to the 1972 factory shipment weighted Receiver Energy Efficiency for the industry divided by 0.58.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Receiver Energy Efficiency goal for the industry and the 1972 factory shipment weighted Receiver Energy Efficiency for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Receiver Energy Efficiency for a manufacturer and the 1980 industry goal is given in Appendix A below.

9.0 *Monitoring and record keeping requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped last year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Receiver Energy Efficiency for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Receiver Energy Efficiency for the industry and notify each manufacturer separately of his own factory shipment weighted Receiver Energy Efficiency.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B below and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of color television receivers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged material.*

Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

APPENDIX A—METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Receiver Energy Efficiency for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Receiver Energy Efficiency of the model. Table 4 shows how the data for determining the factory shipment weighted Receiver Energy Efficiency for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Receiver Energy Efficiency for the industry for the base year. The 1980 industry factory shipment weighted Receiver Energy Efficiency goal for the industry is then obtained by dividing the factory shipment weighted Receiver Energy Efficiency for the industry by 0.58. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Receiver Energy Efficiency goal.

TABLE 1.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer A*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	17	462	61.9	10,000	4,620,000
2	19	572	50.0	40,000	22,880,000
3	19	616	46.4	28,000	18,480,000
4[1]	25	680	43.3	20,000	13,200,000
				100,000	59,180,000

Factory shipment weighted receiver energy efficiency for manufacturer A=28,600×100,000/59,180,000=48.3 percent

[1] Model 4 of manufacturer A has been rated according to the standard test procedures to use 694.7 kWh/yr, thus having a receiver energy efficiency of 41.2 percent. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10 percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted receiver energy efficiency is calculated as:

$$\text{REE} = \frac{25,400}{694.7\times(1-0.1\times0.5)} = \frac{25,600}{660} = 43.3 \text{ percent}$$

TABLE 2.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer B*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthour per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthour per year times factory shipment
1	19	528	54.2	10,000	5,280,000
2	21	638	44.8	20,000	12,760,000
3	21	660	43.3	30,000	19,800,000
4	23	704	40.6	60,000	42,240,000
5	25	748	38.2	30,000	22,440,000
				150,000	102,520,000

Factory shipment weighted receiver energy efficiency for manufacturer B=28,600×150,000/102,520,000=41.9 percent.

TABLE 3.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer C*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthour per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthour per year times factory shipment
1	13	264	108.3	20,000	5,280,000
2	17	374	76.5	30,000	11,220,000
3	19	550	52.0	68,000	33,880,000
4	21	396	72.2	40,000	15,840,000
				158,000	65,340,000

Factory shipment weighted receiver energy efficiency for manufacturer C=28,000×150,000/65,340,000=65.7 percent

TABLE 4.—*Calculation of factory shipment weighted receiver energy efficiency for the industry*

Manufacturer	Kilowatthour per year times factory shipment	Factory shipment
A	59,180,000	100,000
B	102,520,000	150,000
C	65,340,000	158,000
	227,040,000	400,000

Factory shipment weighted receiver energy efficiency for the industry=28,600×400,000/227,040,000=50.4 percent.

The assigned factory shipment weighted receiver energy efficiency for the industry for 1980=(28,600×400,000)/(0.58×227,040,000)=86.9 percent.

TABLE 5.—*Changes per manufacturer (percent)*

Manufacturer	1972 receiver energy efficiency	Assigned receiver energy efficiency	Required change
A	48.3	86.9	+38.6
B	41.9	86.9	+45.0
C	65.7	86.9	+21.2

APPENDIX B—FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230.

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to color television receivers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Color Television Receivers (40 FR ——), including provision to the Secretary's designated agent of the information enumerated in sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is ——.

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17614 Filed 7-7-75;8:45 am]

MONOCHROME TELEVISION RECEIVERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 26, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for monochrome television receivers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Monochrome Television Receivers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230, on or before July 28, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture. Issued:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Monochrome Television Receivers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—MONOCHROME TELEVISION RECEIVERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test methods.
5.0 Method for determining efficiency.
6.0 Base data.
7.0 Goal.
8.0 Method for calculating the goal.
9.0 Monitoring and record keeping requirements.
10.0 Participation in the Program.
11.0 Privileged material
Appendix A—Method for Calculating the Industry Goal—An Example
Appendix B—Form for Manufacturer's Notice of the Intent to Participate in the Program

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Monochrome Television Receivers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new monochrome television receivers by 1980.

V40-131 JUL 8 75 XUM

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all monochrome television receivers as defined in 3.8.

2.2 Individual units of monochrome television receivers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of monochrome television receivers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of monochrome television receivers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on monochrome television receivers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of monochrome television receivers who are participants in the Program.

3.8 The term "monochrome television receiver" means an apparatus designed to convert incoming electric signals into monochrome television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

3.9 The term "basic model group" means all monochrome television receivers actually manufactured or assembled by one manufacturer and having identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, cabinetry, color, sales model number, and brand name.

3.10 The term "factory shipment" means the number of monochrome television receivers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.10.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.10.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.10.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.11 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test methods.*

4.1 Samples of monochrome television receivers shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of monochrome television receivers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of monochrome television receiver may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of monochrome television receiver, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs, that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1, is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Departments from testing or having tested at its own expense any unit of monochrome television receiver.

4.3 Ratings for monochrome television receivers shall be as follows:

4.3.1 Energy consumption shall be reported in kilowatt-hours per year and shall be based upon the result of the energy consumption tests to be developed under 4.1.

4.3.2 Receiver Energy Efficiency, as defined in 5.2, shall be reported in percent and shall be based on the test procedures to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on monochrome television receivers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for determining efficiency.*

5.1 The basic measure of efficiency for monochrome television receivers shall be the Receiver Energy Efficiency (REE) which shall be reported in percent.

5.2 The Receiver Energy Efficiency is computed as:

$$REE = \frac{8,800}{E}$$

where

REE=Receiver Energy Efficiency, percent and

E=energy consumption, kWh per year, as determined under 4.1

This calculation is rounded to the nearest 0.1.

5.3 The factory shipment weighted Receiver Energy Efficiency for a manufacturer shall be equal to the sum of the products of the energy consumption for each model the manufacturer shipped in a given year and the factory shipment of that model in the given year, the resulting sum then being divided into the total factory shipment of all models of the manufacturer for that year multiplied by the constant 8,800. This quotient shall be rounded to the nearest 0.1.

5.4 The factory shipment weighted Receiver Energy Efficiency for the industry shall be equal to the sum of the products of the energy consumption for each model the industry shipped in a given year and the factory shipment of that model in the given year the resulting sum then being divided into the total factory shipment of all models of the industry in that year multiplied by the constant 8,800. This quotient shall be rounded to the nearest 0.1.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in Appendix A below.

6.0 *Base data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy savings feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the annual energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be

maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 48 percent decrease in the total annual energy usage for the total number of 1980 factory shipped monochrome television receiver models when compared with the total annual energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in Appendix A below.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Receiver Energy Efficiency for the industry. The goal shall be determined by calculating the factory shipment weighted Receiver Energy Efficiency for the industry for the base year 1972, and then dividing by 0.52. This recalculated factory shipment weighted Receiver Energy Efficiency for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Receiver Energy Efficiency for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.3 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Receiver Energy Efficiency for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method of calculating the goal.*

8.1 For the base year 1972, factory shipment weighted Receiver Energy Efficiency shall be calculated for each manufacturer and the industry.

8.2 The assigned Receiver Energy Efficiency goal for the industry shall be equal to the 1972 factory shipment weighted Receiver Energy Efficiency for the industry divided by 0.52.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Receiver Energy Efficiency goal for the industry and the 1972 factory shipment weighted Receiver Energy Efficiency for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Receiver Energy Efficiency for a manufacturer and the 1980 industry goal is given in Appendix A below.

9.0 *Monitoring and record keeping requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Receiver Energy Efficiency for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Receiver Energy Efficiency for the industry and notify each manufacturer separately of his own factory shipment weighted Receiver Energy Efficiency.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B below and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of monochrome television receivers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged material.* Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

APPENDIX A—METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Receiver Energy Efficiency for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Receiver Energy Efficiency of the model. Table 4 shows how the data for determining the factory shipment weighted Receiver Energy Efficiency for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Receiver Energy Efficiency for the industry for the base year. The 1980 industry factory shipment weighted Receiver Energy Efficiency goal for the industry is then obtained by dividing the factory shipment weighted Receiver Energy Efficiency for the industry by 0.52. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Receiver Energy Efficiency goal.

TABLE 1.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer A*[1]

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	13	198	44.4	10,000	1,980,000
2	17	264	33.3	30,000	7,920,000
3	19	319	27.6	20,000	6,380,000
[2]4	25	396	22.2	40,000	15,840,000
				100,000	32,120,000

[1] Factory shipment weighted receiver energy efficiency for manufacturer A=8,800×100,000/32,120,000=27.4 percent.

[2] Model 4 of manufacturer A has been rated according to the standard test procedures to use 416.8 kWh/yr, thus having a receiver energy efficiency of 21.1 percent. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10 percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted receiver energy efficiency is calculated as:

$$REE = \frac{8,800}{416.8 \times (1-0.1 \times 0.5)} = \frac{8,800}{396} = 22.2 \text{ percent}$$

V40-131 JUL 8 75 XUM

TABLE 2.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer B*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	17	176	50.0	25,000	4,400,000
2	18	198	44.4	30,000	5,940,000
3	19	242	36.4	30,000	7,260,000
4	19	264	33.3	50,000	12,200,000
5	25	330	26.7	15,000	4,950,000
				150,000	35,750,000

Factory shipment weighted receiver energy efficiency for manufacturer B=3,900×150,000/35,750,000=36.9 percent.

TABLE 3.—*Calculation of factory shipment weighted receiver energy efficiency for manufacturer C*

Model	Diagonal measure (inches)	Annual energy consumption (kilowatthours per year)	Receiver energy efficiency (percent)	Factory shipment	Kilowatthours per year times factory shipment
1	12	133	66.7	10,000	1,320,000
2	16	154	57.1	20,000	3,080,000
3	19	176	50.0	30,000	5,280,000
4	22	231	38.1	40,000	9,240,000
				100,000	18,920,000

Factory shipment weighted receiver energy efficiency for manufacturer C=3,900×100,000/18,920,000=46.5 percent

TABLE 4.—*Calculation of factory shipment weighted receiver energy efficiency for the industry*

Manufacturer	Kilowatthours per year times factory shipment	Factory shipment
A	32,130,000	100,000
B	35,750,000	150,000
C	18,920,000	100,000
	86,790,000	350,000

Factory shipment weighted receiver energy efficiency for the industry=3,900×350,000/86,790,000=35.5 percent.

The assigned factory shipment weighted receiver energy efficiency for the industry for 1980=(3,900×350,000)/(0.52×86,790,000)=36.3 percent.

TABLE 5.—*Changes per manufacturer (percent)*

Manufacturer	1972 receiver energy efficiency	Assigned receiver energy efficiency	Required change
A	27.4	68.3	+40.9
B	36.9	68.2	+31.4
C	46.5	68.3	+21.8

APPENDIX B—FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology, Room 3862, Department of Commerce, Washington, D.C. 20230.

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to monochrome television receivers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Monochrome Television Receivers (40 FR——), including provision to the Secretary's designated agent of the information enumerated in sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is——.

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75–17615 Filed 7–7–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F–0095]

ASHLAND OIL, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5H3086) has been filed by Ashland Chemical Co., Division of Ashland Oil, Inc., 5200 Blazer Pkwy., P.O. Box 2219, Columbus, OH 43216, proposing that § 121.2547(b)(9) (21 CFR 121.2547(b)(9)) of the food additive regulations be amended to provide for the safe use of isopropyl alcohol as an optional ingredient in the sanitizing solution.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 30, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75–17591 Filed 7–7–75;8:45 am]

PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond July 16, 1975.

Authority for this committee will expire July 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–17593 Filed 7–7–75;8:45 am]

[FDA–225–75–8002]

QUALITY ASSURANCE FOR DRUGS, BIOLOGICS, CHEMICALS AND REAGENTS

Memorandum of Understanding With the Health Services Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration has executed a Memorandum of Understanding with the Health Services Administration, Rockville, MD. The purpose of the memorandum is to formalize an agreement regarding responsibility for quality assurance for certain drugs, biologics, chemicals and reagents. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE HEALTH SERVICES ADMINISTRATION AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To formalize an agreement between the Health Services Administration (HSA) and the Food and Drug Administration (FDA) in which FDA is to be responsible for providing quality assurance for drugs, biologics, chemicals, and reagents that HSA procures, stores, and distributes.

II. *Background.* The Office of Management and Budget (OMB) and the General Accounting Office (GAO) completed separate studies in late 1973 and early 1974 of the federal procurement of medical and nonperishable subsistence supplies. The OMB and GAO recommended that the Food and Drug Administration be the agency responsible for quality assurance of all medical products procured by federal agencies.

In June 1974, the director of OMB requested that the Department of Health, Education, and Welfare (HEW) take the lead in developing an Executive Branch plan for a Government-Wide Quality Assurance Program. FDA is responsible for developing and implementing the plan. FDA decided that due to the great diversity of medical products procured by the Federal Government, it would be desirable to first develop a quality assurance program covering drugs and biologics and to include all other medical products in a second phase of the program. This agreement is the mechanism for FDA assuming the responsibility for quality assurance for drugs, biologics, chemicals, and reagents that HSA procures, stores, and distributes.

III. *The Health Services Administration and the Food and Drug Administration Agree.* 1. FDA will be responsible for quality assurance for all drugs, biologics, chemicals, and reagents purchased, stored, and distributed by HSA;

2. The Current Good Manufacturing Practice Regulations (21 CFR Part 133) will be the single standard to be applied industry-wide for the manufacture, processing, packing or holding of drugs procured by governmental agencies;

3. The Food and Drug Administration will be the agency responsible for administrative interpretation and enforcement of the CGMPR's;

4. Existing procedural and policy guides and standards employed by the HSA will remain applicable until FDA assumes formal responsibility for the quality assurance functions to which the guides and standards apply;

5. FDA will assume full responsibility for performing all inspectional work and laboratory testing related to the quality assurance of all drugs, biologics, chemicals, and reagents procured by HSA;

6. FDA will furnish pre-award quality assurance evaluations on request by HSA. FDA will not certify the quality capability of a firm for procurement if the firm is not in business, or if the nature of the firm's operations does not allow a proper evaluation to be made of the firm's ability to produce a product of acceptable quality;

7. FDA will be responsible for determining whether drug products reprocessed (manufactured, processed, packaged, or labeled) at the HSA Supply Service Center are of acceptable quality for distribution by HSA;

8. HSA shall continue to prepare and be responsible for purchasing specifications. FDA will be responsible for review and concurrence in the parts of purchasing specifications that concern drug, biologic, chemical, and reagents quality. Whatever public and private product quality specifications are applicable to the general public will also apply to government procurements. For those products for which there are official published specifications of quality or for which there are approved New Drug Applications (NDA's) or Abbreviated New Drug Applications (ANDA's) approved antibiotic Form 6's, or FDA licensing, the quality assurance requirements therein will be the quality assurance requirements for procurement purposes, and a reference to such a requirement in the procurement specifications shall be sufficient to define the quality requirement. A special purchase specification that superposes additional quality specifications may be justified by HSA when it is required because of HSA special needs.

IV. *The Health Services Administration Agrees.* 1. To inform FDA immediately whenever any information is received which may impact adversely on the quality assurance of any drug, biologic, chemical, or reagent firm or product;

2. To furnish justification when requesting that FDA conduct analysis of a product or other work HSA believes necessary;

3. To participate fully in FDA's drug defect reporting system;

4. To submit samples and request analysis in accordance with procedures FDA establishes.

V. *The Food and Drug Administration Agrees.* 1. To continue in a timely manner to revise and update the CGMPR's and to promulgate new CGMPR's for specific segments of the industry;

2. To publish in FDA's Inspection Operations Manual, or other appropriate publication, a listing of commonly used terms relating to the Current Good Manufacturing Practice Regulations, with definitions of the terms that will be recognized by all involved parties, and to provide HSA with copies of the publication;

3. To determine when analysis of samples is required for evaluation of quality;

4. To complete analytical work within 14 workdays following receipt of the sample by the proper laboratory facility, although there will be instances when the 14-day deadline cannot be met due to the nature of the analysis required. In all instances, sample analyses for HSA will be handled in the most expeditious manner possible;

5. To undertake an orderly process to review HSA's product quality purchase specifications and retain only those which are applicable to product quality. In the review process, first priority will be given to drugs of highest medical significance;

6. To accommodate the varying quality assurance needs of the Health Services Administration to the maximum extent feasible.

VI. *Name and Address of Participating Activities.* Health Services Administration, 5600 Fishers Lane, Rockville, MD 20852.

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

VII. *Liaison Officers.* For the Health Services Administration: Mr. Frank Baktis, Director, Office of Property Management. Address: 5600 Fishers Lane, Rockville, MD 20852. Telephone No.: (301) 443–1436.

For FDA: Director, Medical Products Quality Assurance Staff (BFC–50), Office of the Associate Commissioner for Compliance. Address: 5600 Fishers Lane, Rockville, MD 20852. Telephone No.: (301) 443–1645.

VIII. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period starting July 1, 1975 or the time of signature, whichever is later, with no expiration date; it may be terminated by either party, with concurrence of OMB, upon 90 days' advance written notice to the other party.

IX. *Revisions.* Additional procedures and revisions as are necessary for the implementation of this agreement and for effectuating the intention of the parties, may be developed jointly by FDA and HSA. Such revisions shall become effective on a date mutually agreed upon by the parties.

X. *Authority.* This agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended (31 U.S.C. 686).

Approved and accepted for the Health Services Administration.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

Approved and accepted for the Food and Drug Administration.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

JUNE 17, 1975.

Effective date. This Memorandum of Understanding became effective July 1, 1975.

Dated: June 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–17592 Filed 7–7–75;8:45 am]

Health Services Administration

QUALITY ASSURANCE FOR DRUGS, BIOLOGICS, CHEMICALS AND REAGENTS

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the Health Services Administration and the Food and Drug Administration, see FR Doc. 17592 appearing on page 28656 of this issue of the FEDERAL REGISTER.

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Rescheduled Meeting

Notice is hereby given that the meeting of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research scheduled for July 11 and 12, 1975 and announced in the FEDERAL REGISTER on Thursday, June 26, 1975 (40 FR 27069) has been rescheduled to July 26, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. and will be open to the public, subject to the limitations of available space.

The agenda will include discussion of issues identified in the legislative mandate to the Commission under Pub. L. 93–348 and further planning of activities to be undertaken by the Commission.

Requests for information should be directed to Ms. Anne Ballard (301–496–7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

JUNE 30, 1975.

[FR Doc.75–17610 Filed 7–7–75;8:45 am]

Office of the Secretary

OFFICE OF HUMAN DEVELOPMENT AND OFFICE OF CHILD DEVELOPMENT

Statement of Organization and Functions

Part 1 of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health, Education and Welfare, Office of the Secretary, Assistant Secretary for Human Development is amended to revise Subchapter 1R40, Office of Child Development, published in the FEDERAL REGISTER on September 20, 1974 at 37 FR 19092–3. These changes include revision of the organizational structure and clarification of the functional statements of the Office of Child Development.

SECTION 1R40.00 *Mission.* The mission of the Office of Child Development is to advise the Secretary and HEW agencies

V 40 131 JUL 8 75 XUM

on Department plans and programs related to early childhood development; to operate Head Start, day care, and other related child service programs; and to conduct research, evaluation and demonstrations related to child development, child welfare and services to children and families; to provide leadership, advice and services which affect the general well-being of children as mandated by the Children's Bureau Act of April 9, 1912; to plan, develop, and administer programs under the Child Abuse Prevention and Treatment Act of 1974.

SEC. 1R40.10 *Organization.* A. The Director, Office of Child Development reports directly to the Assistant Secretary for Human Development. The Director is also the Chief of the Children's Bureau.

B. The Office of Child Development, under the supervision of the Director, consists of:

1. Office of the Director.
2. Head Start Bureau.
3. Children's Bureau.

SEC. 1R40.20 *Functions.*—A. *Office of the Director.* Provides executive leadership, policy direction, management strategy, legislative liaison and a focus for interagency coordination for the Children's Bureau and the Head Start Bureau and other components of the Office of Child Development. Serves as advisor to the Secretary and Heads of DHEW agencies administering programs which have a significant impact on the development of children.

1. *Office of Program Planning and Administration.* Assists in the development of, and coordinates operational and strategic plans. Designs and advises on planning and management processes. Analyzes and participates in the development of policy and program alternatives. Provides, or is liaison for, administrative and program support services.

2. *Office of Regional Support.* Coordinates and expedites: communications between Headquarters and Regional Offices, decisions relating to Regional matters, provision of support for Regional Offices, and full consideration of Regional Office viewpoints and needs in the formulation of policies, plans, procedures and guidelines. Evaluates OCD Regional activities.

3. *Division of Research and Evaluation.* Administers section 426 (Title IV–B, Social Security Act) and other OCD research and demonstration funds and assists with the development of a Department-wide research strategy on children. Administers the OCD evaluation funds and coordinates the development of an OCD-wide evaluation strategy.

Provides leadership to the Federal Interagency Panel for Early Childhood Development Research; collects, analyzes, and interprets research reports on child life studies and identifies promising models for service programs. Actively promotes the utilization of research findings. Serves as a clearinghouse for information related to research, demonstrations, and service programs in the area of child development.

B. *Head Start Bureau.*—1. *Office of the Associate Director.* Plans, directs, and coordinates the activities of the staff of the Bureau. Directs the development, and monitoring the strategic and operational planning and policies, standards, and guidelines for Head Start and other OCD activities in the field of day care and child development services. Provides guidance in the effective utilization of resources for these activities in Regional Offices and Headquarters.

2. *Program Management Division.* Develops or coordinates the development of program and administrative management policy, regulations and guidance for OCD child-development programs at the Federal and grantee levels. Provides guidance and technical assistance in the implementation of these instructions. Develops annual nation-wide Head Start improvement plan, including managerial policies, standards, and guides for regional staffs and Head Start grantees. Cooperates with the Program Development and Innovation Division assessing the impact of policies and procedures and developing new or revised guidelines.

Develops, in conjunction with the Regional Offices and the Head Start grantees, a strategy for serving the technical assistance and training needs of local Head Start programs. Provides guidance for the career development efforts of local grantees.

3. *Indian and Migrant Program Division.* Reviews and recommends approval of grant applications for Head Start programs for Indians living on reservations and for migrants. Develops and recommends policies for and provides staff support to programs for Indians and migrants. Provides or arranges for technical assistance for Indian and migrant grantees and serves as an advocate and adviser within the Office of Child Development for mobilizing resources in addition to Head Start for Indian and migrant programs. Manages Indian and migrant grants.

4. *Division of Program Development and Innovation.* Serves OCD child development programs as a source of technical and programmatic counsel and expertise in the areas of education, health services, nutrition, psychological services, social services, parent involvement, and volunteer participation.

Develops, tests, plans, and directs the broadscale implementation of innovative programs and program design features for comprehensive child development services. Assesses current OCD policies and program performance in the areas of expertise mentioned above and proposes improvements where warranted. Performs special analyses as inputs to OCD strategic planning. Provides technical expertise in developing programmatic policies, standards, and guidelines for OCD programs and assists in program planning and evaluation efforts.

5. *Day Care Services Division.* Responsible for the development of policies, strategies, standards, manuals and guidance material for the conduct of experiments, demonstrations and operational programs in the field of day care. Actively encourages and advises on the development at the Federal, state and local level of effective day care services.

C. *Children's Bureau*—1. *Office of the Associate Chief.* Plans, coordinates, and directs the activities of the Children's Bureau; reviews and analyzes the Bureau's performance. Establishes program goals and objectives for the Bureau and serves as a major adviser to the Office of the Director on matters pertaining to conditions which affect the general well-being of children.

2. *National Center for Child Advocacy.* Provides leadership in the planning, development, and coordination of programs aimed at identifying children's problems and promoting improvements in conditions adversely affecting the growth and development of children. Identifies and recommends actions to meet special needs of children at risk, such as minorities, emotionally and physically handicapped children; develops standards and policy guidelines for programs for children at risk; analyzes and responds to inquiries for information concerning child development.

3. *National Center on Child Abuse and Neglect.* Acts as the principal focus within OCD and the Department for development of policies, advice and plans (including input to the OHD Long Range Plan) on programs relating to the prevention, identification and treatment of child abuse and neglect.

Develops and interprets regulations, guidelines and instructions for grants to assist State programs on child abuse and neglect and for provision of technical assistance authorized in "The Child Abuse Prevention and Treatment Act of 1974," (Pub. L. 93–247). Develops criteria and procedures for the equitable distribution among States of such grant assistance.

Compiles and prepares for publication training materials for personnel who are or intend to be engaged in the prevention, identification and treatment of child abuse and neglect.

Receives, processes and reviews, either through the regional or headquarters office, all applications for demonstration grants and arrangements for contracts authorized to prevent, identify and treat child abuse and neglect, and makes recommendations thereon to the Director, OCD.

In concert with the Social and Rehabilitation Service, monitors compliance with appropriate clauses of The Child Abuse Prevention and Treatment Act in State programs conducted under the authority of parts A and B of Title IV of the Social Security Act. Monitors regional office activities and administration of grants and contracts and provision of training and technical assistance under Pub. L. 93–247. Develops and proposes plans, priorities and objectives for training and technical assistance related to child abuse and neglect and, if approved, may provide or obtain directly or through national grants or contracts specialized professional expertise and knowledge for identification, design or provision of such training and technical assistance in specialized areas of competence, in response to needs identified by regional office personnel.

Establishes and operates a national clearinghouse on Child Abuse and Neglect authorized under Pub. L. 93–247. Develops plans, priorities, policies and objectives for the conduct of the clearinghouse.

Jointly with the Research and Evaluation Division, develops policies, priorities, plans and objectives for research and demonstration activities authorized by Pub. L. 93–247. Develops and proposes input to the annual OCD R&D plan as it relates to child abuse and neglect projects.

Provides staff support to the Advisory Board on Child Abuse and Neglect in the conduct of its responsibilities, including the areas of standards development, reports preparation and program coordination.

4. *Division of Public Education.* Provides leadership in the development and distribution of all OCD publications. Provides editorial and graphic support to program components and serves as a central contact point on matters related to the communications media, including the preparation of exhibits, films and appropriate public education materials.

Dated: June 30, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–17611 Filed 7–7–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D–75–344]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION III (PHILADELPHIA)

Redelegation of Authority Regarding Surplus Real Property

SECTION A. *Authority redelegated.* The Regional Administrator and the Deputy Regional Administrator, Region III (Philadelphia), each is authorized to exercise the power and authority of the Secretary to convey to the District of Columbia Redevelopment Land Agency, title to those portions of the Fort Lincoln property located in Washington, D.C., together with any improvements and related personal property located thereon (hereinafter "the Property") which were transferred to the Secretary by the Administrator of General Services on June 4, 1973, pursuant to section 108 of the Housing Act of 1949 (42 U.S.C. 1458) and a certain agreement (hereinafter "the Agreement") between the Department of HUD and the GSA (as set forth in the following letters, copies of which are available for public inspection at HUD, Room 10245, 451 7th Street, SW., Washington, D.C., 20410: (1) The letter dated April 25, 1973 from Floyd H. Hyde to Arthur F. Sampson, (2) the letter dated May 23, 1973 from Arthur F. Sampson to Secretary Lynn, and (3) the letter dated June 4, 1973 from George I. Perryman to Secretary Lynn) as may be designated private use parcels by Development Area Plans under the Urban Renewal Plan for the Fort Lincoln Urban Renewal Area (hereinafter "the Plan") recorded in the Office of the Recorder of Deeds of the District of Columbia, Instrument Number 11657, filed in Liber 13485, Folio 90, et seq.

SEC. B. *Further authority redelegated.* The Regional Administrator and the Deputy Regional Administrator for Region III (Philadelphia), each is further authorized to exercise the power and authority of the Secretary, pursuant to the Agreement, to return those portions of the Property as may be delineated public use parcels by Development Area Plans under the Plan to the Administrator of General Services for subsequent disposition to appropriate Federal or District of Columbia public agencies.

SEC. C. *Authority to redelegate.* The Regional Administrator and the Deputy Regional Administrator for Region III (Philadelphia), each is authorized to redelegate the authority in sections A and B to the Area Director and the Deputy Area Director, Washington, D.C., Area Office.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Delegation of Authority to the Assistant Secretary for Community Planning and Management, 36 FR 5004; Delegation of Authority to the Assistant Secretary for Community Planning and Development, 38 FR 8011)

Effective date. This redelegation is effective July 8, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75–17612 Filed 7–7–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 3]

EMERGENCY ORDER REGARDING USE OF CARS TRANSPORTING CLASS A EXPLOSIVES

Revocation

On August 9, 1973, the Federal Railroad Administration (FRA) issued an Emergency Order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further transportation of Class A explosives (49 CFR 173.53) by railroad except under the conditions contained in the Emergency Order (39 FR 21952, 22172).

On November 19, 1974, § 174.525 of Part 174 was amended (39 FR 41365). This amendment (Docket No. HM–114; Amdt. No. 174–24) prescribes standards to eliminate potential fire hazards resulting from overheated friction journal bearings, overheated and sparking brake shoes, and the presence of combustible material on the undersides of cars used to transport Class A explosives. It establishes new requirements for selection, preparation, inspection, certification and loading of these railroad cars. This amendment became effective July 1, 1975. In issuing this amendment, FRA stated that it would publish a separate notice revoking Emergency Order No. 3.

In consideration of the foregoing, FRA Emergency Order No. 3 published in the August 14 and 16, 1973 issues of the FEDERAL REGISTER (39 FR 21952, 22172) is hereby revoked, effective immediately.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432, and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C., on July 2, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75–17701 Filed 7–3–75;10:16 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 26245 and 28036; Order 75–6–153]

AMERICAN-PAN AMERICAN ROUTE EXCHANGE AGREEMENT

Order Regarding South Pacific Service Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1975.

By contemporaneous action in this proceeding, the Board has approved an agreement between American Airlines and Pan American World Airways for the exchange of various Bermuda, Caribbean and Pacific routes. One effect of this decision is to eliminate, at least for the time being, U.S.-flag competition between the Mainland and Hawaii and points in the South Pacific. For reasons discussed in the Board's Opinion (pp. 19, 20), we have decided to institute an investigation into the need for additional services in the U.S.-South Pacific markets. The scope of the proceeding will be limited to a consideration of new route authority between a Mainland point or points and Hawaii, on the one hand, and American Samoa, Fiji, New Zealand and Australia, on the other. In the interest of allowing applicants greater flexibility in proposing South Pacific services, we will not at this stage restrict our consideration to designated Mainland points. However, once the parties have an opportunity to express their views, we intend by subsequent order to clarify which Mainland terminals or coterminals are appropriate for inclusion within the scope of issues.

Next, to focus this case on South Pacific service needs, we will impose pretrial restrictions on any new award to (a) bar single-plane service between the Mainland or Hawaii and any point not in American Samoa, Fiji, New Zealand or Australia and (b) require Mainland-Hawaii flights to continue on to one of the named South Pacific points. However, we will leave open the possibility that this long-haul restriction may be modified to permit "bonus" turnaround flights between the Mainland and Hawaii, under terms similar to those contained

V40-131 JUL 8 75 XUM

in the restriction now applicable to American's Hawaii authority.[1]

Accordingly, it is ordered, That:

1. An investigation designated as the "South Pacific Service Case" be and it hereby is instituted in Docket 28036 pursuant to sections 204(a) and 401 of the Act, to determine:

(a) whether the public convenience and necessity require additional service between a point or points on the U.S. Mainland and Hawaii, on the one hand, and one or more of the following South Pacific areas, on the other: American Samoa, Fiji, New Zealand and Australia, and

(b) what carrier or carriers, if any, should be authorized to provide such service;

2. Any new awards made as a result of this proceeding shall be restricted so as (1) to prohibit single-plane service between the Mainland or Hawaii and any point not in American Samoa, Fiji, New Zealand or Australia and (2) to require Mainland-Hawaii flights to serve a point or points in American Samoa, Fiji, New Zealand, or Australia, except to the extent otherwise indicated above;

3. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 60 days after the service of this order and answers to such pleadings shall be filed no later than 20 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be hereafter designated; and

5. A copy of this order shall be served on all parties in Docket 26245.

A copy of this order shall be placed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17655 Filed 7-7-75;8:45 am]

[Docket No. 26245; Order 75-6-154]

AMERICAN-PAN AMERICAN ROUTE EXCHANGE AGREEMENT

Order To Show Cause Regarding Various Bermuda, Caribbean and Pacific Routes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1975.

By contemporaneous action in this proceeding, the Board has approved an agreement between American Airlines and Pan American World Airways for the exchange of various Bermuda, Caribbean and Pacific routes. One apparently unwitting effect of the agreement is to transfer American's Boston/St. Louis-South Pacific authority to Pan American while leaving American with the unrestricted Boston/St. Louis-Hawaii domestic route. However, all parties agree that the South Pacific route is not viable without the support of Boston/St. Louis-Hawaii local traffic. In fact, even with such support, American has been unable to operate direct service between these Mainland coterminals and the South Pacific, and no one has argued in this proceeding that there is an affirmative need for such service.

Accordingly, we tentatively find and conclude that the public convenience and necessity require the deletion of Boston and St. Louis from segment 5 of Pan American's amended certificate for route 130, issued pursuant to Order 75-6-152.[1] We emphasize, however, that our tentative decision will not affect existing services between Boston or St. Louis and Hawaii.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein;

2. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; and

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17656 Filed 7-7-75;8:45 am]

[Docket No. 21382 etc.; Order 75-7-11]

AMERICAN AIRLINES, INC. ET AL.

Hilo Service Case

Application of American Airlines, Inc., for authority to postpone inauguration of service to Hilo, Hawaii—Docket 21382.

Application of Braniff Airways, Inc., for authority to suspend service at Hilo, Hawaii—Docket 26103.

Application of Northwest Airlines, Inc., for authority to postpone inauguration of service to Hilo, Hawaii—Docket 22407.

Application of Pan American World Airways, Inc., for authority to suspend service at Hilo, Hawaii—Docket 22860.

Application of Trans World Airlines, Inc., for authority to postpone inauguration of service at Hilo, Hawaii—Docket 21193.

Hilo Service Case—Docket 28043.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1975.

Applications have been filed by American Airlines[1] and Northwest Airlines[2] requesting renewal of authority to postpone inauguration of service to Hilo, Hawaii, and by Pan American World Airways[3] and Braniff Airways[4] requesting renewal of authority to suspend service at Hilo, Hawaii. Trans World Airlines possesses authority to postpone service at Hilo[5] which expires July 21, 1975.

In general the renewal requests contend that the circumstances which prompted the Board to originally grant their respective authorities at Hilo continue to exist; that ample service is provided to Hilo from the Mainland; that traffic levels between Hilo and the Orient do not warrant single-plane service; that there is ample connecting service at Honolulu for the Hilo-Orient passengers; and that the carriers are likely to incur substantial operating losses if they are required to serve Hilo on their respective routes.[6]

The County of Hawaii has filed answers in opposition to the renewal applications. The county argues that general improvements such as roads, parks, and a new terminal facility at Hilo's General Lyman Field are currently being undertaken;[7] that further lack of the carriers' services will cause undue hardship to the economy; will place undue emphasis on Honolulu resulting in detriment to the neighbor islands, and is contrary to the original basis upon which the Board made its awards; that the rapidly expanding papaya industry in Hawaii will be adversely affected due to the need for capacity to both the Orient and Mainland points; and that additional capacity for freight will be desperately needed in combination aircraft. Finally, the county questions whether the carriers are seriously interested in serving Hilo on their respective routes,[8] and, with regard to Pan American's application, states that a continued suspension should not be granted without an evidentiary hearing since the pleadings filed by that carrier contain no convincing evidence that the suspension will be economically beneficial to it.

Braniff filed a reply to the county's answer to its renewal request.

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation to be designated as the Hilo Service Case, to consider the future of the Hilo authority now held—but not used—by American, Braniff, Northwest, TWA, and Pan American. Some or all of the services these carriers are authorized to provide at Hilo have been postponed or suspended for several years. Under the circumstances, and in light of the conflicting allegations regarding the need for additional Hilo services over and above the level now provided, we believe it is appropriate to consider (a) whether, and to what extent, these carriers should be required to implement their certificate authority and restore their services, or (b) whether, and to what extent, their existing unused authority should be deleted or suspended. We have also determined to maintain the status quo with respect to existing authorizations to suspend or postpone inauguration of service to Hilo pending completion of the proceeding instituted herein. On the basis of the renewal pleadings and responses thereto, it appears that the circumstances warranting the previous grants of such authority remain valid at least for the immediate future and that grant of continued authority to postpone inauguration of service to American, TWA, and Northwest and of suspension authority to Pan American and Braniff pending a full exploration of these deletion/suspension issues on an evidentiary record is in the public interest.

Accordingly, it is ordered, That:

1. A proceeding designated as the Hilo Service Case be and it hereby is instituted in docket 28043 and shall be set for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. Said proceeding shall determine (a) whether the existing authorizations to postpone the inauguration of service or to suspend service at Hilo, Hawaii, should be terminated or continued or (b) whether the certificates of American Airlines for routes 4 and 162, Braniff Airways for route 9, Northwest Airlines for route 129, Pan American for routes 130 and 117, and Trans World Airlines for routes 2 and 164 should be altered, amended, or modified so as to delete or suspend Hilo, Hawaii, under section 401 (g) of the Act;

3. American Airlines be and it hereby is authorized to postpone inauguration of service to Hilo, Hawaii, on routes 4 and 162;

4. Northwest Airlines be and it hereby is authorized to postpone inauguration of service to Hilo, Hawaii, on route 129;

5. Trans World Airlines be and it hereby is authorized to postpone inauguration of service to Hilo, Hawaii, on routes 2 and 164;

6. Braniff Airways be and it hereby is authorized to suspend service to Hilo, Hawaii, on route 9;

7. Pan American World Airways be and it hereby is authorized to suspend service to Hilo, Hawaii, on routes 130 and 117;

8. The authority granted in paragraphs 3, 4, 5, 6, and 7, above, shall terminate 90 days after final Board decision in the investigation instituted in paragraph 1, above, and may be amended or revoked at any time in the discretion of the Board without hearing; and

9. This order shall be served on American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; Aloha Airlines, Inc.; Hawaiian Airlines, Inc.; Governor of Hawaii; Hawaii State Department of Transportation; County of Hawaii; Airport Manager, General Lyman Field; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17658 Filed 7-7-75;8:45 am]

[Docket No. 23604, etc.]

KODIAK-WESTERN ALASKA RENEWAL PROCEEDING

Change in Time for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore assigned to commence at 10 a.m. (local time), on July 9, 1975 (40 FR 24767), has been rescheduled to commence at 9 a.m. (local time) on the same date, in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 2, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-17811 Filed 7-7-75;8:45 am]

[Docket No. 27693; Order 75-7-2]

WORLD AIRWAYS, INC.

Order for Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1975.

On April 2, 1975, World Airways, a certificated supplemental air carrier, filed an application for a certificate of public convenience and necessity to provide scheduled air transportation between the coterminal points Newark, N.J., and Baltimore, Md., on the one hand, and Oakland and Ontario, Calif., on the other hand. The application stipulates that World is willing to accept the following restrictions in its certificate: (1) that fares must be computed on the basis of fully allocated costing, assuming an average passenger load factor of 75 percent;[1] (2) that the authority will be permissive; (3) that the authority will be temporary; (4) that the carriage of property will be limited to small packages (*i.e.*, 50 pounds or less) or to single shippers utilizing all the available freight space; and (5) that the authority will be subsidy-ineligible.

The application was accompanied by a motion for expedited hearing which contains the specifics of World's proposal as well as the carrier's arguments in support of its motion. It is alleged, inter alia, that the transcontinental market presently suffers from an absence of price and service competition;[2] that World's

---

[1] For each flight serving a South Pacific point beyond Hawaii, American is permitted to operate an additional flight in the same direction which originates or terminates at Hawaii and makes a direct connection with the first flight.

[1] In the interim, we have authorized Pan American to suspend service at Boston and St. Louis.

[1] American was authorized to postpone inauguration of service at Hilo on routes 4 and 162 by orders 69-10-108, 70-7-95, 71-7-110, 72-7-67, and 73-7-104.

[2] Northwest was authorized to postpone inauguration of Hilo service on route 129 by orders 70-9-65, 71-7-85, 72-7-66, and 73-7-104.

[3] Pan American's authority to suspend service at Hilo on routes 130 and 117 was granted in orders 71-5-45 and 73-5-42.

[4] Braniff received Hilo suspension authority over route 9 in order 74-3-24. By order 74-12-27 Braniff was granted a waiver of the timeliness-of-filing requirements of sec. 377.10(c) of the Board's Special Regulations in order to continue the authority granted in order 74-3-24 until decision on its renewal request.

[5] TWA received authority to postpone inauguration of service to Hilo on routes 2 and 164 in orders 69-8-142, 70-8-75, 71-8-67, 72-8-96, and 73-7-104.

[6] Braniff's original authority was grounded on the need to conserve fuel. The carrier's renewal application, however, contends that economic factors justify extension of its authority. These factors include the following: that its single B-747 aircraft, with which it presently serves Honolulu from Dallas on its domestic route, is already being utilized to the greatest extent possible; that if Braniff is to provide any Hawaii service in addition to that which it is now providing, such service would require additional aircraft, schedules, crews, and expenses; that when it was providing Hilo service over a Dallas-Honolulu-Hilo-Honolulu-Dallas routing on one weekly DC-8 round trip, it transported a total of only 522 passengers in both directions to Hilo, an average of five passengers per flight; and that there is alternative service available to Hilo from Dallas via connections at Los Angeles.

[7] The county indicates that the completion of the airport facilities should occur in mid-1976.

[8] The county points out that the applications for renewal come at a time when air service to Hilo is a crucial necessity, since current statistics from the Hawaii Visitors Bureau evidence a 5.3 percent increase in traffic to the Island of Hawaii.

[1] Application of this methodology would, according to World, enable the carrier to offer a transcontinental fare of $89.00 one way, exclusive of tax and security.

[2] To support its allegation of insufficient service competition, World cites the existence of capacity limitation agreements which are now under review by the Board in Docket 22908.

V40-131 JUL 8 75 XUM

proposal offers significant benefits for World, in terms of potential profit, and for the public, in terms of low-cost transcontinental air transportation; that traffic will not be diverted from incumbents[3] but rather that the incumbents will benefit from newly stimulated travel; and that the application meets the priority-of-hearing standards developed by the Board in its Policy Statement (14 CFR 399.60) and practice.

Answers in support of the motion have been filed by United Air Lines, the United States Departments of Justice, Commerce and Transportation, the Council on Wage and Price Stability, the State of Maryland, the Division of Aeronautics of the New Jersey Department of Transportation, the New York State Department of Transportation, the Port of Oakland, the Aviation Consumer Action Project, the National Student Travel Bureau and the Board's Consumer Advocate.

Answers in opposition have been filed by American Airlines, Northwest Airlines and Trans World Airlines (TWA). While they challenge World's economic justification, the primary thrust of the opponents is that World, as the holder of a certificate to engage in supplemental air transportation, cannot as a legal matter acquire a certificate to engage in scheduled air transportation and that, therefore, the application cannot be set for hearing.[4] To support this view, these carriers rely upon the restrictive language in section 401(d)(3) of the Federal Aviation Act, which prohibits a scheduled carrier from holding a supplemental certificate, the legislative history of the Act and various administrative and judicial precedents. American argues, in addition, that no scheduled service certificate can be purely permissive, as postulated by World, and that prescription of the fares and classes of service of a scheduled carrier are not matters properly in issue in a certification proceeding under section 401 of the Act. Both American and Northwest suggest that these legal issues ought to be resolved before a hearing on the economic issues is undertaken.

World filed a reply to the answers in opposition together with a motion for leave to file the otherwise unauthorized reply. This prompted American to file a counter-reply together with a motion for leave to file that unauthorized document. Both motions will be granted.

Upon consideration of the pleadings, we have decided to adopt unusual procedures for processing this unique case. We are not persuaded by the pleadings of TWA, American and Northwest that it is illegal for World to acquire a scheduled service certificate without surrendering its supplemental certificate; neither are we convinced by World's arguments that there is no legal impediment. While the Act explicitly prohibits a scheduled carrier from holding a supplemental certificate, it does not in terms prohibit the converse; consequently, we believe it is incumbent upon the Board to render an interpretation of the Board's authority. It is also our view that it will be more conducive to the orderly administration of the Board's business and to the preservation of the interests of all parties if the legal issue is settled before an evidentiary hearing is undertaken. At this point, we will, absent legal impediments, set the application for expedited hearing both because the application is unique and could have far-reaching consequences and because the priority of hearing standards embodied in the Board's Policy Statement are met. However, if we first determine that we have no legal authority to grant the relief requested, the application will have to be dismissed. Such action would enable World to seek judicial review. On the other hand, we recognize that a preliminary decision in World's favor on the legal issue may be deemed interlocutory in nature and not immediately reviewable. Thus, there is a risk that a lengthy, expensive proceeding would ultimately be overturned should World prevail on the merits here but lose in court upon review. Be that as it may, we have decided upon the course described herein.

All interested persons are requested to file briefs,[5] within 30 days of the date of this order, directed to the issues set forth in ordering paragraph 2. The Board will then hold oral argument as soon as practicable thereafter. We expect such briefs to be as concise as possible and devoid of economic argument going to the merits of World's application. However, any facts which are pertinent to analysis of section 401 as it has been administered by the Board should be cited with appropriate documentation.

Aside from the threshold question of dual certification, we would like the parties to address one other issue: Whether the Board may authorize the operations proposed by World by exemption, irrespective of whether it could do so by certification. We are not, however, soliciting legal argument on the other issues raised by World's proposal since we consider it to be well-settled that: (a) No certificate for scheduled route air transportation may be permissive in its entirety; (b) the Board does have authority to restrict the carriage of property;[6] (c) a certificate may be issued for a temporary period; and (d) a certificate may be issued on a subsidy-ineligible basis and may, in addition, prohibit the carriage of mail at service rates.[7] Finally, we find American's arguments that the Board may not fix a fare into a route certificate in a proceeding under section 401 and may not prescribe an initial tariff to be unpersuasive. First, the statute does not prohibit the consideration of route and rate issues in a single hearing; and, second, the exact nature of the tariff condition which might be imposed is speculative at this point and the fact that World proposes any such condition is not a legal bar to processing the application. We expect all interested persons to cooperate with our desire to complete this preliminary phase as expeditiously as possible.

Accordingly, it is ordered, That:

1. All interested persons may file, and serve upon all parties, briefs to the Board in Docket 27693 within 30 days after the date of adoption of this order;

2. Said briefs shall address the following issues:

a. Whether the Board may issue a certificate for regular route air transportation under section 401(d)(1) of the Act to a carrier holding a certificate for supplemental air transportation under section 401(d)(3) of the Act without requiring the surrender of the latter; and

b. Whether the Board may issue an exemption under section 416 of the Act to World to perform the scheduled air transportation proposed in World's application;

3. After receipt of said briefs, this proceeding shall be set for oral argument before the Board at a time to be designated hereafter;

4. The motion of World Airways, Inc., for leave to file an otherwise unauthorized reply be and it hereby is granted;

5. The contingent motion of American Airlines, Inc., for leave to file an otherwise unauthorized counter-reply be and it hereby is granted; and

6. A copy of this order shall be served upon all parties in Docket 27693.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17657 Filed 7-7-75;8:45 am]

[3] It is argued that the vast majority of World's traffic will be composed of persons who cannot now afford to fly.

[4] In its motion, World states that it would not surrender its supplemental service certificate upon receiving a scheduled service certificate.

[5] All briefs shall comply with the formal specifications and other requirements for such documents as are set forth in the rules of practice, particularly rules 3(b) and 31(c).

[6] See, e.g., Order 70-6-96, June 4, 1970, at 20.

[7] See, e.g., Florida-Bahamas Service Case, 15 C.A.B. 884 (1952), and Mackey Airlines Renewal Case, 37 C.A.B. 371 (1962).

ENVIRONMENTAL PROTECTION AGENCY

[FRL 395-4]

REFERENCE OF EQUIVALENT METHOD DETERMINATION

Receipt of Application

Notice is hereby given that the Environmental Protection Agency has received, on 21 May 1975, an application from Lear Siegler, Inc., to determine if its SM 1000 SO_2 ambient monitor should be designated by the Administrator of the EPA as a reference or equivalent method under the provisions of 40 CFR Part 53. If the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.75-17548 Filed 7-7-75;8:45 am]

[FRL 395-6]

STATE OF NORTH DAKOTA PROGRAM

Approval of Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the Environmental Protection Agency has granted the State of North Dakota's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On March 20, 1975, North Dakota submitted a program for carrying out the NPDES. On May 6, 1975, EPA conducted a public hearing on the proposed approval in Bismarck, North Dakota. After a thorough review of the North Dakota program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Arthur A. Link in a letter dated June 13, 1975.

As of June 14, 1975, the North Dakota NPDES permit program is being administered by the North Dakota Department of Health, Bismarck, North Dakota 58501 (telephone (701) 224-2386). Mr. Willis Van Heuvelen is the Executive Officer of the North Dakota Department of Health. The North Dakota program is being administered in accordance with North Dakota statutes and regulations and a Memorandum of Agreement between North Dakota and the EPA Region VIII office, 1860 Lincoln Street, Denver, Colorado 80203 (telephone (303) 837-3895). All pertinent documents are available for inspection at the North Dakota State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement.

JULY 1, 1975.

[FR Doc.75-17547 Filed 7-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19597; File No. BP-19134; FCC 75-610]

BRAVERMAN BROADCASTING CO., INC.

Construction Permit; Memorandum Opinion and Order Remanding Hearing

1. By Order (FCC 74-265) released July 17, 1974 (39 FR 21867), we granted the request of Johnson County Broadcasting Corporation (KXIC), an intervenor herein, and stayed our previous Order (FCC 74-602) released June 18, 1974, denying KXIC's application for review of a Review Board Decision, 45 FCC 2d 265 (1974), which granted Braverman Broadcasting Company, Inc.'s (Braverman) Iowa City, Iowa, application for a construction permit for a new standard broadcast station in Iowa City, Iowa. We stayed our June Order so that we might consider a petition to enlarge issues filed June 3, 1974 by KXIC. KXIC requested we add a transmitter site availability issue against Braverman. Braverman subsequently obtained a new site and on August 7, 1974, filed what it styled an informal application to modify construction permit. KXIC objects to Braverman's filing on the grounds, *inter alia*, that Braverman failed to comply with §§ 1.522 and 1.571(j)(1) of the Commission's rules and that the presence of power transmission lines less than one-quarter mile from the proposed transmitter site may cause reradiation and possible interference to existing stations. By letter adopted February 4, 1975, we requested Braverman to submit an engineering study concerning the possible reradiation effects of the transmission lines and any precautions expected to be taken to prevent possible reradiation. Braverman filed a response to the letter February 11, 1975 and a supplement February 14, 1975, to which the Chief, Broadcast Bureau on February 13 and 21, 1975 and KXIC on March 6, 1975, filed comments.

2. In its petition to enlarge, KXIC bases its request for a site availability issue on an order issued May 28, 1974, by the Iowa District Court in and for Johnson County. The court order enjoined *pendente lite* Continental Mortgage Investment Company, the proposed seller of Braverman's original site, from transferring any assets. Braverman sought court approval to purchase the property, but determined such approval would take longer than acquiring an equally satisfactory alternative site. Braverman acquired a new site[1] and then filed the informal application to modify construction permit. Braverman justifies filing an informal application on the grounds the new site is located less than one mile from the original site, and consequently, much of the information in the original application applies equally to the new site.

3. We first note Braverman's procedure for requesting the change in transmitter site is improper in that Braverman has filed an application to modify a construction permit which has not been issued to it. However, we shall treat Braverman's filing as a petition for leave to amend its application, as Braverman requests in the alternative. Second, we conclude the court order against Continental Mortgage Investment Company was unforeseeable and constitutes "good cause" justifying the late filing of both KXIC's petition to enlarge and Braverman's petition for leave to amend.

4. Notwithstanding our desire to terminate this already protracted proceeding, we believe a substantial and material question of fact which cannot be resolved by continuous exchanges of pleadings and engineering statements remains for resolution. Braverman claims the power line near the proposed site is a "simple rural feeder on wood poles," and no reradiation is expected from the line or supporting structures, which would create a problem in the adjustment of its antenna array. Braverman states, however, that if minor reradiation problems arise, Braverman would seek permission from the power company to detune the offending structure. KXIC's consulting engineer questions Braverman's showing for failure to provide the quantitative data and engineering studies deemed necessary to assess the possibility of reradiation. KXIC's engineer spoke to power company engineers, who indicated Braverman had not sought permission to perform any necessary detuning. KXIC also claims other nearby structures (a 65-foot steel-ribbed silo and a 75-foot steel windmill tower) raise additional questions of reradiation. Finally, KXIC points to the presence of an oil and gas pipeline that crosses the middle of Braverman's proposed site, and suggests this pipeline may complicate construction of Braverman's proposed array. Based on these conflicting claims, we are unable to find that Braverman's proposed transmitter site will be suitable for construction of the proposed array or that no reradiation and consequent interference will be caused by the power line or other structures. Therefore the record will be reopened and the proceeding remanded to the Chief Administrative Law Judge so that he may appoint an Administrative Law Judge to preside at the further hearing herein, in place of Judge Denniston, who is no longer with this Commission.

[1] Braverman initially optioned its new site, and exercised its option on March 1, 1975.

V40-131 JUL 8 75 XUM

5. Because this case has already been prolonged, the presiding Administrative Law Judge is directed to proceed as expeditiously as possible in taking evidence on the specified issues and issuing a Supplemental Initial Decision. Because of the unusual procedural posture of this case, further review will be conducted by the Commission itself. In determining whether Braverman's amendment should be granted, the Presiding Judge shall consider only whether the newly-proposed site is satisfactory from the standpoint of reradiation/interference and feasibility of construction of the broadcast facilities. On our own motion we will waive §§ 1.522(b)(3) and 1.571(j)(1) of our rules, which might otherwise require denial of Braverman's amendment because enlargement of the issues is necessary or require assignment of a new file number to Braverman's application because questions of interference are presented. Although the proposed amendment raises questions of reradiation and interference, we generally consider amendments to change transmitter sites to be "minor".[3] Under the circumstances shown here, it would be unduly harsh to return Braverman's application to the processing line[4] or to summarily deny Braverman's amendment. Braverman is the only remaining applicant for these broadcast facilities, and we note that prior to encountering difficulties in obtaining its originally proposed site, Braverman had completed the hearing process and was found fully qualified to be a Commission licensee. Further, we believe the interference questions can be resolved expeditiously at the hearing level.

6. If the Administrative Law Judge denies Braverman's petition to amend its application, then it is apparent Braverman will have difficulty obtaining the property originally proposed for its transmitter site.[4] Accordingly, we will grant KXIC's petition to enlarge issues to the extent that we will specify a site availability issue against Braverman on a contingent basis.

7. *According, it is ordered*, That the record in this case is reopened and the case remanded to an Administrative Law Judge to determine:

(a) Whether, due to the proximity of power lines and the presence of other objects on or near Braverman Broadcasting Company, Inc.'s newly proposed transmitter site, the transmitter site is suitable for installation of the proposed directional antenna array.

(b) Whether, in light of the determination made in issue (a), Braverman Broadcasting Company, Inc.'s petition for leave to amend its application should be granted; and

(c) If it is determined the petition for leave to amend should be denied, whether Braverman Broadcasting Company, Inc. has reasonable assurance of the availability of its proposed transmitter site.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof on the specified issues SHALL BE on Braverman Broadcasting, Company, Inc.

9. *It is further ordered*, That the Administrative Law Judge SHALL ISSUE a Supplemental Initial Decision, which Decision shall thereafter be reviewed by the Commission.

10. *It is further ordered*, That the petition to enlarge issues filed June 3, 1974, by Johnson County Broadcasting Corporation is granted to the extent indicated herein and is denied in all other respects.

11. *It is further ordered*, That the stay of the Commission's order (FCC 74-602) released June 18, 1974 is continued indefinitely.

Adopted: May 28, 1975.

Released: June 6, 1975.

[SEAL] VINCENT J. MULLINS,[5]
Secretary.

[FR Doc.75-17639 Filed 7-7-75;8:45 am]

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

JUNE 10, 1975.

Broadcast licensees are reminded that some fundamental changes were made in section 315 of the Communications Act, by enactment, on October 15, 1974, of the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443). The 1974 Act amends section 315 of the Communications Act of 1934, effective January 1, 1975, by deleting the section 315 certification requirements imposed in Title I of the Federal Election Campaign Act of 1971 (Pub. L. 92-225). The 1974 Act also repealed those sections of the 1971 Act defining "legally qualified candidate" and "candidate for presidential nomination."

CERTIFICATION

The repealed provisions of section 315 (c) and (e)[1] prohibited a licensee from charging a qualified candidate for Federal elective office for use of broadcast time unless the candidate certified that the payment of the charge would not violate any of the spending limitations imposed by other provisions of the 1971 campaign act. The House of Representatives Conference Report (Rept. No. 93-1428) explanatory statement gives a reason for repeal of the certification requirements. The House noted that the case of "American Civil Liberties Union v. Jennings," 366 F. Supp. 1041 (D.D.C. 1973), ruled on the constitutionality of the requirement with respect to the printed media. The three-judge panel found that provision to be unconstitutional prior restraint on publication in violation of First Amendment rights. The case, now captioned "Staats v. A.C.L.U.," is presently pending before the Supreme Court, which noted probable jurisdiction on June 4, 1974 (417 U.S. 944), and which stayed the lower court's decision pending review on July 9, 1974 (418 U.S. 910).

In light of the repeal, licensees are no longer required to obtain certifications from candidates regarding their spending limitations, and, accordingly, all references to certification and all Questions and Answers based thereon in our 1972 Public Notice entitled "Use of Broadcast and Cablecast Facilities by Candidates for Public Office," 34 FCC 2d 510 (1972), are deleted.

EFFECT OF 1974 AMENDMENTS ON DEFINITION OF "LEGALLY QUALIFIED CANDIDATE"

Since the passage of the Federal Election Campaign Act Amendments of 1974 the Commission has received a number of inquiries as to when a person becomes a "legally qualified candidate for public office," within the meaning of Section 315 of the Communications Act. These inquiries ask whether the definition of the term "legally qualified candidate" as set forth in our rules has been modified by certain provisions of the 1974 amendments.

The 1974 Act repealed section 102(4) of the 1971 Act, which had provided:

> The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

Since the 1974 Amendment repealed section 102(4) of the 1971 Act, the only definition remaining in the Campaign Act, as amended, for the term "candidate (for Federal elective office)" appears in section 301(b) of the 1971 Act. That definition, which was not changed or deleted by the 1974 amendment, states:

> Section 301. When used in this title—
>
> * * * * *
>
> (b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

However, section 301 of the 1971 Act is contained in Title III of that Act, which sets forth the requirements and procedures for disclosure and reporting of contributions and expenditures made by or on behalf of any Federal candidate or his political committee and, by the terms of section 301, the definitions contained therein are limited to the provisions of Title III. In light of the foregoing, the Commission is of the view that the definition of the term "candidate" as contained in section 301(b) of the 1971 Act does not change Commission policy, rules or precedents regarding who is a "legally qualified candidate for public office" for purposes of section 315 of the Communications Act. Thus, questions as to whether any particular individual is a "legally qualified candidate for public office" under section 315 will continue to be resolved by reference to the applicable sections of the Commission's rules (i.e., §§ 73.120(a), 73.290(a), 73.590(a), or § 73.657(a)), Commission precedent, and the facts of each case.

Subsection (a) of each of the foregoing sections of our rules provides:

> *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:
>
> (1) Has qualified for a place on the ballot, or
>
> (2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

We adhere to the view that the foregoing criteria continue to govern determinations as to whether a person is a "legally qualified candidate for public office," Federal or otherwise, for purposes of section 315.

The Commission has recognized that the foregoing criteria may not provide precise standards for ascertaining when a person becomes a legally qualified candidate for nomination by convention for the office of President of the United States[2] or for Congressional office in those circumstances in which a Congressional candidate may be nominated by a state party convention rather than a primary election. In connection with candidates for President, we reiterate the standards set forth in "Columbia Broadcasting System, Inc., 40 FCC 244 (1952), and Eugene McCarthy," 11 FCC 2d (1968); *aff'd*, "McCarthy v. FCC," 390 F. 2d 471 (D.C. Cir. 1968). As set forth in those cases, the factors which must be present are:

(1) The individual in question has publicly announced his candidacy for the office of President of the United States;

(2) The individual is seeking the nomination of his political party for that office at the party's convention;

(3) There is no legal impediment to the individual's candidacy;

(4) The individual is a bona fide candidate, within the meaning of the Commission's rules, as evidenced by such indicia as:

(a) Entry, by the individual, in any of the Presidential preferential primary elections, or

(b) Any other active solicitation of support, by the individual, for his candidacy.

Except for 4(a), supra, the same criteria would apply to determine whether a person is a legally qualified candidate for Congressional office in those states in which party nominees can be selected through the convention method.[3]

A copy of this Public Notice is being sent to all licensees.

Action by the Commission June 3, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17640 Filed 7-7-75;8:45 am]

[Docket No. 19060, RM-690; FCC 75-617]

INTERNATIONAL RECORD CARRIERS SCOPE OF OPERATIONS

Memorandum Opinion and Order Re Supplemental Comments

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. By Memorandum Opinion and Order (First Order) released November 26, 1973, in the above-captioned matter,[1] 43 F.C.C. 2d 1174, we instituted an investigation to determine whether the distribution by The Western Union Telegraph Company (WU) to the international record carriers (IRC's) of outbound international message telegraph traffic under the formula prescribed pursuant to section 222(e)(1) of the Communications Act, 47 U.S.C. section 222 (e)(1) (1971), is unjust, unreasonable, or inequitable or not in the public interest, and whether the Commission should prescribe any amendments to such formula. We further required that the parties respondent named therein file statements of fact and memorandums of law (comments) relative to the issues set out in our First Order. See 43 F.C.C. 2d at 1181-2.

2. Following the release of our First Order, and prior to the filing of the parties' comments, a controversy arose among the parties respecting an interpretation of the issues designated in our First Order. These questions concerned whether a study of the traffic distributed under the formula, which could be performed by WU, was necessary to address one or more of those issues; and, if so, whether the comments of the parties respondent should be postponed until such study had been completed. At the request of the parties we addressed those questions by Memorandum Opinion and Order (Second Order) released June 10, 1974, 47 F.C.C. 2d 225. Therein, we determined that the WU study was appropriate and necessary to our full consideration of the issues in this proceeding and directed that WU should conduct a census study of all outbound international message traffic (both routed and unrouted) handled over its lines covering three consecutive one-week periods. See 47 F.C.C. 2d at 228. The study was to be performed on behalf of the interested IRC parties, and WU's costs for performing the study were to be borne by those IRC parties in such proportions as they should mutually agree upon.[10]

3. On the question of postponement of filing of comments required by our First Order, pending completion of the traffic study, the Commission determined that without prejudice to any respondents the proceeding could move ahead on the basic qualitative questions raised by our designated issues. Therefore, we ordered that initial comments be filed within three weeks of the release of our Second Order,[2] with the WU study proceeding on a parallel and concurrent basis. We also expressed our intent, upon completion of the WU study, to make provision for the parties to file any necessary further comments, both respecting the study itself and to supplement previously-filed comments.

4. The Commission has now received the data from WU provided by the study; which study, we note, covered thirteen consecutive one-week periods (from the week ending December 7, 1974 through March 1, 1975, inclusive) although our Second Order required only a three-week study. WU also represents that these data have been furnished to the interested IRC's and to the International Quota Bureau (IQB). Therefore, it now appears appropriate for the Commission

---

[4] Amendment of §§ 1.311, 1.354(g) and 1.354(h)(i), (FCC 60-260) 19 RR 1599, 1601 (1960); "Application for Major and Minor Changes," 23 FCC 2d 811 (1970).

[4] While we do not so decide, such a procedure likely would be fatal to Braverman's application for standard broadcast facilities in Iowa City, because Braverman would lose its "grandfathered" status, exempting it from the 1968 AM "freeze" on acceptance of applications under the old procedural rules. "Interim Criteria to Govern Acceptance of Standard Broadcast Applications," 13 FCC 2d 966 (1968).

[4] See para. 2 *supra*.

[5] Commissioners Hooks and Washburn absent.

[1] Section 315(d), which also was repealed, applied to non-federal candidates in states which had adopted certain legislation.

[2] The 1971 Act includes the definition of "candidate for presidential nomination," which was contained in section 104(a)(9)(B) of the 1971 Act. That section was repealed by the 1974 amendments. Accordingly all references to the definition of a "candidate for presidential nomination" contained in our 1972 Public Notice, *supra*, are deleted.

[3] Some state laws and/or state political party rules provide that if a person receives a certain percentage of votes at a political party convention, then no primary election to select that party's nominee need be held. Conversely, if no person receives a certain percentage of the convention vote, the applicable state law or party rule may either require a primary to be held or permit a primary at the request of certain candidates.

[1] See 40 FR 7130, February 19, 1975.

[10] The parties, independent of the Commission, reached agreement among themselves and entered into an agreement with WU respecting the performance, timing, and cost of the subject study.

[2] This date was extended to July 8, 1974 at the unopposed request of one of the parties. Subsequently responsive comments were filed on August 15 and reply comments on September 16.

V40I131 JUL 8 75 XUM

to consider the question of further comments from the parties respecting the WU study.

5. We note that several parties in their initial comments reserved a position on one or more of the issues designated in our First Order, pending receipt of the WU traffic study data. Our Second Order provided that the parties could supplement the comments we therein required them to file upon receipt of the study results. See 47 F.C.C. 2d at 228. We have not received from the parties any request for further direction, but we believe that the most expeditious course is for us, on our own motion, to establish procedures for the filing of additional comments relative to the WU study and the results thereof.

6. Since the parties already have substantial background and expertise concerning the basic issue of this proceeding and the factual considerations germane thereto, and since the data for at least the first three study weeks—the study period required by our Second Order—has been available to the parties for analysis for several weeks, we are of the view that a period of four weeks from the release of this order will be adequate for further analysis of this data and preparation of such additional comments as the parties may wish to file, addressed to the WU study and to supplement their responses to the issues in this proceeding.

7. *Accordingly, it is ordered,* That supplemental comments addressing the issues designated in the above-captioned proceeding, respecting the study of outbound international telegraph message traffic conducted by The Western Union Telegraph Company and the results of such study, may be filed by any party respondent on or before July 16, 1975.

8. *It is further ordered,* That parties filing supplemental comments may file reply comments to such supplemental comments on or before July 31, 1975; and

9. *It is further ordered,* That on or before July 16, 1975, the IRC parties shall provide data to all interested parties and the Commission with respect to outbound international telegraph messages handled by each such IRC over its own collection facilities or filed directly with them by users over domestic communications networks (direct access) for at least the three consecutive one-week periods for which The Western Union Telegraph Company was ordered to gather data in the above study.

Adopted: May 28, 1975.

Released: June 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17638 Filed 7-7-75;8:45 am]

* Commissioners Hooks and Washburn absent.

FEDERAL ENERGY ADMINISTRATION

ENERGY RESOURCES COUNCIL; INTERAGENCY TASK FORCE ON MOTOR VEHICLE GOALS BEYOND 1980

Public Hearings

Pursuant to a letter from Mr. Rogers Morton, Chairman of the Energy Resources Council, an interagency task force was established to set motor vehicle fuel economy goals beyond 1980. This Federal Task Force is staffed by members of DOT, FEA, EPA, ERDA, and NSF. The task force was directed to:

1. Examine the present state of knowledge for motor vehicle emissions, noise, safety, damageability, fuel economy, performance and cost;

2. Relate the national goals of air quality, noise reduction, highway safety, vehicle damageability and energy conservation to the characteristics of the present and projected motor vehicle fleet, to the economy and to public health and mobility;

3. Determine feasible levels and timing for motor vehicle emission, noise, safety, damageability and fuel economy objective beyond 1980 and determine the process whereby these objectives could be established in a balanced manner;

4. Evaluate alternative policies, their benefits and costs and feasible implementation strategies to achieve national goals; and

5. Provide for public hearings in carrying out its mission.

Eight special panels within the Task Force were established to address major impact areas. These panels include Air Quality, Noise and Health; Safety; Fuels and Materials Resources; Automotive Design; Automotive Manufacturing and Maintenance; Marketing and Mobility; National/Industry/Consumer Economics; and Alternative Implementation Strategies. A ninth panel, the Systems Integration and Report Generation Staff, will compile and integrate the findings and prepare the final report for submission to ERC, by the 1st day of January, 1976.

The purpose of the Air Quality, Noise and Health Panel is threefold. It will evaluate the effects of different levels of automotive emissions upon air quality, assess the health and beneficial cost implications of the quality of the air and identify alternative methods for improving air quality and reducing noise. Emphasis will be placed upon hydrocarbons (HC), carbon monoxide (CO) and oxides of nitrogen (NO_x), but other emissions will also be addressed. Based on the study, the panel will present conclusions concerning the effects and costs of automotive emissions and noise pollution.

The Safety Panel will evaluate the effects of different levels of vehicle safety characteristics upon highway accidents, personal injury and vehicle damage. It will assess the costs and benefits and determine alternative methods of improving highway safety including automotive inspections and maintenance strategies. Benefits resulting from different safety and damage standards, such as crashworthiness and repairability ratings, will be of primary importance.

The Fuels and Materials Resources Panel will be concerned with the availability and costs of fuels and materials for automobile manufacturing in the 1980's. U.S. and non-U.S. sources of fuels and materials will be reviewed. In addition, the panel will consider interrelationships between demand schedules from the auto and other industries and the competition a particular demand schedule will encounter from other economic sections.

The primary purposes of the Automotive Design Panel are to project vehicle designs to minimize fuel consumption as a function of parametric performance constraints, i.e., roominess, acceleration, and safety rating, and to describe the resulting configurations (including materials identification). Also included will be a description of the fuel economy and maintenance requirements for each design. The influence which variations in performance constraints and selected vehicle/component designs will have on fuel economy and other relevant parameters will also be analyzed.

The Automotive Manufacturing and Maintenance Panel will determine industry requirements (such as lead times, labor, capital, material and energy) to manufacture and maintain projected fleets which incorporate selected fuel efficient vehicle configuration, and it will estimate vehicle purchase prices and maintenance costs for vehicles in a projected fleet. Also considered will be the current and future capabilities and plans of the major automobile manufacturers.

The purpose of the Marketing and Mobility Panel will be threefold. It will assess the level and structure of consumer auto travel demand, project the size and mix of auto fleets based on consumer demand beyond 1980 and aggregate the effect of these projections upon fuel consumption, vehicle miles travelled (VMT) and patterns of automobile usage. The panel will consider such factors as average family size, income and automobile ownership, ages of family members, total population, driver population and age mix of drivers, residency patterns and availability, and quality of public transportation systems. In addition, the panel will estimate consumer willingness to pay for performance, roominess and accessories.

The task of the National/Industry/Consumer Economics Panel is to project the level and rate of change of those national economic indicators which affect the automotive manufacturing industry and the consumer demand for and use of automobiles, and to project the impact of alternative motor vehicle goals upon the automotive industry and the national economy. Changes in such macro-economic variables as GNP, disposable income, population, money supply, interest rates and fiscal deficits and surpluses will be evaluated, relative to the reaction of the automotive industry to fuel economy and other objectives.

The Alternative Implementation Strategies Panel will be principally a policy-advising panel. It will develop and evaluate federal strategies to accomplish alternative motor vehicle goals and assess their impact on the national economy, specific industries and consumers. Typical policies to be considered include mandated vehicle design standards, tariffs and import restrictions, excise taxes, subsidies, tax incentives, volume controls of gasoline and of other materials and products.

In compliance with the directive to provide for public hearings, the Federal Task Force will be conducting four public hearings in cities across the United States. The first of these hearings will be held in Washington, D.C. on July 21, 1975, beginning at 10 a.m., e.d.t., in Room 3000A, reception area of Room 3400, Federal Energy Administration, 12th & Pennsylvania Avenue, Washington, D.C. 20461, and will be continued if necessary, on July 22, 1975. The remainder of the hearings will be taking place in Detroit (commencing July 29th at 10 a.m.), Kansas City (commencing August 5th at 10 a.m.) and Los Angeles (commencing September 9th at 10 a.m.). Locations will be announced shortly. The first hearing, in Washington, D.C. will emphasize concerns to be evaluated by the National/Industry/Consumer Economics Panel and the Alternative Implementation Strategies Panel. In Detroit, the emphasis will be on the material to be examined by the Automotive Design and Automotive Manufacturing and Maintenance Panels. The analysis to be conducted by the Fuels and Materials Resources and Safety Panels will be evaluated in Kansas City and the area to be covered by the Air, Quality, Noise and Health Panel and the Marketing and Mobility Panel will be examined in Los Angeles.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to:

Diane B. Pirkey, Room 6830, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Ms. Pirkey should be contacted at least 10 days prior to the hearing. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation. Each person selected to be heard will be so notified by the FEA 5 days prior to each hearing, and must submit 100 copies of his statement at the time of the hearing. Any person not testifying is welcome to submit a written statement to the above address.

Those conducting the hearings reserve the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard. Further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be made available for inspection in the Reading Room of the Federal Energy Administration Freedom of Information Center, Room 206, Old Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Telephone: (202) 964-3563. Any person may purchase a copy of the transcript from the reporter.

Dated: July 2, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.75-17626 Filed 7-2-75;12:43 pm]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 8210-30, among the member lines of the above-named conference, extends the term of the conference's intermodal authority through September 30, 1976.

Dated: July 2, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17665 Filed 7-7-75;8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214-15, among the member lines of the above-named conference, extends the term of the conference's intermodal authority through September 30, 1976.

Dated: July 2, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17666 Filed 7-7-75;8:45 am]

REFRIGERATED EXPRESS LINES (A/ASIA) PTY. INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

V40-131 JUL 8 75 XUM

Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George F. Galland, Esq., Galland, Kharasch, Calkins & Brown, 1054 Thirty-First Street NW., Washington, D.C. 20007.

Agreement No. 10166, among Refrigerated Express Lines (A/Asia) Pty. Ltd., Maritime Fruit Carriers Co. Ltd. and Trader Navigation Co. Ltd., common carriers by water operating liner services in the trade from Australia to U.S. Atlantic and Gulf Coast ports, provides for the establishment of a cooperative working arrangement whereby the carriers agree to coordinate or rationalize their sailings in the aforesaid trade for the purpose of avoiding wasteful and uneconomic duplication of services and to improve service to the shipping public by offering more regular sailings and by calling at a broader range of ports. The arrangement is to remain in effect for two years from the date of its approval.

Dated: July 2, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17668 Filed 7-7-75;8:45 am]

TRANS PACIFIC FREIGHT CONFERENCE—HONG KONG AND NEW YORK FREIGHT BUREAU

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1975. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Charles F. Warren, Esquire, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreements Nos. 14-43, filed on behalf of the Trans Pacific Freight Conference (Hong Kong), and 5700-24, filed on behalf of the New York Freight Bureau, are identical in nature and amend Article 11 of each of the conferences' Neutral Body provisions to increase the amounts of liquidated damages to be assessed for breaches of the agreements.

Dated: July 1, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17667 Filed 7-7-75;8:45 am]

FEDERAL POWER COMMISSION

AIR POLLUTION STANDARDS

[Docket No. RM75-23, RM75-18]

Monthly Power Statement and Electric Utility Questionnaire on Plans and Costs; Public Conferences

JULY 3, 1975.

Pursuant to § 1.3 of the Commission's rules of practice and procedure, 18 CFR 1.3, notice is hereby given that a public conference shall be convened on July 24, 1975, at the office of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 at 10 a.m. to address certain matters relating to proposed Form 67-A[1] and proposed Form 12E-2.[2]

On February 21, 1975 the Commission issued a notice of proposed rulemaking in Docket No. RM75-18 which proposed to enact a new FPC Form No. 67A, a questionnaire to be filed annually in order to create a comprehensive source of information and body of data on the existence, operation and cost of pollution control equipment for the removal of particulate matter and sulfur oxides at utility plants, and on the probable cost of alternative methods for meeting National Ambient Air Quality Standards. Comments have been received from 38 utilities, one regional coordination group, one individual and the Department of the Interior and the Environmental Protection Agency. The various members of ECAR, through their coordination organization and individually, have requested a conference be scheduled with the Staff of the Commission to discuss the proposed FPC Form No. 67A. In response to the issues raised in the various comments filed and, moreover, because of the important subject matter covered by this proposed rulemaking, the Commission feels that the public interest would be served by providing interested parties with a further opportunity to present their views on this matter. Consequently, a public conference in Docket No. RM75-18 will be convened in Washington, D.C. on July 24, 1975 to consider the general impact of the proposal. A further conference will be scheduled on July 31-August 1, 1975 at 10 a.m. at the regional office of the Federal Power Commission, 31st Floor, Federal Building, 230 S. Dearborn Street, Chicago, Illinois, for the purpose of discussing the drafting details, proposed revisions and substantive problems concerning proposed FPC Form No. 67A.

Because the conference to be convened in Washington, D.C. on July 24, 1975 is intended to be general in nature, the Commission feels it will be appropriate to consider simultaneously in that conference problems of a general nature that interested persons may have regarding the proposed revision of FPC Form No. 12E-1, Monthly Power Statement. On March 6, 1975 the Commission published in the FEDERAL REGISTER notice of its proposal to amend 18 CFR 141.56 to enact a superseding Form 12E-2 revising and thereby eliminating FPC Form No. 12E-1. See, Docket No. RM75-23, Notice of Proposed Rulemaking, 40 FR 11896. Comments were received in Docket No. RM75-23 from 26 utilities, one government agency and one electric utility coordination group respecting the proposed rulemaking. The character of these comments indicates that the predominant concern regarding the proposed substitution of FPC Form No. 12E-2 for FPC Form No. 12E-1 relate general complaints regarding duplication, administrative burden and need for certain information. Therefore, the conference to be held in Washington will consider such general subjects relating to both Docket Nos. RM75-18 and 75-23. The Commission, moreover, believes that the further views and participation of the Environmental Protection Agency, Department of the Interior, and the Federal Energy Administration in the forthcoming conferences would be valuable and we specifically invite the attendance of these agencies.

Therefore, a conference which will concentrate on specific revisions to proposed FPC Form No. 67A will be convened in Chicago, Illinois on July 31-August 1, 1975 at 10 a.m. at the Federal Power Commission regional office, 31st floor, Federal Building, 230 S. Dearborn Street, Chicago, Illinois. Any comments relating to specific revisions to FPC Form No. 67A will be addressed at that time. The national implications of Proposed FPC Form No. 67A as well as the proposed superseding FPC Form No. 12E-2 shall be discussed at the conference convened

[1] On March 19, 1975, the Commission issued a notice of proposed rulemaking in Docket No. RM75-18 which proposed a new Form No. 67A. 40 FR 12620.

[2] On March 14, 1975, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM75-23 proposing a new Form 12E-2 to supersede Form 12E-1. 40 FR 11896.

in Washington, D.C. at the Federal Power Commission, 825 North Capitol Street, NE at 10 a.m. on July 24, 1975. All interested parties are urged to participate in either or both conferences according to their interest in the respective subject matters to be addressed at each, as outlined above.

Each conference is open to members of the general public who upon recognition by the presiding officer of the conference may offer their comments as to the relevant issues under discussion. Each conference shall be of record. Parties desiring to place written presentations into the record should provide the Staff with at least one original and nine copies of such submission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17791 Filed 7-3-75;4:04 pm]

[Dockets Nos. CI75-576, CI75-577]

AMERADA HESS CORP.

Withdrawal

JUNE 30, 1975.

On June 9, 1975, Amerada Hess Corporation filed a withdrawal of its applications for limited-term certificates, filed March 27, 1975, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules and regulations the withdrawal of the above application shall become effective July 9, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17595 Filed 7-7-75;8:45 am]

[Docket No. G-7490]

AMOCO PRODUCTION CO.

Application

JUNE 25, 1975.

Take notice that on June 9, 1975, Amoco Production Company (Applicant), P.O. Box 3092, Houston, Texas 77001, filed in Docket No. G-7490 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from the Eumont and other fields in Lea County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Northern from Well No. 2 which Applicant operates on the Southland Royalty "A" Lease in Lea County. Applicant explains that said well has been reclassified by the New Mexico Oil Conservation Commission from a gas well to an oil well. Applicant states that as an oil well, the casinghead gas therefrom is committed to Warren Petroleum Corporation under a percentage-type contract, and the residue gas will in turn be sold from Warren Petroleum Corporation's Eunice Plant to El Paso Natural Gas Company. Applicant states that Northern has indicated its concurrence with the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17596 Filed 7-7-75;8:45 am]

[Docket No. CI75-503]

ANADARKO PRODUCTION CO.

Withdrawal and Cancellation of Hearing

JUNE 19, 1975.

On June 9, 1975, Anadarko Production Company filed a withdrawal of its application for a limited term certificate of public convenience and necessity, filed February 20, 1975, in the above-designated matter, which was set for hearing by order issued May 9, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of the above application shall become effective July 9, 1975. The hearing scheduled for June 26, 1975 is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17597 Filed 7-7-75;8:45 am]

[Docket No. E-8302]

BANGOR HYDRO-ELECTRIC CO.

Extension of Procedural Dates

JUNE 23, 1975.

On June 20, 1975, Bangor Hydro-Electric Company filed a motion to extend the procedural dates fixed by order issued June 4, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Direct Testimony, July 3, 1975.
Service of Staff Testimony, August 5, 1975.
Service of Intervenor Testimony, August 19, 1975.
Service of Company Rebuttal, September 2, 1975.
Hearing, September 16, 1975 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17598 Filed 7-7-75;8:45 am]

[Docket No. CP68-319]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Petition To Amend

JUNE 30, 1975.

Take notice that on June 23, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP68-319 a petition to amend the order of the Commission on August 5, 1968 (40 FPC 223), issued pursuant to section 7(c) of the Natural Gas Act to include authorization to exchange natural gas at an additional point, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner requests that the Commission amend its order authorizing the exchange of natural gas with Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), to include an additional delivery point for redelivery of gas by Petitioner to Kansas-Nebraska at an existing interconnection between Petitioner and Kansas-Nebraska in Weld County, Colorado, on a best efforts basis. Petitioner states that it is authorized to receive up to 17,000 Mcf of gas per day from gas wells controlled by Kansas-Nebraska in Beaver and Texas Counties, Oklahoma, at its Baker Meter Station located on the Mocane-to-Campo Junction pipeline in Texas County, Oklahoma. Redeliveries to Kansas-Nebraska from Petitioner are made at an interconnection of the two companies in the Kansas Hugoton Field. Petitioner alleges that Kansas-Nebraska desires to increase gas receipts from its reserves in the Hugoton Field and that the transferral of Petitioner's redelivery from Hugoton Field to the existing delivery point in Weld County where Kansas-Nebraska has excess capacity would allow Kansas-Nebraska to utilize its limited facilities in the Hugoton Field area to increase its takes of gas from its reserves in the Hugoton Field without having to change its facilities or operations in that area. Petitioner states that increasing deliveries to Kansas-Nebraska in Weld County will not substantially affect the total delivery capacity of the Wyoming pipeline although less gas will be delivered to Denver from that system. It is further stated that since less gas will be delivered to Kansas-Nebraska from the Hugoton Field, more gas will be available to Petitioner's transmission system for delivery to Denver from that supply

V40 I131 JUL 8 75 XUM

source and that sufficient capacity exists in the Southern System to accommodate the increased flow rate. Petitioner states that no change in the daily or annual total exchange volumes would result from the proposed changes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17599 Filed 7-7-75;8:45 am]

[Docket No. E-9506]

GULF STATES UTILITIES CO.

Filing of Superseding Rate Schedule

JUNE 27, 1975.

Take notice that on June 20, 1975, Gulf States Utilities Company (Company) tendered for filing a contract between the Company and the City of St. Martinsville, Louisiana (City). The contract is to supersede the current contract between the Company and the City which is designated Company Rate Schedule FPC No. 30. The Company requests that the old contract be cancelled.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17600 Filed 7-7-75;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Rejecting in Part Proposed Tariff Sheets, Rejecting Revised Service Agreements, Providing for Hearing and Establishing Procedures

JUNE 27, 1975.

On May 29, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing First Revised Volume No. 1 of its FPC Gas Tariff incorporating a proposed rate increase of $37,526 in its revenues for service it renders to an affiliate, Lawrenceburg Gas Company (Lawrenceburg Gas), and its parent company, Cincinnati Gas & Electric Company (Cincinnati) based upon adjusted volumes and cost of service for the twelve months ended March 31, 1975. The filing includes proposed tariff revisions which would effect a pro-rata type curtailment plan, with seasonal entitlements assignable to Lawrenceburg's two wholesale customers. The filing also includes two new service agreements between Lawrenceburg and its two wholesale customers which provide for a change in rate schedule for Cincinnati and a redistribution of the contract demand volumes for the two customers. Lawrenceburg requested, in its May 29, 1975 filing, that the proposed changes be permitted to become effective on June 30, 1975. Lawrenceburg filed on June 23, 1975, an amendment to its original filing requesting an effective date for the proposed changes coinciding with the date of approval of its certificate application requesting authorization for its revised service agreements.

In support of the proposed rate increase, Lawrenceburg cites increases in operating expenses, increased costs associated with increased curtailment and the need for an increase in the rate of return. Lawrenceburg states that any suspension beyond the one day minimum would have drastic consequences on Lawrenceburg.

Public notice of Lawrenceburg's filing was issued June 3, 1975, with comments, protests and petitions to intervene due on or before June 24, 1975.

As noted by Lawrenceburg in its June 23, 1975 filing, it has yet to receive certificate authorization for the revised service agreements which were included in its May 29, 1975 filing.[1] Section 154.22 of the Commission's regulations requires that a certificate of public convenience and necessity must be obtained before such new service agreements may be filed as part of a rate schedule. Therefore, we shall reject these revised service agreements. Since First Revised Volume No. 1 of Lawrenceburg's FPC Gas Tariff is predicated on the uncertificated revised service agreements, we shall reject the tariff sheets contained therein other than Tariff Sheet No. 3A which contains Lawrenceburg's revised rates. We shall accept for filing and suspend for one day Tariff Sheet No. 3A subject to the condition that Lawrenceburg file, within 15 days of the issuance of this order, revised tariff sheets setting forth revised rates in conformance with Lawrenceburg's proposed cost of service in the instant filing, but under the existing terms of its service to its two customers.

As to Lawrenceburg's request for an effective date to coincide with the date of certificate approval in Docket No. CP75-370, we cannot determine at this time the additional time which may elapse before action can be taken upon the certificate proposal and whether the proposal will be approved. Therefore, it would not be appropriate to relate the effectiveness of the proposed rate increase to approval of the certificate proposal.

We note that the rate design included in the instant filing reflects the unmodified seaboard method of cost classification and cost allocation.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the Lawrenceburg system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation, as well as to the propriety of Lawrenceburg's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's objectives in this area.[2] In this connection we refer the parties to our recent rulemaking Docket No. RM75-19 issued February 20, 1975.

As previously noted, Lawrenceburg's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

[1] Lawrenceburg filed on June 23, 1975, its certificate application in Docket No. CP75-370.

[2] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

Our review of the rate increase proposed in the instant filing indicates that the issues raised therein may require development in an evidentiary proceeding. The proposed rate increase tendered by Lawrenceburg on May 29, 1975, has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall suspend the use of the proposed rates for one day until July 1, 1975, subject to the terms and conditions of this order.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rate increase proposed by Lawrenceburg in Docket No. RP75-104 and that such increase be accepted for filing as hereinafter conditioned and suspended as hereinafter provided.

(2) The revised service agreements tendered by Lawrenceburg as part of its filing should be rejected as no certificate approval authorizing such revised service has been obtained.

(3) First Revised Volume No. 1 of Lawrenceburg's FPC Gas Tariff, except for Tariff Sheet No. 3A contained therein, tendered on May 29, 1975, should be rejected.

The Commission orders. (A) The revised service agreements tendered by Lawrenceburg on May 29, 1975, are hereby rejected.

(B) First Revised Volume No. 1 of Lawrenceburg's FPC Gas Tariff, except for Tariff Sheet No. 3A contained therein, tendered on May 29, 1975, is hereby rejected.

(C) Subject to the condition set forth in Ordering Paragraph (D) below, Lawrenceburg's proposed rates as set forth in Tariff Sheet No. 3A of First Revised Volume No. 1 of its FPC Gas Tariff proffered in Docket No. RP75-104 are accepted for filing and suspended for one day until July 1, 1975.

(D) Lawrenceburg shall file, within 15 days of the issuance of this order, a revised Tariff Sheet No. 3A and revised Schedules N-9 and N-10 of its filing setting forth revised rates in conformance with its proposed cost of service in the instant filing, but under the existing terms of its service to its two customers. Such revised rates shall become effective as of July 1, 1975, subject to refund.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on November 11, 1975, at 10 a.m., prevailing time, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of Lawrenceburg's proposed rate increase filed in this docket.

(F) On or before October 1, 1975, the Commission Staff shall serve its prepared testimony and exhibits of intervenors shall be served on or before October 15, 1975. Company rebuttal shall be served October 29, 1975.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17601 Filed 7-7-75;8:45 am]

[Docket No. RP73-108, (AP75-1)]

PANHANDLE EASTERN PIPE LINE CO.

Certification of Settlement Agreement

JUNE 30, 1975.

Take notice that on June 24, 1975, the Presiding Administrative Law Judge certified to the Commission the Stipulation and Agreement dated May 19, 1975, offered on the record in hearing held June 19, 1975, by Panhandle Eastern Pipe Line Company (Panhandle) as a proposed settlement of all issues in the proceeding initiated by Commission order issued January 31, 1975, concerning certain advance payments to producers. These advances were reflected in Panhandle's rates, subject to hearing and refund pursuant to the January 31 order, effective on February 2, 1975.

The provisions of the Stipulation and Agreement, if accepted and approved by the Commission, would permit Panhandle to continue to include in its Account 166 and to reflect in its rates the specified advances under certain conditions and agreements and in furtherance of the provisions of the Commission's Order No. 499, 50 FPC 2111. The settlement agreement is recommended by the Commission Staff and no party has entered any objection.

Any person desiring to file a comment upon the Stipulation and Agreement should file such comment with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17602 Filed 7-7-75;8:45 am]

[Docket No. CP74-210]

TEXAS EASTERN TRANSMISSION CORP. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Amendment to Application

JUNE 30, 1975.

Take notice that on June 23, 1975, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis, Missouri 63124, jointly Applicants, filed in Docket No. CP74-210, an amendment to the joint application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that in their joint application filed February 18, 1974, they request authorization for exchanges under their exchange agreement dated August 22, 1974, at specified and at other points along the pipeline systems of Texas Eastern and Mississippi where both of them receive gas and at points of exchange with others. Applicants now propose and request authorization in the instant filing to exchange gas at the specified points only and withdraw their request for authorization to exchange gas at the unspecified points.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protest, petitions to intervene, or notices of intervention in the instant docket need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17603 Filed 7-7-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Motion for Approval of Settlement Agreement; Correction

JUNE 24, 1975.

In the notice of motion for approval of settlement agreement issued June 17, 1975, and published in the FEDERAL REGISTER on June 24, 1975, 40 FR 26618, that notice erroneously stated that petitions or protests are due on or before July 28, 1975, with reply comments due the same date. That notice should properly have

V40 I131 JUL 8 75 XUM

stated that comments are due on or before July 10, 1975, with reply comments due on or before July 28, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17604 Filed 7-7-75;8:45 am]

[Docket No. E-6943]

UNITED STATES DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Request for Extended Approval of Rates and Charges

JUNE 30, 1975.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southwestern Power Administration (SWPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on June 19, 1975, a request in Docket No. E-6943 for an extension for a period not to exceed 90 days of the Commission's confirmation and approval of SWPA's rates for the sale of power and energy generated at the Narrows Dam project in Arkansas, operated by the U.S. Corps of Engineers. The Commission by order issued January 22, 1971, in this docket approved such rates and charges for the period ending not later than June 30, 1975.

All of the electric power and energy generated at the Narrows Dam project is sold to the Tex-La Electric Cooperative, Inc. (Tex-La) under the terms of a contract between SWPA and Tex-La (Contract No. 14-02-0001-921). The rate approved in this docket for the sale of Narrows Dam power and energy under Article I, Section 3 of the above contract is $465,000 per year ($38,750 per month).

The Secretary represents, in substance, that the requested extension of approval of SWPA's rates and charges for Narrows Dam power is necessary to allow time for SWPA to hold a hearing to afford interested parties the opportunity to participate in the ratesetting process. After consideration of the hearing testimony, SWPA will determine the magnitude of the rate adjustment that may be necessary and will file a request for the Commission's approval of the adjusted rate.

The SWPA-Tex-La rate contract referred to above is on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions relative to the Commission's consideration of the requested 90-day extension of approval of the present rates should submit the same in writing on or before July 11, 1975 to the Federal Power Commission, Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17605 Filed 7-7-75;8:45 am]

[Docket No. CP75-234]

NORTHWEST PIPELINE CORP.

Informal Conference

JULY 7, 1975.

Take notice that on July 11, 1975, an informal conference will be held in the above-referenced proceeding. The conference will be held in Room 8402 of the Federal Power Commission and will commence at 10:00 a.m. (E.D.T.). All parties may attend.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17662 Filed 7-7-75;10:28 am]

[Docket No. E-9523]

WISCONSIN MICHIGAN POWER CO.

Amendment To Interconnection Agreement

JULY 3, 1975.

Take notice that on June 27, 1975, Wisconsin Michigan Power Company (Applicant) tendered for filing with the Federal Power Commission an amendment dated May 29, 1975 to their Agreement dated March 22, 1968 with the Cities of Kaukauna and Menasha (Kaukauna-Menasha).

The amendment, effective June 3, 1975, provides for the following:

(a) An additional point of delivery at 138 kV between the systems of Applicant and Kaukauna-Menasha,

(b) Cost of expansion of interconnection facilities shall be allocated by negotiations on the basis of benefits derived by each party,

(c) Removal of restriction on Kaukauna-Menasha interconnecting with any system other than Applicant's,

(d) Addition of provisions for parallel system operation and the control of system disturbances,

(e) Compensation for Emergency Energy has been changed to provide for the return of equivalent energy or, at the option of the supplying party, at the rate of 110% of the supplier's out-of-pocket cost with a minimum of 17½ mills per kilowatt-hour, and

(f) All metering facilities are to be owned and maintained by Kaukauna-Menasha.

Applicant states that sufficient information to estimate with any degree of accuracy the quantities of energy which will be delivered by either party under the Emergency Energy class of service is not available.

Applicant requests that pursuant to § 35.11 of the Commission's regulations under the Federal Power Act, and section 205(d) of the Act, the Commission waive its thirty day notice requirement and accept the subject filing to become effective immediately.

Applicant states that signed duplicate originals of the amendment have been provided to Kaufauna-Menasha.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Wshington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17792 Filed 7-7-75;4:03 pm]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.

Order Approving Merger of Bank Holding Companies

American Bancshares, Incorporated, North Miami, Florida ("American"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to acquire all of the voting shares of ComBanks Corporation, Winter Park, Florida ("ComBanks"), under the charter and title of American. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

American has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire, in conjunction with the above merger, ComBanks Mortgage Company, Winter Park, Florida ("Mortgage"), a company that engages in making, acquiring or servicing for its own account or for the account of others, loans or other extensions of credit normally made in the operation of a mortgage company, such as construction, development, mortgage and other types of real estate loans. Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1842(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of ComBanks Data Processing Center, Winter Park, Florida ("Data"), a division of ComBanks, and thereby perform data processing services for the operations of the holding company and its subsidiaries, and storing and processing other banking, financial and related economic data, such as performing payroll, accounts receivable or payable billing services, or other similar financial services. The activities of Mortgage and Data have been determined by the Board in §§ 225.4(a)(1) and (3) of Regulation Y, respectively, as being permissible activities for bank holding companies, subject to Board approvals of individual proposals in accordance with the procedures of § 225.4(b) of Regulation Y.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 17344). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

American, the fifteenth largest banking organization in Florida, controls 10 banks with aggregate deposits of approximately $308 million, representing 1.3 per cent of the total deposits in commercial banks in the State.[1] ComBanks is the 23rd largest banking organization in the State and controls seven banks with aggregate deposits of approximately $163 million, representing 0.7 per cent of the total deposits in commercial banks in the State. Upon consummation of the proposed merger, American would control 2 per cent of the total State deposits and would become the fourteenth largest banking organization in Florida.

American's subsidiary banks are located in seven different banking markets as follows: Four in the greater Miami market and one in each of the Gainesville, North Pinellas County, South Pinellas County, Tampa, North Broward County and Key Largo markets.[2] ComBanks' seven subsidiary banks are all located in the Orlando banking market,[3] where ComBanks controls 11.8 per cent of that market's total deposits and, thereby, ranks as the second largest banking organization operating therein. Neither American nor ComBanks has any subsidiary banks located within the same market; and neither has any subsidiary banks located in adjacent markets. Thus, it appears that no meaningful competition presently exists between any of the banking subsidiaries of American and those of ComBanks, nor is any such competition likely to develop in view of the market separation and Florida's branching laws.

Although consummation of the proposed merger would foreclose the possibility that either American or ComBanks would enter the banking markets of the other, the Board finds that there is little likelihood of significant potential competition developing between the two banking organizations in the absence of the subject proposal. ComBanks has shown no inclination to expand beyond the Orlando market and does not now appear to possess the managerial resources to do so. Furthermore, it does not appear from the facts of record that American has the necessary resources to expand into the Orlando market in the foreseeable future. Accordingly, the Board concludes that consummation of the proposal would not have any significant adverse effects on existing or potential competition in any relevant area and that the competitive considerations are consistent with approval of the application to merge the two holding companies.

The financial condition of American, ComBanks and their respective subsidiaries is considered to be generally satisfactory. Consummation of the proposed merger should result in greater investor appeal for the consolidated banking organization and thereby provide American with easier access to the equity capital markets. Furthermore, consummation of the proposal should enable American to strengthen ComBanks' present managerial resources. The future prospects for the resulting organization and its subsidiaries appear favorable. Therefore, the banking factors lend weight toward approval of the application. Although American proposes no major changes in the services presently offered as a result of this transaction, the considerations relating to the convenience and needs of the residents of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of this transaction would be in the public interest and that the application to merge the two holding companies should be approved.

In conjunction with the proposed merger, American proposes to acquire Mortgage, a company that engages in the activities of originating, selling and servicing real estate mortgage loans in the Orlando market. As of December 31, 1974, Mortgage had a mortgage servicing portfolio of approximately $2.2 million and had originated total loans of slightly more than $4.2 million since its formation in January of 1974. American's nonbanking subsidiary, American Bancshares Mortgage Company, Inc., North Miami, Florida ("ABMC") engages in these same activities in Broward and Dade Counties, Florida. However, neither Mortgage nor ABMC derive any significant business from the market areas in which the other operates. Therefore, the Board concludes that the proposed acquisition would not have adverse effects on existing competition. Furthermore, it does not appear that consummation of the proposal would foreclose the development of significant potential competition within the Orlando market in view of the relatively minor size of Mortgage in relation to the market and the numerous other competitors and potential competitors in the market. It is anticipated that affiliation with American will provide Mortgage with American's managerial expertise in mortgage banking and enable it to attract capital at lower rates, which factors should facilitate Mortgage's operations. These increased capabilities may be expected to result in benefits to the public in the form of improved services and lower rates.

Also in conjunction with the proposed merger, American proposes to acquire the assets of Data (total 1974 billings of $775,000) and thereby perform certain data processing services for American, its subsidiaries and other business enterprises. American does not presently have any data processing facilities. On this basis, and other facts of record, the Board concludes that consummation of the proposal would not have significant adverse effects on competition in any relevant area. In addition, it is expected that this acquisition will result in improved internal operating efficiency for American and its subsidiaries, as well as permit American to offer such data processing services to other businesses. Furthermore, there is no evidence to indicate that the acquisition of Mortgage or Data by American would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of American's proposal.

Accordingly, the applications are approved for the reasons summarized above. The proposed merger shall not be made before the thirtieth calendar day following the effective date of this order, shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta. The determination as to American's data processing activities and the activities of Mortgage are subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective June 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17571 Filed 7-7-75;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect all holding company formations and acquisitions approved by the Board through May 31, 1975.

[2] The greater Miami market is approximated by all of Dade County and the Hollywood area of Broward County; the Gainesville market is approximated by Alachua County; the North Pinellas County market is approximated by the northern half of Pinellas County; the South Pinellas County market is approximated by the southern half of Pinellas County; the Tampa market is approximated by Hillsborough County and the town of Land O'Lakes in Pasco County; the North Broward market is approximated by the northern two-thirds of Broward County, and the Key Largo market is approximated by the town of Key Largo, all in Florida.

[3] The Orlando banking market is approximated by all of Orange and Seminole Counties, excepting therefrom the communities of Sanford and Oviedo, all in Florida.

CHEMICAL NEW YORK CORP.

Order Approving Acquisition of SBMT Sunamerica Corp.

Chemical New York Corporation, New York, New York, a bank holding com-

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Holland.

V40-131 JUL 8 75 XUM

pany within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire, through an exchange of shares, all of the voting shares of SBMT Sunamerica Corporation, Cleveland, Ohio ("Sunamerica"), a company that engages in the activities of a consumer finance company by making, acquiring or servicing loans and other extensions of credit such as would be made by a finance company; operating industrial banks in the manner authorized by the State of Colorado; providing time on its computer to firms which avail themselves of Sunamerica's computer during slack periods; acting as an insurance agent or broker in offices of Sunamerica and its subsidiaries with respect to insurance directly related to an extension of credit by such subsidiaries or otherwise sold as a matter of convenience to the purchaser, so long as the premium income from such convenience sales does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to § 225.4(a)(9)(ii) of Regulation Y; and acting as underwriter for credit life insurance and credit accident and health insurane which is directly related to extensions of credit by the bank holding system. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (2), (8), (9) and (10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 14378). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a multi-bank holding company, is the fourth largest banking organization in New York State, and the fifth largest nationally. Applicant controls Chemical Bank, New York, New York ("Bank"), and six other commercial banks which, collectively, hold deposits of $13.1 billion, representing approximately 9.7 per cent of the total deposits in commercial banks in New York State.[1] Applicant also controls nonbanking subsidiaries which engage in equipment financing, construction lending, permanent financing of income producing properties, mortgage banking and accounts receivable financing and factoring.

Sunamerica, with total gross receivables of $68.3 million, is a holding company for three wholly-owned subsidiaries: The Sun Finance and Loan Company, Sun States Life Insurance Company and Great Lakes Insurance Company. The Sun Finance and Loan Company operates consumer finance subsidiaries in eleven States, four industrial banks in Colorado, and two insurance agencies. The Sun Finance and Loan Company ranks as the 90th largest finance company (57th largest noncaptive finance company) in the United States. Sun States Life Insurance Company engages in the reinsurance of credit related life insurance originating from direct loan and sales finance transactions by Sun Finance and Loan Company while Great Lakes Insurance Company engages in the reinsurance of credit related accident and health insurance originating from the same sources.

With respect to Sunamerica's lending activities, approximately 66 percent of its outstanding receivables consist of personal loans and an additional 33 percent consist of receivables arising from the purchase from dealers of installment notes from the sale of goods and services. The geographic market for personal loans is considered to be local. Although it is possible to engage in sales finance over an unlimited geographic area, Sunamerica has only a few sales finance clients located outside the various local market areas of its personal loan offices. Sunamerica operates its 105 offices in local markets in California, Colorado, Florida, Georgia, Kentucky, Louisiana, North Carolina, Ohio, South Carolina, Tennessee and West Virginia. Applicant's seven subsidiary banks extend personal loans solely within several major markets in New York State. In addition, Bank does engage in sales finance, but competes for such business principally in the New York City metropolitan area. Thus, since there is no meaningful geographic overlap between the services offered by both Applicant and Sunamerica, consummation of the proposed transaction would not adversely affect existing competition in any relevant market.

With respect to the question of whether consummation of the proposal would eliminate any significant competition in the future, Applicant possesses the resources and expertise to penetrate the markets that are presently served by Sunamerica through *de novo* entry or through the acquisition of smaller finance companies. The loss of potential competition upon consummation of this proposal is not viewed as serious. The major markets in which Sunamerica operates contain numerous competitors and Sunamerica's share of the individual markets is small. Sunamerica has less than 3 percent of all personal loans in nearly all the relevant markets and no more than 2.2 percent of the sales financings in any market. In no market does Sunamerica appear to have a dominant position in either product line. The Board therefore concludes that consummation of the proposal would have only a very slight adverse effect with respect to the elimination of potential competition.

Due to the nature of Sunamerica's insurance activities, which are presently limited to extensions of credit made by Sunamerica and its subsidiaries and insurance sold to customers of Sunamerica and its subsidiaries as a matter of convenience, it does not appear that Applicant's acquisition of these insurance activities would have any significant effect on existing or potential competition.

The subject application contains a number of factors which, in the Board's view, make the financial considerations involved in the proposal consistent with approval. Foremost among these is the fact that the proposal involves a stock-for-stock acquisition and thus does not constitute a utilization of funds for expansion, which funds could be used elsewhere to strengthen Applicant's organization. Another factor which has entered into the Board's decision is that Sunamerica will maintain its funding separate and independent of Applicant. Likewise Applicant will not guarantee or issue any debt to be utilized in Sunamerica's operation. Thus, it will not be necessary in the immediate future for Applicant to enter the debt market to support Sunamerica's activities. Furthermore, Applicant intends to defer indefinitely its original plans for *de novo* expansion of Sunamerica. It appears, therefore, that consummation of the proposal would not require Applicant to divert any significant amount of its financial or managerial resources to assure the successful operation of Sunamerica. On the other hand, the acquisition of Sunamerica should ultimately result in benefits to the overall earnings of Applicant.

In order for the Board to approve an acquisition under section 4(c)(8) of the Bank Holding Company Act it must determine that approval can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices.

The normal public benefits which can be expected to accrue from the entry of bank holding companies into the finance company business would be expected to accrue in this case. In addition, the added managerial strength and improved efficiencies resulting from the acquisition of Sunamerica by Applicant will allow Sunamerica to increase its receivables and expand its influence within its already established markets. Furthermore, Applicant is committed to lower interest rates to all borrowers without being more restrictive in its credit standards.

As discussed hereinafter, Applicant will lower credit insurance premium rates in the States where policies are reinsured by a Sunamerica subsidiary. Applicant has proposed a rate reduction, without a reduction of policy benefits, of 5 per cent for credit accident and health insurance and a range of rate reductions of from 2 per cent to 15 per cent for credit life insurance. The Board has determined that these benefits to the public outweigh the slightly adverse potential competitive effects of the proposal and that approval of the acquisition is warranted.

On the basis of all the facts of record, including the Board's view that Applicant's commitments and assurance that the acquisition will neither result in any significant increased demand upon Applicant's financial or managerial resources nor cause any immediate alteration or expansion of Sunamerica's present operations, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. The Board's approval determination is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17572 Filed 7-7-75;8:45 am]

[1] Banking data for Chemical New York Corporation are as of June 30, 1974; all financial data for Sunamerica Corporation are as of December 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich and Coldwell. Absent and not voting: Governor Bucher.

CROSS TIMBERS BANCSHARES, INC.

Order Denying Formation of Bank Holding Company

Cross Timbers Bancshares, Inc., Gorman, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 96 percent or more of the voting shares of The First National Bank of Gorman, Gorman, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Texas for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $5.2 million, is the smallest of five banking organizations in the Eastland banking market (approximated by the boundaries of Eastland county, located 100 miles west of Fort Worth) and holds approximately 9.7 percent of total deposits in the market.[1] Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant would incur a sizeable acquisition debt which Applicant proposes to service over a twelve-year period primarily through dividends from Bank. It is noted that in the recent past Bank has paid no dividends. In the Board's view, the projected earnings of Applicant to service the acquisition debt over the debt-retirement period appear to be somewhat optimistic based on Bank's previous earnings and, even if actually realized, would not provide Applicant with the financial flexibility necessary to meet its annual debt service requirements while maintaining adequate capital at Bank. Furthermore, the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise at Bank and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in the convenience and needs of the community to be served. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective June 25, 1975.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17647 Filed 7-7-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Coldwell.

FIRST MANISTIQUE CORP.

Formation of Bank Holding Company

First Manistique Corporation, Manistique, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of two banks: First National Bank at Manistique, Manistique, Michigan, and Manistique Lakes Bank, Curtis, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 18, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17573 Filed 7-7-75;8:45 am]

FIRST-WICHITA BANCSHARES, INC.

Formation of Bank Holding Company

First-Wichita Bancshares, Inc., Wichita Falls, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The First-Wichita National Bank of Wichita Falls, 52.5 per cent of the voting shares of Southwest National Bank of Wichita Falls, both located in Wichita Falls, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 18, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17574 Filed 7-7-75;8:45 am]

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS, AND HELPERS

Acquisition of Bank

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Kansas City, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C.

V40-131 JUL 8 75 XUM

1842(a)(3)) to acquire up to 40 per cent of the voting shares of The Brotherhood State Bank, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 30, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17576 Filed 7-7-75;8:45 am]

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 per cent of the voting shares, plus directors' qualifying shares, of the Home Trust Company, Perryville, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, presently controls twenty-six banks with aggregate deposits of $1.6 billion, representing 10.86 per cent of total commercial bank deposits in Missouri.[1] Acquisition of Bank, with $15.7 million in deposits, would increase Applicant's share of commercial bank deposits by .11 of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the second largest of five banks in its market area (which is approximated by Perry County plus the area surrounding the town of St. Marys in Ste. Genevieve County), holding 31.4 per cent of total commercial bank deposits in the market. Applicant's closest subsidiary bank is located in Ste. Genevieve, 22 road miles northwest of Perryville. Although this subsidiary and Bank each derive small amounts of business from the other's service area and from the St. Marys area, there is no significant existing competition between Bank and any of Applicant's subsidiaries. Potential competition would not be adversely affected, since *de novo* entry in Perry County seems unlikely. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are all regarded as generally satisfactory and consistent with approval of the application. As a result of affiliation, Applicant will assist Bank in offering trust services, investment advisory services and automated computer services, none of which Bank has previously offered. Considerations relating to the convenience and needs of the community are consistent with approval of the application. It has been determined that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective June 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17575 Filed 7-7-75;8:45 am]

[1] Deposit data as of June 30, 1974 adjusted to reflect holding company acquisitions approved through May 22, 1975.

PEOPLES BANCSHARES, INC.

Acquisition of Bank

Peoples BancShares, Inc., Canton, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The Scio Bank Company, Scio, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 18, 1975.

Board of Governors of the Federal Reserve System, June 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17577 Filed 7-7-75;8:45 am]

SOONER BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Sooner Bancshares, Inc., Caddo, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of the formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Bryan County National Bank, Caddo, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $4.5 million,[1] is the third largest of five commercial banks located in the Bryan banking market (approximated by Bryan County). The three largest banks in the market control 90 per cent of market deposits of $67 million. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from a family to a corporation owned by the same individuals, with no change in Bank's management or operation, consummation of the proposal would not have any adverse effect on existing or potential competition. The principals of Applicant are also the principals of another one-bank holding company, Shamrock Bancshares, Inc., which controls the First National Bank in Coalgate, Coalgate, Oklahoma. Coalgate Bank is located 34 miles north of Bank and is in a different banking market. Since this bank is located in a separate banking market from that of Bank, and in view of other facts in the record, it appears that no significant existing competition would be eliminated, nor potential competition foreclosed, as a result of the consummation of this proposal. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will be dependent upon those of Bank, are considered to be satisfactory, in view of Applicant's commitment to inject an additional $75,000 into Bank's capital after consummation of the proposed acquisition. The projected earnings of Bank would appear to provide Applicant with the necessary financial strength and flexibility to maintain an adequate capital position for Bank and to service the debt that Applicant is assuming from Bank's principals as a part of the transaction. Therefore, considerations relating to banking factors are consistent with approval of the application. Although the proposed transaction represents only a change in the form of ownership of Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective June 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17578 Filed 7-7-75;8:45 am]

[1] All deposit data are as of June 30, 1974.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 2, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Since GAO has access to the written comments received by FTC in May 1975 on the proposed 1974 Line of Business Program, and also the transcripts of the Line of Business hearing held on May 20, 1975, efforts should be taken to avoid duplicating the same issues raised in those comments in the written comments submitted to GAO. Instead, the comments to GAO should concentrate on communicating new information which was not presented to FTC. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 28, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of the revised FTC annual Line of Business Form, Form LB. The LB Program has been undertaken as part of the FTC's mandate under section 6 of the Federal Trade Commission Act to gather and compile information concerning the organization, business, conduct, practices, and management of corporations engaged in commerce in the United States. Potential respondents will be 425 companies selected from among the 1000 largest in the manufacturing sector. Respondent burden is estimated to average 960 hours for the reporting requirement.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-17710 Filed 7-7-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL PROCUREMENT INSTITUTE

Executive Branch Position on Commission on Government Procurement Recommendation A-21

Notice is given that the executive branch has accepted Commission on Government Procurement Recommendation A-21 which states:

Establish a Federal Procurement Institute (FPI) which would include undergraduate and graduate curricula, procurement research programs, executive seminar programs, and other academic programs.

The Administrator for Federal Procurement Policy has overall responsibility for establishing the Federal Procurement Institute. As an initial step toward the implementation of A-21, he plans to establish a task force to work out the details of the design of the Institute for his consideration and decision.

Dated at Washington, D.C., on June 30, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.75-17583 Filed 7-7-75;8:45 am]

[Federal Property Management Regs.; Temporary Reg. D-50]

ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Delegation of Authority

1. *Purpose.* This regulation continues in effect the authority delegated to the Administrator of the Environmental Protection Agency (EPA) to perform all functions in connection with the leasing of space at Research Triangle Park, North Carolina, for use by EPA as a laboratory facility.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 8 years from the effective date of the lease of the rented premises or upon termination of the lease, whichever is earlier.

4. *Background.* This regulation reflects the delegation of authority that was granted by letter on May 8, 1975, to the Administrator of the Environmental Protection Agency.

5. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Administrator of the Environmental Protection Agency to perform all functions in connection with the leasing of special purpose and related space in the amount of 114,276 square feet for a laboratory facility at Research Triangle Park, North Carolina.

b. This delegation shall extend to leasing space under authority in section 210(h)(1) of the above-cited act (40 U.S.C. 490(h)(1)) for a firm term of 5 years and three 1-year renewal options.

c. The Administrator of the Environmental Protection Agency may redelegate this authority to any officer, official, or employee of the Environmental Protection Agency.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

6. *Effect on other issuances.* This regulation cancels the letter dated May 8, 1975, from the Administrator of General Services to the Administrator of the Environmental Protection Agency related to the above delegation.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 27, 1975.

[FR Doc.75-17584 Filed 7-7-75;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F-345]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective June 18, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kentucky Public Service Commission (Case No. 6232) involving the application of the South Central Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 27, 1975.

[FR Doc.75-17581 Filed 7-7-75;8:45 am]

V 40 I 131 JUL 8 75 XUM

[Federal Property Management Reg.; Temporary Reg. F–347]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Utah Public Service Commission (Case No. 7113) involving the application of Mountain Fuel Supply Company for general increases in its gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 27, 1975.

[FR Doc.75–17580 Filed 7–7–75;8:45 am]

[Federal Property Management Reg.; Temporary Reg. F–346]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective June 16, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission (File No. 19384) involving the application of the Savannah Electric and Power Company for an increase in electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 27, 1975.

[FR Doc.75–17582 Filed 7–7–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–471]

BOSTON EDISON CO., ET AL.

Availability of Safety Evaluation Report for Pilgrim Nuclear Generating Station (Unit 2)

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Pilgrim Nuclear Generating Station, Unit 2, to be located on the western shore of Cape Cod Bay and south of Plymouth Bay in the Town of Plymouth, Plymouth County, Massachusetts. Notice of receipt of the application to construct and operate the Pilgrim Nuclear Generating Station, Unit 2 was published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786) for the following applicants: Boston Edison Company, Burlington Electric Department, Central Maine Power Company, Central Vermont Public Service Corporation, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, New England Power Company, Public Service Company of New Hampshire, Montaup Electric Company, New Bedford Gas and Edison Light Company, The United Illuminating Company, Western Massachusetts Electric Company, Ashburnham Municipal Light Plant, Town of Braintree Electric Light Department, City of Holyoke Gas and Electric Department, Town of Hudson Light and Power Department, Marblehead Municipal Light Department, Town of Middleboro Gas and Electric Department, Middleton Municipal Light Department, North Attleborough Electric Department, Paxton Municipal Electric Light Department and Templeton Municipal Lighting Plant.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Plymouth Public Library, North Street, Plymouth, Massachusetts for inspection and copying.

The report (Document NUREG–75/064) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 1st day of July, 1975.

For the Nuclear Regulatory Commission.

A. W. DROMERICK,
Acting Chief, Light Water Reactors Project Branch 1–1, Division of Reactor Licensing.

[FR Doc.75–17641 Filed 7–7–75;8:45 am]

[Docket No. 50–409]

DAIRYLAND POWER COOPERATIVE (LACROSSE BOILING WATER REACTOR)

Hearing on Application for Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "rules of practice", notice is hereby given that a hearing will be held concerning the LaCrosse Boiling Water Reactor (the facility) of the licensee, Dairyland Power Cooperative. The hearing will consider the application of the licensee to modify the irradiated fuel storage pool at the facility by adding additional storage racks for irradiated fuel and shrouds in accordance with licensee's proposal dated December 12, 1974, and will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Board) named herein, to begin in the vicinity of the facility located in Vernon County, Wisconsin. Operation of the facility was authorized by Provisional Operating License No. DPR–45.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Frederic J. Coufal, Chairman, Frederick J. Shon and Dr. James C. Lamb, III.

A notice entitled "Notice of Consideration of Proposed Modification to Facility Irradiated Fuel Storage Pool" was published in the FEDERAL REGISTER on March 12, 1975 (40 FR 11650). The notice provided that, by April 11, 1975, any person whose interest might be affected by the proceeding might file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. Petitions for leave to intervene were filed by Society Against Nuclear Energy and Dave S. Simpson. A public hearing will be held. Society Against Nuclear Energy and Dave S. Simpson have been admitted as parties to the proceeding.

A Prehearing Conference will be held by the Board, on July 15, 1975, at 1:30 p.m. in the United States District Courtroom, Second Floor, Federal Building and U.S. Courthouse, 510 South Barstow Commons, Eau Claire, Wisconsin 54701, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the date and place of the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the licensee's proposal dated December 12, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin. When issued, the Commission's Safety Evaluation may be inspected at the same locations, and a copy may be obtained on request from U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. A person desiring to make a limited appearance is requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, on or before August 7, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions within the scope of the hearing as specified above which he would like to have answered. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) on or before July 22, 1975.

Papers required to be filed in this proceeding may be filed by mail or by telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file with the Commission, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each paper.

Dated at Bethesda, Md., this 1st day of July, 1975.

It is so ordered.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.75–17642 Filed 7–7–75;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT AND POWER CO., CENTRAL IOWA POWER COOPERATIVE, AND CORN BELT POWER COOPERATIVE (DUANE ARNOLD ENERGY CENTER)

Order for Modification of License

I.—Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative (licensees) are the holders of Facility Operating License No. DPR–49 which authorizes operation of the Duane Arnold Energy Center (the facility) at steady-state reactor core power levels not in excess of 1658 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located at the licensees' site near Palo in Linn County, Iowa.

II.—1. On May 21, 1975, the Nuclear Regulatory Commission (NRC) issued an Order for Modification of License[1] restricting facility operation to core power levels not exceeding 50 percent of rated core power and core flow rates not exceeding 50 percent of design flow rate. As discussed in the May 21, 1975 Order, this action was taken as a result of indications of possible damage to fuel element channel boxes.

The reduction in power and core flow were designed to reduce flow through core plate bypass holes sufficiently to reduce excessive vibration of the instrument thimbles in the bypass region. This, in turn, would reduce further channel box damage.

2. After discussion with the NRC staff on May 29, 1975, the licensees agreed to undertake a program of test, inspection and, if necessary, repair. The licensees agreed to operate the facility at full power for test purposes for a limited 72-hour period, to shut down the facility immediately thereafter, to remove fuel elements from the core and to inspect the channel boxes for damage. Depending on the results of the inspection, the licensees agreed to make appropriate repairs, including plugging of the bypass flow holes and to submit safety analyses assessing the return to power operation with plugged bypass holes and any other changes made as a result of the inspection. The plant would resume power operation only after review of the safety analyses assessing operation with plugged bypass holes and authorization by the NRC.

3. Upon completion of the program of tests approved by the NRC staff's letter dated June 2, 1975, the reactor was shut down on June 6, 1975 and visual inspection of the channel boxes was performed. Inspection of the first four channel boxes showed unacceptable wear in the corners of the channel boxes adjacent to the instrument thimble. As a result of these observations, the licensees by letter of June 13, 1975 to the NRC staff, requested authorization to install core bypass flow plugs in the lower core plates as described in the enclosure to the licensees' letter of June 6, 1975 to the NRC staff, and supplied analyses to demonstrate the adequacy of such plugs and the adequacy of the procedures for plug installation.

4. On June 18, 1975, the NRC issued an Order that, consistent with the understanding described in paragraph 3, authorized the installation of bypass hole plugs in the lower core plate. As discussed in the June 18, 1975 Order, the NRC staff concluded that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes. The June 18 Order also added a condition to license DPR–49 that stated that the reactor shall not operate without authorization by the Office of Nuclear Reactor Regulation.

5. By letters dated June 10, 1975, June 16, 1975, and June 24, 1975, the licensees submitted analyses, including an emergency core cooling performance analysis, for reactor power operation with the plugs installed in the bypass holes. In is tletter dated June 25, 1975, theli-its letter dated June 25, 1975, the licensees requested authorization to operate the reactor with plugs installed in bypass flow holes.

6. The NRC staff has reviewed the analyses submitted by the licensees on June 10, 16, and 24, 1975, to support operation with bypass flow plugs installed. As discussed in the NRC's Safety Evaluation, Duane Arnold Energy Center Operation with Plugged Bypass Flow Holes, dated June 30, 1975, the proposed operation with plugs will require that certain modifications be made to earlier restrictions set forth in the December 27, 1974 Order for Modification of License[2] relating to the emergency core cooling performance. In this regard, it is appropriate to replace the original Appendix A to the December 27, 1974 Order with a revised Appendix A listing restrictions for operation with bypass flow plugs installed. All other provisions of the December 27, 1974 Order remain in full force and effect. It should also be noted that plugs identical to those installed in the Duane Arnold reactor have previously been installed in both the Vermont Yankee and Pilgrim reactors in 1973 and 1974, respectively, to eliminate the vibration of temporary control curtains that caused channel box wear in those reactors. After ten months of successful service, the plugs in the Vermont Yankee reactor were removed at the time that the temporary curtains were removed.

7. Based on a review of the licensees' submittals of June 10, 16, and 24, 1975, and the prior related experience at the Pilgrim and Vermont Yankee reactors, the NRC staff concluded in its June 30, 1975 Safety Evaluation that operation of the Duane Arnold reactor in accordance with the additional restrictions set forth in Appendix A to the Safety Evaluation will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this order.

8. Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and are being placed in the Com-

[1] See Order for Modification of License, "In the Matter of Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative" (Duane Arnold Energy Center), Docket No. 50–331 dated May 21, 1975 (40 FR 23782, June 2, 1975).

[2] See Order for Modification of License, "In the Matter of Iowa Electric Light and Power Company" (Duane Arnold Energy Center), Docket No. 50–331, dated December 27, 1974 (40 FR 1763, January 9, 1975).

V40 I31 JUL 8 75 XUM

mission's Local Public Document Room, Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa: (1) The licensees' letters of June 6, 1975, June 10, 1975, June 13, 1975, June 16, 1975, June 24, 1975, and June 25, 1975; (2) the NRC letter of June 2, 1975 and the NRC staff Safety Evaluation of Duane Arnold Energy Center Operation with Plugged Bypass Flow Holes dated June 30, 1975, and the documents referenced therein.

III.—Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That:

1. The Order for Modification of License dated December 27, 1974 be amended by replacing Appendix A of that Order with Appendix A attached to this Order dated June 30, 1975. All other provisions of the December 27, 1974 Order shall remain in full force and effect.

2. Operation of the Duane Arnold Energy Center with plugged bypass flow holes is hereby authorized subject to the restrictions set forth in the Order for Modification of License, dated December 27, 1974 as amended by paragraph 1, above.

Dated at Bethesda, Md., this 30th day of June 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

APPENDIX A—DUANE ARNOLD ENERGY CENTER OPERATING RESTRICTIONS

There are two limitations on the continued operation of the reactor for the remainder of Cycle 1. These are the limiting assembly maximum average planar linear heat generation rate, MAPLHGR, and the minimum critical power ratio limit related to boiling crisis, MCPR. Operation shall conform to a MCPR value of 1.34 as proposed by the licensee. The limiting value of MAPLHGR included with the proposed Technical Specifications submitted on August 9, 1974 have been revised to account for the staff requirements of December 27, 1974 and the proposed operation with plugged bypass holes. The revised values are given in Figures A-1 and A-2 for fuel types 1, 2, and 3. The limiting MAPLHGR for the four replacement fuel assemblies is 9.0 kw/ft.

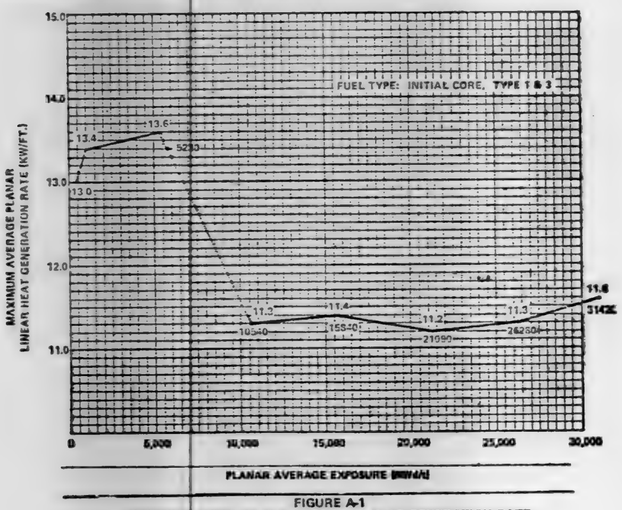


FIGURE A-1
MAXIMUM AVERAGE PLANAR LINEAR HEAT GENERATION RATE VERSUS PLANAR AVERAGE EXPOSURE

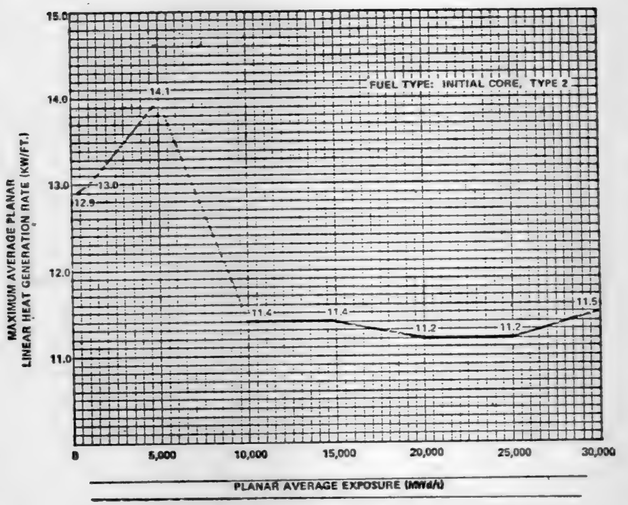


FIGURE A-2
MAXIMUM AVERAGE PLANAR LINEAR HEAT GENERATION RATE VERSUS PLANAR AVERAGE EXPOSURE

[FR Doc.75-17539 Filed 7-7-75;8:45 am]

[Dockets Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO. (FULTON GENERATING STATION UNITS 1 AND 2)

Special Prehearing Conference

Notice is hereby given that the Special Prehearing Conference previously scheduled to be held on June 18, 1975, will be held on Thursday, July 10, 1975 at 11:00 a.m., at the Lancaster County Courthouse, Courtroom No. 3, at Duke and East King Streets, Lancaster, Pennsylvania.

The Conference will deal with the matters set forth in the Board's Notice of May 2, 1975, to wit, a consideration of the current status of discovery procedures in the case. The attention of the parties is specifically called again to the Board's directive that the parties consult prior to the Conference with a view toward a possible resolution of the pending objections on discovery.

Dated at Bethesda, Md., this 1st day of July 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.75-17564 Filed 7-7-75;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO. AND ATLANTIC CITY ELECTRIC CO.

Issuance of Amendment to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permits CPPR-120 and CPPR-121 issued to Public Service Electric & Gas Company and Atlantic City Electric Company for construction of the Hope Creek Generating Station, Units 1 & 2, located on the Permittees' site on Artificial Island in Lower Alloways Greek Township, Salem County, New Jersey. Amendment No. 1 is effective as of the date of issuance.

The amendment changes the operable date for the audible signal (a siren for emergency alarm use) as specified in Condition 3E(10)d of CPPR-120 and CPPR-121 from July 1, 1975 to August 1, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action see (1) the application for amendment, dated June 30, 1975, (2) Amendment No. 1 to CPPR-120 and Amendment No. 1 to CPPR-121, and (3) the Commission's related Staff Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of July 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactor Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-17643 Filed 7-7-75;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 2, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 2, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

V40-131 JUL 8 75 XUM

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 27th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-17566 Filed 7-7-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP. (VERMONT YANKEE NUCLEAR POWER STATION)

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-28 issued to the Vermont Yankee Nuclear Power Corporation (the licensee) for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The licensee is presently licensed to operate the facility, a boiling water reactor, at power levels up to 1593 MWt using a mixture of 8 x 8 and 7 x 7 fuel assemblies in the core.

The amendment would revise the provisions in the facility Technical Specifications to permit operation of the facility (1) with 8 x 8 fuel assemblies at a linear heat generation rate of up to 14.4 kw/ft, (2) using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (3) using modified operating limits based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Vermont Yankee, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46. This action is in accordance with the licensee's applications dated April 14, 1975 and May 28, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By August 7, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, Nuclear Regulatory Commission, Washington, D.C. 20555, and to John A. Ritsher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the applications for amendment dated April 14, 1975 and May 28, 1975, (2) the non-proprietary General Electric Report NEDO-10958 on GETAB, (3) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO-10958), and (4) the Commission's Order for Modification of License dated December 27, 1974 and the documents referred to in the Order (published in the FEDERAL REGISTER on January 9, 1975, 40 FR 1778). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street in Brattleboro, Vermont 05301. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-17565 Filed 7-7-75;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

INTERNAL PERSONNEL AND PRACTICES

Meetings

JUNE 26, 1975.

Notice is given hereby, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held June 30, July 1–5, July 7–12, July 14–19, July 21–26, July 28–31, 1975. During the course of these meetings, the Presidential Clemency Board will meet both as a whole and in panels of no less than three members each. All meetings begin at 9:00 a.m., at 2033 M Street, NW., Washington, D.C.

These meetings will not be open to the public since the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552–(b)(2), and it will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

A waiver of the fifteen day notice provision has been granted by the Director, Office of Management and Budget, under OMB Circular No. A–63, as revised, pertaining to the Federal Advisory Committee Act of 1972 because of the emergency situation arising out of the Board's unusual workload.

CHARLES E. GOODELL,
Chairman.

[FR Doc.75-17708 Filed 7-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3774]

CHANNING INCOME FUND, INC., ET AL.

Application for an Order Exempting a Proposed Transaction

JUNE 27, 1975.

Notice is hereby given that Channing Income Fund, Inc. ("Income"), Channing Securities, Inc. ("Securities") and Channing Shares, Inc. ("Shares"), (collectively "Applicants"), open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed merger of Income and Securities into Shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Income was incorporated in Maryland on September 17, 1952 and is authorized to issue one class of shares. It had net assets of $60,636,330 on November 30, 1974. Securities was incorporated in Maryland on October 9, 1973 as successor to a Delaware corporation incorporated in 1946. It issues two classes of shares, Channing American Fund ("American") and Channing Special Fund ("Special"), which had net assets of $16,902,466 and $42,674,142, respectively, on such date. Shares was incorporated in Maryland on October 9, 1973, as successor to a Delaware corporation incorporated in 1936. It issues two classes of shares, Channing Balanced Fund ("Balanced") and Channing Growth Fund ("Growth"), which had net assets of $51,715,121 and $142,850,689, respectively, on such date. American General Capital Management, Inc. ("Manager"), American General Capital Distributors, Inc. ("Distributor") and American General Capital Services, Inc., all wholly owned subsidiaries of American General Insurance Company, act, respectively, as investment manager, National Distributor of the shares, and transfer, dividend disbursing and shareowner service agent of each of the Applicants. The Board of Directors and the officers of each Applicant, with the exception of the fund manager (the individual appointed by the investment manager to manage a particular fund portfolio), are identical. Each employs the same custodian and auditors. Accordingly, each of the Applicants may be deemed to be under common control, and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Applicants propose to enter into an agreement of merger under which Income and Securities are to be merged into Shares in the following manner: Shares, which will be renamed "American General Shares, Inc.", will be the surviving corporation ("Surviving Corporation") and the separate existence of Income and Securities shall cease; Special will be merged into Growth, which will be renamed "American General Capital Growth Fund" ("General Growth") and will constitute one of the two classes of shares issued by the Surviving Corporation; and American and Income will be merged into Balanced, which will be renamed "American General Income Fund" ("General Income"), and will constitute the other class of securities to be issued by the Surviving Corporation.

The adoption of the Plan and Articles of Merger ("Plan") requires the affirmative vote of at least a majority of the outstanding voting securities of each class of shares of each of the Applicants. Since the shareowners of Shares will be asked to vote on certain matters concerning Shares—namely the adoption of a new investment advisory agreement and the authority of Shares to redeem certain shareowner accounts—at the same time as they will be asked to vote on the merger, and since proxies will be solicited from shareowners of Income and Securities in connection with the merger prior to the vote by the shareowners of Shares on the merger and the other matters which will affect the Surviving Corporation, the merger will be conditioned on the shareowners of Shares adopting these proposed changes, and the proxy material to be submitted to the shareholders of Income and Securities will state that since the merger is conditioned on approval of the proposed changes, they would be applicable to the Surviving Corporation. Shareowners of Income and Securities are also being asked to approve new advisory agreements. However, as noted above, if the merger is effected, the new advisory agreement proposed for Shares would constitute the advisory agreement for the Surviving Corporation regardless of the outcome of the votes on the new advisory agreements being proposed for Income and Securities. The advisory agreements to be proposed are virtually identical for each corporation.

The proposed merger is also contingent on the receipt of an opinion of counsel to the effect that the merger will constitute a tax-free reorganization.

Each fund, immediately preceding the merger, will distribute all of its net realized income, in shares or cash, at the prior election of the shareowners.

On the effective date of the merger, the outstanding shares of Special will be converted in that number of full and fractional shares of General Growth as shall have an aggregate net asset value, as of the close of the last business day preceding the effective date of the merger, equal to the aggregate net asset value of each shareowner's interest in Special. Similarly, on the effective date of the merger, the outstanding shares of American and of Income will each be converted into that number of full and fractional shares of General Income as shall have the same net asset value per share, as of the close of business on the

V40I131 JUL 8 75 XUM

last business day preceding the effective date of the merger, as the shares of American and Income respectively.

In the computation of each Applicant's net asset value, no adjustment will be made to compensate for any potential Federal income tax impact on the shareowners of Applicants which might result from differences in realized and unrealized capital losses which might exist in different proportions in the respective portfolios. As of November 30, 1974, Special had a capital loss carryforward of $98,974,403 and Growth had a capital loss carryforward of $117,614,-330. These amounts would be available until expiration to offset future realized capital gains of General Growth for Federal tax purposes. In addition, Special had $6,170,869, and Growth $25,561,-016, of unrealized depreciation on their respective portfolios which would be carried over in the merger, subject to market changes in the interim. American had a capital loss carryforward of $9,764,098, of which approximately $6,385,720 would be available to General Income following the merger. Income had a capital loss carry forward of $14,519,-261, all of which would be available to General Income, which would also have its own, i.e. Balanced's capital loss carryforward of $8,264,523. In addition, American, Balanced, and Income had unrealized depreciation on their respective portfolios of $3,010,541, $12,135,211, and $13,642,454, respectively, all of which would be carried over in the merger, subject to market changes in the interim. Applicants assert, therefore, that the rationale for use of a tax adjustment formula is not applicable in this particular merger because the different proportions of capital loss carryforwards and unrealized depreciations of American, Balanced and Special to their respective net asset values would be of no practical value to shareowners of the Surviving Corporation. Applicants further assert that since the tax effects of the merger will be borne not by the respective Applicants but by their shareowners, and as the effect on a particular shareowner is dependent on a variety of personal factors such as the individual's capital gains tax rate, cost basis, the time shares are ultimately redeemed, as well as the Surviving Corporation's future pattern of realization and distribution of gains, a tax adjustment cannot be demonstrated to result in fairer treatment to the respective shareowners than not making an adjustment.

Historically, Balanced and Growth have, in the process of computing the offering and redemption prices of their shares pursuant to a provision of Shares' Articles of Incorporation, added to their respective net asset values a charge of 0.6 percent for estimated brokerage commissions. Since American, Income and Special have no such added charge in computing offering and redemption prices, the net asset values for purposes of exchanges in the merger will not include such a charge. Following the merger, such a charge will no longer be made in computing the offering and redemption prices of shares of the Surviving Corporation.

Both Growth and Special invest principally in common stocks. Growth's primary objective is to provide its shareowners with a diversified holding of securities, primarily issued by companies which appear to offer marked possibilities for long-term capital appreciation. Generation of current income is a secondary consideration. Special's predominant investment objective is growth of shareowners' capital. Current income is only an incidental consideration, completely subordinate to the objective of growth of capital. Special will frequently concentrate its investments in rapidly expanding fields of endeavor characterized by either new products or new services. It may often invest in smaller, lesser known companies. The investment restrictions of the two funds differ in that: (a) Growth is limited to securities of issuers with a minimum of $1 million in gross assets, (b) Growth can purchase the liquid securities of real estate investment trusts (while Special is barred from dealing in real estate), and (c) Growth can buy securities of other investment companies in connection with a plan of merger, consolidation, or acquisition of substantially all of the assets of such company.

Applicants assert that although Special has a somewhat more aggressive approach than Growth, taking investments for shorter periods, there are large overlapping positions in their portfolios and their investment outlooks are similar. In the opinion of the Manager, all of the securities in Special's portfolio are consistent with Growth's investment policies and no sale of portfolio securities would be required as a result of the acquisition.

The primary investment objective of American is long-term growth of principal, with the production of current income as an important secondary consideration. A balance between long-term growth of capital, reasonable current income and preservation of capital is the objective of Balanced. Income's primary objective is to obtain the highest possible income with due regard for the need to protect capital values with growth of income and capital an important secondary consideration. Applicants contend that there is a substantial overlap of investment objectives among the three funds. Applicants believe that the investment objective of Income is the most stable and the most salable. For tax reasons, however, Balanced, renamed General Income, will be the surviving entity, although, as part of the merger transaction General Income will adopt Income's investment objectives, goals, policies and restrictions. The merger would result in the following changes in the restrictions applicable to investments by the merging funds: (a) the requirement that Balanced maintain 25 percent of its assets in fixed-income securities would be dropped. However, Income, whose objectives would be adopted by the surviving entity has generally had an equal or higher percentage of fixed-income securities to that maintained by Balanced; (b) the power of Income and Balanced, but not American, to buy the liquid securities of real estate investment trusts would be applicable to the surviving entity; (c) Balanced's requirement that each issuer in which it invests have a minimum of $2 million in gross assets, would not be applicable, but General Income would probably invest in issuers of at least this size; (d) securities of other investment companies could be acquired by General Income only in the case of mergers, consolidations, or acquisitions of substantially all of the assets of such companies whereas such acquisitions were prohibited to American while more liberally permitted to Balanced; (e) Income's authority to redeem in kind (which has never been used) would not be made applicable to General Income; and (f) General Income would be authorized to lend up to 10 percent of its portfolio securities on 100 percent collateral, marked to market, an authority which none of the three merging funds now has. Applicants assert that while Income is more income-oriented, American more growth-oriented and Balanced in the middle, their investment outlooks substantially overlap and many of their securities positions are held in common among the portfolios. In the opinion of the Manager, no sales of portfolio securities presently held by these funds would be necessitated by the proposed reorganization as such investments are consistent with the investment policies proposed for General Income.

The Applicants presently have substantially identical advisory agreements with the Manager. In addition to voting on the proposed merger, shareowners of each fund will also vote on a proposed new investment advisory agreement with the Manager. As indicated above, the merger is contingent upon approval of this new advisory agreement by shareowners of Shares, the Surviving Corporation. The principal difference between the proposed agreements and the existing agreements is that, while the investment advisory fee would remain the same, the percentage which each fund's ordinary business expenses, excluding taxes, interest and brokerage commissions bears to its average daily net assets for any fiscal year, above which the Manager is required to reduce or eliminate its advisory fee by the amount of the excess, would be raised from 1 percent to the maximum percentage permitted by the most restrictive rules and regulations of any State or jurisdiction where such fund's shares are registered for sale. At present, the most restrictive State regulation requires reimbursement of ordinary business expenses exceeding 1½ percent of average daily net assets.

Under the existing agreement, the advisory fees for the year ending November 30, 1974, were $87,502 for American, $303,465 for Balanced, $810,696 for Growth, $340,368 for Income and $170,-153 for Special. The American fee was reduced by $7,559 and the Special fee by $96,646 by reason of the 1 percent expense limitation. Had the proposed agreement been in effect, there would have been no reduction.

The proposed merger is also contingent upon the approval by shareowners of Shares of an amendment to its Articles of Incorporation to authorize the fund to call for redemption shares held in shareowner accounts having a value of less than $50. Accounts established within one year or in which purchases (other than reinvestments) had been made within six calendar months would not be subject to redemption. Shareowners would be given an opportunity to avoid such redemption by the purchase, at net asset value (without sales charge), of a number of additional shares having a value equal to the difference between the value of their account and $50. A determination to effect such redemptions would require a resolution of the fund's Board of Directors concurred in by a majority of the Directors who are not interested persons. The initial redemption by the fund would be made only after the shareowners had three months' opportunity to buy additional shares to bring their accounts up to $50. On any subsequent redemptions, shareowners would be given six months to purchase additional shares. The fund's prospectus would be amended to disclose the existence of any charter provision authorizing the fund to call its shares. Any power to call shares would not be used for at least two years following notice of the initial use of such power.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed merger are fair and reasonable and do not involve overreaching on the part of any person concerned since shares of the Surviving Corporation will be issued for shares of the merged entities on the basis of the respective net asset values of each determined at the close of business on the last business day preceding the effectiveness of the merger. Applicants state that shareowners of Income and Securities will be fully apprised of the fact that if the merger is approved the Surviving Corporation will be authorized to redeem shareowner accounts having a value up to $50 and will have a new advisory agreement with the Manager containing a raised expense limitation, and shareowners of American and Income will be fully apprised of the investment policies of General Income, including in particular, the authority to lend portfolio securities. Applicants state that the merged entity will benefit from the elimination of certain duplications in the areas of auditing, accounting, legal, directors' fees, qualification of shares for sale, preparation and printing of shareowner reports, prospectuses and proxy material, and possible savings in brokerage commissions and custodian fees, which cannot be estimated. Because the expense ratio of Special is higher than that of Growth, the Surviving Corporation is expected to have a somewhat higher expense ratio for 1975 (0.90 percent of average net assets, or $.0378 per share) than would Growth alone (0.86 percent, or $.0349 per share). While direct savings for 1975 are estimated at $25,000 on the merger of American and Income into Balanced, only the substantially higher expense ratio of American would be reduced. Balanced and Income's ratios would not be significantly affected, although further savings in the areas of custodian fees and brokerage might be realized. However, in view of the large redemptions and erosion of capital being suffered by each of the funds, with concurrently escalating expenses, and the recommendations of the Manager and the Distributor that a single growth and a single income fund would be more stable and could be better promoted and more efficiently managed, Applicants assert that the slight increase of expenses is not significant. Applicants therefore assert that the proposed merger is consistent with the general purposes of the Act.

The cost of solicitation, including the printing and mailing of the proxy materials, will be borne by the respective funds to the extent of the costs incurred in the 1974 annual meetings of the fund corporations. In addition, Growth and Special, and Balanced, American and Income will bear on a pro rata basis, the registration fees paid by Growth and Balanced, respectively, to the Commission for shares to be issued in the proposed merger. Any expenses in excess thereof will be borne by the Manager.

Notice is further given that any interested party may, not later than July 23, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communciation should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17659 Filed 7-7-75;8:45 am]

[File No. 500-1]

NATIONAL TELEPHONE COMPANY, INC.

Suspension of Trading

JUNE 30, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and 9% convertible subordinated debentures due 1993 of National Telephone Co., Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m., (e.d.t.) on June 30, 1975 through midnight (e.d.t.) on July 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17660 Filed 7-7-75;8:45 am]

[File No. 500-1]

RICHARDS AIRCRAFT SUPPLY CO., INC.

Suspension of Trading

JUNE 30, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Richards Aircraft Supply Co., Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:15 a.m. (e.d.t.), on June 30, 1975 through midnight (e.d.t.), on July 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17661 Filed 7-7-75;8:45 am]

V40 I131 JUL 8 75 XUM

[812-3772]

RICHARD S. STRONG

Application for an Order Declaring Presumption of Control Created by That Section Rebutted by Evidence

JUNE 30, 1975.

NOTICE IS HEREBY GIVEN that Richard S. Strong has filed an application on March 3, 1975, for an order of the Commission, pursuant to section 2(a)(9) of the Investment Company Act of 1940 ("Act"), declaring that he does not control Nicholas Company, Inc. ("Adviser") by reason of his ownership of approximately 42.75 percent of its shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Strong and Albert O. Nicholas founded Adviser, then known as Nicholas Strong Company, Inc., in 1967 and registered the Adviser as an investment adviser under the Investment Advisers Act of 1940. Nicholas has owned approximately 52 to 55 percent of the outstanding capital stock of the Adviser since its creation and Strong has owned approximately 42.75 to 45 percent. At the present time, Strong owns 855 shares of the capital stock of the Adviser, or about 42.75 percent of the total number of outstanding shares. The shares not owned by Strong or Nicholas are owned by employees of the Adviser.

In addition to performing investment advisory services for a number of individuals and institutions, the Adviser has sponsored Nicholas Fund, Inc. ("Fund") (until June, 1974, the Fund was known as Nicholas Strong Fund, Inc.), an open-end company registered under the Act. Since the Fund's inception in July, 1969, the Adviser has served as investment adviser to the Fund.

Section 2(a)(9) of the Act provides, in pertinent part, that any person who owns beneficially more than 25 percentum of the voting securities of a company shall be presumed to control such company. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary is made by the Commission.

Strong states that in the Spring of 1973, he and Nicholas began to have serious differences of opinion concerning investment philosophy and the business of the Adviser. Nicholas requested that Strong resign his positions as Vice President, Secretary and Director of the Adviser and as Director and Officer of the Fund. Strong refused and was removed as an officer of the Adviser at a special meeting of the Board of Directors of the Adviser on August 9, 1973, and as a director at a special meeting of the shareholders held on August 15, 1973. On August 21, 1973, Strong resigned from his position as a director and officer of the Fund.

Strong alleges that, aside from his position as a minority stockholder of the Adviser, he has had no position with or participation in the affairs of either the Adviser or the Fund since his removal as officer and director and has not been consulted with regard to their affairs. In addition, Strong states that because the Adviser is a "Subchapter S" corporation within the meaning of the Internal Revenue Code, he was required to pay income taxes totalling $15,025 on his proportionate share of the Adviser's net income for the fiscal year ending October 31, 1973, even though he did not actually receive a cash dividend payment for that year. Strong claims that the evidence demonstrates that Nicholas is solely in control of the Adviser and rebuts the statutory presumption that Strong controls the Adviser.

Notice is further given that any interested person may, not later than July 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Richard S. Strong at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 25, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17662 Filed 7-7-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

JULY 1, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 2, 1975 through July 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17663 Filed 7-7-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-5156]

AMERICAN INDIAN INVESTMENT OPPORTUNITIES, INC.

Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that American Indian Investment Opportunities, Inc., (Licensee), 555 Constitution Street, Norman, Oklahoma 73069, a small business investment company licensed by the Small Business Administration (SBA) under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to 13 CFR. 107.1004 (1975) for approval of a conflict of interest transaction.

Oklahoma Indian Development Corporation (OIDC), 555 Constitution Street, Norman, Oklahoma 73069, is in the process of acquiring the assets of Moore Hat Company of Lawton, Oklahoma for operation as a for profit corporation and employer of American Indians and other socially and economically disadvantaged persons. In connection with this acquisition, OIDC has negotiated with a Lawton bank a revolving line of credit in the amount of $150,000 which will be needed for operation of the assets acquired because of the seasonal nature of the business. The line of credit is conditioned upon $40,000 of certificates of credit being pledged with the bank.

Licensee proposes to purchase certificates of deposit from the bank in the amount of $40,000 and to pledge such certificates to the bank for the benefit of OIDC. The income from these certificates will inure to the benefit of the licensee in the same manner as an investment of idle funds.

The transaction comes within the purview of 13 CFR 107.1004 by virtue of the fact that OIDC is a wholly-owned subsidiary of Oklahomans for Indian Opportunity, a nonprofit corporation located at 555 Constitution Street, Norman, Oklahoma 73069 and principal stockholder of the licensee.

Notice is hereby given that any person may, on or before July 23, 1975, submit written comments to SBA on the proposed transaction.

Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Notice is further given that any time after expiration of the comment period, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

A copy of this notice shall be published in a newspaper of general circulation in Lawton, Oklahoma.

Dated: June 27, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-17651 Filed 7-7-75;8:45 am]

[License No. 09/09-0186]

ARIZONA FIRST SMALL BUSINESS INVESTMENT CO.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBICs) (13 CFR 107.102 (1975)), under the name of Arizona First Small Business Investment Company (AF SBIC), 231 North Alma School Road, Mesa, Arizona 85201, for a license to operate in the State of Arizona as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Brian W. Hendrickson, 1723 S. Don Luis Cr., Mesa, Arizona 85202, President, Director, 9 percent.

Glen Wiltsey, 5188 E. Calle de Norte, Phoenix, Arizona 85018, Vice President, Director, 1 percent.

Marilynn D. Taylor, 839 E. 8th Street, Mesa, Arizona 85203, Secretary, Treasurer.

Michael Gilchrist, 2417 East Alameda Drive, Tempe, Arizona 85282, Director, 1 percent.

Chase Management Corp., 231 North Alma School Rd., Mesa, Arizona 85201, General Manager.

The company will begin operations with an initial capitalization of $1,000,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns with growth potential, located primarily in the State of Arizona.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than July 23, 1975, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice was published in a newspaper of general circulation in Phoenix, Arizona.

Dated: June 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-17652 Filed 7-7-75;8:45 am]

[Declaration of Disaster Loan Area #1152]

KANSAS

Declaration of Disaster Area

Chautauqua, Thomas and adjacent counties within the State of Kansas, constitute a disaster area because of damage resulting from high winds, tornadoes and flooding on June 16-19, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 28, 1975, and for economic injury until the close of business on March 29, 1976, at:

Small Business Administration, District Office, 120 South Market Street, Wichita, Kansas 67202.

or other locally announced locations.

Dated: June 27, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-17649 Filed 7-7-75;8:45 am]

[Declaration of Disaster Loan Area No. 1151]

MISSOURI

Declaration of Disaster Area

Butler and adjacent counties within the State of Missouri constitute a disaster area because of damage resulting from high winds and tornado which occurred on June 5, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 25, 1975, and for economic injury until the close of business on March 24, 1976, at:

Small Business Administration, District Office, 210 North 12th Street, Room 520, St. Louis, Missouri 63101.

or other locally announced locations.

Dated: June 24, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-17650 Filed 7-7-75;8:45 am]

UNITED STATES INFORMATION AGENCY

ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on August 4, 1975. The session will commence at 9:30 a.m. in Room 660 at 1776 Pennsylvania Avenue, NW., Washington, D.C. The subject of the meeting is "The Policy Office."

This session will be open to the general public. Persons wishing to attend the Commission's meetirig should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, telephone 632-5210, so that adequate space will be assured. Written statements concerning topic set forth in the agenda should also be submitted to Mr. Olom.

WALTER W. JONES,
Chief, Management Division.

[FR Doc.75-17587 Filed 7-7-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under section 4(a) of Executive Order 11807 of 1974, Occupational Safety and Health Programs for Federal Employees, will meet on Wednesday, July 30 starting at 9:30 am, in Room S3215 ABC, New Labor Department Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for reports on:

I. Reimbursement of OSHA services rendered to Federal agencies and employee unions.

II. Coverage of non-appropriated fund activities.

III. Status Reports:

A. Budget for field Federal safety and health councils.

B. OSHA Regional Federal safety and health activities.

C. Council's Standing Committee on Accident Reporting Recommendations.

D. Expansion of Subpart F, 29 CFR Part 1960, Field Federal Safety and Health Councils.

E. Proposed new subpart—Safety and Health Training Guidelines for Federal Agencies.

IV. 30th Annual Federal Safety and Health Conference.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. Such data may be filed, together with 20 copies thereof, with the Office of Federal Agency Safety Programs by the close of business on July 28. Any such submissions will be provided to members of the Council and included in the record of the meeting.

The Council will consider oral presentations related to agenda items. Persons wishing to orally address the Council at the meeting, should submit a written request to be heard, together with 20 copies thereof, by the close of business July 28. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation and an estimate of the amount of time needed.

Communications should be addressed to:

Gerard F. Scannell, Director, Office of Federal Agency Safety Programs, Room N3673, Department of Labor, OSHA, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-7111.

Signed at Washington, D.C., this 1st day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17633 Filed 7-7-75;8:45 am]

V40-131 JUL 8 75 XUM

STANDARDS COMPLETION PROJECT

Availability of Draft Technical Standards

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables Z–1, Z–2, and Z–3 of 29 CFR 1910.1000 (formerly Tables G–1, G–2, and G–3 of 29 CFR 1910.-93), with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subject of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.1000 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of each substance, employee training, recordkeeping, sanitation, and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA standards. The exposure limits listed in § 1910.1000 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

Drafts of the technical content of proposed standards for the following substances, designated Set F, Standards Completion Project, have been prepared:

2-Butoxy Ethanol
n-Butyl Glycidyl Ether
Cyclohexene
Dipropylene Glycol Methyl Ether
Ethyl Ether
Glycidol
Isopropyl Glycidyl Ether
Methyl Cellosolve
Methylal
Phenyl Glycidyl Ether
Tetrahydrofuran

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards. Copies of the draft technical standards on the above listed substances are available for inspection or for purchase, at the standard copying fee, at the Occupational Safety and Health Administration, U.S. Department of Labor, Room N3620, Second St. and Constitution Ave., NW., Washington, D.C. 20210. Copies are also available at any of the following OSHA Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, 18 Oliver Street, Boston, Massachusetts 02110.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, NE., Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Griffin at Young, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, 1961 Stout Street, Denver, Colorado 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building, Room 703, State Street, Boston, Massachusetts 02109.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 426, 55 Pleasant Street, Concord, New Hampshire 03301.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617B, 450 Main Street, Hartford, Connecticut 06103.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse Building, 436 Dwight Street, Room 501, Springfield, Massachusetts 01103.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street, Room 1405, New York, New York 10007.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street, Room 1435C, Newark, New Jersey 07102.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 303, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Road, Garden City, Long Island, New York 11530.

U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, 605 Condado Avenue, Room 328, Santurce, Puerto Rico 00907.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch Street, Room 4456, Philadelphia, Pennsylvania 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110–A, 31 Hopkins Plaza, Charles Center, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza, Suite 1726, 700 Virginia Street, Charleston, West Virginia 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802, Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 9015, 400 N. 8th Street, P.O. Box 10186, Richmond, Virginia 23240.

U.S. Department of Labor, Occupational Safety and Health Administration, Building 10, Suite 33, La Vista Perimeter Park, Tucker, Georgia 30084.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 406, 310 New Bern Avenue, Raleigh, North Carolina 27601.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.

U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Drive, Art Museum Plaza, Suite 4, Jacksonville, Florida 32207.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 554–E, 600 Federal Place, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 204; 6605 Abercorn Street, Savannah, Georgia 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building, Room 600, 118 North Royal Street, Mobile, Alabama 36602.

U.S. Department of Labor, Occupational Safety and Health Administration, Riverside Plaza Shopping Center, 2720 Riverside Drive, Macon, Georgia 31204.

U.S. Department of Labor, Occupational Safety and Health Administration, 1710 Gervais Street, Room 205, Columbia, South Carolina 29201.

U.S. Department of Labor, Occupational Safety and Health Administration, 650 Cleveland Street, Room 44, Clearwater, Florida 33515.

U.S. Department of Labor, Occupational Safety and Health Administration, 57601 55 North Frontage Road East, Jackson, Mississippi 39211.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 10th Floor, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

U.S. Department of Labor, Occupational Safety and Health Administration, 360 S. Third Street, Room 100, Columbus, Ohio 43215.

U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building, Room 626, 200 Bagley Avenue, Detroit, Michigan 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, 110 South Fourth Street, Room 437, Minneapolis, Minnesota 55401.

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building, Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio Street, Indianapolis, Indiana 46202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 4028, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 734, Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 2118, 2320 La Branch Street, Houston, Texas 77004.

U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower, Suite 1630, 1412 Main Street, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401.

U.S. Department of Labor, Occupational Safety and Health Administration, 646 Carondelet Street, Room 202, New Orleans, Louisiana 70130.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 512, Petroleum Building, 420 South Boulder, Tulsa, Oklahoma 74103.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 326, Donaghey Building, 103 East 7th Street, Little Rock, Arkansas 72201.

U.S. Department of Labor, Occupational Safety and Health Administration, 1015 Jackson Keller Road, Room 122, San Antonio, Texas 78213.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 302, Federal Building, 421 Gold Avenue, SW., P.O. Box 1426, Albuquerque, New Mexico 87103.

U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street, Room 1100, Kansas City, Missouri 64108.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard, Room 554, St. Louis, Missouri 63101.

U.S. Department of Labor, Occupational Safety and Health Administration, Petroleum Building, 221 South Broadway Street, Suite 312, Wichita, Kansas 67202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 643, 210 Walnut Street, Des Moines, Iowa 50309.

U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Harney and 16th Street, Room 803, Omaha, Nebraska 68102.

U.S. Department of Labor, Occupational Safety and Health Administration, 113 West 6th Street, North Platte, Nebraska 69101.

U.S. Department of Labor, Occupational Safety and Health Administration, 8527 W. Colfax Avenue, Lakewood, Colorado 80215.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525, Petroleum Building, 2812 1st Avenue North, Billings, Montana 59101.

U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building, Room 408, 300 North Dakota Avenue, Sioux Falls, South Dakota 57102.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office Building, Room 452, 350 South Main Street, Salt Lake City, Utah 84111.

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318, Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004.

U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street, Suite 506, Honolulu, Hawaii 96813.

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 E. William Street, Suite 222, Carson City, Nevada 89701.

U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 401, 10 Pine Avenue, Long Beach, California 90802.

U.S. Department of Labor, Occupational Safety and Health Administration, 121 107th Street, NE., Bellevue, Washington 98004.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 West 4th Avenue, Anchorage, Alaska 99501.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 SW. Washington Street, Portland, Oregon 97206.

U.S. Department of Labor, Occupational Safety and Health Administration, 228 Idaho Building, 216 North 8th Street, Boise, Idaho 83702.

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 10–A22, 5600 Fishers Lane, Rockville, Maryland.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 1114 Commerce Street, Room 1612, Dallas, Texas 75202.

U.S. Department of HEW, National Institute for Occupational Safety and Health, P.O. Box 13716, Philadelphia, Pennsylvania 19108.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, NE., Atlanta, Georgia 30323.

U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second Street, Seattle, Washington 98101.

U.S. Department of HEW, National Institute for Occupational Safety and Health, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, New York 10007.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th Street, Kansas City, Missouri 64106.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 254 Federal Office Building, 50 Fulton Street, San Francisco, California 94102.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607.

It is anticipated that standards for the above listed substances will be proposed by OSHA in the near future. At that time, a formal comment period will be provided for the proposals. However, interested persons wishing to submit written data, views, and arguments on the draft technical standards at this time may submit them to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Docket SCP–6, Room N3620, Second St. and Constitution Ave., NW., Washington, D.C. 20210. The communications will be available for public inspection and copying at the above location. Information submitted in response to the Notice of Intent to Prepare an Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843), need not be resubmitted.

Signed at Washington, D.C., this 1st day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–17634 Filed 7–7–75;8:45 am]

Office of the Secretary

[TA–W–64]

AIRCO ELECTRONICS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 26, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Workers, Locals 603 and 604 on behalf of the workers and former workers of Bradford, Pennsylvania plant of AIRCO ELECTRONICS.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon resistors, shielded coil, and capacitors produced by Airco Electronics or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

V40 I131 JUL 8 75 XUM

Signed at Washington, D.C., this day of July 1, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17631 Filed 7-7-75;8:45 am]

[TA-W-65]

SHELLER GLOBE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 27, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Allied Industrial Workers, Local 857, on behalf of the workers and former workers of the Portland, Indiana plant of Sheller Globe Corporation.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steering wheels and other automotive parts produced by Sheller Globe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this day of July 1, 1975

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-17632 Filed 7-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 805]

ASSIGNMENT OF HEARINGS

JULY 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 42261 Sub 120, Langer Transport Corp., now assigned July 7, 1975 at New York, New York, is canceled and transferred to Modified Procedure.

MC 75226 Sub 8, DeCarli's Express, Inc., now assigned July 22, 1975 at Hartford, Connecticut is canceled and the application is dismissed.

MC 117883 Sub 198, Subler Transfer, Inc., now assigned July 9, 1975, at Pittsburgh, Pa., is canceled and transferred to Modified Procedure.

I & S No. 9046, Increased Fares on Passengers and Vehicles, Lake Michigan, now assigned July 22, 1975, at *Milwaukee, Wis.*, will now commence at *Chicago, Ill.*, in Room 834, Everett McKinley Dirksen Building, 219 S. Dearborn Street, same date.

MC 117574 Sub 252, Daily Express, Inc., now assigned July 15, 1975, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17682 Filed 7-7-75;8:45 am]

[Notice 806]

ASSIGNMENT OF HEARINGS

JULY 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 110420 Sub 719, Quality Carriers, Inc., now assigned October 6, 1975 (1 week), at Chicago, Illinois; in a hearing room to be designated later, instead of now assigned October 10, 1975.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17683 Filed 7-7-75;8:45 am]

[Docket No. AB-6 (Sub.-No. 7; Finance Docket Nos. 27635, 27638]

BURLINGTON NORTHERN INC., ET AL.

Abandonment and Stock Issuance

Order. At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 23d day of June 1975.

Burlington Northern, Inc., abandonment between Brisbin and Gardiner, Park County, Montana, Finance Docket No. 27638; Montana Central Railroad and Recreation Company acquisition and operation, between Brisbin and Gardiner, Park County, Montana, Finance Docket No. 27635; Montana Central Railroad and Recreation Company stock issuance.

Upon consideration of the record in the above-entitled proceeding, including the petition of Montana Central Railroad and Recreation Company, as supplemented by letter petition filed May 7, 1975, seeking (1) reconsideration of the Commission's order, served January 17, 1975, denying consolidation of the above-entitled proceedings, (2) leave to intervene in Docket No. AB-6 (Sub-No. 7), (3) imposition of conditions precedent to Commission approval of the above-described abandonment, and (4) modification of petitioner's applications in Finance Docket Nos. 27635 and 27638; the reply to the petition filed by Burlington Northern, Inc., and the rebuttal statements filed by petitioner;

It appearing, that the petition sets forth no material facts not previously considered by the Commission concerning the concurrent handling and disposition of the above-entitled proceedings, and that no showing has been made warranting reconsideration of said order;

It further appearing, that good cause has not been shown for leave to intervene;

It further appearing, that the relief sought in the balance of the instant petition is relief that is beyond the Commission's power to grant at this time;

It further appearing, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969:

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17684 Filed 7-7-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 2, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 18, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2630 (Sub E1), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Texas, on the one hand, and, on the other, points in Maryland, Massachusetts, New York, North Carolina, Virginia, West Virginia, and the District of Columbia, and Steuben County, Ind. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E2), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in Maryland, Massachusetts, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 2630 (Sub E3), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Indiana, Maryland, Massachusetts, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub No. E4), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama, on the one hand, and, on the other, points in Maryland, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E5), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in Oklahoma, Missouri, and Kentucky. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E6), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points on, south and west of a line beginning at the West Virginia-Kentucky State line and extending along Interstate Highway 64 to junction Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E7), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 52 to junction Interstate 77 to junction Interstate Highway 81 to U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E8), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in South Carolina on, south and west of a line beginning at the South Carolina-Tennessee State line and extending along Interstate Highway 26 to junction U.S. Highway 21 to the Atlantic Coast. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn. or points within 100 miles of Kingsport.

No. MC 2630 (Sub E9), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in North Carolina west of U.S. Highway 601. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E10), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Kent County, Del., on the one hand, and, on the other, points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to junction Indiana Highway 46 to junction Indiana Highway 7 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E11), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in New Castle County, Del., on the one

V40-131 JUL 8 75 XUM

hand, and, on the other, points in Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to junction Indiana Highway 58 to junction Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E13), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama on, north or west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 to junction Interstate Highway 65 to junction Alabama Highway 22 to junction Alabama Highway 41 to junction Alabama Highway 21 to junction U.S. Highway 31 to Alabama Highway 59 to the Coast, on the one hand, and, on the other points in South Carolina on and east of a line beginning at the Tennessee-South Carolina State line and extending along U.S. Highway 276 to junction Interstate Highway 26 to the Atlantic Coast. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E14), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama beginning at the Alabama-Georgia State line near Phoenix City and extending along U.S. Highway 431 to junction U.S. Highway 82 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Oklahoma west of U.S. Highway 56. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E15), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama east of U.S. Highway 431, on the one hand, and, on the other, points in Missouri north of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 24 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E16), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama on and east of U.S. Highway 431, on the one hand, and, on the other, points in Missouri on and north of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to junction Interstate Highway 44 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E17), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama south of a line beginning at the Georgia-Alabama State line and extending along Alabama Highway 26 to junction U.S. Highway 82 to junction U.S. Highway 29 to junction U.S. Highway 84 to junction Interstate Highway 65 to junction Interstate Highway 10 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Kentucky a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 65 to junction Kentucky Highway 90 to junction U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E18), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line and extending along Kentucky Highway 11 to junction Kentucky Highway 30 to junction Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E19), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Delaware, on the one hand, and, on the other, points in Scioto County, Ohio. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E20), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Kent and Sussex Counties, Del., on the one hand, and, on the other, points in Ohio south of a line beginning at the Kentucky-Ohio State line, near Cincinnati, and extending along Ohio Highway 125 to junction U.S. Highway 52 to junction U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E21), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia (except points in McIntosh, Long, Liberty, Bryan, Chatham, Effingham, Screven, Bulloch, Candler, Tattnall, Evans, and Toombs Counties), on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E22), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household*

Goods, 17 M.C.C. 467, between points in Georgia (except points in McIntosh, Long, Liberty, Bryan, Chatham, Effingham, Screven, Bulloch, Candler, Tattnall, Evans, and Toombs Counties), on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E23), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 80 to junction U.S. Highway 301, on the one hand, and, on the other, points in Spartanburg and Cherokee Counties, S.C. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E24), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia on and west of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 78 to junction Interstate Highway 78 to junction Interstate Highway 285, thence south along Interstate Highway 285 to its junction with Interstate Highway 85 to its junction with U.S. Highway 23 to the Georgia-North Carolina State line, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 26 to its junction with South Carolina Highway 34 to its junction with U.S. Highway 1 to the Wateree River to Lake Marion to Lake Moultrie to the Santee River to the Atlantic Coast. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E25), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia north of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 41 to Interstate Highway 285, thence south along Interstate Highway 285 to its junction with U.S. Highway 78 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Oklahoma west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 44 to junction Oklahoma Highway 99 to junction U.S. Highway 377 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E26), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Oklahoma west of U.S. Highway 54. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E27), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Virginia on and west of U.S. Highway 360. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E28), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, those points in Missouri on and north of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to its junction with U.S. Highway 63 to its junction with U.S. Highway 66 to its junction with Interstate Highway 44 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E29), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia east of U.S. Highway 129, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E30), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Georgia, on the one hand, and, on the other, points in Virginia on and west of U.S. Highway 360. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E31), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Key West, Fla., on the one hand, and, on the other, points in South Carolina north or west of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E32), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in South Carolina north of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

V 40 I 131 JUL 8 75 XUM

No. MC 2630 (Sub E33), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida on and west of Interstate Highway 75 and on and south of Florida Highway 40, on the one hand, and, on the other, points in Oklahoma on and north of Interstate Highway 40 and on and north of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E34), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida on and east of Interstate Highway 75 and on and north of Florida Highway 50, on the one hand, and, on the other, those points in Oklahoma north of Interstate Highway 40 and on and north of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E35), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida on and east of Interstate Highway 75 and on and south of Florida Highway 50, on the one hand, and, on the other, points in Oklahoma on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E36), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida south of Florida Highway 84, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub-No. E37), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221 to junction Florida highway 361A to the Gulf of Mexico, on the one hand, and, on the other, those points in North Carolina on, north, or west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 401 to junction U.S. Highway 13 to the Virginia-North Carolina State line.

No. MC 2630 (Sub E38), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida, on the one hand, and, on the other, points in North Carolina on and west of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub-No. E39), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 319 to junction U.S. Highway 98 to the Gulf of Mexico, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub-No. E40), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, between those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 319 to junction U.S. Highway 98 to the Gulf of Mexico, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 4405 (Sub-No. E17), filed July 13, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Kansas, Missouri, Oklahoma (except those points in Cimarron County on and west of U.S. Highway 385 and on and north of U.S. Highway 56), and East St. Louis, Ill., on the one hand, and, on the other, points in New Mexico on and north of U.S. Highway 64. The purpose of this filing is to eliminate the gateway of points in Oklahoma and Texas.

No. MC 4405 (Sub-No. E18), filed July 13, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in the Lower Peninsula of Michigan on, north or east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131 to junction Interstate Highway 96 to Lake Michigan, and East St. Louis, Ill., on the one hand, and, on the other, points in Missouri in and south of Pike, Audrain, Randolph, Chariton, Livingston, Davies, De Kalb, Andrew, and Holt Counties. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and East St. Louis, Ill.

No. MC 4868 (Sub-No. E1), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between those points in Kansas located on or south of U.S. Highway 54 (except Wichita), on the one hand, and, on the other, points in Montana, Utah, Wyoming, and points in

Weld County, Colo. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E2), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in Oklahoma located on and east of Oklahoma Highway 136, on the one hand, and, on the other, all points in the States of Colorado, Utah, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E3), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in Oklahoma located west of Oklahoma Highway 136, on the one hand, and, on the other, all points on, west and north of a line extending northeasterly from the Colorado-New Mexico State line on U.S. Highway 84 north to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with Colorado Highway 112, thence along Colorado Highway 112 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line, and all points in the States of Utah, Wyoming, and Montana. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 4868 (Sub-No. E4), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg., 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in the States of Arkansas, Louisiana, and Mississippi, on the one hand, and, on the other, all points in the States of Colorado, Montana, Wyoming and Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 4868 (Sub-No. E5), filed April 16, 1974. Applicant: Grever Trucking Co., Inc., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenowith, 1012 Mayo Bldg, 420 S. Main Street, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in the discovery, production and distribution of natural gas, petroleum and petroleum products, including the stringing and picking up of pipe and materials, except those used on main and trunk pipelines, between all points in the State of Arkansas on and north of Interstate Highway 40, on the one hand, and, on the other, all points in the State of Texas on and west of a line extending from the Mexico-Texas border north on U.S. Highway 83 to its junction with U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 31600 (Sub-No. E8), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Marshall Kragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, except petroleum and petroleum products, and bitimous materials and bituminous products, (a) between points in Aroostook, Hancock and Washington Counties, Me., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the New York-Massachusetts State line and extending along New York Highway 23 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 80, thence along New York Highway 80 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario (except points in the New York, N.Y., Commercial Zone); (b) between points in Androscoggin, Cumberland, Oxford, Sagadahoc, Somerset and York Counties, Me., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S Highway 6, thence along U.S. Highway 6 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96/96B, thence along New York Highway 96/96B to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 39, thence along New York Highway 39 to Lake Erie (except points in the New York, N.Y., Commercial Zone); and (c) between points in Kennebec, Knox, Lincoln, Penobscot, and Waldo Counties, Me., on the one hand, and, on the other, points in New York on, south and west of a line beginning at the New York-Connecticut State line, and extending along U.S. Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 18, thence along New York Highway 18 to Lake Ontario (except points in the New York, N.Y., Commercial Zone). The purpose of this filing is to eliminate the gateways of points in Essex, Hudson or Union Counties, N.J., points in Bergen County, N.J., south of New Jersey Highway 4, points in Middlesex County north of the Raritan River (except points in the New York, N.Y. Commercial Zone).

No. MC 52657 (Sub-No. E23), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies*, between points in Michigan, on the one hand, and, on the other, points in Alabama (except that part east of a line beginning at the Alabama-Tennessee State line near Green Hill, Ala., thence extending south on U.S. Highway 43 to its junction with Alabama Highway 157 near Spring Valley, thence along Alabama Highway 157 to its junction with Interstate Highway 65 near Cullman, thence along Interstate Highway 65 to its junction with U.S. Highway 231 near Montgomery, thence along U.S. Highway 231 to the Florida State line near Madrid, Ala.), Florida (except that part west of a line beginning at the Georgia State line near Concord, Fla., thence extending south along U.S. Highway 27 to its junction with Alternate U.S. Highway 27 near Perry, thence along Alternate U.S. Highway 27 to its junction with Florida Highway 345 near Chiefland, thence along Florida Highway 345 to the Gulf of Mexico near Cedar Key, Fla.), and Mississippi; (2) *new bodies without wheels*, and *hydraulic hoists*, from Forest Park, Ga., to points in Michigan (except that part west and south of a line beginning at the Michigan-Indiana State line near Sturgis, thence extending north on Michigan Highway 66 to junction with Michigan Highway 60 near Mendon, thence west on Michigan Highway 60 to its junction with Michigan Highway 40 near Jones; thence north on Michigan Highway 40 to its junction with Michigan Highway 43 near Glendale, thence west on Michigan Highway 43 to its junction with Lake Michigan near

V40I131 JUL 8 75 XUM

South Haven, Mich.). The purpose of this filing is to eliminate the gateways of (1) Mattoon, Ill., and (2) Galion, Ohio.

No. MC 52657 (Sub-No. E38), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in New Mexico, on the one hand, and, on the other, points in Connecticut, Delaware, that part of Kentucky on and east of a line beginning at the Ohio River and Kentucky Highway 11 near Maysville, Ky., extending south on Kentucky Highway 11 to U.S. Highway 421, and thence east on U.S. Highway 421 to the Virginia State line near Harlan, Ky., Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio (except that part west of a line beginning at Lake Erie and Ohio Highway 4 near Sandusky, Ohio, thence extending south on Ohio Highway 4 to Ohio Highway 38, thence south on Ohio Highway 38 to U.S. Highway 62 and south on U.S. Highway 62 to the Ohio River near Ripley, Ohio), Pennsylvania, Rhode Island, Tennessee (except that part west of a line beginning at the Georgia-Tennessee State line near Conosauga, Tenn., thence extending north on U.S. Highway 411 to its junction with Tennessee Highway 163 near Wetmore, thence west on Tennessee Highway 163 to its junction with U.S. Highway 11 near Calhoun, thence north on U.S. Highway 11 to its junction with U.S. Highway 11W near Knoxville, thence north on U.S. Highway 11W to the Virginia State line near Bristol, Tenn.), Vermont, Virginia, West Virginia, Wisconsin (except that part west of a line beginning at the Michigan State line and U.S. Highway 51 near Hurley, Wisc., thence south on U.S. Highway 51 to Wisconsin Highway 182, thence west on Wisconsin Highway 182 to Wisconsin Highway 13, thence south on Wisconsin Highway 13 to Wisconsin Highway 80, thence south on Wisconsin Highway 80 to Wisconsin Highway 54, thence west on Wisconsin Highway 54 to Wisconsin Highway 27, thence south on Wisconsin Highway 27 to Wisconsin Highway 33, thence east on Wisconsin Highway 33 to Wisconsin Highway 23, thence south on Wisconsin Highway 23 to Wisconsin Highway 11, thence east on Wisconsin Highway 11 to Wisconsin Highway 78, thence south on Wisconsin Highway 78 to the Illinois State line near Gratiot, Wisc.), and the District of Columbia. The purpose of this filing is to eliminate the gateways of Coles County, Ill., and St. Clair, Mo., for the States of Kentucky and Ohio, and Mattoon, Ill., for all other points.

No. MC 52657 (Sub-No. E41), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, (1) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, that part of Virginia beginning at the West Virginia-Virginia State line near Rawley Springs, Va., thence extending southeast on U.S. Highway 33 to the junction of U.S. Highway 60 at Richmond, Va., thence southeast on U.S. Highway 60 to Williamsburg, Va., West Virginia (except that portion south of a line beginning at the Ohio-West Virginia State line at Parkersburg, W. Va., thence east on U.S. Highway 50 to the junction of U.S. Highway 350 near Pruntytown, W. Va., thence south on U.S. Highway 250 to the junction of U.S. Highway 33 at Elkins, W. Va., thence east on U.S. Highway 33 to the West Virginia-Virginia State line near Oak Flat, W. Va.), Wisconsin, and the District of Columbia; and (2) between points in Kansas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida (except that part west of a line beginning at the Georgia-Florida State line near Edith, Ga., thence south on U.S. Highway 441 to its junction with Florida Highway 247, thence along Florida Highway 247 to its junction with U.S. Highway 129 near Branford, thence along U.S. Highway 129 to its junction with Florida Highway 345 near Chiefland, thence along Florida Highway 345 to the Gulf of Mexico near Cedar Key, Fla.), Georgia (except that part west of a line beginning at the North Carolina-Georgia State line near Sweetgum, thence south along Georgia Highway 60 to its junction with U.S. Highway 219 near Gainesville, thence south on U.S. Highway 129 to its junction with Interstate Highway 75 near Macon, thence along Interstate Highway 75 to the Georgia-Florida State line near Melrose, Ga.), Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except that part west of a line beginning at the Tennessee-Georgia State line near Conasanga, Tenn., thence north on U.S. Highway 441 to its junction with Tennessee Highway 163 near Wetmore, thence along Tennessee Highway 163 to its junction with U.S. Highway 11 near Calhoun, thence along U.S. Highway 11 to its junction with Tennessee Highway 33 near Knoxville, thence along Tennessee Highway 33 to the Virginia-Tennessee State line near Kyles Ford, Tenn.), Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mattoon, Ill.

No. MC 59393 (Sub-No. E5), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley County, Ark., Delta, Fannin, Lamar or Red River County, Tex., and points within 50 miles of Tillman and Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E7), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in New Mexico on and west of Interstate Highway 35 (points within 50 miles of Tillman and Kiowa Counties, Okla., and Delta, Fannin, Lamar, Delta or Red River Counties, Tex.)*, and Oklahoma (points in Delta, Fannin, Lamar, or Red River Counties, Tex., and points within 50 miles of Tillman County, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 59393 (Sub-No. E8), filed June 5, 1974. Applicant: BESTWAY VAN LINES, INC., Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Louisiana (points within 50 miles of Kiowa and Tillman Counties, Okla., and points in Delta, Fannin, Lamar, or Red River Counties, Tex.)*, and Mississippi (points within 50 miles of Kiowa and Tillman Counties, Okla., Delta, Fannin, Lamar, or Red River Counties, Tex., and Bradley County, Ark.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 59393 (Sub-No. E9, filed June 5, 1974. Applicant: BESTWAY VAN LINES, INC., Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to its junction with U.S. Highway 57, thence along U.S. Highway 57 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points within 50 miles of Kiowa County, Okla., and within 50 miles of Tillman. Okla.

No. MC 64808 (Sub-No. E15), filed August 23, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, and dimension stock), (1) from points in that part of Virginia on, east and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 501, at Lynchburg, Va., thence along U.S. Highway 501 to junction U.S. Highway 61, thence along U.S. Highway 60 to junction Virginia Highway 39 at Lexington, Va., thence along Virginia Highway 39 to the Virginia-West Virginia State line, to points in Ohio on and north of U.S. Highway 40; and (2) from points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, extending along U.S. Highway 220 to junction U.S. Highway 460 at Roanoke, Va., and on and south of U.S. Highway 460 to the Atlantic Ocean, to points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line at Clarington, Ohio extending along Ohio Highway 78 to junction Ohio Highway 37 at Connelsville, Ohio, thence along Ohio Highway 37 to Lancaster, Ohio, thence along U.S. Highway 33 to Columbus, Ohio, thence along U.S. Highway 40 to the junction of Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 36 near Urbana, Ohio, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Fairmont, W.Va.

No. MC 64808 (Sub-No. E46), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) from points in that part of Washington, Greene, and Fayette Counties, Pa., on and south of Interstate Highway 70 and on and west of U.S. Highway 219 to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Hancock, N.Y., and extending along New York Highway 8 to Utica, N.Y., thence along New York Highway 12 to Clayton, N.Y.; (2) between points in Pennsylvania on and west of U.S. Highway 219 and on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction Pennsylvania Highway 8 at Pittsburgh, Pa., thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Kentucky on, south, and east of a line beginning at the Ohio-Kentucky State line and extending along Kentucky Highway 7 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Indiana-Kentucky State line at Louisville, Ky.; (3) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at the Ohio-Kentucky State line at Ashland, Ky., and extending along Kentucky Highway 3 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Kentucky Highway 627, thence along Kentucky Highway 627 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Kentucky-Illinois State line at Paducah, Ky.

(4) Between points in Pennsylvania on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-Pennsylvania State line, on the one hand, and, on the other, points in Kentucky on and south of Kentucky Highway 22; (5) between points in that part of Pennsylvania on and west of U.S. Highway 219 and on, east, and south of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to Pittsburgh, Pa., thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to Clarion, Pa., thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 97 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; and (6) between points in that part of Pennsylvania on and west of U.S. Highway 219 and on and south of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 286, thence along Pennsylvania Highway 296 to junction U.S. Highway 219, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E54), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Ohio on and east of a line beginning at Hannibal, Ohio, and extending along Ohio Highway 7 to Martins Ferry, Ohio, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to Alton, Ill., thence along Illinois Highway 100 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 57, thence along Illinois Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 94, thence along Illinois Highway 94 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 84, thence along Illinois Highway 84 to the Illinois-Wisconsin State line; and (2) between points in that part of Ohio on and east of a line beginning at Hannibal, Ohio, and extending along Ohio Highway 7 to East Liverpool, Ohio, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to Alton, Ill., thence along Illinois Highway 100 to junction Illinois Highway 36, thence along Illinois Highway 36 to junction Illinois Highway 57, thence along Illinois Highway 57 to Quincy, Ill., at the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E60), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Ohio (except those points on and north of a line beginning at the West Virginia-Ohio State line, and extending along Ohio Highway 45 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Lake Erie shore), on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-New Jersey State line and extending along Interstate Highway 287 to the Long Island Sound at or near Port Chester, N.Y.; (2) between points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of New

V40-131 JUL 8 75 XUM

York on and east of a line beginning at the New York-New Jersey State line and extending along New York Highway 94 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line; (3) between points in that part of Ohio on and south of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 250 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 47 at Bellefontaine, Ohio, thence along Ohio Highway 47 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 9N, thence along New York Highway 9N to junction New York Highway 17, thence along New York Highway 17 to the New York-Vermont State line.

(4) Between points in that part of Ohio on and south of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 40 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 81, thence along Ohio Highway 81 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 7A to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line; and (5) between points in that part of Ohio on, south, and west of U.S. Highway 250, on the one hand, and, on the other, points in that part of New York on and south of Interstate Highway 84. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E64), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Ohio on, south, and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 50 to Athens, Ohio, thence along Ohio Highway 346 to Jackson, Ohio, thence along Ohio Highway 124 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to Dayton, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along Pennsylvania Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (2) between points in Adams, Athens, Brown, Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, and Vinton Counties, Ohio, on the one hand, and, on the other, points in Greene, Fayette, Westmoreland, Armstrong, Indiana, Clarion, and Jefferson Counties, Pa., points in that part of Somerset, Cambria, Clearfield, and Elk Counties, Pa., on and west of U.S. Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to Kane, Pa., thence along Pennsylvania Highway 321 to junction U.S. Highway 219; (3) between points in Darke, Defiance, Mercer, Montgomery, Paulding, Preble, Van Wert, and Williams Counties, Ohio, on the one hand, and, on the other, points in Fayette County, Pa., and points in Somerset County, Pa., on and west of U.S. Highway 219; and (4) between points in Butler, Clermont, Clinton, Hamilton, Highland, and Warren Counties, Ohio, on the one hand, and, on the other, points in Greene, Fayette, Westmoreland, Indiana, and Jefferson Counties, Pa., and points in Somerset, Cambria, and Clearfield Counties, Pa., on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E75), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission, between points in that part of Maryland on, south, and west of a line extending along Interstate Highway 95 from Baltimore to the Maryland-Delaware State line, on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending over U.S. Highway 19 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 19 to junction West Virginia Highway 16, and thence over West Virginia Highway 16 to the West Virginia-Virginia State line; and (2) *glass bottles*, (a) from points in Maryland on and west of U.S. Highway 220 to points in Kentucky (except Louisville, Ky.); (b) from points in Maryland to points in Kentucky on, north, and west of a line beginning at the West Virginia-Kentucky State line and extending along U.S. Highway 23 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line (except Louisville, Ky.); and (c) from points in Maryland on and north of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 340 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, to points in Kentucky on, north, and east of a line beginning at the West Virginia-Kentucky State line, and extending along U.S. Highway 119 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of (1) Marion County, W. Va., and (2) Fairmont and Star City, W. Va.

No. MC 111823 (Sub-No. E36), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Ent Air Force Base, Fort Carson, and the U.S. Air Force Academy, Colorado Springs, Colo., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Naval Submarine Base, New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; MacDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station, Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base,

Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Air Field, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.

Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savannah Army Depot, Savannah, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridan, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGurie Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.

Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base Charleston, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E37), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78218. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fitzsimons General Hospital and Lowry Air Force Base, Denver, Colo., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base, New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.

Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N. Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelphia, Pa.; New Cumberland Army Deport, New Cumberland, Pa.

Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.;

V40 I131 JUL 8 75 XUM

Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Val.; Naval Weapons Station Yorktown, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 113678 (Sub-No. E18), (Correction), filed May 5, 1974, published in the FEDERAL REGISTER May 23, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats, frozen meat products*, and *frozen meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ames, Iowa, to points in Arizona, California, Nevada, and points in New Mexico on and west of a line extending along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Denver, Colo. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113678 (Sub-No. E66), (Correction), filed May 17, 1974, published in the FEDERAL REGISTER May 23, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Frozen potato products* and *frozen corned beef hash*, from points in Idaho, Oregon, and Washington (except Kennewick), to points in Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hastings, Nebr. The purpose of this partial correction is to correct the commodity descriptions in (C) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E31), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from those points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, thence along U.S. Highway 62 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line, to points in Fairfield County, Conn.; (2) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 403 to junction U.S. Highway 119, thence along U.S. Highway 119 to Du Bois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to Danbury, Conn.; (3) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in Litchfield County, Conn.

(4) From those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22 to Pittsburgh, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 68 to Clarion, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Kane, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in New Haven, Conn.; (5) from Waterbury, Conn., to Uniontown, Pa.; (6) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to Greensburg, thence along U.S. Highway 30 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to Johnstown, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to DuBois, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line, to points in Hartford, Middlesex, New London, Putnam, and Tolland Counties, Conn.; (7) from Williamsport, Pa., to Putnam, Conn.; and (8) from Lock Haven, Pa., to Putnam, Norwich, New London, Middletown, New Britain, Hartford, Torrington, and Canaan, Conn. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E265), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes* and *frozen potato products*, from Presque Isle, Maine, to points in Kentucky, Virginia (except those in Accomack and Northampton Counties), those in Maryland on, west, and south of a line beginning at the Chesapeake Bay and extending along Maryland Highway 152 to junction Maryland Highway 23, thence along Maryland Highway 23 to the Maryland-Pennsylvania State line, those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 41, thence along New York Highway 41 to junction New York Highway 321, thence along New York Highway 321 to junction New York Highway 368, thence along New York Highway 368 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 173, thence along New York Highway 173 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to Lancaster, thence along Pennsylvania Highway 272 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-Maryland State line, and the District of Columbia. The purpose of this filing is to eliminate the gateways of South Waverly, Pa., and Elmira, N.Y.

No. MC 113843 (Sub-No. E270), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to those points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line; (2) from points in Tioga, Bradford, and Susquehanna Counties, Pa., to points in Minnesota; (3) from points in Lycoming, Sullivan, Wyoming, Lackawanna, and Pike Counties, Pa., to points in Minnesota; (4) from Blair, Huntingdon, Juniata, and Mifflin Counties, Pa., to those points in Minnesota on and west of U.S. Highway 71; (5) from Erie, Pa., to International Falls, Moorhead, E. Grand Forks, and Noyes, Minn.; and (6) from those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to DuBois, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State to those points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Brockport, Morton, and LeRoy, N.Y.

No. MC 113843 (Sub-No. E621), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits;* (1) from those points in Delaware and Maryland, east of the Chesapeake and Delaware Canal and on and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence along the Delaware-Maryland Highway 300 to junction Maryland Highway 213, thence along Maryland Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay, to points in Colorado, Kansas, Wisconsin, and those points in Arkansas on, north, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 64 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, those in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line and extending along Missouri Highway 17 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Mississippi River, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, those in Texas on, south, and west of a line beginning at the Gulf of Mexico and extending along U.S. Highway 181 to junction Texas Highway 123, thence along Texas Highway 123 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 14, thence along Texas Highway 14 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line.

(2) From those points in Delaware south of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to the Delaware-Maryland State line, those in Maryland south of a line beginning at the Maryland-Delaware State line and extending along Maryland Highway 300 to junction Maryland Highway 213, thence along Maryland Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Chesapeake Bay and on and north of a line beginning at the Maryland-Delaware State line and extending along Maryland Highway 54 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay (except Cambridge), to points in Colorado, Kansas (except Kansas City), and those in Arkansas on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 252, thence along Arkansas Highway 252 to the Arkansas-Oklahoma State line, those in Missouri on, north, and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 36 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Iowa State line, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to the Oklahoma-Arkansas State line, those in Texas on, south, and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 100 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Texas-Oklahoma State line, those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Illinois State line extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, and Joplin, Mo.; and

(3) From those points in Maryland south and east of a line beginning at the Maryland-Delaware State line and extending along Maryland Highway 54 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 343, thence along Maryland Highway 343 to the Chesapeake Bay (except Crisfield and Pocomoke City), to points in Kansas and Colorado, and those in Arkansas on, north, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 64 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, those in Missouri on, north, and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line, those in Texas on, north, and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 57 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line and those in Wisconsin on, north, and west of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. 151 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E849), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 18, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Bos-

V40-131 JUL 8 75 XUM

ton, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) between those points in New Jersey on, east, and north of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 33 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in Indiana; (2) between those points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, those points in Indiana on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 421 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line; (3) between points in New Jersey, on the one hand, and, on the other, those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 20 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line.

(4) Between points in Cumberland County, N.J., on the one hand, and, on the other, those points in Indiana on, west, and north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 14 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 234, thence along Indiana Highway 234 to the Indiana-Illinois State line; (5) between those points in New Jersey on and north of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 72 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 73, thence along New Jersey Highway 73 to the Delaware River, on the one hand, and, on the other, those points in Indiana on and north of Indiana Highway 26; and (6) between points in Atlantic County, N.J., on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 32 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial descriptions.

No. MC 113843 (Sub-No. E967), (correction), filed December 2, 1974, published in the FEDERAL REGISTER June 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-E1023), filed December 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1024), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods* between those points in New Jersey north of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, to junction New Jersey Highway 33, to the Atlantic Ocean, on the one hand, and, on the other, those points in Indiana (except those on and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 27 to junction U.S. Highway 224, to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17679 Filed 7-7-75;8:45 am]

[Notice 22]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 8, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 28, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75928. By order of June 26, 1975, the Motor Carrier Board approved the transfer to P & D Warehouse & Cartage, Inc., Baltimore, Md., of the operating rights in Certificate No. MC 79267 issued September 13, 1974, to Raymond Gilbert Hughes, doing business as Hughes Van Company, Baltimore, Md., authorizing the transportation of household goods, between Baltimore, Md., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17681 Filed 7-7-75;8:45 am]

[Notice 73]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 315 TA), filed June 23, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauce* (soy sauce), in bulk, in tank vehicles, from the plantsite of Kikkoman Foods, Inc., at Walworth, Wis., to Modesto, San Jose, and Gardena, Calif., for 180 days. Supporting shipper: Kikkoman Foods, Inc., P.O. Box 69, Walworth, Wis. 53184. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 4483 (Sub-No. 20 TA), filed June 16, 1975. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, Minn. 55066. Applicant's representative: James F. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waferboard and chipboard*, from the port of entry at the International Boundary Line, between the United States and Canada at or near Grand Portage, Minn., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: The Great Lakes Paper Company, Limited, Box 430, Thunder Bay, Ontario, Canada. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 103993 (Sub-No. 857TA), filed June 16, 1975. Applicant: REDDING TRANS., INC., 133 Elm Street, North Uxbridge, Maine 01538. Applicant's representative: Arthur A. Wentzell, P.O. Box 764, Worcester, Maine 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton piece goods; yarn, mohair, orlon, rayon and wool; bobbins; thread, cotton, rayon and wool; printed matter; knitting needles*, between Uxbridge, Mass., on the one hand, and, on the other, Boston, Mass., including Logan International Airport, East Boston, and Worcester, Mass., restricted to traffic moving in interstate commerce, from the plant of Emile Bernat & Sons Co., for 180 days. Emile Bernat & Sons, Inc., Mendon St., Uxbridge, Mass. 05138. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster St., Providence, R.I. 02903.

No. MC 103993 (Sub-No. 857 TA), filed June 23, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, accessories, tools, materials, and equipment*, for trailers, designed to be drawn by passenger automobiles, *and recreational vehicles*, when transported in mixed loads with these commodities, from points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Holiday Rambler Corporation, Wakarusa, Ind. 64573. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 105566 (Sub-No. 111TA), filed June 16, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, plastic articles, and plastic products*, from Olive Branch, Miss., to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, for 90 days. Supporting shipper: Holiday Inns, Memphis, Tenn. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 107515 (Sub-No. 983TA), filed June 19, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(A) *Such commodities* as are dealt in or used by food processors, manufacturers, distributors, wholesalers, and retailers (except foodstuffs), in mixed loads with foodstuffs (presently authorized), in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Georgia, Alabama, Florida, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Kentucky. Restriction: Restricted to the transportation of traffic having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, in Washington, D.C., and Prince Georges County, Md.; (B) *foodstuffs* (except frozen foods), from Doraville, Ga., to points in Georgia. Restriction: Restricted to the transportation of traffic having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, in Washington, D.C., and Prince Georges County, Md.; (2) such commodities as are dealt in or used by food processors, manufacturers, distributors, wholesalers and retailers, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, in Washington, D.C., and Prince Georges County, Md., to Doraville, Ga., for 180 days. Supporting shipper: Fairfield Farm Kitchens, Division of Marriott Corporation, 5200 Addison Road NE., Washington, D.C. 20027. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 109692 (Sub-No. 31TA), filed June 6, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., 600 Genesee, Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, attachments, implements and parts*, irrespective of their intended use, from points in the Kansas City, Mo., Kansas Commercial Zone, to points in Arkansas, Colorado, Iowa, Missouri, and points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 62 to Oklahoma City, Okla., and thence along U.S. Highway 66, to the Oklahoma-Texas State line and points in Texas on and north of a line beginning at the Louisiana-Texas state line, thence along Interstate Highway 20 to Roscoe, Tex., and thence along U.S. Highway 84 to the Texas-New Mexico State line; and (2) *Damaged, refused and retendered commodities*, as described above, from the destination States described in (1) above, to the Kansas City, Mo., Kansas Commercial Zone, for 180 days. Supporting shipper: J. I. Case Company, 2133 Broadway, Kansas City, Mo. 64108. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113855 (Sub-No. 319TA), filed June 17, 1975. Applicant: INTERNATIONA LTRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, and equipment;* (2) *Accessories, parts and supplies*, for (1) when moving in mixed loads with such commodities, from Broomfield, Colo., to points in Washington, Oregon, Montana, Idaho, Wyoming, Utah, Colorado, New Mexico, California, Arizona, Nevada, and ports of entry on the United States-Canada Boundary Line, located at or near Blaine, Sumas, Oroville, and Laurier, Washington, Porthill, and East Port, Idaho;

V 40 I 131 JUL 8 75 XUM

Sweetgrass, Mont.; Portal and Pembina, N. Dak.; and Noyes, International Falls, and Pigeon River, Minn., and extending to points in Alberta, British Columbia, Manitoba, and Saskatchewan, Canada, for 180 days. Supporting shipper: Sperry New Holland, Div., Sperry Rand Corporation, New Holland, Pa. 17557. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115654 (Sub-No. 41TA), filed June 23, 1975. Applicant: TENNESSEE-CARTAGE CO., INC., P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Steven George (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and such other commodities* as are dealt in by wholesale and retail grocery houses, restaurants and institutional facilities (except in bulk), in vehicles equipped with mechanical refrigeration from the warehouse facilities of Polar Refrigerated Services, at or near Nashville, Tenn., to points in Alabama, Tennessee, Georgia, Kentucky, Cincinnati, Ohio, St. Louis, Mo., Indianapolis, Ind., and the commercial zones of Memphis, Bristol, and Chattanooga, Tenn., Louisville, Ky., Henderson, Ky., Cincinnati, Ohio, Indianapolis, Ind., St. Louis, Mo., for 180 days. Supporting shipper: Polar Refrigerated Services, Inc., 326 11th Ave., No., Nashville, Tenn. 37202. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 117395 (Sub-No. 23TA), filed June 18, 1975. Applicant: SOUTHERN CEMENT TRANSPORT, INC., P.O. Box 188, Okay, Ark. 71854. Applicant's representative: M. J. Lucy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Okay, Ark., to points in Tennessee, in Fayette, Haywood, Hardeman, Shelby, and Tipton Counties, Tenn., for 180 days. Supporting shipper: Ideal Basic Industries, Inc., Cement Division, 821 17th St., Denver, Colo. 80202. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119639 (Sub-No. 16TA), filed June 19, 1975. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, Wash. 98168. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in mechanically-refrigerated equipment from Seattle, Wash., to Reno, Nev., for 180 days. Supporting shipper: Best Pie Company, 1000 Mercer St., Seattle, Wash. 98109. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 126059 (Sub-No. 3TA), filed June 23, 1975. Applicant: DE ROSA TRUCKING CORP., Isthmian Pier, Shed 1, Brooklyn, N.Y. 11231. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial flowers and fruit, holidaynovelties, arts and crafts materials and florist supplies* having a prior or subsequent movement by water or rail, between points in the New York, N.Y., "exempt" zone (that part of New York, N.Y., Commercial Zone as defined by fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Interstate Commerce Act), on the one hand, and, on the other, Garden City Park, N.Y., under continuing contract with Sol Spitz Co., for 150 days. Supporting shipper: Sol Sputz Co., 120 Broadway, Garden City Park, N.Y. 11040. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124813 (Sub-No. 130TA), filed June 19, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil conditioner* (except in bulk), from Green Bay, Wis., to points in Illinois on and north of U.S. Highway 36; points in Michigan on and south of Michigan Highway 57 and on and west of U.S. Highway 27; points in Indiana on and west of U.S. Highway 27 and on and north of Indiana Highway 32; and points in Minnesota, located east of Minnesota Highway 15, on and north of U.S. Highway 14, and south of Minnesota Highway 95, for 180 days. Supporting shipper: F. Hurlbut Co., P.O. Box 4000, Green Bay, Wis. 54303. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129253 (Sub-No. 7TA), filed June 23, 1975. Applicant: P & H TRUCKING COMPANY, INC., P.O. Box 15099, 160 West South Street, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, pipe fittings, valves and sprinkler equipment*, from the plant site of Dahn Brothers, Inc., at Salt Lake City, Utah, to Jackson, Wyo.; Las Vegas, Nev.; Reno, Nev.; Denver, Colo.; Boise, Idaho; Culbertson, Mont.; Aberdeen, Idaho; San Diego, Calif.; and Santa Maria, Calif., for 180 days. Supporting shipper: Dahn Brothers, 2635 South 2700 West, Salt Lake City, Utah 84119. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Bldg., Bureau of Operations, 125 South State St., Salt Lake City, Utah 84138.

No. MC 135316 (Sub-No. 3TA), filed June 23, 1975. Applicant: AIR TRUCK SERVICE, INC., doing business as KANAWHA VALLEY AIR FREIGHT, Kanawah Airport, Charleston, W. Va., 25311. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between points in Kanawha County, W. Va., and those in the Charleston, W. Va. Commercial Zone, on the one hand, and, on the other, points in Cuyahoga County, Ohio, restricted to traffic having prior or subsequent movement by air, for 180 days. Supporting Shipper: United Airlines, Kanawah Airport, Charleston, W. Va. 25311. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 135750 (Sub-No. 5TA), filed June 23, 1975. Applicant: COALE TRUCK TRANSPORT, INC., P.O. Box 135, Darlington Road, Darlington, Md. 21034. Applicant's representative: Robert J. Carson, 1700 One Charles Center, Baltimore, Md. 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, (1) from Flushing, Ohio, including the commercial zones thereof, to all points in the states of New York (except Buffalo and New York City) and New Jersey (except Port Newark); (2) to Flushing, Ohio, including the commercial zones thereof, from all points in the states of Illinois, Indiana, Iowa, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Wisconsin, under a continuing contract or contracts with Cloverland Dairy, Inc., Flushing, Ohio, for 180 days. Supporting shipper: James L. Hyest, Secretary-Treasurer, Cloverland Dairy, Inc., Box 67, Flushing, Ohio 43977. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 136008 (Sub-No. 61TA), filed June 20, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third St. NE., P.O. Box 1669, Ardmore, Okla. 73107. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from Quarry, located approximately six miles northeast of Watonga, Okla., to Independence, Kans., for 180 days. Supporting shipper: Universal Atlas Cement, United States Steel Corp., James T. Curtis, Jr., Mgr., Non Ferrous Traffic, 600 Grant St., Pittsburgh, Pa. 15230. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136531 (Sub-No. 3TA), filed June 23, 1975. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Eugene Luisi (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt* beverages, from Los Angeles, San Francisco, Elk Grove, Madera, Modesto, Menlo Park, and Napa, Calif., to Seattle, Tacoma, and Yakima, Wash. for 180 days. Supporting shipper: Yakima County Beverage Co., 1208 No. 1st St., Yakima, Wash. 98901. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138882 (Sub-No. 8TA), filed June 17, 1975. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36018. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from the facilities of Elba Pallets, Inc., located at or near Elba, Ala., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, Texas, and Arkansas, for 180 days. Supporting shipper: Elba Pallets, Inc., P.O. Box 276, Elba, Ala. 36323. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139306 (Sub-No. 3 TA), filed June 18, 1975. Applicant: DEL R. STANAGE AND JOE R. STANAGE, doing business as STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, Ark. 71901. Applicant's representative: Del R. Stanage (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), in bulk, in dump vehicles, between Owensboro, Ky., Paris, Tex., Reform, Ala., and Salina, Kans., for 180 days. Supporting shipper: Flex-O-Lite Division, General Steel Inc., P.O. Box 429, Paris, Tex. 75460. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201. Tacking: Applicant intends to tack with its existing authority in MC 139306 (Sub-No. 1TA).

No. MC 140422 (Sub-No. 2TA), filed June 23, 1975. Applicant: GENE R. THEODORI AND JERRY M. SMIELL, doing business as THEODORI TRUCKING, Box 45, Waltersburg, Pa. 15488. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Garrett County, Md., to Bellaire and Martins Ferry, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Utilities Fuel Company, for 180 days. Supporting shipper: Utilities Fuel Company, 76 East Main St., Uniontown, Pa. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 140844 (Sub-No. 1TA) (Correction), filed April 29, 1975, published in the FEDERAL REGISTER issue of May 28, 1975, and republished as corrected this issue. Applicant: TERRY L. PRIEST, Box 183, New Florence, Pa. 15944. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk) and related advertising material, (1) from points in Cleveland, Ohio, to the Boroughs of Clymer and Indiana, Indiana County, Pa., the Boroughs of East Vandergrift and Bolivar, Westmoreland County, Pa., and the Township of Somerset, Somerset County, Pa., *and empty malt beverage containers on return*, under a continuing contract or contracts with (1) Paul and Dominic LaMantia t.a. LaMantia Beer Distributors; (2) George J. Paytash and Elsie Paytash t.d.b.a. Clymer Beverage Company; (3) Bertha T. Dellafiora d.b.a. National Beer Sales; (4) Chester Rukas and Irene Rukas d.b.a. Rukas Beverage Distributing Company; and (5) Joseph and Josephine Picadio d.b.a. Picadio Beer Distributors; (2) from points in Winston-Salem, N.C., to the Borough of Blairsville, Indiana County, Pa., *and empty malt beverage containers on return*, under a continuing contract with Frances L. LaMantia d.b.a. F. L. LaMantia Beer Distributor, for 180 days. Supporting shippers: Paul and Dominic LaMantia t.a. LaMantia Beer Distributors, 609-611 Washington St., Bolivar, Pa. 15923. Bertha T. Dellafiora d.b.a. National Beer Sales, 471 Water St., Indiana, Pa. 15701. Chester Rukas and Irene Rukas d.b.a. Rukas Beverage Distributing Company, 701 McKinley Avenue, East Vandergrift, Pa. 15629. Joseph Picadio and Josephine Picadio d.b.a. Picadio Beer Distributors, R.D. #6, Route 31, Somerset, Pa. 15501. George J. Paytash and Elsie Paytash, t.d.b.a. Clymer Beverage Company, 81 Sherman St., Clymer, Pa. 15728. Frances L. LaMantia d.b.a. F. L. LaMantia Beer Distributor, 42 W. Ranson Ave., Blairsville, Pa. 15717. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222. The purpose of this republication is to state the name and address of representative to which protests are to be sent.

No. MC 140972 (Sub-No. 1TA), filed June 23, 1975. Applicant: DONALD D. BRADER, doing business as DON BRADER TRUCKING, 905 South 29th Ave., Yakima, Wash. 98902. Applicant's representative: Charles G. Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Toppenish, and Buena, Wash., to Sublimity, Oreg., for 180 days. Supporting shipper: Soil Conditioners, Inc., P.O. Box 206, Zillah, Wash. 98953. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141036 (Sub-No. 1TA), filed June 18, 1975. Applicant: JAMES SIMMONS, doing business as J & V DELIVERY CO., 170 S. Morton, Hoffman Estates, Ill. 60172. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical isotopes, medical test kits, radioactive drugs, and radiopharmaceuticals*, from the plantsite and warehouse facilities of Medi-Physics, Inc., at or near Rosemont, Ill., to points and places in Lake, La Porte, and Porter Counties, Ind.; and Dane, Green, Jefferson, Kenosha, Milwaukee, Racine, Rock, Walworth, and Waukesha Counties, Wis., for 180 days. Supporting shipper: John Malasanos, Facility Manager, Medi-Physics, Inc., 9820 W. Bryn Mawr, Rosemont, Ill. 60018. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141054 (Sub-No. 1TA), filed June 16, 1975. Applicant: B & B PACKING TRANSPORT, LTD., 4801 West Collum Ave., Chicago, Ill. 60641. Applicant's representative: J. Michael May, Suite 20, 1459 Peachtree St. NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Chicago, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Robert A. Bogan, Director of Transportation, B & B Packing Company, 4801 West Collum Ave., Chicago, Ill. 60641. Send protests to: Charles R. Nesmith, District Supervisor, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141063 TA, filed June 16, 1975. Applicant: THE CITY CONTRACT BUS SERVICE, INC., P.O. Box 77396, Atlanta, Ga. 30309. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 Peachtree St. NW., Atlanta Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Employees* of Seaboard Coast Line Railroad Company with or without their baggage, under a continuing contract or contracts with Sea-

V 40 I 131 JUL 8 75 XUM

board Coast Line Railroad Company, from points on the line of Seaboard Coast Line Railroad Company in the States of Alabama, Georgia, Florida, North Carolina, and South Carolina, for 180 days. Supporting shipper: Seaboard Coast Line Railroad Company, 500 Water Street, Jacksonville, Fla. 32202. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 141052 (Sub-No. 1TA), filed June 18, 1975. Applicant: PEARL TRUCKING COMPANY, a division of Pearl Brewing Company, Inc., P.O. Box 1661, San Antonio, Tex. 78296. Applicant's representative: William E. Collier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt liquor beverages* (other than in bulk), from San Antonio, Tex., to points in Louisiana and Mississippi; (B) *Recyclable aluminum cans*, loose, bricleted, compressed or shredded, from points in Louisiana, to San Antonio, Tex., for 180 days. Supporting shipper: Pearl Brewing Company, Inc., P.O. Box 1661, San Antonio, Tex. 78296. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400, Federal Bldg., 727 E. Durango, San Antonio, Tex. 78206.

No. MC 141064 TA, filed June 18, 1975. Applicant: J. D. McCORKINDALE, doing business as J. D. TRUCKING, P.O. Box 1351, Escondido, Calif. 92025. Applicant's representative: J. D. McCorkindale (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meat and bone meal; cottonseed meal; grain; feed; corn; safflower meal; limestone meal*, in bulk, in hopper bottom dump vehicles in straight or mixed shipments with exempt commodities exempt under Section 203 (b) (6), between Phoenix, Casa Grande, Gila Bend, Summerton, Tollison, and Yuma, Ariz., and the facilities of the Escondido Valley Poultry Association at Escondido, Calif., for 180 days. Supporting shipper: Escondido Valley Poultry Association, 135 S. Quince St., Escondido, Calif. 92025. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1312, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141065TA, filed June 19, 1975. Applicant: MOON'S GARAGE, 8139 West Beaver St., Jacksonville, Fla. 32205. Applicant's representative: Lorense H. Blow, 6032 Robbins Circle South, Jacksonville, Fla. 32211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked and disabled vehicles and trailers*; (b) *Vehicles and trailers* as replacement for wrecked or disabled vehicles and trailers; (c) *Salvage or used parts* for vehicles and trailers when being transported on the same vehicle and at the same time as commodities set forth above; (d) *Repossessed vehicles*, between points in Florida on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan (east of Lake Michigan), Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shippers: There are approximately 25 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 141066TA, filed June 19, 1975. Applicant: DONALD G. CAMPBELL, doing business as DON CAMPBELL TRUCKING, Route #2, Box 166, Bixby, Okla. 74008. Applicant's representative: I. E. Chenoweth, 1300 Mid Continent Bldg., 409 S. Boston Ave., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sand and gravel*, from Tulsa County, Okla., to Chautauqua, Montgomery, Labette, Cherokee, Elk, Wilson, Neosho, and Crawford Counties, in Kans.; McDonald, Barry, Stone, Taney, Newton, Jasper, Barton, Dade, Lawrence, and Christian Counties in Mo.; Benton, Carroll, Boone, Marion, Washington, Madison, Newton, Crawford, Franklin, and Johnson Counties in Ark.; and railhead points in Tulsa County, Okla., and to Rogers, Muskogee, and Wagoner Counties in Okla., for water transportation; (B) *Chat and asphalt materials*, from Ottawa County, Okla., to points and places in Kansas, Mo., and Arkansas; and to railheads in Ottawa County for rail transportation; (C) *Coal*, from Craig, Nowata, Rogers, Wagoner, and Okmulgee Counties in Okla., to Wyandotte, Johnson, Leavenworth, Montgomery, Labette, Cherokee, Neosho, and Wilson Counties in Kans.; Buchanan County in Mo.; Lonoke, Little River, and Hempstead Counties in Ark.; Johnson, Tarrant, and Dallas Counties in Tex.; and to the railhead and water navigation system in Ottawa, Craig, Nowata, Rogers, Wagoner, Muskogee, and Okmulgee Counties in Okla., for 180 days. Supporting shippers: Bixby Sand & Gravel, L. C. Sinor, Partner, Box W, Admiral Station, Tulsa, Okla. 74115. Arrowhead Asphalt Co., Corp., Jack Sharpenstein, Sr., V. P. Suite 310, First National Bank Bldg., Miami, Okla. 74354. Associated Producers Co., Douglas Klusmeyer, Mgr., 1170 N. Western Ave., Oklahoma City, Okla. Higgins Mining Co., Inc., A. Dale Smith, V. P. 7908 N.W. 23rd, Bethany, Okla. 73008. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

Application of Passengers

No. MC 111978 (Sub-No. 9TA), filed June 19, 1975. Applicant: BLACK & WHITE TRANSIT COMPANY, INC., P.O. Box 402, Grundy, Va. 24614. Applicant's representative: Joseph E. Blackburn, Jr., 706 Mutual Bldg., Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, mail, light express, and newspapers*, between Claypool Hill, Va., on the one hand, and, Bristol, Tenn., on the other hand, over Route 19 to Abingdon, Va., then over I-81 to Bristol, Tenn., serving all intermediate points, for 180 days. Supporting shippers: There are approximately 62 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. SW., Roanoke, Va. 24011. Applicant intends to tack its existing authority with MC-111978, from Bluefield to Grundy and intermediate points (including Claypool Hill, Va.).

Water Carrier Application

No. WC 1282 (Sub-No. 2TA), filed June 17, 1975. Carrier: KEY WEST FERRY CORPORATION, 400 SW. First Ave., Miami, Fla. 33130. Carrier's representative: Richard B. Austin, 5255 NW. 87th Ave., Suite 214, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by water vehicle, as follows: *Passengers* with or without baggage, between ports in Dade, Broward, and Hillsborough, Fla., on the one hand, and, on the other, the ports of Key West and Marathon, Fla., and return by self-propelled vehicles, for 180 days. Supporting shippers: There are approximately 20 statements attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17680 Filed 7-7-75;8:45 am]

[Notice No. 67]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
J. J. Willis Trucking Co., MC-107993 Sub-27	MC-107993 Sub-28	Mar. 31, 1975
Garrison Motor Freight, Inc., MC-109324 Sub-27	MC-109324 Sub-28	Do.
Chemical Leaman Tank Lines, Inc., MC-110525 Sub-1005, Sub-1108	MC-110525 Sub-1101	Mar. 26, 1975
Purolator Courier Corp., MC-111729 Sub-407	MC-111729 Sub-420	Mar. 31, 1975
Purolator Courier Corp., MC-111729 Sub-423	MC-111729 Sub-429	Do.
Truck Transport, Inc., MC-115331 Sub-341	MC-115331 Sub-344	Mar. 24, 1975
George D. Ellis, MC-129205 Sub-3	MC-129205 Sub-2	Mar. 27, 1975
DBA Wheel Estate Movers, MC-129932 Sub-4	MC-129932 Sub-3	Mar. 21, 1975
Eyre's Bus Service, Inc., MC-134929 Sub-1	MC-134929 Sub-2	Mar. 26, 1975
Carolina Western Express, Inc., MC-136464 Sub-3	MC-136464 Sub-4	Mar. 27, 1975
Douglas H. West, MC-138395 Sub-3, Sub-6	MC-138395 Sub-4	Mar. 21, 1975
Chizek Elevator & Transport, MC-138420 Sub-10	MC-138420 Sub-8	Mar. 26, 1975
Smithway Motor Xpress, Inc., MC-138627 Sub-1	MC-138627 Sub-3	Do.
Snowball, Ltd., MC-138743 Sub-1	MC-138743 Sub-2	Mar. 21, 1975
Gregg Trucking, MC-139207	MC-139207 Sub-1	Mar. 26, 1975
Cobo, Inc., MC-139487	MC-139487 Sub-1	Mar. 21, 1975
H. G. Martin, MC-139687 Sub-1	MC-139687 Sub-2	Mar. 27, 1975
Arstan Trucking Inc., MC-139858 Sub-1	MC-139858	Apr. 9, 1975

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17521 Filed 7-7-75;8:45 am]

[Notice No. 68]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Tajon, Inc., MC-5470 Sub-96, Sub-97	MC-5470 Sub-100	June 19, 1975
The Mason Dixon Lines, MC-59583 Sub-147	MC-59583 Sub-148	Do.
Blue Ridge Transfer Co., MC-63417 Sub-67	MC-63417 Sub-70	Do.
Wilson Trucking Corp., MC-64600 Sub-43	MC-64600 Sub-44	Do.
Sharron Motor Lines, Inc., MC-97310 Sub-17	MC-97310 Sub-18	Do.
Schilli Motor Lines, Inc., MC-106674 Sub-135, Sub-136	MC-106674 Sub-138	June 24, 1975
Schilli Motor Lines, Inc., MC-106674 Sub-125	MC-106674 Sub-133	Do.
Miller Transporters, Inc., MC-107002 Sub-439	MC-107002 Sub-440	June 18, 1975
C & D Transportation Co., MC-109326 Sub-105	MC-109326 Sub-106	June 19, 1975
J & M Transportation Co., MC-115311 Sub-133, Sub-167	MC-115311 Sub-134	June 18, 1975
Diamond Transportation, MC-123048 Sub-287	MC-123048 Sub-295	June 19, 1975
Brink's, Inc., MC-124328 Sub-65	MC-124328 Sub-67	June 24, 1975
D.b.a. Morgan Trucking Co., MC-125254 Sub-22	MC-125254 Sub-23	Do.
Road Runner Trucking, Inc., MC-125996 Sub-45, Sub-46	MC-125996 Sub-48	June 19, 1975
Banana Shipping Service, MC-128073 Sub-3	MC-128073 Sub-2	June 24, 1975
Tom Inman Trucking, Inc., MC-129032 Sub-9, Sub-10	MC-129032 Sub-11	June 19, 1975
A. T. Pinto, Inc., MC-129159 Sub-4	MC-129159 Sub-3	June 20, 1975
D.b.a. Evergreen Express, MC-129350 Sub-42	MC-129350 Sub-50	Do.
Parks Transport, Inc., MC-133219 Sub-8	MC-133219 Sub-9	June 24, 1975
Davinder Freightways, Ltd, MC-134060 Sub-9	MC-134060 Sub-11	Do.
North Star Transport, Inc., MC-134145 Sub-51	MC-134145 Sub-52	June 18, 1975
Breen Trucking, Inc., MC-135913 Sub-3	MC-135913 Sub-4	June 23, 1975
Robco Transportation, Inc., MC-136786 Sub-27	MC-136786 Sub-38	June 20, 1975
Robco Transportation, Inc., MC-136786 Sub-57	MC-136786 Sub-59	June 18, 1975
D.b.a. Werner Enterprises, MC-138328 Sub-5	MC-138328 Sub-6	June 20, 1975
D.b.a. Prince Trucking, MC-139333	MC-139333 Sub-1	Do.
Stu's Unloading Service, MC-139524	MC-139524 Sub-1	June 18, 1975
Waddick Transport, Ltd., MC-139846 Sub-1	MC-139846 Sub-139846	Do.
R. B. Stucky & N. M. Stucky, d.b.a. MC-139906 Sub-1	MC-139906 Sub-2	June 17, 1975
George H. Nelson, d.b.a., MC-139924	MC-139924 Sub-1	June 20, 1975
John L. Smith, MC-140166 Sub-1	MC-140166 Sub-2	June 23, 1975

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretayr.

[FR Doc.75-17522 Filed 7-7-75;8:45 am]

V 40 1131 JUL 8 75 XUM

federal register

TUESDAY, JULY 8, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 131

PART II

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

AMERICAN ALLIGATOR

Endangered and Threatened Wildlife; Reclassification

V40-131 JUL 8 75 XUM

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposal To Reclassify the American Alligator

The Director, U.S. Fish and Wildlife Service, hereby issues a notice of proposed rulemaking which would reclassify the American Alligator (*Alligator mississippiensis*) from its present listing as Endangered throughout its entire range, to remove it from endangered or threatened status entirely in Cameron, Vermilion, and Calcasieu parishes in Louisiana; to reclassify it as threatened in Alabama, Florida, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu parishes), Mississippi, and Texas; and to leave it classified as endangered throughout the remainder of its range. This rulemaking also would authorize limited, lethal removal of dangerous alligators to protect human lives and property; authorize controlled harvest for scientific or conservation purposes in restricted areas; and control the commercial utilization of de-listed alligators through "similarity of appearance" rules, all to enhance long-range conservation objectives for this species as a renewable, natural wildlife resource. A prime management objective will be to attain and maintain optimum sustained populations.

BACKGROUND

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination expressed concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531-1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that populations of the alligator "in the southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, be removed from the Secretary of the Interior's list of threatened and endangered species; that in the south-central and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged.

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the FEDERAL REGISTER on July 16, 1974 (39 FR 26050). Simultaneously, the Governors of States in which alligators are resident were notified of the review and were requested to supply data relative to the status of the species in their respective States.

This review obtained evidence that the American alligator is making encouraging gains in population over much of its known historical range and that significant losses of populations have occurred only in geographically peripheral and possibly ecologically marginal areas. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure. Increasing urbanization and development is resulting in increased human-alligator conflicts and control of certain populations is needed to avoid increased public hostility to the species. Even though actual numerical levels of alligators may be below the biotic carrying capacity in most habitats, socio-economic factors must be considered in setting management goals to maximize public interest in, and acceptance of, coexistence with this potentially troublesome but ecologically important species.

Available data indicates that, in the areas defined above, the primary threats to the alligator populations are not biotic but rather the absence of adequate regulatory and enforcement mechanisms (1) to prevent malicious killing and illicit commercially-oriented killing and (2) to control the illegal commerce in products. Malicious killing stems to a large degree from public hostility and fear, and to a certain extent could be ameliorated through public education. Illegal, commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, however, are unrealistic in the face of burgeoning alligator populations and increasing human-alligator conflicts. Reorientation of enforcement efforts toward developing effective methods for controlling the commerce in parts and products of legally taken alligators would permit the realization of acceptable management procedures and a realistic reappraisal of the population status of the alligator. The populations defined above now are at the point whereby the species probably would be best served by returning it to more flexible management programs aimed at the attaining and maintaining optimum sustained populations.

DESCRIPTION OF THE PROPOSAL

As a result of this review, the Director finds that there are sufficient data to warrant a proposed rulemaking that (1) the alligator is neither endangered nor threatened in Cameron, Vermilion, and Calcasieu parishes, Louisiana; (2) the alligator is a threatened species in Alabama, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu parishes), Mississippi, and Texas; and the alligator is an endangered species in all other parts of its range.

Generally, the proposed regulations vary according to the need of the alligator populations involved. These regulations would allow Federal officers, State officers or persons authorized by the State wildlife agency to take dangerous alligators in areas where the species is listed as threatened, and would permit the State to place hides or other parts of animals so taken into commercial trade through controlled channels. In areas where the alligator is neither endangered nor threatened, the species is no longer under Federal control, and alligators could be taken in accordance with State law. The marketing of alligator products from a legal, State-controlled hunt, would be strictly controlled under a Federal licensing and marketing system, which is accomplished by matching the regulatory program of the State of Louisiana with Federal rules governing interstate commerce in unlisted alligators under the "similarity of appearance" provision in section 4(e) of the Act. The control of commerce in products from the "similar," but not endangered or threatened, alligators will insure that this legal market does not become a "screen" for commerce in alligator products derived from poaching on endangered or threatened alligators. The import and export of alligators or alligator products would be prohibited. Although the alligator would be removed from the endangered list in much of its range, it actually would have more Federal protection than it had prior to December 28, 1973, when the Endangered Species Act became effective.

More specifically, the proposal would amend all of the existing subparts of Part 17, changing the structure of Part 17 radically in some places. The rules relisting the alligator, providing for its conservation where it is threatened, and protecting endangered and threatened populations by controlling commerce in "similar" alligators, are woven throughout the restructured Part 17.

Subpart A (Introduction and General Provisions) would be amended by adding a series of definitions necessary for the proper implementation of the Act. Of note are the definitions of "harass" and "industry and trade." These definitions are intended to clarify the scope of the prohibition on taking, and on interstate commerce. The amended Subpart A would also provide rules to implement the two major exemptions in the Act—Alaskan natives and wildlife held prior to the Act. Subpart A would also establish criteria for two new and very important aspects of the conservation of endangered and threatened wildlife—the rules on similarity of appearance and the rules on captive, self-sustaining populations.

The rules on similarity of appearance, which are central to this alligator proposal, arise from section 4(e) of the Act. That section provides, essentially, that wildlife which is neither endangered nor threatened can be treated if it were classified in one of these two categories, to the extent deemed necessary, in order to prevent further danger to such wildlife due to the inability of law enforcement personnel to distinguish between them. Section 17.7, as proposed, lists the criteria for deciding that a given species is similar to a listed species. Rules to determine the extent to which the similar species will be treated as endangered or threatened are in Subpart E.

Section 17.8 contains a proposal which would allow the Director to determine that a given captive population of otherwise endangered species constitutes, in fact, a separate, self-sustaining population which warrants treatment as threatened wildlife. Thus, for example, if a given species was very rare in the wild, but had been successfully bred in captivity in the United States, it might qualify as a separate "species" within the meaning of the Act. If this "species" was sufficiently self-sustaining so that its continuance would not be a significant drain on wild populations, then it could be treated as if it was a threatened species. This would mean that it would be subject to the more liberal permit regulations under Subpart D (Threatened Wildlife), or might even be the subject of a special rule in that subpart. This would enhance captive breeding efforts as well as allow legitimate uses of such wildlife, by loosening some of the restrictions on interstate movement of the individual animals.

Subpart B would be amended to establish a clear distinction between the lists of endangered wildlife established under the former Act—the Endangered Species Conservation Act of 1969—and the present Act. While all species listed under both Acts are fully protected by the present Act and regulations, it was Congress' intent that all the species on the list from the 1969 Act be reevaluated under the present Act. The alligator will be the first such reevaluation. Under the proposal, as species are reevaluated, they will be moved from the "old" lists in §§ 17.11 and 17.12, and re-established as appropriate on the "new" list in § 17.13. This "new" list has a revised format intended to consolidate all the pertinent information on the species in question. In addition, "similar" species and captive, self-sustained populations will be indicated on the "new" list. Also, the list will be footnoted to indicate species under the jurisdiction of the Department of Commerce. Eventually, this new listing format will enable any person to find out what treatment, if any, is given to the wildlife in which he is interested, simply by scanning the list.

Subpart C (Endangered Wildlife), as proposed, is virtually identical in outline to the proposed rulemaking already published on May 20, 1975 (See 40 FR 21977). The sections on permits (§§ 17.22 and 17.23) are in fact identical. However, § 17.21, which describes the prohibitions, has been expanded to clarify some of the prohibitions. It also provides certain exemptions, based on the authority provided in the Act, for acts which would otherwise be prohibited—such as the "taking," by capture of an injured animal, of an endangered animal in an emergency to save the animal's life.

Subpart D (Threatened Wildlife) would be amended by completely replacing the existing Subpart D which contains 3 species of kangaroos presently. The new Subpart D would establish a set of blanket prohibitions for threatened wildlife. These are the same prohibitions that the Act provides for endangered wildlife. Thus, unless another rule is provided specifically in this subpart, a threatened species will be protected as if it was endangered. The new Subpart D would then provide for permits for any threatened wildlife. These permits would be more liberal than permits available under Subpart C (See proposed §§ 17.22 and 17.23) for endangered wildlife, in that they would be available for more purposes, and the strict procedural rules for endangered wildlife permits would not apply.

The major change in the proposed Subpart D is the establishment of series of sections for special rules on each group of wildlife. Thus, as with alligators, the prohibitions and permits provisions of §§ 17.31 and 17.32 apply, except as otherwise provided in the special rules in § 17.35(a).

The proposal would establish a new Subpart E on Similarity of Appearance. As explained above, if the Director determined, pursuant to the Act and to § 17.7 of this proposal, that a given species, such as alligators in Cameron, Vermilion, and Calcasieu parishes in Louisiana, is so similar to a listed species as to cause further threats to the listed species, the rules in this subpart would provide the extent to which the similar species would be treated as endangered or threatened. Basically, there are three types of treatment proposed. First, the similar species could be treated (under § 17.51) as if it was endangered or threatened. In that case, all the rules for endangered or threatened species would apply equally to the similar species. If the situation was such, however, that a given specimen could be distinguished from the endangered or threatened species by documentation of its origin, for instance, the Service could provide that § 17.52 would apply. In that case, a permit could be obtained for transactions with the similar species. Third, as in the case of alligators, a special rule might be provided in lieu of a permit procedure, in order to distinguish the similar species from the endangered or threatened species.

ALLIGATORS AND THE SIMILARITY OF APPEARANCE PROVISION

In connection with this proposal, the Director has made several findings in regard to alligators. First, he has found that in accordance with section 4(e) of the Act, alligators from Cameron, Vermilion, and Calcasieu parishes in Louisiana, which it is proposed are neither endangered nor threatened, are similar in appearance to alligators which are endangered or threatened. In fact, the only time when such alligators can be distinguished from other alligators is when they are in the wild in the three named parishes. Since alligator poaching, and the subsequent trading in alligator hides and products, is a major factor in the threat to endangered and threatened alligators, the Director has found it necessary to propose these rules to control the interstate trade in alligator hides and products, and to prohibit the import and export trade.

The Director has also reviewed the laws and proposed regulations and programs for the conservation of the alligator in the three parishes to be de-listed. These laws, regulations and programs provide for a controlled hunt by licensed hunters, and for an elaborate system of hunter verification and shipping tags. This system of controls, besides being proper for the utilization and conservation of the alligator as a renewable resource, provide a means of distinguishing alligators legally taken in the area where they are neither endangered nor threatened, from alligators which are endangered or threatened. Based on this State system, the proposed rules in Subpart E (Similarity of Appearance) provide a method for continuing this distinction in interstate commerce. They provide for the Federal licensing of buyers, tanners, and fabricators of alligator hides. Each licensee would have to keep special records based on the State tags, and would be subject to inspection. In addition, every fabricated product would bear a special Federal mark, denoting that it was made from the hides of legally taken alligators which were neither endangered nor threatened. This would allow enforcement personnel to distinguish these alligator hides and products from endangered or threatened alligator hides and products, at every stage of processing and interstate marketing.

FUTURE AMENDMENTS

If this proposal is adopted, the proposals which are now outstanding, such as those on the grizzly bear, three species of western trout, and others, will be amended, after adoption, to fit into this framework. Also, the existing regulations dealing with kangaroos will be reformed, in structure only, in the final rulemaking on this proposal. Further regulations for the licensing of all importers and exporters of wildlife, under section 9(d) of the Act, for the establishment of export controls under section 9, for new forfeiture procedures under section 11, and for "similarity of appearance" treatment for other species, will be forthcoming. In addition, the Service will continue its active review of the status of many species. Proposals to list, to reclassify, or to de-list various species will also be forthcoming.

V40-131 JUL 8 75 XUM

PUBLIC COMMENTS SOLICITED

The Director intends the final rulemaking to provide for the most effective conservation of the alligator. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules.

The final rulemaking and promulgation of alligator regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal. The Fish and Wildlife Service has under preparation an environmental assessment concerning this matter.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than September 8, 1975, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dated: June 27, 1975.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Title 50 CFR as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

1. Retitle Part 17 of Subchapter B of CFR Chapter I to read as set forth above.

2. Amend the table of sections to read:

Subpart A—Introduction and General Provisions

Sec.
17.1 Purpose of regulations.
17.2 Scope of regulations.
17.3 Definitions.
17.4 Pre-Act wildlife.
17.5 Alaska natives.
17.6 State cooperative agreements [Reserved].
17.7 Similarity of appearance.
17.8 Captive, self-sustaining populations.

Subpart B—Lists

17.11 Endangered foreign wildlife—1969 Act.
17.12 Endangered native wildlife—1969 Act.
17.13 Endangered and threatened wildlife—1973 Act.
17.14 Endangered and threatened plants—1973 Act [Reserved].
17.15 Amendments to the lists.

Subpart C—Endangered Wildlife

17.21 Prohibitions.
17.22 Permits for scientific purposes, or for the enhancement of propagation or survival.
17.23 Economic hardship permits.

Subpart D—Threatened Wildlife

Sec.
17.31 Prohibitions.
17.32 Permits.
17.33 Special rules—mammals [Reserved].
17.34 Special rules—birds [Reserved].
17.35 Special rules—reptiles.
17.36 Special rules—amphibians [Reserved].
17.37 Special rules—fishes [Reserved].
17.38 Special rules—molluska [Reserved].
17.39 Special rules—crustaceans [Reserved].
17.40 Special rules—insects [Reserved].
17.41 Special rules—other forms [Reserved].

Subpart E—Similarity of Appearance

17.50 General.
17.51 Treatment as endangered or threatened.
17.52 Permits.
17.53 Special rules—general.
17.54 American alligator.

AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Subpart A—Introduction and General Provisions

3. Amend § 17.1 by deleting the present language and replacing it with the following:

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–43.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also, in §§ 17.11 and 17.12, carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969, 83 Stat. 275, 16 U.S.C. 668cc–1 to 6, which are deemed endangered species under section 4(c)(3) of the Act.

(c) The regulations in this part provide general and special protective regulations for threatened species of wildlife.

4. Amend § 17.2 to read as follows:

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants.

(b) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in Subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

(c) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

(d) The examples used in this part are provided solely for the convenience of the public, and for the purpose of explaining the intent and meaning of the regulation to which they refer. They have no legal significance.

5. Add the following new §§ 17.3, 17.4, 17.5, 17.6, 17.7, and 17.8 to Subpart A, reading as follows:

§ 17.3 Definitions.

In addition to the definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 17:

"Act" means the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884);

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. section 1603(b) (85 Stat. 588)] as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) of this subchapter (in the case of marine mammals) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups such as cooperatives, is permitted so long as no large scale mass production results;

"Harass" in the definition of "take" in the Act means an act which either actually or potentially harms wildlife by killing or injuring it, or by annoying it to such an extent as to cause serious disruption in essential behavior patterns, such as feeding, breeding or sheltering; significant environmental modification or degradation which has such effects is included within the meaning of "harass;"

"Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

"Native village or town" means any community, association, tribe, clan or group;

"Specimen" means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

"Subsistence" means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transporation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in Subparts C and D of this Part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided,*

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species) in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the law. The hunter was not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard. This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973, and the leopard is listed as endangered in § 17.11 in June 1974.

(b) There shall be a rebuttable presumption that any wildlife involved in a prohibited act was not held in captivity or in a controlled environment on December 28, 1974, and therefore is not exempt from the prohibitions defined in Subparts C and D of this Part 17.

(c) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to § 14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

(1) The affiant's name and address;

(2) Identification of the affiant;

(3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;

(4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;

(5) A statement by the affiant in the following language:

> The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

(i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;

(ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding, that is to establish that no commercial activity was involved.

(d) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of Subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of Subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

(1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or

(2) Any non-native permanent resident of an Alaskan native village;

if the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Similarity of appearance.

(a) Whenever the Director determines that wildlife which is not endangered or threatened closely resembles endangered or threatened wildlife, such wildlife shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such wildlife shall appear in the list in § 17.13, with the notation "S/A" in the "current status" column, followed by either a letter "E" or a letter "T" in parentheses, to indicate whether the wildlife is being treated as endangered or threatened. The extent to which the wildlife is treated as endangered or threatened, including any exceptions to such treatment, is determined by the provisions in Subpart E of this Part 17.

(b) The determination that wildlife is to be treated as endangered or threatened due to similarity of appearance shall be made by regulation.

(c) In determining whether to treat wildlife as endangered or threatened due to similarity of appearance, the Director shall consider the following factors:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the wildlife in question from endangered or threatened wildlife, especially where: (i) The distinction between the endangered wildlife and other wildlife is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the wildlife is minute, or can be easily masked, or would not be apparent when products are processed;

(2) The additional threat posed to the endangered or threatened wildlife by the loss of control occasioned because of the similarity of appearance;

(3) The amount of control over transactions involving endangered or threatened wildlife to be gained either by: (i) Imposing the same prohibitions on the wildlife which is similar as applies to the endangered or threatened wildlife, or (ii) providing where the wildlife is treated as threatened, special rules in Subpart D of this part to distinguish the similar wildlife from the endangered or threatened wildlife.

Example 1. The ABC sparrow is endangered wildlife. The ABD sparrow is a subspecies that

V 40 131 JUL 8 75 XUM

is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law enforcement personnel. The ABD sparrow is listed in § 17.13, after following the proper procedures as follows:

§ 17.13(h)

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries				
ABC sparrow	*ABCus*	North America	E	Entire	Apr. 6, 1976	N/A
ADB sparrow	*ABDus*	Wherever found	S/A(E)	N/A	do	N/A

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a "species." The ABC sparrow which occurs beyond those boundaries is a different "species", even though it is identical, except in location, to the listed "species." If the criteria of this section were met, the two "species" could be listed as follows:

§ 17.13(h)

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries				
ABC sparrow	*ABCus*	Idaho	E	Entire	July 4, 1976	N/A
Do	do	Wherever found outside of Idaho.	S/A(E)	N/A	do	§ 17.52

§ 17.8 Captive, self-sustaining populations.

(a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened wildlife and may be listed in § 17.13. Each such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered wildlife was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b)(1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors:

(1) The approximate number of specimens of that species that exist in captivity in the United States;

(2) The age and sex ratios of such captive specimens;

(3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24 months immediately prior to the date consideration of the subject species was undertaken;

(7) The ratio of wild born versus captive born specimens of the subject species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

(d) Permits shall be available pursuant to § 17.32, for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section.

Example. Although the XY pheasant is listed as endangered wildlife, the Director determines that there exists in the United States a captive, self-sustaining population of the pheasant which constitutes no drain on the wildlife population. After following the proper procedures, the pheasant would be listed as follows:

Species			Current status	Portion of range where endangered or threatened	When listed	Special rules
Common name	Scientific name	Geographic boundaries				
XY pheasant	*Gigantus smallus*	Southeast Asia	E	Entire	Dec. 31, 1972	N/A
Do	do	United States	C/P(T)	N/A	do	§ 17.34

Subpart B—Lists

6. Add the following new paragraph (a) to § 17.11, reading as follows, and re-letter and amend the existing portion as paragraphs (b) and (c):

§ 17.11 Endangered foreign wildlife—1969 Act.

(a) The species listed in this section were listed as endangered pursuant to the Endangered Species Conservation Act of 1969. Under section 4(c)(3) of the Act, they are deemed to be endangered species within the meaning of the Act. Therefore, all the provisions of this Part 17 which apply to endangered species apply to the species listed in this section. As the process of republication to conform with the classifications of the Act goes on, species will be deleted from this section and will be added, as appropriate to the list in § 17.13.

* * * * *

7. Add the following new paragraph (a) to § 17.12, reading as follows, and re-letter and amend the existing portion as paragraphs (b) and (c):

§ 17.12 Endangered native wildlife—1969 Act.

(a) The species listed in this section were listed as endangered pursuant to the Endangered Species Conservation Act of 1969. Under section 4(c)(3) of the Act, they are deemed to be endangered species within the meaning of the Act. Therefore, all the provisions of this Part 17 which apply to endangered species apply to the species listed in this section. As the process of republication to conform with the classifications of the Act goes on, species will be deleted from this section and will be added, as appropriate to the list in § 17.13.

* * * * *

8. Delete the entry on the list in § 17.12 reading "Alligator, American; *Alligator mississippiensis.*" The new entry will be found in § 17.13.

9. Add the following new §§ 17.13 and 17.14 to Subpart B, reading as follows:

§ 17.13 Endangered and threatened wildlife—1973 Act.

(a) The list in this section contains all the wildlife which is determined to be endangered or threatened by the Director or by the Secretary of Commerce. It also contains wildlife treated as endangered or threatened because it is similar in appearance to an endangered or threatened species (see § 17.7) or because it constitutes a captive, self-sustaining population (see § 17.8).

(b) The columns entitled "Common name", "Scientific name" and "Geographic boundaries (Range)" define the species of wildlife within the meaning of the Act. Thus, two different geographic populations of the same subspecies or species will be identified by their differing geographic boundaries, even though the common and scientific names are identical for both entries. Since the geographic boundaries are part of the description of the species, the prohibitions in the Act and in this Part 17 apply only to the species in the wild as defined by its geographic boundaries. Captive specimens of the species will be treated as appropriate under the similarity of appearance rule in § 17.7. Although common names are included, they cannot be relied upon for identification of any specimen, since they vary greatly in local usage.

(c) The "current status" column shows whether the species is considered

endangered (E) or threatened (T). A key is also provided to indicate that a species is to be treated as endangered or threatened due to similarity of appearance (S/A) or a species which is considered threatened because it is a captive, self-sustaining population (C/P).

(d) The column entitled "Portion of the range where endangered or threatened" designates that proportion of the range of species over which it is endangered or threatened. The Act requires that the species must be endangered or threatened over all or a significant portion of its range in order to be listed.

(e) For information purposes only, the "When listed" column provides a citation to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(f) The "special rules" column is a reference to any special rules in this Part 17 relating to the wildlife. There may be other rules in this Subchapter B (Parts 10–22) that also relate to such wildlife, such as port-of-entry requirements, etc. It is not intended that the references in the "Special rules" column list all the regulations of the Service which might apply to the wildlife in question, or the regulations of other Federal, State or local agencies.

(g) (1) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Felis* was listed, all species, subspecies, races, and populations of that genus are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed.

(2) The letters "N/A" appearing in any column means "not applicable."

Common name	Scientific name	Geographic boundaries (range)	Current status	Portion of range where endangered or threatened	When listed	Special rules
American alligator.	*Alligator mississippiensis.*	Entire United States outside of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas.	E	Entire		N/A
Do	do	States of Alabama, Florida, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu parishes), Mississippi, South Carolina, Texas.	T	do		§ 17.39(a)
Do	do	Cameron, Vermilion, and Calcasieu Parishes in Louisiana.	S/A(T)	NA		§ 17.53(a)
Do	do	All captive	S/A(T)	NA		N/A

§ 17.14 Endangered and threatened plants—1973 Act. [Reserved]

§ 17.15 Amendments to the lists.

(a) The lists in §§ 17.13 and 17.14 may be revised from time to time, in accordance with the procedures specified in the Act, as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list, or changed in status. The Director may also delete species from §§ 17.11 and 17.12 and, if appropriate, re-establish them in § 17.13 in the proper classification following the procedures specified in the Act.

(b) At any time, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (a) of this section. Such petitions must be dated and in writing, and must be submitted to the Director (FWS/SE). The petition must contain the following information:

(1) Name and address of the person making the request;

(2) Association, organization, or business, if any, represented by the person making the request;

(3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";

(4) Designation of the particular species in question by common and scientific names;

(5) Narrative explanation of the request for review and justification for a change in the status of the species in question.

(6) Scientific, commercial, or other data believed to support the request; and

(7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to comment and to submit additional data and information.

10. Change the title of Subpart C to "Endangered Wildlife," delete present § 17.21 and replace with the following new § 17.21 and amend §§ 17.22 and 17.23 to read as follows:

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any officer or employee of the Federal, State or local government may take any emergency action to protect human life or to aid an injured or sick endangered or threatened specimen, or to dispose of the dead body of an endangered or threatened specimen.

(d) *Possession and other acts with unlawfully taken wildlife.* It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carriers a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific research or for enhancing the

V40I131 JUL 8 75 XUM

propagation or survival of endangered wildlife.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.21. Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director, in order to prevent undue economic hardship, may issue, in accordance with the issuance criteria of this section, a permit authorizing any activity otherwise prohibited by § 17.21 above.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.21. Each application must contain the general information and certification required by § 13.12(a) of this subchapter and all of the information required in § 17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which;

(i) Deals specifically with the wildlife sought to be covered by the permits; and

(ii) Became binding prior to the date when the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(4) of this section would cause if the permit were denied; and

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and its relationship to the balance of his income; and

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant;

(8) The likelihood that the applicant can reasonably carry out his desired activity within 1 year from the date when the notice either to review the status of such wildlife or to list such wildlife as endangered sought to be covered by the permit was published in the FEDERAL REGISTER, whichever was earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediatley reported to the Service's Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit, but no permit issued under this section shall ever be valid for more than 1 year from the date when the notice either to review the status of such wildlife or to list as endangered the wildlife covered by such permit was published in the FEDERAL REGISTER, whichever is earlier.

Subpart D—Threatened Wildlife

11. Amend Subpart D by deleting the present sections 17.31 and 17.32, and replacing them with the following new sections:

§ 17.31 Prohibitions.

Except as provided in Subpart A of this part, or as otherwise provided in this subpart by permit or by special rule, all of the prohibitions in § 17.21 shall apply to threatened wildlife.

§ 17.32 Permits.

The Director may issue permits for any activity otherwise prohibited with regard to threatened wildlife. Such permits shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.33 to 17.41, below, provides otherwise. Permits issued under this section must be for one of the following purposes: Scientific purposes, or the enhancement of propagation or survival; or Economic hardship; or Zoological exhibition; or Educational purposes; or Management by State conservation agencies; or Special purposes consistent with the purposes of the Act.

(a) *Application requirements.* Application for permits under this section shall be submitted by the intended recipient of the wildlife to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter and the information required in § 17.22.

(b) *Issuance criteria.* Upon receipt of an application completed in accordance with paragraph (a) of this section, the Director will decide whether a permit should be issued. In making his decision, he must consider the following factors:

(1) Whether the proposed use of the wildlife would probably result, directly or indirectly, in the death, injury or reduction of the reproduction ability of the wildlife;

(2) In the case of captive, self-sustaining populations, whether the ability of the captive population in question to sustain itself will be substantially impaired by the proposed activities;

(3) Whether the expertise, facilities or other resources available to the applicant appear adequate to accomplish the objectives stated in the application;

(4) Whether the applicant has a recordkeeping system adequate to insure that wildlife obtained under the permit can be distinguished from wildlife obtained from the wild or otherwise;

(5) Whether the purpose for which the permit is sought would establish, complement or otherwise enhance the status of the species in captivity; and

(6) Such other factors as he deems relevant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall, unless otherwise authorized on the face of the permit, be subject to the condition that the permittee may not transfer any wildlife held under the permit except to another holder of a permit issued under this section.

(d) *Duration of permits.* The tenure of permits issued under this section shall be designated on the face of the permit, but in no case shall extend for more than 2 years from the date of issuance. Such permits are renewable.

§ 17.33 Special rules—mammals. [Reserved]

§ 17.34 Special rules—birds. [Reserved]

§ 17.35 Special rules—reptiles.

(a) *American alligator (Alligator mississippiensis).* (1) Any threatened American alligator may be taken without a permit by an officer, employee, or Agent of the State for the following purposes:

(i) To translocate, or where necessary to destroy, specimens which constitute a danger to human life, or which constitute an imminent threat to property; or

(ii) To carry out research or conservation activities.

(2) The parts of American alligators taken pursuant to paragraph (a)(1) of this section, or which are obtained by the State in the course of law enforcement activities, may be sold, offered for sale, delivered, received, carried, transported or shipped in interstate commerce in the course of a commercial activity, provided these activities are done in accordance with § 17.54.

§ 17.36 Special rules—amphibians. [Reserved]

§ 17.37 Special rules—fishes. [Reserved]

§ 17.38 Special rules—mollusks. [Reserved]

§ 17.39 Special rules—crustaceans. [Reserved]

§ 17.40 Special rules—insects. [Reserved]

§ 17.41 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

12. Add a new Subpart E entitled "Similarity of Appearance," and reading as follows:

§ 17.50 General.

(a) Whenever a species is determined, pursuant to § 17.7, to be similar in appearance to endangered or threatened wildlife, the "current status" column of § 17.13(h) will show the notation "S/A." The notation will be followed by either an "E" or a "T" in parentheses to designate the treatment of the species, as either endangered ("E") or threatened ("T").

(b) The extent to which treatment as endangered or threatened is applied is determined by the reference in the "special rules" column of § 17.13(h), and the following sections of this subpart.

§ 17.51 Treatment as endangered or threatened.

(a) Whenever the "special rules" column of § 17.13(h) is marked "N/A" (not applicable), the similar species is treated in accordance with the parenthetical notation in the "current status" column as fully as if it was endangered or threatened.

(b) Whenever the "special rules" column of § 17.13(h) carries a reference to a special rule in Subpart D (Threatened Wildlife), the similar species is treated as

V 40 131 JUL 8 75 XUM

threatened to the extent provided in the special rule.

§ 17.52 Permits.

Whenever a species is designated "S/A" in § 17.13(h) and the reference in the "special rules" column of § 17.13(h) is to this section, the Director upon receipt of a complete application may issue permits in accordance with the issuance criteria of this section which relieves the holder of any restriction or prohibition in this Part.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife (or if born in captivity, the place where born) of the wildlife in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife in question so as to distinguish it from any endangered or threatened wildlife.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife at all times.

§ 17.53 Special rules—general.

Whenever the reference in the "special rules" column of § 17.13(h) is to one of the following sections, those sections will apply exclusively, in place of any other provision of this part. Those sections will provide specific methods of distinguishing the similar wildlife from endangered or threatened wildlife.

§ 17.54 American alligator (Alligator mississippiensis).

(a) The American alligator in Cameron, Vermilion and Calcasieu parishes in Louisiana shall be treated as threatened, and shall be subject to all the rules of Subpart D (Threatened Wildlife) including the special rule in § 17.35(a), except as provided in paragraph (b) of this section.

(b) American alligators excluding the manufactured products (other than tanned hides) taken in Cameron, Vermilion, and Calcasieu parishes in Louisiana in accordance with the laws and regulations of Louisiana, may be transported, shipped, carried, delivered, or received in interstate commerce in the course of a commercial activity, and may be sold or offered for sale in interstate commerce, by buyers, tanners or fabricators holding a license issued pursuant to this section.

(c) For the purposes of this section, the term:

(1) "Buyer" shall mean a person engaged in the business of buying and selling parts or products of American alligators in the wholesale market. A buyer may also be a tanner and a fabricator;

(2) "Tanner" shall mean a person engaged in the business of processing green, untanned hides of American alligators into leather. A tanner may also be a buyer and a fabricator;

(3) "Fabricator" shall mean a person engaged in the business of manufacturing products from American alligator leather or other parts of American alligators. A fabricator may also be a buyer and a tanner.

(d) The Director may, in accordance with the requirements, issuance criteria, and conditions of this paragraph issue licenses for the categories described in paragraph (c) of this section.

(1) *Application requirements.* Applications for licenses under this subparagraph must be submitted to the Director by the person who wishes to engage in the activities described in paragraph (c) of this section, in accordance with Part 13 of this subchapter. In addition to the general information and certification required in § 13.12(a) of this subchapter, the following information must be supplied:

(i) The category (buyer, tanner, or fabricator) for which the license is desired;

(ii) A description of the applicant's business organization, including; a description of the physical plant; the method of operation of the business; experience, if any, over the previous five years; all shareholders, partners, directors, officers or other parties in interest in the business organization;

(iii) A description, including samples, of the applicant's present or proposed system of inventory control and bookkeeping capable of insuring accurate accounting for all American alligator hides and tags dealt with;

(iv) A statement detailing any convictions or civil penalties under State or Federal laws for taking or trafficking in wildlife within the previous five years;

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (d)(1) of this section, the Director will decide whether a license for one of the three categories in paragraph (c) of this section should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the applicant's apparent ability to maintain accurate inventory and bookkeeping records of all American alligator hides and State tags dealt with.

(3) *Special conditions.* In addition to the general conditions set forth in Part 13 of the subchapter, licenses issued under this provision shall be subject to the following special conditions:

(i) Licensees may not buy, tan or fabricate any American alligator hide except one which was taken and tagged in accordance with the laws and regulations of Louisiana, or obtained by the State in accordance with § 17.26(a).

(ii) A buyer must leave all State tags on the hides, unless he ships the hides outside the State of Louisiana, in which case he must remove and return to the State the stub of the verification tag, and the shipping tag;

(iii) A tanner must leave all State hunter and verification tags on the hides, but must collect, record, and return to the issuing agency all State shipping tags attached thereto, handled in any

(iv) A fabricator must remove, record, and return to the issuing agency, all State hunter and verification tags;

(v) Every licensee must maintain complete and accurate records of all American alligator hides including all State tags, and the stub of the verification tag; capacity.

(vi) Fabricators shall in addition maintain complete and accurate records showing the relationships of American alligator hides processed to finished American alligator products;

(vii) Fabricators must affix, under the supervision of the Service, a mark provided by the Service to each product made of American alligator hides.

(e) Parts or products of American alligators which have been marked by a licensed fabricator in accordance with paragraph (d)(3) of this section may be transported, shipped, delivered, carried or received in interstate commerce in the course of a commercial activity, and may be sold or offered for sale in interstate or foreign commerce.

(f) Any person possessing the hides of American alligators lawfully obtained prior to December 28, 1973, may be sold, shipped, delivered, transported and carried in interstate commerce to a buyer, tanner or fabricator licensed under paragraph (d) of this section provided that a State official certifies to the Director that all such hides were lawfully obtained, and can identify all such hides.

(g) No person shall, except as authorized pursuant to this section, duplicate or apply any mark used to identify products of American alligator hides produced by a fabricator licensed under this section.

[FR Doc.75-17848 Filed 7-7-75;8:45 am]

V40-131
JUL 8 75
XUM

federal register

TUESDAY, JULY 8, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 131
PART III

CIVIL AERONAUTICS BOARD

■

Evaluation of Economic Behavior and Other Consequences of Civil Aviation System Operating With Limited or no Regulatory Constraints

V40 I131 JUL 8 75 XUM

CIVIL AERONAUTICS BOARD

[Docket No. 28048]

EVALUATION OF ECONOMIC BEHAVIOR AND OTHER CONSEQUENCES OF CIVIL AVIATION SYSTEM OPERATING WITH LIMITED OR NO REGULATORY CONSTRAINTS

Advance Notice of Proposed Actions

Notice is hereby given that the Civil Aeronautics Board has under consideration a series of actions designed to assess economic behavior and other consequences of a civil aviation system operated in an environment having limited or no regulatory constraints. The proposed actions will constitute a series of experiments for the purpose of providing information and guidance to the Board, Congress, the Executive Branch, the civil aviation industry and the public as to future commercial aviation regulatory policies.

This Advance Notice is being issued to invite comment on the Board's proposed actions by the general public, Congress, the aviation industry (including air carriers, manufacturers, financial institutions, and travel agents), interested governmental agencies, communities, and organizations representing labor and consumer interests.

Certain materials will constitute initial comments to be incorporated into this proceeding. The foremost is the "Report of the CAB Special Staff on Regulatory Reform," the independent internal CAB staff study to be issued in July, 1975.[1]

Although we shall consider all comments submitted, we look forward with particular interest to comments which address the following:

1. What specific markets, city-pairs, or satellite airports would best serve the purposes of the experimental program within the constraints outlined.

2. What types of data should be collected, monitored and measured.

3. What further procedures, if any, are necessary or recommended for implementation of the suggested experimental program.

4. Identification of any aspects of the suggested experimental program (a) which may not represent a valid test of likely results under a system of freer entry and pricing nationwide, or (b) which may not generate and permit the collection of useful data, together with any recommended modifications in the proposed experimental program to improve the validity of the test.

5. What alternate program of experimentation might better serve as a valid test of the desired areas of inquiry than the experimental program suggested herein.

6. In terms of the suggested program of experimentation or the commenter's recommendations as to modifications therein, what, if any, specific legal constraints exist?

The purpose of this proceeding and the nature of the proposed actions are discussed in the attachment, "A Proposed Means of Evaluating The Consequences of Changed Approaches to Economic Regulation of The Domestic Commercial Air Transportation System, Prepared by The Staff of the Civil Aeronautics Board and Harbridge House, Inc., Boston, Massachusetts, July 1975". This action is being taken to consider the possible commencement of other proceedings, the issuance of rules, and the taking of various other actions by the Board, all under the authority of The Federal Aviation Act, as amended.

Interested persons may participate in this proceeding by submitting twelve (12) copies of written data, views or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 15, 1975, will be considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt therefor.

Individual members of the general public who wish to express their views may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

Dated: July 7, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[1] Other materials are: "Airline Regulation by the Civil Aeronautics Board," Report of the Senate Subcommittee on Administrative Practice and Procedure (final report scheduled for issuance later this summer); "Consequences of Deregulation of the Scheduled Air Transport Industry, An Analytical Approach," The Air Transport Association of America (April, 1975); "Economic Regulation of Domestic Air Transport, Theory and Policy," George W. Douglas and James C. Miller III, (The Brookings Institution, 1975), The Brookings Institution; and "The Local Service Airline Experiment," George C. Eads (The Brookings Institution, 1972); "Airline Regulation in America: Effects and Imperfections," William A. Jordon (The Johns Hopkins Press, 1970); The Domestic Route System—Analysis and Policy Recommendations (A Staff Study by the CAB Bureau of Operating Rights—October 1974).

A PROPOSED MEANS OF EVALUATING
THE CONSEQUENCES OF CHANGED APPROACHES
TO ECONOMIC REGULATION OF THE
DOMESTIC COMMERCIAL AIR TRANSPORTATION SYSTEM
PREPARED BY
THE STAFF OF THE CIVIL AERONAUTICS BOARD
AND
HARBRIDGE HOUSE, INC., BOSTON, MASSACHUSETTS

July 1975

V40-131 JUL 8 75 XUM

TABLE OF CONTENTS

		Page
PART I.	FRAMEWORK	
A.	Introduction	1
B.	Nature of the Debate: Overview	2
C.	Approach and Scope of This Effort	5
D.	Identification of the National Interest Objectives in Domestic Air Transportation	7
E.	How the Industry is Regulated	14
F.	Overview of the Industry	18
PART II.	ANTI- AND PRO-REGULATION POSITIONS/HYPOTHESES	
A.	Introduction	23
B.	Anti-Regulation Position	23
C.	Pro-Regulation Position	29
D.	Major Hypotheses Developed from These Positions	35
E.	Existing Evidence in Support of the Major Anti-Regulation and Pro-Regulation Positions	37
F.	Evaluation of the Existing Evidence	41
PART III.	SUGGESTED EXPERIMENTAL PROGRAM	
A.	Critical Questions	50
B.	Experiment Dimensions	51
C.	Constraints	55
D.	Suggested Experimental Program	56
E.	Summary	58

PART I. FRAMEWORK

A. Introduction

The issue of what kind of air transportation system we should have--regulated or unregulated--has been debated for nearly as long as we have had air service. It is not an issue that will resolve itself. If anything, time has intensified the debate and hardened opposing positions.

The economic problems we have in the nation today are caused in part, it is claimed, by the inflation factors built into regulated industries--particularly transportation industries, and most particularly, perhaps, air transportation. The time has come, therefore, to establish a process to resolve the regulation issue confronting commercial aviation. But resolution of what kind? In which direction should we move?

Some very knowledgeable people argue that the present system is outmoded and inefficient, and suggest immediate and fundamental changes. Equally knowledgeable people maintain that the system is basically sound and serves us well. Moreover, they warn that it is delicately balanced, and could be destroyed with injudicious tampering.

Still others see merit in aspects of both arguments. But they are uncertain about the consequences of pursuing a particular regulatory course, and concerned that essential information is missing. To this group, the following sequence of questions is offered:

- Is it desirable for the country to undertake fundamental changes in its approach to the regulation of commercial air transportation?
- If major changes are desirable, do we have an adequate information base to make them--to know what changes to make, and what consequences can be expected?

V40-131 JUL 8 75 XUM

- Is it possible for the government to launch an effort to improve this information base and to undertake desirable changes, while minimizing hazards to the system and risk for the traveling public and the industry?

Doubt plainly attaches to the first and second questions. This doubt--plus a positive belief regarding the third question--is what has prompted this effort. The objective of the effort--put simply--is to construct a means of obtaining the data needed (i) to evaluate the consequences of the major changes that have been proposed in air transportation and (ii) to make the necessary decisions about their desirability.

B. Nature of the Debate: Overview

At its roots, the debate can be reduced to the question of what kind of commercial air transportation system is in the best national interest:

- An essentially unregulated system, which might operate in ways that could produce greater competition and different--higher and lower--fares and service levels in different parts of the system.

- A regulated system such as we have now, in which competition and fare levels are controlled, and uniform service is available to all areas of the nation.

As will be seen, definition of what the national interest objectives in air transportation are--or should be--is a pivotal point in the debate. The objectives are discussed below in Section D.

1. The Deregulators' Position

Critics of regulation argue that the industry has matured to a point where economic regulation is no longer necessary and has, in fact, become counterproductive: both unnecessarily restrictive and overly protective of currently certificated carriers.

Those who want to deregulate the system maintain that the primary goal of the air transportation industry, like any other, should be maximum economic efficiency. They believe that in the process of achieving this goal, which presumably would reduce fare levels, the industry would also achieve other desirable goals (system growth, system stability, efficient mail service, and so on). As they see it, therefore, paramount concern with economic efficiency is in the national interest.

Promotion of this goal, the deregulators argue, should also be the primary objective of the Civil Aeronautics Board. However, the objectives that have been established for the Board are at considerable--if not direct--variance with achievement of maximum economic efficiency. As things stand now, critics claim, the Board's mission is to maximize the number of city pair markets that receive air service, while ensuring that public subsidy is kept to a minimum and that the carriers earn an acceptable profit. But this mission has resulted in:

- Restricted competition leading to excessively high costs and inadequate choices of service in many cases.

- Excess capacity.

- Exploitation of profitable markets to subsidize unprofitable markets.

- Excessive investment in equipment and other resources by the carriers, and an uneconomical rate of new product development by aircraft manufacturers.

Critics claim that economic regulation is an obstacle to achievement of maximum economic efficiency; that it is not in the public interest and should be eliminated. (They do not favor elimination of safety regulation, but point out that Congress has already made this a separate activity to be performed by the Federal Aviation Administration.)

V 40 131 JUL 8 75 XUM

2. The Proregulators' Position

Supporters of regulation concede that the regulatory process could be improved. But they maintain that our air transportation system has, rightfully, always been seen as an instrument of social policy. As such, it requires both economic and safety regulation.

Proregulators point out that "just and reasonable" fares are only one of the many objectives which the law has established for the system. The others, such as providing for the national defense, the Postal System, and safety standards, are equally important, and the balance that the Board attempts to achieve among them is what best meets the public interest. Moreover, proregulationists reject the charges that the industry lacks competition and charges inflated rates. They claim that it is highly competitive and that rates are, in fact, significantly lower than rates for comparable service in other countries.

Their position is substantiated, supporters believe, by the health of our air transportation system, which has flourished within the existing regulatory framework. It provides safe, economic, and reliable service of a quality unmatched elsewhere in the world. They fear that to deregulate it, or to modify it in major ways, could destroy the strong, but highly interdependent network that has evolved, and substantially reduce service in many communities. They believe the deregulators are overly mechanical in their approach and do not take into account the benefits of a mature, interconnected system.

3. Who is Right?

Which side of the regulatory debate is correct?

The rationale for this effort lies in the belief that no one really knows. There has been a good deal of speculation on both sides and some evidence to support each position. But the evidence is not conclusive.

As a nation, we need to ask some hard questions and to obtain some hard answers about what is being suggested. The information should be complete enough to support reasoned decisions and substantial enough to satisfy reasonable people on both sides of the issue. But it should not be obtained at the risk of great damage to the system itself.

With the current level of service provided by our air transportation system at stake, the margin for speculation about regulation is slim. We could be dealing with changes in an $11 billion industry that is one of the major segments of our social and economic infrastructure. Before we undertake these changes, it seems prudent to have a better idea than we have now of what the consequences of these changes will be. To do otherwise would be irresponsible.

C. Approach and Scope of This Effort

1. Approach

This effort is conceived of as a continuing process, not a one-time endeavor to answer a few critical questions. It is anticipated that as one set of questions is answered, new questions will be surfaced and new data will be developed in a continuous, dynamic framework.

This effort will proceed in two tasks. The first task is to design an acceptable-risk method of obtaining the information we need. The second task is to implement the design and to present the findings as a basis for orderly decision-making. The first of these tasks will be completed here in three steps:

- Identification of the major changes being proposed to our air transportation system, and evaluation of the arguments made for and against these changes.
- Identification of the additional information that must be obtained--that is, the critical

V40-131 JUL 8 75 XUM

questions that need to be asked--before decisions can be made.

- Design of a means for obtaining answers to these questions--an acceptable-risk means of evaluating the consequences of the proposed changes.

2. Scope

The scope of this effort has been deliberately limited to the major changes that have been proposed in the system. By and large, these have to do with regulatory policy rather than procedure. . . with whether we should regulate air transportation (or how much we should regulate it) rather than with how to regulate it. Many procedural changes in the regulatory process have been recommended by both deregulationists and proregulationists. The Board has recognized the need to address procedural issues and recently undertook a comprehensive review of this problem.[1]

This effort addresses the fundamental questions being raised regarding regulatory policy, and is therefore concerned with whether and what major policy changes should be made.

Within the area of policy, the scope has been further limited to consideration of changes proposed in the direction of deregulation, or less regulation, of the system. However, there is a substantial body of opinion to suggest that what the system needs is more regulation rather than less.

Much of the force of the deregulation argument stems from the belief that regulation is productive only for industries that are "natural monopolies" by virtue of (i) their size and importance to the growth of the total economy, (ii) economies

[1] On June 21, 1975, the Board announced that it would establish, consistent with the Federal Advisory Committee Act, the Board Advisory Committee on Procedural Reforms, a diverse group from outside government to analyze Board administrative procedures and make recommendations to the Board.

of scale, and (iii) the fact that competition does not work well in the industry. Public utilities fit this description, but air carriers do not. However, there are many people who believe that the air transportation industry comes close enough to this description to warrant consideration as a utility, and that it would be more efficient if it were regulated as a utility.

What this would mean essentially is that the Board, which now regulates price, entry, and route awards, would be authorized to extend its control over the supply side of the equation by regulating schedule frequency. Many see this as a logical and simple way to handle the problem of overcapacity and low load factors.

It has also been suggested that the Board should deal with the criticism that the carriers compete unproductively on service, by regulating on-board service: food and liquor service, seat pitch, and so forth. A more directive approach toward carrier mergers and route rationalization is also urged--even surveillance of the efficiency of carrier management and limitation of equipment purchases.

It would be unwise to overlook the potential productivity of such changes as these, and an experiment might well be conducted at some future date. However, changes in this direction, while potentially interesting and rewarding to explore, are not the subject of this effort.

D. Identification of the National Interest Objectives in Domestic Air Transportation

As noted above, the pivotal point on which the issue of regulation versus deregulation turns is, "Which system best serves the national interest?" However, to make this determination, it is first necessary to determine how the national interest has been defined--what the objectives established for domestic commercial aviation are.

This is not an easy task. Definition has come from many sources over the years, and there is considerable controversy about how the objectives should be interpreted and, indeed, whether the traditional objectives are still suitable. Nevertheless,

V40-131 JUL 8 75 XUM

an effort to define and interpret the national interest objectives will be made here, drawing on a similar effort completed recently as part of a study of U.S. international air policy.[1]

1. Sources of National Interest Objectives

The primary source of national interest objectives in domestic aviation is the legislation established by the Congress--principally the Federal Aviation Act of 1958. However, statements of national policy issued by the executive branch and the decisions of the Board have assumed the force of common law in defining objectives. And other parties at interest have stated or assumed positions for so long that they have all but been accepted as fact. Thus, there are several sources of national interest objectives:

- Pronouncements of the legislative branch; for example, the Federal Aviation Act of 1958.
- Statements of the executive branch; for example, President Ford's Regulatory Summit Statement.
- Independent boards and agencies; for example, the Civil Aeronautics Board.
- Nongovernmental organizations and individuals; for example, the academic community, industry spokesmen, and public interest groups.

The objectives discussed here are drawn from these sources. They fall into two categories:

- Basic Objectives, which identify the end items that would provide a fundamental service to the country.
- Supportive Objectives, which describe the form that the domestic air transportation system (as derived from the basic objectives) will take.

[1] Harbridge House, Inc., Simat, Helliesen & Eichner, Inc., and Kirkland, Ellis & Rowe, U.S. International Aviation Policy at the Crossroads, Vols. I and II, Boston, February 1975.

2. Basic Objectives Established for Commercial Air Transportation

- Respond to national defense needs.
- Respond to (needs of) domestic commerce.
- Respond to Postal Service needs.
- Foster just and reasonable fares.
- Foster system safety.
- Help the environment.
- Foster efficient use of energy.
- Respond to public demand
- Foster development of aeronautics.
- Foster employment.

3. Supportive Objectives Established for Commercial Air Transportation

- Allow equal opportunity for all carriers to compete.
- Foster sound economic conditions.
- Promote competition among carriers.
- Foster economy and efficiency of carriers.

4. Problems with the Objectives

While the foregoing are objectives currently in force, they need some definition and interpretation if they are to be useful in measuring the responsiveness of the system to the national interest.

For example, the Federal Aviation Act of 1958 states that the system will respond to the needs of the Postal Service. However, it does not state what a satisfactory response is. Is it low cost? Is it scheduled service? Is it a system covering all markets?

There are also conflicts among objectives. For example, under the existing rate making approach, the objective

V40-131 JUL 8 75 XUM

of low and lower fares can be achieved only by lower total system costs. But where should costs be cut?

As another example, a large civil air fleet, in the interest of national defense, is clearly a worthwhile goal. If, however, as some would argue, minimum average fares by reason of maximum possible load factors becomes the goal, a lesser size, more utilized fleet may be the likely result.

Recent changes in national and world conditions have raised further doubts about what the stated or implied objectives actually mean in terms of, for example:

- Energy conservation.
- Environmental considerations.
- Scheduled service versus plane load service.
- Cross-subsidization of low density markets by high-density markets.
- Low and lower fares.

As noted above, deregulators consider the conflict among established national interest objectives an obstacle to developing an efficient system within the current structure. But their dissatisfaction is even more fundamental than this. They maintain that the fundamental and overriding objective for air transportation should be maximum economic efficiency. They do not disregard such goals as Postal Service needs or environmental concerns. But they believe that these goals could be met adequately, with much less government control, in a system that was devoted to achieving economic efficiency. They maintain that other goals--just and reasonable fares, competition, and so on--would be achieved far more successfully in such a system. Proregulators disagree strongly with this view.

In the final analysis, the kind of system--and regulatory structure--we have must be the one that supports the national interest objectives better than any other. Thus, while reexamination may be necessary, an effort has been made here to interpret the current objectives in terms of system performance. This interpretation is shown in Figure 1. The table states the

FIGURE 1

THE NATIONAL INTEREST OBJECTIVES DEFINED

OBJECTIVE (1)	SOURCE (2)	WHICH MEANS (3)	HOW MEASURED (4)
BASIC OBJECTIVES			
1. Respond to National Defense Needs	--CAA of 1938 --FAA of 1958	--Long-range cargo and passenger aircraft available for emergencies and war situations.	--Number and type of aircraft in use.
2. Respond to Postal Service Needs	--CAA of 1938 --FAA of 1958	--Reasonable delivery time and reliable system for mail. --Reasonable rates.	--Service penetration, passenger and all-cargo. --Average yields. --Degree of carrier competition.
3. Respond to Domestic Commerce	--CAA of 1938 --FAA of 1958	--Regularly scheduled passenger and cargo service between geographic areas and co-terminals. --Support of tourist industry.	--Service penetration, passenger and all-cargo. --Load factors (scheduled and all-cargo). --Service penetration, passenger. --Load factors (scheduled and all-cargo). --Increase in traffic (scheduled, charter, and all-cargo).
4. Just and Reasonable Fares	--FAA of 1958	--No discrimination between classes of travelers. --No cross-subsidization between geographic areas. --Reasonable load factors. --No excess carrier profits.	--Average yields. --Fare structure discrimination. --Average yields. --Fare structure discrimination. --Load factors. --Carrier profitability.

V40I131 JUL 8 75 XUM

FIGURE 1 (Cont'd)

OBJECTIVE (1)	SOURCE (2)	WHICH MEANS (3)	HOW MEASURED (4)
5. System Safety	--FAA of 1958	--No overloading of air traffic system.	--Carrier profitability. --Load factors.
		--No deterioration of aircraft maintenance and practices.	--Carrier profitability.
6. Help the Environment	--NEPA of 1970 --New legislation	--Promotion of new aircraft development and engine retrofits for cleaner and less noisy systems.	--Number and type of aircraft in use. --Carrier profitability.
		--Minimization of land-use needs (airports).	--Number and type of aircraft in use. --Load factors.
7. Energy Use	--Interviews --Current issue --FEAA of 1974	--Minimization of fuel needs.	--Total fuel consumed.
		--Optimization of fuel needs versus traffic.	--Fuel efficiency.
8. Respond to Public Demand	--FAA of 1958	--Meeting total demand for geographic areas and service - Point-to-point. - Nonstop. - Scheduled (F&Y). - Charter. - Behind and beyond.	--Service penetration, passenger and all-cargo (domestic). --Load factors. --Increase in traffic (scheduled, charter, and all-cargo).
		--At reasonable load factors.	--Load factors.
9. Development of Civil Aeronautics	--FAA of 1958	--Technological advancement.	--Number and type of aircraft in use.
10. Employment	--Full Employment Act of 1947	--Employment in U.S. air transportation industry.	--Number of U.S. citizens employed (carriers and supply and support industries).

FIGURE 1 (Cont'd)

OBJECTIVE (1)	SOURCE (2)	WHICH MEANS (3)	HOW MEASURED (4)
SUPPORTIVE OBJECTIVES			
A. Equal Opportunity for All Carriers to Compete	--FAA of 1958	--No unjust discrimination.	--Market share.
		--No undue preferences or advantages.	--Carrier profitability.
		--No unfair or destructive competition.	
B. Foster Sound Economic Conditions	--FAA of 1958	--Scheduled, supplemental, and all-cargo carriers.	--Carrier profitability.
		--Total demand for aircraft.	
C. Competition Among Carriers	--FAA of 1958	--More than one carrier per market.	--Degree of carrier competition. --Competitive balance.
D. Foster Economy and Efficiency of Carriers	--FAA of 1958 --1972 FAA Amendments	--Lowest fares consistent with service.	--Load factors.
		--No excess carrier profits.	--Carrier profitability. --Average yields.

objective (Column 1); source (Column 2); what it means (our definition, Column 3); and how one could measure the responsiveness of the system to the objective (Column 4).

E. How the Industry Is Regulated

1. Background

Regulation of domestic air carriers has been a reality since the Air Commerce Act of 1926, which mandated registered aircraft, certificated pilots, lighted civil airways and navigation beacons, and penalties for noncompliance. In these early days of air transportation, such regulation responded in part to the government's program of air mail subsidy and in part to the plight of carriers whose operating costs for providing air service far outweighed their revenues.

As the air industry grew over the years, however, economic and safety regulations became more encompassing and more reflective of the related social, political, and military needs of the U.S. community. As the industry became more sophisticated, the air network increased, competition grew, and the regulatory emphasis shifted from the impact of single operators to the overall impact of the industry group.

Through the 1938 Civil Aeronautics Act, Congress set up the Civil Aeronautics Authority, an administrative arm for the authority, and the Air Safety Board. Under the provisions of this act, power was granted to determine route entry, to regulate carrier rates, and to develop and maintain safety standards. In 1940, the responsibilities of the Authority and the Board were transferred to the Civil Aeronautics Board, and Board and administrative powers became the Civil Aeronautics Administration of the Department of Commerce. By virtue of the 1938 Act, 16 operators were certificated and given what have come to be called "grandfather rights" --rights and to some extent obligations to serve the routes they were then serving. Over time, this number has contracted to the present 10 domestic trunks (plus Pan American), and many local service carriers (now 9), plus specialty (all-cargo and charter) carriers.

Under the Federal Aviation Act of 1958, Congress established a Federal Aviation Agency with responsibility for safety regulation and maintenance of federal airport-airway support functions. In 1966, Congress set up the Department of Transportation which included the renamed Federal Aviation Administration. Today, the air industry is one of the most closely regulated industries in the United States, falling under the surveillance of the Civil Aeronautics Board, Department of Transportation, Federal Aviation Administration, and Department of Justice.

2. Economic Regulation (Civil Aeronautics Board)

The Board, which includes five members appointed by the President and confirmed by the Senate, is the principal economic regulator of the domestic air industry. But unlike other regulatory agencies, Congress has also given it a promotional responsibility. For instance, the Board can promote the welfare of the industry through direct subsidies to airlines. It can also promote the welfare of the airline community through the use of measures which encourage and develop economic, efficient, competitive, and safe service. Specifically, according to the Federal Aviation Act, this responsibility includes:

- The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense.
- The regulation of air transportation in a manner which recognizes and preserves the inherent advantages of, assures the highest degree of safety in, and fosters sound economic conditions in, such transportation, and improves the relations between, and coordinates transportation by, air carriers.
- The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices.

V40-131 JUL 8 75 XUM

The Board's economic regulatory responsibilities and powers extend to seven key areas:

a. Rate-Making (Fares)

The Board determines and maintains what it construes to be "just and reasonable" individual and joint fares. Its power extends to approval and disapproval of specific rate increases and decreases. In making such determinations, the Board is guided by factors which include the impact of rates on traffic movement, the public need for low-cost transportation, the quality of service, the advantages or disadvantages of the rates, and the economic need of a carrier for such rates.

b. Entry/Exit Competition

The Board authorizes both the routes and the manner in which an airline may operate interstate service. This means that it decides which airlines will receive certificates for service, and establishes what points will be served and how many stops will be made.

The Board can permit carriers to reduce or discontinue service. It can also require carriers to continue service on unprofitable routes if such performance is in the public interest. In this sense, it controls new business, competition, and abandonment. The Board is also empowered to control "destructive competition"; that is, competition which is based on unfair tactics and which is not in the public interest. The Board may not restrict a carrier's right to add or change schedules, equipment, accommodations, or facilities, except in certain limited situations.

c. Mergers

The Board must approve all mergers and acquisitions between or involving regulated air carriers. In these cases, it is guided by the public interest, the need to avoid monopolies, and the impact the merger would have on other (nonparty) carriers. In certain cases, the Board may confer immunity from antitrust laws.

d. Intercarrier Agreements

The Board must review all intercarrier agreements (such as interline agreements on airport procedures and capacity reduction agreements). It disapproves any agreement not in the

public interest. However, any agreement which receives approval also automatically receives immunity from the antitrust laws.

e. Service Quality

While the Board's direct impact on service quality is limited, it exerts a de facto influence by virtue of the fare structures that it approves.

In carrying out its regulatory responsibilities, the Board employs a broad range of procedures covering situations that range from immediate, informal decisions to large-scale, prolonged hearings or investigations. It may initiate a "rule-making proceeding," inviting comments from interested parties. Other matters necessitate a hearing before an administrative law judge.

3. Safety Regulation (The Department of Transportation)

Under the Federal Aviation Act of 1968, the Secretary of Transportation has responsibility for various public interest objectives (in addition to the specific responsibilities of the FAA) especially with regard to safety.

a. Federal Aviation Administration

The FAA sets and maintains air safety standards. This is accomplished through a network of regulation and control functions throughout the United States by which it maintains surveillance of the civil air fleet, ensures the certification and registration of aircraft and pilots, encourages the development of improved safety measures, maintains and regulates air traffic facilities, and administers the airport-airway program. While FAA controls affect most aspects of airline operation, the agency's objective (safety) is clearly defined and less open to dispute than the Board's function.

b. National Transportation Safety Board

The NTSB, an agency within DOT, reports directly to Congress. One of its principal functions is the investigation of air accidents and, where necessary, the prosecution of related charges.

V 40 I 131 JUL 8 75 XUM

4. Other Regulations

The industry is also affected by the Sherman and Clayton Acts. In this regard, the Department of Justice has issued guidelines for any industry mergers; however, due to the Board's control of the air industry's relationship to such antitrust activities, its role is mainly an advisory one. (In 1971, the Department of Transportation also developed a set of guidelines which are somewhat at variance with those of the Department of Justice.)

F. Overview of the Industry

The air transportation industry is too large and complex to be analyzed in a few pages. However, some highlights on major industry attributes may provide perspective on the issues encompassed in the regulatory debate.

1. Historical Performance (1960 - 1974)

Table 1 summarizes the performance of the certificated route domestic airline industry for the period since 1960 (the 10 domestic trunk carriers and 9 local service carriers). Traffic growth improved from the late 1950's, rising to an annualized rate of about 20 percent for the 1965 to 1968 period. Traffic declined in 1970 mirroring the general economic downturn but improved yearly thereafter, until 1975.

The operating revenue data reflects the widespread use of discount fares during the 1960's. Increasing costs, lower productivity, and traffic slowdowns hurt industry profits in the late 1960's, leading to CAB approval of requests for increased fares in 1969 and 1971. Operating revenues for the 12 months ended 30 September 1974 increased over 18 percent from the previous year's total. Revenues for the first five months of 1975 show a sizable decline.

TABLE 1
AIRLINE TRAFFIC, INVESTMENT, AND REVENUE IN TOTAL U.S. DOMESTIC OPERATIONS, 1960 - 1974
(Millions)

Year	Total Revenue Ton-Miles	Regulatory Investment (Dollars)	Total Operating Revenue (Dollars)	Return on Investment (%)	Year-to-Year Percentage Change		
					Revenue Ton-Miles	Total Operating Revenue	Return on Investment (Points)
1960	3,733	NA	2,178	2.92			
1961	3,899	NA	2,305	1.24	4.4%	5.8%	-1.68%
1962	4,441	2,115	2,589	4.11	13.9	12.3	2.87
1963	4,831	2,076	2,790		8.8	7.7	0.83
1964	5,601	2,137	3,169	9.39	15.9	12.0	4.45
1965	6,774	2,502	3,691	11.31	20.9	16.4	1.92
1966	8,054	3,141	4,171	10.07	18.9	13.0	-1.24
1967	9,982	4,164	4,981	6.39	23.9	19.4	-3.68
1968	11,462	5,191	5,691	4.32	14.8	14.3	-2.07
1969*	13,943	6,104	6,936	3.74	21.6	21.9	-0.58
1970*	13,877	6,037	7,180	1.29	- .4	3.4	-2.45
1971*	14,142	6,332	7,753	3.73	1.9	8.0	2.44
1972*	15,585	6,497	8,652	6.26	1.9	11.6	2.53
1973*	16,707	7,821**	9,694	6.29	7.2	12.0	0.03
1974*	16,999	8,178**	11,545	9.05	1.7	19.1	2.76

*Fifty-state basis.

**Corporate investment.

Sources: U.S. Civil Aeronautics Board, Handbook of Airline Statistics, 1973 edition (1974), pp. 12, 69, 411, and 417.
U.S. Civil Aeronautics Board, Air Carrier Traffic Statistics, December 1974, p. 4.
U.S. Civil Aeronautics Board, Air Carrier Financial Statistics, December 1974, p. 2.

V40-131 JUL 8 75 XUM

2. Load Factors

TABLE 2
TOTAL REVENUE PASSENGER LOAD FACTOR--
DOMESTIC OPERATIONS SCHEDULED SERVICE (%)

Year	Domestic Trunks	Local Service
1974	55.7	52.7
1973	51.9	48.7
1972	52.4	49.2
1971	48.3	45.3
1970	49.3	43.6

Source: U. S. Civil Aeronautics Board, Air Carrier Traffic Statistics, December 1974, pp. 6 and 7.
U. S. Civil Aeronautics Board, Handbook of Airline Statistics, 1973, p. 26.

Passenger load factors are a measure of actual capacity utilization of carrier equipment. As the load factor approaches 100 percent revenues increase, but meeting demands for peak periods becomes a problem. The 1974 revenue passenger load factors show an increase after the drop in 1973 percentages. The local service carriers have exhibited a steadier pattern of increase over the period (explained in the following section).

3. Market Structure

The domestic market includes more than 59,000 city pairs. However, as Table 3 shows, traffic is very highly concentrated--with 30.7 percent of all passengers and 34.6 percent of all revenue passenger-miles being generated in the top 100 city pairs, which represent only .17 percent of the total. The top 1,000 markets, which represent only 1.7 percent of the number of city pairs served, account for 70.6 percent of the passengers and 71.1 percent of revenue passenger miles. Therefore,

when the low-density markets are discussed, a great many city pairs are involved, but relatively few revenue passenger miles.

TABLE 3
TRAFFIC CONCENTRATION BY CITY PAIRS

City Pairs	Number of Passengers	Revenue Passenger Miles (RPM's)
Top 100	30.7%	34.6%
Top 200	41.3	44.7
300	48.3	51.3
400	53.5	56.1
500	57.7	59.8
1,000	70.6	71.1

Relative growth patterns are also interesting to note. The pattern of airline market growth for 1968 to 1972 was studied by Boeing and presented in the October 28, 1974, issue of Aviation Week & Space Technology. The chart, shown below, segregates the highest growth city patterns (cross-hatched blocks); these are the "medium-density, medium-range markets. Growth has been lower in the higher-density city pairs and longer ranges, like transcontinental routes."

V 40-131 JUL 8 75 XUM

TABLE 4
RELATIVE GROWTH PATTERNS

Market Size*		Distance (Statute Miles) 0-299	300-799	800-1,299	1,300-1,899	1,900-2,700	TOTAL
0-99	GROWTH (%)	(11)	35	84	62	45	15
	% OF TRAFFIC	6	5	2	1	*	15
	NO. OF CITY PAIRS**	6,557	8,404	3,878	1,989	1,547	22,375
100-199	GROWTH (%)	13	36	73	45	3	29
	% OF TRAFFIC	5	4	2	1	1	13
	NO. OF CITY PAIRS**	140	113	60	27	16	356
200-299	GROWTH (%)	12	40	84	25	6	30
	% OF TRAFFIC	3	3	1	1	-	8
	NO. OF CITY PAIRS**	57	62	23	14	6	162
300-599	GROWTH (%)	11	25	48	19	15	21
	% OF TRAFFIC	7	7	3	1	1	19
	NO. OF CITY PAIRS**	76	72	33	7	10	198
600-999	GROWTH (%)	2	22	28	16	19	16
	% OF TRAFFIC	4	6	3	1	1	15
	NO. OF CITY PAIRS**	23	33	16	9	6	87
1,000+	GROWTH (%)	2	10	17	2	5	7
	% OF TRAFFIC	10	12	4	2	2	30
	NO. OF CITY PAIRS**	22	29	11	6	4	72
TOTAL	GROWTH (%)	3	22	41	19	13	16
	% OF TRAFFIC	35	37	15	7	6	100
	NO. OF CITY PAIRS**	6,875	8,713	4,021	2,052	1,589	23,250

* DAILY COUPON PASSENGER EACH WAY, 1972
** DOMESTIC CITY PAIRS WITH O&D TRAFFIC (OF THESE, 4,118 HAD NONSTOP SERVICE IN SEPTEMBER 1972)

Essentially, the 72 highest density city pairs have over 1,000 coupon passengers daily and represent 30 percent of traffic. The group with the next most dense cumulative involves 162 city pairs or 7/10 of a percent of the studied city pairs, but handles 45 percent of the daily traffic. The smallest density city-pair markets (those with less than 100 passengers daily) account for only 15 percent of total traffic, but involve over 96 percent of the city pairs.

Today, close to 77 percent of all domestic trunk city-pair markets have at least two-carrier competition. In 1950, when the Board embarked on its policy of increasing competition throughout the system, only 50 percent had at least two-carrier competition.

PART II. ANTI- AND PRO-REGULATION POSITIONS/HYPOTHESES

A. Introduction

This section summarizes the positions that have been taken on both sides of the regulation debate, organizing them according to the major issues involved. The positions have been drawn from several sources: books, articles, speeches, and interviews with carrier executives and representatives of government (Department of Transportation, Department of Justice, the Council of Economic Advisers, and the Civil Aeronautics Board). Summaries such as this often tend to flatten out sharp differences, and distinctive views expressed by individuals may not be reflected here. However, it is believed that this section represents the principal arguments on both sides of the issues.

B. The Anti-Regulation Position

1. Overview

The deregulators (as represented by a number of economists, and DOJ, CEA, and to some extent DOT) are opposed to economic regulation except in the unusual situation where the characteristics of an industry justify it (for example, utilities). Therefore, they are critical of the existing regulatory structure in air transportation and the role the Board has taken. They maintain that maximum economic competition is necessary to produce maximum efficiency and economy in the air industry, and in the economy generally. They contend that by restricting entry and exit, regulating fares, and permitting carrier agreements, the Board has encouraged the development of an inefficient, cost-inflating system, further inflated by the costs incurred by the regulatory process itself. They conclude that this system is not in the best national interest.

Deregulators argue that promoting maximum economic efficiency should be the main goal of the Board. If it is not, the Board's mission should be clarified and justified. They favor letting the carriers work on their own toward achieving economic efficiency--and letting whatever system develops in the process become the national system. Thus they would eliminate regulatory

V40-131 JUL 8 75 XUM

constraints, retaining government in a promotional and supervisory role. The deregulators disagree as to the timing of these changes, however; some argue for immediate deregulation, others for a more gradual approach.

2. Pricing

The deregulators maintain that the Board's restrictions on price flexibility have eliminated effective competition and caused the carriers to compete largely on the basis of scheduling frequency, thereby resulting in:

- Overcapacity, leading to low load factors and high, rigid price levels.
- An inadequate variety of services.
- Discrimination among classes of travelers.

This environment, they contend, produces noncompetitive fares that have been set at a level significantly higher (estimates range from 30 to 100 percent higher) than would be charged in an unregulated environment, particularly on densely traveled and long-distance routes.

Although deregulators advocate greater freedom of pricing, they do not believe an open market is possible unless we also have freedom of entry and exit. They claim that relaxation of price and product controls, without relaxation of entry controls, would result in:

- Greater variety in product rivalry, with reduced emphasis on new aircraft and product strategy.
- More price variability in particular city-pair markets, but higher fares in the long run.
- A higher aggregate rate of return, but questionable new performance gains.

3. Entry/Exit

Deregulators are concerned about what they contend amounts to a closed entry situation in the industry. They cite the fact that no new trunk carriers have been certificated since regulation began, although the number of trunk carriers has contracted (through merger). They claim that the Board's control of entry and exit:

- Eliminates normal economic pressure to reduce costs.
- Protects inefficient firms and denies access to potentially more efficient carriers.
- Permits and encourages inefficient route structures and the inefficient utilization of equipment.
- Raises the costs of air travel.

Arguing for a completely open system, deregulators maintain that removing entry restrictions without lifting price and product restrictions would result in:

- Higher average costs, because of excess capacity and real or spurious product differentiation.
- Successive and rapid increases in prices as a result of cost increases.
- Abandonment of unprofitable service in thin markets.
- Guaranteed profits, though not excessive profits, for the carriers at all fare levels.

The deregulators concede that free entry and exit could have some negative consequences as well, principally:

- Some degradation in service quality--particularly in the frequency of flights in certain markets.

V40-131 JUL 8 75 XUM

- Loss or reduction of service in some marginal low-density and short-haul routes, which could create a requirement for more direct government subsidy.

However, they consider these consequences supportable in the short run, maintaining that they would lead to long-term improvements in the economic efficiency of the system. In addition, they say, it is probable that specialized carriers would enter marginal markets to replace existing traditional carriers.

4. Cross-Subsidy

The deregulators tend to minimize the cross-subsidy issue. In their view, the carriers have been allowed to abandon service in marginal markets for some time--as part of the Board's route-strengthening policies. Therefore, they say, the amount of internal subsidization (of unprofitable or less profitable routes by more profitable routes) that exists is much less than the carriers claim. Consequently, there would be very little further abandonment of service under relaxed entry and exit rules.

Deregulators do not dismiss the impact of internal cross-subsidization entirely. They concede that, without it, fares in marginal markets might increase, and that there might be some decline in service. But they assert that market forces would hold these changes to acceptable levels. In addition, they claim that many of the routes which the carriers represent as unprofitable are, in fact, at least marginally profitable because variable costs are exceeded by revenues or because they make a contribution, as feeder lines, to the profitability of major routes.

As noted above, deregulators are of the opinion that if existing service by a trunk or local-service carrier were abandoned in a freer entry and exit environment, specialized carriers (including scheduled air taxi service) would be available to fill the gap. In fact, they claim that the public would consider this service superior to the service provided by certificated carriers in markets they consider marginal.

The deregulators grant that some additional direct subsidy payments might be necessary in those markets where air taxis did not wish to provide service on an unsubsidized basis.

But they contend that the total amount of local service subsidy would be substantially reduced and that the overall quality of service to these markets, measured essentially by the frequency of service available, would rise. Moreover, total system costs--private plus public--would be reduced, because of the more efficient matching of equipment to routes and markets served.

5. Competition

The deregulators do not worry about the possibility of too much competition in the system. With open or relaxed entry, they claim that price and service competition would increase merely to desirable levels. This would serve to substantially reduce fares in denser markets and to provide the traveler with more price/quality options. (It is conceded, however, that greater competition could increase costs, by increasing the carriers' sales and promotion expenses.)

Destructive competition would not occur since:

- Management's profit-maximization goals would work against it.
- The carriers have only limited equipment resources to deploy in a given market.
- The carriers would continue to recognize their mutual interdependence.

With free entry, deregulators see an end to monopoly service in many markets, although it might continue in certain thin markets. They believe that the ever-present threat of entry by another carrier would preclude monopolistic pricing or deterioration of service.

6. Load Factors

The deregulators maintain that low average load factors (ranging from 48 to 56 percent in the past 10 years) are a function of (i) demand-related rather than cost-determined fares and (ii) the carriers' reliance on scheduling competition, which they claim leads to excess capacity.

V40-131 JUL 8 75 XUM

Although a 55 percent load factor was established as satisfactory in the Board's Domestic Passenger Fare Investigation, deregulators now consider it too low. They claim that with free pricing and free entry, however, both free market competitive pressures and the profit maximization goals of carrier management will reduce fares. Load factors would then rise as demand for more attractively priced air travel increases. Thus over the long term fares and load factors would reach an optimal equilibrium.

7. Scheduled Service

The deregulators see greater price and service flexibility leading to many more low-cost options for the public--generally in the direction of mass travel and including other than scheduled service. They consider this to be very desirable, and do not appear to share the concern of the proregulators that this shift would seriously degrade scheduled service as we now know it.

8. Stability

The deregulators do not believe that the changes they recommend would cause long-term instability in the system. They are prepared to accept any short-term dislocations that occur. As they see it, the present air system is characterized by inefficient operating and marketing practices, as well as by the inefficient deployment of equipment. With free entry and free pricing, there might be some initial dislocation, including loss of service in some areas and perhaps some carrier financial failure. But no major instability would result, since inefficient carriers would be replaced by more efficient firms.

Deregulators claim that in the longer term the pressures of competition, plus the freedom to enter or exit from markets at will, would make the remaining carriers more efficient. Moreover, the system as a whole would be strengthened by the emergence of distinct classes of carriers that would specialize in classes of service--for example, long-haul, intermediate-haul, and short-haul--or scheduled and nonscheduled. The carriers would purchase and deploy equipment designed specifically for these services, rather than maintain inefficient fleets as they do now. The deregulators also believe that more rational route structures would evolve.

C. The Pro-Regulation Position

1. Overview

Those who support the status quo oppose major changes to the system even while admitting that it has its flaws. They believe that regulation is essential to the maintenance of the comprehensive, integrated air system we have achieved, and that open competition and free pricing would lead to predatory tactics, loss of service, and ultimately, the collapse of the system. They claim that the real issue is whether the country wants a comprehensive nationwide system of dependable air service.

2. Pricing

The proregulators insist that airline fares must be judged by the value of the total air transport system, which provides safe, reliable, high-quality service to the vast majority of communities in the country. Viewed in this context, they assert that air travel is one of the best values available to the public. And they believe that the public perceives it as such--as the growth of the industry demonstrates.

Proregulators point out that air fares are set on a system-average basis--which is the only way they can be established in a massive, complex, and interdependent network such as we have and need. They contend that fares are non-discriminatory and, to the extent possible, cost related. However, they are not rigid. Depending upon the type of service he wishes to purchase, and his flexibility about travel time, a prospective passenger can choose from a wide variety of fares at substantial discounts from normal fares.

If anything, proregulators claim, air fares are too low and are probably lower overall under the present system than they would be if there were no price regulation. They point out that the industry has not achieved excessive profits under regulation, and that air fares have increased less than most other services available to the public. Fares have increased substantially less than airline costs--particularly the two major cost components, labor and fuel. They note that U.S. air fares are substantially lower than those charged for comparable levels of service in other countries.

V 40 131 JUL 8 75 XUM

The proregulators maintain that the lower fares which deregulators say could be achieved are based upon unrealistically high load factors. Under a totally deregulated system, where carriers would not be providing a comprehensive network of service, fares could be reduced in certain very dense markets. But they claim that these reductions would be obtained only in the short run, at the cost of dramatically higher fares in other, less dense markets, and with extremely unstable fares.

Some proregulators would not be adverse to somewhat more pricing flexibility than is permitted now, perhaps a zone of reasonableness pricing in a ± 5 to 10 percent range. Others, however, believe that with this approach most fares would move to the top of the zone rather than the bottom.

3. Entry/Exit

The proregulators are opposed to free entry and exit, contending that it could destroy the present system, which is founded on the carriers' recognition of (i) their interdependence and (ii) their responsibility to serve all the public.

As directed by the Congress, they point out, the mission of the present system is to meet the air transportation needs of the country as a whole, not simply its most populous cities or areas. Therefore the carriers must serve low-density markets as well as the more attractive high-density markets. If carriers were free to enter and exit from markets at will, many of these low-density markets would lose some or all of their air service--at least service by certificated carriers. Because of the interdependence of the system--including the important function that some marginal markets play in feeding passengers to major markets--the exact number of cities that would be dropped can only be estimated. But estimates range from a low of 10 percent to as high as 30 percent. This, it is said, is contrary to the expressed wish of these communities, which want better service, not necessarily less expensive service.

It is claimed that in an open, highly competitive system, the efficient but complex process of ticketing, baggage-handling, passenger transfers, and so on, that we now have would fail. Even if the carriers could accommodate the change, airport facilities could not. Airport facilities in dense markets, where additional

carriers would presumably enter, would be overtaxed. In effect, the managers of these airports would be regulating entry according to their individual priorities. Facilities in other markets would be underutilized or abandoned. The result would be chaos and deterioration of the system. In addition, there would be the additional expense of building new airport facilities in the very locations where environmentalists are now questioning their viability.

Proregulators do not agree with the contention that the present system is a closed one. Although no new trunk carriers have been certificated, they claim that there has been substantial new entry in city-pair markets in the form of extensive route awards, coupled with the growth of the "small seven" trunks and particularly the local service carriers, many of whom are approaching trunk carrier size.

4. Cross-Subsidy

Many proregulators claim that the cross-subsidization of weak routes by fares from stronger routes is critical to the functioning of the system, but would not survive in a changed system. They point out that airlines are economic entities with responsibilities to their debt holders and stockholders to maximize profits within the restrictions of their certificates. The willingness of carriers to serve unprofitable or only marginally profitable markets depends in part on their ability to cross-subsidize them with profits generated elsewhere in their systems. If profits decline because of new entry and increased competition in these markets, cross-subsidization will cease, and many cities could be expected to lose certificated service.

Related to the cross-subsidy argument is the view that service in many low-density markets is profitable only on an incremental system basis because of the traffic "feed" from those markets into high-density connecting services--the likely candidates for increased competition in a deregulated system. Proregulators believe that a deregulated system would destroy the economics of these subsystems, and service to low-density markets would shrink or be lost altogether. They predict that the resulting cost to the air system as a whole, and particularly to the adversely affected cities, will be incalculable. For example, the economies of these cities will decline because commercial firms will hesitate to locate or remain there without reliable, reasonably priced passenger and cargo service.

V40-131 JUL 8 75 XUM

The proregulators contend that is not realistic to think that the air service these communities would lose could be replaced by air taxis or other specialist carriers. There are many reliable and efficient air taxi operators, but their overall record of stability and safety cannot compare with that of the scheduled carriers. Even if they were willing and able to provide the service, which is questionable, their quality could be so marginal that many communities would reject them, and resort to the political process to develop other transportation alternatives. Moreover, most of those marginal communities that retained a minimum level of scheduled service or accepted air taxi service would find the fares prohibitively high. Either the community itself would be forced to subsidize the service or, more likely, the federal government would be asked to do so. In addition to all the other inequities that deregulation would create, the taxpayer would be forced to pay the subsidies the airlines, or certain classes of their travelers, are paying now.

5. Competition

If anything, proregulators claim, there is too much competition in the system, not too little--as low earnings demonstrate. They point out that under a concerted effort by the Board to create more competition, more than 75 percent of all domestic trunk city-pair markets in the country are now served by at least two carriers. The denser markets are served by three or four carriers, although experience has shown that little if any improvement in load factors is obtained by the addition of a third or fourth carrier.

Given the present economics of the system, say the proregulators, it is reasonable to presume that freedom of entry would increase competition--not in the low-density, unprofitable markets--but largely in the high-density markets, where it is unnecessary. With freedom of pricing accompanying freedom of entry, the predictable results would be destructive competition and predatory pricing in the short term and widespread carrier failure and system instability in the long term. They construct the following series of developments as likely to occur:

- A new carrier would enter the market and, to win market share, would lower its fares.

- All the other carriers would follow suit, whereupon the new carrier would lower fares again, whereupon the other carriers would do the same.
- The process would continue with all carriers incurring losses until the weaker carriers were forced out of the market. The strongest carrier, now enjoying a monopoly position, would gradually increase fares again to a profitable level.
- Without competition and without price regulation, the fares of the remaining carrier would rise above the original levels. The carrier would naturally have a monopolistic market share.
- By the time the market once again looked inviting to a competitor, the monopoly carrier's position would be stronger than ever. Thus, when the fare-lowering process began again, this carrier would be in a better position to force fares down to a level new competitors could not match, and thus the monopolistic situation could, and probably would, continue.
- The final result would be periods of competition, with lower but unstable fares, alternating with periods of monopolistically higher fares.

Ultimately, the proregulators claim, these developments--duplicated in major markets across the country--would lead to (i) the emergence of three or four giant carriers servicing the most profitable markets and (ii) a larger group of small carriers providing marginal service for marginal profits in local markets the large carriers did not want to serve.

6. Load Factors

Proregulators agree that system-wide load factors are sometimes lower than they should be. They insist, however, that it is unrealistic to believe that load factors could reach the 60 to 80 percent levels predicted by those favoring deregulation without (i) serious reduction of quality in dense markets and (ii) loss of service to many marginal markets. This is because

V40-131 JUL 8 75 XUM

load factors are average figures--they represent the average amount of available, consumed, and unused capacity in the whole system. This includes:

- Dense markets, with load factors already well above 60 percent, and thin markets, with load factors at 20 or 30 percent.
- Peak travel times, when most people want air service, and off-peak times, when very few people want air service.

Given these conditions, plus the fact that air service must be consumed when it is available, operations at the load factors contemplated by the deregulators would necessarily involve:

- Reduction of flight availability in dense markets. This would make it all but impossible to obtain a seat at peak times unless reservations were made far in advance, since load factors are already very high in those markets.
- Elimination or drastic curtailment of service in these markets.

This severe decline in service availability and quality, they warn, is the price to be paid for obtaining load factors significantly higher than those found today.

7. Scheduled Service

Proregulators dismiss predictions that freer entry and greater pricing and service flexibility would improve the system by making low-cost mass-travel options such as ITC's available to those who want them. They claim that this fails to take sufficient account of the effect the various kinds of non-scheduled service would have on scheduled service and the system as a whole.

Under the present system, they claim, those travelers who can be flexible about departure times already have many low-cost options open to them. But these options

are made available on scheduled flights. They may divert some higher fares but they do not divert scheduled traffic. However, the introduction of--for example-- widely available ITC's would divert much traffic from scheduled service, which would have to be cut back appreciably.

Proregulators point out that scheduled service is what makes it possible for a passenger to get from one point to another at approximately the time he wants to--and, more important than that, to know in advance when he can leave and when he will arrive. Our economy depends heavily on the availability of this service, which permits firms to do business anywhere in the country.

8. Stability

As the proregulators see it, many of the conditions that deregulators criticize in the present system are the inescapable costs that must be paid for a stable system offering stable service at stable prices. The potential cost of a deregulated system would be the loss of much of this stability. It is claimed that anti-regulators seriously underestimate the chaos that would accompany radical changes. They do not understand the complexity and delicate balance of the system's interdependence or the balance that has been achieved between the airlines' competitive profit-maximizing instincts and the responsibilities laid on them by the certificates they receive as regulated carriers.

D. Major Hypotheses Developed from These Positions

The following hypotheses have been developed as to the impact of relaxation of price and service restraints and entry and exit controls.

Anti-Regulation	Pro-Regulation
Increased competition would foster much more price rivalry, thus leading to lower average fares (in the denser markets at least).	Increased competition would encourage predatory pricing, thus leading to price wars and great instability in fares. Fares in high-density markets

V40-131 JUL 8 75 XUM

Anti-Regulation	Pro-Regulation
	might be lower at some times but higher at other times, and fares in low-density markets would be much higher.
Monopoly service would end in many markets and fares would be lower in those that remain, since the threat of new entry would be sufficient to keep fares down.	More service monopolies would develop, with significantly higher fares in thin markets.
There would be a greater variety of price and service options in the major markets, although the average quality and availability of service might suffer some decline--particularly in the thin markets.	Three or four giant carriers would serve the major markets, a large group of smaller (local) carriers would provide low-quality service in less dense markets, and there would be no certificated service to many small markets.
The overall demand for air travel would increase, and load factors would rise, leading to still further fare reductions.	The demand for air travel would increase, particularly at peak travel times and in thin markets as service becomes less available.
Wasteful overcapacity would be reduced, as the need to compete solely on the basis of scheduling would be eliminated.	Overcapacity would increase in dense markets in the short term, and would be followed by service reductions in order to increase load factors.
Discretionary subsidization of travelers in thin markets by travelers in dense markets would be eliminated. Some loss of service in thin markets might result. However, air taxis or other specialized carriers would fill the gap	Service in unprofitable markets would be abandoned and there would be significant reductions of service in marginal markets with severe economic consequences for the communities and businesses involved. Air taxis would not fill the gap, and a

Anti-Regulation	Pro-Regulation
in most cases. Some additional direct (government) subsidy might be necessary. But this is preferable to cross-subsidization.	substantial increase in government subsidy would be necessary.
The economic efficiency of the total system would be increased by encouraging carrier specialization, permitting a more flexible allocation of resources among major markets, increasing downward pressure on costs, correcting seasonal imbalances, and encouraging a more rational route structure.	Scheduled service would decline significantly with severe consequences for the nation's economy and business in general as well as for the nonbusiness traveler, with related deterioration of interline services such as ticketing, baggage handling, passenger transfers, and so on.
The overall stability of the system and the profitability of the airlines would increase as inefficient carriers are replaced with more efficient carriers and the remaining carriers are forced to become more efficient.	There would be widespread instability in and deterioration of the system as a whole, including failures among present carriers and industry unemployment, and the possibility of ultimate nationalization as in the case of the foreign airlines and our own railroad system.

E. Existing Evidence in Support of the Major Anti-Regulation and Pro-Regulation Positions

As has been shown by the foregoing presentation of hypotheses, deregulators and proregulators have reached quite different conclusions about the consequences that can be expected from the various changes currently being proposed for the air transportation system.

Upon what kind of evidence do they base their conclusions? On the deregulation side, it is chiefly the performance of the intrastate systems in California and Texas (plus some modeling of less regulated or deregulated systems). On the

V40-131 JUL 8 75 XUM

proregulation side, it is chiefly the performance of the existing interstate system as it functions today, plus comparisons with the systems of other countries and the intrastate systems as well.

1. The Anti-Regulation Evidence

a. The Intrastate Experience. There is a substantial body of written criticism on the anti-regulation side of the debate. But apart from data supporting arguments against economic regulation of industry in general, deregulators rely for hard data on the experience of two air systems in the United States not controlled by the Board. These are the California and Texas intrastate air systems, both of which are under the surveillance of state regulatory bodies. However, the regulatory system in Texas is less stringent than the interstate system. In California, the California Public Utilities Commission regulated neither entry nor minimum rates until 1965--although it did regulate maximum rates. Since 1965, however, the CPUC has been granting route protection to established carriers.

Deregulators maintain that the evidence in California and Texas shows clearly that the lightly regulated, intrastate service pattern is more advantageous for the traveling public. Primarily, fares are substantially less, averaging about two-thirds of interstate fares for comparable distances. This, they say, is the result of:

- A high degree of price competition among carriers.
- Greater productivity as measured, for example, by average annual operating revenues per employee ($22,200 for each employee of a certificated trunk carrier and $32,500 for each Pacific Southwest Airlines employee).
- Greater specialization of operations in terms of:

  --Type of aircraft (one type of aircraft used until recently).

  --Type of service (one class of service).

- Higher load factors and better equipment utilization, including an improved matching of equipment to the demands of the traveling public.

Deregulators contend that without the Board's restrictions, the operating pattern and results of the California and Texas systems could be duplicated in the national system. The evidence is clear, they claim. Because the intrastate carriers are motivated solely or largely by economic goals, their performance is superior, and this is the way the national airlines should be run as well.

b. System Models. Economists who specialize in the air transport industry (Douglas, Eads, Miller, Jordan, et al) have done a fair amount of system modeling, which has provided the basis for much of their criticism of the existing system. The models appear to be very sound technically. On the other hand, as with most modeling, there are limits in the degree to which they can deal with the complexities of the system. They have required many simplifications and assumptions about the system and its components. Thus, the models per se raise doubts about the degree of their validity as predictors of actual system behavior. The modelers themselves have often recognized this and include appropriate reservations in discussions of their own work and that of others.

This observation does not discredit the modeling function as such. It has provided useful insights into possible system behavior under changed conditions, and useful hypotheses regarding change. But, at this stage of its development, while modeling provides some guidance, it would be difficult to rely on it as a foundation upon which to base sweeping changes in regulatory policy.

2. The Proregulation Evidence

a. Achievements of the Existing System. There has been less critical examination of the present system by proregulationists. However, those who advocate the status quo seem to be less inclined than its critics to probe for flaws. This is not to say that proponents of regulation have not been critical of the system or have not suggested or attempted changes in it. But

V40-131 JUL 8 75 XUM

they have been largely content to let the system's performance achievements substantiate their contention that, on the whole, it has served the national interest well--certainly, better than any other system proposed or practiced elsewhere.

Proregulationists cite as evidence such performance measures as these: a 4.5-fold increase in service from 1960 to 1975; rate increases kept well below increases in the Consumer Price Index during this period; world technological leadership; and a safety record unmatched in transportation--averaging a fatality rate of 0.22 percent per 100 million passenger miles flown.

b. Comparisons with Other Systems. As additional evidence for their arguments, proregulationists point out that the U.S. air transport system surpasses systems in all other countries. It is the acknowledged pace-setter in terms of quality, service, technology, and price. European per-mile fares are much higher than in the United States. For example, service from Washington to Boston costs $.111 per passenger mile, while service from London to Frankfurt, a comparable distance, costs $.286 per passenger mile.

Also cited as evidence is the North Atlantic market, which has all the competition a free market proponent could desire, but some undesirable consequences as well: predatory pricing, carrier failure, marginal cream-skimming operations, widespread illegal practices, stranded travelers. This, proregulators claim, is a forecast of what we can expect from a nonregulated system in this country.

Interestingly enough, proregulators also use the intrastate systems as evidence in support of their position. They tend to discount the fare differentials achieved in California and Texas, maintaining that these systems are nothing like the national system and that no valid comparisons can be made. At the same time, they claim the systems demonstrate that the intrastate pattern would not serve the traveling public well, producing widespread instability among carriers and erratic, lower quality service to many markets. Specifically, they cite:

- An 87 percent failure for California intrastate carriers from 1946 to 1965, as well as continual change in the cities served, except for the three major cities.
- Rate wars and destructive competition leading to fare reductions in the short term, but rising fares as monopoly positions were achieved by the surviving carriers.
- Carriers entering the market based on availability of inexpensive used aircraft, not market demands. In California, six out of eight carriers entered the market in 1949 to 1950. Six additional carriers entered the market in 1962 to 1965 and five folded, some virtually without notice.
- Though good service in high-density markets, poor or nonexistent service in remaining markets.
- A poorer safety record.
- After the initial adjustment period, emergence of one strong intrastate carrier in each market in a near monopoly position. Today, only PSA and Air California survive in California.

F. Evaluation of the Existing Evidence

1. The Anti-Regulation Evidence

How useful is the evidence obtained from the Texas and California systems in predicting the consequences of the changes that have been proposed in the national system? What kind of answers does the intrastate experience give us?

It has always been considered questionable to generalize from the particular. At a minimum it is essential that the two should have the same characteristics. But the California and Texas systems do not appear to share the same qualitative characteristics as the interstate system. For this reason, it is risky to try to use their experience to predict system-wide behavior.

V40-131 JUL 8 75 XUM

42

The efficiencies and consequent fare reductions the Texas and California intrastate carriers are credited with have been achieved in very dense markets, flying very simple route structures, with one class of service, between a limited number of city pairs. Neither system serves scattered, low-density markets. Neither system must accommodate interline transfers.

What this suggests is that if similar markets could be isolated from the rest of the national system--isolated from the vast majority of other city pairs served--fares might be reduced in these markets, absent regulation. But the high-density markets in the national system are not isolated; they are part of a complex and highly interdependent network. Therefore, the California and Texas experience provides us with very little in the way of answers about the effect that de-regulation might have on the system as a whole, and that is what concerns us. We need answers to these questions:

- What will happen in the less dense markets?

  --Will service be dropped from a large number of cities?

  --Will someone subsidize service to the cities dropped?

  --Will fares rise in these markets?

- Will markets eventually achieve some measure of stability?

  --With competitive carriers in most markets?

  --With monopoly carriers in most markets?

43

- Will interline agreements remain in areas, among others, of:

  --Baggage transfer?

  --Ticket sales and clearing?

Even in the markets to which the Texas and California experience is most directly comparable, questions remain about not only the usefulness but the validity of the evidence. The most frequently drawn comparison is that between the intrastate Los Angeles/San Francisco service and the interstate Boston/Washington or New York/Washington service. Although the routes are roughly comparable in distance, they have significantly different fares--for example, $20.46 for the 338-mile journey from Los Angeles to San Francisco versus $45.37 for the 399-mile journey from Boston to Washington. However, to look only at distance in evaluating the fares can be misleading, because there are substantial differences between the two areas:

- Weather is more of a problem in the Northeast. Although it is discounted by anti-regulationists, a case can certainly be made that weather is a factor in airline costs.

- Airports are more congested in the Northeast, and create delays that add substantially to total flight costs.

- Flying times are slower in the Northeast. Using published schedules (which do not reflect either air traffic delays or weather problems), one can express fares in terms of cost per hour rather than cost per mile and see the following:

V40-131 JUL 8 75 XUM

44

	Weighted Average Fare/Mile[1]	Weighted Average Fare/Block Hour[2]
California Markets[3]	$.0716	$23.51
Northeast Markets[4]	$.1398	$30.42
% Difference	95%	29%

There is also evidence that the fare differentials may become less prominent in the long run. For example, the California carriers have been raising fares faster than the carriers in the Northeast:

	Weighted Average Fare		
	7/1/70	6/1/75	% Change
California Markets	$15.47	$24.02	55%
Northeast Markets	$23.98	$33.74	41%

(Pacific Southwest Airlines in California recently requested a 16 percent fare increase and received a 6.5 percent interim increase along with a sharp reproof from the CPUC.)

Another difference worth noting is that lower fares are possible in California and Texas because the intrastate carriers pay far lower salaries than those paid by the interstate carriers. In part this is because their labor force is less unionized and has less seniority. Labor costs, along with fuel, are among the most substantial operating costs in the industry.

---

[1] Based on June 1, 1975 fares weighted on the basis of 1973 on-line O&D passengers.

[2] Based on weighted average of scheduled elapsed time for all carriers as shown in the June 1, 1975 Official Airline Guide.

[3] Los Angeles-San Francisco, San Diego-San Francisco, San Diego-Los Angeles.

[4] Boston-New York, Boston-Washington, New York-Washington.

45

Cost differentials in the Texas markets are open to question for yet another reason. Southwest Airlines has lower fares than either the trunk carrier, Braniff, or the local service carrier, Texas International, in the Dallas-Fort Worth and Houston markets. But Southwest has refused to support the new airports recently built in those markets. Southwest (not being in existence at the time) did not participate in the agreement in which the other airlines guaranteed to transfer their service to the new facilities--in effect underwriting the new airports. Thus, Southwest has taken advantage of its unique position and continued to use the old facilities at Love Field and Hobby Field which are not only less expensive, but also much closer to the respective downtown cities. This has enabled Southwest (i) to win a significant market share and (ii) to operate very profitably. In a third Texas city, however--San Antonio--Southwest does not possess this unique advantage. It has been less successful in San Antonio and Braniff has held on to its share of the market.

The proregulators maintain that Southwest's actions predict the lack of concern for the overall health of the system that can be expected if carriers are freed from the responsibilities imposed by regulation. As noted, they also point to the high rate of carrier failure in the intrastate markets, the predatory pricing, and the chaos they claim has existed there at times, and project these conditions onto an unregulated national system. It is true that many carriers have gone broke in Texas and California trying to meet the competition there and that the public has suffered on occasion. However, if the experience of the intrastate markets cannot be extrapolated in the area of price, it cannot be extrapolated in the areas of service and stability either. The truth is that the intrastate systems--with their higher density, simpler route structures, better weather and flying times, and lack of interline responsibilities--are sufficiently dissimilar to the national system to render the evidence regarding their experience of little use in providing the answers we need.

2. The Pro-Regulation Evidence

Proregulators frequently make comparisons--generally unfavorable--between air transportation systems in other countries and our own. But these may not be really meaningful because of differences in size, geography, economy, and political systems. Thus, as evidence that the present system serves the national interest well, proregulators rely chiefly on its

V40-131 JUL 8 75 XUM

performance achievements. How valid or useful is this evidence in determining whether the system could be improved with the changes that have been proposed?

From the point of view of stability and technical performance, it is difficult to fault the system, and this evidence stands up well. But the evidence is not consistent by any means. . .the system's financial performance leaves much to be desired. For some time--despite fare increases--it has failed to achieve the Board-mandated return to investors. Airline earnings have been erratic, on the average falling well below the 12 percent return on investment the Board has established as reasonable. Substantial disenchantment with the industry on the part of investors is evident: the industry stock index currently stands at 42 percent of 1967 prices.

Some of the smaller trunks have achieved Board targets for return on investment in recent years. However, three of the four largest have not. And all of the four largest have reported losses for one or more of the past three years. Troubled carriers blame their problems on a number of factors, particularly the fuel crisis and the recession. But unless management itself is at fault, one must conclude that a system that produces such unsatisfactory returns on its enormous investment is somewhat less than ideal.

At today's fare levels and load factors, the overall system has excess capacity--one of the anti-regulationists' chief criticisms. This contributes to the poor earnings problem. The industry believes that load factors are low because of recession-induced traffic weakness, compounded by the adverse effects of higher fares. It laments that it is caught in a cost-price squeeze because of soaring labor and fuel costs that force fare increases. But the industry also questions whether significantly higher load factors are desirable, raising some doubts as to whether reducing excess capacity is a serious objective for the carriers.

It is unclear whether excess capacity is due to (i) overinvestment by a technology-oriented management or (ii) a flaw in the system, which prevents price competition and encourages wasteful scheduling competition. Overinvestment itself may be a function of a regulatory system which

has been overly concerned with the survival of the existing certificated carriers. It may be that the system indulges questionable management practices, all the while restricting new entry, thereby protecting inefficient management from potentially sharper competitors.

The present system may also not have encouraged enough innovation in the direction of providing low-cost travel for the mass market--despite evidence that this market exists, and despite the focus of deregulators on this point. In most of the changes that have been made--coach travel, charter travel--the industry has had to be sharply nudged by competition before responding. This is not a blanket indictment. Some carriers have been more innovative than others. And most have attempted variations such as youth fares, family plans, and so forth.

Strictly speaking, however, there has been little or no real "experimentation" with the kinds of changes critics of the system have suggested. By and large proregulators have failed to counteract criticism with hard facts in support of their position. Little has been attempted in the way of an organized, systematic effort to (i) try a new approach under controlled conditions, (ii) gather data, and (iii) analyze results. In any case, there is very little data to document the success or failure of various approaches, and many approaches have been undertaken--or abandoned--without any clear evidence as to whether they were productive or not. In sum, the evidence for the pro-regulation position is limited and only partially convincing to an objective onlooker.

3. Conclusions

How useful is the evidence we have now?

- The economic models are instructive, but require many assumptions and simplifications. Considerable doubt is raised about their adequacy to predict the actual behavior of a complex and delicately balanced system.

V 40 - 131 JUL 8 75 XUM

- The assumptions as to the behavior of the public are even more tenuous. If there is one thing we know, it is that people do not always behave as we believe they should behave. Does the public want the lowest cost air transportation possible--nonscheduled if necessary? Or is it willing to pay more--if need be-- for more reliable service? Or does it want both options? How much capacity should the system have? How much competition? The Board has wrestled with these questions for years. Further information that gives us answers to these pivotal questions is necessary.

- The intrastate experience has given us some information. It tells us, for example, that it is just as possible for an air carrier to fail in California as in the national system. It also tells us that with greater price competition, fares tend to decline for a period, but may then begin to rise again. But how far? This we don't know. Neither do we know how lower fares and open entry in high-density markets affect fares and service in other markets. Or how many communities would lose air service, or suffer reduced air service, under a different system of regulation and how much government subsidy might be sought. Parties on both sides are frank to admit that they don't know the answers to these questions, that they can only "estimate."

- There are some sizable holes in the main argument proregulationists advance. The air transport industry rates high marks on performance, but lower marks on other measures--return to investors, for example. The present system compares well with air systems in other countries in stability and technical performance. But this is a questionable comparison. What the Board must consider is the present U.S. system as compared with different possible future U.S. systems.

- Moreover, at what price to the traveler have stability and technical performance been achieved? Has limited entry made the present system inefficient? Would price competition lead to lower fares?...or to predatory pricing? To more efficient carriers?...or to carrier failure? How would financial institutions react to a less stable system? We have some widely varying opinions on these important issues, but no real data.

On balance, then, we reach the interim conclusion that the available evidence is inadequate to settle the question of whether major changes should be made in the system at this time. Various approaches to the problem have been suggested. Further simulation, followed by impact analysis, is one. Monitoring of zone of reasonableness pricing in a very limited market is another. But both of these are subject to some criticism. The results, some argue, would be inconclusive, unacceptable as clear evidence to the opposition, and inadequate for responsible, effective decision-making.

It has also been suggested that the Board simply try deregulation and see what happens. Or that the Board deregulate in phases, allow pricing freedom followed by entry and exit freedom. Such a course presents obvious hazards.

Is there any approach that would evaluate the consequence of deregulation without taking unacceptable risks with the system itself? An approach has been developed and is suggested here. It is an empirical approach--one that, if followed properly, should generate reliable, real-world data. Some risk is present, but careful controls can keep it to an acceptable level.

Despite the lack of hard evidence, a debt is owed to the protagonists on both sides of the debate. They have raised the questions which we as public decision-makers must answer. The evidence they have generated has enabled us to identify the remaining information to be gathered ... the information critical to a thoughtful, objective evaluation of the consequences of responsible change.

V40-131 JUL 8 75 XUM

PART III. SUGGESTED EXPERIMENTAL PROGRAM

As discussed in the prior section, the existing information base appears inconclusive. Before major changes can be made in the regulation of the domestic air transportation system, we need additional information, and more specific information. Questions should be answered in a way that will provide the Board and interested parties with enough information to predict with reasonable certainty what would be likely to happen if the approach taken in the experiments were extended and implemented system-wide. Answers will allow government policy to develop and evolve in ways that will make the air transport system more responsive to the needs of consumers, those who provide service, and the nation.

To develop needed answers a program of continuing experiments, as described below, is proposed.

In approaching the design of such experimentation, the primary focus has been on the consumers using the domestic air system and the companies directly or indirectly involved in providing service. A second objective has been to develop an approach that will be useful not only for the present effort, but also for what is hoped could be a regular process of evaluation and decision-making regarding the domestic air transport system.

In designing proposed experiments we have not introduced issues relating to the liberalization of charter rules, which might allow supplemental carriers to compete in terms of price and service with scheduled services in selected markets. Those issues must await the outcome of pending rulemaking proceedings before they can be included in the design of any experiment. In light of the pending Air Freight Rate Investigation and the Air Freight Forwarder Charters Investigation, we have confined our experiments to passenger operations since substantial policy issues regarding freight service are at issue in those proceedings.

A. Critical Questions

The experimentation must provide answers to the many questions that have been raised--posed in terms of new approaches to regulations. The key questions among these include:

- What will be the impact on fare levels? Will average nationwide fares rise or fall?
- What will be the impact on fare structure, including the relationship of fares as between:

  --high-density and low-density markets?

  --competitive and noncompetitive markets?

  --long-haul and short-haul markets?

  --different classes of service?
- What will be the impact on service:

  --Will communities lose service?

  --Will the number of flights change?

  --Will load factors increase or decrease?

  --How will non-stop service, single plane service, and single carrier connecting service be affected?

  --How will the interline service system be affected?
- What will be the impact on the number and types of carriers?
- What will be the effect on the marketing of air travel?

B. Experiment Dimensions

There are three multi-variable dimensions, or coordinates, to the proposed experiment:

- What should be evaluated (the "system" variables).
- Where the evaluation should take place (the location variables).

V40-131 JUL 8 75 XUM

- When the evaluation should take place (the timing variables).

A fourth obvious dimension (how) involves the mechanics of the evaluation, including controls and enforcement.

1. The "System" Variables

There are many variables in the air system and an even greater range of options for variation within them. In the main, however, the regulatory debate focuses on three primary areas: (i) pricing/service--how much freedom carriers have in determining the fares they charge their customers for the classes of service provided; (ii) entry--how much freedom carriers have to enter markets they choose to serve; and (iii) exit--how much freedom carriers have to suspend or abandon service in a market.

A range of possibilities exists within each system variable. Some examples of the types of changes that could be implemented include:

- Pricing/Service

--No restrictions on fares charged by carriers for service they elect to provide. (Each carrier can set its own fare levels.)

or

--Gradual relaxation of rate-setting procedures over a stated time period. For example, in the first year, let fares fluctuate within a stated "zone of reasonableness." Then, in the second year, increase that zone. According to this strategy, the zone might permit fares to increase by 10 percent or decrease by 15 percent in the first year.

- Entry

--Complete freedom for anyone to enter a given market as long as aircraft and personnel meet FAA safety regulations.

or

--Opening up markets for carriers that serve a given city pair with a restricted certificate. Carriers would be allowed to fly non-stop between city pairs where they currently must make mandatory stops en route.

- Exit

--Complete freedom for carriers to leave a particular market whenever they wish. Participating carriers could drop service to any city that is part of the experiment.

or

--Freedom for carriers to leave a particular market after filing their intention to do so and after waiting a given length of time.

or

--Freedom for carriers to leave a market if they find a suitable replacement. Recent examples involve substituting air taxi service for local service operations.

2. The Location Variables

There are also many possibilities in terms of location. However, certain key factors impact on selection of markets for experimentation.

The location should be representative of the total system, yet it should only have a small impact on the total system. The location should have its own pattern of origin/destination traffic as well as a pattern of connecting and through traffic. There should generally be more than one carrier providing service now. Markets should involve both business and nonbusiness traffic. Finally, the choice of experimental markets should include an analysis of the impact lower fares might have upon the diversion of traffic from nearby markets.

V40-131 JUL 8 75 XUM

In the context of possible test markets, major options include:

- Conducting system-wide experiments with virtually all carriers and cities participating.

or

- Restricting the experiments to a stated number of city pairs (specifically identified city pairs that have a particular characteristic deemed appropriate for evaluation under a particular plan).

or

- Restricting the experiments to an identifiable geographic area. For example, geographic area could be defined by the triangulation of three cities or it could be defined as the service within a particular set of adjacent states or regions.

or

- Restricting the experiments to cities within a given mileage category. For example, city pairs more than 1,500 miles apart or city pairs less than 300 miles apart.

or

- Conducting the experiment between two geographic areas that have reasonable traffic volumes between them.

3. The Timing Variables

The objective of the experiments would be to achieve significant results as soon as practicable. There appear to be two primary options, and either might be applied in different experiments:

- Allowing all regulatory changes to take effect at the start of the evaluation. While this option may be more like the real world, since all factors

impact at the same time, it is more difficult to identify the consequences of a particular relaxation and its particular impact on the system.

or

- Phasing the various regulatory changes over time. This approach would facilitate the identification of the impact of a particular change and would simplify the airlines' implementation task, but it may be less of a real world experiment. It would also mean that it would take longer to develop the desired information.

or

- Allowing a number of changes of limited degree to take place simultaneously, and then increasing the degree of freedom at a later time. This has real-world aspects, although it may take longer to get all the desired information.

C. Constraints

In developing proposed experiments, care was taken to identify the external and internal constraints that should operate. These dictate that the experiments should:

- Avoid injury to the total system and the public.
- Require no extraordinary investment in equipment and facilities.
- Operate within existing FAA safety regulations.
- Operate within existing statutory authority.
- Be capable of inauguration within a relatively short time.
- Produce useful, although not necessarily final, results within a reasonable time period.

V40-131 JUL 8 75 XUM

- Be conducted by the Board without substantial new resources.

D. Suggested Experimental Program

A number of general approaches to the structure of the experiment were discussed above under the heading "Location Variables." Though it is not complete, the listing is illustrative of possible alternative structures. We have examined several of these alternatives, however, and have decided:

- The system-wide experiment is too risky.
- Experiments conducted (i) only within a single identifiable geographic area or (ii) even two geographic areas having reasonable traffic volume between them, do not appear capable of producing enough information on the critical questions.
- Experiments limited to city pairs only within a limited mileage category are too restrictive.

The conclusion was that, overall, it appeared most desirable to focus the experiment on city pairs that collectively meet requirements of (i) both long-haul and short-haul distance characteristics, (ii) both high-density and low-density volume characteristics, and (iii) both business and non-business traffic characteristics.

1. System Variable Elements of the Experiment(s)

After assessment of a number of approaches, the experiments described here are proposed for review and comment. In brief, we want to measure the reactions of the traveling public, participating carriers, and related interests to reduced regulation of price, service, either phased or unlimited free entry, and generally unrestricted exit.

It is contemplated that the two elements described here would be tested in selected markets as described in paragraph 2, below.

a. Entry/Exit

Entry would be allowable for all carriers holding authority at a terminal at either end of the test market, or at both ends. During a later phase, both certificated carriers not authorized to serve either terminal, and new carriers, would be allowed to enter the various markets.

Exit by any carrier serving the designated city pairs would be authorized as long as one carrier remained in the market. Alternatively, the last surviving carrier could be permitted exit, but would be required to give advance notice before dropping service. Air taxi service or other specialized service may provide the service, under careful monitoring.

b. Price/Service

Either price flexibility within a zone of reasonableness, or free pricing, might be permissible. It is currently contemplated that a zone of reasonableness would be established. In a later phase, however, the zone could be expanded or removed. For instance, in the initial stage of the experiment, carriers could be permitted pricing flexibility within a zone of reasonableness of 15 percent above and 15 percent below the normal fare recognized by the Board for the class of service involved. In the case of a new class of service, for which no fare norm is recognized, the zone of reasonableness could be calculated from a normal fare, based upon the difference between the fully allocated costs for the new class of service and those for normal coach service.

2. Markets (Location Variables)

Two distinct types of markets are proposed for application of the system variable elements discussed above: one essentially long-haul/high-density and the other medium-to-short-haul and medium-to-low-density.

a. Long-haul

It is contemplated that two or more long-haul (over 750 miles) markets and related short-haul, through service, feeder points could be selected.

V 40 - 131 JUL 8 75 XUM

b. Medium and short-haul

The proposal here calls for selection of four to seven markets, of light to medium density, in the under 750-mile range.

c. General characteristics

None of the long- and short-haul markets selected should represent too large a portion of any single carrier's existing traffic. To the degree practical markets should be relatively isolated/discrete vis-a-vis the total system. Long-haul markets should have heavy volume, including both business and non-business traffic.

3. The Expectations

The long-haul market tests will be designed to develop information in several areas, including, particularly, the significance and results of price freedom/competition. Impact on volume and type of traffic will be examined. In the shorter haul markets, key issues include the impact on fare levels and extent of service, although, as with the long-haul test-markets, other data is expected to be generated.

4. An Added Possibility

Another set of experiments could be conducted in city-pair markets involving satellite airports. These would be designed to measure phenomena which might not be capable of measurement through examination of only the selected, discrete city-pairs previously selected.

In these experiments, virtually free entry, and total or large price freedom might be allowed in a market that currently has no effective service between a city and the satellite of a major hub. Although a specific experiment is not here proposed, it is hoped that the proceeding will develop alternatives which will particularly test issues of entry.

E. Summary

A great debate has been unfolding regarding both the kind of air transportation system that should exist in this country and how it should be regulated. This debate has tended to polarize

the interested parties into two camps--those that favor the status quo, or the proregulators, and those that favor substantially less regulation, the deregulators. However, neither group has been able to present a sufficiently compelling case to end the debate one way or the other.

What is needed is additional data regarding industry performance under changed conditions of regulation. This data can then be evaluated by those responsible for air transportation policy and structure, and used to make desirable changes, if any, to the system.

The problem, however, is to develop the data without an unacceptable risk to the system. To devise a means of doing so was the objective of this effort. The product is a general use methodology and a suggested approach.

The approach taken was to create a plan to experiment with and evaluate the consequences of relaxing regulation on a selected basis.

In the experiment carriers would have greater freedom in setting fares and entering and exiting from selected, designated markets. Different time phasing might be employed in introducing relaxed regulatory constraints into the experimental markets.

This effort would require cooperation from the parties concerned, despite reservations that may exist. But is believed that the long-term interests of the system will be better served by an effort to develop, to the maximum extent feasible, a reliable information base for decision-making than by either action to precipitate change without an evaluation of the consequences, or resistance to change without exploration of the benefits of improvement.

[FR Doc.75-17857 Filed 7-7-75;3:00 pm]

V40-131 JUL 8 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

132

federal register

July 9, 1975—Pages 28785–29065

WEDNESDAY, JULY 9, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 132

Pages 28785–29065

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FREEDOM OF INFORMATION INDEXES—Quarterly guide to agency material 28867

SEAT BELTS—DOT/NHTSA extends use of present systems in light trucks and multipurpose passenger vehicles; effective 7–9–75 28805

AIRPORT NOISE—DOT/FAA requests comments on alternative policies; comments by 1–1–76 28844

FOOD STAMPS—USDA/FNS extends period of acceptance of old coupons; effective 7–1–75 28786

FEDERAL HEALTH INSURANCE—HEW/SSA proposal concerning post-hospital services and disclosure of erroneous certifications by physicians; comments by 8–8–75 28810

POULTRY AND HATCHING EGGS—USDA/APHIS proposes importation and quarantine standards; comments by 8–11–75 28807

GRAIN STANDARDS—USDA/AMS rules on mandatory retention of file samples by inspection agencies; effective 8–8–75 28785

APPLIANCE EFFICIENCY—Commerce announces voluntary programs for electric and gas clothes dryers and electric ranges (3 documents) 28832–28839

(Continued inside)

PART II:

FEDERAL ELECTIONS—FEC publishes advisory opinion requests 28943

PART III:

PRIVACY ACT

OMB issues guidelines for implementation 28949

OMB defines responsibilities for record maintenance 28947

PART IV:

FARM WORKERS—Labor revises programs for seasonal and migrant workers; effective 8–8–75 28979

PART V:

SPECIAL MESSAGE TO CONGRESS—Budget rescissions and deferrals 28999

V40 I132 JUL 9 75 XUM

MEETINGS—
CRC: Delaware State Advisory Committee, 7–25–75 ... 28848
Pennsylvania State Advisory Committee, 7–21–75 ... 28848
West Virginia State Advisory Committee, 7–29–75 ... 28848
DOD: DDR and E High Energy Laser Review Group (HELRG) Laser Hardened Materials and Structures Subpanel, 9–11 and 9–12–75 ... 28818
EPA: National Drinking Water Advisory Council, 7–30 and 7–31–75 ... 28849
HEW/OE: National Advisory Council on Indian Education, 7–26 and 7–27–75 ... 28842
National Advisory Committee on Oceans and Atmosphere, 7–14 and 7–15–75 ... 28877
NSF: Ad Hoc Advisory Group on Science Programs (AGOSP) Study Committee, 7–25–75 ... 28877
DOT/NHTSA: National Highway Safety Advisory Committee, 8–21–75 ... 28846

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5266. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

contents

THE PRESIDENT

Special Message to the Congress
Budget rescissions and deferrals ... 28999

EXECUTIVE AGENCIES

ACTION
Rules
Payment of volunteer legal expenses ... 28799

AGRICULTURAL MARKETING SERVICE
Rules
Grain standards; retention of file samples ... 28785
Proposed Rules
Milk marketing orders:
Paducah, Ky ... 28807

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Food and Nutrition Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Proposed Rules
Poultry and hatching eggs; importation and quarantine standards ... 28807

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
U.S. v. Copper Development Association Inc., et al.; judgment ... 28818

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc:
Aeroamerica, Inc ... 28846
Aeroperu ... 28846
Allegheny Airlines, Inc ... 28847
Pakistan International Airlines Corp ... 28848
Priority and nonpriority servce mail rates investigation ... 28848
South Pacific Service case ... 28848

CIVIL RIGHTS COMMISSION
Notices
Meetings, State Advisory Committees:
Delaware ... 28848
Pennsylvania ... 28848
West Virginia ... 28848

CIVIL SERVICE COMMISSION
Rules
Excepted service:
General Services Administration (2 documents) ... 28806

COMMERCE DEPARTMENT
Notices
See also Domestic and International Business Administration; Maritime Administration.
Voluntary program for appliance efficiency:
Electric clothes dryers ... 28832
Electric ranges ... 28835
Gas clothes dryers ... 28839

COMMODITY CREDIT CORPORATION
Rules
Loan and purchase program, grains and similarly handled commodities:
Peanuts ... 28787
Tobacco ... 28788

COMPTROLLER OF CURRENCY
Notices
Joint call for report of condition of insured banks ... 28817

CUSTOMS SERVICE
Rules
Trademarks, trade names, and copyrights; increase in customs fees ... 28790
Unclaimed and abandoned merchandise:
Clarification of meaning of general order period ... 28790
Proposed Rules
Customs financial and accounting procedure; payment of bills ... 28807

DEFENSE DEPARTMENT
Notices
Meetings:
DDR&E High Energy Laser Review Group (HELRG) ... 28818

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty-free entry:
College of Medicine and Dentistry of NNJ ... 28828
Desert Research Inst ... 28824
Duke University Medical Center ... 28829
IIT Research Inst ... 28824
Louisiana State University Medical School ... 28829
Mississippi State University, et al ... 28824
National Radio Astronomy Observatory ... 28826
University of Alaska et al ... 28830
University of California, Irvine ... 28831
University of California, Los Alamos ... 28826
University of New Mexico ... 28827
University of Oregon Health Sciences Center ... 28831
University of Oregon Medical School ... 28832
University of Wisconsin, Madison ... 28828
United States Energy Research and Development Administration ... 28829
United States Geological Survey ... 28826

ECONOMIC OPPORTUNITY OFFICE
Rules
CSA income poverty guidelines ... 28793
Standards for evaluating effectiveness of CSA-administered programs ... 28794

EDUCATION OFFICE
Notices
Meetings:
National Advisory Council on Indian Education ... 28842

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Trespassing on administration property ... 28789

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air quality implementation plans:
Georgia ... 28814
Public information; supplemental proposal and corrections ... 28814
Notices
Meetings:
National Drinking Water Advisory Council ... 28849
Oil pollution prevention; non-petroleum oils ... 28849
Pesticide registration:
Heptachlor or chlordane; intent to cancel ... 28850

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Colorado ... 28823
Georgia ... 28824
Mississippi ... 28823
New Mexico ... 28823
Texas ... 28823

FEDERAL AVIATION ADMINISTRATION
Rules
Control zones ... 28790
Notices
Airport noise policy; comment period ... 28844

FEDERAL COMMUNICATIONS COMMISSION
Rules
Cable television:
Development of cablecasting services to formulate regulatory policy ... 28804
Field strength curves and measurements for FM and TV broadcast stations ... 28803
Proposed Rules
Cable television:
Exemption of smaller systems and conglomerates from syndicated program exclusivity protection obligation ... 28816
Domestic public radio services; various procedural requirements ... 28816

V40-132 JUL 9 75 XUM

Notices
Hearings, etc.:
Coffey County Community TV Co ... 28850
Thompson Flying Service, et al ... 28851

FEDERAL DEPOSIT INSURANCE CORPORATION
Notices
Joint call for report of condition, insured banks ... 28851

FEDERAL ELECTION COMMISSION
Notices
Advisory opinions; request for ... 28943

FEDERAL MARITIME COMMISSION
Rules
Conditions unfavorable to shipping in the foreign trade ... 28801
Notices
Agreements filed:
Hong Kong and Taiwan to ports of U.S. West Coast, extension of comments date ... 28852
Stockyard Shipping and Terminal Corp and Atlantic and Gulf Stevedores, Inc ... 28852
Complaints filed:
Interconex, Inc., et al ... 28852

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama Power Co ... 28852
Algonquin Gas Transmission Co ... 28853
Dorchester Gas Producing Co ... 28853
Duke Power Co ... 28853
Florida Gas Transmission Co ... 28853
Getty Oil Co., et al ... 28854
Honeoye Storage Corp ... 28854
Huber Corp., J. M., et al ... 28865
Michigan Wisconsin Pipe Line Co ... 28859
Mississippi River Transmission Corp ... 28854
Natural Gas Pipeline Co. of America ... 28860
Ohio Edison Co ... 28854
Panhandle Eastern Pipe Line Co ... 28862
Public Service Co. of New Mexico (4 documents) ... 28854
Stalder, Ted R ... 28855
Tennessee Gas Pipeline Co ... 28856
Texas Eastern Transmission Co ... 28856
Transcontinental Gas Pipe Line Corp. (2 documents) ... 28856, 28863
United Gas Pipe Line Co ... 28857
Valley Gas Transmission Corp ... 28858
Yadkin, Inc ... 28858

FEDERAL REGISTER OFFICE
Notices
Freedom of Information index requirements; guide to agency material January–June 1975 ... 28867

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Alabama Bancorp ... 28872
Ames National Corp ... 28875
Citizens State Bancorp, Inc ... 28872
First Community Bancorp ... 28872
Forest Park National Corp ... 28873
Klein Bancorp., Inc ... 28873
Landmands Corp ... 28874
Southern Bancorp., Inc ... 28875
Joint call for report of condition of insured banks ... 28873

FISCAL SERVICE
Notices
Succession of officials ... 28817

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Cloxacillin ... 28792
Oxytocin injection ... 28792
Sponsors of approved applications; correction ... 28791
Food identity standards, etc.:
Canned fruits (2 documents) ... 28791
Notices
Food additives; polychlorinated biphenyls in paper food-packaging material prehearing conference ... 28842

FOOD AND NUTRITION SERVICE
Rules
Food stamp program; extension of period of acceptance of old coupons ... 28786

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Social and Rehabilitation Service; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Interstate Land Sales Registration Office.
Notices
Authority delegations:
Acting area director; Baltimore area office ... 28843
Acting area director; Philadelphia area office ... 28843
Acting area director; Pittsburgh area office ... 28843
Acting area director; Richmond area office ... 28843
Acting area director; Washington area office ... 28844

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERNAL REVENUE SERVICE
Notices
Authority delegations:
District directors of key districts; Cincinnati et al ... 28817
Director, personnel division ... 28817

INTERNATIONAL TRADE COMMISSION
Notices
Antidumping:
Lock-in amplifiers and parts thereof from the United Kingdom ... 28876

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of service:
Burlington Northern, Inc ... 28881
Georgia Northern Railway Co ... 28885
Environmental statements:
Oregon-Washington Railroad Navigation Co.; construction and operation near Hedges, Benton County, Wash ... 28891
Grain and grain products; policies in the settlement of claims ... 28886
Hearing assignments (2 documents) ... 28880
Idaho rail freight rates ... 28886
Motor carriers:
Alternate route deviation notices ... 28887
Applications and certain other proceedings ... 28888
Fourth section applications for relief ... 28885
Intrastate applications ... 28881
Irregular route property carriers; elimination of gateways ... 28892
Temporary authority terminations (2 documents) ... 28891
Transfer proceedings (2 documents) ... 28890

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, orders of suspension, etc.:
Cedar Estates ... 28843

JUSTICE DEPARTMENT
See Antitrust Division.

LABOR DEPARTMENT
See also Occupational Safety and Health Administration; Wage and Hour Division.
Rules
Revision of programs for migrant and seasonal farmworkers ... 28979

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
Alaska (3 documents) ... 28820–28822
New Mexico ... 28823

MANAGEMENT AND BUDGET OFFICE
Notices
Budget rescissions and deferrals; special message to the Congress ... 29000
Privacy Act; guidelines (2 documents) ... 28947, 28949

MARITIME ADMINISTRATION
Notices
Applications, etc.:
Pacific Far East Line Inc ... 28832
Approval of certain charters ... 28832

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
Notices
Meeting ... 28877

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards:
Seat belt assemblies for light trucks, mpv's ... 28805
Notices
Motor vehicle safety standards:
Fruehauf; denial of petition ... 28846
Meetings:
National Highway Safety Advisory Committee ... 28846

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Ad Hoc Advisory Group on Science Programs (AGOSP) Study Committee ... 28877

NUCLEAR REGULATORY COMMISSION
Notices
Omaha Public Power District; receipt of Attorney General's advice ... 28877

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
Hawaii ... 28792
Notices
State plans for enforcement of standards:
Guam ... 28880

POSTAL RATE COMMISSION
Rules
Election of vice chairman of the commission ... 28792

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Massachusetts Electric Co ... 28879
Ohio Power Co ... 28878

SOCIAL AND REHABILITATION SERVICE
Rules
Limits on payment to certified facilities for treatment of end-stage renal disease ... 28793

SOCIAL SECURITY ADMINISTRATION
Proposed Rules
Information disclosure of certain post-hospital services and erroneous certifications by physicians ... 28810

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Customs Service; Fiscal Service; Internal Revenue Service.

WAGE AND HOUR DIVISION
Proposed Rules
Employment of minors between 14 and 16 years of age; work experience and career exploration programs; extension of comments period ... 28814

WATER RESOURCES COUNCIL
Notices
Standards for planning water and related land resources; change in base line projections ... 28879

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

5 CFR
213 (2 documents) ... 28806
7 CFR
26 ... 28785
271 ... 28786
272 ... 28786
1446 ... 28787
1464 ... 28788
PROPOSED RULES:
1099 ... 28807
9 CFR
PROPOSED RULES:
92 ... 28807
10 CFR
860 ... 28789
14 CFR
71 ... 28790
19 CFR
127 ... 28790
133 ... 28790
PROPOSED RULES:
24 ... 28807
20 CFR
PROPOSED RULES:
401 ... 28810
405 ... 28810
21 CFR
27 (2 documents) ... 28791
510 ... 28791
522 ... 28792
556 ... 28792
29 CFR
94 ... 28980
97 ... 28980
1952 ... 28792
PROPOSED RULES:
570 ... 28814
39 CFR
3002 ... 28792
40 CFR
PROPOSED RULES:
2 ... 28814
52 ... 28815
60 ... 28814
61 ... 28814
79 ... 28814
125 ... 28814
167 ... 28814
180 ... 28814
45 CFR
249 ... 28793
1060 ... 28793
1067 ... 28794
1220 ... 28799
46 CFR
506 ... 28801
47 CFR
1 ... 28803
73 ... 28803
76 ... 28804
PROPOSED RULES:
21 ... 28816
43 ... 28816
76 ... 28816
49 CFR
571 ... 28805

V40 I132 JUL 9 75 XUM

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 ... 27925
310 ... 27925

3 CFR
PROCLAMATIONS:
4381 ... 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) ... 27939
5277 (Revoked by PLO 5507) ... 27659
5481 (Revoked by PLO 5507) ... 27659

4 CFR
54 ... 27929

5 CFR
213 ... 27639, 27640, 27929, 28047, 28445, 28806
307 ... 28445
551 ... 27640
731 ... 28047

7 CFR
26 ... 28785
246 ... 27930
271 ... 28786
272 ... 28786
722 ... 28601
780 ... 27641
908 ... 28460
910 ... 28461
911 ... 28462
915 ... 28048
916 ... 28462
917 ... 27930, 28601
930 ... 27931, 28602
1464 ... 28603
1822 ... 28463
1843 ... 27931
1964 ... 27641
1131 ... 27642
1446 ... 28787
1464 ... 28788
PROPOSED RULES:
728 ... 28093
775 ... 28093
911 ... 28614
915 ... 28090, 28614
916 ... 28090
958 ... 28091
980 ... 28091
989 ... 27691
1032 ... 28618
1046 ... 28465
1062 ... 28618
1099 ... 28807
1201 ... 28092, 28093
1421 ... 28094
1822 ... 28094
1464 ... 27691

8 CFR
PROPOSED RULES:
212 ... 28614

9 CFR
83 ... 27642
97 ... 27643
PROPOSED RULES:
92 ... 28807
101 ... 28621
112 ... 28621

9 CFR—Continued
PROPOSED RULES—Continued
113 ... 28621
114 ... 28621

10 CFR
205 ... 28446
211 ... 28446
212 ... 28847, 28448
303 ... 28420
309 ... 28420
860 ... 28789
PROPOSED RULES:
205 ... 28481
206 ... 28481
212 ... 28634–28637
213 ... 28481, 28487

11 CFR
Ch. II ... 28578
PROPOSED RULES:
Ch. II ... 28579

12 CFR
308 ... 28048
339 ... 27931
400 ... 28449
PROPOSED RULES:
217 ... 28644
329 ... 28099, 28100
544 ... 28638
545 ... 28638
546 ... 27953, 28640
555 ... 28641
563 ... 27954, 28643

13 CFR
121 ... 28603

14 CFR
21 ... 28603
39 ... 27643, 27644, 28075, 28604–28605
71 ... 28076, 28077, 28790
75 ... 27644, 28077
97 ... 28606
211 ... 28077
217 ... 28078
288 ... 28078, 28450
296 ... 28079
297 ... 28087
399 ... 28087
PROPOSED RULES:
39 ... 28096
71 ... 28628
75 ... 28096, 28097, 28628
91 ... 28628
93 ... 28629
221 ... 28489

16 CFR
13 ... 27932, 28050
302 ... 27932
1031 ... 27934
PROPOSED RULES:
257 ... 28489

17 CFR
270 ... 27644
275 ... 27644

18 CFR
3 ... 27645
260 ... 27645

19 CFR
1 ... 28582
127 ... 28790
133 ... 28790
PROPOSED RULES:
24 ... 28807

20 CFR
401 ... 27648
405 ... 28016, 28052
422 ... 27648
PROPOSED RULES:
401 ... 28810
404 ... 28095
405 ... 27782, 28810
416 ... 28095

21 CFR
1 ... 28582
27 ... 28791
229 ... 28610
431 ... 28052
510 ... 27651, 28791
522 ... 28791
556 ... 28792
558 ... 27651
701 ... 28451
1308 ... 28611
1401 ... 27821
PROPOSED RULES:
310 ... 27796, 28587
1020 ... 28095

22 CFR
8 ... 28606

23 CFR
230 ... 28053

24 CFR
17 ... 28597
888 ... 28451
1914 ... 28061
1915 ... 27651
2205 ... 28609

25 CFR
12 ... 28026
153 ... 28039

26 CFR
1 ... 27943
PROPOSED RULES:
1 ... 27943, 28101, 28613
11 ... 28101

29 CFR
94 ... 28980
97 ... 28980
727 ... 28064
1952 ... 27655, 28472, 28792
PROPOSED RULES:
570 ... 28814
1902 ... 27946
1907 ... 27691

32 CFR
641 ... 27936
1712 ... 28597

33 CFR
3 ... 28451
127 ... 27939

34 CFR
PROPOSED RULES:
Ch. II ... 28495

36 CFR
PROPOSED RULES:
2 ... 28088

39 CFR
3002 ... 28792

40 CFR
52 ... 28064
85 ... 28066
162 ... 28242
180 ... 28065
PROPOSED RULES:
2 ... 28814
51 ... 28629
52 ... 28097, 28098, 28815
60 ... 28814
61 ... 28814
79 ... 28814
125 ... 28814
167 ... 28814
180 ... 28633

41 CFR
1–3 ... 27655
1–9 ... 28067
9–4 ... 28068
60–8 ... 28609
101–11 ... 27655
105–61 ... 28610

41 CFR—Continued
PROPOSED RULES:
60–12 ... 28477
60–14 ... 28472

42 CFR
2 ... 27802

43 CFR
20 ... 28288
430 ... 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5504 ... 27659
5506 ... 27659
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR
83 ... 28572
206 ... 27659
249 ... 28793
250 ... 28070
1060 ... 28793
1061 ... 27661
1067 ... 28794
1068 ... 27665, 27667
1220 ... 28799
PROPOSED RULES:
116d ... 28622

46 CFR
502 ... 27671
506 ... 28801
538 ... 28452
PROPOSED RULES:
547 ... 28489

47 CFR
0 ... 28454
1 ... 28454, 28803
73 ... 27671, 27939, 28457, 28803
74 ... 28610
76 ... 28457, 28804
PROPOSED RULES:
21 ... 28816
43 ... 28816
73 ... 28098, 28634
76 ... 28634, 28816

49 CFR
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
571 ... 28457, 28805
575 ... 28071, 28074
1033 ... 27939–27941
1102 ... 27941
PROPOSED RULES:
571 ... 28097

50 CFR
21 ... 28459
PROPOSED RULES:
17 ... 28712
20 ... 27943
216 ... 28469

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9

V40-132 JUL 9 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FHA National maximum speed limit and maximum vehicle size and weight; establishment 34519; 6-9-75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Raisins produced from grapes grown in Calif.; payment rate change for box rental; comments by 7-18-75. 27485; 6-30-75
Rural Electrification Administration—
Civil rights compliance; change in requirements; comments by 7-15-75. 24738; 6-10-75

CONSUMER PRODUCT SAFETY COMMISSION
Bicycles; banning and safety regulations; comments by 7-18-75. 25480; 6-16-75

ENVIRONMENTAL PROTECTION AGENCY
Procurement under EPA grants; maximum standards; comments by 7-15-75 ..... 24534; 6-9-75

FARM CREDIT ADMINISTRATION
Farm credit institutions; administration of; comments by 7-18- 75. 25474; 6-16-75

FEDERAL COMMUNICATIONS COMMISSION
Amateur radio service; comments by 7-16-75 ..... 26048; 6-20-75
Cable television: Application for authorization; comments by 7-16-75. 27051; 6-26-75
Class E citizens radio service; deferral of action on proposals; comments by 6-16-75; reply comments by 7-16-75 ..... 11612; 3-12-75
Domestic-public radio service; comments by 7-18-75 ..... 24021; 6-4-75
FM broadcast stations, Arkansas and Missouri; table of assignments; order extending time for filing comments and reply comments; comments by 7-14-74; reply comments by 7-22-75 ..... 26560; 6-24-75
FM broadcast stations; table of assignments: Me., comments by 7-17-75. 24573; 10-6-75
FM Broadcast stations; table of assignments; comments by 7-18-75. 24751; 6-10-75
Renewal of Broadcast Station license; revision of FCC Form 303 application; comments by 7-15-75. 24540; 6-9-75

FEDERAL HOME LOAN BANK BOARD
Federal savings and loan system drive-in facilities; proposed expansion of allowable functions; comments by 7-15-75 ..... 25030; 6-12-75

FEDERAL RESERVE SYSTEM
Truth in lending; description in transactions; comments by 7-18-75. 26571; 6-24-75

FEDERAL TRADE COMMISSION
Trade practice rules (Industry Guides); recission of; comments by 7-14-75. 21047; 5-15-75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
Food for special dietary uses; identity standards; comments by 7-14-75 ..... 23243; 5-28-75
Social and Rehabilitation Service—
Grants to States for public assistance programs; procedures for reconsidering disallowances of Federal financial participation; comments by 7-17-75 ..... 25599; 6-17-75

INTERIOR DEPARTMENT
Fish and Wildlife Service—
Addition of Santee National Wildlife Refuge, S.C., to list of areas open to hunting of big game; comments by 7-15-75 ..... 25217; 6-13-75
Migratory bird hunting; species identification; comments by 7-17-75. 27943; 7-2-75

JUSTICE DEPARTMENT
Drug Enforcement Administration—
Schedules of controlled substances; librax and minrium excepted from schedule IV; comments by 7-15-75 ..... 24217; 6-5-75

LABOR DEPARTMENT
Office of the Secretary—
Walsh-Healey Public Contracts Act; definition of regular dealer for used automatic data processing equipment; comments by 7-14-75. 25219; 6-13-75

NUCLEAR REGULATORY COMMISSION
Standards for protection against radiation; personnel monitoring reports; comments by 7-14-75. 23478; 5-30-75

SECURITIES AND EXCHANGE COMMISSION
Investment advisers; disclosure and recordkeeping requirements; comments by 7-18-75 .. 24756; 6-10-75
Oil and gas reserve disclosure; definitions and classifications; comments by 7-15-75 ..... 25230; 6-13-75

TRANSPORTATION DEPARTMENT
Coast Guard—
Carriage of portable tank having a gross weight of 55,000 pounds or less; allowance; comments by 7-16-75 ..... 24532; 6-9-75
Nonapproved lifesaving devices on white water canoes and kayaks; proposed revocation of exception; comments by 7-15-75. 25026; 6-12-75
Federal Aviation Administration—
Proposed alteration of special air traffic rules; Valparaiso, Fla.; comments by 7-14-75. 20826; 5-13-75
Restricted areas and continental control area; comments by 7-14-75 ..... 20825; 5-13-75
Southern region; alteration of transition area; comments by 7-17-75. 25601; 6-17-75
Transition areas, Chicago and Indiana; comments by 7-14-75. 25027, 25028; 6-12-75
Transition areas; Flemingsburg, Ky.; comments by 7-16-75. 25480; 6-16-75

TREASURY DEPARTMENT
Internal Revenue Service—
War veteran organizations; exemptions; comments by 7-17-75. 25476; 6-16-75

Next Week's Meetings

AGRICULTURE DEPARTMENT
Forest Service—
Timpas Unit Grazing Advisory Board; be held in Great Falls, Mont. (open), 7-15-75 ..... 24547; 6-9-75

CIVIL RIGHTS COMMISSION
Delaware State Advisory Committee, to be held in Arlington, Va. (open), 7-15-75 ..... 25621; 6-17-75
Illinois State Advisory Committee; to be held in Chicago, Ill. (open), 7-16-75 ..... 26056; 6-20-75
Maine State Advisory Committee; to be held at Augusta, Me. (open), 7-16-75 ..... 27072; 6-26-75
Michigan State Advisory Committee; to be held at Port Sanalic, Mich. (open), 7-18-75 ..... 27072; 6-26-75
Montana State Advisory Committee; to be held in Great Falls, Mont. (open), 7-19-75 ..... 26056; 6-20-75

COMMERCE DEPARTMENT
Domestic and International Business Administration—
Importers' Textile Advisory Committee; to be held at Washington, D.C. (open with restrictions), 7-16-75. 24761; 6-10-75
Numerically Controlled Machine Tool Technical Advisory Committee; to be held at Washington, D.C. (partially closed), 7-15-75. 24948; 6-11-75
Social and Economic Statistics Administration—
Census Advisory Committee on the Black Population for the 1980 Census; to be held at Suitland, Md. (open), 7-18-75. 25242; 6-13-75

DEFENSE DEPARTMENT
Office of the Secretary—
Advisory Group on Electron Devices; to be held in New York, N.Y. (closed), 7-15 and 7-16-75. 27062; 6-26-75
Defense Science Board Task Force on Accuracy; to be held in El Segundo, Calif. (closed), 7-15 and 7-16-75 (rescheduled from 7-16 and 7-17-75) 26573; 6-24-75
Executive Committee of the Defense Advisory Committee on Women in the Services; to be held in Washington, D.C. (open), 7-18-75. 25832; 6-19-75
Wage Committee; to be held at Washington, D.C. (closed), 7-15-75 ..... 25235; 6-13-75

DEFENSE MANPOWER COMMISSION
Defense Manpower Commission; to be held at Washington, D.C. (open with restrictions), 7-17-75. 23364; 5-29-75

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
High Energy Physics Advisory Panel; to be held in Germantown, Md. (open with restrictions), 7-17-75. 26581; 6-24-75

ENVIRONMENTAL PROTECTION AGENCY
Effluent Standards and Water Quality Information Advisory Committee; to be held in Lexington, Ky. (open), 7-18 and 7-19-75 .. 27513; 6-30-75

FEDERAL COMMUNICATIONS COMMISSION
Radio Technical Commission for Marine Services, RTCM Executive Committee; to be held in Washington, D.C., 7-17-75 ..... 27968; 7-2-75
Radio Technical Commission for Marine Services, Special Subcommittee No. 68; to be held in Washington, D.C., 7-17-75 ..... 27967; 7-2-75

FEDERAL ENERGY ADMINISTRATION
Consumer Affairs/Special Impact Advisory Committee; to be held in Washington, D.C. (open), 7-17-75. 27523; 6-30-75
Wholesale Petroleum Advisory Committee; to be held at Boston, Mass. (open), 7-14-75 ..... 27074; 6-26-75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
Commissioner of Food and Drug Administration; on performance standards for dental X-ray film; to be held at Rockville, Md. (open), 7-16-75 ..... 27959; 7-2-75
Obstetrics and Gynecology Advisory Committee; to be held at Rockville, Md. (open and closed), 7-17 and 7-18-75. 27068; 6-26-75
Ophthalmic Drugs Advisory Committee; to be held at Rockville, Md. (open), 7-14-75 .. 27068; 6-26-75
Panel on Review of Cold, Cough, Allergy, Bronchodilators, and Antiasthmatic Drug Products; to be held in Washington, D.C. (partially open), 7-17 and 7-18-75. 25841; 6-19-75
Panel on Review of Gastroenterology-Urology Devices; to be held in Washington, D.C. (partially open), 7-14-75 ..... 25841; 6-19-75
Panel on Review of General and Plastic Surgery Devices; to be held in Washington, D.C. (partially closed), 7-18-75. 25842; 6-19-75
Panel on Review of Tropical Analgesics; to be held in Washington, D.C. (partially closed), 7-15 and 7-16-75 ..... 25841; 6-19-75
National Institute of Education—
National Council on Educational Research; to be held in Washington, D.C. (open), 7-18-75. 27505; 6-30-75
National Council on Educational Research; to be held in Washington, D.C. and Calif. (open with restrictions), 7-18, 9-18, and 11-21-75 25615; 6-17-75
National Institutes of Health—
Clinical Applications and Prevention Advisory Committee; to be held in Bethesda, Md. (open with restrictions), 7-14 and 7-15-75. 24763; 6-10-75
Coordinate Toxicology and Related Programs Committee; to be held in Bethesda, Md. (open), 7-16 and 7-17-75 ..... 26302; 6-23-75
National Cancer Institute Smoking and Health Program Contractors; to be held in Hot Springs, Va. (open with restrictions), 7-17 and 7-18-75 ..... 23779; 6-2-75
Recombinant DNA Molecule Program Advisory Committee; to be held in Woods Hole, Mass. (open partially), 7-18 and 7-19-75. 24764; 6-10-75
Virus Cancer Program Scientific Review Committee A; to be held in Bethesda, Md. (open partially), 7-14 and 7-15-75. 24763; 6-10-75
Office of the Secretary—
Consumer Advisory Council; to be held in Washington, D.C. (open), 7-14-75 ..... 27070; 6-26-75
Health Insurance Benefits Advisory Council, to be held in Washington, D.C. (open), 7-16 and 7-17-75. 25616; 6-17-75
Social Security Administration—
Supplemental Security Income Study Group; to be held at Baltimore, Md. (open), 7-16-75. 27070; 6-26-75
Supplemental Security Income Study Group; to be held in Washington, D.C. (open), 7-17-75. 27070; 6-26-75

INTERIOR DEPARTMENT
National Park Service—
Gateway National Recreation Area Advisory Commission; to be held at Brooklyn, N.Y. (open), 7-14-75. 25499; 6-16-75

JUSTICE DEPARTMENT
Law Enforcement Assistance Administration—
National Advisory Committee for Juvenile Justice and Delinquency Prevention; to be held in Chicago, Ill. (open), 7-17 and 7-18-75. 27270; 6-27-75

LABOR DEPARTMENT
Occupational Safety and Health Administration—
Standards Advisory Committee on Agriculture; to be held in Salt Lake City, Utah (open), 7-15-75. 27537; 6-30-75

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
Meeting in Washington, D.C. (open), 7-14 and 7-15-75 .. 25042; 6-12-75

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN
Committee on Early Childhood Education; to be held in Washington, D.C., 7-17-75 ..... 27984; 7-2-75

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Federal-State Partnership Advisory Panel to the National Endowment for the Arts; held in Washington, D.C. (open with restrictions), 7-14 and 7-15-75 ..... 27283; 6-27-75

NATIONAL SCIENCE FOUNDATION
Advisory Panel for Genetic Biology; to be held in Washington, D.C. (closed), 7-14 and 7-15-75 .. 26598; 6-24-75
Advisory Panel for Weather Modification; to be held in Boulder, Colo. (open), 7-13 through 7-15-75. 26598; 6-24-75

NUCLEAR REGULATORY COMMISSION
Advisory Committee on Reactor Safeguards, Subcommittee on Combustion Engineering System 80; to be held in Washington, D.C. (open partially), 7-18-75 ..... 27986; 7-2-75

STATE DEPARTMENT
International Book and Library Programs, Government Advisory Committee; to be held in Washington, D.C. (open), 7-17-75 ..... 24546; 6-9-75

TRANSPORTATION DEPARTMENT
Federal Highway Administration—
National Advisory Committee on Uniform Traffic Control Devices; to be held in San Diego, Calif. (open), 7-16 thru 7-18-75. 26054; 6-20-75

V40 I132 JUL 9 75 XUM

Next Week's Public Hearings

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Insurance Administration—

Flood plain management criteria; to be held in New York, N.Y., 7–14–75. 25479; 6–16–75

Office of Interstate Land Sales Registration—

Green Sand Subdivision Units I and II; to be held in Washington, D.C., 7–17–75. 26577; 6–24–75

Lake Chapparal; to be held in Washington, D.C., 7–16–75. 26578; 6–24–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every day in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H. R. 6054..... Pub. Law 94–52
Office of Environmental Quality, further appropriation authorizations
(July 3, 1975; 89 Stat. 258)

S. J. Res. 98..... Pub. Law 94–53
Valley Forge, Pennsylvania, flying of the flag of the United States twenty-four hours each day
(July 4, 1975; 89 Stat. 259)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

Effective Date of Regulations

Statement of considerations. On December 30, 1974, there was published in the FEDERAL REGISTER (39 FR 45018) a notice announcing a proposal to implement the provisions of section 12 of the U.S. Grain Standards Act (7 U.S.C. 87a) and §§ 26.55(b)(2) and 26.57 of the regulations thereunder (7 CFR 26.55(b)(2) and 26.57) by requiring, effective March 1, 1975, the mandatory retention by official inspection personnel or official inspection agencies of file samples for grain inspections in accordance with the provisions of § 26.57 of the regulations. Interested parties were given until January 27, 1975, to submit written data, views, or arguments with respect to this notice.

Twenty-five commentors representing official inspection agencies, grain industry firms, and an individual responded to the December 30, 1974, notice published in the FEDERAL REGISTER. Two of the commentors supported the retention of file samples as proposed. Fifteen commentors representing official inspection agencies and eight grain industry firms opposed retention of file samples because of increased costs, suggested shorter retention periods, or suggested that retention of file samples be based on needs in individual areas. The principal points raised by the opposing commentors and the Department's response to them are as follows:

A. *Increased costs.* Nine official inspection agencies and five grain industry firms opposed the mandatory retention of file samples for submitted sample inspections and truckiot inspections because of costs of additional storage space and handling of samples. One official inspection agency and two grain industry firms opposed mandatory retention of file samples representing any inspections because of additional costs for storage space and handling of samples. The Department believes that the savings to the applicant for inspection as a result of using file samples for reinspection and appeal inspections will more than offset the cost of retaining the file samples. However, the Department has concluded that retention of file samples for truckiot inspections and submitted sample inspections is not necessary for those inspections that grade U.S. No. 1 and are available for supervision purposes, otherwise 2 calendar days if applicant or his agent receives notice of inspection results on date of inspection, otherwise 4 calendar days.

B. *Shorter retention periods for outbound carlots.* Three official inspection agencies opposed the retention of file samples for out-carlot inspections longer than 7 days. The Department has concluded that the 15-day retention period for file samples representing out-carlot inspections is necessary to permit comparison of origin and destination grades and to assist in resolving intermarket differences. A shorter period of retention for such file samples would not meet the intended purpose. Accordingly, no change is being made in this provision.

C. *Retention based on needs in individual areas.* Two official inspection agencies and one national inspection group suggested that retention of file samples be based on needs in each area. The Department has concluded that it would not be practicable to provide a separate file sample retention plan for each of the 111 agencies or persons designated to operate as official inspection agencies in the United States. Such individual area file sample retention plans would (1) be a deterrent to uniformity of the program; (2) compound problems in supervision; and (3) confuse applicants shipping between areas as to availability of file samples for reinspections or appeal inspections. Accordingly, no provision is being made for retention of file samples based on each individual area need.

The mandatory retention of file samples was proposed as a means of improving the national inspection system by providing to applicants and interested parties of original inspections, the right to a reinspection or an appeal inspection. The most effective means of insuring the right to reinspection or appeal inspection is a program whereby file samples are available as a basis for such reinspection or appeal inspection. The file sample retention program will be useful to all applicants including country elevators and producers.

Official inspection records indicate that where file samples are available, such file samples are being used in increasing numbers for appeal inspections. The retention of file samples is considered by the Department to be an additional means of protecting the integrity of official inspection certificates when such file samples are available for supervision inspections, resolving intermarket complaints, and for use in handling special requests from applicants; i.e., requests for samples to demonstrate class and quality of grain to foreign buyers. Therefore, after consideration of the comments filed with respect to the December 30, 1974, notice published in the FEDERAL REGISTER, needs and circumstances of local markets, and other information available to the Department, it has been concluded that retention of file samples is needed. It is further concluded that file samples of inbound truck inspections and file samples of submitted sample inspections do not need to be retained if the grade of the grain is U.S. No. 1 and the samples are available for supervision purposes.

Accordingly, the provisions of § 26.55 (b)(2) are being implemented as follows:

§ 26.55 Maintenance and availability of records.

* * * * * *

(b) *Records on inspection activities.* The complete record shall include (1) detailed work records, (2) official file samples, and (3) official certificates, as prescribed in §§ 26.56, 26.57, and 26.58. The record for each inspection shall be kept in such manner as to permit comparison with the record for other inspections on the same identified grain.

* * * * * *

§ 26.57 of the regulations will be implemented with paragraph (f) revised as follows:

§ 26.57 File samples.

(a) *General.* For each official inspection, an official file sample shall be maintained in accordance with paragraphs (b) through (h) in this section: *Provided*, That no file sample need be maintained for checkweighing and other types of inspections which are not based on an examination of the grain in a sample.

(b) *Who shall maintain samples.* File samples shall be maintained by the official inspection personnel who performed the inspection or by the official inspection agency that conducted the inspection: *Provided*, That no file sample need be maintained by a licensed employee of a grain elevator or warehouse: *And provided further*, That if a file sample maintained by an official inspection agency is used for an appeal or review inspection, the field office which conducted the appeal or review inspection shall thereafter have the responsibility for maintaining the sample.

(c) *Size of sample.* Each file sample shall consist of a worked portion and an unworked portion: *Provided*, That if the inspection does not require the use or examination of the grain in both portions, and if the applicant will not desire a portion of the sample during the prescribed retention period, only one portion is required to be maintained. Each file sample shall be of such size as will

V 40 I 132 JUL 9 75 XUM

permit a reinspection, an appeal inspection, or a review inspection for the kind (scope) of inspection for which the sample was obtained. (In the case of a submitted sample inspection, if an undersized sample is received, the entire sample shall be retained.)

(d) *Containers.* Each sample shall be retained in such container and in such manner as will retain the representativeness of the sample from the time it is obtained or received by the official inspection personnel until it is discarded. High moisture samples, infested samples, and other problem samples shall be retained in accordance with the instructions.

(e) *File system.* To facilitate the full use of file samples, each official inspection agency and each field office shall establish and maintain, in accordance with the instructions, a uniform file sample system which has been approved by the Administrator. The instructions may prescribe the kind and size of the file sample containers, the method of identification, and methods for retaining the representativeness of the samples.

(f) *Retention periods.* (1) Each file sample shall be retained for the following applicable period of time which is necessary for the handling of a reinspection, an appeal inspection, or a trade complaint:

Type of carrier (or container)	*Retention period (calendar days)*
Rail cars:	
In (other than en route)[1]	[2] 5–7
Out	15
Trucks:	
In (other than en route)[1]	[3] 0–2–4
Out	7
Barges:	
In (other than enroute)[1]	10
Out	30
Bins and tanks	[4] 2–4
Submitted samples	[5] 0–2–4

Ships:	*Composite samples*	*Subiot samples*
In	[6]	7
Out (domestic)	[6]	15
Out (export)	90	30

[1] The retention period for an "IN" (en route) movement shall be the same as for an "OUT" movement in the identified carrier.

[2] 5 calendar days if applicant, or his agent, receives notice of inspection results on the date of inspection, otherwise 7 calendar days.

[3] No retention needed if the grain is graded U.S. No. 1 and the file samples are available for supervision purposes. Otherwise, 2 calendar days if applicant or his agent receives notice of inspection results on date of inspection, otherwise 4 calendar days.

[4] 2 calendar days if applicant, or his agent, receives notice of inspection results on the date of inspection, otherwise 4 calendar days.

[5] If the identification of an unofficial sample is the same as the identification of a carrier, the retention period for the sample shall be the same as for an "OUT" movement in the identified carrier.

[6] The retention of composite samples for "IN" and for "OUT (Domestic)" ship lots shall be optional with the official inspection personnel and the official inspection agency.

Samples may be kept for longer periods of time as desired at the option of the persons or agency maintaining the samples.

(2) For good cause shown, and upon request by the official inspection personnel or the official inspection agency, and with the approval of the Administrator, specified samples or classes of samples may be retained for agreed shorter periods of time.

(3) In determining the retention period, the time period shall begin on the date of the inspection involved.

(g) *Furnishing file samples to field offices.* (1) Upon request by a field office, a file sample retained by official inspection personnel or by an official inspection agency shall be furnished to the field office for an appeal inspection or a review inspection.

(2) If a sample is furnished to a field office, no portion of the sample need be retained by the official inspection personnel or the official inspection agency.

(3) Official inspection agencies furnishing file samples to a field office for appeal inspections may, upon request, be reimbursed at the rate prescribed in § 26.72, by the Grain Division for the cost of locating and sending the samples.

(h) After official file samples have been retained the prescribed period of time, they may be disposed of in accordance with the provisions of § 26.19.

(Section 12 and 16, 82 Stat. 766 and 768 (7 U.S.C. 87a and 87e) 37 FR 28464 and 28476).

Effective date. The provisions shall become effective August 8, 1975.

Done in Washington, D.C. on: July 3, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-17750 Filed 7-8-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 66]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES, AND BANKS

Food Stamp Coupons

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; U.S.C. 2011–2026), regulations governing the operation of the Food Stamp Program are hereby amended.

As a result of delivery and production problems with the new denominations of coupons implemented March 1, 1975, many parts of the country were forced to use old coupons during March, April and May. Because of this the transition period during which retail food stores and meal services may continue to accept the 50-cent, 2-dollar, and old series 5-dollar coupons has been extended until August 31, 1975.

After that date, the old series of coupons will remain obligations of the United States Government. Retail food stores, wholesale food concerns and meal services may redeem old series coupons at commercial banks through September 30, 1975. These amendments provide methods by which authorized firms still in possession of 50-cent, 2-dollar and old series 5-dollar coupons after September 30, 1975, may redeem them.

Although it is the policy of the Department that 30-days' notice be given to proposed rulemaking, in view of the immediate need to publish this amendment it has been determined impracticable and contrary to public interest to give notice of proposed rulemaking with respect to this amendment.

Accordingly, Parts 271 and 272 of Chapter II, Title 7, Code of Federal Regulations, are amended as follows:

1. In § 271.9, paragraph (a) is amended to read as follows:

§ 271.9 Use or redemption of coupons by eligible households.

(a) The head of the eligible household or his authorized representative shall sign each book of coupons provided to the head of the household or his authorized representative. The coupons may be used only by the head of the household or other persons selected by him to purchase eligible food for the household, except that eligible households residing in certain designated areas of the State of Alaska may purchase with their food coupons, hunting and fishing equipment. Coupons may not be used for deposit on bottles or other returnable food containers. Uncanceled and unendorsed coupons of 1-dollar (and through August 31, 1975, 50-cent) denomination returned as change by authorized retail food stores or meal services may be presented as payment for eligible food purchased in or delivered by an authorized retail food store or prepared and served by a meal service. All other coupons which have been detached from the coupon book prior to the time of purchase or delivery of eligible food may be presented as payment for eligible food purchased in or delivered by an authorized retail food store or meal service, only if the coupons are accompanied by the coupon books which bear the same serial numbers as the detached coupons. It is the right of the head of the household or his authorized representative to detach the coupons from the book. Fifty-cent, 2-dollar, and old series 5-dollar denomination coupons, which were previously issued to the household may be used to purchase eligible foods in authorized retail food stores and meal services through August 31, 1975.

* * * * *

2. In § 272.2, paragraphs (d) and (e) are amended to read as follows:

§ 272.2 Participation of retail food stores and meal services.

* * * * *

(d) No retail food store or meal service authorized to receive coupons shall accept coupons marked "paid," "canceled," or "specimen," coupons marked with the name or authorization number of any other firm, coupons bearing the name of any bank, or coupons of other than 1-dollar (and through August 31, 1975, 50-cent) denominations which have been detached from the coupon books prior to the time of purchase or delivery of eligible food unless the detached coupons are accompanied by the coupon books which bear the same serial numbers that appear on the detached coupons. Retail food stores or meal services may not accept 50-cent, 2-dollar, or old series 5-dollar food coupons after August 31, 1975. It is the right of the head of the household or his selected representative to detach the coupons from the book.

(e) Change in cash shall not be given for coupons. An authorized food retailer or meal service must use for the purpose of making change in an amount of 1-dollar (or 50 cents through August 31, 1975) or more, those uncanceled and unmarked coupons having a denomination of 1-dollar (or 50 cents through August 31, 1975) which were previously accepted in exchange for eligible foods. If change in an amount of less than 1-dollar (or 50 cents through August 31, 1975) is required, the eligible household shall have the option of receiving credit from the authorized firm for future delivery of an equivalent value of eligible foods, or of trading out in eligible food the difference between the cost of the purchase and the next higher 1-dollar (or 50 cents through August 31, 1975) increment, or of paying in cash the difference between the cost of the purchase and the next lower 1-dollar (or 50 cents through August 31, 1975) increment. Credit in excess of 99 cents shall not be returned in coupon transactions.

3. In § 272.4, a new paragraph (d) is added to read as follows:

§ 272.4 Procedure for redeeming coupons.

* * * * *

(d) Old series food coupons in 50-cent, 2-dollar and 5-dollar denominations may be redeemed by authorized retail food stores, meal services or wholesale food concerns at commercial banks through September 30, 1975. After this date the old series coupons may be redeemed only by making a claim to FNS under § 272.7 (d).

4. In § 272.5, paragraph (a) is amended to read as follows:

§ 272.5 Participation of banks.

(a) Banks may accept coupons for redemption from authorized retail food stores, authorized meal services, and authorized wholesale food concerns in accordance with the provisions of this part and the instructions of the Federal Reserve Banks. Old series food coupons in 50-cent, 2-dollar, and 5-dollar denominations may be accepted for redemption through September 30, 1975. Coupons submitted to banks for credit or for cash must be properly endorsed in accordance with § 272.4 and shall be accompanied by a properly executed redemption certificate. No bank shall knowingly accept coupons used by ineligible persons or transmitted for collection by unauthorized firms or any other unauthorized persons, partnerships, corporations, or other legal entities. Banks may require persons presenting coupons for redemption to show their authorization card. The redemption certificates shall be held by the receiving bank until final credit has been given by the Federal Reserve Bank after which the wholesale food concerns' redemption certificates shall be forwarded to the FNS Field Office and the retail food stores' and meal services' redemption certificates to:

ADP Field Office
Food Stamp Control Unit
Food and Nutrition Service, USDA
3930 West 65th Street
Minneapolis, Minnesota 55435

Coupons accepted for deposit or for payment in cash must be canceled by or for the first bank receiving the coupons by indelibly marking "paid" or "canceled" together with the name of the bank, or its routing symbol transit number, on the coupons by means of an appropriate stamp. A portion of a coupon consisting of less than three-fifths of a whole coupon shall not be accepted for redemption by banks. Banks which are members of the Federal Reserve System, nonmember clearing banks, and nonmember banks which have arranged with a Federal Reserve Bank to deposit coupons for credit to the account of a member bank on the books of the Fededal Reserve Bank may forward canceled coupons directly to the Federal Reserve Bank for payment in accordance with applicable regulations or instructions of the Federal Reserve Banks. Other banks may forward canceled coupons through ordinary collection channels.

* * * * *

5. In § 272.7, a new paragraph (d) is added to read as follows and the current paragraph (d) is relettered paragraph (e):

§ 272.7 Determination and disposition of claims—retail food stores, meal services, and wholesale food concerns.

* * * * *

(d) After September 30, 1975, FNS may redeem the old series food coupons issued in 50-cent, 2-dollar, and 5-dollar denominations when they are presented for redemption. Firms presenting the coupons for redemption shall submit the coupons to the local FNS Field Office with a properly completed redemption certificate and a written statement, signed by a representative of the firm, detailing the circumstances of the acceptance of the coupons.

* * * * *

Effective date: This amendment shall become effective July 1, 1975.

Dated: June 30, 1975.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

(78 Stat. 703, as amended (U.S.C. 2011-2026))

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-17752 Filed 7-8-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

1975 Crop Peanut Warehouse Storage Loans

On January 27, 1975, notice of proposed rule making regarding loan and purchase rates for 1975 crop peanuts and operating provisions to carry out the 1975 crop peanut loan and purchase program was published in the FEDERAL REGISTER (40 FR 4019).

Six responses were received from individual producers and other interested parties. These responses included requests ranging from continuation of the present program without change to eliminating the 100 percent resale policy and changing the price differential by types of peanuts.

After consideration of all responses, it has been determined that price differentials and other operating provisions for the 1975 crop will remain the same as those for the 1974 crop, except (1) the deduction from the price support value to cover cost for storage, handling, and inspection will be increased from $17 to $18 per net ton, (2) the minimum support value for any lot of eligible peanuts was increased from 4 to 8 cents per pound of kernels, and (3) no premium for extra large kernels in Virginia type peanuts shall be applicable to any lot containing more than 4 percent damaged kernels.

This annual crop supplement, together with the General Regulations Governing 1974 and Subsequent Crop Peanut Warehouse Storage Loans and any amendments hereto (hereinafter called the General Regulations), contain the terms and conditions under which CCC will make warehouse storage loans on 1975 crop peanuts.

The material previously appearing in these § 1446.8 through 1446.13 shall remain in full force and effect as to the crops to which it is applicable.

For the 1975 crop of farmers stock peanuts, §§ 1446.8 through 1446.13 are hereby amended to read as follows:

§ 1446.8 Associations through which producer may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1975 crop farmers stock peanuts through, in the Southeastern area, GFA Peanut Association, Camilla, Georgia; Southwestern area, Southwestern Peanut Growers' Association, Gorman, Texas; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Virginia.

§ 1446.9 Applicability.

The support prices specified in this subpart apply to 1975 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the General Regulations.

§ 1446.10 National average support value.

The national average support value for 1975 crop peanuts is $388.50 per ton.

V40-132 JUL 9 75 XUM

§ 1446.11 Average support values by type.

The support values by type per average grade ton of 1975 crop peanuts are:

Type:	Per ton
Virginia	$387.98
Runner	393.10
Southeast Spanish	379.06
Southwest Spanish	374.87
Valencia, in the Southwest area suitable for cleaning or roasting	387.98

The price for all Valencia type peanuts in the Southeast and Virginia-Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

§ 1446.12 Calculation of support values.

The support value per ton for 1975 crop peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.*

(1) Price for each percent of sound mature and sound split kernels shall be:

Type:	Per ton
Virginia	$5.499
Runner	5.460
Southeast Spanish	5.460
Southwest Spanish	5.460
Valencia:	
Southwest area—suitable for cleaning and roasting	5.922
Southwest area—not suitable for cleaning and roasting	5.460
Areas other than Southwest	5.460

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 4 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discount.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of:	Discount
1 through 4 percent	None
5 percent	$1.00
6 percent	1.60

Plus 80 cents for each percent of sound split kernels in excess of 6 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton.

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.10 per percent sound mature and sound split kernels.

(g) *Mixed type discount.* Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $10 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at 34/64 inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

(j) *Deduction for storage, handling and inspection.* For all types of peanuts, a deduction of $18 per net ton will be made from the price support value to cover cost of storage, handling and inspection.

§ 1446.13 Peanuts containing mold.

(a) *Background.* Peanuts, as they are marketed, are inspected by the Federal-State Inspection Service for visible Aspergillus flavus mold, a mold known to produce toxins. As provided in § 1446.7 (f), peanuts containing such mold are not eligible for price support. It is essential that stocks of peanuts which are sold for commercial purposes remain free from contamination by peanuts containing Aspergillus flavus mold. The adverse effect on the market for peanuts which would result from seizure or other Governmental action with respect to contaminated peanuts is readily apparent. The associations designated in § 1446.8 and parties to the Peanut Marketing Agreement are subject to strict limitations upon their marketing of peanuts which contain such mold. Therefore, as a condition to his eligibility for price support, the producer shall dispose of any lot of peanuts found by the Federal-State Inspection Service to have visible Aspergillus flavus mold (herein referred to as "any affected lot") in the manner prescribed in paragraph (b) of this section.

(b) *Disposition of affected peanuts.* The producer shall either (1) at the point of first inspection, sell any affected lot to a signer of the Peanut Marketing Agreement or turn it over to the Association for marketing on his behalf, or (2) reclean any affected lot, or have it recleaned, for the purpose of removing loose shelled kernels and foreign material. If the producer elects to reclean the affected lot, or to have it recleaned, he will be given a copy of the Inspection Certificate and Sales Memorandum, Form MQ–94, which will show that visible mold was found. The producer shall return such copy, along with the affected lot it represents, to an inspector for a second inspection by the close of business on the next workday following the initial inspection. If visible mold is, upon second inspection, again found in the lot, the producer shall, at the point of second inspection, either sell the affected lot to a signer of the Peanut Marketing Agreement or turn it over to the Association for marketing on his behalf.

(c) *Liquidated Damages.* In view of the circumstances set forth in paragraph (a) of this section, CCC may incur substantial damages to its program to support the price of peanuts if peanuts containing Aspergillus flavus mold are disposed of other than in accordance with the provisions of paragraph (b) of this section. The amount of such damages is difficult, if not impossible, to ascertain exactly. Therefore, the producer shall, with respect to any lot of peanuts ineligible for price support pursuant to § 1446.(7) which is placed under price support, or any lot of peanuts which is placed under price support by a producer after he has disposed of any affected lot other than in the manner prescribed in paragraph (b) of this section, pay to CCC as liquidated damages and not as a penalty, seven cents ($.07) per net weight pound of such peanuts. The provisions of § 1446.4(b) relating to the producer's liability (aside from liability under criminal and civil frauds statutes) shall not be applicable to such peanuts.

Effective date: July 9, 1975.

Signed at Washington, D.C., on July 2, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 75–17705 Filed 7–8–75;8:45 am]

[Amdt. 3]

PART 1464—TOBACCO

Use of Pesticides and Certification of Acreage

On March 20, 1975, there was published in the FEDERAL REGISTER (40 FR 12669) a notice of proposed rule making concerning proposed amendments to the tobacco loan program regulations to provide that (1) tobacco on which pesticides containing toxaphene and endrin have been used shall not be eligible for price support, and (2) in the case of flue-cured tobacco, producers' certifications of acreage shall not be required as a condition of price support. Interested persons were afforded an opportunity to file data, views and recommendations.

Only two responses were received and only one contained comments in opposition to either proposal. The latter recommended continuing acreage certification for flue-cured tobacco, because such certifications establish positive determination of producers' eligibility to receive marketing cards. Flue-cured marketing cards are issued under marketing quota regulations, and the proposed amendment would not preclude procedures under the marketing quota regulations to establish positive determination of producers being eligible to receive marketing cards prior to the issuance of marketing cards or other determinations for marketing quota purposes. The purpose of the amendment is only to remove, as a condition of price support, the requirement that flue-cured tobacco producers certify the number of acres on which tobacco is produced. The amendment has been modified to clarify this.

The tobacco loan program regulations are amended as follows:

1. Section 1464.2(c) is revised to read:

§ 1464.2 Availability of price support.

* * * * *

(c) No price support will be available for tobacco on which pesticides containing DDT, TDE, toxaphene and endrin, as defined in Parts 724, 725 and 726 of Chapter VII of this title, have been used in the field or after harvest.

* * * * *

2. Section 1464.7(a) (1) and (3) are revised to read:

§ 1464.7 Eligible producers.

(a) * * *

(1) Pesticides containing DDT, TDE, toxaphene and endrin have not been used in the field or after being harvested.

(2) * * *

(3) Tobacco produced on the farm is not produced on acreage which exceeds the acreage allotment established under applicable marketing quota regulations and the producer has furnished a certification of his acreage as required under applicable marketing quota regulations, except that this provision shall not apply to flue-cured tobacco.

* * * * *

3. Section 1464.8(c) is revised to read:

§ 1464.8 Eligible tobacco.

* * * * *

(c) If Puerto Rican tobacco or tobacco of a kind for which marketing quotas have been terminated, is tobacco for which the association has received a certification by the producers that pesticides DDT, TDE, toxaphene and endrin, as defined in Parts 724, 725 and 726 of this title, were not used on the tobacco in the field or after harvest.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 63 Stat. 1051, as amended, 1054 (7 U.S.C. 1441, 1445, 1421, 1423); 74 Stat. 6, as amended (7 U.S.C. 1445))

Effective Date: July 9, 1975.

Signed at Washington, D.C. on July 2, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75–17704 Filed 7–8–75;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 860—TRESPASSING ON ADMINISTRATION PROPERTY

On August 16, 1963 the Atomic Energy Commission published 10 CFR Part 160 to implement section 229 of the Atomic Energy Act of 1954 as amended, 42 U.S.C. 2278a, which reads as follows:

Sec. 229. Trespass Upon Commission Installations—a. The Commission is authorized to issue regulations relating to the entry upon or carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property, into or upon any facility, installation, or real property subject to the jurisdiction, administration, or in the custody of the Commission. Every such regulation of the Commission shall be posted conspicuously at the location involved.

b. Whoever shall willfully violate any regulation of the Commission issued pursuant to subsection a. shall, upon conviction thereof, be punishable by a fine of not more than $1,000.

c. Whoever shall willfully violate any regulation of the Commission issued pursuant to subsection a. with respect to any installation or other property which is enclosed by a fence, wall, floor, roof, or other structural barrier shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed $5,000, or to imprisonment for not more than one year, or both.

The Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974, Pub. L. 93–438, and the authority of the Commission under the Atomic Energy Act of 1954, as amended, was transferred to two new agencies, the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission (NRC). As a result of the reorganization, Part 160 of Chapter I of Title 10 of the Code of Federal Regulations, redesignated Part 860 of Chapter III of Title 10 by notice in the FEDERAL REGISTER March 3, 1975 at 40 FR 8794, is republished and recodified by the Energy Research and Development Administration as set forth below. The recodification contains one substantive change, § 860.2 is revised.

EDWARD B. GILLER,
Deputy Assistant Administrator
for National Security.

Sec.
860.1 Purpose.
860.2 Scope.
860.3 Trespass.
860.4 Unauthorized introduction of weapons or dangerous materials.
860.5 Violations and penalties.
860.6 Posting.
860.7 Effective date of prohibition on designated locations.
860.8 Applicability of other laws.

AUTHORITY: Sec. 161, 68 Stat. 948, sec. 229, 70 Stat. 1070; (42 U.S.C. 2201; 2278a); sec. 104, 88 Stat. 1237, sec. 105, 88 Stat. 1238 (42 U.S.C. 5814, 5815.)

§ 860.1 Purpose.

The regulations in this part are issued for the protection and security of facilities, installations and real property subject to the jurisdiction or administration, or in the custody of, the Energy Research and Development Administration.

§ 860.2 Scope.

The regulations in this part apply to all facilities, installations and real property subject to the jurisdiction or administration of the Energy Research and Development Administration or in its custody which have been posted with a notice of the prohibitions and penalties set forth in this part.

§ 860.3 Trespass.

Unauthorized entry upon any facility, installation or real property subject to this part is prohibited.

§ 860.4 Unauthorized introduction of weapons or dangerous materials.

Unauthorized carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property, into or upon any facility, installation or real property subject to this part, is prohibited.

§ 860.5 Violations and penalties.

(a) Whoever willfully violates either § 860.3 or § 860.4 shall, upon conviction, be punishable by a fine of not more than $1,000.

(b) Whoever willfully violates either § 860.3 or § 860.4 with respect to any facility, installation or real property enclosed by a fence, wall, floor, roof, or other structural barrier shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not to exceed $5,000 or imprisonment for not more than one year, or both.

§ 860.6 Posting.

Notices stating the pertinent prohibitions of § 860.3 and § 860.4 and penalties of § 860.5 will be conspicuously posted at all entrances of each designated facility, installation or parcel of real property and at such intervals along the perimeter as will provide reasonable assurance of notice to persons about to enter.

§ 860.7 Effective date of prohibition on designated locations.

The prohibitions in §§ 860.3 and 860.4 shall take effect as to any facility, instal-

V40 I132 JUL 9 75 XUM

lation or real property on publication in the FEDERAL REGISTER of the notice designating the facility, installation or real property and posting in accordance with § 860.6.

§ 860.8 Applicability of other laws.

Nothing in this part shall be construed to affect the applicability of the provisions of State or other Federal laws.

Effective date: July 9, 1975.

Dated at Washington, D.C. this 20th day of May 1975.

For the Energy Research and Development Administration.

EDWARD B. GELLER,
Deputy Assistant Administrator for National Security.

[FR Doc.75-17771 Filed 7-8-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-GL-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Ashtabula, Ohio, control zone.

The weather reporting capability for the Ashtabula, Ohio, control zone no longer exists. As this is a requirement for a control zone, action is taken herein to revoke it.

Since this amendment relieves a burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.171 (40 FR 354), the following control zone is revoked:

ASHTABULA, OHIO

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on June 19, 1975.

ROWALD O. ZIGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-17692 Filed 7-8-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-161]

PART 127—GENERAL ORDER, UNCLAIMED AND ABANDONED MERCHANDISE

Disposition of Merchandise After Expiration of the Bond

Section 127.14 of the Customs Regulations (19 CFR 127.14) provides for the disposition of merchandise in Customs custody after the expiration of the bond period in the case of merchandise entered for warehouse, or after the expiration of the general order period in any other case. In order to avoid any confusion regarding the meaning of the term "general order period," it has been decided to amend Part 127 of the Customs Regulations by adding a new § 127.4 to set forth a definition of the terms and by amending § 127.14(a) to provide a cross-reference to new § 127.4.

Accordingly, Part 127 of the Customs regulations (19 CFR Part 127) is amended in the manner set forth below:

1. Part 127 of the Customs Regulations is amended by adding a new § 127.4 to read as follows:

§ 127.4 General order period defined.

The general order period is that period of time during which general order merchandise, as defined in section 127.1, is not subject to sale. The general order period expires 1 year from the date of importation unless one or more extensions have been granted in accordance with § 127.3, in which case the general order period expires 1 year from the date of the last extension.

2. Section 127.14(a) of the Customs Regulations is amended to read as follows:

§ 127.14 Disposition of merchandise in Customs custody beyond time fixed by law.

(a) *Merchandise subject to sale.* If storage or other charges due the United States have not been paid on merchandise remaining in Customs custody after the expiration of the bond period in the case of merchandise entered for warehouse, or after the expiration of the general order period, as defined in § 127.4, in any other case, even though any duties due have been paid, such merchandise shall be sold as provided for in subpart C of this part unless entered or withdrawn for consumption in accordance with paragraph (b) of this section.

* * * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66 1624))

Because this amendment merely clarifies the regulations and places no affirmative duty on the public, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with the delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective July 9, 1975.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-17742 Filed 7-8-75;8:45 a.m.]

[T.D. 75-160]

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Increase in Customs Fees

On September 20, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 33803), which proposed to amend Part 133 of the Customs Regulations (19 CFR Part 133), to provide for an increase in Customs fees to be submitted for trademark, trade name, and copyright recordations, ownership changes, names changes, and renewals of a recorded trademark or copyright recordation, and to provide for the consistent treatment of trademark and copyright fees.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. After consideration of all comments received, the following change is made in the proposed amendments:

The reference "(see 37 CFR Part 6)" is deleted from § 133.3(b) and is replaced with the parenthetical comment "(based on the class, or classes, first stated on the certificate of registration, without consideration of any class, or classes, also stated in parentheses)". This change relates to the assessment of the trademark recordation fee in the case of a trademark which is registered for more than one class of goods. In the case of a trademark registration certificate which shows the classes of goods for which the trademark is registered under both the United States and international classification schedules (one or the other appearing in parentheses), the determination of whether or not a trademark is registered for more than one class of goods shall be determined by the number of classes which appears first on the certificate.

Accordingly, the proposed amendments, modified to include this change, are adopted as set forth below.

Effective date: These amendments shall become effective August 8, 1975.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

1. Paragraph (b) of § 133.3 is amended to read as follows:

§ 133.3 Documents and fee to accompany application.

* * * * * *

(b) *Fee.* The application shall be accompanied by **a fee of $190 for each** trademark to be recorded. However, if the trademark is registered for more than one class of goods (based on the class, or classes, first stated on the certificate of registration, without consideration of any class, or classes, also stated in parentheses) **the fee for recordation shall be $190 for each class for which the applicant desires to record** the trademark with the United States Customs Service. For example, to secure recordation of a trademark registered for three classes of goods, **a fee of $570 is** payable. A check or money order shall be made payable to the United States Customs Service.

2. Paragraph (d) of § 133.5 is amended to read as follows:

§ 133.5 Change of ownership of recorded trademark.

* * * * * *

(d) **Paying a fee of $80,** which covers all trademarks included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

3. Paragraph (b) of § 133.6 is amended to read as follows:

§ 133.6 Change in name of owner of recorded trademark.

* * * * * *

(b) A fee of **$80,** which covers all trademarks included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

4. Paragraph (a)(3) of § 133.7 is amended to read as follows:

§ 133.7 Renewal of trademark recordation.

(a) * * *

(3) A fee of $80 for each renewal of a trademark recordation. Where the trademark covers several classes, a fee of **$80** is required **for each class.** A check or money order shall be made payable to the United States Customs Service.

* * * * * *

5. Paragraph (b) of section 133.13 is amended to read as follows:

§ 133.13 Documents and fee to accompany application.

* * * * * *

(b) *Fee.* The application shall be accompanied by **a fee of $190** for each trade name to be recorded. A check or money order shall be made payable to the United States Customs Service.

6. Paragraph (b) of section 133.33 is amended to read as follows:

§ 133.33 Documents and fee to accompany application.

* * * * * *

(b) *Fee.* Each application shall be accompanied by a fee of $190 for each copyright to be recorded. A check or money order shall be made payable to the United States Customs Service.

7. Paragraph (b)(2) of section 133.35 is amended to read as follows:

§ 133.35 Change of ownership of recorded copyright.

* * * * * *

(b) * * *

(2) A fee of $80, which covers all copyrights included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

8. Paragraph (b) of § 133.36 is amended to read as follows:

§ 133.36 Change in name of owner of recorded copyright.

* * * * * *

(b) Payment of a fee of $80, which covers all copyrights included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

9. Paragraph (a)(3) of § 133.37 is amended to read as follows:

§ 133.37 Renewal of copyright recordation.

(a) * * *

(3) Payment of a fee of $80. A check or money order shall be made payable to the United States Customs Service.

* * * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 42, 60 Stat. 440, sec. 501, 65 Stat. 290 (15 U.S.C. 1124, 19 U.S.C. 66, 1624, 31 U.S.C. 483a))

[FR Doc.75-17743 Filed 7-8-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75P-0100]

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Fruit Standards of Identity; Confirmation of Effective Date

The Commissioner of Food and Drugs issued an order in the FEDERAL REGISTER of February 7, 1975 (40 FR 5762), based on a petition submitted by the California Canners and Growers, 3100 Ferry Bldg., San Francisco, CA 91406, amending nine canned fruit identity standards to conform more to identity aspects of the canned plum standard as adopted by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission. The nine identity standards are for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40) and canned figs (21 CFR 27.70).

Under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed in response to the subject order. Accordingly, the amendments promulgated by that order shall become effective as follows: Compliance with the order, which shall include any labeling changes required, may have begun March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with these regulations.

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17754 Filed 7-8-75;8:45 am]

[Docket No. 75N-0101]

PART 27—CANNED FRUITS AND FRUIT JUICES

Definitions for Canned Fruits and Fruit Juices and Identity Standard for Canned Plums and Establishing Quality and Fill of Container Standards for Canned Plums; Confirmation of Effective Date

The Commissioner of Food and Drugs issued an order in the FEDERAL REGISTER of February 7, 1975 (40 FR 5772), amending the definitions for canned fruits and fruit juices (21 CFR 27.1) and the standard of identity for canned plums (21 CFR 27.45), and establishing standards of quality (21 CFR 27.46) and fill of container (21 CFR 27.47) for canned plums based on the canned plums standard adopted by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

Under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed in response to the subject order. Accordingly, the amendments promulgated by that order shall become effective as follows: Compliance with the order, which shall include any labeling changes required, may have begun March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with these regulations.

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17755 Filed 7-8-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Sponsors of Approved Applications; Address

Correction

In FR Doc. 75-15522 appearing on page 25448, in the issue for Monday, June 16, 1975 § 510.600 in the column headed "Firm name and address" the third line should read "West, Lyndhurst,".

V40 I132 JUL 9 75 XUM

[Docket No. 75N–0023]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Oxytocin Injection

Section 135b.64, published in the FEDERAL REGISTER of April 3, 1974 (39 FR 12099) and revised in the FEDERAL REGISTER of June 10, 1974 (39 FR 20370) (recodified as § 522.1680 in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)), included two sponsor numbers which were inadvertently omitted from subsequent amendments published in the FEDERAL REGISTER of July 11, 1974 (39 FR 25485) and November 20, 1974 (39 FR 40762). This document corrects the omission by adding to § 522.1680(b), the sponsor numbers 000856 and 032420 (formerly 017 and 103). As revised, § 552.1680(b) reads as follows:

§ 522.1680 Oxytocin injection.

* * * * *

(b) *Sponsors.* See Nos. 000845, 000856, 010469, 011811, 012481, and 032420 in § 510.600(c) of this chapter.

* * * * *

Effective date. This order shall be effective July 9, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: July 1, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.75–17756 Filed 7–8–75;8:45 am]

[Docket No. 75N–0024]

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Cloxacillin

The Commissioner of Food and Drugs is amending Part 556 (formerly Part 135g prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) by establishing a tolerance for residues of cloxacillin used in treatment of mastitis in dairy cows. This amendment shall become effective July 9, 1975.

In a rule published in the FEDERAL REGISTER of March 11, 1975 (40 FR 11348), the Commissioner provided for the approval of the new animal drugs sterile benzathine cloxacillin for intramammary infusion (21 CFR 540.814a(c), formerly 135d.15), and benzathine cloxacillin for intramammary infusion (21 CFR 540.814(c), formerly 135d.16) for use in the treatment of mastitis in dairy cows during the dry period, pursuant to sections 512 (i) and (n) of the Federal Food, Drug, and Cosmetic Act.

The Commissioner concludes that a negligible tolerance for residues of cloxacillin is required to assure that edible tissues of dairy cattle and milk from dairy cattle treated with the drug are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 556 is amended by adding the following new section:

§ 556.165 Cloxacillin.

A tolerance of 0.01 part per million is established for negligible residues of cloxacillin in the uncooked edible tissues of cattle and in milk.

Effective date. This order shall be effective July 9, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: July 1, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.75–17757 Filed 7–8–75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Hawaii Plan: Approval of Developmental Schedule Change

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER of the approval of the Hawaii plan and of the adoption of Subpart Y of Part 1952 containing the decision of approval (39 FR 1010). On December 23 and 24, the State of Hawaii submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953). On April 15, 1975, a notice was published in the FEDERAL REGISTER (40 FR 16853) concerning the submission of these supplements to the Assistant Secretary of Labor for Occupational Safety and Health and the fact that the question of their approval was before him.

2. *Description of the supplements.* The Hawaii occupational health program was approved by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary), subject to certain assurances, on December 27, 1974 (39 FR 44752). As part of the decision approving the occupational health program, the developmental schedule for Hawaii was revised to provide for complete implementation of the program by January 1975. By letter dated December 23, 1974, the State requested that the implementation date for its occupational health plan be changed to July 1975. This delay is due to difficulties the State has had in personnel hiring and a recent move to new offices. The supplement includes a series of intermediate steps leading to full implementation of the occupational health program by July 1975, including recruitment and hiring in March 1975, and orientation and on-the-job training from April to June 1975.

By letter dated December 27, 1974, the State requested that the developmental schedule for implementation of the Management Information System be changed from December 1974, to December 1975. The State has experienced some technical difficulties with the computer program and some staffing problems which made implementation before the end of 1974 impossible. The implementation schedule for the Management Information System includes a proposed time schedule leading to full implementation by December 1975.

3. *Issues.* No comments or requests for a hearing were received during the period provided for public comments.

4. *Decision.* After careful consideration of the Hawaii plan supplement, it is hereby approved under Subpart B of 29 CFR Part 1953. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart Y of 29 CFR 1952 is amended as set forth below, effective July 9, 1975.

In § 1952.313 paragraphs (c) and (d) are amended to read as follows:

§ 1952.313 Developmental schedule.

* * * * *

(c) Implementation of the Management Information System by December 1975.

(d) Complete implementation of the occupational health program by July 1975.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608, (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 1st day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–17762 Filed 7–8–75;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM76–1; Order No. 78]

PART 3002—ORGANIZATION

Election of the Vice Chairman of the Commission

JULY 2, 1975.

The Postal Rate Commission has determined that in the interests of orderly and efficient dispatch of business, there should be a regular provision for the election of a Vice-Chairman. The amendment to our rules of organization made by this Order will provide such a procedure.

The rule we are adopting will provide for the annual election of a Vice-Chairman from among the members of the Commission. The present regulation (39 CFR 3002.2(b)) provides for the ad hoc election of an Acting Chairman when required by circumstances.

Since the amendment herein made involves matters of agency organization and procedure, the notice requirements of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. We find further that good cause exists for making this amendment effective as of July 2, 1975.

Accordingly, pursuant to 3603 of the Postal Reorganization Act (39 U.S.C.), it is ordered that Part 3002 of the Commission's regulations (39 CFR Part 3002) is hereby amended as follows:

§ 3002.2 [Amended]

1. Section 3002.2(b) is amended by changing the title thereof to read *"The Chairman and Vice-Chairman"*, and by deleting the last sentence thereof, and substituting for the deleted sentence the following:

The Commission shall elect annually a member of the Commission to serve as Vice-Chairman of the Commission for a term of one year or until his successor is elected. In case of a vacancy in the office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, the Vice-Chairman, unless otherwise directed by the Chairman, shall have the administrative responsibilities and duties of the Chairman during the period of vacancy, absence, or inability.

[Sec. 3603 Postal Reorganization Act, 84 Stat. 759 (39 U.S.C. 3603; 5 U.S.C. 552, 553), 80 Stat. 383, 384.]

By the Commission.

JAMES R. LINDSAY,
Secretary.

[FR Doc.75–17745 Filed 7–8–75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Limits on Payment to Certified Facilities for Treatment of End-Stage Renal Disease

Notice of proposed rule making was published in the FEDERAL REGISTER on November 22, 1974 (39 FR 40959), relating to State Medicaid payments to facilities for the treatment of end-stage renal disease. Section 299I of Pub. L. 92–603 expanded Medicare coverage for such treatment to individuals otherwise ineligible for Medicare services. In order to assure comparability and compatability of Medicare and Medicaid policies, the Notice provided that Federal matching under Medicaid would be limited to expenditures for care in a facility qualified to participate in the treatment program under Medicare.

Three comments were received. A local hospital suggested that provision be made for emergency care in a non-participating hospital; this has been accepted. A State agency requested amendment to permit non-participating VA hospitals which meet certain conditions to be included for purposes of title XIX matching. This has not been accepted because the purpose of this regulation is to adhere to the title XVIII standards including utilization rates established to protect quality of care, and to guard against unnecessary proliferation of facilities while maintaining accessibility for all patients. Another State agency supported the proposal as published.

Accordingly, the regulations are adopted with modifications to provide for emergency situations and to clarify the language of the proposal.

Another change included in the final regulation is revocation of 45 CFR 249.10(c)(3) and 249.33(a)(7), concerning maintenance of State effort with respect to public intermediate care facility services for the mentally retarded. The statutory requirement for such effort expired as of December 31, 1974.

1. Section 249.10 is amended by revoking paragraph (c)(3) and adding new paragraph (c)(4) as follows:

§ 249.10 Amount, duration and scope of medical assistance.

* * * * *

(c) *Limitations.* * * *

(3) [Revoked]

(4) Federal financial participation in expenditures for medical and remedial care and services listed in paragraph (b) of this section with respect to facility treatment of end-stage renal disease is available only for those services provided in a facility in the end-stage renal disease program which has been approved by the Secretary to furnish services under title XVIII of the Social Security Act, except under emergency conditions as permitted under title XVIII.

* * * * *

§ 249.33 [Amended]

2. Section 249.33(a)(7) is revoked.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)).

Effective Date: These regulations shall be effective October 7, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: June 24, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: July 2, 1975.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare Department.

[FR Doc.75–17788 Filed 7–8–75;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

CSA Income Poverty Guidelines

The interdepartmental Poverty Definition Policy Committee is currently developing uniform statistical and administrative revisions of poverty guidelines for all Federal agencies. In the interim the Community Services Administration is replacing the text of the current poverty guidelines (§§ 1060.2–1, 1060.2–2, and 1060.2–3 appearing at 40 FR 14317, March 21, 1975) with the language and definitions originally found in §§ 1060.2–1, 1060.2–2, 1060.2–3 appearing at 39 FR 17969, May 22, 1974. The income guidelines for all the states and Hawaii and Alaska remain unchanged.

Effective date: This revision is effective August 8, 1975.

BERT A. GALLEGOS,
Director.

45 CFR CHAPTER X, §§ 1060.2–1, 1060.2–2, and 1060.2–3 is revised as follows:

Subpart—CSA Income Poverty Guidelines

Sec.
1060.2–1 Applicability.
1060.2–2 Purpose.
1060.2–3 Background—Income Guidelines.
1060.2–4 Policy.

AUTHORITY: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

§ 1060.2–1 Applicability.

This subpart applies to all grants financially assisted under Titles II and III–B of the Community Services Act of 1974 if such assistance is administered by the Community Services Administration.

§ 1060.2–2 Purpose.

The purpose of this subpart is to inform grantees of the revision of the text of the CSA Income Poverty Guidelines and to publish the revised text along with the unchanged income guidelines for all the states and Hawaii and Alaska.

§ 1060.2–3 Background—Income Guidelines.

In August 1967, CSA's predecessor agency, OEO, issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were based on poverty thresholds derived from a definition of poverty developed for statistical purposes by the Social Security Administration in 1964. In September 1968, January 1970, December 1970, November 1971, October 1972, January 1974, June 1974 and March 1975 OEO issued new guidelines which reflected increases in consumer prices.

§ 1060.2–4 Policy.

(a) In order that the level of poverty which is used to determine program eligibility does not change as a result of substantial increases in the cost of living as measured by the Consumer Price Index, CSA revises, from time to time, its income guidelines in order to reflect such increases. Attached are the latest revised guidelines.

(b) These income guidelines are to be used for all those CSA-funded programs, whether administered by a grantee or delegate agency, which use CSA poverty income guidelines as admission standards. These guidelines do not supersede

V40 I132 JUL 9 75 XUM

alternative standards of eligibility approved by CSA, such as Emergency Food and Medical Services Standards used in programs offered by the Department of Agriculture.

(c) The guidelines are also to be used in certain other instances where required by CSA as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

(d) The attached guidelines are based upon Table A–3 of Current Population Reports, P–60, No. 98, Bureau of the Census, January 1975, and the percentage change in the Consumer Price Index from 1973 to 1974 as set forth in Table C–44 of the Economic Report of the President, February 1975.

(e) The following definitions, from Current Population Reports, P–60, No. 91, Bureau of the Census, December 1973, have been adopted by CSA for use with the attached poverty guidelines:

(1) *Income.* Refers to total cash receipts before taxes from all sources. These include money wages and salaries before any deductions, but not including food or rent in lieu of wages. They include receipts from self-employment or from own farm or business after deductions, for business or farm expenses. They include regular payments for public assistance, social security, unemployment and workmen's compensation, strike benefits from union funds, veterans benefits, training stipends, alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is non-cash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or non-farm housing.

(2) *A Farm Residence.* Is defined as any dwelling on a place of 10 acres or more with $50 or more annual sales of farm products raised there; or any place less than 10 acres having product sales of $250 or more.

CSA poverty guidelines for all States except Alaska and Hawaii

Family size	Nonfarm family	Farm family
1	$2,790	$2,300
2	3,410	2,900
3	4,230	3,600
4	5,050	4,300
5	5,870	5,000
6	6,690	5,700

NOTE.—For family units with more than 6 members add $820 for each additional member in a nonfarm family and $700 for each additional member in a farm family.

CSA income poverty guidelines for Alaska

Family size	Nonfarm family	Farm family
1	$3,350	$2,750
2	4,270	3,620
3	5,290	4,490
4	6,310	5,360
5	7,330	6,230
6	8,350	7,100

NOTE.—For family units with more than 6 members add $1,020 for each additional member in a nonfarm family and $870 for each additional member in a farm family.

CSA income poverty guidelines for Hawaii

Family size	Nonfarm family	Farm family
1	$2,990	$2,540
2	3,930	3,340
3	4,870	4,140
4	5,810	4,940
5	6,750	5,740
6	7,690	6,540

NOTE.—For family units with more than 6 members add $940 for each additional member in a nonfarm family and $800 for each additional member in a farm family.

[FR Doc.75–17588 Filed 7–8–75;8:45 am]

PART 1067—FUNDING OF COMMUNITY ACTION PROGRAMS

Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects

The Community Services Act of 1974 which amended the Economic Opportunity Act of 1964 included the following new provision in Title IX, Section 901:

(b) Prior to obligating funds for the programs and projects covered by this Act with respect to fiscal year 1976, the Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 608 of this Act shall describe the actions taken as a result of these evaluations.

Although the publication, and subsequent consideration in funding determinations, of the standards and how well they are met are being required legislatively for the first time, OEO/CSA has been requiring administratively since 1969 that certain grantees establish their goals consistent with standards of program and project effectiveness. These requirements have been applicable to programs funded under sections 221, 222, 230, and 231 of Title II, and to Migrant Programs funded under Title III–B.

As a result of the new legislation CSA has undertaken a review and revision of its long-standing policy currently found in OEO Instruction 7850–1. A draft Instruction was circulated to all CSA grantees requesting comments. Approximately 100 responses were received and many of the suggested changes were incorporated into the final regulation. The original draft was revised to (a) emphasize the major objective of the Economic Opportunity Act, which is the elimination of poverty; (b) treat grantee's work program goals and objectives as the measures of program and project effectiveness; and (c) avoid (as one respondent put it) "atomistic quantification."

The standards will require a minimum of new record keeping procedures locally as reporting on progress will be integrated into the existing reporting systems.

These regulations are filed as interim regulations effective July 9, 1975 in order to effectuate the provisions of the Community Services Act of 1974. CSA welcomes comments and suggested changes and will revise its regulations in light of the comments received if warranted. CSA will consider all comments received prior to August 8, 1975. Address all comments to: Mr. Angel Rivera, Acting Deputy Assistant Director for Operations, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506.

Effective date: July 9, 1975.

BERT A. GALLEGOS,
Director.

Subpart—Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects

Sec.
1067.4–1 Applicability.
1067.4–2 Definitions of terms as used in this subpart.
1067.4–3 Purpose.
1067.4–4 Policy.
1067.4–5 Setting goals consistent with standards.
1067.4–6 Procedures.
1067.4–7 Reporting requirements.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942

§ 1067.4–1 Applicability.

This subpart applies to all grants made under Titles I, II, III–B, and VII of the Community Services Act as amended if the assistance is administered by the Community Services Administration.

§ 1067.4–2 Definitions of terms as used in this subpart.

(a) Program—The provision of federal funds and administrative direction to accomplish a prescribed set of objectives through the conduct of specified activities.[1] Example: Senior Opportunities and Services Program.

(b) Project — The implementation level of a program where resources are used to produce an end product that directly contributes to the objectives of the program.* Example: Meals on Wheels (in the local community)

(c) Standard—A general statement describing one or more elements of program and project effectiveness. Example: Stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs (for the elderly). (See Appendix E)

(d) Program and Project Effectiveness—The extent to which identifiable

[1] Adapted from Wholey, Joseph, et. al., *Federal Evaluation Policy*, Washington, D.C.: The Urban Institute, 1971. P. 24

progress is being made toward (1) the overall purposes of the Community Services Act and (2) the specific purposes of the program authorities under various Titles of the Act.

§ 1067.4–3 Purpose.

The purpose of this subpart is to outline standards against which the effectiveness of programs and projects funded by the Community Services Administration will be assessed. It is not the purpose of this subpart to establish standards for conducting evaluations. The focus is on the accomplishments which constitute program and project effectiveness.

§ 1067.4–4 Policy.

(a) *Standards of Program and Project Effectiveness.* (1) The Economic Opportunity Act of 1964 as amended states that "It is * * * the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this Nation * * *."

(2) In furtherance of the goal of working toward the elimination of poverty Congress mandated numerous program authorities, each with its specific purposes, through which various national programs and local projects are funded. The purposes of each of these authorities are in fact the standards of effectiveness against which programs and projects will be assessed. Through the use of these standards CSA aims to provide a consistent framework within which grantees will proceed to establish priorities, goals and project designs to meet local needs.

(3) The Appendices of this subpart outline the standards of effectiveness derived from the authorizing legislation for the program authorities under Titles I, II, III–B, and VII of the Community Services Act. *Exception:* There are several cases where additional standards are included which are derived from project management experience.

(b) *Applicability of Standards of Effectiveness.* Beginning with FY 1976 fundings, projects operated by grantees must be developed consistent with the requirements stated under each of the following Titles:

(1) *Titles I and III–B:* Projects funded under the above Titles must be consistent with one or more of the standards for the particular program or project. (See Appendices B and N.)

(2) *Title II:* This Title includes both general and specific standards. General standards are standards that are applicable to all program authorities under Title II, e.g. maximum feasible participation. Specific standards are those that are stated for the various program authorities under Title II, e.g. Senior Opportunities and Services.

(i) As a result, Title II programs and projects must address general standards of effectiveness PLUS specific standards.

(ii) Therefore, each project developed by grantees and funded under Title II must be developed consistent with the following:

(*a*) One or more of the general standards applicable to all Title II programs (See Appendix A), and

(*b*) One or more of the specific standards developed for the particular program (Appendices B through M)

(iii) It should be noted that although each project must address at least one of the general standards, grantees must assure that their work program as a whole addresses all of the general standards.

EXAMPLES: *Emergency Food and Medical Services, section 222(a)(5)*: General standards: One or more standards in appendix A; Specific standards: One or more standards in appendix D.

State Agency Assistance, (SEOOs), section 231: General standards: One or more standards in appendix A; Specific standards: One or more standards in appendix M.

(3) *Title VII:* Projects funded under Title VII must be consistent with the four legislative standards stated in Appendix O. Title VII grantees will note that there is considerable overlap among the four standards. Accordingly, any project goal which addresses one of these standards will simultaneously address portions of the others as well.

§ 1067.4–5 Setting goals consistent with standards.

(a) Measures are needed in order to determine whether programs and projects are effective. These measures will be the project goals developed locally by the grantee. Each grantee is already required to establish planning goals as part of its regular grant application process. The additional requirement established by this subpart is that such goals must be consistent with and directly related to the legislative standards of program and project effectiveness.

(b) As Title II also contains general standards in addition to the specific standards of effectiveness, project goals for Title II programs must be developed in such a manner as to insure that the activities undertaken in pursuing these goals will address the general Title II standards as well as the specific standards for that program.

(c) Project goals must be specific as to both the character and the extent of progress which should be accomplished during the funding period. Goals should be stated in terms which are clearly measurable and should define the quantity as well as the quality and character of the improvements to be achieved. In addition, they must be logically related to the legislative standards which they are designed to meet.

(d) The various appendices of this Instruction provide examples of project goals which address the legislative standards for each program. These examples are provided only as a guide to grantees who must develop their own goals based on local needs and conditions.

§ 1067.4–6 Procedures.

(a) Grantees should establish their local goals consistent with the standards of project effectiveness as part of their regular grant application process. For all projects funded under Titles II (except section 232) and III–B, the general (for Title II) and specific standards to be addressed and the project goals established consistent with those standards should be listed in the first column of the OEO Form 419. For projects funded under section 232 this should be included in the Narrative Project Description of the grant application. The activities described for each project goal should clearly indicate how the general as well as the specific standards of effectiveness will be addressed.

(b) For all projects funded under Titles I and VII the specific standards to be addressed and the project goals established consistent with these standards should be stated in the Narrative Project Description of the grant application.

(c) In reviewing and approving grantee applications for funding, CSA will be concerned not only with whether the grantee's goals are realistic and consistent with the grantee's overall strategy, but also with whether such goals are consistent with the specific legislative purposes embodied in the standards of effectiveness.

(d) CSA will indicate its approval of the standards to be addressed and of the project goals developed by the grantee (as modified in the grant review process) by listing them as a special condition attached to the grant prior to funding. Once the grantee has acknowledged acceptance of these goals as stated in the special condition by signing and returning the grant, the grantee's performance over the course of the funding period will be assessed against the approved work program.

§ 1067.4–7 Reporting requirements.

It is not the intent of CSA to impose additional reporting burdens on grantees. Therefore, separate reports on progress in achieving standards of project effectiveness will not be required. Rather, grantees shall assess their progress in meeting project standards in their regular periodic reports, as required by CSA regulations: (1) For grantees under Titles II (except section 232) and III–B, in their Program Progress Review report, OEO Form 440 (see OEO Instruction 7031–1); and (2) for grantees under Title I, Section 232 of Title II, and Title VII, in their quarterly monitoring reports.

V40-132 JUL 9 75 XUM

APPENDIX A.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II: Local Initiative and General Standards*

Reference	Standards of effectiveness	Examples
Title II, sec. 201(a).	I. Strengthened community capabilities for planning and coordinating so as to insure that available assistance related to the elimination of poverty can be more responsive to local needs and conditions.	A staff person will be detailed to county planning department to assist in planning and evaluation of general revenue sharing.
	II. Better organization of services related to the needs of the poor.	10 man-days of technical assistance will be provided to local governments in applying for CDC and CETA grants.
	III. Maximum feasible participation of the poor in the development and implementation of all programs and projects designed to serve the poor.	2 representatives from target area will be placed on governing board of United Fund.
	IV. Broadened resource base of programs directed to the elimination of poverty so as include all elements of the community able to influence the quality and quantity of services to the poor.	Obtain State grant for lead-paint testing program.
Title II, sec. 201(a)(3).	V. Greater use of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources.	30 prefabricated houses will be produced annually through purchase and operation of housing factory.
Title II, sec. 223.	VI. Maximum employment opportunity, including opportunity for further occupational training and career development, for residents of the area and members of the groups served.	20 job slots will be developed for paraprofession in local health agencies and institutions.

APPENDIX B.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title I and Title II, sec. 232: Research and Demonstration*

Reference	Standards of effectiveness	Examples of project goals
Title I, sec. 102.	I. Development of new approaches and/or methods that will aid in overcoming special problems of poverty or otherwise further the purposes of titles I and II through:	(NOTE.—R. & D. at a minimum, should contain testable hypotheses in conjunction with a fully developed research design associated with project activities.)
Title II, sec. 232.	A. Support of projects designed to provide conclusive information concerning the usefulness of a program or technique thought to have the potential of major impact on an identified special problem. The generation of persuasive knowledge is the central goal of such efforts; the major criterion of success is the utility of the knowledge produced in designing projects which meet carefully defined needs of the poor.	
	B. Support of individual or series of projects which test specific program strategies or techniques to deal with special problems of poverty. Such demonstrations are designed to: (1) Provide an experience base sufficient to determine the applicability of the strategy or technique; and (2) provide exposure for strategies and techniques to increase their acceptance and application by funding sources and policymakers.	
	C. Support of projects which: (1) Directly intervene to change established institutions or, (2) establish alternative institutions or mechanisms to serve poor people.	
Project management experience.	II. Collection and maintenance of appropriate data which is adequate to produce dissemination and utilization of project results.	

APPENDIX C.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, secs. 222(a)(11) and 214: Housing Development and Rehabilitation*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 222(a)(11) and 214.	I. Provision of assistance and appropriate housing services and social services in low-income families in order to help them acquire adequate, safe, and sanitary housing.	Assist 50 families in obtaining FmHA mortgages.

APPENDIX D.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 222(a)(5): Emergency Food and Medical Services*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 222(a)(5).	I. Improvement in the nutritional status of the target population.	Develop reduced priced meals for the elderly in 2 local hospital cafeterias.
	II. Reduction in hunger among the target population.	Certify 100 additional families for food stamps.

APPENDIX E.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 222(a)(7): SOS*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 222(a)(7).	Identification and meeting of needs of older, poor persons above the age of 60 to assure them greater self-sufficiency.	
	I. Development and provision of employment services to older poor persons.	Locate 20 part-time jobs for elderly poor persons.
	II. Development and provision of volunteer services to older poor persons.	Recruit and train 25 teenagers to do odd jobs for disabled elderly.
	III. Effective referral of older poor persons to existing health, transportation, education, housing, legal, consumer, transportation, education, and recreational and other services.	Provide effective referral and followup to 200 elderly persons annually.
	IV. Stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs.	Mobilize business and industry to provide $5,000 for elderly drop in centers.
	V. Modification of existing procedures, eligibility requirement and program structures to facilitate the greater use of, and participation in, public services by older persons.	Age limits will be raised for training programs offered by local community colleges to enable participation by the elderly.
	VI. Development of all-season recreation and service centers controlled by older persons.	Organize and train council of elders to operate 5 existing drop in centers.

APPENDIX F.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 222(a)(10): Environmental Action*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 22(a)(10).	I. Development of opportunities for low-income persons for work (which would not otherwise be performed) on projects designed to combat pollution.	Obtain 25 job slots for low-income persons in the development of abandoned canal system as a recreation facility.
	II. Development of opportunities for low-income persons for work (which would not otherwise be performed) on projects designed to improve the environment.	(See above).

APPENDIX G.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 222(a)(12): Energy*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 222(a)(12).	I. Participation of low-income individuals and families, including the elderly and the near poor, in energy conservation programs designed to reduce individual and family energy consumption.	Effectively winterize homes owned by poor people to reduce the use of fuel by 15–25 percent, and bring heating/cooling cost within family budget.
Project management experience.	II. Development of community based programs to deal with energy-related programs.	Organize and operate a crisis center directed and managed by community-based board.
Do.	III. Consistency with State, local, and national use goals so as to meet local needs of cost, supply, and demand, e.g., conversion, use of alternate sources of energy.	On the basis of prevalent type of energy sources, cost, and supply convert 5 percent of dwellings occupied by the poor to cheaper/more efficient/more abundant energy source.
Title II, sec. 222(a)(12).	IV. Participation of low-income individuals and families in programs designed to lessen the impact on them of the high cost of energy.	Establish revolving emergency loan fund to give direct financial assistance to 100 neediest families for fuel payments and to prevent utility shutoffs.

APPENDIX H.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 222(a)(13): Summer Youth Recreation*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 222(a)(13).	I. Recreational opportunities for low-income children during the summer months.	Provide 150 campership for low-income children.

APPENDIX I.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 226: Design and Planning Assistance*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 226.	I. Delivery of technical assistance relating to housing, neighborhood facilities, transportation, and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance.	(To be developed if and when funds are made available for projects under this program authority.)
	II. Delivery of professional architectural and related services relating to housing, neighborhood facilities, transportation, and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance.	
	III. Maximum use of the voluntary services of professional and community personnel.	

V40-132 JUL 9 75 XUM

APPENDIX J.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 227: Youth Recreation and Sports Program*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 227.	I. Recreation, physical fitness instruction, athletic competition (with high-quality facilities and supervision) and related educational and counseling services for disadvantaged youth.	Obtain permission to use 3 previously-closed public school gymnasiums during the summer months.

APPENDIX K.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 228: Consumer Action and Cooperative Programs*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 228(a).	I. Improvement in the quality, delivery, and pricing of goods and services used by low-income persons.	Establish 5 consumer education councils.
	II. Availability to assist low-income persons without undue delay or burden of financial credit at reasonable cost.	Organize 5 local banks to provide a credit pool for low-income persons with credit problems.
	III. Development of means and mechanisms of enforcing consumer rights in a way that meets the needs of low-income persons.	Obtain $15,000 in State funds for consumer advocate attorney.
	IV. Education of low-income persons with respect to (consumer) rights, procedures, grievances, views, and concerns.	Ombudsman's role will be played by local newspaper.

APPENDIX L.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 230, Technical Assistance and Training*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 230.	I. Technical assistance to communities in developing, conducting, and administering programs under title II.	Design and conduct 3 orientation sessions for new employees.
	II. Training for specialized or other personnel ..	Design and conduct a series of workshops for board members to improve the quality of submission of the program progress review report.

APPENDIX M.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title II, sec. 231: SEOO's*

Reference	Standards of effectiveness	Examples of project goals
Title II, sec. 231(a)(1).	I. Technical assistance to communities and State and local agencies in developing and carrying out programs under title II.	During the State legislative session, provide title II grantees with weekly status report through a newsletter of pending State social welfare legislation.
Title II, sec. 231(a)(2).	II. Assistance in coordinating State activities related to title II.	Develop training systems and conduct seminars for State agency personnel regarding anti-poverty programs authorized under the Economic Opportunity Act of 1964 as amended.
Title II, sec. 231(a)(3).	III. Provision of advice and assistance to the director in developing procedures and programs to promote the participation of States and State agencies in programs under title II.	Prepare project performance data for Governor's office for all programs operating under the EOA as amended.
Title II, sec. 231(a)(4).	IV. Provision of advice and assistance to the director, the economic opportunity council and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede State level coordination or programs related to title II and in developing methods or recommendations for overcoming those problems.	Develop and recommend a reporting system for use by CAA's in collecting necessary information regarding statutory and administrative impediments vis a vis all grantmaking agencies.
Project management experience.	V. Advocacy for the poor in State government..	Establish membership for poor persons on 5 advisory committees to State antipoverty agencies.
Do.....	VI. Mobilization of antipoverty resources, particularly at the State level.	Assist two CAA's in obtaining grants from State manpower agency.

APPENDIX N.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title III–B, sec. 311, 312: Migrant, and Seasonally Employed, Farmworkers and their Families*

Reference	Standards of effectiveness	Examples of project goals
Title III–B, sec. 311.	I. Assistance to migrant and seasonal farmworkers and their families to improve their living conditions and develop skills necessary for a productive and self-sufficient life.	(To be developed if and when funds are made available for projects under this program authority.)
Sec. 312(b)	II. Alleviation of the immediate needs of migrant and seasonal farmworkers and their families.	
Do	III. Increased community acceptance of migrant and seasonal farmworkers and their families.	
	IV. Assistance to unskilled migrant and seasonal farmworkers and members of their families in meeting the changing demands in agricultural employment brought about by technological advancement.	
	V. Assistance to unskilled migrant and seasonal farmworkers and members of their families to take advantage of opportunities available to improve their well-being and self-sufficiency by gaining regular permanent employment or by participating in available Government employment or training programs.	

APPENDIX O.—*Standards of Program and Project Effectiveness for all Programs and Projects Funded Under Title VII, sec. 712*

Reference	Standards of effectiveness	Examples of project goals
Title VII, sec. 701.	I. Improvement in the quality of participation by low-income residents in community life so as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.	1. Startup or acquisition of 2 manufacturing ventures, providing 50 jobs to low-income residents who are currently unemployed, receiving public assistance, or working at marginal wage levels.
Title VII, sec. 711.	II. Solution to critical problems in urban and rural communities and neighborhoods with high concentrations and numbers of low-income persons.	2. Construction of 20 units of subsidized housing for low-income elderly residents.
	III. Producing an appreciable and continuing impact in arresting tendencies toward dependency, chronic unemployment, and community deterioration in such areas.	3. Acquisition, development, and construction of industrial park which will provide facilities for manufacturing and commercial enterprises which will employ 100–150 residents and increase the area's tax base by $1.5 million.
	IV. Starting, expanding, and locating enterprises in such areas to provide employment and ownership opportunities for residents of such areas.	4. Through joint venturing, loan guaranties, and bank deposits, attract $750,000 in private investment/loan capital to enterprises in the target area.
		5. Train 5 target area residents for middle-management positions in CDC ventures.
		6. Train 20 community residents serving on CDC and subsidiary boards in corporate legal responsibilities and analysis of financial reports.
		7. Provide technical assistance in the packaging of 10 small business loans for enterprises owned by or employing low-income residents.

[FR Doc.75–17761 Filed 7–8–75;8:45 am]

CHAPTER XII—ACTION

PART 1220—PAYMENT OF VOLUNTEER LEGAL EXPENSES

Adoption of Proposed Regulations

On October 24, 1974, there was published in the FEDERAL REGISTER (39 FR 37779) a notice of a proposed amendment (Part 1220) to Chapter XII, Title 45. The proposed regulations provide for the payment of expenses incidental to the defense of ACTION domestic volunteers in certain judicial and administrative proceedings.

Interested persons were given 30 days in which to submit comments.

Several written comments were received and given due consideration. In addition, ACTION staff made suggestions to make the regulations clearer and to correct several clerical errors. As a result of such comments and suggestions the following significant changes will be made:

(1) The first sentence of § 1220.1–1 is amended to add the words "serving under the Act" after the word "volunteers." This change will make clearer that section 419 permits legal expenses to be paid only for full-time and part-time volunteers under the Act. The first sentence of § 1220.1–1 will now appear as follows:

"Section 419 of the Domestic Volunteer Service Act of 1973 (the Act), Pub. L. 93–113, 87 Stat. 413, authorizes the Director of ACTION to pay expenses incurred in judicial and administrative proceedings for the defense of full-time or part-time volunteers serving under the Act."

(2) Section 1220.2–1(a) is amended to add a new paragraph (2) defining when conduct is clearly not related to a volunteer's service. Section 1220.2–1(a) provides for the payment of a full-time volunteer's reasonable legal expenses prior to arraignment, except when it is clear that a charged offense results from conduct which is not related to his service as a volunteer.

Section 1220.2–1(a) is amended to add:

"(2) Situations where conduct is clearly unrelated to a volunteer's service are those that arise either (i) in a period prior to volunteer service, (ii) under circumstances where the volunteer is not at his assigned volunteer project location, such as during periods of administrative, vacation, or emergency leave, or (iii) when he is at his volunteer station, but the activity or action giving rise to the charged offense is clearly not part of, or required by, such assignment."

(3) Section 1220.2–1(b)(1) is amended to define when a charge relates to a volunteer's assignment or status as a volunteer. Section 1220.2–1(b)(1) is one of three conditions that must be satisfied to enable reasonable expenses to be paid beyond arraignment in criminal proceedings involving a full-time volunteer. The new paragraph provides:

A charge relating to a volunteer's assignment arises out of any activity or action which is a part of, or required by, such assignment. A charge relating to a volunteer's status is motivated exclusively by the fact that a defendant is a volunteer.

(4) Section 1220.2–2(a) concerning part-time volunteers is amended in several respects:

(a) Subsection (a) and paragraphs (1) and (2) are amended so that only part-time volunteers who receive or are eligible to receive compensation in grant programs may have their legal expenses paid for. It is expected that by the effective date of these regulations, ACTION will not itself conduct any such part-time volunteer programs. It will cease to participate in the operation of the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) in July as these programs will be transferred to the Small Business Administration.

Taking into account the nature of the grant relationship between ACTION, the sponsor, and the volunteer, subsection (a) will not now provide that ACTION will reimburse a sponsor for the reasonable expenses it incurs for the defense of volunteers. The grant relationship should be distinguished from the relationship between these three parties when ACTION operates a program directly such as VISTA. In the latter relationship, ACTION is ultimately responsible for all aspects of volunteer service. It will perform several of a variety of functions, including the recruitment, selection and training of volunteers, payment of allowances, and support, health benefits and insurance protection. In the grant relationship, ACTION provides funds to a sponsor which performs these tasks.

Section 1220.2–2(a) (1) and (2) will now read as follows:

(a) With respect to a part-time volunteer, ACTION will reimburse a sponsor for the reasonable expenses it incurs for the defense of the volunteer in Federal, state and local criminal proceedings, including arraignment, only under the following circumstances:

(1) The proceeding arises directly out of the volunteer's performance of activities pursuant to the Act;

V40 I132 JUL 9 75 XUM

(2) The volunteer receives, or is eligible to receive, compensation, including allowances, stipend, or reimbursement for out-of-pocket expenses, under an ACTION grand project; and

(b) Section 1220.2–2(a)(3), concerning legal expenses in criminal proceedings against part-time volunteers, is amended to include by reference only paragraphs (b)(2) and (3) and § 1220.2–1. Paragraph (a) provides that a condition for the payment of legal expenses in criminal proceedings involving full-time volunteers is that "the charge against the volunteer relates to his assignment or status as a volunteer and not his personal status or personal matters." Section 419 limits ACTION's authority to pay legal expenses for part-time volunteers to proceedings that arise directly out of the performance of activities pursuant to the Act. This restriction of section 419 is contained in paragraph (a)(1) of § 1220.2–2.

(5) Section 1220.2–3 concerning procedure is amended in several respects:

(a) Subsection (a) is amended to provide that in the event a volunteer is arrested, a sponsor shall immediately notify the appropriate ACTION state office, or if the state office cannot be reached, the appropriate regional office.

(b) Section 1220.2–3(b) is amended to clarify that ACTION may recover directly from a volunteer when it is subsequently determined that ACTION or a sponsor is not responsible for the volunteer's defense in a criminal proceeding. The second sentence of paragraph (b) will now read:

In the event it is subsequently determined that ACTION or a sponsor is not responsible under this policy for the volunteer's defense, any such advance may be recovered directly from the volunteer or from allowances, stipends, or out-of-pocket expenses which are payable or become payable to the volunteer.

(6) Section 1220.3–1(c) is amended to make the amount of the judgment sought "$100" instead of "$250." Paragraph (c) is one of the conditions which must be met before ACTION will pay reasonable legal expenses in the defense of full-time volunteers in civil proceedings. As a result of this change, if the proceeding involves a claim for a monetary award, the amount of the claim is only required to be $100 instead of $250 to permit ACTION to pay reasonable legal expenses.

(7) Section 1220.3–2 is amended in several respects.

(a) The first paragraph and subsections (a) and (b) are amended to indicate that only part-time volunteers who receive or are eligible to receive compensation in grant programs may have their legal expenses paid for. ACTION will now reimburse a sponsor for legal expenses it incurs for the defense of a volunteer (see discussion in 4(a) above).

(b) Section 1220.3–2(c) is amended by eliminating the reference to incorporating § 1220.3–1(a) as a condition. Paragraph (a) is broader than the language of section 419. (See discussion in (4)(b) above.) The language of section 419 is provided in paragraph (a) of § 1220.3–2.

Accordingly, with the changes and additions, the proposed amendment is adopted as set forth below and becomes effective July 3, 1975.

Subpart A—General

Sec.
1220.1–1 Introduction.

Subpart B—Criminal Proceedings

1220.2–1 Full-time volunteers.
1220.2–2 Part-time volunteers.
1220.2–3 Procedure.

Subpart C—Civil and Administrative Proceedings

1220.3–1 Full-time volunteers.
1220.3–2 Part-time volunteers.
1220.3–3 Procedure.

AUTHORITY: (Secs. 419 and 420 of Pub. L. 93–113, 87 Stat. 413 and 414).

Subpart A—General

§ 1220.1–1 Introduction.

Section 419 of the Domestic Volunteer Service Act of 1973 (the Act), Pub. L. 93–113, 87 Stat. 413, authorizes the Director of ACTION to pay expenses incurred in judicial and administrative proceedings for the defense of full-time or part-time volunteers serving under the Act. These include counsel fees, court costs, bail or other expenses incidental to the volunteer's defense. For part-time volunteers, section 419 provides that the proceeding must arise directly out of the performance of activities pursuant to the Act.

Subpart B—Criminal Proceedings

§ 1220.2–1 Full-time volunteers.

(a)(1) ACTION will pay all reasonable expenses for defense of full-time volunteers up to and including arraignment in Federal, state, and local criminal proceedings, except in cases where it is clear that the charged offense results from conduct which is not related to his service as a volunteer.

(2) Situations where conduct is clearly unrelated to a volunteer's service are those that arise either (i) in a period prior to volunteer service, (ii) under circumstances where the volunteer is not at his assigned volunteer project location, such as during periods of administrative, vacation, or emergency leave, or (iii) when he is at his volunteer station, but the activity or action giving rise to the charged offense is clearly not part of, or required by, such assignment.

(b) Reasonable expenses in criminal proceedings beyond arraignment may be paid in cases where:

(1) The charge against the volunteer relates to his assignment or status as a volunteer, and not his personal status or personal matters. A charge relating to a volunteer's assignment arises out of any activity or action which is a part of, or required by, such assignment. A charge relating to a volunteer's status is motivated exclusively by the fact that a defendant is a volunteer.

(2) The volunteer has not admitted a willful or knowing violation of law, and

(3) The charge(s) is not a minor misdemeanor, such as a minor vehicle violation for which a fine or bail forfeiture will not exceed $100.

(c) Notwithstanding the foregoing, there may be situations in which the criminal proceeding results from a situation which could give rise to a civil claim under the Federal Tort Claims Act. In such situations, the Justice Department may agree to defend the volunteer. In those cases, unless there is a conflict between the volunteer's interest and that of the government, ACTION will not pay for additional private representation for the volunteer.

§ 1220.2–2 Part-time volunteers.

(a) With respect to a part-time volunteer, ACTION will reimburse a sponsor for the reasonable expenses it incurs for the defense of the volunteer in Federal, state and local criminal proceedings, including arraignment, only under the following circumstances:

(1) The proceeding arises directly out of the volunteer's performance of activities pursuant to the Act;

(2) The volunteer receives, or is eligible to receive, compensation, including allowances, stipend, or reimbursement for out-of-pocket expenses, under an ACTION grant project; and

(3) The conditions specified in paragraphs (b)(2) and (3) in § 1220.2–1 above are met.

(b) In certain circumstances volunteers who are ineligible for reimbursement of legal expenses by ACTION may be eligible for representation under the Criminal Justice Act (18 U.S.C. 3006A).

§ 1220.2–3 Procedure.

(a) Immediately upon the arrest of any volunteer under circumstances in which the payment of bail to prevent incarceration or other serious consequences to the volunteer or the retention of an attorney prior to arraignment is necessary and is covered under § 1220.2–1 or § 1220.2–2, sponsors shall immediately notify the appropriate ACTION state office or if the state office cannot be reached, the appropriate regional office. The regional office shall provide each sponsor with a 24-hour telephone number.

(b) Immediately after notification of the appropriate office, and with the approval thereof, the sponsor shall advance up to $500 for the payment of bail or such other legal expenses as are necessary prior to arraignment to prevent the volunteer from being incarcerated. In the event it is subsequently determined that ACTION or a sponsor is not responsible under this policy for the volunteer's defense, any such advance may be recovered directly from the volunteer or from allowances, stipends, or out-of-pocket expenses which are payable or become payable to the volunteer. In the case of a grassroots sponsor of full-time volunteers which is not able to provide the $500 the ACTION state or regional office shall immediately make such sum available to the sponsor.

(c) Immediately upon receipt of notification from the sponsor, the state or regional office shall notify the General Counsel, giving all facts and circumstances at that time known to such office. Thereafter the office shall cooperate with the General Counsel in making an investigation of all surrounding facts and circumstances and shall provide such information immediately to the General Counsel.

(d) The General Counsel shall, upon notification by the state or regional office, determine the extent to which ACTION will provide funds for the volunteer's defense or reimburse a sponsor for funds it spends on the volunteer's behalf. Included in this responsibility shall be the negotiation of fees and approval of other costs and expenses. State and regional offices are not authorized to commit ACTION to the payment of volunteers' legal expenses or to reimburse a sponsor except as provided above, without the express consent of the General Counsel. Additionally, the General Counsel shall, in cases arising directly out of the performance of authorized project activities, ascertain whether the services of the United States Attorney can be made available to the volunteer.

(e) The sponsor and the state and regional office shall have a continuing responsibility for cooperation and coordination with the Office of General Counsel during the pendency of any such litigation, and of notifying the General Counsel of any facts and circumstances which come to the attention of such office or the sponsor which affects such litigation.

Subpart C—Civil and Administrative Proceedings

§ 1220.3–1 Full-time volunteers.

ACTION will pay reasonable expenses incurred in the defense of full-time volunteers in Federal, state, and local civil judicial and administrative proceedings where:

(a) The complaint or charge against the volunteer is directly related to his volunteer service and not to his personal activities or obligations.

(b) The volunteer has not admitted willfully or knowingly pursuing a course of conduct which would result in the plaintiff or complainant initiating such a proceeding, and

(c) If the judgment sought involves a monetary award, the amount sought exceeds $100.

§ 1220.3–2 Part-time volunteers.

ACTION will reimburse sponsors for the reasonable expenses incidental to the defense of part-time volunteers in Federal, state and local civil judicial and administrative proceedings where:

(a) The proceeding arises directly out of the volunteer's performance of activities pursuant to the Act;

(b) The volunteer receives or is eligible to receive compensation, including allowances, stipend, or reimbursement for out-of-pocket expenses under an ACTION grant; and

(c) The conditions specified in paragraphs (b) and (c) in § 1220.3–1 above are met.

§ 1220.3–3 Procedure.

Immediately upon the receipt by a volunteer of any court papers or administrative orders making him a part to any proceeding covered under § 1220.3–1 or § 1220.3–2, the volunteer shall immediately notify his sponsor who in turn shall notify the appropriate ACTION state office. The procedures referred to in § 1220.2–3, paragraphs (c) through (e), shall thereafter be followed as appropriate.

Issued in Washington, D.C. on July 3, 1975.

JOHN L. GANLEY,
Deputy Director,
ACTION.

[FR Doc.75–17775 Filed 7–8–75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order No. 33; Docket No. 72–62]

PART 506—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

General Order No. 33 was published by the Commission November 1, 1974 and was to become effective on November 31, 1974. However, since General Order No. 33 prompted numerous requests to delay the effective date and extend the time for filing petitions for reconsideration, the Commission on November 21, 1974 stayed the effective date of the rule and invited interested parties to file their views and arguments regarding the reconsideration thereof.

Comments on reconsideration have been submitted by or on behalf of a number and variety of interested parties including Hearing Counsel. The Commission has carefully considered the position of all the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. The bulk of the comments submitted concern themselves with matters which have been argued before the Commission in this proceeding before and which have already been fully considered and properly disposed of by the Commission. We will not address ourselves to those matters further. We are limiting our discussion here to those comments and arguments which have prompted changes in the final rules promulgated herein. A section by section discussion of these changes is therefore appropriate.

Section 506.1 Purpose. The word "may" has been substituted for "will" in the last sentence of this section to make it clear that Commission action under these section 19 regulations is discretionary.

506.2 Scope. This section was likewise revised to indicate the discretion of the Commission in invoking these regulations. A change was also made in the wording to make this section consistent with the wording of the Merchant Marine Act, 1920.

506.3 Findings—Conditions unfavorable in the foreign trade of the United States. Paragraph (c) of this section was amended to indicate that the Commission was not concerned with mere differences in treatment to the vessels in the foreign trade of the United States but is concerned with the effect those differences and treatments have upon the foreign trade of the United States. One party wished the Commission to add to this section and other sections explicit provisions relating to the use of rebates in the foreign trade. Since rebating is covered in section 18(b)(3) of the Shipping Act, 1916 and may be covered under the general terms of these regulations, the Commission does not think it necessary to make any such amendment. The wording of the first sentence of this section has been changed to make it clear that these regulations are to apply to the acts of foreign governments or of foreign owners, operators, agents, or masters.

506.4 Petitions for section 19 relief—General—Who may file. The wording of this section has been changed to indicate that the Commission is not, in any way, limiting the application of this section by specifically naming some of the persons who may file petitions.

506.8 Initial action to meet apparent conditions unfavorable—Resolution through diplomatic channels. This section was changed to give foreign countries notice that the Commission will notify the Secretary of State when conditions unfavorable to shipping in the foreign trade of the United States apparently exist and that it may request that he seek resolution of the matter through diplomatic channels.

506.9 Actions to meet conditions unfavorable to shipping in the foreign trade of the United States. Commentators to this section asserted that tariff suspension would not be a lawful exercise of section 19 powers. While it is true that sections 18(b)(4) and (5) set out the circumstances when the Commission may suspend tariffs under the Shipping Act, 1916, the powers of the Commission under section 19 of the Merchant Marine Act of 1920 are much broader. Therefore, this section remains unchanged.

506.11 Production of information. Paragraphs (b) and (c) of this section were changed to make it clear that the Commission was not restricting the scope of information to be produced by listing some of the types of information which could be ordered to be produced.

506.12 Production of information—Failure to produce. Objection was directed to § 506.12 because it required the Commission to find conditions unfavorable to shipping in the foreign trade of the United States when there was a failure to produce any information ordered by the Commission to be produced under § 506.11. There was an apparent conflict with the wording of this section and the explanation which was given to it in the preamble to the regulations published on November 1, 1974. In the preamble, the Commission stated that this section would not necessarily apply to situations where there was a bona fide

V 40 1132
JUL 9 75
XUM

effort to comply. This explanation was in conflict with the clear wording of the section. Many parties asserted that the word "will" should be changed to "may". Such a change has been made in order to make this section consistent with the intent of the Commission. This section has also been amended so that appropriate findings of fact may be made when there is a failure to produce as well as the option of a deemed admission.

Other nonsubstantive changes were made to these final rules to conform with the amendments discussed herein. This discussion has not dealt with those comments which we viewed as being either irrelevant or immaterial to the matters at issue.

As a final matter, we would point out for the edification of all concerned, and lest there be any misunderstanding, that the rule promulgated herein is not to be construed in any way whatsoever as a substitute vehicle by which agreements approved by the Commission under section 15 of the Shipping Act, 1916, might be contested. Likewise, the new rule is not intended in any way to replace, modify, or limit the traditional criteria considered in connection with applications under section 15.

Therefore, pursuant to the authority of section 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)), section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 841(a)), and Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)) and Reorganization Plan No. 7 of 1961 (75 Stat. 840), Part 506 of Title 46 CFR is hereby revised to read as follows:

Sec.

506.1 Purpose.
506.2 Scope.
506.3 Findings—Conditions unfavorable to shipping in the foreign trade of the United States.
506.4 Petitions for section 19 relief—General—Who may file.
506.5 Petitions—How filed.
506.6 Petitions—Contents.
506.7 Petitions—Amendment or dismissal of.
506.8 Initial action to meet apparent conditions unfavorable — Resolution through diplomatic channels.
506.9 Actions to meet conditions unfavorable to shipping in the foreign trade of the United States.
506.10 Participation by interested persons.
506.11 Production of information.
506.12 Production of information—Failure to produce.
506.13 Postponement, suspension, or discontinuance of action.
506.14 Content and effective date of regulation.

AUTHORITY: Sec. 19(I)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)), section 4 of the Administrative Procedure Act (5 U.S.C. 553), secs. 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 841(a)), and Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)), and Reorganization Plan No. 7 of 1961 (75 Stat. 840).

§ 506.1 Purpose.

It is the purpose of the regulations of this part to declare certain conditions resulting from governmental actions by foreign nations or from the competitive methods or practices of owners, operators, agents, or masters of vessels of a foreign country unfavorable to shipping in the foreign trade of the United States and to establish procedures by which persons who are or can reasonably expect to be adversely affected by such conditions may petition the Federal Maritime Commission for the issuance of regulations under the authority of section 19 of the Merchant Marine Act of 1920. It is the further purpose of the regulations of this part to afford notice of the general circumstances under which the authority granted to the Commission under section 19 may be invoked and the nature of the regulatory actions contemplated.

§ 506.2 Scope.

Regulatory actions may be taken when the Commission finds, on its own motion or upon petition, that a foreign government has promulgated and enforced or intends to enforce laws, decrees, regulations or the like, or has engaged in or intends to engage in practices which presently have or prospectively could create conditions unfavorable to shipping in the foreign trade of the United States, or when owners, operators, agents or masters of foreign vessels engage in or intend to engage in, competitive methods or practices which have created or could create such conditions.

§ 506.3 Findings—Conditions unfavorable to shipping in the foreign trade of the United States.

For the purposes of this part, conditions created by foreign governmental action or competitive methods of owners, operators, agents or masters of foreign vessels which:

(a) Impose upon vessels in the foreign trade of the United States fees, charges, requirements, or restrictions different from those imposed on other vessels competing in the trade, or which preclude or tend to preclude vessels in the foreign trade of the United States from competing in the trade on the same basis as any other vessel;

(b) Reserve substantial cargoes to the national flag or other vessels and fail to provide, on reasonable terms, for effective and equal access to such cargo by vessels in the foreign trade of the United States;

(c) Are otherwise unfavorable to shipping in the foreign trade of the United States;

(d) Are discriminatory or unfair as between carriers, shippers exporters, importers, or ports or between exporters from the United States and their foreign competitors and which cannot be justified under generally-accepted international agreements or practices and which operate to the detriment of the foreign commerce or the public interest of the United States;

are found unfavorable to shipping in the foreign trade of the United States.

§ 506.4 Petitions for section 19 relief—General—Who may file.

Any person, including, but not limited to, any importer, exporter, shipper, consignee, or owner, operator or charterer of a liner, bulk, or tramp vessel, who has been harmed by, or who can reasonably expect harm from existing or impending conditions unfavorable to shipping in the foreign trade of the United States, may file a petition for the relief under the provisions of this part.

§ 506.5 Petitions—How filed.

All requests for relief from conditions unfavorable to shipping in the foreign trade shall be by written petition. An original and fifteen copies of a petition for relief under the provisions of this part shall be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

§ 506.6 Petitions—Contents.

Petitions for relief from conditions unfavorable to shipping in the foreign trade of the United States shall set forth the following:

(a) A concise description and citation of the foreign law, rule, regulation, practice or competitive method complained of;

(b) A certified copy of any law, rule, regulation or other document involved and, if not English, a certified English translation thereof;

(c) Any other evidence of the existence of such practice or competitive method;

(d) A clear description, in detail, of the harm already caused or which may reasonably be expected to be caused petitioner, including:

(1) Statistics for the representative period showing a present or prospective cargo loss if harm is alleged on that basis, such statistics shall include figures for the total cargo carried or projected in the trade for the period;

(2) Statistics or other evidence for the representative period showing increased costs, inferior services or other harm to cargo interest if injury is claimed on that basis; and

(3) A statement as to why the period is representative.

(e) A recommended regulation, the promulgation of which will in view of the petitioner, adjust or meet the alleged conditions unfavorable to shipping in the foreign trade of the United States.

§ 506.7 Petitions—Amendment or dismissal of.

Upon the failure of a petitioner to comply with the provisions of this part, the petitioner will be notified by the Secretary and afforded reasonable opportunity to amend his petition. Failure to timely amend the petition will result in its dismissal. For good cause shown additional time for amendment may be granted.

§ 506.8 Initial action to meet apparent conditions unfavorable—Resolution through diplomatic channels.

Upon the filing of a petition, or on its own motion when there are indications that conditions unfavorable to shipping in the foreign trade of the United States may exist, the Commission will notify the Secretary of State that such conditions apparently exist, and may request he seek resolution of the matter through diplomatic channels. If request is made the Commission will give every assistance in such efforts, and the Commission may request the Secretary to report the results of his efforts at a specified time.

§ 506.9 Actions to meet conditions unfavorable to shipping in the foreign trade of the United States.

Upon a submission of a petition filed under the rules of this part, or upon its own motion, the Commission may find that conditions unfavorable to shipping in the foreign trade of the United States do exist, and may, without further proceeding, issue regulations. Such regulations may effect the following:

(a) Imposition of equalizing fees or charges;

(b) Limitation of sailings to and from United States ports or of amount or type of cargo during a specified period;

(c) Suspension, in whole or in part, of any or all tariffs filed with the Commission for carriage to or from United States ports; and

(d) Any other action the Commission finds necessary and appropriate in the public interest to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

§ 506.10 Participation of interested persons.

In the event that participation of interested persons is deemed necessary by the Commission, notice will be published in the FEDERAL REGISTER and interested persons will then be allowed to participate in this procedure by the submission of written data, views or arguments, with or without opportunity to present same orally.

§ 506.11 Production of information.

In order to aid in the determination of whether conditions unfavorable to shipping in the foreign trade of the United States exist, or in order to aid in the formulation of appropriate regulations subsequent to a finding that conditions unfavorable to shipping in the foreign trade of the United States exist, the Commission may, when it deems necessary or appropriate, and without further proceedings, order any owner, operator, or charterer in the affected trade to furnish any or all of the following information:

(a) Statistics for a representative period showing cargo carried to and from the United States in the affected trade on vessels owned, operated or chartered by him by type, source, value and directions;

(b) Information for a representative period on the activities of vessels he owns, operates, or charters, which shall include sailings to and from United States ports, costs incurred, taxes or other charges paid to authorities, and subsidies or other payments received from foreign authorities; and such other information that the Commission considers relevant to discovering or determining the existence of general or special conditions unfavorable to shipping in the foreign trade of the United States.

(c) Information for a specified future period on the prospective activities of vessels which he owns, operates or charters or plans to own, operate or charter, to and from United States ports, which shall include projected sailings, anticipated costs, taxes or other charges to be paid to authorities, and expected subsidies or other payments to be received from foreign authorities; and such other information that the Commission considers relevant to discovering or determining the existence of general or special conditions unfavorable to shipping in the foreign trade of the United States.

§ 506.12 Production of information—Failure to produce.

The Commission may, when there is a failure to produce any information ordered produced under § 506.11, make appropriate findings of fact or deem such a failure to produce as an admission that conditions unfavorable to shipping in the foreign trade of the United States do exist.

§ 506.13 Postponement, discontinuance, or suspension of action.

The Commission may, on its own motion or upon petition, postpone, discontinue, or suspend any and all actions taken by it under the provisions of this part. The Commission shall postpone or discontinue any or all such actions if the President informs the Commission that postponement, discontinuance, or suspension is required for reasons of foreign policy or national security.

§ 506.14 Content and effective date of regulation.

The Commission shall incorporate in any regulations adopted under the rules of this part a concise statement of their basis and purpose. Regulations shall be published in the FEDERAL REGISTER. Except where conditions warrant and for good cause, regulations promulgated under the rules of this part shall not become effective until 30 days after the date of publication.

Effective date. The provisions of this Part 506 will become effective on August 8, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-17807 Filed 7-8-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16004, 18052]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

FM TV Field Strength Curves and Measurements; Correction

In the matter of Amendment of § 73.333 and § 73.699, field strength curves for FM and TV broadcast stations, and amendment of Part 73 of the rules regarding field strength measurements for FM and TV Broadcast Stations.

1. The Report and Order in the instant proceeding, adopted May 29, 1975, 40 FR 27671, inter alia, amended the rules to incorporate, for the first time, an F(50,10) signal strength chart (FCC § 73.333, Figure 1a) in the rules governing FM broadcast stations.

2. Subparagraph (2) of paragraph (a) of Note 1, appended to § 1.573 (Processing of FM and noncommercial educational FM broadcast station applications) requires, as a condition for the acceptance of an application for a proposed station, a showing that the station will neither cause objectionable interference to nor receive objectionable interference from cochannel or adjacent channel stations. For the determination of the location of interference contours, (a)(2)(ii) of Note 1 specifies that:

> The distance to the applicable interference contour shall be determined by the F(50,10) curve, dated June 20, 1960, and published with the Commission's Order, FCC 61-1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications.

3. We have included the F(50,10) chart in the amended FM rules with the intention that it be used in all instances involving FM broadcast stations where predictions of the strength of interfering signals, or the locations of interference contours are appropriate. Through inadvertence, we neglected to amend the above quoted portion of Note 1 to provide for the use of the newly adopted chart.

4. Accordingly, we are amending Part 1 of 47 CFR by the addition of the following:

In § 1.573 of the rules subparagraph (a)(2)(ii) of Note 1 is amended to read as follows:

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

* * * * * *

NOTE 1: * * *

(a) * * *

(2) * * *

(ii) The distance to the applicable interference contour shall be determined by the use of Figure 1a of § 73.333 (F(50,10) chart) of this chapter.

* * * * * *

Additionally, § 73.414 is correctly designated as § 73.314.

FEDERAL COMMUNICATIONS COMMISSION,[1]

VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-17764 Filed 7-8-75;8:45 am]

[1] Rules changes herein will be covered by T.S. III(72)-7.

V40-1132 JUL 9 75 XUM

[Docket No. 19988; FCC 75-755]

PART 76—CABLE TELEVISION SERVICES

Program Origination by Cable Television Systems and Development of Cablecasting Services

Amendment of Part 76, Subpart G, of the Commission's rules and regulations relative to program origination by cable television systems; and inquiry into the development of cablecasting services to formulate regulatory policy and rule making.

1. On December 9, 1974, the Commission released its Report and Order in Docket 19988, FCC 74-1279, 49 FCC 2d 1090 (1974), which, inter alia, deleted our mandatory origination rule (see former § 76.201 of the Commission's rules) and adopted new § 76.253 which imposes a cablecasting equipment availability obligation on cable television systems and system conglomerates serving 3,500 or more subscribers. Mr. Henry Geller [1] has sought reconsideration of certain "peripheral matters" which were part of that decision. He has expressed agreement with the main thrust of the Report and Order. No oppositions to his petition have been received.[2]

FAIRNESS AND EQUAL OPPORTUNITIES

2. The Geller petition suggests that our action in Docket 19988 be modified to delete the "equal time" and "fairness" obligations placed on operator-originated cablecasting. His arguments in support of this proposal are essentially a reiteration of those previously submitted in this proceeding and summarized in paragraph 27 of the Report and Order. We have concluded, upon further consideration of this question, that it should be dealt with in a separate proceeding where both interested parties and the Commission can focus upon it. It is an important issue requiring careful consideration after the widest possible comment. We believe that the context in which it has been presented in this proceeding has not afforded us the benefit of the wide range of views we might otherwise expect. The Notice of Proposed Rule Making and Notice of Inquiry in Docket 19988, *supra*, was directed solely to the question of whether we should continue the requirement of mandatory origination, and the applicability of the fairness doctrine was mentioned in passing, along with lotteries, advertising, etc., when we noted that these parts of the Rules would remain in effect during the pendency of the proceeding. As a probable consequence, there was not extensive comment and we dealt with the question summarily in our first opinion. We think it unwise to decide such a significant issue upon so sparse a record, particularly since other interested parties may have quite reasonably assumed it was not germane and may have failed to address it for that reason. It is peripheral to the questions raised in the Notice and we have decided, for the reasons given above, not to attempt to resolve it at this time.

PUBLICITY OF LOCAL CABLECAST OPPORTUNITIES

3. Petitioner also seeks reconsideration of the Commission's decision in the subject Report and Order not to adopt a specific requirement that operators publicize the availability of cablecasting equipment and channel space. He maintains that it is not sufficient for the Commission to merely "• • • encourage operators to make their communities aware of existing opportunities," and indicate that it will adopt appropriate regulations if operators seek to evade their responsibilities by "suppressing information of these opportunities." (See paragraph 44 of the Report and Order in Docket 19988, supra.) It is asserted by petitioner that an operator has a "duty" reasonably to inform his community of access opportunities and that the language of the Commission's Report should clearly stress the existence of such a duty and not be couched in terms of "encouragement" or "suppression." Petitioner suggests that the exercise of that duty be left to the operator's discretion at this time (the operator could use on-screen placards, cablecast announcements, calls to officials or community leaders, etc.) but that the Commission issue specific regulations if this obligation is not discharged effectively.

4. We find no great difference between petitioner's suggestions on this matter and our own position as enunciated in the Report and Order. Each seeks active public employment of the equipment required by our Rules and believes that a Commission mandate that operators specifically publicize the availability of such equipment in a particular manner would be premature and, hopefully, unnecessary. We fully expect that a cable operator will put to active and appropriate use that equipment which he has been required to obtain and required to offer to the public. He has duty to make this equipment and a reasonable amount of time available. We presume that fulfillment of this responsibility and the operator's obligation to serve the local community by themselves imply an affirmative duty to make known the existence of video opportunities. However, at this time we shall leave to the operator's discretion the procedures under which his equipment and available non-broadcast bandwidth will be put to their most beneficial use.

CHANNEL SPACE AVAILABILITY AND MINIMAL EQUIPMENT

5. Petitioner recognizes our Report's statements that, under the new rule changes, system operators "• • • must make a reasonable effort to provide channel time wherever it is available," and that the equipment required by January 1, 1976 can be "minimal" in nature but suggests that the terms of these requirements be more specifically included in the rules. We agree and have amended the rules accordingly as indicated in the attached Appendix.

CABLECAST PROGRAM IDENTIFICATION

6. We are also asked to include in our Rules an identification requirement for non-broadcast programming. As we stated in our Report, we do believe that local cablecast programming should be identified as such (see paragraph 43, Report and Order in Docket 19988, supra) and have advised system operators to identify the type of cablecasting service being presented (see footnote 13, Report and Order in Docket 19988, supra). However, the adoption of any formal identification rule should more appropriately be confined to our action on Docket 19334. (See Further Notice of Proposed Rule Making in Docket 19334, FCC 74-667, 47 FCC 2d 670 (1974). That docket precisely addresses the identification issue and the Report and Order in that rule making proceeding will be the proper vehicle for any formal identification requirement.

EQUIPMENT CHARGES

7. Petitioner questions why our newly adopted § 76.253, applicable to larger cable systems, differs in the area of "assessment of costs" from our major market access regulations codified in § 76.251 of the Commission's rules. Specifically, petitioner asks why the major market stipulation that production costs may not be assessed for live studio presentations not exceeding five minutes (see § 76.251(a)(10)(ii)) is not incorporated in § 76.253 applying to systems having 3,500 or more subscribers and regardless of the system's geographical location. The answer is that our major market access rules require an operator to provide, inter alia, a studio. Because the operator was required to furnish such a studio facility it was our determination that these systems could easily, and at very little cost, accommodate those short, live, "walk-on" presentations requested by individual members of the public. Therefore, we prescribed that no charges could be made for such brief live uses of an operator's access facilities. Systems required to provide cablecasting equipment pursuant to § 76.253 are not additionally required to provide a studio. Therefore, we have not set forth a five minute "live free studio use" provision for systems subject only to § 76.253. Should these systems voluntarily provide a studio we presume that the appropriate charge (which, as required, need be "• • • consistent with the goal of affording the public a low cost means of television access,"[3]) for a brief live presentation will be quite minimal if, indeed, a charge is made at all.[4]

OTHER MATTERS

8. We also wish to take this opportunity to address certain housekeeping matters which we believe should be treated in this proceeding. The attached Appendix specifies four additional rule modifications which will cure certain apparent defects or clarify our Report and Order in Docket 19988, supra. First, we shall delete the reference in § 76.251(a)(4) to former § 76.201. Second, we restore the subheading "[L]eased access channels" to § 76.251(a)(7) which was amended by our action in Docket 19988. Third, we wish to denote that systems providing public access service pursuant to § 76.251(c) need not comply with the cablecasting equipment requirements of § 76.253. Therefore, we shall amend § 76.253(d) which already exempts those systems providing public access service pursuant to either § 76.251(a) or § 76.251(b). Finally, we have amended § 76.253(a) to make it clear that the facility requirement applies to systems with 3,500 or more subscribers and to technically-integrated conglomerates having a total of 3,500 or more subscribers but does not apply independently to 3,500 or more subscriber systems that are part of larger conglomerates. That is, such larger conglomerates need have only one set of equipment available even though individual communities that are part of the conglomerate themselves have more than 3,500 subscribers.

Authority for the rules adopted in the Appendix attached here to is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That the petition for reconsideration filed by Mr. Henry Geller is granted to the extent indicated herein and otherwise is denied.

It is further ordered, That Part 76 of the Commission's rules and regulations, is amended, effective August 8, 1975, as set forth in the Appendix attached. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317.)

Adopted: June 24, 1975.

Released: July 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[5]
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

§ 76.251 [Amended]

1. In § 76.251, paragraph (a)(4) is amended to delete reference to former § 76.201, and paragraph (a)(7) is amended to incorporate the subheading "*Leased access channels.*"

2. In § 76.253, paragraphs (a), (b), and (d) are amended, as follows:

§ 76.253 Cablecasting equipment requirements for larger cable systems.

(a) Any conglomerate of commonly-owned and technically-integrated cable television systems having a total of 3500 or more subscribers, or any system having 3500 or more subscribers which is not part of such a system conglomerate, shall have available at least the minimum equipment necessary for local production and presentation of cablecast programs other than automated services and permit local non-operator production and presentation of such programs. Operators of such systems or system conglomerates shall make a reasonable effort to provide channel time for presentation of such programs.

(b) Any cable system having made available the equipment described in paragraph (a), either voluntarily or pursuant to paragraph (a), shall comply with the following requirements:

• • • • • •

(d) This section shall become effective on January 1, 1976: *Provided, however*, That if a cable system makes available the equipment described in paragraph (a) at an earlier date, such system shall comply with paragraphs (b) and (c) of this section at that time: *And provided, further*, That if a cable system is providing any public access services pursuant to § 76.251 (a), (b), or (c), this section shall not be applicable to such system.

[FR Doc.75-17893 Filed 7-8-75;8:45 am]

---

[1] His filing is on behalf of himself as an individual and not for any sponsoring organization.

[2] A further pleading relating to this Docket was filed, out of time, by Citizens for Cable Awareness in Pennsylvania and the Philadelphia Community Cable Coalition. In view of the statutory requirement of Section 405 of the Communications Act that rehearing petitions "must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of," and the requirements of § 1.106 of the rules, the views of PCCC are not formally considered herein, although that pleading has been reviewed informally. We find nothing in PCCC's disagreement with our deletion of the mandatory origination requirement that was not considered in our Report and Order in this proceeding or that would cause us to reevaluate that decision now. Nor do we agree with PCCC that the Administrative Procedure Act has been violated because the precise terms of the rules finally adopted were not specifically set forth in the Notice of Proposed Rule Making and Notice of Inquiry in Docket 19988, FCC 74-315, 46 FCC 2d 139 (1974). We believe adequate notice of the nature of the proposals under consideration was given.

[3] See § 76.253(c) and the similar language found in § 76.251(a)(10(ii) applying to live cablecasts longer than five minutes, etc. on a major market cable system's designated public access channel(s).

[4] We note that a great many system operators make no charge for live studio presentations often greatly in excess of five minutes in length, or for other use of cablecast equipment and facilities.

[5] Filed as part of the original; separate statement of Commissioner Robinson, Commissioners Hooks and Quello absent.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-14; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies for Light Trucks, MPV's

This notice amends Standard No. 208, *Occupant crash protection*, 49 CFR 571.208, to permit until January 1, 1976, the installation of current seat belt assemblies in trucks and multipurpose passenger vehicles (MPV) with a gross vehicle weight rating of 10,000 pounds or less. This amendment was proposed (40 FR 23897, June 3, 1975) in response to petitions from Chrysler Corporation and Jeep Corporation.

In both the Jeep and Chrysler petitions and in comments on the proposal, vehicle manufacturers stated that the current economic situation may cause the continued production of 1975-model vehicles beyond August 15, 1975, after their production would normally have been terminated. Significant cost in obsolete material and in running changes would be involved in the introduction of the new 3-point belt systems in vehicles which are designed to accept lab belts only.

Ford Motor Company concurred in the proposal in view of obsolescence costs which might be avoided by the 4-month option. General Motors Corporation only indicated that it did not object to the proposal. The American Safety Belt Council emphasized the readiness of seat belt manufacturers to supply the new systems and the importance of a swift decision. They expressed support for the introduction of 3-point systems as soon as possible. The Recreational Vehicle Industry Association sought confirmation of its understanding that the proposal did not modify requirements for motor homes and forward control vehicles under S4.2. (RVIA's understanding is correct.) Chrysler and Jeep supported the proposal, and Jeep supplied production and retail cost information for which it requested confidentiality.

It is apparent from the nature of data submitted by manufacturers that the 20-day comment period did not allow adequate time for collection and development of the items enumerated in the preamble to the proposal. While it would be preferable to provide manufacturers more time to develop additional data, the NHTSA recognizes that virtually no time remains in which to make decisions for August 1975 production. The cost data already submitted by Jeep and the engineering changes submitted by Chrysler do permit an NHTSA judgment on cost objections of manufacturers under

V 40 I 132 JUL 9 75 XUM

§ 113 and on the advisability of the proposed modification.

Using the Chrysler submission as representative of the production changes to be undertaken by any manufacturer in effecting a running change to the seat belt systems of the 1975-model vehicles built after August 14, 1975, it is concluded that the total cost implications of these changes would be substantial if undertaken. The Jeep itemized cost information on production changes bore out this conclusion. In terms of obsolescence, it is confirmed by Ford that the decreased sales will result in obsolescence due to inability to balance out stocks of seat belts and other components in 1975-model vehicles.

Pursuant to § 113(b)(1) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. § 1402(b)(1)), the information on which this evaluation is based is available in the NHTSA public docket (Docket No. 75–14, Notice 1; PRM #208–000022; PRM #105–000019) except for the Jeep submission. The NHTSA is presently determining whether the submission is entitled to confidential treatment. If it is not, the submission will be placed in Docket No. 75–14, Notice 1.

In all, the information submitted by manufacturers, particularly Chrysler, indicates that a substantial number of changes would be required to effect a running change to the vehicles in question after August 15, 1975. The cost data submitted by Jeep indicate that these changes will result in significant cost increases. The NHTSA has decided that the significant costs of the running changes in 1975-model vehicles whose production may be continued after August 15, 1975, are not justified for the numbers of vehicles that might be affected.

§ 571.208 [Amended]

In consideration of the foregoing, Standard No. 208 (49 CFR 571.208) is amended as follows:

1. S4.2.1 is amended to read:

S4.2.1 *Trucks and multipurpose passenger vehicles, with GVWR of 10,000 pounds or less, manufactured from January 1, 1972, to December 31, 1975.* Each truck and multipurpose passenger vehicle with a gross vehicle weight rating of 10,000 pounds or less, manufactured from January 1, 1972, to December 31, 1975, inclusive, shall meet the requirements of S4.2.1 or S4.2.1.2, or at the option of the manufacturer, the requirements of S4.2.2. A protection system that meets the requirement of S4.2.1.1. may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.2.1.2.

2. The date "August 15, 1975" appearing twice in S4.2.2 is replaced by "January 1, 1976".

Effective date: July 9, 1975. Because this amendment concerns production decisions that must be made immediately for the model changes in September 1975, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on July 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–17804 Filed 7–8–75;4:39 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3137 is amended to show that one position of Program Assistant in General Services Administration Region 9 is excepted under Schedule A.

Effective on July 9, 1975, § 213.3137(c) is added as set out below:

§ 213.3137 General Services Administration.

* * * * *

(c) *Office of the Regional Administrator—Region 9.*

(1) One Program Assistant.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17937 Filed 7–8–75;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Confidential Assistant (Executive Secretary) to the Commissioner is excepted under Schedule C.

Effective on July 9, 1975, § 213.3337 (h)(3) is amended as set out below:

§ 213.3337 General Services Administration.

* * * * *

(h) *Automated Data and Telecommunications Service.* * * *

(3) One Confidential Assistant (Executive Secretary) to the Commissioner.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17938 Filed 7–8–75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Payment of Customs Bills

Notice is hereby given that pursuant to the authority contained in 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66) and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend § 24.3 of the Customs Regulations (19 CFR 24.3) to specify the location where Customs bills, other than those issued for deferred taxes, are to be paid. Since the implementation of the automated accounting system, Customs bills could be paid at any Customs office. However, with the increasing emphasis on securing prompt payment of bills and timely accounting for such payments, it has been determined that Customs bills, other than those issued for deferred taxes, should be paid at the financial management office of the region in which the charges were made. This would permit each regional office to exercise complete control over its accounts receivable activity from the time a bill is issued until its final settlement. Bills would be accounted for more timely and validation errors reduced. In addition to facilitating the correction of errors, it would provide regions with current accounts receivable information thereby increasing the effectiveness of its accounts receivable program and the imposition of restrictions for failure to pay Customs bills.

Accordingly, it is proposed to amend § 24.3 of the Customs Regulations (19 CFR 24.3) by adding a new paragraph (f) to read as follows:

§ 24.3 Bills and accounts; receipts.

* * * * *

(f) Bills, other than those issued for deferred taxes, shall be paid at the financial management office of the region in which the charges were made. Customs bills will show the address of the office at which payment is to be made and payments will be accepted and validated only at the office specified on the bill.

Data, views or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[SEAL]

[FR Doc.75–17744 Filed 7–8–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1099]

[Docket No. AO–183–A32]

MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area which was issued June 13, 1975, (40 FR 25680) is hereby extended to July 10, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on July 3, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75–17820 Filed 7–8–75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

FOREIGN POULTRY

Proposed Restrictions on Importation and Standards for Quarantine of Hatching and Brooding Facilities

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations to change restrictions on the importation of poultry and their hatching eggs and to add standards for quarantine hatching and brooding facilities.

Statement of considerations. The Department of Agriculture has expended considerable sums of monies to eradicate viscerotropic velogenic (exotic) Newcastle disease and other comunicable diseases of poultry from the United States. Communicable diseases of poultry, including exotic Newcastle disease, can be introduced through the importation of poultry and their hatching eggs. The purpose of this proposal is to set forth additional safeguards for the importation of poultry and their hatching eggs from all countries in a manner which it appears would prevent the introduction or dissemination of exotic Newcastle disease and other communicable diseases of poultry. Under these proposed amendments all poultry and hatching eggs would have to be shipped directly to the United States from the country of origin. The amendments would also require additional certifications for all chickens and turkeys and their hatching eggs, showing that they originated from flocks free of pullorum disease and fowl typhoid because of the particular susceptibility of chickens and turkeys to these diseases. Additional restrictions would also be placed on all hatching eggs that originate in countries infected with exotic Newcastle disease, in that these hatching eggs would have to originate from flocks that have been determined to be free of the disease through a surveillance program which shall consist of either using sentinel birds or a weekly dead bird pick-up with laboratory examination and monthly collection and culturing of tracheal and cloacal swabs. Further, all hatching eggs that originate in countries infected with exotic Newcastle disease which would meet all the requirements, except such surveillance requirements, would be required to be hatched and brooded in the United States in USDA-approved quarantine hatching and brooding facilities under the supervision of Veterinary Services personnel. Also proposed are standards for such quarantine hatching and brooding facilities. All hatching eggs would be required to be fumigated with formaldehyde in the country of origin and be shipped in new containers.

V40-132 JUL 9 75 XUM

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations would be amended in the following respects:

1. In § 92.5, paragraph (b) would be amended to read:

§ 92.5 Certificate for ruminants, swine, and poultry.

* * * * *

(b) *Poultry.*

(1) All poultry, except eggs for hatching, for importation from any country of the world shall be shipped directly to the United States from the country of origin and shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating:

(i) That such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country,

(ii) That they were then found to be free of evidence of communicable diseases of poultry,

(iii) That as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 90 days immediately preceding the date of such movement,

(iv) That the premises of origin are not located in any area under quarantine because of a poultry disease during the preceding 90 days,

(v) That the poultry have been kept in the country of origin from which they were shipped directly to the United States for at least 90 days immediately preceding the date of movement therefrom or since hatched,

(vi) That as far as it has been possible to determine, no case of European fowl pest (fowl plague) or exotic Newcastle disease occurred on the premises where such poultry were kept, or on adjoining premises, during that 90-day period, and

(vii) In the case of chickens and turkeys, that

(A) They either originate from flocks which have had:

(*1*) One negative test for pullorum disease and fowl typhoid completed not less than 30 days immediately preceding the date of movement from the country of origin; or

(*2*) Two consecutive negative tests for pullorum disease and fowl typhoid at least 21 days apart with the last test having been completed within one year immediately preceding the date of such movement; or

(B) They originate from flocks participating in a testing program for pullorum disease and fowl typhoid recognized by the responsible agency of the national government of the country of origin; and

(C) Since qualifying for movement to the United States under one of these procedures, the chickens and turkeys have not been exposed to poultry of lesser health status.

(2) *Hatching eggs.* (i) All eggs for hatching for importation from any viscerotropic velogenic Newcastle disease free country listed in § 94.6(a)(2) of this chapter shall be shipped directly to the United States from the country of origin and be accompanied by a certificate signed by a salaried veterinary officer of the national government of the country of origin stating:

(A) That the flock or flocks of origin were found upon inspection to be free from evidence of communicable diseases of poultry,

(B) That no Newcastle disease has occurred on the premises of origin or on adjoining premises during the 90 days immediately preceding the date of movement of the eggs from such country,

(C) That as far as it has been possible to determine, such flock or flocks were not exposed to such disease during these preceding 90 days,

(D) That such eggs have been disinfected as provided in § 447.25 of this title [11] and have been placed into new containers,

(E) In the case of chicken and turkey hatching eggs, that

(*1*) They originate from flocks which have had either: one negative test for pullorum disease and fowl typhoid completed not less than 30 days immediately preceding the date of movement from the country of origin; or two consecutive negative tests for pullorum disease and fowl typhoid at least 21 days apart, with the last test having been completed within one year immediately preceding the date of such movement; or

(*2*) They originate from flocks participating in a testing program for pullorum disease and fowl typhoid recognized by the responsible agency of the national government of the country of origin; and

(*3*) Since qualifying for movement to the United States under one of these procedures, the chicken and turkey hatching eggs have not been exposed to poultry or eggs of lesser health status.

(ii) All eggs for hatching for importation from any viscerotropic velogenic Newcastle disease infected country defined in § 94.6(a)(1) of this chapter, except those eggs covered by Paragraph (b)(2)(iii) of this section, shall be shipped directly to the United States from the country of origin and shall be accompanied by a certificate which shall comply with all of the requirements specified in Paragraph (b)(2)(i) of this section and shall in addition include certification by the veterinary officer who issues the certificates under this paragraph that freedom of the eggs from viscerotropic velogenic Newcastle disease has been demonstrated through a surveillance program in effect for not less than 60 days before such eggs were certified for export to the United States, with such surveillance being maintained during the period in which the eggs covered by the certificate were laid. The surveillance program shall be one of the following:

(A) Placement of Newcastle disease susceptible sentinel birds [12] in the flock or flocks of origin at a rate of not less than one sentinel bird per thousand, with a minimum of 30 sentinel birds per house, with the sentinels remaining free of clinical evidence of Newcastle disease and immunological evidence of that disease as demonstrated by negative hemagglutination inhibition tests conducted on blood samples drawn at 10-day intervals throughout the surveillance period; or

(B) A weekly collection of carcasses of all birds in the flock or flocks of origin, dying during the surveillance period, with laboratory examination of such carcasses including use of the embryonated egg inoculation technique,[13] to detect Newcastle disease virus; and a monthly collection of tracheal and cloacal swabs from not less than 10 percent of the birds in the flock or flocks of origin, for laboratory testing.[14]

All examinations and tests shall be negative for evidence of Newcastle disease. The laboratory conducting the examinations and testing required under the surveillance program shall be a facility located in the country of origin of the eggs to be certified, and shall be approved by the national government of said country for this purpose in accordance with criteria specified in a document which can be obtained from the Deputy Administrator, Veterinary Services.[14]

(iii) Eggs for hatching for importation from any viscerotropic velogenic Newcastle disease infected country defined in § 94.6(a)(1) of this chapter which meet the requirements of paragraph (b)(2)(i) of this section, but which have not met the surveillance requirements of paragraph (b)(2)(ii) of this section may be imported into the United States to be hatched and brooded for a minimum of 30 days in an approved quarantine facility. The quarantine

[11] Reprints of 9 CFR 447.25 may be obtained from the Deputy Administrator, Veterinary Services, U.S. Department of Agriculture, Hyattsville, Maryland 20782.

[12] A sentinel bird is a specific pathogen-free chicken which has not been infected with, exposed to, or immunized with any strain of Newcastle disease virus and is therefore susceptible to Newcastle disease. Information regarding sources of sentinel birds may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[13] Technical information on laboratory methods and procedures may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[14] Information regarding the identity of such approved laboratory facilities and criteria for such approval may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

hatching and brooding facility shall be approved, and the quarantine shall be conducted, in accordance with the requirements and conditions in § 92.11(g). If, 30 days after the last egg in the quarantined lot has hatched, the entire lot is found free of evidence of any communicable disease of poultry, then the supervising Veterinary Services veterinarian shall issue an agriculture release for entry through U.S. Customs. If evidence of a communicable disease of poultry is found to exist in the quarantined lot, the quarantine shall be immediately terminated and the entire lot shall be refused entry or disposed of in accordance with § 92.11(g)(3)(ii)(J).

* * * * *

2. A new § 92.11(g) would be added to read:

§ 92.11 Quarantine requirements.

* * * * *

(g) *Standards for Approval of Quarantine Hatching and Brooding Facilities; Handling Procedures During Quarantine.* To qualify for designation as an approved quarantine facility for hatching of eggs under the provisions of § 92.5(b)(2)(iii) and the brooding of the hatch therefrom, and to retain such approval, the facility and its maintenance and operation must meet the minimum conditions of paragraphs (g)(1) through (7) of this section. The cost of the facility and all costs associated with the maintenance and operation of such facility shall be borne by the importer.

(1) *Supervision of the facility.* The facility shall be maintained under the supervision of a Veterinary Services veterinarian (poultry diagnostician) who shall ensure compliance with all applicable provisions of the quarantine procedures of this paragraph.

(2) *Physical plant requirements.* The facility shall comply with the following requirements:

(i) *Location.* The quarantine facility shall be located at least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or other approved quarantine facilities. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration.

(ii) *Construction.* The unit making up the quarantine facility shall:

(A) Be contained in a single building which shall house all the incubation and brooding equipment;

(B) Be constructed only with materials that can withstand continued cleaning and disinfection. (All solid walls, floors, and ceilings shall be constructed of impervious material; all screening shall be metal; all openings to the outside shall be screened.);

(C) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the eggs or the health of the hatch in quarantine;

(D) Have a vermin-proof feed storage area;

(E) Have refrigerated storage space for carcasses retained for laboratory examination;

(F) Have equipment necessary to maintain the facility in clean and sanitary condition, including insect and pest control equipment.

(iii) *Sanitation and security.* Arrangements shall exist for:

(A) A supply of water adequate to meet all watering and cleaning needs;

(B) Disposal of wastes by incineration or a public sewer system which meets all applicable environmental quality control standards;

(C) Cleaning and disinfecting equipment with adequate capacity to disinfect the facility and equipment;

(D) Sufficient stocks of a disinfectant authorized in § 71.10(a)(5) of this chapter;

(E) A security system which prevents entry of persons not authorized to enter the facility. Such a system shall include a daily log to record the entry and exit of all persons entering the facility.

(3) *Operational procedures.* To qualify for designation as an approved quarantine facility, the following procedures shall be observed at the facility at all times.

(i) *Personnel.* Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the supervising Veterinary Services veterinarian. Personnel associated with the incubation and hatching of the eggs, and brooding of the hatch therefrom, shall not be in contact with any other avian species.

(ii) *Handling of eggs and the hatch therefrom in quarantine.* Eggs and the hatch therefrom shall be handled in compliance with the following requirements:

(A) Eggs shall be transported from port of arrival to the quarantine hatching and brooding facility in a vehicle that has been sealed in the presence of Veterinary Services personnel at the port of arrival. The seals shall be broken and the vehicle shall be cleaned and disinfected under the supervision of Veterinary Services personnel on arrival at the quarantine facility.

(B) At the facility no eggs other than those undergoing quarantine shall be stored, incubated, or hatched;

(C) The shipping cases and flats in which the eggs were shipped to the United States shall be incinerated under the supervision of the supervising Veterinary Services veterinarian;

(D) Each lot of eggs to be hatched and brooded shall be placed in the facility on an "all-in, all-out" basis. No eggs or any portion of the hatch therefrom shall be taken out of the lot while it is in quarantine, except for diagnostic purposes;

(E) The importer shall be responsible for collecting and storing all dead embryos from the first two candlings which shall be conducted at the end of the first 10 days and at the time of transfer of the eggs from the incubator to the hatcher respectively. Specimens taken from such dead embryos shall be forwarded by Veterinary Services personnel to the Veterinary Services Laboratories, Ames, Iowa, for virus isolation attempts. If an isolation of Newcastle disease virus is made the quarantine shall be terminated immediately and the entire lot shall be refused entry or disposed of as provided in Paragraph (g)(3)(ii)(J) of this section;

(F) During brooding, specimens from each of the first week's die-off shall be forwarded by Veterinary Services personnel to the Veterinary Services Laboratories, Ames, Iowa, for virus isolation attempt. If an isolation of Newcastle disease virus is made the quarantine shall be terminated immediately and the entire lot shall be refused entry or disposed of as provided in Paragraph (g)(3)(ii)(J) of this section;

(G) No Newcastle disease vaccine shall be used during the quarantine period.

(H) During the quarantine period each lot of eggs, and the hatch therefrom, shall be subjected to such further tests and procedures as may be required by the supervising Veterinary Services veterinarian to determine whether they are free from communicable diseases of poultry. If evidence of any such disease is determined to exist, the quarantine shall be immediately terminated, and the lot shall be refused entry or disposed of as provided in Paragraph (g)(3)(ii)(J) of this section.

(I) The entire quarantine facility from which eggs or a hatch has been removed because a communicable disease of poultry has been determined to exist, shall be immediately and thoroughly cleaned and disinfected with a disinfectant authorized in § 71.10(a)(5) of this chapter, under supervision of the supervising Veterinary Services veterinarian. If a lot has been released for entry, such cleaning and disinfection shall take place before a new lot of eggs is placed in the facility.

(J) Disposal of any eggs in the quarantined lot, or any part of the hatch therefrom, including all egg shells, dead in shell or any other hatching debris shall be through incineration or public sewer system under the supervision of the supervising Veterinary Services veterinarian.

(iii) *Records.* It shall be the responsibility of the operator of the facility to maintain a current daily log for each lot of eggs and the hatch therefrom recording the source and origin of the eggs in the lot, the date the lot was placed into the facility, the fertility at each candling during the incubation period, the number of deaths each day during the quarantine period, the laboratory findings on any portion of the hatch that died during quarantine, the date of prescribed tests and results, the import permit numbers of each lot of eggs received, the date the lot was removed from the facility, and any other observations pertinent to the general health of the hatch therefrom.

V 40 1132 JUL 9 75 XUM

(4) Additional requirements as to location, security, physical plant and facilities, sanitation, and other items may be imposed by the Deputy Administrator, Veterinary Services, in each specific case in order to assure that the incubation and brooding of each lot of eggs and the hatch therefrom in such facility will be conducted in a manner that will allow accurate determination of their health status and prevent spread of disease agents from the facility.

(5) Requests for approval and plans for proposed facilities shall be submitted to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782.

(6) Before a decision is made with respect to the eligibility of any facility for approval, a personal inspection of the facility shall be made by a Veterinary Services poultry diagnostician to determine whether it complies with the standards outlined in this section. Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Deputy Administrator, Veterinary Services, upon his determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and afforded opportunity to present his views thereon.

Requirements of other Federal laws and regulations shall also apply as applicable to the quarantine facilities.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, before August 11, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 870, Hyattsville, Maryland, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of July 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-17821 Filed 7-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 401, 405]

[Regs. Nos. 1, 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Disclosure of Information Where Physician Frequently Submits Erroneous Certifications or Inappropriate Plans of Treatment; Presumed Coverage of Post-Hospital Services

Notice is hereby given, pursuant to the Administration Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form, are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The purpose of these amendments is to implement Section 228 of Pub. L. 92-603, the Social Security Amendments of 1972. The proposed amendments provide for presumed coverage of post-hospital extended care and post-hospital home health services for those individuals who have medical conditions designated in the regulations and whose physicians submit the required certifications and plans of treatment. Where the Secretary determines that a physician is submitting, with some frequency, erroneous certifications and/or inappropriate plans of treatment in connection with the presumed coverage provision, the amendments provide that certifications and plans of treatment submitted by a physician on and after the effective date of the notice to him of this determination will not be acceptable for purposes of the presumed coverage provision until such time as it is found that the physician's certifications and plans of treatment have become reliable. The amendments also provide authority for disclosure limited to any provider, claimant or prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest the name of a physician whose certifications and/or plans of treatment have been found not to be acceptable for purposes of the presumed coverage provision. However, the proposed amendments provide that such a physician must be afforded a reasonable opportunity for an administrative hearing before such a finding is implemented.

The medical conditions designated in the regulations represent a listing of those conditions which have been identified to date as generally requiring a covered level of extended care services or home health services following hospitalization, taking into account such factors as the medical severity of such conditions, the degree of incapacity, the type of services required and the minimum length of stay in a skilled nursing facility or the minimum period of home confinement generally needed for such conditions. These regulations will be revised periodically to include additional medical conditions which subsequent program experience indicates are the type which require covered care. The periods of presumed coverage which have been established for the medical conditions designated in the regulations are not intended in many cases to encompass the entire period of care which an individual may require. Patients who require covered care beyond the presumed coverage period (or within the presumed coverage period, in the case of patients who require additional or other home health services besides those included in the visits specified in the regulations for their medical conditions) would be eligible to have payment made for such care where the facts show in the individual case that there is a need or continuing need for such care. Although persons who have medical conditions which are not described in the regulations would not be eligible for a presumed period of coverage, payment under the program would, of course, nevertheless be made where the facts in the individual case establish a need for covered post-hospital extended care services or post-hospital home health services.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before August 8, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 205, 1102, 1106, 1814(h), 1814(i) and 1871, 49 Stat. 624, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 86 Stat. 1407, and 79 Stat. 331 (42 U.S.C. 405, 1302, 1306, 1395f, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: May 30, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 30, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 401—STATE VOCATIONAL REHABILITATION PROGRAM

1. Section 401.3 is amended by adding thereto new paragraph (w) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is

hereby authorized in the following cases and for the following purposes:

* * * * *

(w) To any provider, claimant or prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest, the name of any physician who has been found by the Secretary to have been submitting, with some frequency, in connection with title XVIII claims falling within the scope of § 405.133 of this chapter:

(1) Certifications that erroneously indicate that the patient's medical condition is among those listed in § 405.133(c) or § 405.133(d); or

(2) Plans for providing services which are inappropriate and do not reflect a level of care which would qualify an individual for post-hospital extended care services or post-hospital home health services, i.e., a covered level of care (see § 405.133(a)); except that the name of any such physician shall not be disclosed pursuant to such a finding unless such physician has first been afforded a reasonable opportunity for an administrative hearing before the Secretary's finding becomes effective (see § 405.133 (b)).

PART 405—RESEARCH AND DEMONSTRATION

2. § 405.133 is added to read as follows:

§ 405.133 Post-hospital extended care and post-hospital home health services; presumed coverage procedure.

(a) *Eligibility for presumed coverage.* To qualify for extended care benefits upon admission to a skilled nursing facility a beneficiary must need on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services prior to transfer to the skilled nursing facility. To qualify for part A home health benefits upon admission to care by a home health agency following a qualifying inpatient stay a beneficiary must be confined to his home, under the care of a physician and must be in need of skilled nursing care on an intermittent basis, physical therapy or speech therapy for a condition for which he received medically necessary inpatient hospital services or post-hospital extended care services. An individual who has a medical condition listed in paragraph (c) of this section (in the case of post-hospital extended care services) or paragraph (d) of this section (in the case of post-hospital home health services) is presumed to require this level of care for the period of time or number of visits specified for such condition provided:

(1) A physician submits in writing the required certification (see §§ 405.165, 405.170, 405.1632, and 405.1633) to the provider prior to or at the time of such individual's admission to a skilled nursing facility or in a timely fashion prior to the first chargeable post-hospital home health visit made to the individual;

(2) The certification indicates that the individual's medical condition is a condition set out in paragraph (c) or paragraph (d) of this section;

(3) The physician's certification is accompanied by a written plan of treatment for providing the required post-hospital extended care services or the post-hospital home health services;

(4) The Secretary has not determined for purposes of the presumed coverage provision that the physician is submitting, with some frequency, erroneous certifications and/or plans for providing services which are inappropriate (see paragraph (b) of this section); and

(5) There is no adverse finding by the skilled nursing facility's utilization review committee that the stay or any further stay is medically unnecessary (see §§ 405.166 and 405.1137(e)).

Where any of these requirements are not met, the individual is not eligible for a presumed period of coverage. In such situations a decision as to whether an individual requires covered post-hospital extended care services or post-hospital home health services will be decided on the basis of all the facts in the case. In either case all other pertinent requirements for entitlement to post-hospital extended care or post-hospital home health benefits must be met. (See §§ 405.120 and 405.131). An individual is not eligible for more than one period of presumed coverage for each skilled nursing facility admission or admission to care by a home health agency following a qualifying inpatient stay. Where additional care is required at the expiration of the presumed coverage period, payment may be made if the facts in the individual case establish that the care needed is the type which would qualify an individual for post-hospital extended care benefits or post-hospital home health benefits.

(b) *Unacceptable physician certifications and plans of treatment.* Where the Secretary determines that a physician is submitting with some frequency:

(1) Certifications that erroneously indicate that the patient's medical condition is among those listed in paragraph (c) or paragraph (d) of this section, or

(2) Plans for providing services which are inappropriate and do not reflect a level of care which would qualify an individual for post-hospital extended care services or post-hospital home health services, i.e., a covered level of care (see paragraph (a) of this section), certifications and plans of treatment executed by such a physician on or after the effective date of the notice to the physician of the Secretary's determination will not be acceptable for purposes of the presumed coverage provision until such time as the Secretary may find that the physician's certifications and/or plans of treatment have become reliable. However, such determination will not be effective until the physician has first been afforded a reasonable opportunity for an administrative hearing. The physician will have 10 working days from the mailing date of the notice of the Secretary's finding in which to request such a hearing. The physician shall be given the opportunity to present oral and written evidence, to be represented by counsel and to confront and cross-examine witnesses. The physician will be notified in writing of the hearing decision and the legal and factual basis on which it is predicated.

(c) *Medical conditions eligible for presumed coverage of post-hospital extended care services.* An individual whose eligibility for post-hospital extended care services is based on one of the following medical conditions and who meets all of the requirements of paragraph (a) of this section is presumed to require on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for the period of time specified below for each condition. Where an individual has more than one of the conditions specified below, the individual is eligible for the presumed period of coverage for the condition which presumes the longest period of coverage for extended care services.

Medical condition:	*Presumed period of covered skilled nursing facility care (days)*
1. Acute cerebrovascular accident (CVA) resulting from hemorrhage, thrombosis, embolism, brain injury, or tumor (CVA reason for qualifying hospital stay or occurred during hospital stay). *Qualifying criteria:* Hemiplegia and/or aphasia which requires on a daily basis skilled nursing care, physical therapy, occupational therapy, speech therapy, or a combination thereof—admitted directly from the hospital to skilled nursing facility	18
2. Fracture of femur—neck or shaft, and/or fracture of pelvis or acetabulum. *Qualifying criteria:* Nonweight bearing stage following surgery or reduction, complicated by presence of infection, delayed union or aseptic necrosis; and/or a complicating secondary medical condition(s), necessitated daily skilled nursing observation and/or skilled management—admitted directly from hospital to skilled nursing facility.	

V40-132 JUL 9 75 XUM

Medical condition—Continued	Presumed period of covered skilled nursing facility care (days)
2. Fracture of femur—Continued	
A. Open reduction	15
B. Closed reduction	21
3. Post-arthroplasty of hip with prosthetic device (surgery performed during the hospitalization immediately prior to admission to skilled nursing facility)—admitted directly from hospital to skilled nursing facility	15
4. Malignancies.	
Qualifying criteria: Admitted directly from hospital to skilled nursing facility for:	
A. Administration of anticarcinogenic chemotherapeutic agents	14
B. Postoperative care	10
C. Terminal care—Patient in terminal stage of illness and is unable to function outside of skilled nursing facility because of need for skilled management of care required on a daily basis	14
5. Diabetes Mellitus	
Qualifying Criteria: Admitted directly from hospital to skilled nursing facility with:	
A. Presence of gangrene, ulceration, or unstable peripheral neuropathy	14
B. Below knee amputation requiring prosthesis (amputation performed during the hospitalization immediately prior to admission to skilled nursing facility)	14
C. Above knee amputation requiring prosthesis (amputation performed during the hospitalization immediately prior to admission to skilled nursing facility)	21
6. Disease of digestive system which required colostomy, ileostomy, or gastrostomy. *Qualifying criteria:* Admitted directly from hospital to skilled nursing facility for: Diet control and training required (surgery performed during hospitalization immediately prior to admission to skilled nursing facility)	10
7. Congestive heart failure complicated by disorders of rhythm and/or requiring additional drug or anticoagulant stabilization—admitted directly from hospital to skilled nursing facility	10
8. Myocardial infarction with recurring bouts of angina and/or complicated by disorders of rhythm and/or congestive heart failure—admitted directly from hospital to skilled nursing facility	14
9. Chronic obstructive pulmonary disease complicated by acute respiratory infection and/or congestive heart failure—admitted directly from hospital to skilled nursing facility	14

(d) *Medical conditions eligible for presumed coverage of post-hospital home health services.* An individual whose eligibility for post-hospital home health services is based on the need for one of the skilled services described below for the treatment of his medical condition and who meets all of the requirements of paragraph (a) of this section is presumed to require skilled nursing care on an intermittent basis or physical therapy or speech therapy for the number of home health visits designated below. The number of home health visits designated is predicated on the assumption that the length of such visits will be the usual and customary time for a skilled visit, i.e., that the required skilled service can be furnished in 1 hour or less. Where an individual's medical condition necessitates more than one of the types of skilled services specified below, and each type requires the same kind of visit, e.g., both require nursing visits, the individual is eligible for the presumed number of visits for the skilled service which presumes the largest number of home health visits. However, where each type of skilled service needed requires different kinds of visits, e.g., skilled nursing and speech therapy visits, the individual is eligible for the presumed number of visits for each type of skilled services.

Skilled services	Presumed number of covered home health visits
1. Skilled observation for any unstabilized condition characterized by significant fluctuations in vital signs or marked edema or elevated blood sugar levels.	Six skilled nursing visits in a 2-week period.
2. Application of dressings involving prescription medications and aseptic techniques because of the presence of open wounds, extensive decubitus ulcers, or other widespread skin disorders.	Seven skilled nursing visits in a 2-week period.
3. A. Instructions in colostomy, ileostomy, or gastrostomy care.	Three skilled nursing visits in a 1-week period.
B. Instructions in the routine care of an indwelling catheter.	Two skilled nursing visits in a 1-week period.
C. Instruction in tube feeding technique.	Six skilled nursing visits in a 1-week period.
D. Instruction of a newly diagnosed diabetic in a diabetic regimen, i.e., training in diet, the administration of insulin injections, urine tests, skin care, etc.	Six skilled nursing visits in a 2-week period.

Skilled services	Presumed number of covered home health visits
E. Instruction of a recent[1] hip fracture patient, or family members, in an exercise program and/or in the use of crutches, a walker, or a cane.	Four skilled nursing or four physical therapy visits in a 2-week period.
F. Instruction of a recent[1] post-arthroplasty of hip patient or a recent[1] above or below knee amputation patient in the use of a prosthetic device.	Four skilled nursing or four physical therapy visits in a 2-week period.
G. Instruction of a patient who requires respiratory therapy in the use of special equipment such as an IPPB machine or oxygen units.	Two skilled nursing visits in a 1-week period.
H. Instruction in postural drainage procedures and pulmonary exercises.	Two skilled nursing or two physical therapy visits in a 1-week period.
I. Administration of anticarcinogenic chemotherapeutic agents.	Four skilled nursing visits in a 2-week period.
4. Skilled physical therapy services and/or speech therapy services to restore functions impaired by a recent[1] cerebrovascular accident resulting in hemiplegia and/or aphasia.	Five physical therapy and/or five speech therapy visits in a 2-week period.

[1] Recent means the medical condition was either the reason for the qualifying hospital stay or occurred during the hospital stay.

3. § 405.165 is revised to read as follows:

§ 405.165 Payment for post-hospital extended care services; conditions.

Payment may be made under this Subpart A for post-hospital extended care services only if:

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished; and

(b) When required, a physican (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis:

(1) For any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution had met the necessary requirements relating respectively to a utilization review plan (see § 405.1035) and such other requirements as the Secretary finds necessary in the interest of health and safety (see § 405.1001 et seq. for qualification as a "hospital")) prior to transfer to the skilled nursing facility; or

(2) For a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of any of the conditions for which he was receiving such inpatient hospital services; and

(c) In the case of a presumed period of coverage of post-hospital extended care services the requirements of § 405.133 are met; and

(d) The prohibitions against payment, described in §§ 405.166 and 405.167, are not applicable.

4. § 405.170 is amended by revising paragraphs (b) (3) and (b) (4) and adding new paragraph (c) to read as follows:

§ 405.170 Payment for post-hospital home health services; Conditions.

Payment may be made under this Subpart A for post-hospital home health services only if:

* * * * *

(b) When required a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that: * * *

(3) A written plan for furnishing such services to such individual has been established and is periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody);

(4) The services were furnished while the individual was under the care of a physician (other than a doctor of podiatry or surgical chiropody); and

(c) In the case of presumed coverage of post-hospital home health visits the requirements of § 405.133 are met.

5. In § 405.1632, paragraphs (a) and (c) are revised to read as follows:

§ 405.1632 Post-hospital extended care services; certification and recertification.

(a) *Certification.* (1) The required physician's statement should certify that: (i) Post-hospital extended care services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services (see § 405.116) or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405) except those relating to utilization review and health and safety requirements, prior to transfer to the skilled nursing facility; and (ii) in a presumed coverage case (see § 405.133) that the medical condition of the individual is a condition designated in regulations.

(2) The certification should be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the skilled nursing facility or the physician who is available in case of an emergency who has knowledge of the case. In a presumed coverage case (see § 405.133), the physician certification must be submitted to the skilled nursing facility prior to or at the time of admission to the skilled nursing facility and must be accompanied by a written plan of treatment for providing the required post-hospital extended care services. In all other cases the physician's certification should be obtained at the time of admission, or as soon thereafter as is reasonable and practicable.

* * * * *

(c) *Timing of recertification.* In cases not involving a period of presumed coverage (see § 405.133), the first recertification is required no later than as of the 14th day of extended care services. A skilled nursing facility may, at its option, provide for the first recertification to be made earlier, or it can vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. Subsequent recertifications are to be made at intervals not exceeding 30 days. Such recertifications may be made at shorter intervals as established by the utilization review committee and the skilled nursing facility. At the option of the skilled nursing facility, review of a stay of extended duration, pursuant to the facility's utilization review plan, may take the place of the second and any subsequent physician recertifications. The skilled nursing facility should have available in its files a written description of the procedure it adopts with respect to the timing of recertifications—that is, the intervals at which recertifications are required, and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the second or subsequent recertifications. In cases involving a period of presumed coverage, the timing of the first recertification will depend upon the length of the presumed period of coverage. Where the presumed period of coverage is 13 days or less the recertification requirements are the same as those for cases not involving a period of presumed coverage. However, where the presumed period of coverage is 14 days or more the first recertification is required no later than as of the last day of the presumed period of coverage with subsequent recertifications being required at intervals not exceeding 30 days.

* * * * *

6. In § 405.1633, paragraph (a) (2) is revised to read as follows:

§ 405.1633 Home health services; certification and recertification

(a) * * *

(2) In addition, for post-hospital home health services under the hospital insurance program, the required physician's

V40 I132 JUL 9 75 XUM

statement should certify that the services were needed to treat any of the conditions for which the beneficiary received inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405), except those relating to utilization review and health and safety), or post-hospital extended care services during the related hospital or skilled nursing facility stay (see § 405.131) and, in a presumed coverage case, that the medical condition of the individual is a condition designated in regulations (see § 405.133). The certification should be signed by the same physician who establishes the plan of treatment. In a presumed coverage case the physician certification must be submitted in a timely fashion (see § 405.131) to the home health agency prior to the first chargeable post-hospital home health visit made to the patient and be accompanied by a written plan of treatment for providing such home health services (see § 405.133). In all other cases the physician's certification should be obtained at the time the plan is established or as soon thereafter as possible.

* * * * * *

[FR Doc.75-17609 Filed 7-8-75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 570]

EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

Proposed Amendments Concerning Work Experience and Career Exploration Programs; Extension of Comment Period

On June 5, 1975, there were published in the FEDERAL REGISTER (40 FR 24215) proposed amendments to Part 570 of Title 29 of the Code of Federal Regulations which would continue indefinitely on a permanent basis the Work Experience and Career Exploration Programs which have been conducted on an experimental basis since 1969. Interested persons were invited to submit written comments, suggestions, data or arguments concerning the proposed rules by July 7, 1975.

A number of requests have been received by the Assistant Secretary of Labor for Employment Standards for additional time in which to analyze the above proposal and submit comments. Accordingly, it has been determined that an extension of time to submit comments is appropriate.

The time for submission of comments on the above proposal is hereby extended to and including July 22, 1975.

Signed at Washington, D.C. this 2nd day of July, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.17770 Filed 7-8-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 391-5]

[40 CFR Parts 2, 60, 61, 79, 125, 167, 180]

PUBLIC INFORMATION

Supplemental Proposal and Corrections

In the May 20, 1975, issue of the FEDERAL REGISTER (40 FR 21987), the Environmental Protection Agency (EPA) published a notice of proposed rulemaking which would establish a new subpart B, entitled "Confidentiality of Business Information," in part 2 of title 40, Code of Federal Regulations.

This document supplements the notice published at 40 FR 21987 by making various editorial corrections in that notice and by making several substantive changes designed to make more explicit certain of the proposed provisions. (The substantive changes and the editorial corrections are listed separately below.)

Explanation of substantive changes. The change to proposed § 2.204(c)(2)(A) is designed to allow an EPA office the discretion to inquire whether a business desires to make a confidentiality claim despite the office's belief that such a claim would not ultimately be upheld by EPA. The EPA office might believe, for instance, that a business might wish to litigate the propriety of the substantive criterion which appears to deny entitlement to confidentiality. Allowing the business to make a claim would allow EPA to make a considered determination which could be the subject of judicial review. The change to proposed § 2.204(c)(3) is a corresponding, conforming change.

The change to proposed § 2.204(d)(1)(B) would make clear that an initial denial should mention 5 U.S.C. 522(b)(4) as the basis of the denial.

The revision of proposed § 2.307(e) deals with the procedures to be used by the General Counsel in making final confidentiality determinations concerning certain information submitted under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136 et seq. The revision is designed to make those procedures more nearly consistent with the procedures used in similar determinations under other sections of proposed subpart B, and to provide a schedule for release of information (similar to that which would be provided under § 2.205(f)) to guide the actions of EPA and affected persons.

The revision of proposed § 2.307(g)(5) is designed to clarify the proposed coverage of the exclusion from eligibility for confidential treatment for certain kinds of information submitted under FIFRA. The exclusion would cover any information to which § 2.307 applies which is scientific data, opinion, or argument, and which pertains to or concerns the properties, behavior, or effect on any organism of any pesticide which is (or has been) registered under FIFRA, or for which a notice of application has been published under 7 U.S.C. 136a(c)(4). The exclusion from confidential treatment eligibility would not, however, cover the pesticide's formula, nor information dealing with manufacturing or quality control processes.

The revisions to proposed § 2.308(c) and § 2.308(d) are designed to clarify the applicability of § 2.203 to information covered by § 2.308.

The revision to proposed § 2.308(f)(2) is designed to state the starting date of the 30-day waiting period which would be established under § 2.308(f)(2).

Extension of comment date. The notice of proposed rule making in 40 FR 21987 established a 45-day period for public comment, ending July 7, 1975. That period is hereby extended to July 22, 1975. The Environmental Protection Agency finds good cause for not extending the period further, in view of the relatively minor nature of the revisions proposed in this supplemental notice, the length of the original comment period, and the urgent need for final promulgation of rules.

In consideration thereof, the notice of proposed rule making published at 40 FR 21987 is supplemented and corrected as follows:

Substantive revisions:

1. On page 21993, § 2.204(c)(2)(A) is amended by inserting, after the first sentence, the following additional sentence:

"Such an inquiry may also be made in any case if the EPA office believes an inquiry would be helpful or equitable."

2. On page 21993, § 2.204(c)(3) is amended by deleting the words "required by" and inserting in their place the words "made under".

3. On page 21993, § 2.204(d)(1)(B) is amended to read as follows:

"(B) Furnish, to any person whose request for release of the information under 5 U.S.C. 552 is pending, a determination (in accordance with § 2.113) that the information may be entitled to confidential treatment under this subpart and 5 U.S.C. 552(b)(4), that further inquiry by EPA is required before a final determination on the request can be issued, that the request is therefore initially denied, and that after further inquiry a final determination will be issued by the EPA legal office; and"

4. On page 22000, § 2.307(e) is amended to read as follows:

"(e) *Final confidentiality determination by EPA legal office.* Section 2.205 applies to information to which this section applies, except that—

(1) Notwithstanding § 2.205(l), the General Counsel, rather than the Regional Counsel, shall in all cases make the determinations and take the actions required by § 2.205;

(2) For the 10-day and 30-day waiting periods prescribed in § 2.205(f)(2), (f)(3) and (f)(4), there shall be substituted waiting periods of 30 calendar days and 40 calendar days, respectively;

(3) The notice prescribed by § 2.205(f)(1) and described in § 2.205(f)(2) shall inform the business that it may seek judicial review under Section 10(c) of the Act, 7 U.S.C. 136h(c), and shall otherwise be consistent with this paragraph (e); and

(4) Notwithstanding § 2.205(g), the 30-day and 40-day waiting periods provided by this paragraph (e) shall not be shortened without the consent of the business."

5. On page 22000, § 2.307(g)(5) is amended to read as follows:

"(5) The information does not consist of scientific data (including, but not limited to, test methodology and results), opinion, or argument, pertaining to or concerning the properties, behavior or effect on any organism of a pesticide which is or has been registered under the Act or for which a notice of application for registration has been published under section 3(c)(4) of the Act, 7 U.S.C. 136a(c)(4). For purposes of this paragraph (5), "scientific data" does not include information concerning the confidential formula of a pesticide or the manufacturing and quality control processes employed in producing the pesticide."

6. On page 22001, § 2.308(c) is revised to read as follows:

"(c) *Basic rules which apply without change.* Sections 2.201, 2.202, 2.209, 2.210 and 2.211 apply without change to information to which this section applies."

7. On page 22001, § 2.308(d) is revised to read as follows:

"(d) *Business confidentiality claim to to accompany information.* Section 2.203 applies to information to which this section applies, except that no such information shall be made available to the public on the basis of noncompliance with § 2.203."

8. On page 22001, § 2.308(f)(2) is amended by adding the words "after receipt by the business of such notice" after the words "passage of 30 calendar days".

Editorial corrections:

1. On page 21992, § 2.203(a) is corrected by changing "person including" to read "person (including"; by changing "agencise" to read "agencies"; and by changing "fo rreasons" to read "for reasons".

2. On pages 21992–93, § 2.203(b) is corrected by changing "th" to read "the", and by deleting the reference to "§ 2.202" and substituting in its place "paragraph (a) of this section".

3. On page 21993, the introductory paragraph of § 2.204(d) is corrected by changing "subpart (and" to read "subpart) and".

4. On page 21994, § 2.205(a) is corrected by changing "§ 2.204(b)(4)" to read "§ 2.204(b)(2)(A)".

5. On page 21994, § 2.205(b) is corrected by changing § 2.204(b)(4)(B)" to read "§ 2.204(b)(2)(B)".

6. On page 21995, § 2.205(f)(1)(A) is corrected by deleting "§ 2.204(b)(3) or".

7. On page 21995, the introductory paragraph of § 2.206(a) is corrected by changing "congdential" to read "confidential", and by changing "EUA" to read "EPA".

8. On page 21996, § 2.206(b) is corrected by changing "ont" to read "not", and by changing "disclosce" to read "disclose".

9. On page 21996, § 2.208(d) is corrected by changing "informaton" to read "information".

10. On page 21997, § 2.301(b)(1)(C) is corrected by changing "42 U.S.C. 1857-5(a)" to read "42 U.S.C. 1857h-5(a)".

11. On page 21999, § 2.302(g) is corrected by adding the number "(1)" after the paragraph heading and before the text.

12. On page 21999, § 2.302(h) is corrected by inserting the number "(1)" after the paragraph heading and before the text.

13. On page 21999, § 2.303(g) is corrected by inserting the number "(1)" after the paragraph heading and before the text.

14. On page 22000, § 2.304(g) is corrected by inserting the number "(1)" after the paragraph heading and before the text, and by changing the reference in the text from "§ 2.304(a)(4)" to read "§ 2.304(a)(3)".

15. On page 22000, § 2.304(h) is corrected by inserting the number "(1)" after the paragraph heading and before the text.

16. On page 22001, the introductory paragraph of § 2.308(e) is corrected by changing "paragraph (e) of this section" to read "paragraph (f) of this section".

Dated: July 2, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-17852 Filed 7-8-75;8:45 am]

[FRL 395-7]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Proposed Plan Revisions

On May 31, 1972 (37 FR 10842), the Administrator approved portions of the Georgia plan to attain and maintain the national ambient air quality standards. The State's Environmental Protection Division has since submitted compliance schedules for major sources of air pollution not yet in compliance with its air pollution control regulations, and the Administrator has approved or proposed to approve these schedules.

However, recent air quality analyses have shown that two major point sources in the State may cause contravention of the national ambient standards if allowed to emit sulfur dioxide at the maximum rate allowed by regulation 391-3-1-.02(2)(g)3. Accordingly, the State has issued to one of these sources a Permit to Operate which is conditioned in such a way as to effect emission limitations more stringent than those prescribed in the Georgia regulations and sufficiently stringent to assure attainment and maintenance of the national ambient air quality standards. The substantive conditions of this permit are as follows:

1. Georgia Power Company's Plant Atkinson (Units 1-4) is required to burn #2 fuel oil with a heating value of no less than 140,000 Btu/gallon, and with a sulfur content of no more than 0.2% by weight.

2. Miscellaneous reporting requirements regarding operating parameters must be met.

The determination of proper emission limitations for the other source has not yet been made.

On May 22, 1975, the State of Georgia submitted this permit to the Agency as a proposed plan revision following notice and public hearing in conformity with the requirements of 40 CFR Part 51.

The EPD has adopted two additional changes which were also submitted to EPA as SIP revisions on June 30, 1975, subsequent to notice and public hearing requirements. The first of these is the deletion of 391-3-1-.02(2)(m) from the State regulations. Analysis has shown that ambient standards can be attained without this requirement on those sources in cases when it was the more restrictive particulate emission limitation.

The second change submitted is the deletion of these clauses in 391-3-1-.03(2)(e) and 391-3-1-.03(3) which impose time limitations on compliance schedules. Because the Administrator disapproved these two clauses on March 27, 1975 (40 FR 13498), and in light of the recent Supreme Court ruling regarding extended compliance schedules, no action is deemed necessary on this change.

The purpose of the present notice is to offer these revisions as proposed rulemaking and to solicit public comment thereon. The information submitted by the State may be examined at the following locations during normal business hours:

Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

Air Protection Branch, Georgia Environmental Protection Division, 270 Washington Street S.W., Atlanta, Georgia 30334.

Freedom of Information Center, Environmental Protection Agency, 232 Waterside Mall West Tower, 401 M Street SW., Washington, D.C. 20460.

An evaluation of the revisions may be obtained by consulting personnel of the Agency's Region IV Air Programs Office at the above address (404/526-3043).

All interested parties are encouraged to submit written comments on the proposed Georgia revisions. To be considered, such comments must be received on or before August 8, 1975. After weighing relevant comments and all other pertinent information in the light of requirements set forth in the Clean Air Act and in the implementing regulations of 40 CFR Part 51, the Administrator will take approval/disapproval action on the revisions. Comments should be addressed to the attention of John Eagles at the Agency's Region IV Air Programs Office (address given above).

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: July 1, 1975.

JACK E. RAVAN,
Regional Administrator, Region IV.

[FR Doc.75-17688 Filed 7-8-75;8:45 am]

V 40 132 JUL 9 75 XUM

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21 and 43]

[Docket No. 20490]

DOMESTIC PUBLIC RADIO SERVICES

Proposed Procedural Requirements

1. The Commission has before it a motion for extension of time filed June 24, 1975 by the National Association of Radiotelephone Systems (NARS) requesting that the comment and reply dates in response to the notice of proposed rule making released May 29, 1975 (FCC 75-599) be extended from July 18, 1975 and August 5, 1975, respectively, to and including August 15, 1975 (comments) and September 10, 1975 (replies). NARS, a trade association representing mobile radiotelephone common carriers, states that the additional time is necessary to analyze and confer upon these proposed rule amendments.

2. The notice of proposed rule making proposed changes which would implement new application forms, clarify application requirements, improve procedures and generally expedite the processing of Domestic Public Radio Service applications. This rulemaking is also an important step in the implementation of Automatic Data Processing (ADP) in the processing of radio applications and the collection of a data base. Consequently, because of several critical dates in the implementation of this ADP system, we are unable to grant the substantial extension of time sought by NARS. However, since a short extension is compatible with our schedule and would promote more thorough and comprehensive comments, we will provide for a one week extension.

3. Accordingly, *It is hereby ordered*, pursuant to the authority of § 0.303(c) of the Commission's rules, that the time for filing comments in this proceeding is extended to, and including, July 25, 1975, and reply comments to, and including, August 12, 1975. The NARS Motion is otherwise denied.

Adopted: July 1, 1975.

Released: July 2, 1975.

[SEAL] JOSEPH A. MARINO,
Acting Chief,
Common Carrier Bureau.

[FR Doc.75-17765 Filed 7-8-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20482]

CABLE TELEVISION SYSTEMS

Exemption Regarding Syndicated Program Exclusivity Protection

Order

In the Matter of Amendment of Part 76, Subpart F of the Commission's rules and regulations to Exempt Smaller Cable Television Systems and Smaller System Conglomerates from the Obligation of Providing Syndicated Program Exclusivity Protection: § 76.99 and § 76.151 et seq.

1. On June 26, 1975, the National Cable Television Association (NCTA) submitted a "Petition for Extension of Time" in which to file comments in the above-captioned proceeding. Petitioner's timely request asks that the deadline for filing comments be extended ten days from the July 3, 1975, deadline. In support of its petition, NCTA points out that in this proceeding the Commission, for the first time since 1972, has addressed certain aspects of its syndicated program exclusivity regulations in a rule making context and maintains that additional time is necessary for the NCTA staff to obtain detailed information from the cable industry prior to its formal filing.

2. In view of the above, the Commission finds that good cause has been shown for grant of a brief extension of the time for filing comments in this proceeding.

Accordingly, *it is ordered*, That the dates for filing comments and replies in the above-captioned proceeding are extended to July 14, 1975, and August 4, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to the authority delegated by § 0.288(a) of the Commission's rules.

Adopted: July 1, 1975.

Released: July 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-17766 Filed 7-8-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

Cross reference: For a document regarding joint call for report of condition of insured banks, see FR Doc. 75-17747, Federal Deposit Insurance Corporation, infra.

Fiscal Service

COMMISSIONER OF THE PUBLIC DEBT

Succession of Officials To Act

Order of succession of officials to act as Commissioner of the Public Debt, and provisions for the continuous performance of functions of the Bureau of the Public Debt in the event of an enemy attack on the continental United States.

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Deputy Commissioner.
2. Assistant Commissioner (Field).
3. Assistant Commissioner (Washington).
4. Director, Division of Securities Operations.
5. Director, Division of Public Debt Accounts.
6. Chief Counsel.
7. Technical Assistant to the Commissioner.
8. Deputy Assistant Commissioner (Field).
9. Director, Division of Transactions and Rulings.
10. Deputy Director, Division of Public Debt Accounts.

2. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Assistant Commissioners are hereby authorized to perform any function of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Department of the Treasury Order No. 129, Revision No. 2, dated April 22, 1955. This order of succession supersedes the order of this Bureau dated November 1, 1972.

H. J. HINTGEN,
Commissioner of the Public Debt.

JULY 2, 1975.

[FR Doc.75-17690 Filed 7-8-75;8:45 am]

Internal Revenue Service

[Order No. 150]

DIRECTOR, PERSONNEL DIVISION

Authority To Take Action on Applications for Retirement

JUNE 17, 1975.

The authority vested in the Commissioner of Internal Revenue by Department of the Treasury Personnel Bulletin No. 75-10, dated February 14, 1975, to administer the special retirement provisions under 5 USC 8336(c) (retirement of law enforcement officers) is hereby delegated as follows.

A. The Director, Personnel Division, is authorized to determine, with the concurrence of the Civil Service Commission, creditability of service of IRS employees for retirement under 5 USC 8336(c). This authority may not be redelegated.

B. Commissioner's Delegation Order No. 81, as revised, delegates authority to take personnel actions (including separations for retirement). The authority therein delegated may be exercised in processing applications for retirement under the provisions of 5 USC 8336(c) provided the employees meet the requirements for eligibility including the requirement of at least 20 years of service which has previously been determined to be creditable for retirement under these special provisions.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-17826 Filed 7-8-75;8:45 am]

[Order No. 112 (Rev. 2)]

DISTRICT DIRECTORS

Authority To Issue Determination Letters Relating to Pension Trust Matters

JUNE 9, 1975.

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the following Key Districts:

Key District(s)	IRS Districts Covered
CENTRAL REGION	
Cincinnati	Cincinnati, Louisville, Indianapolis
Cleveland	Cleveland, Parkersburg
Detroit	Detroit
MID-ATLANTIC REGION	
Baltimore	Baltimore (which includes the District of Columbia and Office of International Operations), Pittsburgh, Richmond
Philadelphia	Philadelphia, Wilmington
Newark	Newark
MIDWEST REGION	
Chicago	Chicago
St. Paul	St. Paul, Fargo, Aberdeen, Milwaukee
St. Louis	St. Louis, Springfield, Des Moines, Omaha
NORTH ATLANTIC REGION	
Boston	Boston, Augusta, Burlington, Providence, Hartford, Portsmouth
Manhattan	Manhattan
Brooklyn	Brooklyn, Albany, Buffalo
SOUTHEAST REGION	
Atlanta	Atlanta, Greensboro, Columbia, Nashville
Jacksonville	Jacksonville, Jackson, Birmingham
SOUTHWEST REGION	
Austin	Austin, New Orleans, Albuquerque, Denver, Cheyenne
Dallas	Dallas, Oklahoma City, Little Rock, Wichita
WESTERN REGION	
Los Angeles	Los Angeles, Phoenix, Honolulu
San Francisco	San Francisco, Salt Lake City, Reno
Seattle	Seattle, Portland, Anchorage, Boise, Helena

the authority to:

(1) Issue determination letters involving the provisions of sections 401, 405, and 501(a) of the Internal Revenue Code of 1954 with respect to:

(a) Initial qualification of stock bonus, pension, profit-sharing, annuity, and bond purchase plans;

(b) Initial exemption from Federal income tax under section 501(a) of trusts forming a part of such plans, provided that the determination does not involve application of section 502 (feeder organizations) or section 511 (unrelated business income), or the question of whether a proposed transaction will be a prohibited transaction under section 503;

(c) Compliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section 402(c)) and deductions for employer contributions (section 404(a)(4));

V40-132 JUL 9 75 XUM

(d) Amendments, curtailments, or terminations of such plans and trusts; and

(e) Effect on qualification of such plans and exempt status of such trusts of investments of trust funds in the stocks or securities of the employer.

(2) Issue determination letters involving the provisions of section 408(c) of the Internal Revenue Code of 1954 with respect to exemption from Federal income tax under section 408(e) of trusts creating individual retirement accounts.

(3) Issue modifications or revocations of determination letters described above.

(4) Redelegate this authority as follows:

(a) With respect to issuance and modification of determination letters, not below Internal Revenue Agent and Tax Law Specialist, GS–12, provided such individual is a person other than the initiator.

(b) With respect to revocation of determination letters, not below Chief, Employee Plans and Exempt Organization Division.

To the extent that any action taken between January 2, 1975 (the effective date of Delegation Order No. 112 (Rev. 1) and the effective date of this Order by District Directors or their delegates consistent with the delegation of authority in this Delegation Order may require ratification, such action is hereby affirmed and ratified.

Delegation Order No. 112 (Rev. 1) issued January 2, 1975, is hereby superseded.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–17827 Filed 7–8–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG) LASER HARDENED MATERIALS AND STRUCTURES SUBPANEL

Closed Meetings

Pursuant to the provisions of section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group Subpanel on Laser Hardened Materials and Structures will be held on Thursday and Friday, September 11–12, 1975, at the Mitre Corporation, Bedford, Massachusetts.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JULY 3, 1975.

[FR Doc.75–17746 Filed 7–8–75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. COPPER DEVELOPMENT ASSOCIATION INC., ET AL.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of New York in No. 74 Civ. 1712 EW, United States of America v. Copper Development Association Inc., et al. The complaint in this case alleges that defendants conspired to restrict licensing of two United States patents to the Sovent drainage plumbing system in violation of Section 1 of the Sherman Act. The proposed judgment requires the eleven defendants which manufacture copper to offer non-discriminatory licenses of the said patents, improvement patents and of technical data thereon on terms more fully described in documents which follow.

Public comment is invited on or before September 8, 1975. Comments should be directed to Bernard Wehrmann, Chief, New York Office, Antitrust Division, United States Department of Justice, 26 Federal Plaza, New York, New York 10007. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with court.

Dated: June 30, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

United States of America, plaintiff, v. Copper Development Association Inc.; Anaconda American Brass Company; National Distillers and Chemical Corporation; Cerro Corporation; Chase Brass and Copper Co., Incorporated; Mueller Brass Co.; Nibco Inc.; Phelps Dodge Industries, Inc.; Reading Industries, Inc.; Revere Copper and Brass, Incorporated; Scovill Manufacturing Company; and Triangle Industries, Inc., Defendants. Civil Action No. 74 Civil 1712 EW, Filed: June 30, 1975.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, P.L. 93–528, and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

Dated: June 30, 1975.

For the Plaintiff.

Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Bernard Wehrmann, Anthony V. Nanni, Thomas A. Bernstein, Attorneys, Department of Justice, Antitrust Division, Department of Justice, 26 Federal Plaza, New York, New York 10007.

For the Defendants.

Chadbourne, Parke, Whiteside and Wolff, Counsel for Copper Development Association Inc.; Chadbourne, Parke, Whiteside and Wolff; Counsel for Anaconda American Brass Company; Breed, Abbot and Morgan by Robert A. Bicks, Counsel for National Distillers and Chemical Corporation; Alexander and Green, Counsel for Cerro Corporation; William W. Colville, Counsel for Chase Brass and Copper Co., Incorporated; Shay, Gold, Climenko and Kramer, Counsel for Mueller Brass Co.; Clarke, Klein, Winter, Parsons and Pruitt, Counsel for Nibco Inc.; Debruoise, Plimpton, Lyons and Gates, Counsel for Phelps Dodge Industries, Inc.; Stein, Rosen and Ohrenstein, Counsel for Reading Industries, Inc.; Cahill, Gordon and Reindel, Counsel for Revere Copper and Brass, Incorporated; Davis, Polk and Wordell, Counsel for Scovill Manufacturing Company; Hooley, Perselay, Butler and Kelly by Neale F. Hooley, Counsel for Triangle Industries, Inc.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

FINAL JUDGMENT

United States of America, plaintiff, v. Copper Development Association Inc.; Anaconda American Brass Company; National Distillers and Chemical Corporation; Cerro Corporation; Chase Brass and Copper Co., Incorporated; Mueller Brass Co.; Nibco Inc.; Phelps Dodge Industries, Inc.; Reading Industries, Inc.; Revere Copper and Brass, Incorporated; Scovill Manufacturing Company; and Triangle Industries, Inc.; Defendants. Civil Action No. 74 Civil 1712 EW; Filed: June 30, 1975.

Plaintiff, United States of America, having filed its complaint herein on April 17, 1974, and the parties by their respective attorneys having consented to the entry of this Final Judgment without trial or adjudication of any issues of fact or law, and without this Final Judgment constituting any evidence against or admissions by any party with respect to any such issues;

NOW, THEREFORE, without trial or adjudication of, or the taking of any testimony with respect to, any issue of fact or law, and upon the consent of the parties hereto, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

I. The Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890 (15 U.S.C. § 1), commonly known as the Sherman Act, as amended. Entry of this judgment is in the public interest.

II. As used in this Final Judgment:

(A) "Sovent Patents" shall mean United States Letters Patent No. 3,287,885 entitled "Air Separator for Drain Pipes" issued November 29, 1966 and United States Letters Patent No. 3,346,887 entitled "Sanitary Drain Systems, Method, and Fittings Therefor" issued October 17, 1967, and any continuations, reissues, or divisions thereof.

(B) "Sovent Improvement Patents" shall mean any United States Letters Patent covering any invention which is an improvement upon the claims contained in the Sovent Patents which is issued within five (5) years of the date of this Final Judgment.

(C) "Technical Data" shall mean all written information, including production manuals, drawings, and photographs, describing the manufacture or production of the aerator and deaerator fittings covered by the Sovent Patents which information is in the possession of a defendant as of the date of this Final Judgment.

III. The provisions of this Final Judgment applicable to a defendant shall also apply to each of its subsidiaries, successors, and assignees, and to their officers, directors, agents, and employees, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise, provided that said provisions shall not apply to transactions between any person to whom this Final Judgment applies and its parent, subsidiaries, or affiliates, or the officers, directors, or employees of any of them.

IV. Each defendant is enjoined and restrained from entering into any combination, agreement, or understanding with any other defendant or future owner of any interest in the Sovent Patents in any way limiting, prohibiting, or restraining the licensing or assignment of any of the Sovent Patents.

V. Each defendant, other than Copper Development Association, Inc., is ordered, insofar as it has the power and authority to do so, to grant to any person making written application therefor a non-exclusive, non-transferable, and non-discriminatory license to practice any, some, or all of the inventions covered by the Sovent Patents and Sovent Improvement Patents for the full unexpired term of such Patent or Patents, cancellable by the licensee upon thirty (30) days written notice to the licensor, without any other condition or limitation except:

(A) A reasonable royalty payment to be agreed upon by the licensor and the applicant for the license (or, in the absence of agreement, to be determined by this Court upon the application of such applicant with reasonable written notice of such application to the licensor) may be charged and collected, except that in the case of the Sovent Patents such royalty shall not exceed the rate of royalty which defendants are required to pay to the assignors of the rights to such Patents under an agreement, dated as of January 1, 1965 (the "1965 Agreement"), namely three (3) percent of the net selling price (as defined in the 1965 Agreement) of all aerator and deaerator fittings sold by the licensee and covered by or intended for use in a system covered by the claims of the Sovent Patents;

(B) With respect to the licensing of the Sovent Patents, provision may be made for the payment of reasonable administrative expenses actually incurred by the licensor in granting and administering the license;

(C) Reasonable provisions may be made for periodic royalty reports by the licensee, including such reports as may be necessary to allow the licensor to fulfill its obligations under the 1965 Agreement, and for inspection of the relevant books and records of the licensee by an independent auditor or other person acceptable to both licensor and licensee (or, in the absence of agreement, a person selected by this Court), who shall report to the licensor only the amount of the royalty due and payable;

(D) Reasonable provision may be made for cancellation of the license upon failure of the licensee to comply with the material terms of said license; and

(E) Reasonable provisions may be made for marking the products manufactured, used, or sold by the licensee under the license with the number of the Sovent Patent or Sovent Improvement Patent covering such products under which the licensee is licensed.

VI. Each defendant, other than Copper Development Association, Inc., is ordered to provide Technical Data under a license to any person who at the time is licensed by any defendant pursuant to Section V hereof, within thirty (30) days after receipt of a written request therefor from such person, without any limitation or condition whatsoever except that:

(A) A reasonable and non-discriminatory fee, including the actual cost of preparing, reproducing, and delivering Technical Data pursuant to this Section VI, to be agreed upon by the licensor and the applicant for the license (or, in the absence of agreement, to be determined by this Court upon the application of such applicant with reasonable written notice of such application to the licensor) may be charged and collected for the Technical Data;

(B) The licensee may be required to enter into an agreement to hold the Technical Data confidential so long as the Technical Data is not otherwise in the public domain and not to communicate such Technical Data to any person, including any other defendant, except for any person who agrees to be bound by such agreement and who manufactures or produces the Sovent aerator or deaerator fittings solely for such licensee, and reasonable provisions may be included to insure compliance with any such agreement;

(C) Reasonable provision may also be made for cancellation of the license of Technical Data upon failure of the licensee to comply with any of the material terms of such license.

VII. Nothing herein shall prevent any applicant from attacking the validity or scope of any of the Sovent Patents or the Sovent Improvement Patents, nor shall this Final Judgment be construed as imputing any validity to any of said Patents.

VIII. Each defendant, other than Copper Development Association, Inc., is enjoined and restrained from making any sale or other disposition of any Sovent Patent or Sovent Improvement Patent which deprives it of the power or authority to grant licenses in accordance with the provisions of this Final Judgment, unless the purchaser, transferee, or assignee of such Patent shall file with this Court, prior to the consummation of said transaction, an undertaking to assume the obligations of the defendant under this Final Judgment.

IX. Within ninety (90) days of the date of this Final Judgment, (a) defendant Copper Development Association, Inc. is ordered and directed to publish notice of the availability of licenses under the Sovent Patents and of the Technical Data referred to in Sections V and VI hereof in one issue of Copper Topics, published by Copper Development Association Inc., (b) defendants, other than Copper Development Association, Inc., are ordered and directed to publish notice of such availability in one issue of DE Journal, published by the Construction Industry Press, Inc., Briarcliff Manor, New York, and (c) each defendant is ordered and directed to give notice in writing of such availability to each person who since January 1, 1965 has indicated in writing to such defendant an interest in obtaining a license under the Sovent Patents.

X. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, each defendant shall permit duly authorized representatives of the Department of Justice, upon reasonable notice in writing from the Attorney General or the Assistant Attorney General in charge of the Antitrust Division to such defendant at its principal office, subject to any legally recognized privilege:

(1) To have access during the office hours of such defendant to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, which may have counsel present, which relate to any matters which are provided for in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview its officers or employees, who may have counsel present, regarding any such matters.

(B) Upon written request of the Attorney General or Assistant Attorney General in charge of the Antitrust Division, each defendant shall submit such reports in writing, with respect to any matters contained in this Final Judgment, as may from time to time be requested;

(C) No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

Dated:

United States District Judge.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

PROPOSED FINAL JUDGEMENT; COMPETITIVE IMPACT STATEMENT

United States of America, plaintiff, v. Copper Development Association Inc.; Anaconda American Brass Company; National Distillers and Chemical Corporation; Cerro Corporation; Chase Brass and Copper Co., Incorporated; Mueller Brass Co.; Nibco Inc.; Phelps Dodge Industries, Inc.; Reading Industries, Inc.; Revere Copper and Brass, Incorporated; Scovill Manufacturing Company, Civil action No. 74 Civil 1712 EW, Filed: June 30, 1975.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C.A. § 16(b)–(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

A. *Nature and purpose of the proceeding.* On April 17, 1974 the Department of Justice filed a civil antitrust suit charging 11 copper

V40-132 JUL 9 75 XUM

fabricating companies and the Copper Development Association with conspiring to restrict the licensing of two United States patents[1] to the Sovent drainage plumbing system in violation of Section 1 of the Sherman Act. The Sovent system, which eliminates liquid wastes in multi-story buildings, uses a single vertical vent pipe. It improves on conventional plumbing systems, which utilize dual vertical interconnected vent pipelines, by eliminating one pipeline and thereby reducing the costs of constructing the drainage system. The complaint requests that the defendants be ordered to grant to all applicants licenses on the two aforesaid patents and any improvement patents on reasonable terms and at reasonable non-discriminatory rates.

B. *The practices and events giving rise to alleged violations of the Sherman Act.* Eleven copper fabricating companies originally purchased the United States patent rights to the Sovent system by an agreement dated January 1, 1965 with Aktiengesellschaft Oederlin & Cie, a Swiss corporation with its principal place of business in Baden, Switzerland. Under the agreement each subscriber, or its successor in interest, acquired an undivided one-eleventh interest in the Sovent patents[2] and concurrently became liable to Oederlin for a royalty of three percent of the net selling price of certain special fittings, called the aerator and deaerator, which are covered by the patents and sold by the subscriber or its licensee. Ten of the defendants are original subscribers. An eleventh defendant acquired its undivided one-eleventh interest in the patents in 1972 from a non-party which had merged with an original subscriber.

The complaint alleges that the defendants conspired to limit the licensing of the Sovent patents to manufacturers who will use copper and copper alloys in the production of Sovent system components. Conventional drainage systems for multi-story buildings use a variety of materials, including copper alloys, galvanized steel, cast iron and plastic. The Sovent system, whether made of copper or non-copper materials is potentially usable in all multi-story buildings. The conspiracy had the alleged purpose and effect of excluding users of non-copper materials from the manufacture and sale of the Sovent system and its components.

C. *Explanation of the proposal.* The proposed Judgment would order each defendant other than Copper Development Association (which is not a patent owner) to grant all applicants a license under the Sovent patents for a royalty not to exceed three percent of the net selling price of certain special Sovent fittings subsequently sold by the applicant and covered by the Sovent patents. This ceiling royalty rate which no defendant may exceed in granting licenses is identical to the royalty defendants owe Oederlin. In effect, a licensee's liability for royalties to his licensing defendant cannot exceed that defendant's liability for royalties to Oederlin. The defendants are thereby prevented from profiting from the alleged conspiracy to limit licensing of the Sovent patents. These compulsory licensing provisions of the Judgment will enable manufacturers using all types of materials, including cast iron, galvanized steel and plastic, to gain access to the Sovent patents.

Each defendant other than Copper Development Association is also ordered to grant to all applicants a license under any of the defendants' patents which issues within five years of the Judgment and which covers any invention that improves on the claims of the Sovent patents. In addition, each licensee of the Sovent patents or improvement patents may obtain a license from any defendant of all written technical information relating to the special aerator and deaerator fittings which are the key functional elements of the Sovent system. The licensees of the improvement patents and the technical information must be at a reasonable royalty rate. In the absence of agreement, the applicant may apply to the Court for a determination of the royalty rate to be charged on the licenses.

Two additional provisions of the proposed Judgment are that the defendants must publish notice of availability of licenses of the patents and of the technical information in two trade journals, and that the defendants are prohibited from making any sale of the Sovent patents or improvement patents unless the purchaser assumes the obligations of the Judgment.

The combined effect of all of these provisions is to give any applicant, including users of materials such as cast iron, galvanized steel or plastic, access to the patents and the written technical information necessary to manufacture and sell the Sovent system and its components. Jurisdiction is retained by the Court for the parties to enforce compliance with the Judgment or for such further orders as may be necessary for appropriate construction or modification of its provisions.

D. *Remedies available to private plaintiffs.* Any potential private plaintiffs who might have been damaged by the alleged violations will retain the right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed Judgment not entered. This Judgment, however, may not be used as prima facie evidence in private litigation pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

E. *Procedures available for comments on the proposal.* The proposed Final Judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court finds that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Judgment.

During the 60 days provided by the Antitrust Procedures and Penalties Act, any persons wishing to do so, may submit written comments on the Judgment to Bernard Wehrmann, Chief, New York Office, Antitrust Division, United States Department of Justice, 26 Federal Plaza, New York, New York 10007, who will file with the court and publish in the FEDERAL REGISTER such comments and the Department's response to such comments.

The United States is submitting no materials or documents "which it considered determinative in formulating the proposal" pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

F. *Alternatives to the proposal actually considered by the United States.* The Judgment provides for all the relief requested in the complaint.

There were two alternatives to imposing three percent as a ceiling on royalties owing by a licensee to a licensor-defendant, namely royalty-free licensing or a so-called reasonable royalty without any specified ceiling. Under the 1965 Agreement each defendant is liable to Oederlin for a royalty of three percent of the net selling price of all fittings covered by the patents and sold by any licensee of a defendant regardless of any agreement between the defendant and his licensee. Requiring a defendant to give royalty-free licenses would penalize it in direct proportion to its licensee's sales. Permitting a defendant to negotiate a so-called reasonable royalty at rates in excess of three percent would allow it to profit from patent rights which formed the subject of the alleged conspiracy. The three percent ceiling contained in the proposed Judgment prevents the defendants from profiting from the alleged conspiracy while avoiding an undue penalty with its undesirable effects on competition.

Section VI of the proposed Judgment provides for the licensing of written technical information relating only to the special Sovent fittings. As an alternative the United States also considered providing all technical information which relates to the Sovent system. The present provision provides for a more limited disclosure since the entire range of technology applicable to the various conventional items which form a part of the Sovent system is not essential to practice the patented invention or to support the relief requested in the complaint.

The United States also considered requiring the licensing of any improvements on the Sovent patents issued within ten years of the Judgment but only if the improvement patent is owned by two or more defendants or licensed by one defendant to another defendant. The proposed Judgment limits the applicable period to five years but requires licensing of all improvement patents without qualification. The Department believes that the greater scope of the present provision outweighs the limiting of the applicable period to five years and that the effects of the alleged conspiracy should be completely dissipated within that period.

Dated:

Anthony V. Nanni, Thomas A. Bernstein, *Attorneys, Department of Justice.*

[FR Doc.75-17748 Filed 7-8-75;8:45 am]

[1] United States Letters Patent No. 3,287,885 entitled "Air Separator for Drain Pipes" issued November 29, 1966 and United States Letters Patent No. 3,346,887 entitled "Sanitary Drain Systems, Method and Fittings Therefore" issued October 17, 1967. They are refered to herein as the Sovent Patent.

[2] Prior to January 1, 1965 Oederlin's ownership interest was in applications for letters patent. It was this interest that it conveyed by means of the 1965 agreement. Subsequently United States Letters Patent covering the Sovent system were issued. For simplicity this Competitive Impact Statement refers to the applications for letters patent as the Sovent patents themselves.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 18, 1975.

The Department of the Army has a continuing military requirement for lands at Fort Greely, Alaska, and has filed an application, Fairbanks Serial No. F-019269, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for continued use as an impact range for testing Army weapons.

The land is currently withdrawn by Public Land Order No. 5238 of July 14, 1972, which extended the withdrawal

made by the act of September 26, 1961, Pub. L. 87-327, 75 Stat. 687, until September 26, 1976, at which time the withdrawal expires. Congressional approval of the new withdrawal is required under provisions of the act of February 28, 1958, Pub. L. 85-337, 72 Stat. 27.

On or before August 8, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FORT GREELY MANEUVER AREA

TRACT A

A tract of land located in the Big Delta Area, 100 miles southeast of Fairbanks, and more particularly described as:

Beginning at the U.S.C. & G.S. Monument "Big Delta Airport," Latitude 63°59'35" N., Longitude 145°43'40" W.,

Thence N. 04°55'47.3" E., 11,997.64 feet to Mile Post 270 on the Richardson Highway;

Thence due west to the mean high water line on the east bank of Delta River, which point is the true point of beginning for this description;

Thence southerly along the west boundary of the Big Delta Military Reservation to the southwest corner thereof;

Thence due east along the south boundary of the Big Delta Military Reservation to the north ¼ corner monument of section 23, T. 11 S., R. 10 E., Fairbanks Meridian;

Thence south along the north-south centerlines of sections 28 and 33, T. 11 S., R. 10 E., Fairbanks Meridian, and sections 4, 9, and 16, T. 12 S., R. 10 E., Fairbanks Meridian, to the center section monument of section 16, thence east to the west ¼ corner monument of section 15, T. 12 S., R. 10 E.;

Thence S. 0°05' E. to the west section corner monument common to sections 15 and 22; thence east to the ¼ corner monument common to Sections 15 and 22;

Thence south along the north-south centerline of sections 22, 27, and 34, T. 12 S., R. 10 E., Fairbanks Meridian, to the south ¼ corner of section 34;

Thence east 74 feet more or less, along the south boundary of section 34 to a point of ½ mile west of the centerline of the existing Richardson Highway;

Thence southerly, parallel to and ½ mile west of said centerline to a point ½ mile due west of Donnelly, Alaska;

Thence N. 75°30' W., 190,740 feet, more or less, to the east bank of the Buchanan Creek;

Thence northerly along the east bank of Buchanan Creek and the east bank of the Little Delta River to a point 11,560 feet, southerly from the point of confluence of the Little Delta River and the Tanana River, which point is also located at Latitude 64°15' N., Longitude 146°43' W., approximately;

Thence S. 52°40' E., 160,843 feet, more or less, to a point identical with a point located at Latitude 63°59' N., Longitude 145°55' W., approximately;

Thence N. 60°43' E., 31,705 feet, more or less, to the point of beginning, excepting therefrom a 5-acre tract of land embraced in trade and manufacturing site claim, Fairbanks 157, located at the confluence of the Little Delta River East and West Forks, and more particularly described as;

Beginning at corner No. 1, a stone monument located at the base of the bluff at Latitude 63°57'35" N., Longitude 146°55'23" W., thence south 660 feet to corner No. 2, a blazed tree;

Thence west 330 feet to corner No. 3, a blazed tree;

Thence north 660 feet to corner No. 4, a 4 x 4 foot spruce post 4 feet high;

Thence east 330 feet to corner No. 1, the point of beginning.

The area of lands described aggregates approximately 571,995.00 acres.

JULES V. TILESTON,
Acting State Director.

[FR Doc.75-17778 Filed 7-8-75;8:45 am]

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 18, 1975.

The Department of the Army has a continuing military requirement for land at Fort Greely, Alaska, and has filed an application, Fairbanks Serial No. F-012203, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for continued use as an air drop test site and training area.

The land is currently withdrawn by Public Land Order No. 5237 of July 14, 1972, which extended the withdrawal made by the act of October 3, 1961, Pub. L. 87-334, 75 Stat. 749, until October 3, 1976, at which time the withdrawal expires. Congressional approval of the new withdrawal is required under the provisions of the act of February 28, 1958, 72 Stat. 27, Pub. L. 85-337.

On or before August 8, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FORT GREELY AIR DROP AREA

TRACT F

A parcel of land situated approximately 2.5 miles southeast of Delta Junction, being located between the Richardson and Alaska Highways and more particularly described as follows:

Beginning at the northeast corner of section 27, T. 11 S., R. 10 E., Fairbanks Meridian;

Thence south 2 miles, more or less, along the east boundary of sections 27 and 34 of said township and range;

Thence continuing south 2 miles, more or less, along the east boundary of sections 3 and 10 of T. 12 S., R. 10 E., Fairbanks Meridian;

Thence east 1 mile, more or less, along the north boundary of section 14, T. 12 S., R. 10 E., Fairbanks Meridian to the northeast corner thereof;

Thence south 2 miles, more or less, along the east boundary of sections 14 and 23 to the southeast corner of said section 23, said corner being common with the northeast corner of section 26 of said T. 12 S., R. 10 E., Fairbanks Meridian;

Thence west 2,640 feet, more or less, to the north-south centerline of said section 26;

Thence south 1 mile, more or less, along said north-south centerline to a point of intersection with the north line of section 35, T. 12 S., R. 10 E., Fairbanks Meridian;

Thence west 900 feet, more or less, along said north line to a point being 150 feet easterly, when measured at right angles from the centerline of the Richardson Highway;

Thence southerly parallel to and 150 feet easterly from said centerline to a point of

V40-132 JUL 9 75 XUM

intersection with the 12–13 south township line of said Fairbanks Meridian;

Thence east along said township line to a point of intersection with the westerly bank of Granite Creek;

Thence in a generally northeasterly direction along said westerly bank of Granite Creek to a point of intersection with the 11–12 east range line of said Fairbanks Meridian;

Thence north along said range line to the southeast corner of section 13 of T. 11 S., R. 11 E., of said Fairbanks Meridian;

Thence west 1 mile, north 1 mile, west 2 miles, north 1 mile, west 1 mile, and north 1 mile following the south and west boundaries of sections 13, 11, 10 and 4 of T. 11 S., R. 11 E., Fairbanks Meridian;

Thence west 1 mile along the south boundary of section 32, T. 10 S., R. 11 E., Fairbanks Meridian;

Thence west 1,172.8 feet, more or less, along the south boundary of section 31, T. 10 S., R. 11 E., Fairbanks Meridian to a point on the east boundary of a parcel of land reserved by PLO 255, said point being situated approximately 7,062 feet south of the centerline of the Alaska Highway;

Thence south 8,623 feet, more or less, to a point of intersection with the north line bounding a 160-acre parcel of land reserved by PLO 1153 for the use of the Department of the Army;

Thence east along the north line of said parcel 1,000 feet;

Thence south along the east line of said parcel 7,000 feet;

Thence west along the south line of said parcel 1,000 feet to a point of intersection of said boundary with the east boundary of said parcel of land reserved by PLO 255;

Thence south along said east boundary 6,000 feet;

Thence west along south boundary of said reserve 14,479 feet, more or less, to the northeast corner of section 27 and the point of beginning.

Contains 36,898 acres, more or less.

JULES V. TILESTON,
Acting State Director.

[FR Doc.75–17779 Filed 7–8–75;8:45 am]

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 18, 1975.

The Department of the Army has a continuing military requirement for natural resource lands at Fort Wainwright, Alaska and has filed an application, Fairbanks serial number F–020174, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for continued use as an impact range for testing weapons and for field training in an arctic environment.

The greatest part of the area is currently withdrawn by Public Land Order No. 5240 of July 14, 1972, which extended the withdrawal made by the act of September 26, 1961, Pub. L. 87–326, 75 Stat. 686, until September 26, 1976, at which time the withdrawal expires. Congressional approval of the new withdrawal is required under the provisions of the act of February 28, 1958, 72 Stat. 27, Pub. L. 85–337.

On or before August 8, 1975 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations 43 CFR 2351.4(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FORT WAINWRIGHT MANEUVER AREA

TRACT A

A parcel of land situated approximately 20 miles southeast of Fairbanks, Fourth Judicial District, State of Alaska. Said parcel being all of the following unsurveyed townships and ranges:

T. 1 S., R. 3 E., Fairbanks Meridian
Sec. 22, E½SE¼;
Secs. 23 and 24, S½;
Secs. 25, 26, 35 and 36, all;
Secs. 27 and 34, E½E¼.
Containing 3,600 acres, more or less.
T. 1 S., R. 4 E., Fairbanks Meridian
Secs. 19, 22, 23 and 24, S½;
Sec. 21, SE¼;
Secs. 25 to 36 inclusive, all.
Containing 9,120 acres, more or less.
T. 1 S., R. 5 E., Fairbanks Meridian
Secs. 19 to 24 inclusive, S½;
Secs. 25 to 36 inclusive, all.
Containing 9,600 acres, more or less.
T. 1 S., R. 6 E., Fairbanks Meridian
Secs. 19 to 22 inclusive, S½;
Secs. 27 to 34 inclusive, all.
Containing 6,400 acres, more or less.
T. 2 S., R. 3 E., Fairbanks Meridian
Secs. 1, 2, 11, 12 and 25, all;
Secs. 3, 10 and 15, E½E½;
Sec. 14, N½, W½SW¼;
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, W½NW¼, SE¼SE¼, NE¼SE¼;
Sec. 24, S½;
Sec. 26, E½, SW¼, S½NW¼, NE¼NW¼.
Containing 5,320 acres, more or less.
T. 3 S., R. 7 E., Fairbanks Meridian
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.
T. 3 S., R. 8 E., Fairbanks Meridian
Secs. 6, 7, 18, 19, 30 and 31, all;
Secs. 5, 8, 17, 20, 29 and 32, W½, W½E½;
Containing 6,720 acres, more or less.
T. 4 S., R. 4 E., Fairbanks Meridian
Sec. 1, all;
Sec. 2, E½, NW¼, N½SW¼;
Sec. 3, NE¼, N½NW¼;
Sec. 12, NE¼, N½NW¼.
Containing 1,680 acres, more or less.
T. 4 S., R. 5 E., Fairbanks Meridian
Secs. 1 to 6 inclusive, 8 to 15 inclusive, all;
Secs. 7 and 16, N½, SE¼, N½SW¼;
Sec. 17, NE¼, N½NW¼;
Excepting therefrom that parcel of land (Fairbanks Serial No. F–012867) withdrawn by PLO No. 1345 dated October 16, 1956 as amended by PLO No. 1523 dated October 8, 1957.
Containing 9,393.09 acres, more or less.
T. 4 S., R. 6 E., Fairbanks Meridian
Secs. 1 to 18 inclusive, all.
Containing 11,520 acres, more or less.
T. 4 S., R. 7 E., Fairbanks Meridian
Secs. 1 to 11 inclusive, 16 to 18 inclusive, all;
Sec. 12, N½, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼NE¼;
Sec. 15, N½, N½SW¼, SW¼SW¼, NW¼SE¼.
Containing 10,000 acres, more or less.
T. 4 S., R. 8 E., Fairbanks Meridian
Sec. 5, NW¼, W½NE¼, NW¼SW¼;
Sec. 6, all;
Sec. 7, N½NW¼.
Containing 1,000 acres, more or less.

The above-described parcels of land contain 249,551.67 acres, more or less.

JULES V. TILESTON,
Acting State Director.

[FR Doc.75–17780 Filed 7–8–75;8:45 am]

FORT WAINWRIGHT MANEUVER AREA

Tract A

A parcel of land situated approximately 20 miles southeast of Fairbanks, Fourth Judicial District, State of Alaska. Said par-

The lands involved in the application are:
cel beiny all of the following unsurveyed townships and ranges:

T. 1 S., R. 3 E., Fairbanks Meridian
Sec. 22, E½SE¼;
Secs. 23 and 24, S½;
Secs. 25, 26, 35 and 36, all;
Secs. 27 and 34, E½E¼.
Containing 3,600 acres, more or less.
T. 1 S., R. 4 E., Fairbanks Meridian
Secs. 19, 22, 23 and 24, S½;
Sec. 21, SE¼;
Secs. 25 to 36 inclusive, all.
Containing 9,120 acres, more or less.
T. 1 S., R. 5 E., Fairbanks Meridian
Secs. 19 to 24 inclusive, S½;
Secs. 25 to 36 inclusive, all.
Containing 9,600 acres, more or less.
T. 1 S., R. 6 E., Fairbanks Meridian
Secs. 19 to 22 inclusive, S½;
Secs. 27 to 34 inclusive, all.
Containing 6,400 acres, more or less.
T. 2 S., R. 3 E., Fairbanks Meridian
Secs. 1, 2, 11, 12 and 25, all;
Secs. 3, 10 and 15, E½E½;
Sec. 14, N½, W½SW¼;
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, W½NW¼, SE¼SE¼, NE¼SE¼;
Sec. 24, S½;
Sec. 26, E½, SW¼, S½NW¼, NE¼NW¼.
Containing 5,320 acres, more or less.
T. 3 S., R. 7 E., Fairbanks Meridian
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.
T. 3 S., R. 8 E., Fairbanks Meridian
Secs. 6, 7, 18, 19, 30 and 31, all;
Secs. 5, 8, 17, 20, 29 and 32, W½, W½E½;
Containing 6,720 acres, more or less.
T. 4 S., R. 4 E., Fairbanks Meridian
Sec. 1, all;
Sec. 2, E½, NW¼, N½SW¼;
Sec. 3, NE¼, N½NW¼;
Sec. 12, NE¼, N½NW¼.
Containing 1,680 acres, more or less.
T. 4 S., R. 5 E., Fairbanks Meridian
Secs. 1 to 6 inclusive, 8 to 15 inclusive, all;
Secs. 7 and 16, N½, SE¼, N½SW¼;
Sec. 17, NE¼, N½NW¼;
Excepting therefrom that parcel of land (Fairbanks Serial No. F–012867) withdrawn by PLO No. 1345 dated October 16, 1956 as amended by PLO No. 1523 dated October 8, 1957.
Containing 9,393.09 acres, more or less.
T. 4 S., R. 6 E., Fairbanks Meridian
Secs. 1 to 18 inclusive, all.
Containing 11,520 acres, more or less.
T. 4 S., R. 7 E., Fairbanks Meridian
Secs. 1 to 11 inclusive, 16 to 18 inclusive, all;
Sec. 12, N½, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼NE¼;
Sec. 15, N½, N½SW¼, SW¼SW¼, NW¼SE¼.
Containing 10,000 acres, more or less.
T. 4 S., R. 8 E., Fairbanks Meridian
Sec. 5, NW¼, W½NE¼, NW¼SW¼;
Sec. 6, all;
Sec. 7, N½NW¼.
Containing 1,000 acres, more or less.

The above-described parcels of land contain 249,551.67 acres, more or less.

JULES V. TILESTON,
Acting State Director.

[FR Doc.75–17780 Filed 7–8–75;8:45 am]

[NM 25964, 25985]

NEW MEXICO

Applications

JUNE 30, 1975.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for two 4 inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 32, S½NW¼, NW¼SW¼ and NW¼SE¼.

These pipelines will convey natural gas across .554 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–17777 Filed 7–8–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A239]

COLORADO

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Cheyenne County, Colorado, as a result of a natural disaster consisting of prolonged drought and high winds June 6, 1974, through May 5, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Richard D. Lamm that such designation be made.

Applications for emergency loans must be received by this Department no later than August 25, 1975, for physical losses and March 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 2nd day of July, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–17822 Filed 7–8–75;8:45 am]

[Notice of Designation No. A111, Amdt. 1]

MISSISSIPPI

Designation of Emergency Area

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in Itawamba County, Mississippi, as a result of a natural disaster consisting of an early freeze October 3, 1974, and excessive rainfall November 5, 1974, to January 20, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for emergency loans must be received by this Department no later than August 25, 1975, for physical losses and March 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice or proposed rule making and invite public participation.

Done at Washington, D.C., this 2nd day of July, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–17823 Filed 7–8–75;8:45 am]

[Notice of Designation No. A158, Amdt. 1]

NEW MEXICO

Designation of Emergency Area

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in Curry County, New Mexico, as a result of a natural disaster consisting of insect damage from September 16, 1973, to August 16, 1974, which was caused by drought which occurred during the same period, and damaging hail occurring June 12 and 13 and August 8, 1974.

Therefore, the Secretary has designated this area as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for emergency loans must be received by this Department no later than August 25, 1975, for physical losses and March 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 2nd day of July, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–17824 Filed 7–8–75;8:45 am]

[Notice of Designation No. A240]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas as a result of natural disasters consisting of:

Jim Hogg—Drought January 1, 1974, through May 14, 1975.
Sherman—Drought August 1, 1973, through March 31, 1975; Hailstorm June 6, 1974; Unseasonably cool, damp weather August and September 1974; and High winds February, March, and April 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than August 25, 1975, for physical losses and March 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 2nd day of July, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–17825 Filed 7–8–75;8:45 am]

V40-132 JUL 9 75 XUM

[Notice of Designation Number A238]

GEORGIA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Seminole County, Georgia, as a result of a natural disaster consisting of excessive rainfall and flooding April 10 and 14, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George Busbee that such designation be made.

Applications for Emergency loans must be received by this Department no later than August 25, 1975, for physical losses and March 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of July, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–17751 Filed 7–8–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DESERT RESEARCH INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00434–50–41700. Applicant: Desert Research Institute, University of Nevada System, SAGE Bldg., Stead Campus, Reno, Nevada 89507. Article: System 100 Dye Laser. Manufacturer: Electro-Photonics, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the study of properties of the atmosphere, clouds and air pollution by providing a means of obtaining the optical backscatter from the atmosphere and thereby measuring the composition of the atmosphere including gases, particulates and cloud structure. It will supply intense illumination which can be tuned to specific wavelengths with the aid of the grating. The article will also be used to train graduate students in the technology of optical radar and remote sensing techniques including resonance, Raman and other wavelength dependent effects.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74–00531–50–41700 and 74–00035–52–41700 which were denied without prejudice to resubmission on October 24, 1974 and March 20, 1974 respectively for informational deficiencies. The foreign article provides in a single laser a maximum pulse rate of at least 10 pulses per second. The National Bureau of Standards (NBS) advises in its memorandum dated June 12, 1975 that specification described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17694 Filed 7–8–75;8:45 am]

IIT RESEARCH INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00333–65–46040. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to detect, identify, size, count, and chemically characterize fine particles below the resolution limits of optical microscopes. The article will also be used for the analysis of biological and metallurgical specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes as well as scanning microdiffraction from microareas as small as 200 Angstroms in diameter. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 5, 1975 that the scanning electron transmission microscopy capability of the foreign article described above is pertinent to the applicant's use to detect, identify, size, count, and chemically characterize fine particles below the resolution of light microscopes and for the analysis of biological and metallurgical specimens. NBS further advises that domestic transmission electron microscopes do not provide the pertinent scanning capability.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17695 Filed 7–8–75;8:45 am]

MISSISSIPPI STATE UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 29, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00543–90–46070. Applicant: Mississippi State University, Electron Microscope Center, Drawer EM, Mississippi State, MS 39762. Article: Scanning Electron Microscope, Model HHS–2R. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for research of morphological types of sensilla on insects. As part of a long term study of crop plant resistance to insect pests, studies will be made on the structure and function of chemoreceptors involved in host plant selection in such insects of major economic importance as *Heliothis* spp., *Lygus lineolaris* and *Curculio caryae*. Functional studies involve learning behavioral and electrophysiological techniques. Structural studies involve light microscopy, transmission electron microscopy and most importantly scanning electron microscopy. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00544–01–77030. Applicant: University of Vermont, Burlington, Vermont 05401. Article: NMR Spectrometer, Model JNM–C–60–HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research projects:

(1) Phosphorus-nitrogen chemistry. Structure and bonding from ^{19}F and ^{31}P nmr.

(2) Structural chemistry via ^{13}C nmr with proton noise decoupling.

(3) Use of ^{13}C chemical shifts in aryl cyclotriphosphazene derivatives to probe phosphorus/aryl conjugative interactions.

(4) 60 MHz proton nmr experiments which include the following:

(a) Synthesis of enamines and applications to organic synthesis especially alkaloid synthesis.

(b) Analysis of reaction mixtures from photolyses of small ring hydrocarbons especially thione derivatives.

(c) Structure assignments of organosulfur compounds and hydrazo and azobenzenes.

(d) Structure of organometallic cyclopropane complexes.

(e) Cis-dicyanoethylene - 1, 2-dithiolato complexes of In, Tl, and Pb organometallics studied by proton nmr spectroscopy.

(5) Organic stereochemistry by ^{19}F nmr of induced $-CF_3$ groups.

(6) Stereochemistry of complexes of the type $((CF_3)_xC_2S_2)_2Sn^X$, by ^{19}F nmr.

The article will also be used for educational purposes in chemistry course for postdoctoral, graduate and undergraduate students. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00545–33–46500. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Connecticut 06520. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, AG Austria. Intended use of article: The article is intended to be used to study the mammalian nervous system, specifically to section Epon-embedded portions of spinal cord, primarily for electron microscopy as well as for light and phase contrast microscopy in experiments concerned with the fine structure of both normal and traumatized spinal cord. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00546–00–46040. Applicant: Harvard University, Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Mass. 02115. Article: Scanning Attachments, High Resolution Specimen Tilting/Rotating Device for Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to convert an existing JEM 100B transmission electron microscope into an instrument which can perform both high resolution scanning and transmission electron microscopy. With scanning electron microscopy growing blood vessels can be examined topographically, including the relationships between such vessels and the tissues which they penetrate, such as tumors, connective tissues, etc. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00547–33–00530. Applicant: University of Tennessee, Memorial Hospital, 1924 Alcoa Highway, Knoxville, Tennessee 37920. Article: Linear Accelerator and Accessory. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used in a number of research projects which include investigation of:

(1) The improvement in reliability of radiation therapy delivery as provided by a system capable of verifying all treatment parameters.

(2) The shape of isodose curves produced by a 6 MeV linear accelerator as a function of design and elemental composition of the flattening filter.

(3) The percentage depth doses and tissue-air ratios produced by a 6 MeV travelling-wave linear accelerator.

(4) Modeling procedures for computer generation of isodose curves.

(5) The differences between film dosimetry and ionization chamber (or solid state diode) dosimetry for a 6 MeV x-ray beam.

(6) The dose delivered in the buildup region of a 6 MeV x-ray beam (0–1.5 cm depth).

(7) The tissue-air ratio as a function of the fraction of 6 MeV x-radiation transmitted through sections of a patient during rotation therapy.

The article will also be used for the training of radiology residents as well as medical physics students in supervoltage radiation therapy techniques. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00548–00–46040. Applicant: DHEW, National Institutes of Health, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: Goniometer Stage Assembly for Electron Microscope. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is an accessory to be used to modify an existing electron microscope so that energy dispersive X-ray microanalysis may be conducted on sections of liver, kidney, brain, and gonad, for intracellular localization of heavy metals. Tissue sections of animals exposed to mercury, cadmium, lead and arsenic will be examined to localize those metals within lysosomes, nuclei, and mitochondria. The objectives of these studies are to demonstrate the intracellular localization of toxic metals in situ and detect early and subtle changes in cell structure and function. Application received by Commissioner of Customs: May 30, 1975.

Docket Numbers: 75–00550–99–30095. Applicant: The Evergreen State College, Laboratory Building, Olympia, Washington 98505. Article: Stopped Flow Spectrophotometer and attachments. Manufacturer: Nortech Lab. Ltd., United Kingdom. Intended use of Article: The article is intended to be used in the courses Chemical Kinetics, Advanced Biochemistry, and Foundations of Natural Science to enable students to understand the basic chemistry, physics, mathematics and biology presented; to provide experience in certain advanced areas in these subjects; and to give practical laboratory experience with current experimental methods. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00552–33–46040. Applicant: University of North Carolina at Charlotte, Department of Biology, UNCC Station, Charlotte, North Carolina 28223. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for student training at several levels. As part of their laboratory experience in Cell Biology undergraduates will be introduced to techniques of high resolution transmission microscopy. An introductory course in Electron Microscopy is planned for upper level undergraduates, interested graduate students and staff from local colleges to give them personal experience with specimen preparation, scope operation, electron microscopic cytochemistry, and micrograph interpretation. A short course in Electron Microscopic Techniques is also planned to familiarize interested faculty, with the microscope for its application to their areas of research. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00553–00–77030. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: Pulse Programmer (PGC–2). Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article is an accessory to an existing nmr spectrometer which is being used in research with a two fold objective. First, to develop a fast, reliable method of diagnosing a cancerous or precancerous condition that can be employed on a routine basis. Second, to establish the cause of the larger water proton relaxation time observed in samples from tumorous animals in terms of cellular or molecular properties that may be altered by the existence of cancer in an animal. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00554–98–77030. Applicant: Lafayette College, Easton, Pennsylvania 18042. Article: NMR Spectrometer, Model CPS–2. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used in the study of the vol-

V40-1132
JUL 9 75
XUM

ume change at the liquid-solid phase transition and molecular motion in the solid near the melting point so as to test quasi-lattice models of liquids and shed more light on the mechanism of melting itself. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00555–33–46500. Applicant: Southern Illinois University, School of Medicine, Carbondale, IL 62901. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for cardiovascular studies dealing with hypertension; anatomical and embryological studies; and invertebrate nervous system studies. The article will also be used in the preparation of pathological and normal tissues for the histology work of the first year medical school class. Application received by Commissioner of Customs: May 30, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17702 Filed 7–8–75;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00400–00–80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., Edgemont Road, Charlottesville, Virginia 22901. Article: Coupling Sleeves for 60 mm Helical Circular Waveguide. Manufacturer: Furukawa Electric Co. Ltd., Japan. Intended use of article: The articles are accessories to an existing helical circular waveguide which is intended to be used as part of the Very large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in was ordered (February 2, 1975). Reasons: the United States at the time the article The foreign article provides the capabilities for transmitting a signal over a 21 kilometer path in a frequency range of from 49 to 51 gigahertz (GHz) at bandwidths on the order of 40 GHz with very low signal distortion and for minimum signal attenuation.

The National Bureau of Standards (NBS) advised in its memorandum dated June 4, 1975 that the capabilities described above are pertinent to the applicant's intended use. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17696 Filed 7–8–75;8:45 am]

GEOLOGICAL SURVEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00328–88–46040. Applicant: U.S. Geological Survey, National Center, Stop 959, Reston, Virginia 22092. Article: Electron Microscope, Model JEM 200B and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the microstructure of geologic materials (both terrestrial and extraterrestrial origin (and appropriate synthetic analogs. These materials include natural silicates, oxides, sulphides, and other inorganic compounds and possibly natural organic materials which occur within inorganic aggregates. The materials are to be studied as single phases or as polyphase aggregates. The experiments to be carried out for the purpose of investigating the properties and phenomena of geologic materials are as follows: (1) characterization of large areas of microstructure using bright field imaging, and (2) characterization of defect structures (dislocation, stacking faults, precipitates, twins, antiphase domains) by dark field and bright field imaging techniques and selected area electron diffraction.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 75–00009–88–46040 which was denied without prejudice to resubmission on October 10, 1974 for informational deficiencies. The foreign article provides a maximum accelerating voltage of 200 kilovolts (kv). The most closely comparable domestic instrument is the Model EMU–4C supplied by the Adam David Company. The EMU–4C has a specified maximum accelerating voltage of 100 kilovolts. Higher accelerating voltage provides proportionately greater penetrating power and, consequently higher resolution for a specimen of a given thickness. The National Bureau of Standards (NBS) advises in its memorandum dated June 13, 1975 that the specification of a transmission electron microscope with 200 kv accelerating voltage capability is pertinent to the applicant's intended research which will require imaging thick specimens. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17697 Filed 7–8–75;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00451–75–27000. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Streak Camera System, ICC 512. Manufacturer: Electro-Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used as part of a laser fusion research project to measure extremely short laser pulse lengths.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the

United States. Reasons: The foreign article provides a time resolution of less than 5 picoseconds. The National Bureau of Standards advises in its memorandum dated June 12, 1975 that the capability described above is pertinent to the applicant's intended uses. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17698 Filed 7–8–75;8:45 am]

UNIVERSITY OF NEW MEXICO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00114–33–46040. Applicant: University of New Mexico, Biology Department, Albuquerque, New Mexico 87131. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections and surface replications of biological materials in the following research projects:

(1) Localization of enzymes in bacteria,

(2) Fine structural studies of topography, appendages and internal structures of bacteria conducted on bacteria of ecological importance,

(3) Transmission electron microscopy and autoradiography on thin sections of millipede cuticle used to investigate seasonal utilization of metabolic reserves in a desert millipede,

(4) Study of the role of microtubules and/or microfilaments in the reorganizational response to thyroid-stimulating hormone (TSH) of cultured thyroid gland cells,

(5) Studies of the separation, culture and metabolic properties of cells dissociated from mammalian lung tissue,

(6) Detailed studies of the host acceptance of transplants of cells cultured in vitro,

(7) Studies of cell surface phenomena associated with dispersed, cultured and transplanted cells, and

(8) Observations of cells in the ganglion cell layer of vertebrate retinae from rats, mice, cats, dogs and primates. The article will also be used in the courses Techniques and Electron Microscopy, Cytology, and Cell Physiology to teach the use of electron microscope techniques and applications in the biological sciences, and to aid the student in interpretation of cell structure and function.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this acticle is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74–00282–33–46040 which was denied without prejudice to resubmission on May 15, 1974 for informational deficiencies. The applicant in response to Question 8 alleges that the foreign article provides the following pertinent specifications not available in the most closely comparable domestic instrument:

(a) Multiple specimen holder which allows operator to examine as many as four grids without removing the specimen holder from the column of the scope. It also offers better efficiency by enabling more people to use the article in a given period of time.

(b) Serial section holder that allows operator to examine extremely long serial sections which are necessary in many research studies which require three dimensional structure analysis.

(c) A 250X low magnification for rapidly scanning specimens which is needed for anticipated heavy multiple use by graduate students and faculty.

(d) A workable magnification range of 600× to 100,000× (with high illumination at high magnifications), the lower range being much lower than that of comparable scopes. 600× is needed for relating ganglion cells seen in light microscopy to those seen with the article. This range is obtainable without a pole piece change thereby providing ease of operation.

(e) A resolving power of better than 10Å and a theoretical limiting resolution of 3.5Å at 60 kv. The eventual purchase of the appropriate accessories will adapt the article for 3.5Å resolution.

(f) A relatively large viewing screen (6½'' x 6½'') which makes operating extremely easy and is of particular advantage in instructional procedures as a surface viewing device.

(g) A specimen anticontaminator which provides contamination-free viewing of one area of the specimen for up to thirty minutes. Other instruments do not have this accessory which avoids hydrocarbon formation that ruins specimens.

(h) Film for the 70 mm² film camera that is much cheaper than plate film which is standard on most electron microscopes.

The intended uses of the article are largely research oriented with educational uses at a relatively sophisticated level. The Department of Health, Education, and Welfare (HEW) advises in its memoranda dated January 9, 1975 and May 14, 1975 that inasmuch as the applicant's intended use has a research orientation, the Model EMU–4C electron microscope (available continuously from the Adam David Company since early 1973) is the most closely comparable domestic instrument (article ordered November 11, 1973). HEW further advises that the applicant provides no pertinent specification within the meaning of subsection 301.2(n) of the regulations upon which duty-free entry could be based. As to the specifications alleged to be pertinent by the applicant in reply to Question 8, in the order listed above (a–h), the following is noted:

(a) The EMU–4C can be provided with a multiple specimen holder. Moreover, HEW advises that the multiple specimen holder is a non-pertinent convenience.

(b) HEW advises that the serial section holder is a non-pertinent convenience.

(c) The EMU–4C utilizes a conveniently located console switch, to decrease the objective lens current, so as to achieve a direct magnification of 400X and less for survey and scanning. In this connection, HEW advises the EMU–4C matches specification (c) of the article.

(d) The EMU–4C provides a high intensity grid cap for high illumination at high magnifications and has a magnification range of 1400 to 240,000X with a switch which provides survey and scanning to 400X and less without a pole piece change. Again, HEW advises that the EMU–4C matches specification (d) of the article. Moreover, with respect to (c) and (d) above, HEW advises that magnification differences (between the foreign and domestic articles) are not scientifically significant, since in addition to the 400X scanning, the low magnification pole piece for the EMU–4C provides 500X to 70,000X with very low and variable scan magnifications.

(e) The EMU–4C provides a guaranteed resolution of 5Å point to point. The eventual purchase or future use of accessories to adapt the article for 3.5Å cannot be considered in the Department's determination of scientific equivalency according to subsection 301.6(a)(3) of the regulations. In any event, HEW advises that specification (e) is a non-pertinent convenience.

(f) HEW advises that the relatively large viewing screen (6½ inches x 6½ inches) is not needed for the work described and, accordingly, is not pertinent.

(g) The EMU–4C provides a specimen anticontamination device as well as an electrically heated objective lens aperture for the purpose of eliminating aperture contamination. In any event, HEW advises that the specimen anticontaminator is a non-pertinent convenience.

(h) The fact that 70 millimeter (mm) film is less expensive than plate film is a cost related item which cannot be considered in the Department's determination of scientific equivalency according to subsection 301.2(n) of the regulations. Also, the EMU–4C provides a 70 mm film use capability as did the predecessor EMU–4B. Again, HEW advises that this specification is a nonpertinent convenience.

V40-132-JUL 9 75 XUM

In response to Question 9 the applicant repeats some of the issues raised in response to Question 8 and adds that the foreign article provides a water cooled objective lens, a two stage astigmatism correction, and ease of operation. With regard to the features described in response to Question 9 HEW advises that these additional features are not pertinent to the applicant's intended purposes.

For the foregoing reasons, we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17699 Filed 7–8–75;8:45 am]

UNIVERSITY OF WISCONSIN—MADISON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00354–01–46040. Applicant: University of Wisconsin—Madison, Department of Biochemistry, 420 Henry Mall, Madison, Wisconsin 53706. Article: Electron Microscope, Model HS–9. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in carrying out the following research:

(1) Study of the cellular location and chemical composition of the ion conductance mechanism in the protozoan Paramecium aurelia.

(2) Study of the membrane changes which take place in the bacterium Bacillus megaterium during a process of intracellular differentiation (sporulation).

(3) Studies of motility in the bacterium Escherichia coli in which the fine structure of the bacterial flagellum and its associated basal bodies will be compared in motile bacteria and in non-motile mutants.

(4) Study of the properties of mutants of E. coli which have altered resistance to drugs.

(5) Heteroduplex mapping of the drug resistance factor in bacteria and the mapping of the chromosomes of several bacterial viruses, including T4 and Lambda.

(6) Studies of the mode of action of colicin E3 from E. coli.

(7) Studies of the mode of action of colicin.

(8) Studies of chemical and physical changes in adrenocortical mitochondria which are induced by the hormone ACTH.

In addition the article will be used in teaching graduate students and will serve certain undergraduates doing advanced course work or research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 30, 1973). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 6Å point to point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnifications 500X through 100,000X with 200X for scanning which permits an overlap of light and electron microscopy.

Domestic instruments available at the time the article was ordered were the Model EMU–4C supplied by the Adam David Company and the model ETEM–101 manufactured by Elektros Incorporated. The Model EMU–4C is a relatively complex instrument designed for use of an experienced operator which provides magnifications of 1400X to 240,000X with its standard pole piece and low distortion magnifications of 500X to 70,000X through the use of a low magnification pole piece. The Model ETEM 101 is a relatively simple low resolution instrument (10 Å point to point) with a magnification range of 600 to 38,000X. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 9, 1975 that the magnification range of the article without a pole piece change and relative simplicity of operation are pertinent to the applicant's intended purposes. HEW also advises that the Model EMU–4C does not have an equivalent magnification range without a pole piece change and is more complex than the work requires. In addition, HEW advises in its memorandum cited above that the Model PA–1 supplied by the Adam David Company was in development at the time the article was ordered. In this regard, we note that a prototype of the PA–1 was first shown by Adam David in November, 1974. The record shows that neither the Department nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus the Department does not have a sufficient basis for ruling that the Adam David Company was able to supply the PA–1 at the time the foreign article was ordered, or that it is the scientific equivalent of the foreign article.

We, therefore, find that neither the Model EMU–4C nor the Model ETEM–101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Divisions.

[FR Doc.75–17700 Filed 7–8–75;8:45 am]

COLLEGE OF MEDICINE & DENTISTRY OF NNJ

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00415–33–66700. Applicant: College of Medicine and Dentistry of NNJ, P.O. Box 101, Piscataway, New Jersey 08854. Article: Weibel Projection Unit for Stereology (Anatomisches Institut) with Interchangeable Screens. Manufacturer: Anatomisches Institut, Switzerland. Intended use of article: The article is intended to be used for quantitative electron microscopic study of adrenal tissue to determine any possible alterations in cell structures induced by adrenocorticotrophic hormone (ACTH).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for area measurement of three-dimensional structures. The Department of Health, Education, and Welfare (HEW) in its memorandum dated June 10, 1975 advises that the capability described above is pertinent to the applicant's use in measuring the total surface area of complex structures in electron micrographs of adrenal tissue. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–17794 Filed 7–8–75;8:45 am]

DUKE UNIVERSITY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00419–01–46040. Applicant: Duke University Medical Center, Department of Biochemistry, Durham, North Carolina 27710. Article: Electron Microscope, Model JEM–100C with Side Entry Goniometer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studying membrane proteins in solution, and, in particular attempting to obtain such proteins in a state as close as possible to the "native" state. These studies involve the visualization of particle shape or mode of aggregation, the interaction of specific compounds with specific membranes and determining.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 19, 1975). Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) point to point and is equipped with a high resolution universal side entry goniometer stage with a guaranteed point to point resolution of 7Å. The most closely comparable domestic instrument is the Model EMU–4C electron microscope supplied by the Adam David Company. The EMU–4C has a guaranteed resolution of 5Å point to point and can be equipped with a tilt stage with a guaranteed resolution of 8Å point to point. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 10, 1975 that the characteristics of the foreign article described above are pertinent to the applicant's research studies. HEW further advises that domestic instruments did not provide a scientifically equivalent goniometer stage nor scientifically equivalent resolution at the time the article was ordered. We, therefore, find that the EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–17795 Filed 7–8–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00420–84–46040. Applicant: Health and Safety Laboratory, U.S. Energy Research & Development Administration, Health Protection Engineering Division, 376 Hudson Street, New York, N.Y. 10014. Article: Electron Microscope, Model JEM 100C/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used for the investigation of laboratory produced and environmental aerosols, and track etch films to improve capabilities to assess and control exposures of the general population to hazardous substances. The investigations are designed to: (a) develop fundamental information about airborne particles and measurement techniques for environmental study, (b) examine the behavior and hazard of contaminants, (c) develop and/or evaluate systems to provide basic information about stratospheric aerosols.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes as well as scanning microdiffraction from microareas as small as 200 Angstroms in diameter and provides distortion free micrographs in the optical range (90×). The Department of Health, Education, and Welfare (HEW) in its memorandum dated February 21, 1975 advises that the scanning and low magnification capabilities of the foreign article described above are pertinent to the applicant's research studies. The most closely comparable domestic instrument is the Model EMU–4C electron microscope produced by the Adam David Company. HEW further advises that domestic transmission electron microscopes do not provide the pertinent scanning capability or equal low magnification micrographs. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–17796 Filed 7–8–75;8:45 am]

LOUISIANA STATE UNIVERSITY MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00411–33–46040. Applicant: Louisiana State University Medical School, 1542 Tulane Avenue, New Orleans, Louisiana 70112. Article: Electron Microscope, Model EM 201 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural studies of cell-virus interactions and the response of the host to virus infection. The materials studied will consist of specimens of normal and virus infected cell cultures embedded in a variety of materials and are subjected

V40-132 JUL 9 75 XUM

to thick and ultra-thin sectioning by ultramicrotomy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a eucentric goniometer stage and has a specified resolving power of 5Å. The most closely comparable domestic instrument is the Model EMU–4C available from the Adam David Company. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 10, 1975 that the eucentric goniometer stage of the article is pertinent to the applicant's studies of the ultrastructural changes in developing virons, determination of sequences in viral assembly, and differences in altered and unaltered intracellular membrane. HEW further advises that the EMU–4C does not have a scientifically, equivalent eucentric goniometer stage. We, therefore, find that EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–17797 Filed 7–8–75;8:45 am]

UNIVERSITY OF ALASKA, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 29, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00557–50–70000. Applicant: University of Alaska, Geophysical Institute, Fairbanks, Alaska 99701. Article: Radiometers (4 each). Manufacturer: Middleton & Co., Australia. Intended use of article: The article is intended to be used to measure fluxes of incoming radiation from the sun and sky at the surface of the pack ice in the Beaufort Sea as well as outgoing fluxes from the same surface to determine a radiation climatology for the Beaufort Sea. Application received by Commissioner of Customs: June 5, 1975.

Docket Number: 75–00558–99–74600. Applicant: Colorado State University, Physics Department, College Avenue, Fort Collins, Colorado 80521. Article: 24 Channel Store Unit for a Malvern High Speed Correlator. Manufacturer: Precision Devices and Systems Ltd., United Kingdom. Intended use of article: The article is an accessory to an existing Malverin High Speed Correlator which is intended to be used to increase the resolution and flexibility of the system which will be used to determine and analyze the correlation spectrum of the laser light scattered from the turbulent flow (either laboratory flow or the real atmospheric flow) under investigation. Application received by Commissioner of Customs: June 5, 1975.

Docket Number: 75–00559–33–46500. Applicant: U.S. Environmental Protection Agency, Gulf Breeze Environmental Research, Laboratory, Sabine Island, Gulf Breeze, Fla. 32561. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly fish and invertebrate tissues derived from experimental animals, exhibiting both normal and pathologic structure. The experiments to be conducted include experiments on the normal structure and physiological behavior of cells and tissues in regard to toxicant effect. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application received by Commissioner of Customs: June 5, 1975.

Docket Number: 75–00560–96–03400. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: (8) Mini Suvag Body Hearing Aids, (11) Vebar Suvag Boneoscillator and (2) Sennheiser Microphone Suvag II. Manufacturer: Serv. Europeen De Diffusion Des Inventions S.A., France. Intended use of article: The article is intended to be used for studies of the auditory perception of deaf children and hearing impaired adults. The article will also be used in courses in aural rehabilitation to educate students in therapy and diagnosis. Application received by Commissioner of Customs: May 30, 1975.

Docket Number: 75–00561–33–90000. Applicant: Bishop Clarkson Memorial Hospital, 44th and Dewey Avenue, Omaha, Nebraska 68105. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited United Kingdom. Intended use of article: The article is intended to be used as a diagnostic tool in areas of patient care and research. It will also be used as an educational tool in the training of medical students and residents as well as radiology students. Application received by Commissioner of Customs: June 5, 1975.

Docket Number: 75–00562–33–46040. Applicant: University of Southern California School of Medicine, Keith Administration Bldg., Room 100, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Electron Microscope, Model Corinth 500. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used in investigation aimed at understanding the normal maturation process of human bone marrow cells and aberrations of this process which occur in neoplastic diseases. Experiments to be conducted involve: (1) A description of the architecture and cellular components of normal human blood and bone marrow on a morphological and histochemical basis; (2) a description of the same material obtained from untreated patients with leukemia (acute and chronic), lymphoma, and multiple myeloma; (3) assessment of the effects of chemotherapy on these disease processes by following individual patients through therapy and (4) use of tissue culture methods to alter behavior of cells in a leukemic process to a normal pattern of maturation. The article will also be used to train physicians in techniques for electron microscopy, and (5) a description of the vascular elements of marrow in order to be able to reconstruct a three dimensional model to assess cellular exchange between the marrow cavity and circulating blood. Application received by Commissioner of Customs: June 5, 1975.

Docket Number: 75–00563–33–90000. Applicant: The Methodist Hospital, 6516 Bertner Drive, Houston, Texas 77025. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of tumors of the brain in patients, in particular, the subtle absorption between normal and abnormal brain tissue will be determined and charted by the article. The article will also be used in the evaluation of patients with a wide variety of suspected central nervous system disease and the diagnosis will be related with current available techniques to understand the best diagnostic approach to patients. In addition, the article will be used for training residents in radiology, neuroradiology, neurosurgery and neuroradiology fellows in nuclear medicine, neuroradiology, radiation physics of the Methodist Hospital and clinicians and research scientists in the fields of Radiology, Neuroradiology and Neurosurgery. Application received by Commissioner of Customs: June 10, 1975.

Docket Number: 75–00564–33–46040. Applicant: University of Rhode Island, College of Resource Development, Woodward Hall, Kingston, RI 02881. Article: Electron Microscope, Model HS–9. Manufacturer: Hitachi Limited, Japan. Intended use of article: The article is intended to be used in the area of ultrastructure using thin-sectioning and freeze-etch replication and associated techniques such as shadowing and autoradiography. The projects to be undertaken will include the following:

(1) A study of the ultrastructure of the phenolic-storing cells in the endodermis of cotton roots,

(2) A study of the ultrastructural morphology of the glandular hairs of various plants,

(3) A study of the ultrastructural responses in tomato roots following infection by vascular-wilt pathogens,

(4) A study of the ultrastructural relationships between turf-grasses and the fungal pathogen *Sclerophthora macrospora*,

(5) A study of the ultrastructural morphology of bacterial and fungal isolates capable of degrading hydrocarbons, and

(6) A study of the ultrastructural changes occurring in the epidermis of apple fruits affected with scald.

Application received by Commissioner of Customs: June 11, 1975.

Docket Number: 75–00565–15–80050. Applicant: Smithsonian Institution, Astrophysical Observatory, 60 Garden Street, Cambridge, Mass. 02138. Article: Multiple Mirror Telescope Mount with Control. Manufacturer: SPA Forni Ed. Impianti Industriala, Italy. Intended use of Article: The article is intended to be used as a major component of a large-ground-based astronomical telescope of new and unique concept utilizing six 72-inch mirrors. The mount system will support and position a telescope tube assembly (tube) and its associated optics. Application received by Commissioner of Customs: June 12, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–17800 Filed 7–8–75;8:45 am]

UNIVERSITY OF CALIFORNIA, IRVINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00418–01–47500. Applicant: University of California, Department of Physiology, California College of Medicine, Irvine, California 92664. Article: High Tensity Monochromator, Used. Manufacturer: Ontario Cancer Institute, Canada. Intended use of article: The article is intended to be used in the investigation of wavelength dependence (or action spectra) for the creation of pyrimidine dimers in solution and/or in DNA and action spectra for monomerization of dimers by PRE or parts thereof. Kinetics of the above reactions will also be investigated.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a controlled high intensity irradiation system. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 10, 1975 that the capability described above is pertinent to the applicant's research in a study of the actinic wavelengths responsible for cell transformation. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–17793 Filed 7–8–75;8:45 am]

UNIVERSITY OF OREGON HEALTH SCIENCES CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00408–33–46040. Applicant: University of Oregon Health Sciences Center, 3181 S. W. Sam Jackson Park Road, Portland, Oregon 97201. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for the investigation of the basic causes of ocular diseases such as the following: retinitis pigmentosa, macular degenerations, and retinal detachments; diseases of the anterior segment of the eye such as cataract, glaucoma and corneal ulcers. In addition, basic underlying mechanisms responsible for the maintenance of normal ocular structure and function are also under investigation, e.g. the molecular basis for active transport of ionic constituents of the aqueous humor by the ciliary processes; the biochemical and ultrastructural basis for vitamin A storage and transport by the pigment epithelium of the retina; analysis of cell surface characteristics of rod and cone outer segments and pigment epithelial cells; factors that facilitate recognition of worn-out photoreceptor and bring about their subsequent phagocytosis and digestion by the pigment epithelial cell; study of intracellular mechanisms that affect cell movements during repair of corneal ulcers of surgical wounds. The article will also be used to aid in the teaching of the course Cell Organization and Function for first year medical students and a course in ultrastructure of the human eye for Ophthalmology residents.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (February 12, 1975). Reasons: The foreign article provides 3.5 Angstroms (Å) point to point (pt.) resolution and a continuous magnification range from 285 to 280,000× without a pole-piece change. The most closely comparable domestic instrument is the Model EMU–4C manufactured by the Adam David Company. The Model EMU–4C provides 5Å pt. and with its standard pole-piece has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole piece should be used. Changing the pole piece on the Model EMU–4C requires a break in the vacuum of the column. The Department of Health, Education, and Welfare (HEW) in its memorandum dated June 10, 1975 that the capabilities provided above by the article are pertinent to the applicant's intended purposes. HEW also advises that domestic instruments did not provide an equivalent magnification range or resolution at the time the article was ordered. For these reasons, we find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being

V40-132 JUL 9 75 XUM

manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-17798 Filed 7-8-75;8:45 am]

UNIVERSITY OF OREGON MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq.; 15 CFR Part 701, 1974).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00421-33-57000. Applicant: University of Oregon Medical School, 3181 S.W. Sam Jackson Road, Portland, Oregon 97201. Article: Anaerobic Cell Assembly. Manufacturer: Dr. Kiyochiro Imai, Osaka Univ., Japan. Intended use of article: The article is intended to be used for studies of oxygen equilibrium properties of normal and abnormal human hemoglobin and selected animal hemoglobin under various conditions of temperature, pH, ionic strength and allosteric effector concentrations.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides measurement to the extremes of the oxygenation curve by the Amai technique. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 10, 1975 that the capability described above is pertinent to the applicant's use in studies of the oxygen binding properties of normal and abnormal human and animal hemoglobin. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-17799 Filed 7-8-75;8:45 am]

Maritime Administration

APPROVAL OF CERTAIN CHARTERS

Policy Review

Notice is hereby given that the Maritime Administration is reviewing with the intention to revise as appropriate its practices and policies regarding approvals of time charters or like forms of charters of vessels eligible for coastwise operations to persons, corporations, partnerships or associations, which are not themselves otherwise qualified to operate a vessel in the coastwise trade. While in the past approvals have been granted to such charter arrangements on an ad hoc basis, substantial question has recently arisen as to the advisability of continuing the present policy for domestic trade charters.

Notice is also given that the Maritime Administration has revised its policy regarding the approvals of bareboat charters to non-citizens for operation in the coastwise trade. While in the past the Maritime Administration has approved such arrangements in a limited number of instances it will no longer grant its approval pursuant to the provisions of 808 and 835 of Title 46, U.S.C., for the demise or bareboat charters of vessels in the coastwise trade to persons who do not meet the standards of 802(a) of Title 46, U.S.C.

The policy enunciated herein shall be without prejudice to any approvals previously granted by the Maritime Administration. It is also contemplated that any future modification of our existing policy concerning time charters will also be adopted without prejudice to any outstanding approvals.

Interested persons are requested to submit written comments regarding the review of policy currently being undertaken by the Maritime Administration. Comments should be submitted in 5 copies to the Secretary, Maritime Administration, Washington, D.C. 20230, on or before October 2, 1975.

Sec. 204(b) Merchant Marine Act of 1936, as amended (46 U.S.C. 1114); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Dated: July 3, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-17828 Filed 7-8-75;8:45 am]

[Docket No. S-454]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for amendment of its service description to permit LASH vessels of Pacific Far East Line, Inc., operating on the Operator's subsidized Trade Route 29 service to call at ports in Oregon, Washington, British Columbia, and Alaska for carriage of cargoes between those areas and the Persian Gulf-Gulf of Oman area.

As information, service between the areas being herewith Noticed was included in the application of Pacific Far East Line, Inc., docketed S-443 (40 FR 21505); that application has been amended to delete the Persian Gulf-Gulf of Oman area.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on July 21, 1975, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administration.

Date: July 3, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-17829 Filed 7-8-75;8:45 am]

Office of the Secretary

ELECTRIC CLOTHES DRYERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for electric clothes dryers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Electric Clothes Dryers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 30, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Electric Clothes Dryers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—ELECTRIC CLOTHES DRYERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test Methods.
5.0 Method for Determining Efficiency.
6.0 Base Data.
7.0 Goal.
8.0 Method for Calculating the Goal.
9.0 Monitoring and Record Keeping Requirements.
10.0 Participation in the Program.
11.0 Privileged Material.

APPENDIX A: Method for Calculating the Industry Goal—An Example.

APPENDIX B: Form for Manufacturer's Notice of the Intent to Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Electric Clothes Dryers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new electric clothes dryers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all electric clothes dryers as defined in 3.8.

2.2 Individual units of electric clothes dryers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of electric clothes dryers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of electric clothes dryers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on electric clothes dryers supplied by manufacturers other than himself for resale

3.7 The term "industry" means the collection of all manufacturers of electric clothes dryers who are participants in the Program.

3.8 The term "electric clothes dryer" means a cabinet like appliance designed to dry fabrics in a tumble type drum with forced air circulation. The heat source is electricity and the drum and blower(s) are driven by an electric motor(s).

3.9 The term "load" means the standard test load as described in the energy consumption tests to be developed under 4.1.

3.10 The term "basic model group" means all electric clothes dryers actually manufactured or assembled by one manufacturer and having the identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, color, sales model number, and brand name.

3.11 The term "factory shipment" means the number of electric clothes dryers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.11.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.11.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.11.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.12 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period, if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test Methods.*

4.1 Samples of electric clothes dryers shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of electric clothes dryers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of electric clothes dryer may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of electric clothes dryer, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4. In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specific model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirements does not preclude the Department from testing or having

V 40 1132 JUL 9 75 XUM

tested at its own expense any unit of electric clothes dryer.

4.3 Energy consumption for electric clothes dryers shall be reported in kWh per load and shall be based on the results of the energy consumption tests to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on electric clothes dryers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.*

5.1 The basic measure of efficiency for electric clothes dyers shall be the Energy Factor which shall be reported in load per kWh.

5.2 The Energy Factor of a model shall be equal to the reciprocal of the energy consumption as determined in 4.3.

5.3 The factory shipment weighted Energy Factor for a manufacturer shall be equal to the manufacturer's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the manufacturer shipped in the given year and the factory shipment of that model of the manufacturer for that year. This quotient is rounded to the nearest 0.001.

5.4 The factory shipment weighted Energy Factor for the industry shall be equal to the industry's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the industry shipped in the given year and the factory shipment of that model for the industry in that year. This quotient is rounded to the nearest 0.001.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features based on the extent to which consumers utilize such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustments being subject to subsequent revision based on actual use data when it becomes available. See example in appendix A.

6.0 *Base Data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3 for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 6 percent decrease in the total energy usage for the total number of 1980 factory shipped electric clothes dryer models when compared with the total energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in Appendix A.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Energy Factor for the industry. This goal shall be determined by calculating the factory shipment weighted Energy Factor for the industry for the base year 1972, and then dividing by 0.94. This recalculated factory shipment weighted Energy Factor for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Energy Factor for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by the manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Energy Factor for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Goal.*

8.1 For the base year 1972, the factory shipment weighted Energy Factor shall be calculated for each manufacturer and the industry.

8.2 The assigned Energy Factor goal for the industry shall be equal to the 1972 factory shipment weighted Energy Factor for the industry divided by 0.94.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Energy Factor goal for the industry and the 1972 factory shipment weighted Energy Factor for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Energy Factor for a manufacturer and the 1980 industry goal is given in Appendix A.

9.0 *Monitoring and Record Keeping Requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of the individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2. Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3. Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Energy Factor for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Energy Factor for the industry, and notify each manufacturer separately of his own factory shipment weighted Energy Factor.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of electric clothes dryers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged Material.* Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—ELECTRIC CLOTHES DRYERS

APPENDIX A: METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Energy Factor for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Energy Factor of the model. Table 4 shows how the data for determining the factory shipment weighted Energy Factor for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Energy Factor for the Industry for the base year. The 1980 industry factory shipment weighted Energy Factor goal for the industry is then obtained by dividing the factory shipment weighted Energy Factor for the industry by 0.94. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Energy Factor goal.

TABLE 1.—*Calculation of factory shipment weighted energy factor for manufacturer A*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	5.43	20,000	20,000	108,600
2	1	4.92	30,000	30,000	147,600
3	1	5.82	50,000	50,000	291,000
4[1]	1	6.55	10,000	10,000	65,500
Total			110,000	110,000	612,700

[1] Model 4 of manufacturer A has been rated according to the standard test procedures to have an energy consumption of 6.89 kWh. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10-percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted energy consumption is:

$$6.89 \times (1-0.1 \times 0.5) = 6.55 \text{ kWh}$$

NOTE.—Factory shipment weighted energy factor for manufacturer $A = \frac{110,000}{612,700} = 0.180$ load per kilowatthour

TABLE 2.—*Calculation of factory shipment weighted energy factor for manufacturer B*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	4.93	30,000	30,000	147,900
2	1	4.52	50,000	50,000	226,000
3	1	5.21	20,000	20,000	104,200
4	1	5.13	40,000	40,000	205,200
5	1	5.25	60,000	60,000	315,000
Total			200,000	200,000	998,300

NOTE.—Factory shipment weighted energy factor for manufacturer $B = \frac{200,000}{998,300} = 0.200$ load per kilowatthour.

TABLE 3.—*Calculation of factory shipment weighted energy factor for manufacturer C*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	5.30	10,000	10,000	53,000
2	1	5.85	20,000	20,000	117,000
3	1	6.70	30,000	30,000	201,000
4	1	6.30	30,000	30,000	189,000
Total			90,000	90,000	557,000

NOTE.—Factory shipment weighted energy factor for manufacturer $C = \frac{90,000}{557,000} = 0.162$ load per kilowatthour.

TABLE 4.—*Calculation of factory shipment weighted energy factor for the industry*

Manufacturer	Load times factory shipment	Energy consumption times factory shipment
A	110,000	612,700
B	200,000	998,300
C	90,000	557,000
Total	400,000	2,168,000

Notes.—Factory shipment weighted energy factor for the industry

$$= \frac{400,000}{2,168,000} = 0.185 \text{ load per kilowatthour}$$

The assigned factory shipment weighted energy factor for the industry for 1980

$$= \frac{400,000}{(0.94 \times 2,168,000)} = 0.196 \text{ load per kilowatthour}$$

TABLE 5.—*Changes per manufacturer*

Manufacturer	1972 energy factor (load per kilowatthour)	Assigned energy factor (load per kilowatthour)	Required change (load per kilowatthour)
A	0.180	0.196	+0.016
B	.200	.196	-.004
C	.162	.196	+.034

APPENDIX B: FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology,
Room 3862,
Department of Commerce,
Washington, D.C. 20230

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to electric clothes dryers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Electric Clothes Dryers (40 FR ——), including provision to the Secretary's designated agent of the information enumerated in Sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is ——————————

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17016 Filed 7-8-75;8:45 am]

ELECTRIC RANGES

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Sec-

V40-132 JUL 9 75 XUM

retary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for electric ranges as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Electric Ranges by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 30, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Applicance Efficiency are urged to make this support known to Secretary of Commerce, Rogers C. B. Morton, before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Electric Ranges now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—ELECTRIC RANGES

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test Methods.
5.0 Method for Determining Efficiency.
6.0 Base Data.
7.0 Goal.
8.0 Method for Calculating the Goal.
9.0 Monitoring and Record Keeping Requirements.
10.0 Participation in the Program.
11.0 Privileged Material.

APPENDIX A: Method for Calculating the Industry Goal—An Example.

APPENDIX B: Form for Manufacturer's Notice of the Intent to Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 9046).

1.2 The Voluntary Program for Appliance Efficiency—Electric Ranges, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new electric ranges by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all electric ranges as defined in 3.0.

2.2 Individual units of electric ranges manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of electric ranges in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of electric ranges into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on electric ranges supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of electric ranges who are participants in the Program.

3.8 The term "electric range" means an appliance for cooking which uses electricity as its energy source and includes free-standing ranges equipped with surface units and one or more ovens; built-in combinations of surface units and one or more ovens; wall-mounted ovens with one or more ovens; counter-mounted surface assemblies; and microwave (electronic) ovens. "Surface unit" includes griddles, deep-well cookers, and any other type unit accessible from the top.

3.9 The term "basic model group" means all electric ranges actually manufactured or assembled by one manufacturer and having the identical wattage and amperage ratings and thermal efficiency rating. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the test methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, color, sales model number, and brand name.

3.10 The term "factory shipment" means the number of electric ranges that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.10.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.10.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.10.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.11 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period, if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test Methods.*

4.1 Samples of electric ranges shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of electric ranges shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of electric range may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of electric range, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of electric range.

4.3 Ratings for electric ranges shall be as follows:

4.3.1 Energy consumption shall be reported in watt-hours per year and shall be based upon the result of the energy consumption tests to be developed under 4.1.

4.3.2 Range Thermal Efficiency, as defined in 5.2, shall be reported in percent and shall be based on the test procedures to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on electric ranges, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.*

5.1 The basic measure of efficiency for electric ranges shall be the Range Thermal Efficiency (E_t), which shall be reported in percent.

5.2 Range Thermal Efficiency shall equal the sum (over all components, i.e., surface, oven, microwave) of the products of efficiency of a component and the energy consumption of that component, the resulting sum (the range's useful output) then being divided by the sum of the energy consumptions for all components. The result is then rounded to the nearest 0.1.

In symbols:

$$E_t = \frac{\sum_{i=1}^{n_s} E_s(i)q_s(i)t_s(i) + \sum_{j=1}^{n_o} E_o(j)q_o(j)t_o(j) + \sum_{k=1}^{n_m} E_m(k)q_m(k)t_m(k)}{\sum_{i=1}^{n_s} q_s(i)t_s(i) + \sum_{j=1}^{n_o} q_o(j)t_o(j) + \sum_{k=1}^{n_m} q_m(k)t_m(k)}$$

where:

E_t = Range Thermal Efficiency in percent.
E_s = Efficiency of a surface component in percent.
E_o = Efficiency of an oven component in percent.
E_m = Efficiency of a microwave component in percent.
W_s = Power of a surface component in watts.
W_o = Power of an oven component in watts.
W_m = Power of a microwave component in watts.
t_s = Operation time of a surface component in hours.
t_o = Operation time of an oven component in hours.
t_m = Operation time of a microwave component in hours.
n_s = Number of surface components.
n_o = Number of oven components.
n_m = Number of microwave components.

The rated efficiency, power and operation time of each component (surface, oven, microwave) are to be determined by test procedures to be developed under 4.1.

5.3 The factory shipment weighted Range Thermal Efficiency for a manufacturer shall be equal to the sum of the products of the Range Thermal Efficiency for each model the manufacturer shipped in a given year times the factory shipment of that model in the given year times the energy consumption of that model, the resulting sum (the manufacturer's useful output) then being divided by the sum of the products of the energy consumption of the model and the factory shipment of that model for that year. This quotient is then multiplied by 100 and then rounded to the nearest 0.1.

5.4 The factory shipment weighted Range Thermal Efficiency for the industry shall be equal to the sum of the products of the Range Thermal Efficiency for each model the industry shipped in a given year times the factory shipment of that model in the given year times the energy consumption of that model, the resulting sum (the industry's useful output) then being divided by the sum of the products of the energy consumption of the model and the factory shipment of that model for that year. This quotient is then multiplied by 100 and then rounded to the nearest 0.1.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features based on the extent to which consumers utilize such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustments being subject to subsequent revision based on actual use data when it becomes available. See example in Appendix A.

6.0 *Base Data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Range Thermal Efficiency as determined under 4.3.2, and rated energy consumption as determined under 4.3.1, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 10 percent decrease in the total energy usage for the total industry useful output of all 1980 factory shipped electric range models when compared with the total energy usage of an equal industry useful output of 1972 factory shipped electric range models having the same model mix proportions as in 1972. See example in appendix A.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Range Thermal Efficiency for the industry. This goal shall be determined by calculating the factory shipment weighted Range Thermal Efficiency for the industry for the base year 1972, and then dividing by 0.90. This recalculated factory shipment weighted Range Thermal Efficiency for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Range Thermal Efficiency for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Range Thermal Efficiency for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Goal.*

8.1 For the base year 1972, the factory shipment weighted Range Thermal Efficiency shall be calculated for each manufacturer and the industry.

8.2 The assigned Range Thermal Efficiency goal for the industry shall be equal to the 1972 factory shipment weighted Range Thermal Efficiency for the industry divided by 0.90.

8.3 The required improvement for each manufacturer shall be the difference between the assigned goal for the industry and the 1972 factory shipment weighted Range Thermal Efficiency for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Range Thermal Efficiency for a manufacturer and the 1980 industry goal is given in appendix A.

9.0 *Monitoring and Record Keeping Requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of the individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

V 40 1132 JUL 9 75 XUM

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Range Thermal Efficiency as determined under 4.3.2, and energy consumption as determined under 4.3.1, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Range Thermal Efficiency for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Range Thermal Efficiency for the industry, and notify each manufacturer separately of his own factory shipment weighted Range Thermal Efficiency.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of electric ranges to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged Material.*

Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—ELECTRIC RANGES

APPENDIX A: METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Range Thermal Efficiency for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Range Thermal Efficiency of the model. Table 4 shows how the data for determining the factory shipment weighted Range Thermal Efficiency for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Range Thermal Efficiency for the industry for the base year. The 1980 industry factory shipment weighted Range Thermal Efficiency goal for the industry is then obtained by dividing the factory shipment weighted Range Thermal Efficiency for the industry by 0.90. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Range Thermal Efficiency goal.

TABLE 1.—*Calculation of factory shipment weighted range thermal efficiency for manufacturer A*

Model	Range thermal efficiency (percent)	Energy consumption (watthours)	Factory shipment	Total energy consumption (kilowatthours)	Range thermal efficiency times total energy consumption (kilowatthours)
1	39	4,292	100,000	420,200	163,878
2	42	3,423	50,000	171,150	71,883
3	29	5,330	20,000	106,600	30,911
4 [1]	32	4,840	30,000	145,200	46,464
Total			200,000	843,150	313,139

[1] Model 4 of manufacturer A has been rated according to the standard test procedures defined in 4, to use 5,095 Wh, thus having a range thermal efficiency of 30.4 percent. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10-percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted energy consumption is $5{,}095\times(1-0.1\times0.5)=4{,}840$ Wh and the adjusted range thermal efficiency is 32 percent.

NOTE.—Factory shipment weighted range thermal efficiency for manufacturer A

$$=\left(\frac{313{,}139}{843{,}150}\right)\times100=37.1 \text{ percent}$$

TABLE 2.—*Calculation of factory shipment weighted range thermal efficiency for manufacturer B*

Model	Range thermal efficiency (percent)	Energy consumption (watthours)	Factory shipment	Total energy consumption (kilowatthours)	Range thermal efficiency times total energy consumption (kilowatthours)
1	32	4,950	20,000	99,000	31,680
2	28	5,440	10,000	54,400	15,232
3	40	3,540	100,000	354,000	141,600
4	35	4,230	20,000	86,600	30,310
5	30	4,400	10,000	44,000	13,200
Total			160,000	638,000	232,022

NOTE.—Factory shipment weighted range thermal efficiency for manufacturer B

$$=\left(\frac{232{,}022}{638{,}000}\right)\times100=36.4 \text{ percent}$$

TABLE 3.—*Calculation of factory shipment weighted range thermal efficiency for manufacturer C*

Model	Range thermal efficiency (percent)	Energy consumption (watthours)	Factory shipment	Total energy consumption (kilowatthours)	Range thermal efficiency times total energy consumption (kilowatthours)
1	45	2,940	60,000	176,400	79,380
2	38	4,350	10,000	43,500	16,530
3	40	3,530	30,000	105,900	42,360
4	43	3,420	40,000	136,800	57,456
Total			140,000	462,600	195,726

NOTE.—Factory shipment weighted range thermal efficiency for manufacturer C

$$=\left(\frac{195{,}726}{462{,}600}\right)\times100=42.3 \text{ percent}$$

TABLE 4.—*Calculation of factory shipment weighted range thermal efficiency for the industry*

Manufacturer	Total energy consumption (kilowatthours)	Range thermal efficiency times total energy consumption (kilowatthours)
A	843,150	313,139
B	638,000	232,022
C	462,600	195,726
Total	1,943,750	740,887

NOTES.—Factory shipment weighted range thermal efficiency for the industry

$$=(740{,}887\times100)\div(0.9\times1{,}943{,}750)=38.1 \text{ percent}$$

$$=\left(\frac{740{,}887\times100}{0.9\times1{,}943{,}750}\right)=42.4 \text{ percent}$$

The assigned factory shipment weighted range thermal efficiency for the industry

$$\left(\frac{744{,}887\times100}{0.9\times1{,}943{,}750}\right)=42.4 \text{ percent}$$

TABLE 5.—*Changes per manufacturer*

Manufacturer	1972 range thermal efficiency (percent)	Assigned range thermal efficiency (percent)	Required change (percent)
A	37.1	42.4	+5.3
B	37.4	42.4	+5.0
C	42.3	42.4	+.1

APPENDIX B: FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology,
Room 3862,
Department of Commerce,
Washington, D.C. 20230

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to electric ranges subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Electric Ranges (40 FR ——), including provision to the Secretary's designated agent of the information enumerated in Sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is_____

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17618 Filed 7-8-75;8:45 am]

GAS CLOTHES DRYERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for gas clothes dryers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Gas Clothes Dryers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before 21 days after publication of this notice in the FEDERAL REGISTER.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

Issued:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Gas Clothes Dryers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—GAS CLOTHES DRYERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test Methods.
5.0 Method for Determining Efficiency.
6.0 Base Data.
7.0 Goal.
8.0 Method for Calculating the Goal.
9.0 Monitoring and Record Keeping Requirements.
10.0 Participation in the Program.
11.0 Privileged Material.
APPENDIX A: Method for Calculating the Industry Goal—An Example.
APPENDIX B: Form for Manufacturer's Notice of the Intent to Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Gas Clothes Dryers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new gas clothes dryers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all gas clothes dryers as defined in 3.9.

2.2 Individual units of gas clothes dryers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of gas clothes dryers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of gas clothes dryers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on gas clothes dryers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of gas clothes dryers who are participants in the Program.

3.8 The term "gas" means either natural gas or propane gas.

V40 I 132 JUL 9 75 XUM

3.9 The term "gas clothes dryer" means a cabinet like appliance designed to dry fabrics in a tumble type drum with forced air circulation. The heat source is gas and the drum and blower(s) are driven by an electric motor(s).

3.10 The term "load" means the standard test load as described in the energy consumption tests to be developed under 4.1.

3.11 The term "basic model group" means all gas clothes dryers actually manufactured or assembled by one manufacturer and having the identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, color, sales model number, and brand name.

3.12 The term "factory shipment" means the number of gas clothes dryers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.12.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.12.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.12.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.13 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period, if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test Methods.*

4.1 Samples of gas clothes dryers shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of gas clothes dryers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of gas clothes dryer may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of gas clothes dryer, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

Docket Number: 75-00451-75-27000.

4.2.3 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of gas clothes dryer.

4.3 Energy consumption for gas clothes dryers shall be reported in therms per load and shall be based on the results of the energy consumption tests to be developed under 4.1, which will provide an electrical energy consumption expressed in watt-hours per load and gas energy consumption expressed in British Thermal Units (Btu) per load. The electrical energy consumption shall be converted to Btu per load and added to the gas energy consumption; this sum is the energy consumption rating. The conversion factors are 3,413 Btu per watt-hour and 100,000 Btu per therm.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on gas clothes dryers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.*

5.1 The basic measure of efficiency for gas clothes dryers shall be the Energy Factor which shall be reported in loads per therm.

5.2 The Energy Factor of a model shall be equal to the reciprocal of the energy consumption as determined in 4.3.

5.3 The factory shipment weighted Energy Factor for a manufacturer shall be equal to the manufacturer's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the manufacturer shipped in the given year and the factory shipment of that model of the manufacturer for that year. This quotient is rounded to the nearest 0.01.

5.4 The factory shipment weighted Energy Factor for the industry shall be equal to the industry's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the industry shipped in the given year and the factory shipment of that model for the industry in that year. This quotient is rounded to the nearest 0.01.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features based on the extent to which consumers utilize such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in appendix A.

6.0 *Base Data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 12 percent decrease of the total energy usage for the total number of 1980 factory shipped gas clothes dryer models when compared with the total energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in appendix A.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Energy Factor for the industry. The goal shall be determined by calculating the factory shipment weighted Energy Factor for the industry for the base year 1972, and then dividing by 0.88. This recalculated factory shipment weighted Energy Factor for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Energy Factor for the industry shall be determined on the basis of the base data, as defined in 6.0 provided by the manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Energy Factor for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the Federal Register. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Goal.*

8.1 For the base year 1972, the factory shipment weighted Energy Factor shall be calculated for each manufacturer and the industry.

8.2 The assigned Energy Factor goal for the industry shall be equal to the 1972 factory shipment weighted Energy Factor for the industry divided by 0.88.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Energy Factor goal for the industry and the 1972 factory shipment weighted Energy Factor for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Energy Factor for a manufacturer and the 1980 industry goal is given in appendix A.

9.0 *Monitoring and Record Keeping Requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the Federal Register intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of the individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Energy Factor for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Energy Factor for the industry, and notify each manufacturer separately of his own factory shipment weighted Energy Factor.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of gas clothes dryers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged Material.*

Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—GAS CLOTHES DRYERS

APPENDIX A: METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Energy Factor for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Energy Factor of the model. Table 4 shows how the data for determining the factory shipment weighted Energy Factor for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Energy Factor for the industry for the base year. The 1980 industry factory shipment weighted obtained by dividing the factory shipment Energy Factor goal for the industry is then weighted Energy Factor for the industry by 0.88. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Energy Factor goal.

TABLE 1.—*Calculation of factory shipment weighted energy factor for manufacturer A*

Model	Load	Energy consumption			Factory shipment	Load times factory shipment	Energy consumption times factory shipment
		Electrical (watthours)	Gas (British thermal units)	Total (therm)			
1	1	431	20,000	0.215	20,000	20,000	4,300
2	1	523	18,000	.198	50,000	50,000	9,900
3	1	630	24,000	.261	30,000	30,000	7,830
4[1]	1	550	23,000	.249	30,000	30,000	7,470
Total					130,000	130,000	29,500

[1] Model 4 of manufacturer A has been rated according to the standard test procedures to have an energy consumption of 24,211 Btu. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10-percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted energy consumption is:

$$24,211 \times (1 - 0.1 \times 0.5) = 23,000 \text{ Btu}$$

NOTE.—Factory shipment weighted energy factor for manufacturer A

$$= \frac{130,000}{29,500} = 4.41 \text{ loads per therm}$$

TABLE 2.—*Calculation of factory shipment weighted energy factor for manufacturer B*

Model	Load	Energy consumption			Factory shipment	Load times factory shipment	Energy consumption times factory shipment
		Electrical (watthours)	Gas (British thermal units)	Total (therm)			
1	1	800	21,000	0.227	30,000	30,000	6,810
2	1	535	24,000	.228	60,000	60,000	13,680
3	1	670	27,000	.256	40,000	40,000	11,440
4	1	620	25,000	.270	20,000	20,000	5,400
5	1	550	19,000	.309	50,000	50,000	14,450
Total					200,000	200,000	49,880

NOTE.—Factory shipment weighted energy factor for manufacturer B = $\frac{200,000}{49,880}$ = 4.03 loads per therm.

V40 I132 JUL 9 75 XUM

TABLE 3.—*Calculation of factory shipment weighted energy factor for manufacturer C*

Model	Load	Energy consumption: Electrical (watthours)	Energy consumption: Gas (British thermal units)	Energy consumption: Total (therm)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	600	22,000	0.240	10,000	10,000	2,400
2	1	590	24,000	.350	20,000	20,000	5,200
3	1	545	23,000	.240	10,000	10,000	2,400
4	1	570	26,000	.370	30,000	30,000	8,370
Total					70,000	70,000	18,460

NOTE.—Factory shipment weighted energy factor for manufacturer C = $\frac{70,000}{18,460}$ = 3.79 loads per therm.

TABLE 4.—*Calculation of factory shipment weighted energy factor for the industry*

Manufacturer	Load times factory shipment	Energy consumption times factory shipment
A	130,000	29,500
B	200,000	49,580
C	70,000	18,460
Total	400,000	97,540

NOTES.—Factory shipment weighted energy factor for the industry

$$= \frac{400,000}{97,540} = 4.10 \text{ loads per therm}$$

The assigned factory shipment weighted energy factor for the industry for 1980

$$= \frac{400,000}{(0.88 \times 97,540)} = 4.66 \text{ loads per therm}$$

TABLE 5.—*Changes per manufacturer*

Manufacturer	1972 energy factor (load per therm)	Assigned energy factor (load per therm)	Required change (load per therm)
A	4.41	4.66	+0.25
B	4.03	4.66	+.63
C	3.79	4.66	+.87

APPENDIX B: FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for
Science and Technology,
Room 3862,
Department of Commerce,
Washington, D.C. 20203

(Name of Corporation) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to gas clothes dryers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (Name of Corporation) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Gas Clothes Dryers (40 FR ____), including provision to the Secretary's designated agent of the information enumerated in Sections 6.0 and 9.4.

The effective date for participation of (Name of Corporation) in the Program is

(Date)

(Signature)
(Corporate Title)

[FR Doc.75-17617 Filed 7-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket Nos. 75N-0013, FDC-82]

POLYCHLORINATED BIPHENYLS (PCB'S) IN PAPER FOOD-PACKAGING MATERIAL

Prehearing Conference

A notice of prehearing conference regarding polychlorinated biphenyls (PCB's) was published in the FEDERAL REGISTER of May 5, 1975 (40 FR 19514). Party and nonparty participants were required to submit all direct evidence for the hearing record, including both testimony and documentary exhibits to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 not later than June 30, 1975. The prehearing conference was scheduled for July 14, 1975. Notice is hereby given that the deadline of June 30, 1975 has been suspended and the final date for submission of written direct testimony and supporting documentary evidence will be set at the prehearing conference, which has been rescheduled for Monday, July 21, 1975, in the Hearing Room, Food and Drug Administration, Rm. 4A–35, 5600 Fishers Lane, Rockville, MD 20852, beginning at 10 a.m.

Dated: July 1, 1975.

HORACE H. ROBBINS,
Administrative Law Judge.

[FR Doc.75-17758 Filed 7-8-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Executive Committee of the National Advisory Council on Indian Education will be held July 26 and 27, 1975 at the Federal Bldg. Room 13126C, 450 Golden Gate, San Francisco, California.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (Pub. L. 92–318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) To submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meetings on July 26–27, 1975 will be open to the public beginning at 10 a.m. on Saturday and 9 a.m. on Sunday. These meetings will be held at the San Francisco Hilton Hotel.

The proposed agenda includes:

(1) A planning schedule for NACIE for FY 1976.
(2) Review and revise NACIE policies.
(3) Regular Committee business.

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW, Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C. on July 2, 1975.

DORRANCE D. STEELE,
Acting Executive Director, National Advisory Council on Indian Education.

[FR Doc.75-17603 Filed 7-8-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-383]

CEDAR ESTATES

Hearing

In the matter of The Cedar Estates, OILSR No. 0-3755-18-22 Docket No. 75-47-IS, pursuant to 15 U.S.C 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Glenn Houser Land Management, Inc., Glenn Houser, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued May 30, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for The Cedar Estates, located in Osage County, Kansas contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 19, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on July 23, 1975, 10 a.m.

5. The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 16, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 1, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc. 75-17781 Filed 7-8-75; 8:45 am]

Office of the Secretary

[Docket No. D-75-345]

BALTIMORE AREA OFFICE

Acting Area Director

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Director, Community Planning and Development Division.
4. The Director, Housing Management Division.
5. The Area Counsel.

This designation supersedes Section A of the designation effective October 1, 1970 (36 FR 3389, February 23, 1971) as amended effective September 1, 1971 (37 FR 746, January 18, 1972).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).

Effective Date—This designation shall be effective as of June 27, 1975.

EVERETT H. ROTHSCHILD,
Area Director, Baltimore Area Office, Region III, (Philadelphia).

VINCENT A. MARINO,
Acting Regional Administrator, Region III, (Philadelphia).

[FR Doc.75-17782 Filed 7-8-75;8:45 am]

[Docket No. D-75-346]

PHILADELPHIA AREA OFFICE

Acting Area Director

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Director, Community Planning and Development Division.
4. The Director, Housing Management Division.
5. The Area Counsel.

This designation supersedes Section A of the designation effective October 1, 1970 (36 FR 3389, February 23, 1971) as amended effective September 1, 1971 (37 FR 746, January 18, 1972).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).

Effective Date—This designation shall be effective as of June 27, 1975.

ALFRED R. MARCKS, JR.,
Acting Area Director, Philadelphia Area Office, Region III, (Philadelphia).

VINCENT A. MARINO,
Acting Regional Administrator Region III, (Philadelphia).

[FR Doc.75-17784 Filed 7-8-75;8:45 am]

[Docket No. D-75-349]

PITTSBURGH AREA OFFICE

Acting Area Director

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Management Division.
3. The Director, Community Planning and Development Division.
4. The Director, Housing Production and Mortgage Credit Division.
5. The Area Counsel.

This designation supersedes Section A of the designation effective October 1, 1970 (36 FR 3389, February 23, 1971) as amended effective September 1, 1971 (37 FR 746, January 18, 1972).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

Effective Date—This designation shall be effective as of June 27, 1975.

CHARLES J. LIEBERTH,
Area Director, Pittsburgh Area Office, Region III (Philadelphia).

VINCENT A. MARINO,
Acting Regional Administrator Region III (Philadelphia).

[FR Doc.75-17783 Filed 7-8-75;8:45 am]

[Docket No. D-75-347]

RICHMOND, VIRGINIA AREA OFFICE

Acting Area Director

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.

V40-132 JUL 9 75 XUM

3. The Director, Community Planning and Development Division.
4. The Director, Housing Management Division.
5. The Area Counsel.

This designation supersedes Section A of the designation effective October 1, 1970 (36 FR 3389, February 23, 1971) as amended effective September 1, 1971 (37 FR 746, January 18, 1972).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

Effective Date—This designation shall be effective as of June 27, 1975.

CARROLL A. MASON,
Area Director, Richmond Area Office, Region III, (Philadelphia).

VINCENT A. MARINO,
Acting Regional Administrator, Region III, (Philadelphia).

[FR Doc.75-17785 Filed 7-8-75;8:45 am]

[Docket No. D-75-348]

WASHINGTON, D.C. AREA OFFICE

Acting Area Director

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Director, Community Planning and Development Division.
4. The Director, Housing Management Division.
5. The Area Counsel.

This designation supersedes Section A of the designation effective October 1, 1970 (36 FR 3389, February 23, 1971) as amended effective September 1, 1971 (37 FR 746, January 18, 1972).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

Effective Date—This designation shall be effective as of June 27, 1975

HARRY W. STALLER,
Area Director, Washington, D.C. Area Office, Region III, (Philadelphia).

VINCENT A. MARINO,
Acting Regional Administrator Region III, (Philadelphia).

[FR Doc.75-17786; Filed 7-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT NOISE POLICY

Public Comment Period

The Federal Aviation Administration is pursuing actively a program to provide effective relief from aircraft noise. The primary emphasis of this program has been and remains wide-ranging—from improvements of aircraft engine technology to refinement of operational procedures.

In November 1969 the FAA published Federal Aviation Regulation Part 36, which put a lid on the escalation of aircraft noise. Under this regulation a number of significantly quieter aircraft have been developed and certificated, e.g., DC-10, L-1011, B-747, Cessna Citation. In October 1973 a regulation was issued which required that all newly produced large turbojet aircraft meet Part 36 noise criteria regardless of when they were certificated. The retrofitting of those aircraft certificated and produced prior to the establishment of noise criteria is being analyzed. Additionally, in December 1974 noise standards were established for propeller-driven small aircraft.

In February 1972 the FAA "Keep-'Em-High" program was implemented. Through this program arrival aircraft are kept as high as possible prior to maneuvering for a safe landing approach, thereby minimizing noise impact around airports. Other operational procedures are under study.

The FAA also has been studying the appropriateness of restrictions on the use of an airport as a means to provide relief from aircraft noise. This is an extremely complex area with substantial policy issues affecting the basic economic health of the aviation industry. It is not just a matter of investing in research efforts to develop the technological capability to produce a quieter aircraft engine, nor is it only a matter of devising operational procedures to reduce the impact of aircraft noise.

With the exception of Washington National Airport, both of which are owned and operated by the FAA, the public airports of the United States are owned and operated by a variety of non-Federal local public authorities. The rights, responsibilities and obligations of these local authorities must be considered in developing policy related to airport use restrictions. At the same time the FAA has disbursed, through its airport development grant program, hundreds of millions of dollars to airport operators to pay for improvement and development of airports around the United States. Consequently, FAA policy in this area involves issues of a multijurisdictional nature and the overall relationship of the Federal Government to state and local governmental entities.

There are a number of possible airport use restrictions which may be imposed either individually or in combination. These have been identified as:

1. Curfews or the limitation on the hours of airport operation.
2. A total ban on jet powered aircraft.
3. A ban or curfew on all aircraft which do not meet FAR Part 36 noise level criteria.
4. A ban or curfew on all jet aircraft which do not meet FAR Part 36 noise level criteria.
5. A limit on the number of operations.

No determination has been made as to which, if any, of these various possible restrictions would be imposed at specific airports or the interrelationship of these restrictions. Neither is the effect nor consequences of such use restrictions known in terms of impact on the national air transportation system.

Under the Federal Aviation Act of 1958 the FAA is charged by the Congress with the duty and responsibility to regulate, among other things, air commerce in such a manner as to best promote its development and to promote, encourage and foster the development of civil aeronautics and air commerce. Through the enactment of the Noise Control Act of 1972, specifically section 7 thereof which amended Section 611 of the Federal Aviation Act of 1958, the Congress identified aircraft noise as one of the noise sources to be ameliorated to afford present and future relief and protection to the public health and welfare. In parallel, the Congress has indicated in the Airport and Airway Development Act of 1970 that the airport and airway system of the United States is inadequate to meet the current and projected growth in aviation and has directed FAA to establish a nationwide system of public airports adequate to meet the needs of civil aeronautics through the mechanism of grants for airport development.

Consequently, FAA is charged with aviation duties and responsibilities which potentially can be in conflict. Additionally, as a matter of basic Constitutional law, state and local governmental authorities are prohibited from unduly interfering with interstate commerce, including air commerce. Under the Airport and Airway Development Act, as well as the previous Federal Airport Act, recipients of Federal grants for airport development are required to provide assurance that the airport will be available for public use on fair and reasonable terms and without unjust discrimination.

The question of airport noise has been the subject of extensive litigation in the context of very specific and somewhat circumscribed issues being presented to the Courts in a limited factual context. The FAA does not believe that policy in this area should be the result or product of piece-meal judicial decisions. The FAA believes its role is to develop policy in a manner which, to the maximum extent possible, eliminates potential conflicts and accommodates the varying and competing interstate and local multijurisdictional interests.

In view of the scope and policy ramifications of the Federal versus state/local role in aircraft noise control, the FAA believes that it should obtain the widest possible public comment on this question. By inviting the public to assist in the identification and selection of a policy course or alternative courses of action, the FAA believes it is acting in the public interest. That interest is served by obtaining, in advance of a firm Federal policy, the view of the general public, the view of those who live around airports, and the view of potentially affected groups within the aviation industry, such as air carriers, airport operators, air taxis, aircraft manufacturers, business aircraft operators and aircraft owners and pilots.

The FAA has identified four potential policy options and their implications.

1. *Airport proprietor actions unconstrained by FAA.* Under this option, an airport proprietor would be free to impose any restrictions he selected on the use of his airport so long as such restrictions did not interfere with those clearly Federal responsibilities for aircraft operating procedures and the management and control of navigable airspace.

This option would place the responsibility for developing and implementing airport use restrictions for noise control at the local level. It would permit the local governmental bodies responsible for the operation or management of an airport to be responsive to local interests in terms of balancing community needs for air transportation against local environmental objectives.

Conversely, this option could establish a framework for more litigation between the airport operator and local citizens as well as between the airport operator and various elements of the aviation industry. Additionally, this option fails to take into account the potential systemwide impacts of different and independently established restrictions such as the interrelationship between city-pairs. The impact of numerous individual and unrelated actions could be to pose an undue burden on interstate commerce and/or result in unjust discrimination.

2. *Airport proprietor completely constrained by FAA with a correlated development of a Federal airport noise abatement plan.* Under this option, a comprehensive Federal regulatory program of noise abatement would be instituted to minimize noise problems at individual airports. This would provide a comprehensive, uniform approach to the airport noise problem with a mechanism for assessing alternative use restrictions and operating procedures. It would ensure that the needs of the national air transportation system are met by precluding any undue burden on the interstate commerce or unjust discrimination. Authority and responsibility in this area would be concentrated in a single Federal agency, the FAA.

This option would take considerable time to implement. Substantial data would be required in order to assure that any plan developed would be both feasible and provide realistic noise relief in terms of a specific airport and in relation to the needs of the national air transportation system. During this development time the airport noise problem could escalate. A program of this scope and magnitude could be an "overreaction" to the airport noise problem.

3. *Airport proprietor to establish a noise abatement plan.* This option would require the proprietor or operator of a public airport to either (a) prepare a local airport noise abatement plan dealing with the local noise problem and the restrictions proposed for dealing with the problem or (b) advise the FAA that no unacceptable noise problem exists at the airport in question. This local plan would then be reviewed and approved or rejected by FAA.

Initial and primary responsibility for the development of an airport noise abatement plan or the determination that there is no need for such a plan would be at the local community level. This presumably would result in plans being tailored to more nearly reflect local needs for air transportation and local environmental objectives. FAA review of the plan would provide a reasonable degree of national uniformity as well as taking into account potential systemwide impacts on the national air transportation system to avoid undue burdens on air commerce and airspace management for system safety and efficiency.

This process could be extremely cumbersome. It would require extensive coordination between the Federal Government, state and local governmental bodies and airport proprietors. It would require the Federal Government to act as mediator or arbitrator in seeking accommodations and compromises between various state and local governmental bodies, citizens, aviation interests and airport proprietors. It would require substantial time to analyze the various restrictions proposed by airport proprietors, during which time the airport noise problem could escalate. The financial and technical demands made on airport proprietors to develop a plan may be beyond the capability of many of them, although the possibility exists that some financial support may be available through the Planning Grant Program of the Airport and Airway Development Act.

4. *Continue the present policy.* This option would continue to emphasize the present ongoing efforts to reduce aircraft noise at its source through the development of appropriate technology as well as the development of noise abatement operating procedures. The FAA would neither support nor oppose restrictions placed on the use of an airport to provide noise relief except in those instances where the restrictions constitute an undue burden on interstate commerce or unjust discrimination or interfere with aircraft operating procedures or the management and control of navigable airspace.

The initiative and responsibility for developing, establishing and implementing airport restrictions would be left to the local airport proprietor. However, nity would not be assured of noise relief if the implementation of those restrictions infringed on the above described areas since the FAA would act to preclude such infringement. While FAA would continue to deal with specific factual situations, this ad hoc approach does not assure consistency of application in all circumstances. This option could continue the situation in which there would be litigation between the airport operator and local citizens and between the airport operator and various elements of the aviation industry.

In view of the complexity of the subject of restrictions on the use of an airport as a means to provide noise relief, the FAA is soliciting the views of all interested persons concerning each of the policy options described above. The FAA believes this action is appropriate and reasonable in order to supplement its own study of this subject and to be sure that all aspects of each policy option are identified and considered before policy in this area is established. FAA particularly is inteersted in obtaining the viewpoint of all potentially affected persons and groups within the aviation industry, those who live around airports, and those who derive an economic benefit from the airport. The FAA is interested in receiving comments regarding these policy options in terms of the following questions:

1. Are there other possible restrictions beyond those already identified, and, if so, what are they?

2. Should the variety of possible restrictions be further limited? If not, why not? If so, which of the identified possible restrictions should be retained and which excluded and why?

3. Which of the identified policy options should be adopted by the FAA and why? Which of the identified policy options should be rejected by the FAA and why? Are there other policy options which should be considered and what are they?

4. What guidelines or parameters should be applied by the FAA in applying its policy? Should the FAA develop such guidelines for use by airport proprietors in creating airport use restrictions or should they be limited to guidelines to be applied by FAA in considering airport use restrictions under any of the policy options? Should there be FAA guidelines beyond those presently applied?

5. What benefit in terms of noise relief to people can be anticipated as a result of implementation of airport use restrictions? What additional benefits may accrue from airport use restrictions?

6. What costs can be anticipated as a result of implementations of airport use restrictions in terms of:

a. Loss of air transportation capacity to carry people and/or cargo;

b. Economic impact on the aviation industry in terms of lost revenue to air carriers and airport operators as well as any reductions in the number of people employed by air carriers, airports and government agencies;

c. Effect on mail service and any consequences of that effect; and

d. Economic impact on air transport dependent or related industries.

The FAA realizes that the cost/benefit questions identified above are not susceptible to quantitative answers without being airport site specific and use restriction specific. FAA is seeking at this time general information to enable more comprehensive analyses of the various policy options. Additionally, the FAA would appreciate information identifying those airports which would propose the application of use restrictions as well

V 40 I 132 JUL 9 75 XUM

as the type of restriction in order to ascertain the potential scope of such applications.

7. Should any type or category of airport be precluded from being considered for use restrictions? If so, which type or category and why?

In addition to the foregoing questions, the FAA would appreciate and welcome comments on any additional areas relating to the question of the appropriateness of restrictions on the use of an airport as a means to provide relief from aircraft noise.

All interested persons are invited to participate in the making of policy on this subject by submitting such written data, views or arguments as they may desire. Communications should be addressed to:

Federal Aviation Administration, Associate Administrator for Policy Development and Review, 800 Independence Avenue SW., Washington, D.C. 20591, Attention: Airport Noise Policy.

All communications received on or before January 1, 1976 will be considered by the FAA in identifying and selecting a course of action in terms of policy. All comments will be available both before and after the closing date for comments for examination by interested persons.

Issued in Washington, D.C. July 1, 1975.

F. A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

[FR Doc.75-17707 Filed 7-8-75;8:45 am]

National Highway Traffic Safety Administration

FRUEHAUF CORP.

Denials of Petition To Commence Rulemaking

This notice sets forth the reasons for denial of a petition for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of section 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with section 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (Section 124(d)).

Fruehauf Corporation (April 25, 1975). Petition to suspend the requirements of S5.3.1 of Standard No. 121, *Air brake systems*, for at least 8 weeks as they apply to completed vehicles that are manufactured in two or more stages (if those vehicles were 121-equipped as incomplete vehicles and the systems are undisturbed during modification). Fruehauf's petition was denied because no evidence was submitted which would explain why representative vehicles could not be tested after modification to establish a basis of certification.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on July 2, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-17790 Filed 7-8-75;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE EXECUTIVE SUBCOMMITTEE

Public Meeting

On August 21, 1975, the National Highway Safety Advisory Committee's Executive Subcommittee will hold an open meeting at the Department of Transportation headquarters building, 400 Seventh Street, SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Executive Subcommittee will meet at 9 a.m. in room 4234 with the following agenda, subject to approval by the Secretary.

Status of Past Recommendations
Plans for Future NHSAC Activities
New Business
Old Business

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: July 2, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-17789 Filed 7-8-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26943]

AEROAMERICA, INC., GAC CORPORATION, AND MODERN AIR TRANSPORT, INC.

Acquisition Agreement; Further Prehearing Conference

Notice is hereby given that a further prehearing conference in the above-entitled proceeding will be convened on July 22, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 3, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-17813 Filed 7-8-75;8:45 am]

[Order 75-7-18; Docket No. 27158]

AEROPERU

Transport Schedules; Amendment of

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of July, 1975.

In the matter of the schedules of Aero-Peru (Empresa de Transportes Aero del Peru).

On March 20, 1975 the Board, pursuant to Part 213 of the Board's Economic regulations, adopted Order 75-5-100, effective June 26, 1975, disapproving certain of the schedules filed by AeroPeru on November 15, 1974.

Following issuance of that order, consultations were convened between representatives of the Governments of the United States and of Peru, and an understanding was reached with respect to proposed plans for scheduled air transport services between the two countries.

In order to avoid a reduction in the current level of services between the United States and Peru pending implementation of the understanding, we have decided, on the basis of reciprocity, to modify Order 75-5-100 so as to defer its effective date.

Accordingly, it is ordered, That:

1. Order 75-5-100 be amended to provide that it shall become effective on July 15, 1975.

2. This order shall be served on Aero-Peru (Empresa de Transportes Aero del Peru) and the Ambassador of Peru in Washington, D.C.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17816 Filed 7-8-75;8:45 am]

[Order 75-7-23; Docket No. 27506]

ALLEGHENY AIRLINES, INC.

Air Service Between Baltimore, Md., and Norfolk, Va.; Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of July, 1975.

Application of Allegheny Airlines, Inc. for amendment of its certificate of public convenience and necessity for route 97 (Baltimore-Norfolk).

On February 11, 1975, Allegheny Airlines filed an application for an amendment of its certificate so as to authorize the provision of nonstop service between Baltimore, Md., and Norfolk, Va. Service in this market is presently restricted to one stop by Condition (4) of Allegheny's certificate. On February 24, Allegheny, the State of Maryland, the Maryland State Aviation Administration and the Norfolk Port and Industrial Authority (hereinafter "movants") jointly moved the Board to set Allegheny's application for immediate hearing.

In support of their motion, the movants allege generally that the incumbent unrestricted carriers, National Airlines and United Air Lines, have virtually abandoned the market;[1] that, as recently as 1969 when 13 daily one-way flights (six nonstops) were offered, the market generated 62,740 (172 per day) online local and connecting passengers and 41,120 (113 per day) true origin-destination passengers; that improved Norfolk-Baltimore service will result in substantial public benefits both to local passengers and to through passengers between Norfolk, on the one hand, and Pittsburgh, Indianapolis and St. Louis, on the other hand, which Allegheny intends to serve on its two daily Baltimore-Norfolk round trips;[2] and that the service will produce an operating profit and a net profit after return and tax for Allegheny without adverse impact upon any other carrier.

Answers in support of the motion have been filed by Piedmont Aviation and by the Indianapolis Airport Authority and an answer in opposition has been filed by Airexec, Inc., a commuter carrier which instituted service in the primary market with nine-passenger Piper Chieftan equipment in December 1974.[3] Airexec argues that the movants have failed to demonstrate the existence of service deficiencies in light of Airexec's operations and that the entrance of Allegheny would jeopardize these commuter operations which might not have been undertaken in the first place were it not for the encouragement offered by the civic movants. Replies to Airexec's answer together with motions for leave to file the otherwise unauthorized documents were submitted separately by Allegheny and the Norfolk Port and Industrial Authority. Good cause having been shown, these motions are granted and the replies are considered herein.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Allegheny's application for hearing.[4] We believe that the movants have made a sufficiently strong showing to warrant a hearing of their claims that significant service deficiencies have depressed the development of the Baltimore-Norfolk market and that additional service is necessary to meet passenger needs. In 1969 Baltimore was Norfolk's fifth largest true O&D market and sixth largest online local and connecting O&D market even though the stage length involved was quite short (159 miles). While true O&D had declined to 18,230 by fiscal 1974, Baltimore remained Norfolk's twelfth largest true O&D market but received only one poorly timed round trip by National for most of the period. To put it in another context, of the 42 Norfolk markets receiving single-plane service of two-stops or better quality on June 1, 1975 (by National, United, Allegheny and/or Piedmont), 31 of them were smaller than the Baltimore market in fiscal 1974, a market which now receives no single-plane certificated service.

It appears that service was reduced in 1970 in response to the nationwide downturn in airline travel but that neither United nor National, after 1970, ever attempted to resume its development despite appreciable traffic potential. In fact, National's pattern in 1974 suggests nothing more than service coincident to the positioning of aircraft rather than service designed to meet the needs of local and connecting passengers. Allegheny has come forward—and presumably Piedmont will also do so in view of its support of the motion for hearing—as a willing carrier proposing to provide the first effective single-plane service that this market has had for a number of years. The incumbents have not objected to a hearing and the concerned civic parties have strongly supported it. Considering all of the foregoing circumstances, it is our decision that a hearing should be set. Further, although the market may very well be able to support the services of one or two nonstop carriers, it is doubtful that it could support three or four such carriers. Accordingly, as requested by Piedmont, we will place in issue the question of whether the nonstop authority of National and United should be suspended or restricted pursuant to section 401(g) of the Act.

Finally, we have determined that the proceeding instituted herein by its very nature is not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Quality Act of 1969 (NEPA). In a case such as the instant one, all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are likely to be no environmentally significant changes in such schedules and service levels should new nonstop service be authorized. In its application, Allegheny proposes two daily nonstop round trips in the Baltimore-Norfolk market which presently receives no certificated service. However, two carriers have nonstop authority and two have one-stop authority (Allegheny and Piedmont), all of which could be implemented without further action by the Board. In fact, as recently as 1970, nine daily round trips were operated in the market by the incumbents, a level which is not likely to be approached in the foreseeable future even with four unrestricted carriers in the market. Therefore, it is unreasonable to suppose on the face of the matter that authorization of additional or substitute nonstop service in the Baltimore-Norfolk market will lead to more than very minor environmental changes, at worst.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. The motion of the State of Maryland, Maryland State Aviation Administration, Norfolk Port and Industrial Authority and Allegheny Airlines, Inc., for a hearing on the application of Allegheny Airlines, Inc., in Docket 27506 (hereinafter to be known as the Baltimore-Norfolk Service Case) be and it hereby is granted;

2. The proceeding set for hearing in paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in non-stop air transportation between Norfolk, Virginia, and Baltimore, Maryland?

[1] United abandoned the market in 1973 while National has not provided more than one round trip since 1971. At the time that the motion was filed, National provided a northbound one-stop flight departing at 5:15 p.m. and a southbound nonstop flight departing at 11:05 p.m.; however, on April 15, 1975, National, too, discontinued all service. OAG, April 15, 1975.

[2] Allegheny proposes to extend an existing daily Pittsburgh-Baltimore round trip and an existing daily St. Louis-Indianapolis-Baltimore round trip to Norfolk. Allegheny forecasts that it would carry 48,634 passengers in the four Norfolk markets in fiscal year 1976.

[3] Airexec's basic service pattern consists of five nonstop and one one-stop round trips on weekdays and one round trip on Saturdays and Sundays. OAG, June 1, 1975.

[4] We cannot find that Airexec's objections provide sufficient grounds to deny the motion for hearing. However, Airexec is free to participate in this proceeding and to present its case on the evidentiary record.

V40 I132 JUL 9 75 XUM

(b) If the answer to (a) is affirmative, which carrier(s) should be authorized to engage in such transportation?

(c) What conditions, if any, should be placed upon the operations of such carrier(s), including, but not limited to, a condition requiring the provision of nonstop service in the market?

(d) Do the public convenience and necessity require, pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, the alteration, amendment, modification or suspension of the certificates of National Air Lines, Inc., and/or United Air Lines, Inc., for routes 31 and 14, respectively, so as to prohibit the operation of nonstop service between the points Baltimore, Maryland, and Norfolk, Virginia?

3. The motions of Allegheny Airlines, Inc., and the Norfolk Port and Industrial Authority in Docket 27506 for leave to file otherwise unauthorized documents be and they hereby are granted; and

4. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within twenty (20) days of the date of adoption of this order and answers thereto shall be filed within ten (10) days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17817 Filed 7-8-75;8:45 am]

[Docket No. 26968]

PAKISTAN INTERNATIONAL AIRLINES CORP.

Foreign Permit Amendment (Route Consolidation); Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 23, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 11, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., July 2, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-17814 Filed 7-8-75;8:45 am]

[Docket 23060-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing heretofore scheduled for July 15, 1975 (40 FR 23923, June 3, 1975) is, upon request for reconsideration, hereby postponed to September 3, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 3, 1975.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.75-17812 Filed 7-8-75;8:45 am]

[Order 75-7-26; Docket No. 28036]

SOUTH PACIFIC SERVICE CASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of July, 1975.

By Order 75-6-153, the Board instituted this case to consider the need for additional services in the U.S.-South Pacific markets. The Board's instituting order allowed 60 days for the filing of applications, motions to consolidate and various other pleadings and provided for an additional 20 days for answers. Thereafter, in approving the Board's decision in American-Pan American Route Exchange Agreement, Order 75-6-152, the President recommended that the Board expedite its procedures so that its proposed decision in the present proceeding could be submitted for his review by July 1976. In line with the President's request for expedition, we have decided to advance the due date for applications, motions and petitions to 20 days from the adoption date of this order, and to require that answers be filed within 10 days thereafter.

Accordingly, it is ordered, That:

1. Order 75-6-153 be and it hereby is amended to provide that motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of Order 75-6-153 shall be filed no later than 20 days after the adoption of this order and that answers to such pleadings shall be filed no later than 10 days thereafter.

2. A copy of this order shall be served on all parties in Docket 26245.

A copy of this order shall be placed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17815 Filed 7-8-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) will convene at 12 noon on July 25, 1975, at the YMCA—11th and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20037.

The purpose of this meeting is to plan activities for 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 2, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-17801 Filed 7-8-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on July 21, 1975, at 600 Arch Street, Room 6310, Philadelphia, Pennsylvania.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting is to discuss plans for the SAC's next major project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 2, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-17802 Filed 7-8-75;8:45 am]

WEST VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 12 noon on July 29, 1975, at 2805 Kanawha Blvd., E. Charleston, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss Kanawha County Textbook Controversy.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C. July 2, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-17803 Filed 7-8-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 396-3]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 8:30 a.m. on July 30, 1975 in Conference Rooms 3305-7, Mall Area, and at 9 a.m. on July 31, 1975 in Conference Room 1101, West Tower, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

The purpose of the meeting will be to discuss Drinking Water Regulations relating to primary standards, state programs and groundwater. In addition, the Council will review the current status of research and training activities in the drinking water supply program.

The meeting will be open to the public. Any member of the public wishing to attend or submit a written statement should contact William N. Long, Office of Water Supply (WH-450), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, by July 24, 1975. The telephone number is Area Code 202/426-8847.

Dated July 3, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-17854 Filed 7-8-75;8:45 am]

[FRL 395-8]

OIL POLLUTION PREVENTION

Applicability of 40 CFR Part 112 to Non-Petroleum Oils

The purpose of this notice is to affirm that non-petroleum oils, such as fats and oils from animal and vegetable sources, are subject to the oil spill reporting, civil penalty, clean-up cost, oil spill prevention plan preparation and implementation, and other requirements of section 311 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 U.S.C. § 1321.

Section 311 of the FWPCA applies to all discharges of oil in harmful quantities into or upon the navigable waters of the United States. In addition to other requirements under section 311, any owner or operator of any vessel, onshore facility, or offshore facility from which oil is discharged in harmful quantities shall notify the appropriate agency of the United States Government of such discharge as soon as he has knowledge of the discharge, and shall be liable for the cost of removal of the discharged oil in addition to an appropriate civil penalty. Failure to notify the appropriate agency of the United States Government of such a discharge may result in a criminal prosecution.

Pursuant to the authority granted to the President of the United States under 33 U.S.C. § 1321(j)(1) and delegated, jointly, to the Administrator of the Environmental Protection Agency (EPA) and the Secretary of the Department of Transportation (Executive Order 11735) to "issue regulations consistent with maritime safety and with marine and navigation laws * * * (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges", regulations related to oil pollution prevention were promulgated by EPA on December 11, 1973 (40 CFR Part 112, 38 FR 34164). These regulations require all owners or operators of onshore and offshore facilities which have oil storage of over certain capacities that have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities to prepare and have certified by a Registered Professional Engineer a Spill Prevention Control and Countermeasure (SPCC) Plan.

Certain owners or operators of facilities which store or process non-petroleum oils, such as fats and oils from animal and vegetable sources, have inquired whether these facilities are subject to the SPCC plan preparation and implementation requirements of 40 CFR Part 112.

Oil is defined in section 311(a)(1) as follows:

"Oil" means *oil of any kind or in any form,* including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. (Emphasis added).

The statute language defines oils as broadly and comprehensively as possible. Such a definition is consistent with the expressed Congressional intent to strengthen Federal law for the prevention, control and clean-up of oil spilled in the aquatic environment.

Since 1970, EPA and the U.S. Coast Guard have consistently interpreted and administered section 311 and its predecessor, section 11, as applicable to spills of non-petroleum based oils. A number of non-petroleum based oil spills have been cleaned up using the section 311(k) revolving fund. The Coast Guard has assessed civil penalties for a number of discharges of non-petroleum based oils reaching navigable waters. This interpretation is logical in view of the common physical and chemical properties of animal and vegetable oils and petroleum oils, as well as their common potential for adverse environmental impact when discharged into water.

Given the objective of the FWPCA, as stated in section 101(a), "to restore and maintain the chemical, physical and biological integrity of the Nation's water," it would be inappropriate to interpret narrowly the FWPCA's provisions for preventing and mitigating oil spills. Accordingly, owners and operators of facilities storing or using fats and oils from animal and vegetable sources are subject to the provisions of section 311 and regulations promulgated thereunder. Consequently, all facilities processing and storing non-petroleum oils in the quantities and under circumstances set out in EPA Regulations 40 CFR Part 112 are required to prepare and implement an SPCC plan in accordance with that Part. The owners and operators of those facilities in violation of 40 CFR Part 112 will be subject to EPA enforcement actions and civil penalties.

Persons who own or operate facilities subject to the Oil Pollution Prevention Regulation and who have not implemented a certified plan should consider requesting an extension of time to do so. EPA Regional Offices will review requests for extensions for individual facilities on a case-by-case basis. Any party seeking such an extension should submit a written letter of request to the appropriate Regional Administrator stating with specificity the circumstances which merit an extension of the period allowed for compliance with the SPCC regulations. Pursuant to 40 CFR § 112.3(f)(2), the letter must include the following:

1. A complete copy of the SPCC plan, if completed;

2. A full explanation of the cause for any such delay and the specific aspects of the SPCC plan affected by the delay;

3. A full discussion of actions being taken or contemplated to minimize or mitigate such delay;

4. A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment or other preventive measures.

The statutory interpretation set forth in this notice is neither a departure from prior agency views, nor a previously undisclosed position. The Coast Guard has, as mentioned above, assessed penalties for discharges of non-petroleum oils on a number of occasions, and EPA has specifically informed a number of concerned parties, including trade associations, of the fact that it considers animal and vegetable oils to be covered by section 311. Both agencies have consistently maintained their positions and have responded to all requests for elucidation. This notice is therefore meant only as a means of assuring the widest possible dissemination of this information.

Dated: July 1, 1975.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-17689 Filed 7-8-75;8:45 am]

V40-132 JUL 9 75 XUM

[Opp-66014; FRL 397-3]

PESTICIDES

Intent To Cancel Registrations of Pesticides Containing Heptachlor or Chlordane

On November 26, 1974, the Environmental Protection Agency (EPA) published a notice (39 FR 41298) of intent to cancel all registered uses of heptachlor and chlordane pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136d), with the exception of the use of heptachlor or chlordane through subsurface ground insertion for termite control and the dipping of roots or tops of nonfood plants. Registrants affected by this notice were afforded an opportunity to contest the action by requesting a hearing on specific registered uses within 30 days following receipt of such notice. The cancellation notice became final and effective at the end of 30 days from the date of the notice with regard to those registered uses for which a hearing was not requested by any affected party. The notice of intent to cancel will not take effect for any registered use for which a hearing was requested until the hearing has been completed, unless there is a concurrence from all parties to the proceeding.

At the time that this notice was issued, the registration process was being completed for several products which contain heptachlor/chlordane. Registrations were issued in error for four (4) "manufacturing use only" products. In light of the order and pending administrative proceedings, registrations for these products cannot remain in effect. Therefore, pursuant to section 6 of FIFRA the Agency has notified the following registrants of its intent to cancel the registrations of the pesticide products listed below:

EPA Reg. No. 9859-59. Landia Chemical Co., 1801 W. Olive St., Lakeland FL 33801. Chlordane 40 Dust Base.

EPA Reg. No. 876-244. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. Chlordane 4 EC Emulsifiable Concentrate for Repackaging of an Insecticide.

EPA Reg. No. 876-245. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. Chlordane 8 EC Emulsifiable Concentrate for Repackaging of an Insecticide.

EPA Reg. No. 876-246. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. Chlordane 10D Dust for Repackaging of an Insecticide.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or on July 9, 1975, whichever occurs later, unless the registrant complies with current requirements to restrict such products to use as subsurface ground applications for termite control or for dipping of roots or tops of nonfood plants as set forth in the FEDERAL REGISTER notice of intent to cancel. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of FIFRA, and should file in accordance with the provisions of sections 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the notice of intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M Street, SW, Washington, DC 20460.

Dated: July 3, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-17940 Filed 7-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20502; FCC 75-634]

COFFEY COUNTY COMMUNITY TV CO.

Order To Show Cause

1. The April, 1975 CATA Newsletter, a monthly publication of the Community Antenna Television Association, of which Kyle D. Moore is president, contained an article stating that Kyle D. Moore, also owner of TV Cable Company, began operating a cable television system at Gridley, Kansas in the fall of 1974 without having obtained a Commission certificate of compliance as required by § 76.11 of the Commission's rules. The article, entitled "Dear Chairman Wiley * * * I Have an Illegal CATV System," contained statements to the following effect: (1) That the cable television system serves approximately 130 subscribers at Gridley, Kansas; (2) That the system had neither applied for nor obtained a Commission certificate of compliance; (3) That no such Commission authorization would be requested in the future; and (4) That the system's franchise did not comply with § 76.31 of the Commission's rules. A review of the Commission's records reflects that none of the forms, pleadings or documents required by the Commission's rules have ever been filed for a cable television system at Gridley, Kansas.

2. On April 14, 1975, the Chief, Cable Television Bureau, notified Mr. Moore of the violations reported in the article in question and of the absence of required filings for the Gridley, Kansas cable television system from the Commission's records. Mr. Moore was directed to respond to specific question requesting certain information concerning cable television operations at Gridley, Kansas and an explanation for any failure to comply with the Commission's regulations. Mr. Moore, by his attorney, has filed a letter stating that the information requested is contained in a simultaneously-filed document described as a "Motion for Declaratory Ruling," which we are treating as his response to the April 14, 1975 letter.

3. The motion confirms that cable television service commenced at Gridley, Kansas, a community located outside all major and smaller television markets, in September, 1974, and that the system, which is operated by Coffey County Community TV Co. and franchised by the City of Gridley, distributes the following television broadcast stations to 113 subscribers:

KMBC-TV (ABC, Channel 9) Kansas City, Missouri
KCMO-TV (CBS, Channel 5) Kansas City, Missouri
KBMA-TV (Ind., Channel 41) Kansas City, Missouri
WDAF-TV (NBC, Channel 4) Kansas City, Missouri
KTSB (NBC, Channel 27) Topeka, Kansas
WIBW-TV (CBS, Channel 13) Topeka, Kansas
KTWU, Educ., Channel 11) Topeka, Kansas
KOAM-TV (NBC, Channel 7) Pittsburg, Kansas

However, the motion fails to specify the exact relationship between Coffey County Community TV Co. and Kyle D. Moore.

4. Specifically, the motion requests the Commission to issue a declaratory ruling affirming the right of Coffey County Community TV Co. to continue carriage of broadcast signals on the Gridley system. In support of the requested ruling, the system contends that it required no federal authorization prior to commencing cable television service and needs no further authorization to continue. Central to this contention is petitioner's argument that a certificate of compliance constitutes a license which the Commission does not have statutory jurisdiction to issue and which is unnecessary for a "simple reception service" such as the cable television system at Gridley.

5. By its own admission, the cable television system at Gridley, Kansas commenced operation and continues to operate in contravention of the Commission's Rules. Moreover, in view of the decisions in "United States v. Midwest Video Corp.," 406 U.S. 649 (1972), and "United States v. Southwestern Cable Co.," 392 U.S. 157 (1968), in which the Supreme Court sustained the Commission's jurisdiction to regulate cable television, we find that the above described jurisdictional contentions of the "Motion for Declaratory Ruling" are without merit. The provisions of § 76.11 of our rules, which require all proposed or existing cable television systems to obtain a certificate of compliance before initiating or adding service, apply as completely to Coffey County Community TV Co. as they have to the thousands of cable television systems with varying sizes and service packages that have been certified since the adoption of the Cable Television Report and Order in 1972.

Accordingly, *It is ordered*, That pursuant to sections 312 (b) and (c) and 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c) and 409(a), Coffey County Community TV Co. is directed to show cause why it should not be ordered to cease and desist from further violation of Part 76 of the Commission's rules and regulations on its cable television system at Gridley, Kansas.

It is further ordered, That Coffey County Community TV Co. is directed to appear and give evidence upon the issues specified below at a hearing to be held in Washington, D.C. at a time and place

before an Administrative Law Judge to be specified by subsequent order, unless the hearing is waived in which event a written statement may be submitted:

(1) To determine the nature and scope of cable television operations at Gridley, Kansas, including the identities and positions held of all stockholders, officers, directors and management of Coffey County Community TV Company;

(2) To determine whether the cable television system at Gridley, Kansas commenced operation in violation of § 76.11 of the Commission's Rules;

(3) To determine whether the cable television system at Gridley, Kansas has operated in violation of § 76.11 of the Commission's rules;

(4) To determine whether the cable television system at Gridley, Kansas continues to operate in violation of the Commission's Rules; and

(5) To determine whether Coffey County Community TV Company should be ordered to cease and desist from violating § 76.11 of the Commission's rules.

It is further ordered, That the Chief, Cable Television Bureau, is made a party to this proceeding.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail to Coffey County Community TV Company.

Adopted: May 29, 1975.

Released: June 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-17768 Filed 7-8-75;8:45 am]

[Docket Nos. 20528-20531]

THOMPSON FLYING SERVICE, ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Thompson Flying Service, Salt Lake City, Utah, Docket No. 20528, File No. 163-A-RL-114; Salt Lake City Corporation, Salt Lake City, Utah, Docket No. 20529, File No. 94-A-L-124; Key Transportation, Inc., Salt Lake City, Utah, Docket No. 20530, File No. 205-A-L-114; Interwest Aviation Corporation, Salt Lake City, Utah, for an Aeronautical Advisory Station to serve the Salt Lake City International Airport, Salt Lake City, Utah, Docket No. 20531, File No. 33-A-L-114.

1. Thompson Flying Service (hereinafter called Thompson) has timely filed an application for renewal of aeronautical advisory station KPP-3 to serve the Salt Lake City International Airport at Salt Lake City, Utah, and the Salt Lake City Corporation (hereinafter called City), Key Transportation, Inc. (hereinafter called Key) and the Interwest Aviation Corporation (hereinafter called Interwest) have filed a new application for authority to operate an aeronautical advisory station at the same airport. Since § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly it is necessary to designate the applications for comparative hearing in order to determine which, if any, should be granted. Except for the issues herein, each applicant is otherwise qualified.

2. Key and Interwest have alleged that the present licensee (Thompson) may have violated § 87.257(b) of the rules by not providing impartial information to aircraft concerning available ground services. In addition, Interwest has alleged that Thompson did not give written notice of their intent to file a renewal application (which was filed with the Commission on October 20, 1969) for station KPP-3 to all aviation service organizations, so-called fixed-base operators, located at the landing area, as required by § 87.251(b) of the rules.[1]

3. In view of the foregoing, *it is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine whether Thompson has operated aeronautical advisory station KPP-3 in violation of § 87.257(b) by not providing impartial information concerning available ground services; and

(c) To determine whether Thompson gave written notice of their intent to file a renewal application for station KPP-3 (for the renewal application filed with the Commission on October 20, 1969) to all aviation service organizations, so-called fixed-base operators located on the landing area, as required by § 87.251 (b) of the rules; and

[1] Exchanges of letters from the Commission's staff to Thompson and Interwest have failed to satisfactorily resolve this allegation and, therefore, the question of whether Thompson did in fact notify all fixed-base operators located at the Salt Lake International Airport during October 1969 has been made an issue in this proceeding.

(d) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

4. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof on issues (b) and (c) shall be on Thompson; and on all other issues, the burdens are on each applicant with respect to its application, except issue (d) which is conclusory.

5. *It is further ordered*, That to avail themselves of an opportunity to be heard, Thompson, City, Key and Interwest, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: June 26, 1975.

Released: July 2, 1975.

[SEAL] ARLAN K. VAN DOORN,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-17767 Filed 7-8-75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business June 30, 1975, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, CC-8022-05—Call No. 494,[1] and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 216[2] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition

[1] Filed as part of original document.

V40-132-JUL 9 75 XUM

and one copy thereof on FDIC Form 64—Call No. 112 [1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972 and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973 and any amendments thereto.[1] The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings),[2] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

[SEAL] FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

JUSTIN T. WATSON,
Acting Comptroller of the Currency.

GEORGE W. MITCHELL,
Vice Chairman, Board of Governors of the Federal Reserve System

[FR Doc.75-17747 Filed 7-8-75;8:45 am]

FEDERAL MARITIME COMMISSION

[75-24]

INTERCONEX, INC. v SEA-LAND SERVICE, INC., ET AL.

Filing of Complaint

JULY 2, 1975.

Notice is hereby given that a complaint filed by Interconex, Inc. against Sea-Land Service, Inc., American Export Lines, Inc. and United States Lines, Inc. was served July 2, 1975.

The complaint annexes and makes a part thereof the complaint in Docket 75-19—Colt Industries Operating Corp. v. Interconex, et al., and alleges that respondent carriers are or may be liable to Interconex for all or part of any reparation Interconex may be required to pay as a consequence of the complaint in Docket 75-19.

Hearing in this matter shall commence on or before December 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17810 Filed 7-8-75;8:45 am]

[1] Filed as part of original document.

[Docket No. 75-16; Agreements Nos. 10107, as amended and 10108, as amended]

RATE AGREEMENTS IN TRADE FROM HONG KONG AND TAIWAN TO CERTAIN U.S. PORTS

Enlargement of Time To Reply

Rate agreements in the trade from Hong Kong and Taiwan to ports on the west coast of the United States (Agreement No. 10107) and to ports on the Gulf of Mexico and east coast of the United States (Agreement No. 10108).

Upon request of counsel for interveners in this proceeding, and good cause appearing, time within which reply affidavits and memoranda may be filed in this proceeding is enlarged to and including July 18, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17809 Filed 7-8-75;8:45 am]

STOCKARD SHIPPING AND TERMINAL CORP. AND ATLANTIC AND GULF STEVEDORES INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 18, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William R. Deasey
Deasey, Scanlan & Bender, Ltd.
Two Girard Plaza, Suite 2900
Philadelphia, Pennsylvania 19102

Agreement No. T-2863-2, between Stockard Shipping and Terminal Corporation (Stockard) and Atlantic and Gulf Stevedores, Inc. (A & G) modifies the parties basic agreement providing for A & G's appointment as Stockard's terminal operating contractor for all terminal operations at Pier 78 South, Philadelphia, Pennsylvania. The purpose of the modification is to extend the term of the basic agreement for one year, to July 31, 1976.

By Order of the Federal Maritime Commission.

Dated: July 3, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-17808 Filed 7-8-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9478]

ALABAMA POWER CO., ET AL.

Notice of Request for Commission Review Accounting Determination; Correction

JUNE 24, 1975.

On June 10, 1975, the Commission issued the above styled notice with Attachment A (40 FR 25267) listing individual utility members of Electric Companies Advertising Program (ECAP) for 1973 and 1974 requesting a shortened procedure in this matter.

Inadvertently, the list included Massachusetts Electric Company of Lawrence, Massachusetts Electric Company of Lowell, Massachusetts Electric Company of Malden and Massachusetts Electric Company of Worcester when in fact it should only have included Massachusetts Electric Company. That Attachment is therefore corrected accordingly.

Additionally, the Attachment, listing 14 additional companies requesting a shortened procedure was omitted. The attachment is corrected by adding the following companies:

Portland General Electric Co.
Public Service Company of Colorado (1973 only)
Public Service Co. of New Hampshire
Public Service Electric & Gas Co.
South Carolina Electric & Gas Company
Southern California Edison Company
Southwestern Electric Power Co.
Texas Power & Light Company
Toledo Edison Company (1973 only)
Union Electric Company (1973 only)
United Illuminating Company (1973 only)
Utah Power & Light Co.
The Washington Water Power Co.
Wisconsin Public Service Corporation

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17711 Filed 7-8-75;8:45 am]

[Docket No. RP72-110; PGA75-10]

ALGONQUIN GAS TRANSMISSION CO.

Rate Changes

JULY 1, 1975.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on June 23, 1975 tendered for filing Third Substitute Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to its Purchased Gas Cost Adjustment Provision set forth in section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Algonquin Gas further states that the rate change is being filed to reflect a change in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation on August 1, 1975.

Any persons desiring to be heard or to protest said filing should file a petition to intervene a protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17712 Filed 7-8-75;8:45 am]

[Docket No. G-18671]

DORCHESTER GAS PRODUCING CO.

Extension of Time

JULY 1, 1975.

On June 25, 1975, Dorchester Gas Producing Company filed a motion to extend the date for filing service of Direct Testimony and Exhibits fixed by order issued June 11, 1975, in the above designated matter. The motion states that the parties have no objection.

Upon consideration, notice is hereby given that the date for Dorchester's filing Direct Testimony and Exhibits is extended to and including July 8, 1975. The date for hearing remains August 5, 1975 at 10 a.m., e.d.t.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17713 Filed 7-8-75;8:45 am]

[Docket No. E-9512]

DUKE POWER CO.

Filing of Supplement to Contract

JUNE 30, 1975.

Take notice that on June 23, 1975, Duke Power Company (Duke) tendered for filing a supplement to Duke Rate Schedule FPC No. 144. This contract is the contract between Duke and Laurens Electric Cooperative, Inc. (Laurens). The proposed effective date is June 20, 1975. Duke has requested waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17714 Filed 7-8-75;8:45 am]

[Docket No. RP72-136; (PGA75-2 and PGA75-2a)]

FLORIDA GAS TRANSMISSION CO.

Filing and Suspending Proposed PGA Rate Change; Filing of Revised Rates

JUNE 30, 1975.

On May 15, 1975, as amended on May 27, 1975, Florida Gas Transmission Company (Florida Gas) filed herein a proposed PGA rate reduction of $1,202,-314 annually in its cost of purchased gas, and an increase of .012 cent per therm in the surcharge to recover deferred purchased gas costs. The changes are proposed to become effective on July 1, 1975.

Notice of Florida Gas' filings were issued on May 21 and June 3 respectively, providing for protests or petitions to intervene to be filed on or before June 16 and June 27 respectively. No protests or petitions have been received in response to the notice.

Our review of Florida Gas' proposed PGA adjustment indicates that it is based in part upon small independent producer and emergency purchases at rates in excess of the rate levels established in Opinion No. 699-H.[1] The proposed rates have not therefore been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Florida Gas' May 15, 1975 PGA filing and suspend it for one day to become effective July 2, 1975, subject to refund.

With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.[2] As to the emergency purchases, we note that the U.S. Circuit Court of Appeals for the D.C. Circuit has recently set aside Order No. 491, *et al.*,[3] holding that the Commission exceeded its authority under the Natural Gas Act.[4] We shall, at an appropriate future time, set the issue of the justness and reasonableness of these costs for hearing.

Our review of Florida Gas' proposed tariff sheet indicates that the claimed increased costs other than those associated with that portion of small producer and emergency purchases in excess of Opinion No. 699-H complies with the standards set forth in Docket No. R-406. Accordingly, Florida Gas may file substitute tariff sheets to become effective July 1, 1975, reflecting costs other than that portion of claimed costs associated with small producer and emergency purchases in excess of the rate levels prescribed by Opinion No. 699-H.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Florida Gas' proposed PGA adjustment tendered on May 15, 1975, be accepted for filing, suspended for one day and permitted to become effective July 2, 1975, subject to refund.

(2) The claimed costs, other than those associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) Florida Gas' proposed PGA rate change, as filed herein on May 15, 1975, and as amended on May 27, 1975, and as set forth on First Substitute Seventh Revised Sheet No. 3-A to Florida Gas' FPC Gas Tariff, Original Volume No. 1, is hereby accepted for filing, suspended for one day, and permitted to become effective July 2, 1975, subject to refund.

(B) Florida Gas may file to become effective July 1, 1975, a substitute tariff sheet reflecting that portion of Florida Gas' proposed rates which reflect costs other than those costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

(C) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17715 Filed 7-8-75;8:45 am]

[1] Docket No. R-389-B, issued June 21, 1974.

[2] *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 (1974).

[3] Order No. 491, 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973); Order No. 491-C, 50 FPC 1634 (1973).

[4] *Consumer Federation of America, et al. v. F.P.C.* (D.C. Cir., Docket No. 73-20009, issued March 13, 1975).

V40-132-JUL 9 75 XUM

[Docket No. CI75-319, *et al.*]

GETTY OIL CO., ET AL.

Extension of Procedural Dates

JUNE 23, 1975.

On June 18, 1975, Continental Oil Company, Atlantic Richfield Company, Getty Oil Company and Cities Service Oil Company filed a motion to extend the procedural dates fixed by order issued June 3, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Applicants' and all Supporting Testimony, September 8, 1975.
Hearing, September 23, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-17716 Filed 7-8-75;8:45 am]

[Docket No. CP74-208]

HONEOYE STORAGE CORP.

Petition To Amend

JULY 1, 1975.

Take notice that on June 24, 1975, Honeoye Storage Corporation (Petitioner), 35 Newbury Street, Boston, Massachusetts 02116, filed in Docket No. CP74-208 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on February 7, 1975, in said docket to authorize an initial rate for storage of gas in the Honeoye Field, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that in its application in the instant docket filed February 15, 1974, Petitioner proposed to convert the Honeoye Field in Ontario County, New York, for use as an underground storage field. Further, in a supplement to the application filed August 23, 1974, Petitioner alleges that it lowered its estimated capital cost and lowered its estimated initial rate to a demand charge of $5.516 per Mcf of base daily quantity and an injection and withdrawal charge of 1.01 cents per Mcf of gas. The proposed 100 percent load factor cost resulting from such rates would have been 46 cents per Mcf.

In the instant petition it is proposed that the initial to be effective July 5, 1975, shall include a demand charge of $5.93 per Mcf of base daily quantity and an injection and withdrawal charge of 1.66 cents per Mcf of gas, which result in a 100 percent load factor cost of 50.8 cents per Mcf of gas. The increased charges are stated to be caused by an increased capital cost of $400,000 due to inflation of construction costs between the time of application and construction and because there has been an increase in the cost of compressor fuel which increases the cost of injection and withdrawal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17717 Filed 7-8-75;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Further Extension of Procedural Dates

JUNE 30, 1975.

On June 23, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1974, as most recently modified by notice issued May 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, August 15, 1975.
Service of Intervenor Testimony, September 5, 1975.
Service of Company Rebuttal, September 26, 1975.
Hearing, October 14, 1975 (10:00 a.m. e.d.t.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17718 Filed 7-8-75;8:45 am]

[Docket No. E-9497]

OHIO EDISON CO.

Extension of Time

JULY 1, 1975.

On June 25, 1975, City of Wadsworth, Ohio, filed a request for extension of time to file petitions to intervene or protests fixed by notice issued June 20, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing petitions to intervene, and protests is extended to and including July 14, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17719 Filed 7-8-75;8:45 am]

[Docket No. E-9508]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Agreement

JUNE 30, 1975.

Take notice that Public Service Company of New Mexico (Company), on June 23, 1975, tendered for filing an agreement to provide wheeling service for Plains Electric Generation and Transmission Cooperative, Inc. (Plains).

The Company states that this Wheeling Agreement was initiated to provide Plains with wheeling service to receive their power and energy from West Mesa Switching Station, near Albuquerque, New Mexico, to Hidalgo Switching Station near Lordsburg, New Mexico. The Company states that the Wheeling Agreement is to become effective September 1, 1975. The Company states that copies of this filing were served upon the public utility's jurisdictional customers being served under this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17720 Filed 7-8-75;8:45 am]

[Docket No. E-9510]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Cancellation

JUNE 30, 1975.

Take notice that on June 23, 1975, Public Service Company of New Mexico (PNM) tendered for filing a Notice of Cancellation of PNM's Rate Schedule FPC No. 19 and Exhibit A thereto effective May 31, 1975.

PNM states that notice of the proposed cancellation has been served upon Plains Electric Generation and Transmission Cooperative, Inc. and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17721 Filed 7-8-75;8:45 am]

[Docket No. E-9511]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Agreement

JUNE 30, 1975.

Take notice that Public Service Company of New Mexico (the Company), on June 23, 1975, tendered for filing an agreement to provide for interchange of energy between itself and the United States Department of Interior, Bureau of Reclamation, Colorado River Storage Project (CRSP).

The Company states that this Interchange Agreement was initiated to allow the Company and CRSP to achieve an efficient utilization of their respective capacity. The Company states that CRSP will deliver energy to replace the Company's oil-fired or other high cost generation and it will return a like amount of energy, when available, and when produced by low cost generation. The Company states that the Interchange Agreement is to become effective June 13, 1975, and, therefore, request a waiver of the notice requirements. The Company states that copies of the filing were served upon the public utility's jurisdictional customers being served under this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17722 Filed 7-8-75;8:45 am]

[Docket No. E-9509]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Agreement and Cancellation

JUNE 30, 1975.

Take notice that Public Service Company of New Mexico (Company), on June 23, 1975, tendered for filing an agreement to provide power and energy transmission service for the Navajo Tribal Utility Authority to Window Rock and Church Rock, New Mexico.

The Company states that this wheeling agreement was initiated to provide the Navajo Tribal Utility Authority with wheeling service to receive Arizona Public Service Company power and energy. The Company states that the wheeling agreement is to become effective May 1, 1975, and, therefore, requests a waiver of the notice requirements.

The Company states that copies of the filing were served upon the public utility's jurisdictional customer being served under this agreement and the New Mexico Public Service Commission.

Take notice that Public Service Company of New Mexico (Company), on June 16, 1975, tendered for filing Cancellation of Public Service Company of New Mexico FPC Rate Schedule No. 3, Supplement No. 1.

The Company states that the Company and the Navajo Tribal Utility Authority, the Company's sole customer served under the above referenced rate schedule, have agreed that the electric service provided thereby is no longer required and request that the Company's FPC Rate Schedule No. 3, Supplement No. 1 be canceled effective May 1, 1975.

The Company states that copies of the filing were served upon the public utility's jurisdictional customer and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17723 Filed 7-8-75;8:45 am]

[Docket No. CI75-414]

TED R. STALDER

Order Providing for Hearing, Granting Intervention, Directing Action and Prescribing Procedures

JULY 1, 1975.

On January 10, 1975, Ted R. Stalder (Stalder) filed for permission to abandon a sale of gas made to Tennessee Gas Pipeline Company (Tennessee) which involves gas from the Coldspring Field, San Jacinto County, Texas. This sale was made pursuant to a contract executed between the parties on June 5, 1950, which is still in effect following subsequent amendment. Stalder originally requested abandonment of the sale from the instant acreage because the leases had become depleted and are incapable of producing gas. In response to the Commission's letter for further information of February 14, 1975, Stalder replied in his March 6, 1975, letter, that in his opinion there are no known reserves remaining, that Tennessee has discriminated against him by subjecting his operation to a higher pipeline pressure than other operators on the line, and that Tennessee would not adjust the contract price upwards pursuant to Commission Order No. 481 unless he was able to develop new reserves.

On February 27, 1975, Tennessee filed a petition to intervene in opposition to Stalder's proposed abandonment and requested a formal hearing. Tennessee states that to the extent that there are recoverable reserves that will justify additional costs necessary to continue service, it is willing to pay Stalder an increased price for this gas. Because Tennessee has opposed Stalder's application and because Tennessee's participation may be in the public interest we will grant its intervention since no other party can adequately represent its interest.

The application and petition to intervene raised factual and legal questions which should be resolved in an evidentiary proceeding.

Such presentation of evidence by Stalder should include, inter alia, cost evidence to substantiate any increase in the price of his natural gas production which is based on any claim of economic infeasibility of production at the current rate paid by Tennessee.

The Commission finds: (1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The participation of Tennessee may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, (18 CFR, Chapter 1), a public hearing shall be held commencing August 11, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the propriety of issuing a certificate of public convenience and necessity to the applicant for the proposed abandonment of the sale requested by its application of January 10, 1975.

(B) The direct case of Ted R. Stalder and that of Tennessee Gas Pipeline in regard to their respective positions on all issues in this proceeding, inclusive of those specified in this order, shall be filed and served on all parties of record including the Commission Staff on or before July 28, 1975. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of answering and rebuttal cases, if any.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, (18 CFR 3.5 (d)), shall preside at the hearings in this proceeding and shall prescribe relevant

V40 I132 JUL 9 75 XUM

procedural matters not herein provided.

(D) The petitioner hereinabove set forth is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and *Provided, further,* That admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17724 Filed 7-8-75;8:45 am]

[Docket Nos. RP72-114, RP74-24; PGA 75-3]

TENNESSEE GAS PIPELINE CO.

Order Accepting for Filing and Permitting To Become Effective PGA Rate Change and Initiating Investigation

JUNE 30, 1975.

On May 16, 1975, Tennessee Gas Pipeline Company (Tennessee) filed herein a proposed PGA rate change reflecting (1) an increase of $15.2 million in Tennessee's cost of purchased gas, and (2) a reduction from 9.56 cents per Mcf to (0.29) cents per Mcf in the surcharge to recover deferred purchase gas costs. The new rates are proposed to become effective on July 1, 1975.

Notice of Tennessee's filing was issued on May 23, 1975, providing for protests or petitions to intervene to be filed on or before June 16, 1975. No protests or petitions have been received in response to the notice.

A review of Tennessee's filing discloses that the proposed new rates are predicated, in part, upon two small producer purchases at rates in excess of the level established in Opinion No. 699-H. Tennessee's proposed rates therefore may not be just and reasonable. Accordingly, we shall initiate an investigation under section 5 of the Natural Gas Act to determine the justness and reasonableness of the two small producer purchases involved. However, since the Supreme Court has remanded the small producer rulemaking proposal to the Commission for the purpose of enunciating standards, it would be premature to establish a procedural schedule for the investigation.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act, that the Commission enter upon an investigation concerning the lawfulness of the small producer rates in excess of the levels established in Opinion No. 699-H.

The Commission orders: (A) Tennessee's proposed PGA rate change, as filed herein on May 16, 1975, and consisting of Eighth Revised Sheet Nos. 12A and 12B to its FPC Gas Tariff, Ninth Revised Volume No. 1, are accepted for filing and permitted to become effective on July 1, 1975.

(B) Pursuant to the authority of the Natural Gas Act, particularly section 5 thereof, and the Commission's rules and regulations, an investigation shall be held to determine the lawfulness of Tennessee's small producer purchases at rates in excess of the levels established in Opinion No. 699-H.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17725 Filed 7-8-75;8:45 am]

[Docket No. RP74-41; PGA 75-8]

TEXAS EASTERN TRANSMISSION CO.

Filing and Suspending Proposed PGA Rate Adjustment and Accepting Alternate Revised Tariff Sheets

JUNE 30, 1975.

On May 16, 1975, Texas Eastern Transmission Company (Texas Eastern) tendered for filing alternate revised tariff sheets to track a rate decrease of $30,936,652 in the cost of purchased gas and to recover the $1,379,520 balance in the deferred purchased gas cost account as of February 28, 1975. In addition, Texas Eastern filed a surcharge pursuant to section 12.4 of its FPC Gas tariff to recover $18,319,201 of demand charge adjustments. Protests and petitions to intervene were due by June 13, 1975. None have been received.

One set of revised tariff sheets reflects small producer and emergency purchases in excess of the rates allowed in Opinion No. 699-H.[1] The proposed rates have not therefore been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the sheets identified in footnote one and suspend them for one day to become effective July 2, 1975, subject to refund.

With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.[2] As to the emergency purchases, we note that the U.S. Circuit Court of Appeals for the D.C. Circuit has recently set aside Order No. 491, et al.[3] holding that the Commission exceeded its authority under the Natural Gas Act.[4] We shall, at an appropriate future time, set the issue of the justness and reasonableness of these costs for hearing.

The alternate set of revised tariff sheets[5] do not reflect costs in excess of those allowed in Opinion No. 699-H. We shall accept these tariff sheets to be effective July 1, 1975.

The underlying base tariff rates remain subject to refund in Docket No. RP74-41.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Texas Eastern's proposed revised tariff sheets identified in footnote one of this order be accepted for filing, suspended for one day and permitted to become effective July 2, 1975, subject to refund pending further Commission action in this docket and Docket No. RP74-41.

(2) The alternate set of revised tariff sheets as identified in footnote five of this order should be accepted and permitted to become effective July 1, 1975.

The Commission orders: (A) The Twelfth Revised Sheet Nos. 14, 14-A through 14-D to FPC Gas Tariff, Fourth Revised Volume No. 1 are hereby accepted for filing to become effective July 1, 1975. The underlying rates shall remain subject to refund in Docket No. RP74-41.

(B) The Revised Twelfth Revised Sheet Nos. 14, 14-A through 14-D to FPC Gas Tariff, Fourth Revised Volume No. 1 are hereby accepted for filing and suspended for one day to become effective July 2, 1975, subject to refund in this docket and Docket No. RP74-41.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17726 Filed 7-8-75;8:45 am]

[Docket Nos. RP74-48, RP75-3; AP75-1]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Rejecting Advance Payments Tracking Filing, and Granting Untimely Petition To Intervene

JUNE 30, 1975.

On May 16, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing seven revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.[1] This filing is made, Transco states, purusant to section 6 of Article III of the "Agreement as to Rates of Transcontinental Gas Pipe Line Corporation" (Agreement). Said Agreement, representing a settlement of all but three issues in Docket Nos. RP74-48 and RP75-3, was certified to the Commission for approval on May 16, 1975, by Presiding Administrative Law Judge Isaac D. Benkin.

According to Transco, the instant filing proposes to include in rate base advance payments in the amount of $32,287,081. None of this amount is reflected in Transco's currently-effective rates. Transco proposes that the instant filing be made effective July 1, 1975, "subject to Commission approval of the Agreement."

Notice of the subject filing was issued on May 22, 1975, with comments, protests and petitions to intervene due on or before June 6, 1975. No responses were timely received. However, on June 9, 1975, Sun Oil Company (Sun) petitioned to intervene in this proceeding. Good cause appearing, Sun's untimely petition shall be granted, as hereinafter ordered.

As noted above, the instant advance payment tracking filing is made pursuant to a provision in the settlement agreement in the captioned dockets. This provision would permit, subject to certain conditions, the tracking of advances from Transco to producers of natural gas. However, because we have not yet taken any action on said settlement agreement, Transco, as of this date, has no authority to track the advance payments here in question. Accordingly, the instant filing must be rejected as premature. This rejection is, however, without prejudice to Transco's right to make advance payment tracking filings in the event the tracking provision is approved at a later date.

The Commission finds: (1) Good cause exists to grant Sun Oil Company's untimely petition to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) Good cause exists to reject the tariff sheets listed in footnote 1 of this order, without prejudice to Transco's right to make advance payment tracking filings in the event the aforementioned advance payment tracking provision is approved at a later date.

The Commission orders: (A) Sun Oil Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) Transco's May 16, 1975, advance payment tracking filing is hereby rejected, without prejudice to Transco's right to make advance payment tracking filings in the event the tracking provision in question is approved by this Commission at a later date.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17727 Filed 7-8-75;8:45 am]

[Docket No. RP72-133; PGA75-3]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment

JUNE 30, 1975.

On May 16, 1975, United Gas Pipe Line Company (United) tendered for filing with the Commission a proposed revised tariff sheet[1] pursuant to its PGA clause which reflects (1) an increase of 1.85¢ per Mcf designed to track $16,649,991 per year in the current cost of purchased gas and (2) a reduction in United's surcharge from 16.06¢ per Mcf to a negative surcharge credit of 0.2¢ per Mcf which was designed to recoup the balance in United's Unrecovered Purchased Gas Cost Account. United has requested a July 1, 1975 effective date for its filing.

Notice of United's filing was issued on May 28, 1975, with any comments, protests or petitions to intervene due on or before June 16, 1975. The Commission has received no comments, protests or petitions to intervene.

Our review of United's proposed PGA adjustment indicates that it is based in part upon small independent producer and emergency purchases at rates in excess of the rate levels established in Opinion No. 699-H.[2] United's proposed PGA adjustment additionally includes the costs associated with alleged non-jurisdictional purchases which are at issue in the rate proceeding pending in Docket No. RP74-83 and costs associated with purchases from affiliates which are the subject of proceedings in Docket No. RP70-13, et al. Moreover, United's proposed PGA adjustment includes the costs of anticipated increases by Pennzoil Producing Company and Sun Oil Company which have not been approved by Commission order.

The proposed rates have not therefore been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept United's May 16, 1975 PGA filing and suspend it for one day to become effective July 2, 1975, subject to refund.

With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.[3] As to the emergency purchases, we note that the U.S. Circuit Court of Appeals for the D.C. Circuit has recently set aside Order No. 491, et al.[4] holding that the Commission exceeded its authority under the Natural Gas Act.[5] We shall, at an appropriate future time, set the issue of the justness and reasonableness of these costs for hearing.

With respect to the purchases of gas from affiliates and, from alleged non-jurisdictional producers, since the issues are the subjects of the pending proceedings in Docket Nos. RP70-13, et al. and RP74-83, we shall consolidate these issues with those respective dockets for their disposition.

Our review of United's proposed tariff sheet indicates that the claimed increased costs other than those associated with alleged non-jurisdictional purchases, affiliate purchases, and with that portion of small producers and emergency purchases in excess of Opinion No. 699-H complies with the standards set forth in Docket No. R-406. Accordingly, United may file a substitute tariff sheet to become effective July 1, 1975, reflecting increased costs other than that portion of claimed increased costs associated with small producer and emergency purchases in excess of the rate levels prescribed by Opinion No. 699-H. We shall further require United to modify its filing to eliminate the impact of all anticipated producer rate changes which do not become effective by July 1, 1975.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that United's proposed PGA adjustment tendered on May 16, 1975 be accepted for filing, suspended for one day and permitted to become effective July 2, 1975, subject to refund pending further Commission action in this docket and in Docket Nos. RP70-13, et al. and RP74-83.

(2) The Commission's acceptance of United's May 16, 1975 filing should be conditioned on United's modification of Twenty-Fifth Revised Sheet No. 4 to eliminate all producer rate charges which do not become effective by July 1, 1975.

(3) The costs included in United's May 16, 1975 filing associated with affiliate purchases should be consolidated with Docket No. RP70-13, et al., for disposition.

(4) The costs included in United's May 16, 1975 filing associated with alleged non-jurisdictional producers should be consolidated with Docket No. RP74-83 for disposition.

[1] Revised Twelfth Revised Sheet Nos. 14, 14-A through 14-D to FPC Gas Tariff, Fourth Revised Volume No. 1.

[2] "F.P.C. v. Texaco, Inc." 417 U.S. 380 (1974).

[3] Order No. 491, 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973); Order No. 491-C, 50 FPC 1634 (1973).

[4] "Consumer Federation of America, et al. v. F.P.C." (D.C. Cir., Docket No. 73-20009, issued March 13, 1975).

[5] Twelfth Revised Sheet Nos. 14, 14-A through 14-D to FPC Gas Tariff, Fourth Revised Volume No. 1.

[1] These seven revised sheets are designated Second Substitute Thirteenth Revised Sheet No. 5 and Second Substitute Ninth Revised Sheet No. 6 to First Revised Volume No. 1; and Fourth Substitute Fourteenth Revised Sheet No. 82, Third Substitute First Revised Sheet No. 121, Fourth Substitute Tenth Revised Sheet No. 231, Fourth Substitute Sixth Revised Sheet No. 416, and Fourth Substitute Fifth Revised Sheet No. 495 to Original Volume No. 2.

[1] Docket No. R-389-B, issued June 21, 1974.

[2] Twenty-fifth Revised Sheet No. 4 of FPC Gas Tariff First Revised Volume No. 1.

[3] "F.P.C. v. Texaco, Inc.," 417 U.S. 380 (1974).

[4] Order No. 491, 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973); Order No. 491-C, 50 FPC 1634 (1973).

[5] "Consumer Federation of America, et al. v. F.P.C." (D.C. Cir., Docket No. 73-20009, issued March 13, 1975).

V40-132 JUL 9 75 XUM

(5) The claimed increased costs, other than those associated with affiliate purchases, alleged non-jurisdictional purchases and with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H have been reviewed and found to be in compliance with the standards set forth in Docket No. R–406.

The Commission orders: (A) United's proposed Twenty-fifth Revised Sheet No. 4 to its First Revised Volume No. 1 of the FPC Gas Tariff is hereby accepted for filing, suspended for one day, and permitted to become effective July 2, 1975, subject to refund, pending further Commission order in this docket and in Docket Nos. RP74–83 and RP70–13, et al.

(B) This acceptance is conditioned on United's modifying its Twenty-fifth Revised Sheet No. 4 to eliminate all producer rate charges which do not become effective by July 1, 1975.

(C) United may file to become effective July 1, 1975, a substitute tariff sheet reflecting that portion of United's proposed rates which reflect costs other than those costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H.

(D) The inclusion of costs in the instant filing associated with alleged non-jurisdictional purchases which are at issue in Docket No. RP74–83 and the inclusion of costs associated with purchases from affiliates which are the subject of the proceeding in Docket Nos. RP70–13, et al., are hereby consolidated with the proceedings in those respective dockets for disposition.

(E) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17728 Filed 7–8–75;8:45 am]

[Docket Nos. RP73–94; PGA75–2, PGA75–1, PGA74–2]

VALLEY GAS TRANSMISSION CORP.

Filing and Suspending Proposed PGA Rate Change and Consolidating Proceedings

JUNE 30, 1975.

On May 16, 1975, Valley Gas Transmission Corporation (Valley) tendered for filing proposed PGA rate reductions[1] for sales to its three pipeline customers, Tennessee Gas Transmission Company (Tennessee), United Gas Pipe Line Company (United) and National Fuel Supply Corporation (National). The reductions are primarily a result of reduced PGA surcharges and are proposed to become effective on July 1, 1975.

The filing was noticed with responses due on or before June 13, 1975. No responses have been received.

Our review of Valley's PGA filing indicates that it, like the previous filings in Docket Nos. RP73–94, PGA74–2 and PGA75–1, reflects a dispute over dedication of reserves from the Petronilla field between Tennessee and National (formerly Iroquois Gas Corporation). On December 27, 1974, the Commission set the dedication issue for hearing in Docket Nos. RP73–94, et al. By order issued June 17, 1975 in Docket No. G–19618, et al., the rate issue in Docket No. RP73–94 was severed from the proceedings and further procedures were prescribed in the remaining dockets of G–19618 et al. In light of the unresolved issues of the proper dedication of the Petronilla reserves, we shall accept for filing and suspend for one day Valley's May 16, 1975, filing until July 2, 1975, when it shall become effective, subject to refund.

Since certain issues of law and fact in the instant docket are similar to those in Docket No. RP73–94, which was severed from the proceedings in G–19618, et al., as well as in Docket Nos. RP73–94, PGA74–2, and PGA75–1, we shall consolidate Docket Nos. RP73–94, PGA74–2, PGA75–1 and PGA75–2 for purposes of hearing and decision. However, in light of the pendency of the Petronilla reserves dedication issue in Docket Nos. G–19618, et al., we shall prescribe no procedural dates, but shall make the outcome in the instant consolidated proceedings subject to the final determination of the Petronilla reserves issue in Docket Nos. G–19618, et al.

The Commission finds: (1) It is necessary and appropriate in the public interest to accept for filing and suspend for one day Valley's May 16, 1975, PGA filing and to permit such filing to become effective, subject to refund as of July 2, 1975, as hereinafter ordered and conditioned.

(2) Good cause exists to consolidate Docket Nos. RP73–94, PGA74–2, PGA75–1 and PGA75–2 for purposes of hearing and decision, as hereinafter ordered and conditioned.

The Commission orders: (A) Valley's May 16, 1975, proposed rate PGA change is accepted for filing and suspended for one day until July 2, 1975, when it shall become effective subject to refund, and subject to the provisions of Ordering Paragraph (B) below.

(B) Docket Nos. RP73–94, PGA74–2, PGA75–1 and PGA75–2 are hereby consolidated for purposes of hearing and decision and the outcome in these consolidated proceedings is hereby made subject to the final determination of the dedication of the Petronilla reserves issue in Docket Nos. G–19618, et al.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17729 Filed 7–8–75;8:45 am]

[Project No. 2197]

YADKIN, INC.

Application for Change in Land Rights

JULY 1, 1975.

Public notice is hereby given that an application was filed by Yadkin, Inc. on June 17, 1975 and amended on June 20, 1975, under the Federal Power Act (16 U.S.C. 791a–825r) (Correspondence to: LeBoeuf, Lamb, Leiby and MacRae, 140 Broadway, New York, New York 10005) for perpetual easement and two temporary construction easements to allow the North Carolina Board of Transportation to replace and maintain a highway bridge for North Carolina Route 8 (NC–8) crossing the Flat Swamp Creek arm of High Rock Reservoir at Yadkin Project No. 2197, located on the Yadkin-Pee Dee River in Stanley, Montgomery, Davidson, and Rowan Counties, North Carolina. The proposed easements would be located in Davidson County, North Carolina.

Route NC–8 currently crosses Flat Swamp Creek on a steel truss bridge built in 1927, utilizing a 60 foot right-of-way. The Board of Transportation has determined that the existing bridge is inadequate for current and future traffic volumes and is in poor physical condition.

The proposed bridge would utilize the existing right-of-way plus an additional 40 foot right-of-way to be acquired from Yadkin, Inc. The proposed bridge would be 140 feet long and have a 40 foot clear roadway.

The Board of Transportation hopes to enter into contracts in July so that it will not lose substantial Federal financial support. Because of this and the condition of the bridge, the time allowed for response to this notice has been shortened from normal procedures.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17730 Filed 7–8–75;8:45 am]

[Docket No. CP74–157]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend Certificate of Public Convenience and Necessity

JULY 1, 1975.

Take notice that on June 19, 1975, Michigan Wisconsin Gas Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74–157 a petition to amend the order issued by the Commission on September 6, 1974, as amended on December 12, 1974, in said docket, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing a reduction in the annual gas purchase entitlements of its customers purchasing gas under Petitioners ACQ, MDQ and LVS rate schedules, all as more fully set forth in the appendix hereto and in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that as a result of its continuing review of the available and prospective gas supplies, it has concluded that it will be necessary to reduce its aggregate annual delivery obligation during the contract year commencing September 7, 1975, by 60 million Mcf, or approximately 7 percent. Petitioner further states that Small General Service customers account for 1.2 percent of its annual sales, and that no reductions in sales volume is proposed for them because their loads are principally residential and small commercial and they lack the flexibility of larger customers in adjusting their operations to reduced sales volumes.

Petitioner states that effectuation of a reduced annual delivery obligation would be accomplished by revisions of Petitioner's FPC Gas Tariff, Second Revised Volume No. 1. Petitioner alleges that under its present tariff the Annual Contract Quantity is equal to 190 times the Maximum Daily Quantity (MDQ) sold under Rate Schedule ACQ–1; 120 times the MDQ sold under Rate Schedule ACQ–2; and 365 the MDQ sold under Rate Schedule MDQ–2. The proposed revised tariff would reduce the Annual Contract Quantities by 7.4 percent, and the resultant volume would equal 176 the MDQ sold under the Rate Schedule ACQ–1; 111 times the MDQ sold under Rate Schedule ACQ–2; and 338 times the MDQ sold under Rate Schedules MDQ–1 and MDQ–2. Petitioner further states that the proposed tariff would provide for a maximum annual volume under the LVS–1 rate schedule equal to 7.4 percent less than the actual purchases during the twelve months that ended August 31, 1974. Petitioner states further that the proposed tariff would also provide for a penalty of $10 per Mcf for annual purchases in excess of Petitioner's annual delivery obligation.

Petitioner alleges that these measures are necessary to reduce its annual sales obligations, because the supply of gas available to it has been steadily declining and that further curtailments are expected. Petitioner states that it anticipates some curtailment of supplies of Canadian gas and is experiencing declining deliverability from reserves from which it has purchased gas in Southwestern Oklahoma, Texas, and southern Louisiana.

The existing and proposed delivery obligations are set forth in the appendix hereto.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[1] Fourth Revised Sheet No. 2A to FPC Gas Tariff, Original Volume No. 1.

V40 I132 JUL 9 75 XUM

APPENDIX

Comparative Statement of Delivery Obligations Under Present and Proposed Tariff (Volumes in Mcf at 14.73 psia)

Company (Col. 1)	Rate Schedule (Col. 2)	Maximum Delivery Obligations Under Present Tariff: Maximum Daily Quantity (Col. 3)	Days Use (Col. 4)	Annual Delivery Obligation (Col. 5)	Maximum Delivery Obligations Under Proposed Tariff: Maximum Daily Quantity (Col. 6)	Days Use (Col. 7)	Annual Delivery Obligation (Col. 8)
Associated Natural Gas Company	ACQ-1	4,865	330	424,330	4,865	176	856,840
	ACQ-2	6,877	120	1,345,240	6,877	111	763,347
		11,742		1,769,570	11,742		1,619,187
Central Indiana Gas Company Inc.	ACQ-1	700	330	133,000	700	176	123,200
City Gas Company	ACQ-1	5,209	330	989,710	5,209	176	916,784
	MDQ-1	91	365	33,215	91	338	30,758
		5,300		1,022,925	5,300		947,542
Illinois Power Company	ACQ-1	16,100	330	3,059,000	16,100	176	2,833,600
Iowa Electric Light and Power Company	ACQ-1	8,470	330	1,609,300	8,470	176	1,490,720
	MDQ-1	277	365	101,105	277	338	93,665
		8,476		1,710,405	8,747		1,584,385
Iowa Southern Utilities Company	ACQ-1	51,517	330	9,788,230	51,517	176	9,066,992
	ACQ-2	13,483	240	2,617,920	8,483	111	941,511
		65,000		12,406,150	60,000		10,008,503
Keokuk Gas Service Company	ACQ-1	13,321	330	2,530,990	13,321	176	2,344,496
	MDQ-1	679	365	247,835	679	338	229,505
		14,000		2,778,825	14,000		2,573,991
Madison Gas and Electric Company	ACQ-1	123,601	330	24,624,190	129,601	176	22,809,776
	MDQ-1	399	365	145,635	399	338	134,862
		124,000		24,769,825	130,000		22,944,638
Michigan Consolidated Gas Company	ACQ-1	543,627	330	111,283,130	543,627	176	95,678,352
	MDQ-1	852,624	365	310,177,740	832,624	338	280,750,912
		1,396,251		421,460,870	1,376,251		376,429,264
Michigan Gas Utilities Company	ACQ-1	2,263	330	429,970	2,263	176	398,288
	ACQ-2	133,737	120	16,048,440	133,737	111	14,844,807
	MDQ-1	20,000	365	7,300,000	20,000	338	6,760,000
		156,000		23,778,410	156,000		22,001,095
Michigan Power Company	ACQ-1	37,267	330	7,089,730	37,267	176	6,558,992
	ACQ-2	50,762	120	6,091,440	50,762	111	5,634,582
	MDQ-1	12,000	365	4,379,000	12,000	338	4,056,000
		100,029		17,559,170	100,029		16,247,574
North Central Public Service Co.	ACQ-1	13,003	330	2,470,570	13,003	176	2,288,528
	MDQ-1	2,589	365	944,985	2,589	338	875,082
(Chevron Chemical Company)	LVS-1	14,000	Note 1	7,294,765	14,000	Note 2	3,590,918
(Firestone, Inc.)	LVS-1	42,000	Note 1	12,234,767	42,000	Note 2	11,811,151
		71,592		14,654,267	71,592		13,125,672
Ohio Valley Gas Corporation	ACQ-1	7,529	330	1,430,510	7,529	176	1,325,104
	ACQ-2	6,471	120	776,520	6,471	111	718,281
		14,000		2,207,030	15,000		2,043,385
Paris-Henry County Public Utility District of Henry County, Tennessee	ACQ-1	8,614	330	2,736,070	8,614	176	1,516,064
	MDQ-1	86	365	31,460	86	338	29,068
		8,700		2,767,530	8,700		1,545,132
Wisconsin Fuel and Light Company	ACQ-1	29,508	330	5,796,520	30,508	176	5,369,408
	ACQ-2	27,492	120	3,257,580	27,492	111	3,054,612
	MDQ-1	10,000	365	3,650,000	10,000	338	3,380,000
(Wausau Paper Mills Company)	LVS-1	6,000	Note 1	1,826,460	6,000	Note 2	1,812,185
		72,000		14,530,560	74,000		13,613,205
Wisconsin Gas Company	ACQ-1	703,253	330	123,553,930	703,253	176	123,772,528
	MDQ-1	2,747	365	1,002,655	2,747	338	2,280,486
		706,000		124,056,585	706,000		126,053,014
Wisconsin Michigan Power Company	ACQ-1	78,755	330	14,951,450	78,755	176	13,860,880
	MDQ-1	245	365	89,425	245	338	82,810
		79,000		15,040,875	79,000		13,943,690
Wisconsin Natural Gas Company	ACQ-1	322,807	330	61,333,330	322,807	176	56,814,032
	ACQ-2	4,493	120	539,160	4,493	111	498,723
		327,300		61,872,490	327,300		57,312,755
Wisconsin Power and Light Company	ACQ-1	78,741	330	14,960,790	78,741	176	13,858,416
	ACQ-2	132,259	120	15,871,080	132,259	111	14,669,769
		211,000		30,831,870	211,000		28,528,185
Wisconsin Public Service Corporation	ACQ-1	264,768	330	50,305,920	264,768	176	46,599,168
	ACQ-2	48,232	120	5,787,840	48,232	111	5,353,752
(American Can Company)	LVS-1	20,250	Note 1	3,053,950	20,250	Note 2	2,989,431
		333,250		59,147,710	333,250		54,942,351
Total		3,662,711		835,013,747	3,670,711		773,380,682

Note 1 The LVS-1 volumes set forth in Column 5 are the actual 1973-74 contract year sales.

Note 2 The LVS-1 volumes set forth in Column 8 are the actual 1973-74 contract year sales reduced by 7.4%.

[FR Doc.75-17731 Filed 7-8-75;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE CO. OF AMERICA

Filing and Suspending Proposed Increase in Rates, Providing for Hearing, Granting Interventions, and Granting Waiver With Condition

JUNE 30, 1975.

On May 30, 1975, Natural Gas Pipeline Company of America (Natural) filed in Docket No. RP75-108 certain revised tariff sheets[1] incorporating a proposed increase in rates of $52.9 million annually for jurisdictional natural gas sales and services based on sales for the 12-month period ended February 28, 1975, as adjusted. The proposed tariff sheets as filed would become effective on July 1, 1975.

Natural states the principal reason for the requested increase in rates is the need to recover in its jurisdictional rates the substantial increases in costs which Natural has incurred above those costs included in its last rate increase application. Natural requests, inter alia an increase in both its depreciation rate and rate of return.

Notice of Natural's filing was issued on June 6, 1975, providing for protests for petitions to intervene to be filed on or before June 25, 1975. The parties listed on the Appendix have filed timely petitions to intervene. These petitions will be granted. Additional petitions to intervene which may be received will be considered by separate order.

Natural's proposed tariff sheets reflect the rate effect of including investment in plant under construction in rate base as proposed under the Commission's notice of proposed rulemaking in Docket No. RM75-13. The proposed rates further include certain costs associated with payments made by Natural to Exxon, U.S.A. under agreements relating to gas reserves located in the Prudhoe Bay Area of Alaska and in offshore Texas and Louisiana. Natural has submitted alternate tariff sheets[2] excluding the above two items in the event these costs are rejected by the Commission.

While the Commission has issued a notice of proposed rulemaking to consider the inclusion of construction work in progress in rate base, final action has not been taken by the Commission on the proposal. The Commission's presently effective policy and regulations require that construction work be excluded from rate base. Until the Commission approves a change in its policy and regulations, construction work must be excluded from rate base. With respect to Natural's above-noted payments to Exxon, the Commission has previously determined that such payments are not consistent with the objectives of the Commission's approved advance payments program, and they were therefore disallowed. (See order issued on May 16, 1975 in Docket No. RP 75-90.) No facts or circumstances are disclosed which would justify a different result herein. For the above reasons, Natural's alternate tariff sheets will be accepted for filing in lieu of those which include construction work and the payments to Exxon. The alternate tariff sheets would result in a rate increase of $36.2 million annually as compared with the $52.9 million increase under the primary tariff sheets.

Based on our review of Natural's proposed rate increase, including the documents, information, and studies submitted therewith as required by the Commission's regulations, and the petitions to intervene, we find that Natural's proposed increase in rates may be excessive or otherwise unlawful under the Natural Gas Act, and that accordingly the proposed increase should be suspended and set for hearing.

We note that Natural has included in its cost of service upon which the proposed rates are based the costs associated with approximately $44 million of uncertificated facilities. Natural requests waiver of the Commission's applicable regulations to permit such costs to be included in the present filing. Natural anticipates that the subject facilities will be constructed and in operation by the time the proposed rates go into effect.

For good cause shown, we will grant waiver of § 154.63(e)(2)(ii) of the regulations and permit the costs associated with the uncertificated facilities to be included in the proposed rates; *Provided, however* That if such facilities are not certificated and in service on the date the proposed rates take effect subject to refund, Natural shall file substitute tariff sheets which exclude the costs associated with those facilities which have not been certificated and placed in service as of that date.

We further note that for purposes of its present filing Natural has utilized the unmodified Atlantic Seaboard method of cost classification and allocation. In Opinion No. 671 we expressed our concern over the worsening gas supply situation, particularly as it existed on the system of United Gas Pipe Line Company. Based on the record in that case we concluded that more weight should be given to annual use of United's pipeline system than would result under the Atlantic Seaboard method. Therefore we assigned 75 percent of United's fixed costs to the commodity component of its rates. Part of our rationale was that in view of the gas shortage, low priority uses should be discouraged and the price gap between natural gas and alternate fuels in the interruptible industrial market should, at a minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels, and in view of the present supply and market conditions on Natural's system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Atlantic Seaboard method of cost classification and allocation, as well as to the propriety of Natural's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation, and rate design which they believe may more closely reflect or implement the Commission's objectives in these areas. In this connection we refer the parties to our notice of proposed rulemaking issued February 20, 1975, in Docket No. RM75-19.

Based on the foregoing, the use of the Atlantic Seaboard method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from Seaboard may be frustrated. To the extent that the rate structure found just and reasonable for Natural after hearing and decision departs from the Seaboard methodology used by Natural in the instant filing by assigning additional fixed costs to the commodity component of the rates undercollections will occur. We believe it would be improper for us to insure Natural protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place Natural on notice that it may be subject to undercollections if after hearing and decision we find its rate design improper.[3]

The Commission finds: It is necessary and proper and in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed in this docket by Natural, and that the proposed increased rates should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed herein by Natural Gas Pipeline Company of America.

(B) Pending hearing and decision thereon, Natural's proposed increased rates, as set forth on the alternate tariff sheets submitted as a part of its filing herein, are accepted for filing, suspended for five months, and permitted to become effective thereafter on December 1, 1975, in the manner prescribed by the Natural Gas Act, and subject to refund.

(C) On or before October 17, 1975, the Commission staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before October 31, 1975. Any rebuttal evidence of Natural shall be served on or before November 14, 1975. Cross-examination of the evidence shall commence on December 2, 1975, at 10:00 a.m., prevailing time, in a hearing room at the Federal Power Commission's offices in Washington, D.C. 20426.

(D) Waiver of § 154.63(e)(2)(ii) of the Commission's regulation is granted to permit Natural to include in its filing the costs associated with facilities for which certificates of public convenience and necessity have been applied for in Docket Nos. CP74-286, CP75-224, CP75-256, and CP75-269; *Provided, however,* That Natural shall file substitute tariff sheets to become effective on December 1, 1975, reflecting exclusion of the costs associated with any facilities which have not been certificated and placed in service as of the effective date.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing convened pursuant to this order, shall prescribe necessary procedures not provided for by this order, and shall conduct the hearing in accordance with the Commission's rules and regulations and the terms of this order.

(F) The parties listed in the Appendix are permitted to intervene in this proceeding subject to the rules and regulations of the Commission.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX

PETITIONS TO INTERVENE

Iowa Southern Utilities Company
North Central Public Service Company
Mississippi River Transmission Corporation
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Central Illinois Public Service Company
Columbia Gas Transmission Corporation
Associated Natural Gas Company
Central Illinois Light Company
Peoples Gas Light and Coke Company
North Shore Gas Company
Northern Illinois Gas Company

[FR Doc.75-17732 Filed 7-8-75;8:45 am]

[1] Twenty-fifth Revised Sheet No. 5, Original Sheet No. 5A, Fifth Revised Sheet No. 119, and Fourth Revised Sheet No. 120-A to Third Revised Tariff Volume No. 1; Eighth Revised Sheet No. 220 and Second Revised Sheet No. 270 to Second Revised Tariff Volume No. 2.

[2] Twenty-fifth Revised Sheet No. 5 and Original Sheet No. 5a.

[3] See: "Florida Gas Transportation Company," Opinion 611, 47 FPC 341, (1972) modif. on reh. Opinion 611-A 49 FPC 261 (1973), affirmed, Per Curiam, — F. 2d. —, Case Nos. 73-1208 and 73-1613 issued September 11, 1974 (CADC); Florida Gas Transmission Company, — FPC —, Opinion 732, issued May 20, 1975, in Docket No. RP74-10, et al., "F.P.C. v. Tennessee Gas Transmission Company," 371 U.S. 145 (1962).

V40 I132 JUL 9 75 XUM

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Filing and Suspending Rate Increase Rejecting Alternate Tariff Sheets, Establishing Hearing Procedures, and Granting Interventions

JUNE 30, 1975.

On May 15, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing proposed revised tariff sheets to its FPC Gas Tariff[1] which would result in increases in revenues from jurisdictional sales and service of $31,246,623 based upon sales for the 12 month period ended February 28, 1975, as adjusted for known and measurable changes for the nine months ended November 30, 1975. These rates reflect a 9.45 percent overall rate of return which would result in a return on common equity of 13.50 percent. Panhandle states that the increase is due to, inter alia., increased gas supply facilities, increased operating costs, increase capital costs, and decreased sales volumes. Panhandle proposed July 1, 1975, as the effective date for the instant filing.

Panhandle has also filed alternate tariff sheets[2] which would incorporate into Panhandle's tariff an advance payments tracking provision. Panhandle requests waiver of § 154.38(d)(3) of the regulations to permit the inclusion of the clause in its tariff. In addition Panhandle requests special permission pursuant to § 154.66(b) of the regulations in order to file a proposed rate adjustment under its currently effective demand charge adjustment (DCA) provision during the five-month suspension period.

Notice of the filing was issued on May 30, 1975, with all comments and petitions to intervene due on or before June 16, 1975. Petitions to Intervene were received from the parties listed in Appendix A to this order. Three of the petitioners; Missouri Utilities Company (Missouri), Ohio Gas Company (Ohio), and the Municipal Intervenors Group (MIG) protested the proposed rate levels and requested that Panhandle's filing be suspended for five months and set for hearing. In addition, MIG contends that Panhandle's proposal in the instant filing to switch from the United method (25–75) method of cost classification, cost allocation, and rate design to the "unmodified" Seaboard (50–50) method has not been supported and that any order issued in this proceeding should make it clear that Panhandle's adherence to the "unmodified" Seaboard method shall be "at its own risk".

Our review of the Panhandle's filing, as well as the pleadings filed in this proceeding, indicates that certain issues have been raised which may require development in an evidentiary proceeding. The proposed rates, charges, classifications and services have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, in light of our disposition below of the alternate tariff sheets containing the advance payments tracking provision, we shall accept for filing the tariff sheets listed in Footnote 1 and suspend them for five months until December 1, 1975, when they shall become effective, subject to refund and establish hearing procedures.

We note that Panhandle has proposed, in the instant filing, to change from the United[3] (25–75) method of cost classification cost allocation, and rate design underlying its present rates to the unmodified Seaboard method.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the Panhandle system, all parties to this proceeding should direct their attention and file any evidence they wish to submit, as to the propriety of Panhandle's proposal to switch from the United method to the Seaboard method of cost classification and allocation, as well as to the propriety of Panhandle's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's objectives in this area.[4] In this connection we refer the parties to our recent rule making Docket No. RM75-19 issued February 20, 1975.

Based on the foregoing, the use of the Atlantic Seaboard method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from Seaboard may be frustrated. To the extent that the rate structure found just and reasonable for Panhandle after hearing and decision departs from the Seaboard methodology used by Panhandle in the instant filing by assigning additional fixed costs to the commodity component of the rates undercollections will occur. We believe it would be improper for us to insure Panhandle protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place Panhandle on notice that it may be subject to undercollections if after hearing and decision we find its rate design improper.[5]

As previously noted, Panhandle's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issue of rate of return so as to enable this Commission to formulate sound regulatory policies in this area.

We note that Panhandle has included in the tariff sheets proposed herein costs associated with approximately $10 million of non-certificated facilities. Should these facilities not be constructed and in service by the end of the suspension period ordered herein, we shall require Panhandle to amend its filing to reflect exclusion of these costs.

For good cause shown, we shall grant waiver of § 154.63(e)(2)(ii) of the regu-

[1] *Original Volume No. 1:*
Alternate Fourteenth Revised Sheet No. 3-A.
Third Revised Sheet No. 43-2.
Fourth Revised Sheet No. 43-3.
Fourth Revised Sheet No. 43-4.
Original Volume No. 2:
First Revised Sheet No. 93.
First Revised Sheet No. 135.
First Revised Sheet No. 211.

[2] *Original Volume No. 1:*
Fourteenth Revised Sheet No. 3-A.
Third Revised Sheet No. 43-2.
Fourth Revised Sheet No. 43-3.
Fourth Revised Sheet No. 43-4.
Original Sheet Nos. 43-5 and 43-6.
Original Volume No. 2:
First Revised Sheet No. 93.
First Revised Sheet No. 135.
First Revised Sheet No. 211.

[3] "United Gas Pipe Line Company," Opinion 671, 50 FPC 1348 (1973) reh. denied, Opinion 671-A — FPC — issued March 12, 1974, in Docket No. RP72-75.

[4] See: Footnote 3 in our order of May 31, 1974, in "Columbia Gas Transmission, et al.," Docket Nos. RP74-82 and RP74-81.

[5] See: "Florida Gas Transmission Company," 371 U.S. 145 (1962). on reh. Opinion 611-A 49 FPC 261 (1973), affirmed, Per Curiam, — F.2d —, Case Nos. 73-1203 and 73-1613 issued September 11, 1974 (CADC); "Florida Gas Transmission Company," — FPC —, Opinion 732, issued May 30, 1975, in Docket No. RP74-19, et al., F.P.C. v. Tennessee Gas Transmission Com- "F.P.C. v. Tennessee Gas Transmission Com-

lations consistent with this condition. With respect to Panhandle's alternate tariff sheets containing the advance payment tracking provision, we note that § 154.38(d)(3), (4) and (5) of the regulations provide that no permanent automatic rate adjustment provisions shall be permitted for natural gas companies except for purchased gas and research and development expenditures. The Commission has also permitted certain pipelines, such as Panhandle, the right to include demand charge adjustment provisions in their tariffs. However, this Comission has only permitted advance payment tracking provisions when they are part of an approved rate settlement agreement wherein the Commission has reviewed all of the pipeline's costs, including advance payments, and revenues and has determined that an advance payment tracking provision is proper for the period the settlement remains in effect; i.e., until the next section 4 rate increase becomes effective, subject to refund.[6] Under Panhandle's proposal, the Commission would not be able to review advance payments costs along with other costs associated with jurisdictional service. Moreover, the Commission found in Order No. 499,[7] that permitting the inclusion of permanent advance payment tracking provisions in a pipeline's tariff was not necessary to insure the recovery by the pipeline of costs associated with its advance payments program. We find that Panhandle has not shown good cause for waiver of § 154.38(d)(3) of the regulations and shall therefore reject the alternate tariff sheets containing the advance payments tracking provision.

We find that good cause exists to grant waiver of § 154.66(b) of the regulations to permit Panhandle to file a proposed rate adjustment under its DCA clause without prejudice to any action we may take with respect to the justness and reasonableness of such adjustment.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Panhandle's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets listed in Footnote 1 above be accepted for filing and suspended as hereinafter ordered and conditioned.

(2) Good cause does not exist to grant Panhandle's request for waiver of § 154.38(d)(3) of the regulations and the tariff sheets containing the advance payment tracking provision should therefore be rejected.

(3) Good cause exists to grant Panhandle's request for waiver of § 154.66(b) of the regulations as hereinafter ordered and conditioned.

(4) Participation of the parties listed in Appendix A in this proceeding may be in the public interest.

(5) Good cause exists to grant Panhandle's request for waiver of § 154.63(e)(2)(ii) of the regulations as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein.

(B) On or before October 15, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before October 29, 1975. Company rebuttal shall be served on November 12, 1975. The hearing for purposes of cross-examination shall commence on December 2, 1975, at 10 a.m.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(D) Pending hearing and a decision thereon Panhandle's tariff sheets listed in Footnote 1 above are accepted for filing, suspended for five months and the use thereof deferred until December 1, 1975, and until such further time as they are made effective in the manner provided in the Natural Gas Act, subject to the condition that before December 1, 1975, Panhandle shall file substitute tariff sheets reflecting exclusion of costs included in Panhandle's proposed rates which are associated with facilities which have not been certificated and placed in service as of December 1, 1975.

(E) Waiver of § 154.63(e)(2)(ii) of the regulations is hereby granted consistent with the provisions of Ordering Paragraph D above.

(F) Panhandle's request for waiver of § 154.38(d)(3) of the regulations is denied and the alternate tariff sheets containing such clause are rejected.

(G) Panhandle's request for waiver of § 154.66(b) of the regulations is granted to the extent that Panhandle is permitted to file a proposed DCA rate change during the five-month suspension period without prejudice to any action this Commission might take with respect to the justness and reasonableness of the proposed DCA rate change.

(H) The petitioners listed in Appendix A are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(I) Pursuant to § 2.59 of the Commission's rules of practice and procedure, Panhandle shall promptly serve copies of its filing upon all of the above-mentioned intervenors, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Petitions to Intervene:
Missouri Utilities Company
Municipal Intervenors Group
Ohio Gas Company
Ohio Valley Gas Corporation
Columbia Gas of Ohio, Inc.
Illinois Power Company
The City of Columbus, Ohio
Columbia Gas Transmission Corporation
East Ohio Gas Company
Indiana Gas Company, Inc.
Central Indiana Gas Company, Inc.
Battle Creek Gas Company
The Toledo Edison Company
Michigan Consolidated Gas Company
The Gas Service Company
Central Illinois Public Service Company
The Dayton Power and Light Company
Central Illinois Light Company
Associated Natural Gas Company
Citizens Gas Fuel Company
Michigan Gas Utilities Company
Michigan Gas Storage Company
Kansas-Nebraska Natural Gas Company, Inc.
Michigan Public Service Commission

[FR Doc.75-17733 Filed 7-8-75;8:45 am]

[Docket No. RP75-51]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Amending Prior Order and Broadening Scope of Investigation

JULY 1, 1975.

On January 8, 1975, we issued an order instituting investigation and order to show cause, setting hearing and establishing procedures in investigation of revised curtailment level on the system of Transcontinental Gas Pipe Line Corporation, Docket No. RP75-51. Hearings have been held in this proceeding and

[6] "North Penn Gas Company," — FPC —, issued June 28, 1974, in Docket No. RP74-88; "Southern Natural Gas Company," — FPC —, issued April 13, 1973, in Docket No. RP72-91, et al., rehearing denied, — FPC —, issued June 8, 1973; "Northern Natural Gas Company," — FPC —, issued May 20, 1974, in Docket No. RP74-80; "Florida Gas Transmission Company," — FPC —, issued May 29, 1974, in Docket No. RP74-76; "Trunkline Gas Company," — FPC —, issued June 28, 1974, in Docket No. RP74-89; "Northern Natural Gas Company," — FPC — issued February 26, 1975, in Docket Nos. RP71-107, et al.

[7] — FPC —, issued December 28, 1973, in Docket No. RP74-4.

V40 I132 JUL 9 75 XUM

further hearings are scheduled to resume on July 8, 1975.

This investigation was initiated because Transcontinental Gas Pipe Line Corporation (Transco) was experiencing a gas supply shortage during the winter far in excess of the curtailment projections made by Transco at the end of September of 1974. On January 6, 1975, we ordered an investigation to determine the causes for the increased curtailment beyond the levels projected in Transco's Form 16 filing of September 30, 1974. Subsequent to the issuance of our January 8, 1975, order, Transco returned to its system 18 Bcf of gas that Transco had previously declared was unavailable to its system.

Recent events have convinced us that the scope of the present investigation should be enlarged. Accordingly, the Commission has concluded that an investigation by its Staff should be undertaken to determine the extent of the alleged necessity for any curtailment on the system of Transco. This investigation shall encompass all facts bearing upon the alleged need for any curtailment by Transco to its customers and also to Transco's efforts to improve deliverability upon its system consistent with its obligations to provide adequate and reliable service to its customers. The investigation initiated herein will encompass any activities of all parties, except Mitchell Energy and Development Corporation and Cities Service Oil Corporation,[1] who, are, or should be, certificated by this Commission to deliver gas to Transco. The investigation shall encompass all facts bearing upon (1) the enforcement of the provisions of the Natural Gas Act or any rule, regulation, or order thereunder; and (2) remedial measures to be directed by this Commission.

By order issued February 20, 1975, in the proceeding entitled, Certain Producer and Pipeline Respondents, Docket No. RI75-112, we initiated an investigation and required the respondents "to show cause why certain natural gas reservoirs in the Federal Domain are presently in nonproducing status and could not or should not be produced." Facts presented in that proceeding may be relevant to determine what immediate actions should be taken in this proceeding. Our staff, in its review of the record in that proceeding and any other proceeding as a part of its investigation, may incorporate relevant facts taken therefrom in recommendations which it may present to the Commission as a part of this investigation for any immediate Commission action which staff deems appropriate and for which it may seek a Commission order herein.

The Commission finds: It is necessary and proper to amend our prior order in this proceeding as set forth in this order and to institute the procedures hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in the Natural Gas Act, particularly sections 4, 5, 7, 8, 10, 14, 15, 16, 20, 21, and 22, the Commission's prior investigatory order of January 8, 1975, is hereby amended as set forth in this order.

(B) Pursuant to section 14(c) of the Natural Gas Act, Commission Attorneys, William D. Braun, Sheila Hollis, and Kim M. Clark, are each hereby designated an officer of this Commission and are empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers correspondence, memoranda, contracts, agreements or other records which either Mr. Braun, Ms. Hollis or Mr. Clark, as an official of this Commission, find relevant or material to this investigation.

(C) The Commission Staff is directed to conduct a full and complete investigation as detailed in this order as expeditiously as circumstances permit to obtain the necessary facts and information, from whatever source including the records of other proceedings, as to the causes for any curtailment on the Transco system so as to enable the Commission to take such action as may be appropriate.

(D) The provisions of Order No. 509, issued May 2, 1974, and Order No. 509-B, issued August 23, 1974, in Docket No. RM 74-24, are expressly made and shall be applicable in this investigatory proceeding.

(E) Transco and all parties who, are, or should be, certificated by this Commission to deliver gas to Transco are hereby directed to assist staff, when requested, in staff's investigation.

(F) The hearing scheduled for July 8, 1975, herein is hereby postponed until further order of the Commission. Further procedures, if required, shall also be set by further order of this Commission.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17734 Filed 7-8-75;8:45 am]

[1] By letter of June 17, 1975, to the Chairman of this Commission, the Chairman of the Investigations Subcommittee of the Committee on Interstate and Foreign Commerce of the House of Representatives requested as follows:

Pending the conclusion of the present series of Subcommittee hearings on June 26—at which you have been invited to testify—and pending your agency's coordination with the Justice Department, I do not consider it appropriate for the Commission or its staff to contact Mitchell Energy and Development Corporation and Cities Service Oil Corporation or any persons associated therewith.

The Commission honoring that request has determined that pending further order of the Commission the scope of the investigation as directed by this order shall not include Mitchell Energy and Development Corporation and Cities Service Oil Corporation or any other person associated with either company.

[Docket No. G-6288, et al.]

J. M. HUBER CORP. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 25, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commssion on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-6288 D 6-9-75	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Cities Service Gas Co., Lemon No. 1 Well, Morton County, Kans.	Well plugged and abandoned.	----------
G-6311 C 6-9-75	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	Northern Natural Gas Co., Eunice and Monument Fields, Lea County, N. Mex.	[1] 59.14	14.65
G-7214 D 6-16-75	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Eastern Transmission Corp., Gist Field, Newton and Jasper Counties, Tex.	Leases expired, acreage ceased production or never was productive.	----------
G-11810 C 6-18-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	El Paso Natural Gas Co., Muncy et al. (Blinebry-Tubb-Drinkard Gas Pool), Lea County, N. Mex.	[2] 54.9981	14.65
G-16139 D 6-9-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Mathers Ranch (Hunton) Field, Hemphill County, Tex.	(3)	----------
CI72-677 C 6-16-75	Texaco, Inc., P.O. Box 430, Bellaire, Tex. 77401.	Natural Gas Pipeline Co. of America, Block 88, High Island Area, offshore Tex.	[4] 52.491	14.65
CI74-184 C 6-11-75	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Reydon Field, Roger Mills County, Okla.	[1] 53.3935	14.65
CI75-116 (C168-957) B 6-19-74 [5]	Petroleum Management, Inc. (Operator), 1912 The 600 Bldg., Corpus Christi, Tex. 78401.	Florida Gas Transmission Co., East Aransas Pass Field, Aransas County, Tex.	Depleted	----------
CI75-219 C 4-28-75	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Gas Transmission Corp., East Angelita Area, San Patricio County, Tex.	[1] 51.0	14.73
CI75-526 C 6-16-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island Block 332 Field, offshore Louisiana.	[6] 75.0	15.025
CI75-615 C 6-16-75	do	Northern Natural Gas Co., Eugene Island Block 332 Field, offshore Louisiana.	[6] 75.0	15.025
CI75-729 A 6-6-75	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., South Carlsbad and Russell Fields, Eddy County, N. Mex.	[1] 54.4679	14.73
CI75-730 (CI62-1290) B 6-9-75	Eastern Interior Oil Co. (Sold to: Roy G. Hildreth, Jr.), P.O. Box 96, Spencer, W. Va. 25276.	Columbia Gas Transmission Corp., Wallback Field, Roane County, W. Va.	Nonproductive	----------
CI75-731 (CS72-162) F 6-11-75	Gulf Oil Corp. (successor to Murphy Oil Co. of Oklahoma, Inc.), P.O. Box 1589, Tulsa, Okla. 74102.	Cities Service Gas Co., Rhodes Field, Barber County, Kans.	[6] 15.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

V40-132 JUL 9 75 XUM

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-732..... A 6-9-75	Northwest Exploration Co., 315 East Second South, Salt Lake City, Utah 84111.	Northwest Pipeline Corp., Martin Draw Area, Daggett County, Utah.	[7] [9] 62.363	14.65
CI75-734..... A 6-12-75	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Natural Gas Pipeline Co. of America, Block 22-L Field, High Island area, offshore Texas.	[1] 51.0	14.73
CI75-735..... (CI61-974) B 6-12-75	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La.	Gas deliveries under subject contract ceased.	.....
CI75-736..... (CI70-429) B 6-12-75	Amoco Production Co.....	United Gas Pipe Line Co., Pointe Au Chien Field, Lafourche and Terrebonne Parishes, La.	Well plugged and abandoned.	.....
CI75-737..... (C872-855) B 6-12-75	Jones Creek Gas Gathering Corp. (Operator) et al., 502 Petroleum Tower, Corpus Christi, Tex. 66201.	Transcontinental Gas Pipe Line Corp., Jones Creek Field, Wharton County, Tex.	Depleted	.....
CI75-738..... A 6-12-75	Kewanee Oil Co., P.O. Box 2220, Tulsa, Okla. 74101.	El Paso Natural Gas Co., South Carlsbad Field, Eddy County, N. Mex.	[17] 62.757	14.73
CI75-739..... A 6-13-75	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Clark (G.W.) Field, Roberts County, Tex.	[17] 80.0	14.65
CI75-740..... A 6-16-75	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., East Niles Field, Canadian County, Okla.	[16] 54.590881	14.65
CI75-741..... A 6-16-75	Felmont Oil Corp., P.O. Box 2266, Midland, Tex. 79701.	Transwestern Pipeline Co., Blinit Area, Roosevelt County, N. Mex.	[11] 19.7091	14.65
CI75-742..... A 6-16-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Wamsutter Area, Sweetwater County, Wyo.	[17] 76.5	14.65
CI75-743..... A 6-17-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., West Campbell Field, Major County, Okla.	[12] 54.8925	14.65
CI75-745..... A 6-16-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	United Gas Pipe Line Co., East Dykesville Field, Claiborne Parish, La.	[12] 61.5214	15.025
CI75-748..... A 6-16-75	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., Eugene Island Blocks 342 and 343, offshore Louisiana.	[14] 52.5314	15.025

[1] Subject to upward and downward British thermal unit adjustment.
[2] Including tax and subject to British thermal unit adjustment.
[3] Acreage released in order that Gulf may make other arrangements to sell the small volume of low pressure production presently available from this formation and well.
[4] Includes 1.370 ¢/M [3] upward British thermal unit adjustment and 0.398 ¢/M [3] gathering allowance.
[5] By letter filed June 9, 1975, Skelly Oil Co., a non-operating co-owner and certificate holder in docket No. CI72-207, concurs in the application in docket No. CI75-116 and requests permission and approval to abandon the sale under its FPC Gas Rate Schedule No. 256.
[6] Subject to upward British thermal adjustment; estimated adjustment is 10.05 ¢/M [3].
[7] Applicant is willing to accept a certificate in accordance with section 2.56a of the Commission's general policy and interpretations.
[8] Subject to a 1.5 ¢/M [3] compression charge.
[9] Includes 6.270 ¢/M [3] upward British thermal unit adjustment and 0.093 ¢/M [3] tax reimbursement.
[10] Subject to upward and downward British thermal unit adjustment; includes 3.867842 ¢/M [3] tax reimbursement.
[11] Includes 0.7091 ¢/M [3] tax reimbursement and is subject to downward British thermal unit adjustment.
[12] Includes 3.8925 ¢/M [3] tax reimbursement and is subject to upward and downward British thermal unit adjustment.
[13] Includes 1.02 ¢/M [3] gathering allowance and 1.48 ¢/M [3] upward British thermal unit adjustment.
[14] Includes 0.51 ¢/M [3] gathering allowance and is subject to upward and downward British thermal unit adjustment.

[FR Doc.75-17606 Filed 7-8-75;8:45 am]

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January–June, 1975

5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first six months of 1975 in order to notify the public of the availability of these indexes for sale and/or public inspection.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250.
Do.	Marketing quota. Review committee determinations; 1969–1974; listing by crop-year of all decisions made on marketing quota appeals.	do	Do.
Do.	Board of contract appeals decisions; 1969–1974; listing of all decisions on appeals affecting ASCS and or CCC.	do	Do.
Do.	CCC Board dockets: 1969–1974; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do	Do.
Rural Electrification Administration.	Index of current REA publications—electric program as of Feb. 25, 1975. An alphabetic and numerical index of REA electric program bulletins, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043–S, Washington, D.C. 20250. No charge.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043–S, Washington, D.C. 20250.
Do.	Index of current REA publications–telephone as of Mar. 18, 1975. An alphabetic and numerical index of REA telephone program bulletins, contract forms, specifications, sections of the telephone engineering and construction and telephone operations manuals, and the rules and regulations of the Rural Telephone Bank.	do	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0–9). Dec. 6, 1974. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation Shelf stock, $2.81 per copy; reproduced copies, $5.75 per copy; shelf stock will be used while it lasts. Treasurer of the United States.	DADF at nearest Air Force installation.
Do.	Guide to indexes, catalogs, and lists of departmental publications (AFR 0–1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Treasurer of the United States.	Do.
Do.	Numerical index of standard publications and recurring periodicals (AFR 0–2). Feb. 7, 1975. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force installation. Shelf stock, $2.79; reproduced copies $5.65; shelf stock will be used while supply lasts. Treasurer of the United States.	Do.
Do.	Miscellaneous Air Force and other Government agency publications (AFR 0–16). Oct. 1, 1974. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.09 per copy; reproduced copies, $2.15 per copy; shelf stock will be used while supply lasts. Treasurer of the United States.	Do.
Department of the Army, TAGCEN, Army Publications Directorate.	DA Pamphlet 310–1, Index of Administrative Publications, Regulations, circulars, pamphlets, posters, general orders, Joint Chiefs of Staff publications and DOD publications. Basic dated November 1973 with change 3, Aug. 30, 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA Pamphlet 310–2, Index of Blank Forms. Basic dated May 1974 with change 1, December 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310–3, Index of Doctrinal, Training, and Organizational Publications. Field manuals, reserve officers' training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables, and trajectory charts, tables of organization and equipment, distribution and allowances. Basic dated August 1973 with change 4, August 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.55. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310–4, Index of Technical Manuals, Technical Bulletins, Supply Manuals (types 7, 8, and 9), Supply Bulletins, and Lubrication Orders. Basic dated November 1974 with change 1, February 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $8.50. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310–6, Index of Supply Catalogs and Supply Manuals. Basic dated July 1974 with change 1, January 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do.	DA Pamphlet 310–7, Index of Equipment Modification Work Orders, December 1974.	do	Do.

V40-132 JUL 9 75 XUM

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Defense Nuclear Agency (DNA).	Index to administrative publications: Feb. 28, 1974 with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, research and development, logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, attention: PAO, Washington, D.C. 20305. $1 by Xeroxing, $0.35 by printing run. Checks payable to: Treasurer of the United States.	
Do	Government reports index; biweekly annual cumulation. Description: Indexes DNA and other Government-sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI) Instructions; Mar. 27, 1974, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, attention of: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pp. at $0.05 per page ($0.45). Payable to Treasurer of the United States.	
Defense Nuclear Agency Field Command.	FCDNA instruction 5028.8; Oct. 1, 1974 with changes. Description: Current index to Field Command instructions.	Field Command, Defense Nuclear Agency, attention of Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Supply Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, procurement circulars, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC-B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va.
Department of Health, Education, and Welfare, Food and Drug Administration (DHEW/FDA).	Administrative Guidelines Manual, Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Supervisor, Public Records and Documents Center (HFC-18), Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do	Do.
Do	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts: (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Instrument Operations Manual. Provides guidelines for analysis by instrumentation using the gas chromatograph, atomic absorption, nuclear magnetic resonance, and mass spectrograph. Provides brief, concise, operating instructions augmenting manufacturers' manuals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $85. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $60; Vol. II, $60; Vol. III, $30. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Vitamin Analytical Manual. For use and guidance of analytical chemists who are assigned to assay vitamin products offered for human and for animal use.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Extracts from annual subject indexes published by the FEDERAL REGISTER relating to food and drugs from 1967 to date.	do	Do.
U.S. Government Printing Office (GPO).	Bacteriological Analytical Manual. Prepared to establish and maintain in FDA laboratories uniform analytical procedures for qualitative and quantitative determination of micro-organisms in foods, drugs, cosmetics, etc. Provides mechanism for informing other government agencies, industry, etc. of bacteriological methods commonly used in FDA district laboratories.	Superintendent of Documents, U.S. Government Printing Office, $2.80. Checks to GPO, Washington, D.C. 20402. (Stock No. 1712-00162.)	Superintendent of Documents, GPO, Washington, D.C. 20402.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act (FOIA) Index; July 4, 1967, to June 30, 1975; The NIH FOIA index is composed of 12 sections plus an additional section of FOIA indexes for component organizations of NIH. The 12 sections are: Index of NIH manual releases; NIH supplements to HEW staff manuals, division of personnel management instructions and circulars; index of instruction and information memorandums issued by NIH/OD components; Office of Director central files classification guide; index of NIH guide for grants and contracts; index of decisions by the NIH Grants Appeals Board; index of permits and licenses for shipment of etiologic agents and vectors (NIAID); index of rhesus monkeys certificates (DRR); NIH Division of Engineering Services instruction manual index; index of NIH publications; reference set of PHS grants and awards, current awards report; and index of active and inactive correspondence (ES/NIH).	In addition to copies of the NIH FOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds 5 dollars. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301)496-4461.

V 40 I 132 JUL 9 75 XUM

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of the Interior, Bonneville Power Administration.	Bonneville Power Administration information index.	**The public may review the index, obtain a copy of the index without charge, or secure further information concerning the contents of the records listed by contacting: Bonneville Power Administration's Public Information Office, 1002 NE., Holladay St., Portland, Oreg. 97208, or the Washington, D.C., office, 5600 Interior Bldg., Washington, D.C. 20240.**	Bonneville Power Administration offices listed in previous column or BPA area offices at the following: 919 Northeast 19th Ave., Portland, Oreg. 97208; 415 1st Ave. N., Seattle, Wash. 98109; U.S. Courthouse, Spokane, Wash. 99201; West 101 Poplar St., Walla Walla, Wash. 99362; U.S. Federal Bldg., 211 East 7th St., Eugene, Oreg. 97401; Highway 2 E., Kalispell, Mont. 59901; U.S. Federal Office Bldg., Wenatchee, Wash. 98801; and 531 Lomax St., Idaho Falls, Idaho 83401.
U.S. Civil Service Commission (CSC).	Index to Civil Service Commission information. CSC document No. 1. Period covered: February to May, 1975. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Mail and Distribution Unit, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Federal Power Commission...	Supplement to index of Commission actions, Jan. 1 through Mar. 31, 1975.	Office of Public Information, Federal Power Commission, Washington, D.C. 20426. No charge.	Office of Public Information, Federal Power Commission, Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.
Federal Trade Commission (FTC).	Final orders and opinions: [1] Bound volumes of decisions July 1967, to June 1973.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5-12 each.	Legal and Public Records, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do.	Advisory opinions: [1] Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do.	Final orders and opinions: Supplemental index, July 1973 to June 1975.	Legal and Public Records FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
Do.	Enforcement statement, July 1967 to June 1975.	do	Do.
Do.	Trade regulation rules, July 1967 to June 1975.	do	Do.
Do.	Manuals—operating administrative	do	Do.
General Services Administration (GSA).	GSA Freedom of Information Act index; July 4, 1967 through June 30, 1975. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (ALVP), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Mar. 31, 1975. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do.	Index of Office of the Director staff memoranda (O/D) in effect, as of Mar. 31, 1975. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do	Do.
Do.	Numerical index of NSF important notices in effect as of Sept. 12, 1974. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.		
Do.	Index of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do	Do.
Do.	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price, make checks payable to	For inspection, copying, or additional information contact
Do.	**Publications of the National Science Foundation.** An index by topical classification, as of February 1975, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 75-13.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Publications Resource Office, Room 531, 1800 G St. NW., Washington, D.C. 20550
Do.	NSF guide to programs. A composite listing of summary information about NSF assistance support programs, as of October 1974. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 75-42.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 3800-00195. Unit price: $1.70.	Do.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to June 30, 1975. Chronological listing (by date of service) of initial decisions after hearings on appeal involving airman/air safety certificates. Safety enforcement decisions, May 18, 1967 to June 30, 1975. Alphabetical and numerical listings (by EA and EM order No.) of final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges and Commandant, U.S. Coast Guard. NTSB directives checklist as of Jan. 9, 1975. Numerical listing (by NTSB order No.) of staff operational directives.	Copies of indexes and checklist may be obtained by writing to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806 B.
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to June 30, 1975. Keyword index of OMB bulletins.	Office of Management and Budget. No fee.	Velma N. Baldwin Assistant to the Director for Administration.
Do	Office of Management and Budget circulars index, 1948 to June 30, 1975. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do	Index to Office of Management and Budget manual. All those sections currently in effect through June 30, 1975. Arranged by keywords in the titles.	do	Do.
Do	Rescinded Office of Management and Budget circulars, through June 30, 1975. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Postal Rate Commission	Postal Rate Commission index	Secretary of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C.
Selective Service System.	1. Index to Selective Service regulations and directives, 1948 to 1972. 2. Index to Selective Service regulations and registrants processing manual, 1972 to present. 3. General index to reconciliation service manual. 4. Registrant information bank guide index, 1972 to present.	National Headquarters, Selective Service System, 1724 F St. NW., Washington, D.C. 20435. Prices: 1. $2, 2. $2, 3. $0.10, 4. $0.10. Make checks payable to: Selective Service System	Records Manager, National Headquarters, Selective Service System, 1724 F St. NW., Room 108, Washington, D.C. 20435. Telephone (202) 343-7117
Tennessee Valley Authority...	Index to general administrative releases; covers period through June 1975; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

[1] Duplicated pages of index.

JULY 9, 1975.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.75-17691 Filed 7-8-75;8:45 am]

V40-132 JUL 9 75 XUM

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Muscle Shoals National Bank, Muscle Shoals, Alabama. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any persons wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 31, 1975.

Board of Governors of the Federal Reserve System, June 30, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17735 Filed 7-8-75;8:45 am]

CITIZENS STATE BANCORP, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Citizens State Bancorp, Inc., Manhattan, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Citizens State Bank & Trust Co., Manhattan, Kansas ("Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the sale of credit life and credit accident and health insurance in Manhattan, Kansas. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(ii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (40 FR 16884). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in § 3(c) of the Act, and the considerations specified in § 4(c)(8) of the Act.

Applicant is a nonoperating corporation organized for the purposes of becoming a bank holding company through acquisition of Bank and operating an insurance agency business. Bank, with deposits of approximately $21 million, representing .3 of one per cent of the total commercial bank deposits in Kansas,[1] is the fourth largest of 13 banks located in the Manhattan banking market.[2] Inasmuch as Applicant has no existing subsidiary banks and the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the area served by Bank. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon profitable operations of both Bank and the insurance agency, appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that cosummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Also incident to the reorganization of Bank's ownership, Applicant proposes to operate an insurance agency business pursuant to § 225.4(a)(9)(ii)(a) of Regulation Y. The agency would engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. The agency is presently operated by officers of Bank. It does not appear that the acquisition of the insurance agency business would have any significant effect on existing or future competition. On the other hand, approval of the application would assure residents of the area a convenient source of insurance services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record,[3] the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors the Board must consider under § 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor commencement of insurance agency activities shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective June 27, 1975.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17736 Filed 7-8-75;8:45 am]

[1] All banking data are as of October 15, 1974.

[2] The market is approximated by northern Geary County, Riley County, and southwestern Pottawatomie County.

[3] Voting for this action: Governors Bucher, Holland, and Coldwell. Voting against this action: Vice Chairman Mitchell. Absent and not voting: Chairman Burns and Governor Wallich. Dissenting Statement of Governor Mitchell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

FIRST COMMUNITY BANCORPORATION

Proposed Acquisition of Armstrong Insurance Agency, Inc.

First Community Bancorporation, Joplin, Missouri, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Armstrong Insurance Agency, Inc., Pineville, Missouri. Notice of the application was published on May 28, 1975 in the McDonald County News-Gazette, a newspaper circulated in Pineville, Missouri.

Applicant states that the proposed subsidiary would engage in general insurance agency activities including the sale of fire, marine, and casualty insurance. Such activities will be conducted at offices in Pineville, Missouri, a community with a population of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proopsals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 22, 1975.

Board of Governors of the Federal Reserve System, June 30, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17737 Filed 7-8-75;8:45 am]

FOREST PARK NATIONAL CORPORATION

Order Denying Formation of Bank Holding Company

Forest Park National Corporation, Forest Park, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to Forest Park National Bank, Forest Park, Illinois ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(c) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of $37.3 million). Bank, located approximately 10 miles west of downtown Chicago, is the 131st largest bank in the Chicago banking market[1] and holds .09 percent of the total deposits in the market. (All banking data are as of June 30, 1974.) Inasmuch as the proposed transaction represents a restructuring of the ownership of Bank from individuals (who acquired control of Bank in 1974) to a corporation owned by the same individuals, and since Applicant has no present subsidiaries, consummation of the proposal would not eliminate existing or future competition, nor have an adverse effect on any bank in the relevant area.

A principal of Applicant is also a principal of First National Corporation of Oak Brook, Oak Brook, Illinois, a one-bank holding company (in formation)[2] which proposes to acquire 100 percent of First National Bank and Trust Company of Oak Brook, Oak Brook, Illinois ("First National"). First National (deposits of $16.8 million) ranks as the 227th largest bank in the relevant banking market with .04 percent of total deposits therein. In view of the relatively small size of the two banks and the large number of competitors in the market, it appears that there is no significant competition between First National and Bank. Accordingly, based on the foregoing and other facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

Under the Bank Holding Company Act, the Board is required to take into consideration the financial and managerial resources and future prospects of the proposed bank holding company and the bank to be acquired. In the exercise of that responsibility, the Board finds that such considerations warrant denial of the application.

In regard to such considerations, it appears that Bank's presently marginal capital position may be further weakened as a result of Applicant's intention to take out substantial dividends from Bank during the coming years. Such a dividend policy flows from the substantial debt in excess of $1 million which has been incurred by the principals of Applicant as a result of their purchase of Bank's stock. The dividend policy currently in effect as well as that proposed involves levels of pay-out which are inconsistent with the earnings retention needed to maintain acceptable capital funds in Bank. Accordingly, in the Board's view, the above factors reflect adversely on financial and managerial considerations as they relate to Applicant and Bank and warrant denial of the application.

The proposed formation represents merely a restructuring of the ownership of Bank with no changes in Bank's operations or the services offered to customers. Accordingly, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all the circumstances concerning this application, the Board concludes that the banking considerations involved in the proposal are adverse with respect to financial and managerial considerations. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest, and the application should be, and hereby is, denied for the reasons summarized above.

By order of the Board of Governors,[3] effective July 2, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17738 Filed 7-8-75;8:45 am]

[1] The Chicago banking market is approximated by Cook County, Du Page County, and portions of Lake County.

[2] By Order dated April 24, 1975, the Board approved the application of First National Corporation of Oak Brook to become a bank holding company.

[3] Voting for this action: Governors Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Mitchell.

INSURED BANKS

Joint Call for Report of Condition

Cross reference: For a document regarding joint call for report of condition of insured banks, see FR Doc. 75-17747, Federal Deposit Insurance Corporation, supra.

KLEIN BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Klein Bancorporation, Inc., Chaska, Minnesota ("Applicant"), has applied for the System's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of majority interest in the voting shares of the following seven banks located in Minnesota:

(1) The First National Bank of Chaska, Chaska ("Chaska Bank"—95.2% or more).
(2) State Bank of Cologne, Cologne ("Cologne Bank"—93.0% or more).
(3) The Klein National Bank of Madison, Madison ("Madison Bank"—93.0% or more).
(4) First National Bank in Montevideo, Montevideo ("Montevideo Bank"—96.4% or more).
(5) Victoria State Bank, Victoria ("Victoria Bank"—84.0% or more).
(6) The First National Bank of Waconia, Waconia ("Waconia Bank"—91.5% or more).
(7) State Bank of Young America, Young America ("Young America Bank"—87.0% or more).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (40 FR 22316, May 22, 1975). The time for filing comments and views has expired, and none has been received. The Federal Reserve Bank of Minneapolis has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly formed company with no operating history, was organized by the majority shareholder of the seven banks which are the subjects of this application for the purpose of bringing them within a holding company structure. The seven proposed subsidiary banks have aggregate deposits of $95.7 million, representing 0.7% of total com-

V40-132 JUL 9 75 XUM

mercial bank deposits in Minnesota.[1] Upon consummation of the proposal, Applicant would become the eighth largest banking organization and the smallest of seven multi-bank holding companies operating in Minnesota. The six multi-bank holding companies currently active in Minnesota collectively control $7.8 billion in deposits, representing 58.5% of commercial bank deposits in the state.

The seven proposed subsidiary banks are located in three distinct banking markets in Minnesota: Montevideo, Madison, and Minneapolis-St. Paul.

Montevideo Bank (deposits of $33.1 million), located in the city of Montevideo (population of 5,661), is the largest of nine banking organizations in the Montevideo banking market[2] and controls 32.2% of market deposits. None of the other proposed subsidiary banks serves a significant portion of this market, although Montevideo Bank derives approximately 1.5% of its deposit base and 1.1% of its loan portfolio from the Madison banking market.[3]

Madison Bank (deposits of $13.8 million), located in the city of Madison (population of 2,442), is the second largest of six banking organizations within the Madison banking market[4] and holds 30.1% of market deposits. None of the other proposed subsidiary banks serves a significant portion of this market, although Madison Bank derives approximately 1.1% and 7.7% of its loan portfolio from the Montevideo and Minneapolis-St. Paul banking markets, respectively (none of its deposit base is derived from these markets). Although the Montevideo and Madison banking markets are located adjacently, they are relatively self-contained areas and an insignificant amount of commuting occurs between them. As a result, there is no significant competition between Montevideo and Madison Banks.

The Minneapolis-St. Paul banking market is approximated by the Minneapolis-St. Paul RMA,[5] which spans portions of two Wisconsin counties and ten Minnesota counties located in eastern Minnesota and extreme western Wisconsin. Applicant proposes to acquire five banks in this market: Waconia Bank (deposits of $16.6 million), Chaska Bank deposits of $15.2 million), Young America Bank (deposits of $10.2 million), Cologne Bank (deposits of $4.1 million), and Victoria Bank (deposits of $2.6 million), respectively the 33rd, 38th, 58th, 96th, and 107th largest of 113 banking organizations. These five banks are located in Carver County in close proximity to each other with substantial service area overlap among them. None of these five banks individually controls more than 0.2% of total market deposits. Upon consummation of the proposal, Applicant would become the 11th largest banking organization and the smallest of seven multi-bank holding companies in the market, with 0.7% of total market deposits. No significant competition exists between the Minneapolis-St. Paul banking market, a highly developed urban area, and either Montevideo or Madison, which are predominantly agriculturally oriented areas, due to the distance (150 miles) separating them and the large number of intervening banks.

The proposal is essentially a reorganization of ownership interests whereby members of the same family, who have directly controlled the proposed subsidiary banks for several decades, would now control the banks indirectly through Applicant. As indicated in the record, there is no significant existing competition between any of the seven proposed subsidiary banks due, in part, to the common shareholder control. Although there is substantial overlap of service area among the proposed subsidiary banks in the Minneapolis-St. Paul banking market, the effects of consummation of this proposal on existing and potential competition would not be significant since the proposed subsidiary banks do not hold a significant competitive position in the market, in view of the numerous convenient alternative banking sources, and the fact that the locale of the banks is attractive to additional bank expansion. Competitive effects are further minimized by the long standing common control of the banks and the likelihood that such control would continue absent approval of this application. Further, it appears that the proposal would not result in a concentration of banking resources in any relevant area. On the basis of the record, it is concluded that consummation of the proposed transaction would not have an adverse effect on competition in any relevant area. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of the proposed subsidiary banks, are considered generally satisfactory, particularly in view of Applicant's commitment to inject additional equity capital of $300,000 into Young America Bank, $175,000 into Madison Bank, $175,000 into Montevideo Bank, $75,000 into Waconia Bank, and $50,000 into Victoria Bank. Although Applicant will incur debt in connection with the proposal, reasonable projections of the earnings of the proposed subsidiary banks would provide sufficient revenue to service the debt without impairing the financial condition of any bank. Accordingly, banking factors are regarded as being consistent with approval of the application.

The proposal represents merely a change in the form of ownership of the proposed subsidiary banks and does not contemplate any changes in the operation or services to the public. However, considerations relating to the convenience and needs of the communities to be served are regarded as being consistent with approval of the application. It is the judgment of the Federal Reserve Bank of Minneapolis that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Pursuant to the provisions of 12 CFR 265.2(f)(22) of the Rules Regarding Delegation of Authority, and on the basis of the record of the application, the Federal Reserve Bank of Minneapolis hereby approves the application. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority. Further, the transaction shall not be consummated until there has been compliance with section 3(e) of the Act (12 U.S.C. 1842(e)) which requires that every bank that is a holding company and every bank that is a subsidiary of such a company shall become and remain an insured bank as such term is defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By order of the Federal Reserve Bank of Minneapolis, effective June 24, 1975.

[SEAL] L. G. GABLE,
Vice President.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-17739 Filed 7-8-75;8:45 am]

LANDMANDS CORPORATION

Order Approving Formation of Bank Holding Company

The Landmands Corporation, Kimballton, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of The Landmands National Bank of Kimballton, Kimballton, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was recently organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of $7.6 million).[1] Bank is the smallest of three banks operating in the relevant banking market (approximated by Audubon County, Iowa) and controls approximately 23 per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control the 373rd largest banking organization in Iowa, holding .08 per cent of the total commercial bank deposits in the State. Since the subject proposal represents the restructuring of existing ownership interests of Bank and since Applicant has no present subsidiaries, it is concluded that consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

Principals of Applicant are also principals in another registered one-bank holding company with its banking subsidiary in Sibley, Iowa, approximately 140 miles north of Kimballton. In addition, a principal of Applicant and his family[2] are principals in a registered one-bank holding company with its banking subsidiary in Omaha, Nebraska. However, since these banks are located in separate banking markets and at great distances from Bank, it appears that no existing competition would be eliminated, nor potential competition foreclosed, as a result of the consummation of this proposal. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those same factors in Bank, are considered to be satisfactory. Bank's projected income should provide sufficient revenue to service the debt incurred by Applicant incident to this transaction without impairing the financial condition of Bank. Therefore, considerations relating to banking factors are consistent with approval of the application. Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It has been determined that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective July 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17740 Filed 7-8-75;8:45 am]

[1] All banking data, unless otherwise noted, are as of October 1974 and reflect holding company formations and acquisitions approved by the Board through May 1975.

[2] Approximated by Chippewa County and portions of Renville, Yellow Medicine and Lac Qui Parle Counties.

[3] All market share data as of December 1974.

[4] Approximated by Lac Qui Parle County except for the extreme eastern portion.

[5] Minneapolis-St. Paul RMA has been adjusted to include all of Carver County.

[1] All banking data are as of June 30, 1974.

[2] The Lauritzen family also owns or controls, directly or indirectly, several other banking institutions in Iowa and Nebraska.

SOUTHERN BANCORPORATION, INC.

Order Approving Acquisition of Additional Shares of Bank

Southern Bancorporation, Inc., Greenville, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 14.9 percent of the voting shares of Bank of North Charleston ("Bank"), North Charleston, South Carolina.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

By Order dated April 10, 1974, the Board approved Applicant's acquisition of 10 percent of the voting shares of Bank, which was a proposed new bank at that time. In connection with that proposal, Applicant set forth facts which raised a presumption that upon, and immediately following, consummation of the proposed acquisition of shares of Bank, Applicant would, in fact, control Bank. Accordingly, the Board regarded that proposal as one for the acquisition of a subsidiary bank. In the instant proposal, Applicant seeks approval to acquire an additional 14.9 percent of the voting shares of Bank.

Applicant presently controls two subsidiary banks with aggregate deposits of approximately $162 million, representing about 4.3 per cent of the total commercial bank deposits in South Carolina.[1] In view of the nature of this proposal, which involves the acquisition of additional shares of a bank which is already regarded as a subsidiary of Applicant, consummation of the acquisition would not affect the concentration of banking resources in the State.

Bank (deposits of $0.4 million) is located in the city of North Charleston, which is in the Charleston SMSA banking market, and was opened for business on June 19, 1974. The office of Applicant's other banking subsidiary which is closest to Bank is located 11 miles away, in Charleston. Since Applicant's proposal involves the acquisition of additional shares of a bank which it already controls, consummation of the proposal would not have any effect on Applicant's share of commercial bank deposits in the Charleston SMSA banking market, nor would it have any adverse effects on existing or potential competition with respect to the Charleston SMSA banking market.

The financial and managerial resources and future prospects of Bank and of Applicant and of its other subsidiary bank are regarded as satisfactory and consistent with approval of the application. The subject proposal would not result in a change in the control of Bank, and no immediate changes in services or facilities are proposed other than those already instituted when Bank was opened for business. However, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-17741 Filed 7-8-75;8:45 am]

AMES NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Ames National Corporation, Ames, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First National Bank, Ames, Iowa, Ames, Ioaw ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently formed by shareholders of Bank for the purpose of becoming a bank holding company with respect to Bank. Bank has aggregate deposits of $31.2 million[1] and is the 52nd largest bank in Iowa, holding 0.32 percent of the commercial bank deposits in the State. Bank is the largest of three banks located in Ames, holding about 44 percent of the total deposits of the banks in the city.

Since Applicant engages in no other business activities and has no subsidiaries, it is concluded that consummation of the proposal would have no adverse effects on existing or potential competition.

The financial condition of Applicant and its future prospects are dependent

[2] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Holland.

[1] Banking data are as of June 30, 1974.

[1] Banking data are as of June 30, 1974.

V40 I132 JUL 9 75 XUM

upon those same factors in Bank. The future prospects of Applicant and Bank are favorable, and the financial and managerial considerations are consistent with approval.

Consummation of the proposed transaction is not expected to produce any immediate benefits to the public. However, the flexibility afforded by the holding company form of organization will enable Applicant to provide varied financial services to the community in the future. Convenience and needs considerations, therefore, are consistent with approval.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 27, 1975.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.75-17772 Filed 7-8-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-146]

LOCK-IN AMPLIFIERS AND PARTS THEREOF FROM THE UNITED KINGDOM

Determination of No Injury or Likelihood Thereof or Prevention of Establishment

JULY 2, 1975.

On April 2, 1975, the United States International Trade Commission received advice from the Department of the Treasury that lock-in amplifiers and parts thereof from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)). Accordingly, on April 9, 1975, the Commission instituted investigation No. AA1921-146 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such lock-in amplifiers and parts thereof into the United States.

Notice of the institution of the investigation and of the public hearing to be held in connection therewith was published in the FEDERAL REGISTER of April 15, 1975 (40 FR 16886). The hearing was held on May 20, 1975.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established, by reason of the importation of lock-in amplifiers and parts thereof from the United Kingdom that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD, MINCHEW, BEDELL, AND ABLONDI[1]

The Antidumping Act, 1921, as amended, requires that the United States International Trade Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury or likelihood of injury or prevention of establishment must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Department of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).

For the reasons set forth below, we unanimously determine that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established,[2] by reason of imports of lock-in amplifiers and parts thereof from the United Kingdom sold at LTFV.

THE PRODUCT

Lock-in amplifiers (commonly called lock-ins) are electronic instruments which normally contain an AC voltmeter. They are used to amplify and then accurately measure weak signals which may otherwise be obscured by noise. Such instruments have a wide range of applications in physics and chemistry, e.g., surface analysis of metals, laser research, optical measurements, spectroscopy, etc. Primary markets for such lock-ins are university, government, and industry research laboratories. Lock-ins are currently produced in the United States by several firms. Princeton Applied Research Corp. (PARC) has a substantial percentage of the market.

Commonly, producers purchase basic components (e.g., switches, wire, transistors, integrated circuits, etc.) for assembly into the finished product. The Department of the Treasury found that similar component parts of lock-ins were imported in kit form by an importer, Ortec, Inc., at LTFV.

AN INDUSTRY[3]

The Antidumping Act states that there must be injury to, or likelihood of injury to, or the prevention of the establishment of, "an industry" in the United States in order for relief to be forthcoming. The use of the indefinite article "an," rather than the definite article "the," allows the Commission to examine the impact of the LTFV sales on more than one industry, if it deems such course of action is appropriate. If any industry is injured by LTFV imports, the statute is satisfied. Out of practical considerations and in its sound discretion, the Commission has usually looked at the industry in the United States that would most likely be impacted by LTFV imports to assess injury. If no injury were found to such an industry, and no evidence of injury to another possible industry has been obtained, the Commission has usually concluded that there was no injury to an industry. The industry most likely to be impacted has usually been defined in terms of the domestic facilities devoted to the production of the article most comparable to the LTFV article. In the instant case, it is more difficult than usual to define the industry most likely to be affected by LTFV imports because the importer assembles in the United States complete units from kits of parts imported at LTFV.

The Commission is presented with various possible industry definitions in this investigation, including, at least, the following:

(1) The industry consists of all the U.S. facilities producing lock-in amplifiers (including the Ortec, Inc., facility in Oak Ridge, Tenn.).

(2) The industry consists of all U.S. facilities producing lock-in amplifiers from components not sold at LTFV as found by the Treasury Department.

(3) The industry consists of the U.S. manufacturers of component parts of the class or kind that the Treasury Department found to be sold at LTFV.

(4) Any combination of the foregoing.

From the evidence obtained during the course of the Commission's investigation, we find that, regardless of the definition of industry use, an industry is not being injured or is not likely to be injured by reason of imports found by the Department of the Treasury to be sold at LTFV.

NO INJURY

The only current importer of lock-in amplifiers and parts thereof (Ortec, Inc.) began importing a small number of completely assembled units in 1972 and continued such importation during 1973. However, during this two-year period, none of these completely assembled lock-ins imported by Ortec was sold for U.S. consumption; rather, they were reexported to the United Kingdom. In 1974, during the period of the Treasury investigation, Ortec began importing kits (i.e., component parts) of lock-ins which were subsequently assembled in its Oak Ridge, Tennessee, facility.[4] Although the Treasury Department found that 100 percent of the articles imported by Ortec were sold at LTFV, the total number of lock-in units assembled from such imported kits and sold has been of little consequence. Indeed, the ratio of LTFV sales to U.S. consumption of all lock-in amplifiers was also small in 1974.

The Commission examined the contention of injury from the perspective of sales lost to imports by those U.S. producers of lock-ins who are not assembling such units from parts found by Treasury to be imported at LTFV. Total U.S. shipments of such lock-ins were at their peak, in terms of value, and near their peak, in terms of quantity, in 1974. Between the years 1970-74, there was a continuous upward trend in the value of shipments, and net operating profits were healthy throughout this period, including 1974, the year in which the U.S. market received the greatest penetration of LTFV imports. Increased competition between domestic producers not purchasing LTFV kits for lock-ins has characterized the market, which has declined in part as the result of a slowing down of Federal expenditures for funding research in science and technology by universities, and such decline has been amplified in part by reason of the economic recession of 1974-75.

Moreover, there is no evidence of price depression or suppression by reason of the LTFV imports. Although there was evidence presented by PARC indicating price depression, such depression occurred subsequent to the period of the Treasury investigation, which covered the period January 1, 1973-August 31, 1974. We cannot conclude that such depressed prices resulted from the minimal sales of the LTFV imports entered during the period of the Treasury investigation but sold thereafter. It is further noted that during the course of the Commission's investigation, the price on the domestic lock-in amplifier most comparable to that sold at LTFV was increased by the major U.S. producer.

Also, we are unable to conclude that the decline in employment in the facilities producing lock-ins is by reason of the LTFV imports. The Commission's data collected during the course of the investigation reveal that the decline in employment occurred during a period of technological advance permitting productivity to double. Therefore, we conclude that such decline was not attributable to LTFV imports.

NO LIKELIHOOD OF INJURY

Many of the same reasons for concluding that there is no injury to an industry in the United States are applicable to the question of likelihood of injury. There is no indication that the negligible number of LTFV imports will sharply increase in the foreseeable future. Ortec, Inc., ceased importing the LTFV kits subsequent to the Treasury determination, and the inventories of unassembled kits on hand are small. Prices of both the LTFV unit and the most comparable domestic unit have been increased; the former by 23 percent, effective January 1975. Moreover, Ortec, Inc., provided the Commission written assurances that it would not continue importing and selling lock-ins or parts thereof at LTFV.

CONCLUSION

In light of the aforementioned reasons, which fail to indicate that an industry in the United States, however defined, is being or is likely to be injured by reason of the importation of lock-in amplifiers and parts thereof from the United Kingdom at less than fair value, we have made a negative determination.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-17830 Filed 7-8-75;8:45 am]

[1] Commissioners Moore and Parker concur in the result.

[2] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

[3] Commissioner Ablondi does not concur with the definition of industry hereinafter set forth.

[4] The kits imported by Ortec consisted of a number of electronic components, such as transistors, switches, relays, and integrated circuits, and, and when combined with some U.S.-purchased or U.S.-produced components, constituted a complete lock-in unit.

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP) STUDY COMMITTEE

Meeting

The AGOSP Study Committee will hold a meeting on July 25, 1975, from 9 a.m. to 5 p.m. at the Space and Missiles System Organization, Los Angeles California.

The AGOSP was established to provide the President's Science Adviser (Director, National Science Foundation) with an independent source of advice concerning selected basic and applied science programs. The AGOSP charter provides for the establishment of committees as required to deal with specific areas within the Group's purview. The AGOSP and the Study Committee function in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

This meeting will not be open to the public because the Study Committee will be receiving classified briefings relevant to future space program planning. This matter falls within exemption (1) of Title 5, U.S.C. 552(b) which concerns national defense or foreign policy. The closing of this meeting is in accordance with the determination made by the Director, National Science Foundation, dated July 2, 1975, pursuant to provisions of section 10(d) of Pub. L. 92-463.

For further information, contact Mr. William C. Bartley, Executive Director, AGOSP, at 202/632-6871.

FRED K. MURAKAMI,
Management Analysis Officer.

JULY 3, 1975.

[FR Doc.75-17706 Filed 7-8-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

JULY 3, 1975.

The agenda for NACOA's July 14-15, 1975 meeting previously announced in the FEDERAL REGISTER of Thursday, June 12, 1975, will consist of the following general topics:

Monday, July 14, beginning at 9 a.m. Morning—Committee review of the draft report of the NACOA panel studying the International Decade of Ocean Exploration (IDOE). Committee discussion of its workplan for the coming year. Afternoon—Briefings on the recent World Meteorological Organization (WMO) Congress and the report of the interagency taskforce on Inadvertent Modification of the Stratosphere (IMOS). Continuation of Committee discussion of its workplan.

Tuesday, July 15, beginning at 9 a.m. Morning until adjournment at about 1 p.m. Committee discussion of pending legislation affecting its activities. Continuation of Committee discussion of its workplan.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone is: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-17831 Filed 7-8-75;8:45 am]

[Docket No. P-556-A]

NUCLEAR REGULATORY COMMISSION

OMAHA PUBLIC POWER DISTRICT

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated June 23, 1975 a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by August 8, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.

APPENDIX "A"

OMAHA PUBLIC POWER DISTRICT, FORT CALHOUN STATION, UNIT NO. 2, DEPARTMENT OF JUSTICE FILE NO. 60-415-117, NUCLEAR REGULATORY COMMISSION DOCKET NO. P-556-A

JUNE 23, 1975.

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

Introduction. This is an application to construct an 1150 megawatt nuclear power plant to be located at a site near Blair, Washington County, Nebraska. Since the filing of the application, applicant, Omaha Public Power District (OPPD), and Nebraska Public Power District (NPPD) have entered into an ownership agreement whereby each party will own as tenants in common 50% of the nuclear unit. OPPD and NPPD have agreed to offer ownership shares in the unit to entities within the State of Nebraska which operate electric generating or distribution systems, the aggregate amount of such shares not to exceed 20% of the total capacity of the unit. It is anticipated that the municipally-owned Lincoln Electric System will participate in the unit by owning a minimum share of 150 megawatts, a figure which will be larger if other, smaller entities to whom participation has been offered, decline to participate. The most recent session of the Nebraska Legislature passed legislation specifically authorizing public power districts and municipalities to engage in joint ownership of power plants such as Fort Calhoun, Unit No. 2.

NPPD has not been included in the antitrust review which is the subject of this

V40-132 JUL 9 75 XUM

advice because the necessary information has not yet been received by the Department.

Omaha Public Power District. Omaha Public Power District is an agency of the State of Nebraska.[1] OPPD's most recent peak demand, 1,117 megawatts occurred on July 18, 1974, at which time it had 1,334 megawatts of dependable generating capacity. Peak demand on OPPD's system over the next ten years is expected to nearly double. The bulk of this load growth will be met by the addition of a 575 megawatt fossil-fired unit in 1979 and Unit 2 of the Fort Calhoun Station in 1983.

OPPD serves in extreme Eastern Nebraska in a ten-county area extending north and south along the Missouri River. OPPD's load centers, wholesale and retail, and its generation are tied together by a system of high voltage and extra high voltage transmission lines. A 345 kv transmission line running the length of OPPD's system forms a significant segment of the major transmission line which reaches from Minneapolis, Minnesota to Omaha to Kansas City, Missouri. OPPD and Northern States Power Co., Interstate Power Co., Iowa Public Service Co., St. Joseph Light & Power Co., and Kansas City Power & Light Co. are parties to an interconnection agreement by which the parties engage in coordinated system planning and operations. The agreement provides for the use of this 345 kv interconnection for the sale and exchange of various types of power and energy including emergency energy, scheduled outage power, participation power, diversity interchange, and excess energy.

In addition to the above agreement, OPPD is a participant in the Mid-Continent Area Power Pool Agreement (MAPP), a regional power pool which includes membership by nearly all major electric utilities in a vast area of the Northcentral United States. Through its participation in the MAPP Pool, 345 kv Interconnection Agreement, and other interconnection agreements,[2] OPPD is accorded access to the full range of bulk power supply coordinating services and arrangements.

OPPD is also a member of a regional reliability organization, the Mid-Continent Area Reliability Coordination Agreement (MARCA).

Small generating municipalities operating within OPPD's service area, including the cities of Fremont, Blair, Falls City, Tecumseh, and Nebraska City, Nebraska are assisted by interconnection agreements with OPPD. These agreements generally provide the municipalities with partial-requirements service to supplement their own generation, and coordinating services such as emergency service, economy energy, and interchange energy. OPPD has offered ownership shares of the subject nuclear plant to these municipalities, individually and collectively, but at this time it is thought unlikely that such municipalities will elect to participate.

With respect to the matter of wheeling services, there is no recent evidence that OPPD has refused to permit third parties to transmit power over OPPD's transmission facilities. OPPD currently wheels power from the U.S. Bureau of Reclamation to two municipalities in OPPD's area. Moreover, OPPD has assured this Department that OPPD will wheel power, under appropriate terms and conditions, for any utilities in OPPD's area, specifically including Bureau of Reclamation power, power to participants in Fort Calhoun, Unit 2, and power between and among utilities that may themselves install jointly owned power plants.

Regulation of Electric Power in Nebraska. Electricity in Nebraska is generated, transmitted and distributed by public power districts, municipalities, and cooperatives. Unlike most states, there are no privately-owned electric utilities operating in Nebraska. Thus, the typical patterns of competitive conflict found in many states are not present here.

The Nebraska Power Review Board has regulatory jurisdiction over the installation of new generation and transmission facilities in that state, but has only advisory responsibilities over retail and wholesale rates, which are set by the suppliers.

Interconnection and coordination of facilities, including compulsory wheeling over surplus transmission capacity, is also encouraged and declared by statute to be state policy.

Results of Antitrust Review. After investigation of OPPD's conduct in light of the existing market structure in Nebraska, the Department has found no basis upon which to recommend an antitrust hearing.

[FR Doc.75-17567 Filed 7-8-75;8:45 am]

[1] See generally Neb. Rev. Stat. §§ 70-601 to -680, 70-1001 to -1020, 70-1101 to -1106 (1971).

[2] OPPD is also interconnected with or has contracts with the Nebraska Public Power District, Iowa Power & Light Co., Kansas Gas & Electric Co., Kansas Power & Light Co., and the United States Bureau of Reclamation.

SECURITIES AND EXCHANGE COMMISSION

[70-6702]

OHIO POWER CO.

Proposed Amendments to Amended Articles of Incorporation

JULY 1, 1975.

Notice is hereby given that Ohio Power Company ("Ohio") 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio proposes to amend its Amended Articles of Incorporation to modify the terms of the Company's Cumulative Preferred Stock. The amendments provide that so long as any shares of the Cumulative Preferred Stock are outstanding, the Company shall not:

(a) Without the consent (given by vote at a meeting called for that purpose) of the holders of a majority of the total number of shares of the Cumulative Preferred Stock then outstanding, sell or otherwise dispose of all or substantially all of its properties unless such sale or disposition shall have been ordered, approved, or permitted by the Commission under the Act, (b) Redeem (whether through operation of a sinking fund or otherwise), purchase or otherwise acquire any shares of the Cumulative Preferred Stock during any period when dividends payable on the Cumulative Preferred Stock shall be in default unless all shares of the Cumulative Preferred Stock shall be so redeemed, purchased or otherwise acquired, or unless such redemption, purchase or acquisition shall have been ordered, approved or permitted by the Commission under the Act; and (c) Declare any dividend on, or acquire for value, any shares of Common Stock or any other shares of capital stock of the Company ranking junior to the Cumulative Preferred Stock as to dividends or the distribution of assets, during any period when the Company shall be in default of any obligation of the Company under any sinking fund for Cumulative Preferred Stock, unless all shares of Cumulative Preferred Stock are concurrently redeemed, purchased or otherwise acquired, or unless such dividend, purchase or acquisition shall have been ordered, approved or permitted by the Commission, under the Act.

Ohio intends to submit the proposed amendments to the Company's shareholders for their approval at the Annual Meeting of shareholders to be held on July 14, 1975. It is stated that because the proposed amendments do not change the express terms of the Cumulative Preferred Stock of the Company in any manner substantially prejudicial to the holders of such stock, no vote of the holders of Ohio's Cumulative Preferred Stock, as a class, is required. Since AEP, holder of all the outstanding shares of Ohio's common stock, has indicated that all such shares will be voted in favor of the proposed amendments, and such shares will constitute 90.3 percent of the voting power of the capital stock of Ohio entitled to vote at the meeting, Ohio is not soliciting the votes of the holders of the Cumulative Preferred Stock.

The fees and expenses to be incurred in connection with the proposed transaction are estimated not to exceed $10,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 24, 1975, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17805 Filed 7-8-75;8:45 am]

[70-5701]

MASSACHUSETTS ELECTRIC CO.

Proposed Increase of Authorized Short-Term Borrowing and Order Authorizing Solicitation of Proxies in Connection Therewith

JULY 2, 1975.

Notice is hereby given that Massachusetts Electric Company ("Mass Electric"), 20 Turnpike Road, Westborough, Massachusetts 01581: an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(e), and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Mass Electric seeks to increase, for a period of five years, the maximum amount of unsecured short-term indebtedness which it is authorized to incur from 10 percent to 20 percent of total capitalization. The short-term indebtedness is to be incurred within five years from the date of the Order of the Commission making effective the instant declaration; and said indebtedness is to have a maturity of not more than six years from the date of said Order. At March 31, 1975, the 10 percent limitation restricted Mass Electric to $36,000,000 of short-term indebtedness; a 20 percent limitation would have restricted it to $77,200,000. At May 31, 1975, Mass Electric had $22,400,000 in unsecured short-term indebtedness outstanding. Authorization from the Commission for such an increase in the permissible amount of short-term debt is requested. The actual issue and sale of securities related to such proposed increase in short-term debt will be subject to further authorization by the Commission. It is stated that the increased authorization is necessary to retire $20,000,000 of Series L First Mortgage Bonds, which mature October 1, 1975 and/or to finance Mass Electric's construction program. The cost of the Company's construction program is presently estimated to total approximately $200,000,000 for the years 1975 through 1979.

It is stated that the Articles of Organization and the By-Laws of Mass Electric require approval of its Cumulative Preferred stockholders to increase unsecured short-term debt beyond 10 percent. Mass Electric intends to submit the proposal to increase the short-term debt for five years to a maximum of 20 percent of total capitalization to its Cumulative Preferred stockholders for their approval at a special meeting of shareholders to be held on August 1, 1975. In connection therewith, Mass Electric proposes to solicit proxies from the holders of its Cumulative Preferred stock through the use of solicitation material which sets forth the proposals in detail. Additionally, it is stated that Massachusetts State law requires stockholder approval for authorization of the issue and sale by Mass Electric of an additional series of the First Mortgage Bonds in an aggregate principal amount not exceeding $50,000,000. Mass Electric intends to submit the proposal to issue and sell said Bonds to all of its stockholders for their approval at the August 1, 1975 meeting. The outstanding Common Stock of Mass Electric, representing more than a majority in interest of the securities entitled to vote at the August 1, 1975 meeting, is owned by NEES. It is anticipated that NEES will vote its shares affirmatively on the approval and authorization of the additional First Mortgage Bonds; accordingly, there will be no solicitation of proxies with respect to this matter. The actual issue and sale of the additional First Mortgage Bonds will be subject to further authorization by the Commission.

The fees and expenses to be paid by Mass Electric are estimated at $9,000, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary of NEES, of $3,000. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 25, 1975, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of the consents of Mass Electric's Cumulative Preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of the consents of Mass Electric's Cumulative Preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-17806 Filed 7-8-75;8:45 am]

WATER RESOURCES COUNCIL

STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Change in Baseline Projections

1. Notice is hereby given that the baseline projections established by the U.S. Water Resources Council, September 10, 1973, in Chapter IV, A., "Standards for Planning Water and Related Land Resources" are superseded.

2. The "Principles and Standards for Planning Water and Related Land Resources," established by the U.S. Water Resources Council pursuant to Section 103 of the Water Resources Planning Act (Pub. L. 89-80), were published in the FEDERAL REGISTER on September 10, 1973 (38 FR 24778) and became effective October 25, 1973.

3. Pursuant to the authority delegated in section 2 of Executive Order 11747, November 7, 1973, Chapter IV, A., "General Setting" in the "Standards" is hereby amended to read as follows:

Plan formulation and evaluation shall be based upon national and regional projections of employment, output, and population and the amounts of goods and services that are likely to be demanded. The Water Resources Council has arranged for preparation and periodic revision of a set of national, regional and area economic projections as a guide to project, State, regional and river basin planning. These projections are used by the Council as a base for its current views as to probable rates of growth in population, the gross national product, employment, productivity, and other factors. Other projections, utilizing different assumptions as to future trends in such variables as population or agricultural exports, can be used as alternative futures. The baseline projections provided by the Council also include expected rates of regional growth in relation to the level of projected national growth.

While a relatively high rate of employment has been assumed in national projections, it is recognized that chronic unemployment and underemployment are problems in many

V40 I132 JUL 9 75 XUM

regions. The assumption of a high rate of employment nationally does not preclude consideration of the occurrence of short run or cyclical fluctuations in the national economy or special analyses of regions with relatively low economic activity and high rates of unemployment.

Planning will also take account of national and State environmental and social standards such as water quality standards, air quality standards, or minimum health standards.

Dated: June 27, 1975.

ROGERS C. B. MORTON,
Chairman.

[FR Doc.75-17749 Filed 7-8-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

GUAM DEVELOPMENTAL PLAN

Safety and Health Standards; Enforcement; Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the territory of Guam has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary). The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of the approval of the plan is in issue before him.

The plan identifies the Guam Department of Labor as the agency responsible for the administration of the plan throughout the territory. It proposes to define the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c). All occupational safety and health standards promulgated by the U.S. Department of Labor will be adopted under the plan. These standards will be promulgated within 30 days of the approval of the Guam plan and will become effective 30 days following promulgation.

The plan includes legislation, Guam Pub. L. 11-117 and 12-185, enacted by the Guam legislature during its 1972 and 1974 sessions amending Title XIVI of the Government Code to provide for the implementation of the occupational safety and health program in Guam and to bring it into conformity with the requirements of Part 1902. The legislation gives the Department of Labor the statutory authority to implement an occupational safety and health program modeled on the Federal Act. There are provisions in it granting the Director of the Department of Labor the authority to inspect workplaces and to issue citations for violations, including abatement requirements and there is also a prohibition against advance notice of inspections. The legislation is also intended to ensure employer and employee representatives an opportunity to accompany inspectors and to call attention to violations; notification of employees and their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discrimination in terms and conditions of employment and safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violations of the law.

The laws set forth the general authority and scope for implementing the Guam plan, but at the same time, the plan is developmental within 29 CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and make it fully operational. Timetables for the accomplishment of developmental goals under the Guam plan are set forth in the proposed plan. The timetables cover such general areas as the promulgation of state standards, the promulgation of regulations and training of personnel. The plan also contains a comprehensive description of personnel to be employed under the territory's program as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Assistant Regional Director, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; and the Department of Labor, Government of Guam, P.O. Box 884, Agana, Guam 96910.

3. *Public participation.* Interested persons are given until August 8, 1975, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any portion thereof, whenever particularized written objections thereto are filed by August 8, 1975. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C. this 1st day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-17763 Filed 7-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 808]

ASSIGNMENT OF HEARINGS

JULY 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130286, Northern Transportation Services, Inc., now assigned July 8, 1975, at Montpelier, Vermont, is postponed indefinitely.

MC-C-8320 Fidelity Storage & Van Co., Inc.—Revocation of Certificate—now assigned July 16, 1975, at Lincoln, Nebr., is postponed to October 15, 1975, at Lincoln, Nebr.

MC 106674 Sub 142, Schilli Motor Lines, Inc., now assigned July 28, 1975, at Memphis, Tennessee, is postponed to September 17, 1975, at Chicago, Illinois; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17842 Filed 7-8-75;8:45 am]

[Notice 807]

ASSIGNMENT OF HEARINGS

JULY 3, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction: MC 139853 Sub 1, Marten Transport, LTD., now assigned October 15, 1975 (1 day), at St. Paul, Minnesota; in a hearing room to be designated later, instead of now assigned October 10, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17843 Filed 7-8-75;8:45 am]

[AB 6 (Sub-No. 27); Finance Docket No. 27790]

BURLINGTON NORTHERN, INC.

Trackage Rights and Abandonment of Line

JUNE 30, 1975.

The Interstate Commerce Commission hereby gives notice that:

1. By order served Tuesday, May 6, 1975, applicant was required to publish a notice in Lancaster County, Nebr., that an environmental threshold assessment survey was made in the above-entitled proceedings and based on that assessment it was determined that these proceedings do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sec. 4321, et seq.

2. No comments in opposition, of an environmental nature, were received by the Commission in response to the May 6, 1975, order and subsequent notice.

3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17848 Filed 7-8-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 3, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. (unassigned), filed June 12, 1975. Applicant: BRAKE DELIVERY SERVICE-MEIER, TRANSFER SERVICE, 2626 East 26th Street, Los Angeles, Calif. 90058. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation as a highway common carrier of *General Commodities*, between, A. All points and places in the Los Angeles Basin Area as said area is described in part II below. B. Points in said Los Angeles Basin Area, on the one hand, and the San Diego Territory as also described in said part II below, including intermediate points on and along U.S. Highways No. 101 and 101-A. C. Between Los Angeles and Goleta, California via (1) U.S. Highway 101 and State Highway 1, (2) Interstate Highway 5 to Newhall Ranch, California, thence via State Highway No. 126 to U.S. Highway 101 near Ventura, California. Service is authorized to all intermediate points north of the Los Angeles Basin Area. Restriction: The service described in paragraph C. is restricted against the handling of freight-forwarder traffic and traffic having a prior movement by motor vehicle when moving on joint through rates; and D. Through routes and joint rates may be established between any and all points described above and between the said points, on the one hand, and points served by other carriers, on the other hand, at the most convenient point of interchange. Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. 2. Automobiles, trucks and buses, viz.: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. 4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. 5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 6. Commodities when transported in bulk, in dump trucks or in hopper-type trucks. 7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and 8. Logs. PART II LOS ANGELES BASIN AREA: Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said city to its point of first intersection with the southerly boundary of Angeles National Forest, thence along the southerly boundary of Angeles and San Bernardino National Forests to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road and to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to and including the City of Redlands; westerly along U.S. Highway No. 99 to U.S. Highway No. 395; southerly along U.S. Highway 395 to State Highway No. 18; southwesterly along State Highway No. 18 to U.S. Highway No. 91; westerly along U.S. Highway 91 to State Highway No. 55; southerly on State Highway No. 55 and the prolongation thereof to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point of beginning.

SAN DIEGO TERRITORY: Includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways No. 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on State Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55755, filed June 20, 1975. Applicant: MINORITY DEVELOPMENT, INC., 2101 Prune Avenue, Fremont, Calif. 94538. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94538. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* (except as hereinafter provided), Between all points and places in the *San Francisco Territory* which is described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Cambell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to

V40I132 JUL 9 75 XUM

Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road).

Northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. 2. Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, busses, and bus chassis.

3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. 4. Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquid, in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Cement. 8. Logs. 9. Commodities of unusual or extraordinary value; and 10. Fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55758, filed June 20, 1975. Applicant: VERONICA TURRI, doing business as TIGNE DRAYAGE COMPANY, 2075 Third Street, San Francisco, Calif. 94107. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* as follows: Between all points and places in the San Francisco Territory as described below: The San Francisco Territory includes all points and places within the following area: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillside Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road.

Southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road), northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estate Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. EXCEPT THAT applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. 4. Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Cement. 8. Logs, and 9. Commodities of unusual or extraordinary value. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28401—Extension filed June 6, 1975. Applicant: WEICKER TRANSFER & STORAGE COMPANY, doing business as REYHER TRUCKING CO., 2900 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: a. Transportation of *general commodities*, between points in Pueblo, Huerfano and Las Animas Counties, and between points in said counties on the one hand, and, on the other hand, points in Colorado; b. Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be

V40-132 JUL 9 75 XUM

used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits; and c. Transportation of *commodities* which require the use of special equipment in the transportation, loading, or unloading thereof, between points in Colorado. Restriction: Transportation of commodities which require the use of special equipment is restricted against the transportation of liquid commodities in bulk, livestock, and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office, or to have an agent employed for the purpose of developing business at any point outside the counties of Pueblo, Huerfano, and Las Animas, State of Colorado. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28402—Extension filed June 4, 1975. Applicant: BEKINS VAN & STORAGE CO., 1955 So. Valley Highway, Denver, Colo. 80222. Applicant's representative: Joseph F. Nigro, 400 Hilton Office Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: a. Transportation of *general commodities*, between points in Denver, Adams, Arapahoe, and Jefferson Counties, Colorado, and between points in said Counties on the one hand, and, on the other hand, points in Colorado; and b. Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the Counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado. Intrastate, interstate, and foreign commerce authority sought.

Hearing: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28403—Extension filed June 3, 1975. Applicant: DUFFY STORAGE AND MOVING CO., 389 So. Lipan St., Denver, Colo. 80223. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: a. Transportation of *general commodities*, between points in Adams, Arapahoe, Jefferson, and Denver Counties, and between points in said counties on the one hand, and, on the other hand, points in Colorado; b. Transportation of *household goods*; between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and c. Transportation of *commodities* which require the use of special equipment in the transportation, loading, or unloading thereof, between points in Colorado. Restriction: Paragraph concerning commodities which require use of special equipment is restricted against the transportation of liquid commodities in bulk, livestock, and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or have an agent employed for the purpose of developing business at any point outside the counties of Adams, Arapahoe, Jefferson, and Denver, State of Colorado. Intrastate, interstate, or foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28404—Extension filed June 6, 1975. Applicant: WEICKER TRANSFER & STORAGE COMPANY, 2900 Brighton Blvd., Denver, Colo. 80202. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (a) *General commodities*, between points in Adams, Arapahoe, Jefferson, and Denver Counties, and between points in said counties on the one hand, and on the other hand, points in Colorado; and (b) *Household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) *Commodities* which require the use of special equipment in the transportation, loading, or unloading thereof, between points in Colorado. Restriction: Paragraph c hereof is restricted against the transportation of liquid commodities in bulk, livestock, and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the counties of Adams, Arapahoe, Jefferson, and Denver, State of Colorado. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28405—Extension filed June 5, 1975. Applicant: G. I. EXPRESS COMPANY, doing business as G. I. MOVING & STORAGE CO., 1140 West 5th Avenue, Denver, Colo. 80204. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (a) *Furniture, fixtures and household goods*, between points in the Counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado, and between points in said

V40-132 JUL 9 75 XUM

counties on the one hand, and, on the other hand, points in Colorado; and (b) *Household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) *General commodities*, between all points within the City and County of Denver, Colorado. Restriction: The entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have any agent employed for the purpose of developing business at any point outside the counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28425—Extension filed June 13, 1975. Applicant: ACME DELIVERY SERVICE, INC., 4250 Oneida Street, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (a). *General commodities* which included household goods and commodities requiring special equipment, between points in the counties of Morgan, Adams, Arapahoe, Jefferson (except Broomfield), and Denver, State of Colorado, and between points in said counties, on the one hand, and points in Colorado on the other. Restriction: On service to and from points in Jefferson County, the service is restricted to traffic stored at a warehouse facility now or hereafter operated by the holder or operator herein, which traffic shall originate or terminate at said warehouse facility.

(b). *Household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling, furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) *Commodities* which require the use of special equipment in the transportation, loading, or unloading thereof, between points in Colorado. Restriction: Paragraph c hereof is restricted against the transportation of liquid commodities in bulk, livestock, and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the counties of Morgan, Adams, Arapahoe, Jefferson (except Broomfield), and Denver, State of Colorado. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28426—Extension filed June 13, 1975. Applicant: ACME DELIVERY SERVICE, INC., 4250 Oneida Street, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (a) *General commodities*, which includes household goods and commodities requiring special equipment, between points in the County of Boulder, State of Colorado, and between points in said county on the one hand, and points in Colorado on the other hand. (b) *Household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) Commodities which require the use of special equipment in the transportation, loading, or unloading thereof, between points in Colorado. Restriction: Paragraph (c) hereof is restricted against the transportation of liquid commodities in bulk, livestock, and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the City of Longmont, State of Colorado. Instrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28427-Extension, filed June 11, 1975. Applicant: JOHNSON STORAGE & MOVING CO., 221 Broadway, Denver, Colo. 80209. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (a) Transportation of *general commodities*, between points in Denver, Adams, Arapahoe, and Jefferson Counties, State of Colorado, and between points in said counties on the one hand, and, on the other hand, points in Colorado; and (b) Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) *Commodities* which require the use of special equipment in the transportation, loading or unloading thereof, between points in Colorado. Restriction: Paragraph c hereof is restricted against the transportation of liquid commodities in bulk, livestock and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the Counties of Boulder, Larimer, and Weld, State of Colorado. Intrastate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28428—Extension filed June 13, 1975. Applicant: ACME DELIVERY SERVICE, INC., 4250 Oneida Street, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (a) *General commodities*, which includes household goods and commodities requiring special equipment, between points in the County of Boulder, State of Colorado, and between points in said county on the one hand, and points in Colorado on the other hand. (b) *Household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) *Commodities* which require the use of special equipment in the transportation, loading, or unloading thereof, between points in Colorado. Restriction: Paragraph (c) hereof is restricted against the transportation of liquid commodities in bulk, livestock, and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the City of Longmont, State of Colorado. Instrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Colorado Docket No. 28427-Extension, filed June 11, 1975. Applicant: JOHNSON STORAGE & MOVING CO., 221 Broadway, Denver, Colo. 80209. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (a) Transportation of *general commodities*, between points in Denver, Adams, Arapahoe, and Jefferson Counties, State of Colorado, and between points in said counties on the one hand, and, on the other hand, points in Colorado; and (b) Transportation of *household goods*, between points in Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays, and exhibits; and (c) *Commodities* which require the use of special equipment in the transportation, loading or unloading thereof, between points in Colorado. Restriction: Paragraph c hereof is restricted against the transportation of liquid commodities in bulk, livestock and bulk cement. Restriction: This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission to establish a branch office or to have an agent employed for the purpose of developing business at any point outside the Counties of Boulder, Larimer, and Weld, State of Colorado. Intrastate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 8, 1975, 10 a.m., 500 Columbine Bldg., 1845 Sherman St., Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C–160, Case No. 5, filed June 2, 1975. Applicant: ALVAN MOTOR FREIGHT, INC., 3600 Alvan Road, Kalamazoo, Mich. 49001. Applicant's representative: Henry J. Mittelstaedt III, 900 Guardian Building, Detroit, Mich. 48226. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities*, serving all points in White Pigeon Township, St. Joseph County, Mich. (except the City of White Pigeon, Mich., and its Commercial Zone) as off-route points. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place scheduled for July 23, 1975, 9:30 a.m. Suite 15, 1000 Long Commerce Park, Lansing, Mich. Requests for procedural information should be addressed to the State of Michigan, Department of Commerce, Public Service Commission, Lansing, Mich. 48913, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T–5510, filed June 19, 1975. Applicant: SYRACUSE CARTAGE & STORAGE CORP., 360 West Jefferson Street, Syracuse, N.Y. 13202. Applicant's representative: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson St., Syracuse, N.Y. 13202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, from Carrier's warehouse facilities in the City of Syracuse, N.Y., to all points in the County of Onondaga, N.Y. Returned, rejected, and refused shipments in the reverse direction. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17845 Filed 7–8–75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43012—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd., (No. 14), for itself and interested rail carriers. Rates on general commodities, between ports in Thailand, Republic of Singapore, Federation of Malaysia, Japan, Korea, Hong Kong, Taiwan, The Philippines and The Peoples Republic of China, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 43013—*Joint Water-Rail Container Rates—Phoenix Container Liners Ltd.* Filed by Phoenix Container Liners Ltd., (No. 10), for itself and interested rail carriers. Rates on general commodities, between ports in Republic of Singapore, Federation of Malaysia, Japan, Korea, Hong Kong, Taiwan and The Philippines, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–17844 Filed 7–8–75;8:45 am]

[AB 26 (Sub-No. 2)]

GEORGIA NORTHERN RAILWAY CO.

Abandonment of Line

JUNE 30, 1975.

The Interstate Commerce Commission hereby gives notice that:

1. By order served Tuesday, May 6, 1975, applicant was required to publish a notice in Thomas and Brooks Counties, Ga., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the

V40 I132 JUL 9 75 XUM

quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sec. 4321, et seq.

2. No comments in opposition, of an environmental nature, were received by the Commission in response to the May 6, 1975, order and subsequent notice.

3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17847 Filed 7-8-75;8:45 am]

[NO. 35220]

GRAIN AND GRAIN PRODUCTS

Practices and Policies in the Settlement of Loss and Damage Claims

JULY 1, 1975.

The Interstate Commerce Commission, Division 2, will hold an informal conference in order to provide interested parties the opportunity of presenting their views as to problems arising under the present rules governing the handling of loss and damage claims on bulk grain and grain products (49 CFR Part 1037).

Numerous grain shippers have informally appealed to the Commission for relief from certain of the rules which allegedly act to the detriment of both shippers and carriers. These shippers represent generally that the present rules do not reflect the realities of rail operations and grain loading practices throughout the Midwest and have resulted in hardships and inequities not contemplated in the underlying Docket No. 35220 proceeding (346 I.C.C. 33). These shippers also suggest that a consensus may now exist among carriers and shippers as to the resolution of these problems. Additionally, the Secretary of Agriculture has petitioned the Commission for clarification of the Commission's order insofar as the effective date is concerned (i.e., do the rules apply to all claims for loss and damage after March 5, 1975, or only those claims involving shipments which moved after March 5, 1975).

In order to focus upon the particular rules which have proven to be problem areas under actual operations, the parties should limit their presentation to the following issues:

1. Should cars with open-top interior linings continue to be designated as defective equipment, not in suitable condition for the transportation of bulk grain and grain products?

2. Upon a shipper's written complaint of defective equipment, how long does the carrier have (a) to investigate the complaint and (b) to remedy the defect by repair or replacement?

3. Where a carrier is unable to provide equipment free of the defects contemplated in Paragraph 1 of Section 1037.2 [49 CFR 1037.2(a)], may that carrier condition the performance of its transportation obligation upon the shipper's waiver of loss and damage claim rights arising from defective equipment?

4. Where loss or damage is occasioned by a defect other than those contemplated by Paragraph 1 of Section 1037.2 [49 CFR 1037.2 (a)], can a shipper be deemed to have waived its loss and damage claim rights for failing to file a written complaint?

5. Where a shipper chooses to complain of the tender of defective equipment, should the rules be relaxed to provide for a means of communication other than the written complaint presently required by Paragraph 3 of Section 1037.3 [49 CFR 1037.3(c)]?

6. Should the rules be modified to require forwarding of the detailed records contemplated by Paragraph 3 of Section 1037.1 [49 CFR 1037.1(c)] only where a claim is filed with the carrier?

7. Are the present rules applicable in settlement of claims filed on shipments moving prior to March 5, 1976?

The informal conference will convene at 9:30 A.M. on July 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C. Parties interested in this matter, including carriers, the shipping public and concerned Federal, State, or local officials, should notify the Commission of their intention to participate by filing a letter with the Secretary of the Commission to that effect on or before July 11, 1975.

Notice of this informal conference shall be given to the general public by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by delivering a copy of the notice to the Director, Office of the Federal Register for publication therein as notice to interested persons. Any interested party may submit written representations at the time of the conference.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17849 Filed 7-8-75;8:45 am]

[No. 36188]

IDAHO RAIL FREIGHT RATES AND CHARGES—1975

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of June, 1975.

By a joint petition filed pursuant to section 13(3) of the Interstate Commerce Act, on May 30, 1975, petitioners Burlington Northern Inc., The Camas Prairie Railroad Company, The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, The Spokane International Railroad Company, Union Pacific Railroad Company and Washington, Idaho and Montana Railway, common carriers by railroad, subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Idaho, request that this Commission institute an investigation of their Idaho intrastate freight rates and charges, under sections 3, 13, and 15a of the Interstate Commerce Act, wherein petitioners seek an order authorizing increases in those intrastate rates and charges, in the same amounts approved for interstate application by this Commission in Ex Parte No. 267, Increased Freight Rates and Charges, 1971, Ex Parte No. 303, Increased Freight Rates and Charges, 1974, Nationwide, Ex Parte No. 305, Nationwide Increases of Ten Percent in Freight Rates and Charges, 1974, and Ex Parte No. 310, Increased Freight Rates and Charges, 1975, Nationwide, to the extent that the Idaho Public Utilities Commission has not authorized those increases for intrastate application and, on one commodity [1] only to the extent that the carriers have not negotiated a separate adjustment; and

It appearing, that the current general level of intrastate freight rates and charges maintained by petitioners generally reflects the increases authorized by this Commission through Ex Parte No. 301-D,[2] except that in connection with the 12 percent increase authorized by Ex Parte No. 267, the Idaho Public Utilities Commission, by its Order No. 10503, Case No. R-2000-225, dated December 13, 1971, authorized a 6 percent increase for corresponding intrastate rates;

It further appearing, that the Idaho Public Utilities Commission, by Order No. 11817, in Case No. R-2000-248, dated March 31, 1975, denied petitioners' application to apply Ex Parte No. 303 increases to intrastate rates, and in Case No. R-2000-253, initiated by petitioners on June 26, 1974, it has failed to date to apply Ex Parte No. 305 increases to intrastate rates and in view of the denial and delay, petitioners have not filed with the State Commission for Ex Parte No. 310 increases to be applied to intrastate rates;

It further appearing, that under section 13(4) of the Interstate Commerce Act, and judicial authority,[3] this Commission is directed to institute an investigation of the lawfulness of intrastate rail freight rates and charges upon the filing of a petition by the carriers concerned pursuant to section 13(3) of the Interstate Commerce Act, whether or not theretofore considered by any State agency or authority and without regard to the pendency before any State agency or authority;

It further appearing, that petitioners contend that the Idaho intrastate freight rates have historically been maintained at the same general level as the corresponding interstate rates; that the present interstate basis of rates is just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Idaho are not more favorable than for interstate traffic; and that traffic moving under present Idaho intrastate rates and charges fails to provide its fair share of earnings;

And it further appearing, that, petitioners contend that the present Idaho intrastate rail freight rates and charges create undue and unreasonable advantage, preference and prejudice between persons and localities in intrastate commerce within Idaho and interstate and foreign commerce, and, result in undue, unreasonable and unjust discrimination against and an undue burden on interstate commerce in violation of sections 3, 13, and 15a of the Interstate Commerce Act, to the extent that they do not include the increases authorized in Ex Parte No. 267, Ex Parte No. 303, Ex Parte No. 305, and Ex Parte No. 310, supra, less the 6 percent increase approved by the Idaho Public Utility Commission, and except on saw logs, as noted above;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted to the extent that an investigation under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Idaho intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases corresponding to the interstate increases authorized in Ex Parte No. 267, Ex Parte No. 303, Ex Parte No. 305 and Ex Parte No. 310, supra; and to determine if any rates or charges, or maximum or minimum charges, or both, should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of the law, found to exist; and that the petition be, and it is hereby denied to the extent that relief is sought under section 3 of the act.[4]

It is further ordered, That all common carriers by railroad operating in the State of Idaho, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Idaho be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Idaho and the Idaho Public Utilities Commission, Boise, Idaho, and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17846 Filed 7-8-75;8:45 am]

[1] The carriers have negotiated separate adjustments on saw logs in lieu of the Ex Parte No. 267 and Ex Parte No. 305 increases, which were apparently limited to 6 and 7 percent, respectively.

[2] Authorized by Special Permission Order No. 74-1825.

[3] See *Intrastate Freight Rates and Charges, 1969*, 339 I.C.C. 670 (1971) affm'd *sub nom. State of N.C. ex rel. North Carolina Utilities Com'n. v. I.C.C.*, 347 F. Supp. 103 (E.D.N.C., 1972), affm'd *sub nom. North Carolina Utilities Commission et al. v. Interstate Commerce Commission, et al.*, 410 U.S. 919 (1973).

[4] Petitioners request for relief under section 3 of the act, which prohibits discrimination, prejudice, or disadvantage is unnecessary since under the provisions of section 13(4) the Commission is authorized to remove any advantage, preference, prejudice, discrimination or burden as between interstate and intrastate commerce which it finds to exist.

[Notice 23]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 3, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 11220 (Deviation No. 24), GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, Tenn. 38101, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Calhoun, Ga., over Interstate Highway 75 to Chattanooga, Tenn., thence over Interstate Highway 24 to Nashville, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Calhoun, Ga., over Georgia Highway 53 to junction U.S. Highway 411, thence over U.S. Highway 411 to Gadsden, Ala., thence over U.S. Highway 278 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 31, thence over U.S. Highway 31 to Decatur, Ala., thence over Interstate Highway 65 to Nashville, Tenn., and return over the same route, restricted (1) against the transportation of traffic which originates at, or is destined to Louisville, Ky., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, is destined to or originates at Memphis, Tenn, or a point in its commercial zone as defined by the Commission, and (2) to or from those points in the Louisville, Ky., commercial zone as defined by the Commission which are in Indiana.

No. MC 11220 (Deviation No. 25), GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, Tenn. 38101, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 (using portions of U.S. Highway 66 where Interstate Highway 55 is incomplete) to St. Louis, Mo., thence over Interstate Highway 44 (using portions of U.S. Highway 66 where Interstate Highway 44 is incomplete) to Springfield, Mo., thence over U.S. Highway 60 to Monett, Mo., thence over Missouri Highway 37 to the Arkansas-Missouri State line, thence over Arkansas Highway 47 to Gateway, Ark., thence over U.S. Highway 62 to Rogers, Ark., thence over U.S. Highway 71 to Ft. Smith, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to junction Illinois Highway

V40 I132 JUL 9 75 XUM

37, thence over Illinois Highway 37 to Cairo, Ill., thence over U.S. Highway 60 to Sikeston, Mo., thence over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, Ark., thence over U.S. Highway 65 to Conway, Ark., thence over U.S. Highway 64 to Russellville, Ark., thence over Arkansas Highway 7 to Dardanelle, Ark., thence over Arkansas Highway 22 to Ft. Smith, Ark., and return over the same route.

No. MC 111383 (Deviation No. 25), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minden, La., over U.S. Highway 79 to Memphis, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minden, La., over U.S. Highway 80 to Monroe, La., thence over U.S. Highway 165 to Montrose, Ark., thence over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Memphis, Tenn., and return over the same route.

No. MC 111383 (Deviation No. 26), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 65 to Ferriday, La., thence over U.S. Highway 84 to Archie, La., thence over Louisiana State Highway 28 to Alexandria, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 to Tulsa, Okla., thence over U.S. Highway 75 to junction Oklahoma Highway 3 near Coalgate, Okla., thence over U.S. Highway 3 to Antlers, Okla., thence over U.S. Highway 271 to Mt. Pleasant, Tex., thence over U.S. Highway 67 to Naples, Tex., thence over Texas Highway 77 to the Louisiana-Texas State line, thence over Louisiana Highway 1 to Shreveport, La., thence over U.S. Highway 71 to Alexandria, La., and return over the same route.

No. MC 111383 (Deviation No. 27), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 40 and U.S. Highway 270 near Dale, Okla., over Interstate Highway 40 to Memphis, Tenn., thence over U.S. Highway 72 and Alternate U.S. Highway 72 to Decatur, Ala., thence over U.S. Highway 31 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 278, thence over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 431 to junction U.S. Highway 78 near Oxford, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 270 to Seminole, Okla., thence over Oklahoma Highway 3 to Antlers, Okla., thence over U.S. Highway 271 to Mt. Pleasant, Tex., thence over U.S. Highway 67 to Naples, Tex., thence over Texas Highway 77 to the Louisiana-Texas State line, thence over Louisiana Highway 1 to Shreveport, La., thence over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., thence over U.S. Highway 78 to junction U.S. Highway 431 near Oxford, Ala., and return over the same route.

No. MC 111383 (Deviation No. 28), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed June 18, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 69 and 66 near Vinita, Okla., over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highways 69 and 66 near Vinita, Okla., over U.S. Highway 66 to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., and return over the same route.

No. MC 134308 (Deviation No. 1), CADDO EXPRESS, INC., P.O. Box 10280, Palo Alto, Calif. 94303, filed June 13, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Seiling, Okla., over U.S. Highway 60 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to Anadarko, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Seiling, Okla., over U.S. Highway 270 to Oklahoma City, Okla., thence over U.S. Highway 62 to Anadarko, Okla., and return over the same route.

No. MC 48958 (Deviation No. 65), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, Colo. 80216, filed June 18, 1975. Carrier's representative: Morris G. Cobb, P.O. Box 9050, Amarillo, Tex. 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Tucumcari, N. Mex., over Interstate Highway 40 (U.S. Highway 66) to junction Interstate Highway 44, thence over Interstate Highway 44 (U.S. Highway 66) to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 76, thence over Interstate Highway 76 to Akron, Ohio, and (2) From Tucumcari, N. Mex., over U.S. Highway 54 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 76, thence over Interstate Highway 76 to Akron, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tucumcari, N. Mex., over U.S. Highway 54 to Logan, N. Mex., thence over New Mexico Highways 39 and 58 to Springer, N. Mex., thence over U.S. Highway 85 to Denver, Colo., thence over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highways 138 and 30 to Grand Island, Nebr., thence over U.S. Highways 281 and 34 to Lincoln, Nebr., thence over U.S. Highway 6 to Princeton, Ill., thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highways 6 and 20 to Norwalk, Ohio, and thence over Ohio Highway 18 to Akron, Ohio, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17836 Filed 7-8-75;8:45 am]

[Notice 53]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 3, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before August 6, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 133689 (Sub-No. 61), filed June 13, 1975. Applicant: OVERLAND EXPRESS, INC., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail department stores (except foodstuffs), and in connection therewith, *materials and supplies* used in the conduct of such business (except commodities in bulk, those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), From points in Connecticut, Delaware, Illinois, (except those north of U.S. Highway 24), Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey (except those in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic, and Union Counties, N.J.) New York (except those east of New York Highway 12), North Carolina, Ohio, Pennsylvania, Rhode Island, and West Virginia, to Minneapolis-St. Paul, Minn. and points in their commercial zone as defined by the Commission. The purpose of this filing is to eliminate gateways at the facilities of World Wide, Inc. and Erickson Petroleum Co. at Minneapolis-St. Paul, Minn. and points in their commercial zone.

NOTE.—This is a gateway elimination requests and is directly related to a Section 5(2) proceeding in MC-F-12556 published in the FEDERAL REGISTER issue of June 25, 1975. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 44735 (Sub-No. 22) (Correction), January 31, 1975, published in the FEDERAL REGISTER issue of May 21, 1975, and republished as corrected this issue. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and concrete products* (except in bulk) between points in Illinois, Iowa and Nebraska on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, restricted against: (1) the transportation of pipe between points in Kansas (except the Kansas City, Kans-Kansas City, Mo. Commercial Zone), Oklahoma, Texas, and Arkansas, (2) the transportation of composition or prepared roofing from Dallas, Tex., and (3) the transportation of precast concrete products from Little Rock, Ark. The purpose of this filing is to eliminate a gateway at points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone. This application is a gateway elimination request filed pursuant to the commission's Policy statement in Ex Parte 55 (Sub-No. 8) notice in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12235 published in the FEDERAL REGISTER issue of June 19, 1974.

NOTE.—The purpose of this republication is to correct the commodity description.

No. MC 1936 (Sub-No. 4) (Amendment), B&P Motor Express, Inc. Ext-Chicago, Ill. published in the May 8, 1974 issue of the FEDERAL REGISTER and republished June 19, 1974. By order served June 18, 1975, the proceeding was reopened to allow B&P Motor Express to amend the authority granted by order of Review Board Number 5, issued March 21, 1975 in No. MC-1936 (Sub-No. 40) to authorize operations as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods, as defined by the Commission, office and store equipment; commodities requiring special equipment, livestock; textiles weighing more than 500 pounds, and commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in the Counties of Lake, McHenry, Kane, Du Page, and Will, points in that portion of De Kalb County, east of Illinois Highway 23 and those in that portion of Kankakee County north of Illinois Highway 114 and three north Illinois Highway 114 to the Indiana-Illinois border.

NOTE.—The purpose of this amendment is to omit from the exceptions to the description general commodities "building materials". This matter is directly related to the section 5 proceeding in MC-F-12181 published in the FEDERAL REGISTER issue of April 10, 1974.

No. MC F 12542 (Correction) (CAROLINA-WESTERN EXPRESS, INC.—LINA-WESTERN EXPRESS, INC.—LYNCH, doing business as LYNCH TRUCKING), published in the June 18, 1975, issue of the FEDERAL REGISTER. Prior notice should be modified to include: *Woven fiberglass*, as a *common carrier* over irregular routes, from Amsterdam, N.Y., West Shelby, N.C., and Waterville, Ohio, to Auburn, Kirkland, and Seattle, Wash.

No. MC F 12547 (Correction) (Route Messengers of PENNSYLVANIA, INC.—PURCHASE (PORTION) — HOURLY MESSENGERS, INC., doing business as as H. M. PACKAGE DELIVERY SERVICE), published in the June 18, 1975, issue of the FEDERAL REGISTER. Prior

V40-132 JUL 9 75 XUM

notice should be modified to include: *Drugs, medicines* and *pharmaceutical products*, as a *common carrier* over irregular routes, between the facilities of Parke Davis at Cherry Hill, N.J., on the one hand, and, on the other, points in New Castle County, Del., and Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, Pa., with restriction.

No. MC F 12572. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Ave., Detroit, MI 48210, of the operating rights and property of JOHNSTOWN MOTOR FREIGHT, INC., 1226 Claythorne Drive, Johnstown, PA 15904, and for acquisition by WAYNE E. LONG, Route 1, Brutus, MI 49716, of control of such rights and property through the purchase. Applicants' attorney: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Fresh fruits and vegetables, groceries, new and scrap metal, machinery*, and *office and store furniture and fixtures*, as a *common carrier* over irregular routes, between Johnstown, Pa., on the one hand, and, on the other, Washington, D.C., and Baltimore, Md., from Baltimore, Md., to Cresson, California, Huntington, Indiana, Latrobe, Mont Alto, Pittsburgh, Polk, Scotland, Somerset, Shippensburg, South Fork, Torrance, and Warren, Pa. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC F 12575. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601, of a portion of the operating rights of GEORGE A. HORTON, doing business as ASHLAND-HARLO FREIGHT LINES, 640 St. Johns Ave., Billings, MT 59102, and for acquisition by WILLIAM UTZINGER, WILLIAM D. UTZINGER, AND C. E. OGDEN, all of Casper WY 82601, of control of such rights through the purchase. Applicant's attorney: John R. Davidson, Room 805, Midland Bank Bldg., Billings, MT 59101. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 120249 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce within the State of Montana; and *general commodities*, with the usual exceptions as a *common carrier* over regular routes, between Harlowton, and White Sulphur Springs, Mont., serving no intermediate points, and serving the off-route points of Two Dot and Martinsdale, between White Sulphur Springs, and Helena, Mont., serving Townsend and East Helena, Mont., as intermediate points. Vendee is authorized to operate as a *common carrier* in Montana, Colorado, South Dakota, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 59856 (Sub-No. 63), is a matter directly related.

Finance Docket No. 27589 (Petition for Reopening and Modification to Approve and Authorize Participation of 21 Additional Common Carriers by Railroad) (AMERICAN RAIL BOX CAR COMPANY AND TRAILER TRAIN COMPANY ET AL.—FOR APPROVAL OF THE POOLING OF CAR SERVICE IN RESPECT TO BOX CARS), published in the March 12, 1974, issue of the FEDERAL REGISTER. By petition filed June 9, 1975, 21 additional common carriers by railroad seek modification of the report and order of August 1, 1974, as modified by supplemental report and order of September 24, 17974, which approved the box car pooling agreement in the above-entitled proceeding, subject to conditions, in order to permit the petitioning railroads to join in the box car pooling arrangement as full and equal participants. The 21 petitioning railroads are:

Alexander Railroad Company
The Arcata and Mad River Rail Road Company
Bauxite & Northern Railway Company
Robert W. Meserve and Benjamin H. Lacy Trustees of the Property of Boston and Maine Corporation
Chicago & Eastern Illinois Railroad Company
Chicago Heights Terminal Transfer Railroad Company
Doniphan, Kensett & Searcy Railway
Graysonia, Nashville & Ashdown Railroad Company
Iowa Terminal Railroad Co.
The Massena Terminal Railroad Company
Missouri-Illinois Railroad Company
New Orleans and Lower Coast Railroad Company
Oregon Electric Railway Company
Oregon Trunk Railway
Point Comfort & Northern Railway Company
Rockdale, Sandow & Southern Railroad Company
St. Joseph Belt Railway Company
South Omaha Terminal Railway Company
Texas Pacific-Missouri Pacific Terminal Railroad
Union Terminal Railway Company
Walla Walla Valley Railway Company

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17837 Filed 7-8-75;8:45 am]

[Notice 24]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 9, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 29, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75883. By order entered 6.25.75 the Motor Carrier Board approved the transfer to Keystone Delivery Service, Inc., North Miami, Fla., of the operating rights set forth in Permit No. MC 134716 (Sub-No. 4), issued May 10, 1973, to Rush Trucking, Inc., Ft. Lauderdale, Fla., authorizing the transportation of various specified commodities, from Tampa, Fla., to points in Pinellas and Hillsborough Counties, Fla., restricted to a transportation service to be performed under a continuing contract, or contracts, with Avon Products, Inc. Guy H. Postell, 3384 Peachtree Road NE, Atlanta, Ga. 30326, attorney for applicants.

No. MC-FC-75935. By order entered 6.25.75 the Motor Carrier Board approved the transfer to Stuart E. Keeny, New Freedom, Pa., of the operating rights set forth in Certificate No. MC 118586, issued August 22, 1974, to Emory S. Miller, Jr., Spring Grove, Pa., authorizing the transportation of agricultural limestones, in spreader type vehicles, from Jackson Township (York County), Pa., to points in Baltimore, Carroll, Cecil, Frederick, Harford, Howard, and Montgomery Counties, Md., with exceptions. Norman T. Petow, 43 North Duke St., York, Pa. 17401, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17839 Filed 7-8-75;8:45 am]

[Notice 23]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 9, 1975.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 8, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75478. By order of June 19, 1975, Division 3, acting as an Appellate Division, approved the transfer to Burwell Ray Gallop, doing business as Gallop Bus Company, Virginia Beach, Virginia, of Certificate No. MC 78723, issued August 9, 1966, to Maitland Bros. Bus Lines, Inc., Petersburg, Virginia, authorizing the transportation of passengers and their baggage, in charter operations, from Petersburg, Va., to points in Maryland, Pennsylvania, North Carolina, Virginia and the District of Columbia, and return. Raymond H. Stropie, Moody, McMurran and Miller, P.O. Box 1138, Portsmouth, Virginia 23705 attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17840 Filed 7-8-75;8:45 am]

[Finance docket No. 27628]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY CONSTRUCTION AND OPERATION NEAR HEDGES, BENTON COUNTY, WASHINGTON

JUNE 30, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served Thursday, May 22, 1975, applicant was required to publish a notice in Benton County, Wash., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sec. 4321, et seq.

2. No comments in opposition, of an environmental nature, were received by the Commission in response to the May 22, 1975, order and subsequent notice.

3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17841 Filed 7-8-75;8:45 am]

[Notice 69]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
D. J. McNichol Co., MC-2135 Sub-11	MC-2135 Sub-11	June 12, 1975
Wilson Freight Co., MC-13123 Sub-76	MC-13123 Sub-77	June 17, 1975
Arkansas-Best Freight Systems, MC-29910 Sub-144	MC-29910 Sub-146	June 12, 1975
Wells Fargo Armored Service Corp., MC-35807 Sub-46	MC-35807 Sub-50	June 17, 1975
Magnolia Truck Line, Inc., MC-64832 Sub-5	MC-64832 Sub-4	June 16, 1975
B. F. Walker, Inc., MC-74321 Sub-80	MC-74321 Sub-85	June 17, 1975
Pre-Fab Transit Co., MC-107295 Sub-649	MC-107295 Sub-657	June 12, 1975
Chemical Leaman Tank Lines, MC-110525 Sub-1102	MC-110525 Sub-1107	June 13, 1975
Huff Transport Co., Inc., MC-114091 Sub-86	MC-114091 Sub-86	Do.
Aurelia Trucking Co., MC-117820 Sub-6	MC-117820 Sub-7	June 12, 1975
Carvan Refrigerated Cargo, MC-119789 Sub-206	MC-119789 Sub-208	June 17, 1975
B & L Motor Freight, Inc., MC-123255 Sub-29	MC-123255 Sub-34	June 16, 1975
Sawyer Transport, Inc., MC-123407 Sub-192	MC-123407 Sub-196	June 17, 1975
Sawyer Transport, Inc., MC-123407 Sub-207	MC-123407 Sub-183	Do.
Crete Carrier Corp., MC-126375 Sub-86	MC-126375 Sub-90	June 16, 1975
Evergreen Express, MC-129350 Sub-27	MC-129350 Sub-36	June 17, 1975
Charro Trucking Corp., MC-129667 Sub-4	MC-129667 Sub-5	June 13, 1975
Hoyl Truck Lines, Inc., MC-133119 Sub-52	MC-133119 Sub-33	June 17, 1975
Goose Creek Transport, Inc., MC-134601 Sub-5	MC-134601 Sub-6	June 13, 1975
Whitehead Specialties MC-136268 Sub-3	MC-136268 Sub-5	June 12, 1975
D.b.a. Senske & Son Transfer, MC-138931 Sub-1	MC-138931 Sub-2	Do.
Davison Transport, Inc., MC-139243 Sub-1	MC-139243 Sub-2	Do.
D.b.a. Lee and Tweedy, MC-139472	MC-139472 Sub-1	June 13, 1975
Walter F. Hutfils and James A. Hutfils, d.b.a. Walter F. Hutfils Trucking, MC-139820	MC-139820 Sub-1	June 12, 1975

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.75-17850 Filed 7-8-75;8:45 am]

[Notice 70]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Kahan Delivery Service, MC-667 Sub-3	MC-667 Sub-4	Mar. 4, 1975
Dan Dugan Transport Co., MC-22195 Sub-155	MC-22195 Sub-156	Mar. 7, 1975
Clay Hyder Trucking Lines, MC-25798 Sub-258	MC-25798 Sub-260	Mar. 6, 1975
Schneider Transport, Inc., MC-51146 Sub-317	MC-51146 Sub-339	Mar. 18, 1975
Southeastern Motor Freight, MC-58828 Sub-8	MC-58828 Sub-9	Mar. 7, 1975
The Willett Co., MC-66462 Sub-14	MC-66462 Sub-13	Mar. 20, 1975
Nelson's Express, Inc., MC-76449 Sub-19	MC-76449 Sub-16	Mar. 7, 1975
Material Trucking, Inc., MC-76472 Sub-18, Sub-19, Sub-20	MC-76472 Sub-21	July 1, 1975
Graff Trucking Co., MC-105269 Sub-55	MC-105269 Sub-56	Mar. 7, 1975
E. B. Law & Son, Inc., MC-106278 Sub-33	MC-106278 Sub-35	Mar. 6, 1975
Frozen Food Express, MC-106207 Sub-358	MC-106207 Sub-366	Mar. 7, 1975
Short Freight Lines, Inc., MC-108382 Sub-20	MC-108382 Sub-23	Do.
Purolator Courier Corp., MC-111729 Subs 382 and 384	MC-111729 Sub-387	Mar. 5, 1975
Perchak Trucking, Inc., MC-112539 Sub-9	MC-112539 Sub-10	Mar. 7, 1975
Erickson Transport Corp., MC-113908 Sub-283	MC-113908 Sub-290	Mar. 6, 1975
Senn Trucking Co., MC-114552 Sub-87	MC-114552 Sub-87	Mar. 4, 1975
Weiss Trucking, Inc., MC-115092 Sub-28	MC-115092 Sub-27	Mar. 11, 1975
Pollard Delivery Service, MC-116133 Sub-11	MC-116133 Sub-12	Mar. 6, 1975
Chem-Hauling, Inc., MC-116254 Sub-141	MC-116254 Sub-143	Mar. 3, 1975
Russ Transport, Inc., MC-116459 Sub-43	MC-116459 Sub-42	Mar. 12, 1975
Apex Trucking Co., MC-117194 Sub-8	MC-117194 Sub-9	Mar. 11, 1975
Inco Express, Inc., MC-119620 Sub-14	MC-119620 Sub-13	Mar. 7, 1975
Craig Transportation Co., MC-119864 Sub-55	MC-119864 Sub-56	Do.
D.b.a. Black & White Express, MC-120841 Sub-4	MC-120841 Sub-6	Mar. 3, 1975
Chemical Express Carriers, MC-124236 Sub-70	MC-124236 Sub-73	Mar. 5, 1975
Gaston Feed Transport, Inc., MC-126489 Sub-20	MC-126489 Sub-21	Mar. 11, 1975
Paul's Hauling, Ltd., MC-128515 Sub-4	MC-128515 Sub-3	Mar. 12, 1975
Service Truck Line, Inc., MC-128878 Sub-31	MC-128878 Sub-32	Mar. 13, 1975
Jo/KEL, Inc., MC-128988 Sub-47	MC-128988 Sub-28	Mar. 3, 1975
Griffin Transportation, MC-129068 Sub-22	MC-129068 Sub-23	Mar. 6, 1975
Mallette Brothers Truck Line, MC-129660 Sub-3	MC-129660 Sub-4	Mar. 7, 1975
Fundis Co., MC-133779 Sub-6	MC-133779 Sub-7	Do.
Young's Express, Inc., MC-134280 Sub-2	MC-134280 Sub-3	Mar. 11, 1975
American Trans-Freight, Inc., MC-134404 Sub-12	MC-134404 Sub-13	Mar. 4, 1975
American Transport, Inc., MC-135007 Sub-35	MC-135007 Sub-40	Do.
Earl R. Martin, MC-135741 Sub-3	MC-135741 Sub-4	Mar. 10, 1975
Merchants Home Delivery Service, MC-136211 Sub-22	MC-136211 Sub-23	Mar. 12, 1975
Milton Transportation, Inc., MC-136343 Sub-16	MC-136343 Sub-18	Mar. 10, 1975
Donco Carriers, Inc., MC-136375 Sub-1	MC-136375 Sub-2	Mar. 12, 1975
Frosty Transportation, Inc., MC-136950 Sub-1	MC-136950 Sub-2	Mar. 10, 1975
D.b.a. ALL Ways Freight Lines, MC-138772 Sub-2	MC-138772 Sub-1	Mar. 13, 1975
D.b.a. John S. Watson Trucking Co., MC-1388878 Sub-1	MC-1388878 Sub-2	Mar. 17, 1975
Happy House Transport, Inc., MC-139297	MC-139297 Sub-1	Do.
Transtates, Inc., MC-139336 Sub-1, Sub-2, Sub-5, Sub-6	MC-139336 Sub-3	Mar. 4, 1975
Summit Transportation Corp., MC-139376 Sub-	MC-139376 Sub-1	Mar. 13, 1975
D.b.a. WYMO Transportation, MC-139431 Sub-	MC-139431 Sub-1	Mar. 6, 1975

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.75-17851 Filed 7-8-75;8:45 am]

V 40 1 132 JUL 9 75 XUM

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

JULY 3, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before August 8, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 2607 (Sub-No. 14G), filed June 4, 1974. Applicant: BERRY VAN LINES, INC., 747 N. Dupont Highway, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods* as defined by the Commission:

(1) Between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in New Jersey within 20 miles of Camden, N.J.

(2) Between points in Massachusetts, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Camden, N.J.; and points in New Jersey within 20 miles of Camden, N.J.

(3) Between points in Connecticut, on the one hand, and, on the other, points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in New Jersey within 20 miles.

(4) Between points in New Jersey, on the one hand, and, on the other, points in Delaware, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in New Jersey within 20 miles.

(5) Between points in New York, on the one hand, and, on the other, points in Delaware and the District of Columbia. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in New Jersey within 20 miles.

(6) Between points in Pennsylvania, on the one hand, and, on the other, points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in New Jersey within 20 miles.

(7) Between points in Connecticut and points in New York. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(8) Between points in Connecticut and points in New Jersey. The purpose of this filing is to elimiante the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles.

(9) Between points in New Jersey, on the one hand, and, on the other, points in New York, Pennsylvania, and Maryland. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles.

(10) Between points in New York, on the one hand, and, on the other, points in Pennsylvania and Maryland. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles.

(11) Between points in New York and points in Delaware. The purpose of this filing is to eliminate the gateway of Caroline County, Md.

(12) Between points in New York and points in Virginia. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Queen Anne County, Md.

(13) Between points in Pennsylvania and points in Delaware. The purpose of this filing is to eliminate the gateway of Queen Anne County, Md.

(14) Between points in Pennsylvania and points in Maryland. The purpose of this filing is to eliminate the gateways of Camden, N.J., Kent County, Md., and Queen Anne County, Md.

(15) Between points in Pennsylvania and points in Virginia. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles, and Kent County, Md.

(16) Between points in Delaware and points in Maryland. The purpose of this filing is to eliminate the gateways of Caroline County, Md., and Gloucester City, N.J., and points in New Jersey within 20 miles.

(17) Between points in Delaware and points in Virginia. The purpose of this filing is to eliminate the gateways of Queen Anne County, Md., and Dorchester County, Md.

(18) Between points in Delaware and points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Queen Anne County, Md.

(19) Between points in Maryland and points in Virginia. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles and Kent County, Md.

(20) Between points in Maryland and points in the District of Columbia. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles and Queen Anne County, Md.

(21) Between points in Rhode Island and points in Massachusetts. The purpose of this filing is to eliminate the gateways of Kent County, Md., and Camden, N.J.

(22) Between points in Connecticut, Pennsylvania, and Virginia, on the one hand, and, on the other, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, and Illinois. The purpose of this filing is to eliminate the gateway of Camden, N.J.

(23) Between points in Connecticut and Pennsylvania, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Camden, N.J.

(24) Between points in Virginia and points in West Virginia. The purpose of this filing is to eliminate the gateways of Queen Anne County, Md., and Camden, N.J., and points in New Jersey within 20 miles.

(25) Between points in New York and Maryland, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, and West Virginia. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles;

(26) Between points in New Jersey and Delaware, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Indiana, Illinois, and West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(27) Between points in Connecticut, Pennsylvania, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Missouri, Michigan, Wisconsin, Iowa, and Tennessee. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Macon County, Ill.

(28) Between points in New York and Maryland, on the one hand, and, on the other, points in Missouri, Michigan, Wisconsin, Iowa, and Tennessee. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles and Macon County, Ill.

(29) Between points in New Jersey and Delaware, on the one hand, and, on the other points in Missouri, Michigan, Wisconsin, Iowa, and Tennessee. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Macon County, Ill.

(30) Between points in Connecticut, Pennsylvania, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, Texas, and Kentucky. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Clark County, Ill.

(31) Between points in New York and Maryland, on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, Texas, and Kentucky. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles and Clark County, Ill.

(32) Between points in New Jersey and Delaware, on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, Texas, and Kentucky. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Clark County, Ill.

(33) Between points in the District of Columbia, on the one hand, and, on the other, points in Ohio, Indiana, and Illinois. The purpose of this filing is to eliminate the gateway of Camden, N.J.

(34) Between points in the District of Columbia, one the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida. The purpose of this filing is to eliminate the gateways of Kent County, Md., and Camden, N.J., and points in New Jersey within 20 miles.

(35) Between points in Rhode Island and Massachusetts, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, and West Virginia. The purpose of this filing is to eliminate the gateways of Kent County, Md., and Camden, N.J., and points in New Jersey within 20 miles.

(36) Between points in Rhode Island and Massachusetts, on the one hand, and, on the other, points in Missouri, Michigan, Wisconsin, Iowa, and Tennessee. The purpose of this filing is to eliminate the gateways of Kent County, Md., and Camden, N.J., and points in New Jersey within 20 miles, and Macon County, Ill.

(37) Between points in Rhode Island and Massachusetts, on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, Texas, and Kentucky. The purpose of this filing is to eliminate the gateways of Kent County, Md., and Camden, N.J., and points in New Jersey within 20 miles, and Clark County, Ill.

(38) Between points in Rhode Island and Massachusetts, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Kent County, Md., and Gloucester City, N.J., and points in New Jersey within 20 miles.

(39) Between points in Connecticut, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Camden, N.J.

(40) Between points in New York and Pennsylvania, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Gloucester City, N.J., and points in New Jersey within 20 miles.

(41) Between points in New Jersey, Delaware, and Maryland, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Camden, N.J.

(B) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading):

(1) From points in Pennsylvania, Maryland, and the District of Columbia within 90 miles of Wyoming, Del., to points in Caroline, Dorchester, and Talbot Counties, Md., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(2) From points in Pennsylvania, New Jersey, New York, and Delaware, to Wyoming, Del. with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Caroline County, Md.

(3) From Baltimore, Md., and Philadelphia, Pa., to points in Caroline, Talbot, and Dorchester Counties, Md., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(C) *Canned or preserved foodstuffs:*

(1) From points in Delaware, Pennsylvania, New Jersey, and New York, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland. The purpose of this filing is to eliminate the gateway of Caroline County, Md.

(2) From points in Delaware, Pennsylvania, New Jersey, and New York, to points in the District of Columbia, and Norfolk and Richmond, Va. The purpose of this filing is to eliminate the gateways of Caroline County, Md., and Wyoming, Del.

(3) From Washington, D.C., and points in Maryland within 90 miles of Wyoming, Del., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Wyoming, Del., and Caroline County, Md.

(4) From Washington, D.C., and points in Maryland within 90 miles of Wyoming, Del., to points in the District of Columbia, and Norfolk and Richmond, Va. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(5) From points in Maryland within 90 miles of Wyoming, Del., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(D) *Canned goods, applebutter, ketchup, and pickles* in containers, from points in Pennsylvania, New Jersey, New York, and Delaware, to Norfolk and Richmond, Va., Washington, D.C., Baltimore, Md., New York, N.Y., Atlantic City, N.J., Pittsburgh, Aliquippa, and Denbo, Pa., points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line near Brookfield, Pa., and extending south through Lewiston, Pa., to the Maryland-Pennsylvania State line, and points in that part of New Jersey on and within 15 miles of U.S. Highway 1, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Caroline County, Md., Wyoming, Del., and Kent County, Del.

(E) *Roofing paper:*

(1) From New Brunswick, N.J., to points in Caroline, Talbot, and Dorchester Counties, Md. The purpose of this filing is to eliminate the gateway of Sussex County, Del.

(2) From New Brunswick, N.J., to Wyoming, Del. The purpose of this filing is to eliminate the gateways of Sussex County, Del., and points in Maryland within 90 miles of Wyoming, Del.

(F) *Lumber and shingles*, from Elizabeth City, N.C., and Norfolk and Suffolk, Va., to points in Talbot, Caroline, and Dorchester Counties, Md. The purpose of this filing is to eliminate the gateway of Dover, Del.

(G) *Coal*, from Shomokin, Mt. Carmel, Pottsville, Jeddo, Frackville, Tamaqua, and Nanticoke, Pa., and points within 5 miles of Shomokin, Mt. Carmel, and Pottsville and Renova, Pa., to Talbot, Caroline, and Dorchester Counties, Md., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dover, Del.

(H) *Empty cartons*, from Delair, N.J., to points in Talbot, Caroline, and Dorchester Counties, Md. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(I) *Concrete pipe*, from points in New Jersey, New York, Pennsylvania, and Delaware, to points in Kent and Sussex Counties, Del., points in Worcester, Wicomico, and Somerset Counties, Md., points in Northampton and Accomack Counties, Va. The purpose of this filing is to eliminate the gateways of Caroline County, Md., and Wyoming, Del.

(J) *Concrete pipe and machinery and equipment* used or useful in the manufacture of concrete pipe:

(1) From points in New Jersey, New York, Pennsylvania, Delaware, to Norfolk, Va. The purpose of this filing is to eliminate the gateways of Caroline County, Md., and Wyoming, Del.

(2) From points in Maryland and the District of Columbia within 90 miles of Wyoming, Del., to Norfolk, Va. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(3) From Norfolk, Va., to points in Caroline, Talbot, and Dorchester Counties, Md. The purpose of this filing is to eliminate the gateway of Dover, Del.

(K) *Pickled fish*, from points in Pennsylvania, the District of Columbia, and Maryland within 90 miles of Wyoming, Del., to New York, N.Y. The purpose of this filing is to eliminate the gateways of Wyoming, Del., and Bellevue, Md.

(L) *Protane gas*, from Plainfield, N.J., to Wyoming, Del. The purpose of this filing is to eliminate the gateway of Oxford, Md.

V40-132 JUL 9 75 XUM

(M) *Vinegar*, from Biglersville, Pa., to points in Caroline, Dorchester, and Talbot Counties, Md. The purpose of this filing is to eliminate the gateway of Wyoming, Del.

(N) *Insecticides and spray materials*, from Philadelphia, Pa., and Baltimore, Md., to points in Caroline, Dorchester, and Talbot Counties, Md. The purpose of this filing is to eliminate the gateways of Kent and Sussex Counties, Del.

(O) *Lumber and fertilizer:*

(1) From Baltimore, Md., to points in Caroline, Dorchester, and Talbot Counties, Md. The purpose of this filing is to eliminate the gateway of New Castle County, Del.

(2) From Baltimore, Md., to Wyoming, Del. The purpose of this filing is to eliminate the gateways of New Castle County, Del., and Caroline County, Md.

No. MC 56383 (Sub-No. 12G), filed June 4, 1974. Applicant: KESSELL TRANSFER & STORAGE CO., INC., 3325 North El Paso Street, Colorado Springs, Colo. 80907. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming and (2) between points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, on the one hand, and, on the other, points in Indiana, Ohio, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and points within 30 miles thereof, Des Moines, Iowa, and points within 50 miles thereof, Des Moines, Iowa, and points within 80 miles thereof, and points in Oklahoma.

No. MC 83539 (Sub-No. 408G), filed May 30, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Iron and steel articles* as described in Appendix V to the Report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209:

(1) Between points in California, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of Utah, Oregon, or Oregon, and any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(2) Between points in California, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Utah.

(3) Between points in California, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Utah.

(4) Between points in California, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah.

(5) Between points in California, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Utah.

(6) Between points in Oregon, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(7) Between points in Oregon, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(8) Between points in Oregon, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(9) Between points in Washington, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(10) Between points in Washington, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(11) Between points in Washington, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(12) Between points in Washington, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(13) Between points in Idaho, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of any point Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(II) *Iron and steel articles*, as described in Appendix V to the Report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209;

(1) Between points in California, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate the gateway of points in Oregon.

(2) Between points in Oregon, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(3) Between points in Oregon, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(4) Between points in Oregon, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(5) Between points in Washington, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(6) Between points in Washington, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(7) Between points in Idaho, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(8) Between points in Idaho, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(9) Between points in Idaho, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(10) Between points in Idaho, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(11) Between points in Idaho, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

No. MC 108676 (Sub-No. 66G), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chi-

camauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: A. A. Metler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, consisting of iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, (2) *iron and steel articles* consisting of signs, sign poles, and parts and accessories therefore, and (3) *iron and steel articles*, consisting of contractors' equipment and coal and coke mining equipment, (a) between points in Kentucky, on the one hand, and, on the other, points in Georgia and South Carolina, (b) between points in Tennessee, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia, (c) between points in Alabama, on the one hand, and, on the other, points in Virginia, (d) between points in Kentucky, on the one hand, and, on the other, points in Alabama, North Carolina, and that part of Tennessee on and east of U.S. Highway 27, (e) between points in Tennessee, on the one hand, and, on the other, points in South Carolina and that part of Georgia on and east of Interstate Highway 75, (f) between points in Alabama, on the one hand, and, on the other, points in that part of North Carolina on and west of Interstate Highway 85, that part of Kentucky on and east of Interstate Highway 75, and that part of Tennessee in and east of Scott, Anderson, Roane, Loudon, and Blount Counties, Tenn.

(g) Between points in Georgia, on the one hand, and, on the other, points in that part of Virginia on and west of Interstate Highway 81, that part of North Carolina on, north, and west of a line beginning at the North Carolina-Tennessee state line and extending along Interstate Highway 40 to Winston-Salem, N.C., and thence along U.S. Highway 52 to the North Carolina-Virginia state line, and that part of Tennessee in and east of Scott, Anderson, Roane, Loudon, and Blount Counties, Tenn., (h) between points in North Carolina, on the one hand, and, on the other, points in that part of Alabama on and west of Interstate Highway 59, and (i) between points in Virginia, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(4) *Iron and steel articles* consisting of construction equipment, and parts, accessories, and attachments therefor (not including contractors' equipment), *maintenance equipment, and parts, accessories, and attachments therefor* (not including contractors' equipment), *power distribution equipment, and parts, accessories, and attachments therefor* (not including contractors' equipment), and *plant equipment, and parts, accessories, and attachments therefor* (not including contractors' equipment), (a) between points in Kentucky, on the one hand, and, on the other, points in Georgia and South Carolina, (b) between points in Tennessee, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia, (c) between points in Alabama, on the one hand, and, on the other, points in Virginia, (d) between points in Kentucky, on the one hand, and, on the other, points in Alabama, North Carolina, and that part of Tennessee on and east of U.S. Highway 27.

(e) Between points in Tennessee, on the one hand, and, on the other, points in South Carolina and that part of Georgia on and east of Interstate Highway 75, (f) between points in Alabama, on the one hand, and, on the other, points in that part of North Carolina on and west of Interstate Highway 85, that part of Kentucky on and east of Interstate Highway 75, and that part of Tennessee in and east of Scott, Anderson, Roane, Loudon, and Blount Counties, Tenn., (g) between points in Georgia, on the one hand, and, on the other, points in that part of Virginia on and west of Interstate Highway 81, that part of North Carolina on, north, and west of a line beginning at the North Carolina-Tennessee state line and extending along Interstate Highway 40 to Winston-Salem, N.C., and thence along U.S. Highway 52 to the North Carolina-Virginia state line, and that part of Tennessee in and east of Scott, Anderson, Roane, Loudon, and Blount Counties, Tenn., (h) between points in North Carolina, on the one hand, and, on the other, points in that part of Alabama on and west of Interstate Highway 59, and (i) between points in Virginia, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

(5) *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of maintenance machinery and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), (a) between points in Kentucky, on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and North Carolina, and points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Sequatchie, Grundy, and Marion Counties, Tenn., and points in Virginia on and west of U.S. Highway 21, (b) between points in Tennessee, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia, and points in Kentucky on and east of U.S. Highway 27 and points in that part of Georgia on and east of U.S. Highway 41, (c) between points in Alabama, on the one hand, and, on the other, points in Virginia, North Carolina, and points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Sequatchie, Grundy, and Marion Counties, Tenn., and points in South Carolina on and north of U.S. Highway 1, (d) between points in Georgia, on the one hand, and, on the other, points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Sequatchie, Grundy, and Marion Counties Tenn., and points in Virginia on and west of Interstate Highway 95 and points in North Carolina north and west of Interstate Highway 85, (e) between points in South Carolina, on the one hand, and, on the other, points in Virginia on and west of U.S. Highway 21, (f) between points in North Carolina, on the one hand, and on the other, points in Alabama on and north of a line beginning at the Alabama-Georgia state line and extending along U.S. Highway 78 to Birmingham, Ala., and thence along U.S. Highway 11 to the Alabama-Mississippi state line.

(g) Between points in Virginia on and south of U.S. Highway 60, on the one hand, and, on the other, points in Kentucky in and west of Wayne, Adair, Green, Hart, Edmonson, Butler, Ohio, and Daviess Counties, Ky., and (h) between points in Virginia on and west of Interstate Highway 81, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of any point within 75 miles of Knoxville, Tenn.

(6) *Iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips*, consisting of construction machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), *maintenance machinery, tools, and equipment, and parts, accessories, and attachments therefor* (not including contractors' machinery and equipment), *power distribution machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), (a) between points in Kentucky, on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and North Carolina, and points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Sequatchie, Grundy, and Marion Counties, Tenn., and points in Virginia on and west of U.S. Highway 21, (b) between points in Tennessee, on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia, and points in Kentucky on and east of U.S. Highway 27 and points in that part of Georgia on and east of U.S. Highway 41.

(c) Between points in Alabama, on the one hand, and, on the other, points in Virginia, North Carolina, and points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Sequatchie, Grundy, and Marion Counties, Tenn., and points in South Carolina on and north of U.S. Highway 1, (d) between points in Georgia, on the one hand, and, on the other, points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Sequatchie, Grundy, and Marion Counties, Tenn., and points in Virginia on and west of U.S. Highway 95 and points in North Carolina north and west of Interstate Highway 85, (e) between points in South Carolina, on the one hand, and, on the other, points in Virginia on and west of U.S. Highway 21, (f) between points in

V40-132 JUL 9 75 XUM

North Carolina, on the one hand, and, on the other, points in Alabama on and north of a line beginning at the Alabama-Georgia state line and extending along U.S. Highway 78 to Birmingham, Ala., and thence along U.S. Highway 11 to the Alabama-Mississippi state line, (g) between points in Virginia on and south of U.S. Highway 60, on the one hand, and, on the other, points in Kentucky in and west of Wayne, Adair, Green, Hart, Edmonson Butler, Ohio, and Daviess Counties, Ky., and (h) between points in Virginia on and west of Interstate Highway 81, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of any point within 75 miles of Knoxville, Tenn.

(7) *Iron and steel articles* consisting of signs, sign poles, and parts and accessories therefore, (a) from points in Georgia, to points in the United States in and north of Missouri, Kansas, Colorado, Utah, Nevada, California, Kentucky, West Virginia, Maryland, and Delaware (except Alaska and Hawaii), (b) from points in South Carolina, to points in the United States in and west of Ohio, Kentucky, Missouri, Arkansas, and Texas (except Alaska and Hawaii), (c) from points in North Carolina, to points in the United States in and west of Minnesota, Wisconsin, Illinois, Indiana, Missouri, Arkansas, and Mississippi (except Alaska and Hawaii), (d) from points in Virginia, to points in the United States in and west of Mississippi, Arkansas, Kansas, Nebraska, Wyoming, and Montana (except Alaska and Hawaii), (e) from points in Kentucky, to points in Florida, (f) from points in Tennessee, to points in the United States in and east of Pennsylvania, West Virginia, Maryland, and Delaware, and (g) from points in Alabama, to points in the United States in and east of Michigan, Ohio, West Virginia, Maryland, and Delaware. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 113528 (Sub-No. 23G), filed May 21, 1974. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, 710 N. Joachim St., Mobile, Ala. 36601. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Alabama south of U.S. Highway 278, on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Sumter, S.C.

NOTICES

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2630 (Sub E12), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Sussex County, Del., on the one hand, and, on the other, points in Indiana south and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 41 to junction Indiana Highway 28 to junction Indiana Highway 25 to junction Indiana Highway 26 to junction Indiana Highway 9 to junction Indiana Highway 7 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E41), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, Inc., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Florida west of U.S. Highway 231, on the one hand, and, on the other, points in Indiana on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E42), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, Inc., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Texas on, south, and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 67 to U.S. Highway 87 to U.S. Highway 190 to Junction U.S. Highway 183 to junction U.S. Highway 87 to Port Lavaca, on the one hand, and, on the other, those points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction U.S. Highway 90 to junction U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub No. E43), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Florida on and east of U.S. Highway 231, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E44), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Texas, on the one hand, and, on the other, those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to its junction with U.S. Highway 461 to its junction with U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E45), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone Street, Kingsport, Tenn. 37660. Applicant's representative: Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to its junction with U.S. Highway 67 to its junction with U.S. Highway 87 to its junction with U.S. Highway 190 to its junction with U.S. Highway 183 to its junction with U.S. Highway 81 to Corpus Christi Bay, on the one hand, and, on the other, those points in Indiana north and east of U.S. Highway 31 and Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 2630 (Sub E46), filed May 31, 1974. Applicant: TOM STILL TRANSFER COMPANY, INC., 632 Boone St., Kingsport, Tenn. 37660. Applicant's representative; Eugene R. Still (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in New Castle County, Del., on the one hand, and, on the other, points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn., or points within 100 miles of Kingsport.

No. MC 4405 (Sub-No. E19), filed July 13, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan (except those in Geogebic, Ontonagau, Houghton, Keewenaw, Iron, and Baraga Counties), and East St. Louis, Ill., on the one hand, and, on the other, points in Oklahoma and those in Kansas in and east of Seward, Meade, Clark, Kiowa, Pratt, Kingman, Sedgwick, Butler, Greenwood, Coffey, Franklin, and Miami Counties. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., and East St. Louis, Ill.

No. MC 4405 (Sub-No. E20), filed July 13, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted against the transportation of any such commodity to be used in, or in connection with main or trunk pipelines, restricted to commodities which because of size or weight require the use of special equipment, (a) between points in Tennessee, South Carolina, North Carolina, Alabama, and Georgia, on the one hand, and, on the other, points in Kansas; (b) between points in Kansas, on the one hand, and, on the other, points in Virginia and West Virginia; and (c) between points in Kentucky, on the one hand, and, on the other, points in Kansas south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 54 to junction U.S. Highway 183 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 30446 (Sub-No. E4), filed May 13, 1974. Applicant: BRUCE JOHNSON TRUCKING CO., INC., 125 E. Craighead Road, Charlotte, N.C. 28205. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, brick, cement, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points in that part of South Carolina bounded by a line beginning at the North Carolina-South Carolina State line and extending along South Carolina Highway 5 to Blacksburg, thence along U.S. Highway 29 to Gaffney, thence along South Carolina Highway 11 to New Prospect, thence along South Carolina Highway 9 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction South Carolina Highway 5 and point of beginning, including points on said boundary line, on the one hand, and, on the other, points in that part of South Carolina bounded by a line beginning at the South Carolina-Georgia State line and junction U.S. Highway 321 near Port Wentworth, Ga., thence along U.S. Highway 321 to Tillman, S.C., thence along South Carolina Highway 336 to Ridgeland, S.C., thence along U.S. Highway 278 to junction South Carolina Highway 170, thence along South Carolina Highway 170 to Beaufort, S.C., thence along U.S. Highway 21 to the Atlantic Ocean, thence along the ocean shores to the South Carolina-Georgia State line to junction U.S. Highway 321, and points of beginning, including points on said boundary line.

(c) Between points in that part of South Carolina bounded by a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 123 to Clemson, S.C., thence along U.S. Highway 88 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction South Carolina Highway 11, thence along South Carolina Highway 11 to New Prospect, S.C., thence along South Carolina Highway 9 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction Georgia-South Carolina State line, thence along the Georgia-South Carolina State line to junction U.S. Highway 123, and point of beginning, including points on said boundary line, on the one hand, and, on the other, points in that part of South Carolina bounded by a line beginning at the North Carolina-South Carolina State line at junction Lynches River, and extending along Lancaster County, S.C., line to Kershaw, S.C., thence along South Carolina Highway 341 to Lake City, S.C., thence along U.S. Highway 52 to Kingstree, S.C., thence along South Carolina Highway 261 to junction South Carolina Highway 377, thence along South Carolina Highway 377 to junction U.S. Highway 521, thence along U.S. Highway 521 to Georgetown, S.C., thence along the south river shore of the Vinyah Bay to the Atlantic Ocean, thence along the ocean shores to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction Lynches River, and point of beginning, including points on said boundary line; between points in that

V 40 I 132 J UL 9 75 XUM

part of South Carolina bounded by a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 123 to Clemson, S.C., thence along South Carolina Highway 88 to junction Interstate Highway 85, thence along Interstate Highway 85 to Greenville, S.C., thence along South Carolina Highway 20 to Belton, S.C., thence along U.S. Highway 76 to Anderson, S.C., thence along South Carolina Highway 24 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 123, and point of beginning, including points on said boundary lines, on the one hand, and, on the other, points in that part of South Carolina bounded by a line beginning at the North Carolina-South Carolina State line at junction Lynches River, and extending along the Lancaster County, S.C., line to junction South Carolina Highway 903, thence along South Carolina Highway 903 to junction South Carolina Highway 151, thence along South Carolina Highway 151 to Darlington, S.C., thence along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to Marion, S.C., thence along U.S. Highway 501 to Myrtle Beach, S.C., thence along the ocean shores to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction Lynches River, and points of beginning, including points on said boundary line. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Lancaster, S.C.

No. MC 60014 (Sub-No. E16), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Delaware, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Vermont on and east of a line beginning at Champlain, and extending along U.S. Highway 7 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 155, thence along Vermont Highway 155 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Vermont-Massachusetts State line. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E24), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, which by reason of size or weight require the use of special equipment, from points in Pennsylvania to points in Kentucky, Alabama, and those in Tennessee on and west of a line beginning at the Tennessee-Virginia State line and extending along Tennessee Highway 63 to junction U.S. Highway 25W, thence along U.S. Highway 25W to junction Tennessee Highway 95, thence along Tennessee Highway 95 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va.

No. MC 60014 (Sub E25), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Pennsylvania, on the one hand, and, on the other, those points in Massachusetts on and east of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 5 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-New Hampshire State line. The purpose of this filing is to eliminate the gateway of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub E26), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Pennsylvania on and south of Interstate Highway 80, on the one hand, and, on the other, those points in Vermont on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points within 35 miles of Boston.

No. MC 60014 (Sub E29), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, those points in New Hampshire north and east of a line beginning at Vermont-New Hampshire State line and extending along New Hampshire Highway 25A, to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction Interstate Highway 89, thence along Interstate Highway 89 to junction New Hampshire Highway 103, thence along New Hampshire Highway 103 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 9, thence along New Hampshire Highway 9 to junction New Hampshire Highway 123, thence along New Hampshire Highway 123 to New Hampshire-Vermont State line. The purpose of this filing is to eliminate the gateways of New York and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E30), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, those points in Rhode Island on and south of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 165 to junction Rhode Island 102, thence along Rhode Island Highway 102 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction of Rhode Island Highway 1A, thence along Rhode Island 1A to the Rock Island Sound. The purpose of this filing is to eliminate the gateway of New York and points in Massachusetts, points within 35 miles of Boston.

No. MC 60014 (Sub E32), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which by reason of their size or weight, requires the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in Ohio, Pennsylvania, and points in Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

No. MC 60014 (Sub E33), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitates the special equipment, is performed by the consignor or consignee, or both, between points in New Jersey, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of points in New York within 10 miles of Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E34), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitates the special equipment, is performed by the consignor or consignee, or both, between points in New Jersey, on the one hand, and, on the other, those points in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub-No. E35), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 94 to junction New Jersey Highway 521, thence along New Jersey Highway 521 to junction New Jersey Highway 519, thence along New Jersey Highway 519 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to the New Jersey-New York State line, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York, within ten miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub-No. E36), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, which by reason of size or weight, require the use of special equipment, from points in New Jersey, to points in Alabama, Mississippi, Kentucky, and those in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of Wheeling and Beechbottom, W. Va.

No. MC 60014 (Sub-No. E37), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Maryland, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn.; and Greenwich, Conn.

No. MC 60014 (Sub-No. E38), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Maryland, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn.; and Greenwich, Conn.

No. MC 60014 (Sub-No. E39), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight require the use of special equipment, between points in Maryland, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of West Virginia, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway

V40 I132 JUL 9 75 XUM

33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E40), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Maryland, on the one hand, and, on the other, points in Maine, New Hampshire, those in Vermont on and east of a line beginning at the United States-Canada International Boundary line and extending along Vermont Highway 105 to junction Vermont Highway 101, thence along Vermont Highway 101 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Vermont-Massachusetts State line, those in Rhode Island on and north of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 165 to junction Rhode Island Highway 102, thence along Rhode Island Highway 102 to junction U.S. Highway 1-A, thence along U.S. Highway 1-A to Rhode Island Sound, and those in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 15 miles of Boston.

No. MC 60014 (Sub-No. E41), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, which by reason of size or weight require the use of special equipment, from points in Maryland, to points in Mississippi, those in Alabama on and west of a line beginning at the Mississippi-Alabama State line and extending along Alabama Highway 10 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 116, thence along Alabama Highway 116 to junction Alabama Highway 36, thence along Alabama Highway 36 to junction Alabama Highway 23, thence along Alabama Highway 23 to junction Alabama Highway 81, thence along Alabama Highway 81 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 140, thence along Alabama Highway 140 to junction Alabama Highway 8, thence along Alabama Highway 8 to junction Alabama Highway 75, thence along Alabama Highway 75 to the Alabama-Georgia State line, those in Tennessee on and west of a line beginning at the Tennessee-Alabama State line and extending along Tennessee Highway 27 to junction Tennessee Highway 108, thence along Tennessee Highway 108 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to the Tennessee-Kentucky State line, and extending along U.S. Highway 25 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateways of Wheeling and Beechbottom, W. Va.

No. MC 60014 (Sub-No. E42), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111), to Harrisburg, Pa., thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pa., thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line; and Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

No. MC 60014 (Sub-No. E43), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Delaware, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub-No. E44), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Delaware, on the one hand, and, on the other, those points in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub-No. E45), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Delaware, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn., Greenwich, Conn., and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E47), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles which by reason of size or weight require the use of special equipment, from points in Delaware, to points in Mississippi, those in Kentucky on and east of a line beginning at the West Virginia-Kentucky State line and extending along U.S. Highway 23 to junction U.S. Highway 23/460, thence along U.S. Highway 23/460 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 421, thence along Kentucky Highway 421 to the Kentucky-Virginia State line, those in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 42 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line, those in Alabama on and west of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231/431 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Wheeling and Beechbottom, W. Va.

No. MC 60014 (Sub-No. E48), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in New York, on the one hand, and, on the other, those points in Ohio on and south of a line beginning at Lake Erie and extending along Ohio Highway 91 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line along unnumbered highway to York, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pa., thence along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pa., thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, and Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

No. MC 60014 (Sub-No. E49), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which by reason of size or weight require the use of special equipment, from points in New York to points in Kentucky, Mississippi, Alabama, those in Tennessee on and west of a line beginning at the Virginia-Tennessee State line, and extending along Tennessee Highway 33 to junction Tennessee Highway 31, thence along Tennessee Highway 3 to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction Tennessee Highway 31 to junction U.S. Highway 11W, thence to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of Wheeling and Beechbottom, W. Va.

No. MC 60014 (Sub-No. E50), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment, between points in New York, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line along unnumbered highway to York, Pa., thence along U.S. Highway 15 to Trout Run, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line; Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E52), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, from those points in New York on and south of a line beginning at Lake Erie and extending along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, to those points in Maine on and east of a line beginning at the United States-Canada International Boundary line and extending along Maine Highway 11 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Alternate Highway 1, thence along U.S. Alternate Highway 1 to junction U.S. Highway 1, thence along U.S. Highway 1 to Penobscot Bay. The purpose of this filing is to eliminate the gateways of points in New York within ten miles of Greenwich, Conn., Greenwich, Conn., and points in Massachusetts.

No. MC 60014 (Sub E55), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

No. MC 60014 (Sub-No. E67), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, which by reason of size or weight, requires the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in Rhode Island, New Hampshire, and those in Connecticut east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 8 to junction Connecticut Highway 202, thence along Connecticut Highway 202 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Long Island Sound. The purpose of this filing is to eliminate the gateways of Erie, Crawford, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Westmoreland, Butler, Venango, Warren, McKean, Forest, Elk, Cameron, Clarion, Jefferson, Clearfield, Armstrong, Indiana, Cambria Somerset, Bedford, Blair, Huntingdon, Fulton, and Franklin Counties, Pa., New York; and points in Massachusetts within 35 miles of Boston.

No. MC 83539 (Sub-No. E7) (Correction), filed May 2, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and parts thereof when moving in connection with such commodities, and

V40-132 JUL 9 75 XUM

related contractors' materials and supplies and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Missouri in and south of Platte, Clay, Ray, Caldwell, Livingston, Linn, Adair, Knox, and Clark Counties, Mo., on the one hand, and, on the other, points in Colorado (except those points east of a line extending from the Nebraska-Colorado State line on Colorado Highway 71 to Limon, Colo., and those points north of a line extending from Limon, Colo., on U.S. Highway 40 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Wichita, Kans. The purpose of this correction is to correct the highway description in the exception above.

No. MC 83539 (Sub E28), filed June 1, 1974. Applicant: C & H TRANSPORTATION CO. INC., 2010 West Commerce St., Dallas, Tex. 75208. Applicant's representative: Wiley Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic Pipe* (except those which because of size or weight require the use of special equipment, those described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459 at 543, and except the stringing or picking up of pipe in connection with the stringing or dismantling of main or trunk pipelines), from High Springs, Fla., to points in Connecticut, Delaware, New Jersey, New Hampshire, Maine, Massachusetts, Vermont, Rhode Island, (Macungie, Pa.)*, Kansas, and Oklahoma (Memphis, Tenn.).* The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 83539 (Sub-No. E62), filed June 4, 1974. Applicant: C & H TRANSPORTATION, 2010 W. Commerce St., Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment, from points in Bonneville County, Idaho, to points in Wisconsin (except those in and west of Ashland, Price, Taylor, Clark, Jackson, Monroe, and Vernon Counties). Restricted against the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of Butte, Mont., points in South Dakota, Iowa, and Illinois.

No. MC 102616 (Sub-No. E134), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Missouri. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Huntington, Ind.

No. MC 102616 (Sub-No. E154), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, except dry chemicals, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Illinois, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of Kalamazoo, Mich.

No. MC 102616 (Sub-No. E155), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, except dry chemicals and except liquid hydrogen, liquid oxygen, and liquid nitrogen, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Kalamazoo, Mich.

No. MC 102616 (Sub-No. E156), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Michigan, (1) to points in Delaware, Maryland, Virginia, and the District of Columbia (points within 5 miles of Nitro, W. Va., which are within the Commercial Zone of Institute or South Charleston, W. Va.)*; and (2) to points in Kanawha County, W. Va. (South Charleston or Institute, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 102616 (Sub-No. E157), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania (except Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties). The purpose of this filing is to eliminate the gateways of Detroit, Mich., Akron, Ohio, and the plantsites of Aniline or Solvay divisions of Allied Chemical Co., near Moundsville, W. Va.

No. MC 102616 (Sub-No. E158), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, Texas (except Harris County), points in Nebraska west of U.S. Highway 83, and points in Colorado, New Mexico, and Wyoming, which are on and east of U.S. Highway 85, restricted against the transportation of resins, paints and paint materials, to points in the Dallas, Tex., Commercial Zone. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E159), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia (except Charleston, South Charleston, Nitro, and Institute). The purpose of this filing is to eliminate the gateway of Midland, Mich.

No. MC 102616 (Sub-No. E161), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Kentucky. The purpose of this filing is to eliminate the gateways of Midland, Mich., and points within 5 miles thereof.

No. MC 102616 (Sub-No. E162), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Kalamazoo, Grand Rapids, and Montague, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina, Tennessee, Texas (except Harris County), and points in Colorado, New Mexico, North Dakota,

South Dakota, and Wyoming, which are on and east of U.S. Highway 85, restricted against the transportation of resins, paint and paint materials to points in the Commercial Zone of Dallas, Tex. The purpose of this filing is to eliminate the gateways of Marshall, Ill., and points within 5 miles thereof.

No. MC 102616 (Sub-No. E163), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Kalamazoo, Grand Rapids, and Montague, Mich., to points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Pleasants, and Wetzel Counties, W. Va., and Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio.

No. MC 102616 (Sub-No. E164), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Kalamazoo, Grand Rapids, and Montague, Mich., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania (except Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties). The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Summit, Stark, or Trumbull Counties, Ohio, and the plantsites of Aniline or Solvay divisions of Allied Chemical Co., near Moundsville, W. Va.

No. MC 102616 (Sub-No. E165), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bay City, Mich., to points in Illinois, Indiana, and Ohio. The purpose of this filing is to eliminate the gateways of Midland, Mich., or points within 10 miles thereof.

No. MC 102616 (Sub-No. E166), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kalamazoo and Grand Rapids, Mich., to points in North Carolina, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Ohio and Institute, or South Charleston, W. Va.

No. MC 102616 (Sub-No. E167), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Midland, Mich., and points within 10 miles thereof, to points in Arkansas, Mississippi, Nebraska, Oklahoma, Texas (except Harris County), and points in New Mexico, North Dakota, South Dakota, and Wyoming, which are on and east of U.S. Highway 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, Tex., Commercial Zone. The purpose of this filing is to eliminate the gateway of Marshall, Ill., and points within 5 miles thereof.

No. MC 102616 (Sub-No. E168), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Montague, Mich., to points in North Carolina. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and Institute, W. Va.

No. MC 102616 (Sub-No. E169), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Kalamazoo, Grand Rapids, and Montague, Mich., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Huntington, Ind.

No. MC 102616 (Sub-No. E170), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ludington, Mich., to points in Kentucky, Illinois, and Ohio (except Dover). The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Huntington, Ind.

No. MC 102616 (Sub-No. E171), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Montague, Mich., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 102616 (Sub-No. E172), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Montague, Mich., to points in Delaware. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and the Allied Chemical Co. plantsite near Moundsville, W. Va.

No. MC 102616 (Sub-No. E176), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except sulphuric acid), in bulk, in tank vehicles, from Kalamazoo, Grand Rapids, and Montague, Mich., to points in Minnesota, Iowa, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 102616 (Sub-No. E177), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bay City, Mich., to points in Missouri and Wisconsin. The purpose of this filing is to eliminate the gateways of Midland, Mich., and points within 5 miles thereof.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17835 Filed 7-8-75;8:45 am]

V 40 N 132 JUL 9 75 XUM

federal register

WEDNESDAY, JULY 9, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 132

PART II

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

V 40 I 132 JUL 9 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975–11; AOR 1975–9—1975–12]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–9 through 1975–12 are published today. Each of the Requests consists of inquiries from several sources which have been consolidated since they present similar issues.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Request Section, 1325 K Street NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–9: APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITS TO UNOPPOSED PRIMARY CANDIDATES

A. *Request of Senator Strom Thurmond (Request Edited by the Commission).*

DEAR MR. CURTIS: • • • Is a primary in which there is only one candidate for nomination considered an election, for purposes of the contribution and spending limitations of 18 U.S.C. 608? Is the determination of this question affected if the executive committee of the State party, acting in accordance with State law, declares that sole candidate to be its nominee after the last filing date but before the primary date?

STROM THURMOND,
U.S. Senator.

Source: Senator Strom Thurmond, 4241 Dirksen Senate Office Building, Washington, D.C. 20510 (April 18, 1975).

B. *Republican State Central Committee of South Dakota (Request edited by the Commission).*

DEAR MR. CURTIS: We are hereby requesting a formal advisory opinion from the Federal Election Commission on the following situation:

In the situation of a candidate for U.S. Representative in South Dakota who does not have opposition in the primary and whose name therefore does not appear on the primary ballot, is such an individual entitled to expend funds in pursuit of the nomination up to the full $70,000 limitation?

• • • In South Dakota candidates who are not opposed in a primary election do not actually appear on the ballot and it is possible, therefore, that a candidate in either party might be limited to make only general election expenditures under the limitations of the Federal Election Laws • • •

JOHN E. OLSON,
State Chairman.

Source: John E. Olson, State Chairman, Republican State Central Committee of South Dakota, Post Office Box 1099, Pierre, South Dakota 57501 (May 28, 1975).

AOR 1975–10: INTERNAL TRANSFERS OF FUNDS BY CANDIDATES OR COMMITTEES

A. *Request of Congressman John J. McFall (Fund Transfers from Campaign Depository) (Request Edited by the Commission).*

Gentlemen: • • • Is it permissible for a principal campaign committee of a candidate for Federal office to transfer funds from a checking account at a designated campaign depository to a savings account in the same bank and/or to a savings account in another financial institution that is not a designated campaign depository?"

JOHN J. MCFALL,
Member of Congress.

Source: Congressman John J. McFall, 2346 Rayburn House Office Building, Washington, D.C. 20515 (May 19, 1975).

B. *Request of Thomas Coleman (Fund Transfer From Local to Federal Election) (Request Edited by the Commission).*

As a candidate for Congress • • • I respectfully request an advisory opinion on the following:

A candidate for Federal office has surplus campaign funds remaining from a local state election. How does he report the transfer of these funds to his Federal campaign committee? Does the candidate or his campaign committee need to disclose the source of the surplus contributions and if so, does one presume the funds came from the last contributions to the campaign (last in-last out)? What if the names of the individual contributors are unknown?

E. THOMAS COLEMAN.

Source: E. Thomas Coleman, 2919 N.E. Russell Road, Kansas City, Missouri 64117 (May 20, 1975).

C. *Request of The Circle Club (Transfer of Funds by a Political Committee) (Request Edited by the Commission).*

DEAR SIRS: • • • Can a pre-existing political committee with residual funds obtain the consent of the contributors of said funds to earmark those funds for a specific Federal candidate, and transfer said funds as contributions from said contributors to the principal campaign committee of the candidate that the contributors wish to support (not exceeding $1,000.00) in the nominating process?

• • • • •

GORDON K. DURNIL,
Treasurer, The Circle Club.

Source: Gordon K. Durnil, Treasurer, The Circle Club, One Indiana Square, Suite 3300, Indianapolis, Indiana 46204 (June 17, 1975).

D. *Request of Senator James Buckley (Allocation of Campaign and Non-Campaign Expenditures) (Request Edited by the Commission).*

DEAR MR. CURTIS: Prior to the enactment of the Federal Election Campaign Act Amendments of 1974, I authorized a procedure to be followed by those handling my fund-raising that may or may not have to be altered prior to the time I declare my candidacy for the Senate in 1976.

• • • Senate rules allow an incumbent to raise and spend money for the purpose of augmenting his staff's activities. These monies are technically "non-political" in nature and don't have to be reported publicly.

Until about eighteen months ago, I had a committee operating under these rules, but at that time I decided to abolish it and report all funds received regardless of how they are expended. Therefore, when the Friends of Jim Buckley was formed as an authorized committee, I asked the chairman of that committee, Mr. F. Clifton White, to make clear in our fund-raising appeals that he is raising money for both purely political purposes and to assist me in communicating with the people of New York. He has done this and we have categorized expenditures internally as either "political" or "non-political" on a purely functional basis.

Once I become a "candidate," of course, this committee's "political" expenditures will apply to the spending limits imposed on my campaign by the new law. The question is this: will the Federal Election Commission recognize the functional distinction between the two types of expenditures or will I have to establish another committee to handle expenditures which have heretofor been considered "non-political?"

Moreover, if I establish such a committee, will it be able to receive contributions from the existing committee to be expended in this way?

• • • • •

JIM BUCKLEY,
U.S. Senator.

Source: Senator James L. Buckley, 304 Russell Senate Office Building, Washington, D.C., 20510 (June 16, 1975).

AOR 1975–11: FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

A Request of Senator Bentsen by Counsel (Contribution and Spending Limits Applicable to Candidate for Two Offices) (Request Edited by the Commission).

DEAR COMMISSIONERS: This is a request for an advisory opinion concerning the application of the contribution and expenditure limits found in 18 U.S.C. 608 in cases where a candidate is seeking nomination for election to the office of President of the United States and to the office of United States Senator at the same time.

As you know, Senator Lloyd Bentsen is a declared candidate for the office of the President of the United States. He has been filing personally as a candidate on the appropriate FECA forms, and he has had a registered political committee working on his behalf for some time. Senator Bentsen also expects to run for reelection to the United States Senate in 1976. It now appears the Senator may well be running for both offices at the same time.

In the event the Senator seeks nomination for election to both offices at the same time, his name will appear twice on ballots presented to the Texas electorate. Texas voters will have an opportunity to judge his qualifications for both offices and cast a vote for or against Senator Bentsen in both elections. Since the Senator will actually be a candidate for both offices, policy considerations and the statutory language itself support the view that the contribution and expenditure limits of § 608 apply separately to each election.

• • • The Senator's specific questions are as follows:

1. Do the personal and immediate family expenditure limits of § 608(a)(1) apply separately to an individual's simultaneous candidacy for nomination for election to the Presidency and for nomination to the office of United States Senator, so that the individual may spend $35,000 with respect to his Senatorial race and another $50,000 with respect to his Presidential race?

2. Do the contribution limits in § 608(b)(1) and (2) apply separately in the case of stimultaneous candidacy, so that, for example, an individual may contribute $1,000 to the candidate with respect to his Senate primary election and another $1,000 with respect to his candidacy in the state's Presidential primary?

3. May a candidate seeking nomination for election to the office of President and U.S. Senator at the same time take advantage of two expenditure limits, so that he may spend the amount designated by § 608(c)(1)(C) on behalf of his Senatorial primary campaign and twice that amount with respect to his Presidential primary campaign, pursuant to § 608(c)(1)(A)?

• • • • •

ROBERT N. THOMSON.

Source: Robert N. Thomson, Counsel, Bentsen in '76, Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Washington, D.C. 20006 (June 11, 1975).

B. *Request of Congressman Alan Steelman (Creation of Separate Campaign Committees for Congressional and Statewide Office) (Request Edited by the Commission)*

DEAR MR. CHAIRMAN: • • • Can a Member of Congress accumulate and spend campaign funds from more than one campaign committee, assuming that all such committees file timely reports listing all contributions and expenditures?

The reason for this question stems from the possibility of a Congressman's needing to raise political money for a purpose not directly related to his seeking re-election to the House of Representatives. Say, for example, Congressman X is contemplating running for a higher, statewide office. He determines he will need to raise $25,000 to pay for a statewide poll and to travel around the state over a period of six months to sound out party leaders and to "test the political waters." Not wanting to spend left-over campaign contributions given solely for his last campaign for the House, Congressman X decides he will need to raise new money for this special purpose, and to make sure the contributors understand for what purpose their money will be spent. The easiest way to accomplish this would be to form a new committee. Is it legal to do this?

• • • • •

ALAN STEELMAN,
Member of Congress.

Source: Congressman Alan Steelman, 437 Cannon House Office Building, Washington, D.C. 20515 (June 12, 1975).

AOR 1975–12: APPLICATION OF FEDERAL ELECTION CAMPAIGN ACT TO CANDIDATES FOR DELEGATE TO NATIONAL NOMINATING CONVENTIONS

A. *Michigan Democratic Party (Request Edited by the Commission)*

DEAR SIRS: • • • Section 431(a)(3)(4) includes within the definition of "election" certain types of presidential primary elections. Under • • • [Michigan] law, individual persons are elected as precinct delegates in a presidential primary election. These delegates then assemble in local county and district conventions to elect delegates to a state convention who in turn elect delegates to the national convention. My questions are these:

a. Does each one of the candidates for precinct delegate in a presidential primary need to file a report with the Federal Election Commission?

b. Do the local counties and districts need to file a report of expenses associated with their convention of precinct delegates following the primary election?

c. Does the state party need to file a report of its expenses with regard to the state convention at which national convention delegates are selected with the Federal Election Commission?

MORLEY A. WINOGRAD.

Source: Morley A. Winograd, Chairperson, The Michigan Democratic Party, John F. Kennedy House, 321 N. Pine, Lansing, Michigan 48933 (May 5, 1975).

B. *Republican State Committee of Pennsylvania (Request Edited by the Commission).*

DEAR MR. CURTIS: It appears to us that the new Federal Election law is somewhat unclear as to its application to the selection of delegates to the Republican National Convention.

It would be most helpful • • • if the Commission could clarify the following questions:

1. To what extent, if any, do the current Federal election statutes apply to the election and selection of delegates either by (a) popular election or (b) election by a state committee of a state party?

2. Is there any distinction in the application of these election statutes if a delegate, by state or party rules, runs as officially uncommitted, as opposed to a delegate who is committed to vote as his state votes in a preferential Presidential primary?

• • • • •

RICHARD C. FRAME.

Source: Richard C. Frame, Chairman, Republican State Committee of Pennsylvania, P.O. Box 1624, Harrisburg, Pennsylvania 17105.

Dated: July 3, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75–17769 Filed 7–8–75;8:45 am]

V40-132 JUL 9 75 XUM

federal register

WEDNESDAY, JULY 9, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 132
PART III

OFFICE OF MANAGEMENT AND BUDGET

■

PRIVACY ACT IMPLEMENTATION

Guidelines and Responsibilities

V40-132 JUL 9 75 XUM

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-108]

HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Responsibilities for the Maintenance of Records About Individuals by Federal Agencies

1. *Purpose.* This Circular defines responsibilities for implementing the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) to assure that personal information about individuals collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy.

2. *Background.* a. The Privacy Act of 1974, approved December 31, 1974, set forth a series of requirements governing Federal agency personal record-keeping practices.

b. The Act places the principal responsibility for compliance with its provisions on Federal agencies but also provides that the Office of Management and Budget shall "develop guidelines and regulations . . . and provide continuing assistance to and oversight of the implementation of the . . ." operative provisions of the Act by the agencies.

3. *Definitions.* For the purpose of this Circular:

(1) the term "agency" means agency as defined in section 552(e) of this title; ("The term agency includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President, or any independent regulatory agency." (5 U.S.C. 552 (e))));

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use, or disseminate;

(4) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph; and

(5) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(5 U.S.C. 552a(a))

4. *Coverage.* a. This Circular applies to all agencies as defined in the Act.

b. It applies to all agency activities related to the maintenance of systems of records subject to the Act; i.e., groupings of personal data about identifiable individuals. See definitions paragraph 3, above.

5. *Responsibilities.* a. Each agency head shall establish and maintain procedures, consistent with the Act, OMB guidelines,* and related directives issued pursuant to this Circular, to

(1) Identify each system of records which the agency maintains and review the content of the system to assure that only that information is maintained which is necessary and relevant to a function which the agency is authorized to perform by law or executive order (5 U.S.C. 552a(e)(1)) and that no information about the political or religious beliefs and activities of individuals is maintained except as provided in 5 U.S.C. 552a(e)(7).

(2) Prepare and publish a public notice of the existence and character of those systems consistent with guidance on format issued by GSA. See 5 U.S.C. 552a(e)(4) and (11).

(3) Collect information which may result in an adverse determination about an individual from that individual wherever practicable (5 U.S.C. 552a(e)(2)) and inform individuals from whom information about themselves is collected of the purposes for which the information will be used and their rights, benefits, or obligations with respect to supplying that data (5 U.S.C. 552a(e)(3)).

(4) Revise any personal data collection forms or processes which they may prescribe for use by other agencies (e.g., standard forms) to conform to the requirements of 5 U.S.C. 552a(e)(3). (Agencies which use such forms to collect information are nevertheless responsible for assuring that individuals from whom information about themselves is solicited are advised of their rights and obligations.)

(5) Establish reasonable administrative, technical, and physical safeguards to assure that records are disclosed only to those who are authorized to have access and otherwise "to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained." See 5 U.S.C. 552a(b), and (e)(10).

(6) Maintain an accounting of all disclosures of information from systems of records except those to personnel within the agency who have an official need to know or to the public under the Freedom of Information Act, and make that accounting available as provided in 5 U.S.C. 552a(c)(1), (2), and (3).

(7) When using a record or disclosing it to someone other than an agency, assure that it is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual. See 5 U.S.C. 552a(e)(5) and (6).

(8) Permit individuals to have access to records pertaining to themselves and to have an opportunity to request that such records be amended. See 5 U.S.C. 552a(d)(1), (2), and (3).

(9) Inform prior recipients when a record is amended pursuant to the request of an individual or a statement of disagreement has been filed, advise any subsequent recipient that a record is disputed, and provide a copy of the statement of disagreement to both prior and subsequent recipients of the disputed information. See 5 U.S.C. 552a(c)(4) and (d)(4).

(10) Publish rules describing agency procedures developed pursuant to the Act and describing any systems which are proposed to be exempted from provisions of the Act including the reasons for the proposed exemption consistent with guidance on format issued by GSA. See 5 U.S.C. 552a(f), (j), and (k).

(11) Review all agency contracts which provide for the maintenance of systems of records by or on behalf of the agency to accomplish an agency function to assure that, where appropriate and within the agency's authority, language is included which provides that such systems will be maintained in a manner consistent with the Act. See 5 U.S.C. 552a (m).

(12) Refrain from renting or selling lists of names and addresses unless specifically authorized by law. See 5 U.S.C. 552a(n).

(13) Prepare and submit to the Office of Management and Budget and to the Congress a report of any proposal to establish or alter a system of records in a form consistent with guidance on content, format and timing issued by OMB. See 5 U.S.C. 552a(o).

(14) Prepare and submit to the Office of Management and Budget, on or before April 30 of each year, a report of its activities under the Act consistent with guidance on content and format issued by OMB. See 5 U.S.C. 552a(p).

(15) Conduct training for all agency personnel who are in any way involved in maintaining systems of records to apprise them of their responsibilities under the Act and to indoctrinate them with respect to procedures established by the agency to implement the Act. See 5 U.S.C. 552a(e)(9).

(16) Establish a program for periodically reviewing agency record-keeping policies and practices to assure compliance with the Act.

b. The Secretary of Commerce shall, consistent with guidelines issued by OMB, issue standards and guidelines on computer and data security.

c. The Administrator of General Services shall, consistent with guidelines issued by OMB:

(1) Issue instructions on the format and timing of agency notices and rules required to be published under the Act. See 5 U.S.C. 552a (e) (4) and (f).

(2) Not later than November 30, 1975 and annually thereafter compile and publish a compendium of agency rules and notices and make that publication available to the public at low cost. See 5 U.S.C. 552a(f).

(3) Issue and/or revise procedures governing the transfer of records to Federal Records Centers for storage, processing, and servicing pursuant to 44 U.S.C. 3103 to ensure that such records are not disclosed except to the agency which maintains the records, or under rules established by that agency which are not inconsistent with the provisions of the Act. It should be noted that, for purposes of the Act, such records are considered to be maintained by the agency which deposited them. See 5 U.S.C. 552a(l)(1).

(4) Establish procedures to assure that records transferred to the National Archives of the United States pursuant to 44 U.S.C. 2103, are properly safeguarded and that public notices of the existence and character of such records are issued in conformance with 5 U.S.C. 552a (1), (2), and (3).

(5) Revise procedures governing the clearance of interagency data collection forms for which it is responsible to assure that those requesting information from individuals are revised in conformance with 5 U.S.C. 552a(e)(3).

(6) Revise procurement guidance to incorporate language consistent with 5 U.S.C. 552a(m); i.e., to provide that contracts which provide for the maintenance of a system of records by or on behalf of an agency to accomplish an agency function includes language which assures that such system will be maintained in conformance with the Act.

(7) Revise computer and telecommunications procurement policies to provide that agencies must review all proposed equipment and services procurements to assure compliance with applicable provisions of the Act; e.g., Report on New Systems.

d. The Civil Service Commission shall, consistent with guidelines issued by OMB:

(1) Revise civilian personnel information processing and record-keeping directives to bring them into conformance with the Act.

(2) Devise and conduct training programs for agency personnel including both the conduct of courses in various substantive areas (e.g., legal, administrative, ADP) and the development of materials which agencies can use in their own courses.

e. The Director of the Office of Telecommunications Policy shall, consistent with guidelines issued by OMB, issue and/or revise policies governing government data telecommunications consistent with the Privacy Act.

f. The Director of the Office of Management and Budget will:

(1) Issue guidelines and regulations to the agencies to implement the Act. While the application of the requirements of the Act is the agency's responsibility, interpretive guidelines have been devised to:

Assist agencies in interpreting the requirements of the Act;

Establish minimum standards or criteria, where appropriate, in applying the Act;

Provide illustrative examples of the application of the Act; and

Assure a uniform and constructive implementation of the Act.

(2) Provide assistance, upon request, to agencies.

(3) Review proposed new systems or changes to existing systems.

(4) Compile the annual report to the Congress on agency activities to comply with the Act in accordance with 5 U.S.C. 552a(p).

(5) Revise procedures governing the clearance of data collection forms and reports for which it is responsible to assure that those requesting information about individuals are revised in conformance with 5 U.S.C. 552a(e)(3).

6. *Reports.* Agencies are required to submit the following reports consistent with guidance on format, content, and timing to be issued under separate transmittal.

a. Reports on new systems to the Congress, OMB, and, for the period of its existence, the Privacy Protection Study Commission. Reports shall be submitted not later than 60 days prior to the establishment of a new system or the implementation of a change to an existing system.

b. Annual report on agency activities to comply with 5 U.S.C. 552a to OMB not later than April 30 of each year.

7. *Effective Date.* The provisions of this Circular are effective on September 27, 1975 except that:

a. Reports on new systems which cover the implementation of new or altered systems of records proposed to be effective after September 27, 1975 shall be submitted not later than 60 days before the effective date of those new systems or changes; and

b. Rules and notices prescribed by the Act and regulations and guidelines to be issued by the responsible agencies shall be issued in advance of the effective date where required by law (e.g., the Administrative Procedures Act, 5 U.S.C. 553) or as otherwise necessary to permit timely and effective compliance.

8. *Inquiries.* Inquiries concerning this Circular may be addressed to the Information Systems Division, Office of Management and Budget, Room 9002, NEOB, Washington, D.C., 20503, telephone 202 395-4814.

JAMES T. LYNN,
Director.

NOTE: Each agency shall order sufficient quantities of the OMB guidelines in accordance with the instructions which will be provided by the FEDERAL REGISTER. At a later date, copies will be available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

[FR Doc.75-17773 Filed 7-8-75;8:45 am]

PRIVACY ACT GUIDELINES—JULY 1, 1975[1]

Implementation of Section 552a of Title 5 of the United States Code

[1] Section 3 of the Privacy Act of 1974, Pub. L. 93-579.

TABLE OF CONTENTS

Subsection
(a) DEFINITIONS.
(1) Agency.
(2) Individual.
(3) Maintain.
(4) Record.
(5) System of Records.
(6) Statistical Record.
(7) Routine Use.
(b) CONDITIONS OF DISCLOSURE.
(1) Disclosure within the Agency.
(2) Disclosure to the Public.
(3) Disclosure for a "Routine Use".
(4) Disclosure to the Bureau of the Census.
(5) Disclosure for Statistical Research and Reporting.
(6) Disclosure to the National Archives.
(7) Disclosure for Law Enforcement Purposes.
(8) Disclosure under Emergency Circumstances.
(9) Disclosure to the Congress.
(10) Disclosure to the General Accounting Office.
(11) Disclosure Pursuant to Court Order.
(c) ACCOUNTING OF CERTAIN DISCLOSURES.
(1) When Accounting is Required.
(2) Retaining the Accounting of Disclosures.
(3) Making the Accounting of Disclosures Available to the Individual.
(4) Informing Prior Recipients of Corrected or Disputed Records.
(d) ACCESS TO RECORDS.
(1) Individual Access to Records.
(2) Requests for Amending Records.
(A) Acknowledgement of Requests to Amend Records.
(B) Actions Required on Requests to Amend Records.
(3) Requesting a Review of the Agency's Refusal to Amend a Record.
(4) Disclosure of Disputed Information.
(5) Access to Information Compiled in Anticipation of Civil Action.
(e) AGENCY REQUIREMENTS.
(1) Restrictions on Collecting Information about Individuals.
(2) Information is to be Collected Directly from the Individual.
(3) Informing Individuals from whom Information is Requested.
(4) Publication of the Annual Notice of Systems of Records.
(A) Describing the Name and Location of the System in the Public Notice.
(B) Describing Categories of Individuals in the Public Notice.
(C) Describing Categories of Records in the Public Notice.
(D) Describing Routine Uses in the Public Notice.
(E) Describing Records Management Policies and Practices in the Public Notice.
(F) Identifying Officials(s) Responsible for the System in the Public Notice.
(G) Describing Procedures for Determining if a System contains a Record on an Individual in the Public Notice.
(H) Describing Procedures for Gaining Access in the Public Notice.
(I) Describing Categories of Information Sources in the Public Notice.
(5) Standards of Accuracy.
(6) Validating Records before Disclosure.
(7) Records on Religious or Political Activities.
(8) Notification for Disclosures Under Compulsory Legal Process.
(9) Rules of Conduct for Agency Personnel.
(10) Administrative, Technical and Physical Safeguards.
(11) Notice for New/Revised Routine Uses.
(f) AGENCY RULES
(1) Rules for Determining if an Individual is the Subject of a Record.
(2) Rules for Handling Requests for Access.
(3) Rules for Granting Access to Records.
(4) Rules for Amending Records.
(5) Rules Regarding Fees.
Annual Publication of Notices and Rules
(g) CIVIL REMEDIES
(1) Grounds for Action.
(A) Refusal to Amend a Record.
(B) Denial of Access to a Record.
(C) Failure to Maintain a Record Accurately.
(D) Other Failures to Comply with the Act.
(2) Basis for Judicial Review and Remedies for Refusal to Amend a Record.

V40132 JUL 9 75 XUM

(3) Basis for Judicial Review and Remedies for Denial of Access.
(4) Basis for Judicial Review and Remedies for Adverse Determination and Other Failures to Comply.
(5) Jurisdiction and Time Limits.
(h) RIGHTS OF LEGAL GUARDIANS.
(i) CRIMINAL PENALTIES.
(1) Criminal Penalties for Unauthorized Disclosure.
(2) Criminal Penalties for Failure to Publish a Public Notice.
(3) Criminal Penalties for Obtaining Records Under False Pretenses.
(j) & (k) EXEMPTIONS.
(j) GENERAL EXEMPTIONS APPLICABILITY AND NOTICE REQUIREMENTS.
(1) General Exemption for the Central Intelligence Agency.
(2) General Exemption for Criminal Law Enforcement Records.
(k) SPECIFIC EXEMPTIONS APPLICABILITY AND NOTICE REQUIREMENTS.
(1) Exemption for Classified Material.
(2) Exemption for Investigatory Material Compiled for Law Enforcement Purposes.
(3) Exemption for Records Maintained to Provide Protective Services.
(4) Exemption for Statistical Records.
(5) Exemption for Investigatory Material Compiled for Determining Suitability for Federal Employment or Military Service.
(6) Exemption for Testing or Examination Material.
(7) Exemption for Material used to Evaluate Potential for Promotion in the Armed Services.
(l) ARCHIVAL RECORDS.
(1) Records Stored in GSA Records Centers.
(2) Records Archived Prior to September 27, 1975.
(3) Records Archived on or after September 27, 1975.
(m) GOVERNMENT CONTRACTORS.
(n) MAILING LISTS.
(o) REPORT ON NEW SYSTEMS.
(p) ANNUAL REPORT.
(q) EFFECT OF OTHER LAWS.

SUBSECTION (a) DEFINITIONS

Subsection (a) "For purposes of this section—"

Agency. Subsection (a)(1) "The term 'agency' means agency as defined in section 552(e) of this title;"

The definition of "agency" is the same as that used in the Administrative Procedures Act as modified by the recently enacted Freedom of Information Act amendments (Pub. L. 93-502): "'agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency . . ." (5 U.S.C. 551(1)). "[T]he term agency * * * includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency." (5 U.S.C. 552(e) as added by Pub. L. 93-502)

Two aspects of this definition require further explanation:

The scope of the term; i.e., what entities are covered, how has the definition of agency been broadened to encompass additional organizations as a result of the FOIA amendments?

Whether or not entities within an agency are to be considered agencies. This is particularly significant in applying subsection (b)(1), in determining what constitutes an interagency transfer.

The first question—the scope of the definition—is covered in the House report on the FOIA amendments quoted below, as modified by the conference report language set out thereafter:

> For the purposes of this section, the definition of "agency" has been expanded to include those entities which may not be considered agencies under section 551(1) of title 5, U.S. Code, but which perform governmental functions and control information of interest to the public. The bill expands the definition of "agency" for purposes of section 552, [and 552a] title 5, United States Code. Its effect is to insure inclusion under the Act of Government corporations, Government controlled corporations, or other establishments within the executive branch, such as the U.S. Postal Service.
>
> The term "establishment in the Executive Office of the President," as used in this amendment means such functional entities as the Office of Telecommunications Policy, the Office of Management and Budget, the Council of Economic Advisers, the National Security Council, the Federal Property Council, and other similar establishments which have been or may in the future be created by Congress through statute or by Executive order.
>
> The term "Government corporation," as used in this subsection, would include a corporation that is a wholly Government-owned enterprsie, established by Congress through statute, such as the St. Lawrence Seaway Development Corporation, the Federal Crop Insurance Corporation (FCIC), the Tennessee Valley Authority (TVA), and the Inter-American Foundation.
>
> The term "Government controlled Corporation," as used in this subsection, would include a corporation which is not owned by the Federal Government * * * (House Document 93-876, pp. 8-9, Report on the Freedom of Information Act amendments, H.R. 12741).

The conferees state that they intend to include within the definition of "agency" those entities encompassed by 5 U.S.C. 551 and other entities including the United States Postal Service, the Postal Rate Commission, and government corporations or government-controlled corporations now in existence or which may be created in the future. They do not intend to include corporations which receive appropriated funds but are neither chartered by the Federal Government nor controlled by it, such as the Corporation for Public Broadcasting. Expansion of the definition of "agency" in this subsection is intended to broaden applicability of the Freedom of Information Act but it is not intended that the term "agency" be applied to subdivisions, offices or units within an agency.

With respect to the meaning of the term "Executive Office of the President" the conferees intend the result reached in *Soucie v. David*, 448 F. 2d. 1067 (C.A.D.C. 1971). The term is not to be interpreted as including the President's immediate personal staff or units in the Executive Office whose sole function is to advise and assist the President." (House Report 93-1380, p. 14-15)

Whether or not an agency can exist within an agency is a somewhat more complex issue. This is addressed, in part, in the above quotation from the conference report language in the statement "* * * but it is not intended that the term 'agency' be applied to subdivisions, offices, or units within an agency." The issue was also addressed in debate on H.R. 16373 on the House floor in a statement by Congressman Moorhead—"* * * 'agency' is given the meaning which it carries elsewhere in the Freedom of Information Act, 5 United States Code, section 551(1), as amended by H.R. 12471 of this Congress, section 552(e), on which Congress has acted to override the veto. The present bill is intended to give 'agency' its broadcast statutory meaning. This will permit employees and officers of the agency which maintains the records to have access to such records if they have a need for them in the performance of their duties. For example, within the Justice Department—which is an agency under the bill—transfer between division of the Department, the U.S. Attorney's offices, the Parole Board, and the Federal Bureau of Investigation would be on a need-for-the-record basis. Transfer outside the Justice Department to other agencies would be more specifically regulated. Thus, transfer of information between the FBI and the Criminal Division of the Justice Department for official purposes would not require additional showing or authority, in contrast to transfer of such information from the FBI to the Labor Department." (*Congressional Record* November 21, 1974, p. H10962)

In addressing this question the Justice Department has advised that

> * * * it is our firm view that the 1974 [FOIA] Amendments require no change in the original Act, that it is for the over-unit—the Department or other higher-level "agency"—to determine which of its substantially independent components will function independently for Freedom of Information Act purposes. Moreover, as the Attorney General noted in that portion of his Memorandum dealing with the subject, "it is sometimes permissible to make the determination differently for purposes of various provisions of the Act—for example, to publish and maintain an index at the overunit level while letting the appropriate subunits handle requests for their own records." (Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act, February, 1975, p. 26). In our view, this practice of giving variable content to the meaning of the word "agency" for various purposes can be applied to the Privacy Act as well as the Freedom of Information Act. For example, it may be desirable and in furtherance of the purposes of the Act to treat the various components of a Department as separate "agencies" for purposes of entertaining applications for access and ruling upon appeals from denials, while treating the Department as the "agency" for purposes of those provisions limiting intragovernmental exchange of records. (Of course, dissemination among components of the Department must still be only on a "need-to-know" basis. 5 U.S.C. 552a(b)(1).) Needless to say, this practice must not be employed invidiously, so as to frustrate rather than to further the purposes of the Act; and there should be a consistency between the practice under the Privacy Act and the practice for comparable purposes under the Freedom of Information Act. For this reason it seems to us doubtful (though not entirely impossible) that a Department or other over-unit which has treated its components as separate agencies for all purposes under the Freedom of Information Act could successfully maintain that all of its components can be considered a single "agency" under the Privacy Act, simply to facilitate the exchange of records (Letter from Assistant Attorney General, Office of Legal Counsel, dated April 14, 1975)

In addition to the matter of determining when a component of an agency is to be considered an agency itself when the entire agency is to be treated as a single entity, the issue arises as to whether an entity or individual serving more than one agency may be considered an "employee" of each agency he serves, for certain purposes. While this is not specifically addressed in the Act, it is reasonable to assume that members of temporary task forces, composed of personnel of several agencies, should usually be considered employees of the lead agency and of their own agency for purposes of access to information. Similarly, members of permanent "strike forces" and personnel crossdesignated to serve the functions of two or more agencies should usually be treated as employees of both the lead agency and their own employing agency, e.g., employees or State or local officials assigned to organized crime, and customs officers cross designated to perfrom each others functions.

Individual. Subsection (a)(2) "The term 'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence;"

This definition is intended to "distinguish between the rights which are given to the citizen as an individual under this Act and the rights of proprietorships, businesses, and corporations which are not intended to be covered by this Act. This distinction was to insure that the bill leaves untouched the Federal Government's information activities for such purposes as economic regulations. This definition was also included to exempt from the coverage of the bill intelligence files and data banks devoted solely to foreign nationals or maintained by the State Department, the Central Intelligence Agency and other agencies for the purpose of dealing with nonresident aliens and people in other countries." (Senate Report 93-1183, p. 79).

The language cited above suggests that a distinction can be made between individuals acting in a personal capacity and individuals acting in an entrepreneurial capacity (e.g., as sole proprietors) and that this definition (and, therefore, the Act) was intended to embrace only the former. This distinction is, of course crucial to the application of the Act since the Act, for the most part, addresses "records" which are defined as "* * * information about individuals" (subsection (a)(4)). Agencies should examine the content of the records in question to determine whether the information being maintained is, in fact, personal in nature. A secondary criterion in deciding whether the subject of an agency file is, for purposes of the Act, an individual, is the manner in which the information is used; i.e., is the subject dealt with in a personal or entrepreneurial role.

Files relating solely to nonresident aliens are not covered by any portion of the Act. Where a system of records covers both citizens and nonresident aliens, only that portion which relates to citizens or resident aliens is subject to the Act but agencies are encouraged to treat such systems as if they were, in their entirety, subject to the Act.

The Act and the legislative history are silent as to whether a decedent may be considered to be an individual and whether anyone may authorize the rights of the decedent to records pertaining to him maintained by Federal agencies. It would appear that the thrust of the Act was to provide certain statutory rights to living as opposed to deceased individuals. But for the provision enabling parents to act on behalf of minors and guardians to act on behalf of those deemed to be incompetent, the rights of an individual provided by the Privacy Act could not have been utilized in their behalf by those interested. The failure of the Privacy Act to so provide for decedents and the overall thrust of the Act—that individuals be given the opportunity to judge for themselves how, and the extent to which, certain information about them maintained by Federal agencies is used, and the implicit personal judgement involved in this thrust—indicates that the Act did not contemplate permitting relatives and other interested parties to exercise rights granted by the Privacy Act to individuals after the demise of those individuals. These same records, however, may pertain as well to those living persons who might otherwise seek to exercise the decedent's right with regard to that information and thereby be covered by the Privacy Act. Furthermore, access to a decedent's records may be had in various judicial forums as a part of, or ancillary to, other proceedings.

Maintain. Subsection (a)(3) "The term 'maintain' includes maintain, collect, use, or disseminate;"

The term "maintain" is used in two ways in the Privacy Act.

First, it is used to connote the various record keeping functions to which the requirements of the Act apply; i.e., maintaining, collecting, using, or disseminating. Thus, wherever the word "maintain" appears with reference to a record, one should understand it to mean collect, use, or disseminate or any combination of any of these record-keeping functions.

Second, it is used to connote control over and hence responsibility and accountability for systems of records. This is extremely important given the civil and criminal sanctions in subsections (g) and (i) for failure to comply with certain provisions. The applicability of certain provisions, including the exemptions in subsections (j) and (k), can be determined by an agency's ability to demonstrate that it has effective control over a system of records. See, for example, subsections (b)(1), (d), (e)(1), (e)(9), (g), and (i) wherein the term "maintain" clearly means having effective control over a system of records. To have effective control of a system of records does not necessarily mean to have physical control of the system. When records are disclosed to Agency B from a system of records maintained by Agency A, they are then considered to be maintained by Agency B (as well as Agency A) and are subject to all of the provisions of the Act in the same manner as though Agency B had originally compiled them. If one agency turns over a record from its system of records to a second agency and that record is placed in a separate system of records maintained by the second agency, then the record becomes part of the system of records maintained by the second agency and all of the published material as to the second agency's system of records would apply to the record moved into its system.

The requirements of subsection (m) must also be carefully considered in determining which systems are to be considered as "maintained," i.e., controlled by an agency within the terms of the Act. Subsection (m) stipulates that systems of records operated under contract or, in some instances, State or local governments operating under Federal mandates "by or on behalf of the agency . . . to accomplish an agency function" are subject to the provisions of Section 3 of the Act. The intent of this provision is to make it clear that the systems "maintained" by an agency are not limited to those operated by agency personnel on agency premises but include certain systems operated pursuant to the terms of a contract to which the agency is a party. The qualifying phrase "to accomplish an agency function" limits the applicability of subsection (m) to those systems directly related to the performance of Federal agency functions by excluding from its coverage systems which are financed, in whole or part, with Federal funds, but which are managed by state or local governments for the benefit of State or local governments.

Record.—Subsection (a)(4) "The term 'record' means any item, collection or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;"

The term "record", as defined for purposes of the Act, means a tangible or documentary record (as opposed to a record contained in someone's memory) and has a broader meaning than the term commonly has when used in connection with record-keeping systems. (It may also differ from the usual definition of a computer record.) An understanding of the term "record", as it is used in the Act, is essential in interpreting the meaning of many of the Act's requirements.

A "record"

Means any item of information about an individual that includes an individual identifier;

Includes any grouping of such items of information (it should not be confused with the use of the term record in the conventional sense or as used in the automatic data processing (ADP) community);

Does not distinguish between data and information; both are within the scope of the definition; and

V 40 0132 JUL 9 75 XUM

Includes individual identifiers in any form including, but not limited to, finger prints, voice prints and photographs.

The phrase "identifying particular" suggests any element of data (name, number) or other descriptor (finger print, voice print, photographs) which can be used to identify an individual. Identifying particulars are not always unique (i.e., many individuals share the same name) but when they are not unique (e.g., name) they are individually assigned—as distinguished from generic characteristics.

The term "record" was defined "to assure the intent that a record can include as little as one descriptive item about an individual." (*Congressional Record*, p. S21818, December 17, 1974 and p. H12246, December 18, 1974). This definition "includes the record of present registration, or membership in an organization or activity, or admission to an institution." (Senate Report 93–1183, p. 79). (While this language was written with reference to the definition of the term "personel information" in the Senate bill, it would appear to be equally applicable to the term "record" as used in the Act.)

A record, by this definition, can be part of another record. Therefore prohibitions on the disclosure of a record, for example, apply not only to the entire record in the conventional sense (such as a record in a computer system), but also to any item or grouping of items from a record provided that such grouping includes an individual identifier.

System of Records. Subsection (a)(5) "The term 'system of records' means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;"

The definition of "system of records" limits the applicability of some of the provisions of the Act to "records" which are maintained by an agency, retrieved by individual identifier (i.e., there is an indexing or retrievel capability using identifying particulars, as discussed above, built into the system), and the agency does, in fact, retrieve records about individuals by reference to some personal identifier.

A system of records for purposes of the Act must meet all of the following three criteria:

It must consist of records. See discussions of "record" (a)(4), above.

It must be "under the control of" an agency.

It must consist of records retrieved by reference to an individual name or some other personal identifier.

The phrase "* * * under the control of any agency * * *" was intended to accomplish two separate purposes: (1) To determine possession and establish accountability; and (2) to separate agency records from records which are maintained personally by employees of an agency but which are not agency records.

As previously noted, the definition of "maintain" was broadened to encompass all systems used by Federal agencies. The phrase "* * * under the control of any agency * * *" in the definition of "system of records" was not intended to eliminate from the coverage of the Act any of those systems (which would largely negate the definition of "maintain"), but rather was intended to assign responsibility to a particular agency to discharge the obligations established by the Privacy Act. An agency is responsible for those systems which are "* * * under the control of" that agency. The concept of possession implicit in this phrase is also apparent in the language which begins most of the operative subsections of the Act. For example, the concept is evident although tacit in subsection (b); express in subsection (c) "under its control * * *" "* * * that maintains a system of records * * *" in subsections (d), (e) and (f); "agency records" in subsection (l), and "* * * any system of records within the agency" in subsection (j) and (k).

The intent was, despite the different wording for each subsection, not to have each of the subsections apply to a different roster of systems of records, but to express, in terms of possession, for which systems of records an agency was responsible.

The second purpose of the phrase was to distinguish "agency records" from those records which, although in the physical possession of agency employees and used by them in performing official functions, were not considered "agency records." Uncirculated personal notes, papers and records which are retained or discarded at the author's discretion and over which the agency exercises no control or dominion (e.g., personal telephone lists) are not considered to be agency records within the meaning of the Privacy Act. This distinction is embodied, in part, in the phrase "under the control of" an agency as well as in the definition of "record" (5 U.S.C. 552(a)(4)).

An agency shall not classify records, which are controlled and maintained by it, as non-agency records, in order to avoid publishing notices of their existence, prevent access by the individuals to whom they pertain, or otherwise evade the requirements of the act.

The "are retrieved by" criterion implies that the grouping of records under the control of an agency is accessed by the agency by use of a personal identifier; not merely that a capability or potential for retrieval exists. For example, an agency record-keeping system on firms it regulates may contain "records" (i.e., personal information) about officers of the firm incident to evaluating the firm's performance. Even though these are clearly "records" under the control of" an agency, they would not be considered part of a system as defined by the Act unless the agency accessed them by reference to a personal identifier (name, etc.). That is, if these hypothetical "records" are never retrieved except by reference to company identifier or some other nonpersonal indexing scheme (e.g., type of firm) they are not a part of a system of records. Agencies will necessarily have to make determinations on a system-by-system basis.

Considerable latitude is left to the agency in defining the scope or grouping of records which constitute a system. Conceivably all the "records" for a particular program can be considered a single system or the agency may consider it appropriate to segment a system by function or geographic unit and treat each segment as a "system". The implications of these decisions and some limitations on them are discussed in connection with subsection (e)(4), publication of the annual notice. Briefly, the two considerations which the agency should take into account in its decisions are

Its ability to comply with the requirements of the Act and facilitate the exercise of the rights of individuals; and

The cost and convenience to the agency, but only to the extent consistent with the first consideration.

Statistical Record. Subsection (a)(6) "The term 'statistical record' means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13;"

A "statistical record", for purposes of this Act, is a record in a system of records that is not used by anyone in making any determination about an individual. This means that, for a record to qualify as a "statistical record", it must be held in a system which is separated from systems (some perhaps containing the same information) which contain records that are used in any manner in making decisions about the rights, benefits, or entitlements of an identifiable individual. The term "identifiable individual" is used to distinguish determinations about specific individuals from determinations about aggregates of individuals as, for example, census data are used to apportion funds on the basis of population.

By this definition, it appears that some so-called "research records" which are only used for analytic purposes qualify as "statistical records" under the Act if they are not used in making determinations. A "determination" is defined as "any decision affecting the individual which is in whole or in part based on information contained in the record and which is made by any person or any agency." (House Report 93–1416, p. 15.)

Most of the records of the Bureau of the Census are considered to be "statistical records" even though, pursuant to section 8 of title 13, United States Code, the Census Bureau is authorized to "furnish transcripts of census records for genealogical and other proper purposes and to make special statistical surveys from census data for a fee upon request." (House report 93–1416, p. 12)

In applying this definition, it might be helpful to distinguish three types of collections or groupings of information about individuals: (1) Statistical compilations which, because they cannot be identified with individuals, are not subject to the Act at all; (2) "records" maintained solely for the purpose of compiling statistics—which are the types of records covered by (a)(6); and (3) "records" on individuals which are used both to compile statistics and also for other purposes, e.g. a criminal history record used both to compile individual statistics and to assist a judge in making a sentencing decision about the individual to whom the record pertains, which is not a "statistical record."

The term "statistical record" is used in subsection (k)(4), specific exemptions.

Routine use. Subsection (a)(7) "The term 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected."

One of the primary objectives of the Act is to restrict the use of information to the purposes for which it was collected. The term "routine use" was introduced to recognize the practical limitations of restricting use of information to explicit and expressed purposes for which it was collected. It recognizes that there are corollary purposes "compatible with the purpose for which [the information] was collected" that are appropriate and necessary for the efficient conduct of government and in the best interest of both the individual and the public. Routine uses include "transfer of information to the Treasury Department to complete payroll checks, the receipt of information by the Social Security Administration to complete quarterly posting of accounts, or other such housekeeping measures and necessarily frequent interagency or intra-agency transfers of information." (Congressional Record p. S21816, December 17, 1974 and p. H12244, December 18, 1974)

Additional guidance on the conceptual basis for "routine uses" is found in the statement of Congressman Moorhead on the House floor:

> It would be an impossible legislative task to attempt to set forth all of the appropriate uses of Federal records about an identifiable individual. It is not the purpose of the bill to restrict such ordinary uses of the information. Rather than attempting to specify each proper use of such records, the bill gives each Federal agency the authority to set forth the "routine" purposes for which the records are to be used under the guidance contained in the committee's report.
>
> In this sense "routine use" does not encompass merely the common and ordinary uses to which records are put, but also includes all of the proper and necessary uses even if any such use occurs infrequently. For example, individual income tax return records are routinely used for auditing the determination of the amount of tax due and for assistance in collection of such tax by civil proceedings. They are less often used, however, for referral to the Justice Department for possible criminal prosecution in the event of possible fraud or tax evasion, though no one would argue that such referral is improper; thus the "routine" use of such records and subsection (b)(3) might be appropriately construed to permit the Internal Revenue Service to list in its regulations such a referral as a "routine use."

Again, if a Federal agency such as the Housing and Urban Development Department or the mail Business Administration were to discover a possible fraudulent scheme in one of its programs it could "routinely", as it does today, refer the relevant ment or the Small Business Administration investigatory arm, the FBI.

Mr. Chairman, the bill obviously is not intended to prohibit such necessary exchanges of information, providing its rule-making procedures are followed. It is intended to prohibit gratuitous, ad hoc, disseminations for private or otherwise irregular purposes. To this end it would be sufficient if an agency publishes as a "routine use" of its information gathered in any program that an apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (*Congressional Record, November 21, 1974, p. H10962*)

In discussing the final language of the Act, Senator Ervin and Congressman Moorhead, in similar statements said that "[t]he compromise definition should serve as a caution to agencies to think out in advance what uses it will make of information. This Act is not intended to impose undue burdens on the transfer of information to the Treasury Department to complete payroll checks, the receipt of information by the Social Security Administration to complete quarterly posting of accounts, or other such housekeeping measures and necessarily frequent interagency or intra-agency transfers of information. It is, however, intended to discourage the unnecessary exchange of information to other persons or to agencies who may not be as sensitive to the collecting agency's reasons for using and interpreting the material." (*Congressional Record*, December 17, 1974, p. S21816 and December 18, 1974, p. H12244). This implies, at least, that a "routine use" must be not only compatible with, but related to, the purpose for which the record is maintained; e.g., development of a sampling frame for an evaluation study or other statistical purposes.

There are certain "routine uses" which are applicable to a substantial number of systems of records but which are only permissible if properly established by each agency:

Disclosures to a law enforcement agency when criminal misconduct is suspected in connection with the administration of a program; e.g., apparently falsified statements on a grant application or suspected fraud on a contract.

Disclosures to an investigative agency in the process of requesting that a background or suitability investigation be conducted on individuals being cleared for access to classified information, employment on contracts, or appointment to a position within the agency.

The Act further limits the extent to which disclosures can be made as "routine uses" by requiring an agency to establish the "routine uses" of information in each system of records which it maintains by publishing a declaration of intent in the FEDERAL REGISTER, thereby permitting public review and comment (subsection (e)(11)).

SUBSECTION (b) CONDITIONS OF DISCLOSURE

Subsection (b) "No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—"

This subsection provides that an agency may not disclose any record contained in system of records, as defined in subsection (a)(5) above, to any person or to any other agency unless the agency which maintains the record is requested to do so by the individual to whom the record pertains or the agency has obtained the written consent of the individual or the disclosure would fall within one or more of the categories enumerated in subsections (b)(1) through (11), below. The phrase "by any means of communication" means any type of disclosure (e.g., oral disclosure, written disclosure, electronic or mechanical transfers between computers of the contents of a record).

Disclosure, however, is permissive not mandatory. An agency is authorized to disclosure a record for any purpose enumerated below when it deems that disclosure to be appropriate and consistent with the letter and intent of the Act and these guidelines.

Nothing in the privacy act should be interpreted to authorize or compel disclosures of records, not otherwise permitted or required, to anyone other than the individual to whom a record pertains pursuant to a request by the individual for access to it.

Agencies shall not automatically disclose a record to someone other than the individual to whom it pertains simply because such a disclosure is permitted by this subsection. Agencies shall continue to abide by other constraints on their authority to disclose information to a third party including, where appropriate, the likely effect upon the individual of making that disclosure. Except as prescribed in subsection (d)(1), (individual access to records) this Act does not require disclosure of a record to anyone other than the individual to whom the record pertains.

A disclosure may be either the transfer of a record or the granting of access to a record.

The fact that an individual is informed of the purposes for which information will be used when information is collected pursuant to subsection (e)(3) does not constitute consent.

There are two instances in which consent to disclose a record might be actively sought by an agency (i.e., without waiting for the individual to request that a disclosure be made).

Disclosure would properly be a "routine use" (b)(3)) but disclosure is proposed to be made before the 30 day notice period; e.g., the agency is developing a sampling frame for an evaluation study or a statistical program directly related to the purpose for which the record was established.

V40-132 JUL 9 75 XUM

Disclosure is unrelated to the purpose for which the record is maintained but the individual may wish to elect to have his or her record disclosed; e.g., to have information on a Federal employment application referred to State agencies or to permit information on such an application to be checked against other Federal agency's records.

In either case, however, care must be exercised to assure that the language of the request is not coercive and that any consequences of refusing to consent are made clear. It is particularly important that the impression not be created that consent to disclose is a prerequisite to obtaining a benefit when it is not.

The consent provision of this subsection was not intended to permit a blanket or open-ended consent clause; i.e., one which would permit the agency to disclose a record without limit. At a minimum, the consent clause should state the general purposes for, or types of recipients, to which disclosure may be made.

A record in a system of records may be disclosed without either a request from or the written consent of the individual to whom the record pertains only if disclosure is authorized below.

Disclosure within the Agency. Subsection (b)(1) "To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;"

This provision is based on a "need to know" concept. See also definition of "agency," (a)(1). It is recognized that agency personnel require access to records to discharge their duties. In discussing the conditions of disclosure provision generally, the House Committee said that "it is not the Committee's intent to impede the orderly conduct of government or delay services performed in the interests of the individual. Under the conditional disclosure provisions of the bill, 'routine' transfers will be permitted without the necessity of prior written consent. A 'non-routine' transfer is generally one in which the personal information on an individual is used for a purpose other than originally intended." (House Report 93-1416, p. 12).

This discussion suggests that some constraints on the transfer of records within the agency were intended irrespective of the definition of agency. Minimally, the recipient officer or employee must have an official "need to know." The language would also seem to imply that the use should be generally related to the purpose for which the record is maintained.

Movement of records between personnel of different agencies may in some instances be viewed as intra-agency disclosures if that movement is in connection with an inter-agency support agreement. For example, the payroll records compiled by Agency A to support Agency B in a cross-service arrangement are, arguably, being maintained by Agency A as if it were an employee of Agency B. While such transfers would meet the criteria both for intra-agency disclosure and "routine use," they should be treated as intra-agency disclosures for purposes of the accounting requirements (e)(1). In this case, however, Agency B would remain responsible and liable for the maintenance of such records in conformance with the Act.

It should be noted that the conditions of disclosure language makes no specific provision for disclosures expressly required by law other than 5 U.S.C. 552. Such disclosures, which are in effect congressionally-mandated "routine uses," should still be established as "routine uses" pursuant to subsections (e)(11) and (e)(4)(D). This is not to suggest that a "routine use" must be specifically prescribed in law.

Disclosure to the Public. Subsection (b)(2) "Required under section 552 of this title;" Subsection (b)(2) is intended "to preserve the status quo as interpreted by the courts regarding the disclosure of personal information" to the public under the Freedom of Information Act (*Congressional Record* p. S21817, December 17, 1974 and p. H12244, December 18, 1974). It absolves the agency of any obligation to obtain the consent of an individual before disclosing a record about him or her to a member of the public to whom the agency is required to disclose such information under the Freedom of Information Act and permits an agency to withhold a record about an individual from a member of the public only to the extent that it is permitted to do so under closed (i.e., they are permitted to be 552(b)). Given the use of the term "required", agencies may not voluntarily make public any record which they are not required to release (i.e., those that they are permitted to withhold) without the consent of the individual unless that disclosure is permitted under one of the other portions of this subsection.

Records which have traditionally been considered to be in the public domain and are required to be disclosed to the public, such as many of the final orders and opinions of quasi-judicial agencies, press releases, etc. may be released under this provision without waiting for a specific Freedom of Information Act request. For example, opinions of quasi-judicial agencies may be sent to counsel for the parties and to legal reporting services, and press releases may be issued by agencies dealing with public record matters such as suits commenced or agency proceedings initiated. Records which the agency would elect to disclose to the public but which are not required to be disclosed (i.e., they are permitted to be withheld under the FOIA) may only be released to the public under the "routine use" provision (subsection (b)(3)). Note, however, that an agency may not rely on any provision of the Freedom of Information Act as a basis for refusing access to a record to the individual to whom it pertains, unless such refusal of access is authorized by an exemption within the Privacy Act. See subsections (d)(1) and (g) below.

Disclosure for a "Routine Use". Subsection (b)(3) "For a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;"

Records may be disclosed without the prior consent of the individual for a "routine use", as defined above, if that "routine use" has been established and described in the public notice about the system published pursuant to subsections (e)(4)(D), and (e)(11) below.

Disclosure to the Bureau of the Census. Subsection (b)(4) "To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;"

Agencies may disclose records to the Census Bureau in individually identifiable form for use by the Census Bureau pursuant to the provisions of Title 13. (Title 13 not only limits the uses which may be made of these records but also makes them immune from compulsory disclosure).

Disclosure for Statistical Research and Reporting. Subsection (b)(5) "To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;"

Agencies may disclose records for statistical purposes under limited conditions. The use of the phrase "in a form that is not individually identifiable" means not only that the information disclosed or transferred must be stripped of individual identifiers but also that the identity of the individual can not reasonably be deduced by anyone from tabulations or other presentations of the information (i.e., the identity of the individual can not be determined or deduced by combining various statistical records or by reference to public records or other available sources of information.) See also the discussion of "statistical record" ((a)(6)), above.

Records, whether or not statistical records as defined in (a)(6), above, may be disclosed for statistical research or reporting purposes only after the agency which maintains the record has received and evaluated a written statement which:

States the purpose for requesting the records; and

Certifies that they will only be used as statistical records.

Such written statements will be made part of the agency's accounting of disclosures under subsection (c)(1).

Fundamentally, agencies disclosing records under this provision are required to assure that information disclosed for use as a statistical research or reporting record cannot reasonably be used in any way to make determinations about individuals. One may infer from the legislative history and other portions of the Act that an objective of this provision is to reduce the possibility of matching and analysis of statistical records with other records to reconstruct individually identifiable records. An accounting of disclosures is not required when agencies publish aggregate data so long as no individual member of the population covered can be identified: for example, statistics on employee turnover rates, sick leave usage rates.

Viewed from the perspective of the recipient agencies, material thus transferred would not constitute records for its purposes.

Disclosure to the National Archives. Subsection (b)(6) "To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value."

Agencies may disclose records to the National Archives of the United States pursuant to Section 2103 of Title 44 of the United States Code which provides for the preservation of records "of historical or other value". This subsection ((b)(6)) allows not only the transfer of records for preservation but also the disclosure of records to the Archivist to permit a determination as to whether preservation under Title 44 is warranted. See subsections (1)(2) and (1)(3) for a discussion of constraints on the maintenance of records by the Archives.

Records which are transferred to Federal Records Centers for safekeeping or storage do not fall within this category. Such transfers are not considered to be disclosures within the terms of this Act since the records remain under the control of the transferring agency. Federal Records Center personnel are acting on behalf of the agency which controls the records. See subsection (l)(1), below.

Disclosure for Law Enforcement Purposes. Subsection (b)(7) "To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought:"

An agency may, upon receipt of a written request, disclose a record to another agency or unit of State or local government for a civil or criminal law enforcement activity. The request must specify

The law enforcement purpose for which the record is requested; and

The particular record requested.

Blanket requests for all records pertaining to an individual are not permitted. Agencies or other entities seeking disclosure may, of course, seek a court order as a basis for disclosure. See subsection (b)(11).

A record may also be disclosed to a law enforcement agency at the initiative of the agency which maintains the record when a violation of law is suspected; *provided*, That such disclosure has been established in advance as a "routine use" and that misconduct is related to the purposes for which the records are maintained. For example, certain loan or employment application information may be obtained with the understanding that individuals who knowingly and willfully provide inaccurate or erroneous information will be subject to criminal prosecution. This usage was explicitly addressed by Congressman Moorhead in explaining the House bill, on the floor of the House:

> It should be noted that the "routine use" exception is in addition to the exception provided for dissemination for law enforcement activity under subsection (b)(7) of the bill. Thus a requested record may be disseminated under either the "routine use" exception, the "law enforcement" exception, or both sections, depending on the circumstances of the case. (*Congressional Record* November 21, 1974, p. H10962.)

In that same discussion, additional guidance was provided on the term "head of the agency" as that term is used in this subsection ((b)):

> The words "head of the agency" deserve elaboration. The committee recognizes that the heads of Government departments cannot be expected to personally request each of the thousands of records which may properly be disseminated under this subsection. If that were required, such officials could not perform their other duties, and in many cases, they could not even perform record requesting duties alone. Such duties may be delegated, like other duties, to other officials, when absolutely necessary but never below a section chief, and this is what is contemplated by subsection (b)(7). The Attorney General, for example, will have the power to delegate the authority to request the thousands of records which may be required for the operation of the Justice Department under this section.

It should be noted that this usuage is somewhat at variance with the use of the term "agency head" in subsections (j), and (k), rules and exemptions, where delegations to this extent are neither necessary nor appropriate.

This subsection permits disclosures for law enforcement purposes only to governmental agencies "within or under the control of the United States." Disclosures to to foreign (as well as to State and local) law enforcement agencies may, when appropriate, be established as "routine uses."

Records in law enforcement systems may also be disclosed for law enforcement purposes when that disclosure has properly been established as a "routine use"; e.g., statutorily authorized responses to properly made queries to the National Driver Register; transfer by a law enforcement agency of protective intelligence information to the Secret Service.

Disclosure under Emergency Circumstances. Subsection (b)(8) "To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;"

Agencies may disclose records when, for example, the time required to obtain the consent of the individual to whom the record pertains might result in a delay which could impair the health or safety of an individual; as in the release of medical records on a patient undergoing emergency treatment. The individual pertaining to whom records are disclosed need not necessarily be the individual whose health or safety is at peril; e.g., release of dental records on several individuals in order to identify an individual who was injured in an accident.

Disclosure to the Congress. Subsection (b)(9) "To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;"

This language does not authorize the disclosure of a record to members of Congress acting in their individual capacities without the consent of the individual.

Disclosure to the General Accounting Office. Subsection (b)(10) "To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;"

Disclosure Pursuant to Court Arder. Subsection (b)(11) "Pursuant to the order of a court of competent jurisdiction."

SUBSECTION (c) ACCOUNTING OF CERTAIN DISCLOSURES

Subsection (c) "Each agency, with respect to each system of record under its control, shall—"

When Accounting Is Required. Subsection (c)(1) "Except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of—

"(A) The date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

"(B) The name and address of the person or agency to whom the disclosure is made;"

An accounting is required

For disclosures outside the agency even when such disclosure is at the request of the individual with the written consent or at the request of the individual;

For disclosures for routine uses (see (b)(3));

For disclosures to the Bureau of the Census (see (b)(4));

For disclosures to a person or another agency for statistical research or reporting purposes (see (b)(5));

For disclosures to the Archives (see (b)(6));

For disclosures for a law enforcement activity consistent with the provisions of subsection (see (b)(7));

For disclosures upon a showing of "compelling circumstances" (see (b)(8));

For disclosures to the Congress or the Comptroller General (see (b)(9) and (10)); or

For disclosures pursuant to a court order (see (b)(11)).

An accounting of disclosures is not required

For disclosures to employees of the agency maintaining the record who have a need to have access in the performance of their official duties for the agency.

V40-132 JUL 9 75 XUM

(Agencies are required to establish safeguards, pursuant to subsection (e)(10), to assure that individuals who do not have a "need to know" will not have access.) (see (b)(1)); or

For disclosures to members of the public which would be required under the Freedom of Information Act (see (b)(2)).

(NOTE: That the accounting requirement is not one from which an energy may seek an exemption under subsections (j) and (k).)

"The term 'accounting' rather than 'record,' [was used] to indicate that an agency need not make a notation on a single document of every disclosure of a particular record. The agency may use any system it desires for keeping notations of disclosures, provided that it can construct from its system a document listing of all disclosures." (House Report 93–1416, p. 14). For example, if a list of names and other pertinent data necessary to issue payroll or benefit checks is transferred to a disbursing office outside the agency, the agency transferring the record need not maintain a separate record of such transfer in each individual record provided that it can construct the required accounting information when requested by the individual (subsection (c)(3)) or when necessary to inform previous recipients of any corrected or disputed information (subsection (c)(4)). The accounting should also provide a cross-reference to the basis upon which the release was made including any written documentation as is required in the case of the release of records for statistical or law enforcement purposes.

In some instances, (e.g., investigation or prosecution of suspected criminal activity) a disclosure may consist of a continuing dialogue between two agencies over a period of weeks or months. In such a situation, it may be appropriate to make a general notation that, as of a specified date, such contact was initiated and will be maintained until the conclusion of the case.

While the accounting of disclosures, when maintained apart from the record, might be considered a system of records under the Act, this could lead to the situation of having to maintain an accounting of disclosures from the original accounting and having to maintain that second accounting for five years, etc. Note that subsection (c)(3) gives an individual a right of access to the accounting which would not have been necessary if the accounting were considered a separate system of record. Therefore, it would seem that the intent was to view the accounting of disclosures as other than a system of records and to conclude that an accounting need not be maintained for disclosures from the accounting of disclosures.

Retaining the Accounting of Disclosures. Subsection (c)(2) "Retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;"

The purposes of the accounting are (1) to allow individuals to learn to whom records about themselves have been disclosed (subsection (c)(3)); (2) to provide a basis for subsequently advising recipients of records of any corrected or disputed records (subsection (c)(4); and (3) to provide an audit trail for subsequent reviews of agency compliance with subsection (b) (conditions of disclosure). As discussed above, with respect to maintaining the accounting, the accounting need not be retained on a record by record basis as long as the procedures adopted by the agency permit it to satisfy these objectives. While the accounting is required to be maintained for at least five years, nothing in the Act requires the retention of the record itself where the record could otherwise lawfully be disposed of sooner.

The accounting is required to be retained for five years from the date of the disclosure unless the record is retained longer. Record retention standards remain as prescribed in applicable law and GSA regulations.

Making the Accounting of Disclosures Available to the Individual. Subsection (c)(3) "Except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request;"

Upon request of the individual to whom the record pertains an agency must make available to that individual all information in its accounting of disclosures except those pertaining to disclosures to another agency or government instrumentality for law enforcement purposes pursuant to subsection (b)(7) unless the system has been exempted from this provision pursuant to subsections (j) or (k). Agencies may wish to maintain the accounting of disclosure in such a manner that notations of disclosures pursuant to (b)(7) are readily segregable in order to facilitate timely release of the disclosure accounting when requested by the individual. Since the accounting will often not be maintained in a form which is readily comprehensible to the individual, the process of "making the accounting available" may entail some transformation of the accounting by the agency so as to make it intelligible to the individual. This may require the agency to compile, from the accounting, a list of those to whom the record was disclosed.

Informing Prior Recipients of Corrected or Disputed Records. Subsection (c)(4) "Inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made."

When a record is corrected at the request of an individual acting in accordance with subsection (d)(2) or a statement of dispute is filed as provided in subsection (d)(3), the agency maintaining the record shall notify each agency or person to which the record has been disclosed of the exact nature of the correction or that a notation of dispute has made. If the recipient was another agency, that agency is required, in turn, to notify those to whom it disclosed the record.

This requirement does not apply to disclosures to personnel within the agency with a "need to know" or to the public under the Freedom of Information Act (subsections (b)(1) and (2)) or to disclosures made prior to September 27, 1975 for which no accounting was made. (Note that the language in subsection (c)(4) differs from the corresponding language in H.R. 16373 so that the House report discussion of this provision is no longer applicable).

Given the definition of "record" (a record may be construed to be a part of another record) and the language of subsection (d)(4), below, it would appear that the notification of correction or of the filing of a statement of disagreement is required only to the extent that the correction or disagreement pertains to the information actually disclosed; i.e., recipients of a portion of a record other than the portion which is subsequently corrected or disputed need not be informed. Where there is any doubt as to whether the corrected information was included in or might be relevant to a previous disclosure, agencies should notify the recipients in question.

The language of this subsection explicitly requires only that prior recipients be notified of corrections made pursuant to a request to amend a record by an individual and does not address records corrected for other reasons; e.g., agency staff detects erroneous data or a third party source provides corrected information. Nevertheless, agencies are encouraged to provide corrected information to previous recipients, irrespective of the means by which the correction was made whenever it is deemed feasible to do so if information included in a previous disclosure was changed particularly when the agency is aware that the correction is relevant to the recipient's uses irrespective of the means by which the correction is made.

SUBSECTION (d) ACCESS TO RECORDS

Subsection (d) "Each agency that maintains a system of record shall—"

Individual Access to Records. Subsection (d)(1) "Upon request by an individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;"

An agency must, upon request: (1) Inform an individual whether a system of records contains a record or records

pertaining to him, (2) permit an individual to review any record pertaining to him which is contained in a system of records, (3) permit the individual to be accompanied for the purpose by a person of his choosing, and (4) permit the individual to obtain a copy of any such record in a form comprehensible to him at a reasonable cost. This provision it should be noted, gives an individual the right of access only to records which are contained in a system of records. See (a)(5), above.

This language further suggests that the Congress did not intend to require that an individual be given access to information which the agency does not retrieve by reference to his or her name or some other identifying particular. See subsection (a)(5). If an individual is named in a record about someone else (or some other type of entity) and the agency only retrieves the portion pertaining to him by reference to the other person's name (or some organization/subject identifier), the agency is not required to grant him access. Indeed, if this were not the case, it would be necessary to establish elaborate cross-references among records, thereby increasing the potential for privacy abuses. The following examples illustrate some applications of this standard.

1. A record on Joan Doe as an employee in a file of employees from which material is accessed by reference to her name (or some identifying number). This is the simplest case of a record in a system of records and Joan Doe would have a right of access.

2. A reference to Joan Doe in a record about James Smith in the same file. This is also a record within a system but Joan Doe would not have to be granted access unless the agency had devised and used an indexing capability to gain access to her record in James Smith's file.

3. A record about Joan Doe in a contract source evaluation file about her employer, Corporation X, which is not accessed by reference to individuals' names, or other identifying particulars. This is a record which is not in a system of records and, therefore, Joan Doe would not have a right of access to it. If, as in 2, above, an indexing capability were developed and used, however, such a system would become a system of records to which Joan Doe would have a right of access.

Agencies may establish fees for making copies of an individual's record but not for the cost of searching for a record or reviewing it (subsection (f)(5)). When the agency makes a copy of a record as a necessary part of its process of making the record available for review (as distinguished from responding to a request by an individual for a copy of a record), no fee may be charged. It should be noted that this provision differs from the access and fees provisions of the Freedom of Information Act.

The granting of access may not be conditioned upon any requirement to state a reason or otherwise justify the need to gain access.

Agencies shall establish requirements to verify the identity of the requester. Such requirements shall be kept to a minimum. They shall only be established when necessary reasonably to assure that an individual is not improperly granted access to records pertaining to another individual and shall not unduly impede the individual's right of access. Procedures for verifying identity will vary depending upon the nature of the records to which access is sought. For example, no verification of identity will be required of individuals seeking access to records which are otherwise available to any member of the public under 5 U.S.C. 552, the Freedom of Information Act. However, far more stringent measures should be utilized when the records sought to be accessed are medical or other sensitive records.

For individuals who seek access in person, requirements for verification of identity should be limited to information or documents which an individual is likely to have readily available (e.g., a driver's license, employee identification card, Medicare card). However, if the individual can provide no other suitable documentation, the agency should request a signed statement from the individual asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000. (Subsection (i)(3).)

For systems to which access is granted by mail (by virtue of their location) verification of identity may consist of the providing of certain minimum identifying data; e.g., name, date of birth, or system personal identifier (if known to the individual). Where the sensitivity of the data warrants it; (i.e., unauthorized access could cause harm or embarrassment to the individual), a signed notarized statement may be required or other reasonable means of verifying identity which the agency may determine to be necessary, depending on the degree of sensitivity of the data involved.

NOTE: That section 7 of the Act forbids an agency to deny an individual any right (including access to a record) for refusing to disclose a Social Security Number unless disclosure is required by Federal statute or by other laws or regulations adopted prior to January 1, 1975.

Agencies are also permitted to require that an individual who wishes to be accompanied by another person when reviewing a record furnish a written statement authorizing discussion of his or her record in the presence of the accompanying person. This provision may not be used to require that individuals who request access and wish to authorize other persons to accompany them provide any reasons for the access or for the accompanying person's presence. It is designed to avoid disputes over whether the individual granted permission for disclosure of information to the accompanying person.

Agency procedures for complying with the individual access provisions will necessarily vary depending upon the size and nature of the system of records. Large computer-based systems of records clearly require a different approach than do small, regionally dispersed, manually maintained systems. Nevertheless the basic requirements are constant, namely the right of the individual to have access to a record pertaining to him and to have a copy made of all or any portion of such records in a form which is comprehensible to him. Putting information into a comprehensible form suggests converting computer codes to their literal meaning but not necessarily an extensive tutorial in the agency's procedures in which the record is used.

Neither the requirements to grant access nor to provide copies necessarily require that the physical record itself be made available. The form in which the record is kept (e.g., on magnetic tape) or the context of the record (e.g., access to a document may disclose records about other individuals which are not relevant to the request) may require that a record be extracted or translated in some manner; e.g., to expunge the identity of a confidential source. Whenever possible, however, the requested record should be made available in the form in which it is maintained by the agency and the extraction or translation process may not be used to withhold information in a record about the individual who requests it unless the denial of access is specifically provided for under rules issued pursuant to one of the exemption provisions (subsections (j) and (k)).

Subsection (f)(3) provides that agencies may establish "a special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him." In addressing this provision the House committee said:

If, in the judgment of the agency, the transmission of medical information directly to a requesting individual could have an adverse effect upon such individual, the rules which the agency promulgates should provide means whereby an individual who would be adversely affected by receipt of such data may be apprised of it in a manner which would not cause such adverse effects. An example of a rule serving such purpose would be transmission to a doctor named by the requesting individual. (House Report 93–1416, pp. 16–17)

Thus, while the right of individuals to have access to medical and psychological records pertaining to them is clear, the nature and circumstances of the disclosure may warrant special procedures.

While the Act provides no specific guidance on this subject, agencies should acknowledge requests for access to records within 10 days of receipt of the request (excluding Saturdays, Sundays, and legal public holidays). Wherever practicable, that acknowledgement should indicate whether or not access can be granted and, if so, when. When access is to be granted, agencies will normally provide access to a record within 30 days (excluding Saturdays,

V 40 132 JUL 9 75 XUM

Sundays, and legal public holidays) unless, for good cause shown, they are unable to do so, in which case the individual should be informed in writing within 30 days as to those reasons and when it is anticipated that access will be granted. A "good cause" might be the fact that the record is inactive and stored in a records center and, therefore, not as readily accessible. See subsection (l)(1). Presumably, in such cases the risk of an adverse determination being made on the bases of a record to which access is sought and which the individual might choose to challenge is relatively low.

Requests for Amending Records. Subsection (d)(2) "Permit the individual to request amendment of a record pertaining to him and—"

Agencies shall establish procedures to give individuals the opportunity to request that their records be amended. The procedures may permit the individual to present a request either in person, by telephone, or through the mail but the process should not normally require that the individual present the request in person. If the agency deems it appropriate, it may require the requests be made in writing, whether presented in person or through the mail. Instructions for the preparation of a request and any forms employed should be as brief and as simple as possible. If a request is received on other than a prescribed form, the agency should not reject it or request resubmission unless additional information is essential to process the request. In that case, the inquiry to the individual should be limited to obtaining the needed additional information, not resubmission of the entire request. Incomplete or inaccurate requests should not be rejected categorically. The individual should be asked to clarify the request as needed. Requests presented in person should be screened briefly while the individual is still present, wherever possible, to assure that the request is complete so that clarification may be obtained on the spot.

These provisions for amending records are not intended to permit the alteration of evidence presented in the course of judicial, quasi-judicial or quasi-legislative proceedings. Any changes in such records should be made only through the established procedures consistent with the adversary process. These provisions are not designed to permit collateral attack upon that which has already been the subject of a judicial or quasi-judicial action. For example, these provisions are not designed to permit an individual to challenge a conviction for a criminal offense received in another forum or to reopen the assessment of a tax liability, but the individual would be able to challenge the fact that conviction or liability has been inaccurately recorded in his records.

The agency should also require verification of identity to assure that the requestors are seeking to amend records pertaining to themselves and not, inadvertently or intentionally, the records of other individuals.

Acknowledgement of Requests to Amend Records. Subsection (d)(2)(A) "Not later than 10 days (excluding, Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and"

A written acknowledgement by the agency of the receipt of a request to amend a record must be provided to the individual within 10 days (excluding Saturdays, Sundays, and legal public holidays). The acknowledgement should clearly describe the request (a copy of the request form may be appended to the acknowledgement) and advise the individual when he or she may expect to be advised of action taken on the request.

No separate acknowledgement of receipt is necessary if the request can be reviewed, processed, and the individual advised of the results of the review (whether complied with or denied) within the 10-day period.

For requests presented in person, written acknowledgement should be provided at the time the request is presented.

Actions Required on Requests to Amend Records. Subsection (d)(2)(B) "Promptly, either

(i) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(ii) Inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of the refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

In reviewing an individual's request to amend a record, agencies should, wherever practicable, complete the review and advise the individual of the results within 10 days of the receipt of the request. Prompt action is necessary both to assure that records are as accurate as possible and to reduce the administrative effort which would otherwise be involved in issuing a separate acknowledgement of the receipt of the request and subsequently informing the individual of the action taken. If the nature of the request or the system of records precludes completing the review within 10 days, the required acknowledgement (subsection (d)(2)(A) above,) must be provided within ten days and the review should be completed as soon as reasonably possible, normally within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal public holidays) unless unusual circumstances preclude completing action within that time. (The number of cases on which the agency was unable to act within 30 days will be included in the annual report (subsection (p)). If the expected completion date for the review indicated in the acknowledgement cannot be met, the individual should be advised of that delay and of a revised date when the review may be expected to be completed.

"Unusual circumstances" can be viewed as situations in which records cannot be reviewed through the agency's normal process. By definition, such cases would, statistically, be the exception. A review which entails obtaining supporting data from retired records or from another agency and which could not, therefore be completed within the required time might qualify.

In reviewing a record in response to a request to amend it, the agency should assess the accuracy, relevance, timeliness, or completeness of the record in terms of the criteria established in subsection (e)(5), i.e., to assure fairness to the individual to whom the record pertains in any determination about that individual which may be made on the basis of that record.

With respect to requests to delete information, agencies must heed the criteria established in subsection (e)(1), namely, that the information must be "* * * relevant and necessary to accomplish a statutory purpose of the agency required to be accomplished by law or by executive order of the President." This is not to suggest that agencies may routinely maintain irrelevant or unnecessary information unless it is challenged by an individual, but rather that receipt of a request to delete information should cause the agency to reconsider the need for such information. Reviews in connection with the development of a system, the preparation of the public notice and the description of the purposes for which it is maintained and periodic reviews of the system, to assure that only information which is necessary for the lawful purposes for which the system of records was established is maintained in it will be the primary vehicles for assuring that only relevant and necessary information is maintained.

Agency standards for reviewing records in response to a request to amend them may, at the agency's option, be included as part of the rules promulgated pursuant to subsection (f)(4). Generally, it would seem reasonable to conclude that such standards for review need be no more stringent than is reasonably necessary to meet the general criteria in subsections (e)(1) and (e)(5) for accuracy, relevance, timeliness, and completeness.

Judicial review is available for agency determinations to grant an individual access and to amend or not amend a record pertaining to the individual. While the definite burden of proof for granting access is upon the agency in such judicial review, in the judicial review of the refusal of an agency to amend a record there is no similar burden upon the agency. An analogous standard may be utilized by the agencies in establishing standards for review of individual requests for amendments of records. The burden of going forward could be placed upon the individual who in most instances will know better than the agency the reasons why the record should be amended. It would be appropriate, in agency regulations setting forth the standards they will use upon review of such request, that the individual be required to supply certain information in support of his request for amendment of the record. The request would then be

appropriate for resolution upon determination of preponderance of evidence.

If the agency agrees with the individual's request to amend a record, the agency shall—

Advise the individual;

Correct the record accordingly; and

Where an accounting of disclosures has been made, advise all previous recipients of the record of the fact that the correction was made and the substance of the correction.

If the agency, after its initial review of a request to amend a record, disagrees with all or any portion thereof, the agency shall

To the extent that the agency agrees with any part of the individual's request to amend, proceed as described above with respect to those portions of the record which it has amended.

Advise the individual of its refusal and the reasons therefor including the criteria for determining accuracy which were employed by the agency in conducting the review;

Inform the individual that he or she may request a further review by the agency head or by an officer of the agency designated by the agency head; and

Describe the procedures for requesting such a review including the name and address of the official to whom the request should be directed. The procedures should be as simple and brief as possible and should indicate where the individual can seek advice or assistance in obtaining such a review.

If the recipient of the corrected information is an agency and is maintaining the information which was corrected in a system of records, it must correct its records and, under subsection (c)(4), apprise any agency or person to which it had disclosed the record of the substance of the correction. Subsequent recipient agencies should similarly correct their records and advise those to whom they had disclosed it. Agencies are encouraged to establish in their regulations, time limits by which, except under unusual circumstances, transferees of any amendment to a record.

Requesting a Review of the Agency's Refusal To Amend a Record. Subsection (d)(3) "Permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review, and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection(g)(1)(A) of this section;"

An individual who disagrees with an agency's initial refusal to amend a record may file a request for further review of that determination. The agency head or an officer of the agency designated in writing by the agency head should undertake an independent review of the initial determination. If someone other than the agency head is designated to conduct the review, it should be an officer who is organizationally independent of or senior to the officer or employee who made the initial determination. For purposes of this section, an "officer" is defined to be "* * * a justice or judge of the United States and an individual who is—

(1) Required by law to be appointed in the civil [or military]* service by one of the following acting in an official capacity—

[*It is assumed that, while the language above does not specifically cover it, a military officer otherwise qualified as the reviewing official would be permitted to serve as the reviewing official.]

(A) The President;

(B) A court of the United States;

(C) The head of an Executive agency; or

(D) The Secretary of a military department;

(2) Engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) Subject to the supervision of an authority named by paragraph (1) of this section, or the Judicial Conference of the United States, while engaged in the performance of the duties of his office. (5 U.S.C. 2104(a)).

Delegations must be made in writing. In conducting the review, the reviewing official should use the criteria of accuracy, relevance, timeliness, and completeness discussed above. The reviewing official may, at his or her option, seek such additional information as is deemed necessary to satisfy those criteria; i.e., to establish that the record contains only that information which is necessary and is as accurate, timely, and complete as necessary to assure fairness in any determination which may be made about the individual on the basis of record.

Although there is no requirement for a formal hearing, pursuant to the provisions of 5 U.S.C. 556, the agency may elect generally or on a case by case basis to use such or similar procedures. The procedures elected by the agency, however, should insure fairness to the individual and promptness in the determination. The procedures should provide that as much of the information upon which the determination is based as possible is part of the written record concerning the appeal. The records of the appeal process should be maintained by agencies only as long as is reasonably necessary for purposes of judicial review of the agency's refusal to amend a record upon appeal.

If, after conducting this review, the reviewing official also refuses to amend the record in accordance with the individual's request, the agency shall advise the individual:

Of its refusal and the reasons therefor;

Of his or her right to file a concise statement of the individual's reasons for disagreeing with the decision of the agency;

Of the procedures for filing a statement of disagreement;

That any such statement will be made available to anyone to whom the record is subsequently disclosed together with, if the agency deems it appropriate, a brief statement by the agency summarizing its reasons for refusing to amend the record;

That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained (see subsection (c)(4)); and

Of his or her right to seek judicial review of the agency's refusal to amend a record provided for in subsection (g)(1)(A), below.

If the reviewing official determines that the record should be amended in accordance with the individual's request, the agency should proceed as prescribed in subsection (d)(2)(B)(i), above; namely, correct the record, advise the individual, and inform previous recipients.

A notation of a dispute is required to be made only if an individual informs the agency of his or her disagreement with the agency's determination under subsection (d)(3) (appeals procedure) not to amend a record.

A final agency determination on the individual's request for a review of an agency's initial refusal to amend a record must be completed within 30 days unless the agency head determines that a fair and equitable review cannot be completed in that time. If additional time is required, the individual should be informed in writing of the reasons for the delay and of the approximate date on which the review is expected to be completed. Such extensions should not be routine and should not normally exceed an additional thirty days. Agencies will be required to report the number of cases in which review was not completed within 30 days as part of the annual report (subsection (p)).

Disclosure of disputed information. Subsection (d)(4) "In any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed";

When an individual files a statement disagreeing with the agency's decision not to amend a record, the agency should clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently access, use, or disclose it. The notation itself should be integral to the record

V40-132 JUL 9 75 XUM

and specific to the portion in dispute. For automated systems of records, the notation may consist of a special indicator on the entire record or the specific part of the record in dispute.

The statements of dispute need not be maintained as an integral part of the records to which they pertain. They should, however, be filed in such a manner as to permit them to be retrieved readily whenever the disputed portion of the record is to be disclosed.

If there is any question as to whether the dispute pertains to information being disclosed, the statement of dispute should be included.

When information which is the subject of a statement of dispute is subsequently disclosed, agencies must note that the information is disputed and provide a copy of the individual's statement.

Agencies may, at their discretion, include a brief summary of their reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons stated to the individual under subsection (d)(2)(B)(ii) and (d)(3), above. Copies of the agency's statement need not be maintained as an integral part of the record but will be treated as part of the individual's record for purposes of granting the individual access, subsection (d)(1). However, the agency's statement will not be subject to subsections (d) (2) or (3) (amending records).

Access to Information Compiled in Anticipation of Civil Action. Subsection (d)(5) "Nothng in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding."

This provision is not intended to preclude access by an individual to records which are available to that individual under other procedures (e.g., pre-trial discovery). It is intended to preclude establishing by this Act a basis for access to material being prepared for use in litigation other than that established under other processes such as the Freedom of Information Act or the rules of civil procedure.

Excerpts from the House floor debate on this provision suggest that this provision was not intended to cover access to systems of records compiled or used for purposes other than litigation.

Mr. ERLENBORN. Mr. Chairman, as I understand it, the purpose of the amendment is to protect, as an example, the file of the U.S. attorney or the solicitor that is prepared in anticipation of the defense of a suit against the United States for accident or some such thing?

Mr. BUTLER. That is the subject we have in mind.

Mr. ERLENBORN. I appreciate the gentleman's concern. I think it is a real concern, and that protection ought to be afforded.

The only problem I find with that amendment is this: It would presuppose we intended the defining of "record system" to preclude that type of record. I do not think we did.

If these sorts of records are to be considered a record system under the act, then the agency would have to go through all the formal proceedings of defining the system, its routine uses, and publishing in the FEDERAL REGISTER.

Frankly, I do not think the attorney's files that are collected in anticipation of a lawsuit should be subject to the application of the act in any instance, much less the access provision. It is our concern in the access provision that it may then presuppose it is covered in the other provisions, and I do not think it should be.

Mr. BUTLER. Mr. Chairman, I share the gentleman's concern. When this amendment was originally drafted, it stated "access to any record" and we struck the word, "record," and inserted "information."

So we made it perfectly clear we were not elevating an investigation with the word, "record," to the status of records. We did want to make it clear there was not to be such access, because that access would be within the usual rules of civil procedure.

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield further, it is the gentleman's contention, under his interpretation of the act, that the other provisions would not apply to the attorney's files as well; is that correct?

Mr. BUTLER. The gentleman is correct. (*Congressional Record*, November 21, 1974 p. H10955).

While the above passage refers primarily to the defense of suits by the government it is, of course, equally applicable to the assembly of information in anticipation of government-initiated law suits.

The mere fact that records in a system of records are frequently the subject of litigation does not bring those systems of records within the scope of this provision. The information must be "compiled in reasonable anticipation of a civil action or proceeding" and therefore the purpose of the compilation governs the applicability of this provision. It would seem that in a suit in which governmental action or inaction is challenged the provision generally would not be available until the initiation of litigation or until information began to be compiled in reasonable anticipation of such litigation. Where the government is prosecuting or seeking enforcement of its laws or regulations, this provision may be applicable at the outset if information is being compiled in reasonable anticipation of a civil action or proceeding. The term civil proceeding was intended to cover those quasi-judicial and preliminary judicial steps which are the counterpart in the civil sphere of criminal proceedings as opposed to criminal litigation. Although this provision could have the effect of an exemption it is not subject to the formal rule-making procedures which govern the exemptions set forth in subsection (j) and (k). Nevertheless, agencies should utilize the specific exemptions set forth in subsections (j) and (k) to the extent that they are applicable before utilizing this provision.

SECTION (e) AGENCY REQUIREMENTS

Section (e) "Each agency that maintains a system of records shall—"

Restrictions on Collecting Information about Individuals. Subsection (e)(1) "Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;"

A key objective of the Act is to reduce the amount of personal information collected by Federal agencies to reduce the risk of intentionally or inadvertently improper use of personal data. In simplest terms, information not collected about an individual cannot be misused. The Act recognizes, however, that agencies need to maintain information about individuals to discharge their responsibilities effectively.

Agencies can derive authority to collect information about individuals in one of two ways:

By the Constitution, a statute, or Executive order explicitly authorizing or directing the maintenance of a system of records; e.g., the Constitution and title 13 of the United States Code with respect to the Census.

By the Constitution, a statute, or Executive order authorizing or directing the agency to perform a function, the discharging of which requires the maintenance of a system of records.

Each agency shall, with respect to each system of records which it maintains or proposes to maintain, identify the specific provision in law which authorizes that activity. While the Act does not specifically require it, where feasible, this statutory authority should also be cited in the annual public notice about the system published pursuant to subsection (e)(4). The authority to maintain a system of records does not give the agency the authority to maintain any information which it deems useful. Agencies shall review the nature of the information which they maintain in their systems of records to assure that it is, in fact, "relevant and necessary". Information may not be maintained merely because it is relevant; it must be both relevant and necessary. While this determination is, in the final analysis, judgmental, the following types of questions shall be considered in making such determinations:

How does the information relate to the purpose (in law) for which the system is maintained?

What are the adverse consequences, if any, of not collecting that information?

Could the need be met through the use of information that is not in individually identifiable form?

Does the information need to be collected on every individual who is the subject of a record in the system or would a sampling procedure suffice?

At what point will the information have satisfied the purpose for which it was collected; i.e., how long is it necessary to retain the information? Consistent with the Federal Records Act and related regulations could part of the record be purged?

What is the financial cost of maintaining the record as compared to the risks/adverse consequences of not maintaining it?

Is the information, while generally relevant and necessary to accomplish a statutory purpose, specifically relevant and necessary only in certain cases? For example in establishing financial need as part of assessing eligibility for a program for which need is a legitimate

criterion, parental income may be relevant only for certain applicants.

Subsection (e)(7), below, provides additional criteria governing the maintenance of records on the activities of individuals in exercising their rights under the First Amendment.

This provision does not authorize agencies to destroy records which they are required to retain under the Federal Records Act.

Agencies shall assess the legality of, need for, and relevance of the information contained or proposed to be contained in each of its systems of records at various times:

In preparing initial public notices (subsection (e)(4)).

In connection with the initial design of a new system of records (subsection (o)).

Whenever any change is proposed in system of records (subsection (o)).

At least annually, as part of a regular program of review of its record-keeping practices. This should be done for each system prior to reissuance of the public notice unless a comprehensive review of the system of records was conducted within the previous year in connection with the initiation of the system or implementation of a change to the system.

This provision does not require that each agency conduct a detailed review of the contents of each record in its possession. Rather, agencies shall consider the relevance of, and necessity for, the general categories of information maintained and, incident to using or disclosing any individual records, examine their content to assure compliance with this provision.

It should be noted that subsection (e) is not intended to interfere with the presentation of evidence by the parties before a quasi-judicial or quasi-legislative body. For example, a quasi-judicial board or commission need not reject otherwise admissible evidence because it is proffered by a part other than the individual to whom it relates or because it is not "necessary" to the decision or is not "complete." The normal rules of evidence would contains to govern in such situations.

Information is to be Collected Directly from the Individual. Subsection (e)(2) "Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs;"

This provision stems from a concern that individuals may be denied benefits, or that other adverse determinations affecting them may be made by Federal agencies on the basis of information obtained from third party sources which could be erroneous, outdated, irrelevant, or biased. This provision establishes the requirement that decisions under Federal programs which affect an individual should be made on the basis of information supplied by that individual for the purpose of making those determinations but recognizes the practical limitations of this by qualifying the requirement with the words "to the extent practicable". The notion of protecting the individual against adverse determinations based on information supplied to other agencies for other purposes is also embodied in the provisions of subsection (b) which constrains the transfer of records between agencies; subsection (d)(2), which gives individuals the opportunity to challenge the accuracy of agency records pertaining to them; and subsection (e)(4) which prohibits the keeping of secret files.

Except for certain "statistical records" (subsection (a)(6)), which, by definition, are "not used in whole or in part in making a determination about an individual * * *", virtually any other record could be used, in making a "determination about an individual's rights, benefits, or privileges * * *" including employment. The practical effect of this provision is to require that information collected for inclusion in any system of records, other than "statistical records", should be obtained directly from the individual whenever practicable.

Practical considerations (including cost) may dictate that a third-party source, including systems of records maintained by another agency, be used as a source of information in some cases. In analyzing each situation where it proposes to collect personal information from a third party source, agencies should consider

The nature of the program; i.e., it may well be that the kind of information needed can only be obtained from a third party such as investigations of possible criminal misconduct;

The cost of collecting the information directly from the individual as compared with the cost of collecting it from a third party;

The risk that the particular elements of information proposed to be collected from third parties, if inaccurate, could result in an adverse determination;

The need to insure the accuracy of information supplied by an individual by verifying it with a third party or to obtain a qualitative assessment of his or her capabilities (e.g., in connection with reviews of applications for grants, contracts or employment); and

Provisions for verifying, whenever possible, any such third-party information with the individual before making a determination based on that information.

It should be noted that a determination by Agency (A) that it is in its best interest and consistent with this subsection to obtain information about an individual from Agency (B) instead of directly from the individual does not constitute, in and of itself, sufficient grounds for Agency (B) to release that information to Agency (A). Agency (B) is minimally required to meet the requirements of any statutory constraints on the permissibility of making a disclosure to Agency (A) including the conditions of disclosure, in subsection (b).

The standards and procedures set forth in the Federal Reports Act (44 USC 3501) as they apply to other than individuals as defined by this Act remain the same. When information is sought, however, from ten or more individuals, as defined by the Privacy Act, in response to identical questions, the Federal Reports Act requirement that the reporting burden upon individuals be reduced to a minimum should not be construed to override the later enacted requirement that, to the greatest practicable extent, information pertaining to individuals be collected directly from them.

Informing Individuals from Whom Information is Requested. Subsection (e)(3) "Inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—"

This provision is intended to assure that individuals from whom information about themselves is collected are informed of the reasons for requesting the information, how it may be used, and what the consequences are, if any, of not providing the information.

Implicit in this subsection is the notion of informed consent since an individual should be provided with sufficient information about the request for information to make an informed decision on whether or not to respond. Note however, that the act of informing the individual of the purpose(s) for which a record may be used does not, in and of itself, satisfy the requirement to obtain consent for disclosing the record. See subsection (b), conditions of disclosure.

The information called for in paragraphs (A) through (D) below, should be included on the information collection form, on a tear-off sheet attached to the form, or on a separate sheet which the individual can retain, whichever is most practical. When information is being collected in an interview, the interviewer should provide the individual with a statement that the individual can retain. However, the interviewer should also orally summarize that information before the interview begins. Agencies may, at their discretion, ask the individuals to acknowledge in writing that they have been duly informed.

While this provision does not explicitly require it, agencies should, where feasible, inform third-party sources of the purposes for which information which they are asked to provide will be used. In addition, the agency may, under certain circumstances, assure a source that his or her identity will not be revealed to the subject of the record (see subsection (k)(2), (5), and (7)). The appropriate use of third-party sources is discussed in subsection (e)(2) above.

In providing the information required by subsections (e)(3)(A) through (D), below, care should be exercised to assure that easily understood language is used and that the material is explicit and informative without being so lengthy as to deter an individual from reading it. Information provided pursuant to this requirement would not, for example, be as extensive as that contained in the system notice (subsection (e)(4)).

It was not the intent of this subsection to create a right the nonobservance of which would preclude the use of the

V 40 1132 JUL 9 75 XUM

information or void an action taken on the basis of that information. For example, a failure to comply with this section, in collecting crop yield data from a farmer, was not intended to vitiate a crop import quota based, in part, upon such information. However, such an individual may have grounds for civil action under subsection (g)(1)(D) if he can show harm as a result of that determination.

Subsection (e)(3)(A) "The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;"

The agency should cite the specific provision in statute or Executive order which authorizes the agency to collect the requested information (see subsection (e)(1) above), the brief title or subject of that statute or order, and whether or not the collecting agency is required to impose penalties for failing to respond or is authorized to impose penalties. Where the system is maintained pursuant to some more general requirement or authority, it should be cited. The question of whether compliance is mandatory or voluntary is different from the question of whether there are any consequences of not providing information; i.e., the law may not require individuals to apply for a benefit but clearly, for some types of voluntary programs, to apply without supplying certain minimal information might preclude an agency from making an informed judgment and thereby prevent an individual from obtaining a benefit. (See subsection (e)(3)(D) regarding the requirements to inform individuals of the effects, if any, of not providing information.)

In some instances it may be necessary to include required and optional information on the same data collection form. This should be avoided to the extent possible since the likely effect on some respondents may be coercive; i.e., they may fear that, even though portions of an information request are voluntary, by failing to respond, they may be perceived to be uncooperative and their opportunities would thereby be prejudiced. (See 44 U.S.C. 3511, the Federal Reports Act.)

Subsection (e)(3)(B) "The principal purpose or purposes for which the information is intended to be used;"

The individual should be informed of the principal purpose(s) for which the information will be used; e.g., to evaluate suitability, to issue benefit payments. The description of purpose(s) must include all major purposes for which the record will be used by the agency which maintains it and particularly those likely to entail determinations as to the individual's rights, benefits, etc. As in all other portions of the information collection process, purposes should be stated with sufficient specificity to communicate to an individual without being so lengthy as to discourage reading of the notice. Generally, the purposes will be directly related to, and necessary for, the purpose authorized by the statute or executive order cited above.

Subsection (e)(3)(C) "The routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and"

"Uses" can be distinguished from "purposes" in that "purposes" describe the objectives for collecting or maintaining information, whereas "uses" are the specific ways or processes in which the information is employed including the persons or agencies to whom the record may be disclosed. For example, the purposes for collecting information may be to evaluate an application for a veterans' benefit and issue checks. Uses might include verification of certain information with the Department of Defense and release of check-issue data to the Treasury Department, or disclosure to the Justice Department that the applicant apparently intentionally provided false or misleading information.

The term "routine use" is defined in subsection (a)(7) to mean the disclosure of a record "* * * for a purpose which is compatible with the purpose for which it was collected." A "routine use" is one which is relatable and necessary to a purpose described pursuant to subsection (e)(3)(B), and involves disclosure outside the agency which maintains the record. "Routine uses" must be included not only in the public notice about the system of records published in accordance with subsection (e)(4), below, but also established in advance by notice in the FEDERAL REGISTER to permit public comment. See subsection (e)(11), below.

The description of "routine uses" provided to the individual at the time information is collected will frequently be a summary of the material published in the public notice pursuant to subsection (e)(4)(D). As with other portions of the notification to the individual, care should be exercised to tailor the length and tone of the notice to the circumstances; i.e., the public notice published pursuant to subsection (e)(4) can be much more detailed than the notice to the individual appended to an information collection form.

Subsection (e)(3)(D) "The effects on him, if any, of not providing all or any part of the requested information";

The intent of this subsection is to allow an individual from whom personal information is requested to know the effects (beneficial and adverse), if any, of not providing any part or all of the requested information so that he or she can make an informed decision as to whether to provide the information requested on an information collection form or in an interview.

The individual should be informed of the effects, if any, of not responding. This should be stated in a manner which relates to the purposes for which the information is collected; e.g., the information is needed to evaluate disabled veterans for special counseling and training and if it is not provided, no additional training will be considered but disability annuities payments will continue. Particular care must be exercised in the drafting of the wording of the notice to assure that the respondent to the information request is not misled or inadvertently coerced.

Publication of the Annual Notice of Systems of Records. Subsection (e)(4) "Subject to the provisions of paragraph (11) of this subsection, publish in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records, which notice shall include—"

The public notice provision is central to the achievement of one of the basic objectives of the Act; fostering agency accountability through a system of public scrutiny. The public notice provision is premised on the concept that there should be no system of records whose very existence is secret.

The purposes of the notice are to inform the public of the existence of systems of records;

The kinds of information maintained;

The kinds of individuals on whom information is maintained;

The purposes for which they are used; and

How individuals can exercise their rights under the Act.

All systems of records maintained by an agency are subject to the annual public notice requirement. (The general and special exemption sections permit agencies to omit portions of the notice for certain systems. They do not exempt any agency from publishing a public notice on any system of records).

Care must be exercised to assure that the tone, language, level of detail and length of the public notice are considered to assure that the notice achieves the objective of informing the public of the nature and purposes of agency systems of records.

Defining what constitutes a "system" for purposes of preparing a notice will be left to agency discretion within the general guidelines contained herein. (See also subsection (a)(5)). A system can be a small group of records or, conceivably, the entire complex of records used by an agency for a particular program. Several factors bear on the determination by the agency as to what will constitute a system:

If each small grouping of records is treated as a separate system, then public notices and procedures will be required for each. The publication of numerous notices may have the effect of limiting the information value to the public.

If a large complex of records is treated as a single system, only one notice will be required but that notice and the procedures may be considerably more complex.

Agencies can expect to be required to respond to individual requests for access to records pertaining to them at the level of detail in their public notices, i.e., if an agency treats its records for a particular program as a single system, it may be called upon by an individual to be given access to all information in records pertaining to that individual in the system.

The purpose(s) of a system is the most important criterion in determining whether a system is to be treated as a single system or several systems for the purposes of the Act. If each of several groupings of agency records is used for a unique purpose or set of purposes, as delineated in subsection (e)(3)(B) above, each may appropriately be treated as a separate system. Agencies should keep in mind that a major purpose of the Act is not the restructuring of existing systems of records, but rather the publicizing of what those systems are and how they are used. It does not, of course, preclude such restructuring where otherwise necessary or appropriate such as to reduce the risk of improper access.

Geographic decentralization will not in and of itself be considered a criterion for viewing a system of records as several systems. An agency may treat a decentralized system as a single system and specify several locations and an agency official responsible for the system at each location. See subsections (e)(4)(A) and (F). While the development of central indexes for systems which do not presently require such indexes should be avoided wherever possible, individuals who seek to learn whether a geographically decentralized system of records contains a record pertaining to them (subsection (f)(1)) should not be required to query each location. (In deciding whether or not to construct an index, agencies must weigh the potential threat of misuse posed by making individual records more accessible against the capability to meet the needs of those individuals for access to their records). It may, however, be possible to guide individuals as to which location may have a record pertaining to them; e.g., systems segmented by location of birth, or by range of identification number. In any case, "if a system is located in more than one place, each location must be listed." (House Report 93-1416, p. 15) See subsection (e)(4)(A).

A major criterion in determining whether a grouping of records constitutes one system or several, for purposes of the Act, will be the ability to be responsive to the requests of the individual for access to records and generally to be informed.

Systems, however, should not be subdivided or reorganized so that information which would otherwise have been subject to the act is no longer subject to the act. For example, if an agency maintains a series of records not arranged by name or personal identifier but uses a separate index file to retrieve records by name or personal identifier it should not treat these files as separate systems.

A public notice is required to be published:

For each system in operation on September 27, 1975 on or prior to that date and the notice shall be republished, including any revisions, on or before August 30, each year thereafter.

For new systems, before the system of records becomes operational; i.e., before any information about individuals is collected.

It should be noted that each "routine use" of a system must have been established in a notice published for public comment at least 30 days prior to the disclosure of a record for that "routine use" as specified in subsection (e)(11).

For major changes to existing systems, a revised public notice is required before that change is effective. If the change to an existing system involves changes to "routine uses", they are subject to the 30 day advance notice provisions of subsection (e)(11). The nature of the changes in a system which would require the issuance of a revised public notice before the next annual public notice is described for each element of the public notice in the succeeding paragraphs. Generally, any change in a system which has the effect of expanding the categories of records maintained, the categories of individuals on whom records are maintained, or the potential recipients of the information, will require the publication of a revised public notice before the change is put into effect. In addition, any modification that alters the procedures by which individuals exercise their rights under the Act (e.g., for gaining access) will require the publication of a revised notice before that change becomes effective.

Changes of the type described above will typically also require the preparation of a "Report on New Systems" under subsection (o), below. Any other change will be incorporated into the next annual revision of the notice.

The General Services Administration (Office of the Federal Register) will issue more detailed guidance on the formats to be used by agencies in publishing their public notices. The formats prescribed by GSA are to be used to facilitate the annual compilation of the notices and to assure that notices are produced in a consistent manner to make them more useful to the public.

Describing the Name and Location of the System in the Public Notice. Subsection (e)(4)(A) "The name and location of the system"

Agencies will specify each city/town and site at which the system of records is located. For a geographically dispersed system each location should be listed. A change in the list of locations will not require publication of a revised notice.

While the House report language cited above clearly indicated that the location of each site at which the system is maintained is to be listed, exceptional situations may dictate not including the listing in the body of the notice; e.g., military personnel records which are kept at several hundred installations or certain farmer records which are kept at several thousand county extension agent offices. To include the list of locations in each applicable notice would only serve to inflate the size and thereby reduce the readability of the notice. In these instances, it may be appropriate to publish a single list of field stations, or to refer in the notice for all systems at those sites to a list which is generally available.

Describing Categories of Individuals in the Public Notice. Subsection (e)(4)(B) "The categories of individuals on whom records are maintained in the system;"

"The purpose of this requirement is for an individual to determine if information on him might be in [the] system. The description of the categories should therefore be clearly stated in non-technical terms understandable to individuals unfamiliar with data collection techniques." (House Report 93-1416, p. 15). For example, the notice might indicate that the records are maintained on students who applied for loans under a student loan program, not persons who filed form X or who are eligible under section ABC-000.

Any change which has the effect of adding new categories of individuals on whom records are maintained will require publication of a revised public notice. If, in the absence of a revised notice, an individual who is the subject of a record in the system would not recognize that fact, a revision should be issued before that change is put into effect. A narrowing of the coverage of the system does not require advance issuance of a revised notice.

Describing Categories of Records in the Public Notice. Subsection (e)(4)(C) "The categories of records maintained in the system;"

This portion of the notice should briefly describe the types of information contained in the system; e.g., employment history or earnings records. As with the previous item, non-technical terms should be used. The addition of any new categories of records not within the categories described in the then current public notice will require the issuance of a revised public notice before that change is put into effect. The addition of a new data element clearly within the scope of the categories in the notice would not require the issuance of a revised notice.

Describing Routine Uses in the Public Notice. Subsection (e)(4)(D) "Each routine use of the records contained in the system, including the categories of users and the purpose of such use;"

In describing the "routine uses" of the system in the public notice, the notice should be sufficiently explicit to communicate to a reader unfamiliar with the technical aspects of the system or the agency's program.

For a more extensive discussion of "routine uses," see subsections (a)(7) (definitions), (b)(3) (conditions of disclosure), (e)(3)(C) (notification to the individual), and (e)(11) (notice of routine uses).

Any new use or significant change in an existing use of the system which has the effect of expanding the availability of the information in the system will require publication of a revised public notice. Any such change in a routine use must also be described in a notice in the FEDERAL REGISTER to permit public comment before it is implemented.

Describing Records Management Policies and Practices in the Public Notice. Subsection (e)(4)(E) "The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records";

V40-132 JUL 9 75 XUM

This portion of the public notice should describe how the records are maintained, how they are safeguarded, what categories of officials within the agency are permitted to have access, and how long records are retained both on the agency's premises and at secondary storage sites.

In describing record "storage", the agency should indicate the medium in which the records are maintained (e.g., file folders, magnetic tape). "Retrievability" covers the capabilities in the system of records to index and access a record (e.g., by name, combinations of personal characteristics, identification numbers). "Access controls" describes, in general terms, what measures have been taken to prevent unauthorized disclosure of records (e.g., physical security, personnel screening) and what categories of individuals within the agency have access. "Retention" and "disposal" cover the rules on how long records are maintained, if and when they are moved to a Federal Records Center or to the Archives, if and how they are destroyed. The description shall not describe security safeguards in such detail as to increase the risk of unauthorized access to the records.

Changes in this item will not normally require immediate publication of a revised public notice unless they reflect an expansion in the availability of or access to the system of records.

Identifying Official(s) Responsible for the System in the Public Notice. Subsection (e)(4)(F) "The title and business address of the agency official who is responsible for the system of records";

This portion of the notice must include the title and address of the agency official who is responsible for the policies and practices governing the system described in (e)(4)(E), above. For geographically dispersed systems, where individuals must deal directly with agency officials at each location in order to exercise their rights under the Act (e.g., to gain access), the title and address of the responsible official at each location should be listed in addition to the agency official responsible for the entire system. See discussion of subsection (e)(4)(A), above, for special treatment of certain multiple location systems.

A revised public notice shall be issued before the implementation of any change in the address to which individuals may present themselves in person to inquire whether they are the subject of a record in the system or to seek access to a record or in the address to which individuals may mail inquiries, unless the agency has established internal procedures to assure that mail will be forwarded promptly so that the agency will be able to respond to inquiries within the time constraints established in subsection (d). Generally, changes of this type in the interim between the annual publications of the compilation of notices should be avoided if at all possible. Individuals are more likely to rely upon the annual compilation and are not as likely to be aware of modifications publicized only by means of separate notice in the FEDERAL REGISTER.

Describing Procedures for Determining if a System Contains a Record on an Individual in the Public Notice. Subsection (e)(4)(G) "The agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;"

This portion of the notice should specify as a minimum, the following:

The address of the agency office to which inquiries should be addressed or addresses of the location(s) at which the individual may present a request in person. Wherever practicable, this list should be the same as the list of officials responsible for the system in subsection (e)(4)(F), above. If this is the case, it need not be reported.

What identifying information is required to ascertain whether or not the system contains a record about the inquirer.

The agency may require proof of identity only where it has made a determination that knowledge of the fact that a record about an individual exists would not be required to be disclosed to a member of the public under section 552 of title 5 of the United States Code (the Freedom of Information Act). For example, an agency may determine that disclosure of a record in a file pertaining to conflicts of interests would be a clearly unwarranted invasion of personal privacy, within the meaning of 5 U.S.C. 552 (b)(6), and in this instance the agency may require proof of identity.

A revised public notice will be issued before effecting any change which meets the criteria outlined in subsection (e)(4)(F), above.

This portion of the notice must be consistent with agency rules promulgated pursuant to subsection (f)(1). Any change in these procedures is subject to the requirements of the Administrative Procedure Act as specified in subsection (f).

Describing Procedures for Gaining Access in the Public Notice. Subsection (e)(4)(H) "The agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and"

This portion of the public notice must include the mailing address(es) and, if possible, the telephone number(s) of official(s) who can provide assistance; and the location of offices to which the individual may go to seek information.

This provision does not specifically require that the actual procedures for obtaining access or for contesting the accuracy of a record be included in the public notice. It only requires that individuals be advised of the means by which they can obtain information on those procedures. However, it should be noted that, pursuant to subsection (f), agencies are required to publish rules which stipulate the procedures whereby the individual can exercise each of these rights and that these rules are required to be incorporated into the annual compilation of notices and rules published by the Office of the Federal Register.

A revised public notice shall be issued before effecting any change about which the individual would have to know in order to exercise his or her rights under the Act. Changes of this type in the interim between the annual publications of the compilation of notices should be avoided if at all possible.

This portion of the notice must be consistent with agency rules promulgated pursuant to subsections (f)(2) and (3). Any change in these procedures is subject to the requirements of the Administrative Procedure Act as specified in subsection (f).

Describing Categories of Information Sources in the Public Notice. Subsection (e)(4)(I) "The categories of sources of records in the system;"

For systems of records which contain information obtained from sources other than the individual to whom the records pertain, the notice should list the types of sources used; e.g.,

Previous employers,
Financial institutions,
Educational institutions attended, or
Peer reviewers (such as in connection with records of the review of proposals for research projects)

The notice should indicate if the individual to whom the records pertain is a source of the information in the record. Otherwise all the notices will appear to be violating the requirement that individuals be the main source of information pertaining to them.

Specific individuals or institutions need not be identified. Guidance on when the identity of a source may be withheld is contained in subsection (k)(2), (5) and (7).

Standards of Accuracy. Subsection (e)(5) "Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;"

The objective of this provision is to minimize, if not eliminate, the risk that an agency will make an adverse determination about an individual on the basis of inaccurate, incomplete, irrelevant, or out-of-date records that it maintains. Since the final determination as to accuracy is necessarily judgmental, it is particularly critical that this judgment be made with an understanding of the intent of the Act.

The Act recognizes the difficulty of establishing absolute standards of data quality by conditioning the requirement with the language "as is reasonably necessary to assure fairness to the individual * * *." This places the emphasis on assuring the quality of the record in terms of the use of the record in making decisions affecting the rights, benefits, entitlements, or opportunities (including employment) of the individual.

A corollary provision (subsection (e)(6), below) requires that agencies apply the same standard to records which are disclosed, except when they are disclosed to a member of the public under the Freedom of Information Act or to another agency. (An agency would be subject to the Act and, therefore, would have to apply its own standards of accuracy, etc.)

Agencies may develop tolerances for "accuracy" and "timeliness" giving consideration to the likelihood that errors within those tolerances could result in an erroneous decision with adverse consequences to the individual (e.g., denial of rights, benefits, entitlements, or employment). For example, for its purposes in determining entitlements based on income, it may only be necessary for an agency to record the fact that income was greater than or less than a stipulated level rather than to ascertain and record the precise amount. In questionable instances, reverification of pertinent information with the individual to whom it pertains may be appropriate.

Useful criteria for assuring "relevance" and "completeness" may be somewhat more difficult to develop. The pursuit of "completeness" could result in the collection of irrelevant information which, if taken into account in making an agency determination could prejudice the decision. Agencies must limit their records to those elements of information which clearly bear on the determination(s) for which the records are intended to be used, and assure that all elements necessary to the determinations are present before the determination is made.

Validating Records Before Disclosure. Subsection (e)(6) "Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;"

While the Act recognizes that an agency cannot guarantee the absolute accuracy of its systems of records, any record disclosed to a person outside the agency (except another agency) must be as accurate as appropriate for purposes of the agency which maintained the record. (See subsection (e)(5)). The only exceptions to this requirement are for disclosures to another agency or to the public under the Freedom of Information Act which may not be delayed or impeded.

Recognizing that an agency properly disclosing information (pursuant to subsection (b), conditions of disclosure) is often not in a position to evaluate acceptable tolerances of error for the purposes of the recipient of the information, the primary objective of this provision is, nonetheless, to assure that reasonable efforts are made to assure the quality of records disclosed to persons who are not subject to the provisions of subsection (e)(5). The agency must, therefore, make reasonable efforts to assure that a record it discloses is as accurate, relevant, timely, and complete as would be reasonably necessary to assure fairness in any determination that it might make on the basis of that record. It may, for example, be appropriate to advise recipients that the information disclosed was accurate as of a specific date, such as the last date on which a determination was made by the agency on the basis of the record or of other known limits on its accuracy e.g., its source.

Records on Religious or Political Activities. Subsection (e)(7) "Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;"

Whereas subsection (e)(1) generally enjoins agencies from collecting information not "relevant and necessary to accomplish a purpose of the agency," this provisions establishes an even more rigorous standard governing the maintenance of records regarding the exercise of First Amendment rights. These include, but are not limited to religious and political beliefs, freedom of speech and of the press, and freedom of assembly and petition.

In determining whether or not a particular activity constitutes the exercise of a right" guaranteed by the First Amendment", agencies will apply the broadest reasonable interpretation.

Records describing the exercise of these rights may be maintained only if one of the following conditions is met:

A statute specifically authorizes it. Specific authorization means that a statute explicitly provides that an agency may maintain records on activities whose exercise is covered by the First Amendment; not merely that the agency is authorized to establish a system of records. However, the statute need not address itself specifically to the maintenance of records of First Amendment activities if it specifies that such activities are relevant to a determination concerning the individual. For example, since the Immigration and Nationality Act makes the possibility of religious or political persecution relevant to a stay of deportation, the information on these subjects may be admitted in evidence, and therefore would not be prohibited by this provision.

The individual expressly authorizes it; e.g., a member of the armed forces may indicate a religious preference so that, if seriously injured or killed while on duty, the proper clergyman can be called. The individual may also volunteer such information and if he does so, the agency is not precluded from accepting and retaining it. Thus, if an applicant for political appointment should list his political affiliation, association memberships, and religious activities, the agency may retain this as part of his application file or include it in an official biography. Similarly, if an individual volunteers information on civic or religious activities in order to enhance his chances of receiving a benefit, such as executive clemency, the agency may consider information thus volunteered. However, nothing in the request for information should in any way suggest that information on an individual's First Amendment activities is required.

The record is required by the agency for an authorized law enforcement function.

In the discussions on the floor of the House regarding the authority to maintain such records for law enforcement purposes, it was stated that the objective of the law enforcement qualification on the general prohibition was "to make certain that political and religious activities are not used as a cover for illegal or subversive activities." However, it was agreed that "no file would be kept of persons who are merely exercising their constitutional rights * * *" and that in accepting this qualification "there was no intention to interfere with First Amendment rights" (*Congressional Record*, November 20, 1974, H10892 and November 21, 1974, H10952)

Notification for Disclosures under Compulsory Legal Process. Subsection (e)(8) "Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;"

When a record is disclosed under compulsory legal process (e.g., pursuant to subsection (b)(11)), and the issuance of that order or subpoena is made public by the court or agency which issued it, agencies must make reasonable efforts to notify the individual to whom the record pertains. This may be accomplished by notifying the individual by mail at his or her last known address. The most recent address in the agency's records will suffice for this purpose and no separate address records are required. Upon being served with an order to disclose a record, the agency should endeavor to determine whether the issuance of the order is a matter of public record and, if it is not, seek to be advised when it becomes public. An accounting of the disclosure, pursuant to subsection (c)(1), is also required to be made at the time the agency complies with the order or subpoena.

Rules of Conduct for Agency Personnel. Subsection (e)(9) "Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;"

Effective compliance with the provisions of this Act will require informed and active support of a broad cross section of agency personnel. It is important that all personnel who in any way have access to systems of records or who are engaged in the development of procedures or systems for handling records, be informed of the requirements of the Act and be adequately trained in agency procedures developed to implement the Act. Personnel with particular concerns include, but are not limited to, those engaged in personnel management, paperwork management (reports, forms, records, and related functions), computer systems development and operations, communications, statistical data collec-

V40-132 JUL 9 75 XUM

tion and analysis, and program evaluation. (The Communications Act of 1934 prescribes standards and penalties for personnel engaged in handling interstate communications and shall also be consulted, where applicable, when agency rules of conduct are being developed).

Activities under this provision will include

The incorporation of provisions on privacy into agency standards of conduct;

The discussion of individual employee responsibilities under the Act in general personnel orientation programs; and

The incorporation of training on the specific procedural requirements of the Act into both formal and informal (on-the-job) training programs.

Concurrently, those agencies with broad policy development and training responsibilities (e.g., the General Services Administration, the Civil Service Commission) will also be revising their programs as appropriate to augment agency activities in this area.

This provision is also important in ensuring that individuals who are potentially criminally liable or whose actions could expose the agency to civil suit (under subsections (i) and (g), respectively) are fully informed of their obligations under the Act.

Administrative, Technical and Physical Safeguards. Subsection (e)(10) "Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;"

The development of appropriate administrative, technical, and physical safeguards will, necessarily, have to be tailored to the requirements of each system of records and other related requirements for security and confidentiality. The need to assure the integrity of and to prevent unauthorized access to, systems of records will be determined not only by the requirements of this Act but also by other factors like the requirement for continuity of agency operations, the need to protect proprietary data, applicable access restrictions to protect the national security, and the need for accuracy and reliability of agency information.

While the technology of system security (both for computer-based and other systems of records) is well developed as it relates to materials classified for reason of national defense or foreign policy, few standards currently exist to guide the "civil" agency in this area. Until such standards are developed and promulgated, agencies will be required to analyze each system as to the risk of improper disclosure of records and the cost and availability of measures to minimize those risks. The Department of Commerce (National Bureau of Standards) will be issuing guidelines and standards to assist agencies in evaluating various technological approaches to providing security safeguards in their system and for assessing risks.

Notice for New/Revised Routine Uses. Subsection (e)(11) "At least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the FEDERAL REGISTER notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency."

Agencies are required to publish in the FEDERAL REGISTER a notice of their intention to establish "routine uses" for each of their systems of records. Although this provision is designed to supplant the informal rule-making provisions of 5 U.S.C. 553, the accommodation of the public comments in the judicial review of the rule-making exercise was intended wherever practicable. Agencies should furnish as complete an explanation of the routine uses and any changes made or not made as a result of the public comment as possible so that the public will be fully informed of the proposed use. This is to give the public an opportunity to comment on the appropriateness of those uses before they come into effect. This notice should be published sufficiently in advance of the proposed effective date of the use to permit time for the public to comment and for the agency to review those comments, but in no case may a new "routine use" be used as the basis for a disclosure less than 30 days after the publication of the "routine use" notice in the FEDERAL REGISTER. A revised public notice (subsection (e)(4)) must be published before a "routine use" is put into effect; i.e., before a record is disclosed for such a use.

It is clearly permissible to publish the entire system notice (prescribed by subsection (e)(4)) as the notice of "routine use" provided that such "routine uses" are not put into effect until the required 30 day notice period. If an entire system notice is not published, the notice of "routine use" issued pursuant to subsection (e)(11) must, as a minimum, contain

The name of the system of records for which the "routine use" is to be established;

Where feasible, the authority for the system (see discussion of subsection (e)(1), and the required notice to the individual in subsection (e)(3)(A)), above);

The categories of records maintained;

The proposed "routine use(s)";

And the categories of recipients for each proposed "routine use".

For new "routine uses" of systems for which a public notice under subsection (e)(4) has already been published, reference should be made to that public notice.

A notice in the FEDERAL REGISTER inviting public comment on a proposed new "routine use" is required.

For all existing systems of records not later than August 28, 1975. (Since 30 days advance notice of a "routine use" is required, an agency that fails to publish necessary notices for existing systems on or prior to August 28 may find that it is precluded from making necessary interagency transfers until it has complied with this provision);

For an existing system of records, whenever a new "routine use" is proposed. A new "routine use" is one which involves disclosure of records for a new purpose compatible with the purpose for which the record is maintained or to a new recipient or category of recipients (even if other uses are concurrently curtailed); and

For any new systems of records for which "routine uses" are contemplated.

SECTION (f) AGENCY RULES

Subsection (f) "In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—"

Agencies must promulgate rules to implement the provisions of the Act in accordance with the requirements of section 553 of title 5 of the United States Code including publication of the rules in the FEDERAL REGISTER so that interested persons can have an opportunity to comment. A "rule" is defined as "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedures, or practice requirements of agency * * *" (5 U.S.C. 551(4)). Formal hearings are not required with respect to rules issued under this section. However, formal hearings are not precluded by this section and, in particular instances, agencies may elect to use the formal hearing procedure.

Two distinct objectives must be satisfied by the rules promulgated pursuant to this subsection:

They must provide the public with sufficient information to understand how an agency is complying with the law; and

They must provide sufficient information for individuals to exercise their rights under the Act.

Rules promulgated under this subsection differ from notices under subsection (e) in several ways:

Rules promulgated under this subsection are subject to requirements of section 553 of the Administrative Procedure Act governing the publication of proposed rules for public comment before issuing them as final rules.

Rules must only be published twice—as notice of rule making and when they are promulgated as final rules-unless they are subsequently modified. (They will, however, be included in an annual compilation published by GSA.)

A separate set of rules need not be published for each system of records that an agency maintains. The development of a single set of agency rules is encouraged wherever appropriate.

Agencies are required to publish proposed rules under this subsection allowing at least 30 days for public comment prior to publishing them as final rules. (For systems which will be in use on September 27, 1975, agencies will have

to publish rules not later than August 28, 1975.) No further republication of agency rules is required (other then their inclusion in the annual compilation published by the office of the Federal Register) unless a change is proposed.

The language of subsection (f) explicitly requires "general notice;" i.e., section 553(b) of title 5 which permits agencies not to publish a general notice if "persons subject thereto are named and either personally served or otherwise have actual notice * * *," shall not apply to rules promulgated under this subsection. Agencies should also be aware of the fact that, although the presumption is of the validity of the proposed rule, judicial review under the Administrative Procedure Act will be available to assure against arbitrary or capricious actions.

Rules for Determining if an Individual is the Subject of a Record. Subsection (f)(1) "Establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;"

The procedures for individuals to determine if a system of records contains records pertaining to them should be kept as simple as possible. The published procedures should specify—

To whom the request should be directed. As discussed above (subsection (e)(4)), for geographically decentralized systems, the individual should not be required to query each location unless the individual can reasonably be expected to be able to discern which location would have a record if one existed; e.g., by place of birth, place of employment. While the development of central indexes to satisfy the requirements of this provision is discouraged, such indexes may be necessary in some instances.

The information necessary to identify the record. Where the system employs a specialized identification scheme, the individual should not be required to prpvide such a number or symbol as an absolute requirement, although the individual might be requested to supply it if he or she can reasonably be expected to know it. Instead, alternative combinations of personal characteristics may be used to identify individuals who may have lost, forgotten, or are unaware of their identification numbers or symbols. For example, the combination of name, date of birth, place of birth, and father's first name may be sufficient to identify an individual without the use of a system identification number. As was suggested above, the development of new retrieval and indexing capabilities is not encouraged, rather agencies should exploit existing capabilities to serve individual needs. Restrictions on the use of the Social Security Number as an identifier established by Section 7 of this Act should also be noted where applicable.

Any requirements for verification of identity. These may only be imposed when the fact of the existence of a record would not be required to be disclosed under the Freedom of Information Act (5 U.S.C. 552).

Agency procedures should provide for acknowledgement of the inquiry within 10 days (excluding Saturdays, Sundays, and legal public holidays).

Rules for Handling Requests for Access. Subsection (f)(2) "Define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;"

The development of procedures for individuals to identify themselves for the purposes of gaining access to their records will necessarily vary depending on the nature, location, and sensitivity of the records in the system. Care must be exercised to assure that the requirements for verification of identity are not so cumbersome as to prevent individuals from gaining access to records to which they are entitled to have access. The requirements pertaining to verification of identity contained in subsection (f)(1), above, should also be noted.

"Reasonableness" will be measured in terms of

The risk of access being granted to an individual who is not entitled to access weighed against the probable harm (including embarrassment) to the individual to whom the record pertains which would result from unauthorized access; and

The standards for verification of identity which a typical individual about whom record is maintained could be expected to meet.

When agencies specify that individuals may (or must) present themselves in person to verify their identity, hours and locations specified should take into account the kinds of individuals about whom records are maintained. For example, it may be appropriate to ask a current employee who seeks access to his record to present himself to the agency personnel office during normal working hours. No requirements may be established which would have the effect of impeding an individual in exercising his or her right to access.

Agencies which maintain systems of records on widely dispersed groups of individuals and which have field offices equipped to do so, are encouraged to use those offices as sites at which an individual can present a request for access even though his or her records may not be maintained at any one of those field offices. The information necessary to identify individuals should be kept to the absolute minimum and neither this provision nor any other provision of the Act should be used for the purpose of acquiring and storing additional information about an individual.

The published rules prescribing procedures for verification of identity will include—

A list of the locations and/or mailing addresses of locations to which the request may be presented;

When in-person verification is required or permitted, the hours when those locations are open (including the dates of holidays on which they are closed); and

Documents which the agency will require, if any, to establish the identity of the individual (specifying as many alternatives as possible).

Rules for Granting Access to Records. Subsection (f)(3) "Establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure [sic], if deemed necessary, for the disclosure to an individual of medical records including psychological records, pertaining to him;

Individuals may be granted access to their records either in person or by having copies mailed to them. The nature of the system and of the individuals on whom records are maintained will determine which method is appropriate. If an agency determines that it can grant access to records only by providing a copy of the record through the mail because it cannot provide "reasonable" means for individuals to have access to their records in person, it may not charge a fee for making the copy.

The issue of access to medical records was the subject of extensive discussion during the development of the Act. As written, the Act provides that individuals have an unqualified right of access to records pertaining to them (with certain exceptions specified in subsections (j) and (k), below) but that the process by which individuals are granted access to medical records may, at the discretion of the agency, be modified to prevent harm to the individual. [See subsection (d)(1).]

As a minimum, rules issued pursuant to this subsection shall be consistent with the requirements of subsection (d)(1) and should include—

Some indication, for requests presented in person, as to whether the individual can expect to be granted immediate access to the record and, for written request, the expected time lag, if any, between receipt of a request for access and the granting of that access (see subsection (d)(2) for guidance on maximum response times); and

The locations at which individuals will be granted access to their records or the fact that access will be granted by providing copies by mail;

Notice that an individual when reviewing a record in person, may be accompanied by another individual of his or her choosing and the agency's requirements, if any, for a written statement authorizing that individual's presence. Such authorization statements, if employed, should be as brief as possible.

Rules for Amending Records. Subsection (f)(4) "Establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section;"

Agency procedures for permitting an individual to request amendment of a record shall be consistent with subsec-

V40-132 JUL 9 75 XUM

tions (d) (2) and (3) and shall as a minimum, specify—

The official(s) to whom the request is to be directed;

The identifying information required to relate the request to the appropriate record;

The official(s) to whom a request for a review of an initial adverse determination on request to amend may be taken; and

Offices/officials from whom assistance can be obtained in preparing a request to amend a record or to appeal an initial adverse determination or to learn further of the provisions for judicial review.

If the agency deems it appropriate to establish (or already has) a formal reviewing mechanism for assessing the accuracy of its records or for reconciling disputes, that mechanism or board should be described in its rules published pursuant to this subsection. This provision does not require the establishment of new, separate review mechanisms where such capabilities exist and are, or can be modified to be, in conformance with this Act.

Rules Regarding Fees. Subsection (f) (5) "Establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record."

Fees may be charged to an individual under this section only for the making of copies of records when requested by the individual. As stated above (subsection (f) (3)), when copies are made by the agency incident to granting access to a record, a fee may not be charged. (It should be noted that the provisions on fees charged to an individual under this Act differ from those governing fees charged to the public. See 5 U.S.C. 552, as amended, the Freedom of Information Act, for guidance on fees for copies of records made available to the public.)

"[An]agency may not charge the individual for time spent searching for requested records or for time spent in reviewing records to determine if they fall within the disclosure requirements of the Act." (House Report 93–1416, p. 17.) When an individual requests a copy of a record, pursuant to subsection (d) (1) (access to records), the fee charged may not exceed the direct cost of making the copy (printing, typing, or photocopying and related personnel and equipment costs) and may not include any cost of retrieving the information. In establishing fee schedules, agencies should also consider the cost of collecting the fee in determining when fees are appropriate.

Annual Publication of Notices and Rules. Subsection (f) (final paragraph—unnumbered) "The Office of the Federal Register shall annually compile and publish the rules promulgated under this section and agency notices published under section (e) (4) of this section in a form available to the public at low cost."

The annual compilation of public notices (subsection (e) (4)) and agency rules (subsection (f) (1) through (5)) will be produced in a form which promotes the exercise of individual rights under this Act.

The General Services Administration will issue guidance on the format and timing for submission of rules and notices to reduce the cost of preparing and publishing the rules and notices, to minimize redundancy wherever possible, and otherwise to enhance the utility of these publications. For example, the various provisions of subsection (e) (4) and (f) (1) through (4) calling for lists of names and addresses need not be treated as separate portions of the annual notice for each system.

SUBSECTION (g) CIVIL REMEDIES

This subsection prescribes the circumstances under which an individual may seek court relief in the event that a Federal agency violates any requirement of the Privacy Act or any rule or regulation promulgated thereunder, the basis for judicial intervention, and the remedies which the courts may prescribe. It should be noted that an individual may have grounds for action under other provisions of the law in addition to those provided in this section. For example—

An individual may seek judicial review under other provisions of the Administrative Procedure Act (APA).

An individual may file a complaint alleging possible criminal misconduct under section (i), below.

A Federal employee may file a grievance under personnel procedures. It should also be noted that an agency/employee responsible for an adverse action against an individual may be personally subject to civil suit, particularly where the agency/employee acted in a manner that was intentional or willful.

Judgments, costs, and attorney's fees assessed against the United States under this subsection would appear to be payable from the public funds rather than agency funds. 28 U.S.C. 2414 and 31 U.S.C. 724a (Payment of Judgments); 28 U.S.C. 1924 (Costs). While it is not the purpose of these guidelines to discuss the jurisdiction of the district courts or the procedures in such cases, it should be noted that most cases arising under subsection (g) will be handled by the General Litigation Section of the Civil Division of the Department of Justice. In these cases, upon receipt of a copy of the summons and complaint served upon the Attorney General and notification of its filing by the United States Attorney (see Rule 4, Federal Rules of Civil Procedure), the General Litigation Section will request the agency to furnish a litigation report.

Some agencies are authorized to conduct their own litigation. Where its authority permits, the agency may decide to handle its own cases under this Act. In view of the general litigation responsibility which the Department of Justice has for all other departments and agencies in the executive branch, it is important that agencies handling their own litigation under this Act keep the Department of Justice currently informed of their progress, and forward to the Civil Division copies of significant documents which are filed in such cases.

Each agency should maintain a complete and careful record of the administrative procedures followed in processing this statute. The record should be maintained so that it can be readily certified as the complete administrative record of the procedings as a basis for possible use in litigation.

Grounds for Action. Subsection (g) (1) "Civil Remedies. Whenever any agency"

The subsection authorizing civil actions by individuals is designed to assure that an individual who (1) was unsuccessful in an attempt to have an agency amend his or her record; (2) was improperly denied access to his or her record or to information about him or her in a record; (3) was adversely affected by an agency action based upon an improperly constituted record; or (4) was otherwise injured by an agency action in violation of the Act will have a remedy in the Federal District courts.

Refusal to Amend a Record. Subsection (g) (1) (A) "Makes a determination under subsection (d) (3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;"

An individual may seek judicial review of an agency's determination not to amend a record pursuant to a request filed under subsection (d) (2) under either one of two conditions—

The individual has exhausted his or her recourse under the procedures established by the agency pursuant to subsection (d) (3) (appeals on the agency's refusal to amend) and the reviewing official has also refused to amend the record, or

The individual contends that the agency has not considered the request to review in a timely manner or otherwise has not acted in a manner consistent with the requirements of subsection (d) (3). Such an action could presumably involve a challenge either to the agency's procedures published under subsection (f) (4) or to the agency head's decision to extend the period of review "for good cause shown" under subsection (d) (3).

An individual may also bring a civil action based on allegedly inaccurate records if it can be shown that a decision adverse to the individual resulted from that inaccuracy. See subsection (g) (1) (C). However, no test of injury is required to bring an action under subsection (g) (1) (A).

The basis for judicial review and the available remedies in actions brought under this subsection are found in subsection (g) (2).

Denial of Access to a Record. Subsection (g) (1) (B) "Refuses to comply with an individual request under subsection (d) (1) of this section;"

Under this subsection, individuals may challenge a decision to deny them access to records to which they consider themselves entitled (under subsection (d) (1)). The action giving rise to the suit may be the agency head's determination (pursuant to subsection (k), specific exemptions) to exempt a system of records from the requirements that individuals be granted access. "Since access to a file is the key to insuring the citizen's right of accuracy, completeness, and relevancy, a denial of access affords the citizen the right to raise these issues in court. This would be the means by which a citizen could challenge any exemption from the requirements of [the Act]." (Senate Report 93–1183, p. 82). It should be noted that systems of records covered under subsection (j) (general exemptions) are permitted to be exempted from this provision.

This provision is also the one by which individuals may contest an agency's refusal to grant access as a result of its interpretation of the definitions in the Act as they apply to information maintained by an agency and for the exclusion set forth in subsection (d) (5), denial of access to records compiled in reasonable anticipation of litigation. No test of injury is required to bring action under subsection (g) (1) (B). The basis for judicial review and available remedies are found in subsection (g) (3).

Failure to Maintain a Record Accurately. Subsection (g) (1) (C) "Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities, of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual;" or

An individual may bring an action under this subsection only if it can be shown that the deficiency in the record resulted in an adverse determination by the agency which maintained the record, on the basis of the record. "An action also lies if the agency makes an adverse determination based upon a record which is inaccurate, untimely, or incomplete. However, in order to sustain such action, the individual must demonstrate the causal relationship between the adverse determination and the incompleteness, inaccuracy, irrelevance or untimeliness of the record." (House Report 93–1416, p. 17)

An adverse action is one resulting in the denial of a right, benefit, entitlement, or employment by an agency which the individual could reasonably have been expected to have been given if the record had not been deficient. This provision, in essence, allows an individual to test the agency's compliance with subsection (e) (5).

It should also be noted that, under this subsection, an agency may be liable as a consequence of its failure to maintain a record accurately only if it is shown that its failure has been "intentional or willful" (subsection (g) (4)). (No such test is required under the provisions of subsection (g) (1) (A), above, under which an individual can seek a review of the accuracy of a record.)

Neither this subsection nor subsection (g) (1) (A) was intended to permit an individual collaterally to attack information in records pertaining to him which has already been the subject of or for which adequate judicial review is available. For example, these provisions were not designed to afford an individual an alternate forum in which he can challenge the basis for a criminal conviction or an asserted tax deficiency.

The basis for judicial review and available remedies are found in subsection (g) (4).

Other Failures to Comply with the Act. Subsection (g) (1) (D) "Fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual."

In addition to the grounds specified in subsections (g) (1) (A) through (C) above, an individual may bring an action for any other alleged failure by an agency to comply with the requirements of the Act or failure to comply with any rule published by the agency to implement the Act (subsection (f)) provided it can be shown that—

The action was "intentional or willful";

The agency's action had an "adverse effect" upon the individual; and

The "adverse effect" was causally related to the agency's actions.

The basis for judicial review and available remedies provided by this Act are found in subsection (g) (4).

Basis for Judicial Review and Remedies for Refusal to Amend a Record. Subsection (g) (2) "(A) In any suit brought under the provisions of subsection (g) (1) (A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed."

When an individual seeks judicial review of the accuracy, timeliness, completeness, or relevance of a record either as a result of a challenge to the agency's refusal to amend a record or because the individual alleges that the agency's process for review does not conform to subsection (d) (3), the court is required to review the matter as if it were an initial determination (de novo). Such a review may extend to the agency's criteria established in conformance with subsections (e) (1) and (5) for "accuracy, relevance, timeliness, and completeness" as they relate to the purposes for which the agency maintains the record.

Unlike the judicial review of a denial of access to a record, in a review of refusal to amend a record the burden to justify its action is not expressly placed upon the agency by the Privacy Act. This was intended to result in placing the burden of challenging the accuracy of the record upon the individual. As a result, agencies should not maintain additional records solely for the purpose of validating the accuracy, timeliness, and completeness or relevance of other records they maintain.

If the court finds for the individual against the agency it may

Direct the agency to amend the record or to take such other steps as it deems appropriate.

Require the agency to pay court costs and attorney fees. "It is intended that such award of fees not be automatic, but rather, that the courts consider the criteria as delineated in the existing body of law governing the award of fees." (House Report 93–1416, p. 17)

Basis for Judicial Review and Remedies for Denial of Access. Subsection (g) (3) "(A) In any suit brought under the provision (g) (1) (B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter de novo, and may examine the contents of any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

In conducting its review,

"[T]he court is required to determine such matters *de novo! mioe and the burden of proof is upon the agency to sustain the exemption.*" (*House Report 93–1416, p. 17*) *In view of the sensitivity of some of the records to which access may be sought, the court, in examining those records may do so in camera. "A person seeking access to a file which he has reason to believe is being maintained on him for the purposes of determining its accuracy and completeness, for example, or to take advantage of the rights afforded him • • • could raise the question of the propriety of the exemption which denies him access to his files. In deciding whether the citizen has a right to see his file or to learn whether the agency has a file on him, the court would of necessity have to decide the legitimacy of the agency's reasons for the denial of access, or refusal of an answer. The Committee intends that any citizen who is denied a right of access under the Act may have a cause of action, without the necessity of having to show that a decision has been made on the basis of it, and without having to show some further injury, such as loss of job or other benefit, that might stem from the denial of access.*" (*Senate Report 93–1183, p. 82.*)

If the court finds for the individual against the agency, it may—

Direct the agency to grant the individual access as provided under subsection (d) (1), above.

Require the agency to pay court costs and attorney fees. "It is intended that such award of fees not be automatic, but rather, that the courts consider the criteria as delineated in the existing body of law governing the award of fees." (House Report 93–1416, p. 17)

Basis for Judicial Review and Remedies for Adverse Determination and Other Failures to Comply. Subsection (g) (4) "In any suit brought under the

V 40 I 132 JUL 9 75 XUM

provisions of subsection (g)(1) (C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—

"(A) Actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

"(B) The costs of the action together with reasonable attorney fees as determined by the court."

In any action brought for failure to comply with the provisions of the Act, other than those covered in subsection (g)(1) (A) and (B) (refusal to amend a record or denial of access) it must be shown that—

The failure of the agency to comply was "intentional or willful;"

There was injury or harm to the individual; and

The injury was causally related to the alleged agency failure.

As indicated above, these criteria do not apply to suits brought to amend a record pursuant to subsection (g)(1)(A) so that an individual may, under certain circumstances, properly bring an action either under subsections (g)(1)(A) or (g)(1)(C).

When the court finds that an agency has acted willfully or intentionally in violation of the Act in such a manner as to have an adverse effect upon the individual, the United States will be required to pay

Actual damages or $1,000, whichever is greater

Court costs and attorney fees.

Unlike subsections (g) (2) and (3) above, which make the award of court costs and attorney fees discretionary in successful suits brought under subsections (g)(1) (A) and (B), such awards are required to be made in actions in which the individual has prevailed under subsections (g)(1) (C) and (D). See House Report 93–1416, pp. 17–18 and the *Congressional Record*, December 18, 1974, P.H. 122445 for further discussion of this point.

Jurisdiction and Time Limits. Subsection (g)(5) "An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to the effective date of this section."

Action may be brought in the district court for the jurisdiction in which the individual resides, or has a place of business, or in which the agency records are situated, or in the District of Columbia.

"The statute of limitations is two years from the date upon which the cause of action arises, except for cases in which the agency has materially or willfully misrepresented any information required to be disclosed and when such misrepresentation is material to the liability of the agency. In such cases the statute of limitations is two years from the date of discovery by the individual of the misrepresentation." (House Report 93–1416, p. 18)

A suit may not be brought on the basis of injury which may have occurred as a result of an agency's disclosure of a record prior to September 27, 1975; e.g., disclosure without the consent of the individual or an adverse action resulting from a disclosure. This language is intended to preclude agencies from being held liable, under this law, for actions taken prior to its effective date.

SUBSECTION (h) RIGHTS OF LEGAL GUARDIANS

Subsection (h) "For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual."

This section is intended to ensure that minors or individuals who have been declared to be legally incompetent have a means of exercising their rights under the Act. It also has the effect of making individuals acting in loco parentis to minors, parents, legal guardians, and custodians the same as the individual for purposes of giving consent for disclosure (subsection (b)) and being informed of the purposes for which records are maintained (subsection (e)(3)).

It should be noted that this provision is discretionary and that individuals who are minors are authorized to exercise the rights given to them by the Privacy Act or, in the alternative, their parents or those acting in loco parentis may exercise them in their behalf.

(i) CRIMINAL PENALTIES

This subsection establishes criminal sanctions for three possible violations

Unauthorized disclosure.

Failure to publish a public notice or a system of records subject to the Act.

Obtaining access to records under false pretenses.

The first two are directed at actions of officers and employees of Federal agencies and (pursuant to subsection (m)) certain contractor personnel. Agencies should ensure that all personnel are informed of the requirements of the Act and, pursuant to subsection (e)(9), rules of conduct, are given periodic training in this area.

Criminal Penalties for Unauthorized Disclosure. Subsection (i)(1) "Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000."

It is a criminal violation of the provisions of the Act if an employee, knowing that disclosure is prohibited, willfully discloses a record without the written consent of the individual to whom it pertains, at his or her request, or for one of the reasons set forth in subsections (b)(1) through (11), conditions of disclosure.

Criminal Penalties for Failure To Publish a Public Notice. Subsection (i)(2) "Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than $5,000."

As was discussed in connection with subsection (e)(4), above, a basic objective of the Act is to assure that there is no system of records whose very existence is kept secret. An agency is required to publish a public notice about each system of records which it maintains. It is a criminal violation of the Act willfully to maintain a system of records and not to publish the prescribed public notice. The exemption provisions, subsections (j) and (k), do not allow an agency head to exempt any system of records from the requirement to publish a public notice of its existence, although that notice may be somewhat abbreviated. (See subsections (a)(5), definitions, and (e)(4), public notice, for guidelines on what constitutes a system.) It should be noted that, under agency procedures, the officer or employee who maintains the system may not be the one who is responsible for publishing the notice. Agency procedures should make the responsibilities of each clear. The officer or employee who maintains the system has an obligation to notify the one responsible for publishing the notice. Similarly the officer or employee responsible for publishing the notice, once notified of the existence of a system, must make that fact public.

Criminal Penalties for Obtaining Records under False Pretenses. Subsection (i)(3) "Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000."

This provision makes it a criminal act knowingly and willfully to request or gain access to a record about an individual under false pretenses. It is likely that the principal application of this provision will be to deter individuals from

making fraudulent requests under subsection (d)(1), access to records.

SUBSECTIONS (j) AND (k) EXEMPTIONS

The drafters of the Act recognized that the application of all of the requirements of the Act to certain categories of records would have had undesirable and often unacceptable effects upon agencies in the conduct of necessary public business.

Two categories of exemptions are established: General exemptions (subsection (j)) and specific exemptions (subsection (k)). The principal difference between the two categories is that systems of records exempted under subsection (j) may be exempted from more provisions of the Act than those exempted under subsection (k). Exemptions under subsection (j) may be exempted from the civil remedies provision and, in particular, the judicial review under subsections (g)(1)(B) and (g)(3), civil remedies.

In applying any of the exemption provisions of the Act, it is important to recognize the following:

No system of records is automatically exempt from any provision of the Act. To obtain an exemption for a system from any requirement of the Act, the head of the agency that maintains the system must make a determination that the system falls within one of the categories of systems which are permitted to be exempted, and publish the determination as a rule in accordance with the requirements (including general notice) of section 553 of the Administrative Procedure Act. That notice must include the specific provisions from which the system is proposed to be exempted and why the agency considers the exemption necessary.

The requirement to publish a public notice (subsection (e)(4), above) applies to all systems of records maintained by an agency. Certain other provisions such as conditions of disclosure (b), accounting for disclosures ((c) (1) and (2)) and restrictions on maintaining records on First Amendment activities ((e)(7)) also apply to all systems of records. Agencies may not exempt any system, as defined in subsection (a)(5) from any of these requirements.

In some instances, systems may contain records which are subject to exemption under more than one subsection in subsections (j) or (k). In those cases the notices claiming exemption should, if possible, specify which types of records are subject to which exemption.

Agency records which are part of an exempted system may be disseminated to other agencies and incorporated into their non-exempt records systems. The public policy which dictates the need for exempting records from some of the provisions of the Act is based on the need to protect the contents of the records in the system—not the location of the records. Consequently, in responding to a request for access where documents of another agency are involved, the agency receiving the request should consult the originating agency to determine if the records in question have been exempted from particular provisions of the Act. A copy of the request may be forwarded to the originating agency for handling of its documents where such a procedure would result in a more rapid response to the request for access but the agency receiving the request remains responsible for assuring a prompt response.

Agencies which elect to invoke exemptions are encouraged to adopt procedures similar to those prescribed by the Act wherever appropriate. For example, it may be appropriate to seek an exemption from the access provision ((d)(1)) for certain prisoner records because they contain court controlled pre-sentence reports, but a more limited access procedure may be appropriate.

SUBSECTION (j)—GENERAL EXEMPTIONS—APPLICABILITY AND NOTICE REQUIREMENTS

Subsection (j) "The head of any agency may promulgate rules, in accordance with the requirements (including general notice), of sections 553 (b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) if the system of records is—

"(1) • • •

"(2) • • •

"At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section."

This section permits agency heads to exempt systems of records which are maintained by the Central Intelligence Agency or for criminal law enforcement purposes, as further discussed in subsections (j) (1) and (2), below, from all provisions of the Act except the—

Conditions of disclosure, ((b));

Accounting for disclosures and retention of the accounting, ((c) (1) and (2));

Annual public notice except for procedures for identifying a record, gaining access to it, contesting its accuracy, and identifying the sources of records, ((e)(4) (A) through (F));

Obligation to check the accuracy, relevance, timeliness, and completeness of records before disclosing them to a person other than another agency or to the public under the Freedom of Information Act, ((e)(6));

Restrictions on maintaining records on First Amendment activities, ((e)(7));

Establishment of rules of conduct and administrative, technical, and physical safeguards, ((e) (9) and (10), respectively);

Publication of "routine use" notices ((e)(11)); and

Criminal penalties, ((i)).

When the head of an agency determines that a system of records maintained by the agency should be exempted from certain provisions of the Act, a notice must be published in the FEDERAL REGISTER which specifies, as a minimum:

The name of the system (This should be the same as that given in the annual public notice under subsection (e)(4)); and

The specific provisions of the Act from which the system is to be exempted and the reasons therefor. A separate reason need not be stated for each provision from which the system is being exempted, where a single explanation will serve to explain the entire exemption.

The agency head's determination is considered to be a rule under the Administrative Procedure Act (APA) and is subject to the requirements of general notice and public comment of that Act, 5 U.S.C. 553. While general notice of a proposed rule is not required under the APA when "persons subject thereto are named and either personally served or otherwise have actual notice thereof • • •;" the use of the phrase "including general notice" means that individual notifications will not suffice.

The systems of records and the number of records (i.e., individuals) in each, which were exempted from any of the provisions of the Act under this subsection will be required to be included in the annual report prepared as required by subsection (p). It should be emphasized that the exemption provisions are permissive; i.e., an agency head is authorized, but not required, to exempt a system from all or any portion of selected provisions of the Act when he or she deems it to be in the best interest of the government and consistent with the Act and these guidelines. In commenting on this provision, the House Committee noted:

> The Committee also wishes to stress that this section is not intended to require the C.I.A. and criminal justice agencies to withhold all their personal records from the individuals to whom they pertain. We urge those agencies to keep open whatever files are presently open and to make available in the future whatever files can be made available without clearly infringing on the ability of the agencies to fulfill their missions. (House Report 93–1416, p. 19)

To the extent practicable, records permitted to be exempted from the Act should be separated from those which are not. Further, while the language permits agency heads to exempt systems of records, agencies should exempt only portions of systems wherever it is possible.

General Exemption for the Central Intelligence Agency. Subsection (j)(1) "Maintained by the Central Intelligence Agency; or"

General Exemption for Criminal Law Enforcement Records. Subsection (j)(2) "Maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of crim-

V 40 I 132 JUL 9 75 XUM

inal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision."

SUBSECTION (k) SPECIFIC EXEMPTIONS

Applicability and Notice Requirements. Subsection (k) "The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) of this section if the system of records is—"

"(1) • • •

• • • • • •

"(7) • • •

"At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section."

This subsection permits agency heads to exempt systems of records from a limited number of provisions of the Act. In addition to the provisions from which no system may be exempted under subsection (j), a system which falls under any one of the seven categories listed in this subsection may not be exempted from the following provisions:

Informing prior recipients of corrected or disputed records, ((c)(4));

Collecting information to be used in determinations about an individual directly from the individual to whom it pertains, ((e)(2));

Informing individuals asked to supply information of the authority by and purposes for which it is collected and whether or not providing the information is mandatory, ((e)(3));

Maintaining records with such accuracy, completeness, timeliness, and relevance as is reasonable for the agency's purposes, ((e)(5));

Notifying the subjects of records disclosed under compulsory process, ((e)(8)); and

Civil remedies, (g).

As with subsection (j), upon determining that a system is to be exempted under this section, the agency head is required to publish that determination as a rule under the Administrative Procedure Act subject to public comment. That notice must, as a minimum, specify

The name of the system (as in the annual notice under subsection (e)(4)); and

The specific provisions of the Act from which the system is to be exempted and the reason therefor.

The agency head's determination is considered to be a rule under the Administrative Procedure Act (APA) and is subject to the requirements of general notice and public comment of that Act, 5 U.S.C. 553. While general notice of a proposed rule is not required under the APA when "persons subject thereto are named and either personally served or otherwise have actual notice thereof • • •", the language "including general notice" means that individual notification will not suffice.

In addition, the systems of records and the number of records in each, which were exempted from any of the provisions of the Act under this section will be required to be included in the annual report required by subsection (p).

It should also be noted that the exemption provisions are permissive; i.e., an agency head is authorized, but not required, to exempt a system when he or she deems it to be in the best interest of the government and consistent with the Act and these guidelines. "Also as with section (j) records, the Committee urges agencies maintaining section (k) records to open those documents to the individuals named in them insofar as such action would not impair the proper functioning of those agencies." (House Report 93–1416, p. 20)

In the process of utilizing any of these exemptions, agencies should, wherever practicable, segregate those portions of systems for which an exemption is considered necessary so as to hold to the minimum the amount of material which is exempted. While the language permits agency heads to exempt entire systems of records, the language of certain of the specific provisions below suggests that it may, in some instances, be appropriate to exempt only portions of systems where it is not possible to segregate entire systems. For example, records containing classified material to which access may be denied under (k)(1) should be screened to permit access to unclassified material, and only these portions of investigative material which meet all of the criteria in (k)(2) or (5) should be withheld. However, in the case of records which are permitted to be exempted to the extent that their disclosure would reveal the identity of a confidential source, extreme care should be exercised to ensure that the content of any records being segregated does not disclose the identity of the source.

Exemption for Classified Material. Subsection (k)(1) "Subject to the provisions of section 552(b)(1) of this title;"

This subsection permits agency heads to exempt, from certain provisions of the Act, those systems of records which are "(A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order." (5 U.S.C. 552(b)(1), as amended by Public Law 93–502)

The Freedom of Information Act, as amended by P.L. 93–502, authorizes de novo judicial review of an agency's decision to classify a document, including in camera examination of the document when the court deems it necessary to resolve a dispute as to whether a document is properly being withheld under the provisions of subsection (b)(1) of the Freedom of Information Act. See the Conference Report on H.R. 12471, House Report 93–1380, pp 8–9.

Useful guidance in the application of this provision is found in the Senate Committee report discussion of a similar provision on classified materials:

> The potential for serious damage to the national defense or foreign policy could arise if the notice describing any information system included categories or sources of information • • • or provided individuals access to files maintained about them • • •
>
> The Committee does not by this legislation intend to jeopardize the collection of intelligence information related to national defense or foreign policy, or open to inspection information classified pursuant to Executive Order 11652 to persons who do not have an appropriate security clearance or need to know.
>
> This section is not intended to provide a blanket exemption to all information systems or files maintained by an agency which deal with national defense and foreign policy information. Many personnel files and other systems may not be subject to security classification or may not cause damage to the national defense or foreign policy simply by permitting the subjects of such files to inspect them and seek changes in their contents under this Act. (Senate Report 93–1183, p. 74)

Exemption for Investigatory Material Compiled for Law Enforcement Purposes. Subsection (k)(2) "Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

This provision allows agency heads to exempt a system of records compiled in the course of an investigation of an alleged or suspected violation of civil laws, including violations of the Uniform Code of Military Justice and associated regulations, except to the extent that the system is more broadly exempt under the provision covering records maintained by an agency whose principal function pertains to the enforcement of criminal laws (subsection (j)(2)). This exemption was drafted because "[i]ndividual access to certain law enforcement files could impair investigations, particularly those which involve complex and continuing patterns of behavior. It would alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution." (House Report 93–11416, p. 19.)

The phrase "investigatory material compiled for law enforcement purposes" is the same phrase as opened exemption (b)(7) to the Freedom of Information Act prior to its recent amendment (Public Law 93–502), with the exception of the use of the word "material" in the Privacy Act for the word "files" in the now amended Freedom of Information Act exemption. The intent was to have the same meaning given to this phrase in the Privacy Act as had been given to it in the Freedom of Information Act except that the phrase would apply to material as opposed to entire files. The case law, then, which had interpreted "investigatory" and "compiled" and "law enforcement purposes" for the now amended portions of exemption (b)(7) of the Freedom of Information Act should be utilized in defining those terms as they appear in subsection (k)(2) of the Privacy Act.

It was further recognized that "due process" in both civil action and criminal prosecution will assure that individuals have a reasonable opportunity to learn of the existence of, and to challenge, investigatory records which are to be used in legal proceedings.

To the extent that such an investigatory record is used as a basis for denying an individual any right, privilege, or benefit (including employment) to which the individual would be entitled in the absence of that record, the individual must be granted access to that record except to the extent that access would reveal the identity of a confidential source.

The language permitting an agency to withhold records used as a basis for denying a benefit to the extent that the record would reveal the identity of an individual who furnished information in confidence is very narrowly drawn and must be treated carefully (see also subsections (k) (5) and (7), below). For information collected on or subsequent to the effective date of this section (September 27, 1975) a record may only be withheld to protect the identity of a source if

An express guarantee was made to the source that his or her identity would not be revealed. (Such guarantees should be made on a selective basis; i.e., individuals from whom information is solicited for law enforcement purposes should be advised that their identity may be disclosed to the individual to whom the record pertains unless a source expressly requests that his or her identity not be revealed as a condition of furnishing the information.); and

The record, if stripped of the identity of the source would nontheless by its content reveal the identity to the subject.

It was recognized that the type of investigatory record covered by subsection (k)(2) currently contains substantial information which was obtained with the tacit understanding that the identity of the source would not be revealed. For this reason the Act provides that information in such records that was collected prior to the effective date of the Act may be withheld from the individual to whom it pertains to the extent that it was collected under an implied promise that its source would not be revealed and disclosing it would reveal the identity of the source.

The phrase "to the extent that" is particularly important. As implied above, if a record can be disclosed in such a way as to conceal its source, a promise of confidentiality to the source is not sufficient grounds for withholding it. Obviously, the content of certain records is such that it reveals the identity of the source even if the name of the source or other identifying particulars are removed; e.g., the record contains information that could only have been furnished by one individual known to the subject. Only in those cases, may the substance of the record be withheld to protect the identity of a source and then only to the extent necessary to do so. It is recognized, however that it may in some instances be very difficult for an agency to know whether the content of a record would, in and of itself, reveal its source. Therefore, it may be appropriate in light of the intent underlying this exemption, to exempt a record when any reasonable doubt exists as to whether its disclosure would reveal the identity of a confidential source.

Additional guidance on the circumstances under which an agency may withhold a record on the grounds that its disclosure would reveal the identity of a source who provided information under a pledge of confidentiality is found in Senator Ervin's statement on the compromise bill on the floor of the Senate.

> The compromise provision for the maintenance of information received from confidential sources represents an acceptance of the House language after receiving an assurance that in no instance would that language deprive an individual from knowing of the existence of any information maintained in a record about him which was received from a "confidential source." The agencies would not be able to claim that disclosure of even a small part of a particular item would reveal the identity of a confidential source. The confidential information would have to be characterized in some general way. Theface of the item's existence and a general characterization of that item would have to be made known to the individual in every case.
>
> Furthermore, the acceptance of this section in no way precludes an individual from knowing the substance and source of confidential information, should that information be used to deny him a promotion in a government job or access to classified information or some other right, benefit or privilege for which he was entitled to bring legal action when the government wished to base any part of its legal case on that information.
>
> Finally, it is important to note that the House provision would require that all future promises of confidentiality to sources of information be expressed and not implied promises. Under the authority to prepare guidelines for the administration of this act it is expected that the Office of Management and Budget will work closer with agencies to insure that Federal investigators make sparing use of the ability to make express promises of confidentiality. (Congressional Record, December 17, 1974, p. S 21816)

The foregoing discussion with respect to confidentiality of sources is also applicable to the provisions of subsections (k)(5) and (7), below.

Exemption for Records Maintained To Provide Protective Services. Subsection (k)(3) "Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;"

This exemption covers records which are not clearly within the scope of law enforcement records covered under subsection (k)(2) but which are necessary to assuring the safety of individuals protected pursuant to 18 U.S.C. 3056.

It was noted that "access to Secret Service intelligence files on certain individuals would vitiate a critical part of Secret Service work which was specifically recommended by the Warren Commission that investigated the assassination of President Kennedy and funded by Congress." (House Report 93–1416, p. 19)

Exemption for Statistical Records. Subsection (k)(4) "Required by statute to be maintained and used solely as statistical records;"

A "statistical record" is defined in subsection (a)(6) as "a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13."

It is the intent of this provision to permit exemptions for those systems of records which by operation of statute cannot be used to make a determination about an individual.

This provision permits an agency head to exempt a system of records which is used only for statistical, research, or program evaluation purposes, and which is not used to make decisions on the rights, benefits, or entitlements of individuals except as permitted by section 8 of Title 13. The use of the language "required by statute to be maintained • • • only" suggests that systems of records which qualify to be exempted under this provision are those composed exclusively of records that by statute are prohibited from being used for any purpose involving the making of a determination about the individual to whom they pertain; not merely that the agency does not engage in such uses.

> Disclosure of statistical records [to the individual] in most instances would not provide any benefit to anyone, for these records do not have a direct effect on any given individual; it would, however, interfere with a legitimate, Congressionally-sanctioned activity. (House Report 93–1416, p. 19)

Exemption for Investigatory Material Compiled for Determining Suitability for Federal Employment or Military Service. Subsection (k)(5) "Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the

V40 I132 JUL 9 75 XUM

source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence";

This provision permits an agency to exempt material from the individual access provision of the Act which would cause the identity of a confidential source to be revealed only if all of the following conditions are met:

The material is maintained only for purposes of determining an individual's qualifications, eligibility or suitability for military service, employment in the civilian service or on a Federal contract, or access to classified material. By implication, employment would include appointments to Federal advisory committees or to membership agencies, whether or not salaried;

The material is considered relevant and necessary to making a judicious determination as to qualifications, eligibility or suitability and could only be obtained by providing assurance to the source that his or her identity would not be revealed to the subject of the record; e.g., for "critical sensitive positions;" and

Disclosure of the record with the identity of the source removed would likely reveal the identity of the source; e.g., the record contains information which could only have been furnished by one of several individuals known to the subject.

(Since information collected prior to the effective date of the Act may have been gathered under an implied promise of confidentiality, that pledge may be honored and those records exempted if the other criteria are met.)

See subsection (k)(2), above, for a more extensive discussion of the circumstances under which records may be withheld to protect the identity of a confidential source.

This language was included to take into account the fact that the screening of personnel to assure that only those who are properly qualified and trustworthy are placed in governmental positions will, from time to time, require information to be collected under a pledge of confidentiality. Such pledges will be limited only to the most compelling circumstances; i.e.,

Without the information thus obtained, unqualified or otherwise unsuitable individuals might be selected; or

The potential source would be unwilling to provide needed information without a guarantee that his or her identity will not be revealed to the subject; or

To be of value in the personnel screening and often highly competitive assessments in which it will be used, the information must be of such a degree of frankness that it can only be obtained under an express promise that the identity of its source will not be revealed.

The Civil Service Commission and the Department of Defense (for military personnel) will issue regulations establishing procedures for determining when a pledge of confidentiality is to be made and otherwise to implement this subsection. These regulations and any implementing procedures will not provide that all information collected on individuals being considered for any particular category of positions will automatically be collected under a guarantee that the identity of the source will not be revealed to the subject of the record.

This provision has been among the most misunderstood in the Act. It should be noted that it grants authority to exempt records only under very limited circumstances. "It will not be the customary thing to make these promises of confidentiality, so that most all of the information [in investigatory records] will be made available." (Congressional Record, November 20, 1974, p. 10887.)

The term "Federal contracts" covers investigatory material on individuals being considered for employment on an existing Federal contract as well as investigatory material complied to evaluate the capabilities of firms being considered in a competitive procurement.

Exemption for Testing or Examination Material. Subsection (k)(6) "Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process;"

This provision permits an agency to exempt testing or examination material used to assess the qualifications of an individual for appointment or promotion in the military or civilian service only if disclosure of the record to the individual would reveal information about the testing process which would potentially give an individual an unfair competitive advantage. For example, the Civil Service Commission and the military departments give written examinations which cannot be revised in their entirety each time they are offered. Access to the examination questions and answers could give an individual an unfair advantage. This language also covers certain of the materials used in rating individual qualifications. This subsection permits the agency to withhold a record only to the extent that its disclosure would reveal test questions or answers or testing procedures.

It was not the intent of this subsection to permit exemptions of information which are required to be made available to employees or members or are, in fact, made available to them as a matter of current practice. The presence of exemption (k)(7) is an indication of the intended narrow coverage of the exemptions set forth in (k)(6) and, similarly, the exemptions of (k)(7) and (k)(6) indicate the intended narrow coverage of the exemption set forth in subsection (k)(5).

Exemption for Material Used To Evaluate Potential for Promotion in the Armed Services. Subsection (k)(7) "Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence."

The discussions of subsection (k)(2) and (5), above, should be reviewed in applying this provision. The same rationale regarding when and how the confidentiality of sources may be protected applies here.

The military departments will publish regulations specifying those categories of positions in the Armed Services for which pledges of confidentiality may be made when obtaining information on an individual's suitability for promotion. These categories will be narrowly drawn.

SUBSECTION (l) ARCHIVAL RECORDS

This subsection addresses the maintenance of those records which are transferred to the General Services Administration. It should be noted that there is a substantial difference between

Records which have been placed in records centers operated by the Administrator of General Services for "storage processing and servicing" pursuant to Section 3103 of Title 44; and

Records which are accepted by the Administrator of General Services "for deposit in the National Archives of the United States [because they] have sufficient historical or other value to warrant their continued preservation by the United States Government" pursuant to Section 2103 of Title 44.

The former, those for which the General Services Administration is essentially a custodian, are addressed in subsection (l)(1). The latter, archival records which have been transferred to the Archives and are maintained by the Archivist, are addressed in subsections (l)(2) and (l)(3).

Records Stored in GSA Records Centers. Subsection (l)(1) "Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section."

Records which are sent to the General Services Administration for storage as a result of determination by the agency head that to do so would "effect substantial economies or increase operating efficiency," (44 U.S.C. 3103), are deemed to be part of the records of the agency which sent them and are subject to the Act to the same extent that they would be if maintained on the agency's premises.

This language, in effect, constitutes a clarification of the term "maintain" (subsection (a)(3)) with respect to records which have been physically transferred to GSA for storage. While records are stored in a records center, the agency which sent them to storage remains accountable for them and the General Services Administration effectively functions as an agent of that agency and maintains them pursuant to rules established by that agency.

Records stored in records centers often constitute the inactive portion of systems of records, the remainder of which are kept on agency premises; e.g., agency payroll and personnel records. Whenever practicable, these inactive records should be treated as part of the total system of records and be subject to the same rules and procedures. In no case may they be subject to rules which are inconsistent with the Privacy Act.

To assure the orderly and effective operation of the records center and consistent with its authority to issue regulations governing Federal agency records management policies (under title 44 of the United States Code), the Privacy Act and these guidelines; the General Services Administration shall issue general guidelines to the agencies on preferred methods for handling systems of records stored in Federal records centers. In view of the intent underlying this provision, agencies may consider that the records stored in Federal records centers are transferred intra-agency and need not publish notice of "routine uses" to enable these transfers.

Records Archived Prior to September 27, 1975. Subsection (l)(2) "Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States Government as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of this section) shall be published in the FEDERAL REGISTER."

Records transferred to the Archives for "preservation" pursuant to 44 U.S.C. 2103, prior to September 27, 1975 are considered to be maintained by the Archives but are not subject to other provisions of the Act.

However, the National Archives is required to issue general notices describing its current holdings which cover, to the extent applicable, the elements specified in subsection (e)(4). These should include, as a minimum—

The categories of individuals on whom records are maintained;

The types of information in those records; and

Policies governing access and retrieval.

"It is intended that the notice provision not be applied separately and specifically to each of the many thousands of separate systems of records transferred to the Archieves prior to the effective date of this Act, but rather that a more general description be provided which pertains to meaningful groupings of record systems." (Congressional Record, December 18, 1974, p. H12245)

If, for any reason, a record currently in the Archives is disclosed to an agency for use by that agency in making a determination as to the rights, benefits, or entitlements of an individual, it becomes subject to the provisions of the Act to the same extent as any other record maintained by that agency.

Records Archived On or After September 27, 1975. Subsection (l)(3) "Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e)(4)(A) through (G) and (e)(9) of this section."

Records transferred to the Archives pursuant to 44 U.S.C. 2103 (for "preservation") on or after September 27, 1975 are considered to be maintained by the Archives for purposes of the Act but are only subject to selected provisions of the Act. "[They] are subject only to those provisions of this Act requiring annual public notice of the existence and character of the information systems maintained by the Archives, establishment of appropriate safeguards to insure the security and integrity of preserved personal information, and promulgation and implementation of rules to insure the effective enforcement of those safeguards." (Congressional Record, December 18, 1974, p. H 12245.)

The notice required for these records is on a system by system basis. "Since the records would already have been organized in conformity with the requirements of this section by the agency transferring them to the Archives, maintaining them in continued conformity with this law would not require any special effort." (House Report 93-1416, p. 20.)

The exclusion of archival records from the provisions of the Act establishing the right to have access or to amend a record was also discussed in the House Report:

Records under the control of the Archives would not, however, be subject to the provisions of this law which permit changes in documents at the request of the individual named in them. A basic archival rule holds that archivists may not remove or amend information in any records placed in their custody. The principle of maintaining the integrity of records is considered one of the most important rules of professional conduct. It is important because historians quite properly want to learn the true condition of past government records when doing research; they frequently find the fact that a record was inaccurate is at least as important as the fact that a record was accurate.

The Committee believes that this rule is eminently reasonable and should not be breached even in the case of individually identifiable records. Once those documents are given to the Archives, they are no longer used to make any determination about any individual, so amendment of them would not aid anyone. Furthermore, the Archives has no way of knowing the true state of contested information, since it does not administer the program for which the data was collected; it cannot make judgments as to whether records should be altered. (House Report 93-1416, p. 21).

The Archivist is required to establish rules of conduct for GSA personnel to assure that records in the Archives are used only in a manner consistent with 44 U.S.C. 2103 and that Archives personnel are properly instructed in the rules governing access to and use of archival records.

However, when a record which has been deposited in the Archives is disclosed to an agency and becomes part of any agency's records which could be used in making a determination about an individual, that record would again be subject to the other applicable provisions of the Act.

SUBSECTION (m) GOVERNMENT CONTRACTORS

Subsection (m) "When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (i) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency."

The extent to which the provisions of the Act would apply to records other than those physically maintained by Federal agency personnel was one of the principal areas of difference between the Senate and House privacy bills (S. 3418 and H.R. 16373).

The Senate bill would have extended its provisions outside the Federal government only to those contractors, grantees or participants in agreements with the Federal government, where the purpose of the contract, grant or agreement was to establish or alter an information system. It addressed a concern over the policy governing the sharing of Federal criminal history information with State and local government law enforcement agencies and for the amount of money which has been spent through the Law Enforcement Assistance Administration for the purchase of State and local government criminal information systems.

The compromise amendment would now permit Federal law enforcement agencies to determine to what extent their information systems would be covered by the Act and to what extent they will extend that coverage to those with which they share that information or resources.

At the same time it is recognized that many Federal agencies contract for the operation of systems of records on behalf of the agency in order to accomplish an agency function. It was provided therefore that such contracts if agreed to on or after the effective date of this legislation shall provide that those contractors and any employees of those contractors shall be considered to be employees of an agency and subject to the provisions of the legislation. (Congressional Record, Dec. 17, 1974, p. S21818)

V40-132 JUL 9 75 XUM

It was also agreed that the Privacy Protection Study Commission should be directed to study the applicability of the provisions of the Privacy Act to the private sector and make recommendations to the Congress and the President (See subsection 5(b) of the Act).

The effect of this provision is to clarify, further, the definition of the term "maintain" as it establishes agency accountability for systems of records. (See subsection (a)(3)). It provides that systems operated under a contract which are designed to accomplish an agency function are, in effect, deemed to be maintained by the agency. It was not intended to cover private sector record keeping systems but to cover de facto as well as de jure Federal agency systems.

"Contract" covers any contract, written or oral, subject to the Federal Procurement Regulations (FPR's) or Armed Services Procurement Regulations (ASPR's), but only those which provide "• • • for the operation by or on behalf of the agency of a system of records to accomplish an agency function • • •" are subject to the requirements of the subsection. While the contract need not have as its sole purpose the operation of such a system, the contract would normally provide that the contractor operate such a system formally as a specific requirement of the contract. There may be some other instances when this provision will be applicable even though the contract does not expressly provide for the operation of a system; e.g., where the contract can be performed only by the operation of a system. The requirement that the contract provide for the operation of a system was intended to ease administration of this provision and to avoid covering a contractor's system used as a result of his management discretion. For example, it was not intended that the system of personnel records maintained by large defense contractors be subject to the provisions of the Act.

Not only must the terms of the contract provide for the operation (as opposed to design) of such a system, but the operation of the system must be to accomplish an agency function. This was intended to limit the scope of the coverage to those systems actually taking the place of a Federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act. Information pertaining to individuals may be maintained by an agency (according to subsection (e)(1)) only if such information is relevant and necessary to a purpose of the agency required to be accomplished by statute or Executive order of the President. Although the statute or Executive order need not specifically require the creation of a system of records from this information, the operation of a system of records required by contract must have a direct nexus to the accomplishment of a statutory or Presidentially directed goal.

If the contract provides for the operation of a system of records to accomplish an agency function, then "• • • the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system."

The clause "• • • consistent with its authority • • •" makes it clear that the subsection does not give an agency any new authority additional to what it otherwise uses. The subsection clearly imposes new responsibilities upon an agency but does not confer any new authority to implement it. Although the method by which agencies cause the requirements of the section to be applied to systems is not set forth, the manner of doing so must be consistent with the agency's existing authority. The method of causing was envisioned to be a clause in the contract, but as with the "Buy America" provision in Government contracts, the breach of the clause was not necessarily intended to result in a termination of the contract. In addition, several of the requirements of the Privacy Act are simply not applicable to systems maintained by contractors, and this clause was a method of indicating that an agency was not required to impose those new standards. Agencies were given some discretion in determining the method or methods by which they would cause the otherwise applicable requirements to be applied to a system maintained under contract. This subsection does not merely require that an agency include provisions consistent with the Privacy Act in its contracts. It requires, in addition, that the agency cause the requirements of the Act to be applied, limited only by its authority to do so. Because of this agency accountability—which underlies many of the provisions of the Privacy Act—there should be an incentive for an agency to cause its contractors who are subject to this subsection to apply the requirements of the section in a manner which is enforceable. Otherwise, the agencies may end up performing those functions in other to satisfy the activity of the "cause" requirement.

The decision as to whether to contract for the operation of the system or to perform the operation "in-house" was not intended to be altered by this subsection. Furthermore, this subsection was not intended to significantly alter GSA and OMB authority under the Brooks Act (P.L. 89–306) or Executive Order No. 11717 dated May 9, 1973, concerning the method of ADP procurement. The principles concerning reliance upon the private sector in OMB Circular No. A–76, and related provisions were also not intended to be changed.

The provisions would apply to all systems of records where, for example—

The determinations on benefits are made by Federal agencies;

The records are maintained for administrative functions of the Federal agency such as personnel, payroll, etc; or

Health records being maintained by an outside contractor engaged to provide health services to agency personnel.

The provisions would not apply to systems of records where:

Records are maintained by the contractor on individuals whom the contractor employs in the process of providing goods and services to Federal government.

An agency contracts with a state or private educational organization to provide training and the records generated on contract students pursuant to their attendance (admission forms, grade reports) are similar to those maintained on other students and are commingled with their records on other students.

When a system of records is to be operated by a contractor on behalf of an agency for an agency function, the contractual instrument must specify, to the extent consistent with the agency's authority to require it, that those records be maintained in accordance with the Act. Agencies will modify their procurement procedures and practices to ensure that all contracts are reviewed before award to determine whether a system of records within the scope of the Act is being contracted for and, if so, to include appropriate language regarding the maintenance of any such systems.

For systems operated under contracts awarded on or after September 27, 1975, contractor employees may be subject to the criminal penalties of subsections (i)(1) and (2) (for disclosing records the disclosure of which is prohibited by the Act or for failure to publish a public notice). Although the language is not clear on this point, it is arguable that such criminal liability only exists to the extent that the contractual instrument has stipulated that the provisions of the Act are to be applied to the contractually maintained system. However, an agency which fails, within the limits of its authority, to require that systems operated on its behalf under contracts, may be civilly liable to individuals injured as a consequence of any subsequent failure to maintain records in conformance with the Act. The reference to contractors as employees is intended only for purposes of the requirements of the Act and not to suggest that, by virtue of this language, they are employees for any other purposes.

SUBSECTION (n) MAILING LISTS

Section (n) "An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public."

The language in this section is susceptible of various interpretations and must be read in the context of relevant legislative history. It is clear, however, that this provision seeks to reach the sale or rental of lists of names and addresses for commercial or other solicitation purposes not related to the purposes for which the information was collected.

Language included in the legislation would prohibit the sale or rental of mailing lists, names and addresses, by Federal agencies maintaining them. The philosophy behind this amendment is that the Federal Government is not in the mailing list business, and it should not be Federal policy to make a profit from the routine business of government, particularly when the release of such lists has been authorized under the Freedom of Information Act. In other words, such lists can not be withheld by an agency, unless it determines that the release would constitute a clearly unwarranted invasion of privacy under section 552(b)(6) of title 5, United States Code.

Thus, the language of the bill before us does not ban the release of such lists where either sale or rental is not involved. (Congressional Record, December 18, 1974, p. H12246).

While the reference to the FOIA speaks only of "a clearly unwarranted invasion of personal privacy" (see 5 U.S.C. 552(b)(6)) agencies may presumably withhold lists of names and addresses from the public under any of the exemptions to the FOIA (5 U.S.C. 552(b)) when they deem it appropriate to do so.

It is apparent that what is prohibited is "sale or rental" of such lists and the language may be read to prohibit "the sale or rental of lists of names and addresses by Federal agencies unless the sale or rental is specifically authorized by law. [emphasis added]." (Senate Report 93–1183, p. 31)

The Senate report, when read in combination with the House floor discussion cited above, suggests that agencies may not sell or rent mailing lists for commercial or solicitation purposes unless they are authorized specifically by law to sell or rent such lists. It is equally apparent that this language in no way creates an authority to withhold any records otherwise required to be disclosed under the Freedom of Information Act (5. U.S.C. 552). It is problematic whether the language "may not be sold or rented" precludes the changing of fees authorized under the Freedom of Information Act. It would seem reasonable to conclude that fees permitted to be charged for materials required to be disclosed under the Freedom of Information Act are not precluded and that lists, such as agency telephone directories, which are currently sold to the public by the Superintendent of Documents can continue to be sold.

Finally, this provision appears not to have been intended to reach the disclosure of names and addresses to agencies or other organizations other than for commercial or solicitation purposes. Other disclosure (e.g., the disclosures of names and addresses for a statistical study or to issue checks) would be subject to the requirements of section (b).

SECTION (o) REPORT ON NEW SYSTEMS

Section (o) "Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers."

This subsection is intended to assure that proposals to establish or modify systems of records are made known in advance so that

There is a basis for monitoring the development or expansion of agency record-keeping activity,

The Commission established by section 5 can review trends in the use of personal information and the application of technology.

This provision resulted from the discussions surrounding the need for an independent agency to regulate and oversee the implementation of the Act:

The compromise amendment still would require that agencies provide adequate advance notice to the Congress and to the Office of Management and Budget of any proposal to establish or alter a system of records in order to permit an evaluation of the privacy impact of that proposal. In addition to the privacy impact, consideration should be given to the effect the proposal may have on our Federal system and on the separation of powers between the three branches of government. These concerns are expressed in connection with recent proposals by the General Services Administration and Department of Agriculture to establish a giant data facility for the storing and sharing of information between those and perhaps other departments. The language in the Senate report reflects the concern attached to the inclusion of this language in S.3418. (Senate Report 93–1183, page 64–66).

The acceptance of the compromise amendment does not question the motivation or need for improving the Federal government's data gathering and handling capabilities. It does express a concern, however, that the office charged with central management and oversight of Federal activities and the Congress have an opportunity to examine the impact of new or altered data systems on our citizens, the provisions for confidentiality and security in those systems and the extent to which the creation of the system will alter or change interagency or intergovernmental relationships related to information programs. (Congressional Record, December 17, 1974, p. S 21818)

A report is required to be submitted for each proposed new system of records and for changes to existing systems. The criteria for determining what constitutes a change in an existing system requiring the preparation of a report under this subsection are substantially the same as those discussed under subsection (e)(4), the public notice; namely any change which:

Increases the number or types of individuals on whom records are maintained;

Expands the type or amount of information maintained;

Increases the number or categories of agencies or other persons who may have access to those records;

Alters the manner in which the records are organized so as to change the nature or scope of those records; e.g., the combining of two or more existing systems;

Modifies the way in which the system operates or its location(s) in such a manner as to alter the process by which individuals can exercise their rights under the Act; e.g., to seek access or request amendment of a record; or

Changes the equipment configuration on which the system is operated so as to create the potential for greater access; e.g., adding a telecommunications capability.

The reports required under this section are to be submitted to the Congress, to the Director of the Office of Management and Budget (Attn: Information Systems Division) and to the Privacy Protection Study Commission.

The Office of Management and Budget will issue, under separate cover, more detailed guidance on the format, timing, and content of the reports.

SUBSECTION (p) ANNUAL REPORT

Subsection (p) "The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section."

This subsection provides that the President submit to the Congress a list of systems exempted from the Act under the terms of section (j) or (k). "Also to be included in the annual report would be the reasons for such exemptions and other information indicating efforts to comply with the law. It is hoped that all such information would be made public. If, however, the nature of any such exemption requires a security classification marking, it should be placed in a separate part of the report so as not to affect the remainder of the annual report." (House Report 93–1416, p. 21.)

Agencies will be required to prepare reports to the Office of Management and Budget (Attn: Information Systems Division) by April 30 of each year (beginning April 30, 1976) covering their activities under the Act during the preceding calendar year. The Office of Management and Budget will analyze data contained in the agency reports and prepare the required Presidential report to the Congress. The information required in the individual agency reports will include not only the minimum information required for inclusion in the report to Congress but also such information as is needed to evaluate the overall effectiveness of the Privacy Act implementation, identify areas in which implementing policies or procedures should be changed, and assess the impact of Federal data management activities.

Agency reports shall include but not be limited to the following:

Summary—A brief management summary of the status of actions taken to comply with the Act, the results of these efforts, any problems encountered and recommendations for any changes in legislation, policies or procedures.

Accomplishments—A summary of major accomplishments; i.e., improvements in agency information practices and safeguards.

Plans—A summary of major plans for activities in the upcoming year, e.g., area of emphasis, additional securing of facilities planned.

Exemptions—A list of systems which are exempted during the year from any

V 40 I 132 JUL 9 75 XUM

of the operative provisions of this law permitted under the terms of subsections (j) and (k), whether or not the exemption was obtained during the year, the number of records in each system exempted from each specific provision and reasons for invoking the exemption.

Number of systems—A brief summary of changes to the total inventory of personal data systems subject to the provisions of the Act including reasons for major changes; e.g. the extent to which review of the relevance of an necessity for records has resulted in elimination of all or portions of systems of records or any reduction in the number of individuals on whom records are maintained. Agencies will also be requested to provide OMB with a detailed listing of all their systems of records, the number of records in each and certain other data to facilitate oversight of the implementation of the Act. (Detailed reporting procedures will be issued under separate cover.)

Operational Experiences—A general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system) requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records, appealing initial refusals to amend records, and seeking redress through the courts.

More extensive data will be requested on those cases where the agency was unable to comply with the requirements of the Act or these quidelines; e.g., access was not granted or a request to amend could not be acknowledged within prescribed time limits.

More detailed instructions on the format, content and timing of these reports will be issued by OMB.

SECTION (q) EFFECT OF OTHER LAWS.

Subsection (q) "No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section."

This provision makes it explicit that an individual may not be denied access to a record pertaining to him under subsection (d) (1), access to records, because that record is permitted to be withheld from members of the public under the Freedom of Information Act. The only grounds for denying an individual access to a record pertaining to him are the exemptions stated in this Act, subsections (j) and (k), and subsection (1) archival records. In addition consideration may have to be given to other statutory provisions which may govern specific agency records.

[FR Doc.75-17774 Filed 7-8-75;3:00 pm]

federal register

WEDNESDAY, JULY 9, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 132

PART IV

DEPARTMENT OF LABOR

Office of the Secretary

■

PROGRAMS UNDER THE COMPREHENSIVE TRAINING ACT

Migrant and Other Seasonally Employed Farmworkers Programs

V40-132 JUL 9 75 XUM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Migrant and Other Seasonally Employed Farmworker Programs

On Tuesday, August 6, 1974, the Department of Labor published in the FEDERAL REGISTER (39 FR 28400) regulations for Title III, section 303 of the Comprehensive Employment and Training Act of 1973 as amended (Pub. L. 93–203, 87 Stat. 839 and Pub. L. 93–567, 88 Stat. 1845). At that time, the Department invited interested persons to submit comments on the regulations, and stated comments would be evaluated to determine whether the regulations should, in any respect, be amended.

Numerous comments were received by the Department pursuant to this invitation. The Department studied these comments carefully, and considered each of them on its own merits and in relation to other comments received on the same or similar subjects.

The purpose of this issuance is to amend Part 97, Subpart C in certain aspects in response to comments received. These amendments are described below and are incorporated in the set of revised regulations published today. In addition, the consolidated Table of Contents in Part 94 is revised to reflect changes in Part 97.

Since these regulations constitute revision of the August 6, 1974, regulations, for which comments were invited and received, and since most of the changes in this revision are the results of comments received since August 6, 1974, and since it is necessary that interested parties be informed of the rules applicable to grants for Fiscal Year 1976, I find it would be contrary to the public interest to delay the effective date of this revised Subpart C in order to receive further comments.

These revised regulations will become effective August 8, 1975; they are not applicable, however, with one exception, to programs funded in Fiscal Year 1975. Those programs will continue to be governed by the regulations published August 6, 1974. The one exception relates to the requirement contained in these revised regulations requiring public disclosure of the names of program participants and staff (§ 97.265). That requirement will also apply to Fiscal Year 1975 programs.

These revised regulations are being published in their final form in this FEDERAL REGISTER. However, due to the major changes in the regulations and the length of time since this publication for comment on August 6, 1974, the Department will consider comments submitted until August 8, 1975. If warranted, revisions will be made based on the comments.

Persons interested in submitting comments should send them to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets, NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Associate Manpower Administrator for Manpower Development Programs.

A description of the amendments with a short explanatory statement follows:

In § 97.202 *Scope and purpose of this subpart*, the list of titles of the Act has been amended to be consistent with the provisions of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567, 88 Stat. 1845) which established a new Title VI for the Comprehensive Employment and Training Act, and renumbered the previous Title VI as Title VII. Appropriate changes have been made throughout the regulations to reflect the change of Title VI to Title VII.

A specific reference to the regulations for the Act published in the FEDERAL REGISTER on May 23, 1975, has been included.

In § 97.203 *Definitions*, the following additions and changes have been made:

A definition for the term "allocation" was added.

A definition for the term "appropriate amount" has been added to specify the commitment of resources required of Title I prime sponsors eligible to apply for section 303 funds.

The definitions for the terms "cooperative" and "compensation" were deleted since the terms are not used in this revision.

The definition of the term "eligible applicant" was revised to add public agencies and to require Title I prime sponsors applying for section 303 funds to commit an appropriate amount of Title I or Title II funds for eligible farmworkers.

A definition for "emergency assistance" has been added to clarify the specific activity.

In lieu of the definitions of the terms "farmworker" and "seasonal basis," this regulation contains new definitions of "farmwork" and "seasonal farmworkers." This change was made to assure consistency in the definitions used by different units of the Manpower Administration.

A definition for the term "planning estimate" was added to describe the funding levels to be published on or about July 1 of each year.

The definitions for the terms "program of demonstrated effectiveness" and "qualified applicant" were deleted.

A definition for the term "relocation assistance" was added.

A definition for the term "residential support" was added.

A definition for the term "supportive services" was added to indicate that supportive services activities unrelated to manpower training are allowable.

In § 97.204 *Allocation of funds*, the language in paragraph (b) was amended to delete the word "contingency" throughout, and to delete the terms High School Equivalency Program, College Assistance Migrant Programs, "programs of demonstrated effectiveness," and the reference to OMB Circular A–102. Language was added to specify that private profitmaking organizations will not be awarded grants and to specify which section of the regulations apply to National Account programs.

The references to the Economic Opportunity Act Title III–B and Manpower Development and Training Act Migrant Worker Program funds, and permanent housing, emergency food and medical services, high school equivalency projects, college assistance migrant programs, and the National Migrant Clearinghouse were deleted from paragraph (c)(2). Additional language was added to paragraph (c)(2) to give the Secretary the right to suspend the provisions of paragraphs (1) and (2) in the event that the funds appropriated during any fiscal year are less than the previous year's appropriation.

The language of paragraph (c)(3) concerning allocation exceptions was changed to allow the Secretary to decide not to grant funds to States receiving an allocable amount less than $50,000. The amendment to this paragraph requires the Secretary to make the decision on allocation of funds to a State with less than $50,000 of allocable funds on or about July 1 of each fiscal year.

The language on transition funding was deleted from paragraph (c)(3) and the specifics for the notification of termination were clarified.

The funding cycle was changed to delete mention of the deadline for submission of the Qualifications Statement, which is no longer required, to add a due date for a preapplication form, and to allow more time for submission of the Funding Requests and negotiations after a decision has been made on potential grantees.

In § 97.205 *Eligibility for allocable funds*, the language describing Title I prime sponsor eligible applicants was changed to conform to the definition of eligible applicants in § 97.203. The requirements for Title I prime sponsors was amended to require concurrence from other prime sponsors in the State in whose jurisdiction they propose to operate and to allow interstate programs.

In § 97.211 *Announcement of State planning estimates and invitation to submit Funding Requests*, the heading for this section was changed to reflect the elimination of the Qualifications Statement process. The date of the Secretary's announcement of State planning estimates was changed to "on or about July 1". Reference to the Qualifications Statement was changed to the Funding Request.

Language was added to require eligible applicants to notify the Secretary of their intention to apply for a State allocation.

A review and comment section was added which requires the Department to publish on August 20 of each year a list of all eligible applicants which notified the Department by August 1 of their intention to apply for allocable funds. All eligible applicants wishing to review and comment on the Funding Request of another applicant in its State may request

a copy of the Funding Request from that applicant. Comments on Funding Requests are to be submitted to the Secretary before October 8 of each year.

In § 97.212 *Submission of Qualifications Statement*, the language requiring submission of the Qualifications Statement was eliminated.

Section 97.213 *Review of Qualifications Statement*, was eliminated.

Section 97.214. *Notification of qualified applicants*, was deleted.

Section 97.212 *Preapplication for Federal Assistance*, replaces the original § 97.212, *Submission of Qualifications Statement*.

Language was added to require the submission of the Preapplication for Federal Assistance form, Part I, contained in Federal Management Circular 74–7 in order to be eligible to submit a funding request.

In § 97.213, *Content and description of Funding Request*, (§ 97.215 in the August 6, 1974, FEDERAL REGISTER), language was added to include the eligibility documentation originally required under the Qualifications Statement. The requirement of compliance with OMB Circular A–95 was added to the Assurances and Certifications.

Language describing the Project Operating Plan was replaced with language describing the Program Planning Summary and Budget Information Summary.

In § 97.214, *Submission of Funding Requests*, (§ 97.214 in the August 6, 1974, FEDERAL REGISTER), language was added to require that copies of the Funding Request shall be sent to State clearinghouses and eligible applicants within a State who request a copy. Language was added to require comments on Funding Requests by eligible applicants and State clearinghouses be submitted to the Secretary before October 8, 1975; however, all reviewers will be allowed at least thirty days to submit comments.

In § 97.215, *Review of Funding Requests*, (§ 97.217 in the August 6, 1974, FEDERAL REGISTER) language was added to allow a review by the Department of Health, Education, and Welfare and to allow the Secretary to conditionally designate potential grantees.

The rating criteria were revised to assign a maximum of 50 points for the proposed program and a maximum of 50 points for the applicant's experience in providing CETA-type services.

In § 97.216, *Notification of selection*, (§ 97.218 in the August 6, 1974, FEDERAL REGISTER), language was added to allow the Secretary to invite new applications if no potential grantee is selected in a State, and to require the Secretary to notify State clearinghouses of the decision(s) on selection.

In § 97.218, *Grant award*, (§ 97.220 in the August 6, 1974, FEDERAL REGISTER), language was added to specify the documents which shall constitute the grant agreement.

In § 97.219, *Annual competition*, (§ 97.221, *Option to renew* in the August 6, 1974, FEDERAL REGISTER), language was added to require the Secretary to invite Funding Requests every year in each State except in unusual circumstances.

In § 97.220, *Modification of grant agreement*, (§ 97.222 in the August 6, 1974, FEDERAL REGISTER), language was added to provide consistency with regulations for Title I of the Act on modification of grant agreement.

In § 97.221 *Modification of the Comprehensive Plan for Farmworkers* (was § 97.223 in the August 6, 1974, FEDERAL REGISTER), language was added to provide consistency with the regulations for Title I of the Act relating to modification of the Comprehensive Plan.

In § 97.232, *Eligibility for participation in section 303 programs*, language was added to require that participants be legally able to accept employment in the occupations in which they are receiving training and that they be legally in the country. Also, language was added to allow concurrent enrollment in programs funded under different titles and sections of the Act.

In § 97.233 *Types of program activities available*, language on extended education as a separate activity was deleted and was added under classroom training and other activities. Language was also added to allow post-placement services.

Sections 97.234 *Training allowances*, 97.235 *Wages, Minimum duration of training, and reasonable expectation of employment*, 97.236, *General benefits for program participant's*, were moved to Grant Administration and renumbered § 97.256.

In § 97.237, *Performance Standards*, (§ 97.243 in the August 6, 1974, FEDERAL REGISTER), language was added to make the performance standards in this section bench mark guidelines rather than minimum levels of performance.

In § 97.250, *Grant Administration in general*, the language was revised to clarify which sections apply to public agencies and which to private nonprofit organizations.

In § 97.253, *Reporting requirements*, the language concerning the Project Operating Plan was revised to reflect the two new reporting forms required in its place: the Program Status Summary and the Financial Status Report.

This section combines §§ 97.252, 97.253, 97.254 in the August 6, 1974, FEDERAL REGISTER.

In § 97.255, *Allowable Federal costs*, language on travel restrictions similar to those in Title I of the Act was added to this section. The travel restrictions previously in § 97.259(1) were deleted. The revised travel regulations do not require prior approval for out-of-State travel.

In § 97.2356, *Allowances, wages, and general benefits for program participants*, the language combines §§ 97.234, 97.235 and 97.236 of the August 6, 1974, regulations.

In § 97.259, *Basic personnel standards for grantees and subgrantees*, language was added to emphasize that these standards apply only to private nonprofit organizations. The travel reimbursement restrictions were revised and placed in § 97.255. The language on wages and salaries was revised to allow grantees authority to administer their own salary and wage structure without having to request salary waivers in most circumstances.

In § 97.261, *Grantee contracts and subgrants*, the language was changed to reference procurement standards in regulations for Title I of the Act as well as those in these regulations and to require subgrantees and contractors to comply with these regulations.

In § 97.265, *Maintenance and retention of records*, the language in the regulations for Title I of the Act making participant and staff names public information has been incorporated by reference into this section.

In § 97.269, *Allowances and reimbursement for board and advisory council members*, language was added to allow grantees to reimburse board and advisory council members whose income falls within the OMB poverty guidelines for lost wages.

Additionally, editorial, stylistic and technical changes were made in this revision.

Title 29 is amended as follows:

1. Section 94.3 of Part 94 is revised by deleting the present Table of Contents for Part 97, Subpart C, and substituting therefor the new Table of Contents for Part 97, Subpart C, so that the revised section reads as follows:

§ 94.3 Consolidated Table of Contents for Parts 94–99.

* * * * *

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART C—MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

GENERAL

Sec.
97.201 Scope and purpose of Title III, Section 303 Programs.
97.202 Scope and purpose of this subpart.
97.203 Definitions.
97.204 Allocation of funds.
97.205 Eligibility for allocable funds.

GRANT PLANNING AND APPLICATION PROCEDURES

97.210 Grant planning and application procedures in general.
97.211 Announcement of State Planning estimates and invitation to submit Funding Requests.
97.212 Preapplication for Federal Assistance.
97.213 Content and description of Funding Requests.
97.214 Submission of Funding Requests.
97.215 Review of Funding Requests.
97.216 Notification of selection.
97.217 Negotiation of final grant.
97.218 Grant award.
97.219 Annual competition.
97.220 Modification of grant agreement.
97.221 Modification of Comprehensive Plan for Farmworkers.

PROGRAM OPERATIONS

97.230 General.
97.231 Basic responsibilities of grantees under Section 303.
97.232 Eligibility for participation in Section 303 programs.
97.233 Type of program activities available.
97.234 Complaint procedure.
97.235 Training for lower wage industries; relocation of industries.

V40-132 JUL 9 75 XUM

Sec.
97.236 Cooperative relationships between grantee and other manpower agencies.
97.237 Performance standards.

GRANT ADMINISTRATION

97.250 Grant administration in general.
97.251 Private nonprofit organizations; financial management systems.
97.252 Audit.
97.253 Reporting requirements.
97.254 Reallocation of funds.
97.255 Allowable Federal costs.
97.256 Allowances, wages, general benefits, and working conditions for program participants.
97.257 Allocation of allowable costs among program activities.
97.258 Bond coverage of officials.
97.259 Basic personnel standards for grantees and subgrantees.
97.260 Non-Federal status of participants.
97.261 Grantee contracts and subgrants.
97.262 Adjustments in payments.
97.263 Termination of a grant.
79.264 Grant closeout procedures.
97.265 Maintenance and retention of records.
97.266 Program income and limitations on program expenditures.
97.267 Procurement standards.
97.268 Labor standards.
97.269 Allowances and reimbursements for board and advisory council members.

ASSESSMENT AND EVALUATION

97.280 Assessment and evaluation.

ADMINISTRATION REVIEW

97.290 Purpose and policy.
97.291 Procedure for complaints by eligible individuals and program participants.
97.292 Procedure for complaints arising from the selection of potential grantees.

* * * * *

Part 97, Subpart C, is revised to read as set forth below.

* * * * *

Subpart C—Migrant and Other Seasonally Employed Farmworker Programs

GENERAL

Sec.
97.201 Scope and purpose of Title III, Section 303 Programs.
97.202 Scope and purpose of this subpart.
97.203 Definitions.
97.204 Allocation of funds.
97.205 Eligibility for allocable funds.

GRANT PLANNING AND APPLICATION PROCEDURES

97.210 Grant planning and application procedures in general.
97.211 Announcement of State Planning estimates and invitation to submit Funding Requests.
97.212 Preapplication for Federal Assistance.
97.213 Content and description of Funding Requests.
97.214 Submission of Funding Requests.
97.215 Review of Funding Requests.
97.216 Notification of selection.
97.217 Negotiation of final grant.
97.218 Grant award.
97.219 Annual competition.
97.220 Modification of grant agreement.
97.221 Modification of Comprehensive Plan for Farmworkers.

PROGRAM OPERATIONS

97.230 General.
97.231 Basic responsibilities of grantees under Section 303.
97.232 Eligibility for participation in Section 303 programs.
97.233 Type of program activities available.
97.234 Complaint procedure.
97.235 Training for lower wage industries; relocation of industries.
97.236 Cooperative relationships between grantee and other manpower agencies.
97.237 Performance standards.

GRANT ADMINISTRATION

97.250 Grant administration in general.
97.251 Private nonprofit organizations; financial management systems.
97.252 Audit.
97.253 Reporting requirements.
97.254 Reallocation of funds.
97.255 Allowable Federal costs.
97.256 Allowances, wages, general benefits, and working conditions for program participants.
97.257 Allocation of allowable costs among program activities.
97.258 Bond coverage of officials.
97.259 Basic personnel standards for grantees and subgrantees.
97.260 Non-Federal status of participants.
97.261 Grantee contracts and subgrants.
97.262 Adjustments in payments.
97.263 Termination of a grant.
97.264 Grant closeout procedures.
97.265 Maintaining and retention of records.
97.266 Program income and limitations on program expenditures.
97.267 Procurement standards.
97.268 Labor standards.
97.269 Allowances and reimbursements for board and advisory council members.

ASSESSMENT AND EVALUATION

97.280 Assessment and evaluation.

ADMINISTRATION REVIEW

97.290 Purpose and policy.
97.291 Procedure for complaints by eligible individuals and program participants.
97.292 Procedure for complaints arising from the selection of potential grantees.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), secs. 702(a) and 303, unless otherwise noted.

GENERAL

§ 97.201 Scope and purpose of Title III, section 303 Programs.

(a) It is the purpose of Title III section 303, of the Act to provide manpower and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry, which has been substantially affected by recent advances in technology and mechanization. These individuals constitute a substantial portion of the nation's rural manpower problem and substantially affect the entire national economy.

(b) Because of the special nature of the problem faced by migrant and seasonal farmworkers, the programs developed and implemented under this section of the Act shall be administered by the Manpower Administration at the national level. Such programs will be flexible in design and shall have these primary objectives:

(1) *Alternatives to agricultural labor.* Provision of services to migrant and other seasonally employed farmworkers and their families who wish to seek alternative job opportunities to seasonal farmwork, which will equip them to compete in other labor markets and to secure stable year-round employment providing an income above the poverty level.

(2) *Improved agricultural life style.* Provision of services necessary to improve the well-being of migrants and other seasonally employed farmworkers and their families who remain in the agricultural labor market and/or to upgrade their skills to enable them to take advantage of job opportunities created by changing agricultural technology.

§ 97.202 Scope and purpose of this subpart.

(a) The regulations promulgated to carry out the Act are set forth in 29 CFR Parts 94–99 as published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22674). As each substantive title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 99 provide a separate part for each basic type of activity, and two parts deal with general matters relating to the Act. This subpart deals with all matters pertaining to the implementation and operation of Migrant and Seasonal Farmworker Manpower Programs pursuant to section 303 of the Act. It is designed to contain in itself all the regulatory material under the Act necessary for the operation of section 303 programs except where specific reference is made to other parts of this title. When the provisions of this subpart conflict with the provisions of other regulations under the Act, the provisions of this subpart shall prevail.

(b) Statutory authority for the regulations contained in this Subpart C may be found in sections 303 and 702(a) of the Act, as amended as well as in other substantive provisions of the Act.

§ 97.203 Definitions.

A listing of definitions of terms used in the regulations promulgated to implement the Act is set forth in § 94.4 of this subtitle. Those definitions applicable only to section 303 or having special significance to section 303 are the following:

"Allocation" shall mean the distribution of funds among programs in states according to the procedures specified in § 97.204(c).

"Appropriate amount" for the purposes of committing Title I and/or II funds for farmworkers shall mean an amount proportional to the significance of the farmworkers in the prime sponsor's population; for example, the amount whose ratio to the total Title I funds available to the prime sponsor is equivalent to the ratio of the number of farmworkers to the total number of low-income workers in the prime sponsor's jurisdiction.

"Eligible Applicant," for purposes of receiving funds allocable pursuant to § 97.204(c) of this title, shall mean:

(a) A recognized prime sponsor under CETA Title I having within its jurisdiction a significant segment of migrant and other seasonally employed farmworkers for whom it has committed funds provided under Title I and/or II of the Act in an appropriate amount; or a public agency designated by such prime sponsor to receive section 303 funds;

(b) A private nonprofit organization authorized by its charter or articles of incorporation to provide manpower or such other services as may be funded under this subpart.

"Emergency assistance" shall mean temporary services on an emergency basis which are not immediately available from non-section 303 sources.

"Establishment" shall mean an economic unit, generally at a single physical location, where business is conducted (For example: Farm, orchard, ranch). For the purposes of the "seasonal farmworker" definition, farm labor contractors and crew leaders are not considered establishments; it is the organizations to which they supply the workers that are the establishments.

"Farmwork" shall mean work performed for wages in agricultural production or agricultural services (as defined in the most recent edition of the Standard Industrial Classification (SIC) Code definitions included in industries 01, 02 (excluding 027), and 07 excluding 074, 0752, 0761, and 078).

"Farmworker organization" shall mean a private nonprofit organization directed principally by farmworkers.

"Funding Request" shall mean a formal proposal submitted by an applicant which detail the type and extent of services to be provided to farmworkers and their dependents for consideration by the Secretary for funding under section 303.

"Health care" shall include but is not limited to preventive and clinical medical treatment for farmworkers and their dependents.

"Manpower services" shall mean such services as: (a) Outreach; (b) intake and assessment; (c) orientation; (d) counseling; (e) job development; (f) referral; (g) job placement; (h) transportation; (i) follow-up.

"Migrant farmworker" shall mean a seasonal farmworker who performs or has performed during the preceding twelve months agricultural labor which requires travel such that the worker is unable to return to his/her domicile (accepted place of residence) within the same day.

"Nutritional assistance" shall mean services including but not limited to assisting farmworkers and their dependents to obtain food stamps and vouchers, access to other food programs, fair hearings and limited direct cash purchases of food.

"Planning estimates" shall mean the preliminary allocations announced for the purpose of providing target funding levels for each State.

"Relocation assistance" shall mean the activities necessary to arrange for a family to move to a new abode for the purpose of receiving services and/or training which will lead to alternative job opportunities to seasonal farmwork. Activities may include but are not limited to: Necessary manpower services; the costs of the actual transfer of goods and property including mileage for the families' travel; emergency assistance; rent subsidies; and other supportive services.

"Residential support" shall mean the provision of temporary housing for families receiving training, supportive services, or post-placement services. The grantee may offer such housing in several ways including but not limited to directly operating a residential facility with all necessary services or through the grantee's subsidizing all or part of the rental and utility costs for an enrolled family.

"Seasonal farmworker" shall mean a person who during the preceding twelve months worked at least 25 days in farm work and worked less than 150 consecutive days at any one establishment. "Seasonal farmworker" includes both migratory and nonmigratory farmworkers, but does not include nonmigratory individuals who are full-time students, or supervisors or other farmworkers.

"Section 303" shall mean the Migrant and Seasonal Farmworker Manpower Programs, section 303, Title III of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, 87 Stat. 839).

"State" includes the Commonwealth of Puerto Rico.

"Supportive Services" shall mean such services as health and medical service, child care, emergency assistance, relocation assistance, residential support, nutritional services, and legal services, designed to improve the well being of those remaining as seasonal farmworkers as well as such services described in § 94.4 (ddd) of this subtitle.

"Target area" shall mean a geographic area to be served by a section 303 grant. Such an area may be a county, multi-county area, a state, or a multi-state area.

"Target population" shall mean farmworkers and their dependents who meet the eligibility criteria set forth in § 97.232.

§ 97.204 Allocation of funds.

(a) *Available funds.* For the purpose of implementing this subpart and pursuant to section 303 of the Act, the Secretary shall reserve, from funds available for Title III programs, funds to serve migrants and other seasonally employed agricultural workers in an amount equal to not less than 5 percent of the amount allocated pursuant to section 103 (a)(1) of the Act.

(b) *National Account.* (1) No more than twenty percent (20%) of the statutory reserve for section 303 activities will be set aside for the National Account, to be used at the discretion of the Secretary for experimental programs; clearing house activity; labor market information; interstate programs; special needs, including but not limited to projects such as permanent housing; programs to meet the needs of emergency situations and changing agricultural technology; and other programs.

(2) Funds from the National Account may be obligated by the Secretary by means of either contracts or grants to private nonprofit agencies or contracts to private profit making organizations. National Account funds obligated to states and local units of government shall be awarded through grants.

(3) The Secretary shall fund programs from the National Account according to procedures deemed advisable by the Secretary, but all National Account programs shall include performance standards specifically designed for those programs.

(4) The provisions of this Subpart C apply in their entirety to programs funded from the National Account, with the exception of §§ 97.205, (Eligibility for Allocable Funds), 97.211 (Allocations), 97.213–97.215 (Selection of Potential Grantees) and paragraph (b) of § 97.237 (Performance Standards).

(c) *State allocations (allocable funds).* (1) No less than eighty percent (80%) of the funds reserved for section 303 activities shall be allocated for farmworker programs in individual states in an equitable manner using the best data available as determined by the Secretary.

(2) *Hold harmless clause.* No state shall be allocated an amount which is less than 90 percent of the amount of allocable section 303 funds obligated in the prior fiscal year for use in that state. If during any fiscal year the appropriation for section 303 is less than that appropriated in the previous fiscal year, the Secretary reserves the right to suspend the provision's of paragraphs (c)(1) and (2) of this section.

(3) *Allocation Exceptions.* (i) The Secretary reserves the right not to allocate any funds for use in a State whose allocation is less than $50,000. The Secretary will announce which state(s) will not be allocated funds on or about July 1 of each fiscal year. If the State allocation would be an amount less than $50,000, the Secretary may allocate $50,000 for programs in that State.

(ii) Currently funded programs which are unsuccessful applicants for grant funds shall be given notice of termination and at least ninety-days lead time to phase out their operations, but such notice will not bind the Secretary to obligate additional funds. The notification of non-selection shall be the notice of termination and the requirements of § 97.264 are to be followed.

(4) *Funding cycle.* All projects funded through State allocations shall be funded beginning January 1 of each year in accordance with the following funding cycle:

(i) On or about July 1: Announcement of State planning estimates and the invitation to submit Funding Requests for State(s) or area(s) open for competition as provided in § 97.219.

(ii) August 1: Deadline for submission of Preapplication Forms for Federal Assistance forms (3 p.m., e.d.t.).

(iii) September 1: Deadline for submission of Funding Requests (3 p.m., e.d.t.).

V40-132 JUL 9 75 XUM

(iv) On or about November 1: Notification of selection as potential grantees.

(v) January 1: Commencement of grant awards.

If the Secretary deems it advisable to alter the funding cycle provided herein a revised funding cycle shall be published in the FEDERAL REGISTER on or about July 1 of any fiscal year.

§ 97.205 Eligibility for allocable funds.

The following organizations and units of government shall be eligible to receive allocable funds available under section 303:

(a) A recognized prime sponsor under CETA Title I having within its jurisdiction a significant segment of migrant and other seasonally employed farmworkers for whom it has committed funds provided under Title I and/or II of the Act in an appropriate amount; or a public agency within such a prime sponsor's geographic boundaries designated by that eligible prime sponsor to receive section 303 funds in its place.

(1) An applicant eligible under paragraph (a) of this section which wishes to apply for consideration for grant funds to operate programs in an area outside the area in which it is eligible to operate under CETA Title I may do so only with the concurrence of the Title I prime sponsor for that area so affected. Such concurrence may be accomplished by means of an agreement that provides for a subgrant from the applicant prime sponsor to the affected Title I prime sponsor or by letter from the affected prime sponsor authorizing the applicant prime sponsor to operate programs in the affected area.

(b) A private nonprofit organization authorized by its charter or articles of incorporation to provide manpower or such other services as are permitted by this subpart.

(c) An organization which wishes to be considered for grant funds to operate programs in more than one State shall submit separate Funding Requests for each state for which it wishes to be considered for funding. An applicant eligible under paragraph (a) of this section which wishes to operate programs in an area outside of its State may do so only with the concurrence of the Title I prime sponsor for that area.

GRANT PLANNING AND APPLICATION PROCEDURES

§ 97.210 Grant planning and application procedures in general.

Sections 97.210–97.220 provide procedures for obtaining and modifying a grant to operate programs under section 303 of the Act. Specifically, these sections describe the procedures in the grant award process from the announcement of invitation to submit Funding Requests, through the grant application process, to review by the Department and approval of the grant.

§ 97.211 Announcement of State planning estimates and invitation to submit Funding Requests.

(a) *Announcements.* (1) *State planning estimates.* On or about July 1 of each fiscal year the Secretary shall announce State planning estimates of resources available to impiement section 303 programs.

(2) *States or areas open for competition under section 303.* On or about July 1 of each fiscal year the Secretary shall announce a list of States and/or areas open for competition under section 303 as provided in § 97.219.

(3) *Invitation to submit funding requests.* On or about July 1 of each fiscal year, the Secretary shall invite eligible applicants as defined in § 97.203 interested in receiving funding under section 303 to submit a Funding Request. The invitation will cover only those areas designated by the Secretary as open for competition.

(4) These announcements shall be made in the FEDERAL REGISTER and through the appropriate Assistant Regional Director for Manpower.

(b) *Intention to apply.* (1) Any eligible applicant intending to apply for funds from a State allocation must submit a Preapplication for Federal Assistance form to the Secretary by August 1, of each fiscal year.

(c) *Opportunity for review and comment:* (1) On or about August 20, of each fiscal year, the Secretary shall publish in the FEDERAL REGISTER a list of all eligible applicants which have submitted preapplications for all or part of each State allocation: (2) Eligible applicants wishing to review and comment on the Funding Request of any eligible applicant within their State as listed in the FEDERAL REGISTER pursuant to paragraph (c)(1) of this section must request a copy of the Funding Request from the eligible applicant so listed.

(3) Eligible applicants submitting a Funding Request to the Secretary to be considered for all or part of a State's allocable funds must send a copy of the Funding Request to all other eligible applicants within the State which have requested a copy of the Funding Request pursuant to paragraph (c)(2) of this section.

(4) These copies must be submitted to requesting organizations at the same time the Funding Request is submitted to the Secretary. Funding Requests sent by mail to requesting organizations pursuant to paragraph (c) (2) and (3) of this section shall be sent by registered or certified mail with return receipt requested or if a Funding Request is delivered by hand, the recipient eligible applicant shall provide a written receipt bearing the time and date of delivery.

(5) Comments of Funding Requests shall be submitted to the Secretary at the address provided in § 97.214, within 30 days of receipt of the Funding Request, but no later than October 8, of each fiscal year. A copy of all comments must also be sent to the concerned eligible applicant by registered mail at the same time.

§ 97.212 Preapplication for Federal Assistance.

(a) An applicant eligible to receive allocable funds available under section 303 shall submit a preapplication to the Secretary. The preapplication will consist of the Preapplication for Federal Assistance form, Part I, contained in Federal Management Circular (FMC) 74–7 (formerly OMB Circular A–102), with an attachment identifying the target area by State and Counties.

(b) Preapplication for Federal Assistance form, Part I, shall be submitted to the offices identified in § 97.214 (a) and (b). If an organization does not submit a Preapplication for Federal Assistance form by August 1, its Funding Request shall not be considered.

§ 97.213 Content and description of Funding Request.

(a) *General.* (1) This section describes the Funding Request forms which applicants shall use to apply for funds under section 303.

(2) Forms and instructions are contained in the Forms Preparation Handbook and its section 303 supplement and are available from the Secretary upon request.

(3) The Funding Request consists of four parts: The Application for Federal Assistance; the Eligibility documentation; the Comprehensive Plan for Farmworkers; and the Assurances and Certifications form.

(b) *Funding Request forms.* (1) *Application for Federal Assistance.* This identifies the applicant and the amount of funds requested. It provides information concerning the area to be served and the number of farmworkers expected to benefit from the program. The form provided in Federal Management Circular 74–7, Part I, grant application for nonconstruction programs, shall be used with such other forms, as may be required.

(2) *Eligibility documentation.* The following documents shall be submitted by an applicant to meet the eligibility requirements for section 303. In addition, the Secretary shall develop a form to be used by incumbent section 303 grantees and by applicants considered eligible in the previous fiscal year, which will indicate and briefly describe changes in eligibility documentation.

(i) A statement indicating the legally constituted authority under which the organization functions;

(ii) An employer identification number from the Internal Revenue Service; and, for private nonprofit applicants, proof of their tax-exempt status;

(iii) A certification by the chief fiscal officer of a public organization or by a CPA for private nonprofit organizations attesting to the adequacy of the applicant's accounting system, if applicable (refer to § 97.251 to determine applicability);

(iv) A copy of the Comprehensive Manpower Plan component which describes CETA Titles I and/or II services to be made available to farmworkers for the fiscal year for which funds are requested (for CETA prime sponsor applicants only) pursuant to § 97.205(a).

(v) Documentation of concurrences from affected prime sponsor(s), as described in § 97.205(a) (for CETA prime sponsor applicants only).

(3) *Comprehensive Plan for Farmworkers.* The Comprehensive Plan for Farmworkers is a detailed explanation of how the applicant proposes to use section 303 funds for farmworkers within its target area. Upon incorporation into the grant agreement, the amended Comprehensive Plan for Farmworkers will become the basis for programmatic and fiscal accountability of the section 303 grant. The Comprehensive Plan for Farmworkers consists of the Narrative Description of the Program, the Program Planning Summary, and Budget Information Summary described below:

(i) *Narrative description of program.* The Narrative Description of the Program analyzes the manpower and social problems of the target population within the target area to set priorities and goals, describes proposed program activities and delivery systems to meet those goals, proposes performance standards for all program activities, and projects the results which may be expected from the program. The Narrative Description of the Program requires a detailed justification and description of each program activity, including the following specific items (the Forms Preparation Handbook is a guide for completing these items):

(A) Objectives and needs for assistance:

(1) Policy statement on purpose of program;

(2) Description of economic conditions;

(3) Analysis of labor market and social service situation;

(4) Statement of number of farmworkers and dependents to be served; and

(5) Goals and priorities.

(B) Program design and results expected:

(1) Statement of strategy for accomplishing goals;

(2) Detailed description of each program activity and service, including costs, manner of delivery, specific objectives, and performance standards; and

(3) Enumeration of objectives and performance standards related to goals identified in Part A of the Narrative Description of Program.

(C) Approach:

(1) Description of the planning system, participation of and role of the governing board or advisory councils in planning and implementation;

(2) A copy of the by-laws or other official documents showing the structure of pertinent Boards, Area Councils, or Advisory bodies;

(3) Description of the delivery system;

(4) Description of recruitment and eligibility verification methods;

(5) Description of the applicant's administrative system;

(6) Resumes of key management staff;

(7) Justification of section 303 funded administrative costs as defined in § 97.255, in excess of 20 percent;

(8) Documentation of past experience; and

(9) A description of linkages with other manpower programs, other social service programs, and farmworker organizations, including letters of commitment for all services to be provided section 303 participants at no cost to section 303.

(D) Geographic location served. Description of the geographic locations within the target area in which the applicant has operated and in which the proposed program will operate, and in which it will recruit and refer participants.

(E) Detailed Budget. For each program activity, section 303 grantees will be required to submit an itemized budget of allowable costs, as defined in §§ 97.255 and 97.257. The CETA and the non-CETA share of the total costs shall be noted for each program activity. For all section 303 funds requested, personnel and nonpersonnel costs shall be itemized for each program activity proposed and for the cost category of administration. This itemization shall include individual operational staff salaries, staff fringe benefits, staff travel, equipment purchases, etc.

(ii) *Program planning summary.* The Program Planning Summary requires an applicant to provide a quantitative statement of enrollment levels, the number of participants to be served by each program activity (classroom training, on-the-job training, work experience, services to participants, and other activities), and outcomes for program participants. It also requires identification of the number of individuals to be served within the target population.

(iii) *Budget information summary.* The Budget Information Summary requires an applicant to provide a quantitative statement of planned expenditures and obligations. It requires an applicant to indicate yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services); the applicant is to reflect planned quarterly obligations and expenditures by program activity.

(4) *Assurances and certifications.* The Assurances and Certifications form is a signature sheet on which the applicant assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable Federal Management Circulars from the General Services Administration (GSA). Signature of the Assurances and Certifications form by private nonprofit section 303 Eligible Applicants and Grantees shall mean that section 303 funds shall be expelled in compliance with Federal Management Circulars 74–4 and 74–7; provided that if a Federal Management Circular applicable to the administration of grants to non-profit organizations becomes effective before the grant period, such Circular shall supersede any provisions of FMC 74–4 and 74–7 (made applicable to private nonprofit organizations by this subpart) which conflict with the provisions of such Circular. The Assurances and Certifications form is contained in the Forms Preparation Handbook. The following is a summary of the items which are described in detail on that form:

(i) Compliance with the Act and regulations issued under the Act

(ii) Compliance with Federal Management Circulars 74–4 and 74–7 and OMB Circular A–95;

(iii) Legal authority to apply for a section 303 grant;

(iv) Nondiscrimination (section 703 (i));

(v) Compliance with Title VI and VII of the Civil Rights Act of 1964;

(vi) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970;

(vii) Compliance with the Hatch Act and restrictions on political activities (as applicable);

(viii) Prohibition on use of position for private gain;

(ix) Access of Comptroller General and Secretary to records and documents pertaining to the Act;

(x) Nonsupport of religious facilities;

(xi) Maintenance of required health and safety standards;

(xii) Provision of appropriate worker's compensation to participants;

(xiii) Use of funds under the Act to supplement rather than supplant funds otherwise available, prohibition on displacement of employed workers by participants employed under the Act, and prohibition on impairment of existing contracts for services;

§ 97.214 Submission of Funding Request.

(a) An eligible applicant shall submit three copies of the Funding Request to the address listed below:

U.S. Department of Labor
Manpower Administration
Patrick Henry Building—Room 7122
601 D Street, NW.
Washington, D.C. 20213
ATTN: Chief, Migrant and Seasonal Farmworker Division

(b) Two copies of the Funding request shall also be submitted directly to the appropriate Assistant Regional Director for Manpower at the same time the three copies are submitted to the above address and labeled: Funding Request for CETA 303 Farmworker Program.

(c)(1) Copies of the Funding Request shall also be submitted to the appropriate State and/or area clearinghouse(s) and eligible applicant(s) which request an opportunity for review and comment as provided in § 97.211(c) at the same time the Funding Request is submitted to the above address.

(2) All comments from clearinghouses and other reviews shall be submitted to the above address by October 8. However, no notification of selection of potential grantee(s) for a State or area

V401132 JUL 9 75 XUM

will be made until all clearinghouses and other reviews have had at least 30 days from receipt of the Funding Request from that State or area to submit comments.

(d) Funding Requests sent by mail to the address provided in paragraphs (a) and (c) of this section must be registered or certified with return receipt requested. In order to be considered to be submitted on time by the Manpower Administration, the following conditions must be met:

(1) The Funding Request must be registered or certified by the Postal Service on or before 3 p.m. September 1. In the event that September 1 falls on a Sunday, on a holiday, or at any other time during which the Postal Service is not operational, it shall be the responsibility of the applicant to properly register and certify the Funding Request so that it will bear a post mark prior to 3:00 p.m. September 1. No deviation in this condition will be made by the Manpower Administration, and all Funding Requests received bearing postmarks after 3:00 p.m. September 1, shall be returned without consideration.

(e) Funding Requests delivered by hand must be taken to the address given in paragraph (a) of this section. All applicants who deliver a Funding Request will be given a receipt bearing a time and date of delivery. Funding Requests will be accepted daily between the hours of 8:15 a.m., and 4:45 p.m., Washington, D.C. time, except Saturdays, Sundays, and holidays. Funding Requests will not be received after 3 p.m., e.d.t., on September 1. In the event that September 1 falls on a Saturday, Sunday or, holiday, it shall be the responsibility of the applicant to deliver the Funding Request so that it will be received prior to 3 p.m., e.d.t., September 1. No deviation in this condition will be made by the Manpower Administration and no Funding Request delivered after 3 p.m., e.d.t., September 1 shall be accepted.

§ 97.215 Review of Funding Requests.

(a) *Standards for reviewing Funding Requests for allowable funds.* Funding Requests submitted by applicants shall be reviewed and evaluated by the Secretary to determine those judged to be most qualified to receive a grant under section 303 for program operations in a particular target area according to the procedures outlined in paragraph (a) of this section. In addition, when appropriate under section 306 of the Act, Funding Requests shall be reviewed by the Secretary of the Department of Health, Education, and Welfare (DHEW) or his/her designee in accordance with section 306 of the Act.

(1) *Determination of eligibility.* The Secretary shall review the documentation described in § 97.213(b)(2) to determine the eligibility of each applicant and shall: (i) Designate the organization as eligible under section 303; or (ii) determine that the organization is conditionally eligible pending submission of further documentation; or (iii) determine that the organization is ineligible under section 303. An organization determined to be ineligible shall not be reviewed further.

(2) *Review of Comprehensive Plan for Farmworkers.* The Comprehensive Plans for Farmworkers submitted by applicants shall be reviewed and evaluated by the Secretary to determine those applicants which will be designated potential grantees for a particular target area.

(i) Factors for evaluating Plans. Plans shall be evaluated by the Secretary based on the criteria listed in this paragraph.

(ii) Each of the following factors is assigned a numerical range which shall be used to rank Plans. A separate rating within the identified range for each factor shall be assigned to each Plan based on information provided in the Plan. The sum of the ratings shall constitute the overall rating of the Plan. The following factors shall be considered in assigning ratings:

(A) *Program development.—Range 0–10.* The program development factor is a rating of the proposed program's potential impact on the full range of farmworker needs and its fulfillment of the intent of section 303. The rating will consider the following elements:

(1) *Training.* The proposed program provides alternatives for farmworkers to leave farmwork by offering training in a number of occupations providing a wage above the poverty level into which participant can be successfully placed within the existing economic and labor market conditions in the target area. The proposed program provides alternatives for farmworkers to secure full time agriculture work providing an income above the poverty level.

(2) *Services.* The proposed program provides supportive services which are necessary to assist farmworkers in leaving seasonal farmwork and/or provides services which will improve the living and working conditions of farmworkers remaining in agriculture.

(3) *Program impact.* The proposed program will directly impact on the problems and needs of farmworkers in the particular target area. The highest rating of 10 shall be awarded to an organization which has adequately analyzed the economic situation of the target area and identified the social and economic needs of the target population, and has developed a program based on this analysis and identification, which provides services including training and supportive services that can be successfully implemented within the existing target area economic and labor market situations to meet these needs.

(B) *Delivery system.—Range 0–10.* The delivery system factor is a rating of the applicant's system for delivering the comprehensive program services and its potential ability to provide effective and timely services to farmworkers. This rating shall include the potential effectiveness of subgrantees and contractors in providing services specifically for farmworkers.

(1) The highest rating of 10 shall be awarded to an organization whose delivery system is efficiently integrated and whose subgrantees' and contractors' delivery systems are coordinated with the applicant's into a functioning unit.

(C) *Administrative capability.—Range 0–10.* The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decisionmaking positions. This factor shall also consider administrative efficiency based on comparative administrative cost. The highest rating of 10 shall be awarded to organizations which can demonstrate the capability to administer efficiently a multi-activity delivery system with comparatively low administrative costs.

(D) *Responsiveness to farmworkers.—Range 0–10.* The responsiveness to farmworkers factor is a rating of the organization's active and visible involvement of farmworkers in its planning and the proposed involvement of farmworkers in implementation of its proposed program of services. The rating will also consider the sensitivity of the organization's present and proposed staff in program positions. The rating will consider the following elements:

(1) *Involvement of Farmworker Boards/Advisory Councils.* This factor is a rating of the involvement of farmworkers on applicant's governing boards and advisory councils in the planning, implementation and operation of the proposed program. This involvement shall be manifested by the responsibilities incorporated in the board's or advisory council's by-laws and the farmworker representation on these bodies. The highest rating of seven shall be awarded to organizations whose boards or advisory councils have responsibility for reviewing and making recommendations on section 303 plans, monitoring section 303 program operations, recommending corrective action, and having established mechanisms for effecting necessary corrective actions, and whose membership includes farmworkers.

(2) *Staff sensitivity.* The sensitivity factor is a rating of the ability of the organization's staff to relate to farmworkers and be responsive to their needs. The highest rating of 3 shall be awarded to those organizations whose staffing includes ex-farmworkers and reflects the ethnic, racial, and sexual composition of the target population.

(E) *Linkages and coordination.—Range 0–10.* The linkages and coordination factor is a rating of an organization's demonstrated and documented programmatic ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to farmworkers. The highest rating of 10 shall be awarded to applicants which would operate programs incorporating services at no cost to section 303 from other agencies for the purpose of providing manpower and other services to participants and whose Funding Request includes letters of commitment for these services.

(F) *Review of experience.—Range 0–50.* The organization's past experience in providing a comprehensive program of manpower and other services shall be reviewed and evaluated by the Secretary to determine those judged to be most qualified to receive a grant under section 303 for program operations in a particular target area. A numerical range of 0–50 shall be used to rank the experience of applicants.

(i) *Existing section 303 grantees.* For existing section 303 grantees competing as eligible applicants, the review of experience will be based on the record of performance in delivering section 303 services. The Secretary shall review and evaluate the grantee's performance through review of reports, monitoring and/or auditing of the program. The highest rating of 50 may be awarded to a grantee which has provided an effective program of services for farmworkers; the factors in this ratio shall include but not be limited to (A) exceeding all of the individual grant performance standards in its Comprehensive Plan for Farmworkers; (B) meeting planned performance levels on its Program Planning Summary, and Budget Information Summary for the prior fiscal year (or on its Project Operating Plan); and (C) having met the requirements for program operations and grant administration of this Subpart C.

(ii) *Other eligible applicants.* For applicants who are not section 303 grantees, the review of experience will be based on information submitted in the Funding Request. In order to receive a rating for experience, an applicant must have adequately identified the funding source(s) to which it was accountable. The assertions of success should be adequately substantiated and documented in the Funding Request, including official evaluations, if available. The Secretary reserves the right to verify the information submitted in the Funding Request and to obtain additional information if the information submitted is not adequate for the purpose of this review. The following factors shall be considered in assigning ratings:

(A) *Program experience, regardless of nature of clientele.—Range 0–40.*

(1) The organization has operated an effective comprehensive program of services, including but not limited to the program activities and supportive services described in paragraphs (c) through (g) of § 97.233.

(2) The organization has provided training and other manpower services effectively.

(3) The organization has met the stated objectives for program performance of all program activities it has provided.

(4) The organization has effectively administered a multi-activity delivery system, if applicable.

(5) The administration and management of the program has conformed to acceptable management standards, including but not limited to those set forth in the Grant Administration sections of this Subpart C and Part 98 of this subtitle.

(B) *Farmworker experience.—Range 0–10.* The organization or its subgrantee(s) has provided services specifically for farmworkers. A maximum rating of 10 shall be awarded for farmworker clientele. The highest rating of 50 shall be awarded to an organization which has operated a comprehensive multi-activity program of manpower and other services, whose assertions of effectiveness are supported by individuals from the funding source(s) and/or by an official evaluation, and has served farmworkers. The highest rating of 50 shall also be awarded to prime sponsors whose experience meets the standards presented above and whose subgrantees include farmworker organization(s).

(b) *Selection of potential grantees.* As a result of the procedures set forth in paragraph (a) of this section, of consideration of the potential effectiveness and efficiency of the proposed programs, and of comments received pursuant to § 97.214(c) the Secretary shall designate potential grantees to receive a grant under section 303 for program operations in a designated target area. The consideration of the potential effectiveness and efficiency of the proposed programs includes but is not limited to the following: (1) Cost effectiveness and, (2) service delivery consideration.

The Secretary may conditionally designate organizations as potential grantees, pending resolution of their eligibility status, submission of additional documentation, or changes in the proposed program.

§ 97.216 Notification of selection.

(a)(1) Potential grantees selected as a result of the procedures set forth in § 97.215 shall be so notified by the Secretary. The notification shall invite each potential grantee to negotiate the final terms and conditions of the grant, shall establish the time and place of the negotiation, and shall indicate the State or area to be covered by the grant. Changes in the proposed program's target area and/or funding level are not appealable under the provision of §§ 97.290–97.292.

(2) In addition, clearinghouses submitting comments on the application will be notified of the selection of the potential grantee. Where a clearinghouse has recommended against the selection of the potential grantee, the notification will include an explanation as to the reasons that the recommendations addressed to substantive merits of the proposal could not be accepted.

(b) In the event that no Funding Requests are received for a specific State or area or that those received are deemed to be unacceptable, or where a grant agreement is not successfully negotiated, the Secretary reserves the right to invite submission of new proposals for that State or area. Such invitation shall be announced in the FEDERAL REGISTER. In the event of a second invitation, the review criteria for allocable funds need not apply, and funds may be awarded at the discretion of the Secretary.

(c) An applicant whose Funding Request is not selected by the Secretary to receive section 303 grant funds shall be notified in writing and shall be provided the names and addresses of potential grantees for its State.

(d) Applicants who submit Funding Requests which have been rejected may resubmit a new Funding Request when the State(s) or area(s) in which they are interested in providing services is announced by the Secretary as open for recompetition.

(e) Any applicant whose Funding Request is considered and rejected by the Secretary for a section 303 grant may request an administrative review as provided in § 97.290 and § 97.292.

§ 97.217 Negotiation of final grant.

(a) Notice of selection as a potential grantee does not constitute approval of the totality of the Funding Request, the funding level sought, nor of the target area requested.

(b) Prior to the actual award of a grant, representatives of the potential grantee and of the Secretary shall enter into negotiations. The subjects of negotiations shall include but shall not be limited to: (1) Program components; (2) subgrantees; (3) funding levels; (4) program objectives; (5) performance levels and standards; and (6) administrative systems.

(c) The Secretary reserves the right to decline to fund any program component(s) or subgrantee(s) or contractor(s) listed in a potential grantee's Funding Request, to add subgrantees, and to modify the target area to be served.

(d) In the event that the negotiations do not result in an acceptable negotiated grant for a section 303 program in a State or area, the Secretary reserves the right to terminate the negotiation and (1) decline to provide funds for section 303 programs in that State or area for that fiscal year or (2) invite submission of new proposals for the State or area. The invitation to submit new proposals shall be announced in the FEDERAL REGISTER.

§ 97.218 Grant Award.

(a) At the conclusion of negotiations a grant document which incorporates the results of all negotiations shall be prepared in conformity with FMC 74–7.

(b) The Secretary shall make a grant award by providing the grantee with a grant agreement consisting of the Grant Signature Sheet, the Assurances and Certification form, the Program of Work, the Program Planning Summary, Budget Information Summary, and Grant Conditions.

(1) The Grant Signature Sheet specifies the amount obligated by the Department, delineates the terms of the grant, and contains the signatures of the Secretary and the grantee official.

(2) The Assurance Certification form is described in § 97.213(b)(4).

(3) The Program of Work shall be a summary statement of the Comprehensive Plan for Farmworkers and shall incorporate the amended Comprehensive Plan for Farmworkers by reference.

V40-132 JUL 9 75 XUM

(4) Grant Conditions are special restrictions placed on the grant by the Secretary.

(c) The grant agreement becomes effective upon signature by the Secretary.

(d) In signing the Grant Signature Sheet, the grantee official indicates the grantee's acceptance of the grant and of all grant conditions incorporated therein. The grant agreement becomes operational upon signature by both the Secretary and the grantee official.

§ 97.219 Annual competition.

A section 303 grant obtained on the basis of competition will generally be recompleted the following fiscal year. However, in a limited number of circumstances, the Secretary may determine not to reopen competition. The Secretary reserves the right to renew a grant for an additional 12-month period. No grant shall be operated in any State or area for a period of more than 24 months without recompetition.

§ 97.220 Modification of Grant Agreement.

(a) A modification to the grant agreement is required when there is a change in (1) the terms of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement. The procedures for modification of the grant agreement shall be undertaken as described in paragraph (b) of this section.

(b) The grant signature sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the terms of the grant, (2) the amount funded by the grant, or (3) the assurances and certification included in the grant agreement.

(c) When the terms or amount funded by the grant are changed, the grantee shall also submit the revised portion of its Comprehensive Plan for Farmworkers to specifically identify the changes. Modifications of the Comprehensive Plan for Farmworkers are described in § 97.221.

§ 97.221 Modification of Comprehensive Plan for Farmworkers.

(a) *General.* Grantees may make three types of modifications to Comprehensive Plans for Farmworkers: Major, minor, and narrative. The Secretary also may require a modification as described in paragraph (e) of this section.

(b) *Major plan modification.* (1) When a plan modification falls into any of the following categories, it will be considered to be a major plan modification:

(i) The cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater; except as provided in § 97.255(e)(5)(i); or

(ii) The cumulative number of participants to be served, planned enrollment levels for program activities, planned placement terminations, or participants to be served is to be increased or decreased by 15 percent or more.

(iii) The addition or termination of any subgrantee, contractor, or program operators.

(2) A grantee desiring a major modification shall submit a revised Program Planning Summary, Budget Information Summary, and a narrative explanation of the proposed changes as appropriate to the Secretary, with a copy to the appropriate ARDM.

(c) *Minor plan modification.* A grantee may make any change in its Program Planning Summary or Budget Information Summary which is not a major modification as described in paragraph (b) of this section without prior approval, but shall show any such change in the first Program Status Summary or Financial Status Report as appropriate submitted to the Department after the change has been made. At the same time that this report is submitted, an updated Program Planning Summary or Budget Information Summary shall also be submitted to the Secretary with a copy to the appropriate ARDM; only those lines and columns affected by the modification need to be shown.

(d) *Narrative Modification.* (1) Except as provided in paragraph (d)(2) of this section, when a grantee chooses to replan and to change a portion of its narrative description which does not necessitate a commensurate change on the Program Planning Summary or Budget Information Summary, it may submit such a change to the Secretary with a copy to the appropriate ARDM for incorporation into its plan without prior approval.

(2) A narrative modification requires prior approval of the Secretary under the following circumstances:

(i) The proposal of any change from the approved plan in the allowance payment system including but not limited to, the conditions for waiver; or

(ii) The proposal of any substantial changes in program design including but not limited to changes in the design in program activities or changes in target area(s).

(e) *Secretary required modification.* (1) Modification or further conditions may be required by the Secretary as necessary to assure compliance with the regulations and the approved plan.

(2)(i) A grantee is responsible for assuring that its programs are responsive to the changing economic situation in its target area and for requesting modifications to its Comprehensive Plan for Farmworkers which reflect these changes. Such changes shall be considered major, minor, or narrative modifications as described in paragraphs (b), (c), and (d) of this section.

(ii) Procedures pertaining to each kind of modification as specified in paragraphs (b), (c), and (d) of this section shall be followed when that modification is initiated under this paragraph. Each request for a modification pursuant to this paragraph must contain adequate documentation and analysis to support the request.

PROGRAM OPERATIONS

§ 97.230 General.

Sections 97.230–97.237 set forth the program operation requirements for grantees under section 303. The utilization of funds under section 303 is conditioned upon adherence to the Act, terms and conditions of the grant, the regulations under the Act and other applicable law.

§ 97.231 Basic responsibilities of grantees under section 303.

A grantee shall be responsible for: (a) Compliance with plans and assurances, Grant Conditions, and official written communications from the Department;

(b) Compliance with the Grant Administration sections of this Subpart C;

(c) Designing training which is, to the maximum extent feasible, consistent with every participant's fullest capabilities and will lead to employment opportunities enabling every participant to become economically self-sufficient;

(d) Designing program activities which will, to the maximum extent feasible, contribute to the occupational development and upward mobility of every participant;

(e) Providing services only to eligible farmworkers as defined in § 97.232 and their dependents;

(f) Providing training only to participants who are legally able to accept employment in the occupation for which training is being provided;

(g) Advising every participant of his or her rights and responsibilities prior to entering the program and granting the opportunity for an informal hearing as provided in § 97.234; and

(h) Making maximum efforts to achieve the goals set forth in the Program of Work.

§ 97.232 Eligibility for participation in section 303 programs

(a) Eligibility for participation in section 303 programs is limited to farmworkers and their dependents who have, during the 18 months preceding their application for enrollment: (1) Received at least 50 percent of their total earned income as agricultural workers (see § 97.203 "Definitions—Farmworker" and paragraph (a)(2) of this section) during any consecutive 12-month period; and

(2) Been employed in agriculture on a seasonal basis (time spent and income earned by agricultural workers while employed in food processing establishments may be counted as agriculture-related employment for eligibility purposes); and

(3) Been identified as economically disadvantaged as defined below:

(i) Member of a family which receives cash welfare payments; or

(ii) Member of a family whose annual family income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget (OMB). The "nonfarm family"

tables shall be used in determining the poverty level for farmworker families.

(b) It shall be the responsibility of the grantee to establish the necessary procedures to ensure that participants meet the above eligibility criteria. Application forms will be completed for all participants, and the forms must contain sufficient information to determine whether or not the applicants meet the prescribed eligibility criteria.

(c) Citizenship shall not be used as a criterion to prevent permanent resident aliens from participating in a program to the extent consistent with applicable State or local law. However, no services shall be provided to illegal aliens.

(d) Participants in programs authorized under CETA Titles I, II, and VI and under other sections of Title III who met the eligibility criteria for section 303 at the time of their enrollment may also be transferred into or enrolled concurrently in the section 303 programs. Section 303 participants who met eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (§ 95.32(f) of this title).

§ 97.233 Types of program activities available.

(a) A grantee may provide any type of activity consistent with the purpose of section 303 of the Act. Such activities include but are not limited to the placement of farmworkers and their dependents in jobs above the poverty level, training, education, and other services needed to enable a farmworker to improve his or her well-being and economic self-sufficiency. A program funded under section 303 may include any activity described in paragraphs (c), (d), (e), (f), (g), and (h) of this section.

(b) A program funded under section 303 may not utilize section 303 funds to implement public service employment programs as described in Part 96 and 99 of this title or to publish a newsletter in violation of the provisions of § 98.23 of this Subtitle.

(c) *Classroom training.* (1) This program activity is any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, including GED (General Education Development) opportunities to earn the equivalent of a high school diploma for farmworkers who dropped out of school; and the provision of other courses, for example, remedial education. Grantees whose target populations include a significant number of persons of limited English-speaking ability should include provisions for training in the primary language of such persons and/or training in English-as-a-second-language or both.

(2) Occupational training shall be designed for occupations in which skills shortages exist (sec. 105(a)(6) and for which there is reasonable expectation of employment (sec. 703(10)). In making these determinations, a grantee shall utilize available community resources such as the local SESA office, the National Alliance of Businessmen, and similar organizations.

(3) *Allowances.* Allowances and other benefits as provided in § 97.256 may be paid to participants receiving training or education provided that such allowances shall not be paid for any course having a duration of 2 weeks or less or more than 104 weeks.

(4) *Training agreements.* Vocational classroom training may be supported with section 303 funds. In order to obtain such classroom services, grantees may negotiate either financial or nonfinancial agreements on either a class size or individual referral basis with local educational institutions or boards.

(d) *On-the-job training.* (1) On-the-job training (OJT) is training conducted in a work environment designed to enable individuals to learn a bonafide skill and/or qualify for a particular occupation through demonstration and practice. Such training should be conducted on a "hire first, train later" basis, or with reasonable assurance of ultimate placement with an employer other than the training organization. Training shall be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(2) *Inducements to employers.* Grantees may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expenditure (sec. 101(5)).

(3) *Labor organization consultation.* Appropriate labor organizations shall be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(4) *Participant benefits.* Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in § 97.256.

(e) *Work experience.* (1) Work experience is a work assignment with a public or private nonprofit employing agency. It shall be designed to enhance the potential of participants in obtaining a planned occupational goal.

(2) Program outcomes for work experience participants include (i) return to school; (ii) enrollment in post-secondary education; (iii) enlistment in the military services; (iv) enrollment in manpower training; and (v) placement in subsidized or unsubsidized employment.

(3) Work experience in the private for profit sector is prohibited.

(4) *Participant benefits.* Each participant in a work experience activity shall receive wages. Wages shall be commensurate with such factors as the types of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that a participant's hourly rate of pay shall be at least the highest of (i) the minimum wage prescribed by State or local law for similar employment or (ii) the minimum hourly wage set out under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Wages in the Commonwealth of Puerto Rico, shall be consistent with the Federal, State, or local law otherwise applicable. Participants in work experience activities shall be provided workmen's compensation and other fringe benefits as specified in § 97.256.

(f) *Services to participants.* This program activity is designated to provide those services which are needed: (1) To enable farmworkers and their dependents to obtain or retain employment or to participate in other program activities leading to their eventual placement in unsubsidized non-seasonal agricultural employment; or (2) To assist those farmworkers, who remain as seasonal agricultural employees, in improving their well-being.

(3) Such services may include, but are not limited to, the following:

(i) *Manpower Services*
(A) Outreach;
(B) Intake and assessment;
(C) Orientation;
(D) Counseling;
(E) Referral to non-303 funded training;
(F) Job development;
(G) Job placement;
(H) Transportation; and
(I) Follow-up.

(ii) *Supportive Services* (Training and non-training related.)
(A) Health and medical services;
(B) Child care;
(C) Emergency assistance;
(D) Relocation assistance;
(E) Residential support;
(F) Nutritional services;
(G) Assistance in securing bonds;
(H) Adult basic education;
(I) Family counseling;
(J) Family planning services, *Provided*, That such services are made available only on a voluntary basis and are not to be a prerequisite for participation in or receipt of any service of benefit from the program; and
(K) Legal services.

(iii) *Post-placement service.* Manpower and supportive services as described in paragraphs (f)(3)(i) and (ii) of this section may be provided as appropriate to terminated participants who have been placed in unsubsidized employment. These services shall be provided at the discretion of the grantee and shall enable the terminated participant to retain employment. Such service may be provided during the 30-day period following a participant's termination from the program.

(iv) *Participant benefits.* Allowances as described in § 97.256 may be paid to participants enrolled in manpower services as described in this paragraph (f)(3) of this section when such services are

V40 I132 JUL 9 75 XUM

a component of another activity as described in § 97.233 or when such services are regularly scheduled as the only activity in which the participant is enrolled.

(g) *Other activities.* (1) These activities are manpower activities which are not described in the categories above or manpower-related activities designed to enhance the economic self-sufficiency of individuals who are eligible to participate in programs funded under section 303. This activity includes but is not limited to high school equivalency programs (HEP) and to tuition assistance projects (extended tuition support programs and other opportunities in post-secondary education). No individual may be a participant in a tuition support program for more than 2 years.

(2) The approved Comprehensive Plan for Farmworkers must describe the basic design, and provide performance standards and a detailed budget for each of the "Other Activities" to be undertaken.

(3) *Participant benefits.* Allowances as described in § 97.256 may be paid to a participant enrolled in "Other Activities" as described in this paragraph (g) of this section when such activities are a component of another activity described in § 97.233 or when such activities are regularly scheduled as the only activity in which the participant is enrolled and are described in the approved Comprehensive Plan for Farmworkers.

(h) *Combined activities.* A participant enrolled in any activity funded under the Act may be enrolled simultaneously in any other activity as a component of the participant's primary activity. The primary activity constitutes any activity in which the participant is enrolled for more than 50 percent of the scheduled time.

§ 97.234 Complaint procedure.

(a) Each grantee shall establish a complaint or grievance procedure for resolving any issue arising between it (including any subgrantee or contractor) and a participant or an individual denied participation under section 303.

(b) Such procedure shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved in an informal manner. When the grantee proposes to take an adverse action against a participant, such procedures shall also include a written notice setting forth the grounds for any adverse action proposed to be taken by the grantee and giving the participant an opportunity to respond. Final determinations made after an opportunity to respond shall be so identified and provided to the participant in writing.

(c) Any person subject to the issue resolution requirements of this section may initiate the procedures provided in § 97.291(b) only after all remedies provided under paragraphs (a) and (b) of this section have been exhausted.

§ 97.235 Training for low wage industries; relocation of industries.

No participant may be enrolled in any activity or service under this Act in any low wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor may any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where the business entity conducts operations (sec. 704(a)).

§ 97.236 Cooperative relationships between grantee and other manpower agencies.

(a) Each grantee shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec. 105(a)(3)(D)).

(b) The establishment of such cooperative relationships or linkages shall include, at a minimum, contacting all appropriate Title I Prime Sponsor(s) and farmworker programs, if any, in the target area prior to implementing the section 303 program of services and developing working relationships with them.

(c) Grantees shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a)(3)(D)).

(d) Any grantee which intends to provide services under the Act to recipients of Aid to Families with Dependent Children (AFDC) should coordinate such services with the local sponsor of the Work Incentive Program, if any, to assure that the delivery of services under this Act is consistent with the WIN requirements. The provision of comprehensive manpower services to recipients of AFDC who are required to register for the WIN program may be affected by provisions of Title IV of the Social Security Act. Limitations on length of training, requirements to accept work in lieu of training, and other regulatory requirements may affect the AFDC recipient's participation in programs under the Act.

§ 97.237 Performance Standards.

(a)(1) The purpose of this section is to establish comparative standards of performance for projects and activities funded under section 303. The Secretary will develop comparative performance standards, which will set national guidelines to serve as bench marks for the development and negotiation of individual grant performance standards in the grant agreement. The comparative performance standards will include, but are not limited to, the standards set forth in paragraph (b) of this section. The Secretary shall apply these standards when evaluating the quality and effectiveness of the components of section 303 programs.

(2) The performance standards contained in the individual grant agreement shall constitute the performance standards for that grant. For those projects and activities for which no comparative performance standards are provided in paragraph (b) of this section, the grant agreement shall specify levels of performance. Individual grants may include performance standards, developed by the grantee and approved by the Secretary, which will be in lieu of one or more of the comparative performance standards set forth in paragraph (b) of this section. In addition, the comparative performance standards are not intended to cover fully the requirements of local program operations so that most grant agreements should contain additional performance standards tailored to the specific goals and objectives of that grant. If the grant agreement does not contain performance standards, any comparative performance standard(s) applicable to the program activity or service funded shall apply after such standards are published in the FEDERAL REGISTER.

(3) Grantees shall maintain the documentation necessary for adequate demonstration of actual performance. This documentation shall be made available to the Secretary for the purposes of monitoring, evaluation, and auditing.

(4) It is the responsibility of the grantee to notify the Secretary if the grantee anticipates that performance standards may not be met and to request technical assistance in a timely manner. In order to do so, a grantee shall establish at least quarterly bench mark projections which will enable it to predict the likelihood of meeting its applicable performance standards.

(b) *Comparative performance standard for programs funded from allocable funds.* (1) *Administration.* Cost for administration not to exceed 20 percent of the total amount of the grant.

(2) *Referral.* (i) 100 percent of the goal identified in the grant achieved.

(ii) Followup completed on 85 percent of all those participants referred to other agencies for services.

(3) *Training and employment.* (i) 100 percent of enrollment, and referral goals identified in the grant achieved.

(ii) 80 percent of placement goals identified in the grant achieved.

(iii) 100 percent of all placements will be employed at a wage at or above the Federal or State minimum wage, whichever is higher.

(iv) 90 percent of all placements will be employed at a wage at or above the prevailing rate for the particular occupation in the geographic area.

(v) 75 percent of those placed continue to be on the job 90 days after placement in unsubsidized employment.

(4) *Classroom training and on-the-job training.* (i) 100 percent of enrollment goals identified in the grant be achieved.

(ii) 90 percent of enrollees in classroom training and on-the-job training and their families receive services.

(iii) 60 percent of those enrolled in classroom training are placed in unsubsidized employment after training either by their own efforts or through program efforts.

(iv) 75 percent of those placed in on-the-job training continue to be on the job 90 days after the completion of their training period.

(v) At least one-third of classroom training and OJT enrollees are placed in jobs paying at least $1.00 per hour above the Federal or State minimum wage, whichever is higher.

(5) *Day care.* (i) 90 percent capacity is maintained.

(ii) Cost per child for day care operations serving 0–5 year old children for an extended day of more than 8 hours of operation do not exceed a total cost of $200 per month. This cost will be based on total cost of operation including funds from sources other than section 303 grants.

(iii) Day care programs shall meet Federal Interagency Day Care Standards and comply with applicable state standards including State licensing requirements.

(6) *Medical services.* Average cost per family not to exceed $250. This average cost is obtained by dividing the amount of funds available for this service by the number of families receiving this service. The maximum cost for any single family not to exceed $500.

(7) *Emergency Assistance.* Average cost per family not to exceed $75. This average cost is obtained by dividing the amount of funds available for this service by the number of families receiving this service.

(8) *Relocation Assistance.* Average cost per family not to exceed $600. This average cost is obtained by dividing the total amount of funds allowable for this component (set forth in the definition of relocation assistance in § 97.203) by the number of families in the relocation component. The maximum cost for any single family not to exceed $1,000.

(9) *Residential Support.* Average cost per family not to exceed $500. This average cost is obtained by dividing the total amount of funds allowable for this component (set forth in the definition of residential support in § 97.203) by the number of families in the residential component. The maximum cost for any single family not to exceed $700.

GRANT ADMINISTRATION

§ 97.250 Grant Administration in general.

(a) Sections 97.250–97.269 describe Federal requirements relating to the administration by grantees of grants under section 303 of the Act.

(b) In general, administration of section 303 grants shall be governed by Part 98, Subpart A, "Grant Administration," of this Subtitle.

(c) Sections 97.251, 97.259, and § 97.267 relate to grantees which are nongovernmental organizations and set forth requirements applicable only to such organizations. Sections 97.252, 97.257, and §§ 97.260, 97.266(a) set forth exception and variations from 29 CFR Part 98, Subpart A, which are applicable to all section 303 grantees. Sections 97.258 and §§ 97.266(b)–97.269 provide additional grant administration requirements applicable to all section 303 grants.

(d) In Part 98, Subpart A of this Subtitle, (1) All reference to the "ARDM" shall read "the Secretary" when applicable to section 303 programs.

(2) FMC 74–4 and FMC 74–7, designed for public agencies, are hereby made applicable to private nonprofit section 303 grantees. At such time that GSA issues comparable FMC's for private nonprofit organizations, they shall supersede the above Federal Management Circulars.

§ 97.251 Private nonprofit organizations; financial management systems.

For private nonprofit organizations the requirements for financial management systems set forth in § 98.5 of this Subtitle shall apply in their entirety, and in addition the following requirements shall be observed:

(a) *Certification of accounting systems.* Before funds are released to a grantee receiving an initial DOL grant or to a grantee any of whose nongovernmental subgrantees has never administered DOL funds the grantee shall submit a statement to DOL certifying that its accounting system and/or that of the subgrantee(s) meets the standards set in paragraphs (1), (2), and (3) of this section.

(1) Prior to the release of funds of an initial DOL grant, the grantee shall have its accounting system surveyed and evaluated by an auditor. On the basis of the auditor's findings and conclusions, the Secretary shall determine whether the accounting system meets DOL's standard and, if not, whether to suspend the grant.

(2) The accounting system certification shall state that the grantee and/or the subgrantee(s) have established adequate accounting systems with appropriate internal controls to safeguard assets, to check the accuracy and reliability of their accounting data, to promote operating efficiency, and to encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by DOL.

(3) The certification may be furnished by an independent certified public accountant, or an independent state-licensed public accountant.

(b) *Subgrantees.* A grantee shall not release or commit any grant funds to a new subgrantee unless it has received from the proposed subgrantee an accounting system certification appropriately modeled after those required in paragraphs (a)(1), (2) and (3) of this section. These certifications are to be obtained by the grantee from its subgrantees for retention among the grantee's records and need not be transmitted to DOL unless DOL requests them. DOL may disallow as a charge against the grant any funds released in violation of the requirement stated in this paragraph.

(c) The cost incurred by the grantee or subgrantee in providing certifications of accounting systems is not an allowable cost under section 303 unless such cost is approved as part of the Comprehensive Plan for Farmworkers.

§ 97.252 Audit.

The requirements for audit shall be as described in § 98.6 of this subtitle, except that the following special provisions shall apply:

(a) The term "prime sponsor" in § 98.6 of this Subtitle for the purposes of section 303 shall mean grantee.

(b) The requirement for access to books, documents, papers, and records described in paragraph (a) of § 98.6 of this Subtitle shall apply to all section 303 grantees, subgrantees, contractors and other program operators.

(c) Audits conducted under the provisions of § 98.6(e) of this Subtitle shall be subject to prior approval by the Secretary.

§ 97.253 Reporting requirements.

"Reporting requirements in general," set forth in § 98.7 of this Subtitle shall be superseded as follows:

(a) Each grantee will be required to submit four periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These four reports are: (1) The Program Status Summary; (2) The Financial Status Report (These two reports replace the Quarterly Progress Report); (3) The Quarterly Summary of Participant Characteristics; and (4) The Report of Federal Cash Transactions. In addition, grantees may from time to time be required to prepare and submit reports requested by other Federal agencies for the performance of the legislative responsibilities of these agencies.

(b) *Program Status Summary and Financial Status Report:* The Program Status Summary and Financial Status Report requirements set forth in § 98.8 (a) and (b) of the Subtitle shall be applicable.

(c) *Quarterly Summary of Participant Characteristics:* The Quarterly Summary of Participant Characteristics requirements set forth in § 98.9 of this Subtitle shall be applicable.

(d) *Report of Federal Cash Transactions:* The Report of Federal Cash Transactions requirement set forth in § 98.10 of this Subtitle shall be applicable.

(e) In addition, special reports may be required by the Secretary.

(f) The reports required by paragraphs (b) and (c) of this section shall be prepared to coincide with the ending dates of Federal Fiscal Year quarters. These reports shall be sent by the grantee to be received by the Secretary no later than 30 days after the end of the reporting period. If a grantee's grant period ends on a date other than the end of a Federal fiscal quarter, a fifth set of reports covering the entire grant period will be required.

(g) Accountability must be maintained by the grantee for each of the activities authorized under the various Titles of the Act. Therefore, separate reports will be required for the section 303 grants.

(h) The Secretary reserves the right to require the submission of these reports by grantees more frequently than quarterly in cases where there appears to be a major negative deviation from the

V 40 I 132 JUL 9 75 XUM

Program Planning Summary or the Budget Information Summary.

(i) Detailed descriptions of the forms required by paragraphs (c) and (d) are in the Forms Preparation Handbook and supplement.

(j) All required reporting shall be submitted directly to the Secretary at the following address:

U.S. Department of Labor
Manpower Administration
Patrick Henry Building—Room 7122
601 D Street, NW
Washington, D.C. 20213
Attention: Chief, Migrant and Seasonal Farmworkers Division

Copies of the reports required by paragraphs (a), (b), (c), and (d) of this section shall be sent to the appropriate ARDM at the time of submission to the National Office.

§ 97.254 Reallocation of funds.

The requirements regarding reallocation of funds set forth in § 98.11 of this Subtitle shall be superseded as follows:

(a) *General.* The Secretary may reallocate funds from a grantee under the circumstances and in accordance with the procedures described in this section.

(b) *Reallocation based on nonperformance.* (1) When the Secretary considers through review of the grantee's reports, monitoring, or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, notice shall be given and opportunity shall be allowed for an administrative review as provided in § 97.292.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b)(1) of this section:

(i) The grantee's plan for the area shall be revoked in whole or in part;

(ii) No further payments shall be made under this Act to the grantee, to the extent which the Secretary deems necessary; and

(iii) The grantee shall be notified of the amount of funds which shall be returned from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by an alternative grantee to service the area which was served by the grantee before the reallocation or the Secretary may serve such an area directly.

(c) *Reallocation based on need.* (1) In a limited number of circumstances, the Secretary may determine that the unobligated portion of a grantee's grant shall be reallocated to another area because the funds are not needed where they were originally allocated.

(2) Before reallocating funds as set forth in paragraph (c)(1) of this section, the Secretary shall determine that:

(i) The grantee's plan will be carried out without expending all the funds previously made available for that plan; and

(ii) The excess funds identified under paragraph (c)(2)(i) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section, the following actions shall be taken:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that a reallocation is appropriate, the grantee shall be notified of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by grantee.* The grantee shall be invited to submit comments on a proposed reallocation of funds out of its area. These comments shall be submitted to the Secretary within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* The Secretary shall notify the grantee of the final determination after reviewing any comments submitted by the grantee. A final decision to reallocate funds of a grantee shall be published in the FEDERAL REGISTER, and a modification of the grant shall be made.

(4) *Reallocation procedures.* In reallocating such funds to supplement other grants, the Secretary shall first consider the need for additional funds by other grantees within the same State. A decision to increase a grant with reallocated funds shall not be made without prior consultation with the grantee as to how the funds will be expended. Such a decision shall be published in the FEDERAL REGISTER with an announcement to the grantee(s) receiving additional allocations and the amounts.

(5) *Reallocated funds.* Reallocated funds shall not be considered allocable funds for the purpose of paragraph (c)(2) of § 97.204, the "hold harmless" provision.

§ 97.255 Allowable Federal costs.

The requirements regarding allowable Federal costs set forth in § 98.12 of this Subtitle shall be superseded as follows:

(a) *General.* Except as modified in these regulations, Federal funds granted under the Act may be expended only for purposes permitted under the provisions of Subpart 1–15 of Title 41 of the Code of Federal Regulations. 41 CFR 1–15.2 applies to commercial and nonprofit organizations, 41 CFR 1–15.3 applies to educational institutions, and 41 CFR 1–15.7 applies to state and local governments. Allowable costs include both direct and indirect costs.

(1) *Direct and indirect costs.* Direct CETA costs are those which can be specifically identified as relating to the project. Indirect costs are those computed by application of an indirect cost rate. In determining the reasonableness of indirect costs, reliance will be placed on procedures established pursuant to 41 CFR Part 1–15, including reliance on determinations made in accordance with 41 CFR Part 1–15.

(2) *Policies and procedures.* Cost allocation plans and indirect cost proposals shall be developed and approved in accordance with applicable cost principles and procedures set forth in 41 CFR 1–3.7 and 41 CFR 1–15. DOL must approve in advance all grantees' indirect cost allocations used to determine charges to grants under the Act. Where DOL is the cognizant Federal agency, the reasonableness of indirect costs claimed by grantees will be determined in accordance with procedures established pursuant to 41 CFR 1–15.7 (FMC 74–4), including reliance on determination made by other Federal agencies.

(b) *Restrictions on use of funds.* No funds granted under the Act may be used, directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under one title of the Act as a matching contribution in order to obtain additional funds under another title of the Act is permitted.

(c) *Expenditures for repairs, maintenance, and capital improvements and construction.* (1) Section 303 funds may not be expended for new construction (including additions to existing facilities) but may be expended for building repairs, maintenance, and capital improvements to existing facilities. These costs must be related to a facility or building which is used primarily for programs under the Act (sec. 702(b)).

(2) No funds for new construction (including additions to existing facilities) are allowable except as part of a training program in a construction occupation. Training costs may include such items as instructors' salaries, training tools and books, and allowances or wages to participants (if appropriate) but may not include materials used in construction or land acquisition. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services (sec. 101).

(1) Costs are allocable to a particular cost category to the extent of benefits received by such category.

(2) All grantees are required to plan, control, and report expenditures against the aforementioned cost categories.

(e) *Classification of costs by category.* The following principles shall be followed in classifying costs by cost category:

(1) Participants' wages shall be charged to wages;

(2) Participants' fringe benefits shall be charged to fringe benefits; (Insurance with comparable coverage to worker's compensation for participants enrolled in classroom training and services to clients is considered to be an administrative cost).

(3) Allowances paid to program participants shall be charged to allowances;

(4) Training costs consisting of goods and services which directly and immediately affect program participants shall be charged to training. Goods and services considered to have direct and immediate impact on participants are limited to those actually involved in the participant training process itself as opposed to those which are supportive of that process. For examples of training-related costs which may and may not be charged to training, see paragraph (f)(4) of this section.

(5) Supportive and manpower services costs consisting of goods and services which directly and immediately affect program participants shall be charged to services. Goods and services considered to have direct and immediate impact on participants are limited to those actually involved in the process of providing participants with supportive and manpower services as opposed to those which are ancillary to that process. For examples of services-related costs which may and may not be charged to services, see paragraph (f)(5) of this section.

(6) Allowable costs which do not fall into any of the above classifications shall be charged to administration.

(7) When contractors bill the grantee with a single unit charge containing costs which are chargeable to more than one cost category, the grantee will endeavor to obtain the detail necessary to charge these costs to the proper cost categories. If this cannot be done, an estimate of the breakdown of the single charge among cost categories will be obtained. Any profit (or loss) shall be prorated among all the affected cost categories.

(8) Classification of equipment costs present special problems since many items of equipment can be used for various purposes. In the case of multi-use equipment there must be a proration of cost, or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(9) Any single cost such as staff salaries and/or fringe benefits which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) *Costs allowable by each cost category.* Following are examples of costs properly chargeable to each of the cost categories.

(1) *Wages.* All wages paid to participants receiving on-the-job training in public or private nonprofit organizations, and all wages paid to participants in work experience will be allowed. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act (sec. 101(5)).

(2) *Fringe benefits.* Allowable fringe benefits costs for participants include but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employees' life and health insurance plans; unemployment insurance, worker's compensation insurance; and retirement benefits provided such benefits are granted as part of the approved Comprehensive Plan for Farmworkers.

(3) *Allowances.* All allowances paid to program participants pursuant to § 97.256(a) shall be charged to this cost category.

(4) *Training.* Training costs include but are not limited to the following: Salaries and fringe benefits of personnel engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; and that part of entrance and tuition fees which represent instructional costs having a direct and immediate impact on participants. The following are examples of costs not properly chargeable to training: General and administrative costs of the training facility; supervision, clerical support, and training (skill maintenance and upgrading) of instructors; staff travel; rents, utilities, and other facilities costs; supplies and equipment not used directly in the course of participant training; transportation of participants to training sites; and costs of processing allowance payments. The compensation of individuals who both instruct participants and supervise other instructors must be prorated among the Training and Administration cost categories on the basis of time records or other equitable means. Similarly, tuition fees and the costs of supplies used in the course of both participant instruction and other activities should be prorated among the benefitting uses.

(5) *Services.* (i) Services include but are not limited to supportive and manpower services as set forth in § 97.233(f).

(ii) Allowable services costs include but are not limited to salaries and fringe benefits of personnel engaged in providing services to participants; and that part of single unit charges for child care, health care, and other services which represent only the costs of services directly beneficial to participants. Transportation of participants is properly chargeable to Services only where it cannot reasonably be considered to be merely incidental to providing employment, training, and services which themselves directly benefit participants. For example, if rural participants have to be transported over long distances in order to reach work or training sites, particularly where no public transportation service is available, the cost of chartering or purchasing a bus may be charged to Services.

(iii) The following are examples of costs not properly chargeable to Services: General and administrative costs of the services provided, supervision, clerical support, staff training, staff travel, rent and other facilities costs, and costs of supplies, materials, and equipment not used directly in providing services to participants.

(6) *Administrative Costs.* (i) Administrative costs shall be limited to those necessary to effectively operate the program. They shall not exceed 20 percent of the total planned costs for the entire grant, unless such additional costs have been approved in writing by the Secretary. Consultant services under contract must have the prior approval of the Secretary.

(ii) Administrative costs comprise general and administrative costs, overhead, and similar cost groupings representing the general management and support functions of an organization as well as secondary management and support functions. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, transportation, maintenance, and similar functions, related materials, supplies, equipment, office space costs, and staff training.

(iii) Direct program costs which are not an integral part of training and services provided participants are goods and services which neither contribute to the management and support functions of an organization nor directly and immediately affect participants. Included are direct program salaries and fringe benefits of supervisory and clerical personnel, program analysts, labor market analysts, and project directors. In addition, all costs of materials, supplies, and equipment which are not solely identifiable with the provision of training and services to participants are included here as are all costs of space and staff travel identifiable with direct program effort. Some examples of administrative costs included here are the salary of a clerical assistant to an instructor, that part of an instructor's salary representing the time (s)he spends supervising other instructors, desk-top supplies used in participant training and in general office administration, a job developer's travel costs, rent, depreciation, or maintenance of classroom training facility, services of consultants under contract, not involving direct training or services to participants, costs incurred in the establishment and maintenance of farmworker boards and advisory councils as provided in § 97.268, and costs of providing technical assistance to contractor and subgrantee staff.

(iv) Services normally chargeable to Administration may not be performed by program participants paid by section 303 funds unless this use of participants' services has been described in the approved Comprehensive Plan for Farmworkers.

(g) *Travel costs.* (1) The cost of participant travel and staff travel necessary for the operation or administration of programs under the Act is allowable as provided herein.

(2) Travel costs of the Governor of a State or of the chief executive of a political subdivision (and of their immediate staff that do not have continuing programmatic responsibilities) and of the board chairperson and Executive Director of multi-funded programs are allowable only if the travel specifically relates to programs under section 303 and is approved in advance by the Secretary. These costs shall be charged to administration.

(3) Travel costs of other grantee officials charged with overall grantee responsibilities are allowable if costs

28993
V 40 132 JUL 9 75 XUM

specifically relate to programs under the Act. Prior approval by the Secretary is not required. These costs shall be charged to administration.

(4) Travel costs for administrative staff, including participants in administrative positions, are allowable when the travel is specifically related to the operation of programs under the Act. These costs shall be charged to administration.

(5) Travel costs, based on mileage, for participants using their personal automobiles in the performance of their jobs are allowable if the employing agency normally reimburses its other employees in this way. These costs shall be charged to fringe benefits.

(6) Travel costs to enable participants to obtain employment or to participate in programs under the Act are allowable as supportive services but shall be restricted to the grantee's jurisdiction or within daily commuting distance, unless part of an approved program component in the Comprehensive Plan for Farmworkers.

(7) Travel policies set forth in the Standardized Government Travel Regulations (SGTR) are required of all grantees, subgrantees and contractors. Where a grantee, subgrantee, or contractor, has a more restrictive travel policy than the SGTR, the more restrictive requirements shall be followed.

(8) Other travel requirements may be issued by the Secretary for private nonprofit grantees.

§ 97.256 Allowances, wages, general benefits, and working conditions for program participants.

(a) *Training allowances.* (1) The requirements for training allowances shall be as described in § 95.34 of this subtitle with the following special provisions:

(i) The term "prime sponsor" in § 95.34 of this subtitle for the purposes of section 303 shall mean grantee.

(ii) The requirements for eligibility for allowances described in § 95.34(c) of this subtitle for programs funded under section 303 shall read: "The payment of allowances is subject to the provision of § 95.34(j) of this subtitle and § 97.233. Allowances may be paid to participants for time spent in classroom training, other activities as specified in § 97.233(g)(3), or manpower services such as: assessment, orientation, counseling, and transportation. However, allowances for participation in manpower services or other activities may be provided only if such activities are a component of another activity described in § 97.233, or participation is on a regularly scheduled basis described in the approved Comprehensive Plan for Farmworkers. Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a))."

(b) *Wages, minimum duration of training, and reasonable expectation of employment.* The requirements of this section shall be as described in § 95.35 of this subtitle, except that the following special provisions shall apply.

(1) The reference to § 95.33(d)(4)(vi) in § 95.35(a) of this subtitle shall read § 97.233(e).

(2) Section 95.35(b) of this Subtitle shall read "An individual shall not be referred for training in an occupation which requires less than two weeks of training."

(3) The term "prime sponsor" in § 95.35(c) of this Subtitle for the purposes of section 303 programs shall mean grantee.

(c) *General benefits and working conditions for program participants.* (1) The requirements for general benefits and working conditions for program participants set forth in § 98.24 of this Subtitle shall be applicable except that all references to public service employment shall be deleted and prime sponsor shall read section 303 grantees.

(2) The requirements for participants' retirement benefits shall be as provided in § 98.25 of this subtitle.

§ 97.257 Allocation of Allowable Costs Among Program Activities.

The requirements regarding allocation of allowable costs among program activities set forth in § 98.13 of this subtitle shall be superseded as follows: The program activities against which program costs shall be planned, controlled and reported upon are: Classroom training; on-the-job training; work experience; services to participants; and other activities. The cost categories under each of these activities is defined in § 97.255(e). The extent to which these cost categories are chargeable to specific program activities is set forth below. Administration includes all allowable administrative costs directly associated with the program activity and a pro rata share of the grantee's administrative costs under section 303 not directly associated with any program activity.

(a) *Classroom training.* Cost categories chargeable are: administration, allowances, training, and services.

(b) *On-the-job training.* Cost categories chargeable are: administration, wages (with public or private nonprofit employers only), fringe benefits, training, and services.

(c) *Work Experience.* Cost categories chargeable are: administration, wages, fringe benefits, training, and services.

(d) *Services to participants.* (1) *Manpower services.* Cost categories chargeable are:

(i) Administration.

(ii) Allowances. This includes all allowances paid for short periods of time to participants who are registered for training, but are waiting for startup of a component and includes additional allowances as described in § 97.233(f).

(iii) Services. This includes all manpower services including postplacement services which are not part of another program activity and which are provided to participants by a grantee, contractor, or subgrantee.

(2) *Supportive services.* These services include but are not limited to health and medical services, child care, emergency assistance, relocation assistance, residential support, nutritional services, and other supportive services. Cost categories chargeable are:

(i) Administration.

(ii) Services. This includes all supportive services, including postplacement services, which are not part of another program activity and which are provided to participants by a grantee, contractor, or subgrantee.

(e) *Other activities.* Cost categories chargeable are: administration, allowances, training and services.

§ 97.258 Bond coverage of officials.

(a) Prior to the release of funds to any grantee, public or private, DOL shall receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may take the form of either a statement that no bond is needed because the conditions of paragraph (b) have been met, or of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond which has been obtained.

(b) A bond need not be provided by a public grantee if funds are to be deposited in a public treasury and disbursed and audited by local and state public officials who normally perform these duties. In this case, the financial role of the officials of the grantee agency shall be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. A grantee which is a public agency need not provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded in an amount consistent with local requirements and practices.

(c) Private grantees shall take steps to secure blanket fidelity bond coverage in accordance with the following provisions:

(1) Coverage shall be secured in an amount equal to the average of funds to be expended each month, up to the aggregate amount of $25,000, whichever is less, for all persons authorized to sign or countersign checks or to disburse sizeable amounts of cash, such as for payrolls.

(2) Grantees shall assure that appropriate officials of subgrantees and contractors are bonded. Existing bond coverage on officials of subgrantees which are public agencies shall be considered acceptable. Coverage for officials of subgrantees and contractors which are private organizations shall be equal to the average of funds to be expended each month, up to an aggregate amount of $25,000. If a subgrantee or contractor will expend less than $1,000 per month in program funds, on the average, bond coverage shall not be required, but may be obtained and is an allowable cost.

§ 97.259 Basic personnel standards for grantees and subgrantees.

The basic personnel standards set forth in §§ 98.14, 98.21, 98.22, and § 98.23 of this Subtitle shall be applicable to public grantees and to public subgrantees receiving section 303 funds. The following provisions shall be applicable only to private nonprofit grantees and to private nonprofit subgrantees receiving section 303 funds.

(a) *Personnel policies.* Each grantee and subgrantee shall maintain personnel policies and practices in accord with applicable laws and regulations, the provisions of §§ 98.21, 98.22, 98.23 of this Subtitle and the provisions of paragraphs (b) through (h) of this section. Such personnel policies must be in written form and available to the Secretary upon request.

(b) *Discrimination prohibited.* No grantee or subgrantee shall discriminate in its hiring and personnel procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex, or age.

(c) *Opportunities for farmworkers.* Each grantee and subgrantee shall insure that its recruiting procedures afford adequate opportunity for the hiring and advancement of persons in the target population.

(d) *Prohibition against partisan political and sectarian activities.* In addition to the prohibitions described in § 98.23, of this Subtitle grantees and subgrantees shall assure that no program under section 303 involves sectarian activities and that neither section 303 funds nor the personnel employed in the program shall be engaged in the conduct of sectarian activities.

(e) *Nepotism.* The provisions of § 98.22 of this Subtitle shall apply to all grantees and subgrantees with the following special provision:

(1) The term "employed in an administrative capacity" in § 98.22(a) Subtitle for the purposes of section 303 shall mean employed in an administrative capacity or membership on a governing board.

(f) *Prohibition against acceptance of gifts and gratuities.* Employees of grantees and subgrantees shall not accept gifts, money, or gratuities from persons receiving benefits or services under the program, or performing services under contract, or otherwise in a position to benefit from an action of the grantee's employees.

(g) *Outside employment.* Grantees and subgrantees shall include the following provisions in their published personnel policies relating to outside employment of their employees: (1) Such employment shall not interfere with the efficient performance of the employee's duties in the DOL-assisted program;

(2) Such employment shall not involve a conflict of interest or conflict with the employee's duties in the DOL-assisted program;

(3) Such employment shall not involve the performance of duties which the employee should perform as part of employment in the DOL-assisted program; and

(4) Such employment shall not occur during the employee's regular or assigned working hours in the DOL-assisted program, unless the employee during the entire day on which such employment occurs is on annual leave, compensatory leave, or leave without pay.

(h) *Salaries and wages.* (1) Minimum wage; Employees shall be paid at a rate no lower than the applicable minimum wage. Subject to this minimum, the salary for each position supported by DOL funds shall accord with prevailing local practice for comparable positions in local public or private nonprofit agencies.

(2) Wage comparability. (i) Persons employed in carrying out programs financed under section 303 shall not receive compensation at a rate which is (A) in excess of the average rate of compensation paid in the area where the program is carried out to persons providing substantially comparable services; (B) less than the applicable Federal or State minimum wage rate, whichever is higher.

(ii) Some grantees or subgrantees are part of long-established private agencies which have merit systems and will apply these systems to section 303-supported employees. In these instances, all positions covered under such merit systems shall be deemed comparable and no extensive organizational reviews, position analyses, or comparability determinations shall be necessary; provided that these employees are filling positions or types of positions in existence before the agency or institution received a section 303 grant and that the salary scale has not been changed as a result of the grant.

(iii) Those grantees for which paragraph (h)(2)(ii) of this section is not applicable, shall establish wage rates for each section 303-supported position based upon a wage comparability study.

(3) *Salary and wage schedule.* Each grantee shall maintain an up-to-date salary and wage schedule. This schedule shall be based upon an up-to-date wage comparability study as described in paragraph (h)(2) of this section. Each position supported by section 303 funds shall: (i) be part of a salary and wage schedule which assigns a specific salary or wage range incorporating periodic increases to each position;

(ii) be described in a written detailed job description identifying job functions and responsibilities;

(iii) have specific qualifications required of each person to be hired into the position; and

(iv) be distinguishable from every other position by reason of its responsibilities, and job functions; Positions requiring higher salaries or wages shall include higher levels of responsibilities commensurate with the salary. All such materials shall be incorporated into personnel policies, procedures, and practice manuals.

(4) *Promotions and salary increases.* Each grantee shall maintain as part of its personnel policies and procedures and practices manual detailed procedures for hiring new employees, promoting present employees and granting salary increases. Documentation shall be maintained for all such personnel actions to substantiate compliance with established procedures for all hires, promotions, and salary increases. Such documentation shall include identification of the procedures used to select new employees or promote present employees, and substantiation of the concerned individual's eligibility for such a personnel action.

(5) *Salaries over $20,000.* No employee engaged in carrying out program activities receiving financial assistance under section 303 shall be compensated from funds so provided at a rate in excess of $20,000 per year, without approval from DOL. An employee subject to the provisions of salary proration in paragraph (h)(5) of this section shall not be compensated from funds so provided at a rate in excess of the prorated share of $20,000, without approval from DOL. Exceptions shall be granted by DOL in cases where, because of the need for specialized or professional skills or prevailing local salary levels, application of the foregoing restrictions would greatly impair program effectiveness or otherwise be inconsistent with the purposes to be achieved by the program.

(6) *Prorating salaries.* In cases where an individual performs functions under several grants, their time shall be prorated among the different grants and the portion of the salary charged to the section 303 grant shall not exceed the percentage of time spent performing section 303 functions.

(7) *Employee benefits.* Shall be established in accord with prevailing practice in comparable public or private nonprofit agencies.

§ 97.260 Non-Federal status of participants.

The requirements for this section shall be as described in § 98.28 of this subtitle.

§ 97.261 Grantee contracts and subgrants.

A grantee funded under section 303 may enter into contracts or subgrants under the provisions described in § 98.27 of this subtitle, except that the following special provisions shall apply:

(a) The procurement of contracts shall be in conformance with the standards in § 97.267.

(b) The requirements for cancellation described in § 98.27(e) of this subtitle for programs funded under section 303 shall read as follows:

If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, other applicable law, the grant agreement, grant conditions, or other grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the grantee shall cancel the contract or subgrant. Cancellations of subgrants are major modifications as described in § 97.221 and require approval by the Secretary.

(c) The reference in § 98.27(g) of this subtitle of the provisions of § 98.15 and § 98.16 shall read "the provisions of §§ 97.262, 97.263, and 97.264."

§ 97.262 Adjustments in payments.

The requirements for adjustments in payments shall be as described in § 98.15 of this Subtitle, except that the following special provisions shall apply:

V 40 1 132 JUL 9 75 XUM

(a) The term "Comprehensive Manpower Plan" for the purposes of section 303 shall mean Comprehensive Plan for Farmworkers.

(b) The Secretary may also make adjustments in payments as described in § 97.264. The adjustments need not be based on a ground set forth in § 98.15(a) of this Subtitle.

§ 97.263 Termination of a grant.

The requirements for termination of a grant shall be as described in § 98.16 of this Subtitle, except that the following special provision shall apply:

(a) § 98.16(a) shall be superseded as follows: If a grantee violates or permits a subgrantee or contractor to violate the regulations, grant conditions, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part, unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation.

§ 97.264 Grant closeout procedures.

The grant closeout procedures shall be as described in § 98.17, except that the following special provisions shall apply:

(a) Paragraphs (a), (b), and (c) of § 98.17 of this subtitle shall apply in their entirety, and in addition the following special provisions shall apply:

(1) Any contracts or subgrants which extend beyond the termination date or completion of the legal grant period, as permitted by § 98.27(g) of this subtitle shall not exceed six months, unless the grantee has been notified of its selection as a potential grantee for the succeeding fiscal year.

(2) The Secretary may make adjustments in payments of the unexpended funds committed under contracts and subgrants described in paragraph (a)(1) of this section at any time between the completion or termination date of the grant and the termination date or completion of the subgrant or contract.

(b) § 98.17(d) of this subtitle shall be superseded as follows: Upon closeout, the Secretary will insure that:

(1) Prompt payment is made to the grantee for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs, including those described in paragraph (a)(2) of this section.

(3) The letter of credit is cancelled.

(4) Final program and fiscal audits are performed as soon as possible after the completion or termination date of the grant.

§ 97.265 Maintenance and retention of records.

The requirements for the maintenance and retention of records shall be as described in § 98–18 of this subtitle, except that the following special provisions shall apply

(a) The requirement for maintaining information on the work history of participants shall not apply to participants who are minor children.

(b) The term "State and local prime sponsors" for the purposes of section 303 shall mean grantees.

§ 97.266 Program income and limitations on program expenditures.

(a) *Program income.* Section 98.19 of this title prescribes the requirements relating to program income applicable to public grantees and subgrantees. The requirements for private grantees and subgrantees shall be as follows:

(1) Private organizations shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds.

(2) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds and royalties received from copyrights and patents during the grant period, shall be handled in accordance with grant conditions the Secretary has issued or shall subsequently issue during the period of the grant.

(3) Program income earned during the grant period which has been included in the Comprehensive Plan for Farmworkers shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives. All other program income earned by the grantee shall be returned to the Federal Government, except as provided by grant conditions the Secretary has issued or shall subsequently issue during the period of the grant.

(4) The grantee shall record the receipt and expenditure of revenues as a part of grant project transactions.

(b) *Limitations on program expenditures.* Program expenditures shall not be made prior to the effective date of the grant period as set forth in the grant agreement or as subsequently modified by DOL. Expenditures made before such date shall be disallowed unless approved by the Secretary in advance. If the grantee incurs expenditures in excess of the total amount of the approved program, the amount of the overexpenditure shall be absorbed by the grantee from nonsection 303 funds.

§ 97.267 Procurement standards.

(a) The standards to be used for the procurement of supplies, equipment, and other materials and services by State and local governments with Federal grant funds shall be those described in § 98.20 of this subtitle.

(b) The standards to be used for the procurement of supplies, equipment, and other materials and services by private grantees and subgrantees shall be those described in the Federal Procurement Regulations, the Property Handbook for MA Contractors issued by the Department, and 41 CFR 1–15.2 or 41 CFR 1–15.3. On-the-job training contracts are not subject to sole source approval requirements and the procurement of subgrants is exempt from procurement requirements. When on-the-job training contracts are made, the grantees shall maintain a record of the name of the contractor, the amount and the services to be provided, and such record shall be available to the Secretary upon request. The foregoing standards are prescribed to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

§ 97.268 Labor standards.

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under a grant shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–5).

§ 97.269 Allowances and reimbursements for board and advisory council members.

(a) *General.* A reasonable allowance to members who attend meetings of any board, council, or committee, and reimbursement of actual expenses connected with those meetings are allowable costs; but grant funds shall not be used to pay such allowances to any individual who is a Federal, State, or local government employee, or to an employee of a grantee or subgrantee.

(b) *Allowances.* Any person who is a member of a private nonprofit grantee or subgrantee policymaking body or of a public agency grantee or subgrantee farmworker advisory council is eligible to be paid an allowance; provided (1) such person's family income falls within OMB Poverty Guidelines and (2) the person is not a Federal employee, an employee of a DOL-assisted organization, or an employee of a State or local public agency. Allowances shall not exceed five dollars per meeting, unless the grantee's chief elected official or governing board determines a higher payment more suitable. Allowances in excess of five dollars shall be approved in advance by DOL. No person shall be paid an allowance by any one DOL-assisted organization for attendance at more than two meetings per month, regardless of whether the meetings are for the same or different policymaking bodies.

(c) *Reimbursements.* (1) Any person, whose family income falls within OMB Poverty Guidelines and who is a member of a private nonprofit grantee or subgrantee policymaking body or of a public agency grantee or subgrantee farmworker advisory council shall be eligible for reimbursement of actual expenses, including actual wages lost up to $18 a day. Receiving an allowance shall not preclude receiving reimbursement for actual expenses incurred in attending that meeting.

(2) Where the community served by the program covers a large geographic area, as in the case of a multi-county or a statewide grantee, reimbursements may also be made to those nonpoor members of a policymaking body who must travel a substantial distance from their home to attend meetings within the community. The grantee's principal representative board shall determine what constitutes a "substantial distance" in its community.

(3) Persons may be reimbursed no more than two meetings per month. A grantee desiring to make reimbursement to an individual for more than two monthly meetings shall obtain the prior approval of DOL.

(4) The grantee shall define which expenses may be reimbursed, whether incurred as the result of actual attendance at meetings or in the performance of other official duties and responsibilities in connection with the program, and shall establish procedures for the reimbursement of such expenses. The grantee shall obtain the approval of the Secretary for such definitions and procedures prior to reimbursing any individuals under the provisions of paragraphs (c)(1) and (2) of this section.

(d) *Administrative cost:* Allowances and reimbursement as described in paragraphs (a), (b), and (c) of this section shall be charged to the cost category "Administration". Allowances and reimbursement cost for governing Boards and Advisory council should be prorated as administrative costs among all of the grants, from whatever source, administered by the grantee.

ASSESSMENT AND EVALUATION

§ 97.280 Assessment and evaluation.

Assessment and evaluation of section 303 programs shall be conducted in accordance with § 98.30 through § 98.33 of this subtitle. Moreover, the Secretary of Labor shall obtain the approval of the Secretary of Health, Education, and Welfare with respect to direct arrangements by the Secretary of Labor for the provision of basic education and vocational training. This approval shall focus on the legality and quality of such service arrangements as well as the relationships of such services to those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible (section 306 of the Act).

ADMINISTRATIVE REVIEW

§ 97.290 Purpose and policy.

Sections 97.290 through 97.292 set forth the procedures established by the Secretary for (a) the receipt, investigation, and determination of formal allegations of denial of services by a grantee or subgrantee to participants in a section 303 program or to any individual who may have been eligible for services under section 303; and (b) the review of Petitions for Reconsideration arising out of the procedures for determining potential grantees for allocable funds.

§ 97.291 Procedure for complaints by eligible individuals and program participants.

(a) *Grantee administrative remedies.* An individual denied services who may have been eligible, or an aggrieved participant in a program under section 303, must exhaust the administrative remedies established by the grantee for resolving matters in dispute prior to utilizing the procedures under this section. An individual denied service who may have otherwise been eligible or an aggrieved participant may initiate an action under this review procedure within 30 days of any final decision by a grantee. The filing of a formal complaint under this section shall not automatically act as a stay of the decision rendered by the grantee, but such decision may be stayed at the discretion of the Secretary.

(b) *Complaints: Filing of formal allegations; dismissal; form; contents of formal allegations, amendment; investigations.* Procedures for complaints filed pursuant to this section shall be as provided in § 98.42 through § 98.45 of this subtitle except that all formal allegations shall be filed with the Secretary and the term "Comprehensive Manpower Plan" for the purpose of section 303 shall mean Comprehensive Plan for Farmworkers.

§ 97.292 Procedure for complaints arising from the selection of potential grantees.

(a) *Administrative remedies.* Potential grantees shall be determined according to the procedures described in § 97.213 through § 97.215. An applicant which wishes to object formally to its nonselection as a potential grantee, after consideration by the Secretary as provided in § 97.214, may file a Petition for Reconsideration with the National Office within 14 days of the notification of the Department's decision not to award a grant.

(b) *Petition for Reconsideration.* A petition for Reconsideration shall be a written statement by a responsible official of the complainant requesting a review of the nonselection and may enumerate the factors which the applicant asserts should be reviewed in reconsidering its Funding Request, but such enumeration is not required.

(c) *Reconsideration.* (1) Upon receipt of the Petition for Reconsideration, the Secretary shall, within 14 days, make one of the following determinations:

(i) That the organization be designated a potential grantee.

(ii) That the Granting Officer's decision be sustained.

(2) The representative of the Secretary responsible for resolution of the Petition for Reconsideration shall be an official of the Manpower Administration not directly involved in the original determination. The determination described in paragraph (c)(1) of this section shall be final.

Signed at Washington, D.C. this 3rd day of July 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75–17833 Filed 7–8–75;8:45 am]

V40-132 JUL 9 75 XUM

federal register

WEDNESDAY, JULY 9, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 132

PART V

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

Report to Congress

V40-132 JUL 9 75 XUM

SPECIAL MESSAGE ON BUDGET RESCISSIONS AND DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

I herewith propose three rescissions and report twenty-seven deferrals in accordance with the Impoundment Control Act of 1974. The rescission proposals total $123.7 million and the deferrals total $2,729.4 million for a total of $2,853.0 million in fiscal year 1976 budget authority.

Funds for two highway programs, one duplicating an existing system and one that could be funded through Federal-aid highway funds now available to the States, are proposed for rescission. The third rescission proposal reflects a recent Congressionally-approved change in program needs by requesting reduced funding for the Federal Law Enforcement Training Center. The deferrals are primarily routine in nature and do not affect program levels. The details of each rescission proposal and deferral are contained in the attached reports.

I urge the Congress to act promptly on the proposed rescissions.

GERALD R. FORD.

THE WHITE HOUSE,
July 1, 1975.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

(in thousands of dollars)

Rescission #	Item	Budget Authority
	Transportation:	
	Federal Highway Administration	
R76-1	National Scenic and Recreational Highway..	90,000
R76-2	Access Highways to Public Recreation Areas on Lakes.....	25,000
	Treasury:	
R76-3	Office of the Secretary	
	Construction, Federal Law Enforcement Training Center.....	8,665
	Subtotal, Rescissions.....	123,665

Deferral #		
	Agriculture:	
	Foreign Agricultural Service	
D76-1	Salaries and Expenses (Special Foreign Currency).....	2,232
	Commerce:	
	National Oceanic and Atmospheric Administration	
D76-2	Fisheries Loan Fund.....	7,252
D76-3	Promote and Develop Fishery Products and Research pertaining to American Fisheries.....	1,355
	Defense-Military:	
	Procurement	
D76-4	Shipbuilding and Conversion, Navy.....	1,793,590
D76-5	Military Construction.....	233,630
	Defense-Civil:	
	Miscellaneous Accounts	
D76-6	Wildlife Conservation, Et Cetera, Military Reservations.....	432
	Health, Education, and Welfare	
	National Institutes of Health	
D76-7	Buildings and Facilities.....	2,164
	Assistant Secretary for Health	
D76-8	Scientific Activities Overseas (Special Foreign Currency Program).....	3,652
	Education Division: Office of Education:	
D76-9	Higher Education.....	49,040
	Special Institutions	
D76-10	Howard University.....	8,174
	Assistant Secretary for Human Development	
D76-11	Research and Training Activities Overseas (Special Foreign Currency Program).....	7,307

V40-132 JUL 9 75 XUM

2

Deferral #	Item	Budget Authority
	Interior:	
	Bureau of Land Management	
D76-12	Public Lands Development Roads and Trails.....	25,847
	Bureau of Reclamantion	
D76-13	Construction and Rehabilitation.....	1,030
D76-14	Upper Colorado River Storage Project.....	1,150
	Bureau of Outdoor Recreation	
D76-15	Land and Water Conservation Fund.....	30,000
	Fish and Wildlife Service	
D76-16	Miscellaneous Appropriations, Federal Aid in Fish Restoration and Management.....	6,330
D76-17	Miscellaneous Appropriations, Federal Aid in Wildlife Restoration.....	21,470
	National Park Service	
D76-18	Road Construction.....	238,092
	Geological Survey	
D76-19	Payment from Proceeds, Sale of Water.....	29
	Bureau of Indian Affairs	
D76-20	Road Construction.....	68,470
	Transportation:	
	Coast Guard	
D76-21	Acquisition, Construction, and Improvements....	707
	Federal Aviation Administration	
D76-22	Civil Supersonic Aircraft Development Termination.....	7,686
D76-23	Facilities and Equipment (Airport and Airway Trust Fund).....	75,824
	Treasury:	
	Office of the Secretary	
D76-24	State and Local Government Fiscal Assistance Trust Fund.....	93,420
D76-25	State and Local Government Fiscal Assistance Trust Fund.....	38,391
	Other Independent Agencies:	
	Foreign Claims Settlement Commission	
D76-26	Payment of Vietnam Prisoner of War Claims.....	11,081
D76-27	American Revolution Bicentennial Administration.....	1,000
	Subtotal, Deferrals.....	2,729,355
	Total Rescissions and Deferrals.....	2,853,020

Rescission Proposal No: R76-1

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Transportation

Bureau: Federal Highway Administration

Appropriation title & symbol:
National Scenic and Recreation Highway 69X0544 and Trust Fund Share of Other Highway Programs 69X8009

OMB identification code:
21-25-0544-0-1-404

Grant program: ☒ Yes ☐ No

Type of account or fund:
- ☐ Annual
- ☒ Multiple-year End of FY 76, 77, 78 (expiration date)
- ☒ No-year

New budget authority (P.L. 93-643)	$ -0-
Other budgetary resources	90,000,000
Total budgetary resources	90,000,000
Amount proposed for rescission	$ 90,000,000

Legal authority (in addition to sec. 1012)
- ☐ Antideficiency Act
- ☐ Other

Type of budget authority:
- ☐ Appropriation
- ☒ Contract authority
- ☐ Other

Justification

This program was authorized by the Federal-Aid Highway Act of 1973 in the amount of $90 million for the purpose of constructing or reconstructing the Great River Road in the 10 states bordering the Mississippi River. This authorization is comprised of $30 million from General Funds and $60 million from the Highway Trust Fund.

The entire amount was deferred in FY 1975 because the Highway Act of 1973, Sec. 129 required the development of a formula for apportionment of funds to the states before funds could be made available. Such information could not be developed so as to launch the program in FY 1975.

Cost data upon which to develop the apportionment formula is now available, The total estimated costs for the program is $1.65 billion with the Federal cost of $1.17 billion. This estimate was prepared using current prices without regard to inflation. This estimate is more than twelve times as much as the $90 million of Federal funds presently authorized.

This program will not produce national benefits comensurate with its cost. Even accepting that its construction would add to our recreational and environmental values, the all but exhorbitant costs are against it as a national investment. It cannot be justified as a transportation corridor since an almost unbroken line of the Interstate System parallels the Great River Road from New Orleans to St. Paul.

V40-132 JUL 9 75 XUM

2

The Great River Road spans some 3,500 miles, of which 85 percent is already on a Federal-aid system. The states involved are free to use apportioned funds for most of this if they choose. In addition, the 1974 Highway Amendments Act established an Off-System road program which is available for the 500 miles or so not now on a Federal-aid highway system.

Estimated Effects

The rescission of this authorization will avoid embarking upon another costly program that can be constructed within present funding in the regular Federal-aid Highway program.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1975	$ -0-
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for 1976:

3. Without rescission	16.2
4. With rescission	-0-
5. Current outlay savings (line 3 - line 4)	16.2
Outlay Savings for the Transition Quarter	12.5
Outlay Savings for 1977	50.0

National Scenic and Recreation Highway

Authorization provided under Section 148 of Title 23 U.S.C. is rescinded in the amount of $90,000,000 of which $60,000,000 was to be derived from the Highway Trust Fund.

V40-132 JUL 9 75 XUM

Rescission Proposal No: R76-2

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L.) $ 25,000,000
Bureau Federal Highway Administration	Other budgetary resources -0-
Appropriation title & symbol: Access Highways to Public Recreation Areas on Lakes 69X0503	Total budgetary resources 25,000,000
	Amount proposed for rescission $ 25,000,000
OMB identification code: 21-25-0503-0-1-404	Legal authority (in addition to sec 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year End of FY 78 (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification

Section 115 of the Federal-Aid Highway Amendments of 1974 Act authorized $25 million for FY 1976 to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density.

This is a special interest program as opposed to a program national in scope. These problems are of a local nature and can be addressed with the utilization of regular Federal-aid funds now available to the States according to their own priorities. If on a Federal-aid highway system, regular apportioned funds can be used. If not on a Federal-aid highway system, Off-System Road funds authorized by the 1974 Highway Amendments Act may be used.

Estimated Effects

The rescission of this authorization will preclude starting another program that can be carried out within present funding in the Federal-aid Highway program.

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1975	$ -0-
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for 1976:

3. Without rescission	4.5
4. With rescission	-0-
5. Current outlay savings (line 3 - line 4)	4.5
Outlay Savings for the Transition Quarter	3.5
Outlay Savings for 1977	14.0

V 40 132 JUL 9 75 XUM

Access Highways to Public Recreation Areas on Lakes

Authorization provided under Section 155 of Title 23 U.S.C. is rescinded in the amount of $25,000,000.

Rescission Proposal No: R76-3

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency DEPARTMENT OF THE TREASURY	New budget authority (P.L.) $ ---
Bureau Federal Law Enforcement Training Center	Other budgetary resources 40,000,000
Appropriation title & symbol: Construction 20X0103	Total budgetary resources 40,000,000
	Amount proposed for rescission $8,665,000
OMB identification code: 15-05-0103-0-1-751	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☒ Other P.L. 94-32
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:

Funds totalling $47,713,000 were appropriated in prior years for construction of the Consolidated Federal Law Enforcement Training Center at Beltsville, Maryland. As a result of a study of evacuated surplus and inactive Federally-owned properties by the Chairman of the Senate Public Works Committee, it was determined that the former Glynco Naval Air Station in Brunswick, Georgia best met Treasury requirements at a saving from the cost of completing the proposed facilities at Beltsville, Maryland. The relocation of the Center to Brunswick, Georgia was approved by the House Public Works Committee on April 24, 1975 and the Senate Public Works Committee on May 14, 1975. In addition, a statement was inserted in the Conference Report of the Second Supplemental Appropriations Bill (May 21, 1975) approving the relocation and establishing a maximum expenditure of $30 million for conversion of the Glynco facility to Treasury use. Another $1.335 million will be required to close-out activities at Beltsville, Maryland. These combined actions have created a savings of $8.665 million that will not be required by Treasury.

Estimated Effects:

The relocation of the Federal Law Enforcement Training Center from Beltsville Maryland to Brunswick, Georgia will meet all of Treasury requirements at a savings of $8.665 million.

V40-132 JUL 9 75 XUM

Outlay Effect (estimated in tenths of millions of dollars):

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$20.7
2. Outlay savings, if any, included in the budget outlay estimate	- 0 -
Current Outlay Estimates for 1976:	
3. Without Rescission	$15.5
4. With Rescission	$15.5
Outlay Savings for the Transition Quarter	- 0 -
Outlay Savings for 1977	- 0 -

The outlay effect of the proposed rescission would not be identified until FY 1978. All other changes in outlays for FY 1976, transition quarter, and FY 1977 are a result of a change in the program.

The Department of the Treasury

Federal Law Enforcement Training Center

Construction

Appropriations provided under this head in the Treasury, Postal Service, and General Government Appropriation Act, 1975 are rescinded in the amount of $8,665,000.

V40-132 JUL 9 75 XUM

Deferral No.: D76-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority $_____ (P.L. _____)
Bureau Foreign Agricultural Service	Other budgetary resources 2,732,494
Appropriation Title & Symbol Special Foreign Currency Program 12X2901	Total Budgetary Resources 2,732,494
	Amount to be deferred part of year --
	Amount to be deferred for entire year 2,232,494
OMB identification code: 05-51-2901-0-1-352	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

Title I, Sec. 104 of P.L. 480, the Agricultural Trade Development and Assistance Act of 1954 authorizes the use of foreign currencies (acquired from the sale of U.S. farm products under Title I) to carry out programs for developing new markets for U.S. agricultural commodities. The funds appropriated are used to purchase excess foreign currencies necessary to carry out the program. The funds are available until expended, and the unused balance is carried over into the next year. The amount of funds used each year is dependent upon the availability of the U.S.-owned currencies and the availability of worthwhile market development projects in the foreign countries. Current indications are that no more than $500 thousand of the reserved balances brought forward can be utilized effectively in 1976. This deferral action is taken under provisions of the Antideficiency Act (31 USC 665) that authorize the establishment of reserves for contingencies.

Estimated Effects:

No programmatic or budgetary impact results from this deferral action. Since the funds are used to purchase currencies already owned by the U.S., any outlays shown under this account would be offset by the receipt of a like amount in another account.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with Presidnet's 1976 Budget:
1. Budget outlay estimate for 1976..... .5
2. Outlay savings, if any, included in the budget outlay estimate..... -0-

Current Outlay Estimates for 1976:
3. Without deferral..... .5
4. With deferral..... .5

5. Current outlay savings (line 3 - line 4)..... -0-

Outlay Savings for the Transition Quarter..... -0-

Outlay Savings for 1977..... -0-

V40-132 JUL 9 75 XUM

Deferral No: D76-2

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ____) $ ____
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 7,892,329
Appropriation title & symbol Fisheries Loan Fund 137/04317	Total budgetary resources 7,892,329
	Amount to be deferred: Part of year $ ____ Entire year 7,252,329
OMB identification code: 06-48-4417-0-3-403	Legal authority (in addition to sec. 1013): [x] Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) [x] No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority [X] Other 16 U.S.C. 742c

JUSTIFICATION:

This fund was established pursuant to the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742 c). Its purpose is to provide funds for loans to segments of the fishing industry unable to obtain commercial loans on reasonable terms for financing the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used fishing vessels or gear.

In 1965, the Act was amended to require NOAA to pay interest on the cumulative amount of appropriations available as capital to the fund less the average undisbursed cash balance in the fund during the year. The current program covers the estimated FY 1976 interest liability of $620,000 and provides $20,000 for care and preservation of collateral throughout the year.

The management of the Fisheries Loan Fund and its objectives are currently under review in response to recommendations of the GAO and an overall assessment of Federal fisheries programs. Until such time as that review has been completed, we believe that prudent management dictates that the moratorium declared March 1, 1973, remain in effect and that the receipts of the Fund continue to be held in reserve.

This is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

ESTIMATED EFFECTS:

Release of deferred amounts could result in loans being made from the Fund that would maintain or add vessels to segments of the fishing industry which are already considered to have excess capacity.

2

OUTLAY EFFECT: (Estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$ -2.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	-2.0
4. With deferral	-2.0
5. Current outlay savings	0
Outlay savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-3

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ____) $ ____
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 10,046,933
Appropriation title & symbol	Total budgetary resources 10,046,933
Promote and Develop Fishery Products and Research Pertaining to American Fisheries 13X5139	Amount to be deferred: Part of year $ ____
	Entire year 1,354,933
OMB identification code: 06-48-5139-0-2-403	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other ____

JUSTIFICATION:

An amount equal to 30% of the gross receipts from customs duties on fishery products is appropriated for fishery products resources research and assessment, and American Fisheries resource management and development. These funds supplement moneys appropriated to National Oceanic and Atmospheric Administration for the same purposes under the appropriation Operations, research, and facilities. The deferred amount, $1,354,933, represents the excess amount of receipts over the cost of currently planned program activities in FY 1976. Funds are deferred because no plans have been developed for their use.

This is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

ESTIMATED EFFECTS:

This deferral action has no effect on the program as currently planned in FY 1976. Without plans for the use of these funds, they could not be used effectively if they were made available in fiscal year 1976.

2

OUTLAY EFFECT: (Estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$7.3
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	9.0
4. With deferral	9.0
5. Current outlay savings	0
Outlay savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-4

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense	New budget authority (P.L. ____) $ ____
Bureau:	Other budgetary resources 4,109,121,530
Appropriation title & symbol: See Coverage section below	Total budgetary resources 4,109,121,530
	Amount to be deferred: Part of year $ ____
	Entire year 1,793,590,000
OMB identification code: 07-15-1611-0-1-051	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[X] Multiple-year (see Coverage section) (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other ____

Coverage

Shipbuilding and Conversion, Navy	172/61611	$ 0
Shipbuilding and Conversion, Navy	173/71611	80,000,000
Shipbuilding and Conversion, Navy	174/81611	347,990,000
Shipbuilding and Conversion, Navy	175/91611	1,365,600,000

Justification

These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods.

Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year. The unapportioned amount is withheld and released as the program develops and additional funds are required. The amounts deferred are to be released contingent upon the development of program needs that arise in current and future years.

Prudent financial management requires the deferral of those funds that could not be used effectively during the current year even if made available for obligation.

The above multi-year appropriations are currently being deferred under provisions of the Antideficiency Act (31 U.S.C. 665), which authorize the establishment of reserves for contingencies.

Estimated Effects

Deferral of $1.8 billion will have no program or budgetary impact, since these funds could not be obligated even if made available. Rather, the deferral of these multi-year funds assures availability of funds in future years to meet continuing program requirements.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976.....	$2,631
2. Outlay savings, if any, included in the budget outlay estimate.....	0
Current Outlay Estimates for 1976:	
3. Without deferral.....	2,631
4. With deferral.....	2,631
5. Current outlay savings (line 3 - line 4)...	0
Outlay Savings for the Transition Quarter.....	0
Outlay Savings for 1977.....	0

V40-132 JUL 9 75 XUM

Deferral No: D76-5

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense	New budget authority (P.L. _____): $ _____
Bureau:	Other budgetary resources: 2,479,405,386
Appropriation title & symbol: See Coverage section below	Total budgetary resources: 2,479,405,386
	Amount to be deferred: Part of year: $ 233,630,409
	Entire year: _____
OMB identification code: See Coverage section below	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

Coverage

Military Construction, Army	21X2050	07-25-2050-0-1-051	$ 86,168,281
Military Construction, Navy	17X1205	07-25-1205-0-1-051	82,333,817
Military Construction, Air Force	57X3300	07-25-3300-0-1-051	19,187,687
Military Construction, Defense Agencies	97X0500	07-25-0500-0-1-051	36,512,549
Military Construction, Army National Guard	21X2095	07-25-2085-0-1-051	4,919
Military Construction, Air National Guard	57X3830	07-25-3830-0-1-051	0
Military Construction, Army Reserve	21X2086	07-25-2086-0-1-051	284,454
Military Construction, Naval Reserve	17X1235	07-25-1235-0-1-051	7,923,776
Military Construction, Air Force Reserve	57X3730	07-25-3730-0-1-051	1,214,926
Family Housing, Defense	97X0700	07-30-0701-0-1-051	0

Justification

Due to the long period of time required to construct facilities, the Congress makes appropriations for this purpose available until expended. The above funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies.

Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination. It is anticipated that these funds will be apportioned before June 30.

The above amounts in the listed no-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$2,961.4
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	2,961.4
4. With deferral	2,961.4
5. Current outlay savings (line 3 - line 4)	0
Outlay Savings for the transition Quarter	0
Outlay Savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-6

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense Bureau:	New budget authority (16 U.S.C. 670 f (a)) $ 865,814 Other budgetary resources 468,910 Total budgetary resources 1,334,724
Appropriation title & symbol See Coverage section below	Amount to be deferred: Part of year $ ____ Entire year 432,233
OMB identification code: 08-30-5095-0-2-303 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Coverage

Wildlife Conservation, etc., Military Reservations, Army	21X5095	$376,545
Wildlife Conservation, etc., Military Reservations, Navy	17X5095	38,258
Wildlife Conservation, etc., Military Reservations, Air Force	57X5095	17,430
		$432,233

Justification

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law, to carry out a program of natural resource conservation.

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$.9
2. Outlay savings, if any, included in the budget outlay estimate	.0
Current Outlay Estimates for 1976:	
3. Without deferral	.9
4. With deferral	.9
5. Current outlay savings (line 3 - line 4)	.0
Outlay Savings for the Transition Quarter	.0
Outlay Savings for 1977	.0

V40-132 JUL 9 75 XUM

Deferral No: D76-7

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____) $ _____
Bureau National Institutes of Health	Other budgetary resources 6,422,080
Appropriation title & symbol	Total budgetary resources 6,422,080
NIH Buildings and Facilities 75X0838	Amount to be deferred: Part of year $ 2,163,894 Entire year --
OMB identification code: 09-25-0838-0-1-552	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification

Appropriation Act language for fiscal years 1970 through 1975 for the Department of Health, Education, and Welfare authorized funds for NIH Buildings and Facilities to "remain available until expended." These funds were appropriated for miscellaneous repairs and improvements, planning and construction of Federal facilities on the National Institutes of Health campus in Bethesda, Maryland, the Environmental Health Sciences Center, Research Triangle Park, North Carolina, and at the Rocky Mountain Laboratory, Hamilton, Montana. The funds have always been apportioned to HEW as plans are developed for their use. Funds to be obligated in 1976 include construction of an addition to the Chilled Water Plant (Bldg. 34); the second phase of the design of the Environmental Health Sciences Center in North Carolina; and changes necessary to NIH waste handling facilities after the types of change needed are developed. The amount to be deferred part of the year represents the balance remaining from the termination of the NIH Tri-Service Incinerator Facility. Request for approval of the reprogramming of this balance for other urgently needed projects has been submitted for Congressional approval. These are reserves pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

The initiation of the following projects, using funds from the NIH Tri-Service Incinerator account will be deferred pending Congressional approval of the request for reprogramming: (1) Replacement of an obsolete,

steam turbine-driven electrical generator needed for Clinical Center emergency electrical service; (2) installation of a medical-pathological incinerator to comply with Maryland air pollution standards; (3) replacement of the nurses call system in the Clinical Center; and (4) modifications to the Waste Water Treatment Plant at the NIH Animal Center to meet new EPA standards for waste water discharges; and (5) funds reserved for payment of pending contractor claims in excess of amounts available from respective projects as directed by GSA.

Outlay Effect (in millions of dollars):

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$10.4
2. Outlay savings, if any, included in the budget outlay estimate	none
Current Outlay Estimates for 1976:	
3. Without deferral	$13.1
4. With deferral	$12.4
5. Current outlay savings (line 3 - line 4)	.7
Outlay Savings for the Transition Quarter	none
Outlay Savings for 1977	none

V 40 132 JUL 9 75 XUM

Deferral No: D76-8

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____) $ _____
Bureau Office of the Assistant Secretary for Health	Other budgetary resources 18,259,000
Appropriation title & symbol 75X1102 Scientific Activities Overseas (Special Foreign Currency Program)	Total budgetary resources 18,259,000
	Amount to be deferred: Part of year $ 0
	Entire year 3,652,000
OMB identification code: 09-37-1102-0-1-552	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification:

Appropriation Acts for the Department of Health, Education, and Welfare have provided funds for the Scientific Activities Overseas Program to "remain available until expended." Funding for this program comes from foreign currencies owned by the United States that have been determined by the Treasury Department to be in excess of normal U.S. needs in the countries concerned. There are now seven countries (Egypt, Burma, Guinea, India, Pakistan, Poland, and Tunisia) that the Treasury Department has designated "excess currency" countries in accord with its internal Treasury Department guidelines. The Treasury Department releases these funds to the Department of Health, Education, and Welfare (HEW) to use for scientific research projects in those countries and the funds remain available to HEW until expended.

The amount of funds to be obligated during 1976 and the amount to be deferred to the transition quarter was determined after a careful review of the scientific merit of project proposals in the limited number of excess currency countries. HEW has decided which research projects in those countries will contribute to U.S. scientific needs and thus should be funded. The amount being deferred is in excess of current program requirements and is thus reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

The estimated effects of this deferral are nil. The deferral merely reflects the number of meritorious scientific project proposals that HEW estimates can be funded in FY 1976.

Outlay Effect (estimated in millions of dollars)

Comparison with the President's 1976 Budget:	
1976 Outlays	13
Outlay Savings	0
Current Outlay Estimates for 1976	
Without Deferral	13
With Deferral	13
Current Outlay Savings	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-9

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Dept. of Health, Education and Welfare	New budget authority (P.L. _____) $ _____
Bureau Office of Education	Other budgetary resources 72,789,590
Appropriation title & symbol Higher Education 75X0293	Total budgetary resources 72,789,590
	Amount to be deferred: Part of year $ _____ Entire year 49,039,590
CMB identification code: 09-40-0293-0-1-502	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program ☐ Yes [X] No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation ☐ Contract authority ☐ Other _____

Justification

Program	Total budgetary resources	Amount to be deferred
Construction		
Subsidized loans	$70,101,704	$47,101,704
--Annual interest grants	376,232	376,232
Graduate facilities		
Subsidized insured student loans	2,311,654	1,561,654
Reserve fund advances		
Total	$72,789,590	$49,039,590

The amounts shown as deferred could not be legally obligated during fiscal year 1976.

Annual interest grants---A change in method of accounting for subsidized construction loans caused a substantial amount of prior year appropriations to be de-obligated during fiscal year 1974. Obligations are not recorded now until payments are due. Funds on hand are more than adequate to cover anticipated obligations on annual interest grant contracts signed in prior years and no new starts are authorized or planned. The unobligated funds will be needed in the future, however, to pay continuation costs on loans the Federal government has agreed to subsidize.

Graduate facilities---The amount shown as deferred resulted from adjustments of prior year obligations. As projects are completed the estimated obligations are adjusted to reflect actual experience. No new funds have been appropriated for this program since 1969, and there are no program plans to utilize the funds. It is possible that they may be needed to cover obligation adjustments.

Subsidized insured student loans, reserve fund advances---These funds were appropriated in 1969 to make advances to guarantee agencies that could not meet reserve requirements. It is estimated that no more than $750,000 will be needed during 1976.

Estimated Effects

This action has no program effect, since it only reflects an estimate that the funds cannot be legally obligated during 1976. It does not reflect a program constraint.

Outlay Effect

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	25.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	25.0
4. With deferral	25.0
5. Current outlay savings (line 3 - line 4)	-0-
Outlay savings for transition quarter	-0-
Outlay savings for 1977	-0-

V40-132 JUL 9 75 XUM

Deferral No: D76-10

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517) $ ---
Bureau Office of the Secretary Special Institutions	Other budgetary resources 21,369,488
Appropriation title & symbol Howard University - 75X0106 (Construction)	Total budgetary resources 21,369,488
	Amount to be deferred: Part of year $ --- Entire year $ 8,174,482
OMB identification code: 09-70-0106-0-1-502	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The $8,174,482 represents funds appropriated in the 1975 Labor-HEW Appropriations Act (P.L. 93-517) for several projects, i.e., Founders' Library Expansion, Medical-Dental Library Expansion, University Center, University Hospital Equipment, etc. These funds have not been utilized due to delays in GSA construction. As these projects progress, these funds will be made available and will be obligated in 1977. This reserve action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665), that authorizes the establishment of reserves for contingencies. This delay is not due to a decision to slow down the construction, rather it is due to lags in construction schedules. This is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimate Effects

The delay in the construction of the Founders' Library Expansion project, which represents over $7 million of the total, will affect the University's academic program since all of the schools and colleges at Howard use this Library. The Library Expansion would provide for an increase in volumes, staff, space, facilities, etc. The Association of Research Libraries, the accrediting body for the Library, has notified the University of these deficiencies. Howard University, as a whole, depends on the Founders' Library to help provide a good, quality education for its students. The longer the delay in this project the greater the effect will be on the academic program.

Outlay Effect

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$84.1
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	84.1
4. With deferral	84.1
5. Current outlay savings	0
Outlay savings for transition quarter	0
Outlay savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Dept. of Health, Ed., and Welfare	New budget authority (P.L. _____) $ _____
Bureau: Asst. Sec. For Human Development	Other budgetary resources 7,306,986
Appropriation title & symbol: Research and Training Activities Overseas (Special Foreign Currency Program)	Total budgetary resources 7,306,986
	Amount to be deferred: Part of year $ 7,306,986
	Entire year _____
CMB identification code: 09-80-0505-0-1-506	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification

This amount proposed for deferral has been placed in reserve pursuant to the Antideficiency Act (31 USC 665 et. seq.). This deferral action involves the postponement of funds for foreign research and training activities. This reserve will allow the Department of Health, Education and Welfare to prepare a financial plan which describes the activities to be financed, the foreign currency to be used, the amounts allotted by country by quarter, research objectives and/or training element, the number of beneficiaries, and other supporting information. The total amount is deferred pending submission of a financial plan in an effort to assure prudent financial management of this activity. Upon transmittal of the necessary plan these funds will be released from reserve.

Estimated Effects

Since the funds would, in any event, not be used in the absence of final determinations of the activities to be financed there should be no delay in activities. In addition, it should be noted that grants are restricted in this program to countries where the United States owns excess local currencies and expenditures in this account do not take monies out of the U.S.

2

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:
1. Budget outlay estimate for 1976.....3.0
2. Outlay savings, if any, included in the budget outlay estimate.....0

Current Outlay Estimates for 1976:
3. Without deferral.....3.0
4. With deferral.....3.0
5. Current outlay savings.....0 (line 3 - line 4)

Outlay Savings for the Transition Quarter....0

Outlay Savings for 1977.....0

V40-132 JUL 9 75 XUM

Deferral No: D76-12

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 23 U.S.C. 203) $ --
Bureau Bureau of Land Management	Other budgetary resources 30,050,000
Appropriation title & symbol 14X1113 Public Lands Development Roads and Trails	Total budgetary resources 30,050,000
	Amount to be deferred: Part of year $ -- Entire year 25,847,000
OMB identification code: 10-04-1113-0-1-301	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [X] Multiple-year June 30, 1976; and June 30, 1978 (expiration date) [ ] No-year	Type of budget authority: [ ] Appropriation [X] Contract authority [ ] Other

Justification

Contract authority (CA) is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate CA has been appropriated. Appropriated funds are not being deferred by this action. What is deferred is authority to obligate funds before appropriation.

Contract authority in this account results from multi-year authorization under the Federal-Aid Highway Act. The total amount of CA authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but represents an upper limit for an on-going road construction effort derived from long term estimates of future road-building plans. The total amount of CA available for 1976 and subsequent years is $30,000,000, of which $4,153,000 is scheduled for obligation in 1976. Most of the deferred balance of $25,847,000 of CA will be available for obligation after 1976. However, based on the current obligation plan, $5,847,000 will lapse at the end of 1976. A decision will be made later in the fiscal year when the appropriations process is completed as to whether to recommend rescissions of all or part of this amount.

Funds in this account are used for constructing new roads and trails, reconstructing existing roads and trails, and acquiring easements for access to public lands. The roads and trails system are used for management of the 450 million acres of public land and by recreationists. The road and trail system currently totals about 44,000

miles of roads and 5,000 miles of trails. The 1976 program includes 29 miles of new road construction, 28 miles of road surfacing, construction of 5 bridges and 45 miles of trail, and acquisition of 179 easements. This program is designed to make optimum use of available funds. Reserving CA not scheduled for use in the current fiscal year is consistent with the current financial plan and the appropriations request currently before the Congress.

Estimated Effect

If all authorized CA were made available for obligation now the Bureau of Land Management could probably obligate an additional $6 million in 1976. This would result in financing lower priority projects than the current budget plan.

Outlay Effect (estimated in millions of dollars)

Comparision with President's 1976 Budget:	
1. Budget outlay estimate for 1976.....	4.7
2. Outlay savings, if any, included in the budget outlay estimate.....	4.0
Current Outlay Estimates for 1976:	
3. Without deferral.....	8.7
4. With deferral.....	4.7
5. Current outlay savings (line 3 - line 4)...	4.0
Outlay Savings for the Transition Quarter.....	1.0
Outlay Savings for 1977.....	1.0

V40-132 JUL 9 75 XUM

Deferral No: D76-13

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. _____): $ - 0 -
Bureau: Bureau of Reclamation	Other budgetary resources: 2,400,000
Appropriation title & symbol: Construction & Rehabilitation 14X5061	Total budgetary resources: 2,400,000
	Amount to be deferred: Part of year: $1,030,000
	Entire year: _____
OMB identification code: 10-06-5061-0-2-301	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [ ] No	[ ] Other _____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year _____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other _____

Justification

This deferral is a renewal of a deferral of prior year funds contained in budget deferral D-75-14. Fiscal year 1975 funds contained in another budget deferral affecting this account (75-84) were released earlier this year following action by the Congress and will continue to be available in fiscal year 1976 for use by the Bureau of Reclamation. The Bureau of Reclamation is preparing a report on alternative plans for the Second Bacon Siphon and Tunnel and the development of the East High-East Low area of the Columbia Basin Irrigation Project, Washington. The report will include (1) an economic and financial analysis of the initial development stage included as one of the four alternative development plans mentioned above, (2) a sizing analysis of the Second Bacon Siphon and Tunnel, and (3) a more precise determination of the State of Washington's cost sharing proposal. Pending the completion of the Bureau of Reclamation report, scheduled for completion November 1, 1975, the funds will be deferred.

Estimated Effects

The deferral of the $1,030,000 is solely for reasons of prudent financial management. The preparation of analytical evaluations of alternative development plans will help meet the objective of selecting an optimum economic development plan for the Columbia Basin project. The economic and budgetary impacts of the deferral of $1,030,000 cannot be meaningfully measured until the alternative development plans are completed and evaluated.

2

Outlay Effect (Estimated in the tenths of million of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$290.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for 1976:

3. Without deferral	$290.0
4. With deferral	$289.0
5. Outlays savings	1.0

Outlay savings for the Transition Quarter: -0-

Outlay Saving for 1977: -0-

V40-132 JUL 9 75 XUM

Deferral No: D76-14

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. _____): $ -0-
Bureau: Bureau of Reclamation	Other budgetary resources: 10,100,000
Appropriation title & symbol: Upper Colorado River Storage Project 14X4081	Total budgetary resources: 10,100,000
	Amount to be deferred: Part of year: $ 1,150,000
	Entire year: _____
OMB identification code: 10-06-4081-0-3-301	Legal authority (in addition to sec. 1013): [XX] Antideficiency Act; [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

Justification

This deferral is a renewal of a deferral of prior year funds contained in budget deferral D-75-15. Fiscal year 1975 funds contained in another budget deferral (75-86) affecting this account were released earlier this year following action by the Congress and will continue to be available in fiscal year 1976 for use by the Bureau of Reclamation. The funds in this deferral were appropriated for construction of four water resources projects (Dallas Creek participating project, Colo. - $250,000, Fruitland Mesa, Colo. - $500,000, Savery Pot Hook project, Colo., Wyo. - $250,000 and Jensen Unit, Central Utah project, Utah - $150,000). These funds have been deferred pending the completion of salinity effect studies to determine each project's impact on Colorado River salinity levels. Salinity has become a serious problem in the lower Colorado River and has led to the requirement, under recent agreements, to desalt irrigation return flows to improve the quality of the Colorado River entering Mexico to an acceptable level. The Water Pollution Control Act amendments of 1972 provide for determining pollution abatement requirements for irrigation return flows as well as for other pollution sources. The reanalysis will, among other things, include estimates of the costs of any pollution abatement facilities necessary to control water quality conditions. The reports are expected to be completed during FY 1976.

2

Estimated Effects

Deferring the obligation of $1,150,000 until the effects of salinity are measured and the external costs can be estimated may result in the development of better projects to meet the present and future needs of the Upper Colorado Basin and the Nation.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976..... $38.6
2. Outlay savings, if any, included in the budget outlay estimate..... -0-

Current Outlay Estimates for 1976:

3. Without Deferral..... $38.6
4. With Deferral..... $37.4
5. Outlay Savings..... $1.2

Outlay Savings for the Transition Quarter: - 0 -

Outlay Savings for 1977: - 0 -

V40-132 JUL 9 75 XUM

Deferral No: D76-15

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 16 USC 460L)(4-11) $ 30,000,000
Bureau Bureau of Outdoor Recreation	Other budgetary resources 34,203,000
Appropriation title & symbol Land and Water Conservation Fund 14X5005	Total budgetary resources 64,203,000
	Amount to be deferred: Part of year $ ____ Entire year 30,000,000
OMB identification code: 10-16-5005-0-2-303	Legal authority (in addition to sec. 1013): [x] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [x] No	
Type of account or fund: [x] Annual [ ] Multiple-year ____ (expiration date) [ ] No-year	Type of budget authority: [ ] Appropriation [x] Contract authority [ ] Other ____

Justification

Under the law (16 USC 460L(10a)), $30,000,000 of contract authority becomes available each fiscal year. This is in addition to the $300,000,000 appropriation requested by the President's 1976 budget. Fund availability is limited to one fiscal year. This authority is made available by the Congress for use specifically as an anti-escalation measure in purchasing authorized Federal recreation land (P.L. 90-401; Senate Report 90-1071, to accompany S. 1401). This authority was last used in 1969 and 1970. Thus, the contract authority has lapsed in fiscal years 1971-1975. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of congressional intent.

In accordance with provisions of the Anti-deficiency Act (31 USC 665) the $30,000,000 has been placed in reserve for contingencies. Although this particular authority lapsed at the end of fiscal year 1975, an equal amount became available at the beginning of fiscal year 1976.

The other funds in this account are estimated prior-year balances of direct appropriations that have been made available for obligation.

Estimated Effects

This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforeseeable circumstances.

2

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976 ..... --
2. Outlay savings, if any, included in the budget outlay estimate ..... --

Current Outlay Estimates for 1976:

3. Without deferral ..... --
4. With deferral ..... --

5. Current outlay savings (line - line 4) .. --

Outlay Savings for the Transition Quarter .... --

Outlay Savings for 1977 ..... --

V40-132 JUL 9 75 XUM

Deferral No: D76-16

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 16 USC 777 et.seq.) $ 18,600,000
bureau Fish and Wildlife Service	Other budgetary resources 5,830,000
Appropriation title & symbol: Federal Aid in Fish Restoration and Management (Receipt Limitation) 14X5138	Total budgetary resources 24,430,000
	Amount to be deferred: Part of year $ ____
	Entire year 6,330,000
OMB identification code: 10-18-5138-0-2-303	Legal authority (in addition to sec. 1013): [x] Antideficiency Act
Grant program [x] Yes [ ] No	[ ] Other ____
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [x] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [x] Other Permanent indefinite (receipt limitation)

Justification

A permanent appropriation of revenue accruing from a tax imposed on fishing rods, creels, reels, artificial lures, baits and flies is used to reimburse States for up to 75 percent of the costs of fish restoration and management projects (16 USC 777 et.seq.)

The deferred funds are the unobligated balances anticipated after estimated reimbursements to the States are made in 1976. Two factors may cause fluctuations in the amount of reimbursement made in a given year. First, States frequently do not have sufficient funds to meet Federal grant matching requirements. Second, project reports must be submitted to the Fish and Wildlife Service for their review before reimbursements can be made. These reports may be inadequate or not submitted. For these reasons, revenue frequently exceeds obligations, and the excess revenue is reserved for use in the following year under provisions of the Anti-Deficiency Act (31 USC 665).

Estimated Effects

Further reimbursements will be made to the States if matching funds are provided and other legal requirements are met. The amount in reserve simply reflects the excess of revenue after reimbursements are made. Thus, this deferral has no programmatic, fiscal or budgetary effect.

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	17.2
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	17.2
4. With deferral	17.2
5. Current outlay savings (line 3 - line 4)	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-17

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 16 U.S.C. 669b): $ 57,700,000
Bureau: Fish and Wildlife Service	Other budgetary resources: 18,270,250
Appropriation title & symbol: Federal Aid in Wildlife Restoration 14X5029	Total budgetary resources: 75,970,250
	Amount to be deferred: Part of year: $ ____
	Entire year: $ 21,470,250
OMB identification code: 10-18-5029-0-2-303	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other ____
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [X] Other Permanent indefinite (receipt limitation)

Justification

Cost sharing assistance is provided to States and territories for wildlife restoration projects from permanent appropriations equal to 11% of the excise tax on the manufacture of firearms and ammunition (16 U.S.C. 669b).

States and territories receive assistance if they can provide the matching funds and if other program requirements are met. The 1976 program level of $54,500,000 is the estimate of Federal funds needed to match funds which the States are likely to obligate in the current fiscal year. The reserve reflects the fact that there are now more receipts in this permanent account than can be utilized by the recipients in the fiscal year, and thus, will remain unobligated at the close of the current fiscal year. This deferral action was taken under the authority of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects

Because funds are available for use whenever State or territorial programs qualify, the reserve does not have any programmatic, fiscal, or budgetary effect. Similarly, disapproval of this deferral would have no budgetary, fiscal, or programmatic effect since the funds could not be used unless the recipients' programs qualify to receive funds.

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	50.2
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	50.2
4. With deferral	50.2
5. Current outlay savings (line 3 - line 4)	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-18

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 23 U.S.C. 203) $ ____
Bureau National Park Service	Other budgetary resources 281,092,459
Appropriation title & symbol 14X1037 Road Construction Liquidation of Contract Authority National Park Service	Total budgetary resources 281,092,459
	Amount to be deferred: Part of year $ ____ Entire year 238,092,459
OMB identification code: 10-24-1037-0-1-303	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year June 30, 1976; June 30, 1978 (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [X] Contract authority [ ] Other ____

Justification

Contract authority (CA) is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate CA has been appropriated. Appropriated funds are not being deferred by this action. What is being deferred is authority to obligate funds before appropriation.

Contract authority in this account results from multi-year authorization under the Federal-Aid Highway Act. The total amount of CA authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but represents an upper limit for an on-going road, trail, and parkway construction effort derived from long term estimates of future road-building plans. The total amount of CA available for 1976 and subsequent years is $281,092,459 of which $43,000,000 is scheduled for obligation in 1976. Most of the deferred balance of $238,092,459 of CA will be available for obligation after 1976. However, based on the current obligation plan, $58,500,000 will lapse at the end of 1976. A decision will be made later in the fiscal year when the appropriations process is completed as to whether to recommend rescission of all or part of this amount.

Funds in this account are used for building new roads and trails, for rehabilitating existing roads and trails, and for advance planning of projects. The current system

includes about 10,200 miles of roads including parkways, and about 9,700 miles of trails. The 1976 program ($43,000,000) includes elements reviewed and approved by the Congress in previous years ($32,456,000) and new proposals for 1976 ($10,544,000). Reserving CA not scheduled for use in the current fiscal year is consistent with the current financial plan and the appropriations request currently before the Congress.

Estimated Effects

If all authorized CA were made available for obligation now there would be little if any program or outlay effect before completion of the appropriations process because it is not likely the funds would be obligated for projects prior to review of the proposed 1976 program by the Congress and the appropriation of cash to liquidate CA. This is because, in this account, the obligation program traditionally has been based on a project-by-project review by the appropriations committees.

Outlay Effect (estimated in millions of dollars)
(There will be no outlay effect)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976.....	38.8
2. Outlay savings, if any, included in the budget outlay estimate.....	--
Current Outlay Estimates for 1976:	
3. Without deferral.....	38.8
4. With deferral.....	38.8
5. Current outlay savings (line 3 - line 4).	—
Outlay Savings for the Transition Quarter.....	—
Outlay Savings for 1977	—

V 40 132 JUL 9 75 XUM

Deferral No: D76-19

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 30 U.S.C. 229a): $ --
Bureau: U.S. Geological Survey	Other budgetary resources: Est. 28,700
Appropriation title & symbol: Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920, Sec. 40(d) 14X5662	Total budgetary resources: Est. 28,700
	Amount to be deferred: Part of year: $ --
	Entire year: Est. 28,700
OMB identification code: 10-28-5662-0-2-301	Legal authority (in addition to sec. 1013): [x] Antideficiency Act
Grant program: [ ] Yes [x] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [x] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [x] Other permanent, indefinite, special

Justification

Section 40(d) of the Mineral Leasing Act of 1920 [30 U.S.C. 229(a)] provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about $1,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000. It is estimated that by the start of fiscal year 1976 the unobligated balance will be $28,700. None of these receipts have been obligated over the past ten years and none are planned for obligation in fiscal year 1976 because the total available is too small to be put to practical use for the purpose designated by law. Deferral is planned because funds could not be used effectively during the current fiscal year even if made available for obligation. This reserve action is taken pursuant to the Anti-Deficiency Act [31 U.S.C. 665(c)].

Estimated Effects

There will be no programmatic or outlay impact in FY 1976 since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used for effective purposes.

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	--
2. Outlay savings, if any, included in the budget outlay estimate	--
Current Outlay Estimates for 1976:	
3. Without deferral	--
4. With deferral	--
5. Current outlay savings (line 3 - line 4)	--
Outlay Savings for the Transition Quarter	--
Outlay Savings for 1977	--

V40-132 JUL 9 75 XUM

Deferral No: D76-20

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 23 U.S.C. 203) $ --
Bureau Bureau of Indian Affairs	Other budgetary resources 135,774,958
Appropriation title & symbol: Road Construction (Liquidation of Contract Authority) 14X2364	Total budgetary resources 135,774,958
	Amount to be deferred: Part of year $ --
	Entire year $ 68,469,958
OMB identification code: 10-76-2364-0-1-452	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual	Type of budget authority: ☐ Appropriation
☒ Multiple-year June 30, 1978 (expiration date)	☒ Contract authority
☐ No-year	☐ Other

Justification

Contract authority (CA) is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate CA has been appropriated. Appropriated funds are not being deferred by this action. What is being deferred is authority to obligate funds before appropriation.

Contract authority in this account results from multi-year authorization under the Federal-Aid Highway Act. The total amount of CA authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but represents an upper limit for an on-going road construction effort derived from long term estimates of future road-building plans. The total amount of CA available for 1976 and subsequent years is $135,174,958, of which $66,705,000 is scheduled for obligation in 1976. The deferred balance of $68,469,985 of CA will be available for obligation in the transition quarter and 1977.

Funds in this account are used primarily for improving the existing Indian road system which totals approximately 25,000 miles. The obligation program proposed for 1976 ($66,705,000 from CA plus $600,000 from reimbursements) will improve over 1,000 miles, or about 4 percent of the total, and will fund construction of those projects considered to be of the highest priority in 1976 after consultation with Indian people. The President's budget requests an appropriation to liquidate contract authority to meet the 1976 obligation program. Reserving CA not scheduled for use in the current

fiscal year is consistent with the current financial plan and the appropriations request currently before the Congress.

Estimated Effects

If all authorized CA were made available for obligation now there would be little if any program or outlay effect before completion of the appropriations process because it is not likely the funds would be obligated for projects prior to review of the proposed 1976 program by the Congress and the appropriation of cash to liquidate CA. This is because, in this program, appropriations traditionally have been based on a review of the proposed obligation plan by the appropriations committees.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	68.0
2. Outlay savings, if any, included in the budget outlay estimate	--
Current Outlay Estimates for 1976:	
3. Without deferral	68.0
4. With deferral	68.0
5. Current outlay savings (line 3 - line 4)	--
Outlay Savings for the Transition Quarter	--
Outlay Savings for 1977	--

V40-132 JUL 9 75 XUM

Deferral No: D76-21

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. ____) $ -0-
Bureau U. S. Coast Guard	Other budgetary resources 36,114,000
Appropriation title & symbol Acquisition, Construction, and Improvements 0240	Total budgetary resources 36,114,000
	Amount to be deferred: Part of year $ ____ Entire year 707,000
OMB identification code: 21-15-0240-0-1-406	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification--The construction schedule of a replacement icebreaker requires the deferral of $707,000 for outfitting the completed vessel in 1977. Outfitting is the process of providing a ship with the necessary equipment and furnishings. The process takes place upon completion of construction. $707,000 is deferred to assure prudent financial management for the entire fiscal year and could not be used effectively during the current year even if made available for obligation.

Estimated Effects--There is no programmatic, fiscal, economic or budgetary impact of this deferral due to the above justification.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$125.1
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for 1976:

3. Without deferral	125.1
4. With deferral	125.1
5. Current outlay savings (line 3 - line 4)	-0-

2

Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

V40-132 JUL 9 75 XUM

Deferral No: D76-22

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. _____): $ -0-
Bureau: Federal Aviation Administration	Other budgetary resources: 8,025,713
Appropriation title & symbol: Civil Supersonic Aircraft Development Termination. 69X0106; Civil Supersonic Aircraft Development 69X1358	Total budgetary resources: 8,025,713
	Amount to be deferred: Part of year: $ -0-
	Entire year: 7,685,713
OMB identification code: 21-20-0106-0-1-405	Legal authority (in addition to sec. 1013): [x] Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual; ☐ Multiple-year _____ (expiration date); ☒ No-year	Type of budget authority: [x] Appropriation; ☐ Contract authority; ☐ Other _____

	Total Budgetary Resources	Amount Deferred
Civil Supersonic Aircraft Development Termination	5,285,713	4,945,713
Civil Supersonic Aircraft Development	2,740,000	2,740,000
	8,025,713	7,685,713

Justificiation. This account finances the termination of the supersonic transport development program. The total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated by the Department of Transportation and Related Agencies Appropriation Acts, 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future years, if necessary to settle all outstanding claims. This deferral action is taken under the provisions of the Antideficiency Act (31 USC 665) which authorize the establishment of reserves for contingencies. All funds are available for obligation in future years.

Estimated Effects. This deferral action has no programmatic or budgetary effect. Funds can be made available and obligated only as claims are settled.

Outlay Effect

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$ 7.6
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	7.6
4. With deferral	7.6
Current outlay savings (line 3-line 4)	-0-
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

V40-132 JUL 9 75 XUM

Deferral No: D76-23

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation Bureau: Federal Aviation Administration Appropriation title & symbol: Facilities and Equipment (Airport and Airway Trust Fund) FAA 69X8107, 694/68107, 695/78107	New budget authority (P.L. ____): $ -0- Other budgetary resources: 274,823,895 Total budgetary resources: 274,823,895 Amount to be deferred: Part of year: $ -0- Entire year: 75,823,895
OMB identification code: 21-20-8107-0-7-405 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☒ Multiple-year 694/68107 June 30, 1976, 695/78107 June 30, 1977 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification. Funds from this account are used to procure congressionally approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the enroute airway control system, and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriations Act of 1975 and prior years. None of the deferred funds lapses in fiscal year 1976. The estimated total cost for each project is included in the appropriation. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 USC 665) which authorize the establishment of reserves for contingencies.

Estimated Effects. This deferral action does not affect fiscal year 1976 program reflected in the FY 1976 Congressional Budget Submission. The amount deferred could not be used economically if made available, in fiscal year 1976 because of the planned multi-year procurement, construction and/or installation cycle.

Outlay Effect

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$261.6
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	261.6
4. With deferral	261.6
Current outlay savings (line 3 - line 4)	-0-
Outlay savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

V40-132 JUL 9 75 XUM

Deferral No: D76-24

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512): $6,354,780,000
Bureau: Office of the Secretary	Other budgetary resources (1973-1975): 20,554,230,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources: 26,909,010,000
	Amount to be deferred: Part of year: $ 1/
	Entire year: 93,419,866
CMB identification code: 15-70-8111-0-7-851	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual; [X] Multiple-year (Dec. 31, 1976) (expiration date); [ ] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification

The Secretary of the Treasury must hold a portion of this account in reserve to meet valid claims from State and local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of all 39,000 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing has withheld from obligation an amount equal to one-half of one percent of the amounts appropriated for each entitlement period through FY 1975. This amount is anticipated to continue to be withheld from obligation through the end of fiscal year 1976.

This cumulative unobligated reserve, totaling $93.4 million is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. The unobligated amount retained in the Trust Fund will be reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of a regular distribution.

1/ While some amount of this reserve may be released during the year as valid claims are approved there is no sound basis for estimating that amount.

Estimated Effects

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$6,301.0
2. Outlay savings, if any, included in the budget outlay estimate	93.4

Current Outlay Estimates for 1976:

3. Without deferral	6,448,8
4. With deferral	6,355.4
5. Current outlay savings (line 3 - line 4)	93.4
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	+93.4 1/

1/ This deferral would shift $93.4 million in outlays from 1976 to 1977.

V40-132 JUL 9 75 XUM

Deferral No: D76-25

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512): $6,354,780,000
Bureau: Office of the Secretary	Other budgetary resources (1973-1975): 20,554,230,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources: 26,909,010,000
	Amount to be deferred: Part of year: 1/ $38,391,266
	Entire year: None
OMB identification code: 15-70-8111-0-7-851	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other: Civil Action No. 74-248
Type of account or fund: ☐ Annual ☒ Multiple-year (terminates Dec. 31, 1976 (expiration date)) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The State and Local Government Fiscal Assistance Trust Fund is a multi-year appropriation. In FY 1975, two regularly scheduled payments to the city of Chicago were deferred by the U. S. District Court, D. C. in Civil Action No. 74-248 for noncompliance with nondiscrimination requirements.

Estimated Effect

The city of Chicago will not receive payments totaling $38.4 million until further action by the court. Once the appropriate court order is issued, there will be an immediate need for these funds to be outlayed.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlays estimate for 1976	$6,301.0
2. Outlay savings, if any, included in the budget outlay estimate	0

1/Outlays only

2

Current Outlay Estimates for 1976:

3. Without deferral	6,355.4
4. With deferral	6,317.0
5. Difference (line 3 - line 4)	38.4
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

V40-132 JUL 9 75 XUM

Deferral No: D76-26

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Foreign Claims Settlement Commission	New budget authority (P.L.) $
Bureau: NA	Other budgetary resources 11,411,000
Appropriation title & symbol: Payment of Vietnam Prisoner of War Claims	Total budgetary resources 11,411,000
	Amount to be deferred: Part of year $
	Entire year 11,081,000
OMB identification code: 30-88-0104-0-1-152	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification

Public Law 91-289, approved June 24, 1970, authorizes the Foreign Claims Settlement Commission to adjudicate and certify for payment the claims of American military and civilian prisoners of war held during the Vietnam conflict, or their survivors. Before claims can be certified for payment by the Commission, the appropriate military services must determine the individual's POW status and, in the case of claims by the survivors of missing persons where evidence of captivity exists, it must also determine the date of death. By court order, however, the Secretaries of the respective services cannot make a final status determination without affording the right of due process to MIA survivors, which requires considerable time and has significantly reduced the rate at which final determinations are being made.

A total of $16,565,000 was appropriated during 1971, 1972 and 1973 for the Vietnam POW claims program to remain available until expended. The Commission now has certified $5,154,000 of payments for the claims of returned POWs and of most survivors of other missing persons for whom evidence of captivity was found and a date of death has been established. Because approximately 900 Americans remain in a missing status in Southeast Asia and because of the difficulty in many cases in establishing evidence of captivity, only $330,000 of the $11,411,000 remaining available for obligation has been apportioned for obligation in 1976 and

$11,081,000 has been reserved. This is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. This deferral of 1976 budgetary resources is necessary to achieve the most economical use of appropriations (31 U.S.C. 665(c)(1)) and to provide for contingencies after 1976 (31 U.S.C. 665(c)(2)).

Estimated Effects

No savings result from the deferral, since claims cannot be adjudicated or certified for payment by the Commission until final status determinations are made by the military services.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	4.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	.3
4. With deferral	.3
5. Current outlay savings (line 3 - line 4)	-0-
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

V40-132 JUL 9 75 XUM

Deferral No: D76-27

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: American Revolution Bicentennial Adm. Bureau: c/o Department of the Interior, Office of the Secretary	New budget authority (P.L. 93-179): $ 10,400,000 Other budgetary resources: 3,400,000 Total budgetary resources: 13,800,000
Appropriation title & symbol: Commemorative Activities Fund 76X5077	Amount to be deferred: Part of year: $ 1,000,000 Entire year:
OMB identification code: 31-03-5077-0-2-806 Grant program: [XX] Yes [ ] No	Legal authority (in addition to sec. 1013): [XX] Antideficiency Act [ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [XX] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [XX] Other: Permanent, Indefinite, Special Fund

Justification

Funds have been placed in reserve to insure that all costs of producing, marketing, and distributing the 1976 medals series and the national medal are covered out of this account. Past years' experience shows that metal and other material and production costs fluctuate widely. The reserve of $1,000,000 is the minimum amount sufficient to guarantee production of the 1976 philatelic-numismatic combination (PNC), whose sales in July 1976 will generate funds to produce the 1976 silver and bronze unique medals (on sale in October 1976). Most costs of producing the special national medal will be borne with available FY 1976 funds; but, purchase of gold for that medal may be partially accomplished with this reserve. Release of all reserved funds is anticipated in the fourth quarter, FY 1976.

Estimated Effects

None; all revenues in excess of actual production expenses will be apportioned for grants as soon as practicable.

2

American Revolution Bicentennial Administration
76X5077

Outlay Effect

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	11.0
2. Outlay savings, if any, included in the budget outlay estimate	1.5

Current Outlay Estimates for 1976:

3. Without deferral	12.4
4. With deferral	11.4
5. Current outlay savings (line 3 - line 4)	1.0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

[FR Doc.75-17560 Filed 7-2-75;12:05 pm]

V40-132 JUL 9 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

V 40-132 JUL 9 75 XUM

133

federal register

July 10, 1975—Pages 29067–29259

THURSDAY, JULY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 133

Pages 29067–29259

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

RENT INCREASES—HUD requires tenant notification and consideration of tenant comments in certain subsidized projects; effective 7–10–75 29073

CHILD'S BENEFITS—HEW/SSA sets guidelines for entitlement of children born out of wedlock; effective 6–74 29072

SOCIAL SECURITY COVERAGE—HEW/SSA excludes certain farm rental income received by landowner or tenant; effective 7–10–75 29071

PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM—Commerce/EDA revises grant and loan guidelines; effective 7–10–75 29070

APPLIANCES—Commerce announces intent to establish programs setting energy efficiency goals, product testing procedures, and performance calculations for gas ranges, clothes washers, and dishwashers (3 documents); comments by 7–31–75 29103–29109

OCCUPATIONAL SAFETY AND HEALTH TRAINING—HEW/PHS establishes conditions and procedures for awarding traineeships and grants; effective 7–10–75 29076

RURAL TELEPHONE PROGRAM—USDA/REA proposes to amend loan security requirements regarding equity; comments by 7–11–75 29088

RADIO PAGING SERVICE—USDA/REA proposes preloan procedures and requirements; comments by 8–11–75 29087

(Continued inside)

PART II:

NATIONAL DEFENSE AND DIRECT STUDENT LOAN PROGRAMS—HEW/OE announces partial loan cancellations for borrowers teaching in certain California or Tennessee schools (1974–75) having high concentrations of children from low income families 29221

PART III:

FEDERAL BONDS—Treasury/FS publishes annual list of companies authorized as acceptable sureties with reinsuring capability 29245

V40–133 JUL 10 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

CAB—Embargoes on property..... 26023; 6–20–75

DOT/FAA—Designation of transition area; Lacon, Ill..... 24180; 6–5–75
Transition area..... 26022; 6–20–75

EPA—Air quality implementation plans: Wyoming..... 24726; 6–10–75

HUD/FIA—National flood insurance program: Special hazard areas..... 24722; 6–10–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5217..... Pub. Law 94–54
Coast Guard, appropriation authorizations
(July 7, 1975; 89 Stat. 260)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

INFORMATION DISCLOSURE—CPSC proposes policies regarding employee testimony in private litigation; comments by 8–11–75..... 29092

MEETINGS—
Justice/LEAA: Law Enforcement/Private Security Relationship Study Committee, 8–13–75..... 29094
Interior/FWS: Waterfowl Advisory Committee, 8–5–75..... 29096
FEA: Electric Utilities Advisory Committee, 8–5–75..... 29127
GSA/FMPO: General Services Administration Advisory Committee on Cash Management, 8–19–75..... 29132
SBA: Atlanta District Advisory Council, 7–23–75..... 29137
Labor/Manpower: Federal Committee on Apprenticeship, 7–31 and 8–1–75..... 29138
DOD: Defense Science Board, 8–4 thru 8–8 and 8–11 thru 8–15–75..... 29094
Arms Control and Disarmament Agency: General Advisory Committee on Arms Control and Disarmament, 7–16 and 7–17–75..... 29115
Interior/BLM: Outer Continental Shelf Research Management Advisory Board, 7–24 and 7–25–75..... 29095
National Foundation on the Arts and the Humanities: National Council on the Arts, 7–25 thru 7–27–75. 29116
Interior/NPS: Southwest Regional Advisory Committee, 7–17 and 7–18–75..... 29101

RESCHEDULED MEETING—
Arms Control and Disarmament Agency—General Advisory Committee on Arms Control and Disarmament, 8–21 and 8–22–75..... 29115

contents

AGRICULTURAL MARKETING SERVICE

Rules
Grade, size and maturity standards:
Avocados grown in South Fla.. 29068
Limitation of handling and shipments:
Oranges (Valencia) grown in Arizona and designated part of Calif..... 29068

Proposed Rules
Limitations of handling and shipping:
Pears, plums and peaches, fresh, grown in Calif..... 29087

Notices
Expenses and rate of assessment:
Peanut Administrative Committee, 1975 crop year..... 29102

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules
Beekeepers; indemnity payment program..... 29067

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Rural Electrification Administration.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices
Advisory committees; filing of annual reports..... 29113

ARMS CONTROL AND DISARMAMENT AGENCY

Notices
Meeting:
General Advisory Committee on Arms Control and Disarmament..... 29115

CIVIL AERONAUTICS BOARD

Notices
Hearings, etc.:
Continental Air Lines, Inc..... 29116
Frontier Airlines, Inc..... 29117
International Air Transport Assn..... 29117
Pan American World Airways, Inc. and Quantas Airways, Ltd..... 29118
Societa Aerea Mediterranea-Sam S.p.A..... 29119

CIVIL SERVICE COMMISSION

Rules
Excepted service:
Commodity Futures Trading Commission..... 29067
Defense Department..... 29067
Equal Employment Opportunity Commission..... 29067
Regional Commissions (public works and economic development)..... 29067
Renegotiation Board..... 29067

Notices
Noncareer executive assignments:
Agriculture Department..... 29119
General Services Administration..... 29120
Interior Department (2 documents)..... 29119–29120
Justice Department..... 29120
Management and Budget Office..... 29120

COAST GUARD

Notices
Barge moorings, vessel operations, and control barge breakaways: Mississippi River in the vicinity of the Port of New Orleans.. 29114

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; Economic Development Administration.

Notices
Appliance efficiency, voluntary program:
Clothes washers..... 29103
Dishwashers..... 29106
Gas ranges..... 29109
Gas water heaters; correction.. 29112

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices
Cotton textiles:
India..... 29121
Macau..... 29120
Man-made textiles:
Macau..... 29120
Wool textiles:
Macau..... 29120

COMMODITY CREDIT CORPORATION

Rules
Freight bills; setoff..... 29069

Notices
Cotton; 1974 crop loan; acquisition..... 29102

COMMODITY FUTURES TRADING COMMISSION

Rules
Contract marketing rules; filing requirements..... 29085

Proposed Rules
Commodity trading advisor definition; exclusion of certain persons..... 29090
Commodity pool operator definition; exclusion of certain persons..... 29091

Notices
Exchange arbitration procedures; interpretation and request for comments..... 29121

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Rules
Employee testimony in private litigation; procedures..... 29092

V40-133 JUL 10 75 XUM

DEFENSE DEPARTMENT
Notices
Meetings:
Defense Science Board 29094

DELAWARE RIVER BASIN COMMISSION
Notices
Hearings:
Gloucester New Communities Co., et al 29122

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Kirstein Leather Co.; filing of petition 29102
Scientific articles; duty-free entry:
North Carolina State University 29102

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Grant and loan program; public works and development 29070

EDUCATION OFFICE
Notices
Student loan programs; cancellation for teaching service 29221

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Environmental statements:
Liquid metal fast breeder reactor program; administrator's findings 29127

ENVIRONMENTAL PROTECTION AGENCY
Rules
Water pollution; effluent guidelines for certain point source categories:
Electroplating manufacturing (2 documents) 29075–29076
Notices
Pesticide registration:
Applications 29124
Pesticides, specific exemptions and experimental use permits:
Army Corps of Engineers, Silvex for alligatorweed and water hyacinth 29123
Hercules, Inc., dialifor for use on pecans 29124
Tennessee Valley Authority, 2,4-D to control Eurasian watermilfoil 29124

FEDERAL AVIATION ADMINISTRATION
Rules
Standard instrument approach procedures 29070
Proposed Rules
Overwater operations; radio equipment 29089
Notices
Occupational safety or health standards for aircraft crewmembers; guidance information 29114

FEDERAL ENERGY ADMINISTRATION
Notices
Meeting:
Electric Utilities Advisory Committee 29127

FEDERAL HIGHWAY ADMINISTRATION
Rules
Right-of-way general; state highway responsibilities 29073

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan Insurance Corporation; Scheduled items 29069
Proposed Rules
Exclusive leases; policy statement 29093

FEDERAL POWER COMMISSION
Notices
Meeting:
Technical Advisory Committee on the Impact of Electric Power Supply 29131
Hearings, etc.:
Detroit Edison Co 29128
El Paso Natural Gas Co 29130
Green Mountain Power Co 29130
Interior Department, Southeastern Power Administration 29127
Northern Natural Gas Co 29130
Norwood, Massachusetts 29131
Otter Tail Power Co 29130
Pacific Gas and Electric Co 29131
Philadelphia Electric Co 29131
United Gas Pipe Line Co 29131

FEDERAL RAILROAD ADMINISTRATION
Rules
Railroad passenger terminals; financial assistance 29080

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Circular 570; 1975 Revision 29245

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Lacreek National Wildlife Refuge, S. Dak 29084
Monte Vista National Wildlife Refuge, Colo 29084
Hunting:
Bitter Lake National Wildlife Refuge 29084
Notices
Endangered species permits, applications (2 documents) 29096–29097
Meetings:
Waterfowl Advisory Committee 29096

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Nylon resins 29073
Proposed Rules
Dietary foods; extension of time 29089
Notices
Animal drugs:
Franklin Laboratories; withdrawal of approval of new animal drug application 29113

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review:
Proposals 29132

GENERAL SERVICES ADMINISTRATION
Notices
Cash Management Advisory Committee 29132

GEOLOGICAL SURVEY
Notices
Geothermal resource areas, operations, etc.:
California 29100

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Alcohol, Drug Abuse and Mental Health Administration; Education Office; Food and Drug Administration; Public Health Service; Social Security Administration.

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Southern Ohio Coal Co 29100

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Rules
Rent increases; notice to tenants and consideration of comments 29073

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Land Management Bureau; National Park Service; Mining Enforcement and Safety Administration.

INTERSTATE COMMERCE COMMISSION
Notices
Hearing assignments 29139
Motor carrier, broker, water carrier and freight forwarder applications 29175
Motor carriers:
Irregular route property carriers; gateway elimination 29142
Temporary authority applications 29140
Petitions filing:
Wisconsin-Michigan Coaches, Inc 29139
Pipelines; tentative valuations 29139

JUSTICE DEPARTMENT
See Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See Manpower Administration.

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
New Mexico 29095
Wyoming 29095
Opening of public lands:
California 29094
Withdrawal and reservation of public lands, proposed:
Minnesota 29095
Meetings:
Outer Continental Shelf Research Management Advisory Board 29095

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
Private Security Advisory Council, Law Enforcement/Private Security Relationship Study Committee 29094

LEGAL SERVICES CORPORATION
Notices
Meetings:
Board of Directors 29132

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests 29134

MANPOWER ADMINISTRATION
Notices
Employment transfer and business competition determinations; financial assistance applications 29138
Meetings:
Apprenticeship, Federal Committee on 29138

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Notices
Hearings, etc.:
Knoxville, Tenn.; investigation of fatal accident 29101

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meeting:
National Council on the Arts 29116

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Petitions for temporary exemption from safety standards:
Orcon Industries Inc 29115
Sebring-Vanguard Inc 29115

NATIONAL PARK SERVICE
Notices
Meeting:
Southwest Regional Advisory Committee 29101

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Aircraft accident report; safety recommendations; availability 29132

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Consolidated Edison Co. of New York 29133
General Atomic Co. (2 documents) 29133
Public Service Electric and Gas Co., et al 29133
Wisconsin Electric Power Co., et al 29133

PUBLIC HEALTH SERVICE
Rules
Educational programs, occupational safety; grants 29076

REVENUE SHARING OFFICE
Notices
Entitlement data; improvement procedures; final allocation date 29094

RURAL ELECTRIFICATION ADMINISTRATION
Proposed Rules
Rural telephone program; preloan procedures and requirements for radio paging service 29087
Equity policy; telephone loans 29088

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
BBI, Inc 29135
Chemex Corp 29136
Equity Funding Corp. of America 29136
Industries International, Inc 29136
Merrill Lynch, Pierce, Fenner & Smith, Inc 29136
Westgate California Corp 29137

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Hamilton Capital Fund, Inc 29137
Disaster areas:
Texas 29138
Meeting:
Atlanta District Advisory Council 29137

SOCIAL SECURITY ADMINISTRATION
Rules
Old age, survivors, and disability insurance:
Child's benefits 29072
Farm rental income 29071

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE
Notices
Delta Steamship Lines, Inc 29134

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Fiscal Service; Revenue Sharing Office.

V40-133 JUL 10 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

5 CFR
213 (5 documents) 29067

7 CFR
760 29067
908 29068
915 29068
1408 29069

PROPOSED RULES:
917 29087
1701 (2 documents) 29087–29088

12 CFR
561 29069

PROPOSED RULES:
571 29093

13 CFR
305 29070

14 CFR
97 29070

PROPOSED RULES:
91 29089

16 CFR

PROPOSED RULES:
1016 29092

17 CFR
1 29085

PROPOSED RULES:
1 (2 documents) 29090–29091

20 CFR
404 (2 documents) 29071–29072

21 CFR
121 29073

PROPOSED RULES:
80 29089
125 29089

23 CFR
710 29073

24 CFR
401 29073

40 CFR
413 (2 documents) 29075–29076

42 CFR
86 29076

49 CFR
256 29080

50 CFR
32 29084
33 (2 documents) 29084

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 27925
310 27925

3 CFR
PROCLAMATIONS:
4381 27637

EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) 27939
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659

4 CFR
54 27929

5 CFR
213 ..... 27639, 27640, 27929, 28047, 28445, 28806, 29067
307 28445
551 27640
731 28047

7 CFR
26 28785
246 27930
271 28786
272 28786
722 28601
760 29067
780 27641
908 ..... 28460, 29068
910 28461
911 28462
915 ..... 28048, 29068
916 28462
917 ..... 27930, 28601
930 ..... 27931, 28602
1464 28603
1822 28463
1843 27931
1964 27641
1131 27642
1408 29069
1446 28787
1464 28788

PROPOSED RULES:
728 28093
775 28093
911 28614
915 ..... 28090, 28614
916 28090
917 29087
958 28091
980 28091
989 27691
1032 28618
1046 28465
1062 28618
1099 28807
1201 ..... 28092, 28093
1421 28094
1464 27691
1701 29087–29088
1822 28094

8 CFR
PROPOSED RULES:
212 28614

9 CFR
83 27642
97 27643

9 CFR—Continued
PROPOSED RULES:
92 28807
101 28621
112 28621
113 28621
114 28621

10 CFR
205 28446
211 28446
212 ..... 28847, 28448
303 28420
309 28420
860 28789

PROPOSED RULES:
205 28481
206 28481
212 28634–28637
213 ..... 28481, 28487

11 CFR
Ch. II 28578

PROPOSED RULES:
Ch. II 28579

12 CFR
308 28048
339 27931
400 28449
561 29069

PROPOSED RULES:
217 28644
329 ..... 28099, 28100
544 28638
545 28638
546 ..... 27953, 28640
555 28641
563 ..... 27954, 28643
571 29093

13 CFR
121 28603
305 29070

14 CFR
21 28603
39 ..... 27643, 27644, 28075, 28604–28605
71 ..... 28076, 28077, 28790
75 ..... 27644, 28077
97 ..... 28606, 29070
211 28077
217 28078
288 ..... 28078, 28450
296 28079
297 28087
399 28087

PROPOSED RULES:
39 28096
71 28628
75 ..... 28096, 28097, 28628
91 ..... 28628, 29089
93 28629
221 28489

16 CFR
13 ..... 27932, 28050
302 27932
1031 27934

16 CFR—Continued
PROPOSED RULES:
257 28489
1016 29092

17 CFR
1 29085
270 27644
275 27644

PROPOSED RULES:
1 29090–29091

18 CFR
3 27645
260 27645

19 CFR
1 28582
127 28790
133 28790

PROPOSED RULES:
24 28807

20 CFR
401 27648
404 29071–29072
405 ..... 28016, 28052
422 27648

PROPOSED RULES:
401 28810
404 28095
405 ..... 27782, 28810
416 28095

21 CFR
1 28582
27 28791
121 29073
229 28610
431 28052
510 ..... 27651, 28791
522 28792
556 28792
558 27651
701 28451
1308 28611
1401 27821

PROPOSED RULES:
80 29089
125 29089
310 ..... 27796, 28587
1020 28095

22 CFR
8 28606

23 CFR
230 28053
710 29073

24 CFR
17 28597
401 29073
888 28451
1914 28061
1915 27651
2205 28609

25 CFR
12 28026
153 28039

V40-133 JUL 10 75 XUM

26 CFR
1 ... 27943
PROPOSED RULES:
1 ... 27943, 28101, 28613
11 ... 28101

29 CFR
94 ... 28980
97 ... 28980
727 ... 28064
1952 ... 27655, 28472, 28792
PROPOSED RULES:
570 ... 28814
1902 ... 27946
1907 ... 27691

32 CFR
641 ... 27936
1712 ... 28597

33 CFR
3 ... 28451
127 ... 27939

34 CFR
PROPOSED RULES:
Ch. II ... 28495

36 CFR
PROPOSED RULES:
2 ... 28088

39 CFR
3002 ... 28792

40 CFR
52 ... 28064
85 ... 28066
162 ... 28242
180 ... 28065
413 ... 29075–29076
PROPOSED RULES:
2 ... 28814
51 ... 28629
52 ... 28097, 28098, 28815
60 ... 28814
61 ... 28814
79 ... 28814
125 ... 28814

40 CFR—Continued
PROPOSED RULES—Continued
167 ... 28814
180 ... 28814
432 ... 28633

41 CFR
1–3 ... 27655
1–9 ... 28067
9–4 ... 28068
60–8 ... 28609
101–11 ... 27655
105–61 ... 28610
PROPOSED RULES:
60–12 ... 28477
60–14 ... 28472

42 CFR
2 ... 27802
86 ... 29076

43 CFR
20 ... 28288
430 ... 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5504 ... 27659
5506 ... 27659
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR
83 ... 28572
205 ... 27659
249 ... 28793
250 ... 28070
1060 ... 28793
1061 ... 27661
1067 ... 28794

45 CFR—Continued
1068 ... 27665, 27667
1220 ... 28799
PROPOSED RULES:
116d ... 28622

46 CFR
502 ... 27671
506 ... 28801
538 ... 28452
PROPOSED RULES:
547 ... 28489

47 CFR
0 ... 28454
1 ... 28454, 28803
73 ... 27671, 27939, 28457, 28803
74 ... 28610
76 ... 28457, 28804
PROPOSED RULES:
21 ... 28816
43 ... 28816
73 ... 28098, 28634
76 ... 28634, 28816

49 CFR
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
256 ... 29080
571 ... 28457, 28805
575 ... 28071, 28074
1033 ... 27939–27941
1102 ... 27941
PROPOSED RULES:
571 ... 28097

50 CFR
21 ... 28459
32 ... 29084
33 ... 29084
PROPOSED RULES:
17 ... 28712
20 ... 27943
216 ... 28460

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Staff Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense is excepted under Schedule C.

Effective on July 10, 1975, § 213.3306 (a) (34) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(34) One Staff Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17927 Filed 7–9–75;8:45 am]

PART 213—EXCEPTED SERVICE

Renegotiation Board

Section 213.3355 is amended to show that one position of Secretary (Stenography) to Renegotiation Board Member is reestablished under Schedule C.

Effective on July 10, 1975, § 213.3355 (c) is revised as set out below:

§ 213.3355 The Renegotiation Board.

• • • • •

(c) One Secretary to each of three Board Members.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17929 Filed 7–9–75;8:45 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one position of Public Information Officer is excepted under Schedule C.

Effective on July 10, 1975, § 213.3377(e) is revised as set out below:

§ 213.3377 Equal Employment Opportunity Commission.

• • • • •

(e) One Public Information Officer.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17928 Filed 7–9–75;8:45 am]

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Section 213.3379 is amended to show that four positions of Secretary to a Commissioner are excepted under Schedule C.

Effective on July 10, 1975, § 213.3379 (h) is added as set out below:

§ 213.3379 Commodity Futures Trading Commission.

• • • • •

(h) One Secretary to each of four Commissioners.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–17926 Filed 7–9–75;8:45 am]

PART 213—EXCEPTED SERVICE

Regional Commissions, Public Works and Economic Development Act of 1965

Section 213.3386 is amended to show that one Private Secretary to the Federal Cochairman, Old West Regional Commission is reestablished under Schedule C.

Effective on July 10, 1975, § 213.3386 (c) is revised as set out below:

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

• • • • •

(c) One Private Secretary to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant, to the Commissioners.

[FR Doc.75–17930 Filed 7–9–75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

On April 28, 1975, a notice of proposed rulemaking regarding amendments to the beekeeper indemnity payment program regulations was published in the FEDERAL REGISTER (40 FR 18450).

Interested persons were given until May 30, 1975, to submit written comments, suggestions, or objections regarding the proposed amendments. Comments received from the notice of proposed rulemaking were primarily from queen breeders in the Southeastern United States. Comments received were generally critical of the proposal not to make payments on queen nuclei destroyed between July 1 and December 31 each year. The proposal to change the date after which a change in the degree of loss of bees will not be recognized received fewer comments. The total number of comments received were very small in relation to the number of participants in the program.

Persons who responded indicated that some queen breeders maintain a number of queen nuclei as late as October each year, and that losses may occur as late as November. However, all agreed that the main shipping season occurs during the period March through June. Also, in the past, it has been a common practice to discount the price of queens after June 1 each year. It is the Department's position that the number of queen nuclei being destroyed after July 1 and for which indemnity payments are being made is out of proportion to the actual sale or potential market for queens after July 1.

After consideration of all such relevant matter as was presented by interested persons, Part 760, section 105(d) is revised to read as follows:

§ 760.105 Proving loss of bees.

• • • • •

(d) No change in the degree of loss of bees which occurs after October 1 each year will be recognized and no payment will be made for any loss of queen nuclei which occurs between August 15 and December 31 each year.

V 40 I 133 J UL 10 75 XUM

(84 Stat. 1362, 87 Stat. 237 (7 U.S.C. 1359 note))

Effective date: July 15, 1975.

Signed at Washington, D.C., on July 2, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-17966 Filed 7-9-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 506]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 11-17, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.806 Valencia Orange Regulation 506.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is slower as buyer interest centers largely on soft fruits and melons. Prices f.o.b. averaged $3.67 per carton on a reported sales volume of 856,000 cartons last week, compared with an average f.o.b. price of $3.82 per carton and sales of 975,000 cartons a week earlier. Track and rolling supplies at 390 cars were down 95 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting durtng the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 11, 1975, through July 17, 1975, are hereby fixed as follows:

(i) District 1: 228,000 cartons;

(ii) District 2: 422,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 9, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-18134 Filed 7-9-75;11:54 am]

[Avocado Reg. 17, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Nadir variety of avocados. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Weather conditions in the production area resulted in a very early bloom and earlier maturity of avocados. Maturity studies on the Nadir variety completed recently indicate that avocados of such variety are now mature at hereinafter specified dates, minimum weights or diameters. Nadir avocados of the specified weights or diameters for the periods hereinafter set forth will be mature, and fruit meeting such specifications is acceptable in the markets.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of

the act is insufficient; and this amendment relieves restrictions on the handling of avocados.

Order. The provisions of subparagraph (a)(2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048) are amended by revising in Table I dates, minimum weights, or diameters applicable to the Nadir variety, so that after such revisions the portion of Table I relating to such variety of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Nadir	7- 7-75	12 oz. 3 1/16 in.	7-21-75	10 oz. 2 15/16 in.	8- 4-75		

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, July 3, 1975, to become effective July 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17894 Filed 7-9-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

[Amendment 1]

PART 1408—SETOFF, WITHHOLDING AND STOP PAYMENT POLICIES OF COMMODITY CREDIT CORPORATION

A proposal was published at 40 FR 19830 to amend Part 1408 of the regulations of the Commodity Credit Corporation to delete the condition that setoff not be made when freight bills involve shipments on commercial bills of lading except in cases of rail carriers.

Interested persons were given the opportunity to participate in the rule making through submission of comments, suggestions or objections. No submissions have been received and the amendment as so proposed is hereby adopted without change.

Accordingly paragraph (c) of § 1408.11 (7 CFR 1408.11(c)) is deleted and paragraphs (d), (e), (f), and (g) of § 1408.11 are redesignated (c), (d), (e), and (f) respectively.

Signed at Washington, D.C., on June 30, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-17965 Filed 7-9-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-568]

PART 561—DEFINITIONS

Amendment Relating to Scheduled Items

JUNE 30, 1975.

Summary. The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble as well as to the specific provisions in the regulation.

I. *Present Regulation.* A. The definition of scheduled items includes real estate owned by an insured institution as well as certain loans to facilitate the sale of this real estate.

B. The definition includes no corresponding provisions with respect to mobile homes on which institutions have made loans.

II. *Proposed Amendment.* The definition would be amended to include:

A. The amount invested in mobile homes owned as a result of repossession;

B. The unpaid principal balance of loans to facilitate the sale of such mobile homes so long as such balance exceeds 90 percent of wholesale value, as established in a dealer's market—i.e. "blue book" value; and

C. The amount invested in mobile homes transferred to a service corporation in the preamble as well as to the specific provisions in the regulation. tion to the extent such amount would

III. *Final Amendments.* The amended definition is as proposed except:

A. Loans to facilitate the sale of repossessed mobile homes are not included unless the unpaid principal balance exceeds 100 percent of wholesale value, as established in a dealer's market or by appraisal.

B. Only 20 percent of loans to facilitate the sale of repossessed mobile homes are included if:

1. The mobile home is as described in § 545.7-1(a)(1)—i.e., a single residential unit;

2. The loan requires equal or substantially equal monthly payments sufficient to retire the debt within the loan term;

3. The loan is in accordance with § 545.7-(e)(4); and

4. All contractually required payments have been made for a continuous period of 36 months without a delay of more than 30 days in making any one of the last 12 of such payments.

By Resolution No. 74-362, dated April 24, 1974, and published in the FEDERAL REGISTER on May 6, 1974 (39 FR 15881-82), the Federal Home Loan Bank Board proposed to amend Part 561 of the rules and regulations for insurance of accounts (12 CFR Part 561) by revising the definition of scheduled items in § 561.15 thereof. The Board considers it desirable to amend said § 561.15 as proposed, with the changes discussed below.

Presently, § 561.15 defines scheduled items to mean, inter alia, slow loans (including delinquent mobile home loans) as defined in § 561.16, real estate owned (REO), loans secured by REO under certain circumstances, and REO which has been transferred to certain business entities, including service corporations, to the extent that such REO would have been included had it not been so transferred.

The proposal would have revised the definition of scheduled items to include the amount invested in repossessed mobile homes and the amount of certain loans to facilitate the sale of mobile homes previously repossessed in order to present a more complete picture of the condition of insured institutions. The proposal would have redesignated present paragraph (i) of § 561.15 as paragraph (l) thereof and added three new paragraphs thereto. New paragraph (i) would have included in the definition of scheduled items the amount invested in any mobile home, including a mobile home in the possession of "any servicing company or dealer acting on behalf of an insured institution," owned as a result of repossession or acquired by transfer of title in lieu of repossession. New paragraph (j) would have required the inclusion of certain loans secured by, and contracts for the sale of, the mobile homes described in said new paragraph (i)—i.e., repossessed mobile homes. To be included as a scheduled item any such loan or contract would have to have an unpaid principal balance in excess of the maximum amount permitted under otherwise applicable lending limitations, or, in the absence of such limitations, in excess of 90 percent of the wholesale value of the repossessed mobile home (including any installed equipment), plus the cost of appropriate insurance and any applicable sales tax. The "wholesale value" of such a mobile home would be that established in a "dealers' market." The term "dealer's market" is used in § 545.7-1, "Mobile home financing", of the Rules and Regulations of the Federal Savings and Loan System (12 CFR 545.7-1) and means the value set forth in one of the two "blue books" listing values for used mobile homes. New paragraph (k) would also have required the inclusion in the scheduled items definition of the amount invested in any repossessed mobile home transferred by an insured institution, if such mobile home would have been included under either paragraph (i) or (j) if it had not been so transferred, if such transfer was made to either (1) a service corporation as defined in § 561.26, or (2) any other corporation in which such insured institution has an investment.

The amendments add new paragraphs (i) and (k), as proposed. New paragraph (j) differs from the proposal in three respects. First, a loan or contract for the sale of a repossessed mobile home is not a scheduled item unless the unpaid

V40 I133 JUL 10 75 XUM

principal balance exceeds 100 percent of wholesale value, as established in a dealer's market. The test is changed from 90 percent of wholesale value to 100 percent thereof so as to be more comparable to the test used in connection with loans to facilitate the sale of repossessed real estate. The repossessed real estate test is 90 percent of the "retail" value of the real estate. Second, the wholesale value may be determined in a dealer's market—i.e. "blue book" listing—or by appraisal. The appraisal alternative is added because blue book listings are not available for all mobile homes. Third, only 20 percent of the unpaid principal balance of a loan to facilitate the sale of a repossessed mobile home will be considered a scheduled item if: (1) the mobile home is of the type described in § 545.7–1 (a)(1)—i.e. a mobile home designed as a single residential unit, (2) the loan requires equal or substantially equal payments, which include both interest and principal, sufficient to amortize the entire debt within the loan term, (3) the loan is in accordance with § 545.7–1(e)(4), and (4) contractually required payments have been made for a continuous period of 36 months, without a delay of more than 30 days in making any one of the last 12 of such payments. Section 561.15 presently includes a "performing assets" test for loans to facilitate the sale of real estate owned and the Board believes that loans to facilitate the sale of repossessed mobile homes should be treated similarly.

Accordingly, the Federal Home Loan Bank Board hereby amends § 561.15 by adding new paragraphs (i), (j), and (k) thereto and by redesignating present paragraph (i) thereof as paragraph (l), as set forth below effective August 8, 1975.

§ 561.15 Scheduled items.

The term "scheduled items" means:

• • • • •

(i) The amount invested in any mobile home (other than a mobile home owned pending transfer to an insuring or guaranteeing agency of the U.S. Government), including a mobile home in the possession of any servicing company or dealer acting on behalf of an insured institution, which is owned as a result of repossession or which was acquired by transfer of title in lieu of repossession.

(j) The unpaid principal balance of any loan secured by, and any contract for the sale of, a mobile home described in paragraph (i) of this section having an unpaid principal balance in excess of 100 percent of the wholesale value or otherwise applicable lending limitation (including any installed equipment) of the mobile home securing such loan or sold under such contract, as established at the time of sale in a dealer's market or by appraisal; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all the following requirements are met: (1) The mobile home securing the loan or sold under the contract is of the type described in § 545.7–1(a)(1) of this chapter; (2) The loan or contract requires equal, or substantially equal, regular monthly payments which include both principal and interest, sufficient to amortize the entire debt, principal and interest, within the term of the loan or contract; (3) The loan or contract is in accordance with § 545.7–1(e)(4) of this chapter; and (4) All contractually required payments (including payments for insurance and taxes, whether or not in escrow) have been made for a continuous period of 36 months without a delay of more than 30 days in the making of any one of the last 12 of such payments, and

(k) The amount invested in any mobile home transferred by an insured institution to a service corporation or to any other corporation in which an insured institution has an investment, to the same extent that such amount would have been counted as a scheduled item under paragraph (i) or (j) of this section, if such mobile home had not been so transferred.

(l) As used in this section, the term "residential real estate" means real estate (1) improved by a structure or structures designed primarily for residential use and (2) having at least 80 percent of its total value attributable to such residential use, but such term shall not include nursing homes, homes for the aging, and mobile home parks.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board,

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–17925 Filed 7–9–75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Grant and Loan Program

Part 305 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

1. Section 305.42 is amended by revising the introductory paragraph to read as follows:

§ 305.42 Hospitals, nursing homes, and convalescent care facilities.

Applications for assistance in the construction or improvement of hospitals, except applications for such assistance under Title X, should be submitted to EDA only after all other efforts to obtain the required funds have failed, including requests under the Hill-Burton program of the Department of Health, Education, and Welfare.

• • • • •

2. Section 305.44 is amended by revising the introductory language of paragraph (b) to read as follows:

§ 305.44 Tourism and recreation.

• • • • •

(b) Tourism and recreation projects, except such projects receiving assistance under Title X, must meet the following requirements:

• • • • •

3. Section 305.45 is amended by revising the introductory language of paragraph (b) to read as follows:

§ 305.45 Vocational or skill training facilities.

• • • • •

(b) General requirements for EDA financial assistance for vocational or skill training facilities, except such facilities receiving assistance under Title X, include the following:

• • • • •

(Sec. 701, Pub. L. 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10–4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532))

Effective date. This amendment becomes effective on July 10, 1975.

Dated: June 30, 1975.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75–17923 Filed 7–9–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14778; Amdt. No. 976]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective August 21, 1975.*

Elizabeth City, NC—Coast Guard Air Base/Municipal Arpt., VOR Rwy 1, Amdt. 2.
Elizabeth City, NC—Coast Guard Air Base/Municipal Arpt., VOR Rwy 19, Amdt. 2.
Greenwood, MS—Greenwood-LeFlore Arpt., VOR Rwy 5, Amdt. 5.
LaPorte, IN—LaPorte Municipal Arpt., VOR–A, Orig.
Rochelle, IL—Rochelle Municipal Arpt., VOR–A, Amdt. 2.

• • • *effective August 7, 1975:*

Boise, ID—Boise Air Terminal, VOR/DME Rwys 10L and R, Amdt. 1.
Boise, ID—Boise Air Terminal, VOR Rwys 10L and R, Amdt. 16.
Boise, ID—Boise Air Terminal, VORTAC Rwy 28L, Amdt. 5.

• • • *effective July 24, 1975:*

Westerly, RI—Westerly State Arpt., VOR–A, Amdt. 5.

• • • *effective July 17, 1975:*

Fort Dodge, IA—Fort Dodge Municipal Arpt., VOR Rwy 12, Amdt. 9.
Fort Dodge, IA—Fort Dodge Municipal Arpt., VORTAC Rwy 30, Amdt. 5.
Marion, OH—Marion Municipal Arpt., VOR Rwy 24, Orig.

2. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective August 21, 9175.*

Cozad, NE—Cosad Municipal Arpt., NDB Rwy 13, Orig.
Elizabeth City, NC—Coast Guard Air Base/Municipal Arpt., NDB–A, Amdt. 3.

• • • *effective August 14, 1975:*

Nome, AK—Nome Arpt., NDB Rwy 27, Amdt. 3.

• • • *effective August 7, 1975:*

Boise, ID—Boise Air Terminal, NDB Rwys 10L and R, Amdt. 23.

• • • *effective July 17, 1975:*

Fort Dodge, IA—Fort Dodge Municipal Arpt., NDB Rwy 6, Orig.
Marion, OH—Marion Municipal Arpt., NDB Rwy 12, Amdt. 4.

3. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective July 27, 1975.*

Latrobe, PA—Latrobe Arpt., ILS Rwy 23, Amdt. 7.

CORRECTION

In Docket Nr. 14708, Amendment 974, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated June 26, 1975, on page 27016, under § 97.25, effective August 14, 1975—Change effective date of Rock Springs, WY, Rock Springs-Sweetwater County Arpt., LOC/DME (BC) Rwy 7, Original, to October 9, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 3, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75–17860 Filed 7–9–75;8:45 am]

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart K—Employment—Wages—Self-Employment Income

On February 6, 1975, there was published in the FEDERAL REGISTER (40 FR 5540) a notice of proposed rulemaking with proposed amendments to Subpart K of Regulations No. 4 (20 CFR Part 404), regarding implementation of section 10 of P.L. 93–368, enacted August 7, 1974. The proposed amendments reflect the provisions of section 10 of Pub. L. 93–368, enacted August 7, 1974, which provide for the exclusion from social security coverage of farm rental income received by a landowner or tenant who turns over the management of his farm to an agent and does not himself materially participate in the farm operation.

Under present law, farm rental income is covered under social security if the rental arrangement provides that the landowner or tenant materially participate in the production of the agricultural or horticultural commodities on his land and if there is material participation by the landowner or tenant. In determining whether the landowner's or tenant's actions contribute in a material way to the production of the commodities raised on his farm, his own actions plus actions of his agent are considered. Actions by an agent are attributed to the farm landowner or tenant, so that if the agent participates in the management and operation of the farm, the farm-owner or tenant is also deemed to be participating even though he does not personally participate.

A problem has arisen in the case of landowners who enter into an agreement with a professional farm management company or other person who has the responsibility to choose a tenant and to manage and supervise the farm operation. In such a situation, the landowner does not participate in the operation of the farm and views his income as investment income rather than income from farm self-employment.

Accordingly, the amendment provides that in such a situation the landowner would not be considered to participate in the operation of the farm. Therefore, his farm income would not count for social security purposes if he entered into an agreement with another person to manage or supervise the farm operation, including the selection of tenants, when there is in fact no participation on his part.

No adverse comments have been received. Accordingly, the proposed amendments are adopted without change as set forth below.

Effective Date: These amendments shall be effective July 10, 1975.

Dated: June 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 2, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart K of Regulation No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended by revising paragraph (c)(5) and examples (5) and (6) in paragraph (c)(6) of § 404.1053 to read as follows:

§ 404.1053 Rentals from real estate; material participation.

• • • • •

(c) *Special rule for "includible farm rental income"* • • •

• • • • •

(5) *Employees or agents.* Any arrangement entered into by an employee or agent of an owner or tenant and another person is considered an arrangement entered into by the owner or tenant for purposes of satisfying the requirement set forth in paragraph (c)(2) of this section that the income must be derived under an arrangement between the owner or tenant and another person. For purposes of determining whether the arrangement satisfies the requirement set forth in paragraph (c)(3) of this section that the parties contemplate that the owner or tenant is to materially participate in the production or management of

V40 I133 JUL 10 75 XUM

production of a commodity: (i) for taxable years ending after 1955 and beginning before January 1, 1974, services performed by such an employee or agent are considered services performed by the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity; (ii) for taxable years beginning after December 31, 1973, the activities (including services) of such an employee or agent shall not be considered as the activities (including services) of the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity.

(6) *Examples* * * *

* * * * *

Example 5. J owned a farm several miles from the town in which he lived. He rented the farm to K under an arrangement which contemplated J's material participation in the management of production of wheat. J furnished one-half the seed and fertilizer and all the farm equipment and livestock. He employed H to perform all the services in advising, consulting, and inspecting which were contemplated by the arrangement, effective with taxable years beginning after December 31, 1973. J is not materially participating in the management of production of wheat by K. The work done by J's employee, H, is not attributable to J in determining the extent of J's participation. J's rental income from the arrangement is not to be included in computing his net earnings from self-employment.

Example 6. Assume the same facts as in the previous example except that J appointed the X Bank as his agent to enter into the rental arrangement with K and to perform the services which were contemplated by the arrangement, effective with taxable years beginning after December 31, 1973. J is not materially participating in the management of production of wheat by K because the work done by X Bank is not attributable to J in determining the extent of J's participation. J's rental income from the arrangement would not be included in computing his net earnings from self-employment.

* * * * *

(Secs. 205(a), 211(a)(1), and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 502, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405(a), 411(a)(1), and 1302)

[FR Doc.75-17887 Filed 7-9-75;8:45 am]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart L—Family Relationship

On February 4, 1975, there was published in the FEDERAL REGISTER (40 FR 5163), a notice of proposed rulemaking with a proposed amendment to Subpart L of Regulations No. 4 (Part 404 of title 20 of the Code of Federal Regulations). The proposed amendment provides that a child born out of wedlock to a living wage earner entitled to old-age insurance benefits or disability insurance benefits is a "child" of the wage earner for purposes of entitlement to child's insurance benefits if the wage earner was decreed by a court to be the child's father, or was ordered by a court to contribute to the child's support because the child is his or her son or daughter, or acknowledged in writing that the child is his or her son or daughter; or is shown to be the child's father by other satisfactory evidence and is living with the child or contributing to the child's support at the time the child's application is filed. Under present regulations, a child born out of wedlock to a living wage earner after the wage earner's entitlement to old-age or disability insurance benefits has begun, is precluded from being considered a "child" for social security purposes. The proposed amendment changes the regulations to conform with the U.S. Supreme Court's decision in *Jimenez v. Weinberger*, 417 U.S. 628 (1974), which declared the time requirements of section 216(h)(3)(B) of the Social Security Act to be unconstitutional. This change is effective with benefit payments for months beginning June 1974.

Interested parties were given 30 days within which to submit data, views, and arguments. None were received. Therefore, the proposed amendment is hereby adopted with a clarifying change with respect to the effective date and inclusion of the amendment as a new paragraph rather than as a revision of an existing paragraph, a change in form rather than in substance from the amendment published with a notice of proposed rulemaking. As thus revised, the amendment is set forth below.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), are further amended by adding paragraph (e) to § 404.1101 to read as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—...)

§ 404.1101 Determination of Relationship.

Whether a claimant bears the necessary relationship for entitlement under title II of the Act, as wife, husband, widow, widower, child, or parent of the insured individual upon whose wages and self-employment income and application is based is determined as follows:

* * * * *

(e) If the application for child's benefits is filed in or after July 1965 and the claimant is the natural son or daughter of the insured individual but does not have the relationship of child to the insured individual under the criteria described in paragraph (a) or (c)(1) of this section, such child will nevertheless be deemed the child of such insured individual for purposes of child's benefits beginning for months no earlier than June 1974, if:

(1) In the case of an insured individual who is entitled to old-age insurance benefits and in the month before he became entitled to such benefits was not entitled to disability insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because claimant is his son or daughter, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and is living with or contributing to the support of the claimant at the time such application for benefits is filed;

(2) In the case of an insured individual who is entitled to disability insurance benefits or who was entitled to such benefits in the months before the first month for which he was entitled to old-age insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and is living with or contributing to the support of the claimant at the time such application for benefits is filed;

(3) In the case of a deceased insured individual:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he had been decreed by a court to be the father of the claimant, or he had been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, and such acknowledgement, court decree, or court order was made before the death of such insured individual, or

(ii) Such insured individual is shown by satisfactory evidence to have been the father of the claimant and that he was living with or contributing to the support of the claimant at the time he died.

The term "insured individual" used in this paragraph (e) refers to the child's mother or father except where a provision refers only to the "father."

(Secs. 205, 206, and 1102; 53 Stat. 1368, as amended; 68 Stat. 1082, as amended; 49 Stat. 647, as amended; (42 U.S.C. 405, 406 and 1302))

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Effective date. The amendment is effective with benefit payments for months beginning June 1974.

Dated: June 19, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 2, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-17888 Filed 7-9-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0102]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NYLON RESINS

The Commissioner of Food and Drugs is amending § 121.2502 *Nylon resins* (21 CFR 121.2502) to provide for safe use of nylon 612 resins in food-contact articles intended for repeated use, effective July 10, 1975.

Notice was given, by publication in the FEDERAL REGISTER of January 24, 1975 (40 FR 3794), that a food additive petition (FAP 5B3066) had been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, proposing that § 121.2502 *Nylon resins* be amended to provide for safe use of nylon 612 resins made by the condensation of hexamethylenediamine and dodecanedioic acid as components of food-contact articles intended for repeated use.

The Commissioner, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.2502 should be amended as set forth below to provide for safe use of nylon 612.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2502 is amended by adding paragraph (a)(8) and adding item 8 to the table in paragraph (b) to read as follows:

§ 121.2502 Nylon resins.

* * * * *

(a) * * *

(8) Nylon 612 resins are manufactured by the condensation of hexamethylenediamine and dodecanedioic acid.

(b) Specifications:

	Nylon resins	Specific gravity	Melting point	Solubility in boiling 4.2 *N* HCl	Maximum extractable fraction in selected solvents (expressed as percent by weight of resin)			
					Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
	* * *	* * *	*Degrees F* * * *	* * *	*Percent* * * *	*Percent* * * *	*Percent* * * *	*Percent* * * *
8	Nylon 612 resins for use only in articles intended for repeated use in contact with food at temperatures not to exceed 212° F.	1.06±0.015	406–420	Insoluble after 1 hr.	0.50	1.50	0.50	0.50

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 11, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 10, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: July 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17753 Filed 7-9-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 710—RIGHT-OF-WAY GENERAL

State Highway Department Responsibilities

The document amending Chapter I of Title 23 of the Code of Federal Regulations by adding Part 710, published in the FEDERAL REGISTER on July 19, 1974, at 39 FR 26416, is amended by changing the due date given in § 710.206(b) for the submission of annual reports to the Washington Office of FHWA from August 1, to September 1.

Issued on: July 2, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-17880 Filed 7-9-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-291]

SUBCHAPTER A—INSURED MULTIFAMILY HOUSING—MANAGEMENT AND MORTGAGE SERVICING

PART 401—NOTICE TO TENANTS AND CONSIDERATION OF THEIR COMMENTS IN EFFECTING RENT INCREASES

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

On September 11, 1974, at FR 32736, the Department amended Title 24 by adding a new Part 401, "Notice to Tenants and Consideration of their Comments in Effecting Rent Increases." The new Part set forth the procedures to be followed by mortgagors seeking increases in maximum permissible rents for multifamily projects (except for cooperative housing mortgagor corporations or associations) subsidized by (a) below-market interest rates pursuant to section 221(d)(3) and (5) of the National Housing Act, (b) interest reduction payments pursuant to section 236 of the National Housing Act, or (c) rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965. The procedures include: (1) notification to the tenants by the mortgagor of his intent to request approval of an increase in the maximum permissible rents; (2) an opportunity for tenants to make written comments on the proposed increase to the mortgagor and to HUD; and (3) after HUD has considered all the submitted material and determined the need for an increase, if any, notification to the tenants by the mortgagor of the reasons for approval or disapproval.

Part 401 was published in its original form concurrently with Part 410, "Income Limits, Rents, and Occupancy." Part 410 relates to low-rent public housing. Since the final rule for Part 401 is ready for issuance prior to the final rule for Part 410, the former is being adopted at this time to avoid delay. It is expected that the final rule for Part 410 will be adopted in the near future.

Part 401 was adopted by interim rule, and for reasons of urgency stated in its

V40-133 JUL 10 75 XUM

preamble, the rule was made effective as of October 14, 1974, with opportunity provided for public comment until November 12, 1974. During that comment period, the Department received 68 responses from 65 sources. These comments have been considered, and the part as originally adopted has been changed. The significant substantive changes are as follows:

Several commentators correctly noted that in the case of § 236 projects with mortgages not insured by HUD, agencies of the state and local governments have the primary responsibility for determining the allowable rents that a landlord may charge, and that those agencies are in a much better position than HUD to evaluate the comments on the rent increase request. Accordingly, it was suggested that the mortgagor submit tenant comments, together with the rent increase request, to the state or local agency rather than to HUD. The Department agrees that this procedure would provide the tenants with an opportunity for written comments and at the same time would increase the efficiency of processing rent increase requests. The final rule, therefore, provides in § 401.6 that landlords shall submit comments with respect to rent increases for § 236 non-insured projects to the state or local agency which in turn shall forward the comments to HUD with the request for approval of the increase, after the agency has made its initial determination.

Some commentators urged that tenants of certain projects subsidized under section 202 of the Housing Act of 1959 or under sections 401 and 404(b)(3) of the Housing Act of 1950 should be included so as to accord them the same rights as other subsidized tenants. The Department is adopting this recommendation in § 401.1.

Prior to the adoption of Part 401, the Department had required mortgagors to submit a Statement of Profit and Loss (Form HUD–92410) in connection with rent increase requests. Part 401, however, required the submission of a cash flow statement. Since it has been determined that there is no need for both statements, HUD is dropping the requirement for a cash flow statement and is reverting in § 401.3 to its earlier requirement of a Profit and Loss Statement alone.

Several commentators described problems for garden or scattered-site projects that concerned posting of notices. Part 401 had originally provided that notices be posted in three places in each building. As now revised, § 401.2 permits alternate forms of notice: (1) posting or (2) delivery directly or by mail to each individual tenant household.

Some commentators cited prevalence in leases of "escalator" clauses that permit changes in rents during the term of the lease. In order to avoid conflict with such clauses, the prescribed notice form has been changed to permit the implementation of approved rent increases during the lease term when the provisions of the lease so provide.

Certain commentators also argued by adopting its interim rule, HUD has unduly prolonged processing time and delayed necessary rent increases from taking effect. In order to minimize the delay, § 401.3 has been revised to require the landlord to submit to HUD, at the time he gives the tenants notice of his proposed rent increase, copies of that notice and the materials which he intends to submit in support of the application. Under this procedure, the local HUD office will have some familiarity with the application and will be able to begin evaluating tenant comments sent directly to HUD. This procedure also will enable the local HUD office to start its review of the proposed rent increase before the complete application is submitted to HUD. Lastly, providing HUD with a copy of the notice to the tenants at the time it is first posted or delivered is an expedient in cases where the notice is materially deficient, since the defect could be remedied immediately, and the 30-day notice period could be promptly restarted.

Several commentators questioned the applicability of these procedures to projects where tenants pay their own utility expenses. In this regard, the Department considers that upward variations in the utility rates paid directly by tenants, rather than the landlord, should not give rise to tenant notice and comment procedures since these procedures are designed as safeguards against arbitrary landlord action and utility charges direct to a tenant are a matter between him and the utility company to which the landlord is not privy and which he cannot control.

Several commentators suggested that rent increases due to increases in debt service be excluded from the scope of this regulation on the grounds that tenants would have little to offer with respect to such increases. This suggestion has been temporarily rejected until the Department has had more experience with respect to the quality and type of comments tenants submit concerning such rent increases.

Finally, some commentators expressed confusion over the scope of the interim rule. It is the Department's intention that neither the interim rule nor this final rule have any retroactive effect. Rent increase applications submitted prior to the effective date of the interim rule, October 14, 1974, are not required to comply with the provisions of Part 401. The interim rule applied to all applications submitted during the period from October 14, 1974 to the effective date of this final rule, and this rule applies to all applications filed on or after that effective date.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 7th Street, SW, Washington, D.C.

Accordingly, 24 CFR, Part 401 is amended by changing Subpart A to read as follows:

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

Sec.

401.1 Applicability of procedures.
401.2 Notice to tenants.
401.3 Materials to be submitted to HUD.
401.4 Request for increase.
401.5 Notification of action on request for increase.
401.6 Section 236 non-insured projects.

AUTHORITY: Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b).

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

§ 401.1 Applicability of procedures.

The procedures set forth in this Subpart shall be applicable to all requests for increases in maximum permissible rents due to increases in operating costs or debt service by the mortgagors of multifamily projects (except for cooperative housing mortgagor corporations or associations) subsidized by: (a) below-market interest rates pursuant to section 221(d)(3) and (5) of the National Housing Act; (b) interest reduction payments pursuant to section 236 of the National Housing Act; (c) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965; (d) direct loans at below-market interest rates pursuant to section 202 of the Housing Act of 1959; or (e) direct loans at below-market interest rates pursuant to section 401 and 404(b)(3) of the Housing Act of 1950 (excluding loans cosigned by the beneficiary educational institution). Increases in maximum permissible rents do not include increases in utility charges paid directly by the tenant.

§ 401.2 Notice to tenants.

At least thirty (30) days before filing an application with HUD for an increase in the maximum permissible rents, the mortgagor shall notify the tenants of the proposed rent increase. Copies of such notice shall be: (A) delivered directly or by mail to each tenant; or (B) posted in at least 3 conspicuous places within each structure or building in which the affected dwelling units are located as well as in a conspicuous place at the address where the materials in support of the proposed rent increase are to be made available to tenants pursuant to the provisions of the notice format in this section. The notice shall contain the following information in the following format or equivalent thereto:

NOTICE TO TENANTS OF INTENTION TO FILE AN APPLICATION TO HUD FOR AN INCREASE IN THE MAXIMUM PERMISSIBLE RENTS

Date of Notice

Take notice that on [date] we plan to file an application for approval of an increase in the maximum permissible rents for [name of apartment complex] with the United States Department of Housing and Urban Development (HUD). The proposed increase is needed for the following reasons:

1.
2.
3.

The rent increases for which we have applied are:

Bedrooms	Present rent[1]		Proposed increase[1]		Proposed rent[1]	
	Basic	Market	Basic	Market	Basic	Market
0	$	$	$	$	$	$
1						
2						
3						
4						
5						

[1] Separate columns for basic and market rent should be used only for projects assisted under sec. 236 of the National Housing Act. In addition, in projects with more than 1 type of apartment having the same number of bedrooms but different rents, each type should be listed separately.

Copies of the materials that we intend to submit to HUD in support of our application will be available during normal business hours at [address] for a period of 30 days from the date of this notice for inspection and copying by tenants of [name of apartment complex] and, if the tenants wish, legal or other representatives acting for them individually or as a group.

During a period of 30 days from the date of this notice, tenants of [name of apartment complex] may submit written comments on the proposed rental increase to us at [address]. Tenant representatives may assist tenants in preparing these comments. (The inspection and comment period will be extended to give tenants 5 days to inspect and comment on any materials to be submitted in support of the application that are not available to the tenants during the first 25 days of the 30-day period.) These comments will be transmitted to HUD, along with our evaluation of them and our application for an increase. You may also send a copy of your comments directly to HUD at the following address: United States Department of Housing and Urban Development [address of local HUD field office with jurisdiction over rent increases for the project], Attention: Director, Housing Management Division, RE: Project No. [Name of Apartment Complex].

HUD will approve or disapprove the proposed rental increase upon reviewing the application and comments. When HUD advises us in writing of its decision on our application, you will be notified at least 30 days before any allowable increase is put into effect, in accordance with the terms of existing leases.

[Name of mortgagor or managing agent]

The mortgagor shall comply with all representations made in the Notice.

§ 401.3 Materials to be submitted to HUD.

Simultaneously with the posting or distribution of the Notice, the mortgagor shall send to the local HUD office copies of the following:

(1) The written Notice to the tenants;

(2) The annual Statement of Profit and Loss, Form HUD–92410, audited by an independent public accountant and covering the most recently ended accounting year, and an unaudited accrual Form HUD–92410 for the intervening period since the date of the last annual statement if more than four months have elapsed since that date; and

(3) A narrative statement of the reasons for the requested increase in maximum permissible rents.

§ 401.4 Request for increase.

(a) Upon expiration of the period for tenant comments required in the notice format in § 401.2 and after review of the comments submitted to him, the mortgagor shall submit, in addition to the materials enumerated in § 401.3 and any revisions thereto, his application for an increase in the maximum permissible rents together with the following:

(1) A certification by the mortgagor following the requirements specified in § 401.4(b);

(2) Copies of all written comments submitted by the tenants to the mortgagor; and

(3) The mortgagor's evaluation of the tenants' comments with respect to the application.

(b) The certification of the mortgagor as required by § 401.4(a)(1) shall attest:

(1) That the Notice required by § 401.2 was given pursuant to the provisions of that Section;

(2) That the mortgagor has taken reasonable steps to assure that the substance of the Notice has been conveyed to each resident household, and in cases where the Notice was posted, that the required Notices were maintained intact and in legible form for the specified thirty (30) days;

(3) That the copies of the materials submitted in support of the proposed increase were located in a place reasonably convenient to tenants in the project during normal business hours and that requests by tenants to inspect such materials, as provided for in the Notice, were honored;

(4) That copies of all comments received from the tenants were considered and are being transmitted to HUD together with the certification; and

(5) That "under the penalties and provisions of Title 18, United States Code, section 1001, the statements contained in this application and its attachments have been examined by me and, to the best of my knowledge and belief, are true, correct, and complete."

§ 401.5 Notification of action on application for increase.

After HUD has considered the application for an increase in the maximum permissible rents which meets the requirements of § 401.4 and has made its determination to approve or disapprove the application, it will furnish the mortgagor with a written statement of the reasons for approval or disapproval. The mortgagor shall make known to tenants, by posting or delivery in the manner outlined in the second sentence of § 401.2, the reasons for approval or disapproval.

§ 401.6 Section 236 non-insured projects.

With respect to rent increases for § 236 non-insured projects, project owners shall submit tenant comments to the state or local agency, which in turn shall forward the comments to HUD with the request for HUD approval of the increase, after the agency has made its initial determination. Accordingly, for purposes of such projects, the requirements of §§ 401.2–401.5 are modified by substituting the name of the state or local agency assisting the project for "United States Department of Housing and Urban Development" or "HUD" wherever there is a reference to either such name. After the project owner has complied with such provisions as modified by this section and after the state or local agency has made a determination, after full consideration of the tenant comments relating thereto, to approve an increase in maximum approvable rents, the agency shall promptly submit to the appropriate local HUD field office an application for approval of such increase in the maximum approvable rents, along with the comments of the tenants, and certify to HUD the project owner's compliance with §§ 401.2–401.5 as modified herein. HUD shall review such determination and certification and notify the agency of its approval or disapproval of the proposed rent schedule. HUD will not unreasonably withhold approval of rent revisions approved by the state or local agency.

Effective date. These amendments are effective July 10, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-17787 Filed 7-9-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 397–1]

PART 413—ELECTROPLATING MANUFACTURING POINT SOURCE CATEGORY

Availability of Technical Reports and Extension of Public Comment Period

On April 24, 1975, the Agency published a notice of interim final rulemaking establishing effluent limitations and guidelines based on best practicable control technology currently available for the electroplating manufacturing point source category (40 FR 18130). Reference was made in the preamble to this notice of technical reports prepared by the Agency in connection with the development of these regulations.

V40-133 JUL 10 75 XUM

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Common and Precious Metals Segment of the Electroplating Point Source Category" and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Metal Finishing Segment of the Electroplating Point Source Category" detail the analysis undertaken in support of the regulations and are available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. Copies of both of these documents have been sent to persons or institutions affected by the interim final regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown.

All comments received on or before August 11, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: July 3, 1975.

JAMES L. AGEE,
Assistant Administrator,
Water and Hazardous Materials.

[FR Doc.75-17946 Filed 7-9-75;8:45 am]

[FRL 397-2]

PART 413—ELECTROPLATING MANUFACTURING POINT SOURCE CATEGORY

Availability of Technical Reports and Extension of Public Comment Period

On April 24, 1975, the Agency published a notice of proposed rules establishing effluent limitations and guidelines based on best available technology economically achievable, standards of performance for new sources, and pretreatment standards for both existing and for new sources was published for the electroplating manufacturing point source category (40 FR 18140). Reference was made in the preamble to this notice of technical reports prepared by the Agency in connection with the development of these regulations.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Common and Precious Metals Segment of the Electroplating Point Source Category" and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Metal Finishing Segment of the Electroplating Point Source Category" detail the analysis undertaken in support of the regulations and are available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. Copies of both of these documents have been sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown.

All comments received on or before August 11, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: July 3, 1975.

JAMES L. AGEE,
Assistant Administrator,
Water and Hazardous Materials.

[FR Doc.75-17947 Filed 7-9-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

PART 86—GRANTS FOR EDUCATION PROGRAMS IN OCCUPATIONAL SAFETY AND HEALTH

On November 21, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 24760) to add a new Part 86 to Title 42, Code of Federal Regulations. As proposed, the part set forth the conditions and procedures for awarding traineeships and training grants for short- and long-term training in occupational safety and health pursuant to section 21(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(a)(1)).

Interested persons were afforded the opportunity to participate in the rulemaking through the submission of comments and the comments which were received have been considered.

Numerous comments were received from audiologists objecting to the failure of the regulations to provide expressly for the training of "industrial audiologists." It should be noted that the purpose of Part 86 is to support training in occupational safety and health rather than the basic professional training for doctors, nurses, engineers, or audiologists. Should there develop a specialty in the field of audiology which can be classified as "industrial audiology" and which differs from the normal course of instruction for audiologists, the portion of this special training would be eligible for support under this part.

The major changes in the regulation are summarized as follows:

1. For clarity, the term "traineeship"—described in the preamble to the proposed rules as an award from the Government directly to the individual who is being trained—has been changed to "direct traineeship" to distinguish it from the award made by training institutions which receive training grants.

2. A new § 86.5 has been added which refers to the Public Health Service and Department appeal procedures for resolving post-award grant disputes.

3. Section 86.10(a) has been clarified by expressly providing for support for short-term training of personnel who, while not classified as "professionals," are engaged in those occupational safety and health careers necessary to carry out the purposes of the Occupational Safety and Health Act.

4. In § 86.17, statements have been included calling attention to the statutory provisions prohibiting discrimination on the basis of sex and discrimination by reason of a handicap under any education program or activity receiving Federal financial assistance.

5. Provisions for the protection of human and animal research subjects have been incorporated (§§ 86.19 and 86.33).

6. As a result of the Department's adoption of Part 74 of Title 45, Code of Federal Regulations, designed to establish uniform requirements for the administration of grants, a number of changes in administrative requirements have been made, and a new § 86.21, specifying applicability of 45 CFR Part 74, has been added.

Therefore, a new Part 86, as set forth below, is added to Title 42, Code of Federal Regulations, effective on July 10, 1975.

Dated: June 13, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: July 2, 1975.

CASPAR W. WEINBERGER,
Secretary.

PART 86—GRANTS FOR EDUCATION PROGRAMS IN OCCUPATIONAL SAFETY AND HEALTH

Subpart A—General

Sec.
86.1 Applicability.
86.2 Definitions.
86.3 Inventions and discoveries.
86.4 Publications and copyrights.
86.5 Grant appeals procedure.

Subpart B—Occupational Safety and Health Training Grants

86.10 Nature and purpose of training grants.
86.11 Eligibility.
86.12 Application for a grant.
86.13 Project requirements.
86.14 Evaluation and grant award.
86.15 Payments.
86.16 Use of project funds.
86.17 Nondiscrimination.
86.18 Grantee accountability.

Sec.
86.19 Human subjects; animal welfare.
86.20 Additional conditions.
86.21 Applicability of 45 CFR Part 74.

Subpart C—Occupational Safety and Health Direct Traineeships

86.30 Nature and purpose of direct traineeships.
86.31 Eligibility; minimum requirements.
86.32 Application for direct traineeship.
86.33 Human subjects; animal welfare.
86.34 Evaluation and award of direct traineeships.
86.35 Payments.
86.36 Duration and continuation.
86.37 Terms and conditions.
86.38 Accountability.
86.39 Termination of direct traineeship.

AUTHORITY: The provisions of this Part 86 issued under sec. 5(g), 84 Stat. 1600; 29 U.S.C. 657(g), sec. 21(a), 84 Stat. 1612; 29 U.S.C. 670(a).

Subpart A—General

§ 86.1 Applicability.

The regulations of this part are applicable to the award of training grants and direct traineeships pursuant to section 21(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(a)(1)) to assist in providing an adequate supply of qualified personnel to carry out the purposes of the Act.

§ 86.2 Definitions.

Any term not defined herein shall have the same meaning as given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) "Nonprofit agency or institution" means an agency, corporation, or association no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(d) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(e) "Training" means job-specific skill development, the purpose of which is to provide qualified personnel to carry out the purposes of the Act.

§ 86.3 Inventions and discoveries.

Any grant award pursuant to § 86.14 or § 86.33 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 86.4 Publications and copyrights.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose, of such materials and to authorize others to do so.

§ 86.5 Grant appeals procedure.

The informal Public Health Service procedure for resolution of post-award grant disputes set forth in subpart D of Part 50 of this title and the Department post-award grant appeals procedure in 45 CFR Part 16 are applicable to any award made pursuant to this part.

Subpart B—Occupational Safety and Health Training Grants

§ 86.10 Nature and purpose of training grants.

(a) *Long-term training project grant.* A long-term training project grant is an award of funds to an eligible institution or agency, hereinafter called the "grantee," to pay part or all of the costs of organized identifiable activities, hereinafter termed the "project," that are undertaken to establish, strengthen, or expand graduate, undergraduate, or special training, of persons in the field of occupational safety and health. Such grants may be used to support training in, for example, occupational medicine, industrial hygiene, industrial nursing and occupational safety engineering and the training of technicians and paraprofessionals in such areas.

(b) *Short-term training project grant.* A short-term training project grant is an award of funds to an eligible institution or agency, hereinafter called the "grantee," to pay part or all of the costs of organized identifiable activities, hereinafter termed the "project" that are undertaken to provide intensive training programs of less than 1 year for any one or a combination of the following purposes:

(1) To provide specialized instruction for occupational safety and health professional or career personnel which will increase their competence in an area in their respective fields.

(2) To prepare or expand the capabilities of occupational safety and health professional or career personnel for leadership roles as administrators or supervisors, and

(3) To prepare or expand the teaching capabilities of occupational safety and health professionals and career personnel.

§ 86.11 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit educational or training agency or institution located in a State is eligible to apply for a grant under this subpart.

(b) *Projects eligible for long-term or short-term training grants.* Any project found by the Secretary to be a long-term training project within the meaning of § 86.10(a) or a short-term training project within the meaning of § 86.10(b), shall be eligible for a grant award.

§ 86.12 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.[1] The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project in accordance with the requirements of this subpart, and a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.

§ 86.13 Project requirements.

(a) An approvable application for a long-term training grant must contain each of the following, unless the Secretary determines that the applicant has established good cause for its omission.

(1) Provision of a method for development of the training curriculum and any attendant training materials and resources;

(2) Provision of a method for implementation of the needed training;

(3) Provision of an evaluation methodology, including the manner in which such methodology will be employed, to measure the achievement of the objectives of the training program; and

(4) Provision of a method by which trainees will be selected.

(b) In addition to the requirements set forth in paragraph (a) of this section, an approvable application for a short-term training grant must contain each of the following, unless the Secretary determines that the applicant has established good cause for its omission.

(1) Provision of a methodology to assess the particular skills, or knowledge that prospective trainees need to develop;

(2) Provision of at least 18 hours of formal instruction for a period of not less than 2½ days and not more than 1 academic year; and

[1] Applications and instructions may be obtained from the Office of Extramural Activities, National Institute for Occupational Safety and Health, U.S. Post Office & Courthouse, Cincinnati, Ohio 45202.

V 40 1133 JUL 10 75 XUM

(3) Assurances that no portion of the Federal funds will be used for (i) in-service training courses designed only for employees of a single agency, institution, or organization; (ii) correspondence courses; (iii) regular courses usually given for academic credit; or (iv) training the grantee's financial officers, program director, or the official who executed the application.

§ 86.14 Evaluation and grant award.

Within the limits of funds available for such purpose the Secretary may award grants to assist in the establishment and operation of those projects which will in his judgment best promote the purposes of section 21(a)(1) of the Act, taking into account:

(a) In the case of long-term training grants:

(1) The need for training in the area or areas of study outlined in the application;

(2) The degree to which the proposal represents a strengthening or expansion of the applicant's program in such areas;

(3) The record of the applicant's effectiveness in training in these or related areas as indicated, among other things, by the placement of its graduates;

(4) The competence of the project staff in relation to the service to be provided;

(5) The reasonableness of the budget in relation to the proposed project;

(6) The applicant's resources, including equipment, facilities, and funds, available for the project;

(7) The current and potential availability of students in the area of study to be offered and their prospective employability as a result of the proposed training;

(8) The extent to which the applicant expects to absorb faculty positions initiated as a result of the grant; and

(9) The degree to which the project adequately provides for the requirements set forth in § 86.13(a).

(b) In the case of short-term training:

(1) The relationship of the contents of the course to the current and emergency training needs to carry out the purposes of the Act;

(2) The qualifications of the instructional staff;

(3) The speed with which the training can be put to use by the persons proposed to be trained;

(4) The reasonableness of the budget in relation to the proposed project;

(5) The success of previous offerings of this course, or related courses;

(6) Evidence of ability to recruit trainees and the estimated number to be enrolled during each course offering; and

(7) The degree to which the proposed project adequately provides for the requirements set forth in § 86.13(b).

(c) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage, not to exceed 8 percent, of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as travel or supply costs) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 86.15 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 86.16 Use of project funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with section 21(a) of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Prior written approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities, which in the case of short term training grants, includes any change in the course dates or training sites.

(c) Grant funds are available for trainee stipends and for tuition, including fees and instructional materials, for travel costs related to training allowances. Stipends and allowances may not be increased or be paid beyond the term of the stipend on account of vacation an individual might have been entitled to but did not take.

(d) Stipends may only be paid to a trainee who is a citizen of the United States, an alien lawfully admitted to the United States for permanent residence, or a permanent resident of Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(e) In the case of short term training grants, stipends may not be paid to persons receiving lecture fees, salary, travel expenses, or payment in any form as members of the course instructional staff.

(f) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, as amended, and with the applicable regulations prescribed pursuant thereto.

§ 86.17 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of title IX of the Education Amendments of 1972 (86 Stat. 373, 20 U.S.C. 1681 et seq.) and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 86.18 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section; and

(ii) Any credits for earned interest pursuant to paragraph (b) of this section; and

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 86.19 Human subjects; animal welfare.

No grant award may be made under this subpart unless the applicant has complied with:

(a) 45 CFR Part 46 pertaining to the protection of human subjects; and

(b) Chapter 1–43 of the Department Grants Administration Manual[2] concerning animal welfare.

§ 86.20 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 86.21 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all grantee organizations under this part:

Subpart	Subject
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout: Suspension, and termination.
O	Property.
Q	Cost principles.

[2] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894–523.

Subpart C—Occupational Safety and Health Direct Traineeships

§ 86.30 Nature and purpose of direct traineeships.

A direct traineeship is an award of funds directly from the Federal Government to an individual (herein called the "trainee") for his subsistence and other expenses during a period in which he is acquiring training (a) in the occupational safety and health professions, (b) for research relating to occupational safety and health, or (c) for teaching in occupational safety and health.

§ 86.31 Eligibility; minimum requirements.

In order to be eligible for an award under this subpart an applicant must:

(a) Have been accepted by a public or other nonprofit institution for the purpose of the activity for which the traineeship is sought.

(b) Be a U.S. citizen, an alien lawfully admitted to the United States for permanent residence or a permanent resident of Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 86.32 Application for direct traineeship.

An application for a direct traineeship under this subpart shall be submitted to the Secretary at such times and in such form and manner as he may prescribe.[1] In addition to the information supplied by the applicant in his application, such further information may be required as is necessary to determine his or her qualifications.

§ 86.33 Human subjects; animal welfare.

Where the application is for training at a non-Federal institution, no award may be made under this subpart unless said institution has complied with:

(a) 45 CFR Part 46 pertaining to the protection of human subjects; and

(b) Chapter 1–43 of the Department Grants Administration Manual[2] concerning animal welfare.

§ 86.34 Evaluation and award of direct traineeships.

Within the limits of funds available for such purpose and subject to the regulations of this part, the Secretary may award direct traineeships to those qualified applicants who are in his judgment best able to carry out the purpose of the traineeships taking into consideration the need for training in the area of study specified in the application.

§ 86.35 Payments.

(a) Individuals receiving awards shall be entitled to such stipends and allowances as the Secretary may designate, taking into account such factors as the needs of the program, the cost of living, and the availability of funds (Note: These are prescribed in Chapter 3–140 of the Department Grants Administration Manual[2]).

(b) Payments of stipends and allowances will, at the discretion of the Secretary, be made directly to the trainee or to the sponsoring institution for payment directly to the trainee.

§ 86.36 Duration and continuation.

Direct traineeship awards may be made for varying periods not in excess of 2 years. The Secretary may make one or more continuation awards for an additional period if he finds that satisfactory progress is being made toward accomplishment of the purpose of the initial traineeship award. Additional support may be provided on appropriate justification after expiration of the period of support in the previous award.

§ 86.37 Terms and conditions.

All direct traineeship awards shall be subject to the following terms and conditions:

(a) Training must be carried out at an institution found by the Secretary to provide a well-rounded course of instruction in the particular area of training for which the traineeship is awarded.

(b) No direct traineeship may be utilized to compensate any trainee for personal services or employment on behalf of the United States or any person.

§ 86.38 Accountability.

Accountability for payments will be subject to such requirements as may be specified by the Secretary.

§ 86.39 Termination of direct traineeship.

(a) The Secretary may terminate a direct traineeship at any time upon request of the trainee.

(b) After reasonable notice to the trainee and an opportunity for the presentation of the trainee's views and relevant evidence, the Secretary may terminate any direct traineeship prior to the date it would otherwise expire upon a determination that the trainee's performance is unsatisfactory, that the trainee is no longer attending the sponsoring institution, or that he or she is

[1] Applications and instructions may be obtained from the Office of Extramural Activities, National Institute for Occupational Safety and Health, U.S. Post Office & Courthouse, Cincinnati, OH 45202.

V40-1133
JUL 10 75
XUM

unfit or unable to carry out the purpose of the traineeship.

(c) The views and evidence of the trainee shall be presented in writing unless the Secretary determines that an oral presentation is desirable.

[FR Doc.75-17886 Filed 7-9-75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Docket No. 2172]

PART 256—FINANCIAL ASSISTANCE FOR RAILROAD PASSENGER TERMINALS

Applications for and Disbursement of Financial Assistance

The purpose of these rules is to amend Title 49 of the Code of Federal Regulations by adding a new Part 256, which sets forth the procedures and requirements of the Federal Railroad Administration in connection with the filing of applications for and the disbursement of assistance for the preservation and conversion of historic railroad passenger terminals under subsection 4(i) of the Department of Transportation Act (49 U.S.C. 1653(i)) as amended by section 6 of the Amtrak Improvement Act of 1974 (Pub. L. 93-496) and section 13 of the Amtrak Improvement Act of 1975 (Pub. L. 94-25) (the "Act"). The Act authorizes funds for:

(a) Promoting the conversion of not less than three (3) historically distinctive railroad passenger terminals into intermodal passenger terminals, on a feasibility demonstration basis;

(b) Preserving historic railroad passenger terminals that have a reasonable likelihood of being converted or otherwise maintained pending the formulation of plans for reuse; and

(c) Stimulating the development of plans for the conversion of railroad passenger terminals into intermodal passenger terminals, civic and cultural activity centers, or both.

A notice of proposed rule making was published in the FEDERAL REGISTER on March 4, 1975 (40 FR 8958), proposing adoption of these amendments. Interested persons were given an opportunity to participate in this rulemaking by submitting written data, views, or comments concerning the proposed rules on or before April 15, 1975. Due consideration has been given to all written data, views, or comments received in response to the notice. Except for editorial changes and those changes discussed specifically herein, these amendments and the reasons therefor are the same as those contained in the notice.

The statutory authority cited in the March 4, 1975 notice was section 305 (d) (1) (i) of the Rail Passenger Service Act (45 U.S.C. 545(d) (1) (i)), as amended by section 6 of the Amtrak Improvement Act of 1974. However, section 13 of the Amtrak Improvement Act of 1975 implicitly redesignated that statutory citation as section 4(i) of the Department of Transportation Act. The citation of authority in these amendments has been changed accordingly.

Because the Advisory Council on Historic Preservation ("Council") and the Chairman of the National Endowment of the Arts ("Chairman") will participate in the program's administration, great concern was given to their comments. The Council and the Chairman as well as several other commentators requested the extension of the submission deadlines for all applications, so that applicants would have sufficient time to prepare their applications. In response to these comments, §§ 256.9(d) (3) and 256.11(f) (3) have been amended to extend the due dates for the submission of preliminary applications and final applications for demonstration funds to May 1, 1976 and September 1, 1976, respectively. For the same reason, the submission deadlines for preliminary applications for preservation funds and planning funds have been extended to September 15, 1975.

The final application deadlines for preservation funds and planning funds were not extended because there is a need for the program to proceed expeditiously. Also, the amended application deadlines will allow a recipient of planning funds to use the resultant plan as a basis for an application for demonstration funds.

The comments of both the Council and the Chairman have been implemented in part by adding "museums" to the definition of "civic and cultural activities" contained in § 256.3(f). Although the definition of "civic and cultural activities" in the proposed rules did not exclude "museums," this change was made to eliminate any confusion which may have existed.

As suggested by the Chairman, § 256.7(c) has been amended to allow for payment of costs of a study or studies to assess the need for and feasibility of a civic and cultural activities center even where it is not contemplated that such a center be combined with an intermodal passenger terminal. It was felt this change would more fully reflect the purpose and intent of the Act. In response to another commentator, § 256.3(i) has been amended by changing "intra-city rapid transit" to "intra-city rail transit," to provide for trolleys and other forms of intra-city rail transit which may not be considered to be a form of "rapid transit."

A new § 256.3(n) has been added to define "sufficient commitments" as that term is used in § 256.5(b) (2). This subsection clarifies the level of commitment required by transportation entities necessary to assure that an approved demonstration project will be operated in the manner set forth in the application.

As suggested by additional comments, § 256.5(d) (2) has been amended to emphasize that private investors need not be required to assume the entire responsibility for the implementation of a conversion project or its maintenance and operation. Rather such private investors could share with the applicant, other private investors, and appropriate public entities, the costs associated with a project.

Section 256.7(a) (3) (iii) (D) has been amended to permit funds to be spent for bicycle parking and access. Finally, § 256.13(d) now states that the Administrator will approve or deny each application within 90 days of the final submission date set forth in § 256.11(f) (3) and the Administrator will promptly notify in writing each applicant whose application has been approved. It was felt that the 90 day period was a sufficient time for the Administrator to evaluate each application thoroughly and completely, while providing the applicant a degree of certainty as to whether or not his project qualifies for Federal assistance. Although the regulations do not require the Administrator to notify promptly those applicants whose projects are not approved, every effort will be made to notify promptly those applicants as to the status of their applications.

There were numerous comments requesting the addition of commercial uses as allowable project costs, and including such uses in certain mandatory provisions of the regulations. The Federal Railroad Administration considers commercial use to be a valid feature of any demonstration project, as evidenced by § 256.5(d) (2) of the regulations, which cites attractiveness for commercial purposes as an eligibility requirement for planning funds. However, the Federal Railroad Administration does not feel it appropriate that the regulations make a greater commitment to commercial uses than does the Act.

In consideration of the foregoing, 49 CFR Chapter II is amended by adding a new Part 256 to read as follows:

REGULATIONS GOVERNING APPLICATIONS FOR AND DISBURSEMENT OF FINANCIAL ASSISTANCE

Sec.
256.1 Purpose.
256.3 Definitions.
256.5 Eligibility.
256.7 Financial Assistance.
256.9 Preliminary Applications.
256.11 Final Applications.
256.13 Review and Approval of Applications.
256.15 Disbursement of Financial Assistance.

APPENDIX A—CERTIFICATE

AUTHORITY: Subsection 4(i) of the Department of Transportation Act, 49 U.S.C. 1653 (i), as amended by section 6 of the Amtrak Improvement Act of 1974, Pub. Law 93-496, and section 13 of the Amtrak Improvement Act of 1975, (Pub. L. 94-25); 1.45(a) (2), and 1.49(i), Regulations of the Secretary of Transportation, 49 CFR 1.45(a) (2) and 1.49(i).

REGULATIONS GOVERNING APPLICATIONS FOR AND DISBURSEMENT OF FINANCIAL ASSISTANCE

§ 256.1 Purpose.

The purpose of this part is to establish procedures for implementing subsection 4(i) of the Department of Transportation Act as amended (49 U.S.C. 1653(i)) with respect to all financial assistance provided under that subsection.

§ 256.3 Definitions.

As used in this part—

(a) "Act" means the Department of Transportation Act, as amended.

(b) "Administrator" means the Federal Railroad Administrator, or his delegate.

(c) "Allowable project costs" means those project costs for which Federal financial assistance may be expended under § 256.7.

(d) "Applicant" means a governmental entity, a non-profit public-purpose organization, or any responsible person having the legal, financial, and technical capacity to implement an intermodal passenger terminal project under this part. The applicant must have legal authority to receive and expend Federal funds.

(e) "Chairman" means the Chairman of the National Endowment for the Arts.

(f) "Civic and cultural activities" includes, but is not limited to, museums, libraries, musical and dramatic presentations, art exhibitions, adult education programs, public meetings of community groups, convention visitors and others, and other public activities supported in whole or in part under Federal law.

(g) "Council" means the Advisory Council on Historic Preservation.

(h) "Demonstration funds" means funds authorized for the purpose set forth in paragraph (1) (A) of subsection 4(i) of the Act.

(i) "Intermodal passenger terminal" means an existing railroad passenger terminal which has been or may be modified as necessary to accommodate several modes of transportation, including intercity rail service and some or all of the following: intercity bus, commuter rail, intra-city rail transit and bus transportation, airport limousine service and airline ticket offices, rent-a-car facilities, taxis, private parking, and other transportation services.

(j) "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior.

(k) "Planning funds" means funds authorized for the purpose set forth in paragraph (1) (C) of subsection 4(i) of the Act.

(l) "Preservation funds" means funds authorized for the purpose set forth in paragraph (1) (B) of subsection 4(i) of the Act.

(m) "Project" means a locally sponsored, coordinated, and administered program, or any part thereof, to plan, finance, construct, maintain, or improve an intermodal passenger terminal, a civic or cultural activities center, or both, in an architecturally or historically distinctive railroad passenger terminal.

(n) "Sufficient commitments" means commitments of a binding nature adequate to ensure the successful operation of a project. Such commitments may be conditional, requiring, for example, the participation of other entities in the project, or action by a date certain.

§ 256.5 Eligibility.

(a) *General.* A project is eligible for financial assistance under subsection 4 (i) of the Act if:

(1) The applicant provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal financial assistance granted to the applicant under the Act; and

(2) The applicant complies with the regulations of the Administrator prescribed in this part, and with such other terms and conditions as may be included in the grant of assistance.

(b) *Demonstration Funds.* A project is eligible for financial assistance in accordance with subsection 4(i) of the Act if the Administrator determines that:

(1) The railroad passenger terminal can be converted to an intermodal passenger terminal;

(2) There exist sufficient commitments by Amtrak or other rail passenger carriers, and by intercity bus carriers, the local public transportation authority, or other public or private transportation operators, to provide co-ordinated service for convenient intermodal interchange to meet the goals enumerated in paragraph (b) of § 256.13;

(3) The railroad passenger terminal is listed on the National Register;

(4) The architectural integrity of the railroad passenger terminal will be preserved, and this determination is concurred in by the consultants recommended by the Chairman and Council and retained by the Administrator for this purpose;

(5) To the extent practicable, the use of station facilities for transportation purposes may be combined with use for other civic and cultural activities, especially when such use is recommended by the Council or the Chairman, or the consultants retained by the Administrator upon their recommendation;

(6) The project plan provides the information and documentation required under paragraphs (b) and (c) of § 256.11; and

(7) The railroad passenger terminal and the conversion project meet such other criteria as the Administrator may develop and promulgate in consultation with the Chairman and the Council.

(c) *Preservation Funds.* A project is eligible for financial assistance in accordance with subsection 4(i) of the Act if the Administrator determines that:

(1) The applicant is empowered by applicable law, and is qualified, prepared, and committed, on an interim basis pending the formulation of plans for reuse, to maintain and prevent the demolition, dismantling, or further deterioration of, a railroad passenger terminal;

(2) The railroad passenger terminal is threatened with demolition, dismantling, or further deterioration;

(3) The railroad passenger terminal has a reasonable likelihood of being converted to or conditioned for reuse as an intermodal passenger terminal, a civic or cultural activities center, or both;

(4) Planning activity aimed at conversion or reuse has commenced and is proceeding in a competent manner;

(5) The expenditure of funds on such project would be in the manner most likely to maximize the preservation of railroad passenger terminals which are: (i) reasonably capable of conversion to intermodal passenger terminals; (ii) listed in the National Register; or (iii) recommended on the basis of architectural integrity and quality by the Chairman or the Council; and

(6) The applicant has provided the information and documentation required under paragraphs (b) and (d) of § 256.11.

(d) *Planning Funds.* A project is eligible for financial assistance in accordance with subsection 4(i) (4) of the Act if the Administrator determines that:

(1) The applicant is prepared to develop practicable plans meeting the zoning, land use, and other requirements of the applicable State and local jurisdictions in which the rail passenger terminal is located;

(2) The applicant will be able to incorporate into its designs and plans for the conversion of such terminal into an intermodal passenger terminal, a civic or cultural activities center, or both, features which reasonably appear likely to attract private investors willing to share in the implementation of such planned conversion and its subsequent maintenance and operation;

(3) The applicant will be able to complete the designs and plans for such conversion within two years following the approval of the application for Federal financial assistance;

(4) The expenditure of funds on such project would be in the manner most likely to maximize the preservation of railroad passenger terminals which are listed in the National Register or recommended on the basis of architectural integrity and quality by the Chairman or the Council; and

(5) The applicant has provided the information and documentation required under paragraphs (b) and (e) of § 256.11.

§ 256.7 Financial assistance.

(a) *Demonstration Funds.* Federal financial assistance for the conversion of a railroad passenger terminal into an intermodal passenger terminal, under subsection 4(i) (2) of the Act, may be expended for the following project costs incurred after the date of final project approval:

(1) Acquisition or long-term lease of real property or other property interests, including air rights, subterranean rights, or easements, where necessary for project implementation;

(2) Final architectural and engineering construction documentation, including all necessary plans, specifications, detailed cost estimates, and implementation schedules; and

(3) Construction, which may include, but is not limited to: (i) complete rehabilitation and refurbishment of the interior and exterior of the structure; (ii) provision of necessary public service facilities; (iii) structural modifications and minor additions necessary to permit the development of (A) improved rail passenger facilities, (B) intercity bus terminal and docking facilities, (C) adequate facilities for local mass transit,

V40-133 JUL 10 75 XUM

and (D) parking and access for automobiles and bicycles; and (iv) provisions for accommodating major tenants and concessionaires such as airline ticket offices, rent-a-car offices, and other transportation service facilities.

(b) *Preservation Funds.* Federal financial assistance under subsection 4(1)(3) of the Act, for the preservation of a railroad passenger terminal which has a reasonable likelihood of being converted or otherwise maintained, may be expended for costs incurred after the date of project approval which are necessary to maintain (and prevent the demolition, dismantling, or further deterioration of) a railroad passenger terminal pending the completion of project planning, for a period not to exceed five years.

(c) *Planning Funds.* Federal financial assistance for the development of plans for the conversion of a railroad passenger terminal into an intermodal passenger terminal, a civic and cultural activities center, or both, under subsection 4(1)(4) of the Act, may be expended for the following project costs if incurred within two years after project approval:

(1) Cost of a study or studies to: (i) assess the need for and feasibility of an intermodal passenger terminal, a civic and cultural activities center, or both, at a particular existing railroad passenger terminal; (ii) develop a fiscal plan and agreements for implementation; and (iii) where such project involves an intermodal terminal, (A) relate the project to other transportation priorities in the area; and (B) evaluate alternate means of providing needed intermodal passenger services within the community.

(2) Costs of preparation of preliminary architectural and engineering design documents for the project, including: (i) plans, sections and sketches illustrating the functional as well as preservation aspects of the recommended development; (ii) assessment of the condition of existing structural and utilities systems and requirements for their improvement; (iii) outline specifications and preliminary estimates of project costs; and (iv) required environmental impact reviews and analyses.

(d) *Federal Share.* The Federal share of the cost of any project under this part shall not exceed 60 percent of the total allowable project costs.

§ 256.9 Preliminary applications.

(a) *General.* Each applicant for Federal financial assistance under this part shall submit a preliminary application.

(b) *Purpose.* The purposes of a preliminary application are:

(1) To avoid the costs of preparing and processing a full application in cases where it can readily be determined that the applicant or project is ineligible or that funds are not available; and

(2) To enable the Administrator to identify, at a preliminary stage, those projects which appear most likely to achieve the goals set forth in paragraph (b) of § 256.13.

(c) *Contents.* Each preliminary application for financial assistance under subsection 4(1) of the Act shall include:

(1) The full and correct name and principal business address of the applicant;

(2) The name, title and address of the person to whom correspondence regarding the preliminary application should be addressed;

(3) A narrative statement describing the project, the need for it, its objectives, method of accomplishment, and geographic location, and the benefits expected to be derived from the Federal financial assistance;

(4) An estimate of the total allowable project costs of the proposed project;

(5) The total amount of Federal assistance requested under this part for the project, designated as demonstration funds, preservation funds, or planning funds, as applicable;

(6) A statement of the extent to which the applicant contemplates using other Federal financial assistance for the purposes of the project;

(7) A listing of potential sources of funds for the non-Federal share of the cost of the project;

(8) A statement of whether the railroad passenger terminal is included in the National Register; and

(9) Such other information as the Administrator may require.

(d) *Execution and Filing of Preliminary Applications.* (1) The original preliminary application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant or by the applicant himself, where the applicant is an individual. Each person required to execute the preliminary application shall execute a certificate in the form of Appendix A hereto.

(2) The original preliminary application and six (6) copies thereof, shall be filed with the Federal Railroad Administrator, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(3) Preliminary applications for planning funds and preservation funds must be submitted to the Administrator for review and approval before September 15, 1975. Preliminary applications for demonstration funds must be submitted to the Administrator for review and approval before May 1, 1976.

§ 256.11 Final applications.

(a) *Purpose.* The purpose of a final application is to enable the Administrator to determine, from among those applicants who have received approval of previously submitted preliminary applications, those projects which will receive Federal assistance under this part.

(b) *Contents.* Each final application for Federal financial assistance shall include:

(1) The full and correct name and principal business address of the applicant;

(2) The name, title and address of the person to whom correspondence regarding the final application should be addressed;

(3) An identification of all organizations which will participate in the planning, implementation, and operation of the project, along with a discussion of the role of each organization;

(4) A full discussion of the desirability and feasibility of the project along with a summary of the benefits to be derived;

(5) A detailed description of the rail passenger terminal (including where applicable the description on file with the National Register), the available transportation facilities, and the proposed intermodal passenger transportation improvements;

(6) A detailed estimate of the total allowable project costs, listing and identifying all discrete costs to the maximum possible extent;

(7) The total amount of Federal assistance requested under this part for the project, designated as demonstration funds, preservation funds, or planning funds, as applicable;

(8) Where the applicant contemplates using funds from other Federal programs, a reference to all requirements pertaining to such Federal programs, and a documentation of the status of any application for Federal funds under such programs;

(9) Evidence of the applicant's ability and intent to furnish its share of the total allowable project costs;

(10) For those projects located in urbanized areas, as defined by the Bureau of the Census, a statement that the application has been coordinated with the metropolitan planning organization, designated by the Governor of the State in which the project is to be located, pursuant to 23 U.S.C. 104(f)(3);

(11) Evidence that the applicant has established such fiscal control and fund accounting procedures as may be required by the Administrator to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

(12) A certification by the applicant that, in accordance with OMB Circular A-95 (38 FR 32874, November 28, 1973), section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and Section 401 of the Intergovernmental Cooperation Act of 1968, the notification has been submitted to, and comments thereon have been solicited from, the appropriate State and regional agencies and clearinghouses;

(13) Assurances that the applicant will comply with the following Federal laws, policies, regulations and pertinent directives:

(i) Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d et seq. and all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation;

(ii) Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, 42 U.S.C. 4601 et seq. and all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 25, Relocation Assistance and Land Acquisition under Federal and Federally-Assisted Programs;

(iii) 42 U.S.C. 4151 et seq., with regard to Federal policies ensuring that physically handicapped persons will have ready access to, and use of, public buildings;

(iv) The Rehabilitation Act of 1973, 87 Stat. 394, 29 U.S.C. 794, with regard to nondiscrimination under Federal grants;

(v) The Hatch Act, 5 U.S.C. 1501 et seq., which limits the political activities of employees; and

(vi) Where applicable, the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., and the implementing regulations promulgated thereunder, 31 CFR Part 51; and

(14) Such other information as the Administrator may require.

(c) *Final Applications for Demonstration Funds.* In addition to the items required by paragraph (b) of this section, each final application for demonstration funds shall include:

(1) The proposed period during which the project will be evaluated, in the context of the goals set forth in paragraph (b) of § 256.13;

(2) Operating agreements, right of way leases, or other appropriate legal commitments, from private carriers, public transportation operating agencies and other entities as appropriate, to assure continued operation of the transportation services through the evaluation period;

(3) Evidence (including copies of lease documents, title papers, and mortgage agreements) that the applicant's property interest in the railroad passenger terminal is or will be sufficient for the applicant to implement the project;

(4) A summary of proposed contractual arrangements for the use of the intermodal passenger terminal for commercial purposes other than the provision of transportation services;

(5) A description and documentation of existing or potential markets for interline intermodal service, and of those changes in existing services which must be provided to achieve this potential;

(6) A summary of proposed use of the intermodal passenger terminal as a civic and cultural activities center;

(7) A description of the proposed methods for monitoring and evaluating the demonstration;

(8) Preliminary architectural and engineering design documents, including plans, sections, sketches, and outline specifications; and

(9) A proposed draft of an environmental impact statement, to be reviewed and analyzed by the Administrator for the preparation by him of a final Environmental Impact Statement under Department of Transportation Order 5610.1B (39 FR 35235, September 30, 1974).

(d) *Final Applications for Preservation Funds.* In addition to the items required by paragraph (b) of this section, each final application for preservation funds shall include:

(1) Documentation of the threat of demolition, dismantling, or further deterioration of the terminal, and the causes and reasons thereof;

(2) Evidence of substantive local public and private interest in organizing a project to convert the railroad passenger terminal to an intermodal passenger terminal, a civic or cultural activities center, or both;

(3) Certification that the applicant is empowered by applicable law, on an interim basis pending the formulation of plans for reuse, to maintain and prevent the demolition, dismantling, or further deterioration of, a railroad passenger terminal;

(4) Evidence that the planning activity aimed at conversion or reuse has commenced and is proceeding in a competent manner, including the planning schedule; and

(5) A proposed draft of an environmental impact statement, to be reviewed and analyzed by the Administrator for the preparation by him of a final Environmental Impact Statement under Department of Transportation Order 5610.1B (39 FR 35235, September 30, 1974).

(e) *Final Applications for Planning Funds.* In addition to the items required by paragraph (b) of this section, each final application for planning funds shall include:

(1) An assurance that the designs and plans for the conversion to an intermodal passenger terminal, a civic or cultural activities center, or both, will be completed within two years following the final approval of the application for Federal financial assistance; and

(2) A proposed schedule for the implementation of the applicant's completed designs and plans.

(f) *Execution and Filing of Final Applications.* (1) The original final application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant or by the applicant himself, where the applicant is an individual. Each person required to execute the final application shall execute a certificate in the form of Appendix A hereto.

(2) The original final application and ten (10) copies thereof, shall be filed with the Federal Railroad Administrator, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. Each copy shall show the dates and signature that appear in the original and shall be complete in itself.

(3) Final applications for preservation funds and planning funds must be submitted to the Administrator for review and approval not later than January 1, 1976. Final Applications for demonstration funds must be submitted to the Administrator for review and approval not later than September 1, 1976.

§ 256.13 Review and approval of applications.

(a) *Preliminary Applications.* Preliminary applications shall be reviewed by the Administrator in consultation with the Chairman and the Council. The Administrator shall notify each applicant whether or not his preliminary application has been approved. Those applicants whose preliminary applications have not been approved may submit additional supportive information to the Administrator.

(b) *Final Applications.* The Administrator shall review final applications and shall select and monitor projects most likely to accomplish the following goals:

(1) Demonstrate the capabilities of intermodal terminals to provide a more effective means of passenger interchange between various modes of transportation;

(2) Demonstrate the advantages of joint use terminal facilities to carriers;

(3) Demonstrate a more comprehensive and effective network of energy efficient surface common carrier transportation services through improving coordinated interline intermodal exchange at selected intermodal passenger terminals distinguished by coordinated information systems, schedules, and through ticketing and baggage handling;

(4) Evaluate user response to such coordinated interline intermodal transportation services, and to joint carrier use of terminal facilities;

(5) Demonstrate the potential of underutilized railroad passenger terminals of historical and architectural distinction for improving intermodal passenger transportation services and for providing an appropriate focal point for civic and cultural activities;

(6) Stimulate local public and private investment, by transportation carriers and others, in improved intercity and local public transportation facilities and services;

(7) Encourage the preservation of railroad passenger terminals pending the formulation of plans for reuse; and

(8) Encourage the development of plans for the conversion of railroad passenger terminals into intermodal passenger terminals, civic and cultural activities centers, or both.

(c) *Preferential Consideration.* In reviewing applications for planning funds, the Administrator shall give preferential consideration to applicants whose completed designs and plans will be implemented and effectuated within three years after the date of completion.

(d) *Approval Within 90 Days.* The Administrator will approve or deny each final application within 90 days of the submission dates set forth in § 256.11 (f)(3) and the Administrator will promptly notify in writing each applicant whose application has been approved.

§ 256.15 Disbursement of financial assistance.

(a) *Grant Agreement.* After receipt, review, and approval of a final application, the Administrator will enter into a grant agreement with an applicant for the Federal share of the total allowable project costs. The terms and conditions

V40 I133 JUL 10 75 XUM

of payment of the Federal share shall be set forth in the grant agreement.

(b) *Record Retention.* Each recipient of financial assistance under this part shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(c) *Audit and Examination.* Until the expiration of three years after the completion of the project or undertaking referred to in paragraph (b) of this section, the Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of aduit and examination to any books, documents, papers, and records of such receipts which, in the opinion of the Administrator or the Comptroller General, may be related or pertinent to such financial assistance.

APPENDIX A—CERTIFICATE

The following is the form of the certificate to be executed by each person signing a preliminary or final application:

---------- certifies that he is the Chief
(Name of person)
Executive Officer of
----------:
(Name of agency or organization)
that he is authorized to sign and file with the Federal Railroad Administrator this preliminary (final) application; that he has carefully examined all of the statements contained in the preliminary (final) application relating to ----------; that he has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

---------- ----------
(Date) (Signature)

Subscribed and sworn to before me the ------ day of ------, 19--.

Issued in Washington, D.C., on July 8, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-18026 Filed 7-9-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, N.M. and Aransas National Wildlife Refuge, Tex.

The following special regulations are issued and are effective on July 10, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the North Refuge tract and only during the period November 8 through November 23, 1975, inclusive. The hunting area, comprising 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

The public hunting of deer and wild hogs with bow and arrow on a portion of the Aransas National Wildlife Refuge, Texas, is permitted from noon September 25 through September 29, October 3 through October 6, and October 10 through October 13, 1975. That portion open to hunting is designated by signs and delineated on maps available at refuge headquarters near Austwell, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with applicable State hunting regulations subject to the following special conditions:

(1) A bag limit of three (3) deer, either sex, no more than 2 bucks, may be taken by each hunter. There is no limit as to the number of wild hogs that may be taken.

(2) All hunters must check in and out of the hunting area at the refuge entrance on Texas Farm Road 2040.

(3) A valid 1975–76 State of Texas hunting license is required of each participant.

(4) All hunting arrows must bear the name and address of the user in a non-water-soluble medium.

(5) No target or field arrows are permitted on the refuge.

(6) Shooting at, or taking of other wildlife species on the refuge other than deer or wild hogs is prohibited.

(7) All motor vehicles must travel only on the shell surfaced roads of the refuge.

(8) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

(9) In the event of an early arrival of any whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1975.

Dated: July 3, 1975.

W. O. NELSON, Jr.,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-17908 Filed 7-9-75;8:45 am]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on July 10, 1975.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, South Dakota 57551 will be extended to allow public fishing according to state law on portions of Pool 10 designated by signs, as open to bank and ice fishing. This open area comprises about 1½ linear miles of bank fishing and is delineated on maps available at the Refuge headquarters and from the Area Manager, United States Fish and Wildlife Service, Federal Building, Pierre, South Dakota 57501. Fishing will be permitted at Pool 10 as designated from July 1, 1975 to March 1, 1976. The use of boats for all Lacreek Refuge fishing is prohibited except on the Little White River Recreation Area. Public fishing on Lacreek National Wildlife Refuge may be closed at anytime to protect impassible roads, construction or wildlife. Fisherman must park at designated parking areas.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 1, 1976.

Dated: June 27, 1975.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

[FR Doc.75-17909 Filed 7-9-75;8:45 am]

PART 33—SPORT FISHING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on July 10, 1975.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole on the Monte Vista National Wildlife Refuge, Monte Vista, Colorado, is permitted from 1 p.m. to 5 p.m. on July 27, and from 8 a.m. to 5 p.m. on August 2, August 3, August 9, August 10, August 16 and August 17, 1975, but only on the area designated by signs as open to fishing. This open area, comprising one-half acre, is delineated on maps available at refuge headquarters, Room 204, Federal Building, Monte Vista, Colorado. Sport fishing shall be in accordance with all applicable state regulations. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 16, 1975.

Dated: July 2, 1975.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colorado.

[FR Doc.75-17907 Filed 7-9-75;8:45 am]

Title 17—Commodity and Security Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Interim Emergency Rule and Revision of Filing Requirements With Respect to Contract Market Rules

In accordance with the provisions of section 5a(12) of the Commodity Exchange Act (the "Act"), as amended, the Commodity Futures Trading Commission (the "Commission") has adopted a rule pursuant to which a contract marwet may put into effect a temporary rule dealing with trading requirements in emergency circumstances without prior Commission approval. In that connection, the Commission has revised, effective July 18, 1975, § 1.41 of its rules to provide for a definition of "emergency", and, in the process, has revised the other provisions of § 1.41 more adequately to conform those provisions to the Act, as amended by the Commodity Futures Trading Act of 1974 (the "CFTCA").

The Commission's action on these matters is not intended to be permanent. In view of the fact that section 210 of the CFTCA becomes effective on July 18, 1975, the Commission believes it is important to define by that date those emergency situations in which contract markets may, under section 5a(12) of the Act, adopt a temporary rule relating to trading requirements without prior Commission approval. The interim definition of "emergency" contained in subsection (c) of the rule basically utilizes the statutory language of section 8a(9) of the Act, since the Commission has not had the opportunity, in the short period of its existence, to examine, as fully as it believes necessary, the ramifications of a definition of the term "emergency".

Subsection (a) of the rule defines the term "rule" of a contract market to include every type of rule or resolution of such market and any changes or additions thereto, whatever the name given for such rule.

Subsection (b) of the rule requires all rules, other than those adopted under emergency circumstances or those pertaining to margin requirements, to be submitted to the Commission at least 30 days in advance of the proposed effective date of the contract market rule, unless the Commission specifies a shorter time period.

Subsection (c) of the rule permits a contract market, by two-thirds vote of its governing board, to put into effect a temporary rule dealing with trading requirements under emergency circumstances. While the Commission may in the future find it appropriate to adopt a different definition of "emergency" for these purposes, it is satisfied for the time being to define emergency circumstances in substance in accordance with the language contained in section 8a(9) of the Act. The Commission will not, however, consider any interpretation of the language of the rule to be necessarily a precedent for an interpretation of the statutory language of section 8a(9) which grants the Commission (as contrasted with a contract market) authority to declare an emergency.

The adoption of a temporary rule by a contract market requires an affirmative vote of two-thirds of its governing board to the effect that the event giving rise to an emergency is such as to interfere materially with the ability of the contract market to conduct trading in an orderly manner. The Commission regards "any threatened or actual market manipulation or corner * * * which prevents the market from accurately reflecting the forces of supply and demand" and "any act of the United States or a foreign government affecting a commodity * * * which prevents the market from accurately reflecting the forces of supply and demand" to be specific emergency circumstances which do not require further amplification. Additionally, the contract markets are permitted to treat as an emergency "any * * * major market disturbance which prevents the market from accurately reflecting the forces of supply and demand". The latter would allow the contract markets some measure of flexibility in finding the existence of an emergency and, in the view of the Commission, would permit the adoption of a temporary rule by a contract market in such events as, for example, the disruption of utility services (telephone, teletype or power) or severe weather conditions which would preclude the market from operating for a period of time.

Subsection (d) of the rule requires that contract market rules relating to margin requirements be filed promptly with the Commission, but does not require that they be filed at least 30 days in advance, which would be inconsistent with the provision of section 5a(12) of the Act. Nothing contained in subsection (d) of the rule, however, is intended to prevent the Commission from acting with respect to any contract market rule, specifically including, without limitation, margin requirement rules, as provided under the emergency circumstances permitting Commission action (as contrasted with a contract market) under the provisions of section 8a(9) of the Act.

Subsection (e) of the rule specifies the place and the number of copies to be filed.

Accordingly, the Commission has adopted the following rule, effective July 18, 1975. Section 1.41 of 17 CFR Chapter I is revised as follows:

§ 1.41 Contract Market Rules; Filing of Copies; Emergency Circumstances.

(a) For purposes of this Section, the term "rule" of a contract market, or any governing board thereof, or any committee or clearing organization thereof, shall mean the constitution, articles of incorporation, bylaws, rules, regulations, resolutions, interpretations or instruments corresponding thereto, whatever the name, incorporating the stated policies of such contract market, or governing board thereof, or any committee or clearing organization thereof, specifically including, without limitation, any proposed change, amendment, repeal or addition thereto.

(b) Copies of any proposed rule, other than those specified in paragraphs (c) and (d) of this section, shall be filed with the Commission by delivery to its principal office in Washington, D.C. not less than 30 days prior to the proposed effective date thereof or within such shorter period of time as the Commission shall permit. If any change is made in a proposed rule after copies have been filed with the Commission, then the effective date of the proposed rule shall be postponed to take effect within such shorter period of time as the Commission shall permit or, absent such Commission permission, on a date which shall not be less than 30 days after the date when the Commission is notified of such change (unless the change does not alter the substance of the proposed rule or the change is made in conformity with a decision of the Commission). The Commission shall approve the rule if it determines that the rule is not in violation of the provisions of the Act or the regulations of the Commission. Such approval shall be made within 30 days after receipt of the rule, unless the Commission notifies the contract market of the Commission's inability to make such determination within such period of time. In the event the Commission is unable to approve a rule within 30 days, the rule shall not become effective, except upon such conditions as the Commission may provide.

(c) Notwithstanding the foregoing, under emergency circumstances, as hereinafter defined, a proposed rule dealing with trading requirements need not be filed as provided in paragraph (b) of this section, and, by a two-thirds vote of the contract market's governing board, may be placed into immediate effect as a temporary rule of the contract market without prior Commission approval. In such circumstances, the contract market shall immediately notify the Commission of its action, and of the rule adopted, by the fastest available means of communication and shall submit in writing a copy of the rule adopted and a complete explanation of the emergency circumstances. For the purposes of this rule, the term "emergency circumstances" shall mean any threatened or actual market manipulation or corner, any act of the United States or a foreign government affecting a commodity, or any other major market disturbance, any of which

V40-133 JUL 10 75 XUM

prevents the market from accurately reflecting the forces of supply and demand for the commodity affected. The adoption of a temporary rule by a contract market in an emergency circumstance shall require the affirmative vote of at least two-thirds of the governing board of a contract market to the effect that the event which has occurred materially interferes with the ability of the contract market to conduct trading in an orderly manner.

(d) Copies of any proposed rule relating to margin requirements need not be submitted to the Commission in accordance with the provisions of paragraph (b) of this section, but shall be filed promptly with the Commission after adoption thereof. In addition, each contract market shall notify the Commission promptly of any changes in its membership.

(e) Two copies of all material required to be filed by this Section shall be furnished to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036, or such other address as shall then house the Washington, D.C., headquarters of the Commission, and two copies shall be furnished to the Administrator of the Regional Office of the Commission having local jurisdiction with respect to such contract market.

The Commission has adopted the foregoing rule, effective July 18, 1975, pursuant to authority contained in sections 5a(12) and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) and 12a(5).

However, because of the interim nature of the rule being adopted, interested persons are urged to comment on the rule by submitting data, views or arguments in writing to the Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036. All comments received prior to September 1, 1975 will be considered before a more definitive rule on emergency circumstances is promulgated by the Commission. The Commission finds that, in view of the importance of having an interim emergency rule in effect on the effective date of section 210 of the CFTCA (July 18, 1975), and the delay which would be entailed if public comments were sought in advance of adoption of the interim rule, compliance with the notices and public procedures specified in 5 U.S.C. 553(b) and 5 U.S.C. 553 (d) would be impracticable and contrary to the public interest, and, accordingly has adopted the foregoing rule effective on July 18, 1975.

Issued in Washington, D.C., on July 7, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-17884 Filed 7-9-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Rulemaking

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, to regulate the grade, size, and container marking of fresh California Bartlett, Max-Red Bartlett, and Red Bartlett variety pears in interstate shipments. Such regulation was unanimously recommended by the Pear Commodity Committee which functions pursuant to the amended marketing agreement and Order No. 917, as amended (7 CFR Part 917). The marketing agreement and order regulate the handling of fresh pears, plums, and peaches grown in California and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This notice invites written comments relative to the proposed seasonal regulation of the grade, size, and container marking of the aforementioned pears. The proposal reflects the committee's appraisal of the 1975 California Bartlett pear crop and the current and prospective market conditions. Shipments of such pears are currently regulated by Pear Regulation 4 (39 FR 24625; 29169) through July 31, 1975. The proposed regulation contains the same requirements and would be effective from August 1, 1975, through July 31, 1976. The California Bartlett Pear Advisory Board has recommended to the California Department of Food and Agriculture that identical requirements be imposed on intrastate shipments of the aforementioned pears.

The proposed regulation would require that all fresh California Bartlett, Max-Red Bartlett, and Red Bartlett variety pears shipped in interstate commerce grade at least U.S. Combination with not less than 80 percent, by count, of the pears grading at least U.S. No. 1. It also would require that such pears be not smaller than Size 165 as verified by 12-pound random samples which must contain not more than 43 pears. Finally, it was proposed that containers of all pears, as defined in the marketing order, shall be marked with the name of the variety of the contents or, if the variety is not known, the words "unknown variety."

The proposed grade and size requirements are designed to prevent the handling of pears smaller than the size specified or of a lower grade than specified so as to provide consumers with good quality pears, consistent with the overall quality of the crop, while improving returns to producers pursuant to the declared policy of the act. The proposed marking requirement for containers is designed to prevent deceptive marketing practices, promote buyer confidence, and maintain the integrity of the fresh California pear industry.

All persons who submit written data, views, or arguments in connection with the proposal shall file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 22, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 917.439 Pear Regulation 5.

(a) *Order.* During the period August 1, 1975, through July 31, 1976, no handler shall ship:

(1) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears which do not grade at least U.S. Combination, with not less than 80 percent, by count, of the pears grading at least U.S. No. 1;

(2) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as Size 165; or

(3) Any box or container of pears of any variety unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as Size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and that a 12-pound random sample, representative of the size of the pears in the box or container, contains not more than 43 pears.

(3) "Standard pear box" means the container so designed in Section 1387.11 of the Regulations of the California Department of Food and Agriculture.

(4) "U.S. No. 1," "U.S. Combination," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

Dated: July 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-17967 Filed 7-9-75;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Preloan Procedures and Requirements for Radio Paging Service

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Pub. L. 93-32, REA proposes to issue a new REA Bulletin 385–6, Preloan Procedures and Requirements for Radio Paging Service. This Bulletin states REA policy concerning loan funds for radio paging equipment for subscriber use, procedural requirements for borrowers seeking loan funds for the above equipment, and other pertinent considerations.

Persons interested in the new Bulletin may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 11, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

The text of the new Bulletin is as follows:

[REA Bulletin 385–6]

PRELOAN PROCEDURES AND REQUIREMENTS FOR RADIO PAGING SERVICE

I. *Purpose.* To set forth considerations, requirements and procedures for loan applications to provide radio paging equipment for subscriber use.

II. *General.* A. Applications for loan funds to provide radio paging service should be based on a demonstrated demand and recognized need for the service. Such equipment can provide service to subscribers using a dedicated radio channel with its own base station transmitter or in combination with a base station transmitter used for a two-way radiotelephone system.

B. Much of what is applicable for radiotelephone systems contained in REA TE&CM Section 940 is applicable for radio paging systems.

V 40 I 133 J UL 10 75 XUM

III. *REA Financing Requirements.* REA financing of radio paging systems may be considered provided that:

A. *Service Using a Dedicated Radio Channel with Its Own Base Station Transmitter.* 1. There exists a demand for the service, supported by a market survey, for at least 25 radio paging units.

2. Evidence is submitted of having signed applications for service from at least 70 percent of the prospective subscribers before loan funds will be released.

B. *Service in Combination with A Base Station Transmitter Used For A Two-Way Radiotelephone System.* 1. There exists a demand for the service, supported by a market survey, for at least 20 radio paging units.

2. Evidence is submitted of having signed applications for service from at least 70 percent of the prospective subscribers before loan funds will be released.

C. *Subscriber Service Requirements.* 1. The borrower certifies that it will not, without obtaining prior REA approval, provide radio paging service to subscribers located outside its service area as defined by maps submitted to REA pursuant to the loan contract and as approved by appropriate regulatory agencies.

2. Where service to subscribers located in areas of adjoining telephone systems is proposed, it will be necessary to submit satisfactory commitments from those systems covering provisions for the service.

IV. *Procedure*—A. *Review with REA Field Representatives.* A borrower contemplating a radio paging system to be financed with REA loan funds should first review its plans (including market survey, engineering of the system, determination of availability of construction funds and other aspects) with REA field representatives.

B. *Market Survey.* 1. If radio paging service is proposed, certain items should be explained to each prospect in making a survey of the potential market. Some of these items are: (a) complete description of the service to be offered, (b) probable geographical coverage of the service offered, (c) provisions for maintenance of the units, and (d) probable level of monthly rates based on a cost estimate of the specific system proposed.

2. The results of the survey should include the following items:

a. A list of signed applicants giving location, within service area or commitment outside service area, nature of business, service requirements, and whether requirements are considered short or long term. When submitting the results to REA, include a description of the basis upon which applications were received, covering type of service (tone, tone and voice, or vibrator type); rates quoted, if any; etc.

b. A list of existing potential applicants giving location, service area, nature of business, estimated service requirements, and whether prospects of taking service are: A (excellent), B (good), or C (fair).

c. The estimated number of subscribers that are expected to request service at the time the service becomes available or within the ensuing 6- to 12-month period.

d. An appraisal of possible future increases in subscriber potential.

C. *Submission of Application for REA Loan Funds.* 1. Where radio paging services is proposed, the borrower should proceed with the survey as outlined in this bulletin. Based on the results of this survey the borrower should request his engineer to provide a basic design and cost estimate for the proposed system. The cost estimate should cover the following items, when applicable:

a. Base station equipment, including attenna and transmission line.

b. Tower, whether guyed or self-supporting type.

c. Connecting facilities when base station is to be remote from central office equipment.

d. Subscriber radio paging units.

e. Land, including improvements, buildings and access road costs.

f. Commercial power costs.

2. The borrower may then submit an application to REA for loan funds outlining the service to be provided and showing the need and demand for the service, including the results of the survey (tabulation form similar to that contained in Appendix A to REA Bulletin 385–1), with the design and estimated cost of the system. See REA TE&CM Section 940 and Item IV–C–1 above.

3. Where existing loan funds are not available, the request for new loan funds should be consolidated with requirements for other purposes. Exceptions may be made when the need is urgent or where loan funds are not needed for other items.

4. Where the use of unexpended funds from existing loans is contemplated, the borrower should submit, in addition to the information set forth in Items IV–C–1 and 2 above, a statement indicating that all budget items have been reviewed and that:

a. Funds for this purpose may be transferred from certain budget items as follows: (List budget items and amounts to be transferred.)

b. Remaining funds will be adequate to complete the remainder of the system and reimbursement will not be requested in future loan applications, or reimbursement for funds transferred will be requested in a future loan application but if not reimbursed the system will remain feasible.

D. *Tariffs.* 1. Prior to establishment of radio paging service an accurate and complete tariff should be prepared and, if required, submitted for approval to the appropriate state regulatory body.

2. This tariff should include a statement covering rules and regulations as well as charges for the service. It must be submitted to REA for approval as to the minimum revenue and other requirements prior to the advance of loan funds.

E. *Approval by Regulatory Bodies.* 1. *The borrower must obtain authorization from the Federal Communications Commission to construct and operate radio transmitting equipment; and where required, it must obtain approval of state regulatory bodies regarding tariffs and related matters.* Special legal assistance may be needed in preparing Federal Communications Commission applications.

2. Proper authorization for construction permits and station licenses must be obtained from the Federal Communications Commission before radio transmitting equipment may be installed. The application may be filed with the FCC as soon as the borrower determines that funds are or will be available to purchase the equipment. Since the FCC authorization will specify a limited period within which construction must be started, it should not be obtained too far in advance. Upon receipt of the authorization the borrower must submit a reproduced copy to REA. Additional information concerning construction permits and station licenses is included in REA TE&CM section 940.

F. *Purchase and Installation of Equipment.* 1. After REA has reviewed and approved the proposed use of loan funds for the radio paging system, and the borrower has satisfied any REA conditions established as a prerequisite to the advance of loan funds, including authorization from the FCC, the borrower may proceed with the procedures in REA Bulletin 385–2, "Methods of Purchasing Special Electronic Equipment for Use on Systems of Telephone Borrowers," using REA Special Equipment Contract Form 397.

2. Purchase of radio paging units should be limited to those required for subscribers who have signed applications for service and a reasonable number of units for stock. See REA Bulletin 385–2 for further details on purchasing.

G. *Maintenance.* 1. Consideration needs to be given concerning the maintenance and repair of the paging units and associated equipment. One source is having a maintenance contract with the supplier.

H. *Insurance.* 1. As required by REA Bulletin 114–2:414–1, "Minimum Insurance and Fidelity Coverage for Electric and Telephone Borrowers," adequate insurance must be purchased to be effective upon delivery of radio paging facilities. The insurance may be written on the following bases:

a. Fire and Extended Coverage policy, or

b. Inland Marine Floater.

2. Provision should be made to include loss to paging units when operated by subscriber.

Dated: July 2, 1975.

DAVID A. HAMIL,
Administrator.

[FR Doc.75–17896 Filed 7–9–75;8:45 am]

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

REA Equity Policy

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Bulletin 321–2, Loan Security Requirements for Telephone Loans. The amendments provide for changes in REA policy with respect to equity cash requirements. In addition a non-equity related paragraph no longer needed in this location is being deleted. The proposed amendments to REA Bulletin 321–2 are as follows:

1. Paragraph III. B. is to be deleted.

2. Paragraph II. B. 6. is to be amended to read: "A requirement that generally where a telephone company is formed for the purpose of acquiring and improving existing telephone facilities using the proceeds of an REA loan, the borrower will be required to provide a minimum net worth in the proposed system as a condition of obtaining the loan. A minimum net worth may also be required where special circumstances warrant."

3. Paragraph VIII. A. 1. & 2. is to be changed to VIII. A. and is to be amended to read:

VIII. *Requirements for New Equity Funds.* Where borrowers are required to supplement their existing net worth with new equity funds to be used for various purposes related to the loan, these funds normally shall be provided through the sale of common stock or similar means. However, when the stock is purchased by an affiliated corporation which is also an REA borrower, the proceeds will not be considered as equity for this purpose. Specific provisions related to the requirement of new equity funds are as follows:

A. Where the borrower is required to provide a minimum level of net worth as a condition of obtaining the loan, its existing net worth, as appraised by REA, will be applied against the minimum requirement. Where it is insufficient, the borrower will be required to provide the difference in new equity funds.

Persons interested in these changes may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before July 11, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

Dated: July 2, 1975.

DAVID A. HAMIL,
Administrator.

[FR Doc.75–17895 Filed 7–9–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 80, 125]

[Docket No. 75N–0107]

FOOD FOR SPECIAL DIETARY USES

Extension of Time for Filing Additional Formulation Applications

In the FEDERAL REGISTER of May 28, 1975 (40 FR 23244), the Commissioner of Food and Drugs issued an invitation to interested persons to submit applications for additional formulations of dietary supplements of vitamins and/or minerals, including applications for increased potency of any vitamin(s) or mineral(s) within a combination, under § 80.1 (21 CFR 80.1). A period of 45 days was provided for the submission of such applications.

The Commissioner has received a request for extension of time for filing such applications. Since a date for the hearing has not been decided upon, and thus the granting of the request will not interfere with the orderly program of the hearing, the time for filing applications is hereby extended to August 29, 1975. This notice is issued under provisions of the Federal Food, Drug and Cosmetic Act (secs. 201(n), 401, 403 (a) and (j), 701 (a) and (e), 52 Stat. 1041, 1046–1048, 1055, as amended, 70 Stat. 919 (21 U.S.C. 321(n), 341, 343 (a) and (j), 371 (a) and (e)).

Dated: July 7, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75–17890 Filed 7–9–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 12918; Notice No. 73–20A]

RADIO EQUIPMENT FOR OVERWATER OPERATIONS

Supplemental Notice of Proposed Rulemaking

On June 28, 1973, the Federal Aviation Administration published a notice of proposed rulemaking (Notice 73–20; 38 FR 17019), relating to radio equipment for overwater operations. Specifically, the notice proposed to amend Subpart D of Part 91 of the Federal Aviation Regulations to permit persons subject to that subpart to operate an airplane in overwater operations with one HF transmitter and one HF receiver rather than dual HF communications equipment, under certain circumstances.

Section 91.191(a) provides, in pertinent part, that no person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shoreline unless it has at least certain specified operable radio communication and navigational equipment appropriate to the facilities to be used and able to transmit to, and receive from, at any place on the route, at least one surface facility. The equipment specified includes two transmitters and two independent receivers for communications.

In notice 73–20, the FAA recognized that the present requirements of § 91.191 (a) with respect to redundancy of HF radio equipment may impose an undue burden on the operators of aircraft that must have such equipment installed to achieve compliance. The FAA stated its belief that at that time VHF facilities were so extensive on all ocean routes, and the gaps in VHF coverage so small, as to make the likelihood of an HF equipment failure occurring during the absence of VHF coverage very remote.

Accordingly, it was proposed to amend § 91.191 to add an exception in a new paragraph that would provide that when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

The FAA received 11 public comments in response to notice 73–20. Ten of the commentators expressed approval of the proposal. The opposing commentator, the Air Line Pilots Association, noted that all of the comments it received from pilots engaged in extended overwater operations were unanimous in their opinion that VHF facilities are not as extensive as the FAA believed when the notice was issued.

In response to this comment, the FAA has reviewed all relevant facts now available with respect to the extent of VHF facility coverage for overwater routes and this review indicates that significant changes have occurred in VHF coverage over those routes because of changes in the Ocean Station Vessel (OSV) program sponsored by the International Civil Aviation Organization. For example, OSV "November," formerly stationed in the Pacific Ocean approximately midway between the west coast of the United States and the Hawaiian Islands, has been disestablished. Moreover, the United States is no longer participating in the funding of those vessels.

Notwithstanding the reduction in VHF coverage, the FAA believes that there is sufficient justification for the proposed change in the radio equipment requirements for overwater operations. However, in view of the fact that most of the comments were made without an awareness of this reduced coverage, the FAA is issuing this supplemental notice of proposed rule making to allow for the review of those comments and the submission of comments by other interested persons in the light of this information and the additional information contained in this notice.

All comments with respect to this supplemental notice received on or before September 8, 1975, will be considered by the Administrator before taking action on the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW, Washington, D.C. 20591. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The FAA believes that this rule change is supported by the improved reliability of modern HF equipment. In addition, the FAA believes that an overwhelming majority of those large aircraft operating under Subpart D of Part 91 that are able to fly the extended overwater routes on which VHF coverage gaps occur use complex navigation and communication equipment comparable to that used by air carrier aircraft. This reduces the likelihood of emergencies related to navigation and improves their ability to relay messages through other aircraft when air-to-ground VHF coverage is not available.

Moreover, it should be noted that the increasing availability of flight planning and advisory information, including oceanic route and weather information, from both private and government sources, also reduces the likelihood of a need for emergency communications en route.

On October 20, 1972, the FAA issued an exemption to the National Business Aircraft Association, Inc., granting its members relief substantially the same as that provided by this proposed rule change. An FAA inquiry into the operations conducted under that exemption, estimated by NBAA to involve over 1,000 aircraft, has revealed no indication of HF equipment malfunctions or any adverse effect on safety.

With respect to the unreasonable burden on operators of large aircraft operating under Subpart D of Part 91 caused by a required redundancy of HF radio equipment, it should be noted that a large number of those aircraft do not have space available to accommodate the installation of additional HF equipment, and many would require extensive instrument panel or radio console rearrangement.

V40-1133 JUL 10 75 XUM

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 91.191 of the Federal Aviations Regulations by amending the lead-in portion of paragraph (a), and by adding a new paragraph (d), to read as follows:

§ 91.191 Radio equipment for overwater operations.

(a) Except as provided in paragraphs (c) and (d) of this section, * * *

* * * * *

(d) Notwithstanding the provisions of paragraph (a) of this section, when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

Issued in Washington, D.C., on July 1, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-17858 Filed 7-9-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

COMMODITY TRADING ADVISOR DEFINITION

Proposed Exclusions

The Commodity Futures Trading Commission ("Commission") is considering the adoption of a regulation which would relieve from the registration requirements of the Commodity Exchange Act ("Act") certain persons who may fall within the literal definition of a commodity trading advisor, but whose registration would serve no substantial public interest.

Under section 2(a)(1) of the Act, a person is a commodity trading advisor if, for compensation or profit, he

1. "Engages in the business of advising others, either directly or through publications or writings" as to

(a) "The value of commodities" or

(b) "The advisability of trading in any commodity for future delivery on or subject to the rules of any contract market"; or

2. "As part of a regular business, issues or promulgates analyses or reports concerning commodities * * *."

This definition is very broad and would include not only persons who give trading advice as to futures contracts but also, for example, persons who issue reports "concerning" physical commodities. However, it is apparent from the statutory exclusions from the definition and from an analysis of other portions of the Act and the legislative history thereof, that Congress did not contemplate the regulation or registration of all persons who come within the definition.

Section 2(a)(1) of the Act provides that the definition of commodity trading advisor does not include:

1. "Any bank or trust company",

2. "Any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant or teacher",

3. "Any floor broker or futures commission merchant",

4. "The publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, including their employees",

5. "Any contract market", and

6. "Such other persons not within the intent of this definition as the Commission may specify by rule, regulation or order";

"Provided, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession" (emphasis supplied).

In granting the Commission the power to specify other persons not within the intent of the definition, Congress recognized that there would be no substantial public interest served by having such persons register as commodity trading advisors. In its Report on the Commodity Futures Trading Commission Act ("CFTCA") the House of Representatives Committee on Agriculture stated that it intended that the discretionary power vested in the Commission to exclude by rule, regulation or order, persons not within the intent of the definition "be exercised to exempt from registration those persons who otherwise meet the criteria for registration . . . if, in the opinion of the Commission, there is no substantial public interest served by such registration".[1]

The Senate Committee on Agriculture and Forestry stated that it had approved without change the provisions of the House Bill for the regulation of commodity trading advisors, but wished to make clear that many individuals who are engaged in the buying and selling of commodities may

in the course of their arms-length transactions with customers, offer opinions on the value of commodities or commodity futures which are entirely gratuitous. Any such incidental expression of views does not bring either an employee or his employer within the definition of 'commodity trading advisor'.[2]

Congress was seeking to regulate those persons who, on a basis not solely incidental to the conduct of their business or profession, engage in activities for compensation or profit which encourage transactions for the purchase and sale of commodities for future delivery on contract markets.

In a FEDERAL REGISTER notice of May 12, 1975, the Commission requested comments upon the circumstances in which the registration of a person who comes within the trading advisor definition would serve no substantial public interest so that the Commission could formulate standards for granting exclusions, if appropriate, from the commodity trading advisor definition.[3] The Commission has reviewed the few comments received to date.

With the foregoing in mind, the Commission is considering the adoption of a regulation which would exclude a person from the commodity trading advisor definition (1) because such person furnishes the kind of services or advice not contemplated in the definition, or (2) because such person is already registered with the Commission and, in light of the circumstances in which advisory services are furnished, registration as a commodity trading advisor would serve no additional public interest.

The first situation would exclude, among other groups, certain trade associations, and the second situation would exclude certain associated persons and commodity pool operators.

Therefore, pursuant to its authority under sections 2(a)(1) and 8a(5) of the Act, the Commission proposes the adoption of § 1.54 of the regulations as set forth below.

§ 1.54 Persons not within the commodity trading advisor definition.

(a) A person is not a commodity trading advisor if:

(1) The furnishing by such person of the services specified in section 2(a)(1) of the Act is solely incidental to the conduct of such person's business or profession,

(2) Such person does not hold himself out generally to the public as a commodity trading advisor, and

(3) Such services:

(i) Are not intended, directly or indirectly, to forecast or predict the price of any commodity for future delivery on any contract market, and

(ii) Do not contain any advice or suggestion which, in light of the circumstances in which such services are rendered, is intended to, or can be expected to, encourage or discourage trading in any commodity for future delivery on any contract market.

(b) A person is not a commodity trading advisor if the furnishing by such person of the services specified in section 2(a)(1) of the Act is solely incidental to the conduct of such person's business or profession and:

(1) At the time such services are furnished, such person is duly registered under the Act as a person associated with a futures commission merchant or agent thereof as described in section 4k of the Act, and such services are furnished in the name of, and on behalf of, such futures commission merchant and do not include any information, advice or suggestion which differs in any material respect from the information, advice, or suggestion then being furnished to others by such futures commission merchant; or

(2) At the time such services are furnished, such person is duly registered under the Act as a commodity pool operator, and such services are directed solely to, and for the sole use of, the commodity pool or pools for which such person has so registered and the participants therein.

The Commission recognizes that publishing this rule for comment will cause some uncertainty with regard to the registration status of those persons who might be within the proposed exclusion. To alleviate that uncertainty somewhat, it has been determined that until such time as the Commission reviews the comments received respecting this proposed rule and determines whether to adopt the rule as proposed, in an amended form, or not at all, no enforcement action will be taken, on the basis of failure to register, against any person who is within the proposed exclusion.

In addition, it should be noted that the Commission will continue to process any applications filed with the Commission. If the proposed rule or any similar rule is ultimately adopted, the Commission will provide an expedited procedure for withdrawal of applications and withdrawal from registration for those persons who may wish to withdraw.

Interested persons may participate in the proposed rulemaking by submitting comments in written form by July 28, 1975, to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036.

Issued in Washington, D.C., on July 3, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-17866 Filed 7-9-75;8:45 am]

[1] H.R. Rep. No. 93-975, 93d Cong., 2d Sess. (1974), p. 29.

[2] S. Rep. No. 93-1131, 93d Cong., 2d Sess. (1974), p. 24.

[3] See 40 FR 20663-4 (May 12, 1975).

[17 CFR, Part 1]

COMMODITY POOL OPERATOR DEFINITION

Proposed Exclusions

The Commodity Futures Trading Commission ("Commission") is considering the adoption of a regulation which would relieve from the commodity pool operator registration requirements of the Commodity Exchange Act ("Act") those operators who meet certain strict criteria.

Under section 2(a)(1) of the Act, the term "commodity pool operator" means

any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order.

It appears that in providing for the registration and regulation of commodity pool operators, Congress was concerned with persons (1) soliciting unsophisticated traders and (2) misappropriating invested funds. This is apparent from the requirements that a pool operator disclose the futures market positions of each of its principals and furnish statements of account to each pool participant;[1] from the emphasis in Section 2(a)(1) on the handling of the funds and property of others; from the fact that the legislative history of the commodity pool operator provisions refers to the loss by "unsophisticated traders" of "substantial amounts of money;"[2] and from the fact that investment companies, which, like commodity pools, are liquid pools of capital, have been strictly regulated by Congress to prevent mismanagement of invested funds.[3]

In a FEDERAL REGISTER notice of May 12, 1975, the Commission requested comments upon the circumstances in which exclusions from the commodity pool operator definition would be in the public interest so that the Commission could formulate standards for granting exclusions, if appropriate.[4] No comments were received suggesting any bases for exclusions. Nevertheless, the Commission believes that under limited circumstances the benefit to the participants in the pool and to the public in general of the registration of the pool operator may be so minimal as to be outweighed by the burden which registration and the consequential regulation places on the pool operator and, ultimately, the pool itself. Therefore, pursuant to its authority under sections 2(a)(1) and 8a(5) of the Act, the Commission is considering the adoption of § 1.55 of the regulations under the Act as set forth below.

§ 1.55 Persons not within the commodity pool operator definition.

(a) A person is not a commodity pool operator within the meaning of the Act if each of the following conditions are met:

(1) Such person is an operator of no more than one commodity pool at any time;

(2) There are no more than 10 participants in the pool operated by such person;

(3) Neither such person nor any participant in the pool operated by such person:

(i) Is a future commission merchant, an associated person or a director, officer, partner or person performing similar functions or controlling person of a futures commission merchant, or

(ii) Receives any compensation or payment directly or indirectly, from any futures commission merchant with which such pool has an account;

(4) Neither such person nor any partner, officer, director, person performing similar functions or controlling person of any of the foregoing persons, nor any person acting on behalf of, or at the direction of, any of the foregoing persons, in connection with the formation or operation of the pool operated by such person, or the solicitation, acceptance or receipt of the funds, securities or property to be invested in, or contributed to, such pool, shall use any form or means of general solicitation or general advertisement, including but not limited to, any advertisement, article, notice or other communication published in any newspaper, magazine or similar medium or broadcast over television or radio, or any seminar; and

(5) The total assets of the pool operated by such person which are used for the purpose, or intended to be used for the purpose, of trading in any commodity for future delivery on or subject to the rules of any contract market shall not exceed $50,000.

(b) For the purposes of this section the following definitions shall apply:

(1) The term "pool" shall mean any investment trust, syndicate, corporation, partnership, association, jointstock company, trust, enterprise or any organized group of persons whether incorporated or not.

(2) The term "participant" shall mean any individual, association, partnership, corporation, trust, or other entity, which has a right to share in the profits or otherwise to participate in a distribution, and any of such entities shall be counted as one participant unless such entity was organized for the specific purpose of becoming a participant in the pool operated by such person, in which case each beneficial owner of equity interests or equity securities in such entity shall count as a separate participant.

The Commission recognizes that publishing this rule for comment will cause some uncertainty with regard to the registration status of those persons who might be within the proposed exclusion. To alleviate that uncertainty somewhat, it has been determined that until such time as the Commission reviews the comments received respecting this proposed rule and determines whether to adopt the rule as proposed, in an amended form, or not at all, no enforcement action will be taken, on the basis of failure to register, against any person who is within the proposed exclusion.

In addition, it should be noted that the Commission will continue to process any applications filed with the Commission. If the proposed rule or any similar rule is ultimately adopted, the Commission will provide an expedited procedure for withdrawal of applications and withdrawal from registration for those persons who may wish to withdraw.

Interested persons may participate in the proposed rulemaking by submitting comments in written form by July 28, 1975, to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036.

[1] Sections 4n(4)(B) and 4n(5).

[2] H.R. Rep. No. 93-975, 93rd Cong., 2d Sess. (1974), p. 79. The statement was made by the Assistant Secretary of Agriculture to the House Agriculture Committee and was directed as well to commodity trading advisors.

[3] There is a legislative finding to this effect in section 1(b)(2) of the Investment Company Act of 1940.

[4] 40 FR 20663 (May 12, 1975).

V40 I133 JUL 10 75 XUM

Issued in Washington, D.C., on July 3, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-17882 Filed 7-9-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1016]

PRIVATE LITIGATION

Policies and Procedures Regarding Information Disclosure and Commission Employee Testimony

PROPOSED INTERIM GUIDELINES

The purpose of this notice is to propose Consumer Product Safety Commission regulations concerning the availability of Commission employees to testify in private litigation.

OFFICIAL RECORDS AND INFORMATION

The regulations proposed here provide for the availability of Commission records to private litigants, as they are available to the public generally, under the Commission's Proposed Interim Guidelines issued pursuant to the Freedom of Information Act (5 U.S.C. 552), as amended from time to time (39 FR 30298, August 24, 1974). In addition, the proposed regulations provide for certification of the authenticity of Commission records upon written request directed to the Office of the Secretary.

TESTIMONY BY COMMISSION EMPLOYEES

The proposed regulations as to employee testimony in private litigation carry out the Commission's policy to determine employee availability on a case by case basis. The Commission's regulations are intended to make possible a fair and evenhanded approach to each determination, with recognition of the facts that Commission resources are limited and that there will be instances therefore, where employees cannot be made available. Sec. 1016(5)(b) sets out the criteria the Commission will apply and the conditions that may attach to a decision to make an employee available.

Pending the issuance of final regulations, records and testimony shall be made available to private litigants using the regulations proposed in this notice as guidelines. Accordingly, under provisions of the Consumer Product Safety Act (86 Stat. 1207; (15 U.S.C. 2051)), the Federal Hazardous Substances Act (74 Stat. 372 as amended; (15 U.S.C. 1261)), the Poison Prevention Packaging Act of 1970 (84 Stat. 1670; (15 U.S.C. 1571), the Refrigerator Safety Act (70 Stat. 953; (15 U.S.C. 1211)), the Flammable Fabrics Act (67 Stat. 11 as amended; (15 U.S.C. 1191)), and the Public Information Act (Freedom of Information Act) (Pub. L. 89-487 as codified by Pub. L. 90-23, 81 Stat. 54; (5 U.S.C. 552)), the Commission proposes to add a new Part 1016 to Title 16, Chapter II, Subchapter A, as follows:

PART 1016—POLICIES AND PROCEDURES REGARDING INFORMATION DISCLOSURE AND COMMISSION EMPLOYEE TESTIMONY IN PRIVATE LITIGATION

Sec.
1016.1 Purpose and Policy.
1016.2 Disclosure and certification of information and records.
1016.3 Response to subpoena duces tecum.
1016.4 Requests or subpoena for an accident or investigation report made under the Consumer Product Safety Act.
1016.5 Testimony by Commission employees in private litigation.
1016.6 Appearance of Commission employees in private litigation in an unofficial capacity.

AUTHORITY: Consumer Product Safety Act (15 U.S.C. 2051-81), the Federal Hazardous Substances Act (15 U.S.C. 1261-1274), the Flammable Fabrics Act (15 U.S.C. 1191-1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471-76), the Refrigerator Safety Act (15 U.S.C. 1211-14, and the Freedom of Information Act (15 U.S.C. 552).

§ 1016.1 Purpose and policy.

The regulations of this part describe the policies and procedures of the Commission with respect to the disclosure of information and records to parties in private litigation and with respect to testimony by Commission employees in private litigation. It is the policy of the Commission where possible to make available official records and employee testimony in private litigation. Official records shall be made available to private litigants as they are available to the public generally. The availability of employees to testify in private litigation shall be fair and evenhanded but based on the recognition that there are limitations on the Commission resources.

§ 1016.2 Disclosure and certification of information and records.

(a) Identifiable information on records in the possession of the Commission shall be made available to private litigants in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR 1015) (5 U.S.C. 552) and under applicable sections of the Consumer Product Safety Act (15 U.S.C. 2055(a)(2), 2055(b), and 2074(c)).

(b) A request or subpoena for records should be sent in writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. The Secretary shall make available to the applicant any requested insion may make public in accordance with § 1016.2(a).

(c) Upon request, the Secretary of the Commission shall certify the authenticity of copies of Commission records. Requests for such certification should be addressed to the Office of the Secretary at the above address.

§ 1016.3 Response to subpoena duces tecum.

Whenever a subpoena duces tecum has been lawfully served upon any officer or employee of the Commission, commanding the production of any record, such officer or employee shall immediately notify the Office of the Secretary. Unless otherwise authorized by the Secretary, the officer or employee shall appear in response to the subpoena and respectfully decline to produce the record on the ground that it is prohibited by this section, and state that the production of the record(s) involved will be handled under the procedures established in this Part 1016.

§ 1016.4 Request or subpoena for an accident or investigation report made under the Consumer Product Safety Act.

(a) Pursuant to its responsibilities under 15 U.S.C. 2074(c), the Commission will make available any accident or investigation report made under the Consumer Product Safety Act, but only in a manner that does not identify any injured party or person treating him or her unless his or her express consent is obtained to permit identification.

(b) The Commission will not knowingly make available any accident or investigation report to a party in litigation with the person whose injury is the subject of the report or the person treating him or her. In such a case, the party seeking the report should use applicable discovery procedures to obtain the report from the opposing party or obtain from the opposing party a consent to its release by the Commission.

§ 1016.5 Testimony by Commission employees in private litigation.

(a) It is the responsibility of the Commission to conserve the time of its employees for the conduct of official business and to maintain strict impartiality toward private litigants. Accordingly:

(1) No officer or employee of the Commission, except as authorized by the Secretary of the Commission pursuant to this section or in the discharge of his or her official duties, shall give any testimony before any tribunal pertaining to any function of the Commission or with respect to any information acquired in the discharge of his or her official duties.

(2) Whenever a subpoena has been lawfully served upon an officer or employee of the Commission commanding the giving of any testimony, such officer or employee shall immediately notify the Secretary of the Commission. Unless otherwise authorized by the Secretary, such officer or employee shall appear in response thereto and respectfully decline to testify on the ground that it is prohibited by this section.

(b) A person who desires testimony from a Commission employee may make written request therefor, directed to the Secretary of the Commission, setting forth his or her interest in the matter sought to be disclosed and designating the use to which such testimony will be put in the event of compliance with the request. When the party seeking testimony has made a showing that evidence of the facts adduced by him or her is not reasonably available by any other method, that the results of the litigation will have significant implications for future Commission actions or policies, or that Commission actions are directly involved in the lawsuit, the Secretary may grant permission for the employee to testify. In granting permission, the Secretary shall arrange for the testimony to be taken by a method sufficient to meet the needs of the party and that will cause a minimum of disruption to Commission business. Ordinarily, the Secretary shall require that affidavits, interrogatories, or depositions be prepared at the location to which the employee is assigned at a time arranged to avoid interference with performance of the employee's official duties.

§ 1016.6 Appearance of Commission employees in private litigation in an unofficial capacity.

(a) A Commission employee may testify as an expert witness in private litigation in an unofficial capacity and not on Government time, provided that:

(1) The testimony to be given will not concern or relate to a subject matter about which the employee has acquired non-public information in the discharge of his or her official duties, and

(2) The employee does not accept employment or compensation, in any form, from a manufacturer who is subject to the Consumer Product Safety Act.

(b) If an employee is uncertain about the application of this section, he or she will obtain the advice and approval of the Secretary of the Commission before agreeing to testify.

(c) When testifying in private litigation, the employee, at the time he or she is asked the nature of his or her employment, should state for the record that his or her opinions do not necessarily represent the views of the Commission.

Interested persons are invited to submit, on or before August 11, 1975 written comments regarding this proposal. Comments received after this date will be considered to the extent practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th Floor, 1750 K Street, NW, Washington, D.C., during working hours Monday through Friday.

Dated: July 3, 1975.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.75-17874 Filed 7-9-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 571]

[No. 75-570]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Statement of Policy Relating to Exclusive Leases

JUNE 25, 1975.

Summary. The following outline regarding the amendment proposed herein is including for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the statement of policy.

I. *Present Situation.* The Corporation has no express policy on whether insured institutions may enter into leases or other agreements by which they obtain the right to prohibit other financial institutions from leasing or otherwise acquiring office or operating space within a regional shopping center under control of the lessor.

II. *Proposed Statement of Policy.* The proposed statement of policy sets forth the dangers to insured institutions inherent in exclusive agreements and states that, depending on the facts of the particular case, the Corporation may consider that such agreements involve an unsafe or unsound practice.

III. *Reason for Change.* Use of an exclusive agreement can thwart competition and expose an association to antitrust liability.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it advisable to propose to amend Part 571 of the rules and regulations for insurance of accounts (12 CFR Part 571), entitled "Statements of Policy", by addition of a new § 571.11 relating to use of exclusive leases and similar agreements by insured institutions.

At present the Corporation has no express policy on whether an insured institution may enter into a lease or other agreement or understanding with respect to an office or operating site within a regional shopping center by which it obtains the right to prohibit another financial institution from leasing or otherwise acquiring office or operating space under control of the lessor.

The Corporation believes that exclusionary agreements carry substantial risks of antitrust liability and should not be entered into by insured institutions. They may violate the antitrust laws as restraints of trade under section 1 of the Sherman Act, attempts to monopolize under section 2 of the Act, or unfair methods of competition under section 5 of the Federal Trade Commission Act. Depending upon the facts of a particular case, therefore, the Corporation may determine that entering into such an agreement is an unsafe or unsound practice. Among the facts to be considered in making such determination are the market area where the agreement is in effect and the size of the institution involved.

Accordingly, the Board hereby proposes to amend Part 571 by adding thereto a new § 571.11 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW, Washington, D.C. 20552, by August 11, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

§ 571.11 Exclusive leases and similar agreements.

(a) It is the policy of the Corporation to scrutinize leases, agreements or understandings with respect to office or operating sites within a regional shopping center under which an insured institution obtains the right to prohibit other financial institutions from leasing or otherwise acquiring office or operating space under control of the lessor or other person from whom the office or operating space is acquired. Such arrangements may violate the antitrust laws. They may involve restraints of trade under section 1 of the Sherman Act, attempts to monopolize under section 2 of that Act, or unfair methods of competition under section 5 of the Federal Trade Commission Act. Such violations could result in treble damage liability to the insured institution with attendant risk to the Corporation. Depending upon the facts of an individual case, the Corporation may determine that because of this risk such an arrangement is an unsafe or unsound practice for an insured institution. In making this determination, the Corporation will consider among other facts the market area in question and the size of the institution involved.

(b) For purposes of this section, a regional shopping center is a group of commercial establishments planned, developed, owned or managed as a unit with off-street parking provided on the property, having a gross floor area of 400,000 square feet or more, and including as tenants, one or more department stores.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.75-17924 Filed 7-9-75;8:45 am]

V 40 I 133 JUL 10 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIOD 5

Final Date of Allocations

Pursuant to § 51.22(a), as amended on February 28, 1974 (39 FR 8324) of Title 31 of the Code of Federal Regulations (Part 51), promulgated under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512, 31 U.S.C. Supp. III, Chapter 24), and pursuant to notice of procedure for improvement of entitlement data published in the FEDERAL REGISTER on March 13, 1974 (39 FR 9679), notice is hereby given that the final date for the determination of allocations and entitlements, including adjustments thereto, applicable to Entitlement Period 5 for recipient governments was June 30, 1975. This closing date will not be applicable for those recipient governments who have a request pending as of June 30, 1975, for substantiation or correction of data elements by the Office of Revenue Sharing filed pursuant to the notice of March 13, 1974 (39 FR 9679) nor to those recipient governments who have under review their entitlement data for Entitlement Period 6, adjustments to which may affect the final entitlement data verifications for Entitlement Period 5.

Dated: July 3, 1975.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc.75–17881 Filed 7–9–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session on 4–8 and 11–15 August 1975 at the Naval War College, Newport, Rhode Island.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 4–8 and 11–15 August 1975 to examine the substance, interrelationships, and U.S. national security implications of three critical subject areas identified and tasked to the Board by the Director of Defense Research and Engineering. The subject areas are: Key Intelligence Questions, Tactical Satellite Applications, and Defense Technology Base Strategy. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Director of Defense Research and Engineering, for his consideration in determining policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JULY 7, 1975.

[FR Doc.75–17951 Filed 7–9–75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

LAW ENFORCEMENT/PRIVATE SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the Law Enforcement/Private Security Relationship Study Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on August 13, 1975, at the Marriott Motor Hotel, O'Hare International Airport, Chicago, Illinois. The meeting will begin at 9:30 a.m. and will adjourn at approximately 4:30 p.m.

The purpose of this meeting is to review in-progress work on an in-depth study of the relationship between private security and public law enforcement with emphasis on sources of potential conflicts and proposed recommendations to alleviate or eliminate such sources of conflict. The meeting will be open to the public.

Further information concerning this meeting may be obtained from: Mr. Irving Slott, Director, Program Development & Evaluation, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531. 202/376–3687.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75–17911 Filed 7–9–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4518]

CALIFORNIA

Opening of Lands

JUNE 30, 1975.

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970) and pursuant to the authority delegated by the State Director (37 FR 491, January 12, 1972) as amended, and pursuant to the determination of the Federal Power Commission in DA–1109, California, October 25, 1973, it is ordered as follows:

1. In DA–1109 California, dated October 25, 1973, the Federal Power Commission determined that the value of the following described lands withdrawn pursuant to the filing of an application for Power Project No. 2426, will not be injured or destroyed for Power Purposes by restoration to location, entry, or selection under the public land laws, for the purposes of effectuating a, Forest Service land exchange, subject to the provisions of section 24 of the Federal Power Act:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 2 N., R. 4 W.,
Sec. 4, Lots 3, 4, N½N½ of Lot 5, N½N½ of Lot 6;
Sec. 5, Lot 1, N½N½ of Lot 8;
Sec. 6, Lots 1, 2, 3, 6 through 12, and U.S. Forest Service Miller Canyon administrative site, containing 1.29 acres, more or less, in the SE¼SE¼;
Sec. 8, S½N½NE¼, NW¼NW¼NE¼, N½S½NE¼, N½S½S½NE¼, S½SE¼SW¼NE¼, S½S½SE¼NE¼, NE¼NW¼, N½S½NW¼, N½SE¼SW¼NW¼, N½S½SE¼NW¼, N½N½NE¼SE¼;
Sec. 9, S½S½NE¼, S½NW¼, N½N½SW¼, N½N½SE¼, N½SE¼NE¼SE¼;
Sec. 10, SW¼SW¼NW¼, NW¼SW¼.
T. 3 N., R. 4 W.,
Sec. 31, S½S½NE¼, SE¼SE¼NW¼, SE¼;
Sec. 32, SE¼NE¼, S½S½NW¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 33, SW¼NW¼, SW¼, W½SE¼.
T. 2 N., R. 5 W.,
Sec. 1, NE¼ of Lot 9, SE¼NW¼ of Lot 9, S½ of Lot 9, S½ of Lot 10, S½ of Lot 11, S½ of Lot 12, E½SW¼, W½SW¼;
Sec. 2, S½ of Lot 9, E½SE¼ of Lot 10, E½E½NW¼SE¼, NE¼SE¼;
Sec. 12, NE¼NE¼NE¼NE¼.

The areas described aggregate approximately 2,081.54 acres within the San Bernardino N.F. in San Bernardino County, California.

The State of California has waived its preference right of application for highway rights-of-way or material sites afforded it by section 24 of the Federal Power Act. At 10 a.m., on August 11, 1975, the lands shall be made available for consummation of pending Forest Service Exchange applications R 4457, R 4461, and CA 74, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and subject to the provisions of section 24 of the Federal Power Act, *supra.*

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–17875 Filed 7–9–75;8:45 am]

[ES 14837]

MINNESOTA

Proposed Withdrawal of Land

JULY 3, 1975.

The United States Fish and Wildlife Service has filed an application for the withdrawal of 5.40 acres of land described as Islands, Tracts 37 and 38, Hungry Lake, T. 138 N., R. 39 W., Fifth Principal Meridian, Minnesota, from all forms of appropriation, including mining and mineral leasing.

The applicant proposes to utilize the islands as a refuge for migratory birds and as satellites of the Tamarac National Wildlife Refuge, located approximately six miles to the north.

Through August 11, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

LANE J. BOUMAN,
Acting Director,
Eastern States.

[FR Doc.75–17905 Filed 7–9–75;8:45 am]

[NM 26027]

NEW MEXICO

Application

JULY 3, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.
Sec. 6, lots 8 and 9.
T. 32 N., R. 10 W.
Sec. 31, lots 15, 18 and 19.

This pipeline will convey natural gas across .743 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–17906 Filed 7–9–75;8:45 am]

[Wyoming 51438]

WYOMING

Application

JULY 3, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Stauffer Chemical Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 103 W.,
Sec. 8, SE¼NE¼ and N½S½.
T. 21 N., R. 104 W.,
Sec. 12, NE¼SW¼, S½SW¼, and N½SE¼;
Sec. 14, NE¼NE¼ and S½NE¼.

The pipeline will convey natural gas from the Luff-Leucite Federal well 1–8 in sec. 8, T. 21 N., R. 103 W. to an existing pipeline in sec. 14, T. 21 N., R. 104 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–17076 Filed 7–9–75;8:45 am]

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

Agenda for Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–643, 5 U.S.C. App. I and the Office of Management and Budget Circular No. A–63, Revised.

The Outer Continental Shelf Research Management Advisory Board will meet during the period 9:30 a.m., July 24 to 4 p.m., July 25 in Rooms 7000 A and B, Department of the Interior, Washington, D.C. The meeting will cover the following principal subjects:

1. *Basic OCS program.*
Current OCS leasing schedule, including information on nominations.
Rationale and objectives of OCS environmental program, including discussion of potential offshore and onshore impacts and their relation to program.
2. *Status summary of OCS environmental work in progress.*
3. *Work in planning—Bureau of Land Management (BLM).*
North Atlantic baseline studies.
Nearshore and coastal information survey.
Alabama pipeline corridor study.
Fiscal Year 1976 OCS environmental program.
4. *Related OCS environmental work in planning or progress.*
Interior Department—RALI study of onshore impacts in New England.
Interior—NSF study of socioeconomic impacts of OCS development.
Interior (Fish and Wildlife Service)—Conservation Foundation manual project on impacts of OCS development.
5. *Committee reports.*
Ad hoc committee on MAFLA environmental information needs.
Ad hoc committee on guidelines for environmental data gathering.
6. *Special reports.*
North Sea operations and environmental program.
U.S. Geological Survey's marine geology program.
Interior Order 2974 concerning coordination of OCS efforts.
Interior's archeological survey requirements in OCS operations.
7. *General Board business.*
Action on Board recommendations.
Restructuring of the Board.
Future meetings.

The meeting is open to the public and written or oral statements concerning the program content are welcome.

V40-133 JUL 10 75 XUM

Those who expect to attend should make this intention known not later than July 18 to the Board's Chairman:

Frank E. Clarke, Senior Scientist, U.S. Geological Survey, Room 4443, Interior Building, Washington, D.C. 20240.

Written statements also should be submitted to the Chairman not later than July 18.

Dated: July 8, 1975.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

D. G. WALDON,
Deputy Assistant
Secretary of the Interior.

[FR Doc.75-18018 Filed 7-8-75;1:39 pm]

Fish and Wildlife Service

WATERFOWL ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name. Waterfowl Advisory Committee.

Date. August 5, 1975.

Place. Conference Room 2003, New Executive Office Building, 726 Jackson Place, NW, Washington, D.C. 20006.

Time. 9 a.m.

Purpose of meeting. The Committee will review the staff recommendations of the United States Fish and Wildlife Service for 1975-76 waterfowl regulations, and present to the Director their recommendations for 1975-76 waterfowl season frameworks.

This meeting will be open to the public. Persons wishing to attend should notify the Director, United States Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-8827. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing that such statements are also submitted in writing before or after the meeting.

Dated: July 7, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-17861 Filed 7-9-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Charles T. Collins, Department of Biology, California State University, Long Beach, California 90840.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
To band and color band California Least Terns (endangered species) on the breeding grounds. This program is needed to determine certain facts about this bird essential to protecting its breeding grounds and the establishment of sanctuaries.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Charles T. Collins
Department of Biology
California State University
Long Beach, California 90840
213-498-4813

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'0" WEIGHT: 165
DATE OF BIRTH: 9 March 1938
COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 213-498-4813
SOCIAL SECURITY NUMBER: 146-28-1160
OCCUPATION: Assoc. Professor of Biology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Department of Biology
California State University
Long Beach, Calif. 90840

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Not Required
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Not Required
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Not Required

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Southern California (San Diego, Orange, Los Angeles and Ventura Counties)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☑ YES ☐ NO
(If yes, list license or permit number)
Scientific Collecting Permit 1-SC-304
Bird Banding Permit 8707

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☑ YES ☐ NO
(If yes, list jurisdictions and type of document)
State Bird Banding permit # 73-1
and Memorandum of Understanding — Copy attached.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
Not applicable.

10. DESIRED EFFECTIVE DATE: 1 May 1975

11. DURATION NEEDED: 5 years.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attached: Memorandum of Understanding with state of California. (Fr. section 8.)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (DO NOT PRINT): Charles T. Collins
DATE: 5 April 1975

3-200
10/74

JUNE 3, 1975.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service, Washington, D.C. 20240

DEAR MR. BAVIN: I am writing in response to your letter of 20 May 1975 (FWS/LE PRT 8 201-B), regarding my application for a permit to band and color band California Least Terns. The answers to your questions are as follows:

1. We would expect to band as many young terns as can be conveniently captured without disturbing or disrupting the breeding colonies. This has varied from about 50 to 160 per year. We have not, and do not expect to band adults because of the possibility of nest desertions.

2. We would like to band young in various breeding colonies in southern California including sites in Los Angeles, Orange, and possibly San Diego County.

3. Birds will be captured by hand as preflying young in breeding colonies.

4. All banding will be by *particularly* experienced banders! At present the only three people to be conducting this program would be myself, Kristen Bender, and Barbara Massey. All of us have been involved with studies of this tern for several years. Barbara and Kris have been employed by California Dept. of Fish and Game as season aides working on the terns, and are probably more knowledgable about these terns than any other researchers or banders in this area. All due care will be given the terns!

5. The purpose of this banding program is to establish certain parameters about the terns. In particular we need to establish: (1) the age of first breeding, (2) the degree to which birds return to the colonies where they were hatched, (3) where do birds come from that are starting new colonies, (4) how much interchange occurs between colonies, (5) where do birds go for roosting and/or loafing when they have left the breeding colony, and (6) where do the terns overwinter. All of these questions are deemed important to any program of management of breeding grounds and the possible establishment of additional breeding sites and can only be answered by information derived from a banding program. Mrs. Bender and I are presently members of the F & W.S. Least Tern Recovery Team. Mrs. Massey authored the only life history study done on the California Least Tern and is a consultant biologist to the Recovery Team. We are in agreement on the need for the above information.

6. No birds are to be collected or sacrificed! The reference to "specimens" was strictly related to salvage of adults or chicks found already dead in the breeding colonies. These will now be disposed of through the F. & W.S. Recovery Team and its established procedures, as agreed to by the F. & W.S. I am happy to provide the requested information. However I am dismayed that it took this long for you to request it. As things now stand, unless an emergency or temporary authorization can be issued, there is little possibility that a permit can be issued in time for any work to be done this year! The young will be hatching in the next two weeks and will only be available for banding for about three weeks thereafter. I would appreciate your efforts to expedite this matter.

Yours sincerely,

CHARLES T. COLLINS,
Associate Professor,
Department of Biology.

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN CALIFORNIA STATE UNIVERSITY, LONG BEACH AND DEPARTMENT OF FISH AND GAME RELATING TO THE STUDY OF CALIFORNIA LEAST TERN

This Memorandum of Understanding is made and entered into this 10th day of June, 1975, by and between the Department of Biology, California State University, Long Beach, California, hereinafter called University and the Department of Fish and Game, Sacramento, California, hereinafter called Department.

Witnesseth: Whereas, the University has expressed interest in conducting studies of the California Least Tern (Sterna albifrons browni), which has been classified as an endangered species, and

Whereas, the Department is highly desirous that continuing research be done to better understand the nature and habitat needs of this rare species and measures necessary to ensure its survival, and

Whereas, the parties hereto desire to coordinate studies by means of this written Memorandum of Understanding.

Now, therefore, it is mutually agreed and understood as follows:

1. The University may use the services of students, graduate students, and/or University employees who are mutually agreeable to the parties signed hereto, to perform field phases of this study, including but not limited to observing, banding, and releasing of live specimens.

2. It is mutually agreed that the Department is the only party that can dispose of any live birds or carcasses acquired during this study.

3. It is further mutually agreed and understood that the students, graduate students, and/or University employees working on this study shall be holders of a valid State of California Bird-Banding Permit as well as a Bird-Banding Permit or Subpermit from the U.S. Department of the Interior, Bureau of Sport Fisheries and Wildlife, and be under the technical direction of Dr. Charles Collins of the Biology Department. Dr. Collins will keep the Department informed of the names of all University people working on the study. The University will provide all workers with a written statement indicating that the bearer is authorized to participate in the California Least Tern Study.

4. During the term hereof the Department and the University shall confer semiannually or more frequently when necessary to develop and revise coordinated programs for study of the California Least Tern. The University shall be required to submit for approval study proposals covering its research and shall provide written progress reports at the end of each breeding season. Upon termination of any major phase of study or the study itself, a final completion report shall be prepared and submitted to the Department. It is mutually understood that there will be a free exchange of data and information during the course of study covered by this agreement.

5. Unless terminated sooner by either party of this understanding giving thirty days prior written notice of earlier termination, this agreement shall commence on the date hereof and shall end August 30, 1977, subject to renewal with the approval of both parties.

This Memorandum of Understanding has been executed by and on behalf of the parties hereto as of the day and year first above written.

E. C. FULLERTON,
Acting Director, Department of Fish and Game, State of California.

BRUCE BEEKMAN,
Chairman, Department of Biology, California State University, Long Beach.

CHARLES T. COLLINS,
Department of Biology, California State University, Long Beach.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: July 7, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-17969 Filed 7-9-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: State of Hawaii, Division of Fish and Game, 1179 Punchbowl Street, Honolulu, Hawaii 96813. Michio Takata, Director, Ronald L. Walker, Chief, Wildlife Branch.

V40-133 JUL 10 75 XUM

OMB NO. 42-R109

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Propagation and field research of Hawaiian goose and duck including release of captive-reared birds. Field studies of Hawaiian stilt, coot and gallinule including capture banding & marking. Possession of Laysan duck for disposition by U. S. Fish and Wildlife Service.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Hawaii Division of Fish and Game
Ronald L. Walker
1179 Punchbowl Street
Honolulu, Hawaii 96813
Phone No. 548-5917

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
State of Hawaii
Department of Land & Natural Resources
Division of Fish & Game
Wildlife Branch
1179 Punchbowl Street
Honolulu, Hawaii 96813
Phone No. 548-5917
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Ronald L. Walker, Chief, Wildlife Branch
Phone No. 548-5917
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of Hawaii

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
8487 Federal Bird Marking & Salvage Permit
1.-SC-218 Migratory Bird Collecting Permit

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not Required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: May 1, 1975
11. DURATION NEEDED: Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not sign) Ronald L. Walker
DATE 4/21/1975

3-200 (6/74)

Ronald L. Walker

12. Attachment to Federal Fish and Wildlife License/Permit Application.

Pursuant to the March 26, 1975 Memorandum from the Chief, Bird Banding Laboratory concerning Special Permit Required to Mark or Salvage Endangered Species and § 17.23, 50 CFR 17 we are submitting this application to cover the activities of the Division of Fish and Game:

The State Division of Fish and Game has been actively conducting a restoration program for the Hawaiian Goose (*Branta sandvicensis*) and Hawaiian Duck (*Anas wyvilliana*) for several years which includes the propagation of these endangered species in captivity and release into suitable habitats in Hawaii. The released birds are banded and marked, either by colored leg bands or by color dying the plumage before release. Also, the Division conducts field surveys, inventories and research studies which include the capture and marking of these species in the wild.

Attached are copies of (1) a contract with the U.S. Fish and Wildlife Service which covers the Hawaiian Goose propagation project and (2) pertinent portions of our Federal Aid project agreement for W–15–5 and project statement for W–15 concerning the field work (Attachments 2 and 3). The propagation of the Hawaiian Duck is accomplished with State funds in conjunction with the Hawaiian Goose propagation.

In addition to the required banding and marking authority we request authority to salvage sick, injured or dead specimens of the Hawaiian Stilt (*Himantopus h. knudseni*), Coot (*Fulica a. alai*), Gallinule (*Gallinula c. sandvicensis*), Laysan Duck (*Anas laysanensis*) as well as the Hawaiian Goose and Hawaiian Duck as opportunity occurs in the course of field studies and other Fish and Game management and enforcement activities.

We are requesting the permit to be effective immediately and to be effective indefinitely as we shall continue and will be intensifying our work with these endangered resident species.

OMB NO. 42-R109

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To capture, keep in captivity or handle the Hawaiian goose, duck, stilt and Laysan teal (Endangered species) for the purposes of banding, marking, affixing tracking devices or captive rearing and releasing under Federal Aid projects or contracts.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
State of Hawaii
Division of Fish and Game
1179 Punchbowl Street
Honolulu, Hawaii 96813
Phone: 548-4000

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
State conservation agency for fish and wildlife. A Division of the State of Hawaii Department of Land and Natural Resources.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Michio Takata, Director, 548-4000
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Islands of Hawaii, Maui, Oahu and Kauai.
Pohakuloa Propagation Facility, Island of Hawaii

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Federal Bird Marking and Salvage Permit No. 8487

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not required.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: Immediate
11. DURATION NEEDED: Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not sign) Michio Takata
DATE Nov. 27, 1974

3-200 (6/74)

Michio Takata

MARCH 25, 1975.

MR. LYNN A. GREENWALT,
Director, U.S. Fish & Wildlife Service, Washington, D.C. 20240.

DEAR MR. GREENWALT: We have received your letter of February 11, 1975 relative to our request for a permit to take, possess and transport endangered species under our Pittman-Robertson program and Nene Restoration Project Contract with the Fish and Wildlife Service.

We are in the process of preparing our requests for participation in the Pittman-Robertson program for the next five-year period and the Nene project contract for fiscal year 1975–1976 and thus may have some changes in emphasis or activities from those reflected in our present documentation. Also, until the Endangered Species Recovery Plan teams are formally designated and the recovery plans completed, we feel it may be premature to provide detailed justifications at this time.

In regard to the specific additional information you requested:

17.23(a)(4) We will indicate the address of the facility which will house the endangered species and describe the facilities as requested in our Pittman-Robertson outline.

17.23(a)(5) Although the Pittman-Robertson outline indicates that we will be using pen-reared birds, the stock used is often derived from wild caught birds which have been abandoned or injured or from young birds deliberately captured in order to infuse wild blood lines in the captive flock. We will provide you with the necessary details on this procedure.

17.23(a)(7) A description of the containers and arrangements for feeding and watering in transit will be included as requested. In moving birds from the captive rearing project to the release sites, the distance and time frame is usually so short that it is not necessary to use elaborate containers or feed and water the stock in transit. In receiving Nene from Connecticut or from England, the containers and care are provided by the source until arrival in Hawaii. We assume this asp t will be covered by a permit issued to the sending agency.

With respect to the Laysan Teal, again, detailed documentation of the program for this species will be contained in the recovery plan when completed. At present we have no active project except to maintain them in captivity at the Pohakuloa rearing facility. We have indicated to Ray Erickson of your organization that we would like to phase them out and distribute the stock at your instruction, but to date we have received no direction. Thus at this time it would be difficult to provide you with a detailed justification for keeping or handling them.

Yours truly,

MICHIO TAKATA,
Director,
Division of Fish and Game.

NOVEMBER 27, 1974.

DIRECTOR,
U.S. Fish and Wildlife Service, U.S. Dept. of the Interior, Washington, D.C. 20240.

DEAR SIR: Enclosed are two copies of a Federal Fish and Wildlife Service License/Permit application form for the taking, possessing, transporting and propagating of certain species of endangered wildlife in Hawaii. Also attached is a copy of a letter to Mr. Marshall Dillon outlining the purposes of the request for a permit, species involved, and persons who will be working with these species. Pursuant to Section 17.23, subpart C, Part 17 of 50 CFR 17 we are also including copies of the project agreement for the Statewide Pittman Robertson program (Contract Number 14–16–0001–5686) for W–15–5 (Job Numbers I–A, I–E, VIII–A, VIII–C and VIII–D) and the Memorandu of Understanding between the Fish and Wildlife Service and the State Department of Land and Natural Resources for the Nene Restoration Project as a statement of justification and outline of the proposed project. With respect to the numbers of individual birds of each species to be handled or held in captivity this would vary with opportunity or propagation results, but would be within the following limits:

Hawaiian goose	250
Hawaiian duck	100
Hawaiian stilt	100
Laysan duck	100

I trust that the enclosed documentation meets the requirements of application. If you need further information, please advise.

Sincerely,

MICHIO TAKATA,
Director,
Division of Fish and Game.

V 40 I 133 JUL 10 75 XUM

JOB DESCRIPTION

State: *Hawaii* Project No.: *W–15–5*
Study Title: *Ecology of the Nene in the State of Hawaii* Study No.: *I*
Job Title: *Compilation of Field Observations Related to Numbers, Survivability and Distribution of Nene on the Island of Hawaii* Job No.: *I–A (20)* (B)
Job Objectives:
1. To determine the number of nene on the Island of Hawaii and the population trend.
2. To determine the dispersal and distribution of this population.
3. To determine the reproductive success of nene in the wild.
4. To determine the survival, movement and integration with wild nene, of pen-reared nene released in the wild.
5. To determine the population status and trend, distribution and movements of nene that use the summer flyway.
6. To record and compile all observations of banded nene to determine their distribution, movement and survival.

JOB DESCRIPTION

State: *Hawaii* Project No.: *W–15–5*
Study Title: *Ecology of the Nene in the State of Hawaii* Study No.: *I*
Job Title: *Ecological Survey of the Nene on the Island of Maui* Job No.: *I–E (12)* (B)
Job Objectives:
To determine the number, distribution and movement of nene on Maui. To evaluate nesting success and the predator control program.

JOB DESCRIPTION

State: *Hawaii* Project No.: *W–15–5*
Study Title: *Field Investigation of Native Hawaiian Waterbirds in the State of Hawaii* Study No.: *VIII*
Job Title: *Field Investigation of Native Hawaiian Waterbirds on the Island of Kauai* Job No.: *VIII–C (5)* (S)
Job Objectives:
To monitor the abundance, distribution and movements of the Koloa duck and Hawaiian stilt on the Island of Kauai, and to determine their habitat requirements and additional life history information for use in their management.

JOB DESCRIPTION

State: *Hawaii* Project No.: *W–15–5*
Study Title: *Field Investigation of Native Hawaiian Waterbirds in the State of Hawaii* Study No.: *VIII*
Job Title: *Field Investigation of Native Hawaiian Waterbirds on the Island of Oahu* Job No.: *VIII–D (2)* (S)
Job Objectives:
1. To determine the abundance, distribution and movements of the Hawaiian duck and Hawaiian stilt on the Island of Oahu.
2. To determine habitat requirements of the Hawaiian stilt and additional life history information for use in its management.

Mr. MARSHALL DILLON,
U.S. Fish and Wildlife Service,
821 Mililani Street,
Honolulu, Hawaii 96813.

OCTOBER 7, 1974.

DEAR MR. DILLON: During a recent meeting with Keith Schreiner, Associate Director of the U.S. Fish and Wildlife Service we were advised to apply to you for a permit to take, possess and transport certain species of endangered birds under our Statewide Pittman Robertson program and contract with the Service for the restoration of the Hawaiian Goose. This is pursuant to a provision in the Endangered Species Act of 1973 which prohibits the taking, possession or transport of these species (Section 9(a)(1), (B) and (D). (D)). Therefore, pursuant to Section 10(a) of the Act, for scientific purposes and to enhance the propagation or survival of the affected species, we request that a permit be issued for the taking, possession and transportation of the following named species of endangered wildlife:

1. Hawaiian Goose (Nene)—*Branta sandvicensis*
2. Hawaiian Duck (Koloa)—*Anas wyvilliana wyvilliana*
3. Laysan Duck—*Anas wyvilliana laysanensis*
4. Hawaiian Stilt (Aeo)—*Himantopus himantopus knudseni*

The detailed purposes for which the permit is requested are embodied in the Project Agreement for the Statewide Pittman Robertson program (Contract Number 14–16–0001–5686) for W–15–5 Job Numbers I–A, I–E, VIII–A, VIII–C and VIII–D and the Memorandum of Understanding between the Fish and Wildlife Service and the State of Hawaii Department of Land and Natural Resources, copies of which are attached.

Your attention to this matter will be appreciated.

Yours truly,

MICHIO TAKATA,
Director,
Division of Fish & Game.

NENE GOOSE RESTORATION PROJECT

Objectives. The specific objectives of this contract are to: (1) maintain a captive flock of nene for propagation, and continue to increase the vigor and productivity of the captive flock of nene at Pohakuloa, and (2) propagate nene to be released into adequately protected areas of suitable natural habitat.

Procedures. Based on previous findings and conclusions, it is proposed to continue to develop the program designed to accomplish the above objectives. Existing facilities will be maintained and improved so as to accommodate a captive breeding flock of nene and to care for the young up to the time of their release into the wild. An aviculturist and aide will continue to staff this project. Liberations of captive stock of nene into the wild will be continued in selected areas within the known range on Hawaii and Maui. To safeguard against introduction of disease and parasites into the wild population, nene reared with other fowl or elsewhere than on the Island of Hawaii, will not be released on the Island of Hawaii.

Outside of these guidelines, latitude is given to the contractor to work out methods and procedures from past experiences and knowledge of the propagation of the species and local conditions.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: July 7, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–17968 Filed 7–9–75;8:45 am]

Geological Survey

BODIE, CALIFORNIA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Bodie known geothermal resources area, effective May 1, 1974.

(5) CALIFORNIA

BODIE KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, California

T. 4 N., R. 26 E. Sec. 33.

The area described aggregates 640 acres, more or less.

Dated: June 3, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75–17977 Filed 7–9–75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75–123]

SOUTHERN OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Southern Ohio Coal Company has filed a petition to modify the application of 30 CFR 75.1100–2 (b) and (c) to its Meigs Mine No. 1 and Meigs Mine No. 2, Athens, Ohio.

30 CFR 75.1100–2(b) and (c) respectively provide:

(b) *Belt conveyors.* In all coal mines, waterlines shall be installed parallel to the entire length of belt conveyors and shall be equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces. At least 500 feet of firehose with fittings suitable for connection with each belt conveyor waterline system shall be stored at strategic locations along the belt conveyor. Waterlines may be installed in entries adjacent to the conveyor entry belt as long as the outlets project into the belt conveyor entry.

(c) *Haulage tracks.* (1) In mines producing 300 tons of coal or more per shift waterlines shall be installed parallel to all haulage tracks using mechanized equipment in the track or adjacent entry and shall extend to the loading point of each working section. Waterlines shall be equipped with outlet valves at intervals of not more than 500 feet, and 500 feet of firehose with fitting suitable for connection with such waterlines shall be provided at strategic locations. Two portable water cars, readily available, may be used in lieu of waterlines prescribed under this paragraph.

Petitioner proposes as its alternative method a dry pipe fire fighting system activated by an airlert heat sensing unit installed in the slope. The details of the system are described as follows:

(1) The slope has two separate compartments. The slope belt is installed in upper compartment and haulage track in the lower compartment.

(2) A six-inch waterline equipped with fire hose outlets and valves at less than 300' intervals is installed parallel to the slope belt.

(3) The partition between the two compartments has mandoors at intervals of 200'. The fire hose can be taken to the track through these doors when needed.

(4) Heat sensitive airlert tubing has been installed parallel to the belt through the entire length of the slope. In the event the temperature in the slope goes above 150° F, the airlert will activate the valve and charge the six-inch pipeline with water. The valve can also be operated manually.

(5) At present the electric valve is located at the transfer point at the slope bottom.

(6) The final arrangement consists of an electric valve at the slope portal activated by the airlert system and feed the six-inch waterline from the top. This valve can also be operated manually.

(7) The slope belt is also equipped with limit switches which will shut the belt off in the event the chutes are plugged or the belt is out of alignment eliminating the occurrence of a fire in the slope due to friction.

(8) The most important reason for having a dry pipe system is to keep it from freezing due to the large volume of air going in the mine. Secondly, in a fully charged line the standing water would have a tendency to corrode the pipe and cause damage. The dry pipe system can be turned on automatically or manually and is as effective as a fully charged line.

Petitioner's alternate method will at all times provide to the miners no less than the same measure of safety afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 11, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: July 2, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75–17910 Filed 7–9–75;8:45 am]

Mining Enforcement and Safety Administration

CMC COAL CO.

Public Hearing; Investigation of Accident

Notice is hereby given that the Mining Enforcement and Safety Administration pursuant to the authority of section 103(d) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 813(d), will conduct a public hearing on August 4 and 5, 1975, commencing at 9:30 a.m. in Room LL–8 at 301 West Cumberland Avenue, Knoxville, Tennessee. The hearing is part of a continuing MESA investigation and will be held for the purpose of making further inquiry into the facts and circumstances surrounding a fatal accident which occurred on May 27, 1975. The accident happened in Caryville, Tennessee, at a mine operated by CMC Coal Co., Inc. and involves the loss of life by electricity of one L. M. Ward, an employee of the CMC Coal Co.

Pursuant to the authority delegated to the Administrator of the Mining Enforcement and Safety Administration by the Secretary of Interior (218 DM 1), the Administrator hereby delegates to the Chairman of the Hearing Panel the authority to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and to administer oaths.

Mr. John W. Crawford, Assistant Administrator, Coal Mine Health and Safety, is designated Chairman of the Hearing Panel and shall conduct the hearing and investigation of the accident.

Persons who will be required to testify at the hearing will be notified in writing approximately one (1) week prior to the date of the hearing.

Members of the public and anyone who has information relating to this accident are invited to attend and testify at the hearing.

Anyone desiring further information regarding the hearing should write to or contact: Assistant Administrator, Coal Mine Health and Safety, 4015 Wilson Blvd., Arlington, Virginia 22203. Phone: Area Code 703, 235–1140.

Dated: July 8, 1975.

ARTHUR P. NELSON,
Acting Administrator, Mining Enforcement and Safety Administration.

[FR Doc.75–18012 Filed 7–8–75;11:40 am]

National Park Service

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., m.s.t., July 17 and 18, 1975, at the Conference Room at the Southwest Regional Office, Old Santa Fe Trial, Santa Fe, New Mexico.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advise or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple, Texas (Chairman)
Mr. Leslie Bowling, New Orleans, Louisiana
Dr. Neil Compton, Bentonville, Arkansas
Dr. Bertha P. Dutton, Santa Fe, New Mexico
Mr. Sam R. Powell, Tulsa, Oklahoma
Mr. J. R. Singleton, Austin, Texas
Mr. David R. Strickland, Muskogee, Oklahoma
Mrs. Roulhac Toledano, New Orleans, Louisiana

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. Planning and management of Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument.
2. Planning and management of Bandelier National Monument.
3. The Texas Missions' Proposal.
4. The Texas Coastal Zones Study.
5. The Register of National Historic, Natural and Environmental Education Landmarks.
6. The Freedom of Information Act and Service efforts to involve the public in the decision making process.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa

V40 I133 JUL 10 75 XUM

Fe, New Mexico, 87501, telephone Area Code 505 988–6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: June 4, 1975.

JOSEPH C. RUMBURG, Jr.
Regional Director, Southwest Region, National Park Service.

[FR Doc.75–18076 Filed 7–9–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUT ADMINISTRATIVE COMMITTEE

Budget of Expenses and Rate of Assessment for the 1975 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1975 and for the crop year beginning July 1, 1975, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1975, shall be in the total amount of $375,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1975 Crop Peanuts, effective July 1, 1975, are estimated at, but may exceed $3.5 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment of the rate of $1.00 per net ton of farmers stock peanuts received or acquired other than those described in § 31(c) and (d) ($0.30 for administrative expenses and $0.70 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $0.70 rate and not expended in providing indemnification on 1975 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: July 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75–17963 Filed 7–9–75;8:45 am]

Commodity Credit Corporation

1974–CROP LOAN COTTON

Acquisition

All outstanding loans on cotton under Commodity Credit Corporation's 1974 Cotton Loan Program mature and are due and payable on the last day of the tenth calendar month from the first day of the month in which the loan (or advance) was made, unless Commodity Credit Corporation makes demand for payment at an earlier date. If the maturity date falls on a nonworkday for county offices, the date of maturity shall be the next workday. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any outstanding loan on or before the close of business on the date of maturity and if Commodity Credit Corporation has not made demand for payment at an earlier date, Commodity Credit Corporation will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on the maturity date, and title thereto shall, without a sale thereof vest in Commodity Credit Corporation at that time: *Provided*, That Commodity Credit Corporation will not acquire title to such cotton if repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamped) not later than the maturity date. As provided in the loan agreement, Commodity Credit Corporation will not pay for any market value which the cotton may have in excess of the loan value plus applicable charges and interest. If warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be received by the local bank not later than the close of business on the maturity date.

In the event a producer has made a fraudulent representation in the loan documents or in obtaining the loan, the producer shall be personally liable for any amount by which the amount due on the loan exceeds the market value of the cotton securing the loan as of the date title vests in CCC, as determined by CCC. In the event a person who has filed a Form CCC–813 with a county ASCS office fails to redeem the cotton covered by the Form CCC–813, CCC may elect to purchase the cotton on the maturity date, and such person shall be liable for any amount by which the amount due on the loan on such cotton exceeds the market value of the cotton as of the maturity date, as determined by CCC.

Signed at Washington, D.C. on July 2, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–17964 Filed 7–9–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

KIRSTEIN LEATHER CO.

Petition for Determination

A petition by Kirstein Leather Company, Saco, Maine, was accepted for filing on July 3, 1975, under section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FEDERAL REGISTER 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items §§ 121.2000, 121.5705, 121.5715, and 121.5735 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with leather for shoes and garments processed by the firm.

Any party having a substantial interest in the subject matter in the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than July 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

JACK W. OSBURN, Jr.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–17903 Filed 7–9–75;8:45 am]

N. CAROLINA STATE U.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1974.)

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00468–56–17500. Applicant: North Carolina State University, Room 130, Withers Building, Raleigh, North Carolina 27607. Article: Four Recording Current Meters, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for oceanographic measurements to provide detailed determination of current vectors, density gradients, and frequency spectra of water masses thus enabling the development of physical models and establishing the circulation and distribution of physical and chemical properties.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a self-contained instrument which provides the capabilities for recording current speed, current direction, water temperature, pressure and conductivity (salinity). The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated June 11, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NOAA also advises that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–17900 Filed 7–9–75;8:45 am]

Office of the Secretary

CLOTHES WASHERS

Voluntary Program for Applianccc Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for clothes washers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Clothes Washers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 31, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

BETSY ANCKER-JOHNSON, Ph. D.,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Clothes Washers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—CLOTHES WASHERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test Methods.
5.0 Method for Determining Efficiency.
6.0 Base Data.
7.0 Goal.
8.0 Method for Calculating the Goal.
9.0 Monitoring and Record Keeping Requirements.
10.0 Participation in the Program.
11.0 Privileged Material.

APPENDIX A: Method for Calculating the Industry Goal—An Example.
APPENDIX B: Form for Manufacturer's Notice of the Intent to Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the Federal Register March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Clothes Washers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new clothes washers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all clothes washers as defined in 3.8.

2.2 Individual units of clothes washers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of clothes washers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of clothes washers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on clothes washers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of clothes washers who are participants in the Program.

3.8 The term "clothes washer" means a cabinet like appliance designed to wash clothes and remove water by centrifugal force. The clothes washing will be dependent on a water solution of soap and/or detergent with mechanical agitation. It may be automatic or semi-automatic in its mode of operation.

3.9 The term "load" means the standard test load as described in the energy consumption tests to be developed under 4.1.

3.10 The term "basic model group" means all clothes washers actually manufactured or assembled by one manufacturer and having

V40-133 JUL 10 75 XUM

the identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences includes, but are not limited to, variations in trim, color, sales model number, and brand name.

3.11 The term "factory shipment" means the number of clothes washers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.11.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.11.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.11.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.12 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period, if the use of such other yearly period has been requested by a manufacturer and appoved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test Methods*

4.1 Samples of clothes washers shall be tested by manufacturers or their agents for thermal and electrical energy consumption in accordance with test proceduers to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of clothes washers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of clothes washers may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of clothes washers, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs, that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1, is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of clothes washer.

4.3 Energy consumption for clothes washers shall be reported in kWh per load and shall be based on the results of the energy consumption tests to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrentily with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on clothes washers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.*

5.1 The basic measure of efficiency for clothes washers shall be the Energy Factor which shall be reported in loads per kWh.

5.2 The Energy Factor of a model shall be equal to the reciprocal of the energy consumption as determined in 4.3.

5.3 The factory shipment weighted Energy Factor for a manufacturer shall be equal to the manufacturer's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the manufacturer shipped in the given year and the factory shipment of that model of the manufacturer for that year. This quotient is rounded to the nearest 0.001.

5.4 The factory shipment weighted Energy Factor for the industry shall be equal to the industry's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the industry shipped in the given year and the factory shipment of that model for the industry in that year. This quotient is rounded to the nearest 0.001.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features based on the extent to which consumers utilize such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in appendix A.

6.0 *Base Data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 10 percent decrease of the total energy usage for the total number of 1980 factory shipped clothes washer models when compared with the total energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in appendix A.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Energy Factor for the industry. The goal shall be determined by calculating the factory shipment weighted Energy Factor for the industry for the base year 1972, and then dividing by 0.90. This recalculated factory shipment weighted Energy Factor for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Energy Factor for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by the manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Energy Factor for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the Federal Register. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Goal.*

8.1 For the base year 1972, the factory shipment weighted Energy Factor shall be calculated for each manufacturer and the industry.

8.2 The assigned Energy Factor goal for the industry shall be equal to the 1972 factory shipment weighted Energy Factor for the industry divided by 0.90.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Energy Factor goal for the industry and the 1972 factory shipment weighted Energy Factor for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Energy Factor for a manufacturer and the 1980 industry goal is given in appendix A.

9.0 *Monitoring and Record Keeping Requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the Federal Register intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of the individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Energy Factor for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the Federal Register the factory shipment weighted Energy Factor for the industry, and notify each manufacturer separately of his own factory shipment weighted Energy Factor.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in Appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of clothes washers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged Material.*

Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

APPENDIX A: METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method for calculating the factory shipment weighted Energy Factor for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Energy Factor of the model. Table 4 shows how the data for determining the factory shipment weighted Energy Factor for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Energy Factor for the industry for the base year. The 1980 industry factory shipment weighted Energy Factor goal for the industry is then obtained by dividing the factory shipment weighted Energy Factor for the industry by 0.90. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Energy Factor goal.

TABLE 1.—*Calculation of factory shipment weighted energy factor for manufacturer A*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	5.43	30,000	30,000	108,600
2	1	4.92	30,000	30,000	147,600
3	1	5.82	50,000	50,000	291,000
4[1]	1	6.55	10,000	10,000	65,500
Total			110,000	110,000	612,700

[1] Model 4 of manufacturer A has been rated according to the standard test proceedures to have an energy consumption of 6.89 kWh. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test proceedures that a 10-percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 80 percent of the saving is credited to the model. The adjusted energy consumption is:

$$6.89\times(1-0.1\times0.5)=6.55 \text{ kWh}$$

NOTE.—Factory shipment weighted energy factor for manufacturer A

$$=\frac{110,000}{612,700}=0.180 \text{ load per kilowatthour}$$

TABLE 2.—*Calculation of factory shipment weighted energy factor for manufacturer B*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	4.93	30,000	30,000	147,900
2	1	4.52	50,000	50,000	226,000
3	1	5.21	20,000	20,000	104,200
4	1	5.13	40,000	40,000	205,200
5	1	5.25	60,000	60,000	315,000
Total			200,000	200,000	998,300

NOTE.—Factory shipment weighted energy factor for manufacturer B

$$=\frac{200,000}{998,300}=0.200 \text{ load per kilowatthour.}$$

TABLE 3.—*Calculation of factory shipment weighted energy factor for manufacturer C*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	5.30	10,000	10,000	53,000
2	1	5.85	20,000	20,000	117,000
3	1	6.70	30,000	30,000	201,000
4	1	6.20	30,000	30,000	186,000
Total			90,000	90,000	557,000

NOTE.—Factory shipment weighted energy factor for manufacturer C

$$=\frac{90,000}{557,000}=0.162 \text{ load per kilowatthour}$$

V40-133 JUL 10 75 XUM

TABLE 4.—*Calculation of factory shipment weighted energy factor for the industry*

Manufacturer	Load times factory shipment	Energy consumption times factory shipment
A	110,000	612,700
B	200,000	998,300
C	90,000	577,000
Total	400,000	2,188,000

NOTE.—Factory shipment weighted energy factor for the industry

$$\frac{400{,}000}{2{,}188{,}000}=0.185 \text{ load per kilowatthour}$$

The assigned factory shipment weighted energy factor for the industry for 1980

$$\frac{400{,}000}{(0.80)(2{,}188{,}000)}=0.205 \text{ load per kilowatthour}$$

TABLE 5.—*Changes per manufacturer*

Manufacturer	1972 energy factor (load per kilowatt-hour)	Assigned energy factor (load per kilowatt-hour)	Required change (load per kilowatt-hour)
A	0.180	0.205	+0.025
B	.200	.205	+.005
C	.162	.206	+.043

APPENDIX B: FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology,
Room 3862,
Department of Commerce,
Washington, D.C. 20230

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to clothes washers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Clothes Washers (40 FR ——), including provision to the Secretary's designated agent of the information enumerated in Sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is ——————————

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17620 Filed 7-9-75;8:45 am]

DISHWASHERS

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for dishwashers as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Dishwashers by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 31, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

Issued:

BETSY ANCKER-JOHNSON, Ph. D.,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Dishwashers now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—DISHWASHERS

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test Methods.
5.0 Method for Determining Efficiency.
6.0 Base Data.
7.0 Goal.
8.0 Method for Calculating the Goal.
9.0 Monitoring and Record Keeping Requirements.
10.0 Participation in the Program.
11.0 Privileged Material.

APPENDIX A: Method for Calculating the Industry Goal—An Example.
APPENDIX B: Form for Manufacturer's Notice of the Intent to Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress; that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Dishwashers, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new dishwashers by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all dishwashers as defined in 3.8.

2.2 Individual units of dishwashers manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of dishwashers in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of dishwashers into the United States for sale or resale.

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on dishwashers supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of dishwashers who are participants in the Program.

3.8 The term "dishwasher" means a cabinet like appliance which with the aid of water, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils, and most cooking utensils by chemical, mechanical and/or electrical means and discharges to the plumbing drainage system.

3.9 The term "load" means the standard test load as described in the energy consumption tests to be developed under 4.1.

3.10 The term "basic model group" means all dishwashers actually manufactured or assembled by one manufacturer and having the identical performance characteristics. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, color, sales model number, and brand name.

3.11 The term "factory shipment" means the number of dishwashers that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.11.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.11.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.11.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.12 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period, if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by the manufacturers as a basis for providing information required under this Program.

4.0 *Test Methods.*

4.1 Samples of dishwashers shall be tested by manufacturers or their agents for thermal and electrical energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of dishwashers shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of dishwasher may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of dishwasher, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of dishwasher.

4.3 Energy consumption for dishwashers shall be reported in kWh per load and shall be based on the results of the energy consumption tests to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on dishwashers, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.*

5.1 The basic measure of efficiency for dishwashers shall be the Energy Factor which shall be reported in loads per kWh.

5.2 The Energy Factor of a model shall be equal to the reciprocal of the energy consumption as determined in 4.3.

5.3 The factory shipment weighted Energy Factor for a manufacturer shall be equal to the manufacturer's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the manufacturer shipped in the given year and the factory shipment of that model of the manufacturer for that year. This quotient is rounded to the nearest 0.001.

5.4 The factory shipment weighted Energy Factor for the industry shall be equal to the industry's total factory shipment in the given year multiplied by the load (1.0) and divided by the sum of the products of the energy consumption for each model the industry shipped in the given year and the factory shipment of that model for the industry in that year. This quotient is rounded to the nearest 0.001.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features based on the extent to which consumers utilize such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustment being subject to subsequent revision based on actual use data when it becomes available. See example in appendix A.

6.0 *Base Data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Energy consumption, as determined under 4.3, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 18 percent decrease of the total energy usage for the total number of 1980 factory shipped dishwasher models when compared with the total energy usage of an equal number of 1972 factory shipped models having the same model mix proportions as in 1972. See example in appendix A.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Energy Factor for the industry. The goal shall be determined by calculating the factory shipment weighted Energy Factor for the industry for the base year 1972, and then dividing by 0.82. This recalculated factory shipment weighted Energy Factor for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Energy Factor for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by the manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Energy Factor for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Goal.*

8.1 For the base year 1972, the factory shipment weighted Energy Factor shall be calculated for each manufacturer and the industry.

8.2 The assigned Energy Factor goal for the industry shall be equal to the 1972 factory shipment weighted Energy Factor for the industry divided by 0.82.

8.3 The required improvement for each manufacturer shall be the difference between the assigned Energy Factor goal for the industry and the 1972 factory shipment weighted Energy Factor for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Energy Factor for a manufacturer and the 1980 industry goal is given in Appendix A.

9.0 *Monitoring and Record Keeping Requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by

V40-1133 JUL 10 75 XUM

year reflecting how he plans to meet the target goal for 1980. These proposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of the individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Energy consumption, as determined under 4.3, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972 and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Energy Factor for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Energy Factor for the industry, and notify each manufacturer separately of his own factory shipment weighted Energy Factor.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary function of a model and of any other innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of dishwashers to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

TABLE 1.—*Calculation of factory shipment weighted energy factor for manufacturer A*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	5.43	50,000	50,000	108,600
2	1	4.92	30,000	30,000	147,600
3	1	5.82	50,000	50,000	291,000
4[1]	1	6.55	10,000	10,000	65,500
Total			110,000	110,000	612,700

[1] Model 4 of manufacturer A has been rated according to the standard test procedures to have an energy consumption of 6.89 kWh. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10-percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted energy consumption is:

$$6.89 \times (1 - 0.1 \times 0.5) = 6.55 \text{ kWh}$$

NOTE.—Factory Shipment Weighted Energy Factor for Manufacturer A

$$= \frac{110,000}{612,700} = 0.180 \text{ load per kilowatthour}$$

TABLE 2.—*Calculation of factory shipment weighted energy factor for manufacturer B*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	4.08	30,000	30,000	147,900
2	1	4.52	50,000	50,000	226,000
3	1	5.21	20,000	20,000	104,200
4	1	5.13	40,000	40,000	205,200
5	1	5.25	60,000	60,000	315,000
Total			200,000	200,000	998,300

NOTE.—Factory shipment weighted energy factor for manufacturer B

$$= \frac{200,000}{998,300} = 0.200 \text{ load per kilowatthour}$$

TABLE 3.—*Calculation of factory shipment weighted energy factor for manufacturer C*

Model	Load	Energy consumption (kilowatthours)	Factory shipment	Load times factory shipment	Energy consumption times factory shipment
1	1	5.30	10,000	10,000	53,000
2	1	5.85	20,000	20,000	117,000
3	1	6.70	30,000	30,000	201,000
4	1	6.20	30,000	30,000	186,000
Total			90,000	90,000	557,000

NOTE.—Factory shipment weighted energy factor for manufacturer C

$$= \frac{90,000}{557,000} = 0.162 \text{ load per kilowatthour.}$$

TABLE 4.—*Calculation of factory shipment weighted energy factor for the industry*

Manufacturer	Load times factory shipment	Energy consumption times factory shipment
A	110,000	612,700
B	200,000	998,300
C	90,000	557,000
Total	400,000	2,168,000

NOTES.—Factory shipment weighted energy factor for the industry

$$= \frac{400,000}{2,168,000} = 0.185 \text{ load per kilowatthour}$$

The assigned factory shipment weighted energy factor for the industry for 1980

$$= \frac{400,000}{(0.82)(2,168,000)} = 0.225 \text{ load per kilowatthour}$$

TABLE 5.—*Changes per manufacturer*

Manufacturer	1972 energy factor (load per kilowatthour)	Assigned energy factor (load per kilowatthour)	Required change (load per kilowatthour)
A	0.180	0.225	+0.045
B	.200	.225	+.025
C	.162	.225	+.063

APPENDIX B: FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology,
Room 3862,
Department of Commerce,
Washington, D.C. 20230

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to dishwashers subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Dishwashers (40 FR ——), including provision to the Secretary's designated agent of the information enumerated in Sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is ——————————

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17621 Filed 7-9-75;8:45 am]

GAS RANGES

Voluntary Program for Appliance Efficiency

By notice published in the FEDERAL REGISTER March 3, 1975 (40 FR 8846), the Department of Commerce announced its intention of issuing a set of individual proposed programs for each appliance type covered by the Voluntary Program for Appliance Efficiency, each program setting the energy efficiency goal for one type of appliance and describing how the product testing and performance calculations for that appliance type are to be made. Interested persons were invited to participate in the development of the proposed programs by sending suggestions and comments to the Assistant Secretary for Science and Technology on or before April 2, 1975. The public comment period was extended to April 20, 1975, by a notice published in the FEDERAL REGISTER March 28, 1975 (40 FR 14107).

Comments and suggestions in response to the above referenced notice were received from forty-five sources and were reviewed within the Department. Copies of the letters are available for public inspection at the Department's Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the comments received and on discussions with representatives of the Federal Energy Administration and with other interested persons, a proposed program plan for gas ranges as set forth below was developed. The Department of Commerce now proposes to initiate a Voluntary Program for Appliance Efficiency—Gas Ranges by publication of the plan set forth below. Proposed plans for programs covering other appliance types will be published for public comment as they are developed.

Interested persons are invited to participate in further development of the proposed program by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 31, 1975.

Suggestions and comments received will be placed in a public docket available for examination by interested persons at the Central Reference and Records Inspection Facility at the address shown above.

The overall goal of the Voluntary Program for Appliance Efficiency is to effect by 1980 a 20 percent reduction in the energy usage of new major home appliances, as compared to their 1972 energy usage. President Ford stated in his January 15, 1975, Message to Congress that unless there is substantial agreement by manufacturers before July 15, 1975, to try to achieve this overall goal, legislation for a mandatory appliance efficiency program will be requested. Therefore, manufacturers who support the concept of the Voluntary Program for Appliance Efficiency are urged to make this support known to Secretary of Commerce Rogers C. B. Morton before July 15, 1975. As detailed programs are developed for each product type, manufacturers are urged to become actual program participants with respect to the types of appliances they manufacture.

BETSY ANCKER-JOHNSOFN, Ph. D.,
Assistant Secretary for Science and Technology.

The following is the proposed Voluntary Program for Appliance Efficiency—Gas Ranges now under consideration:

PROPOSED VOLUNTARY PROGRAM FOR APPLIANCE EFFICIENCY—GAS RANGES

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Test Methods.
5.0 Method for Determining Efficiency.
6.0 Base Data.
7.0 Goal.
8.0 Method for Calculating the Goal.
9.0 Monitoring and Record Keeping Requirements.
10.0 Participation in the Program.
11.0 Privileged Material.
APPENDIX A: Method for Calculating the Industry Goal—An Example.
APPENDIX B: Form for Manufacturer's Notice of the Intent to Participate in the Program.

1.0 *Purpose.*

1.1 The Voluntary Program for Appliance Efficiency was initiated in response to the direction of President Ford in his January 15, 1975, Message to Congress, that a voluntary program be developed to achieve by 1980 a 20 percent average reduction in the energy usage of new home appliances, as compared to new home appliances built in 1972. The overall program was announced in the FEDERAL REGISTER March 3, 1975 (40 FR 8846).

1.2 The Voluntary Program for Appliance Efficiency—Gas Ranges, hereinafter referred to as "Program," is one of several documents to be developed, each covering one major appliance category.

1.3 The specific purpose of this Program is to establish procedures for implementing improvement in the energy usage of new gas ranges by 1980.

2.0 *Scope.*

2.1 Except as provided in this section, this Program shall apply to the product class consisting of all gas ranges as defined in 3.9.

2.2 Individual units of gas ranges manufactured for export are not included in the Program.

3.0 *Definitions.*

3.1 The term "Department" means the Department of Commerce.

3.2 The term "Secretary" means the Secretary of Commerce.

3.3 The term "designated agent" means a party that is selected by the Secretary to handle the data processing aspect of the Program.

3.4 The term "manufacturer" means any person engaged in the fabricating or assembling of gas ranges in the United States for sale or resale, and importers.

3.5 The term "importer" means any person engaged in the importing of gas ranges into the United States for sale or resale.

V40 I133 JUL 10 75 XUM

3.6 The term "private brand labeler" means an owner of a brand or trademark whose brand or trademark appears on gas ranges supplied by manufacturers other than himself for resale.

3.7 The term "industry" means the collection of all manufacturers of gas ranges who are participants in the Program.

3.8 The term "gas" means either natural gas or propane gas.

3.9 The term "gas range" means an appliance for cooking which uses gas as its energy source and includes free-standing ranges equipped with surface units and one or more ovens; built-in combinations of surface units and one or more ovens; wall-mounted ovens with one or more ovens; counter-mounted surface assemblies; and microwave (electronic) ovens. "Surface unit" includes griddles, deep well cookers, and any other type unit accessible from the top.

3.10 The term "basic model group" means all gas ranges actually manufactured or assembled by one manufacturer and having the identical energy release ratings and thermal efficiency rating. A basic model group may contain one or more members. A member consists of all units of a given sales model. Members of a basic model group may differ in details that do not affect performance as measured by the test methods to be developed under 4.1. Acceptable differences include, but are not limited to, variations in trim, color, sales model number, and brand name.

3.11 The term "factory shipment" means the number of gas ranges that has been actually manufactured by a given manufacturer and that has been shipped by that manufacturer for domestic sale or resale. This includes:

3.11.1 Shipments billed to distributors, factory distributing branches, and sales districts.

3.11.2 Shipments made directly by the manufacturer to retailers and all other customers.

3.11.3 Shipments to factory distributing branches, sales districts, and factory owned distributing outlets for their use where their inventory is owned by the manufacturer.

3.12 The term "year" and year designations, unless otherwise required by the context in which they appear, mean the calendar year, model year, or other yearly period, if the use of such other yearly period has been requested by a manufacturer and approved by the Secretary, that shall be used by manufacturers as a basis for providing information required under this Program.

4.0 *Test Methods.*

4.1 Samples of gas ranges shall be tested by manufacturers or their agents for energy consumption in accordance with test procedures to be developed by cooperative efforts between the National Bureau of Standards and the industry.

4.2 Samples of gas ranges shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary under 4.2.4, test results obtained in the testing of one member of a basic model group of gas range may be accepted as applicable to all members of that basic model group.

4.2.2 Sufficient units of each basic model group of gas range, that are representative of units to be shipped, shall be tested according to the methods and conditions to be developed under 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.2.3 Manufacturers shall maintain such quality control programs to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances to be developed under 4.4. The use of national certification programs that are open to all manufacturers and under which energy consumption is certified based on the procedures to be developed under 4.1 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.2.4 In addition to the testing required under 4.2.2 and 4.2.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions to be developed under 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any unit of gas range.

4.3 Ratings for gas ranges shall be as follows:

4.3.1 Energy consumption shall be reported in Btu and shall be based upon the result of the energy consumption tests to be developed under 4.1.

4.3.2 Range Thermal Efficiency, as defined in 5.2, shall be reported in percent and shall be based on the test procedures to be developed under 4.1.

4.4 All members of a basic model group shall be held to be improperly rated if two of that group are tested and rated under 4.2.3 or 4.2.4 and the results of such tests and ratings on both units fall outside the limits to be determined concurrently with the test methods to be developed under 4.1.

4.5 Energy consumption adjustments for energy saving devices on gas ranges, when the effect of such features cannot be determined under the methods and conditions to be developed under 4.1, shall be determined by test procedures developed in response to the specific situation.

5.0 *Method for Determining Efficiency.*

5.1 The basic measure of efficiency for gas ranges shall be the Range Thermal Efficiency (E_t), which shall be reported in percent.

5.2 Range Thermal Efficiency shall equal the sum (over all components, i.e., surface, oven, microwave) of the products of efficiency of a component and the energy consumption of that component, the resulting sum (the range's useful output) then being divided by the sum of the energy consumptions for all components. The result is then rounded to the nearest 0.1.

In symbols:

$$E_t = \frac{\sum_{i=1}^{n_s} E_s(i)W_s(i)t_s(i) + \sum_{j=1}^{n_o} E_o(j)W_o(j)t_o(j) + \sum_{k=1}^{n_m} E_m(k)W_m(k)t_m(k)}{\sum_{i=1}^{n_s} W_s(i)t_s(i) + \sum_{j=1}^{n_o} W_o(j)t_o(j) + \sum_{k=1}^{n_m} W_m(k)t_m(k)}$$

where:

E_t = Range Thermal Efficiency in percent.
E_s = Efficiency of a surface component in percent.
E_o = Efficiency of an oven component in percent.
E_m = Efficiency of a microwave component in percent.
q_s = Energy release rate of a surface component in Btu per hour.
q_o = Energy release rate of an oven component in Btu per hour.
q_m = Energy release rate of a microwave component in Btu per hour (1 Btu/hour = 1/3.413 watt).
t_s = Operation time of a surface component in hours.
t_o = Operation time of an oven component in hours.
t_m = Operation time of a microwave component in hours.
n_s = Number of surface components.
n_o = Number of oven components.
n_m = Number of microwave components.

The rated efficiency, power, and operation time of each component (surface, oven, microwave) are to be determined by test procedures to be developed under 4.1.

5.3 The factory shipment weighted Range Thermal Efficiency for a manufacturer shall be equal to the sum of the products of the Range Thermal Efficiency for each model the manufacturer shipped in a given year times the factory shipment of that model in the given year times the energy consumption of that model, the resulting sum (the manufacturer's useful output) then being divided by the sum of the products of the energy consumption of the model and the factory shipment of that model for that year. This quotient is then multiplied by 100 and then rounded to the nearest 0.1.

5.4 The factory shipment weighted Range Thermal Efficiency for the industry shall be equal to the sum of the products of the Range Thermal Efficiency for each model the industry shipped in a given year times the factory shipment of that model in the given year times the energy consumption of that model, the resulting sum (the industry's useful output) then being divided by the sum of the products of the energy consumption of the model and the factory shipment of that model for that year. This quotient is then multiplied by 100 and then rounded to the nearest 0.1.

5.5 When energy saving features are provided by manufacturers and the use of such features is optional with consumers, an energy consumption adjustment shall be credited to those models having such features based on the extent to which consumers utilize such features. When the extent of consumer use of such features is not known, a tentative energy consumption adjustment equivalent to 50% of the potential energy saving for such features shall be credited to models having such features, such tentative adjustments being subject to subsequent revision based on actual use data when it becomes available. See example in appendix A.

6.0 *Base Data.*

6.1 The base year from which improvements are to be measured is 1972. For those manufacturers who ship their products by model year, model year 1972 may be used. For manufacturers who have no definite model year, calendar year 1972 may be used. Other special yearly periods, such as fiscal year 1972, may be used if a request to that effect is approved by the Secretary.

6.2 Manufacturers participating in the Program shall provide the following data regarding the base year 1972 to the Secretary's designated agent:

6.2.1 A list of all models shipped by the manufacturer in 1972.

6.2.2 Range Thermal Efficiency as determined under 4.3.2, and rated energy consumption as determined under 4.3.1, for each model shipped in 1972.

6.2.3 Total factory shipments of each model shipped in 1972.

6.2.4 Identification of any energy saving feature covered under 4.5 which was on models shipped in 1972.

6.3 If test information is not available for determining the energy consumption for 1972 models as required under 6.2.2, the manufacturer shall use the options listed in 6.3.1, 6.3.2, and 6.3.3.

6.3.1 If 1972 models are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.2 If 1972 models are not available, but other year models of the same basic model groups are available, perform the tests to be developed under 4.1 and submit the required data to the designated agent.

6.3.3 If 1972 models or other year models of the same basic model groups are not available, prepare estimates of model energy consumptions based on the best engineering theory and judgment and submit these to the designated agent. In this case, the bases for the estimates shall be documented and submitted to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, for review and approval prior to the submission to the designated agent. This documentation shall be maintained in files at the National Bureau of Standards until June 1981.

7.0 *Goal.*

7.1 The objective for the Program is to effect a 30 percent decrease in the total energy usage for the total industry useful output of all 1980 factory shipped gas range models when compared with the total energy usage of an equal industry useful output of 1972 factory shipped gas range models having the same model mix proportions as in 1972. See example in appendix A.

7.2 The industry goal under this Program shall be expressed in terms of an increased factory shipment weighted Range Thermal Efficiency for the industry. This goal shall be determined by calculating the factory shipment weighted Range Thermal Efficiency for the industry for the base year 1972, and then dividing by 0.70. This recalculated factory shipment weighted Range Thermal Efficiency for the industry shall be the goal assigned to the industry for 1980.

7.3 The 1972 base year factory shipment weighted Range Thermal Efficiency for the industry shall be determined on the basis of the base data, as defined in 6.0, provided by manufacturers participating in the Program.

7.4 After receiving the base data, the Secretary shall have the calculations indicated in 7.2 performed to determine the goal for the industry.

7.5 The required improvements of individual manufacturers to the factory shipment weighted Range Thermal Efficiency for the manufacturer shall be set according to the method described in 8.3.

7.6 The industry goal shall be published in the FEDERAL REGISTER. Manufacturers shall be notified of their individual goals by letter.

8.0 *Method for Calculating the Goal.*

8.1 For the base year 1972, the factory shipment weighted Range Thermal Efficiency shall be calculated for each manufacturer and the industry.

8.2 The assigned Range Thermal Efficiency goal for the industry shall be equal to the 1972 factory shipment weighted Range Thermal Efficiency for the industry divided by 0.70.

8.3 The required improvement for each manufacturer shall be the difference between the assigned goal for the industry and the 1972 factory shipment weighted Range Thermal Efficiency for that manufacturer. Should the difference be negative, improvement shall not be required but shall be encouraged.

8.4 A numerical example illustrating the methodology for determining the factory shipment weighted Range Thermal Efficiency for a manufacturer and the 1980 industry goal is given in appendix A.

9.0 *Monitoring and Record Keeping Requirements.*

9.1 Each manufacturer shall establish proposed intermediate goals for himself by year reflecting how he plans to meet the target goal for 1980. These prposed goals shall be relayed to the Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234. Based upon these submissions, the Secretary shall set and publish in the FEDERAL REGISTER intermediate goals for the industry. The Secretary shall notify each manufacturer separately of his own intermediate goals. For the year 1976, the intermediate goal shall be at least that which has been attained since the base year.

9.2 The intermediate yearly goals shall be used to monitor the progress of the individual manufacturers and of the industry as a whole.

9.3 If a manufacturer finds at a later date that he cannot meet the intermediate goals, he should notify the Secretary within 30 days of such finding.

9.4 For years 1976 through 1980, manufacturers shall provide, before March 31 of each following year, the following information to the Secretary's designated agent:

9.4.1 A list of all models shipped in that year.

9.4.2 Range Thermal Efficiency as determined under 4.3.2, and energy consumption as determined under 4.3.1, for each model shipped in that year.

9.4.3 Total factory shipments of each model shipped in that year.

9.4.4 Identification of any energy saving feature covered under 4.5 which was not on models shipped in 1972, and the approval for the energy consumption adjustment from the Department.

9.5 Based upon information submitted under 9.4, the Secretary's designated agent shall annually calculate the factory shipment weighted Range Thermal Efficiency for each manufacturer and the industry, and report the results to the Secretary.

9.6 The Secretary shall publish in the FEDERAL REGISTER the factory shipment weighted Range Thermal Efficiency for the industry, and notify each manufacturer separately of his own factory shipment weighted Range Thermal Efficiency.

9.7 The Secretary's designated agent shall maintain for a period of two years the data submitted by manufacturers under 9.4. Information submitted by manufacturers to the designated agent which is proprietary shall remain confidential and not be disclosed to anyone. Pursuant, however, to the Secretary's responsibilities under 9.6, he, or his designee, may be permitted to examine such data solely for the purpose of verifying the calculations made by the designated agent under 9.5.

9.8 Manufacturers shall maintain files of test results and calculations on which ratings are based and files of factory shipments. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days of receipt of the request.

10.0 *Participation in the Program.*

10.1 Manufacturers desiring to participate in the Program shall notify the Secretary of their intent no later than July 15, 1975. A manufacturer's notice of participation shall be substantially in the form shown in appendix B and shall include all statements given in that form. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of this notification shall be acknowledged.

10.2 Participating manufacturers shall submit the base data described in 6.0 to the Secretary's designated agent within ninety days after the date of publication in the FEDERAL REGISTER of the test procedures for the Program.

10.3 Participating manufacturers who terminate their operations before 1981 shall notify the Secretary. The 1972 base data and the 1980 industry goals shall not be affected.

10.4 Manufacturers shall advise the Secretary of any energy saving features covered under 4.5 which affect the primary functions of a model and of any innovations. No energy consumption adjustment for an energy saving feature shall be made without prior written approval from the Secretary.

10.5 Manufacturers that undergo a reorganization due to merger or for other reasons shall be treated, for purposes of determining progress toward and satisfaction of the 1980 goal, as if the original organization had been maintained.

10.6 When one manufacturer ships units of gas ranges to another manufacturer for purposes of resale, the former and not the latter shall report the units as part of his factory shipments.

10.7 Private brand labelers are encouraged to cooperate with their manufacturer-suppliers and are covered through their manufacturer-suppliers in the Program.

11.0 *Privileged Material.*

Any proprietary information submitted in confidence to and in the possession of the Department in connection with the operation of this Program shall be considered privileged and, as such, be subject to the protection afforded under the provisions of 5 U.S.C. 552, the Freedom of Information Act.

APPENDIX A: METHOD FOR CALCULATING THE INDUSTRY GOAL—AN EXAMPLE

In this hypothetical example, for convenience and economy of calculation, an industry consisting of three manufacturers is assumed. Tables 1, 2, and 3 illustrate the method of calculating the factory shipment weighted Range Thermal Efficiency for each individual manufacturer for the base year. Table 1 also shows how the saving from optional energy saving features of a model is incorporated into the calculation of the Range Thermal Efficiency of the model. Table 4 shows how the data for determining the factory shipment weighted Range Thermal Efficiency for the industry for the base year is obtained from Tables 1, 2, and 3. This is followed by the calculation of the factory shipment weighted Range Thermal Efficiency for the industry for the base year. The 1980 industry factory shipment weighted Range Thermal Efficiency goal for the industry is then obtained by dividing the factory shipment weighted Range Thermal Efficiency for the industry by 0.70. Table 5 shows the changes required by each manufacturer to meet the assigned 1980 industry factory shipment weighted Range Thermal Efficiency goal.

V40-133 JUL 10 75 XUM

TABLE 1.—*Calculation of factory shipment weighted range thermal efficiency for manufacturer A*

Model	Range thermal efficiency (percent)	Energy consumption (British thermal units)	Factory shipment	Total energy consumption (therms)	Range thermal efficiency times total energy consumption (therms)
1	39	14,341	100,000	14,341	5,593
2	42	11,683	50,000	5,841	2,453
3	29	18,191	20,000	3,638	1,055
4[1]	32	16,519	30,000	4,956	1,586
Total			200,000	28,776	10,687

[1] Model 4 of manufacturer A has been rated according to the standard test procedures defined in 4.0, to use 17,388 Btu/d, thus having a range thermal efficiency of 30.4 percent. The manufacturer reports that an energy saving device has been installed on that model as an energy saving feature. It is determined through test procedures that a 10-percent energy consumption reduction can be achieved, but there is no field data at this time relating to the frequency of use of this device. Therefore, 50 percent of the saving is credited to the model. The adjusted energy consumption is:

$17{,}388\times(1-0.1\times0.5)=16{,}519$ Btu and the adjusted range thermal efficiency is 32 percent.

NOTE.—Factory shipment weighted range thermal efficiency for manufacturer A

$$=\left(\frac{10{,}687}{28{,}776}\right)\times100=37.1 \text{ percent}$$

TABLE 2.—*Calculation of factory shipment weighted range thermal efficiency for manufacturer B*

Model	Range thermal efficiency (percent)	Energy consumption (British thermal units)	Factory shipment	Total energy consumption (therms)	Range thermal efficiency times total energy consumption (therms)
1	32	16,894	20,000	3,379	1,081
2	28	18,567	10,000	1,857	520
3	40	12,082	100,000	12,082	4,833
4	35	14,778	20,000	2,956	1,034
5	30	15,017	10,000	1,502	451
Total			160,000	21,776	7,919

NOTE.—Factory shipment weighted range thermal efficiency for manufacturer B

$$=\left(\frac{7{,}919}{21{,}776}\right)\times100=36.4 \text{ percent}$$

TABLE 3.—*Calculation of factory shipment weighted range thermal efficiency for manufacturer C*

Model	Range thermal efficiency (percent)	Energy consumption (British thermal units)	Factory shipment	Total energy consumption (therms)	Range thermal efficiency times total energy consumption (therms)
1	45	10,034	60,000	6,020	2,709
2	38	14,847	10,000	1,485	564
3	40	12,048	30,000	3,614	1,446
4	42	11,672	40,000	4,669	1,961
Total			140,000	15,788	6,680

NOTE.—Factory shipment weighted range thermal efficiency for manufacturer C

$$=\left(\frac{6{,}680}{15{,}788}\right)\times100=42.3 \text{ percent}$$

TABLE 4.—*Calculation of factory shipment weighted range thermal efficiency for the industry*

Manufacturer	Total energy consumption (therms)	Range thermal efficiency times total energy consumption (therms)
A	28,776	10,687
B	21,776	7,919
C	15,788	6,680
Total	66,340	25,286

NOTES.—Factory shipment weighted range thermal efficiency for the industry

$$=\left(\frac{25{,}286}{66{,}340}\right)\times100=38.1 \text{ percent}$$

The assigned factory shipment weighted range thermal efficiency for the industry

$$=\frac{25{,}286\times100}{0.7\times66{,}340}=54.5 \text{ percent}$$

TABLE 5.—*Changes per manufacturer*

Manufacturer	1972 range thermal efficiency (percent)	Assigned range thermal efficiency (percent)	Required change (percent)
A	37.1	54.5	+17.4
B	36.4	54.5	+18.1
C	42.3	54.5	+12.3

APPENDIX B: FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM

Assistant Secretary for Science and Technology,
Room 3862,
Department of Commerce
Washington, D.C. 20230

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Appliance Efficiency Program with respect to gas ranges subject to finalization of the test procedures to be developed cooperatively by the National Bureau of Standards and the Industry. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Voluntary Program for Appliance Efficiency—Gas Ranges (40 FR), including provision to the Secretary's designated agent of the information enumerated in Sections 6.0 and 9.4.

The effective date for participation of (NAME OF CORPORATION) in the Program is _____

(DATE)
(SIGNATURE)
(CORPORATE TITLE)

[FR Doc.75-17619 Filed 7-9-75;8:45 am]

GAS WATER HEATERS

Voluntary Program for Appliance Efficiency

Correction

In FR Doc. 75-16100 appearing at page 26290 of the issue for Monday, June 23, 1975, some text was omitted from Section 4.0 of the Voluntary Program. Section 4.0, *Test Methods*, should read as follows:

4.0 *Test Methods*

4.1 Samples of gas water heaters shall be tested by manufacturers or their agents in accordance with the methods and conditions specified in 4.1 through 4.4, which were adapted from methods and conditions specified in American National Standards Z21.10.1–1974, "Gas Water Heaters," and C72.1–1972, "Household Automatic Electric Storage-Type Water Heaters."

The following preparations shall be made prior to the testing described in 4.2 and 4.3:

The water heater shall be installed according to instructions provided by the manufacturer. Thermometers shall be installed in the cold water inlet line and the hot water outlet line, and thermocouples shall be placed in the tank at the level of the center of six sections of equal volume from top to bottom of the tank. When average tank water temperature is specified, it shall be the average of the readings of these six thermocouples.

A gas meter shall be installed in the gas supply line. Provisions shall be made for shutting off the cold water inlet line and hot water outlet line, and the gas supply line.

The gas input rate to the water heater shall be adjusted to be within plus or minus five percent of the manufacturer's rating.

The thermostat(s) shall be adjusted to a setting of 160° F, plus or minus 5° F. The thermostat setting shall be determined by starting water into the system at 70° F, plus or minus 2° F, putting the water heater into operation, and noting the maximum temperature of water drawn from the water heater outlet immediately after the primary thermostat cuts out. This maximum temperature shall be considered the thermostat setting.

Water heaters shall be operated for at least 24 hours to attain thermal equilibrium before testing.

4.2 The test for recovery efficiency of gas water heaters shall be as follows:

After thermal equilibrium has been attained and immediately after a primary thermostat cut-out, the inlet water valve shall be closed, the gas supply interrupted, and the water drained. After the system has been emptied, the drain valve shall be closed, the inlet water valve opened, and the system filled at once with water at 70° F, plus or minus 2° F. The gas meter reading shall be taken and the water heater put into operation. When the primary thermostat again cuts out, the gas meter reading shall be taken and the average tank water temperature recorded.

Recovery efficiency shall be calculated by means of the following equation:

$$E_r=\frac{W(\theta_2-\theta_1)}{M}\times100$$

where:
E_r = Recovery efficiency, percent.
W = Weight of water heated, lbs.
θ_2 = Average tank water temperature, °F.
θ_1 = Average inlet water temperature, °F.
M = Measured energy consumption, Btu (1 gallon of propane=91,500 Btu).

4.3 The test for standby loss of gas water heaters shall be as follows:

During pre-test operation and after a primary thermostat cut-out, accumulated air shall be eliminated from the tank. Room temperature shall be recorded at least once every hour during the test and these readings shall be averaged to obtain average room temperature.

After thermal equilibrium has been attained and immediately after a primary thermostat cut-out, the initial gas meter reading shall be taken and recording of the average tank water temperature started. The average tank water temperature shall be recorded continuously until the primary thermostat again cuts out, and during every subsequent cut-in and cut-out of the primary thermostat during the test. The test shall continue for at least 48 hours and at least two cycles of the primary thermostat. The test shall be terminated and the final gas meter reading taken immediately after a primary thermostat cut-out.

Standby loss shall be calculated by means of the following equation:

$$S=\frac{W(T_1-T_2)\ 100/E_r+M}{tW(\theta_2-\theta)}\times\frac{90}{\theta_2-\theta}\times100$$

where:
S = Standby loss, percent per hour, expressed as a percentage of the total heat content of the stored water above room temperature.
E_r = Recovery efficiency, percent, as determined in 4.2.
M = Total measured energy consumption, British thermal units. (1 gallon of propane=91,500 British thermal units).
t = Duration of test, hours.
W = Weight of stored water, pounds.
θ_2 = Average tank water temperature during the test, °F.
θ = Average room temperature during the test, °F.
T_1 = Average tank water temperature at start of test, °F.
T_2 = Average tank water temperature at finish of test, °F.

4.4 The test for storage capacity of gas water heaters shall be as described in Section 2.24 of American National Standard Z21.10.1–1974, "Gas Water Heaters."

4.5 Except as provided under 4.6 the computation of energy consumption for water heaters shall be as follows:

Energy consumption shall be based on a hot water usage rate of 500 gallons per week and a water temperature rise of 90° F, and shall be calculated by means of the following equation:

$$E=\frac{5{,}357{,}000}{E_r}+180\ VS-40{,}179{,}000\ \frac{VS}{qE_r}$$

where:
E = Energy consumption, British thermal units per day.
E_r = Recovery efficiency, percent, as determined in 4.2.
S = Standby loss, percent per hour, as determined in 4.3.
V = Tank storage capacity, gallons, as determined in 4.4.
q = Manufacturer's specified energy input, British thermal units per hour (1 gallon of propane=91,500 Btu).

4.6 The computation of energy consumption for gas water heaters with thermostat(s) set for energy saving shall be as follows:

An energy consumption adjustment shall be allowed for setting primary thermostats to 140° F. To obtain this credit, the primary thermostat setting shall contain a detent, lock, or other significant feature that would encourage use of the recommended setting. The use of the recommended setting shall also be encouraged by appropriate symbols or instructions on or near the thermostat setting dial and in the accompanying instruction manual. The equation for computing energy consumption shall be:

$$E=\frac{5{,}179{,}000}{E_r}+160\ VS-34{,}513{,}000\ \frac{VS}{qE_r}$$

where:
E = Energy consumption, British thermal units per day.
E_r = Recovery efficiency, percent, as determined in 4.2.
S = Standby loss, percent per hour, as determined in 4.3.
V = Tank storage capacity, gallons, as determined in 4.4.
q = Manufacturer's specified energy input, British thermal units per hour (1 gallon of propane=91,500 Btu).

4.7 Samples of gas water heaters shall be tested by manufacturers or their agents in accordance with the following requirements:

4.7.1 Unless otherwise required by the Secretary under 4.7.4, test results obtained in the testing of one member of a basic model group may be accepted as applicable to all members of that basic model group.

4.7.2 Sufficient units of each basic model group, that are representative of units to be shipped, shall be tested according to the methods and conditions specified in 4.1 through 4.4 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 9.8.

4.7.3 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances specified in 4.9. The use of national certification programs that are open to all manufacturers and under which recovery efficiency, standby loss, storage capacity, and energy consumption are certified based on the standards listed in 4.1 through 4.4 is acceptable for this purpose. Results of tests and calculations shall be retained as required under 9.8.

4.7.4 In addition to the testing required under 4.7.2 and 4.7.3, the Secretary may require that one or more units of any specified model, selected at random from among recently shipped units, be tested by the manufacturer or his agent according to the methods and conditions specified in 4.1 through 4.4. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department from testing or having tested at its own expense any water heaters.

4.8 Gas water heaters shall be rated in terms of energy consumption, which shall be reported in Btu per day and which shall be based on the result of the computation called for in 4.5 or 4.6, whichever section is applicable.

4.9 All members of a basic model group shall be held to be improperly rated if two units of that group are tested and rated under 4.1 through 4.6 and the results of such tests and ratings on both units fall outside the following limits:

4.9.1 The value for recovery efficiency shall not be less than 95% of the stated rating.

4.9.2 The value for the standby loss shall not be greater than 105% of the stated rating.

4.9.3 The value for storage capacity of the tank shall be within plus or minus 5% of the stated rating.

4.9.4 The value for energy consumption shall not be greater than 105% of the stated rating.

4.10 Energy consumption adjustments for energy saving features on gas water heaters other than that discussed in 4.6, when the effect of such features cannot be determined under the methods and conditions specified under 4.1 through 4.6, shall be determined by test procedures developed in response to the specific situation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, Annual Reports for the following Alcohol, Drug Abuse, and Mental Health Administration Committees have been filed with the Library of Congress:

Clinical Projects Research Review Committee, Clinical Psychopharmacology Research Review Committee, Experimental and Special Training Review Committee, Juvenile Problems Research Review Committee, Mental Health Small Grant Committee, Minority Group Mental Health Programs Review Committee, Personality and Cognition Research Review Committee.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9 a.m. and 4:30 p.m., at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, SW, Washington, D.C. 20201, telephone (202) 245–6791.

Dated: July 1, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–17689 Filed 7–9–75;8:45 am]

Food and Drug Administration

FRANKLIN LABORATORIES

Franklin Phenothiazine Drench Compound Powder; Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of new animal drug application (NADA) No. 3–322V for Franklin Phenothiazine Drench Compound Powder, effective July 10, 1975.

Under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and

V40 I133 JUL 10 75 XUM

under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Franklin Laboratories Division of American Home Products Corp., 1777 South Bellaire St., Denver CO 80222, holder of NADA No. 3-322V for Franklin Phenothiazine Drench Compound Powder, has requested that the application be withdrawn. The application was approved on December 4, 1940 as an anthelmintic for sheep, hogs, cattle, horses, and poultry.

The product was included in a notice published in the FEDERAL REGISTER of December 9, 1970 (35 FR 18688) in which it was stipulated that the firm was given 6 months from the date of publication to submit revised labeling or adequate documentation in support of the labeling used. By letter of April 14, 1972, the firm advised the Food and Drug Administration (FDA) that they no longer manufacture the subject product. The FDA suggested by a letter dated March 26, 1975 that the new animal drug application be withdrawn and that the firm waive the opportunity for a hearing since the product was no longer manufactured. By letter of April 3, 1975, the firm requested that the application be withdrawn and waived the opportunity for a hearing.

Therefore, in accordance with § 514.115 (21 CFR 514.115, formerly § 135.28 prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)), notice is given that approval of NADA 3-322V and all supplements and amendments thereto for Franklin Phenothiazine Drench Compound Powder for sheep, hogs, cattle, horses, and poultry is hereby withdrawn, effective July 10, 1975.

Dated: July 2, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-17891 Filed 7-9-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-135]

MISSISSIPPI RIVER; PORT OF NEW ORLEANS

Mooring of Barges and Vessel Operations and Control Barge Breakaways

Notice is given that paragraph 4c (Standby towboats) and paragraph 4d (Transfers in the fleet) in Special Order 3-74 (39 FR 6137) are suspended.

The Coast Guard regulates barges on the Mississippi River in the vicinity of New Orleans under Special Order 3-74. As a result of the high water on the Mississippi River in the spring, paragraphs 4c and 4d were made effective on February 19, 1975.

The Mississippi River water level has receded. Therefore the provisions of paragraphs 4c and 4d are unnecessary to control the mooring of barges and vessel operations.

Paragraphs 4c and 4d are suspended effective 6 p.m., June 4, 1975. All other requirements in Special Order 3-74 (39 FR 6137) remain in effect.

Dated: July 2, 1975.

W. R. RIEDEL,
Acting Deputy Chief, Office of Marine Environment and Systems.

[FR Doc. 75-17913 Filed 7-9-75;8:45 am]

Federal Aviation Administration

OCCUPATIONAL SAFETY OR HEALTH STANDARDS FOR AIRCRAFT CREWMEMBERS

Guidance Information

The following information, concerning Federal Aviation Administration (FAA) regulation of occupational safety or health conditions affecting aircraft crewmembers, is set forth for the guidance of the general public, and for employees of air carriers and other aircraft operators in particular.

Pursuant to its complete and exclusive responsibility for the regulation of the safety of civil aircraft operation under the Federal Aviation Act of 1958 (49 U.S.C. 1301, et seq.), herein called "the Act," the FAA prescribes and enforces standards and regulations affecting occupational safety or health with respect to U.S. registered civil aircraft in operation. this purpose, an aircraft is "in operation" For from the time it is first boarded by a from the time it is first boarded by a crewmember, preparatory to a flight, to the time the last crewmember leaves the aircraft after completion of that flight, including stops on the ground during which at least one crewmember remains on the aircraft, even if the engines are shut down.

Title VI of the Act (49 U.S.C. Chapter 20, Subchapter VI) contains the principal substantive provisions that authorize and require the FAA to promote the safety of civil aircraft operations by prescribing and revising standards and regulations governing, in the interest of safety, the design and materials (that is, the configuration), workmanship, construction, and performance of aircraft, maximum hours of periods of service of airmen and other employees of air carriers, and the transportation of dangerous articles.

With respect to civil aircraft in operation, the above mentioned safety regulatory responsibilities directly and completely encompass the safety and health aspects of the work environment of aircraft crewmembers. Aircraft design and operational factors are indivisible from occupational safety or health factors insofar as they affect the workplace of those crewmembers. Aircraft design and operational problems affecting the flight safety of crewmembers necessarily affect their occupational safety or health. Regulatory solutions to these problems necessarily involve practices, means, methods, operations, or processes needed to control the workplace environment of aircraft crewmembers.

Acting under its responsibility for the occupational safety or health of aircraft crewmembers, the FAA has issued numerous regulations directly affecting the workplace of pilots, flight engineers, cabin attendants, and other persons whose workplace is on aircraft in operation. These regulations (which are codified in 14 CFR Chapter I, Subchapters C, F, and G) cover, among things, aircraft performance and structural integrity, safety equipment for emergency ditching and evacuation, fire protection, protective breathing rescue aids, and emergency exits used by crewmembers. Other regulations affecting the crewmember workplace have been issued with respect to cockpit lighting, crewmember seat belts, toxicity and other characteristics of materials in the crewmember workplace, and other environmental factors affecting that workplace, including noise reduction, smoke evacuation, ventilation, heating, and pressurization. Maximum hours of duty and duty aloft for air carrier crewmembers are also regulated, as is the protection of crewmembers from radioactive and other hazardous materials.

In addition to regulations currently in effect, the FAA, in conjunction with its first Biennial Airworthiness Review Program, has issued, or will be issuing, notices of proposed rulemaking that include many proposals for further achieving safe and healthful working conditions for aircraft crewmembers. These proposals, for example, involve aircraft configuration and related design provisions such as pilot eye height criteria to be used in cockpit design; galley designs to ensure proper retention of items of mass; placarding of serving carts and galley equipment for maximum load; location of flight attendant seats near exits; increased accessibility of emergency equipment to flight attendants; design of flight attendant seats; crewmember seat belt and shoulder harness criteria; slip resistant floors in crewmember workplaces; crewmember safety provisions concerning lower deck galleys, alarms, signs, elevators, interphones, and escape routes; and other provisions such as improved requirements for portable oxygen equipment. In a related action, the FAA has also proposed flammability standards for flight attendant uniforms. These proposed regulations, if adopted, would also be added to 14 CFR Chapter I.

Every factor affecting the safe and healthy working conditions of aircraft crewmembers involves matters inseparably related to the FAA's occupational safety and health responsibilities under the Act. With respect to civil aircraft in operation, the overall FAA regulatory program, outlined in part above, fully occupies and exhausts the field of aircraft crewmember occupational safety and health.

The FAA invites broad public participation in the further development of its occupational safety and health regulatory program so as to assure, where possible, safe and healthful working conditions for all persons who serve as crewmembers on U.S. registered civil aircraft in operation. Any interested person who believes that the Federal Aviation Regulations should be expanded or otherwise amended to better achieve this objective is requested to submit his comments to the FAA, Director of Flight Standards Service, 800 Independence Avenue SW., Washington, D.C. 20591.

Issued in Washington, D.C., on July 2, 1975.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.75-17869 Filed 7-9-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-16; Notice 2]

ORCON INDUSTRIES, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to deny the petition by Orcon Industries, Inc. for temporary exemption from Motor Vehicle Safety Standard No. 121, 49 CFR 571.121.

Notice of the petition was published on May 23, 1975, and an opportunity afforded for comment (40 FR 22579).

Petitioner manufactures semi-trailers for hauling asphalt and produced 56 such vehicles "in the past year." It estimated "change-over costs" to Standard No. 121 as totaling $50,000, attributing $5,000 to engineering, $20,000 to testing, and $35,000 to "stock change over." Orcon had a net loss of $154,352.57 in the first 9 months of its current fiscal year, a net loss of $76,905.29 in its fiscal year ending April 30, 1974, and a net profit of $3,720.92 in the preceding fiscal year. How much of the loss is attributable to trailer manufacturing is unclear, as the company was incorporated to conduct "a general steel fabrication business." The source of its income since January 1, 1975, the effective date of Standard No. 121 for trailers, is also unclear.

The company appeared to argue that its limited financial resources have been directed towards "developing the trailer and getting into the trailer industry" by setting up "dealerships all over the United States at great expense" rather than towards compliance. It stated, "Because we are a small manufacturing operation and lack the necessary finances, and a more complete engineering section, we are forced to delay or put aside the necessary engineering, research, development, and testing time required for adequate implementation of S-121." Orcon did not allege any specific difficulty in complying with Standard No. 121, but noted that the retail price increase of $2,000 required for a conforming vehicle would make it "less attractive for a prospective purchaser," and it offers to present conforming vehicles as a consumer option while any exemption is in effect.

Fruehauf Corporation was the sole commenter on the petition, stating that it could supply conforming parts.

Pursuant to 15 U.S.C. 1410(a)(1)(A) the Administrator may grant a temporary exemption upon a finding "that compliance would cause [a] manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted." Thus, the governing statute provides that before an exemption can be granted, a petitioner must demonstrate that it has in good faith attempted to comply with the standard from which it seeks exemption. Orcon's funds appear to have been devoted primarily to marketing and sales, establishing a nationwide network of dealers for its trailers. It did not submit an analysis of its difficulties in complying with Standard No. 121, or articulate its problems, and it appeared to view an exemption as a sales tool, allowing it to further its competitive position to the detriment of conforming trailer manufacturers and at the expense of traffic safety. The Administrator therefore is unable to find the requisite element of good faith in the petition by Orcon Industries.

For the reasons described above the NHTSA finds that insufficient justification has been shown for a temporary exemption from 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, and the petition by Orcon Industries is denied.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on July 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-17897 Filed 7-9-75;8:45 am]

[Docket No. EX 75-16; Notice 2]

SEBRING-VANGUARD, INC.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

This notice grants the petition of Sebring—Vanguard, Inc. for a temporary exemption of its CitiCar from certain safety standards, on the basis that compliance would cause it substantial economic hardship.

Notice of the petition was published on April 21, 1975, (40 FR 17625) and an opportunity provided for comment. Sebring was incorporated on May 15, 1973, and manufactured 650 electric powered motor vehicles in the 12-month period ending February 16, 1975. In the 18-month period from July 1, 1973, to December 31, 1974, net losses exceeded $425,000. Conformance problems still exist with respect to Standards Nos. 103 and 206, two standards from which it was previously exempted. With reference to Standard 103, *Windshield Defrosting and Defogging Systems*, Sebring states that a "low voltage electric heater and defrosting system has [not] been developed by industry for use in small lightweight electric vehicles." And in relation to Standard 206, on door retention components, it says that because of "the nature of the light-weight, plastic, ABS bodies" it believes that the hinge load requirements cannot be met by vehicles with an unloaded weight of less than 1,000 pounds.

In addition, 3-year exemptions are requested from Standards Nos. 114, *Theft Protection*, and 214, *Side Door Strength*. The petitioner argues that electric vehicles have no starter, the ignition key being used only "to complete a circuit." Substitution of a conventional steering assembly to provide a key-locking mechanism would "require complete redesign of our dashboard, our front-end, and front frame structure." It believes that Standard No. 214 is primarily directed at vehicles with an overall weight between 2500 and 4000 pounds, and that the side door strength requirements of the standard "are entirely out of proportion with the weight of the electric CitiCar." Denial of the petition, it states, would force the company to cease operations.

Comments in support of the petition were received from over 45 interested persons, primarily CitiCar owners. No comments opposed the petition. The remarks by the owners indicate their satisfaction with the level of safety provided by the CitiCar in areas where they have been used. Many commented that the vehicle contributes to a lessening of the energy crisis. The Administrator therefore finds that an exemption would be consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act. Because of the net losses the company has incurred to date and the effect that a denial would have, the Administrator further finds that compliance with the four standards would cause the petitioner substantial economic hardship.

In consideration of the foregoing, Sebring-Vanguard Inc. is hereby granted NHTSA Exemption No. 75-16 from 49 CFR § 571.103, § 571.114, § 571.206, and § 571.214 (Motor Vehicle Safety Standards Nos. 103, 114, 206, and 214 expiring June 1, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on July 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-17898 Filed 7-9-75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that an additional

V40 I133 JUL 10 75 XUM

meeting of the General Advisory Committee on Arms Control and Disarmament has been scheduled and that the date has been changed for the meeting originally scheduled to be held on Thursday, July 24, 1975 and Friday, July 25, 1975 at the Los Alamos Scientific Laboratory, Los Alamos, New Mexico, and the Sandia Corporation, Albuquerque, New Mexico. A notice of the meeting originally scheduled for July 24–25, 1975 was published on June 24, 1975 in the FEDERAL REGISTER (40 FR 26643).

The additional meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Wednesday, July 16, 1975 from 4 p.m. to 6:30 p.m. at 2201 C street, NW, Washington, D.C. in Room 7516, and on Thursday, July 17, 1975 from 9 a.m. to 5:30 p.m. at that location and elsewhere in Washington, D.C. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues, in order to advise the President, the Secretary of State and the Director of the Arms Control and Disarmament Agency. Publication of a notice of this meeting at least 15 days before the date of the meeting in accordance with paragraph 8b(3) of Office of Management and Budget Circular No. A–63 (Revised) was not possible due to late scheduling of the meeting which was beyond the control of the General Advisory Committee on Arms Control and Disarmament and the Arms Control and Disarmament Agency.

The meeting of the General Advisory Committee on Arms Control and Disarmament originally scheduled for July 24–25, 1975 is now scheduled to be held on Thursday, August 21, 1975 from 9 a.m. to 6 p.m., and on Friday, August 22, 1975 from 9 a.m. to 3 p.m., at the Los Alamos Scientific Laboratory, Los Alamos, New Mexico, and the Sandia Corporation, Albuquerque, New Mexico.

Both the additional meeting and the rescheduling meeting will be closed to the public. Determinations have been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of the Office of Management and Budget Circular No. A–63 (Revised) that the meetings will be concerned with matters of the type described in 5 U.S.C. 552(b) (1) and (5). These determinations were made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: July 7, 1975.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

[FR Doc.75–17986 Filed 7–9–75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held on July 25, 26, 27/1975 at the Sheraton Park Hotel, Arlington Room, Woodley Road, Washington, D.C. On July 25 the meeting will be from 1 p.m.–6:15 p.m., on July 26, from 9 a.m.–5 p.m., and on July 27 from 9 a.m.–1 p.m.

A portion of this meeting will be open to the public on July 26 from 9 a.m.–1 p.m. on a space available basis. Accommodations are limited. During the open session, there will be a discussion on Program, Policy, and Planning.

The remaining sessions of this meeting on July 25 from 1 p.m.–6:15 p.m.; July 26 from 2:15 p.m.–5 p.m.; and, July 27 from 9 a.m.–1 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

ROBERT SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–18098 Filed 7–9–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27939 etc., Order 75–7–23]

CONTINENTAL AIR LINES INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of July, 1975.

In the matter of Joint economy fares proposed by Continental Air Lines, Inc. Dockets 27939, 27940, 27946, 27950, 27953.

By tariff revisions[1] marked to become effective July 4, 1975, Continental Air Lines, Inc. (Continental), jointly with six commuter carriers,[2] proposes first class, coach, and economy fares in 582 domestic markets. Continental states in justification that:

> These joint fares are necessary to permit passengers to utilize these routings at the same fare now available for other routings. They are also in keeping with the Board's desire to specifically publish more joint fares and leave fewer fares to be constructed . . . Continental . . . is establishing economy joint fares at 90 percent of the resultant coach fare in accordance with the CAB Order nos. 75–3–63 issued March 20, 1975 and 75–4–109, issued April 22, 1975.

The proposed first-class and coach fares match existing local or joint fares of other carriers, except in a few instances where there is no published fare and Continental has applied normal construction rules. The proposed economy fares are being established in these markets for the first time, in each instance at 90 percent of the proposed coach fare. The filing involves a substantial portion of Continental's system, encompasses connecting services with commuter carriers at most major terminals on its system (Dallas, Denver, Detroit, Houston, Kansas City, Los Angeles, Portland, Oregon, San Francisco, Seattle and Wichita) and service to numerous points on the respective commuters' systems.[3]

Complaints have been filed by American Airlines, Inc. (American), Northwest Airlines, Inc. (Northwest), Texas International Airlines, Inc. (Texas International) Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United).[4] The complainants argue primarily that Continental should not be permitted to establish joint fares with commuter carriers which undercut existing through and joint fares in markets where it has no single-carrier authority; and that the 10 percent differential exceeds that found lawful by the Board in the *Domestic Passenger-Fare Investigation (DPFI)* (Phase 9). The carriers argue further that the stay of the Board's decision pending litigation was limited in nature and did not contemplate extension of economy fares into other markets or beyond the limits of a carrier's system. Finally, it is contended that Continental would become the rate-making carrier in markets where it has no direct route authority, and would force those providing direct service to match the economy fares.[5]

Continental has filed an answer stating that the purpose of the proposed fare is "to bring to small communities the economy fares and services which now exist in all of Continental's single-carrier markets." Continental argues that the Board's order staying its Phase 9 decision does not preclude introduction of the proposed fares; that the Board has consistently permitted carriers to enter markets in which they are not authorized to operate by publication of first-class and coach joint fares; that any revenue dilution to incumbent carriers would be small; and that there is no substance to the claim that there can be no joint economy fare because the commuter carriers do not provide an economy service since the Board has permitted use of the commuters' fares in constructing both joint first-class and coach fares.

Upon consideration of all relevant matters, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation, and the requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

The Board has historically followed a policy of minimal regulation of commuter carriers (they are exempted from tariff-filing requirements), and has consistently held that joint fares between certificated carriers and commuter carriers are properly a matter for voluntary negotiation. Accordingly, we would be disposed to suspend or investigate joint commuter/certificated carrier fares only where they were clearly inconsistent with the Board's policy or fundamental rate-making principles. We are not persuaded that this is the case here.

In Phase 9 of the *DPFI*, the Board concluded that the maximum lawful coach/economy differential should be $4.00 and directed the filing of tariffs in compliance with that finding.[6] This portion of its decision was subsequently stayed in response to Continental's motion for a stay pending court review (Order 75–3–63), essentially to avoid requiring some passengers to pay somewhat higher fares "for a brief additional period." By a subsequent order the Board clarified its intent that the 10 percent economy differential be maintained *pendente lite*, and stated that:

> we expect to permit economy-fare filings to go into effect to the extent that they continue that relationship post-April 29. As Order 75–3–63 states, however, economy-fare tariff filings will be subject to normal tariff-filing procedures—including complaint procedures.[7]

The present filing maintains the 90 percent relationship of economy to normal coach fares in all cases, and thus maintains the *status quo*. Accordingly, the proposed fares cannot be said to be inconsistent with existing economy fares or Board policy.

It is contended by the complainants that Continental would inappropriately become the rate-making carrier if the joint economy fares are permitted to become effective. However, the service provided by Continental in conjunction with the commuter carriers must be considered generally inferior to the single-carrier through-plane service, or even single-carrier connecting service, which can be provided by the incumbent carriers.[8] In our opinion the latter carriers will continue to have a significant competitive advantage in terms of the service they can provide and, in a majority of cases, should not find it necessary to file matching economy fares. On the other hand, to the extent the joint services are substantially equivalent, the lower economy fares here proposed could well result in the generation of additional traffic.

* * * * *

Since the reasonable level of economy-class fares is now pending judicial review, we will require that an expiration date be placed on the fares to insure the opportunity for appropriate action by the Board in light of the court's decision. Because of the uncertain timing of the court case and the need for a date certain in the tariff, we will require an expiration date of January 14, 1976 (approximately six months beyond the effective date of July 4, 1975, and coinciding with the expiration date of the 4 percent increase).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaints in Dockets 27939, 27940, 27946, 27950 and 27953 be and hereby are dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Texas International Airlines, Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17943 Filed 7–9–75;8:45 am]

[Docket No. 27980; Order 75–7–29]

FRONTIER AIRLINES, INC.

Order Staying Further Procedural Steps

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of July, 1975.

Application of Frontier Airlines, Inc. for the amendment of its certificate of public convenience and necessity to provide nonstop service between Wichita-Denver and Wichita-Little Rock pursuant to Subpart M of the Board's rules of practice.

In June 20, 1975, Frontier Airlines, Inc. (Frontier) filed an application pursuant to Subpart M of Part 302 of the Board's Procedural Regulations requesting an amendment of its certificate of public convenience and necessity to provide nonstop service between Wichita-Denver and Wichita-Little Rock.

Upon consideration of the foregoing and pursuant to § 302.1305(a) of the Board's Procedural Regulations, we have decided to stay further procedural steps with respect to the application pending further order of the Board.

Accordingly, it is ordered, That:

1. Further procedural steps with respect to the application of Frontier Airlines, Inc. in Docket 27980, be and they hereby are stayed pending further order of the Board; and

2. This order shall be served upon all parties served by Frontier in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–17942 Filed 7–9–75;8:45 am]

[Docket No. 27573; Order 75–7–21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Fare Matters

Issued under delegated authority July 3, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Composite Cargo Traffic Conferences in Nice, France during May–June 1975.

The agreement would (1) permit, in the event of a negative vote by Ethiopian Airlines on the proposed JT 23/123 rates package, an open rate situation to exist between Ethiopia and the People's Republic of China while closing rates for all other transportation in the JT 23 Conference Area; (2) amend the currency surcharge resolution governing JT 23/123 cargo rates; and (3) add specific commodity rates for Item 6001 from Peking to points in Africa.

We will approve the agreement insofar as it relates to the Ethiopian special effectiveness resolution and currency provisions, which have indirect and direct application in air transportation respectively, but will disclaim jurisdiction over the proposed specific commodity rates which are outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolution, incorporated in the agreement indicated, is adverse to the public interest or in violation of the Act:

---

[1] Airline Tariff Publishers Company, Inc., Agent, Tariff C.A.B. No. 252.

[2] The commuter carriers are Air Midwest, Cascade Airways, Metroflight Airlines, Golden West Airlines, Inc., Rio Airways, Inc., and Swift Aire Lines, Inc.

[3] Frontier Airlines, Inc. and Ozark Air Lines, Inc. have filed answers in support of the complaints.

[4] United has filed to match Continental's joint economy fares in competitive markets.

[5] By the same token, in markets where there is no effective single-carrier service, Continental's proposal should provide the benefit of additional usable routing options.

[6] Board Order 74–12–109, December 27, 1974.

[7] Board Order 75–4–109, April 22, 1975.

[8] Since the commuter carriers generally operate smaller aircraft than the single-carrier through-plane service, the frequency of service is generally greater. Moreover, the commuter carriers generally provide more convenient departure and arrival times.

V40 I133 JUL 10 75 XUM

Agreement CAB	IATA No.	Title	Application
25187: R-2	022b	JT23/123 Special Rules for Sales of Cargo Air Transportation (Expedited) (Amending).	23/123.

2. It is not found that the following resolution, incorporated in the agreement as indicated and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25187: R-1	001rr	JT23/123 Special Effectiveness Resolution (Expedited) (New)	23/123.

3. It is not found that the following resolution, incorporated in the agreement as indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25187: R-3	590III	Specific Commodity Rates (Expedited) (Amending)	23.

Accordingly, it is ordered, That:

1. That portion of Agreement C.A.B. 25187, described in finding paragraph 2 above, be and hereby is approved;

2. That portion of Agreement C.A.B. 25187, described in finding paragraph 2 above, which has indirect application in air transportation as defined by the Act, be and hereby is approved; and

3. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25187, described in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-17944 Filed 7-9-75;8:45 am]

[Dockets Nos. 26057, 26075; Order 75-7-27]

PAN AMERICAN WORLD AIRWAYS, INC., AND QANTAS AIRWAYS LTD.

Capacity Reduction; Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of July, 1975.

Application of Pan American World Airways, Inc., and Qantas Airways Limited for prior approval of a fuel-saving capacity-limitation agreement concerning United States-Australia markets.

By application dated March 26, 1975, Pan American World Airways, Inc. (Pan American), and Qantas Airways Limited (Qantas) request prior Board approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), and Subpart P of the Board's Rules of Practice, 14 CFR 302.1601, of an agreement (Agreement CAB 25031) which would establish maximum scheduled weekly frequency levels in the United States-Australia market. The discussions which led to the adoption of the agreement were held pursuant to authority granted by the Board in order 73-11-34, November 8, 1973, as extended and expanded by order 75-3-55, dated March 18, 1975, and the orders cited therein.[1]

The agreement will be implemented upon Board approval and will continue in effect until April 30, 1976. It establishes maximum weekly scheduled frequencies in the United States-Australia market as set forth in appendix A hereto. Provision is made for the temporary suspension of the frequency limitations during a period of cessation or curtailment of service by either party resulting from a labor dispute or other cause beyond the control of the affected party. Additionally, allowance is made for the use of unpublished extra sections for operational reasons or to meet periods of unusual demand. Either party may terminate the agreement on 30 days' notice.

In support of the application Pan American asserts that the agreement will enable the carriers to reduce costs, especially by reducing fuel consumption. Thus, according to Pan American, under this agreement it will be reducing its fuel usage by 2,584,000 gallons from its otherwise planned amount. Pan American estimates that this reduction in fuel consumption will translate into a cost savings of $733,000.[2]

Pan American emphasizes that achievement of the above fuel and fuel-cost savings will not unwarrentedly reduce the level of service offered to the public in the United States-Australia market, asserting that a good spread of schedules will be assured by the number of remaining flights which offer 16 weekly United States-Australia frequencies. Load factors for the two carriers in the market are estimated to reach 48.5 percent under the agreement, as opposed to 44.1 percent without an agreement.

No comments relative to the application have been received.

Upon consideration of the record, the Board concludes that, based on the special circumstances which exist in these international markets, including, *inter alia*, the excess capacity and financial losses of the U.S.-flag carrier, the subject agreement is not adverse to the public interest and should be approved. The primary factor which distinguishes the use of capacity-limitation agreements in international markets is the competitive environment in which U.S.-flag carriers are required to effectively compete with foreign air carriers. In international markets, the desire of several nations to maximize the favorable impact of tourism spending on their balance of payments has fostered a willingness and ability among foreign nations to allow their subsidized flag carriers to sustain huge operating losses occasioned by the operation of excess capacity. The Board recognizes that, under these circumstances, U.S.-flag carriers are influenced to meet these capacity levels in order to protect their competitive market share. Moreover, the sizable losses still being experienced by Pan American,[3] which in great measure have been caused by the increases in the cost of fuel, justify the imposition of capacity restraints in the interest of curtailing excessive fuel usage. Finally, the inability of the Board to effectively gear capacity to traffic demand in international markets through the use of ratemaking standards (such as the load-factor standard adopted in the Domestic Passenger-Fare Investigation) further mitigates against the use of unilateral restraint by competing international carriers. Based on these special circumstances, we believe that approval of the agreement before us is warranted.[4]

As the Board has repeatedly stated in the past, the transfer of released aircraft to nonagreement markets will not be tolerated[5] and we shall impose reporting requirements similar to those imposed on other such agreements to guard against the predatory use of freed capacity. We shall also retain jurisdiction for the purpose of amending or revoking the approval granted herein at any future date should a showing be made that the public interest so requires.[6] Finally, we have considered the impact of the agreement on the employees of Pan American. Based on the limited amount of information currently before us, we are unable to conclude that the public interest requires the imposition of any labor protective conditions. As noted, however, the Board will retain jurisdiction, and would impose such a condition should it be found to be in the public interest.

Accordingly, it is ordered, That:

1. Agreement CAB 25031 be and it hereby is approved pursuant to section 412 of the Act, subject to the following terms and conditions:

(a) Jurisdiction shall be retained to modify or revoke the approval granted herein at any time, or to take whatever action may be appropriate in the public interest;

(b) Schedule deletions resulting from the agreement considered herein, which occur at any of the controlled, high-density airports[7] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in order 72-11-72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the respective Airline Scheduling Committee; *Provided, however,* That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus 3 hours of the flight to be reinstated; [8]

(c) All schedule changes resulting from this agreement shall be reported to the Board within 15 days of the end of each month, in accordance with the format of appendix B hereto, and copies of such reports shall be provided to all carriers requesting them; and

(d) Within 28 days of the date of service of this order, the air carrier applicants shall file with the Board's Docket Section a report containing the following additional data for each subject market:

(1) Seats operated in 1974/75 (April 1 through May 1).

(2) Passengers carried in 1974/75 (April 1 through May 1).

(3) Forecast passengers in 1975/76 (April 1 through May 1).

(4) Projected seats in 1975/76 (April 1 through May 1).

(5) Fuel use by month for the system of each carrier in 1974/75 (April 1 through May 1).

(6) Fuel use by month in the subject agreement markets 1974/75 (April 1 through May 1).

2. Copies of this order shall be served upon the United States Departments of Defense, Justice, and Transportation; the United States Postal Service; the Corporation Counsel, the City of Honolulu; the Governor of American Samoa; and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—*Maximum weekly scheduled combination frequencies between the United States and Australia*

Carrier	Weekly frequencies	Aircraft type
Apr. 9 to Oct. 31, 1975:		
Qantas	5	B-747
	2	B-707
Pan American	4	B-747
	5	B-707
Nov. 1-30, 1975:		
Qantas	5	B-747
	2	B-707
Pan American	3	B-747
	6	B-707
Dec. 1, 1975 to Jan. 31, 1976:		
Qantas	5	B-747
	2	B-707
Pan American	4	B-747
	5	B-707
Feb. 1 to Apr. 30, 1976:		
Qantas	5	B-747
	2	B-707
Pan American	3	B-747
	6	B-707

APPENDIX B.—*Type of equipment*

	2-engine	3-engine narrow body	4-engine narrow body	3-engine wide body	4-engine wide body
Capacity markets:					
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					
Noncapacity markets:					
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					

[FR Doc.75-17945 Filed 7-9-75;8:45 am]

[Docket No. 27628]

SOCIETA AEREA MEDITERRANEA-SAM S.p.A.

Postponement of Hearing

In the matter of Societa Aerea Mediterranea-Sam S.p.A., foreign charter permit renewal (Italy-U.S.).

Objection has been filed by Bureau Counsel to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 15, 1975 (40 FR 27714, July 1, 1975) at 10 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Dated at Washington, D.C., July 3, 1975.

[SEAL] DEE C. BLYTHE,
Administrative Law Judge.

[FR Doc.75-17941 Filed 7-9-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator-Electric, Rural Electrification Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17932 Filed 7-9-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Secretary's Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17931 Filed 7-9-75;8:45 am]

---

[1] A report of these discussions has been filed with the Board.

[2] By order 74-7-33, dated July 8, 1974, the Board extended the previous authorization for international capacity-reduction discussions and broadened the basis for such discussions to include the radical price increase in, as well as the availability of, international aviation fuel. See order 74-7-33, second full paragraph on p. 3 and ordering paragraph 1 therein.

[3] For the year ended Mar. 31, 1975, Pan American experienced losses approximating $9.5 million in its Pacific operations, including Australia. In addition, Pan American's system losses for the first 5 months of 1975 have reached $50.3 million. (Source: CAB Form 41, P-1 Report.)

[4] It should also be noted that the proposed service appears adequate to meet the needs of the traveling public.

[5] See, for example, orders 73-10-110, dated Oct. 31, 1973, 73-12-109, dated Dec. 28, 1973, and order 74-12-1, dated Dec. 2, 1974.

[6] Sec. 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, which it finds to be adverse to the public interest or in violation of the Act.

[7] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport, and La Guardia Airport. See order 72-11-72, dated Nov. 16, 1972.

[8] Compare order 73-12-32, Dec. 7, 1973, at p. 7.

V40-133 JUL 10 75 XUM

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Territorial Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17935 Filed 7-9-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the positions of Chief, General Claims Section, Civil Division; Chief, Admiralty and Shipping Section, Civil Division; Chief, Torts Section, Civil Division; Chief, Patent Section; Civil Division; Chief, Appellate Section, Civil Division; Chief, General Litigation Section, Civil Division; and Chief, General Litigation Section, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17933 Filed 7-9-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

Title Change in Noncareer Executive Assignment

By notice of November 29, 1973, FR Doc. 73-25307 the Civil Service Commission authorized the General Services Administration to fill by noncareer executive assignment the position of Assistant Director for Resource Analysis, Office of Preparedness, Office of the Administrator. This is notice that the title of this position is now being changed to Assistant Director for Civil Crisis Preparedness, Office of Preparedness, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17936 Filed 7-9-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-17934 Filed 7-9-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAU

Entry or Withdrawal From Warehouse for Consumption

JULY 3, 1975.

On January 3, 1975, there were published in the FEDERAL REGISTER (40 FR 829 and 830) letters dated December 30, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton, wool and man-made fiber textile products produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton and Wool and Man-Made Fiber Textile Agreements of December 22, 1972, as amended, between the Governments of the United States and Portugal.

On March 3, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Portugal concluded a new comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Macau to the United States over a period of three years beginning on January 1, 1975 and extending through December 31, 1977. Among the provisions of the new agreement are those establishing specific export limitations for Categories 49, 50/51, 219, 221, 222, 223, 224, and 229 for the agreement year which began on January 1, 1975.

Accordingly, there is published below a letter of July 3, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton and man-made fiber textile products in the above categories, produced or manufactured in Macau, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975, be limited to the designated levels. The levels of restraint set forth below have not been adjusted to reflect any entries after December 31, 1974. Adjustments will be made to account for all such entries after that date and through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 14, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 3, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directives issued to you on December 30, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton and wool and man-made fiber textile products in certain specified categories, produced or manufactured in Macau and exported to the United States during the twelve-month period beginning on January 1, 1975.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 14, 1975, and for the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 49 and 50/51 and man-made fiber textile products in Categories 219, 221, 222, 223, 224, and 229, produced or manufactured in Macau, in excess of the following levels of restraint:

Category		12-month level of restraint [1]
49	dozen	30,531
50/51	do	58,853
219	do	307,733
221	do	73,272
222	do	276,584
223	do	124,709
224	pounds	286,077
229	do	158,189

[1] These levels have not been adjusted to reflect any entries made after Dec. 31, 1974.

In carrying out this directive, entries of cotton and man-made fiber textile products in the above categories, produced or manufactured in Macau, which have been exported to the United States from Macau before January 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1974 through December 31, 1974. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 3, 1975 between the Governments of the United States and Portugal which provide, in part, that: 1) within the aggregate and applicable group limits of the agreement, specific levels of restraint within Categories 1-64 and 200-243 may be exceeded by seven percent in any agreement year; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-17902 Filed 7-9-75;8:45 am]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN INDIA

Issuance of Visas and Certifications of Exempt Textile Items

JULY 3, 1975.

On May 20, 1975, there was published in the FEDERAL REGISTER (40 FR 22025) a letter dated May 13, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs prohibiting entry into the United States for consumption of cotton textiles and cotton textile products, produced or manufactured in India and exported from India, for which the Government of India had not issued a visa. It further provided that properly certified handloomed and folklore products of the cotton industry of India would be exempt from the levels of restraint established under the Bilateral Cotton Textile Agreement of August 6, 1974, between the Governments of the United States and India. One of the requirements is that each visa and certification must include the signature of an official authorized by the Government of India to issue visas and certifications.

The purpose of this notice is to announce that, at the request of the Government of India, R. Suvarna is hereby authorized to issue visas and certifications for exempt textile items, exported to the United States from India. A facsimile of the signature of the newly-designated official is filed as part of the original document with the Office of the Federal Register.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-17901 Filed 7-9-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

EXCHANGE ARBITRATION PROCEDURES

Interpretation and Request for Comments

The Commodity Futures Trading Commission has received several inquiries from exchanges, boards of trade and other interested persons concerning the appropriate interpretation of section 5a (11) of the Commodity Exchange Act (7 U.S.C. 7a, as amended by section 209 of the Commodity Futures Trading Commission Act of 1974, Pub. L. 93-463, 209, 88 Stat. 1401 (1974)). In response to these inquiries, the Commission has decided to publish an interpretative statement setting forth the Commission's preliminary views on various aspects of section 5a(11). The Commission invites public comment on this interpretative statement and on any other matters which should be considered by the Commission in implementing thte provisions of section 5a(11).

Section 5a(11) states that each contract market must:

> provide a fair and equitable procedure through arbitration or otherwise for the settlement of customers' claims and grievances against any member or employee thereof: *Provided*, That (i) the use of such procedure by a customer shall be voluntary, (ii) the procedure shall not be applicable to any claim in excess of $15,000, (iii) the procedure shall not result in any compulsory payment except as agreed upon between the parties, and (iv) the term 'customer' as used in this subsection shall not include a futures commission merchant or a floor broker * * *.

The Commission has considered six issues relating to the requirements of section 5a(11). Those six issues and the Commission's interpretative responses are set forth below.

QUESTION

(1) What basic provisions in the rules of a contract market are required by section 5a(11) of the Commodity Exchange Act to establish a "fair and equitable procedure through arbitration or otherwise for the settlement of customers' claims and grievances against any member or employee thereof"?

INTERPRETATIVE RESPONSE

The Commission interprets the requirement of a "fair and equitable procedure" contained in section 5a(11) of the Commodity Exchange Act, to require contract markets to establish at least the following fundamental procedural protections:

(a) The arbitration panel or other decision-making body should be impartial;

(b) The customer should be given the right to be represented by counsel in all aspects of the arbitration or other procedure;

(c) The customer should be given the right to a prompt hearing at which the customer may appear personally. The customer must be given adequate notice and adequate opportunity to prepare for the hearing. The formal rules of evidence need not apply at the hearing. Nevertheless, the procedures established may not be so informal as to deny due process. The customer must be given adequate opportunity to present all relevant facts relating to the claim and to examine all relevant documents presented in connection with the claim. Also, the customer, or counsel, must be given opportunity to present evidence in support of the claim, to present rebuttal evidence to any defenses made by the party against whom the proceeding is brought, and to cross-examine any witnesses appearing at the hearing. Provisions may be made for the customer to waive the right of personal appearance, through a submission on the basis of written documents. Such a waiver may be made only after the claim arose and must be voluntary;

(d) The customer should be advised, in advance of the submission of the claim, of the costs which may be assessed in the arbitration or other procedure, if any. Such costs, in any event, should not be excessive, particularly in relation to the claim presented; and

(e) The award of the arbitrators or other decision-making body must be rendered promptly in writing and must be final. There should be no right of contract-market related appeal as, for example, an appeal to the Board of Governors of the contract market or to any other entity so constituted; the only right of appeal being as provided under applicable law.

QUESTION

(2) May the party against whom a customer claim is brought counterclaim against a customer in the arbitration or other procedure required by section 5a(11) of the Commodity Exchange Act?

INTERPRETATIVE RESPONSE

The Commission interprets section 5a(11) of the Commodity Exchange Act to permit counter-claims by a party against whom a claim is brought by a customer if the counter-claim arises out of the transaction or occurrence that is the subject of the customer's claim and does not require for adjudication the presence of third parties over whom the contract market does not have jurisdiction, and if the counter-claim is for an amount not in excess of $15,000. Other counter-claims are permissible only if the customer agrees to the submission of such counter-claims for monetary damages after the counter-claim has arisen and, provided that, the counter-claim is less than $15,000.

QUESTION

(3) Does section 5a(11) of the Commodity Exchange Act allow a contract market to establish an arbitration or other procedure for customer claims under section 5a(11) in which customers

V 40 I 133 JUL 10 75 XUM

agree to submit their claims prior to the time the claim arose, and agree, in advance of an award, to be bound by the decision of the arbitration panel or other decisionmaking body?

INTERPRETATIVE RESPONSE

The Commission interprets section 5a(11) of the Commodity Exchange Act to mean that a contract market is not permitted to require a customer to agree to submit a claim covered by Section 5a(11) to arbitration or other procedure prior to the time the claim arose. The Commission interprets section 5a(11) to permit a contract market to require customers utilizing the arbitration or other procedure under section 5a(11) to agree to be bound by an award in advance of the decision of the arbitration panel or other decision-making body. If a customer agrees to submit his claim to arbitration after the dispute arose and agrees under applicable state law, submission agreement or otherwise, to be bound by the award of the arbitrators or other decision-making body, the Commission believes that the award is binding, in accordance with applicable state law.

QUESTION

(4) Does section 5a(11) of the Commodity Exchange Act preclude arbitration or other procedures for the resolution of customer claims involving amounts over $15,000?

INTERPRETATIVE RESPONSE

The Commission interprets section 5a(11) of the Commodity Exchange Act as not prohibiting a contract market from establishing arbitration or other procedures for the resolution of customer claims involving amounts over $15,000. Any such arbitration or other procedures must be a separate procedure which is independent of, and should not interfere with or delay the resolution of customer claims that are submitted under section 5a(11). The Commission is preparing a rule regarding arbitration or other procedures for settlement of customer claims which may not be covered by section 5a(11). This rule will, as a minimum, provide that said procedures shall be voluntarily entered into by the customer after the time the claim arose and must be "fair and equitable" as that phrase has been interpreted herein.

QUESTION

(5) Is a contract market required to adopt arbitration or other procedure for the resolution of claims of customers arising from transactions which are not covered by section 5a(11)?

INTERPRETATIVE RESPONSE

The Commission is of the view that while a contract market is not required to adopt arbitration or other procedures for the settlement of customer claims not covered by section 5a(11), it may do so if it so chooses.

QUESTION

(6) Does section 5a(11) of the Commodity Exchange Act preclude arbitration or other dispute resolution procedures to resolve claims in which a customer is not involved?

INTERPRETATIVE RESPONSE

The Commission does not interpret section 5a(11) of the Commodity Exchange Act to preclude arbitration or other procedures established by a contract market to resolve disputes which do not involve customers (e.g., the resolution of disputes involving futures commission merchant and/or floor brokers). However, any such dispute resolution mechanism should be independent of, and should not interfere with or delay, the resolution of customer claims that are submitted for resolution under section 5a(11).

The purpose of this interpretation is to inform contract markets of the Commission's preliminary views in order that they may be in a better position to be able more promptly to comply with section 5a(11). The Commission recognizes that certain aspects of this interpretation may not be capable of immediate implementation. The Commission wishes to consider public comment on any interpretation expressed herein and in addition, the Commission wishes to consider comment on whether the remedy under section 5a(11) should be limited to money damages. Interested parties should submit comments or views to the Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Issued in Washington, D.C., on July 3, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-17885 Filed 7-9-75;8:45 am]

DELAWARE RIVER BASIN COMMISSION

GLOUCESTER NEW COMMUNITIES CO., ET AL.

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, July 23, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Bldg., 15th and Kennedy Blvd., Philadelphia. The subjects of the hearing will be as follows:

A. Applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to § 3.8 of the Compact.

1. *Gloucester New Communities Co. (D–74–152 CP).* A sewage treatment plant to serve the Beckett-New Town development area in Logan and Woolwich Townships, Gloucester County, N.J. The project will remove 96 percent of BOD5 and 95 percent of suspended solids from a sewage flow of 60,000 gallons per day. Treated effluent will discharge to Raccoon Creek.

2. *Tamiment Resort & Country Club (D–75–93 CP).* A sewage treatment plant to serve the Tamiment Resort & Country Club in Lehman Township, Pike County, Pa. The new facility will provide removal of 93 percent of BOD5 from a sewage flow of about 250,000 gallons per day. Treated effluent will discharge to an unnamed tributary of Little Bushkill Creek.

3. *Cherry Hill Township (D–75–61 CP).* An interim upgrading of the existing Woodcrest sewage treatment plant in Cherry Hill Township, Camden County, N.J. The improved facility will provide removal of 90 percent of BOD5 from a sewage flow of 700,000 gallons per day. Treated effluent will discharge to an unnamed tributary of the Cooper River. The treatment plant will be phased out when a regional system becomes available.

4. *Exeter Township Authority (D–75–102 CP).* Upgrading and expansion of the existing sewage treatment plant in Exeter Township, Berks County, Pa. The facility will provide removal of 92 percent of BOD5 and 90 percent of suspended solids from an average sewage flow of 2.4 million gallons per day. Treated effluent will discharge to the Schuylkill River.

5. *Hatfield Township Municipal Authority (D–74–186 CP).* A rerating of the Authority's sewage treatment plant serving Hatfield and Montgomery Townships and the Link-Belt industrial plant in Montgomery County, Pa. Hydraulic capacity of the plant will be rerated to 3.6 million gallons per day. About 98 percent of BOD5 and suspended solids will be removed from the sewage flow prior to discharge to Neshaminy Creek.

6. *Borough of Bally (D–75–87 CP).* Upgrading of the Borough's sewage treatment plant in Washington Township, Berks County, Pa. The treatment plant will provide removal of 95 percent of BOD5 and 90 percent of suspended solids from a sewage flow of 200,000 gallons per day. Treated effluent will discharge to the Northwest Branch of Perkiomen Creek.

7. *Borough of Haddonfield (D–75–84 CP).* A well water supply project to augment public water supplies in the Borough of Haddonfield, Camden County, N.J. The new facility will be limited to a maximum yield of 37.5 million gallons per month.

8. *Horsham Township Authority (D–75–55 CP).* A well water supply project to augment public water supplies in Horsham Township, Montgomery County, Pa. Designated as Well No. 22, the new facility is expected to yield 540,000 gallons per day.

9. *Woodland Water Co. (D–77–193 CP).* A well water supply project to augment public water supplies in Woodland Village, Burlington County, N.J. Five new wells will be utilized with a maximum permitted withdrawal of two million gallons during any month. Standpipes and distribution facilities will also be constructed.

10. *Garden State Water Co. (D–74–168 CP).* A well water supply project to augment public water supplies in Gloucester Township, Camden County, N.J. A new well is expected to yield 400,000 gallons per day.

11. *Philadelphia Suburban Water Co. (D–74–198 CP).* A well water supply project to augment public water supplies in Chester and Montgomery Counties, Pa. To be located in East Whiteland Township, Chester County, the new facility is expected to yield about 288,000 gallons per day.

12. *Village of Margaretville (D–74–187 CP).* A well water supply project to augment public water supplies in the Village of Margaretville, Delaware County, N.Y. Designated as the Park Well, the new facility is expected to yield 432,000 gallons per day.

13. *Ansley Electronics (D–75–53).* An industrial wastewater discharge at the company's plant in East Rockhill Township, Bucks County, Pa. The facility will provide substantial removal of materials from an industrial wastewater flow of 30,000 gallons per day. Treated effluent will discharge to an unnamed drainage ditch and thence into the East Branch Perkiomen Creek.

14. *Foote Mineral Co. (D–72–51).* An industrial waste discharge at the company's facilities in East Whiteland Township, Chester County, Pa. About 2,000 gallons per day of treated wastewater and 214,000 gallons per day of non-contact cooling water will discharge to Valley Creek, a tributary of Brandywine Creek.

15. *Township of Hamilton (D–75–89).* Dewatering of a sewer interceptor trench in Hamilton Township, Mercer County, N.J. The sewer line will extend from Klockner Road to Pitman Avenue. Approximately 300,000 gallons per day of ground water will be withdrawn from the trench and pumped to local storm sewers.

16. *Vulcanized Rubber & Plastics Co. (D–75–14).* An industrial cooling water discharge at the company's plant in Morrisville, Bucks County, Pa. Approximately 340,000 gallons per day of cooling water will discharge to the Delaware River.

17. *Arco Pipe Line Co. (D–74–54).* Rebuilding and extension of the company's Delaware River piers in Tinicum Township, Delaware County, Pa. The project will include the dredging of approximately 23,000 cubic yards of river bottom to extend the slip 175 feet southward.

18. *Publicker Industries (D–75–83).* Construction of a bulkhead between Piers 104 and 105 in Philadelphia, Pa. Steel piling will be utilized to contain existing fill for 72 feet between piers at the company's property.

19. *Longwood Gardens, Inc. (D–75–90).* A well water supply project in Kennett Square, Chester County, Pa., to provide water for irrigation and drinking purposes. Eight wells and several ponds would be utilized to provide a system for irrigating flower displays and other aspects of garden operations on a seasonal basis. Total maximum groundwater diversion would be approximately 1.3 million gallons per day.

20. *Ingersoll-Rand Co. (D–75–98).* A well water supply project to serve the company's plant in Phillipsburg, Warren County, N.J. Designated as Well No. 2, the new facility is expected to yield 1 million gallons per day.

21. *Harding Woods, Inc. (D–75–97).* A well water supply project to provide water service at the Harding Woods mobile home park in Pittsgrove Township, Salem County, N.J. Two wells would be utilized providing a combined yield of about 4.5 million gallons per month.

22. *Ionac Chemical Co. (D–75–2).* A well water supply project to provide water for industrial uses at the company's chemical plant in Pemberton Township, Burlington County, N.J. The new facility is expected to yield about 800 gallons per minute that will be used for process and cooling purposes.

B. Applications for water quality certifications pursuant to section 401 of the Federal Water Pollution Control Act:

1. *Pennsylvania Dept. of Transportation.* New bridge crossing over the Schuylkill River at Passyunk Avenue in Philadelphia, Pa.

2. *Pennsylvania Dept. of Transportation.* Highway bridge over the Lehigh River at Allentown, Pa., known as "Allentown Spur Route" to connect downtown Allentown to U.S. Route 22.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: July 3, 1975.

W. BRINTON WHITALL,
Secretary.

[FR Doc.75-17904 Filed 7-9-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 397-4; OPP–180028A]

ARMY CORPS OF ENGINEERS

Decision on Request for Specific Exemption To Control Alligatorweed and Water Hyacinth

On November 1, 1974, a notice appeared in the FEDERAL REGISTER (39 FR 38717) which announced the receipt of an application from the Army Corps of Engineers (hereafter called the "Corps") for a specific exemption pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136). This application to the Environmental Protection Agency (EPA) requested use of Silvex for alligatorweed control in the Town Bluff-B.A. Steinhagen Lake, and 2, 4–D for water hyacinth control in the Sam Rayburn Dam and Reservoir and B.A. Steinhagen Lake. These bodies of water are located in east central Texas on the Neches and Angelina Rivers respectively. The application was in accordance with the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

Based on material supplied by the Corps and EPA's own experience with these two pesticides, it has been decided that EPA will authorize a specific exemption to the Corps of Engineers to use 2,4-D (2,4-Dichlorophenoxy acetic acid) for its water hyacinth control program; however EPA denies the use of Silvex (2,4,5-Trichlorophenoxy propionic acid) to control alligatorweed.

BACKGROUND

The request was to allow the Corps to use, in a weed control program during 1975, 12,000 pounds of 2,4-D acid-equivalent and 8,000 pounds Silvex acid-equivalent to treat a total of 4,000 acres in the Sam Rayburn Dam and Reservoir and the Town Bluff-B.A. Steinhagen Lake. The water hyacinth in the two bodies of water impede water flow, reduce recreational use, and provide harborage for mosquitoes. The *Agasicles* flea beetle, introduced into B.A. Steinhagen Lake for control of alligatorweed, has not effected control when used alone but exerts some control when integrated with a chemical program.

Aquatic weeds in both of these reservoirs are problems because the warm climate provides for near continuous plant growth. There are indications that high densities of these aquatic weeds provide habitat for large populations of Anopheline mosquitoes, potential disease vectors, especially in the northern sector of B.A. Steinhagen Lake.

The northern half of the Sam Rayburn Dam and Reservoir would be the primary site for the treatment of water hyacinth since this area constitutes about 80% of the total weed problem in this reservoir. The northern half of B.A. Steinhagen Lake would be the site for approximately 95% of the water hyacinth and alligatorweed treatments in this body of water.

The EPA has raised some serious questions concerning Silvex and the contaminant tetrachlorodibenzo-p-dioxin (TCDD) and potential adverse effects on humans. The probability of human exposure to Silvex and TCDD would be significant when used to control alligatorweed in a multi-use reservoir such as B. A. Steinhagen. The pesticide 2,4-D, on the other hand, does not contain TCDD. It should be noted that the EPA has responded favorably to other Corps requests for the use of 2,4-D to control water hyacinth. It should also be noted that 2,4-D will effect control of alligatorweed when used in an integrated program with the *Agasicles* flea beetle.

CONCLUSION

In light of the above information, the Corps has been granted a specific exemption to use during 1975, 2,4-D to treat water hyacinth in the Sam Rayburn Dam and Reservoir and the Town Bluff-B. A. Steinhagen Lake. However, the EPA denies the request to use Silvex in the B. A. Steinhagen Lake. Because of the potential adverse effects of TCDD on humans, Silvex cannot be accepted for use in the aquatic environment. The EPA is undertaking an accelerated review of Silvex and related compounds that may contain the contaminant TCDD. A suggestion is made that the Corps consider an exemption using 2,4-D to control alligatorweed in an integrated program with the *Agasicles* flea beetle.

The specific exemption granted is subject to the conditions below.

1. All applications must be performed by or under the supervision of the Corps of Engineers personnel.

2. A strict monitoring program will be employed to ensure that the herbicidal content of the water has dissipated before it is used for irrigation purposes.

3. The Corps is to continue efforts to compile, and prepare to submit, data to support registration of 2,4-D for use in moving water.

4. A suitable wetting agent is to be selected from a list of those exempted from tolerance (40 CFR 180.1001).

It should be noted that if the Administrator, EPA, determines that the Corps is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Additional specific exemption requests by the Corps of Engineers for use of 2, 4-D in moving water beyond calendar year 1975 will not be granted, since in our estimation, there has been adequate time for the Corps to gather the neces-

V40 I133 JUL 10 75 XUM

sary data to register 2,4-D for this use.

All interested parties are referred to the application on file in the Office of Pesticide Programs, EPA, 401 M St., SW, Room E–347, Washington, D.C. 20460.

Dated July 3, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–17949 Filed 7–9–75;8:45 am]

[FRL 396–8; OPP–50014]

HERCULES INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Hercules Inc., Wilmington DE. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780) and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit No. 891–EUP–28 allows the use of 192 pounds of dialifor (*S*-(2-chloro-1-phthalimidethyl) *O,O*-diethyl phosphorodithioate) and its related reaction products on pecans. A total of 40 acres are involved; the program is authorized only in Arizona, New Mexico, and Oklahoma. The experimental use permit is effective from June 11, 1975, to December 31, 1975.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW, Washington DC 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 3, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–17948 Filed 7–9–75;8:45 am]

[FRL 397–5; OPP–180013B]

TENNESSEE VALLEY AUTHORITY

Issuance of Specific Exemption To Use 2,4-D To Control Eurasian Watermilfoil

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Tennessee Valley Authority (TVA) to use 2,4-dichlorophenoxy acetic acid (2,4-D) to control Eurasian watermilfoil in reservoirs of the Tennessee River and tributaries. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal or State agencies for the use of pesticides under emergency conditions.

BACKGROUND

On May 29, 1974, EPA granted a specific exemption to the TVA to use the butoxyethanol ester of 2,4–D for control of Eurasian watermilfoil (*Myriophyllum spicatum* L.). This control program was to take place in the waters of eight TVA reservoirs on the Tennessee River and its tributaries. Notice of the award of this exemption was published in the Federal Register on July 1, 1974 (39 FR 24267).

On March 5, 1975, the EPA received an application from the TVA requesting that another specific exemption be granted for calendar year 1975.

DESCRIPTION

Eurasian watermilfoil grows throughout the year in most of the infested area, but maximum growth occurs during spring and summer months. This request is for permission to treat, beginning in March, approximately 9,870 acres of watermilfoil in seven mainstream reservoirs and one tributary reservoir. Through treatment, the TVA has been able to reduce the area infested with the watermilfoil from a total of 25,000 acres in 1968 to the present 9,870 acres. The herbicide 2,4-D will be applied at a rate to attain a water concentration of 2 ppm in the target area at the time of application.

Two control methods have developed as a result of TVA's experience with Eurasian watermilfoil: water level management to dry the plant by dewatering and application of 2,4-D herbicides. The TVA will use 2,4-D as a secondary means of control and will use either the butoxyethanol ester (BEE) in a granular formulation or the dimethylamine salt (DMA) in a liquid formulation. Monitoring programs by the TVA have demonstrated that 2,4-D concentrations in water decrease rapidly; the TVA plans to continue to carefully monitor the watermilfoil control program to evaluate the impact on the biological environment.

CONCLUSION

After consideration of the material provided by the TVA, EPA has decided to grant a specific exemption for calendar year 1975. Control of Eurasian watermilfoil is deemed essential to normal patterns of use of the TVA reservoir system. Eurasian watermilfoil interferes with water recreation, endangers water supplies, alters appearance of reservoirs, and enhances mosquito habitats. Infestation of reservoirs threatens adjoining bodies of water.

Therefore, the specific exemption is granted subject to the following conditions:

1. The TVA is to continue to actively seek registration for the use of 2,4-D to control Eurasian watermilfoil;

2. A ½ mile buffer zone will be maintained around all raw water intakes. No routine treatment with 2,4-D will take place in this zone; and

3. All herbicidal spot treatments within the buffer zone will be monitored for 2,4-D residues.

It should be emphasized that additional specific exemption requests by the TVA for the use of 2,4-D in moving water beyond calendar year 1975 will not be granted, since in our estimation, there has been adequate time for TVA to gather the necessary data to register 2,4-D for this use.

Dated: July 3, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–17950 Filed 7–9–75;8:45 am]

[FRL 396–7; OPP–33000/278, 279, & 280]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before September 8, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 8, 1975.

Dated: July 2, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP–33000/278]

EPA Reg. No. 8612–58. B & G Company, 10539 Maybank, PO Box 20372, Dallas TX 75220. TAPP 1–9–E EMULSIFIABLE CONCENTRATE. Active Ingredients: Pyrethrins 1.20%; Piperonyl Butoxide, Technical 9.60%; Petroleum Distillates 81.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 239–EUUR. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO FOGGING INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 100–471. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. CAPAROL 80W HERBICIDE. Active Ingredients: 2,4-bis (isopropylamino)-6-(methylthio)-s-triazine 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 35958–E. Criter Chemco, Inc., 2650 W. 2nd Ave., Denver CO 80219. CRITER TOTAL KILL 2. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 35958–R. Criter Chemco, Inc., 2650 W. 2nd Ave., Denver CO 80219. CRITER DISINFECTANT-SANITIZER. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 464–196. Dow Chemical Co., PO Box 1706, Midland MI 48640. DMA 4 HERBICIDE. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM23.

EPA File Symbol 6621–AL. Eagle Chemical Co., 2819 W. Lake St., Chicago IL 60612. SBP–1382 ULV INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 4.22%; Related compounds 0.57%; Aromatic petroleum hydrocarbons 5.59%; Mineral oil 89.45%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6621–AI. Eagle Chemical Co., 2819 W. Lake St., Chicago IL 60612. THERMO FOG INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 5905–206. Helena Chemical Co., Suite 3200, 5100 Poplar Ave., Memphis TN 38137. MALATHION—50 EC. Active Ingredients: Malathion 50%; Aromatic Petroleum Distillate 39%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA Reg. No. 1471–35. Elanco Products Co., Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. ELANCO TREFLAN E. C. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro - N,N - dipropyl-p-toluidine) 44.5%. Method of Support. Application proceeds under 2(c) of interim policy. Republished: Added uses. PM23.

EPA Reg. No. 524–311. Monsanto Co., Agricultural Products, 800 N. Lindbergh Ave., St. Louis MO 63166. POLARIS. Active Ingredients: Glyphosine 85.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25.

EPA Reg. No. 524–285. Monsanto Co., Agricultural Division, 800 N. Lindbergh Ave., St. Louis MO 63166. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support. Application proceeds under 2(b) of interim policy. Republished: New use added to label. PM25.

EPA Reg. No. 2139–101. Nor-Am Agricultural Products, Inc., 20 N. Wacker Dr., Chicago IL 60606. BETANAL. Active Ingredients: Phenmedipham 15.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 37064–E. Pioneer Chemical Laboratories, 5419 Logan Ave. N, Minneapolis MN 55430. GREASE CUT SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 538–RGA. O. M. Scott & Sons, Marysville OH 43040. VEGETABLE GARDEN INSECT CONTROL. Active Ingredients: Pyrethrins 1.40%; Mineral Oil 5.60%, Aromatic Petroleum Distillate 48.00% Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 400–93. Uniroyal Chemicals, Div. of Uniroyal Inc., Amity Rd., Bethany CT 06526. VITAVAX–300 FUNGICIDE. Active Ingredients: Carboxin (5,6-dihydro-2-methyl - 1,4 - oxathiin - 3 - carboxanilide) 37.5%; Captan (N-trichloromethylthio-4-cyclohexene - 1,2 - dicarboximide) 37.5%. Method of Support: Application proceeds under 2(c) of interim policy. PH21.

EPA File Symbol 7401–EUR. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. HI-YIELD TOXAPHENE 6 E.C. Active Ingredients: Toxaphene (Technical Chlorinated Camphene containing 67–69% Chlorine) 59.5%; Aromatic Petroleum Derivatives Solvent 36.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

APPLICATIONS RECEIVED (OPP–33000/279)

EPA Reg. No. 1029–75. Aidex Corp., 1024 N 17th St., Omaha NB 68102. AIDEX TOXAPHENE–6E. Active Ingredients: Toxaphene (Technical Chlorinated Camphene) 58.9%; Petroleum Hydrocarbon Solvent 35.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM12.

EPA File Symbol 7078–L. Arbrook, Inc., PO Box 130, Arlington TX 76010. CIDEX FORMULA 7—5X CONCENTRATE. Active Ingredients: glutaraldehyde 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 7078–A. Arbrook, Inc., PO Box 130, Arlington TX 76010. CIDEX FORMULA 7—3X CONCENTRATE. Active Ingredients: glutaraldehyde 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 34279–G. Capps Enterprises, Inc., MR256E S Main St., Roswell NM 88201. A–T–1 GERMICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 37250–R. Chemrite Industries, Inc., 2711 Barber Ave., Cleveland OH 44113. CHEMRITE DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 706–IR. Claire Mfg. Co., 500 Vista Ave., Addison IL 60101. MICROCIDE. Active Ingredients: Orthophenylphenol 0.176%; 4 - Chloro - 2 - cyclopentylphenol 0.028%; Essential Oils 0.300%; Alcohol 49.950%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 410–IR. Franklin Lab. Inc., 1777 S Bellaire St., Denver CO 80222. FRANKLIN LOUSE–FLY–TICK WETTABLE POWDER FOR LIVESTOCK AND PREMISES. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 50.0%. Method of Support changes from 2(b) to 2(c) of interim policy. PM15.

EPA File Symbol 7368–GA. Georgia-Pacific Corp., 2425 Malt Ave., Los Angeles CA 90040. G–P STABIL CLOR. Active Ingredients: Sodium Dichloro-S-Triazinetrione 55.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 35637–R. Household Brands, Inc., 24 Vanderelinde Rd., Wayne NJ 07470. PURE CLEAN SCENTED DEODORIZING CLEANER DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 334–UEN. Hysan Corp., 919 W 36th St., Chicago IL 60609. 123 YARD AND PATIO FOGGER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35892–R. J & F Pest Control Co., 46 Channing Station, NW, Washington DC 20001. HAMMERHEAD ROACH AND INSECT KILLER. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.50%; Petroleum Distillates 98.97%; Aromatic Petroleum Derivative Solvent 0.41%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 3367–TI. Reily Chem. Co., PO Box 50372, New Orleans LA 70117. DELTA PINE SCENT DISINFECTANT. Active Ingredients: Pine Oil 25.00%; Soap 11.24%; Isopropylalcohol 4.79%; O-Benzyl-p-Chlorophenol 1.61%; Pine Needle Essence 0.25%; Pine Oil Tar 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

V40-133 JUL 10 75 XUM

EPA File Symbol 3367–TT. Reily Chem. Co., 450 Manderville St., New Orelеans LA 70117. LEMON LITE CREAM LEMON SCENTED DISINFECTANT CLEANER-DEODORANT. Active Ingredients: Isopropylalcohol 1.53%; n-Alykl (C14 50%, C 12 40%, C16 10%) Dimethyl Benzyl ammonium chlorides 1.47%; Essential Oils 0.67%; Ethanol 0.36%; Trisodium Salt of N-12-Hydroxyethylenediamine triacetic Acid 0.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 4297–GN. Reliance Brooks, Inc., 3302 E 87th St., Cleveland OH 44127. AQUA-TURGE NO. 744. Active Ingredients: alpha-(p - Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 707–RET. Rohm and Haas, Independence Mall W, Philadelphia PA 19105. KATHON 893 SP–45. Active Ingredients: 2 - n - Octyl - 4 - Isothiazolin - 3-one 45%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 476–1897. Stauffer Chem. Co., 1200 47th St., Richmond CA 94804. BETASAN 2.9–E. Active Ingredients: *S*-O,O-Diisopropyl phosphorodithioate) Ester of *N*-(2-Mercaptoethyl) Benzenesulfonamide 34.8%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Change in use directions requiring data. PM25.

EPA Reg. No. 1043–26. Vestal Labs., Div. of Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL 1 STROKE ENVIRON [H]. Active Ingredients: O-phenylphenol 10.0%; o-Benzyl - p - Chlorophenol 8.5%; p-tertiary-amylphenol 2.0%. Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 1043–UI. Vestal Labs., Div. of Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL 1 STROKE ENVIRON [J]. Active Ingredients: sodium o-phenylphenate 11.3%; sodium o-benzyl-p-chlorophenate 9.4%; sodium p-tertiary-amylphenate 2.3%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM32.

APPLICATIONS RECEIVED (OPP—33000/280)

EPA File Symbol 8612–OG. B & G Co., PO Box 20372, Dallas TX 75220. B & G PYRENONE EMULSIFIABLE CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 8612–OE. B & G Co., PO Box 20732, Dallas TX 75220. PYRENONE PCO ROACH CONCENTRATE. Active Ingredients: Technical Piperonyl Butoxide 7.50%; Pyrethrins 1.50%; Petroleum Oil 91.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 9461–OE. Celanese Coatings & Specialties Co., Devoe and Raynolds Co., Marine Div., PO Box 99038, Jeffersontown KY 40299. DEVOE DEVRAN 222HS ALLSEAS PERMANENT RED ANTIFOULING PAINT MD–4313. Active Ingredients: Cuprous Oxide 44.46%; Bis (Tributyltin) Oxide 2.47%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 9461–OG. Celanese Coatings & Specialties Co., Devoe and Raynolds Co., Marine Div., PO Box 99038, Jeffersontown KY 40299. DEVOE DEVRAN 222 ALLSEAS PERMANENT RED ANTIFOULING PAINT MD–4312. Active Ingredients: Cuprous Oxide 37.92%; Bis (Tributyltin) Oxide 2.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 270–RRN. Farnam Co., Inc., PO Box 21447, Phoenix AZ 85711. GRAND CHAMPION DAZZLE WITH FLY REPELLANT. Active Ingredients: Pyrethrins 0.045%; Piperonyl Butoxide Technical 0.09%; N-octyl bicycloheptene dicarboximide 0.15%; 2,3:4,5-bis (2 butylene) tetrahydro-2-furaldehyde 0.25%. Method of Support: Application proceeds under 2 (c) of interim policy. Republished: Added uses. PM17.

EPA File Symbol 729–TR. Gulf Oil Corp., Gulf Building, Pittsburgh PA 15230. GULF-SPRAY WASP AND HORNET KILLER FORMULA 12. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3-(2-methyl propenyl) cyclopropane carboxylate 0.150%; Related compounds 0.020%; Aromatic petroleum hydrocarbons 0.199%; 2-(1-methylethoxy) phenol methyl carbamate 0.500%; Petroleum distillates 98.098%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021–RGAL. McLaughlin Gormley King Co., 8810 10th Ave. N, Minneapolis, MN 55427. PYROCIDE FOGGING CONCENTRATE 7257. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; Other related compounds 0.04%; Pyrethrins 2.00%; Piperonyl Butoxide, technical 4.00%; N-octyl bicycloheptene dicarboximide 4.00%; Petroleum distillate 89.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 524–296. Monsanto Co., Agricultural Div., 800 N Lindbergh Ave., St. Louis, MO 63166. LASSO II. Active Ingredients: Alachlor: 2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25.

EPA Reg. No. 3624–95. Nova Products, Inc., PO Box 5086, Kansas City, KS 66119. NOVA TOXAPHENE 6E. Active Ingredients: Toxaphene 60.25%; Petroleum Distillate 36.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4029–GR. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn, NY 11201. OSR NON-SELECTIVE WEED KILLER WITH NO-DRIFT. Active Ingredients: Petroleum Oil 96.07%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.97%; Pentachlorophenol 0.79%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 5576–UN. Regal Supply & Chem., PO Box 1955, El Paso, TX 79950. FRESH-UP. Active Ingredients: Tetrasodium Ethylenediamine Tetraacetate 0.38%; Ortho-benzyl parachlorophenol 1 32%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 5576–UG. Regal Supply & Chem. VIRO-SAN BOUQUET SCENT DISINFECTANT DEODORANT. Active Ingredients: Ortho-Phenyl Phenol 0.100%; Para-Tertiary-Amyl Phenol 0.036%; Ortho-Benzyl-Para-Chlorophenol 0.054%; Ethyl Alcohol 53.710%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 5576–UR. Regal Supply & Chem. VIRO-SAN LEMON SCENTED DISINFECTANT DEODORANT. Active Ingredients: Ortho-Phenyl Phenol 0.100%; Para-Tertiary-Amyl Phenol 0.036%; Ortho-Benzyl-Para Chlorophenol 0.054%; Ethyl Alcohol 53.710%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 5576–UE. Regal Supply & Chem. VIRO–SAN NATURAL SCENT DISINFECTANT DEODORANT. Active Ingredients: Ortho-Phenyl Phenol 0.100%; Para-Tertiary-Amyl Phenol 0.036%; Ortho-Benzyl-Para-Chlorophenol 0.054%; Ethyl Alcohol 53.710%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA Reg. No. 373–96. Residex Corp., 225 Terminal Ave., Clark NJ 07066. RESIDEX DURSBAN ROACH CONCENTRATE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 16.00%; Petroleum Distillate 73.96%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 11273–2. Sandos Wander, Inc., Crop Protection Dept., PO Box 1489, Homestead FL 33030. THURICIDE–HPC. Active Ingredients: Bacillus thuringiensis Berliner, potency of 4,000 International Units (at least 6 million viable spores) per milligram 0.8%; Petroleum hydrocarbon solvent 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 538–RGO. O M Scott & Sons, Marysville OH 43040. DISEASE CONTROL FOR LAWNS. Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 9.70%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 538–RGI. O M Scott & Sons, Marysville OH 43040. DISEASE CONTROL FOR LAWNS II. Active Ingredients: Chlorothalonil (Tetrachloroisophthalonitrile) 9.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 201–279. Shell Chem. Co., Agricultural Div., 1025 Conn. Ave. NW, Suite 200, Washington DC 20036. BLADEX 80 WP HERBICIDE FOR SORGHUM. Active Ingredients: Bladex-2-(4-chloro-6-ethylamino-s-triazin - 2 - ylaminio) - 2 - methyl-propionitrile 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added used. PM25.

EPA File Symbol 6720–EAN. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP GENERAL PURPOSE SPRAY #31. Active Ingredients: Pyrethrins 0.031%; Piperonyl Butoxide, Technical 0.252%; Petroleum Distillate 99.717%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6720–ELO. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP GENERAL PURPOSE RESIDUAL SPRAY #100. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.125%; Malathion (O,O-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 2.000%; Aromatic Petroleum Derivative Solvent 7.625%; Petroleum Distillates 90.200%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 19149–R. Superior Chem. Co., 330 Verdun St., PO Box 83125, Lafayette LA 70501. SUPERIOR–8–55 INDUSTRIAL BACTERIOSTAT. Active Ingredients: Trichlorophenol 32.7%. Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 11687–TO. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL WEED–RHAP LV–4–MCPA. Active Ingredients: Isooctyl Ester of 2-Methyl-4-Chlorophenoxyacetic Acid 73.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 11687–TA. Transvaal, Inc. TRANSVAAL MCPA LOW VOLATILE OXY ESTER. Active Ingredients: Butoxyethyl ester of 4-Chloro-2-Methyl-phenoxyacetic Acid 97.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 11687–TT. Transvaal, Inc. TRANSVAAL MCPA BUTYL ESTER. Active Ingredients: Butyl Ester of 4-Chloro-2-Methyl-phenoxyacetic Acid 97.0%. Method of Support: Application proceeds under 2 (c) of interim policy. PM23.

EPA File Symbol 11687–TL. Transvaal, Inc. TRANSVAAL MCPA ISOOCTYL ESTER. Active Ingredients: Isooctyl Ester of 4-Chloro-2-Methylphenoxyacetic Acid 97.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 7631–RL. Walnut Grove Prod., Div. of W. R. Grace & Co., General Offices 201 Linn St., Atlantic IA 50022. WALNUT GROVE "4X4" BEEK SHAKE 32 (F)—LSL. Active Ingredients: Phenothiazine 0.2939%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 769–ULL. Woolfolk Chem. Works, Inc., PO Box 936, Fort Valley GA 31030. SECURITY NEMA-KILL. Active Ingredients: 1,2-Dibromo-3-Chloropropane 17.65%; Other Halogenated C3 Compounds 0.93%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 769–418. Woolfolk Chem. Works, Ltd., PO Box 936, Fort Valley GA 31030. 5% SEVIN GARDEN DUST. Active Ingredients: Carbaryl(1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

[FR Doc.75–17853 Filed 7–9–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Administrator's Findings Concerning Proposed Final Environmental Statement

On Friday, April 25, 1975, the Energy Research and Development Administration (ERDA) announced in the FEDERAL REGISTER (40 FR 18218) that ERDA would conduct a review of the Proposed Final Environmental Statement (PFES) for the Liquid Metal Fast Breeder Reactor (LMFBR) Program in connection with ERDA's responsibilities under the National Environmental Policy Act of 1969. The PFES was issued on January 17, 1975, by ERDA's predecessor agency, the former Atomic Energy Commission.

The Administrator of ERDA has now completed his examination of the PFES; the public comments on that document, including the record of a public hearing conducted on May 27–28, 1975; a Report of an Internal Review Board which was commissioned to undertake an objective evaluation of the record; and the reports of several outside experts whose opinions were solicited. On the basis of the foregoing record, the Administrator has adopted the Report of the Internal Review Board and rendered his findings on this matter.

Single copies of both the "Administrator's Findings on the Liquid Metal Fast Breeder Reactor Program Proposed Final Environmental Statement" and the Report of the Internal Review Board may be obtained without charge from W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E–201, ERDA, Washington, D.C. 20545 (301–973–4241).

Dated at Washington, D.C., this 2nd day of July, 1975.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75–17919 Filed 7–9–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ELECTRIC UTILITIES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Electric Utilities Advisory Committee will meet Tuesday, August 5, 1975 at 10 a.m., Room 3400, 12th & Pennsylvania Avenue, NW, Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general electric utilities' aspects of interests and problems related to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

1. Impact of President Ford's Position on Increased Utility Construction and Output.
   a. Industry Viewpoint.
   b. Financial Community Viewpoint.
   c. General Discussion.
2. FEA Power Plant Reliability Task Force Report Entitled, "Improving the Productivity of Electric Power Plants".
   a. Summary and Findings of FEA Action Plan.
   b. General Discussion.
3. Other FEA Electric Utility Programs and Activities.
   a. Summary.
   b. FEA Energy Conservation Plan.
   c. General Discussion.
4. Report on Rate Design Study Being Sponsored by the Edison Electric Institute and the Electric Power Research Institute.
5. Other Matters.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C., on July 3, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75–17776 Filed 7–7–75;9:43 am]

FEDERAL POWER COMMISSION

DEPARTMENT OF THE INTERIOR, SOUTHEASTERN POWER ADMINISTRATION

[Docket No. E–7002]

Order Confirming and Approving Rates and Charges for an Interim Period and Providing for a Hearing

JULY 1, 1975.

This order directs an administrative hearing before the Federal Power Commission in order to assist the Commission in the discharge of its statutory duties and responsibilities under the Flood Control Act of 1944, 58 Stat. 887, 890, with respect to the confirmation and approval of rate schedules which have been proposed by the Secretary of the Interior acting upon behalf of the Southeastern Power Administration (SEPA). By letter request tendered March 28, 1975, the Secretary asks the Commission to approve and confirm SEPA's proposed Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–B for the sale of power and energy generated at the Kerr-Philpott Projects of the U.S. Army Corps of Engineers, located in southern Virginia on the Roanoke and Smith Rivers. By telegraphic order issued June 30, 1975, the Commission notified SEPA of Commission action as represented by this order.

The factual circumstances now before this Commission warrant our directing a hearing pursuant to § 1.20 of the Commission's rules of practice and procedure, 18 CFR 1.20. The factors which prompt us to reach this conclusion are set forth *infra*.

SEPA proposes an approval period of up to 5 years for its proposed rates and charges, namely from July 1, 1975 through June 30, 1980. This order grants approval of those rates for an interim period through July 1, 1976, or for such shorter period within which the Commission may take final action herein, but all upon condition that SEPA agree to refund or credit to its customers such portions of the proposed rates and charges as may result from Commission disapproval in any final action of the Commission confirming and approving rates and charges for SEPA.

Proposed Wholesale Firm Power Rate Schedule KP–1–B, superseding Rate Schedule KP–1–A, applies to public entities and cooperatives which operate within 150 miles of the Kerr Project and are served through the facilities of Virginia Electric and Power Company (VEPCO) pursuant to 17 individually executed preference customer service contracts with SEPA, and a transmission and integration service agreement between VEPCO and SEPA, whereby VEPCO is obligated to bank declared Project energy for SEPA in excess of that

V40 I133 JUL 10 75 XUM

required by SEPA's preference customers for later delivery thereto, as well as provide SEPA with certain integration services for a charge of $5000 per month, which allow the Kerr-Philpott Projects to operate on an integrated basis while remaining geographically diverse. The demand charge to preference customers under proposed Rate Schedule KP–1–B increases 13.6% from $1.10 to $1.25 per kw per month of contract demand, with an accompanying energy charge increase of 11.1% from 4.5 to 5.0 mills per kwh of firm energy. Proposed Rate Schedule KP–1–B also applies to sales of deficiency energy by VEPCO to SEPA in those instances when declared Project energy plus available energy bank energy falls short of meeting the energy requirements of the preference customers.

Proposed Wholesale Rate Schedule JHK–1–B supersedes Rate Schedule JHK–1–A, and is available to public entities and cooperatives operating within 165 miles of the point of interconnection between VEPCO and Carolina Power & Light Company (CP&L) near the Kerr Project near the Virginia-North Carolina state boundary, and served through CP&L facilities. Rate Schedule JHK–1–B demand and energy charges and increases therein are identical to those under Rate Schedule KP–1–B. CP&L also has banking arrangements with SEPA similar to those between SEPA and VEPCO.

Proposed Wholesale Power Rate Schedule KP–2–B supersedes Rate Schedule KP–2–A, and offers VEPCO and CP&L dependable capacity for $1.25 per kw per month, and dump energy for 80% of the calculated savings in cost of fuel. Rate Schedule KP–2–B reflects a 13.6% increase in capacity charge over Rate Schedule KP–2–A.

In support of its request for confirmation, SEPA asserts that the Corps of Engineers' annual cost of Project operation and maintenance has risen from $932,000 in fiscal year 1971, the year of SEPA's last rate adjustment, to $1,400,000 in fiscal year 1974, with costs expected to average $1,750,000 annually over the five year period for which rate approval is sought. Furthermore, revision of the method of estimating cost of replacement figures, upon which previous rate and repayment studies have been based, was necessary in SEPA's view to correct serious underestimation problems. Accordant recalculation of the total cost of replacements over the fifty-year-repayment period, based upon SEPA's determination of the percent replaceable and average service life of plant and adjustment of the initial costs thereof to 1978 levels, purportedly results in an increase from $9.2 million to $17.2 million.

SEPA also submits a March 1975 repayment study in support of its proposed rate schedules, showing estimated annual total Project operation expenses of $2,701,800, resulting in a total 50-year operating expense increase of $20 million over that projected in the previous SEPA repayment study submitted in July 1973. Further comparison with the 1973 Repayment study discloses that the March 1975 study results in an earned surplus of $1 million in the 50th year of Project operation, representing a $4 million decrease from that estimated in the 1973 study, based upon a total proposed increase in Project revenues of $23 million, a revised 50-year replacement cost increase of $8 million, and a projected interest expense decrease of $1 million. The projected $1 million earned surplus represents 0.35% of $285 million in total revenues over 50 years of Project operation, and the current repayment study indicates that all initial Project capital costs will be repaid by the end of fiscal year 2003, the 49th year from the in-service date of the last power unit.

Public notice of the SEPA request was issued on April 18, 1975, and published on April 25, 1975 (40 F.R. 18225), requesting the submittal of written comments or suggestions thereupon on or before May 7, 1975. No comments or suggestions in response thereto were received.

Our review of the foregoing warrants our action in directing this hearing in order that we may determine that SEPA's proposed rate increase is cost justified in encouraging the most widespread use of power and energy at the lowest possible rates to consumers consistent with sound business principles, as well as recovering the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years.

The Commission finds:

(1) The proposed rate filing of SEPA constitutes a major rate increase, averaging approximately 12% in the capacity and energy rates for power sold to preference customers, and 13.6% in the charge for dependable capacity purchased by VEPCO and CP&L.

(2) We are unable, in the absence of a hearing, to discharge our responsibilities under the Flood Control Act of 1944 of determining whether SEPA's proposed rates are warranted in providing consumers with the most widespread use of power and energy at the lowest possible price consistent with sound business principles, while concurrently protecting the interests of the United States in recovering the production and transmission costs thereof, including the amortization of project investment within a reasonable time. It is therefore necessary and appropriate to order a hearing as herein directed.

(3) It is appropriate for the purposes of Section 5 of the Flood Control Act of 1944 that SEPA's Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–B be confirmed and approved for a period ending not later than July 1, 1976, or for such shorter period within which the Commission may take final action herein, but all upon the condition that SEPA agrees to refund or credit to its customers such portions of the proposed rates and charges as may result from Commission disapproval in any action of the Commission finally confirming and approving rates and charges for SEPA.

The Commission orders:

(A) A public hearing shall be convened in the above-entitled proceeding to be conducted before an Administrative Law Judge, pursuant to § 1.30(b)(1) of the Commission's rules of practice and procedure, to be commenced with a prehearing conference in a hearing room of the Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 at 10 a.m. on August 5, 1975 and in accordance with the Commission's rules.

(B) Any party seeking to intervene in the above entitled matter shall file a petition or notice in accordance with Section 1.8 of the Commission's rules of practice and procedure on or before July 18, 1975.

(C) SEPA's proposed Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–B and their general rate schedule provisions, are hereby confirmed and approved for a period beginning July 1, 1975 and ending not later than July 1, 1976, or for such shorter period within which the Commission may take final action herein, but all upon the condition that SEPA agrees to refund or credit to its customers such portions of the proposed rates and charges as may result from Commission disapproval in any action of the Commission finally confirming and approving rates and charges for SEPA.

(D) On or before July 11, 1975, SEPA shall cause the Commission to be notified of their acceptance of the refund or credit provision of paragraph (C) supra, and in the event of the failure of SEPA to so advise the Commission, the proposed rates and charges of SEPA shall not be deemed approved for the interim period.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17866 Filed 7-9-75;8:45 am]

[Docket No. E-9294]

DETROIT EDISON CO.

Order Denying Motion To Reject, Instituting Section 206 Investigation and Ordering Refunds

JULY 2, 1975.

On February 28, 1975, Detroit Edison Company (Detroit) tendered for filing proposed increases in rates to seven wholesale customers within the State of Michigan.[1] By order issued March 27, 1975, we accepted the proposed rate increase for filing and suspended it for sixty days to become effective May 30, 1975, subject to refund. On May 27, 1975, the City of Croswell (Croswell), the Village of Clinton (Clinton), and the Village of Sebewaing (Sebewaing) jointly filed a "Supplementary Protest and Petition to Intervene, Application for Rehearing,

[1] For Designations and listings of these wholesale customers see Attachment A.

Motion to Reject and Application for Stay." On June 11, 1975, Detroit filed its answer to the petition denying the allegations raised by the petition and urging that the relief requested be denied.

Under section 313(a) of the Federal Power Act an application for rehearing will not lie unless filed within thirty days of the order complained of. Accordingly, we shall treat the subject pleading as a motion for reconsideration of our March 27, 1975 order.

With respect to the request for stay, we noted that the petition was filed three days before the rates became effective subject to refund and some two months after issuance of the order for which stay is sought. Upon review, we find that petitioners have failed to meet the stringent test required under *Virginia Jobbers* v. *F.P.C.*, 259 F. 2d 291 (D.C. Cir. 1958), necessary to secure a stay of our order. Under the test there enunciated by the U.S. Circuit Court of Appeals for the D.C. Circuit, the petitioner must show:

(1) The likelihood of prevailing on the merits of its requested review;
(2) That it will suffer irreparable injury if the stay is not granted;
(3) That other parties will not be substantially harmed by granting the stay; and
(4) That the public interest will be served by granting the stay.

Petitioners have not made a showing to satisfy these tests. Accordingly, the motion for stay shall be denied.

The dispute with respect to Sebewaing centers around the following provision in the Detroit-Sebewaing contract:

3. Beginning on the Effective Date of the Agreement, the Customers shall be billed by the Company at the rates as approved by the Federal Power Commission. It is expressly understood by the Customer that these rates are subject to change by order issued by that Commission.

Sebewaing asserts that this language permits Detroit to bill Sebewaing increased rates only after a hearing pursuant to section 206 of the Act. Such a procedure Sebewaing alleges would be similar to the one we followed in *Potomac Edison Company*, Docket No. E–8878, order issued July 31, 1974.

Detroit answers that Sebewaing has misconstrued the contract. Detroit asserts that the word "approved" related only to the initial rate schedule and that the second sentence allows a rate change without approval of the rates by this Commission. Detroit distinguishes the *Potomac Edison* order, *supra*, by pointing out that the language in that case spoke of governmental authorities in general while this contract refers specifically to this Commission, and therefore the normal procedures for raising rates.

We think the key language in this clause is "these rates are subject to change by order issued by [the Commission]". In the *Mobile* case, the Court stated in reference to section 4(d) of the Natural Gas Act, which is equivalent to section 205(d) of the Federal Power Act:

Section 4(d) provides not for the filing of "proposals" but for notice to the Commission of any "change . . . made by" a natural gas company, *and the change is effected*, if at all, *not by an order of the Commission but solely by virtue of the natural gas company's own action*. *Mobile*, *supra*, at 342. (emphasis added).

Since the parties provided for changes in rates only by order issued by the Commission, it is clear they did not contemplate the unilateral filings permitted by section 205. The only changes in rates which occur by order of the Commission occur pursuant to an order issued pursuant to section 206. Thus, the parties have provided that changes in rates will only occur pursuant to section 206. Accordingly, we shall investigate Detroit's current rates and set just and reasonable rates pursuant to section 206, all changes to be prospective in application.

The dispute in the case of Clinton and Croswell centers on the following provision which is found in both contracts:

The supply shall be delivered by the Company and received and paid for by the customer under the terms of the Company's Applicable Rate Schedule on file with and approved by the Federal Power Commission.

Clinton and Croswell contend that their contracts permit Detroit to change its rates to them only after Commission order approving the rates. Detroit answers that the subject clause makes Detroit's right to file a rate increase pursuant to section 205 of the Federal Power Act explicit.

We do not find the clause quoted above to be as clear as either party would have us believe. However, this clause does refer to rates which are "on file with and approved by the Federal Power Commission." Thus, Detroit cannot begin to charge any new rates until they have been approved by the Commission. § 35.4 of our regulations states explicitly that acceptance of a filing of a rate increase does not constitute approval of the new rates. Accordingly, we shall initiate an investigation pursuant to section 206 of the Federal Power Act to determine the just and reasonable rates to be charged Clinton and Croswell. Any rate increase to Clinton and Croswell which we may approve shall be effective from the date of approval in accordance with the terms of the contract. We shall order Detroit to refund any amounts collected in excess of rates which have been approved by the Commission.

Petitioners raise a number of other issues. One concerns the propriety of contract capacity and minimum monthly billing demand elements of the Detroit-Sebewaing contract. Sebewaing requests that a conference be called on the subject or the rate increase be rejected on the basis of this complaint. With respect to the request for a conference, we refer the parties to ordering paragraph (E) of our order issued March 27, 1975, which concerns the calling of conferences in this proceeding. With respect to the complaint as a basis for rejection we feel that it does not rise to the standards for rejection set forth in *Municipal Light Boards of Reading and Wakefield, Massachusetts*, 450 F. 2d 1341, 146 U.S. App. D.C. 294, *cert. den.*, 405 U.S. 989 (1971) in that there is no violation of Commission filing regulations and the complaint raises issues of fact and law which require development at a hearing. A hearing has already been ordered in this case. The parties are free to present evidence on this matter at that hearing.

Petitioners also allege a price squeeze situation with regard to retail rates and the wholesale rates proposed herein. The Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of the wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction.[4] We shall therefore limit these proceedings so as to exclude consideration of the price squeeze issue. We are aware of petitioner's reliance on *Conway Corporation* v. *F.P.C.*, 510 F. 2d 1264 (1975). However, the Court in Conway stayed its mandate pending appeal by the Commission. Accordingly, petitioners may renew its request for consideration of the price squeeze issue when and if the *Conway* decision becomes final.

Finally, petitioners request that this Commission order Detroit to establish a separate rate for transmission service to be supplied by Detroit. Such an order would be ineffective because as this Commission has stated on numerous occasions[5] it does not have the authority to order wheeling. (*Otter Tail Power Company* v. *U.S.*, 410 U.S. 366 (1973)). Therefore, an order requiring Detroit to develop a separate transmission rate would serve no purpose and hence, we will deny petitioners' request.

The Commission finds:

(1) The motion to reject Detroit's rate increase filing as it relates to Sebewaing should be denied.

(2) The motion to reject Detroit's rate increase filing as it related to Clinton and Croswell should be denied.

(3) An investigation pursuant to section 206 of the Federal Power Act should be instituted to determine the just and reasonable rates to be charged Sebewaing, Clinton, and Croswell. Such investigation should be held concurrently with the other proceedings in this case and use the material in the instant filing.

(4) "Price-squeeze" issues should be excluded from these proceedings.

(5) Petitioner's request for an order requiring Detroit to "unbundle" its transmission and production services should be denied.

[4] See *e.g.*, *Virginia Electric and Power Company*, Docket No. E–9147 order issued January 22, 1975; *Carolina Power and Light Company*, Docket No. E–8884, order issued August 26, 1974; *Wisconsin Public Service Corporation*, Docket No. E–8867, order issued August 23, 1974; and *Pacific Gas and Electric Company*, Docket No. E–7777, order issued March 14, 1974.

[5] *Southern California Edison Company*, Docket No. E–8176, orders issued September 21, 1973, and November 2, 1973; *Pacific Gas and Electric Company*, Docket No. E–7777, order issued May 15, 1974.

V40 I133 JUL 10 75 XUM

The Commission orders:

(A) Petitioners' motion to reject is denied.

(B) We hereby order an investigation pursuant to section 206 of the Federal Power Act to determine the just and reasonable rates to be charged Sebewaing, Clinton, and Croswell. Such investigation shall be pursued concurrently with the other proceedings in this docket. Materials contained in the original Detroit filing of February 28, 1975, shall form the basis of the investigation.

(C) All rate increases to Sebewaing, Clinton, and Croswell which we may approve shall be effective from the date of such approval.

(D) Detroit may not bill Sebewaing, Clinton and Croswell at the rates proposed herein or at such other rate as the Commission shall find just and reasonable until completion of the investigation herein ordered and approval of new rates. All amounts collected related to the proposed increase since May 30, 1975, shall be refunded forthwith.

(E) All other requests for relief are hereby denied.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

ATTACHMENT A—DETROIT EDISON COMPANY

Designations:	*Other party*
Supplement No. 4 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 3).	City of Croswell.
Supplement No. 1 to Rate Schedule FPC No. 18	Village of Sebewaing.
Supplement No. 8 to Rate Schedule FPC No. 5 (Supersedes Supplement No. 7).	Consumers Power Co.
Supplement No. 3 to Rate Schedule FPC No. 4 (Supersedes Supplement No. 2).	Thumb Electric Cooperative.
Supplement No. 4 to Rate Schedule FPC No. 6 (Supersedes Supplement No. 3).	Village of Clinton.
Supplement No. 3 to Rate Schedule FPC No. 14 (Supersedes Supplement No. 2).	Southeastern Michigan Rural Electric Cooperative.
Supplement No. 1 to Rate Schedule FPC No. 20	Michigan Municipal Cooperative Power Pool.

[FR Doc.75-17873 Filed 7-9-75;8:45 am]

[Dockets Nos. RP73-104, etc.]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

JULY 2, 1975.

On June 20, 1975, El Paso Natural Gas Company filed a motion to extend the procedural dates fixed by order issued February 8, 1974, as most recently modified by notice issued April 29, 1975, in the above-designated matter. On June 23, 1975, the Company filed a letter stating that the parties had been notified and had no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, August 1, 1975.
Prehearing Conference August 12, 1975 (10 a.m. e.d.t.).
Hearing August 26, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17864 Filed 7-9-75;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CO.

Order Granting Intervention

JULY 2, 1975.

On May 15, 1975, the Green Mountain Power Company (Company) tendered for filing proposed changes in its FPC Electric Service Tariff. Notice of the Company's filing was issued by the Commission on May 21, 1975, with protests and petitions to intervene due on or before June 12, 1975.

A timely joint protest and petition to intervene was filed by Village of Hardwick Electric Department, Village of Morrisville Water and Light Department, Village of Northfield Electric Department, Village of Stowe Electric Department, (Villages), New Hampshire Electric Cooperative, Vermont Electric Cooperative, and Washington Electric Cooperative (Cooperatives). Having reviewed the above petition to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds:

It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission Orders:

(A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17865 Filed 7-9-75;8:45 am]

[Dockets Nos. RP72-127, R&D75-1]

NORTHERN NATURAL GAS CO.

Further Extension of Procedural Dates

JULY 1, 1975.

On June 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 26, 1974, as most recently modified by notice issued May 7, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, August 22, 1975.
Service of Intervenor Testimony, September 5, 1975.
Service of Company Rebuttal, September 19, 1975.
Hearing, September 30, 1975 (10 a.m., e.d.t.)

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17867 Filed 7-9-75;8:45 am]

[Docket No. E-9507]

OTTER TAIL POWER CO.

Filing of Initial Rate Schedule

JULY 2, 1975.

Take notice that on June 23, 1975, Otter Tail Power Company (Otter Tail) tendered for filing an Initial Rate Schedule providing for a compensatory rate for firm wheeling service for 15 municipalities.[1]

Otter Tail states that the rate basis is its fully allocated costs for furnishing firm transmission service under a compensatory rate filed with an approved by the Federal Power Commission, as provided in the judgment in the antitrust case, affirmed by the U.S. Supreme Court in Otter Tail Power Company vs. United States, 410 U.S. 366 (1973). Applicant states that the rate is designed to produce a return substantially equal to its overall rate of return.

Otter Tail states that copies of this filing have been mailed to the 15 municipalities affected by this Schedule, and Otter Tail requests an effective date of September 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in

[1] South Dakota municipalities of Badger, Big Stone City, Estelline; Minnesota municipalities of Barnesville, Benson, Breckenridge, Detroit Lakes, Henning, Lake Park, Newfolden, Nielsville, Ortonville, Shelly, Stephen, and Warren.

accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17868 Filed 7-9-75;8:45 am]

[Docket No. E-8928]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Procedural Dates

JULY 2, 1975.

On June 26, 1975, Pacific Gas and Electric Company filed a motion to extend the procedural dates fixed by order issued August 22, 1974, as most recently modified by notice issued June 17, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, July 27, 1975.
Hearing, September 3, 1975 (10 a.m. e.d.t.).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17869 Filed 7-9-75; 8:45 am]

[Docket No. E-9388]

PHILADELPHIA ELECTRIC CO.

Order Granting Intervention

JULY 2, 1975.

On April 18, 1975, the Philadelphia Electric Company (Company) tendered for filing proposed changes in its Rate Schedule FPC No. 36. Notice of the Company's filing was issued by the Commission on April 24, 1975, with protests and petitions to intervene due on or before May 14, 1975.

A timely protest and petition to intervene was filed by the Public Service Commission of Maryland. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds:

It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders:

(A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17870 Filed 7-9-75;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON INADEQUATE ELECTRIC POWER SUPPLY

Meeting

Agenda for a meeting of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE, Washington, D.C., at 10 a.m., on July 30, 1975, in Room 5200:

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   a. Correction and additions to minutes of previous meeting.
   b. Review of final draft of committee report.
   c. Other business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17863 Filed 7-9-75;8:45 am]

[Docket No. E-9503]

TOWN OF NORWOOD, MASS.

Application

JULY 2, 1975.

Take notice that on June 18, 1975, The Town of Norwood, Massachusetts (Norwood), a municipality within the meaning of section 3(7) of the Federal Power Act, filed an application pursuant to Part 32 of the Commission's regulations under the Federal Power Act and section 202(b) of the Federal Power Act petitioning the Commission to order the New England Power Company (NEPCO), after notice, investigation and hearing, to sell and deliver firm power and energy to Norwood.

Norwood distributes electric power and energy solely within its municipal limits. It presently purchases its total energy requirements from Boston Edison Company.

NEPCO is the wholesale generation and transmission subsidiary of New England Electric System, (NEES), a registered public utility holding Company. NEPCO provides wholesale electric power and energy to three retail distribution subsidiaries of NEES. NEPCO also provides power and energy to a number of independent and wholesale customers.

Norwood represents that the proposed interconnection will not entail the construction of any new facility, since it will be effectuated by the use of existing transmission facilities owned by the Boston Edison Company which interconnect at several locations with the transmission system of NEPCO and also with the Norwood system. From an electrical and legal standpoint, Norwood believes that the requested interconnection will be substantially identical to the arrangement whereby the Boston Edison Company wheels firm power from interconnection points between NEPCO and Boston Edison Company transmission systems to NEPCO's isolated "Quincy-Weymouth" service territory.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-17871 Filed 7-9-75;8:45 am]

[Dockets Nos. RP74-20, RP74-83]

UNITED GAS PIPE LINE CO.

Notice of Conference

JULY 9, 1975.

Take notice that on Monday, July 14, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 1 p.m., in a conference room at the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure. (18 CFR 1.8). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

V401133 JUL 10 75 J XUM

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18121 Filed 7-9-75;10:10 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on July 3, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested person, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before July 28, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for review and clearance of the revised ICC Application for Motor Carrier Certificate of Registration (Form OP-OR-100) for use by single-state common carriers seeking to engage in operations in interstate and foreign commerce solely within a single state under provisions of section 206(a)(6) of the Interstate Commerce Act. The form has been updated to include revisions to filing regulations issued since its last printing. Approximately 100 such applications are filed annually and time for preparing an application is estimated at four hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-17921 Filed 7-9-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

GENERAL SERVICES ADMINISTRATION ADVISORY COMMITTEE ON CASH MANAGEMENT

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, October 6, 1972, notice is hereby given of the August 19, 1975, meeting of the General Services Administration Advisory Committee on Cash Management. The meeting will convene at 10 a.m. in Room 6009, GSA Building, 18th & F Streets NW., Washington, D.C.

The Committee provides advice to General Services Administration in its effort to study cash management practices and determine the need for policy guidance for optimizing the use of cash resources. Committee advice is being sought as GSA studies the full range of management actions that impact on the flow of cash.

The agenda will include discussions on: (1) forecasting of net cash outlays, (2) cash disbursements, (3) cash collections, and (4) cash control systems.

The meeting is open to the public (within limitations of conference room facilities). Anyone who wishes to attend or desires further information should contact Mr. John Lordan, Office of Financial Management, OFMP (telephone: 202-343-7747).

Dated at Washington, D.C., July 2, 1975.

WILLIAM W. THYSONY,
Acting Associate Administrator, Office of Federal Management Policy.

[FR Doc.75-17838 Filed 7-9-75;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

Pursuant to 42 U.S.C., Sections 2996 c (G) and (H) (Supp. 1975) of the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, the Legal Services Corporation announces the first meeting of its Board of Directors.

The Board of Directors will hold a meeting on July 14, 1975 at the Main Courtroom, Second Floor, Court of Claims Building, 717 Madison Place, NW (Lafayette Square) Washington, D.C. The Meeting will commence at 9:30 a.m. local time and will be for the purpose of initial organization and to consider the responsibility placed upon the Board by the Legal Services Corporation Act of 1974. The Board's meetings are open to the public.

ROGER C. CRAMPTON,
Chairman.

JULY 9, 1975.

[FR Doc.75-18123 Filed 7-9-75;10:31 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1426; 1517D, 1517C]

AIRCRAFT ACCIDENT REPORT; SAFETY RECOMMENDATIONS

Availability

An aircraft accident report and two safety recommendation letters directed to the Federal Aviation Administration were made public last week by the National Transportation Safety Board:

Report No. NTSB-AAR-75-4, released July 2, 1975, resulted from the Safety Board's investigation of a turbulence accident involving an Air France Boeing 707. The accident, which injured 13 passengers and 2 crewmembers among 111 persons aboard, occurred at 33,000 feet over O'Neill, Nebraska, May 13, 1974. The Board found the probable cause to be "* * * the operation of the aircraft in an area of very strong thunderstorm activity which should have been easily detectable and which resulted in serious injuries to passengers because of the failure of the captain to warn the passengers and to turn on the 'fasten seatbelt' sign."

The two safety recommendation letters were issued July 3, 1975; both were prompted by the Board's investigation of the Trans World Airlines Flight 514 crash near Berryville, Virginia, December 1, 1974.

A-75-54 and 55 recommends that the Federal Aviation Administration (1) require that in-flight advisories (SIGMETS and AIRMETS) be taped on receipt, for subsequent broadcast via navigational aid voice frequency and "assure that they are, and continue to be, broadcast in accordance with current procedures"; and (2) require that Principal Air Carrier Operations Inspectors survey all air carrier dispatch departments to assure that "adequate standard procedures are in use to provide pilots in flight with SIGMET and other meteorological information in accordance with 14 CFR 121.601(b)."

A-75-56 requests the FAA to publish a comprehensive lexicon of ATC terms and provide for its use by all pilots and ATC specialists.

The accident report and the recommendation letters are available to the general public, without charge for single copies. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906).)

Dated: July 7, 1975.

MARGARET L. FISHER,
Federal Register Liaison Officer.

[FR Doc.75-17922 Filed 7-9-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-5 issued to Consolidated Edison Company of New York, Inc., which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 1 located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

This amendment incorporates in the Indian Point Nuclear Generating Unit No. 1 Technical Specifications revised reporting requirements and a revised definition of Abnormal Occurrence.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 23, 1975, (2) Amendment No. 10 to License No. DPR-5, with Change No. 66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this July 1, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-17916 Filed 7-9-75;8:45 am]

[Docket No. 50-227]

GENERAL ATOMIC CO.

Intent To Issue Order Authorizing Dismantling of Facility

By application dated March 25, 1975, as revised on May 14, 1975 and May 22, 1975, General Atomic Company requested authorization to dismantle the TRIGA Mark III reactor in accordance with its dismantling plan. Operation of the facility has been discontinued and all fuel has been removed and shipped from the site.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has found that the dismantling and disposal of component parts will be accomplished in accordance with the regulations in 10 CFR Chapter I, and the application, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the Safety Evaluation by the Office of Nuclear Reactor Regulation which is being issued concurrently with this Notice.

The Commission has evaluated the potential for environmental impact associated with the above action and based on an environmental impact appraisal, is issuing a negative declaration also concurrently with this notice.

Accordingly, an appropriate order will be issued after July 25, 1975, authorizing General Atomic to dismantle the TRIGA Mark III facility covered by Facility License No. R-100, as amended.

Dated at Bethesda, Maryland, this July 1, 1975.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Reactor Licensing.

[FR Doc.75-17914 Filed 7-9-75;8:45 am]

[Docket No. 50-227]

GENERAL ATOMIC COMPANY TRIGA MARK III REACTOR

Negative Declaration Regarding Facility Operating License R-100

The U.S. Nuclear Regulatory Commission (the Commission) has considered the Order Authorizing Dismantling of Facility for the General Atomic Company TRIGA Mark III Reactor operated under Facility Operating License R-100. The Order authorizes the decommissioning of the research reactor.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing has prepared an environmental impact appraisal for this research reactor. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 24th day of June 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-17915 Filed 7-9-75;8:45 am]

[Docket Nos. 50-272 and 50-311]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, ET AL. (SALEM NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Extending Construction Completion Dates

Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company are the holders of Provisional Construction Permit Nos. CPPR-52 and CPPR-53 issued by the Commission on September 25, 1968, for construction of the Salem Nuclear Generating Station, Units 1 and 2 presently under construction in Salem County, New Jersey, on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township.

On August 14, 1974, Public Service Electric and Gas Company filed a request for an extension of the completion dates because construction has been delayed due to, among other things, (1) an increase in project scope and complexity, (2) redesign of equipment, (3) delayed delivery of equipment, and (4) labor-related problems. On September 25, 1974 and June 18, 1975, Public Service Electric and Gas Company filed additional information in support of its request. The applicant further states in the September 25, 1974 letter that a reevaluation of its construction program reflecting recently concluded studies of generating capacity requirements, together with the need to adjust its construction to match available financing, has resulted in revised commercial operating dates. The June 18, 1975 letter contained additional discussion concerning the revised load forecast. Unit No. 1 is now scheduled for commercial operation in September 1976 and Unit No. 2, in May 1979.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated July 1, 1975.

It is hereby ordered, That the latest completion date for CPPR-52 is extended from October 1, 1974 to December 31, 1976 and the latest completion date for CPPR-53 is extended from May 1, 1975 to May 1, 1979.

Date of Issuance: July 1, 1975.

For the Nuclear Regulatory Commission.

R. C. DEYOUNG,
Assistant Director for Light Water Reactors Group 1, Division of Reactor Licensing.

[FR Doc.75-17917 Filed 7-9-75;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No.

V40-1133 JUL 10 75 XUM

7 to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit 1, located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment permits modification of the Technical Specifications to reduce requirements for channel checks, calibration and testing of some instrumentation during refueling shutdown and reduces some sampling and equipment tests during periods of refueling shutdown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 17, 1972, (2) Amendment No. 7 to License No. DPR-24, with Change No. 15 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW Washington, D.C., and at the Document Department, University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 1st day of July, 1975.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-17918 Filed 7-9-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 3, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Economic Development Administration, Weekly Payroll Reporting Form—Title X, ED-110-X, weekly, Federal agencies, Economics and General Government Division, Lowry, R. L., 395-3451.

Bureau of Domestic Commerce, Vitrified Clay Pipe, DIB 986, single-time, vitrified clay sewer pipe manufacturers, Peterson, M. O., 395-5630.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, NLM Special Instruction Sheet for Use With National Research Service Award Application, NIH-LM-9, single-time, public and private nonprofit organizations, Lowry, R. L., 395-3772.

National Institute of Education, Social Conflict and Negotiative Problem Solving: semantic differential test; background questions; final questions; session evaluation; goals and objectives, NIE 116A, NIE 116B, NIE 116C, NIE 116D, NIE 116E, on occasion, individuals, Planchon, P., 395-6140.

Office of Education, Application for Federal Assistance (short form) and Supplementary Questionnaire-Disaster Aid, OE 423, on occasion, local education agencies, Lowry, R. L., 395-3772.

Office of Education, The Application for Handicapped Personnel Preparation, OE-9047, annually, institutions of higher education, Lowry, R. L., 395-3772.

Office of Education, FMC-74-7 Application for the Gifted and Talented Program, OE 9048, annually, SEA'S LEA'S IHE'S, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Medical Recordkeeping and Reporting System, BLS 3067, single-time, labor unions and associations, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Alternative Surveillance Concepts and Methods for Freeway Incident Management (statement of work), single-time, Government agencies, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Associated Mortality Feasibility Study; MH 343A, single-time, bereaved individuals, Dick Eisinger, 395-6140.

OFFICE OF EDUCATION

Application for Federal Assistance (nonconstruction) Education for the Handicapped Instructions and Supplementary Questionnaires, OE 9037, annual, SEA's, and LEA's, Lowry, 395-3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Bee and Honey Inquiries, occasional, Lowry, R. L., 395-3772.

Statistical Reporting Service, Turkey Breeder Hen Inquiry, none, occasional, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Oregon Filbert Objective Field Survey, annually, filbert growers, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Resource Persons Feedback Booklet and Teacher Trainee's Feedback Booklet, form NIE 115, single-time, vocational education teacher trainees and educators, Planchon, P. P., 395-6140.

Office of Education, Quarterly Program Progress Report (ESAA), form OE 257, quarterly, Marsha Traynham, 395-4529.

Program Operations Report, Veteran's Cost-of-Instruction Payments to Institutions (sec. 420, title IV-A, P.L. 89-329, as amended), OE-269-2, postsecondary institutions, Marsha Traynham, 395-4529.

Application for Federal Assistance (nonconstruction programs), Instruction for the Right-to-Read Program, form OE 295, LEA's State, community service agencies, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Manpower Administration, part III, chapter 8000—Research Study Report, form DL 1-327, monthly, State employment security agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-18003 Filed 7-9-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

DELTA STEAMSHIP LINES INC.

Notice of Complaint

On July 1, 1975 the Special Representative for Trade Negotiations received from the Delta Steamship Lines a petition alleging unfair trade practices by Guatemala against United States commerce and requesting relief under section 301 of the Trade Act of 1974 (P.L. 93-618; 88 Stat. 1978). Pursuant to the requirements of subsection 301(d)(2) of the Trade Act of 1974, the text of the petition is published below:

The Honorable Frederick B. Dent, Special Representative for Trade Negotiations, 1800 G Street NW, Washington, D.C. 20506.

Subject: Petition of Delta Steamship Lines, Inc., the Title III section 301 of the Trade Act of 1974 for Relief from Unfair Trade Practices of Guatemala against United States Commerce

DEAR MR. DENT: Delta Steamship Lines, Inc. (Delta) has provided shipping services in United States Commerce since 1919. Under Contract No. FMB-63 with the Maritime Administration, Department of Commerce, Delta serves two Essential Trade Routes; Trade route No. 20 between United States Gulf of Mexico ports and ports on East Coast South America and Trade route No. 14-2 between United States Gulf of Mexico ports and ports of West Africa. The trade service description in Contract No. FMB-63 with respect to Trade route No. 20 gives Delta the privilege of serving ports in Guatemala among others on the East Coast of South America.

On May 6, 1971 the Government of Guatemala issued Decree No. 41-71, discriminatory in nature, reserving all import cargoes to Guatemala to National Flag Lines and fixing a penalty of 50 percent of the total freight charges for violation of the Decree. This regulation provides for certain import tax exemptions for cargoes moving on National Flag Lines ships. This regulation also provided that National Flag Lines could by contract become associated with other carriers who by reason of this association would likewise have the benefit of these tax exemption and avoid the 50 percent penalty. A copy of Decree 41-71 and an English translation, obtained by the United States Department of State is attached.

To make sure that Decree 41-71 would have the greatest impact on United States exporters a copy of the Decree was widely distributed to United States exporters by the Consulate-General of Guatemala at Houston, Texas.

Since 1971 the Guatemala National Flag Lines have entered into contracts of association with other steamship lines who thus were able to avoid the discriminatory effects of Decree 41-71. A copy of these contracts of association are available in the files of the Federal Maritime Commission.

Several years ago Delta initiated and advertised regular service in the United States Gulf of Mexico/Guatemala trade. Delta's traffic solicitors were repeatedly advised by United States exporters that due to Guatemala Decrees, cargoes must move on Guatemala National Flag Lines.

During the past two years Delta has had a number of meetings with the Guatemala National Flag Lines and the officials of the Government of Guatemala in an effort to work out an agreement that would allow Delta "equal access" to cargoes moving in the United States/Guatemala trade. All of these meetings have been unproductive.

The United States Department of State through the American Embassy in Guatemala have made sincere efforts to be of assistance to Delta in working out an equitable agreement with Guatemala officials but have had to report no progress. Data on this subject is available at the Department of State.

Delta strenuously objects to being shut out of the United States/Guatemala trade and submits that an effective avenue open to Delta to seek relief is through the United States Special Representative for Trade Negotiations under Title III Section 301 of the Trade Act of 1974. Under this Section the term "Commerce" includes Shipping Services associated with international trade.

It is clear from the language of Decree 41-71 that the Government of Guatemala maintains certain trade practices that are condemned by Section 301 of Title III of the Trade Act of 1974 as follows:

1. Guatemala maintains unjustifiable and unreasonable import restrictions which burden, restrict and discriminate against United States Commerce;

2. Engages in discriminatory acts and policies which are unjustifiable and unreasonable, and which burden and restrict United States Commerce; and

3. Provides tax and other incentives that substantially affect the competitive position of United States shipping services in commerce of the United States.

It is requested that the Special Representative for Trade Negotiations conduct a review of Guatemalan Decree 41-71 and its effect upon United States shipping lines engaged in the United States commerce. It is further requested that the petition be published in the FEDERAL REGISTER in accordance with section 301(d)(2) so that all interested parties may have an opportunity for the presentation of views concerning the effects of this discriminatory Guatemalan Decree.

All Delta is seeking is an opportunity to engage in the United States/Guatemala trade on an equal basis with all Foreign Steamship Lines engaged in this trade.

Delta stands ready to cooperate with your office and to furnish such additional available information as may be required.

Sincerely yours,

THOS. E. STAKEM,
Counsel for Delta Steamship Lines, Inc.

DECREE NO. 41-71 (GUATEMALA)

Whereas: Pursuant to the industrial development laws and to the Central American Agreement on Tax Incentives for Industrial Development, the State has granted and is granting considerable benefits in the form of exemptions to all those enterprises which, by the nature of their activities, have been or can be classified as beneficiary industries, and it is therefore just that they compensate in some way for the tax sacrifice which those exemptions signify;

In order to compensate in part for the damage to the national economy caused by the drain of foreign exchange owing to the transport of import cargo to consignees benefiting from the Industrial Development Law or the Agreement on Tax Incentives for Industrial Development, it is necessary and proper to protect the investments which the State or other completely national enterprises have or may make in significant international airlines or shipping companies;

Therefore, in compliance with the authority vested in it by Article 170(1) of the Constitution of the Republic,

The Congress of the Republic of Guatemala hereby decrees:

Article 1. Natural of juristic persons who enjoy tax exemptions now or in the future under the industrial development laws and the Central American Agreement on Tax Incentives for Industrial Development shall be obliged to transport their duty-free imports into Guatemala, regardless of whether such transport is by sea or air, in ships or aircraft of Guatemalan carriers, and to use Guatemalan ports for such purposes.

Article 2. The following are excepted from the preceding provision:

a. Imports of goods coming from other Member States or originating in the Central American Common Market;

b. Imports by natural or juristic persons for their own use in their own ships or aircraft with special characteristics or equipment, provided that Guatemalan carriers are not capable of handling the shipment. This exception shall cease to apply when it is proved that Guatemalan carriers have the necessary means to provide service of an equal nature;

c. Cases in which Guatemalan carriers lack regularly scheduled services in the ports of shipment;

d. Cases in which awaiting the next sailing date of the Guatemalan carrier from the port of shipment would cause delay of more than 12 days in the shipment of the supplies;

e. Cases in which Guatemalan carriers lack special equipment to handle cargo in bulk, special containers, or simple packaging that saves export packing at the place of origin;

f. Cases in which proof is provided to the Ministry of Economy that the use of Guatemalan carriers would increase the cost of transporting agricultural or industrial supplies; and

g. Importations by international carriers authorized to operate in Guatemala and engaged in the transport and export of perishable cargo of Guatemalan origin when Guatemalan carriers engaged in international transport lack adequate means to ensure the transport of perishable cargo.

This exception shall cease to have effect when it is proved that Guatemalan carriers have the necessary means to provide service of an equal nature.

Article 3. Exclusively for the purposes of this law, Guatemalan carriers shall be:

a. Those owned by the State or in which the State has majority interest;

b. Those organized as private enterprises, provided they meet the following requirements:

(1) That no less than 75 percent of their capital is Guatemalan and, if the capital is in the form of shares, that the aforesaid percentage is represented by register stock;

(2) That they are shipowners whose vessels belong to them, are of Guatemalan registry, and have a capacity of not less than 2,000 tons. It is understood that, in order to provide transport services in an effective manner duly authorized Guatemalan carriers may contract for the services of other Guatemalan or foreign carriers.

Article 4. The Ministries, their agencies, autonomous or semiautonomous decentralized government entities, and municipalities are obliged to use fully qualified Guatemalan carriers for their imports by sea or air. Excepted from this provision are those imports which, for reasons of safety, the Ministry of Defense may request to make in other vessels of aircraft of the State.

Article 5. Violation of the provisions of Article 1 hereof shall be punishable by the Ministry of Economy by a fine of 50 percent of the freight charges paid, but in no case less than Q10, without prejudice to the application of the penalties established by the industrial development laws or, in their absence, by the Central American Agreement on Tax Incentives for Industrial Development.

Article 6. Guatemalan carriers shall register with the Ministry of Economy the routes on which they have regular service or fixed schedules, and the said Ministry shall issue such regulations as it considers proper for the better implementation and effectiveness of this law.

Interested parties are invited to present their views on this matter to the Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506. It is requested that such views be submitted by August 15, 1975.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

[FR Doc.75-17899 Filed 7-9-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

JULY 2, 1975.

The common stock of BBI, Inc., being traded on the American, and the Philadelphia-Baltimore Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all

V40-133 JUL 10 75 XUM

other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from July 3, 1975 through July 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17952 Filed 7-9-75;8:45 am]

[File No. 500-1]

CHEMEX CORP.

Suspension of Trading

JULY 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Chemex Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.d.t.) on July 3, 1975 through midnight (e.d.t.) on July 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17953 Filed 7-9-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JULY 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 6, 1975 through July 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17954 Filed 7-9-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JULY 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 6, 1975 through July 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17955 Filed 7-9-75;8:45 am]

[Release No. 8841;812-3825]

MERRILL LYNCH, PIERCE, FENNER & SMITH INC.

Filing of Application

JULY 2, 1975.

In the matter of Merrill Lynch, Pierce, Fenner & Smith Incorporated, One Liberty Plaza, 165 Broadway, New York, New York 10006.

Notice is hereby given that Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), a wholly owned subsidiary of Merrill Lynch & Co., Inc., has filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant, and any company or person of which Merrill Lynch is or in the future may become an affiliated person, from the provisions of section 9(a) of the Act and, without prejudice to the Commission's consideration of such application, has applied for an order of temporary exemption from section 9(a) pending the Commission's determination of the application for permanent exemption. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Merrill Lynch is a broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act"), which has acted or is acting as principal underwriter of several investment companies registered under the Act and has acted or is acting as depositor with respect to several investment trusts registered under the Act. In addition, certain persons affiliated with Merrill Lynch have been and are now acting as officers or directors of investment companies registered under the Act and certain companies affiliated with Merrill Lynch have been and are now acting as investment advisers or principal underwriters for investment companies registered under the Act.

On July 2, 1975, the Commission commenced an injunctive action in the United States District Court for the District of Columbia pursuant to section 20(b) of the Securities Act of 1933 ("Securities Act") and section 21(e) of the Exchange Act against Stirling Homex Corporation and other defendants, including Merrill Lynch. On that same date, pursuant to stipulations of settlement entered into between the plaintiff Commission and Merrill Lynch, a Consent Judgment of Permanent Injunction was entered in the action. The Judgment, among other things, enjoins Merrill Lynch from further violations of section 17(a) of the Securities Act and section 10(b) of the Exchange Act and Rule 10b-5 thereunder in connection with the purchase or sale of the securities of Stirling Homex Corporation.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, principal underwriter or distributor of any registered investment company if such person is by reason of any misconduct enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application the Commission shall grant an exemption from the provisions of section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Merrill Lynch submits pursuant to section 9(c) that the prohibitions of section 9(a) of the Act, to the extent applicable by virtue of the entry of the Consent Judgment of Permanent Injunction, would be unduly and disproportionately severe as applied to Merrill Lynch and that the conduct of Merrill Lynch has not been such as to make it against the public interest or protection of investors to grant this exemption. In support thereof, Merrill Lynch represents that:

(1) The prohibitions of section 9(a) would deprive the regulated investment companies and investment trusts involved of the continuity of services of their investment adviser, principal underwriter or depositor, as the case may be; and

(2) The regulated investment companies and investment trusts serviced by Merrill Lynch did not participate in the conduct upon which the Consent Judgment of Permanent Injunction was based.

The Commission has considered the matter and finds that:

(1) The prohibitions of section 9(a) may be unduly or disproportionately severe as applied to Merrill Lynch in that the conduct of Merrill Lynch has been such as not to make it against the public interest or protection of investors to grant the application by Merrill Lynch for a temporary exemption from section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by Merrill Lynch and its affiliates to the regulated investment companies and investment trusts involved, it is necessary and appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, Pursuant to section 9(c) of the Act, that Merrill Lynch and any company or person of which Merrill Lynch is or in the future may become an affiliated person be and they are hereby temporarily exempted from the provisions of section 9(a) of the Act operative as a result of the entry of the injunction against Merrill Lynch in Securities and Exchange Commission v. Stirling Homex Corporation, et al., pending final determination by the Commission of Merrill Lynch's application for an order exempting Merrill Lynch and any company or person of which Merrill Lynch is or in the future may become an affiliated person from the provisions of section 9(a) operative as a result of the entry of such injunction.

Notice is further given that any interested person may not later than at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Merrill Lynch at the address set forth above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17956 Filed 7-9-75;8:45 am]

WESTGATE CALIFORNIA CORP.

[File No. 500-1]

Suspension of Trading

JULY 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 6, 1975 through July 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-17957 Filed 7-9-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

ATLANTA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Atlanta District Advisory Council will meet from 12 Noon-3 p.m., (e.d.t.), Wednesday, July 23, 1975, Fort McPherson, Georgia, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write John D. Sewell, Small Business Administration, 1401 Peachtree Street NE., Atlanta, Georgia 30309, (404) 526-5749.

Dated: July 1, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-17878 Filed 7-9-75;8:45 am]

[License No. 02/02-0100]

HAMILTON CAPITAL FUND, INC.

Approval of Application for Transfer of Control

Pursuant to the provisions of § 107.701 of the Small Business Administration's (SBA) rules and regulations (13 CFR 107.701 (1974)), a notice of filing of an application for transfer of control of The Hamilton Capital Fund, Inc., License No. 02/02-0100, 555 Madison Avenue, New York, New York 10022, was published in the FEDERAL REGISTER on May 13, 1975, (40 FR 20871).

Interested parties were given an opportunity to send their comments on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of The Hamilton Capital Fund, Inc.

Dated: June 30, 1975.

JAMES THOMAS PHELAN,
Deputy Associate
Administrator for Investment.

[FR Doc.75-17912 Filed 7-9-75;8:45 am]

V40-133 JUL 10 75 XUM

[Declaration of Disaster Loan Area #1149; Amdt. 1]

TEXAS

Declaration of Disaster Area; Correction

Inadvertently the word "tornado" was left out of FR Doc. 75–16928 (40 FR 27536, June 30, 1975) and the first sentence should be amended as follows "because of damage resulting from heavy rains, tornado and flooding on or about June 9, 1975 in the counties of Hardin, Harris, Jefferson, and adjacent counties within the State of Texas."

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75–17879 Filed 7–9–75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this seventh day of July 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending July 4, 1975

Name of applicant	Location of enterprise	Principal product or activity
Fisherman's Wharf, Inc.	Provincetown, Mass.	Marina.
John L. Lutz Welding and Fabricating, Inc.	Kingwood Township, N.J.	Welding, bending, and forming structural bars and shapes.
Anderson Shrimp Boats, Inc.	Panama City, Fla.	Shrimpboat fleet.
J. F. T. Enterprises	Jasper County, S.C.	Motel, restaurant, and gift shop.
St. George Inns, Inc.	St. George, S.C.	Motel.
Montgomery Inn, Ltd.	Hope Hull, Ala.	Do.
Vicksburg Chemical Co.	Vicksburg, Miss.	Manufacture of potassium nitrate.
Uni-Frag, Inc.	Kokomo, Ind.	Scrap metal processing.
George R. Terry	Daleville, Ind.	Grocery store.
Paul Pieper Construction Co., Inc.	Jacksonville, Ill.	Design, build, and rent business property.
M. Jade Lightner	Woodruff, Wis.	Mobile home and trailer sites.
Lakeside Inn	Suring, Wis.	Supper club.
Johnny M. Donaldson	Monticello, Ark.	Slaughterhouse.
Corker's Nursery & Garden Center	Dumas, Ark.	Landscaping.
Dixie Sound & Communications, Inc.	do.	Manufacture of sound and communications equipment.
Ebeling Manufacturing Corp.	Plainview, Tex.	Manufacture of solid refuse collection equipment.
Saied's Inc.	Clarendon, Tex.	General discount store.
The Williams Companies	Verdigris, Okla.	Manufacture of fertilizers.
Heartview Foundation	Mandan, N. Dak.	Alcohol and drug rehabilitation center;

[FR Doc.75–17958 Filed 7–9–75;8:45 am]

FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, July 31, from 9 a.m.–4:30 p.m.; Friday, August 1, 1975, from 9:00 a.m.–12 noon in Chicago Graphic Arts Institute, at 204 South Ashland Boulevard, Chicago, Illinois.

The Agenda for the meeting on the 31st will include:

1. Employee Retirement Security Act of 1974—Fiduciary responsibility of Trust Fund Committee Members
2. 29 CFR Part 30—Equal Employment Opportunity in Apprenticeship and Training (Report of Subcommittee on EEO)
3. 29 CFR Part 5, 5a—Trainee and Apprenticeship (Report of Subcommittee on Trainee)
4. National Apprenticeship Standards for the United States Army
5. Film: "Training the Construction Labor"
6. Reports of FCA Subcommittees—General Discussion

The Agenda for the meeting on August 1 will include:

1. BAT Plans for FY 1976
2. Goals of the FCA (Report of Subcommittee)
3. New Initiatives in Apprenticeship—Discussion of current status of Recommendations

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary before July 25, 1975. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, MA, U.S. Dept. of Labor, 601 D St. NW. (Rm. 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of July 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75–17920 Filed 7–9–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

WISCONSIN-MICHIGAN COACHES, INC.

Filing of Petition

No. MC–C–8686 (NOTICE OF FILING OF PETITION FOR DECLARATORY ORDER), filed May 21, 1975. Petitioner: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wisc. 54302. Petitioner's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wisc. 53703.

Petitioner seeks a determination as to whether a travel agent arranging a passenger tour involving both bus and air transportation is a "broker" as defined by section 203(a)(18) of the Interstate Commerce Act, if the bus transportation is performed wholly within a single State, even though the tour includes transportation by air from a point within that State to a point outside the State, and return.

Petitioner indicates that it is its interpretation that the motor carrier providing such a passenger transportation service wholly within a single State is not engaged in transportation in interstate or foreign commerce, because no common arrangement is made between the motor carrier and the air carriers, and, therefore, does not require operating authority from this Commission; citing *Motor Transp. of Passengers Incidental to Air*, 95 M.C.C. 526, 536 (1964), and *Archambault Common Carrier Application*, 99 M.C.C. 535, 539 (1965). On the other hand, petitioner has received informal opinions from Commission personnel to the effect that the travel agent arranging such transportation must, under section 211(a) of the Act, hold a broker's license since the tour arrangements as a whole are in interstate or foreign commerce.

By the instant petition, petitioner, seeks a declaratory order to the effect that a travel agent arranging a passenger tour of the type described is not a broker under the terms of the Interstate Commerce Act. Any interested person desiring to participate in this proceeding may file an original and seven copies of his written representations, views and arguments in support of or against the relief requested on or before August 11, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–17834 Filed 7–9–75;8:45 am]

[Notice No. 809]

ASSIGNMENT OF HEARINGS

JULY 7, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 103993 Sub 840, Morgan Drive Away, Inc., now assigned July 10, 1975, at Washington, D.C., is canceled and application dismissed.

MC 51146 Sub 405, Schneider Transport, Inc., now assigned September 17, 1975, at Chicago, Ill., is canceled, and transferred to Modified Procedure.

MC 51146 Sub 407, Schneider Transport, Inc., now being assigned September 17, 1975, at Chicago, Ill.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–17960 Filed 7–9–75;8:45 am]

PIPELINES

Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1974 REPORTS

Valuation Docket No.	
1364	Acorn Pipe Line Co., P.O. Box 5008, Houston, TX 77012.
1414	Alleghany Pipeline Company, P.O. Box 2521, Houston, TX 77001.
1302	Amoco Pipeline Co., P.O. Box 6110–A, Chicago, IL 60680.
1378	Arapahoe Pipe Line Company, 200 East Golf Road, Palatine, IL 60067.
1329	ARCO Pipe Line Company, ARCO Building, Independence, KS 67301.
1291	Ashland Pipe Line Company, 1409 Winchester Ave., Ashland, KY 41101.
1361	Badger Pipe Line Company, P.O. Box 300, Tulsa, OK 74102.
1430	Belle Fourche Pipeline Company, P.O. Drawer 2360, Casper, WY 82601.
1425	Black Lake Pipe Line Company, P.O. Box 308, Independence, KS 67301.
1322	Buckeye Pipe Line Company, P.O. Box 368, Emmaus, PA 18049.
1362	Butte Pipe Line Company, P.O. Box 2648, Houston, TX 77001.
1404	Calnev Pipe Line Company, 1901 Slover Avenue, Bloomington, CA 92316.
1416	Chevron Pipe Line Company, P.O. Box 599, Denver, CO 80201.
1368	Cheyenne Pipeline Company, P.O. Box 370, Cody, WY 82414.
1427	Chicap Pipe Line Company, 200 East Golf Road, Palatine, IL 60067.
1312	Cities Service Pipe Line Company, P.O. Box 300, Tulsa, OK 74102.
1433	Collins Pipeline Company, P.O. Box 2511, Houston, TX 77001.
1422	Colonial Pipeline Company, Lenox Towers, P.O. Box 18855, Atlanta, GA 30326.
1316	Continental Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601.
1426	Cook Inlet Pipe Line Company, P.O. Box 900, Dallas, TX 75221.
1341	CRA, Inc., 3315 North Oak Trafficway, Kansas City, MO 64116.
1352	Crown Central Pipe Line & Transportation Corp., P.O. 1759, Houston, TX 77001.
1365	Crown-Rancho Pipe Line Corp., P.O. Box 1759, Houston, TX 77001.
1349	Diamond Shamrock Corp., P.O. Box 631, Amarillo, TX 79173.
1411	Dixie Pipeline Co., P.O. Box 2220, Houston, TX 77001.
1385	Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173.
1338	The Eureka Pipe Line Co., 963 Market St., Parkersburg, W. Va. 26101.
1394	Exxon Pipeline Co., P.O. Box 2220, Houston, TX 77001.
1389	Four Corners Pipe Line Co., P.O. Box 2648, Houston, TX 77001.
1333	Gulf Refining Company, P.O. Drawer 2100, Houston, TX 77001.
1409	Hess Pipeline Co., P.O. Box 502, Woodbridge, N.J. 07095.
1431	Hydrocarbon Transportation, Inc., 2223 Dodge St., Omaha, NE 68102.
1406	Jayhawk Pipeline Corp., P.O. Box 1030, Wichita, KS 67201.
1413	Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, CT 06002.
1375	Kaneb Pipe Line Co., P.O. Box 22029, Houston, TX 77027.
1299	Kaw Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1429	Kerr-McGee Pipeline Corp., Kerr-McGee Center, Oklahoma City, OK 73125.
1419	Lake Charles Pipe Line Co., P.O. Drawer 1269, Ponca City, OK 74601.
1354	Lakehead Pipe Line Co., Inc., 3025 Tower Ave., Superior, WI 54880.
1403	Laurel Pipe Line Company, P.O. Drawer 2100, Houston, TX 77001.
1395	MAPCO, Inc., 1437 South Boulder Ave., Tulsa, OK 74119.
1392	Marathon Pipe Line Co., 539 South Main St., Findlay, OH 45840.
1357	Michigan-Ohio Pipeline Corp., 600 West Pickard St., Mt. Pleasant, MI 48858.
1353	Mid-Valley Pipeline Co., P.O. Box 2039, Tulsa, OK 74102.
1384	Minnesota Pipe Line Co., P.O. Box 2256, Wichita, KS 67201.
1311	Mobil Pipe Line Co., P.O. Box 900, Dallas TX 75221.
1292	Ohio River Pipe Line Co., 1409 Winchester Ave., Ashland, KY 41101.
1380	Okan Pipeline Co., P.O. Box 2100, Houston, TX 77001.
1417	Olympic Pipe Line Co., P.O. Box 900, Dallas, TX 75221.
1420	Paloma Pipe Line Co., 2500 First National Bank Building, Dallas, TX 75202.
1321	Phillips Petroleum Co., Adams Building, Bartlesville, OK 74003.
1320	Phillips Pipe Line Co., Adams Building, Bartlesville, OK 74003.
1372	Pioneer Pipe Line Co., P.O. Drawer 1267, Ponca City, OK 74601.
1343	Plantation Pipe Line Co., P.O. Box 18616, Atlanta, GA 30326.
1367	Platte Pipe Line Co., 539 S. Main St., Findlay, OH 45840.
1410	Portal Pipe Line Co., 1401 Elm St., Dallas, TX 75202.
1347	Portland Pipe Line Corp., P.O. Box 2590–30 Hill St., South Portland, ME 04106.
1327	Pure Transportation Co., 200 East Golf Road, Palatine, IL 60067.
1428	Santa Fe Pipe Line Co., 1200 Thompson Bldg., 5th & Boston Sts., Tulsa, OK 74103.
1369	Shamrock Pipe Line Corp., P.O. Box 631, Amarillo, TX 79173.
1326	Shell Pipe Line Corp., P.O. Box 2648, Houston, TX 77001.
1402	Skelly Pipe Line Co., 1437 South Boulder, Tulsa, OK 74101.
1385	Sohio Pipe Line Co., P.O. Box 5774, Cleveland, OH 44101.
1424	Southcap Pipe Line Co., 200 East Golf Road, Palatine, IL 60067.

V40 I133 JUL 10 75 XUM

Valuation Docket No.	
1292	Southern Pacific Pipe Lines, Inc., 610 S. Main St., Los Angeles, CA 90014.
1370	Sun Oil Line Co. of Michigan, P.O. Box 2039, Tulsa, OK 74102.
1315	Sun Pipe Line Co., P.O. Box 2039, Tulsa, OK 74120.
1300	Tecumseh Pipe Line Co., P.O. Box 308, Independence, KS 67301.
1300	Texaco-Cities Service Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1408	Texas Eastern Transmission Corp. (Little Big Inch Division), P.O. Box 2521, Houston, TX 77001.
1293	Texas-New Mexico Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1300	The Texas Pipe Line Co., P.O. Box 52332, Houston, TX 77052.
1379	Trans Mountain Pipe Line Co., Ltd., 400 East Broadway, Vancouver, British Columbia, Canada V5T1X2.
1412	Trans Ohio Pipeline Co., P.O. Box 2521, Houston, TX 77001.
1432	UCAR Pipeline Incorporated, P.O. Box 22146, Houston, TX 77027.
1389	West Emerald Pipe Line Corp., P.O. Box 631, Amarillo, TX 79173.
1396	West Shore Pipe Line Co., 200 East Randolph Drive, Chicago, IL 60601.
1362	West Texas Gulf Pipe Line Co., P.O. Drawer 2100, Houston, TX 77001.
1421	White Shoal Pipeline Corp., Kerr-McGee Center, Oklahoma City, OK 73102.
1423	Williams Pipe Line Company, P.O. Drawer 3448, Tulsa, OK 74101.
1377	Wolverine Pipe Line Co., P.O. Box 900, Dallas, TX 75221.
1358	Wyco Pipe Line Co., 200 East Randolph Drive, Chicago, IL 60601.
1373	Yellowstone Pipe Line Co., P.O. Drawer 1267, Ponco City, OK 74601.

BASIC REPORTS

1434	Black Mesa Pipeline, Inc., 610 South Main St., Los Angeles, CA 90014 (1972).
1435	Kiantone Pipeline Corp., P.O. Box 780, Warren, PA 16365 (1972).
1436	Gulf Central Pipeline Co., 1200 Thompson Bldg., 5th and Boston St., Tulsa, OK 74103 (1970).
1437	Powder River Corp., 1157 Adams Building, Bartlesville, OK 74004 (1972).

On or before August 11, 1975, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of any carrier named above may, pursuant to rule 72 of the Commission's "General Rules of Practice" (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. Blanket petition to intervene in all or several of these proceedings is not permissible. Individual petitions to intervene must be filed with respect to each valuation in which participation is sought. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier whose property is the subject of the tentative valuation and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-17962 Filed 7-9-75;8:45 am]

[Notice No. 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 2, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTORS CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 314TA), filed June 23, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Bardstown, Ky., to Portland, Oreg., for 180 days. Supporting shipper: Crown Custom, Ltd., 16444 Southwest 72d Ave., Portland, Oreg. 97223. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 25798 (Sub-No. 274TA), filed June 24, 1975. Applicant: Clay Hyder Trucking Lines, Inc., Post Office Box 1186, Auburndale, FL. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats and meat products* from the facilities and storage facilities of Kaplan Industries, Inc., located at or near Bartow, Florida, to points in Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Tennessee, West Virginia, and the District of Columbia. There is no environmental impact involved in this application. (For 180 days) Supporting shippers: Kaplan Industries, Inc. U.S. Highway 17 South Bartow, FL 33830. Send protests to: District Supervisor Joseph B. Teichert Interstate Commerce Commission-BOp Monterey Building, Suite 101 8410 Northwest 53d Terrace, Miami, FL. 33166.

No. MC 56967 (Sub-No. 3TA) (Correction) filed June 16, 1975, published in the FEDERAL REGISTER issue of June 30, 1975, and republished as corrected this issue. Applicant: GLENN-DOR PRODUCTS CORP., P.O. Box J, South Fallsburg, N.Y. 12779. Applicant's representative: Norman M. Pinsky, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buttermilk* and sour cream, in containers, in mixed loads with regulated *dairy products*, in vehicles refrigerated with mechanical refrigeration, between Friendship, N.Y., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 25 miles of New York City, for 90 days. Supporting shipper: Friendship Dairies, Inc., and Friendship Food Products, Inc., Friendship, N.Y., 4900 Maspeth Ave., Maspeth, N.Y. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207. The purpose of this republication is to correct the sub number, which was previously published in error.

No. MC 75192 (Sub-No. 1TA), filed June 25, 1975. Applicant: Charles T. Brown Truck Lines, Incorporated, 1208 Buff St., Greensboro, N.C. 27406. Applicant's representative: Charles T. Brown, 1208 Buff St., Greensboro, N.C. 27406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural iron and steel* for buildings and bridges. No compensation for return. From Greensboro, N.C., throughout State of Georgia. (For 180 days) Supporting shippers: Carolina Steel Corp. P.O. Drawer 20888 Greensboro, N.C. 27402. Send protests to: Archie W. Andrews, Dist. Supvr. Bureau of Operations, ICC P.O. Box 26896 Raleigh, N.C. 27611.

No. MC 114211 (Sub-No. 247TA), filed June 20, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 327 South La Salle Street, Chicago, Illinois 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment* and (2) *accessories, parts, and supplies* for (1) when moving in mixed loads with such commodities from Broomfield, Colorado, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Kansas, Missouri, Arkansas, Oklahoma, Texas, and Louisiana. (For 180 days) Supporting shippers: Sperry New Holland Division Sperry Rand Corporation New Holland, Pennsylvania 17557. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 121607 (Sub-No. 4TA), filed June 23, 1975. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., 206 North Gum Street, Kennewick, Washington 99336. Applicant's representative: George R. LaBissoniere, Attorney, 1100 Norton Building, Seattle, Washington 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, commodities which because of their size or weight require the use of special equipment. Between points in Benton, Franklin, Walla Walla, Asotin, Columbia, Adams, Grant, Garfield, Whitman, Douglas, Lincoln and Chelan Counties, and between said counties on the one hand, and points in Oregon, Idaho, Montana, and California on the other hand. (For 180 days) Supporting shippers: This application is supported by more than 15 letters of support. The letters may be inspected at the Interstate Commerce Commission office in Washington, D.C. 20423 or at the Seattle office. Send protests to: L. D. Boone, Transportation Specialist Bureau of Operations, I.C.C. 858 Federal Building, 915 Second Avenue Seattle, WA. 98174.

No. MC 128320 (Sub-No. 8TA), filed June 24, 1975. Applicant: ART QUIRING, 118½ West Fourth St., Grand Island, Nebr. 68801. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, cookies, nuts, confectioneries, beverage preparations, and related commodities*, from Moline, Ill., to points in Connecticut, Vermont, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; (2) *commodities named in (1) above, and materials, equipment, and supplies used* in the manufacturing, production, and distribution of the commodities named in (1) above, from points in the destination states named in (1) above to Moline, Ill. Restrictions: Restricted against the transportation of commodities in bulk, further restricted to a transportation service to be performed under a continuing contract or contracts with Fresh Pak Candy Co., for 180 days. Supporting shipper: Isadore Friedman, President, Fresh Pak Candy Company, 2519 4th Ave., Moline, Ill. 61265. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg., and U.S. Court House, Lincoln, Nebr. 68508.

No. MC 134979 (Sub-No. 6TA), filed June 29, 1975. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. 56544. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods* (except commodities in bulk, in tank vehicles), from the plantsite and facilities of Tuffy's Division of Star-Kist Foods, Inc., at or near Perham, Minn., to points in Washington, Oregon, California, Texas, and Ohio, for 180 days. Supporting shipper: Tuffy's Division of Star-Kist Foods, Inc., P.O. Box 190, Perham, Minn. 56573. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138148 (Sub-No. 5TA), filed June 24, 1975. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Applicant's representative: Clyde E. Herring, 1329 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages and* (2) *empty beer and malt beverages containers* on return, (1) from Fort Wayne, Ind., to Baltimore City, Md., and Washington, D.C., and (2) from Baltimore City, Md., and Washington, D.C., to Fort Wayne, Ind., for 180 days. Supporting shippers: Robert B. Lucas, Luke's Distributing Company, 425 L St. NW., Washington, D.C. 20001, Jack Sobel, President, Beverage Distributing Co., of Md., 3001 Cowan Ave., Baltimore, Md. 21223. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 138274 (Sub-No. 18TA), filed June 18, 1975. Applicant: Shippers Best Express, Inc., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, meat, inedible meat, frozen and tallow*, from the plant site of C. U. I. International near Boise, Idaho to points in California; Oregon; and Washington; Sparks, Nevada; Crete, Nebraska; Jefferson City, Missouri; Laredo, Texas; Denver, Colorado; and Milwaukee, Wisconsin, (For 180 days) Supporting shippers: Colorado/Utah/ Idaho/ International P.O. Box No. 5485 Boise, Idaho 83705 (R. L. Harnes) Manager) Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission Bureau of Operations, 5301 Federal Building 125 South State Street, Salt Lake City, Utah. 84138.

No. MC 138936 (Sub-No. 3TA), filed June 24, 1975. Applicant: Donald F. Owens, d/b/a FLUFF FREIGHT, 2504 South 8th Street, Manitowoc, Wisconsin 54220. Applicant's representative: Thomas A. Weir, 761 North Forest Road, Suite B, Buffalo, New York 14221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles, fibreboard cartons*, set up or knocked down, plastic pallets, flakes, granules, and/or chips, and wooden pallets between Port Clinton, Ohio, on the one hand, and, Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin on the other hand. (For 180 days) Supporting shippers: Aim Packaging Division of U.S. Industries, Inc., P.O. Box 278, Erie Industrial Park, Port Clinton, Ohio 43452 (E. A. Stevens). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wisconsin 53203.

No. MC 139163 (Sub-No. 2TA), filed June 24, 1975. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1256 La Quinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 East Walnut St., P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials, and supplies* used in the manufacture, installation, or sale of such commodities, between Atlanta, Ga. and its commercial zone, on the one hand, and points in Alabama, North Carolina, South Carolina and Tennessee, on the other, for 180 days. Supporting shipper: Xerox Corporation, 3636 McKinney Ave., Dallas, Tex. 75204. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 139485 (Sub-No. 2TA), filed June 24, 1975. Applicant: Charles E. Richardson, d.b.a. C. E. Richardson Transportation, 935 North Sunflower Avenue, Covina, CA 91724. Applicant's representative: David P. Christianson (Knapp, Stevens, Grossman, & Marsh), 606 South Olive Street, Suite 825, Los Angeles, CA 90014, (213) 627-8471. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile tires and tubes* from Findlay, Ohio to Kings Beach, Vacaville, and San Jose, California. Supporting shippers: Hercules Tire of Northern California, Inc., P.O. Box 1055, Kings Beach, CA 95719. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 140484 (Sub-No. 4TA), filed June 23, 1975. Applicant: Lester Coggins Trucking, Inc., Post Office Box 69, Fort Myers, FL. 33902. Applicant's representative: Lester A. Coggins, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders, and parts and accessories thereof, welding supplies and hand truck parts* from the facilities of The

V40-133 JUL 10 75 XUM

Lincoln Electric Company located in Cuyahoga and Lake Counties, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Louisiana, Texas, North Dakota, South Dakota, and Oklahoma. (For 180 days.) Supporting shippers: The Lincoln Electric Company, 22801 St. Clair, Cleveland, OH 44117. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, BOp Monterey Building, Suite 101, 8410 NW. 53rd Terrace, Miami, FL 33166.

No. MC 140549 (Sub-No. 2TA), filed June 19, 1975. Applicant: Fritz Trucking, Inc., Highway 7 East, Clara City, Minnesota 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minnesota 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, on or in vehicles with auger equipment, from Gluek and Montevideo, Minnesota, to points in North Dakota and South Dakota. (For 180 days.) Supporting shippers: Cargill, Inc., Gluek, Minnesota 56261. Murphy Products Company, Inc., 124 S. Dodge St., Burlington, Wisconsin 53105. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, MN 55401.

No. MC 140677 (Sub-No. 4TA), filed June 24, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, from points in Butte, Custer, Fall River, Lawrence, Meade, and Pennington Counties, S. Dak., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Utah, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Aby's Feed & Seed, Inc., 410 5th St., Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141003 (Sub-No. 1TA), filed June 24, 1975. Applicant: Oren Smith, Jr., R.D. #2, Box 270, Uniontown, Pennsylvania 15401. Applicant's representative: Marshall Kragen, Attorney, Ames, Hill & Ames, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, From Grays Landing, German Township, Fayette Co., Pennsylvania To: Bellaire, Ohio. (For 180 days.) Supporting shippers: (1) Utilities Fuel Co. Uniontown, Pa. (2) Gallatin Fuel, Inc. Uniontown, Pa. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, I.C.C., 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 141026 (Sub-No. 1TA), filed June 23, 1975. Applicant: EARL A. HAZEN, Route 2, Box 102, Prosser, Wash. 99350. Applicant's representative: Charles C. Flower, 303 East D. St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Toppenish, and Buena, Wash., to Sublimity, Oreg., for 180 days. Supporting shipper: Soil Conditioners, Inc., P.O. Box 206, Zillah, Wash. 98953. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 141071 (Sub-No. 1TA), filed June 23, 1975. Applicant: Laraneta Trucking Company, Inc., 870 W. 9th Street, San Pedro, CA 90731. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, (P.O. Box 1756), Whittier, CA 90609, (213) 943-8536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food and canned tuna* from Terminal Island, CA, to points in Oregon and Washington. (For 180 days.) Supporting shippers: Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90731 Send protests to: Transportation Assistant, Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 141073 TA, filed June 23, 1975. Applicant: Triple H Truck Company, Inc., Box 34, White Plains, Ky. 42464. Applicant's representative: Mr. Rudy Yessin, Attorney at Law, 314 Wilkinson St., Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Hopkins County, Kentucky, on the one hand, to points in Hopkins, Webster, Daviess, McCracken, and Henderson Counties, Kentucky, and Vanderburg County, Indiana, on the other hand. (For 180 days.) Supporting shippers: Mr. Charles R. Savidge, President, South Hopkins Coal Company, P.O. Box 554, Madisonville, Ky. 42431. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Kentucky 40202.

APPLICATION OF PASSENGERS

No. MC 140999 (Sub-No. 1TA), filed June 20, 1975. Applicant: YOUR PLEASURE, INC., 6659 Industrial Loop, Greendale, Wis. 53129. Applicant's representative: Ray A. Guian (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, over irregular routes, and restricted to the "Club Coach" equipped with lounge type seating, tables, grill for serving meals, beverage center, rest room, air conditioning, stereo, color TV, carpeted interior, luggage compartments, stewardess and/or host, etc. round-trip from Milwaukee County, Wis., to points in Illinois and restricted to the "Club Coach" equipped with lounge seats, completely carpeted ceiling to floor, food and beverage preparation facilities, rest room, air conditioning, stereo, color TV, baggage compartments, tables, stewardess and/or host, for 180 days. Supporting shippers: United Airlines, 140 W. Wisconsin Ave., Milwaukee, Wis. 53202. North American Plastic Division, 3250 N. 126th St., Brookfield, Wis. Humphrey Chevrolet Co., Inc., 6134 S. 38th, Greenfield, Wis. 53221. Broan Manufacturing, Milwaukee, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53205.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17961 Filed 7-9-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 7, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 21, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No MC 113843 (Sub-No. E1022), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to those points in Minnesota on and west of a line beginning at the Mississippi River, and extending along U.S. Highway 61 to junction Minnesota Highway 42, thence along Minnesota Highway 42 to Eyota, thence along unnumbered highway to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 139, thence along Minnesota Highway 139 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 11343 (Sub-E1029), filed December 2, 1974. Applicant: REFRIGERATED OOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in Iowa on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub E1030), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from North Brunswick, N.J., to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub E1031), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub E1033), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in New Hampshire on and north of New Hampshire Highway 11. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E1034), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in Vermont on and north of U.S. Highway 4. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E1035), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Connecticut, Massachusetts, and Rhode Island, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub E1039), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in Kansas on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub E1040), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to Calais, Maine, and points in Aroostock County, Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub E1041), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in the upper peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to junction Michigan Highway 26, to Lake Superior. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 119777 (Sub-No. E88), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;*

(1) Between points in Alabama, on the one hand, and, on the other, points in Alaska, Idaho, Iowa, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming;

(2) Between points in Alaska, on one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(3) Between points in Arizona, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia;

(4) Between points in Arkansas, on the one hand, and, on the other, points in Alaska, Connecticut, Delaware, District of Columbia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont;

(5) Between points in California, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(6) Between points in Colorado, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(7) Between points in Connecticut, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(8) Between points in Delaware, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(9) Between points in the District of Columbia, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(10) Between points in Florida, on the one hand, and, on the other, points in Alaska, Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming;

(11) Between points in Georgia, on the one hand, and on the other points in Alaska, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming;

(12) Between points in Idaho, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, In-

V 40 I 133 JUL 10 75 XUM

diana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(13) Between points in Illinois, on the one hand, and, on the other, points in Alaska, Connecticut, Delaware, District of Columbia, Maine, New Hampshire, and Rhode Island;

(14) Between points in Indiana, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington;

(15) Between points in Iowa, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(16) Between points in Kansas, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia;

(17) Between points in Kentucky, on the one hand, and, on the other, points in Alaska, Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming;

(18) Between points in Louisiana, on the one hand, and, on the other, points in Alaska, Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin;

(19) Between points in Maine, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(20) Between points in Maryland, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(21) Between points in Massachusetts, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming;

(22) Between points in Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, and Mississippi;

(23) Between points in Minnesota, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia;

(24) Between points in Mississippi, on the one hand, and, on the other, points in Alaska, Connecticut, Maine, Massachusetts, Michigan, Montana, New Hampshire, New York, North Dakota, Oregon, Rhode Island, Vermont, Washington, and Wisconsin;

(25) Between points in Missouri, on the one hand, and, on the other, points in Alaska, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont;

(26) Between points in Montana, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(27) Between points in Nebraska, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(28) Between points in Nevada, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(29) Between points in New Hampshire, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(30) Between points in New Jersey, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(31) Between points in New Mexico, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia;

(32) Between points in New York, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming;

(33) Between points in North Carolina, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming;

(34) Between points in North Dakota, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(35) Between points in Ohio, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming;

(36) Between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont;

(37) Between points in Oregon, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(38) Between points in Pennsylvania, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming;

(39) Between points in Rhode Island, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(40) Between points in South Carolina, on the one hand, and, on the other, points in Alaska, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming;

(41) Between points in South Dakota, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(42) Between points in Tennessee, on the one hand, and, on the other, points in Alaska, Idaho, Minnesota, Montana,

North Dakota, Oregon, Washington, and Wisconsin;

(43) Between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont;

(44) Between points in Utah, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(45) Between points in Vermont, on the one hand, and, on the other, points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(46) Between points in Virginia, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming;

(47) Between points in Washington, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia;

(48) Between points in West Virginia, on the one hand, and, on the other points in Alaska, Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming;

(49) Between points in Wisconsin, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia;

(50) Between points in Wyoming, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;

(51)(a) Between points in Alabama on, north and east of a line beginning at the Alabama-Tennessee state line, thence, extending along AL Hwy 17 to jct. AL Hwy 157, thence south on AL Hwy 157 to jct. I-Hwy 65, thence along I-Hwy 65 to the jct. of U.S. Hwy 280, thence south and east on U.S. Hwy 280 to the Alabama-Georgia state line, on the one hand, and, on the other, (A) points in Arizona on and north of a line commencing at the Arizona-New Mexico state line, thence west on U.S. Hwy 160 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of U.S. Hwy. Alt. 89, thence along U.S. Hwy Alt. 89 to the Arizona-Utah State line, (B) points in Arizona north and west of a line beginning at the Arizona-Utah state line, on U.S. Hwy 91, thence south on U.S. Hwy 91 to the jct. of Interstate Hwy 15, thence west on I-15 to the Arizona-Nevada state line and (C) points in Arizona on and west of a line commencing at the Arizona-Nevada state line on U.S. Hwy 93, thence south on U.S. Hwy 93 to the jct. of U.S. Hwy 66, thence south and west on U.S. Hwy 66 to the Arizona-California state line;

(51)(b) Between points in Alabama, on the one hand, and, on the other, points in California, on and north of a line commencing at the California-Nevada state line, thence west on U.S. Hwy 50 to the jct. of CA ST. Hwy 49, thence south on CA St. Hwy 49 to the jct. of CA St. Hwy 16, thence west on CA St. Hwy 16 to the jct. of CA St. Hwy 124, thence south on CA St. Hwy 124 to the jct. of CA St. Hwy 88, thence south on CA St. Hwy 88 to the jct. of CA St. Hwy 12, thence west on CA St. Hwy 12 to the jct. of I–80, thence south on I–80 to the jct. of CA St. Hwy 37, thence west on CA St. Hwy 37 to the jct. of U.S. Hwy 101, thence south on U.S. Hwy 101 to the terminus of San Francisco at the Pacific Ocean;

(51)(c) Between points in Alabama, on and east of a line commencing at the Tennessee-Alabama state line, thence south on AL St. Hwy 17 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the jct. of AL St. Hwy 157, thence south on AL St. Hwy 157 to the jct. of I–65, thence south on I–65 to the jct. of AL St. Hwy 97, thence south on AL St. Hwy 97 to the jct. of U.S. Hwy 331, thence south on U.S. Hwy 331 to the Alabama-Florida state line, on the one hand, and, on the other, points in Colorado, on and north of a line commencing at the Utah-Colorado state line, thence south on U.S. Hwy 666 to the jct. of U.S. Hwy 160, thence east on U.S. Hwy 160 to the jct. of U.S. Hwy 550, thence north on U.S. Hwy 550 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of I–25, thence north on I–25 to the jct. of CO St. Hwy 94, thence east on CO St. Hwy 94 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Colorado-Kansas state line;

(51)(d) Between points in Alabama on, north and west of a line commencing at the Alabama-Mississippi state line, thence east on U.S. Hwy 84 to the jct. of U.S. Hwy 43, thence north on U.S. Hwy 43 to the jct. of AL St. Hwy 14, thence north on AL St. Hwy 14 to the jct. of AL St. Hwy 17, thence north on AL St. Hwy 17 to the jct. of AL St. Hwy 96, thence north on AL St. Hwy 96 to the jct. of U.S. Hwy 43, thence north on U.S. Hwy 43 to the jct. of U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of AL St. Hwy 129, thence north on AL St. Hwy 129 to the jct. of U.S. Hwy 278, thence east on U.S. Hwy 278 to the jct. of AL St. Hwy 33, thence north on AL St. Hwy 33 to the jct. of AL St. Hwy 24, thence east on AL St. Hwy 24 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in Connecticut on, north and east of a line commencing at the New York-Connecticut state line, thence east on Conn. Hwy 4 to the jct. of Conn. Hwy 25, thence east on Conn. Hwy 25 to the jct. of U.S. Hwy 44, thence east on U.S. Hwy 44 to the jct. of Conn. Hwy 99, thence south on Conn. Hwy 99 to the jct. of Conn. Hwy 9, thence east on Conn. Hwy 9 to the Atlantic Ocean;

(51)(e) Between points in Alabama, on the one hand, and, on the other, points in Illinois, on and north of a line commencing at the Illinois-Indiana state line, thence west on U.S. Hwy 40 to the jct. of IL St. Hwy 130, thence north on IL St. Hwy 130 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to the jct. of IL St. Hwy 29, thence north on IL St. Hwy 29 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL St. Hwy 78, thence north on IL St. Hwy 78 to the jct. of IL St. Hwy 99, thence north on IL St. Hwy 99 to the jct. of U.S. Hwy 24, thence west on U.S. Hwy 24 to the jct. of IL St. Hwy 94, thence north on IL St. Hwy 94 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the Illinois-Missouri state line;

(51)(f) Between points in Alabama, on the one hand, and, on the other, points in Indiana on, north and west of a line commencing at the Illinois-Indiana state line, thence east on IN St. Hwy 154 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 48, thence east on IN ST. Hwy 48 to the jct. of IN St. Hwy 59, thence north on IN ST. Hwy 59 to the jct. of IN St. Hwy 246, thence east on IN St. Hwy 246 to the jct. of IN St. Hwy 46, thence east on IN ST. Hwy 46 to the jct. of U.S. Hwy 231, thence north on U.S. Hwy 231 to the jct. of I–70, thence east on I–70 to the jct. of IN st. Hwy 267, thence north on IN ST. Hwy 267 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of I–465, thence north on I–465 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the Indiana-Ohio state line;

(51)(g) Between points in Alabama, on the one hand, and, on the other, points in Kansas on, north and west of a line commencing at the Kansas-Nebraska state line, thence south on KS St. Hwy 25 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the Kansas-Colorado state line;

(51)(h) Between points in Alabama, on and west of a line commencing at the Alabama-Tennessee state line, thence south on U.S. Hwy 231 to the jct. of AL St. Hwy 79, thence south on AL St. Hwy 79 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of AL St. Hwy 22, thence South on AL St. Hwy 22 to the jct. of AL St. Hwy 41, thence south on AL

V40-133 JUL 10 75 XUM

St. Hwy 41 to the jct. of AL St. Hwy 10, thence northwest on AL St. Hwy 10 to the jct. of AL St. Hwy 5, thence southwest on AL St. Hwy 5 to the jct. of U.S. Hwy 43, thence south on U.S. 43 to the terminus at Mobile, Alabama, on the one hand, and, on the other, points in Maine;

(51) (i) Between points in Lauderdale County, Alabama, on and west of AL St. Hwy. 17, on the one hand, and, on the other, points in Allegany County, Maryland, on and north of U.S. Hwy 40;

(51) (j) Between points in Alabama on and west of a line commencing at the Alabama-Tennessee state line, thence south on U.S. Hwy 231 to the jct. of AL St. Hwy 69, thence south on AL St. Hwy 69 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the terminus at Mobile, Alabama, on the one hand, and, on the other, points in Massachusetts;

(51) (k) Between points in Alabama on and east of a line commencing at the Alabama-Tennessee state line, thence south on Interstate 65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of AL St. Hwy 25, thence south on AL St. Hwy 25 to the jct. of AL St. Hwy 5, thence south on AL St. Hwy 5 to the jct. of AL St. Hwy 28, thence south on AL St. Hwy 28 to the jct. of AL St. Hwy 45, thence south on AL St. Hwy 45 to the jct. of AL St. Hwy 83, thence south on AL St. Hwy 83 to the jct. of I–65, thence south on I–65 to the jct. of AL St. Hwy 21, thence south on AL St. Hwy 21 to the Florida-Alabama state line, on the one hand, and, on the other, points in Missouri, on and north of a line commencing at the Missouri-Illinois state line; thence west on U.S. Hwy 36, thence to the Missouri-Kansas state line;

(51) (l) Between points in Alabama, on the one hand, and, on the other, points in Nebraska on, north and west of a line commencing at Omaha, Nebraska, thence south and west on Interstate Hwy 80 to the jct. of Nebr. Hwy 14, thence south on Nebr. Hwy 14 to the Nebraska-Kansas state line;

(51) (m) Between points in Alabama on, north and east of a line commencing at the Alabama-Mississippi state line, thence east on U.S. Hwy 84 to the jct. of AL St. Hwy 17, thence south on AL St. Hwy 17 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the terminus at Mobile, Alabama, on the one hand, and, on the other, points in Nevada on, north and west of a line commencing at the Nevada-Utah state line, thence north on NV St. Hwy 73 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of NV St. Hwy 2, thence west on NV St. Hwy 2 to the jct. of NV St. Hwy 23, thence south on NV St. Hwy 23 to the jct. of U.S. Hwy 95, thence south on U.S. Hwy 95 to the jct. of NV St. Hwy 10, thence west on NV St. Hwy 10 to the jct. of U.S. Hwy 6, thence west on U.S. Hwy 6 to the Nevada-California state line.

(51) (n) Between points in Alabama, on and west of a line commencing at the Tennessee-Alabama state line, thence south on U.S. Hwy 231 to the jct. of AL St. Hwy 36, thence east on AL St. Hwy 36 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of AL St. Hwy 69, thence south on AL St. Hwy 69 to the jct. of AL St. Hwy 14, thence east on AL St. Hwy 14 to the jct. of U.S. Hwy 80, thence west on U.S. Hwy 80 to the jct. of AL St. Hwy 5 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the jct. of U.S. Hwy 98, thence east on U.S. Hwy 98 to the jct. of AL St. Hwy 59, thence south on AL St. Hwy 59 to Gulf Shores, Alabama, at the Gulf of Mexico, on the one hand, and, on the other, points in New Hampshire;

(51) (o) Between points in Alabama on, north and west of a line commencing at the Alabama-Mississippi state line, thence northeast on AL St. Hwy 96 to the jct. of U.S. Hwy 43, thence north on U.S. Hwy 43 to the jct. of U.S. Hwy 129, thence north on U.S. Hwy 129 to the jct. of AL St. Hwy 13, thence north on AL ST. Hwy 13 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in New Jersey, on and north of a line commencing at the Pennsylvania-New Jersey state line, thence east on NJ St. Hwy 33 to the terminus at Asbury Park, New Jersey at the Atlantic Ocean;

(51) (p) Between points in Alabama on and east of a line commencing at the Tennessee-Alabama state line, thence south on U.S. Hwy 431 to the jct. of U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of AL St. Hwy 46, thence southeast on AL St. Hwy 46 to the Alabama-Georgia state line, on the one hand, and, on the other, points in San Juan County, New Mexico;

(51) (q) Between points in Alabama on and west of a line commencing at the Alabama-Tennessee state line, thence south on U.S. Hwy 231 to the jct. of AL St. Hwy 79, thence south on AL St. Hwy 79 to the jct. of AL St. Hwy 119, thence south on AL St. Hwy 119 to the jct. of AL St. Hwy 22, thence south on AL St. Hwy 22 to the jct. of AL St. Hwy 41, thence south on AL St. Hwy 41 to the Alabama-Florida state line on the one hand, and, on the other, points in New York on, north and west of a line commencing at the New York-Pennsylvania state line, thence north on NY St. Hwy 14 to the jct. of NY St. Hwy 13, thence south on NY St. Hwy 13 to the jct. of NY St. Hwy 41, thence east on NY St. Hwy 41 to the jct. of NY St. Hwy 26, thence east on NY St. Hwy 26 to the jct. of NY St. Hwy 23, thence east on NY St. Hwy 23 to the jct. of NY St. Hwy 7, thence east on NY St. Hwy 7 to the jct. of NY St. Hwy 2, thence east on NY St. Hwy 2 to the New York-Massachusetts state line.

(51) (r) Between points in Alabama on and west of a line commencing at the Mississippi-Alabama state line, thence east on U.S. Hwy 278 to the jct. of U.S. Hwy 78, thence southeast on U.S. Hwy 78 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of AL St. Hwy 36, thence east on AL St. Hwy 36 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of AL St. Hwy 69, thence south on AL St. Hwy 69 to the jct. of AL St. Hwy 14, thence east on AL St. Hwy 14 to the jct. of U.S. Hwy 80, thence west on U.S. Hwy 80 to the jct. of AL St. Hwy 5, thence south on AL St. Hwy 5 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the jct. of U.S. Hwy 98, thence east on U.S. Hwy 98 to the jct. of AL St. Hwy 59, thence south on AL St. Hwy 59 to Gulf Shores, Alabama, at the Gulf of Mexico, on the one hand, and, on the other, points in New Hampshire;

(51) (s) Between points in Alabama on and north of a line commencing at the Alabama-Tennessee state line, thence south and east on AL St. Hwy 117, to the jct. of U.S. Hwy 72, thence north and east on U.S. Hwy 72 to the jct. Alabama-Tennessee state line, on the one hand, and, on the other, points in Oklahoma, on and west of a line commencing at the Oklahoma-Kansas state line, thence south on U.S. Hwy 54 to the Oklahoma-Texas state line.

(51) (t) Between points in Alabama, on and west of a line commencing at the Alabama-Tennessee state line, thence south on AL St. Hwy 17 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the terminus of Mobile, Alabama, on the one hand, and, on the other, points in Pennsylvania on and north of a line commencing at the Ohio-Pennsylvania state line, thence east on PA St. Hwy 68 to the jct. of PA St Hwy 60, thence south on PA St Hwy 60 to the jct. of PA St. Hwy 978, thence south on PA St. Hwy 978 to the jct. of U.S. Hwy 22, thence south on U.S. Hwy 22 to the jct. of U.S. Hwy 980, thence south on U.S. Hwy 980 to the jct. of I–79, thence south on I–79 to the jct. of U.S. Hwy 40, thence southeast on U.S. Hwy 40 to the jct. of U.S. Hwy 119, thence northeast on U.S. Hwy 119 to the jct. of PA St. Hwy 982, thence northeast on PA St. Hwy 982 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of PA St. Hwy 271, thence east on PA St. Hwy 271 to the jct. of PA St. Hwy 56, thence east on PA St. Hwy 56 to the jct. of U.S. Hwy 219, thence east on U.S. Hwy 219 to the jct. of PA St. Hwy 53, thence east on PA St. Hwy 53 to the jct. of U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the jct. of U.S. Hwy 322, thence east on U.S. Hwy 322 to the jct. of PA St. Hwy 26, thence east on PA St. Hwy 26 to the jct. of PA St. Hwy 64, thence northeast on PA St. Hwy 64 to the jct. of U.S. Hwy 220, thence east and north on U.S. Hwy 220 to the New York-Pennsylvania state line.

(51) (u) Between points in Alabama on and west of a line commencing at the Alabama-Tennessee state line, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 72–A, thence west on U.S. Hwy 72–A to the jct. of AL St. Hwy 24, thence west on AL St. Hwy 24 to the jct. of AL St. Hwy 33, thence south on AL St. Hwy 33 to the jct. of AL St. Hwy 195, thence south on AL St. Hwy 195 to the jct. of AL St. Hwy 69, thence south on AL St. Hwy 69 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the terminus at Mobile, Alabama, on the one hand, and, on the other, points in Rhode Island.

(51) (v) Between points in Alabama on, north and east of a line commencing at the Mississippi-Alabama state line on U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of U.S. Hwy 278, thence east on U.S. Hwy 278 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the jct. of AL St. Hwy 18, thence east on AL St. Hwy 18 to the jct. of AL St. Hwy 69, thence north on AL St. Hwy 69 to the jct. of U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of U.S. Hwy 11, thence south on U.S. Hwy 11 to the jct. of AL St. Hwy 5, thence south on AL St. Hwy 5 to the jct. of U.S. Hwy 82, thence east on U.S. Hwy 82 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 of the jct of AL St. Hwy 53, thence south on AL St. Hwy 53 to the Alabama-Florida state line, on the one hand, and, on the other, points in Ohio on and north of a line commencing at the Indiana-Ohio state line, thence south on OH St. Hwy 571 to the jct. of I–75, thence north on I–75 to the jct. of U.S. Hwy 30–N, thence east on U.S. Hwy 30–N to the jct. of OH St. Hwy 67, thence north on OH St. Hwy 67 to the jct. of U.S. Hwy 224, thence east on U.S. Hwy 224 to the jct. of I–76, thence east on I–76 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy 422, thence east on U.S. Hwy 422 to the Ohio-Pennsylvania state line.

(51) (w) Between points in Alabama on and west of a line commencing at the Tennessee-Alabama state line, thence south on U.S. Hwy 231 to the jct of AL on U.S. Hwy 11 to the jct. of AL St. Hwy 5, thence south on AL St. Hwy 5 to the jct. of U.S. Hwy 82, thence east on U.S. Hwy 82 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 of the jct of AL St. Hwy 53, thence south on AL St. Hwy 53 to the Alabama-Florida state line, on the one hand, and, on the other, points in Utah.

(51) (x) Between points in Alabama on and north of a line commencing at the Alabama-Tennessee state line, thence south on AL St. Hwy 117 to the jct. of U.S. Hwy 72, thence north on U.S. Hwy 72 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in Texas on and north of a line commencing at the Texas-New Mexico state line, thence south on U.S. Hwy 87 to the jct. of U.S. Hwy 54, thence north on U.S. Hwy 54 to the Texas-Oklahoma state line;

(51) (y) Between points in Alabama, on and west of a line commencing at the Mississippi-Alabama state line, thence south on U.S. Hwy 78 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the jct. of AL St. Hwy 171, thence south on AL St. Hwy 171 to the jct. of AL St. Hwy 69, thence south on AL St. Hwy 69 to the jct. of AL St. Hwy 25, thence south on AL St. Hwy 25 to the jct. of U.S. Hwy 80, thence south on U.S. Hwy 80 to the Alabama-Georgia state line, on the one hand, and, on the other, points in Hancock, Brooke, and Ohio Counties, West Virginia;

(52) (a) Between Littlefield, Arizona, on the one hand, and, on the other, points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR St. Hwy 135, thence south on AR St. Hwy 135 to the jct. of AR St. Hwy 25, thence east on AR St. Hwy 25 to the Arkansas-Missouri state line; and points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on AR St. Hwy 77, thence south on AR St. Hwy 77 to the jct. of AR St. Hwy 119, thence south on AR St. Hwy 119 to the jct. of AR St. Hwy 18, thence west on AR St. Hwy 18 to the jct. of AR St. Hwy 135, thence south on AR St. Hwy 135 to the jct. of AR St. Hwy 140, thence west on AR St. Hwy 140 to the jct. of U.S. Hwy 63, thence east on U.S. Hwy 63 to the jct. of I–55, thence east on I–55 to the Arkansas-Tennessee state line;

(52) (b) Between points in Arizona on, north and west of a line commencing at the Arizona-New Mexico state line on U.S. Hwy 160, thence southwest on U.S. Hwy 160 to the jct. of U.S. Hwy 89, thence south and west on U.S. Hwy 89 to the jct. of U.S. Hwy 66 at Flagstaff, Arizona, thence west on U.S. Hwy 66 to the Arizona-California state line, on the one hand, and, on the other, points in Florida on and east of a line commencing at the Florida-Georgia state line on U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the jct. of U.S. Hwy 129, thence south on U.S. Hwy 129 to the jct. of FL St. Hwy 345, thence southwest on FL St. Hwy 345 to the jct. of FL St. Hwy 24, thence southwest on FL St. Hwy 24 to its terminus at Cedar Key, Florida;

(52) (c) (i) Between points in Arizona on, west and south of a line commencing at the Arizona-Utah state line on U.S. Hwy 89, thence south on U.S. Hwy 89 to the jct. of U.S. Hwy 66, thence east on U.S. Hwy 66 to the Arizona-New Mexico state line, on the one hand, and, on the other, points in Illinois on, east and south of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 26, thence south on IL St. Hwy 26 to the jct. of IL St. Hwy 2, thence west on IL St. Hwy 2 to the jct. of IL St. Hwy 88, thence south on IL St. Hwy 88 to the jct. of IL St. Hwy 29, thence south on IL St. Hwy 29 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 140, thence west on IL St. Hwy 140 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Illinois-Missouri state line;

(52) (c) (ii) Between points in Arizona on and west of a line commencing at the Arizona-Nevada state line on U.S. Hwy 93, thence south on U.S. Hwy 93 to the jct. of U.S. Hwy 66, thence east on U.S. Hwy 66 to the jct. of U.S. Hwy 180, thence south and east on U.S. Hwy 180 to the Arizona-New Mexico state line, on the one hand, and, on the other, points in Iowa on and east of a line commencing at the Iowa-Illinois state line on U.S. Hwy 61, thence north on U.S. Hwy 61 to, and including Dubuque, Iowa;

(52) (e) Between points in Arizona, on the one hand, and, on the other points in Michigan on, east and south of a line commencing at Lake Superior on MI St. Hwy 203, thence south on MI St. Hwy 203 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45, to the Michigan-Wisconsin state line;

(52) (f) Between points in Arizona on and west of a line commencing at the Arizona-California state line on U.S. Hwy 80, thence east and south on U.S. Hwy 80 to the jct. of U.S. Hwy 95, thence south on U.S. Hwy 95 to the United States-Mexican border, on the one hand, and, on the other, all points in Cook and Lake counties in Minnesota; and Duluth, Minnesota; and points in Minnesota on and east of a line commencing at Winona, Minnesota, thence south on U.S. Hwy 61 to the jct. of MN St. Hwy 26, thence south on MN St. Hwy 26 to the Minnesota-Iowa state line;

(52) (g) Between Littlefield, Arizona, on the one hand, and, on the other, Corinth, Mississippi;

V40-133 JUL 10 75 XUM

(52) (h) Between points in Arizona on and west of a line commencing at the Utah-Arizona state line on U.S. Hwy 89, thence south on U.S. Hwy 89 to the jct. of I–17, thence south on I–17 to the jct. of I–10, thence south on I–10 to the jct. of U.S. Hwy 89, thence south on U.S. Hwy 89 to the United States-Mexican border, on the one hand, and, on the other, points in Missouri on and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the Missouri-Kentucky state line;

(52) (i) Between points in Arizona on the one hand, and, on the other, points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41–A, thence south and east on U.S. Hwy 41–A to the jct. of U.S. Hwy 41, thence south and east on U.S. Hwy 41 to the jct. of U.S. Hwy 72, thence southwest on U.S. Hwy 72 to the Tennessee-Alabama state line;

(52) (j) Between points in Arizona, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of WI St. Hwy 17, thence southwest on WI St. Hwy 17 to the jct. of U.S. Hwy 8, thence southwest on U.S. Hwy 8 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 54, thence west on WI St. Hwy 54 to the jct. of WI St. Hwy 13, thence south on WI St. Hwy 13 to the jct. of U.S. Hwy 12, thence south on U.S. Hwy 12 to the jct. of WI St. Hwy 78, thence southwest on WI St. Hwy 78 to the Illinois-Wisconsin state line;

(53) (a) (i) Between points in Arkansas on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence north on U.S. Hwy 65 to the jct. of U.S. Hwy 79, thence north on U.S. Hwy 79 to the jct. of AR St. Hwy 15, thence north on AR. St. Hwy 15 to the jct. of AR St. Hwy 31, thence north on AR. St. Hwy 31 to the jct. of U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 167, thence north on U.S. Hwy 167 to the jct. of U.S. Hwy 63, thence north on U.S. Hwy 63 to the Arkansas-Missouri state line, on the one hand, and, on the other, points in California on and north of a line commencing at Eureka, California on U.S. Hwy 101, thence north on U.S. Hwy 101 to the jct. of CA St. Hwy 299, thence north on CA St. Hwy 299 to the jct. of U.S. Hwy 395, thence north on U.S. Hwy 395 to the California-Oregon state line;

(53) (a) (ii) (1) Between Warren, Arkansas, on the one hand, and, on the other, points in California on, west and north of a line commencing at the California-Oregon state line on U.S. Hwy 199, thence south on U.S. Hwy 199 to the jct. of U.S. Hwy 101, thence south on U.S. Hwy 101 to a terminus at Requa, California;

(53) (a) (ii) (2) Between Warren, Arkansas, on the one hand, and, on the other, points in California on Interstate-5 commencing at Hilts, California, thence north on I–5 to the California-Oregon state line;

(53) (a) (ii) (3) Between Warren, Arkansas, on the one hand, and, on the other, points in California commencing at, and including, Grass Lake, California on U.S. Hwy 97, thence north on U.S. Hwy 97 to the California-Oregon state line;

(53) (a) (ii) (4) Between Warren, Arkansas, on the one hand, and, on the other, points in California on and north of a line commencing at the California-Oregon state line on CA St. Hwy 139, thence south on CA St. Hwy 139 to the jct. of CA St. Hwy 299, thence north on CA ST. Hwy 299 to the jct. of U.S. Hwy 395, thence north on U.S. Hwy 395 to the California-Oregon state line;

(53) (a) (iii) Between Little Rock, Arkansas, on the one hand, and, on the other, points in California on and north of a line commencing at the California-Oregon state line on U.S. Hwy 395, thence south on U.S. Hwy 395 to the jct. of CA St. Hwy 299, thence south on CA St. Hwy 299 to the jct. of CA St. Hwy 89, thence north on CA ST. Hwy 89 to the jct. of I–5, thence north on I–5 to the jct. of CA ST. Hwy 96, thence south on CA ST. Hwy 96 to the jct. of CA St. Hwy 299, thence east on CA ST. Hwy 299 to Del Loma, California, thence west on CA St. Hwy 299 to the jct. of U.S. Hwy 101, thence south on U.S. Hwy 101 to the terminus at Eureka, California;

(53) (b) Between points in Arkansas on, east and north of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of AR. St. Hwy 18, thence east on AR. St. Hwy 18 to the terminus of AR. St. Hwy 18 at Bartfield, Arkansas, on the one hand, and, on the other, points in Colorado on, west and north of a line commencing at the Colorado-Wyoming state line on U.S. Hwy 87 and I–25, thence south on U.S. Hwy 87 and I–25 to the jct. of CO St. Hwy 14, thence west on CO St. Hwy 14 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Colorado-Utah state line:

(53(c) (i) Between points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on AR. St. Hwy 5, thence south on AR. ST. Hwy 5 to the jct. of AR St. Hwy 56, thence east on AR St. Hwy 56 to the jct. of AR. St. Hwy 69, thence south on AR. St. Hwy 69 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the Arkansas-Louisiana state line, on the one hand, and, on the other, points in Idaho on and north of a line commencing at the Idaho-Montana state line on U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of ID St. Hwy 13, thence south on ID St. Hwy 13 to the jct. of U.S. Hwy 95, thence north on U.S. Hwy 95 to the jct. of U.S. Hwy 12, thence west on U.S. Hwy 12 to the Idaho-Washington state line;

(53) (c) (ii) Between Warren, Arkansas, on the one hand, and, on the other, points in Idaho in the counties of Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nes Perce, Lewis and Idaho;

(53) (d) (i) Between points in Arkansas, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 26, thence south on IL St. Hwy 26 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of IL St. Hwy 23, thence south on IL St. Hwy 23 to the jct. of IL St. Hwy 116, thence east on IL St. Hwy 116 to the jct. of IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the Illinois-Indiana state line;

(53) (d) (ii) Between points in Arkansas on, south and west of a line commencing at the Arkansas-Oklahoma state line on U.S. Hwy 70, thence east on U.S. Hwy 70 to the jct. of U.S. Hwy 71, thence south on U.S. Hwy 71 to the jct. of U.S. Hwy 82, thence east on U.S. Hwy 82 to the Arkansas-Mississippi state line, on the one hand, and, on the other, points in Illinois on, north and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of I–74, thence east on I–74 to the jct. of U.S. Hwy 24, thence south on U.S. Hwy 24 to the jct. of IL St. Hwy 9, thence east on IL St. Hwy 9 to the jct. of IL St. Hwy 29, thence south on IL St. Hwy 29 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of IL St. Hwy 33, thence east on IL ST. Hwy 33 to the jct. of IL St. Hwy 1, thence north on IL St. Hwy 1 to the jct. of the Hutsonville, Illinois Hwy. thence east on the Hutsonville, Illinois Hwy to the jct. of IN St. Hwy 154 at the Illinois-Indiana state line;

(53) (e) Between points in Arkansas, on the one hand, and, on the other, points in Indiana on and north of a line commencing at the Illinois-Indiana state line on IN St. Hwy 154, thence east on IN St. Hwy 154 to the jct. of IN St. Hwy 54, thence east on IN ST. Hwy 54 to the jct. of IN St. Hwy 45, thence northeast on IN ST. Hwy 45 to the jct. of IN ST. Hwy 46, thence northeast on IN St. Hwy 46 to the jct. of IN St. Hwy 7, thence southeast on IN ST. Hwy 7 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IN St. Hwy 350, thence east on IN St. Hwy 350 to the Indiana-Ohio state line;

(53) (f) (i) Between points in Arkansas on, south and east of a line commencing at the Arkansas-Texas state line on I–30, thence east on I–30 to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the jct. of AR St. Hwy 149, thence north on AR. St. Hwy 149 to the jct. of AR St. Hwy 42, thence east on AR. ST. Hwy 42 to the jct. of I–55, thence north on I–55 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to the Arkansas-Missouri state line, on the one hand, and, on the other, points in Iowa on and east of a line commencing at the Minnesota-Iowa state line on IA St. Hwy 76, thence south on IA St. Hwy 76 to the jct. of U.S. Hwy 18, thence west on U.S. Hwy 18 to the jct. of U.S. Hwy 52, thence south on U.S. Hwy 52 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the Iowa-Illinois state line;

(53) (f) (ii) Between points in Arkansas on and south of a line commencing at the Arkansas-Tennessee state line on U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to the Arkansas-Texas state line, on the one hand, and, on the other, points in Iowa on and east of a line commencing at the Iowa-Minnesota state line on U.S. Hwy 52, thence south on U.S. Hwy 52 to the jct. of IA St. Hwy 9, thence east on IA ST. Hwy 9 to the jct. of IA ST. Hwy 51, thence south on IA St. Hwy 57 to the jct. of U.S. Hwy 52, thence south on U.S. Hwy 52 to the jct. of IA St. Hwy 136, thence south and east of IA St. Hwy 136 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Iowa-Illinois state line;

(53) (g) (i) Between points in the Arkansas counties of Ashley, Chicot, Desha, and Drew; and the point of Warren, Arkansas, on the one hand, and, on the other, points in Minnesota on, north and east of a line commencing at the Minnesota-Iowa state line on U.S. Hwy 52, thence north on U.S. Hwy 52 to the jct. of U.S. Hwy 10, thence north on U.S. Hwy 10 to the jct. of U.S. Hwy 52, thence northwest on U.S. Hwy 52 to the Minnesota-North Dakota state line;

(53) (g) (ii) Between points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the interchange of I–55, thence south on I–55 to the jct. of AR. St. Hwy 77, thence south on AR St. Hwy 77 to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the Arkansas-Tennessee state line, on the one hand, and, on the other, points in Minnesota;

(53) (g) (iii) Between points in Arkansas, on, south and east of a line commencing at the Arkansas-Missouri state line on AR. ST. Hwy 201, thence south on AR. St. Hwy 201 to the jct. of AR. St. Hwy 5, thence south on AR ST. Hwy 5 to the jct. of AR. St. Hwy 56, thence south on AR. St. Hwy 56 to the jct. of AR. St. Hwy 69, thence south on AR St. Hwy 69 to the jct. of U.S. Hwy 167, thence south of U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of AR. St. Hwy 98, thence west on AR. St. Hwy 98 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to the Arkansas-Texas state line, on the one hand, and, on the other, points in Minnesota on and north of a line commencing at the United States-Canadian border on MN St. Hwy 313, thence south on MN ST. Hwy 313 to the jct. of MN St. Hwy 11, thence south on MN ST. Hwy 11 to the jct. of MN St. Hwy 72, thence south on MN ST. Hwy 72 to the jct. of MN St. Hwy 1, thence east on MN St. Hwy 1 to the jct. of MN St. Hwy 46, thence south on MN St. Hwy 46 to the jct. of U.S. Hwy 2, thence southeast on U.S. Hwy 2 to the Minnesota-Wisconsin state line; and the point of Winona, Minnesota;

(53) (h) (i) Between points in Arkansas on, north and east of a line commencing at the Missouri-Arkansas state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR. St. Hwy 135, thence south on AR ST. Hwy 135 to the jct. of AR. ST. Hwy 1, thence south on AR St. Hwy 1 to the jct. of U.S. Hwy 49, thence east on U.S. Hwy 49 to the Arkansas-Mississippi state line; and the point of Readland, Arkansas, on the one hand, and, on the other, points in Montana;

(53) (h) (ii) Between points in Arkansas on and east of a line commencing at the Missouri-Arkansas state line on U.S. Hwy. 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the Louisiana-Arkansas state line, on the one hand, and, on the other, points in Montana on, and north of a line commencing at the Idaho-Montana state line on U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct. of MT ST. Hwy 200, thence east on MT St. Hwy 200 to the jct. of U.S. Hwy 89, thence east on U.S. Hwy 89 to the jct. of U.S. Hwy 87, thence north on U.S. Hwy 87 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of MT St. Hwy 13, thence north on MT St. Hwy 13 to the jct. of MT St. Hwy 5, thence east on MT St. Hwy 5 to the Montana-North Dakota state line;

(53) (i) Between points in Arkansas on, east and north of a line commencing at the Missouri-Arkansas state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of AR. St. Hwy 18, thence east on AR St. Hwy 18 to the terminus of AR. St. Hwy 18 at Barfield, Arkansas, on the one hand, and, on the other, points in Nebraska on, west and north of a line commencing at the Colorado-Nebraska state line on NE St. Hwy 19, thence north on NE St. Hwy 19 to the jct. of U.S. Hwy 385, thence north on U.S. Hwy 385 to the jct. of NE St. Hwy 2, thence east on NE St. Hwy 2 to the jct. of NE ST. Hwy 61, thence north on NE St. Hwy 61 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct of U.S. Hwy 281, thence north on U.S. Hwy 281 to the Nebraska-South Dakota state line;

(53) (j) Between points in Arkansas on, east and north of a line commencing at the Missouri-Arkansas state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR. St. Hwy 1, thence south on AR. St. Hwy 1 to the jct. of AR St. Hwy 90, thence east on AR St. Hwy 90 to the Arkansas-Missouri state line; and points in Arkansas on and east of a line commencing at the Missouri-Arkansas state line on AR St. Hwy 77, thence south on AR. St. Hwy 77 to the jct. of AR. St. Hwy 119, thence south on AR. St. Hwy 119 to the jct. of AR. ST. Hwy 18, thence west and south on AR St. Hwy 18 to the jct. of AR. St. Hwy 135, thence south on AR St. Hwy 135 to the jct. of AR. St. Hwy 140, thence north and east on AR. St. Hwy 140 to the jct. of I–55, thence south on I–55 to the Arkansas-Tennessee state line, on the one hand, and, on the other, points in Nevada on and north of a line commencing at the California-Nevada state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of NV St. Hwy 25, thence south and east on NV ST. Hwy 25 to the Nevada-Utah state line;

(53) (k) (i) Between points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 62, thence south on U.S. Hwy 62 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the Arkansas-Louisiana state line, on the one hand, and, on the other, points in North Dakota on, north and west of a line commencing at the Montana-North Dakota state line on U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of ND St. Hwy 5, thence east on ND St. Hwy 5 to the North Dakota-Minnesota state line;

(53) (k) (ii) Between points in Arkansas on, east and north of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR. St. Hwy 135, thence south on AR St. Hwy 135 to the jct. of AR. St. Hwy 1, thence south on AR. St. Hwy 1 to the jct. of U.S. Hwy 49, thence east on U.S. Hwy 49 to the Arkansas-Mississippi state line, on the one hand, and, on the other, points in North Dakota;

(53(1) Between points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of AR St. Hwy 15, thence south on AR St. Hwy 15 to the jct. of AR. St. Hwy 4, thence east on AR St. Hwy 4 to the jct. of AR. St. Hwy 81, thence south on AR. St. Hwy 81 to the Arkansas-Louisiana state line, on the one hand, and, on the other, points in Oregon on, west and north of a line commencing at the Oregon-Washington state line on U.S. Hwy 395, thence south and west of U.S. Hwy 395 to the jct. of U.S. Hwy 20, thence west on U.S. Hwy 20 to the jct of U.S. Hwy 97, thence south on U.S. Hwy 97 to the Oregon-California state line;

(53(m) Between Blytheville, Arkansas, on the one hand, and, on the other points in South Dakota;

(53) (n) Between points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR St. Hwy 1, thence south on AR. St. Hwy 1 to the jct. of U.S. Hwy 90, thence east on AR. St. Hwy 90 to the Arkansas-Missouri state line; and points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on U.S.

V40-1133 JUL 10 75 XUM

Hwy 61, thence southeast on U.S. Hwy 61 to the jct. of I–55, thence southeast on I–55 to the jct. of AR. St. Hwy 77, thence south on AR. St. Hwy 77 to the jct. of U.S. hwy 70, thence east on U.S. Hwy 70 to the jct. of I–55, thence east on I–55 to the Arkansas-Tennessee state line, on the one hand, and, on the other, points in Utah on, and north of a line commencing at the Utah-Wyoming state line on UT St. Hwy 150, thence southwest on UT. St. Hwy 150 to the jct. of U.S. Alt 189, thence west on U.S. Alt. 189 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Utah-Nevada state line; and the point of Garrison, Utah; and points in Utah on, south and west of a line commencing at the Utah-Nevada state line on UT ST. Hwy 56, thence east on UT ST. Hwy 56 to the jct. of U.S. Hwy 91, thence southwest on U.S. Hwy 91 to the Utah-Arizona state line;

(53) (o) Between points in Arkansas on and east of a line commencing at the Arkansas-Missouri state line on AR St. Hwy 5, thence south on AR ST. Hwy 5 to the jct. of AR St Hwy 56, thence east on AR. St. Hwy 56 to the jct. of AR. ST. Hwy 69, thence south on AR St. Hwy 69 to the jct. of AR. St. Hwy 25, thence south on AR. St. Hwy 25 to the jct. of AR. St. Hwy 5, thence south on AR. ST. Hwy 5 to the jct. of AR. ST. Hwy 31, thence south on AR. ST. Hwy 31 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of AR. ST. Hwy 35, thence south on AR. St. Hwy 35 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of AR ST. Hwy 97, thence south on AR. ST. Hwy 97 to the jct. of AR. St. Hwy 8, thence east on AR. St. Hwy 8 to the jct. of AR. ST. Hwy 4, thence east on AR. St. Hwy 4 to the jct. of AR. St. Hwy 81, thence south on AR. ST. Hwy 81 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to the jct. of AR. St. Hwy 133, thence south on AR. ST. Hwy 133 to the Arkansas-Louisiana state line, on the one hand, and, on the other, points in Washington;

(53) (p) (i) Between points in Arkansas on, south and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of I–55, thence south on I–55 to the jct. of I–40, thence west on I–40 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the Arkansas-Louisiana state line; and the point of Kiblah, on the one hand, and, on the other, points in Wisconsin;

(53) (p) (ii) Between points in Arkansas, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Wisconsin-Illinois state line on WI St. Hwy 69, thence north on WI St. Hwy 69 to the jct. of WI St. Hwy 92, thence north on WI ST. Hwy 92 to the jct. of WI St. Hwy 78, thence north on WI St. Hwy 78 to the jct. of U.S. Hwy 12, thence north on U.S. Hwy 12 to the jct. of WI St. Hwy 21, thence east on WI ST. Hwy 21 to the jct. of WI St. Hwy 173, thence north on WI ST. Hwy 173 to the jct. of WI St. Hwy 80, thence north on WI St. Hwy 80 to the jct. of WI St. Hwy 13, thence north on WI ST. Hwy 13 to the terminus at Red Cliff, Wisconsin;

(53) (q) (i) Between points in Arkansas on, north and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR ST. Hwy 135, thence south on AR ST. Hwy 135 to the jct. of AR St. Hwy 1, thence south on AR St. Hwy 1 to the jct. of AR St. Hwy 39, thence south on AR St. Hwy 39 to the jct. of U.S. Hwy 49, thence south and east on U.S. Hwy 49 to the Arkansas-Mississippi state line; and, points in Arkansas on, south and east of a line commencing at the Arkansas-Mississippi state line on U.S. Hwy 82, thence west on U.S. Hwy 82 to Snyder, Arkansas, thence east on U.S. Hwy 82 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the Arkansas-Louisana state line, on the one hand, and, on the other, points in Wyoming on U.S. Hwy 87, commencing at, and including, Sheridan Wyoming, thence northwest on U.S. Hwy 87 to the Wyoming-Montana state line;

(53) (q) (ii) Between points in Arkansas on, east and north of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of AR. St. Hwy 135, thence south on AR St. Hwy 135 to the jct. of AR. St. Hwy 140, thence west and south on AR. St. Hwy 140 to the jct. of AR. St. Hwy 75, thence south on AR St. Hwy 75 to the jct. of U.S. Hwy 64, thence west on U.S. Hwy 64 to the jct. of AR St. Hwy 1, thence south on AR. St. Hwy 1 to the jct. of U.S. Hwy 49, thence east on U.S. Hwy 49 to the Arkansas-Mississippi state line, on the one hand, and, on the other, points in Wyoming on, north and west of a line commencing at the Wyoming-South Dakota state line on U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of U.S. Hwy 16, thence northwest on U.S. Hwy 16 to the jct. of I–90, thence west on I–90 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of U.S. Hwy 20, thence south on U.S. Hwy 20 to the jct. of U.S. Hwy 26, thence west on U.S. Hwy 26 to the jct. of WY St. Hwy 789, thence southwest on WY ST. Hwy 789 to the jct. of WY St. Hwy 28, thence southwest on WY ST. Hwy 28 to the jct. of U.S. Hwy 187, thence south on U.S. Hwy 187 to the jct. of I–80, thence west on I–80 to the jct. of Wyoming-Utah state line;

(54) (a) Between points in California on, north and west of a line commencing at the California-Nevada state line on U.S. Hwy 50, thence south and west on U.S. Hwy 50 to the jct. of CA ST. Hwy 49, thence south on CA ST. Hwy 49 to the jct. of CA St. hwy 120, thence west on CA ST. hwy 120 to the jct. of I–205, thence west on I–205 to the jct. of I–580, thence west on I–580 to the jct. of CA ST. Hwy 92, thence southwest on CA St. Hwy 92 to its terminus at Half Moon Bay, California, on the one hand, and, on the other, points in Florida;

(54) (b) (i) Between points in California on, west, and north of a line commencing at the California-Nevada state line on CA ST. Hwy 266, thence south on CA ST Hwy 266 to the junction of CA ST Hwy. 168, thence south on CA ST Hwy 168 to the junction of U.S. Hwy. 395, thence south on U.S. Hwy. 395 to the junction of I–15, thence south on I–15 to the junction of I–10, thence east on I–10 to the junction of CA ST Hwy. 86, thence south on CA ST Hwy 86 to the junction of U.S. Hwy. 80, thence east on U.S. Hwy. 80 to the junction of CA ST Hwy. 111, thence south on CA ST Hwy. 111 to the United States-Mexico border, on the one hand, and, on the other, points in Illinois on, east and south of a line commencing at the Illinois-Wisconsin state line on IL ST Hwy. 78, thence south on IL ST Hwy. 78 to the junction of IL ST Hwy. 2, thence southwest of IL ST Hwy. 2 to the junction of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the junction of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the Missouri-Illinois state line;

(54) (b) (ii) Between points in California, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on IL ST Hwy. 78, thence south on IL ST Hwy. 78 to the junction of IL ST Hwy. 2, thence southwest on IL ST Hwy. 2 to the junction of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the Illinois-Missouri state line:

(54) (b) (iii) Between points in California on and west of a line commencing at the California-Oregon state line on Interstate 5, thence south on Interstate 5 to the junction of CA ST Hwy. 299, thence west on CA ST Hwy. 299 to the junction of U.S. Hwy. 101, thence south on U.S. Hwy. 101 to the junction of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the junction of I–580, thence east on I–580 to the junction of I–205, thence east on I–205 to the junction of CA ST Hwy. 120, thence east on CA ST Hwy. 120 to the junction of CA ST Hwy. 99, thence south on CA ST Hwy. 99 to the junction of CA ST Hwy. 58, thence east on CA ST Hwy. 58 to the junction of I–15, thence south on I–15 to the junction of I–10, thence east on I–10 to the junction of CA ST Hwy. 86, thence south on CA ST Hwy. 86 to the junction of U.S. Hwy. 80, thence east on U.S. Hwy. 80 to the junction of CA ST Hwy. 111, thence south on CA ST Hwy. 111 to the United States-Mexico border, on the one hand, and, on the other, points in Illinois;

(54) (c) (i) Between points in California on, west and north of a line commencing at the California-Oregon state line on Interstate I–5, thence south on I–5 to the jct. of CA St. Hwy 299, thence west on CA St. Hwy 299 to the jct. of U.S. Hwy 101, thence south on U.S. Hwy 101 to a terminus at Eureka, California; and points in California on, south, west and south of a line commencing at the California-Arizona state line on Interstate I–10, thence west on I–10 to the jct. of I–15, thence north on I–15 to the jct. of CA St. Hwy 58, thence west on CA St. Hwy 58 to the jct. of CA St. Hwy 99, thence north on CA St. Hwy 99 to Merced, California, thence south on CA St. Hwy 99 to the jct. of CA St. Hwy 99 and CA St. Hwy 152, thence west on CA St. Hwy 152 to the jct. of U.S. Hwy 101, thence south on U.S. Hwy 101 to the jct. of CA St. Hwy 68, thence west on CA. St. Hwy 68 to the terminus of Monterey, California, on the one hand, and, on the other, points in Iowa on and east of a line commencing at the Iowa-Illinois state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Iowa-Illinois state line; and points in Iowa on, south and east of a line commencing at the Iowa-Illinois state line at Burlington, Iowa on U.S. Hwy 34, thence west on U.S. Hwy 34 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the Iowa-Illinois state line;

(54) (c) (ii) Between points in California, on the one hand, and, on the other, Davenport, Iowa;

(54) (c) (iii) Between Needles and Santa Rosa, California, on the one hand, and, on the other, Clinton, Dubuque, Davenport, and Ft. Madison, Iowa;

(54) (d) Between points in California on and north of a line commencing at the California-Oregon state line on U.S. Hwy. 395, thence south on U.S. Hwy. 395 to the junction of CA ST Hwy. 299, thence south and west on CA ST Hwy. 299 to the junction of U.S. Hwy. 101, thence south on U.S. Hwy. 101 to Eureka, California on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on LA ST Hwy. 21, thence south on LA ST Hwy. 21 to the junction of LA ST Hwy. 41, thence south on LA ST Hwy. 41 to the junction of U.S. Hwy. 11, thence southwest on U.S. Hwy 11, to the junction of I–10, thence southwest on I–10 to the junction of U.S. Business Route 90, thence east and south on U.S. Business Route 90 to the junction of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana; and the point of Delta, Louisiana;

(54) (e) Between points in California, on the one hand, and, on the other, points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on south and east of a line commencing at the Wisconsin-Michigan state line on U.S. Hwy. 2, thence east on U.S. Hwy. 2 to the junction of U.S. Hwy. 41, thence north on U.S. Hwy. 41 to the junction of MI ST Hwy. 67, thence east and north of MI ST Hwy. 67 to the junction of MI ST Hwy. 94, thence east on MI ST Hwy. 94 to the junction of MI ST Hwy. 28, thence north on MI ST Hwy. 28 to the terminus of Munising, Michigan;

(54) (f) (i) Between points in California on, south and west of a line commencing at Morro Bay, California on the CA St. Hwy 41, thence northeast on CA St. Hwy 41 to the junction of CA St. Hwy 46, thence southeast on CA St. Hwy 46 to the junction of CA St. Hwy 58, thence southeast on CA St. Hwy 58 to the junction of CA St. Hwy 14, thence south on CA St. Hwy 14 to the junction of I–5, thence southeast on I–5 to the junction of U.S. Hwy 66, thence southeast on U.S. Hwy 66 to the junction of I–15, thence south on I–15 to the junction of I–10, thence southeast on I–10 to the junction of U.S. Hwy 95, thence north on U.S. Hwy 95 to the California-Arizona state line, on the one hand, and, on the other, Reno, (Houston Co.) Minnesota;

54 (f) (ii) Between points in California on and south of a line commencing on Interstate–8 at San Diego, California, thence east on I–8 to the Arizona-California state line, on the one hand, and, on the other points in Minnesota on and east of a line commencing at the Iowa-Minnesota state line on MN St. Hwy 26, thence north on MN St. Hwy 26 to the junction of U.S. Hwy 61, thence northwest on U.S. Hwy 61 to the junction of MN St. Hwy 43, thence northeast on MN St. Hwy 43 to the Minnesota-Wisconsin state line at Winona, Minnesota, and Grand Portage, Minnesota;

(54) (g) Between points in California on and north of a line commencing at the California-Nevada state line on U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of I–5, thence north and west on I–5 to the jct. of CA St. Hwy 20, thence north and west on CA St. Hwy 20 to its terminus at Noyo, California, on the one hand, and, on the other, points in Mississippi on and east of a line commencing at the Arkansas-Mississippi state line on U.S. Hwy 49, thence east and south on U.S. Hwy 49 to the jct. of U.S. Hwy 49–E, thence south on U.S. Hwy 49–E to the jct. of U.S. Hwy 82, thence east on U.S. Hwy 82 to the jct. of MS St. Hwy 35, thence south on MS St. Hwy 35 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to its terminus at Gulfport, Mississippi;

(54) (h) Between points in California, on the one hand, and, on the other, St. Louis, Missouri; and points in Missouri on, north and east of a line commencing on the Illinois-Missouri state line at Cape Girardeau, Missouri on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the Kentucky-Missouri state line;

(54) (i) (i) Between points in California, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Michigan Wisconsin state line on U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI St. Hwy 22, thence southwest on WI St. Hwy 22 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 151, thence southwest on U.S. Hwy 151 to the jct. of WI St. Hwy 69, thence south on WI St. Hwy 69 to the Illinois-Wisconsin state line;

(54) (i) (ii) Between points in California on and south of a line commencing at Santa Barbara, California on U.S. Hwy 101, thence south on U.S. Hwy 101 to the jct. of I–5, thence south on I–5 to the jct. of CA St. Hwy 74, thence northeast on CA St. Hwy 74 to the jct. of CA St. Hwy 111, thence east on CA St. Hwy 111 to the jct. of I–10, thence east on I–10 to the jct. of U.S. Hwy 95, thence north on U.S. Hwy 95 to the jct. of U.S. Hwy 66, thence east on U.S. Hwy 66 to the California-Arizona state line, on the one hand, and, on the other, points in Wisconsin on, south and east of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of U.S. Hwy 12, thence north on U.S. Hwy. 12 to the jct. of WI St. Hwy 21, thence east on WI St. Hwy 21 to the Jct. of WI St. Hwy 173, thence north on WI St. Hwy 173 to the jct. of WI St. Hwy 80, thence north on WI St. Hwy 80 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the terminus at Red Cliff, Wisconsin;

(55) (a) (i) Between points in Colorado, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy 24, thence west on U.S. Hwy 24 to the jct. of IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of IL St. Hwy 54, thence southwest on IL St. Hwy 54 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of IL St. Hwy 141, thence east on IL St. Hwy 141 to the Illinois-Indiana state line;

(55) (a) (ii) Between points in Colorado on and west of a line commencing at the Utah-Colorado state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of CO St. Hwy 13, thence south on CO St. Hwy 13 to the jct. of U.S. Hwy 6, thence west on U.S. Hwy 6 to the Colorado-Utah state line, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Wisconsin-Illinois state line on IL St. Hwy 31, thence south on IL St. Hwy 31 to the jct. of IL St. Hwy 71, thence southwest on IL St. Hwy 71 to the jct. of IL ST. Hwy 47, thence south on IL St. Hwy 47 to the jct. of U.S. Hwy 6, thence west on U.S. Hwy 6 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 116, thence west on IL St. Hwy 116 to the jct. of U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 66, thence south on U.S. Hwy 66 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 127, thence south on IL St. Hwy 127 to the jct. of IL St. Hwy 154, thence west on IL St. Hwy 154 to the jct. of IL St. Hwy 150, thence southwest on IL St. Hwy 150 to the Illinois-Missouri state line;

(55) (b) Between points in Colorado, on the one hand, and, on the other, points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at the junction of I–75 with MI ST Hwy. 123, thence north on MI ST Hwy. 123 to its terminus approximately one mile north of Whitefish Point, Michigan;

(55) (c) Between points in Colorado on and north of a line commencing at the Colorado-Wyoming state line on U.S. Hwy 138, thence southwest on U.S. Hwy 138 to the junction of U.S. Hwy 6, thence south and west on U.S. Hwy 6 to the Colorado-Utah state line, on the one hand, and, on the other, points in Missis-

V 40 I 133 JUL 10 75 XUM

sippi on and east of a line commencing at the Mississippi-Tennessee state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the junction of U.S. Hwy 45A, thence south on U.S. Hwy 45A to the junction of U.S. Hwy 45, thence south on U.S. Hwy 45 to the Alabama-Mississippi state line;

(55) (d) Between points in Colorado on and northwest of a line commencing at the Colorado-Utah state line on U.S. Hwy. 6, thence east on U.S. Hwy. 6 to the junction of CO ST Hwy. 131, thence north on CO ST Hwy. 131 to the junction of CO ST Hwy. 134, thence east on CO ST Hwy. 134 to the junction of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 34, thence east on U.S. Hwy 34 to the jct. of U.S. Hwy 287, thence north on U.S. Hwy 287 to the jct. of CO. St. Hwy 14, thence east on CO St. Hwy 14 to the jct. of U.S. Hwy 87, thence north on U.S. Hwy 87 to the Colorado-Wyoming state line, on the one hand, and, on the other, points in Missouri on, north and east of a line commencing at the Illinois-Missouri state line at Cape Girardeau, Missouri, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the Kentucky-Missouri state line;

(55) (e) (i) Between points in Colorado on and south of a line commencing at the Colorado-Utah state line on U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the junction of I–25, thence south on I–25 to the junction of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the Colorado-Kansas state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy. 141, thence south on U.S. Hwy. 141 to the junction of I–94, thence west on I–94 to the junction of U.S. Hwy. 41, thence south on U.S. Hwy. 41 to the junction of WI ST Hwy. 36, thence south on WI St Hwy. 36 to the junction of WI ST Hwy. 83, thence south on WI ST Hwy. 83 to the Illinois-Wisconsin state line;

(55) (e) (ii) Between points in Colorado on, south, and west of a line commencing at the Colorado-Utah state line on U.S. Hwy 666, thence southeast on U.S. Hwy 666 to the jct. of U.S. Hwy 160, thence east on U.S. Hwy 160 to the junction of U.S. Hwy 550, thence south on U.S. Hwy 550 to the Colorado-New Mexico state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the junction of WI St. Hwy 70, thence west on WI St. Hwy 70 to the jct. of WI St. Hwy 17, thence south on WI St. Hwy 17 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 23, thence southwest on WI St. Hwy 23 to the jct. of U.S. Hwy 12, thence south on U.S. Hwy 12 to the jct of WI St. Hwy 78, thence south on WI St Hwy 78 to the jct. of WI St. Hwy 92, thence south on WI St. Hwy 92 to the jct. of WI St. Hwy 69, thence south on WI St. Hwy 78 to the jct. of WI St. Hwy 92, line;

(56) Between points in Delaware, on the one hand, and, on the other, points in Kentucky on, north and west of a line commencing at Hawesville, Kentucky (Indiana-Kentucky state line) on U.S. Hwy 60, thence west on U.S. Hwy 60 to the junction of U.S. Hwy 431, thence south on U.S. Hwy 431 to the junction of U.S. Hwy. 62, thence south on U.S. Hwy. 62 to the junction of KY St Hwy. 171, thence south on KY St Hwy. 171 to the junction of KY St. Hwy. 107, thence west and south on KY St. Hwy. 107 to the junction of U.S. Hwy. 41A, thence south on U.S. Hwy 41A to the Kentucky-Tennessee state line;

(57) (a) Between points in the District of Columbia, on the one hand, and, on the other, points in Indiana on and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of IN St. Hwy 14, thence east on IN ST. Hwy 14 to the junction of I65, thence south on I 65 to the junction of U.S. Hwy. 231, the jct. of U.S. Hwy 24, thence south on U.S. Hwy 24 to the jct. of IL St. Hwy 78, thence south on IL St. Hwy 78 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the terminus at Alton, Illinois;

(60) (a) (ii) Between points in Idaho on and south of a line commencing at the Oregon-Idaho state line on ID St. Hwy 52, thence east on ID St. Hwy 52 to the jct. of U.S. Hwy 95, thence south on U.S. Hwy 95 to the jct. of I–80N to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of I–80N, thence east on I–80N to the jct. of U.S. Hwy 26, thence east on U.S. Hwy 26, to the jct. of ID St. Hwy 25, thence east on ID St. Hwy 25 to the jct. of I–80N thence east on I–80N to the jct. of I–15W, thence east on I–15W to the jct. of I–15, thence south on I–15 to the jct. of U.S. Hwy 191, thence south on U.S. Hwy 191 to the Idaho-Utah state line, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 29, thence west and south on IL St. Hwy 29 to the jct. of U.S. Hwy 24, thence south on U.S. Hwy 24 to the jct. of IL St. Hwy 100, thence south on IL St. Hwy 100 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Illinois-Missouri state line;

(60) (b) (i) Between points in Idaho, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy. 65, thence south on U.S. Hwy. 65 to the junction of U.S. Hwy. 80, thence east on U.S. Hwy. 80 to the Mississippi-Louisiana state line; and points in Louisiana north and east of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the junction of I–10, thence southeast on I–10 to the junction of U.S. Hwy. 61, thence south on U.S. Hwy. 61 to the junction of LA ST Hwy. 23, thence southeast on LA ST Hwy. 23 to the terminus of LA St. Hwy 23 at or near the Gulf of Mexico;

(60) (b) (ii) Between points in Idaho on, north and west of a line commencing at the United States-Canada border on U.S. Hwy. 95, thence southwest on U.S. Hwy. 95 to the junction of U.S. Hwy. 2, thence west on U.S. Hwy. 2 to the Idaho-Washington state line, on the one hand, and, on the other, points in Louisiana on, south and east of a line commencing at the Arkansas-Louisiana state line on LA ST Hwy. 159, thence south on LA ST Hwy. 159 to the junction of LA ST Hwy. 7, thence south on LA ST Hwy. 7 to the junction of U.S. Hwy. 71, thence southeast on U.S. Hwy. 71 to the junction of LA ST Hwy. 6, thence southwest on LA ST Hwy. 6 to the Louisiana-Texas state line;

(60) (c) Between points in Idaho, on the one hand, and, on the other, points in Michigan on and south of a line commencing at Manistee, Michigan on U.S. Hwy. 31, thence north on U.S. Hwy. 31 to the junction of MI ST Hwy. 55, thence east on MI ST Hwy. 55 to the junction of MI ST Hwy. 66, thence south on MI ST Hwy. 66 to the junction of MI ST Hwy. 61, thence east on MI ST Hwy. 61 to the junction of U.S. Hwy. 23, thence northeast on U.S. Hwy. 23 to the junction of MI ST Hwy. 65, thence north on MI ST Hwy. 65 to the junction of MI ST Hwy. 55, thence east on MI ST Hwy. 55 to the terminus at Tawas City, Michigan;

(60) (d) Between points in Idaho, on the one hand, and, on the other, points in Mississippi on, north and east of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 80, thence east on U.S. Hwy 80 to the jct. of MS St. Hwy 27, thence southwest on MS St. Hwy 27 to jct. of U.S. Hwy 51, thence south on U.S. Hwy. 231 to the junction of IN ST Hwy. 46, thence east on IN ST Hwy. 46 to the junction of IN ST Hwy. 45, thence southwest on IN ST Hwy. 45 to the junction of U.S. Hwy. 460, thence east on U.S. Hwy. 460 to the junction of IN ST Hwy. 245, thence south on IN ST Hwy. 245 to the junction of IN ST Hwy. 70, thence east on IN ST Hwy. 70 to the junction of IN ST Hwy. 66, thence east on IN ST Hwy. 66 to the terminus at Cannelton, Indiana;

(57) (b) Between points in the District of Columbia, on the one hand, and, on the other, points in the upper peninsula of Michigan on and west of a line commencing at, and including, L'Anse, Michigan, thence south and east on U.S. Hwy 41 to the jct. of MI St. Hwy 35, thence south on MI St. Hwy 35 to the terminus at Escanaba, Michigan;

(57) (c) Between points in the District of Columbia, on the one hand, and, on the other, points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 641, thence south on U.S. Hwy 641 to the jct. of U.S. Hwy. 79, thence southwest on U.S. Hwy. 79 to the junction of TN ST Hwy. 22, thence south on TN ST Hwy. 22 to the junction of U.S. Hwy. 70, thence southwest on U.S. Hwy. 70 to the junction of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the junction of the TN ST Hwy. 18, thence southwest on TN ST Hwy. 18 to the Mississippi-Tennessee state line;

(58) (a) Between Pensacola, Florida, on the one hand, and, on the other, North Adams, Massachusetts;

(58) (b) Between points in Florida, on the one hand, and, on the other, points in Nevada on and north of a line commencing at the California-Nevada state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of NV St. Hwy 25, thence southeast on NV St. Hwy 25 to the Nevada-Utah state line;

(58) (c) Between points in Florida on and south of a line commencing at the Florida-Georgia state line on U.S. Hwy 17, thence south on U.S. Hwy 17 to the jct. of FL St. Hwy 16, thence west on FL ST. Hwy 16 to the jct. of U.S. Hwy 301, thence south on U.S. Hwy 301 to the jct. of FL ST. Hwy 24, thence south on FL St. Hwy 24 to the jct. of U.S. Hwy 441, thence south on U.S. Hwy 441 to the jct. of FL ST. Hwy 33, thence south on FL St. Hwy 33 to the jct. of FL St. Hwy 557, thence south on FL St. Hwy 557 to the jct. of U.S. Hwy 17, thence south on U.S. Hwy 17 to the jct. of FL St. Hwy 60, thence west on FL ST. Hwy 60 to the jct. of U.S. Hwy 92, thence west on U.S. Hwy 92 to St. Petersburg, Florida, on the one hand, and, on the other, points in New Mexico on and north of a line commencing at the Arizona-New Mexico state line on Interstate 40, thence east on I–40 to the jct. of NM St. Hwy 57, thence north on NM St. Hwy 57 to the jct. of NM St. Hwy 44, thence east on NM St. Hwy 44 to the jct. of NM St. Hwy 126, thence east on NM St. Hwy 126 to the jct. of NM ST. Hwy 4, thence east on NM ST. Hwy 4 to the jct. of NM St. Hwy 30, thence east on NM St. Hwy 30 to the jct. of U.S. Hwy 64, thence east on U.S. Hwy 64 to the jct. of I–25, thence north on I–25 to the Colorado-New Mexico state line;

(58) (d) Between points in Florida on, and west of a line commencing at the Alabama-Florida state line on U.S. Hwy. 231, thence south on U.S. Hwy 231 to its terminus at Panama City, Florida, on the one hand, and, on the other, points in New York on, north and west of a line commencing at the New York-Pennsylvania state line on NY St. Hwy 305, thence north on NY ST. Hwy 305 to the jct. of NY St. Hwy 17, thence east on NY St. Hwy 17 to the jct. of NY St. Hwy 21, thence north and east on NY St. Hwy 21 to the jct. of NY St. Hwy 36, thence north on NY St. Hwy 36 to the jct. of NY St. Hwy 70, thence east on NY St. Hwy 70 to the jct. of U.S. Hwy 15, thence northwest on U.S. Hwy 15 to the jct. of on NY St. Hwy 14A to the jct. of NY St. Hwy 371 to the jct. of NY St. Hwy 245, thence northeast on NY St. Hwy 245 to the jct. of NY St. Hwy. 14A, thence north on NY St. Hwy 14A to the jct. of NY St. Hwy 5, thence east and north of NY St. Hwy 5 to the jct. of NY St. Hwy 8, thence northeast on NY St. Hwy 8 to the jct. of NY St. Hwy 28, thence west and north and east on NY St. Hwy 28 to the jct. of NY St. Hwy 30, thence north on NY St. Hwy 30 to the jct. of NY St. Hwy 3, thence northeast on NY St. Hwy 3 to its terminus at Plattsburgh, New York;

(58) (e) Between points in Florida on, south and west of a line commencing at the Florida-Alabama state line on U.S. Hwy 331, thence south on U.S. Hwy 331 to the jct. of U.S. Hwy 98, thence southeast on U.S. Hwy 98 to the terminus at Panama City, Florida, on the one hand, and, on the other, points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on Interstate–70, thence east on I–70 to the Pennsylvania-West Virginia state line,

(59) (a) Between points in Georgia on and northeast of a line commencing at the Georgia-Alabama state line on GA St. Hwy 48, thence east on GA St. Hwy 48 to the jct. of U.S. Hwy 27, thence southeast on U.S. Hwy 27 to the jct. of GA St. Hwy 20, thence south on GA St. Hwy 20 to the jct. of U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the jct. of U.S. Hwy 278, thence southeast on U.S. Hwy 278 to the jct. of GA ST. Hwy 24, thence southeast on GA St. Hwy 24 to the jct. of U.S. Hwy 1, thence south on U.S. Hwy 1 to the jct. of U.S. Hwy 80, thence southeast on U.S. Hwy 80 to, and including, Savannah Beach, Georgia, on the one hand, and, on the other, points in New Mexico on, north and west of a line commencing at the New Mexico-Colorado state line on U.S. Hwy 85, thence southwest on U.S. Hwy 85 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the jct. of NM St. Hwy 12, thence southwest on NM ST. Hwy 12 to the jct. of U.S. Hwy 180, thence west on U.S. Hwy 180 to the New Mexico-Arizona state line;

(59) (b) Between points in Georgia on, north and west of a line commencing at the Georgia-Tennessee state line on U.S. Hwy 27, thence south on U.S. Hwy 27 to the jct. of U.S. Hwy 278, thence west on U.S. Hwy 278 to the Alabama-Georgia state line; and the point of Columbus, Georgia, on the one hand, and, on the other, points in New York on, north and west of a line commencing at Sackets Harbor on NY St. Hwy 3, thence east on NY St. Hwy 3 to the jct. of NY St. Hwy 30, thence north on NY St. Hwy 30 to the jct. of U.S. Hwy 11, thence east on U.S. Hwy 11 to its terminus at Rouses Point, New York;

(60) (a) (i) Between points in Idaho, on the one hand, and, on the other, points in Illinois on, south and east of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy 120 to the jct. of IL St. Hwy 63, thence south on IL ST. Hwy 63 to the jct. of IL ST. Hwy 31, thence south on IL St. Hwy 31 to the jct. of IL St. Hwy 71, thence south on IL ST. Hwy 71 to the jct. of IL St. Hwy 23, thence south on IL St. Hwy 23 to the jct. of IL St. Hwy 17, thence west on IL St. Hwy 17 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 116, thence west on IL ST. Hwy 116 to south on U.S. Hwy 51 to the Mississippi-Louisiana state line;

(60) (e) Between points in Idaho, on the one hand, and, on the other, points in Missouri on and east of a line commencing at the Missouri-Illinois state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of I–270, thence west on I–270 to the jct. of I–244, thence south on I–244 to the jct. of I–55, thence south on I–55 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Missouri-Arkansas state line;

(60) (f) (i) Between points in Idaho on, south and west of a line commencing at the Idaho-Oregon state line on Interstate Highway 80N, thence southeast on Interstate Hwy. 80N to the Interchange on U.S. Hwy. 93, thence south on U.S. Hwy. 93 to the Idaho-Nevada state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Wisconsin-Illinois state line on U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the junction of WI ST Hwy. 26, thence north on WI ST Hwy. 26 to the junction of WI ST Hwy. 109, thence north on WI ST Hwy. 109 to the junction of WI ST Hwy. 67, thence north on WI ST Hwy. 67 to the junction of U.S. Hwy. 41, thence north on U.S. Hwy. 41 to the junction of U.S. Hwy. 151, thence north on U.S. Hwy. 151 to the junction of WI ST Hwy. 57, thence north on WI ST Hwy. 57 to a terminus at Green Bay, Wisconsin;

(60) (f) (ii) Between points in Idaho (except points in the counties of Boundary, Fremont, and Idaho), on the one hand, and, on the other, Kenosha, Wisconsin;

(61) (a) (i) Between points in Illinois on and east of a line commencing at Chicago, Illinois, thence north on I–94 to the jct. of IL St. Hwy 43, thence north on IL St. Hwy 43 to the jct. of IL St. Hwy 120, thence east on IL St. Hwy 120 to Waukegan, Illinois, on the one hand, and, on the other, points in Illinois on and south of a line commencing at the Illinois-Indiana state line on U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of IL St. Hwy 133, thence west on IL St. Hwy 133 to the jct. of IL St. Hwy 32, thence south on IL St. Hwy 32 to the jct. of IL ST. Hwy 16, thence east on IL St. Hwy 16 to Hardin, Illinois, thence south from Hardin, Illinois on Hardin-Batchtown Rd to the terminus at Batchtown, Illinois;

(61) (a) (ii) Between points in Illinois on and southwest of a line commencing at East St. Louis, Illinois, thence south on IL St. Hwy 13 to the jct. of IL St. Hwy 154, thence east on IL St. Hwy 154 to the jct. of IL St. Hwy 183, thence east on IL St. Hwy 183 to the jct. of IL St. Hwy 37, thence south on IL St. Hwy 37 to the jct. of IL St. Hwy 34, thence east on IL St. Hwy 34 to the jct. of IL St. Hwy 13, thence east on IL St. Hwy 13 to the Illinois-Kentucky state line, on the one hand, and on the other, points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 12, thence south on U.S. Hwy 12 to the jct. of IL St. Hwy 31, thence south on IL St. Hwy 31 to the jct. of U.S. Hwy 20, thence south on U.S. Hwy 20 to the jct. of IL St. Hwy 53, thence south on IL St. Hwy 53 to the jct. of U.S. Hwy 52, thence south on U.S. Hwy 52 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of IL St. Hwy 16, thence east on IL

V40 I133 JUL 10 75 XUM

St. Hwy 16 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Indiana state line;

(61) (a) (iii) Between points in Illinois on, north and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of I–90, thence east on I–90 to the jct. of IL St. Hwy 23, thence south on IL St. Hwy 23 to the jct. of IL St. Hwy 38, thence east on IL St. Hwy 38 to the jct. of IL St. Hwy 31, thence south on IL St. Hwy 31 to the jct. of U.S. Hwy 30, thence south on U.S. Hwy 30 to the jct. of IL St. Hwy 53, thence south on IL St. Hwy 53 to the jct. of IL St. Hwy 102, thence south on IL St. Hwy 102 to the jct. of U.S. Hwy 52, thence south on U.S. Hwy 52 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Illinois on and southeast of a line commencing at the Illinois-Indiana state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IL St. Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to Flora, Illinois, thence east from Flora, Illinois on U.S. Hwy 50 to the jct of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 15, thence west on IL St. Hwy 15 to the jct. of I–57, thence south on I–57 to the jct. of IL St. Hwy 146, thence west on IL St. Hwy 146 to the jct. of IL St. Hwy 127, thence south on IL St. Hwy 127 to the jct. of U.S. Hwy 60, thence south on U.S. Hwy 60 to the Illinois-Missouri state line;

(61) (a) (iv) Between points in Illinois on and north of a line commencing at the Iowa-Illinois state line on Interstate 74, thence east on I–74 to the jct. of I–80 thence east on I–80 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 18, thence east on IL St. Hwy 18 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of IL St. Hwy 47, thence north on IL St. Hwy 47 to the jct. of U.S. Hwy 66, thence north on U.S. Hwy 66 to the jct. of IL St. Hwy 53, thence north on IL St. Hwy 53 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct of U.S. Hwy 40, thence southwest on U.S. Hwy 40 to the jct. of IL St. Hwy 130, thence south on IL St. Hwy 130 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 142, thence south on IL St. Hwy 142 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the Illinois-Kentucky state line;

(61) (a) (v) Between Quincy, Illinois, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Indiana-Illinois state line on IL ST Hwy. 9, thence west on IL ST Hwy. 9 to the jct. of IL ST Hwy. 1, thence south on IL ST Hwy. 1 to the jct. of IL ST Hwy. 16, thence west on IL ST Hwy. 16 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of IL ST Hwy. 1, thence south on IL ST Hwy. 1 to the jct. of IL ST Hwy. 15, thence east on IL ST Hwy. 15 to the Illinois-Indiana state line;

(61) (a) (vi) Between points in Illinois on and north of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 54, thence northeast on U.S. Hwy. 54 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL ST Hwy. 54, thence northeast on IL ST Hwy. 54 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of IL ST Hwy. 1, thence south on IL ST Hwy. 1 to the jct. with an unmarked highway which passes through or near Logan, Illinois, thence east on that unmarked highway which passes through or near Logan, Illinois to the Illinois-Indiana state line at or near St. Bernice, Indiana, on the one hand, and, on the other, points in Illinois on and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy. 150, thence west on U.S. Hwy. 150 to the jct. of IL ST Hwy. 133, thence west on IL ST Hwy. 133 to Redmon, Illinois, thence east on IL ST Hwy. 133 from Redmon, Illinois to the jct. of IL ST Hwy. 1, thence south on IL ST Hwy. 1 to the jct. of IL ST Hwy. 33, thence west on IL ST Hwy. 33 to Robinson, Illinois, thence east on IL ST Hwy. 33 from Robinson, Illinois to the jct. of IL ST Hwy. 1, thence south on IL ST Hwy. 1 to the jct. of IL ST Hwy. 15, thence east on IL ST Hwy. 15 to the Illinois-Indiana state line;

(61) (a) (vii) Between Urbana and Champaign, Illinois, on the one hand, and, on the other, points in Illinois on and south of a line commencing at the Illinois-Missouri state line on IL ST Hwy. 150, thence north on IL ST Hwy. 150 the jct. of IL ST. Hwy. 3, thence south on IL ST Hwy. 3 to the jct. of U.S. Hwy. 146, thence east on IL ST Hwy. 146 to the jct. of U.S. Hwy. 45, thence north on U.S. Hwy. 45 to the jct. of IL ST Hwy. 1, thence north on IL ST Hwy. 1 to the jct. of U.S. Hwy. 150, thence east on U.S. Hwy. 150 to the Indiana-Illinois state line;

(61) (b) (i) Between points in Illinois on and northwest of a line commencing at Chicago, Illinois, thence south on IL ST. Hwy. 1 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy 121, thence northwest on IL St. Hwy 121 to the jct. of IL ST. Hwy. 10, thence northwest on IL ST. Hwy. 10 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the Illinois-Iowa state line, on the one hand, and, on the other, points in Indiana on and south of a line commencing at the Indiana-Kentucky state line on IN St. Hwy 7, thence north on IN St. Hwy 7 to the jct. of IN St. Hwy 250, thence west on IN St. Hwy 250 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of IN St. Hwy 135, thence north on IN St. Hwy 135 to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of IN ST. Hwy 59, thence north on IN St. Hwy 59 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 150, thence north on U.S. Hwy 150 to the Illinois-Indiana state line;

(61) (b) (ii) Between points in Illinois on and southwest of a line commencing at Batchtown, Illinois, thence east from Batchtown, Illinois over an unmarked Hwy to the jct. of an unmarked Hwy which proceeds north to Hardin, Illinois, thence east from Hardin, Illinois on IL St. Hwy 16 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of IL St. Hwy 15, thence south on IL St. Hwy 15 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Indiana on and northeast of a line commencing at the Ohio-Indiana state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 421, thence north on U.S. Hwy 421 to the jct of I–65, thence north on I–65 to the jct. of U.S. Hwy 52, thence north on U.S. Hwy 52 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 152, thence north on IN ST. Hwy 152 to the jct. of IN ST. Hwy 912, thence east on IN St. Hwy 912 to Indiana Harbor, Indiana;

(61) (b) (iii) Between points in Illinois on and west of a line commencing at the Illinois-Iowa state line on U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of IL ST. Hwy 84, thence south on IL St. Hwy 84 to the jct. of I–80, thence east on I–80 on I–74 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IL ST. Hwy 133, thence east on IL St. Hwy 133 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Indiana on and east of a line commencing at the Indiana-Ohio state line on IN St. Hwy 32, thence west on IN ST. Hwy 32 to Noblesville, Indiana, thence east on IN St. Hwy 32 from Noblesville, Indiana to the jct. of IN St. Hwy 37, thence south on IN St. Hwy 37 to the jct. of I–69, thence south on I–69 to the jct. of I–465, thence west on I–465 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to New Winchester, Indiana, thence east on U.S. Hwy 36 from New Winchester, Indiana to the jct. of I–465, thence south on I–465 to the jct. of IN ST. Hwy 37, thence south on IN St. Hwy 37 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IN ST. Hwy 39, thence south on IN St. Hwy 39 to the jct. of IN St. Hwy 256, thence east on IN St. Hwy 256 to the jct. of IN ST. Hwy 7, thence south on IN St. Hwy 7 to the Indiana-Kentucky state line;

(61) (c) (i) Between points in Illinois on, east and south of a line commencing at the Illinois-Indiana state line on U.S. Hwy 136, thence west on U.S. Hwy 136 to

the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of IL ST. Hwy 133, thence west on IL ST. Hwy 133 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 14, thence west on IL ST. Hwy 14 to the jct. of IL St. Hwy 37, thence south on IL ST. Hwy 37 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in Iowa on and north of a line commencing at Dubuque, Iowa, thence west on U.S. Hwy 20 to, and including, Sioux City, Iowa;

(61) (c) (ii) Between points in Illinois on, east and south of a line commencing at the Illinois-Indiana state line on U.S. Hwy 136, thence west on U.S. Hwy 136 to the jct. of U.S. Hwy 150, thence west on U.S. Hwy 150 to the jct. of U.S. Hwy 45; thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IL St. Hwy 140, thence west on IL ST. Hwy 140 to the jct. of IL St. Hwy 127, thence south on IL St. Hwy 127 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, Larchwood, Iowa;

(61) (c) (iii) Between points in Illinois on and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of IL St. Hwy 16, thence southwest on IL St. Hwy 16 to the jct. of IL ST. Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Iowa;

(61) (d) (i) Between points in Illinois on, east and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of IL St. Hwy 50, thence south on IL St. Hwy 50 to the jct. of IL ST. Hwy 49, thence south of IL St. Hwy 49 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 121, thence south and east on IL St. Hwy 121 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Kansas;

(61) (d) (ii) Between points in Illinois on and east of a line commencing at a Wisconsin-Illinois state line on U.S. Hwy 12, thence south on U.S. Hwy 12 to the jct. of IL St. Hwy 31, thence south on IL St. Hwy 31 to the jct. of IL St. Hwy 120, thence west on IL St. Hwy 120 to the jct. of U.S. Hwy 14, thence southeast on U.S. Hwy 14 to the jct. of IL St. Hwy 31, thence south on IL St. Hwy 31 to the jct. of U.S. Hwy 30 thence south on U.S. Hwy 30 to the jct. of U.S. Hwy 52, thence south on U.S. Hwy 52 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of IL St. Hwy 114, thence east on IL St. Hwy 114 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Kansas on and south of a line commencing at the Colorado-Kansas state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of KS St. Hwy 27, thence south on KS St. Hwy 27 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to Junction City, Kansas, thence south and east on U.S. Hwy 40 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the jct. of KS St. Hwy 150, thence east on KS St. Hwy 150 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of KS St. Hwy 150, thence east on east on KS ST. Hwy 57 to the jct. of U.S. Hwy 169, thence south on U.S. Hwy 169 to the jct. of U.S. Hwy 54, thence east on U.S. Hwy 54 to the jct. of U.S. Hwy 59, thence north on U.S. Hwy 59 to the jct. of KS ST. Hwy 52, thence east on KS St. Hwy 52 to the Kansas-Missouri state line;

(61) (d) (iii) Between points in Illinois on and east of a line commencing at the Wisconsin-Illinois state line on U.S. Hwy 14, thence south on U.S. Hwy 14 to the jct. of IL St. Hwy 23, thence south on IL ST. Hwy 23 to the jct. of U.S. Hwy 34, thence west on U.S. Hwy 34 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 66, thence southwest on U.S. Hwy 66 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to Pana, Illinois, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of IL St. Hwy 141, thence east on IL St. Hwy 141 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Kansas on, south and west of a line commencing at the Colorado-Kansas state line on KS St. Hwy 96, thence east on KS St. Hwy 96 to the jct. of KS St. Hwy 27, thence south on KS St. Hwy 27 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 at the Kansas-Oklahoma state line;

(61) (e) (i) Between points in Illinois on, north and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of IL St. Hwy 97, thence south on IL St. Hwy 97 to the jct. of U.S. Hwy 136, thence southeast on U.S. Hwy 136 to the jct. of IL St. Hwy 10, thence southeast on IL St. Hwy 10 to the jct. of IL St' Hwy 121, thence southeast on IL St. Hwy 121 to the jct. of IL St. Hwy 32, thence south on IL St. Hwy 32 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of IL St. Hwy 50, thence east on U.S. Hwy 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Louisiana;

(61) (e) (ii) Between points in Illinois on, north and east of a line commencing at the Missouri-Illinois state line on U.S. Hwy 36, thence southeast on U.S. Hwy 36 to the jct. of IL St. Hwy 104, thence southeast on IL St. Hwy 104 to the jct. of U.S. Hwy 66, thence south on U.S. Hwy 66 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 185, thence southeast on IL St. Hwy 185 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the jct. of IL St. 33, thence southeast on IL St. Hwy 33 to the jct. of IL ST. Hwy 130, thence southeast on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IL St. Hwy 250, thence east on IL St. Hwy 250 to the jct. of IL St. Hwy 1, thence north on IL St. Hwy 1 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Louisiana on, south, and east of a line commencing at Theriot, Louisiana, thence northeast on LA St. Hwy 315 to the jct. of U.S. Hwy 90, thence northeast on U.S. Hwy 90 to the jct. of LA St. Hwy 39, thence southeast on LA St. Hwy 39 to the jct. of LA St. Hwy 46, thence east on LA St. Hwy 46 to the terminus of Shell Beach, Louisiana (Lake Borgne);

(61) (f) (i) Between points in Illinois, on the one hand, and, on the other, points in Maryland on and north of a line commencing at the Pennsylvania-Maryland state line on U.S. Hwy 219, thence southwest on U.S. Hwy 219 to the jct. of MD St. Hwy 42, thence north on MD St. Hwy 42 to the Pennsylvania-Maryland state line; and points in Maryland on, north and east of a line commencing at the Pennsylvania-Maryland state line on U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of I–70N, thence southeast on I–70N to the jct. of U.S. Hwy 1, thence southwest on U.S. Hwy 1 to the Maryland-District of Columbia state line;

(61) (f) (ii) Between points in Illinois on, south and west of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy 120 to the jct. of U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the jct. of IL St. Hwy 68, thence west on IL St. Hwy 68 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Maryland;

(61) (g) (i) Between points in Illinois, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the New Hampshire-Massachusetts state line on MA St. Hwy 32, thence south on MA ST. Hwy 32 to the Massachusetts-Connecticut state line;

(61) (g) (ii) Between points in Illinois on, west and south of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of I–90, thence east on I–90 to the jct. of IL ST. Hwy 25, thence south on IL ST. Hwy 25 to the jct. of U.S. Hwy 30, thence southeast on U.S. Hwy 30 to the jct of U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of IL St. Hwy 140, thence east on IL ST. Hwy 17 to the Illinois-Indiana

V40-1133 JUL 10 75 XUM

state line, on the one hand, and, on the other, points in Massachusetts;

(61) (h) (i) Between points in Illinois on and south of a line commencing at the Missouri-Illinois state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the on IL ST. Hwy 140 to the jct. of IL St. jct. of IL St. Hwy 240, thence east Hwy 4, thence north on IL ST. Hwy 4 to the jct. of IL St. Hwy 16, thence northeast on IL St. Hwy 16 to the jct. of U.S. Hwy 66, thence north on U.S. Hwy 66 to the jct. of IL St. Hwy 48, thence northeast on IL ST. Hwy 48 to the jct. of IL ST. Hwy 29, thence west on IL St. Hwy 29 to Taylorville, Illinois, thence east and southeast on IL ST. Hwy 29 to the jct. of IL St. Hwy 16, thence east on IL ST. Hwy 16 to the jct. of IL ST. Hwy 32, thence north on IL ST. Hwy 32 to the jct. of IL ST. Hwy 133, thence east on IL ST. Hwy 133 to the jct. of U.S. Hwy 45, thence north on U.S. Hwy 45 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Michigan;

(61) (h) (ii) Between points in Illinois on and south of a line commencing at the Missouri-Illinois state line on U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IL ST. Hwy 104, thence east on IL St. Hwy 104 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IL St. Hwy 47, thence northeast on IL ST Hwy 47 to the jct. of IL St. Hwy 10, thence east on IL St. Hwy 10 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the Illinois-Indiana state line, on the one hand, and, on the other, points in the lower peninsula of Michigan on and northeast of a line commencing at Detroit, Michigan, thence northwest on MI St. Hwy 1 to the jct. of U.S. Hwy 10 thence northwest on U.S. Hwy 10 to the jct. of MI St. Hwy 46, thence west on MI St. Hwy 46 to the jct. of U.S. Hwy 27, thence north on U.S. Hwy 27 to the jct. of U.S. Hwy 10, thence west on U.S. Hwy 10 to Ludington, Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Blaney Park, Michigan, thence north on MI St. Hwy 77 to Grand Marais, Michigan;

(61) (i) (i) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on I–74, thence west on I–74 to the jct. of U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL ST. Hwy 49, thence south on IL ST. Hwy 49 to the jct. of IL St. Hwy 16, thence southwest on IL ST. Hwy 16 to the jct. of IL St. Hwy 32, thence south on IL ST. Hwy 32 to the jct. of IL ST. Hwy 33, thence southeast on IL St. Hwy 33 to the jct. of IL ST. Hwy 37, thence southwest on IL ST. Hwy 37 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line, on the one hand, and, on the other points in Minnesota;

(61) (i) (ii) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy 9, thence west on IL ST. Hwy 9 to the jct. of IL ST. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the jct. of IL ST. Hwy 49, thence south on IL St. Hwy 49 to the jct. of U.S. Hwy 150, thence west on U.S. Hwy 150 to the jct. of IL ST. Hwy 10, thence west on IL St. Hwy 10 to the jct. of IL St. Hwy 47, thence southwest on IL St. Hwy 47 to the jct. of IL St. Hwy 48, thence southwest on IL ST. Hwy 48 to the jct. of U.S. Hwy 66, thence south on U.S. Hwy 66 to the jct. of IL ST. Hwy 140, thence west on IL ST. Hwy 140 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Minnesota on and north of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 2, thence west on U.S. Hwy 2 to the Minnesota-North Dakota state line;

(61) (i) (iii) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy 24, thence west of U.S. Hwy 24 to the jct. of IL St. Hwy 1, thence south on IL ST. Hwy 1 to the jct. of IL St. Hwy 9, thence west on IL ST. Hwy 9 to the jct. of IL ST. Hwy 54, thence southwest on IL St. Hwy 54 to the jct. of I–55, thence south on I–55 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL ST. Hwy 4, thence south on IL St. Hy 4 to the jct. of IL ST. Hwy 16, thence west on IL St Hwy 16 to Hardin, Illinois, on the one hand, and, on the other, points in Minnesota on and north of a line commencing at the United States-Canada border line on MN ST. Hwy 313, thence south on MN St. Hwy 313 to the jct. of MN St. Hwy 11, thence east on MN ST. Hwy 11 to the its terminus at Island View, Minnesota; and the points of St. Vincent, and Grand Portage, Minnesota;

(61) (j) (i) Between points in Illinois on, north, and east of a line commencing at the Iowa-Illinois state line on U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of IL St. Hwy 97, thence south on IL St. Hwy 97 to the jct. of IL St. Hwy 9, thence east on IL ST. Hwy 9 to the jct. of IL ST. Hwy 121, thence south on IL St. Hwy 121 to the jct. of IL St. Hwy 32, thence south on IL ST. Hwy 32 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL ST. Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Mississippi;

(61) (j) (ii) Between points in Illinois on and north of a line commencing at the Iowa-Illinois state line on IL St. Hwy 9, thence east on IL ST. Hwy 9 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of IL ST. Hwy 125, thence east on IL St. Hwy 125 to the jct. of IL St. Hwy 97, thence east on IL St. Hwy 97 to the jct. of IL St. Hwy 29, thence south on IL St. Hwy 29 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of IL St. Hwy 33, thence east on IL St. Hwy 33 to Palestine, Illinois, on the one hand, and, on the other, points in Mississippi on and south of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 80, thence east on U.S. Hwy 80 to the Mississippi-Alabama state line;

(61) (j) (iii) Between points in Illinois on and north of a line commencing at the Missouri-Illinois state line at Quincy, Illinois, thence southeast on IL ST. Hwy 104 to the jct. of IL ST. Hwy 111, thence south on IL St. Hwy 111 to the jct. of IL St. Hwy 108, thence east on IL ST. Hwy 108 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL ST. Hwy 185, thence southeast on IL St. Hwy 185 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the jct. of IL St. Hwy 33, thence southeast on IL St. Hwy 33 to the jct. of IL St. Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Illinois-Indiana state line, on the one hand, and, on the other, Gulfport, Mississippi;

(61) (k) (i) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy 136, thence west on U.S. Hwy 136 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Missouri;

(61) (k) (ii) Between points in Illinois on, north and west of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 26, thence south on IL St. Hwy 26 to the jct. of U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of U.S. Hwy 66, thence southwest on U.S. Hwy 66 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL ST. Hwy 16, thence east on IL St Hwy 16 to the jct. of IL St. Hwy 130, thence south on IL ST. Hwy 130 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of IL ST. Hwy 49, thence south on IL St. Hwy 49 to the jct. of IL St. Hwy 33, thence east on IL St. Hwy 33 to the jct. of IL St. Hwy 1, thence south on IL ST. Hwy 1 to the jct. of IL ST. Hwy 15, thence east on IL ST. Hwy 15 to the Illinois-Indiana state line, on the one hand, and, on the other, Joplin, Missouri;

(61) (k) (iii) Between points in Illinois on and east of a line commencing at Waukegan, Illinois, thence west on IL ST. Hwy 120 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL ST. Hwy 49, thence south on IL St. Hwy 49 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Missouri on, south and west of a line commencing at the Missouri-Iowa state line on U.S. Hwy 65, thence south and east on U.S. Hwy 65 to the jct. of I–70, thence east on I–70 to the jct. of MO St. Hwy 47, thence southeast on MO St Hwy 47 to the jct. of MO St. Hwy 100, thence east on MO St. Hwy 100 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the Missouri-Illinois state line;

(61) (l) (i) Between points in Illinois on, south and east of a line commencing at the Illinois-Missouri state line on US Hwy 67, thence north on US Hwy 67 to the jct. of IL St. Hwy 111, thence north on IL St. Hwy 111 to the jct of IL St Hwy 104, thence east on IL St Hwy 104 to the jct of IL St Hwy 4, thence north on IL St Hwy 4 to the jct of US Hwy 36, thence northeast on US Hwy 36 to the jct. of US Hwy 66, thence northeast on US Hwy 66 to the jct of IL St Hwy 17, thence east on IL St Hwy. 17 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Montana;

(61) (l) (ii) Between points in Illinois on and southeast of a line commencing at the Illinois-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of IL St. Hwy 267, thence north on IL St. Hwy. 267 to the jct. of U.S. Hwy. 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy 29, thence north on IL St. Hwy 29 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the jct. of IL St. Hwy 23, thence north on IL St. Hwy 23 to the jct. of IL St. Hwy 18, thence east on IL ST. Hwy 18 to the jct. of IL St. Hwy 17, thence east on IL ST. Hwy 17 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to Chicago, Illinois, on the one hand, and, on the other, points in Montana on and west of a line commencing at the United States-Canadian border on U.S. Hwy 91, thence south on U.S. Hwy 91 to the jct. of U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct of U.S. Hwy 191, thence south on U.S. Hwy 191 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to Billings, Montana, thence west on U.S. Hwy 10 to the jct. of U.S. Hwy 212, thence south on U.S. Hwy 212 to the Montana-Wyoming state line;

(61) (l) (iii) Between points in Illinois on and southeast of a line commencing at the Illinois-Missouri state line on U.S. Hwy 54, thence northeast on U.S. Hwy 54 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IL St. Hy 100, thence north on IL St. Hwy 100 to the jct. of U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 24, thence northeast on U.S. Hwy 24 to the jct. of IL St. Hwy 29, thence north on IL St. Hwy 29 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy 34, thence east on U.S. Hwy 34 to the jct. of IL St. Hwy 25, thence north on IL St. Hwy 25 to the jct. of IL St. Hwy 58, thence east on IL St. Hwy 58 to the jct. of IL ST. Hwy 43, thence north on IL ST. Hwy 43 to the jct. of IL St. Hwy 22, thence east on IL St. Hwy 22 to the terminus of IL St. Hwy 22 at Highwood, Illinois, on the one hand, and, on the other, points in Montana on and west of a line commencing at the United States-Canadian border on U.S. Hwy 93, thence south on U.S. Hwy 93 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to the jct. of U.S. Hwy 12, thence southwest on U.S. Hwy 12 to the Idaho-Montana state line;

(61) (m) (i) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on IL ST. Hwy. 9, thence west on IL ST. Hwy. 9 to the jct. of IL ST. Hwy 1, thence south on IL ST. Hwy. 1 to the jct. of U.S. Hwy. 150, thence west on U.S. Hwy 150 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IL ST. Hwy. 130, thence south on IL ST. Hwy. 130 to the jct. of IL ST. Hwy. 1, thence southwest on IL ST. Hwy. 1 to the jct. of I–64, thence east on I–64 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Nebraska;

(61) (m) (ii) Between points in Illinois on, south and east of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy. 120 to the jct. of IL ST. Hwy. 21, thence south of IL St. Hwy. 21 to the jct. of IL St. Hwy. 68, thence west on IL St. Hwy. 68 to the jct of IL St. Hwy. 53, thence south on IL ST. Hwy 53 to the jct. of U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy 51 to the jct. of IL ST. Hwy. 161, thence east on IL ST. Hwy. 161 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy. 51, thence southeast on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, Haigler, Nebraska;

(61) (m) (iii) Between points in Illinois on, south and east of a line commencing at Chicago, Illinois, thence southwest on U.S. Hwy 66 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IL ST Hwy 130, thence south on IL St. Hwy 130 to the jct. of IL ST. Hwy 1, thence south on IL St. Hwy 1 to the jct. of I–64, thence east on I–64 to the Illinois-Indiana state line, on the one hand, and, on the other, (A) points in Nebraska on, south and west of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy 26, thence southeast on U.S. Hwy 26 to the jct. of NE St. Hwy 71, thence south on NE ST. Hwy 71 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of NE ST. Hwy 19, thence south on NE St. Hwy 19 to the Nebraska-Colorado state line, (B) and points in Nebraska on, south and east of a line commencing at the Nebraska-Colorado state line on U.S. Hwy 34, thence northeast on U.S. Hwy 34 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of NE St. Hwy 89, thence northeast on NE ST. Hwy 89 to the jct. of U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of NE St. Hwy 14, thence south on NE St. Hwy 14 to the Nebraska-Kansas state line; (C) and points in Nebraska on, south and east of a line commencing at the Nebraska-Kansas state line on U.S. Hwy 75, thence north on U.S. Hwy 75 to the jct. of U.S. Hwy 73, thence southeast on U.S. Hwy 73 to the jct. of NE St. Hwy 4, thence east on NE St. Hwy 4 to the Nebraska-Missouri state line;

(61) (n) (i) Between points in Illinois on and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy 54, thence northeast on U. S. Hwy. 54 to the jct. of U. S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL ST Hwy. 107, thence north on IL ST Hwy. 107 to the jct. of U. S. Hwy. 24, thence west on U. S. Hwy 24 to Camp Point, Illinois, thence east on U. S. Hwy. 24 to the jct. of IL ST Hwy. 94, thence north on IL ST Hwy. 94 to the jct. of U. S. Hwy. 136, thence west on U. S. Hwy. 136 to the Illinois-Iowa state line, on the one hand, and, on the other, Searchlight, Nevada;

(61) (n) (ii) Between points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on IL ST Hwy. 2, thence south on IL ST Hwy. 2 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL ST Hwy. County, New Mexico);

(61) (q) (i) Between points in Illinois, on the one hand, and, on the other, points in New York on, south and east of a line commencing at the New Jersey-New York state line on U.S. Hwy. 202, thence north and east on U.S. Hwy. 202 to the jct. of NY ST Hwy. 22, thence north on NY ST Hwy. 22 to the jct. of NY ST Hwy. 55, thence west on NY ST Hwy. 55 to the jct. of U.S. Hwy. 9W, thence north on U.S. Hwy. 9W to the jct. of NY ST Hwy. 32, thence west on NY ST Hwy. 32 to Kington, New York, thence east and north on NY ST Hwy. 32 to the jct. of NY ST Hwy. 199, thence east on NY ST Hwy. 199 to the jct. of U.S. Hwy. 44, thence east on U.S. Hwy. 44 to the Connecticut-New York state line;

(61) (q) (ii) Between points in Illinois on, south and west of a line commencing at the Illinois-Indiana state line on IL ST Hwy. 9, thence west on IL ST hwy. 9 to the jct. of IL ST Hwy. 47, thence north on IL ST Hwy. 47 to the jct. of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of IL ST Hwy. 17, thence west on IL ST Hwy. 17 to the jct. of U.S. Hwy. 150, thence north on U.S. Hwy. 150 to the jct. of IL ST Hwy. 92, thence east on IL ST Hwy. 92 to the jct. of IL ST Hwy. 84, thence northeast on IL ST Hwy. 84 to the jct. of I–80, thence northwest on I–80 to the Illinois-Iowa state line, on the one hand, and, on the other, points in New York;

(61) (q) (iii) Between points in Illinois on, south and west of a line commencing at the Illinois-Indiana state line on IL ST Hwy. 114, thence west on IL ST Hwy. 114 to the jct. of IL ST Hwy. 17, thence south and west on IL ST Hwy. 17 to the jct. of U. S. Hwy. 52, thence north and west on U. S. Hwy. 52 to the jct. of U. S. Hwy. 30, thence northwest on U. S. Hwy. 30 to the jct. of IL ST Hwy. 31, thence north on IL ST Hwy. 31 to the jct. of IL ST Hwy. 56, thence west on IL ST Hwy. 56 to the jct. of IL ST Hwy. 47, thence north on IL ST Hwy. 47 to the jct. of IL

V40-133 JUL 10 75 XUM

ST Hwy. 38, thence west on IL ST Hwy. 38 to the jct. of U. S. Hwy. 51, thence north on U. S. Hwy. 51 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in New York on and east of a line commencing at the New York-Pennsylvania state line on U. S. Hwy. 209, thence northeast on U. S. Hwy. 209 to the jct. of I–87, thence north on I–87 to the jct. of U. S. Hwy. 9 near Underwood, New York, thence northwest on U. S. Hwy. 9 to the jct. of NY ST Hwy 73, thence north and west on NY ST Hwy. 73 to the jct. of NY ST Hwy. 86, thence west on NY ST Hwy. 86 to the jct. of NY ST Hwy. 3, thence south and west on NY ST Hwy 3 to the jct. of NY ST Hwy. 56, thence north on NY ST Hwy. 56 to the jct. of NY ST Hwy. 37, thence northeast on NY ST Hwy. 37 to the terminus at Rooseveltown, New York;

(61) (r) (i) Between points in Illinois on, south and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 4, thence north on IL St. Hwy 4 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Business Route 66, thence north on U.S. Business Route 66 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of IL St. Hwy 9, thence east on IL St. Hwy 9 to the jct. of IL ST. Hwy 54, thence northeast on IL St. Hwy 54 to the jct. of U.S. Hwy 45, thence north and east on U.S. Hwy 45 to the jct. of U.S. Hwy 52, thence east and southeast on U.S. Hwy on the one hand, and, on the other, points in North Dakota on and west of a line commencing at the United States-Canadian border on U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of ND St. Hwy 6, (north of Bismarck, North Dakota), thence south on ND St. Hwy 6 to the jct. of ND St. Hwy 21, thence west on ND St. Hwy 21 to the jct. of ND St. Hwy 8, thence south on ND St. Hwy 8 to the jct. of U.S. Hwy 12, thence southeast on U.S. Hwy 12 to the North Dakota-South Dakota state line;

(61) (r) (ii) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy 9, thence west on IL St. Hwy 9 to the jct. of IL St. Hwy 54, thence southwest on IL St. Hwy 54 to the jct. of IL St. Hwy 48, thence south and southwest on IL St. Hwy 48 to the jct. of U.S. Hwy 66, thence south on U.S. Hwy 66 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to the jct. of IL St. Hwy 159, thence south on IL St. Hwy 159 to the jct. of U.S. Business Route 40, thence southwest on U.S. Business Route 40 to the jct. of IL St. Hwy 3, thence south on IL ST. Hwy 3 to the jct. of U.S. Hwy 50 by-pass, thence south and west on U.S. Hwy 50 by-pass to the Illinois-Missouri State line, on the one hand, and, on the other, points in North Dakota on, north and west of a line commencing at Wahpeton, North Dakota, thence south on U.S. Hwy 81 to the jct. of ND St. Hwy 11, thence west on ND St. Hwy 11 to the jct. of ND St. Hwy 18, thence south on ND St. Hwy 18 to the North Dakota-South Dakota state line;

(61) (s) (i) Between points in Illinois bounded on the north by a line commencing at the Illinois-Missouri state line on U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 67, thence east on U.S. Hwy 67 to the jct. of IL St. Hwy 125, thence east on IL ST. Hwy 125 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the Illinois-Indiana state line, bounded on the east by the Illinois-Indiana state line, bounded on the south by a line commencing at the Illinois-Indiana state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of IL St. Hwy 127, thence south on IL St. Hwy 127 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 150, thence south on IL St. Hwy 150 to, and including, Chester, Illinois, and bounded on the west by the Illinois-Missouri state line, on the one hand, and, on the other, points in Ohio;

(61) (s) (ii) Between points in Illinois on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IL St. Hwy 37, thence southwest on IL ST. Hwy 37 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of IL ST. Hwy 127, thence south on IL St. Hwy 127 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL ST. Hwy 150, thence south on IL St. Hwy 150 to, and including, Chester, Illinois, on the one hand, and, on the other Aberdeen and Chesapeake, Ohio;

(61) (s) (iii) Between points in Illinois bounded on the north by a line commencing at the Illinois-Iowa state line on U.S. Hwy 34, thence east on U.S. Hwy 34 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36, thence east on U.S. Hwy 36 to the Illinois-Indiana state line bounded on the east by the Illinois-Indiana state line, bounded on the south by a line commencing at the Illinois-Indiana state line 29, thence west on IL ST Hwy. 29 to jct. of IL ST Hwy. 89, thence south on IL ST Hwy. 89 to the jct. of IL ST Hwy. 116, thence southwest on IL ST Hwy. 116 to the jct. of I–74, thence northwest on I–74 to the jct. of IL ST Hwy. 78, thence south on IL ST Hwy. 78 to the jct. of U.S. Hwy. 24, thence southwest on U.S. Hwy. 24 to the jct. of IL ST Hwy. 99, thence southeast on IL ST Hwy. 99 to the jct. of IL ST Hwy. 104, thence east on IL ST Hwy. 104 to the jct. of IL ST Hwy. 100, thence south on IL ST Hwy. 100 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Nevada;

(61) (o) (i) Between points in Illinois, on the one hand, and, on the other, points in New Jersey on, south and east of a line commencing at the New Jersey-New York state line on U.S. Hwy. 202, thence south on U.S. Hwy. 202 to the jct. of U.S. Hwy. 46, thence west on U.S. Hwy. 46 to the jct. of NJ ST Hwy. 57, thence southwest on NJ ST Hwy. 57 to the New Jersey-Pennsylvania state line;

(61) (o) (ii) Between points in Illinois on, south and west of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy. 14, thence south on U.S. Hwy. 14 to the jct. of IL ST Hwy. 23, thence south on IL ST Hwy. 23 to the jct. of U.S. Hwy. 30, thence southeast on U.S. Hwy. 20 to the jct. of IL ST Hwy. 47, thence south on IL ST Hwy. 47 to the jct. of U.S. Hwy. 30, thence southeast on U.S. Hwy. 30 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the jct. of IL ST Hwy. 17, thence east on IL ST Hwy. 17 to the jct. of IL ST Hwy. 114, thence east on IL ST Hwy. 114 to the Illinois-Indiana state line, on the one hand, and, on the other, points in New Jersey;

(61) (p) (i) Between points in Illinois on and east of a line commencing at New Boston, Illinois, thence north and east on IL St. Hwy 17 to the jct. of IL ST Hwy. 94, thence south and west on IL ST Hwy. 94 to the jct. of IL ST Hwy. 116, thence south and east on IL ST Hwy. 116 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the jct. of U.S. Hwy. 24, thence southwest on U.S. Hwy. 24 to the jct. of IL ST Hwy. 99, thence southeast on IL ST Hwy. 99 to the jct. of IL ST Hwy. 104, thence east on IL ST Hwy. 104 to the jct. of IL ST Hwy. 100, thence south on IL ST Hwy. 100 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL ST Hwy. 106, thence south on IL ST Hwy 106 to the jct. of IL ST Hwy. 267, thence south and southeast on IL ST Hwy. 267 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Illinois-Missouri state line, on the one hand, and, on the other, Rodeo, New Mexico;

(61) (p) (ii) Between points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on IL ST Hwy. 26, thence south on IL ST Hwy. 26 to the jct. of IL ST Hwy. 2, thence west on IL ST Hwy. 2 to the jct. of IL ST Hwy. 88, thence south on IL ST Hwy. 88 to the jct. of IL ST Hwy. 29, thence south on IL ST Hwy. 29 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL ST Hwy. 127, thence southeast on IL ST Hwy. 127 to the jct. of IL ST Hwy. 185, thence southeast on IL ST Hwy. 185 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL ST Hwy. 161, thence east on IL ST Hwy. 161 to the jct. of IL ST Hwy. 37, thence south on IL ST Hwy. 37 to the jct. of U.S. Hwy. 460, thence southeast on U.S. Hwy. 460 to the jct. of IL ST Hwy. 142, thence southeast on IL ST Hwy. 142 to the jct. of IL ST Hwy. 13, thence east on IL ST Hwy. 13 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in New Mexico (except those in Union U.S. Hwy 51 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of IL St. Hwy 127, thence south on IL St. Hwy 127 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 150, thence south on IL St. Hwy 150 to, and including Chester, Illinois, and bounded on the west by the Illinois-Missouri state line, on the one hand, and, on the other, points in Ohio;

(61) (t) (i) Between points in Illinois on, north and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Oklahoma;

(61) (t) (ii) Between points in Illinois on, north and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of IL St. Hwy 78, thence south on IL ST. Hwy 78 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of IL St. Hwy 10, thence southeast on IL ST. Hwy 10 to the jct. of IL St. Hwy 121, thence southeast on IL St. Hwy 121 to the jct. of IL St. Hwy 32, thence south on IL St. Hwy 32 to the jct. of IL ST. Hwy 33, thence east on IL ST. Hwy 33 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 50 to the Illinois-Indiana state line, on the one hand, and, on the other Tom, Oklahoma;

(61) (t) (iii) Between points in Illinois on, north and east of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 78, thence south on IL St. Hwy 78 to the jct. of U.S. Hwy 20, thence west on U.S. Hwy 20 to the jct. of IL St. Hwy 84, thence south on IL ST. Hwy 84 to the jct. of IL St. Hwy 64, thence east on IL ST. Hwy 64 to the jct. of IL St. Hwy 78, thence south on IL ST. Hwy 78 to the jct. of U.S. Hwy 34, thence southwest on U.S. Hwy 34 to the jct. of I–74, thence southeast on I–74 to the jct. of IL ST. Hwy 97, thence south on IL St. Hwy 97 to the jct. of IL St. Hwy 29, thence southeast on IL ST. Hwy 29 to the jct. of IL St. Hwy 16, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL ST. Hwy 15 to Mount Carmel, Illinois, on the one hand; and, on the other, Hollis, Oklahoma;

(61) (t) (iv) Between points in Illinois on, north and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence south of U.S. Hwy 51 to the jct. of U.S. Hwy 6, thence west on U.S. Hwy 6 to the jct. of IL St. Hwy 127 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 150, thence south on IL St. Hwy 150 to, and including Chester, Illinois, and bounded on the west by the Illinois-Missouri state line, on the one hand, and, on the other, points in Ohio on, south and east of a line commencing at Sandusky, Ohio, thence south on OH St. Hwy 4 to the jct. of OH St. Hwy 47, thence west on OH St. Hwy 47 to the Ohio-Indiana state line

Hwy 33 to the jct. of IL St. Hwy 1, thence north on IL St. Hwy 1 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in South Carolina;

(61) (w) (ii) Between points in Illinois on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 14, thence west on IL St. Hwy 14 to the jct. of IL St. Hwy 37, thence south on IL St. Hwy 37 to the jct. of IL St. Hwy 13, thence west on IL St. Hwy 13 to the jct. of IL St. Hwy 149, thence west on IL St. Hwy 149 to the jct. of IL St. Hwy 3, thence west on IL St. Hwy 3 to Chester, Illinois, on the one hand, and, on the other, Little River, South Carolina;

(61) (x) (i) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy 9, thence west on IL St. Hwy 9 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of I–74, thence west on I–74 to the jct. of I–57, thence south on I–57 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of U.S. Hwy 40, thence southwest on U.S. Hwy 40 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in South Dakota;

(61) (x) (ii) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy 114, thence west on IL St. Hwy 114 to the jct. of IL St. Hwy 17, thence west on IL St. Hwy 17 to the jct. of I–57, thence Hwy 66, thence southwest on U.S. Hwy 66 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of IL St. Hwy 267, thence south on IL St. Hwy 267 to the jct. of IL St. Hwy 16, thence west on IL ST. Hwy 16 to its terminus at Hardin, Illinois, on the one hand, and, on the other, Ludlow, South Dakota;

(61) (x) (iii) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy 24, thence west on U.S. Hwy 24 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 9, thence west on IL St. Hwy 9 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 48, thence southwest on IL St. Hwy 48 to the jct. of IL St. Hwy 127, thence south on IL St. Hwy 127 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Illinois-Missouri state line, on the one hand, and, on the other, points in South Dakota on, north and west of a line commencing at the North Dakota-South Dakota state line on U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of SD St. Hwy 79, thence south on SD St. Hwy 79 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 18 to the South Dakota-Wyoming state line; and the point of Lemmon, South Dakota;

(61) (y) (i) Between points in Illinois on and northeast of a line commencing at the Iowa-Illinois state line on U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of I–74, thence east on I–74 to the jct. of U.S. Hwy 24, thence southwest on U.S. Hwy 24 to the jct. of IL St. Hwy 9, thence southeast on IL St. Hwy 9 to the jct. of IL St. Hwy 121, thence southeast on IL St. Hwy 121 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IL St. Hwy 32, thence south on IL St. Hwy 32 to the jct. of IL St. Hwy 133, thence east on IL St. Hwy 133 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Tennessee;

(61) (y) (ii) Between points in Illinois on and north of a line commencing at the Illinois-Missouri state line on U.S. Hwy 54, thence northeast on U.S. Hwy 54 to the jct. of U.S. Hwy 36, thence northeast on U.S. Hwy 36 to the jct. of IL St. Hwy 104, thence southeast on IL St. Hwy 104 to the jct. of IL St. Hwy 29, thence southeast on IL St. Hwy 29 to the jct. of IL St. Hwy 16, thence east on IL ST. Hwy 16 to the jct. of IL ST. Hwy 130, thence south on IL ST. Hwy 130 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 31E, thence south on U.S. Hwy 31E to the jct. of TN St. Hwy 109, thence south on TN St. Hwy 109 to the jct. of U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of U.S. Hwy Alt. 41, thence south on U.S. Hwy Alt. 41 to the jct. of U.S. Hwy 64, thence east on U.S. Hwy 64 to the jct. of TN St. Hwy 97, thence south on TN St. Hwy 97 to the Alabama-Tennessee state line;

(61) (z) (i) Between points in Illinois on, east and north of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 26, thence south on IL St. Hwy 26 to the jct. of IL St. Hwy 29, thence south on IL St. Hwy 29 to the jct. of I–74, thence east on I–74 to the jct. of IL St. Hwy 121, thence southeast on IL St. Hwy 121 to the jct. of IL St. Hwy 32, thence south on IL St. Hwy 32 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to Palestine, Illinois, on the one hand, and, on the other, points in Texas;

(61) (z) (ii) Between points in Illinois on, east and north of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy 26, thence south on IL St. Hwy 26 to the jct. of U.S. Hwy 52, thence west on U.S. Hwy 52 to the jct. of IL St. Hwy 84, thence south on IL St. Hwy 84 to the jct. of IL St. Hwy 92, thence west on IL St. Hwy 97 to the jct. of IL St. 150, thence south on U.S. Hwy 150 to the jct. of IL St. Hwy 97, thence south on IL St. Hwy 97 to the jct. of IL St Hwy 29, thence south on IL St. Hwy 29 to the jct. of IL ST. Hwy 16, thence east on IL ST. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of IL ST. Hwy 33, thence east on IL St. Hwy 33 to the jct. of IL ST. Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Texas-New Mexico state line on U.S. Hwy 180, thence east on U.S. Hwy 180 to the jct. of I–20, thence east on I–20 to the Texas-Louisiana state line;

(61) (aa) (i) Between points in Illinois on and east of a line commencing at Chester, Illinois on IL St. Hwy 150, thence northeast on IL St. Hwy 150 to the jct. of IL St. Hwy 4, thence north on IL St. Hwy 4 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IL St. Hwy 29, thence north on IL St. Hwy 29 to the jct. of IL St. Hwy 116, thence east on IL St. Hwy 116 to the jct. of IL St. Hwy 89, thence north on IL ST. Hwy 89 to the jct. of IL ST. Hwy 29, thence east on IL ST. Hwy 29 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of I–80, thence east on I–80 to the jct. of IL St. Hwy 23, thence north on IL ST. Hwy 23 to the jct. of U.S. Hwy 34 thence east on U.S. Hwy 34 to the jct. of IL St. Hwy 47, thence north on IL ST. Hwy 47 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Utah;

(61) (aa) (ii) Between points in Illinois on and east of a line commencing at the Missouri-Illinois state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of IL ST. Hwy 78, thence north on IL St. Hwy 78 to the jct. of U.S. Hwy 24, thence northeast on U.S. Hwy 24 to the jct. of IL St. Hwy 116, thence northeast on IL St. Hwy 116 to the jct. of IL St. Hwy 89, thence north on IL St. Hwy 89 to the jct. of IL ST. Hwy 29, thence east on IL ST. Hwy 29 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of IL St. Hwy 47 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Utah and west of a line commencing at the Arizona-Utah state line on U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of I–70, thence east on I–70 to the jct. of UT ST. Hwy 10, thence north on UT St. Hwy 10 to the jct. of U.S. Hwy 50, thence northwest on U.S. Hwy 50 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of U.S. Hwy 91 at Logan, Utah, thence north on U.S. Hwy 91 to the Utah-Idaho state line;

(61) (bb) (i) Between points in Illinois, on the one hand, and, on the other, points in Vermont on, north and east of a line commencing at the United States-Canadian border line on VT St. Hwy 105A, thence south on VT St. Hwy 105A to the jct. of VT St. Hwy 105, thence southwest on VT St. Hwy 105 to the jct. of VT ST. Hwy 101 thence south on VT St. Hwy 101 to the jct. of VT ST. Hwy 100, thence south on VT St. Hwy 100 to the jct. of VT St. Hwy 12, thence southeast on VT St. Hwy 12 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of U.S. Hwy 302, thence southeast on U.S. Hwy 302 to the jct. of VT St. Hwy 25, thence southeast on VT ST. Hwy 25 to the New Hampshire-Vermont state line;

(61) (bb) (ii) Between points in Illinois on, south and west of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 14, thence south on U.S. Hwy 14 to the jct. of IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of U.S. Hwy 30, thence southeast on U.S. Hwy 30 to the jct. of U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of IL ST. Hwy 114, thence east on IL ST. Hwy 114 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Vermont;

(61) (cc) (i) Between points in Illinois on and north of a line commencing at Palestine, Illinois, thence west on IL St. Hwy 33 to the jct. of I–57, thence southwest on I–57 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy $1 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Virginia;

(61) (cc) (ii) Between points in Illinois, on the one hand, and, on the other, points in Virginia on, north and east of a line commencing at the Maryland-Virginia state line on U.S. Hwy 11, thence south on U.S. Hwy 11 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of I–95, thence south on I–95 to the jct. of U.S. 60, thence southeast on U.S. Hwy 60 to the jct. of VA St. Hwy 168, thence southeast on VA St. Hwy 168 to the North Carolina-Virginia state line;

(61) (cc) (iii) Between points in Illinois on, north and west of a line commencing at Mount Carmel, Illinois, thence west on IL St. Hwy 15 to the jct. of I–57, thence south on I–57 to the jct. of IL St. Hwy 13, thence west on IL St. Hwy 13 to the jct. of IL St. Hwy 149, thence west on IL St. Hwy 149 to the jct. of IL St. Hwy 3, thence northwest on IL St. Hwy 3 to Chester, Illinois, on the one hand, and, on the other, points in Virginia on, north and east of a line commencing at the Virginia-West Virginia state line on U.S. Hwy 60 and VA St. Hwy 311, thence south on VA ST. Hwy 311 to the jct. of I–81, thence northeast on I–81 to the jct. of I–581, thence southeast on I–581 to the jct. of U.S. Hwy 220, thence south on U.S. Hwy 220 to the jct. of VA ST. Hwy 40, thence east on VA ST. Hwy 40 to the jct. of U.S. Hwy 29, thence south on U.S. Hwy 29 to the North Carolina-Virginia state line;

(61) (dd) (i) Between points in Illinois, on, south and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of IL St. Hwy 41, thence north on IL St. Hwy 41 to the jct. of U.S. Hwy 34, thence northeast on U.S. Hwy 34 to the jct. of IL St Hwy 26, thence north on IL ST. Hwy 26 to the jct. of IL ST. Hwy 38, thence east on IL St. Hwy 38 to the jct. of IL St. Hwy 47, thence north on IL St. Hwy 47 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Washington;

(61) (dd) (ii) Between points in Illinois on, south and east of a line commencing at the Illinois-Iowa state line on IL St. Hwy 92, thence northeast on IL St. Hwy 92 to the jct. of U.S. Hwy 67, thence north on U.S' Hwy 67 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the jct. of IL St. Hwy 2, thence northeast on IL St. Hwy 2 to the jct. of IL St. Hwy 26, thence north on IL St. Hwy 26 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Washington on and west of a line commencing at the Washington-Oregon state line on Interstate-5, thence north on I–5 to the United States-Canadian border;

(61) (ee) (i) Between points in Illinois, on the one hand, and, on the other, Thomas and Elkins, West Virginia;

(61) (ee) (ii) Between points in Illinois, bounded on the west by the Illinois-Missouri and Illinois-Iowa state lines, on the north by a line commencing at the Illinois-Iowa state line on Interstate–80, thence east on I–80 to the jct. of I–74, thence south on I–74 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of IL St. Hwy 26, thence north on IL St. Hwy 26 to the jct. of IL St. Hwy 18, thence east on IL ST. Hwy 18 to the jct. of IL ST. Hwy 23, thence south on IL St. Hwy 23 to the jct. of U.S. Hwy 66, thence southwests on U.S. Hwy 66 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of IL St. Hwy 9, thence east on IL ST. Hwy 9 to the Illinois-Indiana state line, bounded on the east by the Illinois-Indiana state line, and bounded on the south by a line commencing at Palestine, Illinois, thence west on IL St. Hwy 33 to the jct. of I–57, thence southwest on I–57 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of IL St. Hwy 127, thence south on IL ST. Hwy 127 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 150, thence southwest on IL ST. Hwy 150 to Chester, Illinois, on the one hand, and, on the other, points in West Virginia;

(61) (ee) (iii) Between points in Illinois on, north and west of a line commencing at Palestine, Illinois, thence west on IL St. Hwy 33 to the jct. of I–57, thence southwest on I–57 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 150, thence southwest on IL ST. Hwy 150 to the terminus at Chester, Illinois, on the one hand, and, on the other, points in West Virginia on and south of a line commencing at the Kentucky-West Virginia state line on WV St. Hwy 37, thence east on WV St. Hwy 37 to the jct. of WV St. Hwy 10, thence north on WV St. Hwy 10 to the jct. of WV St. Hwy 3, thence southeast on WV St. Hwy 3 to the jct. of WV St. Hwy 16, thence north on WV St. Hwy 16 to the jct. of WV St. Hwy 39, thence east on WV St. Hwy 39 to the Virginia-West Virginia state line;

(61) (ee) (iv) Between points in Illinois on, south and west of a line commencing at the Illinois-Iowa state line on Interstate–80, thence east on I–80 to the jct. of I–74, thence south on I–74 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the jct. of IL St. Hwy 26, thence north on IL St. Hwy 26 to the jct. of IL St. Hwy 18, thence east on IL St. Hwy 18 to the jct. of IL St. Hwy 23, thence southeast on IL St. Hwy 23 to the jct. of U.S. Hwy 66, thence southwest on U.S. Hwy 66 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IL St. Hwy 47, thence south on IL St. Hwy 47 to the jct. of IL St. Hwy 9, thence west on IL St. Hwy 9 to the Indiana-Illinois state line, on the one hand, and, on the other, points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of I–77, thence south on I–77 to the jct. of WV St. Hwy 47, thence east on WV St. Hwy 47 to the jct. of U.S. Hwy 33, thence east on U.S. Hwy 33 to the Virginia-West Virginia state line;

(61) (ff) (i) Between points in Illinois, on, south and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL St. Hwy 49, thence south on IL St. Hwy 49 to the jct. of U.S. Hwy 40, thence southwest on U.S. Hwy 40 to the jct. of IL St. Hwy 130, thence south on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 15, thence west on IL St. Hwy 15 to the jct. of IL St. Hwy 142, thence south on IL St. Hwy 142 to the jct. of IL St. Hwy 14, thence west on IL St. Hwy 14 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in Wisconsin;

(61) (ff) (ii) Between points in Illinois on, south and east of a line commencing at the Illinois-Indiana state line on Interstate–74, thence west on I–74 to the jct. of U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct of IL St. Hwy 108, thence west on IL St. Hwy 108 to the jct. of IL St. Hwy 267, thence south on IL St. Hwy 267 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to the terminus at Hardin, Illinois, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI

V 40 I 133 JUL 10 75 XUM

ST. Hwy 180, thence southeast on WI ST. Hwy 180 to its terminus at Marinette, Wisconsin, and Gills Rock, Wisconsin;

(61) (ff) (iii) Between points in Illinois on, south and east of a line commencing at the Illinois-Missouri state line on IL St. Hwy 140, thence east on IL St. Hwy 140 to the jct. of IL St. Hwy 127, thence north on IL St. Hwy 127 to the jct. of IL St. Hwy 16, thence northeast on IL ST. Hwy 16 to the jct. of IL St. Hwy 49, thence north on IL St. Hwy 49 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Wisconsin on, north and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 45, thence northwest on U.S. Hwy 45 to the jct. of WI ST. Hwy 29, thence west on WI St. Hwy 29 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 70, thence west on WI St. Hwy 70 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the Minnesota-Wisconsin state line;

(61) (gg) (i) Between points in Illinois on and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of IL ST. Hwy 78, thence north on IL St. Hwy 78 to the jct. of U.S. Hwy 24, thence north on U.S. Hwy 24 to the jct. of IL St. Hwy 29, thence north on IL St. Hwy 29 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the Illinois-Wisconsin state line, on the one hand, and, on the other, Auburn, Wyoming;

(61) (gg) (ii) Between Chicago, Illinois, on the one hand, and, on the other, Sheridan, Wyoming; and points in Wyoming on, west and south of a line commencing at the Montana-Wyoming state line on U.S. Hwy 310, thnce south on U.S. Hwy 310 to the jct. of U.S. Hwy 20, thence south on U.S. Hwy 20 to the jct. of WY St. Hwy 789, thence south on WY St. Hwy 789 to the jct. of U.S. Hwy 287, thence southeast on U.S. Hwy 287 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the Wyoming-Nebraska state line;

(61) (gg) (iii) Between points in Illinois on, east and south of a line commencing at the Illinois-Missouri state line on IL St. Hwy 146, thence east on IL St. Hwy 146 to the jct. of IL St. Hwy 3, thence north on IL St. Hwy 3 to the jct. of IL St. Hwy 149, thence east on IL St. Hwy 149 to the jct. of IL St. Hwy 127, thence north on IL ST. Hwy 127 to the jct. of IL St. Hwy 16, thence north on IL St. Hwy 16 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of IL St. Hwy 9, thence east on IL St. Hwy 9 to the jct. of IL St. Hwy 54, thence north on IL St. Hwy 54 to the jct. of U.S. Hwy 45, thence north on U.S. Hwy 45 to the jct. of IL St. Hwy 17, thence east on IL St. Hwy 17 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Wyoming;

(62) (a) Between points in Indiana on and south of a line commencing at the Ohio-Indiana state line on IN St. Hwy 32, thence west on IN St. Hwy 32 to the jct. of IN St. Hwy 47, thence south on IN St. Hwy 47 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Iowa;

(62) (b) Between points in Indiana on and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Kansas;

(62) (c) Between points in Indiana on and west of a line commencing at the Kentucky-Indiana state line on IN ST. Hwy 57, thence northeast on IN ST. Hwy 57 to the jct. of U.S. Hwy 231, thence northeast and north on U.S. Hwy 231 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IN St. Hwy 59, thence north on IN St. Hwy 59 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 2, thence west on IN St. Hwy 2 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Maryland;

(62) (d) Between points in Indiana on and south of a line commencing at the Ohio-Indiana state line on Interstate 70, thence west on I-70 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Illinois state line, on the one hand, and, on the other, points in the Upper Peninsula of Michigan on and west of a line commencing at Marquette, Michigan, thence south on U.S. Hwy 41 to Escanaba, Michigan;

(62) (e) (i) Between points in Indiana on and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 47, thence east on IN ST. Hwy 47 to the jct. of IN St. Hwy 32, thence east on IN St. Hwy 32 to the jct. of I-74, thence east on I-74 to the jct. of I-70, thence east on I-70 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Minnesota;

(62) (e) (ii) Between points in Indiana on and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy 24, thence east on U.S. Hwy 24 to the Indiana-Ohio state line, on the one hand, and, on the other, St. Vincent, Minnesota;

(62) (f) Between points in Indiana on and north of a line commencing at the Indiana-Ohio state line on Interstate 74, thence west on I-74 to the jct. of IN ST. Hwy 46, thence west on IN ST. Hwy 46 to the jct. of U.S. Hw 31, thence north on U.S. Hwy 31 to the jct. of I-465, thence west on I-465 to the jct. of I-70, thence west on I-70 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Missouri on and south of a line commencing at the Missouri-Kansas state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of U.S Hwy 24, thence east on US. Hwy 24 to the jct. of U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of I-70, thence east on I-70 to the jct. of I-270, thence east on I-270 to the Illinois-Missouri state line;

(62) (g) Between points in Indiana, on the one hand, and, on the other, points in Montana, on and west of a line commencing at the United States-Canadian border on MT Secondary Road 233, thence south on MT Sec. Road 233 to the jct. of U.S. Hwy 87, thence southwest on U.S. Hwy 87 to Great Falls, Montana, thence southeast on U.S. Hwy 87 to Lewistown, Montana, thence southwest on U.S. Hwy 87 to the jct. of U.S. Hwy 191, thence south on U.S. Hwy 191 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to Billings, Montana, thence west on U.S. Hwy 10 to the jct. of U.S. Hwy 310, thence south on U.S. Hwy 310 to the Montana-Wyoming state line;

(62) (h) (i) Between points in Indiana, on the one hand, and, on the other, points in Nebraska on, south and west of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy 26, thence east on U.S. Hwy 26 to the jct. of NE St. Hwy 71, thence north and east on NE ST. Hwy 71 to the jct. of NE St. Hwy 2, thence south on NE St. Hwy 2 to the jct. of U.S. Hwy 385, thence south on U.S. Hwy 385 to the Nebraska-Colorado state line; and points in Nebraska on and south of a line commencing at the Nebraska-Colorado state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of NE St. Hwy 89, thence east on NE St. Hwy 89 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of NE St. Hwy 15, thence south on NE St. Hwy 15 to the Nebraska-Kansas state line;

(62) (h) (ii) Between points in Indiana on, south and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of IN St. Hwy 32, thence east on IN ST. Hwy 32 to the jct. of IN ST. Hwy 37, thence northeast on IN ST. Hwy 37 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Nebraska;

(62) (i) Between points in Indiana on, south and west of a line commencing at the Indiana-Kentucky state line at Jeffersonville, Indiana, thence north on I-65 to the jct. of U.S. Hwy Alt. 31, thence northwest on U.S. Hwy Alt. 31 to the jct. of U.S. Hwy 31, thence northwest on U.S. Hwy 31 to the jct. of I-65, thence northwest on I-65 to the jct. of U.S. Hwy 52, thence northwest on U.S. Hwy 52 to the jct. of U.S. Hwy 41, thence north and northwest on U.S. Hwy 41 to the jct. of U.S. Hwy 30, thence west on U.S Hwy 30 to the Illinois-Indiana state line, on the one hand, and, on the other, points in New Hampshire;

(62) (j) Between points in Indiana on, south and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of IN ST. Hwy 46, thence southeast on IN St. Hwy 46 to the jct. of IN St. Hwy 37, thence south on IN St. Hwy 37 to the jct. of U.S. Hwy 150, thence west on U.S. Hwy 150 to the jct. of IN St. Hwy 145, thence south on IN St. Hwy 145 to the jct. of IN ST. Hwy 37, thence south on IN ST.

Hwy 37 to the jct. of IN St. Hwy 237, thence south on IN St. Hwy 237 to the terminus of Cannelton, Indiana, on the one hand, and, on the other, points in New Jersey;

(62) (k) Between points in Indiana on, south and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IN ST. Hwy 59, thence south on IN ST. Hwy 59 to the jct of IN ST. Hwy 157, thence southeast on IN ST. Hwy 157 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in New York;

(62) (l) Between points in Indiana on and south of a line commencing at the Illinois-Indiana state line on IN St. Hwy 26, thence east on IN St. Hwy 26 to the jct. of IN St. Hwy 29, thence north on IN ST. Hwy 29 to the jct. of IN St. Hwy 22, thence east on IN St. Hwy 22 to the jct. of U.S. Hwy 35, thence east on U.S. Hwy 35 to the jct. of IN ST. Hwy 37, thence north on IN St. Hwy 37 to the jct. of IN ST. Hwy 18, thence east on IN ST. Hwy 18 to the jct. of IN St. Hwy 67, thence east on IN St. Hwy 67 to the Indiana-Ohio state line, on the one hand, and, on the other, points in North Dakota;

(62) (m) Between points in Indiana on and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Ohio on, north and east of a line commencing at the Ohio-Michigan state line on OH St. Hwy 15, thence south on OH St. Hwy 15 to the jct. of OH ST. Hwy 65, thence south on OH St. Hwy 65 to the jct. of OH St. Hwy 117, thence south on OH ST. Hwy 117 to the jct. of U.S. Hwy 68, thence south on U.S. Hwy 68 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 33, thence southeast on U.S. Hwy 33 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Ohio-West Virginia state line;

(62) (n) Between points in Indiana on and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 150, thence east on U.S. hwy 150 to the jct. of IN St. Hwy 56, thence east on IN ST. Hwy 56 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Oklahoma;

(62) (o) Between points in Indiana on, south and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 36; thence east on U.S. Hwy 36 to the jct. of IN St. Hwy 59, thence south on IN St. Hwy 59 to the jct. of IN St. Hwy 67, thence southwest on IN ST. Hwy 67 to the jct. of IN ST. Hwy 58, thence east on IN St. Hwy 58 to the jct. of IN St. Hwy 57, thence south on IN St. Hwy 57 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Pennsylvania;

(62) (p) Between points in Indiana on and south of a line commencing at the Illinois-Indiana state line on IN St. Hwy 28, thence east on IN ST. Hwy 28 to the jct. of IN St. Hwy 25, thence northeast on IN St. Hwy 25 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IN ST. Hwy 5, thence south on IN St. Hwy 5 to the jct. of U.S. Hwy 224, thence east on U.S. Hwy 224 to the Indiana-Ohio state line, on the one hand, and, on the other, points in South Dakota;

(62) (q) Between points in Indiana on and west of a line commencing at the Michigan-Indiana state line on U.S. Hwy 12, thence southwest on U.S. Hwy 12 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the jct. of IN ST Hwy 8, thence west on IN St. Hwy 8 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 24, thence west on U.S. Hwy 24 to the jct. of IN St. Hwy 55, thence south on IN St. Hwy 55 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Tennessee;

(62) (s) Between points in Indiana on, and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IN ST. Hwy 39, thence south on IN ST. Hwy 39 to the jct. of IN St. Hwy 56, thence east on IN ST. Hw 56 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Texas;

(62) (s) Between points in Indiana on, south and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of I-65, thence southeast on I-65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of IN ST. Hwy 46, thence west on IN St. Hwy 46 to the jct. of I-65, thence south on I-65 to the jct. of IN St. Hwy 58, thence southwest on IN St. Hwy 58 to the jct. of IN St. Hwy 135, thence south on IN St. Hwy 135 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Vermont;

(62) (t) Between points in Indiana on and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence east on U.S. Hwy 52 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IN St. Hwy 59, thence south on IN St. Hwy 59 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IN St. Hwy 63, thence south on IN St. Hwy 63 to the jct. of IN St. Hwy 154, thence west on IN St. Hwy 154 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Virginia;

(62) (u) Between points in Vermillion and Vigo Counties, Indiana, on the one hand, and, on the other, points in West Virginia;

(62) (v) (i) Between points in Indiana on and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Indiana-Ohio state line on the one hand, and, on the other, points in Wisconsin on, north and west of a line commencing at the Wisconsin-Illinois state line on U.S. Hwy 151, thence northeast on U.S. Hwy 151 to its terminus at Manitowoc, Wisconsin;

(62) (v) (ii) Between points in Indiana on and south of a line commencing at Madison, Indiana, thence northwest on IN St. Hwy 7 to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Wisconsin;

(62) (w) Between points in Indiana, on the one hand, and, on the other, points in Wyoming on, south and west of a line commencing at the Wyoming-Montana state line on WY St. Hwy 59, thence south on WY St. Hwy 59 to the jct. of U.S. Hwy 16, thence east and southeast on U.S. Hwy 16 to the jct. of U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of U.S. Hwy 26, thence southeast on U.S. Hwy 26 to the Wyoming-Nebraska state line;

(63) (a) (i) Between points in Iowa on, north and east of a line commencing at the Iowa-Nebraska state line on IA St. Hwy 175, thence east on IA St. Hwy 175 to the jct. of IA St. Hwy 37, thence east on IA St. Hwy 37 to the jct. of IA St. Hwy 183, thence northeast on IA St. Hwy 183 to the jct. of IA St. Hwy 141, thence southeast on IA St. Hwy 141 to the jct. of U.S. Hwy 71, thence south on U.S. Hwy 71 to the jct. of I-80, thence east on I-80 to the jct. of IA St. Hwy 25, thence south on IA St. Hwy 25 to the jct. of U.S. Hwy 34, thence east on U.S. Hwy 34 to the jct. of U.S. Hwy 169, thence south on U.S. Hwy 169 to the jct. of IA St. Hwy 2, thence west on IA St. Hwy 2 to Mt. Ayr, Iowa, thence east on IA St. Hwy 2 to the jct. of IA St. Hwy 5, thence south and southwest on IA St. Hwy 5 to the Iowa-Missouri state line, on the one hand, and, on the other, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on LA ST. Hwy 10, thence west on LA St. Hwy 10 to the jct. of LA St. Hwy 21, thence south on LA St. Hwy 21 to the jct. of LA St. Hwy 41, thence south on LA St. Hwy 41 to the jct. of U.S. Hwy 11, thence southwest on U.S. Hwy 11 to the jct. of U.S. Hwy 90, thence southwest on U.S. Hwy 90 to the jct. of U.S. Business Route 90, thence east and south on U.S. BR 90 to the jct. of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana;

(63) (a) (ii) Between points in Iowa on, north and east of a line commencing at the Iowa-Illinois state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to the jct. of IA St. Hwy 136, thence west and north on IA St. Hwy 136 to the jct. of U.S. Hwy 52, thence northwest on U.S. Hwy 52 to the Iowa-Minnesota state line, on the one hand, and, on the other, points in Louisiana;

(63) (b) (i) Between points in Iowa on and south of a line commencing at the

V40 I133 JUL 10 75 XUM

Iowa-Nebraska state line on IA St. Hwy 2, thence east on IA St. Hwy 2 to the jct. of IA St. Hwy 5, thence south on IA St. Hwy 5 to the Iowa-Missouri state line, on the one hand, and, on the other, points in the lower peninsula of Michigan on and northeast of a line commencing at Ludington, Michigan, thence east on U.S. Hwy 10 to the jct. of U.S. Hwy BR 10, thence south on U.S. Hwy BR 10 to the jct. of U.S. Hwy 23, thence south on U.S. Hwy 23 to the jct. of U.S. Hwy BR 23, thence south on U.S. Hwy BR 23 to the jct. of U.S. Hwy 23, thence south on U.S. Hwy 23 to the Michigan-Ohio state line, and, Sault Sainte Marie and Saint Ignace, Michigan;

(63) (b) (ii) Between points in Iowa on and south of a line commencing at the Nebraska-Iowa state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 375, thence south on U.S. Hwy 375 to the jct. of U.S. Hwy 275, thence south on U.S. Hwy 275 to the jct. of U.S. Hwy 34, thence east on U.S. Hwy 34 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of IA St. Hwy 2, thence east on IA St. Hwy 2 to the Illinois-Iowa state line, on the one hand, and, on the other, points in Michigan on and east of a line commencing at Port Huron, thence south on U.S. Hwy 25 to the jct. of U.S. Hwy 24, thence south on U.S. Hwy 24 to the Ohio-Michigan State line, and Gaylord, Alpena, Tawas City, and Temperance, Michigan;

(63) (c) (i) Between points in Iowa on, north and east of a line commencing at the Iowa-Nebraska state line on U.S. Hwy 34, thence east on U.S. Hwy 34 to the jct. of U.S. Hwy 71, thence south on U.S. Hwy 71 to the Iowa-Missouri state line, on the one hand, and, on the other, points in Mississippi on and south of a line commencing at Gulfport, Mississippi, thence east on U.S. Hwy 90 to the Mississippi-Alabama state line;

(63) (c) (ii) Between points in Iowa on and east of a line commencing at Muscatine, Iowa, thence west on IA St. Hwy 22 to the jct. of IA St. Hwy 70, thence northwest on IA St. Hwy 70 to the jct. of U.S. Hwy 6, thence northwest on U.S. Hwy 6 to the jct. of U.S. Hwy 218, thence north on U.S. Hwy 218 to the jct. of IA ST. Hwy. 105, thence west on IA St. Hwy 105 to the jct. of U.S. Hwy 65, thence north on U.S. Hwy 65 to the Iowa-Minnesota state line, on the one hand, and, on the other, points in Mississippi;

(63) (d) Between Lansing and Decorah, Iowa, on the one hand, and, on the other, points in Missouri on and east of a line commencing at Cape Girardeau, Missouri, thence south on U.S. Hwy 61 through Sikeston, Missouri to the terminus of the line at New Madrid, Missouri;

(63) (e) (i) Between points in Iowa on and east of a line commencing at the Iowa-Illinois state line on U.S. Hwy 61, thence south and west on U.S. Hwy 61 to the jct. of U.S. Hwy 218, thence southeast on U.S. Hwy 218 to the Iowa-Illinois state line, on the one hand, and, on the other, Searchlight, Nevada;

(63) (e) (ii) Between Davenport, Iowa, on the one hand, and, on the other, points in Nevada on, south and east of a line commencing at the Nevada-California state line on Interstate Hwy 15, thence northeast on I15 to the Nevada-Arizona state line, and Empire, Nevada;

(63) (f) (i) Between Davenport, Iowa, on the one hand, and, on the other, (A) Gallup, New Mexico; and (B) points in New Mexico on, south and west of a line commencing at the New Mexico-Arizona state line on Interstate 10, thence east on I-10 to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the jct. of NM St. Hwy 28, thence south on NM St. Hwy 28 to the terminus of NM St. Hwy 28 at the New Mexico-Texas state line; and (C) points in New Mexico on, south and east of a line commencing at the New Mexico-Texas state line on U.S. Hwy 180, thence northeast on U.S. Hwy 180, to the jct. of U.S. Hwy 285, thence north on U.S. Hwy 285 to the jct. of U.S. Hwy 380, thence east on U.S. Hwy 380 to the New Mexico-Texas state line;

(63) (f) (ii) Between points in Iowa on and east of a line commencing at the Iowa-Illinois state line at Dubuque, Iowa, thence south on U.S. Hwy 61 to Davenport, Iowa, on the one hand, and, on the other, points in New Mexico on and west of a line commencing at the New Mexico-Arizona state line on U.S. Hwy 70, thence southeast on U.S. Hwy 70 to the jct. of I-10, thence southwest on I-10 to the jct. of NM St. Hwy 338, thence south on NM St. Hwy 338 to the jct. of NM St. Hwy 9, thence west on NM St. Hwy 9 to the New Mexico-Arizona state line; and points in New Mexico on, south and east of a line commencing at the New Mexico-Texas state line on U.S. Hwy 180, thence southeast on U.S. Hwy 180 to the New Mexico-Texas state line;

(63) (g) (i) Between points in Iowa on, west and south of a line commencing at the Iowa-Minnesota state line on U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 218, thence south on U.S. Hwy 218 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the Iowa-Illinois state line, on the one hand, and, on the other, points in New York;

(63) (g) (ii) Between points in Iowa on, west and south of a line commencing at the Iowa-Illinois state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of IA ST. Hwy 136, thence east on IA St. Hwy 136 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the Iowa-Illinois state line, on the one hand, and, on the other, points in New York on and east of a line commencing at Rochester, New York, thence south on NY St. Hwy 15–A to the jct. of U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of NY St. Hwy 21, thence south on NY St. Hwy 21 to the jct. of NY St. Hwy 36, thence south on NY St. Hwy 36 to the New York-Pennsylvania state line;

(63) (h) (i) Between points in Iowa on, south and west of a line commencing at the Iowa-Missouri state line on IA St. Hwy 5, thence northeast on IA St. Hwy 5 to the jct. of IA St. Hwy 2, thence west on IA St. Hwy 2 to the jct. of IA St. Hwy 48, thence northeast on IA St. Hwy 48 to the jct. of U.S. Hwy 34, thence west on U.S. Hwy 34 to the Iowa-Nebraska state line, and Keokuk, Iowa, on the one hand, and, on the other, points in Ohio;

(63) (h) (ii) Between points in Iowa, on the one hand, and, on the other, points in Ohio on and south of a line commencing at the Ohio-Indiana state line on OH St. Hwy 571, thence southeast on OH ST. Hwy 571 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of OH St. Hwy 41, thence southeast on OH ST. Hwy 41 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of OH St. Hwy 16, thence northeast on OH St. Hwy 16 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 22, thence northeast on U.S. Hwy 22 to the Ohio-West Virginia state line;

(63) (h) (iii) Between points in Iowa on, south and west of a line commencing at Ft. Madison, Iowa, thence north on IA St. Hwy 88 to the jct. of IA St. Hwy 16, thence northwest on IA St. Hwy 16 to the jct. of U.S. Hwy 34, thence west on U.S. Hwy 34 to the jct. of IA St. Hwy 5, thence northwest on IA St. Hwy 5 to the jct. of U.S. Hwys 65 and 69, thence north on U.S. Hwys 65 and 69 to the jct. of U.S. Hwy 6, thence west on U.S. Hwy 6 to the jct. of U.S. Hwy 169, thence north on U.S. Hwy 169 to the jct. of IA St. Hwy 44, thence west on IA St. Hwy 44 to the jct. of IA St. Hwy 4, thence north on IA St. Hwy 4 to the Iowa-Minnesota state line, on the one hand, and, on the other, points in Ohio on, south and east of a line commencing at the Indiana-Ohio state line on OH St. Hwy 29, thence east on OH St. Hwy 29 to the jct. of I–75, thence north on I–75 to the jct. of OH St. Hwy 117, thence west on OH St. Hwy 117 to the jct. of OH St. Hwy 81, thence east on OH St. Hwy 81 to the jct. of I–75, thence northeast on I–75 to the jct. of U.S. Hwy 224, thence east on U.S. Hwy 224 to the jct. of OH St. Hwy 61, thence north on OH St. Hwy 61 to the jct. of U.S. Hwy 20, thence northeast on U.S. Hwy 20 to the jct. of OH St. Hwy 57, thence northwest on OH St. Hwy 57 to its terminus at Lorain, OH;

(63) (i) Between points in Iowa on and east of a line commencing at Dubuque, Iowa, thence south on U.S. Hwy 61 to Davenport, Iowa; and the point of Lansing, Iowa, on the one hand, and, on the other, Tom, Oklahoma;

(63) (j) (i) Between Davenport and Clinton, Iowa, on the one hand, and, on the other, points in Oregon on and west of a line commencing at the California-Oregon state line on U.S. Hwy 97, thence north on U.S. Hwy 97 to the jct. of U.S. Hwy 197, thence north on U.S. Hwy 197 to the Oregon-Washington state line;

(63) (j) (ii) Between Burlington and Ft. Madison, Iowa, on the one hand, and, on the other, points in Oregon on and west of a line commencing at the California-Oregon state line on U.S. Hwy 199, thence north on U.S. Hwy 199 to the jct. of I–5, at Grants Pass, Oregon, thence north on I–5 to the Oregon-Washington state line;

(63) (j) (iii) Between Dubuque, Iowa, on the one hand, and, on the other, Reedsport and Grants Pass, Oregon;

(63) (k) (i) Between points in Iowa on, south and west of a line commencing at the Iowa-Minnesota state line on U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of IA St. Hwy 330, thence northeast on IA St. Hwy 330 to the jct. of IA St. Hwy 14, thence south on IA St. Hwy 14 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of IA St. Hwy 146, thence south on IA St. Hwy 146 to the jct. of I–80, thence east on I–80 to the jct. of IA St. Hwy 21, thence south on IA St. Hwy 21 to the jct. of IA St. Hwy 22, thence east on IA St. Hwy 22 to Muscatine, Iowa, on the one hand, and, on the other, points in Pennsylvania;

(63) (k) (ii) Between points in Iowa, on the one hand, and, on the other, points in Pennsylvania on, south and east of a line commencing at the New York-Pennsylvania state line on U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of U.S. Hwy 220, thence southwest on U.S. Hwy 220 to the jct. of U.S. Hwy 22, thence west on U.S. Hwy 22 to the Pennsylvania-West Virginia state line;

(63) (l) (i) Between points in Iowa, on the one hand, and, on the other, points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on TN St. Hwy 120, thence south and east on TN St. Hwy 120 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of TN St. Hwy 49, thence east and south on TN St. Hwy 49 to the jct. of TN St. Hwy 13, thence south on TN St. Hwy 13 to the Tennessee-Alabama state line;

(63) (l) (ii) Between points in Iowa on, north and east of a line commencing at Davenport, Iowa, thence north on U.S. Hwy 61 to the jct. of IA ST. Hwy 130, thence northwest on IA St. Hwy 130 to the jct. of IA St. Hwy 38, thence north on IA St. Hwy 38 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of IA St. Hwy 149, thence northeast on IA St. Hwy 149 to the jct. of IA St. Hwy 150 at Cedar Rapids, Iowa, thence north and west on IA St. Hwy 150 to the jct. on U.S. Hwy. 20, thence west on U.S. Hwy 20 to the jct. of U.S. Hwy 169, then north on U.S. Hwy 169 to the jct. of U.S. Hwy 18, thence west on U.S. Hwy 18 to the jct. of U.S. Hwy 59, thence north on U.S. Hwy 59 to the jct. of IA St. Hwy 9, thence west and northwest on IA St. Hwy 9 to the Iowa-South Dakota state line, on the one hand, and, on the other, points in Tennessee;

(63) (l) (iii) Between points in Iowa on, north and east of a line commencing at the South Dakota-Iowa state line on U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of U.S. Hwy 169, thence south on U.S. Hwy 169 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of I–80 at Des Moines, Iowa, thence east on I–80 to the jct. of U.S. Hwy 6, thence southeast on U.S. Hwy 6 to the Iowa-Illinois state line, on the one hand, and, on the other, points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on TN St. Hwy 69, thence southeast on TN St. Hwy 69 to the jct. of TN St. Hwy 77, thence south on TN St. Hwy 77 to the jct. of U.S. Hwy 70, thence southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of TN St. Hwy 18, thence south on TN St. Hwy 18 to the Tennessee-Mississippi state line;

(63) (m) (i) Between points in Iowa on and east of a line commencing at Dubuque, Iowa, thence south on U.S. Hwy 61 to Davenport, Iowa; and the point of Lansing, Iowa, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Arkansas-Texas state line on U.S. Hwy 59, thence south on U.S. Hwy 59 to the jct. of TX St. Hwy 94, thence southwest on TX St. Hwy 94 to the jct. of TX ST. Hwy 19, thence southwest on TX St. Hwy 19 to the jct. of U.S. Hwy 75, thence south on U.S. Hwy 75 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of TX St. Hwy 349, thence north on TX St. Hwy 349 to the jct. of U.S. Hwy 67, thence west on U.S. Hwy 67 to the jct. of U.S. Hwy 385, thence north on U.S. Hwy 385 to the jct. of TX St. Hwy 302, thence west on TX St. Hwy 302 to the jct. of TX St. Hwy 115, thence south on TX St. Hwy 115 to the jct. of U.S. Hwy 80, thence west on U.S. Hwy 80 to the jct. of TX St. Hwy 17, thence south on TX St. Hwy 17 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to Presidio, Texas;

(63) (m) (ii) Between Davenport and Clinton, Iowa, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Arkansas-Texas state line on U.S. Hwy 67, thence west on U.S. Hwy 67 to the jct. of U.S. Hwy 271, thence south on U.S. Hwy 271 to the jct. of U.S. Hwy 80, thence west on U.S. Hwy 80 to the jct. of U.S. Hwy 84, thence northwest on Hwy 84 to the jct. of TX St. Hwy 116, thence west on TX St. Hwy 116 to the jct. of TX St. Hwy 125, thence west on TX St. Hwy 125 to the New Mexico-Texas state line;

(63) (n) (i) Between Fort Madison, Iowa, on the one hand, and, on the other, points in Washington on and west of a line commencing at the Oregon-Washington state line on Interstate–5, thence north on I–5 to the United States-Canadian border;

(63) (n) (ii) Between Davenport, Iowa, on the one hand, and, on the other, points in Washington on and west of a line commencing at the Oregon-Washington state line on Interstate–5, thence north on I–5 to the jct. of WA St. Hwy 16, thence north on WA St. Hwy 16 to the jct. of WA St. Hwy 3, thence north on WA St. Hwy 3 to the jct. of WA ST. Hwy 104, thence northwest on WA St. Hwy 104 to the jct. of U.S. Hwy 101, thence north on U.S. Hwy 101 to the jct. of WA St. Hwy 113, thence northeast on the one hand, and, on the other, points Townsend, Washington;

(64) (a) Between points in Kansas, on the one hand, and, on the other, points in the lower peninsula of Michigan; and points in that part of the Upper peninsula on and east of Interstate–75;

(64) (b) Between points in Kansas on, north and west of a line commencing at the Kansas-Colorado state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of KS St. Hwy 27, thence north and west on KS St. Hwy 27 to the Kansas-Nebraska state line, on the one hand, and, on the other, points in Mississippi on, north and east of a line commencing at the Mississippi-Tennessee state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Alt. 45, thence south on U.S. Alt. 45 to the jct. of U.S. Hwy 82, thence east on U.S. Hwy 82 to the Mississippi-Alabama state line;

(64) (c) (i) Between points in Kansas, on the one hand, and, on the other, Kenosha, Wisconsin;

(64) (c) (ii) Between Baxter Springs, Kansas, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Wisconsin-Illinois state line on WI St. Hwy 69, thence north on WI St. Hwy. 69 to the jct. of U.S. Hwy 151, thence northeast on U.S. Hwy 151 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy BR 2, thence east on U.S. Hwy BR 2 to the Wisconsin-Michigan state line;

(64) (c) (iii) Between points in Kansas on, south and west of a line commencing at the Kansas-Nebraska state line on U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of KS St. Hwy 18, thence east on KS St. Hwy 18 to the jct. of U.S. Hwy 77, thence east on U.S. Hwy 77 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 59, thence south on U.S. Hwy 59 to the jct. of KS St. Hwy 52, thence east on KS St. Hwy 52 to the Kansas-Missouri state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at Manitowoc, Wisconsin, thence south on WI St. Hwy 42, thence to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI St. Hwy 57, thence south on WI St. Hwy 57 to the jct. of WI St. Hwy 181, thence south on WI St. Hwy 181 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Wisconsin-Illinois state line;

(65) Between points in Kentucky on and east of a line commencing at the Kentucky-Indiana state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 68, thence east on U.S. Hwy 68 to the jct. of KY St. Hwy 90, thence east on KY St. Hwy 90 to the jct. of U.S. Hwy 127, thence south on U.S. Hwy 127 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New Mexico;

(66) (a) (i) Between points in Louisiana on and east of a line commencing at Houma, Louisiana, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 20, thence east on LA St. Hwy 20 to the jct. of LA St. Hwy 1, thence north on LA St. Hwy 1 to the jct. of U.S. Hwy 190, thence

V40 I133 JUL 10 75 XUM

east on U.S. Hwy 190 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to the Louisiana-Mississippi state line, on the one hand, and, on the other, points in Minnesota;

(66) (a) (ii) Between points in Louisiana, on the one hand, and, on the other, points in Minnesota on, north and east of a line commencing at Duluth, Minnesota, thence west on U.S. Hwy 2 to the jct. of MN St. Hwy 46, thence northwest on MN St. Hwy 46 to the jct. of MN St. Hwy 1, thence on MN St. Hwy 1 to the jct. of MN St. Hwy 72, thence north on MN St. Hwy 72 to the jct. of MN St. Hwy 11, thence west on MN St. Hwy 11 to the jct. of MN St. Hwy 313, thence north on MN St. Hwy 313 to the United States-Canadian border ,and Winona, Minnesota;

(66) (a) (iii) Between points in Louisiana on, south and east of a line commencing at the Louisiana-Texas state line on LA St. Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the jct. of LA St. Hwy 34, thence northeast on LA St. Hwy 34 to Monroe, Louisiana, thence north on U.S. Hwy 165 to the Louisiana-Arkansas state line, on the one hand, and, on the other, points in Minnesota on, north and east of a line commencing at the Minnesota-North Dakota state line on U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of MN St. Hwy 371, thence south on MN St. Hwy 371 to the jct. of U.S. Hwy 10, thence south on U.S. Hwy 10 to the jct. of U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the Minnesota-Iowa state line;

(66) (b) Between points in Louisiana on, east and south of a line commencing at the Louisiana-Mississippi state line on LA St. Hwy 131, thence south on LA St. Hwy 131 to the jct. of LA St. Hwy 15, thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 78, thence south on LA St. Hwy 78 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of I–10, thence west on I–10 to the jct. of U.S. Hwy. 90, thence west on U.S. Hwy 90 to the Texas-Louisiana state line, on the one hand, and, on the other, Anson, Missouri;

(66) (c) Between points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on LA St. Hwy 139, thence south on LA St. Hwy 139 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 82, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence southeast on LA St. Hwy 333 to the terminus of LA St. Hwy 333 at Intracoastal Louisiana, on the one hand, and, on the other, points in Montana on, west and north of a line commencing at the Idaho-Montana state line on U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct. of U.S. Hwy 10, thence south and east on U.S. Hwy 10 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of U.S. Hwy 87, thence northeast on U.S. Hwy 87 to the MT. Secondary Road 233 at Havre, Montana, thence north on MT Secondary Road 233 to the United States-Canadian border;

(66) (d) Between points in Louisiana on and east of line commencing at the Louisiana-Mississippi state line on LA St. Hwy 10, thence west on LA St. Hwy 10 to the jct. of LA St. Hwy 21, thence south on LA St. Hwy 21 to the jct. of LA St. Hwy 41, thence south on LA St. Hwy 41 to the jct. of U.S. Hwy 11, thence southwest on U.S. Hwy 11 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of U.S. BR Hwy 90, thence southeast on U.S. BR Hwy 90 to the jct. of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana, on the one hand, and, on the other, points in Nebraska on and north of a line commencing at the Nebraska-Iowa state line on U.S. Hwy 20, thence west on U.S. Hwy 20 to the Nebraska-Wyoming state line;

(66) (e) Between points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of I–59, thence north on I–59 to the jct. of LA St. Hwy 41, thence northwest on LA St. Hwy 41 to the jct. of LA St. Hwy 21, thence north on LA St. Hwy 21 to the Louisiana-Mississippi state line, and Millikin, Louisiana, on the one hand, and, on the other, points in Nevada on, north and west of a line commencing at the Nevada-Utah state line on NV St. Hwy 30, thence southwest on NV St. Hwy 30 to the jct. of U.S. Hwy 40, thence southwest and northwest on U.S. Hwy 40 to the jct. of U.S. Hwy 395, thence south on U.S. Hwy 395 to the jct. of NV St. Hwy 88, thence south on NV St. Hwy 88 to the Nevada-California state line;

(66) (f) Between points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to the Louisiana-Mississippi state line; and points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy BR 61 at Baton Rouge, Louisiana, thence south on U.S. Hwy BR 61 to the jct. of I–10, thence west on I–10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LS St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St. Hwy 315, thence south on LS St. Hwy 315 to its terminus near the Gulf of Mexico, on the one hand, and, on the other, points in Oregon on and north of a line commencing at the California-Oregon state line on U.S. Hwy 395, thence north on U.S. Hwy 395 to the jct. of OR St. Hwy 78, thence southeast on OR St. Hwy 78 to the jct. of U.S. Hwy 95, thence southeast on U.S. Hwy 95 to the Idaho-Oregon state line;

(66) (g) Between points in Louisiana on and east of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 24, thence southeast on LA St. Hwy 24 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to its terminus; on the Gulf of Mexico; and points in Delta and Vidalia, Louisiana, on the one hand, and, on the other, points in South Dakota on, north and west of a line commencing at the Minnesota-South Dakota state line on U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of SD St. Hwy 20, thence west on SD St. Hwy 20 to the jct. of U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of SD St. Hwy 79, thence south on SD St. Hwy 79 to the jct. of SD St. Hwy 40, thence west on SD St. Hwy 40 to the jct. of U.S. Hwy 385, thence northwest on U.S. Hwy 385 to the jct. of U.S. Hwy 85, thence southwest on U.S. Hwy 85 to the South Dakota-Wyoming state line;

(66) (h) Between points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 90, thence southeast on U.S. Hwy 90 to the jct. of LA St. Hwy 83, thence west on LA St. Hwy 83 to Louisa, Louisiana, on the one hand, and, on the other, points in Washington on, north and west of a line commencing at the Idaho-Washington state line on U.S. Hwy 10, thence west on U.S. Hwy 10 to the jct. of I–90, thence southwest on I–90 to the jct. of U.S. Hwy 10, thence west on U.S. Hwy 10 to the jct. of I–90 thence west on I–90 to the jct. of U.S. Hwy 97, thence south on U.S. Hwy 97 to thence jct. of U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of I–5 thence south on I–5 to the jct. of WA St. Hwy 4, thence west on WA St. Hwy 4 to the jct. of WA St. Hwy 433, thence south on WA St. Hwy 433 to the Oregon-Washington state line;

(66) (i) Between points in Louisiana on and east of a line commencing at the Mississippi-Louisiana state line on LA St. Hwy 21, thence south and southwest on LA St. Hwy 21 to the jct. of U.S. Hwy 190, thence south on U.S. Hwy 190 to the jct. of Lake Pontchartrain Causeway, thence south on Lake Pontchartrain Causeway to the jct. of U.S. Hwy 61, thence east on U.S. Hwy 61 to the jct. of U.S. Hwy BR 90, thence south on U.S. Hwy BR 90 to the jct. of LA St. Hwy 23, thence south on LA St. Hwy 23 to the terminus of LA St. Hwy 23 at Venice, Louisiana, on the one hand, and, on the other, points in Wyoming on, west and north of a line commencing at the Montana-Wyoming state line on WY St. Hwy 338, thence southwest on WY St. Hwy 338 to the jct. of U.S. Hwy 87, thence southeast on U.S. Hwy 87 to Sheridan, Wyoming thence northwest on U.S. Hwy 87 to the jct. of U.S. Hwy 14, thence southwest on U.S. Hwy 14 to the jct. of WY St. Hwy 789, thence south on WY St. Hwy 789 to the jct. of U.S. Hwy 287, thence northwest on U.S. Hwy 287 to the jct. of U.S. Hwy 26, thence northwest and southwest on U.S. Hwy 26 to the Wyoming-Idaho state line;

(67) Between points in Maine, on the one hand, and, on the other, points in

the upper peninsula of Michigan on, south and west of a line commencing at L'Anse, Michigan, thence south and east on U.S. Hwy 41 to the jct. of MI St. Hwy 35, thence south and east on MI St. Hwy 35 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to Escanaba, Michigan;

(68) Between points in Maryland, on the one hand, and, on the other, points in upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of MI St. Hwy 141, thence north on MI St. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to L'Anse, Michigan;

(69) (a) Between points in Massachusetts, on the one hand, and, on the other, points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of MI St. Hwy 141, thence north on MI St. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to L'Anse, Michigan;

(69) (b) (i) Between points in Massachusetts, on the one hand, and, on the other, points in Wisconsin on, north and west of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence northeast on WI St. Hwy 26 to the jct. of U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of WI St. Hwy 59, thence east on WI St. Hwy 59 to its terminus at Milwaukee, Wisconsin;

(69) (b) (ii) Between points in Massachusetts on and east of a line commencing at the Massachusetts-Vermont state line on U.S. Hwy 5, thence south on U.S. Hwy 5 to the Connecticut-Massachusetts state line, on the one hand, and, on the other, points in Wisconsin;

(70) (a) Between Temperance, Michigan, on the one hand, and, on the other, St. Vincent and Warroad, Minnesota;

(70) (b) Between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Grand Marais, Michigan, thence south on MI St. Hwy 77 to Blaney Park, Michigan, on the one hand, and, on the other, points in Missouri on and south of a line commencing at the Kansas-Missouri state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the Missouri-Illinois state line;

(70) (c) Between points in Michigan, bounded on the west by Lake Michigan, bounded on the north by a line commencing at Ludington, Michigan, thence south on U.S. Hwy 31 to the jct. of I–96, thence east on I–96 to the jct. of MI St. Hwy 21, thence east on MI St. Hwy 21 to its terminus at Port Huron, Michigan; and bounded on the east by Lake Huron, St. Clair River, Lake St. Clair, Detroit River, and Lake Erie, bounded on the south by the Ohio-Indiana state line and a line commencing at the Michigan-Indiana state line on U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of MI St. Hwy 140, thence north on MI St. Hwy 140 to the jct. of I–94, thence west on I–94 to the jct. of I–94BL, thence west on I–94BL to ST. Joseph, Michigan, on the one hand, and, on the other, points in Montana on and west of a line commencing at the Montana-Wyoming state line on U.S. Hwy 212, thence northwest on U.S. Hwy 212 to the jct. of MT St. Hwy 22, thence north on MT St. Hwy 22 to the jct. of MT St. Hwy 200, thence east on MT St. Hwy 200 to the jct. of MT St. Hwy 13, thence north on MT St. Hwy 13 to the United States-Canadian border;

(70) (d) Between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Nebraska on and south of a line commencing at the Wyoming-Nebraska state line on U.S. Hwy 26, thence east on U.S. Hwy 26 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of U.S. Hwy 34, thence east on U.S. Hwy 34 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the Kansas-Nebraska state line;

(70) (e) Between points in the upper peninsula of Michigan on, south and west of a line commencing at the United States-Canadian border on I–75, thence southwest on I–75 to Mackinaw City; and, points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Nevada;

(70) (f) Between points in Michigan on, south and west of a line commencing at L'Anse, Michigan, thence south and east on U.S. Hwy 41 to the jct. of MI St. Hwy 95, thence south on MI St. Hwy 95 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to Escanaba, Michigan, on the one hand, and, on the other, points in New Hampshire;

(70) (g) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to Baraga, Michigan, on the one hand, and, on the other, points in New Jersey;

(70) (h) (i) Between points in Michigan, on the one hand, and, on the other, points in New Mexico on and south of a line commencing at the New Mexico-Arizona state line on U.S. Hwy 66, thence east on U.S. Hwy 66 to the jct. of U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the New Mexico-Texas state line;

(70) (h) (ii) Between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Hancock, Michigan, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of Michigan-Wisconsin state line, on the one hand, and, on the other, points in New Mexico;

(70) (i) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the terminus at Baraga, Michigan; and the point of Menominee, Michigan, on the one hand, and, on the other, points in New York on and east of a line commencing at Cape Vincent, New York, thence southeast on NY St. Hwy 12E to the jct. of NY St. Hwy 12, thence southeast on NY St. Hwy 12 to the jct. of NY St. Hwy 8, thence south on NY St. Hwy 8 to the jct. of NY St. 17, thence southeast on NY St. Hwy 17 to the terminus of Hale Eddy, New York;

(70) (j) Between points in Michigan on, south and east of a line commencing at the Michigan-Ohio state line on U.S. Hwy 25, thence northeast on U.S. Hwy 25 to the terminus of Port Huron, Michigan; and the point of Temperance, Michigan, on the one hand, and, on the other, points in North Dakota on and west of a line commencing at the North Dakota-South Dakota state line on ND St. Hwy 6, thence north on ND St. Hwy 6 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of ND St. Hwy 256, thence north on ND St. Hwy 256 to the United States-Canadian border;

(70) (k) Between points in Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141, to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to L'Anse, Michigan, on the one hand, and, on the other, points in Ohio on and south of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 22, thence west on U.S. Hwy 22 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 68, thence southwest on U.S. Hwy 68 to the jct. of U.S. Hwy 42, thence southwest on U.S. Hwy 42 to the Ohio-Kentucky state line;

(70) (l) Between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at the Wisconsin-Michigan state line on MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of MI St. Hwy 203, thence north on MI St. Hwy 203 to the terminus at F. J. McLain State

V40-133 JUL 10 75 XUM

Park., on the one hand, and, on the other, points in Oklahoma;

(70) (m) Between points in Michigan on, south and southwest of a line commencing at Alpena, Michigan, thence west on MI St. Hwy 32 to the jct. of U.S. Hwy 131, thence southwest on U.S. Hwy 131 to the jct. of MI St. Hwy 72, thence west on MI St. Hwy 72 to the jct. of MI St. Hwy 22, thence north on MI St. Hwy 22 to the jct. of MI St. Hwy 201, thence north on MI St. Hwy 201 to its terminus at the Government Lighthouse at Cat Head Point, Michigan, on the one hand, and, on the other, points in Oregon;

(70) (n) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to its terminus at Copper Harbor, and Menominee, Michigan, on the one hand, and, on the other, points in Pennsylvania on and south and east of a line commencing at the Pennsylvania-West Virginia state line on U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the jct. of U.S. Hwy 19, thence north on U.S. Hwy 19 to the jct. of U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of PA St. Hwy 350, thence north on PA St. Hwy 350 to the jct. of PA St. Hwy 45, thence northeast on PA St. Hwy 45 to the jct. of PA St. Hwy 26, thence northeast on PA St. Hwy 26 to the jct. of PA St. Hwy 64, thence northeast on PA ST. Hwy 64 to the jct. of PA St. Hwy 120, thence north on PA St. Hwy 120 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the New York-Pennsylvania state line;

(70) (o) Between points in Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of MI St. Hwy 35, thence north on MI St. Hwy 35 to the jct. of U.S. Hwy 41 at Escanaba, Michigan, thence north on U.S. Hwy 41 to its terminus at Marquette, Michigan, on the one hand, and, on the other, points in Rhode Island;

(70) (p) Between points in the lower peninsula of Michigan, bounded on the west by Lake Huron, on the north by a line commencing at Ludington, Michigan, thence east on U.S. Hwy 10 to the jct. of I–75, thence north on I–75 to the jct. of MI St. Hwy 61, thence east on MI St. Hwy 61 to the jct. of U.S. Hwy 23, thence northeast on U.S. Hwy 23 to Tawas City, Michigan, bounded on the east by Lake Huron, the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie, and bounded on the south by a line commencing at St. Joseph, Michigan (on Lake Michigan), thence south on U.S. Hwy 33 to the Indiana-Michigan state line, thence along the Indiana-Michigan state line and the Ohio-Michigan state line to Lake Erie, on the one hand, and, on the other, points in South Dakota on and west of a line commencing at the South Dakota-Wyoming state line on U.S. Hwy 212, thence southeast on U.S. Hwy 212 to the jct. of SD St Hwy 34, thence southeast on SD St. Hwy 34 to the jct. of SD ST. Hwy 79, thence south on SD ST. Hwy 79 to the jct. of U.S. Hwy 18, thence west on U.S. Hwy 18 to the South Dakota-Wyoming state line;

(70) (q) Between points in Michigan, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Texas-Oklahoma state line on I–40 thence west on I–40 to the New Mexico-Texas state line;

(70) (r) Between points in the lower peninsula of Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Grand Marais, Michigan, thence south on MI St. Hwy 77 to Blaney Park, Michigan, on the one hand, and, on the other, points in Utah;

(70) (s) Between points in the upper peninsula of Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to Baraga, Michigan, on the one hand, and, on the other, points in Vermont;

(70) (t) Between points in the upper peninsula of Michigan on, south and west of a line commencing at Escanaba, Michigan, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the terminus at Baraga, Michigan, on the one hand, and, on the other, points in Virginia;

(70) (u) Between points in Michigan on, south and west of a line commencing at Tawas City, Michigan, thence west on MI St. Hwy 55 to the jct. of MI St. Hwy 76, thence northwest on MI St. Hwy 76 to the jct. of I–75, thence northwest on I–75 to the jct. of BR I–75, thence northwest on BR I–75 to the jct. of MI St. Hwy 72, thence west on MI St. Hwy 72 to the jct. of MI St. Hwy 22, thence north on MI St. Hwy 22 to the jct. of MI St. Hwy 201, thence north on MI St. Hwy 201 to its terminus at the Government Lighthouse at Cat Head Point, Michigan, on the one hand, and, on the other, points in Washington;

(70) (v) Between points in Michigan on and west of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of MI St. Hwy 95, thence north on MI St. Hwy 95 to the jct. of MI St. Hwy 69, thence west on MI St. Hwy 69 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to L'Anse, Michigan, on the one hand, and, on the other, points in West Virginia on and south of a line commencing at the Ohio-West Virginia state line on Interstate–70, thence east on I–70 to the Pennsylvania-West Virginia state line;

(70) (w) Between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Wyoming on, south and west of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy 26, thence northwest on U.S. Hwy 26 to the jct. of I–25, thence south on I–25 to the jct. of WY St. Hwy 34, thence southwest on WY St Hwy 34 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of U.S. Hwy 187, thence north on U.S. Hwy 187 to the jct. of WY St. Hwy 28, thence northeast on WY ST. Hwy 28 to the jct. of U.S. Hwy 287, thence west on U.S. Hwy 287 to the jct. of U.S. Hwy 26, thence west on U.S. Hwy 26 to the Idaho-Wyoming state line;

(71) (a) (i) Between points in Minnesota, on the one hand, and, on the other, points in Mississippi on and east of a line commencing at the Arkansas-Mississippi state line on U.S. Hwy 49, thence southeast and south on U.S. Hwy 49 to the jct. of U.S. Hwy 49E, thence south on U.S. Hwy 49E to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of I–55, thence south on I–55 to the Mississippi-Louisiana state line;

(71) (a) (ii) Between points in Minnesota on, north and east of a line commencing at the South Dakota-Minnesota state line on U.S. Hwy 12, thence northeast on U.S. Hwy 12 to the jct. of MN St. Hwy 7, thence east on MN St. Hwy 7 to the jct. of MN St. Hwy 15, thence south on MN St. Hwy 15 to the jct. of U.S. Hwy 14 at New Ulm, Minnesota, thence east on U.S. Hwy 14 to the jct. of MN St. Hwy 22, thence south on MN St. Hwy 22 to the jct. of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the Minnesota-Iowa state line, on the one hand, and, on the other, points in Mississippi;

(71) (b) (i) Between points in Minnesota on and north of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 14, thence northwest and west on U.S. Hwy 14 to the Minnesota-South Dakota state line, on the one hand, and, on the other, points in Missouri on, north and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy 62, thence west on U.S. Hwy 62 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to Cape Girardeau, Missouri;

(71) (b) (ii) Between points in Minnesota on, north and west of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 2, thence northwest on U.S. Hwy 2 to the jct. of U.S. Hwy 59, thence south on U.S. Hwy 59 to the jct. of U.S. Hwy 10, thence west on U.S. Hwy 10 to the Minnesota-North Dakota state line, on the one hand, and, on the other, points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence northeast on U.S. Hwy 67 to the jct. of I–55, thence north and east on I–55 to the Illinois-Missouri state line;

(71) (c) Between Reno, Minnesota, on the one hand, and, on the other, Searchlight, Nevada;

(71) (d) (i) Between points in Minnesota on, west and north of a line commencing at the Minnesota-Iowa State line on U.S. Hwy 218, thence north on U.S. Hwy 218 to the jct. of U.S. Hwy 65, thence north on U.S. Hwy 65 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of MN St. Hwy 15, thence north on MN St. Hwy 15 to the jct. of U.S. Hwy 10, thence north on U.S. Hwy 10 to the jct. of MN St. Hwy 371, thence north on MN St. Hwy 371 to the jct. of MN St. Hwy 210, thence northeast on MN St. Hwy 210 to its terminus at the jct. of MN St. Hwy 210 and MN St. Hwy 23 (near the St. Louis River), on the one hand, and, on the other, points in New York;

(71) (d) (ii) Between points in Minnesota, on the one hand, and, on the other, points in New York on and east of a line commencing at Rochester, New York, thence south of NY St Hwy 15–A to the jct. of U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of NY St. Hwy 21, thence south on NY St. 21, to the jct. of NY St. Hwy 36, thence south of NY St. Hwy 36 to the New York-Pennsylvania state line;

71 (d) (iii) Between Minneapolis and St. Paul, Minnesota, on the one hand, and, on the other, points in New York on, north and west of a line commencing at Athol Springs, New York, thence south of NY St. Hwy 75 to the jct. of U.S. Hwy 20, thence northeast on U.S. Hwy 20 to the jct. of NY St. Hwy 78, thence north on NY St. Hwy 78 to the terminus at Olcot, New York;

(71) (e) (i) Between points in Minnesota, on the one hand, and, on the other, points in Ohio on and south on a line commencing at the Ohio-Indiana state line on OH St. Hwy 571, thence east on OH St. Hwy 571 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of OH St. Hwy 29, thence east on OH St. Hwy 29 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of OH St. Hwy 16, thence east on OH St. Hwy 16 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 22, thence east on U.S. Hwy 22 to the Ohio-West Virginia state line;

(71) (e) (ii) Between points in Minnesota on, west and south of a line commencing at the Minnesota-Iowa state line on U.S. Hwy 69, thence north on U.S. Hwy 69 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of MN St. Hwy 22, thence west on MN St. Hwy 22 to the jct. of MN St. Hwy 30, thence west on MN ST. Hwy 30 to the jct. of U.S. Hwy 59, thence north on U.S. Hwy 59 to the jct. of MN St. Hwy 34, thence east on MN St Hwy 34 to the jct. of U.S. Hwy 71, thence north on U.S. Hwy 71 to its terminus at International Falls, Minnesota, on the one hand, and, on the other, points in Ohio on and south of a line commencing at Cleveland, Ohio, thence southwest on U.S. Hwy 42 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of U.S. Hwy 30S. thence west on U.S. Hwy 30S to the jct. of I–75, thence south on I–75 to the jct. of OH St. Hwy 47, thence west on OH St. Hwy 47 to the Ohio-Indiana state line; and the point of Lima, Ohio;

(71) (f) Between points in Minnesota on and east of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 53, thence northwest on U.S. Hwy 53 to its terminus at International Falls, Minnesota; and the point of Reno, Minnesota, on the one hand, and, on the other, Idabel, Oklahoma;

(71) (g) (i) Between points in Minnesota on and west of a line commencing at the Iowa-Minnesota state line on U.S. Hwy 65, thence northwest on U.S. Hwy 65 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of MN St. Hwy 22, thence northwest on MN St. Hwy 22 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of U.S. Hwy 71, thence north on U.S. Hwy 71 to the jct. of MN St. Hwy 210, thence east on MN St. Hwy 210 to the jct. of U.S. Hwy 169, thence northeast on U.S. Hwy 169 to the jct. of U.S. Hwy 53, thence north on U.S. Hwy 53 to the jct. of MN St. Hwy 169, thence northeast on MN St. Hwy 169, to the jct of MN St. Hwy 1, thence east on MN St. Hwy 1 to its terminus at the jct. of U.S. Hwy 61, on the one hand, and, on the other, points in Pennsylvania;

(71) (g) (ii) Between points in Minnesota, on the one hand, and, on the other, points in Pennsylvania on, south and east of a line commencing at the Pennsylvania-West Virginia state line on U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the jct. of U.S. Hwy 15, thence north on U.S. 15 to the New York-Pennsylvania state line;

(71) (h) (i) Between points in Minnesota on and east of a line commencing at the United States-Canadian boundary on MN St. Hwy 313, thence south on MN St. Hwy 313 to the jct. of MN St. Hwy 11, thence east on MN St. Hwy 11 to the jct. of MN St. Hwy 72, thence south on MN St. Hwy 72 to the jct. of MN St. Hwy 1, thence west on MN St. Hwy 1 to the jct. of MN St. Hwy 89, thence south on MN St. Hwy 89 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the Wisconsin-Minnesota state line and points in Minnesota on and east of a line commencing at the Wisconsin-Minnesota state line on U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 16, thence south on U.S. Hwy 16 to the jct. of MN St. Hwy 26, thence south on MN St. Hwy 26 to the Minnesota-Iowa state line, on the one hand, and, on the other, Houston, Texas;

(71) (h) (ii) Between points in Minnesota on and east of a line commencing at Duluth, Minnesota, thence north on U.S. Hwy 53 to its terminus at International Falls, on the one hand, and, On the other, points in Texas on and south of a line commencing at Del Rio, Texas, thence east on U.S. Hwy 90 to the jct. of I–10, thence east on I–10 to the jct. of U.S. Hwy 77, thence north on U.S. Hwy 77 to the jct. of TX St. Hwy 21, thence north on TX St. Hwy 21 to the jct. of U.S. Hwy 287, thence north on U.S. Hwy 287 to the jct. of TX St. Hwy 155, thence north on TX St. Hwy 155 to the jct. of U.S. Hwy 259, thence north on U.S. Hwy 259 to the jct. of U.S. Hwy 67, thence east on U.S. Hwy 67 to the Texas-Arkansas state line;

(71) (i) Between points in Minnesota, on the one hand, and, on the other points in West Virginia on and south of a line commencing at the Ohio-West Virginia line on U.S. Hwy 22, thence northeast on U.S. Hwy 22 to the jct. of WV St. Hwy 2, thence north on WV St. Hwy 2 to Weirton, West Virginia, thence south on WV St. Hwy 2 to the jct. of U.S. Hwy 22, thence east on U.S. Hwy 22 to the West Virginia-Pennsylvania state line;

(72) (a) Between points in Nebraska on and north of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy 30, thence east on U.S. Hwy 30, to the jct. of NE St. Hwy 70, thence north on NE St. Hwy 70 to the jct. of NE St. Hwy 92, thence east on NE St. Hwy 92 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 275, thence south on U.S. Hwy 275 to the jct. of NE St. Hwy 92, thence east on NE St. Hwy 92 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the Nebraska-Missouri state line, on the one hand, and, on the other, points in Mississippi on and east of a line commencing at Gulfport, Mississippi, thence north on U.S. Hwy 49 to the jct. of I–59, thence north on I–59 to the jct. of U.S. Hwy. 45, thence north on U.S. Hwy 45 to the Mississippi-Tennessee state line;

(72) (b) Between points in Mississippi on, north and east of a line commencing at the Mississippi-Louisiana state line on MS St. Hwy 26, thence east on MS St. Hwy 26 to the jct. of U.S. Hwy 11, thence northeast on U.S. Hwy 11 to the jct. of U.S. Hwy 49, thence northwest on U.S. Hwy 49 to the jct. of U.S. Hwy 49W, thence northwest on U.S. Hwy 49W to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to the terminus at Greenville, Mississippi, on the one hand, and, on the other, points in Nevada on and west of a line commencing at the Nevada-California state line on U.S. Hwy 395, thence south on U.S. Hwy 395 to the jct. of NV St. Hwy 88, thence south on NV St. Hwy 88 to the Nevada-California state line; and points in Nevada on and north of a line commencing at the Nevada-California state line on NV St. Hwy 81, thence southeast on NV St. Hwy 81 to the jct. of NV St. Hwy 34, thence south on NV St. Hwy 34 to Empire, Nevada, thence north on NV St. Hwy 34 to the jct. of NV St. Hwy 48, thence east on NV St. Hwy 48 to the jct. NV St. Hwy 49, thence east on NV St. Hwy 49 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of NV St. Hwy 30, thence east on NV St. Hwy 30 to the Nevada-Utah state line;

(72) (c) Between points in Mississippi on and east of a line commencing at the Mississippi-Tennessee state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of U.S. Hwy 49–E, thence south on U.S. Hwy 49–E to the jct. of MS ST. Hwy 12, thence southeast on MS St. Hwy 12 to the jct. of MS St. Hwy 17, thence southeast on MS St. Hwy 17 to the jct. of U.S. Hwy 51, thence

V40 I133 JUL 10 75 XUM

south on U.S. Hwy 51 to the jct. of I–55 at Terry, Mississippi, thence south on I–55 to the Louisiana-Mississippi state line, on the one hand, and, on the other, points in South Dakota on and north of a line commencing at the Wyoming-South Dakota state line on U.S. Hwy 18, thence northeast on U.S. Hwy 18 to the jct. of SD St. Hwy 79, thence north on SD St. Hwy 79 to the jct of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of SD St. Hwy 40, thence southeast on SD St. Hwy 40 to the jct. of U.S. Hwy 183, thence south on U.S. 183 to the jct. of U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of SD St. Hwy 47, thence north on SD St. Hwy 47 to the jct. of U.S. Hwy 14, thence east on U.S. Hwy 14 to the South Dakota-Minnesota state line;

(72) (d) Between points in Mississippi on and east of a line commencing at the Arkansas-Mississipi state line on U.S. Hwy 49, thence southeast and south on U.S. Hwy 49 to the jct. of U.S. Hwy 49E, thence south on U.S. Hwy 49E to the jct. of MS St. Hwy 12, thence southeast on MS St. Hwy 12 to the jct. of MS St. Hwy 17, thence south on MS ST. Hwy 17 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of I–20 at Jackson, Mississippi, thence east on I–20 to the jct. of U.S. Hwy 49, thence southeast and south on U.S. Hwy 49 to its terminus at Gulfport, Mississippi, on the one hand, and, on the other, points in Utah on, north and west of a line commencing at the Nevada-Utah state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of UT St. Hwy 39, thence northeast on UT St. Hwy 39 to the jct. of UT St. Hwy 16, thence north on UT ST. Hwy 16 to the jct. of UT. St. Hwy 30, thence east on UT ST. Hwy 30 to the Utah-Wyoming state line;

(72) (e) Between points in Mississippi on and east of a line commencing at the Mississippi-Tennessee state line on U.S. Hwy 61, thence southwest on U.S. Hwy 61 to the jct. of MS St. Hwy 3, thence south on MS St. Hwy 3 to the jct. of MS St. Hwy 6, thence west on MS St. Hwy 6 to the jct. of U.S. Hwy 49E, thence southeast on U.S. Hwy 49E to the jct. of U.S. Hwy 82, thence east on U.S. Hwy 82 to the jct. of MS St. Hwy 35, thence south on MS St. Hwy 35 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to its terminus at Gulfport, Mississippi, on the one hand, and, on the other, points in Wyoming on, north and west of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy 26, thence west on U.S. Hwy 26 to the jct. of U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of WY St. Hwy 530, thence south on WY St. Hwy 530 to the Utah-Wyoming state line;

(73) (a) Between points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Montana;

(73) (b) Between points in Missouri on and northeast of a line commencing at Cape Girardeau, Missouri, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 62 at Sikeston, Missouri, thence east on U.S. Hwy 62 to its jct. with the Kentucky-Missouri state line, on the one hand, and, on the other, points in Nebraska on and northwest of a line commencing at the Colorado-Nebraska state line on NE St. Hwy 71, thence north on NE St. Hwy 71 to the jct. of NE St. Hwy 92, thence east on NE St. Hwy 92 to the jct. of U.S. Hwy 26, thence east on U.S. Hwy 26 to the jct. of U.S. Hwy 385, thence north on U.S. Hwy 385 to the jct. of NE St. Hwy 87, thence north on NE St. Hwy 87 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the Nebraska-South Dakota state line;

(73) (c) Between points in Missouri on and east of a line commencing at the Missouri-Arkansas state line on MO St. Hwy 51, thence north on MO St. Hwy 51 to the jct. of MO St. Hwy 53, thence northwest on MO St. Hwy 53 to the jct. of U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of I–55 thence north on I–55 to the terminus at St. Louis, Missouri, on the one hand, and, on the other, points in Nevada on, north and east of a line commencing at the Nevada-California state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of NV St. Hwy 25, thence southeast on NV St. Hwy 25 to the jct. of U.S. Hwy 93, thence southeast on U.S. Hwy 93 to the jct. of NV St. Hwy 7, thence southeast on NV St. Hwy 7 to the jct. of I–15, thence northeast on I–15 to the Nevada-Arizona state line;

(73) (d) (i) Between St. Louis, Missouri, on the one hand, and, on the other, points in New Mexico on, west and south of a line commencing at the Arizona-New Mexico state line on I–10, thence east on I–10 to the jct. of U.S. Hwy 80, thence south on U.S. Hwy 80 to the New Mexico-Arizona state line;

(73) (d) (ii) Between Cape Girardeau, Missouri, on the one hand, and, on the other, points in New Mexico on, north and west of a line commencing at the Arizona-New Mexico state line on NM St. Hwy 504, thence east on NM St. Hwy 504 to the jct. of U.S. Hwy 666, thence north on U.S. Hwy 666 to the New Mexico-Colorado state line;

(73) (e) Between points in Missouri on and east of a line commencing at the Missouri-Arkansas state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Missouri-Illinois state line, on the one hand, and, on the other, points in North Dakota on, west and north of a line commencing at the North Dakota-South Dakota state line on ND St. Hwy 3, thence north on ND St. Hwy 3 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to the North Dakota-Minnesota state line;

(73) (f) Between points in Missouri, on the one hand, and, on the other, points in Ohio on and north of a line commencing at Cincinnati, Ohio, thence east on U.S. Hwy 50 to the jct. of OH ST. Hwy 753, thence south on OH St. Hwy 753 to the jct. OH St. Hwy 41, thence south on OH St. Hwy 41 to the jct. of OH ST. Hwy 124, thence east on OH St. Hwy 124 to the jct. of U.S. Hwy 35, thence east on U.S. Hwy 35 to the jct. of OH St. Hwy 160, thence south on OH St. Hwy 160 to its terminus at Gallipolis, Ohio;

(73) (g) Between points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to the jct. of MO St. Hwy 47, thence east on MO St. Hwy 47 to the jct. of MO St. Hwy 79, thence north on MO St. Hwy 79 to Louisiana-Missouri state line, on the one hand, and, on the other, points in Oregon;

(73) (h) (i) Between points in Missouri on and east of a line commencing at Cape Girardeau, Missouri, thence south on U.S. Hwy 61 to Madrid, Missouri, on the one hand, and, on the other, points in South Dakota on and northwest of a line commencing at the South Dakota-Nebraska state line on SD St. Hwy 47, thence north on SD St. Hwy 47 to the jct. of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of SD St. Hwy 37, thence north on SD St. Hwy 37 to the jct. of SD St. Hwy 34, thence east on SD St. Hwy 34 to the jct. on U.S. Hwy 81, thence north on U.S. Hwy 81 to the U.S. Hwy 14, thence east on U.S. Hwy 14 to the South Dakota-Minnesota state line;

(73) (h) (ii) Between points in Missouri on and east of a line commencing at St. Louis, Missouri, thence south on Interstate 55 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Missouri-Arkansas state line, on the one hand, and, on the other, points in South Dakota on and northwest of a line commencing at the North Dakota-South Dakota state line on U.S. Hwy 81 thence west on U.S. Hwy 81 to the jct. of SD. St. Hwy 23, thence west and south on SD St. Hwy 23 to the jct. of SD St. Hwy 10, thence west on SD St. Hwy 10 to the jct. of SD St. Hwy 37, thence south on SD St. Hwy 37 to the jct. of U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of SD St. Hwy 47, thence south on SD St. Hwy 47 to the jct. of U.S. Hwy 212, thence west on U.S. Hwy 212 to the jct. of SD St. Hwy 79, thence south on SD St. Hwy 79 to the jct. of I–90, thence east on I–90 to the jct. of U.S. Hwy 16, thence south on U.S. Hwy 16 to the jct. of U.S. Hwy Alt. 16, thence south on U.S. Hwy Alt. 16 to the jct. of SD St. Hwy 87, thence south on SD St. Hwy 87 to the jct. of U.S. Hwy 385, thence south on U.S. Hwy 385 to the jct. of SD St. Hwy 71, thence south on SD St. Hwy 71 to the South Dakota-Nebraska state line;

(73) (i) Between points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 67, thence north on U.S. Hwy 67 to the jct. of I–244, thence north on I–244 to the jct. of I–270, thence east on I–270 to the Missouri-Illinois state line, on the one hand, and, on the other, points in Utah on, north and west of a line commencing at the Nevada-Utah state line

on U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of UT St. Hwy 39, thence northeast on UT St. Hwy 39 to the jct. of UT St. Hwy 16, thence north on UT St. Hwy 16 to the jct. of UT St. Hwy 30, thence east on UT St. Hwy 30 to the Utah-Wyoming state line;

(73) (j) Between points in Missouri on, south and east of a line commencing at the Arkansas-Missouri state line on MO St. Hwy 17, thence north on MO St. Hwy 17 to the jct. of MO St. Hwy 137, thence north on MO St. Hwy 137 to the jct. of U.S. Hwy 63, thence north on U.S. Hwy 63 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to the jct. of MO St. Hwy 47, thence north on MO St. Hwy 47 to the jct. of U.S. Hwy 61, thence north on U.S. Hwy 61 to Hannibal, Missouri, on the one hand, and, on the other, points in Washington;

(73) (k) Between points in Missouri on, north and west of a line commencing at the Illinois-Missouri state line on MO St. Hwy 51, thence south on MO St. Hwy 51 to the jct. of MO St. Hwy 72, thence west on MO St. Hwy 72 to the jct. of MO St. Hwy 32 (One mile north of Stone Hill, Missouri), thence southwest on MO St. Hwy 32 to the jct. of MO St. Hwy 137, thence north on MO St. Hwy 137 to the jct. of U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 160, thence west on U.S. Hwy 160 to the jct. of MO St. Hwy 101, thence south on MO St. Hwy 101 to the jct. of MO St. Hwy 142, thence southwest on MO St. Hwy 142 to the Arkansas-Missouri state line, on the one hand, and, on the other, points in West Virginia;

(73) (l) (i) Between points in Missouri on and east of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 61, thence north on U.S. Hwy 61 to a terminus at Cape Girardeau, Missouri, on the one hand, and, on the other, points in Wisconsin on, north and east of a line commencing at the Illinois-Wisconsin state line on WI St. Hwy 69, thence north on WI St. Hwy 69 to the jct. of WI St. Hwy 92, thence northwest on WI St. Hwy 92 to the jct. of WI St. Hwy 78, thence north on WI St. Hwy 78 to the jct. of U.S. Hwy 12, thence north on U.S. Hwy 12 to the jct. of WI St. Hwy 33, thence northwest on WI St. Hwy 33 to a terminus at La Crosse, Wisconsin;

(73) (l) (ii) Between points in Missouri on, south and east of a line commencing at the Kansas-Missouri state line on U.S. Hwy 66, thence east on U.S. Hwy 66 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Wisconsin on, north and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of U.S. Hwy 10, thence northwest on U.S. Hwy 10 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the Michigan-Wisconsin state line;

(73) (m) Between points in Missouri on and east of a line commencing at St. Louis, Missouri, thence south on I–55 to the jct. of MO St. Hwy 51, thence south on MO St. Hwy 51 to the jct. of MO St. Hwy 53, thence south on MO St. Hwy 53 to the jct. of MO St. Hwy 51, thence south on MO St. Hwy 51 to the Missouri-Arkansas state line, on the one hand, and, on the other, points in Wyoming on, north and west of a line commencing at the Wyoming-South Dakota state line on U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of I–90, thence west on I–90 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the jct. of WY St. Hwy 789, thence south on WY St. Hwy 789 to the jct. of WY St. Hwy 28, thence south on WY St. Hwy 28 to the jct. of U.S. Hwy 187, thence south on U.S. St. Hwy 187 to the jct. of U.S. Hwy 30, thence west on U.S. 30 to the jct. of WY St. Hwy 530, thence south on WY St. Hwy 530 to the Wyoming-Utah state line;

(74) (a) Between Harve, Montana, on the one hand, and, on the other, Milam and Port Arthur, Texas;

(74) (b) Between points in Montana on Interstate-15, commencing at Dell, Montana, thence south on I–15 to the Montana-Idaho state line, on the one hand, and, on the other, Kenosha, Wisconsin;

(75) (a) Between Haigler, Nebraska, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at Racine, Wisconsin, thence south on WI St. Hwy 32 to the Wisconsin-Illinois state line.

(75) (b) Between points in Nebraska on, south and east of a line commencing at the Nebraska-Kansas state line on U.S. Hwy 73, thence north on U.S. Hwy 73 to the jct. of NE St. Hwy 4, thence east on NE ST. Hwy 4 to the Nebraska-Missouri state line; and the points of Haigler, Nebraska, on the one hand, and, on the other, Kenosha, Wisconsin;

(76) (a) Between points in Nevada on and north of a line commencing at the Nevada-Arizona state line on U.S. Hwy 91, thence southwest on U.S. Hwy 91 to the jct. of U.S. Hwy 95, thence northwest on U.S. Hwy 95 to the jct. of NV St. Hwy 29, thence south on NV St. Hwy 29 to the Nevada-California state line, on the one hand, and, on the other, points in Tennessee on, north and east of a line commencing at the Arkansas-Tennessee state line on TN St. Hwy 79, thence east on TN St. Hwy 79 to the jct. of TN St. Hwy 78, thence south on TN St. Hwy 78 to the jct. of TN St. Hwy 104, thence east on TN St. Hwy 104 to the jct. of U.S. Hwy 45W, thence south on U.S. Hwy 45W to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of TN St. Hwy 100, thence east on TN St. Hwy 100 to the jct. of TN St. Hwy 22, thence south on TN St. Hwy 22 to the jct. of TN ST. Hwy 69, thence south on TN St. Hwy 69 to the Tennessee-Alabama state line;

(76) (b) (i) Between points in Nevada, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at Marinette, Wisconsin, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 151, thence south on U.S. Hwy 151 to the jct. of WI ST. Hwy 26, thence south on WI St. Hwy 26 to the jct. of WI St. Hwy 19, thence south on WI St. Hwy 19 to the jct. of U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of WI St. Hwy 67, thence south on WI St. Hwy 67 to the jct. of U.S. Hwy 12, thence south on U.S. Hwy 12 to the Illinois-Wisconsin state line;

(76) (b) (ii) Between points in Nevada on and southwest of a line commencing at the California-Nevada state line on NV St. Hwy 8A, thence east on NV St. Hwy 8A to the jct. of NV St. Hwy 34, thence south on NV St. Hwy 34 to the jct. of NV St. Hwy 48, thence east on NV St. Hwy 48 to the jct. of NV St. Hwy 49, thence east on NV St. Hwy 49 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy 93, thence south on U.S. Hwy 93 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Nevada-Utah state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Wisconsin-Michigan state line on U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI St. Hwy 26, thence south on WI St. Hwy 26 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Wisconsin-Illinois state line:

(77) (a) Between points in New Mexico on, west and north of a line commencing at the Texas-New Mexico state line on U.S. Hwy 54, thence southwest on U.S. Hwy 54 to the jct. of U.S. Hwy 84, thence southeast on U.S. Hwy 84 to the jct. of NM St. Hwy 20, thence south on NM St. Hwy 20 to the jct. of U.S. Hwy 285, thence south on U.S. Hwy 285 to the jct. of U.S. Hwy 70, thence west and southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 80, thence south on U.S. Hwy 80 to the New Mexico-Texas state line, on the one hand, and, on the other, points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy Alt. 41, thence southeast on U.S. Hwy Alt 41 to the jct. of U.S. Hwy 41, thence southeast on U.S. Hwy 41 to the Tennessee-Georgia state line;

(77) (b) (i) Between points in New Mexico on and south of a line commencing at the New Mexico-Texas state line on U.S. Hwy 70, thence west and southwest on U.S. Hwy 70 to the jct. of U.S. Hwy 380, thence west on U.S. Hwy 380 to the jct. of I–25, thence north on I–25 to the jct. of I–40, thence west on I–40 to the Arizona-New Mexico state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the Michigan-Wisconsin state line;

(77) (b) (ii) Between points in New Mexico on, south and east of a line commencing at the New Mexico-Texas state line on U.S. Hwy 62, thence southwest on U.S. Hwy 62 to the New Mexico-Texas state line; and the point of Animas, New Mexico, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Iowa-Wisconsin state line on WI St. Hwy 11, thence east on WI St. Hwy 11 to the jct. of WI St. Hwy 80, thence north on WI St. Hwy 80 to the jct. of WI St. Hwy 13, thence

V40-1133 JUL 10 75 XUM

north on WI St. Hwy 13 to the terminus of Red Cliff, Wisconsin;

(77)(b)(iii) Between points in New Mexico, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence north on WI St. Hwy 26 to the jct. of U.S. Hwy 41, thence northeast on U.S. Hwy 41 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the Michigan-Wisconsin state line;

(78)(a) Between points in New York on and east of a line commencing at Oswego, New York, thence south on NY St. Hwy 57 to the jct. of U.S. Hwy 11, thence south on U.S. Hwy 11 to the New York-Pennsylvania state line, on the one hand, and, on the other, points in Wisconsin on, north and west of a line commencing at Marinette, Wisconsin, thence west on WI St. Hwy 64 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 54, thence west on WI St. Hwy 54 to the jct. of WI St. Hwy 27, thence south on WI St. Hwy 27 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the Wisconsin-Illinois state line;

(78)(b) Between points in New York on and east of a line commencing at Buffalo, New York, thence south on NY ST. Hwy 16 to the jct. of U.S. Hwy Alt. 20, thence east on U.S. Hwy Alt. 20 to the jct. of NY St. Hwy 19, thence south on NY St. Hwy 19 to the New York-Pennsylvania state line, on the one hand, and, on the other, points in Wisconsin on and north of a line commencing at Hurley, Wisconsin, thence west on WI St. Hwy 77 to the jct. of U.S. Hwy 63, thence west on U.S. Hwy 63 to the jct. of WI St. Hwy 70, thence west on WI St. Hwy 70 to the jct. of WI St. Hwy 35, thence south on WI St. Hwy 35 to the jct. of U.S. Hwy 8, thence west on U.S. Hwy 8 to the Wisconsin-Minnesota state line;

(78)(c) Between points in New York on and south of a line commencing at the New York-Pennsylvania state line on U.S. Hwy 209, thence northeast on U.S. Hwy 209 to the jct. of NY St. Hwy 28, thence east on NY St. Hwy 28 to the jct. of U.S. Hwy 9W, thence south on U.S. Hwy 9W to the jct. of U.S. Hwy 44, thence northeast on U.S. Hwy 44 to the New York-Connecticut state line, on the one hand, and, on the other, points in Wisconsin;

(79) Between points in North Dakota on, north and west of a line commencing at the North Dakota-South Dakota state line on U.S. Hwy 12, thence northwest on U.S. Hwy 12 to the jct. of ND St. Hwy 8, thence north on ND St. Hwy 8 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of ND St. Hwy 41, thence north on ND St. Hwy 41 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of ND St. Hwy 20, thence north on ND St. Hwy 20 to the jct. of ND St. Hwy 5, thence east on ND St. Hwy 5 to the jct. of ND St. Hwy 1 thence north on ND St. Hwy 1 to the United States-Canadian border, on the one hand, and, on the other, points in Ohio, on, south and east of a line commencing at the Indiana-Ohio state line on U.S. Hwy 224, thence east on U.S. Hwy 224 to the jct. of OH St. Hwy 66, thence north on OH St. Hwy 66 to the jct. of U.S. Hwy 24, thence northeast on U.S. Hwy 24 to the Michigan-Ohio state line;

(80)(a) Between points in Ohio on, south and east of a line commencing at the Indiana-Ohio state line on U.S. Hwy 24, thence northeast on U.S. Hwy 24 to the Ohio-Michigan state line, on the one hand, and, on the other, points in South Dakota on and west of a line commencing at the North Dakota-South Dakota state line on SD St. Hwy 45, thence southeast on SD ST. Hwy 45 to the jct. of U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct. of U.S. Hwy 281 at Aberdeen, South Dakota, thence south on U.S. Hwy 281 to the jct. of U.S. Hwy 14, thence east on U.S. Hwy 14 to the jct. of SD St. Hwy 37, thence south on SD St. Hwy 37 to the jct. of U.S. Hwy 16, thence northeast on U.S. Hwy 16 to the jct. of U.S. Hwy 81, thence south on U.S. Hwy 81 to the Nebraska-South Dakota state line;

(80)(b)(i) Between points in Ohio on and south of a line commencing at the Ohio-Kentucky state line on U.S. Hwy 127, thence north on U.S. Hwy 127 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of OH St. Hwy 73, thence southeast on OH St. Hwy 73 to the jct. of U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of OH St. Hwy 141, thence northeast on OH St. Hwy 141 to the jct. of OH St. Hwy 7, thence east on OH St. Hwy 7 to the Ohio-West Virginia state line, on the one hand, and, on the other, points in Wisconsin;

(80)(b)(ii) Between points in Ohio on and south of a line commencing at the Ohio-Indiana state line on OH St. Hwy 122, thence east on OH St. Hwy 122 to the jct. of U.S. Hwy 35, thence east on U.S. Hwy 35 to the jct. of OH St. Hwy 4, thence northeast on OH St. Hwy 4 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 22, thence northeast on U.S. Hwy 22 to the Ohio-West Virginia state line, on the one hand, and, on the other, points in Wisconsin on, north and west of a line commencing at the Wisconsin-Minnesota state line on U.S. Hwy 16, thence east on U.S. Hwy 16 to the jct. of WI St. Hwy 21, thence northeast on WI St. Hwy 21 to the jct. of WI St. Hwy 173, thence northeast on WI St. Hwy 173 to the jct. of WI St. Hwy 54, thence northeast on WI St. Hwy 54 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 64, thence east on WI St. Hwy 64 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI St. Hwy 57, thence northeast on WI St. Hwy 57 to the jct. of WI St. Hwy 42, thence northeast on WI St. Hwy 42 to the terminus of WI St. Hwy 42 (Two (2) miles east of Gills Rock, Wisconsin); and points in Wisconsin on and south of a line commencing at the Wisconsin-Illinois state line on WI St. Hwy 11, thence east on WI St. Hwy 11 to the jct. of WI St. Hwy 69, thence south on WI St. Hwy 69 to the Wisconsin-Illinois state line;

(80)(b)(iii) Between points in Ohio on, south and east of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to Cambridge, Ohio, thence east on U.S. Hwy 40 to the jct. of I–77, thence south on I–77 to the jct. of OH St. Hwy 7, thence southwest on OH St. Hwy 7 to the jct. of U.S. Hwy 50, thence northwest on U.S. Hwy 50 to the jct. of U.S. Hwy 35, thence northwest on U.S. Hwy 35 to the jct. of OH St. Hwy 122, thence west on OH St. Hwy 122 to the Ohio-Indiana state line, on the one hand, and, on the other, points in Wisconsin on, north and west of a line commencing at Greenbay, Wisconsin, thence southwest on U.S. Hwy 41 to the jct. of WI St. Hwy 26, thence southwest on WI St. Hwy 26 to the jct. of U.S. Hwy 151, thence southwest on U.S. Hwy 151 to the jct. of WI ST. Hwy 69, thence southwest on WI St. Hwy 69 to the Wisconsin-Illinois state line;

(81)(a) Between points in Oklahoma on and south of a line commencing at the Arkansas-Oklahoma state line on OK St. Hwy 3, thence northwest on OK St. Hwy 3 to the jct. of U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of OK St. Hwy 37, thence west and south on OK St. Hwy 37 to the Oklahoma-Texas state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 53, thence south on U.S. Hwy 53 to the jct. of WI St. Hwy 35 at Galesville, Wisconsin, thence south on WI St. Hwy 35 to the jct. of U.S. Hwy 16, thence west on U.S. Hwy 16 to the Minnesota-Wisconsin state line;

(81)(b) Between points in Oklahoma on, south and east of a line commencing at Kansas-Oklahoma state line on U.S. Hwy 66, thence southwest on U.S. Hwy 66 to the Oklahoma-Texas state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the Michigan-Wisconsin state line;

(82)(a) Between points in Oregon on, south and west of a line commencing at the Oregon-Washington state line on U.S. Hwy 97, thence south on U.S. Hwy 97 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 730, thence east on U.S. Hwy 730 to the jct. of U.S. Hwy 395, thence south on U.S. Hwy 395 to the jct. of U.S. Hwy 30, thence southeast on U.S. Hwy 30 to the Oregon-Idaho state line, on the one hand, and, on the other, points in Wisconsin on and south of a line commencing at Milwaukee, Wisconsin, thence west on WI St. Hwy 15 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Wisconsin state line;

(82)(b) Between points in Oregon on and south of a line commencing at Ontario, Oregon, thence southwest on OR St. Hwy 201 to the jct. of U.S. Hwy 20, thence west on U.S. Hwy 20 to the jct. of OR St. Hwy 126, thence west on OR St. Hwy 126 to its terminus at Florence, Oregon, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence north on WI St. Hwy 26 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the Wisconsin-Michigan state line;

(83)(a) Between points in Pennsylvania on, south and east of a line commencing at the New Jersey-Pennsylvania state line on U.S. Hwy 22, thence west on U.S. Hwy 22 to the jct. of PA St. Hwy 309, thence south on PA St. Hwy 309 to the jct. of U.S. Hwy 222, thence southwest on U.S. Hwy 222 to the jct. of U.S. Hwy 422, thence west on U.S. Hwy 422 to the jct. of U.S Hwy 322, thence west on U.S. Hwy 322 to the jct. of I–83, thence southwest on I–83 to the jct. of I–76, thence west on I–76 to the jct. of U.S. Hwy 11, thence southwest on U.S. Hwy 11 to the jct. of PA St. Hwy 316, thence south on PA St. Hwy 316 to the Maryland-Pennsylvania state line, on the one hand, and, on the other, points in Wisconsin;

(83)(b) Between points in Pennsylvania on, south and east of a line commencing at the Pennsylvania-West Virginia state line on U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of U.S. Hwy 220, thence northeast on U.S. Hwy 220 to the jct. of PA St. Hwy 287, thence north on PA St. Hwy 287 to the jct. of U.S. Hwy 15, thence north on U.S. Hwy 15 to the New York-Pennsylvania state line, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line commencing at the Minnesota-Wisconsin state line on WI St. Hwy 25, thence north on WI St. Hwy 25 to the jct. of U.S. Hwy 12, thence east on U.S. Hwy 12 to the jct. of WI St. Hwy 40, thence northeast on WI St. Hwy 40 to the jct. of U.S. Hwy 8, thence east on U.S. Hwy 8 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the jct. of WI St. Hwy 77, thence east on WI St. Hwy 77 to Hurley, Wisconsin;

(84) Between points in South Dakota on and northwest of a line commencing at the South Dakota-Minnesota state line on U.S. Hwy 14, thence west on U.S. Hwy 14 to the jct. of SD St. Hwy 25, thence south of SD St. Hwy 25 to the jct. of SD St. Hwy 34, thence west on SD St. Hwy 34 to the jct. of SD St. Hwy 37, thence south on SD St. Hwy 37 to the jct. of I–90, thence west on I–90 to the jct. of SD St. Hwy 45, thence south of SD St. Hwy 45 to the jct. of SD St. Hwy 44, thence west on SD St. Hwy 44 to the jct. of SD St. Hwy 47, thence south on SD St. Hwy 47 to the jct. of U.S. Hwy 18, thence west on U.S. Hwy 18 to the jct. of U.S. Hwy 183, thence south on U.S. Hwy 183 to the South Dakota-Nebraska state line, on the one hand, and, on the other, points in Tennessee;

(85)(a) Between points in Tennessee, on the one hand, and, on the other, points in Utah on, west and north of a line commencing at the Arizona-Utah state line on U.S. Hwy 91, thence north on U.S. Hwy 91 to the jct. of UT ST. Hwy 4, thence east on UT St. Hwy 4 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of UT St. Hwy 26, thence north on UT St. Hwy 26 to the jct. of U.S. Hwy 91, thence north on U.S. Hwy 91 to the jct. of U.S. Hwy 189, thence northeast on U.S. Hwy 189 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Utah-Colorado state line;

(85)(b) Between points in Tennessee on, south and west of a line commencing at Heloise, Tennessee, thence east on TN St. Hwy 20 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of TN St. Hwy 59, thence southeast on TN St. Hwy 59 to the jct. of TN St. Hwy 76, thence south on TN St. Hwy 76 to the jct. of TN St. Hwy 57, thence east on TN St. Hwy 57 to the jct. of TN St. Hwy 125, thence south on TN St. Hwy 125 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 250, thence south on U.S. Hwy 250 to the jct. of U.S. Hwy 33, thence southeast on U.S. Hwy 33 to the Virginia-West Virginia state line;

(85)(c) Between points in Tennessee, on the one hand, and, on the other, points in Wyoming on, west and north of a line commencing at the Colorado-Wyoming state line on U.S. Hwy 87, thence north on U.S. Hwy 87 to the jct. of U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of U.S. Hwy 26, thence southeast on U.S. Hwy 26 to the Wyoming-Nebraska state line;

(86)(a)(i) Between Texarkana, Texas, on the one hand, and, on the other, Neah Bay and Oroville, Washington;

(86)(a)(ii) Between Milam and Port Arthur, Texas, on the one hand, and, on the other, Oroville, Washington;

(86)(b)(i) Between points in Texas, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Wisconsin-Michigan state line on U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of WI St. Hwy 17, thence south on WI St. Hwy 17 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of WI St. Hwy 29, thence south on WI St. Hwy 29 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI St. Hwy 26, thence south on WI St. Hwy 26 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Wisconsin-Illinois state line;

(86)(b)(ii) Between points in Texas on and east of a line commencing at the Louisiana-Texas state line on TX St. Hwy 21, thence west on TX St. Hwy 21 to the jct. of TX St. Hwy 87, thence south on TX St. Hwy 288 to the jct. of TX ST. Hwy 63, thence west on TX St. Hwy 63 to the jct. of U.S. Hwy 96, thence south on U.S. Hwy 96 to the jct. of TX St. Hwy 62, thence south on TX St. Hwy 62 to the jct. of I–10, thence west on I–10 to the jct. of TX St. Hwy 288, thence south on TX St. Hwy 288 to the jct. of TX St. Hwy 35, thence south on TX St. Hwy 35 to the jct. of U.S. Hwy 181, thence south on U.S. Hwy 181 to the jct. of TX St. Hwy 44, thence south on TX St. Hwy 44 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the terminus at Brownsville, Texas, on the one hand, and, on the other, points in Wisconsin;

(87)(a) Between points in Utah on and south of a line commencing at the Colorado-Utah state line on Interstate 70, thence west on I–70 to the jct. of U.S. Hwy 89, thence southwest on U.S. Hwy 89 to the jct. of UT St. Hwy 26, thence northwest on UT St. Hwy 26 to the jct. of U.S. Hwys 6 and 50, thence west on U.S. Hwys 6 and 50 to the Nevada-Utah state line, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 26, thence north on WI St. Hwy 26 to the jct. of U.S. Hwy 41, thence northeast on U.S. Hwy 41 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the Michigan-Wisconsin state line;

(87)(b) Between points in Utah, on the one hand, and, on the other, points in Wisconsin on, south and east of a line commencing at Manitowoc, Wisconsin thence west on U.S. Hwy 151 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of WI St. Hwy 100, thence west on WI St. Hwy 100 to the jct. of WI St. Hwy 74, thence southwest on WI St. Hwy 74 to the jct. of WI St. Hwy 164, thence south on WI St. Hwy 164 to the jct. of WI St. Hwy 59, thence southwest on WI St. Hwy 59 to the jct. of WI St. Hwy 83, thence southeast on WI St. Hwy 83 to the Illinois-Wisconsin state line;

(88) Between points in Washington, on the one hand, and, on the other, Kenosha and Racine, Wisconsin;

(89)(a) Between points in West Virginia on, south and east of a line commencing at Pt. Pleasant, West Virginia, thence east on WV St. Hwy 2 to the jct. of U.S. Hwy 33, thence east on U.S. Hwy 33 to the jct. of U.S. Hwy 19, thence north on U.S. Hwy 19 to the jct. of WV St. Hwy 7, thence southeast on WV St. Hwy 7 to the West Virginia-Maryland state line, on the one hand, and, on the other, points in Wisconsin;

(89)(b) Between points in West Virginia on and south of a line commencing at the Ohio-West Virginia state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the West Virginia-Pennsylvania state line, on the one hand, and, on the other, points in Wisconsin on, north and west of a line commencing at Manitowoc, Wisconsin, thence southwest on U.S. Hwy 151 to the jct. of U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Wisconsin-Illinois state line;

(90)(a) Between the point of Kenosha, Wisconsin, on the one hand, and, on the other, points in Wyoming on, south and west of a line commencing at the Colorado-Wyoming state line on U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of I–80, thence west on I–80 to the jct. of U.S. Hwy 187, thence north on U.S. Hwy 187 to the jct. of U.S. Hwy 89, thence north on U.S. Hwy 89 to the jct. of US Hwy 2, thence east on U.S. Hwy 20 to the jct. of WY St. Hwy 120,

V40I133 JUL10 75 XUM

thence north on WY St. Hwy 120 to the Montana-Wyoming state line;

(90) (b) Between points in Wisconsin on and east of a line commencing at Manitowoc, Wisconsin, thence east on U.S. Hwy 151 to the jct. of U.S. Hwy 141, thence south on U.S. Hwy 141 to the jct. of I–94, thence west on I–94 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of WI ST Hwy 36, thence southwest on WI St. Hwy 36 to the jct. of WI St. Hwy 83, thence southeast on WI St. Hwy 83 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Wyoming on, south and west of a line commencing at the Utah-Wyoming state line on WY St. Hwy 530, thence north on WY St. Hwy 530 to the jct. of I–80 thence east on I–80 to Rock Springs, Wyoming, thence west on I–80 to the jct. of U.S. Hwy 30N, thence northwest on U.S. Hwy 30N to the jct. of WY ST. Hwy 89, thence west on WY St. Hwy 89 to the Utah-Wyoming state line;

(91) (a) Between points in Alaska, on the one hand, and, on the other, points in Iowa on, east and south of a line commencing at the Missouri-Iowa state line on U.S. Hwy 169, thence north on U.S. Hwy 169 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of IA St. Hwy 21, thence north on IA St. Hwy 21 to the jct. of IA St. Hwy 412, thence northeast on IA St. Hwy 412 to the jct. of U.S. Hwy 218, thence north on U.S. Hwy 218 to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of IA St. Hwy 187, thence north and east on IA St. Hwy 187 to the jct. of IA St. Hwy 410, thence north and east on IA St. Hwy 410 to the jct. of IA St. Hwy 13, thence north on IA St. Hwy 13 to the jct. of U.S. Hwy 52, thence north on U.S. Hwy 52 to the jct. of U.S. Hwy 18, thence east on US. Hwy 18 to the jct. of IA St. Hwy 76, thence northwest on IA St. Hwy 76 to the jct. of IA St. Hwy 9, thence east on IA St. Hwy 9 to the terminus at Lansing, Iowa;

(91) (b) Between points in Alaska, on the one hand, and, on the other, points in Kansas on, south and east of a line commencing at the Kansas-Nebraska state line on U.S. Hwy 59, thence southwest on U.S. Hwy 59 to the jct. of KS St. Hwy 4, thence southwest on KS St. Hwy 4 to the jct. of U.S. Hwy 75, thence south on U.S. Hwy 75 to the jct. of I–35, thence southwest on I–35 to the jct. of U.S. Hwy 54, thence west on U.S. Hwy 54 to the jct. of U.S. Hwy 81, thence south on U.S. Hwy 81 to the Kansas-Oklahoma state line;

(91) (c) Between points in Alaska, on the one hand, and, on the other, (A) points in the Lower Peninsula of Michigan; (B) and points in the Upper Peninsula of Michigan on and east of Interstate 75; and (C) the points of Iron Mountain and Menominee, Michigan;

(91) (d) Between points in Alaska, on the one hand, and, on the other, Reno, Minnesota;

(91) (e) (i) Between points in Alaska on, west and north of a line commencing at Circle, Alaska, thence southwest on AK St. Hwy 6 to the jct. of AK St. Hwy 2, thence south on AK St. Hwy 2 to the jct. of AK St. Hwy 3, thence southwest on AK St. Hwy 3 to the jct. of AK St. Hwy 1, thence south on AK St. Hwy 1 to the jct. of AK St. Hwy 9, thence south on AK St. Hwy 9 to Seward, Alaska, on the one hand, and, on the other, points in Nebraska on, south and east of a line commencing at the Iowa-Nebraska state line on U.S. Hwy 6, thence west on U.S. Hwy 6 to the jct. of U.S. Hwy 73, thence south on U.S. Hwy 73 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the Kansas-Nebraska state line;

(91) (e) (ii) Between points in Alaska, on the one hand, and, on the other, Falls City, Nebraska;

(91) (f) Between points in Alaska, on the one hand, and on the other points in Oklahoma on, south and east of a line commencing at the Kansas-Oklahoma state line on Interstate 35, thence south on I–35 to the jct. of I–40, thence west on I–40 to the jct. of U.S. Hwy 66, thence west on U.S. Hwy 66 to the jct. of U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of U.S. Hwy 62, thence west on U.S. Hwy 62 to the jct. of U.S. Hwy 283, thence south on U.S. Hwy 283 to the Oklahoma-Texas state line;

(91) (g) Between points in Alaska, on the one hand, and, on the other, points in Texas on and east of a line commencing at the Texas-Oklahoma state line on U.S. Hwy 281, thence south on U.S. Hwy 281 to the jct. of U.S. Hwy 287, thence south on U.S. Hwy 287 to the jct. of U.S. Hwy 81, thence south on U.S. Hwy 81 to its terminus at Laredo, Texas; and

(91) (h) Between points in Alaska, on the one hand, and, on the other, points in Wisconsin on, south and east of a line commencing at the Iowa-Wisconsin state line on U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of WI St. Hwy 60, thence northeast on WI St. Hwy 60 to the jct. of WI St. Hwy 131, thence north on WI St. Hwy 131 to the jct. U.S. Hwy 12, thence north on U.S. Hwy 12 to the jct. of WI St. Hwy 21, thence east on WI St. Hwy 21 to the jct. of WI St. Hwy 173, thence northeast on WI St. Hwy 173 to the jct. of WI St. Hwy 80, thence north on WI St. Hwy 80 to the jct. of WI St. Hwy 13, thence north on WI St. Hwy 13 to the jct. of WI St. Hwy 97, thence north on WI St. Hwy 97 to the jct. of WI St. Hwy 153, thence east on WI St. Hwy 153 to the jct. of U.S. Hwy 51, thence north on U.S. Hwy 51 to the jct. of WI St. Hwy 29, thence east on WI St. Hwy 29 to the jct. of WI St. Hwy 22, thence east on WI St. Hwy 22 to the jct. of U.S. Hwy 141, thence north on U.S. Hwy 141 to the Michigan-Wisconsin state line.

The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC 119908 (Sub-No. E2), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Texas on the one hand, and, on the other, points in Mississippi, Alabama, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC 119908 (Sub-No. E3), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Mississippi, Alabama, Georgia, and Tennessee to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC 119908 (Sub-No. E4), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama, Georgia, and points in Mississippi on and south of a line beginning at Friars Point, Miss., thence along Mississippi Highway 20 to Clarksdale, Miss., thence along Mississippi Highway 6 to Tupelo, Miss., thence along U.S. Highway 78 to the Mississippi-Alabama State line to points in Oklahoma on and west of a line beginning at the Texas-Oklahoma State line, thence along Indian Nation Turnpike to McAlester, Okla., thence along U.S. Highway 270 to Oklahoma City, Okla., thence along Interstate Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC 119908 (Sub-No. E5), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama, Georgia, and Mississippi on and south of a line beginning at Greenville, Miss., thence along U.S. Highway 82 to Tuscaloosa, Ala., thence along Interstate Highway 20 to Birmingham, Ala., thence along U.S. Highway 78 to Atlanta, Ga., thence along U.S. Highway 278 to Augusta, Ga., to points in Oklahoma on and west of a line beginning at the Oklahoma-Arkansas State line on U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC 119908 (Sub-No. E6), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished lumber*, from Sabine and Vernon Parishes, La., to points in Arkansas on and south of a line beginning at the Louisiana-Arkansas State line, thence along Arkansas Highway 19 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Ada or Hunt, La.

No. MC 119908 (Sub-No. E7), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished lumber*, from points in Mississippi and Louisiana on and south of a line beginning at Gulfport, Miss., thence along U.S. Highway 49 to junction Mississippi Highway 53, thence along Mississippi Highway 53 to junction Mississippi Highway 26, thence along Mississippi Highway 26 to Bogalusa, La., thence along Louisiana Highway 21 to junction U.S. Highway 98, thence along U.S. Highway 98 to Natchez, Miss., thence along U.S. Highway 84 to Winfield, La., thence along U.S. Highway 167 to Jonesboro, La., thence along Louisiana Highway 147 to Arcadia, La., thence along U.S. Highway 80 to Minden, La., thence along Louisiana Highway 7 to Coushatta, La., thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Texas-Louisiana State line to points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line on U.S. Highway 70, thence along U.S. Highway 70 to Little Rock, Ark., thence along U.S. Highway 65 to Pine Bluff, Ark., thence along U.S. Highway 70 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line. The purpose of this filing is to eliminate the gateway of Ada or Hunt, La.

No. MC 119908 (Sub-No. E8), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished lumber*, from points in Louisiana on and south of a line beginning at the Texas-Louisiana State line extending along U.S. Highway 80 to Arcadia, La., thence along Louisiana Highway 147 to Jonesboro, thence along U.S. Highway 167 to Abbeville, La., thence along Louisiana Highway 82 to the Gulf of Mexico to points in Arkansas on and within an area bordered by a line beginning at junction Arkansas Highway 4 and U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Tennessee State line, thence along the border line to junction of the border and Arkansas Highway 4, thence along Arkansas Highway 4 to junction U.S. Highway 167. The purpose of this filing is to eliminate the gateway of Ada or Hunt, La.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17959 Filed 7-9-75;8:45 am]

[Notice No. 54]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 3, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the reequirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2542 (Sub-No. 14), filed March 13, 1975. Applicant: THE ADLEY CORPORATION, a Corporation, P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Lynchburg, Va., and Knoxville, Tenn.: From Lynchburg, Va., over U.S. Highway 460 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Interstate Highway 81 near Abingdon, Va., thence over Interstate Highway 81 to Knoxville, Tenn., and return over the same route; serving the intermediate points of Bedford, Christiansburg, Radford, Roanoke, Salem, and Wytheville, Va., (2) between the junction of U.S. Highway 460, U.S. Highway 11, and Interstate Highway 581 and the junction of U.S. Highway 11 and Interstate Highway 81 near Abingdon, Va.: From the junction of U.S. Highway 460, U.S. Highway 11 and Interstate Highway 581 over Interstate Highway 581 to junction Interstate

V40-133 JUL 10 75 XUM

Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 11 near Abingdon, Va., and return over the same route, serving no intermediate points; and (3) serving Blacksburg and Covington, Va., as off-route points in connection with the regular routes described above. Restriction: The service authorized herein is restricted against traffic originating at or destined to points in Tennessee.

NOTE.—Common control was approved in MC-F-11641. If a hearing is deemed necessary, applicant requests it be held at either Lynchburg, Va., or Washington, D.C.

No. MC 2990 (Sub-No. 22), filed June 13, 1975. Applicant: BLUE ARROW-DOUGLAS, INC., 535 Burton Street SW., Grand Rapids, Mich. 49507. Applicant's representative: Michael J. Roberts, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Willow Run Airport, near Ypsilanti, Mich., as an off-route point in connection with carrier's regular route operations, restricted to traffic having a prior or subsequent movement by air.

NOTE.—Applicant has concurrently filed a motion to dismiss this application on the grounds that applicant presently holds the requested authority in MC 2990. If a hearing is deemed necessary, the applicant requests it be held at Grand Rapids or Detroit, Mich.

No. MC 19868 (Sub-No. 3), filed June 10, 1975. Applicant: GALLAGHER TRUCKING CO., a Corporation, P.O. Box 134, Blue Bell, Pa. 19422. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers, trailer chassis, cargo containers, trailer converters dollies, truck bodies, and semitrailer chassis* (other than those designed to be drawn by passenger automobiles), including *parts, equipment, and accessories* therefor, in or attached to the transported trailer, in truckaway service, between points in Philadelphia and Montgomery Counties, Pa., and Pennsauken, N.J., on the one hand, and on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, North Carolina, Indiana, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 23441 (Sub-No. 18), filed June 3, 1975. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiators*, from the plantsite of McCord Corporation, at Plymouth, Ind., to the plantsite and warehouse facilities of Deere & Company, at Waterloo and Dubuque, Iowa, and the plantsite of White Farm Equipment Company, at Charles City, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 26739 (Sub-No. 86), filed June 9, 1975. Applicant: CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Elliott Bunce, 1111 E. Street NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Kansas City, Mo., and Sidney, Nebr., serving no intermediate points; from Kansas City, over U.S. Highway 24 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction Interstate Highway 80, thence over Interstate Highway 80 to Sidney and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 200), filed June 11, 1975. Applicant: McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of American Greetings Corporation, located at or near McCrory, Ark., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Washington, D.C.

No. MC 51844 (Sub-No. 3), filed June 9, 1975. Applicant: DOUGLAS L. TURNER, Elliott, Iowa 51532. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ingredients*, utilized in the manufacture and production of liquid fertilizer solutions and liquid feed, in bulk, from points in Nebraska, Kansas, Missouri, Illinois, Wisconsin, Minnesota, and South Dakota, to the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, restricted to traffic originating in the named origin states and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Lincoln, Nebr.

No. MC 55889 (Sub-No. 44), filed June 18, 1975. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 2207, Dothan, Ala. 36301. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment):

(1) Between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and serving as off-route points Evadale, Port Arthur, and Port Neches, Tex.; points in Galveston County, Tex.; points in Brazoria and Fort Bend Counties, Tex., on and east of Texas Highway 6; points in Harris County, Tex., on and east of Texas Highway 6 and on and south of Texas Farm or Ranch Road 1960; Geismar (Ascension County), La.; points in Calcasieu Parish, La., on and east of Louisiana Highway 27; points in Iberville Parish, La., on and east of Louisiana Highway 1; points in East Baton Rouge, West Baton Rouge, and St. Charles Parishes, La.; points in Escambia and Santa Rosa Counties, Fla.; and points in Mobile and Baldwin Counties, Ala.: From Jacksonville over U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over Interstate Highway 10 to LaFayette, La. (also from Jacksonville over Interstate Highway 10 to junction U.S. Highway 190, thence over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to LaFayette), thence over Interstate Highway 10 (also over U.S. Highway 90) to Houston, and return over the same routes.

(2) Between Birmingham, Ala., and New Orleans, La., serving no intermediate points: From Birmingham over Interstate Highway 59 to New Orleans, and return over the same route.

(3) Between Dothan, Ala., and junction of Interstate Highway 10 and U.S. Highway 231, serving Cottondale, Fla., for purposes of joinder only: From Dothan over U.S. Highway 231 to junction Interstate Highway 10, and return over the same route.

NOTE.—This proceeding is set for a prehearing conference on a consolidated record on July 22, 1975, at 9:30 O'clock a.m. Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 57315 (Sub-No. 24), filed June 5, 1975. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from East

Hartford, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 59668 (Sub-No. 7), filed June 16, 1975. Applicant: HAROLD G. CLINE, INC., P.O. Box 352, Penns Grove, N.J. 08069. Applicant's representative: M. Bruce Morgan, 104 Azar Bldg., Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide*, from Gibbstown, N.J., to Garnersville, (Rockland County) N.Y., under a continuing contract or contracts with Cardox, Division of Chemtron Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wilmington, Del., or Philadelphia, Pa.

No. MC 60014 (Sub-No. 40), filed June 4, 1975. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio. 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the states named in (1) above, to the plantsite and storage facilities of North Star Steel Company, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with other applications for similar authority at St. Paul, Minn.

No. MC 63838 (Sub-No. 7), filed June 16, 1975. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Avenue, Scranton, Pa. 18508. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Periodicals and magazines*, from the plantsite of Scranton Lithographing Co., located at Scranton, Pa., to Binghamton and Troy, N.Y., and Bridgeport, Conn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 66650 (Sub-No. 12), filed June 3, 1975. Applicant: STUART M. SMITH, INC., 3511 East North Avenue, Baltimore, Md. 21213. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, nonfrozen, from the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, located at Philadelphia, Pa., to points in Connecticut, Maryland (except Baltimore, Hagerstown, and Walkersville, Md.), Massachusetts, and Rhode Island; (2) *biscuits and cookies*, nonfrozen from the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, located at Philadelphia, Pa., to Walkersville and Hagerstown, Md.; and (3) *empty cartons* for bakery products from points in Connecticut, Maryland (other than Baltimore, Hagerstown, and Walkersville, Md.), Massachusetts, and Rhode Island to the facilities of Tasty Kake, Inc., Division of Tasty Baking Company, located at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 67210 (Sub-No. 7), filed June 11, 1975. Applicant: GLENNON TRANSPORTS, INC., 1000 North Fourteenth Street, St. Louis, Mo. 63106. Applicant's representative: Harry Morris, 510 Thatcher Avenue, St. Louis, Mo. 63147. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Santa Claus, Ind., as an off-route point in connection with applicant's regular route from and to Evansville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Indianapolis, Ind.

No. MC 69116 (Sub-No. 176), filed June 6, 1975. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in the destination states named in (1) above, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the points named in (1) and (2) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 69981 (Sub-No. 14), filed June 6, 1975. Applicant: AUSTIN W. HULCHER, doing business as HULCHER TRUCKING, Box 167, Virden, Ill. 62690. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing machines, dishwashers, laundry dryers, and food waste disposers*, from the facilities of the Maytag Company at Newton, Iowa, to points in McLean and Schuyler Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 72140 (Sub-No. 67), filed June 9, 1975. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Richard L. Andrysiak (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the Caterpillar Tractor Co., located at Mapleton, Ill., as an off-route point in connection with applicant's regular route operations at Peoria, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 74647 (Sub-No. 17), filed June 11, 1975. Applicant: PASCO SALVINO, doing business as P. SALVINO TRANSPORT, INC., 6615 Corson Avenue South, Seattle, Wash. 98104. Applicant's representative: Pasco Salvino (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, paperboard*, not corrugated, in rolls, or in sheets, on skids or pallets, from Bellingham, Wash., to Albany, Oreg., under a continuing contract or contracts with Georgia-Pacific Corporation, located at Bellingham, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 83430 (Sub-No. 11), filed June 13, 1975. Applicant: ONEIDA MOTOR FREIGHT, INC., Commercial Avenue, Carlstadt, N.J. 07072. Applicant's representative: William Biederman, 280 Broadway Street, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plantsite of Western Electric Company at Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's regular route operations between Buffalo, N.Y., and New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

V40-133 JUL 10 75 XUM

No. MC 84212 (Sub-No. 35), filed June 9, 1975. Applicant: DORN'S TRANSPORTATION INC., Railroad Avenue Extension (Colonie), Albany, N.Y. 12205. Applicant's representative: Irving Klein, 280 Broadway Street, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the site of Western Electric Company at the junction of New York Highway 422 and Maple Street, Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's regular route operations to and from Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 88594 (Sub-No. 27), filed June 11, 1975. Applicant: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Deposit, N.Y. 13754. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, between North Lawrence, N.Y., on the one hand, and, on the other, points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 102616 (Sub-No. 912), filed June 11, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Corning Corporation located at Carrollton, Ky., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin, restricted to traffic originating at the named plantsite and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 108), filed June 3, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Chicago, Ill., to points in Arizona, California Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105566 (Sub-No. 109), filed June 9, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring the use of special equipment), from the plantsites and storage facilities of the Monsanto Co., located at or near Cincinnati, Ohio, St. Louis, Mo., East St. Louis, Ill., Trenton, Mich., and Luling, La., to points in Arizona, California, Colorado, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 110), filed June 9, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware, and pottery*, from Lancaster, Ohio, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 106603 (Sub-No. 142), filed June 16, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the states named in Part (1) above, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to, the above named points.

NOTE.—Applicant holds contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 107012 (Sub-No. 220), filed May 16, 1975, published in the FEDERAL REGISTER issue of June 26, 1975, as MC 107012, and republished as corrected this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers*, from McCrae and Swainboro, Ga., to points in the United States (except Alaska, Hawaii, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, and Nebraska).

NOTE.—The purpose of this republication is to correct the docket number which was previously published as MC 107012. Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107403 (Sub-No. 946), filed June 12, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Co., at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee and, Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 1000), filed May 30, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50304. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blends of sugar and corn syrup*, in bulk, from Memphis, Tenn., to points in Illinois and Indiana; (2) *liquid sugar, corn syrup, blended liquid sugar, and corn syrup*, from Indianapolis, Ind., to points in Illinois, Ohio, Kentucky, and Tennessee; (3) *sugar*, in bulk, from Wahpeton and Hillsboro, N. Dak., to points in Minnesota, Iowa, South Dakota, and Wisconsin; and (4) *cement*, from Mason City, Iowa, to points in Illinois; and (5) *fuel oil*, in bulk, from Clearbrook, Minn., to Superior and Saxon, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 109689 (Sub-No. 290), filed June 6, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical defoliant*, in bulk, from Kerr McGee Chemical Corporation plant located at Henderson, Nev., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110098 (Sub-No. 155), filed June 4, 1975. Applicant: ZERO REFRIGERATED LINES, a Corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Indianapolis, Ind., to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Antonio, Tex., or Omaha, Nebr.

No. MC 111383 (Sub-No. 41), filed February 3, 1975. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Blvd., P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: James Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Waco, Tex., and Abilene, Tex.: From Waco over U.S. Highway 84 to Abilene, serving no intermediate points, as an alternate route for operating convenience only; (2) between Waco, Tex., and Abilene, Tex.: From Waco over U.S. Highway 84 to junction Texas State Highway 36, thence over Texas State Highway 36 to Abilene, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (3) between Austin, Tex., and Abilene, Tex.: From Austin over U.S. Highway 183 to junction U.S. Highway 84 at Goldthwaite, Tex., thence over U.S. Highway 84 to Abilene, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (4) between Hempstead, Tex., and Austin, Tex.: From Hempstead, over U.S. Highway 290 to Austin, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

(5) Between Austin, Tex., and Davis Mountain Junction, Tex.: From Austin over U.S. Highway 290 to junction U.S. Highway 80 at or near Davis Mountain Junction, and return over the same route, serving the junction of U.S. Highway 290 and Interstate Highway 10 for purposes of joinder only, as an alternate route for operating convenience only; (6) between San Antonio, Tex., and the junction of Interstate Highway 10 with U.S. Highway 290: From San Antonio over Interstate Highway 10 to junction U.S. Highway 290, serving no intermediate points, as an alternate route for purposes of joinder only; (7) between Columbus, Tex., and Austin, Tex.: From Columbus over Texas State Highway 71 to junction U.S. Highway 183, thence over U.S. Highway 183 to Austin, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (8) between San Antonio, Tex., and Big Spring, Tex.: From San Antonio over Interstate Highway 10 to junction U.S. Highway 87, thence over U.S. Highway 87 to Big Spring, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (9) between San Antonio, Tex., and Odessa, Tex.: From San Antonio over Interstate Highway 10 to junction U.S. Highway 290, thence over U.S. Highway 290 to junction U.S. Highway 385, and thence north on U.S. Highway 385 to Odessa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (10) between Sanderson, Tex., and Pecos, Tex.: From Sanderson over U.S. Highway 285 to Pecos, serving no intermediate points, as an alternate route for purposes of joinder only.

(11) Between Dryden, Tex., and junction of Texas State Highway 349 with Interstate Highway 20: From Dryden over Texas State Highway 349 to junction Interstate Highway 20 near Midland, serving no intermediate points, as an alternate route for joinder purposes only; (12) between Victoria, Tex., and Waco, Tex.: From Victoria over U.S. Highway 77 to Waco, serving no intermediate points, as an alternate route for operating convenience only; (13) between Marshall, Tex., and Beaumont, Tex.: From Marshall over U.S. Highway 59 to junction U.S. Highway 96, thence over U.S. Highway 96 to junction Interserving no intermediate points, as an alstate Highway 10 at or near Beaumont, ternate route for joinder purposes only; (14) between the junction of U.S. Highway 290 and Texas State Highway 1960 and Beaumont, Tex.: From the junction of U.S. Highway 290 and Texas State Highway 1960 over Texas State Highway 1960 to junction U.S. Highway 90, thence over U.S. Highway 90 to Beaumont, serving no intermediate points, as an alternate route for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 111401 (Sub-No. 449), filed June 16, 1975, Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 1500 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Houston, Tex., on a consolidated basis with similar applications.

No. MC 111729 (Sub-No. 538), filed April 23, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size or weight require special equipment, and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), between points in Colorado and New Mexico, restricted against the transportation of packages weighing more than 50 pounds and each package or articles shall be considered a separate and distinct shipment and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant does specify location.

No. MC 111729 (Sub-No. 540) (Correction), filed May 2, 1975, and published in the FEDERAL REGISTER issue of June 5, 1975, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardiac pacemakers and accessories* for cardiac pacemakers, and *business papers, records, audit and accounting media* of all kinds, and *advertising literature:* (1) between Atlanta, Ga., on the one hand, and on the other, points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) between points in Minnesota, Texas, and Oklahoma; restricted in (2) above to traffic having an immediately prior or subsequent movement by air.

NOTE.—The purpose of this correction is to indicate that applicant intends to make nonradial movements between points in the three states in (2) above, in lieu of solely intrastate movements as originally published. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 543), filed May 19, 1975. Applicant: PUROLATOR COURIER CORP., a Corporation, 2 Nevada Drive, Lake Success, N.Y. 11040.

V40-133 JUL 10 75 XUM

Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, Classes A and B explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), (A) between points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted such that no service shall be provided for the transportation of packages weighing more than 50 pounds and each package or article shall be considered a separate and distinct shipment; and (B) between points in Pennsylvania, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted such that no service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 111729 (Sub-No. 550), filed June 3, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Business papers, records, and audit and accounting media of all kinds;* (b) *clinical laboratory specimens and samples, including human tissue samples, blood, and blood specimens*, between St. Louis, Mo., on the one hand, and, on the other, points in Iowa, Nebraska, and South Dakota; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* (except motion picture film used primarily for commercial theatre and television exhibition), between State College, Pa., on the one hand, and, on the other, Cumberland and Hagerstown, Md.; Harrisonburg, Staunton, and Winchester, Va.; and Beckley and Fairmount, W. Va.; (3) *general hardware and tools*, restricted against the transportation of packages or articles weighing more than 75 pounds from one consignor to one consignee on any one day, (a) between Toledo, Ohio, on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 224 to its junction with U.S. Highway 24, and on and north of U.S. Highway 24 to the Illinois State Line; (b) between Toledo, Ohio, on the one hand, and, on the other, points in Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties, Ill.

(4) *Whole human blood and blood derivatives*, between Omaha, Nebr., on the one hand, and, on the other, points in Adair, Adams, Audubon, Calhoun, Carroll, Cass, Crawford, Decatur, Fremont, Greene, Harrison, Ida, Mills, Monona, Montgomery, Page, Pottawattamie, Ringgold, Sac, Shelby, Taylor, and Union Counties, Iowa; and (5) (a) *cut flowers, decorative greens, and florist supplies*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation; and (b) *business papers, records, and audit and accounting media*, between Bensenville, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 112266 (Sub-No. 7), filed June 6, 1975. Applicant: CRAYCRAFT TRUCKING, INC., P.O. Box 267, Upper Sandusky, Ohio 43351. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bricks*, from points in Marion County, Ohio, to points in Illinois, Wisconsin, Kentucky, West Virginia, points in Indiana south of U.S. Highway 40 and points in Michigan north of Bay, Isabella, Mecosta, Midland, Newaygo, and Oceana Counties, Mich.; (2) *bricks*, from Brazil, Ind., and Kankakee, Ill., to points in Ohio and Michigan; (3) *bricks*, from Upper Sandusky, Ohio, to points in Illinois, Kentucky, Wisconsin, West Virginia, and points in Indiana south of U.S. Highway 40; (4) *bricks*, from points in Weller and Franklin Township (Richland County), Ohio, to points in Illinois and Wisconsin; (5) *bricks*, from points in Hanover Township (Licking County), Ohio, to points in Michigan; (6) *bricks*, from New Hudson, Mich., to points in Ohio; and (7) *materials and supplies* (except commodities in bulk) used in the manufacture, packaging, sale, and distribution of bricks, from points in Illinois, Wisconsin, Kentucky, West Virginia, Indiana, and Michigan, to Upper Sandusky and Toledo, and points in Marion County; Weller and Franklin Townships (Richland County), and Hanover Township (Licking County), Ohio.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 112822 (Sub-No. 380), filed June 18, 1975. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry bleach*, dry, packed in cardboard cartons, from the plantsite the Clorox Company located in Chicago, Ill., to the facilities of The Clorox Company, located in Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Houston, Tex.

No. MC 112963 (Sub-No. 60), filed June 6, 1975. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from points in Rhode Island to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Providence, R.I.

No. MC 113041 (Sub-No. 14), filed June 10, 1975. Applicant: AC-BERWICK TRANSPORTERS, INC., Mutton Hollow Road, Woodbridge, N.J. 07095. Applicant's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tar pavement sealer*, in bulk, in tank vehicles, from Cheshire, Conn., to Syracuse, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 113388 (Sub-No. 110), filed June 11, 1975. Applicant: LESTER C. NEWTON TRUCKING CO., a Corporation, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuff;* and (2) *commodities*, the transportation of which is partially exempt from the regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with commodities described in (1) above, from Sumter, S.C., to Salisbury, Md., and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Virginia, and the District of Columbia, restricted service from Sumter, S.C., shall be limited to partial pickup of shipments with traffic originating at Salisbury, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113651 (Sub-No. 185), filed June 16, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat packinghouse products, and commodities used in meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus, Ind., to points in Illinois, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, and Wisconsin; and (2) *materials and supplies* (except commodities in bulk), used in meat packinghouses in the conduct of their business, from points in the destination states named above to Columbus, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 345), filed June 10, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine, wine products, and wine byproducts*, in bulk, from Altus, Ark., to Brooklyn, Hammondsport, Highland, Hudson Falls, Marlboro, and Naples, N.Y., and Buchanan, Harbert, Hartford, Lawton, Paw Paw, and St. Joseph, Mich., and their commercial zones, (2) *neutral spirits, distilled spirits, alcohol, fruit juice*, and *fruit juice concentrate*, in bulk, from points in California, to Atlanta and Roberta, Ga., and their commercial zones, (3) *neutral spirits, distilled spirits, alcohol, fruit juice, and fruit juice concentrate*, in bulk, from points in California, to Altus, Ark., and the commercial zone thereof; and (4) *wine and wine products*, in bulk, between New York City, N.Y.; Newark, New Brunswick, and Paterson, N.J., and their commercial zones, on the one hand, and, on the other, Atlanta and Roberta, Ga., and their commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 236), filed June 4, 1975. Applicant: CRST, INC., P.O. BOX 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers, wholesalers, or retailers of miscellaneous protective coatings, from the plantsite and facilities of Midwest Manufacturing Company, located at the junction of Oak Street and Bluff Road in Burlington, Iowa, to Little Falls, Minn., Maple Grove, Minn., Bridgeton, Mo., Manitowoc, Wis., Chicago, Ill., Edison, N.J., Berger, Mo., Monee, Ill., Xenia, Ohio, Buffalo, N.Y., Edina, Minn., and Omaha, Nebr., restricted to traffic originating at the said origin point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114290 (Sub-No. 77), filed June 6, 1975. Applicant: EXLEY EXPRESS, INC., 2610 SE. 8th Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Smoked and processed meats and meat products and smoked salmon*, from Tillamook, Oreg., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 114334 (Sub-No. 31), filed June 11, 1975. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel products, and copper and copper products*, between Osceola, Ark., on the one hand, and, on the other, points in Arkansas, Missouri, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated basis with Roadhound Truck Company at Osceloa, Ark.; Memphis, Tenn.; or Little Rock, Ark.

No. MC 115162 (Sub-No. 307), filed June 13, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Escambia County, Fla., to points in Texas south of U.S. Highway 84.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Pensacola, Fla.

No. MC 115162 (Sub-No. 308), filed June 11, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement compounds, bonding adhesives, and sealers*, from Flomaton, Ala., to points in Florida, on and west of U.S. Highway 319, points in Mississippi, on and south of Interstate Highway 20, and points in Plaquemines, St. Bernard, Jefferson, Orleans, La Fourche, St. Charles, St. Tammany, and Tangipahoa Parishes, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mobile or Birmingham, Ala.

No. MC 115331 (Sub-No. 395), filed June 11, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from St. Paul, Minn., and Memphis, Tenn., to points in Illinois and Missouri; and (2) from Belleville, Ill., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115592 (Sub-No. 4), filed June 5, 1975. Applicant: VERNON JENNIGES, doing business as JENNIGES TRANSFER, Springfield, Minn. 56087. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Springfield, Minn., to points in Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 115654 (Sub-No. 40), filed June 11, 1975. Applicant: TENNESSEE CARTAGE COMPANY, INC., P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite of Peter Paul Candy, Inc., located at or near Frankfort, Ind., to Cincinnati, Ohio, and Huntingdon and Charleston, W. Va., and Bristol, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Louisville, Ky.

No. MC 117068 (Sub-No. 51), filed June 5, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material-handling equipment*, including lift trucks, and parts thereof when moving therewith (except commodities which because of size or weight require the use of special equipment and except self-propelled articles each weighing 15,000 lbs. or more), from Scott County, Ky., to points in Minnesota, Illinois, Iowa, Missouri, North Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Minneapolis, Minn.

No. MC 119789 (Sub-No. 259), filed June 12, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup*, in containers, from St. Martinsville, La., to points in Arizona, Colorado, Kansas, Missouri, Oregon, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Alexandria, or New Orleans, La.

No. MC 119815 (Sub-No. 19), filed June 6, 1975. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, P.O. Box 579, Bedford, Ind. 47421.

V40-133 JUL 10 75 XUM

Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal pipe, metal sheets, and fittings, and supplies* for installation thereof; and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, from the plantsite of Stello Products, Inc., located in Spencer, Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Stello Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 120257 (Sub-No. 24), filed June 4, 1975. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments, and accessories* for iron and steel tanks, aluminum tanks, and contractors equipment, from points in Liberty County, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 123407 (Sub-No. 245), filed June 13, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Joliet, Ill., to points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, New Mexico, Missouri, Iowa, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 247), filed June 11, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Sebewaing, Mich., to points in Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 124333 (Sub-No. 23), filed June 13, 1975. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oil distillate, and fuel oil*, in bulk, in tank vehicles, from Woodbury, N.J., to points in Delaware and Salisbury, Md., Cecil and Kent Counties, Md., and Chester County, Pa., under a continuing contract or contracts with Atlantic Richfield Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 152), filed June 16, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation and insulated gypsum foam board panels*, from the facilities of Panel Era, a division of Roberts Investment Co., located in Salt Lake County, Utah and Dallas County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah; Boise, Idaho; or Denver, Colo.

No. MC 127303 (Sub-No. 17), filed June 11, 1975. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from East St. Louis, and Lincoln, Ill., to points in Missouri, Nebraska, Iowa, South Dakota, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 128270 (Sub-No. 13), filed June 17, 1975. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant site and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points in the states named in (1) above, to the plant site and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128371 (Sub-No. 3), filed June 16, 1975. Applicant: BELLEVUE AGGREGATE HAULERS, INC., P.O. Box 296, Holland, Ohio 43528. Applicant's representative: David L. Pemberton, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in dump vehicles, from the power plants and facilities of Detroit Edison Company, located in Wayne County, Mich., to Nicholson Concrete & Supply Co. plants and facilities, located in Lucas County, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Toledo, or Columbus, Ohio.

No. MC 129026 (Sub-No. 2), filed June 13, 1975. Applicant: J.C.D. TRANSPORTATION CORP., 520 N. Seventh Avenue, Scranton, Pa. 18503. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (1) between points in New York (except Nassau, Suffolk, Westchester, Putnam, Orange, and Rockland Counties), and Berks, Bradford, Carbon, Clinton, Columbia, Dauphin, Erie, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Warren, Wayne, Wyoming, and York Counties, Pa.; and (2) between points in the above-specified territory, on the one hand, and, on the other, New York, N.Y., Belleville, Edison, Newark, Jersey City, and Trenton, N.J., and Philadelphia, Pa., and (b) *fruits, vegetables, farm products, poultry and sea foods*, in the respective seasons of their production, from points in New York, New Jersey, and Pennsylvania, to points in the above-specified territory, with no transportation for compensation on return except as otherwise authorized, restricted to transportation services to be performed under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc.

NOTE.—Any duplication of authority sought herein or to the extent that such authority duplicates any heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129759 (Sub-No. 6), filed June 9, 1975. Applicant: TRIANGLE TRUCKING COMPANY, a corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: David A. Turano, 100 East Board Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord sets, plastic materials, and materials, equipment and supplies*, used in the conduct of such business, between plants and warehouses of Triangle PWC, Inc., Subsidiary of Triangle Industries, Inc., at Sikeston, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to service performed under a continuing contract or contracts with Triangle PWC, Inc., Subsidiary of Triangle Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129862 (Sub-No. 11), filed June 6, 1975. Applicant: RAJOR, INC., P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Athletic, gymnastic, aquatic, and sporting goods, parts and accessories therefor, adhesives, rubber tire treads, hardware, advertising material, and materials, equipment and supplies* utilized in the manufacture, sale and distribution of the described commodities, from Santa Ana, Calif., to points in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas; and (2) *aquatic equipment and accessories and game and sporting goods balls*, from ports of entry on the International Boundary line between the United States and Republic of Mexico located at Brownsville, El Paso, and Laredo, Tex., to Chicago and Elk Grove Village, Ill., and Maywood, N.J., under a continuing contract, or contracts with AMF Incorporated, and its affiliates.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Washington, D.C.

No. MC 133119 (Sub-No. 69), filed June 12, 1975. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared edible flour* (except commodities in bulk), from Evansville, Ind., to points in Arizona, Arkansas, California, Florida, Georgia, Idaho, Iowa, Louisiana, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Washington, D.C.

No. MC 133689 (Sub-No. 63), filed June 16, 1975. Applicant: OVERLAND EXPRESS, INC., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from Twin Cities, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134022 (Sub-No. 15), filed June 16, 1975. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 115, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4056 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese foods and related specialty items, and materials, equipment and supplies* used in the manufacture thereof (except commodities in bulk), between the plant sites and warehouses of Kaukauna Dairy Products, a wholly-owned subsidiary of International Multifoods Corporation, located at or near Kaukauna, Town of Vinland, and Little Chute, Wis., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, and the District of Columbia; (2) *cheese, cheese products, and cheese by-products* (except in bulk), from Dodge County, Wis., to points in Kansas, Missouri, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Delaware, New Jersey, New York, Vermont, Massachusetts, New Hampshire, Maine, and the District of Columbia; (3) *such materials, equipment and supplies* as are dealt in or utilized in the manufacture of commodities described in (2) above (except commodities in bulk), from the destination states named in (2) above to Dodge County, Wis.; (4) *domestic wines*, having a prior movement by water, from ports of entry in New York to points in Wisconsin and Minnesota; and (5) *imported cheeses*, from points in New York, to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 134308 (Sub-No. 11), filed June 11, 1975. Applicant: CADDO EXPRESS, INC., 1257 East Reno, Oklahoma City, Okla. 73117. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the AMOCO Gas Processing Plant located near Hitchcock, Okla., as an off-route point in conjunction with carrier's regular route authority to serve Okeene, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 134453 (Sub-No. 6), filed June 12, 1975. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and parts and accessories* for poles, from East Stroudsburg, Pa., to points in New Jersey, Maryland, Virginia, Connecticut, and New York, under a continuing contract or contracts with Union Metal Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134921 (Sub-No. 2), filed June 30, 1975. Applicant: MID-AMERICA TRANSPORT, INC., P.O. Drawer 370, Madisonville, Ky. 42431. Applicant's representative: James E. Fields, 1203 Old National Bank Building, Evansville, Ind. 47708. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic film and glass* (except in bulk and in tank cars), from Terre Haute, Ind., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (2) *cardboard trays* (except in bulk and in tank cars), from Evansville, Ind., and Murfreesboro, Tenn., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (3) *glass and wooden cases* (except in bulk and in tank cars), from Chattanooga, Tenn., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (4) *tin plate* (can bodies) and *can ends* (except in bulk and in tank cars), from Gary, Ind., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (5) *glass* (except in bulk and tank cars), from Mineral Wells, Miss., Streator, Ill., Alton, Ill., and Dunkirk, Ind., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (6) *screw caps* (except in bulk and tank cars), from Chicago, Ill., and Richmond, Ind., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (7) *crowns* (except in bulk and in tank cars), from Crawfordsville, Ind., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; (8) *cartons* (except in bulk and in tank cars), from Cincinnati, Ohio, to the plant site of Mid-America Canning Corporation at or near

V401133 JUL 10 75 XUM

Madisonville, Ky.; (9) *wooden cases* (except in bulk and in tank cars), from Savannah, Tenn., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky.; and (10) *plastic carriers* (except in bulk and in tank cars), from Charleston, Ill., to the plant site of Mid-America Canning Corporation at or near Madisonville, Ky., for the account only of Mid-America Canning Corporation under a continuing contract or contracts with Mid-America Canning Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 135049 (Sub-No. 7), filed June 13, 1975. Applicant: KEARNEY'S INC., U.S. Route 611, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, slag and slag products*, from Bethlehem, Pa., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, and New York (except New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 135185 (Sub-No. 26), filed June 13, 1975. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Ave., P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cameras, camera outfits, camera cases, photographic material*, and *self-developing film packs*, from Cambridge, Needham, Needham Heights, Norwood, and Waltham, Mass., to El Segundo and Burlingame, Calif., restricted to a transportation service to be performed under a continuing contract or contracts with Polaroid Corporation of Needham Heights, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 135231 (Sub-No. 9), filed June 16, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rte. 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows and doors*, with or without frames or casements, wooden, glazed or not glazed, (a) from Warroad, Minn., to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies and equipment* used in the manufacture of commodities (except commodities in bulk) named in (1) above, (b) from points in the United States (except Alaska and Hawaii), to Warroad, Minn., restricted to traffic originating at or destined to the plant site of Marvin Windows.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., or Fargo, North Dakota.

No. MC 135288 (Sub-No. 4), filed June 6, 1975. Applicant: MCGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., a corporation, 151 Sunset Avenue, P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 Mclachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular route, *Passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, Between Asheboro, N.C., and Greensboro, N.C., serving all intermediate points and points in the commercial zones of Asheboro, N.C., and Greensboro, N.C.: From Asheboro over U.S. Highway 220 to Greensboro, and return over the same route; (2) irregular routes, *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points on the regular route described in (1) above, and extending to points in the United States (except those in Alaska and Hawaii); and (3) irregular routes, *passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points on the regular route described in (1) above, and extending to points in the United States (except those in Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Greensboro or Asheboro, N.C.

No. MC 135364 (Sub-No. 23), filed June 9, 1975. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Enameled, glazed and surface coated paper*, (a) from Moosic, Pa., to points in Wisconsin, Minnesota, Montana, Wyoming, and Florida; and (b) from Lafin, Luzerne County, Pa., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the above commodities (except commodities in bulk), (a) from points in the United States (except Alaska, Hawaii, New Jersey, New York, Ohio, Michigan, Massachusetts, West Virginia, Delaware, Virginia, Vermont, Maine, California, and New Hampshire), to Moosic, Pa., (b) from points in the United States (except Alaska and Hawaii), to Lafin, Luzerne County, Pa., under a continuing contract or contracts with Fitchburg Coated Products, Inc., and Fitchburg Paper Company. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135539 (Sub-No. 2), filed June 10, 1975. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, Evansville, Ind. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain dryers, prefabricated grain bins and tanks, fans, heaters, and accessories thereto*, (a) between the warehouse facilities of Chicago Eastern Corporation, at Rocky Mt., N.C., on the one hand, and, on the other, the warehouse facilities of Chicago Eastern Corporation, at South Fulton, Tenn.; (b) from the warehouse facilities of Chicago Eastern Corporation, at Rocky Mt., N.C., and Fulton, Tenn., to the plantsite of Chicago Eastern Corporation, at Marengo, Ill.; (c) from Fulton, Tenn., to points in Missouri, Illinois, Kentucky, Arkansas, Mississippi, Alabama, and Georgia; and (d) from Rocky Mt., N.C., to points in Virginia, South Carolina, and Georgia; (2) *augers*, from Clay Center, Kans., to the plantsite of Chicago Eastern Corporation, at Marengo, Ill.; and (3) *steel*, from Steubenville and Perrysburg, Ohio; Irwin, Pa.; Knoxville, Tenn.; Gary, East Chicago, and Hammond, Ind., to the plantsite of Chicago Eastern Corporation, at Marengo, Ill., under a continuing contract or contracts with Chicago Eastern Corporation, at Marengo, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 136220 (Sub-No. 21), filed June 16, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 NE. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 Nat'l Foundation Life Bldg., 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) between points in Arizona, California, Colorado, Idaho, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (2) between points in Arizona, California, Colorado, Idaho, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas; (3) between points in Kansas, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, points in Alabama, Kentucky Louisiana, and Tennessee; and (4) between points in Arkansas, restricted to traffic having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136408 (Sub-No. 26), filed June 6, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a

contract carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight), (A) from the plantsites and storage facilities of Minnesota Mining and Manufacturing Company at or near Ames and Knoxville, Iowa, and Norfolk, Nebr., to West Caldwell and Freehold, N.J.; Needham Heights, Mass.; and Mehoopany and Philadelphia, Pa.; and (B) from the plant sites and storage facilities of Minnesota Mining and Manufacturing Company at or near Norfolk, Nebr., and Knoxville, Iowa, to the plantsite and storage facilities of Minnesota Mining and Manufacturing Company at Ames, Iowa, restricted to a transportation service to be performed under a continuing contract or contracts with Minnesota Mining and Manufacturing Company at St. Paul, Minn.

NOTE.—Applicant holds common carrier authority in MC 140829 and Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Chicago, Ill.

No. MC 136786 (Sub-No. 76), filed June 6, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Kitchens of Sara Lee Corporation located at or near Deerfield and Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities of Kitchens of Sara Lee Corporation located at or near Deerfield and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138126 (Sub-No. 4), filed June 11, 1975. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuff;* and (2) *commodities*, the transportation of which is partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle, and at the same time with commodities described in (1) above, from Sumter, S.C., to Salisbury, Md., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, Virginia, and the District of Columbia, restricted service from Sumter, S.C., shall be limited to partial pick-up of shipments with traffic originating at Salisbury, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138308 (Sub-No. 6), filed June 11, 1975. Applicant: K. L. M. DISTRIBUTING, INC., P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Covered copper wire and fluorescent lamp ballasts, materials, equipment and supplies* used or useful in the sale, manufacture and installation thereof (except commodities in bulk), between the plantsite and warehouse facilities of Universal Manufacturing Corporation, located at or near Mendenhall, Miss., on the one hand, and, on the other, points in California, Oregon, Washington, Arizona, New Mexico, Utah, Colorado, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Washington, D.C.

No. MC 138741 (Sub-No. 17), filed June 4, 1975. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Joliet, Ill., on the one hand, and, on the other, points in Illinois, restricted to traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139272 (Sub-No. 1), filed June 9, 1975. Applicant: MEL ENTERPRISES, INC., 271 Ramapo Avenue, Maywood, N.J. 07607. Applicant's representative: Philip F. Hudock, Suite 506, 7900 Westpark Drive, McLean, Va. 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts, accessories, supplies, tools, and shop manuals, and promotional materials*, between Lyndhurst and West Caldwell, N.J., on the one hand, and, on the other, points in Connecticut, New York, and points in Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess, Orange, Sullivan, and Ulster Counties, N.Y., and Newark Airport, N.J., under a continuing contract or contracts with Toyota Motor Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139341 (Sub-No. 3), filed June 16, 1975. Applicant: J. J. PERRY, JR., AND EDWARD BAILEY, doing business as P & B TRUCKING COMPANY, R.F.D., Horn Lake, Miss. 38637. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grain and animal feed*, in bulk, in dump vehicles, from the facilities of Murphy Products Co., at or near Olive Branch, Miss., to points in Georgia and Winston-Salem, N.C., under contract with Murphy Products Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 140032 (Sub-No. 4), filed June 3, 1975. Applicant: LAVERN E. WOLFE, doing business as WOLFE & WOLFE, 305 Crossland Avenue, Uniontown, Pa. 15401. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from Benwood, W. Va., to points in Washington and Greene Counties, Pa., and points in Marion and Monongalia Counties, W. Va., restricted to a transportation service to be performed under a continuing contract, or contracts with Benwood Limestone Co., at Benwood, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140308 (Sub-No. 1), filed June 10, 1975. Applicant: DUNCAN E. SHINN, doing business as S & S STORAGE, P.O. Box 647, Tonopah, Nev. 89049. Applicant's representative: Duncan E. Shinn (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and electronic telephone equipment, materials and supplies* necessary for maintenance of Nevada Bell Telephone Co. microwave stations, between Tonopah, Nev., on the one hand, and, on the other, points in Nye and Esmeralda Counties, Nev., under a continuing contract or contracts with Western Electric Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Carson City or Reno, Nev.

No. MC 140384 (Sub-No. 1), filed June 12, 1975. Applicant: BERNARD D. HARRIS, 4146 State Street Drive, New Orleans, La. 70125. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from New Orleans, La., to Baton Rouge, Denham Springs, Gonzales, Hammond, Houma, Luling, Morgan City, Raceland, Thibodaux and Vacherie, La., restricted to traffic having an immediate prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, or Baton Rouge, La.

No. MC 140538 (Sub-No. 4), filed June 13, 1975. Applicant: LESLIE NORMAN FRED, doing business as NORMAN FRED, RFD #1, DeSoto, Ill. 62924. Applicant's representative: John G. Gilbert, 231 West Main Street, P.O. Box

V40-133 JUL 10 75 XUM

1058, Carbondale, Ill. 62901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, ice cream mix, cottage cheese, ice cream, milk powder and milk substitutes*, between Carbondale, Ill., on the one hand, and, on the other, points in Greene, Craighead and Mississippi Counties, Ark., and points in Dunklin County, Mo., under a continuing contract or contracts with Prairie Farms Dairy, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Springfield, Ill.

No. MC 140731 (Sub-No. 2), filed June 13, 1975. Applicant: JOHN LAWRENCE, doing business as JOHN LAWRENCE TRAILER TOWING, 3337 N. Manchester Street, Atwater, Calif. 95301. Applicant's representative: Raymond A. Greene, Jr., Professional Corporation, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, from points in Merced County, Calif., to points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 140750 (Sub-No. 1), filed April 14, 1975. Applicant: WINN TRUCK & TRACTOR, INC., doing business as INDUSTRIAL EQUIPMENT COMPANY, P.O. Box 133, Highway 84 Wes, Winnfield, La. 71483. Applicant's representative: John Schwab, P.O. Box 3036, 617 North Boulevard, Baton Rouge, La. 70821. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic cranes and hydraulic loaders* used in the handling of the following, but, not limited to the listed uses: logs, agricultural lime, garbage and refuse, sugar cane, pulpwood, crates of chickens and poultry, from Two Harbors, Minn., to points in Texas, Louisiana, Arkansas, Tennessee, Mississippi, and Alabama, under a continuing contract or contracts with Husky Hydraulics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New Orleans, La., or Houston, Tex.

No. MC 140813 (Sub-No. 2), filed June 9, 1975. Applicant: MOUNTAIN SUN TRANSPORT, INC., Rte. 1, Box 282, Morgan, Utah 84050. Applicant's representative: Elwood Zaugg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, bran, shorts, milled grain products, prepared cereals, and prepared poultry and animal feeds*, from points in Utah to points in California, Arizona, Nevada, Oregon, Washington, Idaho, Wyoming, Montana, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 140835 (Sub-No. 2), filed June 5, 1975. Applicant: A. C. WRIGHT TRUCKING, INC., Route 1, P.O. Box 35, Booneville, Miss. 38829. Applicant's representative: Joe Ray Langston, P.O. Box 748, Booneville, Miss. 38829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural limestone*, from points in Colbert, Bibb, Franklin, Shelby, and Fayette Counties, Ala., and Hardin County, Tenn., to points in Tishomingo, Alcorn, Tippah, Prentiss, Itawamba, Lee, Yalobusha, Calhoun, Chickasaw, Monroe, Lowndes, Oktibbeha, Clay Counties, Miss.; (2) *crushed limestone and rip-rap limestone*, from points in Colbert, Bibb, Franklin, Shelby, and Fayette Counties, Ala.; and Hardin County, Tenn., to points in Mississippi; (3) *rip-rap and crushed limestone and agricultural limestone*, from points in Tishomingo County, Miss., to points in Shelby County, Tenn.; (4) *crushed gravel or rock, washed gravel or rock, clay gravel or rock*, from points in McNairy and Hardin Counties, Tenn., to points in Alcorn, Prentiss, Lee, Union, Benton, Tishomingo, Itawamba, Tippah Counties, Miss.; (5) *sand* from points in McNairy, Hardin, Fayette, and Hardeman Counties, Tenn., to points in Alcorn, Prentiss, Lee, Union, Benton, Tishomingo, Itawamba, Tippah, Marshall Counties, Mississippi; and (6) *basic slag*, from points in Jefferson County, Ala., to points in Tishomingo, Alcorn, Tippah, Prentiss, Itawamba, Lee, Yalobusha, Calhoun, Chickasaw, Monroe, Lowndes, Oktibbeha, Clay Counties, Miss., restricted in bulk in dump trucks or dump trailers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (a) Booneville, Miss.; (b) Corinth, Miss.; or (c) Tupelo, Miss.

No. MC 140844 (Sub-No. 2), filed June 16, 1975. Applicant: TERRY L. PRIEST, P.O. Box 188, New Florence, Pa. 15944. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material*, (a) from Cleveland, Ohio, to points in the Counties of Somerset, Ind. and Westmoreland, Pa.; and (b) from Winston-Salem, N.C., to points in the Counties of Somerset and Indiana, Pa.; (2) *empty malt beverage containers* (a) from points in the Counties of Somerset, Ind., and Westmoreland, Pa., to Cleveland, Ohio; and (b) from points in the Counties of Indiana and Somerset, Pa., to Winston-Salem, N.C., under a continuing contract or contracts with Paul and Dominic LaMantia d./b./a. LaMantia Beer Distributors; George J. Paytash and Elsie Paytash d./b./a. Clymer Beverage Company; Bertha T. Dellaflora d./b./a. National Beer Sales; Chester Rukas and Irene Rukas d./b./a. Rukas Beverage Distributing Company; Joseph and Josephine Picadio d./b./a. Picadio Beer Distributors; and Frances L. LaMantia d./b./a. F. L. LaMantia Beer Distributor.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 140934 (Sub-No. 2), filed May 5, 1975. Applicant: WILLIAM E. MOROG, doing business as JONICK & CO., 2815 East Liberty Avenue, Vermilion, Ohio 44089. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory materials*, (1) from the plantsite and facilities of BMI, Inc., and its subsidiaries located at or near Pedro, Ohio and South Webster, Ohio to points in Pennsylvania, Indiana, Illinois, Michigan, West Virginia, Missouri, Wisconsin, and New York; and the *return of raw materials* used in the manufacture of refractory materials from points in Indiana, New York, Pennsylvania, and Illinois to the plantsite and facilities of BMI, Inc. and its subsidiaries; and (2) from the plantsite and facilities of BMI, Inc. and its subsidiaries located at or near S. Rockwood, Mich., to points in Ohio, Pennsylvania and West Virginia; and the *return of raw materials* used in the manufacture of refractory materials from points in Ohio, to the plantsite and facilities of BMI, Inc., and its subsidiaries, under a continuing contract with BMI, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio, or Washington, D.C.

No. MC 141022 (Sub-No. 1), filed June 9, 1975. Applicant: MILLER OF HIAWATHA, INC., P.O. Box 338, Highland, Kans. 66035. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Agricultural implements and machinery and agricultural implements and machinery parts*, from the John Deere Company plant sites and/or storage facilities at or near Moline, and East Moline, Ill.; Waterloo, Ankeny, Ottumwa, and Dubuque, Iowa; Welland, Ontario, Canada; and Kansas City, Mo., to Hiawatha, Kans., (b) *lawn and garden care equipment and chain saws and parts and attachments* for lawn and garden care equipment and chain saws, from Horicon, Wisc., to Hiawatha, Kans., (c) *new and used agricultural implements or machinery and agricultural implements or machinery parts*, between Cornlea, Nebr., on the one hand, and, on the other, Hiawatha, Kans., (d) *agricultural implements and machinery and agricultural implement and machinery parts, lawn and garden care equipment and chain saws, and steel buildings, grain bins and grain handling and drying equipment*, from Hiawatha, Kans., to points in Buchanan County, Platte County, Andrew County and Holt County, Mo., and points in Pawnee County and Richardson County, Nebr., under a continuing contract or contracts with Hiawatha Implement Co., Inc. of Hiawatha, Kans.

(2) (a) *Agricultural implements and machinery and agricultural implements and machinery parts*, from the John Deere Company plant sites and/or storage facilities at or near Moline and East Moline, Ill.; Waterloo, Ankeny, Ottumwa, and Dubuque, Iowa; Welland, Ontario, Canada; and Kansas City, Mo., to Highland, Kans., (b) *lawn and garden care equipment and chain saws and parts and attachments* for lawn and garden care equipment and chain saws, from Horicon, Wisc., to Highland, Kans., (c) *new and used agricultural implements or machinery and agricultural implements or machinery parts*, between Cornlea, Nebr., on the one hand, and, on the other, Highland, Kans., (d) *steel buildings, grain bins, and grain handling and drying equipment*, from the Behlen Company plant site and/or storage facility at or near Columbus, Nebr., and the Stormore Company plant site and/or storage facility at or near Fremont, Nebr., to Highland, Kans., (e) *agricultural implements and machinery and agricultural implements and machinery parts, and lawn and garden care equipment and chain saws and parts and attachments* for lawn and garden care equipment and chain saws, and steel buildings, grain bins and grain handling and drying equipment, from Highland, Kans., to points in Buchanan County, Platte County, Andrew County and Holt County, Mo., and points in Pawnee County and Richardson County, Nebr., under a continuing contract or contracts with Miller Implement Company located at Highland, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141049, filed June 13, 1975. Applicant: GOODMAN MOTOR TRANSPORT CO. (1973), LTD., 8510 Jellicoe Street, Vancouver, British Columbia, Canada V53 3VI. Applicant's representative: R. A. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Washington, west of the Cascade Range, and British Columbia, Canada, crossing the International Boundary, at or near Blaine, Lynden, and Sumas, Wash.

NOTE.—Applicant holds contract carrier authority in MC 115364, Sub 10, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 141057, filed June 4, 1975. Applicant: GO FAR EXPRESS, INC., 701 Broad Avenue, Fairview, N.J. 07022. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime juice, grenadine syrup, and Bloody Mary mixes* (except in bulk), from the plantsite of Jefferson Bottling, Warwick, R.I., to points in the United States (except Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and points west of the Rocky Mountains in Colorado, Montana, New Mexico, and Wyoming), under a continuing contract or contracts with Cadbury Schweppes U.S.A. Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Stamford, Conn., or Providence, R.I.

No. MC 141058, filed June 5, 1975. Applicant: ALAN HAMER, doing business as ALAN HAMER HAULAGE, 5006 Montrose Road, Niagara Falls, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rubble, slag, earth, turf, crushed, cut and uncut rock and stone*, in bulk, in dump vehicles, between Ports of entry on the International Boundary line between the United States and Canada on the Niagara River, on the one hand, and, on the other, points in Erie and Niagara Counties, N.Y., restricted against the transportation of traffic originating at or destined to the premises of Industrial Docks and Supplies Limited and/or Moore-McCleary Limited in the Town of Thorold, Ontario.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141060, filed June 5, 1975. Applicant: WILLIAM E. MILLER AND GEORGE R. MILLER, doing business as RHODE ISLAND TOWING, Trimble Road, Middletown, R.I. 02840. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement motor vehicles* (except trailers designed to be drawn by passenger automobiles, new automobiles, new trucks, new bodies, new cabs, new chassis, and parts thereof, in initial movements), between points in Newport County, R.I., on the one hand, and, on the other, points in the United States in and east of Michigan, Illinois, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I.

No. MC 141061, filed June 9, 1975. Applicant: J. B. DAVENPORT, doing business as DAVENPORT WRECKER SERVICES, 190 Eastman Road, Memphis, Tenn. 38109. Applicant's representative: William R. Swain, Jr., 208 Poplar Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, damaged, and repossessed motor vehicles and trailers;* and (2) *replacement vehicles*, for the wrecked, disabled, and repossessed motor vehicles in (1) above, by use of wrecker equipment only, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Mississippi, Alabama, Arkansas, Louisiana, Missouri, Ohio, Florida, Kentucky, Illinois, Georgia, Texas, Indiana, Oklahoma, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

PASSENGER APPLICATION

No. MC 140661 (Sub-No. 1), filed June 6, 1975. Applicant: CIVIC TRANSPORTATION SERVICES, INC., doing business as SUBURBAN BUS LINES, 5803 Queensgate Drive, Houston, Tex. 77066. Applicant's representative: T. Brooke Farnsworth, 1200 First City East Bldg., Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Houston and Beaumont, Tex., on the one hand, and, on the other, Evangeline Downs, Inc., at or near Lafayette, La., under a continuing contract or contracts with Evangeline Downs, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

BROKER APPLICATION

No. MC 130324, filed June 4, 1975. Applicant: AMERICAN TRAVEL, INC., Route 100, P.O. Box 755, West Dover, Vt. 05356. Applicant's representative: David M Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at West Dover, Vt., to sell or offer to sell the transportation of *passengers and their baggage*, as individuals and in groups by motor, air, water and rail carriers, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., Albany, N.Y., or Hartford, Conn.

FREIGHT FORWARDER APPLICATION

No. FF 472, filed June 3, 1975. Applicant: ACTIVE ALASKA CONSOLIDATORS, INC., Pier 91, Building 41, P.O. Box 9217, Seattle, Wash. 98109. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by railroad, motor vehicle and water, in the transportation of, *general commodities* (except household goods as defined by the Commission, and Classes A and B explosives), between Tacoma and Seattle, Wash., on the one hand, and, on the other, points in Alaska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., Anchorage or Fairbanks, Alaska.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-17682 Filed 7-9-75;8:45 am]

V40-133 JUL 10 75 XUM

federal register

THURSDAY, JULY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 133

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

National Direct Student Loan Program and National Defense Student Loan Program

List of California and Tennessee Schools Determined to Have High Concentrations of Students From Low-income Families; Cancellation Benefits

V40-133 JUL 10 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL DEFENSE STUDENT LOAN AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Cancellation of Loan for Teaching Service

List of Schools Determined to Have a High Concentration of Students from Low-Income Families—List of Schools in which the Enrollment of Students from Low-Income Families Exceeds Thirty Percent of the Total Enrollment of Students—California and Tennessee Supplement.

Pursuant to the provisions of section 205(b)(3)(A)(i) of the National Defense Education Act of 1958, as amended (20 U.S.C. 425(b)(3)(A)(i)), notice is hereby given of the public and other nonprofit elementary and secondary schools in California and Tennessee which have been listed in accordance with the regulations governing the administration of the National Defense Student Loan Program (45 CFR 144.8(i)(2)) as being in school districts of local educational agencies eligible for assistance pursuant to Title II of Public Law 874, 81st Congress, as amended (Title I of the Elementary and Secondary Education Act of 1965), and as having high concentrations of children from low-income families for the 1974–75 school year.

Pursuant to the provisions of section 465(a)(2) of the Higher Education Act of 1965, as amended (20 U.S.C. 1087ee (a)(2)), notice is hereby also given of the public and other nonprofit elementary and secondary schools in California and Tennessee which have been listed as being in school districts of local educational agencies eligible for assistance pursuant to Title I of the Elementary and Secondary Education Act of 1965, and which have been determined for the 1972–73, 1973–74, and 1974–75 school years to be schools in which the enrollment of children described in section 103(c)(1)(A), (B), or (C) (formerly clauses (A), (B), or (C) of section 103(a)(2)) of Title I of the Elementary and Secondary Education Act of 1965 using a low-income factor of $3,000, exceeds 30 percent of that school's enrollment.

Teachers with outstanding indebtedness as a result of loans made prior to July 1, 1972 under the National Defense Student Loan Program are entitled to a 15 percent per annum rate of loan cancellation for each complete academic year (or equivalent) of full-time teaching service performed in a public or other nonprofit elementary or secondary school which for that year has been designated by the U.S. Commissioner of Education as having a high concentration of students from low-income families.

Teachers with outstanding indebtedness as a result of loans made on or after July 1, 1972 under the National Direct Student Loan Program are entitled to a 15 percent per annum rate of loan cancellation for each of the first two complete academic years (or equivalent) of full-time teaching service performed in a public or other nonprofit elementary or secondary school which has been designated by the U.S. Commissioner of Education for those years as being a school in which the enrollment of children described in section 103(c)(1)(A), (B), or (C) (formerly clauses (A), (B), or (C) of section 103(a)(2)) of Title I of the Elementary and Secondary Education of 1965, using a low-income factor of $3,000, exceeds 30 percent of that school's enrollment. The rate of National Direct Student Loan cancellation for teaching a third or fourth year in one of these designated schools is 20 percent per annum, and the rate of cancellation for teaching the fifth year in one of these designated schools is 30 percent per annum.

The school lists for all other States, American Samoa, the District of Columbia, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands were published as Part III of Volume 39, Number 167 of the FEDERAL REGISTER of August 27, 1974 (39 FR 31050–31285).

Inquiries concerning these lists may be made to the appropriate State educational agency or to the Program Support Branch, Division of Student Support and Special Programs, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.470; Higher Education—National Defense/Direct Student Loan Cancellations)

Dated: June 24, 1975.

T. H. BELL,
U.S. Commissioner of Education.

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
ADELANTO	1	Adelanto EL
ALAMEDA	1	Haight EL JHS
	1	Mastick EL
ALHAMBRA	1	All Souls EL
	1	Century Continuation HS
ALPAUGH	1	Alpaugh EL
	1	Alpaugh HS
ALTADENA	1	Altadena EL
	1	Burbank EL
	1	Sacred Heart EL
AMBOY	1	Amboy EL
ANAHEIM	1	Riverdale EL
ANDERSON	1	Happy Valley EL
	1	Meadow Lane EL
	1	North Valley Continuation HS
	1	Verda Vale EL
ANTIOCH	1	Fremont EL
ARBUCKLE	1	Pierce HS
ARMONA	1	Armona EL
	1	Parkview EL
ARTESIA	1	John F. Kennedy EL
ARVIN	1	Haven Drive EL
	1	Meridian EL
	1	Sierra Vista EL
ATASCADERO	1	West Mall Continuation HS
ATHERTON	1	Menlo Atherton HS
ATWATER	1	Aileen Coburn EL
	1	Mitchell EL
AUBERRY	1	Pine Ridge EL
AUBURN	1	Juvenile Hall EL HS
AVENAL	1	Avenal EL
AZUSA	1	Clifford D. Murray EL
	1	Longfellow EL
	1	Oak Grove EL
BAKERSFIELD	1	Beardsley EL
	1	Beardsley JHS
	1	Buena Vista EL
	1	Casa Loma EL
	1	Colonel Thomas Baker EL
	1	Edison EL
	1	Fairfax EL
	1	Fremont EL
	1	General Shafter EL
	1	Jefferson EL
	1	Juvenile Hall Central EL
	1	Juvenile Hall Central HS
	1	Lerdo EL
	1	Lincoln JHS
	1	McKinley EL
	1	Mettler EL
	1	Mount Vernon EL
	1	North Beardsley EL
	1	Owens EL
	1	Vista Continuation HS
	1	Wayside EL
	1	Williams EL
BALDWIN PARK	1	North Park Continuation HS
	1	Sierra Vista HS
BALLICO	1	Ballico EL
BANGOR	1	Bangor EL
BANNING	1	Banning HS
	1	Central EL
	1	Coombs JHS
	1	Hemmerline EL
	1	Hoffer EL
	1	Saint John HS
	1	Twin Pines Probation Ranch HS
BANTA	1	Banta EL
BARSTOW	1	Central HS
	1	Thomson EL
	1	William J. Ingels EL
BEAUMONT	1	Boys Town of the Desert EL-HS
BELL	1	Corona Avenue EL
	1	Woodlawn Avenue EL
BELLA VISTA	1	Bella Vista EL
BELLFLOWER	1	Lincoln EL
	1	Saint Bernard EL
BELL GARDENS	1	Bell Gardens EL
	1	Bell Gardens HS
	1	Bell Gardens JHS
	1	Colmar EL
	1	Garfield EL
	1	Saint Gertrude EL
	1	Suva EL
	1	Suva JHS
BELMONT	1	Carlmont HS
	1	Hillcrest Juvenile Hall
BERKELEY	1	Berkeley East Campus HS
	1	Berkeley West Campus HS
	1	Cragmont EL
	1	Emerson EL
	1	Franklin EL
	1	Grizzly Peak EL
	1	Jefferson EL
	1	John Muir EL
	1	Le Conte EL
	1	Saint Joseph EL
	1	Thousand Oaks EL
	1	Tilden EL
	1	Washington EL
	1	Whittier EL
	1	Willard JHS
BIG BAR	1	Cox Bar EL
BIG BEND	1	Indian Springs EL
BIGGS	1	Biggs EL
	1	Biggs HS
BIG SUR	1	Pacific EL
BLOOMINGTON	1	Bloomington HS
	1	Bloomington JHS
	1	Crestmore EL
	1	Gerald A. Smith EL
	1	Walter Zimmerman EL
BLUE LAKE	1	Blue Lake EL
	1	Green Point EL
BLYTHE	1	Felix J. Appleby EL
	1	Margaret White EL
	1	Ruth Brown EL
	1	Twin Palms Continuation HS
BOONVILLE	1	Anderson Valley EL
	1	Anderson Valley JHS
BOULEVARD	1	Clover Flats EL
BRAWLEY	1	Barbara Worth JHS
	1	J. W. Oakley EL
	1	Miguel Hidalgo EL
	1	Phil Swing EL
	1	Ruth Reid EL
BRENTWOOD	1	Garin EL
	1	Liberty Continuation HS
BRIDGEVILLE	1	Bridgeville EL
BRODERICK	1	Alyce Norman EL
	1	Broderick EL
	1	Elkhorn Village EL
BRYTE	1	Bryte EL
	1	Holy Cross EL
BURBANK	1	Joaquin Miller EL
	1	William McKinley EL
BURREL	1	Burrel EL
BUTTONWILLOW	1	Buttonwillow EL
BYRON	1	Byron EL
	1	Contra Costa County Boys Ranch EL-HS
CABAZON	1	Ramsey Continuation HS
CALABASAS	1	David Gonzales HS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-1133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
CALEXICO	1	Allen and Helen Mains EL
	1	Aurora Continuation HS
	1	Calexico HS
	1	Dool EL
	1	Hoffman EL
	1	Jefferson EL
	1	Our Lady of Guadalupe Academy EL
	1	Rockwood EL
	1	Vincent Memorial HS
CALIENTE	1	Caliente EL
CALIFORNIA HOT SPRINGS		
	1	Hot Springs EL
CALIPATRIA	1	Calipatria HS
	1	Fremont EL
CAMARILLO	1	Ventura ES
CAMPBELL	1	Del Valle Center Juvenile Hall
	1	Hamilton EL
CAMPO	1	Campo EL
	1	Los Vecinos HS
	1	Mountain Empire JHS
	1	Mountain Empire HS
	1	Rancho Del Campo HS
CAMPTONVILLE	1	Camptonville EL
CANBY	1	Arlington EL
CANOGA PARK	1	Canoga Park EL
	1	Marte Street EL
CANTUA CREEK	1	Cantua EL
CANYON	1	Canyon EL
CAPISTRANO BEACH	1	Serra EL
CASMALIA	1	Casmalia EL
CASTROVILLE	1	Castroville EL
	1	Elkhorn EL
	1	Joseph Gambetta EL
CARLSBAD	1	Jefferson EL
	1	Pine EL
CARPINTERIA	1	Aliso EL
CARUTHERS	1	Alvina EL
	1	Caruthers EL
	1	Caruthers HS
CAZADERO	1	Montgomery EL
CENTRAL VALLEY	1	Deer Creek EL
CERES	1	Argus Continuation HS
	1	Caswell EL
	1	Ceres HS
	1	Don Pedro EL
	1	Mae Hensley JHS
	1	Walter White EL
CERRITOS	1	El Dorado Continuation HS
CHALLENGE	1	Yuba Feather EL
CHARTER OAK	1	Cedargrove EL
	1	Charter Oak HS
CHICO	1	Chapman EL
	1	Continuation Education HS
	1	Oakdale EL
	1	Rosedale EL
CHINESE CAMP	1	Chinese Camp EL
CHINO	1	Boys Republic HS
	1	Youth Training EL-HS
CHOWCHILLA	1	Fairmead EL
	1	Merle L. Fuller EL
	1	Stephens EL
	1	Wilson EL
CHULA VISTA	1	Chula Vista Center HS
	1	Harborside EL
	1	John J. Montgomery EL
CITY OF COMMERCE	1	Rosewood Park EL
CITY OF INDUSTRY	1	Torch JHS
	1	Valley Continuation HS
CLOVERDALE	1	Musallacon Continuation HS
CLOVIS	1	Clovis Continuation HS
COACHELLA	1	Coachella Valley HS
	1	Dateland JHS
	1	Palm View EL
	1	Peter Pendleton EL
	1	Valley View EL
COALINGA	1	Annie E. Cheney EL
	1	Henry F. Bishop EL
	1	Nell Dawson EL
	1	Sunset EL
COLTON	1	Alice Birney EL
	1	Colton JHS
	1	Colton HS
	1	Grant EL
	1	Lincoln EL
	1	Paul J. Rogers EL
	1	San Salvador EL
	1	Slover Mountain Continuation HS
	1	Washington EL
	1	Woodrow Wilson EL
COLUSA	1	Colusa EL
	1	Colusa JHS
	1	Colusa HS
COMPTCHE	1	Comptche EL
COMPTON	1	Abrahms Lincoln EL
	1	Ardella B. Tibby EL
	1	Augusta A. Mayro EL
	1	Bunche JHS
	1	Caldwell Street EL
	1	Centennial HS
	1	Charles W. Bursch EL
	1	Clarence A. Dickeson EL
	1	Collin P. Kelly EL
	1	Compton HS
	1	Dominguez HS
	1	El Segundo EL
	1	Enterprise JHS
	1	Frances Willard EL
	1	General Benjamin A. Davis JHS
	1	General Rosecrans EL
	1	George Washington EL
	1	Henry Wadsworth Longfellow EL
	1	John F. Kennedy EL
	1	Lesrel Street EL
	1	Marian Anderson EL
	1	Martin Luther King EL
	1	McKinley EL
	1	Our Lady of Victory EL
	1	Pioneer EL
	1	Ralph Waldo Emerson EL
	1	Robert F. Kennedy EL
	1	Roosevelt JHS
	1	Saint Albert the Great EL
	1	Stephen C. Foster EL
	1	Theodore Roosevelt EL
	1	Thomas Jefferson EL
	1	Tubman Continuation HS
	1	Walton JHS
	1	Whaley JHS
	1	Willowbrook JHS
CONCORD	1	George Miller, Jr. Memorial Center East
CORCORAN	1	Bret Harte EL
	1	Corcoran HS
	1	John C. Fremont EL
	1	John Muir JHS
	1	Kings Lake HS
	1	Mark Twain EL
	1	Westside EL
CORNING	1	Maywood School El
	1	Olive View EL
	1	Richfield Continuation HS
	1	West Street EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
CORONA	1	El Cerrito EL
	1	Garretson EL
	1	Home Gardens EL
	1	Jefferson EL
	1	John Stallings EL
	1	Lincoln EL
COVELO	1	Round Valley EL
	1	Round Valley HS
COVINA	1	Sacred Heart EL
CRESCENT CITY	1	Del Norte HS
	1	Northwest Continuation HS
CRESSEY	1	Cressey EL
CROWS LANDING	1	Bonita EL
CUDAHY	1	Elizabeth Street EL
	1	Park Avenue EL
CULVER CITY	1	Braddock Drive EL
	1	Playa Del Rey EL
	1	Saint Augustine EL
	1	Stoner Avenue EL
CUTLER	1	Cutler EL
DAGGETT	1	Daggett EL
DALY CITY	1	Colma EL
	1	Colma JHS
	1	Crocker EL
	1	George Washington EL
	1	John F. Kennedy EL
	1	Woodrow Wilson EL
DELANO	1	Albany Park EL
	1	Columbine EL
	1	Fremont EL
	1	Terrace EL
	1	Valle Vista EL
	1	Valley Continuation HS
DEL REY	1	Del Rey EL
DESCANSO	1	Descanso EL
DIAMOND VALLEY	1	Diamond Valley EL
DIMUBA	1	Dimuba HS
	1	Jefferson EL
	1	Magnolia Continuation HS
	1	Wilson EL
DOBBINS	1	Dobbins EL
DOS PALOS	1	Bryant JHS
	1	Dos Palos EL
	1	Dos Palos HS
DOWNEY	1	Gualdin EL
	1	Los Padrinos Boys Juvenile Hall
	1	Los Padrinos Girls Juvenile Hall
	1	Pius X HS
DUARTE	1	Andres Duarte EL
	1	Maxwell EL
	1	Northview EL
	1	Royal Oaks EL
DUCOR	1	Ducor Union EL
DUNLAP	1	Dunlap EL
DUNNIGAN	1	Dunnigan EL
EARLIMART	1	Allensworth EL
	1	Earlimart EL
	1	Earlimart JHS
EAST PALO ALTO	1	Ravenswood HS
EL CAJON	1	Bostonia EL
	1	Crest EL
	1	El Cajon Center HS
	1	John Ballantyne EL
	1	Lexington EL
	1	Magnolia EL
EL CENTRO	1	Esther Ruff Juvenile Hall EL-HS
	1	Harding EL
	1	Kennedy JHS
	1	Lincoln EL
	1	Meadows EL
	1	McKinley EL
EL CENTRO (continued)	1	Washington EL
	1	Westside EL
EL GRANADA	1	El Granada EL
ELK	1	Greenwood EL
EL MONTE	1	Charles T. Kranz JHS
	1	Cogswell EL
	1	El Monte HS
	1	Jenny Tucker Baker EL
	1	La Primaria EL
	1	Linda Vista EL
	1	MacLaren Hall EL-HS
	1	Maxon EL
	1	Miramonte EL
	1	Monte Vista EL
	1	Nativity EL
	1	Park View EL
	1	Potrero EL
	1	Shirpser EL
	1	Willard F. Payne EL
EL NIDO	1	El Nido EL
EL SEGUNDO	1	Saint Anthony EL
ELSINOR	1	Los Pinos HS
ELSINORE	1	Elsinor EL
	1	Elsinore HS
	1	Elsinore JHS
	1	Machado EL
EMERYVILLE	1	Anna Yates EL
	1	Emery JHS-HS
	1	Ralph Bunley EL
EMPIRE	1	Capistrano EL
	1	Empire EL
	1	Empire JHS
ESCALON	1	Dent EL
	1	El Portal Middle
ESCONDIDO	1	Central EL
	1	Escondido Center HS
ESPARTO	1	Esparto EL
	1	Esparto HS
EUREKA	1	Alice Birney EL
	1	Catherine L. Zane JHS
	1	Eureka Juvenile Hall HS
	1	Eureka HS
	1	Franklin EL
	1	George C. Jacobs JHS
	1	Grant EL
	1	Jefferson EL
	1	Lafayette EL
	1	Lincoln EL
	1	Marshall EL
	1	Washington EL
	1	Winship JHS
	1	Worthington EL
	1	Zoe Barnum HS
FAIRFIELD	1	Anna Kyle EL
	1	E. Ruth Sheldon EL
	1	Fairview EL
	1	Juvenile Hall EL-HS
	1	Sem Yeto Continuation HS
FALLBROOK	1	Vallecitos EL
FARMERSVILLE	1	George L. Snowden EL
	1	J. E. Hester EL
FEATHER FALLS	1	Feather Falls EL
FIREBAUGH	1	Arthur E. Mills EL
	1	Firebaugh JHS
	1	Las Deltas EL
	1	Oro Loma EL
	1	Parkside EL
FIVE POINTS	1	Martin P. Gunderson EL
FONTANA	1	Birch HS
	1	Juniper EL
FORTUNA	1	Fortuna EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
FOWLER	1	Casa Blanca Continuation HS
	1	Fowler HS
	1	Fremont EL
	1	Marshall EL
FREDRICKSBERG	1	Clay EL
FREEDOM	1	Freedom EL
FREMONT	1	F. M. Grimmer EL
	1	J. Haley Durham EL
	1	Vallejo Mill EL
FRENCH CAMP	1	French Camp EL
FRESNO	1	Addams EL
	1	Addams JHS
	1	American EL
	1	Aynesworth EL
	1	Bethune EL
	1	Birney EL
	1	Biola-Pershing EL
	1	Burroughs EL
	1	Calwa EL
	1	Carver EL
	1	Central HS
	1	Columbia EL
	1	Edison HS
	1	Emerson EL
	1	Franklin EL
	1	Fresno Colony EL
	1	Herndon EL
	1	Houghton-Kearney EL
	1	Irwin JHS
	1	Ivy EL
	1	James E. Kenkel EL
	1	Jefferson EL
	1	Juvenile Hall
	1	King EL
	1	Kirk EL
	1	Lafayette EL
	1	Lane EL
	1	Lincoln EL
	1	Lowell EL
	1	Madison EL
	1	Malaga EL
	1	Mayfair EL
	1	McKinley EL
	1	Monroe EL
	1	Muir EL
	1	Orange Center EL
	1	Pacific Union EL
	1	Pershing Continuation HS
	1	Roosevelt EL
	1	Roosevelt HS
	1	Rowell EL
	1	Sequoia JHS
	1	Sunset EL
	1	Sunset EL, Madison
	1	Teague EL
	1	Tehipite JHS
	1	Tellman EL
	1	Washington HS
	1	Washington Union Continuation HS
	1	Washington Colony EL
	1	Webster EL
	1	Western EL
	1	West Park EL
	1	Winchell EL
	1	Yosemite JHS
FRIANT	1	Friant EL
GARDENA	1	Ambler Avenue EL
	1	One Hundred Thirty-Fifth Street EL
	1	Saint Anthony of Padua EL
GARDEN GROVE	1	Louis Lake Continuation HS
GASQUET	1	Bar-O Boys Ranch EL-HS
GEYSERVILLE	1	Geyserville EL
	1	Geyserville Educational Park EL-JHS-HS
GILROY	1	Brownell JHS
	1	Eliot EL
	1	El Roble EL
	1	Gilroy HS
	1	Glen View EL
	1	Las Animas EL
	1	Mount Madonna Continuation HS
	1	Rucker EL
	1	San Ysidro EL
GLENDORA	1	Whitcomb Continuation HS
	1	Willow EL
GOLETA	1	Goleta EL
	1	Vista Del Mar EL
GONZALES	1	Fairview EL
	1	La Gloria EL
GOSHEN	1	Goshen EL
GRIDLEY	1	Esperanza Continuation HS
	1	Gridley HS
	1	McKinley EL
	1	Sycamore EL
	1	Wilson EL
GROVER CITY	1	Grover City EL
	1	Grover Heights EL
GUADALUPE	1	Guadalupe EL
	1	Main Street EL
GUERNEVILLE	1	Guerneville EL
GUSTINE	1	Gustine EL
HALF MOON BAY	1	Alvin S. Hatch EL
	1	Half Moon Bay HS
	1	Manual F. Cunha JHS
HAMILTON CITY	1	Community Continuation HS
	1	Hamilton EL
	1	Hamilton Union HS
HANFORD	1	Earl Johnson HS
	1	Gardenside EL
	1	Hanford East Campus HS
	1	Hanford West Campus HS
	1	Jefferson EL
	1	Kings County Juvenile Center
	1	Lakeside EL
	1	Lee Richmond EL
	1	Lincoln EL
	1	Thomas McCarthy Memorial EL
	1	Washington EL
HARBOR CITY	1	Harbor City EL
	1	Normont EL
HAWAIIAN GARDENS	1	Bloomfield EL
	1	M. T. Killingsworth JHS
	1	Venn W. Furgeson EL
HAYWARD	1	Burbank EL
	1	El Rancho Verde EL
	1	Hillcrest EL
	1	Mohrland Continuation HS
	1	Shepherd EL
HEALDSBURG	1	Mountain View Continuation HS
HEBER	1	Heber EL
HELM	1	Helm EL
HENDERSON	1	Henderson EL
HERET	1	Cottonwood EL
	1	Hemet EL
HICKMAN	1	Hickman EL
HILMAR	1	Klim EL
	1	Filmar JHS-HS
HOLLISTER	1	Auseyama EL
	1	Career Opportunities Schools
	1	Pacheco EL
HOLLYWOOD	1	Saint Ambrose EL
	1	Selma Avenue EL
HOLP	1	Ringe EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
HOLTVILLE	1	Sam Webb Continuation HS
HOOPA	1	Hoopa Valley EL
	1	Jack Norton EL
HORNBROOK	1	Fall Creek EL
HUGHSON	1	Billy Joe Dickens Continuation HS
	1	Emille J. Ross JHS
	1	Hughson EL
	1	Lebright EL
HUNTINGTON BEACH	1	Oak View EL
HUNTINGTON PARK	1	Gage JHS
	1	Middleton Street EL
	1	Miles Avenue EL
	1	Nimits JHS
	1	Saint Mathias EL
	1	Saint Mathias Catholic HS
HURON	1	Huron EL
HYDESVILLE	1	Hydesville EL
IDO	1	Igo-Ono EL
IMPERIAL	1	Ben Hulse EL
	1	Frank M. Wright JHS
IMPERIAL BEACH	1	Bayside EL
	1	Central EL
	1	Nestor EL
	1	Sunnyslope EL
INDIO	1	Dwight Eisenhower EL
	1	Herbert Hoover EL
	1	Martin Van Buren EL
	1	Our Lady of Perpetual Help EL
	1	Theodore Roosevelt EL
	1	Woodrow Wilson JHS
INGLEWOOD	1	Bennett EL
	1	Buford EL
	1	Center Park EL
	1	Century Park EL
	1	Kew EL
	1	Laurel EL
	1	Monroe JHS
	1	Whelan EL
	1	Woodworth EL
IONE	1	Preston School of Industry EL-HS
JACUMBA	1	Jacumba EL
JAMESTOWN	1	Jamestown EL
JOHANNESBURG	1	Rand EL
JOHNSONDALE	1	Johnsondale EL
	1	Johnsondale HS
JULIAN	1	Julian EL
	1	Julian HS
KERMAN	1	Buena Vista HS
	1	Kerman HS
	1	Sun-Empire EL
KERNVILLE	1	Camp Erwin Owen HS
KETTLEMAN CITY	1	Kettleman City EL
KEYES	1	Keyes EL
KINGSBURG	1	Kings River EL
KNIGHTS FERRY	1	Knights Ferry EL
KORBEL	1	Maple Creek EL
LA HABRA	1	El Cerrito EL
	1	Valencia Street EL
	1	Walnut Street EL
LA HONDA	1	Glenwood Boys Ranch
LAKE VIEW TERRACE	1	Fenton Avenue EL
LAMONT	1	Alicante Avenue EL
	1	Lamont EL
	1	Mountain View JHS
	1	Myrtle Avenue EL
	1	Sunset EL
	1	Vineland EL
LANCASTER	1	Sacred Heart EL
LA PUENTE	1	Bassett EL
	1	Bassett HS
	1	Bishop Amat Memorial HS
	1	Don Julian EL
LA PUENTE (continued)	1	Edgewood JHS
	1	Ethel D. Keenan EL
	1	Florence E. Planner EL
	1	Hurley EL
	1	J. E. Van Wig EL
	1	La Seda EL
	1	Nogales HS
	1	Northam EL
	1	Rorimer EL
	1	Saint Joseph EL
	1	Saint Louis of France EL
	1	Santana Continuation HS
	1	Sunkist EL
	1	Thomas M. Erwin EL
	1	Villacorta EL
	1	Yorbita EL
LATHROP	1	Lathrop EL
LATON	1	Laton Continuation HS
	1	Laton EL
	1	Laton HS
LA VERNE	1	Afflerbaugh-Paige JHS-HS
LAWNDALE	1	Lucille J. Smith EL
LE GRAND	1	Le Grand EL
	1	Le Grand HS
LEMON GROVE	1	Golden Avenue EL
LEMOORE	1	Central EL
	1	Island EL
LINDSAY	1	Grove Continuation HS
	1	Jefferson EL
	1	Lindsay JHS
	1	Lindsay HS
	1	Washington EL
LITTLEROCK	1	Almondale EL
	1	Alpine EL
	1	Antelope EL
LIVERMORE	1	Del Valle Continuation HS
LIVINGSTON	1	Campus Park EL
	1	Livingston JHS
	1	Selma Herndon EL
LODI	1	Children's Center EL
	1	Garfield EL
	1	Lafayette Head Start EL
	1	Lawrence EL
	1	Lincoln EL
	1	Lodi North Campus Continuation HS
	1	Needham EL
	1	Eschelman Avenue EL
LOMITA	1	El Camino EL
LOMPOC	1	Addams EL
LONG BEACH	1	Barton EL
	1	Burbank EL
	1	Burnett EL
	1	Edison EL
	1	Franklin JHS
	1	Holy Innocents EL
	1	Lee EL
	1	Lincoln EL
	1	Our Lady of Refuge EL
	1	Polytechnic HS
	1	Reid Continuation HS
	1	Roosevelt EL
	1	Saint Anthanasius EL
	1	Saint Anthony EL
	1	Saint Anthony HS
	1	Saint Joseph EL
	1	Saint Maria Gorretti EL
	1	Signal Hill EL
	1	Stevenson EL
	1	Washington JHS
	1	Webster EL
	1	Whittier EL
LOS ALAMOS	1	Los Alamos EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
LOS ANGELES	1	Abraham Lincoln EL
	1	Adams JHS
	1	Albion Street EL
	1	Aldama EL
	1	Alexandria Avenue EL
	1	Allesandro EL
	1	All Saints EL
	1	Alta Loma EL
	1	Angeles Mesa EL
	1	Annadale EL
	1	Ann Street EL
	1	Aragon Avenue EL
	1	Area D Alternative EL-HS
	1	Area E Alternative EL-HS
	1	Area H Alternative EL-HS
	1	Arlington Heights EL
	1	Ascension EL
	1	Ascot Avenue EL
	1	Assumption EL
	1	Audubon JHS
	1	Avalon Gardens EL
	1	Baldwin Hills EL
	1	Bellmont Continuation HS
	1	Bellmont HS
	1	Belvedere EL
	1	Belvedere JHS
	1	Berendo JHS
	1	Bethune JHS
	1	Betsy Ross EL
	1	Bishop Conaty Memorial HS
	1	Bishop Mora Salesian HS
	1	Breed Street EL
	1	Bridge Street EL
	1	Brooklyn Avenue EL
	1	Buchanan Street EL
	1	Budlong Avenue EL
	1	Burbank JHS
	1	Bushnell Way EL
	1	Canfield Crescent Heights Alternative EL
	1	Cathedral HS
	1	Carver JHS
	1	Castelar Street EL
	1	Christ The King EL
	1	Cienga EL
	1	Cimarron Avenue EL
	1	City Terrace EL
	1	Clifford Street EL
	1	Commonwealth Avenue EL
	1	Compton Avenue EL
	1	Cortez Street EL
	1	Dacotah Street EL
	1	Dayton Heights EL
	1	Divine Saviour EL
	1	Dorris Place EL
	1	Drew JHS
	1	Dublin Avenue EL
	1	Eastman Avenue EL
	1	Eastmont EL
	1	Edison JHS
	1	El Sereno EL
	1	El Sereno JHS
	1	Elysian Heights EL
	1	Euclid Avenue EL
	1	Evergreen Avenue EL
	1	Farmdale EL
	1	Fifty-Fourth Street EL
	1	Fifty-Ninth Street EL
	1	Fifty-Second Street EL
	1	Fugueroa Street EL
	1	First Street EL
	1	Fletcher Drive EL
	1	Florence Avenue EL
LOS ANGELES (continued)	1	Ford Boulevard EL
	1	Forty-Ninth Street EL
	1	Forty-Second Street EL
	1	Foshay JHS
	1	Fourth Street EL
	1	Fremont Continuation HS
	1	Fremont HS
	1	Garfield Continuation HS
	1	Garfield HS
	1	Garvanza EL
	1	Gates Street EL
	1	George Washington Carver EL
	1	Glassell Park EL
	1	Glen Alta EL
	1	Gompers JHS
	1	Graham EL
	1	Grand View Boulevard EL
	1	Grant EL
	1	Grape Street EL
	1	Griffin Avenue EL
	1	Griffith JHS
	1	Hammel Street EL
	1	Harrison Street EL
	1	Harte JHS
	1	Hillcrest Drive EL
	1	Hillside EL
	1	Hobart Boulevard EL
	1	Hollenbeck JHS
	1	Holmes Avenue EL
	1	Holy Cross Middle JHS
	1	Holy Name of Jesus EL
	1	Holy Spirit EL
	1	Holy Trinity EL
	1	Hooper Avenue EL
	1	Hoover Street EL
	1	Humphreys Avenue EL
	1	Huntington Drive EL
	1	Hyde Park EL
	1	Immaculate Conception EL
	1	Irving JHS
	1	Jackson JHS-HS
	1	Jefferson HS
	1	Jordan HS
	1	Juvenile Hall--Boys EL-HS
	1	Juvenile Hall--Girls EL-HS
	1	La Salle Avenue EL
	1	Las Palmas School for Girls JHS-HS
	1	Latona Avenue EL
	1	Lillian Street EL
	1	Lincoln Continuation HS
	1	Lincoln HS
	1	Little Flower of Jesus EL
	1	Locke Continuation HS
	1	Locke HS
	1	Lockwood Avenue EL
	1	Logan Street EL
	1	Lorena Street EL
	1	Loreto Street EL
	1	Magnolia Avenue EL
	1	Main Street EL
	1	Malabar Street EL
	1	Manchester Avenue EL
	1	Manhattan Place EL
	1	Mann JHS
	1	Manual Arts HS
	1	Marianna Avenue EL
	1	Marina Del Rey JHS
	1	Mark Twain EL
	1	Mark Twain JHS
	1	Markham JHS
	1	Marvin EL
	1	Mayberry Street EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
LOS ANGELES (continued)	1	McKinley Avenue EL
	1	Menlo Avenue EL
	1	Metropolitan HS
	1	Micheltorena Street EL
	1	Miller EL
	1	Miramonte EL
	1	Montebello Park EL
	1	Monte Vista EL
	1	Mother of Sorrows EL
	1	Mount Carmel HS
	1	Mount Vernon JHS
	1	Muir JHS
	1	Multnomah Street EL
	1	Murchison Street EL
	1	Nativity EL
	1	Nevin Avenue EL
	1	Nightingale JHS
	1	Ninety-Fifth Street EL
	1	Ninety-Ninth Street EL
	1	Ninety-Second Street EL
	1	Ninety-Seventh Street EL
	1	Ninety-Sixth Street EL
	1	Ninety-Third Street EL
	1	Normandie Avenue EL
	1	Norwood Street EL
	1	One Hundred Eighteenth Street EL
	1	One Hundred Eleventh Street EL
	1	One Hundred Ninth Street EL
	1	One Hundred Second Street EL
	1	One Hundred Seventh Street EL
	1	One Hundred Sixteenth Street EL
	1	One Hundred Twelfth Street EL
	1	One Hundred Twenty-Second Street EL
	1	Our Lady Help of Christians EL
	1	Our Lady of Guadalupe (Hazard) EL
	1	Our Lady of Guadalupe (Rosehill) EL
	1	Our Lady of Loretto EL
	1	Our Lady of Loretto HS
	1	Our Lady of Lourdes EL
	1	Our Lady Queen of the Angels Middle
	1	Our Lady of the Rosary of Talpa EL
	1	Our Lady of Soledad EL
	1	Our Mother of the Good Counsel EL
	1	Palms EL
	1	Parmelee Avenue EL
	1	Pasteur JHS
	1	Pater Noster HS
	1	Precious Blood EL
	1	Queen Anne Place EL
	1	Ramona EL
	1	Raymond Avenue EL
	1	Resurrection EL
	1	Riggin EL
	1	Ritter EL
	1	Robert F. Kennedy EL
	1	Roosevelt HS
	1	Rosemont Avenue EL
	1	Rowan Avenue EL
	1	Russell EL
	1	Sacred Heart EL
	1	Sacred Heart HS
	1	Saint Agatha EL
	1	Saint Agnes EL
	1	Saint Aloysius EL
	1	Saint Alphonsus EL
	1	Saint Anastasia EL
	1	Saint Anselm EL
	1	Saint Bernadette EL
	1	Saint Bernard EL
	1	Saint Brigid EL
	1	Saint Cecilia EL
	1	Saint Columbkille EL
LOS ANGELES (continued)	1	Saint Eugene EL
	1	Saint Frances of Assisi EL
	1	Saint Frances X. Cabrini EL
	1	Saint Ignatius EL
	1	Saint John the Evangelist EL
	1	Saint Lawrence of Brindinsi EL
	1	Saint Malachy EL
	1	Saint Mary EL
	1	Saint Mary Magdalen EL
	1	Saint Michael EL
	1	Saint Michael HS
	1	Saint Odilia EL
	1	Saint Paul EL
	1	Saint Raphael EL
	1	Saint Sebastian EL
	1	Saint Teresa of Avilia EL
	1	Saint Thomas EL
	1	Saint Turibius EL
	1	Saint Verbrum Del HS
	1	Saint Vincent EL
	1	Salesian HS (aka Bishop Mora Salesian HS)
	1	San Antonio De Padua EL
	1	San Miguel EL
	1	San Pedro Street EL
	1	Santa Barbara EL
	1	Santa Isabel EL
	1	Santa Monica Boulevard EL
	1	Santa Terresita EL
	1	Saturn Street EL
	1	Second Street EL
	1	Seventy-Fifth Street EL
	1	Seventy-Fourth Street EL
	1	Shenandoah Street EL
	1	Sheridan Street EL
	1	Sierra Park EL
	1	Sierra Vista EL
	1	Sixth Avenue EL
	1	Sixty-Eighth Street EL
	1	Sixty-First Street EL
	1	Sixty-Sixth Street EL
	1	Solano Avenue EL
	1	Soto Street EL
	1	South Park EL
	1	Stevenson JHS
	1	Tenth Street EL
	1	Thirty-Second Street EL
	1	Thirty-Seventh Street EL
	1	Thirty-Sixth Street EL
	1	Transfiguration EL
	1	Trinity Street EL
	1	Twentieth Street EL
	1	Twenty-Eighth Street EL
	1	Twenty-Fourth Street EL
	1	Union Avenue EL
	1	Utah Street EL
	1	Valley Alternative EL-HS
	1	Vanguard JHS
	1	Vermont Avenue EL
	1	Vine Street EL
	1	Virgil JHS
	1	Virginia Road EL
	1	Wadsworth Avenue EL
	1	Washington Continuation HS
	1	Washington HS
	1	Weigand Avenue EL
	1	West Athens EL
	1	West Vernon Avenue EL
	1	Western Avenue EL
	1	Wilshire Crest EL
	1	Wilson HS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
LOS ANGELES (continued)	1	Wilton Place EL
	1	Winter Gardens EL
	1	Woodcrest EL
	1	Yorkdale EL
LOS BANOS	1	Los Banos El
	1	R. M. Miano EL
LOS NIETOS	1	Los Nietos JHS
LOST HILLS	1	Lost Hills EL
LUCERNE	1	Lucerne EL
LYNWOOD	1	Abbot EL
	1	Lugo EL
	1	Vista Continuation HS
MADERA	1	George Washington EL
	1	James Monroe EL
	1	Madera HS
	1	Millview EL
	1	Sierra Vista EL
	1	Sugar Pine Continuation HS
	1	Thomas Jefferson JHS
MALIBU	1	Fred Miller HS
	1	Vernon Kilpatrick HS
MANCHESTER	1	Manchester EL
MANTECA	1	Calla HS
	1	East Union HS
MARICOPA	1	Maricopa EL
MARIPOSA	1	Mt. Bullion Conservation Camp EL-HS
MARTINEZ	1	Edgar Children's Shelter EL-HS
	1	Girls Center
	1	Juvenile Hall
	1	Juvenile Replacement Center
	1	Martinez EL
	1	Saint Catherine of Siena EL
MARYSVILLE	1	Alicia JHS
	1	Arboga EL
	1	Brophy EL
	1	Cedar Lane EL
	1	Cordua EL
	1	Harry Carden Juvenile Hall EL-HS
	1	Linda EL
	1	Mary Covillaud EL
	1	Marysville HS
	1	W. T. Ellis Continuation HS
MAYWOOD	1	Fishburn Avenue EL
	1	Heliotrope Avenue EL
	1	Loma Vista EL
MECCA	1	Mecca EL
MENDOCINO	1	Mendocino EL
	1	Mendocino JHS-HS
MENDOTA	1	McCabe EL
	1	McCabe Senior Elementary JHS
	1	Washington EL
MENLO PARK	1	Belle Haven EL
	1	Menlo Oaks JHS
	1	O'Connor EL
	1	Willow EL
MERCED	1	Ada Givens EL
	1	Franklin EL
	1	Herbert Hoover JHS
	1	John Fremont EL
	1	John Muir EL
	1	Luther Burbank EL
	1	Margaret Sheehy EL
	1	Plainsburg EL
	1	Preschool
	1	Rudolph Rivera JHS
	1	Tenaya JHS
	1	Weaver EL
MIRA LOMA	1	Troth Street EL
MODESTO	1	Bret Harte EL
	1	Franklin EL
	1	Josephine Chrysler EL
MODESTO (continued)	1	Orville Wright EL
	1	Robertson Road EL
	1	Shakelford EL
	1	Washington EL
	1	Westport EL
MONROVIA	1	Canyon Center EL
	1	Canyon Continuation HS
	1	Monroe EL
MONTEBELLO	1	Cantwell Boys HS
	1	Eastmont JHS
	1	Fremont EL
	1	George Miller Schurr HS
	1	La Merced JHS
	1	Montebello HS
	1	Montebello JHS
	1	Sacred Heart of Mary HS
	1	Saint Benedict EL
	1	Vail Continuation HS
	1	Washington EL
MONTARA	1	Farallone View EL
MONTEREY	1	San Carlos EL
MONTE RIO	1	Monte Rio EL
MONTGOMERY CREEK	1	Montgomery Creek EL
MOORPARK	1	Flory EL
	1	Poindexter EL
MORGAN HILL	1	Boy's Ranch School
	1	Central Continuation HS
	1	Live Oaks HS
	1	Morgan Hill EL
	1	Nordstrom EL
	1	P. A. Walsh EL
	1	William F. James Boy's Ranch School I
	1	William F. James Boy's Ranch II
MOUNTAIN VIEW	1	Powell EL
NAPA	1	Capell EL
	1	Juvenile Hall EL-HS
	1	Lincoln EL
	1	Napa Continuation HS
NATIONAL CITY	1	Central EL
	1	El Toyon EL
	1	Ira Harbison EL
	1	John A. Otis EL
	1	Kimball EL
	1	Las Palmas EL
	1	Lincoln Acres EL
	1	National City JHS
	1	Olivewood EL
	1	Palmer Way EL
NEEDLES	1	Grace Henderson EL
NEVADA CITY	1	Washington Ridge Conservation Camp EL-HS
NEWARK	1	August Schilling EL
	1	F. A. Muller EL
NEWBERRY SPRINGS	1	Newberry EL
NEWMAN	1	Newman-Crows Landing Continuation HS
	1	Orestimba HS
	1	Von Renner EL
	1	Yolo JHS
NILAND	1	Niland EL
NORTH HIGHLANDS	1	Center Joint EL
	1	Cyril Spinelli EL
	1	Oakdale EL
NORTH HOLLYWOOD	1	Camellia Avenue EL
	1	Coldwater Canyon Avenue EL
	1	Fair Avenue EL
	1	Lankershim EL
	1	Oxnard Street EL
	1	Victory Boulevard EL
NORTHRIDGE	1	Napa Street EL
NORWALK	1	Southern Reception Center EL-HS
OAKDALE	1	Cloverland EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
OAKLAND	1	Allendale EL
	1	Bella Vista EL
	1	Brookfield Village EL
	1	Burbank EL
	1	Castlemont HS
	1	Claremont JHS
	1	Clawson EL
	1	Cole EL
	1	Dag Hammarskjold EL
	1	Dewey Continuation HS
	1	Durant EL
	1	Edison EL
	1	Elmhurst JHS
	1	Emerson EL
	1	E. Morris Cox EL
	1	Franklin EL
	1	Fremont HS
	1	Frick JHS
	1	Fruitvale EL
	1	Garfield EL
	1	Golden Gate EL
	1	Grant Continuation HS
	1	Hamilton JHS
	1	Havenscourt JHS
	1	Hawthorne EL
	1	Highland EL
	1	Hoover JHS
	1	Horace Mann EL
	1	Jefferson EL
	1	John Marshall EL
	1	Lafayette EL
	1	Lazear EL
	1	Lockwood EL
	1	Longfellow EL
	1	Lowell JHS
	1	Madison JHS
	1	Manzanita EL
	1	Markham EL
	1	Martin Luther King EL
	1	McClymonds HS
	1	Melrose EL
	1	Oakland Technical HS
	1	Parker EL
	1	Peralta EL
	1	Prescott EL
	1	Ralph J. Bunche EL
	1	Roosevelt JHS
	1	Sacred Heart EL
	1	Saint Anthony EL
	1	Saint Augustine EL
	1	Saint Benedict EL
	1	Saint Bernard EL
	1	Saint Columba EL
	1	Saint Cyril EL
	1	Saint Elizabeth EL
	1	Saint Francis de Sales EL
	1	Saint Joseph EL
	1	Saint Louis Bertrand EL
	1	Saint Mary EL
	1	Saint Patrick EL
	1	Santa Fe EL
	1	Sobrante Park EL
	1	Stonehurst EL
	1	Washington EL
	1	Webster EL
	1	Whittier EL
	1	Willow Manor EL
	1	Woodland EL
	1	Woodrow Wilson JHS
OAK RUN	1	Oak Run EL
OCEANO	1	Oceano EL
OCEANSIDE	1	Ditmar EL
	1	Laurel EL
	1	Mission EL
OILDALE	1	Standard EL
OLIVEHURST	1	Ella EL
	1	Olivehurst EL
	1	Yuba Gardens JHS
ONTARIO	1	Bon View EL
	1	Euclid EL
	1	Mariposa EL
	1	Mission EL
	1	Ontario HS
ORANGE	1	Otto A. Fischer and Sitton EL-HS
ORANGE COVE	1	L. W. McCord EL
	1	Sheridan EL
ORLAND	1	Plaza EL
ORO GRANDE	1	Oro Grande EL
OROSI	1	El Monte EL
	1	Lovell Continuation HS
	1	Orosi HS
	1	Palm EL
OROVILLE	1	Bird Street EL
	1	Burbank EL
	1	Central EL
	1	Concow EL
	1	Eastside EL
	1	Helen M. Wilcox EL
	1	Honcut EL
	1	Las Plumas HS
	1	Nelson Avenue EL
	1	Oakdale Heights EL
	1	Oroville HS
	1	Palermo EL
	1	Poplar Avenue EL
	1	Prospect Continuation HS
	1	Sierra Avenue EL
	1	Spring Valley EL
	1	Table Mountain Juvenile Hall School
OXNARD	1	Art Haycox EL
	1	Brittel EL
	1	Curren EL
	1	Driffill EL
	1	Elm Street EL
	1	El Rio EL
	1	Harrington EL
	1	Haydock EL
	1	John C. Fremont EL
	1	Juanita EL
	1	Kamala EL
	1	Marina West El
	1	Mar Vista EL
	1	McKinna EL
	1	Ocean View Children's Center EL
	1	Our Lady of Guadalupe EL
	1	Ramona EL
	1	Rio Del Valle EL
	1	Rio Real EL
	1	Rose Avenue EL
	1	Santa Clara EL
	1	Santa Clara HS
	1	Sierra Linda EL
	1	Westview EL
PACIFICA	1	Robert Down EL
PACIFIC GROVE	1	Filmore Street EL
PACOIMA	1	Guardian Angel EL
	1	Haddon Avenue EL
	1	Maclay JHS
	1	Mary Immaculate EL
	1	Montague Street EL
	1	Pacoima EL
	1	Pacoima JHS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
PACOIMA (continued)	1	Sharp Avenue EL
	1	Telfair Avenue EL
PALA	1	Mission San Antonio de Pala Indian EL
PALMDALE	1	Hughes-Elizabeth Lakes EL
PALO ALTO	1	Brentwood EL
	1	Costano EL
	1	Garden Oaks JHS
	1	Green Oaks JHS
	1	Kavanaugh EL
	1	Runnymede EL
	1	Saint Albert the Great EL
	1	Ventura EL
PARADISE	1	Ridgeview Continuation HS
PARAMOUNT	1	Los Cerritos EL
	1	Mark Keppel EL
	1	Roosevelt EL
PARLIER	1	Central EL
	1	Mendocino JHS
	1	Parlier HS
	1	Tuolumne EL
PASADENA	1	Allendale EL
	1	Chandler EL
	1	Don Benito EL
	1	Foothill Continuation HS
	1	Hale EL
	1	Hamilton EL
	1	Intermediate Opportunity EL-HS
	1	Jefferson EL
	1	Lincoln EL
	1	Longfellow EL
	1	Madison EL
	1	Pasadena HS
	1	Saint Andrew EL
	1	Saint Andrew HS
	1	Willard EL
	1	Wilson JHS
PASO ROBLES	1	Georgia Brown EL
	1	Saint Rose Grammar EL
PATTERSON	1	Northmead EL
PERRIS	1	Good Hope EL
	1	Mead Valley Term EL
	1	Perris EL
	1	Perris HS
	1	Val Verde EL
PETALUMA	1	Waugh EL
PETROLIA	1	Mattole Union EL
PICO RIVERA	1	Montebello Gardens EL
	1	Saint Hillary EL
	1	Saint Marianne de Paredes EL
PINEDALE	1	Nelson EL
	1	Pinedale EL
PINE GROVE	1	Pine Grove Conservation Camp EL-HS
PITTSBURG	1	Ambrose EL
	1	Bel Air EL
	1	Central JHS
	1	Delta Continuation HS
	1	Marina EL
	1	Martin Luther King EL
	1	Pacifica HS
	1	Pittsburg North Campus HS
	1	Pittsburg South Campus HS
	1	Riverview JHS
	1	Shore Acres EL
PIXLEY	1	Pixley EL
PLACENTIA	1	El Camino Real Continuation HS
	1	William M. McFadden EL
PLACERVILLE	1	Juvenile Hall
PLANADA	1	Planada EL
PLAYA DEL REY	1	Saint Bernard HS
PLEASANTON	1	Fairlands EL
POMONA	1	Alcott EL
	1	Arroyo EL
	1	Fremont JHS
	1	Garey HS
	1	Hamilton EL
	1	John Marshall JHS
	1	Kellog EL
	1	Lexington EL
	1	Lincoln EL
	1	Madison EL
	1	North San Antonio EL
	1	Park Avenue Continuation HS
	1	Roosevelt EL
	1	Sacred Heart EL
	1	Washington EL
POND	1	Pond EL
PORTERVILLE	1	Citrus Continuation HS
	1	John J. Doyle EL
	1	Olive Street EL
	1	Monache HS
	1	Pleasant View EL
	1	Porterville HS
	1	Rockford EL
	1	Woodville EL
PORT HUENEME	1	Hueneme EL
PRINCETON	1	Codora EL
	1	Princeton EL
	1	Princeton JHS-HS
PROJECT CITY	1	Project City EL
RAISIN	1	Raisin City EL
RANCHO CORDOVA	1	Kinney Continuation HS
RAYMOND	1	Raymond-Knowles EL
RED BLUFF	1	Juvenile Hall EL-HS
REDDING	1	Grant EL
	1	Juvenile Hall
	1	Magnolia EL
	1	Pioneer Continuation HS
	1	Rother EL
	1	Shasta Meadows EL
REDLANDS	1	Ettie Lee Homes EL-HS
REDWOOD CITY	1	Fair Oaks EL
	1	Girls Day Facility
	1	Hoover EL
	1	Sequoia HS
	1	Washington EL
REEDLEY	1	Jefferson EL
	1	Kings Canyon Continuation HS
	1	Reedley HS
RESEDA	1	Clay JHS
RIALTO	1	Roscoe E. Watts EL
RICHGROVE	1	Richgrove EL
RICHMOND	1	Alvarado EL
	1	Belding EL
	1	Coronado El
	1	Cortez EL
	1	Ells HS
	1	George Miller, Jr., Memorial Center
	1	GUIDE-Western Girls EL West
	1	King EL
	1	Lincoln EL
	1	Nystrom EL
	1	Peres EL
	1	Richmond HS
	1	Riverside EL
	1	Samuel Gompers Continuation HS
	1	Stege EL
	1	Verde EL
	1	Washington EL
	1	Woods EL
RIO DELL	1	Rio Dell EL
	1	Rio Dell Primary

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
RIO LINDA	1	Rio Linda JHS
	1	Rio Linda HS
	1	Westside EL
RIVERBANK	1	California Avenue EL
	1	Cardozo EL
	1	Rio Altura EL
	1	Riverbank HS
RIVERDALE	1	Riverdale EL
	1	Riverdale HS
	1	Riverdale Primary EL
RIVERSIDE	1	Arlanza EL
	1	F. H. Butterfield Juvenile Hall EL-HS
	1	Glen Avon EL
	1	Ina Arbuckle EL
	1	Jurupa JHS
	1	La Granada EL
	1	Longfellow EL
	1	Mission Bell EL
	1	Mission JHS
	1	Myra Linn EL
	1	Nueva Vista Continuation HS
	1	Pacific Avenue EL
	1	Pedley EL
	1	Rubidoux HS
	1	Rustic Lane EL
	1	Van Buren EL
	1	West Riverside EL
RODEO	1	Hillcrest EL
	1	Willow Continuation HS
ROSEMEAD	1	Dan T. Williams EL
	1	Fern EL
	1	Frances E. Willard EL
	1	Ralph Waldo Emerson EL
ROSEVILLE	1	Adelante Continuation HS
	1	Vernon Street EL
ROUND MOUNTAIN	1	Cedar Creek EL
SACRAMENTO	1	Althea B. Smythe EL
	1	A. M. Winn EL
	1	American Legion Continuation HS
	1	Bell Avenue EL
	1	Ben Ali EL
	1	Bowling Green EL
	1	Bret Harte EL
	1	Caleb Greenwood EL
	1	California JHS
	1	Camellia EL
	1	Charles M. Goethe JHS
	1	Chayton B. Wire EL
	1	Coloma EL
	1	David Lubin EL
	1	David Reese EL
	1	Del Paso Heights EL
	1	Del Paso JHS
	1	Donner EL
	1	Dos Rios EL
	1	D. W. Babcock EL
	1	Earl Warren EL
	1	Edward Kemble EL
	1	Edward Kemble Annex EL
	1	El Centro Juvenile Court JHS-HS
	1	El Dorado EL
	1	Elder Creek EL
	1	Ethel I. Baker EL
	1	Ethel Phillips EL
	1	Esperanza Juvenile Court HS
	1	Fairbanks EL
	1	Florin EL
	1	Fresport EL
	1	Fremont EL
	1	Fruit Ridge EL
	1	Gardenland EL
SACRAMENTO (continued)	1	Garden Valley EL
	1	Grant HS
	1	Hagginwood EL
	1	Harmon Johnson EL
	1	Harold A. Cook EL
	1	Hazel Strauch EL
	1	Holy Angels EL
	1	H. W. Harkness EL
	1	Immaculate Conception EL
	1	Isabelle Jackson EL
	1	Jedediah Smith EL
	1	Joaquin Miller JHS
	1	John Bidwell EL
	1	John D. Sloat EL
	1	John F. Morse EL
	1	John H. Still JHS
	1	Joseph Bonnheim EL
	1	Kit Carson JHS
	1	Las Palmas JHS
	1	Maple EL
	1	Mark Hopkins EL
	1	Mark Twain EL
	1	Marshall EL
	1	McClellan EL
	1	Morey Avenue EL
	1	Newton Booth EL
	1	Nicholas EL
	1	Noralto EL
	1	Norte Del Rio HS
	1	North Avenue EL
	1	Northern Reception Center EL-HS
	1	Northwood EL
	1	Oak Ridge EL
	1	Pacific EL
	1	Peter Burnett EL
	1	Peter Lassen JHS
	1	Phoebe A. Hearst EL
	1	Rio Tierra JHS
	1	Robla EL
	1	Sacramento HS
	1	Sierra EL
	1	Sierra-Enterprise EL
	1	Sutter JHS
	1	Tahoe EL
	1	Taylor Street EL
	1	Theodore Judah EL
	1	Valle Vista JHS
	1	Vista Nueva Continuation HS
	1	Will C. Wood JHS
	1	William Land EL
	1	Woodbine EL
	1	Woodlake EL
SALIDA	1	Salida EL
SALINAS	1	Boronda EL
	1	Graves EL
	1	Lincoln EL
	1	Mount Toro Continuation HS
	1	Roosevelt EL
	1	Sherwood EL
SALTON	1	Sea View EL
SAN BERNARDINO	1	Alessandro EL
	1	Bradley EL
	1	Burbank EL
	1	Burton Thrall EL-HS
	1	California EL
	1	Franklin JHS
	1	Fremont JHS
	1	Herbert S. Bailey Juvenile Hall EL-HS
	1	Lincoln EL
	1	Lytle Creek EL
	1	Monterey EL
	1	Mount Vernon EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
SAN BERNARDINO (continued)	1	Muscott EL
	1	Muscoy EL
	1	Our Lady of Guadalupe EL
	1	Richardson JHS
	1	Riley EL
	1	Rio Vista EL
	1	Roosevelt EL
	1	Saint Anthony EL
	1	Vermont EL
SAN CARLOS	1	San Carlos HS
SAN DIEGO	1	Baker EL
	1	Balboa EL
	1	Bandini EL
	1	Brooklyn EL
	1	Burbank EL
	1	Central EL
	1	Chollas EL
	1	Crockett EL
	1	Emerson EL
	1	Encanto EL
	1	Euclid EL
	1	Gompers JHS
	1	Hamilton EL
	1	Hillcrest EL-HS
	1	Horton EL
	1	Kennedy EL
	1	Knox EL
	1	Lincoln HS
	1	Los Altos EL
	1	Logan EL
	1	Lowell EL
	1	Mead EL
	1	Memorial JHS
	1	Montgomery HS
	1	Nazareth EL
	1	O'Farrell JHS
	1	Our Lady School EL
	1	Rosary HS
	1	Saint Jude Academy EL
	1	Saint Rita EL
	1	Sarah Anthony Juvenile Hall EL-HS
	1	Sherman EL
	1	Southwest JHS
	1	Stockton EL
	1	Valencia Park EL
SAN DIMAS	1	Glenn Rocky HS
SAN FERNANDO	1	Morningside EL
	1	O'Melveny EL
	1	Saint Ferdinand EL
	1	San Fernando Continuation HS
	1	San Fernando EL
	1	San Fernando HS
	1	San Fernando JHS
	1	Santa Rosa de Lima EL
	1	Vaughn Street EL
SAN FRANCISCO	1	Alamo Primary EL
	1	All Hallows EL
	1	Alvarado Primary
	1	Benjamin Franklin JHS
	1	Bessie Carmichael Intermediate
	1	Bret Harte Intermediate
	1	Bryant Primary
	1	Buena Vista Annex Intermediate
	1	Buena Vista Primary
	1	Burnett Intermediate
	1	Cathedral Girls HS
	1	Cathedral Parish JHS
	1	Charles R. Drew EL
	1	Cleveland Primary
	1	Commodore Stockton Primary
	1	Convent of the Good Shepherd HS (aka University Mound)
SAN FRANCISCO (continued)	1	Daniel Webster Intermediate
	1	Douglas Primary
	1	Downtown HS
	1	Dudley Stone Primary
	1	Edgewood EL
	1	Edison Intermediate
	1	Edward R. Taylor Primary
	1	Epiphany EL
	1	Everett JHS
	1	Fairmount Primary
	1	Francis Scott Key Intermediate
	1	Frank McCoppin Primary
	1	George Peabody Primary
	1	Glen Park Primary
	1	Golden Gate Primary
	1	Grattan Intermediate
	1	Hawthorne Primary
	1	Hidden Valley EL-JHS
	1	Holy Name EL
	1	Homewood Terrace EL-HS
	1	Horace Mann JHS
	1	Hunters Point II EL
	1	Immaculate Conception EL
	1	Irving M. Scott Primary
	1	J. Eugene McAteer HS
	1	James Denman JHS
	1	Jean Parker EL
	1	Jedediah Smith EL
	1	John A. O'Connel Vocational and Technical Institute HS
	1	John F. Kennedy Memorial School of Saint John Parish EL
	1	John McLaren Intermediate
	1	John Muir Primary
	1	Junipero Serra EL
	1	Junipero Serra Annex EL
	1	Kate Kennedy Primary
	1	Laguna Honda Intermediate
	1	Le Conte Intermediate
	1	Luther Burbank JHS
	1	Marshall Primary
	1	McKinley Primary
	1	Miraloma Primary
	1	Mission Dolores Boys EL
	1	Mission HS
	1	Monroe Intermediate
	1	Most Holy Redeemer EL
	1	Mount Saint Joseph EL
	1	Notre Dame EL
	1	Notre Dame HS
	1	Opportunity II HS
	1	Opportunity JHS
	1	Our Lady of the Visitacion EL
	1	Pacific Heights Primary
	1	Parkside Primary
	1	Patrick Henry Intermediate
	1	Paul Revere Annex Primary
	1	Pelton JHS
	1	Protola JHS
	1	Potrero Hill JHS
	1	Sacred Heart EL
	1	Sacred Heart HS
	1	Saint Agnes EL
	1	Saint Anne EL
	1	Saint Anthony EL
	1	Saint Charles Borromeo EL
	1	Saint Elizabeth EL
	1	Saint Emydius EL
	1	Saint Gabriel EL
	1	Saint James EL
	1	Saint John Lutheran EL
	1	Saint Joseph EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
SAN FRANCISCO (continued)	1	Saint Michael EL
	1	Saint Paul Intermediate
	1	Saint Paul of the Shipwreck EL
	1	Saint Paul Primary
	1	Saint Peter EL
	1	Saint Theresa EL
	1	Saints Peter and Paul EL
	1	San Francisco Boys Home JHS-HS
	1	San Miguel Primary
	1	Sanchez Primary
	1	School of the Epiphany EL
	1	Second Community EL
	1	Sir Francis Drake Annex EL
	1	Sir Francis Drake Intermediate
	1	Spring Valley Primary
	1	Starr King Intermediate
	1	Sutro Primary
	1	Twin Peaks Primary
	1	Ulloa Primary
	1	University Mound HS
	1	University Mound HS (aka Convent of the Good Shepherd HS)
	1	West Portal Primary
	1	Woodrow Wilson HS
SAN GABRIEL	1	Saint Anthony EL
SANGER	1	Centerville EL
	1	Jefferson EL
	1	Kings River Continuation HS
	1	Lincoln EL
	1	Madison EL
	1	Sanger HS
	1	Washington JHS
	1	Wilson EL
SAN JACINTO	1	Edward Hyatt EL
	1	Monte Vista JHS
	1	Mountain View Continuation HS
	1	San Jacinto EL
	1	San Jacinto HS
SAN JOAQUIN	1	San Joaquin EL
SAN JOSE	1	A. J. Dorsa EL
	1	Anne Darling EL
	1	Ben Painter EL
	1	Clyde Arbuckle EL
	1	Clyde L. Fischer JHS
	1	Donald J. Meyer EL
	1	Evergreen EL
	1	Franklin EL
	1	Fred Marten EL
	1	George V. Ley Va EL
	1	Grandin Miller EL
	1	Grant EL
	1	Harry Slonaker EL
	1	Horace Mann EL
	1	J. Wilbur Fair JHS
	1	Katherine R. Smith EL
	1	Laurelwood EL
	1	Lee Mathson JHS
	1	Lester W. Shields EL
	1	Lowell EL
	1	Luther Burbank EL
	1	Lyndale EL
	1	Mayfair EL
	1	McKinley EL
	1	Mildred Goss EL
	1	Millard McCollum EL
	1	Mount Pleasant EL
	1	Muriel Wright School for Girls
	1	O. B. Whaley EL
	1	O. S. Hubbard EL
	1	Osborne Juvenile Center
	1	Pala JHS
	1	Quimby Oak JHS
SAN JOSE (continued)	1	Richard E. Conniff EL
	1	Robert Sanders EL
	1	San Antonio EL
	1	San Jose HS
	1	Santee EL
	1	Selma Olinder EL
	1	Sylvia Cassell EL
	1	Thomas A. Ryan EL
	1	Walter L. Bachrodt EL
	1	Washington EL
	1	William C. Overfelt HS
	1	Yerba Buena HS
SAN LEANDRO	1	Chabot Ranch EL-HS
	1	Juvenile Hall EL-HS
	1	Juvenile Hall--Girls EL-HS
	1	Las Vistas School for Girls EL-HS
	1	Los Cerros Senior Boys HS
	1	Snediger Cottage EL-HS
SAN LUCAS	1	San Lucas EL
SAN LUIS OBISPO	1	Emerson EL
	1	Hawthorne EL
	1	Sunnyacres Juvenile Hall
SAN MARTIN	1	Raymond Gwinn EL
	1	San Martin EL
SAN MATEO	1	Lawrence Pre K & K
SAN PABLO	1	Dover EL
	1	Downer EL
	1	El Portal EL
	1	Helms JHS
	1	Lake EL
SAN PEDRO	1	Bandini Street EL
	1	Barton Hill EL
	1	Cabrillo Avenue EL
	1	Cooper JHS-HS
	1	Fifteenth Street EL
	1	Holy Trinity EL
	1	Park Western Place EL
SAN QUENTIN	1	Bayview EL-HS
SAN RAFAEL	1	Loma Alta Juvenile Hall EL-HS
SANTA ANA	1	Adams EL
	1	Diamond EL
	1	Edison EL
	1	Franklin EL
	1	Fremont EL
	1	Lincoln EL
	1	Lowell EL
	1	Martin EL
	1	McKinley EL
	1	McMillan JHS-HS
	1	Monroe EL
	1	Monte Vista EL
	1	Mountain View Continuation HS
	1	Roosevelt EL
	1	Rio Contiguo HS
	1	Saint Joseph EL
	1	School of Our Lady EL
	1	Dolores EL
SANTA BARBARA	1	La Posada Juvenile Hall EL
	1	La Posada Juvenile Hall HS
	1	Los Robles HS
	1	McKinley EL
	1	Our Lady of Guadalupe EL
	1	The Notre Dame School EL
	1	Wilson EL
SANTA CLARA	1	Agnew EL
	1	Brown EL
	1	Valley Continuation HS
SANTA CRUZ	1	Ben Lomond Conservation Camp EL-HS
	1	Juvenile Hall JHS-HS
	1	Laurel EL
SANTA FE SPRINGS	1	Rancho Santa Gertrudes EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
SANTA MARIA	1	Cook EL
	1	Delta Continuation HS
	1	Fairlawn EL
	1	Oakley EL
SANTA MONICA	1	Edison EL
	1	John Muir EL
	1	Madison EL
	1	Saint Anne EL
SANTA PAULA	1	Barbara Webster EL
	1	Grace S. Thille EL
	1	Isbell EL
	1	McKevett EL
	1	Renaissance Continuation HS
SANTA ROSA	1	Bellvue EL
	1	Brook Hill EL
	1	Burbank EL
	1	Doyle Park EL
	1	Fremont EL
	1	Juvenile Hall
	1	Lincoln EL
	1	Los Guilucos EL-HS
	1	Wright EL
SANTEE	1	Sierra Vista HS
SAN YSIDRO	1	Beyer EL
	1	La Mirada EL
	1	San Ysidro Academy EL (aka Our Lady of Mount Carmel)
	1	Smythe EL
	1	Sunset EL
	1	Willow EL
SAUGUS	1	Kenyon Scudder HS
	1	Joseph Scott HS
SAUSALITO	1	Bayside EL
	1	Martin Luther King EL
SCOTIA	1	Bluff Prairie EL
SEASIDE	1	Cypress HS
	1	Eldon J. Covell EL
	1	Fremont JHS
	1	Highland EL
	1	Juan Cabrillo EL
	1	Manzanita EL
	1	Marina Del Mar EL
	1	Martin Luther King JHS
	1	Noche Buena EL
SELMA	1	Eric White EL
	1	George Washington EL
	1	Heartland Continuation HS
	1	Indianola EL
	1	James Garfield EL
	1	Roosevelt EL
	1	Selma HS
	1	Thomas Jefferson EL
SEPULVEDA	1	Langdon Avenue EL
	1	Noble Avenue EL
	1	Plummer EL
SEVILLE	1	Stone Corral EL
SHAFTER	1	Richland EL
	1	Richland JHS
	1	Richland Primary EL
SIERRA MADRE	1	Sierra Madre EL
SLOUGHHOUSE	1	Carson Creek HS (Boys Ranch)
	1	Consumnes EL
SNELLING	1	Snelling Merced Falls EL
SOLEDAD	1	Mission EL
	1	San Vicente EL
SONORA	1	Belleview EL
SOUTH DOS PALOS	1	George Christian EL
SOUTH EL MONTE	1	Epiphany EL
	1	Loma EL
SOUTH GATE	1	Liberty Boulevard EL
	1	Saint Helen EL
SOUTH GATE (continued)	1	Stanford Avenue EL
	1	Victoria Avenue EL
STEVINSON	1	Merquin EL
STEWARTS POINT	1	Reservation EL
STOCKTON	1	August EL
	1	Burbank EL
	1	Continuation HS
	1	Conway Children's Center EL
	1	Coretta King EL
	1	Delta Island EL
	1	Edison HS
	1	Elkhorn EL
	1	Fillmore EL
	1	Garfield EL
	1	Gateway HS
	1	Grant EL
	1	Hamilton JHS
	1	Hazelton EL
	1	Holt EL
	1	Jackson EL
	1	Jefferson EL
	1	Karl Holton EL-HS
	1	King EL
	1	Marshall JHS
	1	Martin Luther King EL
	1	McKinley EL
	1	Monroe EL
	1	Montezuma EL
	1	Nightingale EL
	1	O. H. Close EL-HS
	1	Roosevelt EL
	1	Saint George EL
	1	Saint Gertrude EL
	1	San Joaquin Middle
	1	Sierra Vista Preschool EL
	1	Taft EL
	1	Taylor EL
	1	Van Buren EL
	1	Washington EL
STONYFORD	1	Fouts Springs Boys Ranch JHS-HS
STRATFORD	1	Stratford EL
STRATHMORE	1	Strathmore EL
	1	Strathmore HS
	1	Sunnyside EL
SUISUN	1	Crescent EL
SULTANA	1	Monson-Sultana EL
SUMMIT CITY	1	Toyon EL
SUNNYMEAD	1	March Mountain HS
	1	Sunnymead EL
SUN VALLEY	1	Glenwood EL
	1	Roscoe EL
	1	Vinedale EL
SYLMAR	1	Dyer Street EL
	1	El Dorado Avenue EL
	1	Osceola Street EL
	1	Sylmar EL
TAFT	1	Conley EL
TERRA BELLA	1	Terra Bella EL
THERMAL	1	John Kelly EL
	1	La Familia Continuation HS
	1	Oasis EL
	1	Westside EL
THORNTON	1	New Hope EL
TIPTON	1	Tipton EL
TOLLHOUSE	1	Sierra HS
TORRANCE	1	Bishop Montgomery HS
	1	Bonita Street EL
	1	Van Deene Avenue EL
TRABUCO CANYON	1	Joplin HS
	1	Potrero JHS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

CALIFORNIA

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
TRACY	1	El Portal EL
	1	Jefferson EL
	1	Lammersville EL
	1	New Jerusalem EL
	1	South EL
	1	West Park EL
TRANQUILITY	1	Tranquility EL
	1	Tranquility HS
TRAVER	1	Traver EL
TREASURE ISLAND	1	Treasure Island Annex Intermediate
	1	Treasure Island Primary
TRINIDAD	1	Trinidad EL
TULARE	1	Alice G. Mulcahy JHS
	1	Lincoln EL
	1	Maple EL
	1	Palo Verde EL
	1	Roosevelt EL
	1	Tulare HS
	1	Tulare Western HS
	1	Valley Continuation HS
	1	Wilson EL
TULELAKE	1	Newell EL
TUOLUMNE	1	Summerville EL
UKIAH	1	South Valley Continuation HS
	1	Ukiah Juvenile Hall EL-HS
UNION CITY	1	Barnard/White Middle
	1	Our Lady of the Rosary EL
VALLEJO	1	Beverly Hills EL
	1	Curry EL
	1	Farragut EL
	1	Grant EL
	1	Lincoln EL
VAN NUYS	1	Sylvan Park EL
	1	Van Nuys EL
VENICE	1	Anchorage Street EL
	1	Broadway EL
	1	Coeur D'Alene Avenue EL
	1	Saint Clement EL
	1	Saint Mark EL
	1	Westminster Avenue EL
VENTURA	1	Avenue EL
	1	Mill EL
	1	Sheridan Way EL
VERNON	1	Vernon City EL
VISALIA	1	Complex JHS
	1	Crowley EL
	1	Green Acres JHS
	1	Highland EL
	1	Houston EL
	1	Juvenile Hall
	1	Liberty EL
	1	Mineral King EL
	1	Redwood HS
	1	Robert K. Meyers HS (boys camp)
	1	Union EL
WARNER SPRINGS	1	Warner EL
WASCO	1	Karl F. Clemens EL
	1	Semitropic EL
	1	Thomas Jefferson JHS
WATERFORD	1	Waterford EL
WATSONVILLE	1	Moss Landing EL
	1	Pajaro EL
WEITCHPEC	1	Weitchpec EL
WEST COVINA	1	Giano JHS
	1	Monte Vista EL
	1	Tonopah EL
WESTLEY	1	Grayson EL
WESTMINSTER	1	Hendenhall Continuation HS
	1	Webber EL
WESTMORLAND	1	Westmorland EL
WEST POINT	1	West Point EL
WEST SACRAMENTO	1	Evergreen EL
	1	Westfield Village EL
WHITEHORN	1	Whitehorn EL
WHITTIER	1	Ada S. Nelson EL
	1	Aeolian EL
	1	Evergreen EL
	1	Fred C. Nelles EL-HS
	1	Sunnyside EL
	1	Wallace S. Wiggins EL
WILDOMAR	1	Wildomar EL
WILMINGTON	1	Broad Avenue EL
	1	Catskill Avenue EL
	1	Fries Avenue EL
	1	Gulf Avenue EL
	1	Hawaiian Avenue EL
	1	Holy Family EL
	1	Saints Peter and Paul EL
	1	Wilmington JHS
	1	Wilmington Park EL
WINCHESTER	1	Winchester EL
WINDSOR	1	Starr EL
	1	Windsor EL
WINTERHAVEN	1	San Pasqual Valley EL
	1	San Pasqual Valley HS
	1	San Pasqual Valley Continuation HS
WINTERS	1	Waggoner EL
	1	Winters EL
	1	Wolfskill EL
WINTON	1	Frank Sparks EL
	1	Winton EL
WOODLAKE	1	Woodlake EL
WOODLAND	1	Beamer EL
	1	Juvenile Hall-Dan Jacobs
	1	Laugenour EL
WOODSIDE	1	Woodside HS
YERMO	1	Yermo EL
YETTEM	1	Yettem EL
YUCAIPA	1	Oak Glen Conservation Camp EL-HS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

TENNESSEE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
Adams	3	Bell Middle
Adamsville	1	Adamsville EL
Afton	3	Chuckey Doak HS
	1	Newmansville EL
Alamo	1	Crockett Co. EL
	1	Alamo EL
	1	Alamo HS
Alcoa	3	Alcoa EL
Alexandria	1	Alexandria EL
Allardt	1	Allardt EL
	1	Armathwaite EL
Allons	1	Maple Grove EL
	1	Allons EL
Alpine	1	Alpine EL
Altamont	1	Altamont EL
Arlington	1	Arlington EL
	1	Barrets EL
Atwood	1	Atwood EL
	1	Atwood HS
Auburntown	3	Auburn EL
Baileyton Station	1	Baileyton EL
Baxter	3	Baxter EL
Bean Station	1	Bean Station EL
Beech Bluff	3	Beech Bluff EL
	3	Beech Bluff HS
Belfast	1	Belfast EL
Bells	1	Crockett Co. EL
	1	Holly Grove EL
Belvidere	3	Belvidere EL
Bemis	3	J. B. Young EL
Benton	1	Benton EL
	1	Polk Co. HS
Bethel Springs	1	Bethel Springs EL
Big Rock	3	North Stewart EL
Bloomington Springs	1	Bloomington EL
Bogota	1	Bogota EL
Bolivar	1	Bolivar EL
	1	Bolivar JHS
	1	Central HS
Bolton	1	Bolton HS
Boonshill	1	Boonshill EL
Braden	1	Braden EL
Bradford	3	Bradford EL
	3	Bradford HS
Bradyville	1	Woodland EL
Brighton	1	Brighton EL, K-4
	1	Brighton EL, 5-6
	1	Brighton HS
Brownsville	1	Anderson Grammar Middle
	1	Bailey EL
	1	Bradford EL
	1	East Side EL
	1	Haywood EL
	1	Haywood JHS
	1	Haywood HS
	1	Sunny Hill Middle
Bulls Gap	3	Bulls Gap EL
	3	Bulls Gap HS
	1	St. Clair EL
Burlison	1	Gilt Edge EL
Burrville	3	Burrville EL
Butler	1	Little Milligan EL
	3	Dry Run EL
Byrdstown	1	Pickett Co. HS
	1	Pickett Co. EL
Carthage	1	Turner EL
Caryville	1	Caryville EL
	1	Caryville JHS
	1	Ridgewood EL
	1	Stony Fork EL
	1	Stony Fork HS
Cedar Grove	1	West View EL
Cedar Hill	3	Cedar Hill Middle
	3	Jo Byrns HS
Celina	1	Celina EL
	1	Celina HS
Centerville	3	Centerville EL
	3	Coble EL
	3	Hickman Co. JHS
	3	Hickman Co. HS
Charleston	1	Charleston EL
	1	Charleston HS
Chattanooga	3	Alton Park JHS
	1	Avondale EL
	1	Calvin Donaldson EL
	1	Charles A. Bell EL
	1	Clara Carpenter EL
	1	E. Fifth Street Middle
	3	East Chattanooga EL
	1	East Side JHS
	1	F. H. Trotter EL
	1	G. Russell Brown EL
	1	Hemlock EL
	3	Highland Park EL
	1	Howard EL
	1	Howard HS
	1	James A. Henry EL
	1	Joseph E. Smith EL
	1	Lookout JHS
	1	Mary Ann Garber EL
	1	Oak Grove EL
	1	Orchard Knob EL
	3	Orchard Knob JHS
	1	Piney Woods EL
	1	Ridgedale EL
	3	St. Elmo EL
Chesterfield	3	Pin Oak EL
Chuckey	1	Chuckey EL
	1	South Central EL
Church Hill	1	McPheeters Bend EL
Clairfield	1	Clairfield EL
Clarkrange	1	Clarkrange EL
	1	Clarkrange HS
Clarksburg	3	Clarksburg EL-Middle-HS
Clarksville	3	Cobb EL
	3	Moore EL
Cleveland	1	Big Springs EL
	1	East Cleveland EL
	1	Browder EL
	1	Blythe Avenue EL
Clifton	1	Frank Hughes EL
	1	Frank Hughes HS
Clinton	1	North Clinton EL
Coalfield	3	Coalfield EL
	3	Coalfield HS
Colemont	1	Colemont EL
College Grove	3	College Grove EL
	3	College Grove HS
Collierville	1	Collierville EL
	1	Collierville HS
	1	Collierville Middle
Collinwood	3	Collinwood EL
	1	Collinwood HS
Columbia	1	College Hill EL
Conasauga	1	Conasauga EL
Cookeville	1	Dodson Branch EL
	3	Hardys Chapel EL
	3	Park View EL
	3	Sycamore EL
Copperhill	1	Copperhill EL
	1	Copper Basin HS
Cordova	1	Mt. Pisgah EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

TENNESSEE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
Cornersville	3	Cornersville EL
	3	Cornersville HS
Cosby	1	Cosby EL
	1	Smokey Mountain EL
	3	Jones Cove EL
Council	1	Southside EL
	1	Southside HS
Covington	1	Covington HS
	1	Garland EL
	1	Holmes EL
	1	Tabernacle EL
	1	Covington Grammar Middle
	1	Frazier EL
Cowan	3	Cowan EL
	3	South JHS
Crab Orchard	1	Crab Orchard EL
Crawford	1	Wilson EL
Crockett Mills	1	Hamlett Roberson EL
	1	Hamlett Roberson HS
Crossville	1	Bakers EL
	1	Big Lick EL
	1	Crossville EL
	1	Lantana EL
	1	Midway EL
	1	Pomona EL
	3	Rinnie EL
	1	Woody EL
Crump	1	Crump EL
Culleoka	3	Culleoka EL
	3	Culleoka HS
Cumberland City	1	W. T. Thomas EL
	1	W. T. Thomas HS
Cumberland Gap	1	Cumberland Gap EL
Dandridge	1	Chestnut Hill EL
	1	Piedmont EL
	1	Swannsylvania EL
Decaturville	1	Decaturville EL
Deckerd	3	Alto EL
	3	Deckerd EL
	3	Oak Grove EL
Deer Lodge	3	Chestnut Ridge EL
	3	Deer Lodge EL
Delano	1	Delano EL
Del Rio	1	Del Rio EL
Denmark	3	Denmark EL
Devonia	1	Rosedale EL
Dover	1	Dover EL
	3	Stewart Co. HS
Dowelltown	1	Dowelltown EL
Doyle	1	Doyle EL
Dresden	3	Dresden EL
Drummonds	1	Drummonds EL
Duck River	3	Shady Grove EL
Ducktown	1	Ducktown EL
Duff	1	Duff El
	1	White Oak EL
	1	Wynn Habersham EL
	1	Wynn Habersham HS
Dunlap	1	Griffith EL
Dyersburg	1	Dyer Co. Central EL
	1	Fifth Consolidated EL
	1	Roellan EL
	1	Dyersburg JHS
—	1	Jennie Bell EL
Eidson	1	Kyles Ford EL
	1	Clinch EL
	1	Clinch HS
Elizabethton	3	Gap Creek EL
	3	Happy Valley Middle
	3	Hunter EL
	3	Keenburg EL
Elizabethton (continued)	3	Midway EL
	3	Siam EL
	3	Southside EL
	3	Unaka EL
	3	Valley Forge EL
Elkton	1	Elkton EL
	1	Elkton HS
Elk Valley	1	Elk Valley EL
	1	Elk Valley JHS
Ellendale	3	Ellendale EL
Elora	1	Elora EL
Erin	3	Erin EL
	3	Erin HS
Erwin	3	Lone Chapel EL
	3	Martin Chapel EL
	3	Rock Creek EL
	3	Temple Hill EL
Estell Springs	3	Estell Springs EL
Eva	1	Benton County Kindergarten
Fayetteville	3	Central HS
	1	Eight District EL-Middle-HS
	1	Howell EL
	3	Lincoln EL
	1	Charlie Bagley EL
	1	Fayetteville JHS
	1	Robert E. Lee EL
Finley	1	Finley EL
Flag Pond	1	Flag Pond EL
Flintville	1	Flintville EL
Fowlkes	1	Holice Powell EL
Franklin	1	Johnson EL
	3	Franklin Middle
Friendship	1	Friendship EL
	1	Friendship HS
Gadsen	1	Gadsen EL
	1	Gadsen HS
Gainsboro	1	Flynns Lick EL
	1	Fox EL
	1	Gainsboro EL
Gassaway	1	Gassaway EL
Georgetown	1	Eastview EL
Gibson	1	Gibson EL
	1	Gibson HS
	1	Gibson Annex EL
Grand Junction	1	Grand Junction EL
Granville	1	Granville EL
Graysville	3	Graysville EL
Greenback	1	Glendale EL
	3	Greenback EL
Greeneville	1	Camp Creek EL
	1	Cedar Creek EL
	3	DeBusk EL
	1	Glenwood EL
	1	Greystone EL
	1	North Greene HS
	1	Ottway EL
	3	South Greene HS
	3	St. James EL
	3	Sunnyside EL
	1	West Pines HS
	3	Andrew Johnson EL
	3	Crescent EL
	1	Highland EL
Greenfield	3	Greenfield EL
Grimsley	1	Grimsley EL
Guild	3	Guild EL
Halls	1	Halls EL
	1	Halls HS
	1	Nankipoo EL
Hampton	3	Hampton EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

FEDERAL REGISTER, VOL. 40, NO. 133—THURSDAY, JULY 10, 1975

V40-133 JUL 10 75 XUM

TENNESSEE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
Harriman	1	Harriman Central EL
	1	Morgrane EL
Harrogate	1	Ellen Myers EL
	1	Forge Ridge EL
	1	Little Creek EL
Hartford	1	Grassy Fork EL
	1	Hartford EL
Hartsville	3	Trousdale Co. EL
Henderson	1	Chester Co. HS
	1	Chester Co. JHS
	1	E. Chester Co. EL
	1	W. Chester Co. EL
Henning	1	Henning EL
Hilham	1	Hilham EL
Hillsboro	3	Hillsboro EL
Hohenwald	1	Hohenwald East EL
	1	Hohenwald West EL
Holladay	3	Holladay EL-Middle-HS
Hornbeak	1	Hornbeak EL
Hornsby	1	Hornsby EL
Humboldt	1	Humboldt EL
	1	Humboldt JHS
	1	Humboldt HS
	1	Stigall EL
Huntingdon	1	Cannon EL (NG)
Huntland	3	Huntland EL
	3	Huntland HS
Huntsville	1	Capitol Hill EL
	1	Huntsville EL
	1	Huntsville Middle
	1	Scott HS
Huron	1	Westover EL
Jacksboro	1	Pine Crest EL
Jacks Creek	1	Jacks Creek EL
Jackson	3	East EL
	3	Northside JHS
	3	Nova EL
	3	Pope EL
	3	South Side HS
	3	South Side JHS
	3	Westover EL
	1	Alexander EL
	1	Jackson JHS
	1	Lincoln EL
	1	Parkview EL
	1	Washington Douglass EL
	3	West Jackson EL
	1	Whitehall EL
Jamestown	1	Banner Roslin EL
	1	Pine Haven EL
	1	Sharp EL
	1	Tinch EL
	1	West Fentress EL
	1	York EL
Jellico	1	Jellico EL
	1	Jellico HS
Johnson City	3	Central EL
	3	Happy Valley EL
	3	Cherokee EL
	3	King Springs EL
	3	Keystone EL
Kelso	1	Kelso EL
Kenton	1	Kenton EL
Kingsport	1	Arcadia EL
	1	Long Island EL
	1	Washington EL
Knoxville	3	John Sevier EL
	3	Ramsey EL
	1	Vestal EL
	1	Austin East HS
	1	Beardsley JHS
Knoxville (continued)	1	Beaumont EL
	3	Brownlow EL
	1	Cansler Kindergarten
	1	Eastport EL
	1	Fair Garden EL
	1	Flenniken EL
	3	Fulton HS
	1	Green EL
	1	Onskip EL
	1	Lonsdale EL
	1	Maynard EL
	1	McCallie EL
	1	Park JHS
	1	Park Lowry EL
	3	Perkins EL
	1	Rule HS
	1	Sam Hill EL
	1	Sarah Moore Greene EL
	3	Tyson JHS
	1	Van Gilder Middle
	1	Vine JHS
	3	Young HS
Laager	1	Swiss Memorial EL
La Follette	1	College Hill EL
	1	Coolidge EL
	1	Demory EL
	1	Grantsboro EL
	3	La Follette JHS
	3	La Follette East Middle
	3	La Follette West EL
	1	Pleasant Ridge EL
	1	Stinking Creek EL
	1	Valley View EL
La Grange	1	La Grange Consolidated EL
Lancing	3	Lancing EL
Lavinia	1	Lavinia EL
Lebanon	1	Carroll EL
	3	Laguardo EL
	1	Tuckers Cross Roads EL
Lenoir City	1	Browder EL
	1	West Hill EL
Leoma	3	Revilo EL
Lewisburg	1	Hardison EL
	1	Jones EL
	3	Marshall Co. HS
	3	McCord EL
Lexington	1	Bargerton EL
	3	Lexington HS
	3	South Haven EL
Liberty	1	Liberty EL
Limestone	1	Westview EL
Linden	1	Cedar Creek EL
	1	Linden EL
	1	Perry Co. HS
	1	Pineview EL
	1	Pope EL
Livingston	1	Independence EL
	1	Livingston EL
	1	Pleasant Valley EL
Lobelville	3	Lobelville EL
Lone Mountain	1	Lone Mountain EL
Loudon	3	Davis EL
	3	Loudon Grammar EL
	1	Stukee EL
Louisville	3	Louisville EL
Luttrell	1	Bull Run EL
	1	Luttrell EL
Lutts	1	Pinhook EL
Lyles	3	East EL
Lynchburg	1	Lynchburg EL
	1	Moore Co. HS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

TENNESSEE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
Lynnville	1	Jones EL
	1	Jones HS
Macon	1	Southwest EL
Madisonville	1	Madisonville JHS
	1	Madisonville Grammar EL
	3	Madisonville HS
Malesus	3	Malesus EL
Manchester	3	East Coffee EL
	3	North Coffee EL
Maryville	1	Bungalow EL
	3	Hubbard EL
Mason	1	Bernard EL
	1	Mason EL-Middle
	1	Mason Primary EL
Maury City	1	Maury City EL-Middle-HS
Maynardville	1	Big Ridge EL
	1	Horace Maynard HS
	1	Maynardville EL
McDonald	1	McDonald EL
McLemoresville	1	McLemoresville EL
McMinnville	3	Biles EL
Medina	1	Medina EL
	1	Medina HS
Memphis	1	Capleville EL
	3	Woodstock EL
	1	A.B. Hill EL
	3	Bellevue JHS
	1	Bruce EL
	1	Caldwell EL
	1	Carnes EL
	1	Chicago Park EL
	3	Chickasaw JHS
	3	Corning EL
	1	Coro Lake EL
	1	Cummings EL
	1	Douglass EL
	1	Dunbar EL
	3	Dunn Avenue EL
	1	Florida Street EL
	3	Fox Meadows EL
	1	Georgia Avenue EL
	1	Grant EL
	1	Hanley EL
	1	Hollywood EL
	1	Humes JHS
	1	Kansas Street EL
	1	Klondike EL
	1	Larose EL
	1	Lauderdale EL
	1	Leath EL
	1	Lester JHS
	3	Levi EL
	1	Lincoln EL
	1	Lincoln JHS
	1	Locke EL
	3	Mallory Heights EL
	3	Manassas HS
	1	Orleans EL
	1	Porter JHS
	1	Riverview EL
	3	Riverview JHS
	3	Shannon EL
	1	Stafford EL
	1	Vance JHS
	1	Walker EL
	3	West Side EL
	1	Whites Chapel EL
Michie	1	Michie EL
Middleton	1	Middleton EL
	1	Middleton HS
Millington	1	E. A. Harrold EL
Minor Hill	1	Minor Hill EL
	1	Minor Hill JHS
Mohawk	3	McDonald EL
Monroe	1	Monroe EL
Monteagle	1	Monteagle EL
Monterey	1	Mayland EL
	1	Uffelman EL
Mooresburg	1	Mooresburg EL
Morris Chapel	1	Morris Chapel EL
Morristown	3	Southern Heights EL
	3	Hillcrest EL
	1	Roberts EL
	1	Sherwood EL
	1	West EL
Moscow	1	Moscow EL
	1	Springhill EL
Mosheim	1	West Greene EL
Moss	1	Moss EL
	1	Union Hill EL
Mountain City	3	Doe EL
	3	Neva EL
	3	Shouns EL
Mt. Pleasant	3	Mt. Pleasant Intermediate EL
	3	Mt. Pleasant Primary EL
	1	Mt. Pleasant HS
Mulberry	1	Mulberry EL
Munford	1	Munford EL
	1	Munford-Ellis Middle
	1	Munford HS
Murfreesboro	1	McFadden EL
Nashville	3	Bailey JHS
	3	Caldwell EL
	3	Cockrill EL
	3	Eakin EL
	3	Fall-Hamilton EL
	3	Glenview EL
	3	Richland EL
	3	Warner EL
Newburn	1	Newburn Grammar EL
Newcomb	1	Newcomb EL
New Market	1	New Market EL
Newport	1	Bridgeport EL
	1	Centerview EL
	1	Edgemont EL
	1	Northport EL
	1	West End EL
New Tazewell	1	Lakeview EL
	1	Midway EL
Norma	1	Norma EL
Normandy	3	Normandy EL
Nunnelly	3	Nunnelly EL
Oakdale	3	Oakdale EL
	3	Oakdale HS
Oakland	1	Oakland EL
	1	Oakland Consolidated EL
Obion	1	Cloverdale EL
	1	Obion EL
Ocoee	1	Ocoee EL
Old Fort	1	Old Fort Middle
Oneida	1	Burchfield EL
Pall Mall	1	Pall Mall EL
Palmer	1	Palmer EL
Parrottsville	1	Parrottsville EL
	1	Parrottsville HS
Parsons	1	Parsons EL
	1	Parsons JHS
	1	Riverside HS
Petersburg	1	Petersburg EL
Petros	3	Petros EL
Philadelphia	1	Philadelphia EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

V40-133 JUL 10 75 XUM

TENNESSEE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
Pikeville	1	Bledsoe Co. HS
	1	Cecil R. Rigsby EL
	1	Dill EL
	1	Mary V. Wheeler EL
	1	Pikeville EL
Pilham	1	Pilham EL
Pinson	3	Pinson EL
Pioneer	1	Straight Fork EL
Pleasant Hill	1	Pleasant Hill EL
Pleasantville	3	Pleasantville EL
Prospect	1	Prospect EL
	1	Prospect HS
Pulaski	1	Beech Hill EL
	1	Beech Hill HS
	1	Bodenham EL
	1	Bodenham HS
	1	Campbellsville EL
	1	Campbellsville HS
	1	Pulaski EL
	1	Pulaski JHS
	1	West Hill EL
Ramer	1	Ramer EL
Readyville	1	West Side EL
Reagan	1	Reagan EL
Red Boiling Springs	1	Hermitage Springs EL
	1	Hermitage Springs HS
	1	Red Boiling Springs EL
Reliance	1	Reliance EL
	1	Greasy Creek EL
Ridgely	1	Lara Kendall EL
Ridgetop	1	Watauga EL
Ripley	1	Arp EL
	1	Central EL
	1	Curve EL
	1	Ripley Middle Grade EL
	1	Ripley HS
	1	Ripley JHS
	1	Ripley Primary EL
Rives	3	Rives EL
Robbins	1	Robbins EL
Rockwood	3	Pineview EL
Rogersville	1	Dodson Creek EL
	1	Keplar EL
	1	Rock Hill EL
	3	Hawkins EL
	1	Lake View EL
Roon Mountain	3	Cloudland EL
	1	Cloudland HS
Rutherford	1	Rutherford EL
	1	Rutherford HS
Rutledge	1	Joppa EL
	1	Rutledge EL
	1	Rutledge HS
Saltillo	1	Saltillo EL
Santa Fe	3	Santa Fe EL
	3	Santa Fe HS
Sardis	3	Sardis EL
	3	Sardis HS
Savannah	1	Cerro Gordo EL
	1	Hardin Co. HS
	1	Nixon EL
	1	North Savannah EL
	1	South EL
	1	Walker EL
	1	Walnut Grove EL
	1	White EL
Scotts Hill	1	Scotts Hill EL, Decatur Co.
	1	Scotts Hill HS, Decatur Co.
	1	Scotts Hill EL, Henderson Co.
	1	Scotts Hill HS, Henderson Co.
Selmer	1	Selmer EL
	1	Selmer JHS
Selmer Point	1	Boma EL
Sequatchie	1	Sequatchie EL
	1	Sequatchie HS
Sevierville	1	Benson EL
	3	Boyds Creek EL
	1	Pittman Center EL
	3	Wearwood EL
	1	Whites EL
Sewanee	3	Sewanee EL
Sharps Chapel	1	Sharps Chapel EL
Shawanee	1	Shawanee EL
Shelbyville	3	East Side EL
	3	Flat Creek EL
	3	Madison St. EL
	3	Pleasant Grove EL
	3	Wheel EL
Sherwood	3	Sherwood EL
Signal Mountain	1	Lone Oak EL
Smithville	1	DeKalb Co. HS
	1	Smithville Middle
	1	Smithville EL
Sneedville	1	Flat Gap EL
	1	Hancock Central EL
	1	Hancock HS
	1	Lawson EL
	1	Mulberry Gap EL
	1	Ramseys EL
	1	Seal Mathis EL
	1	Vardy EL
Somerville	1	Central EL
	1	East Side EL
	1	Fayette Ware North HS
	1	Fayette Ware South HS
	1	Jefferson EL
	1	Somerville EL
South Fulton	1	South Fulton EL
Sparta	1	Don De Croft EL
	1	Cassville EL
	1	East Sparta EL
	1	Findlay EL
	1	White Co. JHS
Speedwell	1	Bolinger EL
	1	Powell Valley EL
	1	Powell Valley HS
	1	Claiborne Co. HS
	1	Bradens EL
Spencer	3	Mountain View EL
	3	Pineland EL
	3	Spencer EL
	3	Van Buren Co. HS
Springfield	1	Bransford EL
	1	Cheatham Park EL
	1	Krisle EL
	3	Westside EL
Springhill	1	Springhill EL
	1	Springhill HS
Stanton	1	Douglas EL
	1	South Hatchie EL
Sunbright	3	Sunbright EL
	3	Sunbright HS
Sweetwater	3	Sweetwater HS
Taft	3	Blanche HS
	3	Taft EL
Talbott	3	Talbott EL

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

TENNESSEE

List of Schools Determined to have High Concentrations of Students from Low-Income Families

For National Direct Student Loan Cancellation Benefits for the 1972-73, 1973-74, and 1974-75 School Years

For National Defense Student Loan Cancellation Benefits for the 1974-75 School Year only (the 1972-73 and 1973-74 List for National Defense Student Loan cancellation benefits was published in Part III of the Federal Register dated August 28, 1973)

Location	Code *	School Name
Tazewell	1	Cedar Fork EL
	1	Highland View EL
	1	Howards Quarter EL
	1	Mason Bethel EL
	1	S. M. S. EL
	1	Sycamore Hall EL
	1	Alanthus EL
Tellico Plains	1	Ball Play EL
	1	Coker Creek EL
	1	Rural Vale EL
	1	Tellico Plains EL
	3	Tellico Plains HS
	1	Tellico Plains JHS
Tennessee Ridge	3	Tennessee Ridge EL
Thompson Station	1	Burwood EL
	1	Thompson Station EL
Tiptonville	1	Lake Co. HS
	1	Margaret Newton EL
Toone	1	Toone EL
Townsend	3	Townsend EL
	3	Townsend HS
Tracy City	1	Grundy Co. HS
	1	Plainview EL
	1	Shook EL
Trade	3	Trade EL
Trenton	3	Peabody HS
	1	Spring Hill EL
	1	Spring Hill HS
	1	Trenton East EL
	1	Trenton West EL
Trezevant	1	Trezevant EL
	1	Trezevant HS
Trimble	1	Trimble EL
Troy	3	Troy EL
Tullahoma	3	Jones EL
Turtletown	1	Turtletown EL
Unicoi	3	Unicoi EL
Union City	3	Dixie EL
	1	Miles Knight Kindergarten
Vonore	1	Vonore EL
	3	Vonore HS
Walland	1	Prospect EL
Walling	1	Central View EL
Wartburg	3	Central EL
	3	Joyner EL
Washburn	1	Washburn EL
	1	Washburn HS
Watauga	3	Range EL
Waynesboro	1	Wayne Co. HS
	3	Waynesboro EL
	3	Waynesboro Intermediate Middle
Westmoreland	1	Westside EL
West Point	3	West Point EL
Whiteside	3	Whiteside EL
Whiteville	1	Whiteville North Side EL
	1	Whiteville South Side Middle
Whitwell	1	Griffith Creek EL
Wildersville	1	Beaver EL
Winchester	3	Broadview EL
	3	Center Grove EL
	3	Clark Memorial EL
	3	Franklin Co. HS
	3	Keith Springs EL
	3	Mary Sharpe EL
	3	North JHS
	3	Winchester Springs EL
Winfield	1	Winfield EL
Woodberry	1	East Side EL
	3	Short Mountain EL
	1	Woodberry Grammar EL
Woodland Mills	1	Woodland EL
Yorkville	1	Yorkville EL
	1	Yorkville HS

* Code 1 - Schools designated for both National Defense and National Direct Student Loan cancellation benefits
Code 2 - Schools designated for National Defense Student Loan cancellation benefits only
Code 3 - Schools designated for National Direct Student Loan cancellation benefits only

[FR Doc.75-17321 Filed 7-9-75;8:45 am]

V 40 I 133 JUL 10 75 XUM

federal register

THURSDAY, JULY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 133

PART III

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Government Financial Operations

■

CIRCULAR 570; 1975 REVISION

Surety Companies Acceptable on Federal Bonds

V40-133 JUL 10 75 XUM

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Government Financial Operations

[Dept. Circular 570; 1975 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JULY 1, 1975.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Government Financial Operations, Treasury Department, Washington, D.C. 20226. Telephone: (202) 964-5284. Interim changes in the circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE [See Note (a)]

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
AID Insurance Company (Mutual), Des Moines, Iowa	3,101	Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., Oreg., S.Dak., Tex., Utah, Wash., Wis., Wyo.	IOWA—Ariz., Cal., Colo., D.C., Idaho, Ill., Kans., Minn., Nebr., N. Dak., Okla., Oreg., S. Dak., Utah, Wis., Wyo.
Accredited Surety and Casualty Company, Inc., Orlando, Florida	112	Fla., Ga.———	FLA.—D.C.
The Aetna Casualty and Surety Company, Hartford, Conn.	20,514	All———	CONN.—All.
Aetna Fire Underwriters Insurance Company, Hartford, Conn.	761	All except Ala., C.Z., Guam, Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—D.C., Md., wPa.
Aetna Insurance Company, Hartford, Conn.	10,012	All except C.Z., Guam.	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Aetna Life and Casualty Company, Hartford, Conn.	82,276	Conn.———	CONN.—D.C., Mont.
Allegheny Mutual Casualty Company, Meadville, Pa.	86	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., Ind., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Fidelity Insurance Co., Indianapolis, Ind.	131	Ala., Alaska, Ariz., Cal., Colo., Del., Ga., Idaho, Ind., Kans., Ky., La., Mass., Minn., Miss., Mo., Mont., N.Mex., N.Dak., Okla., Oreg., Tenn., Tex., Utah, Wis., Wyo.	IND.—Ariz., Cal., D.C., Kans., eKy., wLa., Mass., Minn., sMiss., Okla., swTenn., eTex.
Allied Insurance Company, Philadelphia, Pa.	447	All except Hawaii, La., Puerto Rico, Vt., Virgin Islands.	CAL.—D.C., Tex.
Allied Surety Company, Portland, Me.	41	Pa.———	PA.—D.C.
Allstate Insurance Company, Northbrook, Ill.	65,464	All except C.Z., Guam, Virgin Islands.	Ill.—cCal., Colo., Conn., D.C., nFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., eWis.
American Agricultural Insurance Company, Park Ridge, Ill.	1,751	Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N.Mex., N.C., N. Dak., Oreg., Pa., S.C., Tex., Wash., Wis., Wyo. (Reinsurance only in Kans., Mass., N.Y., Va.)	IND.—D.C.
American Automobile Insurance Company, San Francisco, Cal.	7,274	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MD.—All except C.Z., Guam, Virgin Islands.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
American Bonding Company, Los Angeles, Cal.	79	Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Miss., Mo., Mont., Nebr., Nev., N.Mex., Oreg., Utah.	NEBR.—Alaska, Ariz., Ark., nesCal., Colo., D.C., Idaho, Iowa, sMiss, Mo., Mont., Nev., N.Mex., Oreg., Utah, wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	3,159	All except C.Z., Guam, Virgin Islands———	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	1,712	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Me., Md., Mass., Minn., Mo., N.H., N.J., N.Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
The American Druggists' Insurance Company, Cincinnati, Ohio	173	Ala., Fla., Ga., Ill., Ind., Iowa, Ky., Md., Mich., Miss., N.Y., N.C., Ohio, Tenn., Tex., Va., W.Va., Wis.	OHIO—D.C.
American Economy Insurance Company, Indianapolis, Ind.	3,470	All except C.Z., Conn., Guam, Hawaii, Mass., N.J., Puerto Rico, Virgin Islands.	IND.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Empire Insurance Company, Watertown, N.Y.	1,289	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—Ariz., Cal., Colo., Conn., Del., D.C., eIll., sInd., nIowa, Ky., Me., Md., Mich., Minn., Mont., Nebr., N.H., N.J., N.Mex., N.Dak., nOhio, Pa., R.I., S.Dak., Tenn., Utah, Vt., wWis.
American Employers' Insurance Company, Boston, Mass.	3,665	All except Guam, Puerto Rico———	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	418	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt.	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fidelity Fire Insurance Company, Woodbury, N.Y.	524	All except Alaska, C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., N.H., Virgin Islands.	N.Y.—Ariz., Cal., D.C., nGa., Idaho, nIll., La., Md., Mich., Mont., Nev., N. Mex., Oreg., Puerto Rico, Utah, eVa., Wash., Wis.
American Fire and Casualty Company, Hamilton, Ohio	739	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	793	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	16,880	Mich., Pa., Tex.———	Tex.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	778	All except Ala., C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., naGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N.Mex., Ohio, Pa., swTex., Vt.
American Home Assurance Company, New York, N.Y.	2,347	All except Ark., C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	545	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	14,070	All except C.Z., Guam, Virgin Islands———	N.J.—All except C.Z., Virgin Islands.
American International Insurance Company, New York, N.Y.	284	All except C.Z., Del., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands.	N.Y.—D.C.
American Liberty Insurance Company, Birmingham, Ala.	166	All except Alaska, Ariz., Ark., C.Z., Conn., Del., D.C., Guam, Hawaii, Kans., Me., Mass., Mich., Nev., N.H., N.J., N.Mex., N.Dak., Ohio, Oreg., Puerto Rico, R.I., S.C., S.Dak., Vt., Virgin Islands, W.Va., Wis.	ALA.—Cal., Colo., D.C., Fla., Ga., Iowa, Kans., Ky., La., Mass., Minn., Miss., Mo., Nebr., Okla., Tenn., Tex.
American Manufacturers Mutual Insurance Company, Long Grove, Ill.	1,833	All except C.Z., Guam, Okla., Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, N.Y., Virgin Islands.
American Motorists Insurance Company, Long Grove, Ill.	1,739	All except Del., Guam, N.H., Virgin Islands—	Ill.—All except C.Z., Guam, Virgin Islands.
American Mutual Liability Insurance Company, Wakefield, Mass.	1,468	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands, Wis.	MASS.—D.C.
American National Fire Insurance Company, Los Angeles, Cal.	548	All except C.Z., Comm., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.

*See footnotes at end of table.

V40-133 JUL 10 75 XUM

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
American Re-Insurance Company, New York, N.Y.	4,111	All except Guam, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	8,361	All except C.Z., Conn., Guam, Mass., N.Y., Puerto Rico, Virgin Islands.	IND.—All except C.Z., Guam, Mass., Puerto Rico, Virgin Islands.
Arkwright-Boston Manufacturers Mutual Insurance Company, Waltham, Mass.	8,888	Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nebr., Nev., N.H., N.J., N.Mex., N.C., Ohio, R.I., Tex., Utah, Vt., Wash., Wyo.	MASS.—D.C.
Associated Indemnity Corporation, San Francisco, Cal.	1,549	All except C.Z., Guam, Virgin Islands	CAL.—All except C.Z., Guam, Virgin Islands.
Atlantic Insurance Company, Dallas, Tex.	1,123	All except C.Z., Colo., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.Y., N.Dak., Oreg., Puerto Rico, R.I., Vt., Va. Virgin Islands, Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, eN.Y., Puerto Rico, Virgin Islands.
Atlantic Mutual Insurance Company, New York, N.Y.	4,940	All except Ala., C.Z., Guam, Hawaii, Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	8,054	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N.Dak., Ohio, S.C., S.Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S.Dak.
Balboa Insurance Company, Newport Beach, Cal.	1,807	All except Ala., Ark., C.Z., Kans., La., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Puerto Rico, R.I., S.C., S.Dak., Tenn., Vt., Va., Virgin Islands, W.Va., Wis.	CAL.—D.C., Nev., wWash.
Bankers Multiple Line Insurance Company, Chicago, Ill.	925	All except C.Z., Del., Guam, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, Burlington, N.C.	333	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—nAla., Ariz., Ark., Del., D.C., nFla., nGe., sInd., sIowa, sKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S.Dak., nwTex., Wyo.
Boston Old Colony Insurance Company, New York, N.Y.	605	All except C.Z., Guam	MASS.—Ala., Alaska, Ark., ncCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wseN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio	2,794	D.C., Fla., Ill., Ind., Kans., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W.Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	4,301	All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., Miss., Mont., Nebr., N.H., Oreg., Puerto Rico, S. Dak., Tenn., Tex., Virgin Islands, Wash.	N.J.—D. C.
Capitol Indemnity Corporation, Madison, Wis.	214	Ariz., Fla., Idaho, Ill., Ind., Iowa, La., Mich., Minn., Mo., Mont., N. Mex., N.Dak., Okla., S.Dak., Tex., Wis., Wyo.	WIS.—D.C., Fla., nGa., Idaho, Ill., Ind., Iowa, Kans., La., Mich., Minn., wMo., Mont., N.Dak., wOkla., S.Dak.
Cascade Insurance Company, Minneapolis, Minn.	238	Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Centennial Insurance Company, New York, N.Y.	1,576	All except Ala., C.Z., Guam, Virgin Islands.	N.Y.—D.C.
The Central National Insurance Company of Omaha, Omaha, Nebr.	430	All except C.Z., Guam, Hawaii, N.Y., Virgin Islands.	NEBR.—nAla., Ariz., eArk., ceCal., Conn. Del., D.C., Idaho, sIll., sInd., nIowa, Kans., wKy., sLa., Me., Md., wMich., sMiss., wMo., Nev., N.J., N.Mex., eN.C., nOkla.
Century Indemnity Company, Hartford, Conn.	636	All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands.	CONN.—D.C., Md., wPa.
The Charter Oak Fire Insurance Company, Hartford, Conn.	1,678	All except C.Z., Guam, Virgin Islands	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio	2,376	Ala., Ariz., Fla., Ga., Ill., Ind., Ky., Mich., N.C., Ohio, Pa., S.C., Tenn., Va., Wis.	OHIO—nAla., D.C., sFla., nGa., sInd., Ky.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Colonial Surety Company, Philadelphia, Pa.	212	Del., N.J., Pa.	PA.—D.C.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	2,500	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.J.—All except Guam.
Commercial Union Insurance Company, Boston, Mass.	14,574	All except C.Z., Guam	MASS.—All except C.Z., Guam.
The Connecticut Indemnity Company, Hartford, Conn.	515	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Alaska, ecCal., C.Z., Guam, Hawaii, Oreg., Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	419	Fla., Ill., Ind., Ky., Mich., Ohio, Wash. Wis.	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	923	All except Ala., Alaska, C.Z., Del., Guam, La.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	6,985	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	11,838	All	N.Y.—All except Guam.
Continental Western Insurance Company, Des Moines, Iowa	784	Iowa, Kans., Minn., Mo., Nebr., N.Dak., S.Dak., Wis.	IOWA—D.C.
Cornhusker Casualty Company, Omaha, Nebr.	244	Colo., Iowa, Kans., Nebr., S. Dak. Wyo.	NEBR.—D.C.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	515	Ala., Cal., Conn., Fla., Ga., Ill., Mass., N.J., N.Y., Pa., R.I., S.C., Vt.	N.Y.—D.C.
Cotton States Mutual Insurance Company, Atlanta, Ga.	633	Ala., Fla., Ga., N.C.	GA.—Ala., D.C., Fla.
Covenant Mutual Insurance Company, Hartford, Conn.	809	Cal., Conn., N.H., Oreg., Wash.	CONN.—ceCal., D.C.
Cumis Insurance Society, Inc., Madison, Wis.	727	All	WIS.—neAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Dependable Insurance Company, Inc., Jacksonville, Fla.	127	Ala., Fla., Ga., Md., Mo., N.C., S.C., Va.	FLA.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	261	All except Ark., Cal., C.Z., Conn., Del., D.C., Guam, Ky., La., Mass., Me., Md., N.H., N.J., N.Y., Oreg., Pa., Puerto Rico, R.I., Tenn., Tex., Va., Virgin Islands, W. Va.	NEBR.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	1,845	All except C.Z., Guam, Puerto Rico	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa	3,063	All except Ala., G.Z., Guam, La., Puerto Rico, Virgin Islands.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N.Dak., Ohio, Okla., Oreg., Pa., S.C., S.Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	8,849	All except C.Z., Virgin Islands	WIS.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Employers Reinsurance Corporation, Kansas City, Mo.	4,945	Ala., Alaska, Ariz., Ark., Cal., Colo., Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N.Mex., N.Y., N.C., N.Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., S.Dak., Tenn., Tex., Utah, Vt., Wash., W.Va., Wis., Wyo. (Reinsurance only in Hawaii, Puerto Rico; Coinsurance only in Va.)	MO.—All except Guam.
Equitable General Insurance Company, Fort Worth, Tex. 1*	1,193	All except C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., Oreg., R.I., S.C., Vt., Virgin Islands, W.Va.	TEX.—Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Nebr., Nev., N.Mex., N.Dak., Ohio, Okla., Pa., S.Dak., Tenn., Utah, Va., Wash.

*See footnotes at end of table.

V40-133 JUL 10 75 XUM

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Farmers Alliance Mutual Insurance Company, McPherson, Kans.	1,107	Ark., Colo., Idaho, Ill., Iowa, Kans., Md., Mass., Mich., Minn., Mo., Mont., Nebr., N.H., N.J., N.Mex., N.Y., N.C., N.Dak., Ohio, Okla., S.C., S.Dak., Tex., Vt., Wash., Wyo.	KANS.—Colo., D.C., Mo., Nebr., N.Mex., N.Dak., Okla., S.Dak., Tex.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa	754	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Home Mutual Insurance Company, Minneapolis, Minn.	1,211	Ariz., Cal., Colo., Idaho, Iowa, Minn., Mont., Nev., N.Dak., Oreg., S.Dak., Utah, Wash., Wis.	MINN.—Alaska, Ariz., Cal., D.C., Nev., Utah.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa	2,435	Iowa————	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	10,980	All————	N.J.—All.
Federated Mutual Insurance Company, Owatonna, Minn.	3,737	All except Alaska, C.Z., Del., Guam, Me., Puerto Rico, Virgin Islands.	MINN.—Ala., Ark., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Miss., Mo., Mont., Nebr., N.C., N. Dak., Okla., S. C., S. Dak., Tenn., Va., W.Va., Wis.
The Fidelity and Casualty Company of New York, New York, N.Y.	4,261	All except Guam, Virgin Islands————	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	4,232	All except Guam————	MD.—All except Guam.
Financial Indemnity Company, Los Angeles, Cal.	309	Ala., Alaska, Ariz., Cal., Colo., Fla., Idaho, Ind., Oreg., Utah, Wash.	CAL.—Ariz., Colo., D.C., Who., Oreg., wWash.
Firemen's Fund Insurance Company, San Francisco, Cal.	34,280	All except C.Z.————	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	13,637	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.J.—All except C.Z.
First General Insurance Company, Trevose, Pa.	208	Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Ky., La., Md., Miss., Mo., N.J., N.C., Pa., R.I., Tex., Utah, Wash.	GA.—D.C.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii	807	Alaska, Ariz., Cal., Colo., Guam, Hawaii, Ill., Ind., La., Minn., Mo., N.Y., Oreg., Utah, Wash.	HAWAII—D.C.
First National Insurance Company of America, Seattle, Wash.	751	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Vt., Virgin Islands.	WASH.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
First State Insurance Company, Boston, Mass.	2,806	Del., Mass.————	MASS.—D.C.
Fremont Indemnity Company, Los Angeles, Cal.	292	Ariz., Cal., N.Mex., Tex.————	CAL.—D.C.
General Fire and Casualty Company, Carle Place, N.Y.	644	All except C.Z., Puerto Rico.————	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	3,213	All————	WASH.—All.
General Reinsurance Corporation, New York, N.Y.	14,783	All except C.Z., Guam, Hawaii, Virgin Islands.	DEL.—All except C.Z., Guam, Virgin Islands.
The Glens Falls Insurance Company, New York, N.Y.	1,599	All except C.Z., Guam, Virgin Islands————	N.Y.—D.C.
Globe Indemnity Company, New York, N.Y.	3,357	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	851	All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Idaho, Me., Md., Mass., Mont., N.H., N.Dak., N.J., Pa., Puerto Rico, R.I., Utah, Vt., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	419	All except C.Z., Conn., Del., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, Los Angeles, Cal.	10,740	All except C.Z.————	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	560	Ala., Ariz., Colo., D.C., Ill., Ind., Iowa, Me., Md., Minn., Miss., Mo., Mont., Nebr., Nev., N.Mex., N.Y., N.Dak., R.I., S.Dak., Vt., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N.Dak., S.Dak., Wis.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Greater New York Mutual Insurance Company, New York, N.Y.	2,993	Ala., Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N.Mex., N.Y., N.C., N.Dak., Ohio, Okla., Pa., Puerto Rico, R.I., S.Dak., Tex., Utah, Vt., Va., Wash., W.Va., Wis., Wyo.	N.Y.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	247	Ala., Fla., Ga., La., Miss., S.C., Tenn.——	ALA.—Alaska, D.C., nnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	3,852	All except C.Z., Conn., Del., Guam, Idaho, Puerto Rico, Virgin Islands.	MD.—All except C.Z., Guam, Hawaii, N.J., eN.Y., Puerto Rico, Virgin Islands.
Hallmark Insurance Company, Inc., Madison, Wis.	136	Ala., Alaska, Ariz., Del., D.C., Ga., Idaho, Ind., La., Mont., N.Mex., N.Dak., Okla., Oreg., Utah, Va., W.Va., Wash., Wis., Wyo.	WIS.—D.C.
The Hamilton Mutual Insurance Company of Cincinnati, Ohio, Cincinnati, Ohio	350	Ind., Ky., Mich., Ohio————	OHIO—D.C.
The Hanover Insurance Company, Worcester, Mass.	3,859	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.H.—nAla., eArk., nCal., Conn., Del., D.C., nmFla., nmGa., Ill., Ind., wKy., eLa., Me., Md., Mich., Mo., N.J., nwsN.Y., Ohio, Pa., R.I., nesTex., eWis.
Harleysville Mutual Insurance Company, Harleysville, Pa.	4,089	Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Miss., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tex., Utah, Va., W. Va.	PA.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	10,459	All except Guam————	CONN—All except Guam, Virgin Islands.
Hartford Casualty Insurance Company, Hartford, Conn.	3,514	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	22,831	All except C.Z.————	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa	1,194	Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA—Colo., D.C., nsFla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Heritage Insurance Company of America, Lincolnwood, Ill.	226	Fla., Ga., Ill., Mo.————	ILL.—D.C., eVa.
Highlands Insurance Company, Houston, Tex.	3,516	All except C.Z., Guam, Virgin Islands.	TEX.—All except nsAla., wArk., nsCal., C.Z., Conn., Del., neFla., nwGa., Guam, Hawaii, esIll., nInd., nIowa, Ky., Mass., wMich., nMiss., wMo., Nev., N.H., nwsN.Y., N.C., neOkla., ePa., Puerto Rico, R.I., wmTenn., wVa., Virgin Islands, eWash., nW.Va., eWis.
Highlands Underwriters Insurance Company, Houston, Tex.	510	Ala., Ark., Cal., Fla., La., Miss., S.C., Tex.——	TEX.—D.C.
The Home Indemnity Company, New York, N.Y.	2,026	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.H.—All except Alaska, cCal., C.Z., Guam, Mass., N.Mex., wsN.Y., sOhio, Oreg., wPa., Puerto Rico, S.C., eTenn., Virgin Islands, eWash.
The Home Insurance Company, New York, N.Y.	11,893	All————	N.H.—All except Alaska, csCal., C.Z., Del., Guam, Hawaii, nInd., nLa., N.Mex., N.Y., nOhio, Oreg., wPa., Puerto Rico, S.C., Virgin Islands, wWash., wWis.
Houston General Insurance Company, Fort Worth, Tex. 2*	425	Ala., Ark., Colo., Iowa, Kans., Ky., La., Miss., Mo., N.Mex., N.Dak., Okla., S.C., S.Dak., Tex.	TEX.—D.C.
Hudson Insurance Company, New York, N.Y.	444	D.C., Iowa, N.Y., Utah (Reinsurance only in Tex.)	N.Y.—D.C.
INA Reinsurance Company, Philadelphia, Pa.	5,353	All except C.Z., Guam, Ill., Me., Virgin Islands.	DEL.—All except C.Z., Guam, nLa., Mass., ePa., Virgin Islands.

*See footnotes at end of table.

V40-133 JUL 10 75 XUM

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Illinois National Insurance Co., Springfield, Ill.	699	Ill., Ind., Iowa, Kans., Ky., Minn., Mo., Nebr., N. Mex., Ohio, Tex.	ILL.—All except, C.Z., Guam, Puerto Rico, Virgin Islands.
Imperial Insurance Company, Los Angeles, Cal.	510	Ala., Ariz., Ark., Cal., Hawaii, Idaho, Ind., Iowa, La., Minn., Miss., Mo., Mont., Nebr., Nev., N.Mex., N.Y., N.C., N.Dak., Okla., Oreg., S.C., S.Dak., Utah, Va., Wash., Wis., Wyo.	CAL.—Ariz., eArk, D.C., Idaho, Ind., La., Minn., Nebr., Nev., N.Dak., nwOkla., Tenn., Va., wWash.
Indiana Insurance Company, Indianapolis, Ind.	2,544	Fla., Ill., Ind., Ky., Mich., Ohio, Wash., Wis.	IND.—D.C., Ill., Ky., Mich., Ohio.
Indiana Lumbermens Mutual Insurance Company, Indianapolis, Ind.	728	Cal., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Miss., Mo., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Wash.	IND.—D.C.
Industrial Indemnity Company, San Francisco, Cal.	2,659	All except Ala., C.Z., Conn., Puerto Rico, Virgin Islands, W.Va.	CAL.—All except C.Z., nFla., nGa., Guam, eIll., nIowa, Mass., wMo., enN.Y., eN.C., Puerto Rico, Virgin Islands, W.Va., wWis.
Inland Insurance Company, Lincoln, Nebr.	430	Colo., Iowa, Kans., Minn., Nebr., N.Dak., Okla., S. Dak., Wyo.	NEBR.—Ariz., Colo., D.C., Ill., Iowa, Kans., Minn., eMo., Mont., N. Mex., N. Dak., Okla., S. Dak., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	28,723	All	PA.—All.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	356	All except Ark., C.Z., Guam, Kans., Puerto Rico, Virgin Islands.	PA.—D.C.
Integrity Mutual Insurance Company, Appleton, Wis.	125	Iowa, Minn., Wis.	WIS.—D.C., Kans., Minn., wMo., N. Dak.
International Fidelity Insurance Company, Newark, N.J.	103	Alaska, Ariz., Del., Ill., Mass., Mich., Mo., Nev., N.J., N. Mex., N.Y., Okla., Oreg., Pa., Tex.	N.J.—Ariz., Del., D.C., Ga., nIll., sInd., nIowa, Md., Mass., Minn., Nev., enN.Y., eN.C., N.Dak., nwOkla., Puerto Rico, S. Dak., nwTex., eVa., Wyo.
International Insurance Company, Morristown, N.J.	1,187	All except C.Z., Del., Guam, Hawaii, La., S. C., Virgin Islands.	ILL.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	926	Alaska, Cal., C.Z., Nebr., N. Mex., Tex.	TEX.—D.C.
Investors Insurance Company of America, Tasneck, N.J.	246	N.J., N.Y.	N.J.—D.C.
Iowa Mutual Insurance Company, DeWitt, Iowa	1,206	Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Wash., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
John Deere Insurance Company, Moline, Ill.	702	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, eW. Va.
The Kansas Bankers Surety Company, Topeka, Kans.	97	Kans., D.C.	KANS.—D.C.
Kansas City Fire and Marine Insurance Company, New York, N.Y.	579	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., neFla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lakeland Fire and Casualty Company, Minneapolis, Minn.	175	Minn., N. Dak.	MINN.—D.C.
Lawyers Surety Corporation, Dallas, Tex.	190	Okla., Tex.	TEX.—D.C.
Leatherby Insurance Company, Fullerton, Cal.	1,992	All except C.Z., Conn., Guam, Nebr., Puerto Rico, Tenn., Virgin Islands.	N.Y.—Ariz., Cal., Colo., D.C., neFla., nwGa., Hawaii, Idaho, nInd., Md., sMiss., Mont., Nev., N.J., N.Mex., eN.C., Ohio, Oreg., S.C., Utah, Va., Wash., Wyo.
Liberty Mutual Insurance Company, Boston, Mass.	29,106	All except Guam, Virgin Islands	MASS.—All except C.Z., Guam.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
London Guarantee & Accident Company of New York, New York, N.Y.	688	All except Alaska, Ariz., C.Z., Conn., Guam, Idaho, Kans., La., N.Dak., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Lumbermens Mutual Casualty Company, Long Grove, Ill.	8,238	All except C.Z., Guam, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Virgin Islands.
MGIC Indemnity Corporation, Milwaukee, Wis.	708	All except Ala.. Ark., C.Z., Guam, Hawaii, Kans., La., Oreg., Puerto Rico, S.C., Virgin Islands, W. Va.	N.Y.—D.C.
Maine Bonding and Casualty Company, Portland, Me.	671	Me., Mass., N.H., R.I., Vt.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, Stamford, Conn.	677	All except Alaska, C.Z., Conn., Guam, Kans., Puerto Rico, S.C., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,187	N. Mex., Tex.	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	9,747	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Worcester, Mass.	383	All except Ala., Alaska, Ariz., Ark., C.Z., Del., Guam, Hawaii, Idaho, Ky., La., Mont., Nev., N. Mex., N. Dak., Oreg., Puerto Rico, S. Dak., Utah, Virgin Islands, W. Va.	MASS.—Colo., D.C., nFla., Ga., Ind., Iowa, Kans., Ky., Me., Md., Mich., N.H., sOhio, Okla., wePa., R.I., S.C., Tenn., Tex., Vt., Wash., Wis., Wyo.
The Mercantile and General Reinsurance Company of America, New York, N.Y. 3*	822	Ark., Cal., Conn., Del., D.C., Ill., Ind., Iowa., Kans., La., Md., Mass., Mich., Nebr., Nev., N.H., N.J., N.Y., Ohio, Okla., Pa., Tenn., Tex., Utah, W.Va., Wis.	N.Y.—D.C.
Merchants Mutual Bonding Company, Des Moines, Iowa	48	Ariz., Iowa, Kans., Mont., Nebr., N. Dak., Okla., S. Dak., Tex.	IOWA—D.C., sIll., Nebr., wOkla.
Meritplan Insurance Company, Newport Beach, Cal.	426	Ariz., Cal., Colo., Ga., Nev., Utah	CAL.—D.C.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,850	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, R.I., Virgin Islands, W.Va., Wyo.	MICH.—eArk., nsCal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S.Dak., wwTenn., Utah, wWash.
Mid-Century Insurance Company, Los Angeles, Cal.	1,446	All except Ala., Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Vt., Va., Virgin Islands, W.Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N.Mex., N.Dak., Okla., Oreg., S.Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	1,094	All except C.Z., Guam, Virgin Islands.	N.Y.—Alaska, D.C., Kans., Nebr., N.J., nOkla., wePa.
Mid-States Insurance Company, Chicago, Ill.	252	Ala., Ariz., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., Nev., N.Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah, Va., Wash., Wis.	ILL.—All except sCal., C.Z., Guam, Kans., Mass., nwN.Y., wN.C., eOkla., R.I., S.Dak., sTex., Virgin Islands.
Midwestern Casualty & Surety Company, West Des Moines, Iowa	83	Iowa	IOWA—D.C.
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	233	Ark., Colo., D.C., Idaho, La., Miss., Mo., Mont., N. Mex., Okla., Oreg., Tex., Wyo.	TEX.—Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	1,029	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mich., Nev., N.H., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W.Va.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, eWash., W. Va., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	2,280	All except Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Nebr., Nev., N.H., N.Mex., Oreg., Puerto Rico, R.I., Utah, Virgin Islands.	ILL.—nwAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N.Dak., S.Dak.
Millers National Insurance Company, Chicago, Illinois	505	All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, Kans., La., Me., Miss., Nev., N.H., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.

*See footnotes at end of table.

V40-133 JUL 10 75 XUM

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Mission Insurance Company, Los Angeles, Cal.	1,836	All except Ark., C.Z., Conn., D.C., Guam, Kans., Me., Mass., N.H., N.J., Ohio, Puerto Rico, R.I., Vt., Virgin Islands, W.Va.	CAL.—Ariz., D.C., Idaho, Oreg., wWash.
Mohawk Insurance Company, Allentown, Pa.	272	All except Ariz., C.Z., Conn., Del., Guam, Hawaii, Mo., N. Mex., Puerto Rico, Virgin Islands, Wyo.	N.Y.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	157	Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Ind., Kans., La., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Illinois, Chicago, Ill.	3,176	D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis.	ILL.—D.C.
National Bonding and Accident Insurance Company, St. Louis, Mo.	166	Ala., Alaska, Ariz., Cal., Colo., Del., D.C., Idaho, Ind., Iowa, Kans., La., Minn., Miss., Mo., Mont., N. Mex., N.Y., N. Dak., Oreg., S.C., S. Dak., Tex., Utah, Va., Wash., Wyo.	N.Y.—D.C., eMo.
National Fire Insurance Company of Hartford, Chicago, Ill.	6,324	All except C.Z., Guam, Virgin Islands————	CONN.—All except C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	3,492	Conn., Del., D.C., Ill., Ind., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W.Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	2,553	All except C.Z., Guam, Hawaii, Mass., N.J., N.Y., Puerto Rico, Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	1,883	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio
National Standard Insurance Company, Houston, Tex.	326	La., N. Mex., Tex.————	TEX.—D.C.
National Surety Corporation, Chicago, Ill.	8,406	All except Puerto Rico, Virgin Islands.	ILL.—All except Guam, sLa., Mass., nOhio, Puerto Rico, nTex., Virgin Islands.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	1,139	All except C.Z., Guam, Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio	19,573	All except C.Z., Guam, Hawaii————	OHIO—D.C.
New England Reinsurance Corporation, Boston, Mass.	2,725	Cal., Conn., Del., D.C., Ga., Idaho, Ill., Ind., Iowa, Ky., Mass., Minn., Miss., Nev., N.J., Ohio, Okla., R.I., (Reinsurance only in Ark., Fla., Kans., N.H., S.C., Tex.)	MASS.—D.C.
New Hampshire Insurance Company, Manchester, N.H.	5,034	All except C.Z., Guam.————	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	2,062	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	894	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	1,280	All except C.Z., Guam————	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	5,762	All except C.Z., Guam, Virgin Islands.————	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, Morristown, N.J.	3,191	All except C.Z., Guam, Virgin Islands.————	N.J.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa	1,360	Cal., Colo., Conn., Ill., Iowa, Kans., N.H., N.J., N.Y., Ohio, Tex., W. Va.	CONN.—D. C.
The Northern Assurance Company of America, Boston, Mass.	1,544	All except C.Z., Guam, Puerto Rico.————	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	1,742	All except C.Z., Guam, La., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	1,034	All except Alaska, Ark., C.Z., Conn., Del., Guam, Hawaii, La., Me., Mass., Nev., N.H., N.J., N.Y., N.C., Oreg., Puerto Rico, Utah, Vt., Va., Virgin Islands.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nesTex., Wash., W. Va., Wyo.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	2,667	All except C.Z., Guam, Virgin Islands————	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio	8,616	All except C.Z., Guam.	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, Westfield Center, Ohio	3,307	All except Alaska, C.Z., Conn., Guam, Hawaii, Kans., La., Me., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	142	Okla.————	OKLA.—D.C.
The Omaha Indemnity Company, Omaha, Nebr.	662	All except C.Z., Conn., Guam, La., N.H., N.J., Virgin Islands.	WIS.—D.C., Nebr., eVa.
Oregon Automobile Insurance Company, Portland, Oreg.	858	Cal., Idaho, Nev., Oreg., Utah, Wash.————	OREG.—Cal., D.C., Hawaii., Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	1,670	All————	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N.Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	4,109	All except C.Z., Guam, Virgin Islands————	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, San Francisco, Cal.	4,956	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N.Mex., N.Y., N.C., Okla., Oreg., Tex., Utah., Va., Wash., Wyo.	CAL.—D.C.
Pacific Insurance Company, Limited, Honolulu, Hawaii	1,420	Guam, Hawaii————	HAWAII—D.C.
Peerless Insurance Company, Keene, N.H.	2,031	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill.	229	Ill., Ind., Iowa————	ILL.—D.C., Ind., Iowa.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	2,840	Del., D.C., Md., Mass., N.J., N.Y., Ohio, Pa., W.Va.	PA.—Del., D.C., Md., N.J.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,252	Ark., D.C., Fla., Ga., Ind., Kans., Ky., Me., Mass., Mo., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va.	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	2,678	All except Cal., C.Z., Conn., Guam, Hawaii, Me., Mass., Nev., N.H., N.Y., N.Dak., Puerto Rico, Virgin Islands, Wyo.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	1,881	All except C.Z., Guam————	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	6,478	All except C.Z., Guam, Puerto Rico————	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	575	All except C.Z., Conn., Guam, Hawaii, Md., Mich., Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	9,442	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N.Dak., Puerto Rico, S.Dak., Vt., Virgin Islands.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N.Dak., Oreg., Puerto Rico, S.Dak., Vt., Virgin Islands.
Progressive Casualty Insurance Company, Mayfield Village, Ohio	1,294	All except Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Nebr., N.H., N.Y., Pa., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis.	OHIO—D.C.
The Progressive Mutual Insurance Company, Mayfield Village, Ohio	374	N.J., Ohio————	OHIO—D.C.
Protective Insurance Company, Indianapolis, Ind.	1,307	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	IND.—D.C.

*See footnotes at end of table.

V40-133 JUL 10 75 XUM

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Public Service Mutual Insurance Company, New York, N.Y.	2,551	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., N.J., ePa., wTex.
Puerto Rican-American Insurance Company, San Juan, Puerto Rico	797	Puerto Rico, Virgin Islands	PUERTO RICO—D C.
The Reinsurance Corporation of New York, New York, N.Y.	2,294	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. (Co-surety only in Fla., Mass., Va.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	10,791	All except Guam	PA.—All.
Republic Insurance Company, Dallas, Tex.	3,677	All except Ala., C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., N.H., N.Dak., R.I., S.Dak., Vt., Virgin Islands.	TEX.—D.C.
Reserve Insurance Company, Chicago, Ill.	887	All except C.Z., Conn., Guam, N.Y., Puerto Rico.	ILL.—All except C.Z., Conn., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.
Resolute Insurance Company, Hartford, Conn.	342	All except C.Z., Guam., Kans., La., N.Y., Puerto Rico, Virgin Islands.	R.I.—All except wArk., C.Z., nGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S.Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW.Va. wWis.
Royal Globe Insurance Company, New York, N.Y.	3,121	All except C.Z., D.C., Guam, Puerto Rico, Virgin Islands.	ILL.—D.C., N.C., S.C., Va.
Royal Indemnity Company, New York, N.Y.	3,108	All	N.Y.—All except Guam, Virgin Islands.
S & H Insurance Company, Los Angeles, Cal. 4*	449	Cal.	CAL.—D.C.
Safeco Insurance Company of America, Seattle, Wash.	4,446	All except C.Z., Puerto Rico, Vt.	WASH.—All except C.Z., Puerto Rico, Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	838	All except C.Z., Del., Guam, Puerto Rico, Virgin Islands.	CONN.—All except C.Z., Guam, nMiss., wOkla., Puerto Rico, Virgin Islands W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	10,232	All except C.Z., Guam	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	2,632	All	N.Y.—All.
Security Insurance Company of Hartford, Hartford, Conn.	1,809	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, esCal., C.Z., Guam, Hawaii, seIll., sIowa, eTenn., Virgin Islands, eWash., nW. Va.
Security Mutual Casualty Company, Chicago, Ill.	471	All except Alaska, C.Z., Conn., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	465	Ala., Cal., Colo., Fla., Ga., Ill., Ind., Kans., Ky., Minn., N.Mex., N.Dak., Ohio, Okla., S.Dak., Tex., Wash., Wis., Wyo.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	775	All except Ariz., C.Z., Conn., Del., Guam, Hawaii, La., Me., Md., Mass., N.H., N.Y., N.Dak., Pa., Puerto Rico, R.I., Tenn., Utah, Va., Virgin Islands.	TEX.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Selected Risks Insurance Company, Branchville, N.J.	1,694	Del., Md., N.J., Pa., Va., Wash.	N.J.—Del., D.C., Md., Pa., Va.
Sentry Indemnity Company, Stevens Point, Wis.	832	All except Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Kans., Me., Mass., Mich., Nebr., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W.Va., Wyo.	WIS.—Cal., D.C., meFla., nGa., nIll., eLa., Me., Mass., Mich., nN.Y., sTex., wWash.
Sentry Insurance a Mutual Company, Stevens Point, Wis.	6,083	All except C.Z., Guam, Virgin Islands.	WIS.—Cal., D.C., meFla., nGa., nIll., eLa., Me., Mass., Mich., nN.Y., sTex., wWash.
Signal Insurance Company, Los Angeles, Cal.	355	Ariz., Cal., Fla., Ga., Iowa, Mont., Nev., N.Mex., N.C., N.Dak., Oreg., Utah, Wash.	CAL.—D.C., Ga., Idaho, Nev., Oreg.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Skandia America Reinsurance Corporation, New York, N.Y. 5*	2,327	Cal., Ga., Ill., Ind., Iowa, Mich., N.J., N.Y., Ohio, Pa., Utah. (Reinsurance only in D.C., Kans., Okla., Tex., W. Va.).	N.Y.—
South Carolina Insurance Company, Columbia, S.C.	807	Ala., Alaska, Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa., Kans., Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N.C., N.Dak., Ohio, Okla., Pa., R.I., S.C., S.Dak., Tenn., Tex., Utah, Va., Wis. (Reinsurance only in Conn., N.J., W.Va.)	S.C.—nwAla., D.C., Fla., Ga., N.C., Va.
The Standard Fire Insurance Company, Hartford, Conn.	1,900	All except C.Z., Guam, N.J., Puerto Rico, Virgin Islands.	CONN.—All.
State Automobile Mutual Insurance Company, Columbus, Ohio	3,934	Ala., Fla., Ga., Ill., Ind., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W.Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W.Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	22,700	All except C.Z., Guam, Puerto Rico, Virgin Islands.	ILL.—Ariz., cCal., Colo., D.C., nGa., Md., Minn., nMiss., Mont., N.J., eN.Y., wOkla., nPa., sTex., Utah.
State Surety Company, Des Moines, Iowa	99	Colo., D.C., Iowa, Kans., Minn., Mo., Mont., Nebr., N.Dak., S. Dak., Wis., Wyo.	IOWA.—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., sMiss., Mo., Nebr., sN.Y., N.Dak., nOhio, wnOkla., S.Dak.
Statesman Insurance Company, Indianapolis, Ind.	278	Ala., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mont., N.Mex., N.Dak., Pa., S.Dak., Tenn.	IND.—Ariz., nceCal., Colo., D.C., Ill., nIowa, Kans., La., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., wnPa., S.Dak., Tex., Wyo.
The Stuyvesant Insurance Company, Allentown, Pa.	250	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Sun Insurance Company of New York, New York, N.Y.	813	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., Miss., Nebr., Nev., N.C., N.Dak., Puerto Rico, S.C., S.Dak., Utah, Virgin Islands, W.Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	71	Cal.	CAL.—D.C.
Surety Insurance Company of California, La Habra, Cal.	59	Alaska, Cal., Colo., N.Mex., Tex.	CAL.—Alaska, Colo., D.C., N.Mex., Tex.
Transamerica Insurance Company, Los Angeles, Cal.	6,311	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	2,136	All except C.Z., Guam, Hawaii, Virgin Islands	N.Y.—All except C.Z., Guam, Virgin Islands.
Transport Indemnity Company, Los Angeles, Cal.	787	All except C.Z., Guam, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, wTenn., wVa., Virgin Islands, nW.Va.
Transportation Insurance Company, Chicago, Ill.	1,163	All except C.Z., Guam, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, wN.Y., Puerto Rico, S.Dak., Virgin Islands.
The Travelers Indemnity Company, Hartford, Conn.	19,577	All	CONN.—All except Guam.
The Travelers Indemnity Company of Rhode Island, Hartford, Conn.	2,362	All except C.Z., Guam	R.I.—All except C.Z., Guam, eIll., wMo., Puerto Rico, Virgin Islands.
Trinity Universal Insurance Company, Dallas, Tex.	3,993	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W.Va.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	529	All except Alaska, Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W.Va., Wis.	OKLA.—All except Alaska, Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W.Va., Wis.

*See footnotes at end of table.

V40-133 JUL 10 75 XUM

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	States and other areas in which licensed to transact surety business. [See note (c)]	State or other area in which incorporated (in capitals), and judicial districts in which process agents have been appointed (letters preceding names of States indicate judicial districts). [See note (d)]
Twin City Fire Insurance Company, Hartford, Conn.	878	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MINN.—scCal., Conn., D.C., La., Va.
United Fire & Casualty Company, Cedar Rapids, Iowa	581	Ariz., Colo., Ill., Ind., Iowa, Minn., Mo., Mont., Nebr., N.Y., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., nsIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Philadelphia, Pa.	4,428	All except C.Z., Guam, Puerto Rico, Virgin Islands.	WASH.—All except C.Z., Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	25,081	All except Guam	MD.—All except Guam.
United States Fire Insurance Company, Morristown, N.J.	7,687	All except C.Z., Guam.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	243	Ariz., Colo., Ill., Iowa., Kans., Minn., Mo., Mont., Nebr., N.Mex., N.Dak., Ohio, Okla., S.Dak., Utah, Wash., Wis., Wyo.	NEBR.—Ariz., sArk., Cdlo., D.C., nIll., Iowa, Kans., Minn., Mo., Mont., N.Mex., N.Dak., nOhio, wOkla., S.Dak., Utah, wWis., Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	2,748	All except C.Z., Guam, Kans., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,117	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	PA.—All except Guam, Virgin Islands.
Vigilant Insurance Company, New York, N.Y.	2,163	Ala. (except official), Ariz., Ark., Cal., Colo., Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N.Mex., N.Y., N.C., N.Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., S.Dak., Tenn., Tex., Utah, Vt., Va., Virgin Islands, Wash., W.Va., Wis., Wyo.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio	3,282	All except Alaska, C.Z., Conn., Guam, Hawaii, Me., Mass., Mont., N.H., Puerto Rico, R.I., Vt., Virgin Islands, W.Va.	CAL.—Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., sLa., Md., Mich., Minn., Mo., Nev., N.Mex., N.Dak., Ohio, nOkla., Oreg., Pa., wTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, Morristown, N.J.	3,212	All except C.Z., Guam, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	7,303	All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.H., N.Y., Puerto Rico, Vt., Va., Virgin Islands.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	4,779	All except C.Z., Conn., Del., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., Mont., N.H., N.J., Oreg., Puerto Rico, S.C., Tex., Vt., Va., Virgin Islands, W.Va.	Kans.—All except Guam, Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	1,681	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S.DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Westfield Insurance Company, Westfield Center, Ohio	1,358	All except Ala., Alaska, Ark., C.Z., Conn., Fla., Ga., Guam, Hawaii, La., Me., Miss., Mo., N.H., N.Mex., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wilshire Insurance Company, Los Angeles, Cal.	293	Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Mont., Nev., N.Mex., Oreg., S.Dak., Utah, Wash.	CAL.—D.C., Idaho, Mont., N.Mex., Oreg., wWash.
Wolverine Insurance Company, Battle Creek, Mich.	2,579	Ark., Cal., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., N. Mex., N.Dak., Ohio, Pa., S.Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S.Dak.

*See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, REVISED FEBRUARY 10, 1975 [See Note (a)]

Names of companies	Underwriting limitations (net limit on any one risk) in thousands of dollars. [See note (b)]	Judicial districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	1,172	D.C.
Alliance Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	344	D.C.
Constellation Reinsurance Company, New York, N.Y.	1,764	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	20,650	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	648	D.C.
The London & Lancashire Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	530	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	475	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	1,864	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	486	D.C.
Rochdale Insurance Company, New York, N.Y.	270	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	1,588	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	479	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	787	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	2,194	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	3,846	D.C.

FOOTNOTES

1/ Houston General Insurance Company, Fort Worth, Tex. -- changed its name to Equitable General Insurance Company

2/ Traders & General Insurance Company, Fort Worth, Tex. -- changed its name to Houston General Insurance Company

3/ The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y. — changed its name to The Mercantile and General Reinsurance Company of America (see Federal Register of May 19, 1975, pg. 21744)

4/ Martin Insurance Company, Los Angeles, Cal. -- changed its name to S & H Insurance Company (see Federal Register of April 24, 1975, pg. 18008)

5/ The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.) -- domesticated and is now known as Skandia America Reinsurance Corporation (see Federal Register of November 19, 1974, pg. 40592)

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Figures are given in thousands of dollars: last "ooo" omitted. Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised February 10, 1975 (31 CFR § 223.10, § 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed [28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR § 223.5(b)]. The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) State or other area in which company is incorporated shown in capitals. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the State or other area wherein the company is incorporated (31 CFR §224.2). Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[FR Doc.75-17664 Filed 7-9-75;8:45 am]

V40-133 JUL 10 75 XUM

V40-133 JUL10 75 XUM

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.
Volumes for the following years are now available:

HERBERT HOOVER

1929 ..... $13.30

HARRY S. TRUMAN

1945 ..... $11.75
1946 ..... $10.80
1947 ..... $11.15
1948 ..... $15.95
1949 ..... $11.80
1950 ..... $13.85
1951 ..... $12.65
1952–53 ..... $18.45

DWIGHT D. EISENHOWER

1953 ..... $14.60
1954 ..... $17.20
1955 ..... $14.50
1956 ..... $17.30
1957 ..... $14.50
1958 ..... $14.70
1959 ..... $14.95
1960–61 ..... $16.85

JOHN F. KENNEDY

1961 ..... $14.35
1962 ..... $15.55
1963 ..... $15.35

LYNDON B. JOHNSON

1963–64 (Book I) $15.00
1963–64 (Book II) $15.25
1965 (Book I) $12.25
1965 (Book II) $12.35
1966 (Book I) $13.30
1966 (Book II) $14.35
1967 (Book I) $12.85
1967 (Book II) $11.60
1968–69 (Book I) $14.05
1968–69 (Book II) $12.80

RICHARD NIXON

1969 ..... $17.15
1970 ..... $18.30
1971 ..... $18.85
1972 ..... $18.55

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

V 40 - 133 JUL 10 75 XUM

134

federal register

July 11, 1975—Pages 29261–29530

FRIDAY, JULY 11, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 134

Pages 29261–29530

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FREEDOM OF INFORMATION—Treasury amends regulations on access to records; effective 7–11–75 29290

INCOME TAX—IRS regulations relating to deductibility of fines and penalties 29290

ADJUSTMENT ASSISTANCE—Commerce/EDA issues interim regulations for firms and communities; comments by 7–18–75 29265

OVERLOADED AND UNDERINFLATED TIRES—DOT/FHA regulations on vehicles operated in interstate or foreign commerce; effective 10–1–75 29292

(Continued inside)

PART II:

SOLID WASTES—EPA proposes residential, commercial, and institutional storage and collection guidelines; comments by 9–9–75 29403

PART III:

AIRWORTHINESS REVIEW—FAA proposal on aircraft certification and related changes in operating rules; comments by 10–9–75 29409

PART IV:

MINIMUM WAGES—Labor/ESA issues determinations for Federal and federally assisted construction 29435

V40-134 JUL 11 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

DOT/CG—Bridge lighting; recodification of regulations and delegation of authority..... 24897; 6–11–75

FCC—Authorization of new UHF signal boosters; discontinuance..... 25022; 6–12–75

—Frequency allocations and radio treaty matters:
Oil spill cleanup operations.... 24735; 6–10–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
FEA: Environmental Advisory Committee, 7–31–75 ... 29338
HEW/OE: Advisory Committee on the Education of Bilingual Children, 7–28 and 7–29–75 ... 29319
NIH: Tropical Medicine and Parasitology Study Section, 9–5–75 ... 29317
Division of Research Grants, Endrocrinology Study Section, 8–18 through 8–21–75 ... 29316
Advisory Committee Meetings, 8–4 through 9–10–75 ... 29316
Interagency Coordinating Committee for Cancer Control and Rehabilitation, 8–20–75 ... 29316
President's Cancer Panel, 8–13–75 ... 29317
GSA: Regional Public Advisory Panel on Architectural and Engineering Services (2 documents) 7–28 and 8–7–75 ... 29340
Justice/LEAA: National Advisory Committee on Criminal Justice Standards and Goals, 7–25 and 7–26–75 ... 29308
DoD: Department of Defense Wage Committee, 8–5, 8–12, 8–19, and 8–26–75 ... 29307
Interior/NPS: Whiskeytown/Shasta/Trinity National Recreation Area, 10–14 and 10–15–75 ... 29310
Commerce/EDA: National Public Advisory Committee on Regional Economic Development, 8–14–75 ... 29315

contents

AGRICULTURAL MARKETING SERVICE
Rules
Import requirements:
Walnuts ... 29262
Limitations of handling:
Lemons grown in Calif. and Ariz ... 29261
Limes grown in Florida ... 29262
Proposed Rules
Milk marketing orders:
Chicago region ... 29296

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Farmers Home Administration; Soil Conservation Service.
Rules
Import quotas:
Canadian cheese; licensing ... 29261

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Frontier Airlines, Inc ... 29327
International Air Transport Association (2 documents) ... 29331, 29332
National Airlines, Inc ... 29332
Texas International Airlines, Inc ... 29319
Tourist Enterprises Corp ... 29332
Western Air Lines, Inc ... 29331

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Economic Development Administration; Maritime Administration.

COMMITTEE FOR THE PURCHASE OF PRODUCTS FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1975; additions ... 29332

COUNCIL ON ENVIRONMENTAL QUALITY
Notices
Environmental statements:
Availability ... 29333

COUNCIL ON WAGE AND PRICE STABILITY
Notices
Hearings, etc.:
Aluminum industry ... 29335
Seattle area plumbers ... 29336

DEFENSE DEPARTMENT
Notices
Meetings:
Department of Defense Wage Committee ... 29307

DEFENSE MANPOWER COMMISSION
Notices
Meetings ... 29336

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Export privileges, actions affecting:
Lorenz, Peter and Hans Jorgen Filter ... 29314
Pese, Gustav Dieter ... 29311
Robinson, Lincoln E ... 29312

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Adjustment assistance for firms and communities; interim regulations ... 29265
Notices
Meetings:
National Public Advisory Committee on Regional Economic Development ... 29315

ECONOMIC OPPORTUNITY OFFICE
Rules
Community action programs:
Grantees and delegate agencies; travel regulations ... 29292

EDUCATION OFFICE
Notices
Meetings:
Advisory Committee on the Education of Bilingual Children ... 29319

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction ... 29435

ENVIRONMENTAL PROTECTION AGENCY
Rules
Fuels and fuel additives; controls applicable to carriers transporting unleaded gasoline ... 29292
Proposed Rules
Solid waste management programs; storage and collection ... 29403

FARMERS HOME ADMINISTRATION
Rules
Community facility loans ... 29263
Rural housing loans and grants; nondiscrimination policy ... 29263
Proposed Rules
Rural rental housing loans; policies, procedures, authorizations ... 29300
Notices
Disaster area:
Nebraska ... 29311

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Beech; correction ... 29272
Hughes ... 29270
McDonnell Douglas (2 documents) ... 29269–29270
Rockwell ... 29272
Control zones (2 documents) ... 29272, 29273
Foreign air carriers security program requirement ... 29273
Transition areas (3 documents) ... 29272, 29273
Proposed Rules
Airworthiness directives:
Boeing (2 documents) ... 29301
Airworthiness review program:
Aircraft, engine, propeller airworthiness, and procedures ... 29411
Transition areas ... 29302

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
FM broadcast stations; table of assignments:
Florida ... 29303
Telephone service; MTS and WATS; new or revised classes; extension of comment period ... 29302

V40 I134 JUL 11 75 XUM

Notices

Cable TV; service of applicants and petitions on broadcast stations and other interested parties ---- 29336

Hearings, etc.

American Telephone and Telegraph Co., et al ---- 29336

Country-Politan Broadcasting, Inc ---- 29337

FEDERAL ENERGY ADMINISTRATION

Notices

Meetings:

Environmental Advisory Committee ---- 29338

Reporting forms; alternative fuel demand to natural gas curtailment ---- 29339

FEDERAL HIGHWAY ADMINISTRATION

Rules

Tires, overloading and underinflation; prohibition ---- 29292

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc.:

Far Eastern Shipping Co., Inc., et al ---- 29339

Environmental impact; intent to assess:

Consolidated Express, Inc., et al ---- 29339

International Paper Co ---- 29339

FEDERAL POWER COMMISSION

Rules

Conduct standards; employees and commissioners ---- 29275

Proposed Rules

Air pollution standards; monthly power statement and electric utility questionnaire on plans and costs ---- 29305

Hydroelectric project licenses; specified reasonable rate of return ---- 29304

Notices

Hearings, etc.

Arizona Public Service Co ---- 29342

Arkansas Louisiana Gas Co ---- 29342

Atlantic Richfield Co. et al ---- 29340

Columbia Gas Transmission Corp. et al. (4 documents) ---- 29342, 29354

Consolidated Edison Co. of New York, Inc. et al ---- 29343

Eascogas LNG, Inc. et al (2 documents) ---- 29341, 29359

El Paso Natural Gas Co ---- 29344

Federal Trade Commission (2 documents) ---- 29354, 29355

Florida Gas Transmission Co ---- 29355

Florida Power and Light Co ---- 29355

Getty Oil Co ---- 29345

Kerr-McGee Corp. et al ---- 29346

Michigan Wisconsin Pipe Line Co. et al ---- 29346

Natural Gas Pipeline Company of America, et al (2 documents) ---- 29346, 29347

New England Power Co ---- 29348

Northern Natural Gas Co ---- 29349

Pacific Power & Light Co ---- 29356

Hearings, etc.—Continued

Panhandle Eastern Pipe Line Co. (2 documents) ---- 29349, 29350

Sacramento Municipal Utility District ---- 29357

Sun Oil Co ---- 29358

Tennessee Gas Pipeline Co. (4 documents) ---- 29351, 29358

Texas Eastern Transmission Corp. et al ---- 29351

Trunkline Gas Co ---- 29351

United Gas Pipe Line Co ---- 29352

Wisconsin Michigan Power Co ---- 29359

GENERAL SERVICES ADMINISTRATION

Notices

Travel; increased allowances; correction ---- 29340

Meetings:

Regional Public Advisory Panel on Architectural and Engineering Services (2 documents) ---- 29340

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; National Institutes of Health; Public Health Service; Social Security Administration.

Notices

Contract award; Georgetown University; course on self-care and patient participation ---- 29319

Professional Standards Review Organization:

Arkansas ---- 29317

California ---- 29317

Idaho ---- 29318

Maryland (2 documents) ---- 29318

Pennsylvania ---- 29319

INTERIOR DEPARTMENT

See Land Management Bureau; Mines Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Rules

Income tax:

Fines, penalties, illegal bribes, kickbacks, and other payments; deductibility ---- 29290

Proposed Rules

Income tax:

Domestic international sales corporations; correction ---- 29296

Notices

Authority delegation:

District Directors of Internal Revenue ---- 29307

INTERSTATE COMMERCE COMMISSION

Rules

Car service orders:

Atchison, Topeka and Santa Fe Railway Co. and Denver and Rio Grande Western Railroad Co ---- 29294

Notices

Hearing assignments ---- 29366

Motor carriers:

Temporary authority applications ---- 29366

Transfer proceedings (3 documents) ---- 29366, 29367

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See Employment Standards Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:

Idaho; correction ---- 29292

Notices

Environmental impact statement; availability:

Oil and gas leasing; Outer Continental Shelf ---- 29308

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:

National Advisory Committee on Criminal Justice Standards and Goals ---- 29308

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ---- 29359

Privacy Act guidelines; correction ---- 29360

MARITIME ADMINISTRATION

Notices

Applications etc.:

Waterman Steamship Corp ---- 29315

Award of construction:

Avondale Shipyards, Inc. et al ---- 29316

MINES BUREAU

Notices

Mineralogical services; policy statement ---- 29308

NATIONAL CREDIT UNION ADMINISTRATION

Rules

Flood insurance ---- 29264

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:

Endocrinology Study Section ---- 29316

Interagency Coordinating Committee for Cancer Control and Rehabilitation ---- 29316

National Cancer Institute Advisory Committees ---- 29316

President's Cancer Panel ---- 29317

Tropical Medicine and Parasitology Study Section ---- 29317

NATIONAL PARK SERVICE

Notices

Authority delegations:

Administrative Officer, et al., Acadia National Park, Me ---- 29308

Administrative Officer, et al., Coulee Dam National Recreation Area ---- 29309

Administrative Officer, et al., Everglades National Park, Fla. ---- 29309

Authority delegations—Continued

Administrative Officer, et al., Independence National Historical Park ---- 29309

Administrative Services Assistant, Kennesaw Mountain National Battlefield Park ---- 29309

Assistant Superintendent, et al., Natchez Trace Parkway, Miss ---- 29309

Procurement Clerk et al., Hawaii Volcanoes National Park ---- 29310

Concession permits, etc.:

Colonial National Historical Park ---- 29310

Fire Island National Seashore ---- 29310

Meetings:

Master Plan for Whiskeytown Unit, Whiskeytown/Shasta/Trinity National Recreation Area ---- 29310

PUBLIC HEALTH SERVICE

Notices

Authority delegation:

Assistant Secretary for Health and Administrator Health Services Administration ---- 29319

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Money market fund yield quotations; proposed guidelines; correction ---- 29306

Notices

Hearings, etc.:

Canadian Javelin, Ltd ---- 29360

Multiple Maturity Tax-Exempt Bond Trust, First Series, et al ---- 29360

Northeast Utilities et al ---- 29362

Southwestern Electric Power Co ---- 29363

Wellington Fund, Inc., et al ---- 29364

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:

Montana ---- 29365

Applicants, etc.:

Van Rietschoten Capital Corp ---- 29365

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Old-age, survivors, and disability insurance:

Retirement test monthly exempt amount and contribution and benefit base; correction ---- 29301

SOIL CONSERVATION SERVICE

Notices

Environmental statements; watershed projects, East Franklin, La ---- 29311

Equipment grant eligibility determination; Fredonia Natural Resource Conservation District, Ariz ---- 29311

STATE DEPARTMENT

Notices

Advisory committees; reports on closed sessions ---- 29307

Committees; establishment of:

Advisory Committee for the U.S. Participation in the U.N. Conference on Human Settlements (Habitat) ---- 29307

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Rules

Freedom of information:

Access to records ---- 29290

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR

6 ---- 29261
910 ---- 29261
911 ---- 29262
999 ---- 29262
1822 ---- 29263
1823 ---- 29263

PROPOSED RULES:

1030 ---- 29296
1822 ---- 29300

12 CFR

760 ---- 29264

13 CFR

315 ---- 29265

14 CFR

39 (5 documents) ---- 29269–29272
71 (5 documents) ---- 29272
129 ---- 29273

PROPOSED RULES:

1 ---- 29410
21 ---- 29410
23 ---- 29410
25 ---- 29410
27 ---- 29410
29 ---- 29410
31 ---- 29410
33 ---- 29410
35 ---- 29410
39 (2 documents) ---- 29301
43 ---- 29410
45 ---- 29410
71 ---- 29302
91 ---- 29410
121 ---- 29410

17 CFR

PROPOSED RULES:

230 ---- 29306
240 ---- 29306

18 CFR

3 ---- 29275

PROPOSED RULES:

2 ---- 29304
141 ---- 29305

20 CFR

PROPOSED RULES:

404 ---- 29301

26 CFR

1 ---- 29290

PROPOSED RULES:

1 ---- 29296

31 CFR

1 ---- 29290

40 CFR

80 ---- 29292

PROPOSED RULES:

243 ---- 29404

43 CFR

PUBLIC LAND ORDERS:

5499 ---- 29292

45 CFR

1069 ---- 29292

47 CFR

PROPOSED RULES:

68 ---- 29302
73 ---- 29303

49 CFR

393 ---- 29292
1033 ---- 29294

V40-134 JUL 11 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 27925
310 27925

3 CFR
PROCLAMATIONS:
4381 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) 27939
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659

4 CFR
54 27929

5 CFR
213 ..... 27639, 27640, 27929, 28047, 28445, 28806, 29067
307 28445
551 27640
731 28047

7 CFR
6 29261
26 28785
246 27930
271 28786
272 28786
722 28601
760 29067
780 27641
908 ..... 28460, 29068
910 ..... 28461, 29261
911 ..... 28462, 29262
915 ..... 28048, 29068
916 28462
917 ..... 27930, 28601
930 ..... 27931, 28602
999 29262
1064 27641
1131 27642
1408 29069
1446 28787
1464 ..... 28603, 28788
1822 ..... 28463, 29263
1823 29263
1843 27931
1964 27641
PROPOSED RULES:
728 28093
775 28093
911 28614
915 ..... 28090, 28614
916 28090
917 29087
958 28091
980 28091
989 27691
1030 29296
1032 28618
1046 28465
1062 28618
1099 28807
1201 ..... 28092, 28093
1421 28094
1464 27691
1701 29087–29088
1822 ..... 28094, 29300

8 CFR
PROPOSED RULES:
212 28614

9 CFR
83 27642
97 27643
PROPOSED RULES:
92 28807
101 28621
112 28621
113 28621
114 28621

10 CFR
205 28446
211 28446
212 ..... 28637, 28847, 28848
303 28420
309 28420
860 28789
PROPOSED RULES:
205 28481
206 28481
212 ..... 28637, 28847, 28448
213 ..... 28481, 28487

11 CFR
Ch. II 28578
PROPOSED RULES:
Ch. II 28579

12 CFR
308 28048
339 27931
400 28449
561 29069
760 29264
PROPOSED RULES:
217 28644
329 ..... 28099, 28100
544 28638
545 28638
546 ..... 27953, 28640
555 28641
563 ..... 27954, 28643
571 29093

13 CFR
121 28603
305 29070
315 29265

14 CFR
21 28603
39 ..... 27643, 27644, 28075, 28604–28605, 29269–29272
71 ..... 28076, 28077, 28790–29272
73 ..... 27644, 28077
97 ..... 28606, 29070
129 29273
211 28077
217 28078
288 ..... 28078, 28450
296 28079
297 28087
399 28087

14 CFR—Continued
PROPOSED RULES:
1 29410
21 29410
23 29410
25 29410
27 29410
29 29410
31 29410
33 29410
35 29410
39 ..... 28096, 29301
43 29410
45 29410
71 ..... 28628, 29302
75 ..... 28096, 28097, 28628
91 ..... 28628, 29089, 29410
93 28629
121 29410
221 28489

16 CFR
13 ..... 27932, 28050
302 27932
1031 27934
PROPOSED RULES:
257 28489
1016 29092

17 CFR
1 29085
270 27644
275 27644
PROPOSED RULES:
1 29090–29091
230 29306
240 29306

18 CFR
3 ..... 27645, 29275
260 27645
PROPOSED RULES:
2 29304
141 29305

19 CFR
1 27934
127 28790
133 28790
PROPOSED RULES:
24 28807

20 CFR
401 27648
404 29071–29072
405 ..... 28016, 28052
422 27648
PROPOSED RULES:
401 28810
404 ..... 28095, 29301
405 ..... 27782, 28810
416 28095

21 CFR
1 28582
27 28791
121 29073
229 28610
431 28052
510 ..... 27651, 28791
522 28792
556 28792
558 27651
701 28451
1308 28611
1401 27821
PROPOSED RULES:
80 29089
125 29089
310 ..... 27796, 28587
1020 28095

22 CFR
8 28606

23 CFR
230 28053
710 29073

24 CFR
17 28597
401 29073
888 28451
1914 28061
1915 27651
2205 28609

25 CFR
12 28026
153 28039

26 CFR
1 ..... 27943, 29290
PROPOSED RULES:
1 ..... 27943, 28101, 28613, 29296
11 28101

29 CFR
94 28980
97 28980
727 28064
1952 ..... 27655, 28472, 28792
PROPOSED RULES:
570 28814
1902 27946
1907 27691

31 CFR
1 29290

32 CFR
641 27936
1712 28597

33 CFR
3 28451
127 27939

34 CFR
PROPOSED RULES:
Ch. II 28495

36 CFR
PROPOSED RULES:
2 28088

39 CFR
3002 28792

40 CFR
52 28064
80 29292
85 28066
162 28242
180 28065
413 29075–29076
PROPOSED RULES:
2 28814
51 28629
52 ..... 28097, 28098, 28815
60 28814
61 28814
79 28814
125 28814
167 28814
180 28814
243 29404
432 28633

41 CFR
1–3 27655
1–9 28067
9–4 28068
60–8 28609
101–11 27655
105–61 28610
PROPOSED RULES:
60–12 28477
60–14 28472

42 CFR
2 27802
86 29076

43 CFR
20 28288
430 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 27659
3836, Amended by PLO 5506 27659
5150, Revoked in part by PLO 5506 27659
5180, Revoked in part by PLO 5509 27659
5497, Corrected by PLO 5508 27659
5499 29292
5504 27659
5506 27659
5507 27659
5508 27659
5509 27659
5510 27939

45 CFR
83 28572
206 27659
249 28793
250 28070
1060 28793
1061 27661
1067 28794
1068 ..... 27665, 27667
1069 29292
1220 28799
PROPOSED RULES:
116d 28622

46 CFR
502 27671
506 28801
538 28452
PROPOSED RULES:
547 28489

47 CFR
0 28454
1 ..... 28454, 28803
73 ..... 27671, 27939, 28457, 28803
74 28610
76 ..... 28457, 28804
PROPOSED RULES:
21 28816
43 28816
68 29302
73 ..... 28098, 28634, 29303
76 ..... 28634, 28816

49 CFR
172 27939
173 27939
174 27939
177 27939
256 29080
393 29292
571 ..... 28457, 28805
575 ..... 28071, 28074
1033 ..... 27939–27941, 29294
1102 27941
PROPOSED RULES:
571 28097

50 CFR
21 28459
32 29084
33 29084
PROPOSED RULES:
17 28712
20 27943
216 28469

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11

V40-134 JUL 11 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. No. 12]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

CERTAIN CANADIAN CHEESE; LICENSING REGULATIONS

Import Regulation 1, Revision 5, as amended, is further amended to provide a basis for the issuance of licenses for the importation from Canada, beginning with the quota year 1975, of certain cheese provided for in item 950.10D of part 3 of the appendix to the Tariff Schedules of the United States (TSUS). The cheese covered is generally referred to as "other cheese" containing over 0.5 percent by weight of butterfat. At present this quota covers cheese having a purchase price under 86 cents per pound.

A person shall be eligible for a license to import from Canada a quantity of cheese provided for in TSUS item 950.10D to the extent his historical eligibility has previously been established therefor on the basis of importations from Canada during the base period for such cheese having a purchase price under 47 cents per pound. A person who is a bona fide importer of cheese by reason of having made at least two commercial importations thereof from any source during the calendar year preceding the year for which application is made may also be considered eligible for a share of the remainder of the quota. Applications for such licensed shares of the quota must be submitted annually. Quota shares will not be transferable to countries of origin other than Canada.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is further amended by revising § 6.32 to read as follows:

§ 6.32 Special provisions.

(a) Eligibility for license for Canadian "Other Cheese" quota. Notwithstanding any other provision of this part, licenses to import from Canada, during the quota year 1975 and each succeeding quota year, cheese subject to the quota provided for in TSUS item 950.10D shall be issued in accordance with this subsection.

(1) A person shall be eligible for a license to import from Canada a quantity of such cheese for which he has previously established historical eligibility on the basis of importations from Canada during the base period of such cheese having a purchase price under 47 cents per pound.

(2) After making the allocations provided for in paragraph (a)(1) hereof, the remainder of such quota quantity to be imported from Canada shall be allocated among applicants therefor who submit evidence of the importation of two or more commercial shipments of cheese from any country during the quota year immediately preceding the year for which application is made. Persons eligible under paragraph (a)(1) of this section may also apply under this paragraph.

(3) The quota share of any person under paragraph (a)(2) hereof shall be a proportionate share, 350,000 pounds, or the quantity requested in his application, whichever is smaller. Should full use of the quota provided for in TSUS item 950.10D not be attained by the procedure provided in this subsection, quantities remaining may be allocated to licensees who have established eligibility for such cheese for such quota year.

(4) A person, its subsidiaries and affiliates, shall be considered as one applicant.

(5) Applications and qualifying records. (i) Applications for licensed shares under paragraphs (a) (1) and (2) of this section must be submitted annually. Such applications, including qualifying records must, for the 1975 quota year, be received no later than August 15, 1975, in the office of the Chief, Import Branch, Foreign Agricultural Service, United States Department of Agriculture, Washington, D.C. 20250. For succeeding quota years, applications must be received no later than December 1 in the year preceding the year for which application is made. Applications received after the deadline and prior to July 1 of the applicable quota year may be considered on a first-come, first-served basis only insofar as there may be quota quantities remaining. (ii) Qualifying records of importations shall consist of two or more stamped, duty paid consumption entries or withdrawals from warehouse for consumption (Customs Forms 7501 or 7505), bearing entry number and date, showing the applicant as the Importer of Record of commercial shipments of cheese from any country of origin as provided in paragraph (a)(2) of this section. Applicants whose records of qualifying importations during the applicable period are on file with the licensing authority need not submit additional records with their applications.

(6) Transfers. The provisions of §§ 6.33 and 6.25(e) shall not be applicable to quota shares for which licenses are issued under this section; i.e., a licensee will not be authorized to import his quota share from a country of origin other than Canada, and there will be no recognition of license eligibility based on the fact that a person is a successor-in-interest to another person who had previously established eligibility for a quota share.

Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; pt. 3 of the appendix to the "Tariff Schedules of the United States," 19 U.S.C. 1202.)

Effective date: This amendment shall take effect on July 11, 1975.

Signed at Washington, D.C., the 8th day of July 1975.

DAVID L. HUME,
Administrator,
Foreign Agricultural Service.

[FR Doc.75-18027 Filed 7-10-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 13–19, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.301 Lemon Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is

V40-134 JUL 11 75 XUM

hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is only slightly better this week with continued poor fruit condition upon arrival to markets. Average f.o.b. price was $6.26 per carton the week ended July 5, 1975, compared to $6.34 per carton the previous week. Track and rolling supplies at 235 cars were up 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 13, 1975 through July 19, 1975, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 9, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–18220 Filed 7–10–75;11:39 am]

[Lime Reg. 6]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 13–19, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.406 Lime Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues to improve, and market supplies are expected to be adequate to meet demand requirements for both this week and next. Fresh shipments for the weeks ended July 5, 1975, and June 28, 1975, were 13,791 bushels and 27,777 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1975.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 13, 1975, through July 19, 1975, is hereby fixed at 27,500 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 9, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–18185 Filed 7–10–75;8:45 am]

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Imports of Walnuts

Notice was published in the June 6, 1975, issue of the FEDERAL REGISTER (40 FR 24363) regarding a proposal by the Department to amend the regulation governing imports of walnuts (7 CFR 999.100) to revise the quality requirements for imported inshell walnuts, and permit walnuts offered for importation into the United States to be moved from the port of arrival under transportation entries and warehouse entries prior to the required USDA quality and size inspection. The walnut import regulation is effective pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to collectively as the "act".

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 8e of the act reuires the Secretary of Agriculture to issue after reasonable notice, quality restrictions on imported walnuts, which are the same as, or comparable to, those imposed upon domestic walnuts under a Federal marketing order (7 CFR Part 984; 39 FR 35327; 35999). The minimum quality requirements for imported inshell walnuts under the import regulation are U.S. No. 3. The minimum quality requirements for domestic inshell walnuts under the Federal marketing order were revised from U.S. No. 3 to U.S. No. 2. Therefore, it is necessary to revise the present minimum quality requirements on imported inshell walnuts to U.S. No. 2.

The import regulation currently requires USDA quality and size inspection, and reconditioning, if needed, of inshell and shelled walnuts offered for importation into the United States to be performed at the port of arrival. Some shipments of foreign walnuts arrive at ports on the border between the United States and Canada where there are no inspection and reconditioning facilities. The lack of these facilities has caused delays in the movement of walnuts into the United States and placed undue restrictions on importers using these ports.

The amendment would permit walnuts offered for importation into the United States to be moved from the port of arrival under transportation entries and warehouse entries prior to the required USDA quality and size inspection. This would facilitate movement of imported walnuts, provide for smoother operations under, and more efficient administration of, the import regulation.

After consideration of all relevant matter presented, including that in the notice, and other available information, it is hereby found that the amendment of the regulation governing imports of walnuts (7 CFR 999.100), as hereinafter set forth, is pursuant to, in accordance with, and will tend to effectuate, the declared policy of the act.

Therefore, the regulation governing imports of walnuts (7 CFR 999.100) is amended as follows:

1. Section § 999.100(a) (6), (c) (4), and (d) are revised to read as set forth below. Paragraph (b)(1) of § 999.100 is amended by deleting "U.S. No. 3" and replacing it with "U.S. No. 2."

§ 999.100 Regulation governing imports of walnuts.

(a) * * *

(6) "Importation of walnuts" means the release of walnuts from the custody of the United States Customs Service.

* * * * *

(c) * * *

(4) Inspection must be completed prior to the importation of walnuts. To avoid delay the applicant should make advance arrangements with the USDA inspection office.

(d) Nothing contained in this section shall be deemed to preclude reconditioning walnuts prior to importation, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1975, to become effective August 15, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75–18013 Filed 7–10–75;8:45am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.3]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart B—Section 504 Rural Housing Loan Policies, Procedures, and Authorizations

Nondiscrimination

Subpart B of Part 1822 of Title 7, Code of Federal Regulations (40 FR 1229–1230) is amended to add § 1822.33, Nondiscrimination. This amendment provides for a positive statement of Farmers Home Administration nondiscrimination policies under the section 504 Rural Housing Program.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 533 with respect to such rules. This amendment, however, is not published for proposed rulemaking because it is a restatement of existing policy under general agency regulations. Notice of proposed rulemaking is therefore unnecessary.

Interested persons may submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316 South Building, Washington, D.C. 20250, on or before Aug. 11, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this amendment were a proposal. However, this change shall remain effective until it is amended in order to permit the public business to proceed expeditiously.

As added, § 1822.33 reads as follows:

§ 1822.33 Nondiscrimination.

Loans under this program are subject to the nondiscrimination policies of the U.S. Department of Agriculture and will be processed without regard to race, color, religion, sex, or national origin.

Effective date. This amendment is effective on July 11, 1975.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: June 27, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75–18016 Filed 7–10–75;8:45 am]

[FmHA Instruction 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Community Facility Loans

Planning, Bidding, Contracting, and Constructing Section 1823.29 of Subpart A of Part 1823, Title 7, Code of Federal Regulations (38 FR 29026; 39 FR 12729) is amended. Subparagraph (3) (i) through (vii) under paragraph (b) of this section has been redesignated without change as paragraph (c) (1) through (7); subdivision (viii) under paragraph (b) (3) has been revised and redesignated as subparagraph (8) under redesignated paragraph (c), and subdivisions (i) through (x) have been added to include information needed in the procurement records to allow the use of design-construct methods of contract procurement. The purpose of this amendment is to increase the efficiency of the existing method used by the Farmers Home Administration in dealing with contractors and builders in connection with planning, bidding, contracting, and constructing. Former paragraphs (c) through (f) of this section have been redesignated as paragraphs (h) through (g) without change. This amendment is being published without notice of proposed rulemaking since it relieves a restriction in the current regulations and any delay would be detrimental to certain communities who are waiting adoption of the amendments in order to begin construction of necessary projects and would be, therefore, contrary to the public interest. Interested persons are invited, however, to submit written comments, suggestions, or objections regarding this amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before August 11, 1975. Material

V40 I134 JUL 11 75 XUM

thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours. (8:15 a.m.–4:45 p.m.)

As revised and added, § 1823.29(c)(8)(i) through (x) will read as follows:

§ 1823.29 Procurement, bidding, and contract awards.

* * * * *

(c) * * *

(8) Procurement records or files for purchases not handled in accordance with paragraph (c)(5) of this section and those in excess of $50,000 shall provide at least the following pertinent information:

(i) The applicant's written request to utilize methods of procurement other than competitive bidding and justification for the use of such negotiations.

(ii) A written consent from the FmHA making an exception to the requirements contained in paragraphs (c)(1) and (5) of this paragraph and paragraph (e) in regards to formal competitive bidding and the architect/engineer-contractor relationship. Such consent shall not be given when FmHA financing includes a grant.

(iii) A detailed tabulation showing comparative construction costs of several facilities recently completed within the geographical area. Such tabulation must show that the cost of constructing the proposed facility through the use of negotiated contract will be less than the cost of comparable facilities constructed through competitive bidding.

(iv) A firm total construction cost guaranteed in writing by the contractor. Any extra cost which may result from errors or omissions shall be the responsibility of the contractor.

(v) Final plans and specifications that are complete and in sufficient detail to indicate what is covered by the contract. The plans and specifications should include such items as site layout and all appurtenant work, structural and finish materials; electrical, heating, plumbing, ventilating, and air conditioning equipment; fixed equipment included in the construction contract as well as any other fixed equipment.

(vi) The applicant will submit a detailed listing and cost estimate of equipment and supplies not included in the construction contract necessary to properly operate the facility.

(vii) The contractor's and applicant's documentation that the facility will equal or exceed in every respect all applicable local, Federal, and state requirements.

(viii) Evidence that the applicant has hired an on-site full-time construction inspector who is completely independent from the contractor and is responsible only to the owner. Such inspector must be qualified to interpret plans and specifications and to advise the applicant of the full technical scope of the proposed project. This inspector must be hired prior to the execution of the construction contract.

(ix) The applicant's evaluation of the contractor's performance for previous similar projects in which the contractor performed both the design and construction.

(x) The applicant's and contractor's written agreement in which they agree to comply with all FmHA regulations.

* * * * *

(7 U.S.C. 1989, delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Effective date. This amendment is effective July 11, 1975.

Date June 27, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-18015 Filed 7-10-75;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 760—FLOOD INSURANCE

Miscellaneous Amendments

The Administrator of the National Credit Union Administration considers it necessary to amend Part 760 (12 CFR 760) to conform the regulations to the provisions of section 201(d) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234). Therefore, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, the Administrator hereby amends Part 760 as set forth below, effective immediately.

Pub. L. 93-234 amends the National Flood Insurance Act of 1968. This amendment, among other things, allows the Federal Insurance Administration to insure loans secured by improved real estate or mobile homes located in designated flood areas. Section 201(d) of the Flood Disaster Protection Act of 1973 provides that flood-prone communities which do not qualify for and/or participate in the National Flood Insurance Program within one year after being notified by the Secretary of Housing and Urban Development of their flood-prone status are subject to regulations which prohibit Federal credit unions from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in such formally identified flood-prone areas.

Due to the fact that the provisions of Pub. L. 93-234 became effective on March 2, 1974, and require regulatory amendments in conformance with those provisions, and since the amendments are for the benefit of the public in general, the Administrator has determined that notice and public procedure as to these amendments are impracticable, unnecessary and contrary to the public interest as provided by 5 U.S.C. 553(b). Since publication of such amendments for the 30-day period prior to the effective date of such amendments, as provided by 5 U.S.C. 553(d), is not required for the same reasons, the Administrator hereby provides that such amendments shall become effective as previously set forth herein.

(Sec. 120, 73 Stat. 635, (12 U.S.C. 1766), and Sec. 209, 84 Stat. 1014, (12 U.S.C. 1789).)

HERMAN NICKERSON, JR.,
Administrator.

JULY 3, 1975.

Part 760 of the rules and regulations relating to flood insurance is amended as follows:

1. Section 760.0 is amended by adding "201(d)" to the last sentence of that section so that the sentence will read as follows:

§ 760.0 Scope.

* * * This regulation is intended to comply with that legislative mandate and is issued under sections 102(b), 102(c), 201(d), 203(b), and 205(b) of the Flood Disaster Protection Act of 1973 (87 Stat. 978, 982).

2. Section 760.1 is amended by adding paragraph (c) to read as follows:

§ 760.1 Definitions.

* * * * *

(c) "Flood insurance" means insurance obtained in accordance with the requirements of the National Flood Insurance Program, as promulgated by the Federal Insurance Administration. Flood insurance includes insurance issued by private insurers which meets these requirements.

§760.2 [Amended]

3. In § 760.2 paragraphs (a), (b), and (c) are redesignated as paragraphs (b), (c), and (a) respectively. Newly redesignated paragraphs (a) and (b) are revised to read as follows.

(a) On and after July 1, 1975, (or on or after the end of one year from the time that a community is notified that it formally identified as a flood-prone community, as provided below, whichever is later) no Federal credit union shall make, increase, extend or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards unless the community in which such area is situated is then participating in the National Flood Insurance Program.

(b) Where an area has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards (and the community in which the area is situated is then participating in the National Flood Insurance Program and has available to it flood insurance under the National Flood Insurance Act of 1968, as amended), Federal credit unions and federally-insured state credit unions may make, increase, extend or renew loans secured by improved real estate or mobile homes located in such special flood hazard areas only if the building or mobile home and any personal property securing the loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less.

* * * * *

4. In § 760.2 newly redesignated paragraph (c) and paragraph (d) are amended by deleting the "(c)" as it appears therein and by inserting in lieu thereof "(a)".

[FR Doc.75-18077 Filed 7-10-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

Interim Regulations

The Economic Development Administration hereby publishes interim regulations to amend Title 13 of the Code of Federal Regulations by adding a new Part 315.

These regulations describe procedures by which eligible applicants may receive adjustment assistance for firms and communities under Chapter 3 and 4 of Title II of the Trade Act of 1975 (Public Law 93-618) which became effective on April 3, 1975. It is therefore deemed desirable to publish interim regulations to be made effective as of that date.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553 interested persons may submit written comments or suggestions to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, DC. 20230 by July 18, 1975. All such suggestions will be considered in revising or amending the interim regulations.

Consideration has been given as to whether matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular A-107 and interpretative guidelines as issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

Accordingly, the interim regulations shall read as follows:

Subpart A—General

Sec.
315.1 Purpose.
315.2 Definitions.
315.3 General requirements.

Subpart B—Adjustment Assistance for Firms

315.20 Application for assistance.
315.21 Approval of applications.
315.22 Types of adjustment assistance.
315.23 Technical assistance.
315.24 Financial assistance.
315.25 Eligibility for financial assistance.
315.26 Interest rates.
315.27 Priorities.
315.28 Limitations.
315.29 Operating reserves.
315.30 Fees.
315.31 Administration of financial assistance.
315.32 Delegation of functions to SBA.
315.33 Transitional provisions.
315.34 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

Subpart C—Adjustment Assistance for Communities

315.60 Secretary's Representatives—Preprogram assistance.
315.61 Trade Impact Area Councils.
315.62 Administrative expense grants.
315.63 Applications for assistance.
315.64 Types of assistance.
315.65 Limitations.
315.66 Redevelopment areas and OEDP.
315.67 Use of loan guarantees.
315.68 Loan guarantee requirements.
315.69 Agreement to cover liability arising under loan guarantees.
315.70 Priorities.
315.71 Employee Stock Ownership Plan.
315.72 Loan (Trust) agreement.
315.73 Allocation of securities.
315.74 Liquidation and administration of loans, guarantees and evidences of indebtedness.
315.75 Community Adjustment Assistance Fund.

Subpart A—General

AUTHORITY: Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Org. Order 10-4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12582), sec. 251-274, Pub. L. 93-618 (January 3, 1975); (19 U.S.C. 2341-2374); 88 Stat. 2030-2040.

§ 315.1 Purpose.

The purpose of this Part is to set forth the requirements and procedures pursuant to which eligible applicants may receive adjustment assistance for firms and communities under Chapters 3 and 4 of Title II of the Trade Act of 1974.

§ 315.2 Definitions.

(a) "Community" means an Indian tribe or political subdivision of a State including, but not limited to, any municipality, county, town, parish, local government agency or other general purpose subdivision of such State;

(b) "Council" means a Trade Impacted Area Council for adjustment assistance.

(c) "Firm" means an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court. A firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm where necessary to prevent unjustifiable benefits.

(d) "Employee stock ownership plan" means a plan described in section 407(d)(6) of the Employee Retirement Income Security Act of 1974, section 4975(e)(7) of the Internal Revenue Code of 1954, and in section 102(5) of the Regional Rail Reorganization Act of 1973, which meets the requirements of Title I of the Employee Retirement Income Security Act of 1974 and of Part I of subchapter D of Chapter 1 of such Code.

(e) "Equity Capital" means with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in § 315.72(d)), less the amount of its indebtedness.

(f) "Qualified employer securities" means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan account.

(g) "Qualified trust" means a trust established under an employee stock ownership plan and meeting the requirements of Title I of the Employee Retirement Income Security Act of 1974 and of Part I of subchapter D of Chapter 1 of such Code.

(h) "Trade impacted area" means any area within U.S. Customs territory, the size and geographical limits of which have been determined by the Deputy Assistant Secretary of Commerce for Resources and Trade Assistance under section 271(e) of the Trade Act.

§ 315.3 General requirements.

Before any assistance can be extended under this Part the Assistant Secretary must determine that:

(a) The project for which assistance is sought complies with the requirements and conditions set forth in 13 CFR 309.9, 309.11, 309.14, 309.15, 309.18, and Part 310 of these regulations.

(b) The recipients of such assistance and any "other parties" as defined in 15 CFR Subtitle A, Part 8 have executed assurances of compliance with Title VI of the Civil Rights Act of 1964, as amended.

Subpart B—Adjustment Assistance for Firms

AUTHORITY: Sec. 251-264 Pub. L. 93-618 (January 3, 1975); 19 U.S.C. 2341-2354; 88 Stat. 2030-2035.

§ 315.20 Application for assistance.

(a) A firm certified under 15 CFR Part 350 as eligible to apply for adjustment assistance may, at any time within two years after the date of such certification, file an application with the Assistant Secretary for adjustment assistance under this subpart. Such application shall be made on forms provided by the Assistant Secretary.

(b) Such application, except in the case of an application for technical assistance to be used for preparing an

V40-134 JUL 11 75 XUM

adjustment proposal shall include a proposal for the economic adjustment of such firm. The adjustment proposal shall contain the following information:

(1) *Material contribution to economic adjustment.* An adjustment proposal must demonstrate that the assistance sought therein will be a constructive aid to the firm in establishing a competitive position in the same or a different industry where there is sufficient demand to employ the efficient capacity of existing competitive enterprises.

(2) *Consideration to the interests of workers.* An adjustment proposal must give adequate consideration to the interests of the workers of such firm adversely affected as the result of the serious injury or threat thereof to such firm. Among reasonable alternatives, adjustment proposals that provide for the rehiring of such workers who have been laid off due to the increased imports are preferred. Efforts by the firm to find new employment for such laid-off workers or assistance rendered to such workers under Government programs will also be taken into account in evaluating a proposal.

(3) *Reasonable efforts by the firm to use its own resources.* An adjustment proposal must demonstrate that the firm will make maximum use of its own resources and that any funds requested are not otherwise available to the firm, from sources other than the Federal Government, on reasonable terms. The firm's own resources include the total resources available from all affiliated firms or related entities under the ownership and control of substantially the same persons. Under certain circumstances, as in the case of a closely held corporation, the firm's resources may extend to the personal resources of shareholders. In determining whether such funds are not otherwise available to the firm, the Assistant Secretary may require satisfactory evidence that the firm has been refused the required credit from banks or other sources, or that the funds do not appear to be obtainable on reasonable terms through a public offering or private placement of securities of the firm or through the sale at a fair price of assets of the firm that are not reasonably required in connection with its economic adjustment.

(c) The Assistant Secretary may furnish technical assistance to any firm which has been certified as eligible to apply for adjustment assistance under this subpart, in order to assist it in preparing a viable adjustment proposal.

§ 315.21 Approval of applications.

(a) The Assistant Secretary shall approve a firm's application for adjustment assistance only if he determines—

(1) That the firm has no reasonable access to financing through the private capital market; and

(2) That the firm's adjustment proposal—

(i) Is reasonably calculated materially to contribute to the economic adjustment of the firm;

(ii) Gives adequate consideration to the interests of the workers of such firm; and

(iii) Demonstrates that the firm will make all reasonable effort to use its own resources for economic development.

(b) The Assistant Secretary shall make a determination as soon as possible after the date on which an application is accepted, but in no event later than 60 days after such date.

§ 315.22 Types of adjustment assistance.

Adjustment assistance under this subpart consists of technical assistance and financial assistance, which may be furnished singly or in combination.

§ 315.23 Technical assistance.

(a) The Assistant Secretary may provide to a firm certified under 15 CFR Part 350, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will carry out the purpose of this subpart with respect to such firm.

(b) Technical assistance may be provided under this subpart in order to assist a firm in—

(1) Developing a proposal for its economic adjustment;

(2) Implementing such a proposal; or

(3) Both.

(c) The Assistant Secretary shall furnish technical assistance under this section through existing agencies and through private individuals, firms, and institutions.

(d) The Federal share of technical assistance furnished through private individuals, firms, and institutions, including private consulting services, shall not exceed 75 percent of the total amount of the funds required.

(1) Firms applying for technical assistance are expected to share the cost of such assistance to the extent possible.

(2) The Assistant Secretary may waive all or part of the 25 percent non-Federal share if he determines—

(i) That the firm cannot afford to pay its share of the cost; and

(ii) There is adequate provision for repayment of at least 25 percent of the total cost of the technical assistance.

§ 315.24 Financial assistance.

(a) The Assistant Secretary may provide to a firm certified under 15 CFR Part 350, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of direct loans or guarantees of loans as in his judgment will materially contribute to the economic adjustment of the firm.

(1) The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Loans or guarantees of loans shall be made under this subpart only for the purpose of making funds available to the firm—

(1) For acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities or machinery; or

(2) To supply such working capital as may be necessary to enable the firm to implement its adjustment proposal.

§ 315.25 Eligibility for financial assistance.

(a) No financial assistance shall be provided under § 315.24 unless the Assistant Secretary determines—

(1) that the funds required are not available from the firm's own resources; and

(2) that there is reasonable assurance of repayment of the loan.

(b) To the extent that loan funds can be obtained from private sources, with or without a guarantee, at the rate provided in § 315.26, no direct loan shall be provided to a firm under § 315.24.

§ 315.26 Interest rates.

(a) The rate of interest on loans which are guaranteed under this subpart shall be no higher than the maximum interest per annum that a participating financial institution may establish on guaranteed loans made pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636 (a)).

(b) The rate of interest on direct loans made under this subpart shall be—

(1) A rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity that are comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 percent; plus

(2) An amount adequate in the judgment of the Assistant Secretary to cover administrative costs and probable losses under the program.

§ 315.27 Priorities.

The Assistant Secretary shall give priority to firms which are small within the meaning of the Small Business Act (and regulations promulgated in 13 CFR, Chapter I, Part 121) in making direct loans and loan guarantees.

§ 315.28 Limitations.

(a) The Assistant Secretary shall make no loan or guarantee of a loan having a maturity in excess of 25 years, including renewals and extensions. Such limitations on maturities shall not, however, apply to—

(1) securities or obligations received by the Assistant Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor; or

(2) an extension or renewal for an additional period not exceeding 10 years, if the Assistant Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(b) No loan shall be guaranteed by the Assistant Secretary in an amount which exceeds 90 percent of the balance of the loan outstanding.

(c) The aggregate amount of loans made to any firm which are guaranteed under this subpart and which are outstanding at any time shall not exceed $3,000,000.

(1) The amount of loans made to any firm which may be guaranteed under this subpart shall be reduced by the aggregate amount of outstanding loans to such firm which are guaranteed by the Trade Expansion Act of 1962.

(d) The aggregate amount of direct loans made to any firm under this subpart which are outstanding at any time shall not exceed $1,000,000.

(1) The amount of direct loans which may be made to any firm under this subpart shall be reduced by the aggregate amount of direct loans made under the Trade Expansion Act of 1962 which are outstanding.

§ 315.29 Operating reserves.

The Assistant Secretary shall maintain operating reserves with respect to anticipated claims under guarantees made under this subpart. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

§ 315.30 Fees.

The Assistant Secretary shall charge a fee to a lender which makes a loan guaranteed under this subpart in such amount as is necessary to cover the cost of administration of such guarantee.

§ 315.31 Administration of financial assistance.

(a) In making and administering guarantees and loans under this subpart, the Assistant Secretary may—

(1) Require security for any such guarantee or loan, and enforce, waive, or subordinate such security;

(2) Assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property or security assigned to or held by him in connection with such guarantees or loan;

(3) Collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(4) Renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees or loans;

(5) Acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(6) Exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to this subpart.

(b) Any mortgage acquired as security under paragraph (a) of this section shall be recorded under applicable State law.

(c) All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Assistant Secretary pursuant to this subpart, shall be available for financing functions performed under this subpart, including administrative expenses in connection with such functions.

§ 315.32 Delegation of functions to SBA.

In case of any firm which is small within the meaning of the Small Business Act (and regulations promulgated in 13 CFR Chapter 1 Part 121) the Assistant Secretary may delegate all of his functions under this subpart, to the Administrator of the Small Business Administration.

§ 315.33 Transitional provisions.

Any firm whose adjustment proposal was certified under section 311 of the Trade Expansion Act of 1962 before the effective date of this Part may receive assistance at the level set forth in such certified proposal.

§ 315.34 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

No adjustment assistance under this part shall be extended to any firm unless the owners, partners, or officers of the firm—

(a) Certify to the Assistant Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such assistance, and the fees paid or to be paid to any such person; and

(b) Execute an agreement to refrain from employing tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Assistant Secretary shall have determined involve discretion with respect to the provision of such financial assistance.

Subpart C—Adjustment Assistance for Communities

AUTHORITY: Sec. 701, Pub. L. 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Org. Order 10–4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532). Sec. 271–274; Public Law 93–618 (January 3, 1975), (19 U.S.C. 2371–2374); 88 Stat. 2035–2040.

§ 315.60 Secretary's Representatives—Preprogram assistance.

Within 60 days after a community or communities are certified under 15 CFR Part 355, the Assistant Secretary shall send his representatives to the trade impacted area in which such community is located to—

(a) Inform officials of communities and other residents of such area about benefits available to them under this subpart; and

(b) Assist the officials and residents in establishing a Trade Impacted Area Council for Adjustment Assistance for such area.

§ 315.61 Trade Impacted Area Councils.

(a) The Assistant Secretary shall establish a Council for each trade impacted area in which one or more communities are certified under 15 CFR Part 355.

(b) The Council shall—

(1) Develop a proposal for an adjustment assistance plan for the economic rejuvenation of certified communities in its trade impacted area; and

(2) Coordinate community action under the adjustment assistance plan, as approved by the Assistant Secretary.

(c) The Council shall include representatives of certified communities, industry, labor, and the general public located in the trade impacted area covered by the Council.

(d) If an appropriate entity for purposes of performing the functions specified in paragraph (b) of this section already exists in such area, then the Assistant Secretary may designate such entity as the Council for such area.

§ 315.62 Administrative expense grants.

(a) Upon application by a Council established or designated under § 315.61, the Assistant Secretary is authorized to make grants to such Council for maintaining an appropriate professional and clerical staff.

(b) No grant shall be made to a Council to maintain staff after the period which ends two years after the date on which such Council is established or designated.

§ 315.63 Applications for assistance.

(a) A Council established or designated under § 315.61 may file an application with the Assistant Secretary for adjustment assistance under this subpart.

(b) Such application shall include the Council's proposal for an adjustment assistance plan for the communities in its trade impacted area. Such proposal shall contain the following:

(1) An identificaton of each adjustment need of the area for which assistance is sought. This should be an explanation of anticipated or existing economic problems and their impact on the eligible recipient.

(2) A description of each activity planned to meet each need. This explanation should include all activities that the eligible recipient has taken or plans to take regardless of whether funding is sought for them under this subpart and should indicate how each activity will contribute to the solution of economic problems.

(3) An explanation of the method of carrying out each planned activity. This should be an explanation for each activity of the amount of funds spent or needed, how each activity was or will be financed and brought into operation, and

V40I134 JUL 11 75 XUM

how each activity is or will be operated. The cost for each activity proposed to be funded under this subpart should be broken down into construction or start up costs, and operating costs. A plan should clearly indicate how assistance under this subpart, if made by the Assistant Secretary, would be used.

(4) A statement regarding the goals of each planned activity.

(5) Evidence that the plan is not inconsistent with locally approved comprehensive plans for the jurisdiction affected, whenever such plans exist; and that A–95 requirements have been met.

(6) An identification and analysis of the potential environmental impacts of the planned activities, including identifiable projects.

(c) The Assistant Secretary shall make a determination as soon as possible after the date on which an application is filed.

§ 315.64 Types of assistance.

Adjustment assistance under this subpart consists of—

(a) All forms of assistance, other than loan guarantees, which are provided to a redevelopment area under the Public Works and Economic Development Act of 1965, as amended; and

(b) The loan guarantee program described in this subpart.

§ 315.65 Limitations.

No adjustment assistance may be extended to a community in a trade impacted area under this subpart unless—

(a) The Assistant Secretary approves the adjustment assistance plan submitted to him under § 315.63(b).

(b) The assistance is consistent with the adjustment assistance plan and related to the accomplishment of the purpose and objectives of such plan.

(c) The applicant certifies to the Assistant Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of the applicant for the purpose of expediting applications for such assistance, and the fees paid or to be paid to any such persons.

§ 315.66 Redevelopment areas and OEDP.

For purposes of the Public Works and Economic Development Act of 1965—

(a) A trade impacted area, for which an adjustment assistance plan has been approved under § 315.63, shall be treated as a redevelopment area, except that—

(1) No loan guarantees may be made to any person under such Act; and

(2) No loan or grant may be made to any recipient in such an area after September 30, 1980.

(b) Approval of an adjustment assistance plan submitted under § 315.63 shall be treated as approval of an overall economic development program under section 202(b)(10) of such Act.

§ 315.67 Use of loan guarantees.

The Assistant Secretary is authorized to guarantee loans for—

(a) The acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery; and

(b) Working capital.

§ 315.68 Loan guarantee requirements.

Loans guaranteed by the Assistant Secretary under this subpart must meet the following requirements:

(a) The loan must be made by a private lending institution to a private borrower in connection with projects in trade impacted areas.

(b) The loan guarantee shall be subject to the same terms and conditions to which loan guarantees are subject under § 202 of the Public Works and Economic Development Act of 1965, as amended (and regulations promulgated in 13 CFR Part 306), including records and audit requirements and penalties, except that—

(1) No new loan guarantee may be made under this section after September 30, 1982;

(2) A loan guarantee may be made for the entire amount of the outstanding unpaid balance of such loan; and

(3) No more than 20 percent of the amount of loan guarantees made under this section by the United States may be made in one State.

§ 315.69 Agreement to cover liability arising under loan guarantees.

(a) The State and/or community in which an applicant for a loan guarantee is located may enter into an agreement with the Assistant Secretary to cover any liability which arises on such guarantees.

(b) The agreement shall be signed by:

(1) The Governor of the State; or

(2) The authorized representative of the community; or

(3) The Governor of the State and the authorized representative of the community in which an applicant for a loan guarantee is located.

(c) The agreement shall provide that such State and/or such community will pay not to exceed one-half of the amount of any liability which arises on such loan guarantee.

§ 315.70 Priorities.

When considering whether to guarantee a loan to a corporation which is otherwise qualified under this subpart, the Assistant Secretary shall give preference to a corporation which agrees to fulfill the following requirements:

(a) Twenty-five percent of the principal amount of the loan shall be paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by:

(1) The recipient corporation;

(2) A parent or subsidiary of such corporation; or

(3) Several corporations including the recipient corporation.

(b) The employee stock ownership plan meets the requirements of § 315.71.

(c) The agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of § 315.72.

§ 315.71 Employee Stock Ownership Plan.

The governing instrument of an employed stock ownership plan must provide that:

(a) The amount of the loan paid to the qualified trust under § 315.70(a) will be used to purchase qualified employer securities;

(b) The qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation; and

(c) The qualified trust will, from time to time as it repays the loan and the interest thereon, allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with § 315.73.

§ 315.72 Loan (Trust) agreement.

The agreement among the recipient corporation, the lender, and the qualified trust shall:

(a) Be unconditionally enforceable by any party against the others, jointly and severally;

(b) Provide that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under § 315.71(b) which are actually received by such trust;

(c) Provide that amounts received by the recipient corporation from the sale of qualified employer securities to the qualified trust under § 315.71(a) will be used exclusively by the recipient corporation for those purposes for which it may use that portion of the loan paid directly to it by the lender;

(d) Provide that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities under § 315.71(a); and

(e) Provide that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to timely repay the principal and interest on the amount of the loan received by the trust. Such contributions shall be made without regard to whether they are deductible by the corporation under section 404 of the Internal Revenue Code of 1964 and without regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

§ 315.73 Allocation of securities.

(a) At the close of each plan year, an employee stock ownership plan shall allocate a portion of the qualified employer securities to the accounts of participating employees. The ratio that the portion of the securities allocated bears to the cost of all the qualified employer securities purchased under § 315.71(a) shall be substantially the same as the ratio that the amount of loan principal and interest repaid by the qualified trust during the year bears to the total amount of the loan principal and interest payable by such trust during the term of the loan.

(b) The ratio that the portion of qualified employer securities allocated to the individual account of a participant during one plan year bears to the total amount of all such securities allocated to all participants in the plan shall be substantially the same as the ratio that the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

§ 315.74 Liquidation and administration of loans, guarantees and evidences of indebtedness.

In the event that the Assistant Secretary determines it is necessary or desirable to take actions to protect or further the interests of EDA in connection with guarantees made under this subpart, the Assistant Secretary may:

(a) Assign or sell at public or private sale or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by him in connection with financial assistance extended under the Act;

(b) Collect or compromise all obligations assigned to or held by him in connection with EDA financial assistance projects until such time as such obligations may be referred to the Attorney General for suit or collection; and

(c) Take any and all other actions determined by him to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans or guarantees made or evidenced of indebtedness purchased under the Act.

§ 315.75 Community Adjustment Assistance Fund.

(a) A revolving fund to be known as the Community Adjustment Assistance Fund shall consist of—

(1) Such amounts as may be deposited in it pursuant to the authorization in § 274(b) of the Trade Act of 1974; and

(2) Any collections, repayments of loans, or other receipts received under the program established in § 315.64 of this subpart.

(b) Amounts in the fund may be used only to carry out the provisions of § 315.60–§ 315.63 and § 315.65(a).

§ 315.76 Other requirements.

Any assistance which is provided under this subpart, excluding loan guarantees, is subject to all of the requirements imposed by the Public Works and Economic Development Act of 1965, as amended, all regulations and amendments published pursuant to that Act, and all terms and conditions that apply to the same kinds of assistance provided to eligible recipients through the Economic Development Administration.

Effective date: This interim regulation becomes effective April 3, 1975.

Date: July 3, 1975.

WILMER D. MUSELL,
Assistant Secretary
for Economic Development.

[FR Doc.75-17985 Filed 7-10-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14455; Amdt. 39-2262]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–10 Series, Lockheed Model L–1011 Series, and Boeing Model B–747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include an airworthiness directive (AD) applicable to the McDonnell Douglas DC–10 Series, Lockheed L–1011 Series, and Boeing B–747 Series airplanes was published in the FEDERAL REGISTER on March 21, 1975 (40 FR 12809).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from a number of domestic operators and organizations as well as several agencies of Government, both foreign and domestic. Some of these comments appeared summarized through organizations, such as ATA and ALPA, and also as comments by individual airlines and manufacturers.

A number of commentators questioned the propriety of using an airworthiness directive to accomplish the objectives set out in the notice. These commentators stated that insufficient evidence existed to warrant a finding that an unsafe condition existed on all three aircraft. The FAA does not agree. All three aircraft were certificated to the same criteria as a part of the initial type certification. A common feature of all three aircraft is a floor separating an upper deck passenger/cargo compartment from a lower deck compartment. Service experience, analysis, and test data have indicated that the rapid in-flight depressurization of any of these airplanes caused by a sudden large opening in a lower cargo compartment can result in floor collapse leading to an airplane becoming incapable of continued safe flight and landing or resulting in injury to occupants.

Several commentators stated their belief that an amendment to Part 25 of the Federal Aviation Regulations would be a more appropriate means of accomplishing the objectives set out in the notice. The FAA agrees that changes to Part 25 are appropriate, and such action will be the subject of appropriate rule making. However, amendments to Part 25 are necessarily prospective in nature and will have no effect on improving the capability of aircraft presently in service to withstand the type of in-flight depressurization addressed in the notice. Two commentators stated that the objectives of the notice could be accomplished by amendments to Parts 91 and 121 of the Federal Aviation Regulations. The FAA cannot agree since both of these rules are operating rules and inappropriate for correcting deficiencies in specific aircraft types.

Three commentators stated that the proposed AD did not go far enough since it did not address a hole size attributable to the failure of the largest outward opening door. The FAA recognizes that there has been concern on the possibility of failure but believes that the doors, as presently installed on these three aircraft, meet appropriate airworthiness standards. The FAA has a continuing program to review the doors and related aspects with respect to airworthiness. However, it should be noted that by accomplishment of the action proposed in the notice, some additional margin of safety will be provided in the event of possible door openings.

Several comments were received on the proposed 20 square foot hole size. Many commentators indicated that engine disintegration on wide-body airplanes may cause 12 to 15 square foot holes. Other commentators believed that openings in excess of 20 square feet are foreseeable from other sources. The FAA has reviewed available service history and data dealing with possible sources of holes in the lower cargo compartments which may lead to unwanted in-flight depressurization. Fatigue failures leading to large openings have occurred in service. Sudden large openings attributable to mid-air collisions and several other sources are possible and have occurred. These aircraft will not accommodate such failures. Service history shows that it is reasonable to expect such failures on these airplanes. It is therefore necessary that sufficient capability be provided to accommodate known types of failures and to provide a margin for other possible failure modes that could occur during the anticipated service life of these airplanes. Thus, the proposed 20 square foot requirement is considered to be the minimum which will provide the necessary level of safety to preclude possible injury to passengers or loss of the aircraft.

A number of commentators stated that the proposed AD was unduly restrictive to certain aircraft since a floor collapse might be catastrophic to one while for others it might be possible for the aircraft to continue to a safe landing. The FAA believes that any floor collapse resulting in the loss of or injury to passengers cannot be tolerated. Service experience has indicated that injury to or loss of passengers can be expected following a floor collapse even when the possibility remains for the aircraft to sustain flight.

The ATA stated that an additional six months for compliance with the proposed AD is necessary to provide operators with the scheduling flexibility necessary to accomplish the modifications. The FAA

V40-134 JUL 11 75 XUM

agrees that an additional six months will provide a greater assurance that the major modifications proposed will be carried out in a planned program and will be less disruptive of scheduled service; accordingly, the rule reflects the six months extension.

One operator stated that airplanes operated in the freighter or all-cargo configuration with no passengers on the main deck should be subjected to less stringent requirements which would allow floor collapse provided the airplane is capable of continued safe flight and landing. The FAA agrees that some relief in the rule is justified for this airplane configuration, and the rule reflects this change.

One manufacturer proposed that the rule should be clarified to permit a degree of floor damage provided it does not preclude continued safe flight and landing or injury to occupants. The FAA agrees that the original intent of the proposed rule was to provide an ultimate design condition. Accordingly, the rule has been clarified to state that some damage to the floor will be permitted so long as there is no injury to occupants.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11) § 39.13 of the FAR is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS, LOCKHEED, AND BOEING. Applies to all McDonnell Douglas Model DC–10 Series, Lockheed Model L–1011 Series, and Boeing Model B–747 Series airplanes certificated in all categories.

Compliance is required on or before December 31, 1977, unless already accomplished.

To improve the capability of the passenger and crew compartment floors to withstand, without collapse, an in-flight depressurization caused by the sudden opening of a large hole in the lower deck cargo compartment, comply with paragraphs (a) or (b) as appropriate:

(a) Incorporate the modification specified in paragraph (a)(1), taking into consideration the factors specified in paragraphs (a)(2) and (a)(3):

(1) Provide additional venting capability or an increase in floor strength, or both, as necessary, to prevent floor collapse caused by the decompression effects resulting from a sudden large in-flight opening in any portion of any lower deck cargo compartment.

(2) The size of openings to be considered must include the maximum size opening expected in service, but the maximum size opening considered may not have an area of less than 20 square feet.

(3) Each compartment and ambient condition pressure differential expected in service must be considered.

(4) In showing compliance with paragraphs (a)(1), (a)(2), and (a)(3), damage to the floor is permitted if the degree of damage will not preclude continued safe flight and landing, or result in injury to occupants.

(b) For the all-cargo version of each of the above airplanes, it is satisfactory to comply with paragraph (a)(2) by showing that continued safe flight and landing is assured and that no injury to any occupant results in lieu of showing no floor collapse. Appropriate limitations must be added to the flight manual for the particular airplane approved under the all-cargo provisions.

(c) The modifications and determinations required under paragraphs (a) and (b) of this AD must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC–10 Series and Lockheed Model L–1011 Series airplanes; or by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for Boeing Model B–747 Series airplanes.

This amendment becomes effective August 11, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on July 7, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75–17988 Filed 7–10–75;8:45 am]

[Airworthiness Docket No. 71–WE–18–AD; Amdt. 39–2258]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models A–26B and A–26C Series Airplanes

Amendment 741, Part 507 (29 FR 7238), AD 64–12–3, paragraph (a), requires inspection of the rear upper and lower spar caps, left and right wings for cracks in the inboard flap hinge point bolt holes, 1¾ inch diameter spotfaces, and the area surrounding the holes 83¾ inches outboard of the wing-to-fuselage attach points. Since issuing Amendment 741, the agency has determined that several rear spar lower caps have failed with the cracks originating in a different location than the flap hinge point bolt holes. The crack in every case originated in or near the inboard end of the lower spar cap flange, or at the ⅜ inch diameter bolt hole through the forward flange adjacent to the flange inboard radius. In addition, fatigue tests performed for the Air Force on a modified A–26 wing also developed a crack in this area.

AD 64–12–3 was amended by Amendments 39–1291 (36 FR 18638) and 39–1360 (36 FR 23997) to effect other changes not here relevant.

Therefore, the AD is being further amended to extend the required inspection area to include the lower spar cap fore and aft flanges from the flap hinge point bolt holes inboard to the flange end radius, with particular emphasis on the ⅜" bolt hole in the forward flange. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 741, Part 507 (29 FR 7238), AD 64–12–3, is further amended by renumbering paragraph (a)(2) to (a)(3), and adding a new paragraph (a)(2) to read:

(2) To protect against failure of the wing rear spar lower caps in the vicinity of the inboard end of the fore and aft flanges and the forward flange ⅜ inch bolt hole, conduct the following inspection within 50 hours' time in service after the effective date of this amendment, unless already accomplished within the last 450 hours' time in service and thereafter at the same 500 hour interval specified in paragraph (a), above.

Remove the wing-to-fuselage fillets, left and right bottom, to gain access to the spar cap assemblies. Remove paint and thoroughly clean the cap fore and aft flanges from the inboard flap hinge points inboard to the flange end radius. Conduct a penetrant inspection of the flanges in that area for cracks, paying particular attention to the ⅜ inch bolt hole in the forward flange where the lower skin attaches, and the flange end radii. If no cracks are found, apply one coat of primer to the area from which the paint was removed.

This amendment becomes effective July 15, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, California on June 30, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–17991 Filed 7–10–75;8:45 am]

[Airworthiness Docket No. 75–WE–41–AD; Amdt. 39–2259]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Models 269A, 269A–1, 269B and Military Model TH–55A Helicopters

There have been incidents of cracking of the aluminum throttle gear sector in the collective stick at the lower control housing in certain Hughes 269 series helicopters which have caused loss of control of the pilot's throttle in flight due to separation of the throttle gear sector. There may not be any prior warning of impending failure of the gear sector. In some reported incidents, loss of throttle control of engine rpm occurred upon landing or during takeoff, causing emergency situations. Although the engine rpm was reported to have either increased or remained the same, studies by the manufacturer also suggest the possibility that the engine throttle valve could close depending upon the aerodynamic loads acting upon the throttle valve and the degree of system friction.

Investigations by the FAA and NTSB suggest that a number of conditions, either singularly or in combination may cause fracture of a specific type of aluminum throttle gear sector, P/N 269A7223 (Basic), having a nominal included angle between the gear teeth of 129 degrees: improper shimming between the bearing and shaft, improper gear loading, incorrect bearing location, exposure to abusive treatment, improper synchronization of the sector gear, etc. While the precise mechanism of failure is unknown, this gear sector cracks and separates axially through the gear sector hub through the roll pin hole and the lower sides of the gear sector where it blends into the axial zone of the hub and hole.

The manufacturer has identified two additional gear sectors for which the reported service experience appears to be satisfactory: an aluminum gear sector, P/N 269A7223 (Basic), having a nominal included angle between the gear teeth of 304 degrees, and the present production steel gear sector, P/N 269A7223–3, having a nominal included angle between the gear teeth of 304 degrees. The former gear has the same part designation as the smaller 129 degree gear sector. These two gears and the smaller gear sector are tagged when new but are not identified by part number when installed on the helicopters.

The manufacturer's operation and assembly procedures utilize special fixtures to: Align and index the predrilled steel gear sector; line drill by way of precision drill guide bushings a corresponding hole through the undrilled shaft; automatically check alignment between the shaft and gear hole prior to pressing a spring pin (roll pin) through the gear hub and shaft hole.

A sufficient quantity of factory production assembled steel gearshaft assemblies for immediate use in the field is not available. There are also technical difficulties in the installation of gear sectors in the field, because of lack of specialized equipment similar to that used in production and lack of procedures for the installation and inspection of the gearshaft assemblies. The FAA has, therefore, considered these factors in the airworthiness directive.

This airworthiness directive provides for inspection, replacement, or modification of aluminum gearshaft assemblies having a nominal sector angle between the gear teeth of 129 degrees. New steel type gearshaft assemblies are required as replacement units. In the event that the manufacturer cannot supply production made assemblies, units may be returned to service, provided that they are modified and inspected in accordance with the procedures and at intervals contained in the airworthiness directive. The directive calls for identification of reworked throttle gearshaft assemblies and prohibits field drilling of shafts. Helicopters which have had gear sectors of any type replaced in the field prior to the effective date of the airworthiness directive or had the gear assembled with non-pre-drilled factory shafts are also required to comply with this airworthiness directive.

Since this condition exists or is likely to develop in other throttle gearshaft assemblies of the same design, an airworthiness directive is being issued which requires inspections, replacements or modifications of assemblies on all Hughes 269A, 269A–1, 269B and military TH–55A helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to all Hughes Model 269A, 269A–1, and 269B helicopters, certificated in all categories, and military TH–55A helicopters, as indicated herein.

Compliance required as indicated.

To prevent possible loss of control of the throttle and loss of control of engine power due to cracking and separation of aluminum throttle gear sector, P/N 269A7223 (Basic), with nominal 129 degrees of teeth, accomplish the following:

(A) Within 25 hours additional time in service, after the effective date of this AD, unless already accomplished:

(1) Gain access to the throttle sector gears in the collective sticks at the lower throttle control housings and inspect through the housing cover plates, or by equivalent means, to determine if the gear sectors are steel or aluminum. Observe the nominal included angle of the aluminum gear sector teeth.

NOTE: The manufacturer has identified three types of throttle gear sectors in the Hughes 269 helicopter which are unidentified by part number on the helicopter. The three gear sectors can be identified as follows:

(a) The P/N 269A7223–3 gear sector is a steel bevel gear having a nominal included angle between the gear teeth of 304 degrees. The gear has a pre-drilled hole approximately .05 inch minimum distance from the boss end to accept a spring pin (roll pin) and a cotter pin for assembly with the mating left hand or right hand factory pre-drilled aluminum shaft.

(b) A P/N 269A7223 (Basic) gear sector is identical to the -3 gear, except the gear has been fabricated from aluminum and has a nominal included sector angle between the gear teeth of 304 degrees.

(c) A P/N 269A7223 (Basic) gear sector is an aluminum gear having a nominal included angle between the gear teeth of 129 degrees and has a pre-drilled hole approximately .05 inch minimum distance from the boss end to accept a roll pin and a cotter pin during assembly with the mating left hand or right hand factory pre-drilled aluminum shaft.

(2) Remove the left hand (applicable to dual controls) and right hand aluminum gear sector assemblies (throttle sector gearshaft assemblies) from the helicopter which have an included angle between the gear sector teeth of 129 degrees and identify the gear sector portion per paragraph (A)(7).

(3) Install new steel type throttle gearshaft assemblies having the following part numbers: P/N 269A7707–3(L.H.) or P/N 269A7707–7(L.H.) in the left throttle housing position and a P/N 269A7269–3(R.H.) in the right throttle housing position.

(4) If the preceding part number throttle gearshaft assemblies cannot be procured from the manufacturer for compliance with this AD, accomplish the installation required in paragraph (A)(3) in accordance with the following procedure:

(a) Procure a new P/N 269A7223–3 steel gear sector. (If a P/N 269A7223–3 steel gear sector cannot be procured from the manufacturer, only because of lack of availability of this part, the P/N 269A7223 (Basic) aluminum gear sector which has 304 degrees included angle between the gear sector teeth may be used as no service problems pertaining to cracking with this gear sector have been reported.)

(b) Remove the P/N 269A7223 (Basic) aluminum gear sector having an included angle between the gear teeth of 129 degrees from the mating aluminum shaft by removing the cotter pin and the roll pin. The aluminum shaft is comprised of two different part number shafts, differing essentially in length. The P/N 269A7708(L.H.) shaft is located in the left throttle housing for dual control helicopters and a P/N 269A7271(R.H.) shaft is located on the right throttle housing.

(c) Using a magnifying glass having at least 10X power, perform a close visual inspection of the shaft hole for cracks, corrosion, wear, scoring, hole elongation at the inside hole diameter which accepts the roll pin, or other defects.

(d) Measure and record the left hand (if applicable) and right hand shaft hole inside diameter which accepts the roll pin. The acceptable dimensions for the inside hole diameter are .156 inches to .160 inches.

(e) Measure and record the shaft outside diameter. The acceptable dimensions for the outside diameter of the left hand and right hand shaft are .6240 inches to .6260 inches.

(f) Measure and record the existing inside diameter of the hole in the P/N 269A7223–3 steel sector gears and confirm that it measures .156 inches to .160 inches.

(g) If the existing shaft and new sector gear are found acceptable, install the P/N 269A7223–3 steel gear sector on the mating aluminum shaft. Assure that the center line of the hole in the gear and the center line of the hole in the shaft are in accurate alignment. While maintaining alignment, press the P/N NAS561–5–14 roll pin through the gear and shaft hole with the chamfered end of the roll pin in the starting position and secure with a P/N AN381–3–20 cotter key. Seal with zinc chromate primer. If excessive force is required to press the roll pin in place, misalignment between the holes may have occurred and will require re-inspection for possible damage to the aluminum shaft hole. Tapering the roll pin beyond the existing chamfered end to allow for easy insertion of the roll pin is unacceptable.

NOTE: The manufacturer has introduced a two piece optional roll pin configuration into production for the left hand throttle gearshaft assembly to improve the procedures for adjusting the AN932–2 pipe plug. Field fabrication of this dual roll pin design is not permissible in the field unless procedures are approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) Identify by ink stamping the letter "A" on the outer gear sector diameter of the gears.

(i) Any shafts in stock which have not been pre-drilled by Hughes Helicopters may not be installed. Drilling of shafts in the field is not permissible unless special equipment and procedures are approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(5) Inspect on a one-time basis, those gear sectors which have been field assembled per paragraph (A)(4), after the accumulation of 250 hours additional time in service and before accumulating 300 hours additional time in service per the following procedures:

Inspect the gearshaft assemblies for corrosion or other defects and determine if radial or axial play exists between the gear and the shaft. If any perceptible play exists, the shaft hole may be elongated or other defects may exist which will require disassembly of the gear from the shaft and inspection per paragraph (A)(4) or replacement per paragraph (A)(3).

(6) Record inspections and modifications by paragraph numbers in compliance with this AD in the Aircraft Maintenance Records in accordance with FAR 91.173.

(7) Identify in a conspicuous manner that the part is not serviceable to prevent inadvertent return to service, those throttle gear sectors, shafts, or throttle gearshaft assemblies that have been removed from service due to the provisions of this AD.

V40-134-JUL 11 75 XUM

(3) For additional procedures concerning removal, installation and inspection of throttle gearshaft assemblies refer to Hughes Model 269 Series Helicopter Basic Handbook of Maintenance Instructions, issued April 1, 1974, Revision No. 2, January 1974, or later revisions. Operators are cautioned to carefully observe the following manual requirements:

(a) Proper shimming between the gear sector and shaft bearing to stay within allowable backlash limits.

(b) Proper fit and seating of the bearings against the bore shoulder and proper application of loctite.

(c) Proper determination that gears do not bind and checking for damage if binding occurs.

(d) Proper tightening of the pipe plug for a push fit with zero play between rod and gearshaft.

(e) Proper alignment of heel edge of the gear teeth on the sector gear and the pinion.

(f) Proper rigging of the gear sector position in relation to the throttle pinion and the pilot's throttle grip.

(B) Within 25 hours additional time in service, after the effective date of this AD, unless already accomplished, operators of:

(1) Helicopters which, as of the effective date of this AD, have had the factory installed aluminum throttle gear sectors replaced with either steeel or aluminum gear sectors as replacements; or

(2) Helicopters which, as of the effective date of this AD, incorporate throttle gearshaft assemblies of any type which were assembled in the field with shafts drilled at other than the Hughes production facility; shall perform the inspections and replacements described in paragraphs (A)(3) through (A)(8), above.

(C) Equivalent inspection and modification procedures for the throttle gear sector, shaft and gearshaft assembly may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(D) Aircraft may be operated to a base for accomplishment of that maintenance required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective July 15, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on June 30, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-17992 Filed 7-10-75;8:45 am]

[Docket No. 75-CE-11-AD; Amdt. 39-2241]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes; Correction

In FR Doc. 75-15874, appearing on pages 25672 and 25673 in the issue of Wednesday, June 18, 1975, the Airworthiness Directive should be corrected as follows:

(1) In Paragraph a, after the words "occurs later" delete the phrase "and at 500 hour intervals thereafter".

(2) In Paragraph b, delete the word "modified" before the word "aircraft" and after the phrase "within the next 100 hours' time in service after May 1, 1975," insert the words "and at 500 hour intervals thereafter".

Issued in Kansas City, Missouri, on July 3, 1975.

C. R. MELUGIN, Jr.,
Director,
Central Region.

[FR Doc.75-17993 Filed 7-10-75;8:45 am]

[Docket No. 75-SW-39; Amdt. 39-2257]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell Models 690, 690A, and 685

There have been cracks and failures of the flap system bracket, P/N 510003-92, on Rockwell Models 690, 690A, and 685 airplanes. Since these conditions are likely to exist or develop in other airplanes, an airworthiness directive is being issued to impose a speed and deflection restriction during flap operation until an approved modification has been accomplished.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL: Applies to Models 690, S/N 11000 and subsequent; 690A, S/N 11100 and subsequent; and 685, S/N 12000 and subsequent.

Compliance required as indicated.

A. Immediately upon receipt of this AD, limit flap speed and deflection as follows:

Flap speed	Flap deflection	Models
	(Degrees)	
104 Kts.	40	690, 690A, 685
115 Kts.	35	690, 690A, 685
125 Kts.	30	690, 690A, 685
140 Kts.	27	690, 690A, 685
154 Kts.	20	685
154 Kts.	30	685
180 Kts.	20	690A

B. Within 25 hours' time in service after the effective date of this AD, unless already accomplished,

1. Install a limitation placard covering paragraph A, in accordance with Rockwell International Service Bulletin No. 166, dated June 19, 1975.

2. Inspect flap bracket, P/N 510003-92 for cracks.

a. If cracks are found, contact Rockwell International for an approved factory repair or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, and install prior to further flight. Operate aircraft in accordance with the limitations specified in paragraph A.

b. If no cracks are found, continue to operate the aircraft in accordance with the limitations specified in paragraph A.

C. Upon installation of a modified flap bracket (now being developed by Rockwell International) or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, the placard required by paragraph B may be removed and the limitations specified in paragraph A may be disregarded.

This amendment becomes effective July 18, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 135(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on June 30, 1975.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.75-17994 Filed 7-10-75;8:45 am]

[Airspace Docket No. 75-SO-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Cedar Springs, Ga., transition area.

The Cedar Springs transition area, described in § 71.181 (40 FR 441), was designated to provide controlled airspace protection for IFR operations at Great Northern Airport. This airport has been closed and aeronautical operations have been moved to another site; therefore, it is necessary to revoke the transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (40 FR 441), the Cedar Springs, Ga., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on July 1, 1975.

GORDON W. BECKER,
Acting Director,
Southern Region.

[FR Doc.75-17995 Filed 7-10-75;8:45 am]

[Airspace Docket No. 75-SO-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pompano Beach, Fla., control zone.

The Pompano Beach control zone is described in § 71.171 (40 FR 354). In the description, an 8.5 mile extension is predicated on the Pompano Beach VOR 319° radial. Because of an alteration to the VOR RWY 14 Instrument Approach Procedure, it is necessary to alter the control zone to decrease this extension to 5.5 miles. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Pompano Beach, Fla., control zone is amended as follows:

"* * * 8.5 miles * * *" is deleted and "* * * 5.5 miles * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on July 1, 1975.

GORDON W. BECKER,
Acting Director,
Southern Region.

[FR Doc.75-17996 Filed 7-10-75;8:45 am]

[Airspace Docket No. 75-RM-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 21484) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at West Yellowstone, Montana.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a) Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colorado, on July 1, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

§ 71.181 [Amended]

In 71.181 (40 FR 441) the description of the West Yellowstone, Mont., transition area is amended to read:

WEST YELLOWSTONE, MONT.

That airspace extending upward from 700 feet above the surface within 5 miles west and 9.5 miles east of the 026° and 206° bearings from the Targhee, Montana LOM (latitude 44°34'33" N, longitude 111°11'49" W), extending from 18 miles northeast to 18.5 miles southwest of the LOM; that airspace extending upward from 1200 feet above the surface within 5 miles each side of the 209° bearing from the LOM extending from the LOM to 41.5 miles southwest of the LOM, and 5 miles each side of the 304° bearing from the LOM extending from the LOM to the east edge of V343; that airspace extending upward from 10,700 MSL within a 29-mile radius of the Targhee LOM extending clockwise from the 081° bearing from the LOM to 5 miles east of the 236° bearing from the LOM and within 5 miles each side of the 236° bearing from the LOM extending from the LOM to 50 miles southwest of the LOM; that airspace extending upward from 12,000 MSL within a 35-mile radius of the Targhee LOM extending clockwise from the 026° bearing from the LOM to the 081° bearing from the LOM; that airspace extending upwards from 13,000 MSL, within a 35-mile radius of the Targhee LOM extending clockwise from the 315° bearing to the 026° bearing from the LOM, excluding that portion that overlies V343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.75-17997 Filed 7-10-75;8:45 am]

[Airspace Docket No. 75-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On May 23, 1975 a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 22556) and stated that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Chico, California, Control Zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, California, on July 2, 1975.

LYNN L. HINK,
Acting Director,
Western Region.

In § 71.171 (40 FR 354) the description of the Chico, California, control zone is amended in part as follows: Wherein it states "* * * within 2 miles each side of the Chico VOR 316° radial, * * *" substitute "* * * within 3 miles each side of the Chico VOR 316° radial * * *"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

[FR Doc.75-17998 Filed 7-10-75;8:45 am]

[Airspace Docket No. 75-RM-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 21484) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Laramie, Wyoming.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 9, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colorado, on July 1, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In consideration of the foregoing, the FAA makes the following airspace amendment:

In § 71.181 (40 F.R. 441) the description of the Laramie, Wyoming transition area, as amended by Docket 75-RM-6 (40 F.R. 17248), is further amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50"N, Long. 105°40'25"W); within 5.5 miles south and 9.5 miles north of the Laramie, Wyoming VORTAC 301 radial extending from the 9-mile radius area to 18.5 miles northwest of the VORTAC and within 5 miles each side of the Laramie VORTAC 126° radial extending from the 9-mile radius area to 21 miles southeast of the VORTAC.

[FR Doc.75-17999 Filed 7-10-75;8:45 am]

[Docket No. 13514; Amdt. No. 129-5]

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Foreign Air Carrier Security Program

The purpose of this amendment to Part 129 of the Federal Aviation Regulations is to require the use of a security program by each foreign air carrier in scheduled passenger operations conducted with large aircraft to, from, and within the United States. The security program includes requirements for the screening, by weapon-detecting procedures or facilities, of all passengers and all property intended to be carried in the aircraft cabin prior to boarding.

This amendment is based on a notice of proposed rule making (Notice No. 74-3) published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3293) and certain requirements of the Air Transportation Security Act of 1974 (Public Law 93-366, section 202, approved August 5, 1974; 49 U.S.C. 1356).

A majority of the 42 comments received in response to Notice 74-3 expressed disagreement with the proposal, basically because the proposal did not take into consideration the applicability of security laws and requirements in for-

V40-1134 JUL 11 75 XUM

eign countries and would create a potential for conflict with them.

The Department of State, while endorsing rules having the objective that foreign carriers landing or taking off in the United States use a security program, emphasized that foreign states may adopt different approaches to meet the particular security problems they face, and suggested that the rules recognize that procedures other than the precise security program applicable in the United States would also be acceptable, as long as they are effective.

It is recognized that subsequent to the issuance of Notice 74–3, ICAO on March 22 adopted Annex 17, "Safeguarding International Civil Aviation Against Acts of Unlawful Interference" which became applicable on February 27, 1975. However, neither that Annex nor any other ICAO Annex contains an "International Standard" that would require the screening of all passengers and carry-on baggage prior to boarding of an aircraft for foreign air transportation. The more recent enactment of section 202 of Public Law 93–366 amended the Federal Aviation Act of 1958 and expressly directs the Administrator to prescribe screening requirements for foreign air carriers. Specifically, that law added a new section 315(a) to the 1958 Act which provides as follows:

> The Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircraft for such transportation.

Security programs, including screening provisions, currently required for U.S. air carriers under § 121.538 of the Federal Aviation Regulations comply with the statutory mandate in section 202 of Public Law 93–366. Adoption of the security requirements set forth in this amendment for foreign air carriers is necessary to achieve compliance with that law as it pertains to foreign air carriers.

In many countries, including the United States, a "sterile concourse" concept is used at airports to achieve adequate security. The discharge of unscreened passengers with carry-on baggage into an otherwise sterile concourse defeats the security systems. Thus, a state that is without an adequate security system will create security problems beyond its borders for those other states with which it is linked in international air transportation. Moreover, those states without adequate and well defined security systems can be expected to be likely targets for future attacks against air commerce. All states must have adequate and well defined security systems if all passengers, crewmembers and aircraft are to be protected. The adoption of this amendment to Part 129 is consistent with this objective.

This amendment is also consistent with security recommendations of the International Air Transport Association (IATA). On May 21, 1974, the IATA Executive Committee adopted procedures developed by its Security Advisory Committee and recommended that certain "minimum security procedures" be implemented at international airports. One of these procedures provides for the screening of all passengers and items entering sterile areas. Another provides for the protection of aircraft parked at ramps. This amendment meets these IATA recommended "minimum security procedures."

The wording of proposed § 129.25(a), (b)(1), (b)(3), and (c) has been changed to achieve conformity with new section 315(a) of the Federal Aviation Act of 1958, which was enacted by Public Law 93–366, and to recognize the need for a certain degree of flexibility with respect to procedures required by the United States for foreign air carriers in foreign countries to avoid conflict with applicable security laws and requirements of those countries, and for purposes of clarification. This is consistent with the responsibilities and obligations of the Administrator under section 1102 of the 1958 Act. In addition, paragraphs (d) and (e) of the proposal have been revised for purposes of clarification and consolidated in paragraph (d) of the amendment.

The change made in the wording of § 129.25(a) is intended to take into consideration the comments of certain foreign air carriers and governments suggesting that the specific operational procedures in the security program be developed by the foreign air carriers in conjunction with their respective governments. In this manner, screening of all passengers and all property can be accomplished taking into account the applicable law and particular circumstances for each foreign air carrier. These changes are within the scope of Notice 74–3, while recognizing that a security program for a foreign air carrier may be different from the precise procedures required in the United States and still be effective. However, the intent of this requirement is that all passengers and all property intended to be carried in the aircraft cabin be screened prior to boarding in accordance with that air carrier's security program.

(Secs. 313(a), 315, 601, and 1102, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1421, and 1502); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)))

In consideration of the foregoing, Part 129 of the Federal Aviation Regulations is amended, effective October 9, 1975, as follows:

1. By adding a new § 129.25 after § 129.23 to read as follows:

§ 129.25 Aircraft security.

(a) After October 9, 1975, each foreign air carrier landing or taking off a large aircraft in the United States, in scheduled passenger operations, shall use a security program in the conduct of those operations that requires all passengers and all property intended to be carried in the aircraft cabin to be screened by weapon-detecting procedures or facilities prior to boarding, and meets the requirements prescribed in paragraph (b) of this section.

(b) Each foreign air carrier conducting operations governed by paragraph (a) of this section shall, in the conduct of those operations, use a security program designed to:

(1) Prevent or deter the carriage aboard its aircraft of any explosive or incendiary device or weapon in property intended to be carried in the aircraft cabin or on or about the persons of passengers, except as provided in § 129.27, through screening by weapon-detecting procedures or facilities;

(2) Prevent or deter unauthorized access to aircraft;

(3) Assure that baggage is accepted by a responsible agent or representative of the foreign air carrier; and

(4) Prevent cargo and checked baggage from being loaded aboard its aircraft unless handled in accordance with the foreign air carrier's security procedures.

(c) Each foreign air carrier conducting operations governed by paragraph (a) of this section shall, upon the request of the Administrator and in accordance with applicable law, provide information with respect to the security program applicable to its operations and the implementation thereof.

(d) No foreign air carrier may land or take off a large aircraft in the United States, in scheduled passenger operations, after the foreign air carrier has received a bomb threat or air piracy threat against that aircraft, unless:

(1) If the aircraft is on the ground when a bomb threat is received and the next scheduled flight of the aircraft is to or from a place in the United States, the foreign air carrier assures that the pilot in command is advised to submit the aircraft immediately for a security inspection and that an inspection of the aircraft is conducted before the next flight; or

(2) If the aircraft is in flight to a place in the United States when a bomb threat is received, the foreign air carrier assures that the pilot in command is immediately advised to take the emergency action he considers necessary under the circumstances and that a security inspection of the aircraft is conducted immediately after the next landing; and

(3) If information is received of a bomb threat or air piracy threat against an aircraft engaged in an operation specified in subparagraph (1) or (2) of this paragraph, the foreign air carrier assures that notification of the threat is given to the appropriate authorities of the state in whose territory the aircraft is located, or if the aircraft is in flight, the appropriate authorities of the state in whose territory the aircraft is to land.

2. By adding a new § 129.27 after § 129.25 to read as follows:

§ 129.27 Prohibition against carriage of weapons.

No person may, while on board an aircraft being operated by a foreign air carrier in the United States, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(a) Officials or employes of the state of registry of the aircraft who are authorized by that state to carry arms; and

(b) Crewmembers and other persons authorized by the foreign air carrier to carry arms.

Issued in Washington, D.C., on July 3, 1975.

J. M. COCHRAN,
Acting Administrator.

[FR Doc.75–18000 Filed 7–10–75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76–2; Order No. 532]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

Standards of Conduct for Employees, Special Government Employees, and Commissioners

JULY 9, 1975.

This revision of the entire Federal Power Commission Standards of Conduct for employees, special Government employees and Commissioners is being made in an effort to define more clearly the standards of conduct expected to be upheld by FPC employees, special Government employees and Commissioners. This is being undertaken to insure that the missions of the Commission are carried out in a proper manner and that the public interest is protected to the greatest possible extent. The revised Standards require a greater degree of disclosure of potentially conflicting financial interests by employees and special Government employes. The revision makes explicit the prohibition that an employee may not receive non-government reimbursement for travel or expenditures on official business. They make special Government employees subject to primarily the same standards as employees and advise the Commissioners of the standards each is expected to observe while a member of the Federal Power Commission.

The Commission finds: 1. The notice of public procedure and effective date provisions of 5 USC 553 are not applicable with respect to the revision here adopted since the rules promulgated herein are rules of agency organization, procedure or practice.

2. Adoption of the amended Standards of Conduct is in the public interest and appropriate and necessary for administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting in conformity with Sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 9, 1965 (30 FR 6469) as amended by Executive Order 11590 of April 22, 1970 (36 FR 7831), Title 5, Chapter I, Part 735 of Code of Federal Regulations, the provisions of the Federal Power Act, as amended, particularly Section 309 (49 Stat. 858–859; 16 U.S.C. 825h) and the Natural Gas Act, as amended, particularly Section 16 (52 Stat. 830; 15 U.S.C. 717o), and it appearing that the Civil Service Commission on June 26, 1975, approved the regulations herein prescribed.

Orders: Part 3 is amended by redesignating §§ 3.735–1 through 3.735–11 (Subpart C) and §§ 3.735–21 through 3.735.32 (Subpart D) as §§ 3.201 through 3.211 (Subpart C) and §§ 3.221 through 3.232 (Subpart D) respectively and revising these Subparts C and D, and by adding a new Subpart E to read as set forth below:

Subpart C—Standards of Conduct for Employees

AUTHORITY: E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.104.

§ 3.201 Purpose.

(a) The Commission recognizes that the maintenance of high standards of honesty, integrity, impartiality of Commission employees is essential to assure the proper performance of Commission business and the maintenance of confidence by citizens in the integrity of their Government. The avoidance of misconduct and conflicts of interest on the part of Commission employees through informed judgment is indispensable to the maintenance of these standards. The Commission, acting under authority conferred by the Federal Power Act and pursuant to sections 201(b) and 702 of Executive Order 11222 of May 8, 1965, 30 FR 6469 (3 CFR 1965 Supp., p. 130), as amended by Executive Order 11590 of April 22, 1971, 36 FR 7831, and the implementing regulations issued by the Civil Service Commission, 30 F.R. 12529, 5 CFR Part 735, issued this Subpart C to advice all Commission employees of the standards of conduct each is expected to observe while employed by the Federal Power Commission.

(b) The summaries of statutory provisions, such as the conflict of interest provisions of Title 18 U.S.C. Sections 201–218, which appear in this Subpart C are not intended and should not be construed as verbatim quotations of the law. The statutes should be consulted in any situation in which they might apply. Section 3.211 contains a list of applicable statutes and regulations for ready reference.

§ 3.202 Coverage.

This Subpart C applies to Commission employees, whether on leave without pay, sick leave or annual leave except to the extent that they are expressly exempt from any of the specific provisions. It does not apply to special Government employees and Commissioners. Special Government employees are subject to the provisions of Subpart D of part III of the Commission's Standard's of Conduct and Commissioners are subject to the provisions of Executive Order 11222 and Subpart E of this Part.

§ 3.203 Notice to employees.

Each employee shall be provided with a copy of this Subpart C. Employees shall be advised of this Subpart C at least once each year and shall be promptly informed of any change therein. New employees shall be provided with a copy of this Subpart C at the time of entrance on duty. All employees shall complete FPC Form 1119, acknowledging receipt of a copy of this Subpart C in accordance with the provisions of § 3.207.

§ 3.204 Definitions.

(a) "Conflict of interest" means a situation in which an employee's private interest, usually of an economic nature, conflicts or raises a reasonable question of potential conflict with the efficient and impartial conduct of his official duties and responsibilities. The conflict is of concern whether it is real or only apparent.

(b) "Employee" means an officer or employee of the Federal Power Commission but does not include a special Government employee or Commissioners.

(c) "Executive Order" means Executive Order 11222 of May 8, 1965 (30 FR 6469) as amended by Executive Order 11590 of April 22, 1971 (36 FR 7831).

(d) "Member of employee's immediate household" means blood relations of the employee who are permanent residents of the employee's household.

(e) "Official responsibility" means "the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government action." (18 U.S.C. 202(b).)

(f) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other group, organization or institution.

(g) "Serve" means to render service, whether with or without compensation.

(h) "Special Government employee" means a special Government employee as defined in section 202(a) of Title 18 of the United States Code, who is employed by the Commission.

> The term "special Government employee" shall mean an officer or employee of • • • any independent agency of the United States • • • who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either or a full-time or intermittent basis, • • • [18 U.S.C. 202(a).]

§ 3.205 Conflicts of interest.

(a) Outside compensation in matters affecting the government. (1) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Commission. (18 U.S.C. 209.)

(2) This prohibition does not prevent continued, participation in bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock

V40-134 JUL 11 75 XUM

bonus or other employee welfare or benefit plans maintained by a former employer.

(3) An employee is prohibited from accepting any compensation, except as provided by law for the proper discharge of official duties, for any services rendered in relation to a particular matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. 203.)

(b) Financial interests. (1) An employee shall not:

(i) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Commission duties and responsibilities.

(ii) Engage, directly or indirectly, in a financial transaction as a result of, or primarily relying on, information obtained through his Commission employment.

(iii) These financial interests also include interests of the employee's spouse, minor child or member of his immediate household.

(2) An employee is prohibited, under penalty of fine or imprisonment, from participating personally and substantially as a Government officer or employee in any matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or person with whom he is negotiating for employment, has a financial interest. However, this prohibition does not apply if, prior to such participation, and upon complete disclosure of the financial interest, the Chairman [1] of the Commission determines that the employee's interest is not so substantial as to affect the employee's services to the Commission. (18 U.S.C. 208.)

(3) (i) An employee or the spouse, minor child, or member of the immediate household of an employee shall not own, directly or indirectly, or participate in the purchase of any securities of any public utility, licensee, or natural gas company subject to the jurisdiction of the Commission. This prohibition shall also apply to securities of parent companies having jurisdictional subsidiaries or subsidiaries of jurisdictional parent companies. The prohibition shall not apply to investments in mutual funds or private investment groups where an employee or the spouse, minor child, or member of the immediate household of an employee does not have the right to participate in or control management decisions relating to what securities will be held in the funds. The prohibition shall not apply to investments in mutual savings banks.

(ii) All employees shall report such securities and security acquisitions on appropriate forms in the manner and at the time specified in § 3.207, (a), (b), and (d).

(iii) Such securities, regardless of the manner of acquisition, shall be disposed of promptly upon request by the Director, Office of Personnel Programs. Disposition of securities shall include sale of the securities or transfer of title of the securities into a "blind trust" which denies control and knowledge to the grantor of the securities held in trust. Should an employee decide to dispose of securities through a blind trust agreement it must first be approved by the Director of the Office of Personnel Programs upon review and advice of the General Counsel.

(iv) All employees shall submit reports on appropriate forms in the manner and at the time specified in § 3.207 (a), (b), and (d) regarding:

(A) Any securities presently held directly or indirectly by the employee or his spouse, minor child, or member of his immediate household, in an enterprise whose status under the Federal Power Act or Natural Gas Act comes before the Commission for determination.

(B) Any securities owned by or personal interest of the employee or his spouse, minor child, or member of his immediate household in any person, firm, association, or corporation intervening on a matter before the Commission to which the employee has been assigned to work.

(c) Gifts, entertainment, loans and favors. (1) Unless permitted by paragraph (c)(2) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, from any person who:

(i) Has or is seeking to obtain, approval or denial by the Commission of actions required under statute, or the Commission's rules and regulations; or

(ii) Conducts operations or activities which are regulated by the Commission or concerning which determinations of status are pending before the Commission; or

(iii) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission; or

(iv) Has interests which may be substantially affected by the performance or nonperformance of the employee's official duty; or

(v) Is in any way attempting to influence the employee's official actions.

(2) The requirements of paragraph (c) (1) of this section do not apply to:

(i) Obvious family or personal relationships where circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children, or spouses of employees.

(ii) Acceptance of food and refreshments of nominal value on infrequent occasions in the course of a luncheon, dinner, or other meeting or on an inspection tour where an employee may properly be in attendance. Employees on an inspection tour may also accept necessary arrangements for travel and lodging when no other reasonable alternatives are available.

(iii) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the employee, such as, for example, home mortgage loans.

(iv) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value such as pens, pencils, note pads, calendars, and other similar items.

(3) An employee shall not:

(i) Solicit a contribution from another employee for a gift to an official superior;

(ii) Make a donation as a gift to an official superior; or

(iii) Accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351).

(4) The prohibitions of paragraphs (c) (1), (2), and (3) of this section are not intended to prohibit voluntary gifts or donations of nominal value made to an employee on a special occasion such as marriage, illness, resignation or retirement.

(5) An employee shall not accept a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution and in P.L. 89-673, 80 Stat. 952.

(d) Representation of others. (1) During Commission employment. An employee is prohibited, except as permitted in the proper discharge of his official duties or by express statutory exemption, from acting with or without compensation as agent or attorney before a court or Government agency in a matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. 203 and 205.) This prohibition does not prevent an employee from;

(i) Representing any person without compensation in disciplinary, loyalty, or other personnel matters, when not inconsistent with faithful performance of duty;

(ii) Representing, with or without compensation, a parent, spouse, child, or person or estate he serves as fiduciary, on matters in which the United States is a party or has an interest except matters subject to the employee's official responsibility or in which the employee has participated personally and substantially, if the employee has first obtained the express written approval of the Chairman of the Commission.[2]

(iii) Giving testimony under oath or making statements required to be made under penalty for perjury and contempt. (18 U.S.C. 205.)

(2) Following termination of Commission employment. (i) An employee shall not, after his employment has ceased, knowingly act as agent or attorney for anyone other than the United States in any matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the employee participated personally and substantially during his Commission employment. (18 U.S.C. 207(a).)

(ii) An employee shall not, within 1 year after his Commission employment has ceased, appear personally before any court or Government agency as agent or attorney for any one other than the United States in any matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was under his official responsibility as a Commission employee at any time within 1 year prior to the termination of such responsibility. (18 U.S.C. 207(b).)

(3) Section 1.4(c) of the Federal Power Commission's rules of practice and procedure [18 CFR 1.4(c)] prohibits a former employee from acting as attorney, expert witness or representative in connection with any proceeding before the Commission in which the employee participated during his service with the Commission unless such appearance is expressly authorized by the Commission upon a verified showing that it would not be contrary to the public interest and unethical or prejudicial to the interests of the Commission or in violation of (d) (2) (i) and (ii), supra:

(e) Outside employment: (1) Incompatible activities. An employee shall not engage in outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Commission employment. Incompatible outside employment and activities include but are not limited to:

(i) Outside employment by a public utility, licensee, or natural gas company subject to the jurisdiction of the Commission, or by a parent corporation of any of the foregoing, or by a person whose status under the Federal Power Act or the Natural Gas Act is before the Commission for determination; or by a person in any Commission proceeding; or granted intervention; or

(ii) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(iii) Outside employment which tends to impair the mental or physical capacity of the employee to perform his Commission duties and responsibilities in an acceptable manner; or

(iv) Outside employment under conditions or arrangements that may involve violation of law. See § 3.211 for a list of the main, relevant statutes and regulations. But see section 209(c) [16 U.S.C. 824(c)], Federal Power Act, and section 17(c), (15 U.S.C. 717p), Natural Gas Act, regarding availability to States of Commission experts as witnesses.

(2) Teaching, lecturing, writing. Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive Order, or the regulations in this Subpart C.

(i) Employees shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or of the Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of Commission employment, except when that information has been made available to the general public or will be made available on request or when the Executive Director has given written authorization for the use of nonpublic information on the basis that the use is in the public interest. For additional requirements and procedures relating to the misuse and disclosure of information see § 3.206(b).

(ii) Employees shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission.

(3) An employee may not receive nongovernment reimbursement for travel or expenditures on official business.

(4) Limitations on prohibitions of paragraphs (e)(1), (2) and (3) of this section. The prohibitions of paragraphs (e) (1), (2), and (3) of this section do not preclude an employee from:

(i) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(ii) Participation in the activites of national or state political parties not proscribed by law. But see § 3.211(d) for reference to the prohibitions against political activity.

(5) Procedure for reporting outside employment. Employees who are presently employed or intend to engage in any outside employment shall report this information on appropriate forms in the manner and at the time specified in § 3.207(a)(1). Any employee who is uncertain of the propriety of any prospective outside employment under the provisions of this Subpart C shall submit an inquiry regarding the matter to the Agency Counselor in accordance with the provisions of § 3.208. [Order 319, 31 FR 4118, Mar. 9, 1966, as amended by Order 353, 32 FR 15239, Nov. 3, 1967; Order 368, 33 FR 14233, Sept. 20, 1968]

§ 3.206 Ethical conduct.

(a) Use of Government property. An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

(b) Misuse of information. An employee shall not use inside information obtained as a result of his Commission employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. "Inside information" means information obtained under Commission authority which has not become part of the body of public information.

(c) Section 1.36 of the Commission's rules of practice and procedure (18 CFR 1.36) sets up the procedures for making available to the public information in the public files and records of the Commission and specifies the particular files and records which are not generally available to the public. Section 1.36(f) defines the responsibilities of employees when served with a subpoena duces tecum and outlines the procedures to be followed when the material sought is not part of the public files and records of the Commission.

(d) Section 301(b) [16 U.S.C. 825(c)], of the Federal Power Act and section 8(b) (15 U.S.C. 717g) of the Natural Gas Act prohibit any employee, in the absence of Commission or court direction, from divulging any fact or information which may come to his knowledge during the course of examination of books or other accounts.

(e) The nature and time of any proposed action by the Commission are confidential and shall not be divulged to anyone outside the Commission. The Secretary of the Commission has the exclusive responsibility and authority for authorizing the initial public releases of information concerning Commission actions or decisions.

(f) Section 1.4(d) of the Commission's rules of practice and procedure [18 CFR 1.4(d)] states the prohibitions against ex parte communications in on-the-record proceedings to Commissioners, members of their personal staffs, administrative law judges or other employees participating in the decision in such proceedings.

(g) Indebtedness. Employees shall pay each just financial obligation in a proper and timely manner especially one imposed by law such as Federal, State or local taxes. "A just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, the Commission shall not be required to determine the validity or amount of the disputed debt. Each employee should arrange his personal financial affairs to avoid any request to the Commission for administrative action to assist in the collection of debts.

(h) Gambling, betting, and lotteries. An employee shall not participate, while

[1] As the Government official responsible for appointment of the employee to his position. In the case of Commissioners this determination is made by the President as the appointing official. In the case of personnel employed regularly and full time in the immediate office of a Commissioner other than the Chairman, the determination is made by that Commissioner.

[2] As the government official responsible for appointment of the employee to his position. In the case of personnel employed regularly and full time in the immediate office of a Commissioner other than the Chairman, the determination is made by that Commissioner.

V 40 I 134 JUL 11 75 XUM

on government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. This paragraph does not preclude fundraising activities by employee organizations under section 3 of Executive Order 10927, March 18, 1961, 26 F.R. 2383.

(i) General conduct. (1) Employees shall conduct themselves in such a manner that the work of the Commission is effectively accomplished and shall also observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public.

(2) Employees shall avoid any action, whether or not specifically prohibited by §§ 3.205 and 3.206 which might result in or create the appearance of:

(i) Using public office for private gain; or

(ii) Giving preferential treatment to any person; or

(iii) Losing complete independence or impartiality of action; or

(iv) Making a government decision outside official channels; or

(v) Impeding government efficiency or economy; or

(vi) Affecting adversely the confidence of the public in the integrity of the government and the Federal Power Commission.

(j) Employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government and to the Commission.

§ 3.207 Statements of employment and financial interests.

(a) Forms. A copy of each of the following forms is appended to this Subpart C:[2]

(1) FPC Form 498—Confidential Statement of Employment and Financial Interest.

(2) FPC Form 1119—Acknowledgment of Receipt of Standards of Conduct.

(b) Place of submission. All FPC forms listed in paragraph (a) shall be submitted to the Office of Personnel Programs.

(c) Commissioners are not required to submit. Commissioners are subject to separate reporting requirements established under section 401 of the Executive Order and are therefore not required to submit FPC Forms 709, 1119 and 498.

(d) Employees required to submit; time of submission—(1) FPC Form 498 Confidential Statement of Employment and Financial Interest. All employees shall submit FPC Form 498:

(i) At the time of entrance on duty.

(ii) Within 30 days of the date of acquisition by the employee, employee's spouse, minor child, or member of the employee's immediate household of any security.

(iii) On June 30 of each year for the purpose of annual review. Where there are not changes in or additions to the original information submitted, a negative report shall be filed.

(iv) Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that could result in a violation of the conflicts of interest provisions of § 3.205.

(2) FPC Form 709—Report of outside employment. All new employees are required to submit FPC Form 709, at the time of entrance on duty. All employees engaged in outside employment on the effective date of this Subpart C shall submit FPC Form 709 within 30 days thereafter. All employees, who engage in outside employment after the effective date of this Subpart C shall submit FPC Form 709 on or before the time of entering upon such outside employment. See § 3.205(e)(5).

(3) FPC Form 1119-Acknowledgment of Receipt of Standards of Conduct. All employees shall within 5 days after receipt of a copy of this Subpart C, as provided in § 3.203 sign FPC Form 1119 and return it to the Director, Office of Personnel Programs.

(e) Confidentiality. The Executive Director, the Director, Office of Personnel Programs, and the Agency Counselor shall be responsible for keeping all FPC Forms listed in paragraph (a) of this section strictly confidential and shall not grant access to, or permit disclosure of information from, these forms except to carry out the purpose of these regulations. Information contained thereon will not be disclosed except in accordance with the regulations of the Civil Service Commission or on a determination of good cause made by the Chairman of the Federal Power Commission or except as provided by law.

(f) Interests of employee's relatives. The interest of a spouse, minor child, or other member of an employee's immediate household (as defined in § 3.204(d)) is considered to be an interest of the employee.

(g) Effect of submission of forms on other requirements. Submission of any FPC forms listed in paragraph (a) of this section is in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. An employee's submission of any of these forms does not permit him or any other person to participate in a matter which his or the other person's participation is prohibited by law, order, or regulation.

(h) Information not required. An employee is not required to supply information relating to his connection with, except employment required to be reported under § 3.205(e) or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included. Information showing the value of securities, other financial interests, and real property and the amount of indebtedness is also not required.

(i) Provisions relating only to FPC Form 498; information not known by employees. If any information required to be included on FPC Form 498, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf. In the event that an employee's holdings are held in a previously approved blind trust, the employee should report on his filed form 498, "unknown securities held in blind trust." [Order 319, 31 FR 4118, Mar. 9, 1966, as amended by Order 353, 32 FR 15239, 15240, Nov. 3, 1967]

§ 3.208 Interpretation and advisory service.

(a) An interpretation and advisory service consisting of an Agency Counselor is established to provide counsel and advice to all Commission employees regarding the interpretation and applicability of the provisions and subject matter of this Subpart C.

(b) Agency Counselor—(1) Designation. The General Counsel of the Federal Power Commission is designated as the Agency Counselor.

(2) Duties. The Agency Counselor shall:

(i) Serve as the Commission's designee to the Civil Service Commission regarding the matters covered by this Subpart C.

(ii) Coordinate and direct the Commission's interpretation and advisory service.

(iii) Issue interpretations and advisory opinions as required concerning matters covered by this Subpart C.

(iv) Transmit to the persons specified in § 3.209 (e) with a written statement of his views and recommendations, all conflicts of interest reports prepared by the Director, Office of Personnel Programs in accordance with the provisions of § 3.209(e) and notify the employee of the transmittal.

(v) In accordance with the provisions of § 3.207(e) relating to confidentiality, exercise responsibility, together with the Executive Director and the Director, Office of Personnel Programs for keeping all FPC forms listed in paragraph (a) of § 3.207 strictly confidential.

(vi) Duty of employee to consult. Any employee who is uncertain as to the application of any provision of this Subpart C or is uncertain as to whether any contemplated action is permissible or who believes any provision will cause him undue hardship should submit his question, view, or request to the Agency Counselor. (Order 3.9, 31 FR 4118, Mar. 9, 1966, as amended by Order 353, 32 FR 15239, 15240, Nov. 3, 1967.)

[2] Forms available from the Director, Office of Personnel Programs.

§ 3.209 Procedure for reviewing statements of employment and financial interests and reporting conflicts of interest.

(a) Except as provided in § 3.207(b), the Director, Office of Personnel Programs shall review all statements of employment and financial interests (FPC Forms 709 and 498) submitted by employees pursuant to this Subpart C to determine whether there are any actual or apparent conflicts of interest.

(b) The Director, Office of Personnel Programs shall receive and investigate complaints and information from all sources, including other Federal agencies, concerning the conduct of employees.

(c) Bureau and office heads shall report any misconduct or violation of this Subpart C by employees under their supervision and direction to the Director, Office of Personnel Programs.

(d) When the Director, Office of Personnel Programs believes, on the basis of information submitted in statements of employment and financial interests, and from other sources, that an actual or apparent conflict of interest exists, he shall immediately:

(1) Notify the Agency Counselor and the Executive Director.

(2) Inform the employee concerned and provide him with full opportunity to explain the actual or apparent conflict to the Director, Office of Personnel Programs or the Agency Counselor.

(3) Endeavor to resolve the conflict in accordance with the standards and requirements of this Subpart C.

(4) Conflicts of interest relating to intervenors. (i) Where the actual or apparent conflicts of interest arises out of an employee's ownership of securities or personal interest in a person intervening in a matter before the Commission on which the employee has been assigned to work (see § 3.205(b)(3)(iv)(B)), the Director, Office of Personnel Programs shall immediately consult with the employee's Bureau Chief or other office head to determine whether it is in the interest of the Commission that the employee continue the assignment. In making this determination the Director, Office of Personnel Programs shall consider the general desirability of avoiding situations that will require resolution of conflict of interest problems, the extent to which the employee's activities will be supervised and all other factors bearing on the particular situation which may be presented.

(ii) Where the employee is permitted to continue his assignment, the Director, Office of Personnel Programs shall prepare a written report describing the nature of the employee's interest and all other factors taken into account in resolving the potential conflict and shall provide the employee, the Agency Counselor and the Executive Director with a copy.

(e) (1) When actual or apparent conflicts of interest are not resolved by the Director, Office of Personnel Programs, he shall report, through the Agency Counselor, all information concerning the matter to:

(i) In the case of personnel employed regularly and full time in the immediate office of a Commissioner other than the Chairman, to that Commissioner; or

(ii) In all other cases, to the Chairman and/or the Executive Director.

In each case, the Director, Office of Personnel Programs shall notify the employee that such a report has been made.

(2) The employee, at his own requests, shall be given an opportunity to explain the actual or apparent conflict to the Chairman and/or the Executive Director, or in the case of employees in the immediate offices of Commissioners other than the Chairman to a Commissioner and/or the Commission. (Order 319, 31 FR 4118, Mar. 9, 1966, as amended by Order 353, 32 FR 15240, Nov. 3, 1967.)

§ 3.210 Disciplinary and other remedial action.

(a) Disciplinary action. Violation of the provisions of this Subpart C by any Commission employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Appropriate disciplinary action shall be effected in accordance with applicable laws, executive orders and regulations and may include one or more of the following: Removal, suspension, reduction in grade. The disciplinary action taken will depend upon the seriousness of the violation and pertinent conditions and circumstances. In instances where criminal violation is indicated, the matter will be referred by the Commission to the Department of Justice for appropriate action.

(b) Other remedial action. Other remedial action shall be effected in accordance with applicable laws, executive orders and regulations and may include:

(1) Divestment of the employee of his conflicting interest.

(2) Changes in assigned duties.

(3) Disqualification for a particular assignment.

(c) Procedure. (1) Except as provided in subparagraph (2) of this paragraph, after receipt from the Agency Counselor of the conflicts of interest report prepared by the Director, Office of Personnel Programs in accordance with the provisions of §§ 3.208(b)(2)(iv) and 3.209(e)(1) and after consideration of the explation provided by the employee, the Chairman shall take such appropriate disciplinary or other remedial action as may be required. If the Chairman concludes that there is no actual or apparent conflict of interest or if no disciplinary or other remedial action is required, the Chairman shall so inform the employee.

(2) In the case of personnel employed regularly and full time in the immediate office of a Commissioner other than the Chairman, that Commissioner shall execute the provisions of paragraph (c)(1) of this paragraph. Any Commissioner may, in his discretion, refer the matter to another Commissioner or to the Commission for resolution. (Order 3.9, 31 FR 4118, Mar. 9, 1966, as amended by Order 353, 32 FR 15240, Nov. 3, 1967.)

§ 3.211 Miscellaneous statutes and regulations.

Each employee shall acquaint himself with the following statutes and regulations relating to ethical conduct. The full texts of these statutes and regulations are available in the Offices of the Agency Counselor and Director, Office of Personnel Programs.

(a) General. (1) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service," and Federal Power Commission Administrative Order No. 66, July 23, 1958, setting forth canons of conduct based on H. Con. Res. 175.

(2) Executive Order 11222, May 8, 1965, 30 FR 6469, as amended by Executive Order 11590, April 23, 1971, 36 FR 7831, Prescribing Standards of Ethical Conduct for Government Officers and Employees and the implementing regulations issued by the Civil Service Commission, 30 FR 12529, 5 CFR Part 735.

(3) Violation of any law, rule, or regulation, administered by the Civil Service Commission, or failure to adhere to established policies, regulations, standards, and instructions on personnel management subject to the jurisdiction of the Commission. (Civil Service rule 5.4, 5 CFR 5.4.)

(4) Refusal to furnish testimony or information to authorized representatives of the Civil Service Commission in regard to matters inquired of arising under the laws, rules, and regulations administered by the Commission. [Civil Service Regulations 731.201(d), 5 CFR 731.201(d).]

(5) Executive Order 10927, March 18, 1961, 26 FR 2383, Abolishing the President's Committee on Fundraising within the Federal Service and providing for the conduct of fundraising activities.

(6) The prohibitions relating to gifts to superiors. (5 U.S.C. 7351.)

(b) Personal conduct. (1) The provision relating to the habitual use of intoxicants to excess. (5 U.S.C. 7352.)

(2) The prohibition against criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct. [Civil Service Regulation 731.201(b), 5 CFR 731.201(b).]

(c) Disloyalty and striking. (1) The prohibitions against disloyalty and striking. (5 U.S.C. 7311, 18 U.S.C. 1918.) (See Note below)

(2) The prohibition against the employment of a member of a Communist organization. (50 U.S.C. 784.) (See Note below)

NOTE: An employee who advocates the overthrow of our constitutional form of government, or is a member of an organization knowing it so advocates, shall be dismissed. Strikes against the government are forbidden as well as membership in government employee organizations which assert the right to strike against any Federal department or agency.

(d) Foreign governments. (1) The prohibition against accepting a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the

V40-1134
JUL 11 75
XUM

Constitution and in Pub. L. 89-673, 80 Stat. 952.

(2) The prohibition against serving while on annual leave or leave without pay, with or without remuneration, for any foreign government, corporation, partnership or individual that is in competition with American industry. (Executive Order 5221, November 11, 1929, 18 CFR 3.735-11.)

(3) The prohibition against an employee acting as the agency of a foreign principal registered under the Foreign Agents Registration Act. (18 U.S.C. 219.)

(e) Political activities. (1) The prohibitions against political activities (the former Hatch Act) in subchapter III of chapter 73 of title 5, U.S.C. and 18 U.S.C. 602, 603, 607, and 608. The prohibitions, and exemptions therefrom, with respect to government employees holding state, territorial or municipal offices. (Civil Service Regulations, 5 CFR Part 733.)

(2) The prohibition against lobbying with appropriated funds. (18 U.S.C. 1913.) No part of the money appropriated by any enactment of Congress shall, in absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business. The penalty for violation includes fine or imprisonment and removal.

(f) Disclosure of information. (1) Section 301(b) (16 U.S.C. 825b) of the Federal Power Act and Section 8(b) (15 U.S.C. 717g) of the Natural Gas Act forbid employees, in the absence of Commission or court direction from divulging information gained in examining books or accounts.

(2) Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.36) outlines what is public information and what is not.

(3) Section 1.4(d) of the Federal Power Commission's Rules of Practice and Procedure [18 CFR 1.4(d)] describes the prohibitions against ex parte communications.

(4) Federal Power Commission Administrative Order No. 56, July 11, 1956, describes standards of conduct relating to "Official Staff Contracts Outside the Commission."

(5) The prohibitions against (i) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and

(ii) the disclosure of confidential information. (18 U.S.C. 1905.)

(g) Bribery, graft, and conflicts of interest.

(1) Chapter 11 of Title 18, United States Code especially:

Sec. 201	Bribery of public officials and witnesses.
Sec. 202	Definitions.
Sec. 203 and 209	Outside compensation in matters affecting the government.
Sec. 205	Activities in claims against and other matters affecting the government.
Sec. 207	Disqualification of former officers and employees in matters connected with former duties.
Sec. 208	Acts affecting personal financial interests.
Sec. 210	Offer to procure appointive public office.
Sec. 211	Acceptance or solicitation to obtain appointive public office.

(2) Section 1.4(c) of the Federal Power Commission's rules of practice and procedure [18 CFR 1.4(c)] states the restrictions against appearance by former employees.

(h) Fraud and deceit, embezzlement, extortion. (1) The prohibition against the use of deceit in an examination or personnel action in connection with government employment (18 U.S.C. 1917). The prohibition against intentional false statements or deception or fraud in examination for appointment [Civil Service Regulation 731.201(c) 5 CFR 731.201(c)]. The prohibition against influencing another to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment. (Civil Service Rule 4.3, 5 CFR 4.3)

(2) The prohibition against fraud or false statements in a government matter. (18 U.S.C. 1001.)

(3) The prohibition against counterfeiting and forging transportation requests. (18 U.S.C. 508.)

(4) The prohibitions against (i) embezzlement of government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment. (18 U.S.C. 654.)

(5) The prohibition against extortion. (18 U.S.C. 872.)

(i) Misuse of government property. (1) The prohibition against the misuse of a government vehicle. (31 U.S.C. 638a(c).)

(2) The prohibition against the misuse of the franking privilege. (18 U.S.C. 1719.)

(3) The prohibition against mutilating or destroying a public record. (18 U.S.C. 2071.)

(4) The prohibition against unauthorized use of documents relating to claims from or by the government. (18 U.S.C. 285.) [Order 319, 31 FR 4118, Mar. 9, 1966, as amended by Order 353, 32 FR 15239, 15240, Nov. 3, 1967.]

Subpart D—Standards of Conduct for Special Government Employees

AUTHORITY: E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306, 5 CFR 735.104.

§ 3.221 Purpose.

(a) The Commission recognizes that the maintenance of high standards of honesty, integrity, impartiality, and conduct by special Government employees is essential to assure the proper performance of Commission business and the maintenance of confidence by citizens in the integrity of their government. The avoidance of misconduct and conflicts of interest on the part of special Government employees through informed judgment is indispensable to the maintenance of these standards. The Commission, acting under authority conferred by the Federal Power Act and pursuant to sections 201(b) and 702 of the Executive Order 11222 of May 8, 1965, 30 FR 6469, as amended by Executive Order 11590 of April 22, 1971, 36 FR 7831, and the implementing regulations issued by the Civil Service Commission, 30 FR 12529, 5 CFR Part 735, issues this Subpart D to advise all special Government employees of the standards of conduct each is expected to observe while employed by the Federal Power Commission.

(b) The summaries of statutory provisions, such as the conflict of interest provisions of Title 18 U.S.C. Sections 201-218, which appear in this Subpart D at § 3.232 are not intended and should not be construed as verbatim quotations of the law. The statutes should be consulted in any situation in which they might apply. [Order 319, 31 FR 4124, March 9, 1966, as amended by Order 353, 32 FR 15240, November 3, 1967.]

§ 3.222 Coverage.

This Subpart D applies only to special Government employees, usually consultants and advisors, as defined in § 3.224 (h).

§ 3.223 Notice and receipt.

Each special Government employee in the employ of the Commission shall be provided with a copy of this Subpart D and shall, within 5 days after receipt, sign and return to the Director, Office of Personnel Programs, the certification of receipt and agreement to comply with conditions and requirements (FPC Form 855). At the time his appointment is processed, each new special Government employee shall be provided with a copy of this Subpart D and shall sign and return to the Director, Office of Personnel Programs, the certification of receipt and agreement to comply with conditions and requirements. Special Government employees shall be advised of this Subpart D at least once each year and shall be promptly informed of any change therein. [Order 319, 31 FR 4124, March 9, 1966, as amended by Order 353, 32 FR 15240, November 3, 1967.]

§ 3.224 Definitions.

(a) "Conflicts of interest" means a situation in which a special Government employee's private interest, usually of an economic nature, conflicts or raises a reasonable question of potential conflict with the efficient and impartial conduct of his official duties and responsibilities

The conflict is of concern whether it is real or only apparent.

(b) "Employed" means the period of time for which a special Government employee is appointed by the Federal Power Commission and/or other federal agencies to render services, including those days on which no services are rendered.

(c) "Executive Order" means Executive Order 11222 of May 8, 1965 (30 FR 6469), as amended by Executive Order 11590 of April 22, 1971 (36 FR 7831).

(d) "Member of the special Government employee's immediate household" means blood relations of the special Government employee who are permanent residents of the special Government employee's household.

(e) "Official responsibility" means "the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action." [18 U.S.C. 202(b).]

(f) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other group, organization or institution.

(g) "Serve" means to render services, whether with or without compensation.

(h) "Special Government employee" means a special Government employee, as defined in section 202(a) of Title 18 of the United States Code, who is employed by the Commission:

> The term "special Government employee" shall mean an officer or employee of . . . any independent agency of the United States . . . who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. . . . [18 U.S.C. 202(a).]

§ 3.225 Classification of special Government employees.

(a) FPC Service. Classification as a special Government employee shall be made on the basis of an estimate of the number of days the Commission will require the services of the employee during the 365 days following his appointment which shall not extend for more than 365 days. Only employees whose service is estimated at 130 days or less shall be classified as special Government employees. Despite inaccuracies, employees shall retain, throughout each 365-day period, the classification assigned on the basis of the estimate for that period. A part of a day shall be counted as a full day and a Saturday, Sunday, or holiday on which duty is to be performed shall be counted equally with a regular workday.

(b) Multiagency service. A special Government employee who undertakes to serve one or more other Federal departments or agencies shall inform the Federal Power Commission of his arrangement with the others. The Director, Office of Personnel Programs, Federal Power Commission, shall coordinate the classification of special Government employees with the designated coordinator in the other agencies. If the employee's appointments with two or more agencies are made on the same date, the aggregate of the service estimates made by each agency shall be considered determinative of his classification by each. If after being employed by one agency, a special Government employee is appointed to serve in the same capacity by one or more other agencies, each agency shall make an estimate of the amount of the employee's service to it for the remaining portion of the 365-day period covered by the original estimate of the first agency. The sum of these estimates and of the actual number of days of the employee's service to the first agency during the prior portion of such 365-day period shall be considered determinative of the employee's classification by each agency during the remaining portion.

§ 3.226 Conflicts of interest.

(a) Use of Commission employment. A special Government employee shall not use his Commission employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

(b) Coercion. A special Government employee shall not use his Commission employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties.

(c) Outside compensation in matters affecting the government. Special Government employees are prohibited from accepting any compensation, except as provided by law for the proper discharge of official duties, for any services rendered in relation to a particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the special Government employee participated personally and substantially in the course of his Commission duties. Special Government employees who have served the Commission for more than 60 days during the immediately preceeding period of 365 consecutive days are also subject to a similar prohibition with respect to matters pending before the Commission during their period of service, even though they have not participated personally and substantially in those matters (18 U.S.C. 203).

(d) Financial interests. (1) A special Government employee shall not:

(i) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Commission duties and responsibilities.

(ii) Engage, directly or indirectly, in a financial transaction as a result of, or primarily relying on, information obtained through his Commission employment.

(2) These financial interests also include interests of the special Government employee's spouse, minor child or member of his immediate household.

(3) A special Government employee is prohibited, under penalty of fine or imprisonment, from participating personally and substantially as a government officer or special Government employee in any matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or person with whom he is negotiating for employment has a financial interest. However, this prohibition does not apply if, prior to such participation, and upon complete disclosure of the financial interest, the Chairman[1] of the Commission determines that the special Government employee's interest is not so substantial as to affect the special Government employee's services to the Commission. (18 U.S.C. 208)

(4) (i) A special Government employee or the spouse, minor child, or member of the immediate household of a special Government employee shall not own, directly or indirectly, or participate in the purchase of any securities of any public utility, licensee, or natural gas company subject to the jurisdiction of the Commission. This prohibition shall also apply to securities of parent companies having jurisdictional subsidiaries or subsidiaries of jurisdictional parent companies. The prohibition shall not apply to investments in mutual funds or private investment groups where a special Government employee or the spouse, minor child, or member of the immediate household of a special Government employee does not have the right to participate in or control management decisions relating to what securities will be held in the funds. The prohibition shall not apply to investmnts in mutual savings banks.

(ii) All special Government employees shall report such securities and security acquisitions on appropriate forms in the manner and at the time specified in § 3.228 (a), (b), and (c).

(iii) Such securities, regardless of the manner of acquisition, shall be disposed of promptly upon request by the Director, Office of Personnel Programs. Disposition of securities shall include sale of the securities or transfer of title of the securities into a "blind trust" which denies control and knowledge to the grantor of the securities held in trust. Should a special Government employee decide to dispose of securities through a blind trust agreement, it must first be approved by the Director, Office of Personnel Programs, upon review and advice of the General Counsel.

(iv) All special Government employees shall submit reports on appropriate forms

[1] As the government official responsible for appointment of the special Government employee to his position. In the case of Commissioners, this determination is made by the President as the appointing official. In the case of personnel employed regularly and full time in the immediate office of a Commissioner other than the Chairman, the determination is made by that Commissioner.

V40-1134 JUL 11 75 XUM

in the manner and at the time specified in § 3.228 (a), (b), and (c) regarding:

(A) Any securities presently held directly or indirectly by a special Government employee or his spouse, minor child or member of his immediate household, in an enterprise whose status under the Federal Power Act or Natural Gas Act comes before the Commission for determination.

(B) Any securities owned by or personal interest of a special Government employee or his spouse, minor child, or member of his immediate household in any person, firm, association, or corporation intervening on a matter before the Commission to which the special Government employee has been assigned to work.

(e) Gifts, entertainment, loans and favors. (1) Unless permitted by paragraph (e)(2) of this paragraph, a special Government employee, while so employed or in connection with his employment, shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, for himself or another person, particularly one with whom he has family, business, or financial ties, from any person who:

(i) Has, or is seeking to obtain, approval or denial by the Commission of actions required under statute, or the Commission's rules and regulations; or

(ii) Conducts operations or activities which are regulated by the Commission or concerning which determinations of status are pending before the Commission; or

(iii) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission; or

(iv) Has interests which may be substantially affected by the performance or nonperformance of the special Government employee's official duty; or

(v) Is in any way attempting to influence the special Government employee's official actions.

(2) The requirements of paragraph (e)(1) of this section do not apply to:

(i) Obvious family or personal relationships where circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of employees;

(ii) Acceptance of food and refreshments of nominal value on infrequent occasions in the course of a luncheon, dinner or other meeting or on an inspection tour where a special Government employee may properly be in attendance. Special Government employees on an inspection tour may also accept necessary arrangements for travel and lodging when no other reasonable alternatives are available.

(iii) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the special Government employee, such as for example, home mortgage loans.

(iv) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value, such as pens, pencils, note pads, calendars, and other similar items.

(v) A special Government employee, while so employed, or in connection with his employment, shall not:

(A) Solicit contributions from another employee for a gift to an employee in a superior official position.

(B) Make a donation as a gift to an employee in a superior official position.

(C) Accept a gift presented as a contribution from employees receiving less salary than himself.

(D) The prohibitions of paragraphs (e)(2)(v)(A), (B), and (C) of this section are not intended to prohibit voluntary gifts or donations of nominal value made to a special Government employee on a special occasion such as marriage, illness, resignation or retirement.

(3) A special Government employee shall not accept a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the U.S. Constitution and in Pub. L. 89-673, 80 Stat. 952.

(f) Representation of others. (1) During Commission employment. A special Government employee is prohibited, except as permitted in the proper discharge of his official duties or by express statutory exemption, from acting as agent or attorney, with or without compensation, in a particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the special Government employee participated personally and substantially. Special Government employees who have served the Commission for more than 60 days during the immediately preceding period of 365 days are also subject to a similar prohibition with respect to particular matters pending before the Commission during their period of service even though they have not participated personally and substantially in such matters. These prohibitions are limited by the following exemptions:

(i) A special Government employee may act as agent or attorney for another person in the performance of work under grant by or contract with the United States if the head of the department or agency concerned with the grant or contract first makes a written certification, submitted for publication in the FEDERAL REGISTER, that such representation is required in the national interest.

(ii) When not inconsistent with faithful performance of duty, special Government employees may also represent any person, without compensation, in disciplinary, loyalty, or other personnel matters.

(iii) Subject to the express written approval of the Chairman of the Commission,[2] a special Government employee may, with or without compensation, represent a parent, spouse, child, or person or estate he serves as fiduciary on matters in which the United States is a party or has an interest except matters in which he has participated personally and substantially, as a special Government employee or which are the subject of his official responsibility.

(iv) A special Government employee may also give testimony under oath or make statements required to be made under penalty for perjury or contempt. (18 U.S.C. 203 and 205.)

(2) Following termination of Commission employment. (i) A special Government employee shall not, after his employment has ceased,[3] knowingly act as agent or attorney for anyone other than the United States in any matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the special Government employee participated personally and substantially during his Commission employment [18 U.S.C. 207(a).]

(ii) A special Government employee shall not, within 1 year after his Commission employment has ceased, appear personally before any court or Government agency as agent or attorney for anyone other than the United States in any matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was under his official responsibility as a special Government employee at any time within 1 year prior to the termination of such responsibility [18 U.S.C. 207(b).]

(iii) Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure [18 CFR 1.4(c)] prohibits a former special Government employee from acting as attorney, expert witness or representative in connection with any proceeding before the Commission in which the special Government employee participated during his service with the Commission unless such appearance is expressly authorized by the Commission upon a verified showing that it would not be contrary to the public interest and unethical or prejudicial to the interests of the Commission, or in violation of 2(a) and 2(b), supra.

(g) Special Government employees shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or of the Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of Commission employment, except when that information has been made available to the general public or will be made available on request or when the Executive Director has given written authorization for the use of nonpublic information on the basis that the use is in the public interest. For additional requirements and procedures relating to the misuse and disclosure of information, see § 3.232(F).

(h) Special Government employees shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission.

(i) A special Government employee may not receive nongovernment reimbursement for travel or expenditures on official business.

(j) Limitations on prohibitions of subparagraphs (d), (e) and (f) of this paragraph. The prohibitions of subparagraphs (d), (e) and (f) of this paragraph do not preclude a special Government employee from:

(1) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(2) Participation in the activities of national or state political parties not proscribed by law. But see § 3.232(e) for reference to the prohibitions against political activity.

§ 3.227 Ethical conduct.

(a) Use of government property. A special Government employee shall not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for other than officially approved activities. A special Government employee has a positive duty to protect and conserve government property, including equipment, supplies, and other property entrusted or issued to him.

(b) Misuse of information. (1) A special Government employee shall not use inside information obtained as a result of his Commission employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. "Inside information" means information obtained under Commission authority which has not become part of the body of public information.

(2) Section 1.36 of the Commission's Rules of Practice and Procedure (18 CFR 1.36) sets up the procedures for making available to the public, information in the public files and records of the Commission and specifies the particular files and records which are not generally available to the public. Section 1.36(f) including special Government employees, when served with a subpoena duces tecum and outlines the procedures to be followed when the material sought is not part of the public files and records of the Commission.

(3) Section 301(b) [16 U.S.C. 825(c)] of the Federal Power Act and section 8(b) (15 U.S.C. 717g) of the Natural Gas Act prohibit any employee, including a special Government employee, in the absence of Commission or court direction, from divulging any fact or information which may come to his knowledge during the course of examination of books or other accounts.

(4) The nature and time of any proposed action by the Commission are confidential and shall not be divulged to anyone outside the Commission. The Secretary of the Commission has exclusive responsibility and authority for authorizing the initial public releases of information concerning Commission actions or decisions.

(5) Section 1.4(d) of the Commission's Rules of Practice and Procedure [18 CFR 1.4(d)] states the prohibitions against *ex parte* communications in on-the-record proceedings to Commissioners, members of their personal staffs, administrative law judges or other employees, including special Government employees, participating in the decision in such proceedings.

(c) Indebtedness. Special Government employees shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. "A just financial obligation" means one acknowledged by the special Government employee or reduced to judgment by a court, or one imposed by law such as Federal, State or local taxes, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the government as his employer. In the event of dispute between a special Government employee and an alleged creditor, the Commission shall not be required to determine the validity or amount of the disputed debt. Each special Government employee should arrange his personal financial affairs to avoid any request to the Commission for administrative action to assist in the collection of debts.

(d) Gambling, betting and lotteries. A special Government employee shall not participate, while on government-owned or leased property or while on duty for the government, in any gambling activities, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. This paragraph does not preclude fundraising activities by employee organizations under section 3 of Executive Order 10927, March 18, 1961, 26 F.R. 2383.

(e) General conduct. Special Government employees shall conduct themselves in such manner that the work of the Commission is effectively accomplished and shall also observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public.

(f) Special Government employees shall avoid any action, whether or not specifically prohibited by §§ 3.226 and 3.227, which might result in or create the appearance of:

(1) Using public office for private gain; or

(2) Giving preferential treatment to any person; or

(3) Losing complete independence or impartiality of action; or

(4) Making a government decision outside official channels; or

(5) Impeding government efficiency or economy; or

(6) Affecting adversely the confidence of the public in the integrity of the government and the Federal Power Commission.

(g) Special Government employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government and to the Commission.

§ 3.228 Statements of employment and financial interests.

(a) Forms. A copy of each of the following forms is appended to this Subpart D.[4]

(1) FPC Form 498—Confidential Statement of Employment and Financial Interests.

(2) FPC Form 855—Certification of receipt and agreement for special Government employees.

(b) Special Government employees required to submit; time of submission—(1) FPC Form 498 Confidential Statement of Employment and Financial Interest. All special Government employees shall submit FPC Form 498:

(2) At the time of entrance on duty.

(3) Within 30 days of the date of acquisition by the special Government employee, his spouse, minor child, or member of the special Government employee's immediate household of any security.

(4) On June 30 of each year for the purpose of annual review. Where there are not changes in or additions to the original information submitted, a negative report shall be filed.

(5) Notwithstanding the filing of the annual report required by this section, each special Government employee shall at all times avoid acquiring a financial interest that could result, or taking an action that could result, in a violation of the conflicts of interest provisions of § 3.226.

(6) FPC Form 855—Certification of receipt and agreement for special Government employees. All special Government employees in the employ of the Commission shall complete this form within 5 days after receipt of this Subpart D.

(c) Place of submission. All FPC Forms listed in paragraph (a) of this section shall be submitted to the Director, Office of Personnel Programs, in an envelope marked "Personal Attention: Director, Office of Personnel Programs.

[4](d) Confidentiality. The Executive Director, the Director, Office of Personnel Programs, and the Agency Counselor

[2] As the government official responsible for appointment of the special Government employee to his position.

[3] For the purposes of sec. 207 of Title 18, U.S. Code, the employment of a special Government employee ceases on the day his appointment expires or is otherwise terminated, as distinguished from the date on which he last performs service.

[4] Forms available from Director, Office of Personnel Programs.

V 40 I 134 JUL 11 75 XUM

shall be responsible for keeping all FPC Forms listed in paragraph (a) of this section strictly confidential and shall not grant access to, or permit disclosure of information from, these forms except to carry out the purpose of these regulations. Information contained thereon will not be disclosed except in accordance with the regulations of the Civil Service Commission or on a determination of good cause made by the Chairman of the Federal Power Commission, or except as provided by law.

(e) Interests of special Government employee's relatives. The interest of a spouse, minor child, or other member of a special Government employee's immediate household (as defined in § 3.204 (d)) is considered to be an interest of the special Government employee.

(f) Effect of submission of forms on other requirements. Submission of any FPC forms listed in paragraph (A) of this section is in addition to, and not in substitution for, or in derogation of, any other person to participate in a law, order, or regulation. A special Government employee's submission of any of these forms does not permit him or any other person to participate in a matter which his or the other person's participation is prohibited by law, order or regulation.

(g) Information not required. A special Government employee is not required to supply information relating to his connection with, except employment required to be reported under § 3.225(b) or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the government are deemed "business enterprises" and are required to be included. Information showing the value of securities, other financial interests, and real property and the amount of indebtedness is also not required.

(h) Provisions relating only to FPC Form 498; information not known by special Government employees. If any information required to be included on FPC Form 498, including holdings placed in trust, is not known to the special Government employee but is known to another person, the special Government employee shall request that other person to submit the information in his behalf. In the event that a special Government employee's holdings are held in a previously approved blind trust, the special Government employee should report on his filed Form 498 "Unknown securities held in blind trust."

---

[1] See Subpart C, "Interpretation and Advisory Service."

§ 3.229 Interpretation and advisory service.[1]

(a) Availability. The interpretation and advisory service established under § 3.208 is available to all special Government employees seeking counsel and advice regarding the interpretation and applicability of the provisions and subject matter of this Subpart D.

(b) Duty of special Government employee to consult. Any special Government employee, who is uncertain as to the application of any provision of this Subpart D or is uncertain as to whether any contemplated action is permissible, or who believes any provision will cause him undue hardship, should submit his question, view or request to the Agency Counselor, either orally or in writing. The Agency Counselor shall inform the special Government employee of his views, recommendations, and reasons therefor, either orally or in writing when requested by the special Government employee or when the Agency Counselor, in his discretion, considers a written reply advisable. The Agency Counselor shall also send a memorandum or a copy of his written reply to the Director of the Office of Personnel Programs for consideration and appropriate determination and action.

§ 3.230 Procedure for reviewing statements of employment and financial interests and reporting conflicts of interest.

(a) The Director, Office of Personnel Programs, shall review all statements of employment and financial interests (FPC Forms 709 and 498) submitted by special Government employees pursuant to this Subpart D to determine whether there are any actual or apparent conflicts of interests.

(b) The Director, Office of Personnel Programs, shall receive and investigate complaints and information from all sources, including other Federal agencies, concerning the conduct of special Government employees.

(c) Bureau and office heads shall report any misconduct or violation of this Subpart D by special Government employees under their supervision and direction to the Director, Office of Personnel Programs.

(d) When the Director, Office of Personnel Programs, believes, on the basis of information submitted in statements of employment and financial interests, and from other sources, that an actual or apparent conflict of interest exists, he shall immediately:

(1) Notify the Agency Counselor and the Executive Director.

(2) Inform the special Government employee concerned and provide him with full opportunity to explain the actual or apparent conflict to the Director, Office of Personnel Programs, or the Agency Counselor.

(3) Endeavor to resolve the conflict in accordance with the standards and requirements of this Subpart D.

(e) Conflicts of interest relating to intervenors. (1) Where the actual or apparent conflicts of interest arises out of a special Government employee's ownership of securities or personal interest in a person intervening in a matter before the Commission on which the special Government employee has been assigned to work, the Director, Office of Personnel Programs, shall immediately consult with the special Government employee's Bureau Chief or other office head to determine whether it is in the interest of the Commission that the special Government employee continue the assignment. In making this determination, the Director, Office of Personnel Programs, shall consider the general desirability of avoiding situations that will require resolution of conflict of interest problems, the extent to which the special Government employee's activities will be supervised and all other factors bearing on the particular situation which may be presented.

(2) Where the special Government employee is permitted to continue his assignment, the Director, Office of Personnel Programs, shall prepare a written report describing the nature of the special Government employee's interest and all other factors taken into account in resolving the potential conflict and shall provide the special Government employee, the Agency Counselor, and the Executive Director with a copy.

(f) (1) When actual or apparent conflicts of interest are not resolved by the Director, Office of Personnel Programs, he shall report, through the Agency Counselor, all information concerning the matter to:

(2) In the case of personnel employed regularly and full time in the immediate office of a Commissioner other than the Chairman, to that Commissoner; or

(3) In all other cases, to the Chairman and/or the Executive Director.

In each case, the Director, Office of Personnel Programs shall notify the special Government employee that such a report has been made.

(4) The special Government employee, at his own request, shall be given an opportunity to explain the actual or apparent conflict to the Chairman and/or the Executive Director, or in the case of special Government employees in the immediate offices of Commissioners other than the Chairman to a Commissioner and/or the Commission. (Order 319, 31 FR 4118, March 9, 1966, as amended by Order 353, 32 FR 15240, November 3, 1967.)

§ 3.231 Disciplinary and other remedial action.

(a) Disciplinary action. Violation of the provisions of this Subpart D by any special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Appropriate disciplinary action shall be effected in accordance with applicable laws, executive orders, and regulations and may include one or more of the following: Removal, suspension, reduction in grade. The disciplinary action taken will regulations are available in the offices of the

Agency Counselor, and Director, Office of Personnel Programs.

(b) General. (1) House Concurrent Resolution 175, 85th Congress, 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service," and Federal Power Commission Administrative Order No. 66, July 23, 1958, setting forth canons of conduct based on H. Con. Res. 175.

(2) Executive Order 11222, May 8, 1965, Prescribing Standards of Ethical Conduct for Government Officers and Employees, 30 FR 6469, as amended by Executive Order 11590 of April 23, 1971, 36 FR 7831, and the implementing regulations issued by the Civil Service Commission, 30 FR 12529, 5 CFR Part 735.

(3) Violation of any law, rule, or regulation, administered by the Civil Service Commission, or failure to adhere to established policies, regulations, standards, and instructions on personnel management subject to the jurisdiction of the Commission (Civil Service Rule 5.4, 5 CFR 5.4).

(4) Refusal to furnish testimony or information to authorized representatives of the Civil Service Commission in regard to matters inquired of arising under the laws, rules, and regulations administered by the Commission [Civil Service Regulations 731.201(d), 5 CFR 731.201(d).]

(5) Executive Order 10927, March 18, 1961, 26 F.R. 2383, Abolishing the President's Committee on Fundraising within the Federal Service and providing for the conduct of fundraising activities.

(6) The prohibitions relating to gifts to superiors (5 U.S.C. 7351.)

(c) Personal conduct. (1) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(2) The prohibition against criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct. [Civil Service Regulations 731.201(d), 5 CFR 731.201(d).]

(d) Disloyalty and striking. (1) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918). (See note below.)

(2) The prohibition against the employment of a member of a Communist organization. (50 U.S.C. 784.) (See note below)

NOTE.—An employee who advocates the overthrow of our constitutional form of government, or is a member of an organization knowing it so advocates, shall be dismissed. Strikes against the Government are forbidden as well as membership in government employee organizations which assert the right to strike against any Federal department or agency.

(e) Foreign Governments. (1) The prohibition against accepting a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Pub. L. 89-673, 80 Stat. 952.

(2) The prohibition against serving while on annual leave or leave without pay with or without remuneration, for any foreign government, corporation, partnership or individual that is in competition with American industry. (Executive Order 5221, November 11, 1929.)

(3) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act. (18 U.S.C. 219).

(f) Political activities. (1) The prohibitions, and exemptions therefrom, former Hatch Act) in subchapter III of chapter 73 of Title 5, U.S.C. and 18 U.S.C. 602, 603, 607, and 608. The prohibitions, and exemptions therefrom, with respect to Government employees holding state, territorial or municipal offices. (Civil Service Regulations, 5 CFR Part 733.)

(2) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

No part of the money appropriated by any enactment of Congress shall, in absence of express authorization by Congress, be used directly or indirectly, to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or special Government employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business. The penalty for violation includes fine or imprisonment and removal.

(g) Disclosure of information. (1) Section 301(b) (16 U.S.C. 825b) of the Federal Power Act and Section 8(b) (15 U.S.C. 717g) of the Natural Gas Act forbid employees, in the absence of Commission or court direction, from divulging information gained in examining books or accounts.

(2) Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.36) outlines what is public information and what is not.

(3) Section 1.4(d) of the Federal Power Commission's Rules of Practice and Procedure [18 CFR 1.4(d).] describes the prohibitions against ex parte communications.

(4) Federal Power Commission Administrative Order No. 56, July 11, 1956, describes standards of conduct relating to "Official Staff Contacts Outside the Commission."

(h) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(i) Bribery, graft, and conflicts of interest. (1) Chapter 11 of Title 18, United States Code, especially:

Sec. 201 Bribery of public officials and witnesses.
Sec. 202 Definitions.
Secs. 203 and 209 Outside compensation in matters affecting the government.
Sec. 205 Activities in claims against and other matters affecting the government.
Sec. 207 Disqualification of former officers and employees in matters connected with former duties.
Sec. 208 Acts affecting personal financial interests.
Sec. 210 Offer to procure appointive public office.
Sec. 211 Acceptance or solicitation to obtain appointive public office.

(2) Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure [18 CFR 1.4(c).] states the restrictions against appearances by former employees.

(j) Fraud and deceit, embezzlement, extortion. (1) The prohibitions against the use of deceit in an examination or personnel action in connection with the government employment (18 U.S.C. 1917). The prohibition against intentional false statements or deception or fraud in examination for appointment [Civil Service Regulation 731.201(c), 5 CFR 731.201(c).] The prohibition against influencing another to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment. (Civil Service Rule 4.3, 5 CFR 4.3.)

(2) The prohibition against fraud or false statements in a government matter. (18 U.S.C. 1001.)

(3) The prohibition against counterfeiting and forging transportation requests. (18 U.S.C. 508.)

(4) The prohibitions against (i) embezzelment of government money or property (18 U.S.C. 641); (ii) failure to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(5) The prohibition against extortion (18 U.S.C. 872).

(6) Misuse of government property.

(7) The prohibition against the misuse of a government vehicle [31 U.S.C. 638a (c).].

(8) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(9) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(10) The prohibition against unauthorized use of documents relating to claims from or by the government (18 U.S.C. 285). (Order 319, 31 FR 4118, March 9, 1966, as amended by Order 353, 32 FR 15239, 15240, November 3, 1967.)

Subpart E—Standards of Conduct for Commissioners

Sec.
3.241 Purpose.
3.242 Coverage.
3.243 Definitions.
3.244 Conflicts of interest.
3.245 Ethical conduct.
3.246 Miscellaneous statutes and regulations.

(AUTHORITY: E.O. 11222, 3 CFR, 1964–65 Comp., p. 306, 5 CFR 735.104.)

V40-134 JUL 11 75 XUM

§ 3.241 Purpose.

(a) The Commission recognizes that the maintenance of high standards of honesty, integrity, impartiality, and conduct by Commissioners is essential to assure the proper performance of Commission business and the maintenance of confidence by citizens in the integrity of their government. The avoidance of misconduct and conflicts of interest on the part of Commissioners through informed judgment is indispensable to the maintenance of these standards. The Commission, acting under authority conferred by the Federal Power Act and pursuant to sections 201(b) and 702 of the Executive Order 11222 of May 8, 1965, 30 F.R. 6469 (3 CFR 1965, Supp., p. 130), as amended by Executive Order 11590 of April 22, 1971, 36 F.R. 7831, and the implementing regulations issued by Civil Service Commission, 30 FR 12529, 5 CFR Part 735, issues this Subpart E to advise the Commissioners to the standards of conduct each is expected to observe while as a member of the Federal Power Commission.

(b) The summaries of statutory provisions, such as the conflict of interest provisions of Title 18 U.S.C. Sections 201–218, which appear in this Subpart E are not intended and should not be construed as verbatim quotations of the laws. The statutes should be consulted in any situation in which they might apply. Section 3.246 contains a list of applicable statutes and regulations for ready reference.

§ 3.242 Coverage.

This Subpart E applies to Commissioners whether on leave without pay, sick leave or annual leave.

§ 3.243 Definitions.

(a) "Commissioner" means a member of the Federal Power Commission appointed pursuant to the provisions of Section 1 of the Federal Power Act.

(b) "Executive Order" means Executive Order 11222 of May 8, 1965 (30 FR 6469) as amended by Executive Order 11590 of April 22, 1971 (36 FR 7831).

(c) "Conflict of interest" means a situation in which a Commissioner's private interest conflicts with the Standards of Conduct set forth in the Executive Order or the Standards set forth in this subpart e.

§ 3.244 Conflicts of interest.

(a) Outside compensation in matters affecting the government.

(1) A Commissioner shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Commission. (18 U.S.C. 209).

(2) This prohibition does not prevent continued participation in bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus or other Commissioner welfare or benefit plans maintained by a former employer.

(3) A Commissioner is prohibited from accepting any compensation except as provided by law for the proper discharge of official duties for any services rendered in relation to a particular matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. 203.)

(b) Financial interests:

(1) A Commissioner shall not hold any financial interest determined by the Chairman of the Civil Service Commission to be inconsistent with the Standards of the Executive Order. Commissioners are required to submit financial statements in accordance with the provisions of section 401(a) of the Executive Order.

(2) Commissioners are subject to the following prohibition of the Federal Power Act which is applied as a matter of Commission policy to like interests in natural gas companies, as defined in section 2 of the Natural Gas Act (15 U.S.C. 717a).

" " " No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of Commissioner. Said Commissioners shall not engage in any other business, vocation, or employment. " " "

(16 U.S.C. 792.)

(3) A Commissioner is prohibited, under penalty of fine or imprisonment, from participating personally and substantially as a government officer or employee in any manner in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or person with whom he is negotiating for employment, has a financial interest. However, this prohibition does not apply if, prior to such participation, and upon complete disclosure of the financial interest, the President of the United States determines that the Commissioner's interest is not so substantial as to affect the Commissioner's services to the Commission (18 U.S.C. 208).

(c) Gifts, entertainment, loans and favors. (1) Unless permitted paragraph (b)(2) of this section, no Commissioner shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, from any person who:

(i) Has or is seeking to obtain, approval or denial by the Commission of actions required under statute, or the Commission's rules and regulations; or

(ii) Conducts operations or activities which are regulated by the Commission or concerning which determinations of status are pending before the Commission; or

(iii) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission; or

(iv) Has interests which may be substantially affected by the performance or nonperformance of the Commissioner's official duty; or

(v) Is in any way atempting to influence the Commissioner's official actions.

(2) The requirements of paragraph (c)(1) of this section do not apply to:

(i) Obvious family or personal relationships where circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children, or spouses of Commissioners.

(ii) Acceptance of food and refreshments of nominal value on infrequent occasions in the course of a luncheon, dinner or other meeting or on an inspection tour where a Commissioner may properly be in attendance. Commissioners on an inspection tour may also accept necessary arrangements for travel and lodging when no other reasonable alternatives are available.

(iii) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the Commissioner, such as, for example, home mortgage loans.

(iv) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value such as pens, pencils, note pads, calendars and other similar items.

(v) A Commissioner shall not accept a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Pub. L. 89–673, 80 Stat. 952.

(d) Representation of others. (1) During Commission employment. A Commissioner is prohibited, except as permitted in the proper discharge of his official duties or by express statutory exemption, from acting with or without compensation as agent or attorney before a court or government agency in a matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. 203 and 205.) This prohibition does not prevent a Commissioner from:

(i) Representing any person without compensation in disciplinary, loyalty, or other personnel matters, when not inconsistent with faithful performance of duty;

(ii) Representing, with or without compensation, a parent, spouse, child, or person or estate he serves as fiduciary, on matters in which the United States is a party or has an interest except matters subject to the Commissioner's official responsibility or in which the Commissioner has participated personally and substantially, if the Commissioner has first obtained the express written approval of the President of the United States.

(iii) Giving the testimony under oath or making statements required to be under penalty for perjury and contempt. (18 U.S.C. 205.)

(2) Following termination of Commission employment. (i) A Commissioner shall not, after his employment has ceased, knowingly act as agent or attorney for anyone other than the United States in any matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the Commissioner at any time within one year substantially during his Commission employment. [18 U.S.C. 207(a).]

(ii) A Commissioner shall not, within one year after his Commission employment has ceased, appear personally before any court or government agency as agent or attorney for anyone other than the United States in any matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was under his official responsibility as a Commissioner at any time within one year prior to the termination of such responsibility [18 U.S.C. 207(b)].

(iii) Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure [18 CFR 1.4(c)] prohibits a former Commissioner from acting as attorney, expert witness, or representative in connection with any proceeding before the Commission in which the Commissioner participated during his service with the Commission unless such appearance is expressly authorized by the Commission upon a verified showing that it would not be contrary to the public interest and unethical or prejudicial to the interests of the Commission.

(e) Outside employment: (1) Incompatible activities. (i) A Commissioner shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Commission employment. Incompatible outside employment and activities include, but are not limited to:

(ii) Outside employment of Commissioners in contravention of the following provisions of section 1 of the Federal Power Act:

No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation, engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of Commissioner. Said Commissioners shall not engage in any other business, vocation or employment. (16 U.S.C. 792.)

Pursuant to Commission policy, Commissioners are subject to identical restrictions in their employment relations to natural gas companies as defined in section 2 of the Natural Gas Act. (15 U.S.C. 717a.)

(iii) Outside employment by a public utility, licensee, or natural gas company subject to the jurisdiction of the Commission, or by a parent corporation of any of the foregoing, or by a person whose status under the Federal Power Act or the Natural Gas Act is before the Commission for determination; or by a person in any Commission proceeding; or granted intervention.

(iv) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(v) Outside employment which tends to impair the mental or physical capacity of the Commissioner to perform his Commission duties and responsibilities in an acceptable manner; or

(vi) Outside em ployment under conditions or arrangements that may involve violation of law.

(2) Teaching, lecturing, writing. Commissioners are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive Order, or the regulations in this subpart.

(i) Commissioners shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission.

(ii) Commissioners shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or of the Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of Commission employment, except when that information has been made available to the public or will be made available on request or when the Executive Director has given written authorization for the nonpublic information on the basis that the use is in the public interest. For additional requirements and procedures relating to the misuse and disclosure of information see § 3.246 (f) and (g).

(f) Commissioners may not receive nongovernment reimbursement for travel or expenditures on official business.

(g) Limitations on prohibitions of paragraphs (b) and (c) of this section. The prohibitions of paragraphs (b) and (c) of this section do not preclude a Commissioner from:

(1) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civil organization.

(2) Participation in the activities of national or state political parties not prescribed by law.

§ 3.245 Ethical conduct.

(a) Use of government property. A Commissioner shall not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for other than officially approved activities. A Commissioner has a positive duty to protect and conserve government property, including equipment, supplies, and other property entrusted or issued to him.

(b) Misuse of information. (1) For the purpose of furthering a private interest, a Commissioner shall not, except as provided in § 3.244(e)(2) and paragraph (b)(3) of this section, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Commission employment which has not been made available to the general public.

(2) Section 1.36 of the Commission's Rules of Practice and Procedure (18 CFR 1.36) sets up the procedures for making available to the public, information in the public files and records of the Commission and specifies the particular files and records which are not generally available to the public. § 1.36(f) defines the responsibilities of Commissioners when served with a subpoena duces tecum and outlines the procedures to be followed when the material sought is not part of the public files and records of the Commission.

(3) Section 30(b) (16 U.S.C. 825b) of the Federal Power Act and section 8(b) (15 U.S.C. 717g) of the Natural Gas Act prohibit any Commissioner in the absence of Commission or court direction, from divulging any fact or information which may come to his knowledge during the course of examination of books or other accounts.

(4) The nature and time of any proposed action by the Commission are confidential and shall not be divulged to anyone outside the Commission. The Secretary of the Commission has the exclusive responsibility and authority for authorizing the initial public releases of information concerning Commission actions or decisions.

(5) Section 1.4(d) of the Commission's Rules of Practice and Procedure (18 CFR 1.4(d)) states the prohibitions against ex parte communications in on-the-record proceedings to Commissioners, members of their personal staffs, Administrative Law Judge or other employees participating in the decision in such proceedings.

(c) Indebtedness. Commissioners shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. "A just financial obligation" means one acknowledged by the Commissioner or reduced to judgment by a court, or one imposed by law such as Federal, State or local taxes, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between a Commissioner and an alleged creditor, the Commission shall not be required to determine the validity or amount of the disputed debt. Each Commissioner should arrange his personal financial affairs to avoid any request to the Commission for administrative action to assist in the collection of debts.

(d) A Commissioner shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in

V40-134 JUL 11 75 XUM

selling or purchasing a numbers slip or ticket. This paragraph does not preclude fundraising activities by employee organizations under section 3 of the Executive Order 10927, March 18, 1961, 26 F.R. 2383.

(e) Commissioners shall conduct themselves in such a manner that the work of the Commission is effectively accomplished and shall also observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public.

(f) Commissioners shall avoid any action, whether or not specifically prohibited by sections 3.244 and 3.246 which might result in or create the appearance of:

(1) Using public office for private gain; or

(2) Giving preferential treatment to any person; or

(3) Impeding government efficiency or economy; or

(4) Losing complete independence or impartiality of action;

(5) Making a government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government and the Federal Power Commission.

(7) Commissioners shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government and to the Commission.

§ 3.246 Miscellaneous statutes and regulations.

Each Commissioner shall acquaint himself with the following statutes and regulations relating to ethical conduct. The full texts of these statutes and regulations are available in the offices of the Agency Counselor and Director, Office of Personnel Programs.

(a) General. (1) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service," and Federal Power Commission Administrative Order No. 66, July 23, 1958, setting forth canons of conduct based on H. Con. Res. 175.

(2) Executive Order 11222, May 8, 1965, Prescribing Standards of Ethical Conduct for Government Officers and Employees, 30 FR 6469, as amended by Executive Order 11590 of April 22, 1971, 36 FR 7831, and the implementing regulations issued by the Civil Service Commission, 30 FR 12529, 5 CFR Part 735.

(3) Violation of any law, rule, or regulation, administered by the Civil Service Commission, or failure to adhere to established policies, regulations, standards, and instructions on personnel management subject to the jurisdiction of the Commission (Civil Service Rule 5.4, 5 CFR 5.4).

(4) Refusal to furnish testimony or information to authorized representatives of the Civil Service Commission in regard to matters inquired of arising under the laws, rules, and regulations administered by the Commission [Civil Service Regulation 731.201(d), 5 CFR 731.201(d).]

(5) Executive Order 10927, March 18, 1961, 26 FR 2383, Abolishing the President's Committee on Fundraising within the Federal Service and providing for the conduct of fundraising activities.

(6) The prohibitions relating to gifts to superiors (5 U.S.C. 7351).

(b) Personal conduct. (1) The provision relating to the habitual use of intoxicants to excess. (5 U.S.C. 7352).

(2) The prohibition against criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct. [Civil Service Regulation 731.201(b), 5 CFR 731.201 (b).]

(c) Disloyalty and striking. (1) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).[1]

(2) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).[1]

(d) Foreign governments. (1) The prohibition against accepting a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Pub. L. 89–673, 80 Stat. 952.

(2) The prohibition against serving while on annual leave or leave without pay, with or without remuneration, for any foreign government, corporation, partnership or individual that is in competition with American industry (Executive Order 5221, November 11, 1929). (18 CFR 3.735–11.)

(3) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(e) Political activities. (1) The prohibitions against political activities (the former Hatch Act) in subchapter III of chapter 73 of title 5, U.S.C. and 18 U.S.C. 602, 603, 607, and 608. The prohibitions, and exemptions therefrom, with respect to Government employees holding state, territorial, or municipal offices. (Civil Service Regulations, 5 CFR Part 733.)

(2) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(3) No part of the money appropriated by any enactment of Congress shall, in absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business. The penalty for violation includes fine or imprisonment and removal.

(f) Disclosure of information. (1) Section 501(b) (16 U.S.C. 825b) of the Federal Power Act and section 8(b) (15 U.S.C. 717g) of the Natural Gas Act forbid employees, in the absence of Commission or court direction from divulging information gained in examining books or accounts.

(2) Section 1.36 of the Federal Power Commission's rules of practice and procedure (18 CFR 1.36) outlines what is public information and what is not.

(3) Section 1.4(d) of the Federal Power Commission's rules of practice and procedure [18 CFR 1.4(d)] describes the prohibitions against ex parte communications.

(4) Federal Power Commission Administrative Order No. 56, July 11, 1956, describes standards of conduct relating to "Official Staff Contacts Outside the Commission".

(g) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information. (18 U.S.C. 1905).

(h) Bribery, graft, and conflicts of interest. (1) Chapter 11 of title 18, United States Code, especially:

Sec. 201 Bribery of public officials and witnesses.

Sec. 202 Definitions.

Sec. 203 and 209 Outside compensation in matters affecting the government.

Sec. 205 Activities in claims against and other matters affecting the government.

Sec. 207 Disqualification of former officers and employees in matters connected with former duties.

Sec. 208 Acts affecting personal financial interests.

Sec. 210 Offer to procure appointive public office.

Sec. 211 Acceptance or solicitation to obtain appointive public office.

(2) Federal Power Act, section 1 (16 U.S.C. 792) restricting outside employment and financial interests of Commissioners.

(3) Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure [18 CFR 1.4(c)] states the restrictions against appearances by former employees.

(i) Fraud and deceit, embezzlement, extortion. (1) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917). The prohibition against intentional false statements or deception or fraud in examination for appointment [Civil Service Regulation 731.201(c), 5 CFR 731.201(c)]. The prohibition against influencing another to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment. (Civil Service Rule 4.3, 5 CFR 4.3.)

(2) The prohibition against fraud or false statements in a Government matter. (18 U.S.C. 1001.)

(3) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508.)

(4) The prohibition against (a) embezzlement of Government money or property (18 U.S.C. 641); (b) failing to account for public money (18 U.S.C. 643); and (c) embezzlement of the money or property of another person in the possession of an employee by reason of his employment. (18 U.S.C. 654.)

(5) The prohibition against extortion. (18 U.S.C. 872.)

(j) Misuse of Government property.

(1) The prohibition against the misuse of a Government vehicle. [31 U.S.C. 638 a(c).]

(2) The prohibition against the misuse of the franking privilege. (18 U.S.C. 1719.)

(3) The prohibition against mutilating or destroying a public record. (18 U.S.C. 2071.)

(4) The prohibition against unauthorized use of documents relating to claims from or by the government (18 U.S.C. 285). (Order 319, 31 F.R. 4118, March 9, 1966, as amended by Order 353, 32 FR 15239, 15240, November 3, 1967.)

(k) The revisions and additions adopted herein shall become effective upon issuance of this order.

(l) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] NOTE.—An employee who advocates the overthrow of our constitutional form of government, or is a member of an organization knowing it so advocates, shall be dismissed. Strikes against the government are forbidden as well as membership in government employee organizations which assert the right to strike against any federal department or agency.

ATTACHMENT (A

FPC Form 498
Rev. (1)-(2)

FEDERAL POWER COMMISSION

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

(For use by Commission Employees. See reverse side for instructions.)

1. NAME (Last, first, initial)

2. TITLE OF POSITION

3. DATE OF APPOINTMENT TO PRESENT POSITION

4. AGENCY AND PLACE OF ORGANIZATIONAL SEGMENT

PART I. EMPLOYMENT AND FINANCIAL INTERESTS. List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE.

NAME & KIND OF ORGANIZATION (Use Part I Designations where Applicable.)	ADDRESS	POSITION IN ORGANIZATION (Use Part I(a) Designations, if Applicable.)	NATURE OF FINANCIAL INTEREST, e.g., STOCK, PRIOR BUSINESS INCOME. (Use Part I(b) & (c) Designations, if Applicable)

* Reports of securities and other personal or financial interests shall fully describe these interests and shall include the full name of the security, the date of acquisition, the nature of the broker and/or principal, the date of acquisition and the number of shares or bonds.

No.	Name of Security*	Acquisition Date	Maturity Date	Name of Broker and/or Principal

PART II. CREDITORS. List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, e.g., PERSONAL LOAN, NOTE, SECURITY

PART III. INTERESTS IN REAL PROPERTY. List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

NATURE OF INTEREST, e.g., OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST	TYPE OF PROPERTY, e.g., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND	ADDRESS (If Rural, Give RFD, or County and State.)

PART IV. INFORMATION REQUESTED OF OTHER PERSONS. If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

I CERTIFY THAT THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF EMPLOYEE — DATE

(If additional space is needed, use separate sheets and identify each item)

INSTRUCTIONS (FPC FORM 498)

For use by Commission employees as required by Subpart C of the Commission's Regulations and section 402 of Executive Order 11222, dated May 8, 1965, as amended by Executive Order 11590 dated April 23, 1971, prescribing Standards of Ethical Conduct for Government Officers and Employees and § 3.207 of the Commission's General Rules (18 CFR 3.207).

GENERAL REQUIREMENTS AND INSTRUCTIONS

FPC Form 498 shall be submitted by all employees at the time of entrance upon duty. In addition, each employee is required to file a Supplemental Form 498 upon the following occurrences: (1) Within 30 days of the date of acquisition by the employee, employee's spouse, minor child, or member of the employee's immediate household of any security; (2) On June 30 of each year for the purpose of annual review. Where there are no changes in or additions to the original information submitted annually a negative report shall be filed.

The information to be furnished on FPC Form 498 is required by Executive Order 11222 as amended by Executive Order 11590, and the Regulations of the Civil Service Commission and the Federal Power Commission, issued thereunder and may not be disclosed except as the Civil Service Commission or the Chairman of the Federal Power Commission may determine for a good cause shown.

FPC Form 498 does not require the submission of any information relating to an employees connection with, except employment required to be reported under § 3.205 (E) (5), or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise. Educational or other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part IV of your statement. In the event securities are held in a previously approved "blind trust" the employee should then report in Part IV of the statement the following, "unknown securities held in blind trust".

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in the statement as your interest. If that information is to be supplied by others, it should be so indicated in Part IV. "Member of your immediate household" includes only those blood relations who are permanent residents of your household.

The employee will be notified as to any action necessary to avoid to resolve any actual or potential conflict of interest. Securities shall be disposed of within 30 days from the date employee is notified that such action is required.

FPC Form 498 shall be submitted to the Director, Office of Personnel Programs in a sealed envelope marked "Personal Attention." Please type or print. The name(s) of the company(ies) in which you hold securities shall be reported on Form 498 exactly as the name of the company appears on the face of the certificate representing your ownership of securities therein.

V40-1134 JUL 11 75 XUM

Attachment (B)

FEDERAL POWER COMMISSION

Washington, D.C. 20426

ACKNOWLEDGMENT OF RECEIPT OF STANDARDS OF CONDUCT

I have received, have read, and am familiar with the standards of conduct in Subpart C of Part 3 of the General Rules of the Federal Power Commission.

(Signature of Employee)

(Date)

Attachment C

FEDERAL POWER COMMISSION

Washington, D.C. 20426

CERTIFICATION OF RECEIPT AND AGREEMENT FOR SPECIAL GOVERNMENT EMPLOYEES

I have received, read, and understand the standards of conduct for special Government employees in Subpart D of Part 3 of the General Rules of the Federal Power Commission, and agree to comply with the conditions and requirements set forth therein.

I have completed the FPC Form 498, Statement of Confidential Employment and Financial Interests, and attached it hereto.

This certification is furnished in connection with my proposed employment as a consultant or adviser to the Federal Power Commission.

(Signature of Employee)

(Date)

[FR Doc.75-18124 Filed 7-9-75;11:29 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[Income Tax Regs. T.D.7366]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deductibility of Fines and Penalties

By a notice of proposed rule making appearing in the FEDERAL REGISTER for February 20, 1975 (40 FR 7453), amendments to the Income Tax Regulations (26 CFR Part 1) under section 162(f) of the Internal Revenue Code of 1954 were proposed in order to clarify the definition of fines or similar penalties for purposes of that section. After consideration of all relevant matter presented by interested persons regarding the proposed rules, this document adopts those rules as proposed without change.

The category of fines and similar penalties includes amounts paid pursuant to a conviction or a plea of guilty or nolo contendere in a criminal proceeding, amounts paid as a civil penalty imposed by Federal, State, or local law (including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Code), amounts paid in settlement of an actual or potential liability for a fine or penalty, and amounts forfeited as collateral posted in connection with a proceeding which could result in a fine or penalty; but it excludes expenses of defending against a prosecution or civil suit and compensatory damages paid to a government.

Adoption of amendments to the regulations. On February 20, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 7453) to clarify the definition of fines or similar penalties for purposes of section 162(f) of the Internal Revenue Code of 1954. After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendments of the Income Tax Regulations (26 CFR Part 1) are hereby adopted as proposed.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 5, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to clarify the definition of fines or similar penalties for purposes of section 162(f) of the Internal Revenue Code of 1954, the Income Tax Regulations (26 CFR Part 1) are amended by revising paragraph (b) (1) (ii) and (2) of § 1.162-21 to read as follows:

§ 1.162-21 Fines and penalties.

* * * * * *

(b) *Definition.* * * *

(1) * * *

(ii) Paid as a civil penalty imposed by Federal, State, or local law, including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Internal Revenue Code of 1954;

* * * * * *

(2) The amount of a fine or penalty does not include legal fees and related expenses paid or incurred in the defense of a prosecution or civil action arising from a violation of the law imposing the fine or civil penalty, nor court costs assessed against the taxpayer, or stenographic and printing charges. Compensatory damages (including damages under section 4A of the Clayton Act (15 U.S.C. 15a), as amended) paid to a government do not constitute a fine or penalty.

[FR Doc.75-18111 Filed 7-10-75;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY

PART 1—ACCESS TO RECORDS

Subpart A—Under 5 U.S.C. 552, as Amended

AMENDMENTS OF APPENDICES C, D, G AND K

Due to changes in assignments and addresses of officials in its United States Customs Service, United States Secret Service, Bureau of Government Financial Operations and United States Savings Bond Division, the Department of the Treasury finds it necessary to amend its regulations at 31 CFR, Part I (40 FR 7439, 7446, 7447, 7449), governing the disclosure of records under the Freedom of Information Act, as amended (5 U.S.C. 552), and in particular, Appendix C, Appendix D, sections 3, 4, and 5 in Appendix G and Appendix K.

The Department also finds in accord with 5 U.S.C. 553(a) that notice and public procedure are not necessary since the amendments constitute a rule of agency management or personnel.

Accordingly, Part 1, Subpart A, Appendix C of Title 31 of the Code of Federal Regulations is hereby amended to read as follows:

APPENDIX C—UNITED STATES CUSTOMS SERVICE

1. *In general.* This appendix applies to the United States Customs Service. It identifies the locations of the public reading rooms at which United States Customs Service documents are available for public inspection and copying, the officers designated to make initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of the requests, appeals and service of process. For additional rules promulgated specifically with respect to the United States Customs Service, see 19 CFR Part 103.

2. *Public reading rooms.* Public reading rooms for the United States Customs Service are maintained at the following locations:

United States Customs Service (Headquarters), 1301 Constitution Avenue NW, Washington, D.C. 20229.
Region I—Boston, 24th Floor, John F. Kennedy Building, Government Center, Boston, Mass. 02203.
Region II—New York, 6 World Trade Center, New York, N.Y. 10048.
Region III—Baltimore, U.S. Customshouse, 40 Gay Street, Baltimore, Md. 21202.
Region IV—Miami, Plaza Executive Centre, Suite 300, 7370 Northwest 36th St., Miami, Fla. 33166.
Region V—New Orleans, Room 13036, Federal Building, 701 Loyola Ave., New Orleans, La. 70113.
Region VI—Houston, 500 Dallas St., Suite 1240, Houston, Tex. 77002.
Region VII—Los Angeles, New Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.
Region VIII—San Francisco, New Federal Bldg., 450 Golden Gate Ave., Box 37117, San Francisco, Calif. 94102.
Region IX—Chicago, Room 1501, 55 East Monroe St., Chicago, Ill. 60603.

3. *Requests for records.* (a) For records which are not maintained at Headquarters, initial determinations whether to grant requests for records under 31 CFR 1.5(g) will be made by the Regional Commissioner of Customs in whose region the records are maintained. Requests may be mailed or delivered personally to the respective regional commissioner at the following locations:

Region I—Boston, 24th Floor, John F. Kennedy Bldg., Government Center, Boston, Mass. 02203.
Region II—New York, 6 World Trade Center, New York, NY. 10048.
Region III—Baltimore, U.S. Customshouse, 40 Gay St., Baltimore, Md. 21202.
Region IV—Miami, Plaza Executive Centre, Suite 300, 7370 Northwest 36th St., Miami, Fla. 33166.
Region V—New Orleans, Room 13036, Federal Building, 701 Loyola Ave., New Orleans, La. 70113.
Region VI—Houston, 500 Dallas St., Suite 1240, Houston, Tex. 77002.

Region VII—Los Angeles, New Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.
Region VIII—San Francisco, New Federal Bldg., 450 Golden Gate Ave., Box 37117, San Francisco, Calif. 94102.
Region IX—Chicago, Room 1501, 55 East Monroe St., Chicago, Ill. 60603.

(b) Requests for information from Headquarters of the United States Customs Service should be mailed or personally delivered to the Director, Classification and Value Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue N.W., Washington, D.C. 20229. Any substantive denial of an initial request for information under 31 CFR 1.5(g) will be made by the Assistant Commissioner, Office of Regulations and Rulings, United States Customs Service.

(c) All such requests should be conspicuously labeled on the face of the envelope "Freedom of Information Act Request" or "FOIA Request".

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) will be made by the Commissioner of Customs, and all such appeals should be mailed or personally delivered to the United States Customs Service, 1301 Constitution Avenue N.W., Washington, D.C. 20229.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, United States Customs Service, 1301 Constitution Avenue NW, Washington, D.C. 20229.

Accordingly, Part I, Subpart A, Appendix D, of Title 31 of the Code of Federal Regulations is hereby amended to read as follows:

APPENDIX D—UNITED STATES SECRET SERVICE

1. *In general.* This appendix applies to the United States Secret Service. It identifies the location of the public reading room at which Secret Service documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the U.S. Secret Service, see 31 CFR Parts 401 through 408.

2. *Public reading rooms.* The U.S. Secret Service will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the U.S. Secret Service will be made by Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service. Requests made by mail should be addressed to:

Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G St. NW., Room 908, Washington, D.C. 20223.

Requests may be delivered personally to Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street NW., Room 908, Washington, D.C. 20223.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the U.S. Secret Service will be made by the Director, U.S. Secret Service. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Director, U.S. Secret Service, 1800 G St. NW., Room 800, Washington, D.C. 20223.

Requests may be delivered personally to the Director, U.S. Secret Service, in Room 800, 1800 G Street NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the U.S. Secret Service Legal Counsel and shall be delivered to such officer at the following location:

Legal Counsel, U.S. Secret Service, 1800 G St. NW., Room 842, Washington, D.C. 20223.

APPENDIX G

Accordingly, Part I, Subpart A, Appendix G, of Title 31 of the Code of Federal Regulations, is hereby amended in the following ways:

1. Section 3 is amended to read:

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) whether to grant requests for records will be made by the Special Assistant. Requests made by mail should be addressed to:

Special Assistant (FOIA), Bureau of Government Financial Operations, Department of the Treasury, Room 600, Treasury Annex No. 1, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Special Assistant, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place NW., Washington, D.C.

2. Section 4 is amended to read:

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) will be made by the Commissioner, Bureau of Government Financial Operations. Appeals made by mail should be addressed to:

Commissioner, Bureau of Government Financial Operations (FOIA), Department of the Treasury, Room 618, Treasury Annex No. 1, Washington, D.C. 20226.

Appeals may be delivered personally to the office of the Commissioner, Bureau of Government Financial Operations, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW, Washington, D.C.

3. Section 5 is amended to read:

5. *Delivery of process.* Service of process will be received by the Commissioner, Bureau of Government Financial Operations, and shall be delivered to such office at the following location:

Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place NW, Washington, D.C. 20226.

Accordingly Part I, Subpart A, Appendix K, of Title 31 of the Code of Federal Regulations is hereby amended to read as follows:

APPENDIX K—UNITED STATES SAVINGS BOND DIVISION

1. *In general.* This appendix applies to the United States Savings Bond Division. It identifies the location of the public reading room at which United States Savings Bond Division documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the United States Savings Bond Division is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Ave. NW., Washington, D.C. 20220.

3. *Requests for records.* (a) Initial determinations under 31 CFR 1.5(g) whether to grant requests for records relating to the substantive Savings Bond Program, such as records relating to ownership of and transactions in savings bonds, will be made by the Information Officer of the Bureau of the Public Debt. Requests made by mail should be addressed to:

Information Officer, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Information Officer, Room 200, Warner Building, 1435 G Street NW., Washington, D.C.

(b) Initial determinations under 31 CFR 1.5(g) whether to grant requests for other records of the United States Savings Bond Division, such as personnel records or records relating to the internal management of the Division, will be made by the Director of Public Affairs, United States Savings Bond Division. Requests made by mail should be addressed to:

Director of Public Affairs, U.S. Savings Bond Division, Department of the Treasury, Washington, D.C. 20026.

Requests may be delivered personally to the office of the Director, Room 257, Van Guard Building, 111 20th Street NW., Washington, D.C.

4. *Administrative appeal of determination to deny records.*

(a) Appellate determinations under 31 CFR 1.5(h) with respect to records, access to which has been denied by the Information Officer of the Bureau of the Public Debt, will be made by the Commissioner of the Bureau of the Public Debt. Requests made by mail should be addressed to:

Commissioner, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Information Officer, Room 200, Warner Building, 1435 G Street, NW, Washington, D.C.

(b) Appellate determinations under 31 CFR 1.5(h) with respect to records, access to which has been denied by the Director of Public Affairs, United States Savings Bond Division, will be made by the National Director, United States Savings Bond Division. Requests made by mail should be addressed to:

National Director, U.S. Savings Bond Division, Department of the Treasury, Washington, D.C. 20026.

Requests may be delivered personally to the office of the Deputy National Director, Room 317, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of the Public Debt and shall be delivered to such officer at the following location:

Commissioner, Bureau of the Public Debt, Room 300, Washington Bldg., 1435 G St. NW., Washington, D.C. 20226.

These amendments shall become effective July 11, 1975.

Dated: July 7, 1975.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administrator.

[FR Doc.75-18004 Filed 7-10-75;8:45 am]

V40 I134 JUL 11 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 382–4]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Controls Applicable to Carriers Transporting Unleaded Gasoline

NOTE.—This document was printed incorrectly in the issue for Monday, June 30, 1975 (40 FR 27447). It is correctly reprinted below.

On January 10, 1973, the Environmental Protection Agency promulgated regulations providing for the general availability of unleaded gasoline by July 1, 1974 for use in 1975 and subsequent model year motor vehicles requiring this fuel (40 CFR Part 80). Unleaded fuel is defined in the regulations as gasoline containing not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

Section 80.21 of the regulations establishes controls applicable to gasoline distributors, who are defined in § 80.2(1) as "any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery and any retail outlet." Section 80.21 provides as follows:

After July 1, 1974, no distributor shall sell or transfer to any distributor or retailer any gasoline which he represents as unleaded gasoline unless such gasoline does, in fact, meet the defined requirements for unleaded gasoline in § 80.2(g).

This provision was intended to prohibit all carriers from causing unleaded gasoline tendered to them for shipment to fail to comply with the standards when delivered. EPA was advised that the conditions of § 80.21 as drafted make that section inapplicable to the operations of many carriers. The obligation of many carriers of gasoline is to ship or deliver the product, as tendered by the shipper, to another distributor or retailer. The carrier does not take title to the product and no representation is made by the carrier as to the quality or specifications of the product.

EPA recognizes that most carriers operate under the rule of strict liability when a product is damaged while under the control of the carrier. Consequently, the shipper may have a private remedy if a carrier causes unleaded gasoline tendered for transport to exceed the standards when delivered.

The Agency believes it is necessary, however, to include in the regulations a provision that prohibits a carrier from causing unleaded gasoline in compliance with federal standards when tendered to it to exceed those standards when delivered. The unamended § 80.21 prohibits distributors from selling or transferring contaminated unleaded gasoline which is represented to be unleaded gasoline regardless of whether the distributor actually caused the gasoline to become contaminated. If such a prohibition were strictly applied to all carriers, in some cases a conflict might exist between that EPA prohibition and the Interstate Commerce Commission mandate that carriers transport a product as tendered.

For this reason, EPA proposed an amendment to § 80.21 so that it does not prohibit carriers from transferring preexisting contaminated unleaded gasoline but rather prohibits carriers from causing unleaded gasoline in compliance with standards when tendered to them to exceed those standards when delivered. This amendment was proposed on December 5, 1974 to modify § 80.21 by adding paragraph (b) prohibiting such action. The proposed § 80.21(b) reads as follows:

(b) No carrier or his employee or agent, whether operating under contract or tariff, shall cause unleaded gasoline tendered to the carrier for shipment or transfer to another carrier, distributor, or retailer to fail to comply with the defined requirements for unleaded gasoline in § 80.2(g).

The only comment EPA received regarding this proposed regulation was from the American Petroleum Institute (API). API did not object to the intent of the proposed regulation but suggested that the proposed section may be subject to misinterpretation. It was pointed out that, if strictly read, a violation of proposed § 80.21(b) would occur whenever unleaded gasoline is shipped through a multi-product pipeline since mixing which might occur at the interface of unleaded gasoline with leaded gasoline would cause some unleaded product at the interface to exceed federal standards. This contaminated unleaded product is normally eliminated by cutting a quantity of gasoline at the interface into the leaded batch, thus maintaining the integrity of the unleaded product. The Agency never intended that causing temporary contamination at a pipeline interface be deemed a violation of § 80.21(b). The promulgated version of this Section has been modified to clarify its intended prohibition.

This regulation shall become effective July 30, 1975.

(Secs. 211 and 301(a), Clean Air Act, as amended (42 U.S.C. 1857f–6c and 1857g(a)).)

Dated: June 24, 1975.

JOHN QUARLES,
Acting Administrator.

Part 80 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

1. The text of § 80.21 is redesignated § 80.21(a) and a new paragraph (b) is added as follows:

§ 80.21 Controls applicable to gasoline distributors.

* * * * *

(b) No carrier or his employee or agent, whether operating under contract or tariff, shall cause unleaded gasoline tendered to the carrier for shipment or transfer to another carrier, distributor, or retailer to fail to comply, at the time of delivery, with the defined requirements for unleaded gasoline in § 80.2(g).

[FR Doc.75–16834 Filed 6–27–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5499; Idaho 5276]

IDAHO

Revocation of Reclamation Withdrawals

Correction

In FR Doc. 75–12127 appearing on page 20084 in the issue for Thursday, May 8, 1975, and corrected on page 25676 in the issue for Wednesday, June 18, 1975, in the second column, under the entry heading "T. 11 N., R. 13 E.," in the sixth line, the letters reading "E½S¼," should read "E½SE¼,".

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CAP Grantees and Delegate Agencies

INCREASED MILEAGE ALLOWANCE FOR USE OF PRIVATELY OWNED AUTOMOBILES

Public Law 94–22 amended the Standardized Government Travel Regulations to permit 15 cents per mile for costs incurred for operating a privately-owned automobile. CSA regulations require that CSA-funded grantees follow the Standardized Government Travel Regulations unless their regulations are more restrictive. Therefore, CSA is amending § 1069.3-4(a)(2) to permit grantees to adopt the higher mileage rate. This amendment will be effective upon publication as it reflects a change in law which has previously been published in the FEDERAL REGISTER.

Effective date. This subpart is effective July 11, 1975.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

BERT A. GALLEGOS,
Director.

In § 1069.3–4, paragraph (a)(2) is amended to read as follows:

§ 1069.3–4 General travel regulations.

(a) * * *

(2) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 15 cents a mile.

* * * * *

[FR Doc.75–17987 Filed 7–10–75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–56; Notice No. 75–7]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Prohibition Against Operating With Overloaded or Underinflated Tires

The Director of the Bureau of Motor Carrier Safety is amending § 393.75 of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 393.75) to prohibit the operation of commercial motor vehicles with overloaded or underinflated tires. The criteria for compliance with the rule, which applies to both carriers and drivers who operate motor vehicles in interstate or foreign commerce, are based on Federal Motor Vehicle Safety Standards No. 119 (FMVSS) (49 CFR 571.119). FMVSS No. 119 is based in part on tire manufacturer's recommendations and on technical publications of various organizations setting tire industry standards.

This rule change follows a notice of proposed rule making (39 FR 13785) which the Director issued on April 8, 1974, in response to several related petitions filed by PROD, Inc., a non-profit association of professional interstate truck and bus drivers, concerns voiced by representatives of the International Brotherhood of Teamsters, et. al., and from investigations of front-tire failures conducted by members of the Bureau's staff.

The Bureau of Motor Carrier Safety received 35 responses to the notice of proposed rule making. The respondents generally favored the proposed rule. Some negative comments were received, suggesting that few tires were, in fact, overloaded or underinflated, or that failures are more often caused by impact, road hazards or manufacturing defects. In addition to the Bureau's tire study mentioned above[1] the docket produced comments from the California Highway Patrol that their study confirmed "* * * significant numbers of vehicles operate with front tires loaded beyond the maximum load rating * * *" Also, an article by Ed Shea, in the April 1974 issue of "Commercial Car Journal" entitled "Fleetmen 'air' tire problems," confirmed the concerns of the Bureau that underinflated and overinflated tires are in service on commercial motor vehicles.

Nearly all who commented on the docket pointed out that the Bureau had not taken into consideration higher load ratings permitted for tires on speed-restricted vehicles. The commenters mentioned that many of these vehicles operated under special permit and, therefore, are prohibited from attaining normal road speed. The Bureau has considered this possibility and agrees that in some cases there is only a small likelihood that tire related safety problems will develop on vehicles being operated under special permit. However, the fact remains that many of these vehicles operating under special permit because of oversize or overweight loads are not restricted to lower speed limits. The final rule takes this fact into consideration. Also the FMVSS requirements to be complied with considered the same matter.

Many of the persons commented on the proposed 10 psi (.69 bars) correction factor to be subtracted from the gauge pressure of "hot" tires, In order to best approximate the pressure build-up due to operation, Table II has been included in the final rule. This table takes into account both tire load rating and the speed at which the tire has been operated. It is generally agreed that operation for a period of one hour would cause the tire temperature to stabilize. Tires which have been operated at speeds lower than 41 mph (66 kph) or for less than one hour will not have a temperature correction factor applied to them.

A number of suggestions as to tolerances for pressure gauges, scales and tire temperatures were submitted. While no specific tolerance can be specified, the Bureau's Safety Investigators are instructed, as always, to follow the rule of reason in order to assure that no carrier or driver is incorrectly cited.

A number of respondents stated that neither the load nor the pressure required to be marked on the tire sidewall by FMVSS No. 119 are maxima under all conditions (e.g. restricted-speed operations). A review of FMVSS No. 119 reveals that in Section S6.5(d) the maximum load rating and corresponding inflation pressure of the tire must be marked on the tire. Subparagraph (e) of this same section also requires that the speed restriction of the tire, if 55-mph or less (88.5 kph), has to be marked on the tire.

A number of persons commented that reference to a restricted chart, reproduced in the body of the rule, gave the impression that the chart took precedence over specific tire manufacturer's recommendations and warnings. The final rule makes it clear that, in the case of any conflicts, the tire load rating required by FMVSS No. 119 takes precedence. The chart is published only for the information and the convenience of motor carriers and drivers.

Certain changes have been made in the format of the tire load limit chart. In both the chart and the rule, the Bureau has adopted the practice of "dual dimensioning" in view of the probability of U.S. adoption of the metric system in the future. That is, the relevant metric dimension is included after the normal or English dimension, in parentheses. In addition, the chart now combines, in the same listings, F, G and H load-range tires of the same size designation. The designation "F" is listed (underlined) after the maximum permitted weight for a load range F tire of each specific size. The same is true for "G" and "H" load-ranges. The "Key" explains more clearly how to read the chart and shows the dimensions used for metric equivalents. The dimensions shown as metric equivalents are those most commonly used in countries presently using the metric system. The "Notes" to the chart listed in the Notice have been removed since the chart is presented only for convenience.

One commenter suggested that weight limitations should be based on the weakest link in the system (i.e. if the front axle is rated at 9,000 pounds [4100 kg] then that should be the maximum allowed even if the front tires are rated at a substantially higher load). The commenter also suggested that a tire check and a weight check be made a part of the required pre-trip inspection. It is impractical for the Bureau to enforce a regulation, which would require the safety investigator to determine not only the original rating of front axle, springs, wheels and tires, but whether any of these components have been changed since the vehicle was built.

Another commenter suggested that retreads be banned on the front axle and that a maximum weight of 12,000 pounds (5450 kg) be set for front axles. The question of retreaded and recapped tires was considered under Docket No. MC–5. The preamble to the final rule on the subject of "Tires" (34 FR 9098) concluded that "It is indeed difficult to categorically state and fully support the proposition that the use of such tires on the front wheels is unsafe. On the other hand, the fact that it is the general practice not to use such tires on front wheels of trucks is certainly a strong indication that they are less safe than new tires when used in that position. The prohibition (against the use of retreaded and recapped tires on front axles) has not been included in this regulation. However, the matter is considered of great importance and is still under serious consideration and investigation." The Bureau has not received any information since that time to convince it of a need for such a prohibition on property-carrying vehicles. Furthermore, the Bureau is convinced that it is unwise to set a maximum front axle weight limit based upon safety considerations, since components and systems are available which can provide a margin of safety for axles loaded to 12,000 pounds (5450 kg) or more, equivalent to that provided for axles loaded to less than 12,000 pounds (5450 kg). The important area of concern, at least insofar as tires are concerned, is that they be designed and maintained to safely carry the load to which they are subjected.

The National Transportation Safety Board (NTSB) suggested that a carrier might move the trailer kingpin behind the tractor rear axle centerline, in order to remove weight from the front axle. This practice could cause severe handling problems, and should be forbidden, according to NTSB's comments. We believe the danger of such an unsafe practice is already prohibited by the requirements of Section 393.70(b)(3) of the Regulations which requires that "The lower half of a fifth wheel shall be located so that * * * the gross weight of both the towed and towing vehicles on the axles of those vehicles, will not unduly interfere with the steering, braking, and other maneuvering of the towing vehicle, and will not otherwise contribute to unsafe operation of the vehicles comprising the combination."

The American Trucking Associations and the National Automobile Transporters Association asked that 10.00 x 20 tires, used on the front axles of automobile carriers, be permitted to carry

[1] "Commercial Motor Vehicle Front-Tire Failures," Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, 1972.

V 40 I 134 JUL 11 75 XUM

a load of 7,000 pounds (3180 kg) each (versus a maximum rating of 5430 pounds for load rating (F)). This request was justified on the basis of present use, high costs of transition and problems of going to larger diameter tires which would unacceptably raise the height of the vehicle. The Bureau believes that it has been amply shown that tire failures attributed to cuts, bruises, punctures and other road hazards are often hastened by overloading of tires. The frequency and severity of tire overloading and underinflation and accidents which can be caused by these practices is documented. Furthermore, the Bureau believes that solutions are readily available which would provide adequate tires to support the loads which the industry indicates it carries, at a reasonable cost. The continuation of what is apparently a flagrantly unsafe operating practice is unacceptable to the Bureau and no exception is being granted for this industry.

In consideration of the foregoing, § 393.75 of the Federal Motor Carrier Safety Regulations (Subchapter B of 49 CFR Chapter III) is amended to add a new subparagraph (f) as set forth below.

Effective date. This amendment is effective on October 1, 1975.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on July 3, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

1. A new paragraph (f) is added to § 393.75 reading as set forth below:

§ 393.75 Tires.

• • • • •

(f) No motor vehicle shall be operated on a tire which carries a greater weight than that specified for the tire at its measured cold inflation pressure in any of the pulications listed in FMVSS No. 119 (49 CFR 571.119). In no case shall any tire be loaded beyond or inflated above the maximum load rating and inflation pressure marked on its side wall in accordance with FMVSS No. 119.

(1) A chart showing tire loads and pressures for the most common sizes of tires used by interstate motor carriers is reproduced as Table I below for convenience. In the case of conflict among the manufacturer, a standards-organization, or Table I in this section, FMVSS No. 119 shall govern.

(2) If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be determined by subtracting the inflation build-up factor shown in Table II, from the measured inflation pressure.

Table 1 Tire Load Limits at Various Cold Inflation Pressures

Bias-Ply Tires

Tire Size Designation		Tire Pressures in psi and (bars) 50(3.45)	55(3.79)	60(4.14)	65(4.48)	70(4.83)	75(5.17)	80(5.52)	85(5.86)	90(6.21)	95(6.55)	100(6.90)	105(7.24)	110(7.58)	115(7.93)
10.00-20 & 11-22.5	D	3760(1706)	3970(1719)	4190(1896)	4380(1987)	4580(2077)	4760(2159)F	4950(2245)	5120(2322)	5300(2404)G	5470(2481)	5630(2554)	5800(2631)H		
	S			4290(1946)	4530(2055)	4670(2164)	4990(2263)	5220(2368)	5430(2463)F	5640(2558)	5840(2649)	6040(2740)G	6240(2830)	6430(2917)	6610(2998)H
10.00-22 & 11-24.5	D	4000(1814)	4230(1919)	4450(2018)	4660(2114)	4870(2209)	5070(2300)F	5260(2386)	5450(2472)	5640(2558)G	5820(2640)	6000(2722)	6170(2799)H		
	S			4560(2068)	4820(2186)	5070(2300)	5310(2409)	5550(2517)	5780(2622)F	6000(2722)	6210(2817)	6430(2917)G	6630(3007)	6840(3103)	7030(3188)H
11.00-20 & 12-22.5	D	4100(1860)	4330(1964)	4560(2068)	4780(2168)	4990(2263)	5190(2354)F	5390(2445)	5590(2536)	5780(2622)G	5960(2703)	6150(2790)	6320(2867)H		
	S			4670(2118)	4940(2241)	5200(2359)	5450(2472)	5690(2581)	5920(2685)F	6140(2785)	6370(2889)	6590(2989)G	6790(3080)	7010(3180)	7200(3266)H
11.00-22 & 12-24.5	D	4350(1973)	4600(2087)	4840(2195)	5080(2304)	5300(2404)	5520(2504)F	5730(2599)	5940(2694)	6140(2785)G	6330(2871)	6530(2962)	6720(3048)H		
	S			4960(2250)	5240(2377)	5420(2504)	5790(2628)	6040(2740)	6290(2853)F	6530(2962)	6770(3071)	7000(3175)G	7220(3275)	7440(3375)	7660(3475)H

Radial-Ply Tires

Tire Size Designation		Tire Pressures in psi and (bars) 55(3.79)	60(4.14)	65(4.48)	70(4.83)	75(5.17)	80(5.52)	85(5.86)	90(6.21)	95(6.55)	100(6.90)	105(7.24)	110(7.58)	115(7.93)	120(8.28)
10.00R20 & 11R22.5	D	3760(1706)	3970(1719)	4180(1896)	4380(1987)	4580(2077)	4760(2159)F	4950(2245)	5120(2322)	5300(2404)G	5470(2481)	5630(2554)	5800(2631)H		
	S			4290(1946)	4530(2055)	4670(2164)	4990(2263)	5220(2368)	5430(2463)F	5640(2558)	5840(2649)	6040(2740)G	6240(2830)	6430(2917)	6610(2998)H
10.00R22 & 11R24.5	D	4000(1814)	4230(1919)	4450(2018)	4660(2114)	4870(2209)	5070(2300)F	5260(2386)	5450(2472)	5640(2558)G	5820(2640)	6000(2722)	6170(2799)H		
	S			4560(2068)	4820(2186)	5070(2300)	5310(2409)	5550(2517)	5780(2622)F	6000(2722)	6210(2817)	6430(2917)G	6630(3007)	6840(3103)	7030(3189)H
11.00R20 & 12R22.5	D	4100(1816)	4330(1964)	4560(2068)	4780(2168)	4990(2263)	5190(2354)F	5390(2445)	5590(2536)	5780(2622)G	5960(2703)	6150(2790)	6320(2867)H		
	S			4670(2118)	4940(2241)	5200(2359)	5450(2472)	5690(2581)	5920(2685)F	6140(2785)	6370(2889)	6590(2989)G	6790(3080)	7010(3180)	7200(3266)H
11.00R22 & 12R24.5	D	4350(1973)	4600(2087)	4840(2195)	5080(2304)	5300(2404)	5520(2504)F	5730(2599)	5940(2694)	6140(2785)G	6330(2871)	6530(2962)	6720(3048)H		
	S			4960(2250)	5240(2377)	5420(2504)	5790(2628)	6040(2740)	6290(2853)F	6530(2962)	6770(3071)	7000(3175)G	7220(3275)	7440(3375)	7660(3475)H

Key

D - Tires used as duals
S - Tires used as singles
F - Load range for which this weight is maximum permitted - Load Range F
G - Load range for which this weight is maximum permitted - Load Range G
H - Load range for which this weight is maximum permitted - Load Range H
Tire pressures are given in both psi and bars (in parenthesis). (1 bar = 1/100 kPa = 14.5 psi).
Weight is given in both pounds and kilograms (in parenthesis). (1 kilogram = 2.205 pounds)

TABLE II.—*Inflation pressure measurement correction for heat*

Average speed of tire in previous hour	Minimum inflation pressure buildup: Tires with 4,000 lb (1,814 kg) maximum load rating or less	Tires with over 4,000 lb (1,814 kg) load rating
41 to 55 mi/h (66 to 88.5 km/h).	5 lb/in² (0.36 bar)..	15 lb/in² (1.07 bars).

[FR Doc.75-17939 Filed 7-10-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 2, Rev. S.O. 1197]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. and Denver and Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 3rd day of July, 1975.

Upon further consideration of Revised Service Order No. 1197 (39 FR 37062; and 40 FR 2991), and good cause appearing therefor:

It is ordered, That:

§ 1033.1197 *Service Order No. 1197*, (the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company) be, and it is hereby,

amended by substituting the following paragraph (d) for (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101 as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2).))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18106 Filed 7-10-75;8:45 am]

V40-134 JUL 11 75 XUM

a load of 7,000 pounds (3180 kg) each (versus a maximum rating of 5430 pounds for load rating (F)). This request was justified on the basis of present use, high costs of transition and problems of going to larger diameter tires which would unacceptably raise the height of the vehicle. The Bureau believes that it has been amply shown that tire failures attributed to cuts, bruises, punctures and other road hazards are often hastened by overloading of tires. The frequency and severity of tire overloading and underinflation and accidents which can be caused by these practices is documented. Furthermore, the Bureau believes that solutions are readily available which would provide adequate tires to support the loads which the industry indicates it carries, at a reasonable cost. The continuation of what is apparently a flagrantly unsafe operating practice is unacceptable to the Bureau and no exception is being granted for this industry.

In consideration of the foregoing, § 393.75 of the Federal Motor Carrier Safety Regulations (Subchapter B of 49 CFR Chapter III) is amended to add a new subparagraph (f) as set forth below.

Effective date. This amendment is effective on October 1, 1975.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on July 3, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

1. A new paragraph (f) is added to § 393.75 reading as set forth below:

§ 393.75 Tires.

* * * * *

(f) No motor vehicle shall be operated on a tire which carries a greater weight than that specified for the tire at its measured cold inflation pressure in any of the pulications listed in FM VSS No. 119 (49 CFR 571.119). In no case shall any tire be loaded beyond or inflated above the maximum load rating and inflation pressure marked on its side wall in accordance with FMVSS No. 119.

(1) A chart showing tire loads and pressures for the most common sizes of tires used by interstate motor carriers is reproduced as Table I below for convenience. In the case of conflict among the manufacturer, a standards-organization, or Table I in this section, FMVSS No. 119 shall govern.

(2) If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be determined by subtracting the inflation build-up factor shown in Table II, from the measured inflation pressure.

Table [illegible]

Bias-Ply Tires

Tire Size Designation		Tire Pressures in psi and (bars) 50(3.45)	55(3.79)	60(4.14)	65(4.48)	70(4.83)	[illegible]	80(5.52)	85(5.86)	90(6.21)	95(6.55)	100(6.90)	105(7.24)	110(7.59)	115(7.93)
10.00-20 & 11-22.5	D	3760(1706)	3970(1719)	4190(1896)	4380(1987)	4580(2077)	4760(2159)F	4950(2245)	5120(2322)	5300(2404)G	5470(2481)	5630(2554)	5800(2631)H		
	S			4290(1946)	4530(2055)	4770(2164)	4990(2263)	5220(2368)	5430(2463)F	5640(2558)	5840(2649)	6040(2740)G	6240(2830)	6430(2917)	6610(2998)H
10.00-22 & 11-24.5	D	4000(1814)	4230(1919)	4450(2018)	4660(2114)	4870(2209)	5070(2300)F	5260(2386)	5450(2472)	5640(2558)G	5820(2640)	6000(2722)	6170(2799)H		
	S			4560(2068)	4820(2186)	5070(2300)	5310(2409)	5550(2517)	5780(2622)F	6000(2722)	6210(2817)	6430(2917)G	6630(3007)H	6840(3103)	7030(3189)H
11.00-20 & 12-22.5	D	4100(1860)	4330(1964)	4560(2068)	4780(2168)	4990(2263)	5190(2354)F	5390(2445)	5590(2536)	5780(2622)G	5960(2703)	6150(2790)	6320(2867)H		
	S			4670(2118)	4940(2241)	5200(2359)	5450(2472)	5690(2581)	5920(2685)F	6140(2785)	6370(2889)	6590(2989)G	6790(3080)	7010(3180)	7200(3266)H
11.00-22 & 12-24.5	D	4350(1973)	4600(2087)	4840(2195)	5080(2304)	5300(2404)	5520(2504)F	5730(2599)	5940(2694)	6140(2785)G	6330(2871)	6530(2962)	6720(3048)H		
	S			4960(2250)	5240(2377)	5520(2504)	5790(2626)	6040(2740)	6290(2853)F	6530(2962)	6770(3071)	7000(3175)G	7220(3275)	7440(3375)	7660(3475)H

Radial-Ply Tires

Tire Size Designation		Tire Pressures in psi and (bars) 55(3.79)	60(4.14)	65(4.48)	70(4.83)	75(5.17)	80(5.52)	85(5.86)	90(6.21)	95(6.55)	100(6.90)	105(7.24)	110(7.59)	115(7.93)	120(8.28)
10.00R20 & 11R22.5	D	3700(1706)	3970(1719)	4180(1896)	4390(1987)	4580(2077)	4760(2159)F	4950(2245)	5120(2322)	5300(2404)G	5470(2481)	5630(2554)	5800(2631)H		
	S			4290(1946)	4530(2055)	4770(2164)	4990(2263)	5220(2368)	5430(2463)F	5640(2558)	5840(2649)	6040(2740)G	6240(2830)	6430(2917)	6610(2998)H
10.00R22 & 11R24.5	D	4000(1814)	4230(1919)	4450(2018)	4660(2114)	4870(2209)	5070(2300)F	5260(2386)	5450(2472)	5640(2558)G	5820(2640)	6000(2722)	6170(2799)H		
	S			4560(2068)	4820(2186)	5070(2300)	5310(2409)	5550(2517)	5780(2622)F	6000(2722)	6210(2817)	6430(2917)G	6630(3007)	6840(3103)	7030(3189)H
11.00R20 & 12R22.5	D	4100(1860)	4330(1964)	4560(2068)	4780(2168)	4990(2263)	5190(2354)F	5390(2445)	5590(2536)	5780(2622)G	5960(2703)	6150(2790)	6320(2867)H		
	S			4670(2118)	4940(2241)	5200(2359)	5450(2472)	5690(2581)	5920(2685)F	6140(2785)	6370(2889)	6590(2989)G	6790(3080)	7010(3180)	7200(3266)H
11.00R22 & 12R24.5	D	4350(1973)	4600(2087)	4840(2195)	5080(2304)	5300(2404)	5520(2504)F	5730(2599)	5940(2694)	6140(2785)G	6330(2871)	6530(2962)	6720(3048)H		
	S			4960(2250)	5240(2377)	5520(2504)	5790(2626)	6040(2740)	6290(2853)F	6530(2962)	6770(3071)	7000(3175)G	7220(3275)	7440(3375)	7660(3475)H

Key

D - Tires used as duals
S - Tires used as singles
F - Load range for which this weight is maximum permitted - Load Range F
G - Load range for which this weight is maximum permitted - Load Range G
H - Load range for which this weight is maximum permitted - Load Range H
Tire pressures are given in both psi and bars (in parenthesis). (1 bar = 1/100 kPa = 14.5 psi).
Weight is given in both pounds and kilograms (in parenthesis). (1 kilogram = 2.205 pounds)

TABLE II.—*Inflation pressure measurement correction for heat*

Average speed of tire in previous hour	Minimum inflation pressure buildup: Tires with 4,000 lb (1,814 kg) maximum load rating or less	Tires with over 4,000 lb (1,814 kg) load rating
41 to 55 mi/h (66 to 88.5 km/h).	5 lb/in² (0.36 bar)..	15 lb/in² (1.07 bars).

[FR Doc.75-17939 Filed 7-10-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 2, Rev. S.O. 1197]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. and Denver and Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 3rd day of July, 1975.

Upon further consideration of Revised Service Order No. 1197 (39 FR 37062; and 40 FR 2991), and good cause appearing therefor:

It is ordered, That:

§ 1033.1197 *Service Order No. 1197,* (the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company) be, and it is hereby,

amended by substituting the following paragraph (d) for (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101 as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2).))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18106 Filed 7-10-75;8:45 am]

V 40 134 JUL 11 75 XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DOMESTIC INTERNATIONAL SALES CORPORATION REQUIREMENTS

Notice of Proposed Rulemaking

Correction

In FR Doc. 75–16846, appearing at page 27483 in the issue for Monday, June 30, 1975, make the following changes on page 27484:

1. In the first column, in the fifth line of the paragraph designated "PARAGRAPH 1", and in the third line of § 1.992–1(a)(6), the references to "paragraph (a)(8)(i)" should be changed to read "paragraph (i)".

2. Also in the first column, under § 1.992–1 the paragraph designation "(8) * * *" preceding paragraph (i) should be deleted.

3. In the second column, in the third line of § 1.992–2(a)(1)(i) the reference to "paragraph (a)(ii)" should be changed to read "paragraph (a)(1)(ii)".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO–361–A14]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Chicago Regional marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before July 18, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Madison, Wisconsin, on June 3–4, 1975, pursuant to notice thereof which was issued May 12, 1975 (40 FR 21033).

The material issues on the record of the hearing relate to:

1. Pool plant performance standards for supply plants.
2. Revision of limits on diversion of producer milk.
3. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant performance standards for supply plants.* The provisions of the order pertaining to supply plant performance for pool plant status should be modified as follows:

(a) The minimum proportion of the Grade A milk received from dairy farmers at a pool supply plant or unit of supply plants that is shipped to pool distributing plants should be:

30 percent for September, 35 percent for October and November, 25 percent for December, and 20 percent for all other months.

A supply plant that is a pool plant during each of the months of August through March should be permitted to retain its pool status for each of the following months of April through July even though no shipments are made to pool distributing plants during such four months of seasonally higher production.

(b) Each supply plant in a "unit" should be required to ship to pool distributing plants the following minimum percentages of its receipts of Grade A milk from dairy farmers:

15 percent for each of the months of September, October, and November;
10 percent for each of the months of January, February, March, August, and December.

No required shipments should apply to the months of April through July for individual plants within a unit. If for any month, the operator of a "unit" supply plant fails to meet the required shipping percentage, such plant should be excluded from the "unit" and the milk associated with such plant should not be pooled for such month.

(c) No change should be made in the provision giving authority to the Director of the Dairy Division to adjust the pooling standards applicable during any of the months of August through March by as much as 10 percentage points if he finds such action necessary to obtain needed shipments or to prevent uneconomic shipments.

The present order shipping percentage requirements for a supply plant to qualify as a pool plant are:

40 percent for September, October, and November, and 30 percent for all other months.

In addition, a supply plant which meets the shipping requirements for pool plant status during each of the months of August through December and which ships not less than 20 percent of its receipts of Grade A milk during each of the months of January, February, and March to pool distributing plants may continue to be a pool plant without shipments, during the April–July period.

Each supply plant in a "unit" is presently required to ship or transship to pool distributing plants the following percentages of its producer milk:

20 percent in each of the months of September, October, and November;
15 percent in each of the months of August and December; and
10 percent for each of the months of January, February, and March.

If a supply plant in a unit fails to meet the individual shipping percentage in any month, the milk associated with such plant is not included in the pool in such month.

The modifications of the shipping requirements for pool supply plants adopted herein were proposed and supported by a group of cooperatives representing a large majority of the producers in the Chicago Regional market.

In support of the revision of the requirements for pooling the milk received at supply plants, witnesses of the proponent cooperatives testified that their proposed adjustments were necessary to obviate uneconomic shipments of milk and to "tailor the supply of milk to the fluid demand." Increased supplies of producer milk were attributed to (a) increased average daily delivery per producer and (b) the spread between the order blend prices and the Grade B prices in the production area which has encouraged dairy farmers producing Grade B milk to meet Grade A standards and become producers under the Chicago Regional milk order. It was pointed out that receipts of milk from producers during each of the months of January, February, and March 1975 exceeded receipts for these months during 1974 by nine percent.

In illustration of the supply-demand problem the market faces the cooperative's witness reported the percentages of receipts shipped to distributing plants by "AMPI-Agency" supply plants for the August–March 1974–75 period and for comparison the 1975–76 estimated figures for the 1975–76 August–March period. These figures are summarized below together with comparable data for the 1972–73 period.

	1972–73 [1] (percent)	1974–75 (percent)	Estimated 1975–76 (percent)
August	35.7	35.6	33.6
September	43.1	41.0	37.9
October	47.0	45.5	42.7
November	51.0	43.9	40.3
December	44.5	38.8	37.0
January	44.7	39.8	38.3
February	41.3	37.4	35.9
March	36.8	NA	31.8

[1] Official notice is taken of final decision appearing in 38 FR 18682.

The 1975–76 estimated figures were based on the assumption that receipts of producer milk would continue to increase during the coming August–March 1975–76 period over the previous year, but at a lesser rate than was shown for January–February 1975 compared to a year earlier. Proponents pointed out that, at the request of cooperatives, the Director of the Dairy Division had determined that the shipping percentages for both individual supply plants and "unit" supply plants should be lowered from 5 to 10 percent for the month of March and for the months of August through November 1974.

Another witness for the cooperatives presented an exhibit showing that production of Grade A milk in 24 Wisconsin counties within the Chicago Regional production area, but outside the defined marketing area, had increased approximately 200 million pounds between 1972 and 1974—from a total annual production of 2.3 billion to 2.5 billion pounds. Some of this milk was pooled in other markets and thus was not a part of the Chicago Regional market pool, however.

For the Chicago Regional market as a whole the proportion of supply plant milk receipts shipped to all distributing plants was 39.7 percent, 48.5 percent, and 39.9 percent, respectively, for the three-year August–March period of 1972–73 through 1974–75.

Total producer milk pooled in the Chicago Regional market has increased each month over the same month of the previous year beginning in July 1974. For the August–March 1974–75 period the average total milk pooled monthly in the Chicago Regional market increased 8.5 percent over the August–March 1973–74 period—from a monthly average of 617.6 million pounds in the 1973–74 period to 670.2 million pounds in 1974–75. The average number of producers on the market increased by 4.1 percent (666 producers) for the August–March 1974–75 period compared to the same period a year earlier.

Receipts at distributing plants directly from farms of producers during the August–March period have decreased in each of the past three years for both plants in the Chicago metropolitan segment of the market and for the remainder of the market. Direct receipts from farms at Chicago metropolitan area distributing plants represented 30.0 percent, 25.1 percent, and 24.2 percent, respectively, of the total receipts at such plants during the past three August–March periods. Direct receipts from farms at other distributing plants were 65.6 percent, 58.6 percent, and 57.5 percent, respectively, of the total receipts at such plants during the same three August–March periods.

The percent of total producer receipts classified as Class I for the years 1972–1974 was 42 percent, 43 percent and 38 percent, respectively. A comparison of the average Class I utilization of producer receipts for the first three months of each of the past three years shows a continuing decrease, as follows: 1973, 43 percent, 1974, 42 percent, and 1975, 38 percent.

The market statistics clearly indicate that during the past 10 months (June 1974 through March 1975), total producer receipts have increased, the number of producers has increased, Class I utilization percentage of total receipts has decreased, and the percentage of total receipts at distributing plants received directly from farms has decreased.

Dairy farmers in the milkshed, particularly in Wisconsin, have found it is to their economic advantage to improve their production facilities to meet Grade A inspection requirements. They have also found the means, after converting from Grade B to Grade A, of associating their milk with plants pooled on the Chicago Regional market—thus becoming producers on the market.

While one purpose of the Federal order is to insure an adequate supply of Grade A milk for the market, it is equally important as a necessary tool for maintaining orderly marketing conditions.

On the basis of a hearing record of April 11–12, 1973, shipping percentages for supply plants were increased for the August–December period of 1973. Subsequently, supply plant shipping requirements for the months of August and September 1974 were decreased 10 percentage points, and for the months of October–November 1974 five percentage points, by action of the Director of the Dairy Division.

The supply-demand situation in the Chicago Regional market has been distorted during much of the past three years—mostly as a result of the continuing increase in Grade A milk in this area as manufacturing plants convert their Grade B supplies to Grade A. As stated previously, total producer receipts for the August–March 1974–75 period were 8.5 percent higher than for the same period a year earlier and producer numbers increased 4.1 percent (666).

It is not practical under the circumstances existing in this market to provide pooling standards which do not reasonably accommodate the pooling of the qualified milk seeking to share in the pool. Unless milk is permitted access to the market, serious market disorders will develop as supplies compete for available qualifying outlets.

A reduction in the shipping percentages for pooling supply plants during the August–March period will allow greater flexibility in milk procurement as among supply plants by operators of pool distributing plants in the market and should reduce to a minimum uneconomic movements of milk which otherwise will be made solely for the purpose of maintaining pooling eligibility. If the shipping requirements prescribed by the order are set too high to accommodate the pooling of the plants which have associated with the market, pool distributing plants will curtail direct receipts of producer milk in favor of supply plant milk. To accomplish this end, milk normally received directly may be diverted for manufacturing use. Through this procedure, the market can accommodate the pooling of a greater volume of milk than would otherwise be the case. This procedure is currently being employed by both proprietary and cooperative handlers.

The order should not be structured so that it encourages uneconomic practices as a means of compromising the intent of the pooling standards. Under the current supply conditions in this market, supply plant shipping standards appropriately should be modified to eliminate the need for uneconomic movements of milk.

Under the present order provisions a new supply plant entering the market during the months of April through July must meet a 30 percent shipping percentage during each of these months to qualify as a pool plant. This standard should be decreased 10 percentage points—i.e., to 20 percent. The shipping percentage requirements for new supply plants during the April–July period should not require higher shipments than are established for the months of August, January, February, and March. To provide a higher shipping percentage for the seasonally high production months of April through July than in other months would be both unreasonable and inappropriate.

Lower shipping percentages for individual plants in a system of supply plants pooled as a unit are also needed. With these modifications, the structure of the present order, including the "call" provision, appears at this time and on this record to provide reasonable assurance that operators of all supply plants will move milk to distributing plants when needed. Lower shipping percentages for individual plants in a "unit" of supply plants will implement flexibility in milk procurement and should reduce to a minimum the circumstances of uneconomic movements of milk solely for

V 40 I 134 JUL 11 75 XUM

the purpose of maintaining pool plant status.

One cooperative witness proposed the elimination of any shipping percentage requirements for individual supply plants within a "unit." The proponent contended that "the controlling factor that determines the volume of milk that can be pooled through such unit is the shipping percentage requirement applied to the unit as a whole, which is the same as is specified for an individual supply plant not included in a unit." He suggested that "specification of a minimum shipping requirement for individual plants of such unit will not vary the amount of milk of the unit" and that any shipping percentage requirements for individual plants within a unit "only serves to defeat and limit the efficiencies in milk marketing that ought to be gained and realized through the use of the unit pooling device."

With the continuing transition of Grade B milk to Grade A in the Chicago Regional market production area, orderly marketing conditions can be maintained only under circumstances where all of the qualified milk seeking to pool under the order is accommodated. It is the ever-increasing volume of milk associating with the pool that has necessitated the reduction in shipping requirements. Under usual circumstances, with system pooling, it would appear unnecessary to require individual plant performance within a qualified unit. This seemingly would implement maximum efficiency of operation by permitting "unit" handlers to ship milk only from the most favorably located plants.

Handlers with manufacturing facilities strive to maximize manufacturing efficiency by keeping their plants operating near capacity. Withdrawal of milk from a manufacturing operation for shipment to the fluid market generally results in some additional cost through loss of efficiency, or product return. Unless the conditions of regulation are applied uniformly to all plants, some plant operators will experience financial gain at the expense of others in the absence of individual plant requirements.

The record of this hearing is limited to consideration of the matter of adjusting shipping requirements. Without specific shipping requirements, some other means of appropriately apportioning the responsibility of fully supplying the fluid needs of the market equally upon all handlers (including operating cooperatives), would be required. It is unavoidable therefore, that individual plant shipping requirements be continued at this time. However, because of the increased supply relative to fluid demand and the reduction in overall shipping requirements as herein provided, it is appropriate that the individual plant shipping requirements within a unit also be lowered. Unless this is done the intent of the lower overall shipping requirements might not be fully realized.

As recommended in this decision, shipping percentages for individual plants within a "unit" would be reduced to require only 15 percent of receipts to be shipped to pool distributing plants during September, October, and November and 10 percent during January, February, March, August, and December. Even though these shipping percentages are nominal, they are necessary to promote equity as between handlers and among producers under the current market structure.

Witnesses testifying regarding the lowering of shipping percentages for supply plants were in general support of such changes. One handler witness, however, did oppose the lowering of the shipping percentages requirements for supply plants to become pool plants. Such opposition was based on the opinion that the market already had too many producers and thus too much milk. A concern was expressed by this handler that under the marketwide pooling of proceeds, as provided in this order, an inequitable situation is created as among handlers.

This is not the case. Equity as among handlers is provided in the order by establishing the same price for the same use and test of milk for all handlers. The fact that one handler may utilize 90 percent of his receipts from producers in Class I, while a competitor's Class I utilization is only 50 percent does not mean the order has created an inequitable situation as between these two handlers. On the contrary, each handler pays the same uniform price for his receipts from producers utilized as Class I and likewise the same uniform class prices for the milk utilized in Class II and Class III. The fact that producers are paid on the weighted average Class use value of milk by all handlers does not affect the price handlers are charged for each class of milk. While the lowering of shipping percentages required of supply plants for pooling may permit additional dairy farmers to become associated with the market as producers, such additions of producers will not affect a handler's cost of milk under the Order.

The proposal to modify the authority of the Director of the Dairy Division to increase or decrease the shipping percentage of individual and "unit" supply plants from the present 10 percentage points to 15 percentage points should not be adopted. Several witnesses opposing any change in this provision held any change of more than 10 percentage points appropriately should be made only through the use of the public hearing procedure.

As previously recommended in this decision, supply plants not in a unit would be required to ship a minimum of 20 percent of their Grade A receipts from producers to pool distributing plants to qualify as pool plants during each of the months of January through August; 30 percent for September; 35 percent for the months of October and November and 25 percent for December. A decrease, or increase, of these percentages by as many as 10 percentage points by action of the Director permits a sufficiently wide range of adjustment in the requirements regarding pooling of such supply plants. The present authority of the Director should accomodate any foreseeable short term change in the market supply-demand situation that may develop. Since the provision, sometimes referred to as the "call provision" was adopted in September 1974, shipping percentages have been increased only twice (December 1973 and January 1974) and then only by 5 percentage points.

Individual supply plants in a unit, as recommended herein, need ship for pooling only 10 percent of their Grade A receipts from producers to pool distributing plants during January, February, March, August and December; and only 15 percent during October, November, and December. It is difficult to conceive of circumstances which would require an increase or decrease in such requirements by more than 10 percentage points. If this should occur the matter most appropriately should be fully explored in a public hearing. There is no evident need to extend the Director's authority to adjust shipping requirements.

2. *Revision of limits on diversion of producer milk.* The diversion provisions should be modified to provide that the operator of a pool plant or a cooperative association may divert that quantity of milk of a producer that does not exceed:

(a) During each of the months of September, October, and November twice the quantity of such producer's milk received in the pool plant from which diverted; and

(b) During each of the months of December through August four times the quantity of such producer's milk received in the pool plant from which diverted.

The provision permitting unlimited diversions during the months of April through July for producers with an established relationship with the market during the short production months should be retained.

The order currently limits the diversion of any producer's milk to nonpool plants during the months of April through December to an amount not more than twice the quantity of such producer's milk received in the pool plant for such month. Such limit does not apply, however, during the months of April through July with respect to any producer who delivered milk to a pool plant at anytime during the previous August–December period and who subsequently maintained producer status, without interruption for more than 30 consecutive days. During the months of January, February, and March diversion of any producer's milk may not exceed 70 percent of the volume of such producer's milk pooled during the month.

The proponent cooperatives' proposed modification of the present diversion provision would remove the months of August and December from the April through December period and add such months to the period when the 70 percent rule applies.

Another cooperative proposed that diversion limitations be "geared" to the percentage shipping requirements for pooling supply plants. Thus, when the supply plant shipping percentages require 20 percent of receipts to be moved

to pool distributing plants (January, February, March, and August) diversion of any producer's milk could not exceed 80 percent of the total production of such a producer. Diversion of up to 100 percent could be made April through July; 70 percent in September; 65 percent in October and November; and 75 percent in December. This cooperative also would eliminate the shipping percentage requirements for individual supply plants within a "unit."

For reasons set forth in the previous findings modifying the shipping requirements, it is desirable to implement, insofar as possible, the diversion to nonpool manufacturing plants of the milk associated with supply plants which is not moved to pool distributing plants. Many of the supply plants in this market serve solely in a milk assembly role in moving milk from the production area to bottling plants, and as a conduit for the pooling of milk supplies, and do not have manufacturing facilities.

Some restraint, however, must be retained to deter any practice of "pool riding" during the flush production months; i.e., associating with the pool, for the single purpose of sharing in the higher Class I proceeds, milk intended solely for manufacturing use. This can most appropriately be accomplished by retaining diversion limitations for other than established producers. It is not practical therefore to adopt the suggested procedure of "gearing" diversion limitations directly to the shipping requirements for pool supply plants.

The cooperative's suggestion that one days' delivery of milk on April 1 should qualify a dairy farmer as a producer the balance of the April–July period is not an appropriate provision, under the circumstances, in this market. The findings discussing the need to retain minimum shipping percentages for pooling individual supply plants within a "unit" are equally applicable in the matter of diversion limitations. As a matter of equity it is necessary that a reasonable association with the market be required in order that a dairy farmer qualify as a producer and share in Class I proceeds of the market. The order provisions, as herein proposed, provide minimum and reasonable standards of association with the market, which should give easy access to dairy farmers to become producers on the Chicago Regional market. At the same time they appropriately preserve the integrity of the regulation by requiring evidence of performance as a condition of pooling.

The modifications herein provided will minimize the incident of receipt of unneeded quantities of milk at pool plants and subsequent back-haul to manufacturing plants, which commonly now occurs, for the single purpose of maintaining producer status for dairy farmers with an established association with the fluid market.

3. *Need for emergency action.* There is no need to omit the issuance of a recommended decision as requested.

The request for emergency action by proponents was based on the view that the Department would not have sufficient time after the hearing to issue both a recommended and final decision and make any action taken effective by August 1, 1975. Most witnesses opposed omission of a recommended decision.

Interested parties should have an opportunity to file exceptions to the action recommended herein. It now appears feasible, and with a reasonable time for exceptions, to issue a final order by August 1. Even if such action does not become effective by this date, an alternate means of adjusting the pool supply plant shipping percentages is available upon request to and action by the Director of the Division.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

A handler filed a motion requesting that the hearing be reopened for the purpose of further cross-examination of one of the witnesses. In that motion, the handler indicated that he desired to cross-examine the witness with regard to the economic conditions which had constituted the uneconomic shipments of milk in October and November, 1974 which were presented to the director of the dairy division at that time. The handler complained that the Administrative Law Judge did not allow him to cross-examine the witness with regard to 1974 economic conditions which the Administrative Law Judge ruled were not relevant to the current economic conditions which were the subject of this hearing.

Careful reading of the entire record of the hearing indicates that the question which the handler sought to ask was answered in the abstract by the witness who testified as to what he considered would be uneconomic shipments of milk. The Administrative Law Judge ruled that questions concerning the justification of a 1974 request for a change in shipping percentages, by the cooperative association represented by the witness, were irrelevant to this hearing. This ruling was correct. This hearing was called to hear evidence with regard to an amendment of the subject order provision and such amendment must be based on current economic conditions. Thus, the record of the hearing does not disclose the lack of any evidence which would be necessary to make the decision required in this proceeding. The motion by the handler, not appearing to be justified by the record, is denied.

With respect to the handler's motion to disqualify the Administrative Law Judge, the motion to reopen the hearing having been denied, that motion is moot—and is therefore also denied.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Chicago Regional marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Revise § 1030.7(b)(4), introductory text, and (b)(7)(iii) to read as follows:

§ 1030.7 Pool plant.

* * * * * * *

(b) * * *

(4) Such percentage shall be not less than 30 for September, 35 for each of the months October and November, 25 for December, and 20 for all other months except that a plant that was a pool plant pursuant to this paragraph during each of the months August through March shall be a pool plant for each of the following months of April through July, unless: * * *

* * * * * *

V 40 134 JUL 11 75 XUM

(7) * * *

(iii) Each plant in a unit ships or transships to plants specified in paragraph (b)(1) of this section the following percentages of its producer milk: 15 in each of the months of September, October, and November; 10 in each of the months of August, December, and January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit;

* * * * *

2. Revise § 1030.13(e)(1) to read as follows:

§ 1030.13 Producer milk.

* * * * *

(e) * * *

(1) Milk of a producer diverted for the account of the operator of a pool plant, or a handler described in § 1030.9(b), that does not exceed twice the quantity of such producer's milk received in the pool plant from which diverted during each of the months of September, October, and November; and during each of the months of December through August does not exceed four times such quantity received. No diversion limit shall apply during the months of April through July for a producer who delivered to a pool plant anytime during the prior August–December period and subsequently maintained producer status without interruption of more than 30 consecutive days;

* * * * *

Signed at Washington, D.C., on: July 8, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-18014 Filed 7-10-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.5]

RURAL RENTAL HOUSING LOANS

Proposed Loan Policies, Procedures and Authorizations; Miscellaneous Amendments

Notice is hereby given that the Farmers Home Administration has under consideration amending various sections of Subpart D of Part 1822, Title 7, Code of Federal Regulations (40 FR 4277-4297). The proposed changes are as follows:

1. Section 1822.84(a)(10)(i) is amended to require that the general partners in a limited partnership retain a minimum of 10 percent financial interest in the organization.

2. Section 1822.85(b) is revised to permit the purchase of existing housing only when such housing is in need of major modification, repair, or improvement to meet the requirements of decent, safe, and sanitary living units. Rehabilitated projects must be substantially equivalent to new construction in quality, design, and all other respects.

3. Section 1822.86(a) is revised to limit the amount of a loan to $1,500,000 for any project at any one time. Additional loans may be considered after the housing has been successfully operated for a minimum of 12 months and a market exists.

4. Section 1822.86(a)(2) is revised to limit the amount of the loan to applicants other than private nonprofit corporations, consumer cooperatives, State or local public agencies and other nonprofit organizations, to 90 percent of the development cost or 90 percent of the security value, whichever is less. The applicant's contribution must be in the form of cash, land, or a combination of both.

5. The present § 1822.86(a)(3) is deleted.

6. Section 1822.86(b)(1) through 1822.86(b)(11) are redesignated as § 1822.86(b)(2) through 1822.86(b)(12).

7. A new § 1822.86(b)(1) is added to permit purchase of partially completed housing projects or existing housing projects only if there are major modifications, repairs, or improvements needed to provide safe and sanitary housing.

8. Section 1822.89(a) is revised to require a second mortgage on a site developed with a prior loan if a subsequent loan is made on the site or a contiguous site to finish out units that will complete a project.

9. Section 1822.90(d) is amended to further clarify the reference to Subpart A of Part 1804.

10. Section 1822.94(a)(4) through 1822.94(a)(6) are redesignated as § 1822.94(a)(5) through 1822.94(a)(7).

11. A new § 1822.94(a)(4) is added to require, when interim financing is used, that the interim lender be advised of the additional risks when the lender does not require the applicant to obtain a payment and performance bond.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before August 11, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, §§ 1822.84, 1822.85, 1822.86, 1822.89, 1822.90, and 1822.94 are amended to read as follows:

§ 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* * * *

* * * * *

(10) In the case of a limited partnership:

(i) * * * a minimum of 10 percent financial interest in the organization.

* * * * *

§ 1822.85 Loan purposes.

* * * * *

(b) Purchase and rehabilitate existing housing only when major modifications, repairs or improvements to the housing are necessary to meet the requirements of decent, safe and sanitary living units. Loans will not be made for the purchase of adequate housing not in need of major rehabilitation. Major rehabilitation does not include minor items of development work such as painting, cleaning, and improvements to related facilities.

(1) Rehabilitation of the project will be planned and accomplished so that the housing will be substantially equivalent to new construction in quality, design, and all other respects.

(2) Complete plans and specifications for rehabilitation will be provided for review and approval.

(3) The rehabilitated project must generally meet the provisions in § 1822.88(a).

* * * * *

§ 1822.86 Limitations.

(a) *Loan limits.* For all applicants the amount of RRH loan or loans on each project at any one time will be limited to a maximum amount of $1,500,000. Additional loans may be made, without regard to the $1,500,000 limitation provided the project is completed and the housing has been successfully operated for at least 12 months. A clear market demand must be evidenced for any additional units to be provided. Each loan will also be subject to the following additional requirements:

(1) For private nonprofit corporations, consumer cooperatives, State or local public agencies, and other nonprofit organizations, the amount of the RRH loan or loans will be limited to the development cost or the security value of each project, whichever is less.

(2) For all other applicants, the amount of the RRH loan or loans will be limited to no more than 90 percent of the development cost or 90 percent of the security value of each project, whichever is less. The applicant's contribution must be in the form of either cash or land or a combination of both.

(b) *Limitations on use of loan funds.* Loans will not be used for:

(1) The purchase of a partially completed project or the purchase of an existing housing project unless the provisions of § 1822.85(b) can be met.

* * * * *

§ 1822.89 Security.

* * * * *

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when the subsequent loan is to complete or finish out units on the site or on a contiguous site.

* * * * *

§ 1822.90 Technical, legal, and other services.

* * * * *

(d) *Construction and development policies.* Construction and development will be performed in accordance with Subpart A and Subpart D of Part 1804 of this Chapter, except § 1804.5(h)(3)(ii) will not apply to projects constructed by the owner-builder method. * * *

* * * * *

§ 1822.94 Actions subsequent to loan approval.

(a) *Interim financing from commercial sources.* * * *

* * * * *

(4) When the interim lender does not require the applicant to obtain a payment and performance bond, the interim lender must agree to assume all risks.

* * * * *

((42 U.S.C. 1480); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: July 7, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-18110 Filed 7-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Retirement Test Monthly Exempt Amount and Contribution and Benefit Base for Years After 1974

Correction

In FR Doc. 75-16328, appearing at page 26532, in the issue for Tuesday, June 24, 1975, make the following changes on page 26533:

1. In the second column the last sentence of the second full paragraph reading "The regulation will be effective June 24, 1975." should be changed to read "The regulation will be effective upon final publication in the FEDERAL REGISTER."

2. In the third column in the first line of § 404.429(c)(1), the figure reading "$14,000" should be changed to read "$14,100".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-20-AD]

BOEING 727 SERIES AIRPLANES

Proposed Airworthiness Directive

Amendment 39-2164 (40 FR 15866), AD 75-08-10 requires a one-time inspection for loose blind divets in the outboard aileron tab mast fittings on Boeing 727 series airplanes. Also, the AD required reporting of all findings, positive and negative, to the FAA Northwest Region. Most reports have been received and reviewed. The number of reports of loose rivets is substantial; no particular airplane total time range was exempt from positive reports. Therefore, the agency is considering issuing a new airworthiness directive to require replacement of all blind rivets with bolts and nutplates or an approved equivalent on the outboard aileron tab mast fittings of Boeing Model 727 series airplanes. The proposed AD would provide for an interim inspection prior to replacement.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel. Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before September 3, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 727 series airplanes, certificated in all categories. Compliance required as indicated.

To prevent wing vibration from loose blind rivets in the outboard aileron tab mast fittings, accomplish the following:

A. Within the next 2500 flight hours or 325 days from the effective date of this AD, whichever occurs first, inspect the outboard aileron tab mast fittings and attaching blind rivets for looseness, and repair, as necessary, in accordance with Boeing Alert Service Bulletin 727-57-137, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. As terminating action to this AD, prior to July 1, 1977, unless already accomplished, replace all blind rivets with bolts and nutplates in accordance with Boeing Alert Service Bulletin 727-57-137, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, July 2, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.75-17989 Filed 7-10-75;8:45 am]

[14 CFR Part 39]

[Docket No. 75-NW-19-AD]

BOEING MODEL 727-200 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727-200 series airplanes certificated in all categories. There have been reports of breakage, misalignment, and structural interference of the center engine nose cowl anti-ice ducting that could result in loss of the center engine anti-icing capability and possible heat damage to adjacent structure. Also, fragments of a ruptured duct could interfere with the rudder and/or elevator control systems. A survey of domestic and foreign operators has disclosed that of approximately 71 airplanes inspected there were six airplanes with broken ducts and 14 with apparent duct misalignments, some of which were showing evidence of interference with airplane structure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require an inspection of the center engine nose cowl anti-ice ducting for cracks, broken supports, misalignment, and structural interference. Cracked ducts and broken supports would be repaired or replaced, and misaligned ducts would be removed or reworked to restore conformity and proper installation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before September 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 727-200 series airplanes certificated in all categories, except for the following:

(a) Those delivered from the factory on and after May 8, 1975.

(b) Those inspected per Boeing telegraphic notifications dated February 20, 1975, March 4, 1975, March 7, 1975, and June 25, 1975. These telegraphic notifications were requests for sampling inspections and were accordingly sent to selected operators only. The operator must report to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, through the assigned FAA Principal Maintenance Inspector, the date of the inspection, flight hours, available details of the duct condition, and the airplane serial number.

Airplane serial numbers on the above telegraphic notifications are: 20834, 20836, 20865, 20843, 20861, 20844, 20845, 20866, 20867, 20932, 20947, 20933, 20662, 20863, 20934, 20955, 20935,

V 40134 JUL 11 75 XUM

20974, 20936, 20664, 20975, 20950, 21021, 20978, 20948, 20980, 20981, 20982, 20983, 20904, 20905, 21037, 21018, 20972, 20973, 21010, 21041, 21042, 21050, 21051, 21053.

(c) Airplanes inspected by Boeing discrepancy check before delivery. These airplane serial numbers are: 20903, 20906, 20918, 21019, 20951, 21020, 20937, 20938, 21052, 20939, 21043, 21078, 21060, 21061, 21055, 21038, 21039, 20940, 20984, 21056, 20985, 21082, 20986, 20987, 21062, 20941, 21036, 20942, 20979.

(d) Those airplanes having accumulated 6,000 flight hours and which have had an acceptable leak check and inspection of the center engine nose cowl anti-icing duct per Boeing Maintenance Manual, Chapter 30–21–01, or an equivalent inspection as determined by the assigned FAA Maintenance Inspector. The operator must report to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, through the assigned FAA Principal Maintenance Inspector, the date of the inspection, flight hours, the available details of the duct condition, and the airplane serial number.

Compliance required as indicated unless already accomplished.

To prevent loss of center engine nose cowl anti-icing capability, possible heat damage to adjacent structure, and possible interference with the rudder and elevator control system cables accomplish the following:

(A) Inspect and repair, within the next 1,000 flight hours from the effective date of this AD, unless already accomplished within the last 2,000 flight hours, the center engine nose cowl anti-ice ducting for cracks, broken supports, structural interference, misalignment, and duct preloading. To determine if preloading exists and to correct such conditions, use the following procedure:

Remove the "V" band clamps, P/N BACC10DU–300, at station 1281 (this is the clamp immediately aft of duct P/N 65–58822–7), and observe alignment between duct P/N 65–58822–7 and duct P/N 69–31927–1. Ducts should be aligned within 0.03 inch, using only moderate force necessary to obtain alignment. If ducts are not aligned, loosen "V" band clamps aft of station 1281 and swivel clamps at stations 1281 and 1303; adjust the ducts to obtain the required alignment without inducing a preload condition in the duct assemblies. A minimum clearance of 0.25 inch must be maintained where the ducts pass through structure, aft of station 1303, and 0.4 inch between duct P/N 65–58822–7 and the interspar rib immediately below this duct. If the ducts cannot be properly aligned using the above procedure, the ducts forward of station 1281 should be adjusted after loosening their "V" band clamps.

(B) If any ducting or supports show evidence of cracking, remove and replace with an approved part. Assure proper alignment using the procedures in Paragraph (A) above. If any ducting has cracked, inspect the adjacent airplane structure for evidence of possible heat damage. If heat damage is determined make the proper repairs to restore structural integrity.

(C) Within fifteen (15) days from the time of the inspection required in Paragraphs (A) and (B) of each airplane, report all findings to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 through the assigned FAA Principal Maintenance Inspector. The report must include the following:

(1) Airplane serial number.

(2) Airplane total time.

(3) Description of the duct condition, alignment and clearances.

(4) Date of inspection.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington July 2, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.75–17990 Filed 7–10–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–RM–24]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Riverton, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in tripilicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before August 11, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The instrument approach procedure at Riverton, Wyoming has been revised to include a transition from Crowheart Intersection to the final approach course. Additional controlled airspace is required to protect aircraft using this transition route.

In consideration of the foregoing, the FAA proposes the following airspace action:

In Federal Aviation Regulation § 71.181 (40 FR 441) the description of the Riverton, Wyoming 1200 foot transition area is amended to read:

• • • that airspace extending upward from 1200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR; within 7 miles northeast and 14.5 miles southwest of the Riverton VOR 301° radial, extending from the 25-mile radius area to 57 miles northwest of the VOR.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

M.M. MARTIN,
Director, Rocky Mountain Region.

Issued in Aurora, Colorado, July 3, 1975.

[FR Doc.75–18002 Filed 7–10–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 19528]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE (MTS) AND WIDE AREA TELEPHONE SERVICE (WATS)

Proposed New or Revised Classes; Order Extending Time

1. We have before us for consideration Motions for Extension of Time to file comments concerning the Federal-State Joint Board's Recommended First Report and Order in Docket No. 19528 filed by the Public Utilities Commission of the State of California, the New York State Public Service Commission, the Association of American Railroads and the Utilities Telecommunications Council. The New York Commission specifically notes that it intends to submit a detailed analysis of the Rochester Telephone Corporation's Network Protection Device Program referred to in the Federal-State Joint Board's Recommended First Report and Order. The California Commission notes that in addition to an unprecedented workload being carried by its staff, careful review is necessary to resolve the differences between the Joint Board's recommended certification program and the California registration program. The requested extensions range in duration from 30 to 60 days. All of those seeking an extension were unaware of the Order adopted June 16, 1975, and released June 17, 1975, [40 FR 27491] Mimeo No. 5176, by the Chief, Common Carrier Bureau, extending the date for comments from June 23, 1975, to July 8, 1975.

2. We are particularly desirous of receiving the New York Commission's comments concerning the network protection program and the California Commission's comments concerning differences in the certification program. We noted in our Order released June 17, 1975, that the parties in Docket No. 19528 have had ample time to address the basic issues in this matter and stressed that the filed comments should specifically address the Recommended First Report and Order and the California Registration program. Therefore, to afford the Commission meaningful comments from the California and New York Commissions we deem an extension of time warranted. However, in view of the previous extension granted and the protracted proceeding in this matter we believe a 60 day extension unwarranted and will grant an extension to and including July 21, 1975. It is not anticipated that any further extensions of time will be necessary.

3. Accordingly, in view of the foregoing, It is Ordered That the Motions for Extension of Time for filing comments in Docket No. 19528 are Granted to the extent noted and otherwise Denied; and that the time for filing is extended to and including July 21, 1975. This action is taken pursuant to the authority delegated in § 0.303 of the Commission's Rules.

Adopted: July 2, 1975.

Released: July 7, 1975.

[SEAL] JOSEPH A. MARINO,
Acting Chief,
Common Carrier Bureau.

[FR Doc.75–18020 Filed 7–10–75;8:45 am]

[47 CFR Part 73]

[Docket No. 20536; RM–2461]

FLORIDA FM BROADCAST STATIONS

Table of Assignments; Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed October 11, 1974, by Ralph M. Hansen, Jr., proposing the assignment of Channel 221A to Holiday, Florida, as its first FM channel assignment.

(b) This channel may be assigned without affecting any existing FM assignments.

(c) A comment in opposition to the proposal has been filed by Richey Airwaves, Inc., licensee of Stations WGUL (AM) and WGUL–FM, New Port Richey, Florida.

2. *Demographic data.* (a) *Location.* Holiday is located on the west coast of central Florida in Pasco County approximately 20 miles north of Clearwater and 5 miles southwest of New Port Richey.

(b) *Population.* (1970 U.S. Census): Holiday—unreported[1]; Pasco County—75,955.

(c) *Present aural services.* Holiday has no local aural broadcast stations but receives service from AM Station WGUL (daytime-only) and WGUL–FM (Channel 288A), both operating from New Port Richey, Florida.

(d) *Economic Conditions.* Holiday is an unincorporated area comprised of relatively new residential subdivisions. It is alleged to be one of the fastest growing areas in Florida. The population of Pasco County has increased from 36,785 in 1960 to 75,955 in 1970 or by 106.5 percent. Most municipal services are provided by the county. Seven weekly newspapers including the *Holiday Herald* are distributed in the area. In addition, residents receive newspapers from the nearby cities of Tampa, St. Petersburg, and Clearwater. Tourism is, according to petitioner, a rapidly growing industry in the Holiday area with many nearby attractions, including Disney World. Petitioner notes that the economic base of Holiday is composed of the "retirement" market and tourism. Statistics available from the Greater New Port Richey Chamber of Commerce demonstrate a substantial growth in construction activity during the last decade. Petitioner has also provided us with several letters from community leaders and a citizens petition of about 200 names, all of which express interest in the assignment of an FM channel to the Holiday area.

3. *Preclusion Considerations.* Adoption of petitioner's proposal would cause preclusion on co-channel 221A. The affected area includes Dunedin, Florida (pop. 17,639) and Tarpon Springs, Florida (pop. 7,118). Dunedin has one AM station, WDCL (daytime-only). Tarpon Springs has no local aural broadcast facilities. However, both communities are in the St. Petersburg Urbanized Area and the Tampa-St. Petersburg SMSA and receive adequate service from the stations operating in those areas.[2] In addition, the proposed assignment could be utilized at Tarpon Springs under the Commission's 10-mile rule, Section 73.203 (b). Some preclusion would occur on noncommercial Channel 220 but the affected area is located beyond the Grade B contour of the nearest Channel 6 television station. Thus lower educational channels may be considered for future use in that area. There would be no preclusion on the other five adjacent channels.

4. *Comments.* Richey Airwaves, Inc. alleges that need for the proposed FM assignment has not been demonstrated. It notes that nineteen stations presently operate within 25 miles of petitioner's prospective transmitter location. It also avers that Holiday is not a community within the meaning of Sections 73.202 (a) and 73.203(a). It points to the fact that Holiday is an unincorporated area with no local government. It argues that petitioner has failed to adduce evidence that Holiday has ascertainable boundaries, an identifiable population or a community of interests. Finally, we are told that Dunedin should have a priority over Holiday with respect to the assignment of Channel 221A because of its larger size.

5. Petitioner responds that although many aural services are available in the Tampa-St. Petersburg area, only WGUL (AM) and WGUL–FM, both operated by Richey Airwaves, are within reasonable proximity to the Holiday area in Pasco County. He notes that a listing of those nearby stations, submitted by Richey Airwaves, fails to indicate service contours. Furthermore, he warns that it is WGUL's private interest that is sought to be protected here rather than the paramount public interest of the residents of the Holiday area. Petitioner feels that Richey Airwaves has not refuted the fact that the Holiday area has experienced extraordinary growth. In response to the contention that Holiday is not a community within the meaning of Sections 73.202(a) and 73.203(a) of the Commission's Rules, petitioner suggests that a community does not have to appear in the United States Census tabulations as a prerequisite to its classification as a community. Moreover, he indicates that the Commission has previously assigned FM channels to communities not appearing in the United States Census.[3] In his view, Holiday is, at present, and will, in the future, remain the dominant entity in its area. Finally, he argues that since Dunedin is a community virtually contiguous to Clearwater, it already receives adequate service from stations in that area and that the assignment of Channel 221A to Dunedin would result in an intermixture of classes of channels in that area.

6. Concerning the issue, raised by Richey Airwaves, Inc., whether Holiday is a community within the Commission's Rules, we would like to call attention to certain criteria we have used in the past to determine the meaning of "community" for the purpose of assigning FM channels. In the Notice of Proposed Rule Making in Yorktown, Virginia, 38 FR 6695 (released March 12, 1973), concerning the proposed assignment of a first FM channel to Yorktown, Virginia, we stated that the test for attaining community status is "whether the residents function as and conceive of themselves as residents of a community, around which their interests coalesce." Further, the word "community" refers to "a community of interests associated with an identifiable population grouping." Yorktown, Va., supra. It is not necessary that the community of assignment be incorporated[4] and no concrete boundaries need be delineated.[5] In the present case, we feel that a sufficient showing has been made that Holiday has identifiable characteristics and distinct needs separate from the surrounding areas. We take notice that Holiday is a rapidly growing area and that demand for an outlet to voice local concerns exists. We, therefore, think that further consideration of the proposal in a rule making proceeding should be pursued.

7. Accordingly, the Commission proposes to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, with regard to Holiday, Florida, as follows:

[1] Petitioner alleges that the 1970 population of Holiday is 10,207. He has provided us with an extract from the Special Census conducted by Pasco County's Planning Department which indicates a 1973 population of 25,226 for the Holiday area.

[2] St. Petersburg has 3 AM and 3 FM stations; Tampa has 8 AM and 4 FM stations; and Clearwater has 2 AM and 2 FM stations in operation.

[3] He cites the assignments of Channel 256 to Zarephath, New Jersey; Channel 238 to Oakland, Maryland; and Channel 280A to Braddock Heights, Maryland.

[4] See *Mercer Broadcasting Co.*, 22 FCC 1009 1022–5 (1957); *Musical Heights, Inc.*, 29 FCC 1, 3–4 (1960); *Seven Locks Broadcasting Co.*, 37 FCC 82 (1964); and *Holston Broadcasting Corp.*, 45 FCC 1290, 1291–2 (1964).

[5] See *Seven Locks, supra*, and *Hymen Lake*, 46 FCC 2d 560, 562–3 (1974).

V40134 JUL 11 75 XUM

City	Channel No. Present	Proposed
Holiday, Fla.		221A

8. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated into this notice of proposed rule making.

9. Interested parties may file comments on or before August 25, 1975, and reply comments on or before September 16, 1975.

Adopted: June 27, 1975.

Released: July 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-18019 Filed 7-10-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM76-1]

HYDROELECTRIC PROJECT LICENSES; SPECIFIED REASONABLE RATE OF RETURN

Notice of Proposed Rulemaking

JULY 7, 1975.

Pursuant to 5 U.S.C. § 553 and section 309 of the Federal Power Act (FPA) (49 Stat. 858–859; 16 U.S.C. § 825h) the Commission gives notice that it proposes to add section 2.15 to the rules and regulations (18 CFR 2.15) in order to reflect the specified reasonable rate of return for hydroelectric project licenses as contained in the amortization reserve article. While this Commission does not believe a notice of rulemaking is needed when issuing a statement of policy or general interpretation to be designated as 18 CFR § 2.15, the Commission believes that it would be helpful to have the benefit of comments from interested licensees, state agencies and persons. [See 5 U.S.C. § 553(d).]

The requirement to establish amortization reserves is contained in section 10(d) of the FPA [41 Stat. 1069; 49 Stat. 843; 82 Stat. 617; 16 U.S.C. 803(d)] which states;

(d) That after the first twenty years of operation out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the net investment of a licensee in any project or projects under license, the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license. For any new license issued under section 15, the amortization reserves under this subsection shall be maintained on and after the effective date of such new license.

Currently there are in use two types of license articles pertaining to amortization reserves. In licenses issued prior to 1935, the amortization reserve was to be established which would reflect specified portions of excess earnings of a hydroelectric project accumulated in excess of a specified reasonable rate of return upon the "actual, legitimate investment" in the project during a period beginning after the first 20 years of operation under a license. The specified reasonable rate of return was stated as one and one-half the average annual interest rate payable on debt attributable to the project plant.

The other style of license article, contained in licenses issued after 1935, specifies the rate of return as 6 percent. The amount to be credited to an amortization reserve account reflects one-half of project excess earnings accumulated in excess of such 6 percent rate of return then applied to the project "net investment." By letter dated December 15, 1947, the Commission advised those licensees having licenses with the old-style article that they could request amendment of their licenses retroactively to include the post-1935 style article on amortization reserves. Several licensees received retroactive amendment of their licenses.

In recent years, several licensees have applied for amendments to their licenses to provide for a more flexible specified rate of return. Since December 1974, several licensees who have received new licenses have applied for rehearing on the amortization reserve article. It has been suggested that the allowed 6 percent per annum rate of return does not accurately reflect the current economic situation.

It is proposed that the specified rate of return to be adopted will be applied prospectively to new licenses to be issued. In addition, it is proposed that this Commission will entertain applications from all licensees to amend licenses already issued as of the effective date of any order issued in this proceeding.

This Commission is proposing six possible alternatives for determining the specified rate of return to be used in computing the amortization reserves. This Commission requests any comments and suggestions and reasons therefor, not only on these but also on any other alternatives that may be offered. While this Commission recognizes that some of the alternatives would not be appropriate for all licensees, this Commission is requesting that they comment and suggest adaptations to the proposed rule so that they can comply if it should be adopted.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 18, 1975, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein.

Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conferences.

The proposed amendment to Part 2 of the Commission's General Rules would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 10 (d) and 309 (41 Stat. 1069; 49 Stat. 843: 858–859; 82 Stat. 617; 16 U.S.C. 803(d); 825h).

As Alternative A, it is proposed to add § 2.15 of Part 2, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 2.15 Specified reasonable rate of return.

Pursuant to section 10(d) of the Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydroelectric project licenses shall be one and one-half times a licensee's weighted average long-term debt cost rate.

As Alternative B, it is proposed to add § 2.15 of Part 2, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 2.15 Specified reasonable rate of return.

Pursuant to section 10(d) of the Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydroelectric project licenses shall be 8 percent per annum.

As Alternative C, it is proposed to add § 2.15 of Part 2, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 2.15 Specified reasonable rate of return.

Pursuant to section 10(d) of Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydro-electric project licenses shall be 6 percent per annum: *Provided*, That, if the overall rate of return established for rate purposes by a regulatory body having primary rate jurisdiction from time to time for a licensee differs from 6 percent then such overall rate of return shall be used by such licensee in lieu of the 6 percent.

As Alternative D, it is proposed to add § 2.15 of Part 2, Chapter I of Title 18 of the Code of Regulations to read as follows:

§ 2.15 Specified reasonable rate of return.

Pursuant to section 10(d) of the Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydroelectric project licenses shall be computed at the weighted average long-term debt cost rate plus 3 percent.

As Alternative E, it is proposed to add § 2.15 of Part 2, Chapter I of Title 18 of the Code of Regulations to read as follows:

§ 2.15 Specified reasonable rate of return.

Pursuant to section 10(d) of the Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydroelectric project licenses shall be calculated using capital ratios computed on the basis of the licensee's average capitalization ratios of the prior year and the embedded cost of long-term debt and preferred stock. The cost of common equity will be the average return on common equity as reported in the Federal Power Commission Statistics of Privately Owned Electric Utilities in the United States Classes A & B adjusted for each licensee to reflect variations in the common equity ratio. An example follows:

1. FPC Statistics show average return on common equity to be 12.3 percent and average common equity ratio to be 36.6 percent. If a particular licensee had an average common equity ratio of 39.43 percent, then the adjusted allowable return on equity for such licensee would be 11.4 percent.

$$\left(\frac{12.3}{X} \times \frac{36.6}{39.43} = 11.4 \text{ percent}\right)$$

2. As an illustration and assuming the following capitalization ratios, the specified reasonable rate of return would be 7.42 percent.

	Capitalization ratio/percent	Cost/ percent	Weighted costs percent
Debt	54.92	4.86	2.67
Preferred	5.65	4.50	.25
Common	39.43	11.40	4.50
	100.00		7.42

As Alternative F, it is proposed to add § 2.15 of Part 2, Chapter I of Title 18 of the Code of Regulations to read as follows:

§ 2.15 Specified reasonable rate of return.

Pursuant to section 10(d) of the Federal Power Act, the Commission has determined that the specified reasonable rate of return used in computing amortization reserves for hydroelectric project licenses shall be 6 percent per annum.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18055 Filed 7-10-75;8:45 am]

[18 CFR Part 141]

[Docket Nos. RM75-23, RM75-18]

PLANS AND COSTS FOR METEING CURRENT AIR POLLUTION STANDARDS; MONTHLY POWER STATEMENT AND ELECTRIC UTILITY QUESTIONNAIRE

Notice of Public Conferences

JULY 3, 1975.

Pursuant to § 1.3 of the Commission's rules of practice and procedure, 18 CFR 1.3, notice is hereby given that a public conference shall be convened on July 24, 1975, at the office of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at 10 a.m. to address certain matters relating to proposed Form 67–A[1] and proposed Form 12E–2.[2]

On February 21, 1975 the Commission issued a notice of proposed rulemaking in Docket No. RM75–18 which proposed to enact a new FPC Form No. 67A, a questionnaire to be filed annually in order to create a comprehensive source of information and body of data on the existence, operation and cost of pollution control equipment for the removal of particulate matter and sulfur oxides at utility plants, and on the probable cost of alternative methods for meeting National Ambient Air Quality Standards. Comments have been received from 38 utilities, one regional coordination group, one individual and the Department of the Interior and the Environmental Protection Agency. The various members of ECAR, through their coordination organization and individually, have requested a conference be scheduled with the staff of the Commission to discuss the proposed FPC Form No. 67A. In response to the issues raised in the various comments filed and, moreover, because of the important subject matter covered by this proposed rulemaking, the Commission feels that the public interest would be served by providing interested parties with a further opportunity to present their views on this matter. Consequently a public conference in Docket No. RM75–18 will be convened in Washington, D.C. on July 24, 1975 to consider the general impact of the proposal. A further conference will be scheduled on July 31–August 1, 1975 at 10 a.m. at the regional office of the Federal Power Commission, 31st Floor, Federal Building, 230 S. Dearborn Street, Chicago, Illinois, for the

[1] On March 19, 1975, the Commission issued a notice of proposed rulemaking in Docket No. RM75–18 which proposed a new Form No. 67A. 40 FR 12620.

[2] On March 14, 1975, the Commission issued a notice of proposed rulemaking in Docket No. RM75–23 proposing a new Form 12E–2 to supersede Form 12E–1. 40 FR 11896.

V 40 134 JUL 11 75 XUM

purpose of discussing the drafting details, proposed revisions and substantive problems concerning proposed FPC Form No. 67A.

Because the conference to be convened in Washington, D.C. on July 24, 1975 is intended to be general in nature, the Commission feels it will be appropriate to consider simultaneously in that conference problems of a general nature that interested persons may have regarding the proposed revision of FPC Form No. 12E–1, Monthly Power Statement. On March 6, 1975 the Commission published in the FEDERAL REGISTER notice of its proposal to amend 18 CFR § 141.56 to enact a superseding Form 12E–2 revising and thereby eliminating FPC Form No. 12E–1. See, Docket No. RM75–23, notice of proposed rulemaking, 40 FR 11896. Comments were received in Docket No. RM75–23 from 26 utilities, one government agency and one electric utility coordination group respecting the proposed rulemaking. The character of these comments indicates that the predominant concern regarding the proposed substitution of FPC Form No. 12E–2 for FPC Form No. 12E–1 relate general complaints regarding duplication, administrative burden and need for certain information. Therefore, the conference to be held in Washington will consider such general subjects relating to both Docket Nos. RM75–18 and 75–23. The Commission, moreover, believes that the further views and participation of the Environmental Protection Agency, Department of the Interior, and the Federal Energy Administration in the forthcoming conferences would be valuable and we specifically invite the attendance of these agencies.

Therefore, a conference which will concentrate on specific revisions to proposed FPC Form No. 67A will be convened in Chicago, Illinois on July 31–August 1, 1975 at 10 a.m. at the Federal Power Commission regional office, 31st Floor, Federal Building, 230 S. Dearborn Street, Chicago, Illinois. Any comments relating to specific revisions to FPC Form No. 67A will be addressed at that time. The national implications of Proposed FPC Form No. 67A as well as the proposed superseding FPC Form No. 12E–2 shall be discussed at the conference convened in Washington, D.C. at the Federal Power Commission, 825 North Capitol Street, NE. at 10 a.m. on July 24, 1975. All interested parties are urged to participate in either or both conferences according to their interest in the respective subject matters to be addressed at each, as outlined above.

Each conference is open to members of the general public who upon recognition by the presiding officer of the conference may offer their comments as to the relevant issues under discussion. Each conference shall be of record. Parties desiring to place written presentations into the record should provide the Staff with at least one original and nine copies of such submission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18056 Filed 7–10–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230 and 240]

[Release Nos. 33–5589, 34–11464, IC–8816; File No. S7–568]

STANDARDIZATION OF MONEY MARKET FUND YIELD QUOTATIONS

Notice of Proposed Guidelines

Correction

In FR Doc. 75–16890, appearing at page 27492, in the issue for Monday, June 30, 1975, in the second column, the fifth paragraph, beginning with the words "There has been some uncertainty", should be changed to appear at the bottom of the column as part of footnote 2 immediately below paragraph (2).

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[Pub. Notice CM–R5/3]

DEPARTMENT OF STATE

ADVISORY COMMITTEES

Reports on Closed Sessions

The Federal Advisory Committee Act and the Office of Management and Budget Circular A–63 (March 27, 1974) requires that an annual report be compiled to cover each closed or partially closed meeting held by an advisory committee. The reports on such meetings held by the Advisory Committee on the Law of the Sea and the Northwest Atlantic Fisheries Advisory Committee are now available to the public in the Rare Book Room, Second Floor, Main Building, Library of Congress, 10 First Street, SE, Washington, D.C. 20540.

The reports for five other advisory committees having held closed sessions were previously sent to the Library of Congress (40 FR 27956, July 2, 1975). This completes the closed or partially closed meeting reports of the advisory committees of the Department of State for the year 1974.

The U.S. International Educational and Cultural Affairs Commission held a partially closed meeting on February 25, 1975, and the annual report required by section 10(d) of the Federal Advisory Committee Act has been prepared and copies of that report are now available in the Rare Book Room of the Library of Congress.

SUE M. MORELAND,
Advisory Committee Management Officer.

JULY 3, 1975.

[FR Doc.75–18080 Filed 7–10–75;8:45 am]

[Pub. Notice CM–5E/2]

ADVISORY COMMITTEE FOR THE UNITED STATES PARTICIPATION IN THE U.N. CONFERENCE ON HUMAN SETTLEMENTS (HABITAT)

Establishment of an Advisory Committee

Pursuant to Pub. L. 92–463, section 9(a)(2), and with the concurrence of the Director, Office of Management and Budget, the Department of State has established the Advisory Committee for the United States Participation in the U.N. Conference on Human Settlements (Habitat).

It has been determined that it is in the public interest to have a committee of public members to advise the Department in preparation for the U.N. Conference on Human Settlements scheduled for May–June 1976 in Vancouver, Canada. The Committee will give advice on the substantive aspects, which are expected to be on the Conference agenda, such as national urban development, national and local planning, and institutions, as well as the interrelated issues of land use, energy conservation, transportation, etc.

The Advisory Committee will have three Government officials and 35 public members. The public members will include a broad cross section of professionals, local government and general public interested organizations representing, inter alia, urban and rural, business, labor and minorities interests.

It is anticipated that this Advisory Committee will conclude its work with a final conference report by December 1976.

SUE M. MORELAND,
Advisory Committee Management Officer.

JULY 3, 1975.

[FR Doc.75–18081 Filed 7–10–75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 151]

DISTRICT DIRECTORS OF INTERNAL REVENUE

Delegation of Authority to Disclose Certain Information to Department of Labor

JUNE 25, 1975.

Pursuant to authority vested in the Commissioner of Internal Revenue by section 6103(g) of the Internal Revenue Code of 1954 and Treasury Department Order No. 150–37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the Key Districts for Employee Plans and Exempt Organizations matters the authority to furnish the Department of Labor and the Pension Benefit Guaranty Corporation the following with respect to applications for determination regarding qualification of employee plans:

(1) Employer name and address,
(2) Employer identifying number,
(3) Plan name,
(4) Plan number,
(5) District code,
(6) Case number, and
(7) Date received.

This authority may be redelegated but not below Chiefs, Service Units, Employee Plans and Exempt Organizations Divisions.

Effective date: June 25, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–18112 Filed 7–10–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 5, 1975; Tuesday, August 12, 1975; Tuesday, August 19, 1975; and Tuesday, August 26, 1975, at 9:45 a.m. in Room 1E–801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 USC 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 522(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting

V40134 JUL 11 75 XUM

the Chairman, Department of Defense Wage Committee, Room 3D281, the Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

JULY 8, 1975.

[FR Doc.75-18011 Filed 7-10-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Juvenile Delinquency Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

The Task Force will meet on July 25 and 26, 1975. The meeting will be held at the Sheraton O'Hare, 6810 Mannheim Road, Rosemont, Illinois 60018. The meeting will convene at 10 a.m. and will be open to the public. Discussion will continue on standards for juvenile justice.

For further information, contact William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-18010 Filed 7-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ACCELERATED OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a possible acceleration of Outer Continental Shelf oil and gas leasing in 1975 and succeeding years. Frontier areas of the U.S. Outer Continental Shelf are proposed for consideration as possible leasing areas. Single copies of the final environmental statement can be obtained from the following offices:

Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Atlantic OCS Office, Bureau of Land Management, 8 World Trade Center, Suite 600D, New York, New York.

Alaska OCS Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510.

Gulf of Mexico OCS Office, Bureau of Land Management, 1001 Howard Avenue, New Orleans, Louisiana 70113.

Pacific OCS Office, Bureau of Land Management, 300 North Los Angeles Street, Los Angeles, California 90012.

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

Approved: July 9, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-18131 Filed 7-9-75;11:25 am]

Bureau of Mines

[Bureau of Mines Manual Chapter 544.2]

MINERALOGICAL SERVICES

Statement of Policy

This notice is issued in compliance with 5 U.S.C. 552. The material contained herein is a general statement of policy which serves to assist persons who seek information on samples collected in the course of prospecting for mineral deposits.

The Bureau of Mines hereby publishes for the public record a policy statement concerning mineralogical identification services that the Bureau has provided to the public in the past, and will continue to furnish in the future.

As an assistance to the public in the search for new mineral deposits within the territorial limits of the United States, the Bureau of Mines makes macroscopic and petrographic examinations of mineral specimens, submitted by individuals, to help in determining the mineralogical content of the specimen, general characteristics of the sample, and the potential commercial importance of the minerals present. The Bureau does not perform chemical constituent analyses of mineral samples submitted by the public as such service is available from commercial assayers. However, the Bureau, at its option, may make spectrographic, X-ray, or chemical analysis of those samples which it finds contain unusual mineralogical content or associations, or samples that may be of particular interest to the Bureau. Responsible officials of the Bureau may at their discretion limit the number of samples they will accept for such mineralogical examination. This service may be obtained by submitting samples to any of the following locations, either in person or by mail. The size of each sample should not exceed 1 pound in weight.

Research Director, Albany Metallurgy Research Center, Bureau of Mines, P.O. Box 70, Albany, Oreg. 97321.

Chief, Boulder City Metallurgy Research Laboratory, Bureau of Mines, 500 Date St., Boulder City, Nev. 89005.

Research Director, College Park Metallurgy Research Center, Bureau of Mines, College Park, Md. 20740.

Research Director, Reno Metallurgy Research Center, Bureau of Mines, 1605 Evans Ave., Reno, Nev. 89505.

Research Director, Rolla Metallurgy Research Center, Bureau of Mines, Box 280, Rolla, Mo. 65401.

Research Director, Salt Lake City Metallurgy Research Center, Bureau of Mines, 1600 East First South, Salt Lake City, Utah 84112.

Chief, Tuscaloosa Metallurgy Research Laboratory, Bureau of Mines, Box L, University, Ala. 35486.

Research Director, Twin Cities Metallurgy Research Center, Bureau of Mines, P.O. Box 1660, Twin Cities Airport, Twin Cities, Minn. 55111.

Assistant Director—Metallurgy, Bureau of Mines, 2401 E St. NW., Washington, D.C. 20241.

Effective date. This policy shall continue in effect as of July 11, 1975.

Dated: July 7, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-18009 Filed 7-10-75;8:45 am]

National Park Service

[Order No. 3]

ADMINISTRATIVE OFFICER, ET AL., ACADIA NATIONAL PARK

Delegation of Authority

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for equipment, supplies or services.

1. Administrative Officer. The Administrative Officer, Acadia National Park, may execute, approve and administer contracts not in excess of $2,000 for supplies, equipment or services, including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Acadia National Park.

2. Administrative Technician. The Administrative Technician, Acadia National Park, may issue Purchase Orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Technician in behalf of any office or area administered by Acadia National Park.

3. Chief of Park Operations. The Chief of Park Operations, Acadia National Park, may issue Purchase Orders not in excess of $500 for supplies, equipment and services, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds, in behalf of the Acadia Youth Conservation Corps.

4. This order supersedes Acadia National Park Order No. 2 dated May 23, 1972 (37 FR 12734 dated June 28, 1972).

(National Park Service Order No. 77 (38 FR 7478), as amended; North Atlantic Region Order No. 1 (39 FR 3695))

KEITH MILLER,
Superintendent, Acadia National Park.

[FR Doc.75-18064 Filed 7-10-75;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, ET AL., COULEE DAM NATIONAL RECREATION AREA

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $25,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and availability of appropriated funds.

SEC. 2. *Purchasing Agent.* The Purchasing Agent may issue purchase orders not in excess of $10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 3. *Revocation.* This order supersedes all previous delegations of authority issued by the Superintendent of Coulee Dam National Recreation Area. (National Park Service Order No. 77 (38 FR 7478) as amended; Pacific Northwest Region Order No. 3 (37 FR 6325) as amended.

WILLIAM N. BURGEN,
Superintendent, Coulee Dam Coulee Dam National Recreation Area.

[FR Doc.75-18060 Filed 7-10-75;8:45 am]

[Order No. 6, Amdt. 1]

ADMINISTRATIVE OFFICER, ET AL., EVERGLADES NATIONAL PARK

Delegation of Authority

Section 2 of Order No. 6 published in the FEDERAL REGISTER of July 25, 1972 (FR 14821) is hereby canceled and superseded as follows:

SECTION 2. *General Supply Assistant.* The General Supply Assistant, Everglades National Park, may issue purchase orders not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Assistant in behalf of any coordinated areas.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 5 (37 FR 7721) as amended)

Dated: April 4, 1975.

JACK E. STARK,
Superintendent, Everglades National Park.

[FR Doc.75-18063 Filed 7-10-75;8:45 am]

[Order No. 4]

ADMINISTRATIVE OFFICER, ET AL., INDEPENDENCE NATIONAL HISTORICAL PARK

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts not in excess of $50,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any area administered by Independence National Historical Park.

SEC. 2. *Procurement Agent.* The Procurement Agent may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Procurement Agent in behalf of any area administered by Independence National Historical Park.

SEC. 3. *Revocation.* This order supersedes Order No. 3 dated September 22, 1967 and published in 32 FR 13988 on October 7, 1967.

(National Park Service Order No. 77 (38 FR 7478) as amended; Mid-Atlantic Region Order No. 1 (39 FR 3694) as amended)

Dated: March 13, 1975.

HOBART G. CAWOOD,
Superintendent, Independence National Historical Park.

[FR Doc.75-18062 Filed 7-10-75;8:45 am]

[Order No. 1]

ADMINISTRATIVE SERVICES ASSISTANT, KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK

Delegation of Authority

SECTION 1. *Administrative Services Assistant.* The Administrative Services Assistant may issue purchase orders not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 5 (37 FR 7721) as amended)

Dated: April 2, 1975.

JOE R. MILLER,
Superintendent, Kennesaw Mountain National Battlefield Park.

[FR Doc.75-18066 Filed 7-10-75;8:45 am]

[Order No. 11]

ASSISTANT SUPERINTENDENT, ET AL., NATCHEZ TRACE PARKWAY

Delegation of Authority

Delegation of authority regarding execution of contracts for supplies, equipment, or services.

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve, and administer contracts not in excess of $75,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Assistant Superintendent in behalf of any office or area administered by the Natchez Trace Parkway.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by the Natchez Trace Parkway.

SEC. 3. *Contract Specialist.* The Contract Specialist may execute, approve, and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Contract Specialist in behalf of any office or area administered by the Natchez Trace Parkway.

SEC. 4. *Supervisory Park Rangers.* The Supervisory Park Rangers in grades GS-9 and above may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 5. *Park Rangers (General).* The Park Rangers (General) in grades GS-9 and above may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 6. *Facility Managers.* Facility Managers in grades GS-11 and above may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 7. *Maintenanceman Foremen.* Maintenanceman Foremen may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 8. *Maintenance Worker Foreman.* Maintenance Worker Foreman may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

V 40 134 JUL 11 75 XUM

SEC. 9. *Automotive Mechanic.* The Automotive Mechanic may issue field purchase orders (SF–44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 10. *Clerk (Typing).* The Clerk (Typing) at Ridgeland may issue field purchase orders (SF–44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 11. *Maintenanceman Leader.* The Maintenanceman Leader at Tupelo may issue field purchase orders (SF–44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 12. *Revocation.* This Order supersedes Order No. 10 which was issued September 19, 1974 (40 FR 2847).

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 5 (37 FR 7721) as amended)

Dated: April 2, 1975.

C. W. OGLE,
Superintendent,
Natchez Trace Parkway.

[FR Doc.75–18065 Filed 7–10–75;8:45 am]

[Order No. 3]

PROCUREMENT CLERK, ET AL., HAWAII VOLCANOES NATIONAL PARK

Delegation of Authority

Procurement Clerk et al., Delegation of Authority regarding execution of purchase orders for supplies, equipment, or services.

SECTION 1. *Procurement Clerk:* The Procurement Clerk may issue purchase orders not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriatal.

SEC. 2. *Supervisory Park Rangers et al.* The Chief Park Ranger, Chief Park Naturalist, Management Ecologist, and Kalapana District Ranger may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 3. *Park Engineer et al.* The Park Engineer, B&U Maintenance Foreman, and R&T Maintenance Foreman may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriative funds.

SEC. 4. *Redelegation.* The authority delegated in Sections 1, 2, and 3, above, may not be redelegated.

SEC. 5. *Revocations.* This order supersedes Order No. 2, as published in 37 F.R. 18406, dated September 9, 1972.

(National Park Service Order No. 77 (38 FR 7478) dated March 22, 1973, as amended; Western Region Order No. 7 (37 FR 6326) dated March 28, 1972, as amended)

Dated: March 3, 1975.

BRYAN HARRY,
Superintendent,
Hawaii Volcanoes National Park.

[FR Doc.75–18061 Filed 7–10–75;8:45 am]

COLONIAL NATIONAL HISTORICAL PARK

Intention to Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before August 11, 1975, the Department of the Interior, through the Director of the National Park Service, proposes to issue a concession permit to Swan Tavern Antiques, authorizing it to provide concession facilities and services for the public at Colonial National Historical Park, for a period of five (5) years from January 1, 1976, through December 31, 1980.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Superintendent, Colonial National Historical Park, Yorktown, Virginia.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 11, 1975.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed permit.

Dated: June 27, 1975.

JOHN E. COOK,
Associate Director,
National Park Service.

[FR Doc.75–18059 Filed 7–10–75;8:45 am]

FIRE ISLAND NATIONAL SEASHORE

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Watch Hill Concessions, Inc., authorizing it to provide concession facilities and services for the public at Fire Island National Seashore, for a period of five (5) years from January 1, 1975, through December 31, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Superintendent, Fire Island National Seashore, or the North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 11, 1975.

Interested parties should contact the Assistant Director, Concessions, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 1, 1975.

JOHN E. COOK,
Associate Director,
National Park Service.

[FR Doc.75–18058 Filed 7–10–75;8:45 am]

WHISKEYTOWN/SHASTA/TRINITY NATIONAL RECREATION AREA, CALIF.

Notice of Intent

Notice is hereby given that the National Park Service will hold two public meetings in Northern California during October, 1975, to provide for public involvement and citizen participation in developing the Master Plan for the Whiskeytown Unit, Whiskeytown/Shasta/Trinity National Recreation Area, California.

The public meetings will be held in Redding, California, October 14, 1975, in the Main Conference Room, Hilton Inn, 2180 Milltop Drive, at 7:30 p.m., and in Arcata, California, October 15, 1975, in the Wildlife Auditorium, Building 206, Humboldt State University at 7:30 p.m.

Prior to and concurrent with these public meetings will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these public meetings and consultations is to provide for wide public involvement, including ideas, suggestions and comments from individuals and organizations on the concepts and composition of the Draft Master Plan and its Environmental Assessment for the Whiskeytown Unit of the Whiskeytown/Shasta/Trinity National Recreation Area prior to drafting a final version of the Master Plan.

Any one wanting additional information on the public meetings, the National Park Service planning process, or wishing to submit comments on the Draft Master Plan and Environmental Assessment may write to the Superintendent, Whiskeytown National Recreation Area, P.O. Box 188, Whiskeytown, California 96095.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

JUNE 25, 1975.

[FR Doc.75–18057 Filed 7–10–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A237]

NEBRASKA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Garden County, Nebraska, as a result of a natural disaster consisting of a blizzard and snowstorm March 26 and 27, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than August 25, 1975, for physical losses and March 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of July, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–18109 Filed 7–10–75;8:45 am]

Soil Conservation Service

FREDONIA NATURAL RESOURCE CONSERVATION DISTRICT, ARIZONA

Notice of Equipment Grant Eligibility

Notice of equipment grant eligibility determination notice is hereby given, in accordance with 7 CFR 662–2(c), of a determination that the Fredonia Natural Resource Conservation District, Fredonia, Arizona 86022, is eligible for a grant of the following items of equipment to carry out soil and water conservation work:

Grader, Road, Caterpillar, Diesel TD–18 w/ Bulldozer, Tractor, International Crawler Compressor, Portable, Jaeger.

The grant is subject to the availability of the equipment from Federal excess property sources and may be made after August 11, 1975.

GEORGE C. MARKS,
State Conservationist.

[FR Doc.75–18006 Filed 7–10–75;8:45 am]

EAST FRANKLIN WATERSHED PROJECT, LOUISIANA

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the East Franklin Watershed Project, Catahoula, Franklin, and Richland Parishes, Louisiana, USDA–SCS–EIS–WS–(ADM)–75–2–(F)–LA.

The EIS concerns a plan for watershed protection, flood prevention, and drainage. The planned work of improvement includes conservation land treatment supplemented by channel work. The channel work will include clearing and debris removal on 15 miles of existing channels, 6 miles of new channel construction, and 165 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 74 percent agricultural cropland and grassland. Of the 186 miles of work proposed on existing streams or channels, 160 miles will involve those with only ephemeral flow. The balance involves existing ponded or flowing water or completely new channels where none existed before.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Post Office Box 1630, Alexandria, La. 71301.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: July 2, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–18007 Filed 7–10–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 22(73)–1]

GUSTAV DIETER PESE; TRIER, FEDERAL REPUBLIC OF GERMANY

Order Denying Export Privileges

The Compliance Division, with the concurrence of the Office of General Counsel, has petitioned for the imposition of sanctions upon the subject respondent, Gustav Dieter Pese of Trier, Federal Republic of Germany (hereinafter, FRG). The investigation of the case commenced in April 1970. Based upon a preliminary examination of evidence indicating that Pese had, in violation of the Export Administration Regulations (hereinafter, the export regulations), ordered a U.S.-origin, strategically rated, testing system for a party which had been denied export privileges since July 20, 1965, Caramant Gesellschaft fuer Technik und Industrie M.b.H. & Co., K.G. Wiesbaden, FRG, interrogatories dated December 29, 1972, were served upon him. Pese responded by a letter dated June 8, 1973, in which he made statements which were contradicted by evidence previously obtained by the Compliance Division. Specifically, Pese stated in his response that the aforementioned system was bought by his company for the purpose of testing electronic components, that he had never completed a purchase in the name and the account of Caramant, that when the equipment arrived, he was forced to find a buyer, in order to pay the company which had sold the system to him, and that he had sold the equipment to Caramant for the sole purpose of satisfying the creditor.

The evidence showed, however, that on or about August 1, 1969, Caramant ordered from the respondent the aforesaid testing system (with parts and accessories) valued at approximately $52,700, that the respondent, on or about August 5, 1969, pursuant to that agreement, placed an order for the said testing system with the American manufacturer's representative in Cologne, FRG, that the manufacturing company on or about November 4, 1969, filled the respondent's order by exporting the testing system from the United States to him in the FRG, and that, for his role in that transaction, the respondent was to receive a 3 percent commission from the denied party, Caramant. The evidence showed, further, that the testing system was ultimately reexported by Caramant to an East European Communist country.

The respondent has not answered the charging letter dated September 5, 1974, issued against him for alleged violation of § 387.5 of the export regulations by having knowingly made false and misleading statements and concealed material facts in his response to the interrogatories. By a memorandum dated November 7, 1974, the Office of General Counsel, representing the Compliance Di-

V40134 JUL 11 75 XUM

vision, requested that the respondent be held in default, in accordance with § 388.4 of the export regulations, for failure to answer the charging letter in the prescribed time period set forth in § 388.5 of those regulations. Accordingly, for failure to answer the charging letter in a timely manner, the respondent is held in default.

Consistent with usual practice in default cases, an informal hearing was held on June 17, 1975, at which the record in the case was reviewed.

The Hearing Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, including findings of fact, together with a recommendation that sanctions be imposed against the respondent. On the basis of the Hearing Commissioner's submissions and the supporting evidence, I conclude that the respondent, Gustav Dieter Pese, violated § 387.5 of the export regulations by having knowingly made false and misleading statements and concealed material facts in response to duly served interrogatories, issued by the Compliance Division, in the course of an official inquiry, pursuant to the Export Administration Act of 1969, as amended. Section 388.4 of the export regulations provides, in pertinent part, that, "Any order * * * issued [following a finding of default] shall have the same effect as an order issued following the disposition of contested charges". With regard to determination of the appropriate sanction in this case, several elements are of particular significance. The making of false and misleading statements and the concealment of material facts are serious matters, by their very nature, in a system of export controls which relies for its effectiveness largely upon voluntary compliance and the basic integrity of exporters. The facts that the false and misleading statements and the concealment of material facts involved dealings with a denied party, and further, the transfer to that party of a strategically-rated commodity which, ultimately, was reexported to an East European Communist country, render the offense charged particularly grave. It is therefore, ordered:

I. All outstanding validated export licenses concerned with or affecting any transaction in which the respondent has any interest, direct or indirect, are hereby revoked and are ordered to be returned forthwith to the Office of Export Administration.

II. Except as qualified in III, below, the respondent, his successors or assigns, partners, representatives, agents and employees are hereby denied for the duration of export controls, the privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction either in the United States or abroad shall include participation directly or indirectly, in any manner or capacity:

A. As a party or as a representative of a party to any validated export license application;

B. In the preparation or filing of any export license application or reexport authorization, or any document to be submitted therewith;

C. In the obtaining or using of any validated or general export license or other export control document;

D. In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States.

III. Five years after the effective date of this Order the respondent may apply to have some portion or all of the effective period of denial of his export privileges held in abeyance while he remains on probation. Such application must be supported by evidence showing his compliance with the terms of this Order and with the provisions of the export regulations. For such application, the respondent shall also make available to, and permit examination by, the Office of Export Administration of such of his records as that Office deems necessary to determine whether the respondent has complied with this Order and the export regulations. Such application will be considered on its merits. The respondent's export privileges may be restored and probation imposed, under such terms and conditions as may then appear to be appropriate.

IV. Such denial of export privileges shall extend not only to the respondent, but also, to his agents and employees and to any successor, and to any person, firm, corporation, partnership, or other business organization with which the respondents now or hereafter may be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

V. During the time when the respondent or other parties within the scope of this Order are denied export privileges, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from, the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of, or in any association with, the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom, or have any interest or participation therein, directly or indirectly.

A. Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document, relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported, or to be exported from the United States, by, to, or for the respondent or related party;

B. Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any transaction which may involve the respondent or related party in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States or which is otherwise subject to the export regulations.

VI. The respondent may, in accordance with Section 388.4 of the export regulations, apply, upon good cause shown, together with evidentiary data in support thereof, to set aside his default and to vacate this Order. Such application must be duly sworn before an official qualified to take oaths and shall be submitted in duplicate to the Director, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, U.S.A. This Order will, however, remain in full force and effect pending final action upon the application by the Director, Office of Export Administration.

VII. A copy of this Order shall be served on the respondent.

Dated: June 30, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-18008 Filed 7-10-75;8:45 am]

[File No. 28(71)-28]

LINCALOY, INC., AND ATLANTIC EQUIPMENT AND SUPPLY CO.

Order Imposing a Civil Penalty, and a Period of Denial of Export Privileges, and Probation

In the matter of Lincoln E. Robinson, Jr., Urbanizacion Garcia, Calle 3, No. 50 Altos, Aguadilla, Puerto Rico, doing business under the trade names and styles, Lincaloy, Inc., and Atlantic Equipment and Supply Co., West Hazleton, Pennsylvania and related parties, respondents.

On December 23, 1971, a Temporary Denial Order was issued against Lincoln E. Robinson, Jr., doing business under the trade names and styles, Lincaloy, Inc., and Atlantic Equipment and Supply Company of West Hazleton, Pennsylvania, and the related parties, Holstein Shoe Supply and Bay Colony Rubber Company of West Hazleton, Pennsylvania, Atlantic Equipment and Supply Company, Bay Colony Trading Company, Bahia Trading Company, Lincaloy Company, Holstein Shoe Supply, Lincedt Parts, Bay Colony Rubber Company, and Bahia Trading Limited of Aguadilla, Puerto Rico, and Lincaloy, Incorporated and Lincaloy Bahia Trading Company of Grand Cayman, British West Indies (36 FR 25172). On March 20, 1972, an Order Extending Temporary Denial of Privileges was issued against the same parties to be in effect until further notice (37 FR 5970).

By a letter dated May 29, 1973, the Director, Compliance Division, Office of Export Control, (now, Office of Export Administration) Bureau of East-West Trade, charged Lincoln E. Robinson, Jr., using the trade names and styles, Lincaloy, Inc. and Atlantic Equipment and Supply Company, with certain violations of the Export Administration Regulations (hereinafter, the regulations) promulgated under the Export Administration Act of 1969, as amended. The charging letter, duly served, informed the respondent that, pursuant to § 388.3 of the regulations, administrative proceedings had been instituted against him for the purpose of obtaining an order imposing sanctions provided in § 388.1 of the regulations.

The charging letter stated that:

Respondent Lincoln E. Robinson, Jr. on eleven occasions, violated §§ 387.2 and 387.6 of the United States Export Control Regulations in that [he] exported or caused certain United States-origin commodities to be exported from the United States to Austria and Grand Cayman, British West Indies, without having applied for and obtaining [sic] the requisite validated export license from the Office of Export Control which [he] knew or should have known was required by § 372.1(b) of said regulations.

Respondent Lincoln E. Robinson, Jr. on five occasions violated § 387.5 of the United States Export Control Regulations in that [he] made or caused to be made false and misleading representations and certifications to, and concealed material facts from the Bureau of Customs and the Office of Export Control . . . in that [he] used or caused to be used general license symbol "G-DEST" on the Shipper's Export Declarations knowing or having reason to know with respect thereto, that the exports to be effected thereunder did not meet the terms, provisions and conditions of said general license as set forth in §§ 371.2 and 399.1 of the United States Export Control Regulations.

Pursuant to § 388.10 of the regulations, by agreement of the Director, Compliance Division, and the respondent, there was submitted to the Hearing Commissioner a consent proposal for the issuance of an Order, as hereinafter set forth.

For the purposes of the consent proposal, and as a part thereof, the respondent accepted jurisdiction of the forum, admitted the charges set forth in the charging letter of May 29, 1974, waived the right to an oral hearing before the Hearing Commissioner, agreed to the issuance of an Order to be entered by the Director of the Office of Export Administration, waived all rights of administrative appeal from, and judicial review of, that order and waived all rights to request a refund of the civil penalty payment.

The Hearing Commissioner has considered the facts in the case and the respondent's proposal. He has approved the proposal and recommended that it be accepted by the Director, Office of Export Administration. The undersigned Director, having considered the Hearing Commissioner's report and the consent proposal, hereby makes the following:

FINDINGS OF FACT

I. During the period February 1971, to September 1971, the respondent, using the trade styles, Lincaloy Incorporated, and Atlantic Equipment and Supply Company, exported or caused to be exported from the United States in eleven shipments electronic equipment.

II. All of these shipments were made by the respondent or his agent, without applying for and obtaining the requisite validated export licenses from the then Office of Export Control, which the respondent knew or had reason to know were required.

III. Of the eleven shipments, five were made from the United States directly to Austria and six were made to Grand Cayman, British West Indies, and from there all except one of the six were onforwarded to Austria.

IV. The one excepted shipment was onforwarded to Israel.

V. On five of the Shipper's Export Declarations, under which the exports were cleared through the Bureau of Customs, the respondent caused to be certified and represented to the Bureau of Customs and the then Office of Export Control that each shipment was properly exportable from the United States to Austria under general license "G-DEST."

VI. The respondent knew or had reason to know that a validated export license was required and that the subject electronic equipment could not be properly exported under general license "G-DEST."

Based on the respondent's admission of the substance of the charges and evidence gathered during the investigation of the case, I have concluded that the respondent has violated §§ 387.2, 387.5, and 387.6 of the Export Administration Regulations in the manner described in the charging letter of May 29, 1973.

It is therefore, ordered:

I. Pursuant to § 388.1(a)(4) of the Export Administration Regulations, a civil penalty of five thousand five hundred dollars ($5,500) is imposed on the respondent. Said sum is to be paid to the Treasurer of the United States.

II. The export privileges of Lincoln E. Robinson, Jr., are denied for a period of 24 months during which time he will be prohibited from participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or which are otherwise subject to United States Export Administration Regulations.

III. Six months after the effective date of this Order, the export privileges of the respondent shall be restored conditionally and the respondent shall be on probation for the remainder of the denial period. The conditions of probation are that the respondent shall fully comply with all of the requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

IV. Upon a finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of the Order or with any of the conditions of probation, said official, without notice when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of the respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the period of the Order. Such supplemental order shall not preclude the Bureau of East-West Trade from taking such further action for any violations as it shall deem warranted. On the entry of a supplemental order revoking the respondent's probation without notice, he may file objections and request an oral hearing as provided in Section 388.16 of the United States Export Administration Regulations, but pending such further proceedings, the Denial Order shall remain in effect.

V. Certain exceptions from the Denial Order have been granted in a letter to respondents issued concurrently with the Order. The dealings of the respondents within the terms of said exceptions shall not be considered to be in violation of this Order.

VI. During the time when the respondent is prohibited from engaging in any activity within the scope of this Order, unless an exception has been specifically granted by the Department of Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or, (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VII. The terms of this Order apply not only to Lincoln E. Robinson, Jr., individually, but also to the parties the names of which appear in the Temporary Denial Order of December 23, 1971, the Order Extending Temporary Denial of Privileges of March 20, 1972, and in the first paragraph of this Order.

VIII. This Order supersedes orders previously issued against the respondents, insofar as those orders are inconsistent with the terms of this one.

The dealings of parties with the respondent within the terms of the excep-

V 40134 JUL 11 75 XUM

tions referred to shall not be considered to be in violation of this Denial Order.

This Order shall become effective on July 11, 1975.

Dated: June 30, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-18067 Filed 7-10-75;8:45 am]

[File Nos. 23(72)-8, 23(72)-3]

PETER LORENZ, ET AL.

Order Denying Export Privileges

In the matter of Peter Lorenz, Lorenz EDV-Unternehmensberatung Lorenz Datenservice and Hans Jurgen Filter (with principal offices in Stuttgart, Federal Republic of Germany), respondents.

Effective June 23, 1972, an order temporarily denying export privileges for 60 days was issued against Peter Lorenz, Lorenz EDV-Unternehmensberatung, respondents, and Lorenz Datenservice GmbH, Lorenz EDV-Systeme-Zubenhor-Kaumausstattung GmbH, IRI Institut Fur Rationalisierung und Informatik GmbH, Informa Computerverbung und Demoskopie, and AFD Akademie Fur Datenverarbeitung e.V., related parties (37 FR 12980, June 30, 1972). The principal offices of these organizations are in Stuttgart, Federal Republic of Germany (hereinafter, FRG), with branches in Frankfurt, Munich, Dusseldorf and Vienna, Austria. Peter Lorenz operates out of Stuttgart and controls Lorenz EDV-Unternehmensberatung (hereinafter, Lorenz EDV).

In a letter dated August 1, 1972, interrogatories were transmitted to Peter Lorenz. He responded by a letter dated September 7, 1972, which is a part of the case record.

By an order effective August 18, 1972, the temporary denial was extended for 45 days (37 FR 16987, August 23, 1972). A further final extension of the temporary denial, this time until the completion of administrative compliance proceedings, was issued by an order effective October 5, 1972, (37 FR 21545, October 12, 1972).

A basis for the original Order was reasonable cause to believe that Peter Lorenz and Lorenz EDV had received in the FRG, a computer system, which was subject to U.S. export controls, valued at approximately $1,400,000 and had reexported that system, without the required validated export license, to the U.S.S.R., with knowledge that such export was in violation of the then U.S. Export Control Regulations. A further basis for that Order was reasonable cause to believe that Lorenz and Lorenz EDV had ordered and was then having installed in the FRG a computer system, which was also subject to U.S. export controls and which was more sophisticated than that believed to have been earlier shipped to the U.S.S.R. and which Lorenz and Lorenz EDV likely intended to reexport from the FRG to an unauthorized destination.

The extensions were based upon the export to which reference has been made above and upon the requirement for further investigation of the Intended disposition of the second, more sophisticated, computer also referred to above.

A motion to vacate the Temporary Denial Order was submitted by Lorenz and, at his request, a hearing was held on the matter. Although Lorenz was granted immunity from arrest, and was expected to attend, he did not appear. Hans Jurgen Filter, "Executive Officer", and representative of Lorenz and the Lorenz companies did, however, participate in the hearing. Based upon the evidence of record, the motion was denied.

Exceptions to the Temporary Denial Order were requested by Lorenz and by companies not related to him by ownership or control. A number of the requests were granted, under strictly limited conditions, where such action was regarded as consistent with the policies of the Export Administration Regulations.

A charging letter dated October 16, 1972, was issued against Peter Lorenz, Lorenz EDV, and Lorenz Datenservice GmbH. Lorenz answered the charges by a letter dated November 21, 1972.

An amended charging letter, dated June 25, 1974, was issued against Peter Lorenz, Lorenz EDV, Lorenz Datenservice GmbH and Hans Jurgen Filter (hereinafter, the respondents). Filter was named for his actions as "Executive Officer" and representative for Lorenz and Lorenz companies Filter submitted his answer to the charges by a letter dated August 8, 1974. Peter Lorenz submitted an answer on his own behalf and on that of Lorenz EDV and Lorenz Datenservice GmbH by a letter of August 16, 1974. Both answers are a part of the case record.

An application has been made to the Hearing Commissioner for an order imposing sanctions against the abovenamed respondents. The Hearing Commissioner has reviewed the application and the evidence presented in support thereof and the submissions of the respondents, and has submitted his report, together with a recommendation that the application be granted. On the basis of the Hearing Commissioner's submission, the answers of the respondents and the supporting evidence, I conclude that:

A. As set forth in Charge I of the amended charging letter and in the Report and Recommendation of the Hearing Commissioner, the respondent Peter Lorenz, acting individually and for the respondents Lorenz EDV and Lorenz Datenservice GmbH, violated §§ 387.4 and 387.6 of the United States Export Administration Regulations in the process of having knowingly reexported or caused to be reexported from the Federal Republic of Germany to the U.S.S.R., a computer system which was subject to United States export controls, without prior authorization from the Office of Export Administration, United States Department of Commerce, required by § 374.1 of the United States Export Administration Regulations.

B. As set forth in Charge II of the amended charging letter and in the Report and Recommendation of the Hearing Commissioner, the respondent Peter Lorenz, acting individually and for the respondents Lorenz EDV and Lorenz Datenservice GmbH, violated Section 387.5 of the United States Export Administration Regulations on two occasions during the course of official inquiries to determine the disposition of the aforementioned computer system, conducted by the United States Consulate General in Stuttgart, in behalf of the Office of Export Administration under the Export Administration Act of 1969, by having knowingly made false and misleading statements and concealed materials facts concerning the true disposition of said equipment.

C. As set forth in Charge III of the amended charging letter and in the Report and Recommendation of the Hearing Commissioner, the respondent Peter Lorenz, acting individually and for the respondent, Lorenz Datenservice GmbH, violated §§ 387.4 and 387.6 of the United States Export Administration Regulations in the process of having knowingly reexported or caused to be reexported from the Federal Republic of Germany to the U.S.S.R., two United States-origin oscilloscopes, subject to U.S. export controls, without prior authorization from the Office of Export Administration, United States Department of Commerce required by § 374.1 of the United States Export Administration Regulations.

D. As set forth in Charge IV of the amended charging letter and in the Report and Recommendation of the Hearing Commissioner, the respondents Peter Lorenz and Hans Jurgen Filter, acting individually and for the respondent Lorenz Datenservice GmbH, violated §§ 387.4 and 387.6 of the United States Export Administration Regulations by having knowingly reexported or caused to be reexported from the Netherlands to the U.S.S.R. a second computer system and a console printer which were subject to U.S. export controls, without prior authorization from the Office of Export Administration, United States Department of Commerce, required by §§ 374.1 of the United States Export Administration Regulations.

E. As set forth in Charge V of the amended charging letter and in the Report and Recommendation of the Hearing Commissioner, the respondent, Peter Lorenz*, violated § 387.5 of the United States Export Administration Regulations during the course of an official inquiry, on February 14, 1973, at the Compliance Division, Office of Export Administration, by having knowingly made false and misleading statements and concealed material facts concerning the facts surrounding the purchase and disposition of the said second computer and the console printer.

F. As set forth in Charge VI of the amended charging letter and in the Report and Recommendation of the

*The position of Lorenz Datenservice GmbH in this transaction was described with insufficient specificity and consistency in the amended charging letter to support the apparent charge against it.

Hearing Commissioner, the respondent, Peter Lorenz, acting individually and for respondent Lorenz Datenservice GmbH, knowingly violated § 387.4 of the United States Export Administration Regulations and the Temporary Denial Order by having, without prior authorization from the Office of Export Administration, United States Department of Commerce, knowingly reexported or caused to be reexported the said second computer system and the console printer from the Netherlands to the U.S.S.R.

It is therefore, ordered:

I. All outstanding validated export licenses concerned with or affecting any transaction in which the respondents have any interest, direct or indirect, are hereby revoked and are ordered to be returned forthwith to the Office of Export Administration, except as provided in VI, below.

II. Except as provided in VI, below, the respondents, their successors or assigns, partners, representatives, agents and employees are hereby denied for the duration of export controls, the privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction, either in the United States or abroad, shall include participation directly or indirectly, in any manner or capacity:

A. As a party or as a representative of a party to any validated export license application;

B. In the preparation or filing of any export license application or reexport authorization, or any document to be submitted therewith;

C. In the obtaining or using of any validated or general export license or other export control document;

D. In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States;

E. In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges, except as provided in VI, below, shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any persons, firm, corporation, partnership, or other business organization with which the respondents now or hereafter may be related by ownership, control, position of responsibility, affiliation, or other connection, in the conduct of trade or related services.

IV. Except as provided in VI, below, no person, firm, corporation, partnership or other business organization, without prior disclosure to, and specific authorization from, the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of, or in any association with, the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom, or have any interest or participation therein, directly or indirectly:

A. Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document, relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported, or to be exported, from the United States, by, to, or for the respondents or any related party;

B. Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any transaction which may involve the respondents or any related party in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States or which is otherwise subject to the Export Administration Regulations.

V. The Temporary Denial Order cited above, is continued in effect, insofar as it applies to parties not named in the amended charging letter and in this Order, until the compliance proceedings are completed as to those parties.

VI. All exceptions of record which have not expired by their own terms, granted from the Temporary Denial Order, as extended, are continued in effect under the said Temporary Denial Order, to the extent it remains in force, and under this duration Order.

VII. A copy of this Order shall be served on the respondents.

Dated: June 30, 1975.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc.75-18068 Filed 7-10-75;8:45 am]

Economic Development Administration

NATIONAL PUBLIC ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and section 8b(1) of OMB Circular No. A-63, announcement is made of the following Committee Meeting:

Name: National Public Advisory Committee on Regional Economic Development.

Date: August 14, 1975.

Place: Room 6802, Commerce Department, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Time: 9:00 a.m.

Proposed Agenda: Status report to the Committee on the activities of the Economic Development Administration.

The meeting of the Advisory Committee is open to the public. Any member of the public is permitted to file a written statement with the Committee, before or after the meeting. To the extent that time permits, the Committee Chairman or the Committee may permit oral statements by members of the public to be presented at the meeting.

All communications in regard to this meeting or the Advisory Committee should be addressed to Miss Marina Gentilini, Office of the Deputy Assistant Secretary for Economic Development, Economic Development Administration, Department of Commerce, Room 7814, 14th Street and Constitution Avenue, Washington, D.C. 20230.

Dated: July 9, 1975.

WILMER D. MIZELL,
Assistant Secretary
for Economic Development.

[FR Doc.75-18169 Filed 7-10-75;8:45 am]

Maritime Administration

[Docket No. S-455]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corporation, a New York corporation, has filed an application dated June 16, 1975, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a long-term operating-differential subsidy contract for service on Trade Routes Nos. 5-7-8-9, 6 and 11 (U.S. North & South Atlantic/U.K. & Continent, Scandinavia, Baltic and U.S.S.R. ports including those east of Finland in the Barents Sea).

The application is for the operation of two Mariner-type vessels on a minimum of 20 and a maximum of 35 sailings annually and involves the replacement of the two Mariners with two RO/RO type vessels.

Interested parties may inspect the application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth and E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by the close of business on July 25, 1975, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event that a hearing is held on this application, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry on such essential service is inade-

V 40 134 JUL 11 75 XUM

quate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: July 8, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-18107 Filed 7-10-75;8:45 am]

AVONDALE SHIPYARDS, INC.

Notice of Award of Construction-Differential Subsidy Contract

Notice is hereby given that on June 30, 1975, the Maritime Subsidy Board awarded construction-differential subsidy Contract No. MA/MSB-348 to Avondale Shipyards, Inc. and Contract No. MA/MSB-349 to United Shipping, Inc., Ajax Marine Shipping Company and Achilles Marine Company to aid in the construction of a total of three (one each) new tank vessels of approximately 51,000 deadweight tons, MA Design T5-M-119a. The applications for such contracts were noticed in the FEDERAL REGISTER on June 5, 1975 (40 FR 24226).

So ordered by the Maritime Subsidy Board/Maritime Administration.

Dated: July 8, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-18108 Filed 7-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ENDOCRINOLOGY STUDY SECTION

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Endocrinology Study Section, Division of Research Grants at 7 p.m., August 18-21, 1975, Sheraton Inn, Silver Spring, Md.

This meeting will be open to the public on August 18, 1975, from 7 p.m. to 7:30 p.m. to discuss administrative details relating to Study Section business. Attendance by the public will be limited to space available. This meeting will be closed thereafter in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meeting and rosters of committee members. Mr. Morris M. Graff, Executive Secretary, Room 333, Westwood Building, Bethesda, Maryland 20014, telephone area code 301-496-7346, will furnish substantive program information.

Dated: June 24, 1975.

(Catalog of Federal Domestic Assistance Program Nos. 13.309, 13.314, 13.317, 13.331, 13.335, 13.346, 13.356, National Institutes of Health, DHEW)

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-18092 Filed 7-10-75;8:45 am]

INTERAGENCY COORDINATING COMMITTEE FOR CANCER CONTROL AND REHABILITATION

Meeting

Notice is hereby given of the first meeting of the Interagency Coordinating Committee for Cancer Control and Rehabilitation, National Cancer Institute, August 20, 1975, Building 31-C, Conference Room No. 8.

This meeting will take place from 9 a.m. to 5 p.m. and will be open to the public. Attendance by the public will be limited to space available.

The purpose of the meeting is to review and exchange information between those programs in other Institutes of NIH and in other agencies of the Public Health Service which have relevance to the problems of cancer control and rehabilitation.

For additional information, please contact: Dr. Margaret Sloan, Blair Building, Room 722, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-7968.

Dated: July 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-18094 Filed 7-10-75;8:45 am]

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed reserach protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of Committee:

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Dates: August 4-5, 1975, 9 a.m.
Place: Landow Building. Room: Conference Room B301, National Institutes of Health.
Times: Open: August 4, 9 a.m.-10 a.m. Closed: August 4, 10 a.m.-5 p.m. Closed: August 5, 9 a.m.-adjournment.
Agenda/open portion: Program information.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Allen H. Helm.
Address: Landow Building. Room: A306, National Institutes of Health. Phone: 301/496-1881.
Catalog of Federal Domestic Assistance Number 13.825.
Name of Committee:

DIET, NUTRITION AND CANCER PROGRAM ADVISORY COMMITTEE

Dates: August 19-August 20, 1975, 9 a.m.
Place: Building 31C. Room: Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Executive secretary: Dr. Gio B. Gori.
Address: Building 31. Room: 11A03, National Institutes of Health. Phone: 301/496-6616.

Name of Committee:

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates: August 28, 1975, 1 p.m.
Place: Building 10. Room: Conference Room 4B17, National Institutes of Health.
Times: Open: August 28, 1 p.m.-1:30 p.m. Closed: August 28, 1:30 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Dorothy Windhorst.
Address: Building 10. Room: 4B17, National Institutes of Health. Phone: 301/496-1791.
Catalog of Federal Domestic Assistance Number 13.825.
Name of Committee:

COMMITTEE ON CYTOLOGY AUTOMATION

Dates: September 8-9, 1975, 9 a.m.
Place: Building 31C. Room: Conference Room 8, National Institutes of Health.
Times: Open: September 8, 9 a.m.-10 a.m. Closed: September 8, 10 a.m.-5 p.m. Open: September 9, 9 a.m.-10 a.m. Closed: September 9, 10 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Bill Bunnag.
Address: Building 10. Room: 1A21, National Institutes of Health. Phone: 301/496-5282.
Catalog of Federal Domestic Assistance Number 13.825.
Name of Committee:

TOBACCO WORKING GROUP

Dates: September 9-10, 1975, 9 a.m.
Place: Building 31C. Room: Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Executive Secretary: Dr. Thomas B. Owen.
Address: Building 31. Room: 11A04, National Institutes of Health. Phone: 301/496-6271.

Dated: July 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-18093 Filed 7-10-75;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, August 13, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 12 noon for discussion of the National Cancer Institute cancer treatment programs, and from 2 p.m. to adjournment, for a continuation discussion of NCI cancer treatment programs. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to 2 p.m. for review and discussion of the proposed fiscal year 1977 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information, transcripts of the open meeting and roster of committee members.

Dated: June 24, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-18095 Filed 7-10-75;8:45 am]

TROPICAL MEDICINE AND PARASITOLOGY STUDY SECTION

Workshop

Notice is hereby given of a Workshop to be held by the following study section on the date and place listed below:

Tropical Medicine and Parasitology Study Section Workshop on Intracellular Parasitism: Status, Concepts, and Speculations in Research on Leishmania & Trypanosoma Cruzi, Kenwood County Club, Bethesda, Maryland 20014, September 5, 1975, 9 a.m.-6 p.m.

The entire meeting will be open to the public. Attendance by the public will be limited to space available.

Further information may be obtained from Dr. George W. Luttermoser, Executive Secretary, Tropical Medicine and Parasitology Study Section, Westwood Building, Room 319, telephone area code 301-496-7346.

Dated: July 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-18091 Filed 7-10-75;8:45 am]

Office of the Assistant Secretary for Health

ARKANSAS

Notice of Agreement Designating Professional Standards Review Organization

On April 28, 1975 the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Arkansas Foundation For Medical Care, designating it as the Professional Standards Review Organization for the State of Arkansas, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.6.

Such notice was also published in three consecutive issues of the Arkansas Gazette, Arkansas Democrat, Texarkana Daily News-Gazette and the Southwest Times-Record on April 28, 29, and 30, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine and osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in Arkansas of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in Arkansas who objects to the Secretary entering into an agreement with the Arkansas Foundation for Medical Care on the grounds that such organization is not representative of doctors in the State of Arkansas, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York, 10022, on or before thirty days after such notice appeared in the FEDERAL REGISTER.

After reviewing the final tabulation of the objections from doctors of medicine or osteopathy in Arkansas, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in Arkansas have expressed timely objection to entering into an agreement with the Arkansas Foundation for Medical Care. Therefore, the Secretary will, subject to satisfactory completion of the contract negotiation process, and satisfactory completion of the required changes in the organization structure and final plan, proceed to enter into an agreement with the Arkansas Foundation for Medical Care designating it as the Professional Standards Review Organization for the State of Arkansas.

Dated: June 26, 1975.

ROBERT VAN HOEK, M.D.,
Acting Administrator, Health Services Administration.

[FR Doc.75-18072 Filed 7-10-75;8:45 am]

CALIFORNIA

Notice of Agreement Designating Professional Standards Review Organization

On April 28, 1975 the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the North Bay PSRO, designating it as the Professional Standards Review Organization for PSRO Area III located in the State of California, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.104.

Such notice was also published in three consecutive issues of the Vallejo Morning Times-Herald and the San Rafael Independent Journal on April 28, 29, and 30, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine and osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area III of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III who objects to the Secretary entering into an agreement with the North Bay PSRO on the grounds that such organization is not representative of doctors in the PSRO Area III, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, PO. Box 1588, New York, New York, 10022, on or before thirty days after such notice appeared in the FEDERAL REGISTER.

After reviewing the final tabulation of the objections from doctors of medicine or osteopathy in PSRO Area III, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in active practice of medicine or osteopathy in PSRO Area III have expressed timely objection to entering into an agreement with the North Bay PSRO. Therefore, the Secretary will, subject to satisfactory completion of the contract negotiation process, and satisfactory completion of

V 40 134 JUL 11 75 XUM

the required changes in the organization structure and final plan, proceed to enter into an agreement with the North Bay PSRO designating it as the Professional Standards Review Organization for the PSRO Area III located in the State of California.

Dated: June 26, 1975.

ROBERT VAN HOEK, M.D.,
Acting Administrator,
Health Services Administration.

[FR Doc.75-18073 Filed 7-10-75;8:45 am]

IDAHO

Notice of Agreement Designating Professional Standards Review Organization

On April 28, 1975 the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Idaho Professional Review Organization, designating it as the Professional Standards Review Organization for the State of Idaho, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.16.

Such notice was also published in three consecutive issues of The Twin Falls Times News, Lewiston Tribune, Pocatello Idaho State Journal, Idaho Falls Post Register, Coeur D'Alene Press, and the Boise Idaho Statesman on April 28, 29, and 30, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine and osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in Idaho of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in Idaho who objects to the Secretary entering into an agreement with the Idaho Professional Review Organization on the grounds that such organization is not representative of doctors in the State of Idaho, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York, 10022, on or before thirty days after such notice appeared in the FEDERAL REGISTER.

After reviewing the final tabulation of the objections from doctors of medicine or osteopathy in Idaho, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in Idaho have expressed timely objection to entering into an agreement with the Idaho Professional Review Organization. Therefore, the Secretary will, subject to satisfactory completion of the contract negotiation process, and satisfactory completion of the required changes in the organization structure and final plan, proceed to enter into an agreement with the Idaho Professional Review Organization designating it as the Professional Standards Review Organization for the State of Idaho.

Dated: June 26, 1975.

ROBERT VAN HOEK, M.D.,
Acting Administrator,
Health Services Administration.

[FR Doc.75-18074 Filed 7-10-75;8:45 am]

MARYLAND

Notice of Agreement Designating Professional Standards Review Organization for Area III

On April 28, 1975 the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc., designating it as the Professional Standards Review Organization for PSRO Area III located in the State of Maryland, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.24.

Such notice was also published in three consecutive issues of The Washington Star News and The Washington Post on April 28, 29, and 30, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine and osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area III of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III who objects to the Secretary entering into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc. on the grounds that such organization is not representative of doctors in PSRO Area III, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York, 10022, on or before thirty days after such notice appeared in the FEDERAL REGISTER.

After reviewing the final tabulation of the objections from doctors of medicine or osteopathy in PSRO Area III, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area III have expressed timely objection to entering into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc. Therefore, the Secretary will, subject to satisfactory completion of the contract negotiation process, and satisfactory completion of the required changes in the organization structure and final plan, proceed to enter into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc. designating it as the Professional Standards Review Organization for the PSRO Area III located in the State of Maryland.

Dated: June 26, 1975.

ROBERT VAN HOEK, M.D.,
Acting Administrator,
Health Services Administration.

[FR Doc.75-18071 Filed 7-10-75;8:45 am]

MARYLAND

Notice of Agreement Designating Professional Standards Review Organization for Area VII

On April 28, 1975 the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Delmarva Foundation for Medical Care, Inc., designating it as the Professional Standards Review Organization for PSRO Area VII located in the State of Maryland, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.24.

Such notice was also published in three consecutive issues of The Washington Star News and The Washington Post on April 28, 29, and 30, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine and osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VII of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII who objects to the Secretary entering into an agreement with the Delmarva Foundation for Medical Care, Inc. on the grounds that such organization is not representative of doctors in the PSRO Area VII, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York, 10022, on or before thirty days after such notice appeared in the FEDERAL REGISTER.

After reviewing the final tabulation of the objections from doctors of medicine or osteopathy in PSRO Area VII, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VII have expressed timely objection to entering into an agreement with the Delmarva Foundation for Medical Care, Inc. Therefore, the Secretary will, subject to satisfactory completion of the contract negotiation process, and satisfactory completion of the required changes in the organization structure and final plan, proceed to enter into an agreement with the Delmarva Foundation for Medical Care, Inc. designating it as the Professional Standards Review Organization for PSRO Area VII located in the State of Maryland.

Dated: June 26, 1975.

ROBERT VAN HOEK, M.D.,
Acting Administrator,
Health Services Administration.

[FR Doc.75-18075 Filed 7-10-75;8:45 am]

PENNSYLVANIA

Notice of Agreement Designating Professional Standards Review Organization for Area VI

On April 28, 1975 the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Allegheny Professional Standards Review Organization, designating it as the Professional Standards Review Organization for PSRO Area VI located in the State of Pennsylvania, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.42.

Such notice was also published in three consecutive issues of the Pittsburgh Press and Post Gazette on April 28, 29, and 30, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine and osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VI of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objects to the Secretary entering into an agreement with the Allegheny Professional Standards Review Organization on the grounds that such organization is not representative of doctors in PSRO Area VI, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, New York, New York, 10022, on or before thirty days after such notice appeared in the FEDERAL REGISTER.

After reviewing the final tabulation of the objections from doctors of medicine or osteopathy in PSRO Area VI, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI have expressed timely objection to entering into an agreement with the Allegheny Professional Standards Review Organization. Therefore, the Secretary will, subject to satisfactory competition of the contract negotiation process, and satisfactory completion of the required changes in the organization structure and final plan, proceed to enter into an agreement with the Allegheny Professional Standards Review Organization designating it as the Professional Standards Review Organization for PSRO Area VI located in the State of Pennsylvania.

Dated: June 26, 1975.

ROBERT VAN HOEK, M.D.,
Acting Administrator,
Health Services Administration.

[FR Doc.75-18070 Filed 7-10-75;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW 100-75-0116]

COURSE ON SELF-CARE AND PATIENT PARTICIPATION

Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (PL 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-75-0116 to Georgetown University for a research and evaluation project, entitled, "Course on Self-Care and Patient Participation." The purpose of this project is to give a comprehensive, self-care health education course to one Medicare group and one Medicaid group, and to evaluate the impact of the course on these groups' general health, utilization of health services and costs of care vs. their previous patterns and those of two control groups. This contract is funded out of both section 606 monies and 1 percent health evaluation funds; $109,000 from the former and $69,692 from the latter. The expiration date is August 31, 1976.

Dated: July 8, 1975.

WILLIAM A. MORRILL,
Assistant Secretary
for Planning and Evaluation.

[FR Doc.75-18096 Filed 7-10-75;8:45 am]

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of a subcommittee of the Advisory Council on Bilingual Education will be held from 9 a.m. to 5 p.m. on Monday, July 28, and on Tuesday, July 29, 1975 from 9 a.m. to 5 p.m. The subcommittee will meet in Room 1137, Department of Health, Education, and Welfare (North Building), 330 Independence Avenue, SW., Washington, D.C.

The Advisory Council on Bilingual Education is established pursuant to section 732(a) of the Bilingual Education Act (20 U.S.C. 880b) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the subcommittee meeting is: November 1 report.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on July 3, 1975.

JOHN C. MOLINA,
Acting Director,
Office of Bilingual Education.

[FR Doc.75-18031 Filed 7-10-75;8:45 am]

Public Health Service

ASSISTANT SECRETARY FOR HEALTH ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, have been made under the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638).

1. Delegation from the Secretary to the Assistant Secretary for Health, all of the authorities vested in the Secretary of Health, Education, and Welfare by Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638), except for section 107 of Title I.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, all of the authorities under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) which were delegated to the Assistant Secretary for Health by the Secretary with the exception of section 105(b).

Dated: July 3, 1975.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.75-18097 Filed 7-10-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27161; Order 75-7-15]

TEXAS INTERNATIONAL AIRLINES, INC.

Route Realignment Request

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of July, 1975.

By application and petition filed on November 8, 1974, Texas International Airlines, Inc. (TXIA), requests that the Board issue an order directing interested persons to show cause why TXIA's certificate of public convenience and necessity for route 82 should not be amended or modified to the extent necessary to eliminate certain restrictions.[1]

In support of its request, TXIA asserts, inter alia, that the requested amendments are intended to correct inconsistencies of a mechanical nature in the restriction tabulation of the carrier's certificate and to bring the remaining cer-

[1] TXIA's route system was consolidated into one segment by Order 73-4-97, April 24, 1973.

V 40 134 JUL 11 75 XUM

tificate restrictions in line with the guidelines the Board has used and refined in the several realignment cases it has decided since it first considered the realignment of TXIA's system in 1972. Thus, the carrier argues, the amendments sought are in the nature of "housekeeping" adjustments, intended to bring the certificate in line with the realities of TXIA's authority and the Board standards now being applied in realignment cases. In addition, the carrier asserts that: the requested amendments offer TXIA a potential for significant route strengthening and for a reduction in subsidy need; this completion of TXIA's route realignment will allow provision of new or improved service in numerous markets; and the potential operational and scheduling flexibility offered by the realigned system will probably increase TXIA's average length of hop and passenger haul, and thus lower its unit costs.

Answers were filed by American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Frontier Airlines, National Airlines, Southern Airways, and United Air Lines, in which these carriers object to TXIA's proposed certificate amendments in a number of markets. The City and County of Denver and the Public Utilities Commission of the State of Colorado filed an answer opposing the grant of changes affecting TXIA's authority between Denver, on the one hand, and Memphis, Jackson (Miss.), and Little Rock, on the other hand; and Long Beach, California states that the city does not desire to be hyphenated with Los Angeles in any certificate awarded to TXIA. A list of the markets in which TXIA's proposed amendments are opposed, a summary of the objections, and the Board's proposed resolution of the objections are set forth in Appendix A. Finally, TXIA filed a reply together with a motion for leave to file an otherwise unauthorized document.[2]

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that TXIA's certificate amendment proposal, as modified herein, is consistent with the Board's policy and objectives and that substantial public service and carrier benefits will derive from these amendments. As stated in past route realignment orders,[3] it has been Board policy to realign the route systems of local service carriers in order to maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. The ultimate objective of the Board's route realignment policy is to reduce subsidy payments to local service carriers while, at the same time, improving air service to the public.

It is our tentative view that the proposed certificate amendments offer TXIA the potential for significant route strengthening and for a substantial reduction in the carrier's subsidy need and, consequently, subsidy payments. Full implementation of the flexibility offered by the elimination or modification of unnecessary or burdensome conditions should result in a reduction in the carrier's unit costs by increasing the average length of hop and passenger haul.[4] Thus, if TXIA takes full advantage of the operational benefits made available by the proposed realignment and conducts its operations in such a manner as to produce the maximum economic improvements through cost efficiency, particularly in the area of equipment utilization and traffic development, some subsidy reduction should be realized in 1975. The elimination or modification of unnecessary or burdensome conditions will allow TXIA to provide new or improved service in numerous markets in which service is presently restricted by outmoded certificate restrictions.

TXIA's proposed amendments to its existing certificate conditions fall into five general categories.[5]

(1) In noncompetitive markets and competitive markets where traffic is less than 10 passengers per day, TXIA proposes unrestricted authority.

(2) In all markets where a competitor provides nonstop service while TXIA is restricted to two- or three-stop service, TXIA proposes a one-stop restriction.

(3) The carrier requests the elimination of all mandatory stops at specific points, proposing that the certificate continue to maintain only the number of intermediate stops.

(4) Unrestricted authority is proposed for the Amarillo-Houston and Amarillo-San Antonio markets.

(5) All long-haul restrictions containing a specific point be modified to read: "Must serve a point beyond this city-pair."[6]

TXIA has not proposed any modifications that would lessen its present authority. While we are not strictly adopting the guidelines proposed by TXIA, the Board tentatively finds and concludes that the conditions contained in the attached certificate, based on the guidelines discussed below, and their application to specific markets set forth in Appendix A, are sufficient to maintain the regional characteristics of TXIA's local service route system, preserve the competitive balance in key markets, and substantially lessen the likelihood of adverse economic impact on competing carriers. In addition, we tentatively find and conclude that elimination and modification of the operating restrictions as proposed herein are required by the public convenience and necessity and are consistent with the Board's policy of removing or modifying conditions which serve no useful purpose and which are otherwise wasteful and undesirable.[7]

In addition, the Board tentatively finds and concludes that all new nonstop authority in markets where traffic generation is large enough to support a finding that such operations are economically feasible, will be made ineligible for subsidy assistance.[8]

The modifications to TXIA's authority we have proposed herein are based on a consideration of the respondent carrier's objections[9] as well as the general guidelines we have employed in the past in realigning the local service carriers' systems. At the outset it should be noted that we have not proposed to give TXIA any authority superior to that requested by the carrier. With this in mind, we have used the following guidelines:

(1) Consistent with Board precedent, we have proposed unrestricted authority in monopoly markets.[10]

(2) Consistent with Board precedent, we have proposed unrestricted authority in "minor markets," *i.e.*, markets which generate less than 10 passengers a day (3,650 true O&D per year)[11] and which, as a result, do not present competitive considerations of significant magnitude. Similar findings were made with respect to the realignment of the systems of Airwest, Piedmont, Allegheny, Frontier, and North Central as well as TXIA when the Board first considered realignment of that carrier's system.[12] We remain of the opinion that it is desirable to give the local service carriers improved operating flexibility in markets of this size. However, we have given consideration here to objections raised by carriers in line with guideline (3) below where the objecting carrier's authority is comparable to TXIA's authority.[13]

(3) Where the authority of TXIA and the objecting carrier is comparable in terms of the number of stops and circuity, we have tentatively decided to restrict TXIA to its current authority if there is an objection and if an improvement would give TXIA a competitive advantage.[14]

(4) Where TXIA's authority is clearly superior to that of the objecting carrier either in terms of number of stops or in terms of circuity, we have proposed to give TXIA the improvement it requests. In this respect, we have tentatively determined that where the objecting carrier's authority is 50 percent or more circuitous in relation to TXIA's more direct authority, the objecting carrier's authority is in effect unusable, and TXIA's authority should be improved.[15]

(5) In markets in which competitors hold authority superior to TXIA's authority, we have restricted TXIA either to one intermediate stop more than the competitor's authority, or, in instances where the competitor does not operate its best authority, we have restricted TXIA to its current authority or to one intermediate stop more than the competitor's best round-trip single-plane service.[16]

(6) Where TXIA's current authority is subject to a long-haul restriction and removal or modification of that restriction would produce substantial competitive implications, we have restricted TXIA to its current authority.[17]

(7) Specific-stop requirements are eliminated unless the change would also eliminate substantial circuity and thus provide TXIA with a significant practical improvement in its authority.[18]

These guidelines are not meant to be rigid, and in certain instances reason requires consideration of other factors. Thus, with respect to the following seven markets, we have decided not to follow the foregoing guidelines.

The Los Angeles-New Orleans and Los Angeles-San Antonio markets both receive a limited amount of nonstop service and a greater amount of one-, two-, and even some three-stop service. One-stop service as requested by TXIA would be directly competitive with the service provided by the carriers in these markets and therefore we propose to restrict TXIA to its current authority. While the Houston-Los Angeles market is served with a number of nonstop flights, a large amount of one-, two-, three-, four-, and five-stop service is provided. Thus, as in the two markets discussed above, we propose to restrict TXIA to its current authority.

The Jackson-Memphis, Jackson-New Orleans, and Memphis-New Orleans markets are all served by another local service carrier, Southern, which provides a limited pattern of nonstop service and which already faces heavy competition from Delta. Under these circumstances, we propose to continue the restrictions affecting service by TXIA.

Finally, with respect to the Los Angeles-Memphis market, TXIA requests that its authority be improved from two to one stop. Although all the service currently provided is nonstop, TXIA may be encouraged to enter the market on a one-stop basis since it could do so over a point involving little, if any, circuity (Albuquerque). In view of the long-haul nature of the market, it is not unreasonable to believe that such operations by TXIA would be competitive with those of the other carriers in the market. In light of the objections raised, we therefore propose to reject TXIA's request for improved authority in this market.

The objection raised by the City of Long Beach, California warrants comment since it is not covered by the guidelines. Long Beach states that it does not desire to be hyphenated with Los Angeles in TXIA's certificate. The issue of dehyphenation, however, is beyond the scope of this order.

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect TXIA to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a)(2) of the Board's Regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending TXIA's certificate in the manner set forth in the accompanying proposed certificate (Appendix B);

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix C attached hereto, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will

---

[2] The motion will be granted.

[3] See Orders 74-7-63, July 16, 1974, 73-12-45, December 11, 1973, 73-10-24, October 3, 1973, 73-7-22, July 6, 1973, 73-1-47, January 15, 1973, and 72-4-140, April 26, 1972.

[4] In this regard, we expect TXIA to revise its fares in markets in which it receives improved authority so that they properly reflect the improved service patterns effected by the certificate amendments.

[5] Twenty-eight city pairs are listed in the restriction tabulation of TXIA's current certificate in which we tentatively find and conclude that no restrictions are actually in effect. We therefore propose that these city pairs, listed as Appendix C in TXIA's Petition for Show Cause Order, filed November 8, 1974, be removed from the restriction tabulation of the carrier's certificate.

[6] In six of these markets (Austin-New Orleans, Houston-Lubbock, Lubbock-New Orleans, Lubbock-San Antonio, Midland/Odessa-New Orleans, and New Orleans-San Antonio), the specific long-haul restriction is not applicable unless the flight is nonstop.

[7] We further find that TXIA is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[8] We tentatively find and conclude that there is no proposed new nonstop authority in such markets which are not already subsidy ineligible, and therefore that Appendix A to Order 73-4-97, April 24, 1973 remains the appropriate list of certificated operations ineligible for subsidy.

[9] With regard to the objections raised by the various carriers in particular markets, we have set forth in Appendix A a list of all markets where TXIA's proposed restriction has not satisfied the objecting carrier or carriers, together with the objecting carrier's objection and our proposed restriction.

[10] See Orders 75-2-22, February 5, 1975, 74-8-28, August 8, 1974, 74-7-63, July 16, 1974, 73-12-45, December 11, 1973, 73-10-24, October 4, 1973, 73-9-37, September 10, 1973, 73-7-22, July 6, 1973, 73-4-97, April 24, 1973, 73-1-47, January 15, 1973, 72-9-58, September 14, 1972, and 72-4-140, April 26, 1972. Monopoly markets are so classified if they contain the following characteristics: (1) no one carrier besides TXIA is certificated at both points; or (2) the only competitor in the market has been suspended; or (3) competition is provided by a commuter carrier only.

[11] We have used fiscal 1974 traffic to determine whether a particular market qualifies as a "minor market."

[12] See Footnote 9.

[13] For example, Braniff and TXIA currently have one-stop authority in the Corpus Christi-Memphis market. Although the market generated less than 10 passengers a day in fiscal year 1974, we have continued TXIA's one-stop restriction so that the comparative authority of the two carriers is maintained.

[14] For example, in the Austin-New Orleans market TXIA has nonstop authority only if the flight continues on to either Denver or Salt Lake City, (this involves a substantial long-haul restriction) otherwise TXIA's authority in the market is one-stop restricted. Braniff holds one-stop authority. TXIA requests that its authority in the Austin-New Orleans market be improved so as to permit nonstop service on all flights which serve any point beyond the city pair. Since the award of this improved authority would substantially ease TXIA's current restriction in the market and improve its competitive position *vis-a-vis* Braniff we have decided not to grant TXIA's request.

[15] The Amarillo-Denver market is an example of the application of this guideline. TXIA has nonstop authority and must serve Lubbock, Texas or a point south (the Amarillo-Lubbock distance is 108 miles), while Frontier (the objecting carrier) is restricted to one-stop service. Since TXIA's authority is clearly superior to Frontier's authority (at the present time TXIA operates two daily nonstop round trips while Frontier provides only a one-stop southbound and a two-stop northbound daily), we have proposed unrestricted nonstop authority for TXIA.

[16] For example, we have proposed one-stop authority for TXIA in the Denver-Los Angeles/Long Beach market where Continental and United operate nonstop service. On the other hand, we have restricted TXIA to its existing authority (one-stop at Abilene or a point south) in the Denver-Little Rock market where the objector, Braniff, possesses nonstop authority but only operates one-stop service.

[17] The Houston-Lubbock market is an example of the application of this guideline. TXIA is currently restricted to one-stop service unless the flight extends to Denver or Salt Lake City and requests that its authority be changed to nonstop, subject to a requirement of service to a point beyond the city pair. The many cities on TXIA's system within a short distance of Lubbock would make nonstop service by TXIA in the Houston-Lubbock market likely while Continental, a substantial participant in the market, would remain restricted to one-stop authority.

[18] For example, TXIA's Denver-El Paso authority is subject to a two-stop restriction including Abilene or a point east. Reducing this restriction to a two-stop requirement would enable TXIA to serve points substantially closer to El Paso than Abilene and thus would be a significant improvement. On the other hand, eliminating the specific stop restriction while retaining the one-stop requirement in the Albuquerque-Denver market does not provide any significant improvement.

V 40 134 JUL 11 75 XUM

be accorded the matters or issues raised by the objections before further action is taken by the Board; [19]

[19] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. TXIA's motion for leave to file an otherwise unauthorized document be and it hereby is granted; and

6. A copy of this order shall be served upon all persons listed in Appendix C attached hereto.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

APPENDIX A.—*Markets in which TXIA seeks improved authority over opposition*

Market	Fiscal year 1974 O. & D.	TXIA authority: Current	TXIA authority: Proposed	Other carrier authority: Carrier	Other carrier authority: Authority	Objection	Proposed	Guideline
Albuquerque-Denver	94,150	1-stop, "shall serve Lubbock or point south."	1-stop.	Frontier	Nonstop	Competitive impact, present restrictions requested by FL.	1-stop	(7).
				Continental	Nonstop	No participation, competitive impact.		
Albuquerque-Memphis	2,980	1-stop	Nonstop	American	None	Route exchange with FL.	Nonstop	(14).
				Frontier	2-stop	Ashbacker.		
Albuquerque-Salt Lake City.	10,890	2-stop, "shall serve Lubbock or point south."	2-stop	American	None (connections)	FL route exchange	2-stop	(7).
				Frontier	Nonstop	As in ABQ-DEN.		
Amarillo-Denver	15,140	Nonstop, "shall serve Lubbock or point south."	Nonstop	Frontier	1-stop	See ABQ-DEN	Nonstop	(9).
Amarillo-Hot Springs	80	1-stop, "1-stop at Dallas or a point south."	Nonstop	Frontier	Nonstop	See ABQ-DEN	Nonstop	(9).
Amarillo-Houston	2,180	1-stop, "1-stop except on flights serving Denver or Salt Lake."	Nonstop	Continental	1-stop segment junction point restriction.	Ashbacker, long-haul restrictions on TXIA.	No change	(9).
				Braniff	Nonstop	Ashbacker consideration for improved service, competitive impact.		
Amarillo-Little Rock	1,630	1-stop, "1-stop at Dallas or a point south."	1-stop.	Frontier	1-stop	See ABQ-MEM	1-stop	(7).
Amarillo-Memphis	1,970	1-stop (As AMA-LIT)	Nonstop	Frontier	1-stop	See ABQ-DEN	1-stop	(14).
Amarillo-New Orleans	4,270	1-stop, "1-stop except on flights serving Denver, ABQ or point west of ELP."	Nonstop	Braniff	Segment junction point restriction, no single-plane service if flight serves DFW (2-stop).	Ashbacker consideration for improved service, competitive impact.	No change	(9).
Amarillo-Salt Lake City.	1,400	Nonstop, "shall serve Midland/Odessa." [3]	Nonstop	Frontier	2-stop (must serve Denver as intermed.).	See ABQ-DEN	Nonstop	(14).
Amarillo-San Antonio.	10,570	1-stop, "1-stop except on flights serving DEN, ABQ or point west of ELP."	Nonstop	Braniff	Nonstop	Competitive impact.	No change	(9).
Austin-New Orleans	13,320	1-stop, "1-stop except on flights serving Denver or Salt Lake City.	Nonstop "must serve a point beyond this city-pair."	Braniff	1-stop, segment junction point restriction.	Ashbacker and competitive impact.	No change	(14).
				Continental	1-stop, long-haul and segment junction points restriction.	Ashbacker, too controversial for show cause procedures.		
Baton Rouge-Jackson, Miss.	790	1-stop	Nonstop	Southern	Nonstop	Competitive impact.	Nonstop	(9).
Corpus Christi-Memphis.	2,980	1-stop	Nonstop	Braniff	1-stop, segment junction point restriction.	Competitive impact Ashbacker, TXIA provides no service.	No change	(14).
Dallas-Los Angeles/Long Beach	303,190	2-stop or serve ABQ.	1-stop	American	Nonstop	Controversial, competitive.	1-stop. NOTE: TXIA already has 1-stop authority over the strongest intermediate, Albuquerque. Change thus provides minor improvement.	
				Continental	Suspended nonstop, restricted against single-plane on Seg. 8.	Ashbacker.		
Denver-El Paso	36,140	2-stop, "including Abilene or a point east."	2-stop	Frontier	1-stop	See ABQ-DEN	No change	(7).
				Continental	Nonstop	Reduced circuity causes competitive impact, no participation.		
Denver-Hot Springs, Ark.	820	1-stop, "1-stop at Abilene or a point south."	Nonstop	Frontier	Nonstop	See ABQ-DEN	Nonstop	(9).
Denver-Jackson, Miss.	5,950	1-stop must serve Houston as an intermediate.	1-stop	Delta	None	Previously rejected by Board (75-4-97).	1-stop	(9).
				City of Denver.		No proof, competitive impact, Ashbacker.		

APPENDIX A.—*Markets in which TXIA seeks improved authority over opposition*—Continued

Market	Fiscal year 1974 O. & D.	TXIA authority: Current	TXIA authority: Proposed	Other carrier authority: Carrier	Other carrier authority: Authority	Objection	Proposed	Guideline
Denver-Little Rock	11,080	1-stop at Abilene or a point south.	1-stop	Braniff	Nonstop	Competitive impact.	No change	(17).
				Frontier	2-stop	Competitive impact.		
				City of Denver.		No proof competitive impact, Ashbacker.		
Denver-Los Angeles/Long Beach.	361,620	2-stop, "shall serve Lubbock or point south."	1-stop	Continental	Nonstop	Competitive impact, provides no service, received single-plane authority by show cause.	1-stop. NOTE: Granting one-stop authority in this market does not improve circuity. Change thus provides minor improvement.	(14).
Denver-Memphis	24,580	2-stop (including Houston) or serve San Antonio as an intermediate.	1-stop	Braniff	Nonstop	Competitive impact.	No change	(7).
				City of Denver.		No proof, competitive impact, Ashbacker.		
				Frontier	2-stop	See ABQ-DEN, Ashbacker, previously rejected by board.		
				Delta	None			
Denver-Midland/Odessa.	11,990	Nonstop, "must also serve SAT, IAH, or MSY."	Nonstop "must serve a point beyond this city-pair."	Continental	Nonstop	Long-haul restrictions. TXIA provides no service.	No change	(14).
Denver-Salt Lake City.	153,620	Nonstop, shall serve Midland/Odessa, et cetera. [3]	Nonstop (as above)	Frontier	Nonstop	See ABQ-DEN	No change	(14).
El Paso-Los Angeles/Long Beach.	105,740	2-stop	1-stop	American	Nonstop	Competitive, controversial.	1-stop. NOTE: The only point between this city-pair on TXIA's system which does not involve extreme circuity (Albuquerque) cannot be used as an intermediate in one-stop service. Change thus provides minor improvement.	
El Paso-Salt Lake City.	5,520	2-stop including Abilene or a point east.	2-stop	Continental	Nonstop	No participation	No change	(17).
				American	None	"New SLC case without hearing."		
Hot Springs, Ark.-Salt Lake City.	150	1-stop at Abilene or a point south.	Nonstop	Frontier	Nonstop	See ABQ-DEN.	Nonstop	(9).
				Frontier	Nonstop	See ABQ-DEN, no service offered.		
Houston-Los Angeles/Long Beach.	206,730	2-stop	1-stop	American	1-stop	Competitive impact.	No change. NOTE: See discussion in text.	
				Continental	Nonstop	No participation		
				National	Nonstop	No participation, does not use best present authority, unneeded competition.		
Houston-Lubbock	34,610	1-stop, "1-stop except on flights serving DEN or SLC."	Nonstop "must serve a point beyond this city-pair."	Braniff	Nonstop	Competitive impact, longhaul restrictions, Ashbacker.	No change	(9).
				Continental	1-stop segment junction point restrictions.			
Houston-San Antonio.	89,380	Nonstop long-haul restriction.	Nonstop (as above)	American	Nonstop	Competitive impact.	Nonstop "must serve a point beyond this city-pair". NOTE: Change in language only, not in actual effect of restriction.	
Jackson, Miss.-Memphis.	28,400	2-stop	1-stop	Southern	Nonstop	Competitive impact.	No change. NOTE: See discussion in text.	
Jackson, Miss.-New Orleans.	19,340	2-stop	1-stop	Southern	Nonstop	Competitive impact.	No change. NOTE: See discussion in text.	
Little Rock-Salt Lake City.	1,620	1-stop at Abilene or a point south:	Nonstop	American	Nonstop	New SLC case without hearing.	Nonstop	(9).
				Frontier	Nonstop	See ABQ-DEN.		
Los Angeles/Long Beach-Memphis.	62,640	2-stop	1-stop	United	Nonstop	Competitive impact.	No change. NOTE: See discussion in text.	
				American	Nonstop	Controversial.		
Los Angeles/Long Beach-New Orleans.	94,150	3-stop	1-stop	Continental	None	Ashbacker, no participation.	No change NOTE: See discussion in text.	
				National	Nonstop	See HOU-LAX.		
Los Angeles/Long Beach-Salt Lake City.	182,420	1-stop, "shall serve Midland/Odessa et cetera." [3]	1-stop	American	None	New SLC case without hearing.	1-stop. NOTE: Change does not eliminate extreme circuity and therefore provides minor improvement.	
Los Angeles/Long Beach-San Antonio.	76,740	2-stop	1-stop	American	Nonstop	Competitive impact.	No change NOTE: See discussion in text.	
Lubbock-New Orleans.	4,170	1-stop, "1-stop except on flights serving DEN, ABQ or a point west of ELP."	Nonstop "must serve a point beyond this city-pair".	Continental	Nonstop	No participation.	No change	(9).
				Braniff	2-stop, segment junction point restriction, no single-plane service on flights serving DFW.	Ashbacker.		

V 40 N 134 JUL 11 75 XUM

APPENDIX A.—*Markets in which TXIA seeks improved authority over opposition*—Continued

Market	Fiscal year 1974 O. & D.	TXIA authority		Other carrier authority		Objection	Proposed	Guideline
		Current	Proposed	Carrier	Authority			
Lubbock-San Antonio.	15,480	1-stop (as above)	Nonstop (as above).	Braniff	Nonstop	Competitive impact.	No change	(6).
				Continental	1-stop segment junction point restriction.	No participation		
Memphis-New Orleans.	73,460	3-stop	1-stop	Southern	Nonstop	Competitive impact.	No change. NOTE: See discussion in text.	
Memphis-Salt Lake City.	2,720	1-stop at Abilene or a point south.	Nonstop	American	None (connec.)	New SLC case without hearing.		
				Frontier	1-stop	FL route exchange. See ABQ-DEN.	Nonstop	(7).
Midland/Odessa-New Orleans.	4,770	1-stop except on flights serving DEN or SLC.	Nonstop "must serve a point beyond the city-pair."	Continental	1-stop segment junction point restriction, long-haul restriction.	Ashbacker, little participation.	No change	(6).
New Orleans-San Antonio.	30,580	1-stop (as above)	Nonstop (as above).	Eastern	Nonstop	Long-haul restrictions, competition.	No change	(6).
				Braniff	1-stop segment point restriction.	Ashbacker, competitive impact.		
				Continental	None (many connections).	Ashbacker, no participation.		

[1] Consistent with Board precedent, we have proposed unrestricted authority in monopoly markets.

[2] Consistent with Board precedent, we have proposed unrestricted authority in "minor markets" that is, markets which generate less than 10 passengers a day (3,650 true O. & D. per year) and which, as a result, do not present competitive considerations of significant magnitude. Similar findings were made with respect to the realignment of other local service carriers' systems, et cetera, and we remain of the opinion that it is desirable to give the local service carriers improved operating flexibility in markets of this size. However, we have given consideration here to objections raised by carriers in line with guideline (3) below where the objecting carrier's authority is comparable to the authority of TXIA.

[3] Where the authority of TXIA and the objecting carrier is comparable in terms of the number of stops and circuitry, we have tentatively decided to restrict TXIA to its current authority if there is an objection and if an improvement would give Frontier a competitive advantage.

[4] Where TXIA's authority is clearly superior to that of the objecting carrier either in terms of number of stops or in terms of circuitry, we have proposed to give TXIA the improvement it requests. In this respect, we have tentatively determined that where the objecting carrier's authority is 50 percent or more circuitous in relation to TXIA's more direct authority, the objecting carrier's authority is ineffective, unusable, and TXIA's authority should be improved.

[5] In markets in which competitors hold authority superior to TXIA's authority, we have restricted Frontier either to one intermediate stop more than the competitor's authority, or in instances where the competitor does not operate its best authority, we have restricted Frontier to its current authority or to one intermediate stop more than the competitor's best round-trip single-plane service.

[6] Where TXIA's current authority is subject to a long-haul restriction and removal or modification of that restriction would produce substantial competitive implications, we have restricted TXIA to its current authority.

[7] Specific-stop requirements are eliminated unless the change would also eliminate substantial circuity and thus provide TXIA with a significant practical improvement in its authority.

[8] Shall serve m/o or point south thereof, if flight does not serve Hot Springs, Little Rock, Memphis, El Paso, or Albuquerque.

APPENDIX B

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 82

Texas International Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

Between the terminal point Los Angeles-Long Beach, Calif., the intermediate points Albuquerque, N. Mex., Salt Lake City, Utah, Denver, Colo., Amarillo and Lubbock, Tex., Clovis and Roswell, N. Mex., El Paso, Tex., Carlsbad and Hobbs, N. Mex., Midland-Odessa, San Angelo, Brownwood, Abilene, Wichita Falls, Dallas-Fort Worth, Waco, Temple, Austin, San Antonio, Laredo, Mission-McAllen-Edinburg, Harlingen-San Benito, Corpus Christi, Victoria, Houston, Beaumont-Port Arthur, Tyler and Longview-Kilgore-Gladewater, Tex., Shreveport, La., Texarkana, Tex.-Ark., Hot Springs, Little Rock, and Jonesboro, Ark., Memphis, Tenn., Pine Bluff and El Dorado-Camden, Ark., Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge and New Orleans, La., and the terminal point Jackson, Miss.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly, any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of route 82, the holder shall stop at each point named between the point of origin and point of termination of such trip, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of said route: *Provided, however,* That the holder may omit service to El Paso, Tex., Monroe, La., or Salt Lake City, Utah, in excess of one daily round trip.

(4) Subject to other provisions of this certificate, the holder may operate unrestricted nonstop service between any two points listed above: *Provided, however,* That the holder's authority in the below-listed city-pair markets should be restricted as follows:

Market	Stop restrictions	Other restrictions
Albuquerque:		
Amarillo	1-stop	
Denver	do	
El Paso	do	
Houston	do	
New Orleans	2-stop	
Salt Lake City	do	
San Antonio	1-stop	
Alexandria:		
Baton Rouge	do	
Dallas-Ft. Worth	do	
Los Angeles-Long Beach	2-stop	
Shreveport	1-stop	
Amarillo:		
El Paso	do	
Houston	1-stop, except on flights which serve Denver or Salt Lake City.	
Little Rock	1-stop	
Los Angeles-Long Beach	2-stop	
Memphis	1-stop	
New Orleans	1-stop, except on flights which serve Denver, Albuquerque, or a point west of El Paso.	
San Antonio	1-stop, except on flights which serve Denver, Albuquerque, or a point west of El Paso.	
Austin:		
Denver		May not serve Dallas-Ft. Worth as an intermediate point.
Los Angeles-Long Beach	1-stop	
New Orleans	1-stop, except on flights which serve Denver or Salt Lake City.	
Salt Lake City		May not serve Dallas-Ft. Worth as an intermediate point.
Baton Rouge:		
Dallas-Ft. Worth	1-stop	
Los Angeles-Long Beach	2-stop	
Memphis	1-stop	
Monroe	do	
Shreveport	do	
Beaumont-Port Arthur:		
Shreveport	do	
Corpus Christi:		
Dallas-Ft. Worth	do	
Denver	do	
Memphis	do	
Dallas-Ft. Worth:		
Denver		No single-plane service.
El Paso	1-stop	
Jackson, Miss	do	
Los Angeles-Long Beach	do	
Lubbock	do	
Memphis	do	
Monroe	do	
New Orleans	do	
Salt Lake City		No single-plane service.
Shreveport	1-stop	
Denver:		
El Paso	2-stop, including Abilene, or a point east thereof.	
Houston		May not serve Dallas-Ft. Worth as an intermediate point.
Jackson, Miss	1-stop	
Little Rock	1-stop at Abilene or a point south thereof.	
Los Angeles-Long Beach	1-stop	
Memphis	2-stop (including Houston) or serve San Antonio as an intermediate.	
Midland/Odessa		Must also serve San Antonio or Houston or New Orleans.
New Orleans	1-stop	
Salt Lake City		Shall serve Midland/Odessa or a point south thereof, if flight does not serve Hot Springs, Little Rock, Memphis, El Paso or Albuquerque.
San Antonio		May not serve Dallas-Ft. Worth as an intermediate point.
El Paso:		
Houston	1-stop	
Little Rock	do	
Los Angeles-Long Beach	do	
Lubbock	do	
Memphis	do	
New Orleans	2-stop	
Salt Lake City	2-stop (including Abilene or a point east thereof.)	
San Antonio	1-stop	

V 40 134 JUL 11 75 XUM

Market	Stop restrictions	Other restrictions
Houston:		
Little Rock	do.	
Los Angeles-Long Beach	2-stop	
Lubbock	1-stop, except on flights serving Denver or Salt Lake City.	
Memphis	1-stop	
Salt Lake City		May not serve Dallas-Ft. Worth as an intermediate point.
San Antonio		Must serve a point beyond this city-pair.
Jackson Miss.:		
Los Angeles-Long Beach	1-stop	
Memphis	2-stop	
Monroe	1-stop	
New Orleans	2-stop	
Shreveport	1-stop	
Little Rock:		
Los Angeles-Long Beach	2-stop	
Los Angeles-Long Beach:		
Lubbock	1-stop	
Memphis	2-stop	
Midland/Odessa	1-stop	
Monroe	2-stop	
New Orleans	2-stop	
Salt Lake City	1-stop	
San Antonio	2-stop	
Shreveport	1-stop	
Wichita Falls, Tex	2-stop	
Lubbock:		
Memphis	1-stop	
New Orleans	1-stop, except on flights serving Denver, Albuquerque, or a point west of El Paso.	
San Antonio	1-stop, except on flights serving Denver, Albuquerque, or a point west of El Paso.	
Memphis:		
Monroe	The holder shall schedule service to two intermediate points: *Provided, however*, if the holder schedules two daily round trips between Little Rock and El Dorado-Camden, on the one hand, and Monroe, or points south thereof, on the other hand, the holder may then schedule service to one intermediate point between Monroe and Memphis	
New Orleans	2-stop	
Shreveport	2-stop	
Midland/Odessa:		
New Orleans	1-stop, except flights which serve Denver or Salt Lake City.	
Monroe:		
New Orleans		No single-plane service.
Shreveport	1-stop	
New Orleans:		
San Antonio	1-stop, except on flights serving Denver or Salt Lake City.	
Salt Lake City:		
San Antonio		May not serve Dallas-Ft. Worth as an intermediate point.

(5) The holder is authorized to render flag-stop service at any of the above points by omitting physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property, or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights.

(6) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to Order 73–4–97 is limited to the carriage of mail on a nonsubsidy basis, *i.e.*, on a service mail rate to be paid entirely by the Postmaster General and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with the operations specified in paragraph (6) and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board and the seal of the Board to be affixed hereto, on

[SEAL]

SECRETARY.

APPENDIX C

TEXAS INTERNATIONAL ROUTE REALIGNMENT SERVICE LIST

This order is being served upon the following:

Edwin I. Colodny, Esq., Allegheny Airlines, Inc., National Airport, Washington, D.C. 20001.

Alfred V. J. Prather, Esq., Prather, Levenberg, Seeger, Doolittle, Farmer & Ewing, American Airlines, Inc., 1101 16th St. NW., Washington, D.C. 20036.

Aspen Airways, Inc., 8685 Montview Blvd., Denver, Colo. 80220.

B. Howell Hill, Esq., Arnold & Porter, Braniff International, 1229 19th St. NW., Washington, D.C. 20036.

Lee M. Hydeman, Esq., Hydeman & Mason, Continental Air Lines, Inc., 1225 19th St. NW., Washington, D.C. 20036.

Law Department, Delta Air Lines, Inc., Hartsfield-Atlanta International Airport, Atlanta, Ga. 30320.

Gambrell, Russell, Killorin, Wade, and Forbes, Eastern Air Lines, Inc., 918 16th St. NW., Washington, D.C. 20006.

David N. Brictson, Esq., Frontier Airlines, Inc., 8250 Smith Road, Denver, Colo. 80207.

James L. Devall, Esq., Zuckert, Scoutt & Rasenberger, North Central Airlines, Inc., 888 17th St. NW., Washington, D.C. 20006.

M. J. Lapensky, Vice President—Economic Planning, Northwest Airlines, Inc., Minneapolis-St. Paul International Airport, St. Paul, Minn. 55111.

Paul Bradshaw, Esq., Ozark Air Lines, Inc., 706 Woodruff Bldg., Springfield, Mo. 65805.

Jones, Day, Reavis & Pogue, Pan American World Airways, Inc., 1100 Connecticut Ave. NW., Washington, D.C. 20036.

William C. Burt, Esq., Koteen & Burt, Piedmont Aviation, Inc., 1000 Vermont Ave., NW., Washington, D.C. 20005.

Cecil A. Beasley, Jr., Esq., Ballard & Beasley, Southern Airways, 912 American Security Bldg., 730 15th St. NW., Washington, D.C. 20005.

Thomas K. Taylor, Trans World Airlines, Inc., 1000 16th St. NW., Washington, D.C. 20036.

William A. Nelson, Vice President and General Counsel, National Airlines, Inc., P.O. Box 592055, AMF, Miami, Fla. 33159.

Chadbourne, Parke, Whiteside, & Wolff, Trans World Airlines, Inc., 1150 17th St., NW., Washington, D.C. 20036.

G. B. Sieboe, Director of Regulatory Affairs, United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

Howard Culver, Esq., Western Air Lines, Inc., P.O. Box 90005, Airport Station, Los Angeles, Calif. 90009.

J. W. Rosenthal, Esq., Ginsburg, Feldman, & Bress, The Flying Tiger Line Inc., 1700 Pennsylvania Ave. NW., Washington, D.C. 20006.

William C. Burt, Esq., Koteen & Burt, Hughes Airwest, 1000 Vermont Ave. NW., Washington, D.C. 20005

Emory N. Ellis, Jr., Esq., Fulbright & Jaworski, Texas International Airlines, 1140 Connecticut Ave. NW., Washington, D.C. 20036.

Postmaster General, Attention: Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington, D.C. 20006.

James Lawrence Smith, Esq., Vice President-Regulatory Affairs, Airlift International, Inc., 1660 L St. NW., Suite 905, Washington, D.C. 20036.

The Mayors Of:	
Abilene, Tex.	Dallas, Tex.
Albuquerque, N. Mex.	Denver, Colo.
Alexandria, La.	Edinburg, Tex.
Amarillo, Tex.	Eldorado, Tex.
Austin, Tex.	El Paso, Tex.
Baton Rouge, La.	Fort Worth, Tex.
Beaumont, Tex.	Gladewater, Tex.
Brownwood, Tex.	Harlingen, Tex.
Camden, Ark.	Hobbs, N. Mex.
Carlsbad, N. Mex.	Hot Springs, Ark.
Clovis, N. Mex.	Houston, Tex.
Corpus Christi, Tex.	Kilgore, Tex.
	Jackson, Miss.
	Jonesboro, Ark.

Lafayette, La.	Pine Bluff, Ark.
Lake Charles, La.	Port Arthur, Tex.
Laredo, Tex.	Roswell, N. Mex.
Little Rock, Ark.	Salt Lake City, Utah
Long Beach, Calif.	San Angelo, Tex.
Longview, Tex.	San Antonio, Tex.
Los Angeles, Calif.	San Benito, Tex.
Lubbock, Tex.	Shreveport, La.
Lufkin, Tex.	Temple, Tex.
McAllen, Tex.	Texarkana, Ark.
Memphis, Tenn.	Texarkana, Tex.
Midland, Tex.	Tyler, Tex.
Mission, Tex.	Victoria, Tex.
Monroe, La.	Waco, Tex.
New Orleans, La.	Wichita Falls, Tex.
Odessa, Tex.	

The Governments And The Aeronautics Departments Or Commissions Of The States Of:

Arkansas	New Mexico
California	Tennessee
Colorado	Texas
Louisiana	Utah
Mississippi	

Leonard Putnam, City Attorney, Leslie E. Still, Jr., Deputy City Attorney, P.O. Box 570, Long Beach, Calif.

Tedford Dees, Assistant City Attorney, Terminal Building, Stapleton International Airport, Denver, Colo. 80207.

[FR Doc.75–17818 Filed 7–10–75;8:45 am]

[Order 75–7–5; Dockets 25214 etc.]

FRONTIER AIRLINES, INC.

Order Amending Certificate

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 1st day of July, 1975.

Application requesting route realignment by a show cause order, Docket 25214; application for extension of existing operating authority, Dockets 23771 and 24166; application for amendment of its certificate, Dockets 17275, 17301, 22601 and 23079; application for an exemption, Docket 24992.

By Order 73–12–45, December 11, 1973, the Board directed all interested persons to show cause why the Board should not amend the certificate of public convenience and necessity for route 73 held by Frontier Airlines, Inc., so as to realign the carrier's route system by consolidating its existing 24 segments into one segment and by eliminating certain restrictions.[1]

Interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth in Order 73–12–45 were required to file their objections within 30 days of service of the order. Pursuant to a request made by Frontier, the date for filing objections was extended to February 4, 1974. Six air carriers, including Frontier, and eight civic parties have filed responses to Order 73–12–45.[2]

Upon consideration of the foregoing pleadings and all the relevant facts, the Board concludes that the tentative findings and conclusions set forth in Order 73–12–45 as modified herein should be made final.[3]

Competitive markets. Initially, we have determined to accede to objections in six markets where the incumbent carriers have demonstrated that the proposed improvement in Frontier's authority could have a competitive impact, and to deny Frontier's request for improved authority in the Kansas City-Tucson market. While we make no comment as to what findings we would make with respect to these markets after a full hearing, sufficient data and argument have been set forth to persuade us that the objections raised by the interested carrier or carriers are meritorious in the context of a nonhearing show-cause proceeding. Any other conclusion at this time would unnecessarily prolong and complicate this realignment.

In the Amarillo-Dallas market, Texas International and Continental argue that the reduction in circuity resulting from the proposed one-stop unrestricted authority might cause Frontier to enter the market. In view of the limited service offered by these carriers in this market—Texas International, one and one-half nonstop round trips, and Continental, one one-stop round trip (O.A.G. March 1, 1975)—and particularly considering that Texas International is also a subsidized local service carrier, we will restrict Frontier to its current authority, *i.e.*, one-stop over Oklahoma City.

In the Billings-Chicago market, Northwest contends that the proposed one-stop unrestricted authority for Frontier could be highly competitive with Northwest's own limited pattern of nonstop round-trip service. We agree. The proposed one-stop restriction would reduce Frontier's current required mileage in this market from 1,364 miles (over Denver and Omaha) to a possible routing of 1,129 miles (over Omaha), only slightly over the nonstop mileage (1,070 miles) and Northwest's best one-stop routing over Minneapolis (1,092 miles). Accordingly, we have decided to restrict Frontier's certificate authority to two-stop operations in this market.[4]

Hughes Airwest objects to proposed improvements in two markets—Great Falls-Tucson and Las Vegas-Phoenix. Although the Great Falls-Tucson market is very small (630 true O&D in FY 1973), in view of Airwest's continuing objection—Airwest possesses two-stop authority in this market—we will restrict Frontier to two-stop operations over Denver, an improvement over its current three-stop authority. In the Las Vegas-Phoenix market, the proposed improvement in Frontier's authority would reduce Frontier's required one-stop mileage from 1,205 miles (over Denver) to 326 miles (over Flagstaff) or only 71 miles longer than the nonstop distance. In view of the size of this market (75,980 true O&D in FY 1973), it seems likely that Frontier would be encouraged to enter the market and to compete with Airwest's nonstop services. Accordingly, we will restrict Frontier to its current one-stop authority over Denver, or to any two intermediate points.[5]

Western contends that the removal of the specified intermediates in the Denver-Great Falls and Rapid City-Salt Lake City markets could have a competitive impact on its services in those markets. We agree. In the Denver-Great Falls market, both Frontier and Western operate single-plane services; however, in FY 1973 Western outcarried Frontier by a ratio of 4 to 1 in terms of O&D passenger movement. Allowing Frontier a choice of intermediates could result in increased frequencies and a consequent diversion from Western. In the Rapid City-Salt Lake City market, elimination of Frontier's mandatory stop at Denver would result in a substantial reduction in circuity from the 691 miles over Denver,[6] and operations by Frontier could divert from Western's services.[7] Although we have generally been reluctant to retain specified intermediate points in our realignment program, in these circumstances we will restrict Frontier to its current mandatory intermediate points in these two markets.

Frontier requests one-stop authority in the Kansas City-Tucson market because TWA has upgraded its service to nonstop in one direction, and because the market is of particular economic importance to Frontier. It appears to us that TWA is providing service which is reasonably appropriate for the present demands of the market, and Frontier has not presented sufficient reasons for departing from our normal guidelines. Consequently, as proposed in Order 73–12–45, we will limit Frontier to two-stop authority in this market, but remove the requirement to serve specific intermediate points.

Monopoly markets. By far the largest number of markets in which carriers

[1] We also directed all interested persons to show cause why we should not make permanent Frontier's temporary authority at Steamboat Springs-Hayden-Craig, Colorado, and its authority to suspend off-season service at West Yellowstone, Montana.

[2] See Appendix B, which lists objecting parties and the proposed authority objected to.

[3] A map showing the realigned system is set out as Appendix A.

[4] As noted hereafter (*infra*, footnote 30a), Frontier will continue to hold one-stop authority over Omaha in this market as long as its exemption authority under Order 68–8–13 continues in effect. Disregarding this exemption authority, while Northwest requests that the existing two-stop certificate restriction over Denver and Omaha be retained, we find that a simple two-stop restriction over unspecified intermediates will be sufficient to protect Northwest's interest in the market.

[5] Although Airwest requests that Albuquerque be made the mandatory intermediate, Frontier's best authority in the Las Vegas-Phoenix market via Albuquerque would be two-stop since Frontier is restricted to one-stop service between Albuquerque and Phoenix. The restriction as revised here will enable Frontier to operate one-stop over Denver or it could use its two-stop authority over Albuquerque by tacking its nonstop Las Vegas-Albuquerque authority to the one-stop Albuquerque-Phoenix authority. We find that this restriction will be sufficient to protect Airwest's interest in the market.

[6] A reduction of 184 miles if Casper were used as an intermediate and 161 miles in the case of Rock Springs.

[7] Western currently operates one nonstop and one one-stop round trip in this market. Frontier does not offer any service.

V40134 JUL 11 75 XUM

have objected to any improvement in Frontier's authority concern Frontier monopoly markets which the objecting carrier does not have authority to serve because it is not certificated at one of the cities.[9] Continental has objected to the proposed realignment in 24 such markets. The largest of these is Casper-Tulsa with only 1,480 true O&D passengers in FY 1973, while the smallest, Cheyenne-Colorado Springs, generated a mere 90 true O&D passengers in FY 1973. Texas International objects to the removal of the specified intermediate points from Frontier's two-stop authority in the Amarillo-Las Vegas market, a market of 3,500 true O&D passengers in FY 1973. Western objects to improvement of Frontier's authority in eight markets where Western does not serve one of the points concerned. The largest market, Chicago-Rapid City, had 6,360 true O&D passengers in FY 1973, while the smallest, Dallas-Cheyenne, had only 1,000 true O&D passengers.

Basically, these carriers contend that Frontier's authority should not be improved because Ashbacker principles[9] preclude such improvement here or because the improvement will result in diversion. We reject these contentions. The carriers' Ashbacker arguments rest essentially on the fact that the carriers concerned have applications on file for some form of authority in the markets[10] or on the assertion that they might wish to apply for such authority some time in the future,[11] and that because of the small size of the markets concerned the improvement in Frontier's authority will, as a matter of economic fact, preclude their certification in these markets. These contentions are defective. Frontier is currently certificated to provide single-plane service in all of the markets concerned, while the objecting carriers are not. Consequently, these carriers' contentions do not present the issue of which of two competing applications for new services should be granted, but rather whether a second carrier should be authorized to serve the market. The Board has held that comparative consideration of applications is not required if a particular market is not large enough to support a carrier in addition to the incumbent, because it is the presence of the incumbent and the size of the market rather than the improvements in the incumbent's operating authority which serve to preclude the certification of the new carrier.[12] Further, with respect to Western's Ashbacker contentions, it is axiomatic that the mere assertion by a carrier that it intends to seek some form of authority some time in the future does not give that carrier any rights under Ashbacker.

We further find that there will be no meaningful diversion in these markets. The carriers themselves estimate that only a minimal level of their revenues would be subject to diversion as a result of the proposed realignment—Continental estimates that $315,000 of its revenues would be subject to diversion, while Western asserts that $140,000 in revenues would be subject to diversion, primarily in the Chicago-Casper/Rapid City markets.[13] Moreover, these estimates do not reflect the real impact of the realignment because they assume that Frontier will institute service in all markets pursuant to the new authority. One of the primary goals of our realignment program is to remove restrictions in markets such as these which do not now or in the foreseeable future present competitive considerations of a significant magnitude to warrant stop restrictions, particularly with a specified intermediate point. Such action will give the carrier greater operating flexibility so that it may establish more logical aircraft routings. These markets may or may not receive new service as Frontier revises its routings in line with the new authority. However, it is certain that they will not all receive service. Consequently, any diversion that might result from the improvement of Frontier's authority in these markets will be de minimis.

Other objections. Continental objects to the realignment in four markets where it is certificated at both cities but unlike Frontier has no useable single-plane authority.[14] Continental contends that because its request for a similar improvement in authority by show cause was denied, Frontier's request must also be denied. We do not agree. Continental's request for authority in these markets was denied because the incumbent carriers, American and Braniff, which clearly had standing to object, contested Continental's application on the basis of its lack of any useable single-plane authority in these markets. Those carriers have not objected to an improvement in Frontier's authority here. Accordingly, we will make no change in the authority proposed in these markets.

We also reject Continental's objections in the Oklahoma City-Phoenix/Tucson markets. Initially, we note that we inadvertently misstated Continental's authority in these markets as one-stop rather than two-stop. In the Oklahoma City-Phoenix market, Frontier's present authority is one-stop via Pueblo, Colorado, while Continental's best authority is two-stop, via either Austin or Houston plus one additional point.[15] Frontier's authority via Pueblo represents 969 air miles compared to the nonstop mileage of 833 miles. Continental's authority is 1,808 air miles or almost twice the length of that of Frontier. Further, the market is presently receiving nonstop and one-stop service from American and TWA, neither of which have objected to the show cause order. Under the circumstances, the modest improvement we proposed in Frontier's authority should have no more than negligible impact on Continental. Finally, Continental is incorrect in asserting that the proposed restriction is more liberal than that sought by Frontier. Frontier requested that its authority

[8] See Appendix C.

[9] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

[10] For example, Texas International has on file an application for authority to Las Vegas from both Dallas and Albuquerque which, if granted, would allow the carrier to operate single-plane service between Amarillo and Las Vegas.

[11] Western indicates that its long-range plans include seeking access to Chicago and Dallas.

[12] See Service to Spokane, 41 C.A.B. 1 (1964) and Order 73-4-113, April 26, 1973. Spokane involved, *inter alia*, an application of United for removal of a stop restriction which would give nonstop authority to United between Spokane and the carrier's California points. Western wanted comparative consideration of its own application for nonstop authority between Spokane—a point it did not serve—and California before United's application could be granted. In rejecting Western's *Ashbacker* contentions, we found that it was not the restriction removal which would foreclose grant of Western's application, assuming it was foreclosed, but the presence of United in the markets "prior to our present decision," markets "which are not sufficiently large to warrant the addition of another carrier" (41 C.A.B. at 9). In these circumstances, we found that the burden on Western to establish that the public convenience and necessity require its certification would be the same even if United's application were denied.

We summed up the factual situation and our understanding of the applicability of *Ashbacker* as follows (41 C.A.B. at 10):

"A market large enough to allow an existing carrier or carriers to improve the quality of their service by providing nonstop flights is not necessarily large enough to warrant the certification of an additional carrier. Considered separately or in their entirety, the proposals of Western for service to Spokane are not in the public convenience or necessity under present circumstances, whether or not United's * * * is granted. Thus the grant of Western's application is 'precluded' not by the grant of United's * * * application, but by the *existing* route system and the size of the market served by that system. We believe that in a situation like this, where the disability under which the applicant seeking to be heard finds itself stems in a real and practical sense from the fact that it is a newcomer seeking to be placed on a par with existing carriers,* that *Ashbacker* does not require consolidation of the application.

**Cf. Delta Air Lines* v. *Civil Aeronautics Board*, 228 F. 2d 17 (C.A.D.C. 1955): 'We are not here dealing with a situation in which the circumstances put one applicant at a disadvantage, as, for example, where a newcomer is in a contest with an established licensee * * *.'"

[13] In the Chicago-Rapid City market, the one market concerned which had more than 10 passengers a day in FY 1973, we have retained the number of stops required by Frontier's current authority and have removed only the mandatory intermediate points.

[14] In the Chicago-Oklahoma City/Tucson/Tulsa markets, Frontier's authority would change from three-stop to two-stop without any specified intermediates, and in the Chicago-Phoenix market, its current two-stop authority over Omaha and Denver would change to two-stop unrestricted authority.

[15] Condition (18) of Continental's certificate specifically restricts the carrier to two-stop operations in the Oklahoma City-Phoenix/Tucson markets and condition (10) requires that one of the stops be Houston or Austin, Texas.

between Oklahoma City and Phoenix be restricted to a stop at any point north of Santa Fe. We viewed this restriction as too liberal and proposed the stop in Colorado in order to maintain some circuity in the market over the nonstop mileage.[16]

In the Oklahoma City-Tucson market, Continental contends that the proposed restriction does not maintain the circuitry of Frontier's authority. Frontier's present authority is two-stop via Albuquerque and either Pueblo or Dallas. Under the proposed authority, Frontier must continue to serve Albuquerque but it may substitute another intermediate for Dallas or Pueblo; however, the number of more direct routings which could be used by Frontier is limited. Thus, to operate two-stop service in the Oklahoma City-Tucson market, Frontier must serve the second intermediate point between Albuquerque and Oklahoma City since the carrier is restricted to one-stop operations in the Albuquerque-Oklahoma City market. Further, with respect to its choices of new intermediate points between Albuquerque and Oklahoma City, Frontier could not use the two strongest direct intermediate points—Amarillo and Lawton-Ft. Sill—to satisfy the one-stop requirement because it is restricted to one-stop service between Albuquerque and those points. In these circumstances, we find that Continental has not presented sufficient reason for overturning this limited improvement in Frontier's authority. However, in the El Paso-Phoenix market, we did misstate Frontier's current and proposed authority as one-stop rather than two stop. Accordingly, we will amend the proposed certificate to make Frontier's authority in this market two-stop via Albuquerque or a point north thereof plus one unspecified point.[17]

Further, we will deny Western's request that Frontier be restricted to its current specified intermediate, Denver, in the Billings-Las Vegas market. As stated above, our realignment program inherently contains a strong presumption against maintaining mandatory stops at specific points. In circumstances where Frontier's present authority is superior to that of the objecting carrier, we are not persuaded that the retention of a named intermediate is required. Furthermore, we note that Frontier's choice of intermediates is limited by stop restrictions in other markets. For example, Frontier is restricted to one-stop service over Denver in the Salt Lake City-Las Vegas market; and consequently the carrier could not use Salt Lake City for one-stop operations in the Billings-Las Vegas market.

Frontier objections. As discussed below, we have decided to grant Frontier's request to include a condition in its certificate which lists its current nonstop authority not subject to the skip-stop condition and to modify its restrictions in the Kansas City-St. Louis and Las Vegas-Tucson markets. We find the remainder of Frontier's objections to be without merit.

Frontier objects to the Board's failure to incorporate its proposed condition (7) in the realigned certificate. Frontier's condition (7) lists all city-pairs in which Frontier currently possesses nonstop authority which is not subject to the skip-stop restriction.[18] In Order 73-12-45, we tentatively found that adoption of Frontier's proposed condition was not required primarily because we believed that Frontier's current authority could be preserved by reference to individual cities which are excluded from the two round-trip requirement. However, on reconsideration, we have decided to adopt Frontier's proposed condition. As the carrier correctly observes, incorporation of this condition in its certificate will only preserve the status quo with respect to its unrestricted nonstop authority. The carrier's authority in these markets is currently not subject to the skip-stop restriction and absent the proposed condition, as the realigned certificate is currently drafted, it would be subject to that restriction.[19] Accordingly, we have added a new condition (4), with all subsequent conditions renumbered, which will reflect Frontier's current nonstop authority which is not subject to the skip-stop condition.

In the Kansas City-St. Louis market, we proposed to modify Frontier's existing Denver long-haul restriction to a restriction requiring service to a point west of Omaha. This restriction accommodated TWA's objection. Frontier requests a further modification of the long-haul restriction which would allow Kansas City-St. Louis flights either to serve a point west of Omaha or to serve two points beyond Kansas City. We have decided to grant this modification. Frontier's request represents a minor improvement in its authority and will not disturb the competitive balance in this market.[20]

In the Las Vegas-Tucson market, Frontier requests that its realigned authority be designated as two-stop even though its best current authority is one-stop over Albuquerque. Since no one has objected to Frontier's proposal, we will modify the carrier's authority in this market as requested.

In the Great Falls-Salt Lake City market, Frontier maintains that it currently has nonstop authority because condition (10) of its certificate should be interpreted as a long-haul restriction rather than a stop restriction.[21] We do not agree. This condition was imposed in the Western Montana Service Investigation, 47 C.A.B. 67 (1967) which was instituted, inter alia, to determine the need for single-carrier service between Missoula and Bozeman, on the one hand, and Salt Lake City, on the other hand. A reading of the Judge's decision in the case, which was adopted by the Board, clearly demonstrates that the condition was intended as a stop restriction to encourage service between Missoula/Bozeman and Salt Lake City. Frontier's interpretation, on the other hand, would have the absurd result of requiring over a hundred miles direct backhaul to Great Falls for the Bozeman and Missoula passenger before going to Salt Lake City. Clearly, this was not our intent in certificating Frontier in the Western Montana case.

Frontier objects to the Board's failure to adopt its one-segment route description arguing that the route description as proposed by the Board will increase its service obligations at certain points. Frontier cites Moab, Utah, as an example. Since Moab is an intermediate point on only one segment, under its present authority, Frontier could serve the point with a single round trip as long as it does not overfly it on that segment. Frontier contends that the Board's route description would, as a practical matter, increase Frontier's certificate obligation to Moab since the city would become an intermediate between more important city-pairs.[22] However, Frontier fails to point out that its proposed route description would also change its authority at Moab and place the point between a number of new city pairs where the carrier currently operates nonstop

[16] That our proposed restriction maintains circuity in the market is illustrated by the example presented by Continental of a possible one-stop routing over Durango. Such a routing represents a savings of only 38 miles over Frontier's existing authority.

[17] Continental's objections to Order 73-12-45 also extend to the Dallas-Phoenix/Tucson and Tulsa-Phoenix/Tucson markets. The authority proposed retains Frontier's current authority in the two Dallas markets and the number of stops currently required in the two Tulsa markets. Continental has proffered nothing which would require further restrictions in these markets.

[18] All local service carriers, unlike the trunks, are subject to the so-called "skip-stop" condition, which prohibits a carrier from overflying an intermediate point included in the linear description of a segment unless it has provided a minimum level of service—usually two daily round trips—to the point. However, in some markets, local service carriers can provide nonstop service without regard to the skip-stop condition. This authority results either from a specific authorization in a route proceeding, where the Board determined that such authority was required, or because two points on a given segment are contiguous and there are no intermediate points to overfly.

[19] In these nonstop markets, Frontier remains under a basic service obligation to exercise its authority, which does not carry with it a specific minimum service requirement, and the obligation imposed by section 404 of the Act to render adequate service. See Order 74-8-28, at 11-13, dated August 8, 1974.

[20] Frontier currently has similar authority by exemption which allows the carrier to operate two daily Kansas City-St. Louis flights without regard to the Denver long-haul restriction if those flights serve two stops beyond Kansas City. See Orders 73-2-64, February 14, 1973, and 75-2-10, February 4, 1975. Since the amendment we are granting herein encompasses the exemption authority, we will revoke Frontier's exemption authority in Docket 24992.

[21] Condition (10) reads as follows: "Notwithstanding the provisions of paragraphs (3), (4), and (5) above, flights on segment 15 shall serve Bozeman or Missoula, Mont."

[22] The carrier incorrectly cites Denver-Phoenix as an example.

V 40 134 JUL 11 75 XUM

service.[25] Accordingly, under either route description Frontier's authority at Moab would be changed.[26] In short, in realigning Frontier's authority from 24 segments into a single segment, it is simply impossible to duplicate the effect of segmentation in all cases. Since Frontier's authority would be changed under either route description, we have decided to retain our proposed description.[27]

Frontier also objects to the Board's failure to allow overflight of Lovell-Powell-Cody, Wyoming, and McCook, Kearney and Hastings, Nebraska, after one round trip.

With respect to Cody, Frontier alleges that it has been authorized to overfly the point after one round trip since 1968[28] and that its proposed amendment merely preserves existing conditions. We do not agree. The authorization granted in Docket 19381 to overfly Cody after one round trip is conditioned upon the provision of a second round trip by an air taxi operator. Clearly, an unconditional authorization to overfly Cody after one round trip would not be preserving the *status quo*. Moreover, even the conditional authorization was objected to by the cities concerned. Consequently, it seems likely that had we proposed to amend Frontier's certificate, the cities would have continued their objection.[29] In these circumstances, we will not accede to Frontier's objection.

With respect to Hastings, Kearney, and McCook, Frontier argues that the Board in Order 72-4-72 expressly found that its service obligations could be discharged with a single daily round trip operated over segment 9 (the only segment containing the three points) and that as long as Frontier met its skip-stop requirement with respect to segment 10 it could operate Denver-Omaha nonstop service. Frontier alleges that if the proposed certificate is finalized in its present form that the carrier would no longer have this authority with respect to the three Nebraska points when it schedules its Denver-Omaha flights. In view of this, Frontier seeks to place Hastings, Kearney, and McCook in the condition allowing overflight of a point after one round trip asserting that this would merely preserve the status quo. We do not agree. Order 72-4-72 does not relieve Frontier of its two-round-trip skip-stop obligations at these three Nebraska points, but merely reaffirms the conventional interpretation of skip-stop authority that the carrier could choose to operate between Denver and Omaha over segment 9 or 10—its two segments between the two points—as long as it complied with the skip-stop provision on the segment it selected.[30] Frontier elected to operate its Omaha-Denver service via segment 10 which does not serve the three Nebraska cities concerned, and in opearting via segment 10, Frontier complied with its skip-stop obligation by providing two round trips to the points on that segment between Omaha and Denver. In short, Frontier's authority at Hastings, Kearney, and McCook is currently subject to a requirement that the carrier provide two round trips before it overflies these points, and we will not amend Frontier's certificate to remove this requirement. It is true, of course, that the elimination of a separate segment 10 may well have the practical effect of increasing the burden of this requirement. But this is simply one of the inevitable results of any route realignment. As we observed above (supra, p. 11), there is no practical way in which 24 segments can be realigned into one—with all the increased flexibility for the carrier this entails—without having some effect on the carrier's skip-stop authority and service requirements. Because Frontier's proposal would permanently reduce its service obligations, and because the civic parties involved have objected, we will not here amend its certificate in the manner requested.

On the other hand, we note that Frontier has recently filed an application in Docket 27540 to redesignate Grand Island, Hastings, and Kearney as a single hyphenated point to be served through the Grand Island Municipal Airport. At the present time, in compliance with the skip-stop condition and segmentation of its present certificate, Frontier is providing one daily round trip at Hastings and Kearney. Pending Board action on the application in Docket 27540, it does not seem appropriate to put into effect a change which would likely have the practical effect of requiring Frontier to institute additional service at these two points. Accordingly, by a separate order issued simultaneously herewith (Order 75-7-6), we are temporarily exempting Frontier from the requirements of its new certificate so as to permit it to maintain its present service pattern at Hastings and Kearney pending Board consideration of its application in Docket 27540.

Finally, Frontier objects to the failure to delete Borger, Texas; to hyphenate St. Joseph with Kansas City; and to incorporate in its certificate its Great Falls-St. Louis exemption authority.[31] However, the carrier has presented nothing which would require a change in our tentative findings in Order 73-12-45. As to the former two items, we continue to view these matters of deletion and hyphenation as outside the general purview of a route realignment; they should be dealt with by separate applications to amend Frontier's certificate. As to the Great Falls-St. Louis exemption, we explained in Order 73-12-45 why, in face of Northwest's objections, we could neither incorporate this exemption authority in Frontier's certificate nor take Frontier's operations under the exemption into account in fixing restrictions in other contested markets. Frontier contends that this action was inconsistent with actions we have taken in past realignments, citing Hughes Airwest (Order 72-4-140) and North Central (Order 71-2-12). However, Frontier's citations are inapposite. In the former case, we made permanent temporary certificate authority, and the latter realignment involved uncontested certification of North Central in a noncompetitive market.

Here, Northwests raised valid (in this context) objections with respect to the Great Falls/Billings-Chicago markets, where Frontier's temporary exemption authority is one-stop over Omaha whereas its permanent certificate authority has been a highly circuitous two-stop over Denver and Omaha. Similarly, North Central filed a general objection which went to several markets (Kansas City/Omaha-Rapid City/Minot) in which the exemption improved on Frontier's preexisting certificate authority. These objections not having been withdrawn, we cannot transfer all of Frontier's exemption authority to its certificate in the context of this nonhearing proceeding. However, it should be noted that the new certificate proposed herein will in fact incorporate most of the exemption authority in question, either because of the absence of objections or under other realignment guidelines.[32]

[25] In Denver markets alone, Frontier's route description would place Moab between Denver and Grand Junction, Jackson and Montrose, markets in which the carrier currently operates nonstop service.

[26] However, the route description would not change Frontier's service at Moab since the carrier has been authorized to suspend service at Moab subject to a replacement service, Order 74-11-50, November 12, 1974.

[27] We have, however, modified the new condition listing Frontier's nonstop authority not subject to the skip-stop restriction to account for the differences between our route description and that proposed by Frontier.

[28] Order E-26344, February 12, 1968, extended by Order 70-3-38, March 9, 1970.

[29] We note that Frontier is currently providing the required minimum two trips at Cody. Further, by letter dated September 14, 1973, filed with our Agreements Section, Frontier stated that it had not used the authority to overfly with the replacement service since April 24, 1971.

[30] Order 72-4-72, p. 3.

[31] Pursuant to Order E-25645, September 7, 1967, renewed by Order 69-8-13, August 4, 1969, Frontier has temporary exemption authority to operate between Great Falls and St. Louis via Billings, Rapid City, Omaha, and Kansas City, subject to certain intermediate-stop and long-haul restrictions in various of the markets involved.

[32] Thus, out of fifteen city-pair markets directly involved in the Great Falls-Billings-Rapid City-Omaha-Kansas City-St. Louis route, Frontier will receive unrestricted authority in eleven under the new certificate proposed herein; and in two others (Omaha/Kansas City-St. Louis), the restrictions imposed by the carrier's new certificate are essentially the same as those attached to its exemption authority under Order 69-8-13. Only in two markets (Rapid City-Omaha/Kansas City), where the exemption gives it unrestricted authority does the proposed certificate limit it to one-stop authority. Similarly, in the great majority of markets which Frontier has been able to serve by combining its existing certificate and exemption authorities, the new certificate will give the carrier as good or better authority than it has previously enjoyed.

[33] For example, Frontier will continue to hold unrestricted nonstop authority under the exemption in the Rapid City-Omaha/Kansas City markets, where its certificate authority will only be one-stop; and it will continue to hold one-stop authority under the exemption in the Great Falls/Billings/Rapid City-Chicago markets (via Omaha) and the Great Falls-Bismarck and Minot-Omaha/Kansas City markets (via Rapid City), where its certificate authority will only be two-stop. This listing is not necessarily all-inclusive; the principle involved is that while the exemption continues Frontier will be able to operate any service which until now has been authorized by a combination of the exemption with its existing certficate authority.

Moreover, this order and the certificate attached hereto are not intended to withdraw any of Frontier's authority under the exemption last issued in Order 69-8-13, which authority will thus continue at leasts until either its application to renew the exemption or its underlying certificate amendment application are disposed of by the board.[33]

Civil responses. A number of civic parties have filed responses to Order 73-12-45. Alamagordo and the New Mexico Aviation Board object to the proposed reduction of Frontier's skip-stop requirement at Alamagordo. We stated in Order 73-12-45 that we would only honor Frontier's request to reduce its skip-stop requirements in the absence of an objection from the community concerned. In view of these objections, we will amend the proposed certificate to eliminate Alamagordo from the list of cities Frontier can overfly after it has scheduled only one round trip.

The cities of Gallup, New Mexico, and Gunnison, Colorado, have indicated that they have no objection to the realignment as long as Frontier's minimum service requirements at their respective communities are retained. Since the realigned certificate does not alter Frontier's certificate obligations at these cities, no change is required.[34]

While Bartlesville and Muskogee, Oklahoma, filed responses, these cities were subsequently deleted from Frontier's certificate.[35] We have amended the realigned certificate to reflect these deletions.

Stillwater, Oklahoma, filed a response generally concerning the quality of Frontier's service at Stillwater. This has recently been the subject of an evidentiary hearing in Docket 26218, where the parties were given a full opportunity to state their views on the matter. The case is currently pending. Accordingly, no change in Frontier's proposed certificate is appropriate here.

Finally, the Nebraska Department of Aeronautics continues to seek the imposition of a new restriction which would prevent Frontier from serving Hastings, Kearney and McCook on flights which also serve Grand Island, North Platte, Sidney or Scottsbluff, Nebraska states that the purpose of the restriction is to prevent Frontier from operating service between the initial three Nebraska points, on the one hand, and Denver and Omaha, on the other hand, via an excessive number of intermediate points. We reject Nebraska's request. Our route realignment program is designed in large part to cull from the carriers' certificates unwarranted and unduly inflexible restrictions which inhibit the carriers' operating flexibility and ultimately their ability to serve the traveling public. Nebraska now proposes to add a restriction which would unduly inhibit Frontier's operating flexibility and which is only intended to protect against an eventuality that even Nebraska does not believe will come to pass. In these circumstances, we find that the proposed restriction would not be in the public interest.

Miscellaneous. The realignment of Frontier's certificate as effectuated in Docket 25214 renders moot a number of outstanding applications by Frontier for various amendments to its route authority. These applications are contained in the following dockets: 17275, 17301, 22601 and 23079. As a housekeeping measure, we are hereby dismissing the applications in those dockets.[36]

For purposes of determining a license fee in accordance with the schedules set forth in section 389.25 of the Board's Organization Regulations (14 C.F.R. 389.25), the Board finds that the additional gross annual transport revenues for the first full year of operations by Frontier as a result of the new authority granted herein will be within the $100,000–$1,000,000 range.

Accordingly, it is ordered, That:

1. The tentative findings and conclusions set forth in Order 73-12-45, December 11, 1973, as modified herein, be and they hereby are made final;

2. Amended certificate of public convenience and necessity for route 73 in the form attached hereto be issued to Frontier Airlines, Inc.;

3. Such certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective on August 4, 1975: *Provided, however,* That the effective date of said amended certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to section 389.21(b) of the Regulations; [37]

4. The applications in Dockets 17275, 17301, 22601 and 23079, be and they hereby are dismissed as moot;

5. The exemption authority held by Frontier in Dockets 17301 and 24992, be and it hereby is revoked, effective 30 days after the date upon which the attached certificate becomes effective;

6. Except to the extent granted herein all applications, requests, and motions involved in this proceeding, be and they hereby are denied; and

7. A copy of this order shall be served upon the parties listed in Appendix D.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: Appendices A—D and specimen certificate of convenience and necessity for Route 73 filed as part of the original document.

[FR Doc.75-17819 Filed 7-10-75;8:45 am]

[33] Bartlesville—Orders 74-3-122, March 28, 1974, and 74-5-85, May 16, 1974; Muskogee—Order 74-11-19, November 4, 1974.

[34] In Docket 17301, Frontier was granted temporary exemption authority (Order E-23815, June 14, 1966) pending final decision on its route application. Since this authority is also moot, we will revoke it.

[35] We recognize that in realigning Allegheny's route system, we provided for reconsideration of the order amending Allegheny's certificate (Order 74-8-28, August 8, 1974). However, that order contained a number of new modifications of Allegheny's authority which had not been subject to comments from interested parties. Such is not the case here. Accordingly, we do not propose to entertain petitions for reconsideration of this order.

[Docket No. 22859; Order 75-6-69]

WESTERN AIR LINES, INC.

Order of Suspension Regarding Air Freight Rates

Correction

In FR Doc. 75-15885 appearing on page 25712 in the issue for Wednesday, June 18, 1975, in the first column, the last line of footnote 2 reading "227." should follow the last line of footnote 1.

[Doc. 26494; Agreement C.A.B. 25206; R-1 through R-3; Order 75-7-10]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating To Passenger Fares

JULY 2, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would add certain first class and economy fares within Scandinavia to reflect introduction of Bergen-Lerwick and Norwich-Stavanger service and add new group fares within Europe. We will approve the first and economy class fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to creative fares which are not similarly combinable.

[36] Finally, Frontier objects to the failure to delete Borger, Texas; to hyphenate St. Joseph with Kansas City; and to incorporate in its certificate its Great Falls-St. Louis exemption authority. However, the carrier has presented nothing which would require a change in our tentative findings in Order 73-12-45. As to the former two items, we continue to view these matters of deletion and hyphenation as outside the general purview of a route realignment; they should be dealt with by separate applications to amend Frontier's certificate. As to the Great Falls-St. Louis exemption, we explained in Order 73-12-45 why, in face of Northwest's objections, we could neither incorporate this exemption authority in Frontier's certificate nor take Frontier's operations under the exemption into account in fixing restrictions in other contested markets. Frontier contends that this action was inconsistent with actions we have taken in past realignments, citing Hughes Airwest (Order 72-4-140) and North Central (Order 71-2-12). However, Frontier's citations are inapposite. In the former case, we made permanent temporary certificate authority, and the latter realignment involved uncontested certification of North Central in a noncompetitive market.

Here, Northwests raised valid (in this context) objections with respect to the Great Falls/Billings-Chicago markets, where Frontier's temporary exemption authority is one-stop over Omaha whereas its permanent certificate authority has been a highly circuitous two-stop over Denver and Omaha. Similarly, North Central filed a general objection which went to several markets (Kansas City/Omaha-Rapid City/Minot) in which the exemption improved on Frontier's preexisting certificate authority. These objections not having been withdrawn, we cannot transfer all of Frontier's exemption authority to its certificate in the context of this nonhearing proceeding. However, it should be noted that the new certificate proposed herein will in fact incorporate most of the exemption authority in question, either because of the absence of objections or under other realignment guidelines.[32]

[37] The proviso to condition (3) lists Gallup and Gunnison as points Frontier may overfly after one round trip. However, this merely transfers Frontier's existing authority in condition (5) of its currently effective certificate. Further, we note that Gallup interprets Frontier's authority at its city by reference to the route map attached as Appendix A to Order 73-12-45 and infers that Frontier has no authority to provide nonstop service between Gallup and Alburquerque or any service at all between Gallup and Phoenix because there is no line on the route map directly between these cities. The proper reference as to Frontier's authority in particular markets is to the conditions in its certificate, primarily the condition listing specific restrictions. Since Gallup is not listed anywhere in that condition, under its realigned certificate Frontier has the authority to provide nonstop service between Gallup and any other point on its system.

V40I134 JUL 11 75 XUM

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25206 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25206:			
R-1	062	TC2 First Class Fares (Within Europe) (Amending)	2
R-2	062	TC2 Economy Class Fares (Within Europe) (Amending)	2

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25206, affects air transportation within the meaning of the Act:

Agreement	IATA No.	Title	Application
CAB 25206:			
R-3	072g	TC2 Creative Fares Board-Europe (amending)	

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 25206 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25206 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18084 Filed 7-10-75;8:45 am]

[Docket 25280; Agreement C.A.B. 25221; R-1 and R-2; Order 75-7-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

JULY 8, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provision of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated July 1, 1975.

Agreement CAB	Specific commodity item No.	Description and rate
25221:		
R-1	4316	Data Processing Systems [1] 181 cents per kg., minimum weight 100 kgs., 141 cents per kg., minimum weight 200 kgs., 114 cents per kg., minimum weight 500 kgs., 106 cents per kg., minimum weight 1,000 kgs., from New York to Bucharest.
R-2	7119	Books, 183 cents per kg., minimum weight 500 kgs., from Bombay/Delhi to New York.

[1] See applicable tariffs for complete commodity descriptions.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 25221, R-1 and R-2, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18085 Filed 7-10-75;8:45 am]

[Docket No. 27671]

NATIONAL AIRLINES, INC.

Hearing on "No Frill" Fares

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 12, 1975, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on May 15, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 7, 1975.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.75-18082 Filed 7-10-75;8:45 am]

[Docket No. 27914]

TOURIST ENTERPRISES CORP. ET AL.

Prehearing Conference and Hearing

In the matter of Tourist Enterprises Corp., "Orbis" d/b/a Orbis Polish Travel Bureau, Inc., and d/b/a Pargiello Services, Inc.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 30, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 18, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., July 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-18083 Filed 7-10-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 6530

Surgical Pack, Disposable, Preoperative, 6530-00-103-6659.

CLASS 7920

Brush, Scrub, General Utility, 7920-00-061-0038.

CLASS 8465

Bag, Soiled Clothes, Nylon, 8465-00-616-9576.

Comments and views regarding these proposed additions may be filed with the Committee on or before August 11, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-18030 Filed 7-10-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from June 30, through July 3, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 25, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-B, Administration Building, Washington, D.C. 20250, 202-447-3853.

FOREST SERVICE

Draft

Timber Plan, Arapaho National Forest, Colorado, July 3: The statement refers to a proposed revised timber plan for the Arapaho National Forest. Under the plan, timber management activities would be applied on from 6,800 to 13,000 acres annually. There will be impact to air, water, soil, and visual qualities from timber harvest and road construction. (ELR Order No. 50965.)

Land Use Plan, Emerald Creek Unit, St. Joe National Forest, Benewah, Latah, and Shoshone Counties, Idaho, July 2: The project concerns the implementation of a land use plan for the Emerald Creek Planning Unit, which consists of 17,800 acres in the St. Joe National Forest. Adverse impacts of the land use plan are as follows: soil disturbance and increased stream turbidity (associated with road construction, timber harvest, and garnet digging), degradation of air quality (due to periodic burning of logging debris), (79 pages). (ELR Order No. 50957.)

Bitterroot South Unit Land Use Plan, Bitterroot National Forest, Ravalle County, Mont., June 30: The statement concerns the implementation of a revised land use plan for the 71,830 acre Bitterroot South Planning Unit, Bitterroot National Forest. Also included in the unit are 700 acres of Nez Perce National Forest. The plan provides for the removal of 2,480 acres of currently roadless area to be managed under various intensities of roading. Timber harvests will continue at the present rate, 19,000 acres will be established as the Lost Horse Scenic Area, and 7,790 acres in the North Fork of Lost Horse and Ten Mile drainages are proposed as a "New Study Area" to determine its suitability for wilderness. (ELR Order No. 50936.)

Final

Timber Management Plan, Lassen National Forest, Calif., June 30: The statement refers to the proposed 10 year timber plan for the Lassen National Forest. There will be impacts to soils, nearby wilderness areas, aesthetics, and water quality. Comments made by: EPA, HEW, DOT, COE, USDA, DOC, and DOI. (ELR Order No. 50935.)

Tchoutacabouffa Unit, DeSoto National Forest, Harrison and Stone Counties, Miss., June 30: The statement concerns the management plan for Tchoutacabouffa Unit, DeSoto National Forest. Environmental impacts will result from timber harvesting and other timber management activities, road reconstruction, grazing, off-road vehicle use, prescribed burning, and use of pesticides on the 40,163-acre unit, (159 pages). Comments made by: HUD, COE, DOT, DOI, EPA, State agency groups, and individuals. (ELR Order No. 50947.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Dr. Billy Welch, Room 4D B73, The Pentagon, Washington, D.C. 20330, 202-OX 7-9297.

Final

F-15 Beddown, Langley Air Force Base, Va., July 3: Proposed is the beddown of an F-15 Tactical Fighter Wing at Langley AFB following the phase-out of 47 C-130 transport aircraft now at the base. There will be some alteration of existing facilities, as well as some new construction at the base. Principal impacts of the action relate to changes in the noise and air pollutants associated with the aircraft. Comments made by: EPA, HUD, NASA, DOI, DOT, USDA, and local agencies. (ELR Order No. 50969.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6861.

Draft

Hawaii Maintenance Dredging Activities, Hawaii, June 30: This project entails Federal Harbor maintenance dredging in the State of Hawaii, including the disposal of dredge spoil at ocean dumping sites located 3 to 5 miles offshore from the harbor entrances. Adverse impacts will be the destruction of some benthic organisms by excavation and burial, environmental stress due to silting, the assimilation of pollutants by marine organisms, and the pollution of the benthic environment. (Honolulu District). (ELR Order No. 50948.)

Pools 24, 25, and 26, Mississippi and Illinois Rivers, Illinois and Missouri, June 30: The statement concerns the operation and maintenance of the 9-foot navigation channel of the Mississippi and Illinois River from the mouth of the Missouri River upstream to Minneapolis. Dredging and placement of dredge will cause the resuspension of contaminants that may be contained in the sediment and destruction of benthic organisms. The dikes and revetments affect the geomorphology of the river and prevent natural changes from occurring. (ELR order No. 50939.)

Big Walnut Lake, White River Basin, Putnam County, Ind., June 30: The statement concerns the construction of a lake development project for the purposes of flood control, water supply, and recreation. The dam and lake wil control 210 square miles of drainage area. Two and one quarter miles of stream would be periodically inundated during flood storage and about 10.25 miles of stream would be converted to a permanent slackwater lake. Most flood plain forest, with important wildlife habitats, will be lost. Approximately 147 families will be affected through acquisition of the project lands (Louisville District). (ELR order No. 50938.)

Green Bay Levee and Drainage District 2, Iowa, Lee County, Iowa, June 30: The recommended plan consists of raising 19.7 miles of existing levee to protect Green Bay Levee and Drainage No. 2 against 200-year frequency floods in Lost Creek, the Skunk River, and the Mississippi River. Included in the plan are the elevation of other facilities and relocation of utility lines. The project will result in the loss of 55 acres of crop field and the disruption of life forms on 112 acres to be used as borrow sites. Increased protection against flooding could also be a stimulus for land-use changes within the district (Rock Island District). (ELR order No. 50933.)

Green and Barren Rivers, operation and maintenance, Kentucky, June 30: Proposed is the continued operation and maintenance of the existing Green and Barren Rivers navigation project, including the operation and maintenance of three locks and dams on the Green River, the occasional removal of obstructions from the present navigation channel, periodic small scale dredging at dam site, and stream mouths, and the deposit of dredge spoil. Adverse impacts are high turbidity levels due to heavy barge traffic; reduced water quality for public water supply, recreation, aesthetics and aquatic life; and a secondary effect—encouragement of strip mining activity which destroys much wildlife habitat (Louisville District). (ELR order No. 50941.)

Kentucky River Navigation Project, operation and maintenance, Kentucky, June 30: The proposed continued operation and maintenance of the existing Kentucky River Navigation Project (which contains 14 locks and dams) includes the removal of barriers to navigation, periodic dredging, and dredge disposal. Adverse impacts are increased turbidity, disturbance of fish, displacement and destruction of benthic plants and animals, temporary disruption of transportation during operations, and other effects if commercial traffic on the river increases significantly (Louisville District). (ELR order No. 50943.)

Strate Branch Flood Protection Project, Marion County, Mo., June 30: Proposed is the construction of 1.5 miles of channel with an average depth of 6 feet and a flanking-levee with an average height of 10 feet to provide flood protection against the 100-year frequency flood for approximately 2,700 acres of cropland. Approximately 1 acre of scattered trees and shrubs would be permanently lost due to project construction and subsequently maintenance (Rock Island District). (ELR order No. 50934.)

Iatan Steam-Electric Generating Facility, Platte County, Mo., July 3: Kansas City Power and Light Company and St. Joseph Light and Power Company have applied for a permit for proposed construction of a 630

V40I134 JUL 11 75 XUM

Megawatt coal-fired steam-electric generating facility and appurtenant structures on and in the Missouri River near the town of Iatan, Missouri. The project will require the displacement of 2 families. The use of a once-through cooling system would adversely affect plankton, fish, fish eggs, and larvae carried through the system. Some fish would be lost from impingement on the intake screens. Construction disruption would result (Kansas City District). (ELR order No. 50963.)

Jemez Canyon Dam, Rio Grande, N. Mex., July 1: The statement concerns the operation and maintenance of Jemez Canyon Dam for flood damage reduction and sediment retention. Storage of a 36,110 acre-foot recreation pool at elevation 5,297 and development of recreation facilities and zoning of project lands along the north shore and along the upstream portion of the reservoir are also included. Adverse impacts include the loss of cottonwood, salt cedar, and grass vegetation within the area of the proposed recreation pool, some increased evaporation water losses, and possible inundation of archeological sites (Albuquerque District). (ELR order No. 50951.)

Dunkirk Harbor Navigation Improvements, Chautaugua County, N.Y., July 3: The proposed project for small-boat harbor improvements at Dunkirk Harbor includes the construction of two rubble-mound breakwaters and a footbridge, the dredging of four channels and one mooring basin, and the removal of 83,000 cubic yards of bottom sediments. Adverse impacts will be the elimination of 4.7 acres of bottom habitat; the disturbance of 12.6 acres of benthic habitat; the disruption of recreational activities during dredging; and increased noise, dust, odors, turbidity, and traffic during construction (Buffalo District). (ELR order No. 50968.)

Fairport Small Boat Harbor (2), Lake County, Ohio, July 3: The statement concerns the establishment of harbor facilities for small craft on southern Lake Erie at the Village of Fairport Harbor. The proposed development would consist of dredging an approach channel, an L-shaped dock channel, and construction of three stone breakwaters and a stone revetment. In addition, local interests propose the construction of a marina. Adverse impacts include the increased vehicular traffic in the area, and the alteration of bottom habitat by dredging and placement of dredge (Buffalo District). (ELR order No. 50960.)

Allegheny River, Mile 0 to Mile 72.0, several Pennsylvania Counties, June 30: The statement concerns continued operation and maintenance of the Allegheny River for navigation purposes. Maintenance dredging operations will result in increased turbidity and the resuspension of sediments. Dredge spoil disposal will involve destruction of existing vegetative and wildlife habitats on and around new and old spoil disposal areas (Pittsburgh District). (ELR order No. 50927.)

Monongahela River Navigation System, Operation and Maintenance, Pennsylvania and West Virginia, June 30: The proposed project is the continued operation and maintenance of the Monongahela River navigation project. Adverse environmental impacts include increased turbidity and the resuspension of sediments (due to dredging); the elimination of immobile benthic organisms and rooted aquatic macrophytes; the relocation of fish; and the destruction of existing vegetative and wildlife habitats on about 5 acres of land (due to spoil disposal) (Pittsburgh District). (ELR order No. 50942.)

Swinomish Channel Maintenance Dredging, Skagit County, Wash., July 3: The proposed project is the continued maintenance dredging the Squnomish Channel, a protected passage, for purposes of commercial navigation. Dredging will cause the destruction of the benthic habitat, and will increase turbidity of the water in the vicinity. In the long-term, possibly significant amounts of agricultural land along the upland shore and mudflat habitat in the intertidal areas would be lost. Land-use development made possible or erosion by dredged material filling could result in adverse secondary effects (Seattle District). (ELR Order No. 50966.)

Kanawha River Navigation System, several West Virginia Counties, June 30: The proposed action is continuation of operation and maintenance of the navigation channel of the Kanawha River navigation system in Fayette, Kanawha, Putnam, and Mason Counties. Major adverse effects include sedimentation in the channel and deteriorated water quality (Huntington District). (ELR order No. 50950.)

Final

Tampa and Hillsborough Bays, Fla., July 1: The statement refers to the granting of a dredge permit to Benton and Company, Inc., and Bay-Con Industries, Inc., pursuant to Section 10 of the River and Harbor Act of 1899 for the purpose of dredging oyster shell from an area of 62 square miles, or 40,000 acres of Tampa and Hillsborough Bays. Approximately 900,000 cubic yards of oyster shell will be removed annually by those companies and used for commercial purposes. Adverse impacts are the loss of benthos in dredged areas and increased turbidity and sedimentation during the dredging process (Jacksonville District) (154 pages). Comments made by: DOC, USCG, EPA, DOI, State, and local agencies. (ELR order No. 50952.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Final

Houston Wastewater Facilities, Tex., July 3: Proposed is the granting of Federal funds to the City of Houston for expansion of wastewater collection and related facilities for the District 47 Regional Sewage Treatment Plant. The proposed facilities have been designed to carry wastewater currently treated by two small treatment plants and will be the 1990 estimated population of 42,400 persons. Sludge will Adverse impacts are increased noise levels, occasional odors, and normal construction distruptions. Comments made by: DOT, COE, HUD, USDA, and State agencies. (ELR order No. 50961.)

DEPARTMENT OF HUD

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD). Section 104(h).

Draft

Los Angeles Harbor Industrial Center Redevelopment, Los Angeles County, Calif., June 30: The statement concerns a redevelopment project for the 232-acre Los Angeles Harbor Industrial Center. The plan includes property acquisition, relocation assistance, demolition of buildings, modification of oil field operation facilities, and improvement of the streets network. Relocation and construction disruption will result. (ELR order No. 50937.)

DEPARTMEKT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Proposed Imperial National Wildlife Refuge, Arizona and California, June 30: The proposal recommends that approximately 14,470 acres of the Imperial National Wildlife Refuge in Yuma County, Arizona, and Imperial County, California, be designated as wilderness within the National Wilderness Preservation System. The proposed action would prohibit all development and vehicular use on the proposal area and in all probability, would increase primitive recreational uses of the proposal area. Consents made by: USDA, EPA, DOI, COE, and State agencies. (ELR order No. 50931.)

Proposed Havasu Wilderness, California, San Bernanrdino County, Calif., July 2: Proposed is the designation of 2,510 acres of the 41,495 acre Havasu National Willife Refuge as part of the Natural Wilderness Preservation System. The action would afford added legislative protection to these lands; some future management options would be precluded. Comments made by: USDA, DOI, and State agencies. (ELR order No. 50956.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Wolf Creek Generating Station, Kansas City, Coffey County, Kans., July 3: Proposed is the issuance of a construction permit to Kansas Gas and Electric Co. and Kansas City Power and Light Co. for the construction of the Wolf Creek Generating Station. The station will produce up to approximately 3,425 BWt and 1,150 AWe, and a design power level of 3,579 BWt is anticipated and included in the statement. Water for cooling will be taken from John Redmond Reservoir and discharged into Wolf Creek. Construction will disturb about 200 of the total 10,500 acre site, and will disturb approximately 50 households, of which 25 would be displaced. Approximately 180 miles of transmission lines will be constructed. (ELR order No. 50959.)

Final

Hartsville Nuclear Plants (TVA), Smith and Trousdale Counties, Tenn., June 30: The proposed action is the issuance of construction permits to TVA for the construction of the Hartsville Nuclear Plants (Plant A Units 1 and 2, Plant B Units 1 and 2). The plants will provide 3,579 MWt and 1,205 MWe each. A design power level of 3,758 MWt (1,245 MWe) for each reactor is anticipated at a future date and is considered in the statement. The construction will displace about 50 families and will suspend farming, hunting, and all other activities in the 1,940 acre site. Up to 103,500 gpm will be taken from the Old Hickory Reservoir as makeup for the plant cooling systems during operation, and organisms entrained in the system will be killed. Comments made by: ARP, USDA, DOE, DOC, EPA, FPC, HEW, DOI, TVA, and USCG. (ELR order No. 50930.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 Seventh Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Elba Municipal Airport, Coffee County, Ala., July 2: The project consists of the improvement of U.S. 27 from Flat Rock to Greenwood, 6 miles in length, to a 2-lane facility with stabilized shoulders the truck passing lanes. Adverse impacts include the displacement of 10 families and

taxiway, lighting, automobile parking lot, fencing and other navigational aids and the relocation of 5,000 feet of county road. Adverse effects include increased noise level, slightly increased air pollution, the clearing of acres of trees and short-term construction disruption. (ELR Order No. 50958.)

Summers County Airport, West Virginia, Summers County, W. Va., June 30: This new general aviation airport project entails acquisition of 120 acres of land; construction of paved runway, paved aircraft parking apron, taxiway, and paved access road; and relocation of 0.9 mile of state road. Adverse effects include slight air pollution increase; introduction of noise from aircraft; relocation of one residence; clearing of 70 acres of woodland, resulting in loss or modification of wildlife habitat; relocation of 4,700 feet of S.R. 18/1; and possible introduction of daicing chemicals and petroleum wastes into the drainage runoff. (ELR Order No. 50945.)

Final

Southern Idaho Regional Airport, Jerome County, Idaho, July 3: The statement refers to the Southern Idaho Regional Airport Authority proposal for a new regional airport in southern Jerome County. The airport would consist of a main runway, parallel taxiway, terminal building, aprons, lighting, fencing and parking facility. Adverse impact of the project will be the increase in the levels of air and noise pollution (35 pages). Increase in undesirable engine emissions (33 pages). Comments made by: DOT, EPA, DOI, HUD, COE, DOC, and State agencies. (ELR order No. 50967.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 78, Appalachee River to U.S. 29, Oconee and Clarke Counties, Ga., June 30: The proposed project consists of the upgrading of U.S. 78 to a four-lane facility between the cities of Atlanta and Athens, Georgia, a distance of about 7.5 miles. Adverse impacts include an increase in traffic-generated noise and air pollution adjacent to the highway; the displacement of 65 individuals; and the construction of a bridge over Barber Creek, necessitating erosion control measures (83 pages). (ELR order No. 50944.)

S.R. 53, Rome to Calhoun, Floyd and Gordon Counties, Ga., June 30: Proposed is the upgrading and new construction of 20 miles of S.R. 53, from the intersection of Anderson and North Broad Streets in Rome to the southwest city limits of Calhoun at the Oothkaloga Creek Bridge, to a four-lane roadway. Adverse effects are displacement of 66 individuals; increased traffic-generated noise and air pollution near the highway; loss of an unspecified number of acres of agricultural land; possible increases in siltation and erosion; and enroachment onto flood plains with displacement of some game habitat. (ELR order No. 50946.)

Bobby Jones Expressway, U.S. 1 to Savannah River, Richmond County, Ga., July 3: The statement concerns the construction of a 10.4-mile segment of the Bobby Jones Expressway from U.S. 1 to a crossing of the Savannah River. The expressway will provide a 4-lane divided circumferential route around the city of Augusta. Adverse impacts include increased traffic noise in the area, water quality impacts in terms of slight changes in Savannah River flood velocities from bridging, and air quality impacts. (ELR order No. 50962.)

U.S. 27, Flatrock to Greenwood, McCreary County, Ky., July 3: The project consists of the improvement of U.S. 27 from Flat Rock to Greenwood, 6 miles in length, to a 2-lane facility with stabilized shoulders the truck passing lanes. Adverse impacts include the displacement of 10 families and one business, a serious threat of excessive erosion and sedimentation, undesirable aesthetic effects, minimal increases in noise and air pollutants. (ELR order No. 50964.)

U.S. 45, Tupelo to Corinth, Lee, Prentiss, and Alcorn Counties, Miss., June 30: Proposed is the construction of a 45-mile section of U.S. 45 from Tupelo to Corinth, Mississippi. The 4-lane facility requiring 1630 acres of right-of-way, will meet Interstate Standards. Of this acreage required, about 550 acres can be classified as "prime" farmland. Approximately 11 families will require relocation and 67 residences are projected to receive a possible noise impact. A 4(f) statement is included concerning approximately 3 acres of right-of-way from the Natchez Trace Parkway. (ELR order No. 50932.)

Sixth Street, Southwest, Great Falls (2), Mont., June 30: The statement concerns a 0.41 mile segment of 6th Street Southwest from 10th Avenue South to Central Avenue West in Great Falls. The roadway will be a 4-lane, two way roadway with two parking lanes and a 16 foot median and will include bridges over the Sun River on 6th Street Southwest and 14th Street Southwest. The number of displaced families and businesses depends upon the alternative chosen, and right-of-way required will range from 1.0 to 4.8 acres. (ELR order No. 50940.)

Street and Track Improvements in Gastonia, Gaston County, N.C., July 2: The project proposes to eliminate certain street-railway grade crossings and to make major street improvements within the central business area of Gastonia. Adverse effects include the displacement of 75 families and individuals and 37 businesses and industries and minor erosion and siltation due to construction. (ELR order No. 50954.)

Oklahoma City West Bypass, S.H. 74, Oklahoma County, Okla., June 30: The proposed project is the construction of a 10-mile segment of six-lane divided highway (S.H. 74) with full access control from the I–240—Northwest 39th Street Expressway Interchange north to Northwest 178 Street in Oklahoma City. Also included in this proposal is the upgrading of a 1.2 mile segment of the Northwest Highway (S.H. 3) from a four-lane divided arterial highway to a six-lane divided limited access facility. If Alternative III is chosen, the project will displace 85 families, 9 businesses, and 3 nonprofit organizations. A 4(f) statement is included regarding the Lake Hefner reservation. (ELR order No. 50928.)

Final

I–55, Tangipahoa and St. John Baptist County, La., June 30: The proposed action involves the construction of a 10 mile segment of Interstate 55 from the U.S. 51, I–55 interchange to one mile south of Pass Manchac in St. John the Baptist Parish. Some additional right-of-way will be required for the project. Temporary air and noise pollution and construction disruption will result (two volumes). Comments made by: FPC, GSA, USCG, EPA, AHP, NCPC, OEO, USDA, HEW, and DOI. (ELR order No. 50929.)

U.S. 59, Fort Bend County, Tex., June 30: The proposed project consists of reconstructing a segment of U.S. 59 as a controlled-access facility along a route adjacent to and including the existing right-of-way. The total project length is 11.7 miles of which approximately 4.9 miles are on entirely new location. There will be the normal construction disruptions caused by the project (136 pages). Comments made by: EPA, HEW, DOI, USDA, COE, State, and local agencies. (ELR order No. 50926.)

U.S. 80, Arlington, Tex., Tarrant County, Tex., July 1: The proposed highway improvements will comprise a trumpet-type interchange with the ability to interchange traffic from Abram Street to Fielder Road and from Division Street (U.S. Highway 80) to Fielder Road, and at the same time completely eliminate the extremely confusing and dangerous at grade railroad crossing that presently runs through the middle of these heavily travelled intersections. The negative environmental effects will be the displacement of one family, along with the usual pollution aspects of increased highway traffic. Comments made by: DOT, HEW, HUD, EPA, COE, USDA, and DOI. (ELR order No. 50953.)

S.H. 6 Bypass, Falls Co., Tex., Falls County, Tex., July 2: Proposed is the construction of the S.H. Bypass, from 3.0 miles south of Marlin to 2.0 miles north of the city. Total length of the four-lane facility will be approximately five miles. Construction of the project will result in the taking of right-of-way and the displacement of twelve residences and businesses. (72 pages). Comments made by: HEW, EPA 2, and Heart of Texas Council of Governments. (ELR order No. 50955.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–18029 Filed 7–10–75;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

ALUMINUM PRICE INCREASES

Public Hearing

Notice is hereby given of a hearing called by the Council on Wage and Price Stability, pursuant to Pub. L. 93–387, to investigate aluminum price increases recently announced by the Aluminum Company of America (Alcoa), Kaiser Aluminum & Chemical Corporation, Reynolds Metal Company, and Alcan Aluminum Corporation. This hearing will be held on Monday, July 21, 1975, and Tuesday, July 22, 1975. in Washington, D.C., in the Main Auditorium at the Commerce Department, on 14th Street, NW. between E Street and Constitution Avenue. It will begin at 1:30 p.m. on July 21 and will continue throughout that day and the following day. The hearing will be chaired by Albert Rees, Director of the Council.

Alcoa and Kaiser recently announced price increases for aluminum ingots and for a variety of aluminum mill products, Reynolds and Alcan announced price increases for aluminum ingots. These price increases were to become effective, for the most part, on July 7, 1975. At the Council's request, the companies have delayed the increases until August 7, 1975 so that the Council may have time to study the justification for them. The Council is investigating why, in light of the current conditions of slack demand in the aluminum industry, the price increases were made at this time and whether these increases would be justified by increased costs or by any other factor.

Attendance at the hearing will be open to the public, but will be limited to the space available. Persons wishing to testify must submit a request to be included on the witness list by Wednesday, July 16, 1975. Such requests should be submitted to the Council, by mail, to Room 3235,

V 40 134 JUL 11 75 XUM

New Executive Office Building, Washington, D.C. or by telephone to 202–456–6757. Any person may submit to the Council written comments to be included in the hearing record. Such comments may be submitted to the Council before, during or after the hearing.

ALBERT REES,
Director.

JULY 8, 1975.

[FR Doc.75–18032 Filed 7–10–75;8:45 am]

SEATTLE CONSTRUCTION WAGE INCREASE

Public Hearing

Notice is hereby given of a hearing called by the Council on Wage and Price Stability, pursuant to Pub. L. 93–387, to consider the recent settlement between the Mechanical Contractors Association of Washington State and Local Number 32 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (AFC–CIO). This hearing will be held on Thursday, July 17, in Seattle, Washington, at the South Auditorium of the New Federal Building, 915 2d Avenue. It will begin at 9:30 a.m. and will continue throughout the day. The hearing will be chaired by Albert Rees, Director of the Council.

The recent settlement in Washington provided a one year increase of $2 per hour for the Seattle area plumbers. The Council is concerned that this settlement will cause a future escalation of wage bargaining and thereby cause further inflation in construction costs throughout the Northwest.

Attendance at the hearing will be open to the public, but will be limited to the space available. Persons wishing to testify must submit a request to be included on the witness list by Monday, July 14, 1975. Such comments should be submitted to the Council, by mail, to Room 3235, New Executive Office Building, Washington, D.C. or by telephone to 202–456–6757. Any person may submit to the Council written comments to be included in the hearing record. Such comments may be submitted to the Council before, during or after the hearing.

ALBERT REES,
Director.

JULY 8, 1975.

[FR Doc.75–18033 Filed 7–10–75;8:45 am]

DEFENSE MANPOWER COMMISSION

CLOSED MEETINGS

Notice of Annual Report

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that an annual report, dated July 3, 1975, summarizing closed meetings conducted within the purview of Exemption (1) of 5 U.S.C. 552(b) has been prepared and filed in the Library of Congress.

Interested persons may review this report in the offices of the Defense Manpower Commission, 1111–18th Street, NW., Suite 300, Washington, D.C. 20036.

Dated: July 7, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.),
Executive Director.

[FR Doc.75–18069 Filed 7–10–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20099]

AMERICAN TELEPHONE AND TELEGRAPH CO., ET AL.

Offer of Facilities for Use by Other Common Carriers; Order Extending Time

1. By petition filed July 1, 1975, the American Telephone and Telegraph Company (AT&T) has requested an extension of time to July 28, 1975 in which to file tariffs offering local distribution service directly to customers in compliance with the Commission's Memorandum Opinion and Order in F.C.C. Docket No. 20099, released May 7, 1975 (FCC 75–450) [39 FR 40070].

2. In support of its request, AT&T contends that many of the same people having responsibility for the development of the tariff to comply with the Commission's Order have also been involved in its massive effort to speed implementation of the Settlement Agreement in Docket 20099. Further, AT&T states it needs additional time to develop a tariff filing which will take into account certain suggestions expressed by members of the Staff of the Chief, Common Carrier Bureau in a meeting on June 17, 1975.

3. Since AT&T has shown good cause for its request and it will not substantially affect service to the public, we will grant an extension of time as requested above.

4. Accordingly, *It is ordered*, pursuant to § 0.303(f) of the Commission's rules, That the time in which to file tariffs in compliance with the Commission's Order is extended to July 28, 1975.

Adopted: July 2, 1975.

Released: July 1, 1975.

[SEAL] JOSEPH A. MARINO,
Acting Chief,
Common Carrier Bureau.

[FR Doc.75–18021 Filed 7–10–75;8:45 am]

CABLE TELEVISION APPLICATIONS AND PETITIONS

Service on Broadcast Stations and Other Interested Parties

JULY 3, 1975.

Section 76.13(a)(6), (b)(6) and (c)(4) of the Commission's cable television rules require that specified information be served by applicants for cable television certificates of compliance on described television broadcast and translator station licensees, construction permittees, local school superintendents and local and state educational television authorities. Section 76.13 (a)(7), (b)(7) and (c)(5) of the rules further require service of a copy of the completed application on "any local or state agency or body asserting authority to franchise, license, certify or regulate cable television." Section 76.29(b)(7) requires petitions for special temporary authority to be served on the parties listed in § 76.13(a)(6) and on any other party who may be directly affected by a grant of the authority requested. Petitioners for special relief are required, pursuant to § 76.7, to serve any cable television system, franchising authority, licensee, permittee or applicant of a television broadcast, translator or microwave relay station, and any other interested person who may be directly affected if the relief requested should be granted. In many of these cases applicants and petitioners initially fail to comply fully with the notification requirements of the Rules and consequently the processing of these applications and petitions is needlessly delayed.

Prospective applicants for certificates of compliance and parties requesting special relief or special temporary authority are reminded that uncertainties about the precise broadcast and translator station licensees and construction permittees entitled to service may frequently be resolved by consulting any one of several readily-available reference sources, including Television Digest, Inc.'s CATV and Station Coverage Atlas and Factbook(s). A list of state educational authorities entitled to service has been officially adopted by the Commission, FCC 74–718, 47 FCC 2d 992 (1974). Careful consultation of these sources prior to the submission of an application or petition should assure that all parties entitled to service pursuant to § 76.13 (a)(6), (b)(6) and (c)(4) or § 76.7 of the rules have been served.

In the absence of a recognized list of state authorities asserting jurisdiction over cable television systems, there has been some confusion on the part of applicants as to whether the states in which their systems are located have established such agencies. The attached list shows those state cable authorities which should be served. This list includes only existing state agencies and does not include states in which legislation to establish such agencies is pending but has not yet been enacted or the agency established.

Petitioners for special temporary authority and special relief are cautioned to take care in identifying all interested parties who might be affected by a grant of the requested authority or relief. Where a station has requested special relief against a cable television system, not only the system, but also its local franchising authority, and all stations carried or entitled to be carried by the system may often be directly affected by a grant of the requested relief. Where a system has petitioned for special relief, the system should determine whether a grant of its petition would affect the local franchising authority, any station presently carried by the system, or any station entitled to carriage but not presently carried. Where educational stations are involved in a special relief request, the local and state educational authorities may be interested parties.

Action by the Commission July 1, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Secretary.

STATE AGENCIES REGULATING CABLE TELEVISION

ALASKA

Alaska Public Utilities Commission, 1100 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501.

CONNECTICUT

Connecticut Public Utilities Commission, 165 Capitol Avenue, Hartford, Connecticut 06115.

DELAWARE

Public Service Commission, 1560 South DuPont Street, Dover, Delaware 19901.

HAWAII

Cable Television Division, Department of Regulatory Agencies, 1010 Richards Street, P.O. Box 541, Honolulu, Hawaii 96809.

MASSACHUSETTS

Community Antenna Television Commission, 100 Cambridge Street, Room 1209, Boston, Massachusetts 02202.

MINNESOTA

Minnesota Commission on Cable Communications, 3050 Metro Office Park, Bloomington, Minnesota 55420.

NEVADA

Nevada Public Service Commission, 222 East Washington Street, Carson City, Nevada 98701.

NEW JERSEY

Office of Cable Television, Board of Public Utilities, 101 Commerce Street, Newark, New Jersey 07102.

NEW YORK

New York State Cable Commission, Alfred E. Smith Building (28th Floor), Albany, New York 12225.

RHODE ISLAND

Public Utilities Commission, P.O. Box 2471, Providence, Rhode Island 02903.

VERMONT

Vermont Public Service Board, 7 School Street, Montpelier, Vermont 05602.

VIRGINIA

Virginia Public Telecommunications Council, 902 Ninth Street Office Building, Richmond, Virginia 23219.

[FR Doc.75–18023 Filed 7–10–75;8:45 am]

[Docket Nos. 20343, 20344; File Nos. BPH–8665, –8858]

COUNTRY-POLITAN BROADCASTING, INC. AND TIPPAH BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In the matter of applications of Country-Politan Broadcasting, Inc., Ripley, Mississippi (Docket No. 20343; File No. BPH–8665) and Jesse R. Williams, tr/as Tippah Broadcasting Co., Ripley, Mississippi (Docket No. 20344; File No. BPH–8858) for construction permits.

1. By Order, 40 FR 7006, published February 18, 1975, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned applications for hearing. Presently before the Review Board is a petition to enlarge issues, filed March 5, 1975, by Country-Politan Broadcasting, Inc. (Country-Politan) against Jesse R. Williams, tr/as Tippah Broadcasting Co. (Tippah), seeking the addition of misrepresentation, fraudulent billing, discriminatory programming, and Rule 1.526 issues.[1]

MISREPRESENTATION ISSUE

2. In support of its request for a misrepresentation issue, Country-Politan submits seven affidavits executed in February 1975; in each, the signatory states that he was not interviewed by Tippah, its representatives or principals, during the past two years. Petitioner asserts that these seven persons are listed as having been contacted in September 1974, by Tippah as part of its showing of efforts to ascertain community needs and problems. Moreover, Country-Politan states that examination of the affidavits of two of the above seven purported contactees reveals further misrepresentations in Tippah's application. Specifically, petitioner alleges that, contrary to statements in the Tippah application, the affidavit of William Lassiter states that he has not been an employee of the Ripley Shoe Products Company for more than two years and the affidavit of Fagin Mauney avers that he was not a union member while employed at that shoe company. Country-Politan also submits the affidavit of Ripley Shoe's employment manager who states that her records show neither the past nor present employment of Joe T. Sherry, a purported Tippah interviewee, who is described in the application as a company employee and union member. Finally, Country-Politan attaches the affidavit of R. G. Miller, Tippah County Chancery Clerk, who avers that Thomas Jones, another alleged interviewee, described in the application as a black, retired farmer, was committed by him (Miller) to the state mental institution some five months prior to the purported ascertainment interview.

[1] Also before the Review Board are the following related pleadings: (a) comments, filed March 19, 1975, by the Broadcast Bureau; (b) reply, filed March 31, 1975, by Country-Politan; and (c) notice, filed May 5, 1975, by Tippah. By Order, FCC 75R–179, released May 2, 1975, the Board granted Tippah's motion for extension of time to file a responsive pleading up to and including May 7, 1975. In its notice, Tippah informs the Board that it has filed a "Dismissal of Application and Withdrawal of Appearance" with the Presiding Judge and will not file a response to Country-Politan's petition. Since the Presiding Judge has not yet acted on Tippah's pleading, the Board will entertain the instant petition on the merits.

3. The Review Board will add the requested issue. Initially, we note that the unopposed submission of affidavits from seven persons who deny being interviewed by Tippah some five months earlier is sufficient to warrant addition of an issue. See California Stereo, Inc., 39 FCC 2d 401, 26 RR 2d 887 (1973). Moreover, it is not denied by Tippah that another alleged interviewee was confined in a mental institution at the time of the purported interview and that a second contactee is not known and is not employed where Tippah says he is. Furthermore, Tippah has apparently supplied the Commission with the erroneous dates of employment of William Lassiter and the mistaken union membership of Fagin Mauney. In our opinion, these errors, coupled with Tippah's apparent failure to interview the individuals listed in its application as contactees, raise a serious question as to whether Tippah has been guilty of misrepresentation and warrants further exploration in an evidentiary hearing. See Itawamba County Broadcasting Co., Inc., 46 FCC 2d 60, 29 RR 2d 1154 (1974).

FRAUDULENT BILLING ISSUE

4. Country-Politan requests an inquiry to determine the propriety of Tippah's business dealings with its advertising customers.[2] Petitioner alleges that Tippah intended to fraudulently bill its advertisers by giving them less time on the air than actually paid for. In support, Country-Politan attaches the affidavit of Jimmy Dale Hunsucker, a former announcer, salesman, and engineer of Tippah, who avers that he was instructed by Jesse R. Williams, Tippah's 100% shareholder, to "juggle spots" so that "if a merchant or businessman had paid for 100 spots, merely give him 75." In its reply, petitioner acknowledges that Hunsucker states that he never effectuated Williams' instructions but argues that it has made a threshold showing of a fraudulent billing practice which may have been carried out by other Tippah employees. Petitioner concludes that an ultimate determination of the fraudulent nature of Tippah's billing practices may be made once the requested issue is added through the use of discovery.

5. The gravamen of a violation of § 73.1205 of the Commission's rules is the knowing issuance of a document to an advertiser by a licensee which misrepresents or fraudulently bills.[3] The instant petition fails to allege the issuance of such a document; indeed, Hunsucker denies having followed Williams' directions. Furthermore, Country-Politan's argument that it will be able to prove a violation of Rule 73.1205, if the requested issue is added, through discovery, also must fail. Acceptance of petitioner's argument would be contrary to Section 1.229 of the Commission's rules which requires specific allegations of fact to support requested issues. Hence, petitioner's request for a fraudulent billing issue, under these circumstances, must be denied.

[2] Petitioner is evidently referring to alleged conduct at Tippah's standard broadcast Station WCSA, Ripley, Mississippi.

V40I134 JUL 11 75 XUM

However, the Board will, sua sponte, add an issue to inquire into this matter. Although Williams' alleged directions to Hunsucker to fraudulently bill Tippah's advertising customers were apparently never carried out by him, it must be presumed that Williams intended that his instructions would be followed. Thus, absent a satisfactory explanation to the contrary, the allegations indicate that Williams attempted to defraud his advertisers and, if so, this conduct would cast serious doubt on his fitness to be a Commission licensee.

DISCRIMINATORY PROGRAMMING ISSUE

6. Petitioner, in support of its third requested issue, argues that, in its operation of Station WCSA, Tippah discriminated against the 15% black population of Ripley and Tippah County by failing to air public service announcements requested by members of the black community. Country-Politan relies upon the affidavit of Jimmy Dale Hunsucker (see paragraph 4, supra), who states that he was instructed by Williams to write down and log obituaries for black decedents called in to the station but not to read them on the air.[4] Hunsucker also recites an instance when, pursuant to instruction from Williams, he did not read a public service announcement pertaining to an urgent meeting of a local black organization. Additionally, petitioner submits the affidavit of Billy McCall, a former Tippah disc jockey, who avers that he was directed by Williams not to air any material concerning the black community or supplied by a black person or organization.

7. While a large measure of discretion is vested in a licensee with respect to its choice of programming, the Commission will inquire into abuses of that discretion, where, as here, specific allegations have been made raising questions concerning the good faith of the licensee's judgment. See Citizens Communications Center, 25 FCC 2d 705 (1970). It appears from the unopposed petition and affidavits attached thereto, that Tippah's programming practices were discriminatory towards the community's black minority, acting to deny that group an opportunity for local self-expression. Conduct of a discriminatory nature is inconsistent with the terms of a broadcast license and is directly related to an applicant's ability to operate in the public interest. The Review Board will therefore add the requested issue. *Cf.* Alabama Educational Television Commission, 50 FCC 2d 461, 32 RR 2d 539 (1975).

RULE 1.526 ISSUE

8. Country-Politan next alleges that Tippah failed to maintain a file for public inspection in violation of Rule 1.526, and that an appropriate issue is warranted to determine the effect of this violation on Tippah's qualifications. In support, petitioner attaches the affidavit of Kerry W. Hill, its president, who states that he was informed on November 5, 1974, when he went to inspect the file, that it was unavailable because it was in the personal possession of Tippah's president, Williams, at his home office. Petitioner attaches a letter from Williams acknowledging that he "recently" took the file home to update it with certain amendments, but that the file was returned to its proper place at 2 p.m. on November 5. The Broadcast Bureau supports addition of the requested issue on a comparative basis.

9. While it is clear that Tippah technically violated Rule 1.526 by failing to have its public file available for inspection when requested, the Review Board is of the opinion that in view of the surrounding circumstances, the violation cannot be considered so serious as to warrant addition of an issue. Country-Politan does not dispute that the file was apparently available after 2 p.m. the same day its principal attempted to inspect it, nor has any prejudice to the applicant or to the public been alleged or shown. Therefore, and in light of the apparent isolated nature of the violation, the Review Board will deny the requested issue. Cf. Colorado West Broadcasting, Inc., 47 FCC 2d 190, 30 RR 2d 575 (1974); California Stereo, Inc., 38 FCC 2d 1003, 26 RR 2d 556 (1973).

10. Accordingly, *it is ordered*, That the petition to enlarge issues, filed March 5, 1975, by Country-Politan Broadcasting, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

11. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Jesse R. Williams, tr/as Tippah Broadcasting Company misrepresented facts to the Commission in connection with the conduct of its community ascertainment survey.

(b) To determine whether Jesse R. Williams, tr/as Tippah Broadcasting Company attempted to fraudulently bill advertising customers of Station WCSA.

(c) To determine whether the programming practices of Jesse R. Williams, tr/as Tippah Broadcasting Company have been discriminatory towards the black minority within the service area of Station WCSA.

(d) To determine, in light of the evidence adduced pursuant to issues (a)–(c) above, whether Jesse R. Williams, tr/as Tippah Broadcasting Company, has the requisite or comparative qualifications to be a Commission licensee.

12. *It is further ordered*, That, with respect to issues (a), (b) and (c) above, the burden of proceeding shall be on Country-Politan Broadcasting, Inc., and the burden of proof shall be on Jesse R. Williams, tr/as Tippah Broadcasting Company, and that, with respect to issue (d), both burdens shall be on Jesse R. Williams, tr/as Tippah Broadcasting Company.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-18022 Filed 7-10-75;8:45 am]

[3] Section 73.1205 states in pertinent part: No licensee of a standard, FM or television broadcast station shall knowingly issue to any * * * advertiser * * * any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature or content of such advertising, or which misrepresents the quantity of advertising actually broadcast (number or length of advertising messages). * * *

[4] Hunsucker states that he did not log the black death notices that were not read on the air.

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Thursday, July 31, 1975 at 9 a.m., Room 7132, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was stablished to provide advice and information to FEA concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

The Committee will review reports and recommendations from five subcommittees:

A. Air Quality/Coal Utilization.
B. Energy Conservation.
C. OCS Development/Energy Facility Siting.
D. Coal Leasing and Mining.
E. Transportation.

Task forces may meet informally in Washington the preceding evening, at the discretion of the task force chairmen. For further details, call Lois Weeks, Advisory Committee Management Officer at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permited to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on July 7, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-17970 Filed 7-8-75;9:20 am]

ALTERNATIVE FUEL DEMAND DUE TO NATURAL GAS CURTAILMENT

Notice of Availability of Reporting Forms

Notice is hereby given that the Federal Energy Administration on June 28, 1975, mailed form FEA G-101-Q-O to intrastate suppliers of natural gas to direct end-use customers in the United States. This form requires data on natural gas deliveries, curtailments to deliveries and alternate fuel requirements on a customer and state basis and must be filed by all intrastate pipeline companies, distributors, municipalities, and other intrastate suppliers of natural gas (including synthetic natural gas and liquefied natural gas). If you were an intrastate supplier of natural gas to direct end-use customers in the United States on or after April 1, 1975, and have not received form FEA G-101-Q-O, please contact the Federal Energy Administration, Code 2899, Washington, D.C. 20461 or telephone (202) 254-5014 to obtain copies.

Dated: July 8, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-18005 Filed 7-8-75;11:18 am]

FEDERAL MARITIME COMMISSION

[No. 75-2; 75-8]

CONSOLIDATED EXPRESS, INC. ET AL.

Intent To Make an Environmental Assessment

In the matter of Consolidated Express, Inc., Puerto Rican Forwarding Co., Inc. and New England Forwarding Co., Inc.

In a proceeding consolidating the above referenced Dockets because of identity of issues, the Commission is attempting to determine whether there have been violations of the Shipping Act, 1916 and/or the Intercoastal Shipping Act, 1933.

More specifically it will be determined whether:

(1) Puerto Rican Freight Forwarding Company, Inc. (PRF) and New England Forwarding Co., Inc. (NEF), have individually or in concert violated section 18(a) of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, by operating as non-vessel operating common carriers by water, in the domestic off-shore trade of the United States without a tariff on file;

(2) PRF and NEF, individually or in concert, have been, or are holding out and operating as ocean freight forwarders for consideration without a license from the Commission in violation of section 44, Shipping Act, 1916;

(3) PRF and NEF, individually or in concert, have obtained or are obtaining transportation by water for property at less than the rates or charges which would otherwise be applicable in violation of section 16, Shipping Act, 1916;

(4) PRF, its principal, Seatrain Lines, Inc. (Seatrain) and/or Puerto Rican Maritime Shipping Authority (PRMSA) have violated any of the rules or regulations set forth in, or related to, Item 15940 of PRMSA's Tariff FMC-F No. 1;

(5) PRF, as agent for Seatrain, Inc., has charged different rates and offered transportation services on terms other than those set forth in the filed tariff of Seatrain, Inc., in violation of section 18, Shipping Act, 1916 and section 2, Intercoastal Shipping Act, 1933;

(6) PRMSA allowed any person to obtain transportation for property at less than the regular rates or charges which would otherwise be applicable in violation of section 16 second, Shipping Act, 1916, and section 2, Intercoastal Shipping Act, 1933;

(7) Any agreement or agreements between Seatrain on the one hand and Transmodal, PRF, and/or ECS European Container Service on the other hand are subject to section 15 of the Shipping Act, 1916, and if so, whether they should be approved, disapproved or modified.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

Therefore, Notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18100 Filed 7-10-75;8:45 am]

[NO. 74-26;74-39]

INTERNATIONAL PAPER CO. & LYKES BROS. STEAMSHIP CO., INC.

Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether Lykes Brothers Steamship Company, Inc. (Lykes) failed to comply with the terms of its discount volume tariff by refusing to contract with International Paper (IP) for the shipment of aggregate minimum quantities of Kraft Linerboard and Woodpulp, as provided for in its tariffs (FMC-71, FMC-72), and is thereby:

(1) In violation of section 18(b)(3) of the Shipping Act, 1916.

(2) In violation of sections 16 First and 17 of the Shipping Act, 1916, by granting volume rate terms to IP competitors while denying them to IP, and therefore unjustly discriminatory and unduly prejudicial to IP.

(3) In violation of sections 14 Third and 14 Fourth of the Shipping Act, 1916, by retaliating against IP by refusing it space accommodations because of IP's affiliation with International Navigation Ltd. (INL) and because IP has patronized INL, and by unfairly discriminatmg against IP by refusing to contract with IP for volume rates while affording such contracts to other shippers.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

Therefore, Notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18101 Filed 7-10-75;8:45 am]

FAR EASTERN SHIPPING CO. INC. AND LYKES BROS. STEAMSHIP CO. INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be sub-

V40I134 JUL 11 75 XUM

mitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, July 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Hans G. Blocklin, Vice President
Central Atlantic Division
Lykes Bros. Steamship Co., Inc.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 10167, covers an arrangement whereby Far Eastern Shipping Co., Inc. appoints Lykes Bros. Steamship Co., Inc. as its agent to solicit and book cargo and perform related activities at all United States Gulf ports under terms and conditions set forth in the agreement. The agency arrangement created by the agreement shall be in connection with the trans-pacific services of Far Eastern Shipping Co., Inc. between United States Gulf ports and ports in Japan, Hong Kong, Philippine Islands and Far East ports of the Union of Soviet Socialist Republic.

By Order of the Federal Maritime Commission.

Dated: July 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18099 Filed 7-10-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. A-11; Supp. 1]

INCREASED TRAVEL ALLOWANCES

Changes to Federal Travel Regulations

Correction

In FR Doc. 75-17174, appearing at page 27533 in the issue for Monday, June 30, 1975, and corrected at 40 FR 28529, July 7, 1975, the heading should be changed to read as set forth above.

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, Aug. 7, 1975, from 10:30 to 3:00, Room 304 General Services Administration, Winder Building, 17th & F Streets NW., Washington, D.C. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualification of architect-engineers under consideration for selection to furnish professional services for the proposed Federal Building and Separate Parking Facility, Norfolk, Virginia (GS-00B-03479). Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 522(b)(5) the meeting will not be open to the public.

JOHN F. GALUARDI,
Regional Administrator.

JUNE 30, 1975.

[FR Doc.75-18025 Filed 7-10-75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, from 8 a.m. July 28, 1975, to 4 p.m. July 29, 1975, Room 2225, Building 41, Denver Federal Center, Denver, Colorado. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed One Year Fixed Price Term Contract for the States of Colorado, Montana, and Utah. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

MICHAEL J. NORTON,
Regional Administrator.

[FR Doc.75-18024 Filed 7-10-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-95, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 1, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per thousand cubic feet [1] Rate in effect	Cents per thousand cubic feet [1] Proposed increased rate	Rate in effect subject to refund in docket numbers
	Atlantic Richfield Co	178	15	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	$32	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
RI74-95	do			do	(2)	6-2-75		7-2-75	28.8152	[5] 28.8254	R174-95.
	do			do	(2)	6-2-75	7-1-75	(2)	[6] 56.63	[7] 56.66	
	do	179	15	do	118	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
RI74-95	do			do	(2)	6-2-75		7-2-75	28.8152	[5] 28.8254	R174-95.
	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do	192	10	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	(2)	6-2-75	7-1-75	(2)	[3] 26.445	[4] 26.5452	
	do			do	(2)	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	251	16	do	(2)	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	R174-95.
RI74-95	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	20	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	306	8	do	375	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do	333	16	do	(2)	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	281	17	do	(2)	6-2-75		7-2-75	[8] 29.3172	[8] 29.3276	RI-7558.
RI75-58	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	33	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	293	10	do	(2)	6-2-75		7-2-75	28.8152	[5] 28.8254	
RI76-1	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	402	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	301	14	do	8	6-2-75		7-2-75	[8] 29.3172	[8] 29.3276	RI75-58.
RI75-58	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	2	6-2-75	7-1-75	(2)	24.2654	[4] 24.2740	
	do	335	14	do	(2)	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	
	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	21	6-2-75	7-1-75	(2)	[3] 26.445	[4] 26.5452	
	do	334	14	do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do	423	11	do	388	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do	498	23	do	10	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	502	15	do	1	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	R174-95.
	do	512	11	do	(2)	6-2-75		7-2-75	56.63	[7] 56.66	
RI74-95	do			do	(2)	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do			do	110	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	R174-95.
	do	513	12	do	(2)	6-2-75		7-2-75	56.63	[7] 56.66	
RI74-95	do			do	353	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	552	16	do	(2)	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	R174-95.
RI74-95	do	552	16	do	6	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	(2)	6-2-75		7-2-75	[3] 26.4894	[4] 26.5452	
	do	580	9	do	(2)	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	R174-95.
RI74-95	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	1	6-2-75	7-1-75	(2)	28.8152	[5] 28.8254	R174-95.
RI74-95	do	688	8	do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	5	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do	677	23	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	837	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	678	16	do	(2)	6-2-75		7-2-75	28.8152	[5] 28.8254	R174-95.
RI74-95	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	725	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	679	13	do	29	6-2-75		7-2-75	[8] 29.3172	[8] 29.3276	R175-58.
RI75-58	do			do	(2)	6-2-75	7-1-75	(2)	56.63	[7] 56.66	
	do			do	12	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
	do	682	10	do	(2)	6-2-75		7-2-75	28.8152	[5] 28.8254	R174-95.
RI74 95	do			do	(2)	6-2-75	7-1-75	(2)	[6] 56.63	[7] 56.66	
RI75-91	Mobil Oil Corp	38	25	do	342	6-11-75		7-2-75	27.4291	27.4486	R175-91.
RI75-49	Clinton Oil Co	88	15	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	244	6-5-75		7-2-75	52.7550	52.7550	R175-49.
	Hondo Oil & Gas Co	4	9	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	16	6-2-75	7-1-75	(2)	[3] 26.4894	[4] 26.5452	
RI74-101	do			do	(2)	6-2-75		7-2-75	28.8152	[5] 28.8254	R174-101.
RI74-12	do	5	7	Transwestern Pipeline Co. (New Mexico) (Permian Basin).	65	6-2-75		7-2-75	[9] 23.9162	[9] 24.3171	R174-12.

[1] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[2] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[3] Applicant erroneously shows current rate of 26.5337 cents per M ft³. See order of June 27, 1974 in Docket No. RI74-95.
[4] From wells completed prior to June 1, 1970.
[5] No sales.
[6] From wells completed on or after June 1, 1970.
[7] For sales subject to Opinion No. 699.
[8] Applicant erroneously listed current rate of 28.8152 cents. Rate of 29.3172 cents is currently ESR in Docket No. RI75-58.
[9] The pressure base is 14.65 lb/in²a.

The proposed tax increases that do not exceed the applicable just and reasonable ceiling are accepted for filing, and the proposed tax increases which exceed the applicable area ceiling rate in Opinion No. 658 are suspended for one day.

[FR Doc.75-17872 Filed 7-10-75;8:45 am]

[Docket Nos. CP73-47, etc.]

EASCOGAS LNG, INC., ET AL.

Availability of Supplement to Final Environmental Impact Statement

JULY 15, 1975.

Notice is hereby given in the above dockets, that on July 15, 1975, as required by section 2.82(b) of Commission Order No. 415-C, a Supplement to a Final Environmental Impact Statement, prepared by the staff of the Federal Power Commission was made available. The Final Environmental Impact Statement (FEIS), circulated August 5, 1974, deals with the applications filed by Eascogas LNG, Inc., Algonquin LNG, Inc., Algonquin Gas Transmission Co., and New England LNG, Inc. in Docket Nos. CP73-47, CP73-88, CP73-139, CP73-197, and CP73-199 for a certificate of public convenience and necessity under sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria; for the construction and operation of 1) an LNG importation terminal at Providence, Rhode Island, 2) approximately 3.2 miles of 30-inch diameter on-land pipeline, 3) a dual 24-inch diameter 0.6-mile underwater pipeline, 4) 1.2 miles of 30-inch diameter and 2.0 miles of 16-inch diameter pipeline loops; and for the sale in interstate commerce of the imported LNG. During the course of FPC hearings concerning the FEIS, the staff became aware of a possible inaccuracy in the report, and advised the record that a Supplement to the FEIS might be required. Also, since the circulation date, additional studies concerning possible vapor cloud travel resulting

V 40 I 134 JUL 11 75 XUM

from a massive spill of LNG on water have been completed by the FPC staff, which update the former studies attached to the FEIS. The Supplement to the FEIS reflects this updating of the vapor travel analysis.

This Supplement to the FEIS has been circulated to Federal, State and local agencies, and all parties to the proceeding. The FEIS and Supplement to the FEIS have been placed in the public files of the Commission, and are available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the Supplement to the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

MARY B. KIDD,
Secretary.

[FR Doc.75-18034 Filed 7-10-75;8:45 am]

[Docket Nos. RP74-61, PGA75-3]

ARKANSAS LOUISIANA GAS CO.

Order Directing the Submission of Evidence

JULY 7, 1975.

By order issued April 28, 1975, we accepted for filing Arkansas Louisiana Gas Company's (Arkla) revised tariff sheet [1] adjusting its purchased gas adjustment provisions (PGA) to reflect a 0.2¢ per Mcf decrease in the current cost of purchased gas and a 12.09¢ per Mcf initial surcharge to recover the balance in its deferred gas cost account, suspended its effectiveness for one day, and set a hearing on the matter. Suspension was ordered as we found that ". . . the proposed purchased gas adjustment has not been shown to be sufficiently supported by the tendered data" (order at 2), which includes additional information supplied by Arkla on April 7, 1975, in response to a Staff data request. That order noted that Arkla's data supporting its filing, although consistent with our Order No. 452–A, detailed the applicable gas purchases only by account numbers and not by individual purchases.

By motion of May 23, 1975, the Commission Staff requested that we direct Arkla to submit within thirty days certain evidence:

> * * * a more detailed derivation of Arkla's deferred gas cost account surcharge, to wit: producers, rate schedules, contract dates, volumes, prices and an indication of Commission authorization for any contracts in excess of the national rate. (motion at 2)

Staff suggests that the production of this information is required to expedite resolution of this proceeding and to facilitate Staff's preparation for hearing. No response has been filed by Arkla.

The requested information is clearly relevant and appears to be necessary for the preparation of the Staff's testimony and exhibits. Compilation and submission of this data within thirty days has not been shown to be unduly burdensome. Therefore, we will grant Staff's motion.

The Commission finds:

Sufficient and good cause has been shown to grant the motion filed by the Commission Staff on May 23, 1975, in this docket.

The Commission orders:

Within thirty days from the date on which this order is issued, Arkla shall file with the Commission and submit to the Commission Staff the following information:

(a) For each gas purchase reflected in the deferred gas cost account surcharge included in Arkla's filing of March 17, 1975,

(1) The producer,
(2) The schedule of the sale rate,
(3) The date of the applicable contract,
(4) The actual price paid by Arkla, and
(5) The volume sold;

(b) A citation to our authorization of any contracts at rates in excess of the national rate.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18037 Filed 7-10-75;8:45 am]

[Docket Nos. E-8621, etc.]

ARIZONA PUBLIC SERVICE CO.

Certification of Settlement Agreement

JULY 7, 1975.

Take notice that on June 27, 1975, the Presiding Administrative Law Judge certified a Settlement Agreement (Settlement) to the Commission in the above captioned proceeding. The certification purports to settle all issues in the proceeding and all parties concur in its provisions.[1]

The issues involved certain rate schedules of APS on file with the Commission, including the automatic adjustment provisions contained therein. In orders on these dockets issued September 26, 1974, March 21, 1975, and April 18, 1975, the Commission accepted for filing proposed monthly billing adjustments, subject to refund pending the final disposition of this consolidated proceeding.

The hearing held on June 27, 1975 was recessed at the request of the parties to pursue Settlement after 3 APS witnesses and 47 exhibits, and the testimony of one Staff witness, were received in evidence.

The certification states that the Settlement provides for implementation of changes in prices of materials, supplies and labor rates with respect to: (1) APS's five resale contracts with Citizens Utilities Co., Papago Tribal Utility Authority, Arizona Electric Power Cooperative, Wellton-Mohawk Irrigation and Drainage District, and Arizona Power Authority; and (2) APS's resale contracts with Navajo Tribal Utility Authority, Tucson and Electric Co., and Salt River Project; and for implementation of a tax adjustment for investment tax credit benefit under certain of APS's wholesale power agreements containing such correction clause provision.

The certification states that the parties intend the proposed agreement to (1) supercede any prior settlement in this proceeding, (2) eliminate the requirement for any refunds prior to December 31, 1974, and (3) terminate the proceedings initiated by the Commissions orders of July 15 and September 16, 1974, in Docket Nos. E-8621 et al., and by the Commission's orders issued March 21, 1975, in Docket No. E-9280 et al., and April 18, 1975, in Docket No. E-9081. Finally, the certification states that testimony with respect to the issues involved in the Settlement and underlying exhibits are being certified to the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18036 Filed 7-10-75;8:45 am]

[Docket No. RP74-82]

COLUMBIA GAS TRANSMISSION CORP.

Accepting for Filing and Approving Revised PGA Clause Subject to Condition and Granting Waiver

JULY 7, 1975.

On June 9, 1975, Columbia Gas Transmission Corp. (Columbia) tendered for filing a revised purchased gas adjustment (PGA) clause to become effective July 8, 1975. The revised PGA clause differs from Columbia's present clause in that it assesses changes in purchased gas cost on a systemwide basis rather than upon a zone basis, limits the frequency of PGA filings related to Columbia's purchases from pipeline suppliers to two a year unless the changes in cost of gas from pipeline suppliers amount to one (1) cent per Mcf, and a provision to permit Columbia to compute changes in purchased gas costs from producer and pipeline suppliers on a composite, rather than on a separate basis. Columbia states that the revised PGA clause was the subject of discussion among its customers and the Commission Staff in the general rate proceeding in Docket No. RP74–82 and that all parties, including Staff, believe that the revised clause is appropriate and in the public interest and should therefore be adopted.

Columbia states that the provision for assessment of purchased gas costs on a system-wide basis is appropriate since: (1) it is consistent with the partial settlement in Docket No. RP73–86 approved by Commission order dated January 20, 1975, which provides for the elimination of all rate zone differentials on Columbia's system; (2) it is consistent with Columbia's system-wide curtailment policies; and (3) it is consistent with the present physical flow of gas on Columbia's system.

Columbia states further that it is in the public interest for it to limit its PGA rate changes to reflect pipeline supplier increases unless such increases result in a one (1) cent per Mcf rate change because of the problems experienced by its distributor-customers in tracking the many PGA rate changes Columbia has been filing under its present PGA clause. In return for giving up its right to consecutively track all pipeline supplier increases, Columbia's filing proposes a provision to compute rate changes from producer and pipeline suppliers on a composite basis to recover costs associated with changes in "mix" between gas produced from its producer suppliers and the relatively higher cost of gas produced from its pipeline suppliers. Columbia states that this latter provision will enable it to recover actual increases in its cost of purchased gas resulting from a shift in the proportion of its total gas supply from the relatively lower cost producer gas to the relatively higher cost pipeline suppliers' gas.

The filing was noticed with all responses due on or before July 3, 1975. No responses have been received.

Our review of the proposed revised PGA clause indicates that it s appropriate and in the public interest. For the reasons set forth by Columbia, as stated above, we believe that it is appropriate to assess purchased gas costs on a system-wide basis. Moreover, we believe that Columbia's proposal to compute changes in the cost of gas purchased from producer and pipeline suppliers on a composite bass in order to allow it to reflect changes in purchased gas costs related to change in the "mix" between the proportion of its gas received from pipeline suppliers and from producer suppliers is appropriate in that t will permit Columbia to recover higher unit costs of gas resulting from a greater degree of curtailments of its producer suppliers. We find this is to be consistent with the intent of Order Nos. 452 and 452–A and shall therefore grant waiver of § 154.38(d)(4)(ii) to permit this provision to become effective. Columbia's provision which would limit itself to semi-annual filings on costs relating to changes in pipeline supplier rates (unless the impact amount to one (1) cent per Mcf) is more restrictive than the present regulations and therefore no waiver of the regulations is necessary. Accordingly, we shall accept for filing and approve Columbia's revised PGA clause, as hereinafter conditioned.

We note that the base average rates used by Columbia in § 20.4(a) of the proposed PGA clause are based on the latest supplier rates as applied to volumes purchased for the 12-month period ended October 31, 1974. On May 23, 1975, Columbia filed a purchased gas change related to changes in the cost of gas purchased from Tennessee Gas Pipeline Co. and Texas Eastern Transmission Corp. which was accepted for filing and made effective as of July 1, 1975, by letter order dated June 30, 1975. This filing utilizes a 12-month period ended February 28, 1975. To this extent, the base average rates set forth in the revised PGA clause do not reflect the cost of gas which will be reflected in Columbia's rates as of July 1, 1975. Accordingly, we shall condition our approval of Columbia's revised PGA clause upon the filing by Columbia of a revised Sheet No. 64A which will reflect the cost of gas purchased from Tennessee and Texas Eastern as reflected in Columbia's rates as of July 1, 1975.

The Commission finds:

Good cause exists to grant waiver of § 154.38(d)(4)(ii) of the regulations and to accept for filing and approve Columbia's proposed revised PGA clause effective July 8, 1975, as proposed as hereinafter ordered and conditioned.

The Commission orders:

(A) For good cause shown, § 154.38 (d)(4)(ii) of the regulations is waived and Columbia's proposed revised PGA clause is accepted for filing and approved effective July 8, 1975, as proposed, subject to the condition set forth in ordering paragraph (B) below.

(B) Within 15 days of the date of issuance of this order, Columbia shall file a revised Sheet No. 64a which reflects the cost of gas purchased from Tennessee and Texas Eastern as reflected in its rates as of July 1, 1975, pursuant to its PGA filing at Docket Nos. RP73–65 and PGA75–7.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18038 Filed 7-10-75;8:45 am]

[Docket Nos. RP75–35, et al.]

CONSOLIDATED EDISON CO. OF NEW YORK, INC., AND TENNESSEE GAS PIPELINE CO.

Granting Joint Motion To Sever and Clarifying Previous Order

JULY 7, 1975.

On November 19, 1974, Consolidated Edison Company of New York, Inc. (Con Ed); on November 22, 1974, Orange and Rockland (O&R); on December 23, 1974, Knoxville Utilities Board, and the Public Service Commission of the State of Tennessee (Knoxville); and on January 3, 1975, Pennsylvania Gas and Water Company (Penn Gas), filed complaints in Docket Nos. RP75–35, RP75–36, RP75–43, and RP75–50, respectively, under Section 5(a) of the Natural Gas Act against Tennessee Gas Pipeline Company's (Tennessee) operation of its curtailment plan. On January 17, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), a customer of Tennessee, filed a motion in Docket No. RP74–45,[3] requesting the Commission expand the investigation in Docket No. RP75–45 to include, inter alia, a review of Tennessee's curtailment plan and the implementation of same. On January 24, 1975, General Motors Corporation (GM), filed in Docket No. RP74–24 a motion[2] requesting the Commission to reopen the record in that proceeding and to direct Tennessee to reinstate the end-use volumes reflected in that record.

By order of February 14, 1975, the Commission consolidated the aforementioned complaints of Con Ed, O&R, Knoxville and Penn Gas; construed Alabama-Tennessee's and GM's filings as complaints under the Natural Gas Act, consolidated Alabama-Tennessee's and GM's "complaints" with those of Con Ed, O&R, Knoxville, and Penn Gas for hearing and decision and ordered formal hearings to convene on March 25, 1975. On March 14, 1975, the Commission, in response to motions by Tennessee to, inter alia, dismiss Knoxvill's complaint, and by Knoxville to dismiss its complaint without prejudice, severed Knoxville's complaint (Docket No. RP75–43) from these consolidated proceedings and dismissed same. Additionally, in the March 14 order, the Commission consolidated the complaint filed by the Berkshire Gas Company (Berkshire) against Tennessee with the proceedings in Docket Nos. RP75–35, et al., for hearing and decision. At the hearing held on March 27, 1975, Penn Gas withdrew its request for interim relief,[3] but reiterated its request that there be a review of the end-use data currently being utilized by Tennessee in the implementation of its curtailment plan (Tr. 203–207). On March 3, 1975, Berkshire filed "A Notice of Withdrawal of Complaint," which was granted by order of April 28, 1975.

At this stage of the proceeding there remains: (1) the complaints of Con Ed and O&R; (2) part of Penn Gas' complaint; and (3) the complaints[4] of Alabama-Tennessee and GM. Con Ed's and O&R's complaints relate solely to Tennessee's method of computing their curtailment period quantity entitlements (CPQE) for the period September 26–October 31, 1974; while that of Penn Gas, Alabama-Tennessee and GM relate to

[1] Fifth Revised Sheet No. 4, First Revised Volume No. 1 of Arkla's FPC Gas Tariff.

[1] Parties in the proceeding: Arizona Public Service Company (APS), Commission Staff, and Intervenor Arizona Electric Power Cooperative; also agreed to by Citizens Utilities Co. and Tucson Gas and Electric Co.

[1] Investigation of Revised Curtailment Level on the System of Tennessee Gas Pipeline Company, Docket No. RP74–45, December 24, 1975.

[2] Motion of General Motors Corporation To Immediately Reinstate Prior Base Period Pendent Lite. Without Hearings, To Reopen Record, and To Require Production of Data, Docket No. RP74–24, January 24, 1975.

[3] Penn Gas' request for interim relief was a request to change the Order No. 467–B priority classification of certain of its customers.

[4] As construed by Commission order of February 14, 1975.

V40I134 JUL 11 75 XUM

the end-use data which Tennessee is presently using in the implementation of its curtailment plan and the base period which should be utilized by Tennessee.

On May 28, 1975, Con Ed and O&R filed a joint motion requesting the Commission sever their complaints from these consolidated proceedings. In support thereof Con Ed and O&R state that their complaints relate only to Tennessee's alleged discriminatory calculation of their CPQE's for the period September 23–October 31, 1974; while the "other remaining complaints" relate primarily to Tennessee's utilization of new end-use data in calculating revised customer CPQE's for the December 15, 1974–March 31, 1975, period. Con Ed and O&R add that both direct and answering testimony have been presented relative to their complaints, with all parties provided an opportunity to cross-examine same at the hearings held on March 25, 26, and May 1, 2, 1975; and further that the Presiding Judge has stated his intention to close the record in regard to Con Ed's and O&R's complaints on June 27, 1975. An answer in support of the joint motion to sever was filed by Staff Counsel on June 9, 1975, and no answer in opposition has been filed. There appears to be little reason for not granting the joint motion to sever and proceeding to decision on the issue raised by Con Ed's and O&R's complaints; especially since the balance of the proceeding relates to issues of law and fact different from that raised by Con Ed and O&R. We shall therefor grant Con Ed's and O&R's joint motion and sever their complaints from these consolidated proceedings. Any party that filed a petition to intervene in either Docket No. RP75–35 or Docket No. RP75–36 shall remain a party to these consolidated proceedings, and need not file an additional petition to intervene.

On May 29, 1975, the Brooklyn Union Gas Company (Brooklyn Union), an intervener in these consolidated proceedings, filed a motion requesting clarification of our April 28 order wherein we stated that the purpose of our February 14 order was, inter alia, "• • • to point out that the issue raised by GM's filing, the proper base period for Tennessee to utilize in the implementation of its curtailment plan, is an issue in the instant proceeding." (Order of April 28, 1975, p. 3). Brooklyn Union states that while our expressed intent was "to avoid further confusion" it believes that our language "has engendered further uncertainty as to the proper scope of this proceeding". In particular Brooklyn Union states that the "base period" issue, relative to the Tennessee system was raised and briefed in Docket No. RP74–24, and is now before the Presiding Judge for his initial decision. Accordingly, Brooklyn Union urges that the Commission not burden the Tennessee system "with duplicative litigation of issues which were heard and should be decided in another case", and requests that we clarify our April 28 order by declaring (1) that the three "base period issues" (as reflected in Brooklyn Union's motion)[5] are pending in Docket No. RP74–24 and are not to be relitigated in this proceeding, or, "as a less preferable alternative" (2) that the only "base period" issue properly raised in this proceeding is whether the base period currently being employed by Tennessee is appropriate, and, if not, what base period should be employed pending the resolution of the "base period" issue in Docket No. RP74–24. An answer[6] in opposition to Brooklyn Union's motion was filed by the Bay State Gas Company, et al., (Bay State). The thrust of Bay State's answer is the opinion No. 712[7] is decisive in determining in which proceeding the issue as to the proper base period should be heard and further that if the "base period" issue is considered in Docket No. RP74–24, as urged by Brooklyn Union, it will be necessary to reopen the record in that proceeding "in order to give proper effect to Opinion No. 712", which would of necessity "result in a substantial delay in the resolution of the important issues which are now ripe for decision". Bay State requests therefore, that the Commission deny Brooklyn Union's motion and "reaffirm the determination, as stated in the April 28, 1975, order, that the issue as to the proper base period, including the question as to whether actual or estimated sales data shall be used, shall be determined in the instant proceeding".

The instant proceeding, as noted above, originated with the filing of numerous complaints against Tennessee which in our view, raised serious questions as to the implementation of its Order No. 467–B curtailment plan. As such, we consolidated the complaints for hearing and decision and viewed this as the appropriate forum for complainants to air their grievances as to Tennessee's implementation of its curtailment plan. We did not, however, do so with the view that the issues raised in Docket No. RP74–24 would be relitigated in this proceeding. As such, we share Brooklyn Union's view that a number of "base period" issues have been raised and briefed in the latter docket and that any consideration of such issues here would merely be cumulative. Of particular import herein, however, is the relationship between Opinion No. 712 and the proceedings in Docket No. RP74–24. In view of the events that have transpired since the close of the record in the latter docket, to wit; the issuance of Opinion No. 712, and Tennessee's need to curtail deliveries due to a supply deficiency, we believe that the factual predicate for the decision in Docket No. RP74–24, in regards to the "base period" issues has changed. As such, it is our view that Opinion No. 712 is controlling as to the proper forum for consideration of the "base period" issues, i.e. which base period (time period) should Tennessee utilize in the implementation of its curtailment plan, and whether Tennessee should use estimated or actual data in the implementation of its curtailment plan. In view of the fact that Opinion No. 712 was issued after the close of the record in Docket No. RP74–24, it would, in our judgment, be necessary to reopen that proceeding for the receipt of additional evidence if the above-identified "base period" issues were to be decided therein. This, in our view, would unnecessarily delay the ultimate decision in Docket No. RP74–24. As such, we decline to clarify our April 28 order as requested by Brooklyn Union and shall order, infra, that the proper period for Tennessee to utilize in the implementation of its curtailment plan and whether Tennessee should use estimated or actual data in the implementation of its plan are issues in this proceeding.

The Commission finds:

(1) The joint motion of Con Ed and O&R to sever their complaint from these consolidated proceedings should be granted.

(2) The motion of Brooklyn Union that the Commission's order of April 28, 1975, be clarified as requested should be denied.

(3) The proper base period for Tennessee to use in the implementation of its curtailment plan, i.e. the proper time period, and whether it should use estimated or actual data in the implementation of same are issues that should be considered and decided in these consolidated proceedings and not in Docket No. RP74–24.

The Commission orders:

(A) The joint motion of Con Ed and O&R to sever their complaint from these consolidated proceedings is hereby granted.

(B) Brooklyn Union's motion that the Commission's order of April 28, 1975, be clarified as requested is hereby denied.

(C) The proper base period for Tennessee to use in the implementation of its curtailment plan, as identified, supra, and whether Tennessee should use estimated or actual data in the implementation of same are issues to be considered and decided in these proceedings and not in Docket No. RP74–24.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18039 Filed 7–10–75;8:45 am]

[5] Brooklyn Union states that the following "base period" issues have been raised and briefed in Docket No. RP74–24: (1) whether the base period should be "fixed" or "rolling"; (2) whether actual sales data or estimated sales data should be utilized by Tennessee; and (3) if the base is fixed, what base period should be used. (Motion, p. 2).

[6] Answer of Bay State Gas Company, et al., Opposing Motion of the Brooklyn Union Gas Company For Clarification of April 28, 1975, Order, Docket Nos. RP75–35, et al., June 11, 1975.

[7] Tennessee Gas Pipeline Company, Opinion No. 712, Docket Nos. CP73–115 and CP74–27, November 26, 1974.

[Docket No. CP75–375]

EL PASO NATURAL GAS CO.

Application

JULY 7, 1975.

Take notice that on June 25, 1975, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75–375, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap facilities and the sale and delivery of natural gas to Southern Union Gas Co. (Southern Union) for resale to the Pueblo of Acoma, a right-of-way grantor on Applicant's interstate system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it would install on its 30-inch Permian-San Juan pipeline a right-of-way grantor tap so that Southern Union, an existing distributor customer of Applicant, could serve the unincorporated Village of Acoma located on Acoma tribal lands in Valencia County, New Mexico Applicant further states that such arrangements are necessary to accomodate a request for gas service that Applicant has received from the Pueblo of Acoma, a right-of-way grantor which has exercised a prior right to receive such service. Gas would be sold and delivered by Applicant to Southern Union for resale and delivery to said right-of-way grantor for Priority 1 (residential and small commercial as defined in Applicant's currently effective tariff) purposes at the proposed delivery point on Applicant's interstate system in Valencia County, New Mexico. The estimated cost of the proposed right-of-way tap, including overhead, contingency and filing fee is approximately $1,475.

The application further states that during the first three full years of operation the estimated peak day and annual natural gas requirements of the Pueblo of Acoma to be served by the subject tap are 83,120 and 157 Mcf and 3,790, 4,520 and 5,250 Mcf, respectively. It is further stated that the sale and deliveries which are the subject of this application would be made in accordance with a service agreement in effect between Applicant and Southern Union and would be consistent with the priorities of service and curtailment provisions as prescribed by the Commission in Docket No. RP72–6 and in effect from time to time. The rates which would apply to such sales and deliveries are those contained in rate schedules of Applicant's FPC Gas Tariff, Original Volume No. 1, or applicable superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18040 Filed 7–10–75;8:45 am]

[Docket No. G–6265]

GETTY OIL CO.

Providing for Hearing, Directing Action, and Prescribing Procedures

JULY 7, 1975.

On March 4, 1974, Getty Oil Co. (Applicant) filed in Docket No. G–6265 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Lone Star Gas Co. (Lone Star) from the L. O. Morgan (Goodwin Unit) No. 1 Well in the Sholem Alechem Field, Carter County, Oklahoma, under a January 1, 1953, contract which has been subsequently amended and remains in effect and which contract also covers other wells, all as more fully set forth in the application in this proceeding.

Applicant alleges that the flowing wellhead pressure of the well proposed to be abandoned is too low to permit the gas to enter Lone Star's line. The subject well after having been allegedly depleted in the Lower Goodwin Reservoir was recompleted in January 1974, in the upper Goodwin Reservoir as an oil well. Applicant contends that the small amount of casinghead gas produced therefrom does not have sufficient flowing pressures to enter Lone Star's high pressure line. By letter dated May 30, 1974, in reply to a Commission inquiry, Applicant advised the Commission that if it was granted abandonment authorization, it would sell the remaining casinghead gas, an estimated 90,000 Mcf, to Mobil Oil Corp. (Mobil) whose gathering system operates near 10 psi. Mobil, according to Applicant will then sell the gas to the intrastate market.

Inasmuch as the gas which is the subject of the application is currently dedicated to the interstate market under the extant contract and since Applicant has indicated that the reservoir is not depleted, and the remaining gas will be sold intrastate, we believe that Applicant has not demonstrated that the "available supply of gas is depleted to the extent that the continuance of service is unwarranted" as required by the Natural Gas Act. However, we believe that Applicant has raised a sufficient enough factual issue with respect to the pressure problem it has encountered after recompleting the well that a formal evidentiary hearing is required so as to give Applicant an opportunity to demonstrate that the gas supply is indeed depleted to the extent that a discontinuance of service is warranted or, that the present or future public convenience or necessity will permit such an abandonment of gas reserves to the intrastate market as Applicant has proposed. Additionally, Applicant should also present such evidence as is necessary to demonstrate what additional costs may be necessary to maintain the flow of the remaining producable gas in the interstate market and at what unit price would such an undertaking be feasible.

The Commission finds:

(1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing August 13, 1975, at 10 a.m. (E.D.T.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the propriety of granting permission and approval to Applicant for the proposed abandonment of the sale requested by its application of March 4, 1974.

(B) The direct case of Getty Oil Company and that of Lone Star Gas Company in regard to their respective positions on all issues in this proceeding, inclusive of those stated in this order, shall be filed and served on all parties of record including the Commission Staff on or before July 30, 1975. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of answering and rebuttal cases, if any.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, (18 CFR 3.5(d)), shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18041 Filed 7–10–75;8:45 am]

V40I134 JUL 11 75 XUM

[Docket Nos. CI75-549 and CI75-571]

KERR-MCGEE CORP. AND PHILLIPS PETROLEUM CO.

Extension of Time and Postponement of Hearing

JULY 7, 1975.

On June 30, 1975, Kerr-McGee Corporation by a telegram requested an extension of the procedural dates fixed by order issued June 9, 1975 in the above-designated matter. The telegram states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Testimony by Applicant and any Supporting party July 9, 1975; Hearing July 23, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18042 Filed 7-10-75;8:45 am]

[Docket No. CP74-316, etc.]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Finding and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity; Correction

JUNE 10, 1975.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Order Issuing Certificate of Public Convenience and Necessity, Issuing Temporary Certificates, Consolidating Proceedings, Setting Pre-Hearing Conference, Prescribing Procedures, and Granting Petitions to Intervene, issued June 2, 1975, Page 24567, ordering paragraph (I): Change Docket No. "CP75-316" to Docket No. "CP74-316".

Published June 9, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-18043 Filed 7-10-75;8:45 am]

[Docket No. RP71-125, PGA74-4A]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Setting Date for Hearing

JULY 7, 1975.

On April 15, 1974, Natural Gas Pipeline Company of America (Natural) tendered for filing a proposed tariff sheet[1] providing for a purchased gas cost adjustment (PGA) rate increase. Commission review of the April 15 filing indicated that Natural was making emergency purchases at rates above the nationwide rate established by Opinion No. 699,[2] as amended. By order of May 31, 1974, Docket Nos. RP71-125 and RP73-110, the Commission found that the claimed increased costs pertaining to such emergency purchases should be suspended for one day until June 2, 1974.

On October 15, 1974, Natural tendered for filing a proposed tariff sheet[3] providing for a purchased gas cost adjustment (PGA) rate increase. Commission review of the October 15 filing indicated that Natural was making emergency purchases at rates above the nationwide rate established by Opinion No. 699 at that time. By order of November 29, 1974, Docket Nos. RP74-96, RP71-125, PGA 75-4, and PGA 74-4A, the Commission found that the claimed increased costs associated with such emergency purchases should be suspended for one day until December 2, 1974.

Natural's PGA rate increase filings in the instant dockets, discussed above, raise a question as to whether the increased costs claimed therein relating to the 180 day emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified.[4]

We indicated in Order No. 491-B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas * * * adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give Natural an opportunity to show that the prices paid by it pursuant to emergency sales made by producers under Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates changed by them are in the public interest.[5] Those producers are listed on the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. *F.P.C. v. Texaco Inc.*, 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, inter alia, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provision of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. RP71-125, PGA74-4A, is set for the purpose of hearing and disposition with respect to the emergency purchases of Natural discussed in the body of this order.

(B) A public hearing on the issues presented herein shall be held commencing on September 9, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) The producers listed on the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 315(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) Natural and the producers listed in the Appendix shall file their direct testimony and evidence on or before August 18, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX

Producer Respondents:	*Rate in cents*
Coquina Oil Corp	55, 60, and 60
Pennzoil Co	60
Superior Oil Co	60
Wainoco, Inc	60
Perry R. Bass	60
Eason Oil Co	70
Harper Oil Co	70
Atlantic Richfield Co	70
Amoco Production Co	70
Lone Star Producing Co	60
Energy Gathering, Inc	70
Galaxy Energies, Inc	70
Oklahoma Natural Gas Co	75
Marathon Oil Co	55

[FR Doc.75-18050 Filed 7-10-75;8:45 am]

[1] Fifteenth Revised Sheet No. 5 to FPC Gas Tariff, Third Revised Volume No. 1.

[2] Opinion No. 699, Docket No. R-389-B, Opinion And Order Prescribing Uniform National Rate For Sale Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699-H issued December 4, 1974.

[3] Substitute Seventeenth Revised Sheet No. 5, to Natural's FPC Gas Tariff, Third Revised Volume No. 1.

[4] There is no need for Natural to present any evidence with respect to those emergency sales reflected in its filings in Docket No. RP 71-125, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699-H to be effective as of June 21, 1974.

[5] Under Order No. 491-B producers are not required to make any refunds.

[Docket No. CP71-50, etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Order Providing for Formal Hearing, Consolidating Proceedings and Prescribing Procedures

JULY 7, 1975.

By order issued December 7, 1970, in Docket Nos. CP71-50, CP69-31 and CP71-54 (44 FPC 1541), certificates of public convenience and necessity were issued to Natural Gas Pipeline Co. of America (Natural) and Michigan Wisconsin Pipe Line (Mich Wisc), authorizing the transportation and delivery of natural gas in interstate commerce necessary to implement a long term exchange arrangement between Natural and Phillips Petroleum Co. (Phillips) and a short-term exchange arrangement among Natural, Mich Wisc and Phillips.[1] By accompanying order issued December 7th in Docket Nos. CI69-160 and CI71-187, Phillips was authorized, inter alia, to exchange natural gas with Natural and Mich Wisc pursuant to the terms of a January 6, 1970, two-party exchange agreement between Phillips and Natural and a short-term three-party supplemental exchange agreement involving Phillips, Natural and Mich Wisc.

Natural, Mich Wisc and Phillips have each subsequently filed petitions to amend the orders issued in their respective dockets requesting modification of the originally certificated exchange arrangement. All of the petitioners seek to extend the term of the three-party exchange which expired October 3, 1974, until July 31, 1979, and Natural and Phillips desire to add additional exchange points and increase exchange volumes to their long-term exchange arrangement. The specific requests for amended authorization are set forth below.

On September 27, 1972, Natural filed a petition to amend the December 7th order in Docket No. CP71-50 pursuant to Section 7(c) requesting authorization to construct and operate certain additional facilities and to transport and exchange additional volumes of natural gas with Phillips. Natural stated at that time that it had additional quantities of gas available to it from the Quinduno Field and was therefore requesting authorization to increase the volume of gas exchanged with Phillips by constructing and operating a new delivery point in Roberts County, Texas, and a new redelivery point in Woodward County, Oklahoma. On April 24, 1973, Natural filed an amended petition to amend stating that its originally estimated increase in available gas volumes had not materialized and for this reason it no longer required additional compressor facilities nor the Woodward redelivery point originally requested. Natural advised that pursuant to § 157.22 of the Commission's Regulations it had constructed 2.5 miles of 10-inch pipeline and placed its proposed additional Roberts County delivery point in operation on September 26, 1972, at a cost of $103,000. Natural requested authorization to retain such facilities in place and use them to exchange gas with Phillips.[2] On September 30, 1974, Natural filed a supplement to its amended petition to amend requesting authorization to increase the volume of gas exchanged among Natural, Phillips and Mich Wisc from 60,000 Mcf per day to 100,000 Mcf per day and to extend the term of the three party exchange until July 31, 1979. Natural states that the purpose of this amendatory request is to provide for the continuance of deliveries by Phillips to Mich Wisc (for Natural's account) at the Sherman Plant and to provide for an increase in volumes of exchange gas which may become available at the Sherman Plant.

On October 8, 1974,[3] Mich Wisc filed a petition to amend the order issued in Docket No. CP71-54 on December 7, 1970, requesting authorization to increase the volumes of gas to be exchanged with Phillips and Natural from 60,000 Mcf per day to 100,000 Mcf per day and to extend the period during which gas will be exchanged from that period ending October 3, 1974, to that ending July 31, 1979.[4]

On September 8, 1972, Phillips filed in Docket No. CI71-187 a petition to amend the certificate of public convenience and necessity issued therein on December 7, 1970, in order to conform said certificate to the gas exchange agreement between Phillips and Natural dated January 16, 1970, as amended by letter agreement dated July 25, 1972. Phillips requested authorization to provide for an additional redelivery point in Roberts County, Texas, and an additional redelivery point in Woodward County, Oklahoma, and to increase exchange volumes by 25,000 Mcf of gas per day. On October 8, 1974, Phillips filed an additional petition to amend in Docket No. CI71-187 in order to conform its certificate to the supplemental gas exchange agreement dated July 17, 1970, between Phillips, Natural and Mich Wisc as modified by an amendatory agreement dated August 19, 1974. This amendment provides for an increase in the maximum volumes of gas to be exchanged from 60,000 Mcf per day to 100,000 Mcf per day and extends the period during which gas may be exchanged until July 31, 1979.

Since the various filings by Natural, Phillips and Mich Wisc to amend the existing exchange arrangements are by the very nature of the exchange concept interrelated and interdependent they must be viewed together. In this regard as common questions of law and fact may be involved in the petitions to amend filed in Docket Nos. CP71-50, CP71-54 and CI71-187 it is appropriate to consolidate the proceedings. Moreover there appears from the face of the various filings some confusion as to the specific additional authorization requested by the three petitioners and the effect of individual proposals on the overall exchange arrangement presently certificated.[5] In order for the Commission to properly evaluate the proposed exchange of additional volumes of natural gas among Natural, Phillips and Mich Wisc within the statutory mandate of Section 7(c) of the Natural Gas Act we believe that a formal hearing should be convened to develop a complete record in this proceeding. Such proceeding should develop, inter alia, a record regarding:

1. A detailed description of the currently authorized exchange arrangements certificated in Docket No. CP71-50, et al. between Natural and Phillips as it is currently implemented by the two parties. In this regard the parties should provide information with respect to current availability of gas to Natural from the Quinduno Field and to Phillips for redelivery at the Beaver County, Oklahoma, and Gray County, Texas redelivery points.

[1] Natural and Phillips entered into a twenty-year term gas exchange agreement dated January 6, 1970, which provides for the delivery of gas available to it in the Quinduno Field, Roberts County, Texas, at or near the point of interconnection of Phillips' and Natural's gathering lines in Gray County, Texas, and/or Roberts County and for the redelivery of equivalent volumes of gas by Phillips to Natural at an existing delivery point in Beaver County, Oklahoma, and/or a point in Gray County.

In order to effectuate the twenty-year exchange Natural, Phillips and Mich Wisc entered into a supplemental exchange agreement dated July 17, 1970, which provided that during the initial four years Phillips would deliver up to 60,000 Mcf of gas per day to Mich Wisc for Natural's account at the outlet of Phillips' Sherman Plant in Hansford County, Texas, for redelivery by Mich Wisc to Natural at an existing point of interconnection in Hansford County.

[2] On April 11, 1975, Natural filed a notice of withdrawal of its amended petition to amend of April 24, 1973, stating that gas deliveries have declined from the level that existed at the time the 2.5-mile pipeline was installed and utilized and as a result Natural will no longer require its use.

[3] On April 1, 1975, Mich Wisc in response to a letter dated March 4, 1975, from the Secretary of the Commission supplemented its petition to amend with certain requested data and information.

[4] Under existing authorization in Docket No. CP71-54 Mich Wisc delivers gas to Natural at an existing exchange point between Mich Wisc and Natural in Hansford County, Texas; and Natural delivers an equivalent volume of gas to Phillips at an existing delivery point in Gray County, Texas. Phillips then delivers to Mich Wisc an equivalent volume of gas, plus fuel and shrinkage, at the outlet of Phillips' Sherman Plant in Hansford County. To cover Mich Wisc's incremental cost of service to compress and dehydrate the gas received from Phillips at the Sherman Plant, Phillips pays Mich Wisc a cost of service charge of $12.50 per 1,000 Mcf of gas delivered. To cover fuel and shrinkage Phillips delivers an additional 30 Mcf of gas for each 1,000 Mcf of exchange gas compressed and dehydrated.

[5] Phillips' petition to amend in Docket No. CI71-187 filed September 8, 1972, requests authorization to deliver 25,000 Mcf of gas per day to Natural at a new proposed delivery point in Woodward County and to receive gas at a new redelivery point in Roberts County. Natural in its petition to amend dated April 24, 1973, however, deleted its request for the Woodward County redelivery point. Moreover, Natural's Annual Report Form 2 filed April 3, 1975, indicates substantial imbalances in exchange volumes delivered and received under the existing exchange arrangement previously certificated in Docket No. CP71-50.

V40I134 JUL 11 75 XUM

a. Natural shall provide detailed information and a map indicating the location of gas fields from which exchange gas is or will be produced or purchased, and the facilities to be used to transport the gas to Phillips. Flow diagrams shall be furnished indicating the size, location and average daily capacity of such facilities and the current and projected average daily utilization thereof.

b. In order to evaluate the exchange arrangement's benefit, if any, to Natural, Natural shall furnish information describing its present capability to transport volumes of natural gas currently exchanged with Phillips from the Quinduno Field to its market areas in the northeast independent of its exchange arrangement with Phillips.[4]

c. Phillips shall provide a map showing all of Phillips facilities from points of production of gas to be delivered to Natural, to and including all terminals of said interconnected pipeline; the location of gas fields from which such gas originated; the location of Phillips' Sherman Plant in relation to such points of origination of the gas; a flow diagram indicating the capacity and operating pressure of each facility used for the transportation of gas in that part of its system used to serve Natural; the location and capacity of storage projects, if any, attached to the facilities to be used to serve Natural; and the end-use of all gas delivered out of the Phillips' facilities into which Natural is to deliver exchange gas.

d. Natural and Phillips shall provide current figures as to the total volumes of gas exchanged under the January 6, 1970, exchange agreement specifying any imbalances in deliveries or redeliveries in light of the gas-for-gas arrangement originally certificated and the reasons for any such imbalances.

2. A detailed description of the proposed revised three-party exchange among Natural, Mich Wisc and Phillips including the total volumes of gas previously delivered under the July 17, 1970, supplemental gas exchange arrangement and any imbalances in exchange volumes that now exist and the reason therefor. Natural shall furnish data with relation to gas availability and the proposed level of exchange volumes to be delivered by it. Mich Wisc shall file flow diagrams indicating the capacity of those of its facilities to be involved in effectuating said three-party exchange and their current level of utilization. Phillips shall furnish data with respect to the additional volumes of gas to be available at its Sherman Plant, the origin of such gas, and the end-use of all gas made available to it at points of delivery by Natural.

3. On September 26, 1972, Natural constructed 2.5 miles of pipeline and placed into operation an additional delivery point in Roberts County allegedly pursuant to section 157.22 of the Commission's regulations. Section 157.22 provides that a certificate of public convenience and necessity need not issue for the construction and operation of facilities under certain limited emergency situations for a single period of not more than sixty days. The Commission notes that prior to the invocation of section 157.22 Natural had filed for certificate authorization to construct and operate said facilities in conjunction with a long-term exchange arrangement with Phillips. Natural at that time cited anticipated additional volumes of gas available to it from the Quinduno Field in support of the facilities authorization. However, by notice of withdrawal filed April 11, 1975, Natural indicated that it will no longer require their use. This proceeding shall therefore address the circumstances surrounding Natural's construction and operation of these facilities with respect to the issue of whether section 157.22 was properly invoked or if such facilities were constructed in violation of the certificate requirements of Section 7(c) of the Natural Gas Act. In this regard the following information should be provided by Natural:

a. Natural shall furnish a detailed statement as to the circumstances that prompted it to construct and commence operation of the 2.5 mile pipeline and additional delivery point, i.e., what specific interruption of service due to failure of facilities or failure of supply or unusual and unexpected demand on such facilities or supply prompted Natural's action.

b. The date construction of these facilities was initiated and finished;

c. The period of time in which the pipeline and the additional Roberts County delivery point were used and the total volumes of gas transported by means thereof;

d. The action taken at the conclusion of the sixty days from the date of initial operation (September 26, 1972) to remove the facilities;

e. The specific reserve estimations which were relied on by Natural in deciding to install these facilities;

f. A statement as to what Natural proposes to do with the 2.5 miles of pipeline and connection facilities and whether Natural proposes to file for permission and approval to abandon them pursuant to section 7(b) of the Natural Gas Act;

g. A description as to where the volumes of gas delivered by Natural to Phillips by means of these facilities were redelivered by Phillips to Natural; and

h. A statement as to how Natural proposes to account for the $103,000 it expended in construction of these facilities.

On October 29, 1974, Mich Wisc filed a petition to intervene in Docket No. CI71-187. No other petition to intervene or notices of intervention have been filed. Inasmuch as Mich Wisc's petition to amend Docket No. CP71-54 has been consolidated with the proceedings in Docket No. CI71-187 it is not necessary to act on such petition to intervene.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and issues presented in these proceedings as hereinbefore described.

(2) Due to the related nature of the petitions to amend and since there may be common questions of law or fact involved, it is appropriate to consolidate the proceedings in Docket Nos. CP71-50, CP71-54 and CI71-187.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I); a public hearing concerning the matters involved and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C., commencing at 10 a.m. (E.D.S.T.) on August 26, 1975. Natural, Mich Wisc and Phillips shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties, testimony and exhibits addressing the specific issues set forth in this order as well as any other testimony and exhibits, which they propose to offer at the hearing on, or before July 21, 1975.

(B) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (See Delegation of Authority, 18 CFR 2.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18044 Filed 7-10-75;8:45 am]

[4] By letter dated September 30, 1970, from Natural to the Commission, Natural stated that the benefit it receives from the exchange with Phillips is that such exchange obviates Natural's having to transport quantities of gas through its pipeline system approximately 100 miles from points on its system where Natural makes deliveries of exchange gas to Phillips to points of redelivery.

[Docket No. E-9136 and E-9140]

NEW ENGLAND POWER CO.

Rate Change Filing

JULY 7, 1975.

Take notice that on June 30, 1975 New England Power Co. (NEPCO) tendered for filing the following amendments to NEPCO's FPC Electric Tariff, Original Volume No. 1, revising the R-9 Rate as effective June 1, 1975:

1. Schedule II-A, Fifth Revised Page No. 1
2. Schedule II-A, Fifth Revised Page No. 2

According to NEPCO, these amendments are tendered for filing to conform NEPCO's fuel adjustment clause with the Commission's regulations as changed by Order No. 517. NEPCO states that the fuel clause contained in the amendments would reflect changes in fuel costs from a base cost of 14.3 mills per kilowatt hour reflecting 1974 fuel costs. According to NEPCO, the amendments also provide for an increase in the basic R-9 energy charge from 6.1 mills per kilowatt hour to 18.3 mills per kilowatt hour in order to roll in the increase in base cost under the new fuel clause over the base cost in the presently effective fuel clause. NEPCO states that these changes do not significantly affect the R-9 revenue level.

NEPCO asks that the tendered amendments be accepted as complying with Order No. 517 and permitted to become effective on August 1, 1975. NEPCO agrees to any revisions in the tendered amendments that may be necessary to reflect the rate level and structure determined in Docket Nos. E-9136 and E-9140.

NEPCO states that the amendments are filed in accordance with Paragraph B, Schedule I, of its FPC Electric Tariff, Original Volume No. 1, currently in effect with each Primary Service for Resale Customers.

NEPCO states further that copies of its filing are being furnished to each of its Primary Service for Resale Customers, as well as the state commissions of Massachusetts, New Hampshire, Vermont and Rhode Island.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18045 Filed 7-10-75;8:45 am]

[Docket Nos. RP71-107 (Phase II), etc.]

NORTHERN NATURAL GAS CO.

Setting Date for Hearing

JULY 7, 1975.

On October 25, 1974, Northern Natural Gas Co. (Northern) tendered for filing a proposed tariff sheet[1] providing for a purchased gas cost adjustment (PGA) rate increase. Commission review of the October 25 filing indicated that Northern was making emergency purchases at rates above the nationwide rate established by Opinion No. 699,[2] as amended. By order of December 26, 1974, Docket Nos. RP71-107 (Phase II), et al., the Commission found that the claimed increased costs pertaining to such emergency purchases should be suspended for one day until December 28, 1974.

Northern's PGA rate increase filing raises a question as to whether the increased costs claimed therein relating to the 180 day emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified.[3]

We indicated in Order No. 491-B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas . . . adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required by the public interest." Accordingly we are setting these matters for hearing to give Northern an opportunity to show that the prices paid by it pursuant to emergency sales made by producers under Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are in the public interest.[4] These producers are listed on the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. F.P.C. v. Texaco Inc., 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, inter alia, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R., Chapter I), Docket Nos. RP71-107 (Phase II) et al. are set for the purpose of hearing and disposition with respect to the emergency purchases of Northern discussed in the body of this order.

(B) A publi chearing on the issues presented herein shall be held commencing on August 12, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) The producers listed on the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceding pursuant to the Commission's rules of practice and procedure.

(E) Northern and the producers listed in the Appendix shall file their direct testimony and evidence on or before July 30, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX

Producer respondents:	Rate in cents
Lee Banks, et al	56.16
Dyco Petroleum Corp. et al	64.27
	and 70.04
Hoover & Bracken Oil Corp	77.23
	and 74.96
Woods Petroleum Corp	74.52
Resources Investment	72.82
Kewanee Oil Co	70.04
Okmar Oil Co. et al	67.95
National Oil Co	76.72
Amerex, Inc	76.72
Alpar Resources	74.88
Mesa Petroleum	55.32
Phillips Petroleum	62.29

[FR Doc.75-18051 Filed 7-10-75; 8:45 am]

[Docket No. CP74-54]

PANHANDLE EASTERN PIPE LINE CO.

Petition To Amend

JULY 7, 1975.

Take notice that on June 25, 1975, Panhandle Eastern Pipe Line Co. (Peti-

[1] Sixth Revised Sheet No. 4-A to FPC Gas Tariff, Third Revised Volume No. 1.

[2] Opinion No. 699, Docket No. R-389-B, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699-H issued December 4, 1974.

[3] There is no need for Northern to present any evidence with respect to those emergency sales reflected in its filings in Docket Nos. RP71-107 (Phase II), et al, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699-H to be effective as of June 21, 1974.

[4] Under Order No. 491-B producers are not required to make any refunds.

V40I134 JUL 11 75 XUM

tioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP74–54 a petition to amend the order of the Commission of November 1, 1974, in said docket issuing a certificate of public convenience and necessity authorizing the construction of facilities pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) to increase the authorized total expenditures from $7,000,000 to $10,000,000 and to increase the maximum single project expenditure limitation from $1,000,000 to $1,500,000, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests in its amendment to be authorized to spend up to $10,000,000, which Petitioner states is below the $12,000,000 limitation for "budget-type" expenditures as authorized by the order of the Commission issued January 16, 1975, in Docket No. RM75–2, to augment the taking of gas into its system. Petitioner cites rising construction and material costs and a currently high level of well connection activity as requiring the increased expenditures.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18046 Filed 7–10–75;8:45 am]

[Docket Nos. RP73–36, etc.]

PANHANDLE EASTERN PIPE LINE CO.

Setting Date for Hearing

JULY 7, 1975.

On December 13, 1974, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing a proposed tariff sheet[1] providing for a purchased gas cost adjustment (PGA) rate increase. Commission review of the December 13 filing indicated that Panhandle was making emergency purchases at rates above the nationwide rate established by Opinion No. 699[2], as amended. By order of January 31, 1975, Docket Nos. RP73–36 and RP73–108, the Commission found that the claimed increased costs pertaining to such emergency purchases should be suspended for one day until February 2, 1975.

Panhandle's PGA rate increase filings in the instant dockets raise a question as to whether the increased costs claimed therein relating to the 180 day emergency gas purchases at rates in excess of Opinion No. 699–H levels are justified.[3]

We indicated in Order No. 491–B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas . . . adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give Panhandle an opportunity to show that the prices paid by it pursuant to emergency sales made by producers under Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are in the public interest.[4] These producers are listed on the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. F.P.C. v. Texas Inc., 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, inter alia, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 C.F.R., Chapter 1), Docket Nos. RP73–36, RP73–108, PGA 75–2, and AP75–1, are set for the purpose of hearing and disposition with respect to the emergency purchases of Panhandle discussed in the body of this order.

(B) A public hearing on the issues presented herein shall be held commencing on August 26, 1975, at 10 a.m. (E.D.T.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The producers listed on the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(E) Panhandle and the producers listed in the Appendix shall file their direct testimony and evidence on or before August 5, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX

Producer Respondents:	Rate in cents
A. L. Abercomie, et al	56.43
Anadarko Production Co	69.86
Burmah Oil & Gas	77.55 and 67.21
Cotton Petroleum Corp	73.19
W. V. Harlow, et al	64.625
Kerr McGee Corp	60, 719, 67.338, and 66.899
Okmar Oil Co	55.83
Sidwell Oil & Gas	60.5
L. O. Ward, et al	67.08
Delhi Gas Pipeline Corp	79.826 and 63.36
Herman George Kaiser, Oil-Producer	56.76
Phillips Petroleum Co	59.894, 65.34 and 76.23
Producers Gas Co	65.26
Blaik Oil Co	56.759
National Oil Co	55.0 and 60.884

[FR Doc.75–18052 Filed 7–10–75;8:45 am]

[1] Twelfth Revised Sheet No. 3–A to FPC Gas Tariff, Original Volume No. 1.

[2] Opinion No. 699, Docket No. R–389–B, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699–H issued December 4, 1974.

[3] There is no need for Panhandle to present any evidence with respect to those emergency sales reflected in its filings in Docket Nos. RP73–36 and 73–108, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699–H to be effective as of June 21, 1974.

[4] Under Order No. 491–B producers are not required to make any refunds.

[Docket No. RP75–113]

TENNESSEE GAS PIPELINE CO.

Filing of Proposed Changes In Rates

JULY 7, 1975.

Take notice that on June 30, 1975, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes in its FPC Gas Tariff to be effective on August 15, 1975, consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1: Ninth Revised Sheet Nos. 12A and 12B and First Revised Sheet No. 45

Sixth Revised Volume No. 2: Second Revised Sheet Nos. 76 and 215; Third Revised Sheet Nos. 53, 54, 77 and 141; Sixth Revised Sheet Nos. 11, 12, 27, and 28

The proposed changes would increase revenues from jurisdictional sales and services by $72,495,056 based on the test period consisting of the twelve months ended February 28, 1975, adjusted for known changes through November 30, 1975. Such tariff sheets also reflect the cancellation of Tennessee's Rate Schedule ERS.

Tennessee states that the increased rates are required to reflect an increase in rate of return to 10.32%, increases in the cost of materials, supplies, wages, and taxes, and declining sales due to gas supply curtailment. Further, Tennessee states that the increased rates reflect the change from capitalization to the expensing of overheads and the restoration of the deficiency in Account No. 282.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18047 Filed 7–10–75;8:45 am]

[Docket No. CP75–373]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 7, 1975.

Take notice that on June 21, 1975, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75–373 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience authorizing the receipt of gas from Columbia Gas Transmission Corp. (Columbia) and delivery of equivalent volumes of gas to National Fuel Gas Supply Corp. (National) for the account of Elizabethtown Gas Co. (Elizabethtown) until December 15, 1975, not to exceed 10,000 Mcf of gas per day and not to exceed 1,500,000 Mcf of gas during the period ending December 15, 1975, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it would receive gas from Columbia at Applicant's existing South Ceredo Sales Meter Station located in Wayne County, West Virginia, or any other mutually acceptable point, and would deliver gas to National at Applicant's existing Ellisburg Sales Meter Station in Potter County, Pennsylvania, or other points that are mutually acceptable. Applicant states that Elizabethtown would pay Applicant or cause Columbia to pay Applicant its then effective commodity rate applicable at the receipt point for all volumes received for the account of Elizabethtown by Applicant from Columbia. Applicant further states that Elizabethtown would pay a transportation charge of 27.15 cents per Mcf of gas transported by Applicant. Applicant further states that the following arrangements have been made for the proposed transportation: Transcontinental Pipe Line Corporation (Transco) would deliver to Columbia a portion of Elizabethtown's entitlements of gas from Transco, and Columbia would reduce the volume of gas that it is entitled to purchase from Applicant by an equivalent volume. The reduced volume, "back off" gas, up to 10,000 Mcf per day, would be transported by Applicant to National at the Ellisburg delivery point. The method of redelivery to, or for the account of, Elizabethtown would be arranged among National, Consolidated and Transco, and it is stated to be set forth in National's application in Docket No. CP75–348.[1]

Applicant requests that the instant application be consolidated with the application filed by National in CP75–348 and any other application filed to implement the proposed service. Applicant states that the proposed transportation service would be rendered pursuant to the terms of a letter agreement between Applicant and Elizabethtown dated June 17, 1975.

The stated purpose of the proposed arrangements is to allow Elizabethtown to utilize the storage service to be made available by National to assist Elizabethtown in maintaining its firm service to its high priority customers during the 1976–1977 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–18048 Filed 7–10–75;8:45 am]

[1] Notice of the application was published June 11, 1975, 40 FR 24942.

[Docket No. RP75–111, RP74–39–22, RP74–39–23, RP74–39–24, RP74–39–25]

TEXAS EASTERN TRANSMISSION CORP.

Order Consolidating Proceedings, Providing for Hearings and Establishing Procedures, Convening a Prehearing Conference, and Granting Interventions; Correction

JUNE 20, 1975.

In The Order Consolidating Proceedings, Providing for Hearing and Establishing Procedures, Convening a Prehearing Conference Before An Administrative Law Judge, and Granting Interventions, issued June 16, 1975, Page 26073, Paragraph 2, Line 6 under intervention dates, please insert "June 5, 1975" following Docket No. RP74–39–24 and "June 20, 1975" and "July 3, 1975" following Docket No. RP74–39–25.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–18049 Filed 7–10–75;8:45 am]

[Docket No. RP73–36, PGA75–1]

TRUNKLINE GAS CO.

Setting Date for Hearing

JULY 7, 1975.

On December 13, 1974, Trunkline Gas Co. (Trunkline) tendered for filing a proposed tariff sheet[1] providing for a pur-

[1] Eleventh Revised Sheet No. 3–A to FPC Gas Tariff, Original Volume No. 1.

V40I134 JUL 11 75 XUM

chased gas cost adjustment (PGA) rate increase. Commission review of the December 13 filing indicated that Trunkline was making emergency purchases from three producers at rates above the national rate established by Opinion No. 699,[1] as amended. By an order issued January 31, 1975, in Docket No. RP73–35, PGA 75–1, the Commission found that the claimed increased costs not pertaining to 180 day emergency purchases were justified, but that those pertaining to such emergency purchases should be suspended for one day until February 2, 1975.

Trunkline's PGA rate increase filings in the above-entitled proceeding raise a question as to whether the increased costs claimed therein relating to 180 day emergency gas purchases at rates in excess of Opinion No. 699–H levels are justified.[2]

We indicated in Order No. 491–B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas * * * adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give Trunkline an opportunity to show that the prices paid by it for emergency sales made by producers pursuant to Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are in the public interest.[3] These producers are listed on the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. F.P.C. v. Texaco Inc., 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, inter alia, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

The Commission finds:

It is necessary and i nthe public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authortiy of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. RP73–35, PGA 75–1 is set for the purpose of hearing and disposition with respect to the emergency purchases of Trunkline discussed in the body of this order.

(B) A public hearing on the issues presented herein shall be held commencing on August 12, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) The producers listed on the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) Trunkline and the producers listed in the Appendix shall file their direct testimony and evidence on or before July 28, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX

Producer respondents:	*Rate (cents)*
West Petroleum Corp.	69
Harry J. Parker et al.	69
Barton Oil & Gas Co.	57
Sun Oil Co.	57

[FR Doc.75–18053 Filed 7–10–75;8:45 am]

[Docket No. RP75–109]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing, Subject to Conditions, Proposed Tariff Sheets, Suspending Use Thereof, Permitting Interventions, Severing Issue, Providing for Hearing and Establishing Procedures

JULY 7, 1975.

On May 30, 1975, United Gas Pipe Line Co. (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.[1] The proposed changes, United states, will increase jurisdictional revenues by $38,870,504 annually, based on the 12 month period ending March 31, 1975, as adjusted for known and measurable changes through December 31, 1975. United requests that the subject increase be permitted to become effective on July 15, 1975.

The $38.8 million increase proposed by the instant filing represents an increase in the rates now being collected, subject to refund, in Docket No. RP75–30.[2] According to United, the principal reasons for the increase proposed herein are (1) a decline in sales volumes from that level of sales volumes reflected in Docket No. RP75–30, and (2) an increase in the company's overall cost of operations.

Notice of United's filing was issued on June 4, 1975, with comments, protests, and petitions to intervene due on or before June 23, 1975. To date, petitions to intervene have been received from the parties listed in Appendix A. Good cause appearing, each of these petitioners shall be permitted to intervene in this proceeding, as hereinafter ordered and conditioned.

United's filing reflects, inter alia, an adjustment to expense of $2,298,577 representing interest payments to banks which have provided capital to certain producers for the exploration and development of reserves to be dedicated to United. In addition, such interest payments are also reflected in United's test year expenses. Arrangements similar to this were recently before us in other cases.[3] As noted in those cases, interest payments of the type proposed herein by United are not within the purview of our advance payment regulations.[4] The purpose of our advance payment programs has been to assist producers in capital formation in order to stimulate exploration, development, and production for the interstate market (Order No. 441, 46 FPC 1178 at 1180). These programs are not intended to provide that jurisdictional rate payers pay interest through pipeline rates on capital

[1] Opinion No. 699, Docket No. R–389–B, Opinion And Order Prescribing Uniform National Rate For Sale Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And Dedication Of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699–H issued December 4, 1974.

[2] There is no need for Trunkline to present any evidence with respect to those emergency sales reflected in its filing in Docket No. RP 73–53, PGA75–1, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699–H to be effective as of June 21, 1974.

[3] Under Order No. 491–B producers are not required to make any refunds.

[1] The proposed changes to First Revised Volume No. 1 are designated: Twenty-Sixth Revised Sheet No. 4, Seventh Revised Sheet No. 5, Fifteenth Revised Sheet No. 21, Twelfth Revised Sheet No. 99, and Fifth Revised Sheet No. 99–A. The proposed changes to Original Volume No. 2 are designated: Fourth Revised Sheet No. 187, Third Revised Sheet No. 226, and Fourth Revised Sheet No. 289–A.

[2] By order issued December 19, 1974, in Docket Nos. RP75–30, et al., United's proposed $102 million annual increase was accepted for filing and suspended until May 20, 1975.

which the producer is demonstrably able to acquire. Accordingly, United's proposed rate treatment of the subject interest payments must be rejected as inconsistent with the requirements and intent of our outstanding advance payment rulemaking orders. We believe it more appropriate to consider the propriety of rate treatment for proposals such as United's in the context of any future rulemaking extending the present advance payment program.

In the instant filing, United notes that it is organizing an entity to make advance payments to producers. This plan is designed, United states, "to make available to United natural gas for purchase." United proposes to pay the carrying charges on advances to said entity and, accordingly, has reflected in the instant filing the sum of $2,300,000 for such charges.[5]

We conclude that the subject carrying charges are improperly included in the instant section 4 rate increase filing. United has failed to properly identify such entity and to indicate at what date it will be created. No mention whatsoever has been made of the eligibility of such entity to receive capital advances under the advance payments program as it presently exists. Moreover, we believe that the establishment of such entity may well require section 7 certification by this Commission. Under these circumstances, we cannot now sanction payment by United's customers of the carrying charges in question. Accordingly, as hereinafter ordered, United shall be required to file revised tariff sheets reflecting the elimination of such carrying charges.

We note that in Opinion No. 682 (issued January 11, 1974, in Docket No. RP70–13, et al.) we determined that gas received by United from leases acquired by Pennzoil Producing Co. prior to October 7, 1969, should be priced at cost rather than on an area rate basis for the purpose of calculating United's cost of service. Thus, we remanded that proceeding for the purpose of determining the cost of such gas.[6] Subsequently, by order issued May 16, 1974, we severed the issue of the cost of gas delivered by Pennzoil to United from the rate proceeding pending in Docket Nos. RP74–20 and RP74–83 and consolidated the issue for hearing and disposition with the similar issues pending in Docket No. RP70–13, et al. In view of the fact that this identical cost issue arises in the instant proceeding (RP75–109) and in the interest of avoiding relitigation of the issue, we shall sever this issue from the instant proceeding and consolidate it with Docket Nos. RP70–13, et al. for hearing and disposition.

Although United's instant filing reflects the cost allocation and rate design principles adopted in Opinion No. 671, we, nevertheless, shall continue our review and evaluation of commodity rate levels to determine that level most appropriate in light of present day supply and market conditions. In Opinion No. 671 we expressed our concern over the worsening gas supply situation, and in view thereof we found, inter alia, that low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed. As we indicated in said Opinion, in continuing our review and analysis of pipeline cost allocation and rate design structures we shall, where necessary, establish pipeline rates for resale or industrial use which are more in line with the costs of available competitive fuels. Accordingly, in the preparation of evidence all parties to this proceeding should direct their attention toward cost classification, allocation and rate design alternatives which would best implement our stated objectives of establishing rates for resale and industrial use which more closely approximate the costs of available competitive fuels.[7]

Our review of United's filing indicates that it raises certain issues which may require development in an evidentiary hearing. Moreover, the proposed increase in rates and charges has not been shown to be just and reasonable, and may be unjust, unreasonable, undly discriminatory, preferential, or otherwise unlawful. We shall, therefore, suspend the proposed rate increase for the full statutory period and direct that a hearing be held on the justness and reasonableness of the rates proposed therein.

As previously noted, United's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has frequently called attention, is a problem which is shared in varying degrees by most if not all major interstate transmission pipelines. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issue of rate of return so as to enable this Commission to formulate sound regulatory policy in this area.

The Commission finds:

(1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges proposed in this docket by United, and that United's proposed tariff sheets should be accepted for filing as hereinafter conditioned, suspended, and the use thereof deferred as hereinafter ordered.

(2) Good cause exists to permit intervention of the parties listed in the attached Appendix A.

(3) Good cause exists to sever the issue of the cost of gas delivered to United by Pennzoil during the test year from the proceedings in this docket and to consolidate that issue with Docket Nos. RP70–13, et al. for hearing and disposition.

(4) Certain portions of United's filing must be rejected for failure to comply with Commission regulations and orders, specifically, those portions which reflect (a) interest payments to banks for producer loans, and (b) the $2,300,000 in carrying charges associated with the exploration and development entity described hereinabove.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held on December 10, 1975, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the justness and reasonableness of the rates proposed in this proceeding by United.

(B) Pending such hearing and a decision thereon, United's proposed tariff sheets to First Revised Volume No. 1 and Original Volume No. 2 of United's FPC Gas Tariff are accepted for filing, and suspended for the full statutory period of five months until December 15, 1975, or until such time as they are made effective in the manner provided by the Natural Gas Act, subject to refund.

(C) On or before October 31, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of intervenors shall be served on or before November 14, 1975. Company rebuttal shall be served on or before December 1, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

[3] See Southern Natural Gas Company, Docket No. RP75–84, order issued May 15, 1975; Michigan Wisconsin Pipe Line Company, Docket No. RP75–96, order issued May 19, 1975; Natural Gas Pipeline Company of America, Docket No. RP75–90, order issued May 16, 1975; and Northern Natural Gas Company, Docket Nos. RP75–87 and RP75–89, orders issued May 16, 1975.

[4] See Order Nos. 410, 410–A, 441, 465, and 499; Accounts 165 and 166 in Part 201 of the Commission's regulations under the Natural Gas Act.

[5] United states that it anticipates committing $20,000,000 to said entity, and that the carrying charges associated with such commitment will be $2,300,000, reflecting an interest rate of 11.5%.

[6] As this identical cost issue arose in Docket Nos. RP71–41 and RP72–75, Opinion No. 682 consolidated the issue in those proceedings with the remanded proceeding in Docket No. RP70–13.

[7] In this regard, we refer all parties to the recent "Notice of Proposed Rulemaking with Request for Comments", issued February 20, 1975, in Docket No. RM75–19.

V40I134 JUL 11 75 XUM

(E) The parties listed in attached Appendix A are hereby permitted to intervene in this proceeding, subject to the Commission's rules and regulations; Provided, however, that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders issued in this proceeding, and Provided, further, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene.

(F) Prior to December 15, 1975, United shall file substitute tariff sheets to be effective December 15, 1975, reflecting elimination from its proposed rates of (1) interest payments to banks for producer loans, and (2) $2,300,000 in carrying charges associated with the exploration and development entity described hereinabove.

(G) The issue of the cost of gas received by United from Pennzoil Producing Company is hereby severed from the rate proceeding in Docket No. RP75–109 and consolidated with Docket Nos. RP70–13, et al. for hearing and disposition.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

UNITED GAS PIPE LINE COMPANY, DOCKET NO. RP75–109

Timely Petitions to Intervene

The Public Service Commission of the State of New York
Columbia Gas Transmission Corporation
The Polaris Corporation
Arkansas Louisiana Gas Company
Public Service Electric and Gas Company
Mississippi Valley Gas Company
Mississippi River Transmission Corporation
Mid Louisiana Gas Company
Entex, Inc.
Texas Eastern Transmission Corporation
Laclede Gas Company
Texas Gas Transmission Corporation
Consolidated Gas Supply Corporation
Memphis Light, Gas and Water Division
Natural Gas Pipeline Company of America
Algonquin Gas Transmission Company
United Municipal Distributors Group
Philadelphia Electric Company

Untimely Petition to Intervene

New Orleans Public Service Inc.

[FR Doc.75–18064 Filed 7–10–75;8:45 am]

[Docket No. RP72–89]

COLUMBIA GAS TRANSMISSION CORP.

Notice Establishing Procedural Dates

JULY 8, 1975.

On June 24, 1975, Presiding Administrative Law Judge William L. Ellis referred to the Commission his proposed schedule for briefing and decision in the above-captioned proceeding. Judge Ellis states that his proposed schedule is to be substituted for those announced in the Commission's orders of April 25, 1975 and June 11, 1975 in this docket, and is designed to permit development, by November 1, 1975, of a curtailment plan on the Columbia system for the coming year. Judge Ellis further advises that substantially all of the parties to this proceeding concur in this proposal.

Notice is hereby given that the proposed procedural schedule is approved, with the following modification. In order to permit adequate time for the Commission to fully and fairly review the initial decision, exceptions thereto, if any, and the record in this proceeding, the Commission shall fix September 29, 1975, rather than October 6, 1975, as the due date for Briefs Opposing Exceptions. The effective procedural schedule will therefore be:

Initial briefs due, July 21, 1975.
Reply briefs due, August 11, 1975.
Initial decision, September 8, 1975.
Briefs on exceptions due, September 22, 1975.
Briefs opposing exceptions due, September 29, 1975.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17971 Filed 7–10–75;8:45 am]

[Docket No. RP73–65, PGA 75–5]

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Late Petition To Intervene

JULY 3, 1975.

On June 13, 1975, the Ohio Oil and Gas Association (Association) filed a motion for leave to intervene out of time in the above captioned docket. Columbia Gas Transmission Corp. (Columbia) tendered its filing in this docket on January 14, 1975. The filing was noticed by the Commission on January 22, 1975, wherein it was stated that all protests or petitions to intervene should be filed by February 7, 1975. No such response was received. In support of its petition to intervene Association alleges that it represents a group of independent producers selling natural gas to Columbia in the State of Ohio who, upon initial review of the Commission's February 28, 1975 order in this docket providing for further investigation and hearing, did not realize the full implications of the proposed purchased gas adjustments. Association states that the impact of these proceedings did not become apparent until the FPC Staff indicated it would seek to expand the proceeding to determine the jurisdictional status of independent producers selling natural gas to Columbia in Ohio. Association further states that its participation herein will prejudice the interests of no other party. We believe that the public interest requires us to accept the untimely petition for intervention and allow Association to become a party in this proceeding.

The Commission finds: Participation by Association in these proceedings may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above named petitioner is hereby permitted to intervene in this proceeding as hereinbefore discussed, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17972 Filed 7–10–75;8:45 am]

[Docket Nos. RP74–83; RP74–81]

COLUMBIA GAS TRANSMISSION CORP. & COLUMBIA GULF TRANSMISSION CO.

Further Extension of Procedural Dates

JULY 2, 1975.

On June 24, 1975, Columbia Gas Transmission Corp. Columbia Gulf Transmission Co. filed a motion to extend the procedural dates fixed by order issued May 31, 1974, as most recently modified by notice issued June 2, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 3, 1975.
Service of Company Rebuttal, September 17, 1975.
Hearing, October 7, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17973 Filed 7–10–75;8:45 am]

[Docket No. RI75–147]

FEDERAL TRADE COMMISSION

Extension of Time Regarding Request for Access to Data

JULY 2, 1975.

On June 30, 1975, Mobil Oil Corp. filed a motion to extend the time to respond to the show cause order issued June 16, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time in which to respond to the above order is extended to and including July 18, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17977 Filed 7–10–75;8:45 am]

[Docket No. RI75–147]

FEDERAL TRADE COMMISSION

Request for Access to Data; Order Making Additional Companies Respondents To Order To Show Cause

JULY 3, 1975.

The companies listed below are added as respondents in the above-entitled proceeding, and they should also respond to the order to show cause issued June 16, 1975, in this proceeding. Because some of these companies may not have been aware prior to this order that they had an interest in this proceeding, the date for filing their replies to the order to show cause is set as July 18, 1975. All other respondents will file their comments on July 3, 1975,[1] as provided in the order to show cause issued June 16, 1975.

The additional respondents are:

American Petrofina Co. of Texas
Amoco Production Company
Anadarko Production Company
Ashland Oil, Inc.
Ashland Oil and Refining Company
Aztec Oil and Gas Company
Bass Enterprises Production Company
Belco Petroleum Corporation
Beta Development Company
CRA Inc.
Cabot Corporation
California Co., Division of Chevron Oil Company
Chevron Oil Co., Western Division
Cities Service Oil Company
Clinton Oil Company
Coastal States Producing Company
E. Cockrell, Jr.
Colorado Oil and Gas Company
Coltexo Corporation
Cox, Edwin L.
Diamond Shamrock Corporation
Dorchester Gas Production Company
Exchange Oil and Gas Company
Forest Oil Company
General American Oil Company of Texas
Hassie Hunt Trust
HNG Oil Company
Helmerich & Payne, Inc.
Houston Natural Gas Production Company
J. M. Huber Corporation
Hunt Oil Company
The Jupiter Corporation
Livingston Oil Company
LVO Corporation
Lone Star Producing Company
Mapco Production Company
Mapco, Inc.
Monsanto Company
Natural Gas and Oil Corporation, Division of River Corporation
Northern Natural Gas Producing Company
Pennzoil Producing Company
Pioneer Production Company
Placid Oil Company
Pubco Petroleum Corporation
River Corporation
Joseph E. Seagram & Sons, Inc.
Service Gas Productions Company
Sohio Petroleum Company
Southern Natural Gas, Jt. Venture
Southern Union Gathering Company
Southern Union Production Company
Southwest Gas Producing Co. Inc.
Suburban Propane Gas Corporation
Tennessee Gas Supply Company
Terra Resources, Inc.
Texas Gas Exploration Corporation
Texas Oil and Gas Corporation
TransOcean Oil, Inc.
Union Texas Petroleum, Division of Allied Chemical
Union Pacific Railroad Company
Warren Petroleum Company

The Commission orders: The above-named natural gas companies are hereby made respondents to the order to show cause issued in Docket No. RI75–147 on June 16, 1975. Responses by these companies shall be in writing and filed on or before July 18, 1975.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17978 Filed 7–10–75;8:45 am]

[Docket Nos. CP65–393, CI65–584]

FLORIDA GAS TRANSMISSION CO.

Extension of Time

JULY 2, 1975.

On June 20, 1975, Florida Gas Transmission Co. and Amoco Production Co. filed motions for an extension of time to answer the show cause order issued May 16, 1975, in the above-designated matter, beyond the time allowed by notice issued June 4, 1975. On June 23, 1975, Florida Power and Light Co. filed in support of the former motion.

Notice is hereby given that the time for filing answers in the above matter is extended to a date twenty days subsequent to the date of issuance of an order responding to the application for rehearing in Docket No. CP72–119 (Sea Robin Pipeline Co.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–17974 Filed 7–10–75;8:45 am]

[Docket Nos. E–8769, etc.]

FLORIDA POWER AND LIGHT CO.

Order Rejecting One Contract and Accepting and Suspending Three Other Contracts, Denying Request for Waiver, Consolidating Dockets, and Establishing Procedures

JULY 3, 1975.

By letter datedf May 3, 1974, and April 1, 1975,[1] Florida Power & Light Co. (Florida) submitted for filing in Docket No. E–8769 supplements[2] to five interchange agreements[3] establishing the rate for emergency service from gas turbine peaking units and incorporating a fuel clause for adjustment to said rate.

By letters dated May 3, 1974, and April 1, 1975,[1] Florida submitted for filing in Docket No. E–8770 a superseding interchange agreement with Jacksonville Electric Authority[4] providing for emergency scheduled interchange, economy, secondary and firm service and containing the same fuel clause as that filed for the other five agreements.

Florida requests waiver of the notice requirements[5] to permit an effective date of October 31, 1973, for the filing submitted in Docket No. E–8770 and August 13, 1973, for the filing submitted in Docket No. E–8769.

Notice of the filings was issued on May 3, 1974, with comments, protests or petitions to intervene due on or before May 23, 1974. No responses were received.

By letters dated July 8, 1974, and November 20, 1974, Florida submitted for filing in Docket Nos. E–8008 and E–9119, Contracts for Interchange Service with the City of Homestead and Fort Pierce Utilities Authority.[6]

The Fort Pierce contract is a revised version of their present contract dated April 15, 1970, Rate Schedule FPC No. 2. The instant submittal provides for three additional service schedules covering economy, firm and secondary energy interchange. The contract and its service schedules are proposed to become effective as of May 1, 1974, as mutually agreed between the parties.

The Homestead contract represents the result of negotiation between Florida and Homestead arising from the proceedings in Docket No. E–8008.[6] Those negotiations covered the quantity of power to be delivered, the points of delivery, delivery voltage and the contract term. The resultant contract is scheduled to become effective upon the completion by Homestead of the city-owned substation at the point of interchange, estimated to be in approximately twelve to eighteen months. We do not believe that this is an appropriate instance for waiver of our notice requirement providing that "(r)ate schedules predicated on the construction of facilities may be tendered for filing and posted no more than 90 days prior to the date set by the parties for the contract to go into effect."[7] Due to the speculative nature of the proposed effective date, we will reject this filing, as hereinafter ordered without prejudice to Florida to resubmit it in conformance with the Commission's regulations.

Notice of the filings was issued on July 22, 1974, and January 7, 1975, with comments, protests, or petitions to intervene due on or before August 5, 1974, and January 20, 1975. No comments, protests, or interventions have been filed.

Our review of Florida's filings in Docket Nos. E–8769, Nos. E–8770, and E–9119 indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The agreemnts therein were

[1] This document was received by the office of the Federal Register, July 8, 1975.

[1] The filing was completed on June 6, 1975, upon receipt of additional information.

[2] See Attachment for Designations.

[3] The Agreements are with Florida Power Corp., Fort Pierce Electric Department, Orlando Utilities Commission, Tampa Electric Co. and Vero Beach Municipal Power Plant.

[4] Docket No. E–8008 was filed on January 29, 1973. See the Presiding Administrative Law Judge's initial decision, issued November 26, 1974.

[5] Section 35.3(b) of the Commission's regulations.

[6] See § 35.3(a) of the Commission's regulations.

[7] The filing was completed by letters filed April 1, 1975, and June 6, 1975.

V40I134 JUL 11 75 XUM

not initially submitted for filing with the Commission until approximately six months after the commencement dates for the service. Under the provisions of the Federal Power Act and the regulations thereunder, public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files its proposed rate schedules approximately six months after service commences, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is jeopardized.

Consequently, we shall deny waiver of the notice requirements of our regulations and shall assign the agreements an effective date of July 8, 1975, 30 days after filing with one day's suspension. Moreover, we shall require Florida to refund all amounts collected under the agreement prior to July 8, 1975, without prejudice to Florida's filing within 15 days of the issuance of this order, a request that we accept the agreements to become effective as Florida's proposed effective dates, based upon an agreement by Florida that the rates charged under this agreement shall be subject to refund pending final disposition upon the conclusion of the hearing to be held in this proceeding. After receipt of Florida's response, if any, we shall issue a further order taking appropriate action.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission consolidate Florida's filings in Docket Nos. E–8769, E–8770 and E–9119 and enter upon a hearing concerning the lawfulness of the rates proposed in these dockets.

(2) The requested waiver of § 35.3 of the Commission's regulations in Docket Nos. E–8769, E–8770 and E–9119 should be denied.

(3) The proposed agreements filed by Florida on June 6, 1975, in Docket Nos. E–8769, E–8770 and E–9119 should be accepted for filing and suspended for one day to become effective, subject to refund, on July 8, 1975.

(4) Good cause exists to require Florida to refund all amounts collected under these agreements prior to July 8, 1975, without prejudice to Florida's filing with the Commission within 15 days of the issuance of this order a request that the Commission accept the agreement to be effective as of Florida's proposed effective dates, based upon an agreement by Florida that the rates charged under the agreements shall be subject to refund as of those effective dates, pending final disposition upon the conclusion of the hearing hereinafter ordered.

(5) Good cause exists to reject Florida's filing tendered July 8, 1974, as completed April 1, 1975, in Docket No. E–8008, for interconnection service with the City of Homestead.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly §§ 205, 206, 308 and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on December 2, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of Florida's proposed rate charges in Docket Nos. E–8769, E–8770, and E–9119, which are hereby consolidated for said hearing.

(B) On or before August 26, 1975, Florida shall serve its direct testimony. On or before October 21, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before November 4, 1975. Any company rebuttal evidence shall be served on or before November 18, 1975.

(C) The requested waiver of §§ 35.3 of the Commission's regulations in Docket Nos. E–8769, E–8770 and E–9119 is denied.

(D) The proposed agreements filed by Florida in Docket Nos. E–8769, E–8770, and E–9119 are hereby accepted for filing and suspended for one day to become effective, subject to refund, on July 8, 1975.

(E) Florida shall refund all amounts collected under the agreements prior to July 8, 1975, without prejudice to Florida's filing with the Commission within 15 days of the issuance of this order, a request that the Commission accept the agreements to be effective as of Florida's proposed effective dates, based on an agreement by Florida that the rates charged under the agreements shall be subject to refund as of those effective dates pending final disposition upon the conclusion of the hearing hereinafter ordered.

(F) Florida's filing tendered July 8, 1974, as completed April 1, 1975, for interconnection service with the City of Homestead is hereby rejected without prejudice to Florida to refile in conformance with the Commission's regulations.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75–17975 Filed 7–10–75;8:45 am]

[Project No. 1180]

PACIFIC POWER & LIGHT CO.

Application for Surrender of Transmission Line License

JULY 3, 1975.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (Correspondence to: Mr. G. E. Drennan, Vice-President, Pacific Power & Light Co., Public Service Building, Portland, Oregon 97204) for surrender of the minor part transmission line license, for Project No. 1180 located in Josephine County, Oregon and affecting lands of the United States.

Project No. 1180 consists of certain Sections of an 11,000-volt transmission line. These licensed portions of the subject transmission line, all of which are located on lands of the United States, include (1) the section of line extending from the Wilderville substation in Section 6, T.27S., R.6W., in a southwesterly direction to a point on item (a) in Section 2, T.38S., R.8W., Willamette Meridian, Oregon; (2) the section of line extending from Holland, Oregon, in an easterly direction to a point on the boundary of Siskiyou National Forest in Lot 4, Section 36, T.39S., R.7W., Willamette Meridian, Oregon; and (3) the section of line extending from a point in the NE¼ of Section 32, T.39S., R.8W., in a southerly direction to a point near O'Brien Post Office in the NE¼ of Section 25, T.40S., R.9W., Willamette Meridian, Oregon.

The application for surrender was filed pursuant to a Federal Power Commission Order issued June 16, 1961, requesting the applicant to obtain from appropriate Government agencies rights to occupy Government lands traversed by the licensed line. Such rights were obtained from the Bureau of Land Management and the United States Forest Service.

Any person desiring to be heard or to make protest with reference to said application should on or before August 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75–17976 Filed 7–10–75;8:45 am]

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Approving Settlement Agreement

JULY 3, 1975.

On October 8, 1974, the Presiding Administrative Law Judge certified to the Commission a settlement agreement. This agreement was entered into by all parties to this proceeding including Commission Staff Counsel. Notice of the certification was issued and no comments have been received.

This proceeding involves two separate transfers of project lands of Upper American River Project No. 2101.[1] An application for Commission approval of these transfers was filed on January 23, 1973.

In the first transfer, on May 25, 1964, Sacramento Municipal Utility District, (Licensee) conveyed to the United States Forest Service (Forest Service) 1131.2 acres of land within project boundaries adjacent to Union Valley and Ice House Reservoirs. The Licensee in turn received from Forest Service 682.81 acres of land known as the Big Hill property located one mile south of the Union Valley Reservoir.

Date	
Nov. 10, 1958	Ice House Reservoir boundary.
June 8, 1960	Camino Tunnel Adit (in connection with approval of an exhibit L).
Dec. 21, 1960	Junction and Union Valley Reservoirs boundaries.
	Gerle Diversion Reservoir boundary.
July 14, 1961	Loon Lake Reservoir boundary.
Oct. 5, 1961	

The purpose of this transfer was, according to the application, to convey all privately owned lands within project boundaries to the Forest Service which was thought by the Licensee to be better equipped to administer public recreational facilities within the project.

Two reservations were placed on the above transfer. The first granted the Licensee such flowage rights as may be required by the license issued for Project No. 2101, subject to damages for any Forest Service improvements placed on the property that would be rendered unusable. The second guaranteed that the land would remain open to the public for outdoor recreation as authorized by Pub. L. 86–517 (74 Stat. 215)[2] and administered so as to permit controlled public use of the reservoir area for recreation as required by the license issued for Project No. 2101.

The second transfer, accomplished December 24, 1968, transferred to the United States Department of Justice 1281.48 acres of land, of which 276.31 acres were within project boundaries, adjacent to Ice House, Loon Lake, Gerle Creek, and Junction Reservoirs and the Camino Tunnel adit. This property was transferred as part settlement of a fire damages claim filed against the Licensee by the Department of Justice. One reservation was placed on this transfer, granting the Licensee all right, title and interest in all improvements upon the property that form a part of, or are necessary or convenient to Project No. 2101. No further reservation or conditions were included.

According to the application filed January 23, 1973, the 1968 transfer fulfilled the Licensee's original plan to transfer all private properties within the project boundaries to Forest Service. Although the Licensee transferred its lands to the Department of Justice, all associated parties informally understood that the lands would be transferred at some future date to Forest Service.

After the Department of Justice received the land transferred in 1968, it declared them to be excess to its needs and turned them over to the General Services Administration (GSA). Forest Service then requested that these lands be transferred to the Department of Agriculture to be included within the Eldorado National Forest. On October 28, 1971, the Office of Management and Budget (OMB) disapproved Forest Service's request, stating that the present value of the planned use by Forest Service would be considerably less than the present value of a sale of the land. Forest Service then requested reconsideration by OMB. On July 12, 1972, OMB reaffirmed its decision of October 28, 1971.

Licensee applied for Commission approval of the two land transfers on January 23, 1973. Subsequently on November 26, 1973, the Commission issued an order noting the possibility that the transfers were made in violation of Articles 2, 23, and 42 of the license. A public hearing was ordered to be held to consider the application and to develop a record as to whether steps should be taken leading to revocation or reformation of the transfers and whether further action would be appropriate to remedy such a violation. The order allowed all Federal agencies and departments that dealt with or had an interest in the subject lands to be made parties.

At the request of Commission Staff Counsel a prehearing conference was held on March 19, 1974.[3] A stipulated statement of facts was filed with the Secretary and Presiding Administrative Law Judge on May 6, 1974.

On June 6, 1974, OMB formally authorized GSA to transfer jurisdiction of the lands that were acquired in partial settlement of the fire suppression case by the Department of Justice in 1968 and which are within the project boundaries of Project No. 2101, to Forest Service for administration and protection as part of the Eldorado National Forest. The transfer from GSA to Forest Service of the entire 1281.48 acres (of which 276.31 acres were within the project boundary) took place on July 3, 1974.

The parties[4] and Commission staff counsel, after receiving word of OMB's decision, continued discussions exploring the settlement of this proceeding. As a result of these discussions, an agreement was reached and submitted to the Presiding Administrative Law Judge who in turn certified it to the Commission. The Settlement includes the following:

(1) Letter of February 6, 1974, from the Department of Justice regarding its position in this proceeding.

(2) Notice of Withdrawal submitted June 6, 1974, by OMB.

(3) Notice of Withdrawal submitted July 22, 1974, by GSA.

(4) Letter of July 3, 1974, from GSA to the U.S. Department of Agriculture (Agriculture) transferring the lands originally transferred to the Department of Justice in 1968 and involved in this proceeding to Agriculture.

(5) Letter of July 3, 1974, from GSA to the Department of Justice, requesting that formal transfer documents be prepared regarding the lands transferred in 1968 and involved in this proceeding.

(6) Letter of July 15, 1974, from GSA to the Commission, regarding the status of the lands transferred in 1968 and involved in this proceeding, once they were transferred to Agriculture.

(7) Letter of September 10, 1974, from the Department of Justice to Agriculture, transferring to Agriculture the custody and accountability of the lands transferred in 1968 and involved in this proceeding.

The terms of the settlement as proposed by Commission Staff Counsel, Forest Service and Licensee (SMUD) are as follows:

ARTICLE 1

That the aforenamed parties and Commission staff counsel pose no objection to the approval of SMUD's pending application requesting approval of two transfers of lands within the boundaries of Project No. 2101, from SMUD to the United States acting through the Forest Service, and from SMUD to the United States acting through the Department of Justice, to General Services Administration, to United States Forest Service.

---

[1] Article 25 of the license for Project No. 2101 provided that the full extent of the project boundaries were to be fixed and determined at a later time. Subsequently, the Commission on five separate occasions approved various amendments which specifically included the subject lands within project boundaries:

[2] Pub. L. 86–517 (74 Stat. 215) is known as the Multiple-Use Sustained-Yield Act of 1960. 16 U.S.C. 528–531 (1970).

[3] OMB and Forest Service were represented at the conference. The Department of Justice in a letter dated February 6, 1974 stated that it has no present interest in the lands nor in the proceedings before the Commission.

[4] OMB on June 6, 1974, submitted a Notice of Withdrawal declaring that its concurrence with the transfer by GSA caused it to no longer have an interest in the proceeding. On July 22, 1974, GSA also withdrew from the proceeding.

[5] Northeast Utilities, — FPC —, issued May 31, 1974, in Docket Nos. E–8758, et al.

V40I134 JUL 11 75 XUM

ARTICLE 2

That SMUD's responsibility as licensee for Project No. 2101 is in no way altered or diminished by the approval of these land transfers and that its duties with respect to the lands transferred remain the same, as with all lands within the project boundaries, as stated in the original license and all amendments.

ARTICLE 3

That the United States acting through the Forest Service, Department of Agriculture, as the owner of these transferred lands will administer them as lands under the same limitations and conditions applicable to a power reservation under section 24 of the Federal Power Act (16 U.S.C. § 818). Specifically, that the United States Forest Service will administer these transferred lands in the same manner as other National Forest lands within the project boundaries in accordance with project purposes, as set forth in the Federal Power Act and the license of Project No. 2101.

ARTICLE 4

That the transferred lands within the project boundary are necessary for the purposes of Project No. 2101, as previously determined by the Commission, and that any proposal for a use of these lands that would interfere with their use for project purposes shall be formally approved by the Commission prior to any such use.

Review of this settlement agreement as well as the entire record in this proceeding indicates that the proposed settlement agreement adequately resolves the issues raised in this proceeding, is in the public interest, and should therefore be approved and made effective as hereinafter ordered and conditioned.

The Commission finds: (1) Approval of the settlement agreement certified to Commission by the Presiding Administrative Law Judge on October 8, 1974, in this proceeding is reasonable, appropriate, and in the public interest in carrying out the provisions of the Federal Power Act.

(2) Approval of the transfers of lands, as described in the settlement agreement set forth in finding number 1, is appropriate and in the public interest.

The Commission orders: (A) The Settlement agreement described above is incorporated herein by reference, approved and made effective.

(B) The transfers of land as described in the above findings are approved.

(C) Licensee shall file a revised Exhibit K in accordance with the Commission's rules and regulations.

(D) This order is without prejudice to any findings or orders which have been made or which will be hereafter made by the Commission, and is without prejudice to any claim or contentions which may be made by the Commission, its staff or any party or person affected by the order in any proceeding now pending or hereinafter instituted by or against Sacramento Municipal Utility District or any person or party except as expressly provided in the Settlement Agreement.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17979 Filed 7-10-75;8:45 am]

[Docket No. RI75-6]

SUN OIL CO.

Further Extension of Procedural Dates

JULY 3, 1975.

On June 30, 1975, Sun Oil Company filed a telegraphic request to further extend the procedural dates fixed by order issued February 28, 1975, as most recently modified by notice issued June 6, 1975, in the above-designated matter. The request states that staff counsel has indicated his concurrence thereto.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company, Direct Testimony, August 6, 1975.
Service of Staff Testimony, August 20, 1975.
Service of Company Rebuttal, August 23, 1975.
Hearing, September 3, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17980 Filed 7-10-75;8:45 am]

[Docket No. RP75-13]

TENNESSEE GAS PIPELINE CO.

Further Extension of Procedural Dates

JULY 2, 1975.

On June 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 11, 1974, as most recently modified by notice issued April 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 31, 1975.
Service of Intervenor Testimony, November 28, 1975.
Service of Company Rebuttal, January 9, 1976.
Hearing, January 20, 1976 (10 a.m. e.d.t.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17981 Filed 7-10-75;8:45 am]

[Docket No. CP75-372]

TENNESSEE GAS PIPELINE CO.

Application

JULY 3, 1975.

Take notice that on June 24, 1975, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-372 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the receipt of natural gas from Lowell Gas Co. (Lowell) for delivery to National Fuel Gas Supply Corp. (National) for storage, and the delivery of such gas as Lowell's stored gas balance from National to Lowell, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to receive until April 30, 1976, up to 12,500 Mcf of gas per day, not to exceed 1,500,000 Mcf of gas during the period ending April 30, 1976, from Lowell at the point of interconnection between Applicant's and Lowell's facilities at Applicant's Tewksbury Sales Meter Station, in Middlesex County, Massachusetts, and to deliver an equivalent volume of gas to National at Applicant's Ellisburg Sales Meter Station, in Potter County, Pennsylvania, for storage by National. Applicant further proposes to transport and deliver to Lowell up to 12,500 Mcf per day of the stored gas balance, as previously delivered which National would deliver to Applicant when Lowell so nominates, and Applicant would deliver to Lowell at the Tewksbury station. Applicant states that the proposed transportation charge for the service would be 34.77 cents per Mcf of gas transported and delivered. Applicant states that National filed a request for the authorization for the interim storage service in Docket No. CP75-348,[1] and Applicant requests the consolidation of instant application with said application.

The stated reason for the proposed service is to enable Lowell to utilize the storage capacity made available by National to serve its high priority customers during the 1975-1976 winter. Applicant notes that applications for another storage and transportation service for Lowell are pending in Docket Nos. CP75-40 and CP75-84 and might not be acted upon by the Commission to provide service for the period contemplated by the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17982 Filed 7-10-75;8:45 am]

[1] Notice of the application was published June 11, 1975, 40 FR 24942.

[Docket No. E-9523]

WISCONSIN MICHIGAN POWER CO.

Amendment to Interconnection Agreement

JULY 3, 1975.

Take notice that on June 27, 1975, Wisconsin Michigan Power Co. (Applicant) tendered for filing with the Federal Power Commission an amendment dated May 29, 1975 to their Agreement dated March 22, 1968 with the Cities of Kaukauna and Menasha (Kaukauna-Menasha).

The amendment, effective June 3, 1975, provides for the following:

(a) An additional point of delivery at 138 kV between the systems of Applicant and Kaukauna-Menasha,

(b) Cost of expansion of interconnection facilities shall be allocated by negotiations on the basis of benefits derived by each party,

(c) Removal of restriction on Kaukauna-Menasha interconnecting with any system other than Applicant's,

(d) Addition of provisions for parallel system operation and the control of system disturbances,

(e) Compensation for Emergency Energy has been changed to provide for the return of equivalent energy or, at the option of the supplying party, at the rate of 110% of the supplier's out-of-pocket cost with a minimum of 17½ mills per kilowatt-hour, and

(f) All metering facilities are to be owned and maintained by Kaukauna-Menasha.

Applicant states that sufficient information to estimate with any degree of accuracy the quantities of energy which will be delivered by either party under the Emergency Energy class of service is not available.

Applicant requests that pursuant to § 35.11 of the Commission's regulations under the Federal Power Act, and section 205(d) of the Act, the Commission waive its thirty day notice requirement and accept the subject filing to become effective immediately.

Applicant states that signed duplicate originals of the amendment have been provided to Kaufauna-Menasha.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1975.[1] Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-17983 Filed 7-10-75;8:45 am]

[1] This document was received by the Office of the Federal Register, July 8, 1975.

[Docket Nos. CP73-47, etc.]

EASCOGAS LNG, INC., ET AL.

Availability of Supplement to Final Environmental Impact Statement

JULY 15, 1975.

Notice is hereby given in the above dockets, that on July 15, 1975, as required by section 2.82(b) of Commission Order No. 415-C, a Supplement to a Final Environmental Impact Statement, prepared by the staff of the Federal Power Commission was made available. The Final Environmental Impact Statement (FEIS), circulated on July 5, 1974, deals with the applications filed by Eascogas LNG, Inc., Distrigas Corp., Distrigas Pipeline Corp., and Distrigas of New York Corp. in Docket Nos. CP73-47, CP73-88, CP73-132, CP73-148, CP73-230, and CP74-122 for a certificate of public convenience and necessity under sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria; for the construction and operation of 1) LNG importation terminal at Staten Island, New York, and 2) approximately 6,000 feet of 24-inch transmission line with a 2,675-foot segment of 30-inch underwater pipeline loop in the Arthur Kill between Staten Island, New York and the shore of New Jersey; and for the sale in interstate commerce of the imported LNG. During the course of FPC hearings concerning the FEIS, the staff became aware of a possible inaccuracy in the report, and advised the record that a Supplement to the FEIS might be required. Also, since the circulation date, additional information has been received by the FPC regarding the proposed project and additional studies concerning possible vapor cloud travel resulting from a massive spill of LNG on water have been completed by the FPC staff, which update the former studies attached in Volume 2 of the FEIS. The Supplement to the FEIS reflects this additional information and updating of the vapor travel analysis.

This Supplement to the FEIS has been circulated to Federal, State and local agencies, and all parties to the proceedings. The FEIS and Supplement to the FEIS have been placed in the public files of the Commission, and are available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the Supplement to the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

MARY B. KIDD,
Secretary.

[FR Doc.75-18035 Filed 7-10-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 7, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Resources and Trade Assistance, Community Petition for Certification of Eligibility for Adjustment Assistance, DIB 347P, on occasion, import-impacted communities, Caywood, D.P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Quality Evaluation System for Long Term Care—Administrator's Report, NCHS 0616, single-time, administrators of long-term care facilities, Caywood, D.P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Region V Household Survey, Property Disposition: Occupant/Absentee Owner, single-time, households in 4 midwest cities, Sunderhauf, M.B., 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, U.S.DOT-AAR Crossing Inventory Update Form, on occasion, State highway dept., all U.S. railroads, Lowry, R. L., 395-3772.

V40I134 JUL 11 75 XUM

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Prices Paid by Farmers—New and Used Automobiles & Trucks, G–2, semi-annually, auto and truck dealers, Raynsford, R., 395–3814.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Financial Status and Performance Report—National Drug Education, OE 226–2, OE 226–3, annually, Lea's and community organization, Lowry, R. L., 395–3772.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Monthly Report of Condition for U.S. Agencies, Branches, and Domestic Banking Subsidiaries of Foreign Banks, FR886A, FR886B, monthly, foreign oriented banking operations of U.S. banks, Hulett, D. T., 395–4730.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Review for Compliance (Title VI—Civil Rights Act of 1964), ASCS–540, annually, farms, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of the Census:

Monthly Survey of Public Construction (State agencies), F–93, monthly, selected State government agencies, Marsha Traynham, 395–4529.

Monthly Survey of Public Construction (summary report), F–95, monthly, local government agencies, Marsha Traynham, 395–4529.

Monthly Survey of Public Construction (local governments), F–94, monthly, multi-function local governments, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Student Validation Roster, OE 255–4, annually, institutions participating in BEOG program, Lowry, R. L., 395–3772.

National Institutes of Health, Application for Training Grant and Continuation Report, PHS–2499–2, on occasion, organizations engaged in training, Lowry, R. L., 395–3772.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Quality Measurement Survey—1973 Occupational Injuries and Illnesses Survey, BLS 3026QM, on occasion, business firms, Caywood, D. P., 395–3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–18128 Filed 7–10–75;8:45 am]

PRIVACY ACT GUIDELINES—JULY 1, 1975

Implementation of Section 552a of Title 5 of the United States

Correction

In FR Doc. 75–17774 appearing at page 28949 of the issue for July 9, 1975, the following changes should be made:

1. The following introductory text, which was inadvertently omitted, should be inserted immediately after the headings and before "Table of Contents":

This memorandum forwards guidelines for implementing Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a, P.L. 93–579) pursuant to OMB Circular No. A–108 dated July 1, 1975. These guidelines were developed to assist agencies in complying with the Act in an effective and timely manner.

The guidelines will be revised and expanded as necessary and as experience in implementing the Act suggests the need for further interpretation and guidance. Although these guidelines are not issued pursuant to 5 U.S.C. 553 (the Administrative Procedures Act) we invite public comment on them.

JAMES T. LYNN,
Director.

2. In the third column on page 28969, the 5th paragraph from the bottom should read as follows:

"[T]he court is required to determine such matters *de novo* and the burden of proof is upon the agency to sustain the exemption." (House Report 93–1416, p. 17) In view of the sensitivity of some of the records to which access may be sought, the court, in examining those records may do so in camera. "A person seeking access to a file which he has reason to believe is being maintained on him for the purposes of determining its accuracy and completeness, for example, or to take advantage of the rights afforded him * * * could raise the question of the propriety of the exemption which denies him access to his files. In deciding whether the citizen has a right to see his file or to learn whether the agency has a file on him, the court would of necessity have to decide the legitimacy of the agency's reasons for the denial of access, or refusal of an answer. The Committee intends that any citizen who is denied a right of access under the Act may have a cause of action, without the necessity of having to show that a decision has been made on the basis of it, and without having to show some further injury, such as loss of job or other benefit, that might stem from the denial of access." (Senate Report 93–1183, p. 82.)

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JULY 7, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading, in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from July 8, 1975 through July 17, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–18086 Filed 7–10–75;8:45 am]

[Rel. No. 8846; (812–3814)]

MULTIPLE MATURITY TAX-EXEMPT BOND TRUST, FIRST SERIES (AND SUBSEQUENT SERIES) ET AL.

Filing of Application

In the Matter of Multiple Maturity Tax-Exempt Bond Trust, First Series (and subsequent series); Prescott, Ball & Turben, 900 National City Bank Building, Cleveland, Ohio 44114; Advest Co., 6 Central Row, Hartford, Connecticut 06103; Boettcher and Company, 828 Seventeenth Street, Denver, Colorado 80202; Butcher & Singer, 1500 Walnut Street, Philadelphia, Pennsylvania 19102; A. G. Edwards & Sons, Inc., One North Jefferson, St. Louis, Missouri 63103; Foster & Marshall Inc., 205 Columbia Street, Seattle, Washington 98104; Loewi & Co. Incorporated, 225 East Mason Street, Milwaukee, Wisconsin 53202; The Robinson-Humphrey Company, Inc., Two Peachtree Street, NW, Atlanta, Georgia 30303.

JULY 3, 1975.

Notice is hereby given that Multiple Maturity Tax-Exempt Bond Trust, First Series ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") and its sponsors, Prescott, Ball & Turben, Advest Co., Boettcher and Company, Butcher & Singer, A. G. Edwards & Sons, Inc., Foster & Marshall Inc., Loewi & Co. Incorporated and The Robinson-Humphrey Company, Inc. ("Sponsors") (hereinafter the Sponsors and the Fund are collectively referred to as "Applicants") filed an application on May 30, 1975, and amendments thereto on June 17 and 25, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting the Fund (and subsequent Series) from compliance with the provisions of section 14(a) of the Act, exempting certain pricing practices in the offering of units of the Fund by or through the Sponsors from the provisions of section 22(d) of the Act, and exempting frequency of the capital gains distributions of the Fund and the secondary market operations of Sponsors from the provisions of rule 19b–1 and rule 22c–1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The exemptive order is requested for the Fund and subsequent Series sponsored by the Sponsors and meeting the description of such Funds in the application. Multiple Maturity Tax-Exempt Bond Trust, First Series, and each future Fund will be governed by a trust agreement for that Fund (hereinafter called the "Agreement") under which the Sponsors will act as such, The Bank of New York will act as Trustee and Standard & Poor's Corporation will act as Evaluator. The Agreement for each Fund will contain standard terms and conditions of trust common to all Funds. Pursuant to the Agreement, the Sponsors will deposit with the Trustee not less than $4,000,000 principal amount of bonds (hereinafter called the "Bonds") which the Sponsors shall have accumulated for such purpose. The Bonds will be deposited into not less than two trusts created under the Agreement ("Trusts"), units of beneficial interest of which Trusts will be offered to the public pursuant to the prospectus. Simultaneously with such deposit the Trustee will deliver to the Sponsors registered certificates for not less than 4,000 units allocated among the Trusts in proportion to the aggregate principal amount of Bonds in each, which will represent the entire ownership of the Trusts and the Fund. These units are in turn to be offered for sale to the public by the Sponsors.

The Bonds will not be pledged or in any other way be subjected to any debt at any time after they are deposited in the Trusts. All of the Bonds will be interest bearing obligations of states and territories of the United States, and political subdivisions and authorities thereof, the interest on which is exempt from Federal income taxation. The Sponsors have been accumulating the Bonds for the purpose of deposit in the Trusts and will follow a similar procedure of accumulating the Bonds for each future Series. In selecting Bonds, the following factors are considered: (i) Standard & Poor's Corporation's rating of "BBB" or better, or equivalent; (ii) the price of the Bonds relative to other bonds of similar quality and maturity; (iii) diversification of the Bonds as to the purpose of issue and (iv) income to the Certificateholders of the Trusts.

Each Trust in each Fund will consist of Bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under the special circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to Certificateholders and not reinvested. There is no provision in the Agreement for the Fund or any of the Trusts created thereunder, and there will be no provision in the Agreement for any future Series, for the sale and reinvestment of the Bonds, and such activity will not take place. Reference is made to the Agreement and to the Prospectus for the Fund for a full explanation of the operation of the Fund.

Each unit for a particular Trust of any Fund will represent a fractional undivided interest in that Trust of that Fund. Units will be dedeemable. In the event that any units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each Unit increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated with respect to any Trust by 66⅔ percent agreement of the holders of units of the Trust ("Certificateholders"), or, in the event that the value of the Bonds in a Trust shall fall below $500,000, upon direction of the Sponsors to the Trustee. There is no provision in the Agreement for the Fund, and there will be no provision in the Agreements for future Funds, for the issuance of any units of any Trust after the initial offering of units (except to the extent that the secondary trading by the Sponsors in the units is deemed the issuance of units under the Act) and such activity will not take place.

Following the deposit of Bonds for each Fund by the Sponsors with the Trustee, and following the declaration of effectiveness of that Fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of various States, the Sponsors will offer the units of the Trusts comprising that Fund to the public at the public offering prices set forth in the prospectus, plus accrued interest. The public offering prices are based upon the aggregate offering side evaluation of the underlying Bonds in the Trust portfolio, plus a sales charge. The amount of the sales charge will vary from Trust to Trust based upon the maturity of its portfolio, with earlier maturing Trusts having a lower sales charge than Trusts with longer maturities. Combined units (composed of equal portions of units from each Trust) will be offered during the initial offering period at a combined units public offering price which is computed by adding to the sum of the per unit offering side evaluation of the Bonds in the portfolios of each Trust a sales charge which is slightly less than the average of the sales charges applicable to the units of the Trusts if purchased separately. Combined units will not be offered beyond the initial offering period.

It is the purpose of each Fund to provide a diversified investment of quality not less than Standard & Poor's Corporation's rating of BBB or better, or equivalent. Applicants allege that the multiple trust concept is utilized to permit investors to select different maturities and/or diversify among maturities with the ability to anticipate the year in which they will receive returns of principal. In the opinion of counsel, none of the Trusts of the Funds will be associations taxable as corporations under the Internal Revenue Code and to the extent that income of any Fund consists of interest excludable from gross income under the Internal Revenue Code such income is excludable from the gross income of the Certificateholders when distributed to them.

While the Sponsors undertake no obligation to do so, it is their intention to maintain a market for units of each Trust for each Fund and continuously to offer to purchase such units at prices in excess of the redemption prices as set forth in the Agreement. In the absence of such a market investors may be able to dispose of their Certificates only by redemption. Units of the Trusts repurchased by the Sponsors may be resold by the Sponsors at the then current public offering prices determined in the manner set forth in the Prospectus. To reflect the shorter remaining life of the Trusts as they approach maturity, the sales charges used in the calculation of such offering prices will be reduced pro rata (but not below a minimum amount set forth in the Prospectus) each year during the unexpired term of each Trust.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a). In order that a public offering of units of the Fund as described above may be made. In connection with the requested exemption from section 14(a), the Sponsors agree (i) to refund on demand and without deduction the sales load to purchasers of units of any Trust, if within 90 days after the registration of a Fund under the Securities Act of 1933 becomes effective, the net worth of such Trust included in that Fund shall be reduced to less than $100,000 or if such Trust or the Fund is terminated (ii) to instruct the Trustee on the date the bonds are deposited in each Trust that if any Trust of any Fund shall at any time have a net worth of less than $500,000 as a result of redemption by the Sponsors of units constituting a part of the unsold units, the Trustee shall terminate such Trust in the manner provided in the Agreement and distribute any Bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units purchased from the Sponsors on demand and without any deduction.

Section 22(d), in pertinent part, prohibits registered investment companies, underwriters and dealers from selling redeemable securities other than at a current public offering price described in the prospectus. Applicants seek an exemption from the provisions of section 22(d) to the extent that the offering price for combined units of the Fund during the initial offering period as described above and in the prospectus may be in conflict with such Section. Applicants further seek relief to the extent that the resale of units of the Trusts by the Sponsors in the secondary market at reduced sales charges in subsequent years as described above and in the prospectus may be in conflict with section 22(d).

Applicants assert that the reduction in net sales charge applicable to the purchaser of combined units results in a savings to such purchaser over the cost of such units purchased separately, is fully disclosed and available to all purchasers of units during the initial offer-

V40I134 JUL 11 75 XUM

ing period, and represents sound business practice on the part of the Sponsors. With respect to the reduction of sales charges applicable to resales in the secondary market in subsequent years, Applicants assert that considerations of basic fairness and consideration of normal marketplace operation dictate that sales charges be directly related to Trust maturity to reflect the need to amortize such costs to the investor over the remaining life of the investment. Applicants represent that the granting of the aforesaid exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Rule 19b–1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to Certificateholders of each Trust of a Fund are made semi-annually. Distributions of principal constituting capital gains to Certificateholders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Fund will be distributed to a Certificateholder on the next distribution date; and (2) if units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption each Certificateholder will receive his pro rata portion of the proceeds from the bonds sold. In such instances, a Certificateholder may receive in his distribution funds which constitute capital gains since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit. In addition, during the year of maturity of each Trust principal distributions may be made as many as four times and may include capital gains (if an issue of Bonds was deposited at a value less than its face value).

As noted, paragraph (b) of rule 19b–1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. The purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and, Applicants allege, the operations of the Fund in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, a Fund would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. The application states that such a practice would clearly be to the detriment of the Certificateholders.

In support of the requested exemption, the application states that the dangers against which rule 19b–1 is intended to guard do not exist in the situation at hand since neither the Sponsors nor the Fund has control over events which might trigger capital gains, i.e., the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to Certificateholders as a return of principal.

Rule 22c–1 provides, in pertinent part, that no registered investment company, issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Applicants seek an order exempting the secondary market operations of Sponsors from the provisions of rule 22c–1 under the Act. It is proposed to value units of the Fund, for repurchase and resale by the Sponsors in the secondary market, at prices computed once weekly as of the close of business on the last business day of the week, effective for all transactions the following week.

Applicants assert that the pricing by the Sponsors in the secondary market will in no way affect the Funds' assets, and the public Certificateholders will benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsors will order a full evaluation. The Sponsors agree that, in case of the resale of units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5 on a unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–18087 Filed 7–10–75;8:45 am]

[Release No. 19077 (70–5700)]

NORTHEAST UTILITIES, ET AL.

Proposed Intrasystem Sale of Office Property and First Mortgage Financing from Banks

JULY 3, 1975.

Notice is hereby given that Northeast Utilities ("NU"), a registered holding company, Western Massachusetts Electric Company ("WMECO"), an electric utility subsidiary company of NU, and The Quinnehtuk Company ("Quinnehtuk"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a nonutility subsidiary company of NU engaged in real estate activities for the system, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(d) of the Act and rules 43 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

WMECO presently owns and occupies an office building in West Springfield, Massachusetts, which serves as its principal office and is located on a parcel of land containing approximately 46 acres. The building consists of three stories and a basement and contains approximately 51,000 square feet of office space. With the exception of a minor portion of the building which is leased to NEPEX (New England Power Exchange), WEMCO occupies the entire building.

At the present time, WMECO is unable to issue any first mortgage bonds or preferred stock because of earnings coverage requirements, and its short-term indebtedness is approaching the limit permitted by the Commission. In order to obtain additional long-term capital for WMECO, it is proposed that WMECO sell the office building and said 46 acres of land to Quinnehtuk subject to (i) the existing lease to NEPEX, and (ii) WMECO's retention of title to utility equipment affixed to the office building which is not used in connection with the operation thereof (said office building and land hereinafter referred to as the "Office Property"); and that simultaneously with such sale, Quinnehtuk (i) obtain from Hartford National Bank and Trust Company and Mechanics Savings Bank of Hartford, Connecticut, as participating co-lenders, mortgage financing in the amount of $1,800,000 and (ii) lease back the office building to WMECO on a net-net basis. Mechanics Savings Bank has issued a commitment to Quinnehtuk for financing in that amount which has been accepted subject to receipt of approval by the Commission.

Under the commitment, the term of the mortgage loan would be 25 years with interest at the rate of 10⅛ percent per annum payable on a direct reduction basis with annual payments of principal and interest aggregating $198,288 (11.016 percent of the principal amount). Under the proposed lease, the term of which would be co-extensive with the mortgage term, WMECO would assume and pay all expenses incurred in connection with the operation of the Office Property, just as it does now as owner, and would make to Quinnehtuk, from its operating revenues as rental, monthly payments equal to the debt service requirements under Quinnehtuk's mortgage. Thus, on the basis of mortgage financing of $1,800,000, WMECO's annual payments on account of debt service under the proposed lease would be $198,288, thereby increasing by that amount its annual costs associated with the Office Property. Quinnehtuk's right to receive payments under the lease would be assigned to Mechanics Savings Bank as additional security for the mortgage note.

The purchase price for the Office Property will be an amount equal to WMECO's original cost thereof (approximately $2,240,000) less accrued depreciation (as to the office building), which has been computed on a straight-line basis, as shown on the books of WMECO as of the last day of the most recent fiscal quarter preceding the date of sale. As of March 31, 1975, said depreciated cost was approximately $1,432,000.

It is stated that NU's management has considered, and reviewed the cost of, various alternative arrangements and sources to the end of securing additional financing on the most economical basis consistent with other NU financing needs and that the proposed financing plan will result in substantially lower financing costs than any of the other alternatives considered.

It is requested that the Commission exempt the issuance and sale of the mortgage note from the competitive bidding requirements of rule 50 pursuant to clause (a)(5) of said rule, on the ground that compliance with such requirements, under the circumstances described herein, is not necessary or appropriate in the public interest or for the protection of investors or consumers.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $38,450, including legal fees and expenses of $11,450. It is stated that no specific consent or approval of any State commission or any Federal commission, other than this Commission, is required for the transactions proposed; however, the lease arrangement may be subject to the general jurisdiction of the Massachusetts Department of Public Utilities but no prior approval of said Department is required.

Notice is further given that any interested person may, not later than July 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–18088 Filed 7–10–75;8:45 am]

[Rel. No. 19078 (70–5703)]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JULY 3, 1975.

Notice is hereby given that Southwestern Electric Power Company ("SWEPCO"), P.O. Box 1106, Shreveport, Louisiana 71156, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

SWEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, Series M, to be dated August 1, 1975 (the "Bonds"), and to mature not earlier than 1980 nor later than 2005, to be determined by SWEPCO prior to the date of publication of its invitation for bids with respect to the Bonds. The interest rate and the redemption prices of the Bonds, and the price to be paid to SWEPCO for the Bonds, will be determined by competitive bidding. The Bonds will be issued under and secured by SWEPCO's Indenture of Mortgage or Deed of Trust, dated February 1, 1940, to the Continental Illinois National Bank and Trust Company of Chicago and Ray F. Myers, as Trustees, as amended by the indentures supplemental thereto heretofore executed (the "Indenture"), and to be further amended by a proposed Supplemental Indenture, to be dated August 1, 1975.

The Supplemental Indenture provides for various amendments to the Indenture including, inter alia: (1) a modification of the opinions of counsel required in connection with the issue of bonds against bondable property and the withdrawal of cash deposited with the Trustees to reimburse SWEPCO for net expenditures for bondable property; (2) addition of provisions which would permit, with certain exceptions, the alteration or modification of the rights and obligations of SWEPCO and the bondholders under the Indenture, upon the consent of at least two-thirds in principal amount of the bonds, at the time outstanding under the Indenture, affected thereby; and (3) changes in the Indenture provisions relating to or dependent upon the maintenance and renewal fund provided for under the Indenture including modification of the formula for computing net expenditures for bondable property, of the requirements for expenditures for maintenance and renewal, and construction or acquisition of bondable property, and of the earnings test for issuance of additional bonds. The Supplemental Indenture provides that each of these amendments will

V 40 I 34 JUL 11 75 XUM

become effective only upon the retirement of, or with the requisite consent of the holders of, the outstanding bonds of previously issued series. It is stated that since the Indenture presently contains no bondholder consent provisions, these amendments could not become operative until the year 2001, upon maturity of SWEPCO's Series L bonds. The Supplemental Indenture also changes the pattern of previous supplemental indentures with respect to the formula for computing earnings available for dividends on common stock.

The Supplemental Indenture contains a prohibition until August 1, 1980, against refunding the issue with funds borrowed by SWEPCO at a lower effective interest cost, except as permitted under certain debt retirement provisions in the Indenture. If the Bonds will mature on or before August 1, 1982, the Bonds will not have a sinking fund.

The proceeds to be derived by SWEPCO from the sale of the bonds (exclusive of accrued interest and after deducting expenses of issue) will be used to finance future construction expenditures and to repay short-term notes incurred or expected to be incurred by SWEPCO in connection with the interim financing of its construction expenditures, including approximately $31,500,000 of short-term borrowings which are expected to be outstanding as of the date of issuance of the bonds. The proposed construction expenditures of SWEPCO for the calendar years 1975–1977 are presently estimated at $82,341,000, $105,358,000 and $78,487,000, respectively.

The fees and expenses (other than underwriting commissions or discounts) to be paid by SWEPCO in connection with the issue and sale of the Bonds are estimated at $115,000, including approximately $23,300 in legal fees and $7,500 in accountants' fees. The fees and expenses of legal counsel for the successful bidders, to be paid by the successful bidders, are estimated not to exceed $14,500. It is stated that the Arkansas Public Service Commission and the Corporation Commission of Oklahoma have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–18089 Filed 7–10–75;8:45 am]

[Rel. No. 8845; 812–3781]

WELLINGTON FUND, INC. ET AL.

Filing of Application

JULY 3, 1975.

Notice is hereby given that Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Trustees' Equity Fund, Inc., Exeter Fund, Inc., Gemini Fund, Inc., Explorer Fund, Inc., W. L. Morgan Growth Fund, Inc., Wellesley Income Fund, Inc., Westminster Bond Fund, Inc., Fund for Federal Securities, Inc. and TDP&L Investment Account "A", Inc. ("Funds"), P.O. Box 823, Valley Forge, Pennsylvania 19482, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), Wellington Management Company ("WMC"), the investment adviser to each of the Funds except TDP&L Investment Account "A", Inc. ("Account A") and Thorndike, Doran, Paine & Lewis, Inc. ("TDP&L"), 28 State St., Boston, Mass. 02109, a wholly-owned subsidiary of WMC and the investment adviser to Account A (collectively, "Applicants") filed an application on March 12, 1975, for an order pursuant to Rule 17d–1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicants state that pursuant to investment management contracts between each of the Funds and WMC or TDP&L, in early 1971 a decision was made to develop an automated Portfolio Accounting System ("PAS") for the Funds to replace the manual record keeping procedures utilized at that time. PAS was developed solely for the use of the Funds in their activities and became the property of the Funds. In 1972 Monchik-Weber Associates, Inc. ("M-W"), a corporation engaged in the business of system consulting and the development, design, marketing and leasing of computer systems, was retained to design a minor addition to PAS. From time to time M-W has rendered computer software design and development services to the Funds, WMC and TDP&L, but the application states that M-W is not an affiliated person of any of the Funds, WMC or TDP&L. Each Fund (except Fund for Federal Securities which did not begin operations until November, 1973) contributed to the expenses of developing and enhancing PAS on the basis of its security transaction volume. Applicants state that in mid-1974 M-W informed the Funds that it might be possible to market and sell PAS to persons other than the Funds, and the Funds' Boards of Directors determined that it would be in the best interests of the Funds to authorize M-W to attempt to market and sell PAS.

Applicants further state that subsequent to M-W's initial involvement with the Funds in 1972, TDP&L retained M-W to aid it in the design and development of a computer system, called the TDP&L Advanced Portfolio Management System ("TAPMS"), for use in automating the bulk of administrative functions involved in the management of investment counselling accounts unrelated to the Funds. In 1974, TDP&L similarly authorized M-W to offer TAPMS to others for sale.

Applicants state that in December, 1974, a subsidiary of a large investment company management—investment counsellor company ("Purchaser") agreed in a negotiated transaction, to purchase a computer system ("APMS") from M-W which combined a portfolio accounting system (basically PAS) for its mutual funds with an investment counselling support system (basically TAPMS). M-W has agreed with the Purchaser to create this system by providing the programming support necessary to modify and combine PAS and TAPMS to meet the Purchaser's particular requirements. M-W will be paid for its services from the total price for APMS. The balance of the proceeds will be allocated between Funds and TDP&L according to the determination made by M-W of the relative importance of PAS and TAPMS in APMS. Funds propose to authorize M-W to consummate the sale of PAS and to allocate the Funds' portion of the proceeds from the sale among the Funds in proportion to the percentage of the total costs each Fund has contributed to the development and enhancement of PAS. The sales arrangements provide further that Funds and TDP&L may realize additional income from the sale if the cost of M-W's time and materials in modifying and installing the system is less than M-W's share of the estimate, and that if the Purchaser uses APMS to serve any mutual funds other than those advised by the Purchaser, royalties will be paid to M-W. Funds anticipate that future opportunities will arise to sell PAS separately or in transactions in which TAPMS is sold.

Section 17(d) of the Act and Rule 17d–1 thereunder, in pertinent parts, prohibit an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company is a participant with the affiliated person unless an application regarding such transaction is filed and an order is granted approving such joint enterprise or arrangement prior to its submission to security holders for approval; and provide that, in passing upon such application the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Because the Boards of Directors of each of the Funds, except Explorer Fund and Account A, are composed of the same individuals (the Board of Explorer Fund consists of ten of those individuals and the Board of Account A has four members, three of which are also members of the Boards of the other Funds) each of the Funds other than Account A, might be considered to be under "common control" and may be deemed to be an affiliated person of each and all of the other Funds, other than Account A. WMC is an "affiliated person of an affiliated person" of Account A and an "affiliated person" of each of the other Funds. TDP&L is an "affiliated person" of Account A and an "affiliated person of an affiliated person" of each of the other Funds.

Accordingly, Applicants state that the proposed and future arrangements for the independent sale by the Funds of PAS or the sale of TAPMS by TDP&L and WMC concurrent with the sale of PAS by the Funds may be deemed to be transactions within the ambit of section 17(d), and accordingly, Funds, TDP&L and WMC may be prohibited from effecting the proposed transaction, and future transactions of a similar nature, without an exemption from the Commission.

Applicants, therefore, request an order, pursuant to Rule 17d–1 under the Act, permitting (1) Funds, TDP&L and WMC to sell PAS and TAPMS to the Purchaser in the manner and on the terms described in the application; (2) Funds to sell PAS, in future negotiated transactions, to other purchasers in transactions in which neither TAPMS is sold, nor TDP&L or WMC are participants, provided certain conditions are met; and (3) Funds to sell PAS, in future negotiated transactions, to other purchasers, in transactions in which TAPMS is sold concurrently, provided certain conditions are met.

Applicants represent that all the proposed arrangements and transactions described in the application comport with the applicable statutory standards.

Applicants state that the recovery of the development costs and reduction of the Funds' expenses is consistent with the provisions, policies and purposes of the Act, and will produce benefits for shareholders of the Funds, and that the allocation among the Funds of the Funds' proceeds of the sale (and future sales) of PAS, based upon the contribution of each Fund to the cost of developing PAS, is the most reasonable and fair basis for allocation, and does not involve the participation by any one Fund on a basis different from or less advantageous than that of any other Fund.

Applicants further state that where PAS and TAPMS are sold as part of a package, M–W, which is marketing the sale of the package and is dealing with the prospective purchaser, is in the best position to determine the relative weights to be given to each part of the package since it is a design specialist, and it has the greatest knowledge of the part the individual components are playing in the total package sale and of the parts which make the package most attractive to the particular purchaser.

Applicants also seek an order of the Commission pursuant to Section 45(a) of the Act granting confidential treatment to certain documents relating to the costs of the Funds to develop PAS; the various agreements between certain of the Applicants and M-W, and the terms of the sale of the computer systems.

Section 45(a) of the Act provids, in pertinent part, that information filed with the Commission shall be made available to the public, unless and except insofar as it is found that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors.

Applicants represent the computer systems are valuable assets but that they have no fixed market price. Applicants state they have expended substantial sums to develop such systems and that there is an opportunity to recover such expenditures by selling the systems. Accordingly, Applicants state that it is in the interests of Applicants and their shareholders to obtain the best price when selling such systems. Applicants state that the effect of disclosing the terms and provisions of the currently proposed sale would be likely to preclude subsequent sales at a better price. Applicants, therefore, submit that public disclosure of such documents is neither necessary nor appropriate in the public interest and is contrary to the interests of investors in the Funds, WMC and TDP&L.

Notice is further given that any interested person may, not later than July 28, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–18090 Filed 7–10–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1153]

MONTANA

Declaration of Disaster Area

As a result of the President's declaration I find that Cascade, Flathead, Glacier, Lewis and Clark, Pondera, Teton, and adjacent counties within the State of Montana, constitute a disaster area because of damage resulting from flooding caused by severe storms, heavy rains and snowmelt beginning about June 19, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 29, 1975, and for economic injury until the close of business on March 28, 1976, at:

Small Business Administration
District Office
613 Helena Avenue
Helena, Montana 59601

or other locally announced locations.

Dated: July 3, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75–18079 Filed 7–10–75;8:45 am]

[Proposed License No. 02/02–0313]

VAN RIETSCHOTEN CAPITAL CORP.

Application To Operate as Investment Company

An Application for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et. seq.), has been filed by Van Rietschoten Capital Corp. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102.

The applicant, with its principal place of business at 30 East 42nd Street, New York, New York 10017, will begin operations with $1,000,000 of paid-in capital and will be solely owned by Van Rietschoten Holdings S.A. (VRHSA) Luxemburg. VRHSA, which is a privately owned investment company with inter-

V40I134 JUL 11 75 XUM

ests in Europe and North America, is in turn wholly owned by Cornelius Van Rietschoten.

The officers and directors of the applicant will be as follows:

Name and Title
Cornelius Van Rietschoten, Quinta Neoletta, Ferrarias, Almansil, Portugal, Chairman of the Board and Director.
Harvey J. Wertheim, 9 Rawlings Drive, Melville, New York 11746, President and Director.
Rainer N. Greeven, 200 East 71st Street, New York, New York 10021, Vice Chairman, Secretary, and Director.
Matthias A. Laquer, 65, Laan Van Clingendael, The Hague, Holland, Director.
John H. French II, 151 East 72nd Street, New York, New York 10023, Director.

The applicant will concentrate its operations principally in the New York area.

The applicant will not concentrate its investments in any particular industry. Research and Science Investors, Inc., 30 East 42nd Street, New York, New York (RSI) will serve as investment advisor/manager of the Applicant. Messrs. French and Wertheim are president-director and vice-president-director respectively of RSI. VRHSA, the sole shareholder of the applicant, owns less than 10 percent of the outstanding stock of RSI and approximately 17 percent of the concern's outstanding debentures.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the SBA Rules and Regulations.

Any person may, on or before July 17, 1975, submit to SBA written comments on the proposed License. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

Dated: July 2, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-18078 Filed 7-10-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 60]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 75-14342 appearing at page 23816 in the issue for Monday, June 2, 1975, on page 23817, in the middle column, the first line, the parenthetical material which reads "(Sub-No. 10TA)" should read "(Sub-No. 1TA)".

[Notice No. 900]

ASSIGNMENT OF HEARINGS

JULY 8, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111729 Sub 497, Purolator Courier Corp., now being assigned September 22 and 23, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C., September 24 through 26, 1975, at Philadelphia, Pa., September 29 through 30, 1975, at Boston, Mass., October 2 through 10, 1975, at New York, N.Y.; in hearing rooms to be later designated, and November 3 through 7, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 96881 Sub 16, Orville M. Fine, dba Fine Truck Line, now assigned July 21, 1975, at Fayetteville, Arkansas, will be held in room 409, Federal Building, 356 Mountain Street, and on July 28, 1975, at Dallas, Texas, in a hearing room to be later designated.

MC 52853 Sub 112, Convoy Company, now assigned July 28, 1975, at Anchorage, Alaska, will be held in the Anchorage Westward Hotel, Third Avenue and East Street, instead of the Anchorage Holiday Inn, 239 West 4th Avenue.

I&S 9046, Increased Fares on Passengers and Vehicles, Lake Michigan, now assigned July 22, 1975, at Chicago, Ill., is canceled and reassigned for hearing on July 22, 1975, at Milwaukee, Wis., in room 301D, City Hall, 200 E. Wells Street.

MC 140202, Sea & Shore Enterprises, Inc., now assigned July 24, 1975, at Washington, D.C., is postponed indefinitely.

MC 96881 Sub 16, Orville M. Fine, DBA Fine Truck Line, now assigned July 28, 1975, at Dallas, Tex., will be held at the Marriot Hotel, 2101 Stemmons Freeway.

MC 139986, Frank C. Scheer, Dba Allstates Coach Service, now assigned June 16, 1975, at Miami, Florida, has been continued to September 22, 1975 (3 days), at Miami, Florida; hearing room will be designated later.

MC 107107 Sub 440, Alterman Transport Lines, Inc., continued to September 26, 1975 (1 day), at Miami, Fla., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18102 Filed 7-10-75;8:45 am]

[Notice No. 28]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75968. By application filed July 2, 1975, JOHN M. RADKE, Route 2, Marathon, WI 54448, seeks temporary authority to lease a portion of the operating rights of OSCAR C. RADKE, doing business as RADKE TRANSIT, 730 S. 17th Avenue, Wausau, WI 54401, under section 210a(b). The transfer to JOHN M. RADKE, of the operating rights of OSCAR C. RADKE, doing business as RADKE TRANSIT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18103 Filed 7-10-75;8:45 am]

[Notice No. 26]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 31, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75744. By order entered June 25, 1975, the Motor Carrier Board approved the transfer to James T. Peterson, doing business as Aberdeen-Valley Stage Lines, Pocatello, Idaho, of that portion of the operating rights set forth in Certificate No. MC-52602 issued to H. Lynn Williams, doing business as Teton Stage Lines, Rexburg, Idaho, authorizing the transportation of passengers and their baggage, express and newspapers, in the same vehicle with passengers, between Logan, Utah, and Pocatello, Idaho, serving all intermediate points. Mary Smith, P.O. Box 406, Rexburg, Idaho 83440, Attorney for applicants.

No. MC-FC-75772. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Magelitz Truck Service, Inc., Waverly, Ill., of the Certificate No. MC-138728 (Sub-No. 1), issued October 8, 1974, to Donald A. Magelitz, Waverly, Ill., authorizing the transportation of dry fertilizer and dry fertilizer materials, in bulk, in dump vehicles, from the plantsite of Hercules Incorporated, at or near Louisiana, Mo., to points in Illinois and Iowa. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, Attorney for applicants.

No. MC-FC-75835. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Stegall Milling Co., Inc., Marshville, N.C., of Certificate No. MC-116323, issued by the Commission June 10, 1957, to Tom E. Stegall, G. Bruce Stegall, and Mrs. Winnie E. Stegall, a partnership, doing business as Stegall Milling Co., Marshville, N.C., authorizing the transportation of metal and concrete floor and roof material from Lilesville, N.C., and points within five miles of Lilesville, to points in Virginia, Tennessee, South Carolina, and Georgia; and lumber and forest products, with exceptions, from points in a specified portion of North Carolina to points in Georgia, Florida, Alabama, and South Carolina, and from points in South Carolina to points in Georgia, Florida, Alabama, and a specified portion of North Carolina. Archie B. Culbreth, Esq., attorney for applicants, Suite 246, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC-FC-75845. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Collette Travel Service, Inc., Pawtucket, R.I., of License No. MC-12804, issued March 31, 1964, to Weidner Travel Bureau Inc., Springfield, Mass., authorizing the holder to engage in operations as a broker at Springfield, Mass., in connection with the transportation of passengers and their baggage, in special and charter operations, between points in the United States, including Alaska and Hawaii. Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117, and Francis V. Goggins, 60 East 42nd Street, New York, N.Y., Attorneys for applicants.

No. MC-FC-75861. By order of June 25, 1975, the Motor Carrier Board approved the transfer to John P. Weyer, Inc., Brownsville, Wis., of Permits Nos. MC-133870 and MC-133870 (Sub-No. 1), issued March 31, 1970, and September 19, 1972, respectively, to John P. Weyer and Caroline Weyer, a partnership, doing business as Weyer Truck Service, Brownsville, Wis., authorizing the transportation of quicklime, hydrated lime, lime products, and pallets and pallet material, from specified points in Wisconsin, to specified points in Minnesota. Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wisconsin 53203, Attorney for applicants.

No. MC-FC-75872. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Leonard G. Makowski, doing business as Makowski Hauling, Concordville, Pa., of Certificates Nos. MC-102885 and MC-102885 (Sub-No. 4), issued October 26, 1964, and May 14, 1965, respectively, to Joseph Makowski and Leonard G. Makowski, a partnership, doing business as Makowski Hauling, Concordville, Pa., authorizing the transportation of road building materials, in dump vehicles, except brick, tile, and cinder block), between Bridgeport and Norristown, Pa., and points in Upper Merion Township, Montgomery County, Pa., and points in Delaware and New Jersey; road building materials, between Howellville, Pa., and points in Delaware, Maryland, and New Jersey; and Aluminum dross, in bulk, in dump vehicles, from the plant of American Smelting and Refining Co., in Perth Amboy, N.J., to the plant of Chester Processing Company, Chester, Pa. Vincent B. Makowski, National Bank Building, Shamokin, Pa. 17872, Attorney for applicants.

No. MC-FC-75922. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Kenneth William Omps, doing business as K. W. O. Trucking, Winchester, Va., of that portion of the operating rights in Certificate No. MC-55883 issued January 17, 1973, to Express, Inc., Stephenson, Va., authorizing the transportation of feed and fertilizer, from Winchester, Va., to Martinsburg, W. Va., serving no intermediate points; lime, from Martinsburg, W. Va., to Winchester, Va., serving no intermediate points; feed, fertilizer, and lumber, from Baltimore, Md., to Winchester, Va., serving no intermediate points; feed, from Lancaster, Pa., to Winchester, Va., serving the intermediate point of York, Pa., restricted to pick-up only; feed, fertilizer, and wire, from Winchester, Va., to Romney, W. Va., serving no intermediate points and serving the off-route points of Wardensville and Moorefield, restricted to delivery only; fertilizer, from Winchester, Va., to Baltimore, Md.; and sugar, canned goods, feed, fertilizer, and spraying materials, from Baltimore, Md., to Winchester, Va. Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339, attorney for applicants.

No. MC-FC-75939. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Duane A. Lobdell, doing business as Lobdell Transportation, Lena, Ill., of Certificate No. MC-136098 (Sub-No. 1), issued February 20, 1973, to Paul E. Lobdell, Lena, Ill., authorizing the transportation of animal and poultry feed and feed ingredients and animal and poultry health products from and to specified points in Illinois and Wisconsin. Robert T. Lawley, 300 Reisch Bldg., Springfield, Illinois 62701, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18104 Filed 7-10-75;8:45 am]

[Notice No. 27]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75954. By application filed June 27, 1975, G & R TRANSPORT, INC., 4703 Mayflower Ave., Wausau, WI 54401, seeks temporary authority to lease a portion of the operating rights of OSCAR C. RADKE, doing business as RADKE TRANSIT, 730 S. 17th Ave., Wausau, WI 54401, under section 210a(b). The transfer to G & R TRANSPORT, INC., of the operating rights of OSCAR C. RADKE, doing business as RADKE TRANSIT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18105 Filed 7-10-75;8:45 am]

V 40 134 JUL 11 75 XUM

federal register

FRIDAY, JULY 11, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 134

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

SOLID WASTES

Proposed Guidelines for Storage and Collection

V40N134 JUL 11 75 XUM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 243]

[FRL 385-7]

RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL SOLID WASTES

Proposed Guidelines for Storage and Collection

Background. The Solid Waste Disposal Act of 1965 (Pub. L. 89-272) was amended in October 1970 by the Resource Recovery Act (Pub. L. 91-512). Section 209 of the Amended Act requires the Administrator to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use) • • • ".

On August 14, 1974, the Environmental Protection Agency published in the FEDERAL REGISTER (39 FR 29328-29338), "Thermal Processing and Land Disposal of Solid Waste Guidelines" as the first set of guidelines which were intended to meet the initial requirement concerning "disposal systems." The EPA now proposes the following guidelines which are intended to meet the Administrator's initial obligation to publish guidelines in the areas of collection systems. The EPA expressly recognizes that section 209 mandates that guidelines "shall be revised from time to time" and it intends to revise and supplement these guidelines in the future.

In formulating these guidelines, the EPA has recognized that two purposes are served: (1) the recommendation by the EPA of systems for adoption by State, local and private agencies, and (2) the establishment of mandatory guidelines for direct implementation by Federal agencies. The purposes are somewhat divergent and are difficult to resolve by means of a single guideline. It is easier to recommend systems which have been shown to be technically feasible, effective, and environmentally beneficial under designated circumstances, than it is to describe the circumstances under which such systems must be adopted by Federal agencies, given the policy and economic considerations associated with the wide variety of activities carried out by such agencies. The Solid Waste Disposal Act, as amended, does not assist the EPA in resolving this conflict. The legislative history concerning section 211 of the Resource Recovery Act of 1970 indicates that the Congress intended the Federal agencies to take a leadership role in solid waste management, as indicated by the following quote from page 14 of Senate Report No. 91-1034, Senate Committee on Public Works, 91st Congress, 2nd Session, (1970), "Federal agencies are inclined to place important environmental quality control functions in a subordinate role to their mission. This is no longer appropriate or acceptable." Note, also, the following comment appearing on the same page, "Each Federal agency would be required to use the most advanced technology and management systems available to properly manage solid waste with maximum recovery of materials and energy." The EPA places importance on the above Senate Report, since no comparable provision of Section 211 appeared in the original House version of the Resource Recovery Act. In view of this emphatic language, the "Requirements" sections of the guidelines are mandatory upon Federal agencies except under designated circumstances which would make implementation of the guidelines impractical from a technical standpoint. The recommendatory sections of the guidelines represent methods and techniques which amplify or supplement the mandatory requirements. In other words, the recommendatory sections contain desirable but not essential procedures useful for attaining the purposes of the Act. As provided in section 211 of the Act and section 3(a) of Executive Order 11752, heads of Federal agencies are ultimately responsible for determining how facilities under their jurisdiction shall comply with the guidelines. The EPA has required, pursuant to its authority in section 3(a)(2) of EO 11752, that failure to comply with the guidelines be justified in a report to the Administrator. The specific requirements for such report can be found in section 243.100 of the guidelines.

The EPA does not expect the requirements to be more costly than existing solid waste management practices in the long term. The EPA recognizes that the implementation of the guideline requirements may be economically impracticable under isolated circumstances. In order to provide guidance to heads of Federal agencies, it must be noted, however, that even where guidelines implementation costs more, the legislative history indicates that budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to properly manage solid waste as part of their normal operating expenses.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A-107.

Since it is not possible to delineate all the techniques required at every facility, the guidelines rely on the responsible agency head and facility operator to consult the documents listed at the end of each guideline, private experts, and the EPA for additional guidance to ensure that the requirements are implemented successfully and effectively.

Federal Facilities Compliance. According to section 211 of the Solid Waste Disposal Act, as amended, compliance with guidelines issued under the authority of section 209 of the Act is required of each Federal executive agency (as defined in section 105 of Title 5, United States Code):

1. Having jurisdiction over any real property or facility which involves it in solid waste disposal activities;

2. That enters into a contract with any person for the operation of any Federal property or facility where contract performance involves solid waste disposal activities;

3. That permits the use of Federal property for the disposal of solid waste;

4. That issues licenses or permits for disposal of solid waste or conducts activities which generate solid waste and which, if conducted by someone other than the agency, would require a license or permit from such agency for the disposal of such waste.

The Solid Waste Disposal Act, as amended, specifically defines disposal to include collection activities.

Introduction to Guidelines. The proposed guidelines now being issued by the EPA for comment preparatory to promulgation represent the judgments on the part of the EPA regarding what is necessary to meet both environmental protection and resource and energy conservation purposes of the Solid Waste Disposal Act, as amended.

The information on which the collection guidelines are based has been developed over a number of years, beginning prior to the passage of the Resource Recovery Act with the predecessor agencies of the EPA. In developing this information, the EPA and its predecessor agencies utilized the knowledge and skills of individuals recognized as national and international experts in the field of solid waste management. The Bibliography in the appendix of these guidelines represents a small portion of the literature on which the guidelines are based.

Response Requested. The EPA is soliciting comment and advice via this notification in the FEDERAL REGISTER. In particular, the EPA invites comments from Federal and non-Federal agencies.

In addition, the EPA invites public comments, reviews, and critiques of the guidelines. Interested parties may submit written comments preferably in triplicate to the Deputy Assistant Administrator for Solid Waste Management Programs (AW-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before September 9, 1975 will be considered.

All comments will be available for public inspection during normal business hours at the Freedom of Information Center of the EPA, 401 M Street, SW., in Washington, D.C.

This notice of proposed guidelines is issued under the Authority of section 209(a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89-272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91-512).

It is proposed to add a new Part 243 to 40 CFR Chapter I in the manner set forth below.

Dated July 1, 1975.

JOHN QUARLES,
Acting Administrator.

PART 243—STORAGE AND COLLECTION OF RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL SOLID WASTES

Subpart A—General Provisions

Sec.
243.100 Scope.
243.101 Definitions.

Subpart B—Requirements and Recommended Procedures

243.200 Storage.
243.200-1 Requirement.
243.200-2 Recommended procedures: Design.
243.201 Safety.
243.201-1 Requirement.
243.201-2 Recommended procedures: Operations.
243.202 Collection equipment.
243.202-1 Requirement.
243.202-2 Recommended procedures: Design.
243.202-3 Recommended procedures: Operations.
243.203 Collection frequency.
243.203-1 Requirement.
243.203-2 Recommended procedures: Operations.
243.204 Collection management.
243.204-1 Requirement.
243.204-2 Recommended procedures: Operations.
APPENDIX Recommended Bibliography

Subpart A—General Provisions

§ 243.100 Scope.

(a) These guidelines are promulgated in partial fulfillment of section 209(a) of the Solid Waste Disposal Act, as amended (Pub. L. 89-272).

(b) The guidelines apply to the collection of residential, commercial, and institutional solid wastes and street wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(c) The "Requirement" sections contained herein delineate minimum levels of performance required of solid waste collection operations. Under section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of these guidelines are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(d) The "Recommended procedures" sections are presented to suggest additional actions or preferred methods by which the objectives of the requirements can be realized. The "Recommended procedures" are not mandatory for Federal agencies.

(e) The guidelines apply equally to Federal agencies generating solid waste whether the solid waste is actually collected by a Federally-operated or non-Federally-operated collection system, except in the case of isolated Federal facilities such as post offices, military recruiting stations, and other offices where local community solid waste collection systems are utilized, which are not within the managerial control of the Federal agency.

(f) The guidelines shall be implemented in those situations where the Federal agency is able to exercise direct managerial control over the collection system through operation of the system or by contracting for collection service. Where non-Federal collection systems are utilized, service contracts should require conformance with the guideline requirements unless service meeting such requirements is not reasonably available. It is left to the head of the responsible agency to decide how the requirements of the guidelines will be met.

(g) The Environmental Protection Agency will give technical assistance and other guidance to Federal agencies when requested to do so under section 3(D)1 of Executive Order 11752.

(h) Federal agencies shall make a final decision as to what actions shall be taken to meet the requirements of these guidelines within one year after the final promulgation of these guidelines.

(i) Federal agencies that decide not to comply with the requirements contained herein, for whatever reason, shall make available to the Administrator and members of the public affected by non-compliance, a report of the analysis and rationale used in making that decision. The Administrator may publish notice of availability of this report. EPA considers the following reasons to be valid for purposes of non-compliance: costs so high as to render compliance economically impracticable, and the technical inhibitions to compliance specifically described in the guidelines.

(1) The following points are to be covered in the report.

(i) A description of the proposed or on-going practices which will not be in compliance with these guidelines. This statement should identify all agency facilities which will be affected by non-compliance including a brief description of how such facilities will be affected.

(ii) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(iii) The rationale for the action chosen by the agency including technical data and policy considerations used in arriving at this decision.

In covering these points, agencies should make every effort to present the information succinctly in a form easily understood, but in sufficient detail so that the Administrator and the public may understand the factors influencing the decision not to comply with the guidelines.

(2) The report shall be submitted to the Administrator as soon as possible after a final agency decision has been made to take action not in compliance with these guidelines, but in no case later than 30 days after the final decision.

(3) Implementation of actions not in compliance with these guidelines shall be deferred, where feasible, in order to give the Administrator time to receive, analyze and seek clarification of the required report.

(4) It is recommended that where the report on non-compliance concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that draft and final versions of the report be circulated simultaneously with the EIS, since much of the information to satisfy the requirements of the report will be useful in the preparation of the EIS.

§ 243.101 Definitions.

As used in these guidelines:

(a) "Alley collection" means the picking up of solid waste from containers placed adjacent to or in an alley.

(b) "Agricultural solid waste" means the solid waste that results from the rearing of animals and the harvesting of crops.

(c) "Bulky waste" means large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

(d) "Carryout collection" means collection of solid waste from an on-premises storage area using a carrying container, carry-cloth, or a mechanical method.

(e) "Collection" means the act of removing solid waste (or materials which have been separated for the purpose of recycling) from a central storage point.

(f) "Collection frequency" means the number of times collection is provided in a given period of time.

(g) "Commercial solid waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, and nonprocessing wastes generated at industrial facilities such as office and packing wastes.

(h) "Compactor collection vehicle" means a vehicle with an enclosed body containing mechanical devices that convey solid waste into the main compartment of the body and compress it into a smaller volume of greater density.

(i) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures.

(j) "Curb collection" means collection of solid waste placed adjacent to a street.

(k) "Food waste" means the animal and vegetable residues resulting from the handling, storage, sale, preparation, cooking, and serving of foods, commonly called garbage.

(l) "Federal facility" means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers and other mobile facilities are not considered "Federal facilities" for the purpose of these guidelines. United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

V40I134 JUL 11 75 XUM

(m) "Generation" means the act or process of producing solid waste.

(n) "Hazardous waste" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms because such wastes are nondegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects.

(o) "Industrial solid waste" means the solid waste that results from industrial processes and manufacturing.

(p) "Infectious waste" means:, (1) equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(q) "Institutional solid waste" means solid wastes originating from educational, health care, correctional, and other institutional facilities.

(r) "Litter" means any post-consumer solid waste which is not deposited in an authorized storage, transfer, processing or land disposal facility.

(s) "Mining wastes" means residues which result from the extraction of raw materials from the earth.

(t) "Post-consumer waste" means a material or product that has served its intended use and has been discarded for disposal or recovery after passing through the hands of the final consumer.

(u) "Residential solid waste" means the food wastes, rubbish, trash, etc., resulting from the normal activities of households.

(v) "Responsible agency" means the organizational element that has the legal duty to ensure compliance with these guidelines.

(w) "Rubbish" means a general term for solid waste, excluding food wastes and ashes, taken from residences, commercial establishments, and institutions.

(x) "Satellite vehicle" means a small collection vehicle that transfers its load into a larger vehicle operating in conjunction with it.

(y) "Scavenging" means the uncontrolled and unauthorized removal of materials at any point in the solid waste management system.

(z) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved material in irrigation return flows or other common water pollutants.

(aa) "Solid waste" means garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. Unless specifically noted otherwise, the term "solid waste" as used in these guidelines shall not include mining, agricultural and industrial solid waste; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(bb) "Stationary compactor" means a powered machine which is designed to compact solid waste and which remains stationary when in operation.

(cc) "Storage" means the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

(dd) "Solid waste storage container" means a receptacle used for the temporary storage of solid waste while awaiting collection.

(ee) "Street wastes" means materials picked up by manual or mechanical sweepings of alleys, streets and sidewalks, wastes from public waste receptacles and material removed from catch basins.

(ff) "Transfer station" means a site at which solid wastes are concentrated for transport to a processing facility or land disposal site. A transfer station may be fixed or mobile.

(gg) "Vector" means a carrier, usually an anthropod, that is capable of transmitting a pathogen from one organism to another.

Subpart B—Requirements and Recommended Procedures

§ 243.200 Storage.

§ 243.200–1 Requirement.

(a) All solid waste (or materials which have been separated for the purpose of recycling) shall be stored in such a manner that they do not constitute a fire, health, or safety hazard or provide food or harborage for vectors, and shall be contained or bundled so as not to result in litter. All solid waste containing food wastes shall be securely stored in covered or closed containers which are nonabsorbent, leakproof, durable, easily cleanable (if reusable), and designed for safe handling. Containers shall be of an adequate size and in sufficient numbers to contain all food wastes, or mixed food waste and rubbish that a residence or other establishment produces in the period of time between collections. Containers shall be maintained in a clean condition so that they do not constitute a nuisance and to retard the harborage, feeding, and breeding of vectors. When services, storage containers should be emptied completely of all solid waste.

(b) Storage of bulky wastes shall include, but is not limited to, removing all doors from large household appliances, preventing the accumulation of litter in and around the bulky items, and preventing the collection of water in bulky items.

(c) Reusable waste containers which are emptied manually shall have a capacity of no more than 35 gallons in volume, unless they are mounted on castors and can be serviced by being rolled to the collection vehicle and tilted for emptying. Containers, when filled, shall not exceed reasonable weights for an average physically fit individual to lift and empty without strain or spillage, and shall be capable of being serviced without the collector coming into physical contact with the solid waste.

(d) Single use disposable plastic bags used for solid waste storage shall not contain polyvinyl chloride.

(e) In the design of all buildings or other facilities which are constructed, modified or leased after the effective date of these guidelines, there shall be provisions for storage in accordance with these guidelines which will accommodate the volume of solid waste anticipated, which may be easily cleaned and maintained, and which will allow for efficient, safe collection.

§ 243.200–2 Recommended procedures: Design.

(a) Reusable waste containers which are emptied manually should be constructed of metal or other noncombustible or self-extinguishing, nonabsorbent and corrosion resistant materials. Such containers should be round and tapered with the larger diameter at the top of the container to facilitate discharge of the compacted solid waste by gravity. The interior of the container should be smooth without interior projections which would interfere with the emptying of the container's contents. The container should be constructed to resist water, and have no cracks, holes or jagged edges. Containers should have two handles or bails located directly opposite one another on the sides of the container. Containers should have covers which are tight-fitting to resist the intrusion of water and vectors, and should be equipped with a suitable handle. Containers should be designed and stored so that they cannot be tipped over easily.

(b) Single use paper and plastic bags used for solid waste storage should meet the standards established by the National Sanitation Foundation, with the exception of the minimum average gauge of the film specified for plastic bags. Plastic bags should have a 2.0 mil thickness with a point-to-point variation of no more than ±20 percent.

(c) Containers designed to be mechanically handled should be constructed of steel or other suitable material and should be corrosion resistant or rendered corrosion resistant. These containers

should be so designed or equipped so as to prevent spillage or leakage during on-site storage or transport. The container should be easily cleanable and designed to facilitate removal of the solid waste by gravity or by mechanical means. The containers should be located on firm, level ground such as a concrete slab, and should be easily accessible by the collection vehicle.

§ 243.201 Safety.

§ 243.201–1 Requirement.

Collection systems shall be operated in such a manner as to protect the health and safety of personnel associated with the operation.

§ 243.201–2 Recommended procedures: Operations.

(a) All solid waste collection personnel should receive instructions and training in safe container and waste handling techniques, and in the proper operation of collection equipment.

(b) Personal safety devices such as gloves, safety glasses, respirators, and footwear should be used by collection employees, as appropriate.

(c) Scavenging should be prohibited at all times to avoid injury and to prevent interference with collection operations.

(d) When conducting manual carryout collection a leakproof carrying container should be used to minimize the potential for physical contact between the collector and the solid waste or the liquids which may derive from it.

§ 243.202 Collection equipment.

§ 243.202–1 Requirement.

(a) All vehicles used for the collection and transportation of solid waste (or materials which have been separated for the purpose of recycling) which are considered to be operating in interstate or foreign commerce shall meet all applicable standards established by the Federal Government, including, but not limited to, Motor Carrier Safety Standards (49 CFR parts 390–396) and Noise Emission Standards for Motor Carriers Engaged in Interstate Commerce (40 CFR part 202). Federally owned collection vehicles shall be operated in compliance with Federal Motor Vehicle Safety Standards (49 CFR parts 500–580).

(b) All vehicles used for the collection and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall be enclosed or adequate provisions shall be made for suitable cover, so that while in transit there can be no spillage.

(c) The equipment used in the compaction, collection, and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall be constructed, operated, and maintained in such a manner as to minimize health and safety hazards to solid waste management personnel and the public. This equipment shall be maintained in good condition and kept clean to prevent the propagation or attraction of vectors and the creation of nuisances.

(d) Collection equipment of the following types used for the collection, storage, and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall meet the standards established by the American National Standards Institute (ANSI Z245.1, Safety Standards for Refuse Collection Equipment) as of the effective date(s) established in ANSI Z245.1:

(1) Rear loading compaction equipment.
(2) Side loading compaction equipment.
(3) Tilt frame equipment.
(4) Hoist-type equipment.
(5) Satellite vehicles.
(6) Special collection compaction equipment.
(7) Stationary compaction equipment.

In the procurement of new collection equipment before the effective dates of ANSI Z245.1, equipment which meets the standards should be obtained if available.

§ 243.202–2 Recommended procedures: Design.

(a) Whenever possible, enclosed metal, leak resistant compactor vehicles should be used for the collection of solid wastes.

(b) Safety devices, including, but not limited to, the following should be provided on all collection vehicles, excluding satellite vehicles or any vehicle having a maximum gross weight of 5,000 pounds or less:

(1) Exterior rear-view mirrors.
(2) Back-up lights.
(3) Four-way emergency flashers.
(4) A safe place for crew members to ride on short trips, with handholds and platforms big enough to safeguard against slipping.
(5) Easily accessible first aid equipment.
(6) Easily accessible fire extinguisher.
(7) Audible reverse warning device.

(c) Vehicle size should take into consideration: local weight and height limits for all roads over which the vehicle will travel; turning radius; and loading height in the unloading position to insure overhead clearance in transfer stations, service buildings, incinerators, or other facilities.

(d) Engines which conserve fuel and minimize pollution should be used in collection vehicles to reduce fuel consumption and air pollution.

§ 243.202–3 Recommended procedures: Operations.

(a) Collection vehicles should be maintained and serviced according to manufacturers' recommendations, and receive periodic vehicle safety checks, including but not limited to inspection of brakes, windshield wipers, taillights, backup lights, audible reverse warning device, tires, and hydraulic systems. Any irregularities should be repaired before the vehicle is used. Vehicles should also be cleaned thoroughly at least once a week.

(b) Solid waste should not be allowed to remain in collection vehicles overnight.

§ 243.203 Collection frequency.

§ 243.203–1 Requirement.

Solid wastes (or materials which have been separated for the purpose of recycling) which contain food wastes shall be collected at least once every seven calendar days, to prevent the propagation or attraction of vectors, and the creation of nuisances. Bulky wastes shall be collected at a minimum of once every three months.

§ 243.203–2 Recommended procedures: Operations.

(a) The minimum collection frequency consistent with public health and safety should be adopted to minimize collection costs and fuel consumption. In establishing collection frequencies, generation rates, waste composition, and storage capacity should be taken into consideration.

(b) When solid wastes are separated at the point of storage into various categories for the purpose of resource recovery, a collection frequency should be designated for each waste category.

§ 243.204 Collection management.

§ 243.204–1 Requirement.

(a) The collection of solid wastes (or materials which have been separated for the purpose of recycling) shall be conducted in a safe, efficient manner, strictly obeying all applicable traffic and other laws. The collection vehicle operator shall be responsible for immediately cleaning up all spillage caused by his operations, for protecting private and public property from damage resulting from his operations, and for creating no undue disturbance of the peace and quiet in residential areas in and through which he operates.

§ 243.204–2 Recommended procedures: Operations.

(a) Records should be maintained detailing all costs (capital, operating and maintenance) associated with the collection system. These records should be used for scheduling maintenance and replacement, for budgeting, and for system evaluation and comparison.

(b) The collection system should be reviewed on a regular schedule to assure that environmentally adequate, economical and efficient service is maintained.

(c) Solid waste collection systems should be operated in a manner designed to minimize fuel consumption, including, but not limited to, the following procedures.

(1) Collection vehicle routes should be designed to minimize driving distances and delays.

(2) Collection vehicles should receive regular tuneups and tires should be maintained at recommended pressures.

(3) Compactor trucks should be used to reduce the number of trips to the disposal site.

(4) When the distance or travel time from collection routes to disposal site is great, transfer stations should be used when cost effective.

V 40 134 JUL 11 75 XUM

(5) Residential solid waste containers which are serviced manually should be placed at the curb or alley for collection.

(6) For commercial wastes which do not contain food wastes, storage capacity should be increased in lieu of greater collection frequency.

APPENDIX

RECOMMENDED BIBLIOGRAPHY

1. American National Standard Z245.1. Safety standard for refuse collection equipment. New York. The American National Standards Institute.

2. Decision-Makers guide in solid waste management. Environmental Protection Publication SW-127. Washington, U.S. Government Printing Office, 1974.

3. Grupenhoff, B. L., and E. A. Shuster. Paper and plastic solid waste sacks; a summary of available information; a Division of Technical Operations open-file report (TO 18.1.03.1). [Cincinnati], U.S. Environmental Protection Agency, 1971. 17 p. [Restricted distribution].

4. Hegdahl, T. A., Solid waste transfer stations; a state-of-the-art report on systems incorporating highway transportation. U.S. Environmental Protection Agency, 1972. 160 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 213 511).

5. National Sanitation Foundation standard No. 31 relating to polyethylene refuse bags. Ann Arbor, The National Sanitation Foundation, May 22, 1970. 6 p.

6. National Sanitation Foundation standard No. 32 for paper refuse sacks. Ann Arbor, The National Sanitation Foundation, Nov. 13, 1970. 6. p.

7. National Sanitation Foundation standard No. 13 for refuse compactors and compactor systems. Ann Arbor, The National Sanitation Foundation, March 1973. 12 p.

8. Operation responsible (a safety training manual for S.W. Collection): Safe refuse collection: instructor's manual with slides, training manual with slides, and 16 mm film. Available from the National Audiovisual Center, General Services Administration, Washington, D.C. 20409.

9. Ralph Stone and Company, Inc. The use of bags for solid waste storage and collection. Environmental Protection Publication SW-42d. U.S. Environmental Protection Agency, 1972. 264 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 212 590).

10 Shuster, K. A., and D. A. Schur. Heuristic routing for solid waste collection vehicles. Environmental Protection Publication SW-113. Washington, U.S. Government Printing Office, 1974. 45 p.

11. Shuster, K. (Office of Solid Waste Management Programs.) Analysis of fuel consumption for solid waste management. Unpublished data, January 1974.

12. U.S. Environmental Protection Agency. Pesticides and pesticides containers; regulations for acceptance and recommended procedures for disposal and storage. FEDERAL REGISTER, 39 (85): 15235-15241, May 1, 1974.

13. U.S. Environmental Protection Agency. Pesticides and pesticides containers; proposed regulations for prohibition of certain acts regarding disposal and storage. FEDERAL REGISTER, 39. (200): 36847-36950, October 15, 1974.

[FR Doc.75-17855 Filed 7-10-75;8:45 am]

federal register

FRIDAY, JULY 11, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 134

PART III

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

AIRWORTHINESS REVIEW PROGRAM

Notice No. 8: Aircraft, Engine, and Propeller Airworthiness; Procedural Proposals

V 40 134 JUL 11 75 XUM

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 21, 23, 25, 27, 29, 31, 33, 35, 43, 45, 91, and 121]

[Docket No. 14779; Notice 75–31]

AIRWORTHINESS REVIEW PROGRAM

Notice No. 8: Aircraft, Engine, and Propeller Airworthiness, and Procedural Proposals

The Federal Aviation Administration is considering amending Parts 1, 21, 23, 25, 27, 29, 31, 33, 35, 43, 45, 91, and 121 of the Federal Aviation Regulations to update and improve the airworthiness standards applicable to the type certification of aircraft, engines, and propellers, related operating rules, and procedural requirements.

This is the eighth in a series of notices of proposed rule making issued, or to be issued, as a part of the First Biennial Airworthiness Review Program. Notice No. 74–33 (39 FR 36595; October 11, 1974) was the first. Amendments 21–43, 23–16, and 25–37, issued on December 31, 1974 (40 FR 2576; January 14, 1975) pursuant to that notice, incorporated certain form number and clarifying revisions into the Federal Aviation Regulations. In addition to Notice 74–33, the following Airworthiness Review notices of proposed rule making have been issued:

Airworthiness review program notice number and title	Notice No.	FR citation
2—Miscellaneous Proposals.	75–10	(40 FR 10602; Mar. 7, 1975.)
3—Powerplant Proposals.	75–19	(40 FR 21866; May 19, 1975.)
4—Equipment Deviation List.	75–20	(40 FR 22110; May 20, 1975.)
5—Equipment and Systems Proposals.	75–23	(40 FR 23048; May 27, 1975.)
6—Flight Proposals.....	75–25	(40 FR 24664; June 9, 1975.)
7—Airframe Proposals..	75–26	(40 FR 24802; June 10, 1975.)

Interested persons, including the general public, manufacturers and users of aircraft and their components, both foreign and domestic, and foreign airworthiness authorities, are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of the proposals contained herein may also be submitted. Comments should identify this regulatory docket or notice number (Docket No. 14779; Notice No. 31) and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before October 9, 1975, will be considered by the Administrator before taking action on the proposed rules. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons.

On February 12, 1974, the FAA issued an invitation to all interested persons to submit proposals for consideration during the First Biennial Airworthiness Regulations Review (see Notice 74–5, 39 FR 5785, February 15, 1974). In that notice, the FAA announced that it would make available for comment by interested persons a compilation of proposals that were to be given further consideration as possible agenda items for the First Biennial Airworthiness Review Conference. On May 22, 1974, the FAA issued an announcement of the availability of the Compilation of Proposals containing over 1000 submissions by the FAA and interested persons, and invited all interested persons to submit comments on the proposals it contained (see Notice 74–5A, 39 FR 18662, May 29, 1974).

In response to that invitation for comments, the FAA received over 4900 individual comments contained in 74 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents, for the Airworthiness Review Conference held in Washington, D.C., on December 2–11, 1974. The FAA distributed those documents to all persons who had participated in the Airworthiness Review Program and to all other interested persons who requested them (see Notice 74–5B, 39 FR 36594, October 11, 1974).

For reasons given in Notice 74–5B, not all of the proposals contained in the Compilation were included in the agenda for the conference. However, the proposals not included in the agenda were listed in a conference workbook titled "Proposals Not in Agenda." In general, Notice 75–10 deals with the proposals identified as "Items for Notice" in that workbook.

On November 25, 1974, the FAA issued a Notice of Conference that set forth the schedule for the conference and invited all interested persons to attend the conference (see Notice 74–5C, 39 FR 41319, November 26, 1974).

The Airworthiness Review Conference was attended by over 586 individuals representing 22 foreign airworthiness authorities as well as aircraft manufacturers and users. Except for the opening and closing plenary sessions of the conference, one or more committees discussed agenda items during conference working hours. Summaries were given by the FAA Committee Chairmen at the close of discussions on each agenda item. Persons present were given an opportunity to correct those oral summaries. Those summaries were transcribed with editorial revisions, and combined with an attendee list for the conference as well as with transcripts of certain plenary session speeches, and distributed in accordance with a Notice of Availability issued February 4, 1975 (see Notice 74–5D; 40 FR 5810; February 7, 1975).

This notice deals with the proposals contained in the Committee workbook, titled "Committee I—Procedures and Special Subjects." This workbook contained the proposals discussed by the Procedures and Special Subjects Committee at the Airworthiness Review Conference as well as written comments that were received for those proposals in response to Notice 74–5A. Another conference working document used was the Agenda for the Airworthiness Review Conference. That document, in addition to providing general information relating to the conference, included detailed information on how the proposals were grouped into agenda items, and the scheduling of those items for discussion. Both the workbooks and the agenda were updated and corrected by a supplemental working document distributed prior to and at the conference to participating individuals as well as to other interested persons. These workbooks along with the committee discussions and written information submitted by conference attendees has provided the basis upon which the FAA has developed this notice.

A number of proposals contained in this notice were not included in the Committee I workbook. They are directly related to the proposals in the workbook, and are included for the sake of clarity, consistency, and comprehensiveness. However, two circumstances exist in which this is not the case. This notice contains a large number of proposals dealt with by committees other than Committee I at the Airworthiness Review Conference. Those proposals were deferred to be dealt with in a later Airworthiness Review notice of proposed rule making and were listed in Appendix I, Group 2 of Airworthiness Review Notice Nos. 3, 5, 6, and 7. In addition, proposals are included in this notice that were "Items for Notice" in the "Proposals Not in Agenda" workbook but were withheld from consideration pending the completion of the Airworthiness Review Conference (see Appendix I to Notice 75–10 for a list of these proposals).

A number of proposals contained in the Committee I workbook are not included in this notice. In addition, a number of proposals listed in Appendix I, Group 2 of Airworthiness Review Notice Nos. 3, 5, 6, and 7 are not proposed in this notice. These proposals fall into four general categories—(1) those proposals which are being deferred to a later notice or to the next Airworthiness or Operations Review; (2) those proposals withdrawn by their proponent; (3) those proposals removed by the FAA from consideration as a part of the Airworthiness Review Program; and (4) with respect to Committee I workbook proposals, those that have already been dealt with in Notice Nos. 3, 4, 5, 6, and 7.

Appendix I of this notice lists the proposals in the first category, and Appendix II of this notice lists those in the second. In general it is felt by the FAA that the proposals in Appendix I that will appear

in the next Airworthiness or Operations Review, unless withdrawn by their proponent, have sufficient merit to warrant further consideration, but because of the complexity of the proposal, the need for additional data, or the operational character of the proposal, further consideration within this Airworthiness Review Program is not feasible. The other group of proposals included in Appendix I are being deferred to be dealt with in a later notice to be issued as a part of this Airworthiness Review Program. In general, this group includes proposals to limit the duration of type certificates and other related proposals. Appendix III lists those proposals being removed from consideration as a part of the Airworthiness Review Program. Reasons for these actions are presented for each proposal. Appendix IV lists the Committee I workbook proposals that have been dealt with in earlier notices.

The FAA believes that the airworthiness standards should to the extent practical, be consistent throughout the aircraft certification parts (Parts 23, 25, 27, 29). Therefore, the FAA has attempted within the time frame of this Airworthiness Review Program, to make consistent and parallel proposals, where appropriate, for each of these certification parts.

To avoid unnecessary repetition, in a number of instances the proposals developed for purposes of consistency are not set forth in their entirety if those proposals are substantively identical to another proposal in this notice. A short-form proposal referring to a proposal that is expressly set forth in this notice is used. Where a short-form proposal is used, however, there may be a need, if the proposal is to be adopted as a final rule, to change paragraph designations, cross references, or aircraft terminology (e.g. "airplane" to "rotorcraft", or vice versa) from that used in the referenced express proposal.

The FAA recognizes that there may exist additional instances in which a proposed rule change prescribed in this notice as expressly applying only to certain parts of the Federal Aviation Regulations should more appropriately apply to additional parts as well. Therefore, with respect to each proposal in this notice relating to Parts 23, 25, 27, or 29 of the Federal Aviation Regulations for which similar proposals do not exist for all of those parts, comments are solicited from all interested persons with respect to the applicability of that proposal (and its stated explanation) to those parts for which the proposal has not been expressly presented. Such comments received in response to this notice will either be dealt with as a part of the 1974–1975 Airworthiness Review Program or be considered as a part of the next Biennial Airworthiness Review.

For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers, or by the sections to which they relate. Each proposal contains, or references a proposal that contains, a reference to the Airworthiness Review Program proposal number, section, agenda item, and Committee to which that proposal relates. Comments on this notice should not refer to the Airworthiness Review Program proposal numbers or section numbers as set forth in this notice. Each proposal in this notice is provided with an explanation. Several explanations deal with comments received in response to Notice 74–5A; however, all comments submitted in response to Notice 74–5A or submitted for the Airworthiness Review Conference, dealing with proposals contained in this notice, should be resubmitted if it is desired that they be considered as a part of this rulemaking action.

Finally, it should be noted that the Operations Review Program Compilation of Proposals (see Notice 25–9A; 40 FR 24041; June 4, 1975) contains proposals is that are covered in this or other Airworthiness Review Program notices of proposed rule making. Those Operations Review Program proposals will be removed from consideration.

This amendment is proposed under the authority of sections 307(c), 313(a), 502, 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1402, 1421, 1423, 1424, and 1425) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 1, 21, 23, 25, 27, 29, 31, 33, 35, 43, 45, 91, and 121 of the Federal Aviation Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

§ 1.1 [Amended]

8–1. By deleting from § 1.1 the definitions of "Rated maximum continuous power," "Rated maximum continuous thrust," "Rated maximum continuous augmented thrust," "Rated takeoff power," "Rated takeoff thrust," "Rated takeoff augmented thrust," "Rated '30-minute power'," and "Rated '2½-minute power'."

Explanation. Since the definitions of rated powers and thrusts now contained in § 1.1 relate only to engine type certification, the proposal would delete the definitions of those terms from § 1.1 and would place them in Part 33.

Ref. Proposal Nos. 9, 423, and 149; Part 1, 25, and 33; Agenda Items B–4, B–5, and B–6 (Committee IV).

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

8–2. By revising § 21.16(a) to read as follows:

§ 21.16 Special conditions.

(a) If the Administrator finds that the airworthiness regulations of this subchapter do not contain adequate or appropriate safety standards for an aircraft, aircraft engine, or propeller, he prescribes special conditions and amendments thereto for the product. The special conditions are issued in accordance with paragraph (b) of this section and contain such safety standards for the product as the Administrator finds necessary to establish a level of safety equivalent to that established in the applicable regulations.

* * * * *

Explanation. Prior to the adoption of § 21.16, special conditions that contained the terms, conditions, and limitations the Administrator found necessary in the interest of safety, were issued under the authority of § 21.21(b)(2) and its predecessor sections in the Civil Air Regulations (CAR's), for any feature or characteristic of an aircraft that made it unsafe for the category in which certification was requested. As proposed in Notice 67–16, (32 FR 6098), § 21.16 would have provided for the issuance of special conditions when the applicable airworthiness regulations did not provide complete or appropriate safety standards. The section as adopted by Amendment 21–19, (32 FR 17850), however, limited the issuance of special conditions to situations where the applicable airworthiness regulations do not contain adequate or appropriate safety standards because of a novel or unusual design feature of the product. Although the amendment did not limit the Administrator's authority under § 21.21(b)(2), to prescribe other terms, conditions, and limitations for an unsafe condition, the use of the phrase "novel and unusual design feature" in § 21.16 has created some confusion with respect to the issuance of conditions under § 21.21(b)(2), and the regulations do not now contain procedures for the issuance of those conditions. Therefore, in order to simplify the administration of the requirements, it is proposed to amend § 21.16 to specifically provide that special conditions may be issued under that section if the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the product.

It was suggested at the December 1974, Airworthiness Review Conference that the proposed rule would be unnecessary if the airworthiness standards are continually revised and updated on a biennial basis. A suggestion was also received to the effect that adoption of a rule limiting the time during which products could be certificated to the original certification basis should render the proposed rule unnecessary. Upon review, the FAA does not believe that either periodic updating of standards or time-limited production approvals can assure timely development of standards that would be applicable to all products built to standards contained in the regulations in effect at the time of the application for a type certificate. Standards made applicable through those processes would have prospective effect. Furthermore, as discussed above, discovery of a feature or characteristic that makes the product design unsafe, however it may be discovered, must be dealt with by the Administrator under § 21.21(b)(2). The proposal would merely provide a formal means for the issuance of standards that account for those condi-

V40I134 JUL 11 75 XUM

tions. To object, as some have done, that this could result in indiscriminate rulemaking is to overlook the extensive consultative process always followed by the FAA in the development of special conditions. That process would not be avoided in the development of special conditions in the future under the proposed rule. The Administrative Procedure Act applies equally to both circumstances.

Ref. Proposal No. 561; § 21.16(a); Agenda Item L–23 (Committee I).

8–3. By revising § 21.31(a), deleting the word "and" from the end of § 21.31 (b), redesignating § 21.31(c) as § 21.31 (e), and adding new §§ 21.31(c) and (d) to read as follows:

§ 21.31 Type design.

The type design consists of—

(a) The drawings and specifications necessary to show the configuration of the product concerned, listings of those drawings and specifications, and the design features covered in the requirements of that part of this subchapter applicable to the product;

• • • • • •

(c) The "Airworthiness Limitations" section of the Instructions for Continued Airworthiness as required by Parts 23, 25, 27, 29, 31, 33, and 35 of this chapter;

(d) Analyses used to substantiate the type design; and

• • • • • •

Explanation. The proposal would add a requirement to include in the type design listings of the drawings and specifications which are included in the type design because without such lists it is difficult to judge the completeness of the package making up the type design or to easily control changes in drawings and specifications. In addition, in recognition of the fact that design is often substantiated by analyses, those analyses should be included in the type design.

The proposal would also make it clear that the "Airworthiness Limitations" section of the Instructions for Continued Airworthiness makes up a part of the type design. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. Also see the proposal for § 23.1529.

Ref. Proposal Nos. 564–1, 708–1, 821–1, 880–1, 965–1, 990–1, 996–1, 1004–1, 1006–1, 1015, 327, 565; §§ 21.31, 23.1529, 25.1529, 27.1529, 29.1529, 31.82, 35.2, 43.14, 43.16, 91.163(a), 25.1529, 21.31(d); Agenda Item G–11 (Committee I), Agenda Item G–12 (Committee I), Agenda Item L–24 (Committee I).

§ 21.35 [Amended]

8–4. By deleting from § 21.35(b)(2) the word "airplane" and the words "are reliable and function properly", and inserting in their places, respectively, the word "aircraft" and the words "will function properly."

Explanation. The use of the word "airplane" inadvertently restricts the application of the rule. The rule has always been administered as applying to "aircraft" and this revision would simply clarify the intent of the rule in this regard.

The FAA believes that flight testing over any reasonable number of hours cannot prove anything conclusive about reliability of airplane components and equipment. As a practical matter this is much better approached by analysis and specific reliability testing. Where the FAR's contain specific reliability requirements, those analyses and tests would become part of the type design (under a proposed change to § 21.31). Similarly, the FAA believes that the proper functioning of equipment and components is reasonably assured when they meet the FAR's. However, it must be recognized that the operational aircraft to be certificated is a combination, often extremely complex, of individual equipment and components which must be shown to function in combination, before the FAA can issue a type certificate for the design. Therefore, the rule would be revised to require a showing, to the extent determined necessary by the FAA, that the aircraft offered for type certification will function properly.

Ref. Proposal No. 24; § 21.35(b)(2); Agenda Item L–25 (Committee I).

8–5. By revising the heading of § 21.50, redesignating § 21.50 as § 21.50(a), and adding a new § 21.50(b) to read as follows:

§ 21.50 Instructions for Continued Airworthiness and Rotorcraft maintenance manuals having "Airworthiness Limitations" sections.

• • • • • •

(b) The holder of a type certificate for an aircraft, engine, or propeller for which application was made after (the effective date of this amendment) shall make available complete Instructions for Continued Airworthiness prepared in accordance with §§ 23.1529, 25.1529, 27.1529, 29.1529, 31.82, 33.4, and 35.4 of this chapter, to the owner of each aircraft, engine, or propeller, upon its delivery, and to any other person required by this chapter to comply with any of the terms of those instructions upon request. In addition, changes to the Instructions for Continued Airworthiness shall be made available, upon request, to any person required by this chapter to comply with any of the terms of those instructions. The "Airworthiness Limitations" section of the Instructions for Continued Airworthiness shall be furnished with each aircraft, engine, or propeller.

Explanation. This proposal would ensure that those persons needing the Instructions for Continued Airworthiness and the changes thereto will have that information available. This is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. See the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

8–6. By revising § 21.97(b) to read as follows:

§ 21.97 Approval of major changes in type design.

• • • • • •

(b) Approval of a major change in a type design is limited to the specific configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same type for which approval is requested and shows that the change is compatible with the other configurations.

Explanation. Present § 21.97(b) (as adopted in Amendment 21–40, effective October 31, 1974) applies only to engines. The proposal would make the paragraph applicable to all products.

Ref. Proposal No. 570; § 21.97; Agenda Item L–26 (Committee I).

8–7. By deleting from § 21.123(b) the word "and" following the semicolon, inserting at the end of § 21.123(c) a semicolon and the word "and", and adding a new § 21.123(d) to read as follows:

§ 21.123 Production under type certificate.

• • • • • •

(d) Upon the establishment of the approved production inspection system (if required by paragraph (c) of this section) submit to the Administrator a manual that describes that system and the means for making the determinations required by § 21.125(b).

Explanation. The FAA believes that it is necessary for the monitoring and control of an approved production inspection system to require a specified document containing a description of the system and the way it is used by the manufacturer.

Ref. Proposal No. 575; § 21.125(b); Agenda Item I–16 (Committee I).

§ 21.143 [Amended]

8–8. By deleting from § 21.143(a)(2) the word "subsidiary" and inserting in its place "supplier."

Explanation. The proposal would make clear the kind of manufacturer that supplies raw materials, purchased items, parts, and assemblies to the prime manufacturer.

Ref. Proposal No. 577; § 21.143; Agenda Item I–17 (Committee I).

§ 21.182 [Amended]

8–9. By deleting "§ 45.11(a)" in §§ 21.182(a) and (b)(3) and inserting "§ 45.11" in place thereof.

Explanation. The cross reference to paragraph (a) of § 45.11 would be revised by this proposal to ensure that the proposed new § 45.11(c) is covered in § 21.182. See the proposal for § 45.11.

§ 21.197 [Amended]

8–10. By amending § 21.197 as follows:

1. By deleting the words "the purpose of –" from § 21.197(a) and inserting in their place the words "the following purposes:".

2. By replacing the semicolons in §§ 21.197(a)(1) and (2) with periods.

3. By revising § 21.197(a)(3) to read as follows:

(3) Either—

(i) Production flight testing new production aircraft; or

(ii) Conducting customer demonstration flights with aircraft manufactured under a production certificate if the applicant has established a maintenance and inspection program for the aircraft and the aircraft has been flown for at least 50 hours.

Explanation. Under the current rules a manufacturer wishing to conduct customer demonstration flights in production aircraft must obtain an experimental certificate in addition to the special flight permit under which the production flight testing is conducted. This administrative step can be eliminated without any adverse effect on safety by revising the rules to permit customer demonstration flight in new production aircraft on the basis of a special flight permit issued for the purpose. The issuance of the permit for the new purpose would be based on a showing that the substantive safety terms required for the issuance of an experimental certificate for customer demonstration flights are met. In addition, § 21.197(a) would be amended editorially.

Ref. Proposal No. 36; § 21.197(a)(5); Agenda Item L–28 (Committee I).

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

§ 23.253 [Amended]

8–11. By amending § 23.253(b)(3) in a manner substantively identical to that proposed for § 25.253(a)(2)(iii).

8–12. By amending § 23.361 by —

1. Deleting the words "The limit torque" in § 23.361(a)(1) and replacing them with the words "A limit engine torque";

2. Deleting the words "The limit torque corresponding to the maximum continuous power and propeller speed," in § 23.361(a)(2) and replacing them with the words "The limit engine torque as specified in § 23.361(c)";

3. Deleting the words "the limit engine torque" in § 23.361(a)(3) and replacing them with the words "a limit engine torque";

4. Deleting § 23.361(c); redesignating § 23.361 (b) as §23.361(c);

5. Redesignating § 23.361 (b) as § 23.361(c);

6. Revising the lead in of the redesignated § 23.361(c), and adding a new § 23.361(b), to read as follows:

§ 23.361 Engine torque.

• • • • • •

(b) For turbine engine installations, the engine mounts and supporting structure must be designed to withstand each of the following:

(1) A limit engine torque load imposed by sudden engine stoppage due to malfunction or structural failure (such as compressor jamming).

(2) A limit engine torque load imposed by the maximum acceleration of the engine.

(c) The limit engine torque to be considered under paragraph (a)(2) of this section must be obtained by multiplying the mean torque for maximum continuous power by a factor of—

• • • • • •

Explanation. The new § 23.361(b) would be added to redefine the limit engine torque load conditions to be considered for turbine engine installations. The § 23.361(c) lead in would be revised to clairfy that it only applies with respect to § 23.361(a)(2). Other clarifying changes are also proposed.

Ref. Proposal No. 616; § 23.361(b)(1); Committee III Part 2—Agenda Item C–16.

§ 23.371 [Amended]

8–13. By deleting the word "turbopropeller" in the lead in of § 23.371 and replacing it with the word "turbine".

Explanation. Section 23.371 is applicable only to turbopropeller airplanes. However, since turbojet and turbopropeller airplanes have similar loading characteristics, the provisions should be applied to both airplanes. Also see the proposal for § 23.361.

Ref. Proposal No. 617; § 23.371; Committee III Part 2—Agenda Item C–17.

8–14. By amending § 23.729 by revising the heading, and paragraphs (c) and (e) to read as follows:

§ 23.729 Landing gear extension and retracting system.

• • • • • •

(c) *Emergency operation.* For a landplane having retractable landing gear that cannot be operated manually there must be means to operate the landing gear in the event of—

(1) Any reasonably probable failure in the normal landing gear operation system; or

(2) Any reasonably probable failure in a power source that would prevent the operation of the normal landing gear operation system.

• • • • • •

(e) *Position indicator and warning device.* If a retractable landing gear is used, there must be a landing gear position indicator (as well as necessary switches to actuate the indicator) or other means to inform the pilot that the gear is secured in the extended (or retracted) position. If switches are used, they must be located and coupled to the landing gear mechanical system in a manner that prevents an erroneous indication of "down and locked" if the landing gear is not in a fully extended position, or of "up and locked" if the landing gear is not in the fully retracted position. The switches may be located where they are operated by the actual landing gear locking latch or device.

• • • • • •

Explanation. The FAA believes this rule change is necessary to assure the reliability of small landplane landing gear systems because those systems are becoming increasingly complex.

Proposed § 23.729(e) would require an indicator to inform the pilot when the gear is secured by any means in the extended or retracted position.

Ref. Proposal Nos. 90, 627; § 23.729, § 23.729(c); Committee III Part 2—Agenda Item F–24.

8–15. By adding new §§ 23.903 (f) and (g) to read as follows:

§ 23.903 Engines.

• • • • • •

(f) *Restart capability.* An altitude airspeed envelope must be established for the airplane for in-flight engine restarting, and each installed engine required to have an in-flight restart capability must have a restart capability within that envelope.

(g) For turbine-engine powered airplanes, if the minimum windmilling speed of the engines, following the in-flight shutdown of all engines, is insufficient to provide the necessary electrical power for engine ignition, a power source independent of the engine-driven electrical power generating system must be provided to permit in-flight engine ignition for restarting.

Explanation. A similar proposal for § 25.903 was made in Notice No. 3 (Notice 75–19) Powerplant Proposals.

In addition, although § 23.901(e)(3) requires that the Airplane Flight Manual contain recommended procedures for restarting turbine engines in flight, there exists no specific requirement for establishing the conditions of altitude and airspeed for which the restarting capability must exist. The proposal would add such a requirement.

The proposal would ensure that a source of ignition energy for in-flight engine restarting exists in the event of loss of combustion in all engines during flight.

Ref. Proposal Nos. 266 and 769; § 25.–903 and 25.1165; Agenda Items E–17 and K–53 (Committee IV).

8–16. By adding a new § 23.905(d) to read as follows:

§ 23.905 Propellers.

• • • • • •

(d) Each component of the propeller blade pitch control system must meet the requirements of § 35.42 of this chapter.

Explanation. See the proposal for § 35.42.

8–17. By revising § 23.967(e)(2) and adding a flush paragraph at the end of § 23.967(e) to read as follows:

§ 23.967 Fuel tank installation.

• • • • • •

(e) • • •

(2) Under conditions likely to occur when the airplane lands on a paved runway at a normal landing speed under each of the following conditions:

(i) The airplane in a normal landing attitude and its landing gear retracted.

V 40 134 JUL 11 75 XUM

(ii) The most critical landing gear collapsed and the other landing gear legs extended.

In showing compliance with paragraph (e)(2) of this section, the tearing away of an engine mount must be considered unless all the engines are installed above the wing or on the tail or fuselage of the airplane.

Explanation. The proposal would clarify the current requirement.

Ref. Proposal No. 103; § 23.967; Agenda Item F-24 (Committee IV).

8-18. By adding a new § 23.991(d) to read as follows:

§ 23.991 Fuel pumps.

* * * * *

(d) Operation of any fuel pump may not adversely affect engine operation regardless of the engine power or thrust setting or the functional status of any other fuel pump.

Explanation. The proposal would require that no adverse engine operation would result from operating a fuel pump at any stage of engine operation or in any combination with other fuel pumps.

Ref. Proposal No. 648; § 23.991(d); Not in Agenda.

8-19. By revising § 23.1305(n) to read as follows:

§ 23.1305 Powerplant instruments.

* * * * *

(n) A blade position indicating means for each turbopropeller engine propeller to provide an indication to the flight crew when the propeller blade angle is below the flight low pitch position. The required indicator must begin indicating before the blade moves more than eight degrees below the flight low pitch stop. The source of indication must directly sense the blade position.

* * * * *

Explanation. The proposal would permit up to an eight-degree movement of the propeller blade below the flight low pitch position before an indication of the movement is required for the flight crew. This would be consistent with the corresponding requirements in Part 25 and with the proposal to revise § 35.23. The FAA does not believe it necessary to require immediate indication when the propeller blade moves past the flight low pitch stop.

Ref. Proposal No. 691; § 23.1337; Agenda Item N-74 (Committee IV).

§ 23.1521 [Amended]

8-20. By amending § 23.1521(a) in a manner substantively identical to the proposal for § 25.1521(a).

8-21. By revising § 23.1529, including its heading, to read as follows:

§ 23.1529 Instructions for Continued Airworthiness.

The applicant must prepare Instructions for Continued Airworthiness in accordance with Appendix F to this part that are acceptable to the Administrator.

Explanation. This proposal would require the preparation of comprehensive maintenance instructions that would be made available, under proposed § 21.50, upon delivery of each aircraft. Under this proposal, the applicant for a type certificate would be required to submit, prior to the issuance of a type certificate, Instructions for Continued Airworthiness that conform in form and content with the standards specified in proposed Appendix F. The applicant would also be required to submit a program for making changes to those Instructions.

The FAA recognizes that at the time that the airplane is type certificated, the Instructions for Continued Airworthiness may not be complete. The instructions and the program that would be required by Appendix F for making changes, as they exist at type certification, will be the basis on which the type certificate is issued. However, § 21.50 would require that complete instructions be made available with each aircraft. The "Airworthiness Limitations" section of the Instructions would be specifically made a part of the type design under proposed § 21.31. Section 21.50 would require that the "Airworthiness Limitations" section be furnished with each aircraft.

Compliance with the "Airworthiness Limitations" section of the Instructions will be required under proposed §§ 43.16 and 91.163. Compliance with the other Instructions will be permitted under proposed § 43.13.

Finally, it should be noted, that Appendix F would require that an inspection program to provide for the continued airworthiness of the aircraft be included in the Instructions. That program would be approved for use under current § 91.217(b)(4).

Ref. See the proposal for § 21.31.

8-22. By adding a new § 23.1557(f) to read as follows:

§ 23.1557 Miscellaneous markings and placards.

* * * * *

(f) *Unusable fuel.* If the unusable fuel supply in any tank exceeds five percent of the tank capacity, or one gallon, whichever is greater, a placard must be installed next to the fuel quantity indicator for that tank, stating that fuel remaining when the quantity indicator reads "zero" cannot be safely used in flight.

Explanation. Section 23.1583(l) presently requires that information concerning the meaning of the "zero" mark on the fuel quantity indicator with respect to unusable fuel in a fuel tank must be stated in the operating limitations portion of the Airplane Flight Manual and also on a placard. The proposals for §§ 23.1583(l) and 23.1585(e) would transfer this information to the operating procedures portion of the Airplane Flight Manual, and this proposal would make it clear that the information must also be stated on a placard. Also, see the proposal for § 25.1583.

§ 23.1583 [Amended]

8-23. By deleting § 23.1583(l) and marking it "[Reserved]".

Explanation. See the proposal for § 25.1583.

8-24. By adding new § 23.1585 (e) and (f) to read as follows:

§ 23.1585 Operating procedures.

* * * * *

(e) If the unusable fuel supply in any tank exceeds five percent of the tank capacity, or one gallon, whichever is greater, information showing that the fuel remaining in the tank when the fuel quantity indicator reads "zero" cannot be safely used in flight, must be furnished.

(f) Information on the total quantity of usable fuel for each fuel tank must be furnished.

Explanation. See the proposal for §§ 25.1583 and 25.1585.

8-25. By adding a new Appendix F to Part 23 to read as follows:

APPENDIX F—INSTRUCTIONS FOR CONTINUED AIRWORTHINESS

F 23.1 *General.* (a) This appendix specifies requirements for the preparation of "Instructions for Continued Airworthiness" as required by § 23.1529.

(b) The "Instructions for Continued Airworthiness" must include the "Instructions for Continued Airworthiness" for each engine and propeller (hereinafter designated products) and for all appliances that are installed in the aircraft and any required information relating to the interface of those appliances and products with the airplane. If "Instructions for Continued Airworthiness" do not exist for an appliance or product installed in the airplane, the "Instructions for Continued Airworthiness" for the airplane must include the information that would be contained in such "Instructions" if they were to exist.

(c) The applicant must submit to the FAA a program to show how changes to the "Instructions for Continued Airworthiness" made by the applicant or by the manufacturers of products and appliances installed in the airplane will be distributed.

F 23.2 *Format.* (a) "The Instructions for Continued Airworthiness" must be in the form of a manual or manuals as appropriate for the quantity of data to be provided.

(b) The format of the manual or manuals must provide for a practical arrangement (such as that used in the Air Transportation Association of America Specification No. 100. "Specification for Manufacturers' Technical Data").

F 23.3 *Content.* The contents of the manual or manuals must be prepared to be understood by the persons who will be responsible for maintaining the airplane. The "Instructions for Continued Airworthiness" must contain the following manuals or sections, as appropriate, and information:

(a) *Airplane maintenance manual or section.* (1) Introduction information that includes an explanation of the airplane's features and data of general interest.

(2) A description of the airplane and its systems and installations incuding its engines, propellers, instruments, and radio equipment.

(3) Control and operation information describing how the airplane components and systems are controlled, and how they operate, including any special procedures and limitations that apply.

(4) Servicing information that covers details regarding servicing points, capacities of tanks, reservoirs, types of fluids to be used, pressures applicable to the various systems, location of access panels for inspection and servicing, and the locations of lubrication points, the lubricants to be used, equipment required for servicing, tow instruction and limitations, and mooring, jacking, and leveling information.

(5) *Maintenance Instructions.* (i) Scheduling information for each part of the airplane and its engines, auxiliary power units, propellers, accessories, instruments and equipment, that provides the recommended periods at which they should be cleaned, inspected, adjusted, tested and lubricated, and the degree of inspection and work recommended at these periods. The recommended overhaul periods and necessary cross-references to the "Airworthiness Limitations" section of the manual must also be included. In addition, the applicant must include an inspection program to provide for the continued airworthiness of the aircraft.

(ii) Troubleshooting information describing typical malfunctions that could occur, how to recognize those malfunctions, and the remedial action for those malfunctions.

(iii) Removal and assembly information describing the order and method of removing and replacing products and parts with any necessary precautions to be taken during such removal and assembly.

(iv) Other general procedural instructions including procedures for system testing during ground running, checks after an overweight landing, symmetry checks, weighing and determining the center of gravity, lifting and shoring, and storage limitations.

(b) *Airplane overhaul manual or section.* (1) Airplane structure overhaul information including—(i) Diagrams showing structures classified as primary and secondary;

(ii) Illustrations which clearly show the construction of the structures with descriptive text to explain the illustrations and indicate those parts needing detailed attention during overhaul;

(iii) Diagrams of structural access plates and information needed to gain access for inspections when access plates are not provided;

(iv) Schedules of recommended overhaul periods of all structural areas with an explanation of the inspections and work to be accomplished at each such period.

(v) Details for the application of special inspection techniques including radiographic and ultrasonic testing where such processes are specified;

(vi) Information needed to apply protective treatments to restore the structure to an original condition after inspection and overhaul;

(vii) All data relative to structural fasteners such as identification, discard recommendations, and torque values;

(viii) Details of the recommended overhaul practices for airplane systems; and

(ix) A list of special tools needed.

(3) Overhaul information for the parts and products installed in the airplane.

(c) *Airplane repair manual or section.* (1) Temporary repair information that includes details of repairs of a temporary nature that are permitted and any restrictions that should apply until a permanent repair is made.

(2) Permanent repair information covering typical repair details for repair of common structure.

(3) Checking and testing information describing details of checks, tests, and adjustments necessary after repairs.

F 23.4 *Airworthiness limitations section.* The Instructions for Continued Airworthiness must contain a section, titled "Airworthiness Limitations", that is segregated and clearly distinguishable from the rest of the document. That section must set forth each mandatory replacement time, inspection interval, and related procedure established during certification for the airplane or any part thereof. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads—"The 'Airworthiness Limitations' section is FAA-approved and it specifies inspections and other maintenance required under §§ 43.16 and 91.163 of the Federal Aviation Regulations."

Explanation. This proposal would provide standards for the preparation of comprehensive maintenance instructions that would be made available at the delivery of each airplane. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions.

Ref. See the proposal for § 21.31.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

8-26. By adding new §§ 25.101(i) and (j) to read as follows:

§ 25.101 General.

* * * * *

(i) If compliance with takeoff path performance requirements is dependent upon an engine control system that automatically sets takeoff power or thrust on the operating engines in the event of failure of any one engine during takeoff, all applicable requirements of this subpart must be met with that system functioning as designed. The thrust or power set on each engine at the beginning of the takeoff roll may not be less than 90 percent of the takeoff thrust or power that would be set by the automatic system after an engine failure.

(j) The following requirements apply to automatic systems that affect the performance of the airplane, including automatic systems that control retardation devices or wing spoilers, but excluding automatic takeoff thrust control systems approved under the provisions of paragraph (i) of this section:

(1) The airplane must comply with the applicable requirements of this subpart with the automatic system functioning as designed.

(2) The Administrator may limit the performance credit allowed for the use of the automatic system based on but not limited to the following factors:

(i) The degree of reliability shown for the automatic system under § 25.705, including whether or not failure of the system is shown to be extremely improbable.

(ii) The effects of all reasonably expected operating conditions, including runway surface conditions, on the functioning of the automatic system.

(iii) The difference between the performance with the automatic system functioning as designed and the performance with manual control after failure of the automatic system, taking into account the time required for the pilot to recognize failure of the automatic system and apply manual control.

(iv) The margins provided in the performance requirements for expected variations in performance.

Explanation. Proposed paragraph (i). With regard to the proposal for § 25.101(i), it is one of a series of proposals dealing with automatic takeoff thrust control systems that automatically set takeoff power or thrust on operating engines in the event of failure of any one engine during takeoff under conditions involving an approved reduced takeoff thrust. The other proposals in this series are those for §§ 25.111(c)(4), 25.1143(f), and 25.1305(c)(9).

Section 25.101(f) states that, unless otherwise prescribed, the takeoff flight path and other performance must be determined with changes in the airplane's configuration, speed, power and thrust made in accordance with procedures established by the applicant for operation in service. Under § 25.101(h) the procedures must be able to be consistently executed in service by crews of average skill, and must use methods or devices that are safe and reliable.

Under the present regulations, the FAA has approved procedures for takeoff with thrust set at less than the maximum takeoff thrust available from the engines. However, these reduced thrust takeoff procedures require that all performance requirements be met at the reduced thrust level without increasing the thrust on the operating engines after failure of one engine. The economic benefits claimed for reduced thrust procedures are increased engine life and reduced maintenance expense.

Proposal No. 154 for § 25.101(c), discussed in Committee II (Flight) under Agenda Item F-32, would expressly permit the use of additional (emergency) thrust on the operating engines in determining the one-engine-inoperative takeoff path and climb performance. Under Proposal No. 154, takeoffs would normally be made with engine thrust set at less than maximum available thrust, but in the event of an engine failure, the pilot would be expected to advance the throttles to increase the thrust on the operating engines, and the applicable performance requirements would be met at the increased thrust. The justification for Proposal No. 154 indicates that automatic means could also be used to advance the throttles. However, if automatic means were not provided, Proposal No. 154 would require the pilot to make an additional decision and action during a critical stage of flight. If the engine failure should occur shortly after V_1 is called out during takeoff, the required action of advancing the throttles would be the opposite of that for an engine failure before V_1, when a stop is made.

The FAA therefore believes that any increase in thrust level during takeoff that is necessary to meet performance requirements after failure of an engine should be fully automatic and that the automatic system should be shown to

V40I134 JUL 11 75 XUM

have an extremely high level of reliability. However, if for any reason the automatic system should fail to operate as intended (for example, due to inadvertent disarming of the system), an independent engine failure warning system and a manual means for increasing engine thrust on the operating engines without exceeding engine limits should be provided for the pilots.

The proposal for § 25.101(i) sets forth the general requirements that would be applicable to an automatic takeoff thrust control system, and makes it clear that all applicable requirements of Subpart B, including performance and flight characteristics requirements, must be met with the system operating in the manner for which it was designed. The proposal would limit the amount of performance credit allowed for the use of the automatic system by requiring that the reduced thrust set on each engine at the beginning of the takeoff roll be not less than 90 percent of the takeoff thrust set by the automatic system on the operating engines after an engine failure. The 10 percent differential is consistent with reduced thrust takeoff procedures approved by the FAA, and is intended to ensure adequate performance in normal all-engines-operating takeoffs.

The proposal for § 25.111(c)(4) would add a requirement that in determining the takeoff path, no change in power or thrust that requires action by the pilot may be made until the airplane is 400 feet above the takeoff surface. This proposal is based on the previously stated belief that any increase in thrust that is necessary to meet the performance requirements during this critical portion of the takeoff should be fully automatic.

The proposal for § 25.1143(f) contains specific requirements for the automatic thrust control system, including requirements to provide extremely high reliability, to permit manual selection of takeoff thrust by the pilots, to prevent exceeding the engine limitations in either the automatic or manual mode, and to enable the crew to verify prior to takeoff that the system is in condition to operate in the intended manner. The provisions of §§ 25.1141(e) and 25.1309 concerning failure and malfunction conditions would also apply to this system.

The proposal for § 25.1305(c)(9) would require two additional powerplant instruments for airplanes incorporating an automatic takeoff thrust control system. One would be an indicator for the pilots to determine when the system is in the armed or ready condition. The other would be an engine failure warning device that is independent of the automatic system, to provide the pilots with a means for monitoring the automatic system.

The proposal for paragraph (j) would provide under the certification and operating rules, an increased payload as compared with the payload under present reduced thrust takeoff procedures.

Proposed paragraph (j)

With regard to the proposal for § 25.101(j), several automatic devices have been developed to improve airplane performance, including automatic wing spoilers and brake anti-skid systems. The proposal for § 25.101(i) deals with automatic takeoff thrust control systems. This proposal deals with the determination of the airplane performance when other automatic systems that affect performance are installed. A related proposal for § 25.705 would set forth some specific design requirements for these systems to supplement the general requirements now established in the regulations, such as § 25.1309.

The proposal for § 25.101(j) lists some of the factors that would be considered by the Administrator in establishing the amount of performance credit allowed when an automatic system is installed. Since the operation of some systems is affected by variations in operating conditions, including the friction between the tires and the runway surface, one of the factors considered would be the effect of runway surface conditions. Other factors considered would be the degree of reliability shown for the system under proposed § 25.705, the effect of reverting from automatic to manual control, and the margins provided in the performance requirements for variability of performance.

Automatic systems may cause unsafe conditions if they are activated at the wrong time or stage of flight. The proposal for § 25.705 would therefore require the system to be designed to prevent unwanted or unsymmetrical activation of the system when this would result in an unsafe condition. The proposal would require means for the pilots to disengage or over-ride the automatic function and manually control the system. Means would also be required for the pilot to determine the operating readiness of the system prior to use, and its operating condition during use. In addition, reliability analysis and tests of the system would be required for use in establishing performance credit.

It is requested that comments on this proposal specifically set forth which proposed paragraph the comment relates to.

Ref. Proposal Nos. 154 and 151; §§ 25.101(c) and 25.21(g); Agenda Items F–32 and E–27 (Committee II).

8–27. By amending § 25.111(c)(4) to read as follows:

§ 25.111 Takeoff path.

* * * * *

(c) * * *

(4) Except for gear retraction and propeller feathering, the airplane configuration may not be changed, and no change in power or thrust that requires action by the pilot may be made, until the airplane is 400 feet above the takeoff surface.

* * * * *

Explanation. See the proposal for § 25.101(i).

8–28. By revising § 25.253(a)(2)(iii) to read as follows:

§ 25.253 High-speed characteristics.

(a) * * *

(2) * * *

(iii) Buffeting that would impair the pilot's ability to read the instruments or control the airplane for recovery.

* * * * *

Explanation. Section 25.253(a)(2)(iii) requires a showing that the airplane can be recovered from a speed increase above V_{MO}/M_{MO} without buffeting that would cause structural damage. The high speed flight characteristics test is not intended to be a demonstration of structural strength. The present requirement would be replaced by a provision to ensure that buffeting would not be of a severity to impair the pilot's ability to recover the airplane to a normal attitude and to reduce the airplane's speed to V_{MO}/M_{MO}.

Ref. Proposal No. 1043; § 25.253(a)(iii); Agenda Item G–55 (Committee II).

8–29. By revising § 25.307(a) to read as follows:

§ 25.307 Proof of structure.

(a) Compliance with the strength and deformation requirements of this subpart must be shown for all loading conditions, including normal and fail-safe conditions. Tests to design ultimate loads are required for each critical condition. Retesting of any structure reinforced as a result of test failures is not required if the test results are extrapolated to the design ultimate load, and the extrapolation is shown to be conservative and reliable. Substantiation of noncritical loading conditions may be shown by analysis if the analysis is shown to be conservative and reliable and is validated by supporting tests to the extent found necessary by the Administrator.

* * * * *

Explanation. The analysis of considerable civil airplane static test data indicates that all of the airplanes and approximately 50 percent of the major components (wing, fuselage, fin, and stabilizer) tested experienced major test failures under flight loads less than design ultimate. The FAA believes that static tests to ultimate strength values for each critical normal and fail-safe conditions must be the prime method of proof of original and residual static strength. Extrapolation of test results after a test failure would be acceptable if these test results can be reliably projected.

Ref. Proposal Nos. 188, 1047; § 25.307(a); Committee III Part 1—Agenda Item A–4.

8–30. By revising §§ 25.365(e) and (f) to read as follows:

§ 25.365 Pressurized cabin loads.

* * * * *

(e) If a pressurized cabin has two or more compartments separated by partitions, bulkheads, or floors, the airplane structure must be designed to prevent floor failure, or any structural failure that would prevent continued safe flight and landing, caused by the sudden release of pressure in any compartment

through an opening at any approved operating altitude resulting from any of the following:

(1) The loss of any non-plug type door. The loss of swing noses and tails need not be considered.

(2) The penetration of the cabin by a portion of an engine following an engine disintegration.

(3) The detonation in the airplane of a bomb. All possible bomb detonations and probable bomb locations must be considered. However, for any particular location, a bomb detonation, that would have an explosive force sufficiently great to cause the airplane, other than as a result of decompression, to become incapable of continued safe flight and landing, need not be considered.

(4) Unless shown to be extremely improbable, any other eventuality, including bird strikes, structural fatigue failure, failure or loss of windshields or windows, and loss of doors other than those that are non-plug type. The opening of a swing nose, or swing tail, need not be considered.

(f) The probability of failure or penetration and the probable size and shape of cabin openings must be established using a realistic safety analysis that includes consideration of the production, operation, and maintenance experience of transport category airplanes.

* * * * *

Explanation. Explosive decompression resulting from the sudden opening of the fuselage of pressurized transport category airplanes can result in the airplane becoming incapable of continued safe flight and landing. Explosive decompressions have occurred in the past that have been caused by the sudden opening of non-plug type doors, small explosive devices, piercing of the fuselage by portions of a disintegrating engine, fatigue failure, and mid-air collision. In order to assure an adequate level of safety, the proposal would revise § 25.365(e) to require specifically that the structure be capable of withstanding the effects of openings caused by the loss of any non-plug type door, the detonation of an explosive device, and the penetration of the fuselage by parts of a disintegrating engine since such occurrences could take place with serious results and are subject to design consideration. In addition, § 25.365(f) would be revised to more clearly indicate the method of showing compliance with § 25.365(e). It should be noted that the FAA has proposed in an AD NPRM (40 FR 12809; March 21, 1975; comment period closed on May 22, 1975) that an opening having an area of 20 ft^2 be considered for certain wide body jets. However, that proposal was based on existing aircraft designs and data available for particular aircraft. Because of the prospective effect of the proposed rule, the variety of airplanes that would be covered by the proposed rule, and the number of variables involved, a specific hole size has not been proposed herein. Proposed § 25.365(f) would, however, require a case by case determination of the opening size and shape to be considered.

Ref. Proposal Nos. 198, 1051, 1051–1; §§ 25.365, 25.365(e); Committee III Part 1—Agenda Item C–12.

8–31. By adding a new § 25.633 to read as follows:

§ 25.633 Essential systems.

(a) Each airplane system whose functioning is essential for safe flight and landing must be designed to minimize the damage that would be caused by the detonation in the airplane of a bomb.

(b) Except as provided in paragraph (c) of this section, all possible bomb detonations and probable bomb locations must be considered under paragraph (a) of this section.

(c) For any particular location, a bomb detonation that would have an explosive force sufficiently great to cause the airplane, other than as a result of the failure of a system specified in paragraph (a) of this section, to become incapable of continued safe flight and landing need not be considered.

Explanation. The purpose of this proposal is to improve the aircraft's capability for safe flight and landing after the detonation of an explosive device.

Ref. Proposal No. 1065; § 25.633; Committee III Part 1—Agenda Item H–34.

8–32. By adding a new § 25.677(e) to read as follows:

§ 25.677 Trim systems.

* * * * *

(e) If the horizontal stabilizer is used for providing longitudinal trim and is power boosted or power operated for trim, an aural warning device must be installed that provides a distinctive continuous warning whenever the horizontal stabilizer is in transit due to trim system operation.

Explanation. The FAA believes that there is a need for "trim-in-motion" warning when the horizontal stabilizer is used for longitudinal trim. To ensure pilot awareness this warning must be aural, distinctive, and continuous.

Airworthiness Review Notice Number 6 (Notice 75–25; Flight) contains a related proposal for "takeoff out-of-trim" warnings in the proposed new § 25.703. This item was discussed at the Airworthiness Review Conference in Committee II—Flight (Agenda Item E–24) and in Committee III—Airframe (Agenda Item I–38).

Ref. Proposal No. 1067; § 25.677(e); Committee III Part 1—Agenda Item I–38.

8–33. By adding a new § 25.685(e) to read as follows:

§ 25.685 Control system details.

* * * * *

(e) Each control system, including its structural components, electrical wires, and hydraulic lines must be arranged so that any in-flight localized structural failure of the floor or section of the fuselage shell will not cause a loss of control that would prevent continued safe flight and landing.

Explanation. Proper arrangement of control systems could provide an airplane with the capability of continued safe flight and landing in the event of an in-flight localized structural failure. The proposal would require proper control system arrangement.

Ref. Proposal No. 1068; § 25.685; Agenda Item I–40 (Committee III—Part 1).

8–34. By adding a new § 25.705 to read as follows:

§ 25.705 Automatic systems affecting performance, other than automatic takeoff thrust control systems.

The following requirements apply to automatic systems that affect the performance of the airplane, including automatic systems that control retardation devices or wing spoilers, but excluding automatic takeoff thrust control systems approved under the provisions of § 25.101(i):

(a) The automatic system must be designed to prevent unwanted or unsymmetrical activation of the system when this would result in an unsafe condition.

(b) Means must be provided for the pilots to disengage or override the automatic function and manually control the devices that affect the performance of the airplane.

(c) Means must be provided for the pilots to determine the operating readiness of the automatic system prior to use, and the operating condition of the system during use.

(d) Reliability tests and analysis of the system must be made for use in determining performance credit for the automatic system.

Explanation. See the proposal for § 25.101(j).

8–35. By redesignating §§ 25.783 (f) and (g) as §§ 25.783 (h) and (i), respectively; by inserting the words "either during or after closure" following the words "single structural element" within the parenthetical expression in § 25.783 (b); and by revising § 25.783(e) and adding new §§ 25.783 (f), (g), and (j) to read as follows:

§ 25.783 Doors.

* * * * *

(e) There must be a provision for direct visual inspection of the locking mechanism by appropriate crewmembers, discernible under all possible lighting conditions, to determine if external doors, for which the initial opening is not inward (including passenger, crew, service, and cargo doors) are fully closed and locked. In addition, there must be a visual warning means to signal the appropriate flight crewmembers if any external door is not fully closed and locked. The means must be designed to provide a warning if any external door is not fully closed and locked after any single failure in the warning system.

(f) All external doors must have provisions to prevent the initiation of pressurization of the airplane if the door is not fully closed and locked.

(g) If certification for operations above 45,000 feet is requested, the airplane must be designed to provide for a safe descent and landing, without serious occupant injury, after the loss of any non-plug

V 40 134 JUL 11 75 XUM

type door at the highest approved operational altitude. The loss of swing noses and tails need not be considered.

• • • • •

(j) All lavatory doors must open into the airplane cabin and if a locking mechanism is installed, it must be capable of beingunlocked from the outside without the aid of special tools.

Explanation. The purpose of the proposal is to improve the reliability of non-plug type doors, and to improve the standards for airplanes having such doors. Provisions which will prevent pressurization if the door is not fully closed and locked are also proposed. In addition it is proposed that airplanes to be operated above 45,000 feet be designed for the loss of any non-plug door. This proposal would also require that all lavatory doors be outward opening and unlockable from the outside. This would preclude anyone from becoming trapped inside a lavatory.

Ref. Proposal Nos. 146, 1074; § 25.783, FAR 25; Committee III Part 1—Agenda Items K–49, K–60.

8–36. By revising §§ 25.785 (g) and (h) and adding a new (j) to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

• • • • •

(g) Each seat at a flight deck station must have a combined safety belt and shoulder harness with a single-point release that permits the flight deck occupant when seated with safety belt and shoulder harness fastened, to perform all of that occupant's necessary flight deck functions. There must be combined means to secure each combined safety belt and shoulder harness, when not in use, to prevent interference with the operation of the airplane and with rapid egress in an emergency.

(h) Flight attendant seats in passenger compartments must be near approved floor level emergency exits, and be equipped with a restraint system consisting of a combined safety belt and shoulder harness unit with a single-point release. There must be means to secure each combined safety belt and shoulder harness, when not in use, to prevent interferenie with rapid egress in an emergency. In addition—

(1) Flight attendant seats must be located to provide a view of the cabin area for which the flight attendant is individually responsible and to provide access to the communication system when seated;

(2) Flight attendant seats must be either—

(i) Forward facing; or

(ii) Rearward facing with an energy absorbing rest that is designed to support the arms, shoulders, head, and spine; and

(3) Flight attendant seats must be positioned to prevent interference with the use of passageways and exits.

• • • • •

(j) Each seat must be located to minimize the probability of its occupant suffering injury during any operation by being struck by items dislodged in a galley, or from a stowage compartment or serving cart. All items expected in these locations in service must be considered.

Explanation. Revised paragraphs (g) and (h) would require a combination safety belt and shoulder harness for each seat at a flight deck station and each flight attendant seat in the passenger compartment. The proper functioning of these crewmembers during an emergency is so essential that the FAA believes this additional protection should be required. Means must be provided to secure each safety belt and shoulder harness. Also, new standards are proposed for flight attendant seats in paragraph (h). A proposal is also made to § 25.1557 which would require that these flight attendant seats be placarded for use by flight attendants only.

A paragraph (j) would require the consideration of seat location for the protection of occupants with relation to dislodged objects.

Ref. Proposal Nos. 235, 236, 237, 238, 246, 1077; § 25.785, § 25.807(a), § 25.785(c)(2), § 25.785(h), § 25.785(i); Committee III Part 1—Agenda Items K–50, K–51, K–52.

8–37. By adding a sentence to the end of § 25.787(b) to read as follows:

§ 25.787 Stowage compartments.

• • • • •

(b) • • • For internal stowage compartments, if the means used is a latched door, it must be shown that the unwanted opening of the door is extremely improbable, taking into consideration the wear and deterioration expected in service.

Explanation. This proposal would clarify § 25.787(b) to ensure that consideration is given to all latched doors on internal stowage compartments.

Ref. Proposal No. 1078; § 25.787; Committee III Part 1—Agenda Item K–56.

8–38. By adding a new § 25.792 to read as follows:

§ 25.792 Passenger information signs: Lavatory occupancy.

A sign, indicating when the lavatories serving a particular passenger cabin area are occupied, must be provided that is legible to each person seated in that area, under all probable conditions of cabin illumination.

Explanation. The proposal would require that a sign be provided to inform the passengers when the lavatories are occupied so as to minimize aisle congestion and possible injuries during flight in turbulent air.

Ref. Proposal No. 146; FAR 25; Committee III Part 1—Agenda Item K–60.

8–39. By adding a new § 25.793 to read as follows:

§ 25.793 Floor surfaces.

The floor surface of all areas, which are likely to become wet, must have slip resistent properties.

Explanation. Service experience has shown that there is a need to improve the traction qualities of the floor surfaces which may become wet in service.

Ref. Proposal No. 1078; § 25.787; Committee III Part 1—Agenda Item K–56.

8–40. By adding a new § 25.819 to read as follows:

§ 25.819 Lower deck service compartments.

For airplanes with a galley or other service compartment located below the main deck, which may be occupied during taxi and flight but not during takeoff and landing, the following apply:

(a) There must be an emergency evacuation route from each lower deck galley and service compartment which could be used by each occupant of the lower deck galley or service compartment to rapidly evacuate to the main deck under normal and emergency lighting conditions. The route must provide for the evacuation of incapacitated persons with assistance. The use of the evacuation route may not be dependent on any powered device. The route must be designed to minimize the possibility of blockage which might result from fire, or mechanical or structural failure. In the event the airplane's main power system or compartment main lighting system should fail, emergency illumination for each lower deck galley and service compartment must be automatically provided. indicates when seat belts should be

(b) There must be a means for two-way voice communication between the flight deck and each lower deck galley and service compartment.

(c) There must be an emergency alarm system to enable crewmembers on the flight deck and at each main deck flight attendant station to alert occupants of each lower deck galley and service compartment of an emergency situation.

(d) There must be a means, readily detectable by occupants of each lower deck galley and service compartment that indicates when seat belts should be fastened.

(e) If a public address system is installed in the airplane, speakers must be provided in each lower deck galley and service compartment.

(f) For each occupant permitted in a lower deck galley or service compartment there must be a forward or aft facing seat which meets the requirements specified in paragraphs (b) and (c) of § 25.785.

(g) For each powered lift system installed between a lower deck galley or service compartment and the main deck for the carriage of persons or equipment, or both, the system must meet the following requirements:

(1) Each lift control switch outside the lift, except emergency stop buttons, must be designed to prevent the activation of the lift if the lift is occupied or the lift door is open.

(2) There must be a means to operate the lift in the event of failure of its normal power supply.

(3) An emergency stop button that when activated, will immediately stop the lift, must be installed within the lift and at each entrance to the lift.

(4) There must be a hatch capable of being used for evacuating persons from

the lift that is openable from inside and outside the lift without tools.

Explanation. The purpose of this proposal is to establish the seating, communication, lighting, personnel safety, and emergency evacuation requirements for lower deck galleys and service compartments. Service experience has indicated that the proposed rule is needed to protect the occupants of these galleys and service compartments.

Ref. Proposal No. 728; § 25.819; Committee III Part 1—Agenda Item L–74.

8–41. By adding new §§ 25.851(a)(5) and (a)(6) to read as follows:

§ 25.851 Fire extinguishers.

(a) • • •

(5) There must be at least the following number of hand fire extinguishers conveniently located in passenger compartments:

Passenger capacity:	*Minimum number of hand fire Extinguishers*
7 through 30	1
31 through 60	2
61 or more	3

(6) There must be at least one hand fire extinguisher conveniently located in the pilot compartment.

• • • • •

Explanation. The purpose of this proposal is to move current §§ 25.853(e) and (f) to consolidate the hand fire extinguisher requirements in one section.

Ref. Proposal No. 256; § 25.851; not in agenda.

8–42. By deleting § 25.853(f) and revising § 25.853 (d) and (e) to read as follows:

§ 25.853 Compartment interiors.

• • • • •

(d) Each towel, paper, or waste receptacle must be fully enclosed and constructed of fireproof materials, and must contain fires likely to occur in the receptacle under normal use. The ability of the receptacle to contain those fires under all conditions of wear, misalignment, and ventilation effects not shown to be extremely improbable in service must be demonstrated by test. A placard containing the legible words "No Cigarette Disposal" must be located on or near each disposal receptacle door.

(e) Lavatories must have "No Smoking In Lavatory" placards located conspicuously on each side of the entry door, and self-contained removable ashtrays located conspicuously on or near the entry side of each lavatory door. The placards must have red letters at least one inch high on a white background of at least two inches high.

Explanation. See the proposal for § 25.851.

The purpose of revising § 25.853(e) is to require that all lavatories be placarded against smoking. The proposed size and color requirements of the placard are specified.

The FAA believes that this proposal is necessary to protect against in-flight fires and also to protect passengers and crewmembers in the event of an in-flight fire in any receptacle for paper or similar waste.

Ref. Proposal Nos. 731, 145, 259; § 25.853, § 25.853(d); Agenda Items N–77, N–76 (Committee III Part 1).

8–43. By adding a new § 25.901(d) to read as follows:

§ 25.901 Installation.

• • • • •

(d) Each auxiliary power unit installation must meet the applicable provisions of this subpart.

Explanation. This proposal would add a new § 25.901(d) to make it clear that Subpart E of Part 25 contains provisions applicable to APU installations.

Ref. Proposal No. 736; § 25.901; Agenda Item A–1 (Committee I).

§ 25.905 [Amended]

8–44. By adding a new § 25.905(c) that would be substantively identical to the proposed new § 23.905(d).

8–45. By deleting the parenthetical expression from § 25.939(a) and adding new §§ 25.939 (d), (e), (f), and (g) to read as follows:

§ 25.939 Turbine engine operating characteristics.

• • • • •

(d) Each turbine powerplant installation must be investigated to determine the effects of variations and rates of change of air flow and the acceleration and deceleration fuel flow schedules on—

(1) The susceptibility of the installation to surge and stall;

(2) The severity of the surge and stall if it occurs; and

(3) The acceleration, deceleration, and flameout characteristics of the installation.

The investigation must be based on test, analysis, or both.

(e) In determining the range of transients to be considered, under paragraph (d) of this section, the effects of the following factors must be considered:

(1) The factors specified in §§ 33.65 (b) (1), (2), (3), and (4) of this chapter.

(2) Installation effects including the effects of inlet distortions, and yaw and pitch variations.

(3) The effects of airplane component production and service tolerances and the expected in-service component deterioration, and operating environment with respect to airplane components that have an effect on powerplant operation.

(f) Based on the investigation, required by paragraph (d) of this section numerical values must be established in terms of parameters selected by the applicant for variations and rates of change of air flow and the acceleration and deceleration fuel flow schedules to indicate, under the most critical operating conditions expected in service, the margins that exist with respect to surge and stall, the installation steady state operation line, and the installation flameout fuel flow limit.

(g) It must be shown by test or analysis, of both, that the automatic scheduling of controlled variables, including fuel flow and variable geometry systems, will minimize the probability of the occurrence of engine surge and stall during operations within the operating limitations of the airplane and of the engine.

Explanation. Current engine and airplane certification provisions do not provide an adequate indication of the susceptibility of modern turbine engine installations to in-service operating characteristic problems. This proposal and the proposal for § 33.65 would provide for an investigation to provide such information. This proposal would also require that it be shown that the probability of the occurrence of any surge or stall has been minimized.

Ref. Proposal No. 740; § 25.939(a); Agenda Item B–3 (Committee I).

8–46. By revising §§ 25.1103(a), (b)(2), and (d), and adding new §§ 25.1103(e) and (f) to read as follows:

§ 25.1103 Induction system ducts.

(a) Each induction system duct upstream of the first stage of the engine supercharger and of the auxiliary power unit compressor must have a drain to prevent the hazardous accumulation of fuel and moisture in the ground attitude. The drains may not discharge in locations that might cause a fire hazard.

(b) • • •

(2) Fire resistant if it is in any fire zone for which a fire-extinguishing system is required except that ducts for auxiliary power units must be fireproof within the auxiliary power unit fire zone.

• • • • •

(d) For turbine engine and auxiliary power unit bleed air systems, no hazard may result if a duct failure occurs at any point between the engine or auxiliary power unit bleed air port and the airplane unit served by the bleed air.

(e) Each auxiliary power unit induction system duct must be fireproof for a sufficient distance upstream of the auxiliary power unit compartment to prevent hot gas reverse flow from burning through auxiliary power unit ducts and entering any other compartment or area of the airplane in which a hazard would be created resulting from the entry of hot gases.

(f) Each auxiliary power unit induction system duct must be constructed of materials that will not asborb flammable fluids that could be ignited in the event of a surge or reverse flow condition. The materials used to form the inlet duct and plenum chamber of the auxiliary power unit must be capable of resisting the maximum heat conditions likely to occur.

Explanation. The proposal would revise § 25.1103 to provide more comprehensive standards for APU induction system ducts. Similar standards have been applied in the past.

Ref. Proposal No. 760; § 25.1103 (a), (b), and (d), Agenda Item A–1 (Committee I).

8–47. By adding a new § 25.1142 to read as follows:

V40134 JUL 11 75 XUM

§ 25.1142 Auxiliary power unit controls.

Means must be provided on the flight deck for starting, stopping, and emergency shutdown of each auxiliary power unit.

Explanation. The proposal would require that necessary auxiliary power unit controls be provided on the flight deck.

Ref. Proposal No. 738; § 25.913; Agenda Item A–1 (Committee I).

8–48. By adding a new § 25.1143(f) to read as follows:

§ 25.1143 Engine power and thrust, and antidetonant injection system controls.

* * * * *

(f) If there is an engine control system that automatically applies takeoff power or thrust on the operating engines after failure of an engine on takeoff—

(1) The failure of the automatic system must be shown to be extremely improbable; and

(2) The automatic system must be designed to—

(i) Apply takeoff power or thrust on each operating engine without exceeding any engine limitation;

(ii) Permit manual selection of takeoff power or thrust on each engine without exceeding any engine limitation; and

(iii) Provide verification to the flight crew prior to takeoff that the automatic system is in a condition to operate in the intended manner.

Explanation. See the proposal for § 25.101(i).

§ 25.1195 [Amended]

8–49. By inserting between the first and second sentences of § 25.1195(b) a new sentence to read—"It must be shown by either actual or simulated flight tests that under critical airflow conditions the discharge of the extinguishing agent in each designated fire zone specified in paragraph (a) of this section will provide an agent concentration capable of extinguishing any fire in that zone and preventing reignition."

Explanation. The FAA believes that it is essential to show that an adequate fire extinguishing agent discharge concentration exists under flight conditions to ensure that a fire in any designated fire zone provided with a fire extinguishing system can be extinguished.

Ref. Proposal No. 775; § 25.1195(b); Agenda Item L–56 (Committee IV).

8–50. By adding a new § 25.1305(c)(9) and revising § 25.1305(d)(1) to read as follows:

§ 25.1305 Powerplant instruments.

* * * * *

(c) * * *

(9) For airplanes incorporating an automatic system for applying takeoff power or thrust—

(i) An indicator to indicate when the automatic system is in the armed or ready condition; and

(ii) An engine failure warning device which is independent of the automatic takeoff thrust control system.

(d) * * *

(1) An indicator to indicate thrust to the pilot. The indication must be based on the direct measurement of thrust or of a parameter that is directly related to thrust except that a parameter may not be used if the accuracy of the indication based on that parameter will be adversely affected by any engine malfunction, damage, or deterioration.

* * * * *

Explanation. See the proposal for § 25.101(i).

In addition, the proposal for § 25.1305(d)(1) would revise the current requirement to more clearly indicate the kinds of engine deficiencies to be considered, and would require a direct measurement either of thrust or of a parameter that is related to thrust. The use of gas stream pressure as a parameter would no longer be permitted for all engines since for some engines it does not provide an adequate indication of a change in thrust caused by all engine malfunctions, damage, or deterioration.

Ref. Proposal No. 785; § 25.1305(d)(1); Agenda Item N–78 (Committee IV).

8–51. By revising § 25.1307(h) to read as follows:

§ 25.1307 Miscellaneous equipment.

* * * * *

(h) Portable fire extinguishers as prescribed in § 25.851(a)(5) and (a)(6).

Explanation. Since the proposal for § 25.851 would move the requirements specified in §§ 25.853(e) and (f) to consolidate hand fire extinguisher requirements in § 25.851, this section would be revised to make it consistent with the proposal for § 25.851.

§ 25.1413 [Amended]

8–52. By adding the words "and shoulder harness" after the words "each belt" in § 25.1413(c).

Explanation. This section would be revised to make it consistent with Airworthiness Review Notice Number 2 (Notice No. 75–10), Proposal No. 2–60.

8–53. By adding a new § 25.1421 to read as follows:

§ 25.1421 Cargo compartment fire detection systems.

If certification with cargo compartment fire detection provisions is requested, the following must be met for each cargo compartment with those provisions:

(a) The detection system must provide a visual indication to the flight crew within one minute after the start of a fire.

(b) The system must be capable of detecting a fire at a temperature significantly below that at which the structural integrity of the airplane is substantially decreased.

(c) There must be means to allow the crew to check, in flight, the functioning of each fire detector circuit.

(d) The effectiveness of the detection system must be shown for all approved operating configurations and conditions.

Explanation. This proposal would define the requirements for cargo compartment fire detection systems.

Ref. Proposal No. 807; § 25.1421; Committee III Part 1—Agenda Item N–81.

8–54. By adding a new § 25.1439(c) to read as follows:

§ 25.1439 Protective breathing equipment.

* * * * *

(c) Portable protective breathing equipment that meets the requirements of paragraph (b) of this section must be installed—

(1) At each flight attendant seat in the passenger compartment;

(2) At each flight deck station; and

(3) In each isolated separate compartment in the airplane, including upper and lower lobe galleys, in which crewmember occupancy is permitted during flight for the maximum number of crewmembers expected to be in the area during any operation.

Explanation. Airworthiness Review Notice Number 2 (Notice 75–10) contains a proposal for §§ 25.1439 (a) and (b).

This proposal would relocate and clarify the portable oxygen requirement contained in present § 25.1439(c)(4). Portable protective breathing equipment would be required for all transport category airplanes regardless of altitude certification. The FAA believes portable equipment may be needed during fire or smoke emergencies at any altitude. Portable protective breathing equipment would also be required at each flight deck station.

Ref. Proposal Nos. 145, 512; § 25.853, FAR 121; Committee III Part 1—Agenda Item N–77.

§ 25.1447 [Amended]

8–55. By deleting § 25.1447(c)(4).

Explanation. See the explanation for § 25.1439.

8–56. By adding a sentence to the end of § 25.1521(a) to read as follows:

§ 25.1521 Powerplant limitations.

(a) * * *. Except as further limited under paragraph (b) of this section, the use of the thrust (or the power with respect to turbopropeller engines) approved for takeoff is limited to periods of not over—

(1) Five minutes for takeoff operations with all engines operating; and

(2) Ten minutes for takeoff operations during which an engine becomes inoperative provided that the utilization for more than five minutes is limited to the extent that the utilization is necessary for the airplane to avoid, without necessitating turning maneuvers, obstacles beneath the flight path intended for the airplane prior to the loss of the engine.

* * * * *

Explanation. See the proposal for § 33.6.

8–57. By adding a new § 25.1522 to read as follows:

§ 25.1522 Auxiliary power unit limitations.

If an auxiliary power unit that meets the requirements of TSO C77 is installed in the airplane, the limitations established for that auxiliary power unit under the TSO including the categories of operation must be specified as operating limitations for the airplane.

Explanation. The proposal would make it clear that limits established under the TSO for an APU must be made applicable to the installation in the airplane.

Ref. Proposal No. 738; § 25.913; Agenda Item A–1 (Committee I).

§ 25.1529 [Amended]

8–58. By amending § 25.1529 in a manner substantively identical to that proposed for § 23.1529.

8–59. By adding a new § 25.1557(e) to read as follows:

§ 25.1557 Miscellaneous markings and placards.

* * * * *

(e) *Flight attendant seats.* Each flight attendant seat must be placarded to indicate that the seat is to be used by a flight attendant only.

Explanation. See the explanation for the proposal for § 25.785.

§ 25.1583 [Amended]

8–60. By deleting § 25.1583(g) and marking it "[Reserved]".

Explanation. Section 25.1583(g) requires a statement, that the fuel remaining in fuel tanks when the quantity indicator reaches "zero" is not usable fuel in flight, be furnished in the Airplane Flight Manual as an operating limitation. This statement is useful information for the pilot, but is not appropriate as an operating limitation.

This proposal, together with the proposal for § 25.1585(d), would transfer the information concerning the meaning of the zero fuel indication from the operating limitations section of the Flight Manual to the operating procedures section.

Ref. Proposal 338; § 25.1583(g); Agenda Item H–60 (Committee II).

8–61. By adding new § 25.1585 (d) and (e) to read as follows:

§ 25.1585 Operating procedures.

* * * * *

(d) Information must be furnished which indicates that when the fuel quantity indicator reads "zero", any fuel remaining in the fuel tank cannot be safely used in flight.

(e) Information on the total quantity of usable fuel for each fuel tank must be furnished.

Explanation. For explanation of the proposal for § 25.1585(d), see the proposal for § 25.1583(g).

There is no current rule requiring that information on the total quantity of usable fuel for each fuel tank be furnished. Information on usable fuel quantity for the pilot would contribute to the safe operation of the airplane, and the proposal for § 25.1585(e) would require this information.

APPENDIX G

8–62. By adding a new Appendix G to Part 25 that would be substantively identical to the proposed new Appendix F to Part 23.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

8–63. By revising § 27.79(b)(2) to read as follows:

§ 27.79 Limiting height-speed envelope.

* * * * *

(b) * * *

(2) For multiengine helicopters, one engine inoperative (where engine isolation features ensure continued operation of the remaining engines), and the remaining engines at the greatest power for which certification is requested; and

* * * * *

Explanation. For multiengine helicopter with engine isolation features, the limiting height-speed envelope is demonstrated with one engine inoperative. Approval of a 2½-minute power rating or a 30-minute power rating for the engine would permit alternate power settings for demonstrating the limiting height-speed envelope. The proposed wording is similar to present § 29.79(b)(1). This proposal is related to the proposal for § 27.923 (concerning rotor drive system tests) contained in Airworthiness Review Notice No. 3 (Notice 75–19).

Ref. Proposal No. 348; § 27.79(b)(2); Agenda Item J–67 (Committee II).

§ 27.1529 [Amended]

8–64. By amending § 27.1529 in a manner substantively identical to that proposed for § 23.1529.

§ 27.1583 [Amended]

8–65. By deleting § 27.1583(f) and marking it "[Reserved]".

Explanation. See the proposal for § 25.1583.

§ 27.1585 [Amended]

8–66. By adding new §§ 27.1585 (d) and (e) that would be substantively identical to proposed §§ 23.1585 (e) and (f).

NOTE. Airworthiness Review Notice No. 6 (Notice 75–25) contains a proposal to add a new § 27.1585(c).

APPENDIX A

8–67. By adding a new Appendix A to Part 27 that would be substantively identical to the proposed new Appendix F to Part 23.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

8–68. By adding a semicolon and the word "and" at the end of § 29.75(b)(5); adding a new § 29.75(b)(6), and revising §§ 29.75(c)(2)(i) and (c)(2)(ii) to read as follows:

§ 29.75 Landing.

* * * * *

(b) * * *

(6) The horizontal distance required to land and come to a complete stop (or to a speed of approximately three knots for water landings), from a point 50 feet above the landing surface, must be determined from the approach and landing paths established in accordance with paragraphs (b)(2) through (b)(4) of this section.

(c) * * *

(2) * * *

(i) Paragraph (c)(1) of this section; or

(ii) Paragraphs (b)(2) through (b)(6) of this section.

Explanation. For category A rotorcraft, present § 29.75(b) requires that the approach, balked landing, and landing paths be established with one engine inoperative. There is no specific requirement, however, for determination of the horizontal distance required from the height of 50 feet above the landing surface. The FAA believes that the horizontal distance for landing would provide useful information for safe operations.

For multiengine category B rotorcraft that meet the powerplant installation requirements for category A, present § 29.75(c)(2) requires determination of a power-off horizontal distance to land from a height of 50 feet or, optionally, establishment of the approach, balked landing, and landing paths in accordance with the requirements applicable to category A rotorcraft. The proposal for § 29.75(c)(2)(ii) would require the determination of the horizontal landing distance proposed under § 29.75(b)(6), with one engine inoperative when the second option is chosen. The language of § 29.75(c)(2)(i) would be editorially changed to be consistent with proposed paragraph (c)(2)(ii).

A proposal for § 29.75 in Airworthiness Review Notice No. 2 [Notice No. 75–10], would delete "balked landing," from § 29.75(b)(2) since this requirement for establishing a balked landing path is set forth in § 29.77 and is applicable to category A rotorcraft only.

For category A and B rotorcraft, the landing distance would be furnished in the Rotorcraft Flight Manual under the present requirements of § 29.1587.

Ref. Proposal Nos. 890, 973; §§ 29.75, 29.1587; Agenda Items J–66, J–63, (Committee II).

§ 29.901 [Amended]

8–69. By adding a new § 29.901(d) that would be substantively identical to the proposed new § 25.901(d).

NOTE. Airworthiness Review Notice No. 3 (Notice 75–19) contains a proposal to add a new § 29.901(c).

8–70. By deleting § 29.923(1) and marking it "[Reserved]", by revising §§ 29.923 (a), (b), (c), (d), (e), (f), (h), (j), and (k), and by adding new § 29.923 (o) to read as follows:

V 40 134 JUL 11 75 XUM

§ 29.923 Rotor drive system and control mechanism tests.

(a) *Endurance tests; general.* Each rotor drive system and rotor control mechanism must be tested, as prescribed in paragraphs (b) through (h) of this section, for at least 200 hours plus the time required to meet paragraphs (b)(2) and (k) of this section. These tests must be conducted as follows:

(1) Ten-hour test cycles must be used.

(2) The tests must be conducted on the rotorcraft.

(3) The test torque must be—

(i) Determined by the powerplant limitations; and

(ii) Absorbed by the actual rotors to be installed.

(b) *Endurance tests; takeoff torque run.* The takeoff torque run endurance test must be conducted as follows:

(1) Except as prescribed in paragraph (b)(2) of this section, the takeoff torque run must consist of 1 hour of alternate runs of 5 minutes at the torque corresponding to takeoff power and speed, and 5 minutes at as low an engine idle speed as practicable. The engine must be declutched from the rotor drive system, and the rotor brake, if furnished and so intended, must be applied during the first minute of the idle run. During the remaining 4 minutes of the idle run, the clutch must be engaged so that the engine drives the rotors at the minimum practical r.p.m. Acceleration of the engine and the rotor drive system must be done at the maximum rate. When declutching the engine, it must be decelerated rapidly enough to allow the operation of the overrunning clutch.

(2) For helicopters for which the use of $2\frac{1}{2}$-minute power is requested, the takeoff torque run must be conducted as prescribed in paragraph (b)(1) of this section, except for the third and sixth run for which the torque corresponding to takeoff power and speed is prescribed in that paragraph. For these two takeoff torque runs, the following apply:

(i) Each run must consist of at least one period of $2\frac{1}{2}$ minutes with the torque corresponding to takeoff power and speed on all engines.

(ii) Each run must consist of at least one period, for each engine in sequence, during which that engine simulates a power failure and the remaining engines are run at the torque corresponding to $2\frac{1}{2}$-minute power and speed for $2\frac{1}{2}$ minutes.

(c) *Endurance tests; maximum continuous run.* Three hours of continuous operation at the torque corresponding to maximum continuous power and speed must be conducted as follows:

(1) The main rotor controls must be operated at a minimum of 15 times each hour through the main rotor pitch positions of maximum vertical thrust, maximum forward thrust component, maximum aft thrust component, maximum left thrust component, and maximum right thrust component, except that the control movements need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight.

(2) The directional controls must be operated at a minimum of 15 times each hour through the control extremes of maximum right turning torque, neutral torque as required by the power applied to the main rotor, and maximum left turning torque.

(3) Each maximum control position must be held for at least 10 seconds, and the rate of change of control position must be at least as rapid as that for normal operation.

(d) *Endurance tests; 90 percent of maximum continuous run.* One hour of continuous operation at the torque corresponding to 90 percent of maximum continuous power must be conducted at maximum continuous speed.

(e) *Endurance tests; 80 percent of maximum continuous run.* One hour of continuous operation must be conducted at the torque corresponding to 80 percent of maximum continuous power and minimum speed intended for this power.

(f) *Endurance tests; 60 percent of maximum continuous run.* Two hours, or, for helicopters for which the use of 30-minute power is requested, 1 hour of continuous operation at the torque corresponding to 60 percent of maximum continuous power must be conducted at the minimum rotational speed intended for this power.

* * * * *

(h) *Endurance tests; overspeed run.* One hour of continuous operation must be conducted at the torque corresponding to maximum continuous power and at the maximum rotational speed expected in service, assuming that speed and torque limiting devices, if any, function properly.

* * * * *

(j) *Endurance tests; clutch and brake engagements.* A total of at least 400 clutch and brake engagements, including the engagements of paragraph (b) of this section, must be made during the takeoff torque runs and, if necessary, at each change of torque and speed throughout the test. In each clutch engagement, the shaft on the driven side of the clutch must be accelerated from rest. The clutch engagements must be accomplished at the speed and by the method prescribed by the applicant. During deceleration after each clutch engagement, the engines must be stopped rapidly enough to allow the engines to be automatically disengaged from the rotors and rotor drives. If a rotor brake is installed for stopping the rotor, the clutch, during brake engagements, must be disengaged above 40 percent of maximum continuous rotor speed and the rotors allowed to decelerate to 40 percent of maximum continuous rotor speed, at which time the rotor brake must be applied. If the clutch design does not allow stopping the rotors with the engine running, or if no clutch is provided, the engine must be stopped before each application of the rotor brake, and then immediately be started after the rotors stop.

(k) *Endurance tests; 30-minute torque run.* For helicopters for which the use of 30-minute power is requested, a run at the torque corresponding to 30-minute power and speed must be conducted as follows:

(1) For each engine, in sequence, that engine must be inoperative and the remaining engines must be run for a 30-minute period.

(2) The number of periods prescribed in paragraph (k)(1) of this section may not be less than the number of engines, nor may it be less than two.

* * * * *

(o) Each part tested as prescribed in this section must be in a serviceable condition at the end of the tests. No intervening disassembly which might affect test results may be conducted.

Explanation. The endurance test requirement would be revised to reference torque inputs to the rotor drive system rather than power inputs because torque is a more meaningful term. In addition, paragraphs (e), (f), and (h) would be revised to provide for more realistic torque conditions during the required tests and a provision similar to current § 27.923(a) with the revision proposed for that paragraph in Airworthiness Review Notice No. 3 (Notice 75–19) would be added to clarify the Part 29 rule. Finally, the overspeed test requirement of § 29.923(1) would be revised and placed in § 29.927.

Ref. Proposal No. 923; § 29.923; Agenda Item M–65 (Committee IV).

8–71. By revising § 29.927(b), and adding new §§ 29.927 (d) and (e) to read as follows:

§ 29.927 Additional tests.

* * * * *

(b) If turbine engine torque output to the transmission can exceed the highest engine or transmission torque limit, and that output is not directly controlled by the pilot under normal operating conditions (such as where the primary engine power control is accomplished through the flight control), the following test must be made:

(1) Under conditions associated with all engines operating, make 200 applications, for 10 seconds each, of torque that is at least equal to the lesser of—

(i) The maximum torque used in meeting § 29.923 plus 10 percent; or

(ii) The maximum torque attainable under probable operating conditions, assuming that torque limiting devices, if any, function properly.

(2) For multiengine rotorcraft under conditions associated with each engine, in turn, becoming inoperative, apply to the remaining transmission torque inputs the maximum torque attainable under probable operating conditions, assuming that torque limiting devices, if any, function properly. Each transmission input must be tested at this maximum torque for at least one hour.

* * * * *

(d) *Overspeed test.* After completion of the 200-hour tie-down test, and without intervening major disassembly, the rotor drive system must be subjected to

50 overspeed runs, each 30±3 seconds in duration at a speed of at least 120 percent of maximum continuous speed. These runs must be conducted as follows:

(1) Overspeed runs must be alternated with stabilizing runs of from 1 to 5 minutes duration each at 60 to 80 percent of maximum continuous speed.

(2) Acceleration and deceleration must be accomplished in a period not longer than 10 seconds, and the time for changing speeds may not be deducted from the specified time for the overspeed runs.

(3) Overspeed runs must be made with the rotors in the flattest pitch for smooth operation.

(e) The tests prescribed in paragraphs (b) and (d) of this section must be conducted on the rotorcraft and the torque must be absorbed by the rotors to be installed, except that other ground or flight test facilities with other appropriate methods of torque absorption may be used if the conditions of support and vibration closely simulate the conditions that would exist during a test on the rotorcraft.

Explanation. The section would be revised to reference torque inputs to the transmission rather than power inputs since torque is the more meaningful term. The overspeed test prescribed in § 29.923(1) would be revised and transferred to § 29.927, and designated as paragraph (d), and § 29.927(b)(3) would be redesignated as paragraph (e) and revised to apply to paragraphs (b) and (d). Airworthiness Review Notice No. 3 (Notice 75–19) contains a proposal to add a new § 29.927(c).

Ref. Proposal No. 924; § 29.927; Agenda Item M–65 (Committee IV).

8–72. By revising §§ 29.1091 (a), (b), and (f)(1) to read as follows:

§ 29.1091 Air induction.

(a) The air induction system for each engine and auxiliary power unit must supply the air required by that engine and auxiliary power unit under the operating conditions for which certification is requested.

(b) Each engine and auxiliary power unit air induction system must provide air for proper fuel metering and mixture distribution with the induction system valves in any position.

* * * * *

(f) For turbine engine powered rotorcraft and rotorcraft incorporating auxiliary power units—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine or auxiliary power unit intake system; and

* * * * *

Explanation. The proposal would revise the air induction requirements of §§ 20.1091 (a), (b), and (f) to make those provisions applicable to auxiliary power units. The proposal would ensure an adequate supply of inlet air to the APU and would require for the APU the provision of air for proper fuel metering and mixture distribution. The proposal would also protect the APU from the intake of flammable fluids. This proposal is similar to the proposal for § 25.1091 in Airworthiness Review Notice No. 3 (Notice 75–19).

8–73. By revising §§ 29.1103 (a) and (d), and adding new §§ 29.1103 (e) and (f) to read as follows:

§ 29.1103 Induction system ducts.

(a) Each induction system duct upstream of the first stage of the supercharger and of the auxiliary power unit compressor must have a drain to prevent the hazardous accumulation of fuel and moisture in the ground attitude. No drain may discharge where it might cause a fire hazard.

* * * * *

(d) Each duct within any fire zone for which a fire-extinguishing system is required must be at least—

(1) Fireproof, if it passes through any firewall; or

(2) Fire resistant, for other ducts, except that ducts for auxiliary power units must be fireproof within the auxiliary power unit fire zone.

(e) Each auxiliary power unit induction system duct must be fireproof for a sufficient distance upstream of the auxiliary power unit compartment to prevent hot gas reverse flow from burning through auxiliary power unit ducts and entering any other compartment or area of the rotorcraft in which a hazard would be created resulting from the entry of hot gases.

(f) Each auxiliary power unit induction system duct must be constructed of materials that will not absorb flammable fluids that could be ignited in the event of a surge or reverse flow condition. The materials used to form the inlet duct and plenum chamber of the auxiliary power unit must be capable of resisting the maximum heat conditions likely to occur.

Explanation. See the proposal for § 25.1103.

§ 29.1142 [New]

8–74. By adding a new § 29.1142 that would be substantively identical to the proposed new § 25.1142.

8–75. By adding a new § 29.1195(d) to read as follows:

§ 29.1195 Fire extinguishing systems.

* * * * *

(d) It must be shown by either actual or simulated flight tests that under critical airflow conditions the discharge of the extinguishing agent in each designated fire zone will provide an agent concentration capable of extinguishing any fire in that zone and preventing reignition.

Explanation. See the proposal for § 25.1195.

§ 29.1522 [New]

8–76. By adding a new § 29.1522 that would be substantively identical to the proposed new § 25.1522.

§ 29.1529 [Amended]

8–77. By amending § 29.1529 in a manner substantively identical to that proposed for § 23.1529.

§ 29.1583 [Amended]

8–78. By deleting § 29.1583(g) and marking it "[Reserved]".

Explanation. See the proposal for § 25.1583.

§ 29.1585 [Amended]

8–79. By adding new §§ 29.1585(d) and (e) that would be substantively identical to proposed §§ 23.1585 (e) and (f).

Note. Airworthiness Review Notice No. 6 (Notice 75–25) contains a proposal to add a new § 29.1585(c).

APPENDIX A

8–80. By adding a new Appendix A to Part 29 that would be substantively identical to the proposed new Appendix F to Part 23.

PART 31—AIRWORTHINESS STANDARDS: MANNED FREE BALLOONS

8–81. By adding a new § 31.12 to read as follows:

§ 31.12 Proof of compliance.

(a) Each requirement of this subpart must be met at each weight within the range of loading conditions for which certification is requested. This must be shown—

(1) By tests upon a balloon of the type for which certification is requested or by calculations based on, and equal in accuracy to, the results of testing; and

(2) By systematic investigation of each weight, if compliance cannot be reasonably inferred from the weights investigated.

(b) Except as provided in § 31.17(b), allowable weight tolerances during flight testing are +5% and −10%.

Explanation. The proposal would add general requirements similar to those in the other airworthiness parts, thereby providing for standardized application of the airworthiness requirements for balloons.

Ref. Proposal No. 974; § 31.11; Agenda Item M–32 (Committee I).

8–82. By adding a new § 31.16 to read as follows:

§ 31.16 Empty weight.

The empty weight must be determined by weighing the balloon with installed equipment but without lifting gas or heater fuel.

Explanation. Airworthiness Review Notice No. 2 (Notice 75–10) contains a proposal to require that the balloon maximum weight be provided to the balloon pilot. By providing empty weight as well, the balloon pilot can check his weight calculations to assure that the maximum weight is not exceeded.

Ref. Proposal No. 979; § 31.16; Agenda Item M–35 (Committee I).

8–83. By adding a new § 31.17 to read as follows:

V40134 JUL 11 75 XUM

§ 31.17 Performance: climb.

(a) Each balloon must be capable of climbing 300 feet in the first minute after takeoff with a steady rate of climb. Compliance with the requirements of this section must be shown at each altitude and ambient temperature for which approval is sought.

(b) Compliance with the requirements of paragraph (a) of this section must be shown at the maximum weight with a weight tolerance of +5%.

Explanation. The proposal would establish a climb standard for balloons. A related proposal for § 31.81 would require the actual performance information to be furnished to the operator, including the climb data determined under proposed § 31.17. Such information would be useful to the pilot in determining his flight path, especially when there are obstacles to consider.

Ref. Proposal No. 975; § 31.12; Agenda Item M–33 (Committee I).

8–84. By adding a new § 31.19 to read as follows:

§ 31.19 Performance: uncontrolled descent.

(a) The following must be determined for the most critical uncontrolled descent that can result from any single failure of the heater assembly, fuel cell system, gas valve system, or maneuvering vent system, or from any single tear in the balloon envelope between tear stoppers:

(1) The maximum vertical velocity attained.

(2) The altitude loss from the point of failure to the point at which maximum vertical velocity is attained.

(3) The altitude required to achieve level flight after corrective action is initiated, with the balloon descending at the maximum vertical velocity determined in paragraph (a)(1) of this section.

(b) Procedures must be established for landing at the maximum vertical velocity determined in paragraph (a)(1) of this section and for arresting that descent rate in accordance with paragraph (a)(3) of this section.

Explanation. The proposal would require determination of certain performance characteristics associated with uncontrolled descent, and establishment of procedures for landing in that circumstance. This information would be presented to the pilot on placards or in the balloon flight manual, under proposed § 31.81.

Ref. Proposal No. 976; § 31.13; Agenda Item M–34 (Committee I).

§ 31.27 [Amended]

8–85. By amending § 31.27(c) by deleting the second sentence, by deleting the word "concrete" in the third sentence, and by deleting the last sentence and inserting the following in place thereof: "A drop test height of 36 inches, or a drop test height that produces, upon impact, a velocity equal to the maximum vertical velocity determined in accordance with § 31.19, whichever is higher, must be used."

Explanation. The operating environment of balloons is such that they land infrequently on concrete surfaces. By deleting the word "concrete," the surface used in showing compliance with (c) would be more representative of service conditions.

Present § 31.27(c) allows a drop test of the balloon basket from a height of 36 inches, in the absence of a rational analysis. Since the vertical velocity attained in a 36-inch drop may be less than that attained in an uncontrolled descent, it is proposed to allow the use of a drop test height of either 36 inches, or the height that will produce on impact a velocity equal to the maximum vertical velocity determined in accordance with § 31.19, whichever is higher. This velocity could be the impact velocity.

Ref. Proposal Nos. 981, 413, §§ 31.27, 31.27(c); Agenda Item M–36 (Committee I).

8–86. By revising §§ 31.65 (a), (b), and (c) and adding a new § 31.65(e), to read as follows:

§ 31.65 Position lights.

(a) If position lights are installed, there must be one steady aviation white position light and one flashing aviation red (or flashing aviation white) position light with an effective flash frequency of at least 40, but not more than 100, cycles per minute.

(b) Each light must provide 360° horizontal coverage at the intensities prescribed in this paragraph. The following light intensities must be determined with the light source operating at a steady state and with all light covers and color filters in place and at the manufacturer's rated minimum voltage. For the flashing aviation red light, the measured values must be adjusted to correspond to a red filter temperature of at least 130°F:

(1) The intensities in the horizontal plane passing through the light unit must equal or exceed the following values:

Position light:	*Minimum intensity (candles)*
Steady white	20
Flashing red or white	40

(2) The intensities in vertical planes must equal or exceed the following values. An intensity of one unit corresponds to the applicable horizontal plane intensity specified in paragraph (b)(1) of this section.

Angles above and below the horizontal in any vertical plane (degrees):	*Minimum intensity (units)*
0	1.00
0 to 5	0.90
5 to 10	0.80
10 to 15	0.70
15 to 20	0.50
20 to 30	0.30
30 to 40	0.10
40 to 60	0.05

(c) The steady white light must be located not more than 20 feet below the basket, trapeze, or other means for carrying occupants. The flashing red or white light must be located not less than 7, nor more than 10, feet below the steady white light.

* * * * *

(e) Each position light color must have the applicable International Commission on Illumination chromaticity coordinates within the limits specified in § 23.1397 of this chapter.

Explanation. The proposal would update the position light standards in present § 31.65 and express them in language that is consistent with related standards in other airworthiness parts. Specifically—

(1) The color prescribed for the flashing light would be changed from red to (optionally) aviation red or aviation white;

(2) The color prescribed for the steady light would be changed from white to aviation white;

(3) Color specifications for both aviation red and aviation white would be added; and

(4) The phrase "visible for at least two miles" would be replaced by appropriate standards.

Ref. Proposal No. 987; § 31.65; Agenda Item M–39 (Committee I).

8–87. By revising § 31.71 to read as follows:

§ 31.71 Function and installation.

(a) Each item of installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be permanently and legibly marked or, if the item is too small to mark, tagged as to its identification, function, and operating limitations;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) No item of installed equipment, when performing its function, may affect the function of any other equipment so as to create an unsafe condition.

(c) The equipment, systems, and installations must be designed to prevent hazards to the balloon in the event of a probable malfunction or failure.

Explanation. The proposal would bring the standards in present § 31.71 in line with similar standards in the other aircraft airworthiness parts. It is noted that proposed paragraph (c) would require that only *probable* malfunctions or failures be considered, in contrast to present paragraph (c). Proposed paragraph (a)(2) would add a requirement that equipment be marked (or tagged, if too small) as to its identification, function, and operating limitations. A similar provision appears in other aircraft airworthiness parts, and is equally applicable to balloons.

Ref. Proposal No. 988; § 31.71; Agenda Item M–40 (Committee I).

8–88. By revising § 31.81 to read as follows:

§ 31.81 General.

(a) The following information must be established:

(1) Each operating limitation, including the maximum weight determined under § 31.14.

(2) The normal and emergency procedures.

(3) Other information necessary for safe operation, including—

(i) The empty weight determined under § 31.16;

(ii) The rate of climb determined under § 31.17, and the procedures and conditions used to determine performance;

(iii) The maximum vertical velocity, the altitude drop required to attain that velocity, and the altitude required to recover from a descent at that velocity, determined under § 31.19, and the procedures and conditions used to determine performance; and

(iv) Pertinent information peculiar to the balloon's operating characteristics.

(b) The operating limitations and other information necessary for safe operation must be furnished by means of—

(1) A Balloon Flight Manual; or

(2) A placard on the balloon that is clearly visible to the operator.

Explanation. The proposal would restructure the language in the present regulation and would require certain additional information in paragraph (a)(3) to be furnished, including new performance information. The additional performance information would be determined under proposed amendments to §§ 31.16, 31.17 and 31.19 in this notice, and § 31.14 in Airworthiness Review Notice No. 2 (Notice 75–10).

Ref. Proposal No. 989; § 31.81; Agenda Item M–34 (Committee I).

8–89. By adding a new § 31.82 to read as follows:

§ 31.82 Instructions for Continued Airworthiness.

The applicant must prepare Instructions for Continued Airworthiness in accordance with Appendix A to this part that are acceptable to the Administrator.

Explanation. This proposal would require the preparation of comprehensive maintenance instructions that would be made available upon delivery of each aircraft. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

8–90. By revising § 31.85(b)(1) to read as follows:

§ 31.85 Required basic equipment.

* * * * *

(b) * * *

(1) A fuel quantity gage. If fuel cells are used, means must be incorporated to indicate to the crew the quantity of fuel in each cell during flight. The means must be calibrated in appropriate units.

* * * * *

Explanation. This proposal would incorporate standards for a fuel quantity indicator for each fuel cell.

Ref. Proposal No. 982; § 31.45; Agenda Item M–37 (Committee I).

8–91. By adding a new Appendix A to Part 31 to read as follows:

APPENDIX A—INSTRUCTIONS FOR CONTINUED AIRWORTHINESS

A 31.1 General. (a) This appendix specifies requirements for the preparation of Instructions for Continued Airworthiness as required by § 31.82.

(b) The Instructions for Continued Airworthiness must include the Instructions for Continued Airworthiness for all balloon parts and any required information relating to the interface of those parts with the balloon. If Instructions for Continued Airworthiness do not exist for a balloon part, the Instructions for Continued Airworthiness for the balloon must include the information that would be contained in such instructions if they were to exist.

(c) The applicant must submit to the FAA a program to show how changes to the Instructions for Continued Airworthiness made by the applicant or by the manufacturers of balloon parts will be distributed.

A 31.2 Format. The Instructions for Continued Airworthiness must be in the form of a manual or manuals, as appropriate for the quantity of data to be provided.

A 31.3 Content. The contents of the manual or manuals must be prepared to be understood by the persons who will be responsible for maintaining the balloon. The Instructions for Continued Airworthiness must contain the following information:

(a) Introduction information that includes an explanation of the manual or manuals contents.

(b) A description of the balloon and its systems and installations.

(c) Control and operation information for the balloon and its components and systems.

(d) Servicing information that covers details regarding servicing of balloon components, including burner nozzles, fuel tanks and valves, during operations.

(e) Maintenance information for each part of the balloon and its envelope, controls, rigging, basket structure, fuel system, instruments, and heater assembly that provides the recommended periods at which they should be cleaned, adjusted, tested, and lubricated, and the degree of work recommended at these periods. In addition, the applicant must include an inspection program to provide for the continued airworthiness of the balloon.

(f) Troubleshooting information describing typical malfunctions that could occur, how to recognize those malfunctions, and the remedial action for those malfunctions.

(g) Details of what, and how, to inspect after a hard landing.

(h) Instructions for storage preparation including any storage limits.

(i) Repair instructions including the following:

(1) Temporary repair information that includes details of repairs of a temporary nature that are permitted and any restrictions that should apply until a permanent repair is made.

(2) Permanent repair information.

(3) Checking and testing information describing details of checks, tests and adjustments necessary after repairs.

A 31.4 Airworthiness limitations section. The Instructions for Continued Airworthiness must contain a section, titled "Airworthiness Limitations," that is segregated and clearly distinguishable from the rest of the document. That section must set forth each mandatory replacement time, inspection interval, and related procedure established during certification for the balloon or any part thereof. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The 'Airworthiness Limitations' section is FAA-approved and it specifies inspections and other maintenance required under §§ 43.16 and 91.163 of the Federal Aviation Regulations."

Explanation. This proposal would provide standards for the preparation of comprehensive maintenance instructions that would be made available at the delivery of each balloon. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 33—AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES

8–92. By adding a new § 33.4 to read as follows:

§ 33.4 Instructions for Continued Airworthiness.

The applicant must prepare and complete, prior to the issuance of a type certificate, Instructions for Continued Airworthiness in accordance with Appendix A to this part that are acceptable to the Administrator.

Explanation. This proposal would require the preparation of comprehensive maintenance instructions that would be made available upon delivery of each engine. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

8–93. By deleting §§ 33.5 (c), (d), and (e) and revising the lead in and heading of § 33.5 to read as follows:

§ 33.5 Instruction manual for installing and operating the engine.

Each applicant must prepare and make available to the Administrator prior to the issuance of the type certificate and to the owner at the time of delivery of the engine, approved instructions for installing and operating the engine. The instructions must include at least the following:

* * * * *

Explanation. This proposal would delete from § 33.5 the requirements for servicing and maintaining the engine. These requirements would be placed in a new § 33.4 as part of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those instructions. In addition,

V40134 JUL 11 75 XUM

the proposal would make it clear that these instructions are approved.

Ref. See the proposal for § 21.31.

8–94. By adding a new § 33.6 to read as follows:

§ 33.6 Engine power and thrust ratings: definitions.

As used with respect to engine type certification, the following definitions apply:

(a) "Rated maximum continuous augmented thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under this part, and approved for unrestricted periods of use.

(b) "Rated maximum continuous power", with respect to reciprocating, turbopropeller, and turboshaft engines, means the approved brake horsepower that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under this part, and approved for unrestricted periods of use.

(c) "Rated maximum continuous thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under this part, and approved for unrestricted periods of use.

(d) "Rated takeoff augmented thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under this part, and limited in use to periods of not over 5 minutes for takeoff operation.

(e) "Rated takeoff power", with respect to reciprocating, turbopropeller, and turboshaft engines, means the approved brake horsepower that is developed statically under standard sea level conditions, within the engine operating limitations established under this part, and limited in use to periods of not over—

(1) For reciprocating and turboshaft engines, 5 minutes; and

(2) For turbopropeller engines—

(i) Five minutes for normal takeoff operations; and

(ii) Ten minutes for one-engine-inoperative takeoff operations, under the operating conditions specified in §§ 23.1521(a) and 25.1521(a) of this chapter.

(f) "Rated takeoff thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically under standard sea level conditions, within the operating limitations established under this part, and limited in use to periods of not over—

(1) Five minutes for normal takeoff operations; and

(2) Ten minutes for one-engine-inoperative takeoff operations, under the operating conditions specified in §§ 23.1521(a) and 25.1521(a) of this chapter.

(g) Rated "30-minute power", with respect to helicopter turbine engines, means the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet.

(h) Rated "2½-minute power", with respect to helicopter turbine engines, means the brake horsepower, developed statically in standard atmosphere at sea level, or at a specified altitude, for one-engine-out operation of multiengine helicopters for 2½ minutes at rotor shaft rotational speed and gas temperature established for this rating.

Explanation. See the proposal for § 1.1. This proposal would also provide for the approval of rated takeoff thrust for turbojet engines and rated takeoff power for turbopropeller engines for use for periods of not over 10 minutes during one-engine-inoperative takeoffs under the conditions specified in the proposals for §§ 23.1521 and 25.1521. The FAA believes that the endurance test for turbine engines provides adequate assurance that under the circumstances in which the thrust or power approved for takeoff could be utilized for an extended period under proposed §§ 25.1521 and 23.1521, the engine will function properly and will provide the pilot an added margin of safety. The proposal would permit a weight credit for the approved extended usage for purposes of determining performance information under the airplane certification rules.

Ref. Proposal Nos. 9, 423, and 149; Part I, 25, and 33; Agenda Items B–4, B–5, and B–6 (Committee IV).

8–95. By redesignating § 33.19 as § 33.19(a) and adding a new § 33.19(b) to read as follows:

§ 33.19 Durability.

* * * * *

(b) Each component of the propeller blade pitch control system which is a part of the engine type design must meet the requirements of § 35.42 of this chapter.

Explanation. See the proposal for § 35.42.

8–96. By revising the heading of § 33.65, redesignating § 33.65 as § 33.65(a), and adding new §§ 33.65 (b), (c), and (d) to read as follows:

§ 33.65 Surge and stall, acceleration, deceleration, and flameout characteristics.

* * * * *

(b) The engine must be investigated to determine the effects of variations and rates of change of air flow and the acceleration and deceleration fuel flow schedules on—

(1) The susceptibility of the engine to surge and stall;

(2) The severity of the surge and stall if it occurs; and

(3) The acceleration, deceleration, and flameout characteristics of the engine.

The investigation must be based on test, analysis, or both.

(c) In determining the range of transients to be considered under paragraph (b) of this section, the effects of the following factors must be considered:

(1) Engine operating parameter variations including turbine inlet temperature and compressor pressure ratio variations.

(2) Engine production and service tolerances.

(3) Engine deterioration including the effects of wear, erosion, nick blending, contamination, and deformation.

(4) Engine operating environments, including the effects of ambient temperature and altitude variations, crosswinds, the icing conditions of Appendix C of Part 25 of this chapter, and rain ingestion.

(d) Based on the investigation required by paragraph (b) of this section, numerical values must be established in terms of parameters selected by the applicant for variations and rates of change of air flow and the acceleration and deceleration fuel flow schedules to indicate, under the most critical operating conditions expected in service, the margins that exist with respect to surge and stall, the engine steady state operation line, and the engine flameout fuel flow limit.

Explanation. See the explanation for § 25.939.

Ref. Proposal No. 995; § 33.65; Agenda Item B–3 (Committee I).

8–97. By adding a new Appendix A to Part 33 to read as follows:

APPENDIX A INSTRUCTIONS FOR CONTINUED AIRWORTHINESS

A 33.1 General. (a) This appendix specifies requirements for the preparation of Instructions for Continued Airworthiness as required by § 33.4.

(b) The Instructions for Continued Airworthiness must include the Instructions for Continued Airworthiness for all engine parts. If Instructions for Continued Airworthiness do not exist for an engine part, the Instructions for Continued Airworthiness for the engine must include the information that would be contained in such instructions if they were to exist.

(c) The applicant must submit to the FAA a program to show how changes to the Instructions for Continued Airworthiness made by the applicant or by the manufacturers of engine parts will be distributed.

A 33.2 Format. (a) The Instructions for Continued Airworthiness must be in the form of a manual or manuals as appropriate for the quantity of data to be provided.

(b) The format of the manual or manuals must provide for a practical arrangement (such as that used in the Air Transportation Association of America Specification No. 100. "Specifications for Manufacturers' Technical Data").

A 33.3 Content. The contents of the manual or manuals must be prepared to be understood by the persons who will be responsible for maintaining the engine. The Instructions for Continued Airworthiness must contain the following manuals or sections, as appropriate, and information:

(a) *Engine Maintenance Manual or Section.* (1) Introduction information that includes a brief explanation of the engine's features and data of general interest.

(2) A detailed description of the engine and its components, systems, and installations.

(3) Installation instructions including proper procedures for uncrating, deinhibiting, acceptance checking, lifting, and attaching accessories with any necessary checks.

(4) Operating information describing how the engine components, systems, and installations operate and information describing the methods of starting, running, testing, and stopping the engine and its parts including any special procedures and limitations that apply.

(5) Servicing information that covers details regarding servicing points, capacities of tanks, reservoirs, types of fluids to be used, and pressures applicable to the various systems, and the locations of lubrication points, the lubricants to be used, and equipment required for servicing.

(6) Scheduling information for each part of the engine that provides the recommended periods at which it should be cleaned, inspected, adjusted, tested, and lubricated, and the degree of inspection and work recommended at these periods. The recommended overhaul periods and necessary cross-references to the "Airworthiness Limitations" section of the manual must also be included. In addition, the applicant must include an inspection program to provide for the continued airworthiness of the engine.

(7) Troubleshooting information describing typical malfunctions that could occur, how to recognize those malfunctions, and the remedial action for those malfunctions.

(8) Removal and assembly information describing the order and method of removing the engine and its parts and replacing parts with any necessary precautions to be taken during such removal and assembly. Instructions for proper ground handling, crating, and shipping must also be included.

(9) A list of the tools and equipment necessary for maintenance and directions as to their method of use.

(b) *Engine Overhaul Manual or Section.* (1) Disassembly information including the order and method of disassembly for overhaul.

(2) Cleaning and inspection instructions that cover the materials and apparatus to be used and methods and precautions to be taken during overhaul. Methods of overhaul inspection must also be included.

(3) Details of all fits and clearances relevant to overhaul.

(4) Details of repair methods for worn or otherwise substandard parts and components along with information necessary to determine when replacement is necessary.

(5) The order and method of assembly at overhaul.

(6) Instructions for testing after overhaul.

(7) Instructions for storage preparation including any storage limits.

(8) A list of tools needed for overhaul.

A 33.4 Airworthiness limitations section. (a) The Instructions for Continued Airworthiness must contain a section, titled "Airworthiness Limitations", that is segregated and clearly distinguishable from the rest of the document. That section must set forth each mandatory replacement time, inspection interval, and related procedure established during certification for the engine or any part thereof. If the Instructions for Continued Airworthiness consist of multiple documents, the section required by this paragraph must be included in the principal manual. This section must contain a legible statement in a prominent location that reads: "The 'Airworthiness Limitations' section is FAA-approved and it specifies inspections and other maintenance required under §§ 43.16 and 91.163 of the Federal Aviation Regulations."

Explanation. This proposal would provide standards for the preparation of comprehensive maintenance instructions for each engine. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 35—AIRWORTHINESS STANDARDS; PROPELLERS

8–98. By revising § 35.3, including its heading to read as follows:

§ 35.3 Instruction manual for installing and operating the propeller.

Each applicant must prepare and make available an approved manual or manuals containing instructions for installing and operating the propeller.

Explanation. This proposal would delete from §35.3 the requirements for servicing and maintaining the propeller. These requirements would be placed in a new § 35.4 as part of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those instructions.

Ref. See the proposal for § 21.31.

8–99. By adding a new § 35.4 to read as follows:

§ 35.4 Instructions for Continued Airworthiness.

The applicant must prepare and complete, prior to the issuance of a type certificate, Instructions for Continued Airworthiness in accordance with Appendix A to this part that are acceptable to the Administrator.

Explanation. This proposal would require the preparation of comprehensive maintenance instructions that would be made available upon delivery of each propeller. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

8–100. By revising § 35.5 to read as follows:

§ 35.5 Propeller operating limitations.

Propeller operating limitations are established by the Administrator, are included in the propeller type certificate data sheet specified in § 21.41 of this chapter, and include limitations based on the operating conditions demonstrated during the tests required by this part and any other information found necessary for the safe operation of the propeller.

Explanation. The proposal would revise § 35.5 to make it consistent with § 33.7(a) in Amendment 33–6. The revised section would more clearly indicate the basis for operating limitations and where they are contained.

Ref. Proposal No. 428; § 35.5; Agenda Item P–81 (Committee IV).

8–101. By revising the heading of § 35.23 and adding a new § 35.23(c) to read as follows:

§ 35.23 Pitch control and indication.

* * * * *

(c) Each propeller approved for installation on a turbopropeller engine must incorporate a provision for an indicator to indicate that the propeller blade angle is below the flight low pitch position. The provision must directly sense the blade position and be arranged to cause an indicator to indicate that the blade angle is below the flight low pitch position before the blade moves more than eight degrees below the flight low pitch stop.

Explanation. Parts 23 and 25 require a position indicating means for each turbopropeller blade to indicate to the flight crew when the propeller blade angle is below the flight low pitch position. Part 25 requires the indicator to begin indicating before the blade moves more than eight degrees below the flight low pitch stop. Both parts require that the source of indication directly sense the blade position. Propeller modification could be necessary to achieve compliance with the blade position indicating requirement of Parts 23 and 25. The proposal is intended to obviate the need for such a modification in cases in which the propeller as type certificated is intended for installation on a turbopropeller engine.

See the proposal for § 23.1305.

8–102. By revising § 35.37, including its heading, to read as follows:

§ 35.37 Fatigue limit tests.

A fatigue evaluation must be made, and the fatigue limits determined for each metallic chub and blade and each primary load carrying metal component of nonmetallic blades. The fatigue evaluation must include consideration of all reasonably foreseeable vibration load patterns. The fatigue limits must incorporate reduction factors that account for the permissible service deterioration (such as nicks, grooves, galling, bearing wear, and variations in material properties) specified in the documentation provided in accordance with § 35.4.

Explanation. Certain blade tip failures could be eliminated if a fatigue evaluation of hubs and blades would be made taking into consideration the occurrence of typical service damage and variation in material properties. The proposal would provide for such an evaluation.

Ref. Proposal No. 998; § 35.39; Agenda Item P–87 (Committee IV).

8–103. By adding a new § 35.42 to read as follows:

V 40 134 JUL 11 75 XUM

§ 35.42 Blade pitch control system component test.

The following durability requirements apply to propeller blade pitch control system components:

(a) Except as provided in paragraph (b) of this section, each propeller blade pitch control system component, including governors, pitch change assemblies, pitch locks, mechanical stops, and feathering system components, must be subjected in bench tests to cyclic loadings that simulate in frequency and amplitude those to which the component would be subjected to during 1000 hours of propeller operation.

(b) Compliance with paragraph (a) may be shown by a rational analysis based on the results of bench tests on similar components.

Explanation. The FAA believes that test requirements for propeller blade pitch control system components are needed to show that these components have an adequate durability.

Ref. Proposal No. 434; § 35.36; Agenda Item P–85 (Committee IV).

8–104. By adding a new Appendix A to Part 35 to read as follows:

APPENDIX A—INSTRUCTIONS FOR CONTINUED AIRWORTHINESS

A 35.1 General. (a) This appendix specifies requirements for the preparation of Instructions for Continued Airworthiness as required by § 35.4.

(b) The Instructions for Continued Airworthiness must include the Instructions for Continued Airworthiness for all propeller parts. If Instructions for Continued Airworthiness do not exist for a propeller part, the Instructions for Continued Airworthiness for the propeller must include the information that would be contained in such instructions if they were to exist.

(c) The applicant must submit to the FAA a program to show how changes to the Instructions for Continued Airworthiness made by the applicant or by the manufacturers of propeller parts will be distributed.

A 35.2 Format. (a) The Instructions for Continued Airworthiness must be in the form of a manual.

(b) The format of the manual must provide for a practical arrangement (such as that used in the Air Transportation Association of America Specification No. 100, "Specification for Manufacturers' Technical Data").

A 35.3 Content. The contents of the manual must be prepared to be understood by the persons who will be responsible for maintaining the propeller. The "Instructions for Continued Airworthiness" must contain the following sections and information:

(a) *Propeller Maintenance Section.* (1) Introduction information that includes an explanation of the propeller's features.

(2) A detailed description of the propeller and its systems and installations.

(3) Control and operation information describing how the propeller components and systems are controlled, and how they operate, including any special procedures that apply.

(4) Instructions for uncrating, acceptance checking, lifting, and installing the propeller.

(5) Instructions for propeller operational checks.

(6) Scheduling information for each part of the propeller that provides the recommended periods at which it should be cleaned, adjusted, and tested and the degree of work recommended at these periods. The recommended overhaul periods and necessary cross-references to the "Airworthiness Limitations" section of the manual must also be included. In addition, the applicant must include an inspection program to provide for the continued airworthiness of the propeller.

(7) Troubleshooting information describing typical malfunctions that could occur, how to recognize those malfunctions, and the remedial action for those malfunctions.

(8) Removal and assembly information describing the order and method of removing and replacing propeller parts with any necessary precautions to be taken during such removal and assembly.

(9) A list of the special tools needed for maintenance other than for overhauls.

(b) *Propeller Overhaul Section.* (1) Disassembly information including the order and method of disassembly for overhaul.

(2) Cleaning and inspection instructions that cover the materials and apparatus to be used and methods and precautions to be taken during overhaul. Methods of overhaul inspection must also be included.

(3) Details of all fits and clearances relevant to overhaul.

(4) Details of repair methods for worn or otherwise substandard parts and components along with information necessary to determine when replacement is necessary.

(5) The order and method of assembly at overhaul.

(6) Instructions for testing after overhaul.

(7) Instructions for storage preparation including any storage limits.

(8) A list of tools needed for overhaul.

A 35.4 Airworthiness limitations section. The Instructions for Continued Airworthiness must contain a section, titled "Airworthiness Limitations," that is segregated and clearly distinguishable from the rest of the document. That section must set forth each mandatory replacement time, inspection interval, and related procedure established during the certification of the propeller. This section must contain a legible statement in a prominent location that reads—"The Airworthiness Limitations section is FAA-approved and it specifies inspections and other maintenance required under §§ 43.16 and 91.163 of the Federal Aviation Regulations".

Explanation. This proposal would provide standards for the preparation of comprehensive maintenance instructions that would be made available upon the delivery of each propeller. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

8–105. By revising § 43.9(a)(4) to read as follows:

§ 43.9 Content, form and disposition of maintenance, rebuilding, and alteration records (except 100-hour, annual, and progressive inspections).

(a) • • •

(4) If the aircraft, airframe, aircraft engine, propeller, or appliance, with respect to the work performed, is approved for return to service, the signature (and if a certificated mechanic, the certificate number) of the person who approved it.

• • • • •

Explanation. Section 43.9(a) presently provides that the signing of the entry in the maintenance record approves for return to service either the aircraft, airframe, aircraft engine, propeller or appliance. Such a provision could require an unnecessary complete inspection of the aircraft, airframe, aircraft engine, propeller or appliance, irrespective of the extent of the work which had been performed. Therefore, § 43.9(a)(4) would be revised to require that an approval for return to service required by that section need only cover the work actually performed on the aircraft.

Ref. See the proposal for § 91.165.

§ 43.13 [Amended]

8–106. By revising the first sentence of § 43.13(a) to read—

"Each person performing maintenance, alteration, or preventive maintenance on an aircraft, engine, propeller, or appliance shall use the methods, techniques, and practices prescribed in the current Instructions for Continued Airworthiness prepared by its manufacturer or other methods, techniques, and practices acceptable to the Administrator."

Explanation. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. In light of the improved and more uniform maintenance manuals that will be provided in the future for new products, this proposal would clearly emphasize that the information contained in such manuals should be used by maintenance personnel. However, it should be noted that the option would exist of using other maintenance methods, techniques, and practices that are acceptable to the Administrator. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

8–107. By revising § 43.16, including its heading, to read as follows:

§ 43.16 Airworthiness Limitations.

Each person performing an inspection or other maintenance specified in an "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness shall perform the inspection or other maintenance in accordance with that section.

Explanation. The proposal would revise current § 43.16 to require that maintenance personnel performing inspections or other work on a product, do so in accordance with the "Airworthiness Limitations" section of the Instructions for Continued Airworthiness if such instructions have been issued. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 45—IDENTIFICATION AND REGISTRATION MARKING

8–108. By revising § 45.11(a) and adding a new § 45.11(c) to read as follows:

§ 45.11 General.

(a) *Aircraft and aircraft engines.* Aircraft covered by § 21.182 must be identified, and each person who manufactures an aircraft engine under a type or production certificate shall identify his engine, by means of a fireproof plate that has the information specified in § 45.13 marked thereon by etching, stamping, engraving, or other approved method of fireproof marking. The identification plate for aircraft must be secured in such a manner that it will not likely be defaced or removed during normal service, or lost or destroyed in an accident. Except as provided in paragraph (c) of this section, the identification plate must be secured to the aircraft at an accessible location near an entrance, except that if it is legible to a person on the ground it may be located externally on the fuselage near the tail surfaces. For aircraft engines, the identification plate must be affixed to the engine at an accessible location, in such a manner that it will not be likely to be defaced or removed during normal service, or lost or destroyed in an accident.

• • • • •

(c) For manned free balloons, the identification plate prescribed in paragraph (a) of this section must be secured to the balloon envelope and must be located, if practicable, where it is legible to the operator when the balloon is inflated. In addition, the basket and heater assembly must be permanently and legibly marked with the manufacturer's name, part number (or equivalent) and serial number (or equivalent).

Explanation. The proposal would qualify, with respect to manned free balloons, the requirements in § 45.11(a) that deal with the location of the identification plate.

In service, various types of baskets (trapezes, or other means provided for occupants) and heaters are fitted to the same balloon envelope. To enable a determination whether a particular basket or heater is eligible for installation on a particular envelope, it is proposed to: (1) standardize on securing the identification plate to the balloon envelope; and (2) require identification marks on both the basket and the heater. Identifying the basket and heater would also facilitate the keeping of maintenance records on these components. The type certification data sheet for the balloon would contain a list of basket and heater combinations eligible for installation.

Ref. Proposal No. 412; Part 31; Agenda Item M–31 (Committee I).

•

§ 45.13 [Amended]

8–109. By deleting "§ 45.11" in § 45.13(a) and inserting in place thereof the term "paragraphs (a) and (b) of § 45.11."

Explanation. See the explanation of the proposal for § 45.11.

8–110. By revising § 45.14 to read as follows:

§ 45.14 Identification of critical components.

Each person who produces a part for which a replacement time, inspection interval, or related procedure is specified in the "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness shall mark that component with a part number (or equivalent), and with a serial number (or equivalent).

Explanation. Critical components need to be clearly identified. The proposal would provide a marking requirement for parts referenced in an "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 91—GENERAL OPERATING AND FLIGHT RULES

8–111. By revising § 91.163(c) to read as follows:

§ 91.163 General.

• • • • • •

(c) No person may operate an aircraft for which a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness has been issued that contains an "Airworthiness Limitations" section unless the replacement times, inspection intervals, and related procedures specified in that section are complied with.

Explanation. The proposal would prohibit the operation of an aircraft unless the terms of the "Airworthiness Limitations" section of the Instructions for Continued Airworthiness, if issued, are complied with. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

§ 91.165 [Amended]

8–112. By revising the last sentence of § 91.165 to read, "In addition, he shall ensure that maintenance personnel make appropriate entries in the maintenance records required by § 91.173 indicating that the aircraft has been approved for return to service."

Explanation. The proposal would make clear the extent of maintenance records requiring entries by maintenance personnel before approving the aircraft for return to service.

Ref. Proposal No. 505; § 91.165; Agenda Item G–13 (Committee I).

8–113. By revising §§ 91.173(a)(2)(i) and (iii) to read as follows:

§ 91.173 Maintenance records.

(a) • • •

(2) • • •

(i) The total time in service of the airframe, engines, and propellers.

• • • • • •

(iii) Except as required by paragraphs (a)(2)(iv) and (a)(2)(v) of this section, for each item for which maintenance is required on a recurring basis, the time in service at, and the date of, the last compliance with the requirement.

• • • • • •

Explanation. These proposed changes would require that total time in service records be kept on propellers and engines in addition to airframes, because the FAA believes more complete records are required to assure that interested persons, such as future buyers of airplanes, will have access to necessary information about the maintenance status of the airplane.

The FAA has found that the requirement of the present § 91.173(a)(2)(iii) for records related to periodic overhauls needs to be expanded to relate to all periodic maintenance. Therefore, in order to assure that complete information is available for each item having a recurring maintenance requirement, it is proposed to require that individualized records be kept on all items subject to recurring maintenance.

Ref. Proposal No. 508; § 91.173; Agenda Item G–13 (Committee I).

8–114. By adding a new § 91.193(c)(4) to read as follows:

§ 91.193 Emergency equipment.

• • • • • •

(c) • • •

(4) Hand fire extinguishers must be installed and secured in such a manner that they will not interfere with the safe operation of the airplane or adversely affect the safety of the crew and passengers. They must be readily accessible, and their stowage provisions must be properly identified.

• • • • • •

Explanation. This proposal would establish standards regarding the installation of the already required fire extinguishers.

Ref. Proposal No. 1017; § 91.193(c)(4); Committee III Part 1—Agenda Item N–82.

8–115. By revising § 91.197(a) to read as follows:

V40134 JUL 11 75 XUM

§ 35.42 Blade pitch control system component test.

The following durability requirements apply to propeller blade pitch control system components:

(a) Except as provided in paragraph (b) of this section, each propeller blade pitch control system component, including governors, pitch change assemblies, pitch locks, mechanical stops, and feathering system components, must be subjected in bench tests to cyclic loadings that simulate in frequency and amplitude those to which the component would be subjected to during 1000 hours of propeller operation.

(b) Compliance with paragraph (a) may be shown by a rational analysis based on the results of bench tests on similar components.

Explanation. The FAA believes that test requirements for propeller blade pitch control system components are needed to show that these components have an adequate durability.

Ref. Proposal No. 434; § 35.36; Agenda Item P–85 (Committee IV).

8–104. By adding a new Appendix A to Part 35 to read as follows:

APPENDIX A—INSTRUCTIONS FOR CONTINUED AIRWORTHINESS

A 35.1 General (a) This appendix specifies requirements for the preparation of Instructions for Continued Airworthiness as required by § 35.4.

(b) The Instructions for Continued Airworthiness must include the Instructions for Continued Airworthiness for all propeller parts. If Instructions for Continued Airworthiness do not exist for a propeller part, the Instructions for Continued Airworthiness for the propeller must include the information that would be contained in such instructions if they were to exist.

(c) The applicant must submit to the FAA a program to show how changes to the Instructions for Continued Airworthiness made by the applicant or by the manufacturers of propeller parts will be distributed.

A 35.2 Format. (a) The Instructions for Continued Airworthiness must be in the form of a manual.

(b) The format of the manual must provide for a practical arrangement (such as that used in the Air Transportation Association of America Specification No. 100, "Specification for Manufacturers' Technical Data").

A 35.3 Content. The contents of the manual must be prepared to be understood by the persons who will be responsible for maintaining the propeller. The "Instructions for Continued Airworthiness" must contain the following sections and information:

(a) *Propeller Maintenance Section.* (1) Introduction information that includes an explanation of the propeller's features.

(2) A detailed description of the propeller and its systems and installations.

(3) Control and operation information describing how the propeller components and systems are controlled, and how they operate, including any special procedures that apply.

(4) Instructions for uncrating, acceptance checking, lifting, and installing the propeller.

(5) Instructions for propeller operational checks.

(6) Scheduling information for each part of the propeller that provides the recommended periods at which it should be cleaned, adjusted, and tested and the degree of work recommended at these periods. The recommended overhaul periods and necessary cross-references to the "Airworthiness Limitations" section of the manual must also be included. In addition, the applicant must include an inspection program to provide for the continued airworthiness of the propeller.

(7) Troubleshooting information describing typical malfunctions that could occur, how to recognize those malfunctions, and the remedial action for those malfunctions.

(8) Removal and assembly information describing the order and method of removing and replacing propeller parts with any necessary precautions to be taken during such removal and assembly.

(9) A list of the special tools needed for maintenance other than for overhauls.

(b) *Propeller Overhaul Section.* (1) Disassembly information including the order and method of disassembly for overhaul.

(2) Cleaning and inspection instructions that cover the materials and apparatus to be used and methods and precautions to be taken during overhaul. Methods of overhaul inspection must also be included.

(3) Details of all fits and clearances relevant to overhaul.

(4) Details of repair methods for worn or otherwise substandard parts and components along with information necessary to determine when replacement is necessary.

(5) The order and method of assembly at overhaul.

(6) Instructions for testing after overhaul.

(7) Instructions for storage preparation including any storage limits.

(8) A list of tools needed for overhaul.

A 35.4 Airworthiness limitations section. The Instructions for Continued Airworthiness must contain a section, titled "Airworthiness Limitations," that is segregated and clearly distinguishable from the rest of the document. That section must set forth each mandatory replacement time, inspection interval, and related procedure established during the certification of the propeller. This section must contain a legible statement in a prominent location that reads—"The Airworthiness Limitations section is FAA-approved and it specifies inspections and other maintenance required under §§ 43.16 and 91.163 of the Federal Aviation Regulations".

Explanation. This proposal would provide standards for the preparation of comprehensive maintenance instructions that would be made available upon the delivery of each propeller. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

8–105. By revising § 43.9(a)(4) to read as follows:

§ 43.9 Content, form and disposition of maintenance, rebuilding, and alteration records (except 100-hour, annual, and progressive inspections).

(a) • • •

(4) If the aircraft, airframe, aircraft engine, propeller, or appliance, with respect to the work performed, is approved for return to service, the signature (and if a certificated mechanic, the certificate number) of the person who approved it.

• • • • •

Explanation. Section 43.9(a) presently provides that the signing of the entry in the maintenance record approves for return to service either the aircraft, airframe, aircraft engine, propeller or appliance. Such a provision could require an unnecessary complete inspection of the aircraft, airframe, aircraft engine, propeller or appliance, irrespective of the extent of the work which had been performed. Therefore, § 43.9(a)(4) would be revised to require that an approval for return to service required by that section need only cover the work actually performed on the aircraft.

Ref. See the proposal for § 91.165.

§ 43.13 [Amended]

8–106. By revising the first sentence of § 43.13(a) to read—

"Each person performing maintenance, alteration, or preventive maintenance on an aircraft, engine, propeller, or appliance shall use the methods, techniques, and practices prescribed in the current Instructions for Continued Airworthiness prepared by its manufacturer or other methods, techniques, and practices acceptable to the Administrator."

Explanation. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. In light of the improved and more uniform maintenance manuals that will be provided in the future for new products, this proposal would clearly emphasize that the information contained in such manuals should be used by maintenance personnel. However, it should be noted that the option would exist of using other maintenance methods, techniques, and practices that are acceptable to the Administrator. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

8–107. By revising § 43.16, including its heading, to read as follows:

§ 43.16 Airworthiness Limitations.

Each person performing an inspection or other maintenance specified in an "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness shall perform the inspection or other maintenance in accordance with that section.

Explanation. The proposal would revise current § 43.16 to require that maintenance personnel performing inspections or other work on a product, do so in accordance with the "Airworthiness Limitations" section of the Instructions for Continued Airworthiness if such instructions have been issued. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 45—IDENTIFICATION AND REGISTRATION MARKING

8–108. By revising § 45.11(a) and adding a new § 45.11(c) to read as follows:

§ 45.11 General.

(a) *Aircraft and aircraft engines.* Aircraft covered by § 21.182 must be identified, and each person who manufactures an aircraft engine under a type or production certificate shall identify his engine, by means of a fireproof plate that has the information specified in § 45.13 marked thereon by etching, stamping, engraving, or other approved method of fireproof marking. The identification plate for aircraft must be secured in such a manner that it will not likely be defaced or removed during normal service, or lost or destroyed in an accident. Except as provided in paragraph (c) of this section, the identification plate must be secured to the aircraft at an accessible location near an entrance, except that if it is legible to a person on the ground it may be located externally on the fuselage near the tail surfaces. For aircraft engines, the identification plate must be affixed to the engine at an accessible location, in such a manner that it will not be likely to be defaced or removed during normal service, or lost or destroyed in an accident.

• • • • •

(c) For manned free balloons, the identification plate prescribed in paragraph (a) of this section must be secured to the balloon envelope and must be located, if practicable, where it is legible to the operator when the balloon is inflated. In addition, the basket and heater assembly must be permanently and legibly marked with the manufacturer's name, part number (or equivalent) and serial number (or equivalent).

Explanation. The proposal would qualify, with respect to manned free balloons, the requirements in § 45.11(a) that deal with the location of the identification plate.

In service, various types of baskets (trapezes, or other means provided for occupants) and heaters are fitted to the same balloon envelope. To enable a determination whether a particular basket or heater is eligible for installation on a particular envelope, it is proposed to: (1) standardize on securing the identification plate to the balloon envelope; and (2) require identification marks on both the basket and the heater. Identifying the basket and heater would also facilitate the keeping of maintenance records on these components. The type certification data sheet for the balloon would contain a list of basket and heater combinations eligible for installation.

Ref. Proposal No. 412; Part 31; Agenda Item M–31 (Committee I).

§ 45.13 [Amended]

8–109. By deleting "§ 45.11" in § 45.13(a) and inserting in place thereof the term "paragraphs (a) and (b) of § 45.11."

Explanation. See the explanation of the proposal for § 45.11.

8–110. By revising § 45.14 to read as follows:

§ 45.14 Identification of critical components.

Each person who produces a part for which a replacement time, inspection interval, or related procedure is specified in the "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness shall mark that component with a part number (or equivalent), and with a serial number (or equivalent).

Explanation. Critical components need to be clearly identified. The proposal would provide a marking requirement for parts referenced in an "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and operators with respect to those Instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

PART 91—GENERAL OPERATING AND FLIGHT RULES

8–111. By revising § 91.163(c) to read as follows:

§ 91.163 General.

• • • • •

(c) No person may operate an aircraft for which a Rotorcraft Maintenance Manual or Instructions for Continued Airworthiness has been issued that contains an "Airworthiness Limitations" section unless the replacement times, inspection intervals, and related procedures specified in that section are complied with.

Explanation. The proposal would prohibit the operation of an aircraft unless the terms of the "Airworthiness Limitations" section of the Instructions for Continued Airworthiness, if issued, are complied with. This proposal is one of a group of proposals dealing with the establishment of Instructions for Continued Airworthiness and the responsibilities of maintenance personnel and aircraft operators with respect to those instructions. Also see the proposal for § 23.1529.

Ref. See the proposal for § 21.31.

§ 91.165 [Amended]

8–112. By revising the last sentence of § 91.165 to read, "In addition, he shall ensure that maintenance personnel make appropriate entries in the maintenance records required by § 91.173 indicating that the aircraft has been approved for return to service."

Explanation. The proposal would make clear the extent of maintenance records requiring entries by maintenance personnel before approving the aircraft for return to service.

Ref. Proposal No. 505; § 91.165; Agenda Item G–13 (Committee I).

8–113. By revising §§ 91.173(a)(2)(i) and (iii) to read as follows:

§ 91.173 Maintenance records.

(a) • • •

(2) • • •

(i) The total time in service of the airframe, engines, and propellers.

• • • • • •

(iii) Except as required by paragraphs (a)(2)(iv) and (a)(2)(v) of this section, for each item for which maintenance is required on a recurring basis, the time in service at, and the date of, the last compliance with the requirement.

• • • • • •

Explanation. These proposed changes would require that total time in service records be kept on propellers and engines in addition to airframes, because the FAA believes more complete records are required to assure that interested persons, such as future buyers of airplanes, will have access to necessary information about the maintenance status of the airplane.

The FAA has found that the requirement of the present § 91.173(a)(2)(iii) for records related to periodic overhauls needs to be expanded to relate to all periodic maintenance. Therefore, in order to assure that complete information is available for each item having a recurring maintenance requirement, it is proposed to require that individualized records be kept on all items subject to recurring maintenance.

Ref. Proposal No. 508; § 91.173; Agenda Item G–13 (Committee I).

8–114. By adding a new § 91.193(c)(4) to read as follows:

§ 91.193 Emergency equipment.

• • • • • •

(c) • • •

(4) Hand fire extinguishers must be installed and secured in such a manner that they will not interfere with the safe operation of the airplane or adversely affect the safety of the crew and passengers. They must be readily accessible, and their stowage provisions must be properly identified.

• • • • • •

Explanation. This proposal would establish standards regarding the installation of the already required fire extinguishers.

Ref. Proposal No. 1017; § 91.193(c)(4); Committee III Part 1—Agenda Item N–82.

8–115. By revising § 91.197(a) to read as follows:

V40-134 JUL 11 75 XUM

§ 91.197 Smoking and safety belt signs.

(a) Except as provided in paragraph (b) of this section—

(1) Until (a date one year after the effective date of this amendment), no person may operate an airplane carrying passengers unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be so constructed that the crew can turn them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command; and

(2) After (a date one year after the effective date of this amendment), no person may operate an airplane carrying passengers unless it is equipped with passenger information signs that meet the requirements specified in § 25.791 of this chapter. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

* * * * *

Explanation. The purpose of this proposal is to require after a date passenger information signs which meet the requirements of § 25.791. The current provision would apply in the interim.

Ref. Proposal No. 1018; § 91.197(a); Committee III Part 1—Agenda Item K–58.

8–116. By adding a new § 91.200 to read as follows:

§ 91.200 Shoulder harness.

After (a date one year after the effective date of this amendment) no person may operate a transport category airplane unless it is equipped with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter at each flight attendant seat in the passenger compartment and at each flight deck station.

Explanation. Proposed § 91.200 would require after one year the installation of a combined safety belt and shoulder harness at each flight deck station and at each flight attendant seat in the passenger compartment on those airplanes operated under Subpart D of Part 91. See the proposal for § 25.785.

Ref. Proposal No. 482; FAR 91; Committee III Part 1—Agenda Item K–53.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

8–117. By revising the heading of § 121.311, revising § 121.311(e), and adding new §§ 121.311(f), (g), (h), and (i) to read as follows:

§ 121.311 Seats, safety belts, and shoulder harnesses.

* * * * *

(e) No person may operate a transport category airplane—

(1) That was type certificated after January 1, 1958, unless it is equipped with a shoulder harness at the pilot in command station, the second in command station, and the flight engineer station; and

(2) After (a date one year after the effective date of this amendment), unless it is equipped with a combined safety belt and shoulder harness, that meets the applicable requirements specified in § 25.785 of this chapter at each flight deck station.

(f) Each flight attendant required by § 121.391 must have a seat for takeoff and landing in the passenger compartment that meets the requirements of § 25.785 of this chapter.

(g) Until (a date one year after the effective date of this amendment) each occupant of a seat equipped with a shoulder harness must have the shoulder harness properly secured about him during takeoff and landing except that a flight crewmember need not fasten his shoulder harness if he cannot perform his assigned duties with the shoulder harness fastened.

(h) After (a date one year after the effective date of this amendment) each occupant of a seat equipped with a combined safety belt and shoulder harness must have the combined safety belt and shoulder harness properly secured about him during takeoff and landing.

(i) At each unoccupied seat, the safety belt and shoulder harness, if installed, must be secured so as not to interfere with crewmembers in the performance of their duties or with the rapid egress of occupants in an emergency.

Explanation. Present § 121.311(e) allows a flight crewmember to leave his shoulder harness unfastened if he cannot perform his duties with the shoulder harness fastened. Proposed § 121.311(g) would continue this exception for one year until the provisions of proposed § 121.311(e)(2) are effective. Proposed § 121.311(e)(2) would require that each flight crewmember be able to perform his assigned duties with a combined safety belt and shoulder harness fastened. Proposed § 121.311(h) would end the exception for flight crewmembers after one year. However, for flight attendants, since no shoulder harness is presently required, a new seat and combination safety belt and shoulder harness would be required on the effective date of this amendment. The exception for flight crewmembers would not be applicable to flight attendants. If the proposal for flight attendant seats is adopted, § 121.391 would be amended to avoid any conflict.

Proposed new § 121.311(i) would improve safety by requiring that the restraint system when not in use must be secured so as not to interfere with the duties or with the rapid egress of occupants in an emergency.

Ref. Proposal Nos. 1092, 513, 529; § 121.321, FAR 121; Committee III Part 1—Agenda Items K–55, K–52, K–54.

8–118. By amending § 121.312 as follows:

1. By deleting the first word "Upon" and inserting in place thereof "Until paragraphs (b) and (c) of this section are complied with, upon".

2. By redesignating the lead in as § 121.312(a).

3. By redesignating §§ 121.312 (a) and (b) as §§ 121.312(a)(1) and 121.312(a)(2), respectively.

4. By adding new §§ 121.312 (b) and (c) to read as follows:

§ 121.312 Materials for compartment interiors.

* * * * *

(b) Except as provided in paragraph (c) of this section, after (a date three years after the effective date of this amendment), all materials, finishes, and decorative surfaces used in each compartment occupied by the crew or passengers, must conform to the applicable fire protection requirements of § 25.853 of this chapter in effect on May 1, 1972 unless compliance with later standards are required under the airplane type certificate.

(c) After (a date one year after the effective date of this amendment), each towel, paper, or waste receptacle must conform to the requirements of § 25.853 (d) of this chapter in effect on (the effective date of this amendment).

Explanation. The proposal for § 121.312(b) would establish a date for compliance with the applicable requirements specified in current § 25.853 relating to the self-extinguishing characteristics of replacement airplane interior materials. Proposed § 121.312(a) would apply in the interim.

The proposal for a new § 121.312(c) would establish a date for compliance with the fireproof material requirements of proposed § 25.853(d). See the explanation for § 25.853(d).

Ref. Proposal Nos. 522, 1091; § 121.215, § 121.312; Committee III Part 1—Agenda Item N–76.

§ 121.321 [Deleted]

8–119. By deleting § 121.321 and marking it "[Reserved]".

Explanation. The shoulder harness required in present § 121.321 is being moved to § 121.311(e)(1). See proposal for § 121.311.

8–120. By revising the heading of § 121.337 and adding a new § 121.337(d) to read as follows:

§ 121.337 Protective breathing equipment for the crew.

* * * * *

(d) *All Airplanes.* After (a date one year after the effective date of this amendment), portable protective breathing equipment that meets the requirements of § 25.1439 of this chapter must be installed—

(1) At each flight attendant seat in the passenger compartment;

(2) At each flight deck station; and

(3) In each isolated separate compartment in the airplane, including upper and lower lobe galleys, in which crewmember occupancy is permitted during flight for the maximum number of crewmembers permitted to be in that area.

* * * * *

Explanation. The proposal would require all airplanes operated under Part 121 to meet new standards proposed for § 25.1439.

See the explanation for proposed § 25.1439.

Ref. Proposal No. 512; FAR 121; Committee III Part I—Agenda Item N–77.

APPENDIX I—MISCELLANEOUS PROPOSALS DEFERRED

Group 1. Based upon the discussions at the Airworthiness Review Conference, the FAA has determined that the proposals listed below appear to have sufficient merit to warrant further consideration but for various reasons should be deferred for consideration at the next Airworthiness Review or Operations Review as appropriate. Included in the reasons for deferral are the following:

1. The proposal is so complex or extensive that more time is required than is available within the 1974–1975 Airworthiness Review to give it full consideration.

2. More data is needed, to supplement or support the proposal, before a decision can be reached.

3. The proposal would be more appropriately considered during an operations review.

The deferral of these proposals does not foreclose the FAA from taking earlier separate rulemaking action on the deferred proposals if a need for such action should arise.

14 CFR (FAR sec.)	Proposal No.	Agenda item	Proponent
Part 21	16	L–22 (Committee I).	Executair Service Corporation.
21.183	34	J–19 (Committee I).	French Civil Aviation.
21.329	46	D–6 (Committee I).	Aerospace Industries Association.
21.329	48	...do	Air Transport Association.
21.329	49	...do	Pacific Southwest Airlines.
21.331	51	...do	Air Transport Association.
21.331	52	...do	Pacific Southwest Airlines.
21.500	54	J–19 (Committee I).	French Civil Aviation.
21.502	55	...do	Do.
23.347	81	C–15 (Committee III—pt. 2).	General Aviation Manufacturers Association.
23.621	84	D–20 (Committee III—pt. 2).	Do.
23.677	88	E–22 (Committee III—pt. 2).	Do.
23.773	92	G–27 (Committee III—pt. 2).	Do.
25.341	192	A–2 (Committee III—pt. 1).	Joint Airworthiness Requirements Committee.
25.427	199	D–13 (Committee III—pt. 1).	Do.
25.473	201	E–15 (Committee III—pt. 1).	Do.
25.631	218	H–33 (Committee III—pt. 1).	General Aviation Manufacturers Association.
25.631	219	...do	Joint Airworthiness Requirements Committee.
25.671	559	I–35 (Committee III—pt. 1).	Do.
25.729	229	J–44 (Committee III—pt. 1).	Do.
25.787	239	K–56 (Committee III—pt. 1).	Do.
25.791	241	K–58 (Committee III—pt. 1).	Do.
25.795	242	K–59 (Committee III—pt. 1).	Do.
25.831	250	G–42 (Committee V).	Do.
25.841	253	G–44 (Committee V).	Aerospace Industries Association.
25.857	260	N–78 (Committee III—pt. 1).	Air Line Pilots Association, stewards and stewardesses.
25.857	261	I–37 (Committee III—pt. 1).	Joint Airworthiness Requirements Committee.
25.1421	278	B–5 (Committee III—pt. 2).	Aerospace Industries Association.
25.1431	287	Not to proceed.	Do.
25.1441	312	B–5 (Committee III—pt. 1).	Do.
31.47	414	M–38 (Committee D).	Raven Industries, Inc.
91.39	405	K–20 (Committee D).	Aerial Crane Operators Committee.
133.19	540	K–20 (Committee D).	Do.

Group 2. The following proposals are being deferred to be dealt within a later notice as a part of this Airworthiness Review Program:

14 CFR (FAR sec.)	Proposal No.	Agenda item	Proponent
21.17	21	E–7 (Committee I)	General Aviation Manufacturers Association.
21.19	56	I–10 (Committee I).	Federal Aviation Administration.
21.45	567	F–8 (Committee I).	Do.
21.51	25	F–9 (Committee I).	Department of Transport (Australia).
21.51	569	F–8 (Committee I).	Federal Aviation Administration.
21.101	571	...do	Do.
21.119	28	F–9 (Committee I).	Department of Transport (Australia).
21.119	573	F–8 (Committee I).	Federal Aviation Administration.
21.159	30	F–9 (Committee I).	Department of Transport (Australia).
21.163	31	...do	Do.
21.183	33	...do	Do.
21.273	37	...do	Do.
37.21	1001	F–8 (Committee I).	Federal Aviation Administration.

APPENDIX II MISCELLANEOUS PROPOSALS WITHDRAWN BY PROPONENT

The proposals listed below were withdrawn by their proponents. The proponents or other interested persons may submit similar proposals in the future. The withdrawal of FAA proposals does not commit the FAA to any future course of action.

14 CFR (FAR sec.)	Proposal No.	Agenda item	Proponent
21.17	20	D–7 (Committee I).	Aerospace Industries Association.
21.143	578	I–17 (Committee I).	Federal Aviation Administration.
21.143	579	...do	Do.
21.143	581	...do	Do.
21.329	47	D–6 (Committee I).	Pacific Southwest Airlines.
23.621	622	D–20 (Committee III—pt. 2).	Federal Aviation Administration.
23.679	626	L–23 (Committee III—pt. 2).	Do.
23.735	629	F–25 (Committee III—pt. 2).	Do.
23.735	630	...do	Do.
23.773	632	G–27 (Committee III—pt. 2).	Do.
23.783	633	G–29 (Committee III—pt. 2).	Do.
23.841	636	H–31 (Committee III—pt. 2).	Do.
25.462	1055	E–19 (Committee III—pt. 1).	Do.
25.479	1053	E–16 (Committee III—pt. 1).	Do.
25.571	1058	G–24 (Committee III—pt. 1).	Do.
25.621	1062	H–31 (Committee III—pt. 1).	Do.
25.857	733	N–79 (Committee III—pt. 1).	Do.
25.1421	807	N–81 (Committee III—pt. 1).	Do.
27.621	845	B–5 (Committee III—pt. 2).	Do.
29.621	901	...do	Do.
29.1589	966	G–12 (Committee I).	Do.
31.45	984	M–37 (Committee I).	Do.
37.5	1000.1	G–11 (Committee I).	Do.
37.175	1002	O–85 (Committee III—pt. 1).	Do.
121.153	1086	L–30 (Committee I).	Do.
121.173	1087	G–13 (Committee I).	Do.
137.29	1085	...do	Do.

APPENDIX III—MISCELLANEOUS PROPOSALS REMOVED FROM CONSIDERATION FROM THE FIRST BIENNIAL AIRWORTHINESS REVIEW

Based on the FAA's review of the discussions at the Airworthiness Review Conference and of the information submitted by interested persons, the following proposals considered at the Airworthiness Review Conference are removed from consideration during the First Biennial Airworthiness Review for the reasons listed below:

14 CFR (FAR sec.)	Proposal No.	Agenda item	Proponent
Pt. 21	18	L–21 (Committee I).	General Aviation Manufacturers Association.
21.113	27	L–27 (Committee I).	Do.
21.143	29	I–17 (Committee I).	Do.
21.182	32	C–5 (Committee I).	Sun Chemical Corp.
21.303	40	C–4 (Committee I).	MPB Corp.

V40-134 JUL 11 75 XUM

14 CFR (FAR sec.)	Proposal No.	Agenda item	Proponent
21.303	41	do	Air Transport Association.
21.303	42	do	Do.
21.303	43	C-5 (Committee 1).	Sun Chemical Corp.
21.303	44	C-4 (Committee 1).	Bendix.
21.303	45	do	General Dynamics.
23.625	85	D-18 (Committee III—pt. 2).	Department of Transportation—Australia.
23.629	87	D-21 (Committee III—pt. 2).	General Aviation Manufactures Association.
25.305	187	A-3 (Committee III—pt. 1).	Aerospace Industries Association.
25.335	190	B-7 (Committee III—pt. 1).	Joint Airworthiness Requirements Committee.
25.365	197	C-12 (Committee III—pt. 1).	Do.
25.445	200	D-14 (Committee III—pt. 1).	Do.
25.493	206	E-20 (Committee III—pt. 1).	Do.
25.571	211	G-24 (Committee III—pt. 1).	Aerospace Industries Association.
25.619	216	H-30 (Committee III—pt. 1).	Joint Airworthiness Requirements Committee.
25.621	217	H-31 (Committee III—pt. 1).	Do.
25.672	221	I-36 (Committee III—pt. 1).	Do.
25.807	247	L-66 (Committee III—pt. 1).	Do.
25.843	255	M-75 (Committee III—pt. 1).	Do.
25.853	257	N-76 (Committee III—pt. 1).	Rijksluchtvaartdienst Netherlands.
25.863	262	N-80 (Committee III—pt. 1).	Joint Airworthiness Requirements Committee.
25.1415	315	O-86 (Committee III—pt. 1).	Air Transport Association.
27.1	345	L 29 (Committee 1).	Aerospace Industries Association.
27.521	385	A 3 (Committee III—pt. 2).	Do.
29.521	389	do	Do.
43.13	465	C-5 (Committee 1).	Sun Chemical Corp.
45.1	471	do	Do.
45.15	473	do	Do.
47.3	475	do	Do.
91.31	487	do	Do.
91.163	503	G-13 (Committee 1).	Air Transport Association.
91.163	504	G-13 (Committee 1).	General Aviation Manufacturers Association.
91.169	506	G-13 (Committee 1).	Santa Barbara Aviation, Inc.
91.217	509	G-13 (Committee 1).	Air Transport Association.
121.198	520	O-91 (Committee III—pt. 1).	Consulting Aerospace Engineers, Inc.
121.339	533	O-86 (Committee III—pt. 1).	Air Transport Association.

Proposal No. 18—The proponent suggested that an environmental impact statement be required as a prerequisite to the issuance of a type certificate. It is the FAA's responsibility to assess the environmental impact of the issuance of a type certificate and to prepare a negative environmental declaration or an impact statement, as appropriate. That responsibility cannot be delegated to the applicant for a type certificate. To the contrary, the applicants for type certificates have, in the past, assisted the FAA in obtaining the data needed by the FAA in making its own independent environmental assessments, and if found necessary in the future, the FAA will issue regulations to require that this assistance be provided.

Proposal No. 27—The proposal to add provisions relating to internal FAA administrative procedures is inappropriate for rulemaking action.

Proposal No. 29—This proposal has been removed for consideration in the study announced in the preamble of Amendment 21–41 (39 FR 41964; December 4, 1974).

Proposal No. 32—See Proposal No. 29.

Proposal No. 40—See Proposal No. 29.

Proposal No. 41—See Proposal No. 29.

Proposal No. 42—See Proposal No. 29.

Proposal No. 43—See Proposal No. 29.

Proposal No. 44—See Proposal No. 29.

Proposal No. 45—See Proposal No. 29.

Proposal No. 85—The proposal to revise the fitting factors specified in § 23.625(d) from 1.33 to 2.0 is inappropriate for rulemaking action. The FAA is currently studying the need to increase the inertia forces required under § 23.561 to be considered during design. An increase in those inertia forces, if found necessary, would provide for a more comprehensive approach than would increasing the § 23.625(d) fitting factors.

Proposal No. 87—The FAA has insufficient data to justify deleting the propeller whirl mode requirement of § 23.629(e)(1) as requested. However, it should be noted that based somewhat on Proposal No. 87 proposed § 23.629(e)(1) in Notice No. 7 (Notice 75–26) is limited to multiengine turbopropeller powered airplanes in its application, instead of also applying to single engine installations as proposed originally in Proposal No. 623.

Proposal No. 187—The proponent suggested a revision to § 25.305(b) that would require the structure to withstand limit loads, instead of the presently required ultimate loads, for three seconds, and would provide for limiting deflections to those values existing at limit load if design ultimate internal loadings are developed at critical points. In addition, the proposal would revise the methods and assumptions specified for analytical substantiation in §§ 25.305(b)(1), (2), and (3) to cover the effects of limit load deformation only. The FAA does not have sufficient data to justify the proposed rule changes. However, it should be noted that the justification presented by the proponent relates in large measure to its proposal for § 25.303 (Proposal No. 185). That proposal was deferred for consideration in the next Airworthiness Review Program (See Appendix I, Part 1 to Notice No. 7). That deferral was based in part on the justification presented for Proposal No. 187.

Proposal No. 190—The proponent suggested a nomenclature change to § 25.335(a)(3) and the addition of a reference to § 25.335(d) for clarity. Based on the comments received and the discussions at the Conference, the FAA does not believe the proposed changes would clarify the rules.

With respect to the addition of new § 25.335(g) which was also suggested, see Proposal Number 7–20 in Airworthiness Review Notice Number 7.

Proposal No. 197—The proponent suggested that the maximum nominal operational differential pressure value be used for the structural substantiation required by §§ 25.365 (a) and (d) in place of the maximum relief valve setting value currently specified. The FAA does not have sufficient data to justify the suggested reduction in pressure values to be considered.

Proposal No. 200—The proponent suggested a revision to § 25.445(a) that would require consideration of endplate loads that are the sum of the side loads induced by the vertical load in combination with side loads produced by yawing maneuvers and lateral gusts. The FAA does not have sufficient information to indicate that there is a need to require consideration of combinations of loads induced by the vertical load on the tail plane together with other vertical surface loads.

Proposal No. 206—The proponent suggested a revision to § 25.493(c) that would make the provision more restrictive with respect to defining the circumstances in which a drag reaction may be used that is lower than that specified in §§ 25.493 (a) and (b). The FAA does not agree. The current provision is adequate, and the proposed revision would add an unnecessary restriction.

Proposal No. 211—The proponent suggested that § 25.571(e)(2) be deleted. This paragraph requires that the normal operating pressures combined with the external aerodynamic pressures be multiplied by a factor of 1.33 as an ultimate loading condition for pressurized cabins. The proponent stated that the need for this provision has not been demonstrated. The FAA believes that a factor of 1.33 is necessary to account for variations in cabin pressure and strength and to provide a margin over the normal operating loads in the partially failed condition specified in § 25.571(c).

Proposal No. 216—The proponent suggested a revision to § 25.619 intended to give the Administrator greater latitude in using methods other than the special factors approach if found necessary to ensure material integrity. However, §§ 21.16 and 21.21 offer adequate flexibility to the Administrator in this regard.

Proposal No. 217—The proponent suggested that national standards of other nations be accepted as an authorized alternative to the casting factor provisions of § 25.621. The FAA does not have sufficient information to justify the rule change, but the present regulations do provide for the use of equivalent standards if equivalency is demonstrated.

Proposal No. 221—The proponent suggested § 25.672(c)(1) be revised to relate the severity of the flight quality requirements specified therein to the probability of any particular failure or malfunction occurring. The FAA does not agree since the requirement is not subject to a varying qualitative approach.

Proposal No. 247—The proponent suggested that § 25.807(c) be revised to specify additional factors to be considered in locating emergency exits. The FAA does not agree. The current regulations are adequate with respect to the location of emergency exits, and specific mandatory consideration of the factors suggested is not needed.

Proposal No. 255—The proponent suggested that a revision be made to § 25.843(a) that would require the pressurization test to be repeated on each production airplane. The FAA does not believe that service experience indicates a need to repeat the test required during type certification for all airplanes produced.

Proposal No. 257—The proponent suggested that the cabin material fire resistance test requirements provided for in § 25.853 be revised to permit testing with the material positioned in the manner it would be positioned in the cabin. The FAA has insufficient data to justify the proposed change. In addition, approval of replacement material would be made more burdensome since

the approval would necessarily cover the positioning of the material in the cabin.

Proposal No. 262—The proponent suggested a revision to § 25.863 that would specify certain areas that need ventilation to prevent the ignition of flammable fluids or vapors. However, the FAA believes that the means used for protection should not be limited to ventilation and that consideration should be given to any area where flammable fluids or vapors might be liberated. The current rule is adequate in this regard.

Proposal No. 315—The proponent suggested that the consideration of slide/raft combinations be added to §§ 25.1415 and 121.339. The proposed change is not necessary since the terms "raft" and "liferaft" as used in those sections cover slide/raft combinations. However, the approval of a slide/raft combination as a "liferaft" does not act as an approval of the device as a slide.

Proposal No. 345—The proponent suggested that the Part 27 maximum weight limit in § 27.1 be changed from 6,000 pounds to 12,500 pounds. The FAA does not have sufficient information that would justify a change.

Proposal No. 355—The proponent suggested that § 27.521(b) be amended for the clarification of the side-load condition specified therein. The proposal also would reduce, by 50%, the sideload structural requirements for rotorcraft with floats. The FAA does not have sufficient justification for the proposed reduction, and based on conference discussions the FAA believes that the present regulation is sufficiently clear.

Proposal No. 389—See Proposal No. 355.

Proposal No. 465—See Proposal No. 29.

Proposal No. 471—See Proposal No. 29.

Proposal No. 473—See Proposal No. 29.

Proposal No. 475—See Proposal No. 29.

Proposal No. 487—See Proposal No. 29.

Proposal No. 503—This proposal to revise § 91.163 to permit a Part 121 operator to perform and sign for the required maintenance and inspections on an aircraft that they do not own or operate is being removed from consideration in the Airworthiness Review Program. However, the proposal will be considered as a comment on FAA Proposal No. 485 (§ 121.379) of the Operations Review Program which deals with this issue.

Proposal No. 504—The proponent suggested a revision to § 91.163 that it claimed would make it clear that the responsibility for maintaining the aircraft in an airworthy condition includes the responsibility of maintaining all the aircraft's essential components in such a condition. The FAA, based on conference discussions, believes that the current rule clearly applies to all parts of the aircraft.

Proposal No. 506—This proposal to revise the 100-hour inspection requirements of § 91.169(b) is being removed from consideration in the Airworthiness Review Program. However, the proposal will be considered as a comment on FAA Proposal No. 280 (§ 91.169(b)) of the Operations Review Program which deals with similar issues.

Proposal No. 509—See Proposal No. 503.

Proposal No. 520—Present § 121.198(a) allows the operation (for cargo service only) of certain specifically identified transport category airplanes (each certificated under Part 4b of the Civil Air Regulations) at increased zero fuel and landing weights. The proposal would extend this provision to all transport category airplanes certificated under either Parts 4a or 4b of the Civil Air Regulations. The FAA believes that, in the interests of safety, each airplane type allowed to operate under this section must be individually assessed with respect to strength, fatigue, flutter, deformation, vibration, and other characteristics, before operation of the type is allowed at the increased fuel and landing weights specified in § 121.198. The proposed blanket extension of the rule would therefore not be in the public interest. Furthermore, the proponent suggested that the modifier or manufacturer be authorized to establish special inspection procedures as required under § 121.198(d). The present rule authorizes only the manufacturer of the airplane type to establish those procedures. The FAA does not agree with the suggestion since only the manufacturer who has access to the complete type certification data file could adequately provide the special inspection procedures required.

Proposal No. 533—See comments for Proposal No. 315.

APPENDIX IV COMMITTEE I PROPOSALS DEALT WITH IN EARLIER NOTICES

14 CFR (FAR sec.)	Proposal No.	Agenda item	Previous notice
23.1583	713	H-14	4—Equipment deviation list.
25.901	737	A-1	3—Powerplant proposals.
25.1091	757	A-1	Do.
25.1121	761	A-1	Do.
25.1123	764	A-1	Do.
25.1549	825	A-1	Do.
25.1583	831	H-14	4—Equipment deviation list.
27.1583	884	H-14	Do.
29.1307	949	B-11 (Committee III—pt. 2).	2—Miscellaneous proposals.
29.1583	971	H-14	4—Equipment deviation list.
43.13	1004	H-14	Do.
Pt. 91	477	H-15	Do.
91.29	1009	H-14	Do.
91.31	1010	H-14	Do.
91.33	490	H-15	Do.
91.33	1011	H-14	Do.
91.33	489	H-15	Do.
91.165	1016	H-14	Do.
135.143	550	H-15	Do.

Issued in Washington, D.C. on June 30, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75–18028 Filed 7–10–75;8:45 am]

V40-1134 JUL 11 75 XUM

federal register

FRIDAY, JULY 11, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 134

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V40-134 JUL 11 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Virginia	VA75–3069
New Jersey	NJ75–3068

MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1027	Feb. 28, 1975
AL75–1061	June 6, 1975
AL75–1063	June 20, 1975
California:	
CA75–5022; CA75–5023	Feb. 28, 1975
CA75–5071; CA75–5072	June 13, 1975
Illinois:	
AR–3072	Aug. 9, 1974
AR–3170	Nov. 15, 1974
IL75–2035	Feb. 7, 1975
IL75–2041	Feb. 21, 1975
IL75–2050	Mar. 14, 1975
IL75–2051	Mar. 21, 1975
IL75–2052; IL75–2055	Apr. 4, 1975
IL75–2078	May 30, 1975
IL75–2079; IL75–2080; IL75–2081	June 13, 1975
IL75–2082	June 20, 1975
IL75–2084	June 27, 1975
Louisiana:	
LA75–4100	May 23, 1975
Mississippi:	
MS75–1013	Jan. 31, 1975
Ohio:	
AR–3042	Aug. 23, 1974
Pennsylvania:	
AQ–2070	Mar. 15, 1974
AR–2030	Aug. 30, 1974
AR–2095	Dec. 13, 1974
AR–2099	Dec. 27, 1974
PA75–3015	Feb. 14, 1975
PA75–3017	Feb. 21, 1975
PA75–3019	Feb. 28, 1975
PA75–3025	Mar. 21, 1975
PA75–3027	Mar. 28, 1975
PA75–3053	May 23, 1975
PA75–3055	June 27, 1975
PA75–3056	June 13, 1975
Texas:	
TX75–4094; TX75–4096	May 16, 1975
TX75–4101; TX75–4105; TX75–4106	May 23, 1975
TX75–4110	May 30, 1975
TX75–4114	June 20, 1975
Virginia:	
MD75–3062	June 20, 1975
VA75–3004; VA75–3005; VA75–3006	Jan. 3, 1975
Washington:	
WA75–5064	May 30, 1975
Washington, D.C.:	
DC75–3061	June 20, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado:	
CO75–5065(CO75–5081); CO75–5066(CO75–5082); CO75–5067(CO75–5084); CO75–5068(CO75–5080); CO75–5069(CO75–5083)	June 13, 1975
Illinois:	
IL75–5075(IL75–5079)	June 20, 1975
Indiana:	
IN75–2037; IN75–2038; IN 75–2039; IN75–2046(IN 75–2093)	Feb. 21, 1975
IL75–5075(IL75–5079)	June 20, 1975
Michigan:	
IL75–5075(IL75–5079)	Do.
Minnesota:	
IL75–5075(IL75–5079)	Do.
New Jersey:	
AR–2044(NJ75–3050)	Sept. 6, 1975
AR–2040, AR–2041, AR–2042(NJ75–3030)	Sept. 13, 1975
AR–2074, AR–2075, AR–2076, AR–2078(NJ75–3050)	Nov. 15, 1974
AR–2083(NJ75–3050)	Nov. 22, 1974
AR–2087(NJ75–3050)	Nov. 29, 1974
New York:	
IL75–5075(IL75–5079)	June 20, 1975
Ohio:	
IL75–5075(IL75–5079)	Do.
Pennsylvania:	
IL75–5075(IL75–5079)	Do.
AQ–2079(PA75–3065)	Mar. 29, 1975
AR–2029(PA75–3067)	Aug. 30, 1974
Rhode Island:	
RI75–2033(RI75–2091)	Feb. 7, 1975
Texas:	
TX75–4012(TX75–4117)	Jan. 17, 1975
TX75–4090(TX75–4118)	May 16, 1975
Wisconsin:	
IL75–5075(IL75–5079)	June 20, 1975

Signed at Washington, D.C. this 3rd day of July 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: NEW JERSEY — COUNTY: CAPE MAY

DECISION NO.: NJ75-3068 — DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$5.50				
CEMENT MASONS	5.00				
ELECTRICIANS	5.00				
INSULATION MECHANICS	3.00				
LABORERS, COMMON	3.68				
PAINTERS, BRUSH	5.11				
PLUMBERS	4.83				
AIR CONDITIONING & HEATING MECHANICS	6.00				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	5.66				
Bulldozer Operators	4.90				
TRUCK DRIVERS, DUMP	5.55				

V40-134 JUL 11 75 XUM

NEW DECISION

STATE: VIRGINIA

LOCATION: RADFORD ARMY AMMUNITION PLANT

DECISION NO.: VA75-3069

DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.28	.40	.35		.01
BOILERMAKERS	8.45	.40	.70		.02
BRICKLAYERS	7.75				
CARPENTERS	6.30	.25	.20		.02
CEMENT MASONS	5.95				
ELECTRICIANS	7.94	.30	1%		1/2 of 1%
IRONWORKERS: STRUCTURAL & REINFORCING	7.90	.50	.55		.03
LABORERS:					
Common Laborers	3.95	.15	.15		.03
Air Tool Operators	4.20	.15	.15		.03
Mason Tenders	4.05	.15	.15		.03
LATHERS	6.50				
MILLWRIGHTS	7.85	.25	.20		.02
PAINTERS:					
Brush	6.25	.25			
Sprey	6.75	.25			
PLUMBERS & PIPEFITTERS	6.75	.35	.40	.25	.02
SHEET METAL WORKERS	7.20	.25	.25		.02
SPRINKLER FITTERS	7.92	.50	.70		.08
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	7.29				
Bulldozer Operators	7.57	.30	.40		.03
Crane Operators	7.62				
Oilers	4.88				
Roller Operators	5.41	.30	.40		.03
Piledrivers	6.32				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

DECISION #AL75-1027 - Mod. #2
(40 FR 8701 - February 28, 1975)
Lawrence, Limestone & Morgan Counties, Alabama

OMIT:
Under Power Equipment Operators:

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators-additional $1.25 per hour.

ADD:
Under Power Equipment Operators:

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators-additional $.25 per hour.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

DECISION #AL75-1061 - Mod. #1
(40 FR 24462 - June 6, 1975)
Colbert and Lauderdale Counties, Alabama

OMIT:
Under Power Equipment Operators:

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators-additional $1.25 per hour.

ADD:
Under Power Equipment Operators:

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators-additional $.25 per hour.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AL75-1063 - Mod. #1 (40 FR 26188 - June 20, 1975) Madison County, Alabama					
CRANE:					
Under Power Equipment Operators:					
All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators-additional $1.25 per hour.					
ADD:					
Under Power Equipment Operators:					
All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators-additional $.25 per hour.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. CA75-5022 - Mod. #3 (40 FR 8707 - February 28, 1975) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Bricklayers; Stonemasons:					
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	$ 10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Counties	9.75	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
Carpenters:					
Carpenters	8.83	.92	1.45	.75	.05
Saw filers	8.91	.92	1.45	.75	.05
Table power saw operators	8.93	.92	1.45	.75	.05
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	8.96	.92	1.45	.75	.05
Hard wood floor layers	9.03	.92	1.45	.75	.05
Head rock slinger	9.06	.92	1.45	.75	.05
Pneumatic nailer	9.08	.92	1.45	.75	.05
Millwrights	9.33	.92	1.45	.75	.05
Cement Masons:					
Cement Masons	8.46	.95	1.35	1.00	.08
Cement floating and troweling machine	8.71	.95	1.35	1.00	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. CA75-5022 (Cont'd)					
Drywall Installers	$10.20	.92	1.45	.75	.07
Electricians:					
Imperial County					
Electricians	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Ventura County					
Electricians	10.42	.70	1%+.55		.02
Cable Splicers	11.46	.70	1%+.55		.02
Lathers (Los Angeles County except City of Lancaster):					
Metal furring	11.00	.60	.75		.03
Line Construction:					
Imperial County					
Groundmen	8.92	.50	1%+1.25		
Linemen	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Roofers:					
San Luis Obispo and Santa Barbara Counties	8.50	.535	.34		.0025
Sprinkler Fitters:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	13.72	.50	.80		.08
Tile Setters Helpers:					
Los Angeles, Orange and Ventura Counties	8.005	.57	1.00		.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. CA75-5023 - Mod. #3 (40 FR 8717 - February 28, 1975) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Bricklayers; Stonemasons:					
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	$ 10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Cos.	9.75	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
Carpenters:					
Carpenters	8.83	.92	1.45	.75	.05
Saw filers	8.91	.92	1.45	.75	.05
Table power saw operators	8.93	.92	1.45	.75	.05
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	8.96	.92	1.45	.75	.05
Hard wood floor layers	9.03	.92	1.45	.75	.05
Head rock slinger	9.06	.92	1.45	.75	.05
Pneumatic nailer	9.08	.92	1.45	.75	.05
Millwrights	9.33	.92	1.45	.75	.05
Cement Masons:					
Cement Masons	8.46	.95	1.35	1.00	.08
Cement floating and troweling machine	8.71	.95	1.35	1.00	.08

DECISION NO. CA75-5023 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Drywall Installers	$10.20	.92	1.45	.75	.07
Electricians:					
Imperial County					
Electricians	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Ventura County					
Electricians	10.42	.70	1%+.55		.02
Cable Splicers	11.46	.70	1%+.55		.02
Lathers (Los Angeles except City of Lancaster):					
Metal furring	11.00	.60	.75		.03
Roofers:					
San Luis Obispo and Santa Barbara Counties	8.50	.535	.34		.0025
Sprinkler Fitters:					
Imperial, Kern, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	13.72	.50	.80		.08
Tile Setters Helpers:					
Los Angeles, Orange and Ventrua Counties	8.005	.57	1.00		.12

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. CA75-5071 - Mod. #1 (40 FR 25337 - June 13, 1975) San Diego County, California					
Change:					
Carpenters:					
Carpenters	$ 9.41	.56	.95	.50	.07
Piledrivermen	9.54	.56	.95	.50	.07
Millwrights; Pneumatic Nailer; Hardwood floorlayers	9.66	.56	.95	.50	.07
Cement Masons:					
Cement Masons	8.43	.65	1.06	1.00	.07
Cement Masons Color work	8.555	.65	1.06	1.00	.07
Composition, Mastic or Epoxy; Finishing Machine Op.; Curb Machine Operator	8.68	.65	1.06	1.00	.07
Drywall Installers	10.80	.56	.95	.50	.07
Marble Setters' Helpers	7.39	.40	.65	.75	
DECISION NO. CA75-5072 - Mod. #1 (40 FR 25343 - June 13, 1975) San Diego County, California					
Change:					
Carpenters:					
Carpenters	$ 9.41	.56	.95	.50	.07
Piledrivermen	9.54	.56	.95	.50	.07
Millwrights; Pneumatic Nailer; Hardwood floorlayers	9.66	.56	.95	.50	.07
Cement Masons:					
Cement Masons	8.43	.65	1.06	1.00	.07
Cement Mason Color Work	8.555	.65	1.06	1.00	.07
Composition, Mastic or Epoxy; Finishing Machine Operator; Curb machine Operator	8.68	.65	1.06	1.00	.07
Drywall Installers	10.80	.56	.95	.50	.07
Marble Setters' Helpers	7.39	.40	.65	.75	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3072 - Mod. #3 (39 FR 28622 - August 9, 1974) Sangamon County, Illinois					
CHANGE:					
Laborers:					
Unskilled	$8.10	.35	.35		.035
Semi-Skilled	8.30	.35	.35		.035
Skilled	8.45	.35	.35		.035
Sprinkler Fitters	10.55	.50	.80		.08
OMIT:					
Line Construction Schedules					
DECISION #AR-3170 - Mod. #2 (39 FR 40421 - November 15, 1974) Champaign & Vermilion Counties, Illinois					
CHANGE:					
Laborers:					
Champaign County					
Unskilled	8.10	.30	.30		.035
Semi-Skilled	8.30	.30	.30		.035
Skilled	8.45	.30	.30		.035
Vermilion County					
Unskilled	7.80	.40	.50		.035
Semi-Skilled	8.00	.40	.50		.035
Skilled	8.15	.40	.50		.035

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2033 - Mod. #4 (40 FR 5961 - February 7, 1975) Bureau, LaSalle, Livingston, Marshall, Putnam & Woodford Counties, Illinois					
OMIT:					
Laborer Schedules Issued					
ADD:					
Laborers:					
Unskilled	$8.07	.35	.30		.035
Semi-Skilled	8.27	.35	.30		.035
Skilled	8.47	.35	.30		.035
DECISION #IL75-2051 - Mod. #1 (40 FR 12976 - March 21, 1975) Henry, Knox, Mercer, & Rock Island Counties, Illinois					
CHANGE:					
Laborers:					
Henry County					
Unskilled	7.84	.35	.30		.035
Semi-Skilled	8.04	.35	.30		.035
Skilled	8.24	.35	.30		.035
Knox County					
Unskilled	8.07	.35	.30		.035
Semi-Skilled	8.27	.35	.30		.035
Skilled	8.47	.35	.30		.035
DECISION #IL75-2052 - Mod. #2 (40 FR 15261 - April 4, 1975) Ford, Iroquois & Kankakee Counties, Illinois					
OMIT:					
Laborer Schedules Issued					
ADD:					
Laborers:					
Unskilled	8.07	.35	.30		.035
Semi-Skilled	8.27	.35	.30		.035
Skilled	8.47	.35	.30		.035

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2041 - Mod. #1 (40 FR 7769 - February 21, 1975) Christian, DeWitt, Macon, Moultrie, Piatt & Shelby Counties, Illinois					
CHANGE:					
Laborers:					
DeWitt County					
Unskilled	$7.50	.30	.30		.035
Semi-Skilled	7.70	.30	.30		.035
Skilled	7.85	.30	.30		.035
Shelby County					
Unskilled	8.05	.35	.30		.035
Semi-Skilled	8.25	.35	.30		.035
Skilled	8.40	.35	.30		.035
Lyvedale & South Thereof in Piatt Co., & All Area East of Rt. #121 in Moultrie Co.					
Unskilled	8.00	.35	.35		.035
Semi-Skilled	8.20	.35	.35		.035
Skilled	8.35	.35	.35		.035
Remainder of Piatt County					
Unskilled	8.10	.30	.30		.035
Semi-Skilled	8.30	.30	.30		.035
Skilled	8.45	.30	.30		.035
Macon Co., & Western ½ of Moultrie County					
Unskilled	7.95	.35	.40		.035
Semi-Skilled	8.15	.35	.40		.035
Skilled	8.30	.35	.40		.035
Christian County					
Unskilled	7.19	.30	.30		.035
Semi-Skilled	7.39	.30	.30		.035
Skilled	7.54	.30	.30		.035

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2050 - Mod. #3 (40 FR 12029 - March 14, 1975) DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Electricians:					
DuPage County	$11.00	3%	7%	8%	½ of 1%
Will & Grundy Counties	11.87	.50	1%+.40		.2%
DECISION #IL75-2055 - Mod. #1 (40 FR 15265 - April 4, 1975) Adams, Brown & Pike Counties, Illinois					
CHANGE:					
Laborers:					
Adams County					
Unskilled	7.34	.30	.15		.035
Semi-Skilled	7.54	.30	.15		.035
Skilled	7.69	.30	.15		.035
Brown & Pike Counties					
Unskilled	7.19	.30	.30		.035
Semi-Skilled	7.39	.30	.30		.035
Skilled	7.54	.30	.30		.035
DECISION #IL75-2078 - Mod. #2 (40 FR 22637 - May 30, 1975) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Electricians:					
DuPage County	11.00	3%	7%	8%	½ of 1%
Will County	11.87	.50	1%+.40		.2%

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2079 - Mod. #2 (40 FR 25382 - June 13, 1975) Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois					
CHANGE:					
Laborers:					
Henry County					
Unskilled	$7.84	.35	.30		.035
Semi-Skilled	8.04	.35	.30		.035
Skilled	8.24	.35	.30		.035
Bureau County					
Unskilled	8.07	.35	.30		.035
Semi-Skilled	8.27	.35	.30		.035
Skilled	8.47	.35	.30		.035
DECISION #IL75-2080 - Mod. #2 (40 FR 25389 - June 13, 1975) Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark & Tazewell Counties, Illinois					
CHANGE:					
Laborers:					
Hancock, Henderson, Knox, Stark, McDonough & Warren Counties:					
Unskilled	7.98	.35	.30		.035
Semi-Skilled	8.18	.35	.30		.035
Skilled	8.38	.35	.30		.035
Peoria County & City of E. Peoria in Tazewell County:					
Roads, Driveways & Alley:					
Bricklayer-Carpenter & Cement Mason Tenders; All other Excavating Work curing all Concrete by Concrete by Hand Method, Landscapping	8.40	.40	.35		.035

DECISION IL75-2080 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers (Cont'd)					
Rig Men; Jackhammer & Drill Opr., (Open). All power operated tools; Asphalt Kettlemen & carriers; Powderman helper	$8.525	.40	.35		.035
Power Wheelbarrow or Buggies	8.675	.40	.35		.035
Asphalt Raker; Bricksetters; Gunnite Nozzleman; Powderman; Rip-Rapping	8.775	.40	.35		.035
Tunnel & Subways (Free Air):					
Top Laborer	8.40	.40	.35		.035
Bell Men (Top or Bottom) All Laborers in Tunnel	8.525	.40	.35		.035
Drill & Powdermen; Muckers	8.775	.40	.35		.035
Tunnel Miners	8.875	.40	.35		.035
Caisson & Cofferdam (Free Air)					
Caisson & Cofferdam Top Man	8.525	.40	.35		.035
Caisson & Cofferdam Top Man Helper	8.40	.40	.35		.035
Caisson & Cofferdam Miners & Muckers	8.875	.40	.35		.035
Open Sewer Trenches:					
Top Man & all other excavating	8.40	.40	.35		.035
Bottom Man who does immediate grading laying pipe or tile	8.525	.40	.35		.035
Tile Layer & Caulker	8.775	.40	.35		.035
Cribbing, Jackman & Hydraulic Jackman in Trench	8.875	.40	.35		.035
Levee & Heavy Grading:					
All other Laborers	8.40	.40	.35		.035
Spotters; Dump Man: Outman	8.525	.40	.35		.035
Pipeline:					
All other Laborers; Rollers; Scales & Spotters	8.40	.40	.35		.035
Spacers	8.675	.40	.35		.035
Signal Men on Rigs; Rig Men; Kettlemen & Carriers; Men Handling Hot Stuff; Men who do immediate grading for laying of pipe or digging holes	8.525	.40	.35		.035
Fulton County, & Remainder of Tazewell County:					
Unskilled Laborers; Carpenter Tenders, Mason Tenders, Tunnel Labor(Free Air) Landscapers, Wrecking Laborers; Plasterer Tenders	8.35	.40	.40		.035

DECISION #IL75-2080 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (Cont'd) Semi-Skilled Laborers; Cement Handlers; Kettle & Tarmen; Sewer Workers(excluding Pipe-layer & Helper) Vibrator Opr; Mortar Mixer Oprs; Plaster Handlers(Bulk or Bag) Cofferdam Workers; Work on Concrete, Paving, Placing, Cutting & Tying of Reinforcing; Jackhammer & Drill Oprs., Chain Saw Opr., Caisson Top Man Skilled Laborers; Caisson or Tunnel Miners & Muckers;	$8.55	.40	.40		.035
Gunnite Nozzlemen; Tile & Pipelayers; Steel Form Setters (Street & Highway) Concrete Saw Operator; Asphalt Pavers; Underpinning & Shoring of Buildings; Cribbing & Jackman in Trench & Hydraulic Jackman	8.75	.40	.40		.035
DECISION #IL75-2084 - Mod. #1 (40 FR 27419 - June 27, 1975) Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Randolph, Saline, Union & Williamson Counties, Illinois.					
ADD: Under Counties: Perry County					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2081 - Mod. #1 (40 FR 25395 - June 13, 1975) Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion Counties, Illinois					
CHANGE: Electricians: Clark & Edgar Counties	$9.75	.20	1%+.40		.02
Laborers: Champaign, DeWitt & Northern ¼ of Piatt County: Unskilled Laborers	8.40	.30	.30		.035
Semi-Skilled Laborers	8.60	.30	.30		.035
Skilled Laborers, Jackhammer, Gunnite Nozzlemen & Bricklayer Tenders	8.75	.30	.30		.035
Coles & Cumberland Counties Unskilled Laborers	8.30	.40	.30		.035
Semi-Skilled Laborers	8.50	.40	.30		.035
Skilled Laborers, Jackhammer, Gunnite Nozzlemen & Bricklayer Tender	8.65	.40	.30		.035
Clark, Douglas, Edgar Cos: Eastern ¼ of Moultrie Co., & Southern ¼ of Piatt Co. Unskilled Laborers	8.30	.35	.35		.035
Semi-Skilled Laborers	8.50	.35	.35		.035
Skilled Laborers, Jackhammer, Gunnite Nozzlemen & Bricklayer Tenders	8.65	.35	.35		.035
Shelby County Unskilled Laborers	8.35	.35	.30		.035
Semi-Skilled Laborers	8.55	.35	.30		.035
Skilled Laborers, Jackhammer, Gunnite Nozzlemen & Bricklayer Tenders	8.70	.35	.30		.035

DECISION #IL75-2081 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers: Macon Co: & Western ¼ of Moultrie County					
Unskilled Laborers	$8.25	.35	.40		.035
Semi-Skilled Laborers	8.45	.35	.40		.035
Skilled Laborers, Jackhammer, Gunnite Nozzlemen & Bricklayer Tenders	8.60	.35	.40		.035
Vermilion County Unskilled Laborers	8.10	.40	.50		.035
Semi-Skilled Laborers	8.30	.40	.50		.035
Skilled Laborers, Jackhammer, Gunnite Nozzlemen & Bricklayer Tenders	8.45	.40	.50		.035
DECISION #IL75-2082 - Mod. #1 (40 FR 26190 June 20, 1975) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois					
CHANGE: Laborers: Adams & Christian Counties					
Unskilled	7.61	.30	.30		.035
Semi-Skilled	7.81	.30	.30		.035
Skilled	7.96	.30	.30		.035
Logan, Menard & Sangamon Cos.					
Unskilled	7.51	.35	.35		.035
Semi-Skilled	7.71	.35	.35		.035
Skilled	7.86	.35	.35		.035
Morgan, Brown, Cass, Mason, Pike, Scott & Schuyler Cos.					
Unskilled	7.66	.25	.30		.035
Semi-Skilled	7.86	.25	.30		.035
Skilled	8.01	.25	.30		.035

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #LA75-4100 - Mod. #4 (40 FR 22745 - May 23, 1975) Statewide Louisiana					
Change: Bricklayers & stonemasons: Zone 2	$7.18	.43			
Zone 6	7.18	.43			
Carpenters: Zone 2	7.454	.30	.23		.05
Electricians: Cable splicers: Zone 7	8.80	.50	1%		1%
Glaziers: Zone 3	8.125	.17	.30		.01
Millwrights: Zone 3	9.655				.03
Painters: Zone 5: Group 1	6.00				
Group 2	6.60				
Group 3	6.25				
Group 4	7.55				
Piledrivermen: Zone 4	7.454	.30	.23		.05
Soft floor layers	7.454	.30	.23		.05
Sprinkler fitters	9.33	.50	.80		.03

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #MS75-1013 - Mod. #1 (40 FR 4454 - January 31, 1975) Harrison, Hancock, Jackson, & Pearl River Counties, Mississippi					
Omit: Ironworkers: Structural, Ornamental, & Reinforcing	$8.77	.30	.35		
Add: Ironworkers: Jackson & Harrison Cos. (E. 1/3 of Harrison Co. incl. Biloxi, Keesler AFB, & towns of Howison & Success): Structural, Ornamental, & Reinforcing	8.77	.30	.35		
Ironworkers: Hancock & Pearl River Counties & remaining portions of Harrison County: Structural, Ornamental, & Reinforcing	8.98	.30	.35		
Change: Laborers: Laborers Asphalt Rakers, Mason Tenders, Mortar Mixers, Masonry Cleaners, Pipelayers, Power Saw Opr., Pipe Wrapping, Power Post Hole Drillers, Railroad men, Sandblasting & Vibrator, jackhammer	4.50	.15	.10		
	4.65	.15	.10		
DECISION #AR-3042 - Mod. #4 (39 FR 30790 - August 23, 1974) Mahoning County, Ohio					
Change: Mod. #1 dated April 11, 1975 in 40 FR 16493 to read Mod. #2					
Mod. #2 dated June 27, 1975 in 40 FR 27416 to read Mod. #3					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2070 - Mod. #6 (39 FR 10070-March 15, 1974) Sullivan County, Pennsylvania					
Change: Cement Masons	$8.95				
Electricians: Western Half	9.23	.28	1%+.50	.50	.02
Power Equipment Operators: Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
Painters (Eastern Half of Co.) Brush	8.00	.30	.30		.05
Taper	8.26	.30	.30		.05
Hazardous	9.26	.30	.30		.05
DECISION #AR-2030 - Mod. #7 (39 FR 31851-August 30, 1974) Lancaster County, Pennsylvania					
Change: Carpenters	8.78	.30	.25		.03
Lathers	8.31	.25	.25		.01
Line Construction: Linemen, Cable Splicers	10.25	.25	1%		3/4 of 1%
Groundman	6.15	.25	1%		3/4 of 1%
Winch truck operator	7.18	.25	1%		3/4 of 1%
Roofers: Composition, damp and waterproofing	9.85	.45	.25	d	
Slate, tile and asbestos	10.30	.45	.25	d	
Precast slab	10.65	.45	.25	d	
Plumbers and Steamfitters	9.55	.30	.50		.12
Sheet Metal Workers	9.76	.95	.50		.01

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-2030 (Cont'd)					
Power Equipment Operators: Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
DECISION #AR-2095 - Mod. #3 (39 FR 43494 - December 13, 1974) Northumberland County, Pennsylvania					
Change: Power Equipment Operators: Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
Plumbers and Steamfitters	9.55	.30	.50		.12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2099 - Mod. #6 (39 FR 44931 - December 27, 1974) Adams and York Counties, Pennsylvania					
Change: Line Construction: Linemen, Cable splicers	10.13	.30	1%		3/8 of 1%
Groundmen	6.08	.30	1%		3/8 of 1%
Winch truck operator	7.09	.30	1%		3/8 of 1%
Plumber and Steamfitters	9.55	.30	.50		.12
Power Equipment Operators: Building Construction Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
Sheet Metal Workers	9.76	.95	.50		.01

DECISION #PA75-3015 - Mod. #3
(40 FR 6974-February 14, 1975)
Northampton County, Pennsylvania

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9 5%	a	1.2%
Sheet Metal Workers	9.76	.95	.50		.01

DECISION #PA75-3017 - Mod. #4
(40 FR 7854-February 21, 1975)
Schuylkill County, Pennsylvania

Change:

Roofers:					
Remainder of County:					
Composition, damp waterproofing	9.85	.45	.25	d	
Slate, tile and asbestos	10.30	.45	.25	d	
Precast slab	10.65	.45	.25	d	
Power Equipment Operators:					
Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%

DECISION #PA75-3019 - Mod. #5
(40 FR 8753-February 26, 1975)
Lehigh County, Pennsylvania

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operatmrs:					
Building Construction					
Group 1	$10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
Sheet Metal Workers	9.76	.95	.50		.01

DECISION #PA75-3025 - Mod. #2
(40 FR 12982 - March 21, 1975)
Luzerne County, Pennsylvania

Change:

Bricklayers and Stonemasons:					
Hazleton, Berwick, and Freeland					
Commercial	9.00	.35	.50		
Marble Setters:					
Hazleton	8.50	.35	.50		
Plasterers	9.08				
Truck Drivers:					
Remainder of County:					
Pickups service dump and flat incl. Z license	8.07	h	j		
Fork lifts, tow motors, front and penumatic tired loaders	8.08	h	j		
All trucks over Z license	8.12	h	j		
Power Equipment Operators:					
Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%

DECISION NO. PA75-3025 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Remainder of County					
Brush	$8.00	.30	.30		.05
Tapers	8.26	.30	.30		.05
Hazardous	9.26	.30	.30		.05

DECISION #PA75-3027 - Mod. #2
(40 FR 14268-March 28, 1975)
Cumberland, Dauphin, Perry, Juniata, New Cumberland, Depot in York County, Pennsylvania

Change:

Electricians	9.76	.45	1%+.30		1/4 of 1%
Lathers	8.31	.25	.25		.01
Line Construction:					
Linemen, Cable splicers	10.13	.30	1%		3/8 of 1%
Groundman	6.08	.30	1%		3/8 of 1%
Winch truck operator	7.09	.30	1%		3/8 of 1%
Plumbers and steamfitters	9.55	.30	.50		.12
Sheet Metal Workers	9.76	.95	.30		.01
Power Equipment Operators					
Building Construction					
Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
Truck Drivers:					
Truck drivers, building Pick-ups, dump, service trucks, flat trucks, to and including Z highway liscense plates	7.12	d	e		
Transit Mix, winch trucks, tractor all types euclid, ross lumber and over Z plates	7.37	d	e		

DECISION NO. PA75-3027 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

Footnote:
d. $58.37 per month for employees who have worked sixty hours or more during the month.

DECISION #PA75-3053 - Mod. #1
(40 FR 22782 - May 23, 1975)
Lebanon County, Pennsylvania

Change:

Electricians:					
Lawn, East Hanover and Indiantown Gap Military Reservation	$9.76	.45	1%+.31		1/4 of 1%
Line Construction:					
Linemen and Cable splicers	10.25	.25	1%		3/4 of 1%
Groundmen	6.15	.25	1%		3/4 of 1%
Winch truck operator	7.18	.25	1%		3/4 of 1%
Plumbers and Steamfitters:					
West of Route 501	9.55	.30	.50		.12
Power Equipment Operators:					
Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%
Roofers:					
Remainder of County:					
Composition, damp, waterproofing	9.85	.45	.25	f	
Roofers, slate, tile and asbestos	10.30	.45	.25	f	
Precast slab	10.65	.45	.25	f	
Sheet Metal Workers	9.76	.95	.50		.01

DECISION NO. PA75-3053 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Truck Drivers (Building):					
Pick-ups, dump, service trucks, flat trucks, to and including 2 highway license plates	$7.12	d	e		
Transit mix, winch trucks, tractor all types euclid, ross lumber and over 2 plates	7.37	d	e		

Footnote:
d. $58.37 per month for employees who have worked sixty hours or more during the month.

DECISION #PA75-3055 - Mod. #1
(40 FR 2736 - June 27, 1975)
Berks County, Pennsylvania

Change:

Roofers:					
Remainder of County					
Composition, damp and waterproofing	9.85	.45	.25	d	
Precast slab	10.65	.45	.25	d	
Slate, tile and asbestos	10.30	.45	.25	d	
Bricklayers and Stonemasons	9.20	.45	.50		
Glaziers	8.64	.35	.10		.01
Power Equipment Operators:					
Group 1	10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%

DECISION #PA75-3056 - Mod. #1
(40 FR 25401 - June 13, 1975)
Lackawanna, Suquehanna, Wayne, Wyoming Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Change:					
Power Equipment Operators					
Group 1	$10.95	4.6%	9.5%	a	1.2%
Group 2	10.66	4.6%	9.5%	a	1.2%
Group 3	9.78	4.6%	9.5%	a	1.2%
Group 4	9.01	4.6%	9.5%	a	1.2%
Group 5	8.53	4.6%	9.5%	a	1.2%
Group 6	7.61	4.6%	9.5%	a	1.2%
Group 7	11.20	4.6%	9.5%	a	1.2%
Group 7A	11.45	4.6%	9.5%	a	1.2%
Group 7B	11.70	4.6%	9.5%	a	1.2%

DECISION #TX75-4094 - Mod. #2
(40 FR 21685 - May 16, 1975)
Lubbock County, Texas

Change:					
Electricians:					
Electricians	$8.20	.30	1%		1/10%
Cable splicers	8.45	.30	1%		1/10%

DECISION #TX75-4096 - Mod. #2
(40 FR 21689 - May 16, 1975)
Galveston & Harris Counties, Texas

Change:					
Electricians:					
Harris County	9.65	.30	3%		.04
Roofers:					
Roofers	7.54	.20	.25	.15	.03
Kettlemen	6.58	.20	.25	.15	.03
Helpers	4.83	.20	.25	.15	.03

DECISION #TX75-4101 - Mod. #2
(40 FR 22789 - May 23, 1975)
Travis County, Texas

Change:					
Cement masons	7.29	.35	.10		

DECISION #TX75-4105 - Mod. #4
(40 FR 22797 - May 23, 1975)
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Change:					
Cement masons:					
Cement masons	$7.40				
Machine operators	7.65				
Ironworkers	7.90	.53	.60		.10

DECISION #TX75-4106 - Mod. #2
(40 FR 22799 - May 23, 1975)
Brazos County, Texas

Change:					
Electricians	9.65	.30	3%		.04

DECISION #TX75-4110 - Mod. #2
(40 FR 23692 - May 30, 1975)
Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas

Change:					
Building Construction:					
Cement masons	7.29	.35	.10		

DECISION #TX75-4114 - Mod. #1
(40 FR 26240 - June 20, 1975)
El Paso County, Texas

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Blocklayers; Rock Masons; Stonemasons	$6.66	.48	.20		.04
Marble masons	6.68		.20		.04
Power Equipment Operators:					
Group 1	5.27	.35	.40		.03
Group 2	5.85	.35	.40		.03
Group 3	5.94	.35	.40		.03
Group 4	5.99	.35	.40		.03
Group 5	6.07	.35	.40		.03
Group 6	6.31	.35	.40		.03
Group 7	6.47	.35	.40		.03
Group 8	5.94	.35	.40		.03
Group 9	6.17	.35	.40		.03
Group 10	6.47	.35	.40		.03
Terrazzo workers	6.68		.20		.04
Terrazzo workers' helpers	4.00		.20		
Tile setters	6.68		.20		.04
Tile setters' helpers	4.00		.20		

DECISION #MD75-3062 - Mod. #2
(40 FR 26203 - June 20, 1975)
Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia

Change:					
Electricians	$10.10	.35	1%+.75		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #VA75-3004 - Mod. #4 (40 FR 941 - January 3, 1975) York County and the Cities of Hampton and Newport News including Langley AFB, Fort Eustis and Fort Monroe, Virginia					
Change:					
Electricians & Linemen:					
Zone 1 - within a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Wiremen & Linemen	$8.20	.35	1%		1%
Cable splicers	8.45	.35	1%		1%
Zone 2 - beyond 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Wiremen & Linemen	9.20	.35	1%		1%
Cable splicers	9.45	.35	1%		1%
Painters:					
(York Co., from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the western shore of James River including all cities therein; the Cities of Hampton and Newport News):					
Brush & roller	6.40				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 7½' from ground up), swing stage & bosun chair (from ground up), sandblasting	6.75				
All work over 7½' from ground	6.90				
Bituminus coatings, hot creosote	7.80				
Sign	7.05				
(The remainder of York County)					
Brush & roller	7.00				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 7½' from ground up), swing stage &					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #VA75-3004 (cont'd)					
Painters: (cont'd)					
bosun chair (from ground up), sandblasting	$7.35				
All work over 7½' from ground	7.50				
Bituminous coatings, hot creosote	8.40				
Sign	7.65				
DECISION #VA75-3005 - Mod. #4 (40 FR 944 - January 3, 1975) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia					
Change:					
Painters:					
Brush & roller	$6.70		.25		
Structural steel from ground to 7½'	7.20		.25		
Spray, paperhangers & glove work	7.05		.25		
Any work over 7½' from ground	8.00		.25		
Bituminous coating & hot creosote	8.35		.25		
Swing stage (under 40'), rollers (with handles 5' & over), epoxy (brushed or rolled)	6.95		.25		
Swing stage over 40' up to 7½'	7.20		.25		
Sandblasting	7.45		.25		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #VA75-3006 - Mod. #4 (40 FR 946 - January 3, 1975) Henrico County and the City of Richmond, Virginia					
Change:					
Bricklayers & Stonemasons	$8.15	.50	.25		.01
Lathers:					
Lathers (drywall finish & plaster finish)	7.79		.20		.01
Sheet rock applicator	6.24		.20		.01
Line Construction:					
Zone 1 - within a 12 mile air radius of Staples Mill Road & Broad Streets in the City of Richmond:					
Linemen & Cable splicers	8.72	5%	1%		4of1%
Zone 2 - remainder of the City of Richmond & Henrico County:					
Linemen & Cable splicers	9.47	5%	1%		4of1%
Marble, Tile & Terrazzo Workers	6.90				
Sheet Metal Workers:					
The City of Richmond	8.17	.20	.20		.005
Henrico County	8.42	.20	.20		.005
Sprinkler Fitters	8.55	.60	.90		.08
DECISION #WA75-5064 - Mod. #2 (40 FR 23695 - May 30, 1975) Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific (North of the Wahkiakum County northern boundary extended due west to the Pacific Ocean), Pierce, Skagit, Snohomish, Thurston, and Whatcom Counties, Washington					
Change:					
Electricians:					
Clallam, Jefferson, King and Kitsap Counties	$6.85	.35	11%+.40		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #DC75-3061 - Mod. #2 (40 FR 26242 - June 20, 1975) Washington, D. C.					
Change:					
Electricians	$10.10	.35	11%+.75		.10

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO75-5080

DATE: Date of Publication

Supersedes Decision No. CO75-5068 dated June 13, 1975, in 40 FR 25367

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		.02
BOILERMAKERS	8.35	.60	1.00		
BRICKLAYERS: Stonemasons:					
Boulder County	7.45	.45	.60	.25	.05
Eagle and Grand Counties'	8.35	.30	.60		.05
Elbert, Lake and Park Counties	8.30	.43	.50		.04
Larimer County	8.80	.45	.50	.25	.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson, and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado incl. Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Larimer County (S. E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05

DECISION NO. CO75-5080

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A. through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Idnependence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Page 3

DECISION NO. CO75-5080

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
PAINTERS:					
Park County (Southern half) Brush, roller, taper, hand texture	$7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	8.51	.50	.45		.04
Drywall finisher; Paperhanger	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See ** below)	8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimar County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.60	.55	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties (See**below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	8.25	.55	.90		.08
SHEET METAL WORKERS	9.12	.30	.75	.30	.07
SOFT FLOOR LAYERS	8.29	.40	.70		.05
SPRINKLER FITTERS	9.25	.50	.70	.25	.06
TERRAZZO WORKERS	8.30	.56	.30		.04
TILE SETTERS:					
Elbert, Lake, and Park Counties	7.41	.45	.50	.25	.04
Remaining Counties	8.30	.56	.50		
TILE, MARBLE, & TERRAZZO HELPERS					
*Park County, dividing line: A line from the S.W. corner of Jefferson County to the S.E. corner of Lake County					
Helpers	6.22	.56	.30	.40	
Floor Grinder	6.37	.56	.30	.40	
Base Grinder	6.92	.56	.30	.40	

V40 I134 JUL 11 75 XUM

DECISION NO. C075-5080

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
AREA A	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 5.00	$ 5.45	$ 5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.30	5.95	6.40	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07
AREA B							
Group 1	4.80	5.25	5.70	.42	.45		.07
Group 2:							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east lind of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

DECISION NO. C075-5080

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

DECISION NO. C075-5080

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION FOR AREAS A AND B

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS:					
Construction (outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

DECISION NO. C075-5080

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO. C075-5080

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. C075-5080

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5080

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagmen directing traffic; Nursery Men including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or strikgmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5080

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powderman; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timberman (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirlay Pump Operators

DECISION NO. C075-5080

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Boe'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075- 5080

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

DECISION NO. C075-5080

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. C075- 5080

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: CO75-5081
COUNTY: El Paso
DATE: Date of Publication
Supersedes Decision No. CO75-5065 dated June 13, 1975, in 40 FR 25348
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.50	.45	.50		.04
CARPENTERS:					
Zone 1 (0-30 miles from Post Office in Colorado Springs)	7.54	.48	.60	.40	.05
Zone 2 (30 miles and over from Post Office in Colorado Springs)	7.79	.48	.60	.40	.05
Millwrights	7.58	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.00	.44	1.10	.60	.07
ELECTRICIANS	10.07	.42	12+.45		.015
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	8.30	.56	.50	.25	.04
PAINTERS:					
Brush and roller; Tapers, Hand Texture	7.94	.50	.20		.04
Paperhangers; Steel	8.44	.50	.20		
Spray	8.69	.50	.20		.04
Steel Spray	9.19	.50	.20		.04
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters	8.28	.55	.65	1.17	.05
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.40	.75	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	8.30	.56	.50	.25	.04
TILE SETTERS	7.41	.45	.50		

DECISION NO. CO75- 5081

Page 2

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2	Basic Hourly Rates Zone 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs.

NOTICES

DECISION NO. CO75- 5081

Page 3

LABORERS (Cont'd)
(Building Construction)

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

Page 4

DECISION NO. CO75- 5081

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

NOTICES

DECISION NO C075-5081

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cablemen	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. C075-5081

LABORERS (Heavy Cunstruction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5081

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potman (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off gobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5081

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Housemah

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

NOTICES
29466
NOTICES
29467

DECISION NO. CO75-5081

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. CO75-5081

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. CO75-5081

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO75-5082

DATE: Date of Publication

Supersedes Decision CO75-5066 dated June 13, 1975, in 40 FR 25354

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		.02
BOILERMAKERS	8.35	.60	1.00		
BRICKLAYERS; Stonemasons:					
Pitkin County	7.43	.45	.60	.25	.05
Remaining Counties	8.50	.45	.60	.25	.05
CARPENTERS:					
P.O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.58	.48	.60	.40	.05

DECISION NO. CO75-5082

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$ 8.51	.50	.45		.04
Drywall finisher; Paperhangers	8.71	.50	.45		.04
Spray; Swingstage	8.99	.50	.45		.04
PLUMBERS	8.45	.55	.55	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.40	.75	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. CO75-5082

LABORERS (Building Construction) Garfield and Pitkin Counties	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$ 5.80	$5.25	$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Delta, Gunnison, Mesa & Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	5.00	5.45	5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

DECISION NO. CO75-5082

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS	7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

Page 5

DECISION NO. C075-5082

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Man; Mechanics' Helpers; Material Checkers; Cardex Man; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

Page 6

DECISION NO. C075-5082

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Fireman	7.38	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

Page 7

DECISION NO. C075-5082

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

Page 8

DECISION NO. C075-5082

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potman (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Strasser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5082

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Housemen

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpman, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5082

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5082

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. CO75-5082

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mule

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO75-5083

DATE: Date of Publication June 13, 1975, in 40 FR 25375

Supersedeas Decision No. CO75-5069 dated

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.62	.45	.50		.04
CARPENTERS	7.54	.48	.60	.40	.05
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P.O.)					
Electricians	9.25	.42	1¾+.25		1/10%
Cable Splicers	10.18	.42	1¾+.25		1/10%
Zone II (12-20 miles from P.O.)					
Electricians	9.65	.42	1¾+.25		1/10%
Cable Splicers	10.58	.42	1¾+.25		1/10%
Zone III (20-40 miles from P.O.)					
Electricians	10.00	.42	1¾+.25		1/10%
Cable Splicers	10.93	.42	1¾+.25		1/10%
Zone IV (Over 40 miles from P.O.)					
Electricians	10.75	.42	1¾+.25		1/10%
Cable Splicers	11.68	.42	1¾+.25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.91	.42	1¾+.25		1/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE & TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Brush, Roller, Taper, Hand Texture	6.28	.30			.03
Steel; Paperhangers	6.78	.30			.03
Spray, Tapers using Automatic tools	6.88	.30			.03
Spray steel	7.38	.30			.03

DECISION NO. CO75-5083

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$ 8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	9.40	.55	.65		.05
Zone II (15-20 miles from P. O.)	9.97	.55	.65		.05
Zone III (20-40 miles from P. O.)	10.15	.55	.65		.05
Zone IV (Over 40 miles from P.O.)	10.775	.55	.65		.05
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	8.26	.40	.70	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	7.00	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. CO75-5083

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO CO75-5083

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. CO75-5083

LABORERS (Building Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 5.00	$5.45	$5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. CO75-5083

LABORERS (cont'd)
(Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

DECISION NO. C075-5083

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5083

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cruss Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Coffardams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalman; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detactor Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5083

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Rollers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a sefety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5083

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

NOTICES 29480 NOTICES 29481

DECISION NO. CH75-5183

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

DECISION NO. CO75-5083

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: CO75-5084
Supersedes Decision No. CO75-5067 dated June 13, 1975, in 40 FR 25361
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

DECISION NO. CO75-5084

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
CEMENT MASONS:					
Denver Metropolitan Area	6.32	.42	1.10	.30	.07
Outside Denver Metropolitan Area	6.22	.42	1.10	.30	.07
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagles, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	10.24	.65	1%+.25		
Cable Splicers	10.49	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (with 12 miles of Pueblo Main P. O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	$10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electricians on electricians contracts less than $5,000 in Zones 3 and 4	6.91	.42	1%+.25		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	9.07	.32	1%+.25		.01
IRONWORKERS	8.40	.55	.80		.06
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	8.51	.50	.45		.03
Spray, Swing Stage	8.89	.50	.45		.03
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Cos.					
Brush	6.28	.30			.02
Structural Steel; Spray	6.78	.30			.02
Spray Steel	7.38	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	7.20	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel	7.70	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PILEDRIVERMEN	7.29	.48	.60	.40	.05

DECISION NO. CO75-5084

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Man; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO. CO75-5084

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Linaman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. C075-5084

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5084

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5084

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Ballers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5084

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzleman; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5084

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sidebqom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. C075- 5084

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

DECISION NUMBER: IL75-5079 DATE: Date of Publication

Supersedes Decision No. IL75-5075 dated June 20, 1975 in 40 FR 27418

DESCRIPTION OF WORK: Dredging on the Great Lakes, their connecting and tributory waters, including the Illinois Waterway to the lock at Lockport, Illinois; and in the New York State Barge Canal System between Tonawanda, New York, and Waterford, New York, and Oswego, New York and on the St. Lawrence River eastward to the International Boundary near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Dipper and Hydraulic Dredging:					
Chief engineer	$9.56	.25	.25	a	
Operators	9.49	.25	.25	a	
Assistant engineer	9.13	.25	.25	a	
Welder	9.04	.25	.25	a	
Cranemen - Dipper Dredging	9.04	.25	.25	a	
Spill barge operator - hydraulic dredging	9.04	.25	.25	a	
Drill Boats:					
Engineers	9.01	.25	.25	c	
Blasters	9.13	.25	.25	c	
Firemen	8.44	.25	.25	c	
Drillers, welders or machinists	9.02	.25	.25	c	
Oiler and helpers	8.48	.25	.25	c	
Tug Engineers	10.30		.55	a	
Tug Operators(on launch)	10.05		.55	a	
Floating Equipment: (Clamshell, Dragline and Marine Construction)					
Engineers and operator	11.75	f		d & e	
Equipment Operator	10.60	f		d & e	
Firemen	10.00	f		d & e	
Oilers	9.00	f		d & e	
Tug Workers:					
Fireman, linesmen, oilers, deckhands, scowmen (on/or with tugboats, launches or other self-propelled boats)	9.30	h	.50	a	
Dredge Workers:					
Firemen, oiler, deckhands and scowmen (with dipper dredges, hydraulic dredges or other floating equipment engaged in dredging operations); Pipeline men (both afloat and ashore, including loading, unloading, installing, maintaining and handling pipe lines for hydraulic dredges and sandboats)	9.30	b	.50	a	
Range and Sweepmen; Service Truck Drivers	7.00	b	.50	a	

DECISION NUMBER: IL75-5079 (Cont'd)

FOOTNOTES:

a. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day; 6-1/2 days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. $5.00 per day, per employee.

c. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day;6-1/2 days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day.

e. 1/2 day vacation for each full 12 days employment in one calendar year.

f. $1.15 per hour in fringe benefits (excluding vacation payments)

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Indiana

DECISION NUMBER: IN75-2093

COUNTIES: *See below

DATE: Date of Publication

Supersedes Decision Nos.: IN75-2037 dated February 21, 1975 in 40 FR 7814; IN75-2038 dated February 21, 1975 in 40 FR 7820; IN75-2039 dated February 21, 1975 in 40 FR 7824; & IN75-2046 dated February 21, 1975 in 40 FR 7831

DESCRIPTION OF WORK: Heavy and Highway Construction

*Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Jasper, Newton, & Starke Cos.	$9.76	.50	.57		.05
Adams, Allen, Bartholomew (Camp Atterbury), Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Dekalb, Delaware, Elkhart, Fayette, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jay, Johnson, Kosciusko, LaGrange, Madison, Marion, Marshall, Miami, Montgomery, Morgan (North of White River), Noble, Owen (North of White River), Parke, Pulaski, Putnam, Randolph, Steuben, Tippecanoe, Tipton, Union, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White, & Whitley Cos.	9.01	.47	.40		.05
Bartholomew (excluding Camp Atterbury), Brown, Clark, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Greene, Harrison, Jackson, Jefferson, Jennings, Knox, Lawrence, Martin, Monroe, Morgan (South of White River), Ohio, Orange, Owen (South of White River), Perry, Pike, Posey, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Warrick, & Washington Cos.	8.88	.35	.35		.05
CEMENT MASONS:					
Adams, Allen, Dekalb, Huntington, Noble, Steuben, & Whitley Cos.	8.70	.40			
Bartholomew, Brown, & Shelby Cos.	8.30				

DECISION NO. IN75-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (Cont'd):					
Benton, Carroll (Northeast section of Co. south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Yeoman), Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding northeastern portion of Co., but including Wheatfield), Miami, Montgomery, Newton, Pulaski (excluding northern 2/3 of Co.), Tippecanoe, Warren, & White, Cos.	$7.60	.40	.30		
Jasper (northeastern portion of Co. west to, but not incl. Wheatfield), Pulaski (northern 2/3 of Co.), & Starke Cos.	8.62	.45	.70		.03
Marshall Co.	8.86	.40	.50		.01
Blackford, Delaware, Grant, Jay, Randolph, Wabash, & Wells Cos.	8.40	.40			
Elkhart, Kosciusko, & LaGrange Cos.	8.93		.30		.02
Hamilton (northern 1/2 of Co.), Hancock (eastern 1/2 of Co.), Henry, Madison, & Tipton Cos.	7.78	.40	.35		
Decatur, Fayette, Franklin, Rush, Union, & Wayne Cos.	8.00		.40		
Boone, Hamilton (southern 1/2 of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to, but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion, & Morgan (northern 1/2 of Co.) Cos.	8.76				.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	8.12	.40	.20		
Greene Co.	7.35	.30	.20		

DECISION NO. IN75-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (Cont'd):					
Daviess, Gibson, Knox, Martin, & Pike Cos.	$8.20	.40			
Monroe, Morgan (southern 1/2 of Co.), & Owen (excluding extreme western part of Co.) Cos.	8.25				
Clark, Floyd, & Harrison Cos.	8.78	40			
Dearborn, Ohio, Ripley, & Switzerland Cos.	6.50				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	8.10				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	8.00	.45	.25		
Sullivan Co.	9.25	.30	.50		.01
IRONWORKERS:					
Adams, Allen, Blackford, Dekalb, Delaware (northeastern 1/3 of Co.), Grant, Huntington, LaGrange (eastern 1/2 of Co.), Noble, Steuben, Wabash, Wells, & Whitley Cos.	9.70	.55	.55		.01
Elkhart, Fulton, Kosciusko, LaGrange (western 1/2 of Co.), Marshall, Pulaski, & Starke Cos.	9.05	.55	.65		.01
Jasper (northern 1/2 of Co.), & Newton Cos.	10.63	.50	.75		.05
Clark, Crawford, Floyd, Harrison, Jackson (southern 1/2 of Co.), Jefferson, Jennings (southern 1/2 of Co.), Lawrence (southern 2/3 of Co.), Martin (eastern 1/2 of Co.), Orange, Scott, & Washington Cos.	9.50	.55	.65		.05
Marion Co.	9.50	.55	.80		.05
Dubois, Gibson, Martin (western 1/2 of Co.), Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.	8.15	.25	.25		

DECISION NO. IN75-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (Cont'd):					
Bartholomew, Boone (southeastern 1/2 of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (western 1/2 of Co.), Delaware (southern 2/3 of Co.), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (northern 1/2 of Co.), Jennings (northern 1/2 of Co.), Johnson, Lawrence (northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (eastern 1/2 of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	$9.65	.55	.80		.05
Benton, Boone (northwestern 1/2 of Co.), Carroll, Cass, Clinton (western 2/3 of Co.), Fountain, Jasper (southern 1/2 of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos.	8.99	.55	.75		.02
Fayette, Jay, Randolph, Union, & Wayne Cos.	9.51	.55	.65		.02
Clay, Daviess, Greene, Knox, Lawrence (northwestern 1/6 of Co.), Parke, Putnam (western 1/2 of Co. incl. Greencastle), Sullivan, Vermillion, & Vigo Cos.	9.35	.55	1.30		
Dearborn, Decatur (eastern 1/2 of Co.), Franklin, Ohio, Ripley, & Switzerland Cos.	9.445	.55	1.05		.02
PAINTERS:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (northern 1/2 of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	7.49	.32	.25		.07
Sandblasters; & Spray	8.49	.32	.25		.07

DECISION NO. IN75-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (Cont'd):					
Bartholomew, Decatur, Jackson, & Jennings Cos.:					
Brush; Roller; & Steel	8.05				
Spray	9.05				
Benton, Clinton, Fountain, Montgomery, Putnam (excluding Greencastle), Tippecanoe, & Warren Cos.:					
Brush	7.65				
Structural steel	7.90				
Spray	10.92				
Blackford, Carroll, Delaware, Elkhart, Howard, Jay, Kosciusko, Madison, Marshall, Miami, Tipton, & Wells (to the south city limits of Bluffton) Cos.:					
Brush	7.55		.40		
Spray	8.30		.40		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, & Shelby Cos.:					
Brush	8.10	.20	.20		
Spray	8.90	.20	.20		
Brown, Greene, Monroe, Morgan, & Owen Cos.:					
Brush	7.15			.20	
Structural steel	7.90			.20	
Spray	8.15			.20	
Cass, Fulton, & White Cos.:					
Brush	7.55		.40		
Spray	8.30		.40		
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Brush	7.59	.35	.10		.03
Spray	7.95	.25	.10		.03
Clay, & Putnam (Greencastle) Cos.:					
Brush	6.25				
Spray	8.37				
Structural steel up to 30'	6.75				
Structural steel over 30'	7.50				

DECISION NO. IN75-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (Cont'd):					
Daviess, Gibson, & Knox Cos.:					
Brush	$6.65				
Spray	7.65				
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.:					
Brush	8.50	.45	.30		
Spray	9.25	.45	.30		
Jasper, & Newton Cos.:					
Brush	8.65	.42	.35		.02
Spray	9.40	.42	.35		.02
Lawrence, Martin, & Orange Cos.:					
Brush; & Structural steel	6.00				
Parke, & Vermillion Cos.:					
Brush	7.45				.10
Spray	8.95				.10
Pulaski, & Starke Cos.:					
Brush	7.20				
Spray; Structural steel	8.55				
Sullivan, & Vigo Cos.:					
Brush	7.30				.02
Spray	8.30				.02
Structural steel up to 30'	7.55				.02
Structural steel 30' to 100'	8.35				.02
Structural steel over 100'	9.35				.02

DECISION NO. IN75-2093

POWER EQUIPMENT OPERATORS (Heavy & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$9.10	.40	.40		.06
GROUP II	8.20	.40	.40		.06
GROUP III	7.77	.40	.40		.06
GROUP IV	6.96	.40	.40		.06
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke Counties:					
GROUP I	8.80	.50	.60		.06
GROUP II	7.90	.50	.60		.06
GROUP III	7.47	.50	.60		.06
GROUP IV	6.66	.50	.60		.06
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	9.20	.35	.35		.06
GROUP II	8.30	.35	.35		.06
GROUP III	7.87	.35	.35		.06
GROUP IV	7.06	.35	.35		.06
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	9.00	.40	.50		.06
GROUP II	8.10	.40	.50		.06
GROUP III	7.67	.40	.50		.06
GROUP IV	6.86	.40	.50		.06

DECISION NO. IN75-2093

POWER EQUIPMENT OPERATORS

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

DECISION NO. IN75-2093

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift and loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helper; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

DECISION NO. IN75-2093

49-HH-IND-TD-2-3

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.76	17.50a	19.50a		
GROUP B	7.71	17.50a	19.50a		
GROUP C	7.66	17.50a	19.50a		
GROUP D	7.61	17.50a	19.50a		
GROUP E	7.56	17.50a	19.50a		
GROUP F	7.51	17.50a	19.50a		
GROUP G	7.46	17.50a	19.50a		
GROUP H	7.41	17.50a	19.50a		
GROUP I	7.36	17.50a	19.50a		
GROUP J	7.31	17.50a	19.50a		
GROUP K	7.26	17.50a	19.50a		
GROUP L	7.16	17.50a	19.50a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets
GROUP B-Acey Wagons to and including 3 Buckets
GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle
GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch
GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle
GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)
GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)
GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks
GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders
GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

XUM

IND-4-LAB-S&T

Marion & Shelby Counties

LABORERS: SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$5.45	.18	.25		.07
CLASS 2	5.65	.18	.25		.07
CLASS 3	5.85	.18	.25		.07
CLASS 4					
FREE AIR TUNNEL WORK					
A.	6.25	.18	.25		.07
B.	5.75	.18	.25		.07
C.	5.65	.18	.25		.07
D.	5.55	.18	.25		.07

CLASSIFICATIONS

CLASS 1: Common Laborers
CLASS 2: Jackhammer, Drill, Air Spades, Air Tampers & Vibrators, Operators of mechanical equipment (which replaces Wheelbarrows & Buggies), Chipping & Cutting Hammers, Laborers in Ditches deeper than 6 feet not sheeted or sloped
CLASS 3: Sewer Pipe Layers
CLASS 4:
FREE AIR TUNNEL WORK:
A. Miner or Header Man
B. Muckers & Tunnel Laborers
C. Bottom Men & Concrete Men
D. Top Men

Adams, Allen, Dekalb, Elkhart, Huntington, Kosciusko, LaGrange, Marshall, Noble, Steuben, Wells, & Whitley Counties

IND-5-LAB-S&T

LABORERS: TUNNEL & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.25	.35	.30		.07
GROUP II	6.40	.35	.30		.07
GROUP III	6.40	.35	.30		.07
GROUP IV	6.55	.35	.30		.07
GROUP V					
FREE AIR TUNNEL & CAISSON					
A.	7.33	.35	.30		.07
B.	6.83	.35	.30		.07
C.	6.73	.35	.30		.07
D.	6.63	.35	.30		.07

CLASSIFICATIONS

GROUP I: Top Laborers
GROUP II: Well Point Lead Man
GROUP III: Jackhammer & Air Tool Operators
GROUP IV: Pipelayer
GROUP V:
FREE AIR TUNNEL & CAISSON:
A. Miners or Header Men
B. Muckers & Tunnel Laborers
C. Bottom Men & Concrete Men
D. Topmen

Starke County

INDIANA-6-LAB-1-S&T AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutermen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

IND-6-PEO-T&S

Adams, Allen, Blackford, Dekalb, Huntington, Jay, Steuben, Wells, & Whitley Counties

POWER EQUIPMENT OPERATORS: TUNNEL & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.37	.40	.30		.05
GROUP 2	8.70	.40	.30		.05
GROUP 3	8.65	.40	.30		.05
GROUP 4	8.55	.40	.30		.05
GROUP 5	8.50	.40	.30		.05
GROUP 6	8.45	.40	.30		.05
GROUP 7	8.40	.40	.30		.05
GROUP 8	8.35	.40	.30		.05
GROUP 9	8.15	.40	.30		.05
GROUP 10	8.10	.40	.30		.05
GROUP 11	7.95	.40	.30		.05
GROUP 12	7.67	.40	.30		.05
GROUP 13	7.62	.40	.30		.05
GROUP 14	7.57	.40	.30		.05
GROUP 15	7.47	.40	.30		.05
GROUP 16	7.42	.40	.30		.05
GROUP 17	7.32	.40	.30		.05
GROUP 18	7.17	.40	.30		.05

CLASSIFICATIONS

GROUP 1: Helicopter
GROUP 2: Concrete Mixer (Dual Drum)
GROUP 3: Caisson Drilling Machine, Clamshell, Crane, Derrick, Dragline, Dredge, Pile-Driver, Shovel, Tower Crane, Backhoe
GROUP 4: Ditching & Trenching Machine(over 24") Hoist, Tournapull(or similar), Tractor Shovel
GROUP 5: Crane-Electric Overhead, Dinky Engine in Tunnel, Forklift, Locomotive, Tractor w/Winch
GROUP 6: Angle Dozer, Bulldozer, Pushdozer, Auto Patrol, Backfiller, Boom Cat, Concrete Pump, Ditching & Trenching Machine, Elevators(when used to hoist material) Mechanic on Job Site, Scoop Tractor(farm type) Backhoe over 3/8 yd
GROUP 7: Concrete Mixer (21 cu. ft. or over)
GROUP 8: Rollers on Stone, Blacktop or Brick
GROUP 9: Ross Carrier, Tractor(Farm w/attachments), Boatman
GROUP 10: Fower Blade
GROUP 11: Well Point System, Throttle Valve
GROUP 12: Firemen
GROUP 13: Rollers on Earth
GROUP 14: Air compressor(2 or 1 over 200'), Pumps(2, 3 or 4), Tractor, Welding Mach.(2, 3 or 4)
GROUP 15: Track Jack
GROUP 16: Truck Crane Driver
GROUP 17: Concrete Mixer (under 21 cu. ft.) Conveyor
GROUP 18: Air Compressor(Less than 200 ft) Pump over (over 2") Welding Machine, Oilers & Greasers

Ind 9 PEO 1 S & T

Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.55	.40	.50		.06
GROUP II	9.45	.40	.50		.06
GROUP III	9.25	.40	.50		.06
GROUP IV	7.00	.40	.50		.06

CLASSIFICATIONS

GROUP I Master Mechanics
GROUP II Utility Operator
GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS (Cont'd)

GROUP IV Mixers 1¼ capacity or less, Trench Machine cutting 2½" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Trank Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour; over 199 ft. including jib receive additional $1.25 per hour.

Starke County

INDIANA-3-PEO-BS&T

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

CLASSIFICATIONS

GROUP I
Mechanic (with truck $1.00 per hour more)asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, air derricks, traveling, forklift - lull type, forklift - 10 ton and over, hoists, one, two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump oretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II
Asphalt spreader, boilers, bulldozers combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists, all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III
Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (ito 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV
Heaters, mechanical, oilers switchmen

NOTICES

29496

Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Jasper, Johnson, Madison, Marion, Miami, Newton, Pulaski, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties

IND-14-PEO T&S

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.95	.40	.40		.05
GROUP 2	8.10	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.80	.40	.40		.05

CLASSIFICATIONS

GROUP 1
Air compressor (pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) dredge, Elevators (when hoisting material or tool) Forklift (machinery)Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired, Spreader-tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine (C.M.I. or similar Tower Crane, Tractor W/backhoe (over ½ yard) Welder

GROUP 2
A-Frame truck, Batcher Plant (automatic dry batch) Bending Machine-Power Driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer (21 cu. ft. or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18")Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller, Asphalt Stone & Sub Base, Sheeptstone Roller Self-Propelled, Shop Mule Spreader or Base Paver-Self Propelled, Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor W/Backhoe (¾ yard & under) Tractor-High Lift-Farm-Type, Tractor-Industrial Type Tractor w/winch, Well Points, Winch truck

GROUP 3
Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jack-Hydraulic-Power Driven, Minor Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type Truck Crane Driver

GROUP 4
Air Compressors (less than 210 cu. ft.) Concrete Mixer (under 21. cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

Elkhart, Kosciusko, LaGrange, Marshall, & Noble Counties

IND-7-PEO-BST

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, Forklifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Saagen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

Bartholomew, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Daviess, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Madison, Marion, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Randolph, Ripley, Rush, Scott, Shelby, Sullivan, Switzerland, Tippecanoe, Union, Vigo, Washington, & Wayne Counties

IND-LC-AREA I

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technician	$8.18	.35	1%		.5%
Heavy equipment operator "A"	7.77	.35	1%		.5%
Heavy equipment operator "B"	6.40	.35	1%		.5%
Powderman; Equipment mechanic	6.25	.35	1%		.5%
Senior Groundman truck driver w/winch	5.35	.35	1%		.5%
Groundman truck driver w/winch	5.14	.35	1%		.5%
Groundman truck driver wo/winch	4.50	.35	1%		.5%
Senior Groundman after 5 years	5.13	.35	1%		.5%
Senior Groundman after 12 months	4.99	.35	1%		.5%
Groundman 0-12 months	4.23	.35	1%		.5%

NOTICES

29496

Adams, Allen, Benton, Dekalb, Elkhart, Fulton, Huntington, Jasper, Jay, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, Starke, Steuben, Wells, White, & Whitley Counties

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

IND-LC-AREA III

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINEMEN; Line truck operator; Hole digger; Stool handling cable splicer	$10.00	.40	1%		
GROUNDMAN	8.64	.40	1%		
TRUCK DRIVER	8.95	.40	1%		

Clinton, Grant, Howard, Miami, Tipton, & Wabash Counties

IND-LC-AREA IV

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.23	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS "B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

Fountain, Vermillion, & Warren Counties

IND-LC-AREA V

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINEMEN; Groundman equipment operator	$9.57	.30	1%+.30		½ of 1%
GROUNDMAN TRUCK DRIVER W/WINCH	7.87	.30	1%+.30		½ of 1%
GROUNDMAN TRUCK DRIVER WO/WINCH	7.36	.30	1%+.30		½ of 1%
GROUNDMAN	7.00	.30	1%+.30		½ of 1%

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Bergen, Essex, Hudson Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren

DECISION NO.: NJ75-3050 DATE: Date of Publication

Supersedes Decision Nos.: AR-2078, Dated November 15, 1974, in 39 FR 40473, No. AR-2083, dated November 22, 1974, in 39 FR 41153, No. AR-2087, dated November 29, 1974, in 39 FR 41671, No. AR-2076, dated November 15, 1974, in 39 FR 40393, No. AR-2040, dated September 13, 1974, in 39 FR 33164, No. AR-2041, dated September 13, 1974, in 39 FR 33172, No. AR-2042, dated September 13, 1974, in 39 FR 33179, No. AR-2043, dated September 6, 1974 in 39 FR 32456, No. AR-2075 dated November 15, 1974, in 39 FR 40386, No. AR-2044, dated September 6, 1974, in 39 FR 32464, No. AR-2074, dated November 15, 1974, in 39 FR 40378.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
ZONE 1	$ 9.85	.50	.50		.025
ZONE 2	9.202	.5803	.4974		.02

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Hunterdon (Alexander, Bethlehem, Bloomsbury, Clinton, Delaware, East Amwell, Flemington, Franklin, Frenchtown, Glen Gardner, Hampton, High Bridge, Holland, Kingwood, Lambertville, Lebanon, Milford, Raritan, Readington, Stockton, Union, and West Amwell Townships); Middlesex (Cranbury, East Brunswick, Helmetta, Jamesburg, Milltown, Monroe, North Brunswick, Plainsboro, South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships) and Warren (Franklin, Greenwich, Harmony, Lopatcong, Oxford, Phillipsburg, Pohatcong, Washington and White Townships) Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (remainder of county), Middlesex (remainder of county), Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren (remainder of county) Counties.

BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 1	10.35	.70	.60		.02
ZONE 2	9.70	.97	.70		.02
ZONE 3	9.40	.65	.74		.02
ZONE 4					
Bricklayers & Stone Masons	10.01	.87	.75		
Cement Masons & Plasterers	8.50	1.00	.50		.05
ZONE 5	9.70	.45	.45		
ZONE 6	9.25	.75	.70		.02
ZONE 7	9.80	.50	.50		
ZONE 8	9.69	.45	.45		.02
ZONE 9	10.00	.35	.35		

DECISION NO. NJ75-3050

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Barry's Creek west of the Hackensack River); Essex (Except Millburn Township); Hudson (that portion west of the Hackensack River) and Union (Hillside Township).

ZONE 2 - Bergen (except Wallington, part of East Patterson, Garfield, Lodi, North Arlington, part of Lyndhurst and part of Edgewater) County.

ZONE 3 - Bergen (remainder of county); Morris (Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Ringmans Ferry to Tuttles Corner, along Route #206 to Lafayette, then along North Church Road to Route #23, then along Route #23 to Passaic County Line) Counties.

ZONE 4 - Hudson (remainder of county) County.

ZONE 5 - Middlesex (except Dunellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties.

ZONE 6 - Essex (Millburn Township); Middlesex (remainder of county); Somerset North Plainfield, Watchung, Bernardsville, Peapack, Gladstone, Basking Ridge, Far Hills, Bedminster, Millington and Liberty Corner Townships) and Union Counties.

ZONE 7 - Hunterdon (Califon, Oldwick, Armadale, Lebanon, White House Station, Readington, Stanton and Three Bridges Townships) and Somerset (remainder of county) Counties.

ZONE 8 - Hunterdon (remainder of county), Morris, (Stephensburg, Pleasant Grove, Middle Valley and Parker Townships) Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Townships) and Warren Counties.

ZONE 9 - Morris (remainder of county) and Sussex (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 1	$ 9.05	8%	8%+.40		.02
ZONE 2	9.73	6%	6%		.02
ZONE 3	9.85	.50	.55		.02
ZONE 4					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02

DECISION NO. NJ75-3050

AREA COVERED BY CARPENTERS, ETC. ZONES

ZONE 1 - Bergen (Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville and Hudson (east of the Hackensack River) Counties.

ZONE 2 - Essex (except Millburn Township) and Hudson (remainder of county) Counties.

ZONE 3 - Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown to Croton to the City of Flemington to Flemington Junction to Three Bridges, thence following the Somerset County Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory south of a line beginning at Amwell on the County Line to Zion to Fairview to Dutchtown to Plainsville to Belle Mead to Griggstown to the Delaware and Raritan Canal) Counties.

ZONE 4 - Bergen (remainder of county), Essex (Millburn Township only), Hunterdon (remainder of county), Middlesex, Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DOCK BUILDERS & PILEDRIVERMEN	$ 9.86	.95	1.63	.61	.02
DETWAIL TAPERS & FINISHERS	9.75	.50	.50		.07
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	10.35	5%	7%	10%	½ of 1%
ZONE 2	11.60	1%	1%		.02
ZONE 3	11.60	1%	1%+.30		.02
ZONE 4	11.25	1%	1%+.50		
ZONE 5	11.23	3%	6%+.58		1.5%
ZONE 6	10.45	1%	6%	10%	
ZONE 7	10.81	1%	1%+.50		
ZONE 8	12.07	1%	1%+.30		.02
ZONE 9	12.07	1%	1%+.50		
ZONE 10	11.16	1%	1%+.50		.02
ZONE 11	11.34	1%	1%+.50		.02
ZONE 12	11.53	1%	7%+.30		.02
ZONE 13	11.34	1%	5.75%		.02
ZONE 14	10.00	1%	1%+.20		½ of 1%
ZONE 15	10.00	1%	1%+.50		

DECISION NO. NJ75-3050

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES

ZONE 1 - Essex County

ZONE 2 - Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 3 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave., in New Providence Boro, to the Diamond Hill Rd, south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line) County.

ZONE 4 - Union (remainder of county) County.

ZONE 5 - Bergen and Hudson Counties.

ZONE 6 - Passaic County.

ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave., to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville Fluckesin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Still well Rd., and west on Hall's Bridge Rd., to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to the Harlingen Rd. and west along that road and the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

DECISION NO. NJ75-3050

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES (Cont'd)

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd, North on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Fluckesin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County Line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the sourthern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pohaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mansfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Construction:					
Mechanics	$ 9.52	.445	.29+a	b+c	.02
Helpers	7.14	.445	.29+a	b+c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29+a	b+c	.02
Helpers	6.56	.445	.29+a	b+c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29+a	b+d	.02
Helpers	5.92	.445	.29+a	b+d	.02
Probationary Helpers	4.76				
GLAZIERS:					
ZONE 1	9.27	.45	1.00		.01
ZONE 2	10.05	.61	.65		.02
ZONE 3	8.70	.70	.65		.02

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bergen and Passaic Counties.

ZONE 2 - Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Fords and Woodbridge) Counties.

ZONE 3 - Essex, Hudson, Morris, Somerset (remainder of county), Sussex, Union (remainder of county) and Warren Counties.

IRONWORKERS - Structural, Reinforcing & Ornamental					
Warren County	10.00	.61	1.06		
Middlesex County	9.62	7%	23%	10%	1%

DECISION NO NJ75-3050

LABORERS, BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	$ 6.85	.50	.70		
ZONE 2 Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	6.80	.65	.60		
ZONE 3 Regular Laborers Mortar Mixers, Scaffold Men & Pneumatic Hammer Ops.	7.45 7.70	.45 .45	.30 .30		
ZONE 4 Common Laborers	7.35	.40	.30		
ZONE 5 Common Laborers	6.95	.60	.50		
ZONE 6 Common Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers & Pipelayers (concrete & clay)	7.20	.40	.45		
ZONE 7 Common Laborers	7.10	.50	.50		
ZONE 8 Common Laborers	7.15	.40	.50		
ZONE 9 Common Laborers	7.25	.40	.40		
ZONE 10 Laborers, Wrecking, Demolition, Concrete Mixers, W/O Hoppers, Drill Runners, Jackhammers, Mason Tenders, Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders & Grading for Concrete	7.25	.35	.45		

DECISION NO. NJ75-3050

LABORERS, BUILDING CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 11 Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	$ 7.05	.50	.50		
ZONE 12 Laborers, Tenders, Scaffolds, Excavation, Bituminous Concrete & Aggregates, Pipelayers, Underpinning, Lagging, Bracing & Wrecking	7.05	.50	.50		
ZONE 13 Laborers, Tenders, Scaffolds, Excavating & Site Preparation & Clearance, Bituminous Concrete & Aggregates, Trenches Manholes, Handling & Distribution of Pipes, Underpinning, Lagging, Bracing, Propping & Shoring	6.95	.60	.50		
ZONE 14 Common Laborers	6.90	.50	.50		
ZONE 15 Common Laborers	6.95	.55	.55		
ZONE 16 Common Laborers, Air Tool Ops., Mason Tenders, Plaster Tenders & Mortar Mixers	6.95	.60	.50		
ZONE 17 Common Laborers, Hod Carriers, Power Tool Ops. & Plasterer Tenders	7.25	.40	.30		

FEDERAL REGISTER, VOL. 40, NO. 134—FRIDAY, JULY 11, 1975

DECISION NO. NJ75-3050

AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES

ZONE 1 - Bergen (Garfield, Passaic and Wallington Townships, Lodi, Lodi Boro. and East Patterson) and Passaic Counties.

ZONE 2 - Bergen (remainder of county) County.

ZONE 3 - Essex (City of East Orange, Townships of South Orange and Maplewood) County.

ZONE 4 - Essex (Orange and Montclair) County.

ZONE 5 - Essex (Millburn) and Union (Springfield and Union Townships) Counties.

ZONE 6 - Essex (remainder of county) and Hudson (Kearny, East Newark and Harrison) Counties.

ZONE 7 - Hudson (remainder of county) Counties.

ZONE 8 - Middlesex (Perth Amboy, Carteret, Woodbridge and Metuchen Townships) County.

ZONE 9 - Middlesex (remainder of county) and Somerset (East Millstone and Franklin Townships) Counties.

ZONE 10 - Morris (Boonton, Boonton Township, Montville, Lincoln Park Boro., Butler, Kinnelon Boro., Pin Brook, Towaco, Danville, Mountain Lakes, Pequannock, Pompton Plains and Riverdale Boro) County.

ZONE 11 - Morris (Jefferson, Rockaway, Mt. Arlington, Rockaway Boro., Wharton, Mine Hill, Dover, Metoong, Roxbury, Mt. Oliver and Randolph Townships) and Sussex Counties.

ZONE 12 - Morris (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Cod Knools, Whippany, Hanover Township and Long Valley) County.

ZONE 13 - Morris (remainder of county) County.

ZONE 14 - Somerset (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards and Bedminster) County.

DECISION NO. NJ75-3050

AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES (Cont'd)

ZONE 15 - Somerset (Townships of Bridgewater, Branchburg, Raritan, Bound Brook, Somerville, Manville, Hillsboro, Millstone, Montgomery and Rocky Hill) County.

ZONE 16 - Somerset (remainder of county) and Union (remainder of county) Counties.

ZONE 17 - Hunterdon and Warren Counties

LABORERS, HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.25	.50	.75	•	
GROUP 2	8.10	.50	.75	•	
GROUP 3	7.85	.50	.75	•	
GROUP 4	7.80	.50	.75	•	
GROUP 5	7.70	.50	.75	•	
GROUP 6	7.60	.50	.75	•	
GROUP 7	7.35	.50	.75	•	
GROUP 8	7.20	.50	.75	•	
GROUP 9	7.15	.50	.75	•	

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Blasters

GROUP 2 - Finishers, Rammers, Pavers, Gunite Nozzle Men and Stonecutters.

GROUP 3 - Timberman

GROUP 4 - Formsetters

GROUP 5 - Wagon Drill Operators, Drill Masters, Jackhammers, Chipping Hammers, Pavement Breakers, Power Buggies, Concrete Cutters, Asphalt Cutters, Sheet Hammer and Tree Cutter Operators, Sandblasting, Cutting, Burning, and such other power tools used to perform work usually done manually by Laborers.

GROUP 6 - Sewer Pipe, Laser Men, Conduit and Dust Line Layers.

GROUP 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders.

GROUP 8 - Wrapping and Coating of all pipe.

GROUP 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Pitmen and Dumpmen, Waterproofing, Rakers and Tampers on cold Patch Work.

FEDERAL REGISTER, VOL. 40, NO. 134—FRIDAY, JULY 11, 1975

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS - FREE AIR TUNNEL JOBS:					
GROUP 1	$ 8.62	.50	.75	•	
GROUP 2	8.22	.50	.75	•	
GROUP 3	8.06	.50	.75	•	
GROUP 4	7.55	.50	.75	•	

CLASSIFICATION DEFINITIONS
LABORERS - FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rodmen, Caulkers, Powder Carriers, All Other Skilled Men).

GROUP 3 - Semi-Skilled Men (including Miner's Helpers, Chuck Tenders, Trackmen, Nippers, Brakemen, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All Other Semi-Skilled Men).

GROUP 4 - All Other (including Powder Watchmen, Changehouse Attendents, Top Laborers).

LABORERS, ASPHALT CONSTRUCTION:					
ZONE 1					
STREET:					
Head Raker	7.55	.61	.59	•	
Rakers & Screen Men	7.40	.61	.59	•	
Tampers, Smoothers, Kettlemen, Painters, Top Shovelers & Roller Boys	7.15	.61	.59	•	
PLANT:					
Scale Mixer & Burner Men	7.40	.61	.59	•	
Feeders & Dust Men	7.15	.61	.59	•	

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT CONSTRUCTION: (Cont'd)					
ZONE 2					
STREET:					
Head Rakers	$ 7.05	.50	.75	•	
Rakers & Screed Men	6.90	.50	.75	•	
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	6.65	.50	.75	•	
PLANT:					
Scale Mixer & Burner Men	6.90	.50	.75	•	
Feeders & Dust Men	6.65	.50	.75	•	

AREA COVERED BY LABORERS, ASPHALT CONSTRUCTION ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of county), Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

ZONE 2 - Middlesex (remainder of county) County.

LATHERS	9.10	.35	.25		.02
LEAD BURNERS	9.25	.35		f	.01
LINE CONSTRUCTION:					
ZONE 1					
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen & Welders	10.35	5%	7%	10%	3/8 of 1%
ZONE 2					
Linemen & Equipment Operators	10.45	1/2	6%	10%	3/8 of 1%
Cable Splicers	11.40	1/2	6%	10%	3/8 of 1%
Groundmen	7.315	1/2	6%	10%	3/8 of 1%

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators & Groundmen	$11.23	3%	6%+.58		3/8 of 1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.25	1/2	1/2		3/8 of 1%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.25	1/2	1%+.30		3/8 of 1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.25	1/2	1%+.50		3/8 of 1%
ZONE 7					
Linemen & Equipment Operators	10.81	1/2	1%+.50		3/8 of 1%
Groundmen & Line Truck Operator	9.26	1/2	1%+.50		3/8 of 1%
ZONE 8					
Linemen & Equipment Operators	12.07	1/2	1%+.30		3/8 of 1%
Groundmen & Winch Operators	10.21	1/2	1%+.30		3/8 of 1%
ZONE 9					
Linemen & Equipment Operators	12.07	1/2	1%+.50		3/8 of 1%
Groundmen & Line Truck Operator	10.21	1/2	1%+.50		3/8 of 1%
ZONE 10					
Linemen & Equipment Operators	11.34	1/2	1%+.50		3/8 of 1%
Groundmen & Winch Operators	10.49	1/2	1%+.50		3/8 of 1%
ZONE 11					
Linemen & Equipment Operators	11.34	1/2	5.75%		3/8 of 1%
Groundmen & Winch Operators	10.49	1/2	5.75%		3/8 of 1%
ZONE 12					
Linemen & Equipment Operators	11.34	1/2	1%+.30		3/8 of 1%
Groundmen & Winch Operators	10.49	1/2	1%+.30		3/8 of 1%
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators & Cable Splicers	10.00	1/2	1%+.20		3/8 of 1%
Groundmen	5.67	1/2	1%+.20		3/8 of 1%

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
ZONE 14					
Linemen, Line Truck Operators, Equipment Operators & Cable Splicers	$10.00	1/2	1%+.50		3/8 of 1%
Groundmen	5.67	1/2	1%+.50		3/8 of 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Essex County

ZONE 2 - Passaic County

ZONE 3 - Bergen and Hudson Counties

ZONE 4 - Union (that portion east and north of a line running in a southerly direction from Morris Ave. along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd, to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 5 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave. in New Providence Boro. to the Diamond Hill Rd. south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and south west on the railroad to the Middlesex County Line) County.

ZONE 6 - Union (remainder of county) County.

ZONE 7 - Morris and Sussex Counties

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro.) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., north on John Kane Rd. west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U. S. Highway #206 north from Mercer County to the Harlingen Rd., and west along that road the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

29506 NOTICES 29507

DECISION NO. NJ75-3050

AREA COVERED BY LINE CONSTRUCTION ZONES (Cont'd)

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of county) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd, along Mill Rd. to the Raritan River, along the Raritan River to the South River, along the South River to the southern Boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 1	$ 9.69	.45	.45		.02
ZONE 2					
Marble Setters	7.80	.78	.94	6	
Terrazzo Workers	9.10	1.09	1.50		
Tile Setters	8.25	.60	1.95		

AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS HELPERS:					
ZONE 1					
Marble Setters Helpers	$ 7.33	.74	.88	6	
Terrazzo Workers Helpers	7.43	.925	.475		
ZONE 2					
Tile Setters Helpers	8.01	6%	7%		

AREA COVERED BY MARBLESETTERS HELPERS, ETC. ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Beemerville, Mt. Pisah, Swartswood, Huntsburg and all cities inclusive to the Morris and Passaic County Line) and Union Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties.

PAINTERS:					
ZONE 1					
Commercial, Industrial, Tapers & Paperhangers	7.70	.84	1.38	.38	.06
Steel Outside	8.20	.84	1.38	.38	.06
Spray Rate	9.77	.84	1.38	.38	.06
ZONE 2					
Brush	7.90	.55	.40		
Structural Steel, Bridges, Tanks & Towers, Spray & Sandblasting	8.95	.55	.40		
ZONE 3					
Brush	7.15	.65	.50		
Roller (using epoxies-urethanes)	8.05	.65	.50		
Structural Steel, Towers, Tanks, Steeples, Boat Swain Chairs, Stacks, Spraying & Sandblasting	8.25	.65	.50		

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
ZONE 4					
Painters	$ 8.40	.50	.50	.10	
Exterior work exceeding 3 stories in height, Open structural Steel & Tanks under 3 stories in height except Flat Tanks on the ground, Interior work 20' above the ground or floor	8.55	.50	.50	.10	
Bridges, T.V. & Radio Towers, Structural Steel & Tanks above 3 stories in height, Smoke Stacks, Water Towers, Spray, Sandblasting, Steam Cleaning & Application of hasardous or dangerous materials	9.00	.50	.50	.10	
ZONE 5					
Industrial & Commercial Exterior Scaffold Work, Structural Steel, Tanks, Bridge Towers, Flag poles (Steel & Wood), Sandblasting & Hasardous Work	7.25	.70	1.15	.30	

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

ZONE 2 - Middlesex (Perth, Amboy, Carteret, Woodbridge Twp., Edison Twp., North of Metuchen, Sayreville, South Amboy, Metuchen, Old Bridge and Madison Twp.) County.

ZONE 3 - Middlesex (Edison Twp., South of Metuchen, Highland Park, New Brunswick, North Brunswick, East Brunswick and South Brunswick Twps. and Monroe Twp.) and Somerset (Franklin Twp.) Counties.

ZONE 4 - Essex, Hudson (west half of county), Hunterdon, Middlesex (remainder of county), Morris, Somerset (remainder of county) Union and Warren Counties.

ZONE 5 - Hudson (remainder of county).

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPE FITTERS:					
Bergen & Hudson Counties	$10.00	.60	.80	1.00	.25
PLUMBERS:					
ZONE 1	9.30	.60	.65	1.00	.03
ZONE 2	9.40	.61	.55	1.00	.02
ZONE 3	10.85	.70	1.00		.10
ZONE 4	9.46	.40	.90	.85	.11
ZONE 5	9.55	7%	8%	.12%	1%

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Hasbrouck Heights, Haworth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Norwood, Old Tappan, Oradell, Palisades Park, Paramus, Park Ridge, Ridgefield Park, River Edge, Rivervale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook, Saddle River, South Hackensack, Teaneck, Tenafly, Teterboro, Upper Saddle River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Wood-Ridge) County.

ZONE 2 - Bergen (Cliffside Park, Edgewater, Fairview, Fort Lee, Moreemere and Ridgefield) and Hudson (Guttenberg, North Bergen, Secaucus, Weehawken and West New York) Counties.

ZONE 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

ZONE 4 - Union (Famwood, Netherwood, Plainfield and Plainfield Twp.) County.

ZONE 5 - Union (Cranford, Cranford Twp., Garwood, Hillside, Hillside Twp., Kenilworth, Linden, Lorraine, Lyons Farms, Mountainside, Picton, Rahway, Roselle, Roselle Park, Scotch Plains, Scotch Plains Twp., South Elizabeth, Townley, Union, Union Twp., West Elizabeth, Westfield, Westfield Twp. and Winfield) County.

PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	9.525	.40	.90	.85	.10

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 9.57	.40	.90	.85	.05
ZONE 2	11.25		.50		.03
ZONE 3	9.41	6%	8%	10%	
ZONE 4	8.95	.475	1.16	1.00	.04

AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County.

ZONE 2 - Middlesex (Piscastaway to Old Bridge to the County Line and North thereof) County.

ZONE 3 - Middlesex (Adams, Berdines Corners, Dayton, Deans, Helmetta, Highland Park, Kingston, Livingston Park, Jamesburg, Milltown, Monroe Twp., New Brunswick, New Durham, North Brunswick Twp., Northstelton, Old Bridge, Piscataway, Raritan Twp., South Brunswick Twp., South River, Spotswood and Steelmanville) and Somerset (Clyde, Middlebush, South Bound Brook, South Branch, Voorhees, Warren Twp. and West New Brunswick) Counties.

ZONE 4 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Midland Park, Holokus, Waldwick, Allendale, Upper Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahawah), Morris (Lincoln Park, Pompton Plains, Pequanock, Pequanock Twp., Riverdale, Butler, Kinnelon Boro., Jacksonville and Brook Valley) and Passaic (Paterson, West Paterson, Little Falls, Totowa Boro., Wayne, North Haledon, Haledon, Hawthorne, Pompton Lakes, West Milford Twp., Ringwood Boro., Boro of Wanaque, Bloomingdale, Mountain View, Part of Clifton and Clinton) Counties.

PLUMBERS & STEAMFITTERS:					
ZONE 1	9.365	.50	.90	1.00	
ZONE 2	9.57	.40	.90	.75	.10
ZONE 3	10.39	.57	.80		.05
ZONE 4	9.15	.64	.77	1.10	.09
ZONE 5	9.32	.40	.90	1.00	.15
ZONE 6	10.32	.40	.90		.10
ZONE 7	10.32	.40	.90		.15
ZONE 8					
Steamfitters	9.85	6%	7%	10%	½ of 1%

DECISION NO. NJ75-3050

AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Bergen (Lodi, Garfield and Wallington) and Passaic (Passaic) Counties.

ZONE 2 - Essex (Short Hills and Millburn) and Union (Ashbrook, Berkeley Heights, Great Island, Murray Hill, Springfield, Chatham Twp., Unionburg, Unionville, Vaushall, Warners, Summit, Summit Twp., New Providence and New Providence Twp) Counties.

ZONE 3 - Hunterdon (Barbertown, Bowne, Copperhill, Flemington, Idell, Lambertville, Larison s Corners, Linvale, Lockton, Raven Rock, Ringoes, Rocktown, Rosemont, Sand Brook, Sergeantsville, Stockton and West Amwell Twp.) County.

ZONE 4 - Hunterdon (remainder of county) Middlesex (Cranbury, Cranbury Twp., Cranbury Station, Franklin Park, Monmouth Junction, Oakleym Plainsboro, Plainsboro Twp. and Prospect Plains) and Somerset (Griggstown, Harlingen, Kingston, Skillman and Stoutsburg) Counties.

ZONE 5 - Somerset (remainder of county) and Warren (area encompassed by the Delaware River, Hunterdon and Morris County Lines including Belvidere and south thereof) Counties.

ZONE 6 - Morris (beginning at Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flatbrookville, Montague, Port Jervis (N.Y.), Glenwood, Stockholm, Charlottsburg and returning to Dover), Sussex and Warren (remainder of county) Counties.

ZONE 7 - Morris (remainder of county) County.

ZONE 8 - Essex (except Millburn and Short Hills), Middlesex (Middlesex Boro., South Plainfield, New Market, Dunellen, New Market, a portion of Piscataway Twp. & a portion of Edison Twp.), Somerset (North Plainfield, Warren Twp. & Greenbrook Twp.) & Union (except Springfield & a portion of Mountainside & Union Twp.) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS - BUILDING AND HEAVY CONSTRUCTION:					
GROUP 1	$11.28	7%	10%+5%	h	3%
GROUP 2	10.40	7%	10%+5%	h	3%
GROUP 3	10.20	7%	10%+5%	h	3%
GROUP 4	9.51	7%	10%+5%	h	3%
GROUP 5	9.36	7%	10%+5%	h	3%
GROUP 6	9.31	7%	10%+5%	h	3%
GROUP 7	8.60	7%	10%+5%	h	3%
GROUP 8	8.45	7%	10%+5%	h	3%
GROUP 9	8.15	7%	10%+5%	h	3%
GROUP 10	9.46	7%	10%+5%	h	3%
GROUP 11	8.05	7%	10%+5%	h	3%
GROUP 12	10.50	7%	10%+5%	h	3%

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS - BUILDING AND HEAVY CONSTRUCTION: (Cont'd)					
GROUP 13	$ 8.96	7%	10%+5%	h	3%
GROUP 14	12.88	7%	10%+5%	h	3%
GROUP 15	9.76	7%	10%+5%	h	3%
GROUP 16	10.65	7%	10%+5%	h	3%

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
BUILDING & HEAVY CONSTRUCTION

GROUP 1 - Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rake, helicopters (copilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-S and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) trenching, shovels, tree chopper, trench machines

GROUP 2 - "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry picker (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), cosmomobiles (hilo, Iall, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, de's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, de's ukes), side booms, squeezecrete, straddle carrier (rose & similar types), winch trucks (hoisting)

GROUP 3 - Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, encmiel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, (except Chicago boom type), elevators or house cars, roof hoist

DECISION NO. NJ75-3050

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
BUILDING & HEAVY CONSTRUCTION (Cont'd)

GROUP 4 - Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform.(CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjuction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetsel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorised), ladderator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic,(mixers excepting paving mixers), meter patrols and graders, pavers (under 21-S), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverising mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP 5 - Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100 constitutes a battery), welding system, matiple (rectifier transformer type)

GROUP 6 - Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

DECISION NO. NJ75-3050

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
BUILDING & HEAVY CONSTRUCTION (Cont'd)

GROUP 7 - Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP 8 - Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP 9 - Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP 10 - Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP 11 - Water Operations: Deckhand

GROUP 12 - Pump (staging)

GROUP 13 - Rollers (grade fill or stone base), tractors under D-8

GROUP 14 - Helicopters (pilot/engineer)

GROUP 15 - Asphalt spreaders, bridge deck finisher, grader finish only

GROUP 16 - Roller blacktop

DECISION NO. NJ75-3050

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
GROUP 1	$11.28	7%	5%+10%	h	3%
GROUP 2	10.40	7%	5%+10%	h	3%
GROUP 3	9.51	7%	5%+10%	h	3%
GROUP 4	9.31	7%	5%+10%	h	3%
GROUP 5	8.60	7%	5%+10%	h	3%
GROUP 6	9.16	7%	5%+10%	h	3%
GROUP 7	12.88	7%	5%+10%	h	3%
GROUP 8	10.50	7%	5%+10%	h	3%
GROUP 9	8.96	7%	5%+10%	h	3%
GROUP 10	9.46	7%	5%+10%	h	3%
GROUP 11	9.21	7%	5%+10%	h	3%
GROUP 12	8.45	7%	5%+10%	h	3%
GROUP 13	10.20	7%	5%+10%	h	3%
GROUP 14	8.15	7%	5%+10%	h	3%
GROUP 15	9.76	7%	5%+10%	h	3%
GROUP 16	10.65	7%	5%+10%	h	3%

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

GROUP 1 - Autograde-combn., subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

NOTICES

29512

DECISION NO. NJ75-3050

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION (Cont'd)

GROUP 2 - "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under) concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, de's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, de's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP 3 - Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetsel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with ot without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

DECISION NO. NJ75-3050

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION (Cont'd)

GROUP 4 - Bulldozer, firemen, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP 5 - Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP 6 - Front end loaders (under 1 yard)

GROUP 7 - Helicopters (pilot/engineer)

GROUP 8 - Pump (staging)

GROUP 9 - Rollers (grade fill or stone base), tractors (under D-8)

GROUP 10 - Tug master (power boats), captain (power boats)

GROUP 11 - Compressors (2 or 3 within a total distance of 100' constitutes a battery)

GROUP 12 - Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self-propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP 13 - Roof hoists, aerial platform used as hoist

GROUP 14 - Tire repair and maintenance, mechanics helpers & oiler

GROUP 15 - Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP 16 - Roller blacktop

NOTICES

29513

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS - STEEL ERECTORS:					
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	h	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.68	7%	15%	h	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	h	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	h	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	h	3%
Firemen	9.38	7%	15%	h	3%
Oilers, straddle carrier	8.55	7%	15%	h	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	h	3%
Deckhand	8.50	7%	15%	h	3%
ROOFERS:					
ZONE 1					
Composition	10.35	.68	1.00		
ZONE 2					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
ZONE 3					
Composition, Damp & Waterproofing	$10.71	.70	.50		
ZONE 4					
Slate & Tile	8.96	.60	1.00		
Slate & Tile Helpers	7.21	.60	1.00		
ZONE 5					
Slate & Tile	9.05	.30	.20		
Slate & Tile Helpers	7.95	.30	.20		
ZONE 6					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
ZONE 7					
Composition, Damp & Waterproofing	8.84	12%	2.20	.63	

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Bergen & Passaic Counties

ZONE 2 - Hunterdon & Somerset (Rocky Hill, Harlingen, Belle Meade, Mechanic, Clover Hill, Montgomery, Zion, Skillman, Stoutsburg, Blawenburg, Centerville & Kingston) Counties.

ZONE 3 - Essex, Hudson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel & Watchung), Sussex, Union (remainder of county) & Warren Counties.

ZONE 4 - Bergen, Passaic & Sussex Counties.

ZONE 5 - Essex, Hudson, Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel & Watchung), Sussex, Union (remainder of county) & Warren Counties.

ZONE 6 - Middlesex, Somerset (remainder of county) & Union (Scotch Plains, Plainfield, Clark & Rahway) Counties.

ZONE 7 - Hudson (remainder of county) County.

DECISION NO. NJ75-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Middlesex County	$ 9.49	6%	16+.10	8%	.02
Essex & Passaic Counties	9.91	16+.055	16+.055	8%	.01
Bergen & Hudson Counties	9.70	5%+.06+1	5%	16+.06	.02
Warren County	9.18	.83	.50		.01
Morris, Somerset, Sussex & Union Counties	9.75	.49	.42		.07
Hunterdon County	8.93	.30	.50		.02
SOFT FLOOR LAYERS	9.91	6%	5%+.30		
SPRINKLER FITTERS:					
ZONE 1	10.53	.50	.70		.07
ZONE 2	10.00	.50	.70		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown & North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinsville & Somerville) & Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex & Warren Counties.

TRUCK DRIVERS:					
ZONE 1					
GROUP 1	7.27	.615	.69	3¢	
GROUP 2	7.50	.615	.69	3¢	
GROUP 3	7.55	.615	.69	3¢	
GROUP 4	7.65	.615	.69	3¢	
GROUP 5	7.75	.615	.60	3¢	
ZONE 2					
GROUP 1	7.27	1	.71	3¢	
GROUP 2	7.50	1	.71	3¢	
GROUP 3	7.55	1	.71	3¢	
GROUP 4	7.65	1	.71	3¢	
GROUP 5	7.75	1	.71	3¢	

DECISION NO. NJ75-3050

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONES 1 & 2

ZONE 1 - Mechanic Helper

ZONE 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, Trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor & Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose & nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks, Pump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checkers, Receivers, Shippers, Binning Men (Materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck & Asphalt & Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little-Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiokol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck & any Rubber Tired Tractor used in pulling & towing Farm Wagons & Trailers of any description, similar type vehicles, Off-site & On-site Repair Shop.

ZONE 3 - Drivers on straight 3-Axle Materials: Trucks & Floats.

ZONE 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabocs, Caterpillar, Koehring, Tractors & Wagons, Dumptors, Straight, Bottom, Rear & Side Dumps, Carryalls & Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls & similar types of Vehicles; Drivers on Tractors & Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles.

ZONE 5 - Winch Trailers Drivers

DECISION NO. NJ75-3050

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Ave. south of Cranford) & Warren Counties.

ZONE 2 - Essex, Morris, Sussex & Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same Employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

f. Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

g. Paid Holiday: St. Patrick's Day

DECISION NO. NJ75-3050

FOOTNOTES: (Cont d)

h. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday.

i. Employer contribution of 3% based on the basic hourly rate plus health & welfare plus pension and vacation fringes.

j. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

k. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

l. Employer contribution of $79.00 per month per employee to Health & Welfare Funds.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NUMBER: PA-75-3065
COUNTY: Lycoming
DATE: Date of Publication
Supersedes Decision No. AQ-2079 dated March 29, 1974, in 39 FR 11803.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.00	.50	.35		.01	
Boilermakers	10.20	.65	1.00		.01	
Bricklayers & Stonemasons	9.25	.40	.30		.015	
Carpenters	8.78	.30	.35		.03	
Cement masons	8.95					
Electricians	9.23	.28	1%+.50	.50	.02	
Elevator constructors	9.08	.445	.29	3%b+c	.02	
Elevator constructors' helpers	6.36	.445	.29	3%b+c	.02	
Elevator constructors' helpers (prob.)	4.54					
Ironworkers	9.36	.64	1.06		.05	
Laborers:						
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	6.65	.25	.30			
Mason tender	6.75	.25	.30			
Operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12'), non-metallic pipe layers, plaster tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings	6.80	.25	.30			
Lathers	8.925		.20		.01	
Lead burners	9.25	.25		a	.01	
Line Construction:						
Line & Cable splicers	9.50	.20	1%		3/8 of 1%	
Groundman - truck drivers	6.74	.20	1%		3/8 of 1%	
Groundman	6.46	.20	1%		3/8 of 1%	
Millwrights	9.86	.30	.35		.03	
Painters:						
Brush	6.95		.20			
Steel	7.25		.20			
Spray	7.65		.20			
Sandblasting	7.80		.20			
Plasterers	8.40					
Plumberers	8.31	.41	.35	.20	.03	
Roofers & Kettlemen	9.00	.50	.40			
Piledrivermen	10.17	1.58	1.10	e	.12	
Sheet metal workers	8.97	.55	.40		.04	
Soft floor layers	8.23	.30	.35		.03	

PA-75-3065

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sprinkler fitters	$9.60	.50	.70		.08	
Steamfitters	8.31	.41	.35	.20	.03	
Tile setters	6.10					
Welders - rate for craft						
Glaziers:						
Inside	5.98		.45	d	.01	
Outside	6.16		.45	d	.01	

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Nine paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holidays: A through F plus 1st day of Buck Season and the employee's birthday provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such day is granted by the employer or unless a bonafide illness occurs.

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; Thanksgiving Day.

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.95	4.2%	9.5%	a	1.2%
GROUP 2	10.66	4.2%	9.5%	a	1.2%
GROUP 3	9.78	4.2%	9.5%	a	1.2%
GROUP 4	9.01	4.2%	9.5%	a	1.2%
GROUP 5	8.53	4.2%	9.5%	a	1.2%
GROUP 6	7.61	4.2%	9.5%	a	1.2%
GROUP 7	11.20	4.2%	9.5%	a	1.2%
GROUP 7-A	11.45	4.2%	9.5%	a	1.2%
GROUP 7-B	11.70	4.2%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York

DECISION NO. PA75-3067
Supersedes Decision No. AR-2029 dated August 30, 1974, in 39 FR 31853
DESCRIPTION OF WORK: Heavy and Highway Construction.
DATE: Date of Publication

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters/Piledrivermen	$8.17	.30	.35		
Laborers:					
Asphalt Tampers and Asphalt Rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Tackmen & Signalmen Leaser Beam men (pipe Laying, Paving Machines	6.41	.30	.20		
Pneumatic and Electric Tool Ops., Jackhammers, Paving Breakers, Concrete Saws, Whacker Vibrators, Sheet Hammers, Steward, Chain Saws, Pipelayers	6.61	.30	.20		
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Dunite nozzle Operators	6.96	.30	.20		
Blasters	7.19	.30	.20		
Reinforcing Steel Placers, Bonding, Aligning and Securing	7.25	.30	.20		
Concrete Surfaces	7.63	.30	.20		
Free Air Tunnels and Rock Shafts					
Outside Laborers in conjunction tunnels & rock shafts	7.05	.30	.20		
Chuck Tenders, Muckers, Nippers, Miners' & Drillers Helpers, Inside Laborers	7.34	.30	.20		
Miners, Drillers, Blasters, Pneumatic Shield Operators, Lining, Spotting & Timber Workmen	7.82	.30	.20		
Truck Drivers:					
Class I					
Helper, Stake Body Truck (Single axle), Dumpster	7.27				

DECISION NO. PA75-3067 Page 2

Truck Drivers Cont'd:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumporete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation Stake Body Truck (Tandem)	$7.34				
CLASS III					
Euclid Type, Off-Highway Equipment Mack or Belly Dump Trucks and Double Hitched Equipment, Straddle (Koss) Carrier, Low-Bed Trailers	7.83				
IRONWORKERS:					
Cumberland, and Dauphin Counties					
Pennsylvania:					
Bridge, Structural, Ornamental and Reinforcing	9.36	.84	1.06		.05

DECISION NO. PA75-3067

LINE CONSTRUCTION: Adams, Cumberland, Dauphin, Franklin Uniata, Mifflin, Perry & York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Journeyman					
Lineman	$9.48	.30	.094		.035
Winch Truck Operator Experienced	6.64	.30	.066		.026
Winch Truck Operator 2nd 6-months	6.48	.30	.064		.025
Winch Truck Operator 1st 6-months	6.32	.30	.063		.025
Truck Driver Experienced	6.16	.30	.061		.024
Truck Driver 2nd 6-month	6.00	.30	.060		.024
Truck Driver 1st 6-months	5.85	.30	.058		.023
Groundman Experienced	5.69	.30	.056		.023
Groundman 2nd 6-months	5.53	.30	.055		.023
Groundman 1st 6-months	5.37	.30	.053		.021
Cable Puller	9.48	.30	.094		.035
Pole Erector	9.48	.30	.094		.035
Auger Operator	9.48	.30	.094		.035
Pipe Threader Operator	9.48	.30	.094		.035

DECISION NO. PA75-3067

Easton, Northampton County, Pa.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Journeyman Lineman	$9.69	.30	.096		.036
Winch Truck Operator Experienced	6.78	.30	.067		.026
Winch Truck Operator 2nd 6-months	6.62	.30	.066		.026
Winch Truck Operator 1st 6-months	6.46	.30	.064		.025
Truck Driver Experienced	6.30	.30	.063		.025
Truck Driver 2nd 6-months	6.14	.30	.061		.024
Truck Driver 1st 6-months	5.97	.30	.059		.023
Groundman Experienced	5.81	.30	.058		.023
Groundman 2nd 6-months	5.65	.30	.056		.022
Groundman 1st 6-months	5.49	.30	.054		.022
Cable Puller	9.69	.30	.096		.036
Pole Erector	9.69	.30	.096		.036
Auger Operator	9.69	.30	.096		.036
Pipe Threader Operator	9.69	.30	.096		.036

DECISION NO. PA75-3067

Lebanon, Lancaster, Lehigh Berks	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Journeyman Lineman	$9.60	.30	.096		.036
Cable Puller	9.60	.30	.096		.036
Pole Erector	9.60	.30	.096		.036
Auger Operator	9.60	.30	.096		.036
Pipe Threader Operators	9.60	.30	.096		.036
Winch Truck Operator - Experienced	6.72	.30	.067		.026
Winch Truck Operator 2nd 6-months	6.56	.30	.065		.026
Winch Truck Operator 1st 6-months	6.40	.30	.064		.025
Truck Driver Experienced	6.24	.30	.062		.025
Truck Driver 2nd 6-months	6.08	.30	.060		.024
Truck Driver 1st 6-months	5.92	.30	.059		.023
Groundman Experienced	5.76	.30	.057		.023
Groundman 2nd 6-months	5.60	.30	.056		.023
Groundman 1st 6 months	5.44	.30	.054		.021

DECISION NO. PA75-3067

22-PEO-3-B

POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.34	4.6%	9.5%		1.2%
GROUP 2	8.49	4.6%	9.5%		1.2%
GROUP 3	7.98	4.6%	9.5%		1.2%
GROUP 4	7.53	4.6%	9.5%		1.2%
GROUP 5	6.98	4.6%	9.5%		1.2%
GROUP 6	9.59	4.6%	9.5%		1.2%
GROUP 6-A	9.84	4.6%	9.5%		1.2%
GROUP 6-B	10.09	4.6%	9.5%		1.2%

GROUP 1: Pile drivers or engineers working with dock builders and pile drivers, All types of cranes, All types of backhoes, Braglines, Keystones, All types of shovels. Derricks, Trench shovels, Trenching machines, Pavers 21E and over, Gradalls, All front end loaders, 4 cu. yds. and over, Tandem scrapers, Pippin type backhoes, Boat Captains, Batch plant with mixer, Drill, self contained (Drillmaster Type), CMI Autograde, Machines similar to above

GROUP 2: Conveyor Loader (EUC Type), Scrapers and Tournapulls, Spreaders, High or low pressure boilers, Concrete pumps, Bulldozers and Tractors, Asphalt plant engineers, Rollers (High grade finishing), All loaders under 4 cu. yds, Mechanic -welders, Motor Patrols, Machines similar to above,

GROUP 3: Welding Machines, Well Points, Compressors, Pumps, Heaters, Farm Tractors, Form Line Graders, Fine Grade Machines, Ditch Witch Type Trencher, Road Finishing Machines, Concrete Breaking Machines, Rollers, Seaman Pulverizing Mixer, Power Boom, Seeding Spreader, Tireman - (For power equipment), Conveyor Loaders other than EUC Type, Conveyors, Machines similar to above

GROUP 4: Firemen

GROUP 5: Oilers and Deck Hands

GROUP 6: On all machines with booms (including jibs, masts, leads, etc.) 100 ft. and over

GROUP 6-A: 150 ft. and over

GROUP 6-B: 200 ft. and over

DECISION NO. PA75-3067

PA-22-FEO-1-B 1 of 2

POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	App. T
GROUP 1	$10.95	4.6%	9.5%	a	1.2%
GROUP 2	10.66	4.6%	9.5%	a	1.2%
GROUP 3	9.78	4.6%	9.5%	a	1.2%
GROUP 4	9.01	4.6%	9.5%	a	1.2%
GROUP 5	8.53	4.6%	9.5%	a	1.2%
GROUP 6	7.61	4.6%	9.5%	a	1.2%
GROUP 7	11.20	4.6%	9.5%	a	1.2%
GROUP 7-A	11.45	4.6%	9.5%	a	1.2%
GROUP 7-B	11.70	4.6%	9.5%	a	1.2%

DECISION NO. PA75-3067 2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, koystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavors 21E and over, all types overhead cranes; building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

NOTICES

29522

SUPERSEDEAS DECISION

STATE: Rhode Island County: Washington
DECISION NUMBER: RI75-2091 DATE: Date of Publication
Supersedes Decision No. RI75-2033, dated February 7, 1975 in 40 FR 6124
DESCRIPTION OF WORK: Building (including Residential), Heavy, Highway and Marine Construction

5-RI-I-I 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.32	.71	.73		
Boilermakers	10.00	.60	10%		.01
Bricklayers and Stone masons:					
Westerly, Hopkington, S. Kingstown Charlestown, Richmond, Wakefield Peace Dale, Kingston	9.15	.65	.55		
Exeter, Johnson, No. Kingstown, Narragansett (including the Pier of Point Judith)	9.15	.65	.55		.01
Carpenters, soft floor layers & piledrivermen	8.81	.60	.40		.05
Carpenters, Residential	7.05	.50	.35		.05
Millwrights	9.06	.50	.35		.05
Cement masons:					
Westerly, Hopkington, So. Kingstown Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.85	.55	.45		
Exeter, Narrangansett, No. Kingstown Gould	8.85	.50	.35		
Electricians:					
Westerly Township	9.95	.75	7%+.40		7%
Westerly Township Residential	5.50	.75	7%+.45		7%
Remainder of County (above 3 stories)	8.80	.38	7%+.90		.02
Remainder of County (up to & including 3 stories)	5.75	.38	7%		.02
Elevator constructors	9.39	.445	.29	3%+a	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a	.02
Elevator constructors' helpers (prob.)	50%JR	.445	.29	3%+a	.02
Glaziers	8.68	.47	.40+.25		.01
Ironworkers; Structural, ornamental & reinforcing	8.73	.55	.90+.50		.05
Laborers, Building:					
Laborers, Carpenters' tenders, cement finisher tenders mason tenders	7.00	.50	.45		.10
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools baroo type jumping tampers	7.25	.50	.40		.10

DECISION NO. RI75-2091

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plasterers' tenders	$ 7.25	.50	.45		.10
Powdermen blasters	7.75	.50	.45		.10
Laborers, Wrecking:					
Laborers, signalmen	7.00	.50	.45		.10
Adzeman, burner, jackhammer	7.25	.50	.45		.10
Lathers	9.25	.45	.55		.01
Leadburners	9.25	.35		a	.01
Line Construction:					
Linemen	9.36	.30	7%	d	
Driver Groundman	7.77	.30	7%	d	
Groundman	6.39	.30	7%	d	
Equipment Operator	8.34	.30	7%	d	
Marble, Tile and Terrazzo workers:					
Exeter, N. Kingstown, Narragansett, (Including the Pier of Point Judith)	9.35	.65	.55		
Marble, Tile and Terrazzo helpers	7.23	.	.50		
Painters:					
Brush & Roller	8.15	.50	.50		
Structural steel & Steam cleaning	8.40	.50	.50		
Spray & sand or Water blasting & Potman	9.15	.50	.50		
Air power brush	8.65	.50	.50		
Plasterers: Exeter, Narragansett, N. Kingston	8.55	.50	.35		
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	8.85	.55	.45		
Plumbers	9.65	.75	.60		.07
Roofers:					
Composition, waterproofers	9.20	.45	.25		
Slate, Tile precast concrete	7.40	.45	.25		
Helpers, Class "A"	8.35	.45	.25		
Helpers, Class "B"	7.80	.45	.25		
Sheet metal workers	9.53	.66	.75		.04
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters	9.70	.45	.91		.07
Truck Drivers: Building					
Two-axle; dumps	7.05	.48	.525		
Three-axle; trailers	7.13	.48	.525		
Low-bed trailers (24 tons & over), Trailers (I-beam), specialized earth moving equipment (Euclid type)	7.38	.48	.525		
Euclid type equipment over 35 tons capacity	7.63	.48	.525		

NOTICES

29523

DECISION RI75-2091

PAID HOLIDAYS:
A. New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F; employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as vacation pay credit.

b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday

c. Holiday: A through F; Columbus Day, providing employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holiday.

5-RI-2-3-4-C 1 of 2

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, Stone masons, catch basin, manhole builders	$ 9.10	.55	.45		.01
Carpenters, piledrivermen, N. Kingstown	9.11	.60	.40		.05
Cement masons - finishers	7.25	.50	.35		
Electricians:					
Westerly	9.65	.75	3%+40		3%
Remainder of County	8.80	.38	3%+.90		.02
Ironworkers, struc., orn, reinf.	8.73	.55	.90+.50		.05
Laborers:					
Laborers	7.00	.50	.45		.10
Adzemen, asphalt raker, barcotype jumping tampers, chain saw operators, concrete and power buggy operations, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, setters of metal forms for roadways, stumper operators, tree-toppers, tree trimmers wagon drill operators, wood chipper operators	7.25	.50	.45		.10
Air track operator	7.50	.50	.45		.10
Blasterers and powdermen	7.75	.50	.45		.10
Pavers, rammers and curb setters	7.50	.50	.45		.10
Line Construction:					
Linemen	9.36	.30	3%	a	
Equipment operator	8.34	.30	3%	a	
Groundman	6.37	.30	3%	a	
Driver froundman	7.77	.30	3%	a	
Painters:					
Brush & roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray & Pot man	9.15	.50	.50		
Air Power Brush	8.65	.50	.50		
Plumbers	9.64	.75	.60		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

RI-1-PEO-1-P 1 of

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.60	.50	.85		.075
Economobile type equipment	9.375	.50	.85		.075
Fork lift	9.175	.50	.85		.075
Firemen and Oilers	7.625	.50	.85		.075
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075
Pippin type backhoes	8.325	.50	.85		.075
Maintenance Engineers	8.125	.50	.85		.075
Well-point Installation	8.25	.50	.85		.075
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075

RI-1-PEB-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075
Firemen and Oilers	8.20	.50	.85		.075
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075
Maintenance Engineers	9.025	.50	.85		.075
Well-point Installation Crews	9.05	.50	.85		.075
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075
Boat and Tug Operators	9.95	.50	.85		.075
Apprentices (Deckhands)	8.35	.50	.85		.075

R. I. 1-FED-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Class I	$9.42	.50	.85		.075
Class II	8.57	.50	.85		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.08	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS

Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., economobile, ross carriers
Class II Fork lifts
Class III Firemen
Class IV Oilers
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
Class VI Scrapers, graders, dozer pusher operator
Class VII Pippin type backhoe operator
Class VIII Maintenance engineer
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
Class X Test boring machine operator
Class XI Test boring machine assistant
Class XII Well point installation crews
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

RHODE ISLAND-1-FD-2-3-L

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.83	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks
Class II
Two Axle, Helpers on Low Beds
Class III
Three Axle Equipment and ready mix equipment
Class IV
Four & Five Axle Equipment
Class V
Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
Class VI
Special Earth Moving Equipment over 35 tons
Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive : 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX75-4117
Supersedes Decision No. TX75-4012, dated January 17, 1975, in 40 FR 3175.
DESCRIPTION OF WORK: Building (including Residential) Construction

COUNTIES: Jefferson & Orange
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Jefferson County	$8.10	.70	.70		.06
Orange County	8.145	.325	.30		.04
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	9.36	.275	.30		.04
CARPENTERS:					
Carpenters:					
Commercial	7.815		.30		.05
Residential construction of not not more than two units and condominium townhouses of not more than 6 units, excluding all apartment construction and multiple buildings for rental purposes	7.45		.30		
Millwrights	8.605				
Piledriverman	7.96		.30		
CEMENT MASONS	7.49				
ELECTRICIANS	9.12	.28	1¾+.285		.06
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
IRONWORKERS	7.30	.55	.60		.05
LABORERS:					
GROUP 1 - Common laborer; asphalt ironer & raker; sandblaster, exclusive of preparation work for painters; dumper, spotter & wagon drill; powderman-blaster; well driller	5.11	.28	.20		.02
GROUP 2 - Carpenter tender	5.16	.28	.20		.02
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	5.21	.28	.20		.02
GROUP 4 - Mortar mixers, hod carriers & mason tender; plaster & lather tender; pipelayers, non-metallic pipe, including handling & laying pumpcrete pipe	5.31	.28	.20		.02

Page 2

DECISION NO. TX75-4117

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D):					
GROUP 5 - Machine man & nozzleman for gunniting 1½" and over	$5.485	.28	.20		.02
LATHERS	8.105	.30			.01
LINE CONSTRUCTION:					
Linemen	9.405	.28	1%		1/2%
Groundmen	6.87	.28	1%		1/2%
PAINTERS:					
Southern half of Jefferson County and all of Orange County:					
GROUP 1 - Brush, wood & wall paperhanger and glazier:					
Commercial	7.60				
Residential	7.45				
GROUP 2 - Brush, steel:					
Commercial	7.65				
Residential	7.50				
GROUP 3 - Spray:					
Commercial	8.10				
Residential	7.97				
GROUP 4 - Sandblaster, power cleaning:					
Commercial	7.925				
Residential	7.71				
GROUP 5 - Brush, hot paint or creosote:					
Commercial	7.925				
Residential	7.71				
GROUP 6 - Spray, hot paint or creosote:					
Commercial	8.35				
Residential	8.24				
GROUP 7 - All time spent rigging:					
Commercial	7.925				
Residential	7.71				
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications					
Northern half of Jefferson County:					
GROUP 1 - Brush and glaziers:					
Commercial	8.225				
Residential	7.975				
GROUP 2 - Canvas & paperhangers:					
Commercial	8.475				
Residential	8.225				

DECISION NO. TX75-4117

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (CONT'D):					
Northern half of Jefferson County (Cont'd):					
GROUP 3 - Brush, steel:					
Commercial	$8.60				
GROUP 4 - Spray:					
Commercial	8.65				
Residential	8.40				
PIPEFITTERS	8.11	.35	.62		.06
PLASTERERS	8.00	.37	.30		.02
PLUMBERS	8.84				.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.915		.25		
GROUP 2	7.00		.25		
GROUP 3	6.48		.25		
GROUP 4	6.29		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Fingerlift Operator; Well Points

GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$7.54	.20	.25	.15	.03
Kettlemen	6.58	.20	.25	.15	.03
Helpers	4.83	.20	.25	.15	.03
SHEET METAL WORKERS	7.79	.25	.15		.06
SPRINKLER FITTERS	9.05	.50	.70		.08

DECISION NO. TX75-4117

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS	$7.65	.275	.30		.04
TRUCK DRIVERS:					
GROUP 1 - Under 1½ ton and wash, grease, fireman, fuel pump operators when used on construction	4.60				
GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., corn driver	4.69				
GROUP 3 - Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards, and when used to transport material), floats, hydraulic self gear lifts	4.85				
GROUP 4 - Euclids (not self-loading)	4.95				
GROUP 5 - Warehouseman - material checker	4.963				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Grey, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4118 DATE: Date of Publication

Supersedes Decision No. TX75-4090, dated May 16, 1975, in 40 FR 21679.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$8.35		.20		
CARPENTERS	8.10				
CEMENT MASONS	7.60				
ELECTRICIANS	8.08	.30	1%		1/2%
LABORERS:					
Laborers	4.25	.30	.10		
Mason tenders	4.40	.30	.10		
PAINTERS	6.60		.20		
PLUMBERS	7.73	.25	.55	.30	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. TX75-4118

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.50				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.30				
Carpenter	4.60				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	4.05				
Concrete Finisher Helper (Paving)	3.45				
Concrete Finisher (Structures)	4.30				
Concrete Finisher Helper(Structures)	3.25				
Form Builder (Structures)	4.55				
Form Builder Helper (Structures)	3.35				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	3.80				
Laborer, Common	2.70				
Laborer, Utility Man	3.00				
Mechanic	4.50				
Mechanic Helper	3.60				
Oiler	3.60				
Serviceman	3.75				
Powderman	4.20				
Reinforcing Steel Setter(Structures)	4.50				
Sign Erector	3.50				
Sign Erector Helper	3.25				
Spreader Box Man	3.75				
Power Equipment Operators:					
Asphalt Distributor	4.05				
Asphalt Paving Machine	4.45				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.80				
Crusher or Screening Plant Operator	4.15				
Foundation Drill Operator (Crawler Mounted)	3.90				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.25				
Front End Loader (2½ CY & Less)	3.80				
Front End Loader (Over 2½ CY)	4.30				
Motor Grader Operator, Fine Grade	4.80				

DECISION NO. TX75-4118

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator	$4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.60				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.55				
Roller, Pneumatic (Self-Propelled)	3.10				
Scrapers (17 CY and Less)	4.15				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP & Less	3.50				
Tractor (Crawler Type) over 150 HP	3.65				
Tractor (Pneumatic) 80 HP & Less	2.75				
Tractor (Pneumatic) over 80 HP	3.35				
Traveling Mixer	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Weighman (Truck Scales)	2.75				
Welder	4.80				

[FR Doc.75-17759 Filed 7-10-75;8:45 am]

135

federal register

July 14, 1975—Pages 29531–29700

MONDAY, JULY 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 135

Pages 29531–29700

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

EMPLOYMENT DISCRIMINATION—ARBA prohibits on basis of religion, sex, age or handicap in federally assisted programs..... 29536

AMERICAN REVOLUTION BICENTENNIAL—ARBA describes Bicentennial logo and prescribes regulations for use..... 29539

FOOD STAMPS—USDA/FNS requires States to monitor and improve administration of their programs; effective 7–1–75..... 29531

INCOME TAX—
IRS proposes regulations to determine qualification of certain retirement plans; comments by 8–14–75..... 29553
IRS temporary regulations to determine qualification of certain retirement plans..... 29535

CORRECTED MEETING—
DOD/AIR: Scientific Advisory Board, 7–30 and 7–31–75.. 29558

(Continued inside)

PART II:

NURSING STUDENT LOANS—HEW/HRA list of hospitals qualifying for loan cancellation..... 29631

V40-135 JUL 14 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

DOT/CG—W. Palm Beach Canal, Fla., drawbridge operations.. 25004; 6–12–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 2003 ..... Pub. Law 94–55
International Travel Act of 1961, appropriation authorization
(July 9, 1975; 89 Stat. 262)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
DOD/Air: USAF Scientific Advisory Board, 7–29 thru 7–31–75 29558
Navy: Chief Naval Operations Executive Panel, 7–29–75 29558
HEW/OE: National Advisory Council on Indian Education, 8–1 thru 8–3–75 29560
HUD: National Mobile Home Advisory Council, 7–29 thru 7–31–75 29561
National Endowment for the Arts and the Humanities: Fellowships Panel, 8–7, 8–11, 8–15, and 8–29–75 29570
NRC: Reactor Safeguards Work Group on Hypothetical Core Disruptive Accident Advisory Group, 7–29–75 29570

contents

AGRICULTURAL MARKETING SERVICE
Rules
Expenses and rate of assessment:
Celery grown in Florida 29534
Proposed Rules
Expenses and rate of assessment:
Cherries grown in certain states 29553
Organization, functions, and authority delegations:
Deputy Administrator, Program Operations 29559

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Rural Electrification Administration; Soil Conservation Service.
Notices
Meat import limitations; third quarterly estimate 29559

AIR FORCE DEPARTMENT
Notices
Meeting:
Scientific Advisory Board (2 documents) 29558

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Rules
Nondiscrimination in employment on basis of religion, sex, age, or handicap 29536
Official American Revolution Bicentennial symbol 29539

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Inspection of meat, poultry, and products:
Enforcement of acts; New York 29549

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Aviacion y Comercio, S.A 29562
Nigeria Airways, Ltd 29562
Spantax, S.A 29562

CUSTOMS SERVICE
Notices
Foreign currencies; certification of rates 29557
Trade name recordation; application:
Wembley Industries, Inc 29557

DEFENSE DEPARTMENT
See Air Force Department; Navy Department.

EAST-WEST FOREIGN TRADE BOARD
Rules
Technology exports; reporting requirements 29534

EDUCATION OFFICE
Notices
Meeting:
Indian Education National Advisory Council 29560

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
Kentucky; approval of compliance schedules 29540
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Ethoprop; correction 29547
Notices
Committees; establishments, renewals, etc.:
Environmental Health Advisory Committee 29562
Pesticide registration; applications 29563
Pesticides, specific exemptions, and experimental use permits:
Louisiana; DDT formulation on cotton 29565
Temporary tolerance:
FMC Corp 29563
Water pollution; discharge of pollutants:
Florida 29562

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Lycoming 29549
Control zone (4 documents) 29550–19551
Restricted area 29552
Transition area (3 documents) 29550–29551
Proposed Rules
Federal airway (2 documents) 29554
Restricted area 29554

FEDERAL COMMUNICATIONS COMMISSION
Rules
FM broadcast stations; table of assignments:
Texas 29547
Notices
Common carrier services information; domestic public radio services applications accepted for filing 29566

FEDERAL RAILROAD ADMINISTRATION
Rules
Accidents and incidents; reports, classification, and investigations 29548

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
National Detroit Corp 29569

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Quivira National Wildlife Refuge, Kansas (2 documents) 29548, 29549

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Procedure; reorganization and republication; correction 29535
Food additives:
Styrene block polymers 29534
Proposed Rules
National Shellfish Safety Program; correction 29554
Notices
Food additive; petitions filed or withdrawn:
Rohm and Haas Co 29560
Meeting:
General and Plastic Surgery Devices, Review Panel on 29560

FOOD AND NUTRITION SERVICE
Rules
Food stamp program:
State agency and eligible household participation 29531

FOREST SERVICE
Notices
Environmental statement:
Deschutes, Fremont, Ochoco and Winema National Forest, Oregon 29559
Mt. Hood National Forest, Oregon 29559

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Health Resources Administration; Social Security Administration.

V40-135 JUL 14 75 XUM

CONTENTS

HEALTH RESOURCES ADMINISTRATION
Notices
Nursing student loans; list of hospitals determined as having substantial shortage of nurses 29631

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Notices
Meetings:
National Mobile Home Advisory Council 29561

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules
Income tax; temporary:
Retirement plans, certain; qualification determination 29535
Proposed Rules
Income tax:
Retirement plans, certain; qualification determination 29553

INTERSTATE COMMERCE COMMISSION
Notices
Car service exemptions; mandatory:
Erie Lackawanna Railway Co. and Lehigh Valley Railroad Co 29578
Fourth section applications for relief 29578
Hearing assignments 29578
Motor carriers:
Irregular route property carriers; gateway elimination 29579
Temporary authority applications 29593

LABOR DEPARTMENT
See also Manpower Administration; Occupational Safety and Health Administration.
Notices
Worker adjustment assistance:
American Girl Fashions, Inc 29573
Anaconda Co 29573
Brown Shoe Co 29574
Florsheim Shoe Co 29574
Garland Corp 29575
General Electric Co (2 documents) 29575–29576
General Motors Corp 29577
International Shoe Co 29577
Mavest, Inc 29577
SKF Industries, Inc 29578

LAND MANAGEMENT BUREAU
Notices
Oil and gas leasing; Outer Continental Shelf, Alaska 29558

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; lists of requests 29571

MANPOWER ADMINISTRATION
Notices
Comprehensive Employment and Training Act:
Funding of high school equivalency and college assistant migrant programs 29572

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES
Notices
Meetings:
Fellowships Panel Advisory Committee 29570

NAVY DEPARTMENT
Notices
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee 29558

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Florida Power and Light Co 29570
New England Power Co 29571
Meetings:
Reactor Safeguards' Advisory Committee 29570

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
Standards Advisory Committees recommendations; availability:
Coke oven emissions 29572
Hazardous materials labeling 29572

PENSION BENEFIT GUARANTY CORPORATION
Proposed Rules
Pension plan; intent to terminate 29555

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Environmental statement:
Tri-State Generation and Transmission Association, Inc 29559

SECURITIES AND EXCHANGE COMMISSION
Notices
Option plan:
Chicago Board Options Exchange, Inc 29572

SOCIAL SECURITY ADMINISTRATION
Notices
Proposed supplemental security income notice language 29561

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects, etc.:
Turkey Creek Watershed Project, Kansas 29560

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration; Federal Railroad Administration.

TREASURY DEPARTMENT
See also Customs Service; Internal Revenue Service.
Notices
Antidumping:
Birch 3 ply doorskins from Japan 29557
Authority delegations:
Assistant General Counsels 29557

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR
271 29531
275 29531
967 29534
PROPOSED RULES:
930 29553

9 CFR
381 29549

14 CFR
39 29549
71 (5 documents) 29550–29551
73 29552
PROPOSED RULES:
71 (2 documents) 29554
73 29554

15 CFR
1300 29534

21 CFR
121 29534
510 29535
PROPOSED RULES:
950 29554
951 29554
952 29554

26 CFR
11 29535
PROPOSED RULES:
1 29553

29 CFR
PROPOSED RULES:
2604 29555

36 CFR
601 29536
605 29539

40 CFR
52 29540
180 29547

47 CFR
73 29547

49 CFR
225 29548

50 CFR
32 (2 documents) 29548, 29549

V40 I135 JUL 14 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 ... 27925
310 ... 27925

3 CFR
PROCLAMATIONS:
4381 ... 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) ... 27939
5277 (Revoked by PLO 5507) ... 27659
5481 (Revoked by PLO 5507) ... 27659

4 CFR
54 ... 27929

5 CFR
213 ... 27639, 27640, 27929, 28047, 28445, 28806, 29067
307 ... 28445
551 ... 27640
731 ... 28047

7 CFR
6 ... 29261
26 ... 28785
246 ... 27930
271 ... 28786, 29531
272 ... 28786
275 ... 29531
722 ... 28601
760 ... 29067
780 ... 27641
908 ... 28460, 29068
910 ... 28461, 29261
911 ... 28462, 29262
915 ... 28048, 29068
916 ... 28462
917 ... 27930, 28601
930 ... 27931, 28602
967 ... 29534
999 ... 29262
1064 ... 27641
1131 ... 27642
1408 ... 29069
1446 ... 28787
1464 ... 28603, 28788
1822 ... 28463, 29263
1823 ... 29263
1843 ... 27931
1964 ... 27641
PROPOSED RULES:
728 ... 28093
775 ... 28093
911 ... 28614
915 ... 28090, 28614
916 ... 28090
917 ... 29087
930 ... 29553
958 ... 28091
980 ... 28091
989 ... 27691
1030 ... 29296
1032 ... 28618
1046 ... 28465
1062 ... 28618
1099 ... 28807
1201 ... 28092, 28093
1421 ... 28094
1464 ... 27691
1701 ... 29087–29088
1822 ... 28094, 29300

8 CFR
PROPOSED RULES:
212 ... 28614

9 CFR
83 ... 27642
97 ... 27643
381 ... 29549
PROPOSED RULES:
92 ... 28807
101 ... 28621
112 ... 28621
113 ... 28621
114 ... 28621

10 CFR
205 ... 28446
211 ... 28446
212 ... 28447, 28448, 28637
303 ... 28420
309 ... 28420
860 ... 28789
PROPOSED RULES:
205 ... 28481
206 ... 28481
212 ... 28447, 28448, 28637
213 ... 28481, 28487

11 CFR
Ch. II ... 28578
PROPOSED RULES:
Ch. II ... 28579

12 CFR
308 ... 28048
339 ... 27931
400 ... 28449
561 ... 29069
760 ... 29264
PROPOSED RULES:
217 ... 28644
329 ... 28099, 28100
544 ... 28638
545 ... 28638
546 ... 27953, 28640
555 ... 28641
563 ... 27954, 28643
571 ... 29093

13 CFR
121 ... 28603
305 ... 29070
315 ... 29265

14 CFR
21 ... 28603
39 ... 27643, 27644, 28075, 28604–28605, 29269, 27270, 27272, 29549
71 ... 28076, 28077, 28790, 29272, 29273, 29550–29551
73 ... 29552
75 ... 27644, 28077
97 ... 28606, 29070
129 ... 29273
211 ... 28077
217 ... 28078
288 ... 28078, 28450
296 ... 28079
297 ... 28087
399 ... 28087
416 ... 28095

14 CFR—Continued
PROPOSED RULES:
1 ... 29410
21 ... 29410
23 ... 29410
25 ... 29410
27 ... 29410
29 ... 29410
31 ... 29410
33 ... 29410
35 ... 29410
39 ... 28096, 29301
43 ... 29410
45 ... 29410
71 ... 28628, 29302
73 ...
75 ... 28096, 28097, 28628
91 ... 28628, 29089, 29410
93 ... 28629
121 ... 29410
221 ... 28489

15 CFR
1300 ... 29534

16 CFR
13 ... 27932, 28050
302 ... 27932
1031 ... 27934
PROPOSED RULES:
257 ... 28489
1016 ... 29092

17 CFR
1 ... 29085
270 ... 27644
275 ... 27644
PROPOSED RULES:
1 ... 29090–29091
230 ... 29306
240 ... 29306

18 CFR
3 ... 27645, 29275
260 ... 27645
PROPOSED RULES:
2 ... 29304
141 ... 29305

19 CFR
1 ... 27934
127 ... 28790
133 ... 28790
PROPOSED RULES:
24 ... 28807

20 CFR
401 ... 27648
404 ... 29071–29072
405 ... 28016, 28052
422 ... 27648
PROPOSED RULES:
401 ... 28810
404 ... 28095, 29301
405 ... 27782, 28810

21 CFR
1 ... 28582
27 ... 28791
121 ... 29073, 29534
229 ... 28610
431 ... 28052
510 ... 27651, 28791, 29535
522 ... 28792
556 ... 28792
558 ... 27651
701 ... 28451
1308 ... 28611
1401 ... 27821
PROPOSED RULES:
80 ... 29089
125 ... 29089
310 ... 27796, 28587
950 ... 29554
951 ... 29554
952 ... 29554
1020 ... 28095

22 CFR
8 ... 28606

23 CFR
230 ... 28053
710 ... 29073

24 CFR
17 ... 28597
401 ... 29073
888 ... 28451
1914 ... 28061
1915 ... 27651
2205 ... 28609

25 CFR
12 ... 28026
153 ... 28039

26 CFR
1 ... 27943, 29290
11 ... 29535
PROPOSED RULES:
1 ... 27943, 28101, 28613, 29296, 29553
11 ... 28101

29 CFR
94 ... 28980
97 ... 28980
727 ... 28064
1952 ... 27655, 28472, 28792
PROPOSED RULES:
570 ... 28814
1902 ... 27946
1907 ... 27691
2604 ... 29555

31 CFR
1 ... 29290

32 CFR
641 ... 27936
1712 ... 28597

33 CFR
3 ... 28451
127 ... 27939

34 CFR
PROPOSED RULES:
Ch. II ... 28495

36 CFR
601 ... 29536
605 ... 29539
PROPOSED RULES:
2 ... 28088

39 CFR
3002 ... 28792

40 CFR
52 ... 28064, 29540
80 ... 29292
85 ... 28066
162 ... 28242
180 ... 28065, 29547
413 ... 29075–29076
PROPOSED RULES:
2 ... 28814
51 ... 28629
52 ... 28097, 28098, 28815
60 ... 28814
61 ... 28814
79 ... 28814
125 ... 28814
167 ... 28814
180 ... 28814
243 ... 29404
432 ... 28633

41 CFR
1–3 ... 27655
1–9 ... 28067
9–4 ... 28068
60–8 ... 28609
101–11 ... 27655
105–61 ... 28610
PROPOSED RULES:
60–12 ... 28477
60–14 ... 28472

42 CFR
2 ... 27802
86 ... 29076

43 CFR
20 ... 28288
430 ... 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5499 ... 29292
5504 ... 27659
5506 ... 27659
5507 ... 27659

43 CFR—Continued
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR
83 ... 28572
206 ... 27659
249 ... 28793
250 ... 28070
1060 ... 28793
1061 ... 27661
1067 ... 28794
1068 ... 27665, 27667
1069 ... 29292
1220 ... 28799
PROPOSED RULES:
116d ... 28622

46 CFR
502 ... 27671
506 ... 28801
538 ... 28452
PROPOSED RULES:
547 ... 28489

47 CFR
0 ... 28454
1 ... 28454, 28803
73 ... 27671, 27939, 28457, 28803, 29547
74 ... 28610
76 ... 28457, 28804
PROPOSED RULES:
21 ... 28816
43 ... 28816
68 ... 29302
73 ... 28098, 28634, 29303
76 ... 28634, 28816

49 CFR
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
256 ... 29080
393 ... 29292
225 ... 29548
571 ... 28457, 28805
575 ... 28071, 28074
1033 ... 27939–27941, 29294
1102 ... 27941
PROPOSED RULES:
571 ... 28097

50 CFR
21 ... 28459
32 ... 29084, 29548, 29549
33 ... 29084
PROPOSED RULES:
17 ... 28712
20 ... 27943
216 ... 28469

V40I135 JUL14 75 XUM

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11
29531–29700	14

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 57]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

PART 275—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

Food Stamp Program; Efficiency and Effectiveness

On March 21, 1975, there was published in the FEDERAL REGISTER (40 FR 12806) a notice of proposed rulemaking to revise Food Stamp Program Regulations governing the operation of the program for the purpose of implementing the reporting requirements of Pub. L. 93-347 which amended section 15(b) of the Food Stamp Act. The proposed amendment established requirements for the reporting of uniform data on the entire administration of the program as well as the conditions for continued funding by FNS.

Numerous comments were received from 26 State agencies and 13 other interested parties.

The majority of the suggested changes fell in the following categories.

Regulatory intent. Several comments indicated considerable misunderstanding of the purpose of cancellation of funds. First, these regulations are in no way intended to emphasize program accountability at the expense of program services.

FNS determinations of efficiency and effectiveness will take into account adequacy of staff and facilities, promptness of service, and other factors relating to the responsiveness of the program to applicants and recipients. Second, the Department will make no attempt to cancel payments based on tolerance levels contained in current food stamp quality control instructions until the current tolerance levels have been validated or more appropriate levels have been established. The Department will, however, continue to use current data to identify deficiencies which require corrective action by State agencies, and failure to take corrective action toward program improvement may result in cancellation after appropriate warnings to a State.

The considerations in this regard discussed in the preamble to the notice of proposed rulemaking of March 21, 1975, remain valid. The quality of services provided to program applicants and participants will, we believe, be best served by this approach, rather than by an approach which would summarily cancel funding, without opportunity for remedial action, upon a finding of some administrative shortcoming on the part of a State agency. The objectives of the statutory amendment which provides increased funding for the State agencies would be frustrated if such shortcomings were to cause summary cancellation of the funding. This is particularly true where administrative deficiencies may have been attributed to lack of funding in the first place.

Further, as explained more fully below, the reporting by the States on the effective and efficient operation of the program in accordance with the statutory provision could be rendered a nullity if, notwithstanding the quality of State agency administration, it were mandatory for FNS to pay a State agency 50 percent of its administrative costs under the program simply because it employed a certain number of personnel. In view of these considerations, the basic approach to implementation of the statutory amendments remains as enunciated in the notice of proposed rulemaking.

Establish specific standards of performance and specific measurement criteria. Standards for program operations are contained in the Food Stamp Act and Regulations, FNS Instructions and the State agency's Plan of Operation. At this time, we are unable to establish specific measurement criteria. We have, however, shifted the emphasis from review of program management to program operations.

Establish specific standards for staffing and require staffing reports only. The number of personnel required is directly related to other program requirements and should not provide an absolute measurement which would guarantee payment to a State where serious deficiencies other than number of qualified employees imperil prudent administration. Therefore, in order to implement the intent of Congress in amending the Food Stamp Act and to permit the Secretary to make the required determination of the efficiency and effectiveness of each State's administration of the program in an appropriate manner, requirements for the reporting of uniform data on the entire operations of the program as well as the conditions for continued funding by FNS are necessary.

Establish administrative recourse or an appeal process for State agencies in regard to fiscal sanctions. While we have not established a formal appeal process, the regulations have been revised to spell out the actions which will be taken prior to cancellation of funds. This system allows the State agency both time for response and/or implementation of action to resolve deficiencies.

No fiscal sanctions should be imposed at the time FNS approves a State's corrective action plan. A provision to this effect has been incorporated.

Extend the date for State agency implementation. Since the legislation requiring the State agencies to report on the effectiveness of their administration of the program was enacted in July 1974, we do not think we can justify any delays beyond July 1976. FNS is providing maximum assistance by doing the reviews of State and county operations for six months and, where necessary, for 12 months. Moreover, since the legislation requires State agencies to report on their administration of the program, it appears that FNS should not do the reviews and report the findings beyond the initial period.

FNS should do the State level reviews. Again, the legislation requires State agencies to report on the effectiveness of their administration of the program. Since the emphasis of the reviews has been placed on program operations, rather than management, this should make the State reviews easier to complete. FNS will as provided in paragraph (e) of § 275.10 conduct reviews of the State system for data collection and evaluation.

Some State agencies would have difficulties in compiling information required for the personnel report. We have changed the section relating to the personnel report to require the total number of employees at the State and local level, for which FNS payments are being claimed, to be reported. The number of second-line quality control supervisors, the number of State issuance workers and/or the cost of contractual issuance, the number of support workers and the number of unpaid workers have been deleted. The number of State employed outreach workers and/or the cost of contracted outreach workers have also been deleted since this information is gathered through a separate report. The due date for the first report has been changed from July 1, 1975 to August 1, 1975.

State the manner of warning the State agency that fiscal sanctions may be imposed and the procedures for establishing gross negligence. We have expanded the section on the cancellation of funds to detail the actual warning procedures to be followed prior to such action.

In addition, changes have been made: (1) To allow FNS to designate reviews of administrative units below the project area level when the project area review would not be indicative of actual operations, and (2) to delete all refer-

V40-135 JUL 14 75 XUM

ences to suspension of a State's letter of credit. Because any suspension of funds requires submission by the State agency of a revised budget, FNS has determined that the suspension process for the purpose of this section is an unreasonable administrative burden for State and Federal agencies. As an alternative FNS has spelled out a procedure for warning States when they are out of compliance. Failure to comply within the warning period will result in cancellation of the funds involved.

Parts 271 and 275 of Chapter II of Title 7 of the Code of Federal Regulations are amended as follows:

1. In § 271.1, paragraph (h) is revised to read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * * * *

(h) *Administrative financing.* Except as provided in § 271.2, each State agency shall finance or cause to be financed, from funds available to the State or political subdivisions thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this subchapter, including providing adequate qualified staff and facilities to process applicant households within 30 days of receipt of an affidavit or an Application for Participation and to carry out in an efficient and effective manner other administrative tasks required by this subchapter.

* * * * * * *

§ 271.4 [Amended]

2. Section 271.4 is amended by deleting paragraph (a)(5) and renumbering paragraphs (a)(6) through (a)(8) as paragraphs (a)(5) through (a)(7), respectively.

3. Section 275.10 is revised to read as follows:

§ 275.10 Monitoring and reporting program performance.

(a) *Purpose.* Under the Food Stamp Act, the State agency is responsible for the effective and efficient administration of the program and for reporting on such administration to the Department. The Food Stamp Act assigns to the Department the responsibility for ensuring that the State's administration is effective and efficient prior to continuing the payment of funds for costs incurred in the administration of the program. Effective and efficient administration of the program means administration by the State agency of its program responsibilities in a manner which substantially complies with the Food Stamp Act, this subchapter, FNS Instructions and the State Agency's Plan of Operation. To enable the accomplishment of these mandates, this section: (1) Requires that each State agency have a system for monitoring and improving its administration of the program, (2) establishes requirements for reports which FNS will use in determining the extent to which a State meets the standards for proper administration established in this subchapter and in FNS Instructions in order to continue Federal payments for administrative costs, and (3) sets forth conditions under which FNS will cancel such payments.

(b) *Definitions.* "Annual" means the 12-month period from January 1 through December 31.

"Biennial" means the 24-month period from January 1 of an even-numbered year through December 31 of the following year.

"Project area" means the political subdivision within a State which has been approved for participation in the program by the Department. However, for the review and reporting purposes of this section, either FNS or the State agency with FNS approval may establish a different administrative unit as its project area.

"Semi-annual" means the six-month period either from January 1 through June 30 or July 1 through December 31.

(c) *State responsibilities for monitoring and improving program performance.* The State agency shall provide for a continuing system of data collection, evaluation and action which will allow for a determination of the efficiency and effectiveness of program administration and improvement in program operations. To ensure the successful operation of such system, the State agency shall designate a person, on a full- or part-time basis, to coordinate these activities. The State agency shall submit to FNS for approval an amendment to the State Plan of Operation containing the name and title of the person so designated. Further the State agency shall provide adequate staff to keep the program review process current within established reporting dates and at a level of quality which ensures valid findings, adequate program analysis and effective corrective action. The components of the State agency's system shall be:

(1) Data collection through the following:

(i) A quality control system (a method of continuing review on a sampling basis) to validate the accuracy of determinations of program eligibility and determine the extent to which households are paying the proper purchase requirements and receiving the coupon allotments to which they are entitled. The State agency's system of quality control shall be implemented through:

(A) Application of sampling methods prescribed by FNS;

(B) Use of FNS-prescribed schedules and instructions or schedules which provide for identical information; and

(C) Field investigations including personal interviews with all households which fall within the sample of participating households and, as necessary, with households that have been denied participation or whose eligibility has been terminated.

(ii) Reviews of project area operations including, but not necessarily limited to, information concerning staff training and utilization, caseload data, certification and issuance procedures, timeliness and accuracy of reports, outreach efforts, fair hearing procedures, coupon control and security, fiscal controls, and service to recipients. Such information shall at a minimum be collected as follows:

(A) On an annual basis for project areas with monthly bonus of $500,000 or more in the last month of the preceding Federal fiscal year.

(B) On a biennial basis for project areas with monthly bonus of less than $500,000 in the last month of the preceding Federal fiscal year. One-quarter of such reviews shall be completed in each semi-annual period unless otherwise approved by FNS.

(iii) Reviews of State operations, including, but not necessarily limited to, information concerning staff training and utilization, coordination of outreach efforts, overall program supervision, fair hearing procedures and operations, fiscal controls, timeliness and accuracy of reports, and any functions relating to the certification of households or issuance and control of coupons performed at the State level. Such information shall at a minimum be collected on an annual basis.

(2) Data analysis and evaluation which will result in:

(i) A comprehensive review of information collected in paragraph (c)(1) of this section;

(ii) A review of results of past corrective action;

(iii) An identification of problems; and

(iv) A determination of probable causal factors.

(3) Corrective action planning. (i) The development of corrective action plans should involve the coordinated efforts of persons in the areas of data analysis, quality control, operations, and policy development in identifying causal factors and determining a course of action which will serve to either substantially reduce or eliminate program deficiencies. Such corrective action plans shall include an identification of the problem and a timetable for its resolution. The coordinator, established in paragraph (c) of this section, will be responsible for insuring both the preparation of the corrective action plan and its approval by the head of the State agency.

(ii) Timing. (A) All project area corrective action plans shall be prepared no later than 60 days following the completion date of the review activity.

(B) State corrective action plans shall be prepared no later than 120 days after the end of each semi-annual period. Such plans shall be based on quality control findings, State operations information, and pertinent information gathered during project area reviews.

(4) Corrective action implementation and monitoring. The State agency coordinator shall ensure the effectiveness and timely completion of corrective actions through monitoring the completion of corrective action plans and assessing the results.

(d) *Responsibilities for reporting on program performance.* States shall report to FNS on their administration of

the program through the following reports:

(1) Personnel reports which shall be submitted in a standard format by July 1 of each year, except that the first report shall be submitted by August 1, 1975. Such reports shall contain the following information on equivalent full-time food stamp positions at the State and local level eligible for FNS funding as of May 15 of the same year: (i) Total number of employees for which funding is being claimed, (ii) number of nonassistance certification workers, (iii) number of first-line nonassistance certification supervisors, (iv) number of quality control reviewers, (v) number of first-line quality control supervisors, (vi) number of statisticians, and (vii) number of fair hearing officials.

(2) Quality control reports as prescribed.

(3) Timetable for performance of reviews required under paragraph (c)(1)(ii) and (iii) of this section. The timetable shall cover two years of review activity and shall be submitted to FNS for approval 60 days prior to each biennial period. Any adjustments to the timetable must have prior FNS approval.

(4) Project area corrective action plans and review findings for project areas with monthly bonus of $500,000 or more, which shall be submitted to FNS no later than 60 days following the completion of the review.

(5) Semi-annual Performance Report which shall be submitted to FNS no later than 120 days following the end of each semi-annual period and shall consist of the following:

(i) Project area corrective action plans and review findings for project areas with monthly bonus of less than $500,000. Such corrective action plans shall be developed in accordance with paragraph (c)(3)(i) of this section, and shall reflect all progress made toward completion at the time of submission.

(ii) State corrective action plan based on:

(A) Statewide quality control findings;

(B) Review of State operations, if such review was conducted during the semi-annual period; and

(C) Pertinent information gathered during project area reviews.

(iii) Corrective Action Status Report which shall indicate the completion of or progress made on previously submitted corrective action plans. FNS may require more frequent or more detailed status reporting during the correction of serious deficiencies.

(iv) Semi-Annual Outreach Report as prescribed.

(e) *FNS determination of effectiveness and efficiency of State operations.* FNS shall make a determination on the efficiency and effectiveness of State operations on the basis of State reports and other information available such as Federal audits and investigations and unit cost data referred to in § 275.8(b)(4) as it relates to the general criteria under section c(1)(a) of Appendix A which requires that allowable costs be necessary and reasonable for proper administration of the program. As part of the determination, FNS will review State reports and corrective action plans for completeness and timeliness. In addition, FNS will conduct reviews of the State's system for data collection and evalulation in order to:

(1) Assess the operation of the State's system for monitoring and improving program operation;

(2) Provide a basis for assisting the State in improving its system; and

(3) Test the validity of the data collected by the States.

(f) *Cancellation of FNS funding.* Effective July 1, 1975, if FNS determines that operations of the State agency do not meet the criteria for efficiency and effectiveness as prescribed by this part, those State outlays made in payment of such operational costs shall not be allowable and shall be cancelled in accordance with § 275.13. Prior to such cancellation, FNS will warn the State agency, informally and formally, that such action is being considered. Nothing in this section shall be construed as abrogating the State's recourse to further review by the Federal court system.

(1) *Cause for cancellation.* FNS may cancel any portion of payments to the State agency if FNS determines that the State agency has:

(i) Failed to submit on a timely basis any of the following completed reports:

(A) Personnel.

(B) Statistical portion of semi-annual quality control report.

(C) Timetable for performance of reviews.

(D) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more.

(E) Semi-annual Performance Report which includes the Semi-Annual Outreach Report, review of State operations, when applicable, reviews of project area operations performed during the semi-annual period, the required corrective action plans, and Corrective Action Status Report, or,

(ii) Failed to substantially comply with the provisions of this subchapter, or,

(iii) Knowingly submitted an incorrect report on its administration of the program, or

(iv) Failed to take the necessary action contained in its FNS approved corrective action plan.

FNS shall not cancel Federal funding for any continuing deficiencies if the State agency has taken action in accordance with a corrective action plan approved by FNS.

(2) *Timing of cancellation.* When FNS determines that State agency operations are not in conformance with the provisions of this part, an informal warning shall be issued to the State agency detailing the deficiencies. The State agency will have 30 days in which to respond If at the end of this period the State agency has not responded to the satisfaction of FNS, a formal warning shall be issued. The formal warning will state how the State agency is out of compliance and the amount of funds for which cancellation is being considered. If, after a period of no less than 30 days, the problem remains unresolved, the State agency will be notified that payments are cancelled as specified in § 275.13.

(g) *Implementation.* In order to provide the necessary time for States to secure State level funds and adequate staff to assume the total responsibilities under this section, the implementation will be accomplished in two phases. Under phase one, which is the interim period, FNS personnel will assist State agencies in the data collection responsibilities. This period will end on January 1, 1976, at which time State agencies will assume full responsibility for data collection and reporting under this section. FNS will consider extending this period until June 30, 1976, if a State agency demonstrates, to the satisfaction of FNS, that it is unable to fully implement this provision.

(1) *Phase one interim procedures.* (i) FNS will submit to each State agency by July 1, 1975, a profile summarizing program deficiencies which will be developed from information available to FNS. Upon receipt of the profile, the State agency must submit a corrective action plan for FNS approval within 120 days. Such corrective action plans shall incorporate quality control findings for the period January–June 1975.

(ii) During the period July 1 to December 31, 1975, FNS will develop and test procedures for State and project area operation reviews. State agencies will be encouraged to participate during this test phase. The results of such reviews will be transmitted to the State agency on or before March 1, 1976. This information and the quality control findings for the period July–December 1975 will provide the basis for a second corrective action plan which will be due Mary 1, 1976. The State agency will, at the same time, submit a status report on progress made toward the completion of the previously submitted corrective action plan.

(2) *Phase two final implementation.* Beginning January 1, 1976, the State agency will assume total responsibility for data gathering and reporting. Prior to the actual commencement of the reporting period, the State agency shall submit on November 1, 1975 a timetable for performance of reviews as specified in paragraph (d)(3) of this section. If FNS has given the State agency approval to delay implementation, the State agency shall submit instead a schedule which will ensure assumption of its responsibilities by July 1, 1976.

(78 Stat. 703, as amended; (7 U.S.C. 2011–2026))

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective July 1, 1975.

V40-135 JUL 14 75 XUM

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: July 8, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-18136 Filed 7-11-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 967—CELERY GROWN IN FLORIDA

Expenses and Rate of Assessment

This document authorizes the Florida Celery Committee to spend $75,000 for its operations during the fiscal year ending July 31, 1976, and to collect $0.01 per crate on assessable celery handled by each handler to defray such expenses.

The committee is the administrative agency established under the marketing agreement and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the June 19 FEDERAL REGISTER (40 FR 25828) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than July 7, 1975. None were received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal year shall apply to all assessable celery from the beginning of such year.

The regulation follows:

§ 967.211 Expnses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal year ending July 31, 1976, by the Florida Celery Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $75,000.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one cent ($0.01) per crate, or equivalent quantity, of celery handled by him as the first handler during the fiscal year.

(c) Unexpended income in excess of expenses for the fiscal year may be carried over as a reserve to the extent authorized in § 967.62.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674)

Dated: July 9, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-18190 Filed 7-11-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER XIII—EAST-WEST FOREIGN TRADE BOARD

PART 1300—REPORTS ON EXPORTS OF TECHNOLOGY

Reporting Requirements

Pursuant to section 411 of the Trade Act of 1974 (19 U.S.C. 2441) and Executive Order 11846 (40 FR 14291, March 31, 1975) notice is hereby given that the East-West Foreign Trade Board has promulgated a regulation concerning reporting requirements on the export of technology. The regulation will be part of New Chapter XIII to be added herewith to the Code of Federal Regulations. Because the regulation promulgated herein imposes no reporting obligation on exporters of technology that is not presently required under the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401–2413) and that exporters of technology need to receive immediate guidance from the Board with respect to the provisions contained in the regulation, it is hereby found unnecessary, impracticable, and contrary to the public interest (5 U.S.C. 553(b)), to issue such regulation with notice and public procedure thereon, and there is good cause to make the regulation effective immediately (5 U.S.C. 553(d)).

Section 411 of the Trade Act of 1974 (19 U.S.C. 2441) states that "any person who exports technology vital to the national interest of the United States to a nonmarket economy country or to an instrumentality of such country * * * shall file a report with the (East-West Foreign Trade) Board in such form and manner as the Board requires which describes the nature and terms of such export * * *."

The Board finds that the Export Administration Regulations of the Department of Commerce currently require persons to file an export license application and to receive a validated export license prior to the export to the USSR, the countries of Eastern Europe (excluding Yugoslavia), the People's Republic of China, North Korea, North Vietnam, South Vietnam, Cambodia and Cuba, of any technical data that could be considered vital to the national interest of the United States.

The Department of Commerce has agreed to furnish the Board with statistical data of export licenses applied for and granted for the export of technical data to the above-mentioned destinations. The furnishing of such statistical data shall be subject to the confidentiality provisions of section 7(c) of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2406(c)).

Accordingly, the Board has determined that the reporting requirement set forth is section 411 of the Trade Act of 1974 (19 U.S.C. 2441) will be satisfied by an exporter's filing of an export license application with the Department of Commerce and the reporting thereof in statistical form to the Board by the Department of Commerce.

The regulation hereby adopted shall be effective immediately.

The text of New Chapter XIII, Part 1300, and § 1300.1 is as follows:

§ 1300.1 Reporting of exports of technology to nonmarket economy countries.

(a) For purposes of complying with the reporting requirements of section 411 of the Trade Act of 1974 (19 U.S.C. 2441) relating to the export of technology to a nonmarket economy country, exporters of such technology shall be deemed to have complied with the requirements of such section by complying with the applicable provisions of the export control regulations of the Department of Commerce (15 CFR 368.1–399.2) issued pursuant to the Export Administration Act of 1969, as amended, (50 U.S.C. App. 2401–2413).

(b) Nonmarket Economy Country. For purposes of section 411(b) of the Trade Act of 1974 (19 USC 2441) the term "nonmarket economy country" includes those countries included in Country Groups Q, W, Y, and Z of the export control regulations of the Department of Commerce (15 CFR Part 370 (Supplement I)).

(Sec. 411, Pub. L. 93–618, 88 Stat. 2065 (19 U.S.C. 2441); EO 11846 (40 FR 14291)).

Approved: July 2, 1975.

[SEAL] WILLIAM E. SIMON,
Chairman, East West Foreign Trade Board.

[FR Doc.75-18186 Filed 7-11-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0032]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

STYRENE BLOCK POLYMERS

The Commissioner of Food and Drugs is amending § 121.2622 *Styrene block polymers* (21 CFR 121.2622) to provide for 1,3-butadiene, hydrogenated, effective July 14, 1975.

The Commissioner, having evaluated the data in a petition (FAP 4B2932) filed by Shell Chemical Co., Division of Shell Oil Co., One Shell Plaza, PO. Box 2463, Houston TX 77001, and other relevant material, concludes that § 121.2622 should be amended, as set forth below, to provide for safe use of styrene block polymers with 1,3-butadiene, hydrogenated, as articles or components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.-120), Part 121 is amended in § 121.2622 by adding paragraph (a)(3) and adding item 3. to the table in paragraph (b) to read as follows:

§ 121.2622 Styrene block polymers.

* * * * * *

(a) * * *

(3) Styrene block polymers with 1,3-butadiene, hydrogenated are those produced by the catalytic solution polymerization of styrene and 1,3-butadiene, and subsequently hydrogenated.

(b) Specifications:

Styrene block polymers	Molecular weight (minimum)	Solubility	Glass transition points	Maximum extractable fraction in distilled water at specified temperatures, times, and thicknesses	Maximum extractable fraction in 50 percent ethanol at specified temperatures, times, and thicknesses
* * *	*	*	*	*	*
3. Styrene block polymers with 1,3-butadiene, hydrogenated; for use as articles or as components of articles that contact food of types I, II, IV–B, VI, VII–B, and VIII identified in table 1 in sec. 121.2526(c).	16,000	Completely soluble in toluene.	−50° C to −30° C and 92° C to 98° C.	0.01 mg/in² of surface at reflux temperature for 2 hr on a 0.028 in thick sample.	0.01 mg/in² of surface at 150° F for 2 hr on a 0.028 in thick sample.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 13, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 14, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: July 7, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-18125 Filed 7-11-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Recodification Docket No. 8; Docket No. 75N-0029]

PART 510—NEW ANIMAL DRUGS

Animal Drug Procedure; Reorganization and Republication; Correction

In FR Doc. 75-7951 appearing at page 13802 in the FEDERAL REGISTER of March 27, 1975 the sponsor entry for "Central Soya Co., Inc." under § 510.600(c) (1) and (2) inadvertently omitted the change published in the FEDERAL REGISTER of April 9, 1973 (38 FR 9009).

As revised, the entry for "Central Soya Co., Inc." in § 510.600(c) (1) and (2) reads as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * *	* * *
Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, Ind. 46802	012286
* * *	* * *

(2) * * *

Drug listing No.	*Firm name and address*
* * *	* * *
012286	Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, Ind. 46802.
* * *	* * *

Dated: July 7, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-18126 Filed 7-11-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7367]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYMENT INCOME SECURITY ACT OF 1974

Determination Relating to Qualification of Certain Retirement Plans

This document contains Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) regarding the mailing of a notice of determination by the Internal Revenue Service relating to the qualified status of certain retirement plans.

The amendments provide that if a district director sends by certified or registered mail a notice of determination with respect to the qualification of a retirement plan described in section 7476(d) to the employer, the plan administrator, an interested party with respect to the plan, or the Pension Benefit Guaranty Corporation, no proceeding for a declaratory judgment by the United States Tax Court with respect to the qualification of such plan may be initiated by such person unless the pleading initiating such proceeding is filed by such person with such Court before the ninety-first day after the day after such notice is mailed.

In addition, the amendments provide for representatives for certain individuals who are interested parties to receive the notice on behalf of such individuals.

Adoption of amendments to the regulations. Based on the foregoing, the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) are amended as follows:

The following is inserted immediately after § 11.7476-2:

§ 11.7476-3 Notice of determination.

(a) *In general.* Under section 7476(b)(5), if a district director sends to the employer, the plan administrator, an interested party with respect to the plan, or the Pension Benefit Guaranty Corporation (or in the case of certain individuals who qualify as interested parties under paragraph (b) of § 11.7476-1, to the person described under paragraph (c) of this section as the representative of such individuals) by certified or registered mail a notice of determination with respect to the qualification of a retirement plan described in section 7476(d), no proceeding for a declaratory judgment by the United States Tax Court with respect to the qualification of such plan may be initiated by such person unless the pleading initiating such proceeding is filed by such person with such Court before the ninety-first day after the day after such notice is mailed.

(b) *Address for notice of determination*—(1) *Applicant.* In the case of the applicant for a determination, a notice of determination referred to in section 7476(b)(5) shall be sufficient if mailed to such person at the address set forth on the application for the determination.

(2) *Interested party.* In the case of an interested party or parties who, pursuant to section 3001(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), submitted a comment to a district director with respect to the qualification of the plan, a notice of determination referred to in section 7476(b)(5) shall be sufficient if mailed to the address designated in the comment as the address to which correspondence should be sent.

V40 I135 J
JUL 14 75
XUM

(c) *Representative of interested parties.* (1) In the case of an interested party who, in accordance with section 3001 (b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), requests the Secretary of Labor to submit a comment to a district director on matters respecting the qualification of the plan, where pursuant to such request such Secretary does in fact submit such a comment, the Administrator of Pension and Welfare Benefit Programs, Department of Labor, shall be the representative of such interested party for purposes of receiving the notice referred to in section 7476(b)(5) with respect to those matters on which the Secretary of Labor commented.

(2) In the event a single comment with respect to the qualification of the plan is submitted to a district director by two or more interested parties, the representative designated in the comment for receipt of correspondence shall be the representative of all the interested parties submitting the comment for purposes of receiving the notice referred to in section 7476(b)(5) on behalf of all of them. Such designated representative must be either one of the interested parties who submitted the comment or a person described in paragraph (e)(6)(i), (ii), or (iii) of § 601.201 of this chapter (Statement of Procedural Rules). If one person is not designated in the comment as the representative for receipt of correspondence, a notice of determination mailed to any interested party who submitted the comment shall be notice to all the interested parties who submitted the comment for purposes of section 7476(b)(5).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitations of subsection (d) of that section.

(Secs. 7476, 7805, Internal Revenue Code of 1954, (88 Stat. 949, 68A Stat. 917; (26 U.S.C. 7476, 7805)))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 8, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75-18193 Filed 7-11-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 601—NONDISCRIMINATION IN EMPLOYMENT AND ON THE BASIS OF RELIGION, SEX, AGE OR HANDICAP

Subpart B—Nondiscrimination in Employment and on the Basis of Religion, Sex, Age or Handicapped

On May 7, 1975, there was published in the FEDERAL REGISTER (40 FR 19835) a notice that the American Revolution Bicentennial Administration (ARBA) proposed to amend Title 36 by designating the present Part 601 "Nondiscrimination in Federally Assisted Programs of the American Revolution Bicentennial Administration—Effectuation of Title VI of the Civil Rights Act of 1964" (39 FR 28279, August 6, 1974) as Subpart A and by adding a new Subpart B which forbids discrimination in employment and on the basis of religion, sex, or age on the same basis that discrimination on the basis of race, color, and national origin is prohibited by Subpart A in any program that receives ARBA financial assistance. Interested persons were invited to submit written comments with respect to the proposed Subpart B. The only comment received was from the Michigan Department of Labor which suggested another category to be protected from discrimination, that is, handicapped persons pursuant to section 504 of Pub. L. 93-112, the Rehabilitation Act of 1973. Accordingly, Subpart B is amended to include handicapped persons as a category to be protected from discrimination in any program that receives ARBA financial assistance.

JOHN W. WARNER,
Administrator.

JULY 8, 1975.

36 CFR Part 601 is amended as follows:

1. By redesignating the present Part 601 as Subpart A;

2. By adding a new part heading to read as set forth above and new Subpart B to read as follows:

Subpart B—Nondiscrimination in Employment and on the basis of Religion, Sex, Age or Handicap

Sec.
601.13 Purpose.
601.14 Application of this subpart.
601.15 Definition.
601.16 Discrimination prohibited.
601.17 Assurance required.
601.18 Compliance information.
601.19 Conduct of investigations, procedures for effecting compliance, hearings, decisions, and judicial review; forms, instruction, and effect on other regulations.

AUTHORITY: Secs. 2(f) and 9(a), Pub. L. 93-179; 87 Stat. 697 & 702 (1973).

§ 601.13 Purpose.

(a) Part 601, Subpart A of this part, issued pursuant to Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by some recipients of financial assistance from the American Revolution Bicentennial Administration (ARBA). The purpose of this subpart is to reflect to the fullest extent possible the nondiscrimination policies of the Federal Government as expressed in the several statutes, Executive Orders, and messages of the President dealing with civil rights and equality of opportunity, and in the previous determination of the Administrator of the American Revolution Bicentennial Administration that discrimination based on race, color, national origin, religion, sex, age, or handicapped shall be prohibited, to the extent that it is not prohibited by Subpart A of this Part 601, to all recipients of financial assistance from the American Revolution Bicentennial Administration.

(b) It is the intention of the Administration that the prohibitions in this subpart supplement those in Subpart A of this Part 601, that the two parts be read *in pari materia*, and that the procedures established herein be harmonized to the maximum extent feasible with those established in Subpart A of this Part 601.

§ 601.14 Application of this subpart.

(a) *Federal financial assistance*—Except as hereinafter noted, this subpart applies to each program or activity receiving Federal financial assistance administered by the Administration including:

(1) Grants to assist in the establishment or implementation of Bicentennial commissions pursuant to section 9(1) of the Joint Resolution to establish the American Revolution Bicentennial Administration, as amended.

(Pub. L. 93-179; 87 Stat. 702 (1973)).

(2) Grants to nonprofit entities to assist in developing or supporting Bicentennial programs or projects pursuant to section 9(a) of the Joint Resolution to establish the American Revolution Bicentennial Administration, as amended.

(Pub. L. 93-179; 87 Stat. 702 (1973)).

(3) Grants to nonprofit entities to match donations or requests for Bicentennial programs or projects pursuant to section 9(3) of the Joint Resolution to establish the American Revolution Bicentennial Administration, as amended.

(Pub. L. 93-179; 87 Stat. 702 (1973)).

(b) This subpart does not apply to:

(1) Money paid, property transferred, or other assistance extended under a program before the effective date of this subpart except when the assistance was subject to the nondiscrimination regulations of an agency whose responsibilities are now exercised by the Administration.

(2) Assistance to any individual who is the ultimate beneficiary under a program.

(c) *Real Property.* In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this regulation extends to a facility located wholly or in part in that space.

§ 601.15 Definition.

As used in this subpart:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Administration, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, requests, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in the property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale or lease to the recipient; and

(5) A Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefit provided (1) with the aid of Federal financial assistance (2) with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, or (3) in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Administration" means the American Revolution Bicentennial Administration.

(h) "Administrator" means the Administrator of the American Revolution Bicentennial Administration, or any persons to whom he has delegated his authority in the matter concerned.

§ 601.16 Discrimination prohibited.

(a) *General.* To the extent not covered or prohibited by Part 601, Subpart A of this chapter, no person in the United States shall, on the ground of race, color, national origin, religion, sex, age or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) To the extent that this subpart applies, a recipient under a program shall not, directly or through contractual or other arrangements, on the ground of race, color, national origin, religion, sex, age or handicap:

(i) Deny a person a service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to the receipt of a service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of an advantage or privilege enjoyed by others receiving a service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether the person satisfies an admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided a service, financial aid, or other benefit provided under the program or other activity;

(vi) Deny a person an opportunity to participate in the program or other activity through the provision of services or otherwise, including the opportunity to participate as an employee, or afford the person an opportunity to do so which is different from that afforded others under the program;

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program, or the class of persons to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of persons to be afforded an opportunity to participate in a program, shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, national origin, religion, sex, age or handicap or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, national origin, religion, sex, age or handicap.

(3) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(4) (i) In administering a program where prior discriminatory practice or usage tends, on the grounds of race, color, national origin, religion, sex, age or handicap to restrict the availability of, to exclude individuals from participation in, or to deny them the benefits of programs or have the purpose or effect of substantially impairing the accomplishment of the objectives of the Act and of this section, the recipient shall take affirmative action to overcome the effects of the prior discriminatory practice or usage and take the additional steps necessary to make equal opportunity fully available to persons previously subjected to discrimination.

(ii) Even though a recipient has never used discriminatory policies, the opportunities may not be equally available to persons previously subjected to discrimination. In such a case a recipient may take affirmative action to overcome the effect of conditions which resulted in limiting participation by persons of a particular race, color, national origin, religion, sex, age or handicap in order to make new opportunities more available to such groups.

(c) *Employment practices.* A recipient or other party subject to this regulation shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, national origin, religion, sex, or age in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, national origin, religion, sex, or age. The requirements applicable to construction employment under a program are those specified in or pursuant to Part III of Executive Order 11246 or any Executive Order which supersedes it.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program to which this part applies, on the ground of race, color, national origin, religion, sex, age or handicap or with the purpose or effect of defeating or sub-

V40-135 JUL 14 75 XUM

stantially impairing the accomplishment of the objectives of this part.

(e) Notwithstanding anything to the contrary in this section, nothing contained herein shall be construed to prohibit any recipient government from maintaining or constructing separate living facilities or rest room facilities for the different sexes. Furthermore, selectivity on the basis of sex is not prohibited when institutional or custodial services can properly be performed only by a member of the same sex as the recipients of the service.

§ 601.17 Assurance required.

(a) *General.* (1) An application for Federal financial assistance to carry out a program to which this subpart applies, except a program to which paragraph (d) of this section applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility operated in compliance with the requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, these assurances shall obligate the recipient, or in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. The Administrator shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judiciary enforcement.

(2) When Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. When no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of federal financial assistance the recipient shall agree to include a covenant in any subsequent transfer of the property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Administration to revert title to the property in the event of a breach of the covenant where, in the discretion of the Administration, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on property for the purposes for which the property was transferred, the Administration may agree, on request of the transferee and if necessary to accomplish the financing and on conditions as he deems appropriate, to subordinate a right of reversion to the lien of a mortgage or other encumbrance.

(b) *Assurances from government agencies.* In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Administration official if the applicant establishes, to the satisfaction of the responsible Administration official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this regulation as respects the program.

(c) *Assurance from academic and other institutions.* (1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Administration official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.* Every application by a state or a state agency to carry out a program involving continuing Federal financial assistance to which this regulation applies shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with the requirements imposed by or pursuant to this regulation, and (2) provide or be accompanied by provision for methods of administration for the program as are found by the Administration to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under the program will comply with the requirements imposed by or pursuant to this subpart.

§ 601.18 Compliance information.

(a) *Cooperation and assistance.* The Administration shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to applicants and recipients to help them comply voluntarily with this subpart.

(b) *Compliance Reports.* Each applicant or recipient shall keep records and submit to the Administration, timely, complete, and accurate compliance reports at the times and in the form and containing the information the Administration may determine to be necessary to enable it to ascertain whether the applicant or recipient has complied or is complying with this subpart. In the case of a program under which a primary recipient extends Federal financial assistance to subrecipients, the subrecipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart. In general, recipients should have available for the Administration racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs and members of groups or bodies referred to in § 601.16 (b) (vii).

(c) *Access to sources of information.* Each applicant or recipient shall permit access by the Administration, during normal business hours, to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this regulation. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to participants, beneficiaries and other interested persons.* Each applicant or recipient shall make available to participants, beneficiaries, and other persons, entitled under this subpart to protection against discrimination by the recipient, such information regarding the provisions of this subpart, and its applicability to the program under which the recipient received Federal financial assistance. Information shall be made available to them in such manner as the Administration finds necessary to apprise the persons of their rights to such protection.

§ 601.19 Conduct of investigations, procedures for effecting compliance, hearings, decisions, and judicial review; forms, instruction, and effect on other regulations.

(a) Each responsible Administration official shall take appropriate measures to effectuate and enforce the provisions of this subpart; and shall issue and promptly make available to interested persons forms, instructions, and procedures for effectuating this part as applied to programs for which the official is responsible. Insofar as feasible and not inconsistent with this subpart, and the conduct of investigations and the procedures for effecting compliance, holding the hearings, rendering decisions and initiating judicial review of such decisions shall be consistent with those prescribed by §§ 601.7 through 601.12: *Provided*, That any action terminating or refusing to grant or to continue financial assistance pursuant to this subpart shall not be deemed committed to unreviewable agency discretion and shall be subject to such judicial review as may be provided by law: *And provided further*, That the provisions of § 601.8(c) (4) shall not be applicable to proceedings under this subpart.

(b) If it is determined, after opportunity for a hearing on the record, that a recipient has engaged or is engaging in practices which unlawfully discriminate on the ground of race, color, national origin, religion, sex, age or handicap the recipient will be required to cease such discriminatory practices and to take such action as may be appropriate to eliminate present discrimination, to correct the effects of past discrimination, and to prevent such discrimination in the future.

(c) Nothing in this subpart shall be deemed to supersede any provisions of Subpart A of this Part 601, or of any other regulation and instruction which prohibits discrimination on the ground of race, color, national origin, religion, sex, age or handicap in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

[FR Doc.75-18129 Filed 7-11-75;8:45 am.]

PART 605—THE OFFICIAL AMERICAN REVOLUTION BICENTENNIAL SYMBOL (LOGO)

Purpose. The purpose of this document is to describe the official symbol for the American Revolution Bicentennial and to prescribe regulations for its use.

Background. Authorization for an American Revolution Bicentennial Commission (ARBC) official Bicentennial logo was included in Pub. L. 91–528, approved December 7, 1970, and reads as follows:

Whoever, except as authorized under rules and regulations issued by the Administrator, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Administrator for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or holds out to the public objects in such a manner as to suggest any such logos, symbols, or marks not officially authorized by the Administrator, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided*, That this section shall be applicable upon publication in the FEDERAL REGISTER of notification of certification hereunder by the Administrator with respect to each such logo, symbol, or mark.

The Senate and House Judiciary Committee Reports (Senate 91–976 dated June 25, 1970 and House 91–1180 dated June 11, 1970) explain that the purpose of the legislation is:

• • • to permit the Commission the exclusive use of distinctive logos, symbols, or marks, which will be designed as the hallmark of the official bicentennial commemoration.

It is expected that these designs will become associated in the minds of people worldwide with the American Revolution Bicentennial. Advertising, informational literature, travel brochures, letterheads, tickets, and so forth, associated with activities sanctioned by the Commission will carry such design. The Commission will be able to license use of such designs under appropriate terms and conditions in connection with souvenir items such as medals, pennants, lighters, and so forth.

The Commission has not yet selected any bicentennial symbols or logos. Accordingly, the proposed section will be effective when the Commission certifies any such design and publishes notification thereof in the FEDERAL REGISTER.

Without further Congressional justification in the record, the logo authorization was repeated verbatim in Pub. L. 93–179 which established the American Revolution Bicentennial Administration (ARBA).

In early 1970, an ARBC logo committee was established, chaired by Mr. James Biddle, President of the National Trust for Historic Preservation (an ARBC member), which evaluated more than 100 design firms, narrowed the list to 15 firms which were requested to submit Bicentennial logo concepts, and eventually the design submitted by the firm of Chermayeff and Geismar was adopted as the official Bicentennial logo in use today.

The Commission approved the logo on February 5, 1971, and a notice of adoption was contained in the FEDERAL REGISTER of March 27, 1971.

Experience to date has indicated widespread acceptance of the logo. Accordingly, the Administrator recommends continued use of the logo with the revised policy set forth herein.

Past policy has authorized use of the logo in three general categories—for identification, for official recognition, and public information. Such usage is consistent with Congressional intent as expressed in the legislative history, that the logo become the "hallmark of the official Bicentennial commemoration" and "become associated in the minds of people worldwide with the American Revolution Bicentennial." In addition, provisions for Federal Government and commercial use are also included in these new regulations.

Adoption of regulations. The American Revolution Bicentennial Board was established by Pub. L. 93–179 and is empowered by section 10(h)(3) thereof to "review, approve, disapprove, or ratify from time to time, all basic policy and guidelines • • •" of the ARBA. This Part 605 and the Official Graphics Standards Manual incorporated by reference in § 605.106 constitute ARBA basic policy and guidelines for use of the Official Bicentennial Logo. Accordingly, these regulations issued by the ARBA supersede interim rules and regulations of the American Revolution Bicentennial Commission (ARBC), the predecessor organization to the ARBA, which were published in the FEDERAL REGISTER on March 27, 1971, and which were adopted by the ARBA pursuant to ARBA notice in the FEDERAL REGISTER of January 22, 1974, which adopted and continued all prior notices, rules and regulations published in the FEDERAL REGISTER by the ARBC.

Pursuant to section 2(1) of Pub. L. 93–179, 87 Stat. 699, the American Revolution Bicentennial Administration (ARBA) is adding Part 605, The Official American Revolution Bicentennial Symbol (Logo), to 36 CFR Chapter VI as set forth below.

Although these regulations are currently in effect, written comments from interested parties will be considered and where appropriate amendments made to these regulations as the American Revolution Bicentennial Board may determine. All comments received will be available for public inspection at the ARBA, 2401 E Street NW., Room 7240, Washington, D.C. 20276.

Sec.

605.100 Description.
605.101 Identification.
605.102 Recognition.
605.103 Information.
605.104 Federal Government Use.
605.105 Commercial Use.
605.106 Official Graphics Standards Manual.

AUTHORITY: Pub. L. 93–179, sec. 2(1), 87 Stat. 699

V40 I135 JUL 14 75 XUM

§ 605.100 Description.

(a) The American Revolution Bicentennial symbol is derived from the stars, stripes, and colors of the United States flag. The symbol takes the form of an American 5-pointed star in white, surrounded by continuous red, white, and blue stripes which form a second star. This double star is symbolic of the two centuries which have passed since the American Revolution.

(b) The double star is surrounded by the following text: "American Revolution Bicentennial 1776–1976."

(c) These colorful stripes also evoke a feeling of festivity and suggest the furled bunting traditionally used in times of celebration throughout the nation. The symbol is contemporary in design in keeping with the forward-looking goals of the Bicentennial celebration: "To forge a new national commitment, a new spirit of '76, a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century." The symbol appears below:



The Symbol is protected by Statute whether used with or without accompanying text.

§ 605.101 Identification.

(a) Under the Identification category, ARBA, State Bicentennial Commissions and ARBA designated Bicentennial Communities may use the logo (together with their respective name affixed directly beneath) on such material as letterheads, envelopes, publications, etc.

(b) A "Designated Bicentennial Community" is one which has established a Bicentennial Committee representative of the Community; developed a commemorative program embracing one or more of the themes of Heritage '76, Festival USA, or Horizons '76, one of which is of lasting value to the Community; and has submitted its program through its State Commission to the ARBA for official designation. Such designation includes authorization for use of the logo.

§ 605.102 Recognition.

(a) Under the Recognition category, ARBA, State Bicentennial Commissions and designated Bicentennial Communities have procedures by which they accord their official recognition to meritorious projects in their jurisdictions sponsored by nonprofit organizations. By such recognition projects are elevated to a special status making them, in effect, an integral part of the national, State, or Community commemoration, respectively.

(b) Pursuant to recognition procedures, projects officially recognized by ARBA are authorized to use the logo with the accompanying legend "Recognized by the American Revolution Bicentennial Administration." Similarly, projects officially recognized by State Bicentennial Commissions are authorized to use the logo with a legend such as "Recognized by the Florida Bicentennial Commission" and projects officially recognized by designated communities are authorized to use the logo with a legend such as "Recognized by the Chicago Bicentennial Committee."

(c) While use of the logo is limited hereunder to officially recognized projects sponsored by non-profit organizations (i.e., determined by IRS to be tax exempt), the Administrator requests Board approval to grant use of the logo in individual cases to projects sponsored by commercial organizations.

§ 605.103 Information.

Under the Public Information category, the logo may be authorized for public information and public service use in the various media by ARBA, State Bicentennial Commissions, and designated Bicentennial Communities. Public information use includes use in connection with news dissemination and public service messages intended to further public awareness, interest and support of the Bicentennial program. Public information use of the logo by State Bicentennial Commissions and designated Bicentennial Communities is accompanied by the State or Community name and may include legends such as "Support your California Bicentennial Commission."

§ 605.104 Federal Government Use.

(a) Additional use of the logo includes Federal agency use on their letterheads, publications and documents pursuant to a Presidential Executive Order and Congressional use on letterheads, newsletters and documents pursuant to authorization from the Congressional Joint Committee on Printing.

(b) Use of the logo by Federal agencies is also proposed when the Administrator determines such use is necessary or desirable to carry out their statutory functions in support of the Bicentennial.

(c) Examples of such use are Department of Transportation use on highway signs indicating Bicentennial attractions, and U.S. Travel Service use on travel brochures, posters, etc., to induce foreign travel to the U.S. for the Bicentennial. The latter use may be in conjunction with a legend such as "Visit Bicentennial USA."

§ 605.105 Commercial Use.

An ARBA program of licensing appropriate official commemorative items bearing the logo has been initiated. With the exception of this commercial usage, it should be noted that all of the above authorizations generally exclude any commercial use of the logo.

§ 605.106 Official Graphics Standards Manual.

The Official Graphics Standards Manual published by the American Revolution Bicentennial Administration is incorporated herein by reference. The manual provides guidelines on the legal status and authorized uses of the Official Bicentennial Symbol and on the graphics standards to insure the integrity of its design. Copies of the Official Graphics Standards Manual and the Guidelines for the Symbol Licensing Program may be secured by writing: Director, Symbol Licensing Program, ARBA, 2401 E Street NW., Washington, D.C. 20276.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register on July 9, 1975.

JOHN W. WARNER,
Administrator.

JULY 8, 1975.

[FR Doc.75-18132 Filed 7-11-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 389-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Approval of Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a

plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On April 23, 1974, pursuant to 40 CFR 51.6 and 51.15, the Commonwealth of Kentucky submitted for the Agency's approval a number of individually negotiated compliance schedules. These were published in the FEDERAL REGISTER as proposed rulemaking on February 27, 1975 (40 FR 8360). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Kentucky Division of Air Pollution Control in Frankfort, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Kentucky Department for Natural Resources and Environmental Protection and the Jefferson County Air Pollution Control District provided information on a number of schedules which had been changed since the Administrator's proposal of February 27, 1975. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, a number of minor corrections have been made in the listing.

Each of the schedules given in the table below establishes a date by which an individual source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

Division of Air Pollution, Kentucky Department for Natural Resources, and Environmental Protection, U.S. 127 South, West Frankfort Office Complex, Frankfort, Kentucky 40601.

Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Also, the Jefferson County schedules may be examined at the office of Air Pollution Control District of Jefferson County, 400 Reynolds Building, 2500 South Third Street, Louisville, Kentucky 40208.

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State and local law in the Commonwealth of Kentucky and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act, (42 U.S.C. 1857c-5(a)))

Dated: July 3, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

§ 52.590 [Amended]

1. Section 52.590(c)(2) is amended by inserting the date April 23 [1974] in proper chronological order.

2. Section 52.927 is amended by adding paragraph (c) as follows:

§ 52.927 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, except in the case of Jefferson County schedules, for which the regulations cited are those of the local air pollution control agency.

V40-135 JUL 14 75 XUM

KENTUCKY

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
W. H. Sandusky & Son, Inc.:					
Dust drag and truck load	Adair	AP-3	June 8, 1973	Immediately	June 15, 1973
Haul road	do	AP-3	do	do	Jan. 1, 1974
Modern Fold-Wood:					
Master division incinerator	Allen	AP-3	Dec. 15, 1973	do	Nov. 1, 1973
Dust collection system	do	AP-3	do	do	Sept. 1, 1974
McMurtrey Ready Mix—Bowling Green Plant, silo.	Barren	AP-3	June 13, 1973	do	June 1, 1973
McMurtrey Ready Mix—Glasgow Plant:					
Silo	do	AP-3	June 12, 1973	do	June 30, 1973
Batch discharge	do	AP-3	do	do	July 27, 1973
J. R. Hoe & Son Inc., cupola	Bell	AP-3	June 6, 1973	do	Dec. 31, 1973
Kentucky Utilities Co., Pineville Stadium Plant, boilers.	do	AP-3	June 13, 1973	do	Apr. 1, 1975
Cline Brick Co., Nos. 1 and 2 kilns	Boyd	AP-9	June 15, 1973	do	Oct. 1, 1974
General Concrete Co. concrete batch Plant.	do	AP-3	June 8, 1973	do	Aug. 1, 1973
The Hyland Co., feed mill	do	AP-3	June 12, 1973	do	Oct. 1, 1973
Mansbach Metal Co.:					
Shreader	do	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
2 Aluminum sweat furnaces	do	AP-3	do	do	Dec. 15, 1974
Block burner	do	AP-3	do	do	Do.
Railroad car incinerator	do	AP-3	do	do	Jan. 30, 1974
Haul roads	do	AP-3	do	do	Aug. 20, 1973
Mansbach Metal Co., yard area	do	AP-3	do	do	Aug. 15, 1974
Stevens Concrete Co., Inc.:					
Silo vent	Boyle	AP-3	July 26, 1973	do	Dec. 5, 1973
Do	do	AP-3	do	do	Do.
Batch loadouts	do	AP-3	do	do	Sept. 5, 1973
Do	do	AP-3	do	do	Do.
Stockpile	do	AP-3	do	do	Do.
Haul roads	do	AP-3	do	do	Do.
Precast Concrete Sales Service:					
Vent	Bullitt	AP-3	June 15, 1973	do	Dec. 20, 1973
Fan exhaust	do	AP-3	do	do	July 10, 1973
Aggregate haul roads	do	AP-3	do	do	Apr. 5, 1973
O. Ames Co., teepee	Caldwell	AP-3	do	do	Nov. 1, 1973
W.R. Grace & Co., Construction Products Division:					
Vermiculite experimental furnace	Campbell	AP-3	June 6, 1973	do	Nov. 15, 1973
Perlite experimental furnace	do	AP-3	do	do	July 1, 1973
Vermiculite experimental furnace model D 18.	do	AP-3	do	do	Nov. 15, 1973
Geo Wiedemann Brewing Co.:					
Grain collection cyclone exhaust	Campbell	AP-3	June 15, 1973	do	Feb. 18, 1974
Deena Products Co.:					
Buffing discharge	Carlisle	AP-3	Dec. 20, 1973	do	June 15, 1974
7 spray booths without filters	do	AP-3	do	do	Do.
General Refractories Co., Tunnel kilns and downdraft kilns.	Carter	AP-9	June 6, 1973	do	Nov. 1, 1974
Casey Ready Mix, ready mix plant	Casey	AP-3	June 8, 1973	do	June 25, 1973
Watson Lumber Co., sawmill operation	do	AP-3	Nov. 13, 1973	do	Apr. 30, 1974
Concrete Mix Co., silo stack	Christian	AP-3	June 6, 1973	do	May 15, 1973
R. C. Owens Co.:					
Dust collector	do	AP-3	June 15, 1973	do	Jan. 31, 1974
Woodfired boiler	do	AP-3	do	do	Do.
East Kentucky Rural Electric Cooperative Corp., Dale facility:					
Unit No. 4	Clark	AP-3	do	do	April 9, 1975
Unit No. 1	do	AP-3	do	do	Feb. 1, 1975
		AP-4			
Unit No. 2	do	AP-3	do	do	Nov. 1, 1974
		AP-4			
Unit No. 3	do	AP-3	do	do	Apr. 9, 1975
W. R. Grace and Co., Dewey and Almy Davies Chemical Division, Polufibron Division, Battery, separator ovens.		AP-3	June 13, 1973	do	Do.
Green River Steel Division/Jessup Steel Co.:					
Acid pickling	do	AP-3	Feb. 15, 1974	do	Aug. 1, 1974
Traveling machine grinder	do	AP-3	do	do	Do.
2 electric arc furnaces	do	AP-3	do	do	Mar. 31, 1975
Hot scarfing operation	do	AP-3	do	do	Mar. 15, 1975
Ready-Mix Concrete Co., concrete batch plant.	do	AP-3	June 6, 1973	do	June 1, 1973
Whitehall Furniture, Inc.:					
Cyclone dust wood chip collection	do	AP-3	Dec. 20, 1973	do	July 31, 1974
Spray booth	do	AP-3	do	do	Apr. 30, 1974
Smyth Lumber Co.:					
Bark incinerator	Estill	AP-3	Dec. 19, 1973	do	Nov. 1, 1973
Planning mill blower	do	AP-3	do	do	May 1, 1974
Bluegrass Art Cast, Inc., precast concrete plant.	Fayette	AP-3	June 6, 1973	do	June 1, 1973
R. J. Reynolds Tobacco Co.:					
Stacks Nos. 50 and 60	do	AP-3	May 29, 1973	do	Oct. 1, 1973
Stacks Nos. 1-39 and 61	do	AP-3	do	do	Nov. 1, 1974
R. J. Reynolds Tobacco Co.:					
Pneumatic conveying	do	AP-3	do	do	Oct. 1, 1973
Separator exhaust	do	AP-3	do	do	Nov. 1, 1974
Exhaust from tangential separator	do	AP-3	do	do	Oct. 1, 1973
Schenley Distillers, Inc., boiler	do	AP-3	June 15, 1973	do	Dec. 1, 1974
Standard Products Co.:					
Curing oven exhaust	do	AP-3	Dec. 28, 1973	do	Dec. 2, 1974
Cooling exhaust	do	AP-9	do	do	Do.
Fume exhaust	do	AP-3	do	do	Do.
Thompson-King-Tate, ready mix concrete plant.	do	AP-3	July 6, 1973	do	July 15, 1973

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Curtis Lumber Co., sawmill	Fleming	AP-3	June 15, 1973	do	June 4, 1973
Island Creek Coal Co., Prince Plant heat dryer.	Floyd	AP-3	do	do	May 1, 1974
Horn & Goin Co., Ready mix concrete plant.	Franklin	AP-3	do	do	June 15, 1973
Ashby Veneer & Lumber Co., wood waste incinerator.	Fulton	AP-3	Aug. 5, 1973	do	Sept. 15, 1973
Carborundum Co., Graphite Products Division:					
Mixing processing	do	AP-9	June 15, 1973	do	Jan. 1, 1975
No. 11 graphitizing furnace	do	AP-3, 4, 6	do	do	Apr. 9, 1975
Bell City Pottery Co., bake ovens	Graves	AP-9	Nov. 15, 1973	do	Aug. 15, 1974
Miro Industries inc.:					
Cement silo vent	do	AP-3	Dec. 27, 1973	do	Jan. 31, 1974
Do	do	AP-3	do	do	Do.
Do	do	AP-3	do	do	Do.
Grayson County Ready Mix, Inc., concrete batch plant.	Grayson	AP-3	June 8, 1973	do	June 15, 1973
Ashland Milling Co., Inc., feed mill	Greenup	AP-3	June 14, 1973	do	Dec. 30, 1973
C & I Ready Mix Concrete, concrete batch plant.	Harlan	AP-3	June 6, 1973	do	May 14, 1973
Cynthiana Ready Mix, Inc., concrete batch plant.	Harrison	AP-3	June 13, 1973	do	July 1, 1973
Community Methodist Hospital, incinerator.	Henderson	AP-3	June 15, 1973	do	Nov. 1, 1973
Scott Lumber Co., Inc., boiler (wood-fired).	do	AP-3	June 13, 1973	do	June 1, 1974
Smithfield Milling Co.:					
Receiving bin	Henry	AP-3	June 15, 1973	do	June 30, 1973
Duct from vents	do	AP-3	do	do	July 30, 1974
Hickman County Feed Mill, feed mill	Hickman	AP-3	do	do	July 4, 1973
Department of Health, District No. 1 TB Hospital:					
Incinerator	Hopkins	AP-3	June 6, 1973	do	Sept. 1, 1974
Boilers	do	AP-3	do	do	Jan. 1, 1975
McWhorter Stave Co.:					
Sawdust from headsaw exhausted onto pile.	Jackson	AP-3	Sept. 28, 1973	do	Sept. 1, 1973
Log and stave yard	do	AP-3	do	do	July 18, 1973
American Synthetic Rubber Corp.:					
Rubber manufacturing	Jefferson	5.5.2	Feb. 12, 1973	do	Aug. 30, 1973
Solvent storage	do	5.0	Feb. 21, 1973	do	Do.
Flare stack	do	5.5.2, 3.2.2	Feb. 12, 1973	do	Do.
Amoco Oil Co., gasoline storage tank	do	5.0.2	May 20, 1973	do	Aug. 1, 1973
Anderson Wood Products Co.:					
Wood manufacturing equipment	do	3.1	Jan. 9, 1974	do	Apr. 19, 1975
Cyclone collector wood-waste fired boilers.	do	3.2	do	do	Do.
Ashland Chemical Co.:					
Truck and drum loading of hydrocarbons.	do	5.0, 5.1, 5.5	do	do	Feb. 15, 1974
Transfer and handling organic materials.	do	5.1.2	May 9, 1973	do	Nov. 30, 1973
Ashland Oil Co., Southern Region, branded marketing storage tanks.	do	5.0.2	Mar. 14, 1973	do	Mar. 15, 1975
Blatz Paint Co., paint production	do	5.5.2	Feb. 6, 1973	do	Apr. 19, 1975
Boone Box Co., gas-oil boilers, wood manufacturing equipment, paper manufacturing equipment.	do	3.1, 3.2	Jan. 9, 1974	do	Mar. 15, 1974
Boyles Galvanizing, chromic-acid tank	do	3.2	Feb. 6, 1973	do	Dec. 12, 1972
Brown-Forman Distillers Corp., Howard Street Plant, boilers.	do	3.1.1, 3.3, 4.0.1	Feb. 12, 1973	do	Apr. 19, 1975
B. J. Distributors, Inc., aggregate drying.	do	3.2.2	do	do	Feb. 25, 1973
Campbell Tobacco Rehandling, tobacco manufacturing equipment.	do	8.1	Feb. 19, 1974	do	Apr. 2, 1975
Catalyst Division/Chemetron Corp., chemical processing equipment.	do	7.0	May 9, 1973	do	Jan. 15, 1974
Celanese Coating Co., Devoe Paint Division, paint production.	do	5.5.2, 5.5.3	Feb. 6, 1973	do	Dec. 31, 1973
Celanese Coating Co., Technical Center, paint production.	do	5.5.2, 3.2.2	Mar. 14, 1973	do	Mar. 16, 1973
Celanese Piping System, grinder cyclones.	do	3.2.2	Feb. 19, 1974	do	July 1, 1974
Chevron Asphalt Co., volatile organic storage tanks.	do	5.0.1	Apr. 10, 1973	do	Jan. 1, 1975
Corhart Refractories Co., electric arc furnace refractory products.	do	3.2.4, 9.1	Feb. 12, 1973	do	Apr. 1, 1975
Corhart Refractories Co., West Plant, refractory products.	do	3.2.2	Feb. 21, 1973	do	Mar. 31, 1975
Conco, Inc., paint spray booths, paint bake oven.	do	5.5	Jan. 9, 1974	do	Jan. 31, 1975
Container Corp. of America:					
Paper corrugating	do	3.2.1	Oct. 10, 1973	do	Nov. 1, 1974
Boilers	do	3.1, 4.0	do	do	Do.
Continental Pipeline Co., gasoline storage.	do	5.0.2	June 20, 1973	do	Mar. 31, 1973
Dawson Lumber Co., raw wood mills	do	3.2.2	Sept. 12, 1973	do	Jan. 15, 1976
DeHart Paint & Varnish Co., paint manufacturing.	do	5.5.2	Mar. 14, 1973	do	Apr. 19, 1975
DMI Inc., dry milk processing equipment.	do	3.2.1	Oct. 10, 1973	do	Oct. 31, 1974

V 40 I 135 JUL 14 75 XUM

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
The Early & Daniel, Co., Inc., grain storage and handling.	do	3.2, 3.3	do	do	Apr. 1, 1975
Exxon Co. (Humble Oil), storage	do	5.0	Feb. 12, 1973	do	Jan. 25, 1973
Federal Chemical Co., Starks Bldg., fertilizer production.	do	3.2.2, 8.0, 8.1	Feb. 12, 1973	do	Jan. 30, 1974
Federal Sign & Signal Corp., paint spray booth.	do	3.2.1, 3.2.2	Dec. 12, 1973	do	Apr. 1, 1975
Fifer Corp., concrete batch plant	do	3.2	Aug. 8, 1973	do	Do.
Gardsman Chemical Coating, Inc., Louisville Division, coating manufacturing.	do	5.5.2	Mar. 14, 1973	do	Dec. 1, 1974
General Shale Products Corp., brick products.	do	3.2.2, 3.3	Feb. 12, 1973	do	Jan. 20, 1974
Globe-Union Inc., battery manufacturings.	do	3.2.2, 3.2.4, 5.5	May 9, 1973	do	Nov. 1, 1974
Gold Proof Elevator, grain processing	do	3.2.2	Feb. 12, 1973	do	Jan. 20, 1974
Hillerich and Bradsby Co., wood waste incinerator.	do	3.2	Feb. 21, 1973	do	Apr. 19, 1975
Hy-Klas Paints Inc., paint products	do	5.5.2	Feb. 12, 1973	do	Dec. 30, 1974
Illinois Central Gulf Railroad, sand handling.	do	3.2.2	Feb. 19, 1974	do	Oct. 15, 1974
Inmont Corp., ink manufacturing	do	5.0.2, 5.1, 5.5.2	Mar. 14, 1973	do	Sept. 1, 1973
Jefferson Concrete Co., concrete batching.	do	3.2.2	Feb. 12, 1973	do	May 15, 1973
The Jefferson Wood Working Co., wood working equipment.	do	5.5.2	do	do	Apr. 19, 1975
Jellico Coal & Chemical Co., lacquer products.	do	5.5.2	Feb. 21, 1973	do	Mar. 30, 1973
Kelly Tech. Coating Inc.:					
Paint Products	do	5.5.2	Feb. 12, 1973	do	Dec. 31, 1974
Solvent storage	do	5.0	do	do	Do.
Kentucky By-Products Corp.:					
Finish products	do	3.2	June 20, 1973	do	Dec. 9, 1973
Rotary dry	do	3.2	do	do	Apr. 19, 1975
Kister Lumber Co.:					
Mill working	do	5.5.2	Nov. 15, 1973	do	Apr. 17, 1975
Paint spray booth	do	3.2	do	do	Do.
Kurfees Coating Inc., paint manufacturers.	do	5.5.2	Feb. 12, 1973	do	June 30, 1974
Lewis Seed Co., Inc., grain handling	do	3.2.2	Mar. 14, 1973	do	Dec. 28, 1973
Liseo Fabrication, Inc., concrete manufacturing equipment, asbestos sheet and pipe manufacturing.	do	3.2	Jan. 9, 1974	do	Apr. 1, 1975
Logan Co.:					
Iron cupola	do	6.0.1	June 20, 1973	do	Sept. 4, 1973
Castings	do	3.2.2	do	do	Do.
Louisville Builders Supply Co., concrete brick plant.	do	3.2.2	May 9, 1973	do	Aug. 31, 1973
Louisville Cooperage Co., boiler	do	3.2	June 20, 1973	do	May 1, 1973
Louisville Varnish Co., Floydland Eastern Parkway Plant, paint manufactures.	do	5.5.1	Feb. 12, 1973	do	Oct. 31, 1972
Louisville Varnish Co., 1400 Maple St. Plant, paint manufactures.	do	5.5.2	do	do	Dec. 31, 1974
Edward H. Marcus Paint Co., Inc., paint manufactures.	do	5.5.2	Mar. 14, 1973	do	Apr. 19, 1975
Marshall Supply Co.:					
2 cyclones	do	3.2	Nov. 15, 1973	do	June 1, 1974
Coal fired boiler	do	3.1, 4.0	do	do	Do.
Martin Marietta Aggregates, Cedar Creek Plant, quarry.	do	3.2.2, 3.3	Feb. 12, 1973	do	Mar. 31, 1973
Mobile Chemical Co., paint manufactures.	do	5.5.2	do	do	Apr. 19, 1975
Murray Co., Inc., Asphalt Plant-Anchorage, asphalt plant.	do	3.2.2	do	do	Mar. 1, 1973
National Distiller Products Co., Sunny Brook Plant, coal fired boilers.	do	3.1, 4.0	Oct. 10, 1973	do	Apr. 1, 1975
National Distiller Products Co., Hill & Hill Plant, coal fired boiler.	do	3.1, 4.0	do	do	Do.
North American Fertilizer Co., fertilizer products.	do	3.2.2, 3.3	Feb. 12, 1973	do	Dec. 10, 1973
Ohio Falls, Inc., boiler	do	3.1.1, 3.3, 3.0.1	do	do	Apr. 19, 1975
Payne & Hager, Inc., spray paint booth	do	5.5.2	do	do	Do.
Peerless Division of Dover:					
Paint spray booth	do	5.5	Nov. 23, 1973	do	Do.
Hot air dryers	do	5.5	do	do	Do.
Proform, Inc., mold line	do	5.5.2	Feb. 19, 1974	do	Apr. 15, 1975
Progress Paint Co., Inc., paint manufacturers.	do	5.5.2	Feb. 12, 1973	do	Dec. 31, 1974
Ralston Purina, Chow Division:					
Grain handling	do	3.2.2	do	do	Jan. 30, 1974
Grain drying	do	3.3	do	do	Do.
Reynolds Metals Co., Plant No. 15, A1 manufacturers.	do	3.2.2	do	do	Aug. 1, 1973
Ryan Industries Inc., spray paint booth	do	5.5.2	do	do	Apr. 19, 1975

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Seabolt & Associates, industrial laundry.	do	3.2.2	do	do	Feb. 28, 1973
St. Anthony Hospital, boiler plant	do	3.1.1, 3.3, 4.0.1	do	do	Jan. 15, 1974
St. Regis Paper Co., printing press	do	5.5.2, 5.5.4	do	do	Oct. 19, 1973
H. J. Scheirich Co., wood working	do	3.2.2	July 11, 1973	do	Apr. 19, 1975
Schmutz Manufacturing Co., Inc., sand handling.	do	3.2.2	Feb. 19, 1974	do	Apr. 7, 1975
Shiefer Distillers, Inc., coal fired boilers.	do	3.1.3, 4.0.1	do	do	Apr. 19, 1975
Southern Baptist Theological Seminary, boiler.	do	3.2	June 20, 1973	do	Oct. 1, 1974
Stiglitz Corp. Inc., spray paint booth	do	5.5.2	Feb. 12, 1973	do	Apr. 1, 1975
Stratton & Terstegge Co.:					
Paint spray booths	do	5.5.1	Mar. 13, 1974	do	July 1, 1974
Paint bake oven	do	5.5.2	do	do	Do.
Suburban Concrete Co.:					
Concrete batch	do	3.2.2	Apr. 10, 1973	do	Sept. 30, 1974
Millers Lane plant concrete batch	do	3.2.2, 3.3	Apr. 23, 1973	do	Do.
Sun Oil Co., organic storage	do	5.0	June 20, 1973	do	July 30, 1974
Sunshine Biscuits, Inc.	do	3.3.2	Feb. 12, 1973	do	Jan. 30, 1974
Texaco Inc., truck loading facility	do	5.1.1	Sept. 12, 1973	do	Apr. 1, 1975
Texas Gas Transmission Co., Jeffersontown Compressor Station, natural gas compressing.	do	3.2.2	Feb. 12, 1973	do	Mar. 31, 1973
Tube Turns:					
Metal Pickling	do	3.2.2, 3.2.4	do	do	Apr. 19, 1975
Paint Spray Booth	do	5.5.2	do	do	Do.
Universal Container Corp., wood waste incinerator.	do	3.0	Nov. 15, 1973	do	Apr. 19, 1975
Vogt Bros. Products:					
Paint spray booth	do	3.1, 5.5	June 20, 1973	do	Do.
Baking kiln	do	3.1	do	do	Do.
Degreaser, boiler	do	4.0	do	do	Do.
Vulcan Hart Corp., sand handling	do	3.2.2	Feb. 19, 1974	do	Apr. 1, 1975
White Oak Cooperage Co., wood manufacturing equipment.	do	3.2	Aug. 8, 1973	do	Jan. 18, 1974
Independence Foundry:					
Cupola	Kenton	AP-3, AP-6	June 6, 1973	do	Oct. 1, 1974
Coke Oven	do	AP-3	do	do	Do.
Kleane Foundry Co., Inc., cupola	do	AP-3	do	do	July 19, 1974
Standard Oil Co., petroleum terminal	do	AP-5	June 11, 1973	do	Oct. 1, 1974
Knox Concrete Product, Inc.:					
Cement silo vent	Knox	AP-3	June 15, 1973	do	Dec. 30, 1973
Batch discharge	do	AP-3	do	do	Do.
Haul road	do	AP-3	do	do	Do.
Aggregate handling	do	AP-3	do	do	Do.
Arthur Thompson Lumber Co., sawmill.	LaRue	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
Chaney Lumber Co., Inc.:					
Teepee burner	Laurel	AP-3	June 15, 1973	do	June 1, 1973
Debarker	do	AP-3	do	do	Sept. 1, 1973
Haul roads	do	AP-3	do	do	June 1, 1973
Cumberland Forest Products Co., Inc.:					
Log yard and transportation area	do	AP-3	Nov. 15, 1973	do	Sept. 1, 1973
Sander and jointer	do	AP-3	do	do	Feb. 28, 1974
Debarker	do	AP-3	do	do	Oct. 30, 1973
Louisa Supply Co., Inc., feed plant	Lawrence	AP-3	June 12, 1973	do	May 1, 1973
Beth Elkhorn Corp., Mine No. 22, thermal dryer.	Letcher	AP-3	June 13, 1973	do	Apr. 29, 1974
The Auburn Mills Inc.:					
Grain handling	Logan	AP-3	Oct. 1, 1973	do	Apr. 9, 1975
Grain dryer	do	AP-3	do	do	Apr. 4, 1975
Lewisberg Pallet Co., pallet mill	do	AP-3	June 12, 1973	do	June 1, 1973
Portec, Inc., 2 coal fired boilers	McCracken	AP-3, AP-4	Feb. 15, 1974	do	Nov. 15, 1973
Aluminum Service Corp., haze from furnace wells.	McLean	AP-3	June 12, 1973	do	Apr. 1, 1975
Berea College:					
Boiler	Madison	AP-3	June 8, 1973	do	Aug. 1, 1974
Wood working facility	do	AP-3	do	do	Jan. 31, 1974
Eastern Kentucky University, 4 boilers.	do	AP-3	June 15, 1973	do	Apr. 1, 1975
Gro-Green Sales Co.:					
Transfer point	Marion	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
Cyclone exit	do	AP-3	do	do	Oct. 30, 1974
Lebanon Oak Flooring Co.:					
Boilers A and B	do	AP-3	June 13, 1973	do	Apr. 9, 1975
Wood working machine	do	AP-3	do	do	Dec. 31, 1974
Air Products & Chemicals	Marshall	AP-4	June 15, 1973	do	July 1, 1978
Kentucky Utilities Co., Brown Power Station:					
Units 1 and 2	Mercer	AP-3	June 13, 1973	do	Jan. 1, 1975
Units 1, 2, and 3	do	AP-4	do	do	Sept. 30, 1973
Bartley & Bartely Lumber Co.:					
Tepee	Metcalfe	AP-3	June 15, 1973	do	May 1, 1974
Haul road and debarker	do	AP-3	do	do	May 15, 1973
Roy Anderson Lumber Co.:					
Haul road and debarker	Monroe	AP-3	June 12, 1973	do	July 1, 1973
Tepee incinerator	do	AP-3	do	do	May 1, 1974
Frederick & May Lumber Co., Tepee burner.	Morgan	AP-3	June 13, 1973	do	Mar. 1, 1974
Jessup Sawmilling Co.:					
Yard and haul roads	Muhlenberg	AP-3	Nov. 15, 1973	do	Do.
Debarker	do	AP-3	do	do	Do.
Chipper and handling equipment	do	AP-3	do	do	Do.

V40-135 JUL 14 75 XUM

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Kentucky Utilities Co., Green River Station:					
Units 1 and 2	Muhlenberg	AP-3, AP-4	June 13, 1973	do	Apr. 1, 1975
Unit 3	do	AP-3	do	do	Dec. 14, 1973
Unit 4	do	AP-3	do	do	Apr. 7, 1975
James B. Beam Distilling Co.:					
Grain mill	Nelson	AP-3	Oct. 12, 1973	do	Jan. 1, 1974
Dryer	do	AP-3	do	do	Apr. 8, 1975
Willett Distilling Co., Inc.:					
3 boilers	Nelson	AP-3, AP-4	June 14, 1973	do	Apr. 9, 1975
Dust collectors	do	AP-3	do	do	Do.
Fort Hartford Stone Co.:					
Primary crusher	Ohio	AP-3	Mar. 8, 1974	do	July 15, 1974
Secondary crusher	do	AP-3	do	do	Do.
Haul road	do	AP-3	do	do	Jan. 18, 1974
Peabody Coal Co., Ken Mine boiler	do	AP-3, AP-4	July 2, 1973	do	Oct. 15, 1974
Peabody Coal Co., Riverview Mine:					
Haul Roads	do	AP-3	do	do	June 1, 1973
Boiler	do	AP-3, AP-4	do	do	Mar. 1, 1974
Hume Lumber Co. Inc., concrete batch plant.	Perry	AP-3	June 15, 1973	do	June 1, 1973
Kentland Elkhorn Coal Co., Fed-Creek Plant:					
Boiler	Pike	AP-3	do	do	Apr. 9, 1975
Therma dryer	do	AP-3	do	do	Do.
Pikeville Ready Mix, Inc., ready mix operation.	do	AP-3	June 13, 1973	do	Dec. 1, 1973
Kentucky Frame & Lumber Co:					
Teepee Incinerator	Pulaski	AP-3	June 15, 1973	do	Aug. 1, 1973
Cyclone	do	AP-3	do	do	Jan. 31, 1974
Boiler	do	AP-3	do	do	Sept. 1, 1974
Somerset Refinery, Inc.:					
Water drawn from gasoline accumulator.	do	AP-9	Dec. 28, 1973	do	June 1, 1974
Treating of No. 1 fuel oil and kerosene.	do	AP-9	do	do	Do.
S. T. Proctor Lumber Co.:					
Ready mix operators	Rockcastle	AP-3	June 15, 1973	do	Apr. 15, 1974
Truck loadout	do	AP-3	do	do	Aug. 15, 1973
Aggregate	do	AP-3	do	do	June 1, 1973
R. L. Wells Lumber Co., Inc., sawmill	Rowan	AP-3	do	do	June 10, 1973
American Concrete Pumping Co., Inc., concrete plant.	Russell	AP-3	June 13, 1973	do	Mar. 14, 1974
W. H. Sandusky & Son, Inc.:					
Dust drag and truck load	do	AP-3	June 6, 1973	do	June 15, 1973
Haul Road	do	AP-3	do	do	Jan. 1, 1974
Gro-Green Chemical Co., Inc.:					
Tower	Shelby	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
Loadout (1)	do	AP-3	do	do	Do.
Loadout (2)	do	AP-3	do	do	Do.
Cyclone Exit	do	AP-3	do	do	Oct. 30, 1974
Ohio Valley Aluminum Co., Inc., 2 secondary reclamation furnaces.	do	AP-3	June 12, 1973	do	Feb. 1, 1974
The Kendall Co., Polyken Plant:					
Cyclone collector adhesive plant No. 3.	Simpson	AP-3	Dec. 28, 1973	do	Oct. 1, 1974
Mix mill exhaust adhesive plant Nos. 1 and 2.	do	AP-3	do	do	Do.
Mix mill exhaust fan	do	AP-3	do	do	Do.
Simpson County Lumber Co., sawmill operation.	do	AP-3	June 15, 1973	do	June 1, 1973
Cadiz Milling Co., milling operation	Trigg	AP-3	June 12, 1973	do	Nov. 1, 1974
Morris E. Duncan Sawmill:					
Sawdust blowpipe discharge	Union	AP-3	Dec. 20, 1973	do	July 15, 1974
Open Burning of slabs, strips	do	AP-3	do	do	Oct. 11, 1973
Yard and roads	do	AP-3	do	do	Nov. 1, 1973
Union County Grain Co.:					
Cyclone exit	do	AP-3	Oct. 1, 1973	do	July 30, 1974
Truck dump grain loading	do	AP-3	do	do	May 31, 1973
Truck loadout	do	AP-3	do	do	Do.
Grain dryer	do	AP-3	do	do	Apr. 1, 1975
Murphy Concrete Co., Inc., concrete batching operation.	Warren	AP-3	July 2, 1973	do	Dec. 31, 1973
McCutcheon & Pyles Lumber Co.:					
Sawdust pile	Wayne	AP-3	May 29, 1973	do	July 15, 1973
Yard	do	AP-3	do	do	June 1, 1973
Wayne Lumber Co., sawmill No. 1	do	AP-3	Dec. 20, 1973	do	Do.
U.S. Steel Corp., thermal dryers	Whitely	AP-3	Oct. 22, 1973	do	Apr. 9, 1975
Kentucky Utilities Co., Tyrone Power Station, thermal dryers.	Woodford	AP-3	June 13, 1973	do	June 15, 1974

*These compliance schedules were adopted pursuant to the Air Pollution Control Regulations of the Jefferson County Air Pollution Control District. The schedules are approved by the State of Kentucky Department for Natural Resources and Environmental Protection and are submitted in satisfaction of the currently applicable State regulation. They are enforceable by the State agency pursuant to the provisions of KRS 224.460 (4).

[FR Doc.75-18114 Filed 7-11-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRO 398-4; OPP-260014]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethoprop; Correction

In FR Doc. 75-16168 (PP5F1568/R35) which appeared on Monday June 23, 1975 (40 FR 26275), the word "enthroprop" in line 3 of the regulation beneath the heading "§ 180.262 *Ethoprop; tolerances for residues*", immediately following the words "nematocide and insecticide", is corrected to read "ethoprop".

Dated: July 8, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-18118 Filed 7-11-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20248; RM-1639; FCC 75-787]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Texas

Report and Order—Proceeding terminated. In the matter of amendment of §§ 73.202(b) and 73.507, *Tables of Assignments*, FM Broadcast Stations. (Floresville, Devine, Gonzales, Hondo, Kenedy-Karnes, San Antonio, San Marcos, and Victoria, Texas).

1. We here consider the notice of proposed rule making in this docket, adopted November 20, 1974 (39 FR 41995), proposing the assignment of Channel 232A to Floresville, Texas, where it can provide a first local aural broadcast service. This requires the change of both commercial and noncommercial educational FM assignments (see §§ 73.202(b) and 73.507 of the Commission's rules and regulations) at seven other Texas communities (substitution at six and the deletion of the commercial FM assignment at Hondo, Texas).

2. The Notice is based on the petition of A. B. Gonsales and Gus Gonzales, d/b/a Wilson County Broadcasting Company (WCBC), which had been held in abeyance pending the completion of negotiations with the United Mexican States concerning the use of FM channels along the United States-Mexico border which culminated in the United States-Mexico FM Broadcasting Agreement (Agreement), which became effective August 9, 1973, and which was thereafter implemented by rule changes (43 F.C.C. 2d 293 (1973) and 46 F.C.C. 2d 152 (1974)). Subsequently, the petitioner and other petitioners similarly affected by the Agreement were afforded an opportunity to amend or supplement their petitions (see Public Notice, adopted April 11, 1974 (Mimeo No. 20582)). WCBC then proposed assignment of Channel 232A to Floresville, which requires concomitant changes at Devine, Gonzales, Kenedy-Karnes, San Antonio, San Marcos, and Victoria, and the deletion of Channel 221A at Hondo without substitution. Comments and/or reply comments were filed by the petitioner; George Munsch; and Cosmopolitan Enterprises of Victoria (Cosmopolitan), licensee of Station KTXN-FM, Channel 254, Victoria, Texas. There also were several informal comments in favor of a channel assignment at Floresville.

3. Floresville, population 3,707,[1] the seat of Wilson County, population 13,041, is located approximately 31 miles south of San Antonio, Texas. In essence, petitioner had urged that Floresville, while within the (service areas) of aural broadcast stations at San Antonio, Seguin, Karnes City, and Pleasanton, is an independent community with socio-political existence of its own and the hub of farming and ranching activities in the area, and is in need of an aural broadcast outlet of its own to provide local coverage, particularly to the farmers and ranchers of Wilson County for whom daily price data and weather information are essential.

4. The issues are as stated in the notice. The essential question is whether the public interest would be better served by adding a local outlet at Floresville or leaving one at Hondo. Note was made that Hondo has a daytime-only AM station of its own while Floresville has no local service. It was also pointed out that in establishing the FM Table of Assignments in 1963, one of the priorities we intended to implement, as set forth in the "further notice of proposed rulemaking in Docket 14185," adopted July 25, 1962 (FCC 62-867), was to provide each community with at least one FM broadcast station if the community lacks aural service or has only a daytime-only or local (Class IV) AM station, and especially if the community is outside an urbanized area; see "Third Report, Memorandum Opinion and Order in Docket 14185," 40 F.C.C. 747, 758 (1963). In this respect, we noted that both Floresville and Hondo are located outside the San Antonio Urbanized Area and we referred to the amount of aural broadcast service available to each (see below). The notice also mentioned the policy that FM channel assignments are made to communities with a population of less than 10,000 on a showing that someone is ready, willing, and able to proceed to apply for use of a channel if assigned and to build the station promptly if the application is granted.

5. WCBC's comments in essence echo the contentions which served as the basis for initiating this proceeding. They furnish data as to the importance of Floresville to Wilson County, and state that Floresville is the center of activity for both agricultural and livestock production in the surrounding county, that there is only a daily newspaper there, that over 41% of the population of the county are Spanish surnamed, and that there is a need for a local radio facility to provide information for farmers and ranchers in Wilson County with daily market and price quotations for cattle and produce and with weather reports. Petitioner stresses that Floresville and Wilson County are significant communities in their own right quite apart from the San Antonio SMSA or the San Antonio Urbanized Area.

6. George Munsch correctly points out that the notice erred in stating that Station KMFM was the only station to provide 1 mV/m service to Hondo. In fact, the reference should have been to Station KQXT (formerly KCOR-FM), Channel 270. Further, it appears that there is also service to Hondo from San Antonio's Stations KTFM (Channel 274) and KEXL (Channel 283) operating with a power greater than reasonable facility values.[2] On the other hand, we agree with WCBC that Munsch's other comments are wholly irrelevant to this proceeding; Munsch proposes reexamination of the continued existence of clear channel Station WOAI (1200 kHz) at San Antonio, a matter which bears no relationship whatsoever to the proposed allocation of an FM channel to Floresville.

7. Cosmopolitan proposes the substitution of Channel 228A at Victoria rather than 300 for 221A as proposed in the notice. The proposal may not be considered because untimely. The standard "cut-off" requires that a counterproposal must be advanced in initial comments. In fact, Cosmopolitan's "comments" are not even timely as reply comments because they were not received until January 24, 1975, while the date for reply comments expired on January 23, 1975. Nonetheless, we address the issues raised by Cosmopolitan briefly. Cosmopolitan says that the assignment of a third Class C channel is in violation of criteria for FM channel assignments, that there is no preclusion study for Channel 300, that Victoria cannot support a third FM station, and that KTXN-FM would be left at a competitive disadvantage.

8. As Cosmopolitan states, under the population criteria for the assignment of FM channels, a community of less than 50,000 (Victoria's population is 41,349) normally is assigned one or two channels. See paragraph 4 of the "further notice of proposed rulemaking in Docket 14185" (FCC 62-867) which was incorporated in the "Third Report, Memorandum Opinion and Order," 40 F.C.C. at 758 (1963). Cosmopolitan's argument about criteria (and a preclusion study) might be persuasive if we were considering the assignment of a third channel initially, but Victoria has had three channels from the first. 40 F.C.C. at 778.

[1] All population data are from the 1970 Census.

[2] In order to determine whether a proposed channel would serve an unserved or underserved area, we consider as reasonable facility values 75 kW power and 500 feet antenna a.a.t., or equivalent for a Class C channel operation (Roanoke Rapids, 9 F.C.C. 2d 672 (1967)).

V40-135 JUL 14 75 XUM

Cosmopolitan's suggestion that Channel 300 should not be substituted at Victoria is mainly based on arguments of economic injury which we consistently have held are not before us in an FM rule making proceeding; see, e.g., Melbourne, 47 F.C.C. 2d 717, 721 (1974), and authorities cited.[3] Moreover, the assignment of Channel 300 would attain the desirable objective of eliminating the intermixture of FM channel assignments at Victoria. In the circumstances, we are unpersuaded by Cosmopolitan's arguments.

9. We find that the public interest, convenience, and necessity will be served by assigning Channel 232A to Floresville. Wilson County Broadcasting has demonstrated an active interest for a local aural broadcast service at Floresville. While extensive changes in the FM Table of Assignments are required, the changes here with the exception of Channel 218 at San Antonio[4] are bare assignments and no interest has been shown in maintaining the FM channel at Hondo. These assignments are within 199 miles of the Mexico-United States border, and the appropriate authorities of the United Mexican States under the Agreement have indicated that there is no technical objection to the changes.

10. A brief comment is in order as concerns the further proposal of Wilson County Broadcasting Company that instead of deleting the channel assignment at Hondo and substituting a channel at Devine, it might be preferable to delete the channel at Devine and substitute a channel at Hondo. In this respect, as the petitioner pointed out, both are located in Medina County (pop. 20,249). Hondo has a population of 5,487, and Devine has a population of 3,311. Moreover, it appears that Devine receives much more aural broadcast service because it is closer to San Antonio. However, it is not essential to consider the latter proposal here, for this would only delay disposition of this proceeding since, at the very least, we would need to seek approval of the Mexican authorities. Moreover, an interested party may petition to assign Channel 221A to Hondo in lieu of Devine.

11. Accordingly, under the authority found in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, the FM Tables of Assignments (§§ 73.202(b) and 73.507 of the Commission's rules and regulations) are amended, effective August 18, 1975, as concerns the following communities:

§ 73.202(b) [Amended]

City:	Channel No.
Floresville, Tex.	232A
Devine, Tex.	221A
Hondo, Tex.	
Kenedy-Karnes, Tex.	221A
Victoria, Tex.	236, 254, 300

[3] Cosmopolitan's assertions of economic injury in opposition to the application of Pioneer Broadcasting Company for Channel 236 were recently denied. See "Memorandum Opinion and Order" re: File No. BPH-9068, adopted April 29, 1975 (49590).

[4] Trinity University's application was accepted after the notice was adopted here (BPED-1930).

§ 73.507 [Amended]

City:	Channel No.
Gonzales, Tex.	220A
Kenedy-Karnes, Tex.	201A
San Antonio, Tex.	206, 212A, 219A
San Marcos, Tex.	218A

12. *It is further ordered*, That this proceeding is terminated.

Adopted: July 1, 1975.

Released: July 10, 1975.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; [47 U.S.C. 154, 303])

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-18175 Filed 7-11-75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS, CLASSIFICATION, AND INVESTIGATIONS

Petition for Reconsideration; Amendment

On December 20, 1974, the American Public Transit Association (APTA) filed a petition for reconsideration of the final rule issued in FRA Docket No. RAR-2 and published in the FEDERAL REGISTER on December 11, 1974 (39 FR 43222). The petition requested that "application of RAR-2 to the urban rapid transit industry be reconsidered and that the industry not be covered; or alternatively that the industry be granted a full and complete waiver and/or exemption."

By letter of January 6, 1975, the Federal Railroad Administrator denied the APTA petition for exclusion or exempton of the entire rapid transit industry. APTA (and its predecessor, the Institute for Rapid Transit) had voluntarily submitted to the Federal Railroad Administration (FRA) some accident statistics on a monthly basis prior to the issuance of the final rule in Docket No. RAR-2. In its letter of denial, the FRA stated that detailed information on individual accidents/incidents was required to permit meaningful analysis of causative factors and to assess the necessity for corrective action.

During subsequent meetings with APTA an additional request for the exclusion of specifically identified street car operations was presented by APTA representatives. After carefully considering this petition and the supporting data submitted by APTA on behalf of the individual street car operations, the FRA has decided to amend § 225.5(a) to exclude from the requirements of Part 225 street car operations of rapid transit systems. This action is not to be construed to mean that such street car operations are not subject to the jurisdiction of the FRA under the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.); it merely reflects FRA's belief, on reconsideration, that it is not necessary at this time to subject such street car operations to the requirements of this rule. All other operations of the rapid transit industry remain fully subject to all of the requirements of Part 225.

In consideration of the foregoing § 225.5(a) is amended to read as follows:

§ 225.5 Definitions.

As used in this part—

(a) "Railroad" means any system of surface transportation of persons or property over rails. It includes line-haul freight and passenger railroads, switching and terminal railroads, and passenger-carrying railroads including, but not limited to, rapid transit, commuter, scenic, subway, elevated, cable, and cog railways.

* * * * * * *

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); § 1.49 of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Effective date. As this amendment merely reduces the applicability of Part 225 and imposes no additional burden on any person, it shall become effective.

Issued in Washington, D.C., on July 7, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-18133 Filed 7-11-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Quivira National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on July 14, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Quivira National Wildlife Refuge, Kansas, is permitted from September 1, 1975 through January 31, 1976, inclusive, as set by federal and state regulations, but only on the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kansas and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting of migratory waterfowl, mourning doves, snipe, rails and woodcock is permitted when the respective seasons are concurrent with the seasons as designated by the Kansas Forestry, Fish and Game Commission subject to the following special regulations:

(1) Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

(2) Dogs—not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

JUNE 23, 1975.

[FR Doc.75-18167 Filed 7-11-75;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on July 14, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel and rabbits on the Quivira National Wildlife Refuge, Kansas is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres are delineated on maps available at refuge headquarters, Stafford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel and rabbits September 1, 1975 through January 31, 1976, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel and rabbits.

(2) The hunting of any species after sunset is prohibited.

(3) The hunting of all upland game will close at the end of the ring-necked pheasant and/or bobwhite seasons.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

JUNE 23, 1975.

[FR Doc.75-18168 Filed 7-11-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Termination of Designation of State of New York Regarding Inspection of Poultry Products

A representative of the Governor of the State of New York advised this Department that the State of New York would no longer be in a position to continue administering the State poultry inspection program after July 15, 1975, and requested the Department to assume the responsibility for carrying out the provisions of sections 1-4, 6-10, 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary determined that in view of the proposed termination date for the New York program, New York was not effectively enforcing requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, inasmuch as those requirements contemplate continuous ongoing programs.

Accordingly, on Friday, June 13, 1975, a notice was published in the FEDERAL REGISTER (40 FR 25202) designating the State of New York under section 5(c)(3) of the Poultry Products Inspection Act.

Since then a representative of the Governor has informed the Department that New York will now continue its poultry inspection program and requested that the designation of New York under section 5(c)(3) be terminated. The Secretary has now determined that since New York will continue its poultry inspection program, New York will enforce State poultry products inspection requirements at least equal to the requirements under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act.

Therefore, the designation of the State of New York with respect to poultry and poultry products under section 5(c)(3) of the Act is hereby terminated.

Accordingly, § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is hereby amended by deleting the reference to the State of New York and the effective date of application of Federal provisions of the State of New York.

This amendment of the poultry products inspection regulations is necessary to reflect the determination of the Secretary of Agriculture under section 5(c)(3) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

(Secs. 5(c), 14, 71 Stat. 441, as amended, (21 U.S.C. 454(c), 463); 37 FR 28464, 28477)

These amendments and the notice given hereby shall become effective July 16, 1975.

Done at Washington, D.C., on July 10, 1975.

F. J. FULLERTON,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-18316 Filed 7-11-75;10:26 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-30, Amdt. 39-2260]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 75-08-09 applicable to Lycoming aircraft engines.

Since the publication of AD 75-08-09 other engines, which had not been included within the groups of serial numbers, have been affected by failure of the oil pump Woodruff key drive.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending and revising AD 75-08-09 as follows:

LYCOMING. Applies to O-235, O-320, IO-320, LIO-320, O-360, IO-360, HO-360, HIO-360, VO-360-A1A, VO-360-A1B, VO-360-B1A, IVO-360-A1A, LIO-360, TIO-360, AIO-360, AEIO-360, O-540, and IO-540 series Lycoming engines (listed in Lycoming Service Bulletins Nos. 381B and 385B) and the same series engines overhauled/remanufactured by Lycoming between December 18, 1972 and December 10, 1974 and the same series engines overhauled after December 18, 1972 at facilities other than the manufacturer, in which the provisions of Lycoming Service Instruction No. 1272 have been incorporated.

V40 I135 JUL 14 75 XUM

Applicable models	Applicable serial Nos.	Excepted serial Nos.
O-235 series	L-11268-15 through L-12008-15 and L-12100-15.	L-12099-15.
O-320 series	L-33829-27A through L-41054-27A	O-320-E2D series: L-41029-27A and up; O-320-E3D series: L-41017-27A, L-41021-27A and up.
O-320-B and O-320-D	L-6600-36A through L-6971-36A	
IO-320-B1A	L-4953-55A through 5270-55A	
LIO-320 series	L-292-66A through L-296-66A	
O-360, HO-360-B1A, HO-360-B1B series.	L-17440-36A through L-19846-36A and L-17427.	L-19817-36A, L-19818-36A.
HIO-360-A1A, HIO-360-B1A.	L-10179-51A through L-13851-51A	L-12557-51A, L-12727-51A, L-12853-51A, L-12890-51A.
HIO-360-D1A	L-10179-51A through L-13512-51A	L-12892-51A through L-12894-51A, L-12919-51A, L-12966-51A through L-12968-51A, L-12979-51A, L-13034-51A through L-13040-51A, L-13124-51A through L-13128-51A, L-13170-51A through L-13174-51A, L-13257-51A through L-13262-51A, L-13280-51A through L-13285-51A.
HIO-360-C1A	L-10179-51A through L-13372-51A	L-11578-51A, L-12193-51A, L-12445-51A, L-12763-51A, L-12845-51A, L-12847-51A through L-12849-51A, L-12895-51A, L-12897-51A, L-12898-51A, L-12911-51A, L-12913-51A, L-12914-51A through L-12916-51A, L-12918-51A, L-12969-51A through L-12972-51A, L-13041-51A, L-13042-51A, L-13119-51A through L-13123-51A, L-13142-51A through L-13148-51A, L-13271-51A through L-13275-51A.
HIO-360-C1B	L-10179-51A through L-13551-51A	
AEIO-360 series	L-10179-51A through L-13616-51A	
IO-360 series	L-10146-51A through L-13540-51A	
IO-360-A1B6D	L-10115-51A through L-13529-51A	
AIO-360 series	L-171-63A through L-206-63A	
LIO-360 series	L-634-67A through L-1059-67A	
TIO-360 series	L-116-64A through L-145-64A	
O-540 series except O-540-H1A5D, O-540-H1B5D, O-540-H2A5D, O-540-H2B5D series.	L-15327-40A through L-17105-40A	L-17098-40A, L-17103-40A.
IO-540 series except IO-540-K1A5D, IO-540-K1B5D, IO-540-K1E5D, IO-540-K1F5D, IO-540-M2A5D, IO-540-P1A5, IO-540-S1A5, IO-540-T4A5D series.	L-10536-48 through L-12806-48	L-10623-48, L-10624-48, L-10813-48, L-10814-48, L-11246-48, L-11247-48, L-11266-48, L-11267-48, L-12144-48 through L-12147-48, L-12231-48, L-12287-48 through L-12298-48, L-12371-48 through L-12378-48, L-12463-48, L-12464-48, L-12636-48, L-12637-48, L-12694-48, L-12695-48, L-12711-48 through L-12713-48, L-12726-48 through L-12728-48, L-12734-48 through L-12739-48, L-12744-48 through L-12753-48, L-12806-48, L-12821-48 through L-12823-48, L-12840-48 through L-12844-48, L-12859-48 through L-12868-48, L-12888-48.

1. For the Lycoming O-360-C2D, HO-360, HIO-360, VO-360 and IVO-360 Series engines listed above, compliance is required within the next 10 hours in service after the effective date of this AD or before the engines have accumulated 400 hours in service, whichever occurs later, unless already accomplished.

2. For the IO-360-A, -C, and -D, AEIO-360-A, AIO-360-A, LIO-360, TIO-360, O-540 or IO-540 series engines listed above, compliance is required within the next 50 hours in service after the effective date of this AD or before the engines have accumulated 400 hours in service, whichever occurs later, unless already accomplished.

3. For the O-235, O-320, IO-320-B1A, LIO-320, O-360, IO-360-B, -E, -F and AEIO-360-B series engines listed above with ½ inch diameter stem exhaust valves and not engaged in agricultural operations, compliance is required within 100 hours in service after the effective date of this AD on engines that have accumulated 2000 hours or more in service, unless already accomplished.

4. For the O-235, O-320, IO-320-B1A, LIO-320, O-360, IO-360-B, -E, -F and AEIO-360-B series engines listed above with 7/16" diameter stem exhaust valves or engaged in agricultural operations, compliance is required within 100 hours in service after the effective date of this AD on engines that have accumulated 1200 hours or more in service, unless already accomplished.

To prevent oil pump failures inspect and replace the oil pump drive shaft and drive impeller in accordance with the procedure paragraph of Lycoming Service Bulletin No. 381B or No. 385B or later revision approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

The manufacturer's inspections and replacement procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Avco Lycoming Division Service Department, Williamsport, Pennsylvania 17701. These documents may also be examined at the Engineering and Manufacturing Branch Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Eastern Region Headquarters.

This amendment is effective July 16, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-18001 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-SW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the effective times of the part-time control zone at Dallas, Tex. (Redbird Airport).

On May 22, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 22272) stating the Federal Aviation Administration proposed to change the effective times of the part-time control zone at Dallas, Tex. (Redbird Airport).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Dallas, Tex. (Redbird Airport), control zone is amended by deleting "This control zone is effective from 0600 to 2200 hours, local time, daily." and substituting therefor, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on July 1, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-18153 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-SO-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On June 20, 1975, FR Doc. 75-16062 was published in the FEDERAL REGISTER (40 FR 26021), amending Part 71 of the Federal Aviation Regulations by designating the Georgetown, S.C., transition area.

In the amendment, the longitudinal ordinate for Georgetown County Airport was published as "78°19'00" W." in lieu of "79°19'00"W." The coordinates for Georgetown RBN were published as "latitude 33°18'38" N., longitude 79°19'03" W." in lieu of "latitude 33°18'55" N., longitude 79°19'29" W." It is necessary to amend the FEDERAL REGISTER Document to reflect these changes. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. 75-16062 is amended as follows:

In line four of the description "* * * 78°19'00" W., * * *" is deleted and "* * * 79°19'00" W. * * *" is substituted therefor. In lines six and seven of the description "* * * latitude 33°18'38" N., longitude 79°19'03" W. * * *" are deleted and "* * * latitude 33°18'55" N., longitude 79°19'29" W. * * *" are substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 2, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-18156 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-SO-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 19, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 21740), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, Fla.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Jacksonville, Fla., transition area is amended as follows: "* * * long. 81°25'15" W.) * * *" is deleted and "* * * long. 81°25'15" W.); within an 8.5-mile radius of OLF Whitehouse Field, Fla. (lat. 30°21'00" N., long. 81°52'00" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 3, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-18159 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-SO-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone; Correction

On June 12, 1975, F.R. Doc. 75-15306 was published in the FEDERAL REGISTER (40 FR 24996), amending Part 71 of the Federal Aviation Regulations by redesignating the Cocoa (Patrick AFB), Fla., control zone.

In the amendment, the control zone hours were cited as "from 0800 to 2400" in lieu of "from 0700 to 2300." It is necessary to amend the F.R. Doc. to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 75-15306 is amended as follows:

In line two of the description "* * * 0800 to 2400 * * *" is deleted and "* * * 0700 to 2300 * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act; (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 2, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-18155 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-SO-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Eglin AF Aux No. 3 (Duke Field), Fla., control zone.

The Eglin AF Aux No. 3 (Duke Field) control zone is described in § 71.171 (40 FR 354 and 10170) and is designated as part time, with effective times of 1100 to 1900 hours, local time, Monday; 0800 to 2400 hours, local time, Tuesday and Wednesday; 1100 to 1900 hours, local time, Thursday; 0900 to 0100 hours, local time, Friday; 0900 to 1700 hours, local time, Saturday, and 0800 to 2400 hours, local time, Sunday. The U.S. Air Force advised that a change in the control zone hours is required to accommodate a change in mission aircraft. They requested that they be allowed to change the effective hours of the control zone by issuance of a Notice to Airmen. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Eglin AF Aux No. 3 (Duke Field), Fla., control zone (40 FR 10170) is amended as follows:

All after "is excluded." is deleted and "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 3, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-18158 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-SO-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alma, Ga., control zone.

The Alma control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicted on the Alma VORTAC 334° radial. The VOR RWY 15 Instrument Approach Procedure for which this extension was designated to provide controlled airspace protection has been cancelled. It is necessary to alter the description by revoking this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Alma, Ga., control zone is amended as follows:

"* * * and 334° radials * * *" is deleted and "* * * radial * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 3, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-18154 Filed 7-11-75;8:45 am]

[Airspace Docket No. 74-SO-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On June 17, 1975, FR Doc. 75-15616 was published in the FEDERAL REGISTER (40 FR 25585), amending Part 71 of the Federal Aviation Regulations by altering the McMinnville, Tenn., transition area.

In the amendment, an extension was predicated on the Hurricane RBN 245° bearing in lieu of the 045°. It is necessary to amend the FR Doc. to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. 75-15616 is amended as follows:

In line eight of the description "* * * 245° * * *" is deleted and "* * * 045° * * *" is substituted therefor.

V40-135 JUL 14 75 XUM

(Sec. 307(a), Federal Aviation Act of 1958; (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on July 2, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-18157 Filed 7-11-75;8:45 am]

[Airspace Docket No. 75-WE-14]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency for Restricted Area R-2525 Vernalis, Calif.

The change will correct the identity of the military organization for whom the restricted area is designated.

Since designation of a different using agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted area be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective July 14, 1975, as hereinafter set forth.

In § 73.25 (40 FR 660) the using agency for R-2525 Vernalis, Calif., is changed to read as follows:

Using agency. Commander, Patrol Wings Pacific (COMPATWINGSPAC), NAS Moffett Field, Calif.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 7, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-18160 Filed 7-11-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Determination Relating to Qualification of Certain Retirement Plans

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 14, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 14, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (88 Stat. 949 and 68A Stat. 917; 26 U.S.C. 7476 and 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed Income Tax Regulations (26 CFR Part 1) regarding the mailing of a notice of determination by the Internal Revenue Service relating to the qualified status of certain retirement plans.

The amendments provide that if a district director sends by certified or registered mail a notice of determination with respect to the qualification of a retirement plan described in section 7476(d) to the employer, the plan administrator, an interested party with respect to the plan, or the Pension Benefit Guaranty Corporation, no proceeding for a declaratory judgment by the United States Tax Court with respect to the qualification of such plan may be initiated by such person unless the pleading initiating such proceeding is filed by such person with such Court before the ninety-first day after the day after such notice is mailed.

In addition, the amendments provide for representatives for certain individuals who are interested parties to receive the notice on behalf of such individuals.

Proposed amendments to the regulations. The Income Tax Regulations (26 CFR Part 1) are amended as follows:

The following is inserted immediately after § 1.7476-2:

§ 1.7476-3 Notice of determination.

(a) *In general.* Under section 7476(b)(5), if a district director sends to the employer, the plan administrator, an interested party with respect to the plan, or the Pension Benefit Guaranty Corporation (or in the case of certain individuals who qualify as interested parties under paragraph (b) of § 1.7476-1, to the person described under paragraph (c) of this section as the representative of such individuals) by certified or registered mail a notice of determination with respect to the qualification of a retirement plan described in section 7476(d), no proceeding for a declaratory judgment by the United States Tax Court with respect to the qualification of such plan may be initiated by such person unless the pleading initiating such proceeding is filed by such person with such Court before the ninety-first day after the day after such notice is mailed.

(b) *Address for notice of determination*—(1) *Applicant.* In the case of the applicant for a determination, a notice of determination referred to in section 7476(b)(5) shall be sufficient if mailed to such person at the address set forth on the application for the determination.

(2) *Interested party.* In the case of an interested party or parties who, pursuant to section 3001(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), submitted a comment to a district director with respect to the qualification of the plan, a notice of determination referred to in section 7476(b)(5) shall be sufficient if mailed to the address designated in the comment as the address to which correspondence should be sent.

(c) *Representative of interested parties.* (1) In the case of an interested party who, in accordance with section 3001(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), requests the Secretary of Labor to submit a comment to a district director on matters respecting the qualification of the plan, where pursuant to such request such Secretary does in fact submit such a comment, the Administrator of Pension and Welfare Benefit Programs, Department of Labor, shall be the representative of such interested party for purposes of receiving the notice referred to in section 7476(b)(5) with respect to those matters on which the Secretary of Labor commented.

(2) In the event a single comment with respect to the qualification of the plan is submitted to a district director by two or more interested parties, the representative designated in the comment for receipt of correspondence shall be the representative of all the interested parties submitting the comment for purposes of receiving the notice referred to in section 7476(b)(5) on behalf of all of them. Such designated representative must be either one of the interested parties who submitted the comment or a person described in paragraph (e)(6)(i), (ii), or (iii) of § 601.201 of this chapter (Statement of Procedural Rules). If one person is not designated in the comment as the representative for receipt of correspondence, a notice of determination mailed to any interested party who submitted the comment shall be notice to all the interested parties who submitted the comment for purposes of section 7476(b)(5).

[FR Doc.75-18194 Filed 7-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Approval of Expenses and Fixing of Rate of Assessment for the 1975-76 Fiscal Period

This notice invites written comments relative to proposed expenses of $129,500 and a rate of assessment of $1.00 per ton of first handled cherries to cover expenses of the Cherry Administrative Board for administration of Marketing Order 930 for the 1975-76 fiscal period. Said order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration is being given to the following proposals submitted by the Cherry Administrative Board, established pursu-

V 40 135 JUL 14 75 XUM

ant to the provisions of Marketing Order No. 930 (7 CFR Part 930) which regulates the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland:

(1) Expenses that are reasonable and likely to be incurred by the Cherry Administrative Board, during the period May 1, 1975, through April 30, 1976, will amount to $129,500.

(2) The rate of assessment for such period, payable by each first handler in accordance with § 930.41 to be fixed at $1.00 per ton of cherries.

Terms used in the order shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2,000 pounds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 8, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-18135 Filed 7-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 950, 951, 952]

[Docket No. 75N-0075]

NATIONAL SHELLFISH SAFETY PROGRAM

Proposed Rule Making

Correction

In FR Doc. 75-15821, appearing at page 25916, in the issue of Thursday, June 19, 1975 make the following corrections:

1. In the last line of § 950.3(b)(6) the word "of" should read "or".

2. In the last line of § 951.29(b), delete "port commercial harvesting;" and insert: "provided to determine;"

3. In the third column on page 25934, "§ 952.78" should read "§ 952.74".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-46]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-285 to provide a more direct routing between Goshen, Ind., and Kalamazoo, Mich., and extend V-156 between South Bend, Ind., and Kalamazoo, Mich.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before August 13, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign V-285 from Goshen, Ind., via the INT of the Goshen 037° T (037° M) and the Kalamazoo, Mich., 191° T (192° M) radials; to Kalamazoo. Further, it would extend V-156 from South Bend, Ind., to Kalamazoo, Mich.

Realignment of V-285 would eliminate in-flight pilot requests for direct routing between Goshen, Ind., and Kalamazoo, Mich., and would decrease the en route distance substantially over the present V-285.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 8, 1975.

WILLIAM E. BROADWATER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc 75-18161 Filed 7-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-45]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal Airway from Fort Wayne, Ind., to Richmond, Ind.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before August 13, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate V-340 from Fort Wayne, Ind., direct to Richmond, Ind. The designation of an airway would be beneficial to pilots and controllers by easing flight plan filing, charting, navigational guidance and minimum en route altitude information.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 7, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-18162 Filed 7-11-75;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 75-AL-8]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the designated altitude for Restricted Area R-2206, Clear, Alaska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before August 13, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would expand the vertical dimensions of Restricted Area R-2206 to include the airspace from the surface to 8,800 feet MSL. The area's vertical dimensions currently extend from the surface to 5,000 feet MSL.

The Department of the Air Force has requested the additional airspace to ensure that R-2206 is large enough to contain any hazardous electromagnetic emissions that may be generated through the four radar antennas at Clear, Alaska. A recent study showed a minimum of 8,200 feet above ground level (8,800 feet MSL) was needed for this purpose.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 7, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-18163 Filed 7-11-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2604]

PENSION PLANS

Intent To Terminate

On September 3, 1974, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") issued interim rules pertaining to the Notice of Intent to Terminate a pension plan. (39 FR 31963) Section 4041 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. sections 1301-1381, requires a plan administrator to file such a notice with the PBGC 10 days before the proposed termination. The PBGC now proposes to amend Chapter XXVI of Title 29 of the Code of Federal Regulations by establishing a new Part 2604 governing the filing and contents of the statutory notices by non-multiemployer plans. For these plans, the new Part supersedes the interim rules.

The new rules require non-multiemployer plan administrators to submit a notice containing information which will assist PBGC more quickly to determine whether plan assets are sufficient to pay benefits guaranteed under section 4022 of the Act and to perform its other statutory responsibilities with greater dispatch. Under the proposed rules, a notice omitting any required information is voidable by the PBGC. But the rules also authorize the PBGC, upon written request, to grant an extension of time within which to file any item of information or to waive the obligation to file one or more items. (See § 2604.3) The rules also require that the notice be signed by the Plan Administrator or by his duly authorized representative. (See § 2604.2) The rules, tracking the Act (See sections 4003(e)(1), 4041(a)), provide that failure to submit a timely notice of proposed termination constitutes a violation of Title IV of the Act.

Interested persons may submit written comments on the proposed rules to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Post Office Box 7119, Washington, D.C. 20044, on or before August 4, 1975. Each person submitting comments should include his name and address, identify this proposal, and give reasons for any recommendations. Comments received will be considered and the regulation may be changed in light of such comments. Copies of written comments received will be available for examination by interested persons in the Office of Communications of the PBGC, 8701 Georgia Avenue, Silver Spring, Maryland, between the hours of 9 a.m. and 4 p.m.

In consideration of the foregoing, and pursuant to the authority conferred on the Pension Benefit Guaranty Corporation by the Employee Retirement Income Security Act of 1974, Pub. L. 93-406, 88 Stat. 829, September 2, 1974, it is proposed to amend Chapter XXVI of Title 29 of the Code of Federal Regulations by adding a new Part 2604 to read as follows:

PART 2604—NOTICE OF TERMINATION

Sec.
2604.1 Purpose and scope.
2604.2 Requirement of notice.
2604.3 Contents of notice.
2604.4 Effective date of filing.
2604.5 Computation of time.

AUTHORITY: Sec. 4002, Pub. L. 93-406, 88 Stat. 1004, 1020.

§ 2604.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe for non-multiemployer plans the contents and procedure for filing the Notice of Intent to Terminate required by section 4041(a) of the Act.

(b) *Scope.* This part applies to terminations of non-multiemployer pension benefit plans covered by section 4021 of the Act. With respect to those plans, this part supersedes the interim rules governing Notices of Intent to Terminate which appeared at 39 FR 39163 (Sept. 3, 1974).

§ 2604.2 Requirement of notice.

(a) *General.* A Notice of Termination of a plan to which this part applies shall be filed with the PBGC.

(b) *Who may submit.* The plan administrator, as defined in section 3(16) of the Act, or a duly authorized representative acting on behalf of the plan administrator, shall sign the Notice. A Notice submitted by a duly authorized representative, other than an attorney at law, shall be accompanied by a power of attorney, signed and notarized by the plan administrator, which authorizes the said representative to sign and submit such a Notice, and, if desired, to act on behalf of the plan administrator in connection with the termination.

(c) *When to file—1. General.* A Notice required to be filed with the Pension Benefit Guaranty Corporation under the provisions of this part shall be delivered to the Corporation at least 10 days prior to the proposed date of termination of the plan. Delivery may be effected by mail or by hand.

(d) *Where to file.* Any Notice or supplemental information required to be filed with the Corporation under the provisions of this part shall be addressed to the Pension Benefit Guaranty Corporation, Attention: Office of Program Operations, P.O. Box 7119, Washington, D.C. 20044.

(e) *Effect of failure to file.* Failure to file a notice required by this part prior to the termination of a pension plan constitutes a violation of the provisions of Title IV of the Act.

§ 2604.3 Contents of notice.

(a) *General.* Each Notice required to be submitted by this part shall contain the information listed below. The response to each numbered item must be identified by item number. If any requested information is included in an Internal Revenue Service Form or submission attached to the Notice, that information need not be repeated in the body of the Notice. Instead, the information may be incorporated by reference to the number, date, and page or pages of the IRS Form or submission where it appears.

(b) *Information to be contained in notice.* Except as provided in paragraph (a) of this section, each Notice shall contain:

(1) The name, address, zip code and telephone number of the plan administrator and of the duly authorized representative, if any, of the plan administrator;

(2) The name of the plan;

(3) The name of the employer, employers, or association of employers or employees who sponsor or maintain the plan, and of each trust under the plan;

(4) The nine-digit Internal Revenue Service Employer Identification Number assigned to the employer who maintains the plan and the three-digit Plan Serial Number assigned to the plan by the employer or plan administrator; or in the case of a plan maintained pursuant to a collective bargaining agreement, the nine-digit Internal Revenue Service Employer Identification Number assigned to the joint board of trustees administering the plan and the three-digit Plan Serial Number assigned to the plan by said joint board of trustees. If the employer, plan administrator or joint board of trustees maintains more than one plan having the same Employer Identification Number, and a Plan Serial Number has not been previously assigned to the terminating plan, that number must be assigned. If the employer, plan administrator, or joint board has not previously assigned a serial number to any of its plans, the terminating plan should be given the number "001." If serial numbers have been assigned to other plans, the terminating plan should be assigned the three digit number in numerical sequence following the last serial number assigned.

(5) The nine-digit Internal Revenue Service Employer Identification Number of the trust, or trusts, established with respect to the plan.

V401135 JUL 14 75 XUM

(6) The name, address, and telephone number of every person, including a trust, holding or managing any plan assets;

(7) The number, if any, that had been assigned to the plan by the United States Department of Labor under the Welfare and Pension Plans Disclosure Act;

(8) The proposed date of termination of the plan, which date shall be no earlier than 10 days after the date the Notice was delivered;

(9) A copy of the document or documents establishing the plan;

(10) Copies of all amendments to the plan;

(11) A copy (or copies), of any contract or trust agreement (or agreements) and/or a specimen copy (or copies) of any insurance or annuity contracts providing for management of the assets of the plan, its administration, or the payment of benefits under the plan;

(12) The name, address and telephone number of each labor organization, if any, which represents employees who are participants in the plan; and the name and title of the principal officer, or officers, of that organization and/or of a labor organization of which it is a subordinate body, with whom the employer negotiates over matters relating to the plan;

(13) A complete copy of any collective bargaining agreement which contains provisions relating to the plan;

(14) A copy of the most recent actuarial statement and opinion (if any) relating to the plan;

(15) A copy of the most recent financial statement and opinion (if any) relating to the plan and, if that statement does not include a list of the assets of the plan at market value, the latest available such list;

(16) A statement of any material change in the assets or liabilities of the plan occurring after the date of the financial and actuarial statements referred to in paragraphs (b) (14) and (15) of this section;

(17) Complete copies of any requests for a determination submitted to the Internal Revenue Service by or on behalf of the plan since it was established, including any request for a determination from the Internal Revenue Service with respect to the plan's termination;

(18) Complete copies of any letters of determination issued by the Internal Revenue Service since establishment of the plan;

(19) Information as of the proposed date of termination concerning the number of participants and, for retired and disabled participants, the aggregate monthly dollar amount of the benefits each class of such participants is currently receiving from the plan, compiled in the following tabular forms:

ALL PARTICIPANTS

	Number
1. Active participants	
2. Active participants with deferred vested rights	
3. Separated participants with deferred vested rights	
4. Retired and disabled participants and beneficiaries receiving payments from the plan	
5. Total	

ALL RETIRED AND DISABLED PARTICIPANTS

Number:	Aggregate monthly benefit payments
1. Participants and beneficiaries receiving normal retirement benefits	$
2. Participants and beneficiaries receiving early retirement benefits	
3. Participants and beneficiaries receiving total and permanent disability benefits	

(20) If the plan has a vesting provision, show the number of active participants who, if the plan were not terminated as of the proposed date of termination, would reasonably be expected to attain a deferred vested right within the following number of days after the proposed date of termination:

30 days
60 days
90 days
180 days

(21) A statement of the reason for terminating the plan;

(22) A brief description of the proposed method of distributing the plan assets, e.g., purchase of single premium annuities;

(23) A statement whether the plan assets are believed sufficient to satisfy all vested benefits under the plan;

(24) A certification that all information and documents submitted pursuant to paragraphs (b) (1) through (20) of this section above, are true and correct to the best of the plan administrator's knowledge and belief.

(c) *Effect of failure to file all required information.* Failure to file any information required by paragraph (a) of this section shall render the Notice incomplete and it shall be voidable by the Pension Benefit Guaranty Corporation. The plan administrator, or his duly authorized representative, may submit a written request for an extension of time in which to complete the filing, or for a waiver of the obligation to file any item required by paragraph (a) of this section. Any such request shall state the reasons for the relief sought.

§ 2604.4 Date of filing.

Any Notice or document required to be filed under the provisions of this part shall be deemed to have been filed on the date on which it is received by the Pension Benefit Guaranty Corporation.

§ 2604.5 Computation of time.

In computing any period of time prescribed or allowed by the rules of this part, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

Issued in Washington, D.C., on this 8th day of July 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-18130 Filed 7-11-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-167]

FOREIGN CURRENCIES

Certification of Rates

JULY 1, 1975.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 percentum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

France franc:	
June 11, 1975	$0.2501
June 12, 1975	.2500
June 13, 1975	[1]
June 16, 1975	.2508
June 17, 1975	.2513
June 18, 1975	.2508
June 19, 1975	.2503
June 20, 1975	.2504
India rupee:	
June 16, 1975	.1215
June 17, 1975	.1215
June 18, 1975	.1215
June 19, 1975	.1215
June 20, 1975	.1210
Ireland pound:	
June 11, 1975	2.2815
June 12, 1975	.2775
June 13, 1975	.2835
June 16, 1975	.2750
June 17, 1975	.2720
June 18, 1975	.2729
June 19, 1975	.2735
June 20, 1975	.2730
United Kingdom pound:	
June 11, 1975	2.2815
June 12, 1975	.2775
June 13, 1975	.2835
June 16, 1975	.2750
June 17, 1975	.2720
June 18, 1975	.2729
June 19, 1975	.2735
June 20, 1975	.2730

[1] See Quarterly Rate.

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.75-18188 Filed 7-11-75;8:45 am]

[TMK-2-R:E:R]

WEMBLEY INDUSTRIES, INC.

Application for Recordation of Trade Name

JULY 1, 1975.

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Wembley Industries, Inc. used by Wembley Industries, Inc., a corporation organized under the laws of the State of Louisiana, located at 966 South White Street, New Orleans, Louisiana 70125.

The application states that the trade name is applied to neckties, bow ties, tie and sock sets, tie and handkerchief sets, and formal wear, manufactured in the United States. The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submited with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received on or before August 13, 1975.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] RAYMOND E. TURNER,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc.75-18189 Filed 7-11-75;8:45 am]

Office of the Secretary

[Legal Division Order No. 3 Rev. 1]

ASSISTANT GENERAL COUNSELS

Delegation of Authority

The Legal Division has participated in an interdepartmental review of the number of officials authorized to make original classifications and declassifications of national security information with a view to reducing that number to the minimum number absolutely required for efficient administration.

In connection with that review, I have determined that neither the Assistant General Counsel (Enforcement, Operations and Tariff Affairs) nor the Assistant General Counsel (Administration, Legislation and Fiscal Operations) require original classification and declassification authority for the effective performance of their duties.

Accordingly, under the authority vested in me as General Counsel for the Department of the Treasury, including Treasury Department Order No. 190, Revised, and Treasury Department Order No. 160, Revised, paragraph 4 of Legal Division Order No. 3, dated December 19, 1974, is hereby amended to read as follows:

"4. Except the Assistant General Counsel (Enforcement, Operations and Tariff Affairs) and the Assistant General Counsel (Administration, Legislation, and Fiscal Operations), to originally classify national security information or material as CONFIDENTIAL and to downgrade and declassify such information or material and to classify official information under the legends LIMITED OFFICIAL USE or OFFICIAL USE ONLY or under existing legends recognized by that Order and to declassify such information."

Dated: July 8, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75-18187 Filed 7-11-75;8:45 am]

BIRCH 3 PLY DOORSKINS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

Information was received on December 12, 1974, that birch 3 ply doorskins from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 13, 1975 (40 FR 2456). The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury, or likelihood of injury, or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) or exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of birch 3 ply doorskins from Japan are less, or are likely to be less, than the constructed value (section 206 of the Act; 19 U.S.C. 165).

STATEMENT OF REASONS

The information currently before the U.S. Customs Service indicates that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price and the constructed value of the imported merchandise.

Purchase price was calculated on the basis of the f.o.b. packed, Japanese port price, with deductions for freight and shipping charges.

Exporter's sales price was calculated on the basis of the resale price to unrelated purchasers in the United States, with deductions for the applicable transportation and insurance costs, U.S. duty and selling expenses in the United States.

V40-135 JUL 14 75 XUM

Constructed value was calculated on the basis of the sum of the cost of materials and of fabrication of the merchandise, an amount for general expenses and profit related to the manufacture and sale of merchandise of the same general class or kind as the merchandise under consideration and the cost of all containers and coverings used to pack the merchandise ready for shipment to the United States.

Using the above criteria, purchase price or exporter's sales price was found to be lower than the constructed value of the imported merchandise.

Customs officers are being directed to withhold appraisement of birch 3 ply doorskins from Japan in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before July 24, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before August 13, 1975.

This notice, which is published pursuant to § 153.34(a), Customs regulations (19 CFR 153.34(a)), shall become effective July 14, 1975. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JULY 9, 1975.

[FR Doc.75-18198 Filed 7-11-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

JULY 8, 1975.

The USAF Scientific Advisory Board ad hoc Reconnaissance Review Group will hold a meeting on July 29, 30, 31, 1975 from 9 a.m. to 4:30 p.m. each day at the Pentagon, Washington, D.C.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552(b)(1) (4) and (5). The Group will be briefed on present reconnaissance capabilities, and proposals for capabilities of the future. The Group will hold classified discussions on the proposals, and formulate recommendations.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75-18179 Filed 7-11-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting; Correction

JULY 8, 1975.

Reference is made to the USAF Scientific Advisory Board Committee on Gas Turbine Technology scheduled for July 30 and 31, 1975 published in the FEDERAL REGISTER on June 30, Volume 40, number 126, page 27501.

The title of this meeting should read: USAF Scientific Advisory Board Aerospace Vehicles Panel Task Group on Gas Turbine Technology.

JAMES L. ELMER, MAJOR, USAF,
Executive, Directorate of Administration.

[FR Doc 75-18353 Filed 7-11-75;12:29 pm]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on July 29, 1975, at the Pentagon, Washington, D.C. The session will commence at 9 a.m. and terminate at 5:30 p.m.

The agenda will be limited to briefings and discussions of matters of advanced technology required by Executive Order to be kept secret in the interest of national defense, including a current intelligence assessment and discussions of military capabilities, Soviet naval strategy, U.S. fleet employment options, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that this meeting should be closed to the public because it will be concerned with matters listed in section 552 (b)(1) of title 5, United States Code.

Dated: July 9, 1975.

H. B. ROBERTSON, JR.,
Rear Admiral, JAGC, U.S. Navy Judge Advocate General.

[FR Doc.75-18164 Filed 7-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE, NORTHERN GULF OF ALASKA

Location and Date of Hearing Regarding Possible Oil and Gas Lease Sale

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m., on August 12, 1975, in the Ballroom of the Westward Hotel, 500 West Third Street, Anchorage, Alaska 99501, for the purpose of receiving comments and suggestions relating to a possible oil and gas lease sale offshore northern Gulf of Alaska. The hearing will extend through August 13, 1975, if necessary.

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of the possible offering of the 330 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and operations phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

A draft environmental statement concerning the proposed lease sale (OCS Sale #39) was made available to the public on June 27, 1975. Copies of this statement can be obtained at the Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement are also available for review in the main public libraries in various coastal cities in the sale area.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management at the above address by 4:15 p.m., a.d.t., August 4, 1975. Written comments from those unable to attend the hearing also should be addressed to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until August 29, 1975. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

GEORGE A. TRUSCOTT,
Associate Director, Bureau of Land Management.

Approved: July 9, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-18137 Filed 7-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DEPUTY ADMINISTRATOR, PROGRAM OPERATIONS

Organization, Functions, and Delegations of Authority

The Agricultural Marketing Service is presently undertaking a revision of its Organization, Functions, and Delegations of Authority. Said revision will be published in the near future. The purpose of this document is to give public notice of the establishment of the position of Deputy Administrator, Program Operations, Agricultural Marketing Service, and to delineate the Deputy Administrator's functions and delegations of authority as follows:

1. *Functions.* The Deputy Administrator, Program Operations, participates with the Administrator and Associate Administrator in the overall planning, direction, and coordination of programs and activities delegated to the Administrator, Agricultural Marketing Service.

2. *Delegations of authority.* The Deputy Administrator, Program Operations, is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now or which may hereafter be vested in the Administrator (including the power of redelegation except where prohibited) except such authority as is reserved to the Administrator or the Associate Administrator.

Effective date: July 9, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-18191 Filed 7-11-75;8:45 am]

Forest Service

HUCKLEBERRY PLANNING UNIT, MT. HOOD NATIONAL FOREST, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Huckleberry Planning Unit, Mt. Hood National Forest, Oregon, USDA-FS-R6-FES-(Adm)-74-7.

The environmental statement concerns a proposed land use plan for approximately 30,000 acres of National Forest land in Clackamas County, Oregon. This proposal allocates about 19,950 acres to be managed for a variety of uses including timber and water production, recreation, grazing and wildlife. The remaining 10,050 acres would be managed for roadless recreation for a ten-year planning period, but will remain in the timber base.

This final environmental statement was transmitted to CEQ on July 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine, Portland, Oregon 97204.
Mt. Hood National Forest, 2440 SE. 195th Ave., Portland, Oregon 97233.
Zigzag Ranger Station, Zigzag, Oregon 97073.

A limited number of single copies are available upon request to Wright T. Mallery, Supervisor, Mt. Hood National Forest, 2440 SE. 195th Ave., Portland, Oregon 97233.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Dated: July 3, 1975.

WRIGHT T. MALLERY,
Forest Supervisor, Mt. Hood National Forest.

[FR Doc.75-18171 Filed 7-11-75;8:45 am]

VEGETATION MANAGEMENT USING SELECTIVE HERBICIDES ON THE DESCHUTES, FREMONT, OCHOCO AND WINEMA NATIONAL FORESTS, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final addendum to the final environmental statement for vegetation management using selective herbicides on the Deschutes, Fremont, Ochoco, and Winema National Forests, Oregon, for the period July 1, 1975 through June 30, 1976. USDA-FS-R6-FES(Adm) 75-11.

The final addendum concerns a proposed use of herbicides 2,4-D, 2,4,5-T, silvex, Amitrol-T, picloram, dalapon, dicamba and atrazine to reduce the competition from native vegetation where it hampers forest management activities in Oregon. The proposed uses of the herbicides are for range revegetation, release of conifers, right-of-way maintenance, and noxious and poisonous weed control.

This final addendum was transmitted to CEQ on July 7, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3231, 12th & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.
Deschutes National Forest, 211 NE. Revere, Bend, Oregon 97701.
Fremont National Forest, Federal Building, PO. Box 551, Lakeview, Oregon 97630.
Ochoco National Forest, Federal Building, PO. Box 490, Prineville, Oregon 97754.
Winema National Forest, Federal Building, PO. Box 1390, Klamath Falls, Oregon 97601.

A limited number of single copies are available upon request to Regional Forester, T.A. Schlapfer, Pacific Northwest Region, PO. Box 3623, Portland, Oregon 97208.

Copies of the final addendum have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: July 7, 1975.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc.75-18172 Filed 7-11-75;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Third Quarterly Estimate

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following third quarterly estimates for 1975 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1975 is 1,180 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year is 1,074.3 million pounds.

This estimate takes into account voluntary restraint agreements with supplying countries negotiated by the State Department. These agreements are virtually complete. Without the restraint program, the estimate would have exceeded 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Done at Washington, D.C. July 3, 1975.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.75-18173 Filed 7-11-75;8:45 am]

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application submitted by Tri-State Generation and Transmission Association, Inc., 10520 Melody Drive, Northglenn, Colorado (Mailing Address: PO. Box 29198, Denver, Colorado). The statement covers the following transmission facilities:

V40-135 JUL 14 75 XUM

A. Approximately 68 miles of 230 kV line from Laramie, Albany County, Wyoming, to Archer, Laramie County, Wyoming. Terminal facilities will be provided in a proposed substation to be constructed by Pacific Power and Light Company at Laramie, Wyoming, and an existing substation of the Bureau of Reclamation at Archer, Wyoming.

B. Approximately 86 miles of 230 kV line from Archer, Laramie County, Wyoming, to Brush, Morgan County, Colorado. Terminal facilities will be provided in the existing substation of the Bureau of Reclamation at Archer, Wyoming, and in Tri-State's existing Story Substation at Brush, Colorado.

C. Approximately 14.5 miles of 230 kV line from Ault, Weld County, Colorado, to Fort Collins, Larimer County, Colorado. Terminal facilities will be provided in a proposed substation to be constructed by the Bureau of Reclamation at Ault and in the existing substation of the City of Fort Collins.

D. Approximately 26.0 miles of 230 kV line from Tri-State's proposed Gore Pass Substation approximately 4.5 miles north of Kremmling, Grand County, Colorado, to an existing Bureau of Reclamation Switching Station 3 miles northwest of Granby, Grand County, Colorado. The proposed Gore Pass Substation will be a 20/26.6/35 MVA, 138 kV to 69 kV facility.

E. Approximately 75.0 miles of 230 kV line from Tri-State's Big Sandy Substation presently under construction near Limon, Lincoln County, Colorado, to Tri-State's proposed Burlington Substation near Burlington, Kit Carson County, Colorado. The Burlington Substation will be a 60/80/100 MVA, 230 kV to 115 kV facility.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA Action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions set forth in the National Environmental Policy Act of 1969, have been met.

Dated at Washington, D.C., this 17th day of June 1975.

DONALD E. RUNYON,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-18192 Filed 7-11-75;8:45 am]

Soil Conservation Service

TURKEY CREEK WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Turkey Creek Watershed Project, Dickinson and Marion Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement include conservation land treatment supplemented by four floodwater retarding structures and 28.35 miles of channel improvement on a natural intermittent stream.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

The negative declaration is available for single copy requests.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: July 8, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-18174 Filed 7-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF GENERAL AND PLASTIC SURGERY DEVICES

Meeting

Correction

In FR Doc. 75-15945, appearing at page 25840, in the issue of Thursday, June 19, 1975, on page 25842, the second column under the table, in the seventeenth line insert a comma between the words dissecting and fibroid.

[Docket No. 75F-0119]

ROHM AND HAAS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3087) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for safe use of butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers containing no more than 2 weight-percent of total polymer units derived from methacrylic acid and containing no more than 9.5 weight-percent of total polymer units derived from hydroxyethyl methacrylate. These copolymers are intended for contact with dry food or aqueous food containing no more than 8 percent alcohol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: July 2, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-18127 Filed 7-11-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held August 1, 2 and 3, 1975 at 9 a.m. at the East Avenue Hotel, 111 East Avenue, Rochester, New York.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (Pub. L. 92-318, Title IV, 20 U.S.C. 221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) To submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meetings on August 1, 2 and 3, 1975 will be open to the public beginning at 9 a.m. These meetings will be held at the East Avenue Hotel.

The proposed agenda includes:

(1) Committee Discussions.
(2) Executive Committee Report.
(3) Planning Session.
(4) Regular Council Business.

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C., on July 2, 1975.

DORRANCE D. STEELE,
Acting Executive Director, National Advisory Council on Indian Education.

[FR Doc.75-18180 Filed 7-11-75;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME

Proposed Language

Section 416.1404 of Regulations No. 16 of the Social Security Administration (20 CFR 416.1404) requires the Social Security Administration to give written notice of an initial determination relating to eligibility for or the amount of a payment under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) to the party to such determination. To comply with this requirement for the vast majority of initial determinations which would be made, the Social Security Administration developed standard paragraphs which, based on the various factors involved, are selected and printed on standard forms by a data processing system.

To improve the adequacy and responsiveness of title XVI notices produced by the system, the Social Security Administration has developed a revised set of paragraphs from which standard language can be selected as appropriate for individual notices to supplemental security income applicants or recipients. The proposed set of paragraphs is a major revision of existing paragraphs for award, denial, and posteligibility notice situations, with the exception that similar revision of current paragraphs concerning blindness, disability, or reconsidered determinations has not been addressed.

Prior to development of the data processing system for generation of these proposed notices, the Social Security Administration upon request will make the proposed language available to interested parties for review. Consideration will be given to any views and comments pertaining thereto received by the Social Security Administration on or before September 12, 1975. This represents a departure from the usual notice clearance process and is experimental and not a precedent.

Requests for a copy of the proposed notice language should be submitted in triplicate to the Acting Associate Commissioner for Program Operations of Social Security, Department of Health, Education, and Welfare, PO. Box 1585, Baltimore, Maryland 21203, on or before August 13, 1975.

HUGH F. MCKENNA,
Acting Associate Commissioner for Program Operations.

[FR Doc.75-18165 Filed 7-11-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credits Federal Housing Administration Commissioner

[Docket No. N-75-385]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Meetings

In accordance with section 605 of title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and section 10(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92-463), announcement is made of the following meetings of the Fire Safety and Structural Task Forces of the National Mobile Home Advisory Council, the Executive Committee of the National Mobile Home Advisory Council, and of the National Mobile Home Advisory Council itself:

1. FIRE SAFETY TASK FORCE

Name. National Mobile Home Advisory Council—Fire Safety Task Force.

Place. Room 8155, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Date. July 29, 1975.

Proposed subject matter. Review of proposed Federal Mobile Home Standards with respect to fire safety.

MEETING AGENDA

The meeting will convene at 9 a.m. and will consider the following topics in the order presented:

a. Flame Spread Classification.
b. Hazards Related to Products of Combustion.
c. Secondary Exits.
d. Electric Thermal Cut-Off Devices.
e. Fire Stopping.
f. Listing Materials.
g. Other.

2. STRUCTURAL TASK FORCE

Name. National Mobile Home Advisory Council—Structural Task Force.

Place. Room 6202, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Date. July 29, 1975.

Proposed subject matter. Review of proposed Federal Mobile Home Standards with respect to structural aspects.

MEETING AGENDA

The meeting will convene at 9 a.m. and will consider the following topics in the order presented:

a. Structural Design Requirements.
b. Structural Components Testing.
c. Winds Loads/Roof Loads.
d. Under Structure Coverings (Bottom Boards).
e. Corrosion Resistant Fasteners.
f. Others.

3. EXECUTIVE COMMITTEE

Name. National Mobile Home Advisory Council—Executive Committee.

Place. Room 6202, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Date. July 30, 1975.

Proposed subject matter. Reports from task forces, future format of technical committees, and review of the proposed Federal Mobile Home Standards.

MEETING AGENDA

The meeting will convene at 9 a.m. and will consider the following topics in the order presented:

a. Report from Fire Safety Task Force.
b. Report from Structural Task Force.
c. Future Format of Technical Committees.
d. Review of Proposed HUD Federal Mobile Home Standards as Published at 40 FR 123.
e. Other.

4. ADVISORY COUNCIL

Name. National Mobile Home Advisory Council.

Place. Room 10233, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Date. July 31, 1975.

Proposed subject matter. Reports from task forces and Executive Committee and review of proposed Federal Mobile Home Standards.

MEETING AGENDA

The meeting will convene at 9 a.m. and will consider the following topics in the order presented:

a. Reports from Executive Committee.
b. Report from Fire Safety Task Force.
c. Report from Structural Task Force.
d. Review of HUD Proposed Federal Mobile Home Standards as published at 40 FR 123.
e. Other.

All of these meetings are open to the public.

Any member of the public may file a written statement with the task forces, the Executive Committee, or the Advisory Council before, during, or after their meetings. To the extent that time permits in each case, the chairmen of the meetings may allow public presentation of oral statements during the meetings.

Members of the public are encouraged to submit comments relevant to the work of the task forces before they meet. The agendas for both task forces set out the items of particular interest. Comments need not be related specifically to the standards as they have been proposed,

V40-135 JUL 14 75 XUM

but may deal with any aspects of fire safety or structural aspects of mobile homes. It is requested that all comments be submitted by July 22, 1975, so that the task forces will be able to give them full consideration. The comments will be distributed to the members of the relevant task force.

The comments discussed above and all other communications regarding the meetings referred to in this notice should be addressed to:

Director, Office of Mobile Home Standards, Department of Housing and Urban Development, Room 6262, 451 Seventh Street, SW., Washington, D.C. 20410.

Issued in Washington, D.C., on July 9, 1975.

DAVID DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.75-18138 Filed 7-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27738]

AVIACION Y COMERCIO, S.A.

Postponement of Hearing Regarding Foreign Charter Permit Renewal; Spain-U.S.

Objection has been filed by Bureau Counsel and by council for the applicant to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 14, 1975 (40 FR 27713, July 1, 1975) at 10 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 7, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-18184 Filed 7-11-75;8:45 am]

[Docket No. 27970]

NIGERIA AIRWAYS, LTD.

Postponement of Hearing Regarding Foreign Permit Renewal; Nigeria-U.S.

Objection has been filed by Bureau Counsel, at the request of counsel for the applicant, to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 22, 1975 (40 FR 28117, July 3, 1975), at 10 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., July 8, 1975.

[SEAL] DEE C. BLYTHE,
Administrative Law Judge.

[FR Doc.75-18183 Filed 7-11-75;8:45 am]

[Docket No. 27432]

SPANTAX, S. A.

Postponement of Hearing Regarding Foreign Charter Permit Amendment and Renewal; Spain-U.S.

Objection has been filed by Bureau Counsel to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 17, 1975 (40 FR 27714, July 1, 1975) at 10 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 8, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-18182 Filed 7-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 398-2]

DISCHARGE OF POLLUTANTS; FLORIDA

Administrative Order

In accordance with section 101(a) of the Federal Water Pollution Control Act Amendments of 1972, (33 USC 1211(a)), which encourages public participation in the enforcement of any plan established by the Administrator, notice is hereby given that an agreement has been reached between Jack E. Ravan, Regional Administrator, Region IV, and the Island Coast Development Corporation concerning certain property in Manatee County, Florida. Said property lies in section 28, Township 34 South, Range 16 East, and is known as the Wasserman property. The agreement requires Island Coast Development Corporation to do the following:

(1) One 2.6-acre lake will be created down the middle of the property with a maximum bottom elevation of minus 6 feet (1929 MSL datum).

(2) Two areas for water exchange with Sarasota Bay will be provided. One will enter the natural tidal lagoon to the south and the other will enter the natural low area and beach at the northeast corner of the lot. The elevation of these water exchange areas will be set at plus 1.35 (1929 MSL datum).

(3) Storm water will be diverted to a holding lake located near the state highway. The retention lake is to have a maximum bottom elevation of plus 1.5 feet and a top elevation at the dams of plus 3 feet.

(4) A 50-foot wide berm shall separate the lake from Sarasota Bay (measure MHW to MHW, current NOAA datum). The mangrove vegetation on this berm will be maintained in a natural state. No trimming or cutting of mangroves, either above or below mean high tide will be done.

(5) A planting ledge around the total perimeter of the lake shall be set at elevation plus 1.35 (1929 MSL datum). Said ledge shall be 3 feet wide with the exception of the easterly portion of the lake; that ledge will be 10 feet wide.

(6) Mangrove plantings shall be provided on the shelf as indicated in item 5, as follows:

(a) Seedlings less than 1 meter high.

1. Red (*Rhizophora*)—Two per square meter.

2. Black (*Avicennia*)—One per two square meters.

3. White (*Laqunculnria*)—One per two square meters.

(b) Transplantings greater than one meter high, if available at a reasonable price.

1. Red (*Rhizophora*)—One every three square meters.

2. Black (*Avicennia*)—One every three square meters.

3. White (*Laqunculnria*)—One every three square meters.

To the best of ability and control, mangrove plantings will be established and maintained at the discussed density. No trimming at elevations less than plus 15 feet above MSL (1929 MSL datum) will be allowed.

(7) Mangrove plantings and other vegetation compatible with the tidal creeks leading to the bay and bayou shall be planted in said tidal creeks. This vegetation will not be trimmed.

The United States Environmental Protection Agency, Region IV, will receive, on or before August 13, 1975, written comments relating to this agreement. Comments should be addressed to Director, Enforcement Division, Environmental Protection Agency, 1421 Peachtree St., NE., Atlanta, Georgia 30309, and refer to Administrative Order No. 75-119(w).

The Order may be examined at the office of the U.S. Environmental Protection Agency, Region IV, at the above-referenced address; Corps of Engineers, U.S. Army Engineer District, Jacksonville, Post Office Box 4970, Jacksonville, Florida 32201; and U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. A copy of the Order may be obtained in person or by mail from the United States Environmental Protection Agency, Region IV, Office at the address above listed.

Dated: July 3, 1975.

JACK E. RAVAN,
Regional Administrator, Region IV.

[FR Doc.75-18117 Filed 7-11-75;8:45 am]

[FRL 398-1]

ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Establishment

This notice announces the establishment of the Environmental Health Advisory Committee which is determined to be in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The Committee, as an element of the Agency's Science Advisory Board, will assist in identifying health problems emerging as a result of environmental pollution and will recommend research goals required to resolve these problems. It will review Agency health research activities and identify similar research activities of other agencies and institutions. In addition, the Committee may conduct special studies and respond to specific issues as directed by the Chairman. It will also provide for public awareness of environmental health issues under discussion and provide through the SAB a means of communication between agencies, the scientific community, and the general public.

Copies of the Committee charter will be filed with appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act of 1972.

Dated: July 3, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-18116 Filed 7-11-75;8:45 am]

[FRL 397-6]

FMC CORP.

Extension of Temporary Tolerance

FMC Corp., 100 Niagara St., Middleport, NY 14105, was granted a temporary tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate; and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on grapes at 0.5 part per million (of which no more than 0.2 part per million is carbamates) on July 24, 1974, in connection with Pesticide Petition No. 4G1484 (notice was published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27500)). This temporary tolerance expires July 24, 1975.

The firm has requested a 1-year extension of the temporary tolerance to obtain additional experimental data. It is concluded that such an extension will protect the public health. A condition under which this temporary tolerance is extended is that the insecticide be used in accordance with the temporary permit which is being extended concurrently and which provides for distribution under the FMC Corporation name.

This temporary tolerance expires July 24, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 23, 1975.

LOWELL E. MILLER,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-18115 Filed 7-11-75;8:45 am]

[FRL 398-5; OPP-33000/261 and 262]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before September 12, 1975, any persons who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 12, 1975.

Dated: July 7, 1975.

JOHN B. RICH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/261)

EPA Reg. No. 2749-41. Aceto Chem. Co., Inc., Agricultural Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. DIMETHOGON 267 EC DIMETHOATE SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarboamoylmethyl) phosphorodithioate) 30.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA Reg. No. 241-233. American Cyanamid Co. Agricultural Div., PO Box 400, Princeton NJ 08540. CYGON 400 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 43.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional claims. PM16.

EPA Reg. No. 241-94. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYGON 267 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 30.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional claims. PM16.

EPA File Symbol 12466-A. Aqua Lab., Inc., 36 High St., Amesbury MA 01913. AQUACIDE 650. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 239-2403. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO WEED-B-GON FOR SOUTHERN GRASSES. Active Ingredients: Isooctyl ester of 2-(2-Methyl-4-chlorophenoxy) propionic acid 17.74%; Methyl 2-chloro-9-hydroxyfluorene-9-carboxylate 2.70%; Methyl-9-hydroxyfluorene-9-carboxylate 0.65%, Methyl 2,7-dichloro-9-hydroxyfluorene-9-carboxylate 0.49%. Method of Support: Application proceeds under 2(a) of interim policy. PM23.

EPA File Symbol 121-RU. Cutter Lab., Regulatory Affairs Dept., 4th and Parker Sts. Berkeley CA 94710. CUTTER INSECT REPELLENT FOAM. Active Ingredients: N,N-Diethylmeta-toluamide 27.7%; Other isomers 1.46%; Dimethyl Phthalate 2.5%; Di-n-propyl isocinchomeronate 0.83%; N-octyl bicycloheptene dicarboximide 0.83%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 36068-R. Day-Baldwin, 1460 Chestnut Ave., Hillside NJ 07205. GAMMA BENZENE HEXACHLORIDE CREAM 1% U.S.P. Active Ingredients: Gramma Benzene hexachloride 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 270-REN. Farnam Co., Inc., 2230 E Magnolia St., Omaha NB 68112. FURA OINTMENT. Active Ingredients: Nitrofurasone 0.2%; Di-n-propyl isocinchomeronate 1.0%; 2,3: 4;5-Bis (2 butylene) tetrahydro-2-furaldehyde 0.5%; N-octyl bicycloheptene dicarboximide 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 407-359. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL RABON LIVESTOCK DUST. Active Ingredients; 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM15.

EPA File Symbol 5490-RG. Jamieson Chem. Co., Inc. 4011 Florida Ave., Tampa FL 33603. NEW PREFERRED RODENT KILLER. Active Ingredients: Warfarin (3-Alpha-Acetonylbenzyl)-4-Hydroxycoumarin) 0.050%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 411-TR. Jensen-Salsbery Lab., Div. of Richardson-Merrell Inc., 520 W 21st St., Kansas City MO 64141. XANTHEX. Active Ingredients: Choline xanthate 82.071%. Method of Support: Application proceeds under 2(b) of interim policy. PM15.

V40-135 JUL 14 75 XUM

EPA File Symbol 411-TN. Jensen-Salsbery Lab., Div. of Richardson-Merrell Inc., 520 W 21st St., Kansas City MO 64141. XANTHEX T. Active Ingredients: Choline xanthate 46%; Glutamic acid hydrochloride 43%. Method of Support: Application proceeds under 2(b) of interim policy. PM15.

EPA File Symbol 1021-RGAA. McLaughlin Gormley King Co., 8810 10th Ave., N, Minneapolis MN 55427. PYROCIDE FORMULA 7185. Active Ingredients: Pyrethrins 0.5%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.66%; Rotenone 1.00%; Other cube resins 2.00%; Petroleum distillate 2.00%. Method of support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 5449-I. Multi-Clean Products Inc., 2277 Ford Parkway, St. Paul MN 55116. SUPER STAPH-TROLE 128. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium, ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 37291-R. Raybeam Mfg. Co., #55 St. Casimir Ave., Yonkers NY 10701. RAYBEAM DISINFECTANT-SANITIZER DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 37291-R. Red Devil Paints & Chem., 30 NW St., Mount Vernon NY 10550. STAIN & WOOD PRESERVATIVE #404 CHESNUT BROWN. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-E. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #409 TEAKWOOD. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-RN. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #410 MAHOGANY. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-I. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #406 CEDAR GRAY. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-G. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #408 REDWOOD. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-O. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #407 FIR GREEN. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-T. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #405 SPRUCE GREEN. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 37291-A. Red Devil Paints & Chem. STAIN & WOOD PRESERVATIVE #408 WALNUT. Active Ingredients: Bis (Tributyltin) Oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 6720-EAR. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP PYRENONE GENERAL PURPOSE SPRAY. Active Ingredients: Pyrethrins 0.15%; Piperonyl Butoxide, Technical 1.50%; Petroleum Distillate 98.35%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6720-ELT. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP HOME LAWN & ORNAMENTAL SPRAY CONTAINING 5.40% CHLORPYRIFOS. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro - 2 - pyridyl) phosphorothioate] 5.40%; Aromatic Petroleum Derivative Solvents 91.24%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4887-RTO. Stephenson Chem. Co., Inc., PO Box 87188, College Park GA 30337. STEPHENSON CHEMICALS DIAZINON 25E. Active Ingredients: O,O - diethyl O - (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 2459-EAR. Stevens Industries, Inc., PO Box 272, Dawson GA 31742. METHYL PARATHION EMULSIFIABLE CONCENTRATE. Active Ingredients: O,O-Dimethyl O-p-Nitrophenyl Thiophosphate 62.84%; Xylene Range Aromatic Solvent 14.54%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 7992-EN. TNT Chem., Inc., 7301 NW 77th St., Miami FL 33166. TNT PROFESSIONAL STRENGTH FLYING INSECT KILLER. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 148-REEA. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. 2,4-D ACID. Active Ingredients: 2,4 - Dichlorophenoxyacetic acid 98%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 10873-UE. Tifton Chem. Co., PO Box 5, Tifton GA 31794. TOXAPHENE 40% WP. Active Ingredients: Toxaphene (technical chlorinated camphene 67-69% chlorine) 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 10873-UG. Tifton Chem. Co., PO Box 5, Tifton GA 31794. TOXAPHENE 40% DUST. Active Ingredients: Toxaphene (technical chlorinated camphene 67-69% chlorine) 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 427-3. Vermex Co., 23530 Summit Dr., Calabasas CA 91302. VERMEX PET SHAMPOO AND SARCOPTIC MANGE LOTION. Active Ingredients: Linseed Oil Fatty Acid 0.1688%; Naphthalene 0.0457%; Glycerine 0.0354%; Potassium Hydroxide 0.0326%. Method of Support: Application proceeds under 2(b) of interim policy. PM15.

APPLICATIONS RECEIVED (OPP-33000/282)

EPA Reg. No. 241-238. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. COUNTER 15G SOIL INSECTICIDE. Active Ingredients: s-[[1,1-Dimethylethyl) Thio]Methyl] O,O-Diethyl Phosphorodithioate 15%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM16.

EPA File Symbol 34279-G. Capps Enterprises Inc., MR 256E S Main St., Roswell NM 88201. A-T-1 GERMICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 115-GG. Continental Chem. Co., 2750 Grand Ave., Cleveland OH 44104. ALGEX NO. 817 M. Active Ingredients: Disodium cyanodithioimidocarbonate 7.-35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 115-GE. Continental Chem. Co. ALGEX NO. 816-M. Active Ingredients: Disodium cyanodithioimidocarbonate 4.-90%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 115-GR. Continental Chem. Co. ALGEX NO. 815-M. Active Ingredients: Disodium cyanodithioimidocarbonate 3.-68%; Potassium N-methyldithiocarbamate 5.70%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 59-RII. Cooper U.S.A., Inc., PO Box 12338, Research Triangle Park NC 27709. SCREW WORM SMEAR. Active Ingredients: Gamma Isomer of Benzene Hexachloride (from Lindane) 3.08%; Xylene 35.00%; Mineral Oil 41.84%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 35958-G. Criter Chemco, Inc., 2650 W 2nd Ave., Denver CO 80219. CRITER TOTAL KILL 1. Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Tetrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 34077-O. Excelsior Varnish Inc., 2790 Grand Ave., Cleveland OH 44104. ALGAECIDE A-161-M. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90% Potassium N-methyldithiocarbamate 6.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 34077-T. Excelsior Varnish Inc. ALGAECIDE A-160-M. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 34077-I. Excelsior Varnish Inc. ALGAECIDE A-162-M. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 1990-GTO. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. WEED-OUT BRUSH KILLER B.P. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, butoxy propyl esters 36.0%; 2,4,5-Trichlorophenoxyacetic acid, butoxy propyl esters 34.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 7234-TE. Forshaw Chem., Inc., 650 State St., Charlotte NC 28206. LUMBERITE RONDETS. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of other chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 7296-I. Gem City Chem., Inc., 1287 Air City Ave., Dayton OH 45404. TERRA-DANE AGRICULTURAL INSECTICIDE. Active Ingredients: Technical Chlordane 45.3%; Petroleum Distillate 49.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 569-TR. Haver-Lockhart Lab., Div. of Bayvet Corp., PO Box 390, Shawnee Mission KS 66201. COMBOT PASTE (TRICHLORFON). Active Ingredients: Trichlorfon Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 40%. Method of Support: Application proceeds under 2(a) of interim policy. PM16.

EPA File Symbol 35959-U. Irwin Assoc., Inc., Water Chemistry and Chem., 5624 Corporate Ct. A, Tampa FL 33614. IRWIN POLYQUAT 20. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35959-L. Irwin Associates, Inc. IRWIN POLYQUAT 10. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35959-G. Irwin Associates, Inc. IRWIN POLYQUAT Sp. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35959-E. Irwin Associates, Inc. IRWIN AL-508. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07% Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 35959-R. Irwin Associates, Inc. IRWIN AL-517. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA Reg. No. 6378-22. Lab Automated Chem., Div. of American Chemmate Corp., Howard & West Sts., Baltimore MD 21230. LAB ONE DISINFECTANT CLEANER. Active Ingredients: Soap 10.0%; Potassium o-benzyl-p-chlorophenate 5.28%; Isopropanol 5.00%; Potassium ortho-phenylphenate 1.83%; Tetrasodium ethylene-diamine tetrasacetate 1.14%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 21326-E. Malone Chem., Inc., PO Box 472, Linden NJ 07036. NO. 75 DISPLAY CASE CLEANER SANITIZER, FUNGICIDE, DISINFECTANT DEODORIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.0352%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.0352%; Tetrasodium ethylenediamine tetraacetate 0.0156%; Sodium Carbonate 0.0468%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 3125-111. Chemagro Agricultural Div., Mobay Chem. Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64120. METASYSTOX-R SPRAY CONCENTRATE SYSTEMIC INSECTICIDE. Active Ingredients: *S*-[2-(Ethylsulfinyl)ethyl] *O,O*-dimethyl phosphorothioate 25%; Aromatic Petroleum Distillate 14%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM16.

EPA File Symbol 2817-RN. Pine-O-Pine Co., PO Box 7477, Houston TX 77008. SOFTPINE 13 DISINFECTANT, DEODORANT CLEANER. Active Ingredients: Isopropanol 9.50%; Pine Oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 35939-E. R-square Chem. & Coating, Inc., Brian Industrial Park, Gainsville GA 30501. R-QUAT-IO SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 37291-U. Red Devil Paints & Chem., 30 Northwest St., Mount Vernon NY 10550. WOOD PRESERVATIVE CLEAR #401. Active Ingredients: Zinc Naphthenate 13.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 37291-L. Red Devil Paints & Chem., 30 Northwest St., Mount Vernon NY 10550. WOOD PRESERVATIVE GREEN #402. Active Ingredients: Copper Naphthenate 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 35907-R. Scott Chem. Co., Inc., 25 W 39th St., New York NY 10018. CITRONELLA CANDLE. Active Ingredients: Citronella Oil 3%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 400-REU. Uniroyal Chem., Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. VITAVAX-EVS CONCENTRATE. Active Ingredients: Carboxin (5,6-dihydro - 2-methyl-1,4-oxathin-3-carboxanilide) 29.52%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM21.

EPA Reg. No. 1624-104. United States Borax & Chem. Corp., 3075 Wilshire Blvd., Los Angeles CA 90010. COBEX. Active Ingredients: N3,N3-Diethyl-2,4-dinitro - 6 - trifluoromethyl-*m*-phenylenediamine 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM24.

EPA File Symbol 11656-LI. Western Farm Service, Inc., c/o Shell Chem. Co., Suite 200, 1025 Conn. Ave., NW, Washington DC 20036. DORMANT EMULSION SPRAY OIL. Active Ingredients: Petroleum Oils 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 11656-AR. Western Farm Service, Inc. WESTERN FARM SERVICE DIBROM SEVIN 4-10 DUST INSECTICIDE. Active Ingredients: Naled 4%; Carbaryl (1-naphthyl N-methyl carbamate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 11656-LT. Western Farm Service, Inc. DIBROM SEVIN SULFUR 4-5-40 DUST INSECTICIDE - FUNGICIDE. Active Ingredients: Naled 4.0%; Carbaryl (1-naphthyl N-methyl carbamate) 5.0%; Sulfur 39.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 11656-LO. Western Farm Service, Inc. DIBROM SEVIN SULFUR 4-10-25 DUST INSECTICIDE FUNGICIDE. Active Ingredients: Naled 4.0%; Carbaryl (1-naphthyl N-methyl carbamate) 10.0%; Sulfur 24.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 11656-AN. Western Farm Service, Inc. DIBROM SULFUR 4-20 DUST INSECTICIDE-FUNGICIDE. Active Ingredients: Naled 4.00%; Sulfur 19.60%; Xylene 0.26%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA Reg. No. 2935-92. Wilbur-Ellis Co., Fresno Div., PO Box 1286, Fresno CA 93715. RED-TOP SPRAY SULFUR. Active Ingredients: Sulfur 97.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM22.

[FR Doc.75-18119 Filed 7-11-75;8:45 am]

[FRL 401-1; OPP-50015]

LOUISIANA DEPARTMENT OF AGRICULTURE

Receipt of Application for Experimental Use Permit To Use DDT Formulation on Cotton and Solicitation of Public Views

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Louisiana Department of Agriculture has applied to the Environmental Protection Agency (EPA) for an experimental use permit allowing use of a DDT formulation to suppress the tobacco budworm on cotton. Such application is subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested parties are invited to submit written comments pertinent to this application to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received on or before July 29, 1975, and should bear the identifying notation OPP-50015. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH-567), Office of Pesticide Programs, Room E-315, located at the Headquarters address mentioned above.

The application requests an experimental use permit to use DDT, to be formulated with toxaphene and methyl

V40-135 JUL 14 75 XUM

parathion, to suppress the tobacco budworm (*Heliothis virescens* F.) on cotton. Approximately 2,560 pounds will be required to treat some 501.6 acres. Treatment would commence between August 1 and September 15, 1975, when tobacco budworm populations are heavy, and terminate approximately one year later.

There would be a large scale experiment and small-plot experiments. The objective of the large scale experiment would be to determine whether the best available recommended insecticide mixture, methyl parathion plus EPN plus chlordimeform is as effective against the tobacco budworm as the DDT-toxaphenemethyl parathion formulation. In the small-plot experiments, the DDT-toxaphene-methyl parathion formulation would be used as the standard to evaluate candidate insecticides against the tobacco budworm.

In the large scale experiment, the materials would be applied for control of heavy populations of tobacco budworms on cotton beginning about August 1 and continuing at 5-day intervals for 5 applications. The toxaphene plus DDT plus methyl parathion mixture would be compared on one half of 10 fields about 100 acres in size with the other half being treated with methyl parathion plus EPN plus chlordimeform. This experiment would be conducted in the Red River Valley area of Louisiana in cooperation with personnel of the Louisiana Agricultural Experiment Station and the Louisiana Cooperative Extension Service. Two small-plot experiments would be conducted at the Red River Valley Experiment Station; two additional small-plot experiments would be conducted at the NE Louisiana Experiment Station. The materials would be applied with a high clearance machine starting when the egg population reaches 2,500 or more per acre and would continue at 5-day intervals so long as the infestation remained above the economic threshold. Egg and larval populations, boll damage, yield data, and other relevant information would be obtained from all experiments.

This notice does not indicate a decision by EPA on the application. This permit, if granted, will be effective for a specified period of time, normally one (1) year, depending upon the crop or site to be tested and the requirements of the testing program submitted.

Dated: July 10, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-18360 Filed 7-11-75;10:42 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 761]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JULY 7, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

---

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21818–CD–P–75, General Telephone Company of California (KMA609). C.P. for additional facilities operating on 454.525 MHz located 1314 Seventh Street, Santa Monica, California.

21819–CD–P–75, Industrial Communications (KWH302). C.P. for additional facilities operating on 43.58 MHz located .2 mile north of Alta, Utah.

21820–CD–P–75, Waldo I. Wilson (KUC844). C.P. to relocate facilities operating on 158.70 MHz located 1080 Terrace Street, Muskegon, Michigan.

21821–CD–P–(7)–75, South Central Bell Telephone Company (KKI455). C.P. for additional facilities 454.425, 454.475, and 454.525 MHz., replace transmitter located 3 miles south of Erath, Louisiana, and add Aux. test facilities 157.83, 158.04 MHz located 530 South Buchanan Street.

21822–CD–TC–(4)–75, Somerset Telephone Company Consent to Transfer of Control from Somerset Telephone Company Transferor to Telephone and Data Systems, Inc., Transferee Stations: KCC486 Eustis Ridge, KCC804 Strong, KCC805 North Anson, KCI293 Norridgewock, Maine.

21823–CD–P–(14)–75, South Central Bell Telephone (KKI499). C.P. to change antenna system, add facilities 152.54, 542.66 MHz and Auxiliary Test to operate on same frequencies at Loc.1, located 8 miles north of Lafayette, Louisiana; and add new site to operate on 454.375, 454.400, 454.450, 454.500, 454.575, 454.600, 454.625, 454.650 MHz to be located 530 South Buchanan Street, Lafayette, Louisiana.

21824–CD–P–75, Communication Specialists Co. (New). C.P. for a new station to operate on 152.06 MHz to be located 300 feet west of Highway 17, North and Cox Avenue, Jacksonville, N.C.

21825–CD–P–75, Potter Signal, Inc. (KAF 250). C.P. to relocate facilities operating on 152.09 MHz, delete standby facilities and replace transmitter, located 801 Skinker Blvd., St. Louis, Missouri.

21826–CD–P–75, Industrial Communications (KWH302). C.P. for additional facilities operating on 43.22 MHz at Loc. #3, located 325 Eighth Avenue, Salt Lake City, Utah.

21827–CD–P–75, General Telephone Company of California (KMM632). C.P. to relocate facilities operating on 152.63 MHz and delete Aux. Test facilities located 1359 "G" Street, Reedley, California.

21828–CD–P–75, Enrique G. Matta (New). C.P. for a new one-way station to operate on 43.22 MHz located Hotel Intercontinental Ponce, Puerto Rico.

21829–CD–P–75, Enrique G. Matta (New). C.P. for a new one-way station to operate on 43.58 MHz located Concordia Gardens #2 Rio Piedras, Puerto Rico.

21830–CD–P–75, Lake Shore Communications (KSJ818). C.P. to add a new site operating on 152.06 MHz at location #2 located 2915 Bernice Road, Lansing, Illinois.

21831–CD–P–75, Mobile Radio Telephone and Paging Service Inc. (KRM951). C.P. to relocate facilities operating on 152.24 MHz and replace transmitter located 1516 Rock Ledge Street, Kalamazoo, Michigan.

21832–CD–P–(2)–75, Mobile Radio Telephone and Paging Service, Inc. (KQK720). C.P. to relocate facilities operating on 152.03 MHz and add 152.18 MHz located 1516 Rockledge Street, Kalamazoo, Michigan.

21833–CD–P–(2)–75, Michigan Bell Telephone Company (KQD609). C.P. to change antenna system operating on 152.84 MHz located 124 West Allegan, Lansing, Michigan.

21834–CD–P–(4)–75, Michigan Bell Telephone Company (KQA811). C.P. for additional facilities to operate on 152.60 MHz and relocate facilities operating on 152.63, 152.78 MHz located 124 West Allegan, Lansing, Michigan.

RURAL RADIO

60379–CR–P–75, Lemhi Telephone Company (KPF25). C.P. to relocate facilities operating 459.55 MHz located FAA site on Lake Mountain, 1535 miles SW of Salmon, Idaho.

60380–CR–TC–(5)–75, Somerset Telephone Company consent to Transfer of Control form Somerset Telephone Company Transferor to Telephone and Data Systems, Inc., Transferee Stations KCD77 (Temporary Fixed) KCE39 Eustis, KCE40 Coburn Gore, KCK74 Eustis Ridge(CO) and KCK75 Redington, Maine.

Major amendment

20064–CD–P–(2)–75, RCC of Virginia (New), 2-way. Amend frequencies 152.03 & 152.09 to read 152.06 MHz only. All other particulars to remain the same as reported on PN#710, dated July 22, 1974.

8438–C2–P–73, Penninsula Radio Secretarial Service, Inc. (New). Amend to change the base frequency to 35.22 MHz. All other particulars to remain the same as reported on PN dated May 29, 1973.

8440–C2–P–73, Mobile Radio System of San Jose, Inc. (New). Amend to change the base frequency to 35.22 MHz. All other particulars to remain the same as reported on PN dated May 29, 1973.

20337–CD–P(2)–75, United Business Services, Inc. dba United Radiophone System (New). Amend to delete the request for the 158.70 MHz base frequency & to add the base frequency 43.22 MHz. All other particulars to remain the same as reported on PN dated September 9, 1974.

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following renewal applications for the term ending August 1, 1980 have been received.

SOUTHWESTERN BELL TELEPHONE COMPANY

Call sign	*Location*
KAB52	Belleview, Missouri.
KAB53	Viburnum, Missouri.
KAB55	Johnson Mountain, Missouri.
KAC96	Kansas City, Missouri.
KAD24	Basehor, Kansas.
KAD25	Oskaloosa, Kansas.
KAD26	Topeka, Kansas.
KAD27	St. Marys, Kansas.
KAD28	Manhattan, Kansas.
KAE25	Junction City, Kansas.
KAE26	Talmage, Kansas.
KAE27	Salina, Kansas.
KAE28	McPherson, Kansas.
KAE40	Hutchinson Jct., Kansas.
KAE59	Haven, Kansas.
KAE76	Wichita, Kansas.
KAL81	Golden City Jct., Missouri.
KAL85	Everton, Missouri.
KAL86	Springfield, Missouri.
KAL88	Shawnee, Kansas.
KAM25	Olathe, Kansas.
KAN91	Southwestern Bell Territory.
KAY74	Dodge City, Kansas.
KAY75	Ensign, Kansas.
KAY76	Montezuma, Kansas.
KAY77	Copeland, Kansas.
KAY78	Sublette, Kansas.
KAY79	Satanta, Kansas.
KAY80	SE of Moscow, Kansas.
KAY81	Hugoton, Kansas.
KAY82	Liberal, Kansas.
KBI41	Worden, Kansas.
KBI42	Jackson, Missouri.
KBI83	Cape Girardeau, Missouri.
KBI84	Bloomfield, Missouri.
KBI85	Sikeston, Missouri.
KCM83	Dodge City Jct., Kansas.
KCM84	Helena, Missouri.
KCM85	St. Joseph, Missouri.
KCM86	Forest City, Missouri.
KCM87	Moberly, Missouri.
KCM88	Excello, Missouri.
KCM89	Atlanta, Missouri.
KCM90	Kirksville, Missouri.
KGH39	Salt Flat, Texas.
KGH40	Rim Rock Mountain, Texas.
KKA47	San Angelo, Texas.
KKA48	Orient, Texas.
KKA49	Bronte, Texas.
KKA50	Maryneal, Texas.
KKB25	Beaumont, Texas.
KKB26	Silsbee, Texas.
KKB37	Ft. Worth, Texas.
KKB41	Joshua, Texas.
KKB43	Cleburne, Texas.
KKB45	Covington, Texas.
KKB46	Hillsboro, Texas.
KKB47	West, Texas.
KKB49	Waco, Texas.
KKB53	Spring, Texas.
KKB54	Bay, Arkansas.
KKB55	Jonesboro, Arkansas.
KKB56	Bartlesville, Oklahoma.
KKB57	Vera, Oklahoma.
KKB58	Tulsa, Oklahoma.
KKK21	Andrews, Texas.
KKK53	Harlingen, Texas.
KKK54	Mercedes, Texas.
KKK55	McAllen, Texas.
KKK99	Wayne, Oklahoma.
KKM35	Colorado City, Texas.
KKM36	Silver, Texas.
KKO29	Saint Jo, Texas.
KKO30	Bellevue, Texas.
KKU86	Merkel, Texas.
KKU94	Rush Springs, Oklahoma.
KKW21	Corpus Christi, Texas.
KKW24	Falfurrias, Texas.
KKW25	Rachal, Texas.
KKW26	Linn, Texas.
KKZ85	Galveston, Texas.
KKZ86	Port Bolivar, Texas.
KLH24	Lytle Gap, Texas.
KLH25	Abilene, Texas.
KLO81	Sweetwater, Texas.
KLO82	Sweetwater RS, Texas.
KLO83	Roby, Texas.
KLO84	Hamlin, Texas.
KLO85	Stamford, Texas.
KLS71	Bee Branch, Arkansas.
KLS72	Botkinburg, Arkansas.
KLS73	Marshall, Arkansas.
KLS75	Boat Mountain, Arkansas.
KLS76	Harrison, Arkansas.
KLT52	Seminole, Texas.
KLT69	Odessa, Texas.
KLT99	Odessa, Texas.
KLU36	Anson, Texas.
KLU95	Gainesville, Texas.
KLU96	Moody, Texas.
KLU97	Sweetwater, Texas.
KLV29	Amarillo, Texas.
KLV30	Amarillo R1N, Texas.
KLV31	Borger, Texas.
KLV32	Pringle, Texas.
KLV33	Gruver, Texas.
KLV34	Sanford, Texas.
KOA38	Aullville, Missouri.
KOA39	Knob Noster, Missouri.
KOA59	Floresville, Texas.
KOA60	Ecleto, Texas.
KOA61	Choate, Texas.
KOA62	Beeville, Texas.
KOA63	Orange Grove, Texas.
KOA64	Rabb, Texas.
KOB53	Laredo, Texas.
KOB54	Laredo Jct., Texas.
KOB58	Olton, Texas.
KPP53	St. Louis, Missouri.
KPP54	Gray Summit, Missouri.
KPP55	Hermann, Missouri.
KPP56	Holts Summit, Missouri.
KPP57	Prairie Home, Missouri.
KPP58	Slater, Missouri.
KPP59	Roanoke, Missouri.
KPP60	Jefferson City, Missouri.
KRR60	Russellville, Arkansas.
KRR61	Petit Jean, Arkansas.
KRR62	Shinnal Mountain, Arkansas.
KSW26	Oklahoma City, Oklahoma.
KSW27	Mustang, Oklahoma.
KSW28	Minco, Oklahoma.
KSW29	Chickasha, Oklahoma.
KSW30	Rush Springs, Oklahoma.
KSW31	Lawton R, Oklahoma.
KSW32	Lawton, Oklahoma.
WIV55	Morrilton, Arkansas.
WJL27	Cat Spring, Texas.
WJL28	Pattison, Texas.
WJL29	Independence, Texas.
WJL74	Huntsville, Texas.
WJL75	Willis, Texas.
WKR86	Yukon, Oklahoma.
WKR87	Enid, Oklahoma.
WKR88	Crescent, Oklahoma.
WOE85	Kearney, Arkansas.
WOE86	Belfast, Arkansas.
WOE90	Hutchinson, Kansas.
WOF69	Florence, Texas.
WPG66	Apollo RS, Texas.
WPG67	Freeport, Texas.
WPG68	Bryan, Texas.
WQN49	Arlington Stad., Texas.
WQP55	Hot Springs, Arkansas.
WQP56	Cove Creek, Arkansas.
WQP85	Ponca, Arkansas.
WQP86	Huntsville, Arkansas.
WQP87	Fayetteville, Arkansas.
WPQ47	Trinity, Texas.
WQQ48	Nogalus, Texas.
WQQ49	Lufkin, Texas.
WQQ50	Nacogdoches, Texas.
WQQ61	Stillwater, Oklahoma.
WQR79	Davis, Oklahoma.
WQR80	Ardmore, Oklahoma.

The following renewal applications for the term ending August 1, 1980 have been received.

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF WEST VIRGINIA

Call sign	*Location*
KQH73	(50 Units)—Temporary Fixed, West Virginia.
KQM84	Bridgeport Hill, West Virginia.
KQM85	Buckhannon, West Virginia.
KQN91	Keyse, West Virginia.
KQN92	Pinnacle, West Virginia.
KQN93	Halleck, West Virginia.
KQN94	Terra Alta, West Virginia.
KQO46	Laurel Mountain, West Virginia.
KQO77	Kingwood, West Virginia.
KVH88	Huntington, West Virginia.
KVI29	Elizabeth, West Virginia.
KVI30	Cox's Mill, West Virginia.
KVI31	Wolf Summit, West Virginia.
KVI32	Clarksburg, West Virginia.
KXR58	Charleston, West Virginia.
KXR61	Malden, West Virginia.
KXR62	Layland, West Virginia.
KXR63	Beckley, West Virginia.
KYJ67	Lewisburg, West Virginia.
KYJ68	Alderson, West Virginia.
KYJ69	Rainelle, West Virginia.
KYO21	Morgantown, West Virginia.
WZX81	Fairmont, West Virginia.
WHT69	Barker's Ridge, West Virginia.

The following renewal applications for the term ending August 1, 1980 have been received.

THE DIAMOND STATE TELEPHONE COMPANY

Call sign	*Location*
KGG34	Within Territory of Grantee.
KGJ69	Wilmington, Delaware.

V 40 I 135 J UL 14 75 XUM

Call sign	Location
KGJ70	Odessa, Delaware.
KGJ71	Dover, Delaware.
WGI60	Wilmington, Delaware.
	CINCINNATI BELL INC.
KQN89	Cincinnati, Ohio.
KQN90	Owensville, Ohio.
KQO29	White Oak, Ohio.
KQO30	North Hamilton, Ohio.
KQO31	Hamilton, Ohio.
KVI34	Temporary-Fixed.
KYC64	Dry Ridge, Kentucky.
	THE BELL TELEPHONE COMPANY OF PENNSYLVANIA
KGB74	Within the Territory of Grantee.
KGG42	Scranton, Pennsylvania.
KGO87	Altoona, Pennsylvania.
KGO88	Huntingdon, Pennsylvania.
KGO89	Pine Grove Mills, Pennsylvania.
KGP35	State College, Pennsylvania.
KGP36	Wopsononock Mtn., Pennsylvania.
KGP47	Philadelphia, Pennsylvania.
KGP79	Big Knob, Pennsylvania.
KGP81	Lambs Gap, Pennsylvania.
KIK88	Allentown, Pennsylvania.
KIL21	Farm Flats, Pennsylvania.
KIL37	Lookout, Pennsylvania.
KIL58	Scranton, Pennsylvania.
KYJ36	Harrisburg, Pennsylvania.
KYJ37	Manada, Pennsylvania.
KYJ38	Lebanon, Pennsylvania.
KYS57	York, Pennsylvania.
KYS59	Ramsey Hill, Pennsylvania.
WAX95	Haafsville, Pennsylvania.
WAX96	Millbach, Pennsylvania.
WDE64	Concordia Church, Pennsylvania.
WDE65	Lancaster, Pennsylvania.
WGH95	Applebee, Pennsylvania.
WGH96	Pottsville, Pennsylvania.
WGI56	Wilkes-Barre, Pennsylvania.
WJM40	Peters Mtn., Pennsylvania.
WJM44	Thick Mtn., Pennsylvania.
WJM45	Lewistown, Pennsylvania.
WLJ56	Trevorton, Pennsylvania.
WLJ57	Tiadaghton, Pennsylvania.
WLJ58	Williamsport, Pennsylvania.
WPG21	Hazleton, Pennsylvania.
WSL70	Valley Forge, Pennsylvania.
	NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY
KCA74	In any temporary fixed location within the territory of the Grantee.
KCA75	Barnstable, Massachusetts.
KCA76	Nantucket, Massachusetts.
KCC93	Block Island, Rhode Island.
KCC94	Narragansett, Rhode Island.
KCD21	Middleboro, Massachusetts.
KCD22	Sandwich, Massachusetts.
KCD23	North Truro, Massachusetts.
KCD24	Brewster, Massachusetts.
KCD25	North Falmouth, Mass.
KCE78	Falmouth, Massachusetts.
KCG65	Chicopee, Massachusetts.
KCK52	Concord, New Hampshire.
KCK53	Francetown, New Hampshire.
KCK67	Edgartown, Massachusetts.
KCK72	Vinalhave, Maine.
KCK73	Rockland, Maine.
KCK80	Rutland, Vermont.
KCK81	Sherburne, Vermont.
KCK82	Hartford, Vermont.
KCK83	Dorset, Vermont.
KCK84	White River Jct., Vermont.
KCK85	Manchester, Vermont.
KCK87	Portland, Maine.
KCK89	Gray, Maine.
KCL53	Dorchester, Massachusetts.
KCL54	Boston, Massachusetts.
KCL55	Foxboro, Massachusetts.
KCL56	Dighton, Massachusetts.
KCL57	Providence, Rhode Island.
KCL58	Fall River, Massachusetts.
KCL59	Tiverton, Rhode Island.
KCL60	Acushnet, Massachusetts.
KCL61	Falmouth Rx, Massachusetts.
KCL62	Hyannis, Massachusetts.
KCL66	Andover, Massachusetts.
KCL67	Lawrence, Massachusetts.
KCL78	Nobscot, Massachusetts.
KCL79	Paxton, Massachusetts.
KCL80	Worcester, Massachusetts.
KCL81	Pelham, Massachusetts.
KCL82	Springfield, Massachusetts.
KCL84	Goffstown, New Hampshire.
KCL85	Manchester, New Hampshire.
KCL86	Northwood, New Hampshire.
KCL87	Sanford, Maine.
KCM76	Windsor, Massachusetts.
KCN77	Pittsfield, Massachusetts.
KCO87	Vineyard Haven, Massachusetts.
KCO88	Edgartown, Massachusetts II.
KCO89	Nantucket, Massachusetts II.
KCO96	Bowdoin, Maine.
KCO97	Vassalboro, Maine.
KCO98	Holden, Maine.
KEM78	Holyoke, Massachusetts.
KEN79	Shelburne Falls, Massachusetts.
KPF87	Nashua, New Hampshire.
KSW22	Knox, Maine.
KSW23	Bangor, Maine.
KTF42	Putney, Vermont.
KTF43	Springfield, Vermont.
KTF46	Fitchburg, Massachusetts.
KTF47	Littleton, Massachusetts.
KTQ51	West Springfield, Massachusetts.
KTQ52	Chesterfield, Massachusetts.
KTR40	Portsmouth, New Hampshire.
KVE51	Medford, Massachusetts.
KVE81	Marshfield, Massachusetts.
KVH62	Berkley, Massachusetts.
KVU92	Bellows Falls, Vermont.
KYN53	Medford, Maine.
KYN54	Dover-Foxcroft, Maine.
KYO66	Lincoln, Maine.
KYO67	Danforth, Maine.
KYO68	Linneus, Maine.
KYO69	Westfield, Maine.
KYO70	Presque Isle, Maine.
KZI37	Dover, New Hampshire.
KZI41	Augusta, Maine.
KZI59	Dunbarton, New Hampshire.
KZI60	Gilford, New Hampshire.
KZI61	Laconia, New Hampshire.
KZS30	Connor, Maine.
KZS31	Oerham, Maine.
WAD81	Enfield, New Hampshire.
WAD82	Springfield, New Hampshire.
WAD83	West Lebanon, New Hampshire.
WAY98	Brattleboro, Vermont.
WBO62	Moultonboro, New Hampshire.
WBO63	Albany, New Hampshire.
WBO64	Ossipee, New Hampshire.
WBP66	Chester, New Hampshire.
WJK74	Newbury, Vermont.
WJK75	Hanover, New Hampshire.
WJK76	Littleton, New Hampshire.
WPX20	Waterville, Maine.
WPX99	Plymouth, Massachusetts.
WQN63	Brockton, Massachusetts.
WQP91	Houlton, Maine.
WQR56	Durham, Maine.
WQR57	Lewiston, Maine.
	NORTHWESTERN BELL TELEPHONE COMPANY
KAC74	In any temporary fixed location within the territory of the Grantee.
KAC79	Dupree, South Dakota.
KAC80	Firesteel, South Dakota.
KAC81	McLaughlin, South Dakota.
KAJ75	Minot, North Dakota.
KAJ76	Ross, North Dakota.
KAJ79	Tioga Junction, North Dakota.
KAK37	Epping, North Dakota.
KAK38	Williston, North Dakota.
KAK53	Fargo, North Dakota.
KAK56	Finley, North Dakota.
KAL54	St. Paul, Minnesota.
KAL69	Wales, Minnesota.
KAM33	Bismark, North Dakota.
KAR88	Northwood, North Dakota.
KAR89	Grand Forks, North Dakota.
KAR90	Baudette, Minnesota.
KAR91	Birchdale, Minnesota.
KAR92	Loman, Minnesota.
KAS32	International Falls, Minnesota.
KAS33	Ray, Minnesota.
KAS34	Cusson, Minnesota.
KAS35	Cook, Minnesota.
KAS36	Virginia, Minnesota.
KAS70	Minneapolis, Minnesota.
KAS83	Raymond, Iowa.
KAS86	Soderville, Minnesota.
KAS87	Big Lake, Minnesota.
KAS88	St. Cloud, Minnesota.
KAS89	Little Rock, Minnesota.
KAS90	Freedhem, Minnesota.
KAS91	Brainerd, Minnesota.
KAU49	Motley, Minnesota.
KAU50	Wadena, Minnesota.
KAU55	Aberdeen, South Dakota.
KAU56	Ipswich, South Dakota.
KAU57	Bowdie, South Dakota.
KAU58	Gettysburg, South Dakota.
KAU59	Onida, South Dakota.
KAU60	Pierre, South Dakota.
KAU63	Grand Forks Air Base, North Dakota.
KAU66	Des Moines, Iowa.
KAU67	Ottumwa, Iowa.
KAU68	Indianola, Iowa.
KAV47	Knoxville, Iowa.
KAV48	Oskaloosa, Iowa.
KAV49	Java, South Dakota.
KAV57	Roosevelt, Minnesota.
KAV58	Warroad, Minnesota.
KAV59	Wannaska, Minnesota.
KAV60	Middle River, Minnesota.
KAV91	Thief River Falls, Minnesota.
KAW20	Dorothy, Minnesota.
KAW73	Wyoming, Minnesota.
KAW76	Capa, South Dakota.
KAW77	Philip, South Dakota.
KAW78	Wall, South Dakota.
KAX32	Ellsworth Air Force Base, South Dakota.
KAX33	Rapid City, South Dakota.
KAX41	Wilton, North Dakota.
KAX42	Underwood, North Dakota.
KAX43	Benedict, North Dakota.
KAX45	Omaha, Nebraska.
KAX53	Crookston, Minnesota.
KAY63	Fullerton, Nebraska.
KAY67	Tagus, North Dakota.
KAZ55	Pickstown, South Dakota.
KAZ56	Tyndall, South Dakota.
KAZ57	Yankton, South Dakota.
KAZ58	Vermillion, South Dakota.
KBC40	Drake, North Dakota.
KBC45	Ambrose Junction, North Dakota.
KBC73	Mobridge, South Dakota.
KBC74	Mobridge RIE, South Dakota.
KBC77	Davenport, Iowa.
KBC78	Blue Grass, Iowa.
KBC79	Muscatine, Iowa.
KBC80	Mediapolis, Iowa.
KBC81	Burlington, Iowa.
KBC82	Fort Madison, Iowa.
KBC83	Keokuk, Iowa.
KBC84	Dickinson, North Dakota.
KBC85	New England, North Dakota.
KBC86	Reeder Junction, North Dakota.
KBD25	Grand Forks Jct., North Dakota.
KBD55	Waterloo, Iowa.

Call sign	Location
KBD56	Lincoln, Iowa.
KBD58	Sioux Falls, South Dakota.
KBD59	Humboldt, South Dakota.
KBD60	Howard, South Dakota.
KBD61	Forestburg, South Dakota.
KBD62	Huron, South Dakota.
KBD63	Danforth, South Dakota.
KBD64	Chamberlain, South Dakota.
KBI43	Big Bend Dam, South Dakota.
KBI44	Fort Thompson, South Dakota.
KBI49	Dubuque, Iowa.
KBI53	Vinton, Iowa.
KBI54	Cedar Rapids, Iowa.
KBI55	Masonville, Iowa.
KBI56	Farley, Iowa.
KBI57	Devils Lake, North Dakota.
KBI58	Lakota, North Dakota.
KBI59	Niagara, North Dakota.
KBI60	Larimore, North Dakota.
KBI62	Grand Island, Nebraska.
KBI63	Wood River, Nebraska.
KBI64	Minden, Nebraska.
KBI65	Holdrege, Nebraska.
KBI66	Oxford, Nebraska.
KBI67	Cambridge, Nebraska.
KBI68	McCook, Nebraska.
KBI74	Emily, Minnesota.
KBI75	Hill City, Minnesota.
KBI76	Coleraine, Minnesota.
KBI77	Hibbing, Minnesota.
KBI78	Markham, Minnesota.
KBI79	Finland, Minnesota.
KBI80	Stanton, North Dakota.
KBI81	Midway, Nebraska.
KBI82	Spencer, Nebraska.
KBK75	Norfolk, Nebraska.
KBK83	Stephan, South Dakota.
KBK84	New Salem, North Dakota.
KBK85	Antelope, North Dakota.
KBK86	Dickinson, North Dakota.
KBK87	Crosby, North Dakota.
KCK89	Watford City, North Dakota.
KBK90	Arnegard, North Dakota.
KBK95	Marshalltown, Iowa.
KBK96	Collins, Iowa.
KBK97	Grafton, North Dakota.
KBL43	Wisner, Nebraska.
KBL66	Oakland, Nebraska.
KBL67	Blair, Nebraska.
KBL70	Dixon, North Dakota.
KBL71	O'Neill, Nebraska.
KBL82	Winner, South Dakota.
KBL83	Rochester, Minnesota.
KBL97	New Market, Minnesota.
KBL99	Hader, Minnesota.
KBM37	Omaha, Nebraska.
KBT45	Pizek, North Dakota.
KBT56	Zimmerman, Minnesota.
KBT57	Gibbon, Nebraska.
KBT58	Elm Creek, Nebraska.
KBT59	Bristol, South Dakota.
KBT60	Britton, South Dakota.
KBT61	Wallace, South Dakota.
KBT62	Watertown, South Dakota.
KBT63	Enderlin, North Dakota.
KBT64	Gwinner, North Dakota.
KBT65	Riverdale, North Dakota.
KCO90	St. Libory, Nebraska.
KCO91	Hermosa, South Dakota.
KCO92	Hot Springs, South Dakota.
KGG32	Grand Island, Nebraska.
KIL67	Bloomington, Minnesota.
KKU31	Bear River, Minnesota.
KKU95	Arlington, Nebraska.
KKU96	North Bend, Nebraska.
KKU99	Columbus, Nebraska.
KOA96	Kimball, South Dakota.
KPP28	Atlanta, Nebraska.
KPP29	Cozad, Nebraska.
KPP30	Maxwell, Nebraska.
KPP31	Sutherland, Nebraska.
KTG62	Leonard, North Dakota.
KTG63	Oakes, North Dakota.
KVH53	Bemidji, Minnesota.
KVH54	East Bemidji, Minnesota.
KVH55	Walker, Minnesota.
KVH56	Nimrod, Minnesota.
KVI33	Gretna, Nebraska.
KVU56	St. Paul, Minnesota.
KVU57	Rochester, Minnesota.
KYJ59	Omaha, Nebraska.
KYJ73	Evergreen, Minnesota.
KYJ74	East Detroit Lakes, Minnesota
KYJ75	Detroit Lakes, Minnesota.
KYN35	Oahe Dam, South Dakota.
KYN36	Blunt, South Dakota.
KYN37	Highmore, South Dakota.
KYN39	Wessington Springs, South Dakota.
KYN40	Harrison, South Dakota.
KYN42	Broadland, South Dakota.
KYN43	Clark, South Dakota.
KYN44	Watertown, South Dakota.
KYN99	Caputa, South Dakota.
KYO41	Granville, North Dakota.
KYO42	Willow City, North Dakota.
KYO43	Bottineau, North Dakota.
KYO44	Tilden, Nebraska.
KYO45	Orchard, Nebraska.
KYO46	Stuart, Nebraska.
KYO56	Corinth, North Dakota.
KYO57	Springbrook, North Dakota.
KYO61	Sidney, Nebraska.
KYO62	Sunol, Nebraska.
KYS33	Norfolk, Nebraska.
KYS96	Owatonna, Minnesota.
KYS97	Owatonna, Minnesota.
KZI20	Whitney, Nebraska.
KZI21	Hay Springs, Nebraska.
KZI22	Gordon, Nebraska.
WAN23	Bonne, Iowa.
WAN24	Radcliffe, Iowa.
WAN25	Hampton, Iowa.
WAN26	Mason City, Iowa.
WAN27	Mason City, Iowa.
WBO67	Rolling, Minnesota.
WBO87	Pumpkin Center, South Dakota.
WBO92	Irene, South Dakota.
WBO93	Yankton, South Dakota.
WBP25	Kearney, Nebraska.
WBP68	New London, Iowa.
WBP69	Mt. Pleasant, Iowa.
WDD42	Iowa City, Iowa.
WHT51	Webster City, Iowa.
WHT52	Fort Dodge, Iowa.
WHT56	Virginia, Minnesota.
WHT57	Shaw, Minnesota.
WHT58	Duluth, Minnesota.
WHT96	Orr, Minnesota.
WJL69	Page, North Dakota.
WJL88	Rugby, North Dakota.
WJM88	Arlington, South Dakota.
WJM89	Moe, South Dakota.
WKS53	Redig, South Dakota.
WKS54	Castle Rock, South Dakota.
WKS55	Newell, South Dakota.
WKS56	Hereford, South Dakota.
WKS57	Fairfield, Iowa.
WOF67	Garrison, North Dakota.
WQN67	Plymouth, Minnesota.
WQN68	Rockford, Minnesota.
WQN69	Annandale, Minnesota.
WQN70	Paynesville, Minnesota.
WQN71	Willmar, Minnesota.
WQN72	Little Falls, Minnesota.
WQN73	St. Cloud, Minnesota.
WQP69	Chadron, Nebraska.
WQP71	Oelwein, Iowa.
WQR35	Edmore, North Dakota.
WQR36	Langdon, North Dakota.
WQR47	Jamestown, North Dakota.
WQR48	Urbana, North Dakota.
WSL47	Fremont, Nebraska.
WSL60	Courtenay, North Dakota.
WSM44	Earlham, Iowa.
WSM45	Adair, Iowa.
WSM46	Moville Junction, Iowa.
WSM80	Newfolden, Minnesota.

4689–CF–P–75, South Central Bell Telephone Company (KLT46), 333 N. 6th Street, Baton Rouge, Louisiana. Lat. 30°26'59'' N., Long. 91°11'06'' W. C.P. to add frequency 6063.8V MHz toward Sorrento, Louisiana, on azimuth 132°49'.

4690–CF–P–75, Same (KRW69), 2.25 Miles SE of Gonzales, Louisiana. Lat. 30°12'36'' N., Long. 90°53'15'' W. C.P. to add frequency 6315.9V MHa toward LaPlace, Louisiana, on azimuth 113°09'.

4691–CF–P–75, Same (KRW70), 2 Miles SE of LaPlace, Louisiana. Lat. 30°02'50'' N., Long. 90°27'07'' W. C.P. to add frequency 6063.8V MHz toward New Orleans, Louisiana, on azimuth 106°47'.

4692–CF–P–75, Same (KLU69), 3951 Erato Street, New Orleans, Louisiana. Lat. 29°57'14'' N., Long. 90°05'54'' W. C.P. to add antenna and frequency 11,405.0H MHz toward an additional point of communication at studio of WYES–TV, New Orleans, Louisiana, on azimuth 350°31''.

4698–CF–P–75, Pacific Northwest Bell Telephone Company (KYS61), 1200 Third Avenue, Seattle, Washington. C.P. to add second polarization (H) on authorized frequency 11,245 toward Bremerton DR, Washington, on azimuth 266°70'.

4699–CF–P–75, Same (WAH591), Olympus Drive at Sylvan Way, Bremerton, Washington. Lat. 47°35'46'' N., Long. 122°37'01'' W. C.P. to add second polarization (H) on authorized frequency 11,155 toward Seattle 1, Washington, on azimuth 86°49'.

4700–CF–P–75, The Mountain States Telephone and Telegraph Company (KPV65), Stansbury Island, 10 Miles North of Grantsville Utah. Lat. 40°43'52'' N. Long. 112°31'30'' W. C.P. to add frequency 11.565H MHz toward North Salt Lake, Utah, on azimuth 81°00'.

4701–CF–P–75, Same (KPR76), North Salt Lake, 2 Miles North of Salt Lake City, Utah. Lat. 40°48'18'' N., Long. 111°53'48'' W. C.P. to add frequency 11,115H MHz toward Stansbury Island, Utah, on azimuth 261°-25'.

4767–CF–R–75, New England Telephone and Telegraph Company (KGF58). Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring August 1, 1975. Term: August 1, 1975, to August 1, 1976.

4789–CF–P–75, MCI Telecommunications Corp. (WOG70), 8300 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40°03'38'' N., Long. 75°14'20'' W. C.P. to add 10,895.0V towards Blue Bell, Pennsylvania, on azimuth 336°05'.

4790–CF–P–75, Same (New), 1.3 Miles SW of Blue Bell, Pennsylvania. Lat. 40°08'22'' N., Long. 75°17'07'' W. C.P. for a new station on 11,645.0V towards Roxborough, Pennsylvania, on azimuth 156°03'.

[FR Doc.75–18176 Filed 7–11–75;8:45 am]

FEDERAL RESERVE SYSTEM

NATIONAL DETROIT CORP.

Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of National Bank of Troy, Troy, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

V 40 I 135 JUL 14 75 XUM

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 8, 1975.

Board of Governors of the Federal Reserve System, July 8, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-18166 Filed 7-11-75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

FELLOWSHIPS PANEL ADVISORY COMMITTEE

Meeting

JUNE 30, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that meetings of the Fellowships Panel will be held at Washington, D.C. on August 7, 11, 15, and 29, 1975, from 9 a.m. to 5:15 p.m.

The purpose of the meetings is to review Independent Fellowship applications submitted to the National Endowment for the Humanities for 1976-77 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-18113 Filed 7-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON HYPOTHETICAL CORE DISRUPTIVE ACCIDENT (HCDA)

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on HCDA will hold a meeting on July 29, 1975 at the Sheraton Airport Inn, 9750 Airport Boulevard, Los Angeles, CA. The purpose of the meeting will be to discuss radiological consequence assessment for a hypothetical core disruptive accident.

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

Tuesday, July 29, 1975, 8:30 a.m. until the close of business. Presentations will be made on the various aspects of radiological consequence assessment. Discussions will be held with representatives of the Energy Research and Development Administration, its contractors, and the NRC Staff.

In connection with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at 8 a.m. and at the end of the day to consider matters relating to this topic. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Working Group members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Working Group operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 22, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Mr. T. G. McCreless.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group between the hours of 1:30 p.m. and 3:30 p.m. on July 29, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 28, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 4, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second St., NE., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 30, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: July 9, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-18279 Filed 7-11-75;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO., ST. LUCIE PLANT, UNIT 2

Availability of Supplement to Partial Initial Decision and Revision to Limited Work Authorization

Pursuant to the provision of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Florida Power and Light Company to conduct certain site activities in connection with the St. Lucie Plant, Unit 2, prior to a decision regarding the issuance of a construction permit. Notice of the Limited Work Authorization was published in the FEDERAL REGISTER on March 24, 1975 (40 FR 13050).

A supplement to the Partial Initial Decision was issued by the Atomic Safety and Licensing Board on April 25, 1975. This supplement changed the conditions of the Limited Work Authorization to delete the utilization of a figure of 75 man-rem/yr as a guideline dose for in-plant occupational exposure and to add the requirement to connect into the municipal sewage treatment facilities as soon as a sewer line on Hutchinson Island is brought within approximately five miles of the plant.

A copy of (1) The Supplement to the Board's Partial Initial Decision; (2) the Partial Initial Decision; (3) the applicant's Preliminary Safety Analysis Report and amendments thereto; (4) the applicant's Environmental Report, and amendments thereto; (5) the staff's Final Environmental Statement dated May 1974; (6) the Commission's letter of authorization dated March 17, 1975; and (7) the Commission's letter amending the authorization, dated June 27, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida.

Dated at Rockville, Md., this 27th day of June 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-18122 Filed 7-11-75;8:45 am]

[Docket No. P-533-A]

NEW ENGLAND POWER CO.

Receipt of Partial Application for Construction Permit and Facility License

New England Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated April 25, 1975, in connection with their plans to construct and operate two reactors in Charlestown, Rhode Island. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed in February 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Docket No. P-533-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before August 29, 1975.

Dated at Bethesda, Md., this 20th day of June 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-16668 Filed 6-27-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 8, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Mid-level Data Sheet (local processing), CSC 1056A, single-time, applicants for Federal employment, Caywood, D. P., 395-3443.

ACTION

Mini-grant Program Survey Questionnaire; Mini-grant Program Interview Guide, single-time, local service agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Aquaculture Production Report—Trout and Other Cultured Finfish, 88-92, quarterly, trout aquaculture firms, Lowry, R. L., 395-3772.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Evaluation of NIDA Drug Abuse Training Centers, NIDA 0624, single-time, trainees, supervisors, Human Resources Division, 395-3532.

Center for Disease Control, NIOSH Information Dissemination Strategy, CDC 2.7, annually, individuals on NIOSH mailing list, Ellett, C.A., 395-5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Elderly and Handicapped Opinion/Adaptation Interview, single-time, Syracuse, N.Y. elderly and handicapped, Sunderhauf, M.B., 395-6140.

REVISIONS

VETERANS ADMINISTRATION

Veterans Dependency Questionnaire and Instructions for Completion, 21-4151, 21-4151A, other (see SF-83), veterans in receipt of additional compensation, Caywood, D.P., 395-3443.

Parents Dependency Questionnaire and Instructions for Completion, 21-4139, 21-4139A, other (see SF-83), parents in receipt of death compensation, Caywood, D.P., 395-3443.

Veterans Pension Questionnaire and Instructions for Completion, 21-6875, 21-6875A, annually, veterans in receipt of disability pension, Caywood, D.P., 395-3443.

Widow's Pension Questionnaire and Instructions for Completion, 21-6876, 21-6876A, annually, widows in receipt of death pension, Caywood, D.P., 395-3443.

Veteran's or Widow's Annual Income Questionnaire and Instructions for Completion, 21-6749, 21-6749A, annually, veterans and widows in receipt of pension, Caywood, D.P., 395-3443.

Parent's Annual Income Questionnaire and Instructions for Completion, 21-4179, 21-4179A, annually, dependent parent of deceased veteran, Caywood, D.P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, three-month Post Event Exhibitor Call Report Form DIB 709, single-time, firms participating in OIM trade center shows, Caywood, D.P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Community Development Funding Survey, HUD 4709, single-time, Urban counties, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:

Request for Cost-Share Contract (for farmers eligible on the basis of income, farm and family size), ASCS-393, on occasion, farms, Marsha Traynham, 395-4529.

Original Examination Report—Peanut Warehouse (concerning building and storage facilities), CCC-1071, annually, peanut warehousemen, Marsha Traynham, 395-4529.

V40-135-L JUL 14 75 XUM

Appalachian Land Stabilization and Conservation Program Regulations, on occasion, farmers, Marsha Traynham, 395–4529.

Animal and Plant Health Inspection Service, Epidemiological Investigation of Suspected Hog Cholera, ANH 13–3, on occasion, farms with sick swine, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of the Census:

Monthly Survey of Public Construction (State Highway Departments), F–91, monthly, individual State highway agencies, Collins, L., 395–5867.

Monthly Survey of Public Construction (State Colleges and Universities), F–92, monthly, individual State Colleges and Universities, Collins, L., 395–5867.

Monthly Survey of Public Construction (State Governments), F–90, monthly, central reporting agencies for each State government, Collins, L., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–18302 Filed 7–11–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Nondisapproval of Amendments to Option Plan

Notice is hereby given that on May 21, 1975, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. ("CBOE") pursuant to Rule 9b–1 (17 CFR 240.9b–1). The CBOE had proposed amendments to its Rules 6.42 and 6.47 concerning priority on split-price transactions. Rules 6.42 and 6.47 were originally published at 40 FR 15015 on April 4, 1975 and at 40 FR 17355 on April 18, 1975.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's Option Plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file No. 10–54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–18181 Filed 7–11–75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Funding of High School Equivalency Programs and College Assistance Migrant Programs

Pursuant to sections 702(a) and 303 (a) of the Comprehensive Employment and Training Act (CETA) of 1973, as amended (Pub. L. 92–203, 87 Stat. 839 and Pub. L. 93–567, 88 Stat. 1845), notice is hereby given that the Manpower Administration has decided that after Fiscal Year 1976 it will no longer directly fund High School Equivalency Programs (HEP) or College Assistance Migrant Programs (CAMP) from the National Account portion of funds appropriated for title III, section 303 of CETA. The Manpower Administration will provide funds in Fiscal Year 1976 for one additional year for all current HEP and CAMP programs, or until August 31, 1976, if the existing programs are determined to have adequately met the standards of performance that are part of the special conditions of the present grants.

The Manpower Administration is taking this action in order to provide a greater share of available funds for migrant and seasonal farmworker programs for the allocable portion of funds to be distributed among States or areas in the competitive process. HEP and CAMP type services will also become allowable activities for funding through the competitive process in all States, as are other forms of assistance and programs to assist farmworker youth. In the event that current HEP or CAMP programs will receive continued funding from successful competitors for farmworker programs in their respective States in FY 1976, the Manpower Administration will transfer the necessary portions of the HEP and CAMP activities during 1976 to the successful competitive grantees.

It is the intent and desire of the Manpower Administration by taking this action to provide for comprehensive program planning at the State and local level of program operations as well as to provide a more equitable distribution of available resources.

Signed at Washington, D.C., this 7th day of July 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75–18139 Filed 7–11–75;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Receipt of Recommendations of the Committee and of Their Availability for Public Inspection

Notice is hereby given that the Standards Advisory Committee on Coke Oven Emissions, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), has completed its deliberations and submitted its recommendations to the Assistant Secretary of Labor for Occupational Safety and Health on May 24, 1975. The nine-member Committee began its deliberations on November 6, 1974, and held eleven public meetings, for a total of 25 meeting days, and ending on May 22, 1975. The recommendations, verbatim transcripts of the meetings and all documents submitted to the committee are available for public inspection and copying at the address published below:

Jeanne Werner Ferrone, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3683, Washington, D.C. 20210, Phone: (202) 523–8024.

Copies of the recommendations are also available at the OSHA Regional Offices listed below:

U.S. Department of Labor—OSHA, 18 Oliver Street, Boston, Massachusetts 02110.
U.S. Department of Labor—OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.
U.S. Department of Labor—OSHA, Gateway Building—Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.
U.S. Department of Labor—OSHA, 1375 Peachtree Street, NW.—Suite 587, Atlanta, Georgia 30309.
U.S. Department of Labor—OSHA, 230 South Dearborn Street—32nd Floor, Chicago, Illinois 60604.
U.S. Department of Labor—OSHA, 555 Griffin Square Building, Room 602, Griffin at Young, Dallas, Texas 75202.
U.S. Department of Labor—OSHA, Room 3000, 911 Walnut Street, Kansas City, Missouri 64106.
U.S. Department of Labor—OSHA, Federal Building—Room 15010, 1961 Stout Street, Denver, Colorado 80202.
U.S. Department of Labor—OSHA, 9470 Federal Building, 450 Golden Gate Avenue, Post Office Box 36017, San Francisco, California 94102.
U.S. Department of Labor—OSHA, 909 First Avenue, Room 6048, Seattle, Washington 98174.

Signed at Washington, D.C., this 7th day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–18141 Filed 7–11–75;8:45 am]

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Receipt of Recommendations of the Committee and of Their Availability for Public Inspection

Notice is hereby given that the Standards Advisory Committee on Hazardous Materials Labeling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), has completed its deliberations and on June 16, 1975 submitted its recommendations to the Assistant Secretary of Labor for Occupational Safety and Health. The fifteen-member Committee began its deliberations on September 19, 1974, and held ten public meetings. The Committee's final recommendations plus verbatim transcripts of the meeting and all documents submitted to the committee are available for public inspection and copying at the address published below:

Jay Arnoldus, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3633, Washington, D.C. 20210. Phone: (202) 523–8024.

Copies of the recommendations are also available at the OSHA Regional Offices listed below:

U.S. Department of Labor—OSHA, 18 Oliver Street, Boston, Massachusetts 02110.
U.S. Department of Labor—OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.
U.S. Department of Labor—OSHA, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.
U.S. Department of Labor—OSHA, 1375 Peachtree Street NW., Suite 587, Atlanta, Georgia 30309.
U.S. Department of Labor—OSHA, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.
U.S. Department of Labor—OSHA, 555 Griffin Square Building, Room 602, Griffin at Young, Dallas, Texas 75202.
U.S. Department of Labor—OSHA, Room 3000, 911 Walnut Street, Kansas City, Missouri 64106.
U.S. Department of Labor—OSHA, Federal Building, Room 15010, 1961 Stout Street, Denver, Colorado 80202.
U.S. Department of Labor—OSHA, 9470 Federal Building, 450 Golden Gate Avenue, Post Office Box 36017, San Francisco, California 94102.
U.S. Department of Labor—OSHA, 909 First Avenue, Room 6048, Seattle, Washington 98174.

Signed at Washington, D.C. this 3rd day of July 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–18140 Filed 7–11–75;8:45 am]

Office of the Secretary

AMERICAN GIRL FASHIONS, INC.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–23: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 7, 1975 in response to a worker petition received on May 6, 1975 which was filed on behalf of workers and former workers of the corporate office of American Girl Fashions, Inc., Braintree, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 21799) on May 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American Girl Fashions, Inc., the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Signficant total or partial separations. The first significant cutbacks in employment at the corporate office and warehouse of American Girl occurred during March and April 1974 when nearly one-fourth of the workers at each location were indefinitely laid off. Further layoffs occurred from February 1975 to May 1975 when employment of corporate office personnel declined 77 percent and employment of warehouse workers declined 89 percent.

Sales or production, or both, have decreased absolutely. Company sales of women's footwear declined 74 percent in value from 1970 to 1974 and further declined in the first five months of 1975. American Girl began to consolidate operations through plant closures in 1969 and closed the last of its eight manufacturing facilities in March 1975.

Increased imports contributed importantly. Imports of women's nonrubber footwear, like or directly competitive with that produced by American Girl, increased as a percent of domestic consumption and production from 39 percent and 64 percent respectively in 1970 to 52 percent and 110 percent respectively in 1974.

The evidence developed in the Department's investigation indicates that increased import competition contributed importantly to the loss of sales, curtailment of production and separation of workers of American Girl Fashions. Employment at the corporate office and warehouse of the firm was dependent upon continuation of operations at the manufacturing facilities. All of those facilities ceased production in recent years due to increased imports of like or directly competitive women's footwear. In recent years imports have taken a steadily increasing share of the domestic market for women's nonrubber footwear and, as a result, significantly influenced the sales volume of American Girl. Most of the firm's major customers acknowledged that they have replaced footwear previously purchased from American Girl with imported footwear. The majority of those customers shifted orders to foreign producers because of a significant price advantage available through their footwear lines.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with footwear for women produced by American Girl Fashions, Inc. contributed importantly to the total or partial separation of a significant number or proportion of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker who was last separated from the firm or subdivision more than six months before the effective date of the new program (i.e. October 3, 1974). In accordance with this provision of the Act, I make the following certification:

All hourly and salaried employees of the corporate office and warehouse of CNS Manufacturing, Inc., a subsidiary of American Girl Fashions, Inc., Braintree, Massachusetts, who became or will become totally or partially separated from employment on or after February 3, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this July 1, 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75–18146 Filed 7–11–75;8:45 am]

ANACONDA CO.

Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–19; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 1, 1975 in response to a worker petition received on April 30, 1975 which was filed by the United Steelworkers of America on behalf of workers producing refined copper sets at the Raritan Copper Works Plant (Perth Amboy, N.J.) of the Anaconda Company, Montana Mining Division, Butte, Montana.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 19890) on May 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Anaconda Company, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivisions have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause

V40-135 JUL 14 75 XUM

which is important but not necessarily more important than any other cause.

Significant total or partial separation. Significant total separations of hourly and salaried workers at the Raritan plant occurred beginning in January, 1975 and have continued to date. Average employment for the first quarter of 1975 decreased 36.4 percent from the same quarter of 1974. Anaconda anticipates that all hourly and salaried employees at the Raritan plant will be totally separated by December, 1975.

Sales or production, or both, have decreased absolutely. Sales of refined copper at the Raritan plant for the fourth quarter of 1974 and the first quarter of 1975 decreased 26.2 percent and 53.3 percent respectively from the same quarter of previous year. Production for the fourth quarter of 1974 and the first quarter of 1975 decreased 18.1 percent and 59.0 percent respectively from the same quarter of the preceding year.

Increased imports contributed importantly. U.S. imports of refined copper have increased from 192 thousand short tons in 1972 to 314 thousand short tons in 1974. The imports to consumption ratio during this same period has risen from 8.5 percent to 13.4 percent. In addition U.S. imports of Japanese refined copper, which was flooding the world market at lower prices, increased from less than .01 percent in 1973 to 23.2 percent in 1974. Increases in Japanese and other foreign refined copper affected both domestic sales of refined copper and the profitability of refining operations at the Raritan plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with refined copper produced at Anaconda's Raritan Copper Works plant have contributed importantly to the separation of workers and decline in production and sales and Anaconda's decision to close the plant permanently. After consideration I made the following certification:

All hourly and salaried workers engaged in employment related to the production of refined copper at the Raritan Copper Works Plant (Perth Amboy, N.J.) of the Anaconda Company, Montana Mining Division, Butte, Montana who became totally or partially separated from employment on or after December 27, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of June 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-18142 Filed 7-11-75;8:45 am]

BROWN SHOE CO.; SALEM, ILLINOIS PLANT

Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-15: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 29, 1975 in response to a worker petition filed on that date by the United Shoe Workers of America on behalf of the former workers producing women's footwear at the Salem, Illinois plant of Brown Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 19890) on May 7, 1975. No public hearing was requested on this petition and none was held.

The information upon which the determination is based was obtained principally from officials of Brown Shoe Company, representatives of the United Shoe Workers of America, customers of the firm, the U.S. Department of Commerce, U.S. International Trade Commission, American Footwear Industries Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certificate of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the hourly and salaried workers at the Salem plant were separated when Brown Shoe Company phased out production and closed the plant. Employment declined more than 50 percent when significant layoffs began in February 1975.

Sales or production, or both, have decreased absolutely. Salem's sales increased 11 percent from 1972 to 1973, then declined 16 percent from 1973 to 1974. Annual production increased 12 percent from 1972 to 1973, then declined 18 percent from 1973 to 1974. Quarterly sales and quarterly production were greater than the corresponding quarter of the previous year from the third quarter of 1973 through the second quarter of 1974. Sales and production declined thereafter until the plant closed in the first quarter of 1975.

Increases of imports contributed importantly. Imports of footwear like or directly competitive with women's footwear of the types produced at Salem declined 12.5 percent while U.S. production declined 14.5 percent in 1974. The share of domestic consumption represented by these imports increased from 52.3 percent in 1973 to 52.4 percent in 1974. Imports as a percentage of domestic production increased from 109.0 percent in 1973 to 110.0 percent in 1974.

In the first two months of 1975 immediately prior to the Salem plant's closure, like or directly competitive imports increased relative to U.S. production for the same period of 1974. Imports as a percent of domestic consumption and domestic production increased for the January February periodf rom 52.9 percent and 112.0 percent respectively in 1974 to 58.6 percent and 142.0 percent respectively in 1975.

Conclusion. After careful review of the facts obtained in the investigation I conclude that increases of imports like and directly competitive with women's footwear produced at the Salem plant contributed importantly to the total or partial separation of a significant number or proportion of the workers of that plant. In accordance with section 223 of the Trade Act of 1974, I make the following certification:

All hourly, piecework and salaried employees of the Salem, Illinois plant of Brown Shoe Company, who became totally or partially separated from employment on or after February 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of June 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-18145 Filed 7-11-75;8:45 am]

FLORSHEIM SHOE CO., PALMYRA, MISSOURI

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-16; investigation regarding certification of eligibility to apply for worker adjustment assistance as described in section 222 of the Act.

The investigation was initiated on April 29, 1975 in response to a petition filed by the United Shoe Workers of America, AFL-CIO on behalf of the former workers producing women's footwear at the Florsheim Shoe Company, Palmyra, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 19890) on May 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Florsheim Shoe Company, its customers, the U.S. International Trade Commission, Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the hourly, piecework and salaried workers of Florsheim Shoe Company's Palmyra plant became totally or partially separated in the first quarter of 1975. Employment declined about 85 percent from the beginning of February 1975 to the end of March 1975.

Sales or production, or both, have decreased absolutely. Production of women's footwear manufactured by the Palmyra plant decreased 8.4 percent in the first quarter of 1975 compared to first quarter of 1974.

Increased imports contributed importantly. Imports of women's and misses' nonrubber footwear increased as a percent of domestic consumption and production from 38.8 percent and 63.5 percent respectively in 1970 to 52.4 percent and 110.0 percent respectively in 1974. Imports of women's and misses' leather footwear in all price ranges increased as a percent of domestic consumption and production from 30 percent and 43 percent respectively in 1970 to 44 percent and 80 percent respectively in 1974. Imports of women's and misses' leather footwear valued over $2.50 per pair increased in 1974 and were 24 percent greater than the 1970–73 average.

The evidence developed in the Department's investigation indicates that increased import competition contributed importantly to the curtailment of production and separation of workers at the Palmyra plant. In recent years imports have taken an increasing share of the domestic market for women's footwear and as a result adversely affected sales of Florsheim-brand women's shoes. Customers of Florsheim have either reduced or discontinued purchases due to declining demand for Florsheim-brand women's footwear caused by increased competition from lower priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like and directly competitive with footwear for women produced at the Palmyra plant contributed importantly to the total or partial separation of a significant number or proportion of the workers of that firm. In accordance with section 223 of the Trade Act of 1974, I make the following certification:

All workers, hourly, piecework and salaried, of the Florsheim Shoe Company, Palmyra, Missouri who became or will become totally or partially separated from employment on or after February 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of June 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-18147 Filed 7-11-75;8:45 am]

[TA-W-66]

GARLAND CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Garland Corporation, Brockton, Massachusetts.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's sportswear produced by the Garland Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before July 24, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 3d day of July, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-18149 Filed 7-11-75;8:45 am]

GENERAL ELECTRIC CO.

Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-21 and TA-W-34: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

Investigation TA-W-21 was initiated on May 7, 1975 in response to a worker petition received on May 6, 1975, which was filed on behalf of workers producing portable phonographs, youth electronics, and audio systems and components at the Decatur, Illinois facilities of General Electric Company and related headquarters staff personnel at G.E.'s facilities in Syracuse, New York. Investigation TA-W-34 was initiated on June 11, 1975 in response to a worker petition received on June 2, 1975 which was filed on behalf of workers who were employed at G.E.'s Syracuse, New York facilities and engaged in industrial design of portable phonographs, youth electronics, and audio systems and components produced at G.E.'s Decatur, Illinois facilities.

The notice of investigation pertaining to TA-W-21 was published in the FEDERAL REGISTER (40 FR 21800) on May 19, 1975. The notice of investigation pertaining to TA-W-34 was published in the FEDERAL REGISTER (40 FR 24967) on June 11, 1975. No public hearings were requested and none were held.

The information upon which the determination was made was obtained principally from officials of General Electric Company, its major customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files. In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause

V40-135 JUL 14 75 XUM

which is important but not necessarily more important than any other cause.

Significant total or partial separations. Employment of production workers at the Decatur plant declined steadily from the third quarter of 1973 until the plant closed in the second quarter of 1975. Mass layoffs of workers related to the closing of the Decatur facilities began in late September 1974 and continued throughout early 1975; all production workers had been permanently laid off by the end of May 1975. Layoffs of workers employed at GE's Syracuse and Utica, New York facilities but engaged in activities related to Decatur operations began in November 1974 and will continue through the end of 1975.

Sales or production, or both, have decreased absolutely. Total annual sales of products manufactured at the Decatur plant declined in each year from 1972 to 1974. Total sales declined 33 percent in the fourth quarter of 1974 and 51 percent in the first quarter of 1975. Combined sales of portable phonographs and youth electronics declined 22 percent in the fourth quarter of 1974 and 69 percent in the first quarter of 1975; sales of audio systems and components declined 44 percent and 23 percent in the same quarters respectively.

Increased imports contributed importantly. Combined imports of phonographs and radio-phonograph combination sets increased their relative share of domestic consumption from 43 percent in 1973 to 46 percent in 1974.

The evidence developed in the Department's investigation indicates that increased imports of phonographs and audio systems and components contributed importantly to the decision of General Electric Company to close the Decatur operations. In recent years prices of domestically produced single-unit phonographs have increased and prices of imported multi-unit component systems have decreased to such a degree that many consumers have shifted away from single-unit phonographs and toward component sets, primarily of foreign origin. Audio component systems produced by G.E.'s Decatur plant have faced increased competition from foreign-made component systems. Several major customers of products made at the Decatur plant indicated that they have reduced purchases from General Electric in recent years and have increased purchases of imported component systems. In addition, in an attempt to compete effectively, General Electric curtailed domestic production of numerous parts used in the manufacture of phonographs and component sets produced at the Decatur plant and increased its use of parts imported from its foreign subsidiaries and other foreign manufacturers. As sales of phonographs and component sets continued to decline, G.E. officials decided to close the Decatur facilities, thereby terminating all phonographs, youth electronics, and audio component system operations.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with phonographs and audio systems and components produced by the General Electric Company contributed importantly to the total or partial separation of workers at G.E.'s Decatur, Illinois facilities and to the total or partial separation of workers engaged in employment related to such production employed at G.E.'s Syracuse and Utica, New York facilities and in regional sales offices. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly and salaried workers of the Decatur, Illinois plant of General Electric Company who became totally or partially separated from employment on or after October 3, 1974 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and all hourly and salaried workers of the Utica, and Syracuse, New York facilities of General Electric Company, including regional sales and marketing personnel, engaged in employment related to production at the Decatur, Illinois plant of General Electric Company who became totally or partially separated from employment on or after October 3, 1974 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of July 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-18143 Filed 7-11-75;8:45 am]

GENERAL ELECTRIC CO., PORTSMOUTH, VIRGINIA

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-22: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 7, 1975 in response to a worker petition received on May 6, 1975 which was filed on behalf of workers producing television receivers at the Portsmouth, Virginia plant of the General Electric Company, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 21800) on May 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Electric Company, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A signicant number or proportion of the hourly and salaried workers of the GE's Portsmouth plant become totally or partially separated in the fourth quarter of 1974 when employment declined 28 percent; employment fell an additional 22 percent in the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Total production at the Portsmouth plant declined 20 percent and 19 percent in the third and fourth quarters of 1974 and 21 percent in the first quarter of 1975. Annual production of monochrome television receivers declined 12 percent from 1972 to 1974 and production of small screen color televisions declined eight percent during the same period.

Increased imports contributed importantly. Increased imports of monochrome and small screen color television receivers had a significant effect on production and employment at General Electric's Portsmouth plant. Imports of monochrome receivers increased their share of the U.S. domestic market in each year during 1972–1974 and, while domestic production of small screen color television receivers was declining in 1974, imports of color sets with screen sizes of 10 inches or less were increasing 37 percent. Though production and employment cutbacks at GE's Portsmouth plant were due in part to a general decline in demand for television receivers in late 1974, increased imports like or directly competitive with monochrome and color televisions produced by GE caused permanent layoffs at the Portsmouth plant from early October 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with television receivers produced by the Portsmouth, Virginia plant of General Electric Company contributed importantly to the total or partial separation of the workers of that plant. After due consideration, I make the following certification.

All hourly and salaried employees of the Portsmouth, Virginia plant of General Electric Company who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of July 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-18148 Filed 7-11-75;8:45 am]

[TA-W-68]

GENERAL MOTORS CORP., PACKARD ELECTRIC DIVISION

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 2, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, AFL–CIO, on behalf of the workers and former workers of the Warren, Ohio facilities of the Packard Electric Division of General Motors Corporation, Detroit, Michigan.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wire harnesses for automobiles and components thereof produced by the Packard Electric Division of General Motors Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before July 24, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 3d day of July 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-18150 Filed 7-11-75;8:45 am]

[TA-W-67]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 30, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Teamsters Union on behalf of the workers and former workers of the Washington, Missouri warehouse of Continental Forwarding, a subdivision of International Shoe Company.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with footwear for men, women, and children produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before July 24, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 3d day of July, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-18151 Filed 7-11-75;8:45 am]

MAVEST, INC.; TIMONIUM, MARYLAND

Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-24: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 7, 1975 in response to a worker petition filed on May 7, 1975 on behalf of workers and former workers producing men's casual apparel at the Timonium, Maryland plant of Mavest, Inc. During the investigation it was established that the Timonium plant was occupied by Mavest, Inc., and a wholly owned corporation of Mavest, Inc., the Modern Manufacturing Corporation. Both corporations are determined to constitute a single production unit and workers of Modern Manufacturing are encompassed in the scope of this investigation and determination.

The notice of investigation was filed in the FEDERAL REGISTER (40 FR 21801). A request for a public hearing was received and subsequently withdrawn by the Amalgamated Clothing Workers of America, AFL–CIO, CLC and no public hearing was held.

The information upon which the determination was made was obtained principally from officials of Mavest, Inc., major customers of the Timonium plant, the International Trade Commission, U.S. Department of Commerce, and industry analysts.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Timonium plant employment declined 10 percent from 1973 to 1974. First quarter 1975 employment was 20 percent below first quarter employment in 1974 and 17 percent below the last quarter of 1974.

Sales or production or both have decreased absolutely. Timonium plant sales and production declined 25 percent and 38 percent respectively from 1973 to 1974. Sales and production for the first quarter of 1975 were 48 percent and 47 percent respectively below the comparable prior year period.

Increased Imports Contributed Importantly. Imports of sport coats increased from 2.9 million units in 1971 to 4.8 million units in 1974. Imports represented almost 16 percent of domestic production in 1971 and almost 23 percent of

V40 I135 JUL 14 75 XUM

domestic production in 1974. In addition there is evidence of rising import competition from leisure suits which are directly competitive with sport coats. Imports of apparel items such as sport coats and leisure suits have been subject to international agreements to control import growth between the United States and several exporting countries so as to prevent disruption of the U.S. market.

A sample of Mavest customers indicated that most reduced purchases of sport coats from Mavest in the past year. Most cited a shift of consumer preference to leisure suits as being a substantial reason for the decline in sportcoat purchases. Customers including one of the larger buyers from Mavest also noted that they were selling imported sport coats and leisure suits. The investigation further revealed that consumers were becoming increasing price conscious and that this was a factor stimulating demand for lower priced imported apparel.

Conclusion. After careful review of the facts in this case I conclude that increased imports contributed importantly to the total or partial separations of a significant number or proportion of the workers of the Timonium plant. In accordance with section 223 of the Trade Act of 1974, I make the following certification:

All hourly workers, piecework and salaried workers of Mavest, Inc., and the Modern Manufacturing Corporation, Timonium, Maryland who became or will become totally or partially separated from employment on or after December 29, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of July 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-18144 Filed 7-11-75;8:45 am]

[TA-W-69]

SKF INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 2, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steel Workers of America, AFL-CIO, on behalf of the workers and former workers of the Philadelphia, Pennsylvania plants of SKF Industries, Incorporated.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ball and roller bearings produced by SKF Industries, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before July 24, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 3rd day of July 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-18152 Filed 7-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 901]

ASSIGNMENT OF HEARINGS

JULY 9, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111545 Sub 212, Home Transportation, Inc., now being assigned September 25, 1975, at Miami, Fla. (1 day), in a hearing room to be later designated.

MC 140094, Latin Express Service, Inc., continued to September 29, 1975 (1 week), at Miami, Fla., in a hearing room to be later designated.

MC 139833 Sub 2, Tasco, Inc., now assigned July 28, 1975, at Amarillo, Texas, is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18195 Filed 7-11-75;8:45 am]

[Rule 19, Ex Parte No. 241 Exemption No. 81, Amdt. 4]

ERIE LACKAWANNA RAILWAY CO. AND LEHIGH VALLEY RAILROAD CO.

Exemption

Correction

In FR Doc. 75-17164 appearing at page 27746 in the issue of Tuesday, July 1, 1975, the bracket should read as set forth above.

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 9, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 29, 1975.

FSA No. 43014—*Iron or Steel Articles from Points in Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-538), for interested rail carriers. Rates on iron or steel, in carloads, as described in the application, from Bond, Laman, and Ore, Texas, to West Memphis, Arkansas, Memphis, Tennessee, and points in Kentucky.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 125 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on August 9, 1975.

FSA No. 43015—*Plasticizers or Solvents from Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-540), for interested rail carriers. Rates on plasticizers or solvents, in tank-car loads, as described in the application, from specified points in Texas, to specified points in official and southern territories.

Grounds for relief—Rate relationship and market competition.

Tariffs—Supplements 137, 160, and 182 to Southwestern Freight Bureau, Agent, tariffs 354-C, 355-C, and 357-B, I.C.C. Nos. 5084, 5062, and 5019, respectively. Rates are published to become effective on August 13, 1975.

FSA No. 43016—*Joint Water-Rail Container Rates—Interasia Lines, Ltd.* Filed by Interasia Lines, Ltd. (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail and water terminals on the U.S. Gulf Seaboard, to Singapore and ports in Malaysia.

Grounds for relief—Water competition.

Tariffs—Interasia Lines, Ltd., tariff No. 1, I.C.C. No. 1, F.M.C. No. 6, and Japan Line, Ltd., tariff No. 2-A. Rates are published to become effective on August 2, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18196 Filed 7-11-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

JULY 9, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before August 13, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 83539 (Sub-No. 400G) (Correction), published in the FEDERAL REGISTER issues of November 5, 1974, March 20, 1975, and republished as clarified, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I(A) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, (B) *self-propelled articles*, each weighing 15,000 pounds or more (except in driveaway service), and (C) *related machinery, parts, materials, and supplies* moving in mixed loads, respectively, with the commodities described in (A) and (B) above.

(1)(a) Between points in Alabama, on the one hand, and, on the other, points in Alaska, Iowa, and Nebraska. The purpose of this filing is to eliminate a gateway at points in Kansas.

(1)(b) Between points in Alabama, on the one hand, and, on the other, points in Arizona, Colorado, and New Mexico. The purpose of this filing is to eliminate a gateway at points in Texas.

(1)(c) Between points in Alabama, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate gateways at Wichita, Kans. and points in Colorado and Utah.

(1)(d) Between points in Alabama, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate gateways at points in Kansas, Nebraska, those in Montana on and west of a line extending north and south between Dupuyer and Butte, Mont., or north Texas, Colorado and those in Montana on and west of a line extending north and south between Dupuyer and Butte, Mont.

(1)(e) Between points in Alabama, on the one hand, and, on the other, points in Illinois and Indiana. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn. and points in Kentucky.

(1)(f) Between points in Alabama, on the one hand, and, on the other, points in Michigan and Minnesota. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., Kentucky and Illinois or in Mississippi or Arkansas and Illinois.

(1)(g) Between points in Alabama, on the one hand, and, on the other, points in Missouri and Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(1)(h) Between points in Alabama, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn., Missouri and Nebraska.

(1)(i) Between points in Alabama, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate gateways at points in Oklahoma or Kansas and South Dakota.

(1)(j) Between points in Alabama, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Kansas or Oklahoma.

(1)(k) Between points in Alabama, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate a gateway at points in Georgia.

(1)(l) Between points in Alabama, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate gateways at points in Kansas or those within 50 miles of Nashville, Tenn. and Missouri.

(1)(m) Between points in Alabama, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate gateways at Wichita, Kans. and points in Colorado.

(1)(n) Between points in Alabama, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., Kentucky, and Illinois or Mississippi.

(2)(a) Between points in Alaska, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate a gateway at points in Oregon.

(2)(b) Between points in Alaska, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(2)(c) Between points in Alaska, on the one hand, and, on the other, points in Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate a gateway at points in Kansas.

(2)(d) Between points in Alaska, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south between Dupuyer and Butte, Mont.

(2)(e) Between points in Alaska, on the one hand, and, on the other, points in in Indiana and Kentucky. The purpose of this filing is to eliminate a gateway at points in Illinois.

(2)(f) Between points in Alaska, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(2)(g) Between points in Alaska, on the one hand, and, on the other, points in New Hampshire, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate a gateway at points in Utah.

(3)(a) Between points in Arizona, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Mississippi, and Oklahoma. The purpose of this filing is to elimnate a gateway at points in New Mexico.

(3)(b) Between points in Arizona, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in Texas.

(3)(c) Between points in Arizona, on the one hand, and, on the other, points in Florida, Georgia, Louisiana, North Carolina, Tennessee, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate a gateway at points in Texas.

(3)(d) Between points in Arizona, on the one hand, and, on the other, points in Iowa, Missouri, and Nebraska. The purpose of this filing is to eliminate gateways at points in New Mexico and Kansas.

(3)(e) Between points in Arizona, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate gateways at points in Texas and Pennsylvania.

(3)(f) Between points in Arizona, on the one hand, and, on the other, points in the lower peninsula of Michigan. The purpose of this filing is to eliminate gateways at points in New Mexico and Illinois.

(3)(g) Between points in Arizona, on the one hand, and, on the other, points in the upper peninsula of Michigan. The purpose of this filing is to eliminate gateways at Wichita, Kans. and points in New Mexico and Sarpy County, Nebr.

(3)(h) Between points in Arizona, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota,

V40-135 JUL 14 75 XUM

Wyoming, and Wisconsin. The purpose of this filing is to eliminate a gateway at points in Colorado.

(3) (i) Between points in Arizona, on the one hand, and, on the other, points in New Hampshire, Ohio and Vermont. The purpose of this filing is to eliminate gateways at points in Colorado and Utah.

(3) (j) Between points in Arizona, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Texas and Georgia.

(3) (k) Between points in Arizona, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points in Texas and those within 50 miles of Nashville, Tenn.

(4) (a) Between points in Arkansas, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate gateways at points in Texas north of U.S. Highway 80, and Colorado and Utah.

(4) (b) Between points in Arkansas, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate a gateway at Wichita, Kans.

(4) (c) Between points in Arkansas, on the one hand, and, o nthe other, points in Connecticut, Delaware, and Massachusetts. The purpose of this filing is to eliminate gateways at Oil City or Braddock and Philadelphia, Pa.

(4) (d) Between points in Arkansas, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate gateways at points in Kansas, Nebraska, and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(4) (e) Between points in Arkansas, on the one hand, and, on the other, points in Iowa and the lower peninsula of Michigan. The purpose of this filing is to eliminate a gateway at points in Illinois.

(4) (f) Between points in Arkansas, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(4) (g) Between points in Arkansas, on the one hand, and, on the other, points in the upper peninsula of Michigan. The purpose of this filing is to eliminate a gateway at points in eastern Wisconsin.

(4) (h) Between points in Arkansas, on the one hand, and, on the other, points in Montana, Utah, and Wyoming. The purpose of this filing is to eliminate gateways at Wichita, Kans., and points in Colorado.

(4) (i) Between points in Arkansas, on the one hand, and, on the other, points in Nebraska and South Dakota. The purpose of this filing is to eliminate a gateway at points in Kansas.

(4) (j) Between points in Arkansas, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate gateways at points in Kansas and South Dakota.

(4) (l) Between points in Arkansas, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Kansas or Oklahoma.

(4) (l) Between points in Arkansas, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia.

(4) (m) Between points in Arkansas, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(5) (a) Between points in California, on the one hand, and, on the other, points in Colorado, North Dakota, South Dakota, Utah, Wyoming, and Montana. The purpose of this filing is to eliminate a gateway at points in Utah.

(5) (b) Between points in California, on the one hand, and, on the other, points in Florida and Georgia. The purpose of this filing is to eliminate a gateway at points in South Carolina.

(5) (c) Between points in California, on the one hand, and, on the other, points in Louisiana and Mississippi. The purpose of this filing is to eliminate gateways at points in Utah, Colorado, and Wichita, Kans.

(5) (d) Between points in California, on the one hand, and, on the other, points in Oklahoma and Tennessee. The purpose of this filing is to eliminate gateways at points in Utah, Colorado and Texas.

(6) (a) Between points in Colorado, on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in Wyoming or South Dakota.

(6) (b) Between points in Colorado, on the one hand, and, on the other, points in Florida, Georgia, Louisiana, Mississippi, North Carolina, and Tennessee. The purpose of this filing is to eliminate a gateway at points in Texas.

(6) (c) Between points in Colorado, on the one hand, and, on the other, points in Indiana and Kentucky. The purpose of this filing is to eliminate gateways at Wichita, Kans. and points in Missouri and Illinois.

(6) (d) Between points in Colorado, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate gateways in Wyoming or South Dakota or at Wichita, Kans. and points in Missouri and Illinois.

(6) (e) Between points in Colorado, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate a gateway at points in Utah.

(6) (f) Between points in Colorado, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate gateways at Wichita, Kans., or points in New Mexico or points in Texas.

(6) (g) Between points in Colorado, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Wichita, Kans. and points in North Carolina or Georgia.

(6) (h) Between points in Colorado, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(7) (a) Between points in Connecticut, on the one hand, and, on the other, points in Idaho, Oregon and Washington. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(7) (b) Between points in Connecticut, on the one hand, and, on the other, points in Illinois, Louisiana, Mississippi, Oklahoma, and Kansas. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City or Braddock, Pa.

(7) (c) Between points in Connecticut, on the one hand, and, on the other, points in Iowa, Nebraska, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City or Braddock, Pa. and points in Illinois.

(7) (d) Between points in Connecticut, one the one hand, and, on the other, points in Maryland, Montana, North Dakota, South Dakota, Texas, and Wyoming. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(7) (e) Between points in Connecticut, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in Texas.

(7) (f) From points in Connecticut, on the one hand, and, on the other, points in Indiana and Kentucky. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pennsylvania.

(8) (a) Between points in Delaware, on the one hand, and, on the other, points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(8) (b) Between points in Delaware, on the one hand, and, on the other, points in Illinois, Kansas, Louisiana, and Oklahoma. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa.

(8) (c) Between points in Delaware, on the one hand, and, on the other, points in Iowa, Minnesota, Missouri, Wisconsin, and Nebraska. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa. and points in Illinois.

(8) (d) Between points in Delaware, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Texas, Wyoming, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(8) (e) Between points in Delaware, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in Texas.

(8) (f) From points in Delaware, on the one hand, and, on the other, to points in Indiana. The purpose of this filing is to eliminate gateways at Philadelphia, Pa., Oil City or Braddock, Pa.

(9) (a) Between points in the District of Columbia, on the one hand, and, on the other, points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(9) (b) Between points in the District of Columbia, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa.

(9) (c) Between points in the District of Columbia, on the one hand, and, on the other, points in Minnesota, Wisconsin, and Nebraska. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa. and points in Illinois.

(9) (d) Between points in the District of Columbia, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Texas, New Jersey, and Wyoming. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(9) (e) Between points in the District of Columbia, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at Philadelphia, Pa. and points in Texas.

(10) (a) Between points in Florida and Georgia, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate gateways at points in Kansas, Nebraska and points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(10) (b) Between points in Florida and Georgia, on the one hand, and, on the other, points in Idaho and Indiana. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn. and Kentucky.

(10) (c) Between points in Florida and Georgia, on the one hand, and, on the other, points in Iowa, Nebraska, South Dakota, Oregon, and Washington. The purpose of this filing is to eliminate a gateway at points in Kansas.

(10) (d) Between points in Florida and Georgia, on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., and Kentucky and Illinois.

(10) (e) Between points in Florida and Georgia, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(10) (f) Between points in Florida and Georgia, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate gateways at points in Kansas and Nebraska.

(10) (g) Between points in Florida and Georgia, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate a gateway at points in Texas.

(10) (h) Between points in Florida and Georgia, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate gateways at points in Kansas and South Dakota.

(10) (i) Between points in Florida and Georgia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at Wichita, Kans., and points in Colorado.

(10) (j) Between points in Florida and Georgia, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate a gateway at points in South Carolina.

(11) (a) Between points in Idaho, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate gateways at points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., South Dakota, and Iowa or points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and points in South Dakota and Nebraska.

(11) (b) Between points in Idaho, on the one hand, and, on the other, points in Indiana and Kentucky. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., South Dakota, Iowa, and Illinois.

(11) (c) Between points in Idaho, on the one hand, and, on the other, points in Iowa and New York. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and South Dakota.

(11) (d) Between points in Idaho, on the one hand, and, on the other, points in Kansas and Missouri. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and Nebraska.

(11) (e) Between points in Idaho, on the one hand, and, on the other, points in Louisiana, Mississippi, North Carolina, and Tennessee. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., Nebraska, and Kansas.

(11) (f) Between points in Idaho, on the one hand, and, on the other, points in Michigan, Montana, North Dakota, Ohio, Pennsylvania, and South Dakota. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(11) (g) Between points in Idaho, on the one hand, and, on the other, points in Maryland and New Jersey. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and Pennsylvania.

(11) (h) Between points in Idaho, on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and Philadelphia, Pa.

(11) (i) Between points in Idaho, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., Nebraska, Kansas, North Carolina, or Georgia.

(11) (j) Between points in Idaho, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and Colorado.

(11) (k) Between points in Idaho, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and Utah or at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and Oregon and California.

(12) (a) Between points in Illinois, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate a gateway at points in Missouri.

(12) (b) Between points in Illinois, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of the filing is to eliminate gateways at Oil City or Braddock, Pa.

(12) (c) Between points in Illinois, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate gateways at Oil City or Braddock and Philadelphia, Pa.

(12) (d) Between points in Illinois, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate a gateway at points in Nebraska.

(12) (e) Between points in Illinois, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and those within 50 miles of Nashville, Tenn.

(12) (f) Between points in Illinois, on the one hand, and, on the other, points in North Dakota and Wyoming. The purpose of this filing is to eliminate gateways at points in Iowa and South Dakota.

(12) (g) Between points in Illinois, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Nebraska and points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

V 40 I 135 J UL 14 75 XUM

(12) (h) Between points in Illinois, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky, those within 50 miles of Nashville, Tenn., and North Carolina.

(12) (i) Between points in Illinois, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate a gateway at points in Iowa.

(13) (a) Between points in Indiana, on the one hand, and, on the other, points in Iowa, Nebraska, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate a gateway at points in Illinois.

(13) (b) Between points in Indiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate gateways at points in Illinois and Missouri.

(13) (c) Between points in Indiana, on the one hand, and, on the other, points in Montana, North Dakota, and Wyoming. The purpose of this filing is to eliminate gateways at points in Illinois and Iowa or at points in Nebraska and South Dakota.

(13) (d) Between points in Indiana, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Illinois, Nebraska, and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(13) (e) Between points in Indiana, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate gateways at points in Illinois and Iowa.

(13) (f) From points in Indiana, on the one hand, and, on the other, points in Connecticut and Delaware. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock and Philadelphia, Pa.

(14) (b) Between points in Iowa, on the one hand, and, on the other, points in in Kentucky, Mississippi, and Michigan. The purpose of this filing is to eliminate a gateway at points in Illinois.

(14) (b) Between points in Iowa, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate gateways at points in Missouri and those within 50 miles of Nashville, Tenn.

(14) (c) Between points in Iowa, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock, Pa.

(14) (d) Between points in Iowa, on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate gateways at points in Illinois, and Oil City or Braddock and Philadelphia, Pa.

(14) (d) Between points in Iowa, on the one hand, and, on the other, points in Montana and North Dakota. The purpose of this filing is to eliminate a gateway at points in South Dakota.

(14) (f) Between points in Iowa, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate gateways at points in Illinois, Kentucky, and those within 50 miles of Nashville, Tenn.

(14) (g) Between points in Iowa, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate a gateway at points in Kansas.

(14) (h) Between points in Iowa, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in South Dakota and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(14) (i) Between points in Iowa, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Illinois, Kentucky, those within 50 miles of Nashville, Tenn., Georgia, or North Carolina.

(15) (a) Between points in Kansas, on the one hand, and, on the other, points in Kentucky, West Virginia, and Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(15) (b) Between points in Kansas, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(15) (c) Between points in Kansas, on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate gateways at Oil City or Braddock and Philadelphia, Pa.

(15) (d) Between points in Kansas, on the one hand, and, on the other, points in the lower peninsula of Michigan. The purpose of this filing is to eliminate gateways at points in Missouri and Illinois.

(15(e) Between points in Kansas, on the one hand, and, on the other, points in the upper peninsula of Michigan. The purpose of this filing is to eliminate a gateway at Beloit, Wis.

(15) (f) Between points in Kansas, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate a gateway at points in Nebraska.

(15) (g) Between points in Kansas, on the one hand, and, on the other, points in North Dakota and Wyoming. The purpose of this filing is to eliminate a gateway at points in South Dakota.

(15) (h) Between points in Kansas, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia.

(16) (a) Between points in Kentucky, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate a gateway at points in Mississippi.

(16) (b) Between points in Kentucky, on the one hand, and, on the other, points in Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. The purpose of this filing is to eliminate a gateway at points in Illinois.

(16) (c) Between points in Kentucky, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate gateways at points in Illinois and Nebraska.

(16) (d) Between points in Kentucky, on the one hand, and, on the other, points in North Dakota and Wyoming. The purpose of this filing is to eliminate gateways at points in Illinois, Iowa, and South Dakota.

(16) (e) Between points in Kentucky, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Illinois, Missouri, and Kansas.

(17) (a) Between points in Louisiana, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., Virginia, and Philadelphia, Pa., or points of Oil City or Braddock, Pa.

(17) (b) Between points in Louisiana, on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate gateways at Oil City or Braddock and Philadelphia, Pa.

(17) (c) Between points in Louisiana, on the one hand, and, on the other, points in the lower peninsula of Michigan and Minnesota. The purpose of this filing is to eliminate a gateway at points in Illinois.

(17) (d) Between points in Louisiana, on the one hand, and, on the other, points in the upper peninsula of Michigan. The purpose of this filing is to eliminate a gateway at Beloit, Wis.

(17) (e) Between points in Louisiana, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate gateways at points in Illinois, or at points in Kansas, or at points in Texas north of U.S. Highway 80.

(17) (f) Between points in Louisiana, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate gateways at points in Kansas and Nebraska.

(17) (g) Between points in Louisiana, on the one hand, and, on the other, points in Nebraska and South Dakota. The purpose of this filing is to eliminate a gateway at points in Kansas.

(17) (h) Between points in Louisiana, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate gateways at points in Kansas and South Dakota.

(17) (i) Between points in Louisiana, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Oklahoma or at points in Kansas.

(17) (j) Between points in Louisiana, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Georgia or at points in North Carolina.

(17) (k) Between points in Louisiana, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at Wichita, Kansas, and points in Colorado or at points in Texas and Colorado.

(17) (l) Betwen points in Louisiana, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(17) (m) Between points in Louisiana, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at Wichita, Kans., and points in Colorado.

(18) (a) Between points in Maryland, on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(18) (b) Between points in Maryland, on the one hand, and, on the other, points in Minnesota, Missouri, Nebraska, and Wisconsin. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa., and points in Illinois.

(18) (c) Between points in Maryland, on the one hand, and, on the other, points in Mississippi and Oklahoma. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa., or at Philadelphia, Pa., and points in Virginia and those within 50 miles of Nashville, Tenn.

(18) (d) Between points in Maryland, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Texas, and Wyoming. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(18) (e) Between points in Maryland, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at points in Pennsylvania and Texas.

(18) (f) Between points in Maryland, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Pennsylvania and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(19) (a) Between points in Massachusetts, on the one hand, and, on the other, points in Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa., and points in Illinois.

(19) (b) Between points in Massachusetts, on the one hand, and, on the other, points in Mississippi, Nebraska, and Oklahoma. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa.

(19) (c) Between points in Massachusetts, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Texas, and Wyoming. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(19) (d) Between points in Massachusetts, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at Philadelphia, Pa., and points in Texas.

(19) (e) Between points in Massachusetts, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at Philadelphia, Pa., and points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(20) (a) Between points in Michigan, on the one hand, and, on the other, points in Mississippi, New Mexico, Oklahoma, Texas, and Nebraska. The purpose of this filing is to eliminate a gateway at points in Illinois.

(20) (b) Between points in Michigan, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate gateways at points in Illinois and Iowa.

(20) (c) Between points in Michigan, on the one hand, and on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock, Pa.

(21) (a) Between points in Minnesota, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate a gateway at points in Illinois.

(21) (b) Between points in Minnesota, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock, Pa.

(21) (c) Between points in Minnesota, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Illinois, Kentucky, and those within 50 miles of Nashville, Tenn.

(21) (d) Between points in Minnesota, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock and Philadelphia, Pa.

(21) (e) Between points in Minnesota, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Illinois, Kentucky, those within 50 miles of Nashville, Tenn., North Carolina, or Georgia.

(21) (f) Between points in Minnesota, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Illinois and Arkansas.

(22) (a) Between points in Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate gateways at points in Kansas and Nebraska.

(22) (b) Between points in Mississippi, on the one hand, and, on the other, points in Nebraska, Oregon, Washington, and South Dakota. The purpose of this filing is to eliminate a gateway at points in Kansas.

(22) (c) Between points in Mississippi, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., Virginia, and Philadelphia, Pa., or at Oil City or Braddock, Pa.

(22) (d) Between points in Mississippi, on the one hand, and, on the other, points in North Dakota and Wyoming. The purpose of this filing is to eliminate gateways at points in Kansas and South Dakota.

(22) (e) Between points in Mississippi, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate gateways at Oil City or Braddock and Philadelphia, Pa.

(22) (f) Between points in Mississippi, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Georgia or North Carolina.

(22) (g) Between points in Mississippi, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at Wichita, Kansas, and points in Colorado or at points in Texas and Colorado.

(22) (h) Between points in Mississippi on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(23) (a) Between points in Missouri, on the one hand, and, on the other, points in Montana and North Dakota. The purpose of this filing is to eliminate a gateway at points in South Dakota.

(23) (b) Between points in Missouri, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at points in Illinois, and Oil City or Braddock, Pa.

(23) (c) Between points in Missouri, on the one hand, and, on the other, points in New Mexico, Oklahoma, Oregon, and Washington. The purpose of this filing is to eliminate a gateway at points in Kansas.

(23) (d) Between points in Missouri, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(23) (e) Between points in Missouri, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock and Philadelphia, Pa.

(23) (f) Between points in Missouri, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., and North Carolina or Georgia.

(23) (g) Between points in Missouri, on the one hand, and, on the other points in Texas. The purpose of this filing is to eliminate gateways at points in Kansas or at points in Texas north of U.S. 80.

(24) (a) Between points in Montana, on the one hand, and, on the other, points in New Jersey and New York. The

V40 I135 JUL 14 75 XUM

purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(24) (b) Between points in Montana, on the one hand, and, on the other, points in New Mexico and Texas. The purpose of this filing is to eliminate a gateway at points in Colorado.

(24) (c) Between points in Montana, on the one hand, and, on the other, points in North Carolina, Oklahoma, and Tennessee. The purpose of this filing is to eliminate gateways at points in Nebraska and Kansas.

(24) (d) Between points in Montana, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(24) (e) Between points in Montana, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(24) (f) Between points in Montana, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Nebraska, Kansas, North Carolina, or Georgia.

(24) (g) Between points in Montana, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate gateways at Philadelphia, Pa., or at points in Nebraska, Kansas, and those within 50 miles of Nashville, Tenn.

(24) (h) Between points in Montana, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate a gateway at points in Wyoming.

(25) (a) Between points in Nebraska, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate gateways at points in Illinois, and Oil City or Braddock, Pa.

(25) (b) Between points in Nebraska, on the one hand, and, on the other, points in New Mexico, Oklahoma, Texas, North Carolina, and Tennessee. The purpose of this filing is to eliminate a gateway at points in Kansas.

(25) (c) Between points in Nebraska, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate a gateway at points in South Dakota.

(25) (d) Between points in Nebraska, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(25) (e) Between points in Nebraska, on the one hand, and, on the other, points in Rhode Island and Virginia. The purpose of this filing is to eliminate gateways at points in Illinois and Oil City or Braddock and Philadelphia, Pa.

(25) (f) Between points in Nebraska, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Missouri, those within 50 miles of Nashville, Tenn., North Carolina, or Georgia.

(25) (g) Between points in Nebraska, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate gateways at points in Kansas and those within 50 miles of Nashville, Tenn.

(26) (a) Between points in New Jersey, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate a gateway at points in Texas.

(26) (b) Between points in New Jersey, on the one hand, and, on the other, points in North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(26) (c) Between points in New Jersey, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(26) (d) Between points in New Jersey, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Pennsylvania and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(26) (e) Between points in New Jersey, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(26) (f) Between points in New Jersey, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa., and points in Illinois.

(27) (a) Between points in New Mexico, on the one hand, and, on the other, points in New York, Pennsylvania, North Carolina, and Tennessee. The purpose of this filing is to eliminate a gateway at points in Texas.

(27) (b) Between points in New Mexico, on the one hand, and, on the other, points in North Dakota, South Dakota, Utah, and Wyoming. The purpose of this filing is to eliminate a gateway at points in Colorado.

(27) (c) Between points in New Mexico, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate gateways at points in Texas and Philadelphia, Pa.

(27) (d) Between points in New Mexico, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Texas and North Carolina or at points in Texas and Georgia.

(27) (e) Between points in New Mexico, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate gateways at points in Texas and those within 50 miles of Nashville, Tenn., or at points in Oklahoma and those within 50 miles of Nashville, Tenn.

(27) (f) Between points in New Mexico, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate gateways at points in Colorado and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(28) (a) Between points in New York, on the one hand, and, on the other, points in North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate gateways at points in Pennsylvania.

(28) (b) Between points in New York, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(28) (c) Between points in New York, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Pennsylvania and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(28) (d) Between points in New York, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa., and points in Illinois.

(29) (a) Between points in North Carolina, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate gateways at points in Oklahoma or at points within 50 miles of Nashville, Tenn., Missouri, and South Dakota.

(29) (b) Between points in North Carolina, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Kansas or at points within 50 miles of Nashville, Tenn., Missouri, Nebraska, and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(29) (c) Between points in North Carolina, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., and Missouri.

(29) (d) Between points in North Carolina, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., Kentucky, and Illinois.

(29) (e) Between points in North Carolina, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., Missouri, and South Dakota.

(30) (a) Between points in North Dakota, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(30) (b) Between points in North Dakota, on the one hand, and, on the other, points in Rhode Island and Virginia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(30) (c) Between points in North Dakota, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in South Dakota, Kansas, North Carolina, or Georgia.

(30) (d) Between points in North Dakota, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in South Dakota and Kansas.

(31) (a) Between points in Ohio, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate gateways at points in Colorado and Wyoming.

(31) (b) Between points in Ohio, on the one hand, and, on the other, points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(32) (a) Between points in Oklahoma, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(32) (b) Between points in Oklahoma, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate gateways at Oil City or Braddock and Philadelphia, Pa.

(32) (c) Between points in Oklahoma, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia.

(32) (d) Between points in Oklahoma, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(32) (e) Between points in Oklahoma, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points in South Dakota or at Wichita, Kans., and Colorado or points in Texas and Colorado.

(33) (a) Between points in Oregon, on the one hand, and, on the other, points in Pennsylvania, Rhode Island, and South Dakota. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(33) (b) Between points in Oregon, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kansas, North Carolina, or Georgia.

(33) (c) Between points in Oregon, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate a gateway at points in Kansas.

(33) (d) Between points in Oregon, on the one hand, and, on the other, points in Vermont, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate gateways at points in California or Utah.

(34) (a) Between points in Pennsylvania, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(34) (b) Between points in Pennsylvania, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa., and points in Illinois.

(35) (a) Between points in Rhode Island, on the one hand, and, on the other, points in South Dakota, Texas, and Wyoming. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

(35) (b) Between points in Rhode Island, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at Philadelphia, Pa., and points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(35) (c) Between points in Rhode Island, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at Philadelphia, Oil City, or Braddock, Pa., and points in Illinois.

(36) (a) Between points in South Carolina, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia, those within 50 miles of Nashville, Tenn., and Missouri.

(36) (b) Between points in South Carolina, on the one hand, and, on the other, points in Tennessee and Texas. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia.

(36) (c) Between points in South Carolina, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia, those within 50 miles of Nashville, Tenn., Kentucky, Illinois, Iowa, South Dakota, and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., or at points in North Carolina or Georgia and Kansas.

(36) (d) Between points in South Carolina, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia, those within 50 miles of Nashville, Tenn., Kentucky, and Illinois.

(36) (e) Between points in South Carolina, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points in North Carolina or Georgia, Kansas, and South Dakota.

(37) (a) Between points in South Dakota, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate a gateway at points in Kansas.

(37) (b) Between points in South Dakota, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(38) (a) Between points in Tennessee, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate gateways at Wichita, Kans., and points in Colorado.

(38) (b) Between points in Tennessee, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate a gateway at points in Kansas.

(38) (c) Between points in Tennessee, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., and points in Kentucky and Illinois.

(39) (a) Between points in Texas, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate a gateway at points in Colorado.

(39) (b) Between points in Texas, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points within 50 miles of Nashville, Tenn.

(40) (a) Between points in Virginia, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at Philadelphia, Pa., and points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., or at points within 50 miles of Nashville, Tenn., and Kansas.

(40) (b) Betweeen points in Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points within 50 miles of Nashville, Tenn., and Wichita, Kans., or at Philadelphia, Pa.

(41) (a) Between points in Washington, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate gateways at points in Kansas and those within 50 miles of Nashville, Tenn.

(41) (b) Between those points in Washington, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate a gateway at points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

II. (A) *Earth drilling machinery and equipment,* and (B) *machinery equipment, materials, supplies, and pipe,* incidental to, used in, or in connection with (1) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (2) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection or removal of commodities into or from holes or wells.

(1) (a) Between points in Alabama, on the one hand, and, on the other, points in Illinois, Indiana, and Kentucky. The purpose of this filing is to eliminate a gateway at points in Tennessee.

V40-135 JUL 14 75 XUM

(1) (b) Between points in Alabama, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate a gateway at points in Mississippi.

(1) (c) Between points in Alabama, on the one hand, and, on the other, points in North Dakota, South Dakota, and Utah. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(1) (d) Between points in Alabama, on the one hand, and, on the other, points in New Mexico and Colorado. The purpose of this filing is to eliminate a gateway at points in Texas.

(1) (e) Between points in Alabama, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate gateways at points in Texas and New Mexico.

(1) (f) Between points in Alabama, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate gateways at points in Kansas or Texas.

(1) (g) Between points in Alabama, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points in Oklahoma or Texas.

(1) (h) Between points in Alabama, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(1) (i) Between points in Alabama, on the one hand, and, on the other, points in Alaska, Oregon, and Washington. The purpose of this filing is to eliminate gateways at points in Kansas or Oklahoma.

(2) (a) Between points in Alaska, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate gateways at points in South Dakota or Wyoming.

(2) (b) Between points in Alaska, on the one hand, and, on the other, points in Indiana and Kentucky. The purpose of this filing is to eliminate a gateway at points in Illinois.

(2) (c) Between points in Alaska, on the one hand, and, on the other, points in Georgia, Florida, Mississippi, Tennessee, North Carolina, and South Carolina. The purpose of this filing to is eliminate a gateway at points in Kansas.

(2) (d) Between points in Alaska, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate a gateway at Coffeyville, Kans.

(2) (e) Between points in Alaska, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kansas and Tennessee.

(2) (f) Between points in Alaska, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(3) (a) Between points in Arizona, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(3) (b) Between points in Arizona, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate gateways at points in Oklahoma and Colorado.

(3) (c) Between points in Arizona, on the one hand, and, on the other, points in Kansas, Texas, Arkansas, Louisiana, Mississippi, Illinois, Indiana, Kentucky, and Wisconsin. The purpose of this filing is to eliminate a gateway at points in New Mexico.

(3) (d) Between points in Arizona, on the one hand, and, on the other, points in Florida, Georgia, Tennessee, North Carolina, Michigan, Ohio, New York, Pennsylvania, West Virginia, Virginia, and South Carolina. The purpose of this filing is to eliminate gateways at points in New Mexico and Texas.

(4) (a) Between points in Arkansas, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(4) (b) Between points in Arkansas, on the one hand, and, on the other, points in Wyoming and Montana. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(4) (c) Between points in Arkansas, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate a gateway at points in Kansas.

(4) (d) Between points in Arkansas, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at points in Oklahoma or New Mexico.

(4) (e) Between points in Arkansas, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate gateways at points in Kansas or New Mexico.

(4) (f) Between points in Arkansas, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate gateways at points in Oklahoma or Kansas.

(5) (a) Between points in Colorado, on the one hand, and, on the other, points in Louisiana, Mississippi, Georgia, and Florida. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(5) (b) Between points in Colorado, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate a gateway at points in Kansas.

(5) (c) Between points in Colorado, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Virginia, Kentucky, and South Carolina. The purpose of this filing is to eliminate gateways at points in Kansas and Arkansas.

(6) (a) Between points in Florida, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate a gateway at points in Georgia.

(6) (b) Between points in Florida, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, West Virginia, and Virginia. The purpose of this filing is to eliminate a gateway at points in North Carolina.

(6) (c) Between points in Florida, on the one hand, and, on the other, points in Illinois, Indiana, and Kentucky. The purpose of this filing is to eliminate a gateway at points in Tennessee.

(6) (d) Between points in Florida, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate a gateway at points in Mississippi.

(6) (e) Between points in Florida, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(6) (f) Between points in Florida, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate a gateway at points in Texas.

(6) (g) Between points in Florida, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(6) (h) Between points in Florida, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado or points in Texas.

(6) (i) Between points in Florida, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at points in Kansas or Oklahoma.

(7) (a) Between points in Georgia, on the one hand, and, on the other, points in Illinois, Indiana, and Kentucky. The purpose of this filing is to eliminate a gateway at points in Tennessee.

(7) (b) Between points in Georgia, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate a gateway at points in Mississippi.

(7) (c) Between points in Georgia, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(7) (d) Between points in Georgia on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate a gateway at points in Texas.

(7) (e) Between points in Georgia, on the one hand, and, on the other, points in Montana and Wyoming. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(7) (f) Between points in Georgia, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado or points in Texas.

(7) (g) Between points in Georgia, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate gateways at points in Oklahoma or Texas.

(7) (h) Between points in Georgia, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at points in Kansas or Oklahoma.

(8) (a) Between points in Illinois, on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, and West Virginia. The purpose of

this filing is to eliminate a gateway at points in Kentucky.

(8) (b) Between points in Illinois, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(8) (c) Between points in Illinois, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate a gateway at points in Arkansas.

(8) (d) Between points in Illinois, on the one hand, and, on the other, points in Nevada and Oregon. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(9) (a) Between points in Indiana, on the one hand, and, on the other, points in South Carolina, and North Carolina. The purpose of this filing is to eliminate a gateway at points in Kentucky.

(9) (b) Between points in Indiana, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate a gateway at points in Arkansas.

(9) (c) Between points in Indiana, on the one hand, and, on the other, points in Nevada and Oregon. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(10) (a) Between points in Kansas, on the one hand, and, on the other, points in New York and Pennsylvania. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(10) (b) Between points in Kansas, on the one hand, and, on the other, points in Virginia and South Carolina. The purpose of this filing is to eliminate a gateway at points in Tennessee.

(10) (c) Between points in Kansas, on the one hand, and, on the other, points in Montana, Utah and Wyoming. The purpose of this filing is to eliminate a gateway at points in Colorado.

(11) (a) Between points in Kentucky, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate a gateway at points in Tennessee.

(11) (b) Between points in Kentucky, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate gateways at points in Arkansas and Mississippi.

(11) (c) Between points in Kentucky, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate gateways at points in New Mexico and Oklahoma.

(11) (d) Between points in Kentucky, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(11) (e) Between points in Kentucky, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate gateways at points in Oklahoma or Kansas.

(12) (a) Between points in Louisiana, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate a gateway at points in Texas.

(12) (b) Between points in Louisiana, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(12) (c) Between points in Louisiana, on the one hand, and, on the other, points in Montana, Wyoming, and Utah. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(12) (d) Between points in Louisiana, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate gateways at points in Oklahoma and Texas.

(12) (e) Between points in Louisiana, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate gateways at points in Oklahoma or Kansas.

(13) (a) Between points in Michigan, on the one hand, and, on the other, points in Oklahoma and New Mexico. The purpose of this filing is to eliminate a gateway at Bartlesville, Okla.

(13) (b) Between points in Michigan, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at Coffeyville, Kans. and points in Colorado.

(13) (c) Between points in Michigan, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate a gateway of Coffeyville, Kans.

(14) (a) Between points in Mississippi, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(14) (b) Between points in Mississippi, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate gateways at points in New Mexico and Oklahoma.

(14) (c) Between points in Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(14) (d) Between points in Mississippi, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate gateways at points in Texas and Oklahoma or points in Texas and Kansas.

(14) (e) Between points in Mississippi, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate gateways at points in Kansas or Oklahoma.

(15) (a) Between points in Montana, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate a gateway at points in Colorado.

(15) (b) Between points in Montana, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate gateways at points in Colorado or South Dakota.

(15) (c) Between points in Montana, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate a gateway at points in Wyoming.

(15) (d) Between points in Montana, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate gateways at points in South Dakota and Oklahoma.

(15) (e) Between points in Montana, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Colorado, Kansas, Arkansas, and Tennessee.

(15) (f) Between points in Montana, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa. or points in Colorado and Kansas.

(16) (a) Between points in Nebraska, on the one hand, and, on the other, points in New Mexico and Nevada. The purpose of this filing is to eliminate a gateway at points in Colorado.

(16) (b) Between points in Nebraska, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate gateways at points in Colorado and Kansas.

(17) (a) Between points in Nevada, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate gateways at points in Utah and Wyoming.

(17) (b) Between points in Nevada, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate gateways at points in Wyoming and Kansas.

(17) (c) Between points in Nevada, on the one hand, and, on the other, points in Tennessee and North Carolina. The purpose of this filing is to eliminate gateways at points in Kansas and Texas.

(17) (d) Between points in Nevada, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kansas, Arkansas and Tennessee.

(17) (e) Between points in Nevada, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate gateways at points in Kansas, Arkansas, and Texas.

(17) (f) Between points in Nevada, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate gateways at Coffeyville, Kans., or Tulsa, Okla.

(17) (g) Between points in Nevada, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate a gateway at points in Tulsa, Okla.

(17) (h) Between points in Nevada, on the one hand, and, on the other, points in Pennsylvania and New York. The purpose of this filing is to eliminate gateways at Tulsa, Okla. or points in Texas.

(18) (a) Between points in New Mexico, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate a gateway at points in Colorado.

(18) (b) Between points in New Mexico, on the one hand, and, on the

V40-135 JUL 14 75 XUM

other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate gateways at points in Arkansas and Mississippi.

(18) (c) Between points in New Mexico, on the one hand, and, on the other, points in South Carolina and Virginia. The purpose of this filing is to eliminate gateways at points in Arkansas and Louisiana.

(18) (d) Between points in New Mexico, on the one hand, and, on the other, points in New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate a gateway at Tulsa, Okla.

(18) (e) Between points in New Mexico, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate a gateway at points in Texas.

(19) (a) Between points in New York, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate gateways at points in Ohio or points in Kentucky.

(19) (b) Between points in New York, on the one hand, and, on the other, points in North Dakota, Oregon, South Dakota, Washington, and Wyoming. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

(19) (c) Between points in New York, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa. and points in Colorado.

(20) (a) Between points in North Carolina, on the one hand, and, on the other, points in South Dakota, Washington, and Oregon. The purpose of this filing is to eliminate a gateway at points in Kansas.

(20) (b) Between points in North Carolina, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at points in Oklahoma and South Dakota.

(20) (c) Between points in North Carolina, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate a gateway at points in Kansas.

(21) Between points in North Dakota, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(22) (a) Between points in Ohio, on the one hand, and, on the other, points in Wyoming and Utah. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(22) (b) Between points in Ohio, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate a gateway at points in Kansas.

(23) Between points in Oklahoma, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Virginia, and South Carolina. The purpose of this filing is to eliminate a gateway at points in Kentucky.

(24) (a) Between points in Oregon, on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Virginia. The purpose of this filing is to eliminate gateways at points in Kansas, Arkansas, and Tennessee.

(24) (b) Between points in Oregon, on the one hand, and, on the other, points in Tennessee and South Carolina. The purpose of this filing is to eliminate a gateway at points in Kansas.

(25) (a) Between points in Pennsylvania, on the one hand, and, on other, points in Utah. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa., and points in Colorado.

(25) (b) Between points in Pennsylvania, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa. and points in Kansas.

(26) (a) Between points in South Carolina, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate a gateway at points in Mississippi.

(26) (b) Between points in South Carolina, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate gateways at points in Mississippi and Oklahoma.

(26) (c) Between points in South Carolina, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate gateways at points in Mississippi and Tennessee.

(26) (d) Between points in South Carolina, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at points in Tennessee and Kansas.

(27) Between points in South Dakota, on the one hand, and, on the other, points in Tennessee and Texas. The purpose of this filing is to eliminate a gateway at points in Oklahoma.

(28) (a) Between points in Tennessee, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate gateways at points in Kansas and Colorado.

(28) (b) Between points in Tennessee, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate a gateway at points in Kansas.

(29) Between points in Texas, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate a gateway at points in Tennessee.

(30) (a) Between points in Utah, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate gateways at points in Texas and Arkansas.

(30) (b) Between points in Utah, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate a gateway at points in Colorado.

(31) Between points in Virginia, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate a gateway at points in Kentucky.

(32) Between points in Washington, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate gateways at points in Kansas and Arkansas.

(33) Between points in West Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate gateways at Oil City or Braddock, Pa.

III. *Heavy machinery*, which because of its size or weight requires the use of special equipment, (1) (a) between points in New Hampshire, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in North Carolina, Virginia, Philadelphia, Pa., New York, and Worcester, Mass.

(1) (b) Between points in New Hampshire, on the one hand, and, on the other, points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, and Oklahoma. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, Oil City or Braddock, Pa.

(1) (c) Between points in New Hampshire, on the one hand, and, on the other, points in Connecticut, Delaware, and the District of Columbia. The purpose of this filing is to eliminate a gateway at Worcester, Mass.

(1) (d) Between points in New Hampshire, on the one hand, and, on the other, points in Florida and Georgia. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, Philadelphia, Pa., Virginia, and Johnson City, Tenn.

(1) (e) Between points in New Hampshire, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(1) (f) Between points in New Hampshire, on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, and Braddock or Oil City, Pa.

(1) (g) Between points in New Hampshire, on the one hand, and, on theo ther, points in Maryland, New Jersey, Pennsylvania, and Virginia. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, and Philadelphia, Pa.

(1) (h) Between points in New Hampshire, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn. and points within 5 miles thereof, Braddock or Oil City, Pa. and points in Illinois.

(1) (i) Between points in New Hampshire, on the one hand, and, on the other, points in Montana and Wyoming. The purpose of this filing is to eliminate gateways at Worcester, Mass. and points in New York and Pennsylvania.

(1) (j) Between points in New Hampshire, on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York and Philadelphia, Pa.

(1) (k) Between points in New Hampshire, on the one hand, and, on the other, points in North Dakota and South Dakota. The purpose of this filing is to eliminate gateways at points in New York and Pennsylvania.

(1) (l) Between points in New Hampshire, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate gateways at Worcester, Mass., and points in New York, Pennsylvania, and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(1) (m) Between points in New Hampshire, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, Philadelphia, Pa., Virginia, and North Carolina.

(1) (n) Between points in New Hampshire, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate gateways at Worcester, Mass., and points in New York.

(2) (a) Between points in Vermont, on the one hand, and, on the other, points in Alabama, Florida, Georgia, and Tennessee. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., points in New York, Philadelphia, Pa., Virginia, and Johnson City, Tenn.

(2) (b) Between points in Vermont, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Mississippi, and Oklahoma. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., points in New York, Braddock or Oil City, Pa.

(2) (c) Between points in Vermont, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., points in New York, and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(2) (d) Between points in Vermont, on the one hand, and, on the other, points in Iowa, Missouri, Minnesota, Wisconsin, and Nebraska. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., points in New York, Braddock or Oil City, Pa., and Illinois.

(2) (e) Between points in Vermont, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., and points in New York and Pennsylvania.

(2) (f) Between points in Vermont, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., Philadelphia, Pa., and points in Texas.

(2) (g) Between points in Vermont, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., points in New York, Philadelphia, Pa., and points in Virginia.

(2) (h) Between points in Vermont, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Worcester, Mass.

(2) (i) Between points in Vermont, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate gateways at Worcester, Mass., East Port Chester, Conn., and points in New York.

(2) (j) Between points in Vermont, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate gateways at East Port Chester, Conn., and points in Pennsylvania and those in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(3) (a) Between points in Rhode Island, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, Philadelphia, Pa., Virginia, Johnson City, Tenn., and North Carolina.

(3) (b) Between points in Rhode Island, on the one hand, and, on the other, points in Delaware and the District of Columbia. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, and Philadelphia, Pa.

(3) (c) Between points in Rhode Island, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, Philadelphia, Pa., and Virginia.

(3) (d) Between points in Rhode Island, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate gateways at Worcester, Mass., and Philadelphia, Pa.

(4) Between points in Pennsylvania, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate a gateway at points in Virginia.

(5) (a) Between points in Florida, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate gateways at Worcester, Mass., points in New York, Philadelphia, Pa., Virginia, and North Carolina.

(5) (b) Between points in Florida, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate gateways at Worcester, Mass., Philadelphia, Pa., and points in Virginia and North Carolina.

(5) (c) Between points in Florida, on the one hand, and, on the other, points in New Jersey and New York. The purpose of this filing is to eliminate gateways at points in North Carolina, Virginia, and Philadelphia, Pa.

(5) (d) Between points in Florida, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate a gateway at points in North Carolina.

(6) (a) Between points in Georgia, on the one hand, and, on the other, points in Connecticut and Massachusetts. The purpose of this filing is to eliminate gateways at points in North Carolina, Virginia, Philadelphia, Pa., and Worcester, Mass.

(6) (b) Between points in Georgia, on the one hand, and, on the other, points in New Jersey and New York. The purpose of this filing is to eliminate gateways at points in North Carolina, Virginia, and Philadelphia, Pa.

(6) (c) Between points in Georgia, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate a gateway at points in North Carolina.

NOTE.—The purpose of this republication is to add the authority stated herein, omitted in the previous publications. The other notices remain as originally published.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce. Commission on or before July 24, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 102616 (Sub-No. E178), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Midland, Mich., to points in Colorado on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill., and points within 5 miles thereof.

No. MC 102616 (Sub-No. E179), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Bay City, and Midland, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina, Tennessee, Texas (except Harris County), and points in Colorado, New Mexico, South Dakota, North Dakota, and Wyoming which are on and east of U.S. Highway

V40 I135 JUL 14 75 XUM

85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, Tex., Commercial Zone. The purpose of this filing is to eliminate the gateways of Marshall, Ill., and points within 5 miles thereof.

No. MC 102616 (Sub-No. E181), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Alma, Mich., to points in Iowa, Minnesota, and Missouri. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 102616 (Sub-No. E182), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, (1) from Bay City, Grand Rapids, and Kalamazoo, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, points in Virginia on and north of U.S. Highway 60, the District of Columbia and points in New Jersey south of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 202 to the New Jersey-New York State line; and (2) from Bay City, Mich., to points in Allegheny and Beaver Counties, Pa. The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E183), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Grand Rapids and Kalamazoo, Mich., to points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio.

No. MC 102616 (Sub-No. E184), filed June 3, 1974. Applicant COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Alma, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississipi, Missouri, Nebraska, Oklahoma, South Carolina, Tennessee, Texas (except Harris County), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E185), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Alma, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Allegheny and Beaver Counties, Pa., New York, N.Y., the District of Columbia, points in Virginia on and north of U.S. Highway 60 and points in New Jersey south of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 202 to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E187), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Alma, Mich., to points in Laurence, Erie, Crawford, Mercer, and Venango Counties, Pa. The purpose of this filing is to eliminate the gateway of Kent or Cleveland, Ohio.

No. MC 102616 (Sub-No. E188), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bay City, Mich., to points in Lawrence, Erie, Crawford, Mercer, and Venango Counties, Pa. The purpose of this filing is to eliminate the gateway of Kent or Cleveland, Ohio.

No. MC 105269 (Sub E1), filed May 14, 1974. Applicant: GRAFF TRUCKING CO., INC., P.O. Box 986, Kalamazoo, Mich. 49005. Applicant's representative: John M. Veal, 3700 City National Bank Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and Roofing Materials*, from Chicago, Chicago Heights, Joliet, Marseilles, Waukegan, Illinois, and St. Louis, Missouri, to points in the Lower Peninsula of Michigan. (2) *Roofing, Building and Insulating Materials*, from St. Louis, Missouri, to Chicago, Illinois. (3) *Paper, Paper Products, Paper Manufacturing Machinery*, and Parts therefor, and *Paper Mill Supplies* from Cincinnati, Ohio, to Chicago, Illinois. The purpose of this filing is to eliminate the gateways of (1) and (2) above Whiting, Ind.

No. MC 108884 (Sub-No. E1), filed May 3, 1974. Applicant: ROGERS TRANSFER, INC., Route 461, Great Meadows, N.J. 07838. Applicant's representative: Richard Rogers (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, in vehicles equipped with mechanical refrigeration, restricted to shipments which originate at the plant site and storage facilities of Roman Products Co., South Hackensack, N.J., to points in Florida, Georgia, South Carolina, North Carolina, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

No. MC 111823 (Sub-No. E8), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Sill, Lawton, Okla., and Altus Air Force Base, Altus, Okla., on the one hand, and, on the other, Naval Submarine Base, New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Station, Mayport, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Dobbins Air Force Base, Marietta, Ga.; Naval Air Station, Glenco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffis Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois on and north of U.S. Highway 36.

No. MC 113843 (Sub-No. E678), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from Green Bay, Wis., to Virginia Beach, Va., and points in Accomack and Northampton Counties, Va.; (2) from those points in Michigan on and north of a line beginning at Lake Michigan and extending along Michigan Highway 43 to Kalamazoo, thence along Interstate Highway 94 to the Detroit River, to points in Accomack and Northampton Counties, Va.; (3) from Benton Harbor, Paw Paw, Coloma, and St. Joseph, Mich., to points in Accomack and Northampton Counties Va.; (4) from Traverse City, Mich., to those points in Virginia on and east of Interstate Highway 95; (5) from Saginaw, Mich., to those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway to junction U.S. Highway 301 to junction Virginia Highway 5, thence along Virginia Highway 5 to the Virginia-District of Columbia State line; (6) from those points in Michigan on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 10 to Clare, thence along U.S. Highway 27 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 23, thence aolng U.S. Highway 23 to those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Virginia Highway 5, thence along Virginia Highway 5 to the Virginia-District of Columbia Boundary line.

(7) From Port Huron, Mich., to those points in Michigan on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to Winchester, thence along U.S. Highway 522 to Culpeper, thence along U.S. Highway 15 to South Boston, thence along U.S. Highway 501 to the Virginia-North Carolina State line; (8) from Grand Rapids, Mich., to points in Accomack and Northampton Counties, Va.; (9) from Muskegon, Mich., to Virginia Beach, Va., and points in Accomack and Northampton Counties, Va.; (10) from those points in Michigan on and east of a line beginning at the Detroit River and extending along U.S. Highway 10 to junction Michigan Highway 13, thence along Michigan Highway 13 to junction Michigan Highway 247, thence along Michigan Highway 247 to Saginaw Bay, to points in Accomack and Northampton Counties, Va.; (11) from those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to Valparaiso, thence along Indiana Highway 2 to South Bend, thence along U.S. Highway 33 to Elkhart, thence along Indiana Highway 19 to the Indiana-Michigan State line to points in Accomack and Northampton Counties, Va.; and (12) from those points in Pennsylvania on and north of Interstate Highway 90 to points in Accomack and Northampton Counties, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E861), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen seafood*, and *frozen fruits* and *vegetables;* (1) from those points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Minnesota; (2) from those points in Delaware and Maryland south of the Chesapeake and Delaware Canal, and on and north of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence along Delaware-Maryland Highway 300 to junction Maryland Highway 213, thence along Maryland Highway 213 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Chesapeake Bay, to those points in Arkansas on, north, and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line; (3) from those points in Delaware and Maryland south of a line beginning at the Delaware River and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence along Delaware-Maryland Highway 300 to junction Maryland Highway 213, thence along Maryland Highway 213 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Chesapeake and Delaware Canal and on and north of a line beginning at the Atlantic Ocean and extending along unnumbered highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Delaware Highway 28, thence along Delaware Highway 28 to junction Delaware Highway 24, thence along Delaware Highway 24 to junction Maryland Highway 348, thence along Maryland Highway 348 to junction Maryland Highway 14, thence along Maryland Highway 14 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction U.S. Highway 50, thence along U.S. Highway 50 to Cambridge, thence along Maryland Highway 343 to the Chesapeake Bay to those points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. High-

V40-135 JUL 14 75 XUM

way 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line.

(4) From those points in Delaware and Maryland south of a line beginning at the Atlantic Ocean and extending along unnumbered highway to junction Delaware Highway 18, thence along Delaware Highway 18 to junction Delaware Highway 28, thence along Delaware Highway 28 to junction Delaware Highway 24, thence along Delaware Highway 24 to junction Maryland Highway 348, thence along Maryland Highway 348 to junction Maryland Highway 14, thence along Maryland Highway 14 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction U.S. Highway 50, thence along U.S. Highway 50 to Cambridge, thence along Maryland Highway 343 to the Chesapeake Bay to those points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line; (5) from those points in Delaware and Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Kansas; (6) from points in Accomack and Northampton Counties, Va., to those points in Kansas on, north, and west of a line beginning at the Kansas-Missouri State line and extending along Kansas Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line; (7) from those points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Colorado and Nebraska.

(8) From those points in Delaware and Maryland south of the Chesapeake and Delaware Canal and east of a line beginning at the Chesapeake Bay and extending along Delaware Highway 8 to junction Delaware Highway 44, thence along Delaware Highway 44 to junction Delaware-Maryland Highway 300, thence along Delaware-Maryland Highway 300 to the Delaware River, to those points in Oklahoma on, north, and west of a line beginning at the Oklahoma State line and extending along U.S. Highway 64 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line; (9) from points in Accomack and Northampton Counties, Va., to those points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-E1016), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in Oklahoma on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-E1018), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* from Hanover, Pa., to those points in Wisconsin on and west of U.S. Highway 53. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-1019), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Moosic, Pa., to those points in Maine on and north of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 201 to junction Maine Highway 6, to junction U.S. Highway 1, to the Atlantic Ocean, and Calais, Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1020), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Pittston, Pa., to those points in Maine on and north of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 201 to junction Maine Highway 6, to junction U.S. Highway 1, to the Atlantic Ocean, and Calais, Maine.

No. MC 113843 (Sub-E1021), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Vineland, N.J., to those points in Ohio on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 119908 (Sub-No. E9), filed November 11, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from points in Arkansas bordered by a line beginning at El Dorado, Ark., thence along U.S. Highway 167 to Little Rock, Ark., thence along U.S. Highway 70 to Memphis, Ark., thence along U.S. Highway 70 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., thence along Arkansas Highway 15 to El Dorado, Ark., to points in Louisiana bordered by a line beginning at the Louisiana-Texas State line extending along U.S. Highway 80 to Ruston, La., thence along U.S. Highway 167 to Abbeville, La., thence along Louisiana Highway 82 to the Gulf of Mexico, thence along the Louisiana border to the southwest boundary of the Texas-Louisiana State line, thence along the Texas-Louisiana State line to the place of beginning. The purpose of this filing is to eliminate the gateway of Arcadia, La.

No. MC 123407 (Sub-No. E233), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from points in Whiteside County, Ill., to points in West Virginia (except Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, and Pleasants Counties, W. Va.). The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E234), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from points in Presidio, Brewster, Webb, Duval, Jim Wells, Nueces, Kleberg, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron Counties, Tex. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E235), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Iron or steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from points in Savannah, Ill., to points in Cameron County, Tex. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 129872 (Sub-No. E7), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in Nebraska located on, north, or west of a line beginning at the Kansas-Nebraska State line and extending along Nebraska Highway 14 to Central City, Nebr., thence along U.S. Highway 30 to Schuyler, Nebr., thence along Nebraska Highway 15 to Pilger, Nebr., thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line, on the one hand, and, on the other, Rock Island, Moline, and East Moline, Ill., and points in that part of Illinois located on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 6 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points within 25 miles of LeMars, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18170 Filed 7-11-75;8:45 am]

[Notice 75]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1293 (Sub-No. 4TA), filed June 25, 1975. Applicant: EBEL TRANSFER, INC., 212 W. Sherman St., West Point, Nebraska 68788. Applicant's representative: Vern Fred Ebel, Box A, Scribner, Nebraska 68057. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* between Omaha, Nebraska and Lyons, Nebraska, serving the intermediate and off-route points of Oakland, Uehling, Winslow, Hooper, Nickerson, and Arlington. From Omaha over U.S. Highway 75 to Junction of U.S. 75 and U.S. 77, thence over U.S. 77 to Lyons, and return over the same route, for 180 days. Supporting shippers: Vern F. Ebel, Secretary & Treasurer, Ebel Transfer, Inc., Box A, Scribner, Nebraska 68057. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebraska 68102. Applicant intends to tack its existing authority with MC-FC-73808.

No. MC 39443 (Sub-No. 22TA), filed June 25, 1975. Applicant: THOMPSON, INC., 5014 Broadway, Quincy, Ill. 62301. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry, dry*, in bulk, *and dry animal and poultry feed, ingredients*, in bulk, from the plantsite of Gooch Feed Mill Corporation, a Subsidiary of Archer Daniels Midland Company (1) at Baxter, Iowa, to points in Illinois; and (2) at Decatur, Ill., to points in Iowa, for 180 days. Supporting shipper: Ross W. Zumwalt, President, Gooch Feed Mill Corporation, a Subsidiary of Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 52657 (Sub-No. 726TA) (Correction), filed June 10, 1975, published in the FEDERAL REGISTER issue of June 24, 1975, and republished as corrected this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements in truckaway service, and materials supplies and parts (except commodities in bulk) used in the manufacture, assembly, or servicing of commodities described above, when moving in mixed shipments and on the same load with such commodities, from Northumberland, Pa., to points in Alabama, Arizona, Colorado, California, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maine, Michigan, Maryland, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, Wisconsin, West Virginia, Washington, and Washington, D.C., for 180 days. Supporting shipper: Dempster Brothers Inc., Route 11, Northumberland, Pa. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604. The purpose of this republication is to correct the applicant's name.

No. MC 59323 (Sub-No. 5TA), filed June 26, 1975. Applicant: BAY MOTOR EXPRESS, INC., 150th & Exterior Streets, Bronx, N.Y. 10451. Applicant's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lodi, N.J., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex, Union, Middlesex, Morris, Sussex, Somerset, and Monmouth Counties, N.J., and Westchester and Rockland Counties, N.Y., for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field named below. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 105636 (Sub-No. 33TA), filed June 26, 1975. Applicant: AMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, for agricultural products, from Cornwells Heights, Pa., to Mitchell, Tift, and Brooks Counties, Ga., Charleston and Beaufort Counties, S.C., and Columbus, Sampson, Wilson, Duplin, Hyde, Washington, Surrey, Alleghany, and Ashe Counties, N.C., for 180 days. Supporting shipper: Multipack, Inc., 350 Camer Drive, Cornwells Heights, Pa. 19007. Send protests to: Dieter H. Harper, Transportation Specialist, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 111274 (Sub-No. 4TA), filed June 26, 1975. Applicant: SCHMIDGALL TRANSFER, Box 249, Tremont, Ill.

V40 I135 JUL 14 75 XUM

61568. Applicant's representative: Frederick C. Schmidgall, 318 Lilac Lane, E. Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, farm buildings* and their *materials and components*, from Morton, Illinois to points in Kentucky, for 180 days. Supporting shippers: Morton Buildings, Inc., 252 W. Adams Street, Morton, Ill. 61550. Send protests to: District Supervisor, Richard K. Shullaw, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Illinois 60604.

No. MC 112617 (Sub-No. 330TA), filed June 25, 1975. Applicant: Liquid Transporters, Inc., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Mr. Bruce Kraemer, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk, in tank vehicles, from the plantsite of Flint Ink Corp., at New Albany, Ind., to Mattoon, Ill.; Chicago, Ill.; Louisville, Ky.; Corinth, Miss.; New York, N.Y.; Cincinnati, Ohio; Cleveland, Ohio; Gallatin, Tenn.; Memphis, Tenn.; and Dallas, Tex., for 180 days. Supporting shippers: Flint Ink Corporation, Mr. H. M. Rossano, Traffic Manager, 25111 Glendale Ave., Detroit, Michigan 48239. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, ICC, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 117427 (Sub-No. 68TA), filed June 26, 1975. Applicant: G. G. Parsons Trucking Company, P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and paneling; wood products; asphalt products and sheet rock and dry wall gypsum products* all restricted to the use of flatbed trailers only, (1) from the warehouse facilities of Lowe's Companies, Inc., North Wilkesboro, N.C., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and (2) from points named in (1) above (except Florida, Indiana, Kentucky, and West Virginia), to warehouse facilities of Lowe's Companies, Inc., North Wilkesboro, North Carolina. Supporting shippers: Lowe's Companies, Inc., Box 1111, North Wilkesboro, N.C. 28656. Send protests to: District Supervisor, Terrell Price, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 121638 (Sub-No. 1TA), filed June 27, 1975. Applicant: BARTLESVILLE MOTOR FREIGHT, INC., 207 North Cincinnati, Tulsa, Oklahoma 74103. Applicant's representative: Rufus H. Lawson, Attorney, 106 Birler Building, 2400 NW. 23d St., Oklahoma City, Oklahoma 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, between Tulsa, Oklahoma, and Caney, Kansas, serving the intermediate points of Bartlesville, Dewey, Copan, and Owen. From Tulsa, Oklahoma, via U.S. Highway 75 to Caney, Kansas, and return over the same route, for 180 days. Supporting shippers: Wheatley Company, Albert A. Nitz, Plant Mgr., P.O. Box F, Caney, Kansas 67333. Wheatley Company, Kim L. Tilley, T.M., 3303 Charles Page Blvd., Tulsa, Oklahoma 74127. Kopco, Inc., Jacob E. Freisberg, V.P., Caney, Kansas 67333. Send protests to: Marie Spillars, Transportation Asst., ICC, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City 73102. Applicant intends to interline with other carriers at Tulsa, Okla.

No. MC 124579 (Sub-No. 16TA), filed June 26, 1975. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Detroit, Michigan and Sandusky, Ohio, to Philadelphia and Pittsburgh, Pennsylvania, and Baltimore, Maryland, and Washington, D.C., for 180 days. Supporting shippers: J. H. Routh Packing Company, 4413 W. Bogart Road, Sandusky, Ohio 44870. Carl Paul Vogt Company, Inc., P.O. 4577, Philadelphia, Pennsylvania 19131. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, ICC, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124679 (Sub-No. 66TA), filed June 24, 1975. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 716 Newhouse Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage mixer*, from Paramount, Calif., to Salt Lake City, Utah, for 180 days. Supporting shipper: Skyview Distributing, 3664 East 7650 South, Salt Lake City, Utah. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 125551 (Sub-No. 9TA), filed June 25, 1975. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, Minnesota 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minnesota, 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Haines, Alaska on the one hand and points in Alaska on the other, for 180 days. Supporting shippers: Alaska Forest Products, Inc., P.O. Box 0, Haines, Alaska 99827. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, MN 55401.

No. MC 125551 (Sub-No. 10TA), filed June 26, 1975. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, Minnesota 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between points in North Star Borough (Fairbanks), Alaska, on the one hand, and points along Highways 2 and 4 between Fairbanks and Valdez, Alaska, on the other, for 180 days. Supporting shippers: Alyeska Pipeline Service Company, 1835 South Bragaw Street, Anchorage, Alaska 99504. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, MN 55401.

No. MC 126109 (Sub-No. 5TA), filed June 27, 1975. Applicant: TRECHO TRANSPORT, INC., 2756 Short St., New York, N.Y. 14592. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in pre-fabricated or pre-cut homes (other than commodities which because of size or weight require special handling or equipment), from Wheatland, N.Y., to all points in Pennsylvania on and west of U.S. Route 15, for 180 days. Supporting shipper: Stylex Homes-Pacesetter Homes, Scottsville, N.Y. 14546. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 12636 (Sub-No. 76TA), filed June 27, 1975. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Bow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl sulfoxide* in bulk, from Bogalusa, La., to Jacksonville, Fla., for subsequent export movements, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 3475, Rincon Annex, San Francisco, Calif. 94119. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 127951 (Sub-No. 10TA), filed June 18, 1975. Applicant: SOUTHEASTERN CARRIERS, INC., 6945 Willow Lane, Miami Lakes, Fla. 33014. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Laminated sheet plastic materials and adhesives*, from Lowell, Mass., to points in Virgina, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and Florida; and (B) *Adhesives*, from Coshocton, Ohio, to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and Florida, for 180 days. Supporting shipper: General Electric Company, 1350 S. Second St., Coshocton, Ohio 43812. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 128095 (Sub-No. 12TA), filed June 25, 1975. Applicant: PARKER TRUCK LINE, INC., Senter Drive, P.O. Box 1402, Tupelo, Mississippi 39801. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Mississippi 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urethane and urethane products* (except in bulk), from the plantsite of Sheller-Globe Corporation in Tupelo, Miss., to the plantsite of American Seating Company in Grand Rapids, Mich., and; (2) *Bus passenger seats* from the plantsite of American Seating Company in Grand Rapids, Mich. to the plantsite of Sheller-Globe Corporation in Kosciusko, Miss., for 90 days. Supporting shippers: Sheller-Globe Corporation, Tupelo Division, P.O. Box 1387, Tupelo, Mississippi 38801. Sheller-Globe Corporation, Kosciusko Division, Kosciusko, Mississippi. Send protests to: District Supervisor, Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tennessee 38103.

No. MC 134070 (Sub-No. 5TA), filed June 27, 1975. Applicant: ROSE PETROLEUM TRANSPORTS, INC., 855 Fort Street, Detroit, Michigan 48217. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Michigan. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Alma, Mich., to Oregon, Ohio. Supporting shippers: Total Leonard, Inc., Traffic Manager, Lester R. Fandell, Box 231, Alma, Michigan 48801. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Michigan 48226.

No. MC 134386 (Sub-No. 3TA), filed June 26, 1975. Applicant: LOOMIS COURIER SERVICE, INC., 808 Burlway Road, Burlingame, Calif. 94010. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial documents, business records, accounting and audit media, automated processing media, and related records and materials* (except cash letters), between points in King, Snohomish, and Spokane Counties, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho; and Spokane, Whitman, Garfield, and Asotin Counties, Wash., for 180 days. Supporting shippers: Comtrex, Inc., S. 400 Jefferson, Suite 370, Spokane, Wash. General Telephone Company of the Northwest, P.O. Box 1179, Coeur D'Alene, Idaho 83814. Computer Medical Corporation, North 1430 Washington, Spokane, Wash. 99201. Rosauer's Super Markets, Inc., East 3301 Sprague, Spokane, Wash., 99202. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 134979 (Sub-No. 7TA), filed June 24, 1975. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. 56544. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Factory built fireplaces, factory built chimneys and materials, parts and accessories* for factory built fireplaces and factory built chimneys, from the facilities of Manufacturers Systems, Inc., at or near Detroit Lakes, Minn.; Elkhart, Ind., Ocala, Fla.; Salisbury, N.C.; Newton, Kans.; Riverside, Calif.; Boise, Idaho; Prairie Farm, Wis.; and Weirton, W. Va., to points in the United States (except Alaska and Hawaii); (2) *Factory built fireplaces, factory built chimneys and materials, parts and accessories* for factory built fireplaces and factory built chimneys, between the facilities of Manufacturers Systems, Inc., at or near Detroit Lakes, Minn.; Elkhart, Ind., Ocala, Fla.; Salisbury, N.C.; Newton, Kans.; Riverside, Calif.; Boise, Idaho; Prairie Farm, Wis.; and Weirton, W. Va.; (3) *materials, parts and supplies* used in the manufacture of the commodities named in part (1) above, from points in the United States (except Alaska and Hawaii) to the facilities of Manufacturers Systems, Inc., at or near Detroit Lakes, Minn.; Elkhart, Ind.; Ocala, Fla.; Salisbury, N.C.; Newton, Kans.; Riverside, Calif.; Boise, Idaho; Prairie Farm, Wis.; and Weirton, W. Va.

(4) *Materials, parts and supplies* used in the manufacture of the commodities named in part (1) above, between the facilities of Manufacturers Systems, Inc., at or near Detroit Lakes, Minn.; Elkhart, Ind.; Ocala, Fla.; Salisbury, N.C.; Newton, Kans.; Riverside, Calif.; Boise, Idaho; Prairie Farm, Wis.; and Weirton, W. Va.; (5) *automatic duct formers and parts and attachments* for automatic duct formers, from the facilities of Manufacturers Systems, Inc., at or near Detroit Lakes, Minn., to the facilities of Manufacturers Systems, Inc., at or near Elkhart, Ind.; Ocala, Fla.; Salisbury, N.C.; St. Louis, Mo.; Hannibal, Ohio; Hawesville and Owensboro, Ky.; McCook, Ill.; Trentwood, Wash., and Davenport, Iowa to the facilities of Manufacturers Systems, Inc., at or near Detroit, Lakes, Minn.; Elkhart, Ind.; Ocala, Fla.; Salisbury, N.C.; Newton, Kans.; Riverside, Calif.; Boise, Idaho; Prarie Farm, Wis.; and Weirton, W. Va.; (7) *material* used in the manufacture of duct, from the facilities of Manufacturers Systems, Inc., at or near Detroit Lakes, Minn.; Elkhart, Ind.; Ocala, Fla.; Salisbury, N.C.; Newton, Kans.; Riverside, Calif.; Boise, Idaho; Prairie Farm, Wis.; and Weirton, W. Va.; to points in the United States (except Alaska and Hawaii); (8) *pipe, duct, fittings and accesories* for air distribution systems, from the facilities of Snappy, Inc., at or near Detroit Lakes, Minn., and from the facilities of Midwest Ducts, Inc., at or near Prairie Farm, Wis., to points in Montana, Wyoming, Colorado, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio; (9) *materials and supplies* used in the manufacture and/or distribution of the commodities named in part (8) above from points in Wisconsin, Illinois, Indiana on and north of U.S. Highway 70, and the respective commercial zones of Duluth and Minneapolis, Minn., to the facilities of Snappy, Inc., at or near Detroit Lakes, Minn.;

(10) *materials and supplies* used in the manufacture and/or distribution of the commodities named in part (8) above from points in Minnesota, Illinois, and Indiana on and north of U.S. Highway 70 to the facilities of Midwest Ducts, Inc., at or near Prairie Farm, Wis. Restriction: (a) Restricted in parts (1) through (10) above against the transportation of commodities in bulk, in tank vehicles; (b) restricted in parts (1) through (7) above to a transportation service to be performed under a continuing contract or contracts with Manufacturers Systems, Inc., of Detroit Lakes, Minn.; (c) restricted in parts (8) through (10) above to a transportation service to be performed under a continuing contract or contracts with Snappy, Inc., of Detroit Lakes, Minn., and Midwest Ducts, Inc., of Prairie Farm, Wis., for 180 days. Supporting shippers: Manufacturers Systems, Inc., 620 West Main Ave., Detroit Lakes, Minn. 56501, Midwest Ducts, Inc., Prairie Farm, Wis., Snappy, Inc., Detroit Lakes, Minn. Send protests to: J. H. Ambs, District of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136408 (Sub-No. 28TA), filed June 27, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206,

V40 I135 JUL 14 75 XUM

U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk, in tank vehicles), from Springfield, Bircham Bend, Ludlow, and Everett, Mass., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 138237 (Sub-No. 3TA), filed June 23, 1975. Applicant: METRO HAULING, INC., 20848 77th Ave. S., Kent, Wash. 98031. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* to be used in construction or manufacturing purposes only, between points in Oregon and Washington on and west of U.S. 97, for 180 days. Supporting shipper: There are 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 138375 (Sub-No. 1TA), filed June 27, 1975. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vacuum cleaners*, from Old Greenwich, Conn., to Los Angeles and Daly City, Calif., and Portland, Oreg., under a contract with Electrolux Division of Consolidated Foods of Old Greenwich, Conn., for 180 days. Supporting shipper: Electrolux, Division of Consolidated Foods, Traffic & Distribution Manager, 51 Old Forest Ave., Old Greenwich, Conn. 06870. Send protests to: Vernon V. Coble, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 138875 (Sub-No. 26TA), filed June 25, 1975. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals and crushed auto bodies, including engines and transmissions*. From points in Ada, Canyon, Gem, Elmore, Fayette, and Washington Counties, Idaho, to Seattle, Tacoma, Chehalis, and Kent, Wash. Applicant does not intend to tack authority or to interline with any other carriers, for 180 days. Supporting shippers: Pacific Scrap Metals, 9th Ave. and I Street N., Nampa, Idaho, United Metals & Scrap Co., Inc., 3rd Ave. & Railroad, Caldwell, Idaho, H. Koppel Co., 30 and Fairview Ave., Boise, Idaho, Northern Iron & Metal Co., 300 S. 25th, Baise, Idaho. Send protests to: C. W. Campbell District Supervisor 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 139047 (Sub-No. 1TA), filed June 23, 1975. Applicant: GENERAL PRODUCE TRANSPORT, INC., P.O. Box 564, 120 Lee Road, Watsonville, California 95076. Applicant's representative: Jerrold M. Ladar, Esq., 507 Polk Street, Suite 310, San Francisco, California 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, fruits, and berries*, from Salinas, Watsonville, Santa Cruz, San Martin, San Jose, Santa Clara, Santa Maria, Sunnyvale, Castroville, CA, to San Francisco, Alameda, and Oakland, CA, restricted to shipments having a subsequent out-of-state movement by water carrier, for 180 days. Supporting shippers: Valley Packing Service, P.O. Box 108, Watsonville, CA 95076, Watsonville Canning & Frozen Food Co., 331 Ford Street, Watsonville, CA 95076, S–G Ventures, Inc., d.b.a. Vista Food Sales, P.O. Box 824, Salinas, CA 93901, Frank S. Oliver & Son, P.O. Box 926, Watsonville, CA 95076, Spiegel Foods, Inc., P.O. Box 1491, Salinas, CA 93901. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, California 94102.

No. MC 139272 (Sub-No. 2TA), filed June 27, 1975. Applicant: MEL ENTERPRISES, INC., 271 Ramapo Ave., Maywood, N.J. 07607. Applicant's representative: Philip F. Hudock, Number 506, 7900 Westpark Drive, McLean, Va. 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts, accessories, supplies, tools, and ship manuals, and promotional materials*, between Lyndhurst, N.J., on the one hand, and, on the other, points in Connecticut, New York, Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess, Orange, Sullivan and Ulster Counties, N.Y., and Newark Airport, N.J., for 180 days. Supporting shipper: Toyota Motor Distributors, Inc., 50 Polito Ave., Lyndhurst, N.J. 07607. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139306 (Sub-No. 4TA), filed June 27, 1975. Applicant: Del R. and Joe B. Stanage, d.b.a. STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, Arkansas 71901. Applicant's representative: Del R. Stanage, 121 Indian Springs Road, Hot Springs, Arkansas 71901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (Broken Glass) in bulk in dump vehicles, Between Little Rock, Arkansas; Paris, Texas; Logan, Ohio; and Fairmont, W. Va., for 180 days. Supporting shippers: Westinghouse Electric Corporation, Roosevelt Road, Little Rock, Arkansas. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72201. Applicant intends to tack its existing authority with MC 139306 Sub-1.

No. MC 139868 (Sub-No. 4TA), filed June 26, 1975. Applicant: WESTERN SALES TRANSPORTATION, INC., 1801 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Empty steel and plastic containers*, from the plantsite of Cleveland Container Corp., at Omaha, Nebr., to points in Wisconsin, Illinois, Indiana, Kentucky, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Texas, Kansas, South Dakota, North Dakota, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Washington, Oregon, Nevada, and California; (2) *Commodities named in (1) above, and materials, equipment, and supplies* utilized in the manufacture, production and distribution of the commodities named in (1) above, from points in the states named in (1) above, to the plantsite of Cleveland Container Corp., at Omaha, Nebr. Restrictions: Restricted in (1) and (2) above against the transportation of commodities in bulk and further restricted to a transportation service to be performed under a continuing contract or contracts with Cleveland Container Corp., of Omaha, Nebr.; (B) (1) *Empty steel, tin, plastic, and fiber containers*, from the plantsite of Western Sales and Service, Inc., at Omaha, Nebr., to points in Iowa, Kansas, Missouri, Minnesota, and Illinois; (2) *Commodities named in (1) above, and materials, equipment and supplies* utilized in the manfacture, production and distribution of the commodities named in (1) above, from points in the states named in (1) above, to the plantsite of Western Sales and Service, Inc., at or near Omaha, Nebr. Restrictions: Restricted in (1) and (2) above against the transportation of commodities in bulk and further restricted to a transportation service to be performed under a continuing contract or contracts with Western Sales and Service, Inc., of Omaha, Nebr., for 180 days. Supporting shippers: Robert Ernst, General Manager, Cleveland Container Corporation, 1801 North 11th St., Omaha, Nebr. 68110. Robert Ernst, President, Western Sales and Service, Inc., 1801 North 11th St., Omaha, Nebr. 68110. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 140980 (Sub-No. 1TA), filed June 25, 1975. Applicant: Jack D. Lowe, d.b.a. TOPPENISH TOWING, 320 East 1st Street, Toppenish, Washington 98948. Applicant's representative: Charles D. Flower, 303 East D Street, Yakima, Washington 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime Sludge*, in bulk, from Zillah, Toppenish, and Buena, Wash., to Sublimity, Oreg., for 180 days. Supporting shippers: Soil Conditioners, Inc., P.O. Box 206, Zillah, Washington 98593. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18197 Filed 7-11-75;8:45 am]

V40-135 JUL 14 75 XUM

federal register

MONDAY, JULY 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 135

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

■

NURSING STUDENT LOANS; CANCELLATION

List of Hospitals Determined as Having a Substantial Shortage of Nurses

V40-135 JUL 14 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NURSING STUDENT LOANS

List of Hospitals Determined as Having a Substantial Shortage of Nurses for Purposes of Nursing Student Loan Cancellation

Section 823(h)(4)(i) of the Public Health Service Act and the implementing regulations provide that any individual who obtained one or more nursing student loans from a loan fund established under Title VIII of the Act prior to the date of enactment of the Nurse Training Act of 1971 (November 18, 1971) may elect to receive or continue to receive cancellation of such loans under section 823(b)(3) of the Act, as in effect prior to the amendments made by the Nurse Training Act of 1971. That section provided for cancellation of up to 100 percent of a borrower's nursing student loans, plus interest thereon, at the rate of 15 percent for each year of full-time employment as a registered nurse in a public or other nonprofit hospital in an area determined by the Secretary to have a substantial shortage of nurses at such hospital. The Nurse Training Act of 1971 revised this cancellation provision and added a new loan repayment feature. However, borrowers who obtained nursing student loans prior to November 18, 1971, may receive or continue to receive cancellation of such loans in accordance with the former section 823(b)(3) as described above.

The present regulations applicable to this program were published in the FEDERAL REGISTER on May 9, 1974 (39 FR 16473). Under § 57.316(b)(6)(v) of these regulations, the Secretary is required to periodically publish in the FEDERAL REGISTER a list of hospitals in which employment will qualify borrowers for cancellation under this provision.

Notice is hereby given that the hospitals listed below have been designated by the Secretary for the purposes of the cancellation authorized by the former section 823(b)(3), as hospitals in areas which have a substantial shortage of registered nurses. This listing reflects the second revision of the original list of such hospitals (published in 1969 in the "Handbook for Loan Cancellation Benefit") and was developed as follows: All public or other nonprofit hospitals in all States were grouped according to the following categories: (1) Short-term general and allied special hospitals, (2) psychiatric hospitals, (3) tuberculosis hospitals, (4) chronic and convalescent hospitals, and (5) all other hospitals. The hospitals designated for purposes of the cancellation provision are those hospitals in which the number of registered nurse hours of service per patient day was lower than the median number of registered nurse hours of service per patient day for all public or other nonprofit hospitals of the appropriate category, based on statistical data obtained from the 1972 surveys of nursing personnel in hospitals conducted by the American Hospital Association and by the National Center for Health Statistics, Health Resources Administration.

Dated: July 2, 1975.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

ALABAMA

HENRY COUNTY HOSPITAL	ABBEVILLE
SHELBY MEMORIAL HOSPITAL	ALABASTER
RUSSELL HOSPITAL	ALEXANDER CITY
SOUTH PICKENS COUNTY HOSPITAL	ALICEVILLE
ANDALUSIA HOSPITAL	ANDALUSIA
COLUMBIA GENERAL HOSPITAL	ANDALUSIA
STRINGFELLOW MEMORIAL HOSPITAL	ANNISTON
ARAB HOSPITAL	ARAB
CLAY COUNTY HOSPITAL & NRSG HM	ASHLAND
ATHENS-LIMESTONE HOSPITAL	ATHENS
GREENLAWN HOSPITAL	ATMORE
BAY MINETTE INFIRMARY	BAY MINETTE
MEMORIAL HOSPITAL OF BESSEMER	BESSEMER
BAPTIST MED CENTER-MONTCLAIR	BIRMINGHAM
BAPTIST MED CENTER-PRINCETON	BIRMINGHAM
COMMUNITY HOSPITAL	BIRMINGHAM
EYE FOUNDATION HOSPITAL	BIRMINGHAM
HILL CREST HOSPITAL	BIRMINGHAM
LAKESHORE HOSPITAL	BIRMINGHAM
VETERANS ADMINISTRATION HOSP	BIRMINGHAM
BOAZ-ALBERTVILLE HOSPITAL	BOAZ
D W MCMILLAN MEMORIAL HOSPITAL	BREWTON
NORTH JACKSON HOSPITAL	BRIDGEPORT
CHOCTAW GENERAL HOSPITAL	BUTLER
WILCOX MEMORIAL HOSPITAL	CAMDEN
CHEROKEE COUNTY HOSPITAL	CENTRE
CHILTON CNTY HOSP & NRSG HOME	CLANTON
CULLMAN HOSPITAL	CULLMAN
EAST TALLAPOOSA HOSPITAL	DADEVILLE
DISTRICT ONE TB HOSPITAL	DECATUR
BRYAN W WHITFIELD MEM HOSPITAL	DEMOPOLIS
SOUTHEAST ALABAMA GEN HOSPITAL	DOTHAN
ELBA GENERAL HOSPITAL	ELBA
BARBOUR COUNTY HOSPITAL	EUFAULA
THOMAS HOSPITAL	FAIRHOPE
FAYETTE COUNTY HOSPITAL	FAYETTE
ABERNETHY MEMORIAL HOSPITAL	FLOMATON
ELIZA COFFEE MEMORIAL HOSPITAL	FLORENCE
DEKALB COUNTY GENERAL HOSPITAL	FORT PAYNE
HOLY NAME OF JESUS HOSPITAL	GADSDEN
WIREGRASS HOSPITAL	GENEVA
I V STABLER MEMORIAL HOSPITAL	GREENVILLE
GROVE HILL MEMORIAL HOSPITAL	GROVE HILL
GUNTERSVILLE HOSPITAL	GUNTERSVILLE
BURDICK-WEST MEMORIAL HOSPITAL	HALEYVILLE
LISTER HILL HOSPITAL	HAMILTON
HUNTSVILLE HOSPITAL	HUNTSVILLE
JACKSON HOSPITAL	JACKSON
JASPER COMMUNITY HOSPITAL	JASPER
PEOPLES HOSPITAL	JASPER
BATSON MEMORIAL SANATORIUM	LAFAYETTE
CHAMBERS COUNTY HOSPITAL	LAFAYETTE
GEORGE H LANIER MEM HOSPITAL	LANGDALE
CRENSHAW COUNTY HOSPITAL	LUVERNE

V40-135 JUL 14 75 XUM

MOBILE INFIRMARY	MOBILE	36607
PROVIDENCE HOSPITAL	MOBILE	36604
SIXTH DISTRICT TB HOSPITAL	MOBILE	36603
MONROE COUNTY HOSPITAL	MONROEVILLE	36460
MONTGOMERY BAPTIST HOSPITAL	MONTGOMERY	36111
ST JUDE'S CATHOLIC HOSPITAL	MONTGOMERY	36108
ST MARGARET HOSPITAL	MONTGOMERY	36104
VETERANS ADMINISTRATION HOSP	MONTGOMERY	36109
LAWRENCE COUNTY HOSPITAL	MOULTON	35650
SEAFCY HOSPITAL	MOUNT VERNON	36560
BLOUNT MEMORIAL HOSPITAL	ONEONTA	35121
MIZELL MEMORIAL HOSPITAL	OPP	36467
ST CLAIR COUNTY HOSPITAL	PELL CITY	35125
HOMER D COBB MEMORIAL HOSPITAL	PHENIX CITY	36867
PIEDMONT HOSPITAL	PIEDMONT	36272
RED BAY HOSPITAL	RED BAY	35582
RANDOLPH COUNTY HOSPITAL	ROANOKE	36274
JACKSON COUNTY HOSPITAL	SCOTTSBORO	35768
GOOD SAMARITAN HOSPITAL	SELMA	36701
COLBERT COUNTY HOSPITAL	SHEFFIELD	35660
SYLACAUGA HOSPITAL	SYLACAUGA	35150
CITIZENS HOSPITAL	TALLADEGA	35160
THOMASVILLE HOSPITAL	THOMASVILLE	36784
BRYCE HOSPITAL	TUSCALOOSA	35401
DRUID CITY HOSPITAL	TUSCALOOSA	35401
HALE MEMORIAL TB HOSPITAL	TUSCALOOSA	35401
PARTLOW STATE SCHOOL HOSPITAL	TUSCALOOSA	35401
MACON COUNTY HOSPITAL	TUSKEGEE	36083
VETERANS ADMINISTRATION HOSP	TUSKEGEE	36083
JOHN A ANDREW MEM HOSPITAL	TUSKEGEE INSTITUTE	36088
BULLOCK COUNTY HOSPITAL	UNION SPRINGS	36089
LAMAR COUNTY HOSPITAL	VERNON	35592
ELMORE COUNTY HOSPITAL	WETUMPKA	36092

ALASKA

BASSETT ARMY HOSPITAL	FAIRBANKS
MAYNARD MCDOUGALL MEM HOSPITAL	NOME
U S ARMY HEALTH CLINIC	SEATTLE

ARIZONA

HOEHAKO COOPERATIVE HOSPITAL	CASA GRANDE
MARCUS J LAWRENCE MEM HOSPITAL	COTTONWOOD
COCHISE COUNTY HOSPITAL	DOUGLAS
PINAL GENERAL HOSPITAL	FLORENCE
PHS INDIAN HOSPITAL	FORT DEFIANCE
RAYMOND W BLISS ARMY HOSPITAL	FORT HUACHUCA
GILA GENERAL HOSPITAL	GLOBE
HOLBROOK MUNICIPAL HOSPITAL	HOLBROOK
MOHAVE GENERAL HOSPITAL	KINGMAN
ST JOSEPH'S HOSPITAL	NOGALES
PAGE HOSPITAL	PAGE
PAYSON HOSPITAL	PAYSON
MEMORIAL HOSPITAL	PHOENIX
PHOENIX GENERAL HOSPITAL	PHOENIX
VETERANS ADMINISTRATION HOSP	PHOENIX
VETERANS ADMINISTRATION CENTER	PRESCOTT
PHS INDIAN HOSPITAL	SACATON
PHS INDIAN HOSPITAL	SELLS
SIERRA VISTA COMM HOSPITAL	SIERRA VISTA
WHITE MOUNTAIN COMM HOSPITAL	SPRINGERVILLE
TEMPE COMMUNITY HOSPITAL	TEMPE
PHS INDIAN HOSPITAL	TUBA CITY
PIMA COUNTY GENERAL HOSPITAL	TUCSON
STUDENT HLTH SERV UNIV OF AZ	TUCSON
VETERANS ADMINISTRATION HOSP	TUCSON
PHS INDIAN HOSPITAL	WHITERIVER
COMMUNITY HOSPITAL	WICKENBURG
NORTHERN COCHISE DIST HOSPITAL	WILLCOX
PHS INDIAN HOSPITAL	WINSLOW
WINSLOW MEMORIAL HOSPITAL	WINSLOW

V40-135 JUL 14 75 XUM

ARKANSAS

CLARK COUNTY MEMORIAL HOSPITAL	ARKADELPHIA
LITTLE RIVER MEMORIAL HOSPITAL	ASHDOWN
SALINE MEMORIAL HOSPITAL	BENTON
BATES MEMORIAL HOSPITAL	BENTONVILLE
CARROLL GENERAL HOSPITAL	BERRYVILLE
CHICKASAWBA HOSPITAL	BLYTHEVILLE
BOONEVILLE CITY HOSPITAL	BOONEVILLE
MERCY HOSPITAL	BRINKLEY
OUACHITA HOSPITAL	CAMDEN
CONWAY MEMORIAL HOSPITAL	CONWAY
CROSSETT HEALTH CENTER	CROSSETT
DARDANELLE HOSPITAL	DARDANELLE
DE QUEEN GENERAL HOSPITAL	DE QUEEN
DEWITT CITY HOSPITAL	DE WITT
DERMOTT-CHICOT MEM HOSPITAL	DERMOTT
DESHA COUNTY HOSPITAL	DUMAS
UNION MEMORIAL HOSPITAL	EL DORADO
WARNER BROWN HOSPITAL	EL DORADO
FAYETTEVILLE CITY HOSPITAL	FAYETTEVILLE
VETERANS ADMINISTRATION HOSP	FAYETTEVILLE
WASHINGTON GENERAL HOSPITAL	FAYETTEVILLE
DALLAS COUNTY HOSPITAL	FORDYCE
FORREST MEMORIAL HOSPITAL	FORREST CITY
SPARKS REGIONAL MEDICAL CENTER	FORT SMITH
GURDON MUNICIPAL HOSPITAL	GURDON
BOONE COUNTY HOSPITAL	HARRISON
CLEBURNE COUNTY HOSPITAL	HEBER SPRINGS
LEO N LEVI NATL ARTHRITIS HOSP	HOT SPRINGS NATL PK
OUACHITA MEMORIAL HOSPITAL	HOT SPRINGS NATL PK
PARK MEDICAL HOSPITAL	HOT SPRINGS NATL PK
ST JOSEPH'S HOSPITAL	HOT SPRINGS NATL PK
REBSAMEN MEMORIAL HOSPITAL	JACKSONVILLE
ST BERNARD'S HOSPITAL	JONESBORO
CHICOT MEMORIAL HOSPITAL	LAKE VILLAGE
LAFAYETTE COUNTY MEM HOSPITAL	LEWISVILLE
ARKANSAS STATE HOSPITAL	LITTLE ROCK
ST LOUIS-LITTLE ROCK HOSPITALS	LITTLE ROCK
UNITED FRIENDS HOSPITAL	LITTLE ROCK
UNIVERSITY HOSPITAL	LITTLE ROCK
VETERANS ADMINISTRATION HOSP	LITTLE ROCK
MAGNOLIA HOSPITAL	MAGNOLIA
HOT SPRING COUNTY MEM HOSPITAL	MALVERN
WOODRUFF COUNTY HOSPITAL	MCCRORY
MCGEHEE-DESHA COUNTY HOSPITAL	MCGEHEE
POLK COUNTY MEMORIAL HOSPITAL	MENA
DREW COUNTY MEMORIAL HOSPITAL	MONTICELLO
CONWAY COUNTY HOSPITAL	MORRILTON
BAXTER GENERAL HOSPITAL	MOUNTAIN HOME
PIKE COUNTY MEMORIAL HOSPITAL	MURFREESBORO
HOWARD COUNTY MEM HOSPITAL	NASHVILLE
MEMORIAL HOSPITAL	NORTH LITTLE ROCK
OSCEOLA MEMORIAL HOSPITAL	OSCEOLA
TURNER MEMORIAL HOSPITAL	OZARK
COMMUNITY METHODIST HOSPITAL	PARAGOULD

JEFFERSON HOSPITAL	PINE BLUFF
RANDOLPH COUNTY MEM HOSPITAL	POCAHONTAS
NEVADA COUNTY HOSPITAL	PRESCOTT
ROGERS MEMORIAL HOSPITAL	ROGERS
FULTON COUNTY HOSPITAL	SALEM
WHITE COUNTY MEMORIAL HOSPITAL	SEARCY
SILOAM SPRINGS MEM HOSPITAL	SILOAM SPRINGS
SPRINGDALE MEMORIAL HOSPITAL	SPRINGDALE
STUTTGART MEMORIAL HOSPITAL	STUTTGART
ST MICHAEL HOSPITAL	TEXARKANA
CRAWFORD COUNTY MEM HOSPITAL	VAN BUREN
SCOTT COUNTY HOSPITAL	WALDRON
LAWRENCE MEMORIAL HOSPITAL	WALNUT RIDGE
BRADLEY COUNTY MEM HOSPITAL	WARREN
CRITTENDEN MEMORIAL HOSPITAL	WEST MEMPHIS
CROSS COUNTY HOSPITAL	WYNNE
MARION COUNTY HOSPITAL	YELLVILLE

V40-135 JUL 14 75 XUM

CALIFORNIA

ALHAMBRA COMMUNITY HOSPITAL	ALHAMBRA
BLOSS MEM DISTRICT HOSPITAL	ATWATER
AVENAL DISTRICT HOSPITAL	AVENAL
KERN COUNTY GENERAL HOSPITAL	BAKERSFIELD
PHYSICIANS HOSPITAL	BAKERSFIELD
SAN GORGONIO PASS MEM HOSPITAL	BANNING
PALO VERDE HOSPITAL	BLYTHE
PIONEERS MEM HOSPITAL DISTRICT	BRAWLEY
NAVAL HOSPITAL	CAMP PENDLETON
ARMY AND NAVY ACADEMY	CARLSBAD
SENECA DISTRICT HOSPITAL	CHESTER
CALIFORNIA INST FOR MEN HOSP	CHINO
VISTA HILL HOSPITAL	CHULA VISTA
CLOVIS MEMORIAL HOSPITAL	CLOVIS
ESKATON-COLUSA HEALTHCARE CTR	COLUSA
CORCORAN DISTRICT HOSPITAL	CORCORAN
CORONADO HOSPITAL	CORONADO
FAIRVIEW STATE HOSPITAL	COSTA MESA
CHARTER OAK PSYCH HOSPITAL	COVINA
SEASIDE HOSPITAL	CRESCENT CITY
ALTA HOSPITAL DISTRICT	DINUBA
RANCHO LOS AMIGOS HOSPITAL	DOWNEY
EL CENTRO COMMUNITY HOSPITAL	EL CENTRO
IMPERIAL GENERAL HOSPITAL	EL CENTRO
SONOMA STATE HOSPITAL	ELDRIDGE
GENERAL HOSPITAL	EUREKA
HUMBOLDT MEDICAL CENTER	EUREKA
SOLANO COUNTY HOSPITAL	FAIRFIELD
MAYERS MEMORIAL HOSPITAL	FALL RIVER MILLS
SILAS B HAYS ARMY HOSPITAL	FORT ORD
FOWLER MUNICIPAL HOSPITAL	FOWLER
VETERANS ADMINISTRATION HOSP	FRESNO
BIGGS-GRIDLEY MEM HOSPITAL	GRIDLEY
HANFORD COMMUNITY HOSPITAL	HANFORD
KINGS GENERAL HOSPITAL	HANFORD
SACRED HEART HOSPITAL	HANFORD
HAZEL HAWKINS MEMORIAL HOSPS	HOLLISTER
NAPA STATE HOSPITAL	IMOLA
VALLEY MEMORIAL HOSPITAL	INDIO
AMADOR HOSPITAL	JACKSON
KINGSBURG DISTRICT HOSPITAL	KINGSBURG
KERN VALLEY HOSPITAL	LAKE ISABELLA
LAKESIDE COMMUNITY HOSPITAL	LAKEPORT
MIRA LOMA HOSPITAL	LANCASTER
NAVAL HOSPITAL	LEMOORE
LINDSAY DISTRICT HOSPITAL	LINDSAY
VETERANS ADMINISTRATION HOSP	LIVERMORE
LOMPOC DISTRICT HOSPITAL	LOMPOC
LONG BEACH EL CERRITO HOSPITAL	LONG BEACH
PACIFIC HOSPITAL OF LONG BEACH	LONG BEACH
VETERANS ADMINISTRATION HOSP	LONG BEACH
BEVERLY HILLS DOCTORS HOSP	LOS ANGELES
BON AIR HOSPITAL	LOS ANGELES
CITY VIEW HOSPITAL	LOS ANGELES

FRENCH HOSPITAL OF LOS ANGELES	LOS ANGELES
JOHN WESLEY HOSPITAL	LOS ANGELES
LINCOLN HOSPITAL	LOS ANGELES
MARTIN LUTHER KING JR GEN HOSP	LOS ANGELES
MORNINGSIDE HOSPITAL	LOS ANGELES
SALVATION ARMY BOOTH MEM HOSP	LOS ANGELES
SANTA FE MEMORIAL HOSPITAL	LOS ANGELES
ST ANNE'S MATERNITY HOSPITAL	LOS ANGELES
LOS BANOS COMMUNITY HOSPITAL	LOS BANOS
SIERRA VALLEY DIST HOSPITAL	LOYALTON
ST FRANCIS HOSPITAL OF LYNWOOD	LYNWOOD
VETERANS ADMINISTRATION HOSP	MARTINEZ
YUBA GENERAL HOSPITAL	MARYSVILLE
MERCY HOSPITAL	MERCED
MEMORIAL HOSPITAL ASSOCIATION	MODESTO
MODESTO CITY HOSPITAL	MODESTO
BRET HARTE HOSPITAL	MURPHYS
PARADISE VALLEY HOSPITAL	NATIONAL CITY
NEEDLES MUNICIPAL HOSPITAL	NEEDLES
NEVADA GENERAL HOSPITAL	NEVADA CITY
OAKDALE MUNICIPAL HOSPITAL	OAKDALE
NAVAL HOSPITAL	OAKLAND
BUTTE COUNTY COMM HOSPITAL	OROVILLE
EISENHOWER MEDICAL CENTER	PALM DESERT
VETERANS ADMINISTRATION HOSP	PALO ALTO
PASO ROBLES DISTRICT HOSPITAL	PASO ROBLES
DEL PUERTO HOSPITAL	PATTERSON
PACIFIC STATE HOSPITAL	POMONA
NAVAL HOSPITAL	PORT HUENEME
PORTERVILLE STATE HOSPITAL	PORTERVILLE
PLUMAS DISTRICT HOSPITAL	QUINCY
TEHAMA GENERAL HOSPITAL	RED BLUFF
KINGS VIEW HOSPITAL	REEDLEY
SIERRA-KINGS HOSPITAL	REEDLEY
FOLSOM PRISON HOSPITAL	REPPESA
RIVERSIDE GEN HSP-UNIV MED CTR	RIVERSIDE
U S AIR FORCE REGIONAL HOSP	RIVERSIDE
COMMUNITY MEMORIAL HOSPITAL	SACRAMENTO
NAVAL HOSPITAL	SAN DIEGO
GARDEN HOSP & J SULLIVAN CTR	SAN FRANCISCO
FAIRMONT HOSPITAL	SAN LEANDRO
CRYSTAL SPRINGS REHAB CENTER	SAN MATEO
NAVAL DISPENSARY	SANTA ANA
SANTA BARBARA GENERAL HOSPITAL	SANTA BARBARA
SANTA MARIA HOSPITAL	SANTA MARIA
EDGEMOOR GERIATRIC HOSPITAL	SANTEE
VETERANS ADMINISTRATION HOSP	SEPULVEDA
SIERRA MADRE COMM HOSPITAL	SIERRA MADRE
SIMI VALLEY ADVENTIST HOSPITAL	SIMI VALLEY
SONORA COMMUNITY HOSPITAL	SONORA
TUOLUMNE GENERAL HOSPITAL	SONORA
LASSEN MEMORIAL HOSPITAL	SUSANVILLE
TRACY COMM MEMORIAL HOSPITAL	TRACY
TULARE COUNTY GENERAL HOSPITAL	TULARE
TULARE DISTRICT HOSPITAL	TULARE
MENDOCINO COMMUNITY HOSPITAL	UKIAH
CALIFORNIA MEDICAL FACILITY	VACAVILLE
GENERAL HOSP VENTURA COUNTY	VENTURA
VICTOR VALLEY HOSPITAL	VICTORVILLE
WATSONVILLE COMMUNITY HOSPITAL	WATSONVILLE
WEIMAR MEDICAL CENTER	WEIMAR
MOTION PICTURE & TEL HOSPITAL	WOODLAND HILLS
SISKIYOU GENERAL HOSPITAL	YREKA
HI-DESERT MEMORIAL HOSPITAL	YUCCA VALLEY

V40-135 JUL 14 75 XUM

COLORADO

WASHINGTON CNTY PUBLIC HOSP	AKRON
ALAMOSA COMMUNITY HOSPITAL	ALAMOSA
COLO STATE PENITENTIARY HOSP	CANON CITY
PLATEAU VALLEY CCMGREG HOSP	COLLBRAN
MEMORIAL HOSPITAL	CRAIG
ST JOSEPH HOSPITAL	DEL NORTE
DELTA COUNTY MEMORIAL HOSPITAL	DELTA
BETH ISRAEL HOSPITAL AND HOME	DENVER
FITZSIMONS GENERAL HOSPITAL	DENVER
SPEARS CHIROPRACTIC HOSPITAL	DENVER
COMMUNITY HOSPITAL	DURANGO
MERCY HOSPITAL	DURANGO
ST JOSEPH HOSPITAL	FLORENCE
FORT MCRGAN COMMUNITY HOSPITAL	FORT MORGAN
LOWER VALLEY HOSPITAL	FRUITA
GRAND JUNCTION OSTEO HOSPITAL	GRAND JUNCTION
MESA MEMORIAL HOSPITAL	GRAND JUNCTION
VETERANS ADMINISTRATION HOSP	GRAND JUNCTION
HAXTUN HOSPITAL DISTRICT	HAXTUN
CONEJOS COUNTY HOSPITAL	LA JARA
LA JUNTA MEDICAL CENTER	LA JUNTA
PROWERS MEDICAL CENTER	LAMAR
BENT COUNTY MEMORIAL HOSPITAL	LAS ANIMAS
PARKVIEW EPISCOPAL HOSPITAL	PUEBLO
ST MARY-CORWIN HOSPITAL	PUEBLO
PIONEERS MEMORIAL HOSPITAL	ROCKY FORD
SOUTHEAST COLORADO HOSPITAL	SPRINGFIELD
LOGAN COUNTY HOSPITAL	STERLING
MOUNT SAN RAFAEL HOSPITAL	TRINIDAD
HUERFANO MEMORIAL HOSPITAL	WALSENBURG
WRAY COMMUNITY DIST HOSPITAL	WRAY

CONNECTICUT

FEDERAL CORRECTIONAL INST HOSP	DANBURY
NAVAL SUBMARINE MEDICAL CENTER	GROTON
MANSFIELD TRAINING SCHOOL	MANSFIELD DEPOT
CONNECTICUT VALLEY HOSPITAL	MIDDLETOWN
CEDARCREST HOSPITAL	NEWINGTON
ROCKVILLE GENERAL HOSPITAL	ROCKVILLE
VETERANS HOME AND HOSPITAL	ROCKY HILL
ST JOSEPH'S MANOR	TRUMBULL
ARCHBOLD HOSPITAL	WALLINGFORD
VETERANS ADMINISTRATION HOSP	WEST HAVEN
HALL-BROOKE HOSPITAL	WESTPORT

DELAWARE

GOVERNOR BACON HEALTH CENTER	DELAWARE CITY
KENT GENERAL HOSPITAL	DOVER
HOSP FOR THE MENTALLY RETARDED	GEORGETOWN
DELAWARE STATE HOSPITAL	NEW CASTLE
DELAWARE HOME AND HOSPITAL	SMYRNA

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA GEN HOSP	WASHINGTON
DISTRICT OF COLUMBIA VILLAGE	WASHINGTON
HOSPITAL FOR SICK CHILDREN	WASHINGTON
U S SOLDIERS' HOME HOSPITAL	WASHINGTON
VETERANS ADMINISTRATION HOSP	WASHINGTON
WALTER REED GENERAL HOSPITAL	WASHINGTON

V40-135 JUL 14 75 XUM

FLORIDA

NORTH ORANGE MEMORIAL HOSP	APOPKA
DESOTO MEMORIAL HOSPITAL	ARCADIA
G PIERCE WOOD MEM HOSPITAL	ARCADIA
MORROW MEMORIAL HOSPITAL	AUBURNDALE
WALKER MEMORIAL HOSPITAL	AVON PARK
BARTOW MEMORIAL HOSPITAL	BARTOW
VETERANS ADMINISTRATION CENTER	BAY PINES
CALHOUN GENERAL HOSPITAL	BLOUNTSTOWN
HOLMES COUNTY HOSPITAL	BONIFAY
LYKES MEMORIAL HOSPITAL	BROOKSVILLE
CARFABELLE GENERAL HOSPITAL	CAPRABELLE
CENTURY MEMORIAL HOSPITAL	CENTURY
FLORIDA STATE HOSPITAL	CHATTAHOOCHEE
WASHINGTON COUNTY HOSPITAL	CHIPLEY
SOUTH LAKE MEMORIAL HOSPITAL	CLERMONT
HENDRY GENERAL HOSPITAL	CLEWISTON
ABBEY HOSPITAL AND MED CENTER	CORAL GABLES
UNIV OF MIAMI HEALTH CTR HOSP	CORAL GABLES
OKALOOSA MEMORIAL HOSPITAL	CRESTVIEW
JACKSON MEMORIAL HOSPITAL	DADE CITY
E L HUGGINS MEMORIAL HOSPITAL	DE FUNIAK SPRINGS
U S AIR FORCE REGIONAL HOSP	EGLIN AFB
WATERMAN MEMORIAL HOSPITAL	EUSTIS
HUMPHREYS MEMORIAL HOSPITAL	FERNANDINA BEACH
FORT PIERCE MEMORIAL HOSPITAL	FORT PIERCE
SUNLAND TRAINING CENTER	GAINESVILLE
VETERANS ADMINISTRATION HOSP	GAINESVILLE
CAMPBELLTON GRACEVILLE HOSP	GRACEVILLE
CLAY MEMORIAL HOSPITAL	GREEN COVE SPRINGS
HEART OF FLORIDA HOSPITAL	HAINES CITY
JAMES ARCHER SMITH HOSPITAL	HOMESTEAD
CITRUS MEMORIAL HOSPITAL	INVERNESS
METHODIST HOSPITAL	JACKSONVILLE
NAVAL HOSPITAL	JACKSONVILLE
HAMILTON COUNTY MEM HOSPITAL	JASPER
JAY HOSPITAL	JAY
NAVAL HOSPITAL	KEY WEST
VETERANS ADMINISTRATION HOSP	LAKE CITY
LAKE WALES HOSPITAL	LAKE WALES
LAKELAND GENERAL HOSPITAL	LAKELAND
A G HOLLEY STATE HOSPITAL	LANTANA
SUN COAST HOSPITAL	LAPGO
LEESBURG GENERAL HOSPITAL	LEESBURG
LEHIGH ACRES GENERAL HOSPITAL	LEHIGH ACRES
NE FLORIDA STATE HOSPITAL	MACCLENNY
MADISON COUNTY MEM HOSPITAL	MADISON
JACKSON HOSPITAL	MARIANNA
CHRISTIAN HOSPITAL	MIAMI
JAMES M JACKSON MEMORIAL HOSP	MIAMI
NORTH SHORE HOSPITAL	MIAMI
NORTHWEST HOSPITAL	MIAMI
PAN AMERICAN HOSPITAL	MIAMI
VETERANS ADMINISTRATION HOSP	MIAMI BEACH
MIAMI HEART INSTITUTE	MIAMI BEACH
MOUNT SINAI MEDICAL CENTER	MIAMI BEACH
ST FRANCIS HOSPITAL	MILTON
SANTA ROSA HOSPITAL	N MIAMI BEACH
OSTEOPATHIC GENERAL HOSPITAL	NEW PORT RICHEY
WEST PASCO HOSPITAL	NEW SMYRNA BEACH
FISH MEMORIAL HOSPITAL	OKEECHOBEE
OKEECHOBEE GENERAL HOSPITAL	ORLANDO
NAVAL HOSPITAL	ORLANDO
SUNLAND HOSPITAL AT ORLANDO	ORMOND BEACH
ORMOND BEACH OSTEO HOSP	PAHOKEE
EVERGLADES MEMORIAL HOSPITAL	PALATKA
PUTNAM MEMORIAL HOSPITAL	PENSACOLA
BAPTIST HOSPITAL	PENSACOLA
NAVAL HOSPITAL	PENSACOLA
SACRED HEART HOSP OF PENSACOLA	PERRY
DOCTORS MEMORIAL HOSPITAL	PLANT CITY
SOUTH FLORIDA BAPTIST HOSPITAL	PLANTATION
DOCTORS GENERAL HOSPITAL	POMPANO BEACH
NORTH BROWARD HOSPITAL	PORT ST JOE
MUNICIPAL HOSPITAL	PUNTA GORDA
MEDICAL CENTER	QUINCY
GADSDEN MEMORIAL HOSPITAL	SANFORD
SEMINOLE MEMORIAL HOSPITAL	SEBRING
HIGHLANDS GENERAL HOSPITAL	ST AUGUSTINE
FLAGLER HOSPITAL	ST CLOUD
ST CLOUD HOSPITAL	ST PETERSBURG
BAYFRONT MEDICAL CENTER	STARKE
BRADFORD COUNTY HOSPITAL	TALLAHASSEE
FED CORRECTIONAL INST HOSPITAL	TALLAHASSEE
SUNLAND HOSPITAL TALLAHASSEE	TAMPA
CENTRO ASTURIANO HOSPITAL	TAMPA
CENTRO ESPANOL MEMORIAL HOSP	TAMPA
HILLSBOROUGH COUNTY HOSPITAL	TAMPA
UNIVERSITY COMMUNITY HOSPITAL	TAMPA
W T EDWARDS TUBERCULOSIS HOSP	TITUSVILLE
JESS PARRISH MEMORIAL HOSPITAL	VERO BEACH
INDIAN RIVER MEMORIAL HOSPITAL	WEST HOLLYWOOD
SOUTH FLORIDA STATE HOSPITAL	WINTER GARDEN
WEST ORANGE MEMORIAL HOSPITAL	

V40-135 JUL 14 75 XUM

GEORGIA

MEMORIAL HOSPITAL	ADEL
ALBANY STATE COLLEGE INF	ALBANY
PHOEBE PUTNEY MEM HOSPITAL	ALBANY
BACON COUNTY HOSPITAL	ALMA
AMERICUS AND SUMTER CNTY HOSP	AMERICUS
TURNER COUNTY HOSPITAL	ASHBURN
U S PENITENTIARY HOSPITAL	ATLANTA
UNIVERSITY HOSPITAL	AUGUSTA
VETERANS ADMINISTRATION HOSP	AUGUSTA
MEMORIAL HOSPITAL	BAINBRIDGE
APPLING GENERAL HOSPITAL	BAXLEY
PIERCE COUNTY HOSPITAL	BLACKSHEAR
UNION GENERAL HOSPITAL	BLAIRSVILLE
EARLY MEMORIAL HOSPITAL	BLAKELY
BREMEN GENERAL HOSPITAL	BREMEN
MARION MEMORIAL HOSPITAL	BUENA VISTA
GRADY GENERAL HOSPITAL	CAIRO
GORDON HOSPITAL	CALHOUN
MITCHELL COUNTY HOSPITAL	CAMILLA
R T JONES MEMORIAL HOSPITAL	CANTON
TANNER MEMORIAL HOSPITAL	CARROLLTON
WEST GA COLLEGE HEALTH CENTER	CARROLLTON
SAM HOWELL MEMORIAL HOSPITAL	CARTERSVILLE
POLK GENERAL HOSPITAL	CEDARTOWN
MURRAY COUNTY MEMORIAL HOSP	CHATSWORTH
EVANS MEMORIAL HOSPITAL	CLAXTON
BLECKLEY COUNTY HOSPITAL	COCHRAN
MILLER CNTY HOSP AND NRSG HOME	COLQUITT
MEDICAL CENTER	COLUMBUS
ROCKDALE COUNTY HOSPITAL	CONYERS
CRISP COUNTY HOSPITAL	CORDELE
NEWTON COUNTY HOSPITAL	COVINGTON
PATTERSON HOSPITAL	CUTHBERT
N GA COLLEGE INFIRMARY	DAHLONE
PAULDING MEMORIAL HOSPITAL	DALLAS
HAMILTON MEMORIAL HOSPITAL	DALTON
VA HOSPITAL ATLANTA	DECATUR
HABERSHAM COUNTY GEN HOSPITAL	DEMOREST
COFFEE GENERAL HOSPITAL	DOUGLAS
LAURENS MEMORIAL HOSPITAL	DUBLIN
VETERANS ADMINISTRATION CENTER	DUBLIN
DODGE COUNTY HOSPITAL	EASTMAN
ELBERTON-ELBERT COUNTY HOSP	ELBERTON
WATKINS MEMORIAL HOSPITAL	ELLIJAY
MARTIN ARMY HOSPITAL	FORT BENNING
CLAY CNTY-FORT GAINES HOSPITAL	FORT GAINES
U S ARMY GENERAL HOSPITAL	FORT GORDON
JOHN L HUTCHESON MEM HOSPITAL	FORT OGLETHORPE
PEACH COUNTY HOSPITAL	FORT VALLEY
HALL COUNTY HOSPITAL	GAINESVILLE
GRACEWOOD STATE SCHOOL & HOSP	GRACEWOOD
MINNIE G BOSWELL MEM HOSPITAL	GREENSBORO
GRIFFIN SPALDING COUNTY HOSP	GRIFFIN
HART COUNTY HOSPITAL	HARTWELL

R J TAYLOR MEMORIAL HOSPITAL	HAWKINSVILLE
CLYDE DUNCAN MEMORIAL HOSPITAL	HAZLEHURST
TOWNS COUNTY HOSPITAL	HIAWASSEE
LIBERTY MEMORIAL HOSPITAL	HINESVILLE
CLINCH MEMORIAL HOSPITAL	HOMERVILLE
SYLVAN GROVE HOSPITAL	JACKSON
PICKENS GENERAL HOSPITAL	JASPER
WAYNE MEMORIAL HOSPITAL	JESUP
CITY-COUNTY HOSPITAL	LA GRANGE
LOUIS SMITH MEMORIAL HOSPITAL	LAKELAND
GWINNETT COUNTY HOSP SYSTEM	LAWRENCEVILLE
HUCKABEE MEM INF-WESLEYAN CL	MACON
MORGAN MEMORIAL HOSPITAL	MADISON
TELFAIR COUNTY HOSPITAL	MCRAE
BALDWIN COUNTY HOSPITAL	MILLEDGEVILLE
CENTRAL STATE HOSPITAL	MILLEDGEVILLE
WALTON COUNTY HOSPITAL	MONROE
VEREEN MEMORIAL HOSPITAL	MOULTRIE
BERRY COLLEGE INFIRMARY	MOUNT BERRY
COWETA GENERAL HOSPITAL	NEWNAN
IRWIN COUNTY HOSPITAL	OCILLA
PERRY HOUSTON COUNTY HOSPITAL	PERRY
BROOKS COUNTY HOSPITAL	QUITMAN
STEWART-WEBSTER HOSPITAL	RICHLAND
ROCKMART-ARAGON HOSPITAL	ROCKMART
BATTEY STATE HOSPITAL	ROME
FLOYD HOSPITAL	ROME
COBB MEMORIAL HOSPITAL	ROYSTON
MEM HOSP OF WASHINGTON COUNTY	SANDERSVILLE
GEORGIA INFIRMARY	SAVANNAH
MEMORIAL MEDICAL CENTER	SAVANNAH
TUTTLE U S ARMY HOSPITAL	SAVANNAH
TREUTLEN COUNTY HOSPITAL	SOPERTON
HANCOCK MEMORIAL HOSPITAL	SPARTA
EFFINGHAM COUNTY HOSP & ECF	SPRINGFIELD
GILMAN HOSPITAL	ST MARYS
BULLOCH COUNTY HOSPITAL	STATESBORO
CHATTOOGA COUNTY HOSPITAL	SUMMERVILLE
EMANUEL COUNTY HOSPITAL	SWAINSBORO
SCREVEN COUNTY HOSPITAL	SYLVANIA
WORTH COUNTY HOSPITAL	SYLVESTER
JOHN D ARCHBOLD MEM HOSPITAL	THOMASVILLE
SOUTHWESTERN STATE HOSPITAL	THOMASVILLE
MCDUFFIE COUNTY HOSPITAL	THOMSON
TIFT GENERAL HOSPITAL	TIFTON
STEPHENS COUNTY HOSPITAL	TOCCOA
TRION COMMUNITY HOSPITAL	TRION
DOCTORS HOSPITAL	TUCKER
VALDOSTA STATE COLLEGE INF	VALDOSTA
DR JOHN M MEADOWS MEM HOSPITAL	VIDALIA
VILLA RICA CITY HOSPITAL	VILLA RICA
MERIWETHER MEMORIAL HOSPITAL	WARM SPRINGS
WILLS MEMORIAL HOSPITAL	WASHINGTON
MEMORIAL HOSPITAL	WAYCROSS
WINDER BARROW HOSPITAL	WINDER

V40-135 JUL 14 75 XUM

HAWAII

LEEWARD OAHU HOSPITAL	AIEA
HILO HCSPITAL	HILO
HONOKAA HOSPITAL	HONOKAA
TRIPLER ARMY MEDICAL CENTER	HONOLULU
SAMUEL MAHELONA MEMORIAL HOSP	KAPAA
MOLOKAI GENERAL HOSPITAL	KAUNAKAKAI
KONA HOSPITAL	KEALAKEKUA
KAUAI VETERANS MEM HOSPITAL	WAIMEA

IDAHO

POWER COUNTY HOSPITAL	AMERICAN FALLS
ASHTON MEMORIAL HOSPITAL	ASHTON
STATE HOSPITAL SOUTH	BLACKFOOT
VETERANS ADMINISTRATION CENTER	BOISE
VALLEY COUNTY HOSPITAL	CASCADE
ST MARY'S HOSPITAL	COTTONWOOD
WALTER KNOX MEMORIAL HOSPITAL	EMMETT
IDAHO FALLS HOSPITAL	IDAHO FALLS
SACRED HEART HOSPITAL	IDAHO FALLS
ST BENEDICT'S HOSPITAL	JEROME
UNIVERSITY OF IDAHO HOSPITAL	MOSCOW
ELMORE MEMORIAL HOSPITAL	MOUNTAIN HOME
MADISON MEMORIAL HOSPITAL	REXBURG
STEELE MEMORIAL HOSPITAL	SALMON
BONNER GENERAL HOSPITAL	SANDPOINT
CARIBOU MEM HOSPITAL & NSG HM	SODA SPRINGS
BENEWAH COMMUNITY HOSPITAL	ST MARIES
MEMORIAL HOSPITAL	WEISER

ILLINOIS

ST ANTHONY'S HOSPITAL	ALTON
ANNA STATE HOSPITAL	ANNA
UNION COUNTY HOSPITAL	ANNA
SCHMITT MEMORIAL HOSPITAL	BEARDSTOWN
HIGHLAND HOSPITAL	BELVIDERE
ST JOSEPH'S HOSPITAL	BELVIDERE
FRANKLIN HOSPITAL	BENTON
ST JOSEPH'S-CLINTON CNTY HOSP	BREESE
ST MARY'S HOSPITAL	CAIRO
CARLINVILLE AREA HOSPITAL	CARLINVILLE
THOMAS H BOYD MEM HOSPITAL	CARROLLTON
ST MARY'S HOSPITAL	CENTRALIA
WARREN MURRAY CHILDREN'S CNTR	CENTRALIA
CHARLESTON COMM MEM HOSPITAL	CHARLESTON
ILLINOIS SECURITY HOSPITAL	CHESTER
MEMORIAL HOSPITAL	CHESTER
AMERICAN HOSPITAL OF CHICAGO	CHICAGO
BETHANY METHODIST HOSPITAL	CHICAGO
CERMAK MEMORIAL HOSPITAL	CHICAGO
EDGEWATER HOSPITAL	CHICAGO
FRANKLIN BOULEVARD COMM HOSP	CHICAGO
HENROTIN HOSPITAL	CHICAGO
ILL DEPT OF PUB HLTH HOSP-CLIN	CHICAGO
ILL STATE PEDIATRIC INSTITUTE	CHICAGO
MERCY HOSPITAL AND MED CENTER	CHICAGO
MICHCLAS PRITZKER CHILD HOSP	CHICAGO
NORTHWEST HOSPITAL	CHICAGO
PROVIDENT HOSP AND TRNG SCHOOL	CHICAGO
RUSH-PRESBYTERIAN-ST LUKE HOSP	CHICAGO
SOUTH CHICAGO COMM HOSPITAL	CHICAGO
SOUTH SHORE HOSPITAL	CHICAGO
ST ANTHONY HOSPITAL	CHICAGO
ST FRANCES XAVIER CABRINI HOSP	CHICAGO
VA RESEARCH HOSPITAL	CHICAGO
VA WEST SIDE HOSPITAL	CHICAGO
VETERANS ADMINISTRATION HOSP	DANVILLE
DECATUR MEMORIAL HOSPITAL	DECATUR
ST MARY'S HOSPITAL	DECATUR
DIXON STATE SCHOOL	DIXON
MARSHALL BROWNING HOSPITAL	DU QUOIN
WILLIAM W FOX CHILDREN'S CNTR	DWIGHT
EAST MOLINE STATE HOSPITAL	EAST MOLINE
CHRISTIAN WELFARE HOSPITAL	EAST ST LOUIS
ST MARY'S HOSPITAL	EAST ST LOUIS
ST ANTHONY MEMORIAL HOSPITAL	EFFINGHAM
PEARCE HOSPITAL	ELDORADO
ELGIN STATE HOSPITAL	ELGIN
COMMUNITY HOSPITAL OF EVANSTON	EVANSTON
FAIRFIELD MEMORIAL HOSPITAL	FAIRFIELD
CLAY COUNTY HOSPITAL	FLORA
GALESBURG STATE RESEARCH HOSP	GALESBURG
HAMMOND-HENRY DIST HOSPITAL	GENESEO
GIBSON COMMUNITY HOSPITAL	GIBSON CITY
NAVAL HOSPITAL	GREAT LAKES

V40-135 JUL 14 75 XUM

EDWARD A UTLAUT MEM HOSPITAL	GREENVILLE
MASON DISTRICT HOSPITAL	HAVANA
HERRIN HOSPITAL	HERRIN
ST JOSEPH'S HOSPITAL	HIGHLAND
HILLSBORO HOSPITAL	HILLSBORO
VETERANS ADMINISTRATION HOSP	HINES
ILL STATE PENITENTIARY HOSP	JOLIET
LA HARPE HOSPITAL	LA HARPE
LAWRENCE COUNTY MEM HOSPITAL	LAWRENCEVILLE
ABRAHAM LINCOLN MEM HOSPITAL	LINCOLN
LINCOLN STATE SCHOOL	LINCOLN
ST FRANCIS HOSPITAL	LITCHFIELD
OAK KNOLL SANATARIUM	MACKINAW
MANTENO STATE HOSPITAL	MANTENO
MARION MEMORIAL HOSPITAL	MARION
USPHS PENITENTIARY HOSPITAL	MARION
VETERANS ADMINISTRATION HOSP	MARION
MEMORIAL HOSP DIST COLES CNTY	MATTOON
HAMILTON MEMORIAL HOSPITAL	MCLEANSBORO
MENDOTA COMMUNITY HOSPITAL	MENDOTA
MASSAC MEMORIAL HOSPITAL	METROPOLIS
JOHN AND MARY KIRBY HOSPITAL	MONTICELLO
MORRIS HOSPITAL	MORRIS
WABASH GENERAL HOSP DISTRICT	MOUNT CARMEL
GOOD SAMARITAN HOSPITAL	MOUNT VERNON
JEFFERSON COUNTY MEM HOSPITAL	MOUNT VERNON
ST JOSEPH MEMORIAL HOSPITAL	MURPHYSBORO
WASHINGTON COUNTY HOSPITAL	NASHVILLE
OAK FOREST HOSP OF COOK COUNTY	OAK FOREST
RICHLAND MEMORIAL HOSPITAL	OLNEY
PANA COMMUNITY HOSPITAL	PANA
PARIS COMMUNITY HOSPITAL	PARIS
PAXTON COMMUNITY HOSPITAL	PAXTON
PEKIN MEMORIAL HOSPITAL	PEKIN
PEORIA STATE HOSPITAL	PEORIA
PINCKNEYVILLE COMM HOSPITAL	PINCKNEYVILLE
ILLINI COMMUNITY HOSPITAL	PITTSFIELD
CRAWFORD MEMORIAL HOSPITAL	ROBINSON
HARDIN COUNTY GENERAL HOSPITAL	ROSICLARE
SARAH D CULBERTSON MEM HOSP	RUSHVILLE
SALEM MEMORIAL HOSPITAL	SALEM
SAVANNA CITY HOSPITAL	SAVANNA
U S AIR FORCE MEDICAL CENTER	SCOTT AFB
SPARTA COMMUNITY HOSPITAL	SPARTA
COMMUNITY MEMORIAL HOSPITAL	STAUNTON
ST MARY'S HOSPITAL	STREATOR
ST VINCENT MEMORIAL HOSPITAL	TAYLORVILLE
TINLEY PARK MENTAL HEALTH CNTR	TINLEY PARK
FAYETTE COUNTY HOSPITAL	VANDALIA
IROQUOIS MEMORIAL HOSPITAL	WATSEKA
ST JOSEPH'S HEALTH RESORT	WEDRON
WOOD RIVER TOWNSHIP HOSPITAL	WOOD RIVER

INDIANA

DEKALB MEMORIAL HOSPITAL	AUBURN
MARGARET MARY COMM HOSPITAL	BATESVILLE
BEDFORD MEDICAL CENTER	BEDFORD
DUNN MEMORIAL HOSPITAL	BEDFORD
BLOOMINGTON HOSPITAL	BLOOMINGTON
INDIANA UNIV STUDENT HLTH SERV	BLOOMINGTON
WELLS COMMUNITY HOSPITAL	BLUFFTON
MUSCATATUCK STATE HOSPITAL	BUTLERVILLE
VERMILLION COUNTY HOSPITAL	CLINTON
FAYETTE MEMORIAL HOSPITAL	CONNERSVILLE
JAMES C FARRAMORE HOSPITAL	CROWN POINT
HENDRICKS COUNTY HOSPITAL	DANVILLE
MERCY HOSPITAL	ELWOOD
DEACONESS HOSPITAL	EVANSVILLE
EVANSVILLE STATE HOSPITAL	EVANSVILLE
ST MARY'S HOSPITAL	EVANSVILLE
FT WAYNE STATE HOSP & TRNG CTR	FORT WAYNE
IRENE BYRON HOSPITAL	FORT WAYNE
VETERANS ADMINISTRATION HOSP	FORT WAYNE
INDIANA MASONIC HOME HOSPITAL	FRANKLIN
JOHNSON COUNTY MEM HOSPITAL	FRANKLIN
METHODIST HOSPITAL OF GARY	GARY
PUTNAM COUNTY HOSPITAL	GREENCASTLE
DECATUR COUNTY MEM HOSPITAL	GREENSBURG
CENTRAL STATE HOSPITAL	INDIANAPOLIS
MARION COUNTY GENERAL HOSPITAL	INDIANAPOLIS
UNIVERSITY HEIGHTS HOSPITAL	INDIANAPOLIS
VETERANS ADMINISTRATION HOSP	INDIANAPOLIS
WINONA MEMORIAL HOSPITAL	INDIANAPOLIS
MEMORIAL HOSPITAL	JASPER
STARKE MEMORIAL HOSPITAL	KNOX
LAGRANGE COUNTY HOSPITAL	LAGRANGE
DEARBORN COUNTY HOSPITAL	LAWRENCEBURG
LOGANSPORT STATE HOSPITAL	LOGANSPORT
MEMORIAL HOSPITAL	LOGANSPORT
KING'S DAUGHTERS' HOSPITAL	MADISON
MADISON STATE HOSPITAL	MADISON
MARION GENERAL HOSPITAL	MARION
MORGAN COUNTY MEM HOSPITAL	MARTINSVILLE
MEM HOSPITAL OF MICHIGAN CITY	MICHIGAN CITY
WALTERS HOSPITAL FOUNDATION	MICHIGAN CITY
BALL MEMORIAL HOSPITAL	MUNCIE
HENRY COUNTY MEMORIAL HOSPITAL	NEW CASTLE
NEW CASTLE STATE HOSPITAL	NEW CASTLE
WIRTH OSTEOPATHIC HOSPITAL	OAKLAND CITY
DUKES MEMORIAL HOSPITAL	PERU
JAY COUNTY HOSPITAL	PORTLAND
GIBSON GENERAL HOSPITAL	PRINCETON
REID MEMORIAL HOSPITAL	RICHMOND
RICHMOND STATE HOSPITAL	RICHMOND
WOODLAWN HOSPITAL	ROCHESTER
WASHINGTON COUNTY MEM HOSPITAL	SALEM
SCOTT COUNTY MEMORIAL HOSPITAL	SCOTTSBURG
JACKSON CNTY SCHNECK MEM HOSP	SEYMOUR

V40 I135 JUL 14 75 XUM

WILLIAM S MAJOR HOSPITAL	SHELBYVILLE
NORTHERN IND CHILDREN'S HOSP	SOUTH BEND
SOUTH BEND OSTEO HOSPITAL	SOUTH BEND
ST JOSEPH'S HOSPITAL	SOUTH BEND
OUR LADY OF LOURDES INFIRMARY	ST MARY OF WOODS
MARY SHERMAN HOSPITAL	SULLIVAN
PERRY COUNTY MEMORIAL HOSPITAL	TELL CITY
TIPTON COUNTY MEM HOSPITAL	TIPTON
UNION CITY MEMORIAL HOSPITAL	UNION CITY
GOOD SAMARITAN HOSPITAL	VINCENNES
WABASH COUNTY HOSPITAL	WABASH
DR NORMAN M BEATTY MEM HOSP	WESTVILLE
PULASKI MEMORIAL HOSPITAL	WINAMAC

IOWA

MONROE COUNTY HOSPITAL	ALBIA
ANAMOSA COMMUNITY HOSPITAL	ANAMOSA
CASS COUNTY MEMORIAL HOSPITAL	ATLANTIC
AUDUBON COUNTY MEM HOSPITAL	AUDUBON
HARTLEY MEMORIAL HOSPITAL	BATTLE CREEK
DAVIS COUNTY HOSPITAL	BLOOMFIELD
ST JOSEPH'S MERCY HOSPITAL	CENTERVILLE
LUCAS COUNTY MEMORIAL HOSPITAL	CHARITON
MENTAL HEALTH INSTITUTE	CHEROKEE
MENTAL HEALTH INSTITUTE	CLARINDA
MUNICIPAL HOSPITAL	CLARINDA
ROSARY HOSPITAL	CORNING
WAYNE COUNTY HOSPITAL	COPYDON
ST JOSEPH MERCY HOSPITAL	CRESCO
GREATER COMMUNITY HOSPITAL	CRESTON
DEWITT COMMUNITY HOSPITAL	DE WITT
CRAWFORD COUNTY MEM HOSPITAL	DENISON
DES MOINES GENERAL HOSPITAL	DES MOINES
HARRISON TREAT & REHAB CENTER	DES MOINES
VETERANS ADMINISTRATION HOSP	DES MOINES
SACRED HEART HOSPITAL	FORT MADISON
GLENWOOD STATE HOSPITAL SCHOOL	GLENWOOD
GUTHRIE COUNTY HOSPITAL	GUTHRIE CENTER
GUTTENBERG MUNICIPAL HOSPITAL	GUTTENBERG
GRAPE COMMUNITY HOSPITAL	HAMBURG
FRANKLIN GENERAL HOSPITAL	HAMPTON
SHELBY COUNTY MYRTUE MEM HOSP	HARLAN
COMMUNITY MEMORIAL HOSPITAL	HARTLEY
MENTAL HEALTH INSTITUTE	INDEPENDENCE
PEOPLE'S MEMORIAL HOSPITAL	INDEPENDENCE
GREENE COUNTY MEDICAL CENTER	JEFFERSON
GRAHAM HOSPITAL	KEOKUK
VAN BUREN COUNTY MEM HOSPITAL	KEOSAUQUA
STEWART MEMORIAL COMM HOSPITAL	LAKE CITY
DECATUR COUNTY HOSPITAL	LEON
MANNING GENERAL HOSPITAL	MANNING
MEMORIAL HOSPITAL	MASON CITY
COMMUNITY MEMORIAL HOSPITAL	MISSOURI VALLEY
MENTAL HEALTH INSTITUTE	MOUNT PLEASANT
STORY COUNTY HOSPITAL	NEVADA
ST JOSEPH COMMUNITY HOSPITAL	NEW HAMPTON
MARY FRANCES SKIFF MEM HOSP	NEWTON
BURGESS MEMORIAL HOSPITAL	ONAWA
CLARKE COUNTY PUBLIC HOSPITAL	OSCEOLA
MAHASKA COUNTY HOSPITAL	OSKALOOSA
OTTUMWA HOSPITAL	OTTUMWA
DALLAS COUNTY HOSPITAL	PERRY
BAUM HARMON MEMORIAL HOSPITAL	PRIMGHAR
MURPHY MEMORIAL HOSPITAL	RED OAK
MERRILL PIONEER COMM HOSPITAL	ROCK RAPIDS
COMMUNITY MEMORIAL HOSPITAL	SHELDON
HAND COMMUNITY HOSPITAL	SHENANDOAH
KEOKUK COUNTY HOSPITAL	SIGOURNEY
GORDON MEMORIAL HOSPITAL	SIOUX CITY

V40-135 JUL 14 75 XUM

DICKINSON COUNTY MEM HOSPITAL	SPIRIT LAKE
VIRGINIA GAY HOSPITAL	VINTON
SCHOITZ MEMORIAL HOSPITAL	WATERLOO
VETERANS MEMORIAL HOSPITAL	WAUKON
PALMER MEMORIAL HOSPITAL	WEST UNION
WOODWARD STATE HOSPITAL-SCHOOL	WOODWARD

KANSAS

MEMORIAL HOSPITAL	ABILENE
ANTHONY HOSPITAL AND CLINIC	ANTHONY
ARKANSAS CITY MEM HOSPITAL	ARKANSAS CITY
RAWLINS COUNTY HOSPITAL	ATWOOD
BAXTER MEMORIAL HOSPITAL	BAXTER SPRINGS
REPUBLIC COUNTY HOSPITAL	BELLEVILLE
MITCHELL COUNTY COMM HOSPITAL	BELOIT
BUCKLIN DISTRICT HOSPITAL	BUCKLIN
COFFEY COUNTY HOSPITAL	BURLINGTON
NEOSHO MEMORIAL HOSPITAL	CHANUTE
CLAY COUNTY HOSPITAL	CLAY CENTER
COFFEYVILLE MEMORIAL HOSPITAL	COFFEYVILLE
ST THOMAS HOSPITAL	COLBY
MAUDE NORTON MEM CITY HOSPITAL	COLUMBUS
ST JOSEPH'S HOSPITAL	CONCORDIA
TRINITY METHODIST HOSPITAL	DODGE CITY
MORTON COUNTY HOSPITAL	ELKHART
NEWMAN MEM COUNTY HOSPITAL	EMPORIA
ST MARY'S HOSPITAL	EMPORIA
GREENWOOD COUNTY HOSPITAL	EUREKA
MERCY HOSPITAL	FORT SCOTT
ST MARGARET'S MERCY HOSPITAL	FREDONIA
ANDERSON COUNTY HOSPITAL	GARNETT
HOSPITAL DISTRICT NUMBER 1	GIRARD
CENTRAL KANSAS MEDICAL CENTER	GREAT BEND
KIOWA COUNTY MEMORIAL HOSPITAL	GREENSBURG
HALSTEAD HOSPITAL	HALSTEAD
HOSPITAL DISTRICT NUMBER FIVE	HARPER
HERINGTON MUNICIPAL HOSPITAL	HERINGTON
HIAWATHA COMMUNITY HOSPITAL	HIAWATHA
GRAHAM COUNTY HOSPITAL	HILL CITY
SALEM HOSPITAL	HILLSBORO
HOISINGTON LUTHERAN HOSPITAL	HOISINGTON
HOLTON CITY HOSPITAL	HOLTON
SHERIDAN COUNTY HOSPITAL	HOXIE
MERCY HOSPITAL	INDEPENDENCE
ALLEN COUNTY HOSPITAL	IOLA
HODGEMAN COUNTY HEALTH CENTER	JETMORE
PROVIDENCE-ST MARGARET CENTER	KANSAS CITY
EDWARDS COUNTY HOSPITAL	KINSLEY
KIOWA DISTRICT HOSPITAL	KIOWA
RUSH COUNTY MEMORIAL HOSPITAL	LA CROSSE
ST JOSEPH MEMORIAL HOSPITAL	LARNED
ST JOHN HOSPITAL	LEAVENWORTH
U S PENITENTIARY, HOSP UNIT	LEAVENWORTH
VETERANS ADMINISTRATION CENTER	LEAVENWORTH
SOUTHWEST MEDICAL CENTER	LIBERAL
HOSPITAL DISTRICT NUMBER 1	LYONS
MEMORIAL HOSPITAL	MANHATTAN
JEWELL COUNTY HOSPITAL	MANKATO
ST LUKE HOSPITAL & NURSING HM	MARION
COMMUNITY MEMORIAL HOSPITAL	MARYSVILLE
OTTAWA COUNTY HOSPITAL	MINNEAPOLIS
WILSON COUNTY HOSPITAL	NEODESHA

NESS COUNTY HOSPITAL DIST 2	NESS CITY
AXTELL CHRISTIAN HOSPITAL	NEWTON
BETHEL DEACONESS HOSPITAL	NEWTON
NORTON STATE HOSPITAL	NORTON
OSBORNE COUNTY MEM HOSPITAL	OSBORNE
RANSOM MEMORIAL HOSPITAL	OTTAWA
LABETTE COUNTY MEDICAL CENTER	PARSONS
MO-KANS-TX RR EMPLOYEES HOSP	PARSONS
PARSONS STATE HOSP & TRNG CNTR	PARSONS
MOUNT CARMEL MEDICAL CENTER	PITTSBURG
PRATT COUNTY HOSPITAL	PRATT
GRISELL MEMORIAL HOSPITAL	RANSOM
SABETHA COMMUNITY HOSPITAL	SABETHA
SCOTT COUNTY HOSPITAL	SCOTT CITY
SEDAN CITY HOSPITAL	SEDAN
NEMAHA VALLEY COMM HOSPITAL	SENECA
SMITH COUNTY MEMORIAL HOSPITAL	SMITH CENTER
STAFFORD DISTRICT HOSPITAL 4	STAFFORD
HAMILTON COUNTY HOSPITAL	SYRACUSE
A T AND S F MEMORIAL HOSPITAL	TOPEKA
KANSAS NEUROLOGICAL INSTITUTE	TOPEKA
MENNINGER CHILDRENS HOSPITAL	TOPEKA
TOPEKA STATE HOSPITAL	TOPEKA
GREELEY COUNTY HOSPITAL	TRIBUNE
BOB WILSON MEM GRANT CNTY HOSP	ULYSSES
TREGO CNTY-LEMKE MEM HOSPITAL	WAKEENEY
WASHINGTON COUNTY HOSPITAL	WASHINGTON
ST LUKES HOSPITAL	WELLINGTON
OSTEOPATHIC HOSP OF WICHITA	WICHITA
VETERANS ADMINISTRATION CENTER	WICHITA
JEFFERSON COUNTY MEM HOSPITAL	WINCHESTER
WILLIAM NEWTON MEM HOSPITAL	WINFIELD
WINFIELD STATE HOSP & TRNG CTR	WINFIELD

V40-135 JUL 14 75 XUM

KENTUCKY

CLINTON COUNTY HOSPITAL	ALBANY
FEDERAL YOUTH CENTER HOSPITAL	ASHLAND
KING'S DAUGHTERS' HOSPITAL	ASHLAND
KNOX COUNTY GENERAL HOSPITAL	BARBOURVILLE
BENTON MUNICIPAL HOSPITAL	BENTON
BEREA HOSPITAL	BEREA
BOWLING GREEN-WARREN CNTY HOSP	BOWLING GREEN
TRIGG COUNTY HOSPITAL	CADIZ
MCLEAN COUNTY GENERAL HOSPITAL	CALHOUN
TAYLOR COUNTY HOSPITAL	CAMPBELLSVILLE
CARROLL COUNTY MEM HOSPITAL	CARROLLTON
CLINTON & HICKMAN COUNTY HOSP	CLINTON
ADAIR MEMORIAL HOSPITAL	COLUMBIA
SE KENTUCKY BAPTIST HOSPITAL	CORBIN
SA BOOTH MEMORIAL HOSPITAL	COVINGTON
HARRISON MEMORIAL HOSPITAL	CYNTHIANA
EPHRAIM MCDOWELL MEM HOSPITAL	DANVILLE
OUTWOOD STATE HOSP AND SCHOOL	DAWSON SPRING
SPEERS MEMORIAL HOSPITAL	DAYTON
KENTUCKY STATE PENTENT MEDICAL	EDDYVILLE
HARDIN MEMORIAL HOSPITAL	ELIZABETHTOWN
FLEMING COUNTY HOSPITAL	FLEMINGSBURG
U S IRELAND ARMY HOSPITAL	FORT KNOX
KING'S DAUGHTERS' HOSPITAL	FRANKFORT
FRANKLIN-SIMPSON MEM HOSPITAL	FRANKLIN
T J SAMSON COMMUNITY HOSPITAL	GLASGOW
JANE TODD CRAWFORD MEM HOSP	GREENSBURG
MUHLENBERG COMMUNITY HOSPITAL	GREENVILLE
BRECKINRIDGE MEMORIAL HOSPITAL	HARDINSBURG
HARLAN APPALACHIAN REG HOSP	HARLAN
JAMES B HAGGIN MEM HOSPITAL	HARRODSBURG
OHIO COUNTY HOSPITAL	HARTFORD
HAZARD APPALACHIAN REG HOSP	HAZARD
COMMUNITY METHODIST HOSPITAL	HENDERSON
JENNIE STUART MEM HOSPITAL	HOPKINSVILLE
CAVERNA MEMORIAL HOSPITAL	HORSE CAVE
ESTILL COUNTY HOSPITAL	IRVINE
JENKINS CLINIC HOSPITAL	JENKINS
MALLORY TAYLOR MEM HOSPITAL	LA GRANGE
GARRARD COUNTY MEM HOSPITAL	LANCASTER
MARY IMMACULATE HOSPITAL	LEBANON
GRAYSON CNTY WAR MEM HOSPITAL	LEITCHFIELD
NAT INST MENTAL HEALTH CENTER	LEXINGTON
VETERANS ADMINISTRATION HOSP	LEXINGTON
CASEY COUNTY WAR MEM HOSPITAL	LIBERTY
MARYHOUNT HOSPITAL	LONDON
CENTRAL STATE HOSPITAL	LOUISVILLE
HAZELWOOD HOSPITAL	LOUISVILLE
LOUISVILLE GENERAL HOSPITAL	LOUISVILLE
LOUISVILLE MEMORIAL HOSPITAL	LOUISVILLE
RED CROSS HOSPITAL	LOUISVILLE
REHABILITATION CENTER	LOUISVILLE
SA MATERNITY HOME AND HOSPITAL	LOUISVILLE
ST ANTHONY HOSPITAL	LOUISVILLE

HOPKINS COUNTY HOSPITAL	MADISONVILLE
MEMORIAL HOSPITAL	MANCHESTER
CRITTENDEN COUNTY HOSPITAL	MARION
OUR LADY OF THE WAY HOSPITAL	MARTIN
HAYSWOOD HOSPITAL	MAYSVILLE
APPALACHIAN REGIONAL HOSPITAL	MIDDLESBORO
ST CLAIRE MEDICAL CENTER	MOREHEAD
MARY CHILES HOSPITAL	MOUNT STERLING
ROCKCASTLE COUNTY HOSPITAL	MOUNT VERNON
MURRAY-CALLOWAY CNTY HOSPITAL	MURRAY
OUR LADY OF MERCY HOSPITAL	OWENSBORO
OWENSBORO-DAVIESS COUNTY HOSP	OWENSBORO
OWEN COUNTY MEMORIAL HOSPITAL	OWENTON
WESTERN BAPTIST HOSPITAL	PADUCAH
BOURBON COUNTY HOSPITAL	PARIS
PEWEE VALLEY HOSPITAL	PEWEE VALLEY
METHODIST HOSPITAL OF KENTUCKY	PIKEVILLE
PINEVILLE COMMUNITY HOSPITAL	PINEVILLE
PRESTONSBURG GENERAL HOSPITAL	PRESTONSBURG
CALDWELL CNTY WAR MEM HOSPITAL	PRINCETON
PATTIE A CLAY INFIRMARY	RICHMOND
OUR LADY OF BELLEFONTE HOSP	RUSSELL
LOGAN COUNTY HOSPITAL	RUSSELLVILLE
SALEM COMMUNITY HOSPITAL	SALEM
ALLEN COUNTY WAR MEM HOSPITAL	SCOTTSVILLE
KING'S DAUGHTERS HOSPITAL	SHELBYVILLE
SOMERSET CITY HOSPITAL	SOMERSET
APPALACHIAN REGIONAL HOSPITAL	SOUTH WILLIAMSON
FORT LOGAN HOSPITAL	STANFORD
MONROE COUNTY WAR MEM HOSPITAL	TOMPKINSVILLE
WOODFORD MEMORIAL HOSPITAL	VERSAILLES
APPALACHIAN REGIONAL HOSPITAL	WHITESBURG
GRANT COUNTY HOSPITAL	WILLIAMSTOWN
CLARK COUNTY HOSPITAL	WINCHESTER

V 40 135 JUL 14 75 XUM

LOUISIANA

ABBEVILLE GENERAL HOSPITAL	ABBEVILLE
VETERANS ADMINISTRATION HOSP	ALEXANDRIA
ST LUKE GENERAL HOSPITAL	ARNAUDVILLE
MOREHOUSE GENERAL HOSPITAL	BASTROP
EARL K LONG MEMORIAL HOSPITAL	BATON ROUGE
OUR LADY OF THE LAKE HOSPITAL	BATON ROUGE
TRI-WARD GENERAL HOSPITAL	BERNICE
WASH-ST TAMMANY CHARITY HOSP	BOGALUSA
GARY MEMORIAL HOSPITAL	BREAUX BRIDGE
SOUTH CAMERON MEM HOSPITAL	CAMERON
U S PUBLIC HEALTH SERVICE HOSP	CARVILLE
ACADIA-ST LANDRY HOSPITAL	CHURCH POINT
ST TAMMANY PARISH HOSPITAL	COVINGTON
AMERICAN LEGION HOSPITAL	CROWLEY
BEAUREGARD MEM BAPTIST HOSP	DE RIDDER
RICHLAND PARISH HOSPITAL-DELHI	DELHI
DIXON MEMORIAL HOSPITAL	DENHAM SPRINGS
PREVOST MEMORIAL HOSPITAL	DONALDSONVILLE
CONCORDIA PARISH HOSPITAL	FERRIDAY
FRANKLIN FOUNDATION HOSPITAL	FRANKLIN
EAST ASCENSION GEN HOSPITAL	GONZALES
SEVENTH WARD GENERAL HOSPITAL	HAMMOND
NORTH CLAIBORNE HOSPITAL	HAYNESVILLE
TERREBONNE PARISH GEN HOSPITAL	HOUMA
LALLIE KEMP CHARITY HOSPITAL	INDEPENDENCE
EAST LOUISIANA STATE HOSPITAL	JACKSON
VILLA FELICIANA GERIATRIC HOSP	JACKSON
LA SALLE GENERAL HOSPITAL	JENA
JENNINGS AMERICAN LEGION HOSP	JENNINGS
JACKSON PARISH HOSPITAL	JONESBORO
CATAHOULA PARISH HOSPITAL	JONESVILLE
ABRON KAPLAN MEMORIAL HOSPITAL	KAPLAN
ALLEN PARISH HOSPITAL	KINDER
LAFAYETTE CHARITY HOSPITAL	LAFAYETTE
LAFAYETTE GENERAL HOSPITAL	LAFAYETTE
OUR LADY OF LOURDES HOSPITAL	LAFAYETTE
LAKE CHARLES MEMORIAL HOSPITAL	LAKE CHARLES
ST PATRICK HSP OF LAKE CHARLES	LAKE CHARLES
EAST CARROLL PARISH HOSPITAL	LAKE PROVIDENCE
LASALETTE MEMORIAL HOSPITAL	LOREAUVILLE
SOUTHEAST LOUISIANA HOSPITAL	MANDEVILLE
DE SOTO GENERAL HOSPITAL	MANSFIELD
WEST JEFFERSON GEN HOSPITAL	MARRERO
MERRYVILLE GENERAL HOSPITAL	MERRYVILLE
METAIRIE HOSPITAL	METAIRIE
E A CONWAY MEMORIAL HOSPITAL	MONROE
ST FRANCIS HOSPITAL	MONROE
LAKEWOOD HOSPITAL	MORGAN CITY
NATCHITOCHES PARISH HOSPITAL	NATCHITOCHES
NORTH WESTERN STATE CLG INF	NATCHITOCHES
IBERIA PARISH HOSPITAL	NEW IBERIA
CHARITY HOSPITAL OF LOUISIANA	NEW ORLEANS
CRIPPLED CHILDREN'S HOSPITAL	NEW ORLEANS
FLINT-GOODRIDGE HOSPITAL	NEW ORLEANS

MERCY HOSPITAL	NEW ORLEANS
SARA MAYO HOSPITAL	NEW ORLEANS
SOUTHERN BAPTIST HOSPITAL	NEW ORLEANS
TOURO INFIRMARY	NEW ORLEANS
U S PUBLIC HEALTH SERVICE HOSP	NEW ORLEANS
VETERANS ADMINISTRATION HOSP	NEW ORLEANS
POINTE COUPEE GENERAL HOSPITAL	NEW ROADS
ST CHARLES LEGION MEM HOSPITAL	NEWELLTON
WEST CARROLL HOSPITAL	OAK GROVE
HARDTNER MEDICAL CENTER	OLLA
OPELOUSAS GENERAL HOSPITAL	OPELOUSAS
HUEY P LONG CHARITY HOSPITAL	PINEVILLE
PINECREST STATE SCHOOL HOSP	PINEVILLE
ST ANNE GENERAL HOSPITAL	RACELAND
RAYNE-BRANCH HOSPITAL	RAYNE
RICHLAND PARISH HOSP-RAYVILLE	RAYVILLE
LINCOLN GENERAL HOSPITAL	RUSTON
CONFEDERATE MEM MEDICAL CENTER	SHREVEPORT
SCHUMPERT MEMORIAL HOSPITAL	SHREVEPORT
VETERANS ADMINISTRATION HOSP	SHREVEPORT
SLIDELL MEMORIAL HOSPITAL	SLIDELL
NORTH CADDO MEMORIAL HOSPITAL	VIVIAN
GLENWOOD HOSPITAL	WEST MONROE
FRANKLIN PARISH HOSPITAL	WINNSBORO
LANE MEMORIAL HOSPITAL	ZACHARY

V40-135 JUL 14 75 XUM

MAINE

BANGOR STATE HOSPITAL	BANGOR
JAMES A TAYLOR OSTEO HOSPITAL	BANGOR
ST JOSEPH HOSPITAL	BANGOR
WEBBER HOSPITAL	BIDDEFORD
REGIONAL MEMORIAL HOSPITAL	BRUNSWICK
CARY MEMORIAL HOSPITAL	CARIBOU
CASTINE COMMUNITY HOSPITAL	CASTINE
MILES MEMORIAL HOSPITAL	DAMARISCOTTA
PLUMMER MEMORIAL HOSPITAL	DEXTER
EASTPORT MEMORIAL HOSPITAL	EASTPORT
MAINE COAST MEMORIAL HOSPITAL	ELLSWORTH
COMMUNITY GENERAL HOSPITAL	FORT FAIRFIELD
PEOPLES BENEVOLENT HOSPITAL	FORT KENT
HOULTON REGIONAL HOSPITAL	HOULTON
MARIE JOSEPH HOSPITAL	JACKMAN
TRI-COUNTY GENERAL HOSP	KITTERY
CENTRAL MAINE GENERAL HOSPITAL	LEWISTON
DOWN EAST COMMUNITY HOSPITAL	MACHIAS
ABOOSICOK HEALTH CENTER	MARS HILL
MILO COMMUNITY HOSPITAL	MILO
SEBASTICOOK VALLEY HOSPITAL	PITTSFIELD
PINELAND HOSP & TRAINING CNTR	POWNAL
REDINGTON-FAIRVIEW GEN HOSP	SKOWHEGAN
VETERANS ADMINISTRATION CENTER	TOGUS
VAN BUREN COMMUNITY HOSPITAL	VAN BUREN
THAYER HOSPITAL	WATERVILLE
YORK HOSPITAL	YORK

MARYLAND

BALTIMORE CITY HOSPITALS	BALTIMORE
CHURCH HOME AND HOSPITAL	BALTIMORE
GOOD SAMARITAN HOSPITAL	BALTIMORE
JAMES LAWRENCE KERNAN HOSPITAL	BALTIMORE
JOHN F KENNEDY INSTITUTE	BALTIMORE
KESWICK-HOME FOR INCURABLES	BALTIMORE
LEVINDALE HEBREW GER CNTR	BALTIMORE
LUTHERAN HOSPITAL OF MARYLAND	BALTIMORE
MARYLAND GENERAL HOSPITAL	BALTIMORE
MARYLAND PENITENTARY HOSPITAL	BALTIMORE
MONTEBELLO STATE HOSPITAL	BALTIMORE
NORTH CHARLES GENERAL HOSPITAL	BALTIMORE
PROVIDENT HOSPITAL	BALTIMORE
SOUTH BALTIMORE GEN HOSPITAL	BALTIMORE
SPRING GROVE STATE HOSPITAL	BALTIMORE
U S PUBLIC HEALTH SERVICE HOSP	BALTIMORE
VETERANS ADMINISTRATION HOSP	BALTIMORE
NAVAL MEDICAL CENTER	BETHESDA
DORCHESTER GENERAL HOSPITAL	CAMBRIDGE
EDWARD W MCCREADY MEM HOSPITAL	CRISFIELD
CROWNSVILLE STATE HOSPITAL	CROWNSVILLE
VETERANS ADMINISTRATION HOSP	FORT HOWARD
WESTERN MARYLAND STATE HOSP	HAGERSTOWN
HENRYTON STATE HOSPITAL	HENRYTON
CLIFTON T PERKINS STATE HOSP	JESSUP
PHYSICIANS' MEMORIAL HOSPITAL	LA PLATA
MOUNT WILSON STATE HOSPITAL	MOUNT WILSON
ROSEWOOD STATE HOSPITAL	OWINGS MILLS
CALVERT COUNTY HOSPITAL	PRINCE FREDERICK
DEER'S HEAD STATE HOSPITAL	SALISBURY
GREAT OAKS CENTER	SILVER SPRING
SPRINGFIELD STATE HOSPITAL	SYKESVILLE

MASSACHUSETTS

W B PLUNKETT MEMORIAL HOSPITAL	ADAMS
BELCHERTOWN STATE SCHL & HOSP	BELCHERTOWN
BOSTON STATE HOSPITAL	BOSTON
HAHNEMANN HOSPITAL	BOSTON
HEBREW REHAB CENTER FOR AGED	BOSTON
LEMUEL SHATTUCK HOSPITAL	BOSTON
MASS OSTEOPATHIC HOSPITAL	BOSTON
PARKER HILL MEDICAL CENTER	BOSTON
U S PUBLIC HEALTH SERVICE HOSP	BOSTON
VETERANS ADMINISTRATION HOSP	BOSTON
VETERANS ADMINISTRATION HOSP	BOSTON
NORFOLK COUNTY HOSPITAL	BRAINTREE
BRIDGEWATER STATE HOSPITAL	BRIDGEWATER
YOUVILLE HOSPITAL	CAMBRIDGE
MASSACHUSETTS HOSPITAL SCHOOL	CANTON
CHELSEA MEMORIAL HOSPITAL	CHELSEA
NAVAL HOSPITAL BOSTON	CHELSEA
DR J CORRIGAN MENTAL HLTH CNTR	FALL RIVER
EARLE E HUSSEY HOSPITAL	FALL RIVER
FOXBOROUGH STATE HOSPITAL	FOXBORO
CUSHING HOSPITAL	FRAMINGHAM
GARDNER STATE HOSPITAL	GARDNER
PLYMOUTH COUNTY HOSPITAL	HANSON
DANVERS STATE HOSPITAL	HATHORNE
LAKEVILLE HOSPITAL	LAKEVILLE
BESSIE M BURKE MEM HOSPITAL	LAWRENCE
ST LUKE'S HOSPITAL	NEW BEDFORD
MASS CORRECTIONAL INST HOSP	NORFOLK
GRAFTON STATE HOSPITAL	NORTH GRAFTON
MCALISTER INFIRMARY	NORTHAMPTON
NORTHAMPTON STATE HOSPITAL	NORTHAMPTON
RUTLAND HEIGHTS HOSPITAL	RUTLAND
HEALTH DEPT CHRONIC DIS HOSP	SALEM
ST JOSEPHS ABBEY INFIRMARY	SPENCER
SPRINGFIELD MUNICIPAL HOSPITAL	SPRINGFIELD
PAUL A DEVER STATE SCHOOL	TAUNTON
METROPOLITAN STATE HOSPITAL	WALTHAM
MIDDLESEX COUNTY HOSPITAL	WALTHAM
WALTER E FERNALD STATE SCHOOL	WALTHAM
WESTBOROUGH STATE HOSPITAL	WESTBORO
ST CAMILLUS HOSPITAL	WHITINSVILLE
WHITINSVILLE HOSPITAL	WHITINSVILLE
WINCHENDON HOSPITAL	WINCHENDON
WINTHROP COMMUNITY HOSPITAL	WINTHROP
COLLEGE OF HOLY CROSS INFIRM	WORCESTER

V40-135 JUL 14 75 XUM

MICHIGAN

ADDISON COMMUNITY HOSPITAL	ADDISON
EMMA L BIXBY HOSPITAL	ADRIAN
ALBION COMMUNITY HOSPITAL	ALBION
VETERANS ADMINISTRATION HOSP	ALLEN PARK
GRATIOT COMMUNITY HOSPITAL	ALMA
COMMUNITY HOSPITAL FOUNDATION	ALMONT
ALPENA GENERAL HOSPITAL	ALPENA
VETERANS ADMINISTRATION HOSP	ANN ARBOR
HURON MEMORIAL HOSPITAL	BAD AXE
AMERICAN LEGION HOSPITAL	BATTLE CREEK
LAKEVIEW GENERAL HOSPITAL	BATTLE CREEK
BAY CITY SAMARITAN HOSPITAL	BAY CITY
BELDING COMMUNITY HOSPITAL	BELDING
BELVIL COMMUNITY HOSPITAL	BELLEVILLE
BERRIEN GENERAL HOSPITAL	BERRIEN CENTER
COMMUNITY HOSPITAL	BIG RAPIDS
MERCY HOSPITAL	CADILLAC
CARO COMMUNITY HOSPITAL	CARO
CARSON CITY HOSPITAL	CARSON CITY
HILLS AND DALES GEN HOSPITAL	CASS CITY
CHARLEVOIX HOSPITAL	CHARLEVOIX
COMMUNITY MEMORIAL HOSPITAL	CHEBOYGAN
CHELSEA COMMUNITY HOSPITAL	CHELSEA
CLARE OSTEOPATHIC HOSPITAL	CLARE
CRYSTAL FALLS COMMUNITY HOSP	CRYSTAL FALLS
DECKERVILLE COMMUNITY HOSPITAL	DECKERVILLE
BOULEVARD GENERAL HOSPITAL	DETROIT
BRENT GENERAL HOSPITAL	DETROIT
BURTON MERCY HOSPITAL	DETROIT
CRITTENTON HOSPITAL	DETROIT
DELRAY GENERAL HOSPITAL	DETROIT
DOCTORS HOSPITAL	DETROIT
GRACE HOSPITAL CENTRAL UNIT	DETROIT
HARPER HOSPITAL	DETROIT
HENRY FORD HOSPITAL	DETROIT
KIRWOOD GENERAL HOSPITAL	DETROIT
LAKESIDE GENERAL HOSPITAL	DETROIT
LINCOLN HOSPITAL	DETROIT
MARTIN PLACE HOSPITAL WEST	DETROIT
MERCY GENERAL HOSPITAL	DETROIT
MOUNT CARMEL MERCY HOSPITAL	DETROIT
NORTH DETROIT GENERAL HOSPITAL	DETROIT
PARK COMMUNITY HOSPITAL	DETROIT
REDFORD COMMUNITY HOSPITAL	DETROIT
STRAITH MEMORIAL HOSPITAL	DETROIT
ZIEGER OSTEOPATHIC HOSPITAL	DETROIT
EATON RAPIDS COMM HOSPITAL	EATON RAPIDS
TRI-COUNTY COMMUNITY HOSPITAL	EDMORE
PSYCHIATRIC HOSPITAL	ELOISE
ST FRANCIS HOSPITAL	ESCANABA
FLINT GENERAL HOSPITAL	FLINT
GENESEE MEMORIAL HOSPITAL	FLINT
PAUL OLIVER MEMORIAL HOSPITAL	FRANKFORT
GAYLORD STATE HOME	GAYLORD

GLADWIN AREA HOSPITAL	GLADWIN
WHEELOCK MEMORIAL HOSPITAL	GOODRICH
GRANT COMMUNITY HOSPITAL	GRANT
MERCY-HOSPITAL	GRAYLING
UNITED MEMORIAL HOSPITAL	GREENVILLE
ST JOSEPH'S HOSPITAL	HANCOCK
HARBOR BEACH COMM HOSPITAL	HARBOR BEACH
OCEANA HOSPITAL	HART
HIGHLAND PARK GENERAL HOSPITAL	HIGHLAND PARK
HILLSDALE COMM HEALTH CENTER	HILLSDALE
HOWELL STATE HOSPITAL	HOWELL
MCPHERSON COMM HEALTH CENTER	HOWELL
IONIA COUNTY MEMORIAL HOSPITAL	IONIA
IONIA STATE HOSPITAL	IONIA
DICKINSON COUNTY HOSPITALS	IRON MOUNTAIN
VETERANS ADMINISTRATION HOSP	IRON MOUNTAIN
IRON COUNTY GENERAL HOSPITAL	IRON RIVER
GRAND VIEW HOSPITAL	IRONWOOD
FRANCIS A BELL MEM HOSPITAL	ISHPEMING
JACKSON OSTEOPATHIC HOSPITAL	JACKSON
MERCY HOSPITAL	JACKSON
W A FOOTE MEMORIAL HOSPITAL	JACKSON
KALKASKA MEM HEALTH CENTER	KALKASKA
BARAGA COUNTY MEM HOSPITAL	L'ANSE
KELSEY MEMORIAL HOSPITAL	LAKEVIEW
LAPEER COUNTY GENERAL HOSPITAL	LAPEER
LAPEER STATE HOME & TRNG SCHL	LAPEER
CALUMET PUBLIC HOSPITAL	LAURIUM
OUTER DRIVE HOSPITAL	LINCOLN PARK
MEMORIAL HOSP OF MASON COUNTY	LUDINGTON
MARTIN PLACE HOSPITAL EAST	MADISON HEIGHTS
WEST SHORE HOSPITAL	MANISTEE
SCHOOLCRAFT MEMORIAL HOSPITAL	MANISTIQUE
MARLETTE COMMUNITY HOSPITAL	MARLETTE
OAKLAWN HOSPITAL	MARSHALL
MASON GENERAL HOSPITAL	MASON
ST JOSEPH'S-LLOYD HOSPITAL	MENOMINEE
FED CORRECTIONAL INST HOSPITAL	MILAN
HARRISON COMMUNITY HOSPITAL	MOUNT CLEMENS
MT PLEASANT ST HM & TRNG SCHL	MOUNT PLEASANT
MUNISING MEMORIAL HOSPITAL	MUNISING
MUSKEGON NORTHSHORE HOSPITAL	MUSKEGON
BUTLER MEMORIAL HOSPITAL	MUSKEGON HEIGHTS
HELEN NEWBERRY JCY HOSPITAL	NEWBERRY
NEWBERRY STATE HOSPITAL	NEWBERRY
LEELANAU MEMORIAL HOSPITAL	NORTHPORT
HAWTHORN CENTER	NORTHVILLE
NORTHVILLE STATE HOSPITAL	NORTHVILLE
PLYMOUTH STATE HM & TRNG SCHL	NORTHVILLE
WAYNE COUNTY CHILD DEV CENTER	NORTHVILLE
ONTONAGON MEMORIAL HOSPITAL	ONTONAGON
MEMORIAL HOSPITAL	OWOSSO
LAKE VIEW COMMUNITY HOSPITAL	PAW PAW
LITTLE TRAVERSE HOSPITAL	PETOSKEY

V40-135 JUL 14 75 XUM

LOCKWOOD-MACDONALD HOSPITAL	PETOSKEY
SCHEORER HOSPITAL	PIGEON
OAKLAND COUNTY HOSPITAL	PONTIAC
PONTIAC GENERAL HOSPITAL	PONTIAC
PONTIAC OSTEOPATHIC HOSPITAL	PONTIAC
PONTIAC STATE HOSPITAL	PONTIAC
REED CITY HOSPITAL	REED CITY
SIDNEY A SUMBY MEM HOSPITAL	RIVER ROUGE
ROGERS CITY HOSPITAL	ROGERS CITY
SAGINAW OSTEOPATHIC HOSPITAL	SAGINAW
VETERANS ADMINISTRATION HOSP	SAGINAW
SALINE COMMUNITY HOSPITAL	SALINE
WAR MEMORIAL HOSPITAL	SAULT STE MARIE
SHERIDAN COMMUNITY HOSPITAL	SHERIDAN
SOUTH HAVEN COMMUNITY HOSPITAL	SOUTH HAVEN
CLINTON MEMORIAL HOSPITAL	ST JOHNS
STANDISH COMMUNITY HOSPITAL	STANDISH
MECOSTA MEMORIAL HOSPITAL	STANWOOD
STURGIS HOSPITAL	STURGIS
TAWAS ST JOSEPH HOSPITAL	TAWAS CITY
THREE RIVERS HOSPITAL	THREE RIVERS
TRAVERSE CITY STATE HOSPITAL	TRAVERSE CITY
DIVINE INFANT HOSPITAL	WAKEFIELD
PATRIC V MCNAMARA COMM HOSP	WARREN
COMMUNITY HOSPITAL	WATERVLIET
ANNAPOLIS HOSPITAL	WAYNE
YALE COMMUNITY HOSPITAL	YALE
YPSILANTI STATE HOSPITAL	YPSILANTI
ZEELAND COMMUNITY HOSPITAL	ZEELAND

MINNESOTA

ADA MUNICIPAL HOSPITAL	ADA
AITKIN COMM HOSP AND NRSG UNIT	AITKIN
ALBANY COMMUNITY HOSPITAL	ALBANY
APPLETON MUNICIPAL HOSPITAL	APPLETON
ARLINGTON MUNICIPAL HOSPITAL	ARLINGTON
CLEARWATER COUNTY MEM HOSPITAL	BAGLEY
MEMORIAL COMMUNITY HOSPITAL	BERTHA
BRAHAM COMMUNITY HOSPITAL	BRAHAM
BRAINERD STATE HOSPITAL	BRAINERD
ST JOHN'S HOSPITAL	BROWERVILLE
BUFFALO MEMORIAL HOSPITAL	BUFFALO
CAMBRIDGE STATE HOSPITAL	CAMBRIDGE
MEMORIAL HOSPITAL	CAMBRIDGE
CANBY COMMUNITY HOSP DIST 1	CANBY
CHISAGO LAKES HOSPITAL	CHISAGO CITY
CHISHOLM MEMORIAL HOSPITAL	CHISHOLM
COMMUNITY MEMORIAL HOSPITAL	CLOQUET
CUYUNA RANGE DISTRICT HOSPITAL	CROSBY
DAWSON HOSPITAL	DAWSON
COMMUNITY MEMORIAL HOSPITAL	DEER RIVER
ST MARY'S HOSPITAL	DULUTH
COMMUNITY MEMORIAL HOSPITAL	ELBOW LAKE
FARIBAULT STATE HOSPITAL	FARIBAULT
GAYLORD COMMUNITY HOSPITAL	GAYLORD
GLENWOOD COMMUNITY HOSPITAL	GLENWOOD
HOLY TRINITY HOSPITAL	GRACEVILLE
GRANITE FALLS MUN HOSPITAL	GRANITE FALLS
GREENBUSH COMMUNITY HOSPITAL	GREENBUSH
KITTSON MEMORIAL HOSPITAL	HALLOCK
HASTINGS STATE HOSPITAL	HASTINGS
REGINA MEMORIAL HOSPITAL	HASTINGS
HENDRICKS COMMUNITY HOSPITAL	HENDRICKS
INTERNATIONAL FALLS MEM HOSP	INTERNATIONAL FALLS
DIVINE PROVIDENCE HOSP & HOME	IVANHOE
KARLSTAD MEMORIAL HOSPITAL	KARLSTAD
LAKEFIELD MUNICIPAL HOSPITAL	LAKEFIELD
MEEKER COUNTY MEM HOSPITAL	LITCHFIELD
LITTLEFORK MUNICIPAL HOSPITAL	LITTLEFORK
MADELIA COMMUNITY HOSPITAL	MADELIA
MADISON HOSPITAL	MADISON
LOUIS WEINER MEMORIAL HOSPITAL	MARSHALL
MELROSE HOSP & PINE VILLA CNC	MELROSE
VETERANS ADMINISTRATION HOSP	MINNEAPOLIS
CHIPPEWA CNTY MONTEVIDEO HOSP	MONTEVIDEO
MOOSE LAKE STATE HOSPITAL	MOOSE LAKE
STEVENS COUNTY MEM HOSPITAL	MORRIS
MOUNTAIN LAKE COMMUNITY HOSP	MOUNTAIN LAKE
QUEEN OF PEACE HOSP & NRSG HM	NEW PRAGUE
LORETTO HOSPITAL	NEW ULM
UNION HOSPITAL	NEW ULM
NORTHFIELD CITY HOSPITAL	NORTHFIELD
ORTONVILLE MUNICIPAL HOSPITAL	ORTONVILLE
PAYNESVILLE COMMUNITY HOSPITAL	PAYNESVILLE
PELICAN VALLEY HEALTH CENTER	PELICAN RAPIDS

V40-135 JUL 14 75 XUM

MEMORIAL HOSPITAL	PERHAM
PIPESTONE CNTY HOSP & NSG UNIT	PIPESTONE
ST JOHN'S HOSPITAL OF RED WING	RED WING
REDWOOD FALLS MUN HOSPITAL	REDWOOD FALLS
ROSEAU AREA HOSPITAL	ROSEAU
RUSH CITY HOSPITAL	RUSH CITY
FEDERAL CORRECTIONAL HOSPITAL	SANDSTONE
PINE CNTY MEM HOSP & NRSG HOME	SANDSTONE
ST MICHAEL'S HOSPITAL	SAUK CENTRE
MURRAY COUNTY MEM HOSPITAL	SLAYTON
SLEEPY EYE MUNICIPAL HOSPITAL	SLEEPY EYE
TWEETEN MEM HOSP & CONV HOME	SPRING GROVE
COMMUNITY MEMORIAL HOSPITAL	SPRING VALLEY
WATONWAN MEMORIAL HOSPITAL	ST JAMES
COMMUNITY HOSPITAL	ST PETER
MINNESOTA SECURITY HOSPITAL	ST PETER
ST PETER STATE HOSPITAL	ST PETER
STAPLES MUNICIPAL HOSPITAL	STAPLES
NORTHWESTERN HOSPITAL SERVICES	THIEF RIVER FALLS
TRIMONT COMMUNITY HOSPITAL	TRIMONT
A L VADHEIM MEMORIAL HOSPITAL	TYLER
VIRGINIA MUNICIPAL HOSPITAL	VIRGINIA
ST ELIZABETH HOSPITAL	WABASHA
WARREN HOSPITAL	WARREN
WATERTOWN COMMUNITY HOSPITAL	WATERTOWN
WILLMAR STATE HOSPITAL	WILLMAR
COMM MEM HSP & CONV & REHAB UT	WINONA

MISSISSIPPI

ABERDEEN-MONROE COUNTY HOSP	ABERDEEN
CHOCTAW COUNTY HOSPITAL	ACKERMAN
GILMORE MEMORIAL HOSPITAL	AMORY
JASPER GENERAL HOSPITAL	BAY SPRINGS
HANCOCK GENERAL HOSPITAL	BAY ST LOUIS
HUMPHREYS COUNTY MEM HOSPITAL	BELZONI
USAF MEDICAL CENTER KEESLER	BILOXI
VETERANS ADMINISTRATION CENTER	BILOXI
NORTHEAST MISSISSIPPI HOSPITAL	BOONEVILLE
RANKIN GENERAL HOSPITAL	BRANDON
KING'S DAUGHTERS HOSPITAL	BROOKHAVEN
CALHOUN COUNTY HOSPITAL	BRUCE
MADISON GENERAL HOSPITAL	CANTON
LEAKE COUNTY MEMORIAL HOSPITAL	CARTHAGE
FIELD MEMORIAL COMM HOSPITAL	CENTREVILLE
TALLAHATCHIE GENERAL HOSPITAL	CHARLESTON
COAHOMA COUNTY HOSPITAL	CLARKSDALE
BOLIVAR COUNTY HOSPITAL	CLEVELAND
COVINGTON COUNTY HOSPITAL	COLLINS
MARION COUNTY GENERAL HOSPITAL	COLUMBIA
LOWNDES GENERAL HOSPITAL	COLUMBUS
DISTRICT TWO COMM HOSPITAL	DUPANT
WEBSTER GENERAL HOSPITAL	EUPORA
JEFFERSON COUNTY HOSPITAL	FAYETTE
ITAWAMBA COUNTY HOSPITAL	FULTON
GENERAL HOSPITAL	GREENVILLE
GREENWOOD LEFLORE HOSPITAL	GREENWOOD
GRENADA COUNTY HOSPITAL	GRENADA
MEMORIAL HOSPITAL AT GULFPORT	GULFPORT
FORREST COUNTY GEN HOSPITAL	HATTIESBURG
METHODIST HOSPITAL	HATTIESBURG
HARDY WILSON MEMORIAL HOSPITAL	HAZELHURST
SOUTH WASHINGTON COUNTY HOSP	HOLLANDALE
HOUSTON HOSPITAL	HOUSTON
TISHOMINGO COUNTY HOSPITAL	IUKA
MISSISSIPPI BAPTIST HOSPITAL	JACKSON
ST DOMINIC-JACKSON MEM HOSP	JACKSON
UNIVERSITY HOSPITAL	JACKSON
VETERANS ADMINISTRATION CENTER	JACKSON
KILMICHAEL HOSPITAL	KILMICHAEL
MONTFORT JONES MEM HOSPITAL	KOSCIUSKO
JONES COUNTY COMM HOSPITAL	LAUREL
SOUTH MISSISSIPPI STATE HOSP	LAUREL
GREENE COUNTY HOSPITAL	LEAKESVILLE
HOLMES COUNTY COMM HOSPITAL	LEXINGTON
WINSTON COUNTY COMM HOSPITAL	LOUISVILLE
GEORGE COUNTY HOSPITAL	LUCEDALE
LUMBERTON CITIZENS HOSPITAL	LUMBERTON
TOM BAILY MEMORIAL HOSPITAL	MABEN
NOXUBEE GENERAL HOSPITAL	MACON
SOUTHWEST MISSISSIPPI GEN HOSP	MCCOMB
FRANKLIN COUNTY MEM HOSPITAL	MEADVILLE
SIMPSON GENERAL HOSPITAL	MENDENHALL
EAST MISSISSIPPI STATE HOSP	MERIDIAN

V40-135 JUL 14 75 XUM

F G RILEY MEMORIAL HOSPITAL	MERIDIAN
JEFF ANDERSON MEM HOSPITAL	MERIDIAN
MATTY BERSEE HOSPITAL	MERIDIAN
NAVAL AIR STATION	MERIDIAN
ST JOSEPH HOSPITAL	MERIDIAN
LAWRENCE COUNTY HOSPITAL	MONTICELLO
SCOTT COUNTY HOSPITAL	MORTON
MOUND BAYOU COMMUNITY HOSPITAL	MOUND BAYOU
JEFFERSON DAVIS MEM HOSPITAL	NATCHEZ
NATCHEZ CHARITY HOSPITAL	NATCHEZ
UNION COUNTY GENERAL HOSPITAL	NEW ALBANY
OXFORD-LAFAYETTE CNTY HOSPITAL	OXFORD
SINGING RIVER HOSPITAL SYSTEM	PASCAGOULA
NESHOBA COUNTY GEN HOSPITAL	PHILADELPHIA
LUCIUS OLEN CROSBY MEM HOSP	PICAYUNE
PONTOTOC COMMUNITY HOSPITAL	PONTOTOC
CLAIBORNE COUNTY HOSPITAL	PORT GIBSON
JEFFERSON DAVIS COUNTY HOSP	PRENTISS
H C WATKINS MEMORIAL HOSPITAL	QUITMAN
PERRY COUNTY GENERAL HOSPITAL	RICHTON
TIPPAH COUNTY HOSPITAL	RIPLEY
SHARKEY-ISSAQUENA COMM HOSP	ROLLING FORK
NORTH SUNFLOWER CNTY HOSPITAL	RULEVILLE
MISSISSIPPI STATE SANATORIUM	SANATORIUM
NORTH PANOLA COUNTY HOSPITAL	SARDIS
SHELBY COMMUNITY HOSP	SHELBY
OKTIBBEHA COUNTY HOSPITAL	STARKVILLE
TUNICA COUNTY HOSPITAL	TUNICA
NORTH MISSISSIPPI MED CENTER	TUPELO
WALTHALL COUNTY GEN HOSPITAL	TYLERTOWN
KUHN MEMORIAL STATE HOSPITAL	VICKSBURG
MERCY HOSPITAL-STREET MEMORIAL	VICKSBURG
VICKSBURG HOSPITAL AND CLINIC	VICKSBURG
YALOBUSHA GENERAL HOSPITAL	WATER VALLEY
WAYNE GENERAL HOSPITAL	WAYNESBORO
IVY MEMORIAL HOSPITAL	WEST POINT
MISSISSIPPI STATE HOSPITAL	WHITFIELD
STONE COUNTY HOSPITAL	WIGGINS
TYLER HOLMES MEMORIAL HOSPITAL	WINONA
KING'S DAUGHTERS HOSPITAL	YAZOO CITY

MISSOURI

GENTRY COUNTY MEMORIAL HOSP	ALBANY
ELLETT MEMORIAL HOSPITAL	APPLETON CITY
AURORA COMMUNITY HOSPITAL	AURORA
NOLL MEMORIAL HOSPITAL	BETHANY
BONNE TERRE HOSPITAL	BONNE TERRE
COOPER COUNTY MEM HOSPITAL	BOONVILLE
SKAGGS COMMUNITY HOSPITAL	BRANSON
GEN J J PERSHING MEM HOSPITAL	BROOKFIELD
BATES COUNTY MEMORIAL HOSPITAL	BUTLER
CAMERON COMMUNITY HOSPITAL	CAMERON
ST FRANCIS HOSPITAL	CAPE GIRARDEAU
CARROLL CNTY MEMORIAL HOSPITAL	CARROLLTON
MCCUNE-BROOKS HOSPITAL	CARTHAGE
SOUTH BARRY CNTY MEM HOSPITAL	CASSVILLE
CHILLICOTHE HOSPITAL	CHILLICOTHE
BOONE COUNTY HOSPITAL	COLUMBIA
ELLIS FISCHEL ST CANCER HOSP	COLUMBIA
DEXTER MEMORIAL HOSPITAL	DEXTER
RIPLEY COUNTY MEM HOSPITAL	DONIPHAN
CEDAR COUNTY MEMORIAL HOSPITAL	EL DORADO SPRINGS
EXCELSIOR SPRINGS HOSPITAL	EXCELSIOR SPRINGS
FAIRFAX COMMUNITY HOSPITAL	FAIRFAX
FARMINGTON COMMUNITY HOSPITAL	FARMINGTON
FARMINGTON STATE HOSPITAL	FARMINGTON
ALBERT M KELLER MEM HOSPITAL	FAYETTE
JEFFERSON MEMORIAL HOSPITAL	FESTUS
GEN LEONARD WOOD ARMY HOSPITAL	FORT LEONARD WOOD
MADISON MEMORIAL HOSPITAL	FREDERICKTOWN
CALLAWAY MEMORIAL HOSPITAL	FULTON
FULTON STATE HOSPITAL	FULTON
LEVERING HOSPITAL	HANNIBAL
ST ELIZABETH'S HOSPITAL	HANNIBAL
CASS COUNTY MEMORIAL HOSPITAL	HARRISONVILLE
PEMISCOT COUNTY MEM HOSPITAL	HAYTI
HERMANN AREA DISTRICT HOSPITAL	HERMANN
GEORGE DIMMITT MEM HOSPITAL	HUMANSVILLE
ST MARY'S OF THE OZARKS HOSP	IRONTON
CHARLES E STILL OSTEO HOSPITAL	JEFFERSON CITY
MEMORIAL COMMUNITY HOSPITAL	JEFFERSON CITY
MO STATE PENITENTIARY HOSPITAL	JEFFERSON CITY
FREEMAN HOSPITAL	JOPLIN
OAK HILL HOSPITAL	JOPLIN
ST JOHN'S MEDICAL CENTER	JOPLIN
DOWNTOWN HOSPITAL FOUNDATION	KANSAS CITY
JACKSON COUNTY PUBLIC HOSPITAL	KANSAS CITY
KANSAS CITY GEN HOSP & MED CTR	KANSAS CITY
LAKESIDE HOSPITAL	KANSAS CITY
REHABILITATION INSTITUTE	KANSAS CITY
ROBINSON MEMORIAL HOSPITAL	KANSAS CITY
VETERANS ADMINISTRATION HOSP	KANSAS CITY
DUNKLIN COUNTY MEM HOSPITAL	KENNETT
KIRKSVILLE OSTEOPATHIC HOSP	KIRKSVILLE
ROBERT KOCH HOSPITAL	KOCH
BARTON CNTY MEMORIAL HOSPITAL	LAMAR

V 40 135 JUL 14 75 XUM

LOUISE G WALLACE HOSPITAL	LEBANON
LEXINGTON MEMORIAL HOSPITAL	LEXINGTON
PIKE COUNTY MEMORIAL HOSPITAL	LOUISIANA
SAMARITAN MEMORIAL HOSPITAL	MACON
MANSFIELD COMMUNITY HOSPITAL	MANSFIELD
ST FRANCIS HOSP OF MARCELINE	MARCELINE
JOHN FITZGIBBON MEM HOSPITAL	MARSHALL
MARSHALL STATE SCHOOL AND HOSP	MARSHALL
ST FRANCIS HOSPITAL	MARYVILLE
AUDRAIN MEDICAL CENTER	MEXICO
SULLIVAN COUNTY MEM HOSPITAL	MILAN
COMMUNITY MEMORIAL HOSPITAL	MOBERLY
ST VINCENT'S HOSPITAL	MONETT
MISSOURI STATE CHEST HOSPITAL	MOUNT VERNON
ST FRANCIS MEMORIAL HOSPITAL	MOUNTAIN VIEW
NEVADA CITY HOSPITAL	NEVADA
SAC-OSAGE HOSPITAL	OSCEOLA
PERRY COUNTY MEMORIAL HOSPITAL	PERRYVILLE
VETERANS ADMINISTRATION HOSP	POPLAR BLUFF
WASHINGTON COUNTY MEM HOSPITAL	POTOSI
PHELPS COUNTY MEM HOSPITAL	ROLLA
JOHN H BOTHWELL MEM HOSPITAL	SEDALIA
MISSOURI DELTA COMM HOSPITAL	SIKESTON
SPELMAN MEMORIAL HOSPITAL	SMITHVILLE
LESTER E COX MEDICAL CENTER	SPRINGFIELD
MED CENTER FOR FED PRISONERS	SPRINGFIELD
SPRINGFIELD GEN OSTEO HOSPITAL	SPRINGFIELD
METHODIST MEDICAL CENTER	ST JOSEPH
ST JOSEPH HOSPITAL	ST JOSEPH
ST JOSEPH STATE HOSPITAL	ST JOSEPH
BARNES HOSPITAL	ST LOUIS
BETHESDA GENERAL HOSPITAL	ST LOUIS
CHRISTIAN HOSPITAL OF ST LOUIS	ST LOUIS
DEACONESS HOSPITAL	ST LOUIS
FAITH HOSPITAL WEST	ST LOUIS
HOMER G PHILLIPS HOSPITAL	ST LOUIS
INCARNATE WORD HOSPITAL	ST LOUIS
LUTHERAN HOSPITAL	ST LOUIS
MISSOURI BAPTIST HOSPITAL	ST LOUIS
MOUNT ST ROSE HOSPITAL	ST LOUIS
NORMANDY OSTEOPATHIC HOSPITAL	ST LOUIS
ST ANTHONY'S HOSP OF ST LOUIS	ST LOUIS
ST LOUIS CITY HOSPITAL	ST LOUIS
ST LOUIS STATE SCHOOL AND HOSP	ST LOUIS
ST LOUIS-LITTLE ROCK HOSPITALS	ST LOUIS
ST LUKE'S HOSPITAL	ST LOUIS
VETERANS ADMINISTRATION HOSP	ST LOUIS
STE GENEVIEVE CNTY MEM HOSP	STE GENEVIEVE
SULLIVAN COMMUNITY HOSPITAL	SULLIVAN
SWEET SPRINGS COMMUNITY HOSP	SWEET SPRINGS
WRIGHT MEMORIAL HOSPITAL	TRENTON
LINCOLN COUNTY MEM HOSPITAL	TROY
PUTNAM COUNTY MEMORIAL HOSP	UNIONVILLE
JOHNSON COUNTY MEM HOSPITAL	WARRENSBURG
ST FRANCIS HOSPITAL	
PULASKI CNTY MEMORIAL HOSP	WASHINGTON
JANE CHINN MEMORIAL HOSPITAL	WAYNESVILLE
WEST PLAINS MEMORIAL HOSPITAL	WEBB CITY
	WEST PLAINS

MONTANA

COMMUNITY HOSPITAL	ANACONDA
STUDENT HLTH SVC MT STATE UNIV	BOZEMAN
SILVER BOW GENERAL HOSPITAL	BUTTE
LIBERTY COUNTY HOSPITAL	CHESTER
PHS INDIAN HOSPITAL	CROW AGENCY
MONTANA STATE PRISON INFIRMARY	DEER LODGE
POWELL COUNTY MEM HOSPITAL	DEER LODGE
DAHL MEMORIAL HOSPITAL	EKALAKA
ST CLARE HOSPITAL	FORT BENTON
VETERANS ADMINISTRATION HOSP	FORT HARRISON
GALEN STATE HOSPITAL	GALEN
GLENDIVE COMMUNITY HOSPITAL	GLENDIVE
WHEATLAND MEMORIAL HOSPITAL	HARLOWTON
GARFIELD COUNTY HOSPITAL	JORDAN
VETERANS ADMINISTRATION HOSP	MILES CITY
UNIV OF MONTANA HEALTH SERVICE	MISSOULA
SHERIDAN MEMORIAL HOSPITAL	PLENTYWOOD
ST JOSEPH HOSPITAL	POLSON
COMMUNITY HOSPITAL	POPLAR
CARBON COUNTY MEM HOSPITAL	RED LODGE
ST LUKE HOSPITAL	RONAN
ROUNDUP MEMORIAL HOSPITAL	ROUNDUP
DANIELS MEMORIAL HOSPITAL	SCOBEY
COMMUNITY MEMORIAL HOSPITAL	SIDNEY
HOLY FAMILY HOSPITAL	ST IGNATIUS
TRINITY HOSPITAL	WOLF POINT

V40-135 JUL 14 75 XUM

NEBRASKA

ATKINSON MEMORIAL HOSPITAL	ATKINSON
NEMAHA COUNTY HOSPITAL	AUBURN
MEMORIAL HOSPITAL	AURORA
BEATRICE STATE HOME	BEATRICE
LUTHERAN HOSPITAL	BEATRICE
MENNONITE DEACONESS HM & HOSP	BEATRICE
COMMUNITY MEMORIAL HOSPITAL	BURWELL
CHADRON COMMUNITY HOSPITAL	CHADRON
LUNDBERG MEMORIAL HOSPITAL	CREIGHTON
COMMUNITY HOSPITAL	FALLS CITY
FILLMORE COUNTY HOSPITAL	GENEVA
GORDON MEMORIAL HOSPITAL DIST	GORDON
GOTHENBURG MEMORIAL HOSPITAL	GOTHENBURG
LUTHERAN MEMORIAL HOSPITAL	GRAND ISLAND
VETERANS ADMINISTRATION HOSP	GRAND ISLAND
PERKINS COUNTY COMM HOSPITAL	GRANT
THAYER COUNTY MEM HOSPITAL	HEBRON
COMMUNITY MEMORIAL HOSPITAL	HUMBOLDT
GOOD SAMARITAN HOSPITAL	KEARNEY
KIMBALL COUNTY HOSPITAL	KIMBALL
LEXINGTON COMMUNITY HOSPITAL	LEXINGTON
PROVIDENCE HOSPITAL	LINCOLN
SACRED HEART HOSPITAL	LOUP CITY
ST CATHERINE OF SIENNA HOSP	MCCOOK
ST MARY'S HOSPITAL	NEBRASKA CITY
ANTELOPE MEMORIAL HOSPITAL	NELIGH
LUTHERAN COMMUNITY HOSPITAL	NORFOLK
OUR LADY OF LOURDES HOSPITAL	NORFOLK
NORTH PLATTE MEMORIAL HOSPITAL	NORTH PLATTE
ST MARY HOSPITAL	NORTH PLATTE
ST ANTHONY'S HOSPITAL	O'NEILL
OGALLALA COMMUNITY HOSPITAL	OGALLALA
DOUGLAS COUNTY HOSPITAL	OMAHA
LUTHERAN MEDICAL CENTER	OMAHA
VETERANS ADMINISTRATION HOSP	OMAHA
FRITZER MEMORIAL HOSPITAL	OXFORD
PLAINVIEW GENERAL HOSPITAL	PLAINVIEW
WEBSTER COUNTY COMM HOSPITAL	RED CLOUD
MEMORIAL HOSPITAL AND HOME	SIDNEY
BROADSTONE MEMORIAL HOSPITAL	SUPERIOR
TILDEN COMMUNITY HOSPITAL	TILDEN
WAKEFIELD COMMUNITY HOSPITAL	WAKEFIELD
PHS INDIAN HOSPITAL	WINNEBAGO

NEVADA

BATTLE MOUNTAIN GEN HOSPITAL	BATTLE MOUNTAIN
LINCOLN COUNTY HOSPITAL	CALIENTE
ELKO GENERAL HOSPITAL	ELKO
NAVAL AIR STATION	FALLON
MOUNT GRANT GENERAL HOSPITAL	HAWTHORNE
U S AIR FORCE HOSPITAL	LAS VEGAS
PERSHING GENERAL HOSPITAL	LOVELOCK
NEVADA STATE HOSPITAL	RENO
VETERANS ADMINISTRATION CENTER	RENO
NYE GENERAL HOSPITAL	TONOPAH
LYON HEALTH CENTER	YERINGTON

NEW HAMPSHIRE

SULLIVAN COUNTY NRSG HOSPITAL	CLAREMONT
NEW HAMPSHIRE HOSPITAL	CONCORD
LACONIA STATE SCHL & TRNG CNTR	LACONIA
VETERANS ADMINISTRATION HOSP	MANCHESTER
BAIRD INFIRMARY	NEW LONDON
NEWPORT HOSPITAL	NEWPORT
MERRIMACK COUNTY NRSG HOME	PENACOOK
NAVAL HOSPITAL	PORTSMOUTH
MORRISON HOSPITAL	WHITEFIELD
COTTAGE HOSPITAL	WOODSVILLE

NEW JERSEY

ATLANTIC CITY HOSPITAL	ATLANTIC CITY
WEST JERSEY HOSP, SOUTHERN DIV	BERLIN
CUMBERLAND COUNTY HOSPITAL	BRIDGETON
ESSEX COUNTY HOSPITAL CENTER	CEDAR GROVE
VETERANS ADMINISTRATION HOSP	EAST ORANGE
ELIZABETH GEN HOSPITAL & DISP	ELIZABETH
FRANKLIN HOSPITAL	FRANKLIN
ANCORA PSYCHIATRIC HOSPITAL	HAMMONTON
SOUTH BERGEN HOSPITAL	HASBROUCK HEIGHTS
IRVINGTON GENERAL HOSPITAL	IRVINGTON
CHRIST HOSPITAL	JERSEY CITY
FAIRMOUNT HOSPITAL	JERSEY CITY
GREENVILLE HOSPITAL	JERSEY CITY
SALVATION ARMY HOME & HOSPITAL	JERSEY CITY
CAMDEN CNTY PSYCHIATRIC HOSP	LAKELAND
CAMDEN COUNTY GENERAL HOSPITAL	LAKELAND
ROOSEVELT HOSPITAL	METUCHEN
MILLVILLE HOSPITAL	MILLVILLE
BURLINGTON COUNTY HOSPITALS	NEW LISBON
EVERGREEN PARK MENTAL HOSPITAL	NEW LISBON
AMER LEGION TRI-CNTY MEM HOSP	NEWARK
COLUMBUS HOSPITAL	NEWARK
HARRISON S MARTLAND HOSPITAL	NEWARK
BERGEN PINES COUNTY HOSPITAL	NEWARK
MATHENY SCHOOL	PARAMUS
SADDLE BROOK GENERAL HOSP	PEAPACK
HUDSON COUNTY MEADOWVIEW HOSP	SADDLE BROOK
CHRISTIAN SANATORIUM	SECAUCUS
	WYCKOFF

V 40 135 JUL 14 75 XUM

NEW MEXICO

PHS INDIAN HOSPITAL	ALBUQUERQUE
TURQUOISE LODGE HOSPITAL	ALBUQUERQUE
UNIV NM STUDENT HEALTH CENTER	ALBUQUERQUE
UNIVERSITY HEIGHTS HOSPITAL	ALBUQUERQUE
VETERANS ADMINISTRATION HOSP	ALBUQUERQUE
ARTESIA GENERAL HOSPITAL	ARTESIA
BELEN GENERAL HOSPITAL	BELEN
CARLSBAD REGIONAL MED CENTER	CARLSBAD
MEMORIAL HOSPITAL	CLOVIS
PHS INDIAN HOSPITAL	CROWNPOINT
MIMBRES MEMORIAL HOSPITAL	DEMING
ESPANOLA HOSPITAL	ESPANOLA
SAN JUAN HOSPITAL	FARMINGTON
DEBACA GENERAL HOSPITAL	FORT SUMNER
CIBOLA GENERAL HOSPITAL	GRANTS
LEA GENERAL HOSPITAL	HOBBS
LAS VEGAS HOSPITAL	LAS VEGAS
NEW MEXICO STATE HOSPITAL	LAS VEGAS
ST ANTHONY'S HOSPITAL	LAS VEGAS
HIDALGO GENERAL HOSPITAL	LORDSBURG
LEA GEN HOSP, LOVINGTON UNIT	LOVINGTON
ROOSEVELT GENERAL HOSPITAL	PORTALES
NORTHERN COLFAX COUNTY HOSP	RATON
EASTERN NEW MEXICO MED CENTER	ROSWELL
NEW MEXICO REHAB CENTER	ROSWELL
PECOS VALLEY LODGE HOSPITAL	ROSWELL
ST MARY'S HOSPITAL	ROSWELL
RUIDOSO-HONDO VALLEY GEN HOSP	RUIDOSO
PHS INDIAN HOSPITAL	SANTA FE
ST VINCENT HOSPITAL	SANTA FE
GUADALUPE GENERAL HOSPITAL	SANTA ROSA
PHS INDIAN HOSPITAL	SHIPROCK
SOCORRO GENERAL HOSPITAL	SOCORRO
HOLY CROSS HOSPITAL	TAOS
ST ANN'S HOSPITAL	TRUTH OR CONSEQUENCE
DR DAN C TRIGG MEM HOSPITAL	TUCUMCARI

NEW YORK

VETERANS ADMINISTRATION HOSP	ALBANY
ARNOLD GREGORY MEM HOSPITAL	ALBION
AMSTERDAM MEMORIAL HOSPITAL	AMSTERDAM
VETERANS ADMINISTRATION HOSP	BATAVIA
VETERANS ADMINISTRATION CENTER	BATH
QUEENS CHILDREN'S HOSPITAL	BELLEROSE
HEBREW HOSP FOR CHRONIC SICK	BRONX
LINCOLN HOSPITAL	BRONX
VETERANS ADMINISTRATION HOSP	BRONX
BROOKLYN EYE AND EAR HOSPITAL	BROOKLYN
CALEDONIAN HOSPITAL	BROOKLYN
GREENPOINT HOSPITAL	BROOKLYN
KINGSBROOK JEWISH MEDICAL CNTR	BROOKLYN
LONG ISLAND COLLEGE HOSPITAL	BROOKLYN
SAMARITAN HOSPITAL OF BROOKLYN	BROOKLYN
VETERANS ADMINISTRATION HOSP	BROOKLYN
WYCKOFF HEIGHTS HOSPITAL	BROOKLYN
BUFFALO COLUMBUS HOSPITAL	BUFFALO
BUFFALO STATE HOSPITAL	BUFFALO
VETERANS ADMINISTRATION HOSP	BUFFALO
FREDERICK FERRIS THOMPSON HOSP	CANANDAIGUA
CARTHAGE AREA HOSPITAL	CARTHAGE
VETERANS ADMINISTRATION HOSP	CASTLE POINT
CENTRAL ISLIP STATE HOSPITAL	CENTRAL ISLIP
ST JOSEPH INTERCOMMUNITY HOSP	CHEEKTOWAGA
ADIRONDACK REGIONAL HOSPITAL	CORINTH
DOBBS FERRY HOSPITAL	DOBBS FERRY
NASSAU COUNTY MEDICAL CENTER	EAST MEADOW
ELLENVILLE COMMUNITY HOSPITAL	ELLENVILLE
CITY HOSP CENTER AT ELMHURST	FLUSHING
RIKERS ISLAND HOSPITAL	FLUSHING
ALBERT LINDLEY LEE MEM HOSP	FULTON
GENEVA GENERAL HOSPITAL	GENEVA
GLENS FALLS HOSPITAL	GLENS FALLS
TRI-COUNTY MEMORIAL HOSPITAL	GOWANDA
COMMUNITY MEMORIAL HOSPITAL	HAMILTON
READ MEMORIAL HOSPITAL	HANCOCK
GOWANDA STATE HOSPITAL	HELMUTH
HERKIMER MEMORIAL HOSPITAL	HERKIMER
HUNTINGTON HOSPITAL	HUNTINGTON
LAKE SHORE HOSPITAL	IRVING
CREEDMOOR STATE HOSPITAL	JAMAICA
NAVAL HOSPITAL	JAMAICA
QUEENS HOSPITAL CENTER	JAMAICA
JOHNSTOWN HOSPITAL	JOHNSTOWN
KINGS PARK STATE HOSPITAL	KINGS PARK
COMMUNITY GENERAL HOSPITAL	LIBERTY
LIBERTY-LOOMIS HOSPITAL	LIBERTY
MOUNT VIEW HOSPITAL	LOCKPORT
LYONS COMMUNITY HOSPITAL	LYONS
ALICE HYDE MEM HOSP & NRSG HM	MALONE
MEDINA MEMORIAL HOSPITAL	MEDINA
SAGAMORE CHILDREN'S CENTER	MELVILLE
SUFFOLK STATE SCHOOL	MELVILLE

V40-135 JUL 14 75 XUM

MIDDLETOWN STATE HOSPITAL	MIDDLETOWN
BELLEVUE HOSPITAL CENTER	NEW YORK
HARLEM HOSPITAL CENTER	NEW YORK
HOSPITAL FOR JOINT DISEASES	NEW YORK
HOSPITAL FOR SPECIAL SURGERY	NEW YORK
ITALIAN HOSPITAL	NEW YORK
JEWISH HOME AND HOSP FOR AGED	NEW YORK
KIRBY-MANHATTAN PSYCH HOSPITAL	NEW YORK
KNICKERBOCKER HOSPITAL	NEW YORK
METROPOLITAN HOSPITAL CENTER	NEW YORK
MEYER-MANHATTAN PSYCH HOSPITAL	NEW YORK
MIDTOWN HOSPITAL	NEW YORK
SYDENHAM HOSPITAL	NEW YORK
TRAFALGAR HOSPITAL	NEW YORK
VETERANS ADMINISTRATION HOSP	NEW YORK
ST LUKE'S HOSPITAL OF NEWBURGH	NEWBURGH
CHENANGO MEMORIAL HOSPITAL	NORWICH
AURELIA OSBORN FOX MEM HOSP	ONEONTA
ROCKLAND STATE HOSPITAL	ORANGEBURG
CHAMPLAIN VLY PHYS MED CENTER	PLATTSBURGH
HUDSON RIVER STATE HOSPITAL	POUGHKEEPSIE
ROCHESTER STATE HOSPITAL	ROCHESTER
UNIV HLTH SERV ROCHESTER UNIV	ROCHESTER
ROME STATE SCHOOL AND HOSPITAL	ROME
SALAMANCA DISTRICT HOSPITAL	SALAMANCA
GEN HOSPITAL OF SARANAC LAKE	SARANAC LAKE
CLIFTON-FINE HOSPITAL	STAR LAKE
SEA VIEW HOSPITAL AND HOME	STATEN ISLAND
U S PUBLIC HEALTH SERVICE HOSP	STATEN ISLAND
WILLOWBROOK STATE SCHOOL	STATEN ISLAND
A C SILVERMAN PUB HEALTH HOSP	SYRACUSE
VETERANS ADMINISTRATION HOSP	SYRACUSE
LETCHWORTH VILLAGE STATE SCHL	THIELLS
MOSES LUDINGTON HOSPITAL	TICONDEROGA
SUNMOUNT STATE SCHOOL	TUPPER LAKE
UTICA STATE HOSPITAL	UTICA
GPASSLANDS HOSPITAL	VALHALLA
DELAWARE VALLEY HOSPITAL	WALTON
TAYLOR-BROWN MEMOEIAL HOSPITAL	WATERLOO
HOCH PSYCHIATRIC HOSPITAL	WEST BRENTWOOD
PILGRIM STATE HOSPITAL	WEST BRENTWOOD
WILLARD STATE HOSPITAL	WILLARD
HARLEM VALLEY STATE HOSPITAL	WINGDALE
ST JOHN'S RIVERSIDE HOSPITAL	YONKERS

NORTH CAROLINA

ROANOKE-CHOWAN HOSPITAL	AHOSKIE
DISTRICT MEMORIAL HOSPITAL	ANDREWS
ASTON PARK HOSPITAL	ASHEVILLE
MEMORIAL MISSION HOSPITAL	ASHEVILLE
ORTHOPEDIC HOSP & REHAB CNTR	ASHEVILLE
ST JOSEPH'S HOSPITAL	ASHEVILLE
CANNON MEMORIAL HOSPITAL	BANNER ELK
PUNGO DISTRICT HOSPITAL	BELHAVEN
WESTERN NORTH CAROLINA SANT	BLACK MOUNTAIN
BLOWING ROCK HOSPITAL	BLOWING ROCK
BOYSTER MEMORIAL HOSPITAL	BOILING SPRINGS
TRANSYLVANIA COMM HOSPITAL	BREVARD
SWAIN COUNTY HOSPITAL	BRYSON CITY
MEM HOSPITAL OF ALAMANCE CNTY	BURLINGTON
YANCEY HOSPITAL	BURNSVILLE
JOHN UMSTEAD HOSPITAL	BUTNER
NAVAL HOSPITAL	CAMP LEJEUNE
ST LUKE'S HOSPITAL	COLUMBUS
CABARRUS MEMORIAL HOSPITAL	CONCORD
GARRETT MEMORIAL HOSPITAL	CROSSNORE
STOKES-REYNOLDS MEM HOSPITAL	DANBURY
BETSY JOHNSON MEM HOSPITAL	DUNN
LINCOLN HOSPITAL	DURHAM
NC CEREBRAL PALSY HOSPITAL	DURHAM
VETERANS ADMINISTRATION HOSP	DURHAM
CHOWAN HOSPITAL	EDENTON
ALBEMARLE HOSPITAL	ELIZABETH CITY
BLADEN COUNTY HOSPITAL	ELIZABETHTOWN
HUGH CHATHAM MEMORIAL HOSPITAL	ELKIN
GOOD HOPE HOSPITAL	ERWIN
CAPE FEAR VALLEY HOSPITAL	FAYETTEVILLE
VETERANS ADMINISTRATION HOSP	FAYETTEVILLE
MOUNTAIN SANITARIUM & HOSPITAL	FLETCHER
WOMACK ARMY HOSPITAL	FORT BRAGG
ANGEL COMMUNITY HOSPITAL	FRANKLIN
GASTON MEMORIAL HOSPITAL	GASTONIA
NORTH CAROLINA ORTHOPEDIC HOSP	GASTONIA
CHERRY HOSPITAL	GOLDSBORO
WAYNE COUNTY MEMORIAL HOSPITAL	GOLDSBORO
L RICHARDSON MEMORIAL HOSPITAL	GREENSBORO
PITT COUNTY MEMORIAL HOSPITAL	GREENVILLE
W B JONES ALCOHOLIC REHBAB CTR	GREENVILLE
MARIA PARHAM HOSPITAL	HENDERSON
MARGARET R PARDEE MEM HOSPITAL	HENDERSONVILLE
CATAWBA MEMORIAL HOSPITAL	HICKORY
HICKORY MEMORIAL HOSPITAL	HICKORY
HIGHLANDS-CASHIERS HOSPITAL	HIGHLANDS
ASHE COUNTY MEMORIAL HOSPITAL	JEFFERSON
DUPLIN GENERAL HOSPITAL	KENANSVILLE
KINGS MOUNTAIN HOSPITAL	KINGS MOUNTAIN
CASWELL CENTER	KINSTON
SCOTLAND MEMORIAL HOSPITAL	LAURINBURG
BLACKWELDER HOSPITAL	LENOIR
CALDWELL MEMORIAL HOSPITAL	LENOIR

V40-135 JUL 14 75 XUM

LINCOLN COUNTY HOSPITAL	LINCOLNTON
FRANKLIN MEMORIAL HOSPITAL	LOUISBURG
NORTH CAROLINA CANCER INST	LUMBERTON
SOUTHEASTERN GENERAL HOSPITAL	LUMBERTON
MARION GENERAL HOSPITAL	MARION
UNION MEMORIAL HOSPITAL	MONROE
BROUGHTON HOSPITAL	MORGANTON
GRACE HOSPITAL	MORGANTON
PROVIDENCE HOSPITAL	MURPHY
CRAVEN COUNTY HOSPITAL	NEW BERN
WILKES GENERAL HOSPITAL	NORTH WILKESBORO
VETERANS ADMINISTRATION HOSP	OTEEN
WASHINGTON COUNTY HOSPITAL	PLYMOUTH
DOROTHEA DIX HOSPITAL	RALEIGH
ANNIE PENN MEMORIAL HOSPITAL	REIDSVILLE
PERSON COUNTY MEM HOSPITAL	ROXBORO
ROWAN MEMORIAL HOSPITAL	SALISBURY
LEE COUNTY HOSPITAL	SANFORD
OUR COMMUNITY HOSPITAL	SCOTLAND NECK
SEA LEVEL HOSPITAL	SEALEVEL
CLEVELAND MEMORIAL HOSPITAL	SHELBY
CHATHAM HOSPITAL	SILER CITY
ST JOSEPH OF THE PINES HOSP	SOUTHERN PINES
J ARTHUR DOSHER MEM HOSPITAL	SOUTHPORT
ALLEGHANY COUNTY MEM HOSPITAL	SPARTA
C J HARRIS COMMUNITY HOSPITAL	SYLVA
EDGECOMBE GENERAL HOSPITAL	TARBORO
ALEXANDER COUNTY HOSPITAL	TAYLORSVILLE
MONTGOMERY MEMORIAL HOSPITAL	TROY
VALDESE GENERAL HOSPITAL	VALDESE
WAKE FOREST BRANCH HOSPITAL	WAKE FOREST
WARREN GENERAL HOSPITAL	WARRENTON
BEAUFORT COUNTY HOSPITAL	WASHINGTON
HAYWOOD COUNTY HOSPITAL	WAYNESVILLE
COLUMBUS COUNTY HOSPITAL	WHITEVILLE
MARTIN GENERAL HOSPITAL	WILLIAMSTON
CAPE FEAR MEMORIAL HOSPITAL	WILMINGTON
EASTERN NORTH CAROLINA SAN	WILSON
WILSON MEMORIAL HOSPITAL	WILSON
BERTIE COUNTY MEM HOSPITAL	WINDSOR
REYNOLDS MEMORIAL HOSPITAL	WINSTON-SALEM
LULA CONRAD HOOTS MEM HOSPITAL	YADKINVILLE

NORTH DAKOTA

MCINTOSH COUNTY MEM HOSPITAL	ASHLEY
ST ANDREW'S HOSPITAL	BOTTINEAU
TOWNER COUNTY MEM HOSPITAL	CANDO
CARRINGTON HOSPITAL	CARRINGTON
PEMBINA COUNTY MEM HOSPITAL	CAVALIER
MERCY HOSPITAL	DEVILS LAKE
DRAYTON COMMUNITY HOSPITAL	DRAYTON
DICKEY COUNTY MEM HOSPITAL	ELLENDALE
VETERANS ADMINISTRATION CENTER	FARGO
GACKLE COMMUNITY HOSPITAL	GACKLE
GARRISON MEMORIAL HOSPITAL	GARRISON
GRAFTON STATE SCHOOL HOSP UNIT	GRAFTON
ST GERARD'S COMMUNITY HOSPITAL	HANKINSON
ST ALOISIUS HOSPITAL	HARVEY
HAZEN MEMORIAL HOSPITAL	HAZEN
NORTH DAKOTA STATE HOSPITAL	JAMESTOWN
CAVALIER COUNTY MEM HOSPITAL	LANGDON
LINTON HOSPITAL	LINTON
COMMUNITY MEMORIAL HOSPITAL	LISBON
MEMORIAL HOSPITAL	MADDOCK
MANDAN HOSPITAL	MANDAN
UNION HOSPITAL	MAYVILLE
COMMUNITY HOSPITAL	MCVILLE
TRINITY MEDICAL CENTER	MINOT
OAKES COMMUNITY HOSPITAL	OAKES
ST ANSGAR'S HOSPITAL	PARK RIVER
NORTH DAKOTA STATE TB SANT	SAN HAVEN
STANLEY COMMUNITY HOSPITAL	STANLEY
MERCY HOSPITAL	VALLEY CITY
MCKENZIE COUNTY MEM HOSPITAL	WATFORD CITY
MERCY HOSPITAL	WILLISTON

V40-135 JUL 14 75 XUM

OHIO

ST THOMAS HOSPITAL OF AKRON	AKRON
AMHERST HOSPITAL	AMHERST
APPLE CREEK STATE INSTITUTE	APPLE CREEK
ATHENS MENTAL HEALTH CENTER	ATHENS
BAY VIEW HOSPTIAL	BAY VILLAGE
MARY RUTAN HOSPITAL	BELLEFONTAINE
BLUFFTON COMMUNITY HOSPITAL	BLUFFTON
HARRISON COMMUNITY HOSPITAL	CADIZ
CAMBRIDGE STATE HOSPITAL	CAMBRIDGE
GUERNSEY MEMORIAL HOSPITAL	CAMBRIDGE
CHILLICOTHE HOSPITAL	CHILLICOTHE
BETHESDA HOSPITAL	CINCINNATI
BETHESDA HOSPITAL NORTH	CINCINNATI
CHRIST HOSPITAL	CINCINNATI
CONVALESCENT HOSP FOR CHILDREN	CINCINNATI
DANIEL DRAKE MEMORIAL HOSPITAL	CINCINNATI
DEACONESS HOSPITAL	CINCINNATI
LONGVIEW STATE HOSPITAL	CINCINNATI
ROLLMAN PSYCHIATRIC INSTITUTE	CINCINNATI
ST FRANCIS HOSPITAL	CINCINNATI
VETERANS ADMINISTRATION HOSP	CINCINNATI
CLEVELAND STATE HOSPITAL	CLEVELAND
FAIRHILL MENTAL HEALTH CENTER	CLEVELAND
FOREST CITY HOSPITAL	CLEVELAND
HIGHLAND VIEW HOSPITAL	CLEVELAND
HURON ROAD HOSPITAL	CLEVELAND
POLYCLINIC HOSPITAL	CLEVELAND
RICHMOND HEIGHTS GEN HOSPITAL	CLEVELAND
SHAKER MEDICAL CENTER HOSPITAL	CLEVELAND
VETERANS ADMINISTRATION HOSP	CLEVELAND
WOMAN'S GENERAL HOSPITAL	CLEVELAND
COLUMBUS STATE HOSPITAL	COLUMBUS
COLUMBUS STATE INSTITUTE	COLUMBUS
DOCTORS HOSPITAL	COLUMBUS
MERCY HOSPITAL	COLUMBUS
COSHOCTON COUNTY MEM HOSPITAL	COSHOCTON
GRANDVIEW HOSPITAL	DAYTON
U S AIR FORCE MEDICAL CENTER	DAYTON
VETERANS ADMINISTRATION CENTER	DAYTON
JANE M CASE HOSPITAL	DELAWARE
ELYRIA MEMORIAL HOSPITAL	ELYRIA
RIDGECLIFF HOSPITAL	EUCLID
GALION COMMUNITY HOSPITAL	GALION
GALLIPOLIS STATE INSTITUTE	GALLIPOLIS
MARYMOUNT HOSPITAL	GARFIELD HEIGHTS
ST FRANCIS REHABILITATION HOSP	GREEN SPRINGS
COMMUNITY MEMORIAL HOSPITAL	HICKSVILLE
HIGHLAND COUNTY DISTRICT HOSP	HILLSBORO
LIMA STATE HOSPITAL	LIMA
LODI COMMUNITY HOSPITAL	LODI
MADISON COUNTY HOSPITAL	LONDON
KETTERING HOSPITAL	LOUDONVILLE
PEOPLE'S HOSPITAL	MANSFIELD
SELBY GENERAL HOSPITAL	MARIETTA

COMMUNITY MEMORIAL HOSPITAL	MARION
MARION GENERAL HOSPITAL	MARION
MEM HOSPITAL OF UNION COUNTY	MARYSVILLE
MASSILLON STATE HOSPITAL	MASSILLON
MIDDLETOWN HOSPITAL	MIDDLETOWN
WILLIAMS COUNTY GEN HOSPITAL	MONTPELIER
MORROW COUNTY HOSPITAL	MOUNT GILEAD
BERT W MARTIN MEM HOSPITAL	MOUNT VERNON
MOUNT ST MARY HOSPITAL	NELSONVILLE
NEW LONDON HOSPITAL	NEW LONDON
LICKING COUNTY MEM HOSPITAL	NEWARK
NORTHEASTERN OHIO GEN HOSPITAL	NORTH MADISON
HAWTHORNDON STATE HOSPITAL	NORTHFIELD
SAGAMORE HILLS CHILDREN'S HOSP	NORTHFIELD
OAK HILL HOSPITAL	OAK HILL
ORIENT STATE INSTITUTE	ORIENT
VETERANS MEMORIAL HOSPITAL	POMEROY
H B MAGRUDER MEMORIAL HOSPITAL	PORT CLINTON
MERCY HOSPITAL	PORTSMOUTH
SOUTHERN HILLS HOSPITAL	PORTSMOUTH
OHIO SOLDIERS-SAILORS HOSPITAL	SANDUSKY
SANDUSKY MEMORIAL HOSPITAL	SANDUSKY
MERCY MEDICAL CENTER	SPRINGFIELD
MEDICAL COLLEGE OF OHIO HOSP	TOLEDO
PARKVIEW HOSPITAL	TOLEDO
ST CHARLES HOSPITAL	TOLEDO
WILLIAM W ROCHE MEM HOSPITAL	TOLEDO
DETTMER HOSPITAL	TROY
WYANDOT MEMORIAL HOSPITAL	UPPER SANDUSKY
MERCY MEMORIAL HOSPITAL	URBANA
WARREN GENERAL HOSPITAL	WARREN
SUBURBAN COMMUNITY HOSPITAL	WARRENSVILLE
FAYETTE COUNTY MEM HOSPITAL	WASHINGTON CT HOUSE
DE ETTE HARRISON DETWILER HOSP	WAUSEON
PIKE COUNTY HOSPITAL	WAVERLY
ADAMS COUNTY HOSPITAL	WEST UNION
CLINTON MEMORIAL HOSPITAL	WILMINGTON
WOOSTER COMMUNITY HOSPITAL	WOOSTER
GREENE MEMORIAL HOSPITAL	XENIA
BETHESDA HOSPITAL	ZANESVILLE
GOOD SAMARITAN MEDICAL CENTER	ZANESVILLE

V40-135 JUL 14 75 XUM

OKLAHOMA

VALLEY VIEW HOSPITAL	ADA
JACKSON COUNTY MEM HOSPITAL	ALTUS
SHARE MEMORIAL HOSPITAL	ALVA
ANADARKO MUNICIPAL HOSPITAL	ANADARKO
PUSHMATAHA COUNTY HOSPITAL	ANTLERS
ARDMORE 7TH-DAY ADVENTIST HOSP	ARDMORE
MEM HOSP OF SOUTHERN OKLAHOMA	ARDMORE
ATOKA MEMORIAL HOSPITAL	ATOKA
JANE PHILLIPS-MEM MEDICAL CTR	BARTLESVILLE
BEAVER COUNTY MEM HOSPITAL	BEAVER
CHILDREN'S CONVALESCENT HOSP	BETHANY
BLACKWELL GENERAL HOSPITAL	BLACKWELL
CIMARRON MEMORIAL HOSPITAL	BOISE CITY
BRISTOW MEMORIAL HOSPITAL	BRISTOW
HARPER COUNTY COMM HOSPITAL	BUFFALO
CARNEGIE HOSP-TRI COUNTY MUN	CARNEGIE
ROGER MILLS MEMORIAL HOSPITAL	CHEYENNE
GRADY MEMORIAL HOSPITAL	CHICKASHA
CLAREMORE HEALTH CENTER	CLAREMORE
OKLAHOMA GENERAL HOSPITAL	CLINTON
MARY HURLEY HOSPITAL	COALGATE
MEMORIAL HOSPITAL	COLLINSVILLE
CORDELL MEMORIAL HOSPITAL	CORDELL
CUSHING MUNICIPAL HOSPITAL	CUSHING
DRUMRIGHT MEMORIAL HOSPITAL	DRUMRIGHT
BRYAN MEMORIAL HOSPITAL	DURANT
EDMOND MEMORIAL HOSPITAL	EDMOND
FEDERAL REFORMATORY HOSPITAL	EL RENO
PARK VIEW HOSPITAL	EL RENO
COMMUNITY HOSPITAL	ELK CITY
ENID MEMORIAL HOSPITAL	ENID
ENID STATE SCHOOL HOSPITAL	ENID
FAIRFAX MEMORIAL HOSPITAL	FAIRFAX
REYNOLDS ARMY HOSPITAL	FORT SILL
WESTERN STATE HOSPITAL	FORT SUPPLY
TILLMAN COUNTY MEM HOSPITAL	FREDERICK
PANHANDLE STATE COLLEGE INFIRM	GOODWELL
GROVE GENERAL HOSPITAL	GROVE
LOGAN COUNTY MEMORIAL HOSPITAL	GUTHRIE
HOLDENVILLE GENERAL HOSPITAL	HOLDENVILLE
HARMON MEMORIAL HOSPITAL	HOLLIS
HOMINY CITY HOSPITAL	HOMINY
MCCURTAIN MEMORIAL HOSPITAL	IDABEL
JAY MEMORIAL HOSPITAL	JAY
LANGSTON UNIV INFIRMARY	LANGSTON
LAVERNE GENERAL HOSPITAL	LAVERNE
COMANCHE COUNTY MEM HOSPITAL	LAWTON
LINDSAY MUNICIPAL HOSPITAL	LINDSAY
MARSHALL MEMORIAL HOSPITAL	MADILL
MANGUM CITY HOSPITAL	MANGUM
LOVE COUNTY HEALTH CENTER	MARIETTA
MCALESTER GEN HOSPITAL-WEST	MCALESTER
MIAMI BAPTIST HOSPITAL	MIAMI
MIDWEST CITY MEMORIAL HOSPITAL	MIDWEST CITY

MOORE MUNICIPAL HOSPITAL	MOORE
MUSKOGEE GENERAL HOSPITAL	MUSKOGEE
CENTRAL STATE GRIFFIN MEM HOSP	NORMAN
OKLA UNIV-CHARLES GODDARD HOSP	NORMAN
NOWATA GENERAL HOSPITAL	NOWATA
OKARCHE MEMORIAL HOSPITAL	OKARCHE
OKFUSKEE MEMORIAL HOSPITAL	OKEMAH
BAPTIST MEDICAL CENTER	OKLAHOMA CITY
HILLCREST OSTEOPATHIC HOSPITAL	OKLAHOMA CITY
HOSPITALS OF THE UNIV OF OKLA	OKLAHOMA CITY
MERCY HOSPITAL	OKLAHOMA CITY
SOUTH COMMUNITY HOSPITAL	OKLAHOMA CITY
ST ANTHONY HOSPITAL	OKLAHOMA CITY
VETERANS ADMINISTRATION HOSP	OKLAHOMA CITY
OKMULGEE MEMORIAL HOSPITAL	OKMULGEE
PAULS VALLEY GENERAL HOSPITAL	PAULS VALLEY
PAWHUSKA HOSPITAL	PAWHUSKA
PERRY MEMORIAL HOSPITAL	PERRY
GRANDVIEW OSTEO HOSPITAL	PONCA CITY
PONCA CITY HOSPITAL	PONCA CITY
LEFLORE COUNTY MEM HOSPITAL	POTEAU
PRAGUE MUNICIPAL HOSPITAL	PRAGUE
GRAND VALLEY HOSPITAL	PRYOR
PURCELL MUNICIPAL HOSPITAL	PURCELL
SEQUOYAH MEMORIAL HOSPITAL	SALLISAW
HISSOM MEMORIAL CENTER HOSP	SAND SPRINGS
BARTLETT MEMORIAL HOSPITAL	SAPULPA
SAYRE MEMORIAL HOSPITAL	SAYRE
SEMINOLE MUNICIPAL HOSPITAL	SEMINOLE
NEWMAN MEMORIAL HOSPITAL	SHATTUCK
MISSION HILL MEMORIAL HOSPITAL	SHAWNEE
SHAWNEE MED CENTER HOSPITAL	SHAWNEE
COYNE CAMPBELL HOSPITAL	SPENCER
HASKELL COUNTY MEM HOSPITAL	STIGLER
STILLWATER MUNICIPAL HOSPITAL	STILLWATER
STILWELL MUNICIPAL HOSPITAL	STILWELL
APBUCKLE MEMORIAL HOSPITAL	SULPHUR
OKLAHOMA VETERANS HOSPITAL	SULPHUR
TAHLEQUAH CITY HOSPITAL	TAHLEQUAH
EASTERN OKLAHOMA STATE TB SAN	TALIHINA
PHS INDIAN HOSPITAL	TALIHINA
JOHNSTON MEMORIAL HOSPITAL	TISHOMINGO
CHILDREN'S MEDICAL CENTER	TULSA
CRAIG GENERAL HOSPITAL	VINITA
EASTERN STATE HOSPITAL	VINITA
WEATHERFORD HOSPITAL AUTHORITY	WEATHERFORD
WETUMKA GENERAL HOSPITAL	WETUMKA
WEWOKA MEMORIAL HOSPITAL	WEWOKA
LATIMER COUNTY GEN HOSPITAL	WILBURTON
MEMORIAL HOSPITAL	WOODWARD

V40-135 JUL 14 75 XUM

OREGON

ASHLAND COMMUNITY HOSPITAL	ASHLAND
STUDENT HLTH SERV SO ORE CLG	ASHLAND
COLUMBIA MEMORIAL HOSPITAL	ASTORIA
ST ELIZABETH COMM HOSPITAL	BAKER
SOUTHERN COOS GENERAL HOSPITAL	BANDON
COQUILLE VALLEY HOSPITAL	COQUILLE
COTTAGE GROVE HOSPITAL	COTTAGE GROVE
WALLOWA MEMORIAL HOSPITAL	ENTERPRISE
UNIV OF ORE STUDENT HLTH CNTR	EUGENE
WESTERN LANE HOSPITAL	FLORENCE
GRESHAM COMMUNITY HOSPITAL	GRESHAM
PIONEER MEMORIAL HOSPITAL	HEPPNER
HOOD RIVER MEMORIAL HOSPITAL	HOOD RIVER
GRANDE RONDE HOSPITAL	LA GRANDE
LAKE DISTRICT HOSPITAL	LAKEVIEW
MOUNTAIN VIEW DIST HOSPITAL	MADRAS
KEIZER MEMORIAL HOSPITAL	NORTH BEND
MALHEUR MEMORIAL HOSP DISTRICT	NYSSA
HOLY ROSARY HOSPITAL	ONTARIO
ST ANTHONY HOSPITAL	PENDLETON
PORTLAND OSTEOPATHIC HOSPITAL	PORTLAND
VETERANS ADMINISTRATION HOSP	PORTLAND
PIONEER MEMORIAL HOSPITAL	PRINEVILLE
LOWER UMPQUA HOSPITAL DISTRICT	REEDSPORT
DOUGLAS COMMUNITY HOSPITAL	ROSEBURG
OREGON STATE HOSPITAL	SALEM
SEASIDE HOSPITAL	SEASIDE
COLUMBIA DISTRICT HOSPITAL	ST HELENS
SANTIAM MEMORIAL HOSPITAL	STAYTON
COLUMBIA PARK HOSP & TRNG CNTR	THE DALLES
THE DALLES GENERAL HOSPITAL	THE DALLES
TILLAMOOK COUNTY GEN HOSPITAL	TILLAMOOK
UMATILLA HOSPITAL	UMATILLA
DAMMASCH STATE HOSPITAL	WILSONVILLE

PENNSYLVANIA

CEDARBROOK-LEHIGH HOME & HOSP	ALLENTOWN
GOOD SHEPHERD REHAB CENTER	ALLENTOWN
VETERANS ADMINISTRATION HOSP	ALTOONA
BEAVER COUNTY HOSPITAL	BEAVER
BRADFORD HOSPITAL	BRADFORD
MAYVIEW STATE HOSPITAL	BRIDGEVILLE
DELAWARE VALLEY HOSPITAL	BRISTOL
VETERANS ADMINISTRATION HOSP	BUTLER
WESTERN STATE SCHOOL AND HOSP	CANONSBURG
WOODVILLE STATE HOSPITAL	CARNEGIE
CLARKS SUMMIT STATE HOSPITAL	CLARKS SUMMIT
CLEMENT ATKINSON MEM HOSPITAL	COATESVILLE
CHARLES COLE MEMORIAL HOSPITAL	COUDERSPORT
CRESSON STATE SCHOOL AND HOSP	CRESSON
GEISINGER MEDICAL CENTER	DANVILLE
DEVEREUX FOUNDATION	DEVON
DU BOIS HOSPITAL	DU BOIS
MAPLE AVENUE HOSPITAL	DU BOIS
EAGLEVILLE HOSP & REHAB CENTER	EAGLEVILLE
GEN HOSPITAL OF MONROE COUNTY	EAST STROUDSBURG
DOCTORS OSTEOPATHIC HOSPITAL	ERIE
ERIE OSTEOPATHIC HOSPITAL	ERIE
VETERANS ADMINISTRATION HOSP	ERIE
ERIE COUNTY HOSPITAL	GIRARD
HAMBURG STATE SCHOOL AND HOSP	HAMBURG
HARRISBURG STATE HOSPITAL	HARRISBURG
HAVERFORD STATE HOSPITAL	HAVERFORD
RETREAT STATE HOSPITAL	HUNLOCK CREEK
CONESTOGA VIEW	LANCASTER
LAURELTON STATE SCHOOL & HOSP	LAURELTON
VETERANS ADMINISTRATION HOSP	LEBANON
WATSON HOME-CRIPPLED CHILDREN	LEETSDALE
U S PENITENTIARY HOSPITAL	LEWISBURG
LOCK HAVEN HOSPITAL & ECU	LOCK HAVEN
FULTON COUNTY MEDICAL CENTER	MCCONNELLSBURG
MEYERSDALE COMMUNITY HOSPITAL	MEYERSDALE
MUNCY VALLEY HOSPITAL	MUNCY
NORRISTOWN STATE HOSPITAL	NORRISTOWN
ALBERT EINSTEIN MEDICAL CENTER	PHILADELPHIA
ALBERT EINSTEIN MEDICAL CENTER	PHILADELPHIA
ALL SAINTS' HOSPITAL	PHILADELPHIA
DOCTORS HOSPITAL	PHILADELPHIA
EPISCOPAL HOSPITAL	PHILADELPHIA
GERMANTOWN DISPENSARY AND HOSP	PHILADELPHIA
GRAD HOSP OF THE UNIV OF PENN	PHILADELPHIA
HENRY F LANDIS STATE HOSPITAL	PHILADELPHIA
KENSINGTON HOSPITAL	PHILADELPHIA
MERCY-DOUGLASS HOSPITAL	PHILADELPHIA
MOSS REHABILITATION HOSPITAL	PHILADELPHIA
NAVAL HOSPITAL	PHILADELPHIA
NAZARETH HOSPITAL	PHILADELPHIA
PHILA COLL OF OSTEO MEDICINE	PHILADELPHIA
PHILADELPHIA CLG OF OSTEO MED	PHILADELPHIA
PHILADELPHIA GENERAL HOSPITAL	PHILADELPHIA

V40-135 JUL 14 75 XUM

PHILADELPHIA GERIATRIC CENTER	PHILADELPHIA
PHILADELPHIA STATE HOSPITAL	PHILADELPHIA
PRES-UNIV OF PENN MED CENTER	PHILADELPHIA
ST LUKE'S & CHILDREN'S MED CTR	PHILADELPHIA
ST MARY HOSPITAL	PHILADELPHIA
TEMPLE UNIVERSITY HOSPITAL	PHILADELPHIA
VETERANS ADMINISTRATION HOSP	PHILADELPHIA
DOCTORS' HOSPITAL	PITTSBURGH
HARMARVILLE REHAB CENTER	PITTSBURGH
HOME FOR CRIPPLED CHILDREN	PITTSBURGH
JOHN J KANE HOSPITAL	PITTSBURGH
STATE CORRECTIONAL INST HOSP	PITTSBURGH
VETERANS ADMINISTRATION HOSP	PITTSBURGH
PORT ALLEGANY COMM HOSPITAL	PORT ALLEGANY
PENOVO HOSPITAL	PENOVO
ELK COUNTY GENERAL HOSPITAL	RIDGWAY
NASCN HOSPITAL	ROARING SPRING
ST JOSEPH'S HOSPITAL	SCRANTON
SELINSGROVE STATE SCHL & HOSP	SELINSGROVE
PENNHURST STATE SCHOOL & HOSP	SPRING CITY
BARNES-KASSON COUNTY HOSPITAL	SUSQUEHANNA
MEMORIAL HOSPITAL	TOWANDA
EASTERN STATE SCHOOL AND HOSP	TREVOSE
TROY COMMUNITY HOSPITAL	TROY
FARVIEW STATE HOSPITAL	WAYMART
SOLDIERS AND SAILORS MEM HOSP	WELLSBORO
CHIT CHAT FARMS	WERNERSVILLE
COMMUNITY MEMORIAL HOSPITAL	WEST GROVE
CHILDRENS SVC CTR OF WY VLY	WILKES-BARRE
VETERANS ADMINISTRATION HOSP	WILKES-BARRE

RHODE ISLAND

NAVAL HOSPITAL	NEWPORT
VETERANS ADMINISTRATION HOSP	PROVIDENCE
EMMA PENDLETON BRADLEY HOSP	RIVERSIDE
DR U E ZAMBARANO MEM HOSPITAL	WALLUM LAKE

SOUTH CAROLINA

AIKEN COUNTY HOSPITAL	AIKEN
ANDERSON MEMORIAL HOSPITAL	ANDERSON
BAMBERG COUNTY MEM HOSPITAL	BAMBERG
BEAUFORT COUNTY MEM HOSPITAL	BEAUFORT
NAVAL HOSPITAL	BEAUFORT
MARLBORO GENERAL HOSPITAL	BENNETTSVILLE
LEE COUNTY MEMORIAL HOSPITAL	BISHOPVILLE
KERSHAW COUNTY MEM HOSPITAL	CAMDEN
CHARLESTON COUNTY HOSPITAL	CHARLESTON
NAVAL HOSPITAL	CHARLESTON
THE CITADEL HOSPITAL	CHARLESTON
VETERANS ADMINISTRATION HOSP	CHARLESTON
CHESTERFIELD CNTY MEM HOSPITAL	CHERAW
CHESTER COUNTY HOSPITAL	CHESTER
BAILEY MEMORIAL HOSPITAL	CLINTON
WHITTEN VILLAGE HOSPITAL	CLINTON
CRAFTS-FARROW STATE HOSPITAL	COLUMBIA
MIDLANDS CENTER	COLUMBIA
SC DEPT OF CORRECTIONS HOSP	COLUMBIA
SOUTH CAROLINA STATE HOSPITAL	COLUMBIA
VETERANS ADMINISTRATION HOSP	COLUMBIA
CONWAY HOSPITAL	CONWAY
ST EUGENE COMMUNITY HOSPITAL	DILLON
EASLEY BAPTIST HOSPITAL	EASLEY
ALLENDALE COUNTY HOSPITAL	FAIRFAX
BRUCE HOSPITAL	FLORENCE
MCLEOD HOSPITAL ANNEX	FLORENCE
MCLEOD MEMORIAL HOSPITAL	FLORENCE
MONCRIEF ARMY HOSPITAL	FORT JACKSON
CHEROKEE COUNTY MEM HOSPITAL	GAFFNEY
GEORGETOWN COUNTY MEM HOSPITAL	GEORGETOWN
GREENVILLE GENERAL HOSPITAL	GREENVILLE
BYERLY HOSPITAL	HARTSVILLE
WILLIAMSBURG CNTY MEM HOSPITAL	KINGSTREE
LOWER FLORENCE CNTY HOSPITAL	LAKE CITY
ELLIOTT WHITE SPRINGS MEM HOSP	LANCASTER
LAURENS DISTRICT HOSPITAL	LAURENS
HOPE HOSPITAL	LOCKHART
LORIS COMMUNITY HOSPITAL	LORIS
CLARENDON MEMORIAL HOSPITAL	MANNING
MARION COUNTY MEM HOSPITAL	MARION
MULLINS HOSPITAL	MULLINS
OCEAN VIEW MEMORIAL HOSPITAL	MYRTLE BEACH
NEWBERRY COUNTY MEM HOSPITAL	NEWBERRY
ORANGEBURG REGIONAL HOSPITAL	ORANGEBURG
CANNON MEMORIAL HOSPITAL	PICKENS
JASPER COUNTY GENERAL HOSPITAL	RIDGELAND
YORK GENERAL HOSPITAL	ROCK HILL
MARY BLACK MEMORIAL HOSPITAL	SPARTANBURG
SPARTANBURG GENERAL HOSPITAL	SPARTANBURG
UNION COMMUNITY HOSPITAL	UNION
HAMPTON GENERAL HOSPITAL	VARNVILLE
COLLETON COUNTY HOSPITAL	WALTERBORO
WHITMIRE MEDICAL CENTER	WHITMIRE
FAIRFIELD MEMORIAL HOSPITAL	WINNSBORO
WOODRUFF HOSPITAL	WOODRUFF
DIVINE SAVIOUR HOSPITAL	YORK

V40-135 JUL 14 75 XUM

SOUTH DAKOTA

CANTON INWOOD MEM HOSPITAL	CANTON
COMMUNITY BAILEY HOSPITAL	CHAMBERLAIN
DE SMET MEMORIAL HOSPITAL	DE SMET
ST JOSEPH'S HOSPITAL	DEADWOOD
DELL RAPIDS COMMUNITY HOSPITAL	DELL RAPIDS
ESTELLINE COMMUNITY HOSPITAL	ESTELLINE
EUREKA COMMUNITY HOSPITAL	EUREKA
GETTYSBURG MEMORIAL HOSPITAL	GETTYSBURG
GREGORY COMMUNITY HOSPITAL	GREGORY
SOUTHERN HILLS GEN HOSPITAL	HOT SPRINGS
VETERANS ADMINISTRATION CENTER	HOT SPRINGS
ST JOHN'S HOSPITAL	HURON
ST BERNARD'S PROVIDENCE HOSP	MILBANK
METHODIST HOSPITAL	MITCHELL
ST JOSEPH HOSPITAL	MITCHELL
ST MARY'S HOSPITAL	PIERRE
PHS INDIAN HOSPITAL	PINE RIDGE
BENNETT-CLARKSON MEM HOSPITAL	RAPID CITY
PHS INDIAN HOSPITAL	RAPID CITY
CRIPPLED CHILDRENS HOSP & SCH	SIOUX FALLS
JOHNSON VETERANS MEMORIAL HOSP	SIOUX FALLS
COMMUNITY MEMORIAL HOSPITAL	STURGIS
PIONEER MEMORIAL HOSPITAL	VIBORG
YANKTON STATE HOSPITAL	YANKTON

TENNESSEE

HAYWOOD COUNTY MEM HOSPITAL	BROWNSVILLE
BENTON COUNTY GENERAL HOSPITAL	CAMDEN
HICKMAN COUNTY HOSPITAL	CENTERVILLE
BARONESS ERLANGER HOSPITAL	CHATTANOOGA
MEMORIAL HOSPITAL	CHATTANOOGA
TENNESSEE CHEST DISEASE HOSP	CHATTANOOGA
MEMORIAL HOSPITAL	CLARKSVILLE
BRADLEY COUNTY MEM HOSPITAL	CLEVELAND
MAURY COUNTY HOSPITAL	COLUMBIA
LITTLE CREEK SANT AND HOSPITAL	CONCORD
COOKEVILLE GENERAL HOSPITAL	COOKEVILLE
PLATEAU MENTAL HEALTH CENTER	COOKEVILLE
COPPER BASIN GENERAL HOSPITAL	COPPERHILL
TIPTON COUNTY MEM HOSPITAL	COVINGTON
RHEA COUNTY HOSPITAL	DAYTON
GOODLARK HOSPITAL FOUNDATION	DICKSON
CLOVER BOTTOM HOSP AND SCHOOL	DONELSON
PARKVIEW HOSPITAL	DYERSBURG
CARTER COUNTY MEM HOSPITAL	ELIZABETHTON
UNICOI COUNTY MEM HOSPITAL	ERWIN
WOODS MEMORIAL HOSPITAL	ETOWAH
LINCOLN COUNTY HOSPITAL	FAYETTEVILLE
WILLIAMSON COUNTY HOSPITAL	FRANKLIN
SUMNER COUNTY MEM HOSPITAL	GALLATIN
GREENEVALLEY HOSP AND SCHOOL	GREENEVILLE
LAUGHLIN HOSPITAL	GREENEVILLE
TAKOMA HOSPITAL	GREENEVILLE
HARRIMAN CITY HOSPITAL	HARRIMAN
ST MARY'S HOSPITAL	HUMBOLDT
CARROLL COUNTY GEN HOSPITAL	HUNTINGDON
JACKSON-MADISON CNTY GEN HOSP	JACKSON
FENTRESS COUNTY GEN HOSPITAL	JAMESTOWN
JEFFERSON MEMORIAL HOSPITAL	JEFFERSON CITY
JELLICO MUNICIPAL HOSPITAL	JELLICO
MEMORIAL HOSPITAL	JOHNSON CITY
HOLSTON VALLEY COMM HOSPITAL	KINGSPORT
EASTERN STATE PSYCHIATRIC HOSP	KNOXVILLE
LAFOLLETTE COMMUNITY HOSPITAL	LA FOLLETTE
LAWRENCE COUNTY GEN HOSPITAL	LAWRENCEBURG
MCFARLAND HOSPITAL	LEBANON
LEXINGTON-HENDERSON CNTY HOSP	LEXINGTON
PERRY COUNTY GENERAL HOSPITAL	LINDEN
MADISON HOSPITAL	MADISON
NASHVILLE MEMORIAL HOSPITAL	MADISON
COFFEE COUNTY GENERAL HOSPITAL	MANCHESTER
VOLUNTEER GENERAL HOSPITAL	MARTIN
BLOUNT MEMORIAL HOSPITAL	MARYVILLE
BAPTIST MEMORIAL HOSPITAL	MEMPHIS
CITY OF MEMPHIS HOSPITAL	MEMPHIS
METHODIST HOSPITAL	MEMPHIS
OAKVILLE MEMORIAL HOSPITAL	MEMPHIS
ST JOSEPH HOSPITAL	MEMPHIS
VETERANS ADMINISTRATION HOSP	MEMPHIS
CITY OF MILAN HOSPITAL	MILAN

V40 I135 JUL 14 75 XUM

NAVAL HOSPITAL MEMPHIS	MILLINGTON
MORRISTOWN-HAMBLEN HOSPITAL	MORRISTOWN
VETERANS ADMINISTRATION CENTER	MOUNTAIN HOME
RUTHERFORD HOSPITAL	MURFREESBORO
BAPTIST HOSPITAL	NASHVILLE
CENTRAL STATE PSYCHIATRIC HOSP	NASHVILLE
HUBBARD HOSP MEHARRY MED COLL	NASHVILLE
MIDDLE TENN CHEST DISEASE HOSP	NASHVILLE
NASHVILLE METRO BORDEAUX HOSP	NASHVILLE
NASHVILLE METRO GEN HOSPITAL	NASHVILLE
RIVERSIDE HOSPITAL	NASHVILLE
TENN STATE PENITENTIARY HOSP	NASHVILLE
VETERANS ADMINISTRATION HOSP	NASHVILLE
COCKE COUNTY MEMORIAL HOSPITAL	NEWPORT
REGIONAL MENTAL HEALTH CENTER	OAK RIDGE
SCOTT COUNTY HOSPITAL	ONEIDA
HENRY COUNTY GENERAL HOSPITAL	PARIS
DECATUR COUNTY GEN HOSPITAL	PARSONS
BLEDSOE COUNTY HOSPITAL	PIKEVILLE
HIGHLAND HOSPITAL	PORTLAND
GILES COUNTY HOSPITAL	PULASKI
LAUDERDALE COUNTY HOSPITAL	RIPLEY
CHAMBERLAIN MEMORIAL HOSPITAL	ROCKWOOD
HAWKINS COUNTY MEM HOSPITAL	ROGERSVILLE
HARDIN COUNTY GENERAL HOSPITAL	SAVANNAH
MCNAIRY COUNTY GEN HOSPITAL	SELMER
SEVIER COUNTY HOSPITAL	SEVIERVILLE
BEDFORD COUNTY GEN HOSPITAL	SHELBYVILLE
DEKALB GENERAL HOSPITAL	SMITHVILLE
SMYRNA HOSPITAL	SMYRNA
HANCOCK COUNTY HOSPITAL	SNEEDVILLE
JESSE HOLMAN JONES HOSPITAL	SPRINGFIELD
LOWRY HOSPITAL	SWEETWATER
SWEETWATER HOSPITAL	SWEETWATER
CLAIBORNE COUNTY HOSPITAL	TAZEWELL
JOHN W HARTON MEM HOSPITAL	TULLAHOMA
OBION COUNTY GENERAL HOSPITAL	UNION CITY
WAYNE COUNTY GENERAL HOSPITAL	WAYNESBOFO
WESTERN STATE PSYCHIATRIC HOSP	WESTERN STATE HOSP
FRANKLIN COUNTY HOSPITAL	WINCHESTER
GOOD SAMARITAN HOSPITAL	WOODBURY

TEXAS

HENDRICK MEMORIAL HOSPITAL	ABILENE
SHACKELFORD CNTY MEM HOSP	ALBANY
BREWSTER MEMORIAL HOSPITAL	ALPINE
SOUTHWEST OSTEOPATHIC HOSPITAL	AMARILLO
VETERANS ADMINISTRATION HOSP	AMARILLO
CHAMBERS MEMORIAL HOSPITAL	ANAHUAC
PERMIAN GENERAL HOSPITAL	ANDREWS
ANGLETON-DANBURY GEN HOSPITAL	ANGLETON
ANSON GENERAL HOSPITAL	ANSON
LA TUNA HOSP OF FEDERAL INST	ANTHONY
ARCHER COUNTY HOSPITAL	ARCHER CITY
ARLINGTON MEMORIAL HOSPITAL	ARLINGTON
HENDERSON COUNTY MEM HOSPITAL	ATHENS
AUSTIN STATE HOSPITAL	AUSTIN
AUSTIN STATE SCHOOL	AUSTIN
HOLY CROSS HOSPITAL	AUSTIN
CALLAHAN COUNTY HOSPITAL	BAIRD
BALLINGER MEMORIAL HOSPITAL	BALLINGER
BASTROP MEMORIAL HOSPITAL	BASTROP
MATAGORDA GENERAL HOSPITAL	BAY CITY
SAN JACINTO METHODIST HOSPITAL	BAYTOWN
BAPTIST HOSPITAL OF SE TEXAS	BEAUMONT
BEAUMONT REMEDIAL CLINIC	BEAUMONT
ST ELIZABETH HOSPITAL	BEAUMONT
MEMORIAL HOSPITAL	BEEVILLE
BELLVILLE HOSPITAL	BELLVILLE
REAGAN MEMORIAL HOSPITAL	BIG LAKE
BIG SPRING STATE HOSPITAL	BIG SPRING
HALL-BENNETT MEMORIAL HOSPITAL	BIG SPRING
MEDICAL CENTER MEM HOSPITAL	BIG SPRING
VETERANS ADMINISTRATION HOSP	BIG SPRING
VETERANS ADMINISTRATION CENTER	BONHAM
NORTH PLAINS HOSPITAL	BORGER
BOWIE MEMORIAL HOSPITAL	BOWIE
HEART OF TEXAS MEM HOSPITAL	BRADY
STEPHENS MEMORIAL HOSPITAL	BRECKENRIDGE
BOHNE MEMORIAL HOSPITAL	BRENHAM
ST JUDE HOSPITAL	BRENHAM
MERCY HOSPITAL	BROWNSVILLE
BROWNWOOD COMMUNITY HOSPITAL	BROWNWOOD
NEWTON MEMORIAL HOSPITAL	CAMERON
ST EDWARD HOSPITAL-RISCHAR MEM	CAMERON
NEBLETT MEMORIAL HOSPITAL	CANYON
SAN ANGELO CENTER	CARLSBAD
DIMMIT COUNTY MEM HOSPITAL	CARRIZO SPRINGS
PANOLA GENERAL HOSPITAL	CARTHAGE
SHELBY GENERAL HOSPITAL	CENTER
CHILDRESS GENERAL HOSPITAL	CHILDRESS
E L GRAHAM MEMORIAL HOSPITAL	CISCO
RED RIVER COUNTY HOSPITAL	CLARKSVILLE
JOHNSON COUNTY MEM HOSPITAL	CLEBURNE
GOODALL-WITCHER HOSPITAL	CLIFTON
OVERALL-MORRIS MEMORIAL HOSP	COLEMAN
ROOT MEMORIAL HOSPITAL	COLORADO CITY

V40-135 JUL 14 75 XUM

COLUMBUS HOSPITAL FOUNDATION	COLUMBUS
MONTGOMERY COUNTY HOSPITAL	CONROE
ADA WILSON HOSP OF PHYS MED	CORPUS CHRISTI
CORPUS CHRISTI OSTEO HOSP	CORPUS CHRISTI
MEMORIAL MEDICAL CENTER	CORPUS CHRISTI
NAVARRO COUNTY MEM HOSPITAL	CORSICANA
HOUSTON COUNTY HOSPITAL	CROCKETT
CROSBYTON CLINIC HOSPITAL	CROSBYTON
FOARD COUNTY HOSPITAL	CROWELL
CUERO COMMUNITY HOSPITAL	CUERO
COON MEMORIAL HOSPITAL	DALHART
CARUTH MEMORIAL REHAB CENTER	DALLAS
CHILDREN'S HAVEN	DALLAS
DALLAS COUNTY HOSPITAL DIST	DALLAS
DALLAS OSTEOPATHIC HOSPITAL	DALLAS
EAST TOWN OSTEOPATHIC HOSPITAL	DALLAS
GASTON EPISCOPAL HOSPITAL	DALLAS
STEVENS PARK OSTEO HOSPITAL	DALLAS
VETERANS ADMINISTRATION HOSP	DALLAS
DE LEON MUNICIPAL HOSPITAL	DE LEON
DECATUR CLINIC HOSPITAL	DECATUR
MADONNA HOSPITAL	DENISON
MEMORIAL HOSPITAL	DENISON
MO-KANS-TX RR EMPLOYEES HOSP	DENISON
FLOW MEMORIAL HOSPITAL	DENTON
YOAKUM COUNTY HOSPITAL	DENVER CITY
MEMORIAL HOSPITAL-MOORE COUNTY	DUMAS
EAGLE LAKE COMMUNITY HOSPITAL	EAGLE LAKE
MAVERICK COUNTY HOSPITAL	EAGLE PASS
EASTLAND MEMORIAL HOSPITAL	EASTLAND
CONCHO COUNTY HOSPITAL	EDEN
EDINBURG GENERAL HOSPITAL	EDINBURG
WHARTON CNTY NIGHTINGALE HOSP	EL CAMPO
HOTEL DIEU HOSPITAL	EL PASO
NEWARK UNITED METHODIST HOSP	EL PASO
R E THOMASON GENERAL HOSPITAL	EL PASO
ST JOSEPH HOSPITAL	EL PASO
SCHLEICHER COUNTY MEDICAL CNTR	ELDORADO
FLEMING MEMORIAL HOSPITAL	ELGIN
FREESTONE COUNTY HOSPITAL	FAIRFIELD
BROOKS COUNTY HOSPITAL	FALFURRIAS
MEMORIAL HOSPITAL	FLORESVILLE
CAPROCK HOSPITAL DISTRICT	FLOYDADA
DARNALL ARMY HOSPITAL	FORT HOOD
MEMORIAL HOSPITAL	FORT STOCKTON
ALL SAINTS EPISCOPAL HOSPITAL	FORT WORTH
FORT WORTH CHILDREN'S HOSPITAL	FORT WORTH
FORT WORTH OSTEO HOSPITAL	FORT WORTH
ST JOSEPH HOSPITAL	FORT WORTH
TARRANT COUNTY HOSP DISTRICT	FORT WORTH
TEXAS CHRISTIAN UNIV HLTH CNTR	FORT WORTH
COMMUNITY HOSP OF BRAZOSPORT	FREEPORT
GAINESVILLE MEMORIAL HOSPITAL	GAINESVILLE
ST MARY'S HOSPITAL	GALVESTON

U S PUBLIC HEALTH SERVICE HOSP	GALVESTON
UNIV OF TEXAS MED BRANCH HOSPS	GALVESTON
MEMORIAL HOSPITAL OF GARLAND	GARLAND
CORYELL MEMORIAL HOSPITAL	GATESVILLE
LEE MEMORIAL HOSPITAL	GIDDINGS
GLADEWATER MUNICIPAL HOSPITAL	GLADEWATER
GOLIAD COUNTY HOSPITAL	GOLIAD
HOLMES COMMUNITY HOSPITAL	GONZALES
TEXAS REHABILITATION HOSPITAL	GONZALES
GRAHAM GENERAL HOSPITAL	GRAHAM
COZBY-GERMANY HOSPITAL	GRAND SALINE
COMMUNITY MEMORIAL HOSPITAL	GRAPELAND
GRAPEVINE MEMORIAL HOSPITAL	GRAPEVINE
GROOM MEMORIAL HOSPITAL	GROOM
GROVETON HOSPITAL	GROVETON
HI-PLAINS HOSPITAL	HALE CENTER
HARLINGEN STATE CHEST HOSPITAL	HARLINGEN
RIO GRANDE STATE CTR FOR HLTH	HARLINGEN
VALLEY BAPTIST HOSPITAL	HARLINGEN
WALLER COUNTY HOSPITAL	HEMPSTEAD
HENDERSON MEMORIAL HOSPITAL	HENDERSON
CLAY COUNTY MEMORIAL HOSPITAL	HENRIETTA
DEAF SMITH GENERAL HOSPITAL	HEREFORD
HICO CITY HOSPITAL	HICO
DOCTORS' SERVICES FOUNDATION	HOUSTON
EASTWAY GENERAL HOSPITAL	HOUSTON
GULFWAY GENERAL HOSPITAL	HOUSTON
HARRIS COUNTY HOSPITAL DIST	HOUSTON
RIVERSIDE GENERAL HOSPITAL	HOUSTON
SAM HOUSTON MEMORIAL HOSPITAL	HOUSTON
ST ANTHONY CENTER	HOUSTON
ST ELIZABETH HOSPITAL	HOUSTON
ST LUKE'S EPISCOPAL HOSPITAL	HOUSTON
VETERANS ADMINISTRATION HOSP	HOUSTON
HUBBARD HOSPITAL	HUBBARD
HUNTSVILLE MEMORIAL HOSPITAL	HUNTSVILLE
TEXAS DEPT OF CORRECTIONS HOSP	HUNTSVILLE
GENERAL HOSPITAL	IRAAN
JACK COUNTY HOSPITAL	JACKSBORO
NAN TRAVIS MEMORIAL HOSPITAL	JACKSONVILLE
NEWBURN MEMORIAL HOSPITAL	JACKSONVILLE
JASPER MEMORIAL HOSPITAL	JASPER
MARION COUNTY HOSPITAL	JEFFERSON
MERCY HOSPITAL	JOURDANTON
KIMBLE HOSPITAL	JUNCTION
MEMORIAL HOSPITAL	KERMIT
SID PETERSON MEMORIAL HOSPITAL	KERRVILLE
VETERANS ADMINISTRATION HOSP	KERRVILLE
KLEBERG COUNTY HOSPITAL	KINGSVILLE
KNOX COUNTY HOSPITAL	KNOX CITY
HARDIN MEMORIAL HOSPITAL	KOUNTZE
FAYETTE MEMORIAL HOSPITAL	LA GRANGE
MEDICAL ARTS HOSPITAL	LAMESA
MERCY HOSPITAL OF LAREDO	LAREDO

V40 I135 JUL 14 75 XUM

YETTIE KERSTING MEM HOSPITAL	LIBERTY
LINDEN MUNICIPAL HOSPITAL	LINDEN
POLK COUNTY HOSPITAL	LIVINGSTON
LLANO MEMORIAL HOSPITAL	LLANO
HOSPITAL IN THE PINES	LONE STAR
GOOD SHEPHERD HOSPITAL	LONGVIEW
MARKHAM HOSPITAL	LONGVIEW
UNIVERSITY HEALTH CENTER	LUBBOCK
MEMORIAL HOSPITAL	LUFKIN
WOODLAND HEIGHTS GEN HOSPITAL	LUFKIN
EDGAR B DAVIS MEM HOSPITAL	LULING
MADISON COUNTY HOSPITAL	MADISONVILLE
TORBETT-HUTCHINGS-SMITH HOSP	MARLIN
VETERANS ADMINISTRATION HOSP	MARLIN
MEMORIAL HOSPITAL	MARSHALL
MASON MEMORIAL HOSPITAL	MASON
MCALLEN GENERAL HOSPITAL	MCALLEN
COLLIN MEMORIAL HOSPITAL	MCKINNEY
MCLEAN GENERAL HOSPITAL	MCLEAN
MENARD HOSPITAL	MENARD
MERIDIAN HOSPITAL	MERIDIAN
MIDLAND MEMORIAL HOSPITAL	MIDLAND
PALO PINTO GENERAL HOSPITAL	MINERAL WELLS
MISSION MUNICIPAL HOSPITAL	MISSION
COCHRAN MEMORIAL HOSPITAL	MORTON
TITUS COUNTY MEMORIAL HOSPITAL	MOUNT PLEASANT
FRANKLIN COUNTY HOSPITAL	MOUNT VERNON
MUENSTER HOSPITAL DISTRICT	MUENSTER
MEMORIAL HOSPITAL	NACOGDOCHES
DAVID GRANBERRY MEM HOSPITAL	NAPLES
GRIMES MEMORIAL HOSPITAL	NAVASOTA
NEW BRAUNFELS HOSPITAL	NEW BRAUNFELS
NEWTON COUNTY MEM HOSPITAL	NEWTON
MEDICAL CENTER HOSPITAL	ODESSA
HAMILTON HOSPITAL	OLNEY
ORANGE MEMORIAL HOSPITAL	ORANGE
TEXAS ELKS CRPLD CHILD HOSP	OTTINE
OVERTON MEMORIAL HOSPITAL	OVERTON
CROCKETT COUNTY HOSPITAL	OZONA
W Q RICHARDS MEMORIAL HOSPITAL	PADUCAH
WAGNER GENERAL HOSPITAL	PALACIOS
MEMORIAL HOSPITAL	PALESTINE
HIGHLAND GENERAL HOSPITAL	PAMPA
L P MCCUISTION COMM HOSPITAL	PARIS
ST JOSEPH'S HOSPITAL	PARIS
FRIO HOSPITAL	PEARSALL
MEMORIAL HOSPITAL	PECOS
OCHILTREE GENERAL HOSPITAL	PERRYTON
PITTSBURG MED & SURGICAL HOSP	PITTSBURG
CENTRAL PLAINS GENERAL HOSP	PLAINVIEW
ST MARY HOSPITAL	PORT ARTHUR
CHAMP TRAYLOR MEM HOSPITAL	PORT LAVACA
GARZA MEMORIAL HOSPITAL	POST
HARDEMAN COUNTY MEM HOSPITAL	QUANAH

WOOD COUNTY CENTRAL HOSPITAL	QUITMAN
RANKIN HOSPITAL DISTRICT	RANKIN
MEMORIAL HOSPITAL	REFUGIO
POLLY RYON MEMORIAL HOSPITAL	RICHMOND
WEST COKE COUNTY HOSPITAL	ROBERT LEE
EDWARDS COUNTY MEM HOSPITAL	ROCKSPRINGS
RUSK MEMORIAL HOSPITAL	RUSK
RUSK STATE HOSPITAL	RUSK
BAPTIST MEMS GERIATRIC CENTER	SAN ANGELO
CLINIC-HOSPITAL FOUNDATION	SAN ANGELO
ST JOHN'S HOSPITAL	SAN ANGELO
BEXAR COUNTY HOSPITAL DISTRICT	SAN ANTONIO
SAN ANTONIO OSTEOPATHIC HOSP	SAN ANTONIO
SAN ANTONIO STATE HOSPITAL	SAN ANTONIO
SANTA ROSA MEDICAL CENTER	SAN ANTONIO
ST BENEDICT HOSP & NRSG HOME	SAN ANTONIO
SAN AUGUSTINE MEM HOSPITAL	SAN AUGUSTINE
DOLLY VINSANT MEM HOSPITAL	SAN BENITO
HAYS MEMORIAL HOSPITAL	SAN MARCOS
SAN SABA MEMORIAL HOSPITAL	SAN SABA
GUADALUPE VALLEY HOSPITAL	SEGUIN
SEYMOUR HOSPITAL AUTHORITY	SEYMOUR
SHAMROCK GENERAL HOSPITAL	SHAMROCK
WILSON N JONES MEM HOSPITAL	SHERMAN
CHARLES H EWING COMM HOSPITAL	SINTON
MERCY HOSPITAL	SLATON
D M COGDELL MEMORIAL HOSPITAL	SNYDER
STAMFORD MEMORIAL HOSPITAL	STAMFORD
HOPKINS COUNTY MEM HOSPITAL	SULPHUR SPRINGS
SIMMONS MEMORIAL HOSPITAL	SWEETWATER
TAFT HOSPITAL DISTRICT	TAFT
JOHNS COMMUNITY HOSPITAL	TAYLOR
KING'S DAUGHTERS HOSPITAL	TEMPLE
SCOTT AND WHITE MEM HOSPITAL	TEMPLE
VETERANS ADMINISTRATION CENTER	TEMPLE
TERRELL STATE HOSPITAL	TERRELL
FED CORRECTIONAL INST HOSPITAL	TEXARKANA
THROCKMORTON CNTY MEM HOSPITAL	THROCKMORTON
TRINITY MEMORIAL HOSPITAL	TRINITY
EAST TEXAS CHEST HOSPITAL	TYLER
MEDICAL CENTER HOSPITAL	TYLER
MOTHER FRANCES HOSPITAL	TYLER
WILBARGER GENERAL HOSPITAL	VERNON
CITIZENS MEMORIAL HOSPITAL	VICTORIA
BAYLOR UNIV HEALTH CENTER	WACO
HILLCREST BAPTIST HOSPITAL	WACO
W C TENERY COMMUNITY HOSPITAL	WAXAHACHIE
CAMPBELL MEMORIAL HOSPITAL	WEATHERFORD
YOUENS MEMORIAL HOSPITAL	WEIMAR
COLLINGSWORTH GENERAL HOSPITAL	WELLINGTON
KNAPP MEM METHODIST HOSPITAL	WESLACO
WEST COMMUNITY HOSPITAL	WEST
CANEY VALLEY MEMORIAL HOSPITAL	WHARTON
GULF COAST MEDICAL CENTER	WHARTON
PARKVIEW HOSPITAL AND CLINIC	WHEELER
WHITNEY HOSPITAL	WHITNEY
WICHITA FALLS STATE HOSPITAL	WICHITA FALLS
YORKTOWN MEMORIAL HOSPITAL	YORKTOWN

V40-135 JUL 14 75 XUM

UTAH

VALLEY VIEW MEDICAL CENTER	CEDAR CITY
WEST HILLARD HOSPITAL	DELTA
WASATCH COUNTY HOSPITAL	HEBER CITY
KANE COUNTY HOSPITAL	KANAB
ALLEN MEMORIAL HOSPITAL	MOAB
SAN JUAN HOSPITAL	MONTICELLO
SANPETE LATTER-DAY SAINTS HOSP	MOUNT PLEASANT
PAYSON HOSPITAL	PAYSON
UTAH STATE HOSPITAL	PROVO
VETERANS ADMINISTRATION HOSP	SALT LAKE CITY
UINTAH COUNTY HOSPITAL	VERNAL

VERMONT

ROCKINGHAM MEMORIAL HOSPITAL	BELLOWS FALLS
BRANDON TRAINING SCHOOL HOSP	BRANDON
BRATTLEBORO RETREAT	BRATTLEBORO
COPLEY HOSPITAL	MORRISVILLE
GIFFORD MEMORIAL HOSPITAL	RANDOLPH
VERMONT STATE HOSPITAL	WATERBURY
VETERANS ADMINISTRATION CENTER	WHITE RIVER JUNCTION
VERMONT STATE PRISON HOSPITAL	WINDSOR

VIRGINIA

JOHNSTON MEMORIAL HOSPITAL	ABINGDON
BEDFORD CNTY MEMORIAL HOSPITAL	BEDFORD
PIEDMONT STATE HOSPITAL	BURKEVILLE
ALLEGHANY MEMORIAL HOSPITAL	COVINGTON
MEMORIAL HOSPITAL	DANVILLE
GREENSVILLE MEMORIAL HOSPITAL	EMPORIA
SOUTHSIDE COMMUNITY HOSPITAL	FARMVILLE
SOUTHAMPTON MEMORIAL HOSPITAL	FRANKLIN
DIXIE HOSPITAL	HAMPTON
VETERANS ADMINISTRATION CENTER	HAMPTON
JOHN RANDOLPH HOSPITAL	HOPEWELL
STONEWALL JACKSON HOSPITAL	LEXINGTON
LOUISA COUNTY MEDICAL CENTER	LOUISA
PAGE MEMORIAL HOSPITAL	LURAY
LYNCHBURG TRNG SCHOOL AND HOSP	MADISON HEIGHTS
SMYTH COUNTY COMM HOSPITAL	MARION
SOUTHWESTERN STATE HOSPITAL	MARION
MEMORIAL HOSP OF MARTINSVILLE	MARTINSVILLE
NORTHAMPTON-ACCOMACK MEM HOSP	NASSAWADOX
WHITTAKER MEMORIAL HOSPITAL	NEWPORT NEWS
LAKE TAYLOR CITY HOSPITAL	NORFOLK
LEIGH MEMORIAL HOSPITAL	NORFOLK
NORFOLK COMMUNITY HOSPITAL	NORFOLK
U S PUBLIC HEALTH SERVICE HOSP	NORFOLK
ST MARY'S HOSPITAL	NORTON
GILES MEMORIAL HOSPITAL	PEARISBURG
CENTRAL STATE HOSPITAL	PETERSBURG
FEDERAL REFORMATORY HOSPITAL	PETERSBURG
MEMORIAL HOSPITAL	PETERSBURG
PETERSBURG GENERAL HOSPITAL	PETERSBURG
NAVAL HOSPITAL	PORTSMOUTH
NAVAL HCSPITAL	QUANTICO
RADFORD COMMUNITY HOSPITAL	RADFORD
ST ALBANS PSYCHIATRIC HOSPITAL	RADFORD
CRIPPLED CHILDREN'S HOSPITAL	RICHMOND
MED COLLEGE OF VIRGINIA HOSPS	RICHMOND
RICHMOND COMMUNITY HOSPITAL	RICHMOND
RICHMOND MEMORIAL HOSPITAL	RICHMOND
VETERANS ADMINISTRATION HOSP	RICHMOND
BURRELL MEMORIAL HOSPITAL	ROANOKE
COMM HOSP OF ROANOKE VALLEY	ROANOKE
ROANOKE MEMORIAL HOSPITALS	ROANOKE
THOMAS K MCKEE HOSPITAL	SALTVILLE
HALIFAX COMMUNITY HOSPITAL	SOUTH BOSTON
SOUTH BOSTON GENERAL HOSPITAL	SOUTH BOSTON
COMMUNITY MEMORIAL HOSPITAL	SOUTH HILL
DE JARNETTE CTR FOR HUMAN DEV	STAUNTON
KING'S DAUGHTERS' HOSPITAL	STAUNTON
WESTERN STATE HOSPITAL	STAUNTON
R J REYNOLDS-PATRICK CNTY HOSP	STUART
LOUISE OBICI MEMORIAL HOSPITAL	SUFFOLK
TIDEWATER MEMORIAL HOSPITAL	TAPPAHANNOCK
FAUQUIER HOSPITAL	WARRENTON
WAYNESBORO COMMUNITY HOSPITAL	WAYNESBORO
EASTERN STATE HOSPITAL	WILLIAMSBURG
WINCHESTER MEMORIAL HOSPITAL	WINCHESTER
WISE APPALACHIAN REG HOSPITAL	WISE
SHENANDOAH CNTY MEM HOSPITAL	WOODSTOCK

V40-135 JUL 14 75 XUM

WASHINGTON

GRAYS HARBOR COMM HOSPITAL	ABERDEEN
HARRISON MEMORIAL HOSPITAL	BREMERTON
NAVAL HOSPITAL	BREMERTON
OKANOGAN-DOUGLAS CNTY HOSPITAL	BREWSTER
CENTRALIA GENERAL HOSPITAL	CENTRALIA
ST JOSEPH'S HOSPITAL	CHEWELAH
WHITMAN COMMUNITY HOSPITAL	COLFAX
LINCOLN HOSPITAL DISTRICT 3	DAVENPORT
DAYTON GENERAL HOSPITAL	DAYTON
COLUMBIA BASIN HOSPITAL	EPHRATA
FORKS COMMUNITY HOSPITAL	FORKS
WESTERN STATE HOSPITAL	FORT STEILACOOM
VALLEY GENERAL HOSPITAL	MONROE
NAVAL HOSPITAL	OAK HARBOR
ST JOHN HOSPITAL	PORT TOWNSEND
PROSSER MEMORIAL HOSPITAL	PROSSER
PERRY COUNTY MEMORIAL HOSPITAL	REPUBLIC
VETERANS ADMINISTRATION HOSP	SPOKANE
U S PENITENTIARY HOSPITAL	STEILACOOM
SUNNYSIDE GENERAL HOSPITAL	SUNNYSIDE
CENTRAL MEMORIAL HOSPITAL	TOPPENISH
VETERANS ADMINISTRATION HOSP	VANCOUVER
VETERANS ADMINISTRATION HOSP	WALLA WALLA
WALLA WALLA GENERAL HOSPITAL	WALLA WALLA
SKYLINE HOSPITAL	WHITE SALMON
NEW VALLEY OSTEOPATHIC HOSP	YAKIMA

WEST VIRGINIA

BARBOURSVILLE STATE HOSPITAL	BARBOURSVILLE
PINECREST HOSPITAL	BECKLEY
VETERANS ADMINISTRATION HOSP	BECKLEY
MORGAN COUNTY WAR MEM HOSPITAL	BERKELEY SPRINGS
ELIZABETH C LEONARD MEM HOSP	BUCKHANNON
ST JOSEPH'S HOSPITAL	BUCKHANNON
ST FRANCIS HOSPITAL	CHARLESTON
VETERANS ADMINISTRATION HOSP	CLARKSBURG
DAVIS MEMORIAL HOSPITAL	ELKINS
MEMORIAL GENERAL HOSPITAL ASSN	ELKINS
FAIRMONT EMERGENCY HOSPITAL	FAIRMONT
REYNOLDS MEMORIAL HOSPITAL	GLEN DALE
GRAFTON CITY HOSPITAL	GRAFTON
CALHOUN GENERAL HOSPITAL	GRANTSVILLE
SUMMERS COUNTY HOSPITAL	HINTON
HOPEMONT STATE HOSPITAL	HOPEMONT
CABELL HUNTINGTON HOSPITAL	HUNTINGTON
GUTHRIE MEMORIAL HOSPITAL	HUNTINGTON
HUNTINGTON HOSPITAL	HUNTINGTON
HUNTINGTON STATE HOSPITAL	HUNTINGTON
VETERANS ADMINISTRATION HOSP	HUNTINGTON
PRESTON MEMORIAL HOSPITAL	KINGWOOD
LAKIN STATE HOSPITAL	LAKIN
LOGAN GENERAL HOSPITAL	LOGAN
BOONE MEMORIAL HOSPITAL	MADISON
MAN APPALACHIAN REG HOSPITAL	MAN
POCAHONTAS MEMORIAL HOSPITAL	MARLINTON
KINGS DAUGHTERS HOSPITAL	MARTINSBURG
VETERANS ADMINISTRATION CENTER	MARTINSBURG
MONTGOMERY GENERAL HOSPITAL	MONTGOMERY
GRANT MEMORIAL HOSPITAL	PETERSBURG
BROADDUS HOSPITAL	PHILIPPI
PLEASANT VALLEY HOSPITAL	POINT PLEASANT
PRINCETON COMMUNITY HOSPITAL	PRINCETON
CHARLES TOWN GENERAL HOSPITAL	RANSON
SACRED HEART HOSPITAL	RICHWOOD
JACKSON GENERAL HOSPITAL	RIPLEY
HAMPSHIRE MEMORIAL HOSPITAL	ROMNEY
SISTERSVILLE GENERAL HOSPITAL	SISTERSVILLE
SOUTHERN HILLS HOSPITAL	SO CHARLESTON
ROANE GENERAL HOSPITAL	SPENCER
SPENCER STATE HOSPITAL	SPENCER
SUMMERVILLE MEMORIAL HOSPITAL	SUMMERVILLE
WEBSTER COUNTY MEM HOSPITAL	WEBSTER SPRINGS
STONEWALL JACKSON MEM HOSPITAL	WESTON
WESTON STATE HOSPITAL	WESTON

V40 I135 JUL 14 75 XUM

WISCONSIN

ALGOMA MEMORIAL HOSPITAL	ALGOMA
APPLE RIVER VALLEY MEM HOSP	AMERY
LANGLADE COUNTY MEM HOSPITAL	ANTIGO
OUTAGAMIE COUNTY HEALTH CENTER	APPLETON
ST CLARE HOSPITAL	BARABOO
BARRON COMM MEMORIAL HOSPITAL	BARRON
BERLIN MEMORIAL HOSPITAL	BERLIN
BLACK RIVER MEMORIAL HOSPITAL	BLACK RIVER FALLS
BLOOMER COMM MEM HOSP & ECF	BLOOMER
MEMORIAL HOSPITAL OF BOSCOBEL	BOSCOBEL
CALUMET MEMORIAL HOSPITAL	CHILTON
NORTHERN WI COLONY & TRNG SCHL	CHIPPEWA FALLS
ST JOSEPH'S HOSPITAL	CHIPPEWA FALLS
CLINTONVILLE COMM HOSPITAL	CLINTONVILLE
COLUMBUS COMMUNITY HOSPITAL	COLUMBUS
CUBA CITY MEDICAL CENTER	CUBA CITY
CUMBERLAND MEMORIAL HOSPITAL	CUMBERLAND
DODGEVILLE GENERAL HOSPITAL	DODGEVILLE
CHIPPEWA VALLEY AREA HOSPITAL	DURAND
FREDERIC MUNICIPAL HOSPITAL	FREDERIC
GRANTSBURG HOSPITAL	GRANTSBURG
MIDDLE RIVER-DOUGLAS CNTY HOSP	HAWTHORNE
HAYWARD AREA MEMORIAL HOSPITAL	HAYWARD
HAZEL GREEN HOSPITAL	HAZEL GREEN
ST JOSEPH'S MEMORIAL HOSPITAL	HILLSBORO
HUDSON MEMORIAL HOSPITAL	HUDSON
DODGE CNTY MENTAL HEALTH CNTR	JUNEAU
ST MARY'S KEWAUNEE MEM HOSP	KEWAUNEE
ST MARYS HOSPITAL OF LADYSMITH	LADYSMITH
GRANT COUNTY HOSPITAL	LANCASTER
MORNINGSIDE SANATORIUM	MADISON
VETERANS ADMINISTRATION HOSP	MADISON
MANITOWOC COUNTY HOSPITAL	MANITOWOC
MEMORIAL HOSPITAL	MANITOWOC
MARINETTE GEN HOSPITAL AND ECU	MARINETTE
NORWOOD HOSPITAL	MARSHFIELD
MEM HOSP OF TAYLOR COUNTY	MEDFORD
HOLY CROSS HOSPITAL	MERRILL
DEPAUL REHABILITATION HOSPITAL	MILWAUKEE
DOCTORS HOSPITAL	MILWAUKEE
JOHNSTON MUNICIPAL HOSPITAL	MILWAUKEE
LAKEVIEW HOSPITAL	MILWAUKEE
MILWAUKEE CNTY MENTAL HLTH CTR	MILWAUKEE
MOUNT SINAI MEDICAL CENTER	MILWAUKEE
ST ANTHONY HOSPITAL	MILWAUKEE
WEST SIDE HOSPITAL	MILWAUKEE
NEW BERLIN MEMORIAL HOSPITAL	NEW BERLIN
COMMUNITY HOSPITAL	NEW LONDON
HOLY FAMILY HOSPITAL	NEW RICHMOND
ST CROIX COUNTY HOSPITAL	NEW RICHMOND
OCONTO MEMORIAL HOSPITAL	OCONTO
COMMUNITY MEMORIAL HOSPITAL	OCONTO FALLS
LADD MEMORIAL HOSPITAL	OSCEOLA
OSSEO AREA MUNICIPAL HOSPITAL	OSSEO

PARK FALLS MEM HOSP AND ECU	PARK FALLS
ROCKY KNOLL SANATORIUM & HOSP	PLYMOUTH
DIVINE SAVIOR HOSPITAL	PORTAGE
PRAIRIE DU CHIEN MEM HOSPITAL	PRAIRIE DU CHIEN
SAUK PRAIRIE MEMORIAL HOSPITAL	PRAIRIE DU SAC
LAKESIDE METHODIST HOSPITAL	RICE LAKE
RICHLAND HOSPITAL	RICHLAND CENTER
ST JOSEPH HOME AND HOSPITAL	RIVER FALLS
SHAWANO COMMUNITY HOSPITAL	SHAWANO
SHAWANO COUNTY HOSPITAL & HOME	SHAWANO
SHEBOYGAN MEMORIAL HOSPITAL	SHEBOYGAN
SHEBOYGAN COUNTY HOSPITAL	SHEBOYGAN FALLS
SHELL LAKE INDIANHEAD MEM HOSP	SHELL LAKE
MONROE COUNTY HOSPITAL	SPARTA
ST MARY'S HOSPITAL	SPARTA
COMMUNITY MEMORIAL HOSPITAL	SPOONER
VICTORY MEMORIAL HOSPITAL	STANLEY
DOOR COUNTY MEMORIAL HOSPITAL	STURGEON BAY
HOLY FAMILY HOSPITAL	SUPERIOR
SUPERIOR MEMORIAL HOSPITAL	SUPERIOR
SACRED HEART HOSPITAL	TOMAHAWK
WALLACE HOSP-SO WIS TRNG SCHL	UNION GROVE
VERNON COUNTY HOSPITAL	VIROQUA
VERNON MEMORIAL HOSPITAL	VIROQUA
BAYFIELD COUNTY MEM HOSPITAL	WASHBURN
WAUKESHA MEMORIAL HOSPITAL	WAUKESHA
RIVERSIDE COMM MEM HOSPITAL	WAUPACA
CENTRAL STATE HOSPITAL	WAUPUN
WAUPUN MEMORIAL HOSPITAL	WAUPUN
MOUNT VIEW SANATORIUM	WAUSAU
MILWAUKEE PSYCHIATRIC HOSPITAL	WAUWATOSA
SALVATION ARMY BOOTH MEM HOSP	WAUWATOSA
DOUGLAS COUNTY HOSPITAL	WENTWORTH
TRI-COUNTY MEMORIAL HOSPITAL	WHITEHALL
WILD ROSE COMM MEM HOSPITAL	WILD ROSE
WINNEBAGO COUNTY HOSPITAL	WINNEBAGO
VETERANS ADMINISTRATION CENTER	WOOD
LAKELAND MEMORIAL HOSPITAL	WOODRUFF
COLUMBIA COUNTY HOSPITAL	WYOCENA

VETERANS ADMINISTRATION CENTER	CHEYENNE
WYOMING STATE HOSPITAL	EVANSTON
SOUTH BIG HORN COUNTY HOSPITAL	GREYBULL
HOT SPRINGS COUNTY MEM HOSP	THERMOPOLIS
GOSHEN COUNTY MEM HOSPITAL	TORRINGTON
PLATTE COUNTY MEM HOSPITAL	WHEATLAND

V40-135 JUL 14 75 XUM

CANAL ZONE

PALO SECO HOSPITAL	NONE	BALBOA	

GUAM

U S NAVAL HOSPITAL	NONE	AGANA	96910

PUERTO RICO

ARECIBO DISTRICT HOSPITAL	ARECIBO	
ARECIBO HEALTH CENTER	ARECIBO	
CASTANER GENERAL HOSPITAL	CASTANER	
CAYEY TUBERCULOSIS HOSPITAL	CAYEY	
FAJARDO DISTRICT HOSPITAL	FAJARDO	
RYDER MEMORIAL HOSPITAL	HUMACAO	
CLINICA DEL DOCTOR PILA	PONCE	
PONCE DISTRICT GEN HOSPITAL	PONCE	
HOSPITAL DE LA CONCEPCION	SAN GERMAN	
AUXILIO MUTUO HOSPITAL	SAN JUAN	
HOSPITAL DEL MAESTRO	SAN JUAN	
UNIVERSITY DISTRICT HOSPITAL	SAN JUAN	
VA CENTER AND HOSPITAL	SAN JUAN	

VIRGIN ISLANDS

KNUD-HANSEN MEMORIAL HOSPITAL	HOSPITAL LINE	CHARLOTTE AMALIE	00801

85

[FR Doc.75-18017 Filed 7-11-75;8:45 am]

V40-135 JUL 14 75 XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.45

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

V40-135 JUL 14 75 XUM

136

federal register

July 15, 1975—Pages 29701–29794

TUESDAY, JULY 15, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 136

Pages 29701–29794

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FOOD STAMPS—USDA/FNS extends implementation date of public assistance withholding to 1–1–76 29701

JOB OPPORTUNITIES PROGRAM—Commerce/EDA interim rules on loans and grants; effective 7–15–75 29704

PETROLEUM PRODUCTS—Commerce/DIBA method of licensing exports in third quarter of 1975 29705

BLOOD AND PLASMA—HEW/FDA rules on testing donations for hepatitis B surface antigens; effective 9–15–75 29706

NATIONAL BANKS—Treasury/Comptroller proposes guidelines for the evaluation of debt issues as additions to capital structure; comments by 8–18–75 29724

SAVINGS AND LOAN ASSOCIATIONS—
FHLBB rules on collaterized borrowings; effective 7–16–75 29703
FHLBB rules on liquidating dividends in mergers, and recordkeeping (2 documents); 7–15–75 ..... 29702, 29703
FHLBB rules on transactions between insured institutions and holding company affiliates; effective 8–15–75 29703
FHLBB proposal on record systems pertaining to individuals; comments by 8–14–75 29729

MEETINGS—
Commerce: NBS: Federal Information Processing Standards Task Group 13, 9–10–75 29749
FCC: Radio Technical Commission for Aeronautics, Executive Committee, 8–8–75 29758

(Continued inside)

PART II:

FEDERAL ELECTIONS—FEC publishes two advisory opinions 29791

V40-136 JUL 15 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5266. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

Special Committee 126, Airborne OMEGA Receivers, 7–31–75 29758
Special Committee 127, Emergency Locator Transmitters, 8–6–75 29758
Special Committee 129, Future Civil Aviation Spectrum Requirements, 7–31 and 8–1–75 29759
HEW/NIH: National Commission on Diabetes, 8–4 and 8–9–75 29751
Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, 9–3 and 9–4–75 29750
Interior/NPS: Shadow Mountain National Recreation Area, 8–15 and 8–16–75 29739
NRC: Advisory Committee on Reactor Safeguards, Subcommittee on Safeguards for Special Nuclear Material, 7–30–75 29767
President's Advisory Committee on Refugees, 7–23–75 29769
USDA/FS: Challis National Forest Livestock Advisory Board, 7–30–75 29746
VA: Station Committee on Educational Allowances, 7–23–75 29770

contents

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Limitation of handling and shipments:
Potatoes (Irish) grown in Calif., Oreg. and Wash. (2 documents) 29725, 29726
Notices
Grain standards; inspection points; Oklahoma 29739
Peanuts; 1975 crop; incoming and outgoing quality regulations and indemnification 29739

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service; Packers and Stockyards Administration.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Quarantine areas; Hog cholera and other communicable swine diseases:
Texas 29701
Proposed Rules
Importation; quarantine facilities for poultry and birds 29728

CHILD SUPPORT ENFORCEMENT OFFICE
Rules
State plan requirements; correction 29723

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Pakistan International Airlines Corp 29752

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; Economic Development Administration; National Bureau of Standards.
Notices
Electric clothes dryers and gas ranges; voluntary program for appliance efficiency; correction 29749

COMPTROLLER OF THE CURRENCY
Proposed Rules
Capital structures; evaluation of debt issues 29724

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Rules
Licensing exports of petroleum products; short supply controls 29705
Notices
Establishment of committee:
Industry Sector Advisory Committee on Retailing for Multilateral Trade Negotiations 29748
Export privileges, actions affecting:
Short supply controls 29749

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Job opportunities program; grant and loan guidelines 29704

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
California 29712
Parking supply regulations; suspension 29713
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemption etc.:
Carbofuran 29714
Chlorothalonil 29714
2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate 29715
Notices
Pesticide registration:
Applications (2 documents) 29752, 29753
Pesticides; intent to cancel registrations of pesticides containing heptachlor or chlordane 29755
Pesticide chemicals and food additives; tolerances, etc.; petitions:
Sandoz-Wander, Inc 29755
Hearings:
Sodium Cyanide; register for use in M–44 device to control predators 29755

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Bellanca 29704
Taxi clearances at airports with operating control towers 29704
Proposed Rules
Transition areas; correction 29728

FEDERAL COMMUNICATIONS COMMISSION
Notices
Meetings:
Radio Technical Commission for Aeronautics:
Executive Committee 29758
Special Committee 126, Airborne OMEGA Receivers 29758
Special Committee 127, Emergency Locator Transmitters 29758
Special Committee 129–Future Civil Aviation Spectrum Requirements 29759

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Minnesota 29751
Montana 29752

FEDERAL ELECTION COMMISSION
Notices
Advisory opinions 29791

FEDERAL HIGHWAY ADMINISTRATION
Rules
Railroads; reimbursement (2 documents) 29712
Sleeper berth exits; dimensional requirements 29723
PROPOSED RULES:
Motor Carrier Safety Bureau; area of responsibility in enforcement of occupational safety and health regulations 29729

FEDERAL HOME LOAN BANK BOARD
Rules
Liquidating dividends in mergers; policy statements 29702

V40-136 JUL 15 75 XUM

Operations:
Collateralized borrowings 29703
Recordkeeping 29703
Regulated activities; Transactions with affiliates 29703

Proposed Rules

Federal Savings and Loan System: Record systems pertaining to individuals 29729

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
City of New York and Standard Fruit and Steamship Co 29759
Mediterranean-U.S.A. Great Lakes Westbound Freight Conference 29759
Puget Sound Tug & Barge Co 29759
United States Lines, Inc., Matson Navigation Co 29760

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Alabama Power Co 29763
Alabama-Tennessee Natural Gas Co 29761
Blandin Paper Co., et al 29763
Central Illinois Public Service Co 29761
Columbia Gulf Transmission Co 29763
Commercial Pipeline Co., Inc 29763
Consolidated Gas Supply Corp. (2 documents) 29761, 29763
Consumers Power Co 29761
Georgia Power Co. (2 documents) 29762
Illinois Power Co 29762
Inter-City Minnesota Pipelines Limited, Inc 29762
Michigan Wisconsin Pipe Line Co., et al 29762
Mississippi River Transmission Corp 29764
National Fuel Gas Supply Corp 29765
Northern Illinois Gas Co 29765
Northern Natural Gas Co 29765
North Penn Gas Co 29766
Raton Natural Gas Co 29766
South Carolina Electric & Gas Co 29766
Texas Eastern Transmission Corp. and United Gas Pipe Line Co 29766
Washington Water Power Co 29767

FEDERAL RESERVE SYSTEM

Proposed Rules

Deposits; definition of 29732

FISH AND WILDLIFE SERVICE

Proposed Rules

Migratory bird hunting; species identification requirement; correction 29725

FOOD AND DRUG ADMINISTRATION

Rules

Animal feeds; tolerances for pesticides administered by the Environmental Protection Agency 29706
Biologics: test for hepatitis B surface antigen 29706

Notices

Suggested State regulations for control of radiation 29749

FOOD AND NUTRITION SERVICE

Rules

Food stamp program; State agency and eligible household participation 29701

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Shoshone National Forest 29746
Talledega National Forest NFS in Alabama 29747
Upper Hiwassee Unit Plan 29747
Williamette National Forest 29747
Meetings:
Challis National Forest Livestock Advisory Board 29746
Norwood District Advisory Board 29746

GENERAL SERVICES ADMINISTRATION

Rules

Standard and optional forms program; correction 29722

GEOLOGICAL SURVEY

Notices

Geothermal resource areas, operations, etc.:
Idaho 29738

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Child Support Enforcement Office; Food and Drug Administration; National Institutes of Health; Public Health Service; Social Security Administration.

Rules

Procurement policies 29719
Procurement regulations; small purchases 29715

Notices

Proposed issuance of exclusive license 29751

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration; Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT

See also Geological Survey; Fish and Wildlife Service; Land Management Bureau.

Rules

Contract clauses; listing of subcontractors 29722

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 29772
Hearing assignments 29772
Motor carriers:
Irregular route property carriers; gateway elimination 29772
Temporary authority applications 29786
Transfer proceedings 29788

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Land developers; investigatory hearings, orders of suspension, etc.:
Terre du Lac 29752

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Withdrawal and reservation of lands, proposed, etc.:
California 29737
Colorado 29783
Idaho 29738

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests (2 documents) 29768, 29769

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Task Group 13 Workload Definition and Benchmaking 29749

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
National Commission on Diabetes 29751
Transplantation and Immunology Committee 29750

NATIONAL PARK SERVICE

Notices

Meeting:
Shadow Mountain National Recreation Area 29739

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Commonwealth Edison Co., et al 29768
Metropolitan Edison Co., et al 29768
Meetings:
Advisory Committee on Reactor Safeguards Subcommittee on Safeguards for Special Nuclear Material 29767

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Applications, etc.:
Interpace Corp 29771

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Hearings, etc.:
C. E. Mills and E. E. Mills 29747

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

Notices

Meeting 29769

PUBLIC HEALTH SERVICE

Notices

Authority delegation:
Assistant Secretary for Health, Administrator, Health Resources Administration 29751

REVENUE SHARING OFFICE

Notices

Entitlement data; use of estimates; editorial note 29736
Illinois townships, expenditure of revenue sharing funds 29736

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
American Stock Exchange, Inc 29769
Continental Vending Machine Corp 29770
Talley Industries, Inc 29770

SOCIAL SECURITY ADMINISTRATION

Rules

Health maintenance organizations; qualifying conditions; correction 29706

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration; Urban Mass Transportation Administration.

TREASURY DEPARTMENT

See also Comptroller of the Currency; Revenue Sharing Office.

Notices

Series K–1977 notes; auction 29736

URBAN MASS TRANSPORTATION ADMINISTRATION

Proposed Rules

Charger and school bus operations; extension of comments period 29729

VETERANS ADMINISTRATION

Notices

Meetings:
Station Committee on Educational Allowances 29770

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR
271 29701
PROPOSED RULES:
946 29725
947 29726
980 29725

9 CFR
76 29701
PROPOSED RULES:
92 29728

12 CFR
531 29702
563 (2 documents) 29703
584 29703
PROPOSED RULES:
14 29724
204 29732
217 29732
505a 29729

13 CFR
313 29704

14 CFR
39 29704
91 29704
PROPOSED RULES:
71 29728

15 CFR
377 29705

20 CFR
405 29706

21 CFR
561 29706
610 29706
640 29711
660 29711

23 CFR
140 29712
646 29712

40 CFR
52 (2 documents) 29712, 29713
180 (3 documents) 29714, 29715

41 CFR
3–1 29715
3–3 29715
3–16 29719
14–7 29722
101–11 29722

45 CFR
301 29723

49 CFR
393 29723
PROPOSED RULES:
390 29729
604 29729
605 29729

50 CFR
PROPOSED RULES:
20 29725

V40 I136 JUL 15 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR
305 ... 27925
310 ... 27925

3 CFR
PROCLAMATIONS:
4381 ... 27637
EXECUTIVE ORDERS:
2909 (Revoked by PLO 5510) ... 27939
5277 (Revoked by PLO 5507) ... 27659
5481 (Revoked by PLO 5507) ... 27659

4 CFR
54 ... 27929

5 CFR
213 ... 27639, 27640, 27929, 28047, 28445, 28806, 29067
307 ... 28445
551 ... 27640
731 ... 28047

7 CFR
6 ... 29261
26 ... 28785
246 ... 27930
271 ... 28786, 29531, 29701
272 ... 28786
275 ... 29531
722 ... 28601
760 ... 29067
780 ... 27641
908 ... 28460, 29068
910 ... 28461, 29261
911 ... 28462, 29262
915 ... 28048, 29068
916 ... 28462
917 ... 27930, 28601
930 ... 27931, 28602
967 ... 29534
999 ... 29262
1064 ... 27641
1131 ... 27642
1408 ... 29069
1446 ... 28787
1464 ... 28603, 28788
1822 ... 28463, 29263
1823 ... 29263
1843 ... 27931
1964 ... 27641
PROPOSED RULES:
728 ... 28093
775 ... 28093
911 ... 28614
915 ... 28090, 28614
916 ... 28090
917 ... 29087
930 ... 29553
946 ... 29725
947 ... 29726
958 ... 28091
980 ... 28091, 29725
989 ... 27691
1030 ... 29296
1032 ... 28618
1046 ... 28465
1062 ... 28618
1099 ... 28807
1201 ... 28092, 28093
1421 ... 28094
1464 ... 27691
1701 ... 29087–29088
1822 ... 28094, 29300

8 CFR
PROPOSED RULES:
212 ... 28614

9 CFR
76 ... 29701
83 ... 27642
97 ... 27643
381 ... 29549
PROPOSED RULES:
92 ... 28807, 29728
101 ... 28621
112 ... 28621
113 ... 28621
114 ... 28621

10 CFR
205 ... 28446
211 ... 28446
212 ... 28447, 28448, 28637
303 ... 28420
309 ... 28420
860 ... 28789
PROPOSED RULES:
205 ... 28481
206 ... 28481
212 ... 28447, 28448, 28637
213 ... 28481, 28487

11 CFR
Ch. II ... 28578
PROPOSED RULES:
Ch. II ... 28579

12 CFR
308 ... 28048
339 ... 27931
400 ... 28449
531 ... 29702
561 ... 29069
563 ... 29703
584 ... 29703
760 ... 29264
PROPOSED RULES:
14 ... 29724
204 ... 29732
217 ... 28644, 29732
329 ... 28099, 28100
505a ... 29729
544 ... 28638
545 ... 28638
546 ... 27953, 28640
555 ... 28641
563 ... 27954, 28643
571 ... 29093

13 CFR
121 ... 28603
305 ... 29070
313 ... 29704
315 ... 29265

14 CFR
21 ... 28603
39 ... 27643, 27644, 28075, 28604–28605, 29269, 27270, 27272, 29549, 29704
71 ... 28076, 28077, 28790, 29272, 29273, 29550–29551
73 ... 29552
75 ... 27644, 28077
91 ... 29704
97 ... 28606, 29070

14 CFR—Continued
129 ... 29273
211 ... 28077
217 ... 28078
288 ... 28078, 28450
296 ... 28079
297 ... 28087
399 ... 28087
416 ... 28095
PROPOSED RULES:
1 ... 29410
21 ... 29410
23 ... 29410
25 ... 29410
27 ... 29410
29 ... 29410
31 ... 29410
33 ... 29410
35 ... 29410
39 ... 28096, 29301
43 ... 29410
45 ... 29410
71 ... 28628, 29302, 29728
75 ... 28096, 28097, 28628
91 ... 28628, 29089, 29410
93 ... 28629
121 ... 29410
221 ... 28489

15 CFR
377 ... 29705
1300 ... 29534

16 CFR
13 ... 27932, 28050
302 ... 27932
1031 ... 27934
PROPOSED RULES:
257 ... 28489
1016 ... 29092

17 CFR
1 ... 29085
270 ... 27644
275 ... 27644
PROPOSED RULES:
1 ... 29090–29091
230 ... 29306
240 ... 29306

18 CFR
3 ... 27645, 29275
260 ... 27645
PROPOSED RULES:
2 ... 29304
141 ... 29305

19 CFR
1 ... 27934
127 ... 28790
133 ... 28790
PROPOSED RULES:
24 ... 28807

20 CFR
401 ... 27648
404 ... 29071–29072
405 ... 28016, 28052, 29706
422 ... 27648

20 CFR—Continued
PROPOSED RULES:
401 ... 28810
404 ... 28095, 29301
405 ... 27782, 28810

21 CFR
1 ... 28582
27 ... 28791
121 ... 29073, 29534
229 ... 28610
431 ... 28052
510 ... 27651, 28791, 29535
522 ... 28792
556 ... 28792
558 ... 27651
561 ... 29706
610 ... 29706
640 ... 29711
660 ... 29711
701 ... 28451
1308 ... 28611
1401 ... 27821
PROPOSED RULES:
80 ... 29089
125 ... 29089
310 ... 27796, 28587
950 ... 29554
951 ... 29554
952 ... 29554
1020 ... 28095

22 CFR
8 ... 28606

23 CFR
140 ... 29712
230 ... 28053
646 ... 29712
710 ... 29073

24 CFR
17 ... 28597
401 ... 29073
888 ... 28451
1914 ... 28061
1915 ... 27651
2205 ... 28609

25 CFR
12 ... 28026
153 ... 28039

26 CFR
1 ... 27943, 29290
11 ... 29535
PROPOSED RULES:
1 ... 27943, 28101, 28613, 29296, 29553
11 ... 28101

29 CFR
94 ... 28980
97 ... 28980
727 ... 28064
1952 ... 27655, 28472, 28792
PROPOSED RULES:
570 ... 28814
1902 ... 27946
1907 ... 27691
2604 ... 29555

31 CFR
1 ... 29290

32 CFR
641 ... 27936
1712 ... 28597

33 CFR
3 ... 28451
127 ... 27939

34 CFR
PROPOSED RULES:
Ch. II ... 28495

36 CFR
601 ... 29536
605 ... 29539
PROPOSED RULES:
2 ... 28088

39 CFR
3002 ... 28792

40 CFR
52 ... 28064, 29540, 29712, 29713
80 ... 29292
85 ... 28066
162 ... 28242
180 ... 28065, 29547, 29714, 29715
413 ... 29075–29076
PROPOSED RULES:
2 ... 28814
51 ... 28629
52 ... 28097, 28098, 28815
60 ... 28814
61 ... 28814
79 ... 28814
125 ... 28814
167 ... 28814
180 ... 28814
243 ... 29404
432 ... 28633

41 CFR
1–3 ... 27655
1–9 ... 28067
3–1 ... 29715
3–3 ... 29715
3–16 ... 29719
9–4 ... 28068
14–7 ... 29722
60–8 ... 28609
101–11 ... 27655, 29722
105–61 ... 28610
PROPOSED RULES:
60–12 ... 28477
60–14 ... 28472

42 CFR
2 ... 27802
86 ... 29076

43 CFR
20 ... 28288
430 ... 27658
PUBLIC LAND ORDERS:
1063, Revoked by PLO 5507 ... 27659
3836, Amended by PLO 5506 ... 27659
5150, Revoked in part by PLO 5506 ... 27659
5180, Revoked in part by PLO 5509 ... 27659
5497, Corrected by PLO 5508 ... 27659
5499 ... 29292
5504 ... 27659
5506 ... 27659

43 CFR—Continued
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939

45 CFR
83 ... 28572
206 ... 27659
249 ... 28793
250 ... 28070
301 ... 29723
1060 ... 28793
1061 ... 27661
1067 ... 28794
1068 ... 27665, 27667
1069 ... 29292
1220 ... 28799
PROPOSED RULES:
116d ... 28622

46 CFR
502 ... 27671
506 ... 28801
538 ... 28452
PROPOSED RULES:
547 ... 28489

47 CFR
0 ... 28454
1 ... 28454, 28803
73 ... 27671, 27939, 28457, 28803, 29547
74 ... 28610
76 ... 28457, 28804
PROPOSED RULES:
21 ... 28816
43 ... 28816
68 ... 29302
73 ... 28098, 28634, 29303
76 ... 28634, 28816

49 CFR
172 ... 27939
173 ... 27939
174 ... 27939
177 ... 27939
256 ... 29080
393 ... 29292, 29723
225 ... 29548
571 ... 28457, 28805
575 ... 28071, 28074
1033 ... 27939–27941, 29294
1102 ... 27941
PROPOSED RULES:
390 ... 29729
571 ... 28097
604 ... 29729
605 ... 29729

50 CFR
21 ... 28459
32 ... 29084, 29548, 29549
33 ... 29084
PROPOSED RULES:
17 ... 28712
20 ... 27943, 29725
216 ... 28469

V40-136 JUL 15 75 XUM

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
27637–27924	1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11
29531–29700	14
29701–29794	15

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amendment No. 56]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Methods of Distribution, Issuing, and Accounting for Coupons and Receipts

On May 9, 1975, there was published in the FEDERAL REGISTER (FR Doc 75–12307), a notice of proposed rulemaking to amend § 271.6(d)(2) of the Food Stamp Program regulations to extend mandatory implementation of Public Assistance Withholding (PAW) by State agencies from July 1, 1975 to January 1, 1976.

Interested persons were given 15 days in which to submit written comments, suggestions or objections regarding the proposed amendment. We received 17 comments on the proposed regulation. Twelve comments were from State agencies and one comment was from a county welfare office. All 13 agencies strongly supported extending the implementation date of PAW. The agencies agreed that an additional 6 months would greatly assist the agencies in implementing PAW and at the same time give the Congress the necessary time to decide whether this program should be made mandatory or optional for use by State agencies. Four opposing comments were received from community action groups and legal aid societies. These groups expressed opposition in having State agencies delay implementation of PAW. After full consideration of the opposing comments, the Department believes that the considerations for the amendment specified in the notice of proposed rulemaking are valid. Therefore, the Department has decided to adopt the amendment as proposed.

Accordingly, § 271.6(d)(2) of Chapter II, Title 7 CFR is revised as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

* * * * * * *

(d) * * *

(2) The State agency shall permit as soon as possible but no later than January 1, 1976, any household participating in the program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to received under Title IV of the Social Security Act, and have its full monthly coupon allotment distributed to it.

* * * * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective Date. This amendment shall become effective July 1, 1975.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: July 9, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–18224 Filed 7–14–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Area Quarantined

This amendment quarantines portions of Deaf Smith and Castro Counties in Texas because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, paragraph (e) is amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

* * * * * * *

(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion or the existence of vectors, the following area is quarantined:

Texas. The adjacent portions of Deaf Smith and Castro Counties bounded by a line beginning at the junction of Farm to Market Road 809 and U.S. Highway 60 in Deaf Smith County; thence, following U.S. Highway 60 in a southwesterly direction to the first unnamed county road; thence, following the unnamed county road in a southerly, then westerly, then southerly direction to the dirt road extension of Farm to Market Road 2397 in Castro County; thence, following the dirt road extension of Farm Market Road 2397 in a westerly direction to Farm to Market Road 2397; thence, following Farm to Market Road 2397 in a westerly direction to Farm to Market Road 1057; thence, following Farm to Market Road 1057 in a northerly, then easterly direction to its junction with U.S. Highway 385 and Farm to Market Road 1062 in Deaf Smith County; thence, following Farm to Market Road 1062 in an easterly direction to Farm to Market Road 809; thence, following Farm to Market Road 809 in a southerly direction to its junction with U.S. Highway 60 in Deaf Smith County.

* * * * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141)

Effective date. The foregoing amendment shall become effective on July 10, 1975.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of July, 1975.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–18308 Filed 7–14–75;8:45 am]

V40-136 JUL 15 75 XUM

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75–566]

PART 531—STATEMENTS OF POLICY

Statement of Policy Regarding Liquidating Dividends in Mergers

JUNE 25, 1975.

The following summary of the statement of policy adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof, and in the amended regulations set forth below.

I. PRESENT SITUATION

Where shareholders or depositors of an institution that is merged into another institution receive a special "dividend" in order to equalize or otherwise adjust the net worth percentages of the institutions, the payment has been considered to be in the nature of a "liquidating dividend" and has not been made subject to rate control. The Board has considered the payment of "liquidating dividends" on a case by case basis in acting upon merger applications and has approved such payments if they have been no greater than necessary to equalize net worth percentages and if both the total amount being paid and the percentage return to savings accountholders were not significant.

II. AMENDED STATEMENT OF POLICY

Applies the Board's rate control rules to "liquidating dividends" paid in connection with mergers (including bulk purchases of assets involving the assumption of savings accounts and other liabilities), which has the effect of precluding the payment of such dividends unless part of an actual liquidation.

III. REASON FOR AMENDMENT

To set forth the Board's policy regarding liquidating dividends. Liquidating dividends are of serious concern to the Board on several grounds. The payment of such dividends (1) makes it necessary for the Board to determine the equitability of the amount of the dividend and of the formula used in determining the payees; (2) may result in a so-called "windfall" distribution which could cause shifts of savings funds and resulting harm to other institutions in the vicinity; (3) operates to favor surviving institutions with low net worth ratios; (4) fails to take into account the relative market values of the assets of the merging institutions and the relative earnings of such institutions; (5) fails to recognize that, in the absence of an actual liquidation, the disappearing association is in effect operating on a combined basis and that it is therefore inappropriate to trigger a full recognition in cash of the proprietary interests of the mutual accountholders; and (6) removes needed funds from the housing market.

The Federal Home Loan Bank Board, by Resolution No. 75–210, dated March 5, 1975, proposed to amend Part 531 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 531), entitled "Statement of Policy", by adding thereto a new § 531.10. The purpose of new § 531.10 is to set forth the Board's policy regarding "liquidating dividends" paid in connection with mergers (including bulk purchase as assets involving the assumption of savings accounts and other liabilities) and how the Board's rate control rules (12 CFR Part 526) affect such payments. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 11, 1975 (40 FR 11363), with an invitation for interested persons to submit written comments by April 14, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, and after consultation with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, the Board hereby amends Part 531 by adding a new § 531.10, to read as set forth below, effective July 15, 1975.

The effect of this new statement of policy will be to preclude the payment of liquidating or similar dividends to savings accountholders in institutions whose assets are being acquired by statutory merger or bulk purchase involving an assumption of savings accounts and other liabilities, whether or not such payment is intended to adjust the relative net worths of the disappearing and acquiring institutions. When savings accounts are being assumed in such an acquisition, the Board does not consider an actual liquidation to have occurred so as to entitle the savings accountholders in the disappearing institution to a distribution of all or part of its net worth. This policy will not apply to a distribution of net worth made by a non-member disappearing institution in contemplation of a merger but prior to execution of a merger agreement or other merger commitment.

This new statement of policy will not apply to payments made under merger agreements executed by both institutions prior to March 11, 1975 (the date of FEDERAL REGISTER publication of this amendment as originally proposed). This "grandfathering provision" represents an expansion from the Board's original proposal.

Since the statement of policy hereby adopted applies to payments made pursuant to merger agreements executed after March 11, 1975, it is the opinion of the Board that publication of the statement of policy for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary, and the Board therefore hereby provides that the statement of policy shall become effective as hereinbefore set forth.

Section 531.10 is added to read as follows:

§ 531.10 Liquidating dividends in mergers.

(a) If a payment is made to holders of any savings accounts in a disappearing institution as part of a merger with a "member institution" as defined in § 526.1 of this chapter, the Board will consider such payment as a violation of § 526.2(a) of this chapter by the member institution if the payment, together with any other return to such holders, exceeds the maximum rate of return prescribed in § 526.2(a), whether such payment is characterized as a "liquidating dividend", "bonus dividend", "equalizing dividend" or otherwise. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. However, a payment made as part of an actual liquidation of a disappearing institution in a transaction involving a bulk purchase of its assets without an assumption of its savings accounts and other liabilities would not be viewed as being made as part of a merger, and such payment would not violate § 526.2(a). A merger of the bulk-purchase-of-assets type, with an assumption of savings accounts and other liabilities, does not involve an actual liquidation of a disappearing mutual institution so as to entitle the holders of its savings accounts to a distribution of its net worth. For these purposes, a savings account will be considered to have been assumed unless full payment therefor has been made to the holder.

(b) The Board will not consider a payment made to the holders of savings accounts in a non-member disappearing institution in contemplation of a merger with a member institution as a violation of § 526.2(a) if the payment is made by the non-member institution prior to execution of a merger agreement or other merger commitment with the member institution. However, in acting upon any application under §§ 546.2 or 563.22 of this chapter, the Board will consider the effect of any such payment on the financial condition of the surviving insured institution along with other factors relevant to the insurance risk of the Federal Savings and Loan Insurance Corporation.

(c) This statement of policy does not apply to payments made pursuant to merger agreements executed by both institutions prior to March 11, 1975.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, Sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425b, 1437); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE, *Assistant Secretary.*

[FR Doc.75–16284 Filed 7–14–75;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75–630]

PART 563—OPERATIONS

Amendments Relating to Collateralized Borrowings

JULY 9, 1975.

The Federal Home Loan Bank Board, by Resolution No. 75–299, dated April 2, 1975, amended Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) by adding thereto a new § 563.8–2 authorizing issuance of mortgage-backed bonds by insured institutions subject to restrictions set forth in § 563.8–2(b). As adopted, § 563.8–2(b) does not provide for waiver of any of the restrictions set forth therein.

Upon reconsideration, the Board has determined that it is desirable to amend § 563.8–2(b) to provide for waiver of the restrictions set forth therein upon specific request in a given case. This amendment is consistent with § 563.8–2(a), which permits waiver of the eligibility requirements set forth in that provision.

Accordingly the Board hereby amends § 563.8–2(b) to read as set forth below, effective July 16, 1975.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Section 563.8–2(b) is amended to read as follows:

§ 563.8–2 Issuance of mortgage-backed bonds.

* * * * *

(b) *Restrictions on the bond.* No mortgage-backed bond may be issued pursuant to this section unless it is in conformity with the following requiren.ents, except that one or more of such requirements may be waived by the Corporation upon specific request in a given case:

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.75–16286 Filed 7–14–75;8:45 am]

[No. 75–628]

PART 563—OPERATIONS

Amendments Relating to Recordkeeping

JULY 9, 1975.

The Board considers it desirable to amend § 563.17–1(c)(3) of the rules and regulations for insurance of accounts (12 CFR 563.17–1(c)(3)) for the purpose of modifying the documentation requirements therein relating to loans sold by an insured institution.

Former § 563.17–1(c)(3) required an insured institution, in the sale of whole loans or participating interests in loans, to obtain and include in its records an opinion by its attorney stating whether each such sale was without recourse. Such requirement was adopted prior to development and routine use of standardized sales contracts. The present amendment permits an insured institution to have its attorney render an opinion on the terms of a sales agreement and thereafter comply with the regulatory requirement by including a copy of such opinion in the record of any sale of loans where a sales agreement comprising the same terms is used.

Accordingly, the Board hereby amends § 563.17–1(c)(3) as set forth below, effective July 15, 1975.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

In § 563.17–1, (c)(3) is revised to read as follows:

§ 563.17–1 Examinations and audits; appraisals; establishment and maintenance of records.

* * * * *

(c) *Establishment and maintenance of records.* To enable the Corporation to examine insured institutions and affiliates, and audit insured institutions, affiliates, and service corporations, pursuant to the provisions of paragraph (a) of this section, each insured institution, affiliate and service corporation thereof shall establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it, and the documents, files and other material or property comprising said records shall at all times be available for such examination and audit, wherever any of said records, documents, files, material or property may be. Without any limitation on the generality of the foregoing sentence and without modification of any other requirement with respect to the establishment and maintenance of records to which such institution is subject, each insured institution shall establish and maintain the following records:

* * * * *

(3) *Records with respect to loans sold.* The records of an insured institution with respect to each sale of loans by it, whether such loans are sold in whole or in part, shall include a signed opinion by such institution's attorney-at-law stating whether the terms of the sales agreement governing such sale provide for a sale without recourse.

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.75–16285 Filed 7–14–75;8:45 am]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 75–627]

PART 584—REGULATED ACTIVITIES

Amendment Relating to Transactions with Affiliates

JULY 9, 1975.

I. *Present regulation.* Does not prohibit an insured institution from authorizing or permitting the opening or increasing of savings accounts therein in an office where stock, bonds, debentures, notes, or similar obligations of a holding company affiliate of the institution are sold or offered for sale.

II. *Amended regulation.* Prohibits insured institutions from authorizing or permitting such transactions.

III. *Reason for amendment.* To avoid confusion of insured savings account transactions with transactions relating to investment in obligations of an insured institution's affiliate.

The Federal Home Loan Bank Board, by Resolution No. 75–303, dated April 2, 1975, proposed an amendment to § 584.3 (a) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.3 (a)) for the purpose of prohibiting an insured institution from authorizing or permitting the opening or increasing of accounts in such institution in any office where securities of an affiliate are sold or offered for sale. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 9, 1975 (40 FR 16090), with an invitation for interested persons to submit written comments by May 12, 1975.

The amendment adopted by this Resolution differs from the proposal in that the phrase "stock, bond, debenture, note, or similar obligation" has been substituted for the term "security" in the proposal. This change is for the purpose of making clear that the amended regulation does not apply to certain insurance contracts which are issued by affiliates of insured institutions and which might be construed as "securities".

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 584.3 by redesignating as paragraph (a)(7) the former paragraph (a)(6) thereof and adding thereto a new paragraph (a)(6), such new paragraph (a)(6) to read as set forth below, effective August 15, 1975.

V40 I136 JUL 15 75 XUM

§ 584.3 Transactions with affiliates.

(a) * * *

(6) Authorize or permit the opening or increasing of savings accounts in such institution in any office where any stock, bond, debenture, note, or similar obligation of an affiliate is sold or offered for sale; or

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1726, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75–18287 Filed 7–14–75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 313—JOB OPPORTUNITIES PROGRAM

Grant and Loan Program

Part 313 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Section 313.24 is revised to read as follows:

§ 313.24 Eligible projects.

(a) Public works activities which are labor intensive and which meet the requirements of § 313.6 are eligible for assistance. Projects may include, but are not limited to, such activities as rehabilitation of buildings, street paving and repairs, painting, park developments, environmental improvements and other community improvement projects.

(1) In general, projects will be considered to be labor intensive if at least 50 percent of the Title X funds provided for that project are to be expended for direct labor costs.

(Sec. 701, Pub. L. 89–136 (August 26, 1965); (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10–4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532))

Effective date: This amendment becomes effective on July 15, 1975.

Dated: July 8, 1975.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75–18278 Filed 7–14–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75–GL–8 Amdt. 39–2261]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 7 and 8 Series

Amendment 39–2173, 40 FR 17138, AD 75–09–02, as amended by Amendment 39–2243, requires installation of Bellanca Service Kit #248 on the Bellanca Models 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC airplanes. After issuing Amendment 39–2173, the agency determined that the carburetor alternate air valve furnished with Bellanca Service Kit #248 and installed in accordance with Amendment 39–2173 was susceptible to fatigue failure. Therefore, the AD is being further amended to remove those serials covered by paragraph A of the AD pending resolution of the problem.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2173, 40 FR 17138, AD 75–09–02, as amended by Amendment 39–2243, is further amended by deleting paragraph A thereof.

This amendment becomes effective July 21, 1975.

(Secs. 313(a) 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on July 7, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75–18299 Filed 7–14–75;8:45 am]

[Docket No. 13581; Amdt. No. 91–129]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Taxi Clearances at Airports With Operating Control Towers

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to provide that no pilot may taxi an aircraft on a taxiway at an airport with an operating control tower unless an ATC clearance is obtained.

Notice No. 74–13 was published in the FEDERAL REGISTER on March 27, 1974 (39 FR 11301) stating that the Federal Aviation Administration was considering amending Part 91 to clarify the rules regarding the clearances required at airports with operating control towers. That Notice proposed to require that pilots obtain an appropriate clearance before taxiing, taking off, or landing on the movement area of the airport, and proposed to add a definition of "movement area."

Interested persons were afforded an opportunity to participate in the proposed rule making. Due consideration was given to all relevant matter presented.

Forty-five comments were received in response to the notice. Twelve commentators objected to the proposal. The other comments either concurred or suggested minor changes.

One commentator objected to the proposed amendment on the basis that § 91.87(b) already requires two-way radio communication before an air craft is operated to, from, or "on an airport." He stated that his interpretation of this paragraph, together with § 91.87(h) (which requires a clearance before taxiing on a runway) is that an aircraft on an airport with a control tower should not move under its own power until a clearance is received. This amendment is issued to make § 91.87 consistent with this commentator's interpretation, with respect to the taxiing of aircraft on taxiways. This amendment, therefore, prescribes what pilots have long practiced, that is, obtaining a clearance from the tower prior to taxiing on a taxiway. This amendment was proposed because § 91.87(h) omitted a specific reference to taxiways.

Several commentators objected to the introduction of what they believed was a new, unnecessary, and potentially confusing term; "movement area." While the term "movement area" need not cause confusion, the FAA has determined that it is unnecessary, and with the addition of the term "taxiways" to the regulation those areas in which an ATC clearance should be required are adequately described. Accordingly, this amendment is adopted without use of the proposed term "movement area," and adds only taxiways to the current ATC clearance requirement of § 91.87 (h).

One commentator expressed his belief that the Federal Aviation Act of 1958 does not establish the necessary authority for controlling ground movements of aircraft. The FAA does not agree. That Act adequately supports the issuance of regulations to ensure the safe operation of aircraft on the ground. "Air commerce" as defined in the Act (sec. 101(4)) includes any operation or navigation of aircraft which directly affects, or which may endanger safety in, air commerce. "Operation of aircraft" is defined in the Act (sec. 101(26)) to mean any use of aircraft for the purpose of air navigation. Section 307(c) of the Act specifically authorizes the Administrator to prescribe rules for the navigation of aircraft, for the protection of persons and property on the ground, and for the prevention of collision between aircraft, and between aircraft and land or water vehicles. Finally, section 313(a) authorizes the Administrator to make or amend such general or special rules as he shall deem necessary to carry out the provisions of, and to exercise his duties under the Act. None of these provisions of the Act are limited to the operation of aircraft in flight.

One comment requested that the proposal be broadened to include aircraft movement other than taxiing (such as the towing of aircraft) and to include persons other than pilots. In order not to exceed the scope of Notice 74–13, this amendment is limited to pilots and to the taxiing of aircraft.

(Secs. 307 and 313(a), Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective August 18, 1975, by amending § 91.87(h) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(h) *Clearances required.* No pilot may, at an airport with an operating control tower, taxi an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. A clearance to "taxi to" the runway is a clearance to cross all intersecting runways but is not a clearance to "taxi on" the assigned runway.

Issued in Washington, D.C. on July 3, 1975.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.75–18301 Filed 7–14–75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

PART 377—SHORT SUPPLY CONTROLS

Method of Licensing Exports of Petroleum Products in the Third Quarter 1975

The licensing system used in the second quarter 1975 for the export of petroleum products other than crude oil is generally continued on the same basis during the third quarter 1975, except that the base period for determining exporters' shares of quota entitlements for Commodity Group I (Butane, propane, and natural gas liquids) is changed to July 1, 1972 through September 30, 1972. This change in the base period is made to conform to that used in the mandatory allocations program of the Federal Energy Administration, which recognizes seasonal fluctuations in the use of these products. All other product quotas, as in the past, are to be calculated on a base period average spanning 1971, 1972, and the first six months of 1973.

As during the second quarter 1975, carbon-black feedstock oils (Commodity Group H) will not be subject to quota limitations, but will be subject to validated export licensing. Consignees of carbon-black feedstock oils must be established users of this product as a petrochemical feedstock in the manufacture of carbon-black. Also, exporters of carbon-black feedstock oils are required to submit certain additional documentation as described in § 377.6(e)(4) to support an application for export license.

The policy for the export of crude oil will remain the same as that announced in Export Administration Bulletin No. 114 of April 18, 1974.

The country quotas for each Petroleum Commodity Group that will be available during the third quarter 1975 are announced in Supplement No. 2 to Part 377 of the Export Administration Regulations and contained herein. As previously, 5 percent of the overall quota for each Commodity Group will be reserved for contingencies and the announced country quotas represent 95 percent of the overall authorized exports. All licenses issued during the third quarter 1975 will expire 30 days after the end of the calendar quarter. Requests for extension of the validity period of such licenses normally will not be entertained.

Accordingly, Supplement No. 2 to Part 377 of the Export Administration Regulations (15 CFR Part 377) is revised to read as follows:

SUPPLEMENT NO. 2—PETROLEUM AND PETROLEUM PRODUCTS SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

Schedule B number	*Commodity description*
	Petroleum Licensed Only in Accordance With § 377.6(d)(1)
	GROUP A
331.0100	Crude petroleum
331.0200	Petroleum partly refined for further refining
	Petroleum Products Subject to Historical Quotas
	GROUP B
332.1015	Aviation gasoline
	GROUP C
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
	GROUP D
332.2010	Kerosene, except kerosene-type jet fuel
	GROUP E
332.2020	Jet fuel
	GROUP F
332.3000	Distillate fuel oils
	GROUP G
332.4000	Residual fuel oils
	GROUP I
341.1025	Butane
341.1030	Propane
341.1040	Natural gas liquids, including LPG, n.e.c.
	Petroleum Products Not Subject to Quotas
	GROUP H
332.9160	Carbon black feedstock oil

Quantities: Report the above commodities in barrels of 42 gallons.

Shipping tolerance: 10 percent.

Submission dates: Not prior to the beginning of the applicable quarter, and not later than:

	3rd quarter 1975
Historical exporters of petroleum commodities other than crude oils.	Sept. 20, 1975.
Hardships, crude oil exporters, and carbon black feed-stock oil exporters.	At any time.

COUNTRY QUOTAS FOR GROUP B

(Schedule B No. 332.1015, Aviation Gasoline)

Country:	*Quota (barrels)*
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Holland	18,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	10,509
Singapore	14,783
All other countries	165

COUNTRY QUOTAS FOR GROUP C

(Schedule B No. 332.1030, Gasoline, n.e.c.)

(Schedule B No. 332.1050, Gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	*Quota (barrels)*
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	18,523
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

COUNTRY QUOTAS FOR GROUP D

(Schedule B No. 332.2010, Kerosene, except kerosene-type jet fuel)

Country:	*Quota (barrels)*
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,046
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354

V40-136 JUL 15 75 XUM

Country:	Quota (barrels)
Mexico	73
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All other countries	252

COUNTRY QUOTAS FOR GROUP E

(Schedule B No. 332.2020, Jet Fuel)

Country:	Quota (barrels)
Bahamas	31
Canada	42,797
Mexico	48,794

COUNTRY QUOTAS FOR GROUP F

(Schedule B No. 332.3000, Distillate fuel oils)

Country:	Quota (barrels)
Bahamas	3,125
Canada	98,156
Colombia	36,385
Denmark	22,413
French Pacific Islands	10,086
Holland	58,895
Japan	11,636
Mexico	190,448
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
All other countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, Residual fuel oils)

Country:	Quota (barrels)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Holland	50,108
Ireland	11,626
Italy	131,979
Jamaica	152,086
Japan	266,105
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Poland	2,070
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

COUNTRY QUOTAS FOR GROUP I

(Schedule B No. 341.1025, Butane)

(Schedule B No. 341.1030, Propane)

(Schdeule B No. 341.1040, Natural gas liquids)

Country:	Quota (barrels)
Canada	18,651
Mexico	2,413,904
Netherlands	10,927
Japan	221,346
New Zealand	1,041
Guatemala	466
All other	4,616

Base period: The base period for determining historical quota shares for group I commodities in the third quarter 1975 is the period from July 1, 1972 to September 30, 1972.

Effective date of action: July 3, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-18217 Filed 7-14-75;8:45 am]

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Health Maintenance Organizations; Qualifying Conditions

Correction

In FR Doc.75-16867 appearing at page 28016, in the issue for Wednesday, July 2, 1975, the following corrections should be made:

1. On page 28018 in the second column, the next to the last line in § 405.2001(b)(4) should read: "covered items and services to its title XVIII beneficiaries."

2. In § 405.2001(b)(5)(i) in the second column on page 28018, the third line should read: "marily through physicians who are em-".

3. In the third column on page 28018, the third line of § 405.2001(b)(5)(ii) should read: "marily through independent practition-".

4. On page 28020 in the first column, in § 405.2005(a)(3)(i), the eleventh line should read: "patient. Such services must be or must appear".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[FRL 399-8; FAP5H5061/R9]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY ENVIRONMENTAL PROTECTION AGENCY

Thiabendazole

On September 27, 1974, notice was given (39 FR 34706) that Merck, Sharp & Dohme, Rahway NJ 07065 had filed a food additive petition (FAP 5H5061) with the Environmental Protection Agency (EPA). This petition proposed the establishment of a food additive tolerance for residues of the fungicide thiabendazole (2 - (4 - thiazolyl) benzimidazole) in potato processing waste at 30 parts per million resulting from concentration and carry-over following post-harvest application of the fungicide to potatoes. [A related document on thiabendazole and the establishment of a pesticide tolerance appeared in the FEDERAL REGISTER on June 17, 1975 (40 FR 25591).]

The data submitted in the petition and other relevant material have been evaluated. It is concluded that the tolerance should be established to cover residues resulting from both pre- and post-harvest applications. The tolerance established by amending the regulation (21 CFR 561.380) will protect the public health.

Any person adversely affected by this regulation may on or before August 14, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW, East Tower, Room 1019, Washington D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 15, 1975, Part 561, Subpart A, is amended by revising § 561.380 as set forth below.

Dated: July 8, 1975.

(Sec. 409(c)(1) and (4), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1) and (4)), transferred to Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

EDWIN L. JOHNSON,
Deputy Assistant Administrator,
for Pesticide Programs.

Section 561.380 is amended by adding the new paragraph "30 parts per million * * *" after the paragraph "33 parts per million * * *" to read as follows:

§561.380 Thiabendazole.

* * * * * *

30 parts per million in potato processing waste resulting from pre- and post-harvest applications to the raw agricultural commodity potatoes.

* * * * * *

[FR Doc.75-18207 Filed 7-14-75;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0022]

TEST FOR HEPATITIS B SURFACE ANTIGEN

The Commissioner of Food and Drugs is amending the biologics regulations, effective September 15, 1975, (1) to require that all references to "hepatitis associated (Australia) antigen" and "hepatitis associated antibody (anti-Australia Antigen)" be changed to "hepatitis B surface antigen (HB_sAg)", and "antibody to hepatitis B surface antigen (Anti-HB_s)," respectively, (2) to require that the testing for the presence of Hb_sAg of all donations of human blood, plasma, and serum to be used in preparing biological products be performed using only those reagents which are most sensitive in their capacity to detect such antigen, and (3) to restrict the use of source blood, plasma, or serum that is reactive to hepatitis B surface antigen to the very few situations in which final products can be prepared only from hepatitis B surface antigen positive source material. This amendment of the regulations is based on two proposals published in the FEDERAL REGISTER on July 9, 1974 (39 FR 25233) and July 17, 1974 (39 FR 26161), respectively.

In the July 9, 1974 proposal, the Commissioner proposed to amend § 610.40 Test for hepatitis associated (Australia) antigen (21 CFR 610.40) to require that all donations of human blood, plasma, or serum to be used in preparing a biological product shall be tested for hepatitis B antigen by a method of at least third generation sensitivity, which is the most sensitive method currently available. In addition, it was proposed that all references to "hepatitis associated (Australia) antigen" in Parts 610, 640, and 660 be changed to "hepatitis B antigen and that a phrase in § 610.40(a) applicable to material collected prior to the effective date of that section be deleted since it was assumed that all such products had been expended. Interested persons were given until September 9, 1974 to file written comments concerning this proposal.

The July 17, 1974 proposal primarily concerned the amendment of certain sections of the regulations governing Source Plasma (Human). As part of this proposal for Source Plasma (Human), the Commissioner also proposed to amend paragraph (b)(2) of § 610.40 to strengthen the existing limitations on the use of blood, plasma, or serum that is reactive when tested for the hepatitis B antigen and intended for use as source material in the further manufacture of licensed in vitro diagnostic biological products. In addition, the Commissioner concluded that the regulations should be expanded to include unlicensed in vitro diagnostic biological products which are prepared from licensed source material and therefore he proposed to add a new paragraph (b)(3) to § 610.40. Interested persons were given until August 16, 1974 to file written comments concerning this proposal.

In view of the relationship between the July 9, 1974 proposal and portions of the July 17, 1974 proposal, the Commissioner has concluded that the most practical manner in which to proceed to a final order would be to address these issues in one document.

Since the inception of required hepatitis testing on July 1, 1972, the sensitivity of the testing reagents has been increased as a result of continuing research to develop a rapid and more sensitive HB_sAg testing method. The relative sensitivity of currently available test methods is measured by reference to the capacity of the antibody to hepatitis B surface antigen (Anti-HB_s) to detect HB_sAg positive samples in the Bureau of Biologics reference panel of antigen-positive sera, each of which contains varying amounts of HB_sAg. In common terminology, a first generation test is one which is capable of detecting those antigen-positive sera designated "A" in the reference panel; a second generation test detects those antigen-positive sera designated "A," (A) and "B"; and a third generation test detects all antigen-positive sera designated "A", (A), "B", (B), and "C".

There are presently two methods with third generation sensitivity available on the market. The more sensitive of the two is the radioimmunoassay (RIA) method, while one of almost comparable sensitivity is the reversed passive hemagglutination test (RPHA).

The Commissioner has concluded that only testing methods of third generation sensitivity should be employed to test for the presence of HB_sAg in human blood, plasma, or serum as part of the continuing effort to eliminate the contamination of biological products derived from human blood with infectious hepatitis B virus.

Twenty-six letters, containing varying numbers of comments regarding the July 9, 1974 proposal, were received. Three letters supported the entire proposal. The remaining 23 letters, although generally in favor of utilizing the more sensitive method of HB_sAg testing, offered a number of specific comments. Five comments were received pertaining to the proposed amendments to the hepatitis testing requirements set forth in the July 17, 1974 proposal regarding Source Plasma (Human). The comments received and the Commissioner's responses are discussed below.

Numerous editorial changes have been made in § 610.40 in the final regulation, lengthening it considerably. For clarification, § 610.40 has been divided into five paragraphs rather than two paragraphs as proposed. For the convenience of the reader, each of the following paragraphs of the preamble will refer to the section designation as proposed, followed in parenthesis by the section as redesignated in the final regulation.

1. Five comments suggested that the final regulation use the nomenclature as adopted by the Committee on Viral Hepatitis of the National Academy of Sciences/National Research Council for hepatitis B antigen and antibody. The nomenclature adopted by the committee for the antigen is "hepatitis B surface antigen (HB_sAg)" and for the antibody it is "antibody to hepatitis B surface antigen (Anti-HB_s)."

The Commissioner concurs with the suggestion to adopt the new terminology. In view of the increasing growth of knowledge regarding the complexity of the hepatitis B surface antigen, it is prudent to utilize standard nomenclature at an early time to minimize confusion when referring to such antigen and its corresponding antibody. Therefore, the final regulation is amended to employ the terminology of "hepatitis B surface antigen" and "antibody to hepatitis B surface antigen" where applicable.

2. Two of the five comments above also suggested that review and acceptance by the Bureau of Biologics of the revised labeling necessitated by the change in terminology, as required by § 601.6(b) (21 CFR 601.6(b)), be deferred so that labels with the new nomenclature could be put into use more quickly.

The Commissioner concurs with the suggestion that review and acceptance by the Bureau of Biologics of labeling changes before use be waived in those instances in which the labeling change for blood and blood products concerns only the statement on the label that the test for the hepatitis B surface antigen was performed and the result of the test. However, the Commissioner advises that all licensed establishments are required to submit to the Bureau of Biologics a copy of the labeling stating the new nomenclature so that a complete and current license file of each establishment is maintained. If additional information on the label is revised, other than that regarding hepatitis testing, the label must be submitted to the Bureau of Biologics for review and acceptance before use. All label revisions may use the abbreviations of "HB_sAg" and "Anti-HB_s" when referring to the hepatitis B surface antigen and its corresponding antibody, respectively.

3. One comment suggested that each manufacturer be permitted to deplete current supplies of labels before converting to labels with the new terminology.

The Commissioner disagrees with the suggestion that each manufacturer be permitted to exhaust his current supply of labels before changing to the new nomenclature. Such a procedure is contrary to the desired objective of achieving an early conversion to standard hepatitis nomenclature. Inasmuch as different establishments will have varying amounts of labeling stock on hand, a definite period for conversion to standard labeling must be established, otherwise the complete conversion to standard nomenclature may require years to accomplish. The Commissioner has, therefore, concluded that all applicable labeling of blood and blood products shall be appropriately modified within 12 months of the effective date of this regulation or when current supplies are exhausted, whichever date occurs first.

4. The Commissioner's acceptance of new terminology for the antibody to hepatitis B surface antigen constitutes a change in the proper name of a licensed biological in vitro diagnostic reagent. Such a change will necessitate revision of labels, package inserts, and literature by the manufacturers of the licensed product.

The Commissioner is aware of the expense and time such labeling changes entail, but believes that these factors are not sufficiently persuasive to justify delay in implementation of standard labeling terminology. Therefore, the final regulation amends Subpart A of Part 660 Additional Standards for Diagnostic Substances for Laboratory Tests to change the proper name of the licensed in vitro diagnostic product used to detect the presence of HB_sAg from "Hepatitis Associated Antibody (Anti-Australia Antigen)" to "Antibody to Hepatitis B Surface Antigen." A period of 12 months from the effective date of this order is also provided as the time in which the appropriate labeling revisions must be completed.

5. Nine comments regarding § 610.40 (a) General (redesignated § 610.40(c)

V401136 JUL 15 75 XUM

Materials in storage) objected to the removal of the provision that material collected and stored before the effective date (July 1, 1972) of the initial regulation that required hepatitis testing, be tested upon removal from storage by the manufacturer. The comments indicated that there are manufacturers who have material in storage that was collected before July 1, 1972, and was not tested for HB_sAg, but that such material could and should be tested upon removal from storage.

Since the proposal to remove the provision was based upon an assumption that all such untested stored material had been expended, and this does not appear to be the case, the Commissioner concurs with the comments. The final regulation, therefore, retains the provision for testing material, by a method of third generation sensitivity, collected prior to July 1, 1972 for the presence of HB_sAg before use as a biological product, or before being used in the manufacture of a biological product.

6. Six of the above nine comments also requested clarification regarding the applicability of the new and more sensitive testing requirement to material which is in storage, and already tested for HB_sAg by a less sensitive method than a third generation test, such as counterelectrophoresis, a second generation test.

It is the Commissioner's intention that all blood, plasma, or serum used as a biological product or used in manufacturing a biological product shall be tested for HB_sAg by the most sensitive test method available. However, the Commissioner is aware that there is valuable material in storage which will have been collected prior to the effective date of mandatory third generation testing, and may have been tested by a method of only second generation sensitivity. Such material is being stored in the frozen state and must therefore be thawed and the container entered to obtain a sample for testing by a third generation method of sensitivity for HB_sAg. This approach is impractical on a large scale. In view of the fact that consideration should be given to the most efficient yet safest use of the nation's blood, plasma, and serum supplies, the Commissioner has concluded that material which was tested by a method of second generation sensitivity and found to be nonreactive may be used as a biological product, or used in manufacturing a biological product, within 6 months after the effective date of these regulations. If such material is not used within the 6-month period, it shall be retested by a method of third generation sensitivity before being used as a biological product or before use in the manufacturing of a biological product. The final regulation is so amended in § 610.40(c).

7. Another comment regarding § 610.40 (a) (redesignated § 610.40(b) Procedures) suggested that the phrase "such test shall be performed on blood, plasma, or serum taken from the donor at the time of donation" should be deleted. Although no reason was given for suggesting the deletion, the Commissioner believes that the respondent misinterpreted the intent of the phrase to mean that HB_sAg testing must be performed on the day the sample is removed from the donor. In this regard, two other comments requested clarification of the same phrase.

It was the Commissioner's intention simply to identify the material on which the HB_sAg test is to be performed, and not to specify the time of the testing. To clarify the matter, § 610.40(b) has been revised to provide that the test for the presence of HB_sAg shall be performed on a sample of blood, plasma, or serum taken from the donor at the time of donation of the unit, and that HB_sAg testing itself need not be performed on the day of donation.

8. One comment noted that the proposal did not provide for off-premises testing for HB_sAg by the radioimmunoassay (RIA) method.

The Commissioner agrees that provisions for such testing should be addressed in the final regulation, because numerous small blood bank facilities throughout the country may find it difficult to budget the purchase of the necessary counting equipment for RIA testing. These same blood banks, however, may possess the required expertise to perform and read the RIA tests. The Commissioner is therefore amending § 610.40(b) to permit (1) blood collection facilities to perform the RIA test up to the point of counting at their own location, and then for their personnel to use the counting equipment of another facility or for the trained personnel of another facility to perform the actual counting operation, or (2) the complete RIA testing procedure to be performed by personnel at an establishment licensed to manufacture blood or blood derivatives under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), or by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a), provided the establishment or the clinical laboratory is qualified to perform RIA testing for HB_sAg. Except for emergencies, the blood, plasma, or serum shall not be used as a biological product, or issued for use in manufacturing a biological product, until the HB_sAg testing is completed and the written results of the test are in the possession of the collecting facility.

Off-premises testing for HB_sAg by the RIA method may be interpreted to mean that such procedure is divided manufacturing by two establishments, thereby requiring that the name, address, and license number of each establishment must appear on the label of the product as specified in § 610.63 Divided manufacturing responsibility to be shown (21 CFR 610.63). The Commissioner does not consider off-premises testing to be divided manufacturing under § 610.63 when the requirements of § 610.40(e) are met. The purpose of permitting off-premises testing is to provide a means for all blood collection facilities, regardless of their size and economic situation, to give equal protection to all blood recipients against the danger of receiving blood which may contain the infectious hepatitis B virus. Accordingly, a new paragraph (e) Manufacturing responsibility is added to § 610.40 to specify the requirements that must be met by the collection facility and the off-premises testing facility in order not to be considered as operating in a manner subject to § 610.63.

9. One manufacturer of in vitro diagnostic reagents suggested that § 610.40 (a) be revised to permit HB_sAg testing of material intended for manufacture of in vitro diagnostic reagents to be performed on pooled material rather than requiring each unit to be tested separately.

The Commissioner rejects this suggestion, inasmuch as part of the intent of these regulations is to prevent unnecessary handling by individuals of HB_sAg positive material and to strictly limit entry of an excessive amount of HB_sAg positive material into interstate commerce. A pool of material may test nonreactive to HB_sAg, when in fact it contains an HB_sAg positive unit, because the positive unit was diluted by mixing with other nonreactive units beyond the sensitivity of the test method used to detect the presence of HB_sAg. The diluting of such a unit does not inhibit its potential for transmitting hepatitis and therefore, should not be handled unnecessarily by unsuspecting individuals or shipped in interstate commerce labeled as not containing hepatitis B virus. An additional reason for prohibiting the testing of pooled material, as opposed to testing single units, is that if a unit of material which contains HB_sAg is pooled with a unit or units of material that contain Anti-HB_s, the HB_sAg may be neutralized by the Anti-HB_s but the hepatitis B virus infectiousness may not be neutralized and its presence will not be detected by testing for HB_sAg.

10. Two comments regarding proposed § 610.40(b)(1) (redesignated § 610.40 (d)(1)) concerning restrictions on use suggested that a provision should be included to permit the utilization of HB_sAg reactive materials for authorized investigational purposes.

The Commissioner finds such provision is unnecessary in view of the provisions of § 601.21 Products under development (21 CFR 601.2) and § 312.1 Conditions for exemption of new drugs for investigational use (21 CFR 312.1), authorizing interstate shipments of investigational new drugs pursuant to a Notice of Claimed Investigational Exemption for a New Drug.

11. Three manufacturers commented that provision should be made in § 610.40 (b)(1) for those situations where inadvertent contamination of a large plasma pool for fractionation is discovered subsequent to pooling, due, for example, to a labeling or shipping error by the supplier of the plasma.

The Commissioner agrees that specific regulations should be developed to deal with this matter. However, he believes that such a situation is one that should be addressed in a separate proposal on which the public will have an opportunity to comment. Such a proposal will be published in the FEDERAL REGISTER in the near future.

12. Two comments on proposed § 610.40(b) (2) and (3) (redesignated § 610.40(d) (2) and (3)) concerning licensed and unlicensed in vitro diagnostic biological products voiced strong opposition to the use of HB_sAg positive material in in vitro diagnostic reagents.

Although the Commissioner stated, in the preamble to the Source Plasma (Human) proposal of July 17, 1974, his intention that the use of source HB_sAg positive blood, plasma, or serum be limited to the very few situations in which the final product can be prepared only from HB_sAg positive material, it appears that this was not made clear in the regulation itself. The Commissioner does does not believe that unrestricted use of HB_sAg positive source materials should be permitted in the manufacturing of such widely available in vitro diagnostic reagents as A, B, and D blood grouping sera. It is necessary, however, to provide for the use of HB_sAg positive source material in such cases as serum or plasma containing rare antibodies where the source is very limited, or for the positive control used in performing the HB_sAg test. Therefore, paragraph (d) (2) and (3) of § 610.40 prescribes in more detail the conditions under which known HB_sAg positive source material can be used in manufacturing an in vitro diagnositic biological product. The final regulation includes restrictions on the use of HB_sAg positive material to rare antisera or positive controls for use in HB_sAg testing, proper labeling of the source material as well as the final product, and notification to the Bureau of Biologics of such shipments.

13. One comment regarding § 610.40(b) (2) and (3) (redesignated § 610.40(d) (2) and (3)) requested that blanket approval be given by the Bureau of Biologics for shipments of HB_sAg positive material used in manufacturing positive controls for use in HB_sAg testing, because such shipments are made repeatedly to the same consignee(s) to maintain an adequate supply of controls for HB_sAg testing. Two comments expressed the view that it takes too long to obtain written clearance from the Bureau, and another comment inquired as to the criteria to be used by the Bureau in approving such shipments.

As discussed in paragraph 12 of this preamble, the Commissioner is amending the regulations to prescribe in more detail the conditions under which HB_sAg positive material may be used in manufacturing licensed and unlicensed in vitro diagnostic biological products. Such amendment removes the necessity of receiving prior written approval from the Bureau, because the criteria which the Bureau would have used in evaluating the request for approval of each shipment are now incorporated into the regulation itself. No prior written approval will therefore be required for each shipment, rather only notification at the time of shipment that a shipment has been made. An additional provision has been made in § 610.40(d)(2) to simplify notification to the Bureau of repetitive shipments of HB_sAg positive material to the same consignee. This provision requires periodic notification, every 6 months, for each consignee(s). The Commissioner is specifying the months of October and April as the reporting months to provide uniformity of reporting.

14. Two comments on § 610.40(b) (2) and (3) (redesignated § 610.40(d) (2) and (3)) suggested that all shipments of HB_sAg positive material should comply with the applicable regulations governing the shipment of etiologic agents.

The Commissioner endorses the principle that potentially infectious material should be required to be shipped in the safest manner possible to provide maximum protection to the public and the environment. However, he believes that adequate regulations already exist in that etiologic agents are required to be shipped in accordance with the provisions of 42 CFR 72.25 and therefore no further regulation is necessary under Title 21. Specific questions regarding the shipping of etiologic agents should be sent to the Biohazards Control Officer, Center for Disease Control, 1600 Clifton Rd., Atlanta, GA 30333; telephone 404-633-3311, extension 3883.

15. One comment regarding § 610.41 suggested that the prohibition of persons from serving as blood donors who have previously had an HB_sAg reactive test should not include those donors whose reactive test was demonstrated to be a "false positive" result.

The Commissioner agrees that a "false positive" test result should not be the basis for considering either a donor or a product HB_sAg reactive. In as much as all third generation test systems are now required to include the necessary reagents and directions for determining the specificity of the reactions obtained, thereby effectively eliminating the incidence of false positives, the Commissioner believes that no change of proposed § 610.41 is indicated.

16. Four comments regarding § 640.2 (f) is applicable to whole blood, suggested that provision be made for emergency situations. The comments suggested that in emergency situations a third generation test should not be required if medical judgment favors sustaining life even at the risk of possibly causing hepatitis.

The Commissioner recognizes that emergency situations may arise where the time necessary to complete a third generation test, 4 to 24 hours for the RIA test and 2 to 3 hours for the reversed passive hemagglutination test, is of greater risk to the patient's welfare than the risk of hepatitis. The Commissioner believes that in emergency situations, a second generation test should be permitted, such as the reversed passive latex agglutination test which can be completed in 5 minutes or the counterelectropheresis test which can be completed in 1 hour. The Commissioner also recognizes that there are rare dire emergencies where the patient's need for blood is so acute as to preclude any testing of the blood. The Commissioner believes that the use of hepatitis-untested blood in such dire emergencies should be permitted. Since products other than whole blood may need to be issued in emergency situations, the Commissioner has concluded that the provisions for emergency situations should appear in § 610.40(a) which is applicable to all blood products, rather than § 640.2(f) which is applicable only to whole blood. Therefor § 610.40(a) has been amended to permit HB_sAg testing of second generation sensitivity for blood and blood products in emergency situations and to permit the issuance of blood and blood products without any HB_sAg testing in dire emergency situations, provided that a test of third generation sensitivity is performed as soon as possible after issuance of the blood and blood product.

17. Six comments regarding § 660.4 *Potency test* expressed concern that the language of the proposal would prohibit the manufacture of HB_sAg testing reagents of second generation sensitivity, which could otherwise be used for emergency testing or for export to countries requesting the product.

It is not the intention of the Commissioner to prevent the manufacture of reagents other than those of third generation sensitivity. Indeed, as discussed in pargaraph 16 of this preamble, the Commissioner is cognizant of the need to allow for an MH_sAg test of second generation sensitivity to be used in emergency situations. The regulation as written does not require that all hepatitis testing reagents manufactured under license must be of third generation sensitivity. Reagents of first and second generation sensitivity which meet the applicable requirements of the Reference Hepatitis B Surface Antigen Panel will continue to be released by the Bureau of Biologics. The amended § 610.40 requires testing of blood by reagents of third generation sensitivity; it does not ban proper use of other HB_sAg reagents.

18. Five comments noted that there should be assurance of an adequate supply of HB_sAg testing reagents before an effective date is established for third generation testing.

In the preamble to the July 9, 1974 proposal, the Commissioner expressed his concern in this regard and stated that a survey of the availability of testing material would be made during the comment period following the proposal. The results of the informal survey indicate that an adequate supply of HB_sAg third generation testing reagents is available to meet all testing needs of this country. Presently, two manufacturers are licensed for the RIA method and one manufacturer is licensed for the RPHA method. It is expected that other manufacturers will be licensed in 1975.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351,

V40136 JUL 15 75 XUM

58 Stat. 702 as amended (42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 610, 640, and 660 of Subchapter F of Chapter I of Title 21, Code of Federal Regulations, are amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In Part 610:

a. By revising § 610.13(a) (2) to read as follows:

§ 610.13 Purity.

* * * * * *

(a) * * *

(2) *Test results; standard to be met.* The residual moisture and other volatile substances shall not exceed 1 percent except that, (i) they shall not exceed 1.5 percent for BCG Vaccine; (ii) they shall not exceed 2 percent for Measles Virus Vaccine, Live, Attenuated; Measles-Smallpox Vaccine, Live; Rubella Virus Vaccine, Live; and Antihemophilic Factor (Human); (iii) they shall not exceed 3 percent for Modified Plasma (Bovine); Thrombin; Fibrinogen; Streptokinase; Streptokinase-Streptodornase; and Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test; and (iv) they shall not exceed 4.5 percent for Antibody to Hepatitis B Surface Antigen for the Reversed Passive Hemagglutination Test.

* * * * * *

b. By revising § 610.40 to read as follows:

§ 610.40 Test for hepatitis B surface antigen.

(a) *Test sensitivity.* Each donation of blood, plasma, or serum to be used in preparing a biological product shall be tested for the presence of hepatitis B surface antigen by a method of sufficient sensitivity to detect all sera labeled A, (A), B, (B), and C in the Reference Hepatitis B Surface Antigen Panel distributed by the Bureau of Biologics; except that, in emergency situations, a test method of sufficient sensitivity to detect all sera labeled A, (A), and B in the Reference Hepatitis B Surface Antigen Panel may be used and, in dire emergency situations, blood and blood products may be issued without any HB$_s$Ag testing, provided that a test otherwise required by this paragraph is performed as soon as possible after issuance of the blood and blood product.

(b) *Procedures.* Only Antibody to Hepatitis B Surface Antigen licensed under this subchapter shall be used in performing the test and the test method(s) used shall be that for which the antibody product is specifically designed to be effective as recommended by the manufacturer in the package insert. The sample of blood, plasma, or serum to be tested shall have been taken from the donor at the time of donation of that unit. The test need not be performed on the day of the withdrawal of the sample. If the radioimmunoassay method is used, it must be performed in one of the following ways:

(1) The complete test is performed at the collection facility.

(2) The test is performed at the collection facility up to the point of counting the radioactivity of the samples, which counting, thereafter, is performed at another facility by personnel from the collection facility or by personnel from the counting facility.

(3) The complete test is performed by the personnel at an establishment licensed to manufacture blood or blood derivatives under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), or by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a), provided the establishment or the clinical laboratory is qualified to perform radioimmunoassay testing for the presence of hepatitis B surface antigen. Except for emergencies, blood, plasma or serum shall not be used as a biological product, or issued for use in manufacturing a biological product, until the hepatitis B surface antigen testing is completed and the written results are in the possession of the collection facility.

(c) *Materials in storage.* All blood, plasma, or serum in storage which has not been tested for the presence of the hepatitis B surface antigen shall be tested as required in paragraphs (a) and (b) of this section before use as a biological product, or before use in the manufacture of a biological product. All blood, plasma, or serum in storage which has been tested for the presence of the hepatitis B surface antigen by a method of second generation sensitivity may be used as a biological product or in manufacture of a biological product, provided it is used on or before March 15, 1976.

(d) *Restrictions on use.* (1) *Injectable biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen shall not be used in manufacturing injectable biological products.

(2) *License in vitro diagnostic biological products.* Blood, plasma or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing licensed in vitro diagnostic biological products: *Provided,* That (i) the final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product; (ii) the label of the source blood, plasma, or serum conspicuously states that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis; (iii) the package label of the licensed in vitro diagnostic biological product prepared from such blood, plasma, or serum conspicuously states that the product was prepared from material that was reactive when tested for the hepatitis B surface antigen and may transmit viral hepatitis; (iv) at the time of shipment, the Director, Bureau of Biologics, Food and Drug Administration, is notified in writing of each shipment of source blood, plasma, or serum, signifying the kind and amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which such source material was labeled.

(e) *Manufacturing responsibility.* When the radioimmunoassay method for hepatitis B surface antigen testing is performed by personnel other than those of the facility collecting the blood, plasma, or serum, as provided in paragraph (b) of this section, it shall not be considered as divided manufacturing as described in § 610.63, provided the following conditions are met:

(1) The collecting facility has obtained a written agreement that the testing laboratory will permit authorized representatives of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(2) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

c. By revising § 610.41 to read as follows:

§ 610.41 History of hepatitis B surface antigen.

A person testing positive, or known to have previously tested positive, for hepatitis B surface antigen may not serve as a donor of human blood, plasma, or serum to be used in preparing any injectable biological product, except that a person known to have previously tested positive for hepatitis B surface antigen may serve as a source of antibody to hepatitis B surface antigen when such antibody is required for the manufacture of a licensed biological product, provided that the blood of such person meets the requirements of § 610.40.

d. By amending § 610.53 by deleting from the listing the item for "Hepatitis Associated Antibody (Anti-Australia Antigen)" and inserting in alphabetical order a new item, as follows:

§ 610.53 Dating periods for specific products.

* * * * * *

Antibody to Hepatitis B Surface Antigen.	Six months (5° C, 6 months) except Iodinated (^{125}I) products. Iodinated (^{125}I) products, 45 days. § 610.51 does not apply.

e. By revising § 610.61(s) to read as follows:

§ 610.61 Package label.

* * * * * *

(s) For injectable products prepared from human blood, plasma or serum, a statement that the product was prepared from blood that was nonreactive when tested for hepatitis B surface antigen. In lieu of inclusion on the package label, such information may be included in a circular enclosed with the package.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

2. In Part 640:

a. By revising § 640.2(f) to read as follows:

§ 640.2 General requirements.

* * * * * *

(f) *Issue prior to determination of test results.* Notwithstanding the provisions of § 610.1 of this chapter, blood may be issued by the licensee on the request of a physician, hospital, or other medical facility before results of all tests prescribed in § 640.5 and the test for hepatitis B surface antigen prescribed in § 610.40(a) of this chapter have been completed, where such issue is essential to allow time for transportation to assure arrival of the blood by the time it is needed for transfusion of such blood: *Provided,* That (1) the blood is shipped directly to such physician or medical facility, (2) the records of the licensee contain a full explanation of the need for such issue, (3) the label on each container of such blood bears the information required by § 640.7(e), (4) the label does not bear results of tests other than those made on pilot samples of the blood to be shipped, taken at the time of its collection, and (5) the label does not bear the name or any other identification of the intended recipient.

b. By revising § 640.7(b) to read as follows:

§ 640.7 Labeling.

* * * * * *

(b) *Serological test and test for hepatitis B surface antigen.* Indication of the method used for serological test for syphilis and the test for hepatitis B surface antigen, and the results.

* * * * * *

c. By revising § 640.26(h) to read as follows:

§ 640.26 Labeling.

* * * * * *

(h) Type of test for hepatitis B surface antigen used and the results.

* * * * * *

d. By revising § 640.51(c)(7) to read as follows:

§ 640.51 General requirements.

* * * * * *

(c) * * *

(7) Indication of test method for hepatitis B surface antigen used and the result.

e. By revising § 640.67 to read as follows:

§ 640.67 Test for hepatitis B surface antigen.

Each unit of Source Plasma (Human) shall be nonreactive to a test for the hepatitis B surface antigen as prescribed in §§ 610.40 and 610.41 of this chapter.

f. By revising § 640.69(e)(9) and (f)(1) to read as follows:

§ 640.69 General requirements.

* * * * * *

(e) * * *

(9) The test for hepatitis B surface antigen used and the results.

(f) * * *

(1) The test for hepatitis B surface antigen pursuant to § 640.67.

* * * * * *

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

Subpart A—Antibody to Hepatitis B Surface Antigen

3. In Part 660:

a. By revising the heading for Subpart A to read as set out above.

b. By revising § 660.1 to read as follows:

§ 660.1 Antibody to Hepatitis B Surface Antigen.

(a) *Proper name and definition.* The proper name of this product shall be Antibody to Hepatitis B Surface Antigen. The product is defined as a preparation of serum containing antibody to hepatitis B surface antigen.

(b) *Source.* The source of this product shall be plasma or blood, obtained aseptically from animals immunized with hepatitis B surface antigen, which have met the applicable requirements of § 600.11 of this chapter, or from human donor whose blood is positive for hepatitis B surface antigen.

c. By revising paragraphs (e) and (f) of § 660.2 to read as follows:

§ 660.2 General requirements.

* * * * * *

(e) *Date of manufacture.* The date of manufacture of Antibody to Hepatitis B surface Antigen that has been iodinated with radioactive iodine (^{125}I) shall be the day of labeling the antibody with the radionuclide.

(f) *Samples; protocols; official release*—(1) *Antibody to Hepatitis B Surface Antigen.* Except as provided in this paragraph, the following material for each filling of the product shall be submitted to the Director, Bureau of Biologics:

(i) A sample of each filling packaged as for distribution, including all ancillary reagents and materials.

(ii) A protocol which consists of a summary of the history of manufacture of each filling, including all results of each test for which test results are requested by the Director, Bureau of Biologics.

(iii) No filling of the product shall be issued by the manufacturer until notification of official release of the filling is received from the Director, Bureau of Biologics.

(2) *Antibody to Hepatitis B Surface Antigen iodinated with ^{125}I.* Antibody to Hepatitis B Surface Antigen that has been iodinated with radioactive iodine (^{125}I) may be released by the manufacturer pursuant to the requirements of § 610.1 of this chapter without obtaining an official release from the Director, Bureau of Biologics provided:

(i) The manufacturer submits to the Bureau of Biologics a protocol of each master lot along with one sample of the lot, such material to be postmarked no more than 1 day following the manufacturer's release date.

(ii) At least two complete kits of each released lot are retained as retention samples for no less than 90 days from the date of manufacture.

d. By revising § 660.3 to read as follows:

§ 660.3 Reference panel.

A Reference Hepatitis B Surface Antigen Panel shall be obtained from the Bureau of Biologics and shall be used for determining the potency and specificity of Antibody to Hepatitis B Surface Antigen.

e. By revising § 660.4 to read as follows:

§ 660.4 Potency test.

To be satisfactory for release, each filling of Antibody to Hepatitis B Surface Antigen shall be tested against the Reference Hepatitis B Surface Antigen Panel and shall be sufficiently potent to detect the antigen in the appropriate sera of the reference panel by all test methods recommended by the manufacturer in the package insert.

V 40 136 JUL 15 75 XUM

f. By revising § 660.5 to read as follows:

§ 660.5 Specificity.

Each filling of the product shall be specific for antibody to hepatitis B surface antigen, as determined by specificity tests found acceptable by the Director, Bureau of Biologics.

Effective date. The effective date of this regulation shall be September 15, 1975, except for labeling revisions necessitated by changing all references to "hepatitis associated (Australia) antigen" to read "hepatitis B surface antigen," and the proper name of "Hepatitis Associated Antibody (Anti-Australia Antigen)" to read "Antibody to Hepatitis B Surface Antigen," which revisions shall be effective September 15, 1976.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: July 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-18219 Filed 7-14-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Reimbursement for Railroad Work

The Federal Highway Administration hereby amends Subpart I of Part 140 to provide for the reimbursement to railroad companies for construction cost and for the cost of materials stockpiled at the construction site, all of which are incurred after an appropriate State-Railroad Agreement has been approved by the FHWA. This amendment also adds, for calendar year 1975, the rates for labor surcharges to Appendix A to Subpart I. In addition, this amendment corrects an error contained in the rate table of payroll taxes for supplemental annuities set forth in Appendix A which was published in the FEDERAL REGISTER on April 9, 1975 (40 FR 16059).

1. In § 140.922 paragraphs (a), (b), and (c) are redesignated (b), (c) and (d) respectively and a new paragraph (a) is 646.218 below.

§ 140.922 Billings.

(a) After the executed State-Railroad Agreement has been approved by FHWA, the company may be reimbursed on progress billings of incurred costs. Costs for materials stockpiled at the project site or specifically purchased and delivered to the company for use on the project may be reimbursed on progress billings following approval of the executed State-Railroad Agreement or the written agreement under 23 CFR 646.218(c).

* * * * *

2. Appendix A to 23 CFR, Part 140, Subpart I, Rates for Labor Surcharges, is amended to delete the figure "-75" from the last line and to add a final entry to the chart setting forth rates and limitations to read as follows:

Calendar year	Monthly limitation		Full legal rate		Combined rate less ¼ percent
	Retirement	Unemployment insurance	Retirement	Unemployment insurance	
		Percent	*Percent*		
1975	1,175	400	15.35	4	19.10

3. Appendix A is corrected to delete the phrase "July 1, 1975 until changed .... 8½" from the rate table of payroll taxes for supplemental annuities and inserting in lieu thereof the phrase "Jan. 1, 1975 until changed .... 8½."

This amendment will take effect on July 10, 1975.

Issued on July 7, 1975.

J. R. COUPAL, JR.,
Acting Federal Highway Administrator.

[FR Doc.75-18294 Filed 7-14-75;8:45 am]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Projects

The Federal Highway Administration hereby revises Subpart B of Part 646 to provide that cost incurred by a railroad company for materials stockpiled at the construction site of a railroad-highway project may be reimbursed on progress billings following approval by the FHWA of an appropriate State-railroad agreement. A typographical error is also corrected on § 646.220(b)(1).

1. Section 646.216(e)(2)(ii) is revised to read as follows:

§ 646.216 General procedures.

* * * * *

(e) * * *

(2) * * *

(ii) A proposed agreement between the State and railroad must be found satisfactory by FHWA. Before Federal funds may be used to reimburse the State for railroad costs the executed agreement must be approved by FHWA. However, cost for materials stockpiled at the project site or specifically purchased and delivered to the company for use on the project may be reimbursed on progress billings prior to the approval of the executed State-Railroad Agreement in accordance with 23 CFR 140.922(a) and section 646.218 below.

§ 646.220 [Amended]

2. The second line of § 646.220(b)(2) is corrected to insert "646.206(a)(3)" in lieu of "646.206(a)(3)."

This revision will take effect on July 10, 1975.

Issued on July 7, 1975.

J. R. COUPAL, JR.,
Acting Federal Highway Administrator.

[FR Doc.75-18295 Filed 7-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 387-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Compliance Schedules: California

On March 27, 1975, there was published in the FEDERAL REGISTER (40 FR 13520) a notice of proposed rulemaking which proposed to approve 27 compliance schedules submitted by the Governor of California through his designee, pursuant to 40 CFR 51.6, as revisions to the compliance schedule portion of the California plan for the implementation of the National Ambient Air Quality Standards. The only comments received by EPA from the public on the proposed rulemaking concerned revisions to schedules which have not been officially submitted to EPA by the State of California. The comments therefore do not affect this rulemaking.

Each revision establishes a new date by which the individual air pollution source must comply with the applicable air pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date". In some cases the schedule includes incremental steps towards compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to Section 113 of the Clean Air Act, as amended (42 USC § 1857c-8).

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final promulgation of the schedule becomes effective.

A copy of the complete California State Implementation Plan, including these schedules, is available for public inspection at the addresses listed below:

California Air Resources Board, 1704 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.
Environmental Protection Agency, Room 3202, Waterside Mall, 401 M Street SW, Washington, D.C. 20460.

An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

The Administrator has determined that the 27 proposed compliance schedules are consistent with the requirements of section 110 of the Clean Air Act and 40 CFR Part 51. However, since the date of proposal, 14 schedules, and part of a fifteenth schedule, have expired and the affected sources are now required to be in compliance with the applicable air pollution control regulations. Therefore, those schedules will not be promulgated.

Twelve schedules and part of a thirteenth schedule are therefore approved, pursuant to section 110 of the Act and 40 CFR 51.8, as revisions to the state compliance schedule portion of the approved California State Implementation Plan. Accordingly, with the changes as listed above, the amendments proposed in the FEDERAL REGISTER on March 27, 1975 are hereby adopted as set forth below.

EPA finds that good cause exists to make this rulemaking immediately effective because each schedule is already in effect in California under State law, each affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedules imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective on July 15, 1975.

(Sec. 110, Clean Air Act, as amended (42 USC § 1857c-5))

Dated: July 3, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.220, paragraph (c) is amended as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(8) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on December 27, 1973; February 19, April 22, June 7 and 19, September 4 and 19, October 18, and December 4, 1974; and January 13, 1975.

2. In § 52.240, paragraph (f) is amended by adding the following schedules to the table in subparagraph (1):

§ 52.240 Compliance schedules.

* * * * *

(f) * * *

(1) * * *

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
* * *		*	*	*	*
Heppner Iron and Metal Co	Fresno	407.2	Oct. 16, 1974	Immediately	July 1, 1975
Masonite Corp. (Order No. 74-8 as revised).	Mendocino	V-1	Sept. 30, 1974	do	July 1, 1975
Castle Air Force Base (Order No. 74-2 as revised).	Merced	410	Aug. 19, 1974	do	Aug. 1, 1975
Delta Cotton Co. (Order No. 74-3)	do	404	do	do	July 30, 1975
* * *		*	*	*	*
U.S. Navy:					
III. Activity Service Stations	San Diego	61, 63	Aug. 22, 1974	do	Sept. 30, 1975
Teichert Construction (Order No. 74-21).	San Joaquin	401	Sept. 19, 1974	do	June. 30, 1975
The Learner Co. (Order No. 74-22 as revised).	do	401, 404	do	do	July 15, 1975
Lorenz Lumber Co. (Order No. 71-V-16 as revised).	Shasta	3.1, 3.2	Oct. 30, 1974	do	July 1, 1975
* * *		*	*	*	*
Kimberly Clark Corp. (Order No. 71-V-27 as revised).	do	3.1, 3.2	do	do	July 31, 1975
Bedford Aggregates Gravel Plant (Order No. PV-74-01).	Tuolumne	401 (A), (B).	Oct. 3, 1974	do	July 31, 1975
Architectural Aggregates (Order No. PV-74-02).	do	401 (A), (B)	do	do	Do.
Woods Creek Gravel Plant (Order No. PV-74-03).	do	401 (A), (B)	do	do	Do.
* * *		*	*	*	*
Adams, Schwab and Adams Elevator Co. (Order No. 74-13).	Yolo	2.19	Oct. 8, 1974	do	July 31, 1975

[FR Doc.75-18200 Filed 7-14-75;8:45 am]

[FRL 395-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Indefinite Suspension of Parking Management Regulations

The Administrator of the Environmental Protection Agency (EPA) is today suspending indefinitely the management of parking supply regulations contained in various transportation control plans.

The areas having management of parking supply regulations covered by this suspension notice are:

ARIZONA

Tucson Area — Phoenix Area

CALIFORNIA

Fresno and San Joaquin Valley Area — Sacramento Valley Area
Los Angeles Area — San Diego Area
San Francisco Area

DISTRICT OF COLUMBIA INTERSTATE AREA

Washington, D.C. Maryland Suburbs — Virginia Suburbs

MARYLAND

Baltimore Area — (Suburbs of D.C. listed under D.C. Interstate)

NEW JERSEY

Suburbs of New York City — New Jersey Suburbs of Philadelphia (Camden, Trenton)

PENNSYLVANIA

Philadelphia Area — Pittsburgh Area

VIRGINIA

(Suburbs of D.C. listed under D.C. — Interstate)

Parking management regulations for Fairbanks, Alaska; Houston, Texas; and Boston, Massachusetts were previously suspended by court order pending air quality re-evaluation in those areas.

Background. Between November 6 and December 12, 1973, the Environmental Protection Agency, acting under court order, promulgated or approved transportation control plans for thirty major urban areas as part of the State Implementation Plans. These transportation plans are designed to help provide the necessary control of photochemical oxidants (smog) and carbon monoxide required under the Clean Air Act for attainment of National Ambient Air Quality Standards established to protect the public health and welfare. Some of these transportation control plans include a management of parking supply regulation which requires explicit consideration of air quality impacts before construction of certain specified new parking facilities can proceed.

The transportation control plans called for the management of parking supply regulations to become effective no later than January, 1974. However, in December of 1973 the Emergency Energy Bill passed by both Houses of the Congress granted the Administrator of the Environmental Protection Agency the authority to suspend the parking review requirements until January 1, 1975. Though the bill did not become law at that time, the Administrator regarded it as firm Congressional guidance on the parking management issue. Consequently, the Administrator deferred the effective date for implementation of these regulations until January 1, 1975. This action was taken on January 15, 1974 (39 FR 1848). The Energy Supply and Environmental Coordination Act of 1974 which was signed into law on June 22, 1974 (Pub. L. 93-319) retained the predecessor bill's language concerning the effective date of the management of parking supply regulations.

On August 22, 1974 the Administrator proposed amendments to the parking management regulations (39 FR 30440). The purpose of the proposed amendments was to clarify certain requirements and procedures in the parking management regulations and to provide developers of parking facilities subject to preconstruction review several alternative methods of demonstrating that the facility would be consistent with the control strategy to reduce area wide vehicle miles traveled (VMT) and would not cause or exacerbate a violation of the carbon monoxide standards. Public

V40-136 JUL 15 75 XUM

hearings were subsequently held during October, 1974 in all of the affected areas.

It became evident that the January 1, 1975 compliance date would not provide adequate time to consider the public comments, promulgate final regulations, and successfully implement the amended regulations. Therefore, the Administrator announced on October 15, 1974 (39 FR 36870) that the compliance date for the parking management regulations was being delayed until June 30, 1975. A further extension of the public comment period until November 30, 1974 was made in a FEDERAL REGISTER notice on November 13, 1974 (39 FR 36870). The notice also announced the availability for public inspection of background materials on parking management.

In January, 1975 the Administrator suspended the effectiveness of the parking management regulations pending promulgation of the amendments (40 FR 2585). Since the applicability date of the regulations had been deferred until June 30, 1975 and parties affected by the regulations were waiting to submit applications until the more flexible amended regulations were promulgated, the Administrator concluded that it was unnecessary for the unamended regulations to remain in effect while amendments were under consideration.

Current EPA Policy. Despite the present and future emission reductions from the Federal Motor Vehicle Control Program, that program will not reduce automobile emissions enough to achieve and maintain the air quality standards for carbon monoxide and photochemical oxidant in many areas of the country, even when accompanied by maximum feasible control of non-automobile emissions. In the regions where parking management regulations have been proposed, the continued and expected growth in vehicle miles traveled by automobiles is likely to cancel out emission reductions and air quality improvements achieved by implementation of other pollution control measures. This will make attainment and maintenance of the primary air quality standards for carbon monoxide and oxidants difficult or even impossible in many areas.

Management of parking supply, when conducted in conjunction with other transportation control measures, can contribute to reductions in areawide growth in vehicle miles traveled and emissions. EPA continues to believe that the parking management regulations are a necessary part of an overall transportation control strategy to reduce reliance on single-occupancy auto travel and to achieve the air quality standards.

However, currently the appropriate legislative committees of the Congress are considering various possible amendments to the Clean Air Act. Under active consideration are amendments dealing with review of parking-related facilities. One is an amendment that would require States to adopt and implement parking controls for certain areas as a part of the applicable State Implementation Plan and would provide no authority for EPA to review parking-related facilities. EPA expects Congress to provide guidance this year concerning the parking management program and, in view of this fact, does not believe it is desirable to promulgate final amended regulations at this time.

In the absence of Congressional action, EPA may finalize revised parking management regulations in order to complement other transportation control measures. If such a course of action is taken, in no event would parking related facilities commencing construction within six months after reinstatement be subject to the Federal regulation.

(Secs. 110(c) and 301(a), Clean Air Act, (42 U.S.C. 1857c-5(c) and 1857(g)))

Dated: July 8, 1975.

RUSSELL E. TRAIN,
Administrator.

In Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, the provisions of the following sections are suspended indefinitely pending further notice:

§§ 52.139, 52.251, 52.493, 52.1103, 52.111, 52.1588, 52.2040, 52.2443 [Suspended].

1. Subpart D—Arizona, § 52.139;
2. Subpart F—California, § 52.251;
3. Subpart J—District of Columbia, § 52.493;
4. Subpart V—Maryland, §52.1103 and § 52.111;
5. Subpart FF—New Jersey, § 52.1588
6. Subpart NN—Pennsylvania, § 52.-2040; and
7. Subpart VV—Virginia, § 52.2443.

[FR Doc.75-18201 Filed 7-14-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 399-5; OPP-260006A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbofuran

On May 12, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20650) a notice of proposed rulemaking to establish a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro 2,2-dimethyl 7-benzofuranyl-N-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2, 2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl 3,7-benzofurandiol in or on the raw agricultural commodity popcorn at 0.2 parts per million (of which no more than 0.1 part per million is carbamates). No comments or requests for referral to an advisory committee on this proposal were received, and it has therefore been concluded that the proposed amendment to the regulations (40 CFR 180.254) be adopted without alteration.

Any person adversely affected by this regulation may on or before August 14, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 15, 1975, Part 180, Subpart C, § 180.254 is amended as set forth below.

Dated: July 8, 1975.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.254 of subpart C, Part 180, is amended by revising the paragraph "0.2 part per million . . ." to include popcorn as follows:

§ 180.251 Carbofuran; tolerances for residues.

* * * * *

0.2 part million in or on corn grain (including popcorn) and peanuts (of which no more than 0.1 part per million is carbamates) and rice.

* * * * *

[FR Doc.75-18204 Filed 7-14-75;8:45 am]

[FRL 399-7; PP 5E1569/R34]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlorothalonil

On May 21, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 22146) a notice of proposed rulemaking to establish a tolerance for residues of the fungicide Chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity passion fruit at 3.0 parts per million. This notice of proposed rulemaking was published in response to a petition (PP 5E1569) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

No comments or requests for referral to an advisory committee were received by the EPA with respect to this proposal. It is concluded, therefore, that the proposed amendment to the regulation should be adopted without change.

Any person adversely affected by this regulation may on or before August 14, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 15, 1975, Part 180, Subpart C, § 180.275, is amended as set forth below.

Dated: July 8, 1975.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.275, Subpart C, Part 180, is amended by inserting the new paragraph "3 parts per million * * *" after the paragraph "5 parts per million * * *" to read as follows.

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

3 parts per million in or on passion fruit.

* * * * *

[FR Doc.75-18206 Filed 7-14-75;8:45 am]

[FRL 399-6; PP3E1360/R30]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-Dinitro-6-Octylphenyl Crotonate and 2,6-Dinitro-4-Octylphenyl Crotonate

On May 8, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20106) a notice of proposed rulemaking to establish a tolerance for combined negligible residues of a fungicide and insecticide that is a mixture of 2,4 - dinitro - 7 - octylphenyl crotonate and 2,6 - dinitro - 4-octylphenyl crotonate and related nitrooctylphenols (principally dinitro, calculated as the ester) in or on the raw agricultural commodities caneberries (blackberries, boysenberries, dewberries, loganberries, raspberries) and gooseberries at 0.15 part per million. No comments or requests for referral to an advisory committee were received with regard to this notice. Therefore, it has been concluded that the proposed amendment to the regulations (40 CFR 180.341) be adopted without change.

Any person adversely affected by this regulation may on or before August 14, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW., Washington D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 15, 1975, Part 180, Subpart C, Section 180.341, is amended as set forth below.

Dated: July 8, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(e), Federal Food, Drug, Drug, and Cosmetic Act (21 U.S.C. 346(e)))

Part 180, Subpart C, is amended by revising § 180.341 to read as follows.

§ 180.341 2,4 - Dinitro - 6 - octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate; tolerances for residues.

Tolerances are established for combined negligible residues of a fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on raw agricultural commodities as follows:

0.15 part per million in or caneberries (blackberries, boysenberries, dewberries, loganberries, raspberries) and gooseberries.

0.1 part per million in or on apples, apricots, cantaloupes, cucumbers, grapes, honeydew melons, muskmelons, nectarines, peaches, pears, pumpkins, summer squash, watermelons and winter squash.

[FR Doc.75-18205 Filed 7-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Small Purchases

On August 7, 1974, Federal Procurement Regulation, Temporary Regulation 33 was published in the FEDERAL REGISTER. This implemented Pub. L. 93-356 which amended the Federal Property and Administrative Services Act of 1949 to increase the authority to negotiate small purchases from $2,500 to $10,000. The purpose of these amendments is to further implement the foregoing in the HEW Procurement Regulations.

Although the Administrative Procedure Act exempts rules and regulations relating to public property, loans, grants, benefits or contracts from the public participation procedures of the APA, it is the policy of the Department to utilize these procedures in issuing regulations relating to these categories, 36 FR 2532. However, the Department finds in this instance that the utilization of such procedures is unnecessary because the amendments to the HEWPR are primarily technical and administrative in nature and reflect the changes in the statute and FPR Temporary Regulation 33. Additionally, it is essential that the regulation become effective immediately in order that the Department's small purchase practices and procedures conform to the changes in the statute and FPR.

Nevertheless, the Department invites interested persons to submit written comments, suggestions, or data on these amendments to the HEWPR to the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 3078, HEW Switzer Building, 330 C Street, SW, Washington, D.C. 20201 on or before August 14, 1975.

Material thus submitted will be evaluated and if deemed advisable, the regulation will be amended to take such material into account. Until such time as further changes are made, however, Part 3-3, Subpart 3-3.6, and other amendments as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date: These amendments shall be effective on July 15, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance wth OMB Circular A-107.

Date: July 8, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

PART 3-1—GENERAL

1. In § 3-1.404-2, paragraphs (b) and (c) are revised to read as follows:

§ 3-1.404-2 Designation.

* * * * *

(b) A DHEW Certificate of Appointment suitable for use in the appointment of Department contracting officers is available on an optional basis on the part of each agency. When utilized, this certificate is to be used to identify employees of the Department who have been delegated the authority to obligate the Government by execution of formal two signature contracting documents and/or small purchase orders. The certificate is not to be issued to employees where delegation of authority is restricted to procurement from Mandatory sources of supply (FSS, GSA, Perry Point, Md., DOD, etc.).

(c) Requests for certificates are to be made to the Director, Division of Procurement Policy and Regulations Development, OGPM, OASAM. Requests shall contain the name, current grade, location and extent of authority to be delegated.

PART 3-3—PROCUREMENT BY NEGOTIATION

2. In Part 3-3, Subpart 3-3.6 is amended as follows:

§ 3-3.600 Scope of subpart.

This subpart prescribes the policies and procedures for purchases of supplies and nonpersonal services when the aggregate dollar amount in any one trans-

V40-136 JUL 15 75 XUM

action does not exceed $10,000. Purchases not in excess of $10,000 which are accomplished in accordance with the policies and procedures of this subpart 3–3.6 shall be termed "small purchases." Small purchase methods included in this subpart include solicitations made either orally, or in writing using a SF–18, and award via Standard Form 147 (Order for Supplies or Services); Standard Form 44 (Purchase Order-Invoice-Voucher); Blanket Purchase Agreements (BPA), or Imprest Funds. Procurements not in excess of $10,000 which are accomplished by more formal negotiation methods other than those prescribed in this subpart and which are negotiated pursuant to 41 U.S.C. 252(c)(3), are also defined as small purchases for reporting purposes. In arriving at the "aggregate dollar amount" involved, all supplies and services must be included which would be properly grouped together in a single advertisement for bids if the procurement were being effected by formal advertising. The amount of $10,000 includes the total price of the order including all estimated handling and freight charges to be paid to the prospective contractor. Requirements aggregating more than $10,000 shall not be broken down into several purchases which are $10,000 or less merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under §§ 1–3.6 and 3–3.6.

§ 3–3.601 Purpose and applicability.

(a) *Purpose.* The objective of the simplified small purchase methods prescribed herein is to reduce administrative costs to the extent possible within the limits of applicable laws and regulations.

(b) *Applicability.* (1) The policies and procedures in 1–3.6 and this subpart shall not be used for the following:

(i) Procurements not in excess of $10,000 which are accomplished through delivery orders issued under indefinite delivery contracts, e.g., definite quantity contracts, requirements contracts, and indefinite quantity contracts.

(ii) Procurements made by formal advertising or negotiation other than by § 1–3.203, which were initially estimated to exceed $10,000, but ultimately resulted in a preaward price of $10,000 or less.

(iii) Small purchases which are initially estimated not to exceed $10,000, but ultimately result in a preaward price in excess of $10,000. If the price exceeds $10,000, the authority of 41 U.S.C. 252(c)(3) may not be used.

(iv) Construction requirements estimated to exceed $2,000. However, if the initial estimate is $2,000 or less but the ultimate preaward dollar amount resulting from quotations received exceeds $2,000, but does not exceed $2,500, award may be made pursuant to the policies and procedures of § 1–3.6, this subpart, and the authority in 41 U.S.C. 252(c)(3) which is permitted by § 1–18.302. (See § 1–18.3 for policies and procedures pertaining to the procurement of construction by negotiation.)

(v) Procurement of architect-engineer professional services of any dollar amount. (See §§ 1–4.10 and 1–16.7 for policies, procedures, and forms pertaining to the procurement of A & E services.)

(2) This subpart does not preclude the use of bilateral purchase orders, Standard Forms 19 and 19B for construction contracts under $2,000 (see § 1–16.402–1), or a negotiated two-party formal contract for procurements not in excess of $10,000 where the procurement requires a specific contract provision relating to technical inspection or test, specification changes, government furnished property, insurance, patents, price adjustments, or the like.

§ 3–3.602 Policy.

(a) *Negotiation Authority.* Negotiated contracts or purchases aggregating $10,000 or less shall be made under the authority of 41 U.S.C. 252(c)(3) and § 1–3.302 rather than under any of the other sections in § 1–3.2. Procurements for expert or consultant services shall be made under 41 U.S.C. 252(c)(3) and § 1–3.203 rather than under 41 U.S.C. 252(c)(4) or 41 U.S.C. 252(c)(15). Small purchases which are set-aside for small business unilaterally or jointly shall be made under the authority of 41 U.S.C. 252(c)(3) and § 1–3.203 rather than under 41 U.S.C. 252(c)(1) or 41 U.S.C. 252(c)(15). The negotiation authority shall be cited on the face of the Standard Form 147.

(b) Placement of small purchases with small business concerns, labor surplus area concerns, and minority business enterprises shall be encouraged to the extent consistent with the objectives of this subpart. When source lists are maintained for procurements of $10,000 or less, these source lists should include known concerns in these categories. These concerns and enterprises shall be given opportunities, at least equal to other firms, to submit quotations in response to small purchase solicitations.

(c) *Mandatory Sources.* Purchases shall be made in the open market only when requirements cannot be satisfied by requisition or order from mandatory sources in accordance with Part 1–5 or Federal Supply Schedule contracts in accordance with FPMR 101–26.4.

(d) *Limitations on the use of Small Purchase Methods.* (1) The contracting officer has the responsibility and authority to determine which purchase method is most suitable, efficient, and economical for use in meeting the immediate requirement.

(2) The small purchase methods are designed to procure defined, off-the-shelf, standard supplies, equipments, or services which may be awarded on the basis of a fixed price quotation. Small purchase methods should not be used to procure R & D, complex studies, services, and the like (which require judgmental technical evaluations and involved negotiations) where the award cannot be confidently made on the low price. Where procurements are not suitable for accomplishment using small purchase methods more formal negotiation methods or formal advertising should be used.

(3) Small purchases accomplished in accordance with this subpart may not be awarded on a cost-reimbursement basis.

(4) *Consultants.* Small purchase methods should be used with great prudence for the procurement of consultants to avoid the increased possibility at the higher dollar level of $10,000, of using consultants in an improper personal service capacity. Consideration should be given to § 3–22.2, *Procurement of Expert and Consultant Services*, prior to each purchase for consultant or expert services.

(5) Delegations of contracting officer authority for small purchases may be selectively increased from $2,500 up to $10,000 provided purchasing agents have met the selection requirements in § 3–1.404–1 and have a working knowledge of the requirements of this subpart. Personnel responsible for making and approving small purchases should acquire formal training in this area.

§ 3–3.603–2 Data to support small purchases.

See § 1–3.603–2.

§ 3–3.603–50 Conduct of small purchases.

(a) *Purchases not in excess of $500.* (1) Competition. Purchases not in excess of $500 may be accomplished without securing competitive quotations. Such purchases are exempt from § 3–3.802–50 which requires a written justification for noncompetitive procurement. Purchases shall be distributed equitably among qualified sources. Purchases not in excess of $500 shall not be made repetitively to one source except for reasons which will clearly and convincingly justify a noncompetitive procurement in accordance with § 3–3.802–50. Where there are multiple sources available to provide an item or service, a quotation should be solicited from other than the previous source prior to placing a repeat order.

(2) Solicitation of Quotations. Quotations for purchases not in excess of $500 should usually be made orally but may be made in writing. If written solicitations are used, they must be accomplished in accordance with § 3–3.603–50(b)(6)(ii).

(3) Evaluation of price. The administrative cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved. No written determination as to the reasonableness of the price is required except in instances where there is serious doubt as to the reasonableness of the price.

(b) *Purchases in excess of $500 up to $10,000.* The following describes the major considerations and steps involved in making purchases in excess of $500 up to $10,000.

(1) *Specification-statement of work.* The purchase requirement as described in a specification or statement of work must be clear and complete. Clarity is important to achieve effective competition because it enables all potential quoters to reach a common understanding of the requirement. A complete expression of the Government's requirement reduces potential misunderstandings in competitive procurements and increases the probability that the Government will receive what is actually required.

(2) *Notice of intention to make a service contract.* The requirement in § 1–12.905–3 to forward a Standard Form 98, Notice of Intention to Make a Service Contract, to the Department of Labor for any contract exceeding $2,500 also applies to small purchases over $2,500.

(3) *Competition.* Solicitation of competitive quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered. Generally, three is a reasonable number of sources for purchases in excess of $500 but under $5,000. More than three sources may be solicited at the discretion of the contracting officer. A reasonable number of sources for purchases of $5,000 up to $10,000 is a minimum of three. A maximum number cannot be specified apart from considering the nature of the requirement to be purchased.

(4) *Noncompetitive purchases.* Purchases in excess of $500 up to $10,000 which are made noncompetitively require justification as to why competition was not obtained. The justification, which may be in the form of a statement in the request for contract or requisition, must address the considerations in § 3–3.802–50. The contracting officer may aprove or disapprove the justification. Award of the contract or purchase order up to $10,000 by the contracting officer shall constitute approval of the justification.

(5) *Synopsis (1–1.10).* Small purchases of $5,000 and above shall be synopsized in the Commerce Business Daily in accordance with § 1–1.10 unless one of the exceptions in § 1–1.1003–2 applies. Synopses shall be sent to the Commerce Business Daily and due dates for receipt of quotations shall be timed so that there is a reasonable time for potential quoters to request RFQ's and submit quotations. Generally the synopsis should be mailed to the Commerce Business Daily 10 days prior to but not later than the day the SF–18 is released. Approximately 30 days should be planned between publishing of the synopsis and the due date for receipt of quotations. The synopsis should contain notice that the requirement is a small purchase.

(6) *Solicitation of quotations.* (i) Solicitations for purchases under $5,000 may be solicited either orally or in writing. Data to support oral solicitations shall be in accordance with § 1–3.603–2. Written solicitations should be used when (A) the sources are located outside the local area, (B) special specifications are involved, (C) a large number of items are included in a single proposed procurement, or (D) obtaining oral quotations is not considered efficient. Written solicitations for purchases under $5,000 shall be prepared in accordance with the following paragraph § 3–3.603–50(b)(6)(ii).

(ii) Written solicitations shall be used for all purchases estimated to be $5,000 up to $10,000. Standard Form 18, Request for Quotations, shall be used for written solicitation of quotations in accordance with § 1–16.201. Written competitive solicitations shall contain the following elements as a minimum.

(A) Specification or Statement of Work.

(B) Delivery schedule.

(C) Quantity.

(D) Evaluation criteria if the award will not be made on low price alone to the lowest, responsive, responsible quoter. If quotations must be evaluated as being technically acceptable, as in the case of studies or other requirements which require conceptual products, the criteria for determining technical acceptability, and the importance of price relative to technical factors must be stated in the solicitation. Quoters must be informed of all evaluation factors and the relative weight attached to each factor where awards will not be made on the basis of lowest price.

(E) Add the clauses as required by § 3–3.605–2(b)(3) and (4).

(F) Add the Certifications and Representations as required by § 3–3.605–2(b)(5).

(G) Cite the negotiation authority of 41 U.S.C. 252(c)(3).

(H) State the due date for receipt of quotations and include the provision prescribed by § 1–3.802–1 regarding consideration of late proposals.

(iii) Amendment of Request for Quotation—Prior to Closing Date.

(A) If after issuance of a request for quotations, but before the closing date of their receipt, it becomes necessary to make significant changes in quantity, specifications, delivery schedules or any change in closing dates, or to correct a defect or ambiguity, such change shall be accomplished by issuance of an amendment to the request. Requests for quotations using the SF–18 may be amended by letter. Oral requests for quotations may be amended orally.

(B) When it is considered necessary to issue an amendment to a request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, extension of time may be made by telegram or telephone. Such notification should be confirmed in the amendment.

(C) Any information given to one potential quoter concerning a request for quotations shall be furnished promptly to all other potential quoters in an amendment to the request, if such information is necessary to potential quoters in submitting quotations, or if the lack of such information would be prejudicial to uninformed potential quoters.

(7) *Late quotations.* The policy of § 1–3.802–1, *Consideration of Late Proposals*, is made applicable by this regulation to written small purchase quotations received after the time set for receipt at the purchasing office. Any oral quotation received at the purchasing office after the time set for receipt shall not be accepted. Because late written quotations shall not be considered except as provided for in § 1–3.802–1 it is important to allow potential quoters enough time to submit their quotations.

(8) *Evaluation and selection of quotations for negotiation and award.* Quotations must be evaluated in accordance with the evaluation criteria in the solicitation. Unless otherwise stated in the solicitation, awards will be made to the lowest, responsible, responsive quoter. Equal low quotations shall be awarded in accordance with § 1–2.407.6. In the negotiation of competitive small purchases, it is not required to establish a competitive range or conduct written or oral discussions as described in § 1–3.805 or § 3–3.51.

(9) *Evaluation of price.* Some form of price or cost analysis should be made on each small purchase over $500 to determine that the proposed price is reasonable in accordance with the guidance in § 1–3.807–2. When competitive quotations are received and award is made to the lowest priced quoter, and the contracting officer concludes that the lowest price is reasonable, no written determination of price reasonableness is required. When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting the lower quotation shall be included in the purchase order file by notation on the worksheet or by a separate memorandum. When only one quotation is received, a written determination of price reasonableness is required.

(10) *Award documents.* (i) Small purchase awards shall generally be made using the Standard Form 147 in § 1–16.301–2. If special conditions require, a two party formal contract may be issued under $10,000.

(ii) Clauses required by § 3–3.605–2(b)(3) and (4) shall be incorporated in the SF–147 by reference or shall be physically attached.

(iii) *Determining Contractor acceptance.* When a potential source submits a bid in response to a Solicitation for Bids or a proposal in response to a Request for Proposal, the bid and proposal constitute written offers which may be unilaterally accepted by the Government. Upon acceptance by the Government, a contract comes into being

V40I136 JUL 15 75 XUM

which legally obligates funds. A quotation submitted in response to a written Standard Form 18, Request for Quotation, or an oral solicitation is not to be construed as an offer which can be unilaterally accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a potential source's quotation is merely an offer by the Government to the prospective contractor to buy certain goods or services upon specified terms and conditions. The purchase order does not become a fund obligating contract until the prospective contractor accepts the Government's offer. The recommended practice for determining the time of acceptance of the Government's purchase order is to ask the prospective contractor to provide written acceptance upon receipt of the purchase order. Upon acceptance by the contractor, a contract comes into being which then obligates the funds on the purchase order. If written acceptance is not requested and/or received, delivery on purchase orders evidences acceptance thereof and, provided such delivery is accomplished during the period of availability of funds being cited, the cited funds may be properly obligated. If written acceptance is not received, and deliveries are accepted subsequent to the period of availability of the funds cited in the purchase order, a new and current funding citation must be provided for the processing of an amended purchase order. (See DHEW Accounting Manual Ch. 2–30–30 F. 6.)

(iv) *Modifying a purchase order.* (A) Standard Form 30 or other functionally equivalent forms approved for use by the Director, Division of Procurement Policy and Regulations Development, OGPM, shall be used to modify the purchase order for administrative or other changes.

(B) Modifications making administrative changes such as the correction of typographical errors, changes in paying office and changes in accounting and appropriation data do not require contractor acceptance. In addition, the issuance of no cost amended shipping instructions which modify unilateral purchase orders and which have been concurred in by the contractor by telephone or letter do not require contractor acceptance by signature on the Standard Form 30.

(C) To otherwise modify the purchase order, and if not previously included in the purchase order, the changes clause in § 1–7.102–2 shall be incorporated in the Standard Form 30 (Amendment of Solicitation/Modification of Contract), and the contractor acceptance obtained by his signature on the Standard Form 30. Subsequent changes pursuant to the Changes clause shall not require contractor acceptance. However, other modifications outside the scope of the changes clause, such as the addition of the Government Property Clause, shall require contractor acceptance by signature on the Standard Form 30.

(v) *Termination of purchase orders.* A purchase order which has not been accepted in writing or by delivery by the prospective contractor may be withdrawn or canceled by the contracting officer any time prior to acceptance. Notice of withdrawal or cancellation shall be in writing and shall request the prospective contractor's acknowledgement thereof. If the contractor has accepted the purchase order in writing or on a subsequently issued Standard Form 30, and it later becomes necessary to terminate the purchase order, the contractor should be asked to agree to cancellation of the order without cost or liability to either party. If he agrees, the cancellation shall be effected by use of Standard Form 30, as a No-Cost settlement in accordance with § 1–8.209–4, signed by the contracting officer and the contractor. If the contractor does not agree to a no-cost settlement of a purchase order which has been accepted, termination of a purchase order will be processed in accordance with the Termination for Convenience clause and Part 1–8 of Title 41.

(12) *Debriefings and notification of unsuccessful quoters.*

(i) Debriefings shall be provided in accordance with § 3–3.103–50 to unsuccessful quoters upon their request.

(ii) The notification of unsuccessful offerors in § 3–3.103–50(b)(2) is not applicable to procurements of $10,000 or less.

(13) *Protests.* There is nothing which prevents a quoter or an interested party from protesting against the placement or manner of handling a small purchase. Protests against small purchases shall be processed in accordance with § 3–2.407–8.

(c) *Close out.* Purchasing officer shall initiate the close out of small purchase files upon determination by the office accumulating the file that the order is complete. An order is completed when (1) the contractor has completed the required deliveries or supplies and the Government has inspected and accepted such supplies, (2) the contractor has performed all services and the Government has accepted such services, or (3) notice of termination has been given to the contractor by the Government or the parties mutually agree to a no cost cancellation and, (4) final payment has been made. Rental, use, and storage agreements shall be considered to be complete when a notice of termination has been issued or the period has expired and final payment has been made.

(d) *Reports of small purchases.* [Reserved.]

§ 3–3.604 Imprest funds (petty cash) method.

§ 3–3.604–3 Agency responsibilities.

(a) Requests to establish imprest funds shall be made to the responsible fiscal office.

(b) At larger activities where the agency cashier may not be conveniently located near the purchasing office, a Class C Cashier may be installed in the purchasing office.

(c) Documentation of cash purchases shall be in accordance with instructions contained in the HEW Voucher Audit Manual Part 1, Chapter 1–10.

(d) The amount of each imprest fund shall be established on the basis of the estimated monthly payment and the need for replenishment. A review shall be made by the responsible official at least quarterly to insure that the fund is not in excess of needs, and appropriate adjustments made accordingly.

§ 3–3.605 Purchase order forms.

§ 3–3.605–1 Standard Form 44, Purchase Order-Invoice-Voucher.

* * * * *

(d) *Instructions for use.* The responsible procurement office will instruct the user as to limitations and procedures for use of SF–44 as outlined in 1–3.605–1.

(e) *Agency implementation.* Since SF–44 is an accountable form, a record shall be maintained of serial numbers of forms, to whom issued and date issued. SF–44's shall be kept under adequate lock and key to prevent unauthorized use. A reservation of funds shall be established to cover total anticipated expenditures prior to use of SF–44.

§ 3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) *General.* * * *

(2) SF–147 and 148 are mandatory for use in the Department as the standard purchase order forms for small purchases not in excess of $10,000.

(b) *Terms and conditions.* (3) The following terms and conditions shall be added or otherwise incorporated by reference whenever Standard Forms 18 and 147 are used for small purchases in excess of $2,500:

(i) *Examination of records by Comptroller General.* § 1–7.103–3.

(ii) *Listing of employment openings.* § 1–12.1102–2.

(iii) *Employment of the handicapped.* § 1–12.1304.

(iv) *Termination for convenience of the government.* § 1–8.705.

(4) The following terms and conditions shall be added or incorporated by reference whenever required by the Federal Procurement Regulations:

(i) *Utilization of small business concerns.* § 1–1.710–3(a). (All actions which may exceed $5,000.)

(ii) *Utilization of labor surplus area concerns.* § 1–1.805–3(a). (All actions which may exceed $5,000.)

(iii) *Utilization of minority business enterprises.* § 1–1.1310–2(a). (All actions which may exceed $5,000.)

(iv) *U.S. products and services (Balance of Payments Program.* § 1–6.806–4. (All actions subject to the Balance of Payments program in excess of $2,500.)

(v) *Contract work hours and Safety Standards Act.* § 1–12.303. (All actions in excess of $2,500 which are not subject to the Service Contract Act of 1965.)

(vi) *Service Contract Act of 1965.* § 1–12.904–1. (Service contracts in excess of $2,500.) For services contracts not exceeding $2,500 use the clause in § 1–12.904–2.

(5) The following are the Certification requirements applicable to small purchases when the SF–147 is used.

(i) *The Certification of independent price determination.* § 1–1.317 is not applicable to small purchases.

(ii) *The Buy American Certificate.* (§ 1–6.104–3).

(iii) Labor Surplus Area Representation should be obtained when a labor surplus area set-aside has been made and for use in deciding between equal priced quotations.

§ 3–3.606 Blanket purchase arrangements.

§ 3–3.606–4 Documentation.

(a) Each blanket purchase arrangement (BPA) shall be documented by issuance of a purchase order appropriately numbered. Each BPA shall contain the following provisions:

(1) Authorization to the supplier to furnish the supplies or services described in general terms, when ordered by authorized personnel listed therein.

(2) A statement that individual orders will not exceed $5,000 per order.

(3) A statement that the Government will be obligated only to the extent of the orders placed against the BPA by authorized personnel.

(4) A stipulation that the supplier's established discounts will apply to orders placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, including call number, date of order, name of individual placing the order, an itemized list of supplies or services furnished including unit price and extension of each item, applicable discount, date of delivery and the signature of the Government employee receiving the item or service.

(6) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(7) Each BPA shall cite 41 U.S.C. 252 (c)(3) as authority for negotiation.

§ 3–3.606–5 Agency implementation.

(a) The procurement office shall review the blanket purchase arrangement files at least annually to assure that authorized procedures are being followed. In addition, the procurement office shall review and update as required each blanket purchase arrangement at least annually.

* * * * *

(e) Delivery tickets signed by the Government employee receiving the item or service will be forwarded to the fiscal office or other paying office as designated by the operating agency. Payment will be made on the basis of the signed delivery tickets and properly itemized invoice. Procurement activities will ensure that established procedures allowing for availability of funds are in effect prior to placement of orders.

(g)(1) Competition under BPA's will be obtained in accordance with 3–3.603–50(a)(1) and (b)(3). When concurrent agreements are in effect for similar items, orders not in excess of $500 shall be equitably distributed. Where there is an insufficient number of BPA's for any given class of supplies or services to assure adequate competition on orders in excess of $500, the individual placing the order shall solicit quotations from other sources in addition to the BPA source(s), or establish additional BPA's.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

3. In Part 3, Subpart 3–3.8, § 3–3.802–50, paragraphs (b) (1) and (2) are revised to read as follows:

§ 3–3.802–50 [Amended]

* * * * *

(b) *Exclusions.* The provisions of this § 3–3.802–50 do not apply to: (1) Procurements of $500 or less (see 3–3.603–50(a)), (2) procurements of architect-engineer, physician, veterinarian, dentist, registered nurse, or legal services (where such individuals are performing services in these capacities) under the authority of 41 U.S.C. 252(c)(4) or 41 U.S.C. 252(c)(3) where the amount of the purchase does not exceed $10,000.

* * * * *

4. In § 3–3.802–50, in paragraph (d)(1) delete $250 and $2,500 and add $500 and $10,000 respectively in lieu thereof.

5. In § 3–3.802–50, in paragraph (d)(2) delete $2,500 and add $10,000 in lieu thereof.

PART 3–16—PROCUREMENT FORMS

§ 3–16.50 [Amended]

4. In Subpart 3–16.50, § 3–16.5000, in paragraph (b)(1), $2,500 is deleted and $10,000 is added in lieu thereof.

[FR Doc.75–18253 Filed 7–14–75;8:45 am]

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–3—PROCUREMENT BY NEGOTIATION

PART 3–16—PROCUREMENT FORMS

Miscellaneous Amendments to Chapter

On December 4, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 41988 and 41989) stating the Department of Health, Education, and Welfare is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3–3.802–1, Consideration of late proposals, to Subpart 3–3.8, Price Negotiation Policies and Techniques, and amending § 3–3.103–50, Notifying and debriefing of unsuccessful offerors, Subpart 3–3.51, Selection of offerors for negotiation and award, and § 3–16.5001, Standardized request for proposal (RFP) format and checklist for solicitation documents.

Interested persons were invited to submit written data, views and comments within 30 days after publication. Comments were received from four organizations.

The comments were primarily concerned with the five-day requirement of mailing before the due date. The five-day period is required by the Federal Procurement Regulations (FPR) and it cannot be altered without revision of the FPR.

Other comments concerned the use of registered or certified mail in the submission of proposals. Verification of mailing of the proposal is required by the FPR and mailing of proposals by registered or certified mail would meet these requirements. Another comment questioned the relevance of § 3–3.802–1 (a), (b)(1), (e). It is considered relevant because the successful offeror could submit a modification which would make his proposal even more favorable to the Government and the Government should be able to accept such a modification. The last comment concerned standardizing the day and hour proposals are due within the Department. Our examination determined this not to be feasible in that the contracting officer should be in a position to establish the time proposals are due.

We have added an implementation of 1–3.802–2 to the regulation. However, it should be noted that the provisions of 3–3.802–1 will apply relative to the handling of late proposals unless the head of the procuring activity determines otherwise. The head of a procuring activity would make this determination relative to a class of contracts, i.e., research and development, supply, etc. It is anticipated that only a few principal operating components would utilize the alternate instructions and the class of contracts involved would be research and development.

Also, this regulation confirms instructions furnished to principal operating components relative to the handling of late proposals. Therefore, after consideration of the views presented, the amendment is hereby adopted, subject to the following changes:

1. The following is added as a new § 3–3.802–2, *Alternate procedures for consideration of late proposals*, to Subpart 3–3.8, Price Negotiation Policies and Techniques. This addition is added as paragraph 2 to the rule and the other paragraphs will be renumbered 3, 4, and 5, respectively.

§ 3–3.802–2 Alternate procedures for considerations of late proposals. (a) When the head of the procuring activity determines that the procedures set forth in § 3–3.802–1 are not applicable to certain classes of negotiated procurement conducted by his activity, he may authorize the adoption of the following procedures for consideration of late proposals and modifications (except where the procurement of general purpose automated data

V40 I136 JUL 15 75 XUM

processing equipment is involved unless the use of the procedures set forth in this § 3–3.802–2 is expressly authorized by the Commissioner, Automated Data and Telecommunications Service, GSA).

(b) Requests for proposals that fall within a class of negotiated procurement for which it has been determined, in accordance with § 3–3.802–2(a), that the requirements of § 3–3.802–1 are not applicable shall contain the following provision:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWAL OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and;

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) It is the only proposal received; or

(4) It offers significant cost or technical advantages to the Government, and it is received before a determination of the competitive range has been made.

(b) Any modification of a proposal is subject to the same conditions as in (a) of this provision.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered mail or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification of proposal shall be deemed to have been mailed later. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(e) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(f) Generally, contracting officers, assisted by audit or pricing personnel, will be able to make a determination of the significance of any reduction in cost or price to the Government offered by a late proposal. In order to determine if a late proposal offers a significant technical advantage to the Government, the contracting officer will first obtain a written statement from the individual responsible for the technical evaluation of proposals. The statement must clearly demonstrate that it is advantageous to the Government to consider the late proposal. It must also state what the proposal's significant advantages are and why they are important to the Government. This statement must be approved at a level equal to that of Division Director of the Program Office. The contracting officer will then make the determination whether to consider the late proposal based on the data set forth in the statement from the individual responsible for the technical evaluation of proposals.

(g) Determination of the competitive range shall be made in accordance with Section 3–3.5107. All offerors shall be notified at the same time whether their proposals are within the competitive range, and the date of such notification shall be considered to be the date of the determination. Debriefings of unsuccessful offerors shall be in accordance with § 3–3.103–50 of this Chapter, however debriefings should be conducted only after award has been made.

2. Paragraph (b)(2) of § 3–3.103–50, *Notifying and debriefing of unsuccessful offerors*, is hereby deleted and the following is substituted in lieu thereof:

(2) If the procedures set forth in § 3–3.802–1 are utilized, and an award will be made within 30 days after a determination of the competitive range has been made, a preaward notification to offerors regarding whether their proposals are within the competitive range is not required. A preaward notification is required if the procedures set forth in § 3–3.802–2 are utilized or if it will take longer than 30 days after the determination of the competitive range has been made to make an award. The contract file must be documented to show when such a determination is made.

If the alternate procedures (§ 3–3.802–2) are utilized, a preaward notification must be given to all offerors at the same time, as soon as practicable, after the determination of the competitive range has been made. The following is a sample preaward notification letter to those offerors considered to be not within the competitive range:

Subject: DHEW Request for Proposal (RFP) No.-------

GENTLEMEN: Your proposal submitted in response to the subject Request for Proposal (RFP) has been evaluated. Upon examination of your proposal in accordance with the criteria set forth in the RFP, it has been determined that the proposal is not within the competitive range, price and other factors considered. (A brief explanation of the reasons for this determination should also be included in the letter.) No further information is available at this time. You will be notified of any award(s) made as a result of the solicitation.

Notification will include the name of the successful offeror(s) and dollar amount of the resulting contract(s).

Since no further negotiations will be conducted with you concerning the subject RFP, no revision of your proposal will be considered.

Your interest in our requirements is appreciated.

Sincerely yours,

Contracting Officer.

The required preaward notification to offerors whose proposals are outside the competitive range, when the procedures specified in § 3–3.802–1 are utilized, need only state that the offeror's proposal was determined to be outside the competitive range and in general terms state the reasons for this determination. In any preaward notification to offerors whose proposals are not within the competitive range, particular care should be taken to ensure that the offerors are advised that proposal revisions will not be considered. Whenever a preaward notification is required, the preaward notification to those offerors in the competitive range need only state this fact.

A postaward notification will be given to every unsuccesful offeror and it will include the name of the successful offeror(s) and dollar amount of the resulting contract(s). Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted. Debriefings of unsuccessful offerors should be conducted only after award has been made. Debriefings may be given before award if the contracting officer determines it is in the best interest of the Government to do so and that such a debriefing would not harm the integrity of the procurement process. Any debriefing which is given before the award of a contract shall be limited to a discussion of the unsuccessful offeror's proposal. Costs and prices proposed by other offerors will not be discussed at preaward debriefings.

* * * * *

3. Paragraph (1)(4) of § 3–16.5001, Standardized request for proposal (RFP) format and checklist for solicitation documents is hereby deleted and the following is substituted in lieu thereof.

(4) LATE PROPOSAL, MODIFICATIONS OF PROPOSALS AND WITHDRAWALS OF PROPOSALS

(a) If the procedures set forth in § 3–3.802–1 are utilized, include the provision set forth in § 3–3.802–1(a).

(b) If the procedures set forth in § 3–3.802–2 are utilized, include the provision set forth in § 3–3.802–2(b).

(5 U.S.C. 301; 40 U.S.C. 486)

Effective date: These regulations shall become effective July 15, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: July 8, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

1. The new § 3–3.802–1 will read as follows:

§ 3–3.802–1 Consideration of late proposals.

(a) The following provision regarding the receipt and consideration of proposals for award that are received after the exact time set for receipt in the request for proposal shall be placed in each solicitation:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS AND WITHDRAWAL OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; or

(3) It is the only proposal received.

(b) Any modification of a proposal, except a modification resulting from the Contracting Officer's request for "best and final" offer is subject to the same conditions as in (a)(1) and (a)(2) of this provision.

(c) A modification resulting from the Contracting Officer's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the Government after receipt at the Government installation.

(d) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(e) Notwithstanding (a), (b), and (c), of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(f) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(b) Proposals and modifications of proposals received in the office designated in the request for proposals after the exact time specified are late proposals and shall be considered for award only if the circumstances set forth in the provision in § 3–3.802–1(a) of this section, are applicable. When a late proposal or modification of proposal is received and it is clear from available information that it cannot be considered for award (e.g., when the postmark clearly shows that the proposal was mailed later than the fifth day prior to the date specified), the contracting officer, or his authorized representative, shall promptly notify the offeror that it was received late and will not be considered for award. However, when a late proposal or modification of proposal is transmitted by registered or certified mail and it is received before award but it is not clear from the available information whether it can be considered, the offeror shall be promptly notified substantially in accordance with the notice in § 1–2.303–6, appropriately modified to relate to proposals.

(c) Where only one proposal is involved and it is received after the time specified, it may be evaluated and considered for award. As used in this section the term "only proposal received" means a proposal which is one submitted by (1) the only offeror responding to the request for proposals, (2) a sole source, or (3) an offeror who is offering proprietary items in response to a request for proposal which specifies that awards will be made on the basis of proprietary items identified by the offeror by brand name, model, type, or other identification. With respect to paragraph (c) (3) of this section the term does not mean an offer which is based on a performance specification or a brandname product which is specifically identified in the request for proposal.

(d) The normal revisions of proposals by offerors selected for discussion during the usual conduct of negotiations with such offerors are not to be considered as late proposals or later modifications to proposals but shall be handled in accordance with § 1–3.805.

2. The following is added as a new § 3–3.802–2, alternate procedures for consideration of late proposals, to Subpart 3–3.8, Price Negotiation Policies and Techniques.

§ 3–3.802–2 Alternate procedures for consideration of late proposal.

(a) When the head of the procuring activity determines that the procedures set forth in § 3–3.802–1 are not applicable to certain classes of negotiated procurement conducted by his activity, he may authorize the adoption of the following procedures for consideration of late proposals and modifications (except where the procurement of general purpose automated data processing equipment is involved unless the use of the procedures set forth in this § 3–3.802–2 is expressly authorized by the Commissioner, Automated Data and Telecommunications Services, GSA).

(b) Requests for proposals that fall within a class of negotiated procurement for which it has been determined, in accordance with § 3–3.802–2(a), that the requirements of § 3–3.802–1 are not applicable shall contain the following provisions:

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWALS OF PROPOSALS

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and;

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) It is the only proposal received; or

(4) It offers significant cost or technical advantages to the Government, and it is received before a determination of the competitive range has been made.

(b) Any modification of a proposal is subject to the same conditions as in (a) of this provision.

(c) The only acceptable evidence to establish;

(1) The date of mailing of a late proposal or modification sent either by registered mail or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the proposal or modification of proposal shall be deemed to have been mailed later. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(e) Proposals may be withdrawn by written or telegraphic notice received at any time prior to award. Proposals may be withdrawn in person by an offeror or his authorized representative, provided his identity is made known and he signs a receipt for the proposal prior to award.

(f) Generally, contracting officers, assisted by audit or pricing personnel, will be able to make a determination of the significance of any reduction in cost or price to the Government offered by a late proposal. In order to determine if a late proposal offers a significant technical advantage to the Government, the contracting officer will first obtain a written statement from the individual responsible for the technical evaluation of proposals. The statement must clearly demonstrate that it is advantageous to the Government to consider the late proposal. It must also state what the proposal's significant advantages are and why they are important to the Government. This statement must be approved at a level equal to that of Division Director of the Program Office. The contracting officer will then make the determination whether to consider the late proposal based on the data set forth in the statement from the individual responsible for the technical evaluation of proposals.

(g) Determination of the competitive range shall be made in accordance with Section 3–3.5107. All offerors shall be notified at the same time whether their proposals are within the competitive range, and the date of such notification shall be considered to be the date of the determination. Debriefings of unsuccessful offerors shall be in accordance with § 3–3.103–50 of this Chapter, however debriefings should be conducted only after award has been made.

3. Paragraph (b)(2) of § 3–3.103–50 *Notifying and debriefing of unsuccessful offerors*, is hereby revised as follows:

§ 3–3.103–50 Notifying and debriefing of unsuccessful offerors.

* * * * *

(b) * * *

(2) If the procedures set forth in § 3–3.802–1 are utilized, and an award

V 40 136 JUL 15 75 XUM

will be made within 30 days after a determination of the competitive range has been made, a preaward notification to offerors regarding whether their proposals are within the competitive range is not required. A preaward notification is required if the procedures set forth in § 3–3.802–2 are utilized or if it will take longer than 30 days after the determination of the competitive range has been made to make an award. The contract file must be documented to show when such a determination is made. If the alternate procedures (§ 3–3.802–2) are utilized, a preaward notification must be given to all offerors at the same time, as soon as practicable, after the determination of the competitive range has been made. The following is a sample preaward notification letter to those offerors considered to be not within the competitive range.

Subject: DHEW Request for Proposal (RFP) No. ------

GENTLEMEN: Your proposal submitted in response to the subject Request for Proposal (RFP) has been evaluated. Upon examination of your proposal in accordance with the criteria set forth in the RFP, it has been determined that the proposal is not within the competitive range, price and other factors considered. (A brief explanation of the reasons for this determination should also be included in the letter.) No further information is available at this time. You will be notified of any award(s) made as a result of the solicitation.

Notification will include the name of the successful offeror(s) and dollar amount of the resulting contract(s).

Since no further negotiations will be conducted with you concerning the subject RFP, no revision of your proposal will be considered.

Your interest in our requirements is appreciated.

Sincerely yours,

Contracting Officer.

The preaward notification to offerors whose proposals are outside the competitive range when the procedures specified in § 3–3.802–1 are utilized, need only state that the offeror's proposal was determined to be outside the competitive range and in general terms state the reasons for this determination. In any preaward notification to offerors whose proposals are not within the competitive range particular care should be taken to ensure that the offeror is advised that proposal revisions will not be considered. Whenever a preaward notification is required, the preaward notification to those in the competitive range need only state this fact. A postaward notification will be given to every unsuccessful offeror and it will include the name of the successful offeror(s) and dollar amount of the resulting contract(s). Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted. Debriefings of unsuccessful offerors should be conducted only after award has been made. Debriefings may be given before award if the contracting officer determines it is in the best interest of the Government to do so and that such a debriefing would not harm the integrity of the procurement process. Any debriefing which is given before the award of a contract shall be limited to a discussion of the unsuccessful offeror's proposal. Costs and prices proposed by other offerors will not be discussed at preaward debriefings.

§§ 3–3.5107—3–3.511 [Redesignated]

4. Subpart 3–3.51. Selection of offerors for negotiation and award, is amended as follows:

(a) Sections 3–3.5106 through 3–3.5110 are redesignated as §§ 3–3.5017 through 3–3.5111 respectively.

(b) The following new § 3–3.5106 is added:

§ 3–3.5106 Conduct of evaluation.

Personnel participating in any way in evaluating proposals shall not reveal any information concerning the evaluations underway except to an individual participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. Divulging information during the evaluation, selection, and negotiation phases of the procurement to personnel not having a need to know could jeopardize any resultant award. The Contracting Officer will therefore instruct personnel participating in the evaluations to observe these restrictions and assure that personnel understand that unauthorized disclosure of information, no matter how innocent, could subject such personnel to disciplinary action.

* * * * *

§ 3–16.5001 [Amended]

5. Paragraph (l)(4) of § 3–16.5001, *Standardized request for proposal (RFP) format and checklist for solicitation documents* is hereby deleted and the following is substituted in lieu thereof:

(4) LATE PROPOSAL, MODIFICATIONS OF PROPOSALS AND WITHDRAWALS OF PROPOSAL

(a) If the procedures set forth in § 3–3.802–1 are utilized, include the provisions in § 3–3.802–1(a).

(b) If the procedures set forth in § 3–3.802–2 are utilized, include the provision set forth in § 3–3.802–2(b).

(5 U.S.C. 301; 40 U.S.C. 486)

[FR Doc.75–18252 Filed 7–14–75;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–7—CONTRACT CLAUSES

Listing of Subcontractors

On April 23, 1975, there was published in the FEDERAL REGISTER (40 FR 17848) a notice of proposed rulemaking to amend Part 14–7 of Title 41 of the Code of Federal Regulations by deleting § 14–7.602–50(1) pertaining to the listing of subcontractors under Department of the Interior building construction contracts. Interested persons were given 30 days in which to submit comments regarding the proposed amendment.

All written comments submitted with respect to the proposed amendment have been given full and careful consideration. Several commentors objected to the amendment but they did not offer any data to substantiate the objections and they did not offer any constructive recommendations or substantive reasons which were not already a matter of record.

As a result of comments received and duly considered and pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14–7 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

§ 14–7.602–50(1) [Reserved]

Section 14–7.602–50(1) of Subpart 14–7.6 of 41 CFR is revoked and the section number is reserved.

Effective date. These amendments are effective with respect to all solicitations issued on or after July 15, 1975.

Dated: July 7, 1975.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

[FR Doc.75–18227 Filed 7–14–75;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amdt. B–27]

PART 101–11—RECORDS MANAGEMENT

Standard and Optional Forms Program; Correction

In FR Doc. 75–17113 appearing at page 27655 in the FEDERAL REGISTER of Tuesday, July 1, 1975, the following changes should be made:

1. On page 27656, insert the following entry in the table of contents for Subpart 101–11.8:

§ 101–11.806–8 Forms promulgated by the Interagency Committee on Medical Records.

2. On page 27658, insert § 101–11.806–8 as follows:

§ 101–11.806–8 Forms promulgated by the Interagency Committee on Medical Records.

The Interagency Committee on Medical Records is responsible for standardizing and promulgating forms used as medical records, such as medical examination forms and clinical and health records. The Committee will review all proposed Standard forms in this subject area.

Dated: July 9, 1975.

NORMAN S. PETERSON,
Director, Program Implementation Division.

[FR Doc.75–18236 Filed 7–14–75;8:45 am]

Title 45—Public Welfare

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CHILD SUPPORT ENFORCEMENT PROGRAM

State Plan Requirements

In FR Doc. 75–16663 appearing at page 27156 in the issue for Thursday, June 26, 1975 the second line of § 301.1(h) was omitted it should read as follows: "'Central Office" refer to the Regional of-".

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 75–9]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Interpretations; Dimensional Requirements for Sleeper Berth Exits

The Director of the Bureau of Motor Carrier Safety is amending Appendix A of the Federal Motor Carrier Safety Regulations by adding a new interpretation No. 75–6. The purpose of the amendment is to give the public notice of an interpretation of § 393.76 of the Regulations (49 CFR 393.76).

There has been a misunderstanding in the trucking industry of the meaning of § 393.76. Because of this misunderstanding, many sleeper berths manufactured and installed in recent years do not comply with the Regulations. Therefore, this interpretation is necessary. The misunderstanding arose following the issuance of an amendment on April 16, 1974, (39 FR 14710, April 26, 1974) to the sleeper berth requirements which, among other things, clarified the dimensional requirements for the exit from a sleeper berth into the driver's compartment.

Since this amendment relates to interpretation of existing rules, notice and public procedure thereon are unnecessary.

Therefore, Appendix A to Subchapter B of Chapter III in title 49, CFR, is amended by adding interpretation No. 75–6 as set forth below. (Sec. 204, Interstate Commerce Act, 49 U.S.C. 304; Sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively).

Issued on July 3, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

APPENDIX A—INTERPRETATIONS

* * * * *

DIMENSIONAL REQUIREMENTS FOR SLEEPER BERTH EXITS

[Interpretation 75–6]

Section 393.76 required an exit into the cab from all sleepers installed after December 31, 1952. Before the most recent amendment to § 393.76, this requirement was found in paragraph (h)(1), the last sentence of which specified that the exit into the cab "shall comply with the requirements of paragraph (a) of this section [393.76]."

The regulation required that sleeper berths installed between December 31, 1952, and January 1, 1963, have exits into the cab of sufficient size to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches. Sleeper berths installed after December 31, 1962, were required to have an exit at least 18 inches high and 36 inches wide between the berth and the driving seat.

The amendment to § 393.76 was issued on April 16, 1974, to increase the minimum interior height and width of sleeper berths installed in vehicles manufactured after September 31, 1975. While the amendment made no other changes to the requirements, the entire section was rewritten in an effort to make all of the requirements more easily understood. This amendment resulted in the discovery by several manufacturers that certain sleeper berths installed since December 31, 1962, are in violation of the regulation with regard to the size of the exit into the driver's compartment.

Several thousand sleeper berths have been made and installed since January 1, 1963, in violation of the requirement. In many cases, compliance with the regulation would require cutting vertical structural members at the rear of the cab and constructing wider reinforcements. The cost of this modification, throughout the industry, would be considerable.

In reviewing the situation, the Director has found no evidence that sleeper berths were manufactured, installed, and subsequently moved in interstate commerce in willful violation of the regulations. Several manufacturers have misinterpreted § 393.76 and produced sleeper berths which were not in compliance with the regulation.

The Director concludes that these berths do not pose a serious safety hazard on their occupants. The exit into the cab does meet the original dimensional requirements for an ellipse having a major axis of 24 inches and a minor axis of 16 inches. In addition, each berth has a ready exit at either end which is at least 18 inches high and 21 inches wide.

Therefore, the Director finds that an exit into the cab from a sleeper berth installed between December 31, 1962, and April 1, 1976, is in compliance with § 393.76, provided that the sleeper berth:

(1) Has an exit into the driver's compartment of sufficient area to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches; and

(2) Has at least 2 exits, each of which is at least 18 inches high and 21 inches wide, located at opposite ends of the berth and usable by the occupant without assistance by any other person.

[FR Doc.75–18296 Filed 7–14–75;8:45 am]

V 40-136 JUL 15 75 XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 14]

CHANGES IN CAPITAL STRUCTURE

Evaluation of Debt Issues as Additions to Capital Structure

The Comptroller of the Currency is considering the adoption of Guideline-Criteria for use in evaluating applications by national banks for approval of subordinated debt issues pursuant to 12 CFR 14.5. The Board of Governors of the Federal Reserve System is considering similar Guideline-Criteria for use in evaluating applications from member banks for exemption from Regulations Q and D for subordinated debt issues.

The following Guideline-Criteria are proposed:

GUIDELINE-CRITERIA FOR EVALUATING DEBT ISSUES AS ADDITION TO A NATIONAL BANK'S CAPITAL STRUCTURE

1. *Maximum ratio of debt to equity.* The total amount of subordinated notes and debentures outstanding, including the debt proposed to be issued, should not exceed 50 percent of a bank's equity capital base. However, banks with significant asset or management problems generally would not be presumed to be entitled to issue debt capital up to the 50 percent ceiling. A bank's equity capital base, for purposed of this test, is considered to include capital stock, surplus, undivided profits, capital reserves, and all reserves for losses on loans and securities.

2. *Earnings coverage test.* The total of fixed changes as a result of any issue of subordinated notes or debentures should not exceed 33⅓ per cent of a National bank's average net income before taxes and before fixed charges over the preceding five years. Therefore, in general, average adjusted net income should exceed total fixed charges by a multiple of at least three. For purposes of this test, before-tax net income would include securities gains or losses, exclude extraordinary charges and credits, and would be adjusted where necessary to reflect actual loan loss experience rather than other "provision for loan loss." Total fixed charges include annual interest charges before taxes on all existing debt as well as the new debt proposed to be issued. Fixed charges on existing debt would include interest on all outstanding mortgage debt and subordinated notes and debentures, plus one-third of lease contracts.

In applying this test to a bank that is a subsidiary of a holding company which shows a net deficit on its nonbank operations, the amount of such deficit, calculated on a before-tax basis, would be subtracted from net income as derived from consolidated net income before taxes of the holding company. For multibank holding companies, the nonbank net deficit generally would be allocated among subsidiary banks in proportion to their net income. Ordinarily, the adjustment would be based on data for the most recent year, but, in some cases, an average (covering not more than the most recent five years) would be more representative of prospective earnings experience. This adjustment, in effect, would reduce the allowable amount of new fixed interest expense which could be assumed by any bank whose nonbank affiliates, including the parent holding company, incur an aggregate net deficit. The offset against the bank's earnings recognized the possibility that the parent might have to rely on dividends from the bank in order to cover a nonbank deficit, thereby reducing the bank's ability to maintain or build its equity capital.

3. *Retained earnings test.* Annual pro forma amortization on all subordinated notes and debentures, including the proposed debt issue, should not exceed 50 per cent of a National bank's average retained earnings over the preceding five years. Retained earnings under this criterion are considered to include new income after taxes minus dividends declared on common and preferred stock. For each issue of subordinated debt, including a proposed new issue, annual pro forma amortization would be calculated by dividing the original amount of the issue by the number of years from date of issue to maturity. Total pro forma amortization would be the sum of annual pro forma amortization for all outstanding and proposed issues.

Considerable discretion would be used in the administration of this test.[1] In some circumstances, banks which have issued additional shares of equity capital during the five-year period for which average retained earnings are calculated would receive credit for these new issues as if they had been part of retained earnings. In addition, some banks which have outstanding substantial amounts of relatively short-term subordinated debt prior to the issuance of these guidelines would be granted special consideration in the applicaiton of the retained earnings test to proposed new issues, so long as the new issues were part of a specified program aimed at replacing shorter-term debt with longer-term debt.

[1] Filed as part of the original document (Appendix).

4. *Accumulation of equity over the life of the debt.* Each National bank issuing subordinated notes and debenture would be expected to accumulate equity, in equal annual installments from retained earnings, in an amount sufficient to increase equity capital by the full amount of outstanding and newly issued debt over the lifetime of the debt. In effect, this requirement would provide for replacement of each debt issue with equity by maturity.

5. *Provision for debt retirement.* Where the residual amount of a proposed new debt issue to be repaid at maturity, together with scheduled repayments in that year on other debt-type capital and mortgage indebtedness, would exceed 15 per cent of the bank's present capital base, the bank shall either provide for reducing the amount of debt outstanding at maturity by a sinking fund or other debt-retirement arrangement or have the right to call such obligations for redemption at least five years before maturity.

6. *Approval of interbank debt transactions.* In general, the Comptroller does not intend to approve a subordinated note or debenture issued by a National bank directly or indirectly (through a holding company or otherwise) to another bank as an addition to the issuing bank's capital structure unless specifically authorized as such and addition by the Comptroller upon a presentation and finding of compelling circumstances. Such transactions provide no additional capital protection for the banking system as a whole and ordinarily will be discouraged.

7. *Covenants in conflict with the public interest.* No indenture or other contract covering the issuance of a subordinated note or debenture by a National bank shall include any covenants, restrictions, or other terms which are determined by the Comptroller to be inconsistent with the public interest. Examples of such terms are those regarded as impairing the ability of the bank to comply with statutory or regulatory requirements regarding disposition of assets or incurrence of additional debt, limiting the ability of the Comptroller to take any necessary action to resolve a problem bank situation, unduly interfering with the ability of the bank to conduct normal banking operations, or imposing terms and conditions on the bank that are unduy harsh or onerous.

To facilitate the evaluation of the appropriateness and effectiveness of these guideline-criteria, interested persons are requested to submit relevant data, views, or arguments. Any such material should be submitted in writing to Robert Bloom, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219, to be received not later than August 18, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 4.16 of the Comptroller's regulation relating to availability of information.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-18177 Filed 7-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Proposed Amendments to Species Identification Requirement

Correction

In FR Doc. 75-17290 appearing on page 27943 in the issue for Wednesday, July 2, 1975, make the following corrections:

1. In the 4th line of the paragraph entitled "Submittal of Written Comments", the words "Director (FWS/IE)" should be changed to read "Director (FWS/LE)".

2. In § 20.43, in the next to last line, the words "possessor of" should be changed to read "possessor or".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946 and 980]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Handling Regulation

This proposal would require potatoes grown in the State of Washington to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1975 crop of Washington potatoes and the marketing prospects for this season. The grade, size, cleanliness and maturity requirements proposed herein, which are the same as those currently in effect (39 F.R. 26885) through July 31, 1975, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

One significant proposed change from last season's requirements would be to slightly relax the comparatively tight U.S. No. 1 requirement for potatoes packed in 50-pound cartons by allowing an additional 10 percent tolerance for damage due to hollow heart. This problem usually occurs in the larger size potatoes—the predominant ones packed in cartons. Without this tolerance these larger potatoes would have to be shipped in bags which provide less protection to the potatoes and less ease of handling.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Potatoes grown in the production area could be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 23, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 946.330 would be added to read as set forth below:

§ 946.330 Handling regulation.

During the period August 1, 1975 through July 31, 1976, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade: All varieties.* U.S. No. 2, or better grade.

(2) *Size:* (i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness:* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements.* (1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of hollow heart may be shipped provided the lot contains not more than 10 percent damage by hollow heart, or not more than 5 percent serious damage by internal defects.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning, freezing, and "other processing" as hereinafter defined; or
(7) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in paragraphs (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in (d) (1), (2), (4), and (6) of this section shall be exempt from assessment requirements specified in § 946.41. *Provided,* That shipments pursuant to paragraph (d) (7) shall comply with inspection requirements of (e) (2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the

V40-136 JUL 15 75 XUM

committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraps (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing.

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment.

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall: (i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: July 10, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-18305 Filed 7-14-75;8:45 am]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Oregon-California potatoes, would require inspection of fresh market shipments to keep undesirable low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). This program regulates the handling of Irish potatoes grown in the designated production area and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Oregon-California Potato Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1975 crop in the production area and of the marketing prospects for this season.

The grade, size, quality, maturity and pack requirements as provided herein would be necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop, and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes would be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, pack and inspection requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed would be so exempt, subject to the safeguard provisions only when shipped from the district where grown. Certified seed is no longer inspected when packed.

Shipments for use as livestock feed within the production area or to specified adjacent areas would likewise be exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing would be exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets. Smaller sizes are more acceptable in foreign markets. Therefore, different requirements for export shipments are proposed.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 28, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 947.333 [Removed]

1. *Termination of regulations;* Handling regulation § 947.333 effective August 31, 1974, through October 15, 1975 (39 FR 30341 and 39 FR 32011) shall be terminated upon the effective date of this section.

2. § 947.334 is added to read as set forth below.

§ 947.334 Handling regulation.

During the period August 5, 1975, through October 15, 1976, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (f) of this section, or unless such potatoes are handled in accordance with paragraphs (g), (h) or (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade: Except that potatoes designated U.S. Commercial shall meet all of the requirements and tolerances of U.S. No. 1, except that they may be no more than "slightly dirty."

(b) *Size requirements.* All varieties—1⅞ inches minimum diameter: *Provided,* That potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50 pound cartons must be U.S. No. 1 or better grade.

(f) *Inspection.* (1) Except when relieved by paragraphs (g), (h) or (i) of this section, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(3) Any lot of potatoes previously inspected pursuant to § 947.60(b) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, maturity and inspection requirements set forth in paragraphs (a), (b), (c), (d), (e) and (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: *Provided,* That potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown, except that potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two Districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) *Charity. Provided,* That shipments for charity may not be resold if they do not meet the requirements of the marketing order, and *further provided,* That shipments in excess of 5 hundred-weight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(h) *Safeguard.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to paragraph (g)(2), (4)(i), and (5) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to paragraph (g)(7) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part: *Provided,* That no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 as amended February 5, 1972 (37 FR 2745) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh

V 40 I 136 JUL 15 75 XUM

tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: July 9, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[Filed Doc.75–18222 Filed 7–14–75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

POULTRY AND BIRDS

Reservation of Import Facilities

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations to require prepayment of a reservation fee for the use of import quarantine facilities for poultry and birds.

Statement of considerations. To qualify for entry, poultry and birds imported into the United States from any country of the world except Canada, must be accompanied by a permit issued by Veterinary Services and must be quarantined for a minimum period of 30 days at the port of entry to determine their freedom from communicable diseases of poultry prior to their importation. Facilities to accomplish such quarantine are operated by the U.S. Department of Agriculture at Honolulu, Hawaii; Miami, Florida; and Clifton, New Jersey. Most lots of poultry requiring quarantine are offered for entry at Miami, Florida and New York, New York. The space available to accommodate poultry at these facilities is limited and requests to utilize the facilities are numerous resulting in a backlog of individuals waiting to make importations. For maximum efficiency of operation, maximum utilization of space available at such facilities must be maintained. Services required for care, feed, and handling of such shipments while in quarantine are provided at the expense of the importer. When an import permit is issued for such a shipment, space to accommodate the shipment is reserved. When a scheduled shipment is not presented for entry, space reserved for the use of that shipment cannot be utilized and must remain vacant for the next 20 to 30 days or until the next scheduled importation arrives because of the time required by the next importer on the list to arrange for his shipment and to obtain the required permit. Frequently, no prior notice is received by Veterinary Services of the permittee's intent to cancel the reservation.

To overcome this problem and achieve maximum utilization of facilities available, it is proposed to require that a reservation fee of $40 be paid by the importer or his agent at the time each permit is applied for which will be forfeited by the importer if the permit is not used. When the permit is used and the scheduled quarantine is completed, the reservation fee paid will be deducted from expenses incurred for services received in connection with the quarantine of the shipment.

Accordingly, Part 92, Title 9, Code of Federal Regulations would be amended in the following respects:

In § 92.4, the heading of paragraph (a) would be amended and a new paragraph (a) (4) would be added to read:

§ 92.4 Import permits for ruminants, swine, and poultry and for animal semen.[1]

(a) *Application for permit; reservation required.*

* * * * *

(4) For each lot of poultry (including birds) which is to be quarantined in facilities maintained by Veterinary Services, a reservation fee of $40 shall be paid by the importer or his agent at the time the permit is applied for. Such fee shall be in the form of certified check or U.S. Money Order and will be returned to the payee if the permit requested is not issued. When the requested permit is issued and the scheduled quarantine period is completed, the reservation fee paid will be deducted from the expenses incurred by the importer or his agent for services received in connection with the quarantine of the specific lot for which the reservation was made. When an importer or his agent fails to present for entry any lot of poultry or birds for which a reservation fee has been paid and a permit has been issued, the reservation fee paid will be forfeited.

* * * * *

[1] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J–1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

Any person who wishes to submit written data, views, or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before August 18, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1975.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75–18309 Filed 7–14–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–GL–36]

TRANSITION AREA

Correction

In a notice of proposed rule making published as FR Doc. 75–14253, appearing at page 23766 in the FEDERAL REGISTER of June 2, 1975, the floor of the airspace in the proposed designation of a transition area for Mariette, Michigan, was inadvertently omitted. It is supplied herein.

Since this correction is clarifying in nature only and imposes less of a burden on the public, the period for comment on the proposal is not extended.

Accordingly, the description of the transition area for Mariette, Michigan as proposed in FR Doc. 75–14253 appearing at page 23766 in the FEDERAL REGISTER of June 2, 1975, is corrected to read as follows:

MARIETTE, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Mariette Airport (Latitude 43°18'37" N., Longitude 83°05'31" W.).

This correction is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Des Plaines, Illinois, on June 24, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75–18390 Filed 7–14–75;8:45 am]

Federal Highway Administration

[49 CFR Part 390]

[Docket No. MC–64; Notice No. 75–8]

PLENARY EXERCISE OF STATUTORY AUTHORITY OVER MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS

Advance Notice of Proposed Rulemaking

The Director of the Bureau of Motor Carrier Safety is considering amending the Federal Motor Carrier Safety Regulations, and recommending a like amendment to the Hazardous Materials Regulations to clarify the extent to which the Bureau exercises statutory authority to prescribe or enforce standards or regulations in the fields of interstate motor carriage and the handling of hazardous materials.

The Director has noted, since the enactment in 1970 of the Occupational Safety and Health Act (29 U.S.C. 651 et seq.), that motor carriers have been faced with a problem of actual or potential dual regulation. This problem could place carriers desiring to comply with all applicable Federal regulation in the untenable position of violating one regulation as a result of complying with another. In order to eliminate the uncertainty and potential conflicts which arise from this problem, the Director is proposing rules which will occupy the entire fields of motor carrier safety and handling of hazardous materials within the statutory jurisdiction of the Bureau of Motor Carrier Safety.

More specifically, the Bureau presently exercises statutory authority to prescribe and enforce regulations affecting occupational safety and health with respect to work activities by employees or motor carriers that are ordinarily and customarily performed in, on, or about motor vehicles including, but not limited to, the following specific activities:

(1) The operation, maintenance, loading and unloading of motor vehicles engaged in the transportation of passengers or property in interstate or foreign commerce.

(2) The operation, maintenance, loading and unloading of motor vehicles engaged in intrastate transportation of hazardous materials performed by motor carriers who operate in interstate or foreign commerce, whether or not the motor carriers transport hazardous materials in interstate or foreign commerce.

(3) The storage, handling, packaging, and labeling of hazardous materials by employees of shippers, receivers, and motor carriers incident to the transportation of such hazardous materials by motor carriers who operate in interstate or foreign commerce.

(4) The transportation of migrant workers by motor vehicles across the boundary line of a State, the District of Columbia, or a Territory of the United States for a distance of more than 75 miles.

The Director intends to remove all doubt concerning the full exercise of the available statutory authority in these fields.

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL[1]

In consideration of the foregoing, the Director proposes to amend § 390.33 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) by adding a new paragraph (d) at the end of the section, reading as follows:

§ 390.33 Applicability of regulations.

* * * * *

(d) Any common carrier, contract carrier, or private carrier of property, and its officers, agents, representatives, employees, and drivers may perform any act and engage in any practice not prohibited, and to the extent not restricted, by the rules in Parts 390–397 of this subchapter, or by applicable State or local laws, ordinances or regulations.

The Director further proposes to add a new section 171.17 to the Federal Hazardous Materials Regulations, applicable to both carriers and shippers, containing the substance of the proposed addition above.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments should identify the regulatory docket and notice numbers, and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All communications received before the close of business on October 31, 1975, will be considered before further action is taken on the proposal. All comments received will be available for examination in the Bureau's Docket Room, Room 3401, 400 Seventh Street, SW., Washington, D.C. 20590, both before and after the closing date for comments.

This advance notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, Chapter 39 of title 18, U.S.C., section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on July 3, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75–18297 Filed 7–14–75;8:45 am]

[1] 39 FR 32561, Sept. 9, 1974.

Urban Mass Transportation Administration

[49 CFR Parts 604, 605]

[Docket No. 75–02, Notice 4]

CHARTER AND SCHOOL BUS OPERATIONS

Extension of Time for Filing Public Comment

The purpose of this notice is to extend the period for filing public comment on Rules Docket 75–02, Notices 2 and 3 published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25304) and (40 FR 25309), in which the Urban Mass Transportation Administration issued its proposed rules for charter and school bus operations for federally-assisted transit operators.

Several comments were received from interested persons in response to the proposed rules. These comments without exception requested that the time period for filing public comment on these proposed rules be extended. Therefore, in consideration of these requests and with the intentions of securing the maximum public participation possible in this rulemaking effort, the Urban Mass Transportation Administration will extend the period for filing public comment on Rules Docket 75–02, Notices 2 and 3 until September 11, 1975.

In consideration of the foregoing, the period for filing public comment on Rules Docket 75–02, Notices 2 and 3 published in the FEDERAL REGISTER June 13, 1975 (40 FR 25304) and (40 FR 25309) is hereby extended until September 11, 1975.

This notice is issued under the authority of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.); 49 CFR 1.50.

Issued July 11, 1975.

JUDITH T. CONNOR,
Acting Urban Mass Transportation Administrator.

[FR Doc.75–18392 Filed 7–15–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505a]

[75–629]

RECORDS MAINTAINED ON INDIVIDUALS

Proposed Amendments

JULY 9, 1975.

The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. *Existing regulations.* None.

II. *Proposed amendments.* Would add regulations regarding procedures developed pursuant to the Privacy Act of 1974 (Pub. L. 93–579; approved December 31, 1974) concerning access to and amendment of Board records pertaining to individuals.

III. *Reason for amendments.* To comply with the Privacy Act of 1974.

Subsection 3(f) the Privacy Act of 1974 (12 U.S.C. 552a(f)) requires each Federal agency that maintains a system of records to promulgate rules to:

(1) Establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

(2) Define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

V40-136 JUL 15 75 XUM

(3) Establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

(4) Establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

(5) Establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Act also provides that the head of any such agency may promulgate rules and notices identifying general or specific exemptions as provided for by subsections 3(j) and (3)(k) of the Act (12 U.S.C. 552a(j) and (k)).

In compliance with these requirements of the Privacy Act of 1974, the Federal Home Loan Bank Board hereby proposes to amend its general regulations (12 CFR Subchapter A) by adding immediately after Part 505 thereof a new Part 505a to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552 by August 14, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

PART 505a—RECORDS MAINTAINED ON INDIVIDUALS

Sec.

505a.1 Purpose and scope.
505a.2 Definitions.
505a.3 Procedures for requests pertaining to individual records in a record system.
505a.4 Times, places and requirements for identification of individuals making requests.
505a.5 Disclosure of requested information to individuals.
505a.6 Special procedures for medical records.
505a.7 Request for amendment of record.
505a.8 Agency review of request for amendment of record.
505a.9 Appeal of an initial adverse determination of a request to amend a record.
505a.10 Fees for providing copies of records.
505a.11 Criminal penalties.
505a.12 Exemptions.

AUTHORITY: (5 U.S.C. 552a); sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; (12 U.S.C. 1437, 1464, 1725); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

§ 505a.1 Purpose and scope.

(a) This part is issued by the Federal Home Loan Bank Board pursuant to the requirement of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) that every Federal agency promulgate rules to establish procedures for notification and disclosure to an individual of agency records pertaining to him, and to provide procedures for review of such records.

(b) The records covered by this Part shall include (1) personnel and employment records maintained by the Board which are not governed by §§ 293.101–293.111 of the rules and regulations of the Civil Service Commission (5 CFR 293.101–293.111) and (2) other records contained in record systems maintained by the Board.

§ 505a.2 Definitions as used in this Part 505a.

(a) The term "Board" means the Federal Home Loan Bank Board or, where appropriate, the Federal Savings and Loan Insurance Corporation;

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13 of the United States Code;

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected; and

(h) The term "agency" includes the Board.

§ 505a.3 Procedures for requests pertaining to individual records in a record system.

(a) Any present or former employee, officer, or agent of the Board seeking access to his official Civil Service records maintained by the Board shall submit his request in such manner as is prescribed by the Civil Service Commission.

(b) Any individual seeking informaton concernng records maintained by the Board which may contain personal information, including any present or former employee, officer, or agent, seeking information concerning records other than those described in paragraph (a) of this section shall submit a written request to the Secretary of the Board. The request shall state the full name and address of the individual and identification of the record system or systems believed to contain the record or information sought.

(c) Identification of records systems maintained by the Board may be obtained from the Board's notice of existing record systems published annually in the FEDERAL REGISTER, copies of which are available upon request from the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

§ 505a.4 Times, places and requirements for identification of individuals making requests.

(a) Upon receipt of a request for records or information pursuant to § 505a.3, the Secretary or other agency official designated by the Board shall require the individual to provide information sufficient to establish his identity. If the request is being made on behalf of an individual or an individual's estate, the legal representative of such individual shall provide the Board's designee with evidence of such representative's authority (which may be a certified copy of his letter(s) of appointment if he has been judicially appointed).

(b) The information establishing identity shall be presented by mail or in person during regular business hours at the Office of the Secretary.

(c) Requirements for identification may include personal identification cards, employee identification, driver's license, Social Security number, knowledge of birthdate and relatives' names, and signature comparisons.

(d) The Secretary or other designee shall promptly notify the requester as to the sufficiency of the identification provided.

§ 505a.5 Disclosure of requested information to individuals.

(a) Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after notifying the individual of a finding of satisfactory identification pursuant to § 505a.4(d), the Secretary or other designee shall determine whether the stated record system contains a record or information pertaining to such individual and shall so inform him. If such record or information is contained in the record system, disclosure shall be made promptly to such individual (or his representative upon notarized written consent of the individual) or his legal representative, except as provided in paragraph (c) of this section and §§ 505a.6 and 505a.12. The individual may choose to be accompanied by a person selected by him when the record or information is disclosed, in which case he may be required to furnish a written statement authorizing discussion of the records in the presence of the accompanying person.

(b) Disclosure may be made by permitting physical examination of records or by copies presented or mailed to the individual in accordance with the fee schedule set forth in § 505a.10.

(c) This section does not entitle an individual to access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 505a.6 Special procedures for medical records.

Medical records in the custody of the Board which are not subject to Civil Service Commission regulations shall be disclosed either to the individual to whom they pertain or his authorized or legal representative or to a licensed physician named by the individual.

§ 505a.7 Request for amendment to record.

(a) If, after disclosure of the requested information, an individual believes that such record is not accurate, relevant, timely, or complete, he may request in writing that the record be amended. Such a request shall be submitted to the Secretary to the Board and shall contain identification of the record system and the record or information therein, a brief description of the material requested to be changed, the requested change or changes, and the reason for such change or changes.

(b) The Secretary or other designee shall acknowledge receipt of the request within 10 days (excluding Saturdays, Sundays and legal public holidays). Such acknowledgment may contain a request for additional information needed to make a determination.

§ 505a.8 Agency review of request for amendment of record.

Upon receipt of a request for an amendment to a record pursuant to § 505a.7, the Secretary or other designee shall promptly take the following action:

(a) In the case of a personnel or employment record, forward the request to the official custodian of the record system in the Division of Personnel Management, who shall either make the requested amendment and so advise the individual or inform the individual of his refusal to amend the record, the reason for such refusal, the procedure provided for review of the determination, and the name, title, and business address of the senior official to whom an appeal may be directed; or

(b) In the case of other records or information contained in a record system maintained by the Board, forward the request to an official designated by the General Counsel, which officials shall consult with such other officials of the Board as he deems necessary and either make the requested amendment and so advise the individual, or inform the individual, of his refusal to amend the record, the reason for such refusal, the procedure provided for review of the determination and the name, title, and business address of the senior official to whom an appeal may be directed.

§ 505a.9 Appeal of an initial adverse determination of a request to amend a record.

(a) An individual whose request to amend a record has been refused or who otherwise disagrees with the initial determination of his request may seek a review of that determination to be conducted by the Chairman of the Board or an official designated by the Chairman, which official shall be senior to the official who made the initial determination regarding the requested amendment.

(b) The review shall be completed and a final determination made not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from receipt of the request for such review, unless the Chairman of the Board extends such 30-day period for good cause.

(c) If after his review the Chairman of the Board or his designee refuses to amend the record in accordance with the request, the individual shall be informed of his right to file a concise statement setting forth his disagreement with the final determination and his right under 5 U.S.C. 552a(g)(1)(A) to a judicial review of the determination.

(d) After refusal to amend the record as requested upon review, the disputed portion of the record will contain a copy of the concise statement filed pursuant to paragraph (c) of this section together with, if the Board deems it appropriate, a concise statement of the reasons for not amending the record as requested. Such statements will be included when disclosure of the disputed record is made to persons and agencies as authorized under 5 U.S.C. 552a.

§ 505a.10 Fees for providing copies of records.

(a) No fee will be charged to an individual for processing the request for, searching for, or providing the first copy, of a record or any portion thereof contained in a record system if the record pertains to such individual.

(b) If an individual should desire multiple copies of a record pertaining to himself, he shall pay fees as set forth in § 505.4(e) of this chapter.

§ 505a.11 Criminal penalties.

The criminal penalties applicable to employees, officers, and agents of the Board for actions which violate the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(i).

§ 505a.12 Exemptions.

Pursuant to subsection (k) of 12 U.S.C. 552a:

(a) The Chairman of the Board may exempt the systems of records described in paragraph (b) of this section from the following statutory requirements:

(1) Availability to an individual of the accounting kept of disclosures made to other people and agencies of his record (5 U.S.C. 552a(c)(3));

(2) Access to an individual's own records (5 U.S.C. 552a(d), set out in §§ 505a.3, 505a.5, 505a.6, 505a.7, 505a.8, and 505a.9);

(3) Restriction of record maintenance to information about an individual which is relevant and necessary to accomplish a purpose of the Board required to be accomplished by statute or executive order of the President of the United States (5 U.S.C. 552a(e)(1));

(4) Record-system notice requirements concerning the publication of (i) procedures for requests pertaining to an individual's own records (5 U.S.C. 552a(e)(4)(G)), (ii) procedures for access to records (5 U.S.C. 552a(e)(4)(H)), and (iii) categories of sources of records (5 U.S.C. 552a(e)(4)(I)); and

(5) Promulgation of proposed rules as prescribed by 5 U.S.C. 552a(f).

(b) The Chairman of the Board may exempt any of the following types of record systems from the statutory requirements described in paragraphs (a)(1)–(5) of this section:

(1) Board records to be disclosed to officials of the Board who have a need for such records in the performance of their duties;

(2) Board records required to be available for public access under 5 U.S.C. 552;

(3) Investigatory material compiled for law enforcement purposes: *Provided, however*, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled to under Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(4) Material required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence; and

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

V40-136 JUL 15 75 XUM

By the Federal Home Loan Bank Board.

[SEAL] GREENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-18288 Filed 7-14-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204 and 217]

[Reg. D and Reg. Q]

RESERVES OF MEMBER BANKS AND INTEREST ON DEPOSITS

Definition of Deposits—Subordinated Notes

The Board of Governors proposes to amend Regulations D (12 CFR 204) and Q (12 CFR 217) to provide greater flexibility to the requirements for exemption from deposit treatment under both regulations where a member bank issues certain subordinated notes and debentures for the purpose of adding to the bank's capital structure. These amendments would (1) modify the present requirement that an obligation have an original maturity of seven years or more to permit an obligation (or an issue of obligations) to have an average maturity of seven years or more under certain conditions; (2) modify the present requirement that an obligation must be in an amount of at least $500 to permit exceptions to be made by the appropriate Federal banking agency to the $500 minimum denomination (a) to facilitate sale of convertible debt where, in order to satisfy preemptive rights of shareholders, the bank would be required to issue a convertible obligation of less than $500 face amount; (b) to maintain a ratable unit offering to holders of preemptive rights where a subordinated debt obligation is issued exclusively as a part of a unit including shares of stock which are subject to such preemptive rights; (c) to satisfy shareholders' ratable claims where an obligation is issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired; and (3) require the issuing bank to receive the approval of the appropriate Federal banking agency of any redemption prior to maturity or any payment pursuant to acceleration of maturity in event of default. Under the proposal, the Board would retain the option to deny a request that it waive the amount limitation in those instances in which it determines that reasonable alternatives are available to the party seeking the waiver. If adopted, the amendments would apply to applications for new debt issues acted upon after the effective date of the amendments and would not affect the status of any outstanding issues. In all cases, the appropriate Federal banking agency is the Comptroller of the Currency for national banks and the Board of Governors for State member banks.

Since 1966, the Board has exempted from reserve requirements of Regulation D and interest rate limits of Regulation Q certain subordinated debt issues of member banks by providing an exception to the definition of deposits under Regulations D and Q. Upon review of the existing regulation, the Board believes that, in certain circumstances, greater flexibility should be available to permit member banks to receive approval from the appropriate Federal banking agency for subordinated note and debenture issues that may not conform to the existing regulatory requirements.

Under the proposal, regular debt amortization or retirement could begin at any time so long as the weighted average maturity of the obligation or issue of obligations would be at least seven years and so long as once the reduction of principal begins, all scheduled repayments of principal shall be made annually in an amount no less than the previous scheduled payment. As an alternative, the Board is considering whether the seven-year minimum maturity should be retained for unamortized issues and a ten-year minimum maturity be set for amortized issues, with repayment beginning at any time after the date of issue provided that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment.

The proposed exception to the $500 minimum denomination would facilitate sale of convertible debt where, in order to satisfy preemptive rights of stockholders, an issuing bank would be required to issue obligations in face amounts less than $500. An exception to the $500 minimum denomination is also proposed where, in order to maintain a ratable unit offering to holders of preemptive rights in the case of a subordinated debt obligation issued exclusively as part of a unit which includes shares of stock which are subject to such preemptive rights, an issuing bank would be required to issue obligations in face amounts less than $500. The third proposed exception to the $500 minimum denomination requirement would apply where an issuing bank would be required to issue obligations in face amounts less than $500 in order to satisfy shareholders' ratable claims in the case of an obligation which is issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction in which the issuer will acquire either a majority of such share of voting stock or all or substantially all the assets of another entity.

The provisions requiring prior approval of redemption and payment pursuant to acceleration of maturity are meant to permit the appropriate Federal banking agency to assess the impact of such payment on the capital structure of the bank.

Pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to define the terms used in that section, its authority to examine member banks under section 9 of the Federal Reserve Act (12 U.S.C. 325), its authority to take action to stop unsafe and unsound banking practices (12 U.S.C. 1818b), and related provisions of the law, the Board proposes to amend Regulation D (12 CFR 204) and Regulation Q (12 CFR 217) as follows:

1. Section 204.1 would be amended by revising paragraph (f) (3) as follows:

§ 204.1 Definitions.

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this Part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgement of advance, due bill, banker's acceptance, or similar obligation (written or oral) that is issued or undertaken by a member bank as a means of obtaining funds to be used in its banking business, except any such obligation that:

* * * * *

(3) (i) Bears on its face, in bold-face type, the following: "This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation"; is subordinated to the claims of depositors, is unsecured, and is ineligible as collateral for a loan by the issuing bank and also expressly states said provisions on its face; has a maturity of at least seven years, or, in the case of an obligation or issue that provides for scheduled repayments of principal, has an average maturity [6] of at least seven years[8] and provides that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment; is issued subject to a requirement that no repayment (other than an approved regularly scheduled repayment), including but not limited to a payment pursuant to acceleration of maturity, may be made without the prior written approval of the appropriate Federal banking agency;[7] is in an amount of at least $500 except that the appropriate Federal banking agency may approve the issuance of an obligation that is less than $500 if the obligation is convertible into common stock and, in order to satisfy the preemptive rights of shareholders, the issuing bank would be required to issue obligations in an amount of less than $500, or if the obligation is issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights and, in order to maintain a ratable unit offering to holders of preemptive rights, the issuing bank would be required to issue obligations in an amount of less than $500, or where, in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired, and in order to satisfy shareholders' ratable claims, the issuing bank would be required to issue obligations in an amount of less than $500; and has been approved by the appropriate Federal banking agency as an addition to the capital structure of the issuing bank; or (ii) meets all of the requirements in the preceding clause except maturity and with respect to which the appropriate Federal banking agency has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this part; or (iii) was issued or publicly offered before June 30, 1970, with an original maturity of more than two years; or

* * * * *

2. Section 217.1 of Regulation Q would be amended by revising the introductory paragraph in paragraph (f) & (f) (3) as follows:

§ 217.1 Definitions

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this Part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

* * * * *

(3) (i) Bears on its face, in bold-face type, the following: "This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation"; is subordinated to the claims of depositors, is unsecured, and is ineligible as collateral for a loan by the issuing bank and also expressly states said provisions on its face; has a maturity of at least seven years, or, in the case of an obligation or issue that provides for scheduled repayments of principal, has an average maturity [6] of at least seven years[8] and provides that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment; is issued subject to a requirement that no repayment (other than an approved regularly scheduled repayment), including but not limited to a payment pursuant to acceleration of maturity, may be made without the prior written approval of the appropriate Federal banking agency;[7] is in an amount of at least $500 except that the appropriate Federal banking agency may approve the issuance of an obligation that is less than $500 if the obligation is convertible into common stock and, in order to satisfy the preemptive rights of shareholders, the issuing bank would be required to issue obligations in an amount of less than $500, or if the obligation is issued exclusively as part of a unit including shares of stock which are subject to such preemptive rights and, in order to maintain a ratable unit offering to holders of preemptive rights, the issuing bank would be required to issue obligations in an amount of less than $500, or where, in the case of an obligation issued wholly or partially in exchange for shares of voting stock or assets pursuant to a plan of merger, consolidation, reorganization, or other transaction where the issuer will acquire either a majority of such shares of voting stock or all or substantially all of the assets of the entity whose assets are being acquired, and in order to satisfy shareholders' ratable claims, the issuing bank would be required to issue obligations in an amount of less than $500; and has been approved by the appropriate Federal banking agency as an addition to the capital structure of the issuing bank; or (ii) meets all of the requirements in the preceding clause except maturity and with respect to which the appropriate Federal banking agency has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this part; or (iii) was issued or publicly offered before June 30, 1970, with an original maturity of more than two years.

* * * * *

In connection with its consideration of the regulatory amendments proposed herein, the Board also has determined that State member banks should be provided with guidance as to the criteria to be applied by the Board in evaluating requests for approval of new issues of subordinated notes and debentures "as an addition to the bank's capital structure."

In acting upon requests from State member banks for approval of proposed issues of subordinated notes and debentures, the Board takes into account various aspects of the applicant's financial condition and its prospective capacity to service the proposed debt in view of the bank's earnings history and capital structure. Application of these criteria is intended also to promote the accumulation by debt-issuing banks of an adequate cushion of equity capital, protect against undue concentrations of maturing debt in any one year, and prevent the inclusion of terms in such issues that could be regarded as in conflict with the public interest. In addition, it is stressed that the guidelines set forth below, as applied by the Board are not intended to provide or be administered in a manner resulting in a rigid set of requirements in addition to those set forth in Regulations D and Q. Rather, they are to be administered flexibly, taking into account the special circumstances of particular applicants. (These might include the urgency of the bank's need for additional capital and the accessibility of additional equity, the prospective growth of the bank, the impact of unusual income and expense developments on recent earnings, and the relative strength of earnings of nonbank affiliates or subsidiaries.)

By publication of these guidelines which the Board intends to use in its evaluation of applications for such exemption, the Board also invites comments from the public on these criteria at the same time as comments are received on the regulatory amendments proposed herein.

The Comptroller of the Currency has advised the Board that he is considering use of the same guidelines in evaluating applications from national banks for approval of subordinated debt issues pursuant to 12 CFR 14.5.

GUIDELINE-CRITERIA FOR EVALUATING DEBT ISSUES AS ADDITION TO A STATE MEMBER BANK'S CAPITAL STRUCTURE

1. *Maximum ratio of debt to equity.* The total amount of subordinated notes and debentures outstanding, including the debt proposed to be issued, should not exceed 50 per cent of a bank's equity capital base. However, banks with significant asset or management problems generally would not be presumed to be entitled to issue debt capital up to the 50 per cent ceiling. A bank's equity capital base, for purposes of this test, is considered to include capital stock, surplus, undivided profits, capital reserves, and all reserves for losses on loans and securities.

2. *Earnings coverage test.* The total of fixed charges as a result of any issue of subordinated notes or debentures should not exceed 33⅓ per cent of a State member bank's average net income before taxes and before fixed charges over the preceding five years. Therefore, in general, average adjusted net income should exceed total fixed charges by a multiple of at least three. For purposes of this test, before-tax net income would include securities gains or losses, exclude extraordinary charges and credits, and would be adjusted where necessary to reflect actual loan loss experience rather than other "provision for loan loss." Total fixed charges include annual interest

[6] The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the time-weighted average of all such scheduled payments.

[8] The Board is also considering whether the 7-year minimum maturity should be retained for unamortized issues and a 10-year minimum maturity be set for amortized issues with repayment beginning at any time after the date of issue provided that, once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment.

[7] For the purposes of this part, the "appropriate Federal banking agency" is the Comptroller of the Currency in the case of a national bank and the Board of Governors in the case of a State member bank.

[6] The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the time-weighted average or all such scheduled payments.

[8] The Board is also considering whether the 7-year minimum maturity should be retained for unamortized issues and a 10-year minimum maturity be set for amortized issues, with repayment beginning at any time after the date of issue provided that once repayment of principal begins, all scheduled repayments shall be made annually in an amount no less than the prior scheduled repayment.

[7] For the purposes of this part, the "appropriate Federal banking agency" is the Comptroller of the Currency in the case of a national bank and the Board of Governors in the case of a State member bank.

V40-136 JUL 15 75 XUM

charges before taxes on all existing debt as well as the new debt proposed to be issued. Fixed charges on existing debt would include interest on all outstanding mortgage debt and subordinated notes and debentures, plus one-third of lease contracts.

In applying this test to a bank that is a subsidiary of a holding company which shows a net deficit on its nonbank operations, the amount of such deficit, calculated on a before-tax basis, would be substracted from net income as derived from the paragraph above. To determine the amount, if any, of net deficit on nonbank operations, net income before taxes of the bank would be substracted from consolidated net income before taxes of the holding company. For multibank holding companies, the nonbank net deficit generally would be allocated among subsidiary banks in proportion to their net income. Ordinarily, the adjustment would be based on data for the most recent year, but, in some cases, an average (covering not more than the most recent five years) would be more representative of prospective earnings experience. This adjustment, in effect, would reduce the allowable amount of new fixed interest expense which could be asumed by any bank whose nonbank affiliates, including the parent holding company, incur an aggregate net deficit. The offset against the bank's earnings recognizes the possibility that the parent might have to rely on dividends from the bank in order to cover a nonbank deficit, thereby reducing the bank's ability to maintain or build its equity capital.

3. *Retained earnings test.* Annual *pro forma* amortization on all subordinated notes and debentures, including the proposed debt issue, should not exceed 50 per cent of a State member bank's average retained earnings over the preceding five years. Retained earnings under this criterion are considered to include net income after taxes minus dividends declared on common and preferred stock. For each issue of subordinated debt, including a proposed new issue, annual pro forma amortization would be calculated by dividing the original amount of the issue by the number of years from date of issue to maturity. Total pro forma amortization would be the sum of annual pro forma amortization for all outstanding and proposed issues.

Considerable discretion would be used in the administration of this test. In some circumstances, banks which have issued additional shares of equity capital during the five-year period for which average retained earnings are calculated would receive credit for these new issues as if they had been part of retained earnings. In addition, some banks which have outstanding substantial amounts of relatively short-term subordinated debt prior to the issuance of these guidelines would be granted special consideration in the application of the retained earnings test to proposed new issues, so long as the new issues were part of a specified program aimed at replacing shorter-term debt with longer-term debt.

4. *Accumulation of equity over the life of the debt.* Each State member bank issuing subordinated notes and debentures would be expected to accumulate equity, in equal annual installments from retained earnings, in an amount sufficient to increase equity capital by the full amount of outstanding and newly issued debt over the lifetime of the debt. In effect, this requirement would provide for replacement of each debt issue with equity by maturity.

5. *Provision for debt retirement.* Where the residual amount of a proposed new debt issue to be repaid at maturity, together with scheduled repayments in that year on other debt-type capital and mortgage indebtedness, would exceed 15 per cent of the bank's present capital base, the bank shall either provide for reducing the amount of debt outstanding at maturity by a sinking fund or other debt-retirement arrangement or have the right to call such obligations for redemption at least five years before maturity.

6. *Approval of interbank debt transactions.* In general, the Board does not intend to approve a subordinated note or debenture issued by a State member bank directly or indirectly (through a holding company or otherwise) to another bank as an addition to the issuing bank's capital structure unless specifically authorized as such an addition by the Board of Governors upon a presentation and finding of compelling circumstances. Such transactions provide no additional capital protection for the banking system as a whole and ordinarily will be discouraged.

7. *Covenants in conflict with the public interest.* No indenture or other contract covering the issuance of a subordinated note or debenture by a State member bank shall include any covenants, restrictions, or other terms which are determined by the Board to be inconsistent with the public interest. Examples of such terms are those regarded as impairing the ability of the bank to comply with statutory or regulatory requirements regarding disposition of assets or incurrence of additional debt, limiting the ability of the Board or the chartering authority to take any necessary action to resolve a problem bank situation, unduly interfering with the ability of the bank to conduct normal banking operations, or imposing terms and conditions on the bank that are unduly harsh or onerous.

EXAMPLES OF PROPOSED GUIDELINE CRITERIA 1, 2 AND 3

The following calculations demonstrate the application of Tests 1, 2, and 3 of the guideline-criteria for evaluating debt issues. The data used in the calculations are for a hypothetical bank, wholly-owned by a one-bank holding company. Where applicable, items that are reported in the Consolidated Report of Income and Consolidated Report of Condition are designated by their line numbers on the required reports. For example, [RI–A10] refers to net income as reported in Section A, line 10 of the Report of Income. Total assets, as reported on line 14 of the Report of Condition would be identified as [RC–14]. All dollar amounts are in thousands of dollars. (Banks that are required to file a Consolidated Report of Condition including foreign and domestic subsidiaries would use amounts shown in that report, rather than those shown in the Consolidated Report of Condition including only domestic subsidiaries.)

The hypothetical bank presently has outstanding two issues of subordinated debt:

(1) $8,000—8 percent Subordinated debentures, due Sept. 15, 1987.

(2) $7,000—10 percent Capital notes, due June 30, 1980.

It proposes, on January 1, 1975, to issue $9 million of additional subordinated debt on terms described in the illustrations that follow.

TEST 1: MAXIMUM RATIO OF DEBT TO EQUITY

Guideline. The total amount of subordinated notes and debentures outstanding, including subordinated debt proposed to be issued, should not exceed 50 percent of a bank's equity capital base.

Calculations

1.	Subordinated notes and debentures outstanding, Dec. 31, 1974 (RC–34)	$15,000
2.	Equity capital, total, Dec. 31, 1974 (RC–35)	50,000
3.	Total reserves on loans and securities, Dec. 31, 1974 (RC–33)	10,000
4.	Equity capital base (line 2 plus line 3)	60,000
5.	Current ratio of subordinated debt to equity capital base (line 1 divided by line 4)	.25
6.	Amount of proposed new issue	9,000
7.	Subordinated debt, including proposed new issue (line 1 plus line 6)	24,000
8.	Ratio of subordinated debt, including proposed new issue, to equity capital base (line 7 divided by line 4)	.40

Conclusion. Since the ratio of subordinated debt, including the proposed new issue (line 8), does not exceed 50 percent, test 1 is met.

TEST 2: EARNINGS COVERAGE TEST

Guideline. In general, average annual adjusted net income over the past 5 years should exceed total fixed charges, including the annual interest charge on the proposed new issue, by a multiple of at least 3.

Calculations

9.	Income before income taxes and securities gains or losses, 1970–74 average (RI–A3)	$9,740
10.	Net securities gains or losses, before tax effect, 1970–74 average (RI–A6 (col. 1))	290
11.	Provision for loan losses, 1970–74 average (RI–A21)[1]	230
12.	Net chargeoffs on loans, 1970–74 average (RI–D6 (col. 1 plus 2) minus RI–D3 (col. 1 plus 2))[1]	260

[1] Banks using actual net chargeoffs as the amount of their provision for loan losses need make no entries in lines 11 and 12.

13.	Nonbank deficit of holding company, if any, 1974 [2] (enter only if negative number)	(800)
14.	Average adjusted net income before income taxes, 1970–74 (line 9 plus line 10 plus line 11 minus line 12 plus line 13)	9,200
15.	Interest on subordinated notes and debentures, 1974 (RI–A2f)	1,340
16.	Interest on mortgage debt, 1974	660
17.	⅓ of lease payments on bank premises and equipment, 1974	1,000
18.	Fixed charges on present obligations (line 15 plus line 16 plus (line 17)	3,000
19.	Average adjusted net income before fixed charges on present obligations (line 14 plus line 18)	12,200
20.	Current earnings coverage ratio (line 19 divided by line 18)	4.07
21.	Annual interest charge on proposed new issue (assumes a 9 percent annual rate)	810

[2] This adjustment to net income is made only if the bank is a subsidiary of a holding company that incurs a net deficit in its nonbank operations. The nonbank deficit, calculated on a before-tax basis, is the negative difference obtained by subtracting the consolidated net income of the bank from the consolidated net income of the holding company, both adjusted in the manner illustrated in lines 9 through 12 of this example. Ordinarily, the adjustment for a nonbank deficit would be based on data for the most recent year, but in some cases, an average covering no more than the most recent 5 years would be more representative of prospective earnings experience.

22.	Average adjusted net income, before fixed charges on present obligations and interest charge on proposed new issue (line 19 plus line 21)	13,010
23.	Fixed charges on present obligations and interest charge on proposed new issue (line 18 plus line 21)	3,810
24.	Earnings coverage ratio, including interest charge on proposed new issue (line 22 divided by line 23)	3.41

Conclusion. The earnings coverage ratio, including the interest charge on the proposed new issue (line 24) equals 3.41 and therefore meets the requirements of test 2.

TEST 3: RETAINED EARNINGS TEST

Guideline. Average annual retained earnings over the past 5 years should exceed the annual pro forma amortization on all subordinated notes and debentures, including the proposed new issue, by a multiple of at least 2. Two illustrations are provided below. The first example (lines 30a through 32a) assumes a final maturity of 10 years. The second example (lines 30b through 32b) assumes a final maturity of 20 years.

Calculations

25.	Net income, 1970–74 average (RI–A10)	$8,000
26.	Cash dividends declared on common and preferred stock, 1970–74 average (RI–B3a plus RI–B3b)	4,000
27.	Average annual retained earnings, 1970–74 (line 25 minus line 26)	4,000
28.	Pro forma amortization of existing debt (total of col. 4 below)	1,533

(1) Description of issue	(2) Amount of original issue	(3) Years from date of issue to date of maturity	(4) Pro forma amortization (col. 2 divide by col. 3)
8 percent subordinated debentures	$8,000	15	$533
10 percent capital notes	7,000	7	1,000
Total	15,000		1,533

29.	Current retained earnings ratio (line 27 divided by line 28)	2.61	

Assuming a 10-year final maturity on proposed new issue:

30a.	Pro forma amortization of proposed new issue (line 6 divided by a final maturity of 10 years)	$900
31a.	Total pro forma amortization, including proposed new issue line 38 plus line 30a)	2,433
32a.	Retained earnings ratio, including proposed new issue (line 27 divided by line 31a)	1.64

Conclusion. Under an assumed final maturity of 10 years for the proposed new issue, the bank's retained earnings ratio of 1.64 (line 32a) would not meet the minimum requirement of test 3.

Calculations

Assuming a 20-year final maturity on proposed new issue:

30b.	Pro forma amortization of proposed new issue (line 6 divided by a final maturity of 20 years)	$450
31b.	Total pro forma amortization, including proposed new issue (line 28 plus line 30b)	1,983
32b.	Retained earnings ratio, including proposed new issue (line 27 divided by line 31b)	2.02

Conclusion. The longer final maturity of 20 years results in a retained earnings ratio of 2.02 (line 32b) which passes the minimum acceptable ratio for test 3.

To aid in the consideration of the proposed amendments to Regulations D and Q by the Board and to facilitate the evaluation of the appropriateness and effectiveness of the guideline-criteria set forth herein, interested persons are requested to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 29, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, July 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–18178 Filed 7–14–75;8:45 am]

V40 I136 JUL 15 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT DATA

Use of Estimates for General Revenue Sharing Purposes

EDITORIAL NOTE: Document No. 75-17249 appearing on page 28106 of the issue of July 3, 1975, was received at the Office of the Federal Register at 3:35 p.m. on June 27, 1975, processed and published in the FEDERAL REGISTER of July 3, 1975, in accordance with the provisions of 1 CFR Part 17.

Office of Revenue Sharing

[Administrative Ruling 75-1]

ILLINOIS TOWNSHIPS

Expenditure of Revenue Sharing Funds

Section 123(a)(4) of the State and Local Fiscal Assistance Act of 1972 (31 U.S.C.A. 1243(a)(4)), and the regulation issued pursuant thereto, 31 CFR 51.40(c), require a recipient government to provide for the expenditure of revenue sharing funds in accordance with the laws and procedures applicable to the expenditure of its own revenues. During the past year, the Office of Revenue Sharing has received numerous communications raising the question of whether expenditures by certain Illinois townships were valid under controlling Illinois statutes and, accordingly, whether those expenditures were in violation of the abovecited statute and regulation. In consequence, the townships have requested advice concerning the effect of their reliance on both prior and present Illinois statutes.

On February 4, 1974, the Chief Counsel of the Office of Revenue Sharing issued a letter opinion to the Attorney General of Illinois stating that P.A. 78-207, which added section 20 to Article XIII of "An act to revise the law in relation to township organization" (Ill. Rev. Stat. 1973, ch. 139, par. 126.10) could not validly authorize Illinois township governments to spend revenue sharing funds in any of the revenue sharing priority expenditure categories since P.A. 78-207 (supra) did not increase the authority of townships to spend their own revenues in the priority expenditure categories. Accordingly, any expenditure by a township of revenue sharing funds in any priority expenditure category where a township was not authorized to spend its own revenues was declared to violate section 123(a)(4) of the State and Local Fiscal Assistance Act of 1972. The Attorney General of Illinois issued an opinion dated February 7, 1974 to the Director of the Illinois Department of Local Government Affairs which concurred with the opinion of the Chief Counsel.

The General Assembly of Illinois thereafter on September 5, 1974 enacted P.A. 78-1189 which amended section 20 of Article XIII of "An act to revise the law in relation to township organization" (Ill. Rev. Stat. 1974 Supp., ch. 139, par. 126.10) authorizing the townships to contract, as therein limited, for the expenditure of either township or revenue sharing funds in all of the priority expenditure categories as enumerated in § 103 of the State and Local Fiscal Assistance Act of 1972, except that of financial administration. The Attorney General of Illinois on November 26, 1974 issued an opinion to the Director of Local Government Affairs, stating that the amended section 20 validly and effectively authorized townships to expend township funds or revenue sharing funds for the enumerated purposes in absence of other specific statutory limitation.

Therefore, it is the determination of the Department of the Treasury that:

(1) Any valid agreement or contract by a township for expenditure of revenue sharing funds made subsequent to the enactment of P.A. 78-1189 (supra) on September 5, 1974 amending the cited Illinois statute is in conformity with the expenditure provisions of sections 103 and 123(a)(4) of the State and Local Fiscal Assistance Act of 1972 and the regulations promulgated thereunder.

(2) Any valid agreement or contract by a township for expenditure of revenue sharing funds made prior to the enactment of P.A. 78-1189 (supra) on September 5, 1974 is technically a violation of section 123(a)(4) of the State and Local Fiscal Assistance Act of 1972. Notwithstanding this, however, the Office of Revenue Sharing will not institute administrative proceedings against any township which hereinbefore acted in reliance on the Illinois statute prior to its amendment of September 5, 1974, until and including September 5, 1975 (one year after the enactment of P.A. 78-1189) and will not hereafter require reporting of violations of the earlier Illinois statute.

(3) Any agreement or contract by a township for expenditure of revenue sharing funds made after September 5, 1975 must conform with P.A. 78-1189 (supra) to assure the presumption of conformity with § 123(a)(4) of the State and Local Fiscal Assistance Act of 1972.

Dated: July 9, 1975.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc.75-18213 Filed 7-11-75;8:45 am]

[Department Circular Public Debt Series—No. 20-75]

Office of the Secretary

TREASURY NOTES OF SERIES K-1977

Auction

JULY 11, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series K-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Thursday, July 17, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated July 31, 1975, and will bear interest from that date, payable semiannually on January 31, 1976, July 31, 1976, January 31, 1977, and July 31, 1977. They will mature July 31, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, July 17, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest 1/8 of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before July 31, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by July 31, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Monday, July 28, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Thursday, July 24, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-18431 Filed 7-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 978]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

JULY 8, 1975.

The Department of Defense has filed an application serial number CA 978, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposal of material under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601-604), subject to valid existing rights.

The Department of the Navy desires the continued use of the land to provide the space necessary for aerial gunnery range facilities for the training of fleet aircraft units.

On or before August 14, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Building, 2800 Cottage Way, Sacramento, California 95825.

The proposed withdrawal and reservation are subject to the terms and conditions of the Act of February 28, 1958 (72 Stat. 27). This law prohibits withdrawals and reservations of this type except by Act of Congress. Any comments, suggestions, or objections submitted as a result of this notice will be made part of the record and will be forwarded to the Department of Defense for information and to Congress for its use during consideration of any legislation which may be introduced to effect the proposed withdrawal or reservation.

CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE

T. 9 S., R. 16 E.,
Sec. 14, SW¼NE¼, NW¼, S½;
Secs. 22, 24, and 26;
Sec. 28, E½, E½W½;
Sec. 34.
T. 9 S., R. 17 E.,
Sec. 20, S½NW¼SW¼, SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼;
Sec. 26;
Sec. 28, NE¼NE¼, S½NE¼, S½;
Secs. 30, 32, and 34.
T. 10 S., R. 15 E.,
Sec. 22, SE¼;
Secs. 24 and 26;
Sec. 28, E½, SW¼;
Sec. 34.
T. 10 S., R. 16 E.,
Secs. 2 and 4;
Sec. 8, NE¼, E½NW¼, SW¼NW¼, S½;
Secs. 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 10 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 10 S., R. 18 E.,
Secs. 6, 8, 18, 20, 22, 26, 28, 30, 32, and 34.
T. 10 S., R. 19 E.,
Sec. 32.
T. 11 S., R. 15 E.,
Secs. 2 and 12.

V40-136 JUL 15 75 XUM

T. 11 S., R. 16 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, and 34.
T. 11 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 11 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 11 S., R. 19 E.,
Secs. 4, 6, 8, 10, 14, 18, 20, 22, 26, 28, 30, 32, and 34.
T. 12 S., R. 16 E.,
Secs. 2 and 12.
T. 12 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, and 14;
Sec. 15, S½;
Sec. 17, S½;
Secs. 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 35.
T. 12 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.
T. 12 S., R. 19 E.,
Secs. 2, 4, 6, 8, and 10;
Sec. 15, N½SW¼, SE¼SW¼, SE¼;
Sec. 17, S½;
Secs. 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34.
T. 13 S., R. 18 E.,
Secs. 1, 2, 3, 4, 5, and 6;
Sec. 8, E½;
Secs. 9, 10, and 11.
T. 13 S., R. 19 E.,
Sec. 5, N½;
Sec. 6, N½.

The above described area contains approximately 133,148 acres of national resource land. The lands are located in the Chocolate Mountains, Imperial County, California.

Within this withdrawal there is 117,763.00 private acreage, making a total of approximately 250,911.00 lands.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-18248 Filed 7-14-75;8:45 am]

[Office and Serial No. C-18254-Withdrawal]

COLORADO

Proposed Withdrawal and Reservation of Lands

JULY 8, 1975.

The Department of Agriculture, U.S. Forest Service, has filed the above application for the withdrawal of the lands described below, from location and entry under the Mining Laws only, subject to existing valid rights, in accordance with the authority vested in Executive Order 10355 of May 26, 1952 (17 FR 4831).

The applicant desires the land to protect high value watershed for domestic and municipal water supplies and high scenic values.

On or before August 14, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (CO-943).

The Department's regulations (43 CFR 231) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

T. 6 S., R. 76 W., 6th P.M.,
Sec. 1, lots 5, 6, 7, 10, 11 and 12, E½SW¼, SE¼;
Sec. 11, lot 16;
Sec. 12, NE¼, E½NW¼, SW¼ N½SE¼, SW¼SE¼;
Sec. 13, lot 2;
Sec. 14, lot 1,

excluding those portions of mineral patents lying within the withdrawn area.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-18291 Filed 7-14-75;8:45 am]

[Serial No. I-9536]

IDAHO

Proposed Withdrawal and Reservation of Lands

JULY 7, 1975.

The Bureau of Reclamation has filed an application, Serial Number I-9536, for withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The lands would be withdrawn to provide for the mitigation of fish and wildlife losses caused by the Teton Reclamation Project in southeastern Idaho. The proposed withdrawal is part of an extensive mitigation plan approved by the Secretary of the Interior on July 6, 1973.

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing, on or before August 14, 1975, to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicants needs, to provide for the minimum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicants and to reach agreement on the concurrent management of the lands and their resources.

He will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 40 E.,
Sec. 1, W½SE¼;
Sec. 2, lots 1, 2, 3, S½SW¼NW¼, NW¼SW¼;
Sec. 3, S½SE¼NE¼, SW¼SW¼, E½SE¼;
Sec. 4, S½SE¼;
Sec. 10, NW¼NE¼, SE¼NE¼, NW¼;
Sec. 11, NE¼NW¼;
Sec. 12, E½NE¼.
T. 2 N., R. 40 E.,
Sec. 23, SE¼NE¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 24, S½NW¼, NE¼SW¼, SE¼SE¼;
Sec. 25, E½SW¼, W½SE¼;
Sec. 26, SW¼NE¼, SE¼NW¼;
Sec. 35, E½NE¼, NW¼NW¼, E½SW¼SW¼, E½SW¼, SE¼.
T. 1 N., R. 41 E.,
Sec. 7, lots 2, 3, SE¼SW¼, SW¼SE¼;
Sec. 14, NE¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 15, NW¼NE¼, SE¼NE¼, N½SW¼, SE¼;
Sec. 17, NW¼NW¼;
Sec. 21, NE¼;
Sec. 23, NW¼NE¼, S½NE¼, W½;
Sec. 26, SW¼NW¼, N½SW¼;
Sec. 27, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 34, SW¼SW¼.

The area described aggregates 3,629.86 acres in Bonneville County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-18292 Filed 7-14-75;8:45 am]

Geological Survey

CASTLE CREEK, IDAHO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Castle Creek Known Geothermal Resources Area, effective November 1, 1974:

(12) IDAHO

CASTLE CREEK KNOWN GEOTHERMAL RESOURCES AREA BOISE MERIDIAN, IDAHO

T. 3 S., R. 1 E.,
Secs. 23 through 26;
Secs. 35 and 36.
T. 4 S., R. 1 E.,
Secs. 1 through 3;
Secs. 10 through 15;
Secs. 19 through 36.
T. 5 S., R. 1 E.,
Secs. 1 through 4;
Secs. 9 through 16;
Secs. 21 through 26.
T. 3 S., R. 2 E.,
Sec. 31.
T. 4 S., R. 2 E.,
Secs. 6 through 8;
Secs. 17 through 21;
Secs. 28 through 36.
T. 5 S., R. 2 E.,
Secs. 1 through 30.
T. 5 S., R. 3 E.,
Secs. 7 and 8;
Secs. 13 through 36.

The area described aggregates 79,722 acres, more or less.

Dated: June 13, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-18293 Filed 7-14-75;8:45 am]

National Park Service

SHADOW MOUNTAIN NATIONAL RECREATION AREA

Public Meeting

Notice is hereby given that public meetings will be held beginning at 7 p.m., on August 15 in the Ramada Inn Foothills, 11595 W. 6th Avenue, Denver, Colorado, and beginning at 1 p.m., on August 16 in the Grand County Courthouse, Hot Sulphur Springs, Colorado, for the purpose of receiving comments and suggestions on a draft master plan and environmental assessment for planning and implementation of management and development policies for Shadow Mountain National Recreation Area and its authorization by the Congress of the United States.

The draft master plan and environmental assessment discuss management and development alternatives. They consider the social, economic, historic, cultural and other resources values at Shadow Mountain National Recreation Area as well as development requirements, objectives and commitments for the area.

A copy of the plan and assessment may be obtained from the Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80617; Unit Manager, Shadow Mountain National Recreation Area, Post Office Box 100, Grand Lake, Colorado 80447; or from the Regional Director, Rocky Mountain Region, National Park Service, Post Office Box 25287, 655 Parfet Street, Denver, Colorado 80225.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public meetings. For the public meetings, they should notify the Superintendent, Rocky Mountain National Park, by August 14 of their desire to appear. Those not wishing to appear in person may submit a written statement on the assessment to the Superintendent for inclusion in the official record, which will be held open until September 16. Oral or written comments received will be considered in an environmental review prior to preparation by the National Park Service of the area master plan.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Superintendent at the time of presentation of the oral statement. Written statements presented in person at the meeting will be considered for inclusion in the meeting record. However, all materials presented at the meeting shall be subject to determinations that they are appropriate for inclusion in the record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Superintendent will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Superintendent, insofar as posible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the area is located.
(5) Officials of other Federal Agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

GLEN BEAN,
Deputy Regional Director, Rocky Mountain Region.

[FR Doc.75-18498 Filed 7-14-75;10:30 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Oklahoma Grain Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on April 29, 1975, there was published in the FEDERAL REGISTER (40 FR 18572) a notice announcing a request by the Enid Grain Inspection Company, Enid, Oklahoma, that its assignment of inspection points be amended to add Catoosa, Oklahoma, as a designated inspection point. Interested persons were given until May 29, 1975, to submit written views and comments with respect to the proposed amendment of assignment.

Two comments were received with respect to the May 29, 1975, notice in the FEDERAL REGISTER. Both of the comments supported the proposed amendment of assignment. After due consideration of all submissions made pursuant to the notice of May 29, 1975, and all other relevant matters, the assignment of the Enid Grain Inspection Company, Enid, Oklahoma, is amended to add Catoosa, Oklahoma, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476)

Effective date. This notice shall become effective July 15, 1975.

Done in Washington, D.C. on: July 9, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-18223 Filed 7-14-75;8:45 am]

[Marketing Agreement 146]

PEANUTS—1975 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1975 Crop Peanuts", "Outgoing Quality Regulation—1975 Crop Peanuts" and the "Terms and Conditions of Indemnification—1975 Crop Peanuts", which modify or are in addition to the provisions of section 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1975 Crop Peanuts", "Outgoing Quality Regulation—1975 Crop Peanuts" and the "Terms and Conditions of Indemnification—1975 Crop Peanuts", be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1975 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the is-

V40-136 JUL 15 75 XUM

suance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1975 Crop Peanuts", "Outgoing Quality Regulation—1975 Crop Peanuts", and the "Terms and Conditions of Indemnification—1975 Crop Peanuts" are hereby approved.

Dated: July 10, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

INCOMING QUALITY REGULATION—1975 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1975 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1975 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—16/64 x ¾ inch; Spanish and Valencia—15/64 x ¾ inch; Virginia—15/64 x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirements pursuant to paragraph (1) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting acquisitions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts, originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 and 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse Storage Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1975 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph (h) (1) of the Outgoing Quality Regulation.

OUTGOING QUALITY REGULATION—1975 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1975 crop peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	17/64-in round	14/64 x 3/4-in slot.
Spanish and Valencia.	18/64-in round	15/64 x 3/4-in slot.
Virginia, except "No. 2 Virginia."	17/64-in round	15/64 x 1-in slot.
"No. 2 Virginia."	17/64-in round only for split, broken, and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through 15/64 x ¾ slot screen; for Runners 3.00 percent whole kernels which will pass through a 16/64 x ¾ inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through a 15/64 x 1 inch slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample #1", "Sample #2", and "Sample #3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample #1 may be prepared for immediate testing or Sample #1, Sample #2, and Sample #3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample #1 to be ground by the Federal or Federal-State Inspection Service or an AMS or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample #1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample #1. It shall be designated as "Subsample 1–CD". Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in AMS or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample #2 and Sample #3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample #1 are known. Upon call from the AMS or designated laboratory or the Committee, the handler shall cause Sample #2 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample #2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB." Upon call from the AMS or designated laboratory or the Committee, the handler shall cause Sample #3 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample #3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB." Subsample 2–AB and Subsample 3–AB shall be analyzed only in AMS or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost (specified by the Committee) of drawing the three 48-pound samples, grinding of

V 40 136 JUL 15 75 XUM

Sample #1 and preparation and delivery of Subsample 1-AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1-AB shall be for the account of the handler and shall be shown on the grade analysis certificate covering the lot. When any of the samples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler.

The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—16/64 x ¾ inch; Spanish and Valencia—15/64 x ¾ inch; Virginia—15/64 x 1 inch, and fall through and pickouts; shall be disposed of only by sale as domestic oil stock, by crushing or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "nonedible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of nonedible quality peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled in the same lot. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (l)(1) or (l)(2) of this regulation or they may be moved to another handler for such disposition. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (l)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (l)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which were disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by an AMS laboratory, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation applicable to 1975 crop peanuts, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (l) of the Incoming Quality Regulations shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage or minor defects or are positive as to aflatoxin. To be eligible for disposal into human consumption outlets, such peanuts, after blanching, must meet specifications for unshelled peanuts, damaged kernels, and minor defects as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) to domestic crushing (b) to export to countries other than Canada and Mexico (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted"; *Provided*, That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operation at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestricted" pursuant to the provisions of paragraph (l)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted". Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted". However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (l)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) may be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation, or; (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality; Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "in-land" bill of lading and the invoice covering the shipment. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Associations and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) to other handlers for shelling, fragmenting, or crushing or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition to inedible outlets.* Handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk: (1) to other handlers for shelling, fragmenting,

V 40 I 136 JUL 15 75 XUM

or crushing or (2) to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (1) to other handlers for fragmenting or crushing; or (2) to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k) shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Postive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of shelled kernels and fall through, commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2) and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) With any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 14/64 x ¾ inch slot; Runner 15/64 x ¾ inch slot; and Virginia 14/64 x 1 inch slot. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) With any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restrictions. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels and fall through commingled pursuant to paragraphs (g) (2) and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

(h) PAC indemnified peanuts.

Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (l)(2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by an AMS laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "inland" bill of lading and on his invoice covering the shipment. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (l)(2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), and PAC indemnified peanuts shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3) of this regulation.

Terms and Conditions of Indemnification—1975 Crop Peanuts

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1975 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1975 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumpton, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1975 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1975 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1975 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot which has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1975 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on 1975 crop peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the 1975 crop shall be filed with the Committee no later than November 1, 1976.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Serv-

V 40-136 JUL 15 75 XUM

ice from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1975 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1975 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1975 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—
(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.
U.S. Grade shelled peanuts—
(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.
Shelled peanuts "with splits"—
(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a 15/64 x 3/4 slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 15/64 x 3/4 slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a 15/64 x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation for 1975 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1975 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginia Extra-Large and all types of peanuts grading U.S. splits as noted hereinafter, shall be a base price of 26.5 cents per pound plus an increase of 7½ points for each $1.00 increase in the national average price of the 1975 price support on farmers stock peanuts over the 1974 national average support price. The value for U.S. Virginia Extra-Large shall be a base price of 28.5 cents per pound plus the same increase as allowed on other categories. The value of U.S. splits of all types shall be a base price of 24.5 cents per pound plus the same increase as allowed on other categories.

[FR Doc.75-18306 Filed 7-14-75;8:45 am]

Forest Service

CHALLIS NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

The Challis National Forest Livestock Advisory Board will meet at 1 p.m., July 30, 1975, at the Challis National Forest Supervisor's Office, Challis, Idaho.

This will be the annual meeting of the Advisory Board. The duties of the board are solely advisory and pertain generally to the regulations and/or instructions relating to the use of National Forest lands affecting the administration of grazing in the area represented by the Board. There are no specific topics identified as yet. We will generally be discussing the past year's range management activities and the planned activities for Fiscal Year 1976.

The meeting will be open to the public. Persons who wish to attend should notify William Paddock, secretary, at the Challis National Forest Supervisor's Office, Challis, Idaho 83226 (area code 208-879-2285).

Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after the meeting.

To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

Dated: July 1, 1975.

J. E. Bills,
Forest Supervisor.

[FR Doc.75-18245 Filed 7-14-75;8:45 am]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

NORWOOD DISTRICT ADVISORY BOARD

Meeting

The Norwood District Grazing Advisory Board will meet at 10 a.m., August 1, 1975 at Lizard Head shipping corrals on top of Lizard Head Pass.

The purpose of this meeting is to review sheep grazing management in the Lizard Head area.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423, telephone 327-4343. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public comment is welcome.

Dated: July 7, 1975.

Jimmy R. Wilkins,
Forest Supervisor.

[FR Doc.75-18246 Filed 7-14-75;8:45 am]

REVISED TIMBER MANAGEMENT PLAN FOR THE SHOSHONE NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan for the Shoshone National Forest. The Forest Service report number is USDA-FS-R2-DES(Adm) FY-76-01.

The proposal is to revise the 1963 (Rev.) Timber Management Plan for the Shoshone National Forest. These plans are required to regulate the acres of silvicultural treatment on National Forest lands.

This draft environmental statement was transmitted to CEQ on July 8, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agricultural Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Shoshone National Forest, P.O. Box 961, Cody, Wyoming 82414.

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225. Comments must be received by September 8, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: July 8, 1975.

Clayton B. Pierce,
Director, Multiple Use and Environmental Quality Coordination.

[FR Doc.75-18289 Filed 7-14-75;8:45 am]

TIMBER MANAGEMENT PLAN, TALLADEGA NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Timber Management Plan, Talladega National Forest, Alabama, USDA-FS-R8 DES ADM 75-21.

The environmental statement concerns a proposed 10-year Timber Management Plan for the Talladega National Forest. The plan proposes even-aged forest management for that part of the Forest which is suitable for sustained yield timber production and not reserved for some other use. It provides for modification of this system on those areas that have special importance for other uses.

This draft environmental statement was transmitted to CEQ on July 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St., & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd. NW., Room 804, Atlanta, Georgia 30309.
USDA, Forest Service, Forest Supervisor, NFs in Alabama, P.O. Box 40, Montgomery, Alabama 36101.

A limited number of single copies are available upon request to Forest Supervisor, A. Dick Woody, U.S. Forest Service, P.O. Box 40, Montgomery, Alabama 36101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, A. Dick Woody, U.S. Forest Service, P.O. Box 40, Montgomery, Alabama 36101. Comments must be received by September 4, 1975, in order to be considered in the preparation of the final environmental statement.

David F. Jolly,
Regional Environmental Coordinator.

July 7, 1975.

[FR Doc.75-18238 Filed 7-14-75;8:45 am]

UPPER HIWASSEE UNIT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Upper Hiwassee Unit Plan, Cherokee National Forest, Cleveland, TN, USDA-FS-R8-FES (ADM.) 75-3.

The proposed action is the development of a management plan for 47,740 acres within the Hiwassee District of the Cherokee National Forest. This planning unit lies in Polk and Monroe Counties in southeastern Tennessee.

This final environmental statement was transmitted to CEQ July 7, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd. NW., Rm. 804, Atlanta, GA 30309.
Hiwassee Ranger District, Box 349, Etowah, TN 37311.

A limited number of single copies are available upon request to Forest Supervisor Robert R. Lusk, Cherokee National Forest, P.O. Box 400, Cleveland, TN 37311.

David F. Jolly,
Regional Environmental Coordinator.

July 7, 1975.

[FR Doc.75-18247 Filed 7-14-75;8:45 am]

WILLAMETTE NATIONAL FOREST LAND USE PLAN AND TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Willamette National Forest Land Use Plan and Timber Management Plan, Oregon, USDA-FS-R6XDES-(Adm)-75119.

The environmental statement concerns the proposed action to complete a land use plan for the North Santiam, South Santiam, McKenzie, North Fork Willamette, and Middle Fork Willamette Planning Units. Also, it simultaneously revises the 10-year Timber Management Plan for the Willamette National Forest.

This environmental statement presents a range of possible land use alternatives (A, B, C, D, & E) for each of the five Planning Units on the Willamette National Forest. Four timber management intensity alternatives are considered for each land use alternative.

This draft environmental statement was transmitted to CEQ on July 8, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
Regional Forester, Pacific Northwest Region, USDA, Forest Service, 319 SW. Pine St., Portland, OR 97204.
Forest Supervisor, Willamette National Forest, USDA, Forest Service, Eugene Federal Building, Eugene, OR 97401.

A limited number of single copies are available upon request to John E. Alcock, Forest Supervisor, P.O. Box 10607, Eugene, OR 97401.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to T. A. Schlapfer, Regional Forester, Pacific Northwest Region, USDA, Forest Service, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by November 10, 1975 in order to be considered in the preparation of the final environmental statement.

Dated: July 8, 1975.

Curtis L. Swanson,
Regional Environmental Coordinator Planning, Programing and Budgeting.

[FR Doc. 75-18290 Filed 7-14-75;8:45 am]

Packers and Stockyards Administration

[Docket No. 5151]

MILLS AUCTION MARKET

Complaint, Order of Suspension and Hearing Regarding Respondents' Schedule of Rates and Charges

In re: C. E. Mills and E. E. Mills, d/b/a Mills Auction Market, Ocala, Florida—respondents.

Notice is hereby given that on June 26, 1975, the respondents filed a proposed schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective July 8, 1975. The charge classification of the proposed tariff reads as follows:

V40-136 JUL 15 75 XUM

ITEM NO. II—CHARGE CLASSIFICATION

SECTION 1. SELLING COMMISSION

a. Cattle: (1) Cattle, ordinary (including baby calves), up to and including $29.99, $0.75 per head.
(2) Cattle, ordinary, $30.00 through $149.99, 3% of the gross proceeds of sale.
(3) Cattle, ordinary, $150.00 and over, $5.00 per head.
(4) Cow and calf pairs, 3% of the gross proceeds of sale.
(5) Bulls, 3% of the gross proceeds of sale.
(6) Cattle, carload lots: (a) Sorted and sold in groups of 10 or more, 2% of the gross proceeds of sale.
b. Hogs: (1) Feeder pigs or odd lots, 3½% of the gross proceeds of sale.
(2) Grade Hogs, 2½% of the gross proceeds of sale.
c. Sheep and Goats, $0.50 per head.

SECTION 2. YARDAGE

a. Cattle, $0.50 per head.
b. Hogs, Sheep and Goats, $0.25 per head.

SECTION 3. VETERINARY INSPECTION

a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian for inspection will be at uniform per head rates.

SECTION 4. VETERINARY SERVICES

a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian will be at posted uniform per head rates, pursuant to company agreement with the veterinarian performing such services and does not contain any charges retained by the market.

SECTION 5. FEED

a. All feed, as fed, shall be charged for at cost f.o.b. the market.

SECTION 6. SPECIAL OR UNUSUAL SERVICES

a. Special selling and marketing services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale and other than specified, will be charged for under special arrangement.

ITEM NO. III—RESALES AND NO SALES

SECTION 1. DEFINITIONS

a. Resale charges shall apply on all livestock resold without leaving the company livestock market premises.
b. No sale charges shall apply when the consignor declares his consignment no sale on price bid, bids in his consignment, or withdraws the same prior to actual sale.

SECTION 2. CHARGE CLASSIFICATION

a. A charge of 1½% of the gross proceeds of sale shall apply in respect of all resales.
b. The following charges shall apply: (1) Cattle—
(a) Bulls, 800 lbs. and over, $3.00 per head.
(b) All other, $1.50 per head.
(2) Sheep and Goats, $0.60 per head.
(3) Feeder pigs or odd lots, $0.75 per head.

ITEM NO. IV—BUYING ON COMMISSION

SECTION 1. DEFINITION

a. Consists of those services best applied to accomplish the purchase of livestock on a commission basis.

SECTION 2. CHARGE CLASSIFICATION

a. There shall be no charge for this service.

ITEM NO. V—SPECIAL MARKETING SERVICES

SECTION 1. ASSEMBLED OR HELD CATTLE

a. The following schedule of charges shall apply on livestock left at the market after 6:00 p.m. on day following sale:
(1) Cattle, $0.25 per head per day.
(2) Hogs, Sheep and Goats, $0.10 per head per day.

Notice is given hereby also that on July 8, 1975, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondents' rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondents are now, and at all times mentioned herein were, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Mills Auction Market, Ocala, Florida, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondents have heretofore filed and presently have in effect a schedule of rates and charges for their services at the aforementioned stockyard.

III. On June 26, 1975, the respondents filed a tariff effective July 8, 1975, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture there is reason to believe that the changes are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondents' schedule of rates and charges as modified by the tariff filed on June 26, 1975, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondents and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondents of the modifications of the current schedule of rates and charges filed on June 26, 1975, to become effective on July 8, 1975, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondents shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That a copy hereof be served upon the respondents.

Done at Washington, D.C. July 9, 1975.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.75-18310 Filed 7-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY SECTOR ADVISORY COMMITTEE ON RETAILING FOR MULTILATERAL TRADE NEGOTIATIONS

Establishment

Pursuant to the authority delegated under Executive Order 11846 of March 27, 1975, the Special Representative for Trade Negotiations (the "Special Representative") and the Secretary of Commerce ("the Secretary") have determined that an Industry Sector Advisory Committee on Retailing for Multilateral Trade Negotiations should be established as an advisory committee under the provisions of subsection 135(c)(2) of the Trade Act of 1974 (Pub. L. 93-618). In reaching such decision, the Special Representative and the Secretary have consulted with interested private organizations and have taken into account the factors set forth in subsection 135(c)(2)(B) of the Trade Act of 1974.

The Committee will advise the Special Representative, in conjunction with the Secretary, on matters which are of mutual concern to the U.S. retailing area and the United States in connection with the multilateral trade negotiations to be undertaken by the United States pursuant to sections 101 and 102 of the Trade Act of 1974. The Committee shall perform such functions and duties and prepare such reports as provided for in section 135(c) of the Trade Act of 1974 with respect to sector advisory committees established pursuant to section 135(c)(2) thereof.

The members of the Committee will be from the U.S. retailing area and will be appointed by and serve at the discretion of the Secretary and the Special Representative.

The Committee will function solely as an advisory body and the Department's Domestic and International Business Administration will provide staff support and services. Except as noted, the Department will be responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act. The Special Representative, or his designee, will have responsibility for determinations made pursuant to subsection 135(f) of the Trade Act of 1974.

The Charter for this Committee will be filed, in accordance with law, fifteen days from the date of this notice.

Dated: July 8, 1975.

GUY CHAMBERLAIN, JR.,
Acting Assistant Secretary of Administration.

[FR Doc.75-18225 Filed 7-14-75;8:45 am]

EXPORT REGULATIONS; SHORT SUPPLY CONTROLS

Substantiation of Past Participation Statements Relating to Exports of Petroleum Commodities and Use of Third Quarter Quota Entitlements

The FEDERAL REGISTER of December 13, 1973 announced that exporters desirous of receiving shares of the quotas for export of petroleum commodities were required to submit a statement on Form DIB-669P to the Office of Export Administration, U.S. Department of Commerce, indicating (separately for each foreign country) the quantities of each separate petroleum commodity (other than crude oils) listed in Supplement No. 1 to Part 377 of the Export Administration Regulations that the exporter exported to each such country during each calendar month of 1971, 1972, and the first six months of 1973. Since that time, these Past Participation Statements have been utilized in calculating quota entitlements issued each quarter to exporters of petroleum products (other than crude oils).

Exporters were cautioned that the Office of Export Administration might compare the Statements of Past Participation against Shipper's Export Declarations on file with the U.S. Bureau of the Census for confirmation of exporter identity as well as the data with respect to destinations, export quantities, and the Schedule B classification of past exports. It was noted that in appropriate cases audits would be made of exporter records, including the firm's copies of Shipper's Export Declarations and other documents.

Because of discrepancies between figures based on the aggregate of Past Participation Statements and Census export statistics for these commodities the Office of Export Administration has decided to require exporters of petroleum products to substantiate with documentary evidence the exports they reported on their previously submitted Past Participation Statements. This action is being taken pursuant to section 7(a) of the Export Administration Act of 1969, as amended and extended, and § 387.11 (f) of the Export Administration Regulations. A separate memorandum explaining the procedure and outlining the documentary evidence required is being sent to each exporter along with his Third Quarter 1975 Quota Entitlement.

Pending completion of the review and realignment of quotas as described above, no exporter will be issued licenses under his preliminary Third Quarter Quota Entitlements in an aggregate amount exceeding 50 percent of the aggregate quantity listed on his Entitlement sheet for each separate petroleum commodity. Exporters submitting applications for amounts in excess of 50 percent of preliminary Entitlements will be consulted as to which applications are to be reduced in quantity or held without action pending completion of the review and quota realignment. It is expected that the Department's audit will be completed by August 15, 1975, and that final adjustments to the entitlements will be announced shortly thereafter.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-18216 Filed 7-14-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, September 10, 1975, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two workgroups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone—301-921-3485).

Dated: July 9, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-18218 Filed 7-14-75;8:45 am]

Office of the Secretary

ELECTRIC CLOTHES DRYERS AND GAS RANGES

Voluntary Program for Appliance Efficiency

Correction

In FR Doc. 75-17618 appearing at page 28832 in the issue for Wednesday, July 9, 1975 the equation appearing on page 28837 was inadvertently switched with the equation in FR Doc. 75-17619 (appearing at page 29109 in the issue for Thursday, July 10, 1975) on page 29110.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0049]

SUGGESTED STATE REGULATIONS FOR CONTROL OF RADIATION

Notice of Availability

A publication entitled "Suggested State Regulations for Control of Radiation" (SSRCR) has been revised as of October 1974, and copies distributed to State radiation control agencies by the Conference of Radiation Control Program Directors. Additional copies of these suggested regulations are available for public examination in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Requests for single copies of these suggested State regulations should be made in writing to the Bureau of Radiological Health (HFX-25), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

The SSRCR was initially published in 1962 by the Council of State Governments with the advice and assistance of the U.S. Atomic Energy Commission and the U.S. Public Health Service. These initial regulations were updated and revised in 1964, 1966, and 1970. The 1974 edition was prepared by the Atomic Energy Commission, now the Nuclear Regulatory Commission; the Bureau of Radiological Health, Food and Drug Administration (FDA); and the Conference of Radiation Control Program Directors, representing the State agencies.

The Atomic Energy Act of 1954, as amended, authorizes in section 274 (42 U.S.C. 2021), the Atomic Energy Commission (NRC), to cooperate with the States in the formulation of standards for protection against hazards of radiation. The Public Health Service, Department of Health, Education, and Welfare, under the broad responsibility conferred by the Public Health Service Act (42 U.S.C. 241 and 243) advises and promotes cooperation between the States on matters relating to protecting the public against specified radiation hazards. The Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.) further provides for the establishment by the Secretary of Health, Education, and Welfare of an electronic product radiation control program designed to protect the public health and safety (42 U.S.C. 263d and 263e). In implementing this program, the Secretary is authorized to make such recommendations relating to such hazards and control as he considers appropriate. Acting on these authorities and responsibilities, the Atomic Energy Commission, now NRC, and the Bureau of Radiological Health, cooperated with the Conference of Radiation Control Program Directors in the preparation of these model State regulations.

This and previous editions of the SSRCR have been prepared to be con-

V40-136 JUL 15 75 XUM

sistent with Federal radiation regulations promulgated by Federal agencies to carry out responsibilities vested in them by law. These suggested regulations are, therefore, compatible with existing Federal Radiation Guidance developed by the Federal Radiation Council for use by Federal agencies in developing standards for their various regulatory programs. Responsibility for establishment of Federal Radiation Guidance is now vested in the Administrator of the Environmental Protection Agency (42 U.S.C. 2021h). Changes in Federal regulations, Federal Radiation Guidance, or appropriate guidelines or recommended standards, and the experience and suggestions of the State radiation control agencies and others provide a basis for revision of the SSRCR. This edition of the SSRCR reflects changes in the guidelines of the National Council on Radiation Protection and Measurements (NCRP), new amendments to the AEC (NRC) regulations (10 CFR Chapter I), and the electronic product radiation safety performance standards issued by the Bureau of Radiological Health (21 CFR Chapter I, Subchapter J).

Purpose of Suggested State Regulations for Control of Radiation. The purpose of the SSRCR is to assist the States in developing their radiation control regulations by providing a guide or model to encourage uniform regulations among the States; complement Federal regulations; and help States maintain regulations compatible with, identical to, or as effective as, Federal regulations.

Because of requirements placed on State regulatory agencies in promulgating regulations consistent with the standards of a number of Federal agencies, it is especially important that Federal and State agencies cooperate in developing their regulations. These model regulations can serve as a means of assisting the States in developing regulations that are consistent with Federal radiation control standards to the extent required, for example:

a. The Atomic Energy Act of 1954, as amended by Pub. L. 86–373 (73 Stat. 688), has specified in section 274 (42 U.S.C. 2021), as a condition for a State's entering into an agreement with the U.S. Nuclear Regulatory Commission to assume regulatory responsibility for byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass, that the State program be compatible with the NRC's program for the regulation of such material, and that the State program be adequate to protect the public health and safety with respect to the materials covered by the agreement.

b. The Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602), has specified in section 360F (42 U.S.C. 263n) that no state or political subdivision shall have any authority either to establish or to continue in effect, any standard which is applicable to the same aspect of performance of an electronic product and which is not identical to the Federal standard promulgated under the act.

c. Section 18 of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596) indicates that for a State plan to be approved, the State regulations must be at least as effective as the Federal standards promulgated under section 6 of the act, which relate to the same issues.

These statutory requirements emphasize the importance of cooperation among the Federal agencies, and with the State representatives, to assure consistency in radiation control regulations.

Scope and content. The 1974 edition of the SSRCR includes three new parts: Part H, Radiation Safety Requirements for Analytical X-Ray Equipment; Part I, Radiation Safety Requirements for Particle Accelerators; and Part J, Notices, Instructions and Reports to Workers; Inspections. The new Part J incorporates new provisions under 10 CFR Part 19 of the U.S. Nuclear Regulatory Commission regulations. These provisions are comparable with those of the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970, under 29 CFR Part 1903. The present edition of the "Ionizing Radiation Category" of the SSRCR consists of the following parts:

I. Ionizing Radiation

Part A—General Provisions.
Part B—Registration of Radiation Machine Facilities and Services.
Part C—Licensing of Radioactive Material.
Part D—Standards for Protection Against Radiation.
Part E—Radiation Safety Requirements for Industrial Operations.
Part F—X Rays in the Healing Arts.
Part G—Use of Sealed Radioactive Sources in the Healing Arts.
Part H—Radiation Safety Requirements for Analytical X-Ray Equipment.
Part I—Radiation Safety Requirements for Particle Accelerators.
Part J—Notices, Instructions and Reports to Workers; Inspections.

A rationale report has been prepared for, and included with, each of the new and revised parts of the current edition of the SSRCR to provide the States and others using and reviewing the model regulations with background information on the bases and approaches of the working groups that prepared each part.

Use of suggested State regulations. The suggested State regulations provide a comprehensive set of ionizing radiation regulations covering a number of sources, including performance requirements applicable to equipment, safe use of radiation sources, and requirements on the facility wherein the sources are used. Thus, they provide a comprehensive code of radiation control provisions to assure protection of the public health from radiation at the State level. In addition, these model regulations could be utilized as a resource document by Federal agencies using radiation sources in instituting a total radiation safety program for Federal facilities. The model regulations include provisions for the control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass for use by those States who have or are entering into an agreement with the U.S. Nuclear Regulatory Commission; however, these materials when used within Federal agencies are under the direct regulatory control of the U.S. Nuclear Regulatory Commission. This model could serve as a basis for meeting the requirements of section 19 of the Occupational Safety and Health Act of 1970 and Executive Order 11807 (Occupational Safety and Health Programs for Federal Employees), as they relate to radiation control, for the head of each Federal department and agency to establish an occupational safety and health program.

In essence, these suggested radiation control regulations could be utilized as (a) an aid in revising current State codes, (b) an aid in developing comprehensive codes at the State level when no regulations are in force, (c) an aid to Federal installations, and/or (d) an aid to manufacturers to know what type of controls may exist at the State level. It is recommended that applicable Federal or State agency regulations also be consulted directly.

Review and comments. During the developmental stage of this latest revision, draft copies of the SSRCR were sent to State and Federal agencies that have responsibilities and interest in radiation control for their review and comments and to keep them informed of the status of the suggested regulations. Although the present 1974 edition has been completed, an annual review and updating of each of the parts of the SSRCR is planned, as needed, by representatives of the Conference of Radiation Control Program Directors and appropriate Federal agencies.

Interested persons are invited to submit written comments and recommendations regarding this document, identified with the docket number appearing in the document heading, to the Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Each recommendation should be supported by appropriate rationale and background data that clearly establishes the scientific, technical, and public health bases for the recommendation. Any written comments or suggestions received about this edition will be collated and kept on file for consideration by those individuals given responsibility for review and development of that part.

Dated: June 26, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75–18221 Filed 7–14–75;8:45 am]

National Institutes of Health

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, September 3 and 4, 1975, Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:30 a.m. to 5 p.m. on September 3, 1975, to review and discuss transplantation and immunology collaborative studies and other Transplantation and Immunology Branch programs, progress and administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 a.m. to 5 p.m. on September 4, 1975 for review, discussion and evaluation of individual contractor's performance and review responses of sources sought announcements. Discussions will contain information of a proprietary and confidential nature, including detailed research protocols, designs and other technical information, financial data, such as salaries and personal information concerning individuals associated with existing contracts.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20014, phone 496–5717 will furnish rosters of committee members, summary of the meeting and other information pertaining to the meeting.

Dated: July 9, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–18308 Filed 7–14–75;8:45 am]

NATIONAL COMMISSION ON DIABETES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Commission on Diabetes, August 4 and 5, 1975 (times below), at McCormick Inn, 23rd Street and Lake Shore Drive, Chicago, Illinois.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on August 4 and 5 at the above address. From 9 a.m. to 12:30 p.m. on August 5 the Commission will hear public testimony; from 2 p.m. to 5 p.m. the Commission will have a business and planning meeting. From 9 a.m. to 12:30 p.m. on August 5 the Commission will meet in subcommittees; from 2 p.m. to 4 p.m. for reports from the subcommittees and a continuation of the business and planning meeting.

Any member of the public who wishes to appear before the Commission between 9 a.m. and 12:30 on August 4 shall file a written statement or detailed summary of his remarks with the Commission before 5 p.m. on July 25. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: July 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–18304 Filed 7–14–75;8:45 am]

Public Health Service

ASSISTANT SECRETARY FOR HEALTH, ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation and redelegations of authority have been made under the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91–650, as amended).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities and functions vested in the Secretary of Health, Education, and Welfare by the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91–650, as amended), except for the prescribing of regulations.

These authorities may be redelegated.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration to perform all of the authorities and functions under the District of Columbia Medical and Dental Manpower Act of 1970 (Pub. L. 91–650, as amended), except for the prescribing of regulations.

These authorities may be redelegated.

Dated: July 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–18250 Filed 7–14–75;8:45 am]

Office of the Assistant Secretary for Health

ROBERT I. LEININGER, ET AL.

Proposed Issuance of Exclusive License

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of Robert I. Leininger and Richard D. Falb entitled "Nonthrombogenic Plastic Surfaces and Preparation thereof," an invention of Henry M. Grotta entitled "Nonthrombogenic Plastic Material and Method for Making the Same," and an invention of Robert I. Leininger and Gerald A. Grode entitled "Nonthrombogenic Plastic Surfaces and Preparation thereof."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201, on or before August 14, 1975. Interested parties may obtain copies of the patents directed to these inventions upon request in writing to the party hereinabove named.

(Authority: 45 CFR 6.3)

Dated: July 9, 1975.

THEODORE COOPER, M.D.,
Assistant Secretary for Health.

[FR Doc.75–18251 Filed 7–14–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–473–DR; NFD–272]

MINNESOTA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on July 5, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from flooding beginning about April 23, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Minnesota.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Robert E. Connor, HUD Region V, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Minnesota to have been adversely affected by this declared major disaster:

The County of:

Aitkin

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: July 5, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–18229 Filed 7–14–75;8:45 am]

V40-136 JUL 15 75 XUM

[FDAA-472-DR; NFD-271]

MONTANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Montana, dated June 28, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 28, 1975:

The Counties of:

Jefferson	Toole
Meagher	Wheatland

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: July 8, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-18230 Filed 7-14-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-384]

TERRE DU LAC

Hearing

In the matter of Terre du Lac, OILSR No. 0-1475-29-56/A-E Docket No. 75-84-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Terre du Lac, Inc., Donald Shrum, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued June 6, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Terre du Lac, located in St. Francois County, Missouri, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 26, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on July 31, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 24, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: July 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-18228 Filed 7-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

PAKISTAN INTERNATIONAL AIRLINES CORPORATION FOREIGN AIR CARRIER PERMIT

[Docket No. 26968]

Postponement of Hearing

Objection has been filed by Bureau Counsel to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 23, 1975 (40 FR 28848, July 9, 1975) at 10 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., July 9, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-18260 Filed 7-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 398-6; OPP-33000/283]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before September 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 15, 1975.

Dated: July 7, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/283)

EPA Reg. No. 5590-155. Aerosol Techniques, Inc., Old Gate Lane, Milford CT 06460. SPRAY DISINFECTANT AND AIR DEODORANT CODE NO. 226-25D. Active Ingredients: Ethyl Alcohol 44.25%; Essential oils 0.90%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.33%; o-phenylphenol 0.26%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional claims. PM32

EPA File Symbol 1730-UE. Consumer Products Div., American Cyanamid Co., Wayne NJ 07470. LEMONEX CONCENTRATED CLEANER. Active Ingredients: Ethyl alcohol 2.8%; n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 1.75%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) dimethyl ethylbenzyl ammonium chloride 1.75%; d-limonene 3%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34773-G. ChemTech Resources, Inc., PO Box 34440, Dallas TX 75224. THREE-D DISINFECTANT-DEODORIZER-DETERGENT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA Reg. No. 239-2186. Chevron Chemical Co., 940 Hensley St., Richmond CA 94801. ORTHO PARAQUAT CL. Active Ingredients: Paraquat Dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.17%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM25

EPA File Symbol 100-LIA. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. PIK-OFF 10SL. Active Ingredients: Ethanedial dioxime 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 100-LIL. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. AATREX 90W HERBICIDE. Active Ingredients: Atrazine: 2-chloro-4-ethyl - amino-6-isopropylamino-s-triazine 85.5%; Related Compounds 4.5%. Method of Support: Application proceeds under 2(c) of the interim policy. PM25

EPA File Symbol 518-AA. Darworth Co., PO Box K, Tower Lane, Avon CT 06001. CUPRINOL STAIN & WOOD PRESERVATIVE CASTLE GRAY #122. Active Ingredients: Bis (Tri-n-butyltin) oxide 0.29%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 518-AL. Darworth Co. CUPRINOL STAIN & WOOD PRESERVATIVE CHOCOLATE BROWN #70. Active Ingredients: Bis (Tri-n-butyltin) oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 518-AU. Darworth Co. CUPRINOL STAIN & WOOD PRESERVATIVE BREWSTER GREEN #40. Active Ingredients: Bis (Tri-n-butyltin) oxide 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 1416-UE. Churchill Chemical Co., Div. of Dexter Corp., 576 S. Chambers St., Galesburg IL 61401. CCC-130. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36853-R. Eastern Foods, Inc., PO Drawer L, Atlanta GA 30337. MINT DISINFECTANT. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 5.0%; Alkyl (C12 68%, C14 32%) dimethyl ethylbenzyl ammonium chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 3770-GEL. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. 7½% CAPTAN POTATO DUST FUNGICIDE. Active Ingredients: N-[(trichloromethyl) thio]-4-cyclohexene-1, 2-dicarboximide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 9898-G. E-Z Chemical Co., 6751-53 Holabird Ave., Baltimore MD 21222. AQUA-KLEEN PERMANENT ALGAECIDE LIQUID. Active Ingredients: Copper Sulfate Anhydrous 6.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 270-RRO. Farnam Companies, Inc., 2230 E. Magnolia St., Omaha NB 68112. LEATHER LIFE. Active Ingredients: Tributyl Tin Oxide 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 6993-LG. Germain's Inc., 4820 E. 50th St., Los Angeles CA 90055. GERMAIN'S HOME & GARDEN INSECT SPRAY. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.25%; Piperonyl butoxide, technical 0.80%; N-octyl bicycloheptene dicarboximide 0.40%; Petroleum distillate 8.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 10163-TE. Gowan Co., PO Box 5696, Yuma AZ 85364. PROKIL TRIFLURALIN 4 EC. Active Ingredients: Trifluralin [A,A,A-Trifluoro-2, 6-Dinitro-N, N-Dipropyl-p-toluidine] 44.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 777-LG. Lehn & Fink Products, Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL SPRAY DISINFECTANT. Active Ingredients: o-Phenylphenol 0.1%; N-Alkyl (C18 92%, C16 8%)-N-Ethyl Morpholinium Ethylsulfates 0.035%; Alcohol 79.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10465-O. Mineral Research & Development Corp., PO Box 911, Charlotte NC 28201. PRECEDE "O" SEED TREATMENT. Active Ingredients: Copper, metallic (from Copper Ammonium Carbonate) 12%; Captan N-(trichloromethyl) thio - 4 - cyclohexene - 1-2-dicarboximide 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 359-358. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset NJ 08873. BUTOXONE AMINE. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 26.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 359-502. Rhodia Inc. BUTOXONE SB. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 359-677. Rhodia Inc. BUTOXONE. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 30942-G. Scientific Boiler Water Conditioning Co., 1 Maple St., Linden NJ 07036. ALGACIDE 703. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 30942-A. Scientific Boiler Water Conditioning Co. ALGACIDE 705. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 30942-U. Scientific Boiler Water Conditioning Co. ALGACIDE 701. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 30942-L. Scientific Boiler Water Conditioning Co. ALGACIDE 707. Active Ingredients: Poly[oxyethylene-(dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 148-REET. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DIAZINON TECHNICAL. Active Ingredients: O,O-Diethyl O-(2 - isopropyl - 6-methyl-4-pyrimidinyl) Phosphorothioate 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 1769-ETA. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irvin TX 75062. NATIONAL CHEMSEARCH BANZO 83. Active Ingredients: Diethanolamine salt of 2,4-D Dichlorophenoxyacetic Acid 8.00%; Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 3.28%; Dimethylamine salt of Related Acids 0.53%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1769-ETL. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH BANZO 84. Active Ingredients: Diethanolamine salt of 2,4-D Dichlorophenoxyacetic Acid 8.0%; Diethanolamine salt of dicamba (3,6-dichloro-o-anisic Acid) 4.0%; Diethanolamine salt of Related Acids 0.69%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 3525-AE. Utility Chemical Co., East Peel St., Paterson NJ 07524. GAMMADINE CLEANER/SANITIZER. Active Ingredients: Butoxy Polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1638-RN. Geo. L. Williams Co., 5700 Train Ave., Cleveland OH 44102. WJW-1975. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75-18120 Filed 7-14-75;8:45 am]

[FRL 399-3; OPP-33000/284]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before September 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compen-

V40-1136 JUL 15 75 XUM

sation under section 3(c)(1)(D) for such use of the data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received on or before September 15, 1975, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 15, 1975.

Dated: July 8, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/284)

EPA File Symbol 275-GN. Abbott Laboratories, Chemical Div., 14th & Sheridan Rd., N. Chicago IL 60065. AMICAL-48 DISPERSION ANTIMICROBIAL AGENT. Active Ingredients: Diiodo-methyl para-toyl sulfone 47.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 12015-RT. Allied Laboratories, Inc., 975 Lake Rd., Medina OH 44256. HANDLE DISINFECTANT-SANITIZER-FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 264-261. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. AMCHEM LV4 BROADLEAF POSTEMERGENCE HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, butoxypropyl esters 70.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM23.

EPA File Symbol 7754-ER. Animal Repellents, Inc., 980 Ellicott St., Buffalo NY 14209. BLACK WIDOW. Active Ingredients: Pyrethrins 0.05%; Piperonyl butoxide, technical 0.10%; N-octyl bicycloheptene dicarboximide 0.16%; O-isopropoxyphenyl methylcarbamate 1.00%; Petroleum distillate 83.64%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 1448-55. Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis TN 38108. BUSAN 30-I. Active Ingredients: 2 - (Thiocyanomethylthio) benzothiazole 30%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22.

EPA Reg. No. 239-2404. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. MONITOR 4 SPRAY. Active Ingredients: O,S-dimethyl phosphoramidothioate 40.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15.

EPA File Symbol 239-EUUE. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO TOMATO & VEGETABLE GARDEN DUST. Active Ingredients: Captan 7.5%; O,O-diethyl O-(2-isopropyl - 6 - methyl - 4 - pyrimidinyl) phosphorothioate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 100-497. Ciba-Geigy Corp., PO Box 1142, Greensboro NC 27409. AATREX 4L. Active Ingredients: Atrazine (2-chloro-4 - ethylamino - 6 - isopropylamino - s-triazine) 40.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 100-570. Ciba-Geigy Corp., PO Box 1142, Greensboro NC 27409. AQUAZINE ALGICIDE. Active Ingredients: Simazine: 2 - chloro - 4,6 - bis(ethylamino) - s-triazine 80%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Change in use pattern. PM34.

EPA File Symbol 1990-GIR. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. CO-OP LIQUID ATRAZINE. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropyl-amino-s-triazine 40.8%. Related compounds 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 654-73. Federal Chemical Co., Inc., 2580 Winthrop Ave., Indianapolis IN 46205. ARAB FOGERATOR. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate (DDVP) 0.46%; Related Compounds 0.04%; Pyrethrins 0.50%; Technical Piperonyl Butoxide 2.50%; Petroleum Distillates 16.45%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 4822-RLN. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON REPELLENT JACKET. Active Ingredients: 3-Acetyl-2-(2,6-dimethyl-5-heptenyl) oxazolidine (Related Compounds 0.8%) 23.0%. Method of Support: Application proceeds under 2(a) of interim policy PM17.

EPA File Symbol 777-LL. Lehn & Fink Products, Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07648. LYSOL SURFACE SPRAY DISINFECTANT. Active Ingredients: o-Phenylphenol 0.11%; N-Alkyl (C18 92%, C16 8%)-N-Ethyl Morpholinum Ethylsulfates 0.038%; Alcohol 84.68%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 777-LU. Lehn & Fink Products, Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL DISINFECTANT SPRAY. Active Ingredients: o-Phenyl-phenol 0.1%; N-Alkyl (C18 92%, C16 8%)-N-Ethyl Morpholinium Ethylsulfates 0.035%; Alcohol 76.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 35329-R. New Richmond Farmers Union CO-OP Oil Co., 539 N Knowles Ave., New Richmond WI 54017. NEW RICHMOND CO-OP 12-24-24 SYSTEMIC-D. Active Ingredients: O,O-Diethyl S-[2-(ethylthio) ethyl] phosphorodithioate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 3008-GO. Osmose Wood Preserving Co. of America, Inc., 980 Ellicott St., Buffalo NY 14209. TIMBERFUME-A. Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10454-A. Polyphase Chemical Service, Div. of Metropolitan Petroleum, Petrochemicals Co., Inc., 25 Cavan Point Rd., Jersey City NJ 07305. POLYPHASE POLYCIDE-O. Active Ingredients: Poly [oxyethylene(dimethyliminio) - ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10454-U. Polyphase Chemical Service, Div. of Metropolitan Petroleum, Petrochemicals Co., Inc. BIOQUAT. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10454-L. Polyphase Chemical Service, Div. of Metropolitan Petroleum, Petrochemicals Co., Inc. POLYPHASE BIOCIDE BT. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35137-A. Price Research, Ltd., 205 Westport Rd., Kansas City MO 64111. CHLORPYRIFOS LIQUID RESIDUAL SPRAY WITH SYNERGIZED PYRETHRINS FOR HOUSEHOLD USE. Active Ingredients: Pyrethrins 0.100%; Piperonyl butoxide, technical 0.200%; N-octyl bicycloheptene dicarboximide 0.300%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Aromatic petroleum distillate 0.290%; Petroleum distillate 98.610%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 35137-I. Price Research, Ltd. SYNERGIZED PYRETHRIN SPRAY FOR MILLS, FOOD PLANTS AND THE HOME. Active Ingredients: Pyrethrins 0.100%; Piperonyl butoxide, technical 0.200%; N-octyl bicycloheptene dicarboximide 0.333%; Petroleum distillate 99.367%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35137-L. Price Research, Ltd. PYRETHRIN ULV MOSQUITO ADULTICIDE. Active Ingredients: Pyrethrins 5%; Piperonyl butoxide, technical 25%; Petroleum distillate 20%; Mineral oil 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35137-T. Price Research, Ltd. SYNERGIZED PYRETHRIN INDUSTRIAL SPRAY. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 96.83%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 29780-A. Ray-Chem Mfg., Co., 187 Milton Ave., SE, Atlanta GA 30315. (RC-3). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780-I. Ray-Chem Mfg., Co. (RC-5). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780-L. Ray-Chem Mfg., Co. (RC-2). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780-T. Ray-Chem Mfg., Co. (RC-4). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 29780-U. Ray-Chem Mfg., Co. (RC-1). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 538-RUN. O. M. Scotts & Sons Co., Marysville OH 43040. SUMMER INSECT AND DISEASE CONTROL PLUS LAWN FERTILIZER. Active Ingredients: Thiophanate-methyl 5.50%; Chlorpyrifos 0.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 11511-ER. Shalco Chemical Corp., PO Box 2508, 2421 Lexington Ave., Toledo OH 43606. SHALCO RAT BAIT. Active Ingredients: 3-(a-acetonylbenzyl)-4-hydroxy-coumarin (warfarin) 0.025%; N1-2 - quinoxalinylsulfanilamide (sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 11511-GE. Shalco Chemical Corp., PO Box 2508, 2421 Lexington Ave., Toledo OH 43606. SHALCO LIQUID MOSQUITO LARVACIDE. Active Ingredients: Petroleum Distillates 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10308-O. Sumitomo Chemical Co., Ltd., c/o Mr. Eugene J. Gerberg, 1330 Dillon Heights Ave., Baltimore MD 21228. INSECTICIDE, AEROSOL DUST D-PHENOTHRIN 30%. Active Ingredients: 3-phenoxybenzyl d-cis, trans chrysanthemate 30.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA File Symbol 2175-L. Three-M-Supply, 1215 E. Columbia, Seattle WA 98122. MERICIDE DISINFECTANT-SANITIZER FUNGICIDE-DEODORIZER. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 7116-A. Unichem Inc., PO Box 1565, Greenville NC 27834. VULCAN. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 876-ELN. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. DIPHACIN 110 S CONCENTRATE RODENTICIDE. Active Ingredients: Diphacinone 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 35961-E. Viking Chemicals, 8 Brush St., Pontiac MI 48053. CMB-30. Active Ingredients: Poly oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 35961-R. Viking Chemicals, 8 Brush St., Pontiac MI 48053. CMB-40. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 2935-UNI. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 6837-LL. Wilmar Inc., PO Box 7084, Charlotte NC 28217. CONTROL NON SELECTIVE WEED KILLER. Active Ingredients: Diquat dibromide (6,7-Dihydropyride) (1,2-a:2',1'-C) pyrazinedilum dibromide 1.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

[FR Doc.75-18202 Filed 7-14-75;8:45 am]

[Opp-66014; FRL 397-3]

PESTICIDES

Intent To Cancel Registrations of Pesticides Containing Heptachlor or Chlordane

Correction

In FR Doc. 75-17940, appearing on page 28850, in the issue for Wednesday, July 9, 1975 in the third paragraph the first sentence should read "Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in the Federal Register. * * *".

[FRL 399-4]

SANDOZ-WANDER, INC.

Renewal of Temporary Tolerance

Sandoz-Wander, Inc., P.O. Box 1489, Homestead, FL 33030, was granted a temporary tolerance for combined negligible residues of the herbicide 4-chloro-5-(methylamino) - 2 - (α,α,α-trifluoro-*m*-tolyl) -3(2*H*) - pyridazinone and its metabolite 4-chloro-5-(amino) -2-α,α,α-trifluoro-*m*-tolyl) -3(2*H*) -pyridazinone in or on the raw agricultural commodity cottonseed at 0.1 part per million on May 8, 1973, in connection with Pesticide Petition No. 3G1310 (notice was published in the FEDERAL REGISTER of May 22, 1973 (38 FR 13500)). The firm requested and received a 1-year renewal of this tolerance on March 12, 1974 (notice was published in the FEDERAL REGISTER of March 15, 1974 (39 FR 10014). This temporary tolerance expired on March 12, 1975.

The firm has requested a 60-day renewal of the temporary tolerance to obtain additional experimental data. It is concluded that this renewal of the temporary tolerance for combined negligible residues of the herbicide and its desmethyl metabolite in or on cottonseed at 0.1 part per million will protect the public health. A condition under which this temporary tolerance is renewed is that the herbicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Sandoz-Wander, Inc. name.

This temporary tolerance expires August 31, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 30, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 75-18203 Filed 7-14-75;8:45 am]

[FRL 401-4]

SODIUM CYANIDE

Notice of Hearing on Application To Register Sodium Cyanide for Use in the M-44 Device To Control Predators

On July 7, 1975, the Environmental Protection Agency (EPA) received an application to register sodium cyanide M-44 capsules. Application was made pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), by the U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. The applicant states that this product is for use as a predacide to reduce the numbers of coyotes, red foxes, gray foxes and feral dogs causing livestock depredations, damage to wildlife, or serving as disease vectors on rangelands, pasture, and forest lands in the western United States.

On March 9, 1972, registrations of sodium cyanide, strychnine and 1080 (sodium fluoroacetate) for predator control uses were cancelled and suspended by EPA Administrative Order (37 FR 5718). The Order was not contested, and, consequently, no fact finding hearings were held. This Order immediately followed Executive Order 11643 of February 8, 1972, banning the use of chemical toxicants on Federal lands.

Pursuant to the provisions of Subpart D, Part 164, 40 CFR, promulgated on March 18, 1975, this application to register sodium cyanide as a predacide constitutes a petition for reconsideration of the 1972 EPA Order (40 FR 12261). Sub-

V40-136 JUL 15 75 XUM

part D requires that the Administrator determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior Order and whether such evidence could not have been presented during the original proceedings. If it is determined that there is no such evidence, the application will be denied. If it is determined that there may be such evidence, and, hence, reconsideration of the prior Order is warranted, then a formal hearing will be convened to determine whether such evidence does in fact exist and whether such evidence requires reversal or modification of the prior Order. The final determination is made by the Administrator on the basis of the record at the hearing and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in the prior Order and the cumulative impact of past, present and anticipated use in the future.

If the final determination of the Administrator results in a modification of the prior Order to permit the use requested by the applicant, then the application will be processed in accordance with the applicable regulations governing the registration of pesticides, subject, however, to the terms of the modified Order. If the prior Order is not modified, then the application will be denied.

In accordance with Subpart D, a determination has been made that there exists substantial new evidence which may materially affect the prior Order with respect to use of sodium cyanide in the M–44 device and accordingly reconsideration of the 1972 EPA Order is warranted. Notice is hereby given that formal public hearings will be held in accordance with Subpart D and 5 U.S.C. section 554 beginning August 12 and ending August 15, 1975, unless extended by the Administrator for a maximum of three days upon request by the presiding administrative law judge. The hearings will be held at EPA headquarters, 401 M Street, S.W., Washington, D.C. A discussion of the background and basis for the determination that reconsideration of the prior Order is warranted, along with pertinent information concerning the hearings, issues to be adjudicated at the hearings and other matters, are set forth below.

Background

The Order. The 1972 EPA Order cancelling and suspending the registrations of sodium cyanide, strychnine and 1080 for predator control was not contested by any of the registrants or appealed by other persons who may have been adversely affected by the Order, and consequently, no fact finding hearings were held. In reaching the conclusion to ban these poisons, Administrator Ruckelshaus relied, in part, on the findings of a special committee chaired by Dr. Stanley Cain, which had been commissioned to study the use of chemical toxicants for predator control by the U.S. Department of the Interior and the President's Council on Environmental Quality.

A major consideration in the EPA decision to suspend the registrations of the three poisons was the indiscriminate manner in which these poisons were used. Administrator Ruckelshaus noted in the 1972 Order that "[a]ll of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie." "Indiscriminate baiting over wide unpoliced areas poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of non-target range species." "While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any, comfort. This Agency has on prior occasions taken into account a 'commonly recognized practice' of use * * *, and has noted that the likelihood of directions being followed may affect their adequacy * * *."

With specific reference to sodium cyanide, the Administrator observed that the pattern of use was similar to strychnine and 1080: It was used in a baited explosive device containing a cyanide charge which was triggered when an animal pulled at the bait. This device was left unattended along trails or on range lands and posed a distinct hazard to humans.

Finally, with reference to all three poisons, the Administrator observed that the benefits derived from use of these poisons were ill-defined and speculative when measured against obvious threats to wildlife. There was an absence of any reliable data showing that the poisons were effective in reducing livestock losses caused by predators. He also noted that there were effective non-chemical alternative methods of predator control, such as, shooting, denning and trapping.

The 1972 Order contained the following specific findings of fact with respect to sodium cyanide.

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water-soluble white-solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per liter of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

Experimental Use Permits. On January 31, 1974, EPA promulgated a regulation which provided a mechanism for issuance of experimental permits for use of sodium cyanide in a spring-loaded ejector unit (the "M–44") to develop and accumulate information necessary to support registration (40 CFR 162.19; 39 FR 3939). In issuing this regulation it was noted that the human hazard associated with the spring-loaded unit appeared to be significantly less than that of the explosive type which was in common use at the time of the 1972 Order. Also, the spring-loaded unit when properly placed by trained personnel appeared to be more selective for coyotes than other chemical predator control methods used prior to the 1972 Order. However, it was also noted that reliable data were still lacking with respect to the following: (i) The amount of coyote control which can be achieved by the M–44 without causing unreasonable adverse effects on the environment; (ii) the correlation between the number of sheep lost without the use of the spring-loaded unit compared to the number of sheep lost using the spring-loaded unit; and (iii) data comparing the effectiveness and cost of the M–44 with non-chemical coyote control alternatives, including denning, shooting, trapping, and protective measures applied directly to sheep and lambs. Obviously, these data could only be developed under controlled field use conditions. Accordingly, the regulation was promulgated to permit the collection of these data, and experimental use permits were issued as follows:

Permit holders	*Date of issuance*
Texas Department of Agriculture.	Feb. 8, 1974
Montana Department of Livestock.	Apr. 4, 1974
California Department of Food and Agriculture.	Apr. 11, 1974
Department of the Interior.	May 28, 1974
South Dakota Department of Game, Fish and Parks.	July 1, 1974
Idaho State Department of Agriculture.	Apr. 19, 1974
Nebraska State Department of Agriculture.	Oct. 1, 1974
Kansas State University.	Feb. 1, 1975
Texas A. & M. University.	Feb. 24, 1975

The holders of these experimental permits have supplied data to EPA periodically, and additional data gathered thus far will be submitted at a meeting with the Agency on July 15 and 16. These data will be available for public inspection at the same locations as the application.

Summary of Application

The applicant seeks the registration of M–44 cyanide capsules as a predacide for reducing the numbers of coyotes, red foxes, gray foxes, and feral dogs causing livestock depredations or damage to wildlife or serving as disease vectors on rangelands, pasture, and forest lands in the western United States.

The application specifies that, if M–44 cyanide capsules are registered, they will be used only in areas and programs approved by U.S. Fish and Wildlife Service Regional Directors. It further specifies that M–44 cyanide capsules will not be used in national parks or monument areas, areas where threatened or endangered species might be adversely affected, or areas where excessive exposure of the public and family pets is probable.

Since Executive Order 11643 (February 8, 1972) bans the use of chemical toxicants on Federal lands for predator control except in emergencies, use of sodium cyanide by the applicant or other Federal agencies would be limited to the conditions specified in the Executive Order unless it is subsequently modified. If the 1972 EPA Order is modified as a result of the hearings called by this notice, the Administrator will recommend to the President that the Executive Order be modified accordingly.

The applicant does not have jurisdiction over most lands on which the M–44 would be used if it is registered. The application states that predator programs on public lands would be controlled by cooperative agreement with appropriate jurisdictional agencies and on private lands by agreement with the landowner or lessee.

The application also specifies that "full documentation of livestock depredations, including evidence that such losses were caused by wild canids, or laboratory-confirmed verification that wild canids are, in fact, vectors of a communicable disease such as rabies" will be a prerequisite to each individual use of the M–44 cyanide capsules.

The application indicates that use of M–44's will follow two patterns: 1. Linear spacing along livestock or game trails and seldom used ranch or range roads, and 2. At draw stations, where several M–44's will be set in the vicinity of dead livestock, which will serve as an attractant. The maximum numbers of M–44's placed in the field will not exceed 10 in small pastures of 100 acres or less; or 10 per draw station, not to exceed 3 stations per square mile; or 30 stations per square mile of open range. M–44's will not be placed in proximity to food crops.

In its application, the applicant has made the following representations and submitted data intended to support each one:

1. Regarding the predator problem:

a. Depredating coyotes can be a significant economic factor affecting the sheep industry.

b. Sheep losses in the absence of coyote control far exceed losses where control is in effect.

c. Coyote predation on other classes of livestock can be serious in localized situations.

d. Predation by coyotes, red foxes, and gray foxes can be detrimental to other wildlife species.

e. The impact of feral dogs on livestock can be significant.

f. Red and gray foxes are a primary vector of sylvatic rabies.

2. Regarding hazards to humans and domestic animals:

a. Sodium cyanide is extremely toxic to a number of animals, including man. Low doses of sodium cyanide are acutely and rapidly toxic.

b. Prolonged exposure to hazardous concentrations of cyanide may result in chronic toxicity in man.

c. Cyanide is not a cumulative toxicant and probably would not be secondarily toxic.

d. Antidotal therapy for cyanide poisoning is available.

3. Regarding hazards to fish and wildlife:

a. Coyotes and red and gray foxes are numerous in the western United States and have a marked capacity, through reproduction, to resist or recover from widespread population reduction efforts.

b. The total number of coyotes and foxes taken by M–44's has been insignificant when compared with estimates of their population densities in the western States.

c. Operational use of M–44's, as proposed in the registration application, will have no serious or permanent effects on the numbers of coyotes and foxes, except on a localized basis.

d. M–44's are highly selective for the target species and present a minimal hazard to non-target wildlife, except certain rare and endangered species.

e. Use of M–44's within the range of the San Joaquin kit fox, red wolf, northern Rocky Mountain wolf, and eastern timber wolf constitutes a definite hazard and they therefore will not be used within the range of these species.

4. Regarding other environmental hazards:

a. Sodium cyanide would not be a hazard to water, soil, vegetation, or air.

b. A decrease in temperature may increase the toxicity of sodium cyanide.

For more detailed information, interested persons are referred to the application itself located at the Federal Register Section, Office of Pesticide Programs, Room E–401, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. Copies will be available for inspection at EPA Regional Offices in Dallas, Kansas City, Denver, San Francisco and Seattle.

Substantial New Evidence

In accordance with the Subpart D procedures, the application and supporting data have been reviewed, and it has been determined that (i) the applicant has presented substantial new evidence with respect to sodium cyanide which may materially affect the 1972 Order to the extent that it cancelled and suspended the registrations of sodium cyanide for use in predator control, (ii) such evidence was not available to the Administrator at the time of the determination to cancel and suspend the registrations of sodium cyanide, and (iii) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation proceeding prior to the issuance of the 1972 Order. No substantial new evidence with respect to strychnine and 1080 has been submitted to the Agency.

This determination is based on the application and supporting data submitted by the applicant which show that:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M–44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M–44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M–44, it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

The Hearings

Formal public hearings will be held in Washington, D.C. at EPA headquarters, 401 M Street, SW, beginning August 12 and ending August 15, 1975, unless extended by the Administrator for a maximum of three days upon request by the presiding Administrative law judge. The presiding administrative law judge shall be designated by the Chief Administrative Law Judge.

In the interest of providing for full public participation in the hearings, any person who wishes to intervene as a party in the hearing may do so by filing a motion for leave to intervene setting forth the identity of such person, the grounds for the proposed intervention and the position and interest of the such person in the hearing. Any person wishing to file briefs without being made a party may do so by leave of the presiding officer upon motion identifying the interest of such person and stating the reasons why the proposed brief is desirable. All such motions to intervene or file briefs must be filed with the hearing clerk not later than August 6, 1975.

EPA recognizes that one or more States or individuals may wish to seek registration of sodium cyanide for use in the M–44 device for predator control. Any such applications should be filed with the Registration Division, Office of Pesticide Programs, Room E–315, located

V40 I136 JUL 15 75 XUM

at the Headquarters address mentioned above, not later than July 31, 1975, in order that they can be reviewed in accordance with the provisions of Subpart D in time for the hearings. If, in accordance with the provisions of Subpart D, 40 CFR 164.131, the Administrator determines that an application submitted by that date presents substantial new evidence, then such application will be considered at the hearing in accordance with the procedures described herein, subject, however, to any revisions ordered by the Administrator prior to the commencement of the hearing as may be necessary to conform the issues that will be adjudicated at the hearing to the facts presented by any such applications. Any such application may, with the consent of the U.S. Department of the Interior, Fish and Wildlife Services, and accompanied by an offer to pay reasonable compensation pursuant to section 3(c)(1)(D) of FIFRA, incorporate by reference portions of the U.S.D.I. application. Applications received after July 31, 1975, will be reviewed pursuant to Subpart D but will not be considered in time for the scheduled hearings.

Within four (4) days after the last evidence is taken in the hearing, each party may file with the hearing clerk proposed orders, findings of fact, and conclusions of law based solely on the record, and a brief in support thereof. Within ten (10) days after the hearings the presiding officer shall evaluate the record before him and prepare and file his initial decision with the hearing clerk. Within fourteen (14) days after the hearings, each party may file a reply brief. And within twenty-one (21) days after the hearings, the Administrator will render his decision. Weekends and holidays are excluded for purposes of calculating the time periods set forth above.

Subpart D rules require that the hearing determine whether: (1) substantial new evidence does exist on the basis of the application, the data submitted by the applicant in support of the application and the evidence properly admitted at the hearing, and (2) such evidence, if it is found to exist, requires modification of the 1972 Order solely with respect to sodium cyanide. Accordingly, in the hearing called by this notice the issues to be adjudicated are whether the following constitute substantial new evidence:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M-44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M-44, it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

Finally, if such facts are determined to exist and to constitute substantial new evidence the hearing must also determine whether such facts require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M-44 to control predators in accordance with FIFRA.

The determination of these issues shall be made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order.

Documents to be filed with the hearing clerk should be sent to:

Hearing Clerk, Attention: Sonia G. Anderson, Room E-1019, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Dated: July 11, 1975.

RUSSELL TRAIN,
Administrator.

[FR Doc.75-18445 Filed 7-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

EXECUTIVE COMMITTEE OF THE RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on Friday, August 8, 1975, in the Senate Room, Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C., commencing at 9:30 a.m.

The Agenda for the meeting is:

1. Approval of the Minutes of the May 30, 1975, meeting.
2. Special Committee Activities Report for June-July, 1975:
   a. Future work of SC-120.
   b. Status of Special Committee 128.
   c. Chairmanship of Special Committee 129.
3. Chairman's Report on RTCA administration and activities.
4. Proposed Terms of Reference to Special Committee 116G.
5. Proposed International Air Traffic Control Symposium.
6. RTCA Internship.
7. Independent Landing Monitors.
8. Future use of one Document in lieu of separate MPS's and MOC's.
9. Other Business.
10. Date and place of next meeting.

The meetings of the RTCA Executive Committee are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-18243 Filed 7-14-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 126, AIRBORNE OMEGA RECEIVERS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 126, Airborne OMEGA Receivers. It is to be held on July 31, 1975, in Conference Room 6A and 6B, FAA Headquarters Building, 800 Independence Avenue, SW. Washington, D.C., commencing at 9:30 a.m.

AGENDA

1. Chairman's Opening Comments—I. Lublin.
2. Introduction of members and guests.
3. Approval of Minutes of Third Meeting of SC-126 held on April 17, 1975.
4. Special Announcements.
5. Report of Subcommittees: 5.1 Low Performance; 5.2 High Performance.
6. New Business.
7. Date and place of next meeting.

Meetings of Special Committee 126 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-18242 Filed 7-14-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 127, EMERGENCY LOCATOR TRANSMITTERS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 127, Emergency Locator Transmitters. It is to be held on August 6, 1975, in Conference Room 6332, Nassif Building, 400 Seventh Street, SW., Washington, D.C., commencing at 9 a.m.

AGENDA

1. Opening comments by the Chairman.
2. Administrative announcements.
3. Review and approval of Minutes of April 23, 1975, meeting.
4. Comments of Task Group.
5. Strawman Draft Work.
6. New Business.
7. Task Assignments.
8. Date and place of next meeting.

Meetings of Special Committee 127 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-18244 Filed 7-14-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 129—FUTURE CIVIL AVIATION SPECTRUM REQUIREMENTS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 129—Future Civil Aviation Spectrum Requirements. It is to be held on July 31-August 1, 1975, in Conference Room 6210, Federal Communications Commission, 2025 M Street, NW., Washington, D.C., commencing at 10 a.m.

The Agenda is as follows:

1. Approval of Minutes of Second Meeting held June 19-20, 1975.
2. Participation in Special Committee 129.
   a. Need to improve U.S. Industry and Scientific participation.
   b. Non-U.S. participation.
3. Report of the Drafting *ad hoc* Group.
4. Review of currently known U.S. civil aviation requirements.
5. Other Business.
6. Date and place of next meeting.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meetings, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 209-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-18241 Filed 7-14-75;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK AND STANDARD FRUIT AND STEAMSHIP CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Theodore I. Kanner, Esq., General Counsel, The City of New York, Economic Development Administration, Department of Ports and Terminals, Battery Maritime Building, New York, New York 10004.

Agreement No. T-3119, between the City of New York (City) and Standard Fruit and Steamship Company (Standard), provides for Standard's sixteen and one-half year lease (with one ten-year renewal option) of Pier 42, East River, for use as a marine terminal. The agreement provides, however, that the leased premises shall not be used to accommodate or berth passenger vessels (as defined in the agreement) without the City's prior written approval. As compensation, the City is to receive: (1) a base rent of $140,880 per annum plus (2) additional rent, consisting of twelve per cent of the actual cost of the purchase, installation and construction of machinery, equipment and improvements as provided for in the agreement, such actual cost not to exceed $2,000,000.

Agreement No. T-3119-A, also between the City and Standard, provides for the surrender of Standard's earlier lease with the City for the premises to be leased under Agreement No. T-3119, above. Pier 42 was previously leased to Furness, Withy & Co. pursuant to FMC Agreement No. T-741, which was subsequently assigned to Standard.

By Order of the Federal Maritime Commission.

Dated: July 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18375 Filed 7-14-75;8:45 am]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary
Mediterranean-U.S.A. Great Lakes Westbound Freight Conference
10 Place de la Joliette
Marseilles, France

Agreement No. 8260-15, among the member lines of the above-named Conference, modifies the basic agreement by requiring a unanimous vote of the membership for any amendment to the agreement and a three-quarters vote for determination of any violation.

By Order of the Federal Maritime Commission.

Dated: July 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18281 Filed 7-15-75;8:45 am]

PUGET SOUND TUG AND BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been

V40-136 JUL 15 75 XUM

filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (39 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, Room 11413; or may inspect a copy of the application at the Field Offices, New York, New York; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments with reference to the application, including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within twenty days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of application filed by:

John Cunningham, Esquire
Kominers, Fort, Schlefer & Boyer
1776 F Street, N.W.
Washington, D.C. 20006.

Puget Sound Tug & Barge Company has made application, pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder, to amend its currently effective exemption (46 CFR § 531.26(c)), scheduled to expire December 31, 1975, and extend for a period of three years beyond the expiration date. Applicant has been performing transportation between ports on navigable waters in the Lower 48 States and the Alaska North Slope under an exemption from tariff filing requirements granted June 20, 1974.

By order of the Federal Maritime Commission.

Dated: July 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18282 Filed 7-14-75;8:45 am]

[Docket No. 75-25]

UNITED STATES LINES, INC., MATSON NAVIGATION CO.

Order of Investigation; Rates

On June 6, 1975, United States Lines, Inc. (USL), filed amendments to its Tariff FMC-F 57,[1] proposing to reduce its Foodstuffs, All Kinds and Freight, All Kinds (FAK) rates applicable to 40 foot containers, effective July 6, 1975. The proposed reduced rates would assess a minimum per 40 foot container charge based upon utilization of 2,192 cubic feet. An additional charge of 72 cents per cubic foot would be assessed for utilization above the minimum to the maximum capacity of a 40 foot container, i.e., 2,370 cubic feet. No similar provision is noted for 20 foot containers.

The Matson Navigation Company (Matson) filed a protest to the proposed revisions, alleging that the reductions will:

(a) Violate Tariff Circular No. 3 in that there is no clear and concise rule or provision to indicate the method to be used in determining the measurement of the cargo;

(b) Result in a higher per cube cost to shippers of 20 foot containers if the full capacity of the container is not utilized, and;

(c) Encourage false billing in violation of Section 16 of the Shipping Act, 1916.

Notwithstanding the above, Matson has also filed similar provisions to its Tariff FMC-F No. 153,[2] to become effective July 13 and 17, 1975, citing competitive necessity as justification. Matson offered to cancel these provisions in the event its protest is favorably considered.

Because users of the 40 foot container would be charged only for space utilized, subject to a minimum, and users of the 20 foot container would be charged on a per 20 foot container basis regardless of actual utilization, the result could work to prefer users of 40 foot containers in comparison to certain users of 20 foot containers. The measurement of cube of cargo is a departure from usual practice under FAK rates.

Moreover, because the additional charge for utilization above 2,192 cubic feet depends upon the shipper's declaration, the potential for misdeclaration is significant. While the integrity of most shippers is not in question, the Commission's responsibilities as a regulatory agency include attention to situations which might encourage practices violative of section 16 of the Shipping Act, 1916. This is particularly true in view of the fact that the Commission's Pacific District Investigators have indications of widespread misdescriptions by shippers using FAK rates in this trade. The Commission is particularly concerned that the rates proposed by United States Lines and Matson will encourage misstatements of cubic measurement unless there are adopted procedures which will rigorously monitor the accuracy of shipper declarations of cube.

Therefore, it is ordered, That pursuant to the authority granted the Commission by section 22 of the Shipping Act, 1916, as amended, an investigation is hereby ordered into the lawfulness of the aforementioned tariff matters for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matters hereby placed under investigation are further changed, altered, or reissued, such changes are hereby ordered to be made part of this investigation;

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether United States Lines and Matson, by the subject tariff matters, are proposing to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, as amended, a determination shall be made as to whether United States Lines and Matson Navigation Company, by the subject rates on Foodstuffs, All Kinds and Freight, All Kinds are proposing to establish rates which are unjust or unreasonable or regulations and practices which relate to those rates which are unjust or unreasonable within the meaning of that section;

It is further ordered, That United States Lines, Inc. and Matson Navigation Company be named respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence not later than January 9, 1976;

It is further ordered, That (1) a copy of this order be served forthwith upon the respondents and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondents and Hearing Counsel be served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein, should promptly notify the Secretary of the Commission and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

Upon consideration, the Commission has concluded that our actions with respect to the subject tariff matter will have no effect upon the quality of the human environment since it is our determination that the volume and nature of cargo moving in the affected trade will not be influenced by Commission action on the proposed rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18283 Filed 7-14-75;8:45 am]

[1] USL FMC-F No. 57 applies to and from Pacific Coast ports and Hawaiian ports. The relevant provisions are at First Revised Page 118, Item 1160 (Foodstuffs, All Kinds), and at Second Revised Page 147 and Second Revised Page 148, Item 3000 (Freight, All Kinds).

[2] Matson FMC-F No. 153 applies from Pacific Coast ports to Hawaiian ports. The relevant provisions are at First Revised Page 156, Item 1160 (Foodstuffs, All kinds), and at First Revised Page 191 and First Revised Page 192, Item 3000 (Freight, All Kinds).

FEDERAL POWER COMMISSION

[Docket Nos. RP71-7, RP73-77; PGA75-7]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment and Minor Tariff Changes

JULY 8, 1975.

Take notice than on June 30, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Eleventh Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of August 15, 1975.

Alabama-Tennessee states that the purpose of Eleventh Revised Tariff Sheet No. 3-A is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 ond 22 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on August 15, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate Schedule:	*Tenth revised sheet No. 3-A*
G-1:	
Demand	$3.20
Commodity	cents 60.05
SG-1:	
Commodity	cents 83.43
I-1:	
Commodity	cents 62.05

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18255 Filed 7-14-75;8:45 am]

[Docket No. E-9505]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Amendment to Existing Rate Schedule

JULY 8, 1975.

Take notice that on June 20, 1975, Central Illinois Public Service Company (Central Illinois) tendered for filing an amendment to Appendix B of its Interconnection Agreement with Commonwealth Edison Company (Edison). Appendix B is dated January 21, 1975, and the Interconnection Agreement is dated November 1, 1964, and filed with the Commission as Central Illinois Rate Schedule FPC No. 61.

Applicant states that this amendment provides for a change in the use by Edison of the 34.5 kV interconnection facilities provided by Central Illinois from continuous operation to standby operation. It provides for an annual charge of $12,238 based upon an annual fixed capital investment, maintenance and operating charge of 15 percent on an investment of $81,587. Central Illinois states that the term of Amendment to Appendix B is for 3 years, with a requested effective date of September 1, 1975. The amendment will continue thereafter until terminated by either party upon giving notice to the other in writing of its intention to do so at least one year in advance of such termination. Central Illinois states further that the 15 percent annual facilities use charge provided for in Amendment to Appendix B is identical to similar charges in Supplements on file with the Commission to Central Illinois Rate Schedule FPC No. 13.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18256 Filed 7-14-75;8:45 am]

[Docket No. RP72-157; PGA75-9]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

JULY 7, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on June 23, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective August 1, 1975. The proposed rate decrease would produce approximately $4.9 million annually less in jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate changes filed by Texas Gas Transmission Corporation and Texas Eastern Transmission Corporation to be effective August 1, 1975.

Consolidated requests waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the suppliers' revised rates in sufficient time to make a timely filing, and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on August 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve ot make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18260 Filed 7-14-75;8:45 am]

[Docket No. E-9524]

CONSUMERS POWER CO.

Tariff Change

JULY 8, 1975.

Take notice that Consumers Power Company (Consumers Power) on June 30, 1975, tendered for filing Amendment No. 1 to an Operating Agreement dated March 1, 1966 among Consumers Power, The Detroit Edison Company, and The Toledo Edison Company. This Operating Agreement is designated Consumers Power Company Rate Schedule FPC No. 22. Consumers Power states that the proposed changes would increase the charges under the Agreement for Emergency Service by Approximately 22 percent and for Short Term Power by approximately 17 percent. Amendment No. 1 also creates a new category of service termed "Off Peak Power".

Consumers Power further states that the increased rates are necessary to more adequately compensate parties supplying Short Term Power and Emergency Service under the Agreement for the fixed costs associated with production and bulk transmission facilities used to provide such power. The creation of the category of service termed "Off Peak Power" is intended to allow greater operating flexibility to the parties.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commisison, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be

V40-136 JUL 15 75 XUM

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18261 Filed 7-14-75;8:45 am]

[Docket No. E-9521]

GEORGIA POWER CO.

Filing of Initial Tariff

JULY 8, 1975.

Take notice that Georgia Power Company (Georgia Power) on June 30, 1975, tendered for filing an initial partial requirements tariff, Georgia Power Company's FPC Electric Tariff, Original Volume No. —.

Georgia Power states that, pursuant to the tariff, for which the Company requests a July 1, 1975 effective date, the Company would supply partial requirements to wholesale for resale customers in its service area. The service consists of base load capacity, intermediate load capacity, peaking load capacity, reserves for such capacity and associated energy, complementary to Customer-owned resources. In addition, the Company will provide reserves for Customer-owned resources which result from joint planning with the Company.

The Company states that only one customer, Oglethorpe Electric Membership Corporation, will initially take service under the new tariff.

Georgia Power states that copies of the filing were served upon the Company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18262 Filed 7-14-75;8:45 am]

[Docket No. E-9522]

GEORGIA POWER CO.

Filing of Initial Tariff

JULY 8, 1975.

Take notice that Georgia Power Company (Georgia Power), on June 30, 1975, tendered for filing an initial transmission service tariff, Georgia Power Company's FPC Electric Tariff, Original Volume No.

Georgia Power states that, under the tariff, for which the Company requests a July 1, 1975 effective date, the customer's bulk power resources, as defined, may be transmitted within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) pursuant to entry by the Company and the customer into arrangements for the ownership and use of an integrated transmission system, which arrangements provide for parity of investment in said system among customers and the Company and for payments by one party to the other in the event of disparity of investment.

The Company states that only one customer, Oglethorpe Electric Membership Corporation, will initially take service under the new tariff. The Company and this customer have entered into an agreement pursuant to the new tariff.

Georgia Power states that copies of the filing were served upon the Company's jurisdictional customers.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18263 Filed 7-14-75;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Tariff Change

JULY 8, 1975.

Take notice that Illinois Power Company (Illinois Power) on June 27, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, IP FPC 26, IP FPC 28 and IP FPC 30. Illinois Power states that the proposed changes would increase revenues from jurisdictional sales and service by $117,498, based on the twelve month period ended December 31, 1974.

Illinois Power further states that the rate schedules for the three Service Classification 40 customers were last increased in 1958 and subsequently reduced in 1964 and 1966, and that the Company has subsequently experienced sharply increased construction and capital costs and operating expenses.

Copies of the filing were served upon the public utility jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18264 Filed 7-14-75;8:45 am]

[Docket No. RP73-66; PGA75-4]

INTER-CITY MINNESOTA PIPELINES LIMITED, INC.

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provision

JULY 8, 1975.

Take notice that Inter-City Minnesota Pipelines Limited, Inc. on June 15, 1975 tendered for filing Fourth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 proposed to be effective August 1, 1975.

Minnesota Pipelines states that the purpose of filing this revised tariff sheet is to reflect the increased costs of gas purchased from ICG Transmission Limited, effective August 1, 1975.

Minnesota Pipelines also states that copies of this filing have been served upon all its customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18265 Filed 7-14-75;8:45 am]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Extension of Time

JULY 7, 1975.

In the matter of Michigan Wisconsin Pipe Line Company, Docket Nos. CP74-316, CP75-182, CP75-195; Natural Gas Pipeline Company of America, Docket Nos. CP72-279, and CP75-274, Great Lakes Transmission Company, Docket No. CP74-317; Northern Natural Gas Company, Docket Nos. CP75-21, CP75-237; Michigan Consolidated Gas Company, Docket Nos. CP75-199, CP75-200.

On June 18, 1975, Michigan Wisconsin Pipeline Company and Michigan Consolidated Gas Company filed motions for an extension of the time within which to file testimony and exhibits by all applicants and supporting intervenors as required by the order issued June 2, 1975, in the above-designated matter. Northern Natural Gas Company and Natural Gas Pipeline Company of America filed responses supporting the motions.

Upon consideration, notice is hereby given that the date is extended to and including August 15, 1975, within which the applicants and supporting intervenors shall file testimony and exhibits. All other dates remain unchanged.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18266 Filed 7-14-75;8:45 am]

[Docket Nos. RP73-107, RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Change in Conference Date

JULY 7, 1975.

Take notice that the informal conference in the above referenced dockets which was set for Tuesday, July 22, 1975, by notice issued June 20, 1975, has been changed to July 21, 1975. The conference will convene at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18259 Filed 7-14-75;8:45 am]

[Docket No. RP75-8; PGA 75-4]

COMMERCIAL PIPELINE CO., INC.

PGA Filing

JULY 8, 1975.

Take notice that on June 13, 1975, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Seventh Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A Seventh Revised....	($0.0395)	$0.0650	July 23, 1975

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18258 Filed 7-14-75;8:45 am]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

JULY 7, 1975.

Take notice that on June 9, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-5 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on October 13, 1972, by authorizing an additional point for receipt of gas from Texas Gas Transmission Corporation (Texas Gas) to Petitioner on the Blue Water Project, offshore Louisiana, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that it is authorized in a certificate of public convenience and necessity issued by the Commission on October 13, 1972, to transport for Texas Gas up to 51,000 Mcf daily from Eugene Island and Vermilion Areas, offshore Louisiana, through Petitioner's capacity entitlement in the Offshore Header and Western Shore Line of the Blue Water Project for delivery to Texas Gas at the Egan terminus of the Western Shore Line. Petitioner alleges that there is a decreasing deliverability in the Vermilion Area and that Texas Gas has acquired additional reserves in the Block 342 Field, Eugene Island Area, South Addition, offshore Louisiana, and in the Block 271 Field, Ship Shoal Area, South Addition, offshore Louisiana. The petition states that Texas Gas has requested the installation of an additional receipt point to be located by mutual agreement on the Blue Water Project, on Tennessee Gas Pipeline Company, a Division of Tenneco Inc.'s (Tennessee) existing platform in Block 198, Ship Shoal Area, offshore Louisiana. Petitioner states that the transportation pipeline to the additional receipt point would be constructed as set forth in the joint application by Texas Gas, *et al.*, for a certificate of public convenience and necessity in Docket No. CP 75-127.[1] Petitioner states that there would be no change in the contract demand of 51,000 Mcf per day as the result of operation of the proposed delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18257 Filed 7-14-75;8:45 am]

[Docket No. E-9515]

ALABAMA POWER CO.

Tariff Change

JULY 7, 1975.

Take notice that on June 23, 1975, Alabama Power Company (Alabama) tendered for filing herein an agreement dated April 1, 1975, with the City of LaFayette, Alabama, under Alabama's FPC Electric Tariff, Original Volume No. 1. The proposed agreement gives notice that Alabama intends to convert the delivery voltage of the City of LaFayette from 4,160 volts to 115,000 volts and the capacity required to be maintained at the delivery point from 3,750 kva to 12,500 kva.

Alabama states that copies of this filing were served upon the City of LaFayette and its attorneys of record in FPC Docket No. E-8851.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18254 Filed 7-14-75;8:45 am]

[Docket No. E-7671]

BLANDIN PAPER CO., ET AL.

Order Setting Hearing, Payments for Headwater Benefits in the Upper Mississippi River Basin

JULY 2, 1975.

In the matter of Blandin Paper Co., Northwest Paper Co., Minnesota Power & Light Co., St. Regis Paper Co., Northern States Power Co., General Mills, Inc., Ford Motor Co.

[1] Notice of the application was published November 25, 1974 (39 FR 41216).

V40-136 JUL 15 75 XUM

Section 10(f) of the Federal Power Act (16 U.S.C. 803(f)) provides for payments to be made for certain benefits received by a power project as a result of a headwater improvement. Pursuant to the Act and the appropriate sections of Part 11 of the Commission's regulations (18 CFR 11 (1974)), Commission staff has undertaken studies of the Upper Mississippi River Basin[1] to determine if and to what extent headwater benefits charges should be assessed the owners of power projects in that area.

As a result of staff's investigations, a document entitled "Investigation of Headwater Benefits in the Upper Mississippi River Basin, 1925 through 1965," was published in May 1971. Comments were solicited and received from representatives of each of the affected parties. In response to these comments and to other additional data, staff published, in March 1973, a supplement to the earlier report. Following another round of comments, an annex to the supplemental report was published in April 1974. The latest comments to this annex report were received March 17, 1975.

The staff's research indicates that payments should be made to the United States for benefits received from six upstream water storage facilities operated by the Corps of Engineers.[2] The staff study indicates that seven parties, each the owner of one or more power projects downstream from some or all of these Federally-owned headwater facilities, were liable for such payments for the period under study.[3] In addition, each of the parties was determined to owe a specified share of the costs incurred by staff in making the studies.

A number of the parties involved have objected to staff's conclusions regarding the parties' liability for payments in the amounts indicated by the reports. Their comments in response to the reports allege various legal, technical, factual, or procedural grounds for eliminating all or part of the payments due according to staff's calculations.

In view of the circumstances, we think it appropriate that Blandin Paper Co., Ford Motor Co., General Mills, Inc., Minnesota Power & Light Co., Northern States Power Co., Northwest Power Co., and St. Regis Paper Co. be afforded an opportunity to show in a hearing why they believe that headwater benefits payments for the period 1925 through 1965 for benefits received by power projects owned by them from Federally-owned headwater facilities in the Upper Mississippi River Basin, as calculated by staff in its May 1971 report and the March 1973 supplement and April 1974 annex thereto, are inappropriate or excessive.

In addition, the question of the assessment of interest on unpaid headwater benefit charges will be an issue in this proceeding, as well as the question of the date with respect to which such interest can first be assessed. These questions should be discussed by the parties.

The Commission finds. It is appropriate and in the public interest to hold a prehearing conference, and such hearings as may be required, in order to afford Blandin Paper Co., Ford Motor Co., General Mills, Inc., Minnesota Power & Light Co., Northern States Power Co., Northwest Power Co., and St. Regis Paper Co. the opportunity to show why they should not be liable for headwater benefits payments, as determined by staff, for benefits received from Federally-owned headwater facilities in the Upper Mississippi River Basin during the period 1925 through 1965.

The Commission orders. (A) A prehearing conference before an Administrative Law Judge shall be held at 10 a.m. on July 29, 1975, in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, respecting the matters set forth above concerning payment for headwater benefits under section 10(f) of the Federal Power Act and the Commissions Regulations with respect thereto.

(B) If the Administrative Law Judge finds that there is disagreement on the facts bearing on liability for the payment of headwater benefit charges, he shall schedule a hearing on the remaining factual issues to be followed by briefing and an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

(C) If the Administrative Law Judge finds no disagreement on material facts bearing on liability for payment of headwater benefit charges, he shall provide a briefing schedule to be followed by an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18276 Filed 7-14-75;8:45 am]

[1] The Basin is defined for the purposes of these studies as the drainage region encompassing that portion of the Mississippi River, including its tributaries, above, the Minnesota River. The area is located entirely in central Minnesota.

[2] The six Federally owned headwater improvements are: Winnibigoshish Lake, Leech Lake, Pokegama Lake, Sandy Lake, Pine River Reservoir, and Gull Lake.

[3] The parties and the plants they own are as follows:

Company:	*Name of powerplant*
Blandin Paper Co	Paper Mill (Project No. 2362).
Ford Motor Co	Twin City (Project No. 362).
General Mills, Inc	Minneapolis (removed from service in 1960).
Minnesota Power & Light Co	Sylvan (Project No. 2454). Little Falls (Project No. 2532). Blanchard (Project No. 346).
Northern States Power	St. Cloud. Coon Rapids. Main Street (Project No. 2056). Consolidated (Project No. 2056; removed from service in 1959).
Northwest Paper Co	Brainerd (Project No. 2533).
St. Regis Paper Co	Sartell.

[Docket Nos. RP72-149, RP75-20, and PGA75-11]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JULY 8, 1975.

Take notice that Mississippi River Transmission Corporation (Mississippi) on June 24, 1975 tendered for filing Thirty-Second Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective August 1, 1975.

The purpose of the filing, which is being made under the Purchased Gas Cost Adjustment (PGCA) clause to Mississippi's tariff, is to reflect (1) changes in the cost of gas purchased by Mississippi from Trunkline Gas Company (Trunkline) and Natural Gas Pipeline Company of America (Natural), and (2) a change in Mississippi's deferred cost adjustment to recover the amount included in its deferred cost account applicable to its purchase of gas in the Mills Ranch Field during the period December 1974 through March 1975. The changes of Natural and Trunkline are proposed to be effective August 1, 1975 and result from purchased gas cost changes pursuant to the PGCA provisions of their respective tariffs and elimination of the Opinion No. 699-H surcharge included in each company's rates.

Mississippi simultaneously filed a request for reconsideration of the Commission's "Order Denying Rehearing issued May 19, 1975 and "Order Rejecting Filing Pursuant to PGA Clause" issued April 23, 1975 at Docket Nos. RP72-149, RP75-20 and PGA75-8. The instant filing includes a deferred cost adjustment relative to Mississippi's purchases of gas in the Mills Ranch Field. Such adjustment is the same as that which was eliminated from Mississippi's April 1, 1975 PGCA change by reason of the Commission's April 24, 1975 order. Mississippi requests that, in the event its request for reconsideration is not granted, Thirty-Second Revised Sheet No. 3A be suspended for one day to August 2, 1975 and the matter of recovery of the amount in Mississippi's deferred account applicable to its purchases of gas in the Mills Ranch Field during the period December, 1974 through March, 1975 be consolidated with Mississippi's pending rate proceeding at Docket No. RP75-20.

Mississippi requests waiver in order to permit the proposed changes to become effective on August 1, 1975 or August 2, 1975, as the case may be.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petition or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18267 Filed 7-14-75;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Certification of Settlement Agreement and Motion To Omit Initial Decision

JULY 8, 1975.

Take notice that on June 17, 1975, Presiding Law Judge William L. Ellis certified to the Commission, for its consideration and disposition, a proposed settlement agreement in the above-entitled proceeding, together with the entire record relating thereto. Also certified was a joint motion to omit the intermediate decision procedure as to the single unresolved issue of rate of return.

Any person wishing to do so may submit written comments concerning the proposed settlement agreement. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before July 30, 1975.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18266 Filed 7-14-75;8:45 am]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO.

Application

JULY 8, 1975.

Take notice that on June 18, 1975, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application pursuant to section 1(c) of the Natural Gas Act for a declaration that Applicant shall continue to be exempt from the provisions of the Natural Gas Act, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is engaged in the business of selling and distributing gas in the State of Illinois. Applicant also states that it purchases gas in Illinois from Northern Natural Gas Company (Northern), among others, and that by an agreement of March 25, 1975, Applicant and Northern have agreed to reschedule deliveries of gas by Northern to assist Northern in meeting its peak day requirements for the 1975-1976 and 1976-1977 heating seasons. Applicant alleges that the terms of the agreement allow Northern to reduce Applicant's takes of gas during the periods of October 1, 1975, through March 31, 1976, and October 1, 1976, through March 31, 1977, by 36,000 Mcf of gas in each period. Applicant further alleges that Northern would deliver or cause to be delivered to Applicant during the periods of April 1, 1976, through September 30, 1976, and April 1, 1977, through September 30, 1977, an amount equal to the total volume of equivalent 1,000 Btu gas by which deliveries were reduced in each preceding winter heating season. Applicant states that it would be able to accept additional volumes of gas for injection in its storage fields during the 1976 and 1977 summer seasons due to curtailments of its gas supply and that the proposed arrangements would not result in a net increase in annual deliveries by Northern to Applicant. Applicant alleges that this would be an arrangement for the rescheduling of deliveries only and not an exchange of gas in interstate commerce subject to jurisdiction of the Commission. Applicant further states that it is a public utility subject to the jurisdiction of the Illinois Commerce Commission under the Illinois Public Utilities Act and that all of its operations are being conducted in Illinois.

By application filed May 13, 1975, in Docket No. CP75-336[1] Northern requests authorization pursuant to section 7(c) of the Natural Gas Act for its part in the rescheduling of deliveries.

Applicant requests that the Commission declare that Applicant shall continue to remain exempt from the provisions of the Natural Gas Act pursuant to section 1(c) thereof notwithstanding its participation in the arrangement for rescheduling of deliveries with Northern.

Any person desiring to be heard or to make any protest with reference to said protest should on or before July 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18269 Filed 7-14-75;8:45 am]

[1] Notice of the application was published June 2, 1975, (40 FR 23793).

[Docket No. RP74-102]

NORTHERN NATURAL GAS CO.

Order Issuing Order To Show Cause and Setting Procedures for Hearing

JULY 7, 1975.

On June 17, 1975, we issued an order in Docket No. RP74-102 modifying and accepting a settlement which constitutes an interim curtailment plan for Northern Natural Gas Company (Northern). As a part of that order, we stated that volumetric limitations constitute a valid and workable means of deterring growth where the public interest so demands. We further ordered that a separate order be issued demanding of Northern that cause be shown as to why volumetric limitations should not be imposed (p. 13).

In our order of June 17, 1975, we concluded that the record in RP74-102 clearly demonstrates that Northern intends to permit substantial future growth in firm, residential and commercial and small volume interruptible service by 1978. In this time of gas shortage, the public interest requires that we carefully assess any increase in deliveries of gas. We will, therefore, issue an order in Docket No. RP74-102 (volumetric limitations) requiring Northern to show cause why a maximum annual volumetric requirement should not be established for each firm, residential, and commercial and small volume interruptible customer on Northern's system for deliveries of gas in excess of its 1975 requirement, or, in the alternative, its requirement for a past year, and, if appropriate, what requirement should be established for each.

Any person wishing to become a party to the show cause proceeding hereinafter ordered may do so by filing a petition to intervene on or before August 5, 1975.

The Commission finds. It is appropriate in the administration of the Natural Gas Act that the Commission enter upon a hearing at which Northern Natural Gas Company should show cause why maximum annual volumetric requirements should not be established for each firm and small volume interruptible customer on Northern's system for deliveries of gas in excess of its 1975 requirement or, in the alternative, its requirement for a past year and, if appropriate, what requirement should be established for each customer.

The Commission orders. (A) Pursuant to the authority and in order to effectuate the purposes of the Natural Gas Act (particularly sections 5, 7, 14, and 16), Northern Natural Gas Company is hereby ordered to appear at a public hearing and to show cause: (1) Why maximum annual volumetric requirements should not be established for each firm and small volume interruptible customer on Northern's system for deliveries of gas in excess of its 1975 requirements, and, if appropriate, what requirement should be established for each customer; or in the alternative, (2) why maximum annual volumetric requirements should not be established for each firm and small volume interruptible customer on Northern's system for deliveries of gas in excess of its requirements for a past year, and if appropriate, what requirement should be established for each customer.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing

V40-136 JUL 15 75 XUM

on September 23, 1975, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on the issues raised by the show cause order issued herein. A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [See Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(C) The direct case of Northern Natural Gas Company, in accordance with the show cause order issued herein, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before August 25, 1975.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18270 Filed 7-14-75;8:45 am]

[Docket No. RP73-8, PGA 75-12]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 7, 1975.

Take notice that North Penn Gas Company (North Penn) on June 30, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause, for rates to be effective August 1, 1975. North Penn states that the proposed rate change will decrease jurisdictional revenues based on the twelve-month period ending May 31, 1975, by $57,000 annually.

North Penn states that the PGA filing was triggered by a rate decrease filed by Consolidated Gas Supply Corporation on June 23, 1975, to become effective August 1, 1975.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive its supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on August 1, 1975.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18271 Filed 7-14-75;8:45 am]

[Docket No. RP73-92; PGA75-3]

RATON NATURAL GAS CO.

Change in Rates

JULY 8, 1975.

Take notice that Raton Natural Gas Company (Raton) on June 26, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Seventh Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG).

The tracking of CIG gas cost increase of 3.73 cents results in increased commodity rate from 59.52 cents to 63.25 cents.

The annual revenue increase by reason of the tracking increased rate amounts to $41,388.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18272 Filed 7-14-75;8:45 am]

[Docket No. E-8823]

SOUTH CAROLINA ELECTRIC & GAS CO.

Filing of Revised Tariff Sheets Pursuant to Order Approving Settlement Agreement

JULY 8, 1975.

Take notice that South Carolina Electric & Gas Company, on June 26, 1975, tendered for filing its revised tariff sheets. The filing was made in compliance with the Commission's Order Approving Settlement Agreement issued June 17, 1975, in this docket. In accordance with the terms of the agreement and the Commission's Order, the revised rates, including a new fuel clause, shall be effective as of August 4, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18273 Filed 7-14-75;8:45 am]

[Docket No. CP67-26]

TEXAS EASTERN TRANSMISSION CORP. AND UNITED GAS PIPE LINE CO.

Petition To Amend

JULY 7, 1975.

Take notice that on June 26, 1975, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77001, jointly Petitioners, filed in Docket No. CP67-26 a petition to amend the order of the Commission on July 22, 1969 (42 FPC 157), as amended, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, by deleting therefrom authorization to exchange natural gas at an authorized exchange point near Beaumont, Jefferson County, Texas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition states that Petitioners are authorized to exchange gas at a point near Beaumont, Jefferson County, that permission and approval to abandon facilities were granted United by the Commission August 14, 1970, in Docket No. CP70-103 (44 FPC 292), and that United no longer has facilities at the authorized point of exchange. Petitioners further state that Texas Eastern proposes to abandon its 16-inch and 20-inch Provident City-Beaumont pipelines, including the exchange point, and convert them into a common carrier products transportation service as proposed in the application pending in Docket No. CP75-306.[1]

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] Notice of the application was published May 6, 1975 (40 FR 19703).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18274 Filed 7-14-75;8:45 am]

[Docket No. E-9517]

THE WASHINGTON WATER POWER CO.

Tender of Rate Schedule Applicable to Wholesale Nonfirm Energy for Export

JULY 8, 1975.

Take notice that on June 23, 1975, The Washington Water Power Company (Washington) tendered for filing copies of a rate schedule applicable to what Washington refers to as "Wholesale Nonfirm Energy for Export." Washington states that this rate schedule would apply to the sale of surplus energy to utilities outside the Pacific Northwest area, as defined in Pub. L. 88-552, for the purpose of replacing high-cost thermal generation. The Company states that such rate schedule would also be applicable to emergency transfers of energy as defined under FPC Order No. 520.

Washington states that the basic rate established in the proposed rate schedule is predicated on a "share-the-saving" concept. The Company states further that when surplus energy in the Northwest is available for export at a lower rate than established by the "share-the-saving" concept, this rate schedule provides for making surplus energy available at a rate equivalent to such lower rate.

Review of Washington's filing indicates that the Company has not indicated the date on which service under such schedule is expected to commence. In addition, no form of notice was filed, as required by § 35.8(a) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18275 Filed 7-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SAFEGUARDS FOR SPECIAL NUCLEAR MATERIAL

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Safeguards for Special Nuclear Material will hold a meeting on July 30, 1975 at the Royal Court Inn, 1750 South Elmhurst Road, Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of current safeguards activities, studies being made, and plans for future work.

The agenda for the subject meeting shall be as follows:

Wednesday, July 30, 1975, 9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and will hold discussions with these groups pertinent to its review of current safeguards activities, studies being made, and plans for future work.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above topics.

These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 22, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 11 a.m. and 3 p.m. on July 30, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 28, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1920, Attn: John C. McKinley) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-serve basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

V40-136 JUL 15 75 XUM

(h) Persons desiring to attend portion of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, seven days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 5, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after October 30, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: July 10, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-18402 Filed 7-14-75;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 17 and 14 to Facility Operating License Nos. DPR-29 and DPR-30 (respectively) issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of the Quad Cities Units 1 and 2 location in Rock Island County, Illinois. These amendments are effective as of their date of issuance.

The amendments change the allowable scram reactivity reduction rates and provide compensating limitations on reactor power level versus core flow rate in accordance with the Commonwealth Edison's request dated June 24, 1975, as supported by a previous filing dated June 23, 1975, which was corrected by an additional letter dated June 24, 1975.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to these actions, see (1) the application for these amendments by Commonwealth Edison Company dated June 24, 1975, as supported by a previous filing dated June 23, 1975 which was corrected by an additional letter dated June 24, 1975, (2) Amendment Nos. 17 and 14 to License Nos. DPR-29 and DPR-30, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library, at 504 17th Street in Moline, Illinois 60265. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, 3rd day of July, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-18208 Filed 7-14-75;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., (THREE MILE ISLAND NUCLEAR STATION, UNIT 1), ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications to revise the requirements relating to the frequency, selection, and conduct of inspection and the reporting requirements pertaining to the Tendon Surveillance Program and the Ring Girder Inspection Test.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated May 14, 1975, (2) Amendment No. 6 to License No. DPR-50, with Change No. 6, and (3) the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, Box 1601 (Education Building), Harrisburg, Pennsylvania 17126.

A copy of items (2) and (3), may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 1st day of July, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-18209 Filed 7-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 10, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form Number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Maritime Administration, Directory of Minority Contractors With Maritime Capability, on occasion, minority business firms, Planchon, P., 395-6140.

Bureau of East-West trade, Petroleum Fuel Past Participation Statement and Supporting Documentation, DIB 669P, single-time petroleum fuel exporters, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and Other Survey of Rider Attitude Toward the Transetts personal rapid Transit System, single-time students and employees of the Georgia Instit. of Tech., Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Research in Emergency Medical Services Systems—Memphis BHSR 0421, single-time emergency room and ambulance personnel, Dick Elsinger, 395-6140.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application or Final Report for School Assistance in a Major Disaster Area Under Sec. 7, Pub. L. 81-874, OE-4019-1, on occasion EAS in major disaster areas, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Certification: Flight Crewmembers Other Than Pilots, FAR 63, on occasion airmen, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-18439 Filed 7-14-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 9, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service, New England Land Ownership Pre-Test Survey, Single-time owners of land in rural New England areas, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Survey of Cooperative Soybean Oil Mills, annually, business firms, Marsha Traynham, 395-4529.

Agricultural Stabilization and Conservation Service, Subsequent Examination Report—Farmers Stock Peanuts (Concerning Building and Storage Facilities), CCC-1032, other (see SF-83), warehousemen, Marsha Traynham, 395-4529.

Farmer Cooperative Service, Annual Survey of Cooperative Cottonseed Oil Mills, annually, cooperative cottonseed oil mills, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Application for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures, CG-4143, on occasion, oil industry, Marsha Traynham, 395-4529.

Federal Aviation Administration:
Utility Service by Application (FAA Facilities), FAA-4445-2, on occasion, utility companies, Marsha Traynham, 395-4529.
Examiner Designation and Qualification Record, FAA 8400-2, on occasion, airmen, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-18440 Filed 7-14-75;8:45 am]

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

PUBLIC MEETING

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the President's Advisory Committee on Refugees will be held on July 23, 1975, beginning at 10 a.m., in Room 4203, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503.

The President's Advisory Committee on Refugees is established under Executive Order 11860 and is governed by the provisions of 5 U.S.C. Appendix I. The Committee shall advise the President and the heads of appropriate Federal agencies concerning the expeditious and coordinated resettlement of refugees, including: health and environmental matters related to resettlement; interrelationship of the governmental and volunteer roles in resettlement; educational and cultural adjustments required by these efforts; the general well-being of resettled refugees and their families and such other related concerns as the President may, from time to time, specify.

The meeting of the Committee shall be open to the public.

The proposed agenda includes the development of the formative activities and the operation of the Committee.

Records shall be kept of all Committee proceedings (and shall be available for public inspection at the library of the Department of Health, Education, and Welfare located in Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201).

Signed at Washington, D.C. on July 9, 1975.

ROGER D. SEMERAD,
Executive Director, President's Advisory Committee on Refugees.

[FR Doc.75-18199 Filed 7-14-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN STOCK EXCHANGE, INC.

Proposed Amendments to Rules of American Stock Exchange Clearing Corporation

Notice is hereby given that the American Stock Exchange, Inc. (the "Amex") has filed, pursuant to section 19(b) of the Securities Exchange Act of 1934, as amended, amendments (the "Amendments") to the certificate of incorporation, by-laws, rules and procedures of the American Stock Exchange Clearing Corporation ("ASECC"). The Amendments provide for the implementation of a continuous net settlement ("CNS") system for the clearance and settlement of transactions executed on the Amex. Pursuant to the Amendments:

1. ASECC will clear and settle through the CNS system transactions in issues eligible for inclusion in the CNS operation and will continue to operate a daily balance order ("DBO") clearing and settlement system for transactions in issues not eligible for inclusion in the CNS operation.

2. Securities settlement in the CNS operation will be made through The Depository Trust Company ("DTC") by book entry; all members of ASECC will be required to become members of DTC and issues not eligible for inclusion in DTC will not be eligible for inclusion in the CNS operation. Securities settlement in the DBO operation may be effected through the envelope system of Stock Clearing Corporation ("SCC"), the clearing arm of the New York Stock Exchange, Inc.

3. Once CNS is fully operational, money settlement for transactions cleared through ASECC, including CNS transactions for which securities deliveries are made through DTC and DBO transactions for which securities deliveries are made through SCC's envelope system, will be made through SCC in order to permit ASECC-SCC dual members to make one payment for ASECC and SCC money settlement obligations each day.

4. Any losses will be allocated among ASECC, SCC and DTC in accordance with a formula included in the rules of each organization and, in certain circumstances, DTC will be permitted to reverse book entry movements for which payment is required to be made in DTC but for which DTC has not been paid.

Processing in connection with the ASECC's CNS operation will be performed by the Securities Industry Automation Corporation ("SIAC"), a service entity owned jointly by the NYSE and the Amex, which currently performs processing for ASECC's existing operations and for SCC's operations.

All interested persons are invited to submit their views and comments on the proposed Amendments. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be

V40-136 JUL 15 75 XUM

made to File No. SR–2. The proposed Amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1975.

[FR Doc.75–18211 Filed 7–14–75;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JULY 8, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 9, 1975 through July 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–18210 Filed 7–14–75;8:45 am]

[812–2500; File No. 3–1980]

TALLEY INDUSTRIES, INC.

Filing of Application

JULY 3, 1975.

On March 26, 1969, Talley Industries, Inc., 3500 North Greenfield Road, Mesa, Arizona ("Industries") filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from section 17 (a) of the Act certain transactions incident to the proposed merger of Industries with General Time Corporation ("GTC"). After appropriate notice, a public hearing was held at which GTC and American Investors Fund, Inc. participated in support of the application. Certain stockholders of GTC who were granted leave to be heard and to participate appeared through the law firm of Austrian, Lance & Stewart (P.C.) ("Austrian") and opposed the application.

On January 9, 1970, the Commission issued its Findings and Opinion (Investment Company Act Release No. 5953) concluding that the application could not be granted unless Industries filed an appropriate amendment providing for modification of the merger terms in certain respects. Subsequently, Industries filed an amended application in accordance with the aforesaid Findings and Opinion of the Commission, and Industries and GTC adopted a merger plan modified in the manner suggested in such Findings and Opinion. On February 10, 1970, the Commission issued its order pursuant to section 17(b) of the Act exempting the proposed transactions as set forth in the application, as amended (Investment Company Release Act No. 5977): and on May 14, 1970, the modified merger plan became effective.

Notice is hereby given that on August 13, 1974, Austrian filed an application pursuant to Section 38(a) of the Act for an order of the Commission reopening this proceeding and amending the Commission's order of February 10, 1970 to provide that Industries shall pay Austrian counsel fees of $1,000,000 and expenses, with interest from February 10, 1970. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

The application states, among other things, that shortly after the issuance on January 9, 1970, of the Commission's Findings and Opinion which stated that the Commission could not approve the application unless the merger terms were amended as specified, Austrian informed the Commission's staff that Austrian proposed to apply to the Commission for an award of counsel fees; that the staff informed Austrian that the Commission did not have jurisdiction of an application for counsel fees; and that Austrian promptly thereafter brought an action in the United States District Court for the Southern District of New York against Industries and GTC which action was still pending when the instant application was filed.

It appearing to the Commission that, as a preliminary matter, and without prejudice to its specifying additional matters and issues, issues are raised as to:

1. Whether the Commission has jurisdiction with respect to the fees and expenses of participants in proceedings under Section 17(b) of the Act and, if so, the extent of such jurisdiction.

2. The effect upon such jurisdiction, power and duty, if any, of the pendency in a court of competent jurisdiction, of litigation against Industries and GTC involving the same questions as to whether Industries shall pay Austrian counsel fees and expenses, with interest from February 10, 1970.

It is ordered, That as a preliminary matter and before the taking of evidence, Austrian Industries and any other interested person, if so advised and in accordance with applicable requirements of the Commission's Rules of Practice, including Rule 23 thereof, shall file briefs as to the above stated issues on or before August 8, 1975, and reply briefs on or before August 22, 1975.

It is further ordered, That (a) on or before July 21, 1975, any person intending to file a brief is directed to so notify the Secretary of the Commission and to state the name and address of the person he designates to receive service of papers; and (b) the Secretary of the Commission, on or before July 28, 1975, shall mail to all such designated persons the names and addresses of those persons upon whom briefs shall be served.

It is further ordered, pursuant to section 40(a) of the Act, that an oral argument on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be scheduled following the submission of reply briefs.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing a copy of this Notice and Order by certified mail to Austrian and Industries; and that notice to all persons shall be given by publication of this Notice and Order in the Federal Register; and that a copy of this Notice and Order shall be published in the "SEC Docket" and that an announcement of the aforesaid shall be included in the "SEC News Digest."

It is further ordered, That the Secretary of the Commission shall mail a copy of this Notice and Order by certified mail to the following persons: American Investors Fund, Inc.; Galdi Securities Corporation; Mutual Shares Corporation; Norte & Co., Drs. Daniel Zeller and Benjamin Hoffseyer; Ms. Frieda Brook, Elizabeth McKeever and Hilda Popkin; Messrs. Morris Bramon, Sam Brook, Leonard J. Kassel and Maxwell Popkin.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–18212 Filed 7–14–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 23, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Mason's School of Business, 2916 Felicia Street, Nashville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 8, 1975.

R. S. BIELAK,
Director, VA Regional Office, 110 9th Avenue, South Nashville, Tennessee.

[FR Doc.75–18298 Filed 7–14–75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–75–10]

INTERPACE CORP.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Interpace Corporation, 260 Cherry Hill Road, Parsippany, New Jersey 07054 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.180 (h)(3)(v) Crawler, Locomotive, and Truck Cranes—Riding the Load.

The addresses of the places of employment that will be affected by the application are as follows:

Lock Joint Pipe Company of Puerto Rico
Km. 0.6, S.R. 887
Carolina, Puerto Rico 00630

Lock Joint Pipe Company of Puerto Rico
Km. 11.2, S.R. 14
Ponce-Juana Diaz Road
Juana Diaz, Puerto Rico 00665

Interpace Corporation
5622 Kansas Avenue
Kansas City, Kansas 66106

Interpace Corporation
70001 Powell Road
Romeo, Michigan 48065

Interpace Corporation
Prairie Hill Road
South Beloit, Illinois 61080

Interpace Corporation
Edgeboro Road
East Brunswick, New Jersey 08816

Interpace Corporation
Shop Road
Columbia, South Carolina 29250

Interpace Corporation
1501 Perryman Road
Perryman, Maryland 21130

Interpace Corporation
Bower & Chatham Street
Lacoochee, Florida 33537

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing a place of employment as safe as that required by § 1910.180(h)(3)(v) which requires that no hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook. The applicant states that it uses locomotive cranes to place and remove metal forms (casings) used in the vertical pouring of concrete pipe. The casings range from 8 to 24 feet in height. The applicant proposes to use safety cages as a component part of the casing handling bar. Expected installation date for the cages is July 28, 1975.

The applicant states that it will use three cages, two circular and one of an oval configuration. These safety cages vary in size in order to accommodate the different diameter pipe manufactured by the company. The two circular cages are suited for the smaller diameter pipe and will house one employee during the operation. The oval safety cage is for the larger diameter pipe and will house two employees during the operation. The employees in the cages attach the chains from the casing handling bar to the casings, and then ride in the cage above the casings as they are lifted into position in order to be able to detach the chains. This process is repeated when the casings are stripped from the completed pipe.

The applicant states that the cages are constructed with guardrails and toeboards around the perimeter. On three quadrants, the perimeter is enclosed with heavy steel mesh. The fourth quadrant consists of four steps approximately 10 inches apart to provide the means of entering the cage. The cage with the smallest diameter will be equipped with heavy steel mesh to the height of the midrail of the guardrail (21 inches) to permit freedom of movement for the employee. The other two cages, having a larger diameter, will have the steeel mesh to the height of the topmost rail of the guardrail (42 inches). The applicant further states that the floor of the cage is four-way safety plate (diamond plate to insure that it has a non-slip surface) and that the cage is equipped with a steel plate roof.

The casing handling bar is equipped with a safety lanyard secured by a safety anchor for each employee. All employees are equipped with a safety harness for attachment to the lanyard. While the cage is moving the employees wearing safety harnesses stand and grasp the guardrail and vertical bars.

The casing handling bar and cage are attached to the load block of the locomotive crane. There is a safety latch across the mouth of the crane hook. The casing carrier chains are equipped with spring loaded mechanisms. When the hooks of the casing handling chains are attached to the casing, the spring forces a sleeve over the mouth of the hooks.

The beam into which the crane hook is inserted to lift the casing handling bar and cage is equipped with a preformed wire rope as a back-up safety device. All components of this apparatus have a tensile safety factor in excess of 5 to 1. The crane is equipped with a load indicating device.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)—Room 3445
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
970 Broad Street—Room 1435–C
Newark, New Jersey 07012

U.S. Department of Labor
Occupational Safety and Health Administration
Room 3000
911 Walnut Street
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Room 1100
1627 Main Street
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
220 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
230 S. Dearborn—10th Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.—Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29201

U.S. Department of Labor
Occupational Safety and Health Administration
650 Cleveland Street—Room 44
Clearwater, Florida 33515

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Penna. 19104

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110A
Charles Center—31 Hopkins Plaza
Baltimore, Maryland 21201

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than August 14, 1975. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than August 14, 1975 in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quad-

V40-136 JUL 15 75 XUM

ruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent an undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Interpace Corporation be, and it is hereby, authorized to use the proposed safety cages as described in their application provided that:

1. The safety cage used shall be the type described in the application consisting of a roof, floor and standard guardrail including midrails and toeboards.

2. The employee shall use the safety belt attached to the lanyard at all times.

3. Crane operators shall be experienced, and lifts shall follow set procedures.

4. Established procedures, including use of the load indicating device, shall be followed to insure that rated loads are not exceeded during stripping operations.

5. Inspection and maintenance procedures as described in § 1910.180 shall be followed to insure that the crane is in good repair.

6. Regular inspection of the cage, including safety lanyard and harnesses and the load block, beam and hook shall be made to assure that it is in good repair.

Interpace Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of July 14, 1975, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 9th day of July, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-18214 Filed 7-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 902]

ASSIGNMENT OF HEARINGS

JULY 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138557 Sub-7, Walt Keith Trucking, Inc., now assigned July 15, 1975, at Kansas City, Mo., is canceled and application dismissed.

MC 74321 Sub-109, B. F. Walker, Inc., now assigned July 17, 1975, at Los Angeles, California, is cancelled and the application is dismissed.

MC 124774 Sub-92, Midwest Refrigerated Express, Inc., now assigned July 28, 1975, at Amarillo, Tex., is canceled and application dismissed.

MC 135373 Sub-1, Airport Limousine Service, Inc., now assigned July 14, 1975, at Newark, N.J., is canceled and application dismissed.

MC 107913 Sub-14, F & W Express, Inc., now assigned August 5, 1975, at Little Rock, Ark., is postponed to September 9, 1975, (9 days), at Little Rock, Ark.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18312 Filed 7-14-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 10, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1100.40) and filed on or before July 30, 1975.

FSA No. 43017—*Rubber Articles from Port Allen, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-541), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, rubber compounds, NOIBN, loose or in packages, in carloads, as described in the application, from Port Allen, Louisiana, to points in eastern and southern territories.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 115 to Southwestern Freight Bureau, Agent, tariff 13-E, U.C.C. No. 4982. Rates are published to become effective on August 13, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18313 Filed 7-14-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 10, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 25, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1222 (Sub-No. E1), filed May 15, 1974. Applicant: REINHARDT TRANSFER CO., 1410 Tenth Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles;* (a) from Ashland, Ky., to points in Tennessee west and south of Pickett, Fentress, Morgan, Anderson, Union, Grainger, Hawkins, Washington, and Unicoi Counties, Tenn., and points in Michigan on and south of Michigan Highway 21, and (b) from Huntington, W. Va., to points in Michigan on and south of Michigan Highway 21, points in Indiana on and west of a line running from the junction of U.S. Highway 231 with the Indiana-Kentucky State line, thence along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana-Ohio State line, points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of New Boston, Ohio.

No. MC 4405 (Sub-No. E7), filed June 1, 1975. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric precipitators* which because of size or weight require the use of special equipment (1) from points in Harrison, Belmont, Monroe, Washington, Carroll, Jefferson, Lorain, Ashland, Cuyahoga, Medina, Wayne, Stark, Mahoning, Summit, Trumbull, Ashtabula, Portage, Geauga, Lake, and Columbiana Counties, Ohio, to points in Oklahoma and Kansas; and (2) from points in West Virginia in, north and east of Tyler, Doddridge, Gilmer, Braxton, Webster, and Pocahontas Counties, Va., in, north and east of Highland, Augusta, Nelson, Appomattox, Campbell, Charlotte, and Mecklenburg Counties. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 5101 (Sub-No. E1), filed June 4, 1974. Applicant: SREIN FURNITURE CARRIERS, INC., 2307 Bristol Pike, Craydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box

684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, uncrated and *parts* and *materials* used in the manufacture thereof; (a) between points in New Jersey on and south of New Jersey Highway 70, on the one hand, and, on the other, points in New York (except points in an area on and south of a line beginning at U.S. Highway 44 at the New York-Connecticut State line, thence along U.S. Highway 44 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line including points on the portions of the specified highways in New York, on the one hand, and, on the other, points in New Jersey north of U.S. Highway 70 and south of New Jersey Highway 33; (b) between points in New Jersey, on and north of a line beginning at Gloucester City, N.J., thence along unnumbered highway to Camden, N.J., thence along New Jersey Highway 70 to junction U.S. Highway 72 to Long Beach Island, on the one hand, and, on the other, points in Delaware; (c) between points in New Jersey north and east of a line beginning at Gloucester City, N.J., thence along unnumbered highways to Brooklawn, N.J., thence along Interstate Highway 295 to Mt. Ephriam, N.J., to junction New Jersey Highway 168, thence along New Jersey Highway 168 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction U.S. Highway 322 to Atlantic City, N.J., including points on the portions of the highways specified, on the one hand, and, on the other, points in Maryland south of U.S. Highway 40 beginning at the Pennsylvania-Maryland State line to Baltimore, Md., thence along Harbor Tunnel Thruway to Tolchester Beach, Md., thence along Maryland Highway 21 to junction Maryland Highway 298, thence along Maryland Highway 298 to junction Maryland Highway 20, thence along Maryland Highway 291 to the Maryland-Delaware State line, including points on the portions of the highways specified and the District of Columbia.

(d) Between points in Delaware, on the one hand, and, on the other, points in New York; (e) between points in the District of Columbia, on the one hand, and, on the other, points in New York on and east of Interstate Highway 81 beginning at the St. Lawrence River to the New York-Pennsylvania State line; (f) between points in Maryland on, east, and south of a line beginning at U.S. Highway 140 at the Pennsylvania-Maryland State line, thence along Maryland Highway 27 to junction Maryland Highway 27 and Maryland Highway 118, thence along Maryland Highway 118 to junction Maryland Highway 112, thence along Maryland Highway 112 to the Maryland-Virginia State line, on the one hand, and, on the other, points in New York on and east of Interstate Highway 81; (2) *New upholstered furniture*, uncrated, and *parts* and *materials* used in the manufacture thereof; (a) from points in New York, north and east of a line beginning with New York Highway 7 at the New York-Vermont State line to Schenectady, N.Y., thence along Interstate Highway 90 to Utica, N.Y., thence along New York Highway 12 to Lowville, N.Y., thence along New York Highway 26 to Carthage, N.Y., thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to Fargo, N.Y., thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87 to Odgensburg, N.Y., to points in Virginia and West Virginia (excluding points in West Virginia north of U.S. Highway 50); (b) from points in New Jersey on and south of U.S. Highway 33 to points in Pennsylvania, west and south of a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 15 to Gettysburg, Pa., thence along U.S. Highway 30 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to Johnstown, Pa., thence along Pennsylvania Highway 271, to junction U.S. Highway 30, thence along U.S. Highway 30 to Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, Pa., thence along U.S. Highway 62 to the New York-Pennsylvania State line.

(c) From points in New Jersey (except Trenton, N.J.), on and north of U.S. Highway 33 and on, south, and east of U.S. Highway 1 to ponts in Pennsylvania west and south of a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 15 to Gettysburg, Pa., thence along U.S. Highway 30 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to Johnstown, Pa., thence along Pennsylvania Highway 271 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to the Pennsylvania-Ohio State line; (3) *Metal sink tops*, porcelain coated, uncrated; (a) from Baltimore, Md., to points in New York on and east of U.S. Highway 11; and (b) from Baltimore, Md., to points in New Jersey, on and north of a line beginning at Gloucester, N.J., thence along unnumbered highway to Camden, N.J., thence along New Jersey Highway 70 to junction New Jersey Highway 72 to Long Beach Island, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 23618 (Sub-No. E2), filed June 3, 1974. Applicant: MC ALISTER TRUCKING COMPANY, P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: W. B. Younger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipelines); (2) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells; (3) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (4) *Earth drilling machinery and equipment,* and *machinery, equipment, materials, supplies,* and *pipe,* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (5) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe; between all points in Arizona east of a line beginning at junction U.S. Highway 89 and the United States-Mexico International Boundary line along U.S. Highway 89 to junction Arizona Highway 77, thence along Arizona Highway 77 and U.S. Highway 70 to Globe, Ariz., thence along U.S. Highway 60 to junction Arizona Highway 73, thence along Arizona Highway 73 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, and all points in Montana east of a line beginning at the Montana-Wyoming State line and U.S. Highway 310 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 242, thence along Montana Highway 242 to the United States-Canada International Boundary line; restricted as to the commodities in (5) above to the transportation of traffic originating at or destined to pipeline rights-of-way. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 30280 (Sub-No. E91), filed January 20, 1975. Applicant: WATKINS

V40-136 JUL 15 75 XUM

CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in South Carolina on and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 378 to McCormick, thence along U.S. Highway 221 to Greenwood, thence along U.S. Highway 25 to the South Carolina-North Carolina State line, on the one hand, and, on the other, points in North Carolina in an area bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 in the north of junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, thence along North Carolina Highway 58 to Wilson, thence along U.S. Highway 117 to Goldsboro, thence along U.S. Highway 13 to Fayetteville, thence along U.S. Highway 401 to Raeford, thence along U.S. Highway 221 to Aberdeen, thence along U.S. Highway 1 to the North Carolina-South Carolina State line to junction Interstate Highway 77, thence along Interstate Highway 77 to Statesville, thence along Interstate Highway 40 to Winston-Salem, thence along U.S. Highway 158 to Reidsville, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 46312 (Sub-No. E1), filed May 15, 1974. Applicant: SUHR TRANSPORT, P.O. Box 1727, Great Falls, Mont. 59403. Applicant's representative: F. C. Weber (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, use in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (2) *Machinery, equipment, materials and supplies* used in, or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells, from those points in Texas, Oklahoma, and Kansas east of U.S. Highway 81, to points in Butte, Meade, Lawrence, Harding, and Perkins Counties, S. Dak., those in North Dakota west of U.S. Highway 83, and those in Idaho north of a line beginning at the Idaho-Oregon State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line. The purpose of this filing is to eliminate the gateway of points in Montana.

No. MC 49052 (Sub E17), filed June 4, 1974. Applicant: MACON TRADING POST, INC., 103 Cherry Street, Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Lee, Macon, Russell, Bullock, Barbour, Pike, Coffee, Dale, Henry, Covington, Geneva, and Houston Counties, Ala., on the one hand, and, on the other points in Kentucky in and west of Monroe, Metcalfe, Hart, Grayson, and Breckinridge Counties; between points in Alabama in and south of Lee, Macon, Elmore, Montgomery, Lowndes, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in Cumberland, Clinton, Wayne, Russell, Adair, Casey, Green, Taylor, Marion, Boyle, Larue, Nelson, Anderson, Hardin, Bullitt, Spencer, Shelby, Mercer, Franklin, Meade, Jefferson, Oldham, Henry, Trimble, Washington, and Carroll Counties, Ky.; between points in Alabama in and south of Lee, Macon, Elmore, Autauga, Lowndes, Wilcox, Clarke, and Washington Counties, on the one hand, and on the other, points in Kentucky in and east of McCreary, Pulaski, Lincoln, Garrard, Jessamine, Woodford, Scott, Owen, Gallatin, and Boone Counties; and, between points in Dallas, Marengo, and Choctaw Counties, Ala., on the one hand, and, on the other, points in Kentucky in and east of Whitley, Laurel, Rockcastle, Madison, Jessamine, Fayette, Scott, Owen, Gallatine, and Boone Counties. The purpose of this filing is to eliminate the gateway of Muscogee Co., Ga.

No. MC 60014 (Sub E53), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in New York on and south of a line beginning at Lake Erie, and extending along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction Interstate Highway 84, thence along Interstate 84 to the New York-Connecticut state line, on the one hand, and, on the other, those points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 3 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 11, thence, along New Hampshire Highway 11 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn., and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E54), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in New York on and south of a line beginning at the Lake Erie and extending along New York Highway 438 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 63, thence along New York Highway 63 to junction New Jersey Highway 15, thence along U.S. Highway 15 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 17, thence along New York Highway 17 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, and those in New York on and south of a line beginning at the New Jersey-New York State line and extending along New York Highway 17 to junction Interstate Highway 87/287, thence along Interstate Highway 87/287, to junction Interstate Highway 287 to the New York-Connecticut State line, on the one hand, and, on the other, those points in Rhode Island on and east of a line beginning at the Rhode Island-Massachusetts State line and extending along Rhode Island Highway 146 to junction Rhode Island Highway 117, thence along Rhode Island Highway 117 to Narragansett Bay. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E56), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in New York, New Jersey, Delaware, District of Columbia, and those in Pennsylvania on and south of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 277 to junction Pennsylvania Highway 77, thence along Pennsylvania Highway 77 to junction U.S. Highway 6/322, thence along U.S. Highway 6/322 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summitt, and Trumbull Counties, Ohio, and points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered Highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line.

No. MC 60014 (Sub E57), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14) thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, New York. Points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E58), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, from points in Michigan to those points in West Virginia on and east of a line beginning on the Ohio-West Virginia State line and extending along West Virginia Highway 18 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 3, thence, along West Virginia Highway 3 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summitt, and Trumbull Counties, Ohio, and West Virginia.

No. MC 60014 (Sub E59), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Massachusetts on and east of U.S. Highway 5. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pennsylvania, thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pennsylvania, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pennsylvania, thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, New York, and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E63), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, requiring special equipment, restricted so that, or provided that, the loading or unloading which necessitate the special equipment, is performed by the consignor or consignee, or both, from those points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 127 to junction Interstate Highway 94, thence

V40 I136 JUL 15 75 XUM

along Interstate Highway 94 to junction Michigan Highway 89, thence along Michigan Highway 89 to Lake Michigan, to those points in Tennessee on and east of a line beginning at the Tennessee-Virginia State line and extending along U.S. Highway 11E/19, thence along U.S. Highway 11E/19 to U.S. Highway 19, thence along U.S. Highway 19 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub E66), filed June 4, 1974. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, requires the use of special equipment, between those points in Michigan on and west of a line beginning at Lake Superior and extending along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Lake Michigan, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at Lake Erie and extending along U.S. Highway 6 to junction U.S. Highway 6/20, thence along U.S. Highway 6/20 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction Ohio Highway 12, thence along Ohio Highway 12 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line.

No. MC 60014 (Sub E68), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Michigan on and north of a line beginning at Lake Huron line and extending along Michigan Highway 21 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Michigan Highway 12, thence along Michigan Highway 12 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Michigan-Indiana State line, on the one hand, and, on the other, those points in Vermont on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 5 to junction U.S. Highway 302, thence along U.S. Highway 302 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; Pennsylvania, points in New York within 19 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub E70), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between points in Virginia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., and Greenwich, Conn.

No. MC 60014 (Sub E71), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight require the use of special equipment, between those points in Virginia on and east of Virginia Highway 16 on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of West Virginia, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

No. MC 61231 (Sub-No. E1), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk and commodities requiring special equipment), between points in Minnesota, North Dakota, Iowa, Illinois, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone, points in St. Louis County, Mo., points in Missouri in the St. Louis, Mo.-E. St. Louis, Ill., commercial zone; Omaha, Nebr., and points within ten miles of Omaha, Nebr. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., and Council Bluffs, Iowa.

No. MC 61231 (Sub-No. E2), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk and commodities requiring special equipment), between points in South Dakota, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points within 25 miles of Nassau, Minn., and Chicago, Ill.

No. MC 61231 (Sub-No. E3), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products* (except commodities in bulk, and commodities requiring special equipment), between points in St. Louis County, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points within 25 miles thereof and East St. Louis, Ill.

No. MC 61231 (Sub-No. E4), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk and except commodities requiring special equipment), from Chicago, Ill., to points in Arizona, Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Des Moines, Iowa.

No. MC 61231 (Sub-No. E5), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk and except commodities requiring special equipment), from Chicago, Ill., to points in South Dakota and Nebraska. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Ft. Dodge, Iowa.

No. MC 61231 (Sub-No. E9), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building materials*, from Gary, Ind., to points in Nebraska and South Dakota. The purpose of this filing is to eliminate the gateways of Marshalltown and Ft. Dodge, Iowa.

No. MC 61231 (Sub-No. E11), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building materials* (except commodities in bulk and commodities requiring special equipment), from Gary, Ind., to points in Iowa on and west of a line beginning at Lineville, Iowa, thence along U.S. Highway 65 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 14 at Corydon, Iowa, thence along Iowa Highway 14 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line, and to points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line, thence along Interstate Highway 35 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line.

No. MC 61231 (Sub-No. E12), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), livestock (including horses), and unprocessed farm products (except commodities in bulk and commodities requiring special equipment), between points in South Dakota, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone, points in St. Louis County, Mo., points in Missouri in the St. Louis, Mo.-E. St. Louis, Ill., commercial zone; Omaha, Nebr., and points within ten miles of Omaha, Nebr. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., and Council Bluffs, Iowa.

No. MC 61231 (Sub-No. E15), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk and those requiring special equipment), from Omaha, Nebr., and points within ten miles thereof, to points in Arizona. The purpose of this filing is to eliminate the gateways of Council Bluffs, and Des Moines, Iowa.

No. MC 61231 (Sub-No. E16), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, tranporting: *Gypsum products, composition boards, insulating materials, roofing* and *roofing materials, urethane* and *urethane products*, from Omaha, Nebr., and points within ten miles thereof, to points in Wisconsin (except points west of Wisconsin Highway 63). The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and the plant site of the Celotex Corporation at Dubuque, Iowa.

No. MC 61231 (Sub-No. E17), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wallboard, insulation, and insulation materials, from Omaha, Nebr., and points within ten miles thereof, to points in Ashland, Bayfield, Douglas, Burnett, Sawyer, and Washburn Counties, Wis. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and the plant site of Conwed Bluffs and Des Moines, Iowa.

No. MC 83539 (Sub-No. E16), filed June 2, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated iron and steel products* and *iron and steel pipe*, from Corpus Christi, Galveston, and Houston, Tex., to points in Arizona. The purpose of this filing is filing is to eliminate the gateway of points in New Mexico.

No. MC 83539 (Sub-E24), filed May 26, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth West (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment and *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, restricted to commodities which are transported on trailers between points in Alabama, on the one hand, and on the other points in Kentucky except those in Martin, Pike, Floyd, Letcher, Knott, Perry, Harlan, Leslie, Clay, Bell, Knox, Laurel, Whitley, McCreary, Pulaski, Wayne, Russell, Clinton, Cumberland, and Monroe Counties. The purpose of this filing is to eliminate the gateway of points within 50 miles of Nashville, Tenn.

No. MC 102616 (Sub-No. E208), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44306. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Arkansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris County), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming on and east of U.S. Highway 85, restricted against transportation of resins, paint, and paint materials to points in the Dallas, Tex., commercial zone. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E254), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44306. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in North Carolina on and east of U.S. Highway 501 to points in Oklahoma. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 107295 (Sub-E24), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked

V40 1136 JUL 15 75 XUM

down, or in sections, from points in Illinois to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Washinton Court House.

No. MC 111823 (Sub-No. E6), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert T. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Grand Forks Air Force Base, Emerado, N. Dak., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, D.C., Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, D.C.; Fort Myer, Arlington, Va.; Fort McNair, D.C.; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Eglin Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.

Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Fredericks, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; L. G. Hanscom Field, Bedford, Mass.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; Otis Air Force Base, Falmouth (Cape Code), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.

Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleson, S.C.; Shaw Air Force Base, Sumter, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Naval Air Station Memphis, Millington, Tenn.; Arnold Air Force Station, Tullahoa, Tenn.; Brooks Air Force Base, San Antonio, Tex.; Ellington Air Force Base, Houston, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Ocean (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or that part of Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E10), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Richards-Gebaur Air Force Base, Kansas City, Mo., and Whiteman Air Force Base, Knob Noster, Mo., on the one hand, and, on the other Craig Air Force Base, Selma, Ala.; Fort McClemman, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.

Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort

Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Afinapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens,, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.

Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulns, N.Y.; Steward Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleson, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Naval Station Norfolk, Norfolk, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or that part of Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E11), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Millington, Tenn., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Kans.; Fort Riley, Junction City, Kans.; Fort Knox, Fort Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.

K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Mich.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.Y.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, S. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Ellsworth Air Force Base, Rapid City, S. Dak.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Indiana and Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E16), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between San Diego, Calif., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; District of Columbia, Naval Submarine Base, Groton, Conn.; Andrews Air Force Base, District of Columbia; Bolling Air Force Base, District of Columbia; Cameron Station, District of Columbia; Ft. Myer, District of Columbia; Ft. McNair, District of Columbia; Walter Reed Army Hospital, District of Columbia; National Naval Medical Center, District of Columbia; Naval Station, District of Columbia; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Station, Mayport, Fla.; Naval Air Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.

Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.

K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Mich.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.Y.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Naval Station Norfolk, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or that part of Indiana and Illinois on and north of U.S. Highway 36.

V40 I136 JUL 15 75 XUM

port, Fla.; Naval Supply Center, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forrest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.; Fort Stewart, Hinsville, Ga.; Hunter Air Force Base, Savannah, Ga.; Marine Corp Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridian, Highland Park, Ill.; Joliet Army Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.

Ft. Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood, Md.; Ft. Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Ft. George Meade, Laurel, Md.; Ft. Ritchie, Cascade, Md.; Naval Air Station, Patuxant River, Md.; Naval Air, Annapolis, Md.; Naval Training Center. Bainbridge, Md.; Ft. Devens, Ayer, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kinchelce Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Minn.; Columbus Air Force Base, Miss.; Naval Air Station, Meridian, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; Naval Supply Center, Governor's Isle, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Carlisle, Pa.; Letterkenney Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobeyhanna Army Depot, Tobeyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp Air Station, Beaufort, S.C.; Marine Corp Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Ft. Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp, Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians Base, Norfolk, Va.; Naval Shipyard, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Lab., Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E17), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Rd., San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Monterey, Calif., on the one hand, and, on the other, Little Rock Air Force Base, Jacksonville, Ark.; Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Ft. Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Ark.; the District of Columbia; Naval Sub Base, Groton, Conn.; Andrews Air Force Base, Md.; Bolling Air Force Base, District of Columbia; Cameron Station, District of Columbia; Ft. Myer, District of Columbia; Ft. McNair, District of Columbia; Walter Reed Army Hospital, District of Columbia; National Naval Medical Center, District of Columbia; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Ind.; Homestead Air Force Base, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station, Whiting Field, Milton, Fla.; Naval Supply Center, Key West, Fla.; Naval Training Center, Orlando, Fla.; Cocoa Beach, Patrick Air Force Base, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forrest Park, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Augusta, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinsville, Ga.; Hunter Air Force Base, Savannah, Ga.; Marine Corp. Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Depot, Ill.; Savanna Army Depot, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ky.; Aberdeen Proving Ground, Md.; Edgewood Arsenal, Edgewood, Md.; Ft. Detrick, Frederick, Md.; Ft. Holabird, Baltimore, Md.; Ft. George Meade, Md.; Ft. Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Air, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Ft. Devens, Ayer, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kinchelce Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwin, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscode, Mich.; Columbus Air Force Base, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Pease Air Force Base, Portsmouth, N.H.; Ft. Dix, Wrightstown, N.J.; Ft. Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; Naval Supply Center, Governor's Isle, N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Carlisle Barracks, Army War College, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobeyhanna Army Depot, Tobeyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp. R.D., Paris Island, S.C.; Myrtle Beach Air Force Base, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Fort Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp., Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians Base, Norfolk, Va.; Naval Shipyard, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Lab., Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E18), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between San Leandro, Calif., on the one hand, and, on the other, Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ky.; Aberdeen Proving Ground, Md.; Ft. Detrick, Md.; Ft. George Meade, Md.; Ft. Ritchie, Md.; Naval Air Station, Patuxent, Md.; Naval Academy, Annapolis, Md.; Naval Training Station, Bainbridge, Md.; Ft. Devens, Mass.; Hanscom Field, Mass.; Otis Air Force Base, Mass.; Westover Air Force Base, Mass.; Kincheloe Air Force Base, Mich.; K. I. Sawyer Air Force Base, Mich.; Selfridge Air Force Base, Mich.; Wurtsmith Air Force Base, Mich.; Columbus Air Force Base, Miss.; Keesler Air Force Base, Miss.; Naval Air Station, Meridian, Miss.; Ft. Leonard Wood, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Pease Air Force Base, N.H.; Ft. Dix, Wrightstown, N.J.; Fort Monmouth, N.J.; McGuire Air Force Base, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Dru, N.Y.; Ft. Hamilton, N.Y.; U.S. Coast Guard, Governor's Island, New York; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburg, N.Y.; West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, Pa.; Tobeyhanna Army Depot, Pa.; Valley Forge General Hospital, Phoenixville, Pa.

Charleston Air Force Base, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corp. Air Station, Beaufort, S.C.; Marine Corp. R.D., Parris Island, S.C.; Myrtle Beach Air Force Base, S.C.; Naval Air Station, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Armed Air Force Station, Tullahoma, Tenn.; Cameron Station, Alexandria, Va.; Naval Air Station, Memphis, Tenn.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps, Quantico, Va.; Naval Air Station, Oceana, Va.; Naval Amphibians, Little Creek, Va.; Naval Shipyard, Norfolk, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hills Farm Station, Warrenton, Va.; Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Naval Sub Base, Groton, Conn.; District of Columbia; Andrews Air Force Base, Md.; Bolling Air Force Base, Washington, D.C.; Ft. Myer, Washington, D.C.; Ft. McNair, Washington, D.C.; Walter Reed Army Medical Center, Washington, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, Washington, D.C.; Eglin Air Force Base, Ft. Walton Beach, Fla.; Homestead Air Force Base, Homestead, Fla.; Naval Air Station, Pensacola, Fla.; Naval Air Station, Mayport, Fla.; Naval Air Station, Milton, Fla.; Naval Air Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta, Army Depot, Atlanta, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corp., S.C.; Albany, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Blytheville, Ark.; Little Rock Air Force Base, Ark.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Dobbins Air Force Base, Marietta, Ga.; Defense Activities, Mechanicsburg, Pa.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E19), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between El Centro, Calif., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Ft. Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Naval Sub Base, Groton, Conn.; District of Columbia, Andrews Air Force Base, D.C.; Bolling Air Force Base, D.C.; Ft. Meyer, D.C.; Ft. McNair, D.C.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Mayport, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta, Army Depot, Atlanta, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Augusta, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinesville, Ga.; Hunter Airfield, Savannah, Ga.; Marine Corp. Supply Center, Albany, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamir Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville, Ky.; Ft. Knox, Ft. Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood, Md.; Ft. Detrick, Frederick, Md.; Ft. Holabird, Baltimore, Md.; Ft. George G. Meade, Laurel, Md.; Ft. Ritchie, Cascade, Md.; Naval Academy, Annapolis, Md.; Naval Air Station, Patuxent River, Md.; Naval Training Center, Bainbridge, Md.

Ft. Devens, Ayer, Mass.; Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth, Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Kinross, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air Force Base, Mt. Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Minn.; Columbus Air Force Base, Columbus, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Pease Air Force Base, Portsmouth, N.H.; Ft. Dix, Wrightstown, N.J.; Ft. Monmouth, Red Bank, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Ft. Hamilton, Brooklyn, N.Y.; U.S. Coast Guard, Governor's Island, N.Y.; Griffis Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, St. Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Air Force Base, Newburgh, N.Y.; West Point Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Carlisle, Pa.; Cameron Station, Alexandria, Va.; Dobbins Air Force Base, Marietta, Ga.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Supply Depot, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Supply, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Ft. Jackson, Columbia, S.C.; Marine Corps

V40-136 JUL 15 75 XUM

Air Station, Beaufort, S.C.; Parris Island Marine Corp. Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Center, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station, Memphis, Tenn.; Ft. Belvoir, Alexandria, Va.; Ft. Eustis, Newport News, Va.; Ft. Lee, Petersburg, Va.; Ft. Monroe, Hampton, Va.; Ft. Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corp Schools, Quantico, Va.; Naval Air Station, Virginia Beach, Va.; Naval Amphibians Base, Norfolk, Va.; Naval Shipyard, Norfolk, Va.; Naval Air Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 111823 (Sub-No. E20), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Travis Air Force Base, Fairfield, Calif., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Ft. McClellan, Anniston, Ala.; Ft. Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Sub Base, Groton, Conn.; District of Columbia Area, Andrews Air Force Base, Camp Spring, Md.; Bolling Air Force Base, D.C.; Ft. Myer, D.C.; Ft. McNair, D.C.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla.; Naval Air Station, Cecil Field, Jacksonville, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forrest Park, Ga.; Ft. Benning, Columbus, Ga.; Ft. Gordon, Augusta, Ga.; Ft. McPherson, Atlanta, Ga.; Ft. Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corp. Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins Ga.; Chanute Air Force Base, Rantoul, Ill.; Ft. Sheridan, Highland Park, Ill.; Joliet Army Depot, Ill.; Savanna Army Depot, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Ft. Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.

Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E41), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Eustis, Newport News, Va., Fort Monroe and Langley Air Force Base, Hampton, Va., Fort Story and Naval Air Station Oceana, Virginia Beach, Va., Naval Amphibious Base, Naval Shipyard (Norfolk), Portsmouth, Va., Naval Station, Norfolk, Va., and Naval Weapons Station, Yorktown, Va., on the one hand, and, on the other, Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn

Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois and Indiana on and north of U.S. Highway 36, or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E42), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Lee, Petersburg, Va., and Defense General Supply Center, Richmond, Va., on the one hand, and, on the other, Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn

Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.

Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abiline, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois and Indiana on and north of U.S. Highway 36, or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E43), filed June 4, 1974. Applicant: SHREWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission,

V40-136 JUL 15 75 XUM

between Fort Belvoir, Alexandria, Va., Marine Corps School, Quantico, Va., and Naval Weapons Laboratory, Dahlgren, Va., on the one hand, and, on the other, Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grisson Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio.

Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateway of Louisville, Ky., or St. Louis, Mo., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, or that part of Illinois and Indiana on and north of U.S. Highway 36.

No. MC 112582 (Sub-No. E1), filed May 13, 1974. Applicant: T. M. ZIMMERMAN CO., P.O. Box 380, Route 2, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen berries*, from Lawrence, Mass., to points in Pennsylvania within 25 miles of Chambersburg, Pa.; (b) *Frozen berries*, in mechanically refrigerated equipment, from Lawrence, Mass., to points in Ohio, Virginia, West Virginia, and the District of Columbia, and points in Maryland on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15, U.S. Highway 40, Interstate Highway 695, Maryland Highway 3, Maryland Highway 100, Maryland Highway 2, U.S. Highway 50, and Maryland Highway 404 to the Maryland-Delaware State line; (c) *Frozen berries*, from Lawrence, Mass., to points in North Carolina and South Carolina; (d) *Frozen foods*, in mechanically refrigerated equipment, from points in Pennsylvania within 25 miles of Chambersburg, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, West Virginia, and the District of Columbia, points in Maryland west of Chesapeake Bay and on and south of U.S. Highway 301, and points in Virginia on, west, and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 692, U.S. Highway 11, Virginia Highway 7, and Interstate Highway 95; (e) *Frozen foods*, in mechanically refrigerated equipment, from points in Pennsylvania within 25 miles of Chambersburg, to points in North Carolina and South Carolina; (f) *Frozen meat* and *frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in Ohio, Virginia, West Virginia, and the District of Columbia, and points in Maryland on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15, Interstate Highway 70, U.S. Highway 40, Interstate Highway 695, Maryland Highway 3, Maryland Highway 100, Maryland Highway 2, U.S. Highway 50, and Maryland Highway 404 to the Maryland-Delaware State line.

(g) *Frozen meat* and *frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in North Carolina and South Carolina; (h) *frozen blueberries*, from points in Maine (except points in Aroostook County, Maine), to points in Ohio, Virginia, West Virginia, and the District of Columbia, and points in Maryland on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 70, U.S. Highway 40, Interstate Highway 695, Maryland Highway 3, Maryland Highway 100, Maryland Highway 2, U.S. Highway 50, and Maryland Highway 404 to the Maryland-Delaware State line; and (i) *Frozen blueberries*, from points in Maine (except points in Aroostook County, Maine), to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Chambersburg, Pa. (j) *Frozen meat* and *frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, and points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 70 to junction New Jersey Highway 72, and thence along New Jersey Highway 72 to the Atlantic Ocean; and (k) Frozen meat and frozen fish (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, from Boston, Mass., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the Pet Milk Co., at Allentown, Pa.

No. MC 112989 (Sub-E2), filed January 28, 1975. Applicant: WEST COAST TRUCK LINES, INC., Rt. 4, Box 194-R, Eugene, Oreg. 97405. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies, when their transportation is incidental to the transportation of the commodities authorized above; between points in California, on the one hand, and, on the other, points in Oregon west of U.S. Highway 97 (except points in Klamath County) and points in Washington. The purpose of this filing is to eliminate the gateway of points in Coos, Curry, Douglas, Linn, Lane, Benton, Lincoln, Jackson, and Josephine Counties, Oreg.

No. MC 113828 (Sub-No. E34), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricating oils*, in bulk, in tank vehicles, from St. Marys, W. Va., to points in Maryland on and east of U.S. Highway 15 (Washington, D.C.*), (2) *Lubricating oils*, in bulk, in tank vehicles, from St. Marys, W. Va., to points in Delaware and Virginia on and east of Interstate Highway 95 (Washington, D.C., and points in St. Marys County, Md.*). The purpose of this filing is to eliminate the gateways marked by asterisks above.

No. MC 113828 (Sub-No. E68), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (a) from Norfolk, Va., to points in Maryland (District of Columbia*), (b) from Norfolk, Va., to points in Delaware (St. Marys County, Md.*), and (c) from Norfolk, Va., to points in Huntington, Blair, Cambria, Somerset, Bedford, Fultin, Franklin, Cumberland, and Adams Counties, Pa. (Terminals off the Colonial pipeline at or near Fairfax, Va.*). The purpose of this filing is to eliminate the gateways marked by asterisks above.

No. MC 113843 (Sub-No. E231), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish*, from Rockland and Portland, Maine to points in Iowa, Kentucky, Nebraska, and those points in Ohio on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 224 to junction U.S. Highway 250, thence along U.S. Highway 250 to Lake Erie. The purpose of this filing is to eliminate the gateway of Maryland (except Baltimore).

No. MC 113843 (Sub-No. E271), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Frozen foods; (1) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to Northumberland, thence along U.S. Highway 15 to the Pennsylvania-New Jersey State line to those points in Nebraska on, north, and west of a line beginning at the Missouri River and extending along Nebraska Highway 92 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; (2) from those points in Pennsylvania on and east of U.S. Highway 219 to those points in Nebraska on and west of a line beginning at the Nebraska-Colorado State line and extending along Nebraska Highway 19 to Sidney, thence along U.S. Highway 385 to the Nebraska-South Dakota State line; (3) from Indiana, Pa., and those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to Johnstown, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to DuBois, thence along U.S. Highway 219 to the Pennsylvania-New York State line to Scottsbluff, Nebr.; and (5) from those points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway ~~144~~, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 332 to Lewistown, thence along U.S. Highway 22 to Harrisburg, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line to points oin Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E592), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from those points in Pennsylvania on and west of U.S. Highway 15, to those points in Vermont on and north of U.S. Highway 4; (2) from those points in Pennsylvania on and west of U.S. Highway 15, to those points in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 12 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, and those in Vermont on and north of U.S. Highway 4; (3) from those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to Chambersburg, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to those points in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 103 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line, and those in Vermont on and north of U.S. Highway 4; and (4) from those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, to points in New Hampshire, Vermont, and those in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E598), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between Wilkes-Barre, Pa., and those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to thence along Pennsylvania Highway 487 thence along Pensylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Pennsylvania Highway 690, thence along Pennsylvania Highway 690 to junction Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 322 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 16, thence along Ohio Highway 16 to junc-

V40 I136 JUL 15 75 XUM

tion Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line.

(2) Between those points in Ohio on, north, and west of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 7 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line; (3) between points in Fulton and Williams Counties, Ohio, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence along Pennsylvania Highway 442 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (4) between Allentown and Bethlehem, Pa., and those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Ohio on and north of Interstate Highway 90 and points in Williams and Fulton Counties, Ohio, and Norwalk, Ohio.

(5) Between those points in Ohio on and north of Interstate Highway 90, those in Williams and Fulton Counties, Ohio, and Norwalk, Ohio, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line; and (6) between King of Prussia, Pa., and those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 422 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, Cleveland, Ohio, and those points in Ohio on and north of Interstate Highway 90. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18311 Filed 7-14-75;8:45 am]

[Notice No. 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1975.

The following are notices of filing of application: except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before July 30, 1975. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 45764 (Sub-No. 24TA), filed June 25, 1975. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Ave., Eddystone, Pa. 19013. Applicant's representative: Edesar Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which because of size or weight, requires the use of special equipment or special handling, and related materials and supplies used in the installation thereof, from Windsor and Bloomfield, Conn., to San Francisco, Calif., for 120 days. Supporting shipper: Turbo Power & Marine Systems, 1690 New Britain Ave., Farmington, Conn. 06032. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 87379 (Sub-No. 16TA), filed June 30, 1975. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Ave., Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts, and accessories*, from Newcomerstown, Ohio, to Birmingham, Montgomery, Ala.; Denver, Colo.; Bridgeport, Hartford, Norwich, Conn.; Wilmington, Dela.; Metro Wash., D.C., District of Columbia; Clearwater, Daytona, Jacksonville, Kissimmee, Miami, Ocala, Orlando, Tallahassee, Tampa, Fla.; Atlanta, Augusta, College Park, Columbus, Macon, Savannah, Ga.; Boise, Nampa, Idaho; Bloomington, Champaign, Chicago, Decatur, East St. Louis, Herrion, Marion, Peoria, Rock Island, Rockford, Springfield, Urbana, Ill.; Elkhart, Evansville, Franklin, Fort Wayne, Indianapolis, Jeffersonville, Nuncle, North Vermon, Richmond, Terre Haute, South Bend, Ind.; Cedar Rapids, Council Bluff, Davenport, Des Moines, Sioux City, Iowa; Kansas City, Wichita, Kans.; Bowling Green, Campton, Clay City, Cynthiana, Franklin, Junction City, Lexington, Litchfield, Louisville, Mt. Sterling, Nicholesville, Owingsville, Paducah, Prestonsburg, Richmond, Winchester, Ky.; New Orleans, La.; Augusta, Bangor, Portland, Maine; Boston, Pittsfield, Springfield, Mass.; Ann Arbor, Belding, Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Lincoln Park, Oswasso, Saginaw, Warren, Mich.; Minneapolis, St. Paul, Minn.; Brandon, Jackson, Meridian, Miss.; Boonville, Columbia, Independence, Joplin, Kansas City, Springfield, St. Louis, Mo.; Grand Island, Lincoln, Omaha, Nebr.; Ashville, Charlotte, Durham, Goldsboro, Hamlet, Hickory, Raleigh, Winston-Salem, N.C.; Camden, Jersey City, Kearney, Newark, North Bergen, Paterson, Penn Grove, Stratford, N.J.; Albany, Bronx, Brooklyn, Buffalo, Central Islip, Flushing, Long Island, New Rochelle, New York Metro Area, Rego Park, Rochester, Syracuse, West Hempstead, N.Y.; Oklahoma City, Tulsa, Okla.; Altoona, Coplay, Erie, Harrisburg, McClellandtown, Philadelphia, Pittsburgh, South Williamsport, Pa.; Charleston, Columbia, Greenville, S.C.; Iroquois, S. Dak.; Chattanooga, Dyersburg, Kingsport, Knoxville, Memphis, Nashville, Tenn.; Ammarillo, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, Lubbock, San Antonio, Tex.; Ogden, Rou, Salt Lake City, Utah; Alexandria, Fredricksburg, Harrisburg, Lynchburg, Roanoke, Va.; Beckley, Buckhannon, Charleston, Dunbar, Huntington, Morgantown, and Williamson, W. Va., for 180 days. Supporting shipper: Newcomerline, Division of Groovfold, Inc., P.O. Box 317, Newcomerstown, Ohio 43832. Send protests to Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 113821 (Sub-No. 381TA), filed June 30, 1975. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, mirrors, automobile parts, metal vehicle accessories, plastic articles, moulding, spray paint, metal hangers, and items used* in the installation thereof, from the facilities of Evans Products Company, at or near Dothan, Ala., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: Evans Products Company, Daniel D. Daiek, 15500 East Twelve Mile Road, Roseville, Mich. 48066. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 113908 (Sub-No. 346TA), filed June 30, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, alcohol, neutral spirits, distilled spirits*, in bulk, from Atlanta, Ga., to Tampa, Fla., for 180 days. Supporting shipper: Monarch Wine Company, P.O. Box 6847, Atlanta, Ga. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 239TA), filed June 30, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative Michael P. Zell, same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane products*, from St. Paul, Minn., to Iowa City, Iowa, restricted to traffic originating at the named origin and destined to the named destination points, for 180 days. Supporting shipper: General Foam of Minnesota, 1800 Como Ave., St. Paul, Minn. 55108. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Bldg. & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 119493 (Sub-No. 138TA), filed June 30, 1975. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds and ingredients* (except in bulk), (1) from Red Bay, Ala., to points in Tennessee, Alabama, Kentucky, Mississippi, Arkansas, Georgia, South Carolina, North Carolina, Florida, Louisiana, Oklahoma, Texas, Indiana, Illinois, Michigan, Ohio, Virginia, West Virginia, Missouri, and Kansas (2) from Tupelo, Miss., to points in Tennessee, Alabama, Kentucky, Mississippi, Arkansas, Georgia, South Carolina, North Carolina, Florida, Louisiana, Texas, Indiana, Michigan, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Sunshine Mills, P.O. Box 5, Red Bay, Ala. 35582. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 124212 (Sub-No. 88TA), filed June 23, 1975. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kunditz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen*, in bulk, in shipper-owned cryogenic trailers, from the plantsite of Airco, Inc., at or near Chester, W. Va., to Johnson City, Tenn., Cumberland, Md., and Winchester, Va.; *Liquid nitrogen*, in bulk, in shipper-owned cryogenic trailers, from the plantsites of Airco, Inc., at or near Chester, W. Va., Butler, Pa., and Warren, Ohio, and the plantsite of Air Products, at Creighton, Pa., to Ohio and points in Pennsylvania on and west of U.S. Highway 15, for 180 days. Supporting shipper: Airco Industrial Gases Division, Airco, Inc., 650 Smithfield St., Suite 620, Pittsburgh, Pa. 15222. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 818 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 127042 (Sub-No. 161TA), filed June 30, 1975. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above-named origin and destined to the above-named points, for 180 days. Supporting shipper: Wayne E. Lemke, Manager-Packinghouse Product Traffic, Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 133826 (Sub-No. 4TA), filed June 25, 1975. Applicant: CASAZZA TRUCKING COMPANY, 1250 Glendale Avenue, Sparks, Nevada 89431. Applicant's representative: Earl Casazza, 1250 Glendale Avenue, Sparks, NV 89431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road Construction Machinery and Equipment* as described in Appendix VIII to the report in description of Motor Carrier Certificates, MCC 209, 766, and Excavating and Logging Machinery and Equipment, the transportation of which because of size or weight requires the use of special equipment. Between points in Alpine, El Dorado, Mono, Nev., Placer and Sierra Counties, Calif., and, Lyon, Ormsby, and Douglas Counties, Nev., and those in Washoe County, Nev., on and south of U.S. Highway 40, on the one hand, and, on the other, Big Pine, Bishop, Doyle, Portola, Quincy, and Susanville, Calif., serving such points for joinder purposes with other motor common carriers only. Applicant seeks to interline shipments with other motor common carriers at Big Pine, Bishop, Doyle, Portola, Quincy, and Susanville, Calif., only and does not propose to render any pick up or delivery service at such points, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 138954 (Sub-No. 3TA), filed June 27, 1975. Applicant: G. L. CREECH, doing business as TRUCK SERVICE HAULING AND RENTAL, P.O. Box 15891, Baton Rouge, La. 70815. Applicant's representative: James B. Thompson III, 666 South Foster Drive, Baton Rouge, La. 70806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing rods*, from Baton Rouge, La., to Aliceville, Ala., for 180 days. Supporting shipper: Armco Steel Corp., P.O. Box 7706, Houston, Tex. 75007. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 139154 (Sub-No. 3TA), filed June 24, 1975. Applicant: RICHARDS TRANSPORT, LTD., #2 Prospect Place, Regina, Saskatchewan, Canada. Applicant's representative: James B. Holvland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from ports of entry on the International Boundary Line between the United States and Canada, located at Raymond, Port of Morgan, and Sweetgrass, Mont., and Portal, N. Dak., to points in Montana, North Dakota, South Dakota, and Minnesota. Restrictions: (a) Restricted to the transportation of traffic originating in foreign commerce;

V40-136 JUL 15 75 XUM

(b) Restricted to the transportation of traffic originating at the facilities of MacMillan Bloedel (Saskatchewan) Limited at or near Hudson Bay, Saskatchewan, for 180 days. Supporting shipper, MacMillan Bloedel (Saskatchewan) Limited, Box 460, Hudson Bay, Saskatchewan, Canada. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 85102.

No. MC 139227 (Sub-No. 1TA), filed June 30, 1975. Applicant: ROYAL TRANSPORTS, INC., 5540 Raytown Road, Kansas City, Mo. 64133. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions*, from El Dorado, Kans., to points in Missouri, for 180 days. Supporting shipper: Kansas Emulsions, Inc., 10th & Oak, El Dorado, Kans. 67042. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Room 600, Federal Bldg., Kansas City, Mo. 64106.

No. MC 140497 (Sub-No. 1TA), filed June 30, 1975. Applicant: FIRST CHOICE CONTAINER HAULAGE CORP., East Broadway, Monticello, N.Y. 12701. Applicant's representative: Ira S. Cooper, 26 Court St., Brooklyn, N.Y. 11242. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers and metal parts* used in the control and maintenance of said containers, truck bodies, parts for truck bodies, truck trailers and parts for trailers, between Monticello, N.Y., on the one hand, and, on the other, Manhattan, Brooklyn, and Staten Island, N.Y.; Port Newark and Jersey City, N.J.; Norfolk, Va.; Philadelphia, West Point, and Harrisburg, Pa.; Boston, Mass.; and Baltimore, Md., for 180 days. Supporting shippers: (1) Fountain Welding Corp., Box 472, Monticello, N.Y. 12701. (2) Quickway Metal Fabricators, Inc., Monticello, N.Y. 12701. (3) Goldmark Industries, Box 41, Swan Lake, N.Y. 12783. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 141074 (Sub-No. 1TA), filed July 1, 1975. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 477, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 1522 K St., NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sharptown, Md., to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, Ohio, Connecticut, Massachusetts, Rhode Island, North Carolina, Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: J. V. Wells Co., P.O. Box 526, Sharptown, Md. 21861. Send protests to: Wiley C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 317, Washington, D.C. 20423.

No. MC 141077 (Sub-No. 1TA), filed June 30, 1975. Applicant: DEAN JACOBSON AND JACK TANNER, doing business as TANNER TRUCKING, P.O. Box 53, Alexander, N. Dak. 58831. Applicant's representative: Charles M. Williams, Suite 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed and meal*, in bulk, in bags, from the plantsite and storage facilities utilized by Pecos Valley Cotton Oil Mill at or near Loving, N. Mex., to points in Sheridan, Daniels, Roosevelt, Richland, Valley, McCone, Dawson, Prairie, Wibaux, Fallon, Custer, Carter, and Powder River Counties, Mont.; and McKenzie, Dunn, Mercer, Golden Valley, Billings, Oliver, Stark, Morton, Slope, Hettinger, Grant, Sioux, Adams, and Bowman Counties, N. Dak.; restricted: (1) against the transportation of the above commodities in bulk, in tank vehicles, and (2) to services rendered under a continuing contract or contracts with Dean Jacobson and Jack Tanner, a Partnership, for 180 days. Supporting shipper: Dean Jacobson and Jack Tanner, P.O. Box 53, Alexander, N. Dak. 58831. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 141085 TA, filed July 1, 1975. Applicant: PITTSFIELD FREIGHT LINES, INC., Church Street, Stockbridge, Mass. 01262. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed log products* for log homes, *millwork, materials, accessories, parts and supplies* for assembly, processing, and manufacture of log homes, between Great Barrington, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Vermont, Virginia, Maine, Rhode Island, North Carolina, restricted to service performed under continuing contract with New England Log Homes, Inc., doing business as NELHI, for 180 days. Supporting shipper: New England Log Homes, Inc., d/b/a NELHI, 1883 Dixwell Ave., Hamden, Conn. 06514. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Bldg. & U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18314 Filed 7-14-75;8:45 am]

[Notice No. 29]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 15, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 4, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75816. By order entered June 25, 1975, the Motor Carrier Board approved the transfer to Hank & Frank Drayage, Inc., Santa Clara, Calif., of the operating rights set forth in Certificate No. MC 119943, issued April 14, 1961, to Henry L. Bortoli, Frank Bortoli, and Adrian D. Stiltz, doing business as Hank & Frank Drayage Co., Santa Clara, Calif., authorizing the transportation of grain and rice flour, between points in California. Louis Pasquinelli, 999 West Taylor St., Suite B, San Jose, Calif. 95126, attorney for applicants.

No. MC-FC-75838. By order of June 25, 1975, the Motor Carrier Board approved the transfer to Karl R. Salskov, doing business as Salskov Transfer, 214 East Park Street, Emmett, Idaho 83617, of Certificate No. 101998 issued September 27, 1944, to Jim F. Salskov, doing business as Salskov Transfer, 214 East Park Street, Emmett, Idaho 83617, authorizing the transportation of general commodities, with exceptions, over a regular route between Boise, Idaho, and Emmett, Idaho, service is authorized to and from Eagle, Idaho, restricted to shipments originating at or destined to Emmett, Idaho; and over irregular routes, between points in Payette and Washington Counties, Idaho, east of U.S. Highways 30 and 95 and those in Gem County, Idaho, except those on Idaho Highway 16 other than Emmett, Idaho.

No. MC-FC-75893. By order of June 26, 1975, the Motor Carrier Board approved the transfer to Robert O. Michels and Jerry D. Flynn, a partnership, doing business as Vincennes Transfer & Storage Company, Vincennes, Indiana, of Certificate No. MC 35436 issued August 22, 1966, to Ivan Weaver and Gerald Harmon, a partnership, doing business as Acme Van & Storage Co., Terre Haute, Ind., authorizing the transportation of household goods as defined, between Terre Haute, Ind., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Indiana 46204, Attorney for Applicants.

No. MC-FC-75903. By order entered June 6, 1975, the Motor Carrier Board approved the transfer to Gary Schultz Transit Company, Winona, Minn., of the operating rights set forth in Certificate No. MC 110589 (Sub-No. 25), issued October 24, 1973, to J. E. Lammert Transfer, Inc., Grand Island, Nebr., authorizing the transportation of livestock, feed, seeds, tankage, household goods, binder twine, petroleum products, and farm machinery and tractors and parts thereof, from, to, and between specified points in Iowa, Nebraska, and Minnesota. Gary Schultz, 477 Hiawatha Boulevard, Winona, Minn. 55987, for transferee, J. E. Lammert Transfer, Inc., P.O. Box 488, Grand Island, Nebr. 68801, transferor.

No. MC-FC-75921. By order of June 25, 1975, the Motor Carrier Board approved the transfer to The Dehlinger Corporation, doing business as Oil Field Trucking Service, Abilene, Texas, of the Certificate of Registration in No. MC 56623 (Sub-No. 1), issued July 1, 1964, to J. R. Robinson, Houston, Texas, evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Specialized Motor Carrier's Permanent Certificate of Public Convenience and Necessity No. 5509, dated June 15, 1955, issued by the Railroad Commission of Texas. Albert G. Walker, Jr., 612 Capital National Bank Building, Austin, Texas 78701, Attorney for applicants.

No. MC-FC-75933. By order entered June 26, 1975, the Motor Carrier Board approved the transfer to E.F.L. Transportation, Inc., South San Francisco, Calif., of Certificate of Registration No. MC 121748, issued January 28, 1975, to Edward J. Palmer, doing business as E.F.L. Transportation, South San Francisco, Calif., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, between specified areas in California. George M. Carr, 351 California St., #1215, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75934. By order entered June 30, 1975, the Motor Carrier Board approved the transfer to Lopes Trucking Service, Inc., Modesto, Calif., of the operating rights set forth in Certificates Nos. MC 123647 and MC 123647 (Sub-No. 1), issued December 15, 1961, and April 9, 1973, respectively, to John S. Lopes, Jr., doing business as Lopes Trucking Service, Modesto, Calif., authorizing the transportation of various specified commodities, from, to, and between points in California. E. H. Griffiths, 1182 Market St., Suite 207, San Francisco, Calif. 94102 practitioner for applicants.

No. MC-FC-75951. By order entered June 30, 1975, the Motor Carrier Board approved the transfer to Bill Murray Grain Service, Inc., Hopkington, Iowa, of the operating rights set forth in Permit No. MC 125304, issued December 7, 1972, to Hayden Produce, Inc., Anamosa, Iowa, authorizing the transportation of groceries, frozen foods, other than groceries, and fresh fruits and vegetables when moving in mixed loads with either groceries or frozen foods, between the plantsites of Certified Grocers Wholesale of Illinois, Inc., of Chicago, Ill., on the one hand, and, on the other, Anamosa and Monticello, Iowa, under a continuing contract or contracts with 3 specified shippers. Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18315 Filed 7-14-75;8:45 am]

V40-136 JUL 15 75 XUM

federal register

TUESDAY, JULY 15, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 136

PART II

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINIONS

V40-136 JUL 15 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-12, AO 1975-1 and AO 1975-4]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of its first Advisory Opinions. Such opinions will issue from time to time in response to previously published Advisory Opinion Requests. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Section 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINIONS

AO 1975-1: NATIONAL POLITICAL PARTY CONVENTIONS

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests (for advisory opinions) submitted by the Democratic National Committee and the Republican National Committee (hereinafter the Committees) and published together as AOR 1975-1 in the June 24, 1975, FEDERAL REGISTER (40 FR 26660). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests state that both Committees are in the process of selecting sites for Presidential nominating conventions to be held in the summer of 1976. In connection with the conventions, private and public (municipal) corporations in some of the cities which are potential sites have offered to the National Committees for no charge or at reduced charges:

(1) The use of an auditorium or convention center, construction and convention related services therein such as: construction of podiums; press tables; false floors; camera platforms; additional seating; lighting, electrical, air conditioning and loudspeaker systems; offices; office equipment; and decorations. Rent is to be waived during the construction period;

(2) Various transportation services, including the provision of buses and automobiles;

(3) Law enforcement services necessary to assure orderly conventions;

(4) Use of convention bureau personnel to provide central housing and reservation services;

(5) Rooms in hotels in proportion to the number of rooms actually booked by the conventions;

(6) Local transportation, accommodations and hospitality for committees of the Parties responsible for choosing the sites of the conventions; and

(7) Other similar convention related facilities and services.

In addition, various local and state governmental agencies have offered the use of municipal and state facilities or services in connection with the conventions for no charge or at reduced charges.

The Committees request an advisory opinion indicating:

(A) Whether these transactions would violate 18 U.S.C. 610, (B) whether they must be treated as involving expenditures for the purposes of 26 U.S.C. 9008 (d) and (C) the Commission's certification and disbursement procedures under 26 U.S.C. 9008 (e) and (g).

A. *Whether the transactions would violate 18 U.S.C. 610.* Section 610, Title 18, United States Code, makes it unlawful for a corporation "* * * to make a contribution or expenditure in connection with any political convention or caucus held to select candidates for any political office * * *". As used in section 610 * * * the phrase 'contribution or expenditure' [includes] any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value * * * to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section * * *".[1] 2 U.S.C. 591(a) (2) defines the term "election," as used in section 610, as including "a convention or caucus of a political party held to nominate a candidate."

The Commission interprets the applicability of section 610 as follows:

1. *State or local governmental agencies and municipal corporations.* It is the opinion of the Commission that any of the services, benefits or uses of property described in paragraphs numbered (1) through (7) above may be offered by state or local governmental agencies and municipal corporations without violating 18 U.S.C. 610. Section 610 prohibits only national banks, corporations and labor organizations from making contributions or expenditures in connection with political conventions. Thus, local or state governmental agencies or municipal corporations would not be prohibited from providing facilities or services to the Committees, provided that such facilities were not leased from corporations, national banks or labor organizations for less than their fair market value. The Commission would view with grave concern any evidence that any government or government instrumentality which makes such facilities available to a political committee, had received from any corporation, at a date proximate to the giving of such facilities, any substantial contribution of money, or the benefit of any ostensible business transaction which appears to have been out of the ordinary course of the corporation's business. Municipal corporations may not serve as conduits for contributions which a corporation may not make directly.

2. *Private Corporations.* It is the opinion of the Commission that, in general, private corporations are precluded by 18 U.S.C. 610 from donating or providing at less than fair market value any of the services, benefits or uses of property described in paragraphs (1) through (7) above. The Commission notes two situations, however, which in the Commission's opinion do not involve violations of section 610.

(a) Where a corporation offers certain reductions in standard rates and/or gives to a national political convention the use of certain facilities without apparent charge, in return for the purchase by the convention of a certain minimum quantity of whatever product or service the corporation deals in, the rate reduction or offering of "free" facilities are not prohibited contributions under section 610, but are rather details of an overall purchase transaction, if such reduction and/or facilities are offered in the ordinary course of business by the corporation to non-political conventions of corresponding size and duration. It is a widely known industry practice, for example, for hotels to offer reduced rates, some free rooms and free meeting space within the hotel in exchange for advance booking of large numbers of rooms. In the Commission's view, the rates, rooms and meeting spaces so provided do not, in general, involve prohibited contributions. The Commission may, of course, audit any hotel corporation's donations of space or reductions in rates in connection with the overall convention purchase of rooms to assure that such donations conform in kind and degree to those offered by such hotels in connection with any typical convention which purchases room space.

(b) Local corporations which are engaged at the retail level in the business of supplying consumer goods or services to the public may contribute funds to a local civic association, business league, chamber of commerce, real estate board or board of trade (1) not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, and (2) a principal objective of which must be the encouragement of that commerce which is necessarily entailed in the arrival of any major convention in the city where such local corporations are located. Such contributions must be made in the reasonable expectation of a commensurate commercial return during the life of the convention, as may be indicated by previous convention experience. In the view of the Commission, a contribution so qualified has commercial characteristics sufficiently akin to the characteristics of a purchase transaction, as described above, as to fall outside the prohibition of section 610. The Commission may, of course, conduct such investigations and audits as may be necessary to ensure that any such "contribution" in connection with a political convention conforms in degree to contributions made by the same corporation to such civic association or like organization in connection with other, non-political conventions of a similar size and duration.

In the Commission's opinion, no other corporate offering beyond those described in the foregoing two exceptions are permitted by 18 U.S.C. 610.

B. *Whether the transactions involve expenditures under 26 U.S.C. 9008(d).* 26 U.S.C. 9008(d)(1) provides that the national committee of a major party may not make expenditures with respect to a presidential nominating convention, which in the aggregate exceed $2 million. It is the view of the Commission that the transactions described under Part A of this opinion as falling outside of the scope of 18 U.S.C. 610 involve "expenditures," or "gratuities" which are not attributable to the $2 million limitation under which the committees operate.

C. *The Commission's certification and disbursement procedures under 26 U.S.C. 9008 (e) and (g).* Certification and disbursement procedures are in the process of being established by the Commission and will be the subject of a subsequent publication. Consequently, no opinion is expressed in this area at this time.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited to the facts of the specific advisory opinion requests and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

AO 1975-4: DEMOCRATIC NATIONAL COMMITTEE (DEMOCRATIC PARTY TELETHON)

The Federal Election Commission renders this advisory opinion under 2 U.S.C. 437f in response to a request submitted by a political committee. The request was made public by the Commission and published as AOR 1975-4 in the FEDERAL REGISTER on June 24, 1975 (40 FR 26663). Interested parties were given an opportunity to submit written comments relating to the request.

SHELDON S. COHEN, Esq.,
General Counsel,
Democratic National Committee.

DEAR MR. COHEN: Your letter of June 5, 1975, informed the Commission that on July 26 and 27, 1975, the Democratic National Committee ("DNC") will again sponsor a fundraising telethon for the benefit of the Democratic Party over the ABC television network. You further advised that the actual production of the telethon will be conducted by a Production Committee, organized under the California not-for-profit corporation law solely for the purpose of said production. Any amounts expended by the Production Committee will be reimbursed by the DNC out of the gross receipts of the telethon. Additionally, preliminary arrangements for both the production of the telethon and the disbursement of receipts have been worked out between the DNC and participating State Committees (as defined in your letter).

You have requested the Commission to rule on several aspects of the expenditure of funds and receipt of contributions in connection with this telethon. The remainder of this opinion will deal with those requests in the order in which they are raised in your letter.

1. You request a ruling that the endorsement or guarantee by any individual of all or a portion of any bank loan made to the DNC for purposes of financing the production of the telethon will not be treated as a "contribution" as defined in 18 U.S.C. 591(e)(1). You request a similar ruling that the guarantee by any individual of a bank loan made to a state central committee, either for use by the state central committee in financing its own telethon obligations, or to enable the state central committee to advance funds to a state telethon committee, will not constitute a contribution. For purposes of this advisory opinion the Commission will treat these requests as substantially equivalent.

It is the Commission's conclusion that a loan or endorsement as described above is a "contribution" as defined in 18 U.S.C. 591(e)(1) for purposes of the limitations contained in section 608 of Title 18 of the United States Code.

Section 591(e)(1) defines a contribution as "a gift, subscription, loan, advance, or deposit of money or anything of value, * * * made for the purpose of influencing the nomination for election, or election, of any person to Federal office * * *" etc. While the section excepts a bank loan made in the ordinary course of business it includes an individual's guarantee or endorsement of such a loan.

In your request (and in your subsequent letter dated June 30, 1975), you contend that the described guarantee or endorsement is not a loan made for the purpose of influencing the election of a person for federal office, because there is no "direct and substantial relationship between (1) the transfer of money or other things of value and (2) the furtherance of the candidacy of a particular individual, or group of individuals. The Commission does not agree with this contention. The language of the statute nowhere indicates that the purpose stated in section 591(e) need be direct and substantial or even that it be a principal purpose of the transfer. Ultimately, the election of its designated candidates is the purpose of any transfer of money or other thing of value to an organized political party. To rule as you request would lead logically to the conclusion that any contribution to an organized political party would not come within the statutory definition of contribution unless "earmarked" for a particular candidate's campaign. The effect of such a ruling would be to disadvantage any third party candidacies which ordinarily coalesce primarily around the candidacy of a named candidate since such a party could not claim that contributions to it were for a purpose other than to influence the election of the party's candidate for Federal office. Neither the elimination of the ceiling for contributions to organized political parties nor the disadvantaging of third party efforts can justifiably be said to be within the intent of Congress in enacting the 1974 amendments.

An analysis of the statutory language supports this reasoning. The word "person" is defined in section 591(g) to mean "an individual * * * or group of persons," while "candidate" is defined, in section 591(b) as "an individual who seeks nomination for election, or election, to Federal office * * *." Had Congress wanted to restrict the purpose clause of section 591(e)(1) to particular candidacies it would have used the specifically defined word "candidate" instead of the more generally defined word "person". We believe this reasoning is further strengthened by the inclusion of the word "any" immediately preceding the word "person" in the purpose clause of section 591(e)(1). That indicates that Congress did not only have particular candidacies in mind but rather was focusing, in addition, on contributions made for the purpose of influencing the election to Federal office of a yet unnamed candidate or group of candidates, e.g., Democratic candidates for Federal office in the 1976 general election. Such would certainly be the end result of a contribution to the DNC no matter what its immediate use. For example, the use of the proceeds of the telethon to retire past debts would serve to strengthen the DNC's credit leading to further opportunities for bank loans, the use of the proceeds of which would be related to Federal elections. The Commission can find no distinction between the use of such contributions and the use of a guarantee or endorsement for the purpose of obtaining a loan to finance a telethon which will result in the receipt of such contributions.

Accordingly, it is the Commission's conclusion that the endorsements you describe constitute statutory contributions subject to the $25,000 limitation on individual contributions in 18 U.S.C. 608(b)(3). To the extent that the primary loan remains unpaid, the endorsements shall be considered loans (and thus statutory contributions) from each guarantor or endorser in an amount equal to the proportion of the unpaid balance thereof that each guarantor or endorser bears to the total number of guarantors or endorsers.

2. You request a ruling that, since the telethon effort is a joint venture among the various state central and/or state telethon committees (as described in your letter), the provision of staff support from one committee to another and the general coordinating efforts of the DNC will not be treated as statutory contributions for purposes of either Title 2 or Title 18 of the United States Code.

Based on your description of the activities which will be undertaken by DNC staff members in conjunction with the staffs of the various State Committees, the Commission has concluded that such activities will not constitute a statutory contribution from the DNC to the various State Committees or from the State Committees to the DNC.

3. Your letter requests a ruling that the transfer of net telethon proceeds by a state telethon committee to a non-reporting state central committee will not affect the latter's non-reporting status.

The Commission agrees that the transfer of proceeds by a state telethon committee to a state central committee would not change the latter's status as a non-reporting committee provided, of course, that such

[1] The Commission notes that 18 U.S.C. 610 includes a definition for "contribution or expenditure" which is supplemental to the definitions in 18 U.S.C. 591. The relationship between the two definitions was addressed in Ash v. Cort, 496 F. 2d 416, 424 (3rd Cir. 1974), rev'd on other grounds, 43 U.S.L.W. 4773 (1975). "The definition given 'expenditure' in both sections traces back to the Federal Election Campaign Act of 1971. P.L. 92-225, Title II Secs. 201, 205 86 Stat. 3. The drafters clearly intended Sec. 591's definition to affect interpretation of Sec. 610, for they expressly provided that the definitions in Sec. 591 applied to use of those terms in Sec. 610. We note also that Sec. 591 indicates the 'meaning' of expenditure while Sec. 610 only indicates certain matters 'included' in that term. We therefore read section 610 as supplementing rather than replacing section 591's definition." Furthermore, section 101(f)(2) of the Federal Election Campaign Act Amendments of 1974, amended 18 U.S.C. 591 to make clear that the definitions therein could be modified in the substantive sections, to wit section 610.

V40-136-JUL 15 75 XUM

funds are not intended to be spent, and, in fact, are not expended to influence the nomination or election of candidates to Federal office. We assume for purposes of this ruling that each state telethon committee will register as a political committee and will report all expenditures, receipts, and transfers in connection with its participation in the telethon.

4. The Commission agrees that, for purposes of the July 1975 telethon only, the Production Committee, which has registered as a political committee under 2 U.S.C. 433, may be treated as an agent or subsidiary of the DNC and, thus, any of its transactions required to be reported under 2 U.S.C. 434 may be reported by the DNC. This ruling is subject to the condition that the Production Committee maintain detailed records of its receipts and disbursements in accordance with 2 U.S.C. 432(c) and (d) and that such records will be preserved by the DNC. Moreover, the records must be available for audit upon request of the Commission.

5. The Commission agrees that all contributions made as a result of or in connection with the telethon should be considered as contributions to the DNC and reported as such in the report filed by the DNC. Consequently, a State Committee will not be required to report the receipt and transmission of a contribution payable to the DNC. However, under 2 U.S.C. 432(b) any State Committee and its agents receiving funds on behalf of the DNC must render a detailed account thereof to the DNC. Thus, it will be necessary for each State Committee to keep a detailed record of all such contributions as a part of its records subject to audit by the Commission.

In the case of a contribution which is made payable to a State Committee and then endorsed and transmitted to the DNC, the receipt and transmission must be reflected in the State Committee's report.

Finally, the Commission agrees that, where the DNC is in receipt of an individual's contribution which is earmarked for a particular committee or other recipient, the details as to identification of the contributor must be shown in reports of both the DNC and the recipient committee or other person.

6. You request a ruling that, in the case of states which have set up separate telethon committees, and in which the state central committee has made an initial advance to the state telethon committee to enable it to meet expenses, this loan transaction will not effect the status of the state central committee as a non-reporting committee.

The Commission does not agree and has concluded that, if a state central committee, which is presently a non-reporting committee, makes a loan to, or guarantees a loan for, a state telethon committee as described in your letter, such loan or guarantee will constitute an expenditure under 2 U.S.C. 431(f) and, if in excess of $1,000 will cause the state central committee to become a "political committee" under 2 U.S.C. 431(d) which must register with and report to the Commission. This conclusion is based on the reasoning contained in the ruling under paragraph 1 above. To hold that a guarantee from an individual is a contribution but that a loan by the central committee of a state political party for the same purpose is not an expenditure would be inconsistent. Further, to deny that this kind of loan was made for the purpose of influencing a Federal election would, in the Commission's opinion, be detrimental to one of the principal purposes of the 1974 amendments, namely to make public all such contributions and expenditures. Finally, the Commission cautions any state central committee to avoid using funds contributed to it by a national bank corporation or labor organization for purposes of the loan transaction as described above.

7, 8, 9. The Commission agrees that the DNC and the various State Committees should report as described in your requests.

10. The Commission agrees with your contention that telethon expenses incurred by the DNC and by participating State Committees should not be counted against the applicable limitations for either the DNC or any State Committee under 18 U.S.C. 608 (b), (e) and (f).

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited solely to the facts of the specific advisory opinion requests and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: July 10, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-18238 Filed 7-14-75;8:45 am]

V40-136 JUL 15 75 XUM

dial·a·reg



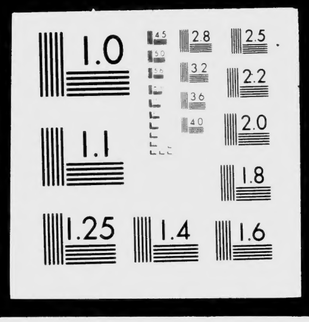
For an advance "look" at the FEDERAL REGISTER, try our new information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the FEDERAL REGISTER.

AREA CODE 202

523·5022

V40-136 JUL 15 75 XUM

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 / 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.